993

UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
SECOND SESSION

VOLUME 116—PART 30

DECEMBER 4, 1970, TO DECEMBER 10, 1970
(PAGES 39929 TO 41104)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1970

DEPOSITED BY THE
UNITED STATES OF AMERICA

J
11
.R
V116
pt30

General Library
DEPOSITED BY THE
UNITED STATES OF AMERICA
11-10-71

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Friday, December 4, 1970*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, who has made and preserved us a nation, we beseech Thee to renew the energies and enlarge the vision of all who serve in the high offices of this Government. This day and henceforth watch over Thy servants, the President, the Presiding Officer of this body, all who serve Thee in this Chamber, in the House beyond, in the judiciary, and in the diplomatic and military services. Keep each one mentally alert, morally straight, and spiritually strong. May their thoughts come from Thee, their words arise from love of Thee, their work kept under Thy sovereignty. When the day is done give them peaceful hearts, serene spirits, and a faith that endures.

As we pray for those in high service to the Nation, so we pray for their countrymen that justice, righteousness, and peace may prevail throughout the land.

In the Redeemer's name we pray. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 1411) correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. Metcalf):

H.R. 471. An act to amend section 4 of the act of May 31, 1933 (48 Stat. 108); and

H.R. 18126. An act to amend title 28 of the United States Code to provide for holding district court for the eastern district of New York at Westbury, N.Y.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 3, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1401, 1404, and 1405.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WATER SUPPLY FOR THE SOBOBA INDIAN RESERVATION

The bill (H.R. 3328) to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1387), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE MEASURE

The principal purpose of this legislation is to provide a water supply for the Soboba Indian Reservation as follows:

(1) The Secretary of the Interior is authorized to approve an agreement between the Soboba Indians and the Metropolitan (MWD) and Eastern Municipal (Eastern) Water Districts of Southern California. The terms of the agreement in general are:

(*a*) Payments of $30,000 by MWD to the United States, to defray part of the cost of constructing a water-supply system on the reservation,

(*b*) Concurrent annexation to Metropolitan and Eastern Municipal Water Districts without annexation charges (valued at $200 per acre) and, while the land is held in trust by the United States, it would not be subject to encumbrance and taxation, and

(*c*) Satisfaction of the Soboba Indians' claim for damages growing out of construction of the San Jacinto tunnel without admission of its validity by MWD or Eastern.

(2) Provision is made for the United States to finance the construction of a water distribution system to deliver water within the reservation.

BACKGROUND

The Soboba Indian Reservation is in the upper San Jacinto River Basin in southern California. It has an area of 5,056 acres and had 234 Indian residents in 1965. The production of water supply wells on the reservation has been declining, and the Indians have claimed that this resulted from construction of a tunnel through the San Jacinto Mountains by MWD in 1938. Present supplies available from wells on the reservation are inadequate for even domestic needs. MWD and Eastern have proposed a settlement of the claim and the tribe has accepted the proposal by formal resolution.

In 1964, Congress appropriated $164,000 to construct a water supply system for the reservation. A portion of those funds were expended on the planning and negotiations leading to the present proposal. A balance of $124,742 remains available.

In 1968 the Bureau of Reclamation completed a reconnaissance study of a water supply system for the Soboba Indian Reservation at the request of the Bureau of Indian Affairs. The Bureau of Reclamation has estimated that the system would cost $471,400 based on October 1967 price levels. Considering the $30,000 from the MWD payment and the $124,742 available from the 1964 appropriation, additional appropriations of $316,658 would be required to finance construction of the system.

There is no surface or ground water source in the vicinity of the reservation which can be developed to provide a dependable supply for long-range needs. Eastern is a member agency of MWD which has facilities to import Colorado River water and contracts for imported water from the California State water project. It can supply its customers' needs to the projected 1990 demand levels.

The Bureau of Reclamation has estimated that the reservation will require about 960 acre-feet of water annually by 1990 to support a projected resident population of 600 and to irrigate 280 acres of high-value citrus crops.

PRESENT LEGISLATION

H.R. 3328 as passed by the House would authorize the Secretary to approve the proproposed agreement. It also directs the Secretary jointly with Eastern to plan a water supply and distribution system for the reservation. The construction of new works and rehabilitation of existing works would be performed by Eastern and financed partly by the $30,000 paid in settlement by MWD and the remainder by Federal appropriations now available and those which would be authorized by this measure.

H.R. 3328 passed the House of Representatives on May 18, 1970. The Indian Affairs Subcommittee held a hearing on H.R. 3328 and a companion bill, S. 1990, on July 14, 1970.

WILSON'S CREEK BATTLEFIELD NATIONAL PARK

The bill (H.R. 1160) to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1389), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 1160 is to authorize the appropriation of additional funds for the development of the unit of the national park system presently known as Wilson's Creek Battlefield National Park. The bill would also redesignate the area as "Wilson's Creek National Battlefield."

BACKGROUND

This area was originally authorized by the 86th Congress because of its significance in the confrontation between the States. Located near Springfield, Mo., the battle which took place at Wilson's Creek (called Oak Hill by the Confederates) was a decisive factor in preventing Missouri from joining the Confederacy.

When the Congress enacted Public Law 86-434 (74 Stat. 76), it included the customary provision limiting the amounts authorized to be appropriated. At that time, a total of $120,000 was authorized for the acquisition and development of this site. Since that time, the Wilson's Creek Battlefield National Park Commission, a State agency acquired title to all of the lands needed for the interpretation of the battlefield (some 1,727 acres) and it has donated them to the United States.

Since no land acquisition moneys were needed, the entire amount has been appropriated for development of the park and the funds have been used for the construction of an entrance road and picnic facilities, for the installation of utilities and interpretive signs, and for research and site restoration. To adequately portray the historical events which took place in the area, however, much more needs to be done. The National Park Service outlined its proposed development plan in detail and the committee agrees that a greater effort should be made to make this unit of the national park system more meaningful to the visiting public.

In addition to substantially upgrading the development program for this area, H.R. 1160 provides for its redesignation as "Wilson's Creek National Battlefield." As has been the practice of the Congress in recent years, the various units of the national park system have been renamed to conform to standard categories from time to time as they have come up for consideration. The proposed redesignation of this area is consistent with its role in the overall national park program.

COST

H.R. 1160, as passed by the House, authorizes the appropriation of $2,285,000 (including the $120,000 presently authorized) for the development of this national battlefield. While the Senate bill, S. 2552, calls for an authorization ceiling $2,300,000, the Department indicated that it could accomplish the objectives with the amount which it recommended and which was provided for in the House-passed bill.

The House of Representatives also amended H.R. 1160, to make it conform to a further recommendation of the Department. Language was included to permit the development costs to be adjusted in accordance with standard construction cost indices. The value of this added measure of flexibility is recognized, but in keeping with its oversight responsibilities with respect to these projects, the committee expects to be kept fully informed of any developments which will, or may, give rise to any request for appropriations in excess of the amount stipulated. Such information should be supplied to the committee prior to the request for the additional appropriations. The Senate Interior Committee concurs in this action.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends the enactment of H.R. 1160.

MINUTE MAN NATIONAL HISTORICAL PARK

The bill (H.R. 13934) to amend the act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise boundaries of Minute Man National Historical Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I should like, once again, to commend the Committee on Interior and Insular Affairs for the consideration it gave to this legislation which I introduced and which pertains to one of the oldest, most historic, and revered parts of our country; namely, the Minute Man National Historical Park in Concord and Lexington, Mass.

I want to thank the chairman of the Committee on Interior and Insular Affairs, the distinguished Senator from Washington (Mr. Jackson) for the marvelous response he has had to the various adjustments and changes which have been made and suggested by the people within that community and how helpful the National Park Service has been in terms of helping and cooperating in every way.

Mr. President, this is an extremely important and significant piece of legislation, not only in terms of the particular communities directly affected, but also for all the people of Massachusetts and New England in general, and for the rest of the country.

As we serve longer and longer in the Senate, and as our population expands and grows and develops, we realize how important it is to preserve historical areas, areas of quiet and peace which have been so meaningful and important in the development of this country. Such an area is the Minute Man National Historical Park in Concord and Lexington, Mass.

The significance of these few acres of land is well known to all Americans. The Minute Man National Historical Park includes parts of the routes covered by the British at the outset of the Revolutionary War, as well as sites in Lexington, Lincoln, and Concord, which were defended by the minutemen at the outbreak of the war of independence.

The events that transpired on these grounds have inspired each succeeding generation of Americans. On Lexington Green, the first shots were fired and the first blood spilled for the cause of American independence. The heroic ride of Paul Revere and William Dawes, the conspiracy to arrest John Hancock and Samuel Adams, the seizure of the colonial military stores at Concord, and the confrontation with the first British military expedition from Boston to Concord all took place on these Massachusetts fields.

Congress established its intent to preserve these historical sites in 1959 and authorized the acquisition of 750 acres of land.

Since 1961, the National Park Service has acquired all but 144 acres of the approved land. Currently, 16 acres in Lexington, 71 in Lincoln, and 57 in Concord remain to be acquired. A recent estimate by the Department of the Interior indicates the cost of acquisition of these lands to be 5.9 millions of dollars.

In 6 years, the United States of America will celebrate its 200th anniversary of independence. Over 2 million persons have visited the park since 1964, and this number will rapidly increase as we approach our bicentennial year.

Certainly, it would be appropriate to authorize the funds necessary to fulfill the original intent of the Congress as soon as possible to assure adequate site development by 1976.

The battle fought at Lexington and Concord on April 19, 1775, and the memory of the minutemen who fought for independence have stirred the hearts and minds of countless other peoples in the past 2 centuries. I am pleased that the Senate has passed this bill—which already has passed the House—to complete the program authorized by the Congress in 1959 and to preserve for all time and for all men this memorial marking a new dawn of freedom.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1390), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 13934 is to amend the act authorizing the establishment of the Minute Man National Historical Park in two important respects:

First, it authorizes the Secretary of the Interior to revise the boundaries of the park to conform to the relocation of a State highway if he determines that such relocation would be desirable and beneficial to the administration, management, or interpretation of the park.

Second, it authorizes additional appropriations to complete the land acquisition program within the existing boundaries of the historical park.

BACKGROUND

On April 19, 1775, at Lexington and Concord, a confrontation occurred which marked a change in the course of the Nation. On that day a column of the King's Regulars proceeded to march from Boston to capture and destroy the provincial military supplies collected for the American rebellion. Shots first were fired at Lexington and then in Concord—the American Revolution had begun.

These historic grounds were then the homelands of such people as Paul Revere and Dr. Samuel Prescott. Few places today can match the historic value which they hold for the Nation. In recognition of their national significance, the Congress authorized the establishment of a national historical park in 1959. The park, which was to comprise about 750 acres of land in the towns of Lexington, Concord, Lincoln, and Bedford, was to be acquired by the National Park Service and restored gradually to its appearance in 1775.

To accomplish this objective, Public Law 86–321 (73 Stat. 590) authorized the appropriation of $8 million. Of the amount, it was estimated that $5 million would be needed for the acquisition of the privately owned lands and improvements and $3 million would be needed to remove the modern buildings, restore the landscape and rehabilitate the historic houses. Much has been achieved in the decade that has followed the original authorization. More than 500 acres of land have been acquired and about 67.5 acres are in non-Federal public ownership. There remain to be acquired almost 145 acres of land within the established park boundaries.

NEED FOR ENACTMENT OF H.R. 13934

Needless to say, the value of these historic lands has not remained static in the years since the original authorizing legislation was approved. Not only were the original estimates based on unreliable, unscientific appraisals, but land prices here—as everywhere—have escalated appreciably over the last decade. All of the funds authorized in 1959 for land acquisition have been appropriated and invested in the lands acquired; thus, completion of the program is contingent on the approval of new authorizing legislation.

Current, professional appraisals of the remaining properties to be acquired (144.37 acres) indicate that an additional $5,900,000 will be necessary to complete the acquisition program. Of the properties yet to be acquired, eight are considered historic structures which alone are valued at $942,000. Other improvements include residences, commercial buildings, farms, barns, and garages. Altogether there are 58 remaining privately owned properties containing 62 improvements.

Naturally, in light of the current visitor use (over 500,000 visitor days were reported in 1969) and in view of the impending bicentennial celebration of our national independence, the National Park Service is anxious to complete the acquisition program and prepare for a larger number of visitors in the immediate years ahead.

In addition to increasing the authorization ceiling for the acqusition of lands at Minute Man National Historical Park, H.R. 13934 amends the basic act with respect to the maximum size of the park. Present law limits the acreage of the park to no more than 750 acres, but if all of the lands within the present park boundaries are acquired, the total acreage will be 719.03 acres. The Commonwealth of Massachusetts is proceeding with plans to relocate Highway 2 which constitutes part of the boundary of the park. It is anticipated that this relocation might result in severing some lands from the park and in adding pockets of private land between the new highway route and the park. In order to avoid this result, the Federal and State agencies involved have tentatively agreed, subject to the enactment of this legislation, that any additions to or deletions from the park will be accomplished by donation or exchange, if the Secretary determines that such boundary adjustments will enable him to improve the management, administration or interpretation of the area.

Testimony by the Director of the National Park Service suggested that the State might transfer 26.5 acres or more to the Federal Government in exchange for less than 15 acres of park land, and, he added, the comparative value of the State lands is expected to be greater than the Federal lands to be exchanged.

Since the final surveys for the highway relocation have not yet been completed, exact acreage figures cannot be provided, but it may well be that the lands transferred to the Federal Government might result in a legal problem if Public Law 86–321 is not amended so that the park may include more than 750 acres. H.R. 13934 does not impose a precise limitation on the amount of land which the Secretary may accept, but the bill as recommended by the committee does require the expansion of the park to be accomplished without additional cost for land acquisition. The committee, in making its recommendation on this issue, has relied on the statements in the departmental report which indicate that "Any private lands which may be part of the overall exchange will first be acquired by the State."

The House of Representatives made two substantive amendments to H.R. 13934. The first one deals with the authority of the Secretary to revise the boundaries of the park. The departmental report explicitly states that "No land acquisition costs are contemplated under the proposed amendments in section 1." On the basis of this information, the House amendment provides that no funds are authorized to be appropriated to purchase lands acquired as a result of the relocation of Highway 2. The second amendment replaces the open-ended authorization in the bill with an increased, but limited, authorization ceiling. The Senate Interior Committee concurs in these amendments.

COSTS

Section 2 of H.R. 13934 limits the gross amount authorized to be appropriated to no more than $13,900,000. Of this amount, $10,900,000 is dedicated to the acquisition of lands and interests in lands. It should be noted that this new authorization includes the amounts previously authorized to be appropriated so that the new authority contained in H.R. 13934, as amended, totals $5,900,000.

The committee recognizes that some of the historic properties are principally valued for their exterior visual appearance as a part of the overall historic setting and that a substantial portion of their acquisition cost could be recouped if they could be leased or sold with appropriate restrictions, but it has previously taken the position that any leaseback or sellback arrangements should be thoroughly and carefully considered. In the event that any leaseback or sellback arrangements are contemplated with respect to any of the properties acquired pursuant to Public Law 86–321, as amended by H.R. 13934, this committee expects to be fully apprised of all details of the tentative lease or conveyance in advance of any binding commitments on the part of the National Park Service. A reasonable lapse of time should be allowed for consideration of the proposal before any such agreements are executed.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the able Senator from South Carolina, who is to be recognized now, there be a period for the transaction of routine morning business with a time limitation of 3 minutes on statements made therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER WITH RESPECT TO UNFINISHED BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the period for the transaction of routine morning business, the unfinished business, Calendar No. 1403, H.R. 15728, the naval vessels loan bill, be laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the distinguished Senator from South Carolina (Mr. HOLLINGS) is recognized for 15 minutes.

Mr. BYRD of West Virginia. Mr. President, before the able Senator from South Carolina begins his remarks, I ask unanimous consent that he may be recognized for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN TRADE POLICIES

Mr. HOLLINGS. Mr. President, the current debate over American trade policies is being waged on a field of fog and confusion. The experts are bewildered and, understandably, so is the general public. Advocates on both sides of the question have generated much heat, but precious little light. The arguments put forward by participants pro and con are more often than not based on misleading premises, fallacious history, and out-of-date slogans. The acid comments which flow from sheer emotion dominate the public dialogue. Persuasion by threat rather than reason is used to capture the support of the Members of Congress voting on the trade bill. The ancient art of caricature is again in full flood, as sinister images of protectionists leer from the advertising and editorial pages of the big city newspapers. Warnings from foreign chancellories are tailored to turn our people against the calm exercise of reason. Our trading partners attempt to intimidate Congress by blatant threats of economic retaliation when, in fact, massive trade retaliation would spell doom and destruction for them. It is time, Mr. President, to talk sense about the realities of America's trade position. We have had enough of outworn slogans and tired cliches. Constant reference to "old protectionists" and "new protectionists," to Smoot-Hawley and Adam Smith, confuse rather than enlighten. The times have changed, the world has moved on, and it is long past due that we face the realities of business rather than heed the voices of the antiquated past. It is time to face the situation anew. The last third of the 20th century will not suffer gladly those who are wedded to the musings of long-dead economists. As John Maynard Keynes once wrote:

> The ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed the world is ruled by little else. Practical men, who believe themselves to be quite exempt

> from any intellectual influences, are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back.

The United States will not retain its economic preeminence at century's end if its leaders and legislators stubbornly refuse to adapt their theories to the world of changing reality. Let us tell it like it is.

America has always been a trading country. Even before we gained our independence, our prosperity was dependent upon the ships of commerce. As a young nation, we combed the far corners of the world seeking buyers for our wares. Even today we celebrate the era of the great clipper ships which called at the ports of many continents. And although many years have passed, our prosperity is still dependent upon the routes of trade. We seek the continuation of vigorous trade, and we work for a world wherein the maximum feasible freedom exists for intercourse among the nations. Allow me to emphasize this point, Mr. President. Those who favor passage of the current trade bill do not advocate an isolated America, nor do they hope for a world where each nation throws up high tariff walls impeding the free flow of commerce. We seek instead a harmony of interests, an arrangement that will encourage maximum trade modified only by a realistic concern for the security and prosperity of our own land. We seek reciprocal trade policies that will benefit all the peoples of the world, but we are steadfast in our determination to maintain the prosperity of America. Without a healthy home economy, chaos would stalk the international economy. So powerful have we become that a sick American economy would pull the rug out from under the economic security of the free world.

Our own prosperity is the foundation for the tremendous growth in the European and Japanese economies. When the guns fell silent in 1945 and the carnage of World War II came to an end, Europe and Japan were in shambles. Their economic insecurity fueled the fires of political discord and there was grave danger that their political stability would fall victim to their business maladies. The United States was faced with the unprecedented challenge of world reconstruction, and its own fate was closely tied to the rebuilding of foreign economies. We met the challenge and met it well in an annal of history that should fill us all with pride. Europe was provided with the Marshall plan—economic aid which, combined with the initiative of the peoples of Western Europe, allowed rapid recovery from the devastation decreed by the war. Japan was similarly assisted under arrangements following the surrender of the Japanese war machine. The ingenuity of its people quickly propelled that country into the vanguard of the industrial powers. The United States exported not only dollars, but also know-how and technology. Our latest inventions quickly became international property. Our trading partners thus shared in our every advance and this is what encouraged the great leap forward of the past 25 years.

Now, Mr. President, we are paying the bills for that massive export of aid and technology. Our total net disbursements to foreign nations since 1946 total over $131 billion. The total net interest paid on what we have borrowed to give away exceeds $67 billion. No country can write off such outgo. Certainly no one proposes that we do so now. But it is time to recognize that our house must be put in order, and that is the question we are facing, or should be facing, today. The economies of Europe and Japan are healthy and dynamic; they are in strong competitive positions. They are using those positions to compete favorably with the United States in the marketplaces of the world. As we stand here debating and clouding the issue with references to Smoot-Hawley and the conditions which prevailed 40 years ago. Europe and Japan compete effectively with one eye on the present and another on the future. We are paying the price of shortsightedness. Unless we rectify our ways, the future will belong to others.

In short, Mr. President, we have extinguished the technological monopoly which was ours not many years ago. That is simply a fact of life. It will not help us to spend our time either saluting or bemoaning the facts of life. We will either adapt to them or fall victim to the good sense and realism that pervades the capitals of our trading partners.

Today our Nation is afflicted by the highest level of unemployment in two decades. Our Government has admitted that we have experienced a net loss of employment from foreign trade in manufactured goods. Our trade limitations are obviously not a total explanation for the ill health of the American economy, but no one would deny that they are part and parcel of the problem. Our trading partners in Europe and Asia have not been afflicted with our unemployment problem—they have helped cause it. Now we must look to our constitutional duty to promote the general welfare by so regulating foreign commerce as to correct this abominable situation. Data submitted in public hearings held by the Tariff Commission demonstrate that about one-half of U.S. manufacturing industries are being adversely affected by import competition. These data lead to the inescapable conclusion that we must favor such a regulation of imports and promotion of exports as can restore our lost balance vis a vis the other developed nations of the world. Without such policies, American workers will continue to suffer the sacrifice of their jobs, to their own distress and to the despair of the communities in which they live. The facts speak for themselves. The Tariff Commission data indicate that 100 of the worst hit American industries suffered an aggregate balance of trade deficit of $12.7 billion in 1969. This represents a worsening of their trade deficit of $5 billion in just 2 years. At the ratio of 87,000 jobs for every $1 billion change in foreign trade—a ratio used by administration spokesmen—this adverse change in trade of $5 billion represents the loss of 435,000 American jobs. What a boon these jobs would be in relieving our present deep unemployment.

Opponents of the current trade bill argue that we gain more jobs from our exports than we lose from our imports. But the data show that this postulate is wrong. One reason why it is wrong is that the United States does not use whatever advantage in capital and technology that it still has for production and employment in this country. Rather, our multinational corporations transfer these advantages to foreign lands and choose to produce abroad, with foreign labor, articles that could be produced more efficiently in the United States if we put our capital and technology resources to work. This is what Assistant Secretary of Commerce McLellan had in mind when he stated a few months ago that—

> We as a nation must recognize that the economist's concept of offsetting job losses in lower technology industry by job gains in high technology industry is frequently frustrated by today's immediate transfer of new technology to low labor/high productivity countries abroad.

As a result of the multinational corporation, American workers and communities are adversely affected by this unwise, and totally unnecessary, displacement of production and jobs. The AFL–CIO believes that these multinational leviathans shift their production back and forth, across national frontiers and oceans and among their U.S. and foreign subsidiaries within a closed-circuit system to utilize the best available low-wage labor and tax incentive policies of foreign countries. Those goods are then sold in the American market at comparative advantage. I agree with this analysis. And I join the AFL–CIO in asking how long can the U.S. labor force and the American market withstand the onslaught of multinational corporations who wish to maximize their short-term dollar returns by using our market for their sales, while at the same time they export American jobs to the lowest possible wage areas available abroad? As part of its attempt to prevent this inexcusable damage to American workers, the AFL–CIO, in an historic reversal of its traditional position on foreign trade policy, is now supporting the imposition of import quotas on foreign-produced products which compete with labor-intensive American industries in our domestic market. I am tremendously encouraged by this demonstration of vitality and awareness on the part of organized labor. Those who currently bemoan organized labor for its lack of energy and vitality would do well to familiarize themselves with this example of forward-looking vision. Labor has a noble history, but unlike many other groups in our midst, its eyes are clearly focused on the future welfare of the American workingman. I would also note that the AFL–CIO is seeking repeal of those tariff provisions which grant duty exemption to the American components incorporated into articles produced aboard that are destined for import into the United States.

The multinational corporations have organized to counter the moves of the AFL–CIO and others of us who seek action to rectify our job-destroying import problems. They have established the Emergency Committee on American Trade, currently headed by Donald Kendall, president of Pepsi-Cola International. Mr. Kendall was the principal client and close friend of Richard Nixon during the latter's years as a New York attorney. Understandably, Mr. Kendall has the President's ear, and he makes an effective spokesman for the internationally oriented U.S. corporations which constitute the membership of the Emergency Committee on American Trade. Mr. Kendall's resourcefulness is nowhere better illustrated than by the manner in which he seized the initiative for the solution of the textile import problems from Secretary of Commerce Maurice Stans and from textile delegation in the Congress. The current negotiations between the designated representatives of Japan and the United States are really based upon the Kendall plan, carried by its author to Japan with at least the tacit blessing of his friend the President. And here at home in the negotiations that started on election eve, Mr. Peter Flanigan is presenting the administration's case. Flanigan is a close White House adviser to the President, and his Wall Street background and pro-ECAT sympathies are no secret to the people of my State.

The emergency committee is busy in the Halls of Congress espousing its so-called free trade point of view. It has a perfect right to do so, but please let us not allow misleading phrases such as free trade to becloud the issue. The members of ECAT are intent upon preserving their foreign investments, and they do so by opposing policies which might incur the wrath of their foreign benefactors. They speak in terms of the virtues of free trade, but act obviously with as much self-interest as any other group in our society. Their life will be simpler, easier, and more tranquil if we follow their advice. But their vision is limited and their interests, important as they are, do not represent the whole of the business picture. From the membership list of ECAT I have drawn up a list of firms engaged in multinational activities. Even a cursory glance at the range of their operations demonstrates the extent of their foreign investments. Mr. President, I ask unanimous consent that this list be incorporated as an appendix to my remarks today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. HOLLINGS. Mr. President, I am not advocating the termination of American corporate activity abroad. Insofar as such operations enhance the stability and well-being of the international economy, I welcome them. But when they create hundreds of thousands of new jobs abroad that could just as well have been created in America, and handicap us in achieving our Nation's full employment objectives, then I oppose them. The profit and loss ledgers we have been discussing during this debate must be put in proper perspective. We must be concerned with the overall prosperity of the Nation. That is our constitutional obligation; that is our humanitarian mandate.

The members of ECAT would have us believe that they are working for the humanitarian development of backward lands, and they would argue that their activities thereby encourage the backward nations to progress. But where do we find their greatest activity and investment? In Africa? In Latin America? No, Mr. President, we find their most significant operations in countries already well developed, in the United Kingdom, in Germany, and so on. The statistics incorporated into the appendix of this talk make that abundantly clear. Let us use some plain, old-fashioned business sense. If those firms would utilize the latest technological and productivity advances here rather than abroad, the competitive situation of the United States would be vastly enhanced.

America is the world's greatest industrial power. Our manufacturing industries are efficient. The managerial talent of our industrial entrepreneurs is the envy of the rest of the world. We have generated the lion's share of the industrial technology in modern times. Government and industry have worked together to transfer the technology emanating from our military and space programs to industrial use. Our labor force is versatile, and through the independence and self-esteem which it has acquired through collective bargaining, American labor has achieved the status of a vital, dynamic national resource.

Our trading partners have used a variety of measures to protect their industries from dominance by American enterprise. Japan's highly protected economy carefully limits imports of American products which directly compete with Japanese industry and American investment in Japanese industry is sharply curtailed. European nations have been more enlightened, and have welcomed investment by U.S. corporations in productive enterprises. Both Europe and Japan have built protective walls around their markets to such an extent that American businessmen long ago concluded that their only access to those markets is through investment within rather than exports from without. In 1969 U.S. foreign direct investments totaled $71 billion, with $22 billion in Europe and somewhat over $1 billion in Japan, of a total of approximately $50 billion invested in developed countries and over $20 billion in less developed countries. We invested $11 billion in plants and equipment for foreign affiliates of U.S. corporations in 1969, and will increase this to $13 billion in 1970 and to $15 billion in 1971. Our annual rate of such investment in Europe has increased from $3 billion in 1968 to $5 billion in 1970, and will grow to $6 billion in 1971. Outlays by manufacturing affiliates of U.S. corporations are the primary factor in the overall growth of plant and equipment expenditures abroad.

Because of Japan's strict control over direct foreign investment in manufacturing facilities, U.S. corporations have been unable to follow their European pattern of investment in manufacturing affiliates in Japan. To participate in Japan's rapidly growing industrial economy, U.S. corporations have been forced to license their technology, and to receive through royalty income the profits they extract from their manufacturing in Europe and elsewhere.

The result of these foreign investment activities has been counter productive for our domestic manufacturing activity and employment. There has been a significant increase in U.S. imports of goods produced by U.S.-owned foreign affiliates. These imports amounted to $5 billion in 1968, compared with $2 billion in 1965. In 1968 the exports from the U.S.-owned foreign affiliates amounted to 8 percent of their total sales, up dramatically from 4 percent in 1965. Total sales of these U.S.-owned foreign affiliates in 1968 in Europe were $26 billion, and $2 billion in Japan. Of $46 billion in sales by such affiliates in all foreign countries, $13 billion was exported, with $5 billion being exported to the United States. The rate of return on all U.S. foreign investments in 1969 was 13 percent, higher than any year in the 1960's, and significantly above 12.6 percent rate of return on domestic manufacturing investment.

The $26 billion in sales by U.S.-owned foreign affiliates in 1968 represents the equivalent effort of about 2,262,000 workers. These are jobs which U.S. corporations created in foreign countries through their $71 billion investment in productive facilities abroad.

The manufactured products valued at $4.5 billion exported to the United States by U.S. owned foreign affiliates in 1968 accounted for 22 percent of total U.S. imports of manufactured goods in that year. The $4.5 billion in manufactures received from the U.S.-owned foreign affiliates represents the equivalent effort of about 381,500 workers.

The technology licensed to Japan in lieu of direct investment in manufacturing facilities in Japan has made it possible for Japan's manufacturing industries to increase strongly their position in world trade. Our imports from Japan boomed from $1.1 billion in 1960 to $4.9 billion in 1969; our exports grew at a slower rate, from $1.4 billion in 1960 to $3.5 billion in 1969. In the first 9 months of 1970, our imports from Japan reached $4.3 billion, up by 19 percent from imports during the same period of 1969. Virtually all of our imports from Japan consist of manufactures.

While imports of Japan's manufactures have increased at this 19-percent rate, our own output of manufactures declined by 7 percent, September 1969 through September 1970, and employment in manufacturing dropped by 970,000, or 5 percent. In October manufacturing employment declined by an additional 660,000 jobs. From September 1969 to October 1970 the total job loss in manufacturing is 1,630,000. The 2,262,000 jobs which American investment created in foreign countries take on real significance in the face of this massive loss of manufacturing jobs in the United States.

As a result of the restrictions against U.S. exports and investment, our business corporations have transferred capital and technology to foreign countries at a rate which has removed a source of economic growth from our own country to a degree that is seriously undermining the stability of jobs for our labor force.

We are considering the enactment of a trade bill which will enable the President to deal with the textile and shoe import problems, and provide an avenue of relief, after proof of serious injury and deep import penetration, for other industries. We are warned that other nations will retaliate, and even possibly cause a trade war if we give the President this authority, and provide this avenue for relief. Can these threats be taken seriously in the light of the tremendous impact which the long-continued restrictive policies of Japan and Europe have had on the United States? Surely there is room in this debate for a sense of balance. Must we blink at the enormity of the harm to our trade and commerce flowing from these foreign practices, and allow our unemployed workers and their U.S. employers to suffer without hope of relief?

As one official of the executive branch has recently described Japan's policies:

> Japan has imported that which is not produced and has restricted imports of goods which are produced in Japan. * * *: Japan has maintained an elaborate system of controls on imports. These controls consist of quotas and other less visible but equally effective restrictions on a number of products of interest to U.S. and other foreign suppliers. Most of the quotas are acknowledged by Japan itself to be contrary to the provisions of the General Agreement on Tariffs and Trade."

While Japan has recently announced that it will by late next year reduce the categories of products under illegal import quotas from 90 to 40, she will continue in effect her policy of "administrative guidance"—the invisible system by which Japan keeps competitive imports under control.

As another official of the executive branch summed the matter up in early November:

> Over the past decade the rate of economic growth of industrial Europe and Japan has outstripped our own. Their technological capabilities have significantly improved and in many product areas their technology and their productive efficiency has surpassed our own.

Furthermore, the industrial protectionism of our trading partners extends to massive support in the export efforts of their industries. As the official just quoted puts it:

> The present export/import situation is further complicated because many foreign companies operate under more favorable governmental policies than their American competitors. Foreign companies generally enjoy greater support in the form of lower taxes, export tax rebates and similar incentives, special interest rates on capital, greater access to foreign credit and often at a lower cost, and direct government support as the chosen instrument to extend national economic goals into foreign markets.

Let us make no mistake about it: industrial protectionism is practiced to an advanced degree by our major trading partners, and it has harmed our legitimate interests. The pending trade bill represents a modest step in creating the machinery so that America can fight back, and, at the discretion of the President, redress some of the more serious grievances in our trade relations.

Japan and the European Common Market fully understand this kind of game. The recent report of the Committee on External Trade Relations of the European Parliament on trade relations between the European Economic Community and Japan illustrates the complete understanding which our major trading partners have of the appropriateness for safeguards against import injury. I quote portions of the report:

> The European Parliament—
>
> * * * * *
>
> 6. Is of the opinion that the establishment of closer contacts between the economics of Japan and the EEC, whose structures differ in certain respects, make it necessary to include in the future agreement a safeguard clause that would be applicable in cases of actual or potential market disturbances due to imports from the partner countries;
>
> 7. Lays down as a principle that, under the future agreement, it shall be possible for the two contracting parties to resort to this safeguard clause on a basis of full reciprocity and that, with regard to the European Community which is also a single market for third countries, the clause shall be applied in an entirely uniform manner;

That report provides details on absolute import quotas maintained by Common Market countries on imports from Japan of cotton textiles, ceramic products, footwear, umbrellas, cutlery, ball-bearings, motorcars, nonferrous metal, iron and steel. Conversely, the report states:

> Just as the Community does with regard to Japan, the latter fixes quotas for its imports from the EEC countries.

These restrictions induce the Common Market countries and Japan to negotiate bilateral agreements on trade. The report notes that these agreements violate GATT:

> The bilateral agreements concluded between Japan and individual member States contain special provisions which are not always in accordance with GATT rules. Bearing in mind all these aspects, including para-tariff and non-tariff obstacles, it may be said that neither Japan nor the member States comply in their trade relations with GATT's principles.

The report acknowledges that none of the Common Market countries have lifted import controls on goods from Japan on 10 items of the Brussels Nomenclature; three of them have not liberalized imports for nine other items; France maintains quotas on more than 30 items imported from Japan; the Federal Republic of Germany, on more than 10 items; Italy on more than 50 items; the Benelux countries, on more than 10 items. At the same time, the report of the European Parliament committee recognizes that Japan-United States trade shows a surplus of $1.5 billion in Japan's favor, with the result that—

> This is a matter about which the two parties feel concerned, all the more so as the USA, which takes up one third of Japan's exports, may have to restrict its imports in future as a result of the general position of its balance of payments.

The committee of the European Parliament takes the position that the existing restrictions on Japanese imports cannot be liberalized because the products in question are sensitive. The aim of the trade agreement negotiations between Japan and the European Economic Community, to which the report directed as a position paper, was stated to be extending the applicability of safeguard clauses to the entire EEC, and to have the safeguard clause operate on "a 'voluntary self-limiting' principle, which is bound to play an increasingly important part in world trade as an appropriate and useful means of preventing market disturbances."

It is precisely the same objective to which the contents of the trade bill are directed. The imposition of quotas, accompanied by the grant of authority to the President to negotiate agreements for the voluntary restriction of imports to the United States, is the trade bill's formula for achieving the avoidance of market disturbances which the EEC itself is seeking in its negotiations with Japan, and which Japan practices through quotas against EEC trade.

How, then, can our putting the United States into this enlightened game for the avoidance of market disturbances be an occasion for retaliation from the major trading nations who are themselves playing that game?

A few months ago, Assistant Secretary of Commerce McLellan described our import problems affecting industry in these words:

> The improved ability of many countries to compete with our own manufacturers in price, style, and quality has imposed severe problems for many of our domestic industries. * * *
>
> Oftentimes industries that are called upon to give up to imports a major share of the domestic market, are located in areas of our country which have experienced severe economic dislocation. Further, they tend to be labor-intensive industries which are particularly vulnerable. * * * this is at a time when we must make greater effort than ever before to provide job opportunities to those in our society who are in the lower economic levels, and who to join the mainstream of economic welfare must be given the chance to take that first step up the economic ladder through the availability of a job opportunity.
>
> While in formulating trade policy the overall interest of American consumers must be kept in mind, it is also necessary that to be a consumer one must be an earner of income. To allow sudden changes in import patterns to have the effect of destroying large numbers of jobs, cannot be in the consumer interest nor in the national interest.
>
> While for years American firms have offset their much higher labor rates with greater technical competence, we find today in industry after industry that this technical competence has transferred overseas and they no longer enjoy that insulation for the higher labor cost. * * *
>
> Further, it must [be] recognize[d] that the economist's concept of offsetting job losses in lower technology industry by job gains in high technology industry is frequently frustrated by today's immediate transfer of new technology to low labor/high productivity countries abroad.

Those words contain a fair summary of the position of many American industries in competing with imports today.

In its investigation of the use of the partial duty exemption afforded to imports which incorporate American goods, the Tariff Commission found that some 1,200 firms are actual or prospective users of this privilege, largely through the assembly abroad of articles for sale in the American market. The principal product categories involved in the offshore production by American companies of goods for the domestic market are wearing apparel, consumer electronic products, transportation equipment, toys, and scientific instruments. The domestic industries producing these products are under severe import pressure. Between 1967 and 1969 our foreign trade deficit in apparel items increased by amounts ranging from 36 percent to 727 percent, depending on the category, averaging about 80 percent; radios and television sets, by 98 percent; passenger cars by 167 percent, truck and bus bodies, 153 percent, motorcycles, bicycles and parts, 61 percent and other transportation equipment, by 425 percent and toys and games by 107 percent.

There has been a rapid growth of imports produced abroad in whole or in part of American goods, which, upon importation, are exempt from duty as to the American materials. Between 1966 and 1969 such imports nearly doubled, rising from $953 million to $1.8 billion. In 1969 imports under the duty exemption provision accounted for 8 percent of total dutiable imports. When this 8 percent is added to the 8 percent of our imports of manufactures supplied by U.S.-owned foreign affiliates of U.S. firms, we begin to see the extent of our problem. U.S. firms which once took their stand as American producers in the United States, creating jobs here, have moved abroad to lower their costs and increase their profits.

We have already seen that the direct investment of U.S. corporations in foreign affiliates resulted from restrictions imposed on our exports by our major trading partners. Now we learn from the Tariff Commission's report in September 1970 that the offshore assembly of manufactured goods for importation into the United States has resulted from the inability of labor intensive manufacturing industries to compete in the U.S. market with foreign produced manufactured goods. Thus in summing up the reasons why our imports of articles assembled abroad with the use of duty-free American materials have grown so dramatically, the Commission stated:

> The growth of trade under the tariff provision in question has been stimulated by a variety of factors, such as the disparity between U.S. and foreign labor costs of assembly or processing; severe and increasing competition in the U.S. market from foreign producers; the existence of U.S.-owned foreign plants initially established with the intent to expand in world markets through the internationalization of production facilities (in some instances prompted by foreign trade barriers); the benefits provided by [the] tariff items * * * that accord preferential duty treatment to products that contain U.S. components or materials; and the incentives offered by foreign governments to attract new industry (including tax holidays and other possible tax advantages).

The last reason mentioned, the incentives offered by foreign governments to persuade U.S. firms to build production plants offshore to supply the American market, is particularly poignant. In the trade bill we are seeking to provide incentives for U.S. firms to stand fast in their faith in the United States, keep their production facilities in this country, and provide jobs here for American workers rather than in foreign countries for foreign workers. We are impelled to do this in part to offset the incentives offered by foreign governments to entice our industries overseas. They make no apology for their incentive programs, but threaten us with retaliation and a trade war if we try to balance the scales. On top of the foreign incentives, the relentless and growing pressure of low-cost foreign manufactures on domestic producers is the decisive factor in the transfer of our jobs to foreign countries.

Against this background, let us turn our attention to the problems of particular industries. Because of the attention which has been given the textile problems under President Kennedy's seven-point program for the textile industry and the efforts of the Nixon administration to negotiate a threshold agreement with Japan on wool and manmade fibers, the textile problem is a good place to begin a more detailed inquiry into the need for action by the Congress.

Unlike the outside world where textile production is based about two-thirds on the use of cotton and one-third on the use of manmade fiber and wool, in the United States textile market, consumption is based on fiber use which is about 60 percent manmade fiber and 40 percent cotton and wool. The textile industry and market in America today is primarily manmade fiber in its materials and technology base. When we talk about the textile import problem, and its solution, we necessarily are talking about a multifiber industry and market, highly interdependent in fiber consumption, but primarily manmade fiber in its essence.

In 1967, we imported $1.8 billion in value of textile fibers, yarn, fabrics, and apparel; we exported $1.4 billion, and had a net trade deficit of $400 million.

In 1969, we imported $2.4 billion of textile fibers, yarn, fabrics, and apparel; we exported $1.4 billion, and had a net trade deficit of $1 billion. This increase of $600 million in the trade deficit of textile fibers, yarns, fabrics, and clothing, represents a net loss of 52,200 jobs in the 2-year period.

In the first 9 months of 1970 we imported $1.9 billion of textile fibers, yarn, fabrics, and apparel—slightly in excess of the annual rate of imports in 1969 despite the recession in the United States; we exported $1.1 billion—virtually the annual rate in 1969 despite a strengthening of demand in Europe, and had a net trade deficit of $800 million. At the annual rate this will be tantamount to a trade deficit in textiles of $1.1 billion for 1970, equivalent to 96,000 jobs. This is confirmed by the absolute loss of employment in the textile mill products and apparel industries and the manmade fiber producing industry. Together, their employment totaled 2,537,200 workers in September 1969. Twelve months later it had declined to 2,468,000 workers—a loss of 69,200 workers. The losses of jobs in the supplier and service concerns supporting these industries easily accounts for the difference. The textile mill products and apparel industries lost an additional 19,600 jobs in October 1970.

Between September 1969 and September 1970, the index of industrial production of textile mill products dropped from 151.6 to 145.9, while that for apparel products dropped from 146.1 to 141.8. Imports of manmade fiber textile manufactures for the 12 months ending with September 1970 totaled 2.4 billion equivalent square yards, up by 36 percent from the 1.8 billion equivalent square yards imported in calendar year 1969. Imports have continued to climb as industrial production in the textile industry has declined. Obviously the job losses described a moment ago are attributable to the displacement of domestic production by imports. The decline in production in the 12 months ending September 1970 of 4 percent in textile mill products and 3 percent in apparel is equivalent to 72,000 lost man-years of effort, that is, 72,000 jobs. The increase in imports of 600 million equivalent square yards of manmade fiber textile products alone is the work product of about 3 percent of the workforce in the domestic textile mill products and apparel industry, or 72,000 jobs. So we see that the job content of the increased imports is almost exactly the same as the jobs lost in the domestic industry due to the decline in production which accompanied the increase in imports.

The textile industry complex of manmade fiber producers, textile mills and apparel plants supplies such a large part of the total number of jobs available for Americans in manufacturing plants—2.5 million jobs out of a total of about 20 million jobs—that we simply cannot allow it to be steadily damaged and its jobs actual and potential eroded by excessive imports.

The next most serious problem from the point of view of the number of jobs at stake in America is that of the basic steel industry. Its employment has declined from 653,200 workers in September 1969 to 634,600 in September 1970, with a further decline to 617,100 in October 1970. This loss of 18,600 jobs in the 12 months preceding the General Motors strike, and its harmful effects throughout the economy, is not directly attributable to imports.

In 1967 imports of iron and steel mill products were valued at $1.3 billion; exports were valued at $500 million, so we had a trade deficit of about $0.8 billion.

In 1969 imports of iron and steel mill products were valued at $1.7 billion; exports were valued at $900 million, as the industrial boom in Europe generated strong export demand, but our trade deficit remained at about $800 million.

In the first 9 months of 1970, imports of iron and steel mill products were valued at $1.3 billion, at the same annual rate as 1969, as the voluntary agreement by the Japanese and European steel producers to limit their exports to the United States proved to be effective; exports were valued at $1 billion, as the full utilization of capacity in Japan and Europe to meet their strong demand for steel at home to support the strong expansion in industrial activity there produced continued export demand for the American steel producers. The trade deficit is $300 million, about half the 1969 annual rate.

The voluntary agreement for the limitation of their exports to the United States by the steel producers of Japan and The European Common Market, announced on January 14, 1969, is applicable to the years 1969 through 1971. The steel agreement has worked well in the sense that the total imports in 1969 were almost exactly equal to the voluntary quota. The product mix has been changed significantly, however, as both the Japanese and the European steel producers have shifted the composition of their exports to higher grade-higher value steel than existed in the base year. The Committee on Ways and Means strongly recommended in its report on the trade bill that the administration try to secure an extension of the voluntary quotas, and to cope with necessary improvements, meaning in particular, the avoidance of major shifts in the composition of exports. The domestic steel producers are urging that the voluntary restraint be extended for 2 additional years beyond 1971, and that the annual growth rate be reduced from 5 percent to 2.5 percent per year, with the product mix rolled back to historical levels.

Under these circumstances, the Congress with the concurrence of the industry is emphasizing an extension of the voluntary agreement as the chosen instrument for coping with the import problems of the basic steel industry. Legislation at this time is therefore not required, but should the effort to secure an acceptable extension of the agreement fail, Congress would be disposed to act.

The next most serious problem, after textiles and steel, from the point of view of the number of jobs at stake here at home is that of the interrelated industries producing consumer electronic products and components. We are talking about radios, televisions, phonographs, and tape recorders, and such parts and components as television picture tubes, electron receiving tubes, loudspeakers, capacitors, resistors, transformers, and a number of parts and subassembly components used in consumer electronic products. A joint statement filed with the Senate Finance Committee during its hearings on the trade bill by the three principal labor unions representing workers in electronic product plants and by the domestic producers of the types of parts and components used in consumer electronic products, establishes that the penetration of the domestic market by imports of these products greatly exceeds that of most other industries. Fully 36 percent of domestic consumption of televisions, 44 percent of phonographs, 93 percent of radios, and 94 percent of tape recorders is supplied by imports. The parts and components included in these products just as fully represent a displacement of domestic production as the fabric equivalent of imported apparel constitutes a displacement of yarn and fabric production by domestic textile mills. The range of import penetration of domestic consumption of the parts and components is as deep as that which I have mentioned for the consumer products.

The import rise of electronic products has been exceptionally swift, and incongruously has been accompanied by the 50-percent reductions in duty made on virtually all electronic products in the Kennedy round. Remarkable, almost unbelievable, is the fact that our negotiators allowed the principal foreign producers who supply their exports to our market to keep their duties on electronic products from twice to three times the reduced level. To add to these indignities, the Japanese industry, the principal supplier of foreign produced electronic products to the American market, has systematically resorted to dumping and other unfair methods of competition to increase the strong competitive advantage which their lower wages, access to American technology and unilateral tariff concessions by the U.S. Government have conferred upon it. Some Japanese manufacturers openly admit that they resort to cutthroat export prices as a means of conquering new markets. Then, once the competition is killed off, up go prices. A host of dumping cases has been in process in the Treasury Department for more than 2 years on virtually the whole range of components, and television sets. In every case the Treasury has found dumping, but this far, in most cases, a government which had dealt unfairly and harshly with its own domestic industry in the Kennedy round, continued the treatment by exonerating the Japanese producers from dumping duties by accepting their promise that they would not dump their products in the future.

All of this has had a predictable and extremely serious effect on employment in the domestic industries producing consumer electronic products and components. Employment declined by 115,000 jobs from its peak in October 1966 to September 1970. The September 1970 work force of 475,000 workers is the lowest in many years.

In 1967 imports of radios, televisions, and other telecommunications equipment were valued at $536 million; exports were valued at $475 million, leaving a net trade deficit of $61 million.

In 1969 imports of radios, televisions, and other telecommunications equipment were valued at $1 billion; exports, at $600 million, with a net trade deficit of $400 million.

In the first 9 months of 1970, imports of radios, television, and other telecommunications equipment were valued at $800 million at about the 1969 rate; exports were valued at $500 million, leaving a net trade deficit of about $300 million.

Employment in the consumer electronic product and components industries declined from 553,300 workers in September 1969 to 475,000 in September 1970, a loss of 78,300 jobs in 12 months. The 1969–70 level of imports, at about $1 billion, is the equivalent of 87,000 jobs.

The domestic industries producing consumer electronic products and components and the labor unions representing the workers in their plants, have until recently been sharply divided on the question of the form, if any, of governmental action which they desire to enable them to cope with these circumstances. As strikingly revealed by the Tariff Commission's report on September 1970, the domestic producers of radios, televisions and phonographs have responded to the intense foreign competition by establishing assembly plants outside of the United States. As these plants come on stream, the attitude developed among the companies owning such plants to resist the imposition of trade restricting measures because they feared the effect on their overseas investment. They are opposed to quotas because if drawn up on an historical base, the lion's share of the imports would be given to Japan to the detriment of the off shore production of U.S. producers.

Legislation has been introduced by the senior Senators from Indiana, New Hampshire, and West Virginia which would impose quotas equal to a recent level of imports with a growth factor to keep imports and domestic production at a historical ratio of participation in future growth in consumption. This legislation also includes a delegation of authority to the President to negotiate agreements for the limitation of imports which would supercede the quotas, much like the pending trade bill's provisions as to textiles and shoes. The labor unions and the producers of most categories of parts and components support the enactment of such legislation. The domestic producers of parts and components are willing in the alternative to have Congress increase the existing duties of electronic products to the level of 35 percent ad valorem in lieu of quotas.

The division within the electronic industries, and the 11th hour interest of the unions, has prevented any major congressional support for a legislative solution to the electronic product import problem from developing. Politically it does not appear feasible to broaden the trade bill to include a specific solution to that problem, though on the merits I agree that it is as deserving of solution as textiles or shoes.

This brings me to the next most important problem facing us, that of the shoe industry. There are two divisions of this industry, rubber-soled and leather footwear, and both are in trouble. As a result of a Tariff Commission investigation under the seldom used "flexible tariff" provision of the Tariff Act, duties on rubber-soled footwear are based on the American selling price value. When the executive branch negotiated the controversial agreement providing for the elimination of the American selling price valuation base on imports of benzenoid chemicals, it omitted reference to rubber-soled footwear. The administration's trade bill asks for authority to eliminate ASP on both chemicals and rubber-soled footwear. Just recently it developed that the Tariff Commission's calculations of the converted rates of duty required to eliminate ASP on rubber-soled footwear without loss of protection may be inaccurate. As a result, the House-passed trade bill permits the President to negotiate an agreement to eliminate ASP on rubber-soled footwear, but requires that such agreement be submitted to the Congress for ratification.

Rubber-soled footwear were exempt from duty cuts in the Kennedy round. In April and July of this year the Tariff Commission found that the workers in four domestic plants producing rubber-soled footwear are being seriously injured by unemployment or underemployment by increased imports at the existing rates of ASP-based duties.

The trade bill contains no affirmative help for the rubber-soled footwear industry, and threatens its continued existence by authorizing the President to negotiate for the elimination of the American selling price value base on imports, even though congressional ratification is required. Thus, the reform of the escape clause contained in the trade bill offers the industry and its workers their only hope; but it seems unlikely that the Nixon Administration would increase tariffs or apply quotas under the escape clause when it has already prejudged the case by deciding as a matter of policy that the foundation of its protection, the American selling price valuation base, must be eliminated.

In 1969 the rubber-soled footwear industry had a balance-of-trade deficit of $133 million, which had increased by 64 percent in size since 1967. This is a highly labor intensive industry, which, however, pays wages somewhat higher than most labor intensive industries, averaging $2.70 in September 1970. Its import duties, even with the help of the ASP base, averaged less than 20 percent ad valorem in 1967, and are even lower today. Its work force declined by 5.5 percent in the 12 months ended in September 1970, to a total of 24,000 workers.

The other sector of the footwear industry, that producing leather footwear, is the object of serious concern within the Congress. Three bills are pending in this body with 28 sponsors to provide for import quotas, and, alternatively, negotiated agreements, for the limitation of leather footwear imports. A majority of the members of this body and of the House signed a letter petitioning the President for action to limit footwear imports. The result of these efforts is the incorporation in the pending House-passed trade bill of quota and trade agreement authority provisions on footwear. The Nixon administration, however, is opposed to the footwear provisions of the trade bill, consistent with the President's aversion to the use of trade restrictions for any industry other than his carefully defined exception for textiles. Not surprisingly, therefore, an executive branch task force studied the leather footwear problem and concluded that legislation is not needed. The President requested the Tariff Commission to investigate to determine whether the nearly impossible tests of the present escape clause are met by the conditions in the leather footwear industry. A decision is expected in mid-January.

Meanwhile, the President's innovation in adjustment assistance law of accepting a split decision of the Tariff Commission as a finding of injury in adjustment assistance cases, has resulted in his certification of the workers in six leather footwear plants to apply for adjustment assistance. Shoe workers thus join the list of the unemployed who are offered the balm of extended unemployment compensation for the dignifying opportunity to work for a living.

The accute peril of the leather footwear industry was recognized by our trade negotiators, who in a rare act of compassion, spared footwear tariffs from reduction in most categories.

In 1967 imports of all categories of footwear totaled 215 million pair, valued at $263 million, with an average unit value of $1.22 per pair. By 1969 imports had increased to 283 million pair, valued at $488 million, with an average unit value of $1.72 per pair. In 1969 we had a net balance of trade deficit of $473 million in footwear, an increase of 88 percent over the deficit in 1967.

During the first 9 months of 1970, imports of footwear totaled 259 million pair, valued at $470 million, with an average unit value of $1.82 per pair. Imports are running at 22 percent above the 1969 rate.

Meanwhile footwear plants are closing in the United States and U.S. firms are moving their production abroad in order to keep a position in their own market. Employment in the leather footwear industry declined from 221,200 workers in October 1969 to 212,200 in October 1970, a loss of 9,000 jobs in 12 months.

It is clear that the strategy of the executive branch is to use Tariff Commission findings as a basis for granting adjustment assistance to the domestic footwear industry. This is polite language for telling the industry and its workers that their capital investment and jobs are to be sacrificed on the altar of free trade as a burnt offering to the President's faith in the multinational corporation. If the shoe industry is to be saved, we in the Congress must save it. It is not too late to prevent the flight of capital, technology, and managerial talent to foreign shores in footwear.

Thus far I have referred only to the situation of textiles, steel, electronic products, and footwear. What of the rest of the 100 highly import-sensitive industries which are marked for liquidation under the established and deepening impact of excessive import competition? They are distributed through virtually every major sector of manufacturing industry in America: food products, textile mill products, apparel, lumber products, furniture, paper products, batch process chemicals, petroleum, rubber products, leather products, stone, clay and glass products, primary metals, fabricated metal products, machinery, both electric and nonelectric, transportation equipment, scientific instruments, and miscellaneous manufactured products. In an earlier portion of my remarks I presented a summary of the balance of trade deficit and loss of jobs which has occurred in these industries as a group.

Many of these industries have established plants and created jobs for my constituents in South Carolina. In an accompanying table I identify these industries, their national trade and employment picture, and their 1969 employment in South Carolina. Mr. President, I ask unanimous consent that this table be incorporated into the printed text of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. "IMPORT-SENSITIVE" INDUSTRIES WITH ESTABLISHMENTS IN SOUTH CAROLINA

SIC No.	Description	1969 trade deficit (thousands)	Increase in deficit 1967–69 (percent)	Change in employment September 69/September 70	Jobs in South Carolina
2011	Meat packing plants (2013)	$603,661	29.5	+6,800	1,463
22	Textile mill products	443,500	57.8	—37,700	139,021
23	Apparel products	896,600	84.9	—26,100	42,712
2421	Sawmills and planing mills	377,321	49.0	—12,300	4,759
2432	Veneer and plywood	212,044	27.3	—600	2,543
3552	Textile machinery	222,067	687.7	—6,800	5,900
3941	Games and toys	105,524	107.1	—6,400	1,096
3942	Dolls	48,497	54.2		
3949	Sporting and athletic goods	70,862	1,484.3	—4,300	1,544
3964	Needles, pins and fasteners	15,941	113.2	—2,600	1,932
	Total	2,796,017	60.0	—90,000	200,970

Mr. HOLLINGS. Mr. President, the aggregate balance-of-trade deficit of these South Carolina based industries in 1969 represents the equivalent of 243,600 jobs lost in the American economy. Just in the increase in the balance-of-trade deficit between 1967 and 1969 of $1.48 billion there occurred a displacement of 91,214 jobs, virtually equal to the absolute drops in employment between September 1969 and September 1970 in these industries. This job loss is equal to nearly half of the total employment in South Carolina in these industries. The South Carolina delegation in the Congress is vitally concerned about this threat to employment in our State. The economies of the other industrial States in the Union are similarly threatened by foreign trade displacement of jobs in the 100 imports sensitive industries located in their States. As I have pointed out in the earlier portion of my remarks on this topic, the administration itself now admits that the job gains in export industries are far from sufficient to offset job losses in the import sensitive industries from excessive imports.

How are these many industries to be helped? How are the jobs of their workers to be saved? The trade bill sent to us provides the answer by reform of the escape clause. Will the escape clause, amended by the provisions of the trade bill in the House, provide an adequate remedy for our injured import sensitive industries? I have concluded after my study of the House bill that it will not. Further amendments are required in the language of the trade bill if we are to establish justice and provide for the general welfare through effective attention to the job-destroying effects of labor intensive imports.

The theory of the escape clause amendments in the trade bill is twofold: first, the tests for relief will be made more realistic so that domestic industries and groups of workers can secure a finding of serious injury when increased imports have been a substantial cause of such injury; and second, with the door to relief thus opened, to reduce the discretion of the Executive who is philosophically not attuned to the granting of relief, so that there is some reasonable prospect that damaging levels of imports will be brought under some semblance of regulation through duty increases or other import restrictions.

I have no quarrel with the theory of the bill. It is sound. The fine print of the bill, however, fails to carry this theory into reality. Taking the second objective first, that is, to narrow the President's discretion, the House bill provides the so-called trigger formula as an added test to be met after the Commission has found that increased imports are a substantial cause of serious injury. The trigger formula consists of elements labeled A, B, and C in section 301(b) of the bill. To be successful, a petitioner must prove either that imports meet the mathematical formula for market penetration set out in "A," or, alternatively, that increased imports have had the effects set out in "B" as to declining production and employment. Having cleared that hurdle, the petitioner then takes up his burden of proof under "C," which is twofold: he must show that "the unit labor costs" of producing the imported article are substantially below those of producing the like domestic article. It would be impossible for any domestic industry to satisfy the latter test.

Unit labor costs can be established only from the confidential books and records of each foreign producer supplying the imported articles to the United States. Obviously their domestic competitors will be unable to secure access to the books of foreign competitors. There is no way that domestic industries petitioning the Tariff Commission for escape clause relief could meet the burden of proof imposed by element "C" of the trigger formula.

Furthermore, the first element of the "C" test, proof that the imported article is offered for sale at prices substantially lower than those prevailing for the like domestic product, will not always be possible. In some domestic industries, the domestic producers continue to lower their price to meet the offers of foreign producers. The domestic producers sacrifice profits to keep their plants operating and to hold their labor force together. The prevailing prices of the domestic article will be about the same as the prices at which the imported articles are offered or sold. Yet the domestic industry will be unable to operate at a level of reasonable profit, a definitive test of injury. The tests imposed by "C" in the trigger formula are therefore impractical, unrealistic, and will stultify the remedy.

It may be argued that the possibility of relief does not depend solely on satisfying the trigger formula. If a petitioner proves that the domestic industry has been seriously injured in substantial part to increased imports, the President is authorized to grant relief even though the trigger formula is not met. In that event, however, the President's discretion is not diminished. He would be empowered by section 113(1)(A) of the bill to take such action as he "determines to be necessary" to remedy the injury regardless of what the Commission found to be necessary. The problem today is that the President does not believe that increased duties or import quotas are necessary to remedy import injury. The tragedy of today's law and practice is that rarely does the Commission make a finding of injury and of the amount of increase in duty or other import restriction needed to remedy the injury because of the impossible tests in the present law. It is this state of affairs that the Congress must change if the deepening pockets of import injury in our Nation are to be set right and the jobs of our fellow Americans saved.

Fortunately, the Senate Finance Committee has understood the problems I have just mentioned and acted to rectify those inadequacies. On November 30, the Finance Committee deleted the trigger mechanism and substituted a different test with which I am in agreement. If the Tariff Commission determined that an industry was not only seriously injured by import competition but was also severely or acutely injured, it would report such findings to the President who then would be required to impose whatever restrictions the Tariff Commission found necessary to remedy the injury. If the President determined that it was not in the national interest to provide such import restrictions under either the serious injury tests or the severe injury test, he would so report to the Congress within 60 days after receiving an affirmative injury determination, and the Congress by a majority vote of the authorized membership of both Houses could then approve a concurrent resolution implementing the import restrictive action recommended by the Tariff Commission. This provision, Mr. President, would alleviate the problems I have mentioned and I support its inclusion in the final bill.

Mr. President, America is not only a land of factories, it is also the world's foremost agricultural country. Our farmer's welfare must be considered in any proposal to modify our trade laws. America is a major agricultural trading nation. Our farms are efficient, and our ability to produce agricultural commodities for export is very great. We promote our agricultural exports by Export-Import Bank loans, by Commodity Credit Corporation sales at the world price, by Public Law 480 gift, grants, and sales for foreign currencies which are retained in the destination country to finance good works there. From 10 to 20 people out of every 100 employed on the farm owe their jobs to agricultural exports. We export nearly $4 billion annually in food and livestock, which helps pay for our imports of such products, valued at about $4.5 billion.

We export more grain than any other agricultural commodity. Our domestic price support program protects the income of our farmers, and absolute import quotas protect the price support program. We practice categorical protectionism on grain and other price support program commodities, and enjoy good success in exporting them to grain deficit nations. We are aggrieved nowadays because the European Common Market broke its promise to maintain access for our agricultural exports at least as good as it was in 1960. They have expanded their domestic price support programs, and use the variable import levy to protect those programs rather than absolute quotas as we do.

We impose quotas on dairy products, keeping imports to something less than 2 percent of domestic consumption. We keep tight control over sugar imports by dividing up domestic consumption among domestic producers of cane and beet sugar and a host of foreign countries. At the request of the producing nations we signed the coffee agreement, and impose quotas on imports of coffee as a backstop to the export taxes which the producers use to control their exports.

The cattle producers were left out of this tight control program for farm products until they came to Washington in 1964 and persuaded the Congress to enact, and the President to sign, the meat quota law, Public Law 88-482. This sets an annual trigger point for meat imports based on estimates of the Secretary of Agriculture as to the supply needed to supplement domestic production to meet consumer demand. The intent of the law is to limit imports to about 4.6 percent of domestic commercial production. The quotas, set in 1968, are increased about 4.5 percent a year. Rather than operate under the quotas, the principal foreign suppliers have negotiated agreements to limit their exports to the United States in exchange for assured and increasing access to the U.S. market. The President has cooperated by suspending the statutory quotas, and by signing the bilateral agreements limiting supplier exports to a definite rate.

The farm interests are said to be opposed to the trade bill, evidently because they have been persuaded that its enactment will lead to further retaliation against our agricultural exports beyond the hobbling effect of current European practices. Soybeans are the favorite example of those who take this line. The United States accounts for 99.7 percent of world exports of soybeans. Half of our exports go to Western Europe, and about one-fourth to Japan. Soybean oil is an important industrial raw material. The residue left from pressing the oil, soybean meal, is also in great demand as an industrial raw material. The United States accounts for about half of the land acreage in the world devoted to soybean production, and for about 65 percent of world production. Every nation producing soybean consumes a major part of its production, so versatile is the soybean for food, forage, and industrial use. We have the largest export surplus. Our exports of soybeans in 1969 amounted to $823 million, a very important item in our balance of trade and payments.

Will our trading partners shut off their imports of soybeans from the United States if we enact the trade bill? Of course not. Europe produces 50,000 tons of soybeans, but consumes 5.2 million tons. Where would she replace the 5.15 million tons she receives from the United States? The Far East produces 1.2 million tons, but must import 2.9 tons to meet her needs. There is no alternate source for the soybeans those areas need. Japan imported over 2.5 million tons in 1969 and of that total, over 2.2 million tons came from the United States. Her next largest supplier, Red China, supplied only 376,000 tons to Japan. To retaliate against the United States on soybeans would be an extreme case of cutting off their nose to spite their face. They will not do it.

The same is true of other agricultural products. Japan buys these commodities from us in such large volume for one reason—she gets the best prices and trading conditions from the United States.

Cotton is a prime example of the fact that there is little or no relationship between what a major exporting country like Japan buys and what it sells abroad. During the past 5 to 10 years when Japanese textile imports to us grew so rapidly, there has not been any comparable growth in her cotton purchases from us. On the other hand, Mexico imports virtually no cotton textiles from Japan. Last year, however, Japan imported more raw cotton from Mexico than from the United States. The talk of retaliation is nothing but an empty threat designed to keep the United States off guard while exporting nations shop the world for the best bargains and dump their low-wage finished products on our market in ever-growing volume.

In the Kennedy round the negotiation strategy of the United States was to offer deep reductions in industrial duties to persuade the Common Market to modify her system of variable import levies so that the United States would have continued markets for its exports of agricultural commodities in volumes at least as great absolutely and proportionately as its recent historical share of that market. The European Common Market refused. Our negotiators should have gotten up from the negotiating table and returned home without an agreement. They did not do so. Instead, we capitulated to the Common Market's unyielding position on agricultural trade, and left our deep cuts in industrial tariffs on the table for incorporation in the agreement. We were humbled and outtraded in the Kennedy round. Now our agricultural trade with the Common Market is suffering.

We have not had the courage to bring the Common Market to the dock by filing a suitable complaint under the provisions of GATT. We have tried to use the gentle art of persuasion, to no avail. As Secretary of the Treasury Kennedy stated on November 24, 1970, just last month:

> The proliferation of preferential trading arrangements of the European Community and its Common Agricultural Policy have adversely affected our trading interests and those of other areas, such as Latin America, in which the United States has a strong interest.

Assistant Secretary of State Philip H. Trezise recently admitted that—

> There was almost no progress in the Kennedy Round toward removing barriers to trade in agriculture, and nothing has happened since to improve matters. Instead, we have the prospect that the European Community will soon be enlarged by the addition of the United Kingdom and others and that the agricultural restrictionism of the Community will be extended over a much larger consuming market.

Since 1966, our exports of agricultural commodities subject to the Common Market's variable import levies have declined by 47 percent. The Assistant Special Representative for Trade Negotiations for Agriculture, Herbert F. Propps, recently summed up our agricultural trade relations with the Common Market by stating:

> The threat, for the rest of the world, is the loss of the European market and increased competition and lower prices in the diminished world market. This is the major world trade problem of the day.

What all of this means is that we gave away our bargaining material in the Kennedy round. We face the same problems today with the European Common Market on agricultural trade we faced a decade ago, and forbear to retaliate against its harmful restraints on our agricultural exports. Against this background, I am not impressed with the alarm over the trade bill voiced by certain farm interests who are securely protected in their home markets by an elaborate system of import quotas, and who have yet to turn their political energies to the real problem which confronts their export trade today, as it has for the past 10 years.

Mr. President, a considerable amount of the heat in the debate on the trade bill is directed to the assumed effect of the bill on consumer prices. The simple syllogism of the opponents of the bill is—anything that increases consumer prices is bad; the trade bill would increase consumer prices; therefore the trade bill is bad.

The Wall Street Journal has commented editorially on the effect of higher tariffs and of quotas. Of increased tariffs, the Journal says:

> Tariffs lessen the pressure on domestic firms to increase efficiency and keep prices down, but they increase that sort of pressure on foreign producers. If a foreign firm can get its prices low enough, after all, it can slip its products over the tariff wall.

If one adds to the doctrine thus elucidated by the Wall Street Journal the ingredient of fairness in balancing the pressures on both domestic and foreign producers, the price consequences need not be harmful. The Journal is able to recognize this and add something favorable to the use of higher tariffs to solve our import problems. Says the Journal:

> One favorable aspect of tariffs is that they do help the Federal Treasury.

As to the effect of quotas on prices, let us look at cotton textiles. These have been subject to quota control since 1961 under international agreements, yet prices have risen only slightly. In 1960, before the arrangement went into effect, cotton prices stood at 104.4—1957-59 equals 100. In September 1970, it was 106.4. During this same period the index for all industrial commodities increased from 101.3 to 117.1. Clearly the cotton arrangement had no adverse effect upon prices.

The argument against protection based on the assumed effect on consumer prices is an old one. Long before the arrival of what Ambassador Carl Gilbert calls "our modern tariff history" beginning in 1930, President Grover Cleveland developed the consumer interest argument in his third message to Congress, December 6, 1887: Commenting on the then existing tariff laws, he states:

> These laws, as their primary and plain effect, raise the price to consumers of all articles imported and subject to duty by precisely the sum paid for such duties. Thus the amount of the duty measures the tax paid by those who purchase for use these imported articles. Many of these things, however, are raised or manufactured in our own country, and the duties now levied upon foreign goods and products are called protection to these home manufacturers, because they render it possible for those of our people who are manufacturers to make these taxed articles and sell them for a price equal to that demanded for the imported goods that have paid customs duty. So it happens that while comparatively a few use the imported articles, millions of our people, who never used and never saw any of the foreign products, purchase and use things of the same kind made in this country, and pay therefor nearly or quite the same enhanced price which the duty adds to the imported articles.

President Cleveland was realistic enough to recognize that this consumer effect could not be, and ought not be, removed entirely. He acknowledged that—

> In a re-adjustment of our tariff the interests of American labor engaged in manufacture should be carefully considered, as well as the preservation of our manufacturers.

For the sake of argument, let us assume that the operation of the trade bill does produce some slight price increases. Shall we treat this possibility any differently than we do the demonstrated price increase effects of our laws which properly support and enforce collective bargaining? Or the price effects of our high tax rates which necessarily cause manufacturers to include a cushion for taxes in order to protect their after-tax earnings? Or the price effects of our socially necessary wage and hours law, and our periodic statutory increases in the minimum wage? Or the price effects of our long delayed but vitally important laws to protect the environment, as manufacturers must necessarily add to their costs and their prices their essential measures to protect the environment from manufacturing pollution?

Critics of the bill who use the consumerism argument conveniently sidestep the implications of their argument. They obviously will not take a stand for the repeal of all our enlightened social legislation which carries a cost that finds its way into consumer prices. They also overlook the requirement of the Trade Act as it would be amended by the pending trade bill that the Tariff Commission keep under review developments with respect to any industry which secures an increase in duty or imposition of quota as under the escape clause, and make annual reports to the President in which it covers the steps taken by the firms in the industry to enable them to compete more effectively with imports. If the Commission finds that the firms in the industry make unwarranted price increases, it will be in a position to report that fact to the President. The President is now authorized and will continue to be authorized under the pending bill, to terminate any tariff increase or quota imposition, at any time, when he determines in the light of a Commission report that such termination is in the national interest. Thus the President will be in complete control of the situation. If unwarranted price increases are made by the firms being assisted by tariff or quota action, the President can terminate the assistance and protect the consumer interest.

Mr. President, the consumerism argument is both dangerous and misleading. The consumer is the workingman, the laborer. But if he is thrown out of his job because of unfair foreign competition, he is no longer either producer or consumer. Advocates of the consumerism argument fail to realize that the consumer is a real flesh-and-blood workingman, not some abstract theoretical concept. If the worker has no job, he will not be doing much consuming.

Mr. President, in light of all that I have said today, America is obviously at a crossroads as to the future of its trade position. I have attempted to make clear my belief that reciprocity and lowered tariff barriers are ideals to be earnestly sought. But I have also tried to show that reciprocity has been lacking and that the United States now finds itself in an untenable position. Our competitive advantage is being lost and American jobs are being exported every minute of every day. I must, therefore, conclude that action is necessary—necessary now. I support the trade bill that is currently before Congress because it offers our only salvation in the face of the President's reluctance to take strong executive action. Mr. Nixon has refused, time and time again, to use the mechanisms available to him in fighting off the challenges we face in the world trade arena. In the face of the President's refusal to deal forthrightly with the trade problems, my only option is to support this legislation. In doing so, I do not seek to turn the clock back. In reality, the clock cannot be turned back—it moves relentlesly forward. The trade bill cannot be construed as a return to Smoot-Hawley protectionism. It provides the President with ample discretionary procedures and encourages that type of reciprocity that will allow the world to get on with its business of creating a more equitable climate for international trade. We are not demanding a monopoly in the American market; we are seeking only the consideration and reciprocity without which lowered overall tariffs are impossible. I urge my distinguished colleagues to look at conditions as they exist today and to study the problem unencumbered by the sterile phrases and trite ideology of days long since past.

EXHIBIT 1

MEMBERSHIP LIST OF EMERGENCY COMMITTEE ON AMERICAN TRADE

AMERICAN EXPORT INDUSTRIES

American Export Industries, basically an ocean carrier, is developing a total system for the transportation and distribution of freight, both domestic and international.

AEX has routes emanating from the Mediterranean, Adriatic, Red and Black Seas, and in India and the Far East.

Marine terminals planned in Italy, Spain, and Taiwan will provide warehousing and rail transfer yards and will be available for use by other containership operators.

AEX has European subsidiaries and affiliates in Belgium, Luxembourg, Germany, Italy, and Liechtenstein.

AMERICAN METAL CLIMAX

This diversified metals company has mining projects the world over: nickel mines in New Caledonia (joint venture with French mining concern) and Botswana; copper mines in Puerto Rico; tungsten mines in Canada; potash reserves in Canada; and a 25% interest in the Mt. Newman Project in Western Australia, one of the world's largest and newest sources of iron ore. (Before the first shipment of ore was made, Mt. Newman owners had contracts with Japanese and Australian steel mills worth over $1.5 billion.)

Dividends from investments in overseas mining companies account for nearly 25% of AMAXs profits. Mainly in Africa, these investments had a market value of $203 million at the beginning of 1970.

In addition, AMAX has plants and sales offices in numerous countries around the globe.

AMERICAN MOTORS

In fiscal year 1967–68, American Motors had international wholesale sales of 51,914 cars, or 16.1% of total wholesale volume. There are facilities that assemble the company's cars in 12 foreign countries, and there are distributors in 119 nations. American Motors has subsidiaries in Canada, Venezuela, Peru, and England.

In an effort to diversify, American Motors recently acquired Canadian Fabricated Products, Ltd. of Ontario and a New York-based international automotive financing company, Development Credit Corporation.

BELL & HOWELL

Bell & Howell, a leading producer of photographic equipment, electronic instrumentation, and business machines, has plants in Canada, Europe, and Japan. Most of these plants have been expanded in recent years as a result of the increasing role of international sales in Bell & Howell's total profit picture.

BENDIX CORP.

At the end of 1969, Bendix International, the operating company of the Bendix Corp. which is responsible for the corporation's exports, foreign licensing and foreign manufacturing activities, administered direct and indirect equity interests in 26 foreign manufacturing affiliates located in Europe, Latin America, Australia, Taiwan and Japan. Total employment in these affiliated companies exceeded 25,000 workers. In addition, Bendix International administered a total of 467 individual agreements with 164 licensees in 20 foreign countries.

Total export sales of Bendix International in fiscal 1969 were $55 million; licensing revenues totaled $6.1 million (sales equivalent of this royalty income is estimated at $222 million); and, aggregate sales of affiliated companies in which Bendix owned 25% or more equity interest were $276 million. Thus, collectively in 1969, Bendix products had a foreign sales volume, in markets served by Bendix International, of $497 million. Total foreign sales of Bendix products, including those not under the management responsibility of Bendix International, aggregated approximately $608 million.

BOEING CO.

The Boeing Company, leading maker of commercial and military aircraft, is represented overseas by wholly-owned Boeing International, located in Europe and Japan. The commercial airplane division has sales offices in Geneva, Beirut, and Sydney, and there are service representatives all over the world.

The company has a wholly-owned subsidiary in Canada, a 17% interest in Messerschmitt-Boelkow GmbH, the largest aerospace company in Germany, and a 60% interest in Advanced Marine Systems—Alinavi SpA of Italy. In addition, Kawasaki Aircraft Co. of Japan produces helicopters under license from Boeing's Vertol Division.

BOISE CASCADE CORP.

Boise Cascade, producer of building materials and paper products, has continuingly expanded its overseas operations in recent years.

At the beginning of the year, the company's overseas operations included building material sales outlets in Great Britain, Denmark, Sweden, France, Germany, Puerto Rico, Japan, and Australia. The company produces paper and wood products in the Phillippines; corrugated containers in Austria; travel trailers throughout Europe; paper products in Guatemala and Costa Rica; and, sectionalized homes in Great Britain. In addition, Boise Cascade provides electric service in several Latin American countries and telephone and gas service in Panama.

BORG-WARNER CORP.

This diversified industrial, chemical company has holdings the world over. Borg-Warner has wholly-owned subsidiaries in Canada, Holland, Mexico, England, Italy, Brazil, and Germany. Its jointly-owned affiliates include: Marbon Chemical, Australia (55%); Ube Cycon, Ltd., Japan (49%); Le Froid Industriel Brissonneau-York, France (50%); Mitsubishi-York, Japan (49%); York-India, (50%); BJ Serive, Argentina (80%); NSK Warner, K.K., Japan (50%); Tsubakimoto-Morse Co., Ltd., Japan (40%); and, Borg & Beck de Venezuela, Venezuela (51%).

BRISTOL MYERS

Bristol Myers, a leading producer of toiletries and pharmaceuticals, has consolidated its operations in many areas of the world. Its major markets are Canada, France, Mexico, Brazil, Australia, the Philippines, Japan, and England. Non-U.S. sales accounted for about 23% of total volume in 1969.

In 1968 the International Division of Bristol Myers had a total of approximately 6,800 employees.

Major construction projects in 1970 include two production facilities in Puerto Rico and one in Italy (designed to supply products to the nations of the Common Market).

CPC INTERNATIONAL

CPC International, the world's largest corn refiner, had sales of $1.22 billion in 1969. Close to 50% of the sales ($608.9 million) and profits ($27.3 million of a total of $55.3 million) are derived from overseas business, the bulk of which (70%) is concentrated in Western Europe. The company markets its products in 38 countries, and of its 43,600 employees in 1969, 29,600 (67.9%) were employed in international operations.

Capital expenditures in 1970, which are expected to be slightly greater than $42.8 million, will be shared about evenly between the U.S. and abroad.

CARRIER CORP.

Carrier Corporation, engaged primarily in the fields of air conditioning, refrigeration, and heating, has a total of 157 distributors and licenses in 121 foreign countries. It has manufacturing subsidiaries in Japan, Malaysia and France. The French subsidiary is undergoing a process of expansion to meet the growth of European markets and the Malaysian subsidiary also increased its output in 1969. Carrier products are also produced in 14 other countries through licensing agreements with independent concerns.

CATERPILLAR

Caterpillar, maker of earthmoving, construction and farm equipment, had sales outside the United States in 1969 of $951.7 million (or 47.5% of consolidated sales). Expenditures for land, buildings, machinery and equipment abroad during the same year were $20.0 million.

Caterpillar has subsidiaires in many countries and it also operates a worldwide network of company-owned warehouses which stock nearly 800 businesses with replacement parts. The company employed 13,161 workers in other countries in 1969 (20% of its total employees). In addition, it has nine worldwide training centers conducting programs for service mechanics.

CHRYSLER CORP.

This third largest U.S. motor vehicle producer's factory sales of cars and trucks in 1969 totaled 2,446,605 units of which 675,125 (27.6%) were manufactured outside North America. Chrysler has majority-owned and consolidated subsidiaries outside the U.S. and Canada in England, France, Benelux, Australia, South Africa, Spain, Venezuela, the Philippines, Colombia, and Brazil which employ approximately 75,000 people. Net sales of these subsidiaries in 1969 approximated $1.6 billion and net earnings totaled $19.0 million.

One-third of the company's manufacturing, warehouse and other floor space at the end of 1968 was located outside the U.S. and Canada.

CLARK EQUIPMENT CO.

Clark Equipment products are sold overseas through approximately 320 independent distributors located throughout the free world. Total sales outside the U.S. and Canada approximated $234 million in 1969, up 27% from 1968.

The largest overseas market (70% of overseas sales in 1968) for Clark lies in Western Europe; of the over $30 million in net assets held in subsidiaries outside the U.S. and Canada in 1968, 91% were in continental Europe and the United Kingdom. Clark's European operations include wholly-owned industrial truck plants in England, West Germany and France; wholly-owned construction machinery production facilities in England and West Germany; a 25% interest in a French producer of "Michigan" equipment; wholly-owned subsidiaries producing Clark trailers and refrigeration equipment in West Germany; and, a 70% interest in Clark Automotive Europe located in Belgium which supplies Clark subsidiaries, licensees and nonaffiliated producers of off-highway equipment throughout Europe.

CONTINENTAL CAN CO.

Continental Can, which holds a leading position in the container industry, is a multinational corporation serving more than 100 nations. The company has majority interests in firms in Germany, Mexico, Colombia, Austria, and Brazil; minority interests in 26 companies; and licensing agreements with 51 companies. In addition, it has a wholly-owned subsidiary in Canada. Approximately 25% of all Continental plants and employees are located outside the United States.

In 1969, international sales were $312.5 million or 17.6% of total sales, which represents a 120.1% increase over 1968 when international sales accounted for 9.4% of total volume.

CUMMINS ENGINE

Including the United States and Canada, Cummins, leading manufacturer of diesel engines for heavy-duty trucks, has about 2,500 dealers in 98 countries. There are 455 international sales and service outlets. The company claims to have the most extensive international service and distribution network in the business.

There are wholly-owned manufacturing plants in Scotland, Australia, and England. Engines are produced under licensing agreements in India, Germany, Japan and Mexico.

In 1969, foreign sales, which were over $100 million, accounted for 25% of total sales.

DEERE & CO.

Deere is the largest manufacturer of domestic farm equipment and since 1955 it has been engaged in a program of developing manufacturing and distribution activities in major overseas markets. Twenty-eight per cent of its total assets are held outside the U.S. and in 1969 overseas sales represented 18% of total sales.

Deere has manufacturing plants in France, Germany, Spain, South Africa, Iran, Argentina, and Mexico and sales offices in many other countries.

In March of this year, Deere and Co. entered into a joint venture with U.S. and Iranian interests to develop commercial farming on 25,000 acres in Iran. The new company would be 70%-owned by the U.S. interests.

DELTEC INTERNATIONAL

Deltec International is the result of the merger in March 1969 of IPL inc. (formerly International Packers Ltd.), primarily a processor and distributor of meats and meat products, and Deltec International Limited, a multinational holding company primarily engaged in investment banking in Latin America.

In addition to meat products, IPL also products and distributes dairy products, animal feeds and fertilizers, and certain grocery and household products for other manufacturers. It is one of the world's largest such companies and operates principally in the international market—selling in more than 100 countries.

Livestock slaughtering and meat processing facilities are located in Argentina, Brazil, Australia, New Zealand, and the United Kingdom. In addition, the corporation manages a cirus products processor in Canada, operates a Brazilian plant which produces soaps, and owns land suitable for urban development in South America.

FORD MOTOR

Ford Motor, the second largest domestic motor vehicle producer, has, for the past five years, sold more cars and trucks at retail overseas than any other U.S. automotive manufacturer. Factory sales of Ford-built cars and trucks outside the U.S. and Canada in 1969 totaled 1,485,486 units. Sales and net income of consolidated subsidiaries outside North America during the same period were 24% and 29% of the total, respectively.

In 1969, Ford had assets totaling $1,806 million outside Canada and the United States, and of its 436,414 employees worldwide in 1969, 244,840 worked in the U.S.

Wholly-owned Ford of England, Ford of Germany and 81%-owned Ford of Canada are the main foreign subsidiaries, but there are individual national companies located in several other countries and Ford dealers in more than 100 countries throughout the world. No less than 3 new facilities projects are scheduled for completion by Ford around the world in 1970.

GENERAL MOTORS

Total sales of all General Motors products outside the United States and Canada were $3.4 billion in 1969, compared with $3.0 billion in 1968. This figure represents about 9% of consolidated net income in 1969 (7% in 1968).

General Motors operates seven plants in Canada and assembly, manufacturing and warehousing operations in 23 other countries.

Net assets outside the U.S. and Canada totaled over $927.8 million in 1969, up 6.2% over 1968.

W. R. GRACE & CO.

W. R. Grace and Co. is a widely diversified operating and holding company which has expanded into the chemical and food areas.

In Latin America the company engages in paper, chemical, and mining operations. It is involved in a wide range of consumer food products in Europe—a soft drink plant in Holland, ice cream operations in Italy, Denmark and Ireland, and one of its affiliates, Jacques Borel, operates the leading inplant food service organization in France.

In addition, Grace Petroleum has a 24% interest in Raguba Field in Libya.

H. J. HEINZ CO.

H. J. Heinz is a multinational corporation and a leader in both the domestic and foreign food industries. Forty-four percent of its net sales of $790.1 million in 1969 were in foreign markets.

Highlights of the international operations in 1969 included the acquisition of two companies in the United Kingdom, the establishment of a new trading company in Denmark, and the joint formation of a new Portuguese company for vegetable dehydration.

Heinz has facilities in more than 16 countries including the United States and Canada, and net assets outside the U.S. and its possessions totaling over $144 million.

HEWLETT-PACKARD CO.

Hewlett-Packard, the world's largest maker of electronic measuring instruments, markets its products in 121 countries outside the United States. International sales have more than doubled in the last three years and account for one-third of the company's total business.

In dollar volume, international orders amounted to $105 million in 1969.

The three international manufacturing plants (in the United Kingdom, Germany, and Japan) employ more than 1,300 people. In all of Hewlett-Packard's 22 international locations, there were, at the end of 1969, only 13 American employees.

In February of this year, Hewlett-Packard announced plans to establish a facility in Singapore to produce computer core memories.

HONEYWELL, INC.

Honeywell manufactures a wide variety of automatic control instruments and is a leader in the computer industry. In 1969, consolidated sales of the company outside the United States were $287 million, a 23% increase over the previous year. During the same period, overseas employment increased 19%. At year end there were 23,900 employed by Honeywell subsidiaries and affiliates outside the United States.

In 1969 Honeywell added the following to a worldwide chain of subsidiaries and affiliates: a wholly-owned subsidiary in South Africa, joint venture companies in South Africa and Germany, and a leading Canadian photographic equipment distributor.

IBM WORLD TRADE CORP.

IBM World Trade Corporation and its subsidiaries operate manufacturing plants (17), development laboratories (7), sales offices (336), and service bureaus and data centers in 108 countries outside the United States. The corporation had gross revenue of $2.5 billion in 1969, up from $2.0 billion in 1968. Net income rose during the same period from $270.5 million to $397.8 million, a 47% increase.

INTERNATIONAL PAPER

International Paper is the world's largest paper producer and a leading manufacturer of building materials. Owned timberland includes 1,357,000 acres in Canada; and, in addition, leases, contract rights, or government licenses are held on 15,128,000 acres of Canadian forest. Total assets of foreign subsidiaries amounted to $479.3 million at the end of 1969, a 10% increase over 1968.

KAISER ALUMINUM & CHEMICAL

Kaiser Aluminum, an integrated producer, has substantial interests in foreign operations. As one of the three major aluminum producers in the U.S. Kaiser, has in addition to its primary domestic capacity of 710,000 tons yearly, 110,000 tons available from a 90%-owned smelter in Ghana, 81,000 tons available from its share of the Anglesey smelter being built in Wales, and 359,000 tons in place or under construction through its international affiliates in Australia, India, New Zealand, and Germany. Supporting this capacity are extensive Australian and Jamaican bauxite reserves.

Kaiser is also a joint partner in a venture which, in 1969, started production of nickel in New Caledonia.

Two wholly-owned subsidiaries were formed in 1969. The Kaiser Trading Co. deals with international trading of metals, chemicals, ores and other commodities, and the Kaiser Exploration and Mining Co. seeks to find and develop metals and mineral resources. Active exploration is under way in Latin America, Africa and New Zealand as well as the United States.

KIMBERLY-CLARK

This leading producer of paper products had foreign sales in 1969 which represented 20% of total volume and foreign operating profits which were 16% of total. Kimberly-Clark's business outside the United States consists mainly of the manufacture and sale of consumer products and cigarette papers which are sold in over 150 countries.

Rapid growth of overseas business (comparing sales in 1969 to 1968, Japan up over 50%, Mexico 34%, the Philippines over 30%, and England nearly 20%) has resulted in an "unprecedented" period of expansion of Kimberly Clark's foreign manufacturing facilities. New mills are being built in Mexico, Canada, England, West Germany, El Salvador, Colombia, and Thailand.

LITTON INDUSTRIES

Litton is a major producer in the fields of electronic, office equipment, and industrial products; it is also involved in a growing number of services. It is a multinational company with locations in 26 countries around the globe.

In fiscal 1968, Litton, through the Litton International Development Corp., entered into an economic development program with the Greek Government. During the initial three and a half years, Litton will implement programs with a total value of $240 million, to be raised from international development sources, for use in Greece. Litton is planning similar projects in other countries.

LOCKHEED AIRCRAFT

Lockheed, a broad-based areospace firm, had sales recorded by the Lockheed Group of International Companies' four domestic and 22 foreign subsidiaries in international ventures of $28 million in 1969. This figure includes only one month of sales by Aviquipo, a prominent aerospace parts export firm with a sales volume of about $20 million a year, which was acquired through exchange of stock by Lockheed in December 1969. Aviquipo has 15 branches with offices in 26 cities including the Far and Middle East, Latin America, and Europe.

Germany in 1969 announced 50 more F–104Gs will be built there by Lockheed. Among investments held abroad are interests in a Bolivian tin mine, an Italian aircraft manufacturer, and an Australian finance company.

M'DONNELL DOUGLAS CORP.

McDonnell Douglas is an aerospace corporation which manufactures military aircraft, commercial jetliners, missiles and space systems. F–4 military aircraft are currently being fabricated for several friendly nations, and the Navy A–4 model is being built for the Argentine government.

Japanese production of the Nike Hercules missile by Mitsubishi Industries Ltd. is being aided by a technical assistance team from McDonnell Douglas.

MARCONA CORP.—SUBSIDIARY OF CYPRUS MINES

Marcona, which is 46%-owned by Cyprus Mines, is engaged, through its subsidiaries, in iron ore mining in Peru, salt mining in Chile, marketing of these commodities, and international transportation of these and other basic raw materials.

Earnings in 1968 totaled $18.2 million and of the total shipments during that year, 82% went to Japan and the balance to buyers in Europe, South America, and the United States.

NATIONAL BISCUIT CO.

National Biscuit Company is by far the largest special baker in the United States. Internationally, there has been a steady growth of Nabisco operations. Sales outside the U. S. increased to $184.2 million (or 25% of the total), in 1969, from $170.2 million (22%) in 1968.

In September 1969 a new biscuit and cracker bakery was opened near Milan, Italy, while one is under construction in Montreal. New sales and delivery branches were opened in England, Germany, Italy, Mexico, Spain, and Venezuela during 1969.

In December 1969 Nabisco established a joint venture in Japan to market biscuits, chocolate and candy, and in March of this year it formed an association with Xox Biskuitfabrik, GmbH, a major West German biscuit producer.

PEPSICO

Primarily a manufacturer of soft drinks, syrups and concentrates, this company also produces a wide variety of snack foods (Frito-Lay) and is a common carrier of household goods (North American Van Lines).

PepsiCo has 500 franchised bottlers (exclusive of 31 operated by Pepsi Cola subsidiaries) in 116 foreign countries and territories. International beverage sales are about one-third of total volume of beverage sales. International snack sales are small; however, in the last two years dollar volumes of PepsiCo International Snack sales has tripled. North American Van Lines subsidiary has also expanded its overseas operations in Europe and Africa as well as Canada. It now operates four facilities in West Germany.

PFIZER INC.

This large ethical drug company derives a substantial portion of its sales from abroad. In 1969 it had net sales of $805.8 million which were geographically distributed as follows: U.S. 54%, U.K. and Europe 21%, Asia and Oceania 12%, Canada and Latin America 11%, and Africa 2%. Domestic sales in 1969 rose 9.6% over 1968, while foreign sales rose 12.7%, and the earnings of foreign subsidiaries in the same year were 51% of net income.

Pfizer has a work force of some 32,000 men and women, of whom more than 20,000 are employed abroad in a network of 58 production plants in 31 countries. More than 99% of these employees are nationals of countries other than the United States. Sales offices are located in over 75 countries.

QUAKER OATS CO.

Quaker Oats, while best known for its cereal and pet food lines, has directed its resources into rapidly growing nonfood areas including specialty chemicals and toys.

Sales outside the U.S. totaled $106 million in 1968–9 (19% of the total). In June 1969, net assets were located and values as follows: U.S. and Canada $176.3 million; Europe and Australia $14.9 million; and, Latin America $4.4 million.

Plants of foreign subsidiaries are located in Canada, England (December 1969, the company acquired the leading dry cat food producer in the United Kingdom for cash), Denmark, The Netherlands, Brazil, Mexico, Argentina, Colombia, Venezuela, Belgium, and Australia.

THE SINGER CO.

The Singer Company, with worldwide sewing machines operations, has recently diversified through a number of acquisitions.

In 1969, Singer accounted for 20%–25% of all sewing machines sold outside the United States. Most production is accomplished overseas and sales are made through 5,200 Singer Centers throughout the world.

In 1968, sales outside the U.S. accounted for one-third of total sales or $539.2 million. Of this total, sales of consumer products alone outside the U.S. were $428.7 million or 55.8% of the total volume in consumer products. During the same year, Singer had foreign assets of $334.2 million held mostly in Europe.

SPERRY RAND CORP.

Sperry Rand is a broadly diversified manufacturing enterprise which derived 29% ($463 million) of its 1969 sales from international markets. Total assets in 27 countries outside the United States as of March 31, 1970, were $452 million.

UNIVAC's international business is growing at a higher rate than domestic operations. UNIVAC's business in large-scale computer systems among major commercial organizations included installations at Toyota and Fuji (Japan); Fiat (Italy); Otto Versand (Germany); and, Mitsubishi (Japan). A new manufacturing facility was just opened in Japan and a Program Research and Development Center organized in London. During 1969, new subsidiaries were organized in Austria and Spain.

Other international operations include British and German facilities which produce hydraulic equipment, a Belgian factory that manufactures combines, and a new trading company which was recently formed to market "New Holland" farm equipment in Japan.

STANDARD OIL CO., NEW JERSEY

Standard Oil (New Jersey) is the world's leading petroleum enterprise, deriving 29% of earnings from the Western Hemisphere outside the United States and 19% from Eastern Hemisphere operations in 1969. Jersey's interests span the globe, with production and/or exploration in 31 countries, refining in 37, and marketing in more than 100.

Of the Company's gross worldwide crude oil and natural gas production in 1969, 20% came from the United States, 3% from Canada, 34% from Latin America, and 43% from the Eastern Hemisphere.

Total assets employed at December 31, 1969, other than in the United States, amounted to $10,113 million. In 1969 additional investments in property, plant, and equipment in foreign subsidiaries totaled $1,039 million.

TEXAS INSTRUMENTS

Texas Instruments is a leading producer of semiconductor products and has important representation in other areas of the electronics industry.

Overseas sales are becoming increasingly important to TI, with this area contributing 28% of total sales in 1969. Especially significant is the fact that semiconductor sales in Europe during 1969 grew at a faster rate than in the United States.

In 1969 Texas Instruments began production shipments of integrated circuits from new plants in Singapore, Taiwan, and Japan.

Geophysical Service Inc., a TI subsidiary, lead the geophysical exploration industry in 1969 with major activity in Alaska, Libya, and the Far East. TI's geophoto subsidiaries are exploring for minerals in Canada and Australia.

XEROX CORP.

International operations of this leader in the copier industry accounted for 27% of 1969 revenues. Xerox's overseas marketing is served by Rank-Xerox a 50%-owned British affiliate and Fuji-Xerox its 50%-owned affiliated company in Japan. In addition, there are 19 subsidiary companies throughout Latin America.

Xerox has, as units of its Educational Division, three foreign subsidiaries: Everyweek Educational Press Limited and University Microfilms Limited located in England, and Centro de Copiado Electronico, S. A. in Mexico.

UNILEVER

Unilever Limited and Unilever N. V., in combination with 120 operating subsidiaries, operate the world's sixth largest industrial enterprise. The Unilever Group has extensive interests in more than 50 countries in the margarine, detergent, food, animal feed, and chemical industries.

In 1968 Unilever sales had a geographic breakdown as follows: (1) Europe 63%; (2) North and South America 15%; (3) Africa 14%; (4) rest of world 8%. Europe accounted for two-thirds of both the capital employed and the profits in 1968, the Americas 13%, Africa 13%, and the remainder 8% in both categories.

In 1970 total sales are expected to exceed $6.0 billion.

UNITED AIRCRAFT

United Aircraft is the largest producer of aircraft engines and is active in many other aerospace fields. Approximately 50 foreign airlines employ Pratt & Whitney engines.

United Aircraft of Canada, 90.6%-owned, produces several turbine engines and spare parts for Pratt & Whitney. In addition, United Aircraft has licensees throughout the world.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. According to the previous order, there will now be a period for the transaction of routine morning business.

JOSEPH McCAFFREY ON CONCENTRATION OF ECONOMIC POWER

Mr. MANSFIELD. Mr. President, one of the most competent and outstanding commentators on the Washington scene—in my belief he should be a national commentator, he is so outstanding—is Joseph McCaffrey, who broadcasts over WMAL–TV in Washington, D.C.

Joe McCaffrey does not waste words. He tries to see all sides of a subject. He is the one broadcaster that I make it a point to listen to at all times when it is possible to do so.

I ask unanimous consent that a very pithy and pointed commentary by Joseph McCaffrey relative to monopolies and their possible controls, which makes reference to a proposal (S. Res. 426) introduced by my distinguished colleague from Montana (Mr. Metcalf), be printed in the Record at this point.

There being no objection, the commentary was ordered to be printed in the Record, as follows:

Commentary of Joseph McCaffrey

One of the reasons, if not the main reason behind the youth revolt we are witnessing today is bigness, beginning with big government. But challenging the bigness of government is the concentration of private economic power. This concentration is a concern today of both liberals and conservatives, and it is threatening to stifle the very system which created and nutured it. An Assistant Secretary of Treasury, Murray Weidenbaum, says there has to be a reduction of this concentration of economic power, a reference to powerful unions and companies who can push wages and prices up without regard to actual market conditions.

Long before the Assistant Secretary spoke up, Montana's Democratic Senator Lee Metcalf had introduced in the Senate Resolution #426. This would establish a special committee to investigate economic and financial concentration. An earlier Federal Trade Commission study said, "In unprecedented fashion the current merger movement is centralizing and consolidating corporate control and decision-making among a relatively few vast companies. By the end of 1968 the two hundred largest industrial corporations controlled over sixty percent of the total assets held by all manufacturing corporations."

We are in danger of being stifled and controlled by monopolies.

The 92nd Congress could well make a study of this concentration its number one priority.

COMMUNICATION FROM EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following letter, which was referred as indicated:

Secret Document From the Department of State

A letter from the Assistant Secretary of State, transmitting, pursuant to law, a secret document involving chemicals (with an accompanying document); to the Committee on Armed Services.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1035. A bill for the relief of certain postal employees at the Elmhurst, Ill., Post Office (Rept. No. 91–1411);

S. 3168. A bill for the relief of Daniel H. Robbins (Rept. No. 91–1412);

H.R. 2214. An act for the relief of the Mutual Benefit Foundation (Rept. No. 91–1404);

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy (Rept. No. 91–1405);

H.R. 4634. An act for the relief of Lawrence Brink and Violet Nitschke (Rept. No. 91–1406);

H.R. 7267. An act to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes (Rept. No. 91–1407);

H.R. 7830. An act for the relief of James Howard Giffin (Rept. No. 91–1408);

H.R. 9488. An act for the relief of Mrs. Ruther Brunner (Rept. No. 91–1409);

H.R. 10153. An act for the relief of Frances von Wedel (Rept. No. 91–1403); and

H.R. 14684. An act for the relief of the State of Hawaii (Rept. No. 91–1410).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 106. A bill for the relief of Waldemar E. Kunstmann (Rept. No. 91–1413).

REPORT ENTITLED "NATIONAL PROGRAM FOR THE CONQUEST OF CANCER"—REPORT OF A COMMITTEE—EXTENSION OF TIME FOR FILING OF REPORT (S. REPT. NO. 91–1402)

Mr. KENNEDY (for Mr. Yarborough) submitted a report of the National Panel of Consultants on the Conquest of Cancer, pursuant to Senate Resolution 376.

(The remarks of Mr. Kennedy when he submitted the report appear later in the Record.)

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BOGGS:

S. 4563. A bill to prevent reductions under title 5, United States Code, in the classification and reclassification of positions of certain technicians; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Boggs when he introduced the bill appear below under the appropriate heading.)

By Mr. YARBOROUGH:

S. 4564. A bill to establish a National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Yarborough when he introduced the bill appear below under the appropriate heading.)

S. 4563—INTRODUCTION OF A BILL TO PREVENT REDUCTIONS UNDER TITLE 5, UNITED STATES CODE, IN THE CLASSIFICATIONS AND RECLASSIFICATIONS OF POSITIONS OF CERTAIN TECHNICIANS

Mr. BOGGS. Mr. President, in 1968 with passage of the National Guard Technician Act—Public Law 90–486—all National Guard technician personnel became Federal employees. This conversion of status was effective on January 1, 1969.

As a result the National Guard Bureau was charged with the task of reclassifying all technician positions to conform with U.S. Civil Service Commission standards. The majority of these technician positions have now been reclassified. Of the total of 41,669 positions, 3,726 were upgraded and 5,574 were downgraded. The remainder were unchanged.

Another 9,429 technicians have not yet been reclassified pending job audits or issuance of new classification standards.

Although the 1968 change of status law also included a permanent save-pay provision for all individuals downgraded, those whose positions have been reclassified downward have suffered a severe setback professionally.

Those downgradings have lowered the morale of the National Guard technicians considerably. I have received a number of letters from National Guard technicians strongly urging that they be allowed to remain at their present positions levels. I know National Guard technicians do much beyond the job descriptions included in the civil service classification schedule.

Therefore, with the cooperation of the National Guard Bureau I have drafted and am now introducing legislation which would prohibit the downgrading of positions held by those technicians presently employed by the National Guard.

This legislation would affect only the incumbent National Guard technicians and would not apply to any new technicians. It is, in effect, simply a "grandfather clause" designed to correct an inequity suffered by some 5,500 technicians. New technicians would be hired at the levels determined by the reclassification orders. Their positions would be saved only for the period that they personally hold those positions.

Passage of this legislation would restore the high morale that all National Guard technicians in all of the States had prior to the downgradings.

Mr. President, I ask unanimous consent that the bill be printed in full at this point in the Record.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4563) to prevent reductions under title 5, United States Code, in the classification and reclassification of positions of certain technicians, introduced by Mr. BOGGS, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 4563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the classification and reclassification under chapters 51 and 53 of title 5, United States Code, of positions occupied by technicians employed under authority of section 709 of title 32, United States Code, any such position shall not be classified or reclassified, as long as an individual occupying that position immediately prior to the date of enactment of this Act remains in that position, at a grade level which is less than the same or equivalent grade level occupied by that individual on such date. The Civil Service Commission shall not approve any classification or reclassification made in violation of the preceding sentence. A technician occupying such a position is entitled to step increases and other increases in compensation authorized by law.

S. 4564—INTRODUCTION OF A BILL TO BE CITED AS THE "CONQUEST OF CANCER ACT"

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference a bill which would establish a National Cancer Authority for the purpose of devising and implementing a national program for the conquest of the world's most dreaded disease—cancer.

During my years in public service I always have been guided by the principle so eloquently stated by Thomas Jefferson that—

> The care of human life and happiness and not their destruction, is the first and only legitimate object of good government.

In this faith, I have been honored with the opportunity during the last 13 years, to have been directly associated with many of the landmark pieces of social legislation which have contributed so much to bettering the quality of life for the people of America. Indeed I have had some part in virtually all health and education legislation in the period. For this privilege, I am grateful. And in these final days of my service in the Senate, I again have been accorded the privilege of presenting to my colleagues a bill which I firmly believe is destined to occupy a significant place in the legislative history of this country. This bill, which is the product of the tireless efforts of many devoted men and women, in government and private life, will provide the mechanism and the means for the final assault against cancer.

Since the very beginning of medical history, cancer and its causes have provided the world with a terrible and baffling puzzle. Cancer cannot be neatly classified as a single disease arising from a clearly discernible set of facts and conditions. On the contrary, it is a many-headed monster that results from a myriad of causes. It recognizes no social distinction. Rather it strikes indiscriminately at all ages and races, at all economic and social groups.

We know that of the 204 million people presently living in America, over 51 million will develop some form of cancer and of this group, more than 34 million will die unless a cure is soon discovered. The National Cancer Institute and American Cancer Society estimate that about 330,000 Americans will die from cancer during this year. This means that every 2 minutes cancer takes the life of one of our people. Approximately one-half of cancer's victims are under the age of 65. Cancer kills more children between the ages of 1 and 15 years of age than any other disease known to mankind. In short, cancer causes approximately 16 percent of all the deaths in America, thus making it the Nation's second most deadly killer, exceeded only by heart disease.

Despite the threat that cancer poses to our people, an examination of what our Government spends on cancer research in comparison to other types of programs, clearly shows a distorted set of priorities. For example, cancer killed eight times as many of our people last year as were lost in the Vietnam war over the past 6 years, yet our Government spent on the average of $410 per person for national defense while spending only 89 cents per person on cancer research. Last year our Government spent $200 million on cancer research which is equal to the amount that Americans spent for ballpoint pens and far below the $358 million spent on chewing gum. As shocking as it may seem, we were willing to spend nearly $40 billion last year to finance death in Vietnam and only $4 per cancer victim to find a cure for their misery. Faced with these shocking facts, it is time that all of us in positions of leadership to ask ourselves whether we are really fulfilling our duty to the people who elected us.

Despite the lack of sufficient funds and Government attention, some really meaningful progress has been achieved in the area of cancer cure. Working with meager funds and little recognition the men and women of our scientific community have succeeded in improving the rate of cure from one out of every five victims as it was in the 1930's, to one out of every three cases today. Furthermore, there is no reason why this ratio could not be brought to one out of every two if the necessary funds and encouragement were provided to our research scientists so that better application could be made of present knowledge. This bill which I introduce today is designed to accomplish this goal.

As I mentioned, this bill is not a product of any one person, rather it is the result of the combined work and experience of many dedicated people. Its origin is traceable to Senate Resolution 376 which I introduced in March 1970 and which was cosponsored by 53 Senators of both parties. This resolution authorized the Senate Labor and Public Welfare Committee to appoint and obtain the assistance of an advisory committee in order to report to the Senate on the present status of cancer research and what action should be taken to aid our research scientists in discovery of the causes and cures of cancer. This resolution passed the Senate on April 27, 1970. In June 1970, acting on behalf of the Senate and its Health Subcommittee, I appointed a National Panel of Consultants composed of 26 distinguished Americans with Mr. Benno C. Schmidt, of New York, as Chairman and Dr. Sidney Farber as Cochairman. The other members of this committee are:

Mr. I. W. Abel, Mr. William McC. Blair, Jr., Mr. Elmer Bobst, Dr. Joseph Burchenal, Dr. R. Lee Clark, Dr. Paul B. Cornely.

Mr. Emerson Foote, Mr. G. Keith Funston, Dr. Solomon Garb, Mrs. Anna Rosenberg Hoffman, Dr. James F. Holland, Dr. William B. Hutchinson.

Dr. Henry S. Kaplan, Dr. Mathilde Krim, Mrs. Mary Wells Lawrence, Dr. Joshua Lederberg, Mr. Emil Mazey, Mr. Michael J. O'Neill.

Mr. Jubal R. Parten, Mr. Laurence S. Rockefeller, Dr. Jonathan E. Rhoads, Dr. Harold P. Rusch, Dr. Wendell G. Scott, Mr. Lew Wasserman.

This Panel was charged with the responsibility of investigation of the status of cancer research and reporting its findings and recommendations to the Senate at the earliest possible date. These men and women, coming from different backgrounds and representing various segments of our society, were bound together in common faith that we can eliminate cancer from our society if we are willing to devote time, the energy, and the resources to such a goal.

Through this faith, these fine Americans have worked long and diligently and recently submitted part I of their report to the Senate. In this segment of the report the Panel points out that to conquer cancer it is imperative that our Government undertake a national coordinating program. The Panel recognized that the National Cancer Institute had done a great deal of important work with very limited budget but that it was not structured to carry out a program of the magnitude that is needed to accomplish the job. Therefore, the Panel has recommended the establishment of a new independent agency which would be responsible for development and administration of a systematic attack on cancer and which would be adequately funded by the Congress.

Based on these recommendations, the Conquest of Cancer Act would:

First. Establish an independent agency to be known as the National Cancer Authority. This agency would be directed by an Administrator and Deputy Administrator appointed by the President, with the advice and consent of the Senate, for terms of 5 years.

Second. Transfer to the National Cancer Authority all of the functions of the National Cancer Institute.

Third. Charge the National Cancer Authority with the responsibilities of conducting research and utilizing existing research facilities in the search for a cure for cancer, encouraging and coordinating career research conducted by industrial concerns, giving support to scientific projects being conducted by recognized foreign experts in the field of cancer research centers and establishing new ones, collecting, analyzing, and disseminating to the scientific community and the general public all current information regarding the prevention, diagnosis, and treatment of cancer and establishing and supporting the production of biological research materials.

Fourth. Establish a National Cancer Advisory Board of 18 members, nine scientists or physicians, and nine representatives of the general public appointed by the President, with advice and consent of the Senate. This Board will be responsible for submitting to the President and the Congress a yearly report on the progress and accomplishments of the National Cancer Authority.

Most importantly, to demonstrate to the American people and the rest of the world that we are in fact dedicated to the conquest of cancer, it is imperative that we authorize $400 million to begin research in this area immediately, and increase this amount up to $1 billion a year as soon as possible.

The proposals in this bill are sound and workable. The funds called for are modest in comparison with the need for them. But there will undoubtedly be those persons both within and outside the Government who will try to block this proposal by spreading the myth that our Government is spending enough money on cancer research now and that this bill is inflationary. To these champions of false economy, I ask these simple questions: Is there any price too high to pay for a world free of the menace of cancer? Can you place a dollar value on human life? It is my belief that every life that is saved will more than justify these modest expenditures. Our scientists have told us that a cure for cancer is within our grasp if we are but bold enough to take the steps necessary to reach it. We have the resources available to do the work. All that is necessary is the commitment. My colleagues, I regret to think how harshly history will judge us if we do not act now to save future generations from this dread disease.

In offering this bill, I realize that in all probability I shall not see it completed before the end of my service in the Senate. However, within this body there are men of courage and conviction of both parties who I know will step forward and take up my work and see it through to its completion. To these colleagues, I pledge my continued efforts both in the Senate and as a private citizen to accomplish the goals set forth in this legislation.

Mr. President, this is a time for action. A time to make our vision of a world free of cancer become a reality. We must never lose sight of this vision because as the prophets of old have warned us: "Where there is no vision, the people perish."

Therefore, I call on all my colleagues to put aside partisan considerations and join with me in this great crusade.

Mr. President, I ask unanimous consent that this bill be printed in full at this point in the RECORD.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4564) to establish a National Cancer Authority in order to conquer cancer at the earliest possible date, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Conquest of Cancer Act"

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that the incidence of cancer is increasing and is the major health concern of the American people;

(2) that the attainment of better methods of prevention, diagnosis, and cure of cancer deserve the highest priority; and

(3) that a great opportunity is offered as a result of recent advances in the knowledge of this dread disease to conduct energetically a national program for the conquest of cancer.

(b) In order to carry out the policy set forth in this Act it is the purpose of this Act to establish, as an independent agency of the United States, the National Cancer Authority.

NATIONAL CANCER AUTHORITY ESTABLISHED

SEC. 3. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the National Cancer Authority, having as its objective the conquest of cancer at the earliest possible time.

(b) The Authority shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the Authority a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. The Deputy Administrator shall perform such functions as the Administrator may prescribe and shall be the Acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in the position of Administrator. Upon the expiration of his term, the Administrator shall continue to serve until his successor has been appointed and has qualified.

(c) The President, by and with the advice and consent of the Senate, is authorized to appoint within the Authority, not to exceed five Assistant Administrators.

TRANSFERS FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 4. (a) All officers, employees, assets, liabilities, contracts, property, and resources as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the National Cancer Institute, and except as otherwise specifically provided in section 10, with any function of the National Cancer Advisory Council, are hereby transferred to the National Cancer Authority.

(b) (1) Except as provided in paragraph (2) of this subsection, personnel engaged in functions transferred under this Act shall be transferred in accordance with applications and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

(c) The National Cancer Institute and the National Cancer Advisory Council shall lapse.

TRANSFER OF FUNCTIONS

SEC. 5. There are hereby transferred to the Administrator all functions of the Secretary of Health, Education, and Welfare—

(1) with respect to and being administered by him through, or in cooperation with, the National Cancer Institute and the National Cancer Advisory Council.

(2) under title IX of the Public Health Service Act relating to education, research, training, and demonstration in the field of cancer.

FUNCTIONS OF THE AUTHORITY

SEC. 6. In order to carry out the purpose of this Act, the Authority shall—

(1) carry out all research activities previously conducted by the National Cancer Institute, together with an expanded, intensified, and coordinated cancer research program;

(2) expeditiously utilize existing research facilities and personnel for accelerated exploration of the opportunities for a cancer cure in areas of special promise;

(3) encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

(4) strengthen existing comprehensive cancer centers, and establish new comprehensive cancer centers as needed in order to carry out a multidisciplinary effort for clinical research and teaching, and for the development and demonstration of the best methods of treatment in cancer cases;

(5) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer for professionals and for the general public;

(6) establish or support the large-scale production of specialized biological materials for research, including viruses, cell cultures, and animals, and set standards of safety and care for persons using such materials; and

(7) support research in the cancer field outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants and the training of American scientists abroad and foreign scientists in the United States.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) The Administrator is authorized, in carrying out his functions under this Act, to—

(1) appoint and fix the compensation of personnel of the Authority in accordance with the provisions of title 5, United States Code, except that (A) to the extent the Administrator deems such action necessary to the discharge of his functions under this Act, he may appoint not more than two hundred of the scientific, professional, and administrative personnel of the Authority without regard to provisions of such title relating to appointments in the competitive service, and may fix the compensation of such personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to pay rates, not in excess of the highest rate paid for GS-18 of the General Schedule under section 5332 of title 5 of such Code; (B) to the extent that the Administrator deems is necessary to recruit specially qualified scientific and professionally qualified talent he may establish the entrance grade for scientific and professional personnel without previous service in the Federal Government at a level up to two grades higher than a grade provided such personnel under the provisions of title 5 of such Code governing appointments in the Federal service, and fix their compensation accordingly;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the Authority and delegate authority to any officer or employee under his direction or his supervision;

(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain comprehensive cancer centers, laboratories, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Administrator deems necessary; to acquire by lease

or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Authority for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act;

(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(8) accept unconditional gifts or donations of services, money or property, real, personal, or mixed, tangible or intangible;

(9) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(10) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary, including funds appropriated for construction, repairs, or capital improvements; and

(11) take such actions as may be required for the accomplishment of the objectives of the Authority.

(b) Upon request made by the Administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Authority in the performance of its functions with or without reimbursement.

(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

SAVINGS PROVISIONS

SEC. 8. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or institute, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrator, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or institute, or part thereof, functions of which are transferred by this Act; but such proceedings to the extent that they relate to functions so transferred, shall be continued under the Authority. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Administrator, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or institute, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or institute, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Authority as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or institute, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or institute, or any part thereof, is transferred to the Administrator, or

(B) any function of such agency, institute, or part thereof, or officer is transferred to the Administrator, then such suits shall be continued by the Administrator (except in the case of a suit not involving functions transferred to the Administrator, in which case the suit shall be continued by the agency, institute, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, institute, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Authority or officer in which such function is vested pursuant to this Act.

(e) In the exercise of the functions transferred under this Act, the Administrator shall have the same authority as that vested in the agency or institute, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or institute, or part thereof.

REPORTS

SEC. 9. (a) The Administrator shall, within one year after the date of his appointment, prepare and submit to the President for transmittal to the Congress a report containing a comprehensive plan for a national program designed to conquer cancer at the earliest possible time together with appropriate measures to be taken, time schedules for the completion of such measures, and cost estimates for the major portions of such plan.

(b) The Administrator shall, as soon as practicable after the end of each calendar year, prepare and submit to the President for transmittal to the Congress a report on the activities of the Authority during the preceding calendar year.

NATIONAL CANCER ADVISORY BOARD

SEC. 10. (a) There is hereby established in the Authority a National Cancer Advisory Board to be composed of eighteen members appointed by the President, by and with the advice and consent of the Senate. Nine of the members of the Board shall be scientists or physicians and nine shall be representative of the general public. Members shall be appointed from among persons, who by virtue of their training, experience, and background are exceptionally qualified to appraise the programs of the Authority. The Administrator shall be an ex officio member of the Board.

(b) (1) Members shall be appointed for six-year terms except that of the members first appointed six shall be appointed for a term of two years, six shall be appointed for a term of four years, and six shall be appointed for a term of six years as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occuring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) A vacancy in the Board shall not affect its activities and eleven members thereof shall constitute a quorum.

(c) The Board shall biannually elect one of the appointed members to serve as Chairman for a term of two years.

(d) The Board shall meet at the call of the Chairman but not less than four times a year and shall advise and assist the National Cancer Authority in the development and execution of the program.

(e) The Administrator of the Authority shall designate a member of the staff of the Authority to act as Executive Secretary of the Board.

(f) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the Authority.

(g) The Board shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Authority toward the accomplishment of its objectives.

(h) The Board shall supersede the existing National Advisory Cancer Council, and the members of the Council serving on the effective date of this Act shall serve as additional members of the Board for the duration of their present terms, or for such shorter duration as the President may prescribe.

(i) Members of the Board who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

(j) The Administrator shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

COMPENSATION OF THE ADMINISTRATOR, THE DEPUTY ADMINISTRATOR, AND THE ASSISTANT ADMINISTRATORS

SEC. 11. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(20) Administrator, National Cancer Authority.".

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(56) Deputy Administrator, National Cancer Authority.".

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Assistant Administrators, National Cancer Authority (five).".

DEFINITIONS

SEC. 12. For the purposes of this Act—

(1) "Administrator" means the Administrator of the National Cancer Authority.

(2) "Authority" means the National Cancer Authority;

(3) "Board" means National Cancer Advisory Board;

(4) "comprehensive cancer center" means such cancer research facilities as the Administrator determines are appropriate to carry out the purposes of this Act, including laboratory and research facilities and such patient care facilities as are necessary for the development and demonstration of the best methods of treatment of patients with cancer, but does not include extensive patient care facilities not connected with the development of and demonstration of such methods;

(5) "construction" includes purchase or lease of property; design, erection, and equipping of new buildings; alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof); and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings;

(6) "function" includes power and duty;

(7) "Federal agency" means any department, agency, or independent establishment of the executive branch of the government including any wholely owned government corporation.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. For the purpose of carrying out any of the programs, functions, or activities authorized by this Act, there are authorized to be appropriated for each fiscal year such sums as may be necessary.

EFFECTIVE DATE

SEC. 14. (a) This Act, other than this section, shall take effect sixty days after its date of enactment or on such prior date after the enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsections (b) and (c) of section 3 may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Authority pursuant to this Act.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 486

At the request of the Senator from Kansas (Mr. DOLE), the Senator from Iowa (Mr. MILLER), the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Mexico (Mr. ANDERSON) were added as cosponsors of Senate Resolution 486, relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 1094

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON INTERGOVERNMENTAL BILL, S. 3067

Mr. METCALF. Mr. President, I wish to announce that the Subcommittee on Intergovernmental Relations, Committee on Government Operations, will hold hearings December 8, 9, and 10, on S. 3067, a bill to provide for consumer, labor, and small business representation on advisory committees to the Office of Management and Budget under the Federal Reports Act.

The measure, among other things, provides that all materials, minutes, and other information of the advisory committees shall be available for public inspection, and that conspicuous public notice shall be given to persons interested in the business of the committees.

In addition to receiving comments on S. 3067, the subcommittee will also explore the relationship of other advisory groups to the formulation of Federal policy.

Hearings on the legislation will be held in room 3302, New Senate Office Building, beginning at 9:30 a.m.

Any Senator or other person wishing to testify or present a written statement regarding S. 3067 or related matters, should notify the subcommittee, room 357, Old Senate Office Building, extension 4718.

ADDITIONAL STATEMENTS OF SENATORS

THE NEED FOR CONGRESS TO KNOW

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an article entitled "Case Offers Bill To Disclose Pacts," with respect to the thinking of one of our more distinguished colleagues, published in the New York Times of Thursday, December 3, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASE OFFERS BILL TO DISCLOSE FACTS

WASHINGTON, December 2.—Senator Clifford P. Case today introduced legislation, first sponsored by conservatives 16 years ago, that would require the executive branch to transmit all international agreements to Congress.

The New Jersey Republican argued in a Senate speech that this would eliminate much of the acrimony between Congress and the President over foreign policy responsibilities.

At present, the President is required to submit treaties to the Senate for its approval. One complaint in Congress, particularly in the Senate Foreign Relations Committee, is that increasingly the President has bypassed the treaty route by entering into secret agreements and commitments with foreign countries without informing Congress.

A proposal similar to Senator Case's was introduced in 1954 by Senator William F. Knowland of California, a conservative Republican, as an alternative when the Bricker amendment to the Constitution was rejected by the Senate. The Knowland bill was approved by the Senate in 1956 but died in the House.

Now the proposal has been introduced by a Senator who is regarded as a liberal Republican and an internationalist. Between the conservatives of 15 years ago and the liberal internationalists of today there is a common concern over the President's ability to enter into foreign agreements without the consent or knowledge of Congress.

Just as the conservatives were worried during the long Senate fight over the Bricker amendment that the President would use his treaty-making powers to override domestic laws, now the liberals are concerned that the President will use his foreign policy powers to get the nation involved in foreign commitments and wars without the consent of Congress.

FOLLOWS SENATE INQUIRY

The constitutional amendment offered by Senator John Bricker, Republican of Ohio, would have provided that a treaty or executive agreement would prevail as domestic law only through subsequent legislation by Congress.

The Case proposal is far more modest, providing only that all international agreements other than treaties must be transmitted to the Senate and House within 60 days of their execution.

To a large extent, the Case proposal grows out of the experience of the Senate Foreign Relations Subcommittee on National Commitments, headed by Senator Stuart Symington, Democrat of Missouri.

During the course of its hearings over the last two years, the Symington subcommittee has discovered that the President, without informing Congress, has entered into understandings, commitments or agreements with foreign countries, such as a military contingency plan with Thailand, a pledge of support for the Ethiopian Government, and military aid for South Korea in return for sending troops to South Vietnam.

As defined by Senator Case, his proposal would require the executive branch to inform Congress of any such agreement or understanding with a foreign government. He defined an "international agreement" as "any kind of agreement, oral as well as written, tacit as well as expressed" that is "intended to induce a reliance by another government upon the United States."

His purpose, he explained was "not to clip the wings of the President" but "to broaden the scope of consultation before he involves us in certain foreign commitments."

ANTITRUST AND THE AEC

Mr. KENNEDY. Mr. President, I am pleased that H.R. 18679 will finally require the Atomic Energy Commission to impose strict antitrust review standards in its licensing process for nuclear generating facilities. For far too long the AEC has been ignoring its responsibility to the consumer by licensing large, competitive atomic powerplants under research and development provisions of the Atomic Energy Act, which do not require strict antitrust scrutiny. Now, if H.R. 18679 is enacted, the AEC will have the mandate from Congress to look carefully at competitive implications before issuing licenses for such nuclear facilities.

This bill is important to the electric consumers of Massachusetts and New England where we have witnessed the rapid growth of nuclear powerplants owned by only a few of the large private utilities. Small electric utilities, both private and public, have been excluded from participation in these large facilities. However, as a result of antitrust litigation before the Securities and Exchange Commission, the sponsors of two nuclear plants—Vermont Yankee and Maine Yankee—have opened up ownership for all utilities in the region. This type of action should have come at the AEC stage. Under the terms of H.R. 18679, the AEC would be directed to resolve problems of exclusion if there are competitive implications.

I was concerned over subsection 105(c)(5) of H.R. 18679, which states that the Commission "shall make a finding as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws." The question raised by this language is whether this mandate to the Commission affects the right of the Attorney General or others to pursue antitrust remedies in the courts or other regulatory forums while the AEC is considering the same facts or issues. I wrote the Antitrust Division of the Department of Justice and asked them for an interpretation of this language. Deputy Assistant Attorney General Walker B. Comegys responded that the language of subsection 105(c)(5) would not have the effect of preventing Government or private antitrust suits.

I ask unanimous consent to have printed in the Record the text of the letter from Mr. Comegys, in which a detailed explanation is given of the effect of H.R. 18679 on pursuing antitrust remedies before the AEC and other forums.

It should be noted that the letter from Mr. Comegys refers to S. 4141, which is the Senate version of H.R. 18679, and, as reported by the Joint Committee on Atomic Energy, is identical.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: I have delayed somewhat in answering your letter concerning S. 4141 because heretofore the interpretation which the Joint Committee on Atomic Energy would give key provisions of S. 4141 has not been clear.

In your letter, you ask whether the authority of the Antitrust Division and other persons to bring civil or criminal antitrust actions would be affected by the mandatory directive in S. 4141 that the Atomic Energy Commission determine whether the activity under the license "would create or maintain a situation inconsistent with the antitrust laws." You also ask for information on the effects of other mandatory directives to agencies to consider antitrust issues.

In sum, we do not think that, properly interpreted, the language in S. 4141 would have the legal effect of preventing government or private antitrust suits. There is a possibility that an AEC determination that a given situation did not pose significant competitive issues could, as a practical matter, make it somewhat more difficult for a private party to persuade a federal court that a violation of law existed; but in our opinion this is not an excessive price to pay for the advantage of having pre-licensing review of antitrust questions by the Atomic Energy Commission.

The effect of the language in S. 4141 concerning whether activities under the license would be inconsistent with the antitrust laws would be to some extent dependent upon the report of the Committee accompanying the bill. An early draft of the report would have interpreted the commission's responsibility as determining whether violations of the antitrust laws existed.

We were concerned about this language, on two counts.

(1) AEC review of the issue of technical antitrust violation only would give it a narrower scope of review of competitive issues than is usually the case with other licensing and regulatory agencies.

(2) A significant amount of court litigation might be required to settle conflicting claims concerning the effect of an AEC determination as to whether the antitrust laws had been violated.

Subsequently, the Committee revised its report, so as to indicate that the Commission was to consider contravention of the provisions of the antitrust laws or the policies clearly underlying those laws. This change will make it clear that the AEC is to follow the precedent of other federal agencies as to antitrust matters—that is, not to sit as antitrust court to determine the technical question of antitrust law violation, but rather to determine questions of substantial anticompetitive effect, guided by the provisions and policies of the antitrust laws. For illustrations of this approach, see *Mansfield Journal Company* v. *Federal Communications Commission,* 180 F. 2d 28 C.D.C. Civ. (1950) and *Svenska Amerika Linien* v. *Federal Maritime Commission,* 390 U.S. 238 (1967).

In these circumstances, assuming that the AEC will follow the language of the bill and applicable precedent, we think the mandatory requirement of an AEC determination of competitive issues would not pose *res judicata* or other similar questions in court litigation.

As to your more general question, one may note that agencies have determined competitive issues, either on their own motion or by court direction, in a variety of formats. The general rule is that unless there is an explicit exemption from the antitrust laws, or exemption is compelled by the need to give effect to an agency determination at the heart of a comprehensive regulatory scheme, the applicability of the antitrust laws is not suspended by any agency approval of a transaction. E.g., *U.S.* v. *Philadelphia National Bank,* 374 U.S. 321.

Within this general framework, one may note that the courts have held that agencies must consider the nation's general policy in favor of competition in passing upon matters importantly affecting competition even when the regulatory statute does not explicitly refer to competition. (e.g., *McLean Trucking Co.* v. *U.S.,* 287 U.S. 12); and have sustained agency action to preserve rivalry absent an explicit statutory requirement that the agency so act (e.g., *Svenska, supra*).

The Bank Merger Act provides an example of a statute requiring an agency to consider competitive issues. This statute requires banking agencies to weigh anticompetitive effects against the convenience and needs of communities affected (18 U.S.C. § 1828 (c)) and also for *de novo* court review of the antitrust issues (18 U.S.C. § 1849). Favorable agency action on a merger does not immunize the transaction from antitrust challenge.

Another example is the Public Utilities Holding Company Act of 1935, which, in § 10(b)(1), 15 U.S.C. 79j(b)(1), requires the SEC to consider whether holding company acquisitions would tend to create economic concentration of a sort detrimental to the public interest. There has been no court test of whether an SEC approval of a holding company merger would be immunized from the antitrust laws.

Both the banking and holding company statute are distinguished from the AEC statute in that they provide for extensive schemes of economic regulation, while the Atomic Energy Act does not.

In sum, we think it is clear that S. 4141 is not intended to, and under applicable precedent, would not, confer immunity from antitrust challenge for any transaction considered by the AEC, as to which it finds no anticompetitive effects.

Your letter concludes by requesting any additional comments I might have. I will take this occasion to note that although changes in the report substantially improve it, the report remains deficient in one significant particular. On page 31, the report suggests that the Commission would not make findings concerning the competitive effects of activities of suppliers of goods and services, unless the license applicant is culpably involved. We think this is a mistake. While we would expect generally to deal with supply transactions directly under the antitrust laws, occasions may arise in which AEC licensing action is appropriate. The AEC should not be inhibited from making findings on competitive issues in this area, in our view.

We also note that S. 4151, revised § 105c(6), states that if the AEC finds a situation inconsistent with the antitrust laws, it is then to take into account other considerations relevant to the public interest; but the bill refers specifically only to the need for power in the area involved. We think this juxtaposition of antitrust concerns and power needs unfortunate drafting: frequently, there would be no conflict, companies can plan so as to avoid such conflicts, and language of this sort could be some encouragement to a company to try to push through restrictive agreements on claims of urgent power needs. It would be better to refer to the statement of the policy at the outset of the Act, which comprehensively and cleanly states the major considerations to be taken into account, in language which subsumes the consideration of power needs.

I hope this letter is responsive to your query.

Sincerely yours,
Walker B. Comegys,
Deputy Assistant Attorney General,
Antitrust Division.

NATIONAL HEALTH INSURANCE

Mr. GRIFFIN. Mr. President, a recent article on national health insurance has been brought to my attention and I should like to share it with Senators. The article, entitled, "Health Security and a Better America," was written by the Senator from Ohio (Mr. Saxbe) and was published in a special edition of The Bond Buyer. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Health Security and a Better America

(By Senator William B. Saxbe)

With a bow to an over-used phrase, I submit that a program of national health insurance for all Americans is an idea whose time has come.

That is why I, along with several other of my colleagues in the United States Senate, am sponsoring a legislative proposal to establish a program of comprehensive national health insurance to provide better health care for all of our people.

Before I go further, let me add this proviso: The bill (S. 4297, introduced Aug. 27, 1970) is not going to pass this year. It is not going to pass next year. Maybe it will never pass. But it's something we've got to start talking about. Because of the complex nature of the effort itself, it probably is wise that the actual legislation may be a time coming.

PULL IT TO PIECES

As "The Washington Star" pointed out in an editorial endorsing the idea on Sept. 27, ". . . the insurance bill . . . will not and should not be passed in this session. To place it in effect would be like installing a jumbo jet engine on a Ford Tri-Motor plane; it would pull the whole fragile health works to pieces. It is the only logical long-run objective, but preparations must be made. Crippling deficiencies of manpower, money and planning must be dealt with . . ."

This said, let me go on to explain why I think the program is needed as soon as feasible. Let me also tell you a little about this particular proposal.

I wish that the needed corrections in our health care systems could be done on the local level, or the State level, but I don't see this happening. We have to meet this problem on the Federal level. At the present time, adequate coverage to all of our people just does not exist. And inflation has created a situation where there are no savings available in all too many cases for long-term, serious illness.

Much of the burden rests on our older people, those who are hurt most by inflation. These people don't receive adequate care and they are not adequately covered. Medicare doesn't begin to cover all of their medical costs.

Columnist Sylvia Porter pointed up the problem quite clearly in a recent piece, when she told about a friend who was admitted to a major New York hospital, suffering a coronary heart attack. The friend remained in an intensive care unit for six weeks before moving to a private room with round-the-clock private nurses. He was finally released three months after entering the hospital and his bill was a mind-boggling $22,000.

MORE DOCTORS

As Miss Porter wrote: "Fortunately, this man had extensive health insurance. But what if he had been among the tens of millions who have only a bare minimum or no coverage at all?"

We can't significantly increase the number of doctors or the methods of treatment by merely putting more and more money into our present health programs. This bill provides for increasing the numbers of doctors. We need at least 40,000 more doctors, but that alone won't cure the ills of the nation. Just supplying 40,000 more practitioners won't drive physicians to the outposts where they are needed. We must spread doctors more efficiently and we must make sure that people who need specialized services get them. Many people who need a specialist go without one because they can't afford it. This bill recognizes the importance of the referral system which makes efficient use of the general practitioner and the specialist.

My only objection to the bill is the cost, but sometimes you have to pay the price for a good system. Estimates range anywhere from $37 billion to $77 billion a year by fiscal 1974, when this particular bill would become effective. But when you consider that the war in Vietnam has been costing us anywhere from $18 billion to $30 billion a year for the last six years, a similar expenditure for health care for all doesn't seem too much or too awesome.

In its purest sense, this bill would be financed by an increase in Social Security payroll taxes. The plan would provide coverage for all major health services except custodial care for the aged and disabled, and psychiatric and dental care. It would be financed 35 per cent by an employer-paid payroll tax; 25 per cent by a tax on workers' income up to $15,000 a year and the remaining 40 per cent would come from general Federal revenues.

EASY TO FORGET

It is easy to forget—in fact, millions don't know at all—that the United States is the only major industrial nation in the world that does not have a national health service or some kind of program of national health insurance and concomitant changes in the organization and delivery of health care in the United States is our single most important issue of health policy today.

When the health security bill was introduced in the Senate, Sen. Edward Kennedy, D-Mass., detailed some of its major provisions. I think it would be helpful if I summarized those provisions at this point.

Several basic principles have served as guidelines for the proposal:

(1) Health security doesn't envisage a national health service, in which the Government would own the facilities, employ the personnel and manage the finances of the health system. Rather, the program proposes a working partnership between the public and the private sectors. The Government will, of course, assist with financing and administrative management, joined with private provision of personal health services through private practitioners, institutions, and other providers. The program itself would be carried out gradually, moving in an orderly, evolutionary way from where we stand today toward the goals we have set for the future.

BUDGETED BASIS

Comprehensive service covered by the health security program will be financed on a budgeted basis. Funds will be provided from a pool of national resources, with reasonable limitations, governed by such demands as the national economy warrants. In other words, safeguards would be provided against runaway expenditures.

(2) Benefits of the health security program will be available, with only minor exceptions, to all persons residing in the country. Target date for this particular bill is the middle of 1973. Eligibility will require neither an individual contribution history as in Social Security nor a means test as in Medicaid.

(3) Benefits of the program will embrace the entire range of services required for personal health. These include services for the prevention and early detection of disease, for the care and treatment of illness, and for medical rehabilitation.

(4) Providers of health services will be compensated directly by the health security program. Individuals will not be charged for covered services. Hospitals and other institutional providers will be paid on the basis of approved prospective budgets. Independent practitioners, including physicians, dentists, podiatrists and optometrists, may be paid by various methods which they elect: by fee-for-service, by capitation payments, or in some cases by retainers, stipends, or a combination of methods. Comprehensive health service organizations may be paid by capitation or by a combination of capitation and methods applicable to payments to hospitals and other institutional services. Other independent providers, such as pathology, laboratories, radiology services, pharmacies, and providers of appliances, will be paid by methods adapted to their special characteristics.

STATE LAW SUPERSEDED

(5) Financial and administrative arrangements are designed to move the medical care system toward organized programs of health services, with special emphasis on teams of professional, technical and supporting personnel. The resources development fund—containing up to 5 per cent of the total amount in the trust fund—will be available to support the most rapid practicable development toward this goal of strengthening and improving America's health resources. Federal law will supersede State statutes which restrict or impede the development of group practice plans. So, the program will do its best to assure increased availability of covered health services. It will not be content with merely contributing further strains on our already overburdened resources.

(6) The health security program includes various provisions to safeguard the equality of health care. The program will establish national standards more exacting than Medicare for participating individual and institutional providers. Independent practitioners will be eligible to participate if they meet licensure and continuing education requirements. Specialty services will be covered if, upon referral, they are performed by qualified persons. Hospitals and other institutions will be eligible if they meet national standards.

(7) On the subject of health manpower, the health security program will supplement existing Federal programs. It will provide incentives for comprehensive group practice organizations. It will encourage the efficient use of personnel in short supply. It will stimulate the progressive broadening of health services. It will provide funds for education and training programs, especially for members of minority groups and those disadvantaged by poverty. Finally, it will provide special support for the location of needed health personnel in urban and rural poverty areas.

(8) Health security will supersede in whole or part various Federal health programs. Because all persons over 65 will be covered by the program, Medicare under the Social Security system will be ended. Federal aid to the States for Medicaid and other Federal programs will also be ended except to the extent that benefits under such programs are broader than under health security. However, the bill does not revise the current provisions for personal health service under the Veterans' Administration, temporary disability, or workmen's compensation programs.

FIVE-MEMBER BOARD

(9) Administering the health security program will be concerned primarily with the availability of services, the observance of high quality standards, and the containment of costs within reasonable bounds. Policy and regulations will be established by a five-member, full-time Health Security Board, appointed by the President with the advice and consent of the Senate. Members of the board will serve five-year terms and will be under the authority of the Secretary of Health, Education and Welfare.

So far as general policy, the formulation of regulations and the allocation of funds, a statutory National Advisory Council will assist the board. Members of the Council will include representatives of both providers and consumers of health care.

Administration of the program will be carried out through the 10 existing HEW regions as well as through the approximately 100 health sub-areas that now exist as natural medical marketplaces in the nation. Advisory councils on matters of administration will be established at each of these levels. Through its regulation, the board will guide the overall performance of the program. It will coordinate its activities with State and regional planning agencies, and it will account for its activities to Congress.

(10) A health security trust fund, similar to the Social Security trust fund, will finance the program. The fund will derive its income from three sources: 40 per cent from Federal general revenues; 35 per cent from a tax of 3.5 per cent on employers' payrolls

and 25 per cent from a 2.1 per cent tax on individual income up to $15,000 a year.

It is important to note that employers may pay all or part of their employees' health security tax, and they would be expected to preserve obligations under existing collective-bargaining agreements.

The board each year will make an advance estimate of the total amount needed for expenditure from the trust fund to pay for services, for program development, and for administration. The board will allocate funds to the several regions, and these allocations will be subdivided among categories of services in the health sub-areas. Advance estimates, constituting the program budgets, will be subject to adjustments in accordance with guidelines in the act. The allocations to regions and to sub-areas will be guided initially by the available data on current levels of expenditures. Thereafter, they will be guided by the program's own experience in making expenditures and in assessing the need for equitable health care throughout the nation.

TWICE PRESENT TOTAL

(11) On the basis of data from fiscal 1969, the most recent year for which complete statistics are available, the health security program that we are talking about here would have paid for a total of $37 billion in personal health care services in the United States. Had the program been in existence in 1969, therefore, it would have paid approximately 70 per cent of the $53 billion in total personal health expenditures for that year, or about twice the percentage that existing forms of public and private health insurance now pay.

It is also important to stress that, overall, expenditures under the health security program will not create a new round of Federal health expenditures, layered on top of existing public and private expenditures for health care. Instead, the health security program is designed to achieve a rechanneling of expenditures already being made, so that existing funds may be allocated more efficiently.

In essence, health security expenditures will replace the large amount of wasteful and inefficient expenditures already being made by private citizens, by employers, by voluntary private agencies and by Federal, State and local governments. Only in this way can we begin to guarantee our citizens better value for their health dollar.

THE DIFFERENCES

In the end, I think the Health Security Act differs from previous proposals for national health insurance. As I and others have noted, it is not just another proposal for insurance. It is not just another design for pouring more purchasing power into our already over-strained and over-burdened system for delivery of medical care. It is not just another proposal to generate more professional personnel or more hospitals and clinics, without the means to guarantee their effective utilization.

This is a proposal to give us a national system of health security. Under this program, the funds we make available will finance and budget the essential costs of good medical care for the years ahead. At the same time, these funds will be building new capacity to bring adequate, efficient and reliable medical care to all families and individuals in the nation.

WORSE TODAY

In closing, I want to point up a few facts which I believe as well as any others illustrate the need for this program.

For example, the health of most Americans is worse today than it was 15 or 20 years ago compared with other industrial countries. Despite the high percentage of our earnings we pay for health care, the high competence of our doctors and the highest level of income in the world, this is true.

The Committee for National Health Insurance recently compiled statistics on infant deaths, maternal mortality, life expectancy and the mortality of men in their middle years with those of other industrialized countries, and found that the United States ranks:

Thirteenth among industrial countries in death of infants during the first year of life.

Seventh among industrial countries in the percentage of mothers who die in childbirth.

No better than 18th in the life expectancy of males and 11th for females.

Sixteenth among other industrial countries in the death rate of males in their middle years.

In all instances, the U.S. ranked better 15 or 20 years ago.

In a nutshell, these statistics point up quite clearly that something is indeed wrong with the delivery on massive scales of health care in our country.

And that is why I say that a bold, new, innovative program of national health insurance for all Americans is an idea whose time is at hand.

THE NEED FOR MEETING HUMAN NEEDS IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, I recently submitted amendment No. 1092 to S. 4542, a bill amending the Foreign Assistance Act of 1961, and was very much pleased to have as cosponsors the distinguished Senator from Vermont (Mr. AIKEN), the ranking Republican member of the Foreign Relations Committee, and the distinguished Senator from Massachusetts (Mr. KENNEDY), the chairman of the Subcommittee on Refugees. The amendment would increase funding to the United National Relief and Works Agency—UNRWA—by $1.5 million in an effort to help alleviate the $5½ to $6 million deficit the organization is facing and to bring U.S. funding up to its level prior to the June 1967 war in the Middle East. The additional funds are intended to go to the maintenance of the educational and technical training facilities which are jeopardized by the impending deficit.

Mr. President, as the hearings before the Foreign Relations Committee approach on this matter, I think it important to keep in focus the crucial role that UNRWA plays in helping to reach constructive solutions to the tragedy in the Middle East by trying to alleviate human misery—in this case, of the Palestinian refugees which number 1.4 million.

This next week will be very important for the United Nations and UNRWA in particular. Within the United Nations there is a great deal of activity to try to find the adequate resources to meet this deficit and a strong indication of willingness to cooperate in every manner by UNRWA with regard to various criticisms laid to it by various member nations.

Mr. President, I ask unanimous consent that a statement of December 1, 1970, by Commissioner-General of UNRWA Laurence Michelmore and a statement of December 2, 1970, by the Secretary General regarding the funding of UNRWA be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY COMMISSIONER-GENERAL LAURENCE MICHELMORE OF UNRWA IN SPECIAL POLITICAL COMMITTEE, DECEMBER 1, 1970

I would like to inform the Committee of the results of the Pledging Conference, and of the financial position as it seems now.

At the Pledging Conference, 43 countries were represented. Twelve of the representatives who spoke brought very heartening news of increases in contributions, and I would first of all wish to express the deepest appreciation to those Governments. I would also like to thank the members of the Committee who have emphasized the importance of the financial problem confronting the Agency, and to thank you, Mr. Chairman, for the appeal you made on 25 November.

Some of the declarations at the Pledging Conference related to 1970 rather than 1971; some Governments were not yet in a position to make definite pledges for next year, and in some cases the exact application of the intended contribution will require further discussion with the Government concerned.

Despite these uncertainties, I think that I can give the general indication that after the Pledging Conference, the outlook is perhaps $1 million better—or rather $1 million less disastrous—than it seemed before. Instead of a shortfall of $6.5 to $7.0 million for 1971, as indicated by recent estimates, we might now substitute an estimate of $5.5 million to $6.0 million.

This is, of course, a very grim outlook. After the succession of deficits that we have had, a further deficit next year would bring a collapse.

We must find additional income or we must reduce expenditures. I profoundly hope that the appeals that have been made here, and that may later be endorsed by the General Assembly will encourage a greater flow of contributions to the Agency. I hope that Governments will continue to consider whether there are other ways, including those mentioned in the paper A/SPC/134, by which the Agency's finances could be put on a sounder basis.

I should mention also that the Executive Board of the United Nations Educational, Scientific and Cultural Organization, supporting a recommendation of the Third Regional Conference of Ministers of Education and Ministers responsible for Economic Planning in the Arab States, held in Morocco early this year, has authorized the Director-General of UNESCO to launch an international appeal describing the conditions of the Palestinian refugees and urging participation in the provision of assistance to ensure the improvement and continuation of educational services for these refugees. (The text of the UNESCO resolution is annexed to the UNRWA Report (A/8013), Annex IIIC.)

Pursuant to this authorization, and a subsequent resolution adopted by the October session of the UNESCO Executive Board, the Director-General is expected shortly to launch this appeal officially. UNRWA will support this effort in every possible way, and we hope that it will produce substantial additional funds for the UNRWA/UNESCO educational programme.

In the meantime, however, we should prepare against the contingency that sufficient additional funds will not be forthcoming. Much as we all abhor the idea, this means that we must think about reductions.

Indeed, it is because the idea of reducing the already minimal services to the Palestine refugees is so abhorernt that reductions have been postponed so far as possible, and beyond that would be the limits of normal financial prudence in an organization with a more stable basis of financing.

First of all, I should mention the subsidies for education, health and relief previously paid to a number of Governments. As I have already reported, payment of these subsidies was withheld during 1970, but the relevant amounts have not yet been removed from the budget estimates ($1.1 million for 1970 and $1.4 million for 1971). It now seems clear that we must regard these subsidies as indefinitely discontinued, and unless the General Assembly directs otherwise, I propose to reduce the 1971 estimates and to adjust the 1970 accounts accordingly. The result, I appreciate, is to throw this burden on the Governments concerned, but I see no alternative.

Before proceeding with the possible consequences for 1971, I would like to inform the Committee that for 1970, after deleting these subsidies, but making provision for certain non-recurrent expenses for which ear-marked contributions were received, the total expenditures for 1970 are now estimated at $46,750,000, and income at $42,344,000, with a resulting deficit for 1970 of about $4.4 million.

For the future, the choice of further reductions is a painful one. I should explain here, in view of remarks made in the course of the debate, that while scrutiny of ration rolls is a continuing process and a ceiling is already placed on the number of ration recipients, no significant saving can be hoped for in this area. All ration commodities now distributed are received as donations in kind, except for sugar, and even if the number of ration recipients were reduced, there would be very little saving in cash; and cash is what required to pay for heath and education services.

I shall, of course, welcome any advice that this Committee may wish to give, but my present view is that our aim in effecting reductions in services should be to preserve as much of the educational programme as is compatible with the level of our income and with the maintenance of the strict minimum in health and relief services. Many distinguished members have spoken warmly of the value of the educational programme and have emphasized its significance for the Palestine refugee communuity. It has been aptly described as their life-line to the future.

It is with this consideration in mind that I believe we must turn first to the health and relief services to see if UNRWA expenditures could be curtailed in this area before education is cut. The health and sanitation services are already provided on an austere basis and I do not feel that any lowering in the standard of service is possible. The Director-General of the World Health Organization, who is UNRWA's collaborator in these matters, would, I am sure, regard any further lowering of the standard as jeopardizing the health of the refugees and of the general public with whom they live.

The present services must, I believe, be continued by some one. I will explore with the Governments concerned the possibility of their assuming responsibility, through their local government authorities, for the sanitation services now carried out by UNRWA at an annual cost approaching $1.4 million. I will ask also whether any of the Governments could provide additional medical services now provided from the UNRWA budget. Apart from these inquiries—the result of which will depend on the reaction of the Governments—I see no hope of savings in the health and sanitation programme on any significant scale.

As regards relief services, I have already explained why little cash savings can be found from reductions in rations beyond what has already been achieved, e.g. by the elimination of soap earlier this year. Discontinuance of the issue of kerosene and blanket *in toto* would save about $200,000 only, and for more substantial savings we must turn to the programme of supplementary feeding for vulnerable groups, such as children and nursing mothers. Priority in this programme should, I believe, be given to the hot meals and other supplements for very young children up to six years of age.

Any reductions in this programme must therefore fall on the protein supplement, the hot meals for children between six and 15 living in emergency conditions, and other extensions of the programme introduced to meet the needs of those displaced in June 1967. The amount involved is about $400,000. I would approach such a measure with great reluctance, as the nutrition studies that I have seen indicate that we are now barely maintaining an adequate level of nutrition, but we may not be able to avoid considering such a reduction.

In the education programme, there are items of a minor nature or that are carried on elsewhere than in UNRWA establishments, such as adult craft and some other training, university scholarships and a small amount spent on youth activities in a joint project with a voluntary agency. They total about $450,000 in a full year, of which half is accounted for by the scholarships. While I shall wish to consult the Director-General of UNESCO on the point, I believe they must be regarded as less important than the remainder of the education programme.

All the reductions which I have mentioned so far, even if it should prove practical to put them into effect—and some can be accomplished only with the concurrence and the active co-operation of the host Governments—amount in annual value to about $3¾million. I should also point out that reductions made after this year has begun would save only a part of the annual amount in 1971.

As it cannot be assumed that although these savings I have mentioned could be achieved, and as they might not be sufficient to meet the problem in any case, it seems almost inevitable that reductions will have to be considered in the UNRWA/UNESCO education programme: general education or vocational and technical education, or both. It will give the Committee some idea of what is involved if I mention that the cost of the preparatory cycle of general education, that is, the last three years of the nine-year compulsory cycle, is $4.5 million and the cost of all vocational and technical education carried on in UNRWA/UNESCO centres is $3 million.

As I have said, I shall wish to discuss with the Director-General of UNESCO questions concerning reductions in any part of the education programme. Before reaching any conclusions, however, we shall want to know the results of the appeal which the Director-General of UNESCO will soon launch, but we cannot wait longer than about the month of April before taking decisions about the school year 1971–1972.

If funds are not forthcoming on the scale required, these decisions will not be easy. There are technical difficulties: for instance, much of the vocational and technical training is financed by special contributions received specifically for this purpose. It is extremely doubtful that these contributions could be switched to other forms of expenditure; and a partial cut in the preparatory cycle of general education may not be practical. The latter affects about 60,000 children and hundreds of teachers. If this whole cycle would have to be stopped, this would be major surgery and I must warn the Committee the patient might not survive the shock.

It will be tragic for the Palestine refugees if their educational system must be truncated. UNRWA, with the professional advice of UNESCO, has been the instrument established by the United Nations to undertake this responsibility. This educational programme, with about a quarter of a million children within its scope and nearly 7,000 teachers in its employment, is comparable to the education systems of many Member States.

To finance such an establishment by voluntary contributions is very difficult indeed, as we are learning with such anguish. I hope that we shall not have to conclude that it is impossible. I hope that I shall not be compelled to tell the Palestine refugee families that on top of a reduction in relief and welfare assistance, the right of their children to education is to be diminished.

Statement By Secretary-General to Special Political Committee on Financing of UNRWA

Following is the text of a statement to be made by the Secretary-General, U Thant, this afternoon in the Special Political Committee on the financing of the United Nations Relief and Works Agency for Palestine Refugees in the Middle East (UNRWA):

The Committee will, I am sure, have heard your appeal last week and the statement of the Commissioner-General yesterday with the same deep anxiety which has prompted me to ask for the floor in this debate. The present situation is that even after the pledging conference—and I take this opportunity to express appreciation to all the contributors and particularly to the 12 countries who announced an increase in their contributions to UNRWA—the estimated deficit of UNRWA for 1971 is between $5½ and $6 million. This deficit, I note in passing, is roughly the sum which was recently paid for one painting in a two-minute transaction in London, or, on another recent occasion for a race-horse. If UNRWA is not to collapse in the course of 1971, the only possible alternatives are either to reduce its already minimal services to the refugees or to find a way adequately to increase its income.

To take the first of these alternatives would, I believe, constitute a shameful failure by the United Nations to live up to its moral obligations. A substantial part of any reduction must inevitably fall on UNRWA's educational services, and to be obliged, at this stage, to close down schools for children who have never known any status other than that of refugees, would be to deprive them of an essential service and of one of the very few relative compensations for their tragic situation. Moreover, any large reduction in UNRWA's services must inevitably add to the difficulties, resentments and tensions in the Middle East at a time when an improvement in the atmosphere is desperately needed if any progress towards a real solution is to be made.

I feel most strongly, therefore, that we must once again address ourselves to the second alternative, to provide adequate financial means for UNRWA. It is inconceivable to me that the United Nations can sit idly by and watch UNRWA run down and collapse.

I hope that the appeal to be launched shortly by the Director-General of UNESCO on behalf of educational services for the refugees will be answered with generosity and understanding.

I also appeal once again to all Governments to consider again, and most urgently, what further contribution they can make at this time to UNRWA. Governments are, no doubt, weary of appeals for funds from the international organizations of which they are members, and until some entirely new way of financing international organizations emerges, I fear that they will continue to be importuned in this way. But I venture to hope that Governments will be willing to regard an appeal for UNRWA in a rather different light from other appeals—as an appeal on behalf of a large group of human beings whose recent history, through no fault of their own, has been an unusually tragic one and for whom the United Nations, until some settlement can be reached, must recognize a very special responsibility.

GENOCIDE CONVENTION SHOULD NOT BE PASSED OVER IN THE RUSH TO ADJOURN

Mr. PROXMIRE. Mr. President, it has now been almost 2 weeks since the Committee on Foreign Relations ordered the Genocide Convention of the United Nations reported to the Senate. It is my understanding that this important treaty will be reported in the very near future, possibly today. I certainly hope this is the case. As soon as the convention has been reported, we should not hesitate any longer before taking the necessary action to ratify it. It has been almost 22 years since we led the effort to draft it in the United Nations. I believe that is long enough.

I think the time has come for sincere and honest debate by the entire Senate on this matter. But we should not miss the opportunity to ratify this treaty before the end of this session of Congress.

I urge the Senate to accept the recommendation of the Foreign Relations Committee and bring this important human rights document up for discussion and, I hope, affirmative action in this session of Congress.

PROBLEMS OF THE AIRLINE INDUSTRY

Mr. FANNIN. Mr. President, as a frequent commuter between my home State and the Nation's Capital, no one appreciates today's jet airliners more than I. It is possible for me to talk with constituents in Arizona in the evening, and be in Washington the next morning for the opening of Senate business.

In addition to the convenience and benefits that I enjoy as a result of this service, airline travel also is an important element in the development of my State. Airliners make Arizona easily accessible for tourists from all over the Nation. Airliners make it possible for businessmen to reach Arizona quickly, and for Arizona businessmen to reach other centers of commerce.

For those reasons, I am vitally interested in the airline industry. It must be a healthy industry to provide the services required by the people of Arizona and the rest of the Nation.

Unfortunately, there are some serious problems facing the airline industry at the present time and these are a cause for deep concern.

Mr. President, these problems are summed up in a brief report by George A. Spater, president of American Airlines, in the most recent issue of Astrojet News.

I ask unanimous consent that the article be printed in the RECORD.

There being no objections, the article was ordered to be printed in the RECORD, as follows:

[From the Astrojet News, Nov. 2, 1970]

THE TEST OF A GOOD OUTFIT IS WHAT IT DOES WHEN THINGS ARE TOUGH—PRESIDENT SPATER

Many of our employees have asked me what has happened to our business and why. The situation, briefly, is this: From 1961 to 1969, the domestic airline business had been growing at the annual average rate of 16 per cent. Since the end of 1969 it has not grown at all. It has declined. The accompanying chart [not printed in the RECORD] shows where domestic airline passenger traffic is today as compared to where it would have been if the normal growth rate had continued.

Important decisions in the airline business must be made a long time in advance. Flight equipment being delivered today was ordered in 1966. Ground facilities completed in 1970 were planned years ago. We have bought, built and hired in anticipation of a continued growth rate that has not materialized.

This fall-off in growth rate unfortunately has coincided with an orgy of route duplications by the Civil Aeronautics Board. In the past year and a half, the CAB has granted about 110,000 new route miles, almost all duplicating existing authority. Services like our Memphis-Los Angeles nonstops, formerly two roundtrips a day at load factors in the 60's and profitable, now operate at load factors in the 40's and lose money. United, the new carrier, also operates between Memphis and Los Angeles at a loss. By a single authorization, a profitable operation of one carrier was made into an unprofitable operation for two. This example can be multiplied many times.

On top of the airline recession and the enormous route duplications that have brought our loads down, there is the unprecedented pressure of rising costs—the cost of doing everything is increasing faster than at any time in our entire history. To give you some examples, here are the 1970 increases over 1969 levels for American Airlines:

	Increased expenses	
	Millions of dollars	Percent change 1970 vs. 1969
Employee pay and benefits	$94	21
Aircraft rental and depreciation	29	26
Fuel	15	12
Passenger meals and supplies	9	17
Landing fees	4	24
Insurance	2	17

Remember, these are *increases* that must be borne by a company that is doing less business today than it did last year.

Finally, in addition to the declining loads and increasing costs, we have had the dual burden of breaking in a dramatically new type of aircraft and of beginning service on a new 10,000 mile international route.

As a result of these pressures, our company lost money in the month of September. This was the first September in which we had a loss for thirty-five years, and the loss was a horrific $6.6 million. There is now very little chance that we will be able to break even for the full year. This will be our first loss year since the post-war recession of 1948.

In order to bring our expenses in line with our revenues, we have reduced our schedules. During the usual summer peak, July through September, we operated 4.3 per cent fewer seat miles on our domestic routes than last year. We have kept our headcount down. Excluding personnel assigned to the new Pacific services, the number of people on American's payroll during this period was less than it was last year. We have cut our service frills such as free newspapers, movies on morning flights, and have made service economies such as replacing snacks for meals on short-haul flights.

We have tried, as you know, to raise our fares and some very inadequate increases have been allowed; not enough to bring our average yield up to the level we enjoyed in 1962. While airline fares are 6 per cent below 1962 levels, other consumer goods and services, as measured by the Consumer Price Index, have risen 28 per cent.

For all these reasons—the decline in our business as a result of the national economic slowdown, the CAB's route duplication program converting profitable routes into loss routes, the pressure of rising costs, and the refusal of the regulatory agency to allow us rates to cover these costs—we must take still further steps to enable the company to get through this difficult period. While we know that the growth of airline traffic will someday resume, we do not know when this will occur.

In the meanwhile, in order to survive, we must not only continue to economize in all the usual ways, but we must also forego some projects that, while important, are primarily directed toward the future. We must cut out all costs except those immediately required for our operations in 1970 and 1971. This will mean that we will have to postpone some good work. It inevitably means that we will have to lose some good people in the next few weeks. I regret the need to do this; it is a last resort step. But, unless business declines drastically beyond the present low levels, this will be the last group of our good people that it will be necessary to terminate. It is only a slight solace to recognize that our competitors are taking even more drastic personnel action.

When will business snap back? No one knows. The recovery will depend on profits in other U.S. industries and on an increase in consumer confidence. That it will recover, and recover strongly, I am certain. In each of our other recessions, we have seen this happen, and it will happen again. In the meanwhile, we must exert the maximum effort to keep up the quality of our service so that we remain America's leading airline and are able to take advantage of growth opportunities when they occur. The test of a good outfit is what it does when things are tough. We have the chance now to show the full extent of our capabilities.

GEORGE A. SPATER.

MASSACHUSETTS REFERENDUM ON WAR IN VIETNAM

Mr. DOLE. Mr. President, I should like to draw the attention of Senators to the results of a referendum on the war in Vietnam which appeared on the Massachusetts ballot during the November 3 election.

The official figures have now been announced and show that President Nixon's plan for a phased withdrawal from Vietnam received 822,955 votes, while 517,550 favored immediate pullout and 268,025 voted for a military victory. Clearly, a very large majority of the voters in Massachusetts support the President's plan to end the war.

There would seem to be a lesson to be learned from the results of this referendum. There have been many very vocal critics of the President's efforts to end the war in the Bay State. Yet, when the voters of that State were given the opportunity to express their opinions they overwhelmingly supported the President. Perhaps the loudest voices are not the strongest after all.

REDUCTION IN MILITARY SPENDING

Mr. PROXMIRE. Mr. President, the American people have just won a great victory. The $2.3 billion cut from the President's Pentagon budget request by the Senate Appropriations Committee is a major defeat for the Pentagon spenders and a great day for the American taxpayer.

The committee summarily rejected both Secretary Laird's assertion that he had presented a rock bottom budget and his plea to the Senate committee to restore $1.3 billion of the House cuts. Instead, the Senate committee cut almost $400 million below the $1.9 billion reduction by the House.

I welcome the results and believe that the critics of military spending should support the sensible action of the Senate committee when the bill comes before the Senate next week. Because what the committee has done carries out the essential purpose of the Proxmire-Mathias amendment to limit military spending, we do not now intend to offer it on the floor of the Senate.

The significance of the cuts should not be overlooked. While administration spokesmen have repeatedly denounced Congress as the big spender, this action guarantees that more than $1 billion will be cut by Congress from the President's overall budget requests.

While our long struggles over the military authorization bills to cut back on military frills were beaten on the Senate floor, they have now been won in the House and Senate Appropriations Committees.

We have thus achieved a signal success in our fight. We have cut back on wasteful spending. We have increased funds for education, housing, health, and the environment. But at the same time we will have saved more than $1 billion for the American taxpayer. The long fight over spending and priorities is beginning to pay off.

REFUSAL OF NORTH VIETNAM TO NEGOTIATE

Mr. PERCY. Mr. President, I invite the attention of Senators to an article written by the able foreign correspondent Anatole Shub, published in the Washington Post of December 2, 1970. The article, entitled "Bruce Says Reds Won't Negotiate," reports a news conference by Ambassador David K. E. Bruce and the publication in Le Monde of an interview with North Vietnamese Premier Pham Van Dong.

The contrast between the statements of the two men is startling. On one hand, we have Ambassador Bruce deploring the fact that the Communists refuse to negotiate peace terms at Paris, but pledging that he is not prepared to give up. On the other, we have the North Vietnamese Premier calling for a military solution to the war, rejecting President Nixon's peace proposals, and pledging the Communist side to absolute intransigence.

We have the contrast of an American ambassador seeking to negotiate peace and a North Vietnamese premier seeking to insure the continuation of war.

It is time that the American people should know and that all the peoples of the world should know that the Vietnam war continues because the North Vietnamese and the Vietcong will not negotiate to end it. President Nixon's proposals of October 7, 1970, provide adequate foundation for meaningful negotiation which will take into consideration the aspirations of all parties to the conflict. As the Senate resolved on October 8, 1970, the President's peace initiative "is fair and equitable and lays the basis for ending the fighting and moving toward a just settlement of the Indochina war."

So that all Senators may note the contrast in the statements of Ambassador Bruce and Premier Pham Van Dong, I ask unanimous consent that the Anatole Shub report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRUCE SAYS REDS WON'T NEGOTIATE

(By Anatole Shub)

PARIS, Dec. 1.—David K. E. Bruce, the chief U.S. negotiator at the Vietnam peace talks, said today that "there have never been any true negotiations" in the nearly two years of the Paris conference.

The U.S. envoy told a news conference that the talks had provided "a propaganda field day" for North Vietnam and the Vietcong, and that "that is all that has been going on."

Bruce said there has been "no indication whatever" that the Communists were ready to "engage in true negotiation." Instead, he said, the Communist side had stuck to its two preconditions—total U.S. withdrawal and replacement of the Saigon government—which, if accepted in toto, would according to them result in a negotiating posture."

The Communist preconditions remain unacceptable to the United States, Bruce said.

Bruce's negative assessment of the Paris talks, which began on Jan. 25, 1969, and have already lasted 92 sessions, was among the harshest ever put on record by an American official. Nevertheless, Bruce said he "wouldn't think of resigning," since it would be "well worth the effort" to determine whether the Communist stand would "continue to be as adamant."

Bruce's news conference, called to discuss the fate of U.S. prisoners in Vietnam coincided with publication here of an interview with the North Vietnamese Premier, Pham Van Dong, who said, "we will do everything to win the war, not only to win it but—if I dare say so—to do more than win it." The interview appeared in the French newspaper Le Monde.

According to Dong, the war "follows in implacable logic which serves us admirably . . . We are at ease with this logic because we possess its secret, which Mr. Nixon, the White House and the Pentagon cannot understand . . . This is the epoch of the decline of imperialisms, including American imperialism. We play a role in this evolution. We have played it, we will play it—and magnificently . . ."

The North Vietnamese premier made light of President Nixon's policy of "Vietnamization." He said, "All that Mr. Nixon can build is a scaffolding, which can be knocked down in one night."

THE LONG-RANGE OUTLOOK FOR COPPER

Mr. FANNIN. Mr. President, assured supplies of copper and of copper products are vital to the economic well-being and security of the United States.

A comprehensive address on the long-range outlook for copper was given recently by Mr. C. Jay Parkinson, chairman of the board of the Anaconda Co.

In speaking at the Second Annual London Forum sponsored by American Metal Market, Mr. Parkinson explored a number of problems that concern those of us from the major copper-producing States.

Nationalization of American industry abroad, coupled with environmental questions at home, give particular urgency to policy considerations affecting the future of the industry.

Mr. Parkinson's talk is of such significance that I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COPPER—VITAL METAL IN AN ERA OF CHANGE

(By C. Jay Parkinson)

Barring any major depression in the developed countries, world-wide copper consumption should rise on the average 4% to 5% per year during the 1970's. Concurrently, we expect production to increase world-wide at an annual average of 7% through 1973 and thereafter drop to a 3% increase through 1975.

Thereafter, market demand, translated into consumption measured against production, will dictate which and how many new mining properties can be opened and operated and at what rate. Our problem is that consumption is tied to economics and human events. It cannot be represented by a smoothly drawn curved average line on a chart. Actually, consumption represented on a chart looks more like a series of steps with risers and flats and even a worn, depressed area here and there.

The net result of such copper projections would seem to indicate a near balance between supply and demand this year with a theoretical surplus which could develop of about 250,000 metric tons in 1971, 320,000 in 1972 and possibly 500,000 tons in 1973. Thereafter, if the estimated figures are about right, we could see a theoretical surplus mount to about 850,000 tons in 1975 followed by a very gradual closing of the gap to a good healthy balance some time in the very late 1970's or early 1980's.

The term "theoretical surplus" is used to suggest that we can usually count upon having some acts of God and some untoward and unplanned acts of men and governments which reduce production. Accidents, such as slides and cave-ins, shortages of essentials, unscheduled delays, strikes and unforeseen happenings eat more deeply into surplus than planned for by the customary averaging formulas and calculations. Most mining properties have been operating for some time now at maximum capacity to supply the demand. Plants operate more efficiently at about 90% of capacity, and cannot indefinitely sustain production at an all-out rate.

In recent years copper has been seriously challenged by other materials because of metal shortages and dislocation of supply and too high prices. To meet that challenge, we badly need the projected surplus capability in the first half of the 70's to let copper fight back and find its proper competitive position in the galaxy of metallic elements. Perhaps it would be better if we thought of this surplus as being a capacity capability. I do hope we have reached sufficient maturity not to produce substantial excess amounts of metal we can't readily sell by aggressive marketing.

Of course, copper is in a fiercely competitive battle with other elements and materials. Consumer industries can now scientifically evaluate the relative merits of different metals, alloys and materials for every industrial application. In the United States in 1970 over $21 billion will be spent on research and development. As much as $200 million or more will be spent on non-ferrous metals research alone. It is inevitable that this outpouring of research and development activity within the United States, plus very large efforts in other parts of the world, will result in more substitutions for copper and many other metallic elements as well. The copper displacement will likely be particularly evident in the electric power and communications industries as they adopt more solid state devices, cryogenic techniques, multiplexing, lasers, satellites and other technical innovations.

In spite of all this activity the Copper Development Association, after an exhaustive study, has concluded that reports of substitution inroads into copper markets in the United States are "vastly exaggerated," with inroads of 5% or less per year in only a few markets. In all other markets copper has successfully resisted competition and seems likely to continue to do so.

In fact, copper usage in consumer products, building construction and transportation over the past decade has grown faster than those markets themselves. Consequently, many United States producers now feel that the rate of substitution for copper is decreasing and will not be a major threat in the 1970's unless there are some major technological breakthroughs or serious copper shortages, or prices again get to far out of line. This situation may be somewhat different in Europe but new and compensating uses are evolving in all markets and this will be particularly evident in under-developed and developing countries.

Copper has found and is finding new uses and new applications. The trouble is that we have not been able to exploit them for lack of metal, coupled with high metal costs. Copper's pre-eminence among metals will be reaffirmed by a growing demand. The industry's aggressive development programs are expanding copper and copper alloy uses one after another. Let me name some examples: skyscraper curtain walls . . . modern sculpture and decorations . . . automotive power brake systems . . . electric cars . . . huge water desalting and purification plants . . . new "Sovent" drainage systems . . . modern appliances and home furnishings . . . space and environment equipment and guidance systems . . . automation through computer and other electronic controls.

These and other new applications for copper may be reasonably expected to more than offset displacements in the future.

Still another phase of consumption which warrants attention at this time is the increasing quantities of copper that are finding their way into communist and third world markets by means of barter and new trade pacts. While these transactions involve only moderate quantities of copper at present, they do presage a gradually increasing copper consumption in those countries, and a faster rate of world-wide copper consumption in the years immediately ahead.

Before proceeding further it may be well to bear in mind that there is no known industrial metal, including copper, for which the world has a diminishing demand—except during periods of economic recession. We will need each and every element to answer human needs and desires.

Recently the outlook for copper ore reserves has expanded as the industry has succeeded in finding a significant number of both concealed and deeply buried ore bodies in several traditional copper-producing areas, by using techniques and instruments unknown ten years ago. At least ten of these finds are of major size. Also, improvements in mining and metallurgical efficiency have made the mining of lower grade ores profitable, and thus further increased the reserves of mineable copper and other minerals. In particular, mechanization in the form of big trucks, excavators and conveyor belts has increased the productivity of large open pit mines of the so-called porphyry type.

The world's copper reserves can be grouped broadly into two categories, namely large porphyry ore bodies and non-porphyries. The latter type include replacement deposits, fissure veins, bedded sedimentary occurrences and other kindred types found commonly throughout the world. The porphyry coppers are confined largely to the rims of the Pacific Basin extending on the American side from Alaska through British Columbia, Western United States, Mexico and into Peru and Chile. On the Asian side they skirt the island arcs extending from the Philippines through New Guinea and the Solomon Islands and Southern Polynesia. A second major porphyry belt flanks the easterly trending mountain ranges that extend through the Caucasus Mountains, the Middle East and across Southern Russia. It is a reasonable estimate that of the total world reserves of approximately 300 to 350 million tons of copper metal contained in mineable ores at least two-thirds and possibly as high as three-fourths of such total reserves are contained in the two porphyry provinces; one around the Pacific Rim and the other bordering the Russian Steppes.

The rest of the world's significant copper deposits are generally located principally in Eastern Canada, South Africa, a major replacement deposit at Mt. Isa, Australia and, most importantly, the Central African Copper Belt. In Central Africa copper occurs within stratified rocks in high grade concentrations that form a broad arc from Katanga in the Belgian Congo through Zambia. Although the African copper properties, important as they are, do not contain the enormous tonnages of crude ore represented by the porphyry deposits, they are economically of the first order of magnitude because of their high copper content. For the long term, however, the greater part of the world's copper supply will come from the lower grade porphyry deposits.

Of course, world-wide reserves are not the best indicator of primary copper supply near-term for two reasons. First, it takes four to six years to bring significant ore bodies into production. Second, they are nothing but "piles of rock" until money, technology, labor, management, a favorable investment climate, and human ingenuity are brought together to make mines of them. Potential mines exist but real producing mines are made.

In finding potential mines and creating new ones our industry must increasingly rely on new technology. There is time for only a quick review of the changing technological revolution in our industry, the results of which will become more evident as we move more deeply into the 1970's.

We are rapidly developing better exploration tools for locating possible mineralized anomalies and we are hoping, with some encouragement, for a breakthrough that would tell us more about the nature or content of the anomaly. Our techniques in geochemical exploration are improving. We are learning to detect emissions of heat and trace elements from the earth by sensors and photo recording devices flown at high and low levels over the earth which would help pinpoint mineralized areas of interest.

Better drilling tools and techniques have been developed, together with laser-beam surveying and use of drill holes as entry for instruments to tell us much more about the surrounding rock environment than we can learn from just an examination and analysis of the drill cores and cuttings.

The knowledge gained in the geosciences, but particularly in geological interpretation of the earth's history and the drift movement of the continental plates, gives us new opportunity for helpful new regional and environmental mineral concepts. We know much more of how and why mineral deposits were formed and what is good hunting territory. Long range, these and other scientific developments will have more to do with the mineral industry's future than most of the things we fret and worry about.

I expect a renewed interest in men following mining as a career, as they will be stimulated by the varied and changing characteristics of the job. Future operating procedures are going to be so mechanized and computerized that the highest skills and intelligence will be needed. Mine management jobs will be more attractive because of a greater creative challenge and a higher sense of participation. Incidentally, these men will demand and get high pay as an incentive, but they will earn it by their productivity.

We can expect as much improvement in size and quality of equipment and in innovation in open pit mining in the next decade as in the last ten years. You will probably use fifty-yard mobile shovels and front end loaders, 225-ton scrapers, 300-ton trucks, mammoth drag lines and wide, fast and reliable conveyor belt systems for rapid transit. Tomorrow's equipment will not just be bigger—it will also be more flexible and will be designed to fit particular purposes and solve unique problems.

The improvements in underground mining will see even more astounding innovations in better breaking, mucking equipment and methods of transportation and in gathering and storing systems. We are finally breaking away from simply improving what we inherited from the ancient past. We will control conditions underground and get the ore in the plant by new ramp systems, hoisting techniques and even by pumping under certain conditions. We have proved the worth of slurry pipelines for moving concentrates over rugged terrain and can no doubt adapt this principle to broader uses. Of course, we will go deeper into the ground and under the sea to gather the greater mineral wealth that lies there daring our coming to take it.

The marvelous improvements in extractive metallurgy will, in the coming two decades, be like having many of the old alchemist's dreams come true, for we are now beginning to get the construction materials to solve in a practical way some of those laboratory nightmares that defied solution for so long. These techniques will not force abandonment of improvements of what we already have, but we will not be so dependent upon traditional mineral dressing practices and methods. For the first time we have the ability to build and maintain large volume closed circuit chemical processes to win the metal from the rock. These are surely coming to aid in the recovery of copper, lead, zinc, aluminum, nickel and other minerals from complex, low grade and difficult ores, and even from tailings and some waste dumps. As a dividend from pollution control we are going to have enormous tonnages of cheap acid, elemental sulphur and other chemicals for use in solution mining and metallurgical treatment.

Technology can help us to counteract the several diverse pressures leading to higher costs in the mining industry, but some major breakthroughs are needed. One such possibility is that very large and low-grade copper deposits not previously profitable to mine might soon be fractured by nuclear explosion or other high-pressure technique and chemically leached of their copper contents, as is now being demonstrated in uranium mining.

In metallurgy, especially, I believe we are on the verge of discoveries with enormous implications. Our industry is dealing with the metallic elements, those building blocks from which almost everything in the world and the universe is made. We are learning to alter their nature and create new combinations of mineral elements. Of the one hundred odd elements found in nature, about 80% are metallic. Over the eons of the earth's history some of these elements have undergone mutation through high radiation from bursts of solar energy, through exposure to extreme heat and cold and from other phenomena. Now we are learning to create such changes in the laboratory and in production plants through mixing or alloying these elements in a vacuum, in an inert atmosphere, in a magnetic field, under radiation or many other exotic environments and conditions. As a result new materials with new characteristics emerge and we are learning to form, manufacture and use them. There are literally millions of possible new combinations. Having such new elemental materials to work with can and is opening a whole new world of structures and *construction* materials.

Of course, we must realize that it is not possible to have a technologically based society without making some changes in the environment and producing some wastes that require disposal. In maintaining the necessities and amenities of life we have created problems.

I wish there were more time this morning to deal with *man's newest crusade, ecology.* I am proud that the mining industry has, for a long time, been in the forefront of this work. We have done much. More has to be done and in less time. Our job is to see that industry, the government and the public all get their money's worth.

The conquest of pollution and recovery of an acceptable environment will add another cost factor which we cannot recover from waste products nor assess promptly enough upon the consumer. I think we in the United States should apologize for exporting worldwide another problem before we have the solution ourselves.

At the same time we know that this is the first generation which has the skills, sufficient ability and technological know-how to solve these problems if we will orient ourselves and apply them. There will be difficult problems in applying these skills and technologies and in allocating the costs of pollution control. With intensive development of new technological processes and procedures the mining industry is progressing rapidly toward a solution of many of the most aggravating of these problems. It will not advance the cause to enact untimely and excessive pollution standards that cannot be achieved simply to fulfill an emotional need.

A comprehensive study of the problem of pollution indicates and estimates that the rising curve of pollution could be leveled off in the United States in ten to twelve years, without interfering with essential services, through the expenditure by industry and government combined of some $30 billion to $40 billion per year. Initially, we would not have the technology at hand properly to utilize these sums, but if we saved the balance for future spending we would accumulate enough money and knowledge in the course of ten to twelve years to arrest the increase of pollutants, although we would not materially reduce the total volume of them. Moreover, if this were once accomplished we would then have the opportunity, during the second decade, to work upon reduction of pollutants and in time reach satisfactory goals.

Of course, in the end the public will have to pay for this ambitious crusade. Only if we approach the ecological problem gradually instead of convulsively will the increased cost in terms of metal prices be kept at a relatively acceptable and manageable level. What part of these costs will be translated into price is a matter of such factors as what kind of tax treatment the government is going to grant for this type of expenditure. There is also talk of tax incentives to encourage industry to move, such as faster tax write-offs or even tax forgiveness. Suggestions have been made for low interest loans by government. Much will depend on what part government itself is going to play in research and in technological developments in this field, as well as in aiding the financing of the capital investments required. The fact is now that we simply do not have the answers to many of our most pressing and persistent problems.

I think you must appreciate that we have been incurring costs for controlling the environment for a considerable period of time. Anaconda alone has already spent over the years between $75 million and $100 million directly on these problems and currently we will spend $10 million to $12 million per year upon projects to help solve environmental problems.

In the mining industry smelting presents the most immediate challenge because fire metallurgy or burning is the basis of the process. Some major producers, including Anaconda, are now in the pilot plant or advanced stage testing new processes for producing pure copper from concentrates in a closed chemical circuit, thus eliminating reduction by fire metallurgy. Such a system could reduce the cost of smelting and refining as well as eliminate objectionable emissions into the atmosphere.

The increasing amounts that are being spent on pollution controls are, of course, only one factor in the steadily rising cost of producing copper. Since World War II the cost world-wide has been going up, on the average, slightly more than 5% per year. This trend will likely continue. The older producing areas of the world are being tapped of ever lower-grade ores. For example, in the United States back in 1890 the average ore grade was 6% content; by 1925 ore with 1.5% copper was mineable at a profit; and today we are developing both open pit and underground mines with ores containing less than ½ of 1% copper. Throughout the world, the average grade of ore being mined today is about 1% recoverable copper and this grade will be reduced the longer our reserves are mined. Already capital costs for plant have risen from about $1,500 per ton of annual capacity in 1945 to over $3,000 ton of capacity today. One prophetic soul has estimated that this figure will reach $5,000 per ton of capacity by the year 1980.

Assuming the 1970 cost figure is reasonably accurate, when it is multiplied by the tonnage of capacity extensions planned over the next five years we are talking about more than $6 billion in new capital investment. Inevitably, competition for large sums of borrowed money at this time when money is scarce and high cost further adds to the cost, as do increased expenses of operating mines in countries where political developments, extraordinary taxes, tariffs, import duties, etc. are an excessively high additional burden.

In operating economics—the cost of labor particularly—but also prices of certain equipment and machinery are rising much faster than their contributions to productivity.

The collective effort being made by the governments of the Congo, Zambia, Chile and Peru to control production, markets and prices of copper and associated mineral elements is also a factor in the world metal picture. I mention this feature particularly because it will be a dominant factor in the copper scene in the years ahead. It has caused and will continue to cause accelerated development of mineral deposits in many other areas of the world where the atmosphere is considered to be more stable and dependable. It will at the same time tend to discourage the investment of capital and the indispensable technology which goes along with capital in less inviting areas.

The activities of these governments will certainly affect prices, a complicated, controversial and extremely perplexing aspect of the copper business. Political and social forces have played a more influential role in the sharp movements of copper prices over the past several years than has simple competitive economics. As a result, producer-consumer factors and interests have been less influential in the pricing of copper than the inter-play of political events in copper producing countries, hot and cold wars, nationalization or partial nationalization of mines, continuing labor difficulties and the moods and expectations of speculators.

Of course, we have not had a two-price system but a multi-price system in copper. It largely stems from the contrasting pricing policies of the major copper producers versus those of the governments of Chile, Zambia, the Congo and Peru which four countries have an organization called CIPEC. To these prices have been added the Comex Price, the Mexican Price, and the Canadian Price, etc. It is the view of most copper producers that a degree of stability, both as to prices and to production is essential for the well-being of the industry and of the countries where producers are supported in this view by the bulk of the consuming industries and by certain world agencies, including the United Nations.

This viewpoint is not an attempt to thwart the laws of supply and demand—the traditional regulator of price—but it does mean maintaining a range of prices at all times neither so high as to cut consumption and encourage substitution nor so low as to discourage expansion of existing facilities and new mine development.

A policy of very high prices and high profits may serve present needs for foreign exchange and investment capital, but it is not well calculated in the long term to avoid substitution and thus reduce demand. The essential point I wish to make is that both short and long range decisions are made by consumers and producers in the present—now. Therefore, high prices—even for a short period of time—can lead, as does short and undependable supply, to substitution and thence to overexpansion of production capacity.

So long as the CIPEC countries account for a major percentage of copper exports and copper remains in short supply CIPEC policy may survive. But in balanced or surplus periods such as we are now entering, the CIPEC countries may lack the necessary discipline and financial resources to adhere to and enforce a high price policy. If so, rather than give up their role as price arbiters in the world copper market and incur a steady decline in copper revenues on which the governments of these countries depend so heavily they may look increasingly for customers to buy up production under long term contracts outside of established trade channels. This could easily lead to new and diverse trade pacts between individual nations and trade blocs throughout the free world, the communist world and with some third world countries.

It is my opinion that if the copper industry experiences a prolonged period of oversupply in the years immediately ahead we shall see some marked changes in the traditional marketing of copper. Competitiveness is bound to be a larger factor in the 70's than it was in the 60's, for in addition to other competitive factors, we must add statism to the equation.

So the future of copper is tied up not only with matters of ore grade and metallurgical developments, production, capital costs, marketing and price systems, but also and perhaps primarily with political events and climate. The more developed countries of the world whose industry is owned, controlled and operated largely in the private sector and under a free enterprise economy cannot afford to sit idly by while some less-developed or developing countries control markets, prices and use of raw materials to the detriment of the consuming public. The reaction of consuming nations will be and is to develop ore bodies, including large low-grade deposits at an earlier date than would otherwise have been the case. This over capacity excess production situation could badly upset the demand-supply picture as a depressant in the 1970's unless a statesmanlike approach is taken in production and marketing practices and in pricing.

Until now, few nations have had a consistent, well defined national minerals policy. Two notable exceptions are Japan and Germany, which have been singularly successful, although they are not metal producing countries, but metal users. Each has a coordinated plan and an overall direction embodied in an integrated policy backed by their respective governments. And now, in the United States, a national minerals policy law has passed both houses of Congress and appears headed for adoption. More and more nations are becoming aware that they must have a minerals policy consistent with obtaining their metal requirements and utilization thereof. In so doing, they too will encounter the problems of how to apply capital and technology in the underdeveloped and developing nations in a way that will benefit both metal producers and users. Investment goes where it is invited and encouraged and generally stays as long as it is welcome and well treated. There can be no successful transfer of technology and know-how without investment. For investment supplies the motivation and keeps the transfer updated.

One suggestion given at an international banking conference recently is the possibility of creating a new, multi-national entity to insure investments in less stable areas of the world. It seems that multi-national sharing of risks, by offering more protection and certainty than could a single nation agency, would help stimulate and encourage such needed investments. It could also provide a more uniformly available and suitable protective coverage (at a uniform competitive rate), which would also act as a deterrent to expropriation.

It is abundantly clear that in some cases there may be from time to time a desire, or even a compulsion, that production levels, price levels and other aspects of the business be responsive more to localized sociological-political economics than to the hard facts of the world market place.

Such desires could conceivably have some short term advantage but be contrary to long range interests. In the face of localized problems and political pressures preservation of long range interests will require some hard, and often painful, decisions.

There are many people in the industry who are fully competent to deal with the classic mining elements, the geologists, the engineers, the metallurgists, the financial experts, the marketers—but it is going to take something more to deal with this last new element and its consequences.

I believe I said "This is going to take statesmen." It is going to take men in responsible positions in private industry and in government who will look to economics, proven and basic, and to sound business practices, unfettered by short term political considerations, to create and preserve long range benefits and goals and act accordingly.

I believe there are such men. I believe they do exist. I believe that all of us realize that the need for statesmanship throughout the industry was never greater. We can only hope that sound judgments, good reason and high dedication to the overall best interests of all the people, will somehow prevail.

I thank you.

EFFECTS OF TAX REFORM ACT OF 1969 ON OIL AND GAS COMPANY PROFITS

Mr. HANSEN. Mr. President, only 2 days ago, I entered in the Record a report by Price Waterhouse and Co. on the effects of the Tax Reform Act of 1969 on oil and gas company profits and the future availability of adequate supplies of these two vital sources of energy.

I remarked in connection with the report that Federal authorities have imposed on the petroleum industry a regulatory climate that ignores economic reality. The Council of Economic Advisors released their second inflation alert that same day and was critical of the petroleum industry for recent crude oil and gasoline price increases. Also that same day, the Washington Post published on its editorial page a feature story entitled "Looking Into the Price of Oil."

Mr. President, I believe my record here in the Senate has been consistent in support of sound Federal fiscal and monetary policies and in opposition to the continued proliferation of appropriations above and in excess of a balanced budget which in my opinion, has been the chief cause of inflation.

The result has been, of course, a vicious cycle of price and wage increases.

In spite of the administration inquiry into the recent oil price increases and the criticism of the inflation alert report, a fair and impartial investigation will undoubtedly support the basic necessity of the increases if we are to maintain a healthy domestic oil industry capable of developing the reserves necessary to provide the only reliable source of energy that can keep U.S. commerce and industry moving and furnish the oil and gas necessary for heating, cooking, cooling in most American homes.

Mr. President, the Council of Economic Advisors was critical of the increase in the price of crude because, the report said, petroleum inventories are at a level higher than is normal for this time of year and that apparently in response to the high level of inventories, the Texas Railroad Commission has cut back the levels of production in Texas for December. Members of the Council apparently have rather short memories and should look back to September when the chairman of the CEA said in a statement on the fuel situation for the winter of 1970–71, and I quote:

> We call upon the petroleum industry, the coal industry, the railroad industry and others, in the light of the national need, to increase the supply of fuels, as is made feasible by economic factors. We also ask the cooperation of the coal miners, the railroad workers and other fuel and transportation workers to help avert a fuel shortage.

Mr. President, the petroleum, coal, and railroad industries did respond and did so without hesitation. Within a few weeks Gen. George A. Lincoln, chairman of the Oil Policy Committee was able to announce that threatened fuel shortages in New England had been taken care of and that inventories in that area were higher than at the same time a year ago. This was because, Mr. President, the domestic petroleum industry had the excess producing capacity to make up a shortfall of some 300,000 barrels per day of foreign oil and had the capability and flexibility of converting refining facilities to produce some 250,000 barrels of residual fuel oil that was short because of the Middle East situation and tanker shortage.

But as I pointed out, Mr. President, the total imputed industry effect of the Tax Reform Act of 1969 on the industry, based upon the data for 1968 earnings is approximately $658. Those of us who opposed these changes at the time pointed to declining development of reserves of both oil and gas and the need of higher capital and exploration expenditures rather than less.

The added tax burden on the petroleum industry is estimated to be the equivalent of a 25 to 30 cent increase in the price of crude—about the same as the recently announced raise.

After extensive hearings last spring, the House Interior Committee said in supporting the oil import quota program—with recommended changes—that "few, if any, other major industries have done as well in holding the line on price increases as has the petroleum and natural gas industry."

Mr. President, those who insist on more and more imported oil refuse to face the fact that our present energy crunch is largely the result of imports—more than 90 percent of the east coast residual oil and a substantial part of all east coast refinery crude input has been from foreign sources. There have been no quotas on east coast residual imports for several years. The present high price of residual oil is because of almost total dependence of east coast users on the world market.

It is only because of the viability and the flexibility and the State conservation and market demand prorationing laws that the petroleum industry had the capability of preventing a real fuel and energy crisis in the United States this winter.

Assistant Secretary of Interior Hollis Dole recently pointed out the fact that there has been a massive shortfall in crude oil imports to the east coast—300,000 barrels a day—but that the one thing that has kept this event out of the news media has been the increase in production from the prorated wells of Texas and Louisiana.

So the industry that has saved the east coast from its overdependence on foreign oil is now snarled at by those who insist on more imports which are not available even at prices now higher than domestic prices.

But as Secretary Dole says, the east coast is now short at least half of the crude oil imports it would normally receive and not one person in 10,000 is even aware of it because domestic production has made good the foreign deficiency.

Dole warns, however, that—

> . . . if this scenario, or something similar should be repeated a few years from now—and I am ready to predict that it will—then I can assure you that everyone will know about it. There will be grave concern at the highest levels of government, and all kinds of extraordinary remedies proposed, including rationing and end use control and the newscasts and newspapers will be full of accounts of the great oil crisis on the East Coast.
>
> One would have to go back to the months following Pearl Harbor in early 1942 to find a suitable parallel.
>
> This will happen because we are rapidly losing our cushion of spare productive capacity, and at the present rate of disappearance, it will be gone entirely within the next few years. When it is gone, we shall feel—for the first time—the full force of foreign oil supply interruptions directly as they occur. This will be something totally new to our experience: to be dependent upon foreign oil sources not only for a substantial part of our normal supply, but for all our emergency supply. Yet, ironically, it has been the failure of foreign oil supply that has been the cause of all our emergency needs for oil since the end of World War II.
>
> This disappearance of spare productive capacity will have its effect upon the way in which we have traditionally chosen to supply the petroleum needs of our Armed Forces. Currently, more than half of their petroleum support is drawn from foreign sources. The volume of these offshore procurements approximates a half million barrels a day during the current fiscal year. We have been able to do this at an acceptable risk, until

the present, because in a pinch we had the spare capacity in our domestic petroleum logistics system to replace our entire offshore procurement with domestic products and at the same time honor the full requirements of the civilian economy. Our offshore military procurements have, therefore, constituted a latent but non-exclusive claim upon our domestic supply of petroleum products until now.

With the passing of our spare productive capacity, however, this claim will cease to be non-exclusive and instead become preemptive. And it is very likely to do so at precisely the moment when imports to the United States have also been cut off, so that the force of the interruption will fall with double weight upon the civilian economy.

Or listen to what some others have to say about the U.S. oil and gas squeeze. About the time the Chairman of the Council of Economic Advisors and the Director of the Office of Emergency Preparedness were calling on the petroleum industry to bring forth new fuel supplies to make up an import shortfall, an interesting article appeared in the Washington Star. This article points to the Nation's tumbling energy resource structure.

That is not the view of an alarmist, the writer observes, but a documented staff report of the Federal Power Commission.

The article points to the growing self-sufficiency of the Communist world in oil and gas while the United States is rapidly using up its excess capacity and becoming more and more dependent on foreign sources.

The article quotes a former president of the American Association of Petroleum Geologists as saying there is enough crude oil and natural gas beneath U.S. soil and that the future discovery potential of the United States remains very high. But he cites the profit squeeze caused by increasing costs and fairly static crude prices for an almost uninterrupted decline in exploratory drilling for more than 10 years. He adds that now when the Nation needs new discoveries we find the Government cutting tax incentives and threatening lower crude prices by brandishing the club of increased import of foreign crude.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

USE IS SOARING: U.S. OIL, GAS SQUEEZE SUGGESTS FUEL CRISIS

(By Guy A. Goodine)

TULSA, OKLA.—Could it happen to the United States as it did to Japan in the 1940s?

The nation's energy resources structure is tumbling. That is not the view of an alarmist or of an oil industry looking for higher prices. It is a documented staff report of the Federal Power Commission.

The U.S. is using 14.4 million barrels of petroleum products per day. That is an increase of 50 percent over 1958, and it is expected to increase by 56 percent in the next 10 years. Seventy-five percent of the nation's energy is supplied by oil and gas.

During the final stages of World War II, much of Japan's forces were grounded because they did not have fuel for ships and aircraft.

The Arab-Israeli conflict made itself felt in Japan with domestic needs soaring yearly and dependence on imports at a peak.

Now the Communist world is beginning to overtake its problems of self-sufficiency in the petroleum market. The American Association of Petroleum Geologists says Communist China has become nearly self-sufficient with total proved, plus probable reserves, and production showing tremendous gains.

Poland has an active petroleum industry; new discoveries in Hungary are reversing its dependence on imported oil and gas; Yugoslavia's oil industry is growing on all fronts; Bulgaria is in a long-range program expected to double its output by 1980, and the Russian oil industry is booming.

Kenneth H. Crandall, former president of the AAPG, says the U.S. oil industry has found itself in a paradoxical situation.

"The nation's requirements for petroleum products continues its steady escalation and, since new discoveries are not keeping up with rising production, this is resulting in rapid use of our excess producing capacity," Crandall said.

He agrees there is enough crude oil and natural gas beneath U.S. soil and "future discovery potential of the U.S. remains very high."

But he cites the "profit squeeze caused by increasing costs and fairly static crude prices" for an almost uninterrupted decline in exploratory drilling for more than 10 years. He adds now, when the nation needs new discoveries, "we find the government cutting tax incentives and threatening lower crude prices by brandishing the club of increased imports of foreign crude."

Crandall isn't hitting the "panic button" as some congressional witnesses have in testimony that said national security was being jeopardized by lack of petroleum production.

He does say, however, "one cannot help feeling that the U.S. public has not been brought to realize the predicament it is in."

Mr. HANSEN. Another ray of hope, Mr. President, is the final recognition of the dangers inherent in foreign oil dependence by even some from New England, an area whose representatives continue to demand an end to oil import quotas in spite of recent events.

In a speech in October to the Northern Textile Association in Whitefield, N.H., Charles W. Colson, special counsel to President Nixon, reversed his stand on the oil import issue and said that recent events had proved "how questionable many of our basic assumptions were."

Colson was honest enough to admit that he had not fully understood the implications of almost total dependence on supposedly secure foreign sources of petroleum.

> We just can't keep blaming the quota system, even if it is the handiest "whipping boy."

He said:

> The effect of the quota program, while admittedly resulting in higher oil cost to the consumer through the 60's, has left us less captive to the current disruption than we otherwise would have been. If we had not maintained a reserve production capacity in the country, had we not protected the domestic oil industry, had we not maintained imports at something around 12 per cent of total domestic production, we would in New-England and elsewhere today be experiencing a major shortage of oil—not just a tight supply situation. If we had truly become dependent on imports, we might very well be out of oil altogether. In fact, it is the oil import quota program which has protected our domestic capacity which will prevent a shortage.

Mr. President, that is the message the public needs to know rather than the continued attacks by the industry's chronic detractors and the same tired old arguments about State production controls, more imports from Canada while Canada imports more than half her own requirements and singling out the petroleum industry for the threat of price controls which have proved such a miserable failure in the case of natural gas.

Mr. President, the chairman of the Council of Economic Advisors, Dr. Paul W. McCracken recently suggested a reexamination of east coast overdependence on imported oil, particularly residual oil.

In view of the hard lessons learned in the present emergency—lessons some apparently refuse to learn—there may be a need for legislative quotas. The dangers inherent in any significant dependence on eastern hemisphere oil or natural gas may indicate the need for some kind of legislative limitation to guard against a recurrence of the events of recent months and other shortages brought on by Middle East explosions of previous years.

As Secretary Dole noted, it has been the failure of foreign oil supply that has been the cause of all our emergency needs since the end of World War II.

The Senator from New Hampshire (Mr. McINTYRE) and I have debated the shoe import against oil import question before. I note that he has entered in the RECORD, the percent of total market supply of imported footwear which, according to his figures, is estimated at 29.5 percent for 1970.

He says that more than 85,000 job opportunities for American workers will be lost this year because of shoe imports. He predicts that by the year 1975 it is expected that more than 175,000 job opportunities will be lost unless we do something now.

I agree with the Senator from New Hampshire and would like again to point out to him that the penetration of oil imports into the U.S. market is even higher than his figure for shoes, according to the latest statistics.

The 12½ percent of domestic crude production limitation on imported crude is absolutely meaningless because of exemptions and exceptions that have been made in the program since 1965.

As I mentioned, there are no quotas at all on residual imported on the entire east coast and other exceptions have been made for other areas.

The latest figures show that total crude imports from all sources are at the rate of 1,363,000 barrels per day and that refined products, principally heavy fuel oil, are 2,001,000 barrels per day. Domestic production—crude and natural gas liquids—is at the rate of 10,058,000 barrels per day.

That means we are actually importing at the rate of 33.4 percent of domestic production.

So I agree with Senator McINTYRE that we need to realize exactly what is happening to domestic shoe, textile, oil, steel, and other domestic industries.

As one of those who supported shoe quotas in the trade bill, I appreciate

Senator McIntyre's remarks in the Record about those of us who "refused to let a cruel blow be dealt to these Americans by dropping the shoe section out of the trade bill."

I hope Senator McIntyre will be equally concerned about oil workers and, in fact, his own constituents who could find themselves in for a cold winter were it not for the domestic oil industry.

Those who continue to assail the petroleum industry in the interest of consumerism may actually be doing the American consumer a great disservice.

I believe the American consumer would prefer to pay a fair and equitable price for a secure and dependable supply of gas, oil, gasoline, and electricity rather than save a few cents on a foreign supply that could be curtailed or cut off at the whim of a dictator or by the joint action of oil producing nations. About three-fourths of the known free-world oil reserves are in the Middle East and North Africa, certainly not one of the more stable areas of the world.

The Price Waterhouse study of 38 American oil companies to which I referred shows that despite a 7.9-percent increase in revenues by the group in 1969 over 1968, net income fell 1.6 percent. On domestic operations, the rate of return declined from 12.2 percent in 1968 to 11 percent in 1969, and this rate of return was significantly below the average return of 11.7 percent reported for all manufacturing companies.

Those who continue to single out the oil companies for price policies that are inevitable if they are to remain solvent choose to ignore the facts brought out in the Price Waterhouse report.

Rather than the continued harassment to which America's principal energy industry has been subjected it is past time that the Federal Government offered some encouragement toward development of the domestic energy sources necessary for our rapidly increasing future requirements.

And the public should know that compared with other prices, crude oil, home heating oil, gasoline, and natural gas have not reflected the inflationary trend nearly as much as other products, and that the petroleum industry has absorbed a large part of its higher labor, steel, machinery, and other costs in an effort to avoid price increases.

THE SON TAY RAID

Mr. FULBRIGHT. Mr. President, the specter of American servicemen languishing in North Vietnamese prisons and the thought of wives and families not knowing the fate of men missing in action in Vietnam stirs our emotions. None of us like this situation. All of us would like to have these men back and for these families to be reunited.

This was an emotional matter long before the recent unsuccessful effort to rescue POW's from the compound at Son Tay, near Hanoi. Based on mail I have received in the last few days, that effort and subsequent publicity have made it even more of an emotional issue, to the extent that it frequently obscures reason.

I was aware that in questioning Defense Secretary Laird when he volunteered to testify before the Foreign Relations Committee that I would inevitably be accused by some of disparaging those who conducted the raid or not caring about the prisoners. Nothing could be further from the truth, as I pointed out at the time of the hearing.

On a number of occasions I have stated my position on this subject. I have corresponded with constituents and other interested persons, and I have, like most Senators, met with families and friends of those missing or held captive. My position has always been that the only sure way to bring all our men home—including the prisoners—and to insure that the POW list does not grow is to bring an end to the war, and I have dedicated myself to this purpose.

In June 1969, I wrote a letter to Ho Chi Minh, then the North Vietnamese President. In this letter, sent with the approval of the Department of State, I referred to the question of the prisoners as a "purely humanitarian one" and made a personal appeal for names of American prisoners to be made public.

I ask unanimous consent that the text of my letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

June 26, 1969.

President Ho Chi Minh,
Hanoi,
Democratic Republic of Vietnam.

Dear Mr. President: I am sure that you know how much I would like to see an end to the war in Vietnam which has brought such sorrow to the people of your country as well as to the people of mine. One of the most tragic consequences of any war is that questions which seem obviously to be purely humanitarian in nature often become enmeshed in political and military issues.

One question that seems to me to be in this purely humanitarian category is the identity of those being held as prisoners of war. The anguish of those American families whose men are missing in Vietnam is all the more severe when they do not know whether or not these men are alive because they do not know whether or not they are prisoners.

I am writing to make a personal appeal to you to make public the names of those Americans you are holding as prisoners of war. I believe that such an action on your part would have an important beneficial effect on public attitudes in this country.

Sincerely yours,
J. W. Fulbright,
Chairman.

Mr. FULBRIGHT. Mr. President, shortly before his death, I received a letter from Ho Chi Minh, dated July 25, 1969. I would like to quote one relevant paragraph:

> With regard to captured American military men, the question will be solved at the same time as the whole of the 10-point solution. It cannot be taken up as a separate issue, and the Nixon Administration must bear full responsibility for the delay in the settlement of this question as well as that of the Vietnam problem as a whole.

Earlier this year, at a time when Americans were being urged to write the Premier of North Vietnam on this subject, I wrote to the Premier, Pham Van Dong. To this date I have received no reply.

I ask unanimous consent to have my letter of June 24, 1970, printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

June 24, 1970.

His Excellency Pham Van Dong,
Premier of the Democratic Republic of Vietnam, Hanoi.

My Dear Mr. Premier: A year ago I wrote President Ho appealing to him to make public the names of those Americans your Government is holding as prisoners of war. I now make the same appeal to you to publish an official list of those American military personnel held prisoner by your Government.

In his reply to me, President Ho stated: "With regard to captured American military men, the question will be solved at the same time as the whole of the 10-point solution, it cannot be taken as a separate issue. . . ."

The terrible plight of prisoners should not be involved in a dispute over political and military issues. Irrespective of the nature of the conflict, a prisoner is, in the words of the Geneva Convention of 1949, in the hands of a detaining power "as a result of circumstances independent of his will." He should be promptly identified, afforded an adequate diet and medical care, permitted to communicate with other prisoners and with the exterior, promptly repatriated if seriously sick or wounded, and at all times be protected from abuse and reprisals. These are purely humanitarian considerations, not political or military.

We know that the war has brought tragedy, sadness, hardship and uncertainty to the people of your country, as well as to people of mine. I am, in my official capacity, doing everything I can to end this tragic affair, and believe that any humane action on your part in regard to American prisoners of war would have an important beneficial effect in hastening this objective.

Sincerely yours,
J. W. Fulbright.

Mr. FULBRIGHT. On October 3, 1969, I placed in the Record a resolution passed by the International Conference of the Red Cross and a message from the American Red Cross, calling on all parties in Vietnam to adhere to the Geneva Convention of 1949 on the protection of prisoners of war. I associated myself with this appeal and indicated my strong support for the efforts of the Red Cross. I said:

> I abhor, as I know all Senators do, the fact that North Vietnam has failed to abide by the provisions of the Geneva Convention on Treatment of Prisoners which it signed.
>
> The leaders in Hanoi should know that the American people, although divided over the war, are united in their concern for American prisoners; wherever they may be held.
>
> I have done everything within my power to persuade the North Vietnamese to give decent treatment to U.S. prisoners and to release their names. I shall continue to do so.

In a letter of the same date I informed Mrs. Bobby Vinson of Alexandria, Va., now national coordinator of the National League of Families of American Prisoners of War and Missing in Southeast Asia, of a conversation with Prime Minister Alaf Palme of Sweden in which I raised this problem.

Mr. President, I ask unanimous consent to have this letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

June 8, 1970.

Mrs. Bobby Vinson,
Alexandria, Va.

Dear Mrs. Vinson: Mr. Hoyt Purvis of my office has told me of your interest in having me discuss with the Swedish Prime Minister the matter of American prisoners in North Vietnam. I did raise this question with the Prime Minister when he came to the Committee last Thursday, and he assured me that he is attempting to do everything he can to persuade the North Vietnamese to treat the prisoners with consideration and, if it is at all possible, to have those who are sick released. He has already taken the matter up on other occasions, and he says he will continue to do all that he can.

With best wishes, I am,

Sincerely yours,

J. W. Fulbright.

Mr. FULBRIGHT. Mr. President, I have cited these several examples as evidence of my continuing concern about this matter. There appears to be an effort on the part of some to imply that those who question our policies in Vietnam do not care about the prisoners. This is as absurd as the implication during the recent political campaign—which the American people did not buy—that law and order is a partisan issue. It is not a partisan question, just as the matter of the prisoners is not a partisan one, but a humanitarian question, which transcends political differences.

I must state, however, that I remain unconvinced that the commando raid on Son Tay was the best way to bring about the release of all the prisoners, despite the courageous and bold action of those who took part. As I understand it, if the raid had been successful, some 15 to 70 POW's might have been rescued. This assumes that all the prisoners, some of them undoubtedly enfeebled, would have made it. The planners must also have assumed that there would be no retaliation against the other Americans being held prisoner at other places, an assumption I hope is valid but do not believe is well founded. I understand there are more than 400 Americans known to be in North Vietnamese hands and about 400 listed as missing in action in North Vietnam.

Since the mission was undertaken, I certainly wish it had been successful, although there apparently had been no prisoners at the camp for as long as 3 months prior to the raid. One of the disturbing aspects of the mission, however, was that it was undertaken in concert with a number of other actions which many would interpret as an escalation of the war, calling into question this administration's intentions. I refer to the air strikes on targets near Son Tay—which the Secretary of Defense originally denied—and the subsequent bombing in the southern part of North Vietnam.

Additionally, I am disturbed by the administration's lack of candor about this whole series of events. According to press reports, the news of the Sontay raid was made public to avoid a new "credibility problem."

The New York Times of November 29 reported:

> Hanoi kept charging casualties far to the north, near its capital, however, and the Pentagon could not satisfy reporters' suspicions.

The December 7 issue of Newsweek makes this report:

> At first, the Administration hoped to keep the raid a secret. Despite North Vietnamese claims that U.S. planes had bombed targets near Hanoi, killing 49 civilians and injuring a number of POWs, Pentagon spokesmen insisted that U.S. bombers had not ventured beyond the 19th parallel, some 140 miles south of the enemy capital. But when it became apparent that this contention was not universally accepted, Secretary of Defense Melvin Laird decided to "go public" on the POW operation. . . . Laird gave a partial account of the raid at a Washington news conference. But he still insisted that no "ordnance" (bombs, rockets or shells) had been used north of the 19th parallel. And he said that Son Tay had no connection with the panhandle strikes.

The Secretary was quoted in the Washington Post and other newspapers as saying:

> There was no ordnance involved as far as North Vietnam was concerned above the 19th parallel involved in those diversionary missions which were flown by the United States Navy.

When Secretary Laird requested to appear before the Foreign Relations Committee the following day, November 24, he did not alter this position.

But, as Newsweek reported:

> Still, many observers harbored a suspicion that the full story had not yet been told, and on Thanksgiving Day their doubts were confirmed by an apparent Presidential indiscretion. At a White House dinner for recuperating servicemen, Mr. Nixon confided to some of his guests that air strikes had been conducted in the vicinity of Son Tay to provide cover for the raid. The next day, Pentagon officials confessed that ordnance—including Shrike air-to-ground missiles—had indeed been used against enemy emplacements. But they argued that the civilian casualties claimed by Hanoi could have resulted when North Vietnamese missiles fell back to earth.

In this connection, I would also like to refer to three highly significant articles which appeared in the Los Angeles Times yesterday, December 3. One of these articles, by David Kraslow, reports that the raid on Sontay was conducted without consultation with the Central Intelligence Agency, which would certainly seem to be a most unusual procedure for this type of operation.

It has become clear beyond any doubt whatsoever, that the Central Intelligence Agency was not consulted, nor its advice requested on the subject of the presence of American prisoners at the Sontay prison at the time of the raid or during several weeks preceding the raid. Months before the raid the CIA supplied the Pentagon officials a description of the physical characteristics of the prison, but not about the presence of prisoners. Obviously the failure to ask the CIA about the prisoners' presence was not an oversight.

A second article, by George McArthur, states:

> Some intelligence experts in Saigon—while denying specific knowledge of the event—think it is almost certain that leaders of the commando raid on Son Tay knew the camp was empty.

The third article is a report on a press conference held by Brig. Gen. Leroy J. Manor. General Manor is quoted as saying that American prisoners of war "probably" were being removed from Sontay about 3 months ago, just about the time the group of commandos began training for the mission.

Mr. President, I ask unanimous consent to have these three most informative articles, and an editorial, from the Los Angeles Times printed in the Record at this point.

There being no objection, the articles and editorials were ordered to be printed in the Record, as follows:

[From the Los Angeles Times, Dec. 3, 1970]

Nixon, Laird Ordered POW Raid Without Consulting CIA

(By David Kraslow)

Washington.—President Nixon and Defense Secretary Melvin R. Laird gave the go-ahead order for the raid on the Son Tay POW camp in North Vietnam without consulting the Central Intelligence Agency, The Times has learned.

Key senators who have been concerned about the possibility of an intelligence failure and who have been quietly probing into the background of the mission were incredulous when they learned that the CIA was not involved.

It's absolutely incredible," said one influential senator familiar with defense and intelligence matters and who has not been critical of the Administration's policy in Vietnam. "What the hell do we have a CIA and a director of central intelligence for?"

"INCONCEIVABLE" WITHOUT CIA

A former senior official who had been intimately aware of the operations of all government intelligence agencies for years said he would find it "inconceivable" to launch something like the Son Tay raid without bringing in the CIA.

Senate sources indicated that CIA Director Richard Helms may have been advised of the Son Tay operation in its early planning stage—perhaps in August or September—but that neither he nor the CIA was further consulted before the Nov. 20 raid at the camp, just 23 miles west of Hanoi.

What is particularly troubling to competent observers in Congress and elsewhere in the government is that they have believed for some years that the CIA has had agents in North Vietnam.

What information the CIA had or might have been able to obtain from agents or by other means on whether U.S. prisoners were at Son Tay before the raid was ordered could not be determined.

The CIA declined to comment on that or on the question of whether it had been consulted in the Son Tay operation.

A Defense Department spokesman said "we absolutely won't talk about" the nature or source of the most recent official intelligence available to Laird and upon which he relied in recommending execution of the Son Tay mission.

WHITE HOUSE "CAN'T TALK"

A White House official said, "I won't say one way or another whether the CIA was involved. I just can't talk about it."

Other sources said they were certain that other than interviews with the nine U.S. prisoners released by North Vietnam Laird relied on information supplied by the Defense Intelligence Agency, the intelligence arm of the Pentagon.

"I can assure you," the White House official said, "that the intelligence available to the President on this matter was as good as it could have been."

That is precisely the question that has caused deep concern in Congress, the State Department and elsewhere since the Son Tay raiders returned empty-handed and since Laird's vague testimony on the intelligence issue before the Senate Foreign Relations Committee Nov. 24.

The critical question in this regard came up in the following exchange between Sen. John Sherman Cooper (R–Ky.) and Laird:

Cooper: "Are you able to state the period of time in days between the date when prisoners of war were identified as being at this camp and the date of your mission?"

Laird: "Well, that would be very difficult. Of course, we know that, for a fact, prisoners were there because of the information from the very few prisoners who have come out of North Vietnam. But to give the dates and the movements of POWs, we do not have that kind of intelligence on the ground.

"That capability would be a tremendous asset, just as the capability of having a camera that would see through the roofs and into the cells would be a terrific asset. But we do not have that in the intelligence community at the present time."

THE 50–50 CHANCE

Cooper: "Then it was largely the photographs of the camp itself which led you to attempt the rescue mission?"

Laird: "That was, the overwhelming evidence was, of course, attributed to the very fine aerial reconnaissance which we had of the area . . ."

Laird repeated throughout his testimony: "I cannot fault the intelligence that was supplied to us" even though no POWs were found.

A White House official emphasized Wednesday that the President knew when he ordered the raid there was only a 50–50 chance that prisoners were still at the camp, but that he believed it was worth trying.

Even within the Administration, key officials are troubled over the implications of launching an operation as sensitive as the Son Tay raid without tapping the resources of the government's principal intelligence arm, the CIA. The general feeling is, at the very least, that it was imprudent.

QUESTION REMAINS

"I can't understand it," said one qualified State Department official. "It might not have made any difference in the end. The decision might have been the same. The DIA (Defense Intelligence Agency) might well have had the best available information. But not to seek the counsel of the agency whose business it is to find out what is happening in other countries is certainly a departure from established and sound practice in national security decision-making."

Why the CIA was not consulted is a question that may well be put to the Administration by either the Senate Foreign Relations Committee or the Senate Armed Services Committee.

While the White House and the Defense Department will not acknowledge that the CIA was excluded from the Son Tay operation, at least in its critical stages, it is conceded that the agency was not represented at the "decision meeting" with the President two days before the raid.

At that meeting at the White House on Nov. 18 were Laird, Secretary of State William P. Rogers, Henry A. Kissinger, Mr. Nixon's adviser for national security affairs, and Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff.

NO SIGNIFICANCE

Asked why Helms or some other CIA representative was not present, a White House official said: "It doesn't mean a thing. It has absolutely no significance."

Helms did attend a National Security Council meeting with the President the following day, but the Son Tay mission was not discussed.

The White House official confirmed a published report that the President slipped Laird a note on Son Tay during the meeting.

Paraphrasing the President, the official said Mr. Nixon wanted to assure Laird that he believed the planning of the mission to be carried out the next day had been superb and that there would be no second-guessing by the President no matter how it turned out.

[From the Los Angeles Times, Dec. 3, 1970]

LEADERS OF RAID BELIEVED AWARE CAMP WAS EMPTY

(By George McArthur)

SAIGON.—Some intelligence experts in Saigon—while denying specific knowledge of the event—think it is almost certain that leaders of the commando raid on Son Tay knew the camp was empty.

It is inconceivable to some old hands knowledgeable about clandestine operations in Vietnam that a raid of such importance would be mounted on the basis of three-week-old intelligence—as the Pentagon's public statements seem to indicate.

It is equally inconceivable that up-to-date aerial photos were not available to Brig. Gen. LeRoy J. Manor, who masterminded the swoop on the prisoner of war camp 23 miles west of Hanoi.

DETAILED PICTURES OBTAINED

Even though the weather was bad in the region prior to the raid, it was not that bad all the time. Furthermore, aerial reconnaissance would not have disclosed American intentions. U.S. planes have been photographing, or trying to find, prisoner camps for four years. Startlingly detailed pictures can be obtained from planes flying miles overhead.

If this scenario is true and reasonably recent photos were available, it follows that Manor as well as Secretary of Defense Melvin R. Laird and President Nixon were well aware that American prisoners at Son Tay had been moved.

(In Washington, a White House official firmly denied, as did Defense Department spokesmen, speculation that the President and Laird knew no prisoners would be found at Son Tay but ordered the raid for other reasons.

("The President realized there would be other benefits from the mission," the White House official said, "but the primary purpose was to free our prisoners even though there was the clear possibility all along that no one would be at the camp.")

However, the view of Nixon-Laird awareness that the prisoners had been moved was indirectly supported by the raid's leader, Col. Arthur S. Simons, in his press conference statements in Washington after the raid. Asked if he blamed the absence of prisoners on an intelligence failure, he replied:

"I am not sure what you mean by an intelligence failure."

He was then asked if earlier remarks that the prisoners had been gone for three weeks indicated a lack of daily aerial reconnaissance of the camp. He replied:

"I cannot comment on the question."

Laird added: "We were reasonably confident that this particular location had been used."

Men associated with efforts in South Vietnam to rescue prisoners point out that being reasonably confident a site had been used in the past would not meet the absolute intelligence requirements one would normally expect for such a mission.

Official spokesmen at the headquartrs of U.S. Gen. Creighton W. Abrams have consistently refused all comment on the Son Tay raid. Similarly, the headquarters of Air Force commander Gen. Lucius Clay is under orders to say absolutely nothing.

Privately, however, officers in both headquarters have been engaging in some occasionally far-out speculation. It may be more than speculation, but no one will admit to any hard knowledge of the Son Tay raid and it is likely that such information is restricted to only a handful of very top-ranking people.

This speculation holds that the Son Tay raid was a carefully prepared exercise to demonstrate to Hanoi that U.S. forces could safely pierce North Vietnam's air defenses at will. The Son Tay raid was a natural complement to the major air strikes of Nov. 21–22, which were largely mounted for the same purpose.

The intent was to show Hanoi that despite continuing troop withdrawals from South Vietnam, the Nixon Administration was capable of powerful retaliation and was willing to risk considerable worldwide displeasure in using it.

Some sources consider that Laird's original contention that the raids were centered on missile and antiaircraft positions was a smokescreen. The real target was the supply line running down the coast which was bulging with East bloc trucks and other supplies being stockpiled for movement over the Mu Gia Pass onto the Ho Chi Minh Trail.

It is known that the Air Force had been itching to get at these supplies for several weeks before North Vietnam shot down a reconnaissance plane Nov. 15—the incident which outwardly triggered the aerial spectacular of Nov. 21–22.

DAMAGE UNREPORTED

Since the air raids on Nov. 21–22, the Air Force has released no assessment of the damage caused. Nor has there been any indication as to how many planes struck supply dumps and how many went after missiles and antiaircraft sites.

Sources in Saigon say, however, that the total number of sorties flown over North Vietnam was about 400. It is likely that a majority of these strikes went against supply dumps after the first wave of planes struck antiaircraft defenses.

Spokesmen at 7th Air Force headquarters in Saigon say that any bomb damage assessment, known in Air Force jargon as BDA, will have to come from Washington. In the past, such photo reconnaissance information was almost routinely released in Saigon.

Sources in Saigon say preparations for the big raids had been in the works for some time. Detailed target information already was available when the photo reconnaissance plane was lost over North Vietnam Nov. 13.

That incident provided justification for the raids and was seized upon immediately by those officers at 7th Air Force who already had been advocating a strike.

No one in Saigon is speaking officially on the subject of just when the Son Tay raid became part of the picture. Preparations for that also had been underway for several months, according to the Pentagon. It had been conceived as far back as August.

The decision to stage the two raids simultaneously was natural, military officers say, once it was decided to retaliate for the loss of the reconnaissance plane.

The planners in Washington, however, had to be aware that the raid on Son Tay probably would have more widespread repercussions in Hanoi than the air raids below the 19th parallel.

Retaliatory air raids have been staged frequently and the people of the north are accustomed to them. Hanoi's propaganda machine also has mentioned commando raids in the past, but these were, by inference, coastal probes designed to "sabotage" roads and bridges.

The landing of uniformed American soldiers in helicopters a bare 23 miles from Hanoi is another matter. It was a clear demonstration that installations almost anywhere in the north are vulnerable to similar attacks. This point was not dependent on the rescue of any prisoners at all.

That is why many knowledgeable people in Saigon believe the raid went on regardless of the presence of prisoners.

Son Tay had been "cased" since last August and later Pentagon information and interviews with the men showed that the preparations had been meticulous. The chances of getting in and getting out unscathed were judged excellent, and this was certainly a major factor.

[From the Los Angeles Times, Dec. 3, 1970]

POW's Moved 3 Months Ago, General Believes

(By Stuart H. Loory)

Eglin Air Force Base, Fla.—American prisoners of war "probably" were being removed from the Son Tay camp in North Vietnam, about three months ago, just about the time a group of commandos started training for a rescue mission, according to Brig. Gen. Leroy J. Manor.

The general, who commanded the daring mission, made the revelation at a press conference here Wednesday in which he also disclosed for the first time that the courtyard inside the supposed prison had been converted into a "garden plot" but that this had not been detected by American intelligence.

In fact, he indicated, photographs which showed the topographical changes inside the compound were misinterpreted.

"I would not say that the intelligence on the camp was not good," Manor said in replying to a question, "in that it had been identified some time ago as a prisoner of war facility. Unfortunately we were not able to tell exactly when they moved the prisoners of war. That's mighty difficult to tell."

The general saw no intelligence breakdown indicated in the fact that the prisoners could have been moved as much as three months before his men swooped down on the tiny compound only 23 miles west of Hanoi on Nov. 21 in the hope of liberating as many as 100 Americans.

GARDEN PLOT

When the first elements landed inside the camp, they found that what they thought from photographs was a prison courtyard had been turned into a garden plot, according to the general.

"There was evidence that the inside of the compound had been tilled and a garden plot had been planted inside the compound," Manor said.

Later when asked if aerial reconnaissance photographs had indicated the agricultural use to which the area had been put, Manor answered that the "photos showed us there was activity in the compound. This would lead one to believe that that activity was caused by prisoners of war if you assume that this was a prisoner of war facility."

His words here, once again, were confirmation that the raid was planned on an "assumption" that the prisoners were in the compound but no hard evidence.

Manor would not say, as other officials have refused to in the past, what the last date was that the United States had definite information that prisoners were being kept at Son Tay.

PRISONER LAYOUT

Asked what evidence the commandos had found after they had landed that the compound, which measured 185 feet by 132 feet, had been turned into a POW facility, Manor answered:

"The only evidence found that it was in fact a prisoner of war facility was the type of construction, the size of the cells and the whole layout.

"As far as how long ago it was evacuated, this is very difficult. We have said several weeks. Probably as long as three months. But again this a rather indefinite answer because the type of construction that is used in that part of the world will deteriorate rather rapidly when it is not being used."

If the prisoners had indeed been taken out three months before the raid, that would have been exactly the time training for the mission began in the scrub lands of this vast base—the largest single facility in the Air Force, covering 744 square miles along the Gulf of Mexico in Florida's Panhandle.

Secretary of Defense Melvin R. Laird has testified that he gave the go-ahead for training for the mission Aug. 11 and that actual training began Aug. 20, three months to the day that President Nixon gave the final authorization for the raid.

Thus, if Manor's estimate is correct, the whole operation, which stretched halfway around the world in scope and involved all three military services, was doomed from the beginning.

While the newly installed garden plot was growing at Son Tay, the commandos and their Air Force transport teams were practicing for the raid. They constructed a rough dummy of the compound and made, according to Laird, some 150 practice assaults at night-time.

PRECISE TRAINING

The training, Manor revealed, was so precise that experts here even developed a way to simulate the light of a quarter moon as it would shine on Son Tay the night of the mission.

Then, before the detachment left for Southeast Asia, the whole facility was dismantled to maintain security.

Despite all the problems with locating the prisoners, Manor said he would not only be willing to do it all over again but that it was his personal belief that future rescue missions should be attempted. He volunteered the belief that the North Vietnamese, as a result of the raid, would be even more strict in their security around prison camps.

The general said, however, that he knew of no plans for future raids.

President Nixon, Laird and Ambassador David K. E. Bruce, head of the American negotiating team in Paris, have all left open the possibility of future raids to liberate prisoners.

When a reporter asked Manor why it would not be feasible to land "a division" or an "Army size unit" in North Vietnam to rescue prisoners, the general replied:

"I would hope that it would be feasible," continuing:

"Speaking from a personal point of view, yes, I definitely would recommend more such raids."

[From the Los Angeles Times, Dec. 4, 1970]

POW "Rescue" Issue Remains

Once again, as so often before in the long, sad war, events have raised troubling questions about American activities in Indochina. This time they concern the American prisoners in North Vietnam and our attempt to rescue them and such attempts as we may make in the future to help them.

Let it be said at the beginning that had the rescuers who so bravely landed at the Son Tay camp found prisoners there and brought them out, no one could have faulted the operation.

One might have wondered privately about the effect of the rescue on the well-being of the remaining prisoners, but one could have said, with thankfulness, that at least some prisoners were free from those sufferings that we can scarcely imagine, try as we may to summon up our dread and pity.

But the prisoners were not there. Thus, the operation failed. It was, as Vermont Royster of the Wall Street Journal has eloquently pointed out, an honorable failure, the kind of honorable failure the people of pride, accept.

Only it wasn't presented by the Administration as an honorable failure; it was presented as some kind of success. At which point we ourselves began to feel a little uneasy, if only because the distinction between success and failure has been blurred rather too often already in this terrible war. Our uneasiness was not diminished by the revelation that the prisoners had been gone for some time, perhaps as long as three months.

Now comes the authoritative report in The Times Thursday that the go-ahead order for the operation was given without consultation with the Central Intelligence Agency.

A little background is in order. The CIA and the Defense Intelligence Agency divide the responsibility for securing information about North Vietnam. It appears that the defense agency is responsible for intelligence, evidently mostly secured from aerial photographs, about military operations in North Vietnam; the CIA, for intelligence about the country itself, its government, the people's attitudes and so forth. The CIA, obviously, has agents in North Vietnam.

Maybe the CIA could have contributed no useful information about the presence of prisoners at Son Tay. But one would think it would have been prudent to ask. One would think the CIA would have at least been asked its assessment of the effect of the raid, whether a success or failure, on the welfare of the remaining prisoners and on the attitudes of the North Vietnamese at the conference table and on the battlefield.

As Times Washington Bureau Chief David Kraslow reported, knowledgeable men in Washington thought the lapse "incredible." Odd, at least.

One wonders why the CIA was not consulted. In so important an operation it could not have been carelessness. The lapse inevitably raises the difficult but natural question: How important was it to the planners that the prisoners actually be in Son Tay?

That question, taken with the repeated warnings, or threats, by American officials that some kind of further military action may be taken in regard to the prisoners, puts the U.S. public, it seems to us, in the position of suspecting—but not knowing—that a chance of tactics or strategy may be in the wind, and that it may be a fairly dramatic change.

Mr. FULBRIGHT. Mr. President, this all too familiar pattern of denials and then gradually shifting stories and rationales is hardly the way to avoid a new "credibility problem."

In the week in which the Son Tay raid was carried out, 65 or more Americans were killed in action in Vietnam, raising to 44,056 the number of Americans killed in action. Another 8,849 have died of nonhostile causes and 292,167 have been wounded in action. South Vietnamese battlefield casualties now stand at 116,187 killed and 247,247 wounded. The U.S. Command said 1,073 North Vietnamese and Vietcong were killed during the week, raising the number of enemy claimed killed to 683,533.

I continue to assert, as I have on innumerable occasions, that the only sure way to get the prisoners out of those prison camps, and to get all our men home, is to negotiate a settlement of the war, just as the French did 16 years ago. If we were determined seriously to negotiate, to make a forthright declaration about the withdrawal of American troops from Vietnam, I think we could see real progress in the Paris peace talks.

Every bereaved and sorrowful relative of a prisoner of war knows that as a practical matter there are only three ways of having their loved ones returned to them.

First, there is the possibility of rescue missions of the kind tried at Sontay. That mission failed and it is exceedingly unlikely that future missions of that kind could be mounted without heavy loss of life among those who would be rescued and those who would rescue them.

Second, prisoners might be recovered by large-scale invasion and by winning the war by use of every item of warfare in our vast arsenal. Neither President Johnson nor President Nixon have been willing to take that step with its enormous worldwide consequences and vast sacrifice of additional lives.

Finally, prisoners might be recovered by bringing the war to an end by negotiations.

Of these three courses it seems to me that the quickest, surest, and most rational way to proceed is to take that step which the French took in 1954 when they realized that their involvement in Vietnam was destroying their Nation at home. They decided to leave by a certain time.

Within a matter of a few months their troops and prisoners of war had returned home.

Mr. President, I spoke earlier about this matter being a highly emotional one. The mail in recent days has brought me a number of thoughtful letters from concerned citizens. It has also brought me many highly irrational communications from persons who frequently have not tried to ascertain what my position really is, or what actually occurred in the events surrounding the Son Tay raid. Obscene and vituperative letters are nothing new, but I have received a particularly large number in the last few days.

As an indication of the kind of irrationality and emotion aroused, and to demonstrate the depth of feeling on this issue, I would ask unanimous consent to have some of these letters printed in the RECORD.

I regret that this kind of attitude exists on an issue about which all of us are greatly concerned. I do not believe it in any way contributes to the solution of the problem.

Mr. President, I have deleted the names from these letters although they are on file in my office.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MONTICELLO, ARK.

Senator WILLIAM FULBRIGHT.

DEAR SENATOR FULBRIGHT: As citizens of the State of Arkansas, we are writing to inform you of the shame we now feel that you, as our Senator, have brought upon us. Your Socialistic views which have been flaunted before the entire country have not reflected the beliefs which are basic to all of us as Arkansans.

Your recent actions and public expressions against the Prisoner of War Campaign were humiliating to us as United States citizens, and especially as residents of the Great State which you so poorly represent.

Be assured that our votes, though they went to you in the last Senatorial election, will not be cast for you in the future.

OSSINING, N.Y.,
November 30, 1970.

DEAR SENATOR FULBRIGHT: I wish to express my concern with your remarks concerning the recent POW raid in North Vietnam and your inexcusable lack of concern for our POW's. I wonder if the raid were successful, would you still maintain your stand against it? Why have you never spoken out against the intolerable conditions of our men, and my husband are enduring and why haven't you offered any constructive plan for their release? The relatives and friends of our POW's and MIA's are deeply upset with your apathy on this issue.

Sincerely,

———— ————.

NOVEMBER 23, 1970.

Senator WILLY FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Since you are such a hack for negotiation I have a suggestion which you might pass on to the negotiating "team" in Paris—let's offer one Senator from Arkansas for one of our Prisoners of war. I'll bet after 30 minutes you'd be happy for someone to send in a rescue mission. In fact—I'll bet you won't even follow my suggestion, even though you seem to think the commies are just a nice little peace loving group.

I want our boys out of Vietnam—all of them.

Where do you stand?

MCLEAN, VA.,
November 24, 1970.

J. WILLIAM FULBRIGHT,
Senator from Arkansas,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Tonight I observed your performance on TV harassing Secretary of Defense Laird as he explained the efforts of the army and air force volunteer commandos in trying to rescue some of our POWs in North Vietnam. In my judgment your performance in downgrading the superb effort of these men is beyond reason and not at all suitable for a Senator of the United States.

My wife and I are from Paris, Arkansas, both vote in Arkansas and we consider our home Arkansas. My family and my wife's family are Arkansans and I am truly ashamed of the performance of one of my Senators.

I have, in the past, admired your reasoning and writings on some of our political problems; but today was the lowest level I have ever observed of your actions. Any American who shows such calloused reasoning in behalf of the well being of our suffering prisoners of war is, in my opinion, not fit to be a Senator of the United States of America.

This is my first letter to any public official who represents me in our government, and it reflects my deep resentment to your actions today.

The only way you can ever redeem yourself, in my estimation, is by a public apology to the entire American people, particularly the families of the POW's, on a nationwide TV hookup. I will be looking forward to your acquiescence to this request promptly.

I intend to make this an open letter and forward a copy of it to the editors of the Arkansas Gazette, Arkansas Democrat, Fort Smith Times Record and the Paris Express. By this tactic I hope to influence other Arkansas citizens to also look forward to a public apology by you on this episode.

Mr. FULBRIGHT. Mr. President, I would also include an editorial which was mailed to me from Vincennes, Ind. I do not know where it was printed, but that does not matter. It is fraught with inaccuracy and misstatements of fact, and I cite it only as another example of the irrationality which pervades the Nation.

However, as I stated earlier, I have received many thoughtful and perceptive letters and likewise I have seen a number of newspaper articles and editorials which reflect more careful consideration of the facts and reality. One is an editorial entitled "Reescalation," mailed to me from the Bergen, N.J., Record, and another is from the Pine Bluff, Ark., News. I ask unanimous consent to have these printed in the RECORD, along with a column by Mary McGrory in the Washington Evening Star of December 1 entitled "Our 'Moral Victory' at Son Tay."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HE SHOULD BE ASHAMED

In one of the more disreputable performances by a representative of the American people, Senator J. William Fulbright managed to out-Fulbright Fulbright.

The engines on the helicopters had scarcely cooled before the Chairman of the Senate Foreign Relations Committee scheduled a hearing, complete with full television coverage, to question the intent and the intelligence of those who planned an attempt to rescue American prisoners of war held by North Vietnam near Hanoi.

No one questions what Fulbright's intentions were and are. His intentions are to seize upon every incident to criticize any policy or any action that lacks his personal blessing. This senator from Arkansas is not concerned with national policy, or with the lives of American men in Vietnam. He is concerned with personal pride and privilege.

If he was concerned with American prisoners-of-war, who are dying in the hands of their capricious. cruel captors, it was not apparent in either the tone or direction of his questions. If the proud man from Arkansas believed praise should be given to the men who took part in the daring rescue attempt, no such note of appreciation was to be found in his manner or words. If, indeed, this was anything but another attempt to gain personal exposure to a wide audience for the benefit of J. William Fulbright, it was hard to find that other reason.

What may have escaped the average American is the fact that most meetings or most Senate committees are closed to the public. The Fulbright hearing on Tuesday afternoon was as carefully staged as any dramatic production. The reporters who attend were there by invitation, by the sufferance, if you will, of J. William Fulbright who intended to have his day in the spotlight.

And he had it.

There are few times when Americans can be thoroughly ashamed of a public representative. This was one of those moments.

Only a little less unsavory was the round of approving laughter from some of the reporters at the more pointed Fulbright jibes aimed at establishing the ignorance and intellectual futility of the men who ordered the raid. If Fulbright needs a cheering section, he should not find it among men whose job is supposed to be reporting, not spectating nor participating in such a session.

The most charitable judgment is that this was a calculated effort to make personal capital out of a national agony. The fate of the men held prisoner is a matter that should weigh on the conscience of every American. The lot of prisoners does not appear to be of serious concern to this senator.

The men who undertook the raid deserve praise and commendation, not indirect censure. Secretary of Defense Melvin Laird, who publicly accepted responsibility for the raid, should receive general support for having the courage to act in an effort to rescue the prisoners.

The man from Arkansas who sits in the Senate is beneath contempt.

[From the Bergen (N.J.) Record, Nov. 27, 1970]

The Reescalation

If this new bombing of North Vietnam and the attempt to rescue prisoners of war precipitate thoughtful new examination of why we remain in Vietnam they will have served a good purpose.

The war is a disaster both within the United States and as a matter of foreign policy. This country is the most powerful in the world, and it is engaged in war with an almost invisible power all the way across the Pacific Ocean.

The United States demands for itself the right to fly reconnaissance flights over enemy territory, to use weapons of mass annihilation on civilian populations, to sustain a foreign government that cannot sustain itself, and to lay down unilaterally the conditions under which peace can be restored to a country that has been battered since 1954.

Meanwhile in the United States no town has known the terror this country imposes on the people of Vietnam. Suppose Ridgewood were bombed tonight by a great enemy nation; suppose we—like the people of North Vietnam—had no air force to retaliate or to use in defense; suppose in our Civil War, for example, France and England had intervened on the side of the South; suppose the atrocities now being charged to American troops were being perpetrated on us by a foreign power whose history bore testimony to its racism.

What would our attitude be?

Let it be conceded, if it is any comfort, that once the United States perceived a clear obligation to enter the war in southeast Asia. That obligation has manifestly been discharged, at enormous cost in human suffering and money.

Now we are engaged in what President Nixon calls withdrawal. But the raid on North Vietnam, doubly explained as vengeance for attacks on reconnaissance planes and as an attack on supply stores, testifies we are laying down the conditions for our withdrawal. Those conditions come close to a demand that the enemy quit.

And the raid in an effort to rescue prisoners of war is directly contrary to the policy in the Pueblo affair. At that time we feared reprisals against unrescued prisoners. This time the rescue would have saved only a handful of men if it had been successful. Again the implication is not that we wish to negotiate an acceptable peace but to win outright.

We ask too much, and, given our size and power, we stand as a bully in world opinion. We want to get out, there is no doubt of that. But the present policy insists that we get out on terms that will somehow save our face before the world.

But at what a cost if we lose face at home, here where we cannot believe our own government's claims that it disengages and turns the war over to the Asiatics? The cost strikes us hard in our economy, in the brutalization of ourselves and the men we send to Vietnam, and in our faith in ourselves and our reputation for decency.

The Senate Foreign Relations Committee plans new hearings on Vietnam. Let the hearings be implacable in determining what we think we are doing and what we actually are doing. Perhaps a way out can be found. For example, we could simply withdraw.

[From the Pine Bluff News, Nov. 30, 1970]

Vietnam: A Rice Paddy View

Another indication of the futility and the senselessness of our Southeast Asian policy of the past five years and the costly military action is has kept us embroiled in, came to us first hand the other day.

It came to us from a Vietnam veteran who had served both in combat and in administrative areas in the war zone for the past year.

This particular veteran, an Arkansas boy who shall remain nameless, a reasonably bright and observant young man, was queried about the actual conditions in the war zone, and particularly about the attitude of the Vietnamese people—the man in the street, so to speak.

How do they feel about the Americans being there? There is very little expressed reaction one way or another, said the veteran. The people tend to ignore the soldiers as much as possible.

"Generally the major contact with the people is with the kids—they're always trying to sell you something," he said.

The attitude towards the war and what we here in America are told we are trying to achieve for the Vietnamese people (establish a free and independent nation living under a democratic form of government as a block against the spread of world communism) is generally one of bland indifference. It's simply a way of life that they've become conditioned to through a quarter of a century of fighting up and down their country. They see the past 25 years as one of continuous struggle for existence as the fighting raged around them, according to this veteran, with only the names and the faces of the fighters changed from time to time.

How do they feel about the Viet Cong? Pretty much the same as they do about the Yankees—the only difference he could tell was that they liked the Americans a little better because they could sell them things. When the Viet Cong came they just took what they wanted.

Admittedly, the true perspective of United States foreign policy, the overall picture that must be considered, and an understanding of all ramifications of policy-making cannot be observed from the sloshing mud of a Vietnam rice paddy or a grubby hole covered by a thatched roof hut in a sweltering Southeast Asian jungle.

But it's a picture that some of our politicians and high-level policy-makers could profit by seeing.

[From the Washington Evening Star, Dec. 1, 1970]

Our "Moral Victory" at Son Tay

(By Mary McGrory)

What could be more appropriate than for a sports-loving president to derive his philosophy of government from a famous sportscaster? Grantland Rice's motto suffices Richard Nixon in matters of foreign policy and personnel:

"He marks—not that you won or lost—but how you played the game."

The raid on Son Tay provides the perfect illustration of how to view failure as success. "One of the best raids that was ever made," is how the Presidnt described it to the soldiers who were his guests at Thanksgiving dinner.

Among those who noted the perhaps niggling detail that there were no prisoners in the camp was the vice president, who may be acquiring a dangerous reputation for realism in the White House stockade.

He had previously called the election results—since billed as triumphant—"bittersweet." And when he heard about Son Tay, he said, with a number of other Americans, that there had been a "lapse" in intelligence.

Secretary of Defense Laird, who had gone up to Capitol Hill to tell doubting senators that they had missed the whole point of the exercise, explained the vice president's lapse by saying he had been "out of the country."

The secretary's testimony suggested that those in the country who could not perceive the "excellence" of the intelligence that brought the raiders to an empty camp, failed to admire the valor of the men who made the attempt or to sympathize with the plight of the prisoners, who now know, according to the secretary, that "America does care."

The administration never makes the mistake of assuming decency on the part of the dissidents. During the campaign, those who did not rail about "law and order" were accused of favoring anarchy. Those who question the raid are heartless.

The crass standard of "mission accomplished," which is the world's, is dismised at the White House. And it applies equally in domestic affairs.

Consider the case of Interior Secretary Walter J. Hickel, who got the ax on Thanksgiving eve, not for his performance, it is clear, but for his attitude.

The secretary had been competent by the old way of thinking. He had overcome the suspicion and hostility of the conservationist. By word and deed, he had demonstrated that he cared about the beasts, the birds, the seas and the forests.

But at the White House, he was known only as a letterwriter. Last spring, at the height of the uproar over Cambodia, he took pen in hand to advise the President to listen to America's youth. He let his missive fall into the hands of the press.

Retroactively, it seems a wise precaution. The President hates being told to listen to the young, and when his own appointee, former Pennsylvania Governor William W. Scranton, returned a report on campus unrest, which advocated the Hickel course, the President refused to read it, or at least to say he had.

It is interesting to note that the man who went to measure Hickel for his official coffin was none other than the attorney general, who has made several boners in line of duty.

Last year he dug up two unsalable Southern judges as Supreme Court candidates, and thus engineered two humiliating defeats for the President. Did the President turn on Mitchell? No indeed. He scooped him up for a boat ride down the Potomac, and together they composed a bitter reproach to the senators for, of all things, "sectionalism."

And in that regard, one might observe that Sen. Roman Hruska, Republican of Nebraska, who sealed G. Harrold Carswell's doom by admitting he was "mediocre," was rewarded for ineptitude by being permitted to recommend a new federal judge.

And Daniel P. Moynihan, who was the father of the family assistance plan, was discovered to be President Nixon's selection for ambassador to the United Nations the very day the bill was voted down by the Senate Finance Committee.

The attempt is everything, as we learn from the White House perception of the election returns. Wrote Robert Finch, presidential counselor, in a letter to editors: "The nation can be proud that the President had the courage to go out against long odds to fight for candidates who supported his policies." Never mind those 11 governorships the Democrats picked up. If you read the Redskins scoreboard right, they're champions, too.

The pity is that having come so far down the road of failure-that-is-really-success, the President does not take the last step which could make further raids on POW camps unnecessary.

Two years ago, Sen. George D. Aiken, Republican of Vermont, proposed that Americans make "a unilateral decision of military victory" and bring the boys home. Pulling the wool over one's eyes has become a reflex at the White House, and since everybody has been conditioned to see the triumph that escapes the first hasty view, nobody would be surprised to hear the President announce that we had won the war.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business? If not, morning business is concluded.

EXTENSION OF CERTAIN NAVAL VESSEL LOANS

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the Clerk will state.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 1403, H.R. 15728, an act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations without amendment, and from the Committee on Armed Services with an amendment.

The amendment of the Committee on Armed Services is as follows:

On page 2, line 5, after the word "Turkey", strike out "and three submarines to the Republic of China".

Mr. STENNIS. Mr. President, this bill was originally referred to the Committee on Armed Services and considered by that committee, and then, under agreement with the chairman of the Committee on Foreign Relations, we asked that it be sent to the Foreign Relations Committee, and they have considered it.

They have submitted a report which is favorable to the passage of the bill.

I am glad to say that we have the special services of the Senator from Hawaii (Mr. INOUYE), who conducted the hearings on the bill for the Committee on Armed Services, and brought in a report to the full committee; and I am delighted that he is here now, and will handle this bill, representing our Committee on Armed Services. There is a matter, which he will mention, about one provision in it which I shall handle on behalf of the committee.

I yield to the Senator from Hawaii, asking him if he will yield first to the Senator from Vermont (Mr. AIKEN), who has a word on behalf of the Foreign Relations Committee.

Mr. INOUYE. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, through the cooperation of the distinguished chairman of the Armed Services Committee, the Foreign Relations Committee received unanimous consent from the Senate to consider the ship loan bill and report back within 2 weeks. The committee appreciates very much the courtesy of the Senator from Mississippi in agreeing to this arrangement.

The Foreign Relations Committee held a public hearing on the bill and the full transcript of that hearing is printed in the committee's report. Although some members of the committee have reservations about this program, a majority has approved the bill as reported from the Armed Services Committee. I join with the chairman of the Armed Services Committee in recommending its passage.

The report which the Committee on Foreign Relations has made is quite informational. I shall not ask to have it all printed in the RECORD, but I think that the first three pages constituting the preliminary part of the report, would be of considerable interest, and ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the excerpt from the committee report (No. 91-1391) was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill as amended would authorize the extension of existing loans of one submarine to Greece and one submarine to Pakistan. It would also authorize new loans of two destroyer escorts to the Republic of Vietnam, and two destroyers and two submarines to the Government of Turkey.

This bill would authorize extending, for an additional 5 years, loans of two ships originally loaned under previous congressional authorization. Both the submarine loaned to Greece and the submarine loaned to Pakistan were loaned under the act of October 4, 1961 (75 Stat. 815). Each of these loans requires congressional authorization for extension. The bill would also authorize new loans of two destroyer escorts to the Republic of Vietnam, and two destroyers and two submarines to the Government of Turkey.

In addition to authorizing the extension of the existing loans and the making of new loans for periods of 5 years, the bill authorizes an additional 5-year extension of these loan agreements, at the discretion of the President.

BACKGROUND

Before 1951 U.S. naval vessels could be transferred to foreign nations under the provisions of the Mutual Assistance Defense Act of 1949, as amended. Public Law 82-3, approved in 1951, requires that a battleship, carrier, cruiser, destroyer, or submarine that has not been struck from the Naval Register may not be sold, transferred, or otherwise disposed of without express approval of the Congress. Since 1951, 15 ship loan authorization bills have been enacted and there are now 74 combatant ships out on loan to 17 countries, as follows:

Argentina—two submarines, three destroyers.

Brazil—two submarines, six destroyers.

Chile—two submarines, two destroyers.

China—six destroyers, one destroyer escort.

Colombia—one destroyer.

Germany—five destroyers.

Greece—two submarines, six destroyers.

Italy—five submarines.

Japan—one submarine, two destroyers, two destroyer escorts.

Korea—three destroyers, three destroyer escorts.

Netherlands—one submarine.

Pakistan—one submarine.

Peru—two destroyers.

Philippines—one destroyer escort.

Spain—one helicopter carrier, one submarine, five destroyers.

Thailand—one destroyer escort.

Turkey—five submarines, two destroyers.

These ships can be recalled to meet future U.S. defense needs, although since they are old and much of their equipment is outmoded, when measured by current Navy standards, they are not likely to be of any further practical use to the United States. During the last 8 years none of the eight loaned ships returned to U.S. custody has been restored to the fleet or mothballed; all were sold for scrap.

COMMITTEE CONSIDERATION

On November 19, after H.R. 15728 was reported by the Senate Committee on Armed Services, it was referred to the Committee on Foreign Relations with instructions to report the bill back to the Senate within 2 weeks. The committee held a public hearing on the bill on November 30 at which it heard testimony from Mr. Thomas R. Pickering, Deputy Director, Bureau of Politico-Military Affairs, Department of State, and Capt. G. M. Hagerman, U.S. Navy, Director, Foreign Military Assistance and Sales Division, Office of the Chief of Naval Operations. The transcript of that hearing is appended to this report. The committee's concern with the bill was principally in terms of the foreign policy issues involved and the relationship of the ship loan program to the military assistance and sales programs, which are under the committee's jurisdiction. On December 2 the committee agreed to report the bill without further amendment.

CHANGES IN EXISTING LAW

This bill does not change existing law but rather creates an exception to it. The relationship between the bill and existing law is set forth on pages 6-8 of Senate Report 91-1349, the report of the Committee on Armed Services on this bill.

Mr. INOUYE. Mr. President, the measure before us has been considered by two of our most important committees, the Committee on Foreign Relations and the Committee on Armed Services.

The bill as reported by the House of Representatives included, among other things, the loan of three submarines to the Republic of China. This item has been deleted from the bill. Otherwise, the bill that is being considered today is identical to the House bill.

This bill would authorize the extension of existing loans of one submarine to Greece and one to Pakistan. It will also authorize new loans of two destroyer escorts to the Republic of Vietnam, and two destroyers and two submarines to the Government of Turkey.

The bill would authorize extending for an additional 5 years, loans of two ships originally loaned under previous congressional authorization, which are, as I have mentioned, this submarine to Greece and one to Pakistan.

The bill, in addition to authorizing the extension of existing loans and the making of new loans for a period of 5 years, would authorize an additional 5-year extension of these loan agreements at the discretion of the President.

Mr. President, it should be noted that before 1951 U.S. naval vessels could be transferred to foreign nations under the provisions of the Mutual Assistance Defense Act of 1949, as amended. Public Law 82-3, approved in 1951, requires that a battleship, carrier, cruiser, destroyer, or submarine that has not been struck from the Naval Register may not be sold, transferred, or otherwise disposed of without express approval of Congress.

Therefore, since 1951, 15 ship loan authorization bills have been enacted, and there are now 74 combatant ships out on loan to 17 countries.

Mr. President, at some later point, after my chairman has spoken, I shall propose an amendment to this measure.

I should like to speak briefly on the amendment now.

My amendment would strike out all of line 7 and a part of line 8 of page 1 of the bill. In other words, it would strike the following language:

> Greece, one submarine (Act of October 4, 1961 (75 Stat. 815)) and,

Mr. President, I shall not burden the Senate with another long, detailed discussion of the Greek regime. I believe there can be little doubt that the present government in power in Greece can be characterized as a dictatorship. It is an administration that has been compelled to resign from the Council of Europe, and has been isolated from the democratic countries of Europe. I believe my colleagues are sufficiently aware of this fact, and I hope will find its authoritarian policies reprehensible.

So, Mr. President, rather than use my time this morning to belabor this point, I wish to concentrate my focus on the effects of the Senate action if we were to deny an extension of a loan of a submarine to Greece.

It should be noted that the submarine is presently in the hands of the Greek Navy, and as long as the U.S. Government has not formulated any means to recover any ships under this loan program, the Greek Navy, for all intents and purposes, will continue to retain control of the ship, in spite of whatever amendment we may pass here. Since the enactment of the ship loan law, we have had 74 combatant ships loaned to 17 countries. There are some ships being held now by foreign countries that are held, in my mind, illegally, because no extensions have been made. For example, this Greek ship; the loan was made in 1961. The law provides for a 5-year loan, and an extension should have been made in 1966. But as the State Department indicated, because of the sensitive nature of the conditions then existing in Greece, negotiations were not carried out. Finally, after much goading by the U.S. Government, we entered into negotiations with Greece and came up with this agreement to extend the loan.

What I am proposing is to deny this extension of the loan, as a symbolic gesture on the part of the U.S. Senate. It should be noted by those who are concerned about the effect this amendment may have on our NATO commitments that this submarine is in the hands of the Greek Navy and is presently performing antisubmarine warfare service as part of the Greek NATO role. Since the ship will remain in Greek hands, it will continue to bolster our security in the eastern Mediterranean.

While it is true that the Greeks may decide to withdraw the submarine from NATO support out of spite and because of this amendment, this action on the part of Greece can be taken for whatever reason they want, and we would have no recourse, as I have pointed out.

At the present time, a Latin American country is holding a destroyer, and they have held this destroyer for more than 5 years, without authorization. The State Department and the Defense Department have tried to conduct negotiations to sit down and come to some agreement on extension of loans, but the other country refuses to do so. So we have a similar situation in the case of Greece.

In other words, Mr. President, I do not expect my amendment to have any massive political, diplomatic, or military repercussions; but what I hope to accomplish today through this symbolic gesture—I repeat, this symbolic gesture—is a reaffirmation of the American commitment to democratic ideals. My amendment offers an opportunity to all Members of the Senate to express their opposition to dictatorship, without undermining in any way our own security in the eastern Mediterranean. It goes without saying that we have dealt with, and are presently dealing with, dictatorships in defense of our own Nation. So some may ask, "Why are we picking on Greece?"

Mr. President, like most of my colleagues, I was taught when I was very young that Greece was something special. It was something more than just a country, and was not a country that was prone to petty authoritarian coups. I was taught that Greece was the home of democracy, that the word "democracy" came from Greece, and that our own concept of democratic government is an outgrowth of the ideas that flowered there more than 2,000 years ago.

We owe Greece a great deal for its contributions to Western civilization, and particularly to our country. We must not turn our backs on this great land in her time of need, but we should seize this opportunity to tell the world, clearly and loudly, that the easy path of political expediency has not swayed our commitment to democratic government all across the globe.

Mr. President, it is my privilege to manage this bill, and I will recommend that the bill be approved; but I hope that prior to approval, my amendment to delete the Greek submarine will be adopted by the Senate.

I have been advised that the chairman of the committee, the distinguished Senator from Mississippi, wishes to say a few words on this measure.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. AIKEN. If the Senator's amendment is adopted, Greece would hold this submarine illegally. Greece has had it for 10 years. It was an old, conventional submarine when it was first loaned to them. Does the Senator think that the standing of the United States in world affairs would be improved by adding to the list of countries that hold American property illegally? As the Senator has mentioned, there is already one in South America. We have not attempted to recover it. The old destroyer probably is not worth recovering.

If the Senator's amendment is adopted, what will be the effect on the other countries in the Middle East which look to the American Navy now for protection, since the American Navy depends upon some advantages it gets from Greece for maintaining our strength in that area? Do we improve the security status of the United States by putting Greece in the position of holding an American ship illegally. If any country holds our ships illegally, what do we do about it? Do we go in after them?

Mr. INOUYE. I shall be very happy to respond to the Senator. I am pleased that this opportunity has been given me.

The submarine in question, the one covered by my amendment, was loaned to the Greek Government on October 4, 1961; and if the provisions of our laws were applied, the extension of this loan should have been made prior to October 4, 1966, at the expiration of 5 years. In other words, from October 4, 1966, to date, the Greek Government has held the submarine illegally, as other ships are being held by other countries.

This is one of the matters that I reported to my committee, suggesting that the Committee on Armed Services look with great concern on this program; because, actually, this program is not a loan program, in my eyes. It is just a grant program. If the recipient country refuses to relinquish these ships voluntarily, it would take almost an act of war to seek the return of these destroyers and submarines.

But I would say, Mr. President, that if this amendment is adopted, we would stand taller in the eyes of many countries. It would show that instead of just talking about democracy, we have decided to take a step—not a big step, but a step. Our Government has indicated that the United States is concerned about the dictatorship in Greece. As a result of this concern, we have said that we will not sell or provide military grants to Greece. Furthermore, policy decisions have been made to the effect that major military systems will not be given or loaned to Greece.

I feel that this amendment is in line with the policy of the Government of the United States. It is true that our administration has expressed its concern and distress over the regime in Greece. I would hope that Congress would be given an opportunity also to express its concern and distress over the regime in Greece, and this amendment provides the opportunity.

So far as the matter of ships being held illegally is concerned, I am certain that the recipient countries are laughing up their sleeves, because all we can do at this point is to be very courteous diplomatically and almost beg for the return of the ships.

Because of this situation, I have suggested to my colleagues on the Committee on Armed Services that a full-scale study should be made of this program. If it is going to be a gift program, then let us call it a gift program. If it is going to be merely for diplomatic purposes, although I cannot see how our security is bolstered in the Pacific Ocean by Peru and Chile owning destroyers, so obviously it is for diplomatic purposes, then let us call it a diplomatic gift but let us not continue to fool ourselves as though it will bolster our security.

I am very glad the Senator from Vermont brought up that point.

Mr. AIKEN. May I say to the distinguished Senator from Hawaii that we are not too much in disagreement on this. I know that there are people in this country who disapprove strongly of the present Greek Government, but we also know that there are advantages to our Navy by extending this loan. We know that all the ships which have been loaned to other countries were considered virtually obsolete at the time they were loaned, and have become more obsolete every year since. The few that have been returned to the United States from the lendees have been consigned to the scrap heap when the foreign country no longer wanted them. That will probably happen eventually to the 74 which are now out on loan.

But, I do not believe this is a good way to handle the situation any more than the Senator from Hawaii does.

In the course of the hearings I asked Mr. Pickering, representing the State Department, this question:

> If none of the ships are likely to be used again by our Navy, why don't we give them away under the military assistance program or sell them instead of going through this procedure of passing a bill and requiring special agreements with all the political liabilities that this entails. Mr. Pickering, have you the answer to that?

His answer was that under present law they have to do it this way.

It seems to me that is not a good way to do it. The ships have virtually no value themselves except what they are worth as scrap. I agree that this is not a good way, but I am a little bit skeptical about taking this way to express our disapproval of the Greek Government, because the next thing we know, someone will want to do something to express disapproval of another government. I do not know which government but, of course, we can find something to disapprove of in actions of many governments.

May I say, they also reciprocate and very generously.

I do not know what the distinguished chairman of the committee thinks but I would rather not see this amendment approved even though it may have merit and would constitute a disapproval of the present Greek Government. As I say, we cannot stop with Greece. There are a lot of other countries whose actions we do not agree with.

Mr. STENNIS. Mr. President, in response to the inquiry of the distinguished Senator from Vermont (Mr. AIKEN), the committee considered the amendment as offered by the distinguished Senator from Hawaii (Mr. INOUYE), and decided against it and passed the bill with this Greek ship in it, for a continuation of the loan.

For that reason, representing the committee, I shall oppose the amendment when it is offered.

Going back to the Senator's question about the system we are using, in 1951 we passed a law restricting the power of the President to loan or give these ships away. We just said it could not be done without the authority of Congress.

Just for the record, let me read the pertinent part here:

> The sale of these stricken ships by the Navy is based on title 10 United States Code 7307 which states:
>
> "(b) Without authority from Congress granted after March 10, 1951, no battleship, aircraft carrier, cruiser, destroyer, or submarine that has not been stricken from the Naval Vessel Register under section 7304 of this title, nor any interest of the United States in such a vessel, may be sold, transferred, or otherwise disposed of under any law."

So, since then, we have had to pass a law each time these matters came up for renewal or for additional loans or grants. It is a congressional assertion of its authority, which is the reason we held these loans.

Mr. AIKEN. Mr. President, it has been pointed out that last year the Senate did pass a resolution expressing its disapproval of the present Government of Greece.

Mr. STENNIS. Yes; that is true.

Mr. AIKEN. I do not believe that anything we might do in the nature of an amendment to this bill could strengthen that position at all.

Mr. STENNIS. Mr. President, I shall not detain the Senate but for just a few minutes longer. The Senator from Hawaii has presented fully the entire bill and has given the reasons for the committee's action thereon.

I repeat, solely for emphasis, that the bill went then to the Committee on Foreign Relations, and the Senator from Vermont (Mr. AIKEN) is here now to speak for that committee. That committee filed a formal report requesting that the bill pass in its present form and without an amendment.

Just one further word about this policy on the ships. The only way any nations can get naval vessels, the larger ones, is for someone to sell them to them at a great discount or loan them to them under certain conditions, because they cannot build them themselves, and they cannot buy them themselves.

Thus, it is a question here now of the extension of a loan to Greece. The submarine is actually in the active inventory and use of our NATO forces there, along with the rest of the Greek Navy, which is more formidable than one might think, especially in total numbers. There is something on the order of 113 vessels in all, I believe, in its navy—but most of the vessels are quite small.

We disagree with the form of the present Greek Government. I certainly do, and I suppose all do, and we have so asserted in the resolution; but, at the same time, they are there, in a most vital spot, they are an essential part of the NATO line, and in manpower are represented by a sizable army and a navy that is big enough to count. Inasmuch as they are right on the front line, I believe, as a practical matter, that was the reasoning of the membership of the committee.

Although we were clearly in sympathy with the Senator from Hawaii in his ideological views, as a practical matter we did not want to disturb this condition there with reference to the Greek submarine.

It is true, the time has run over for renewing the loan. That is because we have delayed the passage of this bill.

Mr. AIKEN. The loan will not expire until next February, I understand.

Mr. STENNIS. My information is that it expired in February 1970, which is this year, according to the testimony by the Navy.

Mr. AIKEN. Well, that is not too important.

Mr. STENNIS. No; I do not believe that is controlling at all.

Mr. AIKEN. We shall have to have our advisers get together on it.

Mr. STENNIS. I was quoting from the record supplied by the Navy. But that is not at issue. That is not the point. The question is, as I understand it, on the ideological side of the comments of the Senator from Hawaii.

Mr. AIKEN. May I make a correction. My adviser says that the chairman of the Armed Services Committee is correct.

Mr. STENNIS. I thank the Senator from Vermont. I knew that is what we had here.

Mr. AIKEN. I believe it is well to admit mistakes as soon as possible after they are made.

Mr. STENNIS. I would not call that a mistake by the Senator. It was just an error of information, temporarily—I repeat, temporarily. It is a wholesome thing, though, to have something like that happen here on the floor of the Senate.

Mr. President, that concludes my remarks, I hope the bill will be passed as reported by the two committees. We had a unanimous vote in the Armed Services Committee, except for the Senator from Hawaii.

Mr. GRIFFIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. GRIFFIN. Of course, I am not a member of the committee, but I did recently attend a meeting of the NATO Parliamentarians at The Hague with a number of my other colleagues, and I became very much aware and conscious of the importance of our NATO force and particularly, right now, in the Mediterranean.

The distinguished Senator from Mississippi said that Greece is in a vital position but it is also a crucial time, as the Russians have increased their naval strength in that area.

I therefore must associate myself with the remarks of the distinguished Senator from Vermont (Mr. AIKEN), the ranking member on the Committee on Foreign Relations.

In the past we have many times helped other nations when it was in our national interest to do so, even though we did not agree with the government of the particular countries. This is going to be true with respect to the request which President Nixon is sending to Congress at this time.

I do not suppose that we would agree necessarily with the governmental structures of all countries involved in the supplemental appropriations request. However, our interest is involved. The question is, What is in the interest of the United States?

Many people have said over and over that we do not want to try to use our assistance to mold or change the internal affairs of other governments. I think that we have been getting away from that kind of policy. I think that is to the good. We are concentrating more on what is in the interest of the United States.

I agree with the statement of the Senator from Mississippi and the Senator from Vermont.

Mr. STENNIS. Mr. President, I thank the Senator very much. He makes it very clear and forceful as a result of his contacts with NATO.

It makes us feel good to know what is going on in that part of the world, in Turkey, Greece, and the other countries.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I rise in support of the renewal of the loan of the submarine to Greece. After all, what is the purpose of this? The purpose is not only to assist Greece, which is part of our NATO force, but it is also to assist our own national security. Greece is on our side. We need all the support and help we can get in that part of the world to support the position of the United States.

Mr. President, I remind the Senate that Greece has paid $1 million to have this ship overhauled. It has paid $243,000 for a replacement battery for this submarine. This adds to the value of the ship.

I also remind the Senate that Greece did get valuable antisubmarine warfare training from the use of this submarine. For what purpose? To aid NATO. What is NATO for? It is to help much of the free world. That means the United States.

I would also remind the Senate that since April 1967, the current Government of Greece has continued to meet its NATO commitment and has provided facilities for the use of the U.S. military. This is more than some other countries have done.

If we are not going to stand with these countries that stand with us, whom are we going to stand with? We need the support of Greece, whether we like the present Government or not. Greece is on our side. They are on the side of freedom. It seems to me that this is the kind of country we must assist in this critical period.

I also point out that during the operations of the 6th Fleet, including periods of tension such as the recent Mideast crisis, Greek ports are available to the U.S. Navy on short notice and without hesitation for maintenance and rest, thus decreasing the time required for ships to be off patrol station. For example, units of the 6th Fleet made more than 250 port visits during November 1970.

What would we do without the assistance of Greece? They are willing to help us in our operations.

I also remind the Senate that assistance to the U.S. Navy has been afforded in the use of the shores of Crete for amphibious landing exercises and the harbor at Souda Bay for the refueling of 6th Fleet ships.

Again I say that this country is helping us. It is helping the United States against the Communists.

I also remind the Senate that during the Czechoslovakian crisis in 1968, six of the eight Hellenic destroyers were committed to NATO forces and placed on standby alert. They have always worked with us and have stood by us. Why should we now deprive them of this very small request which they are making—one submarine. It is perfectly ridiculous not to grant the request.

I remind the Senate that Greece was helpful as a refuge during the evacuation of U.S. refugees from Israel and the Congo. That may sound like very little. But they showed very fine cooperation. They helped us.

I also remind the Senate that it is in the U.S. interest that Greece continue to be a stable and reliable NATO ally. Our needs in that area are obvious.

In the November 30, 1970, issue of the Washington Post, columnist Joseph Alsop presented a comparison of United States and Soviet forces in the Mediterranean. This comparison placed the U.S. fleet size in the Mediterranean at 38 ships as against 62 ships by the Soviet Union. The comparison between these forces is of even greater concern when one realizes that only nine of the 38 U.S. ships are modern ships whereas all of the Soviet's 62 ships can be classified as modern.

Mr. Alsop also reported the U.S. fleet size in the Mediterranean contained only three U.S. submarines as compared with a Soviet total of 14.

These figures strongly suggest our military aid program to our allies in the Mediterranean should be increased not reduced.

Our access to Greece, and its cooperation in the NATO alliance, continues to provide valuable security benefits.

The importance of Greece as a logistical and tactical base for NATO has been highlighted in recent years by the increased Soviet naval activity in the eastern Mediterranean.

That is one thing that has been overlooked. Greece by virtue of its location is very important from a logistical and tactical base from a military standpoint.

Mr. President, the recently lifted military assistance program suspension had restricted the provision of major end items which resulted in a debilitating effect on the Hellenic Navy.

It is considered that a decision not to authorize the loan extension of this submarine would signal an attitude on the part of the U.S. Government which would erect barriers to our use of Greek facilities and be particularly detrimental to U.S. Navy operations. Finally, this decision would create serious concern among our friends worldwide about how we intend to carry out our new foreign policy.

Mr. President, in closing I want to say again that some people in this country may not approve of the Government of Greece at this time. Whether we like this particular Government or not, if the present Government had failed to take over in Greece when it did, in my judgment Greece today would be a Communist state.

Another question at point is that they are friends of ours. We must not lose sight of the fact the present Greek Government is a part of NATO. They are cooperating with the United States. They are helping us to keep the free world.

If we were to decide to deprive them of this one ship, this submarine, it would be a very objectionable position to take. It could place in a very unfavorable light with the Greek people and the Government of Greece.

We would be making a great mistake from the standpoint of freedom in my judgment.

I hope that the amendment of the Senator from Hawaii will be rejected.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The legislative clerk read as follows:

On page 2, line 5, after the word "Turkey", strike out "and three submarines to the Republic of China".

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. Preisdent, there is only one committee amendment.

The PRESIDING OFFICER. The Senator is right.

Mr. STENNIS. Mr. President, the explanation of the committee amendment is simply that those three submarines were not in the budget. They were not recommended by the administration. The committee could not find a basis for their inclusion. Except for Senator THURMOND, who was recorded in favor of the three submarines, the committee was unanimous in leaving out these vessels. I hope that the Senate will agree to the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. INOUYE. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows: The Senator from Hawaii (Mr. INOUYE) offers an amendment as follows:

On page 1, beginning on line 7, strike "(1) Greece, one submarine (Act of October 4, 1961 (75 Stat. 815)) and, (2)"

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed for a third reading, and the bill to be read a third time.

The bill was read the third time.

Mr. STENNIS. Mr. President, this shiploan legislation has been thoroughly considered by both the Armed Services Committee and Foreign Relations Committee of the Senate.

This bill would authorize new loans in certain instances as well as extend existing loans. The existing loans which would be authorized involve one submarine to Greece and one submarine to Pakistan, both initially authorized under legislation enacted in 1961. The new loans would involve two destroyer escorts to the Republic of Vietnam and two destroyers and two submarines to the Government of Turkey.

Mr. President, I should note that the bill, as passed by the House, would also have authorized the loan of three submarines to the Republic of China. The

Senate Armed Services Committee, however, amended the bill to delete the authority for these three submarines on the basis that the Department of Defense has no present plans to put in effect these submarine loans to the Republic of China.

Mr. President, there is ample precedent for this legislation. Since 1951, various acts have been enacted in the Congress authorizing the lending of unneeded U.S. vessels to friendly foreign countries. I might note that prior to 1951 naval vessels could be transferred to friendly foreign countries under the Mutual Assistance Act of 1949.

The basic purpose of all of these ship loans is to provide a degree of Naval capability to our allies and, therefore, assist in our worldwide Navy mission. I would emphasize at this point that none of these ships are required for use in the active Navy. Moreover, they may be recalled if a future requirement develops.

I will make a brief comment with respect to the countries and ships in question. The two submarines and two destroyers that are proposed to be lent to the Government of Turkey are expected to be especially helpful to the United States in our NATO antisubmarine warfare activities in the Mediterranean. We all know of Turkey's strategic geographical position and the necessity for receiving assistance from this country. The large buildup of Soviet ships in the Mediterranean speaks for itself with respect to the naval problems confronting Turkey and other NATO allies in this area. The extension of the loan of one submarine to Greece means that this vessel will continue to be available for NATO purposes in the Mediterranean.

The submarine which is proposed to be continued on loan to Pakistan will provide a small presence in the Indian Ocean. It is of course in the best interests of this country to have some naval presence by a friendly country in the Indian Ocean at a time when the Soviets are moving into the area to fill the vacuum created by the withdrawal of British naval forces from that area.

I especially wish to thank the Senator from Hawaii (Mr. INOUYE) for the fine job he has done in holding hearings in connection with this matter.

Mr. President, I would emphasize that this bill has been fully considered by two committees and urge the Senate to adopt the bill as amended.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 15728) was passed.

Mr. **STENNIS**. Mr. President, I move to reconsider the vote by which the bill was passed

Mr. **MURPHY** and Mr. **THURMOND** moved to lay the motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MANSFIELD**. Mr. President, I had anticipated calling up another bill at this time but I do not think we will call it up. We will very likely let it die.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1259, H.R. 18306.

The **PRESIDING OFFICER**. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 18306) to authorize the U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office and for other purposes.

The **PRESIDING OFFICER**. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

Chapter 1.—AMENDMENT OF ASIAN DEVELOPMENT BANK ACT

Sec.

1. Amendments of Asian Development Bank Act.

§ 1. Amendment of Asian Development Bank Act

The Asian Development Bank Act (22 U.S.C. 285–285h) is amended by adding at the end thereof the following new sections:

"SEC. 12. (a) Subject to the provisions of this Act, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in three annual installments of $25,000,000, $35,000,000, and $40,000,000, beginning in fiscal year 1970. This contribution is referred to hereinafter in this Act as the 'United States Special Resources'.

"(b) The United States Special Resources shall be made available to the Bank pursuant to the provisions of this Act and article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

"SEC. 13. (a) The United States Special Resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

"(b) The United States Special Resources shall be used by the Bank only for—

"(1) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

"(2) providing technical assistance credits on a reimbursable basis.

"(c)(1) The United States Special Resources may be expended by the Bank only for procurement in the United States of goods produced in, or services supplied from the United States, except that the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the United States Special Resources if he determines that such procurement eligibility would materially improve the ability of the Bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States.

"(2) The United States Special Resources may be used to pay for administrative expenses arising from the use of the United States Special Resources, but only to the extent such expenses are not covered from the Bank's service fee or income from use of United States Special Resources.

"(d) All financing of programs and projects by the Bank from the United States Special Resources shall be repayable to the Bank by the borrowers in United States dollars.

"SEC. 14. (a) The letters of credit provided for in section 15 shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the United States Special Resources provided to the Bank (A) constitute a minority of all special funds contributions to the Bank, and (B) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

"(b) The United States Governor of the Bank shall give due regard to the principles of (A) utilizing all special funds resources on an equitable basis, and (B) significantly shared participation by other contributors in each special fund to which United States Special Resources are provided.

"SEC. 15. The United States Special Resources shall be provided to the Bank in the form of a nonnegotiable, non-interest-bearing letter of credit which shall be payable to the Bank at par value of demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 13(c) of this Act.

"SEC. 16. The United States shall have the right to withdraw all or part of the United States Special Resources and any accrued resources derived therefrom under the procedures provided for in section 8.03 of the Special Funds Rules and Regulations of the Bank.

"SEC. 17. For the purpose of providing United States Special Resources to the Bank there is hereby authorized to be appropriated $25,000,000 for fiscal year 1970, $35,000,000 for fiscal year 1971, and $40,000,000 for fiscal year 1972, all of which shall remain available until expended."

Chapter 2.—INTERNATIONAL MONETARY FUND

Sec.

21. Amendment of Bretton Woods Agreements Act.
22. Amendment of Special Drawing Rights Act.

§ 21. Amendment of Bretton Woods Agreements Act.

The Bretton Woods Agreements Act (22 U.S.C. 286–286k–2) is amended by adding at the end thereof the following new sections:

"SEC. 22. (a) The United States Governor of the Fund is authorized to consent to an increase of $1,540,000,000 in the quota of the United States in the Fund.

"(b) In order to pay the increase in the United States quota in the Fund provided for in this section, there is hereby authorized to be appropriated $1,540,000,000, to remain available until expended.

"SEC. 23. (a) The United States Governor of the Bank is authorized (1) to vote for an increase of $3,000,000,000 in the authorized capital stock of the Bank, and (2) if such increase becomes effective, to subscribe on behalf of the United States to two thousand four hundred and sixty-one additional shares of the capital stock of the Bank.

"(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated $246,100,000 to remain available until expended."

§ 22. Amendments of Special Drawing Rights Act.

Section 6 of the Special Drawing Rights Act (22 U.S.C. 286q) is amended to read as follows:

"SEC. 6. Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate in each basic period Special Drawing Rights under article XXIV, sections 2 and 3, of the Articles of Agreement of the Fund so that allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act."

Chapter 3.—INTER-AMERICAN DEVELOPMENT BANK

Sec.

31. Amendment of Inter-American Development Bank Act.

§ 31. Amendment of Inter-American Development Bank Act

(a) The Inter-American Development Bank Act (22 U.S.C. 283–283n) is amended by adding at the end thereof the following new section:

"SEC. 18. (a) The United States Governor of the Bank is hereby authorized to vote in favor of the two resolutions proposed by the Governors at their annual meeting in April 1970 and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock to the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such resolutions the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to eighty-two thousand three hundred and fifty-two shares of $10,000 par value of the increase in the authorized capital stock of the Bank of which sixty-seven thousand three hundred and fifty-two shall be callable shares and fifteen thousand shall be paid in and (2) to pay to the Fund for Special Operations an initial annual installment of $100,000,000 and two subsequent annual installments of $450,000,000 each, in accordance with and subject to the terms and conditions of such resolutions.

"(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of (1) three annual installments of $50,000,000 each for the United States subscription to paid-in capital stock of the Bank; (2) two installments of $336,760,000 each for the United States subscription to the callable capital stock of the Bank; and (3) one annual installment of $100,000,000 and two annual installments of $450,000,000 each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank."

(b) The first sentence of section 3(b) of the Inter-American Development Bank Act (22 U.S.C. 283a(b) is amended by inserting immediately before the period at the end thereof the following: "and an alternate Executive Director".

Mr. JAVITS. Mr. President, I have a joint statement on behalf of the Senator from South Dakota (Mr. MCGOVERN) and myself, which has general relation to this measure and other measures.

Mr. President, I ask unanimous consent that the joint statement on behalf of the Senator from South Dakota and myself and also an excerpt from the RECORD describing amendment No. 854 be printed in the RECORD.

There being no objection, the joint statement and the excerpt were ordered to be printed in the RECORD, as follows:

JOINT STATEMENT BY SENATORS GEORGE MCGOVERN AND JACOB JAVITS

Mr. President, in the past few weeks, the hope for genuine reform of the nation's creaking welfare system appeared to be going through a script comparable to the Perils of Pauline. Indeed, in the past few days, it seemed Pauline was tied to the tracks with the locomotive fast approaching. Now, however, a variety of forces are apparently coming to the rescue.

We want to firmly express our support for those forces. We consider it essential that the Congress enact meaningful welfare reform this session. As the Chairman and ranking minority member of the Select Committee on Nutrition and Human Needs, we view welfare reform not only as crucial in itself, but as a necessary step toward eliminating hunger and malnutrition in America. We support generally the Family Assistance Act, including a number of important revisions, as an important beginning. We fear that beginning will not be made in the near future unless it is made in this session.

We have joined with Senator Ribicoff and other concerned members of both parties in urging the Administration to include certain revisions in the "core" bill (the Administration's basic proposal) which will be attached to the Social Security bill when it is considered on the floor.

We believe Secretary Richardson's announcement yesterday that the Administration will include many of the proposed revision in its bill represents significant progress towards success on reform this year.

We believe that these revisions will contribute greatly to the design of the program and will enhance the prospects of Senate approval before this session ends. Included in those revisions are three which we proposed earlier this year: Federal administration, the easing of provisions requiring mothers of school-age children to work, and providing protections for state and local welfare employees. The other revisions—the establishment of national goals, the restoration of the AFDC–UP programs and language regarding "standard of need," minimum wages, public service employment, and a cost of living increase—are also critically important.

We regard as most inadvisable the actions taken yesterday by the Committee on Finance. In moving to prohibit the use of Federal funds to finance any court challenge of Federal law in the Social Security or welfare field, and to circumvent Supreme Court decisions regarding residency requirements for welfare recipients and "man in the house" rules, the Committee has taken seriously regressive steps. When the Social Security bill is on the floor, we will seek to eliminate these regressive steps.

Mr. President, today we rise principally to indicate what we consider the priorities to be for other changes to the "core" package on the floor. In addition to amendments to include any of the proposed revisions which may not be included by the Administration in the core bill, we consider two other changes to be important. They are the simplified food stamp distribution system and supplemental payments to the working poor.

First, we shall propose that all family assistance recipients automatically receive the food stamp bonus to which they are entitled along with their family assistance cash payment. The result would be a writing-in of the basic commitment of this Administration to provide $864 in food stamp bonus as a supplement to the cash payment of $1,600 which, while it is certainly better than the present system, the Administration has recognized as inadequate. At the same time, it would reduce the administrative cost and related difficulties of the food stamp program significantly.

In this connection, we wish to state that we do not consider a "cash out" of food stamps to be an achievable alternative at this time. The Administration recently suggested that the cash out level might be placed at $2,200. After serious consideration we concluded that while many who are not now receiving stamps would receive the additional $600 in cash, the loss of some $264 in stamp values for many persons was unacceptable, especially since its adverse effect would be the greatest for those on the bottom of the income ladder.

More recently, it has been suggested that the cash out level be placed at $2,464, that is—a dollar for dollar trade of food stamps for cash. If we believed that was a feasible proposal at this time, likely to win approval by this Congress, we would, of course, enthusiastically endorse it. We do not, however, believe that to be the case.

If the Senate were to approve a basic family assistance payment level of $2,464 or even $2,200, that level would undoubtedly have to be compromised in conference with the $1,600 level that the House has already approved. A loss in value to the hungry poor would be an unacceptable certainty.

If there were assurances that whatever cash out level was approved by the Senate would not be compromised in conference with the House, and if no losses resulted to present recipients of stamps, we would be favorably disposed toward such proposals.

We believe that the Simplified Food Stamp Distribution system which we have proposed is far more desirable and likely to achieve Senate approval. In a sense, it represents a "first step cash out" since it would eliminate the cash purchase requirement under which Family Assistance recipients would be required to use a portion of their Family Assistance cash payment to purchase food stamps. Under the Simplified Food Stamp distribution system, this unneeded transaction would be eliminated, since the "bonus" element in food stamps would be computed and mailed with the basic family assistance cash payment.

Second, we urge that families headed by full-time working males who qualify for federal assistance—the "working poor"—be made eligible for state supplementary payments under the Family Assistance Act as proposed by Senator Javits. It is a commendable element of the Family Assistance Act that such working poor families are to become eligible for the first time for Federal payments. This step represents an important recognition that the contributions of the fully employed male family head should be rewarded with a decent standard of living.

However, the Family Assistance Plan does not provide that working poor families be eligible for the supplementary payments which states will be required to maintain—with Federal assistance—for female-headed families. It is this type of inequity toward the employed-but-still-poor that Family Assistance hopes to correct. Without such supplementary payments, the work disincentives and program inconsistencies common in the present welfare system will be carried over to the new.

An amendment designed to eliminate this inconsistency, to retain work incentives by treating all families alike, was submitted on August 21, 1970, by Senator Javits as amendment No. 854 to H.R. 16311. Upon resubmission as an amendment to the core bill, it would provide for federal assumption of the cost of including working poor families in supplemental payments, thus protecting the working man while recognizing that states and localities are laboring under severe financial strains.

We hope that the Senate will give consideration to these changes when they are proposed as amendments to the core package.

Mr. President, we ask unanimous consent that a Congressional Record insert describing Amendment No. 854 be included at this point in the Record.

THE FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENT NO. 854

Mr. JAVITS. Mr. President, I rise for two purposes this morning: First, to submit an amendment to the Family Assistance Act of 1970; and second, to make some analysis of the trade bill which has been reported out of the other body and which will be coming over here in due course. Due to the fact that they are under the rule, it is likely that we will get the bill without amendment.

Mr. President, I submit my amendment to the Family Assistance Act of 1970 (H.R. 16311), to mandate the inclusion of the so-called "working poor" for purposes of State supplementation under the act and ask that it be printed under the rule and referred to the Finance Committee and that the text thereof be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The amendment will be received and printed; and, without objection, the amendment will be printed in the RECORD and referred to the Finance Committee.

(The amendment, No. 854, was referred to the Committee on Finance, by unanimous consent, as follows:)

AMENDMENT NO. 854

On page 23, beginning with the word "other" on line 16, strike out all before the period on line 18.

On page 27, beginning with the word "other" on line 15, strike out all through "unemployed" on line 18.

Mr. JAVITS. The term "working poor" applies to families headed by full-time working males with incomes below the poverty line—$3,720 for a family of four. In 1968, 39 percent of poor families with children came within this category, yet under the current program known as aid to families with dependent children—AFDC—such families have not been eligible for welfare payments. There are approximately 1½ million families in this category, consisting of about 7.8 million persons.

The administration's proposed Family Assistance Act eliminates this exclusion in respect to the Federal eligibility-payment standard; and under the proposed act, working families headed by males as well as those headed by females are eligible for a family assistance payment of $1,600 for a family of four. For the purposes of the Federal benefit payment, the family's net income is determined by deducting the first $720 in earnings plus one-half of the remainder—other deductions are allowed for costs of child care and for income earned by a student; and, as a general matter, the family then receives the difference between $1,600 and its net income.

Since the Federal floor of $1,600 is less than the payment standard under AFDC in 42 States, the proposed Family Assistance Act requires the States to supplement the Federal payment for such recipients up to the payment level in effect in the State as of January 1970, or up to the poverty level, whichever is lower. The House-passed bill provides for 30-percent Federal sharing in the cost of these supplementary payments.

However, no matching is available for supplementary benefits paid to the "working poor" nor is there any requirement in the act for the States to pay such benefits to the "working poor." The proposed Family Assistance Act provides, as passed by the House, that supplementation must apply to:

"Any family other than a family in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is not unemployed."

When he appeared before the Committee on Finance on July 21, 1970, Secretary of Health, Education, and Welfare Elliot L. Richardson noted three undesirable social consequences of the exclusion under current law.

First, the exclusion constitutes a basic inequity, since working poor families may have financial need equal to that of families in which there is no full-time working male, yet they are unable to receive Federal public assistance under current law. As the Secretary noted:

"This unwise and unjust public policy has had predictable results in terms of social tensions. First, an understandable discontent has been generated among those who are excluded and who see others no worse off than they being assisted. Second, ominous racial overtones have developed since current AFDC recipients—those who are helped—are about 50 percent nonwhite, while the working poor—those who are excluded—are about 70 percent white. This country can no longer afford to have one of its most important and needed anti-poverty efforts viewed by many of its citizens as a divisive, unfair and arbitrary failure. Such a view does not help to bring us together, does not promote understanding among people, and does not help to restore public confidence in the wisdom of our social policies."

Second, the exclusion produces an incentive for male heads of households to work less, rather than more. The current welfare program includes, in a number of States the "AFDC unemployed fathers" program under which families headed by father working no more than 30 hours per week—for 35 hours, at each State's option—are eligible. Thus a father who is on welfare is better off working no more than 30 hours a week. If he works more than that, he is suddenly no longer "unemployed" and he loses assistance. I ask unanimous consent that a table indicating the States with AFDC-UF programs be printed in the RECORD at the conclusion of my remarks.

Third, the exclusion of the working poor has provided encouragement for families to dissolve or for couples never to marry. In situations in which a full-time workingman is not making as much as the mother of his children could receive in welfare benefits, the couple is financially better off if the man leaves home. Over 70 percent of the fathers of families currently on AFDC are "absent from the home."

Mr. President, the considerations which have prompted the administration to include the "working poor" under the basic Federal payment apply equally in respect to the supplemental payments. For example, in States that now provide a total AFDC payment of $2,000 or more, a mother and her three children would receive a payment of $2,000 under the present AFDC program. Under the Family Assistance Act, she would also receive $2,000—consisting of the $1,600 Federal family assistance payment and a $400 State supplementary payment. However, the same family of four, consisting of a mother, a father, and two children would receive $1,600 and no State supplementation.

There are more than 35 States in which the total payment exceeds $2,000 and, in fact, 22 States in which it exceeds $2,500 providing, in effect, an even greater incentive not to work and greater encouragement for the male to leave the home. I ask unanimous consent that there be included in the RECORD at the conclusion of my remarks a table prepared by the Department of Health Education and Welfare, indicating the expected levels of supplementation for each State above the Federal payment.

Mr. President, the Department of Health, Education and Welfare has indicated that, if the working poor were supplemented, as proposed under my amendment, 1,473,300 families would be included; under the act, as passed by the House only 924,600 working poor families would be covered for purposes of the $1,600 payment only I ask unanimous consent that a chart entitled "1971 Estimated Caseloads of Working Poor Under H.R. 16311" prepared by the Department of Health, Education and Welfare, be included in the RECORD at the conclusion of my remarks.

Mr. President, my amendment would also eliminate a provision in the House-passed bill submitted by the administration to the Finance Committee on June 11, 1970. During the spring hearings, the committee had noted that under the House-passed bill, a work incentive and an equity issue was left in the AFDC-UF category. As I indicated earlier, under the program, which is in effect in 23 States, families headed by fathers working no more than 30 hours per week—or 35 hours, as each State's option—are eligible for State supplemental benefits. The committee pointed out that this was inequitable to a family headed by a full-time, working male. In commenting on this discrepancy in his testimony on July 21, 1970, Secretary Richardson stated:

The Administration has proposed eliminating this problem by abolishing the federal matching assistance for recipients in the Unemployed Fathers category—about 90,000 families out of a total AFDC caseload of almost 2-million families. As a result, all male-headed families would be treated alike, and an unbroken set of incentives would apply.

He indicated that although one means of eliminating the discrepancy was mandating the extension of State supplementation to the working poor, it was considered too costly; he estimated that such inclusion could cost approximately $1 billion in fiscal year 1971.

Experience in the six States which now provide assistance to the working poor—Pennsylvania, Massachuestts, Illinois, New Jersey, Rhode Island, and New York—indicates that such programs are underutilized even in States that have a high rate of utilization of all other categories of aid.

Moreover, as noted by Assistant Secretary of Labor Jerome M. Rosow in the Wall Street Journal, March 30, 1970:

"One fact to bear in mind about the working poor is that they are not likely to become long-term recipients of assistance payments. Because of rising wage scales due to increased productivity, about 200,000 of the working poor rise above the poverty line each year. Upgrading efforts on the part of the manpower agency will increase this movement to self-sufficiency."

In fact, inclusion of the working poor in the State supplementary benefit program should eventually reduce the costs of welfare as a whole as individuals move off welfare as a result of increased earnings.

With respect to the ability of the States to assume any additional costs arising from the inclusion of the working poor, I wish to indicate that this amendment is offered in conjunction with Amendment No. 802 to H.R. 16311, which I introduced with a number of other amendments on July 31, 1970. This latter amendment would provide for Federal sharing in State supplementary payments on a variable basis ranging from 50 to 83 percent depending upon State fiscal capacity, rather than on the 30 percent basis prescribed for all States under the House-passed bill.

As President Nixon emphasized in commenting on the scope of his welfare reform proposals on August 11, 1969:

"These are far reaching effects . . . they cannot be purchased cheaply or by piecemeal efforts."

The administration deserves credit for understanding the long-overdue overall reform of our welfare system and for including the working poor under the Federal benefit portion of the Family Assistance Act, but we must be assured that we begin with a consistent approach, and that we do not perpetuate in the new law the inequities which we hope to eliminate from the AFDC program.

When we review this legislation as a whole I consider the matter of including the working poor in these supplemental payments as one of high priority, along with the inclusion of single persons and childless couples, increases in the basic level, and in Federal sharing in the interim.

Mr. President, the amendment I have submitted is designed to correct a very serious inequity which appears in the administration's proposed Family Assistance Act. This inequity inures in the fact that if a welfare eligible family is headed by a fully employed male that family is penalized by not being the beneficiary of State supplementation, required for female headed families, amounting to the difference between the $1,600 Federal base which will be established for a family of four, and whatever amount the State pays.

Hence, those male heads of poor households in the working pool will be discriminated against and yet the interesting thing is that it is these poor who are the most quickly working themselves off the welfare rolls.

About 200,000 of the working poor rise above the poverty level every year. This, hence, is the area where we should be in a position to give this final little shove which will get these people above the poverty level. Yet, it is precisely these persons whom the House bill discriminates against.

Accordingly, I am presenting this amendment. I hope very much that it will be included in the bill as passed. I would like to enlist the aid and assistance of my colleagues in the matter.

I have noted recent reports that Secretary Richardson testified that the estimated cost of this amendment is $1 billion. That is a figure which is based upon the worst possible capabilities which adhere in the situation, rather than what would be normal and expected on the record.

We are not figuring the cost of a potential atomic bomb in this matter. We are trying to get a reasonable figure for the families who will require this kind of assistance. The figure of the Health, Education, and Welfare Department must be regarded as inflated, and I shall demonstrate that as I go along.

We are still up against the hard rock of dealing with a clear and blatant discrimination against the most deserving families rather than the least deserving, mandating the supplementation which States pay and which will not be required for families in which the father is doing his job and working full time and not making the grade.

I think that this is most unfair. I believe that the Senate will give its sympathetic consideration to so obvious an inequity. I hope very much that the Finance Committee in its effort to turn this bill into a "workfare" bill, will do something about this. I am sure that they will give their attention to the problem. I urge them not to be scarced off by the HEW figure, but to break it down and see what it reasonably may be.

I shall point out two reductions in the figure: First, the fact that so many of these families escape poverty which is a very refreshing experience in welfare; in addition, because of the characteristics of the people we are dealing with, this is one of the materially underutilized elements of welfare in every State in which it exists. Many working poor families have tremendous pride and dignity and do not want anything to do with a welfare existence if they can avoid it.

Mr. President, I ask unanimous consent that certain charts showing the States that provide aid in the various categories to which I have been referring, the nature of the supplemental aid by State, and the estimated caseload by State be printed in the RECORD.

(There being no objection, the material was ordered to be printed in the RECORD, as follows:)

TWENTY-THREE STATES WHICH PROVIDE AID TO FAMILIES WITH DEPENDENT CHILDREN OF UNEMPLOYED FATHERS

California, Colorado, Delaware, Hawaii, Illinois, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, West Virginia.

Source: Department of Health, Education. and Welfare, March 31, 1970:

State supplemental payment to an eligible family of 4 with no other income [1]

Alabama	0
Alaska	$620
Arizona	602
Arkansas	0
California	1,052
Colorado	768
Connecticut	2,000
Delaware	188
District of Columbia	1,327
Florida	5
Georgia	0
Hawaii	1,508
Idaho	1,328
Illinois	1,556
Indiana	200
Iowa	1,315
Kansas	1,244
Kentucky	356
Louisiana	0
Maine	416
Maryland	752
Massachusetts	1,772
Michigan	1,532
Minnesota	1,868
Mississippi	0
Missouri	0
Montana	829
Nebraska	800
Nevada	116
New Hampshire	1,304
New Jersey	2,564
New Mexico	592
New York	2,156
North Carolina	319
North Dakota	1,532
Ohio	716
Oklahoma	620
Oregon	1,087
Pennsylvania	2,012
Rhode Island	1,460
South Carolina	0
South Dakota	1,712
Tennessee	0
Texas	173
Utah	728
Vermont	1,856
Virginia	1,245
Washington	2,252
West Virginia	53
Wisconsin	776
Wyoming	800

[1] Under H.R. 16311 as amended June 1970. Based on April 1970 AFDC payment levels.

Source: Department of Health, Education, and Welfare.

1971 ESTIMATED CASELOADS OF WORKING POOR UNDER H.R.16311

[In thousands]

United States	Working poor families receiving FAP only	Working poor families receiving FAP and/or State supplement if working poor are supplemented	Increase in number of working poor families who would receive benefit
Alabama	31.6	39.5	7.9
Arizona	9.0	15.7	6.7
Arkansas	15.7	15.7	
California	45.9	102.3	56.4
Colorado	18.2	18.2	
Connecticut	7.7	11.8	4.1
Delaware	5.1	5.1	
District of Columbia	1.2	1.2	
Florida	34.1	43.0	8.9
Georgia	43.6	45.2	1.6
Hawaii	2.8	4.3	1.5
Illinois	25.5	76.8	51.3
Indiana	10.9	20.9	10.0
Iowa	19.2	37.9	18.7
Kansas	7.1	15.2	8.0
Kentucky	22.5	27.8	5.3
Louisiana	36.8	53.9	17.0
Maryland	7.7	9.2	1.5
Massachusetts	2.3	16.3	14.0
Michigan	20.1	35.4	15.3
Minnesota	23.2	64.9	41.6
Mississippi	33.2	34.5	1.3
Missouri	20.9	51.5	30.5
New Jersey	14.4	40.9	26.5
New Mexico	9.0	10.3	1.3
New York	40.3	106.3	66.0
North Carolina	46.5	46.5	
Ohio	31.8	31.8	
Oklahoma	11.6	12.9	1.3
Oregon	7.3	13.3	6.0
Pennsylvania	45.4	69.1	23.7
Rhode Island	1.3	5.5	4.2
South Carolina	16.7	23.2	6.4
Tennessee	32.8	37.9	5.1
Texas	70.8	80.0	9.2
Utah	1.2	16.3	15.1
Virginia	30.8	38.2	7.4
Washington	8.3	19.5	11.2
West Virginia	10.2	10.2	
Wisconsin	15.4	29.1	13.7
Other States:			
Northeast (Maine, New Hampshire, Vermont)	17.2	42.2	25.0
North Central (Nebraska, North Dakota, South Dakota)	53.6	74.6	21.0
West (Alaska, Idaho, Montana, Nevada, Wyoming)	15.0	18.8	3.8
Total	924,600.0	1,473,300.0	548,700.0

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 18306, with the amendment of the Senator from Iowa (Mr. Miller) being the pending question.

The amendment (No. 1081) is as follows:

"Chapter 4.—ANNUAL REPORT OF NATIONAL ADVISORY COUNCIL

"§ 41. Annual report

"The National Advisory Council on International Monetary and Financial Policies shall include in its annual report to the Congress (1) a statement with respect to each loan approved by the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank, and a discussion of how each loan will benefit the people of the recipient country, and (2) a statement on steps taken jointly and individually by member countries of the Inter-American Development Bank to restrain their military expenditures, and to preserve and strengthen free and democratic institutions."

Mr. FULBRIGHT. Mr. President, since the last consideration of this subject, when I made the formal presentation on this bill, and the delay which has been caused by the opposition of the Senator from Tennessee, who I thought would be here—I am informed he is on his way. I believe we might proceed with the amendment of the Senator from Iowa.

The President of the United States has sent a letter to the President of the Senate, addressed, of course, to those Senators who are interested in the bill. I had discussed this matter with the Treasury, and the letter was sent in order to manifest to the country and to the Senate the real and very serious interest that the administration has in this measure. I shall read to the Senate the letter, dated December 3, 1970, from the President of the United States addressed to the President of the Senate. It reads as follows:

DEAR MR. PRESIDENT: There is now pending before the Senate a bill of vital importance to the international economic, financial, and political interests of the United States. H.R. 18306 authorizes increased U.S. participation in four multilateral financial institutions: The International Monetary Fund, the World Bank, the Inter-American Development Bank, and the Asian Development Bank.

We and many other nations have given those institutions strong support in the past. They have earned this support by using their resources well in the service of a growing and prosperous world economy, a more stable international monetary system, and a more rapid growth of the developing countries. Their hallmark is shared contributions, impartial expertise, and the assurance of high standards of economic performance.

In asking the Congress to adopt this legislation, I have taken particular care to see that the financial obligations it entails are compatible with this Administrtion's fiscal programming. H.R. 18306 is a prudent and financially responsible combination of contingent liabilities, monetary transactions, and expenditures carefully spaced over a long period of time.

A large part—almost $900 million—of the total authorization represents contingent liabilities and will enable the World Bank and the Inter-American Development Bank to borrow further in private markets to carry out important parts of their lending programs. This guarantee or callable capital subscription should not involve budgetary costs.

Another substantial portion of the authorization—$1.5 billion—is a monetary transaction involving an increase in our IMF quota. This Fund quota increase will not result in budgetary costs.

As to the remaining authorizations in H.R. 18306, less than $1.3 billion will require an actual expenditure of dollars; of which $35 million will be spent in fiscal year 1971, $70 million in fiscal year 1972 and $155 million in fiscal year 1973, with the rest spread out over a number of additional years.

Passage of the legislation now is essential—

To maintain United States leadership in internatioanl monetary affairs and to avoid a substantial and continuing loss in our share of allocations of Special Drawing Rights at the International Monetary Fund beginning on January 1, 1971;

To enable other countries to subscribe to almost $2 billion of World Bank capital stock and to carry out a policy of maintaining equity in Bank and Fund subscriptions which we have strongly advocated in the past;

To allow us to participate fully with other developed countries in the peaceful development of Asia; and

To join with our Latin American neighbors in an effort to speed their economic and social progress.

This legislation has my full support. In my Foreign Assistance Message to the Congress of September 15, 1970, I proposed that the United States channel an increasing share of its development assistance through multilateral institutions as rapidly as practicable. H.R. 18306 is a critically important step in that direction, and I strongly urge prompt and favorable action on it by the Senate.

Sincerely,

RICHARD NIXON.

That is the end of the letter.

Mr. President, I cannot refrain from endorsing, underlining, and emphasizing what the President says about the passage of this legislation now being essential. These are not new programs; most of these programs are on-going programs, to which the Senate and the country have been committed for a number of years, in some cases going back to the end of World War II.

The International Bank for Reconstruction and Development and the International Monetary Fund were created at Bretton Woods in the mid-1940's They have been eminently successful. The International Bank has accumulated more than $1 billion in reserves derived from operating profits. It has been very successful. Its profits are available for use in relending, and for other purposes. It has been a very well-managed operation, without any default at all, not one. It is well staffed. It is strictly international in character. Our own participation in it has been going down gradually—by that I mean the percentage—although we are adding more to it. To put it another way, other countries are picking up a greater share than they originally had in the funds which are contributed for the use of the Bank.

The Inter-American Bank is one which is very important, and it is especially important to the United States because of our relations with the Latin American countries.

The Inter-American Bank has just acquired a new president, the managing officer, who was formerly finance minister of Mexico, a man with the highest recommendations and qualifications. He is succeeding Mr. Felipe Herrera, who has resigned to return to Chile. Mr. Antonio Ortiz-Mena is a citizen of Mexico, and Mexico has conducted its affairs, I think, as well as any other country in Latin America. It has had a very successful regime there for some 40 or 50 years, ever since their revolution.

I only mention this to say that it would be doubly embarrassing, I think, if we should fail to vote this increase in our participation in the Inter-American Bank at this time. But it would be so under any circumstances. That is simply a factor which I think would add to the embarrassment of the country and certainly to the administration, if we failed to take action at this time.

The Asian Bank is the newest of this group. It has not yet fully proved itself in the sense that the World Bank has. Its purpose is quite similar to that of the Inter-American Bank. Our participation is not a major one—that is, it is not a majority one. Japan has contributed the same amount to the capital of this bank as we have, but it is participated in by a large number of countries. Again, it is an international organization; it is not just an American organization. We contributed only one-fifth, approximately, of the original capital, in contrast to a near majority of that in the Inter-American Bank.

I may say that the Asian Bank has been slow in getting underway, primarily, in my opinion, because of the war in Asia. I think otherwise it would have made greater progress, although the Bank has made a number of loans. But it has been slow to get underway because of the continuation of the war and the disruption of normal economic activities in that area.

Nevertheless, it is an idea which previous administrations supported, which this administration supports, and which the Senate has supported—an idea to pool economic resources for the development of these underdeveloped areas. It is a cause in which we believe and have believed in the past. I certainly believe it is in the interests of this country and of peace generally. To me, it is a very wise substitution of an international effort for a unilateral effort by the United States in this area. I think that in the long run it will cost us much less than if we continue the bilateral program.

I have said for a number of years that I expect to do everything I can to help this type of activity, and I think we ought to move toward the liquidation completely of our individual bilateral economic assistance, and military assistance especially, to these countries. I think we should do so for economic reasons and political reasons and military reasons.

In any case, it seems to me most improvident for us to embarrass the country and the administration at this late date by refusing to pass this bill. It passed the House; it has been pending in the Senate. It seems incredible to me to face the confusion and I think the great resentment and misunderstanding of other countries which could come from failure to pass it at this time.

I do not believe that we wish to bring upon our country the criticism that would result from failure to pass it now. This bill is very important because of the time. Many bills of a domestic nature could go over until the next session. I realize that it is late in the session. They could go over without any great harm, because we understand ourselves and can pick up and go on. But involved in this bill are practically all the countries of the world, in one way or another. Unless we really wish to have nothing to do with the outside world, assume no responsibility whatever for the continued development of these countries, this bill ought to be passed now.

January 1 is an especially important date with regard to the IMF, because on that date the allocation of the SDR's is determined. This is a new development in the field of international finance. It is generally believed to be extremely important; it has worked very well; it is a new program. The economic world—I believe all the economists, practically without exception—believes it is essential for the stability of international monetary affairs. It would be very much against our interest to fail to pass this bill before January 1.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. I agree with the chairman of the Committee on Foreign Relations. I think it would be very shortsighted, indeed, to waylay this bill at this time or to adopt any amendment to it which would in effect cripple our rating with the rest of the world, even though it might be advantageous to a few people.

I have found, from observing the work of the lending agencies of the world, that the international agencies are fully as practical in their dealings with the many countries which need credit as the United States has been in its bilateral arrangements. As I recall, the losses are no more, and the payments are as good or better.

I do not think the rest of the countries should look upon the United States as the only source of their economic improvement, particularly when we are not doing so well in the United States today. We may be calling on the World Bank and some of these institutions before we know it, unless conditions start improving pretty soon; and they are still getting worse. So I think that the more we can turn to the international banking operations, the better it is for us economically, politically, and socially.

A new president of the Inter-American Bank has just been elected. I understand that he is a very good man. He comes from a very good country. I know that. Certainly, we should have more consideration for our neighbors in the Western Hemisphere. They say that we take them for granted, and they are almost right—not quite, but almost. I think we have to show them that we are working with them as a member of the team and not as a captain and coach of the team, telling each one what they should do, because they are not going to do it, anyway.

As for the Asian Bank, Japan has come in, I believe, on an equal basis with the United States, and there will be need for that, unless we continue the war over there indefinitely, and we are not going to be financially able to do that forever. We have been getting the unfavorable results of war already, with inflation and crime which are the stepchildren of war. I should be very much disappointed if we gave the rest of the world the impression that we have gone back on them, particularly the countries in the Western Hemisphere, by failing to act on this matter at this time.

Approval of this legislation would not require a big cash outlay on our part. In fact, I think that the appropriation which was proposed for the SST yesterday would amount to more than all the budgetary costs to the United States of all these international banking agencies over the next 3 years.

Mr. FULBRIGHT. Mr. President, at the end of the President's letter he outlines that for the next 3 years—in fiscal 1971, $35 million; in fiscal year 1972, $70 million; and in fiscal year 1973, $155 million. In other words, the SST was more than the cash outlay this will require for the next 3 years.

Mr. AIKEN. I do not say that the international lending agencies are perfect by any means, but I also do not say there are not always some that will turn those operations to their own personal or group advantage. Even in writing the legislation, we come to that situation. But I do hope that we can enact this legislation without delay because it will go far toward restoring our standing in some parts of the world where it is somewhat shaky now.

Mr. FULBRIGHT. I appreciate the Senator's comments. I think he is quite right.

Mr. MILLER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Iowa (Mr. MILLER) is now pending.

Mr. MILLER. Mr. President, I modify my amendment and send to the desk a copy as modified, and ask that it be stated.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The assistant legislative clerk read the modified amendment as follows:

> At the end of the bill add the following new chapter:
>
> "Chapter 4.—ANNUAL REPORT OF NATIONAL ADVISORY COUNCIL.
>
> "Sec. 41. Annual report
>
> "The National Advisory Council on International Monetary and Financial Policies shall include in its annual report to the Congress (1) a statement with respect to each loan approved and outstanding, made by the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank, including an evaluation of new loans made by said organization and a progress report of the project covered by each loan, and a discussion of how each loan will benefit the people of the recipient country, and (2) a statement on steps taken jointly and individually by member countries of the Inter-American Development Bank to restrain their military expenditures, and to preserve and strengthen free and democratic institutions."

The PRESIDING OFFICER. The amendment is modified as requested.

Mr. MILLER. I thank the Chair.

Mr. President, this amendment is substantially the same as the printed amendment No. 1981 on Senators' desks; but I have modified the original amendment to make the report to Congress by the National Advisory Council on International Monetary and Financial Policies more meaningful.

Senators will recall that this new chapter 4 is substantially the same as what was chapter 5 in the House-passed bill, which the Committee on Foreign Relations recommended be deleted from the bill.

However, as modified, I believe that more meaningful information will be provided Congress, which will give Congress a much better picture of what is happening by way of the lending and the projects covered by the lending activities of the international organizations.

I have said for some time that I favored an increasing use of the multilateral approach in our foreign aid efforts. That does not mean that I want to see all multilateral aid and no bilateral aid. I feel that we should have a better mix than we have been having. The President's letter to Congress, which the Senator from Arkansas (Mr. FULBRIGHT) has read, indicates that this is the direction the administration would like to have us move along, and that is the direction which the pending bill would have us move along also.

At the same time, as I pointed out the other day, there have been some reports indicating abuses in the case of the Inter-American Development Bank of good sound practices, the kind of practices that do not square with the type of efforts Congress has indicated should be made in all foreign aid programs, be they bilateral or multilateral.

I would like to see the amendment go a little further than it does. However, I think that from the standpoint of multilateral agencies, it goes about as far as we can at this time.

I would expect that, in implementing the amendment, the National Advisory Council on International Monetary and Financial Policies would draw much of its information from the lending administration of the respective international institution. I see no reason why such lending administration should not give access to the information required here to the National Advisory Council. Additionally, this will give Congress more of an independent look at how the projects are moving.

Of course, here again the National Advisory Council would probably have to rely to a great extent on the information available to the international institution headquarters, although possibly field trips would be indicated in order to give Congress an appraisal of the projects covered by the loans.

What I have envisioned here is something that would not only be helpful to the appropriate committees—Foreign Relations and Appropriations—but to every Member of Congress would, once a year, have available to them a running account of the outstanding loans and a running account of the projects covered by the loans, so that we, in turn, can persuade the taxpayers, who are paying for U.S. participation that their money is, in fact, being utilized for the purposes we all desire.

I have discussed this amendment with my colleague from Arkansas (Mr. FULBRIGHT) and I hope that he will see fit to accept it, because I think it will strengthen the bill and strengthen the whole program.

Mr. FULBRIGHT. Mr. President, as the Senator has correctly stated, the committee had no direct evidence of this but we did discuss it with the Treasury Department. I have discussed it with the Treasury Department. There is some question about how many reports will be wanted. The Senator is quite correct in wishing appropriate information in order to form our judgments about the operation of the banks. Really, the only question is, Do we go further than is needed?

So far as I am concerned—and I understand that the Senator has discussed this with representatives of the Treasury, and I have discussed his previous proposal with the Treasury, not as amended but the changes are slight—I am unable to see any serious change, it seems to be a slight elaboration, to make it a little more full—that is, as to the amount of the reporting—so that I would be inclined and am willing to take it to conference.

If there are changes of a minor nature in the language that the administration wishes to make, we would submit it to the Senator from Iowa, and then work it out. In other words, I do not think there is any serious obstacle to it. In fact, it could be very useful. So I would be disposed to accept the Senator's amendment and take it to conference. It is similar to what is in the House bill, so I do not believe there will be any serious problem.

Mr. MILLER. Let me say to the Senator from Arkansas I do not think there will be either.

Let me ask the chairman of the Foreign Relations Committee this question: Although this is not set forth in the amendment, or in the bill, can the Senator tell me whether the Committee on Foreign Relations even now is obtaining information, or whether it can obtain information, and if it is now obtaining information, that is fine—but if it is not now obtaining information, whether the Committee on Foreign Relations would obtain information more or less on an annual basis, which would cover such questions that many of us are asked from time to time?

For example, what is the proportion of the employment in each international organization—that is, the United States and some other countries?

Mr. FULBRIGHT. Let me say to the Senator that our representatives on all these organizations report to the Treasury Department. Whenever we wish any information, detailed or otherwise, we usually make the request through the Treasury Department. We do not directly have access, as a Senate committee, to an international organization's affairs, but we have indirectly through our U.S. representatives on the boards of directors. As a matter of fact, the President of the World Bank has always been an American. In addition to that, we have a representative who is an executive director from the Treasury.

We have voluminous information. Here are some bank reports, to give an illustration of how voluminous the information is. It is so voluminous that it takes some time to digest it.

If the Senator is interested, it is available to him.

Mr. MILLER. Mr. President, suppose that a Member of the Senate were to come to the committee staff and say, "Would you please tell me how many employees there are on the IBRD and how many are U.S. citizens and how many are from other countries?" Would that be available to the Senator? Would he be able to get the information on how much each employee's salary and allowances are and what the expense allowances are for each employee?

Mr. FULBRIGHT. We have much of that available. We have very voluminous information. I do not know whether the Senator means each employee down to the clerks. But if the Senator means an officer or major employee, it is correct that we could obtain most, if not all, such data. If the Senator has a specific case in mind, I could get the information for him.

Mr. MILLER. The reason I asked the question was that I had a question in my mind as to whether the officers' salaries and especially the allowances, the travel expense accounts, of some officers of some organizations are not out of line. I think that if Senators have access to this information or that if the information is available to the staff of the Foreign Relations Committee and it can be obtained, we will all feel better about it. I must say that I do not know. That is the reason I am asking the question.

Mr. FULBRIGHT. Mr. President, I believe we can get the information the Senator wants. I have just been handed a note stating that there are 2,023 employees of the IBRD of whom the U.S. employees constitute 593. As to their rate of pay, I am sure it is generally available if the Senator is interested.

We are particularly familiar with the organization of the World Bank and the IMF because we have been doing business with them for a long time. I am sure that we can get the information.

About a year and a half ago we had more than the usual amount of communications with the World Bank. We met with the then president and discussed their affairs at considerable length. They are very cooperative in making information available when we request it. However, as a matter of proper protocol and proper relations, much of this is done through our representatives on the International Bank. They are not directly answerable to the Foreign Relations Committee. Eugene Black, a former president, who did much to help create the International Bank, would have an informal session and meeting with the membership of the committee. However, he would not come to a formal meeting because he would have to do it with all countries. I think that there were 57 member countries at that time. It would be an intolerable situation that he could not possibly fulfill. He was always most accommodating.

I am sure that the present president would meet either with the committee informally or with individuals. I am sure that we can get the answer if the Senator has any particular loan or individual in mind. I believe that we can get the information for him. The Senator's amendment simply formalizes in a sense part of that.

Mr. MILLER. My amendment formalizes only part of it. I said that I did not intend to elaborate upon the language of the amendment to the extent of covering things which are already available to the staff of the Foreign Relations Committee and, in turn, to Members of the Senate. But I have the feeling that it might be helpful from time to time, possibly once a year, if some kind of report might be forthcoming from the Foreign Relations Committee covering various foreign aid activities, which would include the information available to the committee such as the proportion of U.S. citizens in the employment of these various organizations and something about the salary schedules and allowances, travel allowances, and perhaps an evaluation of the management control that is exercised by each organization. I think that it would be helpful to have that. In fact, if we had had it, I think that some of the practices which I referred to the other day with respect to the Inter-American Bank might not have occurred.

With a new president coming into the bank, and one whom I have been told is a very knowledgeable and fine gentleman, I would hope that there would be management team put in so that these practices would no longer be repeated. Nevertheless, I think we ought to have some information once a year which the committee could give us in order to help us to know what is going on.

If we have knowledge that things are going along all right, I do not think we will have any more difficulty in moving toward more multilateral aid than we had before.

Mr. FULBRIGHT. I thank the Senator.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MILLER. Yes, indeed.

Mr. AIKEN. Mr. President, I have found no difficulty in getting detailed information relative to the affairs of these banks that have American representation on them, although there is so much detailed information that I hold my requests to a minimum.

I also want to say that although in the past proposals have been made relative to auditing the affairs of the international organizations by our auditors such proposals would be unworkable as well as unsound and probably illegal.

In going over the amendment of the Senator from Iowa, I find no harm at all that could come from accepting it. Possibly some good might come out of it.

Mr. MILLER. I thank my friend, the distinguished Senator from Vermont.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

Mr. FULBRIGHT. Mr. President, would the Senator withhold that request. I know of the Senator's deep feelings about the bill. We had an exchange a few days ago concerning this. I wonder if the Senator would be willing to confide in the Senate and in me what his intentions are with respect to the bill. We are all aware of the lateness of the session and the situation that exists in the Senate.

I have great respect for the Senator from Tennessee. He is one of the most dedicated and able members of the Committee on Foreign Relations. He and I have not seen eye to eye on the question of foreign aid, as to whether it should be multilateral or bilateral. That is a perfectly legitimate difference of opinion.

Mr. President, I do not wish to argue about the matter now. However, with respect to the matter of procedure, it would be a great convenience to the Senate to know if the Senator is determined to prevent any vote on this bill prior to the recess. I am certainly willing to engage in debate, to answer questions, or to argue the matter. However, as the Senator knows, a lot of other matters are pending. He and I are on the Finance Committee. We have had a lot of meetings trying to report a most complicated bill that deals with social security and foreign trade.

This is information that I would like to know in order to plan our program and know what to expect. Would the Senator be willing to confide in me his intentions at this time before he asks for a live quorum?

Mr. GORE. Mr. President, I will be happy to inform the Senator, but not necessarily to confide in him in a public session.

Mr. FULBRIGHT. I accept the distinction.

Mr. GORE. I am happy to inform the Senator that it is my purpose to undertake to persuade the Senate that passage of this bill would be unwise and improvident, and, indeed, an irresponsible treatment of taxpayers' funds. Neither the Senator nor any Member of this body can cite one specific project, or one specific program in any country in the world for which the taxpayers' funds would be hereby disposed.

I know the able Senator is disenchanted with bilateral foreign aid. It is disenchanting. Yet if this country is going to disburse the funds of its taxpayers in the course of foreign aid, I see no substitute for responsible determination of the purposes for which those funds are to be used. I know also that there is a vast bureaucracy and an even vaster array of business interests that feed and thrive upon foreign aid. I do not say this necessarily in a critical nature. Such is the case with almost any undertaking of the Government. But these interests, both business and bureaucratic, become vested, and the continuation of the activity in some acceptable form becomes an object of their affection.

As the disenchantment of the distinguished chairman and the American people with bilateral foreign aid has been noticed, these interests have shifted pressure, plans, and programs to soft loan operations, or so-called international banks. They call it multilateral aid and name it a bank.

I notice, with respect to my distinguished friend, with whom I have enjoyed serving, that, if it is called multilateral and a bank is named, the sympathy of the distinguished chairman of the committee has already been won.

Instead of that being a responsible disposition of taxpayers' money, it seems to me a highly irresponsible action. It was only 2 years ago that the Inter-American Development Bank received from this Congress $900 million. Only 2 years later these interests now ask for $1.8 billion. The Bank has not even used more than about one-half of the $900 million given 2 years ago—mistakenly, I believe.

Why the $1.8 billion now? Last Monday the Senate passed a bill involving something more than $2 billion for foreign aid; last Wednesday President Nixon froze the funds for resource development loans in every State in the United States.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GORE. I shall yield in a moment.

Mr. BYRD of West Vrginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GORE. It seems to me that when funds are frozen and water, resource, and recreational development programs are stopped in every State in the Union, including Arkansas and Tennessee, programs which Congress has approved, programs which the people have endorsed, funds which Congress has appropriated, it is a bit improvident for Congress to vote almost $4 billion in this bill for purposes which no Member can cite in specifics. How irresponsible can we be toward the disbursement of taxpayers' funds?

I have just one other point and then I shall yield further to the able Senator.

The distinguished Senator from Iowa said he had heard what, I believe, he described as disturbing reports about the Inter-American Development Bank. I have a notebook full of such reports which are specific. I am not prepared to say a scandal is involved; but I am not at all sure that there is not.

The able Senator from Iowa asked about the employees of the Asian Bank. The last report I have is as of December 31, 1969. According to the report, the Asian Bank then had 438 employees. They have done very little. What have they done? Of the 438 employees, the United States has only 11. This is a so-called "bank." It has not the first earmark of a bank. The United States contributes vastly to the program and has 17.5 percent control, or no effective control at all. This is for Asian politicians.

But to come back to the Inter-American Development Bank, I have many clippings and news releases here to the effect that the recently retired president of the Inter-American Development Bank used the Bank, used the prestige of the Bank and the U.S. support of that Bank in political support of Allende in Chile.

I wish to discuss in some detail the disturbing reports about the operations of the Inter-American Bank. I think when I have finished, when I can obtain the attention of the Senate I can convince the Senate that it is untimely to provide an additional $1.8 billion for soft loans which are never expected to be repaid to the U.S. Treasury, only 2 years after this Congress, in great generosity, provided $900 million

After I have undertaken to persuade my colleagues in the Senate of the improvidence of the bill I will then move to recommit the bill to the distinguished committee on which I have the honor to serve.

Does that satisfy the Senator?

Mr. FULBRIGHT. I wish to make one comment. The $900 million to which the Senator referred was for 3 fiscal years, 1968, 1969, and 1970, or $300 million a year for the Inter-American Development Bank.

But I did not wish to precipitate at this stage particularly the argument on the merits. The Senator referred to the passage recently of the bilateral foreign aid bill. I felt very much about that bill as the Senator does about this bill but I did allow it to come to a vote; I did not delay it.

Certainly the Senator is entitled to all the time that he wishes. That is provided in the rules of the Senate. I was wondering if the Senator would be willing for the matter to come to a vote today so that the Senate might decide. That is what I really had in mind. I wonder if the Senator would be willing, after he has explained his objections to the bill, to allow the Senate to vote on it.

Mr. GORE. As long as my voice is raised in this Senate it will be the voice of the people and what the senior Senator from Tennessee conceives to be the public interest. I do not believe it is in the public interest to pass this bill at this time. I shall undertake to persuade the Senate not to pass it. I shall undertake to defeat the bill.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Would the Senator be willing to offer an amendment to table it as a device with which to dispose of it before the end of this session, or recommit it?

Mr. GORE. I would not be arbitrarily averse to that. I do not think I have ever offered a motion to table. I would prefer to see it go back to the committee, where it could be treated with the proper hearing and investigation. Were I privileged to continue in the Senate, it had been my purpose to insist upon a thorough investigation of the Inter-American Development Bank.

As I said earlier, I am not prepared to charge that scandalous conduct has been engaged in. I do not feel good about what I learned. I do not want to go any farther than that now, but I think the committee ought to have answers to some of the questions proposed by the Senator from Iowa. I think the Senate ought to know something about the purposes for which the funds are to be used and the manner in which they are to be used.

The President and the Vice President of the Inter-American Development Bank live like monarchs, with vast salaries, vast unaccounted-for spending accounts, long limousines with chauffeurs available for their wives or anyone else. The American taxpayers are paying for it, and I think the Senate ought to know in detail what is being done with the funds which this country is providing.

Therefore, rather than table, I would prefer to see it go back to the committee and have the careful investigation which the amount of money involved and the importance of this undertaking require.

Mr. FULBRIGHT. I do not quarrel with the Senator on whether he tables or recommits; I am only trying to elicit from him whether we can get a vote on it. That is the only thing I request of the Senator. For obvious reasons, time is growing short. I am asking if he will allow us to vote on it.

What the Bank has already done is available. I do not think any bank can tell us what it is going to do in the future. It cannot specify every loan. No bank can do that. Even the private banks cannot do that.

I do not wish to bother the Senator with a discussion of that aspect, but I am extremely interested in knowing whether or not he will allow us to vote on it on any kind of question—a vote up or down, or a motion to recommit.

May I say, purely for the record, that I believe the salary of the president of the Inter-American Development Bank is $35,000, plus a $10,000 expense account. That is our information. If the Senator knows anything contrary to that, it would surprise me. All that information is contained in the material that is available.

Mr. GORE. Is that salary taxable?

Mr. FULBRIGHT. I do not think so. This is customary in international organizations. He is not a citizen of America. Whether it is taxable to his own country, I do not know.

Mr. GORE. The vice president is a citizen of this country. Is his salary taxable?

Mr. FULBRIGHT. In one sense, it is taxed, but the Bank makes up the difference and pays it to him. So, in real terms, the salary is not taxable like the Senator's or mine is, but I think this is customary in all international organizations. If they have to pay a tax under the laws of this country, the Bank will make it up.

So I think, to be honest about it, one would have to say that it is nontaxable. I do not know how we could solve this kind of dilemma when the Bank makes up the taxes on the salaries which technically are taxable; but when those men are hired, that is the understanding.

Mr. GORE. I hope the Senator will let me bother him about some of the details which I wish the committee had examined.

Mr. FULBRIGHT. I am willing to be bothered, if the Senator can give some idea when we can come to a vote. I have no particular desire to discuss this for the next 2 weeks and not get to a vote on it. That would be rather difficult. I am getting too old to engage in that. But I am certainly willing to discuss the details if there is any assurance that we can get to a vote.

Mr. MILLER. Mr. President, will the Senator yield to me for a moment?

Mr. GORE. Not just now. I will in a moment.

Let me advise my friend and my distinguished colleague and neighbor, he may be aware that through my service I have been a sort of broken field runner. I am running hard on this bill. It is contrary to the public interest. It has not been thoroughly studied. Necessary investigations have not been made. I intend to defeat the bill if I can, and I think I can, by a majority vote. It is my plan to recommit the bill on Monday, but it will require me to have the remainder of the day to undertake to persuade my distinguished colleague about the lack of merit of this legislation.

Mr. FULBRIGHT. I appreciate that very much.

Mr. GORE. Mr. President, the Senator from West Virginia had asked me to yield. I yield to him.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for yielding, but he answered my question. My question was going to be with reference to the procedure for the rest of the day. I was going to inquire whether it was his intention to move to recommit the bill today.

Mr. GORE. Monday.

Mr. BYRD of West Virginia. I thank the Senator. He has answered my question.

Mr. GORE. I yield now to the Senator from Iowa.

Mr. MILLER. The Senator from Tennessee has partially answered a question I had, but I thought I also might point out that, in addition to a motion to recommit or a motion to table, there are other options. The Senator from Tennessee would be just as aware as I am about that, but I thought I might ask him what his feeling would be toward possibly an amendment to the bill.

The Senator from Arkansas has indicated a time problem on the IMF aspects of this measure. The Senator from Iowa has been somewhat concerned about the $1 billion for the IDB on top of the previous amount the Senator from Tennessee has referred to.

So I think we have options here. We do not necessarily have to approve the whole bill. We do not necessarily have to approve the $1 billion for the IDB soft loans. We could authorize $200 million, for instance.

I was wondering if the Senator had any feeling along those lines.

Mr. GORE. Mr. President, I favor the portion of the bill providing additional funds for the International Monetary Fund. I think that is a praiseworthy operation.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. GORE. Let me go one step further. On that portion of the bill alone, I would vote in favor.

I think, quite inadvisedly, the other body lumped the Asian Bank and the Inter-American Bank into the same bill. They do not belong in the same bill. The operations of the International Monetary Fund are of one order. The soft loan operations by the so-called development banks are of an entirely different order. I think that they must have been placed in the same bill in order to ride piggyback.

To be specific, I would be amenable to taking out the funds for the Asian Development Bank, which is very premature, due to the war situation in Southeast Asia. For instance, what value would a Senator place upon the credibility of a loan now for the development of a power line in Cambodia?

After the invasion of U.S. forces there, the country has been literally torn apart. Only yesterday, the Senate Appropriations Committee once again approved, I believe unanimously, a prohibition against the use of funds for U.S. troops in Cambodia.

Without U.S. support, the Lon Nol government is on shaky legs indeed. So it seems to me that this illustrates the immaturity of the type of legislation before us with respect to the Development Bank in Southeast Asia.

Mr. MILLER. Will the Senator yield further?

Mr. GORE. I have expressed some views about the Inter-American Development Bank, and particularly since it has hundreds of millions of dollars not yet either committed or disbursed, what is the reason, in the closing month of this Congress, to grab another $1.8 billion for soft loans never expected to be repaid to the United States and, indeed, the possibility of repayment even to the bank being highly questionable, and at interest rates utterly unavailable to any community in America, or to any citizen of America?

Yes, I will say to the Senator I am not adamant about everything being defeated, I am strongly in support of the funds for IMF.

Mr. MILLER. I rather suspect that was the Senator's position. That being the case, of course, a tabling motion would go contrary not only to the portion of the bill which the Senator objects to, but also to the portion of the bill which he approves.

A recommittal motion would, of course, enable the committee to do something about it. I do not know whether they would just not do anything on it in this Congress, or whether they might modify the bill along the lines the Senator from Tennessee has talked about; but because of the time problem, it would seem to me that we might have a better chance of arriving at the conclusion of the Senate as to whether or not Senators support the real thoughts of the Senator from Tennessee on this bill if the Senator, instead of moving to recommit, would offer an amendment to change the bill to a form that he could support.

I have serious reservations about knocking out the whole $1 billion for IDB. There is a new president coming on board.

Mr. GORE. More than $1 billion.

Mr. MILLER. Well, I am talking about the soft loan window. That is the one that the Senator from Tennessee and I both have concerns over. But we have a new president of the bank coming on board, and I would like to see him succeed. I would like to see him set up his own management control team, to avoid repeating some of the errors and abuses that have occurred. I think it might be unfortunate if there were no action taken on this part of the bill at all; but that is a bridge that we could cross.

The Senator from Tennessee, for example, could seek to knock the whole IDB portion of this bill out, leaving intact the IMF portion, which he has said he approves. If that amendment succeeded, the Senator from Tennessee would be happy. If that amendment did not succeed, the Senator from Tennessee would be in a position to seek a middle ground, perhaps by reducing that portion of the IDB authorization which I have referred to, and possibly, in that event, I could join in supporting him on that. That would be more of a middle ground, and it might have a better chance of passage.

The point I am making is that there are several options here. I wanted to find out what the Senator's thinking is, and I think he has been quite clear, not only in stating his thinking to the Senator from Arkansas but in his response to my questions.

I would hope the Senator would not get too much locked in concrete on this matter. He has said he would be willing to have a vote on recommittal next Monday. I hope he will think about it in the meantime, and possibly see fit not to go to the extent of recommitting on his first effort, but see if he cannot offer an amendment or two or three to test out the will of the Senate. If the will of the Senate is not satisfactory, then he could move to recommit or to table, and I think we might have a better chance of obtaining a consensus by way of an amendment approach rather than just an up or down vote on recommittal.

Mr. GORE. Mr. President, I find the able Senator from Iowa quite persuasive. Indeed, he may be sufficiently persuasive to move the distinguished chairman of the committee to accept an amendment striking out the Asian Development Bank and the Inter-American Development Bank. Then we could pass the bill for the IMF today.

Mr. MILLER. May I say in response to that, I think, as I have stated, that with a new President coming into the Bank, one whom we supported and one who, I understand, is a very knowledgeable and able gentleman, it would be unfortunate if we went that far.

But I do not think it would be any great tragedy if the whole amount of $1 billion were not authorized. That would get the Senator into this middle ground to which I have referred.

Mr. GORE. Let me say to the Senator, if one-tenth of what I have here purporting to be facts is true, then the new President will have plenty to do to clean up the mess that has already been made by the recently retired President and the Vice President of the Inter-American Development Bank.

The recent resignation of the President appears to me to be wholesome; but we have had no resignation of the Vice President, who must share some responsibility for what has been going on. And if cleaning up the mess that exists is not sufficient challenge to the talents and interests of the new President, then he has several hundred million dollars yet to lend without the provision of the additional funds specified here.

Mr. MILLER. What the Senator says may be true, but if the authorization for something less than the $1 billion is made—and I am thinking in terms of something considerably less—it would give the Appropriations Committees a chance to do a thorough job of reviewing the present situation, and the Appropriations Committees could do the kind of a job that I think the Senator from Tennessee would like to see done before any money is actually paid out of the treasury.

But I think, at this stage of the legislative program, some reasonable amount of authorization can be made which will not run any undue risk to the taxpayers, and at the same time will give the new president of the IDB the realization that, while we are concerned, we are not turning this thing off without any opportunity for our Appropriations Committees to go into the matter.

Mr. GORE. Mr. President, I would like the Senate to ponder the priorities here involved.

In my view, President Nixon's priorities are upside down. I have two pages of programs, of resource development, community facilities development, highway construction, water resources, sewage disposal facilities—two pages, which the President has found it necessary to stop, curtail, hold back, while recommending within 1 week the passage of a bill of more than $2 billion of bilateral foreign aid; almost $4 billion for international organizations, mostly soft loans; and $500 million approved by the House committee only yesterday for Cambodian aid.

I say this is upside down, and I wish to call to the attention of my colleagues in this body, which I love, the necessity for the Senate, for the President, and for the American people to set themselves right on priorities.

Unless we can promote the general welfare of our own country, we subvert the role of leadership, which is the potential of our country.

I have cited the fact that today, according to the testimony of the president of the American Educational Association, only one county and only one city in America can sell bonds to build school buildings at any rate of interest. When three out of four of our counties and our cities in America are unable to build schools, to add an addition to schools, then by what priority does Congress, in 1 week, pass three multibillion-dollar foreign aid bills to provide soft loans at from 1 to 3 percent interest in a whole category of other countries? If it is far away and we do not know what the money will be used for, or whether it will ever be repaid, then apparently the administration is ready to recommend it and Congress is ready to vote it. I am not, and I want to call attention to the upside-down priorities of the leadership of our country, and I shall do so in the course of the day.

ORDER OF BUSINESS

Mr. MILLER. Mr. President, will the Senator yield?

Mr. GORE. I had promised to yield to the Senator from Texas for a unanimous-consent request.

Mr. YARBOROUGH. Mr. President, will the Senator yield, so that I may make a unanimous-consent request?

Mr. GORE. I yield.

REQUEST FOR EXTENSION OF TIME TO FILE REPORT—OBJECTION

Mr. YARBOROUGH. Mr. President, today I present to the Senate a report of the National Panel of Consultants on the Conquest of Cancer, a report that had previously been ordered made to the Senate; and I ask unanimous consent that the time for filing the report in final form be extended until midnight today, December 4, 1970.

The PRESIDING OFFICER (Mr. Byrd of Virginia). Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I was just outside the Chamber, so may I ask whether this is a matter which would violate the Pastore rule, or is this a privileged matter? I did not understand.

If the Senator would just withhold his request a few minutes and then make it after the Pastore rule has run its course——

Mr. YARBOROUGH. I will return later, if the Senator objects to this unanimous-consent request at this time.

Mr. BYRD of West Virginia. I would be glad to introduce the request for the Senator, if he would like.

Mr. YARBOROUGH. I shall return to take care of the request myself.

The PRESIDING OFFICER. The Chair inquires as to whether there is objection to the unanimous-consent request of the Senator from Texas.

Mr. BYRD of West Virginia. Mr. President, I had only reserved the right to object, but in view of the fact that the able Senator from Texas has left the floor and has expressed an intention to return within a few minutes, I shall object at this point.

The PRESIDING OFFICER. Objection is heard.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

The Senate continued with the consideration of the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. MILLER. May I say to the Senator from Tennessee that we all have ideas about priorities in this Chamber, and the Senator from Tennessee and I agree on some of them and we disagree on some of them. The Senator from Tennessee and the Senator from Arkansas agree on some and they disagree on some.

I do not know that it is going to be too helpful to the resolution of this particular problem for us to get bogged down in evaluating all kinds of priorities.

The Senator from Iowa feels this way about it: At the time when, unfortunately, those in control of this Congress have allowed our Federal Government to slip into a $14 billion budget deficit for the current fiscal year, right now—and it could be higher—as the result of which we have amendments offered here every once in awhile to reduce some of the appropriations for some very desirable and urgent types of programs, the Senator from Iowa is concerned about another billion dollars going into the IDB.

But that is not the question, because the $1 billion is not going into the IDB under this bill. As the Senator from Tennessee knows, it is an authorization bill and that only. The amount of money will be determined by the Appropriations Committee.

Mr. GORE. Mr. President——

Mr. MILLER. May I continue?

Mr. GORE. I want to correct the Senator when he adds "and that only." Then he adds something that is not correct.

Mr. MILLER. It is only an authorization.

Mr. GORE. It is more than that, I submit.

Mr. MILLER. May I finish?

Mr. GORE. Yes.

Mr. MILLER. My point is that the real hard money we are most worried about will be determined by the Appropriations Committee.

Mr. GORE. No, I do not agree with that at all.

This bill authorizes the representative of the United States to commit—and there is yet to be an action of the Senate Appropriations Committee that is less than the commitment to these international organizations.

Mr. MILLER. Where is the language that says he is authorized to commit?

Mr. GORE. The clerk of the committee will be glad to show the Senator. While he is showing that to the Senator, I should like to read the colloquy between the distinguished chairman of the committee and Mr. George D. Fischer, president of the National Education Association, concerning the difficulty of financing the construction of public schools:

> Mr. FISCHER. * * * Senator, one of the tragic things, that I just touched on here is that in the last year or two about 50 percent of our bond issues have failed. Of the 50 percent that have passed only about 25 percent have been sold. Because of this inflation and the increase in interest rates, the average bank or investor that generally buys our school bonds for school construction won't buy them because they don't carry enough profit or interest.
>
> The CHAIRMAN. Can you generalize that? Under the present situation, isn't it almost impossible to float any school bonds?
>
> Mr. FISCHER. It is difficult to pass one because the property tax holders hate to raise their own property taxes.
>
> The CHAIRMAN. If you passed it, I mean—
>
> Mr. FISCHER. Then you can't sell it.
>
> The CHAIRMAN. What interest rate would you have to pay to sell it?
>
> Mr. FISCHER. Well, I would guess if it was going to be competitive, and we were going to try to sell all of them that passed, you would have to be up over 10 percent.
>
> The CHAIRMAN. This is the reasons the voters don't like to pass them. They realize that saddling that kind of an interest rate on them makes it almost prohibitive.
>
> Mr. FISCHER. They have given away a tenth of their school before they get started.
>
> The CHAIRMAN. So it is all a vicious circle. It is the high interest rates, together with inflation which makes building almost impossible.

Mr. President, this deplorable situation, discussed in the letter I have just read, is to be compared with the money, contained in the pending bill, for loans to communities, businesses, and institutions in countries other than our own at interest rates of from 1.5 to 3 percent, in the case of the Asian Development Bank, and from 3 to 4 percent in the case of the Inter-American Development Bank. I think this is unrealistic. It demonstrates the upside-down sense of propriety and priority.

It occurs to me that something more than 4 or 5 Senators should be on the floor of the Senate to consider a multibillion-dollar bill, so I suggest the absence of a quorum.

Mr. MILLER. Mr. President, before the Senator calls for a quorum, will he yield to permit me to ask a question?

Mr. MANSFIELD. Mr. President, I, too, should like to ask the Senator to yield so that I may speak with him.

Mr. GORE. Mr. President, I withhold my request temporarily. I yield first to the Senator from Iowa.

Mr. MILLER. I should like to emphasize that while the bill authorizes the United States representative to vote in favor of an increase in the soft-loan window operations of IDB, he can vote there from now until kingdom come. But until the Senate and House Appropriations Committees give him the money, there is not going to be any money going to the bank. That is the point the Senator from Iowa wants to emphasize.

But I do agree that there is great concern on the part of all of us here about the various types of priorities.

There was concern over this development loan approach several years ago. We fought over that collectively—I do not know whether the Senator from Tennessee did—but most of us agreed that we would, through our foreign aid efforts and the taxpayers' money, give some of the developing countries some low-interest, long-term loans. That has all been fought over.

I have the greatest concern over situations the Senator was just reading about. We all have. But the question is not really before the Senate right now on what we are going to do about that, because this is an authorization bill. I want to repeat to my friend from Tennessee that I think there is a midpoint or a middle ground that might be sought with respect to this phase of the bill.

I appreciate his responses and I hope that he will ponder that over the weekend because, perhaps, this thing can be resolved to the satisfaction of most of us in the Senate.

Mr. GORE. Mr. President, I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BAYH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I do not believe this body would be wise to enact this multibillion dollar authorization for international financial institutions in this session, a bill which authorizes contingent liabilities and appropriations of $3.9 billion.

First, there is no urgent need for it; the President's communication of December 3 explains that only about $100 million in actual expenditures will be required during fiscal years 1971 and 1972.

Why should we not make a simple authorization of the amounts actually needed, perhaps to include authorization of the increased U.S. IMF quota, as a holding action and deal with the longer term aspects in the next session of Congress?

I share with the minority view expressed in the Senate Foreign Relations Committee report some doubts as to the appropriateness of lumping these separate institutions into an omnibus authorization bill. This means that the bad goes in with the good, with very little chance for Congress to exercise its constitutional role in scrutinizing the expenditure of billions of dollars of the taxpayers' money.

But most important of all, we have been notified that the President will be submitting a major set of proposals on future foreign aid early in the next session of Congress, presumably incorporating many of the recommendations of the Presidential task force under Mr. Peterson.

Without taking time now to debate any of the specific points which are bound to be controversial and which should be examined carefully by both Houses of Congress, I merely point out that we are being asked to authorize vast sums of money while the rules of the game are in the process of change.

I think we should have a look at these rules, as they are proposed in the President's forthcoming message before acting upon this bill, except as may be necessary to insure continuity, during the remaining few days of this session.

In our previous discussion of this bill, some concerns were expressed with the operation and management of—and congressional review arrangements for, these institutions—particularly the Inter-American Development Bank, which has just elected a new president. I think we should have in mind, Mr. President, that Latin America today stands at an important crossroads. In several countries, legislative or executive action is in process or being contemplated which could adversely affect many American interests, both public and private.

H.R. 18306 authorizes one billion dollars of U.S. funds which will be passed out at low interest rates and for long periods of time through the Bank's "soft loan" window. This is clearly an important matter, especially in view of the criticisms recently expressed in Congress on the operations of the Inter-American Bank.

By early in the next session of Congress, some important signposts may have been revealed as to future directions, but right now they are not very clear to any of us. This is still another reason for letting this authorization go over until the next session.

In conclusion, Mr. President, this body already has enough on its agenda for the remainder of this session. When there are positive reasons for making haste slowly and no compelling reason for action in this session, why should we rush through an authorization measure going far beyond what is actually needed for the remainder of this fiscal year?

Mr. PERCY. Mr. President, I would like to speak in strong support of H.R. 18306.

This bill would authorize new U.S. contributions to the international development banks and an increased subscription in the International Monetary Fund.

I think it is critically important that we act without delay on this legislation.

H.R. 18306 embodies an affirmation of the President's pledge in his September message on foreign assistance for the seventies to place increased emphasis on the multilateral institutions. The free world has achieved unparalleled progress in the years since the end of World War II when the Bretton Woods institutions were first formed with the hope that nations could finally learn to effectively work together for the economic benefit of all. This hope has been achieved beyond anyone's expectations. Today the economic strength of the United States is matched by that of the other industrialized nations. Lower income countries have made impressive gains. The international development institutions—the World Bank, the Inter-American Development Bank, and the Asian Development Bank—now possess the unique capacity to blend the initiatives of the lower income countries and the resources of the industrialized countries.

Looking ahead to the seventies, the multilateral approach makes good economic sense for the United States. It provides the most effective means for promoting development assistance. It provides the most effective vehicle yet devised for sharing the financial burden of development assistance, both insuring a flow of resources from all potential donor countries and by tapping private capital markets.

Effective utilization of resources is assured because international institution lending judgments are made on the basis of need and ability to digest resources, not on the basis of short-run politcial considerations. International influence is brought to bear through these institutions on recipient countries to encourage acceptable and effective development policies.

Additionally, these institutions provide a pool of knowledge and technical expertise which no single donor country could hope to match. Through the multilateral development banks, donor countries and recipient countries coordinate all their development programs and activities to eliminate duplication of effort and waste of scarce resources.

I would like to emphasize the need for prompt action on this very important bill. If we do not complete action by the end of this calendar year we will lose up to $130 million in special drawing rights to be allocated by the International Monetary Fund on January 1, 1971. Special drawing rights are valuable reserve assets which will increase our international reserves. We cannot afford to forgo this very substantial increase.

The proposed authorization for the World Bank is related to this quota increase in the fund, and is designed to maintain the relative voting strengths of members in the Bank to match the changes in voting strength in the fund brought about by the quota increase. Our vote is necessary, as a practical matter, for the increase in World Bank subscriptions to become effective. By approving an authorization for $246 million we will enable the Bank to receive almost $2 billion from other members.

It is time we acted to provide special funds for the Asian Development Bank. This proposal has been before the Congress for 3 years. Six ADB members have already contributed in anticipation of a United States contribution. Our failure to act now would be a serious setback to the bank's ability to obtain funds from other donors and build a strong, long-range concessional lending facility so necessary for the development of infrastructure in Asia. As the Committee Report on H.R. 18306 points out, as the United States continues to withdraw forces from Southeast Asia, we will increasingly encounter demands for reassurance among friendly Asian countries that they are not being left on their own by this country economically and politically. Action through the ADB will provide an answer to that uncertainty.

The Inter-American Development Bank is the major instrument for economic development in this hemisphere. The funds contained in this bill are vital to its 1971 lending program. It is vital that we maintain our support for this very constructive institution during this period of rapid social change in Latin America. Two-thirds of the Latin American members, including all major countries, have already acted on this proposed funding. Prompt action on our part will have the additional benefit of demonstrating support for the newly elected Bank President, Mr. Antonio Ortiz Mena of Mexico.

Finally, I would like to say just a few words about the very limited budget impact which this bill will have. The Treasury has estimated that the bill will result in a budget impact of only $35 million this year, $68 million in fiscal year 1972, and $155 million in fiscal year 1973 with the remainder spread into future years.

Some of the authorized expenditure will have no budget impact. The International Monetary Fund quota increase, $1.54 billion, will be an exchange of assets, a monetary transaction with no budget impact. The callable capital authorizations, $221 million for the World Bank and $674 million for the IDB, will result in budget outlays only in the unlikely event that the Banks default on their obligations and must call their capital. The modest budget implications of this bill are an important consideration in its favor.

In conclusion, I want to repeat that this is legislation which cannot wait. It has the strong support of the President. The multilateral financial institutions are the most effective means for economic development in today's world. H.R. 18306 would help to strengthen these vital institutions. I strongly urge its passage.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BYRD of Virginia) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

AUTHORIZATION FOR THE NATIONAL PANEL OF CONSULTANTS ON THE CONQUEST OF CANCER TO HAVE TIME EXTENDED TO FILE ITS REPORT UNTIL MIDNIGHT

Mr. KENNEDY. Mr. President, on behalf of the distinguished Senator from Texas (Mr. YARBOROUGH), in presenting the Senate report of the National Panel of Consultants on the Conquest of Cancer, I ask unanimous consent that the time for filing its report be extended until midnight, December 4, 1970.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I shall not object—I am sorry that the able Senator from Texas (Mr. YARBOROUGH) took umbrage a little earlier today when I merely reserved the right to object. I did so at the time because the Pastore rule of germaneness had not run its course, morning business had been completed, and there was pending business before the Senate.

I am glad that the able Senator from Massachusetts has now renewed the request on behalf of Senator YARBOROUGH. I would have had no objection had the Senator from Texas renewed his own request at this time, because the Pastore rule of germaneness has now run its course for the day.

I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

What is the will of the Senate?

Mr. MANSFIELD and Mr. KENNEDY suggested the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRESS ON PRESIDENT'S COMMITMENT TO END HUNGER AND MALNUTRITION IN AMERICA

Mr. DOLE. Mr. President, I cannot leave unchallenged the recent charges that have been made on the floor and to the press that the President and his administration have reneged on their commitment to end poverty-related hunger and malnutrition in America.

I cannot leave unchallenged the statement:

> What the Nixon administration is doing (is): All rhetoric and no action, and running in the wrong direction.

And, I cannot leave unchallenged the statement that the Congress itself should quit cutting back on food programs.

This administration and this Congress are not only running in the right direction on food programs, its record of progress cannot be equaled. It should not be buried under rhetoric of the neglect of previous administrations.

RECORD PROGRESS IN FOOD PROGRAMS

Every progress report of the U.S. Department of Agriculture reports a record high in the food programs:

In September, 11.7 million people were being helped by USDA family food programs. A new record high—up some 70 percent in a year.

The dramatic increase has come in the food stamp program. In September, 8.2 million persons were participating under the liberalized benefits initiated by this administration. A new record high—participation up from only 3.3 million people a year ago.

In September alone, a total of $116 million worth of bonus food stamps were distributed, about $14 for each participant. A new record high—five times greater than the $23 million distributed last September. Then, an average food stamp family received a bonus worth only about $6 per person.

The Nixon 1971 budget request for USDA food programs is $2.6 billion. A new record high—$1 billion more than the expanded Nixon budget for 1970; more than double 1961 expenditures of $1.2 billion.

In September, USDA family feeding programs were operating in over 3,000 counties and independent cities—where 99 percent of our population resides. A new record high—we began 1970 with some 279 counties which had no program, neither food stamps or commodities. Right now, there are only 10 very small counties that have not made a commitment to operate a family food program.

The Department of Agriculture recently released a report showing that 12 million persons were receiving food assistance under its family feeding programs. The 12 million figure is a new record high participation. Last October these programs reached only 7 million needy persons. This sharp increase evidences real progress toward fulfilling the President's commitment to eliminate poverty-related malnutrition.

FOOD PROGRAMS REACH HARD-CORE POOR

A recent charge was made that USDA's family feeding programs are not reaching hard-core poor. I checked into this charge, because, if true, it would be a most disturbing situation needing correction. I requested the Department of Agriculture to provide me with any available data about the incomes of the over 8 million persons who are now receiving food stamps.

USDA reported that they had collected sample data to estimate the national income profile of food stamp families. These profiles showed, for example, that:

First. Over 50 percent of the single-person food stamp households had incomes of less than $100 a month.

Second. Nearly 40 percent of the two-person households had incomes of less than $100 a month.

Those households contain some of the most vulnerable of the poor—the aging who live alone, and the childless couple. Some rely on limited pensions; others are too old to find work but yet not old enough for the old age assistance.

Third. USDA also reported that its profile showed that of the four-person households using food stamps: 12 percent had incomes below $600 a year; 40 percent had incomes below $1,800 a year; 79 percent had incomes below $3,000 a year; and 96 percent had incomes below $4,320 a year.

These data are an impressive demonstration that the food stamp program is, in fact, reaching the poor and. especially the hard-core poor.

In a move that broke a 25-year precedent, the Department of Agriculture issued its revised school lunch regulations in proposed form—inviting public comment. For the first time in the entire history of the school lunch program, concerned public and private groups had an opportunity to participate in the formulation of Federal school lunch guidelines.

SCHOOL LUNCH PROGRAM STATISTICS

The administration has been accused of using misleading statistics and avoiding the facts. I say the administration's statistics have been misinterpreted and distorted. An invalid comparison was made regarding the number of needy children served by contrasting the figures for May, a month of maximum participation since all schools are in session, with September, a month in which many schools have their lowest participation. Schools convene over a 3-week period from late August to mid September which further makes September a nonrepresentative month for comparison.

The charge that only 50 percent of needy children eligible to receive free or reduced-price lunches are not being fed is also unfounded. In October, 5.3 million needy children were served free or reduced-price school lunches. A new record high—up 23 percent from October of last year.

The actual number of needy children eligible for these lunches is not presently known. USDA will compile the local estimates of eligible children which are currently being gathered by school districts throughout the States. Only then will a realistic figure be known.

At the time of the December 1969 White House conference on nutrition, the best available estimate was 6.6 million. The Department of Agriculture anticipates that, when the November figures are tallied, they will be reaching approximately 6.6 million. USDA acknowledges that there are still schools without food service, and that all children are not reached, and their priority challenge is extension of the school lunch program to all schools.

NATIONAL NUTRITION SURVEY

Contrary to recent statements, there has been no muzzling by the administration of data from the national nutrition survey. Every effort is being made to complete the data processing and final review as soon as possible. Following this review and consultation with concerned State and local officials, the survey results will be available for public review and will be furnished to all governmental agencies with nutrition interests.

The transfer of the national nutrition survey to the center for disease control in Atlanta, and the processing of the survey data are in keeping with the recommendations of the White House Conference on Food, Nutrition, and Health.

FOLLOW-UP CONFERENCE SCHEDULED

President Nixon announced yesterday that the follow-up conference to the 1969 White House Conference on Food, Nutrition, and Health will be held February 5 in Williamsburg, Va. The meeting of panel chairmen and vice-chairmen from the original conference will re-examine their findings and measure progress in food and nutrition programs.

ADMINISTRATION ACCOMPLISHMENTS BELY CHARGE OF EMPTY PROMISES

I could go on to illustrate the innovative changes and food program reforms that have been initiated under the President's commitment to end poverty-related malnutrition and hunger.

There is yet much to be done—a magic wand cannot be waved for an overnight solution. But the Nixon administration's record of accomplishment belies the charge of empty promises. Ignoring this progress—for whatever private, commercial, or political purpose—does not serve the public interest.

WHAT CHRISTMAS WILL BRING FOR SOME AMERICANS

Mr. DOLE. Mr. President, the holiday season we are rapidly approaching is traditionally a time for all Americans to joyfully give thanks for the many blessings and good things they have experienced during the past year.

But, unfortunately, there is a group of Americans that will not know joy this holiday season. Many of them have not felt true happiness for the past 4, 5, or 6 years of their lives.

They cannot, for they are the wives, families, and loved ones of the POW's and MIA's being held in North Vietnam, South Vietnam or here. Their thoughts will be of the many brave American servicemen held prisoner by an enemy that refuses them even the most basic humane treatment.

Yet, there are those who criticize the valiant attempts made by other brave Americans to rescue these much mistreated prisoners of an unjust captor. These critics must realize that every effort must be made now to free these imprisoned Americans.

An article printed in the December 15, 1970, issue of Look magazine written by Christopher S. Wren, tells of the feelings and hopes of some of the POW wives as they approach this Christmas season. It reflects their growing impatience to see their husbands returned to them; feelings of sympathy are no longer enough.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT IS CHRISTMAS TO THE POW WIVES?

A new year piles upon the old for American prisoners of war in Indochina, many of them captive longer than those in any other war we have fought. It is the seventh Christmas in prison camp for one POW; for others, the fifth or sixth. Back home, the families cope; the holiday season means that one more futile year has drifted by. "I wish I could just cancel Christmas," says the wife of a pilot five years absent. "I haven't wanted to have a Christmas tree since he's been away."

Nearly 1,600 husbands and sons have vanished in action. The Defense Department confirms 457 of these as POW's, but doesn't know how many of the others are alive. Unofficially, North Vietnam has acknowledged holding 335 POW's, though the Pentagon knows of at least 40 more there. In South Vietnam and in Laos, the tallies are much sketchier.

The only comfort comes from a haphazard flow of correspondence between some captured airmen and their families. The Geneva Convention specifies an exchange of at least two letters and four cards a month. North Vietnam has permitted only one letter a month, through the American anti-war Committee of Liaison. But small parcels, with vitamins, medicine, tobacco, food concentrates and snapshots (no reading matter), may be sent every other month through Moscow. This Christmas, ten-pound packages will be allowed.

Until two years ago, letters from POW's were scarce, but those that arrived might run several pages. Now, North Vietnam limits letters to seven lines on a four-by-six inch form, presumably for easy censorship. The letters come in random clusters many months apart and the families don't know if their own get through. About 2,200 POW letters have reached families so far, but within their severe confines, a very human Christmas gift—love—shines.

"My darling wife. The beauty of you and the pride of having you for my wife are both wonderful thoughts that I constantly cherish. Merry Christmas and Happy New Year. I love you. Howard."

The card from Air Force Capt. Howard Hill to his wife was written last Christmas, but it only arrived April 10. Libby Hill had not heard from him since he was lost on December 16, 1967. She has received three more short letters since. (The Geneva Convention, signed by North Vietnam, guaranteed her 220 pieces of mail minimum over those years.) She knows three of her six-pound packages have gone through, isn't sure about her own monthly letters.

Four out of every five captured pilots have wives waiting, though few shared so little time together as Howard and Libby Hill. Twelve days after they married, he went back to Vietnam. Gentle-spoken Mrs. Hill dreads a fourth Christmas without him:

"We were married on his leave. We were going to wait until he finally came back, but we decided to get married so we could have that week together.

"The most important thing is getting that first letter. It's proof that he can still write and can use his right hand. When you get a letter, you wonder: If it does this much for me, what does it do for him?

"When I got my first letter, I was elated for one whole day. Then I felt so down and depressed because he didn't have any letter from me. He did say in May that he'd received a Christmas card from his mom and dad, and he hoped he'd receive one from me. This indicates he hadn't gotten a letter yet.

"I'm lonely and miserable because I worry about him, but I have a pretty good life. But I think a letter for him would mean so much more than it would for me. I write him once a month. Last Christmas, I put a little cutout Santa Claus in his package. I don't believe he got it, but each year I put in candy canes and other Christmasy things.

"It's not that I don't appreciate the letters, but there's a lot of other wives who should be getting letters. I'm at the point now where if Hanoi ever abided by the Geneva Convention, I'd accept it with the same joy as if they said they were releasing all the men. It would be such a relief. It would make their internment more bearable, but it would be more bearable for us too."

"You and Michael are constantly in my thoughts and prayers—please don't worry about me or try to imagine what I am doing. Think of me only as being with you in whatever you are doing. My heart is filled with joy in knowing you are all well. . . . I am glad that Michael knows that I am his daddy, but sad he doesn't know what a daddy is. God bless you and keep you, my darlings. I love you, Bill."

Jane Tschudy still reads the letter written by her husband in Hanoi four Christmases ago. Navy Lt. Cdr. William Tschudy was shot down on July 18, 1965, when their son was seven months old. Now Michael is six and in kindergarten. In the long wait, Jane Tschudy has collected 14 letters, most of them on the short form. Her husband's absence has aged her beyond her 32 years:

"The terror you go through when he hasn't been allowed to write—you ask, has he died? When the mail comes in, you wonder, you just might get a letter. The short letters tell me that as of that date he's alive and hanging in. In seven lines, that's all you can relay. It's no real communication.

"My husband has referred to no letters from me in the last three years, but his handwriting has improved in the last two letters. He wrote me, 'Make your letters very short. I can only receive short letters.' We have to wait for the letters from peace groups, because Hanoi won't let letters come out through normal mail channels.

"We were married three years when Bill was shot down. I love him, and I will wait for him, but I can't quite remember him. I find it hard to be around my Navy-wife friends whose husbands are here. I'm afraid I become too hostile.

"I don't bring Bill into Christmas. I don't feel Michael should have to know all this, though I've told him about Bill. I don't want him to have to think of his daddy as something pitiful. To Michael, Bill is just a picture.

"We can only write letters and knock on doors. I think our dove Senators could do the most good. Our men are having to sit there until we get out of a mess that's been mishandled from the beginning. But when this is over, Bill and I will have been given a gift that other couples won't have had. We'll know how much we love each other."

"I received your July 4th gift package and enjoyed it all, especially the vitamin pills. I'm feeling O.K. I hope all [the] boys are doing well in school and help mom. Get yourself a big anniversary present, darling. I think of you always and love you with all my heart. Keep faith, Dad."

Louise Mulligan has had 16 letters from her husband, the first received 11 months after his capture. Navy Capt. James Mulligan was injured when he landed in a marsh on March 20, 1966, a week before his 40th birthday, though his wife never learned how badly. She has raised their six sons alone, putting two into college. Now, she is growing angry:

"I'm sure he's as frustrated as I am, to try to write on seven lines after not seeing each other for five years, but I can tell he's not lost touch with reality. Some men have been there four years before being allowed to write. Can you imagine not being able to hold a pen for four years? I don't feel lucky I'm getting letters anymore. It's been too long.

"I'm surprised the world hasn't condemned the North Vietnamese. The countries that signed the Geneva Convention are supposed to take a strong stand about the inhumane treatment of prisoners. I'm sorry, but I haven't seen it. And here we trade back and forth with them. It's business as usual.

"I can't see Hanoi holding men this long without getting something in return. This country should make what concessions are necessary to get these men home as soon as possible. We've lost this war because we haven't won it. I'm not a hawk or dove, but if you can't win, get the men out. They say we must get out with dignity. What do they want me to do, walk behind a casket waving an American flag with dignity? Because I'm a military wife doesn't mean I forfeit my rights as a citizen."

Many more women do not have the solace of a letter, however brief. Their husbands seem to have vanished in the jungles of Vietnam or Laos. When the jet of Navy Cdr. John Fellowes crashed on August 27, 1966, Hanoi radio boasted of the pilot's capture. Some months later, the Navy got word he was a POW, but the North Vietnamese did not admit holding him. Patricia Fellowes, a fragile mother of four, still writes, and only once has a letter been sent back. Four years' uncertainty, compounded by the recent deaths of her mother and father, trapped her in a consuming despair:

"I can only guess that they asked him to do something and he wouldn't. Jack is a good man and a strong man. He's a stubborn Irishman.

"Every time Louise Mulligan gets a letter, she calls and shares it with me, and I can almost think of my own husband. It makes me feel good to hear her letters. She's been real kind about it.

"Christmas is hard, but my children are young and we have a big tree. I spend my time taking care of the children. I know it's important to my husband. I tell my children he's a prisoner of war. I've never given them doubt. Some of the children at school tease my older son about his daddy being dead. He gets upset and goes off to his room. But my younger son doesn't care. He tells them, 'My daddy's a prisoner of war, like he's in jail.'

"When the end comes, I don't know what they are going to say. If his name came out, I wouldn't know if he was injured, but if they're alive they can always be mended. I keep telling myself, don't get hysterical, because I can't do anything about a war except try to get it ended. I've written congressmen, and they write back that they're concerned, but it doesn't get my husband out."

As LOOK went to press, the North Vietnamese finally admitted holding Cdr. John Fellowes. Ed.

Mrs. James Plowman and Mrs. Charles Parish, 25, are wives of Navy lieutenants still listed as missing. Kathy Plowman was married two weeks before her husband left for war. When he was shot down on March 24, 1967, she was five months pregnant. Recently, she identified him in a North Vietnamese photograph. Candy Parish asked the North Vietnamese in Paris if her husband, downed on July 25, 1968, was a POW, and was promised an answer. Nearly 14 months later, she hasn't heard. His navigator, a known POW, cannot mention Parish in his letters. Mrs. Parish worries: "I always thought Chuck was there, but as time goes on, you have doubts. If I don't get his name out, it tells me they're not going to return him, whether they have him or not. I've got to get that name."

With all the military muscle it has flexed in Indochina, the United States feels powerless to retrieve its servicemen taken captive. It wants them back, but not at a loss of political leverage. Nor are the North Vietnamese, Vietcong and Pathet Lao about to exchange prisoners freely, as President Nixon has asked, when they can be bartered for the best terms possible. The willful tug-of-war over face has made the men invisible pawns and their families hapless spectators. But prisoners of war do not come home, and the missing-in-action are not fully accounted for until a war ends. In Indochina, no end is in sight.

The wives and mothers have grown bitter brooding over why their men were flung into a war their country now decides it didn't want. For public support, they must often turn to those who want to press the war. They have begged around the world for help and gotten little. The military has cared well for the families, who still draw the men's pay, but there are reports of interservice bickering over whether the men, once released, will be borne home by Air Force jets or Navy ships. The wives have had to parry tasteless curiosity about their financial and sex lives. Beyond that, the public and press grows indifferent. One wife was told by an insurance firm that her husband's extra flight premiums would be refunded only when he was repatriated from Hanoi and proved that he'd not been flying. Another woman could not at first secure a home loan because she was unable to show if her husband was alive or dead.

A National League of Families of American Prisoners and Missing in Southeast Asia, with 2,000 members, has pushed the biggest concern—a guarantee of their men's safety. One member left a League fund-raising can on the bar of the officers club at her husband's former air base. Its two-week total: $1.50. But the League has been supported by a joint session of Congress on behalf of the POW's and a letter-writing campaign to Hanoi.

Cora Weiss, the peace militant who was asked by the North Vietnamese to set up the Committee of Liaison, considers the fuss "an anti-Communist hate campaign": "The women are going around as if their men had been kidnapped. They were caught in the act of bombing, and you can't expect to have them sent home with flowers." For their lifeline of letters, the POW families must rely upon Mrs. Weiss, who concluded after visiting a prison camp in Hanoi last year: "The men are getting food and clothing and medicine. The Geneva Convention doesn't say they have to be comfortable." But most women would like more official assurance, and though some are grateful that the Committee has increased the mail flow, others feel manipulated. Two wives refused letters from the Committee, which insists it sent them along anyway.

The letters from relatives, stuffed with smiling snapshots and children's crayon drawings, are sent off to the Committee in the faith that they will be delivered some day to the men who need them. "If you want letters to get through," a wife sighs about the politics of humanitarianism, "you do it their way. His letter is as if I've received a piece of paper with his signature, saying 'I'm alive.' "

Mr. DOLE. Mr. President, with respect to Americans who are prisoners of war or missing in action in North Vietnam, South Vietnam, Laos, and other places in Indochina, I ask unanimous consent to have printed in the RECORD a letter from Herbert G. Klein, director of communications for the executive branch, dated December 1, 1970, and related material with reference to the number of prisoners, and responses to the recent rescue attempt by many brave Americans, led by Colonel Simons.

There being no objection, the material was orderd to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., December 1, 1970.

DEAR SIR: As you well know President Nixon is deeply concerned about the fate of our American prisoners of war now being held in North Vietnam, and the failure of the Government of North Vietnam to honor international law or simple humanitarianism.

For more than six years, North Vietnam has held American prisoners of war. Little or no word about their fate has been made public by Hanoi. Recently, we have learned, however, of increasing deaths in these camps because of mistreatment. Others may die in the future. The President has used all diplomatic and political channels which are open to him in his efforts to gain their freedom. They have failed because of the refusal of North Vietnam to move from its position. For that reason the President authorized the recent rescue attempt into North Vietnam.

This Administration is firmly committed to the immediate release of all POWs. During the past twenty-three months, the Nixon Administration has made a concerted effort to alleviate the intolerable conditions of servicemen held in North Vietnam. I am enclosing a) a chronology of events, b) selected editorials on the recent raid and c) comments on the raid by families of our men held and mail statistics which I believe will be of interest to you.

Obtaining the release of our men held in North Vietnam is a goal which merits the support of all Americans.

With best wishes,
Sincerely,
HERBERT G. KLEIN,
Director of Communications for the Executive Branch.

WHITE HOUSE MAIL AND TELEGRAM COUNT REGARDING POW RESCUE ATTEMPT

[Dec. 1, 1970]

	Pro	Con
Letters	1,271	124
Telegrams	724	51
Total	[1] 1,995	175

[1] 58 of pro total are from relatives of POW's or MIA's.

COMMENTS BY FAMILY OF AMERICAN PRISONERS OF WAR FOLLOWING RAID INTO NORTH VIETNAM

Washington Post 11/25/70—"Mrs. Bobby G. Vinson, national coordinator of the National League of Families of American Prisoners and Missing in Southeast Asia said the families would 'surely be heartened by this new evidence of concern on the part of the administration. Despite the failure of the rescue mission, it was daring and courageous in concept and execution, and we owe a debt of gratitude to those volunteers who were willing to risk their own lives in trying to aid our husbands and sons.' "

UPI 11/24/70 Wellfleet, Mass.—"Mrs. Carol North said today that the rescue attempt 'means that someone finally had decided to do something.' She is chairman of the board of the National League of Families of American Prisoners and Missing in Southeast Asia."

ABC–TV 11/24/70—Mrs. John K. Hardy (wife of POW) "These men—we have information that 22 of these 350 men that we know are prisoners in North Vietnam have died. That is a pretty high attrition rate. We've got—we've got to get them out, one way or another and the North Vietnamese has to know that this country is standing behind them, and that they are not forgotten."

ABC–TV 11/24/70—Mrs. Mary Ann Waters "It certainly did make me feel good to know that somebody was willing to risk their life to go in for them. When I saw that Colonel on television last night, I couldn't help it, I cried to think that someone was willing to give up his life for my husband and for the men over there."

PW/MIAS—EFFORTS AND RESULTS SINCE JANUARY 1969

[Statistical comparison]

	January 1969	November 1970
Total mission/captured:		
North Vietnam	789	781
South Vietnam	342	542
Laos	112	228
Total	1,243	1,551
Prisoners of war (per United States):		
North Vietnam	271	376
South Vietnam	53	78
Laos	2	3
Total	326	457
Total letters received	620	2,700
Total number of writers	103	332

CHRONOLOGY OF EVENTS

January 1969: President asks Ambassador Lodge to call for prompt PW talks at his first session in Paris.

March 1969: Administration undertakes review of PW policies.

May 1969: Secretary Laird news conference setting forth in detail the treatment accorded our men and expressing the deep concern of President and Administration regarding the PW situation.

June 1969: Administration spokesmen begin meetings with families to inform them of efforts on behalf of PW/MIA.

November 1969: President proclaims November 9, 1969 a National Day of Prayer and Concern.

November 1969: U.S. makes major statement of concern in U.N. Human Rights Committee.

December 1969: President meets with representative group of PW/MIA family members.

February 1970: President signs Public Law 91–200 removing limits on savings program for PW/MIA.

March 1970: At President's direction, Paris Delegation begins weekly pressure on enemy re PW/MIA problem.

May 1970: President sends message in support of May 1, Appeal for International Justice, at which Vice President spoke. President proclaims May 3 as National Day of Prayer and Concern.

June 1970: President signs Public Law 91–289 authorizing special compensation up to $5.00 per day for period spent in PW status.

August 1970: President sends special representative, Astronaut Frank Borman, around world to enlist support and assistance for PW/MIA.

October 1970: President proposes immediate release of all prisoners of war in October 7 message.

November 1970: Postmaster General Winton Blount meets with Ambassador David Bruce to discuss an appeal to the Government of North Vietnam.

November 1970: Postmaster General Winton Blount meets with International Red Cross in Geneva.

November 1970: Postmaster General Winton Blount in Atlanta for commemorative stamp ceremony. Stamp honors U.S. Servicemen held as prisoners of war and missing in action.

November 1970: President authorizes rescue mission to Son Tay North Vietnam.

Many unofficial efforts have been made by H. Ross Perot privately.

"I propose the immediate and unconditional release of all prisoners of war held by both sides. War and imprisonment should be over for all these prisoners. They and their families have already suffered too much.

"I propose that all prisoners of war, without exception and without condition, be released now to return to the place of their choice. And I propose that all journalists and other innocent civilian victims of the conflict be released immediately as well.

"The immediate release of all prisoners of war would be a simple act of humanity. But it could be even more. It could serve to establish good faith, the intent to make progress, and thus improve the prospects for negotiation."—RICHARD NIXON, *October 7, 1970.*

[From the Atlanta Constitution,
Nov. 25, 1970]

A DARING EXPLOIT

It's a mighty dull citizen who can read without a thrill the story of the daring and dangerous attempt to rescue American prisoners in North Vietnam by a helicopter raid. As a feat of arms, the exploit last Friday can only arouse admiration for the brave men who carried it out and for the motives behind it.

Nothing in this tragic conflict has been more frustrating and agonizing for Americans than the plight of our prisoners of war. The North Vietnamese flatly refuse to follow the rules of warfare covering exchanges and treatment of these men, and use them instead as negotiating pawns. Faced with this immutable fact, we can understand why the raid was approved by President Nixon.

But while it is possible to admire the bravery of the exploit and to sympathize with its purpose, we ought not to allow ourselves to get too excited over it. In the first place, the mission failed. No prisoners were rescued. How that failure might affect the fate of the prisoners, how it might affect future negotiations for their release, it is probably too early to tell. But it is a fair guess that Hanoi is not going to change its basic position because of the raid, and may even harden it. Certainly Hanoi will be on guard against similar attempts in the future.

Those like Sen. Fulbright and Sen. Kennedy who questioned the raid as a "John Wayne" approach are perhaps too harsh in view of the intense concern over our prisoners and the intense desire to do something about them. The critics used much the same arguments against the bombings of North Vietnam under Lyndon Johnson, but there is certainly a difference between a rescue raid and a bombing campaign. These men may fear resumption of a major bombing attack or massive rescue raids on North Vietnam as another attempt to see what escalation might do. It didn't do much the last time around. And we are convinced that President Nixon, allowing for occasional Cambodias and rescue raids, is still committed in getting America out of the war.

[From the Wall Street Journal, Nov. 24,
1970]

COMMANDO RAID ON POW CAMP, AIR STRIKE ADD MUSCLE TO NIXON'S RETALIATION THREAT

(By Robert Keatley and Richard J. Levine)

WASHINGTON.—Last November, President Nixon warned North Vietnam that any escalation of the Indochina war would bring "strong and effective" retaliation from the Americans.

Last weekend Mr. Nixon tried to prove he wasn't bluffing.

In response to what Washington calls violations of the "understandings" that ended U.S. bombing raids over North Vietnam two years ago, some 250 American planes blasted Communist air defenses and staging areas in the southern part of that country over the weekend in what the Pentagon terms "successful" attacks.

While that was happening, the U.S. staged an unprecedented commando raid near Hanoi in an effort to free American war prisoners held there. This effort wasn't successful—the prisoners have been evacuated several weeks before the attack—but the audacious strike so close to home may have unnerved the men who set North Vietnam's war policies.

That may have been the main reason for the closely coordinated attacks. Mr. Nixon and his chief security affairs adviser, Henry Kissinger, have tried hard to persuade the Communists that the Americans aren't predictable, that the U.S. is strong and won't let provocations or broken agreements go unchallenged. The message to Hanoi seems clear: negotiate peace in good faith or face severe reprisals whenever military escalation or violation of agreements is attempted.

Although the immediate issues involve North Vietnam, the message of toughness and unpredictability also may have been aimed at Moscow. Soviet-American relations have been strained recently, mainly because—in Washington's view—the Russians aren't living up to the spirit of understandings about Berlin, European detente, Mideast peace and, perhaps, a missile base in Cuba, among other things. Thus, the sharp U.S. response may be a signal to the Soviets that they, too, would be well advised to honor any future agreements with the Americans. This is part of what White House officials call establishing "credibility" in foreign affairs.

PRESS SPOKESMAN'S STATEMENT

As part of this, Defense officials yesterday carefully carved out grounds for possible future air strikes against North Vietnam if the U.S. decides they are justified. "We remain ready to take appropriate action in response to attacks on our unarmed reconnaissance aircraft, in response to major infiltration across the demilitarized zone (which separates North Vietnam and South Vietnam) or in response to the shelling of major South Vietnamese cities," warned Jerry W. Freidheim, the Pentagon's chief press spokesman.

The U.S. contends it originally stopped bombing the North after reaching agreement on these three matters with North Vietnam. It says the weekend attacks were ordered because Hanoi's gunners shot down a reconnaissance plane on Nov. 13 and because its troops recently shelled Saigon and Hue, the main cities in South Vietnam.

Hanoi has consistently denied making these or any other agreements with the U.S., an assertion that doesn't carry much weight in Washington, where officials claim otherwise and act accordingly.

These U.S. operations come at a time when the Nixon message may, in fact, be getting through to North Vietnamese policymakers. According to foreign diplomats who have frequent contact with Hanoi officials, serious doubts about the future of their war effort are arising and, for the first time, these Communist Vietnamese are beginning to wonder if "time is on their side after all," these sources say.

REPORT OF ENEMY DISAPPOINTMENT

According to these sources, the North Vietnamese are dismayed by the recent American elections. They expected the Indochina war to be a major political issue in the U.S. and thus expected Mr. Nixon to suffer serious reverses because of his policies, forcing major new American concessions at the Paris peace talks. These sources say that the Communists, despite their propaganda statements to the contrary, concede privately that the Nixon Administration didn't lose much political ground because of the war and that the war itself is a declining political issue in the U.S.

This faces Hanoi with the possibility of two more years of costly and inconclusive war until the next American election, a prospect the Communists don't welcome, the sources said. This is especially true because, it's claimed, Hanoi expects the combat to remain a relatively minor political issue as American troop withdrawals continue and casualties decline. Thus Hanoi's leaders are said to concede the 1972 elections may have less impact—rather than more—on U.S. policies in Southeast Asia than did the Nov. 3 midterm voting.

According to American analysts, Hanoi has been counting on war protests within the U.S as a major restriction on the Nixon Administration, one that could force it to accept much or all of the eight-point "peace plan" surfaced by Communist negotiators several weeks ago. As relayed by the foreign diplomats, however, the Communists are losing faith in this thesis. They are disturbed by the fact that Mr. Nixon has branded their peace proposal unacceptable, and responded with his own quite different program last month, which the Reds say they won't accept.

None of this means Hanoi is about to change war strategy, the diplomats caution. North Vietnam, since the death of President Ho Chi Minh, has been ruled by a committee of dedicated Communists who remain committed to gaining political control of South Vietnam. They make decisions slowly and view political compromises as a form of surrender, something the experts say they still want to avoid. But this Communist pessimism could eventually lead to some basic rethinking of policies, the diplomats conclude.

REPORTED RESULTS OF RAID

In any case, the American weekend raids have given North Vietnamese officials something new to think about. The air raids, according to Pentagon statements, blasted enemy missiles, antiaircraft guns and, more important, staging areas for men and supplies bound down the Ho Chi Minh trail to Cambodia and South Vietnam.

More than 100 secondary fires and explosions were spotted in the three areas where bombs were dropped, Mr. Friedheim said, and more than 100 trucks were hit. He said the raids had hindered Hanoi's ability to man and supply new ground offensives in the South, where the fighting has already been going badly for the Communist side. Fuel, ammunition and troop barracks are believed to have been among the targets struck by U.S. planes.

The raid on the POW camp may have been even more disconcerting to Hanoi's leaders. About 2 a.m. last Saturday (Hanoi time), American helicopters unloaded troops—the Pentagon wouldn't say how many—in the prison compound, only 20 miles from the North Vietnamese capital. Although nothing similar had been tried in this war, plans for such raids had been drafted months ago.

"A key factor in the final decision to launch the rescue attempt," Defense Secretary Laird said at a news conference, "was new information we received this month that some of our men were dying in prisoner-of-war camps."

The U.S. raiders didn't find any American hostages; apparently they had been removed several weeks before the raid was ordered. But the Army troops searched buildings, destroyed locks on prison cells and left without suffering any serious casualties. One U.S. helicopter crashed, however, and was destroyed by the Americans.

The attack proved that U.S. forces "were able to get in and get out," Mr. Laird said, something that might cause Hanoi to wonder about its defenses.

White House spokesman Ronald Ziegler, speaking for Mr. Nixon, warned Hanoi not to take any reprisals against U.S. prisoners because of this raid. He said the U.S. "would hold the North Vietnamese leaders personally responsible" for their continued safety and—to reinforce the message—said again that "we stand ready to move to meaningful negotiations" as an aternative to continued warfare.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A 20TH ANNIVERSARY FOR PRESIDENT NIXON

Mr. GRIFFIN. Mr. President, it happens that this date, December 4, marks an anniversary which is of some significance to this body. It was on this day 20 years ago when, incidentally, the Senate last found itself engaged in a major "lameduck" session, that a young Congressman, Richard Milhaus Nixon, was sworn in as the junior Senator from California.

On December 4, 1950, the then-senior Senator from California, the Honorable William Knowland, sent to the desk a telegram from the then Governor of California, the Honorable Earl Warren. The telegram read:

> This is to advise you that on December 1, 1950, I appointed Richard M. Nixon United States Senator to fill the unexpired term of United States Senator Sheridan Downey in the 81st Congress.

Vice President Alben Barkley administered the oath of office to the young Senator Nixon a few minutes later. He was promptly assigned to the Senate District Committee for the remainder of that lameduck session.

The junior Senator from Kansas (Mr. Dole) has proposed that the 92d Congress set aside a period each day to be known as the "presidential hour." While I would not wish to detract from the great merit of his novel suggestion, it is noteworthy that even without a special "presidential hour," a seat in the Senate has frequently been the launching pad for flights to the oval office in the White House.

It is interesting to note that from the inauguration of Truman until now, over a 25-year span, a former Senator has been in the White House at all times except during the 8 years of the Eisenhower administration.

On this 20th anniversary of the date when Mr. Nixon became a Member of this body it is particularly appropriate to extend a warm salute to the latest on an impressive list of Senators who have served as President of the United States.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1971

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 1402, H.R. 19830.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

> A bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Without objection, the motion is agreed to. This displaces the unfinished business, which goes back to the calendar, and the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, without amendment.

Mr. MANSFIELD. Mr. President, there will be no action taken on this bill today. It is a $17 billion bill which has a great deal of interest to all Members of the Senate. It will be the pending business at the conclusion of the morning hour on Monday.

THE ECONOMY

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks a statement I made yesterday at a meeting with the Speaker of the House, John McCormack, and the majority leader of the House, Carl Albert, relative to the economic situation which confronts the country today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, I pointed out at that time that the inflationary figure is in excess of 7 percent and that the unemployment figure stands at 5.6 percent. I note from wire service reports received a short time ago that on the basis of figures released today, unemployment rose to 5.8 percent of the Nation's work force last month. It is noted that that is the highest level of unemployment in 7½ years. The figures were released by the Government in its own report.

I closed my remarks yesterday with a statement that called for cooperation. For it is only through the closest cooperation and mutual support that we will restore stability to our economy.

I said then that we want to cooperate with the administration because we realize this is not a partisan matter but a national problem, that is, unemployment, high interest rates, and inflation affect every American. We realize also that the previous Democratic administration must bear its share of responsibility because over the last two years the cost of living has increased by at least 11 percent and perhaps even more. As much as ever before in our history, the times call for working together in the national interest, and to that end the Democratic majority stands willing, ready and able.

I want to repeat my statement today, because, to reiterate, this is not a partisan matter which confronts us, but a matter of great national concern.

Tonight, the President is going to deliver a speech which I understand will deal with the economic situation which confronts our country today. All Americans will be looking forward, with anticipation and interest, to what he says. We of the majority party in the Senate want to assure him that, as Democrats, we want to help in every possible way. The dilemma that faces the Nation and to which there seems to be no end, can be resolved only on a basis of accommodation and cooperation between the Congress and the administration.

Exhibit 1

Statement of Senator Mike Mansfield

On January 27, 1969, the President made the following statement: "I do not go along with the suggestion that inflation can be effectively controlled by exhorting labor and management and industry to follow certain guidelines. . . . The leaders of labor and the leaders of management, much as they might personally want to do what is in the best interests of the Nation, have to be guided by the interests of the organizations that they represent."

Since that time, both industry and labor have operated on just that basis—both have been guided by the interests of the organizations that they represent. Since that time inflation has risen steadily from 4½% per year to where it stands today—hovering around 7%.

Since that time unemployment has risen from 3.5% to 5.6%.

The pronouncement of the President on January 27, 1969, removed in effect all governmental restraint and influence to maintain wages and prices within responsible limits or guidelines. If guidelines are not entirely effective, surely a policy of no guidelines has not been effective at all.

The recent inflation report of the President's Commission on Productivity labels inflationary certain already agreed to settlements in the rail, auto and other industries. The utter futility of such after-the-fact handslappings is clear on its face. One cannot be ticketed for speeding after the speed limit laws have been repealed.

There are a few encouraging signs. The recent upswing in the market and the recent reduction in interest rates by the Federal Reserve, two in one month, reflected as well by reduced rates for FHA and VA home mortgages will hopefully provide greater opportunity for the purchase of much needed housing. It has been said, however, that even this action was taken in response to an economic slowdown in the sense that less money is being demanded for capital investment and corporate growth. It should be noted as well that in spite of these reductions, these rates remain higher than at anytime since the Civil War.

It is our hope in the Congress, nevertheless, that with this most recent action further steps can be expected from the Administration all along the economic front. Particularly there is a need for wage and price guidelines and a willingness to use the offices of the President to persuade both business and labor to keep within the productivity increases for their given industries.

It is encouraging that the Committee for Economic Development has now joined other responsible voices in calling for a reinstitution of the guidelines. Its report of November 23, 1970, is most persuasive. It is particularly persuasive because the group is comprised of the top leaders of the business community—men who are Chairmen of the Board and/or Chief Executive officers of such organizations as the General Foods Corporation, the Green Giant Corporation, the Pillsbury Company, Trans World Airlines, American Security and Trust Company, the Sperry and Hutchinson Company, the Bank of America, Standard Oil of New Jersey, H. J. Heinz Company, and the Northern Natural Gas Company. In short, the report requests the Administration to resort to a firm policy of voluntary wage and price guidelines. It recommends such a tool for reconciling price stability and high unemployment.

In addition, the report of the Committee for Economic Development recommends that the President use the Selective Credit Control authority granted by the Congress last December. Such authority permits a far more effective application of general monetary restraint. This plea from a largely business-oriented and most prestigious group is highly welcomed. It makes it clear that the business community recognizes that a 10% cost-of-living increase in the past two years is unacceptable. Its endorsement of Congressionally initiated wage and price guideposts and selected credit controls is most encouraging.

It should be said that the time for finger-pointing has long since passed. *Ex post facto* handslapping is most inappropriate. And last Tuesday's effort to blame this business or that one for a price increase or a given labor group for asking better wages is most inappropriate. The fact is, there is no national incomes policy; no suggested wage or price guidelines and no jawbone practice to level-off prices or hold down wage increases. It's too bad that auto companies felt they needed to increase the cost of their products by 6% or more. However, that is no reason to tell the worker who makes the car that he cannot have 50¢ more an hour this year, 13¢ more an hour next year and 13¢ more an hour the year after for his labors. This is especially true when you consider that the working man has agreed to tie his total wages to the cost-of-living index which means that he would be willing to take a lower pay check if and when living costs go down.

When it comes to the state of the economy, Congress, I am proud to say, has done its part. It provided all the tools requested plus others that have not been used. We have shifted resources to most vitally needed domestic programs. We will continue to act responsibly.

We want to cooperate with the Administration because we realize this is not a partisan but a national problem. We realize that the previous Democratic administration must bear its share of responsibility because over the last 2½ years the inflation figures are at least 11% and maybe 12%. The times call for working together in the national interest. The Democratic majority is willing.

THE SETTING OF CERTAIN HEALTH AND SAFETY STANDARDS—WHERE SHOULD THE AUTHORITY BELONG?

Mr. MANSFIELD. Mr. President, a few days ago I asked the distinguished chairman of the Committee on Finance to call attention to the members of that committee a rather serious problem that now faces hundreds of health-care facilities which currently provide services to medicare beneficiaries throughout the United States. New standards regarding these facilities have been ordered by the Department of Health, Education, and Welfare that could have the effect of denying further participation in the medicare program by these institutions.

The immediate problem, of course, was to find some means for helping these hardpressed health facilities comply with the new requirements. Since, in most instances, major capital expenditures are required to bring these hospitals and extended-care facilities into compliance with the new regulation, I proposed an amendment to make these capital funds available to the affected institutions. I am pleased to note that the members of the Committee on Finance recognized the potential dangers of not helping the affected facilities and moved quickly to adopt, with modifications, an amendment I suggested in this area.

When medicare was enacted in 1965, Senators expressed concern over the need to assure that older Americans received proper health care financed by the program only in a safe and hazardous-free institutional environment. To meet this objective, we authorized the Secretary of Health, Education, and Welfare to establish, in addition to any other statutory requirements relating to health facilities, whatever health and safety requirements he believed necessary to assure the proper protection of medicare beneficiaries. At the outset of medicare, standards were promulgated and the majority of institutions in the United States became medicare providers of health services.

In granting this authority to the Secretary, however, Congress recognized that an unlimited authority in this area might result in the issuance of unrealistic requirements which many facilities simply could not meet. To impose standards of this kind would probably lead to the wholesale disqualification of numerous institutions which were the only facilities in an area capable of providing beneficiaries with the services to which they are entitled under law. A ceiling, therefore, was placed upon the Secretary's standard-setting authority. Requirements imposed by the Secretary could not exceed comparable requirements prescribed by the Joint Commission on the Accreditation of Hospitals, a private voluntary body which sets standards for health facilities in the country.

In September of this year, the Social Security Administration announced that new physical environmental standards were to be imposed on facilities currently participating in medicare which were not otherwise accredited by the JCAH accrediting body. Among the new requirements was the standard that all such facilities come into compliance with the current standards issued by the National Fire Protection Association as part of that association's life safety code. The NFPA, like the JCAH, is also a national voluntary standard-setting organization. The joint commission uses the life safety code of the NFPA in its hospital safety principles. As proposed by the Secretary, facilities not in compliance with the new regulations would be denied further participation in medicare within a matter of only months, unless they could show that contracts had been entered into to install, among other things, costly fire sprinkler systems in their institutions.

So here we have the Government demanding a new set of requirements which few facilities can afford and for which limited, if any, funds are available from public sources. Department officials, in answer to my inquiries in this area, indicated that affected institutions could obtain Hill-Burton money to fund the required changes in physical plant. Such funds, of course, are scarce and are under priorities which make this source of funding exceedingly doubtful. What is more, many extended-care facilities would be unable to avail themselves of Hill-Burton money, even if, by some good fortune, funds were widely available for specifically this purpose.

I have received letter after letter from the administrators of the affected institutions, from fire marshals, and even from my Governor, pointing out the financial problems created by these suddenly imposed new standards.

I was going to ask to have all the letters I have received included at the end of my remarks in order that Senators could see first hand the magnitude of the problems that have resulted from the Department's sudden action in this area. I should add that, of course, that the difficulties described in these letters are not at all unique to my State, but they can be found everywhere there are affected institutions.

As of this morning, I have received 129 letters from Choteau, 17 from Fairfield, four from Helena, three from Dutton, two from Bynum, one from Lewistown, two from Vaughn, one from Simms, one from Fort Shaw, one from Pendroy, one from Miles City, two from Great Falls, two from Red Lodge, three from Plentywood, two from Culbertson, one from Sheridan, one from McLeod, one from Townsend, one from Jordan, two from Chester, one from Polson, one from Ennis, two from Scobey, one from Big Sandy, two from Big Timber, two from Augusta, one from Anaconda, one from Ryegate, one from Columbus, one from Missoula, one from Terry, one from Ronan, and one from Libby, or a total of 193 letters and telegrams to date. And they are still pouring in.

But, to save time and costs, I shall ask that not all these letters, which I have with me on my desk, be incorporated at this point in the RECORD, but I do want to assure the Senate of the deep concern expressed by the people, especially in the small towns, who are dependent upon county hospitals and the like, and on the retention of doctors at these hospitals, which will not be achieved if the sprinkler system requirement goes into effect too soon and too drastically.

So that there is no misunderstanding, let me make it clear that I and, I think, most Senators applaud the Department's interest and concern for the need to upgrade the Nation's health-care facilities. How I wish it were possible that every hospital and extended-care institution in the United States would be brandnew, fully staffed, and equipped with the latest equipment. Unfortunately, our institutions are not in such fine shape.

If the Government insists upon burdening facilities with new requirements that will cost hundreds of thousands of dollars to comply with, then the same Government must provide the financial wherewithal to help these institutions. Hospitals and other health facilities are desperately short of capital funds and the private capital market appears unable to meet their needs at a reasonable cost. Without relief, action such as the Department has taken can only drive higher the skyrocketing costs of medical care or deny services to those whose taxes now support both medicare and hospital and other facility construction programs. It is time, I think, for Congress to deal honestly with the Nation's health industry. If we want a better system, let us by all means insist upon it; but let us also provide the resources to bring about the kind of system we seek.

Let me also express to my colleagues my growing concern about the apparent willingness of Congress to delegate indirectly authority to nongovernmental bodies to establish standards in connection with Federal programs. State and local governments have long exercised certain responsibilities in the standards-setting area, whether we speak of health facilities or other areas. If Congress proposes to preempt such authority, let us do so overtly, and not by means of using nongovernmental bodies whose concerns are limited to only one narrow part of the issue. Experts differ in their views regarding which standards to adopt or which standards actually achieve the objectives for which they are issued. There is no effective means of resolving disputes of this kind, insofar as many Federal programs are concerned. If Congress proposes that standards, in this area or another, are indicated, then let us establish them ourselves, or grant sole authority to the Federal administrators who must answer to the National Legislature.

Mr. President, I consider it most important that my colleagues in the Senate and others be fully aware of the extent of public outcry resulting from this serious problem affecting facilities in my State of Montana and across the Nation.

Let me express my deep appreciation for the personal and deep interest shown by the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. Long), and the distinguished ranking minority member of that committee, the Senator from Delaware (Mr. Williams). Both have taken a personal interest in this problem. They and their colleagues on the Committee on Finance are trying to be of assistance, and to them I wish to express my thanks publicly, because they are aware of the problem, which I am sure is not confined to the State of Montana, and are doing what they can within the limits of their responsibility to be of assistance.

Mr. President, I ask unanimous consent that correspondence and other material from my files be incorporated in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Montana Hospital Association,
Helena, Mont., November 13, 1970.

Commissioner Robert M. Ball,
Commissioner of Social Security, Department of Health, Education, and Welfare Building, Washington, D.C.

Dear Commissioner Ball: On behalf of the member hospitals of the Montana Hospital Association, we wish to file this official protest regarding the adoption of the proposed regulation pertaining to sprinkler systems in hospitals and ECFs. The proposed regulation was filed by the Social Security Administration in the Federal Register, Vol. 35, No. 171, page 13888 on September 2, 1970.

All of the hospitals in the state of Montana are concerned with the safety of the patients and have an excellent record in this regard. We do feel, however, that patient safety can be better assured by alternative measures which would be considerably cheaper than the installation of sprinkler systems in our facilities.

The sprinkler system was designed primarily for the protection of material things such as buildings and goods and it is our feeling, along with the State Fire Marshal and officials of the State Department of Health, that smoke detection devices would be much more feasible and would give early warning which would save patient lives. There are many cases across the nation to prove that patients have actually destroyed themselves by fire through accidentally catching their beds on fire and the sprinkler in the building did not activate inasmuch as the fire did not reach the necessary heat intensity to activate the sprinkler system.

We estimate that to completely comply with the proposed regulation and install the sprinkler systems in our facilities, it will cost approximately $600,000 in our state alone. I need not point out the impact this regulation would have nationwide in further escalating the costs of hospitalization in a time when we and the federal government are being severely criticized for increasing hospital and medical costs.

Besides the financial outlay that individual hospitals would have to make in establishing sprinkler systems in their facilities, we find that one of the key issues of the entire regulation is that the hospital would have to conform to current standards of the National Fire Protection Association's Life Safety Code, *as amended from time to time.* This clause in itself would mean that the National Fire Protection Association could change its standards six months or a year from now and the hospitals would then be exposed to additional expense in installing other smoke detection devices and fire control devices that the National Fire Protection Association would deem necessary.

We have the highest regard for the National Fire Protection Association, however, it is an organization which has no governmental control over it and is run by various and sundry insurance company underwriters and fire marshals across the nation whose primary object is to save buildings, materials and equipment.

We have researched all of the regulations and conditions for certification the Department of Health, Education, and Welfare has implemented since Medicare became a reality and nowhere can we find that the Department of Health, Education, and Welfare has by regulation given to outside agencies or associations actual standard setting authority such as they have in adopting this proposed regulation. We feel this sets a precedent which will cause the Department of Health, Education, and Welfare serious problems in the future and may actually destroy the Department's ability to establish the regulations.

We urge you to reconsider the proposed regulation and to immediately initiate a study of the merits of an ionized smoke detection system as an alternate fire safety system to take the place of sprinkler systems in hospitals and ECFs.

We further recommend that the Department of Health, Education, and Welfare and the Social Security Administration consult with authorities in our field regarding the adoption of regulations in the future. We suggest that consideration be given to the establishment of a mechanism whereby the Department of Health, Education, and Welfare and the Social Security Administration will notify the American Hospital Association and the American Nursing Homes Association at least 180 days in advance of the filing of the proposed regulation in the Federal Register. That notification would include a copy of the proposed regulation and indicate that the Department of Health, Education, and Welfare and the Social Security Administration would be receptive to comments and suggestions regarding the proposed regulation from the fields directly affected.

I thank you for your consideration of the above filed protest.

Sincerely yours,

William E. Leary,
Executive Director.

Montana Hospital Association,
Helena, Mont., November 3, 1970.

To: Administrators of Member Hospitals.
From: William E. Leary, Executive Director,
Subject: Sprinkler Systems and Hospitals Accredited by JCAH.

Many of our member hospitals in the Montana Hospital Association have been in recent months faced with the problem of complying with a regulation of the Department of Health, Education, and Welfare which requires that the hospital meet standards of an outside agency (National Fire Protection Association) which has no legal basis for proposing standards or regulations for the Medicare program.

It is interesting to note that the Joint Commission on Accreditation of Hospitals has taken a similar approach regarding this same area of concern which is brought out in its interpretation of Standard 1 under Hospital Safety in the *Standards for the Accreditation of Hospitals.*

Interpretation. "For the purposes of the standards for hospital accreditation the Joint Commission has classified the type of building construction into six categories, *based upon definitions developed by the National Fire Protection Association.* These categories are: fire resistant construction, protected noncombustible construction, heavy timber construction, noncombustible construction, ordinary construction and wood frame construction.

"Hospitals of heavy timber construction, noncombustible construction, ordinary construction, or wood frame construction, shall have an approved automatic fire extinguishing system. Such (a) system(s) shall be compatible with the area to be protected and shall not cause a situation that in itself would endanger the lives and safety of patients and personnel."

The interpretation then goes on to define multiple construction type buildings, hazardous areas, exits, corridors, etc. The interesting part of the interpretation is that it stipulates that certain construction hospitals shall have approved automatic fire extinguishing systems and then goes on to say that an approved automatic fire extinguishing system is one which is in compliance with the following appropriate NFPA standards. *Standard for Foam Extinguishing Systems, 1969, NFPA 11; Standards on Carbon Dioxide Extinguishing Systems, 1968, NFPA 12; Installation of Sprinkler Systems, 1969 NFPA 13; Water Spray Fixed Systems, 1969, NFPA 15; Standard for Dry Chemical Extinguishing Systems, 1969 NFPA 17; Standard on Wetting Agents, 1969 NFPA 18.*

Although no mention is made in the Joint Commission on Accreditation standards regarding accepting amendments in the Life Safety Code as they are amended from time to time, it is conceivable that this possibility could happen and hospitals are advised to study carefully this standard.

The wording of the NFPA's Life Safety Code page 101–109, section 10–2341 is somewhat confusing but can be interpreted to mean that automatic sprinkler systems will have to be provided throughout all hospitals except those hospitals that are of fire resistant construction or those hospitals that are 1-hour protected noncombustible construction not over 1 story in height.

The phrase "not over 1-story in height" would seem to mean that most hospitals in Montana except those classified as truly fire resistant construction would fall within the new proposed regulation of Health, Education, and Welfare and would increase the number of hospitals needing to be sprinkled from the current 20 to a much higher figure. And in fact, early investigation would indicate that only about eight or nine hospitals in Montana would escape the sprinkler system regulation.

If our interpretation of the JCAH standard and the Life Safety Code standard is correct, this then becomes a nationwide problem affecting most of the hospitals in the nation. Besides the cost factor involved in installing sprinkler systems in almost every hospital in our nation, the time element involved in getting the work done even within two years is impossible to expect.

I encourage every hospital administrator to study carefully the JCAH standard and discuss it in full with his Board of Trustees.

MONTANA HOSPITAL ASSOCIATION,
Helena, Mont., October 22, 1970.

To: Administrators of Member Hospitals.
From: William E. Leary, Executive Director.
Subject: The Sprinkler System "Crisis".

Most of the hospitals in Montana, and especially those recently contacted regarding the Department of Health, Education and Welfare's mandate for unsprinkled Medicare facilities, are well aware of what has happened in the past several months and this letter will bring you up to date on the situation.

Originally eight hospitals in Montana were notified in May that they fell into the classification of a frame unsprinkled Medicare facility and would have to have sprinkler systems installed by October 1, 1970. Those eight hospitals were:

Prairie Community Hospital, Terry
North Valley Hospital, Whitefish—(waiver since granted)
Missoula Community Hospital, Missoula—(waiver since granted)
Sanders County General Hospital, Hot Springs
Madison Valley Hospital, Ennis
St. Luke Hospital, Ronan
Roosevelt Memorial Hospital, Culbertson
Broadwater Hospital, Townsend

The Montana Department of Health, along with the Montana Hospital Association, attempted to get the Department of Health, Education, and Welfare to rescind their directive on the basis:

1. That smoke detection devices were more effective than the automatic sprinkler systems in health care facilities and about 25% of the cost for installation.

2. There are no companies in Montana that sell and install sprinkler systems and it was impossible to comply with the directive by October 1, 1970.

3. The action taken by the Department of Health, Education, and Welfare was taken without a complete study of the relative value of sprinkler systems and smoke detection devices and was due to aggressive political pressure put on the Department due in part to the Harmar House fire in Marietta, Ohio.

The Department of Health, Education, and Welfare was unyielding in its efforts to push this regulation. However, they did extend the date for eight hospitals to December 31, 1970.

In September, the Department added the following hospitals to the list of unsprinkled Medicare facilities and stipulated that the sprinkler systems should be installed by January 31, 1971.

Stillwater Community Hospital, Columbus
Barrett Hospital, Dillon
Carbon County Memorial Hospital, Red Lodge
Wheatland Memorial Hospital, Harlowton
Malta Hospital, Malta
Fallon Memorial Hospital, Baker
Sheridan Memorial Hospital, Plentywood
Ruby Valley Hospital, Sheridan
Garfield County Hospital, Jordan
Liberty County Hospital, Chester
Teton Memorial Hospital, Choteau
Dahl Memorial Hospital, Ekalaka
Granite County Hospital, Philipsburg
Big Sandy Medical Center, Big Sandy
Sweetgrass Community Hospital, Big Timber
Daniels Memorial Hospital, Scobey
McCone County Hospital, Circle

The following JCAH hospitals are not totally fire resistant but more data is required.

Livingston Memorial Hospital, Livingston
Central Montana Hospital, Lewistown
St. John's Lutheran Hospital, Libby
Shodair Children's Hospital, Helena

This brought the list to twenty-nine hospitals plus thirteen extended care facilities of wood frame construction (protected and unprotected) that by the Medicare requirement would need a complete sprinkler system installation.

All efforts have been exhausted by the Montana State Department of Health towards getting the HEW to rescind their order and consequently some fifteen sprinkler system companies were invited to meet with the hospital and ECF representatives on October 15 to discuss the method whereby the sprinkler system companies could conduct the surveys of the forty-two facilities, have bid lettings and start the work.

Five companies came to the meeting and presented their timetables for getting the job done. In general the timetable they agreed upon is as follows:

1. That the five companies could each make five surveys within the next eight weeks. A total of at least 25 surveys by December 16.

2. Taking of bids would take place between December 16 and December 31.

3. Shop drawing would take 30 days.

4. Submission of drawings to the Montana Fire Rating Bureau and approval from that body and the State Fire Marshal—30 days.

5. Set up on the job—3 weeks.

6. Normal installation will take about 30 days.

Thus, the earliest any of the facilities could expect to have their sprinkler system ready and in operation would be by

MAY 5–10, 1971

The five companies have agreed to conduct the surveys at their cost providing they were permitted to establish a priority method and this was agreed upon. Thus, each of the facilities will be contacted by one of the following companies in the near future:

Grinnell Company, 909 East Sprague, Spokane, Washington 99202

Interstate Fire Sprinkler Co., 3111 West State, Boise, Idaho 83707

Viking Automatic Sprinkler Company, P.O. Box 404, Meridian, Idaho 83642

M. B. Hinks Company, 4000 South West Hockens, Beaverton, Oregon 97005

Fire Engineering Company, 3389 South 6th West, Salt Lake City, Utah

Facilities will not be asked to sign any contract with any of the companies but you are requested to cooperate with the companies as they conduct the surveys.

It is obvious to everyone that the job cannot be done much before next May and in many cases until June or July 1971. Many of the hospitals rely in part upon County funding which will require a special mill levy—thus the County supported institutions will not be able to let bids until June or July.

What is needed at this time is the granting by the Department of Health, Education, and Welfare of an extension on the deadlines.

On October 19, Senator Mike Mansfield requested a top level meeting with key officials in the Department of Health, Education, and Welfare to determine just how this directive came to be issued and to explore alternate means of providing fire safety to patients of hospitals and nursing homes. It is anticipated that this meeting will be held in November when Congress reconvenes.

What needs to be done now is for every hospital administrator and the Board of Trustee members to write to Senator Mansfield and include the following:

1. Express your thanks for his interest in the problem and for his request of the meeting with HEW.

2. Request that he attempt to have the Department of Health, Education, and Welfare grant an extension on the directive until October 1, 1971 to give more time to the health care facilities to study their own local systems, get bids on the sprinkling systems and to allow counties to provide a mill levy to pay for the system.

3. Suggest he investigate the possibility of Federal grants through Hill-Burton to pay for the sprinkling systems.

4. Ask him to request that the Department of Health, Education, and Welfare make an immediate but impartial study on the merits of sprinkler systems vs. smoke detection systems as a means of fire control in hospitals and nursing homes. Report of the study should be available by March 31, 1971.

5. Suggest that he work for legislation which would require that hereafter any changes in regulations or interpretations of regulations for Title XVIII (Medicare) and Title XIX (Medicaid) be circulated to the field at least 180 days before publication of the regulation in the *Federal Register*.

Circulation to the field shall mean that the Department of Health, Education, and Welfare shall publish the tentative regulation and/or regulation change to the American Hospital Association and the American Nursing Homes Association at least 180 days before publication in the *Federal Register*.

Senator Mansfield's address in Washington is:

Senator Mike Mansfield,
Office of the Majority Leader,
Washington, D.C. 20510.

Hospital administrators should bring this letter to the attention of their Board members and request their aid in writing Senator Mansfield.

Thank you.

[Social Security Administration, 20 CFR Part 405]

FEDERAL HEALTH INSURANCE FOR THE AGED

(Fire and Safety Requirements for Extended Care Facilities and for Hospitals Not Accredited by Joint Commission on Accreditation of Hospitals or American Osteopathic Association)

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare.

The proposed regulations would provide that in order for extended care facilities and hospitals not accredited by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association to qualify for participation under the Medicare program; (1) the standards in the National Fire Protection Association's Life Safety Code shall be complied with; (2) carpeting, carpet assemblies, and other floor coverings installed in inpatient care areas shall have a flame spread rating of not more than 75, when tested in accordance with the "Steiner Tunnel Test" prescribed by the American Society for Testing and Materials (ASTM–E84–68—Surface Burning Characteristics of Building Materials), or a flame propagation index of less than 4.0 when tested in accordance with the "Underwriters' Laboratories Chamber Test" (UL 992—Chamber Test Method for the Flame Propagation Classification of Flooring and Floor Covering Materials), or in other than inpatient areas a flame spread rating that meets the standards under the Flammable Fabrics Act (DOC FF 1–70 and DOC FF 2–70), provided that these areas are separated from inpatient care areas; and (3) specific safety precautions shall be taken in the handling and storage of oxygen. The proposed regulations also make changes of an editorial nature.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, comments, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security. Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the Federal Register.

The proposed regulations are to be issued under the authority contained in sections 1102, 1842, 1862, 1870, 1871, 49 Stat. 647, as amended, 79 Stat. 309, 79 Stat. 325, 79 Stat. 331, 81 Stat. 846–847; 42 U.S.C. 1302, 1395, et seq.

Dated: August 12, 1970.

Robert M. Ball,
Commissioner of Social Security.

Approved: August 26, 1970.

John G. Veneman,
Acting Secretary of Health,
Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR 405), are further amended as follows:

1. Paragraph (b) of § 405.1022 is amended by revising the material preceding subparagraph (1) and subparagraph (1) and adding new subparagraphs (4) and (5) to such paragraph to read as follows:

§ 405.1022 Condition of participation—physical environment.

* * * * *

(b) *Standard; fire control.* The hospital conforms to the current standards of the National Fire Protection Association's Life Safety Code, as amended from time to time. The hospital provides fire protection by the elimination of fire hazards; the installation of necessary safeguards such as extinguishers, sprinkling devices and fire barriers to insure rapid and effective fire control; and the adoption of written fire control plans rehearsed four times a year by key personnel on each shift. The factors explaining the standard are as follows:

(1) The hospital has:

(i) Written evidence of regular inspection and approval by State or local fire control agencies;

(ii) Equipment as close to fireproof as possible;

(iii) A sufficient number of fire extinguishers properly situated, checked annually for type, replacement, and renewal dates, and maintained in workable condition;

(iv) If flammable anesthetics are used in the operating and delivery rooms, these rooms have conductive floors with the required equipment and underground electrical circuits;

(v) Proper routine storage and prompt disposal of trash;

(vi) "No Smoking" signs prominently displayed, where appropriate, with rules governing the ban on smoking in designated areas of the hospital which are enforced and required to be obeyed by all personnel; and

(vii) Fire regulations prominently posted and all fire codes rigidly observed and carried out.

* * * * *

(4) Flame spread rating of carpet, carpet assemblies, and other floor coverings installed in inpatient care areas is not more than 75, when tested in accordance with the "Steiner Tunnel Test" prescribed by the American Society for Testing and Materials (ASTM–E84–68—Surface Burning Characteristics of Building Materials) or a flame propagation index of less than 4.0 when tested in accordance with the "Underwriters' Laboratories Chamber Test" (UL 992—Chamber Test Method for the Flame Propagation Classification of Flooring and Floor Covering Materials).

(5) Flame spread rating of carpet and carpet assemblies and other floor coverings installed in other than inpatient areas meets the standards promulgated under the Flammable Fabrics Act (DOC FF 1–70 and DOC FF 2–70), provided that these areas are separated from inpatient care areas by fire resistive construction or suitable smokestop partitions that are approved by State or local fire authorities. Floor coverings in areas which are not so separated from inpatient areas shall meet the ASTM–E84–68 or UL 992 requirements contained in subparagraph (4) of this paragraph.

* * * * *

2. In § 405.1134 the material preceding paragraph (a) and paragraph (a) are revised to read as follows:

§ 405.1134. Condition of participation—physical environment.

The extended care facility is constructed, equipped, and maintained to insure the safety of patients and provides a functional, sanitary, and comfortable environment.

(a) *Standard; safety of patients.* The extended care facility is constructed, equipped, and maintained to insure the safety of patients. It is structurally sound and conforms to the current standards of the National Fire Protection Association's Life Safety Code as amended from time to time and it satisfies the following conditions:

(1) The facility complies with all applicable State and local codes governing construction.

(2) Fire resistance and flame spread ratings of construction, materials, and finishes comply with current State and local fire protection codes and ordinances.

(3) Flame spread rating of carpet, carpet assemblies, and other floor coverings installed in inpatient care areas is not more than 75, when tested in accordance with the "Steiner Tunnel Test" prescribed by the American Society for Testing and Materials (ASTM–E84–68—Surface Burning Characteristics of Building Materials), or a flame propagation index of less than 4.0 when tested in accordance with the "Underwriters' Laboratories Chamber Test" (UL 992—Chamber Test Method for the Flame Propagation Classification of Flooring and Floor Covering Materials).

(4) Flame spread rating of carpet and carpet assemblies and other floor coverings installed in other than inpatient areas meets the standards promulgated under the Flammable Fabrics Act (DOC FF 1–70 and DOC FF 2–70), provided that these areas are separated from inpatient care areas by fire resistive construction or suitable smokestop partitions that are approved by State or local fire authorities. Floor coverings in areas which are not so separated from inpatient areas shall meet the ASTM–E84–68 or UL 992 requirements contained in subparagraph (3) of this paragraph.

(5) Fire and smoke alarm systems providing complete coverage of the building are installed and inspected regularly. Fire extinguishers are conveniently located on each floor. Fire regulations are prominently posted and carefully observed.

(6) Corridors are equipped with firmly secured handrails on each side.

(7) Unless the facility is of 2-hour fire resistive construction, blind and non-ambulatory or physically handicapped persons are not housed above the street level floor.

(8) Reports of periodic inspections of the structure by the fire control authority having jurisdiction in the area are on file in the facility.

(9) The building is maintained in good repair and kept free of hazards such as those created by any damaged or defective parts of the building.

(10) No occupancies or activities undesirable to the health and safety of patients are located in the building or buildings of the extended care facility.

(11) Safety precautions in the handling and storage of oxygen shall include:

(i) Shockproof and sparkproof equipment;

(ii) Posted safety regulations; and

(iii) All other applicable safety provisions required by the current National Fire Code (NFPA No. 56).

* * * * *

[F.R. Doc. 70–11555; Filed, Sept. 1, 1970; 8:46 a.m.]

Resolution

Whereas, the Department of Health, Education and Welfare has proposed to adopt regulations which provide that in order for extended care facilities and hospitals not accredited by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association to qualify for participation under the Medicare program (1) the standards in the National Fire Protection Association Life Safety Code shall be complied with; and

Whereas, prior to the final adoption of the proposed regulations, consideration will be given to any data, comments or arguments pertaining thereto which are submitted in writing in duplicate to the Commission Building. Fourth and Independence Avenue SW, Washington, D.C. 20201, on or before December 2, 1970; and

Whereas, Hospitals are at all times vitally interested and concerned with the welfare and safety of the patient, and the cost thereof is not the dominating consideration; and

Whereas, it appears that the Department of Health, Education and Welfare is violating precedent in proposing to adopt regulations in total of an independent organization namely the National Fire Protection Association without providing due process for institutions to be governed thereby to be involved in and have a voice in the formulation of such regulations; and

Whereas, it appears that the proposed blanket adoption of the Life Safety Code has not been properly evaluated with the application thereof to individual institutions in terms of optimum efficiency, cost and implementation; and

Whereas, it appears that the adoption of the Life Safety Code shall obligate all institutions to adhere thereto as the same shall be from time to time amended by the National Fire Protection Association without affording the Department of Health, Education and Welfare and the institutions governed thereby due process in the formulation of such amendments as they may be proposed, and that institutions may be denied certification under Title XVIII without due process; and

Whereas, it further appears that the proposed regulations makes mandatory the almost immediate purchase and installation within affected institutions of automatic sprinkling systems and thereby establishes discriminatory treatment and requirements for the different regions of the nation; and

Whereas, there is definitive and authoritative opinions that automatic sprinkling systems do not provide maximum automatic fire protection and that there should be allowance for alternative arrangements that will secure as nearly equivalent safety to life from fire as may be practical; and

Whereas, there is further definitive and authoritative opinions that smoke detection systems provide alternative fire protection satisfactory to the guarantee of life from fire which are practical;

Now, therefore, be it resolved: That the American Hospital Association be directed to investigate the potential impact of the proposed action of the Department of Health, Education and Welfare upon member institutions of the American Hospital Association and to present alternative arrangements that will secure equivalent safety to life from fire as may be practical and

Further Resolved that the American Hospital Association prepare and file appropriate objections to the Commissioner of Social Security in accordance with the foregoing stated reasons, or in accordance with the development of additional reasons from the recommended investigation of the American Hospital Association.

Adopted by Region VIII of the American Hospital Association, November 9, 1970.

MONTANA HOSPITAL ASSOCIATION,
Helena, Mont., November 4, 1970.

Senator MIKE MANSFIELD,
Senate Majority Leader,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Congratulations on your re-election as Senator from Montana. It was a smashing victory and well deserved

We have been notified that the Secretary of Health, Education, and Welfare has granted an extension to December 2, 1970 to give all interested parties the opportunity of commenting or protesting the proposed regulation change that was entered in the Federal Register, Volume 35, Number 171, page 13888 as it refers to fire and safety requirements for extended care facilities and for hospitals.

I personally thank you on behalf of the member hospitals of the Montana Hospital Association for the action taken by you in requesting a top level conference with the Secretary of Health, Education, and Welfare on this particular problem.

The Montana Hospital Association will officially protest this regulation change as will most of the hospitals in the state of Montana. In addition, we fell that the state associations in our region, which includes the states of Arizona, New Mexico, Colorado, Utah, Wyoming and Idaho will also make formal protests regarding the language and the purpose of this regulation change.

Mr. Frank Stewart, president of the Montana Hospital Association, Sister Alice Marie, delegate to the American Hospital Association, and I will pursue this question further with members of the Region VIII of the American Hospital Association in Denver on November 9th. It is our intention to propose that Region VIII of the American Hospital Association request that the American Hospital Association take immediate action in protesting this regulation change on behalf of all of the members of the AHA.

Besides the financial outlay that individual hospitals would have to make in establishing sprinkler systems in their facilities, we find that one of the key issues of the entire regulation is that the hospital would have to conform to current standards of the National Fire Protection Association's Life Safety Code, *as amended from time to time.* This clause in itself would mean that the National Fire Protection Association could change its standards six months, a year, from now and the hosiptals would then be exposed to additional expense in installing other smoke detection devices and fire control devices that the National Fire Protection Association would deem necessary.

We have no particular complaint against the National Fire Protection Association except that it is an organization which has no governmental controls over it and is run by various and sundry insurance companies and fire marshals across the nation.

I have researched all of the regulations and conditions for certification that the Department of Health, Education, and Welfare has implemented since Medicare became a reality and can find no regulation that gives an outside agency or association actual standard setting authority.

We are currently collecting data from hospitals across the state regarding what it will cost them individually to install the sprinkler systems in accordance with the National Fire Protection Association. A few examples so far are: Broadwater Hospital in Townsend, 23 beds, $16,000; Madison Valley Hospital, Ennis, 14 beds, $13,580 or $970 per bed. Without any federal funds available to provide for the installation of the sprinkler systems, the hospitals will have to increase their charges to the public.

I personally feel that the Department of Health, Education, and Welfare is moving too fast in the entire area of regulation setting and changing of regulations and that our field is so complex that we are not able to keep up with the regulations nor are we able to take any specific action upon proposed regulations within the thirty days allowed us from the date of publication of the notice in the Federal Register. I do hope that you will consider some appropriate legislative action to assure the hospital and nursing home field that we will receive ample notification, and I am suggesting at least 180 days notice, of regulation changes before they are published in the Federal Register.

I, and other representatives of the Montana Hospital Association, will be in Washington during January 25–27 and will certainly take the opportunity to visit with you at your convenience.

Again, my personal congratulations to you on your victory in Montana. Keep up the good work.

Sincerely,

WILLIAM E. PEARY,
Executive Director.

SPECIAL NOTICE

MONTANA HOSPITAL ASSOCIATION,
Helena, Mont., November 4, 1970.

The Montana Hospital Association has just received notice than an extension has been granted to all parties wanting to protest or comment on the regulation pertaining to the sprinkler system.

The final date for the receiving of protests is now *December 2, 1970.*

This new action will now give the American Hospital Association, state hospital associations, other state agencies and individual hospitals the opportunity to protest the regulation change and attempt to get the regulation rescinded.

For your information, the regulation change has been entered in the 35th Federal Register, No. 13888, September 2, 1970.

More information will be mailed to you following the Denver meeting which is being held November 9–10, 1970.

MONTANA HOSPITAL ASSOCIATION,
Helena, Mont., November 3, 1970.

To: Administrators of Member Hospitals.
From: William E. Leary, Executive Director.
Subject: Sprinkler Systems and Hospitals Accredited by JCAH.

Many of our member hospitals in the Montana Hospital Association have been in recent months faced with the problem of complying with a regulation of the Department of Health, Education, and Welfare which requires that the hospital meet standards of an outside agency (National Fire Protection Association) which has no legal basis for proposing standards or regulations for the Medicare program.

It is interesting to note that the Joint Commission on Accreditation of Hospitals has taken a similar approach regarding this same area of concern which is brought out in its interpretation of Standard 1 under Hospital Safety in the *Standards for the Accreditation of Hospitals.*

Interpretation. "For the purposes of the standards for hospital accreditation, the Joint Commission has classified the type of building construction into six categories, *based upon definitions developed by the National Fire Protection Association.* These categories are: fire resistant construction, protected non-combustible construction, heavy timber construction, noncombustible construction, ordinary construction and wood frame construction.

"Hospitals of heavy timber construction, noncombustible construction, ordinary construction, or wood frame construction, shall have an approved automatic fire extinguishing system. Such (a) system(s) shall be compatible with the area to be protected and shall not cause a situation that in itself would endanger the lives and safety of patients and personnel."

The interpretation then goes on to define multiple construction type buildings, hazardous areas, exists, corridors, etc. The interesting part of the interpretation is that it stipulates that certain construction hospitals shall have approved automatic fire extinguishing systems and then goes on to say that an approved automatic fire extinguishing system is one which is in compliance with the following appropriate NFPA standards. *Standard for Foam Extinguishing Systems, 1969, NFPA 11; Standards on Carbon Dioxide Extinguishing Systems, 1968, NFPA 12; Installation of Sprinkler Systems, 1969 NFPA 13; Water Spray Fixed Systems, 1969, NFPA 15; Standard for Dry Chemical Extinguishing Systems, 1969 NFPA 17; Standard on Wetting Agents, 1969, NFPA 18.*

Although no mention is made in the Joint Commission on Accreditation standards regarding accepting amendments in the Life Safety Code as they are amended from time to time, it is conceivable that this possibility could happen and hospitals are advised to study carefully this standard.

The wording of the NFPA's Life Safety Code page 101–109, section 10–2341 is somewhat confusing but can be interpreted to mean that automatic sprinkler systems will have to be provided throughout all hospitals except those hospitals that are of fire resistant construction or those hospitals that are 1-hour protected noncombustible construction not over 1 story in height.

The phrase "not over 1-story in height" would seem to mean that most hospitals in Montana except those classified as truely fire resistant construction would fall within the new proposed regulation of Health, Education, and Welfare and would increase the number of hospitals needing to be sprinkled from the current 29 to a much higher figure. And in fact, early investigation would indicate that only about eight or nine hospitals in Montana would escape the sprinkler system regulation.

If our interpretation of the JCAH standard and the Life Safety Code standard is correct, this then becomes a nationwide problem affecting most of the hospitals in the nation. Besides the cost factor involved in installing sprinkler systems in almost every hospital in our nation, the time element involved in getting the work done even within two years is impossible to expect.

I encourage every hospital administrator to study carefully the JCAH standard and discuss it in full with his Board of Trustees.

MONTANA HOSPITAL ASSOCIATION,
Helena, Mont., November 3, 1970.
To: Administrators of Member Hospitals.
From: William E. Leary, Executive Director.
Subject: More About the "Sprinkler System" Crisis.

Many members of the Montana Hospital Association have requested some background data regarding the problem of sprinkler systems in some of our hospitals and consequently, this letter to you will be somewhat historical and yet bring you up to date as to what the Montana Hospital Association is planning to do regarding this problem.

HISTORY

On April 30, 1970, Mr. Leon J. Rollin, Assistant Regional Representative, Bureau of Health Insurance, Department of Health, Education, and Welfare in Denver, Colo., wrote to Mr. Mel Lindburg, Medicare Coordinator, Division of Hospitals and Medical Facilities, Montana Department of Health. The following is the text of that letter.

DEAR MR. LINDBURG: The Harmar House fire in Ohio has brought to light, in a tragic way, the necessity for more aggressive and effective implementation of the Medicare physical environment (and disaster plan) requirements related to fire safety. It is necessary that you immediately inform each Medicare facility in your state identified as being of unsprinkled wood frame construction that sprinklers are required and that immediate steps should be taken to safeguard patients. Local fire marshals should be able to assist facilities in taking measures to assure interim fire protection safeguards while sprinkler systems are being installed. Examples of the types of action that should be taken include, but are not limited to, increasing frequency of fire drills; keeping stairwell doors closed at all times, discarding bulky refuge promptly so trash does not remain overnight in the building; prohibition of smoking in rooms where flammable liquids, combustible gases or oxygen are used or stored; prohibition of smoking by patients classified as not responsible; providing ashtrays of noncombustible materials; opening any paint-stuck apertures; and making sure equipment or other materials are not stored in corridors.

Every wood frame unsprinkled Medicare facility in your state should be given a 45-day deadline after your contract (the end of the 45-day period should be no later than June 15, 1970 in any case) to indicate an intent to comply with the automatic sprinkler requirement and submit evidence (a contract, request for bids, etc.) to your agency that gives definite assurance that it is actually going ahead with the work. Sprinklers must be installed by *October 1, 1970.* If the facility does not submit such evidence by June 15, 1970, or indicates by then that it does not plan to install an automatic sprinkler system in its wood frame facility, you are then instructed to process a termination in accordance with State Operations Manual, section 2730. Because of the severe hazard existing, these cases should have the highest processing priority and your agency should immediately schedule a current resurvey (this will not be necessary if a complete resurvey has been performed within 60 days), prepare the termination case, and forward it to the regional office. *Complete all processing of termination causes and forward these to the regional office no later than July 30, 1970.* You should advise the regional office of the status of this project by May 22, 1970, and again on June 15, 1970. We may require other reports in early August and again about October 1, 1970.

A review by our central office of survey report forms pointed up the fact that some *extended care facilities* with various types of construction have not safeguarded hazardous areas. Section 10–1371 of the 1967 edition of the *Life Safety Code* states:

"Any hazardous area should be so safeguarded as to minimize dangers to occupants of institutional buildings from fires occurring in a hazardous area; the means of safeguard shall be appropriate to the degree of hazard and shall consist of separation by construction of at least one hour of fire resistance rating or automatic fire protection.

"Where hazard is severe, both fire resistance construction and automatic fire protection shall be used. Hazardous areas include, but are not restricted to, the following: boiler and heater rooms, laundries, kitchens, repair shops, handicraft shops, laboratories, employee locker rooms, soiled linen rooms, rooms or spaces used for storage in quantities deemed hazardous by the authority having jurisdiction of combustible supplies and equipment, trash collection rooms, and gift shops."

The *Life Safety Code,* as quoted above shall be placed into operation with the same deadlines that have been previously discussed. Please note that adequate separation of the hazardous area from the rest of the extended care facility or hospital by suitable fire protected materials could make it unnecessary to install an automatic sprinkler system. Similarly, where a hazardous area is physically removed from the rest of the facility, sprinkling may be unnecessary; for example, where the boiler and heater rooms are located in a separate building. Should you feel that section 10–1371 of the *Life Safety Code* is nonapplicable to any of your unsprinkled facilities, you should furnish us with a complete description of the deficiency together with a signed evaluation by the state or local fire marshal that explains why in his judgment additional safeguards are not required. At the present time, our central office is still considering whether to require sprinklers in "ordinary" constructed providers ("ordinary" as defined by the *Life Safety Code.*)

Because of the significant capital expenditures that may be involved in taking adequate fire safety precautions, we are drafting a letter to be sent to your state hospital and nursing home associations informing them of our action. We are expecting that you will take immediate action to inform the affected providers of these latest requirements. Please contact us if questions remain.

Sincerely yours,
LEON J. ROLLIN,
Assistant Regional Representative,
Bureau of Health Insurance.

This, then, was the original directive which affected initially only eight hospitals in Montana. The Montana Department of Health, along with the Montana Hospital Association, attempted to get the Department of Health, Education, and Welfare to rescind their directive on the basis (1) that smoke detection devices were more effective than the automatic sprinkler systems in health care facilities and about 25% of the cost of installation; (2) that there are no companies in Montana that sell and install sprinkler systems and it was impossible to comply with the directive by October 1, 1970; (3) the action taken by the Department of Health, Education, and Welfare was taken without a complete study of the relative value of sprinkler systems and smoke detection devices and was due to aggressive political pressure put on the department due in part to the Harmar House fire in Marietta, Ohio.

The Department of Health, Education, and Welfare was unyielding in its efforts to push this directive. However, they did extend the date for the eight hospitals to December 31, 1970.

The current regulation, section 405.1022. Condition of Participation-Physical Environment as it relates to fire controls reads as follows:

"(b) Standard; fire control. The hospital provides fire protection by the elimination of fire hazards; the installation of necessary safeguards such as extinguishers, sprinkling devices, and fire barriers to insure rapid and effective fire control; and the adoption of written fire control plans rehearsed three times a year by key personnel. The factors explaining the standard are as follows:

(1) The hospital has:

(i) Written evidence of regular inspection and approval by State or local fire control agencies;

(ii) Fire-resistant buildings, and equipment as close to fireproof as possible;

(iii) Stairwells kept closed by fire doors or equipped with unimpaired automatic closing devices;

(iv) An annual check of fire extinguishers for type, replacement, and renewal dates;

(v) *Sprinkler systems at least for trash and laundry chutes, paint and carpenter shops, and most storage areas, and fire detection equipment for bulk storage areas;* (emphasis added)

(vi) Conductive floors with the required equipment and ungrounded electrical circuits in areas subject to explosion hazards;

(vii) Proper routine storage and prompt disposal of trash;

(viii) "No Smoking" signs prominently displayed, where appropriate, with rules governing the ban on smoking in designated areas of the hospital enforced and obeyed by all personnel; and

(ix) Fire regulations prominently posted and all fire codes rigidly observed and carried out.

(2) Written fire control plans contain provisions for prompt reporting of all fires; extinguishing fires; protection of patients, personnel and guests; evacuation; and cooperation with fire fighting authorities.

(3) There are rigidly enforced written rules and regulations governing proper routine methods of handling and storing explosive agents, particularly in operating rooms and laboratories, and governing the provision of oxygen therapy."

Thus, the original regulation which was written by the Department of Health, Education, and Welfare merely indicated that trash areas, laundry chutes, paint and carpenter shops and storage areas should have sprinkler systems but did not mention in any way sprinkling of the entire hospital or ECF.

On September 9, 1970 the Department of Health, Education, and Welfare proposed a regulation change concerning fire and safety requirements for hospitals and extended care facilities participating in Medicare.

This was entered in the 35th Federal Register, No. 13888, September 2, 1970.

As proposed, participating hospitals and extended care facilities would have to comply with the standards of the National Fire Protection Association's Life Safety Code. In addition, carpeting, carpet assemblies and other floor coverings installed in inpatient care areas must have either a flame spread rating of not more than 75 when tested in accordance with the "Steiner Tunnel Test" prescribed by the American Society for Testing and Materials on a flame propagation index of less than 4.0 when tested in accordance with the "Underwriter's Laboratory Chamber Test."

The regulation in terms of the carpeting, etc., was well published, however, the proposed regulation regarding complying with standards of the National Fire Protection Association's Life Safety Code was hardly mentioned.

Thus, the new regulation would *now* read: 405.1022 Condition of Participation—Physical Environment:

"(b) Standard; fire control. The hospital conforms to the *current standards* of the National Fire Protection Association's Life Safety Code, *as amended from time to time.* (emphasis added). The hospital provides fire protection by the elimination of fire hazards; the installation of necessary safeguards such as extinguishers, sprinkling devices, and fire barriers to insure rapid and effective fire control; and the adoption of written fire control plans rehearsed four times a year by key personnel on each shift. The factors explaining the standard are as follows:

(1) The hospital has:

(i) Written evidence of regular inspection and approval by State or local fire control agencies;

(ii) Equipment as close to fireproof as possible.

(iii) A sufficient number of fire extinguishers properly situated, checked annually for type, replacement, and renewal dates, and maintained in workable condition;

(iv) If flammable anesthetics are used in the operating and delivery rooms, these rooms have conductive floors with the required equipment and ungrounded electrical circuits;

(v) Proper routine storage and prompt disposal of trash;

(vi) "No Smoking" signs prominently displayed, where appropriate, with rules governing the ban on smoking in designated areas of the hospital which are enforced and required to be obeyed by all personnel; and

(vii) Fire regulations prominently posted and all fire codes rigidly observed and carried out."

THE MEANING OF THESE REGULATIONS

When the Department of Health, Education, and Welfare by use of this proposed regulation changed the section regarding fire regulations and standards, it then indicated that hosiptals and extended care facilities would have to meet standards of an association (National Fire Protection Association) and that these standards would be those currently in effect *and any changes that might be made in the future.*

The Life Safety Code (NFPA 101) now states in Section 10–2341 (pages 101–109) "Automatic sprinkler protection shall be provided throughout all hospitals, nursing homes, and residential-custodial care facilities, except those of fire resistant construction or 1-hour protected noncombustible construction not over 1 story in height."

This section of the Life Safety Code as written by the National Fire Protection Association, then becomes a regulation in itself which can be subject to change without governmental action or without being published in the Federal Register.

Thus, if the National Fire Protection Association makes a change in its code or any of its codes affecting hospitals and ECF's, the institutions would have to comply with the standards of the National Fire Protection Association or face the possibility of losing its certification under Title XVIII (Medicare).

In Montana, this has meant that 29 hospitals and 13 ECFs are currently faced with compliance with the regulation by January 31, 1971.

Other state associations in our Region are currently studying the effect that this regulation would have upon their member hospitals and the Montana Hospital Association will place this item on the agenda at the American Hospital Association's Region VIII meeting on November 9th in Denver. We intend also to discuss in full this new regulation with the regional authorities in the Denver office of Health, Education, and Welfare on November 10th.

The Montana Hospital Association is still very hopeful that we will be able to get the Department of Health, Education, and Welfare to rescind this new regulation and along with the top level meeting demanded by Senator Mansfield, we may be able to get some action regarding this approach of accepting an outside agency's standards. Hopefully, this can be done without legal action.

LEGAL ACTION

Other state associations in our area are currently investigating the possibility of taking legal action as a class suit to file an injunction to prevent this regulation from being enforced.

The Board of Trustees of the Montana Hospital Association has authorized our attorney to study the legal approaches available to the member hospitals of MHA.

RECOMMENDATION

The Montana Hospital Association is still recommending that the 29 affected hospitals go ahead and have the surveys done by the various sprinkler system companies but that the hospitals *do not* let bids or sign any contracts or agreements for the work until the Montana Hospital Association has had the opportunity to investigate all options available to the hospitals.

More information will be made available after the meeting with Health, Education, and Welfare officials in Denver.

COMMITTEE ON FINANCE U.S. SENATE—LOANS FOR FIRE SPRINKLER SYSTEMS

The Committee agreed to a modified version of an amendment introduced by Senator Mansfield to authorize the establishment of a loan fund within the Department of Health, Education, and Welfare, to be used for making loans to certain hospitals and extended care facilities for the purpose of installing fire sprinkler systems when such systems are required by Medicare. The loans would be made to small rural institutions unable to secure financing from conventional sources. Loans would be subject to approval of the State agency responsible for health care facility planning. The loan authority would expire after five years. Loans could not be made for terms exceeding ten years.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, November 17, 1970.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: This is in reply to your telegram dated October 19, 1970.

I am enclosing a report prepared by Commissioner Robert M. Ball to explain the reasons for enforcement of the sprinkler requirement. We are committed, as we know you are, to a policy of preventing unnecessary increases in medical care costs, but in this situation we must, as Commissioner Ball indicates, consider patient safety to be the paramount factor influencing a decision.

In your telegram to me, you raised the question of the possible use of Hill-Burton funds to assist facilities in installing sprinkler systems. As far as Federal law is concerned, it would be possible for the States to use Hill-Burton funds in this way, but the actual decision to do so would not be a Federal decision but rather the decision of State and local authorities.

With best regards,
Sincerely,
ELLIOT L. RICHARDSON,
Secretary.

REPORT TO SECRETARY RICHARDSON REGARDING TELEGRAM FROM SENATOR MIKE MANSFIELD, NOVEMBER 17, 1970

Our recent instructions to the State health departments concerning the need for sprinklers in wood-frame buildings stem from a requirement that is included in the 1967 amendments to the Social Security Act.

Public Law 90–248, section 234, provides that (with exceptions not here relevant) in the title XIX (Medicaid) program, skilled nursing homes will be required to meet the provisions of the Life Safety Code effective January 1, 1970. Public Law 89–97, section 1863, provides that where a higher requirement is imposed on an institution under a State plan approved under title XIX a like requirement shall be imposed as a condition for payment under Medicare. The Social Security Administration has, therefore, adopted the provision of the Code as the Medicare standards for nursing homes, i.e., extended care facilities. While these provisions do not apply to hospitals in express terms, regulations now in the process of being promulgated will apply the Life Safety Code to hospitals also under the authority of sections 1861(e)(8) and 1863 of the Social Security Act.

The Life Safety Code is a set of standards developed by the National Fire Protection Association, a private organization of recognized experts in the fire prevention field. The Code specifies that sprinklers are required in institutional occupancies except where the building is of a noncombustible type of construction, i.e., the supporting walls, roof and floor are constructed of metal, concrete, masonry, or other materials that do not burn. According to the NFPA, "experience shows that automatic sprinklers, properly installed and maintained, are the most effective way of any of the various safeguards against loss of life by fire." (Appendix A, Life Safety Code, 1967, NFPA 101, page 184.)

The recent instructions to the States and providers do not contain any new information. The statutory tie-in to the Life Safety Code has been known since 1967. As early as 1968, many State agencies had already adopted the Code and in 1969, the Social Security Administration advised all State agencies of the nationwide applicability of the Code starting in 1970. The hospital and nursing home associations were aware of the sprinkler requirement before 1970 and individual facilities have had a great deal of advance notice that this requirement would be linked to the Federal health insurance programs.

We are very much aware that the sprinkler requirement involves considerable costs to individual facilities. We wish it were possible to come up with some alternative that would provide equal protection for the safety of patients, but most fire safety experts have told us that alternative protective measures do not provide the same degree of safety as automatic extinguishing systems. Therefore, we do not believe that this would be an appropriate area for achieving desired cost reductions.

The instruction that we sent out on sprinklers recognized that some hospitals and nursing homes may not always be able to get a sprinkler system installed right away. It provides that facilities are to have a contract by January 31, from a company that installs sprinkler systems and that actual installation may take place afterwards. If a facility is unable to meet the January 31 date for valid reasons, we certainly would be willing to grant a reasonable extension. Any facility in Montana anticipating difficulty should get in touch with our Denver Health Insurance Regional Office.

ROBERT M. BALL,
Commissioner of Social Security.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., December 1970.

Hon. FORREST H. ANDERSON,
Governor, State of Montana, Helena, Mont.

DEAR FORREST: This will acknowledge receipt of your letter relative to the Social Security ruling affecting hospitals and nursing homes.

Because of your expression of concern and for your information, I am enclosing a copy of a letter I have received recently under the signature of the Secretary of Health, Education, and Welfare, as well as a report under the signature of the Commissioner of Social Security. Although the enclosed report is not more favorable, I am sending it on to you in the hope that it will provide some clarification.

I am pleased to inform you that the Senate Committee on Finance has approved a modified version of an amendment I introduced to authorize the establishment of a loan fund within HEW to be used for making loans to certain hospitals and extended care facilities for the purpose of installing fire sprinkler systems when such systems are required by Medicare.

I am continuing to work on this matter and want to assure you every effort is being made to be of assistance to all facilities affected. Please rest assured that I will keep you informed as this matter progresses.

You may be assured of my continued interest and with best personal wishes, I am

Sincerely yours,

MIKE MANSFIELD.

STATE DEPARTMENT OF HEALTH,
Helena, Mont., September 28, 1970.

Re Bureau of Health Insurance
Automatic Sprinkler Requirement.
Hon. MIKE MANSFIELD,
Senate Majority Leader,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: I think you should be informed about how the Bureau of Health Insurance directive will affect health care facilities in Montana.

Because of the recent tragic fire in an Ohio nursing home, the federal government has been pushing for more stringent requirements for providers of "medicare" and "medicaid." This comes in the form of several directives from the Bureau of Health Insurance, Denver Regional Office, that all hospitals and extended care facilities of wood frame construction with less than one hour fire resistance must have automatic sprinkler systems installed by December 31, 1970.

This department, together with Mr. William Penttila, the State Fire Marshal, oppose this requirement. Automatic sprinkler systems will protect the building, but will not guarantee patient safety. We think smoke detector devices are preferred. Other states have voiced the same opinion, but with no resulting change of requirements coming from the Bureau of Health Insurance.

The federal administration will require Montana hospitals and nursing homes to spend an estimated $600,000 without any benefit to the patient. Many of our providers will have difficulty in financing the cost of automatic sprinklers. The Bureau of Health Insurance will require us to terminate from medicare eligibility those health facilities that can not comply. Our citizens will be the losers.

I am attaching a memorandum from Mr. Lindburg, Medicare Coordinator, with our department. It may be longer than you care to read, but, at least, you may want to know which health facilities are affected by this requirement.

Sincerely yours,

JOHN S. ANDERSON, M.D.,
Executive Officer.

MONTANA STATE DEPARTMENT OF HEALTH,
September 23, 1970.

To: Dr. John S. Anderson.
From Mr. M. E. Lindburg.
Subject: Bureau of Health Insurance Sprinkler Directives.

As you requested, we are submitting a status report of sprinkler system directives from the Bureau of Health Insurance, our responses to the directives, and an analysis of how these directives will affect providers of Title 18 and 19 services.

1. On April 15, 1970, this Division was requested, by BHI RO, Denver, to furnish information on all certified Hospitals and Extended Care Facilities in the state regarding classification of construction (woodframe-ordinary), single or multi-storied, sprinkler systems installed or not, (if not, do they have smoke or heat detection systems).

a. The information was furnished, as requested.

2. On April 30, 1970, we received a directive from BHI RO, Denver, to inform each Medicare facility in the state (identified as being of un-sprinkled woodframe construction) that sprinklers were required and must be installed by October 1, 1970. The facilities were further required to furnish us, within 45 days, an intent to comply. If this were not done, or if we received an indication that a facility did not intend to comply, we were instructed to process a termination on the basis of an existing severe life safety hazard.

a. On May 12, 1970, Mr. George Fenner of this Division, discussed ramifications of the directive with Mr. Wilburn Smith and Mr. Ron Hansen indicating inconsistencies in deadlines for accomplishing installation of sprinkler systems and reasons we were opposed to the requirement.

b. On May 15, 1970, this office prepared a letter for your signature to Mr. Wilburn Smith, stating some of the reasons we were in opposition to the directive, but we were reluctantly complying, in part, to the directive, however.

c. We received, from the Hospital Construction Section of this Division, a list of nine hospitals which are considered, by them, to be of un-sprinkled woodframe construction with less than one-hour fire resistance. These are:

Roosevelt Memorial Hospital, Culbertson.
Madison Valley Hospital, Ennis.
Shodair Childrens Hospital, Helena.
Sanders County General Hospital, Hot Springs.
Missoula Community Hospital, Missoula.
St. Luke's Community Hospital, Ronan.
Broadwater Hospital, Townsend.
North Valley Hospital, Whitefish.
Prairie Community Hospital, Terry.

d. The above listed facilities were notified, by letter, on May 15, 1970, of the directive citing the October 1 deadline and requesting notification to us, within 45 days, of their intent.

3. In a letter dated May 8, 1970, from the BHI RO, Denver, we were requested to complete some worksheets, provided by them, pertaining to Extended Care Facilities having one or more deficiencies in physical environment and disaster planning. This letter also indicated that we were to advise them of the status of the nine facilities, referred to above, regarding progress of installation of sprinkler systems as of June 15.

a. We completed the worksheets, as requested, and returned them.

4. In a letter dated June 9, 1970, from the BRI RO, Denver, we were informed that the letters of April 30 and May 8, 1970 (referred to above) should not have referred to woodframe construction, specifically, but rather, should have stipulated "all facilities with less than one-hour fire resistance."

a. This did not affect us, as we had made this determination at the onset.

5. In a letter dated July 30, 1970, from the BHI RO, Denver, we received some additional worksheets on non-accredited hospital providers to complete, requesting certain data regarding physical environment and disaster plan area deficiencies as noted in their most recent survey report. Also, this letter indicated that deadlines previously set had been extended to September 30, 1970 as the date when evidence must be submitted to indicate intent to comply with the sprinkler requirement; and December 31, 1970 as the date when sprinklers must be installed.

a. Worksheets were completed and mailed August 6, 1970.

6. A telephone call was received from BHI RO, Denver, requesting a list of protected woodframe Hospitals and Extended Care Facilities in the state.

a. This request was referred to the Hospital Construction Section of this Division, Mr. Walt Moyle furnished them with the names of the following 33 facilities:

HOSPITALS

Stillwater Community Hospital, Columbus.
Livingston Memorial Hospital, Livingston.
St. Joseph's Hospital, Lewistown.
Garfield County Hospital, Jordan.
Liberty County Hospital, Chester.
Barrett Hospital, Dillon.
Carbon County Memorial Hospital, Red Lodge.
Sweet Grass Community Hospital, Big Timber.
Teton Memorial Hospital, Choteau.
Wheatland Memorial Hospital, Harlowton.
St. John's Lutheran Hospital, Libby.
Daniels Memorial Hospital, Scobey.
Dahl Memorial Hospital, Ekalaka.
McCone County Hospital, Circle.
Malta Hospital, Malta.
Granite County Hospital, Philipsburg.
Fallon County Hospital, Baker.
Big Sandy Medical Center, Big Sandy.
Sheridan Memorial Hospital, Plentywood.
Ruby Valley Hospital, Sheridan.

EXTENDED CARE FACILITIES

Liberty County Hospital, Chester.
Roundup Memorial Nursing Home, Roundup.
Wayside Sanitarium, Missoula.
Park View Acres, Dillon.
Valley Convalescent Hospital, Billings.
Valle Vista Manor, Lewistown.
Pondera Pioneer Home, Conrad.
Hillside Manor, Missoula.
Park Place Nursing Home, Great Falls.
Hillcrest, Bozeman.
Valley View Nursing Home, Hamilton.
Royal Manor, Missoula.
Friendship Manor, Livingston.

7. In a letter dated August 6, 1970, from BHI RO, Denver, we were requested to fill out individual reports on each of the above listed facilities containing the following information:

1. A statement that "the roof and floor construction and their supports of the building have one-hour fire resistance, and stairways and other openings through floors are enclosed with partitions having one-hour fire resistance."

2. List the protective measures that are available in lieu of automatic sprinkler protection.

3. List any additional protective measures (detection system, fire doors or barriers, fire alarm system, etc.) that are necessary.

4. List any other factors which should be considered (layout of building, special construction features, etc.) in assessing the fire safety hazards of the facility.

Each report should be signed by the State Fire Marshal or other authorized individual.

a. We held up completion of this report until Mr. Penttila and I returned from Denver on September 19, where we were to discuss the sprinkler directive.

b. On September 18, we referred the four questions on the 33 facilities to the Hospital Construction Section of this Division and requested reply by September 25, at which time the report will be mailed to Denver.

8. On August 26, 1970, I mailed a letter to Mr. Thomas M. Tierney, Director, BHI, Baltimore, Maryland, expressing our concern regarding the sprinkle directive and suggested that ionized smoke detection systems connected to an alarm system be acceptable in lieu of sprinkler systems as being more specifically patient-safety oriented than sprinklers. As of this date, we have received no answer to this communication.

9. On September 2, 1970, I sent essentially the same letter referred to in No. 8 above, to Mr. Richard Stevens, National Fire Protec-

tion Association, Boston, Mass. To date, we have received no reply.

10. On September 3, 1970, we received a letter from the BHI RO, Denver, requesting submission of our past-due reports referred to in No. 7 above.

a. We advised them, by telephone, that we would be unable to assemble the data until September 30, 1970.

11. In a letter dated September 4, 1970 from the Director of Medical Assistance, State Department of Public Welfare, were enclosures from the Associate Regional Commissioner, Medical Services, Title 19, stating in essence, that the Montana Fire and Safety Code is not acceptable in that it does not completely embrace NFPA Life Safety Code, 21st edition 1967 (which requires sprinkler systems in protected and unprotected woodframe health care facilities). This letter states, however, that I, as the licensing agent, can make a written statement on each individual facility where I deem that the lack of a sprinkler system in that facility will not adversely effect the health and safety of the patients.

a. Our reply to this letter was that we were aware of the problem as it had been pointed out to us, frequently, over the past 120 days; and that we were opposed to the Federal directive, and, in fact, have been quite verbal about our discontent. I also informed him that the Fire Marshal and I would be attending a meeting regarding the sprinkler directive on September 18 in Denver and that I would communicate further with him after that date. I further stated that I do not have the authority to waive any state law standards or regulations—this authority rests with the State Board of Health.

12. Mr. William Penttila, Montana State Fire Marshal, and I attended a meeting on September 18, 1970 in Denver for purposes of discussing the sprinkler directive with the BHI Regional Office and Central Office representatives. All other state agencies in Region 8 were represented. They listened to what we had to say, but it appeared they had made up their minds prior to coming to Denver and were not amenable to any suggested deviations or changes.

a. We were informed at the meeting that NFPA Life Safety Code, 21st Edition, 1967, will apply to all certified Medicare and Medicaid health care facilities. The Code states that sprinkler systems will be required in all protected and unprotected woodframe health care facilities.

13. The September 2, 1970 Federal Register, Vol. 35, No. 171 contains several proposed changes in regulations governing the conditions of Medicare in Hospitals and Extended Care Facilities:

1. NFPA Life Safety Code, as amended from time to time, must be complied with.

2. Carpet and carpet assemblies in patient care areas of Hospitals and Extended Care Facilities shall have a flame spread rating of not more than 75 when rated as a result of certain prescribed tests.

3. Fire and smoke systems providing complete coverage of the building are installed and inspected regularly.

a. On September 22, 1970, we responded to the Commissioner of Social Security regarding the above, as follows:

1. We stated that the term "as amended from time to time" would be impossible to implement because our Legislature meets only every two years and any changes in state law would have to be voted on by them.

2. We stated that carpet requirements should include provisions for smoke density and toxicity ratings.

3. "Fire and smoke alarm systems" should be changed to read "fire or smoke alarm systems."

14. The Association of Directors of State and Territorial Health Facility Licensure and Certification Programs will be discussing Life Safety Codes, including the sprinkler directive, at their meeting in San Francisco the week of September 28, which I will be attending. I know there is much opposition to these requirements at the state level and possibly some changes in the directive will be made as a result. I talked to the President of the Association, Dr. George Warner, on September 23, and indicated heavy state opposition and he promised to follow-up on my request to communicate with Social Security Administration.

Our opposition to this directive is based on the following:

1. An ionized smoke detection system connected to an alarm system insures early warning of fire and provides for safe removal of patients.

2. A sprinkler system is designed primarily for protection of material things such as buildings. These systems require intense heat to activate. There have been instances in this state where patients have burned to death before the sprinkler system discharged.

3. The cost of installing a smoke detection system is much less than installation costs for a sprinkler system. For 42 installations, a conservative comparison of costs is approximately $600,000 to $250,000, which necessarily will result in increased health care costs to the consumer.

4. In some areas in the state, water pressure is insufficient to operate a sprinkler system.

5. Extreme temperatures in the state cause difficult maintenance problems in sprinkler system installations.

6. Many of our present hospitals and some presently under construction were and are being built with Federal money (Hill-Burton-FHA) and under present construction guidelines are not required to install sprinkler systems, yet upon completion would require such an installation in order to participate in Federal health care programs.

7. We are a wood-producing state, yet this directive tends to discourage wood construction.

15. In the event we are required to adhere to the directive, and it appears we will be, it will be necessary to:

1. Revise our Hospital, Long-term Care, and Mental Health licensing laws and regulations to adopt NFPA Life Safety Code, 21st Edition, 1967, which may require Legislative action.

a. Delete all references to approval of smoke detection systems in lieu of sprinkler systems.

2. Require all health care facilities not now sprinkled but participating in Federal Health Care Programs Title 18 and 19 to have sprinkler systems installed by December 31, 1970, or have certification terminated.

3. The Montana Hospital Association and the Montana Nursing Home Association have been advised regarding these directives, and, for some reason, they have not reacted either positively or negatively. I believe this is due to their not fully understanding the situation . . . or wishful thinking. If and when the impact comes, I am quite certain they will voice their concerns loud and clear.

NOTE.—After this report was typed, the attached communication was received. It is self-explanatory.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Denver, Colo., September 22, 1970.

Mr. M. E. LINDBURG,
Medicare Coordinator, Division of Hospital and Medical Facilities, Montana State Department of Health, Helena, Mont.

DEAR MR. LINDBURG: The meeting on fire safety conducted in Denver on September 18, 1970, by BHI, clarified the action that must be taken by State Agencies in implementing the new Medicare requirements for sprinkler installation in wood-frame facilities. Although the states in this region received an extension of the original October 1st deadline for protected wood-frame buildings, such facilities are still required to install complete sprinkler systems. A deadline for sprinkler installation in these facilities will be established shortly, however we do not feel it would be advisable for you to wait until a date is set before notifying the affected providers. I suggest, therefore, that you inform each wood-frame facility of this sprinkler requirement as soon as possible after receipt of this letter. It is recognized that the monetary investment involved will be substantial, in most cases, and facilities should be given such notice to enable them to begin their necessary fiscal planning. We will notify you of the established deadline when such information is received by this office.

Sincerely yours,
WILBURN W. SMITH,
Regional Representative,
Bureau of Health Insurance.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, October 8, 1970.

ELLIOTT RICHARDSON,
Secretary, Health, Education, and Welfare, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: Montana has forty-two hospitals and extended care facilities which would be required to install automatic sprinklers by December 31, 1970, in order to comply with Bureau of Health Insurance directives.

I can fully understand why the Department of Health, Education, and Welfare would want to insist on adequate fire safety measures, and I wholeheartedly support this effort. Patient safety can be better assured, I believe, by alternate measures which would be considerably cheaper. I quote from a rereport by State Fire Marshal Mr. William Penttila:

"1. Medical facilities in our state could not comply within at least a two year period. Sprinkler firms I have contacted tell me this. We are meeting with them on October 15, 1970.

"2. Although the supposed purpose of this regulation is life-safety, our office does not agree. We have lost patients in sprinklered medical facilities in our state when the heat buildup was not sufficient to activate the system. Last year's fatality in the Hardin, Montana hospital was the most recent.

"3. We have had problems with existing sprinkler systems in Montana from freezing because of extended severe cold spells. When this happens, the systems are not put back into service, sometimes for months. Dry systems are slower in operation and we have failures with them as well."

As I see it, automatic sprinkler systems will protect buildings, but only a smoke detector system will protect the lives of people.

We estimate that the cost of installing automatic sprinklers in the 42 facilities would be $600,000. It will definitely increase the cost of medical care, which your administration is attempting to control.

I propose that you permit an alternative solution through authorization of the installation of an approved smoke detection system, with automatic sprinklers to be used only in fire hazardous areas, such as the storage of inflammable supplies. The same health facilities could comply with the alternative proposal at an estimated cost of $250,000.

I would appreciate your favorable and early response to this important matter.

Sincerely,
FORREST H. ANDERSON,
Governor, State of Montana.

State of Montana,
Office of State Fire Marshal,
Helena, Mont., October 2, 1970.

Re Federal requirements for sprinklering existing hospitals, nursing homes and residential custodial facilities, except those of fire resistive construction or one-hour protected, noncombustible construction not over one story in height within a few months.

Dr. John S. Anderson,
Executive Director,
Board of Health:

It appears from our point of view that some top level action should be taken to forestall enforcement of such a regulation within our state for several reasons.

1. Medical facilities in our state could not comply within at least a two year period. Sprinkler firms I have contacted tell me this. We are meeting with them on October 15, 1970.

2. Although the supposed purpose of this regulation is life-safety, our office does not agree. We have lost patients in sprinklered medical facilities in our state when the heat build-up was not sufficient to activate the system. Last years fatality in the Hardin Hospital was most recent.

3. The federal register proposed to adopt National Fire Protection Life-Safety Code #101. The above reference is taken from this code verbatim except for the word existing.

As an explanation our office adopted the 1967 edition of N.F.P.A. 101 effective January 1, 1968 by authority of Section 82-1202, R.C.M. 1947.

In application of this code our office uses Section 10-212 entitled "Modification of Retroactive Provisions" and does not require sprinklering.

10-2121. The authority having jurisdiction may modify the general rule of 10-2111, above, under two conditions:

a. If the building in question was occupied as a hospital nursing home or residential-custodial care institution prior to adoption or amendment of these requirements.

b. Only those requirements whose application would be clearly impractical in the judgment of the authority having jurisdiction shall be modified.

10-2122—In such cases the requirements may be modified by the authority having jurisdiction to allow alternative arrangements that will secure as nearly equivalent safety to life from fire as practical; but in no case shall the modification be less restrictive or afford less safety than compliance with the corresponding provisions contained in the following part of this Code. Some of the following requirements are the same as for new hospitals and nursing homes. This has been done to facilitate the use of the Code by locating all requirements for existing occupancies in one section.

4. We have had problems with existing sprinkler systems in Montana from freezing because of extended severe cold spells. When this happens the systems are not put back into service sometimes for months. Dry systems are slower in operation and we have failures with them as well.

May we suggest that the Montana Board of Health communicate these thoughts and problems to our Honorable Governor and to our Congregational Delegation with the hope that they can and will let the federal people know our feelings. We would rather enforce sprinklering on the state level as the authority having jurisdiction.

William A. Penttila,
State Fire Marshal.

American Nursing Home Association,
Washington, D.C., November 3, 1970.

Hon. Michael J. Mansfield,
Old Senate Office Building,
Washington, D.C.

Attention: Mr. Dean Hart.

Enclosed you will find the material which I spoke to you about over the phone on Friday, October 30, 1970. Included are:

An ANHA memorandum describing the August meeting between SSA and ANHA representatives.

An ANHA memorandum on a SSA Bureau of Health Insurance letter sent during the second week of October to the SSA's regional offices.

A telegram sent on September 8 to Mr. Morris Levy, Assistant Director of the Bureau of Health Insurance, on the sprinkler problem.

The reply letter of Mr. Levy to the September 8 telegram.

A telegram sent to SSA Commissioner Robert M. Ball on September 30 by ANHA, requesting a delay of the deadline for submitting of comments on proposed regulations.

A letter from the owner of a facility in Ohio describing the effects of the way the entire sprinkler problem has been handled.

I hope this information will be helpful to you in understanding what has taken place. ANHA representatives have met on several occasions with SSA officials and reached apparent understanding of each other's positions only to have that result reversed by a subsequent policy statement by the agency. To our members who are attempting to provide quality patient care, this continual change of policy has distracted a significant amount of their needed energy and attention.

If I may be of further assistance, please let me know.

Sincerely,

Jack A. MacDonald,
Legislative Research Supervisor.

American Nursing Home Association,
Washington, D.C.

MEMORANDUM

On Friday, August 14, 1970, Jack Pickens, Jim Regan and I met with Mr. Morris Levy, SSA Compliance Branch; Maurice Hartman, Chief, Fiscal and Administrative, SSA; and Paul Reincke, a Fire Marshal, from Baltimore County, who serves as consultant to SSA. We discussed two key points:

(1) Problem caused by SSA letter requiring ECF's of unprotected wood frame construction to install sprinklers by October 1st.

(2) The carpeting issue and proposed regulations about to be published in the *Federal Register.*

Basically, the following points were made:

SPRINKLER ISSUE

(1) In all cases, the number of facilities, as recorded by SSA, were lower than those indicated by ANHA members.

(2) SSA letter intended to cover "wood frame construction" as set out in 220.6 of Code for building construction.

(3) SSA agreed to send out clarifying letter to clearly identify structures intended to be covered.

(4) SSA agreed to be flexible on October 1st deadline.

(5) Deadline for California set for November because of the number of facilities involved.

(6) SSA expressed interest in early smoke detection system, if adopted by Life Safety Code. Code to be issued in October.

(7) SSA moved into this area early because of concern expressed by Senator Moss, and concern expressed by Fountain Subcommittee on question of facilities not in compliance. Levy said the heat was on to prevent another fire—if another fire occurred, Levy said they would be hard put to explain it.

(8) List of several hundred facilities with safety deficiencies had been compiled for Fountain Subcommittee—list will be published in Subcommittee printed hearings.

(9) Regan point that October 1st deadline is unrealistic and should be considered, and that where structural members have been protected, this should be considered as protected facility and sprinkler now required.

CARPETING ISSUE

(1) Levy indicated the interim policy in the form of the state agency letter containing guidelines had been cleared by the SSA General Counsel.

(2) The proposed regulation, soon to be published in the *Federal Register,* is at the Secretary's level. It will probably require the tunnel test or the Chamber test (Chamber test was developed under a Hill-Burton grant). The requirement will cover inpatient areas—thus areas will have to be defined. Also, the proposed regulations will cover both existing and new facilities. SSA would like our recommendations to help make regulation effective and reasonable.

(3) SSA will take a look at the facility in Washington State (state and fac. not identified) to see if anything can be done, if we supply further information on test being used, and whether carpeting was installed after the February letter went out.

(4) More expensive carpeting probably will not meet proposed tests, but less expensive will—reason—backing, fluffy fabrics not fire resistant.

(5) Levy suggested carpeting not be tested now. The thought came out that if carpeting is purchased, facility should obtain an affidavit that carpeting will meet tunnel test or chamber test.

American Nursing Home Association,
Washington, D.C., October 16, 1970.

To: Executive Board, Executive Directors/Secretaries, Legislative Committee, Attorneys, ECF Conference.

From: Norman Burch, director, Federal liaison.

Subject: Advance copy of SSA proposed BHI letter on life safety code and installation of automatic sprinkler equipment and ANHA Day letter to SSA.

We are passing along for your information a copy of an advance BHI Letter, covering SSA requirements for the installation of automatic sprinkler systems. ANHA has been working on this issue for several months in an effort to eliminate as many problems as possible for ANHA members.

We are also enclosing a copy of our Day Letter to Mr. Thomas Tierney of BHI, raising strong objections to the deadlines mentioned on page two of the proposed letter. We are hopeful Mr. Hierney's office will revise the deadline so as to make it uniform in the various regions.

[From Fire Journal, July 1966]

FOR ARCHITECTS AND BUILDERS: MISCONCEPTIONS ON SPRINKLERS AND LIFE SAFETY

The enforcing authority who requests installation of an automatic sprinkler system for life safety from fire frequently encounters objections from the building owner, the architect, or the engineer made on the basis of some very erroneous ideas. Among the more common are objections that when the sprinklers operate 1) there will be excessive water damage, either because of the fire or because of accidental physical damage to the sprinkler; 2) the smoke generated will obscure exits and suffocate everyone; 3) the water discharged will drown everyone; and 4) the steam generated will scald everyone.

WATER DAMAGE

In a fire situation there will be much less water damage in a sprinklered building than in an unsprinklered building because the rate of water application for extinguishment will be 5 to 10 times lower.

Let us consider the possibilities of water damage under fire conditions in sprinklered and unsprinklered buildings. A sprinkler detects an incipient fire and applies an average of about 20 g.p.m. on the fire. Since the system is also equipped with a waterflow alarm, notification that water is flowing is immediately given, so that operation of the system comes under human supervision.

In an unsprinklered building someone must discover the fire and call the fire department. This takes time, and it also takes time for the fire department to reach the property. During this period the fire is growing. Even if the building is equipped with a fire detection system connected to fire headquarters (a superior type of automatic arrangement), there will still be an interval before the fire department reaches the property. When fire fighters attack the fire they will use either a 1½-inch line (100 g.p.m., or 5 times the amount of water per minute from a sprinkler) or a 2½-inch line (250 g.p.m., or 10 times the amount from a sprinkler).

Before they can be listed and labeled by any of the nationally recognized testing laboratories, automatic sprinklers are subjected to some extremely rigorous tests. The mechanical tests for sprinklers include a leakage test (the sprinkler is subjected to 500 p.s.i. for one minute, 875 p.s.i. for one minute, and 300 p.s.i. for 30 days), a water hammer test (a surge from 50 to 500 p.s.i. applied 5,000 times), a heating-cooling test (100 alternate exposure cycles of hot and cold air), a strength-of-frame test, and a vibration test (at the rate of 35 cycles per second and an amplitude of 0.04 inches for 120 hours).

No part of any other water system in a building is subjected to similar tests. Then why worry about leakage from sprinklers when they are the only water-supply devices in the building that have proved reliability?

Insurance companies, which pay the losses on sprinkler leakage, have experienced such a low loss record that the rate on insurance against sprinkler leakage is less than half the fire insurance rate—and the companies expect that only one-quarter of the contents value will be insured against sprinkler leakage. The major cause of sprinkler leakage, incidentally, is freeze-up, which is extremely unlikely in the heated buildings in which sprinklers are installed for life safety from fire.

SMOKE

The amount of smoke generated by a fire depends primarily upon the length of time the fire burns before it is extinguished. Because sprinkler operation is automatic, a fire extinguished by sprinklers will generate less smoke than the same fire in an unsprinklered building, where extinguishment is delayed until hose streams can be placed in operation.

Automatic sprinklers are designed to operate only after a certain temperature has been reached at the sprinkler. This is to avoid sprinkler operation over small fires that can be readily handled by portable fire extinguishers. Between the time a fire starts and the time the sprinklers begin to operate there can be a build-up at the ceiling of the products of combustion, including smoke. When a sprinkler operates, some of the products of combustion will be driven to the floor, some of the water may evaporate on its way to the fire (because of high air temperature); and some of the water will turn to steam when it hits the fire. It is also true that combustion is incomplete during extinguishment—which means some smoke generation. It is not possible to equate these conditions mathematically to life safety, but actual fire experience and fire tests indicate that the conditions do not present a life safety problem.

A portion of the most recent series of fire tests conducted in Los Angeles in a school building[1] was specifically aimed at studying the applicability of automatic sprinklers to the problem of life safety from fires in schools. Thirty test fires simulating typical fires that could occur in a school were conducted in sprinklered rooms. Twenty-six of the test fires were huge enough to operate sprinklers—and in each instance the automatic sprinklers extinguished the fire before development of any untenable heat or smoke conditions in the building's exits or exitways, even though in many of the tests in classrooms transoms were open between the classroom and the corridor.

Moreover, it is unlikely that any physically and mentally capable person would stay in a small room with a fire large enough to operate a sprinkler, since the conditions within the room would certainly be uncomfortable (although not necessarily potentially fatal). If the room were large enough for the occupant to experience no discomfort up to the time of sprinkler operation, no condition created by sprinkler operation would be fatal. This point has been proved by observers in fire tests who stayed in a room until the sprinklers had completely extinguished the fire. There are also supporting case histories of fires.

For example, in a fully occupied hospital nursery defective wiring to an incubator caused ignition of curtains. As flames spread up the curtains, the heat fused a sprinkler. Water from the sprinkler extinguished the fire. When the thoroughly doused infants had been checked and their bedding had been changed, it was determined that none of the babies had suffered in the slightest from the experience.

Another case shows that sprinklers can help to prevent serious injury. In this incident, a guest smoking in bed in his hotel room fell asleep and the cigarette ignited the bedding. Uninjured, the guest was awakened by the cold water discharging from a fused sprinkler. In the words of the fire chief, "This man would have died had it not been for the efficient work done by the automatic sprinkler."

DROWNING

A person standing under an operating sprinkler is in no more danger of drowning than if he were standing out in a heavy rain—and he is in 50 times less danger of drowning than if he were standing under a shower.

At 15 psi a nominal ½-inch sprinkler discharges about 20 gpm. At a distance of 4 feet below the sprinkler, the discharge pattern is about 16 feet in diameter and the average water density per square foot is about 0.10 gpm. This density is the equivalent of about one inch of rain an hour—quite a heavy rainfall, but not at all unusual. A shower head has an average water discharge rate of about 4 gpm. At a distance from the shower head where the spray is one foot in diameter, the density of water discharge per square foot is 5.1 gpm, or about 50 times the density from the sprinkler under the conditions previously cited.

STEAM

The amount of steam generated in putting out a fire will be the same whether the water comes from a sprinkler or from a hose nozzle. However, there will be a smaller amount of steam when sprinklers extinguish a fire than in an unsprinklered building when hose streams are used, because (as was pointed out above, under "Smoke") the fire in an unsprinklered building will be much larger before water is applied. Thus more water will be required for extinguishment, and more steam will be formed.

RICHARD E. STEVENS,
NFPA Assistant Technical Secretary.

AMERICAN NURSING HOME ASSOCIATION,
October 16, 1970.

Mr. THOMAS M. TIERNEY,
Director, Bureau of Health Insurance, Social Security Administration, Baltimore, Md.:

Appreciate very much opportunity to review advance copy of proposed bill re adoption of life safety code—installation of automatic sprinkler equipment. While proposed letter represents effort to explain requirements for sprinkler systems in certain facilities, American Nursing Home Association must object strongly in behalf of its members, to the discriminatory treatment and requirements for the different regions. Respectfully urge that before BHI letter is distributed, the deadline for firm contracts—January 31, 1971—be made uniform for all regions. ANHA especially concerned about language contained on page 2 suggesting possible termination of certain facilities. Extremely unfair to set different deadlines, since all local areas have difficult problems in complying with new requirements on such short notice. Appreciate continuous cooperation and urge your favorable consideration of this request.

Respectfully,
C. ROBERT HARBERSON,
Executive Vice President.

SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md.

Subject: Adoption of Life Safety Code—Installation of Automatic Sprinkler Equipment.

This BHIL provides additional information on the requirement of automatic spinkler equipment and definitions and other information to assist you in dealing with providers of services who may be required to install sprinkler equipment.

During the last several months, we have consulted with a number of fire safety experts who inform us that it is potentially very dangerous if persons who are not ambulatory are housed in a wood-frame constructed health facility that is not protected by an automatic sprinkler system. These experts include top-level officials of the National Fire Protection Association and the North American Fire Marshals Association. Additionally, section 1863 of the Social Security Act requires the Secretary to impose, as a requirement for provider participation in Medicare, higher standards required by States as a condition to the purchase of services under the Medicaid program. Effective January 1, 1970, the Medicaid program adopted the provisions of the Life Safety Code, the standards of the National Fire Protection Association (recognized experts in the fire prevention field), and the standards became applicable to Medicare extended care facilities on the same date. The Life Safety Code requires automatic sprinkler equipment in all extended care facilities and hospitals of wood-frame construction. On September 2, 1970, we published our proposed revised extended care facility and hospital regulations in the *Federal Register*. The revisions include the adoption of the Life Safety Code in the Medicare Conditions of Participation for Extended Care Facilities and Nonaccredited Hospitals.

TIMETABLE FOR INSTALLATION OF AUTOMATIC SPRINKLER EQUIPMENT

Originally, BHI established October 1 as the deadline for installation of sprinkler equipment in all wood-frame (protected and unprotected) extended care facilities and nonaccredited hospitals. However, the October 1 deadline was temporarily waived for *protected* wood-frame constructed facilities in regions VI through X (Kansas City, Dallas, Denver, San Francisco, and Seattle) because of the large number of wood-frame providers in these regions and the problems encountered in arranging for sprinkler installation. We have now set January 31, 1971, as the deadline for these facilities to have a firm contract for the installation of sprinkler equipment, with the system installed shortly thereafter. All other extended care facilities and nonaccredited hospitals (i.e., unprotected wood-frame providers in all regions and protected wood-frame providers in regions I–V) should have had the equipment installed or in process of installation by October 1. If these facilities have not complied, termination may be in order.

---

[1] Operation School Burning No. 2, published by the National Fire Protection Association. 352 pages. Price $5.75.

Following is a summary of the most commonly asked questions about the Life Safety Code and the sprinkler requirement.

1. What, specifically, is the Life Safety Code?

The Life Safety Code is a publication of the National Fire Protection Association which was organized in 1896 to promote the science and improve the methods of fire protection. The Code is revised and updated approximately every 3 years. The most recent edition of the Code is dated 1967. Its purpose is to specify measures which will provide the degree of public safety from fire which can reasonably be required. It covers construction, protection, and occupancy features to minimize danger to life from fire, smoke fumes, or panic. It also lists specific standards of fire resistive construction. The requirements for hospitals and nursing homes are included in the institutional occupancy chapter of the Code.

2. Please enumerate the construction types as defined in section 220 of the Life Safety Code.

Because of the technical nature of this information, we are enclosing it as an attachment for your information.

3. Which of the construction types enumerated in the Code are required to be sprinklered?

Section 10–2341 of the Life Safety Code provides automatic sprinkler protection shall be provided throughout all hospitals, nursing homes, and residential-custodial care facilities except those of fire-resistive construction or 1-hour protected noncombustible construction not over one story in height. Therefore, wood-frame constructed facilities must be sprinklered.

4. What guidelines as to sprinklering should be used when two or more types of construction, one type of which requires an automatic sprinklering system, occur in the same building and are not separated by a fire wall (as defined in section 10–1131 of the Life Safety Code)?

The entire building is subject to the restrictions of the least fire-resistive construction type and would need to be sprinklered. Since all types of construction not specifically excluded by the Life Safety Code must eventually be sprinklered, some facilities may wish to consider the feasibility of sprinklering the entire building rather than building the fire walls.

5. What action is to be taken if a certified extended care facility that requires the installation of a sprinkler system to meet Medicare requirements is attached to an unsprinklered JCAH accredited hospital?

The extended care facility and the hospital would need to be separated by a fire wall as defined in section 10–1131 of the Life Safety Code. However, the significant point here is that the Joint Commission on the Accreditation of Hospitals is including in its latest standards the necessity for compliance with the Life Safety Code. We have been informed by the JCAH that this requirement, which will be effectuated in early 1971, will be enforced along with all other JCAH requirements. Therefore, if any extended care facility that requires the installation of a sprinkler system to meet Medicare requirements is attached to a JCAH accredited hospital that requires sprinklers, they should be reminded that by our requirements now and those of JCAH, which will be effective in a few months, the entire facility must install an automatic sprinkler system.

6. Are heat and smoke detection devices acceptable in lieu of sprinklers in a wood-frame building?

No, the Life Safety Code does not recognize heat and smoke devices as an alternative to sprinkler installation in a wood-frame building.

7. Is an allegation of low water pressure or extreme cold an acceptable justification for not installing an automatic sprinkler system?

No, we have learned that sprinkler companies have designed special systems, and techniques to deal with low water pressure and that a properly housed reservoir or vault will not freeze.

8. The number of sprinkler installation companies in our State is limited. These few companies have a heavy workload as a result of the Medicare sprinklering directive. Should we terminate health facilities that have valid contracts with the sprinkler companies to install an automatic sprinkler system but will be unable to have the job completed by the Medicare deadlines?

No, we recognize this may be a problem and as long as a valid contract to install sprinklers exists, a termination would be inappropriate.

9. Who is responsible for the identification of wood-frame providers in the State?

BHI has no accurate data on facilities of wood-frame construction. The responsibility for identifying wood-frame nonaccredited hospitals and extended care facilities rests with the State health departments, and it is they who have to furnish us with the names and addresses of all such facilities so identified so that appropriate action can be taken.

10. What action should the State agency take if they have policy questions with respect to specific wood-frame providers which they are unable to resolve?

The State agencies should clearly identify the problem in such cases and forward them to the health insurance regional office as quickly as possible.

11. Some States have been slow in providing the health insurance regional offices with status reports on the efforts of identified wood-frame providers to install sprinklers. How critical is it that such status reports be furnished?

Very critical. There is a great deal of congressional interest and involvement regarding the issue of fire safety in health facilities, and it is mandatory that we stay on top of the situation and that our target dates are met.

12. Thus far, Social Security has only directed that wood-frame constructed facilities be sprinklered. Does this mean that other types of construction which the Life Safety Code requires be sprinklered will not be asked to do so by SSA?

No, we intend to follow the Life Safety Code's requirements regarding construction types which require sprinklers. We will eventually request that all types of construction not specifically excluded by the Life Safety Code definition be sprinklered. We began with wood-frame facilities because fire safety experts advised us that this type of construction, if unsprinklered, presents the most potentially dangerous situation.

13. Will access hospitals be subject to the requirements of the Life Safety Code?

Yes, we do not believe that health facilities should be excluded from our safety requirements because of their size or location.

14. The Life Safety Code has numerous other fire safety requirements in addition to sprinklering. How quickly are State agencies expected to enforce these requirements?

We realize that health facilities will need a reasonable period of time to be in substantial compliance with the requirements of the Life Safety Code. While we cannot permit any potentially dangerous fire-safety hazards to exist in these facilities, we expect to move at an enforcement pace that all providers will be able to meet.

15. Is it true that sprinkler systems themselves are potentially dangerous to patient safety?

Following is an article written in the July 1966 issue of *Fire Journal* by Mr. Richard E. Stevens who is currently the Chief Engineer of the National Fire Protection Association and Secretary to the Life Safety Code's Committee to Safety to Life, which we believe responds most adequately to this question.

THOMAS M. TIERNEY,
Director, Bureau of Health Insurance.

STANDARD TYPES OF BUILDING CONSTRUCTION AS DEFINED IN SECTION 220 OF THE LIFE SAFETY CODE

NONCOMBUSTIBLE CONSTRUCTION

Definition: That type of construction in which the walls, partitions, and structural members are of noncombustible construction not qualifying as Fire Resistive Construction.

FIRE-RESISTIVE CONSTRUCTION

Definition: That type of construction in which the structural members including walls, partitions, columns, floor and roof constructions are of noncombustible materials with fire resistance ratings not less than those specified in the following table.

The two classifications are identified by the required fire resistance of floors as a matter of convenience.

Fire resistance rating of structural members in hours	Classification	
	3 hour	2 hour
Bearing walls or bearing portions of walls, exterior or interior. Bearing walls and bearing partitions must have adequate stability under fire conditions in addition to the specified fire resistance rating	4	3
Nonbearing walls or portions of walls, exterior or interior. No noncombustible. Fire resistance may be required in such walls by conditions such as fire exposure, location with respect to lot lines, occupancy or other pertinent conditions	NC	NC
Principal supporting members including columns, trusses, girders, and beams for one floor or roof only	3	2
Principal supporting members including columns, trusses, girders, and beams for more than 1 floor or roof	4	3
Secondary floor construction members, such as the beams, slabs, and joists not affecting the stability of the building	3	2
Secondary roof construction members, such as beams, purlins, and slabs not affecting the stability of the building	2	1½
Interior partitions enclosing stairways and other openings through floors. 1-hour noncombustible partitions may be permitted under certain conditions	2	2

Protected Noncombustible Construction. Noncombustible Construction may be designated Protected Noncombustible Construction when bearing walls or bearing portions of walls, exterior or interior, are of noncombustible construction having a minimum fire resistance rating of 2 hours and are stable under fire conditions; roof and floor construction and their supports have 1-hour fire resistance; and stairways and other openings through floor are enclosed with partitions having 1-hour fire resistance.

ORDINARY CONSTRUCTION

Definition: That type of construction in which exterior bearing walls or bearing portions of exterior walls are of noncombustible construction having a minimum fire resistance of 2 hours and stability under fire conditions; nonbearing exterior walls are of noncombustible construction; and in which the roofs, floors, and interior framing are wholly or partly of wood (or other combustible material) of smaller dimensions than required for Heavy Timber Construction. Fire resistance may be required for nonbearing exterior walls, and fire resistance additional to that specified may be required for bearing walls or bearing portions of walls, by conditions such as occupancy, location with respect to lot lines, fire exposure, and other pertinent conditions.

Protected Ordinary Construction. Definition: Ordinary Construction may be designated Protected Ordinary Construction when roof and floor construction and their supports have 1-hour fire resistance, and stairways and other openings through floors are enclosed with partitions having 1-hour fire resistance.

WOOD FRAME CONSTRUCTION

Definition: That type of construction in which exterior walls, bearing walls and partitions, floor and roof constructions and their supports are of wood or other combustible material, when the construction does not qualify as Heavy Timber Construction or Ordinary Construction.

Protected Wood Frame Construction. Definition: Wood Frame Construction may be designated Protected Wood Frame Construction when roof and floor construction and their supports have 1-hour fire resistance, and stairways and other openings through floors are enclosed with partitions having 1-hour fire resistance.

SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md.

ANHA members continue to express concern re sprinkler system installation. Problem discussed with you in August meeting by ANHA representatives. At meeting you indicated 1—letter clarifying structures to be covered would be sent out by SSA: 2—smoke detection system would be considered in lieu of sprinkler system in light of such provision being included in life safety code to be published in October: 3—consideration would be given to interpretation that facilities with protected structural members would be deemed protected facilities for purposes of life safety code. Respectfully request comments and information on these points as ANHA representatives understood them following meeting with you.

In view of urgency appreciate early response and your cooperation on this important problem.

FRANK RINEHART.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Baltimore, Md., September 15, 1970.

Mr. FRANK RINEHART,
Deputy Director, American Nursing Home Association, Washington, D.C.

DEAR MR. RINEHART: This is to confirm the information Mr. Maurice Hartman of my staff gave to Mr. Norman D. Burch on the telephone in response to your telegram of September 9. You have raised questions on: whether clarifying instructions have been sent to the field on which facilities would be required to install automatic sprinkler equipment; whether a smoke detection system could be substituted for a sprinkler system if such a provision was incorporated in the Life Safety Code; and, if protected wood-frame constructed facilities could be exempt from the provision of the Life Safety Code which requires automatic sprinkler equipment.

Subsequent to our August meeting with Mr. Burch, we reviewed the instructions we had sent to the field and felt that our communications were specific. Essentially, we have told the Bureau of Health Insurance regional offices (who have informed the State agencies) that all wood-frame extended care facilities must have automatic sprinkler equipment (regardless of whether they are protected or unprotected wood-frame buildings). The deadline for the installation of sprinklers for all unprotected wood-frame extended care facilities is October 1, 1970. And in our Boston, New York, Philadelphia, and Atlanta Regions, the same deadline applies to protected facilities. Because of the relatively large numbers of protected wood-frame facilities in some of the western States, we have not yet set a deadline for the installation of sprinkler equipment, although we expect to do so shortly. Where efforts are underway to comply with this requirement, our regional offices have been instructed to provide some additional time for actual installation.

The Life Safety Code requires automatic sprinklers in all health facilities which are not classified as being constructed of fire-resistive materials or 1-hour protected noncombustible materials. We have no indication that this requirement will be changed in the new addition of the Life Safety Code. Nor any smoke or heat detector devices be substituted for automatic sprinkler equipment.

Please let me know if there is any additional information I can give you. As we move ahead, we would very much like to have your ideas on how to best implement the provisions of the Life Safety Code.

Sincerely yours,

MORRIS B. LEVY,
Assistant Bureau Director, Division of State Operations, BHI.

SOCIAL SECURITY ADMINISTRATION.

Re comments due October 2, 1970 on proposed regulations on fire safety and carpeting tests requirements. Respectfully urge a sixty day extension for comments to be filed in view of meetings of National Fire Protection Association held just yesterday and further meetings to be held in November and December all of which will have issues pertinent to pending proposed regulations. Respectfully urge delay until SSA and interested parties have benefits of decisions reached at NFPA meetings. Would appreciate reply by wire prior to October 2 deadline.

C. ROBERT HARBERSON.

MANN NURSING HOME, INC.,
Westerville, Ohio, June 19, 1970.

AMERICAN NURSING HOME ASSOCIATION,
Washington, D.C.:

To say that I am at my wits end is putting it mildly. I have been in the Nursing Home business some twenty-three years and I have put all of my life's hopes and work into helping make life better for our older population. This has not been done with a solely monetary gain in mind. It has been done also because of my genuine feelings toward these older people and also because of a terrific need for someone to help them and their families.

For the wonderful care given, my home has grown to a total capacity of 56 patients but for several reasons we have cut back to 50 patients. Our home has mainly grown to this point by referrals from relatives and friends of former patients. As you know, this is the best kind of advertising.

I have always done everything the State of Ohio inspectors have told me to do besides much more and the state inspectors tell me repeatedly they wish everybody cooperated as well.

I have a one-floor plan home which I have added to, making lovely rooms with adjoining bathrooms. There is also an Executone signal system in each room and bath. Last year in order to bring things up to where I felt they should be, I added a lovely therapy room, dietician office and enlarged the kitchen. We also changed a 4-bed ward into a beautiful dining room. With this remodeling and addition of new rooms the cost was over $50,000.

We have fire-proofed according to state rules and regulations. A few yeras ago we installed a fire alarm system which is connected directly to our local Fire Department and this was one of the first to be installed in the State of Ohio. Our employees are continually trained with regard to fire safety and fire rescue operations.

In 1969, I was told that I should install sprinklers in both fire-proof boiler rooms and to put self closures on all the fire doors—which I did.

It seems each time an inspector comes the pressure seems to be for forms, forms and more written matter. Patient care does not seem to enter into the picture at all. We feel that good patient care is far more important.

A short time ago I received a letter from the State Health Department stating I would have to install sprinklers in both of my connecting buildings which will cost over $18,000. I went to the state office yesterday to tell them that this indeed would be a terrible hardship and was told that wasn't all I would have to do. They then handed me a six page letter telling of more things that have been added to the list of requirements.

Believe me this was a terrible blow. I have always tried to keep up with or ahead of any and all requirements but this is utterly ridiculous. This is forcing me to bankruptcy.

I think this is most unfair. I know there are new homes that are quite plush but they do not begin to have as good a reputation as we do. This is something I have given my life to and I surely feel you can help me—if you will.

As of May, 1969, we have been classed as a Skilled Nursing Home and want desperately to stay on the Medicare program and also give our patients the very best of care.

We would surely like to have you come visit our Nursing Home anytime you can so you can see for yourself that I am telling things as they are.

Sincerely,

VENUS MANN DOYLE,
Administrator, Mann Nursing Home, Inc.

AMERICAN NURSING HOME ASSOCIATION,
Washington, D.C., September 30, 1970.

Hon. ROBERT M. BALL,
Commissioner, Social Security Administration, Department of Health, Education, and Welfare, Washington, D.C.

DEAR COMMISSIONER BALL: In accordance with the Notice of Proposed Rule Making set forth in the *Federal Register* (September 2, 1970) and the authorization of an extension (October 2, 1970) of the period for submission of comments, the American Nursing Home Association would like to submit the following recommendations for consideration before final regulations are adopted by the Social Security Administration. The specific proposed rules which we refer to are those that would amend Sections of the Conditions of Participation (Sections 405.1022 and 405.1134) to require extended care facilities and certain hospitals to meet new fire and safety regulations.

In regard to the basis of our request on September 30 for an extension of the period for comments, the National Fire Protection Association (NFPA) Life Safety Committee acted on the sprinkler issue and the 1970 recommendations of its Sectional Committee on Constitutional Occupancies. It recommended to the NFPA Board of Directors that the proposed Toronto floor amendment, requiring installation of both automatic sprinkler systems and automatic fire warning systems in all hospitals and nursing homes, be rejected. In lieu of that amendment, the Sectional Committee was directed to make a study of alternative methods for possible inclusion in the 1973 Life Safety Code. The NFPA Board of Directors will be meeting December 8, 1970, to consider the Safety to Life Committee's recommendations.

The American Nursing Home Association, on behalf of its members who provide extended care services under the Medicare Program, would like to emphasize one point: we are interested in a building's fire safety, but it is our feeling that the fire safety of our patients must be the foremost concern. It is our opinion that not all of the proposed regulations meet that criteria as presently stated in the September 2nd *Federal Register*. We, therefore, submit the following comments and amendments for your favorable consideration.

In the way of general comments, the American Nursing Home Association disagrees with the concept of indiscriminate inclusion of the Life Safety Code in the proposed regulations. We do so on the following basis:

The National Fire Protection Association itself considers its Codes as being purely advisory. They state specifically that the Codes are "intended as a guide to be applied with judgment rather than as arbitrary rules" (NFPA, *National Fire Codes*, Vol. 1, 1970–71, p. iii).

The Life Safety Code is also contradictory as to its safety benefits in several years. The primary inconsistency occurs as to the safety value of the Code's sprinkler requirement (Section 10–234). In volume 6 [13E-17(4) and 18(6)] of the 1970–71 National Fire Code, firemen are warned to use self-contained breathing apparatus for protection against the suffocating atmosphere of steam, smoke and heat produced by the sprinklers. It states further that "sometimes the sprinkler discharge may be driving the heat, steam and smoke toward the floor, making it impossible to enter the immediate area for final extinguishment or overhauling." This result would be disastrous to the patients in any facility, especially for any non-ambulatory patients, who have no self-contained breathing apparatus and whose lives therefore depend on someone's reaching them.

We strongly recommend that alternatives to sprinklers be accepted which will protect the lives of patients rather than securing a building. As mentioned earlier, the recommendation of the Life Safety Committee at Nashville recognizes this need for alternatives.

The American Nursing Home Association is of the opinion that it would not be in the best interest of patient safety for the Life Safety Code to be accepted *in toto*.

In regard to the specific proposed regulations, we suggest the following points be favorably considered:

Comparison of Section 405.1022 and Section 405.1134: We respectfully suggest that there is no justification to require lower standards for hospitals than those standards proposed for extended care facilities. In an examination of Sections 405.1022 and 405.1134, we find several requirements under 405.1134 which appear to be superior to 405.1022. We cite, for example, the rigid requirements contained in Section 405.1134(a) (6), "corridor handrails"; 405.1134(a) (7), "prohibition of housing of handicapped persons above the street floor"; 405.1134(a) (9), "building is maintained in good repair . . ."; 405.1134(a) (11), "handling and storage of oxygen"; and 405.1134(a) (11) (i), "shockproof and sparkproof equipment." We find no comparable requirements under Section 405.1022 which govern hospital standards.

Standard: Safety of Patients (Section 405, 1134[a]): We recommend this section be amended after the phrase "from time to time" to include "except for existing facilities, and all facilities satisfy . . ." It is our objective to make it clear that new major structural requirements not be applicable to existing facilities. This objective is in conformity with provisions set forth by the NFPA Committee on Laws and Ordinances in its statement on "Provisions of Retroactivity and Variances" (*National Fire Codes*, Vol. 8, 1970–71, 2M–12). The Life Safety Code itself provides explicitly for existing facilities to be excluded from subsequent amendments to the Code in Section 10–2121(a).

The basis for this concern occurs as a result of several existing State fire codes which have different major structural requirements that are in conflict with the Life Safety Code. One example is in regard to the widths of corridors in existing facilities, the Life Safety Code requires 48 inches, while all facilities built under the State of Missouri's fire code have 45 inch corridors. There are numerous other such conflicts which need to be dealt with individually.

"Steiner Tunnel Test" and "UL Chamber Test" (405.1134[3]): The American Nursing Home Association accepts the Steiner Tunnel Test or the UL Chamber Test for newly installed carpeting in ECF's. However, we strongly urge the proposed regulation be amended to make clear that such testing and the cost of such testing be made at the expense of the carpeting manufacturer and that proper documentation be provided in advance before installation of such carpeting.

We recommend further, in connection with this requirement and in keeping with the NFPA Committee recommendation cited earlier, that the new test only apply to newly installed carpeting. Existing carpeting should be exempt. This approach would enable facilities to phase-in new carpeting that will meet the new requirements and thus come into compliance within a reasonable period of time.

Carpeting Installed in Other Than Inpatient Areas (405.1134[4]): This section would permit carpeting installed in areas other than inpatient areas to meet the so-called "pill test," promulgated under the Flammable Fabrics Act, provided such areas are separated from inpatient care areas by fire resistive construction or suitable smokestop partitions; otherwise, carpeting in these areas is to meet the tests cited above. While this section may be of benefit to a few facilities, we feel it would be of little value to ECF's or their patients, since most of them would not be equipped with "suitable smokestop" partitions.

Housing of Physically Handicapped Persons Above Street Level [1134(a) (1)]: This Association views with some concern the requirement contained in this section to prohibit the housing of "blind and non-ambulatory or physically handicapped persons" above the street level, "unless the facility is of 2-hour fire resistive construction." This proposal will have, if adopted, a severely adverse impact on many extended care providers who have facilities with more than one floor level. Moreover, many of these providers will not be able to bring their facilities into compliance with he proposed rule. While we have not received complete information from our member state associations, we have been advised that a number of our members will be forced out of the Medicare Program and out of business altogether because they will be unable to meet this requirement.

One ANHA Member, in answer to a request for information on this issue, indicated the following: "There are presently eight-five converted facilities with approximately 1,300 beds on the second floor, all of which would be affected by the proposed regulations . . . Approximately one-third of these patients are bed-to-chair and the balance are ambulatory with some type of assistive device or are blind but ambulatory. In essence, the government is putting eighty-five facilities . . . out of business."

While this is only one comment, it reflects general comments expressing grave concern for this proposed rule.

We recommend as an alternative that a fire detection system connected to a local fire station be utilized in order to permit the housing of physically handicapped persons above the street level floor. While this will continue to present a heavy burden on ECF members, it may eliminate the serious problem of numerous ECF's discontinuing services under the Medicare Program or going out of business altogether.

Shockproof and Sparkproof Equipment [405.1134(a) (11) (i)]: We feel this requirement is acceptable for oxygen storage areas and oxygen administering equipment. In an area where oxygen is being administered, we suggest provision for normal precautions to be followed, such as prohibition of smoking, lighting matches, use of flammable liquid and use of oils.

CONCLUSION

The American Nursing Home Association respectfully urges the Social Security Administration to give favorable consideration to the preceding comments and recommendations. We would like to reiterate that the National Fire Protection Association is still developing and studying the results of many fire safety systems and that its Board of Directors will be meeting December 8, 1970, on this very question. It is our opinion that until agreement is reached on the best methods of fire safety and their effects on patients are fully known, issues such as the sprinkler requirement must be delayed.

We would like to reemphasize our deep concern for the fire safety of the patients in our ECF facilities. Because of that concern and the tremendous financial burden on our ECF members, we cannot accept any system for which there remains a great deal of disagreement as to its life safety value.

Your favorable consideration of these recommendations would be very much appreciated by the members of this Association.

Sincerely yours,

C. ROBERT HARBERSON,
Executive Vice President.

[From the Choteau Acantha, Choteau, Mont.]

HOSPITAL SPRINKLING SYSTEM ORDER COULD CAUSE SERIOUS PROBLEMS

(By Mrs. Robert Nauck)

The once busy little town of Choteau, Montana and business hub of Teton County has become a ghost town.

The population has dropped from around 1,500 to 600 people. The hospital, nursing home, drug store, doctor's clinic, clothing stores and a number of other businesses have closed their doors. All that is left of this once proud little town is a grocery store, a few bars and filling stations.

The above paragraphs could well be an article in a Great Falls, Missoula or out-of-state paper a few years from now.

Why did Choteau become a ghost town? The people did not care or take time to find out what was going on in their community or how they could help solve the problems. When people get so absorbed in their own little problems and take for granted that just because a business has been open for 20 years, that it will always be there when they want it, they had better think again. You the people of Choteau—wake up, get your heads out of the sand—take a look around and see what you can do about the problems.

The people of Choteau and Teton County have a problem—our hospital. If nothing is done to help the hospital it will close its doors and the town of Choteau will go with it.

What are the problems at Teton Memorial Hospital? In order to stay under Medicare some remodeling and a number of repairs must be done. Things like fire exits, fireproof ceiling tile, a standby boiler and the fire sprinkler system to name a few. And there are no funds to do all these things.

Why stay under Medicare? Because 60 per cent of the people that are patients in Teton Memorial Hospital are under Medicare. The hospital cannot run financially on the remaining 40 per cent nor can the doctors make a living.

The immediate problem is to get an extension on the deadline date by which the sprinkler system has to be installed. The date is January 31, 1971. Our hope is to get the sprinkler system mandate investigated and eventually rescinded. The mandate came from the office of Commissioner Robert Ball, Department of Health, Education and Welfare in Washington, D.C.

DISPOSITION OF GEOTHERMAL STEAM AND ASSOCIATED GEOTHERMAL RESOURCES

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 368.

The PRESIDING OFFICER (Mr. BAYH) laid before the Senate the amendments of the House of Representatives to the bill (S. 368) to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes, which were, on page 3, lines 20 and 21, strike out "September 7, 1965," and insert "April 4, 1962.". On page 4, lines 11 and 12, strike out "September 7, 1965," and insert "April 4, 1962,". On page 4, strike out lines 17 through 23, inclusive, and insert:

> (d) no person shall be permitted to convert mineral leases, permits, applications therefor, or mining claims for more than four geothermal leases; and

On page 5, after line 10, insert:

> (f) with respect to lands within any known geothermal resources area and which are subject to a right to conversion to a geothermal lease, such lands shall be leased by competitive bidding: Provided, That, the competitive geothermal lease shall be issued to the person owning the right to conversion to a geothermal lease if he makes payment of an amount equal to the highest bona fide bid for the competitive geothermal lease, plus the rental for the first year, within ten days after he receives written notice from the Secretary of the amount of the highest bid.

On page 5, strike out lines 12 through 16, inclusive, and insert:

> (a) a royalty of not less than 10 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the lessee;

On page 13, line 1, after "byproducts," insert "including commercially demineralized water for beneficial uses in accordance with applicable State water laws,".

On page 19, line 25, after "21." insert "(a)".

On page 20, line 7, strike out "area." and insert "area; and".

> (b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under geothermal leases made pursuant to this Act. If the Secretary of the Interior finds that such development is imminent, or that production from a well heretofore drilled on such lands is imminent, he shall so report to the Attorney General, and the Attorney General is authorized and directed to institute an appropriate proceeding in the United States district court of the district in which such lands are located, to quiet the title of the United States in such resources, and if the court determines that the reservation of minerals to the United States in the lands involved included the geothermal resources, to enjoin their production otherwise than under the terms of this Act: *Provided,* That upon an authoritative judicial determination that Federal mineral reservation does not include geothermal steam and associated geothermal resources the duties of the Secretary of the Interior to report and of the Attorney General to institute proceedings, as hereinbefore set forth, shall cease.

Mr. BIBLE. Mr. President, this is the geothermal steam bill on which many of us have worked for many years. The Senate has passed this bill. The House sent it back with certain amendments. I have conferred with the chairman of the full Committee on Interior and Insular Affairs on this side, the ranking minority member of that committee—who is present in the Chamber at this time—the distinguished Senator from Colorado (Mr. ALLOTT); I have conferred with our counterparts on the House Interior Committee as to amendments which I am about to offer to this legislation, and I have been given reasonable assurance that if this measure is amended, as I shall indicate, and my motions are concurred in by the Senate and the bill returned to the House of Representatives, the House will accept the suggested amendments. Obviously this procedure will avoid the need for a conference, and would move the geothermal steam bill forward so that it can be sent to the White House for what we hope will be final approval.

At this point, before I make my motions, Mr. President, I yield to the distinguished senior Senator from Colorado, who has had a longtime interest and has been extremely helpful in this area.

Mr. ALLOTT. Mr. President, I simply wish to say that this is one of those areas that the general public knows very little about, and certainly the Senate as a whole knows very little about.

The Senator from Nevada recognized the importance of this matter many years ago, and most of the times when he has introduced this measure, I have been happy to be a cosponsor with him.

Few people realize the significance that this can have to some of our thermal problems in this country. If we are able to develop our geothermal steam areas, we will simply have none of the pollution which arises from the use of steam or hot water, as the case may be, and the potentialities of it, while the benefits will not extend over the entire country because not all areas of the country have these geothermal areas, the potentialities and the economic impact can be tremendous.

We have worked out what we think is a reasonable bill. I voted for the bill as passed by the Senate. I voted for it in committee. Now the exigencies of the situation seem to demand, with the viewpoint of the House of Representatives and the viewpoint downtown, that certain modifications should be made.

Frankly, I believe that the basic objections voiced against the bill have been met by the amendments to which the distinguished Senator from Nevada has referred. I wish to say that those amendments are perfectly acceptable to me, and I will do my best to get the bill adopted as he suggests.

Mr. BIBLE. I certainly appreciate the close cooperation and the great spirit of helpfulness in this area expressed by the Senator from Colorado. This is a great resource. It is a potentially vast source of energy for the nearly pollution-free generation of electric power.

Mr. President, I make the following motion:

First, that the Senate concur in the amendments Nos. 7, 8, 9, and 10 of the House to the bill (S. 368) to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes;

Second, that the Senate concur in the amendment No. 4 of the House to such bill with the following amendment: Strike out "four geothermal leases" and insert in lieu thereof "10,240 acres";

Third, that the Senate concur in the amendment No. 5 of the House to such bill with the following amendment: Strike out "ten days" and insert in lieu thereof "thirty days"; and

Fourth, that the Senate disagree with the amendments Nos. 1, 2, 3, and 6 of the House to such bill.

Mr. President, I move the adoption of the amendments as I have stated them to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. BIBLE. Mr. President, the Senate has again today acted favorably on my bill (S. 368) to authorize the opening of the public lands for the development of geothermal steampower and associated geothermal resources. My expectation is that the House will act shortly to complete congressional action and place the President in a position to approve the legislation.

As I stated a moment ago, geothermal power is a resource of vast potential benefit to the Nation. The word seems to be getting through, for more and more writers are bringing the subject to the attention of the Nation.

The December 5, 1970, issue of the Saturday Review contains an excellent piece, prepared by Mr. John Lear, entitled "Clean Power From Inside the Earth." It is a very informative article. I commend it to my colleagues, and ask unanimous consent that the text of the article be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENVIRONMENT AND THE QUALITY OF LIFE

CERRO PRIETO, MEXICO.—I could see the pillar of water boiling into the sky while our party was still miles away from the spout in the earth from which it spurted.

I could hear the pillar's awesome roaring long before I came to stand beside it and learn that it was moving at the speed of sound.

I felt no trace of dampness in the dry, desert air as I stood there. Though only 20 per cent of the pillar was steam, all but the steam evaporated within 100 feet of the ground—so enormous were the heat and pressure driving the water from below.

What was the source of this fabulous energy?

The spout of it was on the edge of a field of fourteen other blowholes from which trapped steam billowed gently eight miles west of the dormant volcano known hereabouts as "the black hill." The water and the steam together were escaping from a vast underground sponge of porous rock, saturated with brine that had seeped down through the desert bed of the Colorado River. Trapped within the sponge, the water reached boiling temperature by conduction from the solid rock below it. Under that solid rock lay congealing magma, pushed up from Earth's molten interior by an overturning of the floor of the Pacific Ocean.

In the past fifteen years, geophysicists have come to recognize that this overturning occurs on all the ocean floors and is usually marked by flow of lava through the crests of mid-ocean mountain ridges. The Pacific differs somewhat from the other oceans; instead of a mountain chain it has on its bottom a domed blister that has pushed its way under the North American continent perhaps as far east as the Mississippi River. During the last million or so years, the pressure of this intruding dome has been slowly tearing from the continent the Baja California peninsula of Mexico and the segment of California lying south and west of the San Andreas Fault, a great rift in the planet's surface. As this movement proceeds, the Gulf of California gradually widens. Although the heat thus released is evidenced by hot springs all over the American West, the escaping energy asserts itself especially in the Salton trough, a twenty- to ninety-mile-broad geological feature that extends for 150 miles from the shores of the Gulf to the San Gorgonia Pass in the Santa Rose Mountains of Southern California.

Photographs taken from Gemini and Apollo spacecraft suggest that at the Mexican border the Salton trough is at least forty miles and maybe sixty miles wide. Gravity anomaly studies indicate that from the border southward the trough is underlaid by sedimentary (spongy) rocks to a depth of 20,000 feet. Geologists have estimated that such an extensive sponge should hold boiling water enough to cover somewhere between three billion and ten billion acres of land to a depth of one foot. Cerro Prieto, "the black hill," is a characteristic symbol of this buried power, and here the Toshiba Company of Japan is installing for the Mexicans a set of specially designed turbines to turn the escaping steam into electric power by the beginning of summer 1972.

The Geothermal Energy Commission, an agency of Mexico's Federal Electricity Commission, has been exploring the potential of underground steam in the Mexicali Valley for the last decade. Up to now, wells have been drilled on less than 1 per cent of the two to four million acres that lie above the subterranean reservoir. The power plant at present under construction has a capacity of 75,000 kilowatts. Plans for quadrupling this output are on the drawing boards. If predictions of qualified experts prove reliable, steam drawn from beneath the valley ultimately may power the equivalent of the metropolis of Los Angeles.

At the moment the Mexicans are concerned only with the steam. But the wells at Cerro Prieto are regularly spaced within a maze of earthen embankments wide enough to carry single-lane motor traffic. Alongside these elevated roadways are ditches running with water, smoking hot. The rectangular basins formed by intersections of the embankments are crusted pebbly white with salts deposited as the escaping water evaporates. These salts and the power together could supply electro chemical plants capable of employing as many as 50,000 primary workers. The usual formulas for servicing such industrial complexes call for five to ten secondary workers in support of each primary job.

It was this dream of a truly golden west for Mexico, about 1,500 air miles away from the national capital and linked economically to the rest of the country by only a railroad line across the Sonora Desert, that brought me here as one of a chartered planeload of guests of the Regents of the University of California. Drinking water is imported in bottles from California to the town of Mexicali, site of the airport at which our plane landed thirty miles from Cerro Prieto. Yet, Mexicali already has a half million residents—more than double the population that was here prior to Yankee industrialists' recent demand for factory space for assembly of various products from toys to trucks in a tariff-free border zone where unskilled workers flock to find jobs. This growth has taken place with the help of a minimum supply of electricity from an oil-fueled generator at Rosarito Beach, which also powers Tijuana and one of the world's biggest sea water desalting plants. A tremendous surge of new growth seems inevitable once Mexicali taps the prodigal source of electricity under its own back yard.

A similar burst of prosperity could be propelled by geothermal steam north of the Mexican border. As was noted earlier, the Salton trough reaches northward from the Mexicali Valley through the rich Imperial Valley of California. The purpose of the visit of the University of California Regents was to applaud Mexican ingenuity and initiative and to suggest their emulation in the United States. In our party was Dr. Robert W. Rex, professor of physics and director of the Institute of Geophysics and Planetary Physics at California's Riverside campus, who is dedicated to a geothermal revolution in the economy of the whole American Southwest.

In addition to the university and the National Science Foundation, financial supporters of Professor Rex's research include the Southern California Edison Company and Standard Oil of California, competitors in the energy market geothermal steam must enter. For the last half dozen years, Southern California Edison has not been able to find a new fossil- or nuclear-fuel power plant site acceptable to opponents of further pollution of the air and water. And Standard Oil of California, apart from its concern over price competition among oil and gas and nuclear fuel, has been unable to solve the problem of sulfur emissions from oil-burning furnaces. Under these circumstances, geothermal power is attractive because it can be generated much more cheaply than power from any other source; furthermore, under proper management, it is capable of enhancing rather than deteriorating the environment.

The Bureau of Reclamation of the U.S. Department of the Interior contributes a generous share of Professor Rex's working budget. That share may top $1-million next year. This is appropriate, for the bureau's objective is measurable only in the grand dimensions of promises solemnly made in the name of American democracy. By treaty with Mexico, the U.S. government in 1944 agreed that Mexican farmlands each year should receive from the Colorado River, en route to the Gulf of California, at least 1.5 million acre feet of water suitable for irrigation of crops. Not only has this pledge gone unkept; it has been broken more and more flagrantly with the passing years. Huge flood-controlling dams have conserved the water for use north of the border, the impounded water has lost enormous amounts of its volume by evaporation under the desert sun, the salt content of the water has risen because of the evaporation, and the Yankees have leached the salt out through irrigation ditch drainage and dumped it back into the river, finally leaving the Mexican share of the water not only sadly depleted but so heavily laden with salt that crops irrigated with it are limited both in variety and in yield. Crop failures are commonplace.

There is no greater cause of friction between Mexico and the United States. Two years ago, the Congress moved to demonstrate its good faith by authorizing the Secretary of the Interior to find 2.5 million acre feet of water per year to meet the obligation to Mexico. This amount would provide a safe margin above the 600,000 acre foot loss that occurs by evaporation and otherwise between Lake Mead (created by building of Hoover Dam) and the Mexican border. During the next ten years, the Congressional act decreed, the search for this missing water may not go outside the basin of the Colorado. Interior's Bureau of Reclamation is concentrating the search on three sources: modification of clouds to increase the amount of rain feeding the basin, treatment of sewage in ways that will eventuate in potable water returnable to the basin, and geothermal waters from beneath the basin. Spending for cloud modification now totals $23-million. Arleigh West, who has just been moved up into the Washington, D.C., echelons of the bureau from directorship of the bureau's third region at Boulder City, Nevada, firmly believes that at least as great an expenditure is justified for Professor Rex's scheme to pipe geothermally heated waters to the surface of the Imperial Valley, take off the steam to generate power, use the heat remaining in the brine to evaporate the water (thus slashing the cost of desalination, which consists chiefly of the cost of heat), pipe the distilled water into Lake Mead, and refill the geothermal reservoir underground with salt water from the Pacific Ocean.

The Bureau of Reclamation's hopes are not, of course, built on pure altruism. Yankee farmers and other water consumers north of the border would benefit from dilution of the salinity of Colorado River water as much as would Mexican farmers. Awareness of the potential impact has prompted the largest water distributor in Southern California—the Metropolitan Water District of Los Angeles—and the Imperial Irrigation District to support Rex's work with research grants. Both know that the combined effect of the water and power would be felt all over the Southwest. Furthermore, the power when fed into a national electricity transmission grid could flow across the country to help prevent the brownouts that now plague the East.

The implications of the geothermal initiative of Professor Rex and his team have impressed the Mexican National Electricity Commission, and it has asked him to consider serving Mexico as a scientific consultant. Some such practical expression of the Good Neighbor Policy is long past due. Until today, no Yankee credit can fairly be given for Mexico's geothermal adventure. All praise must go to the Mexicans themselves and to help they obtained from the United Nations.

The roaring pillar of boiling water that awed all of us in the University of California inspection team here at Cerro Prieto is an authentic coda to the Mexican Revolution. It was in 1939, three years after President Lazaro Cardenas expropriated the foreign-owned petroleum properties in Mexico, that he formed the Federal Electricity Commission (CEF) for the purpose of controlling the most powerful means of lifting the peasants from poverty. One of CEF's organizers was Luis F. de Anda, engineer son of a well-to-do Mexican family, who multiplied his inheritance by building hotels.

In those days, the big profit in hotels came from spas where wealthy tourists could soothe their ailing bodies with baths in warm mineral springs. Therefore, de Anda kept his eyes cocked for warm springs while enjoying his favorite pastime of hiking across the hills and valleys of his native countryside. As he clambered over the often volcanic rocks, he came across many bubbling waters in which the Indians cooked potatoes and chickens and boiled off the bark of reeds they then wove into baskets. If the water stayed that hot, de Anda reasoned, Mexico might possess a source of wealth far surpassing the potential of spas. Perhaps the Mexicans could do what the Italians had done since 1904 at Larderello: capture underground steam in pipes and throw it into turbines to generate electricity.

He could think of no reason why he should not drill holes in the earth to test the idea. No reason, that is, except his own lack of technical knowledge of geology. He asked advice of University of Mexico vulcanologist Frederico Mooser and other geologists. The outcome of their consultations was an appeal to the United Nations.

The United Nations turned to Iceland, where geothermal steam had been used to heat homes since 1925. There was Gunnar Bodvarsson, an Icelander with years of experience in exploitation of subterranean water and steam. Bodvarsson went to Mexico in 1954. Now a professor of geophysics at Oregon State University, he recalls that he studied the rocks in the three neighborhoods pointed out to him by de Anda and found them all promising sites of geothermal activity.

In the following year, de Anda started to drill a steam well on one of the sites Bodvarsson had approved—near Pathé, in the state of Hidalgo. Anticipating success in this enterprise, de Anda visited Italy and brought back from Larderello an old electric power turbine. He hitched it up to the steam pipes at Pathé and felt vindicated when it produced usable current.

Luck intervened that same year with the dispatch to far-off Mexicali of a CEF engineer to determine what manner of power scheme might provide a shot in the arm for this forsaken desert region. Outside Mexicali, he saw puddles of ground water bubbling and heard from irrigation ditch diggers how bursts of steam often came up through the ditch bottoms. After confirming these phenomena for himself, he urged de Anda to extend the geothermal search to Baja California.

Five years of deliberation followed in Mexico City. The decision was hard to make. Not only its vast distance from the capital but the almost total isolation of Mexicali had to be weighed. But de Anda's sense of destiny triumphed in the end. By 1960, he was head of the new CEF agency, the Geothermal Energy Commission (CEG). Mooser, who had become chief geologist fo CEF, joined him in support of Cerro Prieto's first well. At less than 2,000 feet, the drillers hit boiling water in 1961.

By poetic chance, that happened to be the year in which the United Nations staged a global conference in Rome on unconventional sources of energy. The sun, the wind, the tides of the sea, and the temperature gradients of sea water were considered along with the inner dynamics of Earth itself. When the conference proceedings came to be published, two of the three volumes were occupied entirely with reports of research on geothermal power.

Buoyed by these data and by advice they obtained from New Zealand (where geothermal resources, first put to use in 1925, had demonstrated results worthy of nationalization in 1946), de Anda and his associates applied native Mexican ingenuity to development of an enterprise that is now attracting the investment interests of the World Bank.

Among the earliest Yankees to recognize the significance of the Mexican breakthrough was geologist Robert Rex. In 1961, he was doing research for Standard Oil of California, using heat-flow measurements to determine feasible sites for oil wells in the Imperial Valley. Oil and steam do not mix, because the heat required for the latter dissolves and washes away the hydrocarbon constituents of the former. In the 1920's, there had been drilling for steam at the southern end of the Salton Sea, which has grown popular as a sportsmen's haunt since it formed in a below-sea-level pocket of the valley between 1905 and 1907 when the Colorado River flooded and shifted course disastrously. Hot water had been recovered from those 1920 steam wells, but the well drillers felt it was too heavily laden with salts to be profitably marketed. So Rex's assignment in the oil well hunt of the 1960s boiled down to deciding where the underground temperatures could be low enough to allow accumulation of oil pools.

In the midst of this heat-flow analysis, Rex heard that the geothermal water brought up at Mexicali held a much lesser burden of minerals than did the Salton Sea steam wells. Deciding to employ his fluency in Spanish to learn more on the spot, he crossed the border and picked up enough information to persuade himself that the geological formations involved would favor the presence of similar lightly salted brine north of the border. He looked again at the heat gradients he had compiled for Standard and concluded that all but one of the proposed oil well sites were too hot to harbor oil. The single exception he considered marginal. He predicted that if a 13,000-foot-deep hole were drilled, the temperature at the bottom would be 500 degrees Fahrenheit. A well was drilled to the proposed depth. The temperature was 500 degrees. The water that came up contained the same percentage of salt as had been recovered at Cerro Prieto.

This well was in the middle of the Imperial Valley. It alone was not enough to convince Standard that drilling for steam would prove as sound an investment as would drilling for oil elsewhere. So Standard abandoned the leases it had obtained for oil exploration. Despite his inability to persuade the company to enter intensive research along his line of thinking, Rex did receive grants of Standard research funds to help support his own studies when he left Standard to join the University of California faculty at Riverside in 1967. Standard made a further concession to Rex in token of its belief in the importance of fundamental research by allowing him to take with him to Riverside the heat-flow statistics he had gathered at Standard's expense and half the staff that had helped him in the gathering. From that nucleus, in Rex's three years at the university, has grown a laboratory manned by twenty associates and graduate students during the academic year and by thirty persons in the summer months of field work. Key personalities, aside from Rex himself, are Israeli geophysicist Tsvi Meidav, James Combs from the Massachusetts Institute of Technology, Shawn Beihler from the California Institute of Technology, and Tyler Copeland from the University of Chicago.

This crew has determined that heat beneath the valley floor is two to three times the average for the North American continent, and that spongy rock capable of holding water underground is 15,000 feet thick at the northern end of the valley and 20,000 feet thick at the Mexican border.

In the 1,000-square-mile area covered by this exploratory work, seven especially hot spots have been defined. These suggest the existence of as many pools of buried geothermal energy, bubbling at temperatures above 500 degrees Fahrenheit, with a total potential of twenty million kilowatts of electricity and five to seven million acre feet of distilled water annually for at least three decades and possibly for one to three centuries.

Next spring, Rex and his associates will get down to the serious business of proving out these exploratory findings. Two 1,000-foot-deep wells will be drilled preliminary to a major project set for next fall: a 6,000-foot well from which is expected to be drawn boiling water and steam. Later on, Rex hopes, the National Science Foundation may finance a well that will go all the way down to basement rock and perhaps tap a magma chamber for the first time. Data obtained from study of such a well could lead to a new kind of mining, in which the minerals—instead of being dug from under the earth—would be floated upward to the surface and there separated chemically. Morton International, Inc., which owns some of the geothermal leases on the heavily salted waters under the Salton Sea, has been experimenting with a pilot plant salt separation process and has reported this effort near success.

Rex intends to accept Mexico's invitation to serve it as a geothermal consultant. He considers it profitable to geothermal research in the United States for him to make his sophisticated survey instruments available south of the border. Using the border as a base line, he will define the hot spots simultaneously southward and northward of it in gradual progression and thus arrive at the pattern of heat flow for the entire Salton trough. While exploitation in the north is catching up with that in the south, it will be possible to train young Mexicans and young Yankees together at a Cerro Prieto well that has proved less promising commercially than the rest of the wells in the field. Techniques of power generation and water desalting will be taught as complementary subjects.

In speaking of the future, Rex hedges his public statments with caution. He notes the necessity of refilling the geothermal reservoirs in order to prevent subsidence of the valley floor. He notes that, although geothermal steam is much more cheaply produced than is nuclear steam, geothermal electricity is not always competitive with nuclear electricity because nuclear steam emerges at high pressures and high temperatures suitable for filling large-scale demands, whereas geothermal steam comes out of the earth at relatively low pressures and temperatures better fitted for smaller markets. As a corollary to this, Rex emphasizes that geothermal steam alone is not a panacea for the current power shortage in the United States.

Privately, however, Rex will admit to a suspicion that the geothermal potential of the United States is considerably greater than anyone now supposes. The Department of Interior's official figure on acreage with demonstrated potential is 1,350,000. But no one really knows because a high percentage of land throughout the West (the area of promising heat-flow measurements) is owned by the federal government and is not now open to geothermal exploration. Since 1962, Senator Alan Bible of Nevada has been sponsoring a bill in Congress to correct this situation, and the two Congressional houses (delayed by one Presidential rebuff) have finally passed slightly varying versions of it after writing in clauses to prevent giveaway of public treasure to private speculators. The differences remain to be resolved in the light of White House insistence that all geothermal leases be subject to competitive bidding.

At the United Nations, there is strong reinforcement for Rex's suspicion. A worldwide conference on geothermal energy held in Pisa, Italy, in the last days of September and first days of October 1970, heard 200 scientific reports, including a significant one from Russia that said the geothermal energy potential of the Soviet Union is greater than all other Soviet energy sources together. Considering Russia's huge reserves of coal, oil, and gas, the Russian declaration has staggering implications. A U.N. official well acquainted with the record of geothermal performance commented after the conference: "We used to think a geothermal field would last only forty years at most before becoming exhausted. We are now beginning to think that a geothermal field, properly managed, may last forever." He cited the experience of Italy, Iceland, and New Zealand in support of this view.

That view may be extreme. But the men who hold it feel justified by the queries they are getting on prospective geothermal land leases from such globally reputed industrial giants as Standard Oil of New Jersey, Shell Oil, Continental Oil, and Union Oil. At worst, these men argue, small and poor nations can use cheap subterranean energy to lift themselves by their bootstraps as Mexico is doing The U.N. itself is sponsoring geothermal energy exploration in Guatemala, Costa Rica, El Salvador, Nicaragua, Chile, Turkey, Ethiopia, and Kenya. It has been proposed that geothermal resources in the Jordan River valley might be an economic force worthy of being exerted toward a lasting peace pact between the Israelis and the Arabs. Skeptics retort that this idea may be nothing more than a lofty dream. But geothermal energy has contributed to the economic growth of Italy, Iceland, New Zealand, Japan, Hungry, India, Indonesia, and the Philippines.

The United States is planet Earth's backward child in this application of science to preservation of the environment. The 1970 U.N. confernce just referred to had been suggested by the University of California Riverside campus. No one in Washington cared enough to pursue the honor. But the Italians were enthusiastic; so the conference went to Pisa. And that is only one symptom of the situation that has prevailed in this country for years. As early as 1890, homes and greenhouses in Boise, Idaho, were being heated by steam issuing from the earth. That steam is still flowing today to 200 customers along one avenue of the city.

The town of Klamath Falls, Oregon, has used geothermal steam in similar fashion since the 1930s. There the steam comes from 500 wells and is so easily accessible that local plumbers make the connections routinely. Five hundred homes, seven schools, an apartment house, a nursing home, and several factories are supplied with heat in this manner. At a place called The Geysers, ninety miles north of San Francisco, where a bear hunter in 1847 came upon a quarter-mile-long gash in the earth from which steam was pouring through a series of fumaroles, the Pacific Gas and Electric Company now generates 82,000 kilowatts of electricty and has plans for pushing that power up to 220,000 kilowatts by 1972.

How many Americans are aware of these circumstances? Do many know that eleven northern California towns with power-generating facilities of their own have contracted for steam they hope two now prospecting companies—Geothermal Resources International and Signal Oil and Gas—will bring up across the canyon from the lands now supplying Pacific Gas and Electric? Or that Standard Oil of California now holds leases on large tracts of potential geothermal steam producing property in the Imperial Valley? Or that Magma Power Company and Union Oil Company are working together at Brady Hot Springs, Neveda, with the intention of pouring geothermal steam power into the nearby electric transmission trunk line of the Sierra Pacific Company?

It took Congress eight years—years characterized by steadily heightening population and power crises—to approach agreement on means of encouraging prospectors to explore promising sites of geothermal energy. The long delay does not indicate much top-level appreciation of regional effects geothermal energy might have in distributing population over the apparent waste lands of the West and thus relieving the burden on our overcrowded cities.

At least we ought to discover how bright the promise of America's geothermal resources really is. In recent weeks, one new geothermal steam strike alone moved the formerly accepted boundary of the country's geothermal province 800 miles eastward. The well was drilled by James (Pat) Dunnigan of Abilene, Texas, in the collapsed volcano cone that now holds the Los Alamos, New Mexico, nuclear explosive research laboratory. Within this caldera, man will epitomize his real attitude toward his environment, his willingness to assign unconventional competitive values to sources of energy that do not pollute the air or the water and do make possible new belts of green in otherwise barren countryside, and finally his determination to apply his imagination as devotedly to the exaltation of life as he has applied it to life's extermination.

What share of the energy supply of the United States could be provided by geothermal steam? That question is impossible to answer at the moment for three reasons. First, a dependable source of geothermal energy must be proved out before it can be committed. It isn't at all like a coal-fueled or oil-fueled boiler, which simply needs to be built soundly to deliver its promised load. Second, geothermal sources cannot be proved until they are discovered, and the discovery process is only now beginning seriously. Third, a need for power must be confirmed before any share in fulfilling the need can be fixed.

Most economists hold that our present living level can be maintained only if more power is made available every year. But the RAND Corporation, the California "think tank" that acquired global fame for the accuracy of its predictions for the U.S. Air Force, is now in the midst of a study, financially supported by the National Science Foundation. to determine whether an ever-upward spiraling energy supply really is necessary or can even be justified. The same question was raised at the 1970 annual meeting of the officers and corporate associates of the American Institute of Physics by Ali Bulent Cambel, Wayne State University's executive vice president for academic affairs and director of a sweeping White House inquiry into energy problems of the nation seven years ago.

Cambel conceded that "there is no doubt whatsoever that the production of power is the main source of the environmental blight that engulfs us everywhere." But he said he "simply cannot conceive of returning to animate power to supply energy consumed by modern industry. Not only would this be impossible technologically; we would also reject it on moral grounds. Were we to be naively inclined to substitute animate power for electrical power, we would have to increase the world's animal population immensely. In a food-hungry world, this would be going in the wrong direction."

Cambel saw no hope of early improvement in the prevailing power shortage for the following reason: In this country, energy consumption has been rising at an annual rate of 7 to 10 per cent. But new power plant construction planning has been based on an earlier acceleration of 3 to 5 per cent. Furthermore, reliability requirements (e.g., to take care of unexpected loads and generator down-times) call for a 20 per cent excess capacity that "does not exist in several metropolitan areas" and cannot be provided in a hurry.

"Yet," Cambel continued, "several immediate expedients are well known. These are expanding the interconnections among utility systems, and installing gas turbine and diesel generating units. We could have been on the verge of having still another option, magnetohydrodynamics, had we not drastically curtailed the associated research and development funds."

Fear of thermal pollution from power generation, "although a real one, should be handled with less hysteria," he said. "Instead of rejecting nuclear plants outright, more research should be conducted regarding site levels of thermal pollution; nor have we made exhaustive studies of judicious design and placement of outlets, or of the distribution of plant sites. Generated power could be transmitted and distributed by means of superconducting underground cables. Although still in the research stage, there is indication that such cables are feasible."

Cambel said categorically that "the limitation of energy consumption lies not in any shortage of resources but in environmental limitations." When fossil fuel reserves, uranium and thorium reserves, the nuclear fusion potential of deuterium in sea water, and non-depletable energy sources (hydro, aero, geothermal, tidal, and solar) are all considered together, man need not fear an energy shortage for billions of years. Because some fuels are more abundant than others, however, careful decisions must be made concerning when to switch from one fuel to another. But these are easy in comparison to the effectuation of controls over environmental pollution. The best hope, in Cambel's opinion, is creation of new countertechnologies that will improve upon the natural environment that our present technologies originally sought to modify.

Government subsidies and/or tax write-offs should be provided to industry to stimulate creativity through competition, Cambel proposed. As an example, he cited the possibility of developing household hydrocarbon fuel cells that would obtain their supply of gas from coal gasified with heat produced by nuclear-fueled electric power plants. The external electric wiring leading into a house would be abandoned, but the wiring inside the house would continue in use. The power used in this system would compete with the power supplied by public utilities.

Another example: Direct the Antitrust Division of the U.S. Department of Justice, the Internal Revenue Service, and the Department of Transportation to join in encouraging automobile makers to metamorphose into providers of vehicles for all modern modes of transportation.

Cambel also advocated that "every conceivable fiscal encouragement" be given to manufacturers who invent appliances capable of doing accustomed work with less energy. Such devices would include microwave ovens and stoves to replace conventional gas and electric kitchen stoves; ultrasonic dishwashers and laundering machines to replace washers that thresh water about; electric chemiluminescent lighting panels to replace incandescent and fluorescent lighting fixtures; and thermoelectric refrigeration and air conditioning units to replace conventional compressor-driven coolers.

In short, the Cambel prescription for tomorrow's energy research and development is vigorous orientation toward less dissipation of energy without curtailing human comfort.

ROBERTA SCOTT, 1970 POSTER CHILD

Mr. DOLE. Mr. President, I wish to comment on a story that probably is on all wire services and I understand may be subject to further news comments. I shall read the first paragraph:

> Parents of Roberta Scott, 13-year-old Wichita student who is the 1970 Poster Child for the National Association of Retarded Children, have been informed she will not have her picture taken with President Nixon.

Mr. President, that sentence in itself indicates the fact that Roberta Scott did not have her picture taken with President Nixon. But the implication, of course, is in the following sentence:

Roberta was the first black child selected as the NARC poster girl. A new poster girl for 1971 will be selected in February.

Mr. President, I know Roberta Scott, have visited with her, and her mother, when I spoke at the Kansas Association for Retarded Children meeting in Kansas City, Kans., on April 24 of this year. I wish to clarify the confused situation.

The implication, of course, is clear in this story and in other reports the Senator from Kansas has heard: that because Roberta Scott is black, the President refused to have his picture taken with her. Of course, this is ridiculous on its face; but there are those who seek to imply, at every opportunity, that this President is prejudiced and, therefore, failed to respond.

The Senator from Kansas knows that President Nixon personally had no idea of who Roberta Scott was, the fact that she was a poster child, the fact that she was white, black, or brown. In any event, because of a late request by NARC and because of scheduling difficulties, the picture was not taken.

This morning I talked with Mrs. Huey Scott, Roberta Scott's mother, and, of course, they expressed disappointment. Every American would like to visit the President—or almost every American would like the President—whether he be a Republican or a Democrat, whether he be Nixon or Johnson or Kennedy or Eisenhower, or the next President. But almost every American realizes that this is not possible.

The Senator from Kansas simply wants to point out that Roberta Scott is an outstanding young lady who has made great progress in overcoming a very serious handicap. Her parents are hard-working Kansans. Certainly, the Senator from Kansas wants Roberta Scott to have all the recognition she deserves. The Senator from Kansas has a vital interest in handicapped Americans and a particular interest in those handicapped Americans who reside in the State of Kansas. I would suggest that Roberta Scott may yet have her wish. Roberta may yet see the President of the United States as I understand the disappointment she must feel, and feel certain President Nixon will respond properly when he learns of the incident.

Above and beyond that, I wish to absolve the President himself from any shortcoming in this particular instance and to point out that, with the hundreds and hundreds and thousands and thousands of requests made upon the President for personal visitations or personal appearances or private visits, he does remarkably well.

I recall that a few months ago, the President spent approximately 40 minutes with the mayor of Wichita, Price Woodard, and Mrs. Woodard. The mayor is black, an outstanding citizen and a very outstanding mayor.

So the Senator from Kansas rises at this point to state positively that the wire story implications are patently false. I have indicated as much to Mrs. Scott this morning. She understands that perhaps much may be made of this incident in an effort to embarrass the President of the United States. But, again, let me comment on a positive note that Roberta Scott is an outstanding young lady. We are proud that she is a Kansan, and hopeful that, in the near future, she may have her wish of meeting the President of the United States.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY, DECEMBER 7, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian on Monday next.

The motion was agreed to; and (at 1 o'clock and 59 minutes p.m.) the Senate adjourned until Monday, December 7, 1970, at 12 meridian.

NOMINATIONS

Executive nomination received by the Senate December 4, 1970:

U.S. DISTRICT COURTS

Robert E. Varner, of Alabama, to be a U.S. district judge for the middle district of Alabama, vice a new position created by Public Law 91-272, approved June 2, 1970.

U.S. MARINE CORPS

The following named officers of the Marine Corps for permanent appointment to the grade of major general:

John R. Chaisson
Oscar F. Peatross
Edwin B. Wheeler
Robert P. Keller
Alan J. Armstrong
George C. Axtell
Foster C. Lahue

The following named officer of the Marine Corps Reserve for permanent appointment to the grade of major general:

Arthur B. Hanson.

The following named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

William C. Chip
Ralph H. Spanjer
Robert F. Conley
Fred E. Haynes, Jr.
Lawrence F. Snoddy, Jr.
Ross T. Dwyer, Jr.
Samuel Jaskilka
Kenneth J. Houghton
Joseph C. Fegan, Jr.
Leslie E. Brown
Jay W. Hubbard
Charles S. Robertson
Duane L. Faw
Mauro J. Padalino
Edward S. Fris
Frank C. Lang

The following named officer of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

Richard Mulberry, Jr.

EXTENSIONS OF REMARKS

UNITED SERVICE CLUB INAUGURATES "OPERATION REUNION"

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. RIVERS. Mr. Speaker, on Saturday, December 5, there will touch down in Oakland, Calif., the first of a series of airplanes which will bring to some American families the best Christmas present they could receive—the GI sons and husbands home from Vietnam for the holidays. This is being made possible by the United Service Club's "Operation Reunion"—which provides roundtrip transportation between Vietnam and the United States for as little as $369.

This $369 is less than half of the regular air fare to Vietnam and is well below the originally planned "special price" for Vietnam servicemen of $700. The $700 price was a mirage. It was just too high to be within the grasp of most GI's. But $369 will mean Christmas at home for many who otherwise could not dream of such a trip.

"Operation Reunion" is a cooperative venture by the United Service Club, a nonprofit organization, and Pan American World Airways. The great Pan Am Corp. deserves, I believe, a great deal of credit for making its facilities, including its ticket offices, available for the operation. Pan Am is providing these facilities and services to the United Service Club with the understanding that any certified carrier can be used for flight. The operation is not limited to Pan American aircraft.

Gen. Creighton Abrams, MACV commander, announced the new leave policy for men in Vietnam, which provided that men between the fourth and eighth month of service would be eligible for 2 weeks' leave if their units could spare them. It was designed to give as many men as possible a chance to go home for the holidays. The policy provided that a man must have a return ticket in hand before he leaves Vietnam. When the new policy was announced it was said that a "cut-rate fare" of around $700 would be provided for servicemen who could obtain leave. While this is below the lowest regular ticket price—which is some $969—it was still too high. I am very proud of the fact that our Committee on Armed Services was instrumental in getting a low-priced air fare of $69 for round-trip chartered flights between Europe and the United States initiated earlier this year. That special fare, which is still in operation, was established by the United Service Club. I asked the United Service Club if they could provide a similar service for the men in Vietnam, and with the cooperation of Pan Am they have come up with the $369 flight.

I understand that today there are double lines at most of the ticket counters in Vietnam waiting to buy tickets for "Operation Reunion" flights. This would indicate that the low fare has made the flight possible for many GI's, and for their sake I am very happy.

The "Operation Reunion" flights will take men from Vietnam to Oakland, Calif., and additionally will take them as far as Chicago and New York. The total fares are $442 for those going as far as Chicago and $479 all the way to to New York. These flights will be in modern aircraft with service equivalent to regular civilian transportation—hot meals, beverages, experienced hostesses, and regular luggage allowances. The price includes hotel accommodations for one night and a meal in Oakland, plus bus transportation to ongoing connections. For those who do not require the overnight hotel accommodations, extra meal and extra transportation, there can be a refund of the fare of $15. I think it is interesting to note that arrangements can also be made for the flight by families of servicemen in Vietnam at Pan Am and United Service Club offices in the United States.

I am very pleased that our Committee on Armed Services has been able in a small way to assist in providing this extra benefit which will mean so much to GI's who are able to take part in it. We have always made an effort, and we shall always continue to make an effort, to provide a better deal for servicemen and to receive the cooperation not only of Government agencies but of business and other private organizations which can assist the members of the Armed Forces.

PROPERTY TAXES: ARE THEY INEQUITABLE?

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. HECHLER of West Virginia. Mr. Speaker, recently a team of students working in Texas for Ralph Nader issued a report as the result of a study on inequities in property taxes. Inequitable assessment practices exist throughout the country. These practices are costing the cities, homeowners, and small businesses a billion dollars annually. It is important, therefore, that this study be made available to the Members and the facts made public in the hope that some constructive change will result.

The study follows:

THE PROPERTY TAX: A STUDY OF INEQUALITY OF VALUATIONS AND ASSESSMENTS IN TEXAS

(Copyright 1970 by Richard Mithoff, Jr.)

Richard Mithoff, Jr., Project Director, B.B.A., University of Texas, University of Texas School of Law (Second year student; Staff, *Texas Law Review*).

Sharon L. Feather, B.A., University of Texas (Phi Beta Kappa), University of Texas School of Law (First year student).

William B. Feather, B.A., University of Texas, University of Texas School of Law (Second year student; Staff, *Texas Law Review*).

Louis J. Sirico, B.A., Yale University, University of Texas School of Law (Second year student; Staff, *Texas Law Review*).

Kim Quaile Hill, B.A., B.S., Rice University (Candidate for Ph.D. in Political Science).

PREFACE

Despite a periodic vigorous attack and occasional demand for its demise, the property tax today remains the most important revenue producing source for local governments. In Texas, this ad valorem tax is required by the constitution to be based on the fair market value of real and personal property. But serious neglect and abuse in its administration has resulted in the substantial undervaluation of certain classes of property; when the local taxing districts merely raise the ratio of assessment and tax rate they only worsen the impact of this unequal burden. This report examines the assessed valuation of mineral property in the Permian Basin, timber property in East Texas, and commercial and industrial property in the Houston area. A comparison of these valuations (at full value) with actual fair market values—derived in most cases from actual sales prices or estimates of value from the parties owning or trading the property—reveals a significant *undervaluation* for taxation purposes. The loser is the homeowning taxpayer, sharing more and more of the burden but receiving less in public services. It is the hope of the members of this project that the results of the study will accelerate reform of the property tax in Texas, and that the study itself may serve as a model for similar studies throughout the United States.

R. W. M.

NOVEMBER 2, 1970.

OIL AND GAS PROPERTY: ECTOR COUNTY, TEX.

(Richard Mithoff, Jr.)

AN INTRODUCTION TO SOME PROBLEMS OF VALUATION AND ASSESSMENT

I. Property subject to taxation, tax assessor-collectors, and independent appraisal firms

Statutory provisions regarding the property subject to taxation are clear:

"All property, real, personal or mixed, except as may be hereinafter expressly exempted, is subject to taxation, and the same shall be rendered and listed as herein prescribed."[1]

That a mineral interest, whether working interest or royalty, is defined as "real property" for purposes of ad valorem taxation is well settled.[2] The standard of valuation for a mineral interest, like that for other real property, is the "true and full value in money."[3]

The task of assigning property interests and assigning the assessed valuation (the assessed valuation appears on the tax rolls as a given percentage of the fair market value, determined in the county, for example, by the County Commissioners) is the function of some 1500 local assessors (elected to four year terms[4]), as well as the numerous assessors for school, city, hospital, and other special districts.[5]

The County Assessor-Collectors are not licensed by any state agency or board, and therefore are "qualified" for office if duly elected by the voters in the county.[6] They may rely on the Tax Assessor-Collector Instruction Manual, containing rules, regulations, opinions of the Attorney General, instructions, and forms; they may attend the Association of County Assessor-Collectors annual conference, or the Annual Institute for Tax Assessors (which in 1962 hosted 212 persons, only four of whom were County Assessor-Collectors).[7]

The burden of valuation and assessment, however, in areas where some sophistication in the appraising process is required, is often assumed by an independent appraisal firm. The valuation of oil and gas property for taxing districts is the job of a very few firms. Pritchard and Abbott Valuation Engineers of Texas currently has about 400 contracts with various taxing districts, and consequently appraises about 60 percent of the state. The firm normally appraises all the property within a district, mineral as well as other classifications, and typically contracts with all the overlapping districts, such as city, county, and school.[8]

II. Equality and uniformity

The state constitutional requirement of equality and uniformity in taxation is of fundamental importance in comparing the mineral valuations with other real property valuations:

"Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proposition to its value, which shall be ascertained as may be provided by law."[9]

The requirement is "imperative under our Constitution,"[10] and clearly applicable to ad valorem taxation.[11] Uniformity means that value must be determined by the same standard,[12] and the standard for the property tax in Texas is the fair market value:[13]

"Uniformity in taxation throws the proper burden of taxation on each individual taxpayer, and the principle should never be departed from. The greatest benefit comes to each and all when it is scrupulously observed. The value of property is the correct standard of uniformity and the Constitution has so fixed it. Taxation cannot be in proportion to the value of property unless the value of all property is ascertained by the same standard.[14]

"To assess the property of one or a few owners at a materially higher percentage of its value than the percentage of the value at which the property of a great majority of the owners in the city is assessed is unconstitutional, and especially if done in pursuance of some custom, system, or scheme in which values are not ascertained as provided."[15]

This concept of uniform assessment is complicated by the rather widespread practice of assessing all property at a percentage of its fair market value. (In Ector County, for example, the ratio of assessment in 1969 for the county was 18%, and for the school board it was 45%.) Reasons advanced for this practice include the desire to minimize taxpayer complaints and to obviate the necessity for readjustment in the event of falling market prices.[16] (More simply, the confused taxpayer is less likely to complain.) Theoretically, of course, the use of assessment ratios should make no difference. The procedure must start with an appraisal of the property at its fair market value. But realistically, as the Advisory Commission on Intergovernmental Regulations reports, this practice is not calculated to alert either the taxpayer or tax assessor to levels of inequality. Moreover, the report continues, "There is a tendency for nonuniformity to *increase* when property is assessed at low fractions of full value." (Emphasis added.)[17] The commission has recommended full disclosure to the taxpayer, with tax rolls revealing both the full market values as well as the assessed valuations.[18]

But the practice of listing only the values at the given ratio of assessment continues, and the confusion persists. Absolute equality and uniformity, of course, is not practicable, and not required.[19] But serious differences in the ratios of assesment are not acceptable. The court declared quite early in *Richardson v. State*[20] that the requirement of taxation in proportion to value must yield to the "equal and uniform" requirement where the assessor has generally assessed property at less than its fair market value (*i.e.*, at some ratio of assessment). In *Richardson*, the land in the county generally was assessed at approximately 60 percent of the fair market value, while defendant's mineral property was appraised on the basis of an arbitrary formula, which made the fair market value depend solely upon the average number of barrels of royalty oil produced daily for a period of 92 days preceding the first day of January of each year. The Court of Civil Appeals upheld the trial court's

Footnotes at end of article.

finding that the assessments were void, but reversed and remanded because the trial court undertook to reassess the property, which is the duty of the board of equalization.[21]

One further problem should be discussed. Despite the absolute commandment of "equality and uniformity," a few cases have established that the legislature may make certain classifications of persons and property for purposes of taxation if the legislature does not act arbitrarily or unreasonably, and if there is a reasonable basis for the classification. This has been established at least in the case of franchise taxes,[22] inheritance taxes,[23] and occupation taxes.[24] A number of courts have refused to enjoin the collection of the property tax where it is apparent that the different classes of property have been assessed at different ratios of full value, but have done so because of the failure of the plaintiff to show substantial injury, or because the plaintiff failed to avail himself of the injunctive remedy before the tax plan went into effect and could not prove the exact amount by which his taxes were excessive.[25]

One case found in which this classification exception was applied specifically to deny relief in a real property tax suit involved a situation in which "oil in storage" had been assessed at 30 percent of its value, and all other property in the district assessed at 60 percent of its value. The court declared that the assessment ratios need only be uniform *within* the particular classification.[26] This is clearly contrary to the great weight of authority.[27]

In a rather unusual case decided recently, but involving the city tax, the classification exception was relied on in part to uphold an annexation ordinance, and indirectly to support a property tax classification. (The court did, however, wisely advise the appellee that the taxation matter was premature at this time, and would have to be raised at a later date.) The principal challenge came from a property owner whose property had been annexed by the city of Pasadena, Texas, and thereby made subject to the city taxes. Adjacent landowners, to wit Ethyl, Tenneco, and Phillips, on the other hand, whose property was not to be annexed under an agreement (authorized by statute [28]) with the city, had only to make payments, as part of the agreement and *in lieu of taxes*, amounting to about 30 percent of the normal rate. The court held that there was a reasonable basis for classification.[29]

VALUATION OF OIL AND GAS PROPERTY

The valuation of mineral properties is a complex procedure. Unlike appraisals of residential property, and some commercial property, where resort to current selling or leasing prices is a fairly simple matter, valuations of oil and gas property under production are made without the evidence of a recent sales price (sales of producing property are rare, for obvious reasons), and without the aid of industry estimates. Valuation of producing property requires first the technical analysis (considering such data as estimates of reserves, rate of production, price of the product, and cost of operation) to arrive at the future net revenue. Present value is then calculated from future net revenue, discounted either at the prevailing interest rates with subsequent allowance for other factors,[30] or at a rate which considers both the prevailing interest and these other factors.[31]

Advocates of the first approach disagree over the rate of interest and the component factors to consider. Some of the risks, or hazards, may include decline in the price of the product, increase in the operating costs, or substantial error in the calculation of reserves. The degree of risk will naturally bear to some extent on the production history. There is some dispute as to whether federal income taxes should be considered.[32]

The second approach eliminates some of the disagreement over which variables to consider. This is the Hoskold, or sinking fund method, which provides for the discount of future net revenue at various interest rates, and the return of capital through a sinking fund invested at four percent.[33] The Hoskold formula is approved as a valid approach, provided the proper rate of interest is selected. Because of the risks involved in oil and gas investment, the rate should be approximately 10 percent.[34] The Hoskold method was chosen for this study in order to rely exclusively on industry projections of future net revenue, and to avoid possible disagreement over the size and number of the variables to include in an estimate computed under the first approach.

The valuation of nonproducing oil and gas property is apparently universally ignored for purposes of ad valorem taxation. It is customary in states not having a specific exemption, or special provision such as the mineral documentary stamp, for the nonproducing property to be placed on the tax rolls at a nominal value.[35] (In Ector County, the nominal assessment varies from $0.50 to $1.00 an acre.) Reasons advanced for this practice vary. A spokesman for Pritchard and Abbott declares that, "Until a nonproducing property is developed, it could be worthless. . . . We couldn't afford to have nonproducing property assessed." [36] The Ector County Tax Assessor states that the property is just "not worth taxing." [37] Since nonproducing property not voluntarily rendered by the taxpayer is not taxed at all, it is reasonable to assume that the industry renders its nonproducing property only to protect against claims arising under adverse possession—a reason supported by the local tax assessor and Pritchard and Abbott. The nominal assessment may be necessary only to cover the cost of recording the assessment.[38]

Nevertheless, there is authority to support the proposition that nonproducing property has a market value that is easily ascertained. The lessee commonly pays a "bonus" to the lessor as partial inducement for completing the transaction. The bonus may prove to be only a fraction of the value of the property, and does not, of course, include rental payments, or royalty, should the lease prove productive. The bonus value is a fair indication of the value of the property, provided due weight is given to the effect of drilling a successful well, which would enhance the value, or of drilling a "dry hole," which would obviously deflate the value.[39]

I. Producing property

This study compares valuations by Pritchard and Abbott Valuation Engineers, independent appraisal firm hired by Ector County with valuations based on future revenue projections of the industry itself. The property under study is the Headlee Devonian Unit, covering approximately 15,000 acres in Ector and Midland Counties. The industry revenue projections are taken from the Devonian Report, Headlee and Dora Roberts Field, Ector and Midland Counties, Texas, filed with the Texas Railroad Commission in August, 1956, prior to Commission approval for unitization and gas injection.

The unitization agreement allows the unit operators to pool their production efforts, and to share in the production from any tract on the basis of the proportion that the operator's tract effective acre feet bears to the total unit effective acre feet. The injection of gas under the pressure maintenance approach serves to maximize recovery of the stock tank liquids and plant products.

The reservoir is now classified as a gas condensate rather than oil reservoir, as originally designated, and on January 30, 1961, the Commission authorized the mixed stream production of natural gas liquids and stock tank liquids.[40] Actual daily average production as reported by Pritchard and Abbott corresponds very closely to the daily average production as projected by the operators in the field, in the period under study (1963 to 1970). (See Appendix, pp. A–6, A–8.)

A comparison of the actual valuations of Pritchard and Abbott with those computed from the projected revenue figures of the industry (using the Hoskold method described earlier) reveals a startling undervaluation of approximately 56.19 percent. (See Appendix, pp. A–7, A–9.)

Pritchard and Abbott claim that the liquids currently produced are less valuable than those described in the original report, that the costs of operation have risen,[41] and that therefore the unit has not been as profitable as originally expected.[42] This is in direct contradiction, however, to the statement (January 13, 1970) from Atlantic Richfield, insisting that, "Profits have proven to be *higher than originally estimated* for the field at this point in time," and that the "reservoir is currently estimated to be *almost double* that referred to in the report . . ." [43] (Emphasis added.) The conclusion would appear to be, then, if industry sources can be believed,[44] that the valuations of Pritchard and Abbott are far below the currently accepted measures of fair market value.

II. Nonproducing property

This study compares the valuations of Pritchard and Abbott with the actual "bonus price" paid for an oil and gas lease. The property is classified "nonproducing" for purposes of the study if, after execution of the lease, the property was assessed at a nominal rate, or not rendered for taxation at all, indicating according to Pritchard and Abbott a lack of production. (See Appendix, pp. A–1, A–3–A–5.) In some instances the property assigned a nominal assessment has proven productive in the next year, and "suddenly jumped" in value. (See Appendix, pp. A–2, A–5.)

The "bonus value" is easily determined from the value of the revenue stamps affixed to the lease, which of course is recorded in the County Clerk's office. (The revenue stamps were, however, discontinued after January 1, 1968.)

The nominal assessment of nonproducing property without regarding to market value is admitted by Pritchard and Abbott and the County Tax Assessor-Collector, as is the failure to tax some property even on a nominal basis, which was the case with over $400,000 worth of Texaco leases in 1965 and 1966. (See Appendix, pp. A–3—A–5.)

The random sample of local homeowners' property, selected from different sections of Odessa, in Ector County (Pritchard and Abbott contracts with the city as well) shows a remarkably close correlation between the valuations of Pritchard and Abbott and the actual sales prices of homes sold in 1969. (See Appendix, pp. A–10, A–11.) All under-valuation is approximately only 7.06 percent.

FOOTNOTES

[1] Tex. Rev. Stat. Ann. art. 7145 (1960).

[2] Tex. Rev. Stat. Ann. art. 7146 (1960); Liberty Century Trust Co. v. Gilliland Oil Co., 297 F. 494 (D. Tex. 1924); Texas v. Downman, 134 S.W. 787 (Tex. Civ. App.—1911, writ ref'd); Stephens County v. Mid-Kansas Oil and Gas Co., 113 Tex. 160, 254 S.W. 290 (1923).

[3] Tex. Rev. Civ. Stat. art. 7174 (1960); Phillips Petroleum v. Townsend, 63 F.2d 293 (5th Cir. 1933); Rowland v. Tyler, 5 S.W. 2d 756 (Tex. Comm'n App. 1928, holding approved); Lively v. M., K., and T. Ry., 102 Tex. 545, 120 S.W. 852 (1909).

[4] Tex. Const. art. VIII, § 16.

[5] 2 Advisory Commission on Intergovernmental Relations, the Role of the States in Strengthening the Property Tax 157 (1968).

[6] Letter from Robert S. Calvert, Comptroller, to Richard Mithoff, Jr., March 17, 1970.

Footnotes at end of article.

[7] 2 Advisory Commission, *supra* n. 5, at 156.

[8] Interview with Earle Bruce of Pritchard and Abbott (Odessa), November, 1969.

[9] Tex. Const. art. VIII, § 1.

[10] Breckenridge v. Pierce, 251 S.W. 316 (Tex. Civ. App.—Ft. Worth 1923, writ dism'd). *See* Lively v. M., K., and T. Ry., 102 Tex. 545, 120 S.W. 852 (1909); Porter v. Langley, 178 S.W. 820 (Tex. Civ. App.—Galveston 1915, writ ref'd).

[11] State v. Lowman, 115 S.W. 2d 794 (Tex. Civ. App.—Eastland 1938), *rev'd on other grounds,* 133 S.W. 2d 926 (1939).

[12] Lively v. M., K., and T. Ry., 102 Tex. 545, 120 S.W. 852 (1909).

[13] Tex. Const. art. VIII, § 1; Tex. Rev. Stat. Ann. art. 7174.

[14] Hunt v. Throckmorton Ind. School Dist., 59 S.W. 2d 470 (Tex. Civ. App.—Eastland 1933, no writ).

[15] Randals v. State, 15 S.W. 2d 715 (Tex. Civ. App.—El Paso 1929, no writ).

[16] Note, *Remedies for Unequal Property Tax Assessment,* 46 Harv. L. Rev. 1001–02 (1933).

[17] 1 Advisory Commission on Intergovernmental Relations, the Role of the States in Strengthening the Property Tax 59 (1963).

[18] *Id.* at 63–64.

[19] Nederland Ind. School Dist. v. Carter, 93 S.W. 2d 387 (Tex. Civ. App.—Beaumont 1936, writ dism'd).

[20] 53 S.W. 2d 508 (Tex. Civ. App.—Eastland 1932), *aff'd,* 84 S.W. 2d 1076 (Tex. Comm'n App. 1935 opinion adopted).

[21] *Id.*

[22] Calvert v. Capital Southwest Corp., 441 S.W. 2d 247 (Tex. Civ. App.—Austin 1969, writ ref'd n.r.e.); Crayson County State Bank v. Calvert, 357 S.W. 2d 160 (Tex. Civ. App.—Austin 1962, writ ref'd n.r.e.).

[23] San Jacinto Nat'l Bank v. Sheppard, 125 S.W. 2d 715 (Tex. Civ. App.—Austin 1938, no writ).

[24] Sheppard v. Giebel, 110 S.W. 2d 166 (Tex. Civ. App.—Austin 1937, no writ).

[25] Although some confusion exists as to whether the taxpayer must always show substantial injury after demonstrating gross inequality, *e.g.,* Waco v. Conlee Seed Co., 449 S.W. 2d (Tex. 1969); State v. Federal Land Bank of Houston, 329 S.W. 2d 847 (Tex. 1959), recent opinions on this issue appear to be that in a direct attack (in a suit to enjoin the collection of taxes before the tax plan has gone into effect), the plaintiff must show substantial injury. Arlington v. Cannon, 153 Tex. 566, 271 S.W. 2d 414 (Tex. 1954); Dietrich v. Phipps, 438 S.W. 2d 900 (Tex. Civ. App.—Houston 1969, no writ). This is distinguished from the collateral attack (in a suit defending an action for delinquent taxes) where the taxpayer has the more onerous burden of showing the precise dollar amount by which he is injured. State v. Federal Land Bank of Houston, 329 S.W. 2d 847 (Tex. 1959); Orange v. Livingston Shipbuilding Co., 258 F. 2d 240 (5th Cir. 1958). *But see* Briscoe Ranches, Inc. v. Eagle Pass Ind. School Dist., 439 S.W. 2d 118 (Tex. Civ. App.—San Antonio 1969, writ ref'd n.r.e.).

[26] Feldman v. Bevil, 190 S.W. 2d 157 (Tex. Civ. App.—Beaumont, 1945, writ ref'd w.o.m.).

[27] *See* note 25 *supra.*

[28] Tex. Rev. Civ. Stat. Ann. art. 970 a. § 5 (1963).

[29] Pasadena v. Houston Endowment, Inc. 438 S.W. 2d 152 (Tex. Civ. App.—Houston, 1969, writ ref'd n.r.e.).

[30] DeGolyer, *Evaluation.* First Annual Institute on oil and gas law 591 (1949); Field, *Valuation of Oil and Gas Properties for State Ad Valorem Tax Purposes.* 7 Oil and Gas Institute 483 (1945).

[31] Campbell, Oil Property Evaluation 452–454 (1959); Fiske, Federal Taxation of Oil and Gas Transactions 165 (1969).

[32] Field, *supra* n. 30.

[33] Fiske, Campbell, *supra* n. 31.

[34] Fiske, *id.*

[35] Field, *supra* n. 30 at 530.

[36] Interview with Earle Bruce of Pritchard and Abbott (Odessa), December 1969.

[37] Interview with Curtis Wynn, Ector County Tax Assessor-Collector, December 1969.

[38] Field, *supra,* n. 30 at 530.

[39] Fiske, *supra* n. 31 at 169–170.

[40] Report on Headlee-Devonian Unit filed by unit operators in May 1962.

[41] Report filed by Pritchard and Abbott on August 10, 1970, in response to a request from Ector County Judge Mike Berry to make the specific disclosure requested in the Petition to the Board of Equalization on June 30, 1970. See Appendix, pp. A–15–16.

[42] Testimony of R. W. Wood before the Ector County Board of Equalization, June 30, 1970.

[43] Letter from E. W. Tyler, District Engineer, Atlantic Richfield, to Richard Mithoff, Jr., on January 13, 1970.

[44] Letter from E. W. Tyler to County Judge Mike Berry on July 6, 1970.

APPENDIX—NONPRODUCING PROPERTIES

Purchaser (1)	Date recorded (2)	Description (3)	Price (4)	Valuation (at 100 percent) for tax rolls (Pritchard & Abbott) (5) Year	Amount
A. Rendered (with little or no apparent production):					
Texaco	June 25, 1965	E/2 of W/2, W/2 of E/2 of Sec.21, Blk.44, T-3-S	$32,500	1966	$4,998.00
				1967	4,440.00
Shell	Jan. 24, 1964	E/2 of Sec.33, Blk.41, T-1-S	11,500	1965	1,142.40
				1966	1,142.40
Cities Service	Jan. 30, 1961	E/2 of Sec.34, Blk.44, T-3-S	27,272	1962	999.60
				1963	999.60
Shell	Mar. 27, 1957	W/2 of SE/4 of Sec.34, Blk.44, T-3-S (below 4,500 ft.)	16,500	1957	400.00
				1958	200.00
Do	Mar. 8, 1957	E/2 of NE/4 of Sec.34, Blk.44, T-3-S (below 4,500 ft.)	16,500	1957	400.00
				1958	200.00
Do	Dec. 3, 1956	NW/4 of Sec.30, SW/4 and W/2 of NW/4 of Sec.19, Blk.43, T-2-S	80,000	1957	2,000.00
				1958	(1)
Do	Sept. 19, 1955	Sec.12, Blk.44, T-2-S	100,000	1956	3,200.00
				1957	3,200.00
Do	Sept. 19, 1955	E/2 of Sec.1, Blk.44, T-2-S	50,000	1956	1,600.00
				1957	1,600.00
B. Rendered (with some apparent production after the 1st year): Samedan	Oct. 21, 1963	NW/4 of Sec.10, Blk.35 University Land	11,000	1964 [3]	71.40
				1965 [2]	571.20
				1966 [3]	71.40
				1967 [4]	55.50
Continental (assignee)	May 10, 1961	W/2 of Sec.24, Blk.43, T-3-S	21,500	1962	1,142.40
				1963	106,386.00
Shell	Sept. 19, 1955	E/2 of Sec.11, Blk.44, T-2-S	50,000	1956	1,600.00
				1957	115,200.00

[1] Not carried.
[2] ⅚ W.I.
[3] ½ of ⅚ W.I.
[4] ½ of ⅚ W.I.

Purchaser (1)	Date recorded (2)	Description (3)	Price (4)	Remarks (5)
C. Not rendered (not carried on the tax rolls as rendered or unrendered property):				
Texaco	Jan. 26 1966, and Feb. 3 1966	E/2 of Sec. 22, Blk. 44, T-3-S [1] W/4 of Sec. 21, Blk. 44, T-3-S E/4 of Sec 21, Blk. 44, T-3-S W/2 of Sec. 30, Blk. 43 T-3-S [1] S/2 of Sec. 29, Blk. 44, T-3-S N/2 of Sec. 30, Blk. 44. T-3-S N. 387 ft. of W/2 of SW/4 and N. 952 ft. of E/2 of SW/4 of Sec. 30, Blk. 44, T-3-S. SW/4 of Sec. 30, Blk. 44 T-3-S, except that described in tract 3, and in tract 4, only those rights below 4,500 ft. Sec. 28, Blk. 44, T-3-S.	[2] $220,000	Not carried on tax rolls in 1967, 1968, or 1969.
Do	Feb. 21 1966	S/2 of Sec. 2, Blk. 44, T-3-S [3] Sec. 10. Blk 44, T-3-S S/2 of Sec. 1, Blk. 44, T-3-S W/2 of Sec. 11, Blk. 44, T-3-S Sec. 11, Blk. 44. T-3-S Sec. 12, Blk. 44, T-3-S, save and except NE/4 of NE/4 of NE/4.	[4] 109,500	Do.
Do	June 25 1965	N/2 of Sec. 38, Blk. 43, T-3-S S/2 of Sec. 38, Blk. 43 T-3-S N/2 of Sec. 29, Blk. 44. T-3-S S/2 of Sec. 12, Blk. 43, T-4-S. [5]	[2] 131,000	Not carried on tax rolls in 1966, 1967 1968, 1969.
Total sales value of leases cited here. [6]			460,500	

[1] But the royalty interest was recorded with a value (combined total) of $38,461.50 in 1969.
[2] Total price.
[3] Releases recorded Nov. 18, 1969; Dec. 2, 1969; Dec. 16, 1969 (total price of leases $100).
[4] Over.
[5] Release recorded Oct. 21, 1969.
[6] On the 1969 tax rolls Texaco included for the first time a category for "nonproducing minerals as rendered"—giving a total value (at 100 percent) of $85,581, with no breakdown by individual leases. Compare this figure with the total value of just the leases cited here.

Column 1 gives the oil company which purchased (or in some instances took by assignment) the lease or working interest in the property.

Column 2 gives the date the lease (or series of leases) was recorded in the Deed Records, County Clerk's office.

Column 3 gives a description of the working interest.

Column 4 gives the amount of the initial payment, or bonus, made at the time of execution of the lease. (If the property proves to be productive, the bonus value will be only a *fraction* of the fair market value, because the present value of future royalty payments is excluded.) Although the usual lease recites only "for $10.00 and other valuable consideration," the revenue stamps (in effect up until Jan. 1, 1968) can be used to determine bonus value of any lease over $100.00. The valuation of a nonproducing property should be based on the actual sales price, if available. Leland E. Fiske, *Federal Taxation of Oil and Gas Transactions* (1969), pp. 169–71.

Column 5 gives the actual valuation (at 100%) by Pritchard and Abbott where the property is rendered, *or* notes the fact that the property is not even rendered at all.

II. PRODUCING PROPERTIES: THE HEADLEE-DEVONIAN UNIT

	A. Production				B. Valuations		
	Estimates of operators in the field (1)		Pritchard and Abbott (2)		Estimates based on projections of operators in the field: Valuation of ⅞ mineral interest based on percent value of future net income	Pritchard and Abbott actual valuation (at 100 percent) of ⅞ mineral interest from tax rolls	Approximate percentage of undervaluation (comparing cols 3 and 4)
Year	Projected 8/8 daily average production (in barrels)	Projected number of wells	Actual 8/8 daily average production (in barrels)	Actual number of wells	(3)	(4)	(5)
1969	17,553	164	15,949	164	$112,053,000	$52,009,494	47.2
1968	17,625	164	17,290	164	117,438,000	53,526,087	48.4
1967	17,625	164	19,123	164	122,537,000	44,350,771	59.2
1966	17,625	164	20,980	164	127,506,000	60,135,079	47.1
1965	17,625	164	22,320	164	132,284,000	62,348,836	47.5
1964	17,625	164	[1] 17,625	[2]	136,911,000	65,486,866	47.0
1963	17,625	164	15,553	140	141,388,000	51,499,535	59.8
Total	123,303		128,840				
Average approximate percentage of undervaluation							56.19

[1] Estimate, no figure available. [2] No figure available.

A. Production

The Production columns are included to substantiate the validity of a study comparing *actual* valuations by Pritchard and Abbott for the tax rolls, and the valuations based on *projections* by the operators in the field.

Column 1 gives the projected 8/8 Daily Average Production and total number of wells, as estimated by the operators in the field. *Devonian Report, Headlee and Dora Roberts Field, Ector and Midland Counties, Texas,* March, 1956. (Filed with the Texas Railroad Commission, Oil and Gas Division, in preparation for the hearing [August, 1956] relative to the unitization agreement.)

Column 2 gives the actual 8/8 Daily Average Production and the total number of wells, as reported by Pritchard and Abbott.

The seven-year (1963 through 1969) is chosen as representative because the *actual* daily average production, when compared on an annual basis, corresponds closely to the *projected* daily average. In fact, the *total* actually daily average *exceeds* the estimates during this period.

B. Valuations

Column 3 gives the valuations of the 7/8 mineral interest based on the present value of future net income, discounted at 10 percent using the Hoskold Formula, suggested as a means of determining the fair market value of oil and gas properties. Fiske, *Federal Taxation of Oil and Gas Transactions* (1969), pp. 166–168. John M. Campbell, *Oil Property Evaluation* (1959), pp. 452–454. Annual estimates of future net income are from the operators in the field. *Devonian Report, supra.*

Column 4 gives the actual valuations (at 100%) of the 7/8 mineral interest as reported by Pritchard and Abbott.

Column 5 gives the annual approximate percentages by which this unit has been undervalued, as well as an average of these percentages.

III. LOCAL REAL ESTATE, HOMES (A RANDOM SELECTION)

Description (1)	Price (1969 sales) (2)	Valuation (at 100 percent) for 1969 tax rolls (Pritchard & Abbott) (3)	Approximate percentage of undervaluation (comparing cols. 2 and 3) (4)
4009 Pleasant Lot 7, Blk. 27 Terrace Hills	$8,500	$7,048.50	17.1
909 E. 21st Lot 21, Blk. 11 Sage Hill	8,150	7,603.50	6.6
3719 Holly Lot 2, Blk. 33 Windsor Heights	12,250	11,100.00	9.4
2702 S, Colonial Lot 12, Blk. 8 Bellaire	7,950	6,549.00	17.6
2801 Diseny Lot 7, Blk. 1 Wedgewood	15,330	14,485.00	5.5
2108 W. 27th Lot 17, Blk. 62 Harrisdale	8,700	8,491.50	2.4
401 Elm Lot 4, Blk. 14 Ridgecrest	7,600	6,605.00	13.1
1508 Spur N. 73 Feet of Lot 5, Blk. 93 Crescent Park	$19,500	$19,869.00	−1.85
Blackstone Lot 31, 504 Blk. 2 Rochester Heights	7,650	7,104.00	7.2
2674 E. 25th Lot 23, Blk. 135 Crescent Park	13,950	13,930.50	.15
1309 Westbrook Lot 11, Blk. 9 Westwood	14,500	13,098.00	9.7
2304 W. 15th Lot 22, Blk. 1 Park Annex	7,500	7,659.00	−2.13
Average approximate percentage of undervaluation			7.06

TIMBERLAND IN EAST TEXAS

(Sharon L. Feather, William L. Feather, and Louis J. Sirico)

INTRODUCTION

The taxation of timberland, like other real property in Texas, is based on its current fair market value, that is, what a willing buyer would pay a willing seller for a given tract of timberland. The present study attempt to survey the methods by which East Texas school and county tax assessors evaluate and tax timberland.

Ideally, one would verify sales by asking recent buyers or sellers the price they paid or charged for a particular tract of land. Although specific prices for specific pieces of land proved unavailable, estimates of the current market value were obtained from several reliable sources: a state forest appraiser, a forestry professor at Stephen F. Austin State University, an independent professional forest appraiser, a tax assessor, and the rolls of school districts following sound assessing practices. Two newspaper articles also cited current market values for timberland.

A state forestry appraiser indicated that timberland in southeast Texas starts selling at $180 to $200 per acre, with prices in heavily forested areas sometimes rising to $300 per acre. Bare land is worth $85 per acre, and every 1000 board feet of timber adds another $50 to the acre value. The appraiser gave as an example the recent sale of a large parcel of timberland in Jasper County at $250 per acre.

A forestry professor at Stephen F. Austin State University informed us that he had just paid $200 per acre for forest plantation land in Cherokee County, and that International Paper Company was paying a *minimum* of $125 per acre for all the timberlands it could get. These figures reflect values in the northern part of East Texas where the land is less fertile and provides a poorer stock of timber than do other parts of the Piney Woods.

An independent professional forest appraiser living in the same area estimated that all pinewood forestland is worth $100 to $300 per acre. He indicated that Southland Paper Mills, Inc., was paying $180 to $220 per acre for any land they were offered with minimal marketable timber, and another timber company had recently paid $195 per acre for a large tract of poorly stocked timberland.

Timberland values in the southern half of the East Texas forest are higher. The county tax assessor for Newton County in Southeast Texas estimated that timberland in his county sold for at least $200 per acre.

In early July a fire destroyed 300 acres of Angelina County timberland owned by Owens-Illinois Corporation. An area timber man estimating the loss was quoted by *The Lufkin News* (July 9, at p. 1) as placing the value of the timberland in the range of $250 to $350 per acre.

On June 12, a United States Senate subcommittee on parks and recreation heard testimony in Beaumont regarding the proposed Big Thicket National Park. At the hearing, Orrin H. Bonney, chairman of the Big Thicket Coordinating Committee testified that present prices on land in the 100,000 acre park area ranged from $250 to $350 per acre ("Interests Disagree on Big Thicket Park Size," *Houston Post*, sec. 3. p. 24, June 13, 1970).

As these figures reveal, the market value of timberlands fluctuates greatly, sometimes rising to as much as $350 per acre. Most estimates, however, center around a $200 per acre median. This figure provides the conservative estimate of market value that this report uses in comparing *actual* fair market values with the fair market values that the county and school district tax assessor assign to timberlands.

PRACTICES TAX COLLECTOR-ASSESSORS EMPLOY

Following is a six-county survey of the methods county and school district assessors use in placing a market value on timber acreage. Most tax assessors compute the assessed valuation on a flat rate per acre basis, and make no attempt to assign true market values. The assessors' estimate of fair market value may be derived by dividing the assessment ratio into the assessed valuation. In considering these fair market values, keep in mind that $200 per acre represents a conservative average estimate of the price such acreage could bring on the open market.

Angelina County

County

Evaluation Method: All unimproved acreage outside the city limits is placed on the rolls at $10 per acre (assessment ratio of 25%), indicating a fair market valuation of $40 per acre

Comments: Present rates have been in effect since the 1963 tax roll. The previous rate was $5 per acre.

Lufkin Independent School District

Evaluation Method: The district ascertains fair market value by using comparable sales methods and personal contacts with buyers and sellers. Assessments of timberlands generally fall into the $240 to $313 per acre range for full market value.

Comments: The school district evaluations closely approximate actual market value, and the district makes frequent reassessments.

Diboll Independent School District

Evaluation Method: All unimproved rural acreage outside the city limits is placed on the rolls at $20 per acre (assessment ratio is 40%), indicating a fair market valuation of $50 per acre.

Comments: The assessor-collector has many other time-consuming administrative functions, allowing him little opportunity to re-evaluate property.

Hardin County

County

Evaluation Method: The appraising firm of Pritchard and Abbott evaluated all property in 1964. Since then, the county has raised the rates. Most timberland is placed on the rolls at $16.60 per acre (assessment ratio is 20%), indicating a fair market valuation of $83 per acre. The county evaluates other timberland between $75 and $88 per acre fair market value.

Lumberton Independent School District

Evaluation Method: In 1968, the Terry Company of Beaumont, Texas, evaluated all acreage. Timberland not evaluated at higher use residential development rates was assessed at $160 per acre fair market value.

Comment: Major timber companies have protested these assessments. Last year they threatened not to pay and withheld needed school funds until June.

Silsbee Independent School District

Evaluation Method: In 1962 a professional forest appraiser valued timberland at $102 per acre, but the district claims to employ a fair market value of $90 per acre for taxation purposes. There has been no re-evaluation since. All timberland is actually placed on the rolls at $32 per acre. Assessment ratio is 55 percent on other property.

Jasper county

County

Evaluation Method: All unimproved acreage is placed on the rolls at $23 per acre (assessment ratio is 25%), indicating a fair market valuation of $92 per acre.

Liberty county

County

Evaluation Method: In 1967, the appraisal firm of Davis and Wilson valued all property in the county at a cost to the county of $108,000. It evaluated timberlands according to the following schedule:

Timber:	*Per acre*
A (good quality) (fair market value)	$150
B (fair quality)	130
C (poor quality)	110

Comment: The county contains little type A timberland, but the county assessor estimates that type B acreage presently sells for $250 to $300 per acre.

Liberty independent school district

Evaluation Method: The school district classified timberland quality according to Davis and Wilson's 1967 county-wide evaluations and adopted the following schedule:

Timber:	*Per acre*
A (good quality) (fair market value)	$130
B (fair quality)	110
C (poor quality)	90

Comment: This school district is now in the process of re-evaluating all property.

Hardin Independent School District

Evaluation Method: The last evaluation occurred in 1958, although the assessment ratio and tax rates have risen since. The district taxes Kirby Lumber Corporation timberlands according to 1958 market values, but taxes other forest land on valuations as low as $60 per acre fair market value.

Comment: Kirby Corporation's higher evaluations result from litigation. *Kirby Lumber Corp. v. Hardin Ind. School Dist.*, 351 S.W. 2d 310 (Tex. Civ. App.—Waco 1961, writ ref'd n.r.e.).

Nacogdoches County

County

Evaluation Method: All unimproved acreage is placed on the rolls at $15 per acre for land adjoining paved roads and at $12 per acre for all other land. The assessment ratio is 30 percent, indicating fair market valuations of $50 and $40 per acre respectively.

Comment: Injunctions have prohibited this nearly bankrupt county from reassessing. After the Nacogdoches Independent School District consolidated with another district, the school tax assessor discovered 1200 acres of land omitted from the county's tax rolls in the latter district.

Nacogdoches Independent School District

Evaluation Method: A professional timber appraiser makes evaluations.

Comment: This district contains few acres of timberland.

Newton County

County

Evaluation Method: All unimproved acreage is rendered at $14.50 per acre (assessment ratio is 10%), indicating a fair market valuation of $145 per acre. The county employs a 15 percent assessment ratio for all other property. This use of two assessment ratios for different types of property is contrary to state law. *Randalls v. State*, 15 S.W. 2d 715 (Tex. Civ. App.—El Paso 1929, no writ).

Comment: The county employed Davis and Wilson to compute their 1966 tax roll. This firm reported timberland in the county worth $60 to $70 per acre—approximately half the value past county rolls had employed. When the county refused to accept these figures, Davis and Wilson had to double their valuations before the county would adopt them.

Newton Independent School District

Evaluation Method: Acreage is placed on the rolls at $23 per acre (assessment ratio is 33⅓%), indicating a fair market valuation of $69 per acre, excluding mineral rights.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Most taxing agencies studied make no attempt to find the true market value of timberlands within their districts. Most compute assessed valuations by multiplying the number of acres the taxpayer owns by a flat rate. A tax assessor applies this flat rate to *all* land whether stocked with timber or bare, a practice which is clearly illegal in light of the considerable differences in the values of these two classes of land.

Further, the assessed valuation for timberland consistently falls far below a realistic figure (See Table A). Consequently, timberland is valued at a much lower percentage of market value, although the agency claims to assess all property at the same percentage. This illegal practice results in lost revenue (Table B and C) and discriminates against anyone whose property has been fairly appraised.

Many reasons account for these inaccurate and illegal practices.

(1) While all agencies acknowledge the need to reassess periodically, some neglect doing so simply because they happen to be meeting their present expenses. They, of course, will find themselves forced to re-evaluate when their need for money becomes more acute. Some agencies, already feeling the financial pinch, still avoid needed re-assessment by raising the assessment ratio. Although this procedure brings in the needed money without incurring the cost of re-assessment, it continues the same illegal practices. Timberlands are still placed on the rolls at a lower percentage of market value than are other properties.

(2) The difficulty of finding comparable market values for timberland is another reason for failure to re-assess. As one county assessor stated, timber companies ordinarily do not reveal to any tax collector the price they paid for a specific tract of land. Of course, some buyers and sellers *do* talk enough to allow an assessor to ascertain accurate market values, but eliciting such information can require a great deal of effort.

Since the deed of sale almost never includes the full purchase price, assessors must talk to buyers and sellers to verify sales in order to obtain market values for timberland. It is inconceivable that a state would rely for its income on property taxes and not require that a deed carry the full purchase price on its face. To force an assessor to ask a man how much value he, the owner, wants to place on his property for tax purposes can only be termed ludicrous.

Such malfeasance has stood unchallenged, perhaps because private homes comprise such a large proportion of taxable property, and are more easily assessed at market value. Most homeowners buy on credit; hence, the deed of trust provides an accessible estimate of the full price.

(3) Most assessors recognize the wisdom of hiring a professional to re-evaluate timberlands. Unfortunately, fear of paying a high price for such a service frequently discourages this course.

Recommendations

Agencies giving the expense of re-assessment as a reason for not re-evaluating timberlands fail to see that the revenues gained will more than compensate for the cost of hiring a professional. A state forest appraiser, experienced in professional land valuation, asserted that an appraisal of the timberland in an entire county would cost $20,000 at the absolute maximum. This price includes the cost of aerial photographs which some counties already possess. Counties and school districts would recover quickly even the maximum cost of $20,000, according to estimates of the revenue losses re-assessment would prevent. (See Tables B and C.) In addition, the assessment would be accurate for several years, providing more time to recover the costs.

Counties and the school districts within them could reduce the cost by sharing the expense of the project. But as this study indicates, these agencies do not cooperate, resulting in the same land being assessed twice. School district and county figures on the same parcel of land vary widely, and often both figures fail to approximate realistic values. It is easy to see why school districts resist joining county officials in any projects, for the county most often assigns lower market value to a given tract of timberland. County figures will probably remain the lower of the two in the future since the county tax assessor-collector, an elected official, fears that re-assessing will incur the taxpayers' wrath. The school district's tax assessor, on the other hand, is appointed and more insulated from the taxpayers. Still it is difficult to imagine why some county tax assessors fail to check their valuations against those of the school districts. After all, the rolls are public record.

To remedy this situation, the state legislature should pass legislation requiring all deeds to include the full purchase price. Then the legislature should make the office of county tax assessor-collector non-elective. The official filling this position would be required to appraise all county lands for both school and county tax rolls.

Short of these reforms, many agencies need to reassess timberlands instead of applying one rendition rate to most property and an illegal lower rate to timberlands. School districts and counties should cooperate in sharing the expense of a re-evaluation to save themselves, and ultimately the taxpayer, the cost of duplicated efforts.

APPENDIX

THE DOLLARS AND CENTS CONSEQUENCES OF UNDERVALUATION

The following tabular study demonstrates the effects of undervaluating timberland upon the finances of six counties and eight school districts last year. Employing faulty and illegal assessing practices year after year has cost East Texas untold millions in potential tax revenue.

Since exact figures are impossible to ascertain due to the constantly increasing value of forest land over the past two decades, we limit our estimates to the past year. The frequent inaccuracy of tax roll entries also makes these figures approximations.

Keep in mind that this study surveys only a sampling of counties and school districts; many other jurisdictions in the 37 counties comprising East Texas are also losing tax revenues of sizeable dimensions.

EXPLANATION OF TABLES

Table A: Survey of Actual Assessing Methods (1969)

This table lists the fixed flat rates taxing authorities use in placing assessment valuations on the rolls. It compares the fair market values the agencies' records reflect with actual market values and indicates the loss of taxable property that illegal assessing practices cause.

Column 1: *Name of taxing agency*—county or school district.

Column 2: *Assessed valuation*—the flat dollar value the agency applies to all timberland regardless of quality. Unless otherwise specified, all agencies derive the assessed valuation of forest land from a flat rate formula.

Column 3: *Assessment ratio*—the percentage of fair market value at which a taxing agency lists property on its rolls. For example, a county employing a 25 percent assessment ratio would carry a $10,000 tract on its tax rolls at $2,500.

Column 4: *Actual fair market values*—As assigned by the agencies: Dividing assessment valuation by assessment ratio yields fair market value. For example, a county valuing an acre at $10 and using a 25 percent assessment ratio is assigning that acre a fair market value of $40.

Column 5: *Assessed valuation agency should assign*—Assuming a $200 per acre fair market value, Column 5 shows the average assessed valuation the agency should employ in contrast to the figure in Column 2.

Column 6: *Actual assessment ratio for timberlands*—Assuming a conservative average value of $200 per acre for timberland, this column shows the *actual* percentage of fair market value at which the taxing agency lists this property on its rolls, in contrast to the *legal* assessment ratio in Column 3. Any substantial discrepancy between the figures in Columns 3 and 6 indicates that the agency is applying—illegally—different ratios and disproportionate tax rates to differing types of property.

TABLE A.—SURVEY OF ACTUAL ASSESSING METHODS 1969

Taxing agency (1)	Assigned by agency: Assessed valuation (2)	Assigned by agency: Ratio of assessment (percent) (3)	Assigned by agency: Fair market value (4)	Actual: Assessed valuation (5)	Actual: Ratio of assessment (percent) (6)
Angelina County	$10.00	25	$40	$50.00	5.0
Lufkin Independent School District.	(1)	30	(2)		
Diboll Independent School District	20.00	40	50	80.00	10.0
Hardin County	16.60	20	83	40.00	7.3
Silsby Independent School District	32.00	55	58	110.00	16.0
Lumberton Independent School District.[3]	160.00	100	160	200.00	80.0
Hardin Independent School District:[4]					
Champion Paper Co	50.00	50	100	100.00	25.0
Kirby Lumber Co	70.00	50	140	100.00	25.0
Jasper County	12.50	10	125	20.00	6.25
Jasper Independent School District	23.00	25	150	50.00	11.5
Liberty County:					
A [5]	$37.50	25	$150	$50.00	18.75
B	32.50	25	130	50.00	16.25
C	27.50	25	110	50.00	13.75
Liberty Independent School District:					
A	78.00	60	130	120.00	39.0
B	66.00	60	110	120.00	33.0
C	54.00	60	90	120.00	27.0
Nacogdoches County [6]	15.00	30	50	60.00	7.5
	12.00	30	40	60.00	6.0
Nacogdoches Independent Schoo District	19.00	75	25	150.00	9.5
Newton County	14.50	[7] 15 10	145	30.00	7.25
Newton Independent School District	23.00	33.33		66.60	11.5

[1] No flat rate used.

[2] Approximate.

[3] Lumberton Independent School District values much timberland according to higher residential use value. Figures here reflect values for lands remote from roads valued as timberland only.

[4] Hardin Independent School District rolls list these 2 major timber companies at different rates.

[5] Both Liberty County and Liberty Independent School District value timberlands according to good, fair, and poor quality.

[6] Nacogdoches County places rural acreage on paved roads on the rolls at $15 per acre and other rural land at $10 per acre.

[7] Newton County (illegally) applies a 10 percent assessment ratio to timberlands and a 15 percent ratio to all other property.

Table B: Estimated Revenue Lost through Faulty Valuation of Timberland (1969)

Column 1: *Taxing agency.*

Column 2: *Taxable acres of commercial forest land in agency's jurisdiction*—Figures for counties are those the Texas Forest Service reports in *Texas Almanac 1970–1971* (p. 138). The Silsbee Independent School District computes its own forest acreage.

Column 3: *County general tax rate per $100 assessed valuation*—This is the general county rate, not including other special taxes, such as hospital and road taxes.

Column 4: *Taxes agency could collect using accurate valuations*—Estimating full market value at $200 per acre, number of acres x 200 x assessment ratio x tax rate. $200 represents a conservative value estimate. Though some acreage would sell for less, much would sell for a great deal more. These sums include the general county tax alone. Special taxes for hospitals, roads, etc. are omitted; however, they are based on the same low assessment rates.

Column 5: *Estimated total taxes collected on timberland*—number of acres x assessed valuation x tax rate. Where agencies used ascending scales of value for different classifications of land, this column employs the *highest* assessed values, making the estimated loss revenue (Column 6) extremely conservative.

Column 6: *Tax money agency lost in 1969*—Column 4 minus Column 5. Note again that these figures reflect very conservative estimates.

TABLE B.—ESTIMATED REVENUE LOST THROUGH FAULTY VALUATION OF TIMBERLAND 1969

[Amount in dollars]

Taxing agency (1)	Taxable acres of commercial forest land (2)	Agency's tax rate per $100 assessed value (3)	Taxes agency could collect on timberland (4)	Taxes agency did collect on timberland (5)	Tax money agency lost in 1969 (6)
Angelina County	359,900	1.00	180,000	36,000	144,000
Hardin County	501,600	1.20	240,000	99,900	140,900
Jasper County	541,800	.80	86,700	54,200	32,500
Liberty County [1]	453,600	1.20	272,200	176,900	95,300
Nacogdoches County [2]	400,400	.95	228,200	57,000	171,200
Newton County	557,600	[3] 1.00	167,300	80,900	86,400
Silsbee independent school district	80,000	1.85	162,800	47,360	115,440
Total					785,740

[1] Liberty County figures reflect the assessed valuation the county applies to the "fair timber" classification: $32.50 per acre.

[2] Nacogdoches County places rural acreage on the rolls at $15 per acre on paved roads and all ther rural land at $10 per acre. This table uses the $15 value, making the figure in column 5 high nd that in column 6 conservative.

[3] Newton County illegally applies the 10 percent ratio to timberlands and the 15 percent ratio to all other property. Column 4 uses the 15 percent ratio while column 5 employs the 10 percent ratio.

Table C: Taxes Major Timber Owners Were Not Charged in 1969 Table C attempts to show more specific examples of tax loss than does Table B. It demonstrates how faulty assessing benefitted certain large timber owners at the expense of specific taxing agencies.

Column 1: *Name of company.*

Column 2: *Acres*—The total number of acres assessed at rural valuations that the agency's tax rolls list under the company's name.

Column 3: *Total taxes agency should have charged Company*—Assuming average market value of $200 per acre, assessed valuation x number of acres x tax rate per $100 valuation.

Column 4: *Total taxes charged*—Number of acres x assessed valuation x tax rate per $100 valuation.

Column 5: *Taxes agency lost*—Column 3 minus Column 4. Note that these figures indicate tax revenue lost in 1969 alone.

TABLE C.—TAXES MAJOR TIMBER OWNERS WERE NOT CHARGED 1969

Area and company (1)	Acres (2)	Taxes company should have been charged [1] (3)	Taxes company was charged (4)	Taxes agency lost (5)
Angelina County:				
Champion-U.S. Plywood	56.91	$28.50	$5.70	$22.80
Owens-Illinois	78,828.05	39,414.00	7,882.80	31,531.20
Southland Paper Mills	14,715.40	7,358.00	1,471.60	5,886.40
Temple Industries	66,268.93	33,134.50	6,626.90	26,507.60
Total				63,948.00
Diboll Independent School District:				
Owens-Illinois	160.00	263.80	59.20	240.60
Southland Paper Mills	54.40	80.52	19.98	60.54
Temple Industries	32,851.00	48,619.48	12,154.87	36,464.61
Total				36,729.75
Hardin County:				
Boise-Cascade	14,565.42	6,991.40	2,861.11	4,130.29
Champion-U.S. Plywood	27,450.98	13,176.47	5,729.81	7,446.66
International Paper	3,211.68	1,541.61	616.80	924.81
Kirby Corp	127,094.00	61,005.12	26,687.00	34,318.12
Southern Neches	7,267.10	3,488.21	1,545.98	1,942.23
Southland Paper Mills	27,021.20	12,970.18	5,458.32	7,511.86
Southwestern Timber (Eastex)	137,219.81	65,865.51	26,352.28	39,513.23
Temple Industries	8,805.11	4,226.45	1,520.47	2,705.98
Total				98,493.18
Silsbee Independent School District:				
Kirby Corp	14,079.00	28,650.77	8,517.03	20,133.74
Southwestern Timber (Eastex)	85,887.98	119,837.02	35,216.41	84,620.61
Temple Industries	4,058.37	8,258.79	2,402.60	4,200.42
Total				108,954.77
Jasper County:				
Bleakwood Timber Co	24,561.69	3,929.87	2,259.40	1,670.47
Champion-U.S Plywood	20,057.92	3,209.27	1,879.36	1,329.91
Jasper Timber Co	60,717.48	9,714.80	5,586.68	4,128.12
Kirby Corp	48,515.00	7,762.40	4,851.50	2,910.90
Reynolds-Wilson Lumber	5,838.35	934.14	534.52	399.62
Southland Paper	125.00	20.00	11.52	8.48
Southwestern Timber (Eastex)	91,352.43	14,616.39	8,516.96	6,099.43
Temple Industries	26,740.18	4,278.43	2,666.01	1,612.42
Total				18,159.31
Liberty County:				
Champion-U.S. Plywood	51,395.10	30,837.06	12,154.92	18,682.14
Kirby Corp	48,795.00	$29,277.00	$16,073.76	$13,203.24
Owens-Illinois	1,835.25	1,101.15	481.20	619.95
Southland Paper	5,657.75	3,394.65	2,026.32	1,368.33
Southwestern Timber (Eastex)	11,518.19	6,901.91	2,952.84	3,958.07
Temple Industries	2,217.20	1,330.32	744.96	585.36
Total				38,417.09
Hardin independent school district:				
Champion-U.S. Plywood	4,879.42	8,343.81	2,983.29	5,360.52
Kirby Corp	17,134.00	29,199.14	20,521.36	8,777.78
Total				14,138.30
Newton County:				
Bleakwood Timber	31,269.20	9,380.76	4,534.03	4,846.73
Champion-U.S. Plywood	13,661.09	4,098.33	1,980.86	2,117.47
International Paper	18,258.17	5,477.45	2,647.43	2,830.02
Jasper Timber	66.39	19.92	9.63	10.29
Kirby Corp	124,930.00	37,479.00	18,114.85	19,364.15
Lutcher-Moore	52,472.96	15,741.89	7,609 08	8,132.81
Newton Timber	56,585.69	16,975.71	8,204.93	8,770.78
Owens-Illinois	2,441.53	732.46	354.02	387.44
Southwestern Timber (Eastex)	31,191.63	9,357.49	4,522.79	4,834.70
Temple Industries	51,296.38	15,388.91	7,437.98	7,950.93
Total				59,245.32
Newton independent school district:				
Bleakwood Timber	28,409.00	37,783.97	13,068.14	24,715.83
Champion-U.S. Plywood	8,344.00	11,097.52	3,838.24	7,259.28
Kirby Corp. [2]	48,820.00	64,930.60	23,433.24	41,497.00
Newton Timber	39,301.00	52,270.33	18,078.46	34,191.87
Southwestern Timber	22,685.00	30,171.05	10,435.10	19,735.95
Temple Industries	7,000.00	9,310.00	3,360.00	5,950.00
Total				133,349.93
Nacogdoches County:				
Owens-Illinois	30,859.88	17,590.13	6,492.25	11,097.88
International Paper	45,554.15	25,965.87	5,506.78	20,459.09
Kirby Corp	9.00	5.13	.86	4.27
Southland Paper	2,945.40	1,678.88	359.77	1,319.11
Temple Industries	7,835.01	4,465.96	965.84	3,500.12
Total				36,380.47
Grand total [3]				607,816.16

[1] Tax roll entries often do not conform to the rates taxing agencies claim to employ. These figures reflect these discrepancies.

[2] Some acres are rendered at $23 per acre and some at $24. This table employs the $24 per acre rate, making the figures in col. 5 a conservative estimate of loss.

[3] Taxes lost in 6 counties and 4 school districts.

Commercial and Industrial Property: Houston and Harris County, Tex.

(Kim Quaile Hill)

As is true in most states, the major source of revenue for local governments in Texas is the ad valorem tax. The taxing districts under study here are typical in this regard: Harris County receives 79 percent of all fund revenues from the ad valorem tax and Houston receives over 50 percent of all general fund revenues from this source. The significant undervaluation of some classes of property for purposes of ad valorem taxation, whether by design or assessment difficulties, not only distributes the tax burden unequally, but also deprives the citizens of many public services that could otherwise be provided with the additional revenue.

A major concern in regard to unequal tax treatment is the valuation of commercial and industrial property as compared with residential property. For various reasons the valuation of residential property is relatively simple: the number of transactions (sales) is high, sales prices are readily available, and depreciation techniques are simple. In many commercial property dealings, however, information is relatively restricted. Transactions tend to be fewer in number and sales price information is more difficult to acquire. Most large financial interests prefer that such information remain confidential. It is fairly common practice to avoid recitation of the entire consideration in deed records; furthermore, since the repeal of the federal documentary stamp tax (effective January 1, 1968), the only readily available source of market value documentation has been lost.

Another problem area in the assessment of commercial property is the difficulty in valuing commercial structures such as multistory office buildings, refineries, pipelines, and factories as compared with valuing typical residential structures. Yet there are accepted techniques for handling such problems and professional tax appraisers should be able to appraise these structures just as readily as the smaller ones. This need for professional tax appraisers points up one of the major problems of property taxation in Texas: with 254 counties, over 800 incorporated municipalities, and over 1,000 school districts, the demand for qualified appraisers is great. Many of the individuals who fill this capacity for various jurisdictions throughout the state are hopelessly ill-suited for the task.

Recognizing that no prior published report has compared the assessment of various classes of property in the Houston area, this study compares the assessment level of commercial and industrial property with that of residential property in the City of Houston and Harris County. The Tax Research Association (TRA) of Houston, a privately funded research group, has for 14 years made an annual study of the assessment levels of Houston, Harris County, and all other taxing bodies within the county. The results of the TRA's studies have shown assessment levels that are reasonably uniform and slightly below stated assessment levels for the major taxing units in the county. The City of Houston has deemed the TRA study sufficiently creditable to publish its results in the Annual Financial Report of the City Comptroller as indicative of the general assessment level for the city. The crucial flaw in the TRA study, however, is that 90 percent of the transactions on which it bases its studies are residential property sales. Consequently, the TRA study is not indicative of the general assessment level for all types of property. Yet it may be taken as an accurate reflection of residential property levels and it will be used as a point of comparison for the commercial property ratios developed in this study. Any wide disparity between the results of the TRA and those of this study should indicate failure to achieve tax equalization between the classes of property so represented.

In order to attain meaningful assessment ratios for commercial property this study had to face all the difficulties discussed above in determining market values in that area. With only one researcher utilizing limited time and funds it was necessary to select only certain types of commercial property. The choice of types was dictated partially by the availability of market value data and partially by the desire to represent several different types of property. As a result, three different samples were chosen generally representing two major types of commercial property.

The first sample was drawn from major exchanges of commercial property as reported daily in the *Houston Post*. These reports of noteworthy sales of office buildings, apartments, shopping centers, and major tracts of land usually give rounded dollar amounts for the exchange price as reported by the parties to the transaction or by "realty circles." After consultation with members of the real estate and legal profession and with an expert in the area of property taxation, it was determined that such reported prices were generally accurate within 10 percent. Thus a sample was drawn from all such reported sales as published in 1969 in the *Houston Post*. (Traditionally, assessment ratio studies utilize market value data from the last six months of the prior year compared with current tax valuations. Because this sample was drawn from the entire calendar year of 1969, some of the market values represented are older and lower than would ordinarily be used. The result of this difference is a conservative bias in the data that favors the position of the taxing authorities. In other words, this bias is directed toward higher percentage valuations than actually exist on the tax rolls.) Since most of these sales are customarily reported on Sunday, every such sale that was reported on a Sunday in 1969, that was located in Harris County, and that had a total consideration recited was used in the sample. In those instances where the reported information was incomplete or insufficient for positive identification of the property on the tax rolls, the items were omitted from the sample to resolve all doubts in favor of the taxing authorities.

The sample contains 40 items on the Harris County tax rolls and 28 items on the Houston city tax rolls. The assessment ratio was computed for each transaction, and total sales prices and total assessments were used to compute the overall assessment ratio. Harris County has a stated ratio of 22 percent of market value for tax assessments. The TRA study of residential property shows the county taxing at 17.96 percent of market value. The initial sample in the present study (Appendix A) shows an assessment ratio for commercial property of only 7.18 percent.

The City of Houston has a stated ratio of 40 percent of market value. Whereas the TRA study shows a ratio of 31.94 percent, the present study shows commercial property assessed at 16.81 percent of market value. Obviously these differences in assessment rates are quite marked for both taxing districts. *Commercial property in this sample is being assessed at a rate that is approximately half that used for residential property.*

The second sample contains property from industrial parks and districts in the Houston area. Such areas are planned locations for manufacturing, research, distribution, or other commercial operations. In effect, they are commercial property "subdivisions" with land sites, utilities, and railroad service suitable for industrial "homes." As the sample of major transactions reported in 1969 was dominated by sales of unimproved land, this sample is dominated by improved and developed land sites, representing a higher level on the spectrum of types of commercial property. The market values of land in these areas were derived from a report by the Houston Lighting & Power Company and the Houston Chamber of Commerce published in the April, 1969, issue of *Houston* magazine. Costs were given for land in each of 16 industrial parks with most parks reporting both the minimum and maximum cost per acre of land in their development. It is reasonable to assume that since April of 1969 (the date of the report) land costs in these areas have continued to rise; therefore, the use of the April, 1969, figures for comparing the valuation of all land in these parks is a reasonably conservative technique.

This sample (Appendix B) is composed of 45 items in both taxing districts. The values used are only for the land, although most of the items are improved. All of the land was valued at the minimum land cost figure as reported by the industrial parks. The result of this technique is to introduce a conservative bias into the data in favor of high percentage valuations. For Harris County the sample resulted in an assessment ratio of 10.74 percent (as compared with a stated rate of 22% and a TRA residential property rate of 17.96%). For the City of Houston the sample yielded a ratio of 13.94 percent (with the stated rate at 40% and the TRA rate at 31.94%). Once again the rates for industrial property are quite low; however, two factors make these results even more spectacular. Most of these values on the county tax roles represent increased valuations for 1970. Since these revaluations come only periodically, the degree of undervaluation is thus heightened, and the accuracy of this revaluation must be disputed. The second factor affecting this sample is the bias resulting from the sole use of minimum land cost figures. A similar valuation using only the maximum land cost figures resulted in even lower assessment ratios (for Harris County 7.37% and for Houston 9.57%). The true ratios should lie somewhere between the two extremes: for Harris County between 9.57 and 13.94 percent.

The third sample used in the study contains valuations of commercial property currently offered for sale. Most studies of assessment levels (and the first two samples in this report) utilize prior year cost information compared with current year assessed valuations. This final sample utilizes current asking prices for property offered for sale and current assessed valuations of that property. It does not represent actual undervaluation in the traditional sense, because next year's assessment could theoretically be increased to follow the actual sales prices. Such a comparison of asking prices with assessed values is, however, an indication of the ability of the taxing authorities to keep pace with rising property values. Some disparity between the two can be expected in the interim between transaction and reassessment, but a wide deviation indicates a notable lag in the ability of the taxing authorities to keep pace with current values.

Naturally it is not the intention of this study to equate the asking price of property with its market value; however, in a sample of sufficiently large size, there will only be a small discrepancy between the two. If the underassessment indicated by such a sample were small, it might be attributed to this discrepancy. If the indicated underassessment is quite large, it cannot be explained by this discrepancy but will clearly indicate the need for increased valuations in that area.

This sample (Appendix C) contains 22 items that were offered for sale during July or August, 1970. Using the asking prices as one would use actual market values in an assessment ratio study, the data yielded a 6.84 percent ratio for Harris County and a 13.01 percent ratio for Houston. This significant disparity is further evidence of the general undervaluation of commercial and industrial property as compared with residential property in the two taxing districts studied. Assuming that the significant undervaluation documented in Appendix A and Appendix B is a fair indication of the assessment levels throughout Harris County, it is fair to estimate undervaluation of commercial property at nearly 70% in the county and nearly 60% in the city. For industrial property the undervaluation is approximately 50% in the county and approximately 65% in the city.

The impact of this grave inequality in the sharing of the property tax burden goes far beyond the inordinate unfairness to the small taxpayer: it deprives the city and county governments of funds for pressing vital programs, such as air and water pollution control. It is regrettable that industrial dischargers have passed on the costs of policing their wastes to the general public. Doubly inequitable is a valuation system that allows these same industrial polluters to avoid paying their fair share of the public expenditures needed to clean up the dispoiled environment. The results of this abdication of public responsibility by the industrialists are clear. Houston public officials who have been hotly criticized by the state Water Quality Board chairman for failure to deal with the city's water pollution crisis claim that the tax dollars to finance the badly needed cleanup are simply not available. It is inconceivable that the citizens of Houston will tolerate the recurring annual loss of hundreds of thousands of dollars in tax revenue when that city has yet to initiate even a rudimentary water pollution inspection-enforcement program, and when other desperately needed social services continue unremedied.

RECOMMENDATIONS

To rectify the immediate problems of property tax abuse in Texas we make the following specific recommendations:

1. That Chairman Ben Atwell of the State Commission on State and Local Tax Policy discharge the legal responsibilities of his office and order an immediate investigation into the shocking illegalities disclosed in this report.
2. That a state board be established to hear taxpayer grievances, to recommend relief in the form of tax refunds when necessary, and to provide public lawyers to assist the complaining taxpayer.
3. That the practice of delegating the appraisal function to private firms be eliminated, and that the state provide the appraisal service to local taxing districts when requested.
4. That full disclosure of the precise formula used in property evaluations be made by all individuals and organizations performing the appraisal function.
5. That a state board be created to pass upon the qualifications of the local tax assessors, and be given the power to remove such assessors for cause.

CONCLUSION

In nearly every state the property tax provides the overwhelming proportion of the revenue for our cities, counties, and school districts. But the serious inequality in valuations and assessments continues to deprive local governments of funds. The state of Texas, which is first among the states in oil and gas reserves, first in cattle, first in cotton, and first in livestock, is rated near the bottom of the list in its attention to the basic social services. This does not need to remain so. Property tax reform can bring millions in lost revenue.

A report released almost nine months ago alerted state officials to the substantial undervaluation of oil and gas property in the Permian Basis. This report has been ignored by Texas political leadership. In that report, the loss to the school district in one county alone as a result of undervaluation was shown to be nearly one million dollars a year for at least the last seven years. But despite the concern of that county's citizens, and the statement by the local County Judge that a "serious question had been raised" by the introduction of this evidence of undervaluation (Odessa American, June 30, 1970), the state government has remained indifferent and unresponsive. Just one day after the report's release, Speaker of the House Gus Mutscher hastily dismissed the report as "an unwarranted attack on one of Texas's leading industries." (Austin American, Jan. 31, 1970) And, when pressed by reporters, Representative Ben Atwell, Chairman of the Commission on State and Local Tax Policy, promised to make an investigation, but has yet to respond publicly to our letter of January 31, 1970. Chairman Atwell has kept curiously silent about a problem that squarely challenges the respectability of his Commission.

The findings of this latest report now clearly indicate that the inequality of valuation and assessment of property for tax purposes is not an abuse unique to the mineral interests, but is one that is characteristic of timber and commercial-industrial property as well. A projection of this pattern of undervaluation of timber land, for example, applied to the entire 37-county East Texas area, means the annual loss of approximately $38.4 million a year.

The implication here is great and national in scope: at a time when our cities are facing their greatest crises in history, the local governments can now respond immediately with "money in the pocket" that they never knew they had. Undervaluation of timber interests and undertaxation of corporate industries from oil companies to banks to insurance companies is not just a Texas phenomenon. It is a nationwide injustice that must be resolved as the first, fundamental step toward the solution to the critical problems of our local communities.

APPENDIX A—1969 REPORTED TRANSACTIONS

Description	Purchaser	Date	Price	County assessment		City assessment	
				Total assessment	Assessment ratio (percent)	Total assessment	Assessment ratio (percent)
1. 4 ac. fronting Chimney Rock and Ashbrook	William J. Morgan	Jan. 5	$175,000	$14,080	8.04	$65,930	37.67
2. Valley Forge Apts. (6525 Hillcroft) and circa 10 ac	Kayvor Co	Jan. 12	4,000,000	207,770	5.19	415,620	10.39
3. 6 ac. at Winrock and San Felipe	Lawrence Kagan, et al	Jan. 19	650,000			124,700	19.18
4. 10.83 ac. at SW corner US 75 and FM 1960	Hyman Finger and Mrs. J. Oshman.	Jan. 26	270,750	7,760	2.86		
5. Tract at Milam and Drew plus bldg	LeCorp	Feb. 2	350,000	7,950	2.27	22,230	6.35
6. 129,000 sq. ft. at Airline and Lyerly	Nelson Mobile Homes	do	160,000	7,940	4.96	56,970	35.60
7. Northshore Motor Hotel at Rockglen and Northshore Dr	Interstate Motor Lodges	Feb. 9	400,000	36.980	9.24	75,180	18.79
8. Apt. complex at Clarewood and Alder	Danny Dror	do	250,000	32,490	12.99	58,460	23.38
9. 84 ac. at Bissonnet and Cook	Bissonnet Ltd	Feb. 16	630,000	51,070	8.10		
10. 75 ac. fronting Huffmeister Road	Hyman Finger	Feb. 23	150,000	10,860	7.24		
11. 148 ac. north of Little York and N. Rosslyn Rds	Dan Kennerly, trustee	do	500,000	27,250	5.45		
12. 16 ac., 6000 blk Gulf Frwy	RER Investments	do	675,000	41,090	6.08	198,080	29.34
13. 45 ac. on Bourgeois Rd., south of Champions Golf Course	Jacob Glaich et al	Mar. 29	200,000	13,920	6.96		
14. 9 ac. at Renwick and Elm	John Jamail	Mar. 23	400,000	13,800	3.00	72,310	18.07
15. Robinwood Motel, 7611 Katy Frwy	LaVergne, McCullough & Ass., et al	do	450,000	69,170	15.37	134,910	29.98
16. Apt. complex at 800 Heights Blvd	Barry Bradley trustee	Apr. 6	420,000	23,670	5.63	41,930	9.98
17. Apt. complex at 811 Colquitt	Thomas Osmun trustee	Apr. 20	60,000	10,490	17.48	18,360	30.60
18. 198.5 ac. on Louetta Rd., north of FM 1960	Winston McIntosh, et al	do	600,000	58,500	9.75		
19. 40 ac. between Strack and Middlestadt Rds	Vann C. Wilson, Jr	May 11	165,000	10,560	6.40		
20. Shopping center at Holmes and Golfcrest	Harry Reed, et al	do	27,000	3,740	13.85	10,780	39.92
21 265 ac. at Cypress-Rosehill and Juergen Rds	Land Equities, Inc	May 25	350,000	23,320	6.66		
22. 25,000 sq. ft. warehouse at 1112 Paige	RCA Transportation Co	do	100,000	22,850	22.85	$41,360	41.36
23. 8.5 ac. at Greens and Milner Rds	John R. Blocker, et al	June 15	212,500	4,960	2.33	5,300	2.49
24. 1.68 ac. in Sharpstown Center between Gaylynn Center and Goodyear Tire Co.	Richard Minns	do	250,000	24,220	9.68	20,220	8.08
25. 3410 Marquart Bldg	Glenn A. Merrill	July 13	150,000	19,800	13.20	35,600	23.73
26. 245 ac. fronting Westheimer and Buffalo Bayou	Friendswood Dev. Co	July 20	7,000,000	463,850	6.62	1,287,380	18.39
27. 30,000 sq. ft. at 18th and Mangum	J. S. Waldman, trustee	Aug. 10	120,000	7,860	7.27	12,470	6.92
29.[1] 4.5 ac., 8200 blk. of Park Place	Leon Constr. Co	Aug. 31	250,000	39,170	15.66	51,300	20.52
30. Apt. complex at 2516 Commonwealth	Milton Bludworth	do	260,000	46,429	17.85	63,110	24.27
31. Apt. complex at 1407 Missouri	Jack Howe	do	160,000	25,320	15.82	46,530	29.08
32. King Edward VI Apt., 7745 Long Point Rd	Enchanted Homes, Inc	do	400,000	65.210	16.30	119.120	29,78
33. 15.9 ac. at Brompton and Bellfontaine	Brompton Associates	Sep. 21	1,300,000	193,440	14.88	90,930	6.99
34 Jamestown Apts., 3600 Link Valley	Mel LaVergne	Sep. 28	1,600,000	57,110	3.56	104,390	6.52
35. 100,000 sq. ft. on south side of Westheimer, east of Chimney Rock	Diversified Bldg. Equities Inc	Oct. 5	500,000	37,730	7.54	58,970	11.79
36. 190 ac. on Freeman Rd. near Grand Parkway site	Robert E. Glaze	do	330,000	12,770	3.86		
37. 4141 Southwest Frwy Bldg	National Realty Investors	Oct. 19	1,000,000	100,010	10.00	351,390	35.13
38. 6 ac., North Belt Drive	Gene Russell, et al	Nov. 2	180,000	2,640	1.46		
39. 6 ac., North Belt Drive	Property Research Co	do	180,000	2,640	1.46		
40. 18 ac., East Houston-Dyersdale Rd., north of Tidwell	Sam Meineke et al	Nov. 9	120,000	4,630	3.85		
41. Shopping center at W. Holcomb and Kelvin	Texas Calculating Services Inc	Nov. 23	125,000	19,550	15.64	21,520	17.21
42. 66 ac. at Little York Rd., Northwest Frwy, and Hempstead Rd	James Gustafson, et al	Dec. 7	1,100,000	15,650	1.42		
Harris County Totals (40 items)			25,570,250	1,838,249	7.18		
City of Houston Totals (28 items)			21,444,500			3,605,050	16.81

---

[1] Item No. 28 omitted.

APPENDIX B—INDUSTRIAL PARKS LAND

Description	Owner	Total land value	County assessment: Land	County assessment: Assessment ratio (percent)	City assessment: Land	City assessment: Assessment ratio (percent)
1. Tr 1a, blk 1, 0.295 ac., Ardmore Indus. Dist	Milton Cooke	$19,275	$450	2.33	2,180	11.30
2. Tr 1b, blk 2, 2.11 ac., Ardmore Indus. Dist	Mail Well Envelope Co	137,867	3,260	2.36	11,010	7.97
3. Tr 2, blk 2, 2.61 ac., Ardmore Indus. Dist	Tom Tirado	170,537	4,020	2.36	13,570	7.95
4. Lt 1, blk 3, 2.81 ac., Ardmore Indus. Dist	M. Lee	183,605	4,330	2.35	10,820	5.89
5. Lt 2, blk 3, 3.15 ac., Ardmore Indus. Dist	do	205,821	22,000	10.69	12,120	5.89
6. Tr 1, blk 1, Sect, 1, 1.895 ac., Central Indus. Park	Santa Fe Land Imp. Co	28,891	2,920	10.11	5,840	20.21
7. Tr 1a, 5.38 ac., blk 1, Sect. 1, Central Indus. Pk	Gerald Hines	82,023	8,290	10.09	16,580	20.19
8. Tr 1, blk 2, 22.02 ac., Sect. 1, Central Indus. Pk	Santa Fe Land Imp. Co	335,717	33,910	10.09	67,850	20.20
9. Tr 1, blk 4, 26.83 ac., Sect. 2, Central Indus. Pk	do	409,050	41,330	10.10	20,650	5.04
10. Tr 2, blk 2, 13.71 ac., Sect. 2, Central Indus. Pk	do	209,023	21,120	10.09	10,550	5.04
11. Tr 1, blk 5, 18.707 ac., Sect. 2 Central Indus. Pk	do	285,207	28,810	10.10	14,400	5.04
12. Tr 2, blk 5, 10.129 ac., Sect. 2, Central Indus. Pk	do	154,427	15,600	10.10	7,800	5.05
13. Tr 1, blk 7, 14.84 ac., Sect. 2 Central Indus. Pk	Ceco Corp	226,251	22,860	10.10	45,700	20.21
14. Tr 1, blk 8, 8.7 ac., Sect. 2, Central Indus. Pk	Santa Fe Land Imp. Co	132,640	13,420	10.10	26,850	20.21
15. Lt 1, blk 9, 18.29 ac., Sect 2, Central Indus. Pk	do	278,849	28,170	10.10	14,630	5.24
16. Lt 2, blk 9, 15.48 ac., Sect. 2, Central Indus. Pk	do	236,008	23,840	10.10	12,380	5.24
17. Lt 1, blk 10, 18.33 ac., Sect. 2, Central Indus. Pk	do	279,459	28,230	10.10	14,660	5.24
18. Tr 2a, blk 2, 1.73 ac., Sect 1, Sharpstown Indus. Pk	Baldwin Properties, Inc	94,199	12,430	13.19	17,300	18.36
19. Pt blk 2, 7.78 ac., Sect. 1, Sharpstown Indus. Pk	Robert T. Herrin	423,621	$55,910	13.19	77,700	18.34
20. Tr 1b, blk 1, 1.62 ac., Sect. 1, Sharpstown Indus. Pk	Richard J. Simmonds	88,209	18,610	21.12	16,180	18.36
21. Tr 1c, blk 1, Sect. 1, 1.54 ac., Sharpstown Indus. Pk	Baptist Foundation of Texas	83,853	17,740	21.12	15,430	18.36
22. Lt 1, blk 1, 4.64 ac., White Oak Park	Hines Baker, Jr	171,680	15,280	8.90	29,110	16.96
23. Lt 2, blk 2, 7.29 ac., White Oak Park	do	269,730	24,060	8.91	34,040	12.61
24. Lt 3, blk 1, 8.90 ac., White Oak Park	do	329,300	29,350	8.91	51,010	15.49
25. Lt 2, blk 1, 7.29 ac., White Oak Park	Overmeyer Warehouse Co	269,730	[1]	0.00	34,090	12.61
26. Tr a, blk 1, 9.32 ac., Gulf Port Indus. Pk	Std. Southern Corp	304,391	30,760	10.10	29,820	9.79
27. Tr c, blk 1, 2.29 ac., Gulf Port Indus. Pk	Vantage Property Co	74,791	17,668	23.60	7,340	9.80
28. Tr d, blk 1, 3.85 ac., Gulf Port Indus. Park	Vantage Property Co	125,741	13,837	11.01	12,300	9.79
29. Tr e, blk 1, 1.36 ac., Gulf Port Indus. Pk	Std. Southern Corp	44,418	4,490	10.09	4,360	9.80
30. Tr b, blk 2, 10.50 ac., Gulf Port Indus. Pk	do	342,930	34,630	10.10	33,580	9.79
31. Trs 2m, 2n, 4.86 ac., D. White Sur., A-877, Houston Indus. Dist	Houston Light & Power Co	58,320	6,410	10.98	3,580	6.13
32. Tr 3b, 3.0 ac. (city has 3.5 ac.), Houston Indus. Dist	Western Co. of North America	36,000 [2] 42,000	3,960	9.42	2,700	6.42
33. Tr 3, 4.75 ac., Houston Indus. Dist	American Steel Bldg. Co	57,000	6,270	11.00	4,390	7.70
34. Tr 13, 5.0 ac., Houston Indus. Dist	Dowell Div. of Dow Chem. Co	60,000	6,600	11.00	4,620	7.70
35. Tr 31, 9.28 ac., Houston Indus. Dist	Houston Indus. Dist., Inc	111,360	6,130	5.50	7,150	6.41
36. Trs. 1i, 1j, 1k, blk 1, 8.56 ac., Wynnwood Park	Loop Parkway Dev., Inc	409,339	56,470	13.80	85,570	20.91
37. Tr 1a, blk 1, 2.07 ac., Wynnwood Park	Wynnwood Property Co	98,987	13,640	13.80	20,660	20.91
38. Tr 1f, blk 1, 4.8 ac., Wynnwood Park	Southern Warehouse Corp	229,536	31,860	13.80	48,270	20.91
39. Tr 1h, blk 1, 1.19 ac., Wynwood Park	Wynnwood Property Co	56,906	7,880	13.80	11,940	20.91
40. Tr 1e, 4.32 ac., blk 1, Wynnwood Park	Southern Warehouse Corp	206,582	28,490	13.79	43,170	20.90
41. Tr 1d, 7.0 ac., blk 1, Brookhollow Sect. 1	Deluxe Check Printers	350,000	53,900	15.40	70,000	20.00
42. Tr 1h, 2.0 ac., blk 1, Brookhollow 1	Prince Medical Dental	100,000	13,200	13.20	20,000	20.00
43. Tr 1k, 25.82 ac., blk 1, Brookhollow 1	Humble Oil Ref. Co	1,291,000	140,990	10.91	258,250	20.00
44. Tr 1e, 1.25 ac., blk 1, Brookhollow 1	Jones-Chambers Property, Ltd	62,500	9,650	15.39	12,530	19.99
45. Tr 2a, 3.62 ac., blk 2, Brookhollow 2	Koscot Distr. Center	181,000	30,620	16.90	36,230	20.00
Harris County totals (45 items)		9,305,773	999,885	10.74		
City of Houston totals (45 items, difference in item 32)		9,311,773			1,298,910	13.94

[1] Not on tax roll.

[2] City.

APPENDIX C.—CURRENT OFFERINGS

Description	Owner	Asking price	County assessment: Total assessment	County assessment: Assessment ratio (percent)	City assessment: Total assessment	City assessment: Assessment ratio (percent)
1. Lts. 7, 8, blk. 5, West Heights	Wayne Smith	$50,000	$6,140	12.28	$8.700	17.40
2. 1.418 ac. in Eicke S/D. BBBC Ry Survey, A-173	George Echols	162,013	4,110	2.53	16,290	10.05
3. 0.77 ac. in Halff S/D	H. Peebles & M. Hanovice	78,300	970	1.23	2,080	2.65
4. Lts. 10 and 11 Validale Gardens	H.R. Howell	34,830	740	2.12	2,040	5.85
5. 14.02 ac., D. White Sur., A-878	Peter Tomac & Kaphan's Restaurant	776,800	50,680	6.52	87,720	11.29
6. 100,347 sq. ft. in tr 157, South Houston Gardens 6	Hally R. Moseley, et al	127,347	6,850	5.37	8,240	6.47
7. Lts. 1 to 3, pts. of 4, 11, 12, Southmore 1, Outlot 110	J. Mullane & S. Vester	80,000	2,870	3.58	20,560	25.70
8. Lts. 5, 6, 7, 9, 10, Burnett Annex of Settegast Upham	Klein Associates	175,000	5,380	3.07	39,880	22.78
9. 4.3115 ac. at Dincans and Bissonnet, A.C. Reynolds Sur., A-61	D.J. Dinkins	400,000	39,660	9.91	91,640	22.91
10. 4.94 ac. on Laura Koppe Rd., A. Daly Sur., A-239	R.J. Boggus & A.E. Pavey	86,115	5,140	5.96	10,160	11.79
11. 23,895 sq. ft. in Sharman Tract, J. Austin Sur., A-1	Julius Settegast	43,011	1,210	2.81	900	2.09
12. Pt. of lts. 1 and 3, blk. 3, Yale St. Acres 2nd	Richard Stewart	32,656	3,020	9.24	4,840	14.82
13. Lts. 4, 5, 8, pt. of 9, 11, blk. 3, Holman Outlot 31	A. C. Ray	157,500	27,860	17.68	41,910	26.60
14. Lts. 11 and 12, 2 ac. in Weber Acres	Ellen Stewart	108,900	2,380	2.18	4,200	3.85
15. 1.5 ac. in S.W. Allen Sur., A-94	Tilson Built Lumber Co	100,000	11,750	11.75	14,600	14.60
16. Lts. 1, 4, 5, 6, 7, 8 in blk. 25, Institute Place of P.W. Rose Sur	Mrs. J. O. Davis	261,360	7,800	2.98	9,330	3.56
17. 1.5 ac. out of tr. 49. HT&B Ry, Co. Sur., Sect. 6, A-1350	L. E. Hamilton, et al	81,250	1,980	2.44	1,412	1.74
18. 39,730 tr and 10,200 sq ft warehouse, Industrial Park S/D, blk 1, Lt 7 and pt 8.	Miller Brothers Floor Co	62,500	10,920	17.47	18,870	30.19
19. 3.5 ac. fronting Richmond and Kirby, A. C. Reynolds Sur., A-61	Texas Louisiana Corp	775,000	83,220	10.74	139,490	18.00
20. 3.75 ac. Fulton at Berry, P. Janowski Sur., A-975	T. Schutz and Mrs. B. Taylor	125,450	7,660	6.10	13,020	10.37
21. 53,522 sq. ft. on Shepherd near Pinemont, S.W. Allen Sur., A-94	Percy Turk & Assoc	107,044			15,800	14.76
22. 7.63 ac. at S. Loop 610 and Mykawa, C. Goodrich Sur., A-306	Wm. R. Lloyd, Jr	630,000	16,790	2.67	27,790	4.41
Harris County totals (21 items)		4,348,032	297,130	6.84		
City of Houston totals (22 items)		4,455,076			579,472	13.01

OPERATION REUNION

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. MILLER of California. Mr. Speaker, it is with a great deal of pride I am pleased to announce that one of my constituents, Trans International Airlines, Inc, headquartered at Oakland International Airport in Oakland, Calif., will carry the first planeload of GI's traveling home from Vietnam under "Operation Reunion" in cooperation with the United Service Groups which handles travel arrangements with the Armed Forces.

The TIA stretch DC-8 jet will first arrive on American soil at Oakland at 3:30 PST Saturday afternoon, December 5, with stops in Chicago and New York, carrying 250 American soldiers under this new program which allows combat troops in Vietnam a 2-week leave in the United States to join families, wives, or sweethearts.

The first planeload will be the vanguard of thousands of GI's to be carried on a series of TIA charter flights over a period of months. I understand the airline is standing by with immediate aircraft available to provide additional flights to these servicemen both prior to and after the Christmas holiday season.

This immediate response on behalf of a supplemental carrier again demonstrates the great public value of the industry in providing low-cost transportation when sorely and quickly needed.

SIMAS AND THE YELLOW-TAILED FLOUNDER CAPER

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. LANDGREBE. Mr. Speaker, the forced repatriation of a freedom-seeking Lithuanian seaman from the Coast Guard cutter *Vigilant* ranks as one of the most sickening, appalling incidents in our Nation's history.

I am told that this incident is just one illustration of a longstanding State Department policy of discouraging defections from Communist-dominated countries. This policy dates back to the days after World War II, when we shipped back thousands of East European refugees in cattle cars. Many of them committed suicide in these cars rather than live under Communist tyranny, but obviously we were as anxious then as now, to accommodate the Soviet Union.

Robert McCloskey of the State Department is quoted in the Washington Evening Star of December 1 as saying "we would not want to encourage defection" because it might constitute a provocation.

Does this mean that we are more concerned with Soviet feelings than we are with the human desires of persons for freedom? What sort of provocation would this constitute? Does not the Soviet Union indulge in such provocations with their parading of American deserters before TV cameras in Moscow?

Mr. Speaker, Smith Hempstone of the Washington Evening Star last night wrote the most eloquent commentary on the Simas affair that I have yet seen. I insert Mr. Hempstone's column at this point in the RECORD:

SIMAS AND THE YELLOW-TAILED FLOUNDER CAPER

(By Smith Hempstone)

Simas was his name, and every flag in the United States should be flying at half-mast today in partial atonement for the shameful way in which this country betrayed him and its own ideals when it permitted six Russian thugs to board an American ship, beat him into a pulp and drag him away unconscious to an unknown fate.

Coast Guard Capt. Ralph E. Eustis and his crew cannot be wholly blamed for complying with a direct order to turn the Lithuanian would-be defector over to the Russians. But Stephen Decatur and John Paul Jones would have broken their swords over their knees before they would have obeyed the craven command of Rear Adm. W. B. Ellis, commander of the 1st Coast Guard District in Boston.

One thing should be made clear about the incident off Martha's Vineyard: Simas—that is all we know of his name—was a refugee in the truest sense of the word. For his nation no longer exists. Its 22 years of freedom ended when it was annexed by the Soviet Union in 1940.

No nation has paid a harsher price for its dedication to its national and religious heritage. The Nazis liquidated the Jewish population and deported tens of thousands of other Lithuanians to slave labor camps during the 1941–44 German occupation. After 1944, the Russians completed the job by exiling tens of thousands of other Lithuanians to Siberia, replacing them with Russian colonists.

The United States never has recognized the illegal Russian annexation of the Baltic states. Lithuania, like Latvia and Estonia, has a legation here in Washington. Its charge d'affaires, Joseph Kajeckas, is fully accredited to the State Department and his name appears on State's official diplomatic list.

And yet Kajeckas, the closest thing to a national representative Simas had in the eyes of the United States, was not even informed of the incident—let alone permitted to interview the defector—before he had been handed back to the tender mercies of the crew of the Russian factory ship Sovietskaja Litva.

The fact that the Soviet ship had been invited into United States territorial waters to discuss, in the State Department's words, over-harvesting of yellow-tailed flounder along the North Atlantic coast, seems to me entirely immaterial. The moment Simas hurled himself onto the deck of the Coast Guard cutter Vigilant, he was (or should have been) under the protection of the American flag.

Simas made it clear (he spoke English) that he was seeking political asylum. He pleaded and prayed (6 out of 7 Lithuania's 3 million people are Catholics) not to be returned to the Soviet ship.

When all else failed, he fought with his fists for his freedom, while the crew of Vigilant looked on. When the Russians finally had subdued their prey, beating and kicking the trussed Lithuanian into unconsciousness, the Americans generously provided them with a lifeboat to carry their bloody prisoner back to captivity.

Adm. Ellis, who is reported to be ill and unable to comment (so is Simas), may be guilty of nothing more than transmission of a sickening and unlawful order. He was in touch with both the State Department and Coast Guard headquarters in Washington; there the decision apparently was made that yellow-tailed flounder were more important than a man's life. It is a decision that stinks worse than a week-old flounder.

More than 1 million Americans are of Lithuanian origin and, like the emigres from other Eastern European captive nations, they have kept alive the dream of America in the hearts of the people in their homeland.

Simas must be a rather confused man today as he lies in irons somewhere in the bucking hold of Sovietskaja Litva. The process of his re-education has begun. Just to keep their hand in, the security police will rough him up from time to time on the long voyage home. His rations are unlikely to be tempting.

When the Soviet ship reaches her home port, he'll be turned over to the political police. Since the 12th Century, there has been no love lost between Russians and Lithuanians, and the political police will explain to Simas the error of his ways. He'll never go to sea again. A trip to Siberia may well be in order for a man who has shown a predilection for travel.

Simas is just one man, of course, and his fate is of little consequence when compared to yellow-tailed flounder. So what if we violated the 1951 Geneva convention on refugees, to which the United States is signatory? It will soon be forgotten.

It ought not to be. For Simas will never forget.

SENATE DEFEAT OF SST

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. HARRINGTON. Mr. Speaker, the Senate today voted to defeat funding for the supersonic transport airplane. I praise them for that action, and I regret that the House did not do the same.

While I recognize that heavy pressure was brought to bear to fund the SST from those who are severely affected by the cutback in defense spending and the consequent loss of jobs, I do feel that the Federal Government should provide jobs in areas that will be constructive to our society. The same skills which build an SST or send a man to the moon could be used to clean up our environment or provide the housing that this country so desperately needs.

Many of the arguments used to support continuing funding of the SST were the same that have been used to bolster a basically wrong system of priorities in this country. It was, for example, argued that since we had already spent money on the SST we would have to continue spending money on it. The argument was also made that we should pay for the development of an SST because this country could not allow other countries to get ahead of it. In this regard, I would like to point out the variance between the projected appropriations of $290 million for the SST and the $40 million funding level for the new national railroad corporation which will operate all railroad passenger service in this country.

These arguments ignored the fact that the SST has been seriously questioned both in terms of its utility and its necessity. The pressure for the passage of this appropriation also ignored serious environmental concerns. At a time when we are discovering each day new threats to the environment, it makes little sense for the Federal Government to be engaged in promoting another one.

In a Department of Transportation bulletin urging funding for this program it was stated that the greatest argument in favor of development and production of the SST was that "the plane is a product of the progress of mankind." It has become clear that concentration upon this type of progress has meant the reverse of progress in the deterioration of our environment and in the failure of the Federal Government to meet the needs of the Nation in the areas of education, health, housing, and other domestic concerns. I would hope that the vote in the Senate today is the dawning of a new recognition of what progress in this Nation should be.

In light of the SST defeat in the Senate and the upcoming conference report, I want to insert in the RECORD an excellent editorial which appeared in the Boston Evening Globe on November 23. This editorial clearly states the case against the SST. I urge the House conference to read this carefully and to vote to retain the cut of SST appropriations.

THE SST: PAY NOW—AND LATER

The Senate will soon vote on a $290 million appropriation to continue the building of two prototype supersonic airliners, forerunners of an American SST that would cut flying time across the Atlantic by three hours in the 1980s.

The two test models, being built by Boeing in Seattle and General Electric in Cincinnati, have already cost the taxpayers $708 million and final bills are expected to top $1.03 billion with the government, i.e., the taxpayers, paying 90 percent.

The $290 million appropriation passed the House on May 27 by an eight-vote margin on a rollcall of 176 to 168. The vote in the Senate could be equally close with proponents claiming 65 supporters and anti-SST forces aiming for a "no" vote of 58.

Proponents say the supersonic transport is a long-range investment that would produce a favorable trade balance of $22 to $45 billion for the US over a 12-year period, that the SST is the only answer to increased travel loads of the future and that the Boeing SST is essential if America is to maintain its worldwide leadership in aviation.

Opponents say that production of an American SST represents flag waving of the most expensive sort, that it would be a financial bust if it fails to sell, that its effect on the balance of trade 15 years from now is impossible to calculate and could be adverse, that the requested appropriation is out of line with national priorities and that the supersonic transport represents a major threat to the environment.

The Department of Transportation, leading the battle for the supersonic plane, argues that the U.S. SST, which will fly almost three times faster than present jets, is the only answer to a commercial air travel market that is expected to triple in 10 years and to triple again in the decade after that.

Opponents question these growth figures. They also question the SST's potential for increased productivity, arguing that time on the ground between flights will be at least equal to that for present planes and that ground time for maintenance could be greater.

Massachusetts Aeronautics Comdr. Crocker Snow, who supports the SST, admits that because of increased noise on the runway, "I personally question whether the present Concorde will be an acceptable neighbor at any of the existing close-in metropolitan civil airports in the northeast."

Because SSTs create a sonic boom in a 50-mile wide path along their line of flight, it is accepted that they will fly supersonically only over open ocean. British Aircraft Corp., builders of the English Concorde, estimate this would cover 31.5 percent of the world's 1980 air travel market. Yet statistics show that over half of the world's airline passengers now fly within the continental United States. When you combine this with the fact that the world's largest airline is Aeroflot which also flies primarily over land, the percentage of world routes open to the SST appears to be well below one-third.

If supersonic planes cannot be tolerated at metropolitan airports and are banned on more than two-thirds of the world's existing air routes, how can it be a money maker?

DOT has promised that the taxpayer will get his money back on the 300 SSTs; the sale of 500 SSTs will bring the government a profit of $1 billion in royalties under the contract with Boeing and General Electric, makers of the airframe and engine. That's fine, if 500 SSTs can be sold.

Bo Lundberg, former director of the Aeronautic Research Institute of Sweden, points out that if the American SST costs $40 million as advertised, 280 planes can be sold. "At that small quantity, the production cost per SST will be $67 million," he states, "a loss of $7.5 billion to be borne by the taxpayers."

What about employment? DOT talks about 5000 jobs now, and 50,000 when the American SST goes into production, with an additional 100,000 jobs in support programs. But production will not start for at least five years, which is a long time to be out of work. Meanwhile, Massachusetts taxpayers would pay $44.2 million as their share of the $1.3 billion prototype. In return the state would be eligible for $25.7 million in subcontracts. This adds up to a loss of $18.5 million.

DOT points out that the requested $290 million for the SST prototype represents only 2.6 percent of the $11.2 billion requested by Transportation this year, a miniscule fraction of the 1971 national budget of $200.8 billion.

Small as the sum may be in these terms, can we afford it? This year the President vetoed a $2.76 billion hospital construction bill, a $4.4 billion education appropriation and $18 billion for housing and urban development. The $290 million requested for the SST compares with $204 million for urban mass transportation, $106 million for air pollution control and $85 million for consumer protection.

What good will it do to be able to fly to London in three hours if it takes three hours to get to the airport? And, in lines with air pollution, the MIT-sponsored Study of Critical Environment Problems at Williamstown pointed out that the SST, flying twice as high as present jets at 60,000 to 70,000 feet, could increase cloudiness and temperatures in the lower atmosphere. This so-called greenhouse effect could alter the climate "quite possibly on a global scale," say the scientists, who recommend that "uncertainties about SST contamination and its effects be resolved before large-scale operation of SSTs begins."

The thing that has galvanized proponents is news that the Russian, French and British supersonics are really getting off the ground. Both the French and the British planes have now flown supersonically and the Concorde is scheduled to go into service by 1974—which makes the American SST a catch-up program at best. (The smaller Tupolev TU144 has also flown supersonically and could be ready by 1972 but it would probably be used only inside the Soviet Union since foreign certification would require letting outside inspectors into the Soviet factory.)

On July 30 Secretary of State William Rogers wrote the President, "one matter of prime concern is the progress of the British-French Concorde program." On Aug. 1, Treasury reversed its stand (that government sponsorship should be limited to continued design and engineering research only) on the basis of new DOT calculations on the balance of trade. "The key to those assumptions, of course, rests on whether the Concorde will be a commercially viable aircraft; this now appears to be the case," said Treasury Secretary David Kennedy.

Yet, on Nov. 9, a lead article in the Wall Street Journal pointed out that, while the French commitment seemed firm, the British Concorde program remained in jeopardy, with 74 options by 16 major airlines due to expire on March 31. "Options most emphatically aren't firm orders," says the Journal.

An article in Newsweek on Nov. 23 quotes Pan Am's president Najeeb Halaby as saying, "We are confident but skeptical. The airline industry does not want to plunge into this new era." TWA's president, F. C. Wiser, is quoted as saying that the plane could not make money without a 30 to 40 percent premium over present first class fares on the Atlantic. "Hardly promising," is the comment of George E. Keck of United Air Lines.

DOT argues that the American SST will be "a better mousetrap" than either the TU144 or the Concorde. Because it is built of titanium (based on American ICBM technology) instead of aluminum, it could fly at 1800 miles an hour as compared to 1400 miles an hour, seating 298 passengers as compared to 125 passengers for the Concorde.

But the idea of fighting to maintain a lead in an endeavor fraught with so many questions seems nothing short of reckless folly. Back in the 1950s Congress put up $1.3 billion to develop a nuclear-powered plane. That far more adventurous project was scrapped in 1961 when the ultimate cost began to add up to $10 billion. Today's lesser SST program should be scrapped now, in the name of common sense and humanity.

WE'RE THE BLAME

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. McMILLAN. Mr. Speaker, I include in the CONGRESSIONAL RECORD an article prepared by Paul Edgar Gasque, who is a senior at the Latta, S.C. High School.

Paul Gasque is an outstanding student and deserves a great deal of credit for the time he spent composing this poem and we all know that he has a great future.

I hope every Member will take a few minutes of valuable time and read the article.

The poem follows:

WE'RE THE BLAME

(By Paul Edgar Gasque)

Oh what problems we endure
In the U.S.A.
We read about them in the papers
Each and every day.

We read about the riots,
Poverty and pollution;
But no one wants to contribute
To a reasonable solution.

A solution that will put a stop
To these problems we ignore;
To help bring back America
As it was so long before.

You've heard about the riots
From white as well as black;
Surely there's misunderstanding
When you've traced it back.

Misunderstanding comes between
The races and the creeds;
Yet no one seems to realize that
Communication's what we need.

Poverty's the constant fear
Of all the unemployed;
With overexpanding, too much demanding
Why shouldn't they be annoyed?

What about pollution,
A very dumb mistake;
Where has all the fresh air gone?
What's happened to our lakes?

Just look at people on the streets
Or dead fish in the sea;
And then you have the nerve to say
"THE BLAME GOES NOT TO ME!"

We, the people are to blame;
It has been our mistake.
Let's begin to change it all
To make our country great.

OUR NATION'S YOUTH JOIN HANDS TO SALUTE VETERANS DAY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. BOB WILSON. Mr. Speaker, on Friday, November 6, the students and faculty of James Madison Senior High School presented a memorable tribute to all veterans who gave their lives for their country in the cause of liberty. At the beginning of the school year, September 1970, the students wanted to express their appreciation for the sacrifices that have been made and are being made today by our fighting forces in order that their voices could be heard above the turbulence and disruption of dissidents.

The plans began with the election of a student chairman, Colleen Turner, senior and a faculty chairman, Mr. Oscar Baer, teacher of U.S. history and American government.

All the students and faculty members participated voluntarily and chose their own parts as something they wanted to do.

Through the good offices of Gen. Victor H. Krulack and Mr. Edwin T. Matlin, arrangements were made for a guest speaker, Sando Vargas, Jr., U.S. Marine Corps who was awarded the Congressional Medal of Honor in Vietnam, 1968. Major Vargas joined the students and faculty as coplanner and keynote speaker. It is refreshing to observe how wholeheartedly and with a sense of honor and respect Madison High School of San Diego, Calif., made this special effort to observe a great tradition and a most deserving national holiday: the Armistice or Veterans Day. I include their program in the RECORD:

VETERAN'S DAY PROGRAM PRESENTED BY THE SOCIAL STUDIES DEPARTMENT, MADISON HIGH SCHOOL, PERIOD FOUR, NOVEMBER 6, 1970

Guest Speaker: Major M. Sando Vargas Jr, USMC. Recipient Congressional Medal of Honor.

(Chairman of the program.)

OBJECTIVE

To observe Veteran's Day as a day of tribute and respect for all veterans living and dead who served their country and to unite with all citizens throughout the land, in celebrating the Armistice which means cessation of hostilities.

INTRODUCTION

This program is dedicated to the purpose of furthering our awareness of Veteran's Day. It is a day of remembering past wars and hard won victories. It is a day of peace and thankfulness. It is also a day of looking into the future and wondering what it will bring in terms of peace or war.

We associate Veteran's Day with the many who are fighting and dying every day. Think of their families and loved ones, also. And think too, of the response when these men have been called to serve their country. It is better expressed in a poem by Josiah Gilbert Holland.

(Narrator.)

"GOD GIVE US MEN

"God give us men! A time like this demands strong minds, great hearts, true faith, and ready hands.
Men whom the spoils of office cannot buy,
Men whom the lust of office cannot kill,
Men who possess opinions and a will,
Men who have honor, men who will not lie.
Men who can stand before a demagogue and damn his treacherous flattering without winking.
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking—
For while unruly mobs enflamed by those with baseless creeds
Their large professions and their little deeds
Mingle in selfish strife—Lo! Freedom weeps,
Wrong rules the land, and Justice sleeps."

Narrator or chairman: We commemorate Veteran's Day and honor every hard won peace—every effort to overcome aggression, tyranny, unjustice. We honor this day in tribute to our fighting forces, their families, sweethearts and friends who stood behind them. We pause as they did in the still Armistice after the conflict: Yorktown, Appomattox, No Man's Land on the morning of November 11, 1918, VE Day, VJ Day, to keep that momentary stillness a memory of an Armistice we hope some day will be permanent.

We also remind ourselves that Armistice or Veteran's Day is a day of peace and high as the price was that we paid for peace, it is our purpose to tread the path of peace and good will among men but we do so as a free people.

Finally, this day draws our attention and respect for all those who fought and are now fighting to keep our country free.

(Music interval.)

Narrator: The day set aside for Veteran's day is November 11. It is significant to remember this Armistice of November 11, 1918 because it symbolizes a peace after World War I that was to be a peace for all time among all nations. It didn't quite turn out that way but we fought that war in a total effort and spirit that the men and women who gave their lives for this cause would not die in vain.

Narrator: We honor all veterans on land, air and sea. It has been exactly fifty-two years since the first World War ended with the Armistice on the battlefields of France. Only a few months earlier, American troops in force broke the three and one-half year stalemate that had soaked the earth of Europe with its blood since August, 1914. Around the world there was a universal joy with the news of peace. The war had been so gruesome and horrible. D. H. Lawrence: "All the great words to describe it had been used for a generation."

Narrator: From March to August, 1918, the Germans massed eighty-two divisions and five great offensives, all aimed at crossing the Marne River and on to Paris. For seventy-two days the Marne River rocked under a succession of major German attacks. "They shall not pass", was more than a byword of the allied defenders.

The first real test for the American force was at Cantigny. Then at Chateau-Thierry and Belleau Wood, the Second and Third Divisions brilliantly smashed the spearhead of an enemy "V" pointing to Paris. Three days after it started, the German drive was crushed and the history of the world was played out in those three days. "Over the top!" was heard all along the trenches as the allies prepared for the St. Mihiel and Meuse-Argonne offensives. The Americans beat their way through the vicious Argonne forest, and in the process they added the heroics of the Lost Battalion and Sgt. Alvin York.

Narrator: American strength and spirit went into the war as though the effort would accomplish something of transcendental benefit for all mankind. When Johnny came marching home again, there were "welcome home" parades in towns and cities all over the land. At every depot and home port, our veterans hastened to rejoin their families—but for the thousands who would never come back, in our memory of them, we are reminded that winning by arms alone is not enough.

We must still win the peace.

Narrator: The war had its lighter moments. There is the tale of the carrier pigeon direct from the Argonne battle swooping into headquarters with an "urgent" message which read: "I'm tired of carrying this stupid pigeon." Then there were the songs, the memorable unforgettable tunes of World War I—"K-K-K Katy", "Oh, How I Hate to Get Up in the Morning", "You're in the Army Now", "Till We Meet Again", "It's a Long Way to Tipperary", "Pack Up Your Troubles", and "Good Morning, Mr. Zip, Zip, Zip." Those songs all conveyed a deeper meaning beneath the surface they expressed the true nature of the American mood for peace brotherhood with freedom.

(Music interval—World War I songs and marches.)

Narrator continuing: These are the words of Captain John D. McCrae, a great soldier who fought in that war and didn't come back; but he left this message:

"IN FLANDERS FIELDS

"In Flanders Field the poppies grow
Between the crosses, row on row,
That mark our places;and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

"We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved and now we lie
In Flanders Fields.

"Take up our quarrel with thy foe!
To you from failing hands, we throw
The torch ——— be yours to hold it high!
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders Fields."

Capt. JOHN D. MCCRAE.

Alan Seeger, a G.I. was among the first American soldiers to see action in France. He fell where he had a premonition he would in the midst of a barbwire entanglement during the Spring Offensive of 1918 in No Man's Land. A piece of paper dangling out of his back pocket contained his message; a poem that was to become the most famous verse of World War I.

"I HAVE A RENDEZVOUS WITH DEATH

(Alan Seeger)

"I have a rendezvous with death
At some disputed barricade,
When Spring comes back with rustling shade
And apple blossoms fill the air—
I have a rendezvous with death
When Spring brings back blue days and fair.

"It may be he shall take my hand
And lead me into his dark land.
And close my eyes and quench my breath—
It may be I shall pass him still.
I have a rendezvous with death
On some scarred slope of battered hill
When Spring comes round again this year
And the first meadow-flowers appear.

"God knows 'twere better to be deep
Pillowed in silk and scented down,
Where Love throbs out in blissful sleep,
Pulse nigh to pulse, and breath to breath,
Where hushed awakenings are dear . . .
But I've a rendezvous with death
At midnight in some flaming town,
When Spring tripe north again this year,

And I to my pledged ward am true,
I shall not fail that rendezvous."

(Music interlude.)
(Narrator.)

IN MEMORY OF HAMBURGER HILL

Albert Colletto wrote this poem after he fought in the battle of "Hamburger Hill" shortly before he was killed somewhere in the jungles of Viet Nam.

We owe many thanks to brave men like Albert Colletto.

"As I crouch among the shattered trees
The fallen dead sans shroud nor wreath
A soldier cried out 'Come to me-please!'
There was no need, he ceased to breathe.

"The wounded dying, the dead already gone
A sergeant yelled, 'get up, drive on!'
With lead flying in from every way,
I didn't expect to last the day.

"We fought hard trying to win
Pinned down halfway as night set in
'Dig in deep! Pass the word around.'
Hold your positions and gain the high ground!"

"They called our assault 'Hamburger Hill.'
It's one to remember as I always will.
Ask the wounded torn limb from limb
What more can they tell you
What could be more grim?

"The dead left their message
On Hamburger Hill
For the living that is
That we bear no ill will.

"The burden of war could be relieved
If love among man were somehow achieved.
That this be our purpose in word and in deed
The promise of men as honor decreed."

Narrator concluding program: In our respects to all Veterans on Nov. 11 this year we also respect their message to us which our program has tried to express. We particularly extend our regards and prayers to all Prisoners of War now in prison camps and who are serving their country there perhaps more than anywhere else. This poem was written by a Veteran American: Denise A. McCarthy. She inspires us all to celebrate Veteran's Day with thankfulness and compassion. "The Land Where Hate Should Die."

"This is the land where hate should die—
No feuds of faith, no spleen of race,
No darkly brooding fear should try
Beneath our flag to find a place.

Lo! every people here has sent
Its sons to answer freedom's call;
Their lifeblood is the strong cement
That builds and binds the nation's wall.

"This is the land where hate should die—
Tho dear to me my faith and shrine,
I serve my country well when I
Respect beliefs that are not mine.
He little loves his land who's cast
Upon his neighbor's word a doubt,
Or cite the wrongs of ages past
From present rights to bar him out.

"This is the land where hate should die—
This is the land where strife should cease,
Where foul, suspicious fear should fly
Before our flag of light and peace.
Then let us purge from poisoned thought
That service to the States we give,
And so be worthy as we ought
Of this great Land in which we live!"

Narrator: We are honored to have with us as our special guest for this Veteran's Day Program Major M. Sando Vargas Jr. who will speak to us about the significance of Veteran's Day as a gallant representative of the armed forces now serving their country.

Major Vargas was awarded the Congressional Medal of Honor for heroism in action against enemy forces in the Republic of Viet Nam, April 30 to May 2, 1968, ignoring his own wounds he sustained his command and personally rescued his commanding officer amidst the cross fire of the three day battle.

The Medal of Honor is the highest award for bravery that can be given to any individual in the United States.

Major Vargas graduated from Arizona University with honors in both athletics and scholarship. His present assignment is at the Landing Force Training Command, Naval Amphibious Base, Coronado.

Major Vargas—

SPEECH OF MAJOR VARGAS TO THE MADISON HIGH SCHOOL STUDENT BODY, OCTOBER 1967

Thank you, members of the faculty and students of Madison High.

I would first like to express my appreciation for your kind and warm welcome. This morning is certainly a singular pleasure and honor for me in several ways. First, it is a pleasure to be surrounded by the young American students of San Diego's greatest high school—Madison High. Being a loyal and devoted participant to all sports, it is a warm feeling to know I am visiting one of San Diego's powerhouses in football. (6–1) Secondly, I am honored and sincerely proud to share this very special event with you today, "honoring our Nation's greatest sons who have risked their lives for the sake of peace and freedom."

It is indeed significant that on a morning like this Madison High School is displaying to all Americans across our great country its appreciation for the sacrifices each member of our Armed Forces and his family have made and are making today for this nation's freedom. And that you, the youth of our country have a genuine concern for one another, that you care and that you have a high regard for all the efforts to keep our land away from the hands of tyranny; and that is why it is so gratifying to observe this program and be a part of it as we pay tribute to those richly deserving Americans who have not only risked their lives for this Nation's freedom and also stood for the freedom of the oppressed beyond our shores, but who gave and are giving their lives for this cause. It is particularly inspiring that you are emphasizing your sentiments for our prisoners of war and their loved ones who bear the heaviest load.

Knowing that Veterans Day on 11 November will pay tribute to all members of our Armed Forces, today, I want to talk to you about how we can honor those great Americans, who have paid the full price in keeping our freedom alive.

It seems less rather than over a hundred years ago when one of our great Presidents stood upon the Gettysburg battlefield and paid honor to those men who gave their lives so that this Nation could survive. Those final words have as much meaning now as they did November 19, 1863, and they touch every American living today.

That these dead shall not have died in vain.

That this Nation under God, shall have a new birth of freedom.

That the government of the people, by the people, and for the people shall not perish from this earth.

As the years have since passed. I have attended several Veteran's Day and Memorial Day ceremonies; and at each one it seemed that every speaker stated he had difficulty in finding the proper words to honor such great men. Well, I must agree with them—it is difficult. But today we can speak as a voice of peace honoring them not only with words but with our deeds as well. We can rise to the occasion and clear the fog from in front of our eyes and stop the flow of poison that is threatening this Nation from within.

We should unite this Nation once again as a majority unfragmented by dissident groups of reactionaries to reinforce our original position that regardless of who we are, how much money we have, or whether our accent is different, what books we have read. What church we go to; which way we voted, what color our skin is, whether we mingle with poets, bookkeepers, truck drivers, surgeons, lumber jacks, errands boys, students . . . . what really counts is that "*I am an American and proud of it.*" For I feel sure that you believe as I do in the equality of men and women, the promise of men, the duty to live justly with one another and ourselves.

We must work as an American team, in the traditional manner, both young and old, rich or poor and with all races in searching for solutions to the problems we are faced with today.

We have recently concluded a new election period, in which Americans have chosen their candidates to lead this nation. The time, is now, to stop the harassment towards our government officials, school administrators, police officers, and assist them in solving their tasks with favorable support, instead of unfavorable demonstrations.

We should stop the wasted unfavorable enthusiasm displayed at demonstrations and turn it into favorable enthusiasm by telling the world we want our prisoners of war released and properly treated. Support POW's with letters. This program at Madison High puts you among the first in this area to raise an effective voice . . . we should pay our respects to our armed forces, in the course of each day not only on holidays.

In speaking as one voice for world peace, its so much easier to work together in solving our problems, than allowing ourselves to become separated, because the prevalent turbulence contrary to a "one people" isn't the America I once knew or you should know and be proud of. The time is now to unite under one flag as one people—*Americans.*

This my fellow Americans is how we can honor our fallen comrades. Before I leave your most gracious company this morning, I want each of you to know that Madison High will always be number one; and on behalf of all the veterans of America, we thank you for remembering.

KEEL LAID FOR THE NUCLEAR-POWERED MISSILE FRIGATE "SOUTH CAROLINA"

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DOWNING. Mr. Speaker, last Tuesday, the keel of the nuclear-powered guided missile frigate *South Carolina* was "well and fairly laid" by the gracious and charming Mrs. L. Mendel Rivers of Charleston, S.C. This traditional authentication of the keel was done under warm, beautiful Virginia skies at the Newport News Shipbuilding and Dry Dock Company in Newport News, Va. Hundreds of outstanding Congressional, Government, industry, and civic leaders, headed by the Honorable John H. Chaffee, Secretary of the Navy, heard memorable addresses by Senator STROM THURMOND and our own beloved colleagues L. MENDEL RIVERS. Senator THURMOND's remarks will appear in the CONGRESSIONAL RECORD, and I highly commend that you read them. Chairman RIVERS' speech was not previously prepared, but as always, it was a dynamic presentation of oratorical logic which literally rang the bell.

There was another noteworthy happening on this significant occasion. It was the introduction of Chairman RIVERS and his wife by Vice Adm. H. G. Rickover, the "father of nuclear propulsion." All of us have heard our share of many fine introductions of prominent men and women, but Admiral Rickover's presentation of these two wonderful Americans has to be recorded as uniquely classic and memorable. I would like to share them with you:

INTRODUCTION OF MARGARET MIDDLETON RIVERS, VICE ADM. H. G. RICKOVER, U.S. NAVY, KEEL LAYING OF THE NUCLEAR-POWERED GUIDED MISSILE FRIGATE SOUTH CAROLINA

When I asked Margaret Rivers what I might say about her, she said she was most proud of these three accomplishments:

a. When a senior in the Menninger High School, Charleston, she won the Mitchell Award for the best essay at the age of 17.

b. She is the mother of three wonderful children.

c. She is married to Mendel Rivers and this is her greatest pride. She is grateful to have had the good fortune of spending 32 happy and interesting years with this fabulous and fascinating man.

Now, there are many wives who might say similar things. But Margaret Rivers is not an ordinary wife, mother or woman. I have known her for a number of years and so I may be pardoned if I add a little more to her own meager description.

She comes from a famous southern family. One of her ancestors was Dr. Henry Woodward, the first English settler in what is now South Carolina. A pioneer in the truest sense of the word, he lived among the Indians and learned their culture. His friendship with them greatly helped the colony of Charles Town to withstand the rigors of colonization a few years later. An American deputy for the Earl of Shaftesbury, the colony's most influential proprietor, Doctor Woodward introduced the culture of rice, which became a thriving industry. He also promoted the fur trade and helped extend it to the colony's western limits. He met his death in courageous defiance of the Spaniards.

Another illustrious forebear was Lois Mathewes Hall. When her husband, one of a group of Charleston patriots, was imprisoned by the British in St. Augustine, she stayed behind with her children and a sister who was married to Thomas Heyward, one of the signers of the Declaration of Independence. Ordered to illuminate their house in celebration of English victories, she refused. Neither penalty of imprisonment nor threats by the soldiery intimidated the two women. Their home, now known as the Heyward-Washington House, is being maintained by the Charleston Museum as an example of that city's early architecture.

Also among her forebears were Huguenots who came to find religious toleration in the New World and stayed to fight courageously in the War of Independence and the War between the States.

Margaret Rivers comes of people who had courage, strength and determination. She has them too. She comes of people who had a sense of noblesse oblige and chivalry which means they set themselves high standards of behavior to others less forunate. She has these too.

In the early days of our country, women and men worked together and worked hard to clear the land, to build a home, to grow food, to raise their children. The wife was the guardian of home and culture. Many of our great men were reared in this manner. Margaret Rivers is the modern day version of this feminine saga in the structure of America. Her three children, Margaret, Marion and Lucius bear witness to this. And by his devotion to and idealization of her, Mendel Rivers attests to this. Only those women who have the misfortune to be married to politicans can have any conception of the patience, understanding and fortitude she possesses.

She believes in the right and duty of each woman to total human responsibility. And also in the unity of man and wife which makes a marriage good and strong. She knows that to build a decent and humane society men and women are needed who are aware and confident of themselves, as well as sensitive to the needs of others—who know how to preserve their individuality and respect the equal right of others to their own individuality.

INTRODUCTION OF THE HONORABLE L. MENDEL RIVERS, CHAIRMAN, ARMED SERVICES COMMITTEE, BY VICE ADMIRAL H. G. RICKOVER, USN, KEEL LAYING OF THE NUCLEAR-POWERED GUIDED MISSILE FRIGATE "SOUTH CAROLINA"

It is an ungrateful task to try to sum up a man's character in a few words, but in the case of Mendel Rivers much will have been said when I have stated that he is an American and a patriot, because he is one as much as the other, and he is both intensely.

I find it hard to put into words all that I have learned to admire in him. Many men have entered our Congress. The conventional descriptions—ambition, public service, chance, social ardor, eagerness for power—none of these seem satisfactorily applicable to Mendel Rivers.

There is no use trying to explain him by reducing a versatile man to one or two main talents. He cannot be judged in the way some people judge an eagle by noting how he walks on the ground. An eagle must be judged by its majestic flight into the sky.

He has been obliged to make his own way by his own abilities and enterprise, but the advantages in intelligence and ambition were given him by his parents. He has used these well and has augmented them by his own ability and ambition. No smooth path of wealth or patronage was offered to him. Whatever power he has acquired has been grudgingly given. He has had to fight every mile of his road through life; nothing came easily to him, not even oratory in which he excels.

He is one of the great men of our Congress. He is dedicated to peace, but aware of the awesome responsibility our Nation bears in defense of our freedom. Where our national security is involved he is brave, resolute, stubborn. His legislative acts are heroic; they speak of struggle and triumph; they reflect his pragmatic ability.

No man possesses in so high a degree as he the peculiar awareness of military realities. His efforts in behalf of American security are tireless. He has a marvelous gift for stepping beyond the appearance of things, going beyond it, and penetrating to the very essence of the matter.

He speaks as a man of the people—a man for whom the deepest spiritual truth is approachable only through the heart and can be grasped only when embodied in the realities of this world. He does not believe that being serious means going about with a long face. He has always held calmness to be a form of virtue; it is in many cases an extremely difficult form of courage.

He is one of the most unintimidable men in the United States. He knows that a good leader is doing his job when half the people are following him and half are chasing him.

He has an old-fashioned and unqualified love for the United States. This has given him a sense of dedication, responsibility, and purpose. He has the fortitude to stand up to the illegitimate and illegal activity of a tiny minority bent on tearing down every institution we have built and which we cherish.

He believes in fulfilling what you are able to fulfill, rather than running after what you will never achieve; in striving to be as complete human beings as possible. That will give us trouble enough.

He believes in the God-given genius of certain individuals, and he values a society that makes their existence possible. He understands the chasm between men with knowledge who lack power and men with power who lack knowledge; men who are instructed but not educated; assimilative, but incapable of real thought; men who do not want to confuse the ideal with the real; and intelligent idlers who always set their sights high in order to alibi their idleness and demonstrate their intelligence.

He does not agree with many of the pseudo-intellectuals who are drowning in their own words and suffocating in their own documents. Many of them are as ignorant as swans. He knows that we must abandon the prevalent belief in the superior wisdom of the ignorant.

He knows that some students of society and politics among our intellectuals have little contact with life as it is actually lived by most men; that they are more lucid as critics of existing society than as visionaries of a better one; that some of them seem to experience a vicarious pleasure in discrediting everything American; that in their seclusion they are constantly tempted to devise political constructions rooted firmly in mid-air—in which governments and political authority are replaced by communes of free and equal individuals; in which society exists without repression, and domestic policies require no sanctions; a society in which diplomats always tell the truth and a foreign policy is pursued in which the wolf lies down with the lamb, and the leopard with the kid.

Mendel Rivers is aware that without a knowledge of history, we are left with nothing but baseless abstractions with which to compare ourselves; that we then judge the present by the standards of a mythical trouble-free dream world where all mankind is at peace. He believes that in spite of the recent triumphs of science, men haven't changed much, and in consequence we must still try to learn from history.

He knows that a person who is often praised must set stricter standards on himself. He holds a number of beliefs that have been repudiated by the liveliest intellects of our time. He believes that order is better than chaos, creation better than destruction. He prefers gentleness to violence, forgiveness to vengeance. He believes in courtesy, the ritual by which we avoid hurting other people's feelings. He thinks that knowledge is preferable to ignorance; human sympathy more valuable than ideology.

His effort is sincere and profoundly human, it shatters old servitudes, overthrows prejudices and idols, and rises little by little toward the light. He lacks any capacity for intrigue; he is innocent and straightforward.

He knows that no country has departed from its basic principles so much, in so short a time and without realizing it, as has the United States; that what we need is simplicity and what we can do without is romanticism.

He understands that if what is needful is to be done, we cannot depend on illusions, especially of an impossible good. A calamity can be brought about by persons of great good will. Too many such persons have set themselves up in the "grievance business." Their job is to find things that are wrong; then attempt to right them. If their efforts only make matters worse, they find something else wrong.

Mr. Rivers knows that the last war has been forgotten, erased from the collective American memory—the most devastating commentary history can render is to be forgotten because no one wants to remember.

He has named, numbered, and made perceptible, even to those who disagree with him, all the national verities that animate and sustain us, and that breathe in our blood.

He does his duty as if he were going to live forever, and casts his plans way ahead. He feels responsible without time limitation; the consideration whether he may or may not be around to see the results never enters his thoughts.

The day will come when this man, one of our great legislators and a prophetic thinker, will be recognized at his true value.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

SENATE—*Monday, December 7, 1970*

The Senate met at 12 meridian and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of grace and God of glory, who long ago illumined the nightly sky with the promise of peace, prepare our hearts for the new advent of Him whose rule is the way to a man's freedom and enduring peace. Strengthen in mind and heart all who labor in this place. Amid the bewilderment and uncertainty about many things make us sure of Thee. May we be unafraid because we have heard the ancient message echoing down the years: "Fear not, for behold I bring you good tidings of great joy which shall be to all people." While we work may we also pray and make ready our hearts for the coming again of Him who brings redemption and peace.

In the name of the Prince of Peace. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 4, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the calling of the calendar of unobjected to bills under rule VIII be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of certain bills on the calendar, beginning with Calendar No. 1408.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSFER OF PEANUT ACREAGE ALLOTMENTS

The bill (S. 4561) to amend the peanut marketing quota provisions to make permanent certain provisions thereunder, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 358a of the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) Subsection (a) thereof is amended by deleting ", 1969 and 1970" and inserting in lieu thereof "and succeeding".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1401) explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

This bill would make the authority of the Secretary of Agriculture to permit transfers of peanut acreage allotments permanent. Section 358a was added to the Agricultural Adjustment Act of 1938 by Public Law 90-211 on December 18, 1967, effective for the 1968 and 1969 crop years. It was extended to 1970 by Public Law 91-122 on November 21, 1969. It should now be made permanent in order to enable peanut farmers to acquire allotments of adequate size for efficient farming operations.

COST

Enactment of the bill will not require additional funds.

WATER BANK ACT

The bill (H.R. 15770) to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes, was considered, ordered to a third reading, read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1393), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD as follows:

SHORT EXPLANATION

This bill authorizes the Secretary of Agriculture to enter into 10 year renewable contracts with landowners and operators in important migratory waterfowl nesting and breeding areas for the conservation of water on specified wetlands.

NEED FOR THE BILL

Each year untold acres of valuable waterfowl habitat are lost forever. These lands are rapidly disappearing because of the accelerated pace in which marshes and swamps are being ditched, dredged, drained, filled, paved, and polluted in order to meet the demands of modern civilization. These encroachments are caused by the constant need for more agricultural lands, more industrial sites, more urban housing developments, more roads, and more airports.

H.R. 15770, would provide the owners and operators of these lands, which are so valuable to migratory waterfowl, an economic alternative to such uses.

BACKGROUND

In 1961, the Congress enacted the Wetlands Loan Act (Public Law 87-383). The act had, as its objective, the acquisition of 2.5 million acres of waterfowl habitat over a 7-year period. In 1967 the act was extended for an additional 8 years, until June 30, 1976.

Under the original goal, it was planned to purchase 750,000 acres of waterfowl refuges and 1,750,000 acres of waterfowl production areas of small wetlands. The latter figure includes fee purchase of 600,000 acres and purchase of perpetual easements on 1,150,000 acres. From 1961 to date, fee title has been acquired by the Secretary of the Interior on approximately 318,000 acres of refuges and 183,000 acres of waterfowl production areas. Easements have been purchased on approximately 700,000 additional acres of wetlands.

Unfortunately, the program has not proceeded at the pace anticipated. First there was considerable delay in getting the program started. Second, local opposition to the program developed in certain key States because of the impact of the program on county revenues. Third, some delay was, and still is caused by rising costs of land acquisitions. Fourth, the program never has been sufficiently founded. Fifth, the drainage of wetlands for agriculture, flood control, reclamation projects, and urban and industrial purposes has drastically reduced the number of acres that would be available for the program.

In fact, drainage of wetlands had been so extensive that by 1950, approximately half of the wetlands of the prairie pothole regions of the United States had been drained. This drainage has since continued and in North Dakota alone, approximately 45,000 acres of wetlands are being lost to drainage programs each year.

The objective of the waterfowl production area program carried out by the Secretary of the Interior is to preserve waterfowl breeding habitat by acquiring land, or interests in land, to prevent destruction of its wetlands character. The basic concept is to acquire the more permanent types of wetlands in fee as nucleus areas throughout the prairie pothole area. These are the deeper marshes which, barring drainage, can be expected to retain water throughout the farming season year after year. These permanent pothole areas generally include adjacent upland which increases the nesting potential of the pothole. Surrounding these nucleus areas are less permanent types of wetlands (including both shallow marshes and lands only intermittently under water) which afford additional breeding habitat during wet years, but may contain no water in drouth periods. These are the areas on which the Secretary acquires easements to prevent draining, filling, or burning of marsh vegetation. Both permanent potholes and temporary wetlands areas are necessary for maximum production.

BILL PASSED OVER

The bill (H.R. 2335) for the relief of Enrico DeMonte was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

BEASLEY ENGINEERING CO., INC.

The bill (H.R. 2876) for the relief of the Beasley Engineering Co., Inc., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1395), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to pay the Beasley Engineering Co., Inc., of Emeryville, Calif., $11,873.27 in full satisfaction of its claims against the United States for losses sustained as a result of damage or destruction caused by floods to work already completed on The Dalles irrigation system.

STATEMENT

In its favorable report on this bill, the Committee on the Judiciary of the House of Representatives said:

The bill, H.R. 2876, as amended by the committee, provides for a payment of $11,873.27 in accordance with the recommendation of the Comptroller General, as set forth in his letter of June 5, 1968, which is set out following this report. This relief is also consistent with the recommendation of the Bureau of the Budget referred to in the report of the Department of the Interior dated May 21, 1968. In both instances it was the recommendation that the relief provided in the bill should be limited to 50 percent of the amount found by the Department of the Interior to be directly attributable to flood repair work performed by the Beasley Engineering Co. The Department of the Interior in its report stated that it had determined that the losses directly attributable to the flood equaled $23,746.55. In providing for a payment of one-half of this figure, the committee is equating relief to that provided in the Federal Disaster Act (Public Law 89–769) concerning Federal assistance to States and local governments to alleviate suffering and damages resulting from major disasters. While the losses referred to in this bill were not of a type for which relief is provided under that act, for the reasons outlined in this report, the same scheme of compensation has been adopted by the committee as a basis for its recommendation in this instance.

The Beasley Engineering Co., Inc., was awarded a contract in the approximate amount of $3,015,811 on October 3, 1963, by the Bureau of Reclamation for the construction of an irrigation system for The Dalles Irrigation District. The contract was to be completed by March 12, 1965. This irrigation system was located in Wasco County, Oreg., within the area of the Pacific Northwest hit by the unprecedented storms and floods in the latter part of December 1964, and was also within the major disaster area declared by the President. At the time of the floods, the construction project was ahead of schedule, with approximately 86 percent of the work completed, including 96 percent of the pipeline distribution system being in place. The completed portion of the work had been inspected and was ready for acceptance by the United States subject only to operational testing.

The severe flooding caused by the 1964 storm damaged the irrigation system. The Dalles Irrigation District asked that the system be restored, and the Office of Emergency Planning requested the Bureau of Reclamation to perform disaster assistance for the Dalles irrigation system. Because of the conflict raised by the request of the Office of Emergency Planning and the responsibility of the contractor under the terms of his contract, the Comptroller General was asked for his opinion as to whether the restoration work performed by Beasley Engineering Co., Inc., was eligible for payment under the provisions of Public Law 875, 81st Congress. The Comptroller General informed the Interior Department on May 2, 1965 (see B–152747) that in his opinion the restoration work was not eligible for payment because the United States had not accepted the work from the contractor, and under the terms of the contract the builder had an obligation to make needed repairs on the work prior to acceptance by the United States. It appears that if the work had been accepted prior to the floods, the restoration work would have been eligible for payment under the provisions of Public Law 875, 81st Congress.

The ruling of the Comptroller General prevents the Department of the Interior from making any payment to Beasley Engineering Co., Inc., under either the provisions of Public Law 875, 81st Congress, or Public Law 89–769. The latter act was passed by the Congress shortly after the disastrous floods of the winter of 1964 to help relieve the damage and suffering in that area.

Section 9 of Public Law 89–769 authorizes an appropriation to reimburse up to 50 percent of "eligible costs incurred to repair, restore, or reconstruct any project * * * for * * * irrigation, * * which was damaged or destroyed as a result of a major disaster, and of the resulting additional eligible costs incurred to complete any facility which was in the process of construction." The committee has concluded that the provisions of section 9 of Public Law 89–769 would not have any application to this case because this facility had not been turned over to the local governmental agency that would have responsibility for it.

A similar bill in the 90th Congress, H.R. 8588, was the subject of a subcommittee hearing on May 22, 1968. Representatives of the Beasley Engineering Co. appeared at the hearing and testified concerning the facts outlined above. The result has been that the company suffered a private loss under circumstances where had the work been accepted by the Government there would have been a basis for relief to the irrigation district had the project been turned over to the irrigation district. The extensive flooding so changed water courses and areas traversed by the pipeline constructed by the company that numerous change orders were necessary to permit a relocation of the pipeline. The report submitted to the committee by the Department of the Interior refers to these change orders and notes that $27,705.21 was paid the company in connection with those changes. That report states that the Government contracting officer found that the total direct cost of repairing flood damage was $51,451.76. At the hearing it was noted that this figure does not cover the indirect cost suffered by the company involved in the delays resulting from the flood and the necessity to retain personnel on the payroll and keep equipment and material on the job for an extended period of time. However, in seeking to make an equitable adjustment of the matter the committee concluded that the figure ascertained by the Interior Department should be taken as the basis for the loss, that is, $51,451.76. The amount paid for change orders under the contract, $27,705.21, is deducted from this figure to leave the amount directly attributable to the flood which has not been covered by other payments. This is the $23,746.55, the amount stated in the bill, H.R. 2876, as originally introduced in the present Congress. The Department of the Interior has stated that it is opposed to payment in excess of $23,746.55 and has recommended that the claimant be limited to that amount. The bill, H.R. 8588, was favorably reported and passed the House in the 90th Congress, and provided for payment of that amount. (H. Rept. 1693, 90th Cong., 2d sess.)

The report of the Department of the Interior indicated that the ruling of the Comptroller General prevents any payment to the Beasley Engineering Co. under Public Law 875 of the 81st Congress or Public Law 89-769. The 89th Congress law was passed shortly after the floods of the winter of 1964 for the express purpose of helping to relieve the damage and suffering caused in the area in which the company was performing the contract. The Bureau of the Budget referred to Public Law 89-769, however, it is apparent to the committee that the law does not apply for the stage of work was such that the company would not have qualified under that law. While this is true, the committee has concluded that it is inequitable to impose this loss on the company. As suggested in the report of the Department of the Interior, the committee has contacted the General Accounting Office and confirmed the fact that Public Law 89-769 would not apply in this instance. It is therefore clear that the company had no alternative but to appeal to the Congress for relief. In this connection, this reference to the law enacted on November 9, 1966, and to the recovery available under that law is apparently intended to call the attention of the committee to the fact that benefits payable to the local agency are limited to 50 percent of the loss. As has been noted, the committee has accepted the payment under that law as a guide to relief in this case. Accordingly, it is recommended that the bill be amended to provide for the payment of $11,873.27 and that the amended bill be considered favorably.

The committee believes that the bill is meritorious and recommends it favorably.

MRS. MARGARET M. McNELLIS

The bill (H.R. 8573) for the relief of Mrs. Margaret M. McNellis, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1396), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Secretary of Health, Education, and Welfare to determine the amount which would have been payable under the public health service program for civilian medical care in behalf of Mrs. Margaret M. McNellis of Waterbury, Conn., had she been an eligible beneficiary for care in civilian facilties under that act. The bill further authorizes the Secretary of the Treasury to pay the amount certified to him by the Secretary of Health, Education, and Welfare.

STATEMENT

The Department of Health, Education, and Welfare has no objection to favorable consideration of the bill as passed by the House of Representatives.

On September 24, 1966, Mrs. McNellis suffered severe burns over her body and was hospitalized in a civilian hospital. The personnel office of the PHS hospital in San Francisco determined Mrs. McNellis to be a dependent parent of Public Health Service Officer Margaret M. McNellis, her daughter, and issued her an identification card which showed her as being eligible for medical care in both uniformed services medical facilities and in civilian medical facilities. Mrs. McNellis and her daughter, now Mrs. Glen Martin, were lead to believe by the assertion of personnel in the PHS hospital in San Francisco and by the ID card, that Mrs. McNellis' care in a civilian hospital would be covered by the PHS. In accordance with regulations, however, a dependent parent is not eligible for care except in a PHS hospital, or in a uniformed services medical facility, on a space-available basis. The ID card showing eligibility was in error. Thus, Mrs. McNellis is not entitled to be reimbursed by the Public Health Service for expenses resulting from services received at a civilian hospital. A private relief bill is the only method available for Mrs. McNellis to recover her expenses.

In view of the error made by the PHS personnel in issuing an ID card stating that Mrs. McNellis was entitled to care in a civilian hospital, the Department of Health, Education, and Welfare states that it has no objection to favorable consideration of a private relief bill.

The House-passed bill embodies the recommendation from HEW and deletes any reference to a specific amount of money and authorizes the Secretary of HEW to determine the amount representing the charges for services rendered Mrs. McNellis that would otherwise be payable under the Public Health Service program for civilian medical care, had she been an eligible beneficiary. This means that the care would have to be of a type authorized and, as an example, stated that private duty nursing care is allowable only on the attending physician's certification of need. The bill also embodies the Department's recommendation that any recovery would be limited to costs incurred during the period between September 1966 when Mrs. McNellis was hospitalized, and April 1967 when Mrs. McNellis' daughter was advised of the error in the issue of the ID card.

The bill authorizes HEW to adjudicate the exact amount of the claim under the program based on evidence presented to it by Mrs. McNellis within 6 months after enactment.

The committee is in agreement with the conclusions arrived at by the House committee and accordingly recommends favorable consideration of H.R. 8573 without amendment.

BILLS PASSED OVER

Mr. MANSFIELD. Mr. President, I ask that Calendar No. 13, H.R. 12128, for the relief of William Heideman, Jr., and Calendar No. 1414, H.R. 12173, for the relief of Mrs Francine M. Welch be passed over.

The ACTING PRESIDENT pro tempore. The bills will be passed over.

CENTRAL GULF STEAMSHIP CORP.

The bill (H.R. 12958) for the relief of Central Gulf Steamship Corp., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1399), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to pay $50,055.95 to the Central Gulf Steamship Corp. in full settlement of all its claims against the United States for reimbursement of customs duties paid by the corporation on certain steel which arrived at the Port of New Orleans during 1968 and 1969.

STATEMENT

In its favorable report to the committee dated November 13, 1970, the General Counsel of the Treasury said:

Reference is made to your request for the views of this Department on S. 4468, "For the relief of Central Gulf Steamship Corp."

The proposed legislation would authorize and direct the Secretary of the Treasury to pay the Central Gulf Steamship Corp. the sum of $50,055.95 in full settlement of all its claims against the United States for reimbursement of customs duties paid by the corporation on certain steel which arrived at the Port of New Orleans during 1968 and 1969.

The bill concerns merchandise that was entered for use in a foreign-trade subzone to be established in New Orleans. The background and history of the subzone are set forth in the decision of the U.S. District Court for the Southern District of New York, in the case of *Armco Steel Corporation* v. *Maurice H. Stans, et al.*, 68 Civ. 4416, decided June 19, 1969, as follows:

"The saga of the subzone commenced in October 1967 when the New Orleans board (Board of Commissioners of the Port of New Orleans) was approached by representatives of Equitable-Higgins Shipyard, Inc. (Equitable) to explore the possibility of establishing a subzone in the Equitable shipyard for the specialized purpose of manufacturing barges to be used aboard LASH vessels. After receiving bids from Equitable and other domestic and foreign shipbuilders, Central Gulf Steamship Corp. (Central Gulf) entered into a contract with Equitable on January 17, 1968, under which Equitable was to build 233 barges to be manufactured out of steel plates imported from Japan, Equitable to use its 'best efforts' to insure that a subzone would be established in New Orleans for the construction of the barges. The contract prices assumed that the steel plates from Japan would be brought into the subzone without payment of customs duties, and that the completed barges, as 'vessels,' would enter the customs territory of the United States duty free.

"On March 18, 1968, the New Orleans board applied to the Zones Board for the establishment of the subzone in a 3.64 acre area within the Equitable shipyard. In the application, the New Orleans board stated that the existing zone in New Orleans was operating at near maximum capacity and was not able to accommodate the equipment or facilities needed to manufacture the barges.

"Hearings on the application were conduced by the Examiners' Committee of the Zones Board in New Orleans on May 22 and 23, 1968. Testimony was taken from representatives of the New Orleans board, Equitable, and Central Gulf and others in favor of the application, and from representatives of Armco, Bethlehem Steel Corp., and the Shipbuilders Council of America in opposition. On June 5, 1968, the Examiners' Committee issued its report recommending that the zones board grant the subzone application.

"On November 16, 1968, the zones board issued the order authorizing the establishment of the subzone in New Orleans, and made findings of fact in support of its orders. * * *"

The subzone became operational as of May 16, 1969.

In reporting to the House Committee on the Judiciary on February 9, 1970, with respect to a substantially similar bill introduced in the House of Representatives, H.R. 12958, the Treasury Department stated:

"The Department will * * * interpose no objection to legislation authorizing the reimbursement of the Central Gulf Steamship Corp. in an amount equal to the duty paid on that portion of the steel imported prior to the establishment of the subzone, which was not used in the manufacture of barges in the subzone as of November 19, 1968, the date of the approval of the establishment of the subzone."

This amount was subsequently estimated be $50,055.95.

In view of the above, the Department would have no objection to the proposed legislation.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

The committee believes that the bill is meritorious and recommends it favorably.

Attached hereto and made a part hereof is the report from the General Counsel of the Treasury.

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, D.C., November 13, 1970.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on S. 4468, "For the relief of Central Gulf Steamship Corporation."

The proposed legislation would authorize and direct the Secretary of the Treasury to pay to Central Gulf Steamship Corp. the sum of $50,055.95 in full settlement of all its claims against the United States for reimbursement of customs duties paid by the corporation on certain steel which arrived at the Port of New Orleans during 1968 and 1969.

The bill concerns merchandise that was entered for use in a foreign-trade sub-zone to be established in New Orleans. The background and history of the sub-zone are set forth in the decision of the U.S. District Court for the Southern District of New York, in the case of *Armco Steel Corporation* v. *Maurice H. Stans, et al.*, 68 Civ. 4416, decided June 19, 1969, as follows:

"The saga of the subzone commenced in October 1967 when the New Orleans board (Board of Commissioners of the Port of New Orleans) was approached by representatives of Equitable-Higgins Shipyard, Inc. (Equitable) to explore the possibility of establishing a subzone in the Equitable shipyard for the specialized purpose of manufacturing barges to be used aboard LASH vessels. After receiving bids from Equitable and other domestic and foreign shipbuilders, Central Gulf Steamship Corp. (Central Gulf) entered into a contract with Equitable on January 17, 1968, under which Equitable was to build 233 barges to be manufactured out of steel plates imported from Japan, Equitable to use its 'best efforts' to insure that a subzone would be established in New Orleans for the construction of the barges. The contract price assumed that the steel plates from Japan would be brought into the subzone without payment of customs duties, and that the completed barges, as 'vessels' would enter the customs territory of the United States duty free.

"On March 18, 1968, the New Orleans board applied to the Zones Board for the establishment of the subzone in a 3.64-acre area within the Equitable shipyard. In the application, the New Orleans board stated that the existing zone in New Orleans was operating at near maximum capacity and was not able to accommodate the equipment or facilities needed to manufacture the barges.

"Hearings on the application were conducted by the Examiners' Committee of the Zones Board in New Orleans on May 22 and 23, 1968. Testimony was taken from representatives of the New Orleans board, Equitable, and Central Gulf, and others in favor of the application, and from representatives of Armco, Bethlehem Steel Corp., and the Shipbuilders Council of America in opposition. On June 5, 1968, the examiners' committee issued its report recommending that the Zones Board grant the subzone application.

"On November 19, 1968, the Zones Board issued the Order authorizing the establishment of the subzone in New Orleans, and made findings of fact in support of its order. * * *"

The subzone became operational as of May 16, 1969.

In reporting to the House Committee on the Judiciary on February 9, 1970, with respect to a substantially similar bill introduced in the House of Representatives, H.R. 12958, the Treasury Department stated:

"The Department will * * * interpose no objection to legislation authorizing the reimbursement of the Central Gulf Steamship Corp. in an amount equal to the duty paid on that portion of the steel imported prior to the establishment of the subzone, which was not used in the manufacture of barges in the subzone as of November 19, 1968, the date of the approval of the establishment of the subzone."

This amount was subsequently estimated to be $50,055.95.

In view of the above, the Department would have no objection to the proposed legislation.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely yours,
SAMUEL R. PIERCE, Jr.,
General Counsel.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOLE. Would the Senator have any objection to taking up Calendar No. 1396, Senate Resolution 486, relating to prisoners of war?

Mr. MANSFIELD. That is not an item to be called up by unanimous consent. I should prefer that some other Senators who are interested in the subject be on the floor of the Senate at the time it is taken up. Personally, I would have no objection.

Mr. SCOTT. I have no objection; I should like to make that clear.

ADDRESS BY PRESIDENT NIXON TO NATIONAL ASSOCIATION OF MANUFACTURERS

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the address by President Nixon to the National Association of Manufacturers in New York City on Friday, December 4, 1970.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF AN ADDRESS BY THE PRESIDENT

I would like to take this occasion to report to the nation on this Administration's economic strategy—what we found when we took office, what we did about it, what the results of our moves were, and what we are doing now.

When we came into office 22 months ago, this was the situation:

532,000 Americans were fighting in Vietnam, with no diplomatic or military plan to bring them home, and no economic plan to provide civilian futures for them when they did get home;

Prices were rising, interest rates were rising, and monetary and budget policies had produced a serious inflationary crisis.

The challenge was clear: Never before had this nation been able to end a war without severe economic hardship and never before had we been able to curb a major inflation without a recession. We accepted that challenge.

We acted immediately on both the war front and the home front.

Abroad, we implemented a plan that will bring 265,000 men home by next May. We brought casualties down to the lowest point in over four years. We presented a fair and honest plan for peace. We re-ordered our national priorities: More than a million men were released from armed forces and from defense plants, and for the first time in twenty years the Federal government spent more money to meet human needs than on defense.

At home, we took the action needed to combat inflation. We held down Federal spending and balanced the budget; at the same time, the monetary policy of the Federal Reserve was restrictive. By doing what we said we would do, we effectively countered much of the inflationary pressure that had been feeding on itself and endangering the dollar.

In essence, then, we found a war that was surely not ending and an inflation that was surely accelerating, and we moved quickly to set a new course that would end the war and curb inflation—both at the same time.

Let me focus now on our economic plan and its results. Keep in mind its two basic elements.

First, we were determined to slow down a runaway inflation in a way that would not bring about a serious recession.

Next, even before the results of our anti-inflationary action became fully apparent, our plan called for moving the economy up toward its full growth potential, in a way that would not bring about a new round of inflation.

That was the plan and that is the plan. It was, and is, a bold and ambitious plan—to slow down the cost of living as we end the cost of war, to hold down the pain of transition as we build strong and stable foundations for a new prosperity, with new confidence in the purchasing power of the dollar.

I want to speak with complete candor about the progress we have made and the problems we will confront.

The inflation psychology was more powerful than anyone knew. But the dangerously rising momentum of inflation was arrested by late 1969, and the rate of inflation has been moving gradually downward in 1970.

The progress is not as fast as we want, and we can expect some reverses along the way. But the worst of inflation is over. The lowered rise in the consumer price index, and the much lower rise in wholesale prices and lower interest rates indicate that there will be a further decline of the rate of inflation during the year ahead.

Have we slowed inflation without a serious decline, as our plan called for? We have—but the nation has paid a price for slowing down the rise in prices. The unemployment figures issued today, while they reflect in part the temporary effects of the auto strike, underscore that fact.

Unemployment is at the level of the first half of the Sixties, before the Vietnam war buildup began. I believe we can and must do better.

Businessmen and investors, large and small, have felt a profit squeeze, with corporate profits down 8% from 1969. Many working people and investors have been hurt, and it offers them little solace to know that this has been the least painful transition from war to peace, from inflation toward stability, in our recent history.

These are not small problems, and people are not statistics. The man looking for a job, the businessman suffering from disappointing sales, the investor who has seen his savings and investments erode—all are Americans with important human concerns.

The pain of transition from war to peace, from inflation to stability, is real, and it is the business of government, business and labor to help ease that pain as we move ahead.

Having paid the cost of slowing the rise in prices, the workingman and the businessman have earned a new right—the right to reasonable stability and a new steadiness of growth in our economic life.

Let me turn now to the prospects for the next phase of our economic plan. Our objective is to help move our economy up to its full potential of growth and employment while continuing to reduce inflation.

The basic questions are these: What have we been doing to restimulate the economy? What do we intend to do to step up the pace of growth? And what are we all prepared to do to hold down the cost of living as we quicken our economic pulse?

This is what has already been done to help the economy resume its growth:

First, early in 1970, budget policy turned in a more expansionist direction. It was an orderly and well-timed change. Some of the present deficit is government's way of picking up the check for a slowdown of inflation; much of it is a force working toward orderly stimulation and expansion of the economy.

Second, monetary policy has changed over the period of this year. From mid-1969 to February of this year, the money supply grew by only 1% a year; since February, the Federal Reserve has permitted the supply of money to grow at an annual rate of 6%.

Third, as a result of easier credit policies and curbing of inflationary psychology, interest rates are coming down substantially. This sets the stage for new expansion of housing, of State and local government construction, of private capital formation needed for productivity.

The effects of these basic changes in economic policy can already be seen in the strong upsurge in housing starts, the rapid expansion of State and local bond financing, and the strong market for corporate debt financing. Along with unusually large spending potential by consumers, these signs all point to the expansion ahead.

But the government has a responsibility to do more: this is what we are doing to help the economy along the path that will get us back to full employment as rapidly as possible, while continuing to make progress against inflation.

First, we plan our budget on the basis that it would be balanced if we were at full employment and the economy were producing full revenues, not when the economy is below that point. Our budget policy will be responsible in holding down inflation and responsive in encouraging expansion.

Second, as the economy rises toward full employment, more money will be required to do the nation's business. The amount of business to be done will rise steadily, and we shall need a rate of expansion of the supply of money and credit to do the job properly. I have been assured by Dr. Arthur Burns that the independent Federal Reserve System will provide fully for the increasing monetary needs of the economy. I am confident that this commitment will be kept.

Third, we look to a continuation of the strong revival of housing construction to be a leading force in the upward movement of the economy. Housing starts have been rising strongly this year and surged ahead almost 20% in the last quarter. The programs of government, which profoundly affect the rate of housing construction, will continue to be directed to assure that the pent-up demand for housing in America is met.

As we take these actions to produce a vigorous and orderly expansion, this is what we are doing to strengthen resistance to inflation:

We have arranged for a series of Inflation Alerts and established the National Commission on Productivity to enable labor, business and the public to cooperate in improving efficiency and cutting costs.

We have also set up procedures to change some government regulations that contribute to higher prices. These are not moves toward controls; on the contrary, these are moves away from the kind of government controls that cause artificial market shortages.

Take, for example, the recent increase of 25¢ per barrel in the price of crude oil, accompanied by increases in prices of gasoline and, later, jet fuel.

Up to now, State restrictions on production on Federal offshore leases have held down the supply of crude oil.

I have been informed by the Director of the Office of Emergency Preparedness that these restrictions are not necessary for national security; moreover, they actually interfere with the freedom of our domestic market system.

I have today directed the Interior Department to assume complete regulating responsibility for conservation and production of oil and gas on all Federal offshore lands. This means that more oil will be produced on those lands, while maintaining strict environmental standards.

I have also directed that companies importing Canadian oil be permitted to use their overseas allocation for the purchase of more crude oil from Canada.

Taken together, these actions will increase the supply of oil and can be expected to help restrain the increase of oil and gasoline prices.

Let us look at the other side of the coin—at the wage side—to see where government leadership can help hold down costs and prices.

The problem in the construction industry, for example, illustrates the need for that leadership. When you have an industry in which one out of three negotiations has led to a strike; when construction wage settlements are more than double the national average for all manufacturing, at a time when many construction workers are out of work, then something is basically wrong with that industry's bargaining process.

What can be done about it?

For one thing, the structure of bargaining must be changed. As it is now, the craft-by-craft, city-by-city pattern only guarantees instability. What is called for is more consolidated bargaining, on an area or regional scope. What is needed is a bargaining process that will preserve the integrity of each bargaining unit while it provides a new base for stability and fairness.

I have directed the Construction Industry Collective Bargaining Commission to take the initiative in working out these changes with leaders of management and labor. If the Commission determines that legislation is required, it will be proposed.

In today's economy, about the only thing greater than the problem of the construction industry is the potential of the construction industry. The men who are building this nation work in a field with a great future, and one in which the Federal government—with its expanded housing programs and its highway programs—will be a driving force for growth.

The time is now for the construction trades and the construction industry to face up to reality—a reality where strikes and costs are limiting its own future. The Federal stake in the construction industry is enormous. Unless the industry wants government to intervene in wage negotiations on Federal projects to protect the public interest, the moment is here for labor and management to make their own reforms.

If business and labor expect the public to help stimulate real expansion, then business and labor should be prepared to offer the public some real help in curbing inflation.

In discussing this problem, however, let us recognize that no one industry and no one side of the bargaining table can be made the scapegoat for rising prices. There is blame enough to go around, and the past policies of government bear their full share of that blame. But recriminations and buck-passing will not help; what is needed now is the firm acceptance of the fact that fighting inflation is everybody's business.

The decisions of business and labor about prices and wages must be formed by the economic facts of life. The most basic of these facts is that we cannot receive more real income than we turn out in real goods and services. When profits and wages are rising faster than productivity, prices will also be rising.

Because of our campaign against inflation, we now have an opportunity to break the vicious circle of wage-price escalation. As you know, productivity is once again on the rise. As a result, production costs are rising less rapidly.

Government has done its part to hold the line. This is the critical moment, then, for business and labor to make a special effort to exercise restraint in price and wage decisions.

This is the moment for labor and management to stop freezing into wage settlement and price actions any expectation that inflation will continue in the future at its peak rate of the past. Any wage or price decision that makes that flat and irreversible assumption of a high rate of inflation ahead is against the public interest and against the real interest of the workingman.

This is also the moment, with productivity newly on the rise, for business to take a hard new look at its pricing policies, and to pass along to the consumer its savings in production costs.

Let us look beyond our immediate concerns to the deeper strengths and longer-range goals of the American economy.

Many people see full employment and a stable cost of living as a kind of trade-off; they say we can have one or the other, but never both at the same time. The best we can hope for, they say, is a "balance of error"—not too much unemployment at a time when there is not too much inflation.

That may be a stage on the way to our goal, but it is by no means the goal itself.

The American people have a right to expect more than that.

Our goal is to achieve a combination of full employment and reasonable price stability. I am confident we can and will achieve that goal.

This is why I am confident:

I have an abiding faith in the power and genius of the American economic system. No businessman can intelligently plan ahead without figuring in the capacity of that economic system to meet the demands made upon it by the American people.

Taking the record of American free enterprise as a guide, the most realistic, businesslike view of the future is this: Our system can deliver full employment, a stable dollar and truly equal opportunity—all at the same time.

I know that many businessmen are concerned when young people, including their own children, come to them and say: "Business is not for me. I don't want to get in the rat race; I want to help other people."

The paradox is this: Nothing has done more to help people in this country and people throughout the world than the American private economic system. Not organized charity, not the most active voluntary organization, not government itself can begin to compare with the benefits to people that flow from our unique combination of management, capital and labor.

Here is a system that has reduced the percentage of poor in this nation by almost half in the past decade alone; a system in which even those on welfare receive more real income than 75% of the people of the world will see in their lifetime.

Here is a system that provides the working man with more opportunity, more real income, more leisure time, more personal freedom than any system in the history of man—and provides this all at the same time.

Here is a system that has made it possible for the United States to distribute 140 billion dollars in aid to the rest of the world since the end of World War II—that makes it possible for us to respond generously to human needs created by an earthquake in Peru, a flood in Romania or to a cyclone and tidal wave in East Pakistan.

And here is a system that makes possible massive aid to education, vital new programs to improve the health of our people, and a wide range of efforts to protect and restore our environment. A strong economy makes us strong enough to better our lives; a strong economy makes us strong enough to defend our freedom.

Our system produces wealth. I realize that "wealth" is a word that is scorned by a lot of people today.

But how could we afford our massive educational system without the wealth produced by the people who make our economy move? Where would we get the resources to care for the poor, to look after the sick, to clean up our air and water—if it were not for the wealth generated by our free economy?

Too many people make the mistake of thinking that because government is the distributor of so much wealth, government must be the source of that wealth. Nothing could be farther from the truth.

You cannot pass a law raising a nation's standard of living. You cannot legislate into being the resources to solve our problems.

On the contrary, the only place you can turn to for the ability to help other people is that place that is so often denounced as the citadel of self-interest—the private enterprise system.

The next time you hear someone running that system down, the next time you hear the product of that system derided as "material" or unworthy of man's highest ideals—remember this:

A nation with the greatest social goals, with the most perfect political system, but without a strong and free economy is like a magnificent automobile without an engine.

We in America have that engine; it is something to be proud of, not ashamed of; it gives power to our purpose.

Surely there are many ways for that engine, that system, to be improved. But let us never forget that what is right about our system enables us to correct what is wrong. The wealth produced by labor, management and capital gives all of us the power to ennoble our aims, to enrich our own lives and the lives of our fellow men.

We are not the only nation to dream of opportunity with security, growth with stability, freedom with justice. That "American dream" is not limited to Americans.

But we stand first in the world on the road to achieving that dream, because we have created the system that can take us there.

Without a strong economy, dreams will always remain impossible dreams; but with the wealth that workingmen and businessmen produce, we can and we will turn our dreams into reality.

To the young person thinking of entering business tomorrow, as well as to those already managing and working in our free economic system today, may I point out that a credo for a new prosperity is emerging:

I believe the American economy is strong and growing stronger, capable of more than doubling the real income of each succeeding generation of Americans.

I believe American business will respond to the social as well as the economic demands of the consumer, adding to the dignity and security of work as well as the quality of life.

I believe the greatness of America's economic system will be judged by future generations not by how big it gets but how good it is; not only in the increased value of its investments, but in its increased investment in human values.

I believe that we will build a new prosperity that will last; not a period of good times between periods of hard times, but a steady prosperity that people can count on and plan for.

I believe that the new prosperity can never be gained at the expense of one group or another, but must be newly shared at every level of our society and among all our people.

And this above all: I believe that only if our economic system remains free can we achieve that combination of full employment with price stability—something Americans have never enjoyed in this century—a new prosperity in a full generation of peace.

THE PROWESS OF SENATOR MILTON R. YOUNG OF NORTH DAKOTA

Mr. SCOTT. Mr. President, I should like to note that the distinguished Senator from North Dakota (Mr. Young), with a single, mighty whack of his bare right hand, split a 1-inch panel board in half on December 5, thus becoming the first president of the United States Tae Kwon Do Association.

I cite this as a tribute to the distinguished Senator today, his birthday, and express the hope that just as Senator Young crashed through this obstacle, the Senate may crash through its impediments toward adjournment.

Mr. MANSFIELD. Mr. President, I should like to join in the commendation and congratulations to the distinguished senior Senator from North Dakota, not only because he won the title in this exotic sounding outfit to which the distinguished minority leader has referred, but also because, in my opinion, Senator Young is one of the finest Members of this body. He is my close personal friend. He is a man to whom farmers can look with respect and for consideration. He has done much to raise the level of integrity in this body down through the years in which he has served.

I am extremely proud to be considered a friend of Senator Milton Young, of North Dakota. I look on him with affection and respect, and I honor him for the many good things he has done in behalf of the agricultural sector of our economy.

Mr. SCOTT. All of us, indeed, on both sides of the aisle, are proud of Senator Young and his accomplishments and expertise. We look to him for guidance and advice in many matters, including farm matters. I should like to express, on behalf of all of us, our best wishes for a happy birthday.

Mr. MANSFIELD. Of course, we do not yet know what will be the result of the Montana State-North Dakota game to be held in the Camellia Bowl later this month. The bet is a jackrabbit; and the one who loses has to go out and catch that animal. Personally, I do not intend to lose that bet, because I do not think I would have the endurance.

Mr. SCOTT. If the jackrabbit is hiding under a thick pine board, it might give the Senator from North Dakota some advantage.

THE INTERSTATE COMMERCE COMMISSION AND THE RAILROAD

Mr. MANSFIELD. Mr. President, Senators may recall that in the past year I have become increasingly concerned about the attitude of the Interstate Commerce Commission and its ineffectiveness in protecting the interests of the shippers, the consumers and the traveling public. In my estimation, the Interstate Commerce Commission has almost given in to the industry and has done little to help formulate an improved transportation system. As a Senator from the State of Montana, I am primarily concerned about the effect that this situation is having on my constituents. There is every indication that there will be further reductions in passenger train service in Montana. The Burlington-Northern has reduced service to more of the small communities in my State with the acquiescence of the Commission. It has only been a few days since the Commission agreed to permit the Burlington-Northern to discontinue its service between Sappington and Norris, a matter which our State regulatory agency, the Montana Board of Railroad Commissioners, intends to appeal.

The three freight rate increases approved this year by the Commission have placed the agriculture and lumber segments of my State's economy and, I believe, the Nation's economy in a very precarious position.

In all fairness to the Interstate Commerce Commission, I will say that the boxcar shortage in Montana is less serious than it has been in the past, but it has taken considerable time to convince the Commission of the seriousness of this matter so that they would take the necessary initiative through their own personnel and regulations. I am including a copy of a report I have just received which gives the Commission's position on this area in considerable detail.

Until such time as the members of the Interstate Commerce Commission will take the time to assume the independent role of the Commission and, in effect, lecture and suggest to the transportation industry how their services and management might be improved to meet the demands of this country in the early 1970's, I believe that the Commission has little value. I am not the only Member of this body who has expressed concern. I have been joined by 30 of my colleagues in expressing our reservations to the Chairman of the Commission. This is indicative of what I feel will be one of the major issues to be discussed in the 92d Congress—the future of the Interstate Commerce Commission and other regulatory agencies.

Mr. President, I ask unanimous consent that the text of the joint communication to the Chairman be printed at this point in my remarks. I also ask unanimous consent to have a recent news story appearing in the Independent Record, Helena, Mont., daily newspaper, printed in the Record, which indicates in more detail the effect and scope of the recent approval of freight rate increases. Freight rate increases over the past 12 months will cost the grain industry in Montana some $7.5 million a year.

There being no objection, the material was ordered to be printed in the Record, as follows:

Interstate Commerce Commission,
Washington, D.C., November 27, 1970.
Hon. Mike Mansfield,
Majority Leader, U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: This is in reply to your telegram of November 18, 1970, addressed to Chairman George M. Stafford, with reference to the effective date of the eight-percent freight rate increase.

I am particularly interested in that part of your telegram wherein you state that the railroads are not furnishing enough grain cars prior to the effective date of the increase. Due to my close association with the total car supply of all the railroads and the responsibility for same delegated to me by the Commission, I have been requested by Chairman Stafford to reply to that portion of your telegram.

We have practically completed the movement of the recent grain harvest in the western and midwestern states, including Montana. I am happy to report that this year we have had very few complaints from shippers unable to obtain cars to transport their grain. Presently the bulk of Montana grain is being loaded on the lines of the former Great Northern Railway in the area bounded by Great Falls on the south, Shelby on the northwest, and Havre on the northeast. The other lines of the Burlington Northern and the Milwaukee railroads have made only minor demands for grain cars at this time.

I am quoting below statistics for the Billings region of the Burlington Northern, which takes care of practically the entire State of Montana, for November 18, 19, 20, and 23:

	11/18	11/19	11/20	11/23
Boxcars:				
Cumulative orders	411	423	435	416
Available cars	970	832	990	977
Surplus cars	559	409	555	561
Covered hoppers:				
Cumulative orders	904	913	857	824
Available cars	118	114	118	109
Short	786	799	739	715

The car supply of the Burlington Northern today is such that it is able to fill all orders for boxcars. The information obtained from our field personnel indicates that hundreds of cars of grain are being held at hold points in Montana and Washington awaiting billing instructions from the shippers. In fact, the flow of grain for Montana and contiguous states has been so heavy that it will probably be necessary to embargo the largest elevator complex in the Pacific Northwest because of its inability to handle cars currently. This facility on November 19 had nearly 500 cars of grain, largely from Montana, on hand for unloading.

On the Milwaukee Railroad there are no shortages of cars for grain loading at this time. The Union Pacific, the other Class I railroad operating in Montana, has no grain traffic originating in that State at this time.

On Friday, November 20, the Milwaukee Railroad requested that the Commission discontinue its assistance in furnishing it with boxcars because of substantial reductions in the demand for boxcars from shippers on its lines. We received a similar request from the Burlington Northern on November 23.

It is pointed out that, as indicated in the above tabulations, there remain substantial shortages of covered hopper cars. This is true wherever grain is being shipped today. Shippers desire covered hoppers because of their economy in loading and unloading. There is no rate difference in the use of covered hopper cars over boxcars; but, as you are aware, the covered hopper is a specialized car, very desirable for grain shippers. The demand for covered hoppers has far exceeded the carriers' ability to furnish them. However, all grain carrying roads have been making a vigorous effort to augment their covered hopper fleets.

From the above information I am sure you will recognize that, while the railroads are not furnishing sufficient covered hopper cars to meet the demands of shippers served by them, it is quite evident that they are furnishing sufficient equipment to transport the grain being offered.

As previously stated, we in the Commission feel that the efforts of our Washington staff, along with the close checking of our agents in the field, have resulted in much-improved service and a minimum of complaints. We have monitored the car demands consonant with the grain movements and have amended and modified our orders to effect the greatest utilization of equipment and to have the greatest number of cars available where they are needed.

We have endeavored to perform a service to all; and where our efforts would best be served by focusing our attention on seasonal movements, we have done this. I can say without reservations that most grain shippers will agree that the carriers have met the demands made upon them in a reasonable manner. To support this, I am enclosing copies of correspondence which I believe indicate the results of our handling of car supply and service complaints. While I am somewhat hesitant to expound on the work accomplished by our Commission, I do believe in all fairness that you should be given the benefit of the enclosed.

While I have dealt primarily with present conditions in Montana, I do believe that a similar situation has prevailed for quite some time; and while the farmers' elevators might be in a position to produce contrary statistics, we feel that a general statement to the effect that railroads were not furnishing grain cars prior to that date is a debatable question.

In any event, I am happy to bring you up to date on the present picture.

Sincerely yours,
Rupert L. Murphy,
Commissioner.

U.S. Senate,
Office of the Majority Leader,
Washington, D.C., November 30, 1970.
Hon. George M. Stafford,
Chairman, Interstate Commerce Commission, Washington, D.C.

Dear Mr. Stafford: The gravity of the present surface transportation situation in the United States cannot be overstated. It is past time for the Interstate Commerce Commission to review its decisions with respect to transportation matters under its jurisdiction and to assess its position. We ask that you consider the long list of decisions which have reduced service, increased costs and permitted the draining of assets so seriously as to imperil the future of rail transportation in the United States.

Two once great railroads, after merger, are bankrupt; another newly merged giant is short of cash; passenger trains have been discontinued, one after the other, in little more than three years, there have been freight rate increases totaling 30 percent, with another increment of 7 percent threatened. Only lately and only partially has the ICC demonstrated its concern with carrier diversification and the consequences of it for rail service. In addition, the box-car shortages on the Western lines are not sporadic anymore; it appears to be a permanent liability.

It would be curious, indeed, if the agency that was established to regulate surface transportation were to be the instrument for the collapse of a vital sector of that industry. The most recent order to permit an 8 percent increase of rail freight rates suggests to us that, despite clear warnings, the Commission remains unaware that to all appearances it has ceased to be a regulatory agency.

Indications at this time lead us to believe that merger considerations, diversifications and increasing labor demands may well result in a transportation crisis of unprecedented magnitude within the next two years. The related effect of this crisis is presently measurable in its effects upon both the rural and urban economic base, regionally and nationally.

Repeated Congressional expressions of concern, not only for rail transportation but for other facets of the economy dependent upon rails, have gone virtually unheeded by the Interstate Commerce Commission.

A review of hearings before the Senate Subcommittee on Surface Transportation clearly indicates by the Commission's own figures that the railroads have been given "substantially everything they have asked for." The Commission's granting of rail requests has had virtually no effect on the decline of rail service.

The Nation is falling into a transportation morass from which certain segments of the economy may never recover. The time has come for a facing of the realities of this situation and for the concerted action necessary to reverse the present course of events.

Sincerely yours,

Senator Mike Mansfield, Senator Lee Metcalf, Senator Stuart Symington, Senator John Sparkman, Senator Len B. Jordan, Senator Jennings Randolph, Senator Clinton P. Anderson, Senator George D. Aiken, Senator Stephen M. Young, Senator Quentin N. Burdick, Senator Harold E. Hughes, Senator Abraham Ribicoff.

Senator William Proxmire, Senator Albert Gore, Senator Clifford P. Hansen, Senator Frank Church, Senator Alan Bible, Senator Edward J. Gurney, Senator B. Everett Jordan, Senator Strom Thurmond, Senator Birch Bayh, Senator John Sherman Cooper.

Senator Thomas F. Eagleton, Senator Howard W. Cannon, Senator Barry Goldwater, Senator Mike Gravel, Senator Edward M. Kennedy, Senator Gaylord Nelson, Senator Spessard L. Holland, Senator Gale W. McGee, Senator Edmund S. Muskie.

[From the Helena (Mont.) Independent Record, Nov. 8, 1970]

Freight Rate Means $15 Million Loss

(By Arthur Hutchinson)

Freight rate increases granted railroads in the past 12 months will cost the grain sector alone of the Montana economy $7.56 million a year, the State Agriculture Department said Friday.

That figure is the direct annual loss in value of Montana wheat and barley production which is exported. It is due to rate increases authorized by the Interstate Commerce Commission since last November which now amount to 21.2 per cent compounded over the period.

The loss in purchasing power to grain farmers will cost the state economy more than $15 million, based on research by Montana State University showing every $1 of grain production has a $2 effect on the total state economy.

The loss does not include higher freight rates for imported goods including automobiles, machinery, manufactured goods and liquor which move by rail.

Nor does it include the loss to the state government of income taxes paid by farmers.

The farmer must bear the entire cost of the freight increases because he paid the port terminal price less the shipping cost from his home elevator.

DETAIL STATISTICS

Detailed statistics were submitted by Agriculture Commissioner George Lackman to the ICC in behalf of his department and its ad-hoc committee composed of virtually every farm organization in the state in an effort to block the latest 15 per cent boost asked by the railroads.

The ICC Thursday gave railroads authority to raise rates 8 per cent. This came atop a 5 per cent increase granted in November 1969 and another 5 per cent effective last June and raised another 1 per cent this month.

Had the railroads been given the full 15 per cent the loss to the grain sector would have been $10.9 million a year and the loss to the total state economy in the neighborhood of $2 million.

Montana wheat production in recent years has been 100 million bushels annually. About 80 million bushels is exported, of which 82 per cent moves by rail, said Eldon Fastrup, marketing coordinator for the department.

He said prior increases amounting to 11 per cent cost wheat farmers $3.7 million a year and the latest 8 per cent hike will cost them another $2.6 million.

Montana barley production averages about 65 million bushels a year of which 25 million bushels are shipped out, 59 per cent of this by rail, Fastrup said.

The earlier increases cost barley producers $750,000 a year and the latest 8 per cent hike will cost them another $510,000 a year for an annual loss in barley value alone of $1.26 million.

NO ECONOMIC JUSTIFICATION

Fastrup, who prepared the detailed analysis Lackman presented to the ICC, said there was no economic justification for the increased rates.

"The railroads were already making substantial profits from grain hauls in Montana," he said. Fastrup said railroad revenue from Montana grain hauls ranged from 153 per cent to 217 per cent of the road's fully distributed costs "and this includes a fair return on their capital investment."

He said railroads justified their requests by claiming grain growers in the West could afford to bear their fair share of the railroads' increased operating costs.

The railroads, he said, argue the grain farmer has improved his income through higher yields per acre.

"This is not true in Montana," Fastrup said. "The railroads fail to recognize the cost of production and inflation have eaten up the profits from increased yields."

Mr. METCALF. Mr. President, will my colleague yield?

Mr. MANSFIELD. Mr. President, I gladly yield to my colleague.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Montana is recognized.

Mr. METCALF. Mr. President, I appreciate the fact that my senior colleague, the majority leader, called attention to this important matter involving the Interstate Commerce Commission.

A former member of a regulatory commission suggested that the membership of the regulatory Commission should be renewed every 10 years. Another former member of the regulatory Commission has suggested that the regulatory Commission passes through the same stages of life as men. They start out to be aggressive in the juvenile stage, then go into middle age, and finally go into senility.

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Montana be permitted to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. The Interstate Commerce Commission is an example of the truth of this statement. It is the grandfather of all commissions. I believe that it has gone into the stage of senility. It is a Commission that has now been captured by the very industries whom it is supposed to regulate—the railroads.

Every time that a railroad matter appears before the Commission, whether it involves rates, the discontinuation of a route, or some other matter, the decision is inevitably made in favor of the railroads rather than in favor of the public concerned.

I completely agree with the distinguished senior Senator from Montana that the regulatory Commission should be very carefully examined in the next Congress. We should have hearings on whether we should continue the Interstate Commerce Commission, have a new commission, or abolish it entirely.

The whole concept of a regulatory agency has been destroyed by decision after decision of the Interstate Commerce Commission.

It has been my obligation as a Senator from Montana, and also on behalf of other Senators and Representatives from the Northwest, to appear several times before the Interstate Commerce Commission to protest the discontinuation of such trains as the Main Streeter, the Great Northern's Empire Builder, and also the service from the Northern Pacific's North Coast Limited.

Now that we have a consolidation of the Burlington-Northern, we have an automatic discontinuation of service insofar as these great railroads are concerned. We find that gradually they are automatically discontinuing service in the State of Montana and probably in other States.

I know that we will have a petition for discontinuation of service of the Main Streeter, the Great Empire Builder, or the Northern Pacific's North Coast Limited.

We will have a gradual destruction of all of the main routes in Montana.

The Interstate Commerce Commission, as the oldest regulatory commission concerned, should certainly be subjected to a congressional or a senatorial investigation as to its effectiveness and functions.

(At this point, Mr. METCALF, the Acting President pro tempore, took the chair.)

Mr. MANSFIELD. Mr. President, I could not agree more with my distinguished colleague.

I point out that in little more than 3 years, freight rate increases totaling 30 percent have been granted by the Interstate Commerce Commission, with another increment of 7 percent threatened.

This is a problem which not only affects Montana, with its small population and tremendous area, but is a problem which affects the urban areas as well.

I would point out that two once-great railroads, after merger, are bankrupt; another newly merged giant is short of cash; passenger trains have been discontinued one after the other.

This is a most serious situation.

I think that we in the Congress are to blame for allowing the ICC to get away with its increases. They are almost automatic and have been down through the years. As I have said, there has been a 30 percent increase in freight rates over the past 3 years alone and another 7 percent increase is in the offing.

This is something which will be looked into by the next Congress.

May I point out that the letter sent to the Chairman of the Interstate Commerce Commission has also been signed by my distinguished colleague who has just spoken, and is now presiding over the Senate, Senator METCALF, and Senators SYMINGTON, AIKEN, SPARKMAN, YOUNG of Ohio, JORDAN of North Carolina, BURDICK, RANDOLPH, HUGHES, ANDERSON, RIBICOFF, PROXMIRE, EAGLETON, GORE, CANNON, HANSEN, GOLDWATER, CHURCH, GRAVEL, BIBLE, KENNEDY, GURNEY, NELSON, JORDAN of Idaho, HOLLAND, THURMOND, BAYH, MCGEE, COOPER, and MUSKIE.

That roster covers the entire philosophical spectrum of the Senate.

EAST PAKISTAN RELIEF AND RECONSTRUCTION

Mr. DOLE. Mr. President, in what was probably the greatest natural disaster of the century, a massive cyclone and tidal bore struck the southeastern coastal areas of East Pakistan on November 13 with winds in some areas up to 150 miles per hour, followed by tidal waves 20 to 30 feet high. Many families were completely wiped out. Almost all seasonal workers, who were harvesting rice in low-lying fields close to the Bay of Bengal, were drowned. Coastal embankments provided some protection for those living behind them. Despite such protective embankments in many areas, the official death toll of those buried or reported dead is currently 200,000 and unofficial estimates are as high as 750,000 to 1 million. According to preliminary estimates, the lives of about an additional 2 million people have been severely disrupted by the disaster. About 250,000 houses were completely demolished and another 110,000 were partially damaged. Crops, including over 600,000 megatons of rice nearing harvest, were destroyed. Total crop and property loss has been initially estimated at about $150 million.

IMMEDIATE NEED

The immediate need in the affected area is for clothes, blankets, food, and potable water. Shortly after the disaster, the U.S. Ambassador made an emergency donation of PRs 250,000—$52,000—and on November 17, President Nixon announced an initial commitment of $10 million to assist in the worldwide relief effort.

Commercially chartered planes departed the United States between November 19 and 25 on a daily basis carrying blankets, tents, packaged foods—including 250 tons of survival biscuits donated by the Office of Civil Defense—and 45 tons of packaged meat, chicken, and applesauce—donated by CARE—fifty 16-foot boats with motors purchased by AID, and 21,000 immunizations of typhoid vaccine donated by Church World Services. Also on November 17, 50,000 metric tons of wheat—valued to $6 million, including freight—under Public Law 480 title II—Emergency Relief—were authorized for early shipment to East Pakistan to replenish stocks now in East Pakistan which are being drawn down for emergency distribution.

But the relief effort is further complicated by the fact that the worst part of the disaster occurred in remote coastal areas where transportation facilities are extremely limited. For that reason, the United States has already sent eight UH-1—Huey—helicopters and two Bell helicopters under contract to AID in Nepal.

RECONSTRUCTION PROGRAMS

It is clear that an extensive reconstruction program will be needed for the area. The rice crop in the affected areas has been virtually wiped out and in certain hard-hit regions, 90 percent of the bullocks used by farmers to till their fields have been killed. Coastal embankments, roads, dwellings, schools, markets, dispensaries, grain storage facilities, and other public buildings are gone and must be replaced. A broad scale reconstruction program must be placed in operation as soon as possible in order to take advantage of the dry weather construction season which is now just beginning. More important is the fact that the reconstruction projects would have a high employment impact and provide jobs and income for thousands of destitute villagers. Significant delays in starting reconstruction could mean the loss of an entire year before the productive output of the region is restored.

AID has already used or earmarked $11.5 million of the contingency fund for various purposes, including about $5 million of contingency funds to meet immediate emergency disaster relief needs in East Pakistan. Assuming full appropriation of the fiscal year 1971 request of $15 million, prior year carryovers, and possible deobligations of prior year funds, total contingency fund availabilities for fiscal year 1971 will be about $20 million. It is clear that the unallocated contingency fund balance of $8.5 million will not be adequate to meet the longer term reconstruction requirements in East Pakistan. Moreover, the use of these funds would totally deplete the contingency fund and, thus, make it impossible to meet other similar emergency and humanitarian needs which will likely arise during the remainder of fiscal year 1971.

ADDITIONAL FUNDS

It is critical, therefore, that additional funds be made available by increasing the current authorization for the contingency fund to provide the necessary support to East Pakistan for relief, rehabilitation, and reconstruction programs.

A portion of the funds to be made available will finance imports to underwrite local costs related to such needs as rebuilding farm dwellings; restoration of fisheries; road reconstruction; construction of additional community cyclone shelters; and improvement of public health facilities. In addition, agricultural inputs, such as seeds, fertilizer and low-lift pumps are urgently needed as is replacement of grain storage and marketing facilities; irrigation systems and rehabilitation of fresh water supplies.

Rapid and constructive U.S. action would have a strong positive public impact in Pakistan and would encourage other donors to participate in the longer term rehabilitation effort. The assistance also would permit the Government of Pakistan to maintain its allocation of funds for overall development directed toward support of such critical programs as population control, agricultural development, education, and public health throughout the province of East Pakistan and at the same time permit them to mount a program to meet urgent reconstruction needs in the cyclone-affected districts. Significant slippage in the government's ongoing development programs for East Pakistan would only force a greater concentration of people in areas of marginal economic potential and increase the numbers of poverty-stricken human beings subjected to the natural calamities and ravages of nature in East Pakistan.

Mr. President, on December 3, the House Foreign Affairs Committee recognized the severe need for increased financial assistance to Pakistan, during markup of the supplemental foreign aid authorization bill, the committee acted favorably on a proposal by Congressman WILLIAM S. BROOMFIELD, authorizing the appropriation of an additional $15 million of contingency funds for relief, rehabilitation, and reconstruction in East Pakistan. An amendment authorizing the appropriation of excess foreign currencies held in Pakistan was also accepted by the House Foreign Affairs Committee.

I strongly urge the Senate Foreign Relations Committee to authorize additional funds to support East Pakistan relief.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADMINISTRATION MISLEADS ON SST

Mr. PROXMIRE. Mr. President, over the weekend the administration unfortunately made remarks which I can only consider to be grossly misleading with respect to the SST. They made those remarks after the Senate voted last week on the SST.

They seem to be trying to pump new life into the SST albatross.

Congress cannot make an intelligent decision about the SST unless it has the correct information about the program. The administration remarks are confusing on the issue.

A prime example is the claim that it would cost as much to terminate this program as it would to complete it. We are told that termination costs will run to $277 million and that it would cost $290 million to go ahead with the program.

The fact is that actual termination costs under the SST contracts would run about $85 to $90 million. This is the penalty that the Federal Government must pay for failing to go ahead with the program. The $85 to $90 million represents a reimbursement to the manufacturers for the money they have put up so far.

The remainder of the $277 million consists of $81 million that the airlines have put up as earnest money and to reserve delivery positions, and $105 million that has been spent since July 1 under the continuing resolution.

The first—that is, the airline payments—simply amounts to a return of investment. This money never came out of the taxpayers' pockets in the first place. So returning this money does not represent a cost of termination.

The second item—$105 million—is money which has already been spent. It makes as much sense to call this a termination cost as it would to call the entire $795 million which has been spent since 1963 a termination cost.

The fact is that termination costs—outlays which Uncle Sam must make if the SST appropriation is rejected—amount to $85–$90 million. This is the figure which Congress should have in mind as it considers the SST.

Another example relates to jobs. President Nixon stated Saturday that "the Senate's action means the loss of at least 150,000 jobs."

But the President is alluding to the employment estimate for the full production stage. Full production for the American SST is not scheduled until 1978–80. Needless to say, the unemployment picture could change substantially in 8 to 10 years' time. And even then, the number of people actually employed on the SST would be no more than 50,000.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. NELSON. What is the maximum number of people that is projected would be employed at any one time if the plane were in maximum production?

Mr. PROXMIRE. If the plane were in maximum production, it is my understanding that the maximum number at any time to be employed directly on the SST 8 or 10 years from now would be 50,000, but it is conceivable that with the multiplier effect it could result in additional people being at work because 50,000 people on a production job would require service jobs, and so forth. I do not quarrel with that.

Mr. NELSON. What is the total projected financial outlay for the purchase of 500 SST's, which number seems to be the objective?

Mr. PROXMIRE. I am not that confident in my mathematics but I can tell the Senator the cost of these planes is now estimated at $40 million a copy. I would be astonished if it did not go to $50 million or $60 million. That amount can be multiplied by 500 planes. It is tens of billions of dollars.

Mr. NELSON. It would be $25 billion.

Mr. PROXMIRE. I think the Senator is correct.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. It is far more relevant to talk of the number of workers now employed on the SST and subject to layoffs. This number is 4,800 people. Of those jobs, a Boeing official said last week:

> Boeing and Seattle can walk away from the SST—there are only 4,800 jobs at Boeing involved anyhow.

This is a far cry from the 150,000 jobs the President claims would be affected by the Senate's decision.

Finally, the President said it would be a waste to stop the program now that it is 50 percent complete. If this is the kind of argument we are hearing now, one can imagine the enormous economic and political pressure to go ahead with the program once the prototypes are built, and more than $1.3 billion has been spent. No matter how severe the environmental impact of the SST, it would be almost impossible to stop it at that point.

Furthermore, there is no law which says that the work done up to this point must be destroyed. There is no reason why the blueprints, the mockup, and the hardware built so far cannot be preserved until the environmental problems are solved and private capital develops an interest in the SST program.

I hope Congress will not be swayed by these grossly misleading statements put out by the administration. The Senate acted wisely in rejecting funds for the SST.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 19436. An act to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and innercity development, to extend and amend laws relating to housing and urban development, and for other purposes; and

H.R. 19504. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting pursuant to law, that the appropriation to the Department of Justice for the Federal Prison System, "Support of U.S. prisoners" for the fiscal year 1971 had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON RELOCATION OF TOXIC CHEMICAL MUNITIONS

A letter from the Assistant Secretary of the Army, Installations and Logistics, reporting, pursuant to law, that the toxic chemical munitions now on Okinawa will be relocated to a military storage site on Johnston Island in the Pacific Ocean; to the Committee on Armed Services.

REPORT OF THE PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

A letter from the Executive Secretary, Public Service Commission of the District of Columbia, transmitting, pursuant to law, the report of the Commission for calendar year 1969 (with an accompanying report); to the Committee on the District of Columbia.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on controlling industrial water pollution—progress and problems, Federal Water Quality Administration, Department of the Interior, dated December 2, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for strengthening management controls over the procurement of munitions under development, such as 105-mm ammunition, Department of Defense, dated December 7, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the savings and greater effectiveness obtainable in the Army maintenance program, Department of the Army, dated December 7, 1970 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution adopted by the City Commission of Kalamazoo, Mich., in support of the "Operation Head Start"; to the Committee on Appropriations:

A resolution adopted by the Inter-Tribal Council of the Five Civilized Tribes of Oklahoma, at Muskogee, Okla., in opposition to the regionalization of the education and engineering services of the Bureau of Indian Affairs now performed by the area offices; to the Committee on Interior and Insular Affairs.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 4557. A bill to amend Public Law 91-273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 91-1414).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. TYDINGS, from the Committee on the District of Columbia:

Gerard D. Reilly, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals.

By Mr. INOUYE, from the Committee on Commerce:

Andrew E. Gibson, of New Jersey, to be an Assistant Secretary of Commerce; and

C. Langhorne Washburn, of the District of Columbia, to be Assistant Secretary of Commerce for Tourism.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

S. 4565. A bill to amend the Federal Aviation Act of 1958 to prohibit the operation within the territorial jurisdiction of the United States of any civil supersonic aircraft until and unless the sonic boom and stratospheric pollution created by such operation have been reduced to zero or the effectual equivalent of zero, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. NELSON when he introduced the bill appear below under the appropriate heading.)

By Mr. HART:

S. 4566. A bill for the relief of Tran Thi Huong; to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 4567. A bill to amend the District of Columbia Election Act, and for other purposes; to the Committee on the District of Columbia.

(The remarks of Mr. McGOVERN when he introduced the bill appear below under the appropriate heading.)

By Mr. MONTOYA:

S. 4568. A bill for the relief of Pilar Orta Olibarria; to the Committee on the Judiciary.

S. 4565—INTRODUCTION OF THE SONIC BOOM AND STRATOSPHERIC POLLUTION ABOLITION ACT

Mr. NELSON. Mr. President, I introduce a bill to amend the Federal Aviation Act of 1958 to prohibit the operation within the territorial jurisdiction of the United States of any civil supersonic aircraft until and unless the sonic boom and stratospheric pollution created by such operation have been reduced to zero or the effectual equivalent of zero.

I ask that the bill be appropriately referred and printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4565) to amend the Federal Aviation Act of 1958 to prohibit the operation within the territorial jurisdiction of the United States of any civil supersonic aircraft until and unless the sonic boom and stratospheric pollution created by such operation have been reduced to zero or the effectual equivalent of zero, and for other purposes, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sonic Boom and Stratospheric Pollution Abolition Act."

SEC. 2. (a) Title VI of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1421–1431) is amended by adding at the end thereof the following new section:

"ENVIRONMENTAL QUALIFICATIONS FOR OPERATION OF CIVIL SUPERSONIC AIRCRAFT

"Definitions

"SEC. 612 (a) For purposes of this section—

"(1) the term 'civil supersonic aircraft' means an aircraft designed and intended for regular operation in civil aviation at supersonic speeds;

"(2) the term 'supersonic speed' means a speed in excess of the speed of sound at the altitude at which an aircraft is operating;

"(3) the term 'stratosphere' means the upper portion of the atmosphere, above seven miles, more or less (depending on latitude, season and weather), in which temperature changes but little with altitude and clouds of water never form naturally;

"(4) the term 'sonic boom' means the shockwave produced and apparent at the surface of the earth, consisting of a wave of short, sharp increases in atmospheric pressure (known as 'overpressure' and usually measured in the United States in pounds per square foot) at a given point, created by the operation of an air craft at supersonic speed;

"(5) the term stratospheric pollution' means the emission into the stratosphere by a civil supersonic aircraft, in any quantity whatever, of water vapor, sulfur dioxide, hydrocarbons, or other solid or gaseous substances not found or occurring in the stratosphere in nature, or the emission into the stratosphere of substances found or occurring there in nature in quantities, qualities or moistures detrimentally larger than or different from that which is found or occurs in nature.

"Declaration of Policy

"(b) The Congress finds and declares that the operation of civil supersonic aircraft within the territorial jurisdiction of the United States would provide certain social and economic benefits and entail certain social and economic costs to the United States. The only social benefit would be the reduction by 50 per centum, more or less, of the time required (using 1970 equipment) for commercial flights between points served by such aircraft. The economic benefits would consist of whatever profits and jobs the market demand for such fast flights might create. The social and economic costs of operation of civil supersonic aircraft would include degradation of the environment by sonic boom, airport and community noise, air pollution, and stratospheric pollution, the last mentioned involving grave threats to the world's climate; and sonic-boom injury and damage at sea and over land to persons, property and commerce. A further social cost involves the fact that the Nation has only limited resources of scientific and other talent and money, and the manpower and capital employed in development and operation of civil supersonic aircraft cannot be utilized for other, more urgent social needs. It is the judgment of the Congress that the social and economic cost of the operation of civil supersonic aircraft within such jurisdiction would outweigh the social and economic benefits by a factor which cannot be precisely known but which is immense. It is therefore the policy of the Congress to prohibit the operation within such jurisdiction of any civil supersonic aircraft until and unless the social and economic costs presented by two of the most serious negative features of such aircraft, namely sonic boom and stratospheric pollution, have been reduced to zero or the effectual equivalent of zero.

"Prohibition

"(c) (1) No civil supersonic aircraft shall be operated within the territorial jurisdiction of the United States.

"(2) The provisions of paragraph (1) of this subsection shall not apply to any civil supersonic aircraft which produces no sonic boom at the surface of the earth at any point or time during its flight and which produces no stratospheric pollution at any point or time during its flight. For the purposes of this paragraph—

"(A) a civil supersonic aircraft shall be deemed to produce no sonic boom if the overpressure created by its flight at supersonic speeds never exceeds 0.1 pound per square foot at any point on the surface of the earth, over land or water; and

"(B) a civil supersonic aircraft shall be deemed to produce no stratospheric pollution when its emissions into the stratosphere are nil or have been scientifically determined and certified by the Council on Environmental Quality; the Secretary of Health, Education and Welfare; the Secretary of Commerce; the Administrator of the Environmental Protection Agency; the National Science Foundation; and the American Association for the Advancement of Science to have no adverse effects whatever on the climate and environment of the earth, and such certification by the Secretary of Commerce shall be made only after full scientific study and analysis by the Environmental Science Services Administration.

"(3) No public funds of the United States shall be expended for purposes of making any study and certification under paragraph 2(B) of this subsection. Such studies shall be undertaken by or under the direction of any department or agency of the United States only upon application of the private business interests desirous of receiving such certifications, and upon payment by such interests, in advance, to such department or agency of sums of money sufficient to cover all costs of any scientific studies, tests, and experiments which are prerequisite to such certification, and such department or agency is authorized to receive and use such sums for such purposes."

(b) That portion of the table of contents of the Federal Aviation Act of 1958 relating to Title VI is amended by inserting at the end thereof the following:

"SEC. 612. Environmental qualifications for operation of civil supersonic aircraft."

COMMUNITY AND AIRPORT NOISE

SEC. 3. (a) Section 611 of the Federal Aviation Act of 1958 is amended to read as follows:

"CONTROL AND ABATEMENT OF AIRCRAFT NOISE

"SEC. 611. (a) In order to afford present and future relief and protection to the public from unnecessary aircraft noise, the Administrator of the Federal Aviation Administration, after consultation with the Secretary of Transportation, shall prescribe and amend standards for the measurement of aircraft noise and sonic boom and shall prescribe and amend such rules and regulations as he may find necessary to provide for the control and abatement of aircraft noise and, within the limitations of section 612 of this title, sonic boom, including the application of such standards, rules and regulations in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by this title.

"(b) In prescribing and amending standards, rules, and regulations under this section, the Administrator shall—

"(1) consider relevant available data relating to aircraft noise and sonic boom, including the results of research, development, testing, and evaluation activities conducted pursuant to this act and the Department of Transportation Act;

"(2) consult with such Federal, State, and interstate agencies as he deems appropriate;

"(3) consider whether any proposed standard, rule, or regulation is consistent with the highest degree of safety in air commerce or air transportation in the public interest;

"(4) consider whether any proposed standard, rule, or regulation, proposed for application to existing certificated aircraft and intended to impose more stringent standards upon such aircraft, is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, aircraft engine, appliance, or certificate to which it will apply;

"(5) consider whether any proposed or existing standard, rule, or regulation, proposed for application to aircraft not yet certificated, would add to airport or community noise levels, and, if so, shall not issue or shall withdraw such standard, rule, or regulation, and

"(6) consider the extent to which such standard, rule, or regulation will contribute to carrying out the purposes of this section and of section 612 of this title.

"(c) No standard, rule or regulation prescribed or amended under this section shall permit or contemplate, in any aircraft, aircraft engine, or appliance not certificated on the date of enactment of the Sonic Boom and Stratospheric Pollution Abolition Act, levels of community or airport noise greater than the levels of community or airport noise permitted and achieved by the most quiet of turbine aircraft certificated on or before such date.

"(d) In any action to amend, modify, suspend or revoke a certificate in which violation of aircraft noise, sonic boom, or stratospheric pollution prohibition standards, rules or regulations is at issue, the certificate holder shall have the same notice and appeal rights as are contained in section 609, and in any appeal to the National Transportation Safety Board, the Board may amend, modify, or reverse the order of the Administrator if it finds that control or abatement of aircraft noise and lawful sonic boom, or prohibition of unlawful sonic boom or stratospheric pollution, do not require the affirmation of such order, or that such order is not consistent with safety in air commerce or air transportation or the policy and purposes of this section and section 612.

(b) That portion of the table of contents which relates to section 611 is amended to read as follows:

"SEC. 611. Control and abatement of air craft noise."

SONIC BOOM AND STRATOSPHERIC POLLUTION BY MILITARY AIRCRAFT

SEC. 4. The Secretary of Defense shall, before July 1, 1971, prepare and promulgate rules and regulations to bring the operations of military supersonic aircraft of the United States, and of any foreign military supersonic aircraft which may be operating within the territorial jurisdiction of the United States as speedily and as closely as is practicable and consistent with the national defense, within the policy of this Act, to abolish sonic boom and stratospheric pollution.

REQUIREMENT FOR SPECIFIC AUTHORIZATION FOR APPROPRIATIONS FOR THE DEVELOPMENT OF CIVIL SUPERSONIC AIRCRAFT

SEC. 5. Effective for fiscal years beginning after June 30, 1971, no appropriation shall be made for any fiscal year for the development of any civil supersonic aircraft unless specifically authorized for such purpose and for such year by Act of Congress.

S. 4567—INTRODUCTION OF A BILL RELATING TO DISTRICT OF COLUMBIA ELECTION LAW REFORM

Mr. McGOVERN. Mr. President, along with Representative DON FRASER, of Minnesota, who is taking similar action in the other House, I introduce for appropriate reference a bill to amend and reform the District of Columbia Election Act.

Mr. President, this bill is the product of diligent effort and meticulous study on the part of the District of Columbia Democratic Central Committee. I am proud to place it before the Senate.

The bill complements a series of proposed new rules, regulations, and practices which were prepared for submission to the Board of Elections. The sum is a comprehensive package of reforms aimed at opening the political processes to all voters of the District.

We all know that the best method of encouraging broadened participation in elections here would be to grant the full rights of American citizenship, including self-government and congressional representation, to residents of the District of Columbia.

Local elections, by themselves, arouse little interest. Voters usually turn out in respectable numbers only when the national presidency is at stake. Response to intensive voter registration drives have been disappointing.

We cannot escape the clear connection between these sad truths and the disgraceful fact that Washington citizens still await the right to choose their local leaders and national representatives like people in every other part of the country. We must continue the struggle to remedy that sad situation.

This bill, then, aims to make a model of procedural democracy, at least, where substantive democracy is still denied.

As chairman of the National Democratic Party's Commission on Party Structure and Delegate Selection, I am especially interested in the portions of this bill which fulfill for District voters the mandate for reform issued by the 1968 Democratic Convention.

The delegates in Chicago declared that the 1972 convention "shall require," in order to give "all Democratic voters—full and timely opportunity to participate" in nominating candidates, that the unit rule be eliminated from all stages of the delegate selection process, and that "all feasible efforts" be made to assure that "delegates are selected through party primary, convention, or committee procedures open to public participation within the calendar year of the national convention."

Official guidelines were adopted in November of last year, and they were printed and circulated in the Commission's report issued last April. They are now being implemented throughout the country. They assure that the 1972 Democratic Convention will be the most free, most open, most unbossed convention in our national experience.

The procedures through which District of Columbia delegates to national conventions are chosen has been much better than most. In 1968, delegates and alternates were elected in a presidential primary, in which voters could choose between selecting a single slate or selecting individual members from different slates. However, candidates could not express their presidential preference on the ballot, and no presidential preference poll was conducted. They were bound to no candidate.

This bill establishes a presidential preference primary for the District, to be held on the first Tuesday of May of each presidential election year. Delegates and alternate delegates would be bound for two convention ballots to support the presidential candidate who received at least a plurality in the primary. Their support for specific candidates would be listed on the ballot.

Other provisions relating to the guidelines of the Reform Commission include:

Reduction of the voting age to 18. The guidelines call for allowing and encouraging participation in all party affairs by any Democrat of 18 years of age or older.

Eliminating of filing fees for all candidates for office. The Commission urged removal of all costs and fees involved in the delegate selection process.

Modification of voter registration procedures including, first, reducing the residency requirement to 30 days; second, the employment of at least one citizen registrar in each precinct; and third, permitting registration at every fire station and police station in the District. The Commission urged each State party to assess the burdens imposed by registration laws, customs, and practices and to seek appropriate changes.

Provision for the election of alternates in the same manner as delegates, as specifically required by the guidelines.

But the Democratic Central Committee has gone well beyond the steps called for by the Party Reform Commission. It has proposed important additional changes in the District of Columbia election laws, aimed at avoiding fraudulent conduct, at achieving fairness to the candidates, and at assuring maximum possible public participation in the electoral process.

The bill includes a specific provision authorizing referendums and advisory elections, so that District of Columbia voters can express themselves on important issues affecting their lives.

It would establish a pioneering system of tax credits for political contributions, to counteract the dangerous tendency for Government to become the exclusive realm of the rich.

It includes campaign financial reporting requirements with teeth—including automatic disqualification of candidates who willfully fail to comply with the duty to report prior to election day on contributions and expenditures.

It would restore the right to vote to felons who have been pardoned or who have paid the full penalty society exacts for their offense.

Until the District does achieve self-government, it would encourage greater participation in school board elections by moving them to coincide with presidential elections.

It would allow any candidate or group of candidates to obtain authorized credentials for poll watchers, with full opportunity to challenge potential fraud and mistakes.

These and other more detailed provisions of the bill reflect a determination to make the electoral system work as effectively as it possibly can. They express the District of Columbia Democratic Committee's clear belief, which I share, that election laws should be not barriers to democracy but its servants.

I hope the Congress will move quickly to write these proposals into law.

Mr. President, I ask unanimous consent that a brief summary of the bill, along with the text of the bill itself, be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. DOLE). The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the RECORD.

The bill (S. 4567) to amend the District of Columbia Election Act, and for other purposes, introduced by Mr. McGOVERN, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

S. 4567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Election Act is amended as follows:

(1) The first section of such Act is amended (A) by inserting "(a)" immediately after "That", (B) by striking out in clause (3) thereof the words "at large", (C) by striking out in clause (2) thereof the final "and", (D) by redesignating clause (3) as clause (4), (E) by adding a new clause (3) as follows:

"(3) Alternates to the officials referred to in clauses (1) and (2) above, where permitted by political party rules; and"

and, (F) by adding at the end thereof the following new subsection:

"(b) Candidates for office participating in an election of the officials referred to in clauses (2) and (3), or designated pursuant to clause (4), of subsection (a) of this section may be elected or designated, as the case may be, at large or by precinct or ward."

(2) Paragraph (2) of section 2 of such Act is amended to read as follows:

"(2) The term 'qualified elector' means a citizen of the United States (A) who does not claim voting residence or right to vote in any State or territory; and who, for the purpose of voting in an election under this Act, has resided or has been domiciled in the District continuously since the beginning of the thirty-day period ending on the day of such election; (B) who is, or will be on the day of the next election, eighteen years old; (C) who has never been convicted of a felony in the United States, or if he has been so convicted, has been pardoned or is no longer subject to the jurisdiction of any court with respect thereto; and, (D) who is not mentally incompetent as adjudged by a court of competent jurisdiction."

(3) Section 5(a)(2) of such Act is amended by inserting immediately before the semicolon a comma and the following: "including referenda and advisory elections, approved by majority vote of the City Council, as part of any regular election".

(4) Section 5 of such Act is amended (1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and (2) by adding after subsection (a) the following:

"(b) (1) The Board shall, on the first Tuesday in May of each presidential election year, conduct a presidential preference primary election within the District of Columbia in which voters therein may express their preference for candidates of each political party of the District of Columbia for nomination for President.

"(2) No person shall participate as a candidate in such primary unless there shall have been filed with the Board a petition on behalf of his candidacy signed by at least 1,000 citizens of the District of Columbia who are registered under section 7 of this Act, and of the same political party as the nominee.

"(3) Whenever the Board shall receive a petition which appears to qualify the name of a candidate for President, it shall forthwith in writing notify the prospective candidate of such petition and shall advise him that, unless, within ten days after receipt of such notice, he requests the Board to withdraw his name from the ballot, his name shall appear on the ballot of his party in such presidential preference primary.

"(4) No voter in any such primary election may cast a ballot for more than one candidate for nomination for President.

"5. The Board shall ascertain and announce the number of votes cast in such primary elections within the District of Columbia for each candidate of each political party for nomination for President.

"(6) The delegates and alternate delegates, of each political party within the District of Columbia to the national convention of that party convened for the nomination of the candidate of that political party for President, elected in accordance with this Act, shall, on the first and second ballots cast at that convention for nominees for President, be obligated to vote for the candidate for nomination who received at least a plurality of the votes cast in such presidential preference primary for all such candidates of that party for President, but on subsequent ballots so cast each such delegate shall be free to cast his ballots in his discretion without restriction.

"(7) The Board shall by regulation specify the time within which the petitions referred to in clause (2) of this subsection shall be filed, and such other details necessary and proper to effectuate the purposes and provisions of this subsection."

(5) Subsection (d) of section 7 of such Act is amended by adding after clause (2) the following:

"(3) The Board shall employ at least one citizen as registrar in each precinct who shall be paid a reasonable amount, established by the Board, per voter registered.

"(4) Registration shall be permitted in every police and fire station within the District of Columbia."

(6) Subsection (a) of section 8 of such Act is amended (A) by striking out "and (2)," and inserting in lieu thereof ", (2), and (3)", and (B) by striking clause (4) and inserting in lieu thereof "clause (3)".

(7) Subsection (b) of section 8 of such Act is amended by striking out "three-year" and inserting in lieu thereof "ninety-day".

(8) Subsection (c) of section 8 is amended by (A) amending clause (1) to read:

"(1) to vote, in any election of officials referred to in clauses (1), (2) and (3) of the first section of this Act and of officials designated pursuant to clause (4) of such section, separately or by slates, for the candidates duly qualified and nominated under subsections (a) and (b) of this section, for election to each such office, group of offices, or all offices by such party"; (B) by redesignating clause (2) as clause (3); and, (C) by adding after clause (1) the following:

"(2) to be informed by appropriate designation on the ballot which candidates are running together and which candidate, if any, in the presidential preference primary election they support; and".

(9) Subsection (l) of section 8 of such Act is amended to read as follows:

"(o) Each candidate in a general election for members of the Board of Education shall be nominated for such office by a petition (A) filed with the Board not later than forty-five days before the date of such general election; and (B) signed by at least two hundred and fifty persons who are duly registered under section 7 of this Act in the ward from which the candidate seeks election, or in the case of a candidate running at large, signed by at least fifty persons in each ward of the District who are duly registered in such ward, and such additional number of persons duly registered under section 7 of this Act, without regard to ward, as may be necessary for such petition to contain not less than one thousand persons. A nominating petition for a candidate in a general election for members of the Board of Education may not be circulated for signatures before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. In a general election for members of the Board of Education, the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any one candidate duly nominated to be elected to such office from such ward, and to vote for as many candidates duly nominated for election at large to such office as there are Board of Education members to be elected at large in such election."

(10) Section 9(c) is amended to read as follows:

"Any candidate or group of candidates may, not less than two weeks prior to such election, petition the Board for credentials authorizing watchers at one or more polling places and at the place where the vote is counted for the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and, if necessary to prevent the conduct of such election from being unreasonably obstructed, to limit the number of watchers. Such rules and regulations should provide fair opportunity for watchers for all candidates or groups of candidates to challenge prospective voters whom the watchers believe to be unqualified to vote, to challenge mistakes in the vote count, and otherwise to observe the conduct of the election at the polling places and the counting of votes.

(11) Section 10(a)(1) of this Act is amended to read as follows:

"(a)(1) The elections of the officials referred to in clauses (1), (2), and (3) of the first section and of officials designated pursuant to clause (4) of such section and the primary under section 5(b) of this Act shall be held on the first Tuesday in May of each presidential election year."

(12) Section 10(a)(7)(A) of such Act is amended by deleting "a majority" and inserting in lieu thereof "at least forty per centum".

(13) Section 11(a) of such Act is amended by inserting immediately before the last sentence thereof, the following new sentence: "In no case, however, shall the petitioner be required to pay the cost of any recount in any such election if the difference in the number of votes received by the petitioner in connection with any office and the number of votes received by the person certified as having been elected to that office is either less than two per centum, or one hundred votes."

(14) Section 13(b) is amended by striking "or" immediately before "delegate" and inserting "or alternate," immediately after "delegate."

(15) Section 13(d) is amended by striking "or" immediately before "delegate" and inserting ", or alternate" immediately after "delegate".

(16) Subsection (e) of section 13 of such Act is amended to read as follows:

"(e) (1) In any election held in the District of Columbia with respect to any office referred to in the first section of this Act or with respect to a primary under section 5(b) of this Act, each candidate for election, and the treasurer of each independent or party committee, shall file with the Board of Elections, not less than three nor more than five days before, and also within thirty days after, the date on which such primary or general election is to be held, an itemized statement, complete as of the day next preceding the date of filing, setting forth—

"(A) a correct and itemized account of each contribution received by such candidate or committee, or by any person for such candidate or committee with his or its knowledge or consent, from any source, for use in connection with such election, together with the name of the actual contributor;

"(B) a correct and itemized account of each expenditure made by such candidate or committee or by any person for such candidate or committee, with his or its knowledge or consent, in connection with such election, together with the name and address of the person to whom such expenditure was made, the date of such expenditure, and the purpose for which it was made; and

"(C) a correct and itemized account of any unpaid debts and obligations incurred by such candidate or committee with respect to such election, and the balance, if any, of such contributions remaining in the candidate or committee's hands.

"(2) A statement required by this subsection to be filed by a candidate or the treasurer of an independent or party committee shall be signed by the candidate or the treasurer of such committee, as the case may be, and shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths. Such statement shall be deemed properly filed when deposited at the Board of Elections within the prescribed time. Such statement shall be preserved by the Board of Elections for a period of two years from the date of filing, shall constitute a part of the public records of such Board, and shall be open to public inspection.

"(3) In any case in which a candidate wilfully fails to timely file a statement required under this section to be filed prior to such election, the Board of Elections shall immediately disqualify such candidate from participating therein as a candidate and his nomination shall be deemed withdrawn. No candidate for election to any such office or participation in such primary shall be certified as having been elected to that office, or as a winner of any primary held pursuant to section 5(b) until all statements required to be filed by such candidate pursuant to this section have been filed. Any candidate or other person who willfully violates this section shall be subject to imprisonment for thirty days or a fine of five thousand dollars or both."

SEC. 2. Title VI of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47-1567–47-1567e) is amended by adding at the end thereof the following new section:

"SEC. 7. (a) Credit for Campaign Contributions.—For the purpose of encouraging residents of the District to participate in the election process in the District, there shall be allowed to an individual a credit against the tax (if any) imposed by this article in an amount equal to 50 per centum of any campaign contribution made to any candidate for election to any office referred to in the first section of the District of Columbia Election Act, but in no event shall such credit exceed the amount of twenty dollars.

"(b) If the amount of credit allowed an individual by subsection (a) for a taxable year exceeds the amount of tax (computed without regard to such subsection but after allowance of any other credit allowable under this article on such individual for such taxable year, a refund shall be allowed such individual to the extent that such credit exceeds the amount of such tax.

"(c) (1) A husband and wife filing separate returns for a taxable year for which a joint return could have been made by them may claim between them only the total credit (or refund) to which they would have been entitled under this section had a joint return been filed.

"(2) No individual for whom a personal exemption was allowed on another individual's return shall be entitled to a credit (or refund) under this section.".

(b) The table of contents of such article is amended by adding at the end of the part of such table relating to title VI the following: "Sec. 7. Credit for campaign contributions.".

SEC. 3. Paragraphs (1), (2), and (3) of subsection (c) of section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec. 31-101 (c)), are amended to read as follows:

"(1) Each member of the Board of Education elected from a ward shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the school election ward from which he seeks election, (B) have, for the ninety-day period immediately preceding his nomination, resided in the school election ward from which he is nominated, and (C) have, during the ninety-day period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(2) Each member of the Board of Education elected at large shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the District of Columbia, and (b) have, during the ninety-day period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(3) No individual may hold the office of member of the Board of Education and (A) hold another elective office other than delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or (B) also be an officer or employee of the District of Columbia government or of the Board of Education. A member will forfeit his office upon failure to maintain the qualification required by this paragraph.".

SEC. 4. (a) Section 10 (a)(3) of the District of Columbia Election Act is amended by deleting "odd-numbered" and inserting in lieu thereof "even-numbered".

(b) Notwithstanding the provisions of section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers school officers, and other employees of the board of education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec 31-101), the term of office of each member of the District of Columbia Board of Education holding such office on the date of the enactment of this Act is hereby extended by one year.

SEC. 5. The provisions of this Act and the amendments made thereby shall take effect as of January 1, 1971.

The summary, presented by Mr. McGOVERN, is as follows:

SUMMARY OF PROVISIONS, AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION LAWS SPONSORED BY SENATOR GEORGE MCGOVERN AND CONGRESSMAN DON FRASER

I. ELIGIBILITY TO VOTE AND HOLD OFFICE, REGISTRATION

Voting age would be reduced to 18. This provision would automatically lower to 18 the minimum age requirement for holding political party or school board offices.

The residency requirement to vote would be reduced to 30 days. Residency for membership on the School Board would be 90 days.

While members of the Board of Education would not be allowed to hold other elective or appointive D.C. office, candidates for the Board could hold such other office and would not be required to resign until elected.

Convicted felons who have either been pardoned or paid the full penalty for their crime would be eligible to vote.

The Board of Elections would be required to employ at least one registrar in each precinct, and to permit voter registration at all police and fire stations in the District throughout the year.

II. NOMINATIONS

Filing fees for candidates for office in the District of Columbia would be abolished.

Nominating petitions for Board of Education candidates running at large in the District would be required to include a minimum of 50 signatures per ward (instead of the present 125) among the 1,000 signature total.

III. PARTY PRIMARIES

The Board of Elections would conduct a presidential preference primary on the first Tuesday of May of each presidential election year. Nominating petitions would be required to include at least 1,000 signatures of electors of the same political party as the nominee, who would then be listed on the ballot unless he withdrew within ten days after being notified that petitions had been filed.

Election of party officers would take place on the same day. Parties would be allowed to elect delegates, alternate delegates, central committee members and other party officials from precincts or wards instead of at large.

Delegates and alternate delegates to national nominating conventions would be elected in the same fashion. The ballot would include specification of the presidential candidate they support, if any, and would list delegates and alternates by slates.

Delegates and alternates would be bound for at least two convention ballots, or until released, to support the candidate who received at least a plurality of the vote in the primary.

IV. CAMPAIGN FINANCING

The District of Columbia tax laws would be amended to provide a 50 percent tax credit of up to $20 for contributions to candidates for office in the District.

Candidates for office in the District would be required to file with the Board of Elections, both between three and five days before and within thirty days after the election, a list of all financial contributions received by them or by committees on their behalf, all campaign-related expenditures and their purpose, all unpaid debts and obligations, and the amount of contributed funds remaining unexpended. Failure to file prior to the election would automatically disqualify the candidate, and no winning candidate could be certified until all statements were filed. Willful violation would subject the offender to imprisonment for up to thirty days and/or a fine of up to five thousand dollars.

V. VOTE COUNT

In elections for the Board of Education, runoffs would be held only if no candidate received at least 40 percent of the total vote.

Candidates would be entitled to a recount without charge to them if the margin were less than 2 percent of the total vote or less than 100 votes.

Candidates or groups of candidates would be allowed to obtain authorized credentials to witness the voting and vote count, with full opportunity to challenge potential fraud and mistakes.

VI. REFERENDA AND ADVISORY ELECTIONS

The Board of Elections would be specifically authorized to hold referenda and advisory elections as part of any regular election.

VII. DATES OF ELECTIONS

School Board elections would be held in even numbered years as part of presidential and delegate elections. Terms of present Board members would, accordingly, be extended one year.

ADDITIONAL COSPONSORS OF A BILL

S. 3354

At the request of the Senator from Washington (Mr. JACKSON), the Senator from Colorado (Mr. ALLOTT), the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Oregon (Mr. HATFIELD), and the Senator from Idaho (Mr. JORDAN) were added as cosponsors of S. 3354, to amend the Water Resources Planning Act (79 Stat. 244) to establish a national land use policy.

SENATE CONCURRENT RESOLUTION 86—SUBMISSION OF A CONCURRENT RESOLUTION ON THE NECESSITY FOR INTERNATIONAL COOPERATION AND UNITED NATIONS CONSIDERATION OF THE CONSEQUENCES, ENVIRONMENTAL AND OTHERWISE, OF THE OPERATION OF CIVIL SUPERSONIC AIRCRAFT IN INTERNATIONAL COMMERCE

Mr. NELSON. Mr. President, I submit, for appropriate reference, a Senate concurrent resolution on the necessity for international cooperation and United Nations consideration of the consequences, environmental and otherwise, of operation of civil supersonic aircraft in international commerce. I ask unanimous consent that the concurrent resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 86), which reads as follows, was referred to the Committee on Foreign Relations:

S. CON. RES. 86

Whereas it is recognized by Congress that many of the international air carriers of the world are actively planning the purchase of civil supersonic aircraft which will regularly operate in international commerce at stratospheric levels and supersonic speeds; and

Whereas it is recognized by Congress that the operation of civil supersonic aircraft in international commerce will inject into the stratosphere quantities of water vapor, sulfur dioxide, hydrocarbons, and other solid or gaseous substances which may compromise the stability and integrity of the stratosphere and have a deleterious effect upon the earth's climate; and

Whereas it is recognized by Congress that the operation of civil supersonic aircraft produces the phenomenon of sonic booms, a continuous series of short, sharp shock waves at the surface of the earth beneath the aircraft's flight path, which may have serious detrimental effects upon the human and animal populations and the ecology of the area of the earth subjected to continuous repetition of sonic booms; and

Whereas it is recognized by Congress that the operation of civil supersonic aircraft would produce increased levels of noise in areas adjacent to points of landing and takeoff; and

Whereas it is recognized by Congress that the full nature and extent of the environmental impact and the ecological consequences which may result from the operation of civil supersonic aircraft in international commerce are unresolved; and

Whereas it is recognized by Congress that the environmental impact and ecological consequences which may result from the operation of civil supersonic aircraft in international commerce are of a global dimension; and

Whereas it is recognized by Congress that the preservation and improvement of national and global environmental quality are of the highest order of priority and necessity: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that all issues pertaining to the operation of civil supersonic aircraft in international commerce be presented to the United Nations for the attention and consideration of the General Assembly, and that the subject of the environmental impact and ecological consequences of the operation of civil supersonic aircraft in international agenda of the United Nations Conference on commerce be presented for inclusion on the Environment to be held in Sweden in 1972.

THE GLOBAL IMPACT OF THE SST

Mr. NELSON. Mr. President, last Thursday the Senate made a historic decision to terminate the development of a commercial supersonic transport. The decisive factor was the environmental issue.

No comparable or even similar political decision of such magnitude has ever been made by this country, or any other. It was a dramatic act that stopped a major ongoing program in the face of claims and unfounded assertions that our international prestige was at stake; that our worldwide leadership would be lost; that our balance-of-payments position would be damaged; that jobs would be wiped out and some kind of crippling technological malaise would surely overtake the country—all arguments that prevailed in the past somehow fell short this time.

Was that vote just an empty gesture, a temporary political aberration, or did it really mean something? I think it meant something, and those who doubt it have misjudged the momentum and political power of the environmental cause.

While I doubt the vote proves that the Congress yet appreciates in full measure the political force of the issue, it is pretty clear that the voice of protest is finally being heard on Capitol Hill.

Now that the vote is over, the worldwide ripples and reverberations have just begun. What does it mean and where do we go from here?

It means, I think, that the environmental issue has reached political maturity and henceforth, technological development will have to stand the environmental test. Perhaps we have reached that stage of wisdom and maturity where we can decide that we do not have to do everything that is technologically possible, or prestigious, or profitable despite the consequences.

The proponent arguments on prestige, progress, technological leadership, jobs and balance of payments are fallacious at best. That is why the documentation of their case is so meager.

We have already made too many colossal blunders in the name of prestige and progress. Our technology has too often been exploited to solve problems that do not need to be solved and create products that nobody requires. Automobile style changes at an annual cost of $1.5 billion is just one example among many. That is a privately imposed tax and social cost that no country can afford.

The President argues, without documentation, that the SST decision will export 150,000 jobs in the next two decades. He fails to mention that the same amount of money would build a million and a half homes for people who desperately need them. Neither does he mention that there is a whole generation of 747 jets to be built and put into service by employees of the industry.

While the proponents argue the question of jobs, it should be noted that with so many unmet social needs in the country—from housing to mass transportation—we would have a labor shortage if only we would address ourselves to their solution.

The final argument they make is that, after all, it is going to be built and flown anyway and we cannot afford to be out of the competition. The answer to that is that if we deny the use of our airfields to any SST, then it is not economically feasible for other countries to build a fleet either.

The economic feasibility of the SST is highly questionable at best. Without the United States, the world's single most important market, it cannot be a successful economic enterprise.

Our decision was made because of the grave global environmental implications. A large fleet of SST's would introduce water vapor and exhaust pollutants into the fragile, stable stratosphere. Reputable scientists calculate that 550 SST's would increase total stratospheric water vapor by 10 percent and as much as 60 percent in heavily traveled portions of the Northern Hemisphere.

What effect this and chemical pollutants will have, nobody knows. Scientists raise the possibility, however, that the pollutants may change the temperature on the surface of the planet. This, quite obviously, is a massive gamble we have no moral right to take.

The whole issue of the sonic boom remains unresolved with little prospect that it will be. This alone is sufficient cause to halt development.

The SST, traveling 1,500 miles per hour, trails a shattering continuous sonic boom of 2.5 to 3.5 pounds per square foot over an area 50 miles wide. Put another way, each acre of land and water along the way will be subjected to 130,000 pounds of sonic boom.

It is already agreed that such pressure is intolerable to humans and animals alike. Thus, supersonic overland flights will have to be barred, substantially reducing the SST's usefulness, since speed is its only virtue.

That leaves only over-ocean flights. The ocean, itself, is a great living body composed of innumerable fragile, intricate, interdependent life systems. If vast areas of the ocean are blasted hourly with 130,000 pounds of sonic boom per acre, no one can predict the consequences. But it would be a foolhardy enterprise to launch without many years of study in advance.

Any rational, scientific approach would have to start with the assumption that this massive environmental intrusion is likely to be disastrous. This is a moral question of global proportions that concerns the status of all living creatures. not just human beings alone.

As one of the two so-called world superpowers, we have the burden of responsible leadership.

We have decided not to build the SST because of worldwide environmental considerations. Certainly, we have the obligation to do everything we legitimately can within our sphere of influence to prevent a global experiment that may adversely affect us all.

No single country has political jurisdiction or control over the oceans or the stratosphere, nor even a significant part of either. Whose responsibility is it then?

Since we share the world environment together, we must share the responsibility of its protection also. If none of us assumes this responsibility, then we will surely experience the world environment's destruction together.

Therefore, I shall introduce legislation today that will prohibit flights of commercial supersonic aircraft within the territorial limits of the United States and, at the same time, a resolution recommending that this issue be put on the agenda of the 1972 United Nations Conference on the Environment in Stockholm, which is a year and a half away.

The same logic that caused the Senate to vote down the SST should certainly compel us to pass legislation prohibiting its flights in this country.

This legislation is not in any way discriminatory. It applies the same law to us that it does to all other countries.

This legislation could save us all from a vast, unnecessary misallocation of resources to an enterprise the world could do better without, even if it worked.

ADDITIONAL STATEMENTS OF SENATORS

JUDICIAL NOMINATIONS FOR DISTRICT OF COLUMBIA COURTS

Mr. TYDINGS. Mr. President, on behalf of the Committee on the District of Columbia, I have filed today the nomination of Mr. Gerard D. Reilly for associate judge of the District of Columbia Court of Appeals with the recommendation that the nomination be confirmed.

I also must report that the committee, by a vote of 5 to 2, has rejected the nominations of Mr. Hubert B. Pair and J. Walter Yeagley to the same court.

BACKGROUND

These nominations were to fill three new judgeships on the District of Columbia Court of Appeals. These judgeships, plus many of the new judgeships recently filled on the District of Columbia General Sessions bench, were created by the District of Columbia Court Reform and Criminal Procedure Act of 1970, which passed the Senate on September 18, 1969, passed the House on March 19, and finally approved after conference on July 23, 1970.

On September 23, 1970, the President sent the Senate 18 nominations to fill these new judgeships.

On October 5, on behalf of the committee, I announced that a hearing would be held on October 9 on "10 and perhaps more of the nominees." At that time I also said:

> I regret that we cannot consider all nominations immediately. None, however, were submitted to the committee until 12 days ago and many have not yet been considered and reported upon by the District of Columbia Bar Association. In fairness to those nominees, we will want to assure adequate time to the Bar Association and other interested groups to prepare their reports.
>
> In any case, I anticipate that the committee will be able to consider and pass upon all of the nominees within the very near future.

On October 6, the Attorney General, in a public letter addressed to me, asked that all the nominations be considered before the election recess. Acceding to his request, the committee postponed its hearing from October 9 to October 12, to permit the processing of the remainder of the nominations.

On October 12 the committee heard all 18 nominations and reported in executive session later the same day the 15 trial court nominees. Acting upon my motion, the Senate confirmed all 15 nominations that same day.

Regarding the Court of Appeals nominees, the Committee unanimously resolved as follows:

> Consideration of nominations of three judges to the District of Columbia Court of Appeals will be delayed pending submission of material requested during the committee hearing this morning:
>
> 1. Clarification by the American Bar Association of just what the age standards of the ABA are, how they are arrived at, and how they were applied in the instances of the three appellate nominees.
> 2. Personal Data Questionnaires submitted by the nominees to the Department of Justice.
> 3. A list in writing of at least ten cases that the nominees have personally both briefed and argued before state supreme courts, the several U.S. courts of appeals, or the U.S. Supreme Court.

On Tuesday, October 13, Mr. Richard Kleindienst, Deputy Attorney General, asked me, through a phone call to the committee staff director, to secure Senate confirmation of the Appeals Court nominations prior to the congressional recess the next day. The staff director informed the Deputy Attorney General of the committee's resolution of the day before and told him that one of the nominees had not yet complied with it, but said he was sure the chairman would appreciate his call and take it under advisement.

The committee staff thereafter ascertained no quorum of the committee would be in the city prior to the recess.

No further communication was or has been received by the committee from the administration regarding these nominees.

On October 24, in connection with a political appearance in Dundalk, Md.—White House press release datelined Dundalk, see appendix I hereto—the President announced recess appointments for all three nominees. All three have since been sworn in as judges.

THE NOMINATION OF GERARD D. REILLY

The committee recommends confirmation of the nomination of Gerard D. Reilly because he posses the qualifications necessary to execute the responsibilities of a judge of the District of Columbia Court of Appeals. Mr. Reilly is considered "well qualified" by both the committee and the American Bar Association Standing Committee on the Federal Judiciary.

In recommending the confirmation of Mr. Reilly's nomination, the committee was not unmindful that, under the mandatory retirement-at-70 provision of the District of Columbia court reform bill, Mr. Reilly will be able to serve only 6 years of the 15-year term to which he has been appointed. However, the committee also took into account that Mr. Reilly's high qualifications merit him the "well qualified" standard which, under the practice of both the Senate and the American Bar Association, would permit the confirmation of his nomination despite the questions of shortened service raised by his age.

THE NOMINATION OF MR. HUBERT B. PAIR AND MR. J. WALTER YEAGLEY

The committee voted 4 to 2 against reporting the nominations of Mr. Hubert B. Pair and Mr. Walter Yeagley, because, in the view of the committee they do not possess the high qualifications which overcome the fact that neither Mr. Pair, at 66½, or Mr. Yeagley, at 61½, can serve a substantial part of the 15-year term for which they have been nominated.

To both Mr. Pair and Mr. Yeagley the American Bar Association has assigned the rating "qualified," the minimum qualification the ABA, the Senate, and the present and previous administrations have heretofore considered necessary for any Federal judicial nominee. The ABA, the Senate and the administration have traditionally required that anyone who is 60 or over should be at least "well qualified" to be considered for the bench, unless he is already on the bench, and no one who is 64 or over should be nominated for the bench for the first time.

The committee's research indicates that only 27 of the nearly 500 presently sitting Federal judges were over 60 at the time of their initial nomination and that none were more than 65. Each of these judges who were over 60 at the time of their appointments appears to have had high qualifications traditionally sought in judicial nominees appointed for the first time after the age of 60.

The committee believes that no age standard should be arbitrarily applied. In the case of extraordinarily well-qualified nominees, such as Mr. Reilly, exceptions may be made to the age standards the Senate has traditionally observed. Qualifications and ability to serve the term to which the nominee is appointed, not age itself, should be the basic considerations.

In the case of these Court of Appeals nominations, the committee, which itself wrote the basic statutes authorizing these appointments, believes the ability to serve out the full term prescribed by law is an extraordinarily important qualification.

Unfortunately, none of these nominees will be able to serve the full 15-year term Congress has prescribed for these judgeships. In fact, Mr. Pair and Mr. Yeagley together would be able to serve an aggregate of less than on full term. The inability of these nominees to serve a substantial portion of the terms Congress has specified for their office made their rejections for that office inevitable.

Under the Court Reform Act, the D.C. Court of Appeals will for the first time have jurisdiction over felony cases, including those involving the death sentence, and over civil cases of unlimited jurisdiction. Heretofore that court has had jurisdiction only over misdemeanors and civil matters of less than $10,000. This is a revolutionary and vital shift of jurisdiction phased over a period of nearly four years. The committee believes that the ability of every nominee to the court to serve a substantial period of time during and after this precedent-making jurisdictional transition should be an indispensable qualification for confirmation.

The D.C. Court Reform Act created the vacancies now in question. It also provided a three-phase transfer of jurisdiction from the Federal District Court in the District to the new Superior Court created by that act. Under the act, appeals from the new Superior Court will be finally reviewed by the D.C. Court of Appeals, not the U.S. Court of Appeals as at present. The last phase of the jurisdictional transfer under the act will occur on August 1, 1973. Thus, in August and September, 1973, civil matters in excess of $50,000 and probate matters will be considered by the Superior Court for the very first time. Appeals from those Superior Court decisions, taking into account the present trial time and foreseeable improvements in it, will not reach the D.C. Court of Appeals for the first time until the early summer of 1974, about two months after Mr. Pair would have to leave the court under the mandatory retirement provisions of the law.

I should also note that, while I favor and have advocated mandatory retirement at age 70 for Federal judges, the mandatory retirement provision of the court reform bill was originated by the administration. It is the President's proposal which would require his nominees to retire when the work of the new Court of Appeals is barely begun.

The District of Columbia Court Reform Act is the most significant revision of the jurisdictional process in the District of Columbia in the history of our Nation. The new Court of Appeals has consciously been charged under the Court Reform Act with the authority to rewrite civil and criminal jurisprudence of the District. It will make the court rules for the new Superior Court. It will indelibly affect the practice and the substance of the law in the District of Columbia for a generation to come.

Under the circumstances Congress had a right to believe that the judges nominated to execute this extraordinary responsibility would be of the highest possible caliber, possessing credentials at least as significant as Mr. Reilly's. In setting a 15-year term for these judgeships, Congress expected that nominees to these judgeships would be able to serve that term, except in the most compelling circumstances.

This expectation was unfortuately dashed by the administration. What we received were nominees unable to serve the whole of their terms during this vital transition period. We were sent two nominees who possess only the minimum qualifications that the Senate, the American Bar Association, and each administration have historically required to ascend the bench. In fact, under these same standards these two nominees would be ineligible for appointment to the Federal bench.

The committee has executed its responsibilities in this case with much regret. These nominations were ill considered and handled in the most crudely political fashion by the administration. The nominees the committee has had to reject are men who have labored long in the vineyard of the Federal service. They deserve better treatment by the President than to be nominated to an office for which it was virtually certain their nominations could not be confirmed.

I would have preferred to confirm these nominations. Having spent more time on the court reform bill which created these vacancies than any other Member of Congress, I have an extraordinary interest in seeing the new court system get off to a fast and effective start. But it is precisely my interest in the court being effective and my constitutional obligation to assure that nominations to that court are qualified that compelled my vote against two of these nominations.

I hope the President will submit new names for these positions as promptly as possible, so that the court of appeals will be populated by judges of indisputable qualifications who can serve most or all of the 15-year term Congress and the President have agreed is appropriate of that office.

I ask unanimous consent to have printed in the Record a statement by the President on October 24, 1970, announcing the recess appointment of three judges to the District of Columbia Court of Appeals.

There being no objection, the statement was ordered to be printed in the Record, as follows:

District of Columbia Court of Appeals

When the Congress recessed on October 14, the Senate District of Columbia Committee left unfinished a matter of extreme urgency. The Committee failed to recommend confirmation of my nominations of three new judges to the District of Columbia Court of Appeals.

Since the fair administration of justice in our Nation's Capital urgently requires better handling of the enormous workload confronting the courts, I am today announcing the recess appointments of those three judges.

They are: Hubert Pair, a distinguished attorney, Walter Yeagley, an Assistant U.S. Attorney General who has served in that capacity under four Presidents, and Gerard Reilly, a distinguished attorney and former member of the National Labor Relations Board.

These three outstanding nominees have received the approval of the American Bar Association, the District of Columbia Bar Association, and the Federal Bar Association. It is not clear just why the District of Columbia Committee under the Chairmanship of Senator Tydings failed to act on these nominations. I understand that there has been some objection on political grounds, but I believe that the unquestioned qualifications of these men should override consideration of politics. I have also heard that the chairman of the District of Columbia Committee objects to these nominees because they are more than 60 years old. Certainly the great contributions of American jurists after the age of 60 is sufficient evidence to counter that criticism. More than ever today we need mature and experienced judgments in our courts.

As I make these recess appointments, I am confident that the United States Senate, when it reconvenes next month, will vote to confirm these distinguished judges.

Note: The statement was released at Dundalk, Md.

Mr. SPONG. Mr. President, I want to make clear my position in regard to the nomination of Mr. Gerard D. Reilly to be an Associate Judge of the District of Columbia Court of Appeals which has been filed with the Senate today, and in regard to the nominations of Mr. Hubert B. Pair and J. Walter Yeagley to the same court which were rejected by the Committee on the District of Columbia on December 2, 1970.

These nominations were to fill three new judgeships on the District of Columbia Court of Appeals which were created by the District of Columbia Court Reform and Criminal Procedure Act of 1970 which became law earlier this year. In addition, this act created 15 new judgeships on the District of Columbia general sessions court. Nominations to these 15 judgeships were reported by the Committee on the District of Columbia and approved by the Senate on October 12, 1970.

On this date the committee announced that the consideration of the nominations to the District of Columbia Court of Appeals would be held up pending further information in regard to the American Bar Association's age standards, the personal data questionnaires submitted to the Justice Department, and a list of at least 10 cases that the nominees have briefed and argued at the appellate level. This information was not obtained by the committee prior to the start of the election recess on October 14, 1970. On October 24, 1970 these three nominees received recess appointments to the court of appeals, and at this time all three have been sworn in and are sitting as judges.

On December 2, 1970, the Committee on the District of Columbia met in executive session to consider these nominations. At that meeting the committee recommended the confirmation of the nomination of Gerald D. Reilly and rejected the nomination of Mr. Hubert B. Pair and Mr. J. Walter Yeagley. I voted against the confirmation of the nominations of all three of these nominees.

The District of Columbia Court Reform and Criminal Procedure Act of 1970 expanded greatly the jurisdiction of the District of Columbia Court of Appeals. For example, the Court of Appeals will have for the first time jurisdiction over felony cases, the $10,000 limit in civil matters has been removed, and the Court of Appeals will make the court rules for the new Superior Court. The transfer of jurisdiction has been spread over a period of 4 years, and this period will be critical to development of the law and the judicial system of the District.

The Court Reform Act provides for terms of 15 years for Court of Appeals judges and provides for mandatory retirement at age 70.

All three of the nominees are over 60 years of age: Mr. Pair, 66½; Mr. Reilly, 64; Mr. Yeagley, 61½. Thus, under the provisions of the act none of the three nominees to the Court of Appeals will be able to serve out their 15-year terms and two of the nominee will barely be able to serve out the period of the transfer of jurisdiction to the Court of Appeals. I believe that it is vital at the crucial beginning stage of development of the new court system that the judges on the Court of Appeals be available to serve a substantial portion of their 15-year term, and that it is even more important that the experience gained by the judge during the period of transfer of jurisdiction be available to the court for some time. It is for this reason that I voted against the confirmation of the three nominations to the District of Columbia Court of Appeals.

During the consideration of these nominations the question of the age standards of the American Bar Association and the policy of Congress and the Executive in regard to the age of nominees to the bench have been discussed. Despite some early confusion it appears that the ABA, Congress, and the Executive have followed the policy that an individual 60 years of age or over should not be appointed unless he at least held the rating of "well qualified" and that no one over 64 should be appointed unless he had prior judicial experience. Applying this policy to the nominees to the Court of Appeals, it is clear that two of the nominees would not qualify since they are over 60 and receive a rating of only "qualified", while the third candidate, who is rated "well qualified," meets the age requirement by a few days.

The ABA has attempted to make a distinction in regard to these nominations because of the mandatory retirement age of 70. To me, the policy in regard to nominees over 60 is more, not less, relevant with mandatory retirement at 70 than with lifetime appointments.

It is not easy to be a party to the rejection of presidential nominees, particularly when, as is the case here, they are men of character and integrity. Nevertheless, to me the compelling and overriding considerations are twofold:

First, there should be assurance that the quality of the administration of justice under the new court system for the District is the equal of any in the Nation, particularly at the appellate level.

Second, that in endeavoring to achieve this we avoid setting a precedent that would not recognize the need for prolonged service by competent jurists during the more productive years of their lives.

I hope the President will give this consideration in future nominations for high judicial positions.

Having made clear my position in regard to the policy of nominating men to the District of Columbia Court of Appeals who cannot serve out their term and in view of the feeling of the committee that this nomination should be approved, I do not intend to oppose or vote against this nomination.

MISREPRESENTATION OF SENATOR DOMINICK BY COLUMNIST ROWLAND EVANS

Mrs. SMITH. Mr. President, a column published in the Washington Post of Sunday, December 6, 1970, contained some serious misrepresentations about the junior Senator from Colorado (Mr. DOMINICK) and me.

I am not concerned about the misrepresentations about me, for I have become accustomed to them.

But I am concerned about the misrepresentations about Senator DOMINICK. I ask unanimous consent to have printed in the RECORD the text of the letter I have written today to the columnist in this matter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., December 7, 1970.

Mr. ROWLAND EVANS, Jr.,
Washington, D.C.

DEAR MR. EVANS: Your Sunday column (December 6, 1970) is in serious error.

While it is true and accurate in stating that I was, and am, displeased that so little was sent to the Republican Senatorial nominee in Maine who ran a surprisingly strong race and significantly reduced the winning margin of the incumbent from his last Senatorial election, other portions of your column are seriously inaccurate.

I am not backing Senator Cook or any of the other candidates for the position of Senate Republican Campaign Committee Chairman. I have made no commitment to anyone nor made the slightest indication of favoring any one over all others for the position.

I have not been annoyed in any manner by Senator Dominick. Nor has Senator Dominick's expression to me been limited to a mere form letter. To the contrary, Senator Dominick has personally talked with me several times about his desire to be the Campaign Committee Chairman—and these talks have gone back as far as three or four years ago, in addition to his talks with me this year. His talks this year preceded the form letter he wrote to all Republican Senators.

I do not know from whom you received the false information. I do know that you did not receive it from me or anyone on my staff or from any authorized person. Had you checked with me, you could have avoided the misrepresentations which someone else apparently gave to you.

Sincerely yours,

MARGARET CHASE SMITH,
U.S. Senator.

THE IMPORTANCE OF COASTAL ZONE MANAGEMENT

Mr. HOLLINGS. Mr. President, recently Dr. Edward Wenk, Jr., former executive secretary of the National Council on Marine Resources and Engineering Development and now professor of engineering and public affairs at the University of Washington, delivered an address to the American Society of Civil Engineers on the importance of coastal zone management. His is the most recent in a long line of support given to the pending legislation to improve the management of this important area of the United States. Dr. Wenk's statement of the primary issues cogently summarizes the problem. He said:

> Let me restate the primary issues: it is how to provide for many diverse and often conflicting coastal demands, public and private, and still obtain the greatest long-term social and economic benefits. We face an increasing pressure for more intense and variegated use of a scarce resource, and in the confusion of aspirants, we have responded on a first come, first served basis. We have almost completely neglected planning. Unless regional alternatives among competing uses are illuminated and then evaluated, we will rather helplessly continue to respond to claims motivated by short-term advantages to individuals, industry or local governments, and perhaps to inflexible momentum of the federal bureaucracy. Private beach development restricts public access. Dredging and filling may downgrade commercial fishing. Offshore drilling rigs limit freedom of navigation, and estuarine waste disposal depreciates all surrounding recreational use. While each single action may be justified on its own merits, the effect of piecement development can be chaos.

Mr. President, the importance of the coastal zone to the United States is highlighted by the support the National Governors' Conference and the National Legislative Conference gave to the pending legislation. They have both ranked coastal zone management high on their list of priorities. In addition, the Council of State Governments has formed a Coastal States Organization, chaired by Dr. William Hargis, director of the Virginia Institute of Marine Sciences, which has actively pursued the interests of the coastal States to seek better management of this important area.

In order to highlight the importance of the coastal zone, Mr. President, I ask unanimous consent that Dr. Wenk's speech, entitled "National Policy for Coastal Management," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NATIONAL POLICY FOR COASTAL MANAGEMENT

(By Edward Wenk, Jr., Professor of Engineering and Public Affairs, University of Washington, Seattle)

Six years ago, almost exactly to the day, I had the privilege of addressing this audience on what was then a new, unfamiliar and even uncrystallized theme of *ocean engineering.* At that time, the field of oceanography was just beginning to attract and sustain national attention, and I endeavored to highlight the critical role of engineering in converting the unrealized potential of the sea to contribute to national goals. Senator Bartlett referred to the address as a catalyst for legislative proposals that emphasized technology to explore and to utilize the sea, rather than simply expand marine science. These engineering concepts found their way into both language and title of the Marine Resources and Engineering Development Act of 1966, PL 89–454.

Any author is bound to be gratified with such response. But subsequently as I learned more about the promise of the sea and the problems of translating benefits to enhance life on this planet, I found that address had two serious shortcomings. First, that address was devoted to the global ocean's 140 million square miles and failed to differentiate geographical sectors of the sea—and thus to delineate the special importance and ecology of that portion of the marine environment near our coasts. Secondly, while it recognized that converting scientific knowledge to practical use required a synthesis of technical knowledge with social goals and institutions, the paper was vague on specific measures. I am thus pleased to have this opportunity to elaborate on these missing details. I thus want to concentrate on issues concerning the coastal margin, and policies urgently needed for its management as a public trust.

The coastal area I refer to may be defined as the band of water and land that surrounds the continent, in which the sea exerts a measurable influence on the uses of the land and its ecology, and the land exerts a measurable influence on the uses of the coastal waters and on their ecology. This band, 17,000 miles long, extends offshore to the outer edge of the continental shelf and on shore at least to the upper reaches of the lunar tide and adjacent shoreline. Bays, estuaries, lagoons, wetlands, and beaches that punctuate this irregular boundary are necessarily included; so are the Great Lakes.

The coastal zone is cartographically where the land meets the sea. But equally important the coastal zone is the strip where people meet the sea. Until the last few years, it is remarkable that the marine environment was studied by scientists and policy makers alike as though the planet were uninhabited. The Marine Sciences Act, referred to earlier, awakened the nation to a new level of appreciation that the critical dynamic elements in formulating and achieving public purposes to use the sea more effectively—were people! Thus, in addition to considering interactions of wind and waves, currents and tides, marine flora and fauna, it was necessary to consider human institutions—their roles, interactions and conflicts; for progress toward effective use of the sea had been impeded by more than scientific ignorance.

In such conflicts among different users lies the nub of the problem along the shore. This is "where the action is."

The 30 coastal and Great Lake states contain more than 75 percent of our population. Practically all of the megolapoli projected to the year 2000 touch the sea. Eighteen of the

21 million increase in population during the decade of the sixties live there. A preponderance of heavy industrial investment is located there. It is a locale for $40 billion annually of maritime trade, $1 billion in offshore oil and $500 million in fisheries. And because fuel, ore and bulk chemicals can be transported most economically by the sea, this gateway has sustained an ever growing frenzy of diversified industrial development.

Beyond its economic significance, the salubrious climate and esthetic pleasures of our shores become the recreational refuge for a busy people; thirty million turn annually to the sea to swim; eleven million to fish; eight million to sail.

Paradoxically, with this heightened pressure on coastal areas, the resource itself is shrinking and subject to creeping abuse.

From urban centers and industry concentrated along the coast flow the subtle, potent contaminants of an affluent society: chemical waste from factories; heat from power plants; domestic waste and sewage from cities and towns; insecticides and fertilizers from land runoff; low-level radioactive waste from reactors, laboratories and hospitals; and petroleum wastes from distributed sources. The sheer bulk and chemical stability of waste products can no longer be diluted, dispersed or degraded.

Not only is this sector of the marine environment where the action is, it is characterized by an anarchy of utilization; everybody wants to do "his thing." Inevitably, competition for a scarce resource begets conflict.

In the early stages of a shoreline's development, scattered individual actions have relatively innocuous impact on the ecology and on other potential users. But as that pressure on the environment grows, the environment is modified. Each user influences his neighbor. Early entrenched users preempt later, equally legitimate demands. For example, we have filled wetlands, exhausted sites for dredging spoil, wiped out breeding grounds for shad and other anadromous species, removed waters from shellfish culture because of pollution, sharply reduced public access to choice beaches by limitations of private ownership.

The nation seemed curiously unaware of the massive neglect of our coastal zone until the national conscience about the quality of our environment was teased by a trip-hammer of incidents:

The *Torrey Canyon* oil spill in 1967 captured international attention. It was followed by loss of the *Ocean Eagle* in San Juan Harbor; two large barges off Cape Cod; the *Arrow* in Halifax. In January 1969, the Santa Barbara oil drilling casualty generated another shock wave of attention to coastal problems. Another occurred recently off Louisiana.

Gradual seepage of pollutants into Lake Erie led to virtual certification of its untimely biological suffocation. In five decades the lake has aged the equivalent of 15,000 years; natural fishing will require 500 years to cleanse it. And in Lake Michigan, Caho salmon have been found to concentrate DDT in such levels as to require condemnation from markets. From Penobscot Bay, Maine to Chesapeake Bay, lobster and clam production have been shut down, and even some fish have been found infected with human pathogens. Crabs have been killed in Virginia from DDT poisoning. Marine life concentrates heavy metals and while thriving itself becomes heavily poisonous to humans. Commercial fishing off Alabama has been banned when mercury concentrations were discovered six times acceptable levels; and there is now concern that the methyl compounds of mercury biologically converted at sea are many times more toxic than the original sources. Beaches have been closed in New York. Atlantic City was ordered to install new long outfalls because of back-pay pollution. In the case of oil spills, there is convincing evidence that heavy injections of chemicals to dissipate oil slicks menace sea life as seriously as the oil itself.

These incidents made headlines. Less conspicuous, but having longer-run impact is the filling of wetlands and the gradual urban consumption of wilderness areas. The 700 square miles of San Francisco Bay have been reduced to 400 by diking and filling of tide and marshlands. Dredging unsettles bottom sediments, removes bottom dwelling life, blankets fish nests, masks out light required by aquatic plants, and smothers ecologically sensitive bottom organisms. Dam construction alters estuarine salinity; jetty and groin construction upset beach ecology. Hurricane barriers disturb circulation of bay water—all affecting marine life. And enormous quantities of solid wastes, routinely barged to sea often contain poisons that leak quietly into the marine environment for years later.

What makes this problem all the more serious is the complex mixture of public and private ownership in a confusion of legal jurisdictions. Fish, water, ships and people freely cross these political boundaries, yet only a fraction reside there: the users are transients, with other regional loyalties. As one policy official said: "The fish don't vote."—thus leaving a serious question as to who in the political process will represent the public interests for rational coastal utilization.

Just how important is this issue?

In early 1970, the Committee on Natural Resources and Environmental Management of the National Governors' Conference polled its members to enumerate concerns and assign priorities. With the rating scheme employed, in a list of 12 problem areas, "coastal zone management" ranked second to "water resources." But if this were weighted to reflect the fact that only 30 of the 50 states could be regarded as having coastlines, the result would be a virtual tie for first place.

It is interesting that water resource problems have been with us since the founding of the nation. Coastal zone conflicts were only dimly perceived five years ago, and probably would not have made the "hit parade" of top ten state concerns as recently as three years ago.

What produced the change? First, there has been a heightened national awareness that our planet cannot indefinitely absorb insults of man-induced changes and still serve future generations. This concern has been intensified, incidentally, both because the pollutants have increased to become more visible, and because research has revealed toxicity of even minute traces of some pollutants that remain invisible. Second, while coastal problems had been encountered and treated by Federal and State agencies for decades, the correctives were as piecemeal as the problems. It was not until March 1967 when the Marine Sciences Council[1] took note of the problem on a national scale that a President spoke to the need to arrest and reverse the pollution and erosion of the coastal zone. In March 1968, President Johnson recommended new funding for "research and planning to improve our coastal zone," an initiative later characterized in his message of January 1969 as efforts to "enhance the many uses of our seashore and coastal waters by directing national attention to the need for skillful management of this coastal zone." And in that month, the Stratton Commission[2] released their perceptive assessment of the problem and recommendations to establish state-managed coastal authorities. In those three years, swift progress was made in diagnosis and prescription of remedy. In the last year, there has been a hopeful beginning to utilize the remedy.

Let me restate the primary issues: it is how to provide for many diverse and often conflicting coastal demands public and private, and still obtain the greatest long-term social and economic benefits. We face an increasing pressure for more intense and variegated use of a scarce resource, and in the confusion of aspirants, we have responded on a first come, first served basis. We have almost completely neglected planning. Unless regional alternatives among competing uses are illuminated and then evaluated, we will rather helplessly continue to respond to claims motivated by short-term advantages to individuals, industry or local governments, and perhaps to inflexible momentum of the federal bureaucracy. Private beach development restricts public access. Dredging and filling may downgrade commercial fishing. Offshore drillings rigs limit freedom of navigation, and estuarine waste disposal depreciates all surrounding recreational use. While each single action may be justified on its own merits, the effect of piecemeal development can be chaos.

In this technological age, man can do many more of the things he once could only wish to do. What then should be our goal? With regard to the coastal zone, I would urge attention to seven basic principles:

1. We need a national policy to balance protection and development of coastal resources for this and succeeding generations.
2. Every foot of coastline should eventually be subject to a comprehensive management plan for land and water use, reflecting needs of and private concerns such as industry, transportation, recreation, fisheries, wildlife and nature conservancy, and residential development.
3. The plan should be prepared at the state level of government and subject to review and approval by the governor.
4. The state should provide and exercise necessary regulatory authority, land acquisition and public facility development to implement its management plan.
5. Provisions should be made for public notice and public hearing in development or modifications of such plans.
6. Provisions should be made for conducting, fostering and utilizing relevant ecological and policy research so as to provide a factual basis for estimating the impact of man's intervention on the natural environment, including provision of estuarine sanctuaries to study natural and artificial ecological processes.
7. Provisions should be made for multi-jurisdictional cooperation, with special emphasis on regional planning for ecological areas that cross state lines.

There are two planks of logic behind assignment of authority over coastal problems to the states. First, individual states already have legal jurisdiction over coastal resources; they decide how mineral resources beneath coastal waters are to be exploited, how coastal fisheries are to be harvested. They decide how coastal land and waters may be altered and which uses should receive preferences in tradeoffs.

Secondly, both ecology and citizen preferences are sufficiently variegated that no uniform authority at a federal level is feasible, much less desirable.

If the states had this authority over coastal resources, why haven't they acted?

That same committee of the National Governors' Conference specifically asked, "What are the factors responsible for inadequate resource management? Lack of funds was predictably prominent in responses. But the impediments next in order of importance were:

Lack of motivation and concern by the public as a whole.

Lack of technology and research.

Lack of proper plans, goals, objectives and priorities.

---

[1] National Council on Marine Resources and Engineering Development, chaired by the Vice President.

[2] Authorized by PL 89-454, appointed by President Johnson on January 9, 1967 and chaired by Dr. Julius A. Stratton.

I would add to their list the following additional barriers:

In most states, there is no single focus for guiding rational development because conservation, economic promotion, pollution control, tourism, highways and community planning are considered separately.

Legal control over land use is complex and ineffectual.

Ambiguous and overlapping jurisdiction between local, state and federal governments create problems because political fragmentation makes no sense in an environmental continuum.

Finally, zoning of land and water permits for explicit projects and coastal planning will never be effective unless states are prepared to enforce decisions.

The states are keenly aware of these problems. Many have taken significant courageous steps to strengthen their internal capabilities. A Coastal State Organization was created by the National Governors' Conference. And citizen groups are focusing interest on coastal preservation and supporting political leaders who advocate rational management.

But all have been waiting for federal leadership in response to recommendations by the Stratton Commission and the Marine Sciences Council that would set the stage for national policy and machinery to set standards and to help the states meet the difficulties listed earlier. In converting the previously mentioned principles to action, both those bodies called for:

A federal grant-in-aid program to states for: (a) initial development of planning and regulatory mechanisms, and (b) implementation of a management plan; and

Coastal management authorities that would be designated by the governor in each state to receive management plan grants.

What has happened subsequently?

In September 1969, Senators Magnuson and Hart introduced a comprehensive coastal management bill, S. 2802. In November 1969, the Nixon Administration sent to Congress its comprehensive estuarine inventory and proposals for protecting and developing the land and water resources of the nation's coastal zone.

In January 1970, President Nixon transmitted a budget to the Congress that included a new sector for management of the coastal zone.

At this point of chronology, it is necessary to digress to mention a set of parallel problems and developments having critical influence on coastal management legislation. The problem—identified by Congress as far back as 1960—is the fragmentation in governmental agencies superimposed on the already complex splintering of scientific disciplines, technologies and private interests. An elaborate constellation of eleven major federal agencies have had jurisdiction over marine affairs—each sanctified with statutory authority over one element such as national security, environmental observation and prediction, fisheries development offshore oil regulation, navigation, data management, maritime shipping, coastal preservation, water quality protection, categorical research and education, etc. Despite their individual best efforts, this collection of programs and policies did not add up to a coherent whole. After much debate, the Congress in 1966 passed the Marine Resources and Engineering Act setting forth a Marine Affairs Mandate and establishing the Cabinet-level Marine Sciences Council to advise and assist the President in orchestrating the bureaucracy. Given the centrifugal forces of internal departmentalism, the council has been deemed by Congress and outside observers to have been a success—in giving the aggregate of missions momentum and a coherent sense of direction, priorities and strategies. Perhaps most important, it injected a "maritime presence" in the White House and became a major source of Presidential marine initiatives in two administrations. But the Council as a steering mechanism is not the equivalent of an operating agency.

In January 1969, the Stratton Commission brought forth major recommendations to consolidate many marine agencies into a single, independent agency. Many Congressmen endorsed this proposal. So did many representatives from industry, academia and state government. This July, President Nixon submitted Reorganization Plan Number 4 of 1970 to the Congress to consolidate roughly half of the participating agencies into a new National Oceanic and Atmospheric Administration, to be located in the Department of Commerce. Although not going as far as many of us advocated, I am personally convinced his proposal is sound. As could be expected, this reform had been privately opposed by cabinet officers concerned over loss of components, and by the Bureau of the Budget which fantasied a second space program looming on the horizon, with NASA-type horsepower to strain an already tight budget. The President, however, rejected these considerations and took a giant and courageous step toward improved federal management for marine affairs.

Over the past few weeks, the Congress received some objections to this proposal from conservationists. They contended that where the Department of Commerce had responsibilities for economic development and industrial growth, it could not loosen its bias to assure a balanced approach to protecting the marine environment.

I share their concerns about importance of environmental quality, but I don't agree with their conclusions. No single federal agency wears all white hats, or black hats. All are subject to continuing pressures from interests whose toes are stepped on in protecting the broader public interest or even competing private interests.

Washington, in fact, has wall-to-wall toes. At an earlier time when it was thought the Department of Interior would be host to NOAA, that agency was deemed in a poll by Oceanology International magazine to be lacking in objectivity in favoring industrial interests. The assurance that Commerce—or any other agency—will protect the public interest in environment depends on vitality, competence, dedication and integrity of appointed officials and oversight by Congress provided by the Constitution. I have every confidence that the President will keep this question of environmental quality in mind in his appointments of NOAA officials. The Council on Environmental Quality has technology assessment responsibility for the marine as well as the land environment. Moreover, whatever advisory body is established to NOAA should include a variety of viewpoints and competences among its members—themselves individuals who are distinguished by professional qualifications rather than their identity as lobbyists. The committee must include a balanced representation of those concerned with the environment.

Marine affairs have historically been approached without partisanship, and fortunately, the Congress did not react to the President's Reorganization Plan on a partisan basis. In this recent consideration, Congress recalled that Hubert Humphrey, from his experiences as first council chairman, has supported consolidation in a public statement back in 1969.

A Democratic Congress, with bipartisan support in both Houses, accepted the President's proposition. On October 3, NOAA became law.

With regard to coastal matters, NOAA is already involved in such functions as coastal charting, fisheries research, hurricane forecasting, buoy development, data management, and Great Lake surveys. This consolidation of functions was an essential first step. But now there is an air of expectancy to hearing the second shoe drop. It is important to recall that the functions now assigned to NOAA necessarily embrace only those missions that had previously been assigned to its constituent elements. No new missions have been formulated. Not included, therefore, is any declaration of national policy and provisions for its implementation to deal with the coastal zone to meet the management problems enunciated earlier. On a related point, however, President Nixon released a report of his Council on Environmental Quality regarding hazards of ocean dumping, but stated that new legislation to regulate such practices will be submitted next year to Congress, to be carried out under the new Environmental Protection Agency (created under Reorganization Plan 3 of 1970).

In lacking explicit national policy on coastal management, we also find missing the designation of a Federal agency for implementation. NOAA is a logical candidate because it already has the needed technical capabilities for observing and analyzing the inshore environment, and assessing impact of modification. In my view, to subdivide the marine environment artificially and assign this coastal function to another agency would renew wasteful splintering that NOAA was intended to correct. On the other hand, the suitability of NOAA as host agency depends on proof of its objectivity within the Department of Commerce, and of its viability in terms of budget allowances for fiscal year 1972; without reasonable growth to meet the unfilled mission promises of the past, the exercise to establish NOAA would have been futile. Unfortunately, imminent jockeying for jurisdiction over the coastal zone in both Executive Branch agencies and Congressional committees could paralyze urgently needed legislation such as S. 2802 now before Congress.

On a second point, neither of the legislative proposals now before Congress provide for the necessary estuarine research. As the Marine Sciences Council stated, "We still lack much of the knowledge needed to provide the understanding required to assess and predict the effects of man-induced and natural modifications of the marine environment. In the absence of this information about the ocean's ability to absorb stresses and remain healthy, human activities may generate transformations that destroy, perhaps irreversibly, desirable properties of the marine environment.

The scientific information required includes establishing baselines or standards from which we can detect and measure environmental changes which occur over the next 10, 20 or 50 years. We need to know what pollutants and in what quantities are entering the ocean; how much pollution the marine environment can absorbe without substantially harming other uses; how marine pollutants circulate and disperse, degrade and convert to other chemical and physical forms; and what effect man's physical modifications of the coastline have on water dynamics, marine life and sedimentation. Much remains to be learned about how pollutants enter the life cycle of marine organisms and what effect they have on them; and about how to treat ocean pollutants. An adequate pollution monitoring system could furnish information which would provide the scientific basis for assessing and predicting man-made changes, identifying and controlling pollutant buildup, managing waste disposal and safeguarding the physical and biological quality of the oceans."

If management decisions on coastline use are to be based on rational analysis and not on winds of political pressures, we will need scientific information and engineering studies, focused on comprehension of the environment. With such information, we can generate criteria to define options and make choices among alternative regulatory actions, public and private uses of the seas and costal lands, and costs. This information is fundamental to the political decisions needed to manage the environment.

Thus, we urgently need support for a research capability that would build on existing federal, state and private capabilities.

The Department of Interior was requested by the President one year ago to develop background on what new research activities are required for coastal management and how they should be organized and funded. Since then, there has been only ominous silence from Interior, with no provision in their fiscal year 1971 budget for strengthening this capability.

NOAA could furnish the home for such a research responsibility, perhaps beginning even without additional authority. One early test of its viability will be reflected in whether it takes such initiatives in coastal research and whether it requests adequate funds for fiscal year 1972 to meet the urgent needs for necessary scientific and engineering expertise to buttress coastal management policy.

The nation has three major issues on its immediate agenda: (1) the establishment at the federal level of national policy on coastal affairs and adequate funding for its implementation; (2) steps within each state to create the necessary policy and the machinery for planning, for management and for public participation—including regulations, zoning, issuance of permits, acquisition of land, and coastal development for the public; and (3) strengthening of coastal research and analytical capabilities free of politics to guide rational management.

These issues are of great moment to us as citizens. Their fate is uncertain. Powerful opposition can be expected at a state level from those having narrow self interest, and can be met only if we exercise our social responsibilities as citizens and as civil engineers.

The civil engineer has distinguished himself in dealing with natural forces to serve human needs. He has made positive contributions to the entire field of water resource management. The engineer should follow that tradition in the coastal zone:

By articulating public vision as to ways and means to satisfy our national goals, including expression of viewpoint on pending issues;

By participating in the economic-social-legal institutional framework in which action takes place for public or private investment;

By seeking knowledge to foster better decisions—knowledge as to our environment and consequences of our tampering with it; knowledge of our society and its processes;

By breaking down narrow technical specialization or parochial self interests, to see the forest rather than the trees, to couple together better the producers of technical knowledge and consumers.

In dealing with these issues, every skill of the engineering profession will be needed. But so will its leadership.

C. P. Snow has written that the engineers, "the people who made the hardware, who used existing knowledge to make things go, were . . . interested in making their machine work, but indifferent to long-term social consequences." James Killian, the late President's Eisenhower's science advisor, has written "The engineer's concern for social problems must grow steadily as his work affects society more profoundly." And Whitlock and Edington before the ASEE have said, the problems are those whose answers are not found in engineering courses, but those which concern people, sociological needs, esthetic judgments and political decisions. "The complexity of our society today makes an engineer who cannot handle such problems not only limited but dangerous."

Our society does not seem to appreciate that its affluence now permits collective political decisions in applying science and technology to our major social problems, yet we don't have a way of doing this. For a long time, for example, we used engineering to protect man against his environment. Now we must also consider how to protect the environment from man.

In closing, let me recall for you that there is a new interest in the engineering profession that was generated by studies in the arena of technology assessment, sponsored by Congressman Daddario and emphasized in the recent Presidential study of national goals. This concept is sure to gain momentum as we recognize that technologies created to accomplish some particular purpose develop such potency that they produce severe unwanted side effects. A powerful and objective analytical capability is thus required to study and anticipate these consequences—thus to provide the decision-maker in government or industry with options—to weigh future plans or arrest initial technological developments before they reach a momentum such that correction is expensive or politically difficult, or both.

To perform such assessments will require both intellect and institutions to synthesize social needs and priorities with technical information—to match engineering prowess with wisdom.

Some engineers already perform this function. Few, however, have the breadth of training or interests to rank as technologists. Few raise their voices publicly and many seem timid to provide even privately to their management early warning of unintended or unanticipated influences of technology.

It should be clear that technology assessment is just what coastal management authorities in each state will have to perform on a systematic basis.

This raises an enigmatic and challenging question as to whether the country—or our profession—is prepared for this new role.

This profession must respond to this challenge.

YULETIDE IN PRISON

Mr. GRIFFIN. Mr. President, as Christmas approaches and the cities of America are brightly lighted, spreading cheer throughout, it behooves us to remember hundreds of Americans for whom there will be no joy this Yuletide—the Americans held prisoner in Southeast Asia.

At this Christmas season families of American prisoners at least have one reason to be encouraged—as compared with Christmas seasons in the past. In previous years the families were beset by the desolate feeling that few cared. Now, however, they know that many fellow Americans really do care; and following the courageous but unsuccessful rescue effort they know that their Government really cares.

The families have been buoyed by the knowledge their Nation, indeed, is deeply concerned about freeing the prisoners. This is hardly a substitute for having their husbands, sons or fathers back home; but the knowledge does add to their store of courage to face the future.

BIG THICKET PETITIONERS FOR A 200,000-ACRE BIG THICKET NATIONAL PARK TOP 4,000 MARK

Mr. YARBOROUGH. Mr. President, the ranks of the active and concerned Americans who are petitioning for a Big Thicket National Park of 200,000 acres have swelled to near the 4,000 mark with the addition of more than 2,900 signatures received in my recent mail. These citizens and thousands of other like-minded Americans are united in their goal of preventing this great wilderness area from being reduced to cutover lands. The Big Thicket, which once spanned over 3½ million acres, has quite literally been cut down to less than 300,000, and each day that this attrition continues unabated, the Thicket suffers the loss of another 50 precious acres. This nationwide citizen support is therefore both critical and timely. With it, this hard fought battle to save one of America's greatest remaining wilderness areas may be won.

Mr. President, I ask unanimous consent that a synopsis of these 11 additional petitions be printed in the RECORD.

There being no objection, the synopsis was ordered to be printed in the RECORD, as follows:

PETITION

We the undersigned believe and wish that 200,000 acres of the wilderness and virgin forest area described commonly as the Big Thicket be set aside and reserved as a national park and that these acres be adjoining each other and that as a wilderness area these 200,000 acres be designated as the Big Thicket and that the Big Thicket as a national park be preserved and protected by the laws which govern the protection of other national parks as set aside by acts of the Congress of the United States of America.

SYNOPSIS OF SIGNATURES RECEIVED

FROM THE DENTON, TEX., AREA

Pat Jeter, Martin Shockley, William E. Hendrex, Kenneth J. Kinslow, Kara Lee Selman, Gary M. Faw, Michael Louis, Paul Lewis, Dorothy Copening, John Nunnally, Dawn S. Pettit, Dale Graham, R. B. Escue, Jr., B. Dwain Vance, J. R. Sybert, Kathy Baldwin, Joseph R. Spradlin, Frederick G. Gaffrey III, Myrin Marcum, Peter A. Gunter, Linda J. Castle, Jim Van Dorn, Joseph Holley, Frank M. Rachel, C. Holmes, James Whittington, Larry D. Justiss, Darlene Graham, Avena Ward, Cynthia Raff, Ronald Spieker, Pat Stanley and 1,632 others.

FROM THE FORT WORTH, TEX., AREA

Virginia Groody and 82 others.

FROM THE ST. LOUIS, MO., AREA

John H. Stade and 67 others.

FROM THE ENID, OKLA., AREA

Dr. Robert L. Simpson and 51 others.

FROM THE GAINESVILLE, TEX., AREA

William C. Stanley and 92 others.

FROM THE RICHARDSON, TEX., AREA

Julie Frelich and 30 others.

FROM THE DALLAS, TEX., AREA

Dr. Wayne Meyers, John M. Williams, P. M. Jaques and 398 others.

FROM THE SIERRA CLUB OF DALLAS, TEX.

Richard C. Blue and 15 others.

FROM THE COSA MESA, CALIF., AREA

Kenneth S. Croker and 63 others.

FROM THE LAS VEGAS, N. MEX., AREA

Elmer W. Schooley and 69 others.

FROM WEATHERFORD COLLEGE, WEATHERFORD, TEX.

Cassie Casler and 149 others.

FROM THE UNIVERSITY OF TENNESSEE, KNOXVILLE, TENN.

Dr. Phillips Hamlin and 65 others.

FROM THE FULLERTON, CALIF., AREA

Keith I. Robins, M.D. and 126 others.

THE SST

Mr. DOLE. Mr. President, it is indeed a funny world we live in.

A month ago we held national elections. The issue for the Democrats was employment or rather unemployment. Many Members of this body campaigned against the administration's record on the employment problem.

Some Republicans will not return because of that problem.

All of us agree that unless the problem is solved, it will be an issue in 1972.

And yet, just last week, 52 Senators decided that jobs and employment are not really that important, so they voted to abolish jobs for 150,000 working men and women.

Now, of course, they will not own up to this. They will talk instead about ecology and environment and about all the money saved. They will talk about a victory over technology.

Mr. President, yesterday was no victory over technology. It was a loss for the people and a loss for America. It was a loss of jobs and pay at the holiday season for 150,000 Americans who want to work.

No family assistance plan in the world can make up for that loss, no unemployment compensation, no welfare.

Mr. President, I would like to make one point. If a victory over technology and progress is won at the expense of human welfare, is it a victory?

THE RECESSION—SECOND INFLATION ALERT

Mr. PROXMIRE. Mr. President, it is obvious from the latest statement on the state of the economy put out by the administration that it is becoming more worried about the recession we are in. The executive branch is beginning to talk about expansionary policy needed to reverse the rising unemployment rate and the sagging economy. Part of the administration's problem has been its failure to recognize the economic facts of life.

Sylvia Porter's column in the Washington Star of December 1 puts very clearly and succinctly the actual state of economic recession caused by present administration policies. I am sure other Members of Congress will want to read her column, and I therefore ask unanimous consent that the column be printed in the RECORD at the conclusion of my remarks.

Miss Porter notes that the present recession, now in its 17th month, is the longest of any of the five business downturns since World War II. Administration policies, she points out, have had less impact on inflation than in any of the four previous recession. She says:

> In fact, the upsurge in prices—prices at the wholesale level and touching the cost of living—has been by far the sharpest recorded in any post-war recession period.

Any claims that the "Game Plan" is working would, she stresses turn "the credibility gap into a credibility chasm," and she points to the "nightmare combination of climbing unemployment, still sharply rising prices, sluggish business activity, fading profits, spreading bankruptcies and Wall Street disasters . . ." She cites a renowned economist, Martin Gainsbrugh of the National Industrial Conference Board as indicating that if, as seems likely, there is no real growth in 1970, it will be "the first occasion since 1938."

One would have thought that the second "Inflation Alert" would have addressed itself to these problems. Instead, I can only find the repetition of the same old cliches. The administration refuses to adopt a well-rounded set of economic policies which would permit us to proceed expeditiously to high employment, and steady growth without inflation. While monetary and fiscal policies should be more expansionary at the present moment, there is a crying need for wage and price guidelines and selective credit controls to assure the American people that inflation will not resume its acceleration, and indeed, that prices can be stabilized while we seek our major goals of resumed growth and full employment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Wisconsin?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRANDING IT A RECESSION

(By Sylvia Porter)

The "recession" of 1969–70 is now beginning its 17th month. The Nixon administration has not yet called it by its obvious name nor has it been formally designated a recession by private authorities either, but that is what it is.

In fact, it already is the longest of any of the five business downturns since World War II. The table below in this column will document that.

The recession of 1969–70, created by administration policies and the Federal Reserve System to curb the inflation spiral, so far has had less impact on inflation than any of the four previous postwar recessions.

In fact, the upsurge in prices—prices in general, at the wholesale level and touching the cost of living—has been by far the sharpest recorded in any postwar recession period.

It is understandable that the White House would not admit this is a recession during the election campaigns.

But the elections are over and 1972 is a long way off. The administration cannot continue pretending indefinitely that what is is not—even in the fuzzy, unscientific world of modern economics and politics.

Nor can the non-profit independent research organization which dates business cycle turning points, the National Bureau of Economic Research, delay much longer. Other prestigious non-profit research organizations are not that shy and they are going on the line. Martin R. Gainsbrugh, chief economist of The Conference Board, Inc., for instance, puts the start of the 1969 recession in July 1969, because that is the month in which industrial production reached its peak at an index of 174.6. This index is now at 162.3, off 7 percent.

Nor at this stage can any administration spokesman honestly claim the "game plan" for economic stability worked as plotted in 1970—not without turning the credibility gap into a credibility chasm. A nightmare combination of climbing unemployment, still sharply rising prices, sluggish business activity, fading profits, spreading bankruptcies and Wall Street disasters is hardly a successful game plan!

As of Dec. 1, here is a blue-print for the 1969–70 recession to date. Prices are annual rates, latest reporting date.

Recession cycles	Months duration
November 1948 to October 1949	11
July 1953 to August 1954	13
July 1957 to April 1958	9
May 1960 to February 1961	9
July 1969 to December 1970	17

Recessions	Percent	
	Prices as whole	Cost of living
November 1948 to October 1949	−1.7	−2.0
July 1953 to August 1954	+1.2	+2.1
July 1957 to April 1958	+1.7	+2.2
May 1960 to February 1961	+1.2	+1.0
July 1969 to December 1970	+4.3	+6.0

Now, signs are increasing that the 1967–70 recession is starting to ease up—reflecting the easing of credit, the stimulating budget deficit, spurs to housing. Now, signs also are increasing that there will be some further slowing of the pace of price rise in 1971.

But as far as 1970 is concerned, Gainsbrugh figures that this year may be marked by no real growth (dollar growth minus the contribution of price increases) at all, "the first such occasion since 1938."

THE ECONOMY

Mr. DOLE. Mr. President, the President's speech Friday night concerning the state of the economy had a note of optimism that ought to have been reported, but that was largely overlooked.

It should be stressed, for instance, that the President is confident that the worst of inflation is over and that this is proved by the lowered rise in the consumer price index, the lower rise in wholesale prices and the lowering of interest rates.

It is also important to call attention to the President's very cogent remark about unemployment. The fact is that unemployment is at the level of the first half of the 1960's—the Kennedy years—before the Vietnam war buildup began.

The President is devoting long hours to the problems of the economy and employment. He has held to a flexible course that he is convinced is the right course for the long run—a course that is slowly but surely proving to be the right one.

Surely, if he had more actual support and less political criticisms from potential candidates for President and the professional doomsayers in the other party, he would make progress even faster.

The shame of it is that nearly every family in America has been affected today by the faulty fiscal policies of the 1960's, and much of the President's opposition is more interested in shifting the blame than in remedying the trouble.

The President has made it clear that he is not to be deterred or disheartened by those efforts.

Nor is he yielding to pressure to take the steps of wage and price control advocated by those who have no faith in a free economy.

The President has laid out the problem and his policies for dealing with it. Now he needs the support of business, labor, and political leaders.

MAIL CONCERNING GENOCIDE CONVENTION HAS INCREASED

Mr. PROXMIRE. Mr. President, since the genocide convention was ordered reported to the Senate by an overwhelming majority of the Committee on Foreign Relations, my mail on this subject has increased tremendously. I am also happy to note that the vast majority of people who are writing to me on this subject are very much in favor of U.S. ratification of this treaty as soon as possible.

For example, last week I received a letter of particular note from the "Emma Lazarus Federation of Jewish Women's Clubs." This organization, which urged me to vote for the ratification of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, is dedicated to the principle of ethnic, racial, and religious freedom.

Mr. President, I believe this letter is worthy of consideration by all Senators. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMMA LAZARUS FEDERATION
OF JEWISH WOMEN'S CLUBS,
New York, N.Y., December 1, 1970.

Honorable WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SIR: The Emma Lazarus Federation of Jewish Women's Clubs, a national organization dedicated to the principle of ethnic, racial and religious freedom, strongly urge you to vote for the United Nations Convention to punish the crimes of Genocide.

As Jewish women we especially feel that it is our obligation to call upon our nation to inscribe its name to this United Nations Convention. The memory of six million of our Jewish people and the millions of others who were victims of the Hitler holocaust demands that we join the rest of humanity in outlawing this most heinous of crimes.

Last year our Federation presented to the U.S. Foreign Relations Committee the signatures of 60,000 Americans requesting speedy ratification of the Genocide Convention by our Government.

After 20 years of delay this document is before the august body of the United States Senate for debate and vote. We hope you will vote for the ratification of this document and thus end the long delay in joining the 75 other nations of the world who have already signed this treaty to protect human rights.

Respectfully yours,
LEAH NELSON, *President,*
Emma Lazarus Federation of Jewish Women's Clubs.

DEATH OF EDWARD KANE (E. K.) FERNANDEZ

Mr. FONG. Mr. President, it is with a sense of deep personal loss and great sadness that I pay final tribute to the memory of one of Hawaii's most colorful and outstanding businessmen—Edward Kane (E. K.) Fernandez, a humanitarian of great influence in the entertainment and business circles of Hawaii for over half a century. He would have been 87 on December 14.

E. K. Fernandez was as legendary a figure as modern Hawaii has produced. His career in the Aloha State was as colorful and inspiring as the life he made for himself in the land he loved so dearly.

"E. K.," as he was affectionately called by his family admirers and associates, enjoyed a career which covered Hawaii's transition from a monarchy to a territory to the 50th State. He was born on December 14, 1883, in Honolulu, the son of Abraham and Minerva Fernandez.

As an outstanding and dedicated showman, E. K. Fernandez brought laughter to millions of children and adults in many parts of the world. He rightly earned the title, "P. T. Barnum of the Pacific," by his record of "firsts," by his phenomenal volume of business, and by the multitude of people he entertained. He was a successful showman for 57 years, taking his circuses and carnivals to the Orient as well as the mainland.

As a farsighted and innovative showman, he brought the first movie projector to Hawaii, set up the first movie theater chain, and introduced the first merry-go-round and ferris wheel. For over half a century, he was the leader of show business in the Pacific area.

In 1913, E. K. Fernandez brought the first sound picture to Hawaii and 2 years later he staged his first big circus—a show with 20 performers and six animals. E. K. was quick to realize the potentials of vaudeville, and his first performing act was a skating bear which made the rounds of the plantations tied to a wagon.

In some ways, E. K. Fernandez was more strait-laced than P. T. Barnum, although the two abhorred indecency and fraud. E. K. once said:

> I don't like liquor, I don't like anything dirty and I don't like anything crooked.

He was well-known as a devoted Mormon who was fair and generous with his circus workers and entertainers, and fair to his customers.

Mr. President, to me and to his countless numbers of friends and admirers, E. K. Fernandez will always live in our hearts as a humanitarian who had a big heart. He will be long remembered as the man who gave more generations of Hawaiians more fun, laughter, and good times than anyone in Hawaii's history.

Besides being looked upon and revered as an outstanding citizen, E. K. Fernandez was recognized as the Father of the Year in the entertainment field in 1963 and was honored that same year by the Showmen's League of America and the International Association of Fairs & Expositions. He was also awarded the title of Humanist by the Rosicrucian Order in 1962.

E. K. Fernandez is survived by his charming wife, Rose, whom he married in 1933. Other survivors include four children of his first marriage: a daughter, Mrs. Arthur Nobriga, and three sons, Edwin, Jr., Walter, and Dr. Leabert Fernandez. The two children from his second wife Rose include a son, Kane S. and a daughter, Mrs. M. Price Porter.

Mr. President, Hawaii and her people have lost a most active, civic-minded, and distinguished citizen and showman, E. K. Fernandez' passing is mourned by the host of friends he made during his lifetime of selfless and dedicated service to his community and State.

Mrs. Fong and I extend our heartfelt sympathy and sorrowful aloha to his beloved wife, Rose, and to his family in their bereavement.

THE THREAT OF PROTECTIONISM TO THE AMERICAN CONSUMER

Mr. MONDALE. Mr. President, in the last few years we have witnessed the emergence of the greatest interest group of them all—the American consumer.

For years—perhaps throughout most of history—the consumer has been systematically excluded from the exercise of his rightful power. Caveat emptor: Let the buyer beware. And the American consumer has suffered deteriorating services, shoddy quality, unsafe products, and the crass and often deceptive manipulation of his demand and, most of all, rising prices which made a mockery of competition.

When I say that the consumer is "coming of age," I refer to the great interest and the occasional success in recent years in passing product safety legislation, in advancing the notion of consumer class action suits, and in a growing mood of public anger coupled with a most encouraging willingness to put this anger to work through the political process.

But there is one matter now before the Congress which may have more significance—and potential danger—to the consumer than any legislation we have seen this Congress.

I refer, of course, to the trade bill as passed by the House and soon to be considered by the Senate.

The bill is violently and unequivocally anticonsumer.

Under the guise of protecting American jobs, it threatens to unleash a world trade war which could only, in the end, damage the American dollar, seriously retard the economic growth of the underdeveloped nations, and jeopardize the livelihood of millions of farmers and workers dependent upon exports.

But its most pernicious impact will be upon the consumer. And that means upon just about all of us.

Virginia Knauer, the President's Special Assistant for Consumer Affairs, called the bill as currently written "the most significant 'anti-consumer' legislation now in the Congress."

The highly respected Consumers Union states that—

> Shoe and textile quotas would inevitably cause sharp price increases which would seriously affect every family's budget.

The American Retail Federation, representing nearly 800,000 retail stores through their State and national trade associations, estimates that shoe and clothing prices would rise by anywhere from 15 to 25 percent with the imposition of legislated quotas.

And Federal Reserve Board Governor, Andrew Brimmer, has estimated that quotas on shoes and textiles could cost the American consumer $3.7 billion a year by 1975—$1.8 billion extra for his clothes and $1.9 billion for his shoes.

That is a billion dollars more than the Government is now spending on health—more than all our foreign aid programs—almost as much as we are now spending on all Federal assistance to communities and housing.

That is like a tax of over $66 per family—and the most regressive possible kind of tax falling most heavily on the poorest families which buy most of the low cost shoes and clothing. For sheer regressivity, in fact, this would be the most imaginative tax since the French kings put a tax on salt that ultimately cost the heads of most of the French aristocracy.

Let there be no mistake. No one that I have heard pointing out the potential disaster of this trade legislation is unmindful of our troubled industries or unconcerned over today's unemployment. I think my own record will show that I place high employment and fair wages to the American worker above practically any other national goal or Federal responsibility.

But economic justice is hardly served by a measure which can only fan the fires of inflation, rob the weekly paycheck before it gets out of the envelope, and fall most heavily upon those least able to pay.

The quotas on textiles alone, for example, will roll back about $400 million worth of imports at foreign unit prices. With the addition of transportation costs, import duties—which are already very high on many apparel items—and importer's markups, the wholesale price value of excluded merchandise would be from $700 to $800 million. This will deny about $1.4 billion worth of merchandise to the American consumer. Much of this merchandise represents "discount" apparel, upon which our low-income consumers are greatly dependent.

To deny these goods to the American public means that the consumer will either have to do without or he will have to purchase comparable domestically priced goods at prices 20 to 40 percent higher.

The replacement of this $1.4 billion worth of imports by domestic goods will add from $500 to $700 million to the consumer's apparel bill. The rollback of about $200 million of shoes, denying some $450 to $500 million worth of retail merchandise to the consumer would add about $450 to $500 million to the consumer's shoe bill assuming the imported footware were replaced by domestic goods.

On these two items alone, then, we have a conservative estimate of well over a billion dollars loss to the American consumer simply on the basis of replacing the lost imports.

But this is only the beginning of the inflationary impact of these quotas.

The shoes and textiles which are allowed in will tend now to be the higher-priced imports, denying the lowest-priced goods to those who may have no other means of affording a second pair of shoes or a new shirt or sweater.

The prices on the remaining imported goods will rise, since there will no longer be any need for vigorous price competition to get a larger share of the U.S. market.

Perhaps most important, the prices of domestic goods will surely rise with the removal of the competitive restraint of imports. That, in fact, is what our free market economic system is all about. The price tags reflect what the traffic will bear, limited only by the ability of the consumer to go without entirely or purchase another good at a lower price. An increase of 5 to 10 percent in the prices of retail apparel, for example, would cost the consumer $2.5 to $5 billion in clothing bills alone.

Altogether, then, we can certainly look forward to price rises of $3 to $4 billion in the next few years just on shoes and apparel to pay for "relief" which our Tariff Commission has yet to find justified at any price.

But even this would only be part of the story. The oil industry also got a piece of the protectionist action in the current bill. This is not new protection; it is hard to see how the oil giants could reap any more anticompetitive benefits from import quotas than they already have. What the bill does, for some reason which I have yet to comprehend, is to lock in the current oil quotas system, removing the discretion the President now has for abandoning the quota system in favor of some other system, such as tariffs, for assuring our national interest in a continuing supply of domestic oil.

The President's own Task Force on Oil Imports last year recommended just such a switch—from a quota to a tariff system—primarily for the good of the American consumer. This task force estimated the cost to the consumer of the present quota system at $5 billion a year—some $29 to every man, woman, and child in my own State of Minnesota alone. Thus, the anticonsumer trade bill now before us would make absolutely certain that the consumer continued to foot this absolutely unnecessary and grossly unfair subsidy to our oil producers.

I have still mentioned only textiles, shoes, and oil. The floodgates of protectionism have not yet opened. But these quotas are a great crack in the dike, and no one thinks that protectionism can end with shoes and textiles alone receiving the goodies.

Dozens of other industries have been waiting in the wings with their cases—seeking, as always, to limit competition from abroad at the expense of the American consumer. Honey and mushrooms, ice skates and iron ore, wigs and watches, scissors and strawberries, tomatoes and toys: These are only a few industries which have been seeking the kind of protection which shoes and textiles managed to secure in the pending bill.

But dozens of other industries would at least qualify for the trigger mechanism of the pending bill—goods such as canned oysters, TV's, eggplants, nonelectric bells, antibiotics, crowbars, zirconium, caffeine, umbrellas, clothespins, automobiles, and brass instruments—plus 106 more were on such a list prepared by the U.S. Tariff Commission. This list contained between $7 and $8 billion worth of imported goods—at their foreign wholesale prices and probably double that on the American retail shelves.

Perhaps, many of these industries would never try for protection, and most would undoubtedly be unable to demonstrate the injury criteria. But they all do meet the one mathematical and, therefore, most visible, criterion for tariff adjustment. And it is almost inconceivable, given the protectionist's foot in the door through textiles and shoes, that the Tariff Commission and the President will be able to deny protection to other industries seeking tariffs and quotas and meeting the trigger mechanism formula for the growth of imports relative to domestic consumption.

We need trade legislation—better legislation than we now have to carry forward the spirit of the Kennedy round, but with greater assistance and sensitivity to problems of foreign dumping, declining industries, unemployment, and the protectionism of other countries.

But these ends can be accomplished responsibly. They can be met with legislation that does not threaten to set back the entire course of world trade and jeopardize the jobs of the millions of American workers dependent upon our $40 billion worth of annual exports. And a responsible and fair trade policy can be achieved without sacrificing the American consumer to shortsighted special interest protectionism.

Consumers of America: If you are not a majority, then who is? Make yourselves heard. Inflation has cost you far too much already. A responsible trade policy needs your voice in Washington now. For $3.7 billion, perhaps "consumer power" can truly come of age.

OIL PRICES

Mr. HANSEN. Mr. President, I ask unanimous consent that there be printed in the RECORD the text of the statement which the Senator from Texas (Mr. TOWER) presented to the President's Oil Policy Committee in connection with its review of oil prices.

There being no objection, Senator TOWER's statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR TOWER

I appreciate the opportunity to submit my views concerning the recently announced increases in the price of some crude oil produced in the United States.

I will assume that other interested persons will submit to you, during the course of your investigation, the ample statistical data which documents the decreased levels of operating profits of domestic oil exploration companies. I feel certain that this data will show that decreased profits in this industry are the result of the near static price level of crude oil over the past 15 or so years, while the costs of finding new reserves have greatly increased during this period. I believe that a substantial increase in the price of domestically produced crude oil is justified to restore this loss of profits.

But, there is an even more important justification for increasing the price of crude oil. Our national security is directly related to a strong, viable domestic oil exploration industry.

I will explain how an increase in the price of crude oil affects our national security by stating and then discussing the elemental concepts of this relationship.

(1) Domestic exploration for new reserves of crude oil is at a 15 year low. Drilling activity can be measured in several different ways: the number of drilling rigs in existence, the number of drilling rigs actually cutting holes, the dollars invested in drilling equipment, or the number of feet of holes drilled, to name some of the measures most often used.

In this instance, measure used is unimportant because all such measures show a marked decline over the past 15 years.

(2) The continued existence of our domestic oil exploration companies is contingent upon their exploring for new reserves of crude oil. Each day, fourteen million barrels of oil are consumed in this country. We produce approximately 10 million barrels per day of this oil. New reserves of crude oil must be found to replace those being consumed.

If the consumed oil is not replaced, it is easy to see that we will use up all our producing reserves. As a matter of fact, at the present time, we possess only about a 9 year's supply of known producing reserves of oil, at the present rate of consumption. This is an overly optimistic figure, however, because the rate of consumption is almost certain to increase in the future. Our producing reserve cushion has decreased from in excess of a 20 year's supply in the early 1960's to the present level of about 9 year's supply. This 9 year reserve figure is misleading in another way. The flow of this oil cannot be substantially increased above the present level of production. Not only are there physical limitations, such as lack of additional pipelines and refinery capacity, but also, formations which contain the oil can only give up that oil at certain ideal rates. If these ideal rates are exceeded, significant percentages of oil will probably be irretrievable due to loss of pressure and other technical reasons.

So, we probably have less than a 9 years' supply of proven crude oil which we cannot produce as fast as we may need it. Without additions to this reserve supply, it will almost certainly continue to decrease.

(3) Increasing the price of crude oil increases the operating profits of domestic oil exploration companies.

This statement seems self-evident.

But the real issue is whether the increase is large enough to offset inflationary and other cost increases. Cost increases must be made up. These inflationary increases must be offset just to get the oil companies back to normal. I feel that a 25 cents per barrel increase is not enough to offset inflationary cost increases. This 25 cents per barrel increase under investigation represents only an 8 percent increase in the price of crude oil. Cost increases attributed to inflation have increased more than 8 percent. So, not only must operating profits increase, they must increase enough to offset inflationary and other cost increases.

(4) The amount of operating profit of domestic oil exploration companies is the primary factor which determines the amount of exploration for reserves of oil that these companies can perform.

Oil exploration companies must finance exploration for new reserves from one of two sources: invested capital or operating profit. Thus, the amount which can be invested is limited. The primary source of exploration funds is operating profit. If operating profit decreases, the amount of exploration must be decreased. Thus, when the management of these companies decides how much exploration that they can do, the primary factor which determines this is the amount of operating profit.

(5) It follows, therefore, that increases in the price of crude oil are prerequisites to increasing the amount of exploration for new reserves of oil and that increases in the price of crude oil should result in increases in exploration, if these increases are large enough to offset increased costs.

During the 1960's domestic exploration companies spent an average of 7.2 billion dollars per year searching for new reserves. But between now and 1985, this country will consume approximately 100 million barrels of oil. It is estimated that, in order to find that quantity of new oil, expenditures of around 22 billion dollars per year throughout the 1970's will have to be made. Thus, our exploration expenditures must triple.

(6) Increased domestic exploration for oil translates into increased productive capacity.

The reason this statement is true is that fortunately this nation possesses the necessary physical ingredients for successful oil exploration.

First, we have the necessary undiscovered reserves of crude oil. The U.S. Geological Survey estimated undiscovered crude oil in place exceeded two trillion barrels of oil within the United States and its continental shelves to a depth of 200 isobaths. While our future needs are great, our reserves are greater.

Secondly, we possess requisite men, machinery and technology to convert domestic exploration dollars into proven producing capacity. We know this is so because, until very recently, this nation enjoyed virtually unlimited supplies of crude oil to meet the increasing demand. The availability of large quantities of crude oil is one of the main reasons this nation holds a position of preeminence in the world today. Abundance of oil is one of the primary reasons we enjoy the highest standard of living anywhere on earth.

So, we have the undiscovered reserves of oil and the means to find them. Needed are continued adequate economic incentives in the form of operating profits.

(7) Adequate domestic oil producing capacity is necessary for the maintenance of our national security.

National security demands that we have available the reserves of oil necessary to propel our armed forces when needed and to maintain the mobility which is so vital to our military strength. But, national security, as it relates to crude oil, means more than that. It means, also, world-wide bargaining power. We must maintain that international bargaining strength which is based on the knowledge that this nation can supply its own energy needs and those required to meet our commitments. Further, national security includes the capability to provide for our vital industrial and consumer needs.

It is estimated that unless new reserves of crude oil are found, we will have used up all our surplus producing capacity by the end of 1971. This means that increases in consumption will have to be met through increased imports of crude oil from foreign countries.

It has been recognized that it is not wise to allow limited imports of crude oil to meet our needs. In 1959, President Eisenhower implemented the Mandatory Oil Import Quota System. He said that the new system was "designed to insure a stable, healthy (oil) industry in the United States capable of exploring for and developing new hemisphere reserves to replace those being depleted. The basis of the new program as the certified requirement of our national security would make it necessary that we preserve to the greatest extent possible a vigorous, healthy petroleum industry in the United States."

President Eisenhower correctly recognized the national security aspects of the domestic oil industry, that there were maximum safe import levels and that to exceed these levels would impair the viability of the domestic oil industry. The Presidents since President Eisenhower, have similarly recognized that vital relationship. Thus, we must not allow ourselves to rely on imports of foreign oil to the detriment of our domestic industry.

The events in the Near East in the past few months have demonstrated again the wisdom and necessity of maintaining a strong domestic oil producing industry. The relatively minor disruptions in the flow of mideast oil produced serious repercussions around the world. Yet, the deficiencies in the United States supply of crude oil caused by these disruptions have largely been made up by increasing the production of oil in Texas and Louisiana. This higher level of production from secure domestic sources cannot be sustained indefinitely. We must continue to add to our producing reserves.

(8) Maintaining our national security is necessary. Can there be any serious argument against the concept of this nation's maintaining a strong national security posture? Can there be any doubt that if this nation reduced its level of national security that other hostile countries would not take advantage of this reduced level of security? In my opinion, we must continue to maintain a strong defense posture. A vital link in this posture is a viable domestic oil industry.

(9) Therefore, it follows from the foregoing that increasing the price of domestically produced crude oil is necessary.

I realize that you already understand and acknowledge much, if not all of what I have submitted. However, this investigation seems an appropriate time and place to review the basic concepts which relate adequate prices of domestic crude oil to our national security.

HELICOPTERS FOR PAKISTAN

Mr. McGOVERN. Mr. President, on November 19, in a letter to the President, I urged that:

> Every helicopter and crew not now urgently required in Vietnam be moved from the conflict to help in the Pakistani relief effort. They should be accompanied by as many fixed wing transport aircraft as can be spared under the same standard, for collection and delivery of supplies to airfields nearest the points of need.

I suggested further that it would be worth while at least exploring the chance that:

> North Vietnamese and National Liberation Front forces might cooperate to allow an even greater diversion than might otherwise be the case, through a temporary cease-fire or other arrangement.

Both prior to that time and since, news reports on the dreadful catastrophe in East Pakistan have been filled with evidence of the need for the means to transport relief supplies to remote areas of suffering. There has never been any doubt that the death toll would mount far beyond the tens of thousands who perished in the flood unless food, water, and medical supplies were widely distributed within a very short period of time.

The most urgent need, in the words of Pakistani Relief Commissioner A. M. Anisuazzaman, has been "helicopters, helicopters, and helicopters."

I understand that we have some 4,000 helicopters in Southeast Asia, in the range of 1,000 miles from East Pakistan. Nearly 2 weeks after the disaster there were six U.S. helicopters flying and four being assembled in Pakistan. None came from Southeast Asia. We supplied a total of 10; other countries brought the number to something under 30.

On December 2 I received a reply to my suggestion from Secretary of State William Rogers, in which he indicated that we could supply helicopters from the United States more quickly than they could be diverted from the field in Vietnam. I do have some doubts about one of the reasons he cited for that conclusion—that those in Vietnam would have to be taken apart for shipment—in light of the fact that at least a portion of those helicopters can fly at speeds of at least 200 miles per hour, and can be refueled in flight.

But in any case, I appreciate the Secretary's attention to my proposal, and I want to share his response with Members of the Senate. I therefore ask unanimous consent that there be printed in the RECORD an interim reply from the White House, dated November 19, followed by Secretary Roger's letter of December 2.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, November 19, 1970.

Hon. GEORGE MCGOVERN,
U.S. Senate, Washington, D.C.

DEAR SENATOR MCGOVERN: This is to acknowledge and thank you for your letter to the President of today's date regarding the disaster in East Pakistan. I shall call your concern and suggestions to the President's early attention.

With cordial regards,
Sincerely,
WILLIAM E. TIMMONS,
Assistant to the President.

THE SECRETARY OF STATE,
Washington, December 2, 1970.

Hon. GEORGE S. MCGOVERN,
U.S. Senate.

DEAR SENATOR MCGOVERN: The President shares your deep concern over the tragic reports about the disaster in East Pakistan. From all indications, it is one of the greatest natural disasters in modern history.

Your support for the moves that have been taken to meet the immediate relief requests of the Government of Pakistan is appreciated. As these have been received, additional military and commercial aircraft have been sent with food, medicine, clothing and other relief supplies for the victims of the cyclone along with the means (helicopters and boats) to move the supplies into the disaster area.

Much more remains to be done, and the Administration is firmly committed to do whatever it can, both during the immediate emergency relief phase and over the longer term to assist in reconstruction and rehabilitation of the devastated area. This will be a long-term effort and will require continuing support from the Congress.

The suggestion that as many helicopters as possible be moved from Vietnam to East Pakistan was taken fully into consideration by the Department of Defense when it was initially determined that airlift support was needed. Evaluation at that time indicated that helicopters could be moved to the disaster area more quickly from the U.S. than from the field in Vietnam. We were able to airlift 10 helicopters into East Pakistan and make them operational over the disaster area within 2–3 days of the request for them, whereas helicopters from Vietnam would have had to be removed from the battlefield, serviced and taken apart for shipment. We were prepared to send more helicopters if the Government of Pakistan determined that they were needed.

Our objective in this entire operation is in the true American humanitarian tradition of helping save, and sustain, as many lives as possible. When and if it is feasible and necessary, we are prepared to draw on our resources in the Pacific to aid in the war against death in East Pakistan. For example, a communications support team for the helicopters operating in East Pakistan has been sent from Vietnam.

Thank you again for your encouragement for the Administration's relief effort. Your suggestions are appreciated and your concern reflects the bipartisan response Americans have always given to others in need.

With best personal regards,
Sincerely,
WILLIAM P. ROGERS.

FOREIGN POLICY AND THE GENERATION GAP

Mr. EAGLETON. Mr. President, in a speech prepared for the Thomas C. Hennings lecture at Washington University in St. Louis, Mo., the Senator from Idaho (Mr. CHURCH) discussed one of our most important problems, "Foreign Policy and the Generation Gap."

Mr. President, we have many problems in our society. And like it or not, our foreign policy greatly affects how these problems are met.

The conduct of foreign policy offers a nation the opportunity to put the principles it expounds into practice. Unfortunately, all too often policy falls short of the rhetoric, leading to the disillusionment of many.

And when the conduct of foreign policy goes wrong, as it has in Vietnam, it can affect the priorities of a nation. Through a series of relatively insignificant, almost private, decisions, the United States slowly became embroiled in a war which exposed the difference between our rhetoric and our actions, and cost over 52,000 young men their lives while crippling and maiming thousands. It has cost the U.S. Government over $135 billion dollars. Indeed, Vietnam has diminished our available resources, both human and financial, to meet our urgent domestic problems.

Senator CHURCH eloquently sums up the effects of foreign policy gone wrong and suggests what can be done to correct it. He states:

> I should think that the lessons of Vietnam may have just as much impact on young peoples' conceptions of American foreign policy in the future as the lessons of the Second World War had upon the conceptions of their parents. Having witnessed the involvement of the United States in both great wars of this century, our contemporary leaders drew the conclusion that since we couldn't withdraw in isolation from the world, we must therefore take charge of it. Thus the United States, at the end of the Second World War, stepped into the vacuum created by the receding European empires. Tommy Adkins was replaced by G.I. Joe; American Marines occupied barracks once filled by the French Foreign Legion. Though we believed our motives to be pure—quite unrelated to the practice of neocolonialism with which we stand charged—the obligations we assumed soon came to exceed those of all the old western empires combined. The United States, without much forethought, pledged itself to oversee the vast regions once occupied by the bankrupt European nations. Overnight, we became the policeman, banker and judge of most of the world.
>
> In place of the British fleet, the U.S. Navy took up the deep-water patrol. From the Mediterranean to the China Seas; American troops were garrisoned at outposts so far-flung as to dwarf the reach of Imperial Rome. In our zeal as self-anointed protector of half a hundred foreign governments, we retained the draft to summon young Americans to battle in places they had never heard of before, a compulsory duty never imposed on French or British citizens, even at the height of their colonial power.
>
> The obsessive fear which drove us to this extremity—the specter of a monolithic communism engulfing the globe—has long since been shown to be illusory. Communist countries are deeply divided. President Nixon is cheered in Bucharest and greeted with enthusiasm in Belgrade. The red titans, Russia and China, hurl invective at one another and engage in sporadic warfare along contested borders.
>
> While these developments outmoded our old concepts, we kept on adhering to the same engrained habits of thought. We continued to see ourselves as the benevolent sentinel of what we still call the "free world," when in truth it is mainly composed, like the Communist world, of despotic governments that are the very antithesis of all we stand for as a nation.
>
> So it happened that American foreign policy fell out of touch with traditional American ideals. In the name of "pragmatism," we embraced every form of government on our side of the tug-of-war. Their frontiers became ours to defend, for which purpose we stationed more than a million soldiers abroad; their internal stability became ours to promote, for which purpose we dispensed more than $150-billion in foreign aid. To be sure, we told ourselves we were financing development, but we decreed that it must take place within the framework of the existing order. Our principal concern, like that of all presiding imperial powers, became the preservation of the status quo.
>
> This objective cannot be reconciled with our historic conception of ourselves as an exemplary society. Americans who believe in freedom at home will not wed themselves for long to a foreign policy which supports despotism in other lands. When the United States keeps sending arms to the Greek colonels who strangled freedom in democracy's home, when we subsidize the Fascist Franco; when we lavish money on a dictatorship in Brazil which is known to countenance the torture of its own citizens, why in the name of decency are we surprised when idealistic young Americans question our purposes abroad and doubt our words?
>
> VI
>
> The remedy—the only remedy—is to bring America home again, not to a neoisolationism of which I am sometimes accused; not to an abandonment of the United Nations or those alliances, such as NATO, which really contribute to our security; not to a condition of military weakness which might tempt our enemies—but home again to the forgotten truth that the first mission of the federal government was never to decide which faction should govern some little country on the fringes of China, but to attend to the genuine needs of the American people!
>
> For too long, our people's problems have gone unattended here at home. For too long, our presidents have been mesmerized by the quests of Caesar. For too long, our resources have been poured into distant lands, with which we have had no former link or economic interest, no strategic stake or post-colonial responsibility.
>
> The time has come to put right our priorities, before we exhaust ourselves in futile foreign adventures, as other great powers have done before us. At song fests we raise our voices to sing: "This land is our land." Well, it cries out for more attention. American cities rot at their cores, the countryside empties of people, family farms disappear. Smog spreads its noxious mantle, water turns rancid, and the problems of waste disposal grow daily more severe. Race relations worsen, the streets are shamefully unsafe. Crime breeds on addictive drugs. And poverty persists amidst plenty.
>
> This gather crisis in our own land bears far more importantly on the future of the republic than anything we have now, or have ever had at stake, in Indochina. Atten-

tion to these festering problems on the homefront, reinforced by an ironclad resolve to solve them, would do more than anything else to enlist the energies, quicken the interest, and restore the allegiance of the doubting young.

Such a new direction requires a radical revision of American foreign policy. Massive intervention in other peoples' affairs must give way to priority attention for our own. Military adventurism—which has kept this country engaged in marathon warfare for the past 30 years—must be replaced with sufficient self-discipline to restore our armed forces to their legitimate role, the defense of the United States. Above all, the American foreign policy tail must stop wagging the American dog!

That accomplished, we could shift focus back upon those internal problems which so deeply concern young people, such as attaining racial justice, eliminating poverty, improving the quality of life and humanizing our institutions. With credibility, we could then beckon young people back into the mainstream of our political process.

It is fitting that Senator CHURCH's message to those honoring Tom Hennings, a distinguished Senator from Missouri, can be summed up by another great American and distinguished Missouri Senator, Carl Schurz, who stated almost a century ago:

> Our country, right or wrong! When right, to be kept right; when wrong, to be put right!

Mr. President, I ask unanimous consent that the entirety of Senator CHURCH's speech be printed in the RECORD.

There being no objection, the lecture was ordered to be printed in the RECORD, as follows:

FOREIGN POLICY AND THE GENERATION GAP: THOMAS C. HENNINGS LECTURE, WASHINGTON UNIVERSITY, ST. LOUIS, MO., DEC. 3, 1970

(By U.S. Senator FRANK CHURCH, D., Idaho, Member, Senate Foreign Relations Committee)

FOREIGN POLICY AND THE GENERATION GAP

You do me high honor in asking me to deliver this Thomas C. Hennings, Jr. Memorial Lecture. Having served with the Senator in the years immediately preceding his death, I remember well the maladies against which he fought during the Fifties: wiretapping . . . unprincipled attacks upon the Supreme Court and its Justices . . . racism . . . the filibuster, the legislative weapon of recalcitrance . . . juvenile delinquency . . . and many more.

Tom Hennings turned his energies, for the most part, upon those afflictions which plagued our own body politic. He did so during an era when our national leadership was largely preoccupied with external affairs. So his fight was uphill all the way. And when he lost, as he often did, the thing I would have you remember about Tom Hennings is that he never quit. He never threw up his hands and cried, "The system must be trashed!"

In this connection, let me recite a personal experience. A few weeks ago, I went to Pittsburgh to address the student body of Carnegie-Mellon University. Though I was well received, two plainclothesmen accompanied me the entire time I stayed on the campus, and I was given a police escort back to the airport. University officials explained—almost nonchalantly—that this had become "standard procedure."

On returning to the airport that evening, we drove past the Hilton Hotel in downtown Pittsburgh. Inside, hurling verbal thunderbolts at the party faithful, was the Vice President of the United States; outside, the hotel was surrounded by young people shouting obscenities.

As I flew back to Washington in the gathering gloom, I kept turning over in my mind that memorable passage in President Nixon's inaugural address, delivered nearly two years before, from the steps of the nation's capitol.

"In these difficult years," the new President had admonished, "America has suffered from a fever of words; from inflated rhetoric that promises more than it can deliver; from angry rhetoric that fans discontents into hatreds; from bombastic rhetoric that postures instead of persuading.

"We cannot learn from one another," Mr. Nixon had said, "until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices."

Today, 22 months later, the shouting is louder than ever. We have grown not closer together but farther apart. Angry Americans clash in the streets, schools burn, armories are sacked, courtrooms bombed. Startling numbers of policemen and firemen are shot in the performance of their duty. Fanatic new groupings boast publicly that they are waging "guerrilla warfare" against their fellow Americans. Violence stalks the land.

American campuses are in the midst of a crisis unequalled in the history of the United States, reports the President's Commission on Campus Unrest. This campus crisis, the commission declared, reflects deep divisions in American society and is seen in "violent acts and harsh rhetoric and in the enmity of those Americans who see themselves as occupying opposing camps."

No longer do we face our problems together. Instead we divide into minority blocs and special interest groups; student militants, hard hats and Black Panthers, to name a few. Factionalism is so much in fashion that those who claim no particular label are lumped together in a grouping of their own and touted as the "forgotten Americans."

As the balkanization of our society worsens, rational dialogue across the barriers all but ceases. "Non-negotiable" demands are leveled in language foul from faces flushed. *Power* is the ubiquitous symbol and catchword: white *power*, black *power*, red *power*, student *power*, flower *power*.

Intolerant slogans depict the ugly mood:

"America, love it (my way) or leave it."

"Off the pigs."

"Tell it to Hanoi."

And on and on and on.

With Job, the time has come for America to implore: "How long will ye vex my soul and break me in pieces with words?"

II

The America of my boyhood was a poorer land, marked by breadlines, bank failures and industrial strife. Parents worried about keeping meat and potatoes on the table. Yet I grew up amidst friendly neighbors on secure streets. To be sure, people took their politics seriously. Times were hard. But I can't recall anybody who didn't believe his country was the greatest in the world. Failure to stand up for the national anthem was unheard of, and never did I witness disrespect for the flag.

This underlying belief in the American system—call it old-fashioned patriotism if you will—filled our history and literature. "We are acting for all mankind," Thomas Jefferson had proclaimed, and Walt Whitman, poet of a self-confident republic, had written:

> "Myself, I sing. A single, separate person, and praise the word, 'democracy.' "

Yes, when I was growing up, nearly everyone accepted our union as the wonder and envy of the world. Longfellow had earlier assured us, from his quiet study in Cambridge, that "humanity with all its fears, with all the hopes of future years," hung breathless on our fate.

Few doubted it.

On such readings did my generation imbibe the humane and hopeful spirit of America. Zestfully they informed us that our free land represented a new beginning, a sanctuary of escape from the ancient oppressions of Europe.

Now I realize that some of my sophisticated friends would scoff at these recollections. They would brand them maudlin. They would say that such days of innocence, if ever they existed, are best put behind us. They would claim to be glad the country has grown up at last, and that the "now" generation is mature enough to "tell it like it is," having freed itself from the sentimental nonsense and mythology of the past.

These "sophisticates" may be partly right, but mostly they are wrong. They forget that any society, especially one composed of so many diverse cultures, races and creeds as our own, is mortared together by common sentiment, by a basic belief in the decency of its purposes, the virtue of its shared ideals and the soundness of its institutions.

When we turn scornful of these fundamentals; when we lose respect for each other and grow definant of lawful authority; when the accepted standard of conduct sinks to a level no more demanding than "doing your own thing," then the country starts to come unstuck.

That's what is happening to us today.

That's why we're in such deep trouble.

III

The trouble stems from no physical disability. Our economic system is a cornucopia of goods and services piled high. Adult Americans prize its monumental productivity. Our sights were set, after all, during sparse years of insecurity and depression. Small wonder that material abundance should have become the single-minded goal and unique achievement—for our generation.

So we tend to diagnose today's trauma in superficial and self-serving ways. We tell ourselves we have given our children too much. They are spoiled. They were raised permissively. It's all Dr. Spock's fault!

But, in moments of reflection, we grudgingly concede that our children do have a point. If they reject the shopping centers as the hallmark of American culture; if they resent the ubiquitous and deceitful advertisements of beer, cigarettes, cosmetics and deodorants that forever assault our eyes and ears; if they object to how we have cheapened our surroundings in an endless clutter of billboards and neon signs; if they want the air pure again, and the water running clean, and the land given a little more loving care, are they really so awfully wrong?

Don't mistake these for signs of sickness. These are the symptoms of persisting national health. A new generation of Americans, knowing that it cannot add to the *quantity* in our lives, seeks rather to improve the *quality*. In this they are right. We should pitch in and help them.

For the generation gap which matters involves no insuperable disagreement over goals, nor does it consist primarily of the different life style adopted by so many young people. Indeed, when it comes to their long-term beliefs, their aspirations for their country, or their concept of ultimate justice, the views of most young people are less different from those of their parents than is commonly supposed.

The dangerous generation gap, as I see it, has more to do with means than ends. Far too many bright and sensitive college students are "turned off." Whatever word is used for describing their negative mood, whether it be alienated, disaffected, or disillusioned, the fact is that alarming numbers of young Americans are losing faith in the American political process. They believe the system is rigged for war, not peace; they suspect that representative government has lost its vitality, with only the pocketbook interests enjoying representation, not the people. Worst of all, they think that their entreaties, when voiced in the regular manner, go unheeded and unheard.

This pervasive skepticism about our established political order lies at the very heart of the malaise on campus. It makes the cop-out seem respectable; it accounts for the ease with which self-indulgent pursuits can be justified. If nothing can be done anyway, then why not "celebrate" life? Why not make beads, beards and flowing locks the apparel of defiance and dissent? Why not confront the establishment? If it won't yield, at least it can be discomforted. Why not?

These are the disturbing questions students asked. The malady is most apparent at our foremost universities, where the faculty itself is infected, but it is spreading rapidly through all our institutions of higher learning, undermining confidence still further, encouraging coercion and infusing contempt. If the affliction is to be cured, we must honestly probe for, and eradicate, the underlying causes. Nothing less will suffice.

IV

The charlatans hold that the remedy consists of a simple dose of discipline, a crackdown on campus. It is easy for them to point to any number of disorders which apparently called for sterner measures than those taken. Obviously, no academic institution—or society for that matter—can long tolerate or endure conditions of anarchy. Force unloosed must be met with sufficient counterforce to restore good order. All law-breakers must be held to account.

Nevertheless, while a gaping wound sometimes requires a compress to contain it, the wound is healed, not by the tape with which it is bound, but by the inner processes of the body. So, if we are to find the deep-rooted causes of our current affliction, we must reexamine our society, review our recent history, and reflect upon our charted course.

A starting place is to recognize that today's typical American parent and disaffected college student see the world abroad very differently. The new generation never perceived in Vietnam the demons their parents envisioned. Unlike our Presidents who overlearned the "lessons" of World War II, most perceptive young Americans never could swallow Ho Chi Minh as Adolph Hitler in disguise, or believe that our failure to fight for a government we propped up in Saigon would amount to another "Munich." They sensed that Vietnam really had nothing to do with American security, the safety of the United States or the well-being of our people. Inevitably, they came to view the conflict as an unwarranted intervention on our part in a civil war in Vietnam which wasn't our affair.

It does no good to tell these young people that "our will and character are being tested." That we shall not be humiliated or accept our first defeat. They do not believe a mistaken war should be won. They believe it should be stopped. That, for them, is the path of honor.

So it happened that Vietnam, now the longest war in our history, severed the line of communication between our generation of political leaders and the campus leaders of student thought. The two groups move on different plains; they speak in different tongues. Their paths would never have collided, but passed each other by like ships in the night, except for the war. For we oldsters insisted on drafting the youngsters to fight a war which great numbers of them couldn't approve.

Thus, the disillusionment of so many college students in their country and its institutions has its roots in Vietnam. When the power of the state is used to force young men to fight a war they believe to be unnecessary, at best, and wrongful, at worst (under penalty of imprisonment if they refuse), the seeds of sedition are sown. From these roots, every limb of authority is eventually challenged. Whenever a tree trunk is shaken, all the leaves tremble. Once the legitimacy of the government is rejected on an issue so fundamental as an unacceptable war, every lesser institution of authority is placed in jeopardy. Every sacred principle, every traditional value, every settled policy becomes a target for ridicule and repudiation. Caldrons of anarchy soon begin to boil.

Listen to what the President's Commission on Campus Unrest said about the war. Disaffected students see the war, the commission concluded, "as a symbol of moral crisis in the nation which, in their eyes, deprives even law of its legitimacy . . . Nothing is more important than the end of the war in Indochina."

The war's fall-out has debased, on a far broader front, the confidence of young people in their government. The credibility of the government, including the Presidency itself, has been greviously impaired. Moreover, an awareness has developed—never known to my generation—that the U.S. Government has forfeited its claim to a morality above that of other governments. The napalming of defenseless Vietnamese villages, the devastation of large areas by free-dropping B-52's, the massacres at My Lai—facts like these prevent young Americans from sharing their elders' coveted belief in the superior morality of their country.

Finally, a recognition is forming that the United States can "lose." All American children learn from their schoolbooks that the United States has never lost a war. But the gargantuan image of brave men, unlimited money and massive modern technology bogged down in a medieval quagmire will not soon be forgotten. Shattered lies the myth of American omnipotence and all other premises on which we built our foreign policy in the years following the Second World War.

V

I should think that the lessons of Vietnam may have just as much impact on young peoples' conceptions of American foreign policy in the future as the lessons of the Second World War had upon the conceptions of their parents. Having witnessed the involvement of the United States in both great wars of this century, our contemporary leaders drew the conclusion that since we couldn't withdraw in isolation from the world, we must therefore take charge of it. Thus the United States, at the end of the Second World War, stepped into the vacuum created by the receding European empires. Tommy Adkins was replaced by G.I. Joe; American Marines occupied barracks once filled by the French Foreign Legion. Though we believed our motives to be pure—quite unrelated to the practice of neocolonialism with which we stand charged—the obligations we assumed soon came to exceed those of all the old western empires combined. The United States, without much forethough, pledged itself to oversee the vast regions once occupied by the bankrupt European nations. Overnight, we became the policeman, banker and judge of most of the world.

In place of the British fleet, the U.S. Navy took up the deep-water patrol. From the Mediterranean to the China Seas; American troops were garrisoned at outposts so far flung as to dwarf the reach of Imperial Rome. In our zeal as self-anointed protector of half a hundred foreign governments, we retained the draft to summon young Americans to battle in places they had never heard of before, a compulsory duty never imposed on French or British citizens, even at the height of their colonial power.

The obsessive fear which drove us to this extremity—the specter of a monolithic communism engulfing the globe—has long since been shown to be illusory. Communist countries are deeply divided. President Nixon is cheered in Bucharest and greeted with enthusiasm in Belgrade. The red titans, Russia and China, hurl invective at one another and engage in sporadic warfare along contested borders.

While these developments outmoded our old concepts, we kept on adhering to the same engrained habits of thought. We continued to see ourselves as the benevolent sentinel of what we still call the "free world," when in truth it is mainly composed, like the Communist world, of despotic governments that are the very antithesis of all we stand for as a nation.

So it happened that American foreign policy fell out of touch with traditional American ideals. In the name of "pragmatism," we embraced every form of government on our side of the tug-of-war. Their frontiers became ours to defend, for which purpose we stationed more than a million soldiers abroad; their internal stability became ours to promote, for which purpose we dispensed more than $150-billion in foreign aid. To be sure, we told ourselves we were financing development, but we decreed that it must take place within the framework of the existing order. Our principal concern, like that of all presiding imperial powers, became the preservation of the status quo.

This objective cannot be reconciled with our historic conception of ourselves as an exemplary society. Americans who believe in freedom at home will not wed themselves for long to a foreign policy which supports despotism in other lands. When the United States keeps sending arms to the Greek colonels who strangled freedom in democracy's home, when we subsidize the Fascist Franco; when we lavish money on a dictatorship in Brazil which is known to countenance the torture of its own citizens, why in the name of decency are we surprised when idealistic young Americans question our purposes abroad and doubt our words?

VI

The remedy—the only remedy—is to bring America home again, not to a neoisolationism of which I am sometimes accused; not to an abandonment of the United Nations or those alliances, such as NATO, which really contribute to our security; not to a condition of military weakness which might tempt our enemies—but home again to the forgotten truth that the first mission of the federal government was never to decide which faction should govern some little country on the fringes of China, but to attend to the genuine needs of the American people!

For too long, our people's problems have gone unattended here at home. For too long, our presidents have been mesmerized by the quests of Caesar. For too long, our resources have been poured into distant lands, with which we have had no former link or economic interest, no strategic stake or post-colonial responsibility.

The time has come to put right our priorities, before we exhaust ourselves in futile foreign adventures, as other great powers have done before us. At song fests we raise our voices to sing: "This land is our land." Well, it cries out for more attention. American cities rot at their cores, the countryside empties of people, family farms disappear. Smog spreads its noxious mantle, water turns rancid, and the problems of waste disposal grow daily more severe. Race relations worsen, the streets are shamefully unsafe. Crime breeds on addictive drugs. And poverty persists amidst plenty.

This gathering crisis in our own land bears far more importantly on the future of the republic than anything we have now, or have ever had at stake, in Indochina. Attention to these festering problems on the home-front, reinforced by an ironclad resolve to solve them, would do more than anything else to enlist the energies, quicken the interest, and restore the allegiance of the doubting young.

Such a new direction requires a radical revision of American foreign policy. Massive intervention in other peoples' affairs must give way to priority attention for our own. Military adventurism—which has kept this country engaged in marathon warfare for the past 30 years—must be replaced with sufficient self-discipline to restore our armed forces to their legitimate role, the defense of the United States. Above all, the American foreign policy tail must stop wagging the American dog!

That accomplished, we could shift focus back upon those internal problems which so deeply concern young people, such as attaining racial justice, eliminating poverty, improving the quality of life and humanizing our institutions. With credibility, we could then beckon young people back into the mainstream of our political process. Let them vote at 18; they know more than we did at 21. Let them help us update our horse-and-buggy politics by abolishing the Electoral College, so that the people can directly elect the President. Let them assist in the reform of our unrepresentative convention system, so that the voters can have a larger voice in the selection of candidates. Let them plunge in with fresh ideas about changing our scandalous election laws, to curtail sky-rocketing campaign costs and impose realistic spending limits, so that victories at the polls are fairly won, not bought.

That's a start. And when we've made it, even the most cynical young people may begin listening again when we remind them that no society of men will ever be perfect, that every wrong can't be instantly righted, and that the best instrument yet devised for pursuing truth is freedom. But governments that tolerate freedom are rare. They are hard to get, in the first place; and they are hard to keep alive. That task, in a free land like ours, must be assumed by each succeeding generation. Its performance is not the prize of a short sprint, but the hard-earned harvest of an endurance contest.

Out of that understanding, we would come together again. The generation gap wouldn't vanish—and we should be glad for that—but it would no longer tear the country apart. Underlying confidence in the soundness of our institutions would be restored. And our horizons would brighten once more with the promise that American freedom will endure.

TWENTIETH ANNIVERSARY OF THE HONOLULU REDEVELOPMENT AGENCY

Mr. INOUYE. Mr. President, as the Honolulu Redevelopment Agency celebrates its 20th anniversary this year, it has much to be proud of. Its record of accomplishment is a most impressive one.

In the last 20 years, HRA has acquired, improved, and resold for urban renewal purposes over 7 million square feet of land at a total acquisition cost of $13,221,000; initiated or contracted for more than $42,100,000 worth of construction; aided in relocating 3,028 families, 2,699 individuals, and hundreds of businesses. The estimated total cost of all HRA projects undertaken amounts to over $112,500,000.

Two HRA projects deserving particular attention are the Kukui Gardens housing project which received the AIA Award of Excellence and the Kapahulu rehabilitation project which was cited by the Department of Housing and Urban Development as a "Showcase of Excellence."

At this time, I am proud to salute the Honolulu Redevelopment Agency for its great contribution in lessening to a remarkable degree the problems associated with urban renewal in Honolulu. HRA's record has been one of excellence.

At this time, I should like to share a report of the Honolulu Redevelopment Agency's accomplishments with the Senate. I ask unanimous consent that it be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Better Living in a Better Neighborhood Through Urban Renewal Under the Honolulu Redevelopment Agency of the City and County of Honolulu, Honolulu, Hawaii, 1950–70

AGENCY MEMBERS

Five Member constituting a public corporate body provide programs for renewal of slum, blighted and deteriorating areas through clearance or conservation, or both; determine overall policies and take legal actions to execute such programs and policies.

Joseph Lunasco, Chairman, Sherman N. Dowsett, Vice-Chairman, Sunao Miyabara, Secretary, Hung Leong Ching, Member, and Paul M. Kurata, Member.

ADMINISTRATION

Plans, develops and administers urban renewal programs and related affairs as approved by Agency Members.

Melvin Y. Shinn, Manager.

INTRODUCTION

The Honolulu Redevelopment Agency has been actively functioning in its capacity of implementing the urban renewal program of the City and County of Honolulu since it was established in 1949. The existing projects in execution and the projects in planning are calculated to implement the overall goals and objectives of the Agency.

GOALS AND OBJECTIVES

The goals and objectives of the Honolulu Redevelopment Agency are consistent with Federal aims and local community needs.

The overall goals and objectives of the Honolulu Redevelopment Agency on which its long-range program is based are the following:

(a) The elimination of urban blight where it exists, and the prevention of its further spread, by a selective use of both redevelopment and rehabilitation programs.

(b) The provision of diverse choice of housing for all income groups, with initial concern for those lower income groups not presently served by the normal housing market. Particular responsibility is assumed by HRA for relocating those persons displaced by the redevelopment process.

(c) The improvement and modernization of commercial areas where betterment has not come about through the efforts of individual owners.

(d) Assistance in development of the cultural life of the community by including cultural facilities in redevelopment project plans.

In the years ahead, these goals and objectives will determine the Agency's overall policy, its major programs, and its individual projects, as well.

The Federal Department of Housing and Urban Development (HUD) has clearly stated certain *National Goals* to be attained in the urban renewal, which will be prime factors in establishing project priorities. Summarized, these National Goals are:

1. *Expansion of housing supply for low- and moderate-income groups*. This applies both to conserving and increasing such housing supply.

2. *Development of areas of employment opportunity*. This applies to development of centers of employment opportunity for jobless, underemployed, and low-income persons through commercial or industrial redevelopment.

3. *Renewal of areas with critical and urgent need*. Priority is given to areas of physical decay, high tension and great social need, where all available resources are to be used to improve conditions.

In addition, HUD has emphasized the need for *balanced programs:* e.g., programs directed toward eliminating blight and providing housing for all income levels, upgrading and modernizing commercial areas and providing for the civic and cultural life of the community.

Finally, HUD has pointed to the need for *full employment of every urban renewal dollar*, and evaluation of the responsible use being made of grant funds already committed.

The Honolulu Redevelopment Agency, in its present and its projected programs, such as the Model Cities program considers these National Goals, locally applied, to be a part of its own Goals and Objectives.

IMPLEMENTATION OF THE GOALS AND OBJECTIVES

1. The objective of prevention and elimination of urban blight is implemented through two different types of program:

a. *Rehabilitation and Conservation*—to eliminate and prevent deterioration within an area which is not yet beyond reclamation through: removing only those structures which cannot be salvaged; reorganizing and expanding the public facilities to provide the framework for a sound neighborhood; rehabilitating private property—that is, remodeling and renovating those existing structures which do not conform to standards prescribed for the area; and maintaining all property in accordance with those standards.

b. *Clearance and Redevelopment*—the program of redevelopment involves: the acquisition of all or most of the land within a designated area by a local public agency through purchase or condemnation; the demolition of structures on that land; the relocation of displaced persons and businesses; and the eventual conveyance of the cleared parcel to a private entrepreneur, who is obligated to redevelop it in accordance with a municipally approved plan.

2. The objective of providing housing to serve the needs of all income groups is implemented through the following programs:

a. *Clearance and Redevelopment*—where parcels of land are developed for multifamily uses to meet low-, moderate- and high-income groups.

b. *Conservation and Rehabilitation*—preserve and upgrade existing housing stock and eliminate environmental conditions causing blight.

c. *Auxiliary Redevelopment Housing Program*—where vacant land is acquired for relocation of displaced persons caused by public improvements.

d. *Relocation program*—where displacees are assisted in housing needs through referrals to public and private housing supplies.

3. The objective to improve blighted area's socio-cultural, commercial and employment opportunities is all inextricably conjoined with the programs as stated above. The proper mix and arrangement of various land uses are essential to maintain the organic balance of a community.

SPECIFIC OBJECTIVE: (PROJECTS)

1. Rebahibilitation and Conservation—Kapahulu General Neighborhood Renewal Area.

a. Paki Project

b. Hinano Project

c. Honolulu Project
d. Olu-Kikeke Project
2. Clearance and Redevelopment
a. Kukui Project
b. Kauluwela Project
c. Chinatown GNR Area, Pauahi Project
3. Auxiliary Redevelopment Housing Halawa Makalapa Manor by HCHA

4. Although Model City areas offer potential for projects, the type of treatments has been determined at this time.

PROJECTS COMPLETED

A. Mayor John H. Wilson Project in Kalihi Valley

Federally assisted clearance-redevelopment project, 29.7 acres.

This blighted residential area, predominantly open in nature and used for hog and poultry raising and truck farming, was cleared and transformed into a modern, well-designed residential neighborhood of 162 single family dwellings, zoned Class A residential of 5,000 square foot minimum lot areas.

The project, the first undertaken by the LPA, won distinction as the first federally-guided renewal project to be completed in the Western Region of the United States, was one of the few to realize an immediate profit, and most important, served to emphasize both the need and the feasibility of revitalizing other decayed and blighted neighborhoods.

Project execution began December 1953, completed June 1959.

Gross cost—$1.2 million, net profit—$176.0 thousand.

B. Kokea auxiliary redevelopment project in Palama

Non-federally assisted relocation housing project for moderate-income families with occupancy priority to families displaced from urban renewal projects or from any other governmental actions—3.7 acres.

Area was developed into 144 housing units of one- to four-bedroom dwellings with local funds under Act 101 of the 1957 Legislature, which authorized the Agency to acquire "undeveloped vacant land" for development by private enterprise into predominantly residential uses to provide dwelling units for families displaced from areas acquired by governmental agencies for public uses, at rents such families can afford.

The first increment of the project consisted of 108 one- to four-bedroom, all-electric units and was completed in 1961. The second increment of 36 one- to two-bedroom units was completed a year later.

This type of project is an excellent example of what can be accomplished when government and private enterprise work in solving housing problems. Project was developed through cooperative efforts of the property owner, developer and the Agency.

Project execution began March 1959, completed June 1962.

Gross cost—$10.0 thousand to Agency for staff technical assistance.

C. Kalihi triangle project in Kalihi Valley

Non-federally assisted clearance-redevelopment project, 8.5 acres.

This blighted area, adjacent to the Mayor John H. Wilson Project across the highway and consisting of similar blight and deterioration as the Wilson Project, was the first renewal project in the nation to be completed by means of private owner redevelopment and rehabilitation.

Twelve of the 15 property owners of 22 multi-sized lots initiated and organized a private development group, and placed their properties in common trust. Area was cleared and redeveloped under an improvement district program into 40 residential parcels of 5,000 square foot minimum lot areas.

Gross cost—$86.0 thousand, net cost—$16.0 thousand.

No cost to Agency except for staff technical assistance.

D. Queen Emma project in downtown Honolulu

Federally-assisted clearance-redevelopment project, 73.8 acres.

First major undertaking of clearance and redevelopment of a slum area, one of the pockets of overcrowded and unsafe buildings and tenement dwellings, located in Downtown Honolulu within a few minutes walk from the Central Business District. The area was redeveloped into a major residential, commercial and institutional complex.

Some of the outstanding developments are the $12.5 million Queen Emma Gardens of 587 apartments for middle-income families—(three high-rise buildings designed by the world famous architect, Minoru Yamasaki), Longs Drugs, Safeway Shopping Center, Harris Memorial Church, Hosoi Garden Mortuary, Kukui Mortuary, Borthwick Mortuary, See Dai Doo Society, Nuuanu YMCA, New Kamamalu Playground, and the Foster Gardens Extension.

Project execution began September 1958, completed June 1964.

Gross cost—$11.6 million, net cost—$4.0 million.

E. Aala Triangle Project in Downtown Honolulu

Another federally assisted clearance-redevelopment project in Downtown Honolulu urban renewal complex of five projects—4.1 acres.

One of the oldest and busiest slum sections in Downtown Honolulu, the project area was sold to the City and County Department of Parks and Recreation for development into a beautiful, open space park for use as a passive recreational facility, especially for the elderly.

Project execution began April 1962, completed December 1965.

Gross cost—$2.4 million, net cost—$2.0 million.

F. Kewalo-Lunalilo Auxiliary Redevelopment Project in Makiki

Non-federally assisted relocation housing project, 0.6 acre.

This vacant area was acquired by the Agency and sold to a private developer for construction of 38 two-bedroom apartments for moderate-income families.

Project is the second of this type to be developed, the first being the Kokea Project.

Project execution began March 1963; completed April 1967.

Gross cost—$177.0 thousand, net cost—$79.0 thousand.

PROJECTS IN EXECUTION

Projects in various stages of execution:

A. Kukui Project in Downtown Honolulu

The third of five federally-assisted clearance-redevelopment projects in Downtown Honolulu, 75.0 acres.

Another pocket of overcrowded, unsafe buildings, dilapidated single dwellings and tenement-type dwellings, mostly two-story structures, is being developed into a neighborhood harmoniously blended with residential dwellings and commercial, cultural, institutional, playground and educational facilities.

Completed are the York Building—professional and business offices; Kamalii Park—open space; the Izumo Taishakyo—Shinto Shrine; and the Hawaii Tuberculosis and Respiratory Disease Association Health Center building; and Kalanihuia—150 unit public housing for the elderly.

Construction has been completed on the 822-unit, $16.0 million Kukui Gardens moderate-income, multi-family housing. Full occupancy was attained in mid-November, 1970. The project received National recognition by winning a National AIA Award of Excellence in National competition in November, 1970.

Under consideration are the Ginza Plaza, a commercial shopping center complex with Oriental motif; the Cultural Plaza, a planned unit development including housing, institutions, schools, shopping center also with Oriental motif; and a low-rise commercial development.

Project execution began September 1960—to be completed December 1971.

Estimated gross cost—$27.4 million, estimated net cost—$17.2 million.

B. Kauluwela Project in Downtown Honolulu

The fourth of five federally-assisted clearance-redevelopment projects in the Downtown Honolulu urban renewal complex, this is another pocket of overcrowded, unsafe buildings, dilapidated single dwellings and tenement-type dwellings, mostly two-story wooden structures—29.9 acres.

The area is being developed into a planned neighborhood including multi-family apartments for the elderly and moderate-income "gap" group, a neighborhood shopping center, school, library, park and institutional facilities.

Completed in December 1966 is the Liliha Branch Library under the State Department of Education.

Now under construction are the Aloha United Fund Community Service Center scheduled for completion in January 1971, and the 126-unit high-rise cooperative housing to be completed in December 1970—the first in a series of high-rise and low-rise housing developments of 383 apartments for moderate-income families and the elderly under the sponsorship of the nonprofit Hawaii Council for Housing Action. Improvements to the Kauluwela School and Kauluwela Playground are also in progress.

Project execution began March 1966, to be completed December 1970.

Estimated gross cost—$7.6 million, estimated net cost—$5.8 million.

C. Paki project in Kapahulu

The first of four federally-assisted rehabilitation projects under the Kapahulu General Neighborhood Renewal Plan (GNRP)—43.3 acres.

The area is predominantly a neighborhood of neat, single family homes, and blighted only to the extent that rehabilitation treatment is required to restore the area to a sound, attractive and desirable neighborhood. As of August 31, 1970, of the 374 dwelling units in the project area, rehabilitation has been completed on 244 units, and another 100 on which rehabilitation has been started. Section 312 Loans and Grants, and Section 115 under the Housing Act of 1964, as amended, to 139 property owners thus far amount to $713,050 and $90,175 respectively.

Project execution began July 1966, to be completed January 1971.

Estimated gross cost—$4.5 million, estimated net cost—$4.0 million.

D. Hinano project in Kapahulu

The second of the four federally-assisted rehabilitation projects adjacent to the Paki Project under the Kapahulu GNRP with similar neighborhood characteristics as the Paki Project—107.5 acres.

As of August 31, 1970, of the 898 dwelling units in the project area, rehabilitation has been completed on 401 units and was started on another 273 units. Section 312 Loans and Grants and Section 115 grants under the Housing Act of 1964, as amended, to 259 property owners thus far amount to $1,395,350 and $118,435 respectively.

Project execution began July 1966, to be completed July 1971.

Estimated gross cost—$11.4 million, estimated net cost—$9.5 million.

E. Halawa auxiliay redevelopment project in Halawa

The third non-federally-assisted relocation housing project for moderate-income families with occupancy priority to families in Halawa displaced from the proposed Halawa Stadium, Federal highway, Hawaii Housing Authority, and others displaced by urban renewal projects or from any other governmental actions—8.5 acres. Project is similar to the Kokea and Kewalo-Lunalilo Projects.

Called "Makalapa Manor," the 122-unit cooperative townhouse development is being jointly sponsored by the Pearl Harbor Memorial Church, Hawaii Methodist Union, and the Bricklayers, Masons and Plasterers Local No. 1, AFL–CIO, on a nonprofit basis.

Project execution began March 1969. Groundbreaking ceremony was held on March 28, 1970. Construction completion schedule—June 30, 1971.

Estimated gross cost $1.3 million, estimated net cost—$926,000.

PROJECT IN PLANNING

A. Hoolulu project in Kapahulu

The Hoolulu Project is the third of four federally-assisted rehabilitation projects under the Kapahulu GNRP. This project is generally bounded by Kapahulu Avenue, Olu Street, Alohea Avenue and the North Boundary of the Paki and Hinano Projects and contains an area of 126.9 acres.

The land use is predominantly residential with over 80 acres zoned for residential use and 13 acres zoned for business use.

The Part I Loan and Grant Application was submitted to HUD on August 11, 1970. The estimated net project cost is $21.05 million with a federal capital grant of $15.28 million. Project execution is expected to begin in May 1971 and completed in April 1977.

B. Chinatown GNRP in downtown Honolulu

Federally-assisted preparation of a General Neighborhood Renewal Plan covering the western portion of the Central Business District in Downtown Honolulu known as "Chinatown"—36.0 acres. The Chinatown GNR Area is divided into four projects—Pauahi, Nuuanu, Kekaulike and Maunakea Projects.

Situated next to the waterfront and pier areas, the area is one of the first sections of Honolulu to be completely developed and contains sufficient evidence of deterioration, obsolescence and environmental deficiencies including inharmonious mixture of commercial and residential uses, primarily retail and service oriented on the ground floor with apartments and rooming houses above and at the rear, small, irregular lot sizes, and narrow alleys, to warrant some type of improvement and rebuilding program. The area also includes ethnic groups, social organizations and Oriental shops that give the area an atmosphere of the Orient.

The goal of the renewal program is to improve the area where people may work and live in a neighborhood that boasts a clean, safe and healthy environment, provides decent, safe and sanitary housing for single individuals, elderly and moderate-income families, and preserves the atmosphere of the present Oriental neighborhood including the ethnic groups and social organizations and fish and meat markets, Oriental goods stores, chop suey houses and restaurants, and other small shops and stores.

The Chinatown GNRP application was approved on June 30, 1970. The preparation of the GNRP is expected to be completed in June 1972. The estimated net cost of renewal in the Chinatown GNR Area is $62.5 million.

C. Pauahi Project in Chinatown

The Pauahi Project is the first of four projects in the implementation of urban renewal in the Chinatown GNR Area.

The Pauahi Project consists of two blocks situated on the North corner of the Chinatown GNR Area, is bounded by Beretania, Maunakea, Hotel and River Streets and contains an area of 6.3 acres.

The general characteristics of the project area are similar to the general characteristics of the entire Chinatown GNR Area. The project area contains physical deterioration, obsolescence and environmental deficiencies to a degree to warrant urban renewal.

The Pauahi Project Survey and Planning Application was approved on June 30, 1970 with project execution expected to begin in September 1972. The estimated net project cost is $11.52 million and the Federal capital grant is $8.27 million.

PROJECTS IN PREPLANNING

A. Olu-Kikeke project in Kapahulu

The fourth and last increment of the federally-assisted rehabilitation projects under the Kapahulu GNRP—126.9 acres.

Survey and Planning Application, submitted to HUD in July 1968 is still pending with HUD in Washington, D.C.

Estimated gross cost—$14.8 million, estimated net cost—$12.8 million.

B. Koko drive auxiliary redevelopment project

The fourth non-federally-assisted relocation housing project for moderate-income families similar to the Kokea, Kewalo-Lunalilo, and Halawa Projects—27.9 acres.

Of the 27.9 acres, the proposed plan is to develop 19.7 acres for 200 apartment dwellings and 8.2 acres for a neighborhood playground under the City's Department of Parks and Recreation.

Gross estimated cost is $459,300 to the Agency plus cost of construction to the developer.

C. Model cities program

Agency is participating in the Model Cities Program and will in due time be the operating agency for urban renewal in the Kalihi-Palama (2,000 acres) and the Waianae (36,800 acres) Model Neighborhood Areas.

PRESIDENT SANFORD AND AMERICAN YOUTH

Mr. McGOVERN. Mr. President, former Gov. Terry Sanford, of North Carolina, now the president of Duke University, and one of the Nation's most respected and thoughtful men, has written an excellent article on the state of our campuses and the present generation of young people. His observations are, in my view, wise and imaginative, and I should like to share them, Senators.

I ask unanimous consent that President Sanford's article, published in the New York Times of November 17, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MEMO TO MR. AGNEW

(By Terry Sanford)

DURHAM, N.C.—They said he won the TV debate with the students. But he didn't. He lost it because he did not understand that a real leader sometimes must rise above the temptation to win a debate. And now it is obvious that over the past year he has lost much more than a TV debate. A national leader, especially when his people are troubled and disillusioned over the inadequacy of leadership, must contribute something more than the general disparagement of students and the degradation of colleges and universities.

It seems almost cruel to answer the Vice President now, after his political technique fared so badly at the polls. On the other hand, at every opportunity we need to assert a faith in young people, in the integrity of our colleges and universities, and in our own ability to conquer rather than succumb to our fears.

It is sad that the Vice President could not understand the fundamentals of leadership at a time when all our nation's people needed conciliation, trust and respect, creative ideas and constructive proposals. Instead he led a spirited charge to our people to choose up sides, and implanted suspicion, distrust and alienation. As his intended beneficiary in the Georgia Governor's race said of him, "He's echoing many of the frustrations in American society."

His effort to stir up doubts about our institutions, particularly higher education, has hurt colleges and disillusioned students unjustly. The deep troubles of our society do not begin on college campuses, are not bred there, and are not centered there. Instead, our possibilities for resolving these troubles find their greatest hope on our college campuses, in the resources of faculty and research capacity, and in the hearts and minds of the students. To damage the support of colleges is to damage the very hopes of society.

This college generation needs no apologist. These students are more closely allied than we might realize with the remarkable group of men who rethought all prior concepts and precepts of government, and then produced our Constitution nearly two hundred years ago. Their instincts are humanitarian. They are convinced that the individual is the denominator that counts. They take their freedoms very seriously, although sometimes a little too selfconsciously. In the students' rethinking of our institutions and society we may all be the beneficiaries.

It is true that there has been some unrest on all good campuses, disruption and destruction on a relatively few, and ineptness by college administrations. As one of that group lumped together as "driveling idiots" by the Vice President and "stupid bastards" by the Attorney General, I would contend that college administrators have handled their radicals better than other community leaders—including mayors, governors and presidents.

We will not tolerate destruction on college campuses. College administrators are stopping the destructive minority, although it did take a couple of years to design adequate reaction to campus demonstrators. But in fairness it should be recalled that when street demonstrations against the abuse of civil rights were epidemic, it also took mayors and governors some while to recover from the initial shock. There were some dreadful official counteractions, and considerable official ineptness in those early days. It would be fair, in this context, to recall that the immediate past Governor of Maryland was himself caught by this kind of surprise, and many felt that he did not do very well in dealing with his demonstrators. And recall too that no one charged the Governor with "permissiveness" because in 1969 Baltimore ranked seventh in the country in the number of serious crimes, a hundredfold beyond the rate of college campuses.

In putting down destruction it is not appropriate to put down dissent. Suppression of dissent leads to destruction. Those who call for forcing students out of school, forcing peaceful pickets and protestors to disperse, forcing compliance with arbitrary rules, do not understand the problem. Almost all college administrators have dealt with their problems and protected their institutions without resort to force. Resolution of differences by the use of force is not a lesson we need in the world. Any bully can teach respect for force. It takes a much more sensitive touch to teach reliance on reason. Reason takes more patience, more love, and greater understanding. It is the burden of the university to illustrate by its conduct that survival of mankind depends on confidence in the rule of reason.

The most urgent lesson for this generation, young and old, to learn may very well be that force leads to escalated force, and that the way of peace abroad and harmony at home is the way of reason. It takes greater courage, greater intelligence, greater understanding to rely on the moral force of reason rather than on the phyiscal force of power. Those institutions attempting to teach this lesson should not be smeared for their efforts.

PRISONERS OF WAR IN NORTH VIETNAM

Mr. KENNEDY. Mr. President at no time in the past has the tragic plight of American prisoners of war in North Vietnam been a more frustrating or more difficult problem than it is today. Frustrating, because so little has been achieved, despite the well-intentioned efforts of so many. Tragic because with each passing day our men in prison suffer while their families at home carry an increasingly heavy burden.

But perhaps, worst of all is the fact that today this difficult situation has become all the more dangerous and intractable with the abortive raid late last month by U.S. forces on the Son Tay Prison site near Hanoi. I say "dangerous," Mr. President, because I fear that with this raid a terrible precedent has been set which will lead us not toward securing humane treatment or the release of our men, but toward increased risks on their lives and welfare.

For the precedent of the Son Tay raid is that we can achieve the release and safety of our POW's by launching daring military operations—that we can somehow achieve humanitarian ends through military means. Yet the whole history of our involvement in Vietnam exposes the bankruptcy of that approach, for it is strewn with false optimism about daring and courageous military operations. Is it not time for us to set our policy toward the safety of our prisonors of war—and toward the war itself—on a path of negotitiation rather than brave military maneuvers?

To those who say that "negotiations" have failed, I question whether they have ever really been tried. To those who, in their frustration, say "we must do something, anything to show concern for our men," I can only say that to show it through such daring ventures as the Son Tay raid, makes their ultimate fate all the more uncertain.

Mr. President, I feel I must repeat what I said in this Chamber several months ago: that the increasing politicization of the prisoners of war issue is only leading us to further frustration. It is time for us to remove the political pressure and military operations from this issue. Let us give credibility to our legitimate humanitarian concerns by foregoing the shouting and denunciations, and begin the quiet, private international initiatives necessary to accomplish the objectives we seek.

To further emphasize this point, I ask unanimous consent that the text of my earlier statement, as well as other relevant background information, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 25, 1970]

THE SON TAY MISSION

It was a daring mission, all right, and not enough can be said in appreciation of the courage and the competence of the band of volunteers who plunged into the camp at Sontay in a futile effort to free an undetermined number of American prisoners of war. There can never be enough said, either, about the agony of the POW's and their relatives, for they live in a cruel limbo which touches the sensitivities of decent and responsible people everywhere. The problem rightly torments the Nixon administration, as it tormented the Johnson administration, so that the impulse to try to do something to relieve this agony is understandable. Contrary to a statement by Secretary Laird, the raid at Sontay may not even be the first attempt that failed. It is, however, the first attempt to turn a failure into an attribute, to argue that such a fiasco somehow demonstrates at last that the country cares about its prisoners, and to suggest that there is something unique about this administration's concern.

"Back in March of 1969, shortly after I became secretary of defense, this administration initiated a program of going public on the prisoner of war matter," Secretary Laird said in his Monday press conference and yesterday he argued before Congress that the Sontay mission "shows that the people in this country do care about the prisoners of war . . . ."

Well, there are several things to be said about this, and the first is, of course, that the Nixon administration, has nothing—and perhaps somewhat less than nothing—to show for its display of concern. "If there had been prisoners in the compound at Sontay they would be free men today," Mr. Laird declares, but there were not even any prisoners in the compound on Nov. 20, by the administration's own acknowledgement, when the President gave his go-ahead for the raid. That being the quality of the intelligence upon which the President was acting, it is difficult to accept with any confidence the estimates of the administration about any other aspects of the operation. It was, by everyone's agreement, a high risk affair, to the credit of those who carried it out. But you have to ask yourself what sort of concern we are showing for our prisoners when we sweep them up in so chancy a mission, what sort of cure for dying in a prison camp you are offering, when you propose to involve enfeebled POW's in a shootout at close quarters and to pack them into helicopters and fly them out across enemy-occupied territory in the dark of night.

You have to wonder, then, not just what was gained by failure, in terms of a show of concern, but what would have been gained if the prisoners had been there and had been successfully freed. Any man freed, it can be argued, is a plus. But a military operation must be measured in terms of risk and while we do not know how many might have been freed at the most, because the administration won't answer that question, we do know that the lot of the great majority that would still be in captivity would hardly be improved. And now of course, we must confront the almost certain prospect that the lot of all our POW's is going, if anything, to deteriorate; some are sick and all are doubtless weak and underfed; six, we are told, have died in recent weeks. The chances of reprisals aside, they will surely be moved around more frequently, subjected to stricter security, perhaps treated even more harshly than they have been.

So the administration can make such arguments as it wishes about the odds, and the risks, and the rightness of the chances taken. They will be judged, as they have judged others, on results. And the result of the Sontay affair does nothing for the prospects of liberating our captured men. It precludes, one would suppose, further rescue attempts. It can hardly enhance the prospects of a negotiated release, for what this says to Hanoi, less than two months after the President's much-touted offer to bargain for an exchange of prisoners, is that we have lost all faith in bargaining.

So what are we to make of it? It is easy to condemn the failure of a risky mission, or even to ask whether success would have justified the risk. For our part, it would not have. But in fairness, it seems to us quite conceivable that the prisoners and their wives, in their dreadful desperation, might well see it otherwise. There is some evidence of this, not only in the support of the attempt which has been voiced already by some prisoners' wives, but in the state of mind of the prisoners as it has been described to government officials by the handful who have been released. It is not easy to put yourself in the place of men of action now cruelly confined to an open-ended imprisonment and to know how they would weigh a risk which other men might find unacceptable.

In any case, the mission failed. And so we are back at square one, or worse, and there is no convincing way for the President or Secretary of Defense to justify their judgment or rationalize the results. By "going public on the prisoner of war matter" they have dramatized a terrible dilemma—and left it more than ever unresolved.

[From the Washington Star, Dec. 3, 1970]

"NET PLUS" OF POW RAID YET TO BE DISCERNED

(By Crosby S. Noyes)

As a public relations exercise—and this essentially is what it was—the recent commando raid on a North Vietnamese prisoner-of-war camp hardly adds up to the "net plus" that the administration claims for it.

Everything that has emerged since the raid confirms the impression that its purpose was primarily psychological. But the psychological results were not deeply explored ahead of time. And the piecemeal fashion in which the administration has disclosed details of the operation has increased doubts about the motivation of the planners.

In any event, it is hard to swallow the assertion that the fate of the 378 American flyers believed to be held in North Vietnam was the chief consideration. Only a few of them, at best, could have been expected to be rescued in the raid on Son Tay. For the rest, the psychological benefits would have been doubtful, to say the least.

What is evident is that the administration some time ago lost faith in the idea that the prisoners could be freed through diplomatic negotiation. And it also was concluded that, as a matter of policy, it wouldn't do to "stand idly by" and make no show or trying to rescue the men.

The gesture, rather than the result, apparently was of top importance. Last summer, a camp was selected for the rescue attempt. According to many witnesses, the determining factor in the selection was the accessibility of this particular site to a helicopter assault. Above all, the planners were confident of their ability to get into the compound at Son Tay and get out again without disastrous casualties.

This apparently was considered more important than the rescue of any prisoners. From the evidence, some of the top planners of the expedition had doubts that the camp was occupied at the time of the raid, and apparently no very serious effort was made to find out whether it was or not.

In other words, the decision was made that, with or without prisoners, the operation would be a "net plus." And it goes without saying that, in assaulting an abandoned compound, the risk to the rescue party was substantially reduced.

To say this is not to detract in any way from the bravery of the men who took part in the raid or that splendid precision with which it was planned and executed. To volunteer for any night-time operation deep in enemy territory takes courage and dedication of very high quality. The question here is what results could realistically have been expected from an inevitably hazardous venture.

What, in fact, have they turned out to be?

Perhaps for the families of the captured men there was momentary hope. But this surely was balanced by the risks involved and the thought that this kind of rescue operation could not easily be repeated.

Perhaps it served to convince the prisoners that they have not been abandoned and that their government "still cares" about their fate. But this undoubtedly genuine concern has not increased their chance of freedom and may, on the contrary, have compromised it.

Perhaps it was upsetting to the North Vietnamese to discover the vulnerability of their defenses and to learn just how far we would go to free our men. But the discovery is not likely to make the authorities in Hanoi more tractable in negotiations for release of the prisoners. And it is certain to provoke the most strenuous efforts to prevent a repetition of the Son Tay episode.

In short, if there is a plus to the exercise, it is yet to come.

It might, as suggested earlier in this space, take the form of a sober realization that the great majority of the American prisoners cannot be rescued by spectacular and "unusual" methods. And, given the unlikelihood of any negotiated settlement of the war, the diplomatic efforts being made in Paris and elsewhere hold very little promise of success.

The best way—perhaps the only way of freeing the prisoners, it would seem, is to stop any further disengagement of American forces from Vietnam until an agreement on the men is reached with the North Vietnamese. They could not be expected to release them all at the same time, but gradually and in proportion to the rate of withdrawal.

The North Vietnamese themselves have suggested that such a deal could be made. And if they are as concerned over the fate of the prisoners as they say they are, the leaders of the administration would do well to explore this possibility.

[From the Washington Post, Nov. 29, 1970]

POW Publicity a Calculated Campaign

(By Haynes Johnson)

He didn't look like "the U.S. pirate, one of McNamara's strongmen," that August night of 1964 as he was paraded through the streets of Hon Gai, a coastal city 80 miles east of Hanoi. As Radio Hanoi described the scene, Everett Alvarez, a slight, dark-haired Californian, was "pale, weary and awe-stricken" while he staggered along in his dirty uniform surrounded by a Vietnamese People's Army escort. He was the first American prisoner of war taken by North Vietnam.

Alvarez was there in North Vietnam when American combat troops first moved out into the elephant grass on search-and-destroy missions in 1965; there when Ho Chi Minh threatened war crimes trials after intensive bombings of the north in '66; there when American officials began new peace initiatives through secret diplomatic channels throughout '67; there when the war issue led to the overthrow of a powerful President in '68; there when Richard Nixon became President in '69.

And now, 6½ years later, Alvarez is still there. He is both the symbol of a personal ordeal shared by all American prisoners of war and the center of a new political debate about the Vietnam war.

There was a time when American officials didn't say much in public about the 1,500 servicemen listed as missing in action or known to be held captive in Southeast Asia. Prisoners were a matter for private—and delicate—negotiations. All that changed after Mr. Nixon became President.

As Melvin Laird said last week, in speaking about the dramatic but futile attempt to rescue American POWs from a compound near Hanoi, "back in March of 1969, shortly after I became Secretary of Defense, the administration initiated a program of going public on the prisoner of war matter."

"Going public," as administration officials explain it, represents a humanitarian effort to attempt to force the North Vietnamese, through the pressure of public opinion, to give the prisoners better treatment and eventually to release them. But it also means that the prisoners have become a major political issue, one of the key sticking points on any final resolution of the Vietnam conflict.

The administration has stated clearly that it "will not draw its troop strength down below an effective size as long as those prisoners are still in Vietnam"; the North Vietnamese have countered that the prisoners will never be released until the United States ceases "its war of aggression and withdraws its troops from Vietnam."

Such conflicting views have figured prominently at the Paris negotiations since Mr. Nixon became President. In a sense, the prisoners are thus pawns in a propaganda struggle.

It isn't an accident, for instance, that since the Nixon administration decided to take its POW case before American and world opinion, a number of interrelated moves have occurred. Wives and relatives of the prisoners have organized and lobbied. They have traveled in delegations around the world, talked to congressmen and senators, to the Pope and to the Paris peace talk delegates from Hanoi.

They have sought—successfully—to publicize their cause through the news media. They have mounted an intensive public relations campaign and are trying to raise $100,000 with the help of a professional fundraiser.

Plans call for Americans to be saturated with radio and television public service commercials during the Christmas season reminding them not to forget their imprisoned fellow countrymen. One public relations man associated with the undertaking says: "I'd like to see an appeal that creates a sense of outrage on the part of Americans across the country."

REACTION FROM HANOI

Some 600,000 letters are being mailed to potential contributors. They bear the signature of Jimmy Stewart, the actor, and begin with the question, "Mommy, will Daddy be home for Christmas this year?" The appeal contains the paragraph:

"For example, last year when Secretary of Defense Melvin Laird brought the plight of our POWs before the public, the outraged reaction of our countrymen had a dramatic effect on Hanoi's previously unrelenting stand. Up to last fall, a mere 600 letters had been received from all our POWs during the last five years. Since then, however, 1,500 letters have been received. And there are other examples I could give to show that Hanois is sensitive to public opinion."

Bumper stickers and slogans have been printed ("Have a Heart, Hanoi"). All the trappings of a familiar American mass media campaign are under way. The contributor who gives $10 or more will receive a "POW Action Pak" detailing other ways to help the cause.

Other reminders of the POW issue are appearing daily. Just two days before Thanksgiving, 135 million POW/MIA (for missing in action) stamps went on sale at post offices throughout the country. Full-page newspaper ads bearing a picture of a forlorn prisoner have appeared in newspapers and magazines along with an appeal for citizens to write Hanoi urging release of the POWs.

Civic, fraternal and veterans' organizations have begun their own efforts. The Disabled American Veterans, for example, is planning to send messages to 50 million American homes telling people where they can write on behalf of the prisoners.

An "Operation 100 Tons" has been launched. It calls for the delivery of 100 tons of mail (with the help of the Teamsters and Longshoremen) to Paris during Christmas week.

"SHAMING" NORTH VIETNAM

All of this bears the blessings of the Nixon administration. It is all a part of the concerted effort to make the POWs such a formidable issue that North Vietnam will be able to ignore it only at the risk of alienating American and world opinion.

It is a way, as one U.S. official expressed it, to "shame" the North Vietnamese into releasing the prisoners after all other means have failed. In that way, he said, it "puts the monkey on Hanoi's back."

The administration has helped in other ways. It was encouraged congressmen and senators to join in public statements on behalf of the POWs; it has counseled and advised the families, sent top officials around the country to meet them and provided transportation for them; it has cut red tape and gained favorable tax rulings on behalf of the POWs. American servicemen had been limited to investing a maximum of $10,000, drawing 10 percent interest, in foreign banks; that ceiling has been lifted for POWs.

A blue-ribbon and bipartisan group of eminent Americans—among them Clark Clifford, Averell Harriman and George Meany—serves voluntarily as advisers to the National League of Families of American Prisoners and Missing in Southeast Asia, the nonprofit, tax-exempt, charitable organization formed to spearhead the public campaign.

Whatever the political considerations or the tactics employed, the main focus remains on the prisoners. The ordeal of the men in prison and the anguish of their families at home hardly needs to be stated.

Since North Vietnam consistently has not adhered to the Geneva convention, to which it is a subscriber, there has been no certain way to know the fate of any of the Americans; no way to know whether they are alive or dead, sick or wounded or even whether they are in prison at all. The North Vietnamese have taken the position that the men held are not prisoners of war but criminals or "air pirates" subject only to the laws of North Vietnam.

Treatment has been grim, if not always brutal. Prisoners are tied, beaten and dragged along the ground after they are captured. Some are known to have been tortured. The United States says it has documented evidence that 19 American prisoners were murdered or allowed to die.

Life in the prison compounds consists in many cases of total isolation, with no exercise except an occasional chance to sweep leaves. Two meals a day are served, one of rice and squash soup, and in the evening some pig fat.

In an attempt to stave off mental and emotional deterioration while sitting in their 10x11-foot rooms, surrounded by brick walls and covered by a tin roof, some of the Americans have resorted to mental gymnastics. One prisoner spent his time mentally constructing a logarithm table. Another saved bits of toilet paper and made himself a deck of cards. He played solitaire until he was discovered. The cards were destroyed.

As everyone knows, brutality is no stranger to the war in Southeast Asia, nor is it restricted to any side. The South Vietnamese have had their Con Son prisons with their tiger cages; the Americans have had their Mylai. In the past, it was considered unwise for an American administration to raise the POW question publicly, and particularly to make accusations about the treatment of Americans. An incident in September, 1969, gives an inkling of some of the reasons for the public switch as well as fresh insight into the official thinking that dictated it.

Three Americans had been released by the North Vietnamese a month before, making a total of only nine prisoners freed during the entire war. The other groups had refrained from speaking out in public about what they had endured. But in September, 1969, the

Pentagon produced the latest POWs for a widely publicized conference.

One of the prisoners, Navy Lt. Robert F. Frishman, told in detail of atrocities committed by his captors. His fingernails had been pulled out, he said, some men had been hung from ceilings and medical treatment was minimal or nonexistent.

Charles W. Havens III, then a key Pentagon official working on behalf of the prisoner problem and now counsel for the families' organization, says the Pentagon was aware of the risks in speaking out publicly at that conference, but believed it might help.

"We knew what they were doing, and they knew we knew it," Havens said. "But if we didn't say anything publicly, they might believe that we accepted that kind of treatment, and they'd keep on doing it. If we said nothing, they might interpret that as meaning we don't care. We do care. And we want them to know that we aren't going to sit back passively and tolerate that kind of treatment. We also had history in mind."

By that, Havens meant the experience of American POWs in the Korean War. Treatment of Americans improved after extensive publicity about inhumane conditions. The specter of Korea, with trials, germ warfare confessions and "brainwashed" Americans, has permeated official thinking about Vietnam POWs. Three years ago, a chill went through Washington when the North Vietnamese produced American prisoners in striped uniforms and showed how they bowed servilely before their captors, impassive looks on their faces.

By the end of the Johnson administration, when the search for peace was at its most intensive—and most hopeful—some officials believe that the North Vietnamese might have been willing to release the Americans as a goodwill gesture in return for a final negotiated settlement. That hope faded in the wrangling at Paris about such things as the shape of the bargaining table.

After Mr. Nixon became President, the POW issue was at a standstill, pessimism was growing about the entire Vietnam question and there had been no more prisoners released, no more flow of mail or information. As one senior American official summed up the situation, "By the spring of '69, the subject was fully valid and ripe for public exposure." He added: "The issue was ready for presentation."

Aside from the humanitarian aspects and a belief that everything else to help the prisoners had been tried and had failed, there was another obvious aspect to the administration decision: domestic considerations. Using the prisoners as a public issue shifted the burden to Hanoi; it also made it more difficult inside the United States to criticize what America was doing to wind down the war and bring the soldiers—especially the prisoners—home.

A POWERFUL SPOTLIGHT

In the midst of the campaign, news of the POW compound raid broke last week. Whatever else the raid did, it made the prisoners a matter of public discussion as never before. Many of the wives and relatives expressed jubilation, even though the effort had failed. Their general theme was that at least something had been tried, and something is better than nothing.

There was, though, at least one dissenter among the group. In Santa Clara, Calif., Mrs. Everett Alvarez Sr. said she was in the midst of getting a Christmas package ready for her son, who now has been a prisoner of war longer than any other American in our history. Her son will be 33 two days before Christmas, she said in a telephone interview, and she was afraid that the raid might affect the mail the prisoners are receiving and possibly lead to reprisals.

Of the raid itself, Mrs. Alvarez said simply: "I think some other type of negotiations would be better."

That's a personal view about the prisoners. A political one is even harder to gauge. One American who has been initimately involved with the POW question put it this way last week:

"We're in a box that has all four sides and a top and a bottom." Then, speaking about the raid and its meaning, he added: "You take that risk and pay that price consciously, but still the only justification is success, and when we got there, the cupboard was bare."

[From the CONGRESSIONAL RECORD, June 2, 1970]

PRISONERS OF WAR

Mr. KENNEDY. Mr. President, a great deal has been said and done in recent years regarding the young Americans being held as prisoners of war by the North Vietnamese and the Vietcong. Our own Government and others, private groups and individuals, Members of Congress, and the relatives of the prisoners themselves, have gone to extraordinary lengths and pursued every channel in the hope of at least finding out the names of the prisoners held.

My personal efforts in this regard go back to the fall of 1965, and have continued until the present time. In addition to a number of visits to the International Committee of the Red Cross in Geneva, and conversations with representatives of various governments and the United Nations, on three separate occasions, I have addressed letters to the President of North Vietnam. My primary concern was merely information on the identity and condition of the prisoners, and arrangements for the free flow of mail between these men and their families in the United States. The first letter, sent in 1966, was never answered. The second letter, sent in 1967, was acknowledged through an aide to the President of North Vietnam. The third letter, sent last year, was answered by President Ho Chi Minh's successor, Ton Duc Thang.

The negative response to my personal efforts are a matter of record—so I share the deep frustration of all Americans, on the lack of any meaningful progress relating to the prisoners of war issue.

Our duty to these men, of course, and to their families, is basically humanitarian. And I strongly feel, that if we are to successfully obtain humane and fair treatment for them, we must stop tying their rights to unrelated political controversies, both foreign and domestic. We must stop exploiting their helpless plight to beat the war drums in Southeast Asia. We must stop using them as pawns in the Paris talks, thereby evading the real issues involved in reaching a political settlement—a negotiated settlement—that will end the violence and war in Indochina.

It is this increasing politicization of the prisoners of war issue that concerns me today. And so I say, as I have said in this Chamber before, let us remove the political pressures from the prisoner issue. Let us give credibility to our legitimate humanitarian concerns. Let us stop the shouting and denunciations, and begin the quiet, private international initiatives necessary, I feel, to accomplish the objectives all of us seek.

A few months ago—in February—the American National Red Cross began such an effort. Chairman E. Roland Harriman wrote letters appealing for the help of Red Cross societies throughout the world. On April 9 I reported to Senators some progress on responses to his letters. Today I can report additional progress, but I also want to urge those National Red Cross societies that have not responded positively to do so now.

It is my understanding that at least 45 of the societies have communicated with Mr. Harriman. At least 30 of these have responded positively. Only three societies have been negative so far—those in the Soviet Union, Mainland China, and East Germany. I would certainly hope and urge that other societies—the Red Cross being perhaps the most universal of humanitarian agencies—would respond positively to the pleas for help from their counterpart in their country, and in turn work together to generate some program on an issue of vital concern to the American people and humanitarians throughout the world.

It is my hope that other American voluntary organizations, with essentially humanitarian concerns, will support and join this effort of the Red Cross. I appeal to these other organizations—in the religious community and elsewhere—to encourage their counterparts and related agencies overseas, to raise the prisoners of war issue in other countries.

The fact remains, Mr. President, that there are a number of international agencies which have shown themselves to be interested in humanitarian efforts and concerns involving disadvantaged peoples—in Nigeria and elsewhere. Some are concerned with such things as the past massacres in Indonesia or political prisoners in Brazil, for example. I do not feel that these organizations have been sufficiently activated to this issue of prisoners or war, and I would certainly be hopeful that all the information that we have, that is available to the Government, could be presented to these groups, religious groups and others, and that we could actively implore the use of their good offices in trying to reach a solution to this very compelling humanitarian issue of the American prisoners in North Vietnam.

Perhaps such an internationalization of the prisoners of war issue, within the humanitarian context of these private organizations, will persuade Hanoi that even modest steps to ease the anguish felt in the hearts of so many Americans would be gratefully welcomed by people throughout the world as a measure of respect for the dignity of man and a meaningful contribution toward peace.

Mr. President, I want to commend the distinguished floor leader, the Senator from Idaho (Mr. CHURCH), the distinguished Senator from Indiana (Mr. BAYH) and a number of others for their statements this afternoon. I think they have reflected, as shown by their past efforts, a very true, deep, and passionate concern for the welfare and the well-being of these prisoners.

I think all of us feel the sense of frustration from the fact that even efforts made by well-intentioned people have failed to bring about the kind of solution to this problem which all of us in this body would like to see achieved.

The prisoner of war issue, in its real humanitarian aspects, has to be brought home even further throughout the world community. I think we have to be unrelenting in our efforts to achieve the aims which all of us would like to achieve. I think we can see that in the very recent months, there have been some very slight rays of light occasioned by the exchange of some mail and packages. Certainly this is not the whole story, but there have been certain kinds of indications which are a good deal more hopeful than we ever expected in the past.

So I would hope that if we can get international humanitarian agencies to make the necessary effort, we will have at least provided some additional and meaningful channels to meet what I know concerns every Member of this body.

I thank the Senator for yielding.

NATIONAL B'NAI B'RITH HUMANITARIAN AWARD TO JOSEPH L. HUDSON, JR.

Mr. GRIFFIN. Mr. President, it was a personal pleasure last evening to have been present at the National B'nai B'rith

Humanitarian Award Dinner held in Detroit.

The award "for distinguished and enduring contributions of a humanitarian nature" was presented to Joseph L. Hudson, Jr., of Detroit.

Mr. President, I ask unanimous consent that excerpts from the dinner program concerning the life and service of Mr. Hudson be printed in the Record, and that the text of an address delivered by Mr. Hudson be printed thereafter in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Joseph L. Hudson, Jr.

Joseph L. Hudson Jr., is President of the J. L. Hudson Company, whose vision and leadership have brought even greater distinction to the heritage of a famous merchandising dynasty. Through his participation in the civic, cultural, social and industrial life of our nation, his keen sense of community responsibility for serving the needs of young people everywhere, exemplify the best in American tradition.

Growing out of a remarkable understanding of people and an ability to work with and inspire people, Mr. Hudson has a transcending sense of responsibility for the common good and for the individual's right to freedom and opportunity. The spiritual, moral and ethical values which have been foundations of American life are deeply rooted in his own life and philosophy.

The breadth of his activities testifies to his community wide perspective. His zeal and energies are manifest in a host of civic, welfare and social action causes. He demonstrates the committed citizen helping to get a community's work done.

Mr. Hudson is a Director of the National Bank of Detroit, Detroit Edison Company, past Chairman of The New Detroit Committee, Chairman Metropolitan Fund, Inc., Director Citizens Research Council, Associated Merchandising Corporation, National Retail Merchants Association, Michigan Retailers Association, Retail Merchants Association, Director and Vice President of United Foundation, Trustee and Vice Chairman of Harper Hospital and Trustee of Grosse Pointe University School, Founders Society Detroit Institute of Arts.

Mr. Hudson was named winner of the 1960 Detroit Junior Board of Commerce "Distinguished Service Award" as Outstanding Young Man of the Year. In 1968 he received the Laymen's Special Civic Leadership Award presented by the Metropolitan Detroit Council of Churches. He is a member and elder of Grosse Pointe Memorial Church. He is a graduate of Yale University and served in the U.S. Army from 1954 to 1956.

Behind this obviously impressive list of credentials, is an active sportsman, often taking in skiing with his wife, Jean, and children Joseph L. Hudson IV, Jeannie, Webber and Louise. He is a fisherman, enjoys hunting, or simply watching the pros play football, baseball and hockey. He is a man admired for his candor, easy wit and inquiring mind.

Joseph L. Hudson, Jr., by virtue of his extraordinary service to the community and his many achievements, well merits his selection as the recipient of the National B'nai B'rith Humanitarian Award.

Have Faith in the Youth of America

(By Joseph L. Hudson, Jr.)

I'm greatly appreciative of the honor you've given me. I accept it with some reluctance. Not reluctance regarding the tribute itself, nor the goals and work of B'nai B'rith. But because none of us can point to enough results from our efforts when measured against the needs of our times. So little seems to be going right with society despite all our concern and effort. All of us in this room, in these elegant surroundings, with this fine food and good company, are aware that the world outside is in trouble. Most of us know, too, that we can't much longer separate ourselves from it by closed doors and closed minds.

Detroit today is certainly a city on the move. One need only quickly note New Detroit, Detroit Renaissance 1970s, our housing efforts through MDCDA, and the emergence of new inner city small business developments through the Economic Development Corporation. To support these activities the men and women in this room tonight are working like never before on the important issues of our society.

Despite our frenzied activity, we are still falling short. I classify our situation as a leadership crisis.

Most all of us agree as to the priority problems of our society. We're all attending more meetings than ever before and doing our homework, but still our local and national housing, education and community health and welfare services are underdeveloped and inadequate to meet the needs of today's population.

Our public bodies—our congress, our state legislature, our city councils, yes, even the Presidency of the United States—are not moving us ahead in these areas, and the reason is primarily inadequate leadership from us as citizens at large.

Our recent reading lists, those books currently piled on your bedside table such as "Future Shock" and "The Greening of America," show us some of the complexity and confusion of the challenges before us. We're filled with doubts and uncertainties. We're upset about law and order, but how about justice and progress?

The mood of the majority of the American people is obviously not one of commitment to expand our social programs, or to further share our good fortune. But it is leadership's responsibility and obligation—yours and mine—to point out that our housing, education and social programs are so inadequate today that they dampen enthusiasm for our capitalist system on the part of our younger generations, and therefore jeopardize our system's future.

Can we criticize the youth of America today for finding fault with our system when all about us we find such imperfect examples of the American dream?

There are, however, a few organizations who have been and are willing and able to take battle with these forces of destruction and through a truly dedicated effort strive to preserve and perpetuate those spiritual and moral elements of our society which have given our lives strength and meaning in the past. B'nai B'rith stands out singularly as a model of this type of dedicated and effective organization.

It may be a little trite to say that our future depends on our youth, because this has always been so. To paraphrase the slogan of our United Foundation—"Our youth are all we've got."

So, I think it very proper that we are here tonight not in honor one man, that just gives a reason for the gathering, but more importantly, to honor and support the B'nai B'rith organizations which have done and are doing so much to give youth a sense of direction and dedication and to preserve the rich traditions of the Jewish people. This is a monumental effort in frustrating times. But that they can listen effectively and give support to the desires of young people when too many are turning a deaf ear, makes B'nai B'rith an inspiration for more of us to listen with an open mind to the problems of our fellow men.

We all must accept the challenge of the future, but in doing so we must take account of why we have the problems that we have today.

With our desire to build things bigger, better and faster and with the explosion in technical knowledge, we have grown further apart as individuals. As the demands on our personal time to even keep up, let alone stay ahead, are ever increasing, we've lost sight of, or perhaps just ignored, the consequences of our actions on our environment and on our fellow men. Most importantly, we have ignored the ultimate effect of all this on our youth.

Our young people are better informed and better educated than at anytime in our nation's history. With an increasing awareness of what is going on around them it is only natural that they question some of our values. Why has affluent society permitted the development of the ghettos in our larger cities? Why has it so cruelly ignored and so long assigned a second-class citizen's rank to the minority groups within our country, especially the black population? Why has it permitted the pollution of our air, our water and our land? These are tough questions to answer. But, if we don't even attempt an answer, then, are we not asking that all our values, even the ones we assume are sound, be questioned also?

I'm convinced that our youth intend to, and will, be heard. I am equally convinced that youth will listen to age—if age will only listen to youth in reasoned, compassionate and searching fashion. The old attitude so firmly entrenched in the minds of parents, of executives, of managers, or of any leadership group, that says, "I know what's best for you" just simply will not work now.

Our youth, whether black or white, Jew or Christian, want a voice in determining their future. If we shut them out, they will seek organizations that provide this opportunity.

It's not a sign of weakness to listen with an open mind. It's not a sign of weakness to change when conditions demand a different course of action. Our young people face a broader range of challenges and demands than any before in history, not the least of which is how to deal with *us*. Hopefully, we can be a part of the solution or we will surely become a part of the problem. This one is too important for us to sit out. Today's young people believe in themselves and their ability to make their world better. We've got to believe in them, too. Let's have faith in the youth of America.

THE RIGHT OF ASYLUM

Mr. KENNEDY. Mr. President, 2 weeks ago today our Government very crudely denied the right of asylum to Soviet Seaman Simas Kudirka. It was a shameful and humiliating and sickening incident—an incident which rightfully registered shock and dismay among all Americans, and among people throughout the world who look to our country for comfort and hope.

This morning the White House issued documents relating to the incident. Initial reading of the documents and other commentary from the executive branch seems to confirm that the denial of asylum to Mr. Kudirka resulted from official lethargy and the unfortunate lack of sensitivity to humanitarian questions within our bureaucracy—all of which is surely against our best traditions and capabilities and interests.

As chairman of the Judiciary Subcommittee on Refugees, I am sure I express the feeling of all Members of the Senate and of our fellow citizens and organizations in the private sector—including hundreds of thousands of former refugees, Lithuanian and other nationality groups, the American Council of Voluntary Agencies, the U.S. Committee for Refugees, and other organizations—in expressing the firm hope that this country will not again compromise its long history of granting asylum to those who so desperately seek refuge on our shores.

FAMILY ASSISTANCE PLAN

Mr. DOLE. Mr. President, there is some misunderstanding and many valid questions are currently circulating about the family assistance plan which President Nixon proposed to Congress in August of last year. Recently, however, Secretary of Health, Education, and Welfare Elliott Richardson presented a highly informative and timely discussion of the family assistance program before a meeting of Common Cause. Secretary Richardson was specifically responding to several points raised in a letter from the Senator from Connecticut (Mr. Ribicoff). I feel that the Secretary's statement might be of interest to many Senators who have followed the progress of the family assistance plan through the 91st Congress.

Mr. President, I ask unanimous consent that Secretary Richardson's remarks be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Secretary of Health, Education, and Welfare, Elliott L. Richardson, to a Meeting on Welfare Reform, Convened by Common Cause, December 3, 1970

I greatly appreciate your attendance this morning because, with your help, the fight for meaningful welfare reform this year can be won. Never since the Social Security legislation was first enacted have so many people been able to agree on both the need for reform and the principles of change.

There has been so much dispute in recent weeks over possible amendments to the President's proposed Family Assistance Plan that the wide areas of consensus have often been obscured. Let me review for a moment what I think we do agree on and what this bill will accomplish.

First, the bill would establish a nationwide floor under assistance payments, and national eligibility standards for both the family and adult categories. This change alone involves a massive reform by eliminating the geographic inequities present under current law. Ten percent of present AFDC recipients and 36 percent of the aged, blind and disabled caseload would immediately receive higher benefits as a result of these changes.

Second, the bill provides for strong movement in the direction of Federal administration of all income assistance programs. The new working poor program would be Federally administered in every State and attractive options are created for the States to delegate to the Federal Government administration of the full range of associated programs, including State supplementation, food stamps, general assistance, and Medicaid eligibility determination.

Third, we would for the first time extend assistance to the working poor—a group comprising over 40% of the poor which is now ineligible for Federally-supported welfare. This is the heart of the reform and combines an important work incentive with effective action against poverty.

Fourth, the plan would greatly expand quality child care and manpower training programs, with over $600 million in new funds committed in the first full year of operation.

Fifth, Family Assistance improves the work incentive and work requirements provisions of current law. The several work disincentive notches now found in AFDC are eliminated, and mothers with preschool children are given the option to remain with their children—which is not the case under current law.

These are reforms that should not be permitted to die. We have calculated that almost 14.5 million people will be eligible for benefits that will make them better off than under current law. Anyone who contends that this bill is somehow worse than current law, or should be defeated if it is not further liberalized, must answer to these 14.5 million people.

This is not to say, of course, that there are no legitimate ways to improve the bill still further. Indeed, I believe that the bill has been much improved in the 13 months since it was introduced. The Administration has been discussing with a number of Senators a range of possible additions to the so-called "core bill" or October revision of Family Assistance for the purpose of attaching it by floor amendment to the Social Security Act.

In particular, you are probably familiar with the list of 10 possible amendments which Senator Ribicoff has suggested as a result of his conversations with a number of Senators. We have given most careful attention to these ideas in an honest effort to develop and acceptable compromise. It is in that spirit that I can now present the Administration's response to those proposals:

1. We accept the idea that the bill should state a national goal providing to every family, through work or assistance, an income adequate for their needs. This is a laudable goal which fully befits a Nation of our capacity.

2. We agree that the language of the President's original proposal, passed by the House of Representatives, should be restored providing for mandatory coverage of families headed by an unemployed father (AFDC–UF).

3. We agree that the effect of section 452 of the House-passed bill, maintaining current benefit levels for families with income, should be restored. (The October revision of Family Assistance had provided for a more limited provision "grandfathering in" persons now receiving payments at these higher levels for a period of two years.)

4. We cannot fully accept the proposal that no one be referred to a job under the work requirement that pays less than the Federal minimum wage of $1.60 per hour. There are now, after all, about 7 million persons who are working for less than this wage, and to state that no welfare recipient had to take such a job would be most inequitable to these low wage workers. Nevertheless, there could be cases where referral to jobs paying substantially less than the minimum wage would be unconscionable. Therefore, we would propose instead an amendment which would provide that no person could be required to take a job paying less than $1.20 per hour, which is 75% of the minimum wage. In any case, anyone working for between $1.20 and $1.60 per hour would be eligible for income supplementation under Family Assistance which would raise his total income from wages plus assistance to a level comparable to the Federal minimum wage.

5. We agree that public service jobs should be provided for welfare recipients, and will support an earmarking of $150 million in Labor Department funds for this purpose. The Federal matching formula for these jobs should be consistent with whatever formula emerges from the Senate-House Conference Committee now considering the Comprehensive Manpower Act (the matching rate currently in that bill is 80%).

6. We agree that programs that are fully financed by the Federal Government should be administered by the Federal Government. This would apply to family assistance benefits for female-headed families in those States which have no State supplementation.

7. We agree that adequate protection should be provided to local and State welfare employees tranferred to the Federal system as a result of the bill. We have been working with employee groups and the Civil Service Commission for some weeks to develop such a provision as an amendment to the bill.

8. Family Assistance makes a major change in current law regarding the impact of the work requirement on female heads of families. Under AFDC, women with *preschool* children may be required to take a job; under Family Assistance, that mandatory feature is applied in the case of mothers only to those with school age children. Moreover, priorities have been added to the bill governing the order of referral of persons to training and jobs which indicate that all male heads of families and all women who volunteer for employment are to be taken before the nonvolunteering mothers are reached. We feel, therefore, that the work requirement is humane and responsible, particularly in view of our latest proposals with regard to the minimum wage. However, there is a lack of clarity on the face of the bill as to whether the arrangement of child care is a precondition to requiring a mother to take a job, and we would accept an amendment clarifying that this precondition must be met.

9. We would accept an amendment which would continue the practice under AFDC in following State court decisions as to whether a step-parent has an obligation to support step-children.

10. Budgetary limitations preclude the Administration from accepting an increase in the basic $1600 payment for a family of four. An increase equal to the rise in the cost of living between the date of enactment and the 1972 implementation date could cost as much as $400 million in additional funds. In any case, the Administration's original proposal assumed an effective date of January 1972, so that no cost of living undating is relevant.

In short, we are able to accept 7 of 10 of the Senator's proposals, and to offer counterproposals on two others. Beyond this I do not think we can go. I recognize that many Senators may wish to go further on some of these items, and we fully recognize their right to offer such proposals through amendments which are separate from this consolidated floor amendment which we can accept.

I know that Senators Ribicoff and Bennett are working earnestly to prepare a bipartisan amendment attaching Family Assistance to the Social Security bill on the Senate floor. I sincerely hope that these responses by the Administration will provide a basis for that amendment. I believe that these two Senators have been magnificent in their commitment to welfare reform and their continuing effort to seek a balanced bill acceptable to a wide group of Senators. I would also like particularly to note and welcome Senator Hartke's statement yesterday that he will support a coalition effort. I believe that this battle can be won; we cannot afford to lose it.

PERSONS BETTER OFF UNDER H.R. 16311 (OCTOBER VERSION) THAN UNDER CURRENT LAW

Client group	Number of families	Number of recipients	Percent of current cases
Family assistance:			
(1) Working poor	1,861,300	10,840,000	
(2) AFDC cases with benefit increases in the 9[1] jurisdictions with the lowest payments	211,300	845,000	9.9
(3) State supplemental cases not now eligible for AFDC	375,300	1,500,000	
(4) Current AFDC cases benefitting from simplified payment standard	([2])	([2])	([2])
Subtotal, family assistance	2,447,900	13,185,000	9.9
Adult categories:			
(1) Adult cases in the States[3] paying less than $110 monthly per recipient		1,109,700	36.3
(2) New cases made eligible by the minimum payment standard		105,400	
(3) New APTD cases made eligible by the national definition of disability		64,700	
Subtotal, adult categories		1,279,800	36.3
Total, all programs		14,464,800	16.9

[1] Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, South Carolina. Tennessee, and Puerto Rico.

[2] Sec. 451 of the bill requires that States simplify need and payment standards in order to reduce the number and complexity of such standards. This simplification is likely to be resolved in such a way that benefits will be computed on the basis of a higher standard than that now used for many current AFDC cases, but estimates of this impact cannot be made until such time as the Secretary develops definite guidelines for this simplification of standards.

[3] For old age assistance recipients, 22 out of 54 jurisdictions now pay less than $110 monthly to a single recipient, and 47 jurisdictions now pay less than $220 to an aged couple.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, a parliamentary inquiry. Is there any pending business?

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1971

Mr. KENNEDY. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, officers, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, the pending measure, H.R. 19830, replaces H.R. 17548, the first independent offices and Department of Housing and Urban Development appropriation bill for 1971, which was vetoed by the President on August 11, 1970. The vetoed measure had passed the House on May 12, was received and referred in the Senate on May 13, reported in the Senate on June 24, passed the Senate on July 7, and was sent to conference on July 8. The conference report was agreed to in the House on July 29, and finally agreed to in the Senate on August 4.

The vetoed message from the President, contained in House Document 91-377, indicated that he was opposed to H.R. 17548 because the total amount was excessive. The House vote to override failed to obtain the necessary two-thirds and, thus, it was necessary for the pending replacement measure to come into being.

The vetoed bill contained a total of $18,009,525,300. The pending measure is $300 million less than that amount—namely, $17,709,525,300. This amount is $241,301,400 above the President's estimate and compares with the vetoed measure which was $541,301,400 over the budget estimate. The pending bill contains the identical sums and provisions that were included in the vetoed measure in every respect except for two items contained in title III of the bill for the Department of Housing and Urban Development. These items are the urban renewal programs and the grants for basic water and sewer facilities. Each of these has been reduced by $150 million below the amounts carried in the vetoed bill.

I might add, Mr. President, while this bill exceeds the President's budget estimate by $241 million, included in this $241 million is $105 million for veterans medical care. Thus, if the additional sum provided for medical care is excluded from the bill, the increase over the budget will aggregate $136,301,400.

Some of the areas where the reductions below the budget estimate have been made include the budget for the National Aeronautics and Space Administration, which has been reduced by $64,325,000 under the President's budget estimate.

Title II of the bill, which includes items for the Space Council, the Office of Emergency Preparedness, and Civil Defense, has been reduced by $5,750,000; and interest adjustment payments in title IV for the Federal Home Loan Bank Board have been reduced by $165 million from a budget estimate of $250 million to an allowance in this bill of $85 million.

Mr. President, I feel that we have met the President more than halfway by reducing the amount provided in the vetoed measure by $300 million, and I feel that we have a bill the President will be able to sign. While the bill still contains amounts that are above the President's budget estimate, the sums thus made available may help to alleviate some of the unemployment which has been rising steadily all over our country.

Since this is a replacement bill and since it is going through the congressional mill for a second time, and since the House has adopted the measure overwhelmingly by a vote of 375 to 10, I hope that we in the Senate would concur with the recommendations of the Senate Appropriations Committee and adopt this bill without amendment, thereby getting this long delayed appropriation bill to the White House for signature as quickly as possible.

Mr. President, I wish to make one point very clear to the Senate. The bill before us is exactly like the bill that was vetoed by the President except in two aspects under title III, urban development. The estimate sent to Congress by the President with reference to grants for water and sewerage in rural areas was $150 million. The Senate Appropriations Committee reported out $200 million. The Senator from New York (Mr. GOODELL) moved that that amount be increased to $500 million. We voted with him, and his proposal carried by a very large vote. So the amount was made $500 million instead of the budget estimate of $150 million.

The urban renewal budget estimate was $1 billion. A motion was made to increase that amount, and as I recall, the committee added $700 million, which was short, even, of the total amount of the authorization, which was $2,287 million. When we went to conference, we reduced the increase to $350 million over the budget estimate of $1 billion.

In this bill, we have added $10 million to keep alive section 202 of Housing Act which provides housing for the elderly. That has been preserved in the bill.

We have also added, as I have already stated, $105 million over the budget estimate for veterans' medical care.

In short, this is exactly the bill that was agreed upon in conference. It was voted by the Senate, and the conference report was approved as to these two items, which total $300 million.

I have been in conference with Representative MAHON, chairman of the House Committee on Appropriations. This is not a question of rubber-stamping the action of the House. There were informal discussions back and forth as to what reasonable amount we should provide in order to meet with the approval of the President.

I have also talked with Representative EVANS, who is chairman of the House subcommittee, and with the distinguished Senator from Colorado (Mr. ALLOTT). Then the Senate subcommittee, after consideration, presented our proposal to the full committee, the full committee agreed with the compromises that were reached, and that is what is before the Senate this afternoon.

In the course of our discussion today, several attempts will be made on the floor of the Senate to increase, to decrease, or to make some other variances in the bill. I give clear notice at this time that no matter what those amendments are, I do not think we ought to be going over the same ground again. Some proposals will be made that I myself have voted for previously; but under the circumstances, in order to send a bill to the President, we believe we now have a bill that, I think, has a reasonable chance of being approved by him. We certainly do not want to go through the exercise of going to conference again and returning at this late hour, just before Christmas, only to have the President veto the bill again.

More than that—and I want to make this very clear, and I shall say it all afternoon—we have provided in the bill $105 million over the budget estimate for veterans' medical care as a result of the amendment that was proposed by the Senator from California (Mr. CRANSTON). This amount is to take care of paraplegics and the spinal injuries of veterans who have been wounded in Vietnam. We cannot do this unless we get a bill. That is the reason why we should approve a bill that the President will sign. Something needs to be done very quickly for these veterans, so I hope that when motions to lay on the table are made, the Senate will support the Committee on Appropriations by supporting those motions and that we can send the bill to the President.

I think this is a fair bill. It is the same bill we agreed to in conference with the two exceptions I have already enumerated. I would hope that we might move on with our business, get the job done, and send the bill to the President within a day or so.

I now yield to the distinguished Senator from Colorado.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Colorado.

Mr. ALLOTT. Mr. President, the distinguished Senator from Rhode Island, chairman of the subcommittee, has stated the case plainly and adequately. I should like to add two or three comments.

It is unfortunate that we find ourselves in two situations at this late hour—and it is late—in legislating in these very important areas. However, I assure the Senate that it was not the fault of the distinguished Senator from Rhode Island, the chairman of the subcommittee, nor was it the fault of the Senator from Colorado that we did not have a bill earlier than we did this year. Compared with past years, we were, relatively in good time. But after the veto and the sustaining of the veto by the House, the situation developed that the House could not seem to get moving again. So we find ourselves in this position at this late date.

The Senator from Rhode Island has pointed out one area—the Veterans' Administration—in which funds are badly needed, because the Veterans' Administration can spend only those funds that are based on the continuing resolution pertaining to last year's appropriation.

By the same token, all the funds for the space administration have been held up.

I say to Senators who are interested in water and sewerage facilities that if they are genuinely interested in such facilities, they will do better to take this bill rather than to let the Department continue to operate in accordance with the continuing resolution, under which spending would be at a lower level, to wit, $150 million a year.

I also want to be very explicit about my feelings with respect to the action which the chairman of the committee says he will take on any proposed amendment. It is one in which I concur wholeheartedly and in which the entire Committee on Appropriations concurred wholeheartedly. In fact, I believe the committee instructed the Senator from Rhode Island to take such action.

Mr. President, I have every reason to believe that the pending bill as it is now constituted, without any addition or any deduction, will be acceptable to the President and will be signed by him.

I must state the converse of that, that if there are additions or deductions, we will face the possibility of going through this exercise again. Our colleagues in the Senate ought to know that. The matter has been worked over at great length in the House of Representatives. We have studied the matter here. The chairman and I are of one mind on this matter.

I hope that we can proceed and get the bill passed. If it passes in its present form, it will not have to go to conference.

All of these various agencies could get their appropriation and we could avoid any further exacerbation of this situation which we experience each year where the various entities within the executive branch and these areas in which we are so interested, some of us—the field of housing and the field of veterans—will at last, in the 12th month of the calendar year and the sixth month of the fiscal year, know where they are, what they can budget for, and perhaps make some sensible plans for the last 6 months of the fiscal year.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum. I would hope that the pages will inform the cloakroom that they should get in touch with the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New York (Mr. GOODELL).

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

$10 MILLION IN FUNDING FOR SECTION 22

Mr. WILLIAMS of New Jersey. Mr. President, I strongly urge passage of H.R. 19830, the Independent Offices-HUD Appropriations Act for fiscal 1971.

As chairman of the Senate Committee on Aging, I shall direct my remarks to funding for the section 202 housing for the elderly program.

First, however, I wish to congratulate the distinguished Senator from Rhode Island (Mr. PASTORE) for his outstanding leadership in bringing this well-balanced appropriations measure to the floor for a vote. Moreover, I wish to compliment him for his dedication and active role in providing funding for the continuation of the 202 program. This is another excellent example of his concern for our Nation's 20 million older Americans.

Last July I called for a bipartisan effort to rescue the section 202 program when the administration decided to abandon this approach and rely entirely on the section 236 interest subsidy program. The Senate approved my floor amendment—also sponsored by the Senator from Utah (Mr. MOSS) and the Senator from Vermont (Mr. PROUTY)—to provide funding to continue the program.

In the conference committee the Senator from Rhode Island (Mr. PASTORE) capably expressed the Senate's position, and noted that there was no money provided for section 202 in the original House-passed bill. As a result of his leadership, $10 million was provided for 202 in the conference proposal. However, this measure was later vetoed.

In the proposal before us today, there is also $10 million in funding for section 202—the same amount as provided in the second House-passed bill.

At this time when low-cost housing is such a critical problem for practically all Americans, it is usually out of the reach of the elderly who live on limited, fixed incomes.

Today substantial numbers of older people are being driven from their homes because of rapidly rising property taxes and maintenance costs. Yet, these persons are finding it increasingly difficult to locate suitable alternative units because present programs are inadequate for their needs.

Section 202 has literally been a lifesaver for thousands of these individuals.

Under this program, the Federal Government makes long-term, low-interest loans to nonprofit sponsors for the construction of pleasant apartment units at prices tenants can afford.

Section 202 has also been one of the most successful housing programs ever enacted. Since its enactment in 1959, there has never been a default under the program.

Today there are approximately 43,000 units either completed or under construction—33,000 finished units and 10,000 being built. It is estimated that 45,000 aged persons occupy the completed units.

In my own State of New Jersey, I personally have seen the outstanding achievements under the 202 program. Nearly 2,100 units are now completed or under construction—making New Jersey the sixth-ranking State in the number of section 202 units. Approximately 3,000 older persons live in these pleasant, reasonably priced apartments.

Construction costs for these projects are also very moderate, approximately $12,000 per unit.

Moreover, 202 has its own architectural criteria, specifically tailored for the aged. Program regulations, for instance, take into account the proximity with regard to transportation, health facilities, and shopping centers.

The need for the 202 program is well documented in hearings held by the Committee on Aging and letters to its members.

At the committee's hearings in June on "Sources of Community Support for Federal Programs Serving the Elderly," we heard much compelling evidence for the continuation of the housing for the elderly program.

Mr. Stanley Axelrod, an executive director for a 202 project in Miami, Fla., told us:

> Limited incomes that are in our inflationary society have made adequate housing for senior Americans a catastrophic problem. These people are prevented from getting decent, dignified housing, so they rot away in the hovels and slums without hope, without being found by their community to see what the community could do for them, without their knowing how they can meet these problems.
>
> Obviously, senior housing could bring these people together, to be identified, to be made productive. Section 202 was a crown of achievement for creative Federalism. Red tape, though considerable, was much less than through other programs.
>
> The 202 government agencies have the attitude of family, that they were not there to dictate but to help find answers.
>
> The 202 programs turned out to be highly successful, strongly motivated by nonprofit sponsors. They continue to be highly successful, beating all laws of average. This type of nonprofit sponsorship guarantees more service, less cost for buildings and management, and great dedication.

Last year in the 1969 Housing Act, the Congress enthusiastically supported the extension of the 202 program by authorizing $150 million for this purpose.

This clear expression of congressional intent to continue the program should, I believe, be fulfilled.

The $10 million in the committee bill will be an important step forward. In addition, there is money in the 202 revolving fund which can be used to build housing for the aged.

With this approach, we can be more confident that urgently needed housing for the elderly will be built—not merely to store them—but to restore them to a more active life in their communities.

Mr. President, I urge favorable action on the Independent Offices-HUD appropriations proposal.

One of the reasons for appropriating only $10 million for the 202 program is that there is already some money in the 202 revolving fund. For the record, could the Senator from Rhode Island tell us how much is in the revolving fund.

Mr. PASTORE. According to the most recent data available, it is estimated that there is approximately $40.7 million in the 202 revolving fund. This money has resulted from the repayment of loans at 3 percent per year by nonprofit sponsors of housing for the aged. It is the view of the committee that the $10 million appropriated should be considered as a supplement to the $40.7 million in the section 202 revolving fund in order that the desperate need of the elderly for housing can be met to some extent.

Mr. WILLIAMS of New Jersey. This leads to my next questions. What are the administration's plans for spending the $10 million appropriated for section 202 and the money in the revolving fund? Is it the intent of Congress that this money should be spent?

Mr. PASTORE. In an "in-house" memorandum at HUD issued around the first of July, the administration clearly indicated its intent to phase out the 202 program. This memorandum made three key points:

No new section 202 programs would be funded after June 30, 1970.

No section 236 money would be available for new elderly housing proposals submitted after June 30, 1970.

Section 236 would be available only for backlog proposals submitted prior to June 30, 1970.

However, it is the clear intent of the committee that the $10 million for 202 be spent. Moreover, the committee urges that the money in the revolving fund be spent for additional housing units for the elderly, since there is a critical need.

Mr. WILLIAMS of New Jersey. As I understand it, the conference language with regard to housing programs for the elderly in the first HUD appropriations bill was also incorporated in this funding measure. Moreover, I understand that it is the intent of Congress that a portion of the funding for the section 236 interest subsidy program be set aside for housing for the elderly—as well as for younger persons. Is my interpretation correct?

Mr. PASTORE. The Senator's interpretation is correct. In the original conference report, the conferees stated:

> The committee on conference directs that housing for the elderly or handicapped be given appropriate priority in allocating contract authorization provided pursuant to section 236 of the Housing and Urban Development Act of 1968, so an equitable portion will be utilized for such housing where needed in conjunction with the funds appropriated for this revolving fund.

An equitable allocation under 236, it seems to me, would be about 10 percent—since the elderly represent that percentage of our total population.

ORDER OF BUSINESS

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

BILL ORDERED TO BE HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message from the House on H.R. 19436, to provide for the establishment of a national urban growth policy, and so forth, be held at the desk temporarily.

Mr. ALLOTT. Mr. President, I have no objection.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

Mr. MANSFIELD. Mr. President, in my opinion, the Senate is being made to look ridiculous. Some Senators who have amendments cannot be found. I am going to put in a quorum call at this time, and it will either be a live quorum call and these Senators will show up or we will get to third reading.

I suggest the absence of a quorum, and I would also ask the attaches to call Senators to get to the floor. This is a $17 billion bill.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I send to the desk an amendment to H.R. 19830, the independent offices appropriations bill for fiscal year 1971, and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

> On page 22, line 10, strike "$511,000,000" and insert "$521,000,000";
>
> On page 22, line 17, after "teachers:" insert the following: *"Provided further,* That of the foregoing amount not less than $10,000,000 shall be available for grants and contracts in connection with a program of planning, research, and applied research to facilitate the conversion of scientific, engineering, and technical manpower and resources from defense-related to civilian-related activities."

Mr. KENNEDY. Mr. President, the purpose of this amendment is to increase the appropriation for the National Science Foundation by $10 million. The additional $10,000,000 will provide NSF with funds to undertake urgently needed planning, research, and development in methods of converting scientific manpower and resources from defense and space activities to civilian-oriented projects. It is imperative that NSF begin such a program immediately if it is to have a meaningful impact on the spiraling unemployment among the Nation's scientists, engineers, and technicians.

The sum requested in the amendment is modest, but the problem is critical, and it is becoming more critical each month. I believe that we must begin now, in the current fiscal year, to alleviate the crisis. The pending appropriations bill offers us a major opportunity to act.

There are many different aspects of our current economic crisis, but one of the serious is the urgent challenge we face to convert our scientific talents and resources from defense to civilian activities.

Today, the problem of severe unemployment in the economy as a whole is being compounded by rising unemployment among many of our best educated and best trained citizens—our scientists, engineers, and technicians. There is deep and growing unrest in the scientific community, and the unrest is becoming increasing ominous.

We are all aware of the cutbacks in defense and space spending which have occurred throughout the country in recent months and which are likely to continue for the foreseeable future. In States like California, Connecticut, Florida, Georgia, Missouri, Washington, and Massachusetts, where the economy is especially oriented toward the defense and space industries, unemployment is soaring among our scientists, engineers, and technicians.

The extensive unemployment resulting from defense and space cutbacks has a severe impact on the scientific community, because of its special dependence on federally financed programs. Of the more than 2 million scientists, engineers, and technicians employed at the beginning of 1970, one in every four was engaged in work generated by the Department of Defense, the National Aeronautics and Space Administration, or the Atomic Energy Commission. Half of those employed directly by the Federal Government worked in DOD, NASA, or AEC. Sixty-two percent of all physicists and 88 percent of all scientists in the atmospheric and space sciences, have depended on Federal programs for employment. Inevitably, therefore, cuts in Government programs have had a severe impact on this highly skilled scientific work force.

By last May, there was seven times as much unemployment among the Nation's engineers as there had been the year before. Since that date the rate of unemployment among engineers has been increasing at an even more rapid pace. Employment in the space industry has fallen from a peak of 250,000 to 173,000, and thousands more scientists and engineers are expected to lose their jobs in the months ahead. The aerospace industry alone has laid off over 10,000 men in the single specialty of electrical engineering.

Recent Labor Department figures indicate that more than 208,000 professional and technical personnel are unemployed across the Nation. It has become clear in recent months that the burden of rising unemployment is falling especially heavily on the the scientific community. Last week, in announcing that unemployment in the Nation had reached a new high of 5.8 percent, Mr. Harold Goldstein, Assistant Commissioner of the Bureau of Labor Statistics, emphasized that one of the most significant factors influencing the rise in unemployment in November was the continuously increasing unemployment in defense-related jobs.

Equally significant, the effect of defense and space cutbacks is highly concentrated in particular communities, where the human impact is much greater than the national statistics would indicate:

Of all scientists and engineers in the aerospace industry, 44 percent are located on the Pacific coast, and 24 percent are located in the New England and Middle Atlantic States. The remainder are highly concentrated in such States as Florida and Texas.

In Los Angeles County, as of September, there were more than 20,000 unemployed scientists and engineers.

In the Washington, D.C. metropolitan region, as of last month, the relative demand for scientific and engineering manpower was only 40 percent of what it had been a decade ago.

The work force at the Kennedy Space Center in Florida has dropped 40 percent over the past year.

In New York City, unemployment claims by professional personnel have doubled over what they were a year ago.

For the Nation as a whole, it is estimated that 500,000 defense workers have lost their jobs because of defense and space cutbacks since the peak of the Vietnam war effort in June of 1968. It is also estimated that another 500,000 jobs will be lost by next June. In addition, the job market has received an influx of nearly 400,000 servicemen over the past year, and another 200,000 will leave military service during the coming year.

In my own State of Massachusetts the problem is especially acute. Massachusetts ranks sixth in the Nation in the amount of defense contracts received. The unrivaled combination of universities, Government facilities, and the extensive research and development community centered along Route 128 have made Massachusetts one of the leading centers of the Nation's scientific effort.

Today, as in so many other parts of the country, this vital national resource is being jeopardized. The Arthur D. Little Co. has recently estimated that defense cutbacks will cause the loss of 25,000 jobs in Massachusetts over the next 3 years. Another 5,000 jobs will be lost by civilian employees on military reservations in the State. Similar projections have been made or are now being made in dozens of other States.

These lost jobs represent a serious hardship to the individuals and families involved. The loss has a multiplier effect on entire neighborhoods and communities, as well as on the scientific community at large.

Even apart from the immense human suffering and personal tragedy that is involved, however, the loss of these jobs also represent a vast loss of technical manpower for the Nation. A sizable national investment has gone into the formal education and on-the-job training of this highly skilled workforce.

We cannot afford to let these valuable resources run to waste. The Nation should and could be receiving a constant stream of economic and social benefit from its investment in this scientific manpower.

Moreover, scientific activity requires a high level of continuity to achieve its maximum return. Resuming interrupted scientific projects after long delays often entails considerable additional expense. And, individual scientists who interrupt their careers—as many are now forced to do in seeking other employment—may find it impossible to reenter the scientific job market, in view of the rapidity with which new scientific knowledge is generated.

Thus, each unemployed scientist represents a major loss of the considerable investment the Nation has made in his education. Even more important is the loss of his potential contribution to the resolution of our urgent domestic social problems, especially in areas like pollution, transportation, housing, education, and medical care. Without the help of the scientific community, we cannot hope to make significant headway against these problems.

The scientists, engineers, and technicians of America have a crucial role to play in converting our national energies and imagination to these tasks. Scientists have always been held in high esteem in America, but it is only in recent years that they have moved to the center of our technological civilization.

As a nation, we must apply our finest resources and talents to the tasks which are facing us. We need the application of our best scientific and technical talent to cope with these problems. It is national folly for tens of thousands of highly trained individuals to lie idle, at a time when problems of enormous complexity demand the skills they have.

The solution to the problem of scientific and technical unemployment is not to stem the cutbacks in defense and space spending. As in the case of the rejection of the SST, these cutbacks are essential to redirect our national priorities and resources to meet the needs of our citizens. Nor is the solution to provide an updated WPA to provide make-work for scientific personnel. Rather, the solution to such unemployment lies in the conversion of our technical talent and resources from defense and space to civilian, socially useful programs—programs which can lead to a genuine improvement in the quality of our lives.

But such conversion of scientific talent cannot be accomplished merely by giving a scientist a new assignment. Considerable retraining is generally required. There is no doubt that, with adequate retraining, scientists skilled in the problems of defense could make valuable contributions to the resolution of civilian problems. Seen in this light, conversion is not just an economic challenge. It is also a human and social opportunity.

To provide for such retraining, and to facilitate the conversion of our scientific talent and resources, I have already introduced S. 4241, the Conversion Research and Education Act of 1970. This bill would authorize the appropriation of $450 million over a 3-year period for specific research and educational programs in national economic conversion. The bulk of these programs would be administered by the National Science Foundation.

In essense, the bill asks Congress to establish three national policies in the area of economic conversion:

First, scientists should have continuing opportunities for employment, in positions commensurate with their professional and technical skill.

Second, Federal spending for civilian research and development should be raised to a level equivalent to defense-related research and development.

Third, the total Federal investment in science and technology should continue to grow annually in proportion to increases in our gross national product.

Because of the limited time available in this post-election session, however, it will not be possible to complete action on such legislation before Congress adjourns. Early in the next Congress, I intend to push forward with legislation to establish the comprehensive conversion programs we need.

For the present, however, it is urgent that we make a beginning. As the experience of recent months demonstrates, the problems of conversion and unemployment are growing too rapidly for the timetable we now have. These problems require immediate action if we are to alleviate the human hardships inflicted by defense and space cutbacks, and maximize the potential contribution which scientific talent and resources can make to the resolution of the Nation's social problems.

The National Science Foundation is the ideal agency to make this beginning because the Foundation will undoubtedly play a major role in any future program of economic conversion. Already, despite its limited financial resources, the National Science Foundation has made a commendable beginning. It has launched a $150,000 pilot project to retrain unemployed scientists and engineers, so that they can contribute to the resolution of contemporary social problems. But this project will retrain only 15 scientists and engineers. NSF simply does not now have the resources within its current recommended appropriation to launch more than a token project of this sort, however meritorious the project may be.

Under the amendment I have introduced, NSF would receive an additional $10,000,000 to enable it to begin an immediate program of planning, research, and development, in economic conversion.

In this manner, NSF can begin now to develop policy guidelines for conversion in the difficult months ahead. At the same time, NSF will thereby become prepared to move rapidly and effectively in mounting a major conversion program, as soon as appropriate legislation has been enacted in the next Congress.

We cannot afford to sit back and wait for the 92d Congress to begin the attack on these problems. We must act now, before the problem becomes even more acute.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PASTORE. Mr. President, I sincerely hope that my distinguished and illustrious colleague will not press his amendment at this time.

Last Thursday, the majority leader announced that this bill would be the pending business immediately after the morning hour on this date, Monday, December 7. I sat in this chair at a quarter past 12, and when the proper time came, I rose and made my preliminary statement; and I found myself talking to an empty Chamber, with the exception of two or three Senators who chanced to be present.

I explained at that time—and that is the reason why I am making this preliminary remark, because this is the argument I have against this amendment at this time—the situation that confronts us at this moment.

This is not a new matter. This is the follow-up of a bill that was vetoed by the President, and the veto was sustained by the House of Representatives. The President vetoed the bill because it was $541 million more than the budget estimate. He said the fiscal situation was such that he could not tolerate that amount at this time. He sent it back, and the House sustained him. That meant that we had to begin our job all over again, more or less.

Here we are, 2 or 3 weeks before Christmas, with the end of the session almost in sight, and we need an appropriation bill for independent offices. This bill is $105 million more than the budget estimate for medical care for the veterans of Vietnam who have received spinal injuries. Many of them cannot even light their own cigarette. Unless we pass this bill, those human beings are going to suffer more than some of these scientists

This bill contains $10 million that was never sent up as a budget estimate for housing for the elderly. We will not be able to help them unless we pass this bill. The bill is exactly like the bill we agreed to in conference and was approved by the Senate; with two exceptions, we knocked off $150 million for water and sewage in rural areas and $150 million under urban renewal, still leaving each of these items $200 million over the budget estimate.

I am not questioning the merits of the amendment, nor am I questioning the need for the amendment, but I certainly am questioning its timing. If this amendment is going to be pursued at all it should be pursued in a supplemental bill. I think I would be amendable to it then.

Let us look at the facts. Last year, the National Science Foundation was given, I think, $440 million. This year the budget request was $513 million—$511 million of new money and $2 million in foreign currencies.

We agreed to the full amount in conference. We are up to the budget estimate. What is going to happen if we change the bill now in any way? We will be confronted with another conference, which will take some time and, over above it all, we might end up with a pocket veto, and then where will we be with our veterans and with housing for the elderly?

I am pleading with the Senate to go along with the Appropriations Committee on this bill and leave it exactly the way it was reported by the committee so that we can get the bill signed by the President.

I plead with my distinguished colleague from Massachusetts not to press the amendment at this time because if he does, it will open up the floodgates, and if we open up the floodgates, everyone else has a pet amendment and will wish to offer it.

We have agreed in committee that we would move to lay on the table any amendments. I do not want to get to that point with the amendment of the Senator from Massachusetts that I would move to lay it on the table, just so that we can avoid a conference, so that we can get the bill signed by the President.

I again plead with my colleague from Massachusetts that I will give him every assistance possible at a later time, even on a supplemental bill, but please do not do it now.

Mr. GORE. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. GORE. The Senator from Rhode Island has made an eloquent statement. I understood him to say that the bill is identical with that which the Senate previously passed but which was vetoed, except that there are two reductions, one for $150 million for community facilities, particularly water and sewer developments, and $150 million for another category for——

Mr. PASTORE. Urban renewal.

Mr. GORE. Mr. President, there is something upside down about the priorities of the administration because there is pending on the calendar a bill to commit the United States to $1 billion for soft loans to communities in Latin America, and $100 million for soft loans through the Asian Development Bank—or whatever it is; including the building of a power line in Cambodia.

What is wrong with the priorities of the Senate and the President, that we can commit ourselves to vast amounts for projects unknown, unseen, unidentified, far away, in other lands, but we must face a veto when communities in the United States, now unable to sell their own bonds, need some money to build water facilities and sewage disposal facilities to prevent the pollution of their communities?

Mr. PASTORE. That is right.

Mr. GORE. What is wrong? It is all upside down.

Mr. PASTORE. Of course, it is upside down, but the Senator from Tennessee is making his speech to the wrong man. I am not President Nixon.

When the time comes for these bills to be called up that the Senator is complaining about, I am going to join him, but I am not talking on that subject. There is no one in the Senate who is more concerned about priorities than the senior Senator from Rhode Island; but I think I am giving you the facts of life, Mr. President and, somehow, we are old enough to understand the facts of life, that this is a bill vetoed by the President and sustained by the House of Representatives. So, what do we do? What are we going to say to the veterans in the Bronx, who cannot even light their own cigarettes, that they have to wait until we get through fussing around here, as to whether we are or are not going to give them $105 million? They will not be able to spend this money until or unless we pass this bill.

What I am pleading for is to pass this bill. That is all. The time has come when either we will do it now or we will blow this whole thing into smithereens.

Does not the Senator think that I agree something needs to be done about the National Science Foundation? Of course I do. I fought for the full amount in committee and I fought for it in conference. I came back with the full estimate. I did my job.

All I am asking now is that we not interfere with the bill now, because our veterans and the elderly need this bill, and the longer we take to pass it, it will hurt them that much more. That is all I am saying.

I am not quarreling about the aid we want to give Cambodia. I am for a domestic desk down there in the State Department. I am for a domestic aid program. I am for all that. But I do not want to be chastized, or criticized, or pointed to, as though I like to take these things away from people. My heart is as big as anyone's in the Senate, as small as I am. [Laughter].

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Boggs). The Senator from Massachusetts will state it.

Mr. KENNEDY. I understand that the amendment I am proposing contains two parts. First, it increases the NSF appropriation by $10 million. Second, it contains a proviso requiring that the additional $10 million will be spent by the NSF for programs of economic conversion. Is that statement correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I should like to address an inquiry to the manager of the bill. If we were to eliminate the first provision of the amendment, which would increase the NSF appropriation by $10 million, and retain the second part, which would require $10 million to be spent for economic conversion, would the attitude of the distinguished Senator from Rhode Island change?

Mr. PASTORE. No. I could not change, for the simple reason that the House would have to act on it again and we would have to go to conference, and that is what I want to avoid.

I repeat, that last year we appropriated $440 million for the National Science Foundation and this year they asked for $513 million. We gave them $513 million. Now they are operating under the old appropriation, under a continuing resolution, and therefore they will have some spillover. If the Senator wants to write a joint letter, I will sign it with him, so that they can use the spillover money to do what they want it to do, and we can put it in separately later, but I do not want to have it in this bill.

Mr. KENNEDY. Mr. President, in light of the points made here by the distinguished Senator from Rhode Island, I would like to reserve action on disposition of my amendment until the Senate acts on other amendments to this bill. If there are no other amendments approved on the current legislation, I certainly would not press this amendment.

Mr. PASTORE. Why does not the Senator withdraw the amendment and I will ask unanimous consent that he can renew it in case anyone else later breaks the dike.

The PRESIDING OFFICER (Mr. Boggs). The Senator from Massachusetts may withdraw his amendment.

Mr. KENNEDY. With the understanding that it can be brought up——

The PRESIDING OFFICER. The Senator does not have to have any understanding on it.

The amendment is withdrawn.

Mr. FULBRIGHT. Mr. President, I did not understand that this was to be presented as a take-it-or-leave-it bill, that no amendments of any kind would be given consideration, and that they would be tabled.

I have great respect for the Senator from Rhode Island. He handled the bill extremely well when it was before the Senate once before. I refer to the bill that was vetoed. I supported the bill, and I think that the Senator from Rhode Island did. I do not question for a moment that his views on the priorities concerning what is important in this country are just as sound or perhaps sounder than mine.

Mr. President, there is another aspect of the matter that is very difficult for me to accept. We have already allowed the Chief Executive in other areas to appropriate to himself the constitutional rights and responsibilities of the Senate in the field of war making and the deployment of troops and so forth. We come now into the area concerning the domestic needs of our people. Through this device of the veto we have to come back with a bill in which we have adapted to the views of the Executive.

We are about to give up what little power and independence of view we have with regard to domestic affairs.

It is said that we will allow the chairman of the committee to move to table the amendments. That is his privilege. I am, however, bound to offer the amendment as a matter of good practice with regard to supplying a decent amount of money for sewers and water. If my vote is the only vote, I will still have to do it.

Mr. President, when the Senate considered this bill last July, the junior Senator from New York (Mr. Goodell) was the principal sponsor of an amendment to fund the basic water and sewer grant program at its authorization level of $500 million. This amendment passed by a vote of 55 to 17. I am delighted to have the Senator from New York, who has worked so diligently in this matter, join me as a cosponsor. I know of his deep interest in this issue.

Mr. PASTORE. Mr. President, I cannot stop the Senator from offering the amendment. I will not do that. I am not trying to threaten anyone.

Mr. FULBRIGHT. I am not quarreling with the Senator.

Mr. PASTORE. Mr. President, the budget amount was $150 million. It is now $350 million. We just knocked off the $150 million. We are now $200 million over the budget estimate. I insisted upon that. And that was no small struggle, I say to my friend the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I hope that my friend, the Senator from Rhode Island, understands that nothing I have to say is meant in criticism of the Senator from Rhode Island. He played a most valiant part in the endeavor. I approve of everything that he said and did when this matter was considered on the floor.

The matter of the budget estimate is not impressive to me. This is one further example of how we abdicate to the Budget Bureau one of the principal elements of government. The budget becomes nothing but the fiscal hand of the President. It is the Executive again telling the Congress that we have nothing but a ceremonial duty to approve of what the Executive wishes.

This is becoming so clear now that even the dullest people can understand it. This is an example of giving to the executive a dictatorship in a democracy. The influence of our legislative body in the Government has been reduced to a very pitiful state indeed when we cannot even get adequate amounts of money for sewers.

I know just as much or more about the need for sewers in Arkansas than does the Budget Bureau. Mr. Shultz and the Bureau of the Budget do not have any understanding of the matter. They do not associate with people who need sewer systems. The people they consult with already have sewers. The people in the Pentagon and the Shoreham Hotel have not the slightest ideas concerning people in a small town who need sewers.

Mr. PASTORE. Mr. President, the unfortunate thing about it is that the House supported the President. If the House had overridden the veto, there is no question that the Senate would have overridden the veto.

The bill that was reported out after the veto was passed by a vote of 375 to 10. So when the Senator says that the Congress of the United States sustained the President of the United States, that refers to the House. The House did.

I regretted that, and I said that on the floor of the Senate. I repeat it again. I am not trying to shackle anyone. I am not trying to put handcuffs on anyone.

I am saying what we should do if we expect to come up with a bill.

Mr. FULBRIGHT. Mr. President, let me say again that I am not criticizing the Senator from Rhode Island.

Mr. PASTORE. I did not take it as a criticism.

Mr. FULBRIGHT. Mr. President, the Senator from Rhode Island takes his duty very seriously, and properly so. However, I still think that we are gradually allowing the remnants of the influence that Congress should have pass to the Executive. I always hesitate to say anything about the House. Under the rules, we are not supposed to say anything derogatory about the other body. However, the other body, I regret, is so complacent, that it accepts whatever the Executive recommends.

This is not the first matter on which this has occurred. This is done with all matters dealing with the military and the AEC, matters that involve most of the money. The small items are lost in the shuffle.

Mr. President, I am bound to send to the desk the same amendment we voted on before. In effect, it would simply increase the amount of money for sewers and water by $150 million.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows: The Senator from Arkansas (Mr. FULBRIGHT) for himself and Mr. GOODELL, proposes an amendment as follows:

On page 38, lines 6 and 7, strike out "$350,000,000" and insert in lieu thereof "$500,000,000".

Mr. FULBRIGHT. Mr. President, there is not very much new to be said about this matter. I said it when we dealt with this some 3 or 4 months ago. In the State of Arkansas, which I know very well, there are 16 unfunded projects with a total request of $4,408,000. There are many more which are waiting to be supplied.

I give this type of activity the highest priority. This is not only for the convenience and the help of the individuals in our smaller communities. It is also an opportunity to try to control the pollution of our waters, in this case the underground waters. It is essential if we are going to enable people to continue to live in the small towns and to give them a reasonable opportunity to have a decent life so that they will not go to the big cities and get on relief and live under ghetto conditions.

I do not think there is much more to be said. It comes down to a matter of priorities. I am sympathetic with the ideas of the Senator from Rhode Island. The President sees this matter differently. However, at some stage the Senate is under a very heavy obligation to consider what is necessary to improve the lives of our constituents.

There is great difference about the space programs—which have been talked about—and going to the moon. I was very impressed 10 days ago that one single shot of a missile carrying a telescope to go to the outer spaces fell into the ocean. It cost well over 50 percent, about 75 percent, of the amount of money contained in the amendment. It did not cause a ripple. It did not cause any question. Everyone said, "In big, expensive programs, we can expect such things to happen." I suppose that it could happen once a week for the next year and that no one would take it seriously any more than they did when the new submarine sank at the dock. I think that cost about $75 or $100 million. No one thought very much of that. It was dismissed by saying, "What do you expect with a big program?" However, when they get into matters of this kind, they are extremely parsimonious. We have to be most careful about creating a water and sewer system.

Much has been said recently in the debate about the supersonic transport. Someone characterized it as a WPA project for the west coast. The principal sponsor of that measure, after it was defeated in the Senate, emphasized the number of jobs it would have given. Yet we would have created a large number of jobs for the dollars invested in a water and sewer system. And we would be doing something useful. The whole problem of jobs would seem to be of eminent importance with regard to the SST matter but of little importance in a bill to create water and sewer systems which do not contaminate the water supply, but contribute to the betterment of our environment.

So it comes back to a simple matter. What do we think is important? Is it important to travel at a speed of 2,000 miles an hour and is it more important to send up telescopes to look at outer space than to have pure water and sewer systems on the earth? This is a simple proposition that has been debated at great length. I do not wish to delay the Senate. Let the Senate vote on the matter up or down. I merely wish to present the Senate with the opportunity to express its desire in this matter.

Mr. AIKEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, the Senator from Arkansas is correct in saying that there are innumerable small communities in the United States badly in need of water and sewer systems. But one thing that we overlook and one thing that has been overlooked for some months is that pending in the Committee on Finance is H.R. 15979, which passed the House unanimously and which would authorize the Farmers Home Administration to insure loans to public bodies, which they cannot do at present.

I would suggest that the way to meet the need of the small communities, all those with populations under 5,500, would be to get that bill out of the Committee on Finance and onto the floor of the Senate where I think it would be passed unanimously. As far as I know there is no opposition to the bill. That bill would take care—not of the big cities, and I agree they should be taken care of under another heading—but of the rural communities that are badly in need of water and sewer systems at this time.

Mr. PASTORE. I voted for the $500 million when the bill came before us. I repeat again that the President saw fit to veto the bill. Unfortunately, the House sustained that veto. Now, we are confronted with a pragmatic situation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HOLLAND. Is it not correct that as contained in this bill the item for this very worthwhile objective is more than twice as big as the budget estimate, the budget estimate having been for $150 million and the item in this bill now having been stated at $350 million?

Mr. PASTORE. The Senator is correct. I would like to have seen it at $500 million but I repeat again that this is a new ball game, a different situation, another day. Here we are nearly ready to adjourn, with all this money being held up and all these projects being held up, projects for the elderly, veterans, and so forth. I do not think we should chance another veto at this time. I do think we made a reasonable compromise. We cut the difference in two and I think we are satisfying the President and I think we should be satisfied, as well. Even if $500 million were appropriated at this time, I doubt the money could be used in a businesslike fashion. I hope this matter will be pursued later. They will have my support, but not today.

Mr. HOLLAND. As a matter of fact, $200 million of the $350 million in this bill for this worthy objective represents the view of Congress, contrasted with the view of the administration. Is that correct?

Mr. PASTORE. The Senator is correct. As a result of informal conversations back and forth we reached this figure. With respect to water and sewer facilities and urban renewal programs the committee recommendation in each instance is $200 million over the budget estimate.

Mr. HOLLAND. I was especially appreciative of the Senator mentioning that $105 million in this bill is for a peculiarly disastrously affected group of veterans, which is correct. I also call to the attention of Senators the fact that the total amount in this bill for veterans is $9,065,528,000. On this day, Pearl Harbor Day, it seems to me that the veterans are entitled to the very great attention that is given them by this bill, this being by far the largest item in the bill. Does the Senator agree?

Mr. PASTORE. I do agree. It is the largest appropriation bill for that department in the history of the department.

Mr. HOLLAND. I thank the Senator. The Senator is correct.

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I agree with the distinguished Senator from Arkansas that one of the great needs for the rural areas and the cities and towns of this country is adequate water and sewer facilities. The junior Senator from Alabama believes that the water and sewerage grant program in the HUD appropriation bill is one of the most popular Federal programs that Congress has ever enacted. We have dozens of applications by cities and towns and other public bodies in Alabama for water and sewerage grants.

I realize and recognize that even the amount proposed by the distinguished Senator from Arkansas is not adequate to meet the need. However, taking into account the fact that the appropriation bill for the last fiscal year was only $135 million, and the amount embraced in the bill as it comes to us from the committee is $350 million, it seems to the junior Senator from Alabama that it would be the better part of wisdom to accept the $350 million that seems to be relatively assured, than to run the risk of operating under a continuing appropriation which would leave us at the $135 million figure.

The junior Senator from Alabama also takes note of the fact that we have been operating under a continuing appropriation at the $135 million level, which would have caused us to expend up to this time somewhat less than $70 million. Subtracting that from the $350 million provided in the bill as it comes to us from committee would leave approximately $280 million unexpended, so that we would be able to expend for the remainder of this fiscal year at the rate of more than a half billion dollars per year. It is the opinion of the junior Senator from Alabama that it is in the best interest of the cities and towns that need water and sewerage programs to accept the committee bill and to get the $215 million annual increase rather than to run the risk of losing that increase.

The junior Senator from Alabama does not feel that any Senator in this Chamber is more interested in seeing this program fully, completely, and adequately financed, but he will accept the $350 million proposed by the committee. He would rather take that than run the risk of having to go back to $135 million.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. PASTORE. The Senator is absolutely correct. I might add that if we put back exactly what was in the bill when the President vetoed the bill, we will end up winning the battle but losing the war. That is about the size of it.

Mr. ALLEN. Mr. President, I yield the floor.

Mr. GORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Tennessee.

Mr. GORE. I wish to inquire of the able Senator if he has not noticed a change in administration fiscal policy or attitude toward fiscal matters since the exercise of the right of veto. It seems to me I had noticed, from a speech that President Nixon made last week and indications in articles and public statements of the Chairman of the Federal Reserve Board and other administration officials, that the administration now sees the error of its ways and that they now seek ways to provide jobs for millions of the unemployed, that they now seek to rectify the mistakes they have made.

Would not approval of funds for community facilities which have already been authorized, on which loan applications are pending and ready, be the most appropriate way to provide employment for unemployed Americans?

Mr. FULBRIGHT. The Senator is absolutely right. There has been an almost complete turnaround in the attitude of the administration toward inflation and the control of inflation. At the time the President vetoed the bill, the administration was pursuing a hard money policy, with high interest rates and restrictions on the supply of money, and all that goes with that. That having failed, they have now reversed the field and, as the Senator knows, there has been a dramatic decline in interest rates. The price of bonds has been booming, reflecting lower interest rates, and bond prices have been going up since the election, in the last month.

I think it is very likely that the President would not bring himself to veto the bill because of the emphasis on jobs, as the Senator has said.

I was struck by the reaction to the SST defeat. It was the only time I can think of since I have been here when I have seen the Congress, or the Senate at least, succeed in winning a battle on one of these exotic gimmicks which we are presented with either in the field of weaponry, such as the ABM, or the SST both of them highly questionable projects.

The reaction, as I have already said, was that this defeat would have a terrific impact on jobs—as if justification for continuing the SST was to give jobs, like leaf raking. I think leaf raking was about as justifiable as the SST would be. I heard on the radio the allegation that 30,000 jobs would be lost as a result. I am only submitting that the application of those jobs to water and sewer systems would be much more useful than some of these other activities.

I agree with the Senator that if there were any consistency at all in the President's present policy, he would not veto this bill; that the infusion of more money into these activities would be entirely consistent with the turnaround attitude toward our economy that has taken place as between the attitude before the election and presently.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. I would like to get into this debate. My suggestion is, why not do it on the supplemental bill when it comes up? Why take a chance on veterans and housing? If there has been a change in attitude because of the fiscal situation and there may be a policy for creating more jobs through some public works projects, I am amenable to that, but I think it should be done on a supplemental bill, and not on this one, by compelling the President to backtrack or retreat or admit at this juncture that perhaps he was wrong when he vetoed the bill. I would not expect the President to do that any more than I would expect the Senator from Tennessee to do that. I think we are fooling around with danger on a bill involving $17 billion, or almost $18 billion.

If there is a necessity to add $150 million, which would be $350 million over the budget estimate—and I have no objection to that, because I voted for it—the supplemental bill would be the better place to do that. I suggest that that amount be put in that bill, but do not put it in this bill, which provides benefits for veterans and housing, and which has been delayed for 6 months. That is my argument. I am in favor of the $500 million. I voted for it. But I think we ought to be realistic and practical if we are going to have a bill.

Mr. FULBRIGHT. I appreciate the Senator's feeling. Having charge of the bill, he naturally feels a great responsibility for it because that is his immediate duty, but, after all, I remind him the delay of 6 months was not the Senate's fault. It was the President's fault. The Senate did not delay the bill. We passed it 3 or 4 months ago. I believe the veto was in August, certainly a substantial time ago. So the responsibility for the delay affecting veterans and all these other items is at the White House.

The Senator says it is dangerous to continue this. I say it is dangerous for the Senate to give way on every matter of consequence. When we have matters involving the making of war, we are told that the President is the Commander in Chief and we should give way on it. When matters have to do with any phase of foreign relations, even the making of a treaty with Spain, and even though it is unconstitutional and clearly against the Constitution to make such arrangements with Spain without consulting this body, we are told, well, he is the Commander in Chief and in matters of war and defense we should leave it to him. Now we come down to purely domestic legislation, and again we are told it is dangerous for the Senate to say, no, we do not agree with you on priorities as between sewer systems and the space agency.

Actually, in this bill what they have really done is put in $300 million, as I recall, for space and then had it taken out of urban renewal and sewer and water. So, in effect, they are saying that space expenditures or going to the Moon or going to Mars or some place else is more important.

Mention was made of the Budget Bureau. The Budget Bureau has allowed over $300 million for these fantastic operations that have not the slightest relation to the welfare of our own people. The space program was started at a time when we were a nation that thought it had everything. It is like the man who has everything; you cannot find anything to give him for Christmas. So you find a toothbrush with a mink handle and give it to him for Christmas. It makes a good conversation piece for the man who had everything. This space program came about after sputnik. We got excited about keeping up with the Joneses and we got into the space program. Now it is out of hand.

I have great sympathy for the Senator from Rhode Island, who is managing the bill, but I think it is the Senate's responsibility to try to have the Senate function as a legislative body, and not have it become merely a ceremonial body, like the House of Lords and nearly every other Senate in the world, and gradually be eliminated from having anything except ceremonial functions.

That is about where we are now. If we accept the idea that, on a matter involving the wisdom of giving sewer and water systems to our people, the executive and the Budget Bureau know more about it than we do, I do not know what there is left for the Senate to do other than create or provide a facade for an executive dictatorship posing as a democracy. If the Senate is not to have any more influence than that, I think it is about time for us to recognize it, and we should proceed on toward becoming an obsolete House of Lords.

Mr. President, I suggest the absence of a quorum.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. If the Senator wishes to speak, I withhold that.

Mr. ALLOTT. I do.

Mr. FULBRIGHT. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I have just a few words to say. The proponent of this amendment has covered the full gamut of everything from foreign relations to the space program and fiscal responsibility. Very little has been said about sewers and water systems, which is the meat of the issue. But one of the main points the Senator has made—and I rise only to make this clear—is the constant attempt—of course, this is the Senator's belief, and he has a right to it—to make Senators think that the Chief Executive is trying to usurp all the powers of Congress.

I did not, during the last administration, except in the latter days of the Vietnam war, hear the Senator from Arkansas making any such allegations. I do not recall, during the first formative years when we decided to go to the moon, that he voted against any of those appropriations. I do not recall his ever taking the floor and speaking vociferously against it.

But I want to help the Senator out. I seriously want to help him out, because I am sure, in his mind, he finds himself in a deep quandary. If the Senator will refer to title 31 of the United States Code, he will find a title called "Money and Finance," chapter 1 of which covers the national budget and audit system.

Under section 11 of that chapter, he will see that it says:

> The President shall transmit to Congress during the first fifteen days of each regular session, the Budget, which shall set forth his Budget message, summary data and text, and supporting detail. The Budget shall set forth in such form and detail as the President may determine—

And then it lists some 11 different items.

Now, as I said, I want to help the Senator. If he really thinks that the Congress of this Nation is under the lash and choke of the President because of the budget and budget policy, he has the easiest way in the world to seek to make the Senate and Congress absolutely preeminent in this field. He can simply offer an amendment to strike section 11 of the first chapter of title 31 of the United States Code. I do not say that I would join him in that. I would not. But if he is really concerned about executive coercion he has a very easy way to attempt to correct it.

Mr. President, I wish to make the Record clear, too. The budget figure on sewers was $150 million. It was the Senator from Colorado who made the motion, in committee, to raise that amount $50 million over the budget, and make it $200 million; and that, I believe, is the form in which the bill came to the Senate.

It was then that the junior Senator from New York offered the amendment raising the amount to $500 million.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. ALLOTT. I yield.

Mr. PASTORE. What happened was that we made it $500 million, exactly the House figure. Therefore, it was not an item in conference.

Mr. ALLOTT. That is quite correct. But I wanted to make the point that it was the Senator from Colorado who raised the amount from $150 to $200 million in committee in the first instance.

Mr. PASTORE. Yes.

Mr. ALLOTT. No State has any monopoly on the need for these things. I think it is interesting that it was the junior Senator from Alabama who saw the real point at issue here so clearly: at the rate that we are spending now, we have spent in this past half year less than $70 million on this program. If we pass this measure now, we can spend in the water and sewer arena, during the last half of this fiscal year, at a rate in excess of the amount contained in the vetoed bill. The $280 million will be available for use, which is an annual rate of $560 million.

We can get this bill through. It is not a matter, alone, of getting these moneys into the pipeline. It is not a matter alone of spending money for veterans. It is not a matter alone of saving the overall money in the budget which we are wasting by the billions of dollars, simply because this Congress has not gotten its appropriations bills out in time for the departments of the Government to start their planning and to get their money at the beginning of the fiscal year.

I am sure that the distinguished chairman of the committee will agree with me that we did as well as we could on the bill this year. We were held up by lack of some authorizations. The bill, I believe, went through the Senate in August. It has not been the President who has held the matter up. If this bill has been held up, it must be charged to one branch of Congress or the other; and I will say, as for the part of the chairman and this particular Senator, that we have done everything we could to expedite these appropriations and get them passed as quickly as possible.

I think that is about all that need be said, Mr. President. The issues are very clear: Do we want a bill or not? Do we want to make this a ruptured duck session, not just a lame duck session? We can make it either one here this afternoon. I think the time has come to act upon this matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOODELL. Mr. President, during the consideration of the original appropriation measure, H.R. 17548, I offered an amendment to increase the funds for this purpose by $300 million, raising the appropriation to the level passed by the House of Representatives. The amendment passed this body overwhelmingly by a vote of 55 to 17.

Today we are debating the second fiscal 1971 appropriation bill for HUD and the various independent agencies, H.R. 19830. The time is late, and there is an urgent need to approve funds for HUD and the other agencies without delay.

I recognize fully what has been referred to here in the debate: The practical implications of a potential Presidential veto, and the limitations that places on the actions of the Senate today.

Nevertheless, Mr. President, I think each of us recognizes that the reductions made by the House of Representatives and the Senate committees in the HUD basic water and sewer grant program are extremely serious in terms of the commitment we have made to reverse the deterioration of our environment.

As my colleagues will recall, the budget request for this program was $150 million. That is a ridiculously low figure in terms of the need. The House Appropriations Committee approved that request, but the funding level was raised to $500 million by an amendment agreed to on the House floor. The Senate committee recommended $200 million, but we raised it to $500 million in the Senate.

We do not have to belabor the fact that there is a grave crisis in terms of water and sewer facilities in the communities of this Nation. Because of serious underfunding, thousands of localities have been deterred from providing adequate water and sewer facilities for the people of the community. In some cases—I am sure each Senator is familiar with specific cases of this nature; I could name a number in New York State—they have been forced to rely on old, out-of-date systems, or, worse, no system at all. Each city, town, or village without adequate water and sewer treatment facilities creates an environmental hazard in its vicinity and for those communities that are located on the same waterways.

And it is not a local problem. Water that is polluted in a local community moves to other communities polluted, and then there is an accumulation from community to community.

In addition, the lack of treatment facilities presents serious impediments to the economic development of a community. Without adequate systems, these communities are unable to attract industry so that they might grow; are unable to persuade their young people to look forward to a bright future by coming back or remaining in their communities.

For the information of Senators, I ask unanimous consent that a list of backlogged applications, compiled State by State, be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

LOCAL GOVERNMENT GRANT APPLICATIONS FOR WATER AND SEWER ASSISTANCE NOT FUNDED BY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

State	Number of grant applications	Grant applications amount (in millions)	Total project cost (in millions)
Alabama	51	$15.68	$33.66
Alaska	15	7.27	17.15
Arizona	31	11.85	26.30
Arkansas	52	20.97	45.57
California	271	158.17	365.25
Colorado	73	19.71	48.62
Connecticut	95	59.82	155.36
Delaware	8	3.30	6.99
Florida	135	69.12	164.03
Georgia	43	19.64	46.39
Hawaii	19	5.78	14.12
Idaho	3	.69	1.39
Illinois	191	89.58	201.96
Indiana	77	48.57	131.00
Iowa	67	20.58	44.89
Kansas	60	13.60	28.89

State	Number of grant applications	Grant applications amount (in millions)	Total project cost (in millions)
Kentucky	28	55.89	$136.54
Louisiana	107	70.17	158.16
Maine	48	8.31	18.58
Maryland	47	22.44	51.12
Massachusetts	225	93.33	227.23
Michigan	308	331.20	722.95
Minnesota	63	$42.49	68.76
Mississippi	29	10.88	28.48
Missouri	104	34.06	80.56
Montana	14	2.47	4.89
Nebraska	45	16.80	48.64
Nevada	16	4.30	11.27
New Hampshire	27	11.84	27.00
New Jersey	163	92.55	209.20
New Mexico	13	2.61	6.83
New York	426	441.50	887.13
North Carolina	48	19.12	51.30
North Dakota	7	2.01	3.51
Ohio	255	204.45	420.62
Oklahoma	51	15.31	36.68
Oregon	47	26.18	65.68
Pennsylvania	317	158.68	343.72
Rhode Island	26	16.93	39.08
South Carolina	44	16.63	48.40
South Dakota	17	3.76	8.07
Tennessee	47	16.33	38.91
Texas	224	55.39	130.52
Utah	60	14.01	33.41
Vermont	33	7.41	16.89
Virginia	55	47.10	101.47
Washington	63	17.06	40.51
West Virginia	36	25.13	35.54
Wisconsin	85	37.79	84.74
Wyoming	5	.37	.79
Puerto Rico	25	5.78	13.81
Virgin Islands	1	.14	.29
National total	4,308	2,496.75	5,538.22

Mr. GOODELL. Congress did respond to this need by approving the full authorization of $500 million. Unfortunately, the President felt that this item was one of two—the other being funds for the urban renewal program—that made it impossible to sign the bill. Responding to the President's requests, the appropriations for the basic water and sewer program have been cut. The House approved a funding level of $350 million, and we have before the Senate today the identical figure.

Mr. President, I understand the pressures to which the chairman has referred—to which the committee members responded—to report a bill that met the objections of the administration. I firmly believe, however, that the initial action of Congress committing the full authorization to the program was and is the proper course to take.

I do not know how long we are going to go on talking about problems of great immensity and great proportion and then appropriating money at 5 or 10 percent of the level needed to cope adequately with those problems; appropriating money at a level that inevitably mandates that we are going to be further behind next year than we are now. It is not a question of catching up gradually, moving a little faster. The truth is that funding at this level means that we are going to be in worse shape next year than we are now. We are not even going to hold even in this critical problem.

I commend the Senator from Rhode Island, who is very committed to solving this problem. I recognize the practical considerations in bringing these appropriations to the floor at this level. But I would hope that the Senate would not be satisfied with the superficial arguments—they are real in the parliamentary situation; they are superficial in terms of the people's need—that this is the highest level that we can get through. I think the Senate should assert itself in this instance.

I do not believe the President would veto this measure with an additional $150 million. I believe that other ways will be presented to us in which we can cut at least that amount of money out of the appropriations before the Senate.

When we are talking about a need of $2 to $3 billion in appropriations, is it not rather a sad commentary that the budget request is $150 million and that we have an argument here about increasing this appropriation to a level that is clearly only one-fifth of the amount needed? No one in this country is arguing for polluted water. But, a great many people are unwilling to pay the price to clean up that water.

I offered the original amendment, which was agreed to overwhelmingly in the Senate, to increase the amount to $500 million, and I commend the Senator from Arkansas for seeking this higher level—I believe a reasonable increase—which can be supported. I believe it is a reasonable level of increase over what came out of the committee and I believe it is reasonable to push the administration as far as we can push it. We all want to see this bill passed. We want the money appropriated for a variety of other purposes. But I would hope that the Senate today would make the determination that we are going to push the administration at least to the point where they will be exerting one-fifth of the effort necessary to begin to cope with this problem. That is about all we will be doing if we add this $150 million.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. AIKEN. The Senator from New York was not in the Chamber a short time ago when I pointed out that there is a bill which has rested in our Finance Committee for some months now, H.R. 15979. I believe it has a Senate counterpart. This bill passed the House unanimously. It would authorize the Farmers Home Administration to insure loans made to public bodies for water and sewage programs in rural communities up to 5,500 in population.

At the present time, I believe the Farmers Home Administration has approximately $40 million which can be given as grants. They can make loans up to a certain hopelessly inadequate amount. Because of the technicality of the law, they cannot insure loans as is done for other Government projects on the part of the Federal Government.

If we could get this bill out of the Finance Committee onto the floor of the Senate, where I am sure there would be no opposition to it, I think the $150 million lag which is worrying the Senator from New York—and I think rightly so—could be taken care of that way, without adding it to the appropriation bill.

So I think that instead of pressuring the President at this time, we should—I do not know what word to use—beg, tease. I certainly would not pressure our Finance Committee under any circumstances. But if they would only report this bill, to which there is absolutely no opposition, to the best of my knowledge, it would take care of the situation for all communities of not over 5,500 population.

Mr. GOODELL. I appreciate the comments of my esteemed colleague from Vermont, but I must say, I do not think the bill would take care of the situation.

Mr. AIKEN. It would not take care of it in Albany or Schenectady.

Mr. GOODELL. No, it would not take care of the problem in Albany or Schenectady and it would not take care of a great many other communities.

I must say that insured loans are good and I am for that program. I hope that we can bring that forward as a supplemental approach. But we are dealing here with a situation where many communities just do not have the tax base to support a loan. They do not have the tax base to borrow the money unless the Federal Government can make grants available in sufficient quantity. Thus, I do not think it is an either/or proposition. We need grant programs at a far higher level, actually four or five times the level we are talking about today, in addition to the loan programs, so that the local community can provide its share.

Mr. AIKEN. The Farmers Home Administration assures me that if the bill now in the Finance Committee is enacted they have water and sewer applications enough on hand so that they can double or triple their program. This would bring the present level of $86 million in insured loans up to $350 million. I do not recall exactly, but I think the agriculture appropriations bill carries $100 million in grants. Would the Senator from Florida know that? Is not the Farmers Home Administration, under the appropriations bill, authorized to grant up to $100 million for water and sewage programs?

Mr. HOLLAND. Mr. President, I do not recall exactly the amount, but it has a large authorization. Besides, it has a large revolving fund. It is always preferable to have the Federal Government insure. The Farmers Home Administration insurance program has been a successful one. It has not had to pay out any appreciable portion of the amount of the loans insured.

Mr. AIKEN. My understanding, according to the Treasury, is that they cannot insure loans for sewage or water programs to public bodies—that is, the Farmers Home Administration; because under a quirk of the law, I believe that the income from such loans would be exempt from taxation, and, of course, that is not the thing to do these days.

I believe that the pending bill in the Finance Committee, which passed the House, would provide that income from the bonds would be subject to taxation. I may be mistaken about that, but I do not believe so.

Mr. GOODELL. My understanding is the same as the Senator's.

Mr. AIKEN. The Farmers Home Administration feels they are handicapped until the bill which is now pending in the Finance Committee is brought out and passed. There was no opposition in the House. To the best of my knowledge, there is no opposition in the Senate. It has simply been put to rest, gone to sleep, or something has happened to it.

Mr. GOODELL. Mr. President, I join the Senator from Vermont in desiring to have this legislation come to a vote from the Finance Committee but not as an alternative to this program. I do not think it is a substitute, by any means. It is a program which the Senator from Vermont says is limited to communities of 5,500 population or less. I did introduce an amendment last summer, which passed the Senate, to increase the funds for that program.

We are dealing here with a situation across the country where many communities literally are facing bankruptcy. They may not be able to meet their bills. The local governments, businesses, and individuals, are facing bankruptcy, the Senator is absolutely right. But the local communities cannot meet this problem alone. They cannot raise their taxes, in many cases, because they do not have the tax base to do it. I think the time has come when we must recognize the Federal Government is the only one that can provide the substantial part of the wherewithal necessary to do this job. It is not enough any more to say to the local communities, "Raise your own money, your own revenue, for this kind of problem."

It would be one thing if we were talking about a projected need of $500 million a year from the Federal Government and compromising out at $350 million. The truth of the matter is, if we put this in perspective, we are talking about a projected need from the Federal Government of about $2 billion and we are coming forth with a program at $350 million this fiscal year. That is not enough.

Mr. President, I have no wish to detain the Senate longer. The record is clear from the debate last summer and the debate here today. I know there is not a Senator in this Chamber today who does not wish we could put more money in the bill. I know that is particularly true of the senior Senator from Rhode Island (Mr. Pastore). He, too, wishes that we had more money in the bill—a bill that would be signed by the President. But I would hope, recognizing the proportions of the need, that Senators will not back away from what I would call a minor confrontation with the President on this issue. I do not believe that $150 million represents a major confrontation when we are talking about an area of critical need. The longer we neglect it, the more difficult it will be to solve.

I know that the distinguished Senators from Rhode Island and Colorado will be seeking as much money as possible next year in this appropriation. The authorization for the program for fiscal 1972 is $1 billion. That figure is inadequate. It represents only about one-third of the funds needed to meet the present backlog of more than $2.5 billion. Nevertheless, I think it represents a good beginning in the fight to fund the water and sewer grant program at more realistic levels.

Now, however, I think that we should take the first step; adopt this amendment.

Mr. PASTORE. Mr. President, if no one else desires to speak on this amendment, let me say that we have already had a confrontation and the veto by the President which the House sustained.

For those reasons now, and for the reasons already given, I move to lay the amendment on the table.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

There was not a sufficient second.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Dole). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Dole). The question is on agreeing to the motion to lay on the table the amendment (No. 412) of the Senator from Arkansas (Mr. Fulbright).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Michigan (Mr. Hart), the Senator from Wyoming (Mr. McGee), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman), the Senator from Illinois (Mr. Stevenson), the Senator from Maryland (Mr. Tydings) and the Senator from New Jersey (Mr. Williams), are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan), is absent on official business.

I also announce that the Senator from Washington (Mr. Magnuson), is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), the Senator from Illinois (Mr. Stevenson) would each vote "yea."

I further announce that, if present and voting, the Senator from New Jersey (Mr. Williams) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. Cook), the Senator from Nebraska (Mr. Curtis), the Senator from Colorado (Mr. Dominick), the Senators from Arizona (Mr. Goldwater and Mr. Fannin), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from New Jersey (Mr. Case) and the Senator from Oregon (Mr. Hatfield) are absent on official business.

The Senator from South Dakota (Mr. Mundt), is absent because of illness.

The Senator from Maryland (Mr. Mathias) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. Curtis), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Fannin) and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Texas would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 52, nays 25, as follows:

[No. 412 Leg.]

YEAS—52

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Cotton
Dole
Eagleton
Ellender
Ervin
Fong
Griffin
Gurney
Hansen
Holland
Hruska
Inouye
Jackson
Jordan, Idaho
Long
Mansfield
McClellan
McIntyre
Miller
Montoya
Murphy
Pastore
Pearson
Pell
Prouty
Randolph
Saxbe
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—25

Brooke
Burdick
Church
Cranston
Fulbright
Goodell
Gore
Gravel
Harris
Hartke
Hollings
Hughes
Javits
Kennedy
McCarthy
McGovern
Metcalf
Mondale
Moss
Muskie
Nelson
Packwood
Proxmire
Ribicoff
Yarborough

NOT VOTING—23

Bayh
Case
Cook
Curtis
Dodd
Dominick
Eastland
Fannin
Goldwater
Hart
Hatfield
Jordan, N.C.
Magnuson
Mathias
McGee
Mundt
Percy
Russell
Sparkman
Stevenson
Tower
Tydings
Williams, N.J.

So Mr. Pastore's motion to lay Mr. Fulbright's amendment on the table was agreed to.

Mr. MONDALE. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with, and that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment ordered to be printed in the Record, is as follows:

On page 19, line 19, strike out "$2,565,000,000" and insert in lieu thereof "$2,455,000,000".

On page 19, line 20, insert before the period a colon and the following: "*Provided*, That this appropriation shall not be available for the design or definition of any space shuttle or space station".

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. PASTORE. Mr. President, I ask unanimous consent that the debate on this amendment be limited to 1 hour, 30 minutes to each side, under the usual rules.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered. The agreement will be in the usual form, with time to be controlled by the mover of the amendment and the manager of the bill.

Mr. MONDALE. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator will suspend until we have order. The Senate will be in order. Senators will please be seated.

The Senator from Minnesota may proceed.

Mr. MONDALE. Mr. President, I have called up my amendment to strike $110 million found in this appropriation bill for hardening the design, as it is called, of the space shuttle station program.

This amendment, jointly sponsored by Senators CASE, JAVITS, PROXMIRE, and myself, would reduce the NASA fiscal year 1971 appropriation for research and development by $110 million—the amount requested by NASA for design and definition of the space shuttle station The amendment also would prohibit the use of any part of the NASA appropriation for that purpose.

The space shuttle station represents what NASA itself calls "a new epoch in manned space flight." It is the beginning of a new phase of the manned space program—a phase as large or larger in scope than the Apollo program.

The first aspect of this project is to develop a chemically fueled, two-stage reuseable shuttle, which will operate between the surface of the earth and low earth orbit. The second is to develop a space station as a permanent structure in orbit designed initially for the support of 6 to 12 occupants; ultimately, NASA hopes to erect a space base by joining together these space stations, and this base will be capable of supporting between 50 and 100 men in earth orbit.

The $110 million requested for the coming fiscal year is only a small part of the project's ultimate cost. NASA's preliminary cost estimates for development of the space shuttle station total almost $14 billion. The original $6 billion estimates for the shuttle alone has now risen to $10 billion, and NASA officials readily concede that these preliminary estimates are unreliable. Indeed, preliminary cost estimates in the space field are uniformly low, often only a fraction of ultimate cost. It is quite likely, therefore, that the ultimate cost of this project will greatly exceed $14 billion.

The shuttle station is intimately related to an even more ambitious effort. NASA proposes to embark this year upon a new space program based upon new hardware, almost entirely in support of manned missions, with a manned Mars landing as the ultimate objective. The shuttle station is the first step toward this objective.

Without the shuttle and without the 100-man space station to assemble the various spacecraft and other paraphernalia to get men to Mars, no manned Mars program is possible. NASA has testified that as soon as the shuttle and station have been developed, it plans to spend for a manned Mars exploration program $100 million in fiscal year 1977, $300 million in fiscal 1978, and $1 billion in fiscal 1979.

If this is so, the shuttle station will be the initial phase of a program with an estimated cost of $50 to $100 billion over the next 15 years.

Proponents of this project strongly deny that its approval in any way amounts to approval of a manned flight to Mars. But they concede that the shuttle and station are essential first steps for such a flight.

We might be reminded that a year ago the Vice President announced we should begin a manned program to Mars.

To make the case for our amendment, however, it is not necessary to demonstrate the relationship between the shuttle station and a planned manned landing on Mars. For no one denies that the shuttle station is the beginning of a new and expanded manned space program. Thus, our approval of this appropriation must be considered as initial congressional approval of this "new epoch in manned space flight."

Our amendment is a bipartisan effort to prevent Congress from sliding into such a commitment—a commitment which eventually will cost the American taxpayer billions of dollars.

The amendment would strike from this program one of the most wasteful and indefensible items in the budget; one that bears no relation to our many compelling domestic and human needs in our society; one which has little scientific yield; one which would take enormous amounts of money from that part of the program which does have great scientific yield; and one which has little or no military significance, as demonstrated by the abandonment of the MOL program by the Air Force.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield.

Mr. FULBRIGHT. I would like to be listed as a cosponsor of the amendment.

Mr. MONDALE. I thank the Senator.

Mr. President, I ask unanimous consent that the name of the Senator from Arkansas be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. The Senator from Minnesota mentioned that part of the space program has yielded great scientific results. Which part did he have in mind?

Mr. MONDALE. The unmanned space effort. That part of the space program—which has admittedly contributed to our knowledge in the fields of international communication, navigation, astronomy, discovery of the Van Allen Belt—has all been the result of unmanned instrumented flights, which has been done at a much cheaper cost than the manned space program. That is exactly the area where the Russians are outdoing us, and at a cost of what is said to be one-twentieth of the cost of our manned effort.

Mr. FULBRIGHT. That kind of program does not make as good a television program as a manned space program does. Is that correct?

Mr. MONDALE. It makes a very poor television show, but if one is a scientist, it is of great significance. That is why Dr. Van Allen, Dr. Gold, and others favor a change in orientation. That is why so many top scientists have quit the space program—because it is a great show, with very little scientific yield.

Mr. FULBRIGHT. I thank the Senator.

Mr. MONDALE. The proponents of the shuttle station insist that the $110 million requested for design and definition does not commit us to its development. They contend that this money is for further study, not development, and that the crucial decision whether to proceed with this project will be made next year by NASA and the Congress.

Implicit in this argument is the notion that $110 million is a minor expenditure. It is not—$110 million is more than the administration has budgeted in fiscal year 1971 to combat air pollution; it is more than the $84 million special milk program, which the President wanted to terminate as an "economy measure"; and it is twice what we spend for one of our most effective antipoverty efforts, OEO's legal services programs.

Bear in mind that we just decided against giving grants for water and sewage systems that would be of great assistance to our communities. We decided to cut out several hundred million dollars for urban renewal. But we decided to add the full amount of $110 million for design and definition of the space shuttle station program.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. FULBRIGHT. In the context of that program, $110 million is not very much.

Mr. MONDALE. No; it is not very much.

Mr. FULBRIGHT. A few days ago we saw the failure of the $98.5 million stargazer telescope experiment. They say, "Oh, well, in a program like this, we have to expect that." They get accustomed to thinking that $110 million is not much to talk about, so long as it is in the space program.

Mr. MONDALE. One wonders what the reaction would be if $95 million were lost in the Headstart program or any of the other education programs, but a loss of $95 million involving a space telescope is insignificant when measured against the total cost of the space program. More than that, if we go ahead with the space shuttle station, it really will be peanuts. The $110 million is just a downpayment. As we have often seen here, the way we back into multimillion-dollar programs is not really facing up to issues at the appropriate time; but we add a bit here and there, and then when Congress sees the tremendous obligations to which we have committed ourselves, we say, "It is too late. We have already spent $200 or $300 million. It would be a waste to stop now."

Mr. FULBRIGHT. That is exactly what was said about the SST, when we were asked to spend another $1 billion. Somewhat the same argument was made with respect to the ABM.

Mr. MONDALE. The main argument made during the carrier debate was that we had already spent $140 million on an aircraft carrier and that we would be wasting that money by stopping the carrier. It that correct?

Mr. FULBRIGHT. That is correct.

Mr. MONDALE. Furthermore, it is clear that the requested funding for design and definition of this project is for more than basic research—conducted in

NASA's own laboratories. Design and definition is what NASA calls phase B of a planned project. In fiscal year 1970, NASA spent $18.5 million to complete phase A, that is, to determine the feasibility of the shuttle and station. NASA now wants to move to phase B, and it has already awarded contracts for this purpose to several aerospace companies.

An $18.5 million expenditure has thus escalated into a request to spend an additional $110 million. Private contractors are involved. Industry is eagerly anticipating large contracts in the future.

And if the past is any guide, NASA will ask Congress next year for several hundred million more for this project, and return again and again for hundreds of millions to continue its development. Congress will then be told that it is too late to stop the project—too late because of the enormous funds already invested.

It does not make a great deal of difference, then, whether you characterize the $110 million in this bill as "development" or a "study." In either case, the approval of these funds will put us on the road toward another multibillion dollar manned space program.

So we will find ourselves in this position: to save a few hundred million dollars, we will proceed to spend some $20 billion.

The budgetary implications of such a commitment are staggering. If development of the shuttle/station proceeds, NASA projects a space budget of approximately $7 billion in fiscal year 1979—more than double this year's budget.

The President's successful veto of the HUD—Independent Offices appropriation bill in August—on the grounds that Congress had added approximately $700 million to his budget for urban renewal and water and sewer grants—dramatically raises an issue of national priorities.

It is tragic enough that we cannot find the resources for urgent domestic needs when we are spending $3.2 billion on space. What will happen when that budget rises to $7 billion? The Congress should answer this question before approving these funds.

While maintaining that no commitment is involved in approving this appropriation, the project's proponents also argue that the shuttle will actually save the taxpayer's money. They contend that the shuttle, unlike present boosters, will be reuseable, and could thereby reduce the cost per pound of payload in orbit by a factor of 10.

But this reasoning overlooks the fact that it will cost billions of dollars to develop the space shuttle. Once developed, it has been estimated that the shuttle will cost hundreds of millions to procure, whereas the launch vehicles to be replaced by the shuttle—Delta through Titan—cost from $3.5 million to $20 million for each vehicle. Given these extremely high development and procurement costs, the alleged savings from use of the shuttle will occur only if the scope of U.S. space activities is greatly expanded in future years.

NASA officials are relying on such expansion. They anticipate a minimum of 30 flights per year by NASA and an equivalent number in support of DOD programs.

The leading House opponent of the shuttle/station—Congressman JOSEPH KARTH of Minnesota, who is chairman of the Subcommittee on Space Science and Applications and a strong supporter of the space program—made the following observation about NASA's calculations:

> During the entire decade of the sixties, NASA exceeded 30 launches per year only once—36 in 1966—including Scouts and Saturn V's which are not to be replaced by the space shuttle. Assuming the space shuttle's payload capacity (of placing 50,000 pounds in orbit) would be fully utilized on each of the projected 60 yearly flights, this adds up to 3 million pounds of payload launched into orbit each year.
>
> How do 3 million pounds of payload in orbit compare with the space program of the past? In terms of cumulative payload launched, 1969 was NASA's biggest year with 442,358 pounds, over 97 percent of which was attributed to the four Apollo flights.

Congressman KARTH notes that the NASA budget—which has declined annually since 1965—must increase dramatically during the next few years to support this project if the space shuttle is to fly by 1977; and their budget would have to increase even more after the shuttle becomes operational in order to support the kind of ambitious program it is designed to serve.

The United States cannot afford such an ambitious space program and the American taxpayer should not have to bear the burden. Rather than testing the taxpayer's endurance, we should follow the course recommended by seven members of the House Committee on Science and Astronautics—that is, cost effectiveness studies should be conducted comparing the operation of the space shuttle with the continued use of existing expendable launch vehicles before sizable amounts of money are applied to the project.

It is clear that if we appropriate the funds requested here, we will be committing this Nation to a vastly more expensive and ambitious effort than the project's proponents would have us believe. But aside from the potential cost of both the shuttle and station, there are other basic reasons for opposing this project.

To begin with, the shuttle/station will insure the continued dominance of manned flights over unmanned flights—despite the fact that many of our most prominent space scientists strongly favor an unmanned, instrumented program. The recent success of the Soviet unmanned flights to the moon—Luna 16 and Luna 17—has reinforced the increasing objections in the scientific community to another massive U.S. commitment to manned space flight.

To these scientists, unmanned flights are far more economical than manned flights and produce more advantageous applications of space technology.

For example, Dr. Thomas Gold, chairman of the ad hoc Space Science Panel of the President's Science Advisory Committee, made the following observation about the relative value of manned and unmanned space flight:

> The unmanned space program is more economical by far and can be more effective than a manned program in both scientific exploration and the economically advantageous applications of space technology. We have recently seen that sample return from the moon can be done unmanned. There is little question that the sample return from Mars and the other planets will be achieved by unmanned means long before there is any serious question of manned flights to these bodies. Very important consequences for our understanding of the solar system and possibly of the origin of life will come from such sample return missions.
>
> Similarly, in the applications program there is no case for the expense of manned flight. All tasks now contemplated can be done by remotely controlled instruments much more economically.

Dr. James A. Van Allen, one of our most prominent space scientists, has often advocated a reorientation of our space program toward unmanned flights. In a recent statement supporting our amendment, Dr. Van Allen said:

> I am totally unpersuaded that men in spacecraft are important or even useful in any way that is commensurate with the effort required to maintain them there. In fact, their presence degrades almost all of the objectives in space that I consider important. And I hold this view despite the fact that I am a devoted admirer of astronauts at the level of personal courage and professional competence. I favor the indefinite deferral of major engineering studies of space shuttle and other space transportation systems which contemplate the establishment of manned space stations and other facilities of this nature.

Brian O'Leary, a former scientist astronaut and now an astronomy professor at Cornell, recently wrote that:

> We should encourage science looking for a mission rather than a mission looking for science; we should ask how we can best perform a mission manned or unmanned, not what we can do with the man.
>
> In these times of conflicting, uncertain goals both inside and outside NASA, I think the unmanned planetary program provides a good example of what can be done. The Mariner 6 and 7 flyby missions gave us remarkable pictures and valuable scientific information, yet each cost less than 15 percent of the price of sending two test pilots to the moon.

And Max Born, a distinguished physicist and Nobel prize winner, has commented that the manned space program was a "triumph of intellect but a failure of reason." To him, the manned missions are senseless, because their cost so far outweighs their scientific value and the money is so badly needed elsewhere.

NASA has ignored this type of criticism and is making no effort to redress the present imbalance between manned and unmanned flights. While NASA's projected budgets go from $4 billion in fiscal year 1972 to $6.8 billion in fiscal year 1979, the unmanned effort will remain at a constant level. In fiscal year 1979, it is estimated that 68 percent of NASA's total budget will be spent on manned flight missions—including the shuttle/station and the planning for a manned Mars landing.

It is clear that a meaningful and scientifically productive unmanned space program would place much less of a strain on national resources than the manned program envisioned by advocates of the shuttle/station. The Russians claim that an unmanned flight costs one-twentieth as much as a manned flight designed for the same task—and our own experts agree that unmanned flights are far cheaper than manned operations.

Dr. Van Allen has estimated that a fully adequate unmanned space program would cost more than $2 billion a year. This should be compared with NASA's projected space budget of almost $7 billion in fiscal year 1979 if development of the shuttle/station proceeds. Such an increase in our annual space budget will further limit the availability of funds for vital domestic programs.

Dr. Van Allen recently observed:

> Space exploration is experimental. There is ample room for imaginative effort. But responsible public policy does not, at this stage of history, permit all-out, money-is-no-object attack.

However, even if a new, ambitious manned space effort could be justified, it is premature to begin development of the shuttle/station now. For this project is based on the assumption that man can function effectively in a space environment for long periods of time. But at this point, we simply do not know the feasibility of long-duration operations in such an environment.

A 1969 report by the House Subcommitee on Space Science and Applications stated that:

> If there is an ultimate limiting factor (to exploring space), it may well be the length of time through which man can endure the influences of the hostile environments encountered beyond the earth. The extent and limits of human frailty or endurance have not yet been established.

Weightlessness and other special effects of the space environment may be extremely deleterious and even fatal to man after extended space flight. The Biosatellite III mission resulted in the death of a monkey after 8½ days of a scheduled 30-day flight. Medical experts believe that the monkey died of an excessive loss of body fluids due to weightlessness.

According to news accounts, the Soviet cosmonauts aboard Soyuz 9 have been troubled with instability of the cardiovascular system and difficulty in sleeping after their record space flight of nearly 18 days. A number of American scientists feel that the medical results of this flight reinforce their view that many unanswered questions remain about the biomedical effects of long-duration space flight.

NASA, of course, is most concerned about these important medical problems. The Sky Lab project, scheduled to begin in 1972, will be an earth orbiting manned station designed to determine the feasibility of manned operations in a space environment over extended periods of time. This project will utilize modified hardware already developed in the Apollo program.

The Sky Lab will be placed into earth orbit and each of three manned missions will rendevous and dock with the workshop. The first of these missions will last for 28 days, and the second and third will each last for 56 days. According to the report of the House Space Committee, these missions "are a prelude to the operation of a space station and space shuttle" and their "greatest importance will be to demonstrate during long-duration manned flights the inter-association of man and his experiments."

These Sky Lab missions are crucial to the future of long-duration manned space flight. For after hearing the testimony of a series of medical experts, the House Subcommittee on Space Science and Applications found that "the warning flags are already flying" with respect to the possible deleterious effects on men exposed to the hazards of long-duration flight. The subcommittee's report came to the following conclusion:

> The ability to predict man's enduring tolerance to the environment of space, particularly prolonged weightlessness, is limited. The consensus is that current knowledge based on flights up to 14 days is adequate to proceed with planning the proposed 28-day Sky Lab mission. But it is illogical to conclude from the results of successful short flights that long duration flights can be scheduled without risk of *unacceptable consequences*. Accordingly, present knowledge is considered inadequate to safely proceed with the proposed 56-day flight, or longer flights to the planets, without adequate testing and satisfactory monitoring of astronauts on the 28-day flights, in carefully planned scientific experiments beyond any yet undertaken in manned flight.

In short, until this sky lab experiment is completed in 1973, we will not know whether or not man will be able to use the shuttle/station. If the sky lab missions demonstrate that man cannot operate effectively in space for long periods of time, then the enormous funds allocated for the space shuttle/station will have been wasted—regardless of whether the expenditure is labeled as a "study" or as development.

And even if it is demonstrated that man can survive in such an environment, the station will undoubtedly have to be tailored to solve various biomedical problems. It is, therefore, senseless to spend millions of dollars on design and definition before we know the answers to these problems.

As one Congressman noted, it is strange, indeed, to begin funding for a giant space station before we have even flown the small one which is supposed to test the concept of space station flight.

In addition to the unknowns about man's adaptability to long-duration space flight, extremely complex technical problems are posed by the shuttle and station. NASA acknowledges that design and development of the shuttle represents a new and formidable technical challenge, which will require maximum innovation on the part of the aerospace industry. Congressman Karth pointed out that, before the shuttle can become a reality, many difficult technological advances must occur in such areas as configuration and aerodynamics, heat protection, guidance and control, and propulsion. As a result of these technical complexities, a recent issue of Aviation Week and Space Technology notes that—

> There has developed within NASA a schism in approach to design-in size, configuration and operational requirements.

NASA originally planned to complete design and definition of the shuttle in 11 months. But, according to recent news stories, this phase of the shuttle has been extended by another 6 months or perhaps longer in order to solve any persistent problems.

If it is true, as NASA claims, that the shuttle/station is not a "crash project," then the results of the sky lab experiments should be considered and these technical problems should be resolved before moving to design and definition.

It should be emphasized that the decision to delete funds for design and definition of the space shuttle/station will not kill the project. NASA officials have testified that approximately $80 million will be spent during fiscal year 1971 in direct support of this project by NASA's Office of Advanced Research and Technology. This research is aimed at solving the difficult technical problems presented by the shuttle/station.

For all of these reasons, then, we should prohibit the use of any funds for design and definition of the space shuttle/station—pending the completion of the sky lab missions, the solution of technical problems, and a complete examination of the proper balance between manned and unmanned flights in the space program of the future.

In the final analysis, I would hope that the decision will be made to cancel this project.

Let us be very clear about the implications of voting against the shuttle/station.

This is not a matter of sacrificing real scientific advantage. Our best space scientists have told us this program is an unnecessary luxury.

It is a matter of beginning the work of reordering our national priorities.

The Congress and the country simply cannot afford a new manned space extravaganza while the desperate needs of millions of Americans are still unmet.

I ask unanimous consent to have printed in the Record four letters and two statements from distinguished scientists—Dr. Van Allen, Dr. Adey, and Dr. Gold, as well as another letter from Dr. Brian O'Leary, a former scientist-astronaut, who resigned from the space program because of his objections to the lack of scientific direction in the space program.

There being no objection, the material was ordered to be printed in the Record, as follows:

The University of Iowa,
Iowa City, Iowa, June 29, 1970.

Hon. Walter Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: I am writing to give you my views on the proposed *space shuttle* program of the National Aeronuatics and Space Administration, as outlined in testimony before the Committee on Aeronautical and Space Sciences of the United States Senate on 20 and 27 February 1970.

During over 24 years of professional experience in space research, I have come to the considered view that automated, commandable space equipment provides a much more economical method thaan do manned systems for the conduct of both utilitarian and scientific missions. Nothing within the Mercury, Gemini, and Appollo programs has changed my mind. On the contrary they have reinforced my stand in a massive way.

The current and proposed space shuttle studies are being conducted on a competent engineering basis and may very well demonstrate the technical feasibility of developing such a system for $6,000,000,000 or thereabouts.

The *real questions* are, however, the following:

(a) Do manned systems possess any unique, useful capabilities in space that an unmanned system cannot be built to possess?

(b) Are manned systems at present or in the foreseeable future economically competitive for any specific purpose with automated, commandable systems?

(c) Can men operate alertly, intelligently, and healthfully for long periods of space flight?

I believe that the answers to Questions (a) and (b) are almost certainly "No". The answer to Question (c) is still unclear.

On these grounds I hold that large scale engineering studies looking toward the development of a space shuttle are not sufficiently well grounded in purpose or significance to justify a substantial commitment of national resources at this time.

Sincerely yours,

J. A. Van Allen,
Head of Department.

Statement by Dr. James A. Van Allen Concerning the Space Program of the United States

INTRODUCTORY REMARKS

Within a period of some 15 years, space exploration has enriched human life immensely and has yielded technical advances of far-reaching importance. The United States and indeed the whole of civilization would be much the poorer without it.

Yet at this date, the temper of the times is such that the scope and character of the entire effort are under critical review. Thoughtful and sincere persons have widely different views on how we should go forward from this point.

I am a durable and devoted advocate of the space program of the United States. As such, I consider it of the utmost importance to devise a national program that is (a) soundly based in its purposes and (b) at such a level of effort as will be generally regarded as a stable and appropriate element of public policy. To be more specific, I am suggesting that the National Aeronautics and Space Administration be placed in roughly the same context as the Atomic Energy Commission as a durable agency of the federal government.

NATURE OF THE SPACE PROGRAM

Isolated, spectacular achievements in space, inspiring as they have been during the past several years, are difficult if not impossible to sustain and form, at best, a fragile and elusive basis for long term effort.

There is ample room for imagination and brilliance in our future program, but solid competence and integrity of effort must be counted as the most vital ingredients.

With these thoughts in mind, I urge for the next decade:

(a) that we cease regarding the space flight of men as an objective for its own sake and

(b) that we organize and focus our efforts toward two, and, only two, objectives.

Both objectives are central to the post-industrial revolution in which modern civilization finds itself.

First. There are many applications of space technology which have immense utilitarian potential. Rapid and efficient radio communication with all of its ramifications is perhaps the most important. Satellite relay systems already have a significant role in routine transoceanic communications—both civil and military. It is reasonable to expect that within the next decade they can be expanded to convey basic education, as well as current information and cultural advancement, to hundreds of millions of persons, young and old, throughout the world. Aircraft traffic control and the processing of data by centralized computers are other significant applications of satellite relays.

Comprehensive and continuous study of the earth from orbiting observatories is a second major application of space technology. Meteorological satellites already have a vital role in weather forecast and in advancing our understanding of the dynamics of the earth's atmosphere. Broad-scale satellite surveys of the surface of the earth in analytical detail and from many different points of view are now getting underway. Within the next few years the power of these techniques will be assessed in an imaginative and critical way. There is ample reason to expect that they will be of great value for studying the surface and sub-surface flow of water, the health of forests and crops, the existence of mineral deposits, the nature of ocean currents, the persence of icebergs in sea lanes, and other matters of economic importance.

There is no visible alternative to an agency of the federal government for undertaking the basic development of all of the above mentioned applications of space technology.

Second. Space exploration has already produced a new era in the advancement of scientific knowledge. Through its own laboratories and through its diverse alliances with university and industrial laboratories, NASA has created a national scientific establishment that is the envy of every other nation. It is powerful and productive, yet flexible and diverse. My own belief is that the enlargement of man's perception of the physical universe and of his role therein should be and can be one of the solid components of the post-industrial revolution, as it was at a primitive level during the renaissance.

Science is sophisticated and subtle in its workings but its substance is deeply pervasive and it provides the solid footings for an infinite diversity of useful applications. Indeed, science is one of the central objectives of our vast national commitment to higher education.

Space science ranges over the entire universe from the earth as a scientific object, to the moon, to the sun, to the planets and the other components of our solar system, and outward to the most remote astronomical entities.

There is no doubt in my mind that from the perspective of a hundred years hence, our civilization will be, or at least can be, known as an era of unprecedented advancement of scientific knowledge.

I urge that space science be adopted explicitly and forthrightly as a national goal.

PRACTICALITIES

Even if one accepts everything that I have written above, there remain the practical questions of the appropriate scale and pace of the effort.

Here, I adopt an altogether pragmatic stand.

Space exploration is *experimental.* There is ample room for imaginative effort. But responsible public policy does not, at this stage of history, permit an all-out, money-is-no-object attack.

Every fresh result must be thoroughly assessed as a foundation for the next major step.

As a specific example, I am unable to envision the soundness of planning on the delivery into space of even as much as one ton of spacecraft per week during the next decade. In the context of my earlier discussion, my own assessment is considerably less.

Secondly, I am totally unpersuaded that men in spacecraft are important or even useful in any way that is commensurate with the effort required to maintain them there. In fact, their presence degrades almost all of the objectives in space that I consider important. And I hold this view despite the fact that I am a devoted admirer of astronauts at the level of personal courage and professional competence.

With these assessments in mind I come to several specific conclusions that are pertinent to the current season of congressional consideration:

(a) I fully support the on-going and proposed NASA program of space science and applications, in the spirit of my introductory remarks.

(b) I favor the phasing out of manned space flight during the next three years, after completion of the currently planned Apollo and Skylab A missions.

(c) I favor the indefinite deferral of major engineering studies of space shuttle and other space transportation systems which contemplate the establishment of manned space stations and other facilities of this nature.

University of California,
Los Angeles,
Los Angeles, Calif., June 29, 1970.

Senator Walter F. Mondale
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: With Senate action now pending on the Space Shuttle, I submit for your consideration the following viewpoints as important in the determination of priorities in the space program in the coming decade. I write as a concerned biomedical scientist who has participated in the space program for the past ten years, both as an investigator in manned and unmanned flights, and as a member of committees and review bodies with an advisory role to both government and NASA.

Priorities in the space program since its inception have placed major emphasis on manned programs, with particular emphasis on the engineering aspects of needed hardware for reliable mission accomplishment. Although there can be no quarrel with the development of spacecraft engineering with reliability assured for manned flight, the price paid has been very high, so high that it appears to have been markedly detrimental to a balance between manned and unmanned space developments. Moreover, emphasis within the manned program has been on man as a test pilot in evaluation of engineering goals, rather than as a biological system himself, requiring the same careful long-term and detailed evaluation if the goal of long-term space flight is to be accomplished.

Biomedical information currently available is not adequate in critically important areas for the design or construction of space stations or interplanetary spacecraft. Specifically, we do not know whether it will be necessary to provide artificial gravity by some form of rotation of part or all of the spacecraft. Biomedical evidence from the U.S. manned program, and particularly from the recent U.S. monkey biosatellite flight, and from the Soviet Soyuz–9 manned flight, all indicate that there are significant problems of cardiovascular instability, body weight loss, and associated disturbances in daily body rhythms and certain nervous functions.

Yet to build spacecraft with a full artificial gravity as on earth, provided by rotation, predicates systems of very large dimensions for acceptable human comfort. Moreover, levels of gravity much less than 1 G may be adequate to prevent medical deterioration, and it is possible that drug and hormone therapy, properly developed, may greatly assist on long missions.

No adequate biomedical basis for these engineering systems is now available, either in the NASA or in the biomedical community. Therefore, it is imperative that NASA collect comprehensive biomedical data as an engineering baseline for design of future spacecraft for prolonged human occupancy.

It is here that there are grounds for concern. NASA has a long history of making commitments to biomedical investigations, which have been repeatedly reduced or even shelved in favor of mission goals of a primarily engineering character. The proposed medical studies in the Skylab missions were initially designed to overcome many deficiencies in the current status of space medicine and physiology. Every effort should be made to safeguard the prime importance of the biomedical aspects of these missions.

In this context, development of a Space Shuttle should be reviewed in terms of its potential contribution to acquisition of needed biomedical information. Its use as an adjunct to physical and life science investigations should be evaluated against likely progress of biomedical research in the Skylab program in the absence of such a vehicle. Medical and psychological studies planned for Skylab will provide much neeeded information relevant to design of spacecraft for prolonged human occupancy. They are expected to settle many basic issues concerning needs for artificial gravity.

Therefore, it is submitted that the program for a Space Shuttle might well remain in the phase of fundamental research and feasibility studies, pending the outcome of medical investigations in the Skylab program. At the same time, avoiding commitment to heavy expenditure in this area would afford an excellent opportunity to redress the traditional imbalance between manned spaceflight programs and other more modest but highly important developments. These include fundamental space biology related to medical problems of man in space, and studies in the physical sciences in planetary programs, as well as in areas of the NASA Space Applications program.

Thank you for your consideration.

Sincerely,

W. Ross Adey, M.D.,
Director, Space Biology Laboratory.

Cornell University,
Ithaca, N.Y., July 3, 1970.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: This is to present briefly my views as to the future importance to exploration, science, and technological development of manned and unmanned, instrumented space flight.

1. The exploration and science of the planets is, in the foreseeable future, wholly in the hands of the unmanned instrumented space program.

The reason for this is that space flight by means of the presently known technology to the planet Mars will involve a round trip of more than 1½ years. This is so far removed from present day capabilities, and the uncertainties of prolonged manned space flight are so great, that no space program at the present time should be based on such a prospect. The suggestion that this prospect is a driving force behind the present space program has been made, but it is, in my view, irresponsible.

Planets other than Mars have circumstances that make a manned visit quite impracticable, and for the most part much longer travel times still would be involved. Asteroids and the satellites of the major planets are, it is true, no more inhospitable than the moon, but both because of their distance and the smaller intrinsic interest they have for us, the prospect for a manned visit is even smaller than for Mars.

On the other hand, complex remotely controlled instrumentation can be devised and is indeed being devised to perform almost all the actions in a remote location that a man could perform working under the constraints of space or Martian environment. One foresees a very successful period of instrumented discoveries in space, perhaps in the long run of great value to mankind.

2. Manned earth orbital flight is of very doubtful value for either science or applications. The prestige value, once no doubt very great, is by now very low also and will not be heightened very much by merely increasing the number of men or the size of the ship.

Many attempts have been made to find real uses for a group of men in earth orbital flight, but these have largely failed. Man in a spaceship is capable only of a rather limited and well-defined set of actions, and almost in all cases remote control mechanisms can be provided whereby all the information that would be available to him is equally available to the man on the ground, and whereby the actions that he could have taken can equally be initiated by the man on the ground. The man on the ground has, so to speak, remote eyes and hands in the space vehicle.

It is my opinion that all scientific experiments proposed for earth orbit can be done both more cheaply and better with suitable instruments. Repair and updating of expensive instruments is the one area where the methods of remote control would have to be advanced the most before they would be superior to the presence of a man in the remote location. Economically this will not make a case for a large manned space flight program. In any case, the remote control can be improved to take over this activity also.

3. The Apollo program was devised firstly as a great demonstration of capability and secondly for the exploration of the moon. Once this decision was taken, there was no point in competing in the lunar exploration with remotely controlled instrumentation. There will be good reasons, however, in continuing the exploration of the moon by unmanned devices at the end of the Apollo program.

When the success of the first Apollo landing had been achieved and when the end of the program was in sight, the whole question of the justification for a large manned operation should have been reviewed. The inertia of a large organization is a poor reason for the continuation of a program. I am sure this view is shared by most of the scientific community and even by many people within NASA. The argument only has been that the availability of funds is so dependent on the popular appeal of manned flight that the alternatives were to do a job that is worth doing by uneconomical means or not at all. That of course is a situation which the Congress could rectify.

4. Money spent on manned and on unmanned space flight has totally different consequences for general technological evolution and the economy. A large fraction of the money spent on manned flight goes into devising very large vehicles and the environment required by man. Comparatively little of this technology is applicable in other fields.

Sophisticated instrumentation, complex electronics, computers and remote control devices appear now to be the major line of evolution of technology, an evolution that promises to improve greatly all of industry. The economic value of these advances will be immense, and the leadership of the United States in these areas is essential if the country is to remain the major economic and military power in the world. The space program has significantly contributed in the last ten years to this technological evolution, and a large instrumented space program would be a decisive factor in the future.

In the field of economically valuable applications no case has been made for manned flight. Communication satellites and, before very long, direct broadcasting and TV to the individual consumer would provide a very large political and economic stimulus for instrumented space technology. Meteorological satellites and other sensing systems from orbit will of course also improve, but almost certainly without any need for the presence of a man in orbit.

5. The biomedical problems of prolonged space flight are almost certainly severe. The fact that short duration flights have not incapacitated men seriously must not be taken to mean that very long duration flights will be safe. The indications are indeed that major problems do arise, and medical science cannot at the present time foresee their solution. From this point of view also it would be foolish to commit large sums to the development of space technology for long duration manned flights, which it may then not be possible to undertake.

I hope these remarks are helpful to you, and I would of course be happy to give you and your colleagues in Congress more details and substantially for them if this were desired.

Yours sincerely,

T. Gold,
Director, Center for Radiophysics and Space Research.

Cornell University,
Ithaca, N.Y., September 29, 1970.

Senator Walter Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: The development of science and technology is in deep trouble in this country as a result of the devastating cutbacks in Federal funding for such programs. The pre-eminence of our country in these fields is being challenged, and I believe that this will have serious consequences on our position in world affairs as well as on our economic and military strength. It is in this background that I think one should evaluate the present space program so see whether the very limited funds available will do the most to correct the situation.

There is no question that the space program in the past has done a lot to accelerate technology. The benefits from space mentioned in the report "For the benefit of all mankind" (Union Calendar Number 699) are for the major part quite genuine; the long and impressive list reflects the fact that money spent on advancing technology generally produces many benefits to industry, medical science, and indeed also to the proper control of the environment. There are, I think, unanswerable arguments that the country should spend a much larger proportion of its growing wealth on gaining new scientific and technological competence.

If, however, we are working with budgets in these areas which are quite inadequate, then we must at least direct the funds in the best possible way. It is here that the difference between manned and unmanned space activities is very great. Funds spent for manned flight have been spent for the construction of very large rockets, very large launch facilities, and on solving many of the problems of life support for man in the space circumstances. This part of the program is of little assistance to other space activities or to the general advancement of science and technology. There are of course some areas where the manned program has had important technological spinoffs, such as in the extreme quality control which was demanded there. However, in the field of unmanned spacecraft a much larger proportion of funds goes into the actual design of complex, sophisticated modern instruments. Less is spent on the mere extension of known techniques, like building very large concrete structures, very large machine shops, etc. More engineers are trained to do a modern type of engineering, and this has important benefits to industrial efficiency. New products are created that become economically important—the computer industry, for example, has benefited immensely from such developments.

The unmanned space program is more economical by far and can be more effective than a manned program in both scientific exploration and the economically advantageous applications of space technology. We have recently seen that sample return from the moon can be done unmanned. There is little question that the sample return from Mars and other planets will be achieved by unmanned means long before there is any serious question of manned flights to these bodies. Very important consequences for our understanding of the solar system and possibly of the origin of life will come from such sample return missions.

Similarly, in the applications program there is no case for the expense of manned flight. All tasks now contemplated can be done by remotely controlled instruments much more economically.

The concellation by NASA of two of the remaining Apollo missions is seen by many as a further case against embarking now on new manned programs. Here one seems to be unwilling to shoulder even the incremental expense of applying the expensively devised system to the task of exploration and discovery for which it was built; why then build yet another expensive system?

Now, after Apollo, NASA is anxious to develop a new institutional program for which it judges the country will be willing to find the funds. Large manned earth orbital enterprises were selected, not because of their merit, but because only manned exercises were thought to have the necessary popular appeal, and because nothing further than earth orbit can at the present time be seriously contemplated for manned missions.

No doubt man will one day fly to other planets, but when he does it will be by means of a technology much superior to the present. The earth orbital flights now being planned are insignificant in preparing for manned flights to other planets.

If a massive manned earth orbital program comes into being, I fear that the large costs will make it a focal point of antagonism to space, and indeed to all of science and technology. Unlike the case of the Apollo program, there will now be no scientific opinion standing behind it, no case will be made for the epoch-making advances, no sense of history will grip the imagination of the public. Instead the scientists will complain that the program is empty and meaningless and that it diverts funds from more significant work. No one can then maintain even a pretense of high purpose.

It is my principal concern that in that situation not only the ill-conceived manned program will suffer but that the result would be such an opposition to all that NASA stands for that the value of the programs that serve science, applications, national prestige and national self-esteem will all be abandoned. For all these reasons I think we should now make the decision to pursue the instrumented programs in space with great vigor and diligence, but not divert resources to further exercises and displays of manned flights. Such displays are no longer desired by the public, and there is no real purpose for them that can now be seen. If at a later date a case for manned space flight arises, it can be started up again with whatever improvements in the technology have by then taken place. Meanwhile, let us make progress along the lines that we can now clearly see, and let us not have our technology diverted by what are probably false estimates of the public's preoccupation with manned flight.

The proposed space shuttle may of course be a perfectly sensible approach if it is the cheapest way of putting the desired instrumentation into orbit. The case for the shuttle has, however, been argued largely on its being an instrument for large manned space stations. If it turns out that the shuttle is economically advantageous even without the manned stations, then the case for it should be made on those terms; if without the space stations the transportation requirements into orbit are very much too small to make the shuttle a viable concept, then it should be abandoned.

Yours sincerely,

T. GOLD,
Director.

STATEMENT OF DR. T. GOLD

I am enthusiastic about space—what it has to offer in knowledge—understanding the world we live in—and in applications such as improving communications, welding the world more closely together, and observations of the earth that inform us better of what nature has in store for us and of any damage we may be doing to our earth. These matters ought, in my view, be pursued at high priority and with larger funds that are now available for them. The rewards in terms of knowledge, new capabilities and economically valuable technical advances will be great, and amply justify the expense.

Space, however, is no longer a showplace for mere demonstrations. The world has seen those and progressed to the next step—real performance.

Manned flights to the moon had a real purpose—voyages of great discovery. A return now to mere earth orbital flights with men, even in larger ships and longer flight times, cannot be justified. Manned flight to Mars is too far off yet—it will not be done with the means that we would now know how to develop. Testing whether man can endure long duration flight has no urgency.

At a time when science and technology is being damaged severely by the drastic curtailment of federal funding in these fields generally, we cannot afford to waste funds on manned flight exercises and demonstrations. It is clear that for all the science and applications unmanned, instrumented and remotely controlled flight is much cheaper and more effective. It also has by far the greater impact on the advancement of technology, dollar for dollar, spent in the two areas.

We are now not even willing to complete the remaining Apollo flights to the moon, for which the equipment is largely built. The extra expense of launching them is too great. Here there would be real purpose and the great prestige of understanding the nature of the solar system. If we cannot even fly out the remaining Apollo missions, what business have we to stay in manned flight at all? Why spend money on the development of another manned system, much less purposeful, namely the space station?

If the proposed Space Shuttle can be justified for the transportation to and from space of the many useful instrumented craft that will be flown, then, in my view, it should be pursued. This is a trucking system and should be justified as that. At present the NASA justification for it links it however with the Space Station proposal, and an expansion of the manned flight program. NASA needs a large program to support a large organization, and thinks that manned flight is the only area where it can get the required degree of support. I think they are wrong. The country is intelligent enough and anxious to see results, and manned flight excitement is no longer a driving force. For results there is no question that the instrumented route is far superior.

The Soviets have a large space program. While we clearly should not copy them, we must nevertheless see that we are not left behind in discovery and applications. If we fritter away our limied resources on unwanted further demonstrations of manned flights they may, with much smaller means, get way ahead in all the areas that really count.

CORNELL UNIVERSITY,
Ithaca, N.Y., October 16, 1970.

Hon WALTER F. MONDALE,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR MONDALE: As a former scientist-astronaut with NASA, I would like to add my concurrence with your doubts about the usefulness of manned space flight. I agree that the space station and shuttle system are far too costly to start at this time.

An unmanned space program emphasizing applications satellites and the exploration of the planets would be both economical and fundamental in our quest for knowledge.

As you undoubtedly know, there are very strong vested interests in manned space flight in NASA which have effectively cut off debate on future priorities in space.

I am happy to see you speak out on the issue and would be glad to assist you in your efforts at any time.

Sincerely,

BRIAN O'LEARY,
Assistant Professor of Astronomy and Space Sciences.

Mr. MONDALE. Mr. President, all of these scientists—and they represent the independent scientists not under the control of NASA or space-related industry—strongly and clearly argue for a rapid reorientation of the space program, away from space extravaganzas, to sophisticated, highly scientific, instrumental experiments returning high scientific yields.

The significance of that decision for us, in reordering our priorities for better scientific return, are enormous; and all of the arguments are on the side of rejecting this space shuttle station before it gets out of hand.

Dr. Van Allen of the University of Iowa, who I think everyone will concede is one of the Nation's most eminent space scientists, estimates that a full-fledged, sophisticated unmanned instrumented space effort could be undertaken for $2 billion a year; but if we move off into the manned space flight program now endorsed by NASA, the space budget will rise to almost $7 billion a year by the end of this decade—according to NASA's own estimates—and we will receive less by way of scientific yield than we would receive for the $2 billion.

What is happening, in my opinion, is that the space industry and NASA has withheld this project until completion of the Apollo program; now it wants something else to do, and all it will cost is $20 billion, and that is all they are asking.

I can understand their problem, but the people of this country have problems, too. Congress has a problem, and we had better start dealing with the people's problems pretty soon. We had better start letting these scientists and engineers use their genius to start helping us solve those problems before our problems overwhelm us.

There is no area that I know of where we can reorient our priorities and obtain a higher yield for science than this; and I hope the Senate will agree to our amendment to strike this $110 million.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. JAVITS. As the Senator knows, I am a cosponsor of this proposal. I do not pretend to understand as much about the space satellite program as the Senator from Minnesota, but I do know about the need for reordering our national priorities, and reassessing the value of the space program with a seemly regard for our other national requirements. Because of that, I join with the Senator in believing that this effort needs to be slowed down.

There is no rush about it. We will get to Mars a little bit later. Indeed, we may be able to do it in cooperation with the Soviet Union. There is no need to duplicate this expensive and meaningless race. Competition for what? We can share the joy of reaching outer space together.

I hope Senators will have clearly in mind, in voting on the proposed motion to table, that this is an amendment to save money, not to spend it. I hope the Senate may see its way clear to endorse a philosophy which says, "Sure, we want space, we want the SST, we want lots of things, but they must be done with a seemly regard for the deep troubles this country is facing now, and that means phasing them in more slowly than the amount of steam involved in an appropriation of this size would indicate."

Mr. MONDALE. I thank the Senator from New York for those most useful and helpful comments.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield 3 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I join the Senator from New York commending the Senator from Minnesota on his fine speech and on this amendment. The Senator from Minnesota has served on the Space Committee, and knows this subject thoroughly.

I am particularly enthusiastic about the pending amendment, Mr. President, because I think it goes right to the heart of the principal problem before Congress, which is the reordering of our priorities. The Senator particularly emphasized the ultimate cost of this shuttle-lab program. As I understand, it would be $14 billion, $14 thousand million, is that correct?

Mr. MONDALE. That is what NASA suggests. Their original estimate on the shuttle alone has already gone up almost 70 percent. And if the average overrun costs that we have seen elsewhere in the space program occurs here, it could well be $20 or $30 billion.

Mr. PROXMIRE. Mr. President, I think it is important to reconsider what that money would buy in terms of being able to combat pollution, being able to overcome poverty, helping with housing which is so desperately and urgently needed in our cities, education, and manpower training, and in so many other areas in which the need is so desperate.

We all must be aware of the terrific plight of our cities, and the fact that, for example, in New York City the other day several hundred city employees were laid off, and in city after city the most basic needs and services are not being provided for the people, because taxes are so high and because the Federal Government obviously has not sufficient money to provide the kind of assistance that is needed.

Mr. President, if this were a program that had some other benefit, such as a military benefit, a national prestige competitive benefit, or otherwise, it might be different. But after putting a man on the moon, how impressed are people going to be by the fact that we have some kind of platform going around the earth, with two or three, four or five, six or eight, or 100 people on it? What is the point?

Mr. MONDALE. As Dr. Gold has characterized it as a bigger tin can. Where we are being challenged and where the space agency is not responding, and where the scientists have been most critical, is in the unmanned space field. The Russians have been on the moon with some highly sophisticated, unmanned instrumented mobile units. They are moving ahead in that field because our space agency, though spending far more money, has been so preoccupied with these space extravaganzas that the scientific implications of their decisions have taken a back seat. That is why so many scientists have quit the space program, and why so many independent scientists like Van Allen, Gold, and Adey have been so critical.

Mr. PROXMIRE. Can the Senator from Minnesota tell me how much has been spent by the space agency in the past on this particular program? Does he have figures on that?

Mr. MONDALE. Approximately $18.5 million.

Mr. PROXMIRE. They are asking for what?

Mr. MONDALE. They are asking for $110 million to harden the design. There is another $80 million—even if we strike out the $110 million—in the bill for basic research.

Mr. PROXMIRE. Mr. President, I do not know how to get the attention of the Senate and of our colleagues.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PROXMIRE. I simply cannot believe Senators would vote to spend this huge sum if they understood it. This is the time to act on this program. This is the time when we must decide whether or not we are going to go ahead with manned exploration of space.

The Senator from Minnesota has said this several times, but I do not know how we can get the attention of Senators focused upon it. If we go ahead with manned exploration of space, it will mean we are going to have to spend $6 to $9 billion a year within 4 to 6 years.

Mr. MONDALE. They are projecting——

Mr. PROXMIRE. On the other hand, if we remain with instrumented exploration of space, then the expenditures will be from $2 to $2.5 billion a year. The saving is between $5 and $6 billion a year. This is the kind of decision we are making here today.

If we go ahead today and appropriate $110 million on top of the $18 or $20 million already spent, it will be argued, "You have already started this program; you have the money in the poker pot; if you do not go ahead, you will lose it all"—exactly the same argument made on the SST, and exactly the argument we have heard over and over again on these projects.

This is the time to make the decision. The Senator from Minnesota has made this point extremely clear: That it is hard to find a scientist, except those working directly for the Space Agency, who will argue that we will be able to get more in terms of scientific knowledge by manned exploration than we can obtain by unmanned exploration; and of course, we should also be very much aware of what almost happened to Apollo 13. If we were to confine ourselves for the next few years, at least, to unmanned instrumented exploration, it would mean that we would not have the risk of the terrible tragedy of the loss of life. It would mean we would save billions of dollars a year, and could take the necessary action with respect to providing basic services to the American people that they deserve and should have.

Mr. MONDALE. Mr. President, could I make two points to the Senator? First, the ironic fact about this project is that we are designing a space station to undertake a mission which we do not know is physically possible—that is, long duration manned flight. Every experience we have had—for example, with the monkey in the biosatellites program—and that which the Russians had with Soyuz-9, where they had a long duration flight, has underlined the expressions of concern by doctors that there are biological problems in long-term manned space flight that could be fatal. The monkey died.

We have in line a projected skylab experiment—which will be completed in 1973—to determine whether long-term manned flight is possible. So why are we running ahead now with hundreds of millions of dollars to design a program to do something that may not be possible? What is the rush? I cannot understand it. If ever there was a good place to save money and not hurt anybody, this is it.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield.

Mr. HARRIS. Mr. President, I was struck by something the distinguished Senator from Wisconsin said earlier. I think all Senators need to recognize that the same kind of shortfall in Federal revenue, because of the slowdown in the Federal economy, is being felt increasingly severely by the cities. I believe that Senators and Congress can expect that America's cities this coming spring are going to come to Congress, in emergency tones, talking to us about the need for massive help to bail them out.

The city of Newark, for example, has projected a budget deficit which approximates 40 percent of their entire operating budget for next year. The city of New York, for example, already has laid off personnel and has put into effect personnel freezes. We are going to be called upon to help bail out these cities.

The Senator from Minnesota is again making a courageous fight to try to help get these priorities in line so that on those and other pressing problems we can be in a better position to try to respond.

If the Senator will yield further, I want to relate one instance to the Senate from my own personal experience which I think is very much involved here.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator has 3 minutes remaining.

Mr. MONDALE. I yield to the Senator from Oklahoma.

Mr. HARRIS. The other day, my wife and I were in the little town of Sallisaw, Okla. We went to visit in the home of a young couple approximately 25 years of age. They have one small son who I believe is 4 or 5 years old. He is a beautiful child and appears to be in the best of health.

In the course of our conversation with that young couple, the wife said to us that she had become involved in an organization called Human Growth, Inc. We asked, "What is Human Growth, Inc.?" It is a private foundation which seeks to do something about people who have a defect in the pituitary gland, which governs human growth.

I said, "How did you get involved in that?"

She said, "This boy of ours"—who was in the kitchen of the home—"has a defect in the pituitary gland. He has no chance to live to adulthood and be fully free from mental retardation unless some breakthrough can be made in the field of research in the pituitary gland. Last year, for the first time, we had some help, because the Government, under the National Institutes of Health, began a research program which spent $40,000, that is all, for the entire United States, for research in this subject."

She said, "All last year, we drove every so often"—I think she said once every 2 weeks—"to Dallas, Tex., about 250 miles. This year the entire research project is cut out."

There is no research at all. That $40,000 project is ended.

Talk to that young couple about priorities—and that is what is involved.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Who yields time?

Mr. PASTORE. Mr. President, I yield 8 minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, included within the independent offices-HUD appropriations bill are funds for the National Aeronautics and Space Administration.

We live in a much too fast moving era when accomplishments of yesterday are almost overwhelmed in the problems of today and almost lost in the promises of tomorrow. I do not think it is necessary for me to recount the achievements made by our civilian space agency during the past 20 years—achievements which all of us here and throughout the entire Nation recount with pride. From the successful launching of Explorer I to manned exploration of the moon, the tremendous economic and social growth of the United States have paralleled the accomplishments of our space pioneers.

Mr. President, neither is it necessary for me to point out the gains to our way of life because of our space program. These reach all the way from instant video and audio communications from any point on this earth because of our satellites, to teflon-coated cooking utensils in our homes and resources exploration and pollution detection of our planet.

We have now gone through the initial period of exploration and discovery in space and are on the brink of great returns.

The argument has been made that if this amendment is not adopted, it will lead to a fast escalating space program, but the very reverse of that is true.

I call attention to the committee report, on page 9, which shows that the 1970 appropriation to NASA was $3.749 billion, that the budget request for the present fiscal year, 1971, was $3.333 billion, a reduction of more than $400 million, and that the bill as it comes to us from the committee is only for $3.268 billion.

Mr. President, just as I supported the committee in voting to lay on the table the amendment offered by the distinguished Senator from Arkansas, so do I oppose the amendment offered by the distinguished Senator from Minnesota.

During the 5 months since the NASA budget first came before the Senate, significant additional information has been obtained about the benefits to be derived from the reusable space shuttle, which is the matter under consideration at this time. Program planners have known for some time that the use of this vehicle 100 times or more will lead to substantial reductions in the cost of space transportation. The cost of placing a pound in orbit and returning it back to earth will be reduced by more than a factor of 10—from $1,000 a pound for the present one-way trip to about $100 a pound to orbit and back to earth.

Now, economic studies have determined that even greater savings will result in the cost of producing and testing the spacecraft themselves, which will be the shuttle's cargo.

The greatest savings will be in unmanned satellites, which now cost generally between $12,000 and $20,000 a pound. Some are even more expensive. The high present costs result from the need for extensive miniaturization and testing. The machinery within a satellite is much more delicate than that in a fine watch. It must be tested and retested to be sure that nothing will fail to operate properly after it is in orbit.

With the reusable space shuttle, both of these problems will be solved. The shuttle will have as much space and weight-carrying capacity as a large cargo airplane. Thus it will be able to carry less expensive equipment, like that used on earth. Standard, low-cost parts and components will be in general use.

The shuttle will be able to bring satellites back to earth as easily as it puts them into orbit. Thus the costs will be reduced by planning on the reuse of satellites and space flight equipment. Should anything malfunction in space, it will be returned to earth for adjustment, repair, refurbishment, or replacement. And in many cases, scientists or technicians will be able to go into space via the shuttle to adjust and operate the instruments, just as they now do in aircraft.

The space shuttle will be the only capability for manned space flight after 1973 when the earth-orbital skylab experimental space station program will be completed. Without a shuttle, there will be no more U.S. manned space flights after 1973. Even with a shuttle, there will be a gap in manned space flights from 1974 through at least 1977.

Termination of U.S. manned space flight activities by a conscious decision or by failure to provide adequate support to continue a balanced total program would mean—besides the loss of the benefits to science, technology, exploration and practical applications—that for the indefinite future the Soviets would have manned operations in space as their exclusive domain. There is no doubt that the U.S.S.R. is pursuing manned space flight as a continuing major objective to which they are applying very substantial resources.

NASA studies of shuttle benefits are quite conservative. For example, they do not assume the great expansion of space flight applications that can be predicted from these sharply reduced costs. They do not anticipate the growth envisioned by many scientists in communications, weather and earth observation satellites, or scientific studies of the earth and its environment. Nor do they presume any expansion to meet the needs of other agencies of the U.S. Government, commercial interests, or foreign agencies.

The space shuttle program is now in its second phase of definition studies. The schedule calls for completion of these studies next spring. Thus we will have the opportunity at that time to review the matter of proceeding into the third phase of detailed design.

The definition studies will provide firm estimates as to the cost of developing the space shuttle. This is a program with great promise. But until the studies are completed, no commitments are being requested and none need be made by Congress.

Mr. President, I have been an advocate of leveling off our space activities from the crash programs of the past to a more stable program accommodating the national budget and national priorities.

The NASA appropriations contained in the independent offices-HUD appropriations bill will give us this stability and will enable us to build our future space program on the solid foundations of past discovery and technological achievement.

I believe that it is in the best interests of our country that the NASA appropriations be approved without further reduction.

Mr. President, if the distinguished Senator from Rhode Island offers a motion to table, the junior Senator from Alabama will be pleased to support it.

Mr. President, I yield back the remainder of my time.

Mr. PASTORE. Mr. President, I now yield 5 minutes to the Senator from Florida (Mr. GURNEY).

The PRESIDING OFFICER (Mr. DOLE). The Senator from Florida is recognized for 5 minutes.

Mr. GURNEY. Mr. President, I once again rise in support of the proposed fiscal year 1971 NASA appropriations and to oppose strongly the attempt to delete money for the space shuttle, or any other segment of the space program from the already austere NASA portion of this independent offices appropriations bill.

It is my view that the space program is a tremendous national resource, which we must continue to use to full advantage. The committee recommendation of $3,268,675,000 is the absolute minimum amount necessary to retain the technical team and facilities we must have for an admittedly low key, but viable space program in the next decade. Any further reduction of funds would be to put a crippling stranglehold on the program for the 1970's.

The new space program currently under consideration is modest, but forward looking in scope, and conservative in its funding. One item which promises great economies is the development of the reusable earth-to-orbit space shuttle.

The space shuttle is the first element of the future integrated space program that will significantly slash the cost of putting payloads into earth orbit and the key to the major economy of the space shuttle is that it can be flown over and over again. It is fully reusable and unexpendable.

With successful shuttle operations, our inventory of rocket and spacecraft models would be significantly reduced. That is to say, the need for most existing launch vehicles would be eliminated.

Designed for 100 or more missions, the space shuttle will be an integral system of other space programs. It will provide logistic support for the space station and will transport passengers back and forth to the station in addition to providing a viable space rescue system. It will be available on short notice for Department of Defense use, should the need ever arise. With the shuttle for transport, technicians will be able to reach automated satellites and probes to repair, maintain, refuel, and refurbish them, or to reposition or retrieve them for return to earth. The shuttle will effectively bring together manned and unmanned programs on a rational basis.

The space shuttle will capitalize on available technology developed during the past decade. Rocket fuel development and production knowhow, spacecraft experience and Department of Defense research efforts will provide the basic building blocks of shuttle development.

In addition, since the space shuttle mates the airplane and the rocket, development of the shuttle will take advantage of the best features of both. It becomes apparent that a high level of technology transfer will occur since the shuttle will stimulate aeronautics research and vice versa.

Because of its universal applicability, the shuttle may very well provide the first real opportunity for international cooperation in manned flight. Other nations might utilize a United States shuttle to carry their payloads or transport their personnel to a space station. Ultimately, commercial uses will be found for the shuttle. Nations may desire to operate their own shuttles just as foreign airlines own and operate U.S. developed commercial aircraft.

I believe that there is one point that every Member of the Congress is in agreement on—both the development costs and the operational costs of space transportation must be minimized. It seems apparent to me that the fully reusable space shuttle is the system that will provide significant reductions in the cost of space operations.

Mr. President, we sometimes lose sight of the fact that our decision today can have a profound effect on whole sectors of the economy. The major reductions in the space program during the past 5 years have contributed to the serious problems now faced by the entire aerospace industry. Total aerospace employment at the end of this year will be more than 300,000 less than it was in 1968. As a consequence of this drastic cutback, thousands of highly trained professional and blue collar workers are now unemployed—many of them without any prospects for productive employment except at the most menial kinds of jobs. The Wall Street Journal several months ago told the story of a space scientist in California who is now reduced to peddling Eskimo pies and popsicles.

It is ironic that the campaign to reorder the Nation's priorities—ostensibly for the purpose of bringing about a more productive allocation of our resources to urgent national needs—is instead resulting in the gross underutilization of some of our most creative talent. Prolonged periods of unemployment and underemployment represent a substantial hardship for the families of such unemployed workers, of course, they bear the real burden of our shortsighted policies. But we as a nation are all losers when the labor services of highly trained workers are irretrievably lost through involuntary unemployment.

We stand to lose even more in the future if the current underutilization of our technical manpower is allowed to continue. There is a very real danger that in the future a new shortage of scientists, engineers, and technicians may arise, based upon growing disenchantment with the unstable nature of the labor market for such skills. Certainly the incentives for pursuing advanced training in technical subjects are being weakened by the knowledge of the current exceptionally high level of unemployment among scientists and engineers. If, as we may reasonably expect, the long-term supply of technical manpower begins to decline in response to the downgrading of high technology activities in the United States, the Nation will find it more difficult to react to the demands of a future military crisis, or to the need for major technical achievements.

From this perspective, some short-term manpower projections are especially alarming: A recent study of the aerospace industry shows that there are currently 35,000 unemployed scientists and engineers in the United States. More significant and more alarming is the outlook for increasing unemployment among this skill group. Projections show that this number could easily double by the end of fiscal year 1972 if positive corrective measures are not taken. If this is not done, the resulting unemployment of 70,000 scientists and engineers would represent a tragic underutilization of our technical resources—and these resources, I suggest, are an essential ingredient of the long-term strategic and economic position of the United States.

It would also mean that the costs of the current economic transition are falling to a disproportionate degree upon a particular segment of the population. Such a high unemployment level would result in an incidence of unemployment for scientists and engineers twice that of the experienced wage-earning population. This situation cannot help but have a depressing effect on the long-range supply of technically trained manpower in the United States. How can we urge youngsters to pursue a scientific career in the face of such statistics?

We must consider also, the long-term consequences of our actions. During the past 5 years, total NASA expenditures have been reduced by more than 50 percent. In real terms, total employment on NASA programs has declined from 420,000 in early 1966 to a current level of less than 160,000. The drastic nature of this cutback is widely known. A more important point in terms of present economic conditions is that while the early reductions in NASA programs were diffused throughout the economy, recent reductions have been concentrated in terms of companies, localities, and industries.

As these employment reductions have become more sharply focused, the problems of absorbing workers displaced by the cutback have become increasingly more difficult. The absorption problem has been compounded by the concurrent cutbacks in Defense programs and the slowing down of the general economy. During the past fiscal year, very few NASA contractors have been able to compensate for NASA cutbacks by shifting displaced workers to other company business. During this period, 97 layoffs resulted from every 100 reductions in NASA-related employment at the most seriously impacted NASA contractor plants.

We must address this issue squarely. Further reductions in NASA appropriations can only serve to aggravate an already serious unemployment problem. Whatever short-term savings may appear to be gained from further reductions in space program funding are surely outweighed by the creation of greater unemployment in the aerospace industry.

It is a false economy to deliberately idle productively employed workers at a time when they have no real opportunities for alternative employment. Nothing positive can result from such an action.

Mr. President, over the past years opponents of the space program have urged in support of their efforts to cut the program to the need to solve our problems here on earth. We were told that all of our social needs have been neglected because the United States is spending too much on the space program. "Put space dollars into antipoverty programs," their argument goes, "and poverty will be eliminated; cut back on the exploration of our universe and low-cost housing will spring up all across America."

Mr. President, this simply does not make sense. The facts do not support the rhetoric, and I agree wholeheartedly that it is our duty and responsibility in Congress to reorder our national priorities. And I think we are on that road, and it is good that we are. But let us look at the facts.

First of all, the space program is a productive program and the investment we have made has multiplied and benefited the whole national economy. In a country whose gross national product is more than $900 billion, the space program has, over the last decade, cost us, in dollar investments, less than one-half of 1 percent of our GNP. But that investment has directly resulted in increasing the gross national product. Economists estimate that approximately 50 percent of the real growth in the gross national product in the last decade can be attributed to the stimulus of new technological knowledge from research and development investments. Twenty-five percent of the Nation's total expenditures on research and development was carried out under our space program.

Second, the facts show that as the national budget has risen, NASA's budget has gone down—and gone down severely. In the past 6 fiscal years, the total budgetary outlays of the Federal Government have increased by nearly 50 percent. In the same period, NASA outlays have decreased by nearly 43 percent.

To put it in dollars, total Federal Government outlays rose from $134,652,000,000 in fiscal year 1966 to an estimated $200,771,000,000 in fiscal year 1971, an increase of 49 percent. In the same period, NASA's outlays declined from $5,933,000,000 in fiscal year 1966 to an estimated $3,400,000,000 in fiscal year 1971, a decrease of 42.7 percent.

Mr. President, I ask unanimous consent to have printed in the RECORD the analysis—the facts—to which I refer, entitled "Analysis of Federal Government Outlays by Selected Functional Groupings," prepared from information on pages 66–68 in the Budget Bureau document, "The Budget in Brief, Fiscal Year 1971."

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF FEDERAL GOVERNMENT OUTLAYS BY SELECTED FUNCTIONAL GROUPINGS

[In millions of dollars]

Functional groupings	1966	1967	1968	1969	1970	1971	Difference 1966 to 1971 Dollars	Difference 1966 to 1971 Percent
National defense (DOD, AEC)	56,785	70,081	80,517	81,240	79,432	73,583	+16,798	+29.6
Space research and technology (NASA)	5,933	5,423	4,721	4,247	3,750	3,400	−2,533	−42.7
Social actions (Community developments and housing, education and manpower, health, income security)	38,461	46,353	54,495	57,881	67,681	77,251	+38,790	+100.9
All other (International affairs, agriculture, commerce, veterans benefits, interests, etc.)	33,473	36,397	39,000	41,188	47,022	46,537	+13,064	+39.0
Total, Federal Government	134,652	158,254	178,833	184,556	197,885	200,771	+66,119	+49.1

Source: The Budget in Brief—Fiscal year 1971, pp. 66–68.

BUDGET OUTLAYS BY SUBFUNCTION, 1960–71

[In millions of dollars]

Function and subfunction	Actual 1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Estimate 1970	1971
National defense:												
Department of Defense—Military:												
Military personnel (including retired personnel)	11,738	12,085	13,032	13,000	14,195	14,771	16,753	19,787	21,954	23,818	25,158	24,104
Operation and maintenance	10,223	10,611	11,594	11,874	11,932	12,349	14,710	19,000	20,578	22,227	21,500	19,650
Procurement	13,334	13,095	14,532	16,632	15,351	11,839	14,339	19,012	23,233	23,988	21,550	18,799
Research and development	4,710	6,131	6,319	6,376	7,021	6,236	6,299	7,160	7,747	7,457	7,300	7,382
Military construction and other	1,750	1,606	1,602	513	1,236	928	2,279	2,636	3,975	525	1,139	1,421
Deductions for offsetting receipts	−275	−236	−163	−251	−159	−150	−160	−138	−154	−135	−140	−163
Subtotal, Department of Defense—Military [1]	41,479	43,292	46,916	48,143	49,577	45,973	54,178	67,457	77,373	77,877	76,505	71,191
Atomic energy [1]	2,623	2,713	2,806	2,758	2,764	2,625	2,403	2,264	2,456	2,450	2,461	2,411
Military assistance [1]	1,631	1,351	1,337	1,406	1,209	1,125	1,003	858	554	789	495	600
Defense-related activities	244	104	92	24	172	136	−62	−17	139	250	119	−51
Deductions for offsetting receipts [2]	−69	−80	−53	−74	−130	−281	−738	−481	−116	−138	−150	−572
Total national defense	45,908	47,381	51,097	52,257	53,591	49,578	56,785	70,081	80,517	81,240	79,432	73,583
International affairs and financing:												
Economic and financial assistance	1,391	1,877	2,325	1,968	1,756	2,041	2,329	3,057	3,053	2,420	2,746	2,357
Food for peace	1,458	1,823	1,947	2,040	2,049	1,852	1,784	1,452	1,204	975	971	852
Conduct of foreign affairs	214	216	248	346	296	347	315	336	354	371	396	412
Foreign information and exchange activities	137	158	197	201	207	223	227	245	253	237	237	241
Deductions for offsetting receipts	−146	−716	−226	−441	−191	−123	−165	−542	−245	−217	−237	−273
Total international affairs and finance	3,054	3,357	4,492	4,115	4,117	4,340	4,490	4,547	4,619	3,785	4,113	3,589
Space research and technology:												
Manned space flight	113	279	565	1,516	2,768	3,538	4,210	3,649	3,095	2,781	2,335	1,937
Space science and application	133	249	420	576	754	751	778	795	700	569	634	612
Space technology	52	87	159	303	432	484	435	440	410	344	337	306
Aircraft technology	72	51	31	36	40	58	75	89	128	168	180	184
Supporting space activities	30	79	82	122	178	262	435	452	390	390	387	375
Deductions for offsetting receipts	−*	−*	−*	−*	−1	−2	−1	−2	−3	−6	−5	−15
Total space research and technology	401	744	1,257	2,552	4,170	5,091	5,933	5,423	4,721	4,247	3,885	3,400
Agriculture and rural development:												
Farm income stabilization	2,383	2,343	3,143	4,060	4,134	3,667	2,536	3,167	4,542	5,000	4,485	4,457
Agricultural land and water resources	324	347	368	324	325	342	347	353	351	343	344	317
Rural housing and public facilities	333	335	291	375	326	354	309	330	474	318	830	−176
Research and other agricultural services	312	344	363	415	441	485	531	570	618	645	725	799
Deductions for offsetting receipts	−29	−30	−42	−36	−42	−42	−44	−44	−42	−85	−43	−41
Total agriculture and rural development	3,322	3,340	4,123	5,139	5,185	4,807	3,579	4,375	5,943	6,221	6,343	5,354
Natural resources:												
Water resources and power	1,241	1,395	1,578	1,718	1,798	1,867	2,061	2,158	2,251	2,256	2,325	2,943
Land management	305	428	382	422	459	509	556	618	639	643	746	771
Recreational resources	125	146	151	180	202	215	241	285	331	372	447	546
Mineral resources	30	28	30	25	46	59	62	73	85	71	116	110
Other natural resources programs	66	71	84	94	104	119	131	136	154	160	178	183
Deductions for offsetting receipts	−748	−501	−539	−934	−637	−706	−1,016	−1,412	−1,758	−1,373	−1,325	−2,048
Total natural resources	1,019	1,568	1,686	1,505	1,972	2,063	2,035	1,860	1,702	2,129	2,485	2,503
Commerce and transportation:												
Ground transportation	2,984	2,656	2,817	3,057	3,686	4,092	4,043,	4,093	4,367	4,413	4,810	4,881
Air transportation	568	716	781	808	835	875	879	945	951	1,042	1,290	1,668
Water transportation	509	569	654	672	658	728	708	765	844	864	919	938
Area and regional development	120	188	132	242	538	557	315	318	472	584	717	710
Postal service	525	914	797	770	578	805	888	1,141	1,080	920	1,247	382
Advancement and regulation of business	193	194	350	294	309	463	409	407	493	206	597	425
Deductions for offsetting receipts	−125	−189	−123	−99	−123	−156	−107	−115	−159	−157	−144	−217
Total commerce and transportation	4,774	5,048	5,408	5,743	6,482	7,364	7,135	7,554	8,047	7,873	9,436	8,785
Community development and housing:												
Low- and moderate-income housing aids	145	155	170	198	37	81	391	478	948	871	1,153	1,499
Community environment	105	145	227	173	240	331	385	465	486	632	1,122	1,173
Community facilities	18	15	27	36	51	46	38	74	106	146	200	237
Concentrated community development						51	302	452	648	684	960	1,242

BUDGET OUTLAYS BY SUBFUNCTION, 1960-71—Continued

[In millions of dollars]

Function and subfunction	Actual										Estimate	
	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
Community planning and administration	-72	-79	11	24	29	32	16	33	37	47	82	95
Maintenance of the housing mortgage market	787	-36	169	-1,289	-511	-237	1,545	1,133	1,863	-406	-469	-454
Deductions for offsetting receipts	-11	-9	-16	-22	-31	-16	-13	-19	-12	-13	-*	-*
Total community development and housing	971	191	589	-880	-185	288	2,544	2,616	4,076	1,961	3,046	3,781
Education and manpower:												
Elementary and secondary education	397	417	429	527	566	645	1,804	2,439	2,595	2,480	2,668	2,710
Higher education	272	291	357	419	383	414	705	1,159	1,393	1,230	1,395	1,449
Science education and basic research	120	143	183	206	310	309	368	415	449	490	490	490
Vocational education	39	40	40	41	41	132	136	250	265	262	266	329
Other education aids	58	76	98	98	110	158	155	264	334	373	434	411
Manpower training	4	4	12	64	122	342	731	940	1,263	1,193	1,368	1,720
Other manpower aids	399	530	617	380	501	541	634	678	729	810	929	1,034
Deductions for offsetting receipts	-3	-4	-4	-5	-5	-9	-11	-11	-16	-13	-13	-14
Total education and manpower	1,286	1,499	1,732	1,732	2,028	2,533	4,523	6,135	7,012	6,825	7,533	8,129
Health:												
Providing or financing medical services	146	157	264	318	386	476	1,094	4,866	7,455	9,315	10,582	12,106
Development of health resources	554	642	786	949	1,170	1,039	1,212	1,556	1,826	1,918	2,142	2,235
Prevention and control of health problems	58	77	91	128	182	215	238	301	394	465	542	618
Deductions for offsetting receipts	-2	-2	-3	-3	-1	-1	-1	-2	-3	-2	-1	-1
Total health	756	873	1,139	1,393	1,737	1,730	2,543	6,721	9,672	11,696	13,265	14,957
Income security:												
Retirement and social insurance	15,597	18,467	19,474	21,249	21,958	22,282	25,298	27,068	29,293	32,240	37,106	41,895
Public assistance	2,293	2,385	2,604	2,909	3,085	3,119	3,151	3,180	3,726	4,272	5,381	7,035
Social and individual service	88	104	133	176	199	249	410	692	231	888	1,347	1,454
Deductions for offsetting receipts	-1	-2	-7	-479	-409	-196	-109	-59	-16	-1	-1	-1
Total income security	17,977	20,956	22,205	23,854	24,833	25,453	28,751	30,881	33,835	37,399	43,832	50,334
Veterans benefits and services:												
Income security	4,054	4,439	4,476	4,706	4,646	4,710	4,700	5,209	4,597	5,588	5,950	6,018
Hospital and medical care	963	1,032	1,085	1,147	1,231	1,271	1,320	1,393	1,472	1,586	1,787	1,796
Education, training, and rehabilitation	531	415	159	101	77	58	54	305	478	701	1,000	1,206
Housing	206	152	236	-109	44	*	169	304	210	102	162	-315
Other veterans benefits and services	187	187	180	176	185	179	196	195	218	237	266	269
Deductions for offsetting receipts	-514	-537	-511	-501	-502	-497	-518	-509	-492	-493	-484	-498
Total veterans benefits and services	5,426	5,688	5,625	5,520	5,681	5,722	5,920	6,897	6,882	7,640	8,681	8,475
General government:												
Central fiscal operations	573	622	668	733	808	844	886	968	1,024	1,094	1,257	1,345
Law enforcement and justice	263	289	300	323	335	366	385	426	452	534	772	1,027
General property and records management	351	356	355	416	553	565	550	617	569	567	631	632
Legislative and judicial functions	158	170	192	194	192	218	238	254	274	302	364	377
National Capital region	30	50	73	70	58	61	73	84	104	162	256	414
Central personnel management	82	92	106	110	110	107	107	116	140	146	166	184
Executive direction and other general government	108	131	158	160	211	213	216	243	270	299	426	360
Deductions for offsetting receipts	-238	-220	-204	-196	-226	-165	-162	-199	-272	-238	-253	-255
Total general government	1,327	1,491,	1,650	1,810	2,040	2,210	2,292	2,510	2,561	2,866	3,620	4,084
Interest	8,299	8,108	8,321	9,215	9,810	10,357	11,285	12,588	13,744	15,791,	17,821	17,799
Allowances											475	2,575
Undistributed intragovernmental transactions	-2,297	-2,449	-2,513	-2,644	-2,877	-3,109	-3,364	-3,936	-4,499	-5,117	-6,088	-6,639
Total outlays	92,223	97,795	106,813	111,311	118,584	118,430	134,652	158,254	171,833	184,556	197,885	200,771

---

[1] Entries net of offsetting receipts.

[2] Excludes offsetting receipts which have been distributed by subfunction above.

[3] Less than $500,000.

Mr. GURNEY. Mr. President, It is worth noting that in this same 6-year period outlays for national defense—Department of Defense and Atomic Energy Commission—went up 29.6 percent. Expenditures for the "all other" category likewise showed an increase—of 39 percent. This category includes international affairs, agriculture, commerce, veterans benefits, interest, and so forth. But the most interesting revelation of all is the trend of social action programs of the Government, which include community development and housing, education and manpower, health, and income security. In the 6-year period, outlays for these social action programs increased 100.9 percent. Does a 101-percent increase reflect neglect of social programs? If so, what can we say of a 43-percent decrease in a program that is already returning practical benefits to mankind and has the potential of many, many more?

Mr. President, let us examine some more of the rhetoric used by those who would dismantle the space program. Let us take their premise that space dollars turned into antipoverty dollars, or housing dollars, or health dollars, or welfare dollars will constitute a real shot in the arm to these programs.

Again, let us turn to analysis instead of emotion. First, there is no guarantee that if you take money away from NASA it will automatically find its way into the budget of the Department of Housing and Urban Development, or the Office of Economic Opportunity, or the Department of Health, Education, and Welfare; or the Department of the Interior or Agriculture, or whatever.

But assume the NASA's estimated outlays of $3,400,000,000 were taken away and divided equally among the three other main functional groupings of agencies. Social action programs would get an increase of 1.5 percent over their projected outlays of $77 billion for fiscal year 1971; national defense an increase of 1.5 percent, and "all others" an increase of 2.4 percent. If you want to assume that all of NASA's $3.4 billion were applied to social action programs, that projected outlay of $77 billion would rise by an "overwhelming" 4.4 percent. But again, there is no guarantee that money taken from NASA will go for social action.

Mr. President, the increase in social action programs in the last 6 years—just the increase—totals $38,790,000,000. That is roughly equivalent to the total cost of NASA in its entire history.

Last April the Committee on Aeronautical and Space Sciences held important hearings on the benefits of the space program. It is inconceivable to me that anyone who has read the record of these hearings—and reflected on the solid, tangible benefits here on earth which have resulted from our investment in "Space"—would seriously contend that we would have been better off as a nation if we had turned our back on space and "first solved our problems here on earth."

Mr. President, those who argue in favor of cuts in space funding fail, in my view, to recognize a fundamental distinction: between social programs whose principal purpose is to distribute this Nation's wealth and programs such as the space program which ultimately create national wealth and capabilities. These latter programs are investments in the future; they lead to advances in science and technology—the keystones to our basic strength as a nation.

The single target of the last decade in space was the manned lunar landing. The accomplishment of this feat demonstrated what Americans, as a people, can accomplish when they have the will—when the national leadership and the public are united to achieve a desirable goal.

The space program of the seventies will, however, have no single climactic goal. If we permit it to continue, it will be a balanced and viable program composed of a reasonable schedule of space priorities. It will be a program responsive to opportunities presented by the remarkable new technology developed in the last decade. And equally important, it will be a program responsive to the limitation imposed by our Nation's many competing needs.

I daresay that very few Government programs are based on the type of long-range planning that characterize NASA's future space program. As we are all aware, we Americans are prone to react rather than act. Sputnik jolted us into the space age and we scrambled to get the first man to the moon. But now is the time for advance planning if we are to insure that our space endeavors do not stagnate—and that we do not waste the investments already made or that we do not deprive ourselves of the important knowledge we seek.

The "giant leap" into space was the beginning of an age of exploration that 50 years from now could make the solar system as accessible to our scientists as the earth is to us today. All that is needed is the courage and conviction to forge ahead.

The ability to set and achieve challenging goals is a prerequisite for the public confidence that is the cornerstone of any Government-sponsored program. The National Aeronautics and Space Administration has amply demonstrated this ability in the past; and I am confident, will continue to demonstrate this ability in the future if we give NASA the wherewithal.

In summary, I suggest that in reordering priorities, we should not throw the baby out with the bath water. We must remain in the forefront of technological development; that is an obvious and necessary priority, one that we can abandon only at our peril.

Since the beginning of the industrial revolution, our Nation has used its competitive advantage developed through technology to maintain its world position in the marketplace. Our technology has not been narrow or parochial; it has also benefited mankind. Both in aeronautics and space flight development, NASA has contributed enormously to this advance of technology. This is one of the most important reasons for continuing to support an aggressive national space program.

Mr. President, I ask unanimous consent to have printed in the RECORD the following material: A statement beginning, "Many of our most prominent space scientists argue that we should now reorient our space program toward unmanned flights"; a list of scientists urging NASA to continue to fly Apollo missions to the moon; a statement beginning, "Dr. James Van Allen has estimated that a fully adequate unmanned space program would cost no more than $2 billion a year"; a letter from Director Kinsey A. Anderson, dated October 14, 1970, to Dr. Homer E. Newell, Associate Administrator of NASA; a statement entitled, "Skylab Solar Astronomy"; a statement beginning, "Furthermore, scientists have pointed out that unmanned flights produced the most advantageous applications of space technology"; a statement beginning, "However, even if a new, ambitious manned space effort could be justified, it is premature to begin development of the shuttle/station now"; and a statement beginning, "Congress now has a unique opportunity to reorient the U.S. space program."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNMANNED FLIGHTS IN OUR SPACE PROGRAM

"Many of our most prominent space scientists argue that we should now reorient our space program toward unmanned flights—which are far more economical than manned flights. Luna 16 and 17 have produced meaningful results for a fraction of the costs of our manned flight to the moon."

There are two points addressed in this paragraph, both of which need to be placed in perspective. First, Luna 16 and 17 certainly have produced meaningful results, but so did our Surveyors, which landed on the moon many years ago, and which together with our Lunar Orbiters literally revolutionized the study of the moon, by providing material for a comprehensive high resolution Atlas of both the near and far side of the moon, and by furnishing chemical and physical analyses of the lunar surface at a number of different spots. We could indeed have continued with these unmanned techniques for our lunar exploration program, but the potential of the manned approach so far outweighed that of the unmanned approach that after the initial unmanned investigations we chose to use the manned approach for further lunar research. The correctness of this choice is fully borne out by the results. The Apollo missions have to date returned 123 pounds of lunar material, compared to the Soviets three or four ounces. Moreover, the Apollo samples were carefully selected and documented by the astronauts' personal presence on the moon which permitted them to carefully select and document samples, to discover unexpected features, and to describe in great detail conditions on the moon even when different from what was anticipated in advance. In addition, the astronauts implanted on the lunar surface a variety of instruments which have since then continued to give us extremely valuable information on the seismic, magnetic, environmental, and orbital behavior of the moon. As a consequence the returns from the Apollo manned missions far outweigh those from the unmanned spacecraft on both the Soviet and U.S. sides. Thus, although it is true that the unmanned approaches are less expensive, the returns are also proportionately less.

This leads directly to the second point namely the question of the interest of space scientists in manned flight. While some space scientists argue strongly against continuation of the manned space flight program, there are equally prominent scientists who argue strenuously for the continuation of the manned flight program. NASA has received letters signed by a total of 45 space scientists urging NASA to continue to fly Apollo missions to the moon. A list of these 45 scientists is attached. So exciting and fundamental have been the results from the Apollo program, and so fundamental are further results anticipated, that it is a matter of anguish to these scientists that NASA had to eliminate two of the Apollo flights from our planned program. The fact that some of the rocks and soil on the moon are a billion years older than any that can be found on the earth today, shows the moon to be our only presently available opportunity to investigate the early history of the solar system (including our own earth). Many scientists feel it to be extremely important that we bring to bear on this opportunity the most powerful capability available to us, namely the Apollo manned missions to the moon.

SCIENTISTS URGING NASA TO CONTINUE TO FLY APOLLO MISSIONS TO THE MOON

Dr. Isidore Adler, NASA, Goddard Space Flight Center, Greenbelt, Maryland.

Dr. Edward Anders, University of Chicago, Chicago, Illinois.

Dr. James R. Arnold, Department of Chemistry, University of California, San Diego, La Jolla, California.

Dr. Gustaf Arrhenius, University of California, San Diego, La Jolla, California.

Dr. H. W. Blodget, NASA, Goddard Space Flight Center, Greenbelt, Maryland.

Dr. Michael D. Bottino, NASA, Goddard Space Flight Center, Greenbelt, Maryland.

Dr. T. E. Bunch, NASA, Ames Research Center, Moffett Field, California.

Dr. A. L. Burlingame, University of California, Berkeley, California.

Dr. George M. Comstock, General Electric Company, P.O. Box 8, Schnectady, New York.

Dr. Allan Cox, Stanford University, Stanford, California.

Dr. Philip Cressy, Jr., NASA, Goddard Space Flight Center, Greenbelt, Maryland.

Dr. Samuel Epstein, California Institute of Technology, Pasadena, California.

Dr. Robert L. Fleischer, General Electric Company, P.O. Box 8, Schenectady, New York.

Dr. D. E. Gault, NASA, Ames Research Center, Moffett Field, California.

Dr. Subrata Ghose, NASA, Goddard Space Flight Center, Greenbelt, Maryland.

Dr. Billy Glass, NASA, Goddard Space Flight Center, Greenbelt, Maryland.

Dr. R. B. Hargraves, Princeton University, Princeton, New Jersey.

Dr. Lincoln S. Hollister, Princeton University, Princeton, New Jersey.

Dr. Patrick Hurley, Massachusetts Institute of Technology, Massachusetts Avenue, Cambridge, Massachusetts.

Dr. I. R. Kaplan, University of California, Los Angeles, California.

Dr. William M. Kaula, University of California, Los Angeles, California.

Dr. Klaus Keil, University of New Mexico, Albuquerque, New Mexico.

Dr. Truman P. Kohman, Carnegie-Mellon University, Pittsburgh, Pennsylvania.

Dr. Ursula B. Marvin, Smithsonian Astrophysical Observatory, 60 Garden Street, Cambridge, Massachusetts.

Dr. Vance I. Oyama, NASA, Ames Research Center, Moffett Field, California.

Dr. John A. Philpotts, NASA, Goddard Space Flight Center, Greenbelt, Maryland.

Dr. William H. Pinson, Jr., Massachusetts Institute of Technology, Massachusetts Avenue, Cambridge, Massachusetts.

Dr. Cyril Ponnamperuma, NASA, Ames Research Center, Moffett Field, California.

Dr. Martin Prinz, University of New Mexico, Albuquerque, New Mexico.

Dr. John H. Reynolds, University of California, Berkeley, California.

Dr. A. E. Ringwood, The Lunar Science Institute, 3303 NASA Road 1, Houston, Texas.

Dr. R. Schmitt, Oregon State University, Corvallis, Oregon.

Dr. Charles C. Schnetzler, NASA, Goddard Space Flight Center, Greenbelt, Maryland.

Dr. William Schopf, University of California, Los Angeles, California.

Dr. Leon T. Silver, California Institute of Technology, Pasadena, California.

Dr. G. K. Snetsinger, NASA, Ames Research Center, Moffett Field, California.

Dr. C. P. Sonnett, NASA, Ames Research Center, Moffett Field, California.

Dr. Hugh P. Taylor, Jr., California Institute of Technology, Pasadena, California.

Dr. Jacob I. Trombka, NASA, Goddard Space Flight Center, Greenbelt, Maryland.

Dr. Harold C. Urey, University of California, San Diego, La Jolla, California.

Dr. Louis Walter, NASA Goddard Space Flight Center, Greenbelt, Maryland.

Dr. G. J. Wasserburg, California Institute of Technology, Pasadena, California.

Dr. John T. Wasson, University of California, Los Angeles, California.

Dr. George W. Wetherill, University of California, Los Angeles, California.

Dr. John A. Wood, Smithsonian Astrophysical Observatory, 60 Gordon Street, Cambridge, Massachusetts.

Some $2 Billion A Year For Our Space Program

"Dr. James Van Allen has estimated that a fully adequate unmanned space program would cost no more than $2 billion a year. This should be compared with NASA's projected space budget of almost $7 billion per year in Fiscal 1979 if development of the shuttle and station proceeds. Such an increase in our annual space budget will further limit the availability of funds for our vital domestic programs."

Once again there are several points that need to be set in proper total context. First of all, the NASA space budget does not have to rise to $7 billion per year in Fiscal Year 1979 if the development of the space shuttle proceeds. Quite the contrary, the space shuttle will provide the means for a far more economical space program by reducing both transportation costs and the costs of producing and operating unmanned as well as manned spacecraft. As a consequence, the availability of the space shuttle will permit both greater productivity per dollar invested in the space program, and also a highly productive program at lower total cost. Moreover, the development of the space shuttle does not require the space budget to go to anywhere near $7 billion per year, but rather can be carried out in a program of substantially smaller funding requirements than during the mid-60's.

The second point is that Dr. van Allen is describing as "fully adequate" a program that happens to meet his own personal scientific interests and tastes. It must be recognized that the scientific community is comprised of a broad spectrum of individuals, whose interests and opinions vary widely. Many dozens of highly competent, prominent space scientists strongly urge the continuation of the Apollo manned lunar missions. Moreover, there is also intense interest on the part of many scientists in manned space flight experiments in earth orbit, as well as on the moon. The attached discussion of Skylab solar astronomy describes the high scientific value of the Apollo Telescope Mount experiments to be conducted, and brings out the intense interest of the scientific experimenters in this research. Drs. Leo Goldberg, Riccardo Giacconi, and Richard Tousey, all have devoted many years of their careers to preparing for these experiments. Their comments contained in the discussion show why they feel this kind of work is so valuable and important. Of particular interest are the remarks by Dr. John W. Evans, Director of the Sacramento Peak Observatory, who is not personally involved in Skylab, but who nevertheless feels that the Skylab experiments are of great importance to the field of solar astronomy.

Looking beyond Skylab, the availability of the shuttle will have a special additional importance. Because of the moderate flight environment of the shuttle, scientists will themselves be able to go aloft in the shuttle, together with their instruments, and conduct experiments much in the manner in which scientific experiments are now conducted in high-flying aircraft. Since it need not go through the rigorous periods of tests that now must be prescribed for spacecraft to be launched on our current launch vehicles the equipment for such shuttle experiments will be orders of magnitude cheaper than present experimental equipment. For this reason many scientists strongly support the shuttle.

Looking even further to the future, there is a considerable interest in development of space stations. At a recent conference on space station utilization, nearly 400 individuals from universities, industry, government and institutions abroad spent two days at their own expense in an intensive review of future space station concepts. NASA has received over 300 responses from conference participants. Of these, 94% expressed the desire to join in the planning for eventual space station utilization, and 87% have indicated specific areas of interest. For example, the University of Ohio was represented by Professor Charles A. Randall. Upon his return to the University, he presented the conference material to 14 science and engineering departments. We have already received 29 different suggestions from these departments for significant investigations to be performed from the space station. Similarly, Professor Gielisse of the University of Rhode Island has forwarded some 20 suggestions stemming from his participation. Many other universities and institutes have reacted along the same lines, enthusiastically and with positive contributions. Thus, Dr. Van Allen does not in our opinion speak either for all space scientists or for the scientific community as a whole. This is perhaps best borne out in the attached letter from Professor Kinsey Anderson of Berkeley, a distinguished scientist who studied under Dr. Van Allen.

University of California, Berkeley,
Berkeley, California, October 14, 1970.

Dr. Homer E. Newell, *Associate Administrator, National Aeronautics and Space Administration, Washington, D.C.*

Dear Dr. Newell: Last winter I discussed with Henry Smith the interest of many engineers and scientists on the Berkeley campus of the University of California in manned space stations. At that time, the interests were not very specific, but I was impressed by the great variety of them, considering that only one campus was involved.

After NASA had publicly announced the outlines of a Space Station and Space Transportation System, I asked many of these individuals how they might make use of such a space platform in their research work. There has been a strong and diverse response from both applied and basic research areas. The numerous responses that I have received range from general statements of interest to quite detailed proposals. Some of this information is attached to this letter, and I think much of it will interest you.

I can summarize these interests as follows: About 35 scientists and engineers on this campus are now engaged in programs which rather clearly can make use of a manned space station. They represent 20 groups in basic and applied sciences, including biology and biomedicine, earth resources (chemistry, geography, forestry), astronomy (X-ray, infra-red, EUV), plasma physics, magneto-spheric physics, cosmic ray physics, and engineering studies (materials science, closed ecological systems, transportation, hydrology, etc.).

There were several somewhat surprising aspects to my survey. The astronomers were very enthusiastic about the possibility of a manned observatory. There was much more interest in this than there has been in the past in the unmanned scientific spacecraft. The response from applied science and engineering researchers was very strong (see the attached letter from Professor Mitchell). Finally, there is a general acceptance of the space laboratory concept here among scientists. No one said that he would rely solely on unmanned spacecraft.

I would like to go one step further and say that there would be acceptance by this group of a timely development of a space transportation system by NASA. We all recognize that a space station containing large, complex scientific equipment can be effectively utilized only if the cost per pound of payload put into space can be greatly reduced. I think either an earth-orbiting space station or a lunar surface station could meet the interests here and, of course, other factors, particularly economic, may point toward the earth-orbiting station. Possibly, there would be somewhat more interest in a lunar surface station. A further factor is to the aspect of coopertaion with the Soviet Union—if this could be done more effectively in a lunar surface station, that would be a point in its favor.

The Space Sciences Laboratory is most interested in encouraging the present interest on the Berkeley Campus in a large manned space laboratory such as the Space Station, and in seeking even broader interest in it. At the same time, the Space Sciences Laboratory would like to lend what support it can as NASA develops the space transportation and space station concepts. In order to work toward these ends, the Space Sciences Laboratory can assist in the following ways:

(1) If NASA plans to have panel discussions or group studies concerning the uses of Space Stations (as suggested at the Ames presentation), I am sure people from the Berkeley Campus would welcome the opportunity to participate. The enclosures with this letter provide information on the interested groups.

(2) The Space Science Laboratory will continue to act as a focal point of interest in the Space Station for the Berkeley Campus. We have provided interested groups with as much information as we can. For example, a large number of the NASA publication EP-75, Space Station: Key to the Future, were circulated around the campus.

(3) Some time in the near future, the Space Sciences Laboratory would like to create a small liaison group, consisting of scientists and engineers, which would begin translating some of the Berkeley interests into experiments that could interface with manned space laboratories. This group would acquire, in the process, as complete a knowledge as possible about space station design. Eventually, this staff might be as large as five Ph.D. scientists and two engineers in order to develop specifications for the large, complex equipment envisioned and to develop some of the experiment hardware requiring long lead times.

(4) From the Space Sciences Laboratory's point of view, an active interest in space stations could represent a smooth transition from the past multidisciplinary program into a balanced program of applied and basic science. We have already moved in this direction with the California Integrated Study of Earth Resources. The Space Station appears to us as a way of building upon this beginning.

We are also interested in the concept of including scientists, engineers, and technicians in the Space Station crew. In fact, a physics student here has been in regular touch with me on the planning for Space Stations. He looked over most of the documents that I brought back from the Ames conference. His ambition is to become involved in space science and to become a Space Station crew member. A potential source for scientist-crew members exists at Berkeley in the very large group of graduate students who are working in the space sciences and applications.

Your sincerely,
KINSEY A. ANDERSON,
Director.

SKYLAB SOLAR ASTRONOMY

The major problem areas of solar astronomy today deal with the mysteries of coronal heating; of non-thermal processes like the solar wind, radio noise, and corpuscular emission; and of solar activities such as sunspots; magnetic regions; flares and proton events, and the solar cycle. Beyond the surface of the sun, the familiar laws of physics sometimes appear to be disobeyed; e.g., how can the corona at 2,000,000° F. be so much hotter than the 10,000° F. photosphere when the latter is presumably the source of the heating of the former? A major problem is to explain how the magnetic energy of the sun is converted into electromagnetic and particle energies emitted in solar flares. Indeed, just what is the nature of a solar flare, and exactly how are such flares related to the particles and fields that so strongly influence the earth's atmosphere and space environment during times of enhanced solar activity?

The investigation of these questions is the task of the solar astronomy principle investigators associated with the Skylab Apollo Telescope Mount (ATM). The six instruments outlined in the attached table are mounted together in the ATM and operate at the direction of the scientist-astronaut crew members. In addition, the ATM has a pair of pointing telescopes, operating in the red hydrogen-alpha light of the sun and used by the astronauts to display solar regions on their control panel via a television link.

(The table follows:)

APOLLO TELESCOPE MOUNT SCIENTIFIC EXPERIMENTS

Experiment numbers	Organization	Principal investigator	Instrument	Purpose
S052	High Altitude Observatory	Dr. R. MacQueen	White light coronagraph	Monitor the brightness, form and polarization of the solar corona in white light.
S082	Naval Research Laboratory	Dr. R. Tousey	Coronal spectroheliograph	Make high-spatial resolution monochrometric solar images in the 160-650 angstrom range.
			Chromospheric spectrograph	Record solar spectra in the 970-3940 angstrom range with high spectral resolution.
S054	American Science and Engineering Co.	Dr. R. Giacconi	X-ray spectrographic telescope	Study solar flare emissions in the soft X-ray wavelengths (2-10 angstroms).
S055	Harvard College Observatory	Dr. L. Goldberg	UV scanning polychromator spectroheliometer.	Photoelectrically record high resolution solar images and study emission spectra of selected features of solar disc.
S056	Goddard Space Flight Center	Mr. J. E. Milligan	Hi-resolution X-ray telescopes	Obtain time-histories of the dynamics of the solar atmosphere in X-rays in the 1-60 angstrom range.

The solar processes of interest here are short-lived unpredictable phenomena lasting from seconds to hours. The sun, in essence, reveals itself in short bursts of very high rate data. This requires intensive, continuous observation of the whole solar envelope across the whole electromagnetic spectrum. It further demands very high resolution and high speed data recording. Above all, it demands rapid, accurate, timely response to unpredictable events occurring on or within the sun. To meet these demands, the ATM provides a set of specialized instruments working together, while the astronaut, working in conjunction with ground observing teams, provides the necessary functional control, selecting the phenomena to be observed and operating the instrumentation. The three elements of ground teams, astronauts, and space instrumentation are intregal to the success of this part of the solar astronomy program. An added value of man's presence is the capability for use and recovery of film, the highest data rate recording medium available.

The high value that should be attributed to ATM experiments is illustrated in the comments of several of the Skylab experimenters. Dr. Leo Goldberg, who has for the past two years been Chairman of NASA's Astronomy Missions Board, and is a member of the Space Science Board, states:

"The Solar Observatory (Apollo Telescope Mount) to be flown in Skylab, under development and construction since 1965, is undoubtedly the most important solar spacecraft now planned. It will house by far the most powerful and sophisticated collection of solar instruments ever flown in a satellite and the combined payload is designed to investigate a number of very puzzling mysteries surrounding the sun's behavior. For example, the Skylab seeks to discover the mechanism that creates the solar corona, an enormous expanding envelope of gas at a temperature of two million degrees which surrounds the earth and reaches out to the very boundaries of the solar system. The Skylab observations may also reveal how and under what circumstances the sun manages so efficiently and quickly to transform vast quantities of stored magnetic energy into heat, as it does when a giant flare breaks out and bathes the earth and interplanetary space with X-rays and fast moving particles. The launching of Skylab will climax ten years of preparatory work which has been so successfully carried out in the series of small Orbiting Solar Observatory (OSO) satellites, largely by the same group of experimenters who are involved in Skylab. While solving many problems, the OSO experiments have also sharply defined a number of the most essential and critical measurements that can only be made with instruments as powerful as those projected for Skylab. The astronomical community is eagerly awaiting the results of these essential measurements and the expected breakthroughs in our knowledge of the sun which the Skylab mission promises to bring about.

"Finally I want to underscore the importance I attach to the contribution of astronomy that the astronauts will be making, both by performing certain necessary and useful tasks in connection with the experiments, and in demonstrating man's capability as a scientific observer in space."

Another experimenter, Dr. Riccardo Giacconi writes to express, as he puts it, "my enthusiastic support of the mission from the point of view of solar physics." He goes on to elaborate:

"The ATM mission to be flown on Skylab 1 represents the first large-scale concerted attack on the problem of the heating mechanism of the solar corona. Experiments carried out in the past decade from rockets and Orbiting Solar Observatory (OSO) satellites have given us a tantalizing glimpse into the role of magnetic fields and hot plasmas in this process. For the first time, by the use of space techniques, the current theories could be tested and crucial observations could be carried out. These observations have shown the need for high resolution, highspeed, multiwavelength studies of detailed regions to be carried out over sufficiently long periods of time to encompas the birth, development, and decay of active regions on the sun. The ATM complement of instruments is designed to do this.

"In the X-ray range of the spectrum, ATM offers the only opportunity presently available to utilize the very powerful X-ray imaging techniques developed over years of rocket flights, to study the detailed characteristics of small, physically coherent regions on the sun. These studies may give us the key to understanding the development, containment, trigger mechanisms and decay of hot plasmas on he sun in flare and quiet conditions.

"The sun is our nearest star. Its light gives energy for most of the natural processes occurring on earth. It is the test-bed for new observational techniques and theoretical understanding of distant stars. How important then that we continue in this process of unravelling its mytseries particularly now when we are on the threshold of new and exciting scientific exploration.

"Abandoning ATM now could be the result only of incredible short-sightedness and levity. Several years of deep commitment and hard work by a large number of scientists and engineers toward its realization cannot be thrown away, just when the time is near when its abundant promise can be fulfilled."

Dr. Richard Tousey, of the U.S. Naval Research Laboratory, makes the following observations:

"1. The solar experiments in ATM should be considered by themselves and not considered together with the total cost of Skylab but just on their own. They are a bargain. The experiments should produce results that are far beyond any that can be obtained with existing vehicles and instrumentation or with any planned for this decade. I question whether the 1 arc second solar observatory which is not manned, this is the planned or discussed observatory, will be able to do as much as ATM, and also whether it can be built for $150 million.

"2. The U.S.S.R. is building some kind of an ATM. We learned this when talking with Professor Severney this summer. The instrument that we know they are building is similar to S-082B, a large spectrograph using photographic film. It does not contain any TV equipment. The astronaut will watch the sun in H-Alpha directly through an eye piece. With this he will see the sun's image on the slit. (On the ATM, a television system is being employed for this.) The instrument is a 30 centimeter Cassegrain double Wadsworth stigmatic spectrograph. This will fly in one of their manned missions, but we do not know when.

"3. The ATM uses photographic film for almost all the instruments. The information gathering capability of photographic film is several orders of magnitude greater than any television equipment now available. Although many people are extremely optimistic about improvements in television, I question whether television will ever come to catch up to photography.

"4. The great question is, will the U.S.A. continue with manned flight in space. I think the answer is yes. If the answer is yes, then I feel that it is absolutely necessary to continue with Skylab 1. Skylab is a necessary step to almost every conceivable large manned space station. I believe that man is necessary for all large space stations. His use in manned space stations will have to be determined but Skylab 1 could supply many answers to this question. Skylab was set up to explore the capability of man in space. Solar astronomy was the prime experiment but that is not the only one. The proper time to judge its value is after the mission has been completed. At this stage it is absurd to question its value before flight.

"5. Skylab is a tremendous undertaking and will contribute to the advancement of science and technology in a great many ways, not simply through solar observation. Physicists and engineers are forced to work together. NASA management is forced to work with semi-autonomous Centers and with groups of semi-autonomous experimenters, and also with large industrial organizations. This has to be coordinated into one great program otherwise it will not be a success, a great deal will have been learned about the management of complex projects.

"Another item possibly worth mentioning is the method now being studied for operating the complex group of experiments and the spacecraft and orbital assembly. This is apparently going to be handled with the aid of a very large computer program. It seems to me that this presents a new challenge in itself. The computer is supposed to take the input from every separate experiment and the different astronaut functions and produce directions or advice for operating the mission on an hour to hour basis.

"Skylab may be related to the earth observation program of the future. It is too soon to decide. If it is found worthwhile to conduct an extensive earth observations program, I think that man will be found extremely useful to conduct experiments in orbit.

"I have faith in the scientist-astronaut concept even though it may be too early to take full advantage of the scientist-astronaut. His judgment will most certainly be extremely valuable in the ATM. The main question is whether he will have a chance to use his judgment because of the many conflicting demands placed upon him by the Skylab operation."

But the enthusiasm for Skylab rests not only with the experimenters themselves. Dr. John W. Evans, Director of the Sacramento Peak Observatory, who is not involved in Skylab, writes:

"Much has happened in solar physics since the appearance of the Astronomy Missions Board position paper, *A Long Range Program in Space Astronomy*. Although some of the new information has been a surprise, none of it is of a kind that in any way alters the pressing need for the more sophisticated experiments which are now nearly ready for ATM–A. For the first time we will be able to achieve spatial resolution on the sun of better than 5 arc seconds in the extreme ultraviolet wavelengths. This alone will constitute the most important step forward, since the first crude space observations. In addition, however, ATM–A will allow full use of the enormous information capacity of photographic films to record long sequences of solar activity. These will provide for studies of the rapidly changing phenomena of flares, for instance, and the discovery of the features that embody the particle accelerators and X-ray emitters that so strongly affect the terrestrial ionosphere. One of the great frustrations of modern solar physics is lack of any physical description of these mechanisms. Five of the six ATM experiments will throw light on this problem, and could finally solve it. The sixth experiment, observation of the white light corona over long time periods (compared with the few minutes of an eclipse), will hopefully enable us to see bursts of particles in all energy ranges leaving the sun. We will be able to pinpoint the initial conditions of velocity, density, etc., for comparison with the state in which these particles arrive at the earth.

"In short, solar physics has now reached a barrier to further advance in the most interesting aspects of solar activity. ATM–A is the vehicle which can breach the barrier, and make real physical sense of a tremendous backlog of ground and space observations that we cannot now interpret. From a scientific viewpoint, there has never been such an exciting prospect, and no other project offers such promise of far reaching advances in the most fundamental aspects of solar physics.

"There is one other aspect of the ATM mission that should be mentioned. A number of the most prominent solar astronomers have put their sweat and blood into the project over many years. If anything happened to cancel this mission, the morale damage to the participants in the space program would be catastrophic and irreparable for a very long time. I speak here as a spectator since I am not directly involved in any space experiments. However, like me, the whole solar astronomy comumnity feels it has a large stake in the ATM mission, and to arbitrarily disappoint them would be disastrous."

The solar astronomy program on Skylab is unique; there has been no automated alternative found, either by NASA or by the astronomers themselves, that can provide the depth of scientific research capability inherent in the ATM. Even the Advanced Orbiting Solar Observatory (AOSO) concept, parent to the ATM instruments, could not provide the sensitive responsiveness so necessary to solar process study. It is the selectivity and judgment of man in the loop that enhances the scientific returns promised by ATM beyond any other approach yet studied. The concern of greatest moment among the solar astronomers today is, not whether the Nation should pursue the Skylab ATM experiment, but how to assure that the returns therefrom are as great as possible since, for a long time to come, this is to be the sole opportunity for experimentation of this quality.

ADVANTAGES OF UNMANNED FLIGHT

"Furthermore, scientists have pointed out that unmanned flights produced the most advantageous applications of space technology. Indeed, most of the beneficial byproducts of our space program have been derived from the unmanned part of the program."

This paragraph completely fails to set the proper perspective. As is becoming better and better understood, the ultimate practical returns that we derive from basic research accrue only after many, many years of effort. A careful review of the history of science, technology, and technological applications shows that it usually takes two or three decades for major practical returns to accrue from basic research. Thus, the advantageous applications of space technology referred to in the above paragraph rest upon scientific work that began in the mid-1940's. For example, the very profitable communications satellites have developed from the seeds that were sown in the radio telemetry used in sounding rocket flights in the 1940's. Also, the meteorological satellite photography of today stemmed from the early experimenting with high altitude rocket photography a quarter of a century ago. The important point to emphasize is that we have these advantageous applications of space technology today because of investments made in new capabilities and techniques not just a few years, but two or more decades ago.

In this perspective, then, the importance of manned space flight is that it is a necessary activity today to establish the very powerful capability that we will need in the future for continued scientific research and practical applications. Not that all those returns lie in the future; the extremely powerful contributions of the Apollo lunar missions to science, and the very valuable solar physics experiments to be conducted on Skylab are examples of immediate returns. Moreover, a number of extremely important earth resources experiments will also be conducted on Skylab. Nevertheless, the main thrust of the Skylab experimenting at this time is to obtain the data and information need on man's capability to endure space flight over long periods of time in order that NASA may properly plan and develop the utilization of man in space. Likewise, NASA's work on the Space Shuttle must currently be directed mainly to the drastic reduction of costs of operating in space. If we do not make investments now in these types of activities, then our future leaders will not be able to point so happily to new "advantageous applications of space technology" as is done in the paragraph quoted above.

PREMATURE TO BEGIN SHUTTLE STATION

"However, even if a new, ambitious manned space effort could be justified, it is premature to begin development of the shuttle/station now. For this project is based on the assumption that man can function effectively in a space environment for long periods of time. But at this point, the feasibility of long-termed manned space flight is undetermined. Indeed, the Soyuz space mission in June raised doubts in the minds of both Soviet and American scientists about man's adaptability to such long term space flight."

Again, several points to be made. First, in our contacts with the Soviets, which of late have been quite close, there is clearly no doubt in the minds of the Soviets about continuation of manned space flight, or about the importance of long term manned space flight in their future plans. As brought out in the continuing studies by Dr. Charles Sheldon of the Legislative Reference Services, the Soviets are clearly fully committed to an intensive and continuing manned space flight effort, including manned flights into deep space.

Secondly, the shuttle study work should continue at the planned pace, because regardless of Skylab results, the shuttle has numerous applications to both unmanned launchings and spacecraft operations, and to short-term manned space flight and experimenting.

Thirdly, the space station, which we have phased to come after the space shuttle, is already intentionally and properly spaced with respect to the Skylab missions, so that before entering upon any commitment to full-scale development of the space station, we will have the results from the Skylab missions. In the meantime, space station studies should continue to lay the best possible groundwork for the most effective application of resources to the development of the space station at the appropriate time. We are in the enviable position of being able to pace the different pieces of the total program sensibly with respect to each other, so that the early work required to understand fully what is involved in a commitment to a space station can have been completed by the time it is necessary to make any such commitment.

AN OPPORTUNITY FOR CONGRESS

"Congress now has a unique opportunity to reorient the U.S. space program. By taking advantage of this opportunity, we can have a space program in which our scientists believe and which our people can afford."

This is true. After a dozen years of vigorous effort, marked by many outstanding successes, the U.S. space program has arrived at a point where it is possible in the years ahead to achieve a genuine breakthrough in the character and costs of our space capability. With the space shuttle, the costs of doing space business will be drastically reduced. Moreover, the shuttle, because of its versatility, flexibility and benign flight environment, will be of service to a broad spectrum of users both in this country and internationally. It will truly be the basis for a wider range of valuable scientific and practical applications than those that our older techniques have afforded us and to which we point with such pride today.

Mr. GURNEY. Mr. President, I hope that the Senate will reject this amendment just as soundly as it did earlier this year.

Mr. CANNON. Mr. President, a number of Senators are seeking to cut $110 million from the independent offices and Department of Housing and Urban Development appropriations bill, 1971, which would be part of the NASA appropriation for the definition and design of a space shuttle and space station. As their position reflects a good deal of misunderstanding about the space program, I will take a few minutes to set some of the facts straight.

The independent offices appropriations bill, H.R. 19830, which is being considered today, contains $3,268,675,000 for NASA—an amount identical to that agreed to by the conferees on the previous independent offices bill, H.R. 17548, which was vetoed by the President. The amount provided for NASA in the bill, however, is $50,628,000 below that which the Senate had appropriated for NASA. In other words, the Senate lost over $50,000,000 in the conference. Moreover, it is $64,325,000 below the NASA budget request and $427,958,000 below the appropriation for NASA for fiscal year 1970.

They raise again the question of why we send men into space.

I believe the answer to the need for men in space is very simple. There are no space systems in which men are not involved. The only question arises as to where in the system you should put the men. There are some things machines can do that men cannot, and there are some things men can do that machines cannot. This simple statement is obviously true on earth and I believe it is just as obvious that it is true in space. The difference is that men can think and machines cannot. Machines do what they are designed and programed to do—nothing else. If something goes wrong or does not go according to plan, the machine or spacecraft fails. In contrast, men can analyze the difficulties, figure out what the problem is, and devise and execute a solution. The loss of the $98.5 million orbiting astronomical observatory—OAO—earlier last week because the automated system was unable to successfully eject the shroud covering the spacecraft during the launch as contrasted with the difficulties of Apollo 13 so brilliantly solved by the men in space, would seem to me to make it unnecessary to belabor this point.

The fact is that today, each time we launch a satellite, we throw the booster away because we do not know how to build unmanned automated space boosters that are capable of placing spacecraft with a high reliability into their proper trajectory and return that booster safely to earth so that it can be reused. These boosters cost large sums. The booster on the OAO cost about $20 million. A few weeks ago, the Air Force attempted to launch a new surveillance satellite and the mission failed because the booster failed. That booster cost about $30 million. If the shuttle had been available, the problems run into during each of these missions would have been solved by men in space or the spacecraft would have been returned to earth. Both of these satellites would have been turned into successes and the shuttle launches would have cost no more than about $5 million each.

However, the booster savings are only a part of the total savings we would achieve with the shuttle system. Automated spacecraft today cost on the order of about $15,000 to $30,000 a pound to build because of the high reliability that must be built into the system. The space shuttle would permit spacecraft to be built using much more conventional structural techniques and more off-the-shelf equipment reducing the spacecraft per pound costs in some instances to a few hundred dollars per pound. Equally important, the shuttle would require far less lead time between the initial go ahead for a space mission and its actual accomplishment. Scientists and engineers have been working, for example, on the OAO for a period approaching 10 years and yet because of a simple shroud failing to separate properly, all of this work is for naught. You can imagine that a good many scientists and engineers spent a good part of their careers on this program and have no results from the experiments aboard the spacecraft as there is no back up for this mission.

I want to emphasize that the space shuttle is not a vehicle only for manned space flight. Rather, the shuttle is a new concept for putting payloads into space and the payloads it will put into space are both automated satellites and men—scientists—with equipment to perform experiments in space. The shuttle program will do away with the large stable of boosters the Nation now maintains and will reduce the costs drastically for getting payloads into space. It seems to me that this is the only sensible and economical way for the space program to proceed.

One further point, our colleagues are concerned about long duration flights and the possibility that they may not be feasible. They base their position it seems primarily on the fact that for very long duration space flights we do not yet know all of the design parameters for a space station. They say, "We may learn long duration space flights are not feasible." I believe there is no question that long duration space flights are feasible. The only question is how a space station should be designed to make long duration flights feasible. This feasibility is primarily concerned with the absence of the gravity force field in space. Several solutions are being investigated for this problem. For example, the space station can be designed to provide an artificial gravity environment simply by spinning the space station. Another possible solution would be to incorporate into the space station a centrifuge system. Other solutions are also being investigated. NASA is taking the zero-g environment and other problems into consideration in planning the space program. The shuttle system itself does not have the problem of long duration effects since it will remain in space only for about a week at a time.

The shuttle system is a transportation system that will operate from the surface of the earth to earth orbit and the shuttle system would be brought along first with the development of a space station coming along later. But if we are going to be in a position to make a decision about a space station certain technology and design studies must be accomplished now.

It is my belief that if the Congress were to eliminate the $110 million for the space shuttle from the independent offices appropriation bill, 1971, this would be a mistake and in a few years the United States would find itself again in a position with respect to space that it was in 1957.

The committees have studied the NASA space program extensively and it is their best judgment that the United States should go forward at this time with the further study and design of a space shuttle/station system. I emphasize that neither the space shuttle nor the space station are approved programs for development either in the executive branch or in the Congress. What this bill does is provide the funds for further study so that decisions can be made with respect to such development. To delete the funds now would be a mistake. Therefore, I urge the Senate to reject the amendment.

Mr. HANSEN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Texas (Mr. TOWER) on the proposed appropriation of funds to NASA programs and operations.

There being no objection, Senator TOWER's statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR TOWER

Mr. President, I would like to express my support for the funds in this bill allocated to NASA programs and operations. The Committee has recommended and the House has agreed to a figure of $3,268,675,000 for the NASA appropriations for this year. While I regret that the figure could not be higher this year, I do support the funding for this area that has been agreed upon by the House and the Senate Committees in view of the budget overload that we are facing this year.

In the future, however, I would personally like to see greater emphasis placed on NASA programs and on basic scientific research in general. The technological and economic fallout of these expenditures in the past has been enormous. There is no way to estimate the monetary value of all of this fallout, but it is very evidently greater than the expenditure cost and has also kept us in a superior position in the world technologically, thus enabling us to afford the high cost of our labor and our high standard of living. Without an increased level of NASA and basic research funding, our ability to support our high wages will undoubtedly decline and our position as a world leader and defender of freedom will decline correspondingly.

I have introduced a measure in the current session which is intended to give NASA a new major task to perform relating directly to our economic well-being as a nation and to progress in our technological capabilities. This measure, S.J. Res. 245, provides that NASA should begin the study of the potential utilization of solar rays for the generation of electrical power. Ultimately, we must tap solar energy directly if we are to progress technologically and economically.

The benefits of full exploitation of this limitless, pollution-free, non-extractive fuel source would be the virtual elimination of poverty and hunger and the salvation of our degraded environment. I think we should support a fuller exploitation of NASA's capabilities to develop usable electrical energy from solar power through full funding of the space shuttle program, an integral part of any effort to tap the energy of direct solar rays, and an authorization for NASA to enter into larger-scale solar ray research and experimentation.

Mr. SCOTT. Mr. President, my vote to table the Fulbright amendment adding $150 million for the construction of new water and sewer facilities should not be interpreted as a vote against a clean environment. In fact when this amendment was considered last summer, as part of the now-vetoed Independent Offices and HUD Appropriations Act of 1971, I voted for it.

My concern, at this point in time, is with the fact that unless this bill reaches the President in a form acceptable to him, and by that I mean in a form exactly like the House-passed version, it can quite readily be subject to a Presidential veto. Such a veto would be catastrophic, for not only are we funding critical housing programs and veterans care programs, but we are also providing $61.8 million for the construction of a new courthouse and Federal office building in Philadelphia.

Mr. President, there is a critical need for this new facility in Philadelphia and I have labored for it too many years now to see it go down the drain. For that reason, I urge that the Senate adopt this revised appropriation bill in its present form in order that the President can sign it with a minimum of delay.

Mr. PASTORE. Mr. President, I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. DOLE). The Senator from California is recognized for 4 minutes.

Mr. CRANSTON. Mr. President, before addressing myself to this amendment, which I oppose, let me thank the Senator from Rhode Island for the great work he has done on this bill with regard to the veterans appropriation for medical care. It is vitally important that we meet this obligation as a Nation.

I am also very grateful to the Senator for his kind remarks, made earlier this morning, concerning my efforts.

Mr. President, our country is now at a critical juncture in our program of space exploration and our use of space for human needs on earth.

The American space program has progressed from grapefruit-sized satellites to lunar exploration vehicles in a period of less than 15 years.

The technology which produced these achievements in space has changed our way of life on earth.

The costs of American preeminence in space have been enormous.

Up to now, we have relied upon launch vehicles costing more than $200 million each and usable for only one flight. Now the shuttle offers an opportunity for a vehicle capable of making up to 100 trips from the earth's surface into space.

Far, far more is to be gained in space than bringing back samples of rocks from the moon.

At the moment that we have the chance to develop an economical and reusable launch vehicle, we are also beginning to develop highly sophisticated satellites to help solve some of our more pressing environmental and communication problems.

Satellites are now capable of performing such tasks as: land use planning, studies of crop yields, crop irrigation studies, grazing range management, geologic mapping, geothermal and volcanic observation, surface water mapping, watercourse location, plotting drainage patterns, flood monitoring and prediction, air pollution monitoring, urban planning, weather study and prediction, location of fish feeding areas, monitoring shoals and sandbanks, location of shipping hazards, global data collection, forest fire detection, analysis of population growth, and global voice and picture communication.

This list of earth-related satellite uses can be greatly expanded, and more satellites can be developed if we have a more economical way of launching, retrieving, and servicing them.

The space shuttle is capable of doing this, and for this reason it is indispensable.

It could reduce launching costs by as much as 90 percent per pound.

The space shuttle is capable of beginning a new era of space exploration and extensive use of satellites for needs here on earth.

The $110 million requested in this appropriation by NASA is for development of a reusable, manned spacecraft capable of placing satellites in orbit and bringing them back for repair and reuse.

The shuttle will have a large cargo area capable of carrying space station modules which can be assembled in space.

Thirty million dollars of the $110 million is for study and development of a space station which would be used in conjunction with the space shuttle.

It is important to note that these development funds do not involve a commitment for production of the space shuttle.

Nor does study of the space shuttle in any way mean that this is a program of manned Mars exploration.

But the Senate must recognize that without a space shuttle there will be no more U.S. manned space flights after 1973.

The State of California has a great stake in the development of the shuttle.

Over a thousand highly skilled engineers and workers are now involved in $23.5 million of feasibility and design studies for the space shuttle.

California's role is one factor in my decision to support the program.

Of equal importance is the fact that the space shuttle is not an exotic project leading to questionable ends.

It will provide the country with a means to continue its space program in a manner that will not involve the exorbitant costs of our present series of expendable launch vehicles like the Saturn.

Critics of the space shuttle and space station have not recognized that the $110 million appropriation is necessary in order to make an intelligent decision whether to produce this vehicle.

Without expenditure of these study funds, a decision not to produce the space shuttle is premature and illogical.

I consider our space program to be one of the many important national priorities.

To eliminate it or to avoid ways to make it more economical is not the way to reorder our priorities.

Millions of Americans earn their livelihood from the scientific and technological applications of the American space program.

The space program should continue with both manned and unmanned missions.

We must now begin to develop a launch vehicle that is less costly and more versatile.

This appropriation will enable us to begin an era of space use for earth needs.

I urge that the Senate defeat the amendment to delete the space shuttle appropriation.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CRANSTON. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, is that an unmanned, instrumented vehicle?

Mr. CRANSTON. We can make it more effective when we can have men up there when necessary and when we can retrieve them when necessary to improve upon them.

Mr. MONDALE. Mr. President, I think most of the scientists, including Dr. Van Allen, agree that practically all of the examples of benefits given are fallouts from unmanned, instrumented flights.

Mr. CRANSTON. Mr. President, it is my belief that they can be made more effective. I base that belief upon my experts, as the Senator bases his belief upon his experts. I believe that it can be a great contribution not only in the areas I spoke about in terms of contributions, but that it can also be handled more appropriately as we develop the shuttle. We can then better handle the problems of hunger that confront so many Americans concerning which I know the Senator from Minnesota is deeply interested in. That problem can be dealt with more satisfactorily when we have better shuttles under better control.

Mr. PASTORE. Mr. President, I yield 2 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 2 minutes.

WE NEED CONTINUED SUPPORT FOR OUR SPACE PROGRAM

Mr. STEVENS. Mr. President, with all of the serious social problems we face as a nation, there is a tendency to put off those programs oriented essentially to the future—such as the space program—and hope that somehow the resources can be applied to immediate problems. The amendment we are considering to cut back further this Nation's space program is an example of this tendency in operation. We must, of course, find ways to solve today's problems, but not, I am firmly convinced, at the expense of the future.

The space program has from its beginnings served as a cutting edge of technology, and space developments of the 1970's will extend this function into the future. But in addition to the visible space vehicle systems—power, fuels, lanuch and reentry operations, environmental control, guidance, to mention just a few—are advances in the form of new materials, new processes and techniques, and advances in computer technology, communications and data handling.

The amendment before us is, according to its sponsors, designed to eliminate future manned space travel while continuing instrument exploration of our solar system. The reason cited for support of this move is that manned exploration is far more costly and results in little more knowledge than instrumented probes could learn. I think this view is shortsighted for two reasons.

First, I would like to think back to that day—July 20, 1969—when Neil Armstrong spoke the words:

> That's one small step for a man, one giant leap for mankind.

For the first time in the history of man, all the men of earth in all nations stopped to focus on this one event. For one single moment, we were united. For this was not only the accomplishment of one human being or one nation; it was also an achievement of man. It lifted the human spirit. It made us proud to be men.

I do not recall having such feelings when our Ranger moon probe made a soft landing on the moon several years earlier. The people of this planet need the kind of inspiration that only manned space flights can provide. We need the continuing reminder that we are still moving forward, that we can still hope for continued improvement of our lot. This aspect of our space program is often overlooked, yet it is an important one.

It should be pointed out that the funds which would be cut by this amendment are the very funds which will make manned space flight economically far less expensive. The money will be used to develop a space shuttle which can be flown much like an airplane. Once several of these crafts are available, it will not be necessary to keep building new rockets, since these shuttles are reusable indefinitely.

The second reason I feel this amendment is shortsighted is that many of the technological innovations which have come about in the last 10 years can be directly attributed to the manned space program. This is particularly true in the case of physiological studies and medical monitoring devices, as well as basic biological research. Much of the information will assist us in our exploration of the ocean depths as well as the vastness of space.

Important advances in food processing are another technological development directly attributable to manned space flights. Freeze dried foods—such as coffee—are already on the market for home consumption. Fuel cells, which may someday power our cars, is another example.

In other words, what we are buying with this manned space program money is the technology which leads to new products, new processes, new jobs: a technology which is already being adapted to help solve our pressing social problems. The development of the computer industry is an example. The space program contributed greatly to the development of the technology that now helps control our increasing air traffic and will soon run the Nation's new subway systems. Senator ANDERSON's Committee on Aeronautical and Space Sciences held hearings on the adaptation to social problems of technological developments resulting from the space program. The hearings clearly show the tremendous impact of the space program on our society, and I commend them to you.

Our space program is, essentially, a synonym for technological innovation, which we must have for the maintenance of this precious blue gem, the planet earth.

Are we going to stop here, relinquish our hold on technological leadership, and our capability to extend our knowledge into the future? Are we going to disperse further the community of highly trained, highly intelligent, and highly motivated scientists and engineers who have taken us where we are today? Or are we going to continue to support the space program at a level on which it can confidently and meaningfully continue to contribute to the improvement of life for all of us?

Mr. President, my good friend, the Senator from Minnesota, leaves me with the impression that we are in the same position as Spain would have been if it had told Columbus, "We have been there once. We need never go back again."

Future benefits from the exploration of space by man will be as beneficial to all mankind as was the original trip of Columbus.

Mr. President, in my view, we have already cut back too far on spending for space. I strongly oppose efforts to further reduce the NASA budget.

Mr. PASTORE. Mr. President, I yield 3 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I do not know of any program that has been considered more by the legislative and the appropriations committees for the last 2 years than has the space program, including a microscopic examination by two committees of the Senate this year. The House Space Committee, under the chairmanship of Representative MILLER, has done outstanding work in examining it in great detail.

Mr. President, there is one argument that I have not heard brought out here as yet. This shuttle is a space vehicle that we hope will lead us to the point of being able to reuse the same vehicle many times. That will be a step that will assure our having a real space program for another decade without the enormous costs associated with expendable, throwaway vehicles.

Mr. President, I have not heard anyone give an estimate concerning a $50 billion or $100 billion program or any such figure for a manned Mars program. That is not relevant. This is not a program for Mars. The chairmen of the Senate and the House space committees have publicly said that it is not and that if it were, they would not support it. I repeat, they would not support a program designed as a manned program to Mars.

Mr. President, let us keep our feet on the ground with respect to the present facts. Even though this is a space program, let us keep our feet on the ground. This is still a research and study program. This is an effort to determine the feasibility and practicality of the space shuttle and what it is possible or probably possible to do and what should be done in this field.

We have had this concept in the Air Force for years. We remember that last year the Air Force canceled out the MOL program. Secretary Seamans was there when that was done. I called him a few moments ago. I knew how he felt about this thing, but I wanted to be absolutely sure that he still had the same viewpoint.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. Mr. President, I yield the Senator an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for an additional 3 minutes.

Mr. STENNIS. Mr. President, I find that his interest, instead of lagging, is growing tremendously. The Air Force has entered into an agreement with NASA on the space shuttle and has agreed that NASA will be the lead agency on it. The Secretary stated that whatever is found and developed will be of benefit in future decades to the national security.

No one knows anything in this field we are discussing now. This is purely a march into the future to determine what the situation is and what the need is. We have had this matter up for review many times.

Reference has been made recently to the surveillance satellite that was launched with a Titan III–C. There was a malfunction and the flight was not successful. However, studies are underway on the applications for the utilization of the space shuttle which indicate that the shuttle system will increase our launch reliability as well as reduce our launch expense particularly for these unmanned, automated satellites as well as for other space operations.

These benefits are quite possible. If they prove out, they will thereby reduce our spacecraft cost, the largest single cost element in the mission.

As one who is not overwhelmed here about supporting a general space program here, I have found that this system is most attractive and is most likely to bring success. It is one that I would pick and that the committee has picked as being one that is essential and has more capability for success in space.

Mr. President, I hope that the Senate will give good, strong, solid support to this matter. Let us proceed for another year to see what benefits can be shown.

I thank the Senator for yielding to me and I yield back the remainder of my time.

Mr. PASTORE. Mr. President, I yield 3 minutes to the senior Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I would like to address myself briefly to the national security aspects of the bill now under consideration.

At the present time, the Department of Defense has no program in the area of manned space flight. The Senate will recall that the manned laboratory program of the Air Force was canceled in 1969. It is not my intention at this time to rehash the arguments regarding the decision to cancel the MOL program; but it is timely to consider where we stand with respect to the future possibility that national security may require manned activity in space.

This bill recognizes the possibility of such a future need in the effort to define the space shuttle during fiscal year 1971. In February of this year the Secretary of the Air Force and the administrator of NASA reached an agreement under which the space shuttle will be defined to be "of maximum utility to both NASA and the Department of Defense." A committee headed by senior officials of the Air Force and NASA will conduct a continuing review of the program and will recommend steps to achieve the objectives of a system that meets the requirements of both agencies.

NASA's experience and research over the years with unmanned systems, manned systems, and in aeronautics have come together in a new concept—the reusable manned space shuttle system—which will bring about a fundamental change in space operations and result in very substantial cost reductions, for both manned and unmanned missions. The objective of the space shuttle is to provide the United States with an economical capability for delivering men, equipment, supplies and other spacecraft to and from space by reducing operating costs to about a tenth of those of present systems. Clearly all agencies of the United States will benefit from such a dramatic improvement in the cost situation.

For these and other reasons, I strongly support the recommendation of our Committee on Appropriations reflected in this bill to provide funding to proceed with the space shuttle during fiscal year 1971. I urge the Senate to reject the pending amendment.

Mr. PASTORE. I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, there are many features of this item about which I would like to speak, including the economies from the reusable features which may result from this research, and the fact that both committees of Congress have directly repudiated any commitment to interplanetary efforts or interplanetary missions at this time.

But the thing I wish to talk about, because I have not heard it mentioned, is that so much has been learned in the field of medicine and better attention to human beings by reason of human flight in space.

Dr. Werner von Braun spoke yesterday over television. I am sorry that all Senators did not hear him speak. He spoke of the remote electronic controls which measure heart actions and blood pressure and which show whether people are asleep or active, and all of the other vital features of immense importance from the standpoint of life and death of millions of people. He said that one nurse sitting in a central place in a hospital could supervise 500 different patients because of this electronic surveillance which is now possible and which had been discovered solely because of human flights in space and the electronic equipment developed in connection with those flights.

I sincerely hope this amendment is rejected because it is a backward amendment that tends to take us away from some of the finest developments we have had that help us not only economically and in connection with national security, but also in the field of vital life for our people, because so many of these developments are usable by surgeons and nurses and those who handle the health problems of our Nation.

Mr. PASTORE. Mr. President, may we be told what the time situation is?

The PRESIDING OFFICER. There is 1 minute remaining on each side.

Mr. PASTORE. Mr. President, I ask unanimous consent that the time on each side be extended by 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. PELL. Mr. President, I ask that I may be recognized for 3 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 3 minutes.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PELL. Mr. President, I find myself bothered by this amendment because in the past I voted against the entire authorization for the space program. The general demands of outer space, I think, can be postponed until we have met so many of our demands in inner space.

However, one demand we will have in the future is energy. Some day our petroleum resources will be exhausted. We are having second thoughts about nuclear energy because of the pollution and radiation factors which are present.

Perhaps our most usable energy in the future will be solar energy derived from outer space. This is a thought which may be out of the ball park in 1970, but the same thought in the year 2000 might seem much more likely.

One of the requirements for solar energy will be the development of machines that can fly around in outer space collecting the energy of the sun, converting it into electricity, and sending it back to earth.

I would have opposed this amendment and supported the expenditure if I had found that NASA was planning to move ahead in this important field of solar energy. However, when my office telephoned them to inquire if there is anything in that respect on the drawing board, there was a negative reply.

It did seem to me that the shuttle program is one more development that could be postponed because it does not bear directly on the priorities of men on our planet, even in the foreseeable future, but if NASA moved in the direction of solar energy these expenditures would be supported by Senators who have the same priorities and goals that I have.

Mr. PASTORE. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, in the closing moments of this debate I have only a couple of points I wish to make. This matter has been over the hurdles twice this year with a very decisive vote both on the authorization and on the appropriation. I know how fully this matter has been considered in the space committee under the direction of the chairman, the senior Senator from New Mexico, and the ranking minority member, the senior Senator from Maine (Mrs. SMITH). I know how much time and effort they have given to the consideration of the philosophy behind this matter. The one thing that perturbs me in this debate is that I still hear remarks, particularly one by the Senator from Wisconsin awhile ago, and similar implications I think that I recall from the Senator from Minnesota, that the space shuttle is just the beginning of an advanced space program to the far planets in the universe.

If there is one thing this debate should clear up, and that is to refute that implication. It is true that the space shuttle is designed for both manned and unmanned space flight, but there is no such intention for the space shuttle, as conceived; nor could it be utilized in that way because it could never develop the power for the far-out planetary exploration.

During the previous debate the distinguished Senator from Minnesota placed in the RECORD numerous letters and even they refer to this as the first step toward space exploration, talking about Mars, Venus, and the whole "merry-go-round." This is not so and we should make the RECORD clear in that respect.

One other thing should be made clear. It is true that there are scientists who are opposed to this program. It is true also, as the junior Senator from Florida pointed out, that many scientists outside of the space program are in favor of it. If anyone wants to know some of the practical applications of the space program, all one has to do is get the volume published by the Senate from the independent offices committee which details at great length the many fallouts of this program.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, an analogy has been made to the voyage by Columbus to the New World. Given the scientific view of the Shuttle/Station project, it is more analogous to think of Columbus bankrupting Spain to see if he could sail to Barcelona or to see if a square wheel would work after all. This project has no scientific support.

The leading independent scientists are strongly objecting to this proposal because it has no scientific value. It is diverting much needed funds from sophisticated unmanned instrumented flights—from which great technical dividends and technical advances flow—to a show business extravaganza which will cost $20 billion to $30 billion for a purpose that cannot be explained. We are told it has great military significance, but the Air Force abandoned its MOL program, saying it had no military significance. We are told that the shuttle could be cost effective, but NASA refuses to make a cost effective study as recommended by the House Committee on Science and Astronautics. The facts show we would waste money on this project and there has never been a proposal with less scientific justification and a greater cost of completion than this program. If ever there was a time when we could save money, it is by rejecting the motion to table, and by deleting this $100 million of waste in the space budget.

Mr. PASTORE. Mr. President, what is the time situation now?

The PRESIDING OFFICER. The Senator from Rhode Island has 3 minutes remaining. The Senator from Minnesota has 2 minutes remaining.

Mr. PASTORE. May I have the attention of the Senator from Minnesota? I understand the Senator from Minnesota has 2 minutes remaining? Is he willing to relinquish that time?

Mr. MONDALE. I may. I am not sure.

Mr. PASTORE. I have 3 minutes left. What I have to say will take only 1 minute.

Mr. President, after listening to both sides for a half hour, I think it is a draw. I think as much can be said on one side as on the other side. This matter came before the Senate twice. I voted against it twice. As a matter of fact, I was on the side of the Senator from Minnesota. But the matter has been decided. It has been decided by the House and it has been decided by the Senate, and for the reasons I have given before.

If the Senator is willing to yield back his 2 minutes, I will yield back my remaining time and move to lay the amendment on the table.

Mr. MONDALE. Mr. President, I yield back my time.

Mr. PASTORE. Mr. President, I yield back my time and move to lay the amendment on the table.

I request the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island to lay on the table the amendment of the Senator from Minnesota. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GOODELL (when his name was called). On this vote I have a live pair with the Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. GRAVEL (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the Senator from Illinois. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. METCALF (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Nebraska (Mr. CURTIS). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Wyoming (Mr. MCGEE), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Illinois (Mr. STEVENSON), are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) is absent on official business.

I also announce that the Senator from Washington (Mr. MAGNUSON) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. GOLDWATER and Mr. FANNIN), and the Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from New Jersey (Mr. CASE) and the Senator from Oregon (Mr. HATFIELD) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The respective pairs of the Senator from Nebraska (Mr. CURTIS) and that of the Senator from Texas (Mr. TOWER) have been previously announced.

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from New Jersey (Mr. CASE). If present and voting, the Senator from Colorado would vote "yea" and the Senator from New Jersey would vote "nay."

The result was announced—yeas 50, nays 26, as follows:

[No. 413 Leg.]

YEAS—50

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, W. Va.
Cannon
Cooper
Cotton
Cranston
Dole
Ellender
Ervin
Fong
Griffin
Gurney
Hansen
Holland
Hruska
Inouye
Jackson
Jordan, Idaho
Long
Mathias
McClellan
McIntyre
Montoya
Murphy
Pastore
Pearson
Prouty
Randolph
Saxbe
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—26

Burdick
Church
Eagleton
Fulbright
Gore
Harris
Hart
Hartke
Hollings
Hughes
Javits
Kennedy
McCarthy
McGovern
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pell
Proxmire
Ribicoff
Tydings
Williams, N.J.
Young, Ohio

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—4

Goodell, against.
Gravel, for.
Mansfield, against.
Metcalf, against.

NOT VOTING—20

Bayh
Byrd, Va.
Case
Cook
Curtis
Dodd
Dominick
Eastland
Fannin
Goldwater
Hatfield
Jordan, N.C.
Magnuson
McGee
Mundt
Percy
Russell
Sparkman
Stevenson
Tower

So Mr. PASTORE's motion to lay Mr. MONDALE's amendment on the table was agreed to.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ALLOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ANDERSON. Mr. President, I should like to review briefly the changes in the National Aeronautics and Space Administration activities since the Senate last considered the fiscal year 1971 independent offices appropriation bill which was subsequently vetoed by the President.

The present bill, H.R. 19830, contains $3,268,675,000 for NASA—an amount identical to that agreed to by the conferees on the previous bill, H.R. 17548. However, this is $50,628,000 below that which the Senate previously approved for NASA; it is $64,325,000 below the NASA budget request; and it is $427,958,000 below the appropriation for NASA for fiscal year 1970.

As a result of the $64 million reduction from the NASA budget request in the previous appropriation bill, H.R. 17548, subsequently vetoed, and in view of the long lead time and long duration aspects of decisions on NASA projects, NASA on September 2, 1970, adopted an interim operating budget for fiscal year 1971 sized to the appropriation level of $3,268,675,000. This interim operating budget also looks ahead to the budget levels which the agency might anticipate in future years. In so doing, NASA canceled another two lunar exploration flights—Apollo 15 and 19—and a new manned space flight plan was established. Under this new plan, the Apollo lunar exploration program will be completed in 1972 before flying the first skylab mission in December 1972. This reorientation of the manned flight program eliminates the necessity for maintaining a lunar flight capability during late 1972 and 1973 when the skylab missions are being conducted. This permits substantial savings of the costs that would have been associated with maintaining the lunar operational capability during these 2 years and in addition saves the mission operational costs of the Apollo 15 and 19 missions now canceled. For clarification, perhaps I should mention at this point that the remaining Apollo missions have been renumbered as Apollo 14, 15, 16, and 17.

The trade-off, of course, is that two lunar missions to which the scientific community had looked with great interest as furthering the scientific return from the Apollo program and for which flight hardware is essentially complete will not now be flown. The Space Committee has received letters from many scientists protesting this cancellation but from a long-term view, the decision to cancel the two Apollo flights will free resources for supporting future space developments, such as the space shuttle, within the limitations of a continuing restrained total space budget. In addition, it conserves two Saturn V large launch vehicles for later significant missions.

NASA in implementing the decisions that I have outlined has and is continuing to restructure its operations to the $3,268,675,000 appropriation recommended in this bill. For example, NASA has gone through a reduction in force of its own direct Federal employment to realine its work force with the reduced program levels envisioned for the immediate future.

Mr. President, many of the actions by NASA taken since the Senate considered the fiscal year 1971 NASA authorization bill and the appropriation bill earlier this year, have been painful in lost jobs, in the loss of lunar data which the scientific community had hoped to receive, in that some of the completed lunar hardware will not be used, and in that much of our hard-earned space flight capability has been reduced to a bare-bones basis. This has been done with the recognition that a reallocation of national resources is in order but also with the recognition that it is imperative that the Nation maintain a viable, forward-looking space program during the years ahead.

The actions taken by NASA, reflected in the establishment of an interim fiscal year 1971 operating plan on September 2 at the funding level included in this bill, do support a minimal space flight program through mid-1973 and do make provision for undertaking new programs which are designed to maintain the Nation's space leadership through the development of vehicles and spacecraft which, in turn, should measurably reduce the cost of space operations and, therefore, facilitate and encourage the utilization of space for the benefit of mankind.

Mr. President, in closing I want to reemphasize that the $3,268,675,000 for NASA in this bill, H.R. 19830, not only in $50 million less than was approved for this agency by the Senate 5 months ago but is also the level necessary to support the reoriented and reduced space program.

AMENDMENT NO. 1094

Mr. JAVITS. Mr. President. I call up my amendment No. 1094, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from New York (Mr. JAVITS) proposes amendment No. 1094, as follows:

On page 53, beginning on line 20, strike out all through line 10 on page 54.

The language proposed to be stricken reads as follows:

SEC. 512. No part of any appropriations contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, if we may have the attention of Senators, I understand that we can agree on a limitation of time on this amendment as well.

Mr. JAVITS. Before we do that, I ask for the yeas and nays.

Mr. PASTORE. I am going to move to lay the amendment on the table.

Mr. JAVITS. Then, the Senator can ask for the yeas and nays on that.

Mr. PASTORE. All right.

The PRESIDING OFFICER. That request on tabling is not in order at this time. The yeas and nays have been requested on the amendment.

The yeas and nays were ordered.

Mr. PASTORE. I understand that we can agree on a limitation of 1 hour, 30 minutes to a side.

Mr. JAVITS. Yes, and with a very great likelihood that we will not need all that time. But I should like to ask one consideration: If there is an amendment to the amendment or a perfecting amendment, that there be 10 minutes, with 5 minutes on a side.

Mr. PASTORE. That is satisfactory to me. I make such a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, if I may have the attention of the Senate, we can deal with this amendment very promptly.

This is not a money amendment either way—not to increase or to reduce. This amendment seeks to strike out a piece of legislation which is contained in section 512 of this bill, which is a buy-American provision relating to procurement under this act—to wit, procurement by the GSA. That is the issue, very simply stated.

The difference is this: If we apply the defense standard to this particular kind of procurement, then we give a 50-percent preference, regardless of the nature of the bid, to this kind of procurement, to a product which is made in this country. If we stick with the present law on that subject, there is a 6-percent preference, with the right to increase that preference to 12 percent if there is substantial unemployment in the industry in which the procurement is being made. That is the existing regulation. That is the issue.

This is a matter of first impression, and this provision would have been subject to being stricken out on a point of order if it had not come over from the other body. But it did come over from the other body, and therefore it is not subject to a point of order.

The whole question here is this: Does the Senate wish to impose at this time, when we are about to consider new trade legislation, when we are in a big struggle in the world with regard to protectionism, another nontariff barrier to trade, when we, ourselves, are the principal exponents of the idea of eliminating nontariff barriers to trade?

It seemed to me—as I am a strong opponent, with others, of the trade bill which is coming to the Senate—that, if those of us who feel as I do are going to raise the issue of policy, we have to begin to raise it when it presents itself; and this is an instance in which it presents itself very forcibly.

I am advised that what is involved here is approximately 1 percent of the procurement of the GSA, and this is a multimillion-dollar operation.

It is interesting to note that, just as we are running into a great deal of flak in terms of international argument about the trade bill generally, we are running into international flak on this issue—the non-tariff-barrier issue—as well. Indeed, it has been widely publicized that the State Department has had considerable protest on this question.

Mr. President, I wish to state that the administration supports this amendment, and I am advised to state that by the Under Secretary of State dealing with economic affairs. We made inquiry about this, and they, too, feel that it is unwise, in view of our position with respect to trade generally, to include this new non-tariff-barrier restraint to trade in this particular bill.

As I said a moment ago, it is a situation in which our whole attitude toward international trade is being tested. Many people would counsel us that, in view of the fact that the world has not given us the degree of cooperation which we have a right to feel it should, we should immediately start the process of "protecting ourselves." On the other hand, many of us argue, as I do, that we have so much at stake in respect, for example, of farm exports and high technology exports, that protecting ourselves could lead to retaliation in an area where we earn more than we are paying out. In fact, our trade surplus this year should approximate $3 billion. Many of us would argue that the dismantling of nontariff barriers to trade around the world—probably by an international agreement which will have the significance which the Kennedy round had in respect of conventional tariff arrangements—would be of enormous benefit to the United States as was the Kennedy round before we lost control of the inflationary pressures in our economy. The United States should not itself invalidate its own position on a matter, for example, such as this, where there is not enough at stake to warrant compromising our position by passing this kind of law.

I feel very strongly that the future of the world in terms of its peace and prosperity is heavily premised upon the degree to which there is an open and freely trading world. I think the whole complex of problems in our country involves inflation as well as our balance of payments. The status of the dollar as the standard currency of the world—indeed, the principal reserve currency—is very intimately linked with the ability to maintain an open trading world.

I think we are too big and too important to the world and to ourselves to jeopardize these enormous values by a provision of this character, which only compromises a situation which is very good for us not to compromise and which is very regressive and adverse to us if we do compromise it.

For all those reasons, Mr. President, I have proposed the amendment, and I hope the Senate will support it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. I yield myself such time as I may use.

Mr. President, the amendment of the Senator from New York seeks to strike out section 512 of the bill. I will not read the section, but I ask unanimous consent that section 512 be printed at this point in the RECORD.

There being no objection, the section 512 was ordered to be printed in the RECORD, as follows:

SEC. 512. No part of any appropriations contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6–104.4 (b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

Mr. ALLOTT. Mr. President, reference has been made that this particular amendment is not subject to a point of order because it came over from the House, and that is true. It did come over from the House. But I think the Senate should also be on notice that this amendment was also in the previously passed bill which was vetoed by the President. Therefore, this is not a matter of first moment for the Senate. It was in the previous bill and is in the bill that the House just passed.

I wish to turn briefly to another part of this complicated question. Defense does have a 50-percent differential, and the GSA has a 6-percent differential on small handtools. But the GSA also has to figure in certain tariffs in figuring their differential. So that what you end up talking about is really not a differential between 6 percent and 50 percent. You end up with a differential of approximately 20 percent.

Why is this provision in this bill at all? I call attention to the fiscal year 1968 report.

This is of the independent offices and HUD appropriation. We say there:

FOREIGN PURCHASING POLICIES

The attention of the committee has been directed to the difficulties the handtool industry has been experiencing due to inconsistent foreign purchasing policies followed by the General Services Administration and the Department of Defense.

In order to alleviate the balance-of-payments problem, the Department of Defense in 1962 adopted a 50-percent differential test governing foreign procurement. In the meantime, the General Services Administration, which applies a 6-percent differential, has taken over much of the procurement for the Department of Defense. This has resulted in a paradox whereby GSA procures items for the Department of Defense which the Department could not have purchased. The committee was advised that the brunt of this inconsistency falls on the handtool industry, and whereas foreign procurement comprises only one-half of 1 percent of GSA purchases, nevertheless 57 percent was in the handtool market.

The Joint Economic Committee has recognized this problem. The committee directs the Department of Defense and the General Services Administration to examine the recommendations of the Joint Economic Committee and attempt to reconcile the differences. The Department of Defense and GSA are further directed to submit a report to the committee before December 31, 1967, on this matter.

Mr. President, nothing was done pursuant to that conclusion, only that this matter came up again each year, and in 1970 in the report of the committee on page 10, under "Foreign Purchasing Policies," in which there is another comment by the committee relative to the inclusion of section 512, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

FOREIGN PURCHASING POLICIES

The attention of the committee has again been directed to the difficulties the handtool industry has been experiencing due to inconsistent foreign purchasing policies followed by the General Services Administration with a 6-percent differential and the Department of Defense with a 50-percent differential.

Previous attempts have been made to correct this paradox, including a statement in the committee report on the 1968 bill, resulting in the GSA report of September 14, 1967, printed in the 1969 hearings.

The committee urges GSA to continue its efforts to remedy this unfortunate and continuing situation.

Mr. ALLOTT. Mr. President, the gist of this is exactly the same as the gist of the things we have put in the report from year to year. Yet even after requesting these reports, year after year after year, we have from Robert Kunzig to Mr. Mayo a letter, dated April 24, 1970, which tells us absolutely nothing.

After about 5 years now, at least trying to get somewhere with this matter, and having failed to get any definitive answer from any administration on it, the committee finally decided that it would act and bring it to a head; and that is the reason for section 512.

I have not seen any report from the Secretary of State—I think the Senator said he talked with the Under Secretary of State for Economic Affairs—who puts his approval on this matter. We have been into this matter so many times. The inequities it exerts upon our home industry and the number of people it puts out of jobs justifies putting in this section. Finally, after trying these many times, we put it in the bill. It is applicable to funds only for this year and not succeeding years. No great damage will be done except to call to the attention of the executive branch that the words we write in our reports mean what they say.

Mr. JAVITS. Mr. President, I think the key to what the Senator from Colorado (Mr. ALLOTT) has argued is found in his last few words "no great damage will be done," except to remind the departments of what we want them to do. That is exactly the attitude, in my judgment, which dictates the difficult position in which we place the administration if we do this. The fact is, the world will see, observe, note, and act accordingly. It will not be confined to a stimulus in our departments. In addition, this is substantive law and will call for the expenditure of greater amounts depending upon American bidding for what we want to buy. Every foreign nation will look up to the United States and say, "You are badgering us to deal with the nontariff barriers to trade, yet you erect another nontariff barrier injurious to our exports." This gives Japan reason to pause in lifting their nontariff barriers which limit our exports of automobiles to Japan, France pause in lifting their nontariff barriers on various types of machinery as well as automobiles, and various sanitary laws, and so forth.

If we pass legislation establishing additional nontariff barriers, our exports will face the kind of retaliation which foreign nations feel justified in making. So the answer is not to wake up the departments alone, since the whole world observes and acts upon the extra evidence of what is the foreign policy of the United States regarding trade. In my judgment, we can, on balance, lose infinitely more than we can gain by this type of action. I think the administration is right in its assessment of the situation; namely, that we will find it counterproductive to our own interests, to the U.S. national interest.

One further point, Mr. President. The Senator from Colorado (Mr. ALLOTT) asserts that this has been done with respect to defense, that it is justified on the basis of defense, and that it affects directly our international balance of payments because of the large amount involved and the maintenance of our forces abroad. Indeed, it was qualified as a provision in the defense appropriation. Exactly on that ground, I think the representation implicit there is that it will not be applied to procurement generally. The defense appropriation is sui juris. There is a unique applicability here to this situation. Here, it is extended in one product generally. Every indication is that it will be extended to other products, if we let it go this way.

For all those reasons, and because it is against our total economic interest, considering our total trade and the total posture we have in the world, I repeat, I do not believe it is worth while, or pays for us to do this, with what it implies in terms of compromising our policy, and periling our own exports.

For all those reasons—I know the Senator from Rhode Island (Mr. PASTORE) will move to table—I repeat, this is not a money amendment. It is not money either way. It is essentially foreign policy. I think we would be unwise, especially in the presence of a complete review of the whole foreign trade situation which we will undertake, because we will have the trade bill, even if we put it over until next year. That will be the hottest subject going. I believe it most unwise to compromise it by a relatively minor matter of this character, in this offhand way, in an appropriation bill.

I therefore hope that the motion to table will be defeated and that the amendment to strike it is sustained.

Mr. PASTORE. Mr. President, I do not want to prolong debate on this subject. It is easy to talk academically about free trade. By instinct I am not a protectionist. I have always voted for the trade expansion act, whether under President Eisenhower or President Kennedy. But, when one sees within his own State, establishments closing down just before Christmas, like Brown & Sharp, putting perhaps 1,500 people out of work, there we get right down to the guts of the problem. We cannot say to these people, "The whole trade posture must be considered," because so far as they are concerned there is nothing darker or blacker for them than midnight, when they have lost their jobs.

If we knock this out, we should knock out the buy-American provision under the Defense Department as well. We are trying to equalize it. I was carried away with these arguments at one time until I began to experience the contrary. I have learned that every nation in the free world has some limitation against American products.

We had a man come before our committee for confirmation as an economist for the Commerce Department. He was an economist for the Eastman Kodak Co. He came before our committee for confirmation and I said to him, "I am very happy to read about your background. You were with the Eastman Kodak Co. Now tell me, can you sell a Kodak camera to Japan?"

He said "No."

Look at the photographers around the Capitol these days, or anywhere else. They are nearly all using Japanese cameras.

I say that international trade must be a two-way street. When we see people thrown out of work only because we are more liberal than those who are criticizing us, then I say that something needs to be done.

I am glad to hear the Senator from New York say that the whole matter has to be reviewed. I think that insofar as international trade is concerned, we are legislating in the past.

We have this situation in Europe today where only recently West Germany made a nonaggression treaty with Russia extending over a period of 20 years. Yet, we find that if we want to remove all American troops out of West Germany, the hue and cry goes up that the Communists are coming.

Not too long ago, they entered into a credit contract that extended over a period of 20 years whereby Germany would sell them pipe and they would buy back from the Russians the natural gas.

That was backed up by every bank in West Germany. If the West Germans can trust the Russians for 20 years, what are we doing there?

Try to move our troops out of Europe and see what happens.

It is the same thing with the economy. Let something go wrong with the economy of Great Britain, France, or Canada. They will put on the brakes immediately. If we try to do it in the United States of America, we get academic about it.

This is a massive problem. I have seen these men out of work. That goes for Taft-Pierce in Woonsocket as well.

Here it is Christmas time, and they are out of employment. What am I going to say to them? What do they care about totality? They care about bread and butter. That is what we are concerned with—bread and butter for the American worker.

Mr. President, I move to lay that motion on the table.

Mr. JAVITS. Mr. President, will the Senator withhold that motion?

Mr. PASTORE. I withhold the motion.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, every one of these arguments gets into the total trade debate. I will advise my colleague that we will have a lot of chance to get an education on that matter.

Suppose that the export industry employs 5 million people and that the people allegedly hurt by imports employ 4 million people. Let us say it is 5 million and 4 million. Is that going to be the standard, that that particular plant is going to close down because it is hurt by imports but that the one dealing with exports can go on? Is this not wanting to have your cake and eat it too?

Then also the wealthiest man on the street does not and cannot follow the example of the poorest man on the street. We have different criteria. It is awfully easy to throw the garbage out of the window. If one is the richest man, he does not do it even though the other man does. I am sorry, but I have heard this argument made by the Senator many times. The answer is that the worker is interested in the total picture and realizes that every company going out of business is not going out of business because of imports.

Studebaker Corp. in South Bend went out of business because they were behind the times.

The textile plants went out of business in New England. They were replaced with the electronics industry. If this industry closes because of imports, they will be replaced with more sophisticated hardware because we are the most able people in the world. And the more sophisticated industries that have developed as the United States has moved forward—and we continue to move forward—pay higher wages and generally offer better working conditions.

I and other Senators will vote for whatever we need to help those companies transform to another line and readjust. Let us look to the future rather than trying to preserve the past.

This is not a question of dumping or a question of countervailing duty. We have never been faced with that. Looking at this strictly as an economic argument, the question is what is the cost-benefit ratio. In my judgment, the cost-benefit ratio is heavily and strongly against us on the protectionist line.

The Senator made the classic argument of the protectionist, that plant A is closing allegedly because of imports. It has been shown that it is for other reasons that the company has gone down the drain. It is all too easy for imports to be the scapegoat in times of economic downturn.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, the argument was made with respect to Japan that it had a big balance of payments and that they would go protectionist. If the world went protectionist, we would be the biggest sufferers. We are the biggest outfit on the street and have traditionally enjoyed a substantial trade surplus. The peace and security of the world is heavily premised upon our financial security. We cannot jeopardize it by an ill-advised trade policy.

Mr. PASTORE. Mr. President, why can we not sell a Kodak camera in Japan?

Mr. JAVITS. We cannot sell a Kodak camera in Japan because the Japanese are stupid enough to bar that Kodak camera.

Mr. PASTORE. We are stupid enough to give them our largess.

Mr. JAVITS. No. There are many things that we can sell to Japan.

Mr. PASTORE. They buy raw cotton and they make shirts and send them back here.

Mr. JAVITS. Yes, but throughout most of the 1960's Japan had one of the biggest balance of trade deficits with the United States and their present trade surplus position which I have vigorously attacked as being politically and economically unsustainable has shown signs of declining this year.

Mr. PASTORE. No. The balance of trade is $1.5 billion in their favor. We do nothing about it.

Mr. President, I yield 2 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes.

Mr. SYMINGTON. Mr. President, I do not like to disagree with my good friend, the Senator from New York. Many years ago some of us went up to see a great American in charge of our trade negotiations. We pointed out to him that the Kennedy round incident to tariff agreements would not be beneficial on a mutual basis unless the other countries agreed that there would not be nontariff barriers after we reached tariff agreements.

I think what the distinguished Senator from Rhode Island just said with reference to selling cameras in Japan is pertinent.

Any trade agreement, especially when we have increasing unemployment between a foreign country and the United States, should be a two-way street.

I will vote to table the amendment of the distinguished Senator from New York because I do not think the record shows there has been a two-way street, between many other countries and ourselves.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, I appreciate the indulgence of the Senator from Rhode Island. The only point I argue in this whole matter concerns the most effective way to accomplish the ends we seek. I could still agree with the Senator from Rhode Island and the Senator from Missouri and still strongly stick to my thesis. I say that the most effective way is to do this with a scalpel. It would only get worse if we do it with a sledge hammer. The best way that we can make the trade in the world more healthy is by continuing to adopt a more liberal policy but, at the same time, have laws on our books which in a specialized way will enable us to deal with specific and unit problems, laws on our books that would better provide for corrective action when there is not reciprocity of treatment.

I think this is across the board legislation which will not help us but will hurt us.

Mr. President, I yield back the remainder of my time.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. President, I move to lay the amendment of the Senator from New York on the table.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island to lay on the table the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Okahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) is absent on official business.

I also announce that the Senator from Washington (Mr. MAGNUSON) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. GOLDWATER and Mr. FANNIN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from New Jersey (Mr. CASE) and the Senator from Oregon (Mr. HATFIELD) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 53, nays 23, as follows:

[No. 414 Leg.]

YEAS—53

Aiken
Allen
Allott
Anderson
Baker
Bennett
Bible
Boggs
Brooke
Byrd, W. Va.
Cannon
Cooper
Cotton
Cranston
Dole
Eagleton
Ellender
Ervin
Fong
Griffin
Gurney
Hansen
Hartke
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, Idaho
Long
Mansfield
McClellan
McIntyre
Miller
Montoya
Murphy
Nelson
Pastore
Pearson
Pell
Prouty
Randolph
Ribicoff
Schweiker
Scott
Smith
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.

NAYS—23

Bellmon
Burdick
Church
Fulbright
Goodell
Gore
Gravel
Hart
Hughes
Javits
Kennedy
Mathias
McGovern
Metcalf
Mondale
Moss
Muskie
Packwood
Proxmire
Saxbe
Stevens
Yarborough
Young, Ohio

NOT VOTING—24

Bayh
Byrd, Va.
Case
Cook
Curtis
Dodd
Dominick
Eastland
Fannin
Goldwater
Harris
Hatfield
Jordan, N.C.
Magnuson
McCarthy
McGee
Mundt
Percy
Russell
Sparkman
Spong
Stevenson
Tower
Young, N. Dak.

So Mr. PASTORE's motion to lay Mr. JAVITS' amendment on the table was agreed to.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. PERCY. Mr. President, I urge my colleagues in the Senate today to approve Senate bill H.R. 19830, the independent offices appropriations for 1971, without delay. This bill, as we well know, contains the funds that are required to operate our housing programs this year.

It was indeed unfortunate that a difference between the Congress and the President on the desirable level of expenditures for urban renewal and community facilities should result in the delay and slowdown of our programs to provide better housing and better neighborhoods for all Americans. The difference, some $600 million, is, in these critical budget days, not an insignificant matter. The need to temper our budget finely, to the point where it can support improvement without inflation, is clear to all of us. But, it is also significant, I must point out, that the sum in question is but a small fraction of the amount that is proposed for the development of lower priority items. I maintain that the question of what we spend our tax dollars for is no less important than how much we are spending. There is, I have said many times before, no more important issue facing us in this country today than improving our environment—our residential environment—where we as individuals live out most of our lives. If we neglect that environment, we shall, I fear, in a relatively short time, find that, while there are many places we can visit, there will be few we care to live in.

The 1971 appropriations bill which I urge the Senate to support contains substantially increased funding for homeownership and rental assistance programs. I find this partially gratifying. These programs for low- and moderate-income families have, in a very short time, helped a large number of Americans secure better housing. While there are improvements to be made in the administration of these programs, I am confident that this Congress and future Congresses will continue to recognize the merit and the great popular demand for the 235 and 236 housing assistance programs.

In urging prompt action on these appropriations, I reflect serious concern for the many families who have applied for housing assistance only to be told that there are no funds, or that the waiting list is long and the waiting time considerable. In sponsoring and working for the passage of homeownership assistance, I do so deeply believing that the achievement of homeownership is, for many low-income families, part and parcel of the achievement of other goals in life. For many, it may in fact, be a goal that is essential to fulfillment. It was struck, and I think you will be, with one example of this that came to my attention recently. It dramatized for me, in very human terms, what the homeownership program means in the inner city, and what a delay in funding, or inadequate appropriations may imply. My office received a letter recently from Mrs. Charleen Snipes of Chicago. Her communication was not unlike others that I, and my colleagues have had to answer in recent weeks. Mrs. Snipes wrote that she had applied for assistance through her realtor, in purchasing a home earlier in the summer, but was told that program funds were exhausted, and that there was no telling when they would be available again. She wrote to me, very simply, to find out if, and when, funds would be available.

What made this common inquiry uncommon was a newspaper clipping she attached. The clipping was a picture-story of her and her seven children. Mrs. Snipes was in graduation cap-and-gown, and her handsome children were dressed in Sunday best witnessing her accomplishment. It was a most striking picture-story. With her community college degree achieved, Mrs. Snipes informed me, she is now pursuing an advanced academic program, and at the same time, assisted by her own mother who supervises the children until dinner time, she works at the college to support her effort to secure an education late in life and stable future employment to enable her family to stand on its own feet.

It takes little imagination to see possible connections between her inquiry and her efforts. I found it particularly disturbing when answering her letter, to consider the gap between her commitment and ours. In voting for these appropriations, we will be voting a greater commitment that is urgently needed.

I feel compelled, however, in voting these appropriations, to remind my colleagues that there is a part of our commitment—a part of our existing housing law—that we are not recognizing in this appropriations measure. Until we put a modest sum of money where our law is, under the title establishing a National Home Ownership Foundation, we will not be fulfilling the commitment we made in 1968 to assist low and moderate-income families in this Nation to own their own homes and to rehabilitate more of our housing structures in the innercity for this purpose.

INDEPENDENT OFFICES-HUD APPROPRIATIONS BILL

Mr. YARBOROUGH. Mr. President, I commend the distinguished Senator from Rhode Island (Mr. PASTORE) and the members of his subcommittee for their long, diligent efforts on this year's appropriations bill for Independent Offices-Department of Housing and Urban Development. This is, of course, the second time this year that the Senator has been called upon to consider this vital measure. President Nixon vetoed the earlier appropriations bill on August 11, 1970, thus demonstrating this administration's false sense of domestic priorities.

The bill before us today is identical in all respects to the measure which was vetoed except for a reduction of $150 million in the appropriations for urban renewal programs, and a similar reduction of $150 million in the money available for water and sewer grants.

President Nixon professes to be anxious to lead a crusade against pollution, and yet he has forced us to delete the money for the adequate water and sewer facilities which are essential if we are ever to clean up the waters of our Nation. Regardless of his words, the President's actions are inhibiting our efforts to clean up the environment.

It is regrettable that these cuts in funding had to be made, but faced with the mulish obstinacy of the Nixon administration, there seems to be no other alternative if the Department of Housing and Urban Development, Veterans' Administration, National Aeronautics and Space Administration, and 20 other Government agencies are to receive the money they need to operate during the current fiscal year. The bill now under consideration contains a total of $17.7 billion which is $300 million less than was proposed in the vetoed version. Surely the President will accept this as a reasonable compromise.

During the past year, we have been confronted with a number of shocking revelations about the law and inadequate quality of care that the Veterans' Administration has been able to provide in its 166 hospitals and 202 outpatient clinics across the country. Throughout my 12⅔ years tenure in the Senate, I have fought to assure our veterans the best medical care that money can buy. This bill wisely retains the $105 million increase provided by Congress for veterans' medical care that was deleted from the President's budget request. I hope that our veterans do not once again fall victim to a sense of priorities that seems to tell them "the ABM is more important than your medical care."

I also call attention to the fact that included in this independent offices-HUD appropriations measure is $7,401,800 for the construction of the San Antonio Federal courthouse and Federal office building, and $916,000 that I was able to have included in the original bill for the new Denton Post Office. These facilities are urgently needed and will greatly benefit the people in the Denton and San Antonio areas. I am gratified that the funds for these two vital projects were retained in the bill.

This is, I believe, a reasonable appropriations bill except for the reduction in money for urban renewal and water and sewer facilities. The level of funding may not adequately provide for every existing need, but that dilemma is familiar to us all. I hope President Nixon will recognize the urgency of the need, sign this bill, and thereby demonstrate that he is not totally out of touch with the real needs of the American people.

APPROPRIATIONS INCREASE FOR VETERANS' MEDICAL CARE

Mr. CRANSTON. Mr. President, I am delighted that this bill, H.R. 19830, which contains the appropriations for the Veterans' Administration, is being acted upon today, and that it retains the full increase of $105 million over the amended budget request for essential medical care for our veterans.

The distinguished Senator from Rhode Island (Mr. PASTORE), chairman of the Appropriations Subcommittee on Independent Offices, and the distinguished Senator from Colorado (Mr. ALLOTT) the ranking minority member of that subcommittee, are most deserving of praise for the work they have done on this bill, and for their deep concern for our veterans expressed by their recommending this proposed increase for veterans medical care. I also wish to express my appreciation to the distinguished chairman of the Appropriations Committee (Mr. RUSSELL) and the ranking majority and minority members of the Committee (Mr. ELLENDER and Mr. YOUNG of North Dakota) for retaining the increase in this second version of this bill.

This second successful passage of this increase represents the culmination of a long and often difficult battle to ensure that our veterans returning from Vietnam have the highest quality medical care we can provide, and that all our veterans receive the same quality care.

One year and 3 weeks ago, on November 11, 1969—Veterans Day—I announced to the Senate the initiation of an investigation by the Veterans Affairs Subcommittee of medical care for Vietnam veterans in VA hospitals. The subcommittee proceeded to receive testimony from 45 witnesses, including eminent medical school deans and medical experts, seriously disabled veterans, and rehabilitation experts of veterans' groups. The subcommittee staff and I visited a number of VA hospitals—most unannounced—to talk with patients, administrators, physicians, nurses and other personnel, and to look over the general hospital situation.

Our subcommittee investigation, focusing on immediate care problems for wounded Vietnam veterans, illustrated graphically that war is not merely a killer: It is a cruel and terrible crippler.

Everybody knows that men get wounded in war. We get the statistics of the wounded right along with those of the dead. But somehow, we do not seem to feel for the wounded the way we feel for the dead. We count the cost of battles in dead, not maimed. We count bodies, not agonies.

For many, wounded men evoke a vision of a brief period of pain, a stay in the hospital, rest and recreation, and the purple heart. Then, many people seem to presume everything goes back to normal for these men, and they push them out of their minds. But the men that many Americans have forgotten have become uppermost in my mind since I learned what was happening to those whom the Nation treated as heroes only a short while ago.

I found some eye-opening and heartrending facts. I found that the Vietnam war is the most crippling and seriously disabling war in our history. So far 292,345 men have been wounded in Southeast Asia.

I found that the wounds suffered by our men are incredibly severe because of the kind of war we are fighting—a war of high-powered rifles on the one hand, and, on the other hand, a war of mines and primitive booby traps that destroy a man without killing him.

I found that 10 percent of our surviving wounded are so badly shot-up or burned that they would have died in any other war. But, miraculously, we are keeping these men alive. It is a great tribute to our country that we are saving these men—a tribute to the intensity and compassion of our rescue operations.

Probably no other country spends as much manpower and money in rescuing a downed pilot or evacuating a wounded infantryman. But, science and man have their limitations. And I found that our veterans hospitals are being filled with more and more paraplegics and quadriplegics, more and more amputees and patients with multiple injuries.

And what is perhaps even worse, I found that these men—along with our hospitalized veterans of previous wars—are not getting the top quality medical care which they so richly deserve and have so painfully earned. I found hospitals severely understaffed, with insufficient numbers of general physicians and specialists, too few nurses, too few technicians. I found overcrowding in some hospitals and, in others, I found empty wings and idle equipment because there were not enough trained people to put them to use.

I found dedicated and conscientious staffs—overworked because of personnel shortages, and frustrated by inadequate and obsolete facilities. I found many of the patients wasting precious months and years of their lives because they are not receiving the care and compassion they must have for rapid recovery and rehabilitation. I found others suffering deeply from debilitating neglect.

As a result of all this, when on May 27 I went before the Appropriations Subcommittee, headed by the distinguished and able Senator from Rhode Island (Mr. PASTORE), I asked for $174 million more than had been appropriated by the House for the hospital and medical program.

Our investigation showed that this sum was necessary to provide high-quality hospital and medical care to our disabled veterans—to make up for the major deficiencies that plague very many VA hospitals. For the financial squeeze over the last 5 years has produced deterioration and a dangerously enlarging crisis in our VA medical system. This crisis did not occur overnight. It is the result of a steady erosion.

A Democratic administration and a Republican administration share responsibility for the sad state of affairs that now confronts us—a crisis caused by taking it for granted that things could be done without adequate funds. The executive branch in two administrations has turned down the budget requests of the VA's medical staff.

Year after year, the purchase of essential equipment and supplies has been deferred, along with renovation of facilities, construction of new facilities, and acquisition of staff. This process of slow deterioration, masterminded by the Bureau of the Budget, dramatically surfaced when increased numbers of Vietnam veterans began flowing into our VA hospitals.

The No. 1 problem facing VA hospitals today is a shortage of staff. VA hospitals have an overall staff-to-patient ratio of only 1.5 to 1 compared to staffing ratios of about 2.7 to 1 in community hospitals.

To help overcome this unfair, intolerable situation, I recommended to the Pastore subcommittee adding about $51 million to fund an additional 5,000 more staff positions in VA hospitals. This would increase staff ratios to about 1.7 to 1, a substantial improvement which should help every veteran in a VA hospital.

I also asked for $46 million to eliminate the serious backlog in equipment purchase, maintenance and repair.

The plight of those who have spinal cord injuries is especially deplorable. The ratio in the VA spinal cord injury units, as of April 1970, was approximately 1.02 staff for each spinal cord injury bed. In stark comparison, the ratio at New York's Institute of Rehabilitation Medicine, headed by the world famous Dr. Howard Rusk, who is a consultant to the VA, is 2.17 to 1—more than twice as high. Many VA spinal cord injury centers are well equipped, but I have found only a few patients actively engaged in therapy at one time. Others wait endlessly for their turn in an unhappy, helpless, hopeless prone line. And still others have lost the incentive to come and wait, and wait.

I have proposed that by the end of fiscal year 1971 we provide the Veterans' Administration with $10 million to double the spinal cord injury staffing ratio.

Under the impetus of our investigation and embarrassed by the recent Life magazine article, the VA decided to reallocate funds and make a 25-percent increase in spinal cord injury staffing ratios for fiscal 1971. They had not planned to do this. I am glad we helped change their minds. I also recommended adding almost $6 million to eliminate an outrageous backlog in dental examinations and treatment.

Although I have focused my recommendations primarily on the needs of disabled Vietnam veterans, I have tried to stress that inadequate conditions in our hospitals affect all veterans of all wars. You and I know, too, that there is growing, exploding need now for long-term care facilities for aging and infirm veterans of World War I and World War II. Because of this, I proposed an additional $6 million to convert 1,000 more present hospital beds to nursing care use.

Despite strong Veterans' Administration opposition to every one of my recommendations, the Appropriations Committee accepted the bulk of them. It voted to increase the House-passed bill by $100 million.

During the subsequent Senate debate, 35 Senators took to the floor to state their strong support for this increase, and the Senate passed it—unanimously.

Altogether, the Senate passed $175 million more than was requested in the President's initial budget—the $100 million added by the Senate—$25 million won on the House floor by Chairman TEAGUE of the House Veterans' Affairs Committee—and the $50 million belatedly added by the administration to its original budget after our congressional investigations aroused the Nation and shook the White House.

The support we received in the Senate was characteristic of the bipartisan effort I have tried to foster for all veterans' matters. During the time I have had the privilege of serving as chairman of the Veterans' Affairs Subcommittee all actions of our subcommittee, our full committee, and the Senate on VA education and training and medical legislation and on appropriations for these programs have been unanimous.

The amount finally passed by both Houses totaled $105 million above the administration amended budget request. Chairman TEAGUE and I accepted the conference recommendation to eliminate the $20 million which the Senate had earmarked for additional construction, because it was our understanding that most of the priority items, including design of a replacement hospital for both the Bronx Hospital in New York and the Wadsworth Hospital in Los Angeles, would very likely be carried out by the VA with existing construction money.

We thus felt that the crucial money was in the medical care category. We were particularly pleased that the full $105 million for medical care was accepted by the conference committee.

The only problem was that when Congress sent the appropriations bill to the President, he unexpectedly and unjustifiably vetoed it on August 11, 1970. This meant that the entire process had to be repeated in order to get essential medical services to our veterans. My great regret is that this 4-month delay can never be entirely made up. This delay has irrevocably impaired the Veterans' Administration's ability to recruit very necessary personnel, whose energies and talents could have been well used in our VA hospitals. We will never get back the lost medical care and the lost rehabilitation our maimed veterans desperately need now at this very moment. And with every week that goes by until the VA finally receives its appropriation, it will be more and more difficult to recruit all the additional staff it so desperately needs.

However, I welcome this increase, even though it is long overdue, and now clearly, probably, too little, by half at least. It can be fully used up just to purchase necessary equipment and make repairs, renovations, and improvements. And the VA can at least begin the recruiting and hiring of personnel that has been delayed so long.

I urge the President to mitigate his previous action in denying adequate medical care to veterans through his veto by moving as swiftly as possible to approve this bill, and then to see that the full amount is immediately released by the Office of Management and Budget to the Veterans' Administration. I trust that the President will again not lose sight of the desperate need of our wounded, disabled, and ill veterans by vetoing this appropriation bill a second time.

This increase in appropriations for our veterans medical care is most welcome. Even at this late date, it will still serve to improve the care which we have a deep obligation to provide to our veterans and which they urgently need. I urge my colleagues to join me in supporting this essential matter and insuring the actual expenditure of these crucial funds.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Virginia (Mr. Byrd), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman), the Senator from Virginia (Mr. Spong), the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) is absent on official business.

I also announce that the Senator from Washington (Mr. Magnuson) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), the Senator from Virginia (Mr. Spong), the Senator from Illinois (Mr. Stevenson) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. Cook), the Senator from Nebraska (Mr. Curtis), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater and Mr. Fannin), the Senator from Illinois (Mr. Percy) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from New Jersey (Mr. Case) and the Senator from Oregon (Mr. Hatfield) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. Curtis), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Fannin), the Senator from Oregon (Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), the Senator from Illinois (Mr. Percy) and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 75, nays 1, as follows:

[No. 415 Leg.]

YEAS—75

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Church
Cooper
Cotton
Cranston
Dole
Eagleton
Ellender
Ervin
Fong
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—1

Young, Ohio

NOT VOTING—24

Bayh
Byrd, Va.
Case
Cook
Curtis
Dodd
Dominick
Eastland
Fannin
Fulbright
Goldwater
Harris
Hatfield
Jordan, N.C.
Magnuson
McCarthy
McGee
Mundt
Percy
Russell
Sparkman
Spong
Stevenson
Tower

So the bill (H.R. 19830) was passed.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the Senate has again witnessed the outstanding advocacy of the senior Senator from Rhode Island (Mr. Pastore). Once again he has steered this highly important appropriations measure to overwhelming Senate approval. He has done so with the same outstanding legislative skill and ability that have characterized his many years of public service. This funding measures provides vital support for our many housing programs and programs that are designed to assist the cities with their grave and pressing problems. Those interests could not have a better advocate than John Pastore of Rhode Island. He deserves the highest commendation of the Senate.

Joining Senator Pastore was the distinguished senior Senator from Colorado (Mr. Allott). His strong cooperation and assistance were indispensable to this great success and the Senate is most grateful.

Offering their own strong and sincere views during the consideration of this measure were the distinguished Senator from Arkansas (Mr. Fulbright), the distinguished Senator from Minnesota (Mr. Mondale), and the distinguished Senator from New York (Mr. Javits). They and others contributed immensely to the high level of the debate. They and others exhibited their own strong interests in the programs funded by this bill.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1406, H.R. 19590. I do this so that it will become the pending business.

The PRESIDING OFFICER (Mr. Hughes). The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, there will be nothing done on this bill tonight, but the distinguished senior Senator from Louisiana (Mr. Ellender) will be prepared to make the opening statement at the conclusion of morning business tomorrow.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination reported earlier in the day from the the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA COURT OF APPEALS

The legislative clerk read the nomination of Gerard D. Reilly, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals.

The PRESIDING OFFICER (Mr. Gravel). Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ELIMINATION OF MULTIPLE CUSTOMS DUTIES ON HORSES TEMPORARILY EXPORTED FOR USE IN RACING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 217, H.R. 4239.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4239) to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The legislative clerk read as follows:

On page 1, after line 5, insert a new section, as follows:

H.R. 4239

SEC. 2. (a) Section 2(a) of the Act entitled "An Act to provide for the free importation of certain wild animals, and to provide for the imposition of quotas on certain meat and meat products", approved August 22, 1964 (Public Law 88–482) is amended—

(1) by striking out "and 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs))" and inserting in lieu thereof ", 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)), and 106.30 (relating to fresh, chilled, or frozen lamb meat)"; and

(2) by striking out "725,400,000 pounds" and inserting in lieu thereof "735,400,000 pounds".

(b) Section 2(b) of such Act is amended by adding at the end thereof the following: "The Secretary of Agriculture, for each calendar year after 1969, shall also estimate and publish—

"(3) the quantity of the articles specified in item 106.30 of Tariff Schedules of the United States which bears the same ratio to the aggregate quantity estimated by him pursuant to paragraph (1) for such calendar year as the average annual quantity of such articles imported during the years 1966 through 1968, inclusive, bears to the average annual quantity of all articles described in subsection (a) imported during such years, and

"(4) before the first day of each calendar quarter in such calendar year, the quantity of the articles specified in item 106.30 of such Schedules which (but for this section) would be imported in such calendar year.

In applying paragraph (4) for the second or any succeeding calendar quarter in any calendar year, actual imports for the preceding calendar quarter or quarters in such calendar year shall be taken into account to the extent data is available."

(c) Section 2(c) of such Act is amended—

(1) by striking out "under this section" in paragraph (1) and inserting in lieu thereof "under this paragraph";

(2) by striking out "under this section" in paragraph (2) and inserting in lieu thereof "under paragraph (1)";

(3) by renumbering paragraph (3) as (4), and by inserting after paragraph (2) the following new paragraph:

"(3) If the quantity estimated before any calendar quarter by the Secretary of Agriculture pursuant to subsection (b)(4) exceeds the quantity estimated by him pursuant to subsection (b)(3), the President shall by proclamation limit the quantity of the articles specified in item 106.30 of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during such calendar year to the quantity estimated for such calendar year by the Secretary of Agriculture pursuant to subsection (b)(3)."; and

"(4) by inserting after the first sentence of paragraph (4) (as renumbered) the following new sentence: "The Secretary of Agriculture shall allocate the quantity proclaimed under paragraph (3), and any increase in such quantity pursuant to subsection (d), among supplying countries on the basis of the shares of the articles specified in item 106.30 of the Tariff Schedules of the United States which such countries supplied to the United States market during a representative period, except that due account may be given to special factors which have affected or may affect the trade in such articles."

(d) Section 2(d) of such Act is amended by inserting after "subsection (a)" in paragraph (2) the following: "(or in the case of a proclamation under subsection (c)(3), the supply of articles of the kind specified in item 106.30 of the Tariff Schedules of the United States)".

(e) The amendments made by this section shall apply only with respect to calendar years after 1969.

Mr. MANSFIELD. Mr. President, on behalf of the committee, I urge rejection of the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Without objection, the amendment is rejected.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to be read the third time, was read a third time, and was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ALLOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended, so as to read: "An Act to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing, and to provide for the imposition of quotas on lamb meat."

ORDER FOR THE SENATE TO CONVENE AT 10 A.M. EVERY DAY FOR THE REMAINDER OF THE WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate convene at the hour of 10 a.m. on Tuesday, Wednesday, Thursday, and Friday of this week.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BELLMON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent, that at the conclusion of the disposition of the reading of the Journal on tomorrow, the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERSTATE COMMERCE ACT AND FEDERAL AVIATION ACT, 1958—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to H.R. 10634, to amend the Interstate Commerce Act and Federal Aviation Act of 1958, in order to exempt certain wages and salaries for income tax purposes. I ask for its immediate consideration.

The PRESIDING OFFICER. The papers are not here.

Mr. KENNEDY. Mr. President, I ask that action on the conference report be withheld.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERNATIONAL SPACE PROGRAM

Mr. PERCY. Mr. President, I have been particularly interested in the international aspects of the space program. The post-Apollo program—and the reusable space shuttle system in particular—has already demonstrated a remarkable potential for international support. NASA's activities acquainting other countries with the opportunities and benefits of participation in the development of a reusable space transportation system have evoked a positive response that would have been difficult to predict a year ago.

I have been informed by NASA that the 12-nation European Space Conference has taken a number of specific steps to bring Europe to the point where major commitments to post-Apollo contributions can be considered and undertaken:

They have established a full-time office in Washington.

They have named representatives to NASA technology steering committees for both the shuttle and the space station.

They have already committed several million dollars for independent European industrial studies of post-Apollo projects.

And they have sent to the United States a ministerial-level delegation, headed by the Belgian Minister of Science, to determine the ground rules for possible European participation.

The proposition which the nations of Europe are considering, as they have defined it for themselves in preliminary discussions, is nothing less than the expenditure of a billion dollars in the next decade to develop elements of U.S. post-Apollo systems. This proposition has captured the imaginations of European governments and industrial communities. The governments of Europe are considering it at the highest levels because they recognize both the technological benefits of helping to develop a reusable space transportation system and the significance of such a system for doing business in space in the future.

Should such significant European participation materialize, the United States would gain very considerable practical benefits in both finance and technology. The intangible benefits could be even greater in terms of our interest in the Atlantic community and the strength of the Western system. For a long time we have needed programs to compelling significance to ourselves and to our partners. The space transportation system, with its strong appeal to national imperatives, is well suited for the purpose.

The questions of whether and how Europe should participate are difficult by virtue of their scope and complexity, and the members of the European Space Conference will have different attitudes toward them. West Germany, France, and Belgium are together leading a positively oriented group into further discussions with NASA and the Department of State. While some of the smaller countries may not follow them, Italy, Spain, Switzerland, and the Netherlands have said that they fully support such exploratory efforts. The British, who may have the greatest difficulty because of their economic situation, have nevertheless not closed the door to participating in post-Apollo. They are assisting in planning for the next talks with the Department of State and NASA and they are contributing their share to the studies of post-Apollo now in progress in Europe. As the space shuttle program in the United States moves forward, the prospects for participation by the United Kingdom should improve and quite likely fortify the already positive attitudes of West Germany, France, and Belgium.

In considering the post-Apollo program projects before us, we are considering far more than a narrow interest. We are considering the main thrust of the exploration and exploitation of space. We are considering an approach which commends itself strongly to other nations as well as to us and which will have increasing leverage in bringing those nations together with us in common purpose.

Mr. President, in my view, NASA and the administration are to be commended for aggressively pursuing the goal of increased international cooperation in space. It would be extremely unfortunate if the Senate were to adopt the amendment now before us. Surely such action would be a major—and perhaps irrevocable—setback to truly meaningful international participation in future space programs. I intend to vote against such action.

THE PROPOSED ILLINOIS STATE CONSTITUTION

Mr. PERCY. Mr. President, because of the general interest in many States in updating antiquated State constitutions, I wish to comment in the Senate today on how the State of Illinois is facing this situation.

On December 15, the citizens of Illinois will go to the polls to vote on a proposed revision to their 100-year-old State constitution. The new constitution, hammered out over a period of 9 months by 116 convention delegates, is a contemporary, flexible document which, if approved by the voters, will enable the State of Illinois to carry out its duties more openly and efficiently.

The proposed document is a significant improvement over the old one of 1870. Where the latter dealt with warehouses and the World's Columbian Exposition, the former addresses itself to such contemporary problems as pollution and transportation. For example, in a new and special section, the constitution states that "each person has the right to a healthful environment" and adds that "each person can enforce this right against any party, governmental or private, through appropriate legal proceedings." And elsewhere, the constitution declares that "public transportation is an essential public purpose for which public funds can be expended." Thus, the improvement of public transportation becomes the primary concern that it ought to be.

In the executive, legislative, and judicial areas, the State charter sheds the antiquated and adopts the innovative, and in so doing offers hope for more honest, responsive and streamlined government.

Under the executive article of the constitution, the Governor and Lieutenant Governor are elected as a team, so as to increase the prospects for a more harmonious working relationship between the State's two top officials. To avoid having State officials swept into office on the coattails of a presidential candidate, elections will be held in off-presidential years. This provision will also insure that State issues and candidates receive the attention they deserve.

In the legislative area, the voters will be given the choice between retaining the present method of choosing State Representatives; that is, by cumulative voting in multimember districts, or abandoning this system in favor of electing the 177 members from single-member districts. Because of the highly controversial aspect of this issue, the convention delegates wisely separated it from the main body of the constitution, so that its failure will not necessarily result in the failure of the constitution. The minimum age for service in the legislative body is lowered to 21; and the number of State senators rises from 58 to 59.

In the judicial branch, an attempt is made to reduce the heavy backlogs in civil cases, so that the courts can devote more time to the more serious cases. This is done by allowing smaller juries—no smaller than six—and less than unanimous verdicts—no less than three-quarters majority—in civil cases. In this connection, it is noteworthy that defendants in Cook County courts must wait longer than the defendants of any other State before going to trial. The backlog goes back as far as 6 or 7 years.

Two alternative methods of selecting judges will be offered to the voters. They will be able to choose between abandoning the present system of electing judges—which tends to reward personal popularity and party loyalty rather than judicial ability—in favor of having judges appointed by the Governor, after having been nominated by a bipartisan committee of lawyers and laymen. Again, this issue, because it is controversial, will be submitted to the voters in a separate ballot rather than in the main body of the constitution.

The education article of the constitution broadens the aim of our educational system in stating that "a fundamental goal of the people of the State is the educational development of all persons to the limits of their capacities"; and it shifts the burden from locally levied property taxes to a statewide income tax. Henceforth the State will bear the primary responsibility for financing the system of public education. And by making the post of State school superintendent an appointive rather than an elective one, the State's top education officer is freed from the hazards of campaigning, and allowed to devote his full energies and talents to his job.

The most outstanding part of the new constitution is its bill of rights—hailed by some as the best in any constitution of the 50 States.

During a period when the country frequently witnessed the mindless and destructive acts of a fanatic few, Convention delegates resisted the temptation to respond in an equally mindless fashion by weakening or taking away those fundamental rights belonging to the individual. Indeed, it strengthened those rights.

A right until now guaranteed only by the 14th amendment of the U.S. Constitution, the right of equal protection of the laws, was added to the constitution's due process clause. Only a few States have such a provision.

To the clause on limitation of penalties after conviction, the convention added a most progressive and enlightened provision: that "all penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship." Again, the State of Illinois is far ahead of most others.

To protect against the encroachments of big brother, the convention included, in its section on unreasonable searches and seizures, protection against "invasions of privacy or interceptions of communications by eavesdropping devices or other means."

The right to remedy and justice is strengthened by the substitution of the word "shall" for "ought to" in "He shall obtain justice by law freely, completely, and promptly."

The bill of rights also contains a far-reaching provision in its antidiscrimination clause—which may be the strongest of any provided by the 50 States. This clause clearly states that "All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry and sex in the hiring and promotion practices of any employer or in the sale or rental of property. These rights are enforceable without action by the General Assembly."

Rather than weakening fundamental rights, the convention reacted to the particular difficulties of today by stressing that "These blessings—those guaranteed by the constitution—cannot endure unless the people recognize their corresponding, individual obligations and responsibilities."

And instead of remaining silent on the most difficult questions of the day, the delegates chose to recognize them in the preamble of the bill of rights, and to articulate the noble aspirations of "eliminating poverty and inequality; assuring legal, social, and economic justice; and providing opportunity for the fullest development of the individual." In other words, the delegates did not ignore these problems—as they might have—but chose to ask the best of the citizens of Illinois in attempting to solve them.

These, then, are some of the highlights found in the main body of the constitution. There are, however, two more issues to be voted upon which are of such importance and interest to me that I would like to comment on them at least briefly. These two issues are: First, the lowering of the voting age to 18; and second, the abolition of the death penalty.

I hope the voters will decide in favor of lowering the voting age to 18. Never in our history have our youth been so well-informed politically and so concerned about the eradication of social injustices. I believe the energies and aspirations of our citizens between the ages of 18 and 21 should be channeled into the democratic process, and not be allowed to wither into disinterest and cynicism. In voting on this issue, I hope the voters will think more about the majority or responsible, concerned youth, and not about the destructive and irresponsible minority who receive publicity all out of proportion to their numbers.

The fourth and final issue to be voted on separately is the abolition of the death penalty. I hope this penalty will be abolished. Aside from the fact that there is no evidence whatever to prove that the death penalty acts as a deterrent to crime, this punishment puts the emphasis on revenge rather than rehabilitation. More often than not, it is the poor and the friendless who are condemned. And worst of all, the penalty is obviously irrevocable.

The proposed State constitution of 1970 is a well-thought-out, progressive document which will enable our State to move forward in an enlightened manner. At the same time, it retains the best of the old constitution by upholding our best traditions and reaffirming our basic belief in the rights of the individual.

In light of the fact that previous efforts to revise our constitution have failed because of indifference or apathy, I am especially hopeful that a very substantial number of voters will come to the polls and express an interest in this most important and far-reaching proposal. It has my full support and I hope the citizens of Illinois will endorse it on December 15.

CALENDAR CALL OF UNOBJECTED-TO ITEMS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the calendar call of unobjected-to items may be had on tomorrow morning prior to recognition of the able Senator from Oklahoma (Mr. BELLMON) under the special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGHWAY APPROPRIATIONS

Mr. BYRD of West Virginia. Mr. President, on behalf of my able senior colleague, the Senator from West Virginia (Mr. RANDOLPH), I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 19504.

The PRESIDING OFFICER (Mr. GRAVEL) laid before the Senate H.R. 19504, to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Mr. BYRD of West Virginia. I ask unanimous consent that the bill be considered as having been read twice and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I move that all after the enacting clause be stricken and that the language of S. 4418, as it passed the Senate on October 2, 1970, be substituted therefor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 19504) was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. RANDOLPH, Mr. JORDAN of North Carolina, Mr. MONTOYA, Mr. SPONG, Mr. COOPER, Mr. BOGGS, and Mr. BAKER conferees on the part of the Senate.

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER (Mr. GRAVEL). The Chair, on behalf of the Vice President, in accordance with Public Law 91-405, appoints the Senator from Virginia (Mr. SPONG) and the Senator from Maryland (Mr. MATHIAS) to the Commission on the Organization of the Government of the District of Columbia.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 57 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, December 8, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, December 7, 1970:

OVERSEAS PRIVATE INVESTMENT CORPORATION

The following-named persons to be members of the Board of Directors of the Overseas Private Investment Corporation for the terms as indicated, new positions.

For a term of 1 year:

Robert F. Buck, of Washington.

Clifford H. N. Yee, of Hawaii.

For a term of 2 years:

Allie C. Felder, Jr., of the District of Columbia.

Daniel Parker, of Wisconsin.

For a term of 3 years:

Gustav M. Hauser, of New York.

James A. Suffridge, of Virginia.

Bradford Mills, of New Jersey, to be President of the Overseas Private Investment Corporation; new position.

Herbert Salzman, of New York, to be Executive Vice President of the Overseas Private Investment Corporation; new position.

CONFIRMATION

Executive nominations confirmed by the Senate, December 7, 1970:

DISTRICT OF COLUMBIA COURT OF APPEALS

Gerard D. Reilly, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals for the term of years prescribed by Public Law 91-358, approved July 29, 1970.

HOUSE OF REPRESENTATIVES—*Monday, December 7, 1970*

The House met at 12 o'clock noon.

Rev. J. Renton Hunter, Bethel Pentecostal Tabernacle, Washington, D.C., offered the following prayer:

Father, being grateful for all that has come from You to build and bring us to this day, we offer our thanks and praise.

Although a simple "Thank You, God" does not adequately express our gratitude, nor begin to show our appreciation, yet in deepest sincerity we say "Thank You, Lord; thank You, God."

We invoke the blessing of Your presence in this Chamber and in our personal experience.

Grant that the deliberations, and decisions, of this day be marked by Your wisdom; the relationships and personal contacts of this day may give evidence of Your love; the burdens, pressures, and responsibilities of this day may be met in Your strength.

May our lives, attitudes, and speech be models of Your grace and compassion. Amen.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal of the proceedings of Thursday, December 3, 1970.

Mr. RYAN. Mr. Speaker, I demand that the Journal be read in full.

The Clerk proceeded to read the Journal of the proceedings of Thursday, December 3, 1970.

PARLIAMENTARY INQUIRY

Mr. GROSS (during the reading). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Is there something in the Journal of the proceedings of last Thursday that needs to be read for the edification of the Members of the House?

The SPEAKER. The Chair is not able to answer that question.

Does the gentleman from New York withdraw his demand that the Journal be read in full?

Mr. RYAN. No, Mr. Speaker; I request that the Journal be read in full.

The SPEAKER. The Clerk will proceed.

The Clerk continued to read the Journal of the proceedings of Thursday, December 3, 1970.

The SPEAKER. Without objection, the Journal as read will stand approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1160. An act to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park;

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation; and

H.R. 13934. An act to amend the act of September 21, 1959 (73 Stat. 590) to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 380. An act to repeal section 7 of the act of August 9, 1946 (60 Stat. 968);

H.R. 2669. An act to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals;

H.R. 15728. An act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes; and

H.R. 17755. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House numbered 7, 8, 9, and 10 to the bill (S. 368) entitled "An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes," and that the Senate agrees to the amendment of the House numbered 4 to the above-entitled bill with an amendment, and that the Senate agrees to the amendment of the House numbered 5 to the above-entitled bill with an amendment, and that the Senate disagrees to the amendments of the House numbered 1, 2, 3, and 6 to the above-entitled bill in which concurrence of the House is requested to the foregoing action.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17755) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes," asks a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. CASE, Mrs. SMITH, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Vice President, pursuant to Public Law 91–513, appointed Mr. HUGHES and Mr. JAVITS to the Commission on Marihuana and Drug Abuse.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair at this time will recognize Members only for requests to revise and extend their remarks and 1-minute speeches in connection with which the time is yielded back.

APPROPRIATIONS COMMITTEE—PERMISSION TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE A CONFERENCE REPORT ON H.R. 17923

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a report on the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VACATING PROCEEDINGS ON THE BILL, H.R. 19504, TO AUTHORIZE APPROPRIATIONS FOR THE CONSTRUCTION OF CERTAIN HIGHWAYS IN ACCORDANCE WITH TITLE 23, UNITED STATES CODE, AND FOR OTHER PURPOSES, AND RECONSIDERATION

Mr. FALLON. Mr. Speaker, I ask unanimous consent that the proceedings whereby the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23, United States Code, and for other purposes, was read a third time, passed, and the motion to reconsider laid on the table and the bill then laid on the table, be vacated.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. GROSS. Mr. Speaker, reserving the right to object, I am at a loss to understand why this request is being made. What is the reason therefor?

Mr. FALLON. Mr. Speaker, I will say to the gentleman from Iowa, we should not have vacated the House number and substituted the Senate bill, since title III of the bill is a revenue measure and must originate in the House.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The engrossed House bill (H.R. 19504) was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE 29TH ANNIVERSARY OF CIVIL AIR PATROL

(Mr. WOLFF asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, today is the 29th anniversary of the founding of the Civil Air Patrol, the official auxiliary of the U.S. Air Force. I am proud to be commanding officer of the CAP Congressional Squadron composed of more than

30 Members of Congress including the majority and minority leaders of the House.

At the outbreak of World War II the Civil Air Patrol served as a frontline of defense for the continental United States. A number of CAP members gave their lives while engaged, as I was during this period, in flying coastal patrol.

Today the CAP conducts 79 percent of all Air Force search-and-rescue missions in the United States and is engaged in a youth training program to provide our country with a reserve pool of qualified pilots and air crews.

I am proud that Lt. Col. Renton Hunter, chaplain of the Congressional Squadron of CAP, offered the prayer at the opening of today's session. And I rise to pay tribute today to the tens of thousands of Americans, young and old alike, who have given and continue to give of their time and service to make the Civil Air Patrol the successful program it continues to be.

CONSUMER LEGISLATION

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, it was astounding the other day that a Member of this body should react to the Rules Committee action on the consumer bill by making a personal attack on Mrs. Virginia Knauer, the President's assistant for consumer affairs.

While I can understand that our colleague was bitterly disappointed with the committee's action, that is little reason to call for the resignation of a distinguished public servant because she did not lobby or pressure the Congress for passage of the consumer bill.

I fear that our viewpoint is becoming warped. We are a separate and equal branch of the Government, the body charged with enacting legislation into law. We are not supposed to be dependent upon the executive branch while we are discharging this function—yet that is exactly what is implied when we criticize the executive branch for not pressuring us to enact legislation. Is the Congress to be likened to a spoiled child who wil not behave without a spanking?

It is always tempting to look for scapegoats outside of Congress. But in this case there is no scapegoat. When the consumer bill came to a vote in the Rules Committee, the sponsors of this legislation failed to muster the supporters necessary to bring the bill to the House floor.

I would suggest our colleague see what he can do to make his legislation acceptable and not attempt to pass the buck to Mrs. Knauer.

NATO INSIGNIA PROPOSAL

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, a NATO-insignia proposal approved by the 1969 North Atlantic Assembly was endorsed by U.S. Defense Secretary Laird at the Defense Ministers' meeting last week in Brussels. Under the proposal, all military personnel and vehicles assigned or earmarked for Alliance purposes would carry the NATO four-pointed star in addition to national identification.

Symbols are important, and up to now NATO military forces have lacked a common symbol. Under the North Atlantic Assembly proposal, which I initiated, all personnel actively assigned to NATO or designated for Alliance purposes would wear a small patch or pin bearing the NATO star.

Otherwise, uniforms would follow the tradition of each nation. Likewise, vehicles so assigned or earmarked would carry a decal of the NATO star in addition to national markings. The insignia so displayed would serve a valuable purpose in showing visibly the link among national forces besides advertising effectively the existence of the Alliance.

I first proposed the adoption of the NATO insignia to the Military Committee of the North Atlantic Assembly in Brussels in 1969. My resolution on this proposal was favorably reported to the plenary session, unanimously adopted, and forwarded for consideration by the NATO Council. At the request of the Council, Adm. Sir Nigel Henderson, Chairman of the NATO Military Committee, circulated the proposal to member governments for reaction.

On September 24, I met with Admiral Moorer, Chairman of the U.S. Joint Chiefs of Staff, to explain the proposal. Admiral Moorer expressed interest and in a letter reported he had discussed it with military leaders in Western Europe.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day.

The Clerk will call the first bill on the Consent Calendar.

CALL OF THE HOUSE

Mr. EDWARDS of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 384]

Abbitt
Addabbo
Alexander
Anderson, Tenn.
Aspinall
Beall, Md.
Belcher
Biaggi
Blanton
Bolling
Brasco
Button
Clark
Clay
Cohelan
Collins, Tex.
Conte
Culver

Daddario
de la Garza
Dent
Diggs
Dingell
Dowdy
Dwyer
Edwards, La.
Farbstein
Friedel
Fulton, Tenn.
Gallagher
Gilbert
Goldwater
Gray
Green, Oreg.
Grover
Gubser
Halpern

Hanna
Hastings
Hathaway
Heckler, Mass.
Helstoski
Jarman
Kee
King
Landgrebe
Lennon
Long, La.
Lowenstein
Lukens
McCarthy
McKneally
McMillan
MacGregor
Madden
Mathias

Meskill
Mikva
Minshall
Morton
Moss
Nichols
O'Konski
O'Neill, Mass.
Ottinger
Pepper
Pettis
Pickle
Poage
Podell

Pollock
Powell
Preyer, N.C.
Purcell
Rarick
Reifel
Roe
Roudebush
Rousselot
Sandman
Scheuer
Stafford
Stanton
Stephens

Stuckey
Sullivan
Symington
Thompson, N.J.
Tiernan
Tunney
Waggonner
Waldie
Watts
Weicker
Wiggins
Wold
Wydler

The SPEAKER. On this rollcall 336 Members have answered to their names, a quorum.

Is there objection to dispensing with further proceedings under the call?

Mr. RYAN. Mr. Speaker, I rise to object to dispensing with further proceedings under the call.

Mr. ALBERT. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma?

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RYAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 312, nays 28, not voting 94, as follows:

[Roll No. 385]

YEAS—312

Abernethy
Adair
Adams
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ayres
Barrett
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blatnik
Boggs
Boland
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery

Camp
Carey
Carney
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Corbett
Corman
Coughlin
Cramer
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Derwinski
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman

Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Griffin
Griffiths
Gross
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Henderson

Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keith
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCulloch
McDade
McEwen
McFall
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills

Minish
Mize
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nix
O'Hara
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Pelly
Perkins
Philbin
Pike
Pirnie
Poff
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roybal
Ruppe
Ruth
St Germain
Satterfield
Saylor
Schadeberg
Scherle

Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Wampler
Watson
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—28

Ashley
Bingham
Brown, Calif.
Burton, Calif.
Clay
Cohelan
Conyers
Eckhardt
Edwards, Calif.
Ford, William D.

Green, Pa.
Harrington
Hawkins
Howard
Kastenmeier
Koch
Lowenstein
McCarthy
Mink
Nedzi
Obey

Rees
Reid, N.Y.
Rosenthal
Ryan
Scheuer
Stokes
Thompson, N.J.

NOT VOTING—94

Abbitt
Addabbo
Alexander
Anderson, Tenn.
Aspinall
Baring
Beall, Md.
Belcher
Biaggi
Blanton
Bolling
Brasco
Button
Collins, Ill.
Collins, Tex.
Conte
Cowger
Daddario
de la Garza
Dent
Devine
Diggs
Dowdy
Dwyer
Edwards, La.
Farbstein
Fraser
Friedel
Fulton, Tenn.
Gallagher
Giaimo

Gilbert
Gray
Green, Oreg.
Grover
Halpern
Hanna
Hansen, Wash.
Hastings
Heckler, Mass.
Helstoski
Kee
King
Lennon
Long, La.
Lukens
McDonald, Mich.
McKneally
McMillan
MacGregor
Mathias
Meskill
Mikva
Minshall
Monagan
Morton
Moss
Nichols
O'Konski
O'Neill, Mass.
Ottinger
Pepper

Pettis
Pickle
Poage
Podell
Pollock
Powell
Preyer, N.C.
Purcell
Reifel
Roe
Roudebush
Rousselot
Sandman
Stafford
Stanton
Stephens
Stuckey
Sullivan
Symington
Teague, Calif.
Thomson, Wis.
Tiernan
Tunney
Vander Jagt
Waggonner
Waldie
Ware
Watts
Weicker
Wiggins
Wydler

So the motion was agreed to.

Mr. COHELAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

CONSENT CALENDAR

The SPEAKER pro tempore (Mr. ALBERT). This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

U.S. PARTICIPATION IN THE 1972 UNITED NATION CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called the resolution (H. Res. 562) expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CALL OF THE HOUSE

Mr. HOWARD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. One hundred and eighty-five Members are present, not a quorum.

Mr. ROSTENKOWSKI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 366]

Abbitt
Addabbo
Alexander
Anderson, Tenn.
Aspinall
Beall, Md.
Belcher
Biaggi
Blanton
Bollin
Brademas
Brasco
Button
Collins, Ill.
Collins, Tex.
Colmer
Conte
Cowger
Cramer
Daddario
de la Garza
Dent
Diggs
Dowdy
Dwyer
Edwards, La.
Evans, Colo.
Farbstein
Fascell
Ford, William D.
Fraser

Fulton, Tenn.
Gallagher
Gibbons
Gilbert
Gray
Green, Oreg.
Green, Pa.
Grover
Halpern
Hanna
Hansen, Wash.
Hastings
Heckler, Mass.
Karth
Kee
King
Lennon
Long, La.
Lukens
McKneally
MacGregor
Mathias
Meskill
Mikva
Minshall
Moorhead
Morton
Moss
Nedzi
Nichols
O'Konski
O'Neill, Mass.
Ottinger

Pepper
Pettis
Philbin
Pickle
Poage
Pollock
Powell
Preyer, N.C.
Purcell
Rees
Reifel
Roe
Roudebush
Rousselot
Sandman
Scheuer
Smith, Iowa
Stanton
Stephens
Stuckey
Sullivan
Symington
Thompson, N.J.
Tiernan
Tunney
Vander Jagt
Waggonner
Waldie
Watts
Weicker
Widnall
Wiggins
Wydler

The SPEAKER. On this rollcall 336 Members have answered to their names, a quorum.

Is there objection to dispensing with further proceedings under the call?

Mr. RYAN. Mr. Speaker, I object to dispensing with further proceedings under the call.

Mr. ALBERT. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The question is on the motion of the gentleman from Oklahoma.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. RYAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred and twenty-three Members are present, a quorum.

So the motion was agreed to.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the next bill on the Consent Calendar.

RELEASING THE CONDITIONS IN A DEED WITH RESPECT TO A CERTAIN PORTION OF THE LAND HERETOFORE CONVEYED BY THE UNITED STATES TO THE SALT LAKE CITY CORP.

The Clerk called the bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REPEAL OF THE NAVAL STORES ACT

The Clerk called the bill (H.R. 7444) to repeal the Naval Stores Act.

Mr. HAGAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

NATIONAL AGRICULTURAL LIBRARY

The Clerk called the bill (H.R. 19402) to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

There being no objection, the Clerk read the bill, as follows:

H.R. 19402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SEC. 2. The Secretary of Agriculture is hereby authorized to accept, receive, hold, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made unconditionally for the benefit of the National Agricultural Library or for the carrying out of any of its functions. Conditional gifts may be accepted and used in accordance with their provisions provided that no gift may be accepted which is conditioned on any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress.

SEC. 3. Any gift of money accepted pursuant to the authority granted in section 2, or the net proceeds from the liquidation of any other property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate account and shall be disbursed upon order of the Secretary of Agriculture.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RYAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred and twenty-seven Members are present, a quorum.

So the bill was passed.

A motion to reconsider was laid on the table.

GIVING THE CONSENT OF CONGRESS TO THE ADDITION OF LAND TO THE STATE OF TEXAS, AND CEDING JURISDICTION TO THE STATE OF TEXAS OVER A CERTAIN PARCEL OR TRACT OF LAND HERETOFORE ACQUIRED BY THE UNITED STATES OF AMERICA FROM THE UNITED MEXICAN STATES

The Clerk called the bill (H.R. 8539) giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire whether we are considering Consent Calendar No. 253 or No. 254?

The SPEAKER. The Consent Calendar number is 253.

Mr. HALL. I thank the Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the parcel or tract of land lying adjacent to the territory of the State of Texas, which was acquired by the United States of America by virtue of the Convention Between the United States of America and the United Mexican States for the Solution of the Problem of the Chamizal, signed August 29, 1963, is declared to have become a geographical part of the State of Texas and shall be under the civil and criminal jurisdiction of said State, without affecting the ownership of said land.

With the following committee amendment:

On page 2 after line 3, insert a new section 2 to read as follows:

"SEC. 2. The addition of land and the ceding of jurisdiction to the State of Texas shall take effect upon acceptance by the State of Texas."

The committee amendment was agreed to.

Mr. WHITE. Mr. Speaker, I respectfully ask unanimous consent of the House for the approval of H.R. 8539, a measure which is highly important to complete the orderly transfer of a small parcel of land—193 acres—from the United Mexican States to the United States of America.

In 1963, the United States concluded with Mexico the historic Chamizal Treaty, which settled a century-old dispute over the international boundary, which had been affected by changes in the channel of the Rio Grande. The settlement of that dispute involved transfers of land both to and from the United States. The 193 acres received from Mexico is surrounded entirely by the city of El Paso, except along the new boundary where it borders Mexico. However, attorneys for the city of El Paso and for the International Boundary Commission, United States, and Mexico, requested that I introduce this legislation to remove any doubts as to the civil and criminal jurisdiction of the State of Texas over the newly acquired territory.

The precedent for such necessity was found in the act of February 6, 1940 (54 Stat. 21), which was enacted in connection with lands acquired by the United States from Mexico under the convention of February 1, 1933. My bill is patterned after the 1940 act. The letter from the Attorney General, quoted in the report, cites two other precedents for this type of legislation.

The State of Texas, also recognizing the necessity of clarifying legislation as to the criminal and civil jurisdiction over the area, has passed its own legislation accepting the area as a geographical part of the State of Texas and under the civil and criminal jurisdiction of that State. The State Legislature of Texas approved Senate bill 571 of the 61st legislature, and it was signed into law June 12, 1969.

Mr. Speaker, State and Federal officials feel that this legislation is necessary to complete the orderly development of the border area at El Paso. Our Government has developed extensive border crossing facilities in the area: The El Paso Independent School District has laid plans for developing a large high school-vocational school in the area, and this Congress approved, in 1966, the establishment of the Chamizal National Memorial on 55 acres of the land, under legislation which I introduced.

It is highly important that none of these projects be delayed through any legal doubts of the sovereignty over the area involved. This legislation will assure that, without affecting ownership of any of the land involved, it will be legally a geographical part of the city of El Paso, the county of El Paso, and the State of Texas.

I will greatly appreciate the unanimous consent of this body to the approval of H.R. 8539.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUSQUEHANNA RIVER BASIN COMPACT

The Clerk called the bill (S. 1079) consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I do so to ask a question or two of the gentleman from Wisconsin (Mr. KASTENMEIER).

Do I correctly understand that the cost of this bill to the Federal Government is $233,000 for fiscal year 1971?

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I would inform the gentleman "no," but it possibly could if the Congress authorized an additional $175,000 as a part of the negotiated Federal share of expenses of the Commission.

The only authorized cost to the Government will be the sum of $58,000 for support of the office of the Federal Government's member delegate to the Commission.

Mr. GROSS. According to the report, though the estimates are different, it is said that the Delaware Basin compact expense to the Federal Government in fiscal year 1971 totals $233,000. I do not understand the use of the figure $233,000 under the circumstances.

Mr. KASTENMEIER. If the gentleman will yield further, I will say that figure is used for comparative purposes. It is the only other Commission which resembles the one to which we give consent herein. In that Commission the office of the representative of the Federal Government in the Delaware compact is presently authorized $58,000 for support of him and his office, and the Federal Government has further negotiated with the compacting States the sum of $175,000 as its share in supporting the Commission's operations. But this has not been authorized for the Susequehanna by this Congress.

Mr. GROSS. I have one final question. What are the States of New York, Pennsylvania, and Maryland contributing?

Mr. KASTENMEIER. Presumably following the formula of the Delaware Basin compact their share of expenses would be the same as that of the United States; namely, $175,000 in that connection.

Mr. GROSS. Are the three States providing any money at this time?

Mr. KASTENMEIER. Well, they would not provide any money until this is enacted into law; that is to say, until the compact commission is created, at which time the United States will negotiate with the other members for an exact amount of the share of participation.

Mr. GROSS. I note there is an estimate of possible cost to the Federal Government, but nowhere do I find any estimate of the cost in total or separately for the States involved, I say to the gentleman.

Mr. KASTENMEIER. We do know that for the Delaware compact the U.S. Government would pay on the order of 24 or 25 percent, and the remainder for support of the commission would be the share of other parties.

Mr. Speaker, the purpose of the bill before the House is to bring the Federal Government into partnership with the States of New York, Pennsylvania, and Maryland in a compact to form a Susquehanna River Basin Commission. The commission will be responsible for developing a comprehensive water resources plan for the Susquehanna River Basin, an area comprising parts of the three States in which more than 3 million persons reside.

The commission would be composed of the Governors of the three States, or their representatives, and a Federal member appointed by the President, each having equal voting power. Alternates are provided for each member. The compact was enacted into law by New York and Maryland in 1967 and by Pennsylvania in 1968.

The principal precedent for this type of legislation—where the United States itself joined in a compact with States—is Public Law 87-328 by which, in 1961, Congress consented to, and the United States joined, the Delaware River Basin compact. That compact has been described to the subcommittee as most successful.

Modeled upon this precedent, the Susquehanna River Basin Commission would, in formulating a comprehensive water resources plan, perform the following functions:

Coordinated planning for flood control;

Conservation and development of surface and ground water supplies;

Development of supplies for municipal, industrial, and agricultural uses;

Development of water-based recreation;

Promotion of water pollution control;

Fish and wildlife propagation;

Promotion of sound forestry practices and related soil conservation;

Development of hydroelectric power potentialities; and

Other activities related to the conservation and development of water and related land resources.

Under the compact, Federal funds would be subject to separate congressional approval—reservation (a). Further protection of the Federal interest is found in provisions reserving to the Congress the power to withdraw the United States from the compact at any time and in the reservation to the President of the power to delete elements of the plan when required in the public interest. What is more, the compact contains a mandatory requirement for public hearings at various stages of the commission's work.

The administration's support of the proposed compact was manifested in an official statement by Secretary of the Interior Hickel on April 14, 1970. Mr. Hickel's successor, the gentleman from Maryland (Mr. MORTON), is the principal author of House Joint Resolution 382, which was identical to S. 1079 as introduced.

In extensive negotiations between representatives of the party States on the one hand, and the Water Resources Council representing Federal agencies on the other, all disagreements were narrowed down to the question of the relative autonomy of regulatory and other Federal agencies in the event of disagreement with the commission. As amended by the Senate, the bill makes clear that reservation (w) is not to be construed "to permit use of the waters of the Susquehanna River Basin or to endanger their quality without approval pursuant to the compact." The intent of the Senate amendment which the committee adopts is to clarify that in possible areas of conflict with individual Federal agencies over matters relating to water use and quality, the commission is to retain final authority. A conforming amendment for the same purpose was also adopted in reservation (r). The result of these amendments is to grant the commission the same authority as was granted to the Delaware River Basin Commission.

This committee held public hearings on a number of House bills identical with S. 1079 as introduced, on June 4 and September 30, 1970. On the basis of the record made at the hearings (hearings on H.J. Res. 381 et al., 91st Cong., 2d sess., Ser. No. 31, June 4 and September 30, 1970, Sub. No. 3, Committee on the Judiciary), the committee finds merit in the legislation as enacted by the Senate and recommends its enactment by the House.

It is estimated that the cost to the United States of enactment of the legislation will be on the order of $233,000, of which $58,000 per annum would be for the office of the U.S. member and on the order of $175,000 per annum would reflect the negotiated Federal share of expenses of the commission.

Reports received from a number of Federal agencies are to be found in the published hearings on this legislation. Essentially, the position of the Federal agencies has been that they approve the legislation subject to the adoption of satisfactory reservations.

Mr. Speaker, I urge the House to pass this bill.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

Mr. FLOOD. Mr. Speaker, I rise today in support of S. 1079, a bill consenting to the Susquehanna River Basin compact; enacting the same into law and making the United States a signatory party thereto.

For background purposes, let me say that on February 5, 1969, I introduced House Joint Resolution 380. This resolution was identical with the bill now before you with the exception of certain committee amendments which I shall discuss in a moment. I might state at this point that the gentleman from New York, the distinguished chairman of the House Judiciary Committee, Mr. CELLER, introduced an identical resolution which was referred to the House Judiciary Committee where hearings were held on June 4, 1970.

On February 19, 1969, our distinguished colleague in the other body, the senior Senator from Pennsylvania, introduced identical legislation together with all of the other Senators from the three Susquehanna River Basin States. Hearings were held by the Senate Judiciary Committee on June 23 and August 19 and 20, 1970, with the resulting passage of S. 1079 by the U.S. Senate on October 14, 1970.

The Senate-passed bill was then referred to the House Judiciary Committee where action was first taken by the subcommittee headed by the distinguished gentleman from Wisconsin (Mr. KASTENMEIER). The bill, having been favorably considered, was then referred to the full committee from which it was reported unanimously.

Before proceeding to the provisions of S. 1079 let me recount some personal history of the role I have played relative to the Susquehanna River Basin. On September 12, 1950, I introduced H.R. 9724, the first piece of legislation specifically related to the creation of a Susquehanna Waterway Commission. Including the measure presently under consideration, I have introduced over the last 20 years 11 bills directly relating to the establishment of a commission charged with the responsibility of developing the water and related land resources of the Susquehanna River Basin.

In 1961, I sponsored a resolution designed to create the Interstate Advisory Committee whose duty it was to draw up a comprehensive plan relative to flood control, navigation, water supply, recreation, and pollution abatement, within the Susquehanna River Basin. This committee was created in August of 1962, and the study got underway in 1963 with the formation of the Susquehanna River Basin Study Coordinating Committee. The Basin Study Committee consists of representatives of the U.S. Departments of Agriculture; the Army; Commerce; Health, Education, and Welfare; Housing and Urban Development; Interior; the Federal Power Commission; the States of New York and Maryland; and the Commonwealth of Pennsylvania. As many as 100 professional workers in the various Federal and State organizations were employed: engineers, economists, geologists, geographers, ecologists, recreation specialists, fish and wildlife experts, and others.

They collected and evaluated a vast amount of data and, based on their evaluations and projections of the basin's future population, determined the basin's short-range and long-range water resource requirements. They looked, too, into land use and management which must be tied into any plan of water use and development.

During the study, residents of the basin were encouraged to take part in the planning process. In 1963, a series of seven public hearings were held throughout the basin to determine from its residents the basin's needs and problem areas. Twelve general meetings of the Coordinating Committee were open to the public. Local planning groups were brought into the decisionmaking process in its early stages. During the late spring of 1969, nine public forums were held in the basin. Many basin residents, as well as many professional local planners, participated in these various meetings.

The measure presently before you has already been ratified by the legislatures of all three basin States. Maryland gave its approval on April 21, 1967; New York on May 2, 1967; and Pennsylvania on July 17, 1968. Also, the Susquehanna River Basin compact was formally endorsed by the administration with an official statement by the Secretary of Interior on April 14, 1970.

Before going into the provisions of the compact, let me say that the resolution introduced by Chairman CELLER represents the view of most of the New York delegation. My resolution represents the view of most of the Pennsylvania delegation, and my distinguished colleague, from the Eastern Shore, Mr. MORTON of Maryland, has introduced identical legislation with the support and approval of most of the Maryland delegation.

The Susquehanna River Basin drains an area of 27,500 square miles—6,300 in New York, 20,900 in Pennsylvania, and 300 in Maryland. The basin extends from east to west 160 miles and from north to south for 225 miles. The average flow of the Susquehanna River throughout the year is 25 billion gallons per day. This flow, however, is far from constant. During the time that records have been kept, it has varied from a low of 1 billion gallons per day in September 1932, to a high of 536 billion gallons per day—830,000 cubic feet per second—at the time of the great flood of 1936. It is significant that 80 percent of the fresh water that flows into the Chesapeake Bay above the mouth of the Potomac River comes from the Susquehanna, which enters the bay near its head at Havre de Grace. It is important to note that to a very large extent the ecology of the Chesapeake Bay is dependent upon the fresh water of the Susquehanna River.

The compact we are considering today is not an altogether new concept; in fact, it is very similar to the Delaware River Basin compact enacted by the Congress in 1961. The two compacts differ only in substantive respects, with the Susquehanna compact being more explicit in empowering the commission to promote proper water resources, land use, and management requirements.

When I testified before Mr. KASTENMEIER's subcommittee I stated:

> The major substantive articles of the compact deal with water supply, water quality management and control, flood protection, watershed management, recreation, hydroelectric power and severe water shortage situations.

I might note here that the compact also deals with the preservation and enhancement of scenic values and historical and cultural sites. One of the most important issues facing the Congress today is the question of how to deal with the environmental and ecological problems presently existing throughout the width and breadth of our great Nation. With the enactment of S. 1079 we can go a long way in solving this problem.

Let me now discuss, from a more detailed point of view, the major provisions of this compact. This bill provides for a top level commission to be composed of a Federal member appointed by the President, together with the Governors of the three basin States or their representatives. This commission is responsible for the development of a comprehensive, coordinated plan relative to the immediate and long-range development of water resources and related land use within the basin; as well as the added responsibility of supervising the implementation of the plan developed, thereby guaranteeing not only a coordinated plan but also the orderly implementation of the plan. Each member of the commission will have an equal vote and an alternate appointee for each member is authorized to serve, when necessary, in the place of the primary appointee. The commission is authorized to act as the local sponsor for shared funding of projects which overlap State boundaries. Where Federal funds are involved, each project will be subjected to separate congressional approval both as to project authorization and project appropriation. No project can be substantially altered once congressional approval is granted unless the Congress concurs. Specific provision is made for public hearings in order that local citizen interest is safeguarded.

Although the compact establishes the commission for a period of 100 years, reservation is provided for the right of the Congress to alter, amend, or repeal the compact at any time.

Two substantive amendments were adopted by the Senate Judiciary Committee and are presently included in the compact. The first deals with the role of Federal regulatory agencies where possible areas of conflict might arise between the commission and an individual agency with respect to matters relating to water use and quality. The net effect of the amendment is to vest final authority in the commission in order that it may effectively carry out the mandate of the compact relative to comprehensive planning—this language is reflected in section 2, paragraph W, of the bill.

The purpose of the other amendment is to clarify the point that the authorization for appropriations in section 3, paragraph B, is to cover only the salary and operational expenses of the Federal member and his office.

Mr. Speaker, in closing let me point out that the Susquehanna Basin is relatively undeveloped when compared to the great and rapidly growing urban complexes that surround it. The demands on the basin are increasing daily, and it is expected that the population within the basin alone will increase threefold in the next 50 years.

Today we have an opportunity not only to enhance the economic development of the great Northeast but, in addition, with prudent conservation and farsighted development, we can improve our own quality of living. I stand here with pride in the role I have played in developing the necessary background prerequisite to bringing this measure before you today, and I urge the House to take favorable action upon it.

Mr. BIESTER. Mr. Speaker, I rise in support of S. 1079.

This legislation would bring the Federal Government into partnership with the States of New York, Pennsylvania, and Maryland in a formal compact in order to form a Susquehanna River Basin Commission to facilitate Federal-State, interstate, and interagency cooperation in comprehensive water resources planning for the basin.

Under the terms of the compact, the commission is directed to prepare a comprehensive plan for the immediate and long-range development and use of the water resources of the basin. Consistent with the plan, it is to draft a water resources program which will take account of the water resources needs of the area and of existing and proposed projects required to meet such needs. The plan and program are to cover such matters as water supply, recreation, fish and wildlife habitat, preservation and enhancement of scenic and historical sites, hydroelectric power and withdrawals and diversions in protected areas and during emergencies.

It is intended—indeed it is provided expressly—that the commission may function as an operating agency. It may do so, however, only if the project it proposes to operate is necessary to the execution of the comprehensive plan and no other agency is able or willing to act. The commitment of Federal funds for any project is, of course, subject to authorization and appropriation by Congress.

The commission would be composed of a Federal member appointed by the President, and the Governors of the three basin States. Each member would have equal voting power. Every action of the Commission would require approval by three members, and this would have to include the vote of the Federal member in certain instances where Federal interests would be affected.

A number of reservations are appended in section 2 in order that various interests of the Federal Government, as a participant in the compact, are protected. During lengthy negotiations between representatives of the party States, on the one hand, and the Water Resources Council representing the affected Federal agencies, on the other, agreement over the wording of these reservations was reached on all issues except for the question of what would happen in the event of a conflict of jurisdiction or of interpretation between the commission and a particular Federal agency.

Both in the other body and in the Judiciary Committee, this conflict was resolved in favor of the commission for the simple reason that otherwise the commission would not be able to adequately draft and implement its comprehensive plan. If any agency—whether on the Federal or State level—could authorize projects in the basin area in violation of the commission's comprehensive plan, the entire purpose of the compact would be undermined.

If I may, Mr. Speaker, I would like to add a personal note. As a citizen of Pennsylvania, I am quite familiar with this river. I, like all Pennsylvanians, regard the Susquehanna River as one of our most priceless assets. It is a river of great natural beauty winding through serene valleys flanked by wooded mountain ridges.

Yet the maintenance of the ecology of the Susquehanna Basin must not be taken for granted. The ample supply of water in the basin has become increasingly attractive to industry. Industrial and domestic pollution of the river has been increasing as population grows. The capacity of the streams in the basin to purify themselves has been exceeded in many places. In fact, some water users must take water from streams loaded with untreated or partially treated sewage effluent.

The Susquehanna is the last major relatively undeveloped river in this part of our country. As a representative of the Commonwealth of Pennsylvania, in which three-quarters of the Susquehanna Basin is located, I very strongly believe, Mr. Speaker, that we must act now to preserve the natural beauty of the Susquehanna and protect it from the pollution and desecration of the landscape that inevitably accompany economic development. We in Pennsylvania want to see the Susquehanna Basin developed, but we want it to remain beautiful as well. Only through comprehensive planning as envisioned under the proposed compact can this be done.

I therefore urge the approval of S. 1079.

Mr. LONG of Maryland. Mr. Speaker, I rise in support of S. 1079, providing congressional consent to the Susquehanna River Basin compact. As one of the sponsors, I commend my able colleague from Wisconsin (Mr. KASTENMEIER), for his skill in guiding this compact through committee; and my most distinguished colleague from Pennsylvania (Mr. FLOOD), for whom the bill is the fruition of 15 years of effort.

The Susquehanna is one of the great rivers of America, and the last part of its long journey is through Maryland, where it empties into the Chesapeake Bay. In fact, the Susquehanna River flow averages 25 billion gallons per day, and supplies 80 percent of the fresh water which flows into the Chesapeake Bay.

The Chesapeake Bay is Maryland's most important natural resources and has one of the great estuaries of the world. Section 14.1 of the compact gives special attention to the relationship of the Susquehanna to the Chesapeake.

Over the next 50 years the population of the Susquehanna River Basin is expected to increase from 3.5 million to 9 million. One of the smaller counties in this basin area is Harford County in my district, which already gets about 2 million out of every 14 million gallons of water per day from the Susquehanna. Recreational uses of the Susquehanna—boating, water skiing, sailing, and fishing—are very important to my constituents, and most of all proper management of the quality and quantity of the river's flow. Proper estuary management is necessary so that fish and other marine life have the proper mixture of fresh and salt water in which to spawn; and so that Maryland will have an adequate water supply. Assuring water supply requires treatment of industrial and municipal wastes in upstream communities and water storage if water is diverted upstream for municipal and industrial use.

Thus the compact's value to Maryland is to give our State a voice in policies that affect the management of the river's resources upstream in Pennsylvania and New York.

This year's Susquehanna River Basin study was completed by the coordinating committee. This study provides a plan for effective use of the river's water resources over the next 10 years. The plan includes the types of projects that the compact commission will have the power to manage and coordinate in water resource planning and management. These projects are as follows: Waste treatment facilities, coal mine drainage, multipurpose reservoir construction, flood control, flood plain management, upstream watershed projects, dam construction, ground water development, pipeline and small reservoir construction, stream management, land treatment, and streambank stabilization projects. I hope that the compact commissioners will give serious consideration to all the committee's proposals.

In conclusion, I should like to mention some of the other powers the compact commissioners will have—the power to establish and enforce minimum water quality standards with the States maintaining the right to set higher standards—the power to serve as the local sponsor on a Federal project so that the commissioners and the Federal agency involved can handle the financial administration of the project—and the power to initiate a project, such as a sewage treatment plant, if a municipality fails to propose one. In this case the commissioners would probably present the general plan for the plant and then act as consultants to the municipality on budget planning, writing contract specifications, and supervising construction.

Mr. Speaker, I urge the House to approve S. 1079, the Susquehanna River Basin compact.

Mr. SCHNEEBELI. Mr. Speaker, as Representative of a district which includes much of the Susquehanna River Valley, I rise to express my strong support for S. 1079, the Susquehanna River Basin compact.

The Susquehanna River Basin is the last major relatively undeveloped river basin in the Nation's Northeast Middle Atlantic region. More than 3 million people live within the basin complex itself, and tens of millions more within a few hunderd miles.

Further development of the Susquehanna River is certain. What the people seek is the opportunity to avoid the unfortunate, long-range consequences of unplanned, duplicating development. This opportunity is offered by the proposal now under consideration.

The responsibilities of the commission to be established by the compact are broad. The public safeguards, including mandatory public hearings, are great. Although S. 1079 authorizes the commission for an initial period of 100 years, the right is reserved for Congress to alter, amend, or repeal the Susquehanna River Basin compact at any time.

This general approach has worked well for the Delaware River Basin compact, approved by Congress in 1961. The people of the Susquehanna River Basin now respectfully request this same vital opportunity for sensible development of our great river.

Mr. GUDE. Mr. Speaker, I rise in support of legislation consenting to the Susquehanna compact. I want to commend the members of the Judiciary Committee, and the members of Subcommittee No. 3, for their work on this forward-looking legislation, of such vital importance to preserving our environment. The legislation will join the Federal Government with the States of Maryland, New York, and Pennsylvania in a compact to form a Susquehanna River Basin Commission. The commission will be a bold new joint venture to manage the great water resources of the Susquehanna Basin in the public interest.

The Conservation and Natural Resources Subcommittee of the Government Operations Committee, on which I serve, held hearings last summer on a series of questions of development of the Potomac estuary. All of us were impressed by the difficulties of achieving sound management of this water resource through piecemeal decisions by numerous jurisdictions and agencies. Coordinating and planning bodies such as the Susquehanna Commission can do much to anticipate resource development problems and to deal with them in a manner that serves the interests of all concerned.

From the standpoint of my own State of Maryland, there is a great deal at stake in this legislation. The use and development of the water resources of the Susquehanna River directly affect the ecology of the Chesapeake Bay. About 80 percent of the fresh water supply in the upper bay comes from the Susquehanna. This flow has a profound effect on the fish and other marine life that make the Chesapeake Bay a major commercial and recreational resource in our State.

The degree of pollution, nutrient enrichment, with possible eutrophication, diversions of fresh water, and thermal change that occur in the Susquehanna could have a disastrous impact on the sensitive ecological balance of the Chesapeake Bay. The rockfish or striped bass, a prime commerial and sport fish, and the obnoxious jellyfish are cases in point. The upper Chesapeake Bay is the greatest spawning ground in the world for the rock, and its spawning is extremely sensitive to several of the factors mentioned above. Deeper infestation of bay beaches by jellyfish is another danger caused by diversion of fresh water from the Susquehanna and resulting saline intrusion in the bay. This would impair fine summer recreation areas. I am firmly convinced that only a re-

gional authority can take into account the many problems that can be produced by changes in the quantity and quality of the Susquehanna flow, and manage this great resource in the best interest of all the citizens. I believe we must be bold in trying new institutions to deal with old problems and to exploit new opportunities to manage water resources in the public interest. Therefore, I urge passage of S. 1079.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

An act, consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, for related purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SUSQUEHANNA RIVER BASIN COMPACT

SECTION 1. The consent of Congress is hereby given to the Susquehanna River Basin compact in the form substantially as follows, and the compact is hereby enacted into law thereby making the United States a signatory party thereto:

"SUSQUEHANNA RIVER BASIN COMPACT

"PREAMBLE

"Whereas the signatory parties hereto recognize the water resources of the Susquehanna River Basin as regional assets with local, state, and national interest for which they have a joint responsibility; and declare as follows:

"1. The conservation, utilization, development, management and control of the water resources of the Susquehanna River Basin under comprehensive multiple purpose planning will bring the greatest benefits and produce the most efficient service in the public interest; and

"2. This comprehensive planning administered by a basin-wide agency will provide flood damage reduction, conservation and development of surface and ground water supply for municipal, industrial, and agricultural uses, development of recreational facilities in relation to reservoirs, lakes and streams, propagation of fish and game, promotion of forest land management, soil conservation, and watershed projects and aid to fisheries, development of hydroelectric power potentialities, improved navigation control of water pollution, and regulation of stream flows toward the attainment of these goals; and

"3. The water resources of the basin are presently subject to the duplicating, overlapping, and uncoordinated administration of a large number of governmental agencies which exercise a multiplicity of powers resulting in a splintering of authority and responsibility; and

"4. The Interstate Advisory Committee on the Susquehanna River Basin, created by action of the States of New York, Pennsylvania, and Maryland, on the basis of its studies and deliberation has concluded that regional development of the Susquehanna River Basin is feasible, advisable, and urgently needed, and has recommended that an intergovernmental compact with Federal participation be consummated to this end; and

"5. The Congress of the United States and the executive branch of the Federal government have recognized a national interest in the Susquehanna River Basin by authorizing and directing the Corps of Engineers of the Department of the Army, the Department of Agriculture, the Department of Health, Education, and Welfare, the Department of Interior, and other Federal agencies to cooperate in making comprehensive surveys and reports concerning the water resources of the Susquehanna River Basin in which individually or severally the technical aid and assistance of many Federal and State agencies have been enlisted, and which are being or have been coordinated through a Susquehanna River Basin Study Coordinating Committee on which the Corps of Engineers of the Department of the Army, the Department of Agriculture, the Department of Commerce, the Department of Health, Education, and Welfare, the Department of Interior, the Department of Housing and Urban Development and its predecessor Housing and Home Finance Agency, the Federal Power Commission, and the States of New York, Pennsylvania, and Maryland are or were represented; and

"6. Some three million people live and work in the Susquehanna River Basin and its environs, and the government, employment, industry, and economic development of the entire region and the health, safety, and general well being of its population are and will continue to be affected vitally by the conservation, utilization, development, management, and control of the water resources of the basin; and

"7. Demands upon the water resources of the basin are expected to mount because of anticipated increases in population and by reason of industrial and economic growth of the basin and its service area; and

"8. Water resources planning and development are technical, complex, and expensive, often requiring fifteen to twenty years from the conception to the completion of large or extensive projects; and

"9. The public interest requires that facilities must be ready and operative when and where needed, to avoid the damages of unexpected floods or prolonged drought, and for other purposes; and

"10. The Interstate Advisory Committee on the Susquehanna River Basin has prepared a draft of an intergovernmental compact for the creation of a basin agency, and the signatory parties desires to effectuate the purposes thereof; Now therefore

"The States of New York and Maryland and the Commonwealth of Pennsylvania, and the United States of America hereby solemnly covenant and agree with each other, upon the enactment of concurrent legislation by the Congress of the United States and by the respective State legislatures, to the Susquehanna River Basin Compact which consists of this Preamble and the Articles that follow.

"ARTICLE 1

"SHORT TITLE, DEFINITIONS, PURPOSES, AND LIMITATIONS

SECTION 1.1—SHORT TITLE. This compact shall be known and may be cited as the Susquehanna River Basin Compact.

"1.2—DEFINITIONS. For the purpose of this compact, and of any supplemental or concurring legislation enacted pursuant to it:

"1. 'Basin' shall mean the area of drainage of the Susquehanna River and its tributaries into Chesapeake Bay to the southern edge of the Pennsylvania Railroad bridge between Havre de Grace and Perryville, Maryland.

"2. 'Commission' shall mean the Susquehanna River Basin Commission hereby created, and the term 'Commissioner' shall mean a member of the commission.

"3. 'Cost' shall mean direct and indirect expenditures, commitment, and net induced adverse effects, whether or not compensated for, used or incurred in connection with the establishment, acquisition, construction, maintenance, and operation of a project.

"4. 'Diversion' shall mean the transfer of water into or from the basin.

"5. 'Facility' shall mean any real or personal property, within or without the basin, and improvements thereof or thereon, and any and all rights of way, water, water rights, plants, structures, machinery, and equipment acquired, constructed, operated, or maintained for the beneficial use of water resources or related land uses or otherwise including, without limiting the generality of the foregoing, any and all things and appurtenances necessary, useful or convenient for the control, collection, storage, withdrawal, diversion, release, treatment, transmission, sale, or exchange of water; or for navigation thereon, or the development and use of hydroelectric energy and power, and public recreational facilities; or the propagation of fish and wildlife; or to conserve and protect the water resources of the basin or any existing or future water supply source, or to facilitate any other uses of any of them.

"6. 'Federal government' shall mean the government of the United States of America, and any appropriate branch, department, bureau, or division thereof, as the case may be.

"7. 'Project' shall mean any work, service, or activity which is separately planned, financed, or identified by the commission, or any separate facility undertaken or to be undertaken by the commission or otherwise within a specified area, for the conservation, utilization, control, development, or management of water resources which can be established and utilized independently or as an addition to an existing facility and can be considered as a separate entity for purposes of evaluation.

"8. 'Signatory party' shall mean a state or commonwealth party to this compact, or the Federal government.

"9. 'Water' shall mean both surface and underground waters which are contained within the drainage area of the Susquehanna River in the states of New York, Pennsylvania, and Maryland.

"10. 'Water resources' shall include all waters and related natural resources within the basin.

"11. 'Withdrawal' shall mean a taking or removal of water from any source within the basin for use within the basin.

"12. 'Person' shall mean an individual, corporation, partnership, unincorporated association, and the like and shall have no gender, and the singular shall include the plural."

1.3—PURPOSE AND FINDINGS. The legislative bodies of the respective signatory parties hereby find and declare:

"1. The water resources of the Susquehanna River Basin are affected with a local, state, regional, and national interest, and the planning, conservation, utilization, development, management, and control of these resources under appropriate arrangements for intergovernmental cooperation, are public purposes of the respective signatory parties.

"2. The water resources of the basin are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact to provide for a joint exercise of these powers of sovereignty in the common interest of the people of the region.

"3. The water resources of the basin are functionally interrelated, and the uses of these resources are interdependent. A single administrative agency is therefore essential for effective and economical direction, supervision, and coordination of water resources efforts and programs of federal, state, and local governments and of private enterprise.

"4. Present and future demands require increasing economies and efficiencies in the use and reuse of water resources, and these can be brought about only by comprehensive planning, programing, and management under the direction of a single administrative agency.

"5. In general, the purposes of this compact are to promote interstate comity; to remove causes of possible controversy; to make secure and protect developments within the states; to encourage and provide for the planning, conservation, utilization, development, management, and control of the water resources of the basin; to provide for cooperative and coordinated planning and action by the signatory parties with respect to water resources; and to apply the principle of equal and uniform treatment to all users of water and of water related facilities without regard to political boundaries.

"6. It is the express intent of the signatory parties that the commission shall engage in the construction, operation, and maintenance of a project only when the project is necessary to the execution of the comprehensive plan and no other competent agency is in a position to act, or such agency fails to act.

"1.4—Powers of Congress; Withdrawal. Nothing in this compact shall be construed to relinquish the functions, powers, or duties of the Congress of the United States with respect to the control of any navigable waters within the basin, nor shall any provisions hereof be construed in derogation of any of the constitutional powers of the Congress to regulate commerce among the states and with foreign nations. The power and right of the Congress to withdraw the Federal government as a party to this compact or to revise or modify the terms, conditions, and provisions under which it may remain a party by amendment, repeal, or modification of any Federal statute applicable hereto is recognized by the signatory parties.

"1.5—Duration of Compact.

"(a) The duration of this compact shall be for an initial period of 100 years from its effective date, and it shall be continued for additional periods of 100 years if not less than 20 years nor more than 25 years prior to the termination of the initial period or any succeeding period none of the signatory states, by authority of an act of its legislature, notifies the commission of intention to terminate the compact at the end of the then current 100-year period.

"(b) In the event this compact should be terminated by operation of paragraph (a) above, the commission shall be dissolved, its assets and liabilities transferred in accordance with the equities of the signatory parties therein, and its corporate affairs wound up in accordance with agreement of the signatory parties or, failing agreement, by act of the Congress.

"ARTICLE 2

"ORGANIZATION AND AREA

"Section 2.1—Commission Created. The Susquehanna River Basin Commission is hereby created as a body politic and corporate, with succession for the duration of this compact, as an agency and instrumentality of the governments of the respective signatory parties.

"2.2—Commission Membership. The members of the commission shall be the governor or the designee of the governor of each signatory State, to act for him, and one member to be appointed by the President of the United States to serve at the pleasure of the President.

"2.3—Alternates. An alternate from each signatory party shall be appointed by its member of the commission unless otherwise provided by the laws of the signatory party. The alternate, in the absence of the member, shall represent the member and act for him. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as the original appointment.

"2.4—Compensation. Members of the commission and alternates shall serve without compensation from the commission but may be reimbursed for necessary expenses incurred in and incident to the performance of their duties.

"2.5—Voting Power. Each member is entitled to one vote. No action of the commission may be taken unless three of the four members vote in favor thereof.

"2.6—Organization and Procedure. The commission shall provide for its own organization and procedure, and shall adopt the rules and regulations governing its meetings and transactions. It shall organize annually by the election of a chairman and vice-chairman from its members. It shall provide by its rules for the appointment by each member in his discretion of an advisor to serve without compensation from the commission, who may attend all meetings of the commission and its committees.

"2.7—Jurisdiction of the Commission. The commission shall have, exercise, and discharge its functions, powers, and duties within the limits of the basin. Outside the basin, the commission shall act at its discretion, but only to the extent necessary to implement its responsibilities within the basin, and where necessary subject to the consent of the State wherein it proposes to act.

"ARTICLE 3

"POWERS AND DUTIES OF THE COMMISSION

"Section 3.1—General. The Commission shall develop and effectuate plans, policies, and projects relating to the water resources of the basin. It shall adopt and promote uniform and coordinated policies for water resources conservation and management in the basin. It shall encourage and direct the planning, development, operation, and subject to applicable laws the financing of water resources projects according to such plans and policies.

"3.2—Policy. It is the policy of the signatory parties to preserve and utilize the functions, powers, and duties of the existing offices and agencies of government to the extent consistent with this compact, and the commission is directed to utilize those offices and agencies for the purposes of this compact.

"3.3—Comprehensive Plan, Program and Budgets. The commission in accordance with Article 14 of this compact, shall formulate and adopt:

"1. A comprehensive plan, after consultation with appropriate water users and interested public bodies for the immediate and long range development and use of the water resources of the basin;

"2. A water resources program, based upon the comprehensive plan, which shall include a systematic presentation of the quantity and quality of water resources needs of the area to be served for such reasonably foreseeable period as the commission may determine, balanced by existing and proposed projects required to satisfy such needs, including all public and private projects affecting the basin, together with a separate statement of the projects proposed to be undertaken by the commission during such period; and

"3. An annual current expense budget and an annual capital budget consistent with the commission's program, projects, and facilities for the budget period.

"3.4—Powers of Commission. The commission may:

"1. Plan, design, acquire, construct, reconstruct, complete, own, improve, extend, develop, operate, and maintain any and all projects, facilities, properties, activities, and services which are determined by the commission to be necessary, convenient, or useful for the purposes of this compact.

"2. Establish standards of planning, design, and operation of all projects and facilities in the basin to the extent they affect water resources, including without limitation thereto water, sewage and other waste treatment plants and facilities, pipelines, transmission lines, stream and lake recreational facilities, trunk mains for water distribution, local flood protection works, watershed management programs, and ground water recharging operations.

"3. Conduct and sponsor research on water resources and their planning use, conservation, management, development, control, and protection, and the capacity, adaptability, and best utility of each facility thereof, and collect, compile, correlate, analyze, report, and interpret data on water resources and uses in the basin, including without limitation thereto the relation of water to other resources, industrial water technology, ground water movement, relation between water price and water demand and other economic factors, and general hydrological conditions.

"4. Collect, compile, coordinate, and interpret systematic surface and ground water data, and publicize such information when and as needed for water uses, flood warning, quality maintenance, or other purposes.

"5. Conduct ground and surface water investigations, tests, and operations, and compile data relating thereto, as may be required to formulate and administer the comprehensive plan.

"6. Prepare, publish, and disseminate information and reports concerning the water problems of the basin and for the presentation of the needs and resources of the basin and policies of the commission to executive and legislative branches of the signatory parties.

"7. Negotiate loans, grants, gifts, services, or other aids as may be lawfully available from public or private sources to finance or assist in effectuating any of the purposes of this compact, and receive and accept them upon terms and conditions, and subject to provisions, as may be required by Federal or State law or as the commission may deem necessary or desirable.

"8. Exercise such other and different powers as may be delegated to it by this compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers and other powers which reasonably may be implied therefrom.

"9. Adopt, amend, and repeal rules and regulations to implement this compact.

"3.5—Duties of the Commission. The commission shall:

"1. Develop and effectuate plans, policies, and projects relating to water resources, adopt, promote, and coordinate policies and standards for water resources conservation, control, utilization, and management, and promote and implement the planning, development, and financing of water resources projects.

"2. Undertake investigations, studies, and surveys, and acquire, construct, operate, and maintain projects and facilities in regard to the water resources of the basin, whenever it is deemed necessary to do so to activate or effectuate any of the provisions of this compact.

"3. Administer, manage, and control water resources in all matters determined by the commission to be interstate in nature or to have a major effect on the water resources and water resources management.

"4. Assume jurisdiction in any matter affecting water resources whenever it determines after investigation and public hearing upon due notice given, that the effectuation of the comprehensive plan or the implementation of this compact so requires. If the commission finds upon subsequent hearing requested by an affected signatory party that the party will take the necessary action, the commission may relinquish jurisdiction.

"5. Investigate and determine if the requirements of the compact or the rules and regulations of the commission are complied with, and if satisfactory progress has not been made, institute an action or actions in its own name in any state or federal court of competent jurisdiction to compel compliance with any and all of the provisions of this compact or any of the rules and regulations of the commission adopted pursuant thereto. An action shall be instituted in the name of the commission and shall be conducted by its own counsel.

"3.6—Cooperative Legislation and Further Jurisdiction.

"(a) Each of the signatory parties agrees that it will seek enactment of such additional legislation as will be required to enable its officers, departments, commissions, boards, and agents to accomplish effectively the obligations and duties assumed under the terms of this compact.

"(b) Nothing in the compact shall be construed to repeal, modify or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions within its jurisdiction.

"3.7—Coordination and Cooperation. The commission shall promote and aid the coordination of the activities and programs of Federal, state, municipal, and private agencies concerned with water resources administration in the basin. To this end, but without limitation thereto, the commission may:

"1. Advise, consult, contract, financially assist, or otherwise cooperate with any and all such agencies;

"2. Employ any other agency or instrumentality of any of the signatory parties or of any political subdivision thereof, in the design, construction, operation, and maintenance of structures, and the installation and management of river control systems, or for any other purpose;

"3. Develop and adopt plans and specifications for particular water resources projects and facilities which so far as consistent with the comprehensive plan incorporate any separate plans of other public and private organizations operating in the basin, and permit the decentralized administration thereof;

"4. Qualify as a sponsoring agency under any Federal legislation heretofore or hereafter enacted to provide financial or other assistance for the planning, conservation, utilization, development, management, or control of water resources.

"3.8—Allocations, Diversion, and Releases.

"(a) The commission shall have power from time to time as the need appears, to allocate the waters of the basin to and among the states signatory to this compact and impose related conditions, obligations, and release requirements.

"(b) The commission shall have power from time to time as the need appears to enter into agreements with other river basin commissions or other states with respect to in-basin and out-of-basin allocations, withdrawals, and diversions.

"(c) No allocation of waters made pursuant to this section shall constitute a prior appropriation of the waters of the basin or confer any superiority of right in respect to the use of those waters, nor shall any such action be deemed to constitute an apportionment of the waters of the basin among the parties hereto. This subsection shall not be deemed to limit or restrict the power of the commission to enter into covenants with respect to water supply, with a duration not exceeding the life of this compact, as it may deem necessary for the benefit or development of the water resources of the basin.

"3.9—Rate and Charges. The commission, from time to time after public hearing upon due notice given may fix, alter, and revise rates, rentals, charges, and tolls, and classifications thereof, without regulation or control by any department, office, or agency of any signatory party, for the use of facilities owned or operated by it, and any services or products which it provides.

"3.10—Referral and Review. No projects affecting the water resources of the basin, except those not requiring review and approval by the commission under paragraph 3 following, shall be undertaken by any person, governmental authority or other entity prior to submission to and approval by the commission or appropriate agencies of the signatory parties for review.

"1. All water resources projects for which a permit or other form of permission to proceed with construction or implementation is required by legislative action of a signatory party or by rule or regulation of an office or agency of a signatory party having functions, powers, and duties in the planning, conservation, development, management, or control of water resources shall be submitted as heretofore to the appropriate office or agency of the signatory party for review and approval. To assure that the commission is apprised of all projects within the basin, monthly reports and listings of all permits granted, or similar actions taken, by offices or agencies of the signatory parties shall be submitted to the commission in a manner prescribed by it.

"Those projects which also require commission approval pursuant to the provisions of paragraphs 2(ii) and 2(iii) following shall be submitted to the commission through appropriate offices or agencies of a signatory party, except that, if no agency of a signatory party has jurisdiction, such projects shall be submitted directly to the commission in such manner as the commission shall prescribe.

"2. Approval of the commission shall be required for, but not limited to, the following:

"(i) All projects on or crossing the boundary between any two signatory states;

"(ii) Any project involving the diversion of water;

"(iii) Any project within the boundaries of any signatory state found and determined by the commission or by any agency of a signatory party having functions, powers, and duties in the planning, conservation, development, management, or control of water resources to have a significant effect on water resources within another signatory state; and

"(iv) Any project which has been included by the commission after hearing, as provided in Article 14, Section 14.1, as a part of the commission's comprehensive plan for the development of the water resources of the basin, or which would have a significant effect upon the plan.

"3. Review and approval by the commission shall not be required for:

"(i) Projects which fall into an exempt classification or designation established by legislative action of a signatory party or by rule or regulation of an office or agency of a signatory party having functions, powers, and duties in the planning, conservation, development, management, or control of water resources. The sponsors of those projects are not required to obtain a permit or other form of permission to proceed with construction or implementation, unless it is determined by the commission or by the agency of a signatory party that such project or projects may cause an adverse, adverse cumulative, or an interstate effect on water resources of the basin, and the project sponsor has been notified in writing by the commission or by the agency of a signatory party that commission approval is required.

"(ii) Projects which are classified by the commission as not requiring its review and approval, for so long as they are so classified.

"4. The commission shall approve a project if it determines that the project is not detrimental to the proper conservation, development, management, or control of the water resources of the basin and may modify and approve as modified, or may disapprove the project, if it determines that the project is not in the best interest of the conservation, development, management, or control of the basin's water resources, or is in conflict with the comprehensive plan.

"5. The commission, after consultation with the appropriate offices or agencies of the signatory parties shall establish the procedure of submission, review, and consideration of projects. And procedure for review and approval of diversions of water shall include public hearing on due notice given, with opportunity for interested persons, agencies, governmental units, and signatory parties to be heard and to present evidence. A complete transcript of the proceedings at the hearing shall be made and preserved, and it shall be made available under rules for that purpose adopted by the commission.

"6. Any determination of the commission pursuant to this article or any article of the compact providing for judicial review shall be subject to such judicial review in any court of competent jurisdiction, provided that an action or proceeding for such review is commenced within 90 days from the effective date of the determination sought to be reviewed; but a determination of the commission concerning a diversion, under Section 3.10–2(ii) with the claimed effect of reducing below a proper minimum the flow of water in that portion of the basin within the area of a signatory party, shall be subject to judicial review under the particular provisions of paragraph 7 below.

"7. Any signatory party deeming itself aggrieved by an action of the commission concerning a diversion under Section 3.10–2(ii) with the claimed effect of reducing below a proper minimum the flow of water in that portion of the basin which lies within the area of that signatory party, and notwithstanding the powers provided to the commission by this compact, may have review of commission action approving the diversion in the Supreme Court of the United States; provided that a proceeding for such review is commenced within one year from the date of action sought to be reviewed. Any such review shall be on the record made before the commission. The action of the commission shall be affirmed, unless the court finds that it is not supported by substantial evidence.

"3.11—Advisory Committees. The commission may constitute and empower advisory committees.

"ARTICLE 4

"WATER SUPPLY

"Section 4.1—Generally. The commission shall have power to develop, implement, and effectuate plans and projects for the use of the water of the basin for domestic, municipal, agricultural, and industrial water supply. To this end, without limitation thereto, it may provide for, construct, acquire, operate, and maintain dams, reservoirs, and other facilities for utilization of surface and ground water resources, and all related structures, appurtenances, and equipment on the river and its tributaries and at such off-river sites as it may find appropriate, and may regulate and control the use thereof.

"4.2—Storage and Release of Waters

"(a) The commission shall have power to acquire, construct, operate, and control projects and facilities for the storage and release of waters, for the regulation of flows and supplies of surface and ground waters of the basin, for the protection of public health, stream quality control, economic development, improvement of fisheries, recreation, dilution and abatement of pollution, the prevention of undue salinity, and other purposes.

"(b) No signatory party shall permit any augmentation of flow to be diminished by the diversion of any water of the basin during any period in which waters are being released from storage under the direction of the commission for the purpose of augmenting such flow, except in cases where the diversion is authorized by this compact, or by the commission pursuant thereto, or by the judgment, order, or decree of a court of competent jurisdiction.

"4.3—Assessable Improvements. The commission may provide water management and regulation in the main stream or any tributary in the basin and, in accordance with the procedures of applicable state laws, may assess on an annual basis or otherwise the cost thereof upon water users or any classification of them specially benefited thereby to a measurable extent, provided that no such assessment shall exceed the actual benefit to any water user. Any such assessment shall follow the procedure prescribed by law for local improvement assessments and shall be subject to review in any court of competent jurisdiction.

"4.4—Coordination. Prior to entering upon the execution of any project authorized by this article, the commission shall review and consider all existing rights, plans, and programs of the signatory parties, their political subdivisions, private parties, and water users which are pertinent to such project, and shall hold a public hearing on each proposed project.

"4.5—Additional Powers. In connection with any project authorized by this article, the commission shall have power to provide storage, treatment, pumping, and transmission facilities, but nothing herein shall be construed to authorize the commission to engage in the business of distributing water.

"Article 5

"WATER QUALITY MANAGEMENT AND CONTROL

"Section 5.1—General Powers.

"(a) The commission may undertake or contract for investigations, studies, and surveys pertaining to existing water quality, effects of varied actual or projected operations on water quality, new compounds and materials and probable future water quality in the basin. The commission may receive, expend, and administer funds, Federal, state, local, or private as may be available to carry out these functions relating to water quality investigations.

"(b) The commission may acquire, construct, operate, and maintain projects and facilities for the management and control of water quality in the basin whenever the commission deems necessary to activate or effectuate any of the provisions of this compact.

"5.2—Policy and Standards.

"(a) In order to conserve, protect, and utilize the water quality of the basin in accordance with the best interests of the people of the basin and the states, it shall be the policy of the commission to encourage and coordinate the efforts of the signatory parties to prevent, reduce, control, and eliminate water pollution and to maintain water quality as required by the comprehensive plan.

"(b) The legislative intent in enacting this article is to give specific emphasis to the primary role of the states in water quality management and control.

"(c) The commission shall recommend to the signatory parties the establishment, modification, or amendment of standards of quality for any waters of the basin in relation to their reasonable and necessary use as the commission shall deem to be in the public interest.

"(d) The commission shall encourage cooperation and uniform enforcement programs and policies by the water quality control agencies of the signatory parties in meeting the water quality standards established in the comprehensive plan.

"(e) The commission may assume jurisdiction whenever it determines after investigation and public hearing upon due notice given that the effectuation of the comprehensive plan so requires. After such investigation, notice, and hearing, the commission may adopt such rules, regulations, and water quality standards as may be required to preserve, protect, improve, and develop the quality of the waters of the basin in accordance with the comprehensive plan.

"5.3—Cooperative Administration and Enforcement.

"(a) Each of the signatory parties agrees to prohibit and control pollution of the waters of the basin according to the requirements of this compact and to cooperate faithfully in the control of future pollution in and abatement of existing pollution from the waters of the basin.

"(b) The commission shall have the authority to investigate and determine if the requirements of the compact or the rules, regulations, and water quality standards of the commission are complied with and if satisfactory progress has not been made, may institute an action or actions in its own name in the proper court or courts of competent jurisdiction to compel compliance with any and all of the provisions of this compact or any of the rules, regulations, and water quality standards of the commission adopted pursuant thereto.

"5.4—Further Jurisdiction. Nothing in this compact shall be construed to repeal, modify, or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions to lessen or prevent the pollution of waters within its jurisdiction.

"Article 6

"FLOOD PROTECTION

"Section 6.1—Flood Control Authority. The commission may plan, design, construct, and operate and maintain projects and facilities it deems necessary or desirable for flood plain development and flood damage reduction. It shall have power to operate such facilities and to store and release waters of the Susquehanna River and its tributaries and elsewhere within the basin, in such manner, at such times, and under such regulations as the commission may deem appropriate to meet flood conditions as they may arise.

"6.2—Regulation.

"(a) The commission may study and determine the nature and extent of the flood plains of the Susquehanna River and its tributaries. Upon the basis of the studies, it may delineate areas subject to flooding, including but not limited to a classification of lands with reference to relative risk of flooding and the establishment of standards for flood plain use which will promote economic development and safeguard the public health, welfare, safety, and property. Prior to the adoption of any standards delineating the area or defining the use, the commission shall hold public hearings with respect to the substance of the standards in the manner provided by Article 15. The proposed standards shall be available from the commission at the time notice is given, and interested persons shall be given an opportunity to be heard thereon at the hearings.

"(b) The commission shall have power to promulgate, adopt, amend, and repeal from time to time as necessary, standards relating to the nature and extent of the uses of land in areas subject to flooding.

"(c) In taking action pursuant to subsection (b) of this section and as a prerequisite thereto, the commission shall consider the effect of particular uses of the flood plain in question on the health and safety of persons and property in the basin, the economic and technical feasibility of measures available for the development and protection of the flood plain, and the responsibilities, if any, of local, state, and federal governments connected with the use or proposed use of the flood plain in question. The commission shall regulate the use of particular flood plains in the manner and degree it finds necessary for the factors enumerated in this subsection, but only with the consent of the affected signatory state, and shall suspend such regulation when and so long as the signatory party or parties, or political subdivision possessing jurisdiction have in force applicable laws which the commission finds give adequate protection for the purpose of this section.

"(d) In order to conserve, protect, and utilize the Susquehanna River and its tributaries in accordance with the best interests of the people of the basin and the signatory parties, it shall be the policy of the commission to encourage and coordinate the efforts of the signatory parties to control modification of the river and its tributaries by encroachment.

"6.3—Flood Lands Acquisition. The commission shall have power to acquire the fee or any lesser interest in lands and improvements thereon with the area of a flood plain for the purpose of regulating the use or types of construction of such property to minimize the flood hazard, convert the property to uses or types of construction appropriate to flood plain conditions, or prevent constrictions or obstructions that reduce the ability of the river channel and flood plain to carry flood water.

"6.4—Existing Structures. No rule or regulation issued by the commission pursuant to this compact shall be construed to require the demolition, removal, or alteration of any structure in place or under construction prior to the issuance thereof, without the payment of just compensation thereof. However, new construction or any addition to or alteration in any existing structure made or commenced subsequent to the issuance of such rule or regulation, or amendment, shall conform thereto.

"6.5—Police Powers. The regulation of use of flood plain lands is within the police powers of the signatory states for the protection of public health and the safety of the people and their property and shall not be deemed a taking of land or lands for which compensation shall be paid to the owners thereof.

"6.6—Cooperation. Each of the signatory parties agrees to control flood plain use along and encroachment upon the Susquehanna River and its tributaries and to cooperate faithfully in these respects.

"6.7—Other Authority. Nothing in this article shall be construed to prevent or in any way to limit the power of any signatory party, or any agency or subdivision thereof, to issue or adopt and enforce any requirement or requirements with respect to flood plain use or construction thereon more stringent than the rules, regulations, or encroachment lines in force pursuant to this article. The commission may appear in any court of competent jurisdiction to bring actions or proceedings in law or equity to enforce the provisions of this article.

"6.8—Debris. The signatory states agree that dumping or littering upon or in the waters of the Susquehanna River or its tributaries or upon the frozen surfaces thereof of any rubbish, trash, litter, debris, abandoned properties, waste material, or offensive matter, is prohibited and that the law enforcement officials of each state shall enforce this prohibition.

"Article 7

"WATERSHED MANAGEMENT

"Section 7.1—Watersheds Generally. The commission shall promote sound practices of watershed management in the basin, including projects and facilities to retard runoff and waterflow and prevent soil erosion.

"7.2—Soil Conservation and Land and Forest Management. The commission, subject to the limitations in Section 7.4(b) may acquire, sponsor, or operate facilities and projects to encourage soil conservation, prevent and control erosion, and promote land reclamation and sound land and forest management.

"7.3—Fish and Wildlife. The commission, subject to the limitations in Section 7.4(b) may acquire, sponsor, or operate projects and facilities for the maintenance and improvement of fish and wildlife habitat related to the water resources of the basin.

"7.4—Cooperative Planning and Operation.

"(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

"(b) The commission shall not acquire or operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is in a position to acquire or operate the same upon reasonable conditions, or such unit or agency fails to do so.

"Article 8

"RECREATION

"Section 8.1—Development. The commission may provide for the development of water related public sports and recreational facilities. The commission on its own account or in cooperation with a signatory party, political subdivision or any agency thereof, may provide for the construction, maintenance, and administration of such facilities, subject to the provisions of Section 8.2 hereof.

"8.2—Cooperative Planning and Operation.

"(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

"(b) The commission shall not operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is available to operate the same upon reasonable conditions.

"8.3—Operation and Maintenance. The commission, within limits prescribed by this article, shall:

"1. Encourage activities of other public agencies having water related recreational interests and assist in the coordination thereof;

"2. Recommend standards for the development and administration of water related recreational facilities;

"3. Provide for the administration, operation, and maintenance of recreation facilities owned or controlled by the commission and the letting and supervision of private concessions in accordance with this article.

"8.4—Concussions. The commission, after public hearing upon due notice given shall provide by regulation a procedure for the award of contracts for private concessions in connection with its recreational facilities, including any renewal or extension thereof, under terms and conditions determined by the commission.

"Article 9

"OTHER PUBLIC VALUES

"Section 9.1—Inherent Values. The signatory parties agree that it is a purpose of this compact in effectuating the conservation and management of water resources to preserve and promote the economic and other values inherent in the historic and the scenic and other natural amenities of the Susquehanna River Basin for the enjoyment and enrichment of future generations, for the promotion and protection of tourist attractions in the basin, and for the maintenance of the economic health of allied enterprises and occupations so as to effect orderly, balanced, and considered development in the basin.

"9.2.—Project Compatibility. To this end, the signatory parties agree that in the consideration, authorization, construction, maintenance, and operation of all water resources projects in the Susquehanna basin, their agencies and subdivisions, and the Susquehanna River Basin Commission will consider the compatibility of such projects with these other public values.

"9.3—Regulation Standards. The commission may recommend to governmental units with jurisdiction within areas considered for scenic or historic designation minimum standards of regulation of land and water use and such other protective measures as the commission may deem desirable.

"9.4—Local Area Protection. The commission may draft and recommend for adoption ordinances and regulations which would assist, promote, develop, and protect those areas and the character of their communities. Local governments may consider parts of their area which have been designated scenic or historic areas under the provisions of this article separately from the municipality as a whole, and pursuant to the laws of the state governing the adoption of those regulations generally may enact regulations limited to the designated area. In making recommendations to a local government which is partly in and partly out of such a scenic or historic area the commission may make recommendations for the entire municipality.

"Article 10

"HYDROELECTRIC POWER

"Section 10.1—Development. The waters of the Susquehanna River and its tributaries may be impounded and used by or under authority of the commission for the generation of hydroelectric power and hydroelectric energy in accordance with the comprehensive plan.

"10.2—Power Generation. The commission may develop and operate, or authorize to be developed and operated, dams and related facilities and appurtenances for the purpose of generating hydroelectric power and hydroelectric energy.

"10.3—Transmission. The commission may provide facilities for the transmission of hydroelectric power and hydroelectric energy produced by it where such facilities are not otherwise available upon reasonable terms, for the purpose of wholesale marketing of power and nothing herein shall be construed to authorize the commission to engage in the business of direct sale to consumers.

"10.4—Development Contracts. The commission, after public hearing upon due notice given, may enter into contracts on reasonable terms, consideration, and duration under which public utilities or public agencies may develop hydroelectric power and hydroelectric energy through the use of dams, related facilities, and appurtenances.

"10.5—Rates and Charges. Rates and charges fixed by the commission for power which is produced by its facilities shall be reasonable, nondiscriminatory, and just.

"Article 11

"REGULATION OF WITHDRAWAL AND DIVERSIONS; PROTECTED AREAS AND EMERGENCIES

"Section 11.1—Power of Regulation. The commission may regulate and control withdrawals and diversions from surface waters and ground waters of the basin, as provided by this article. The commission may enter into agreements with the signatory parties relating to the exercise of such power or regulation or control and may delegate to any of them such powers of the commission as it may deem necessary or desirable.

"11.2—Determination of Protected Area. The commission, from time to time after public hearing upon due notice given, may determine and delineate such areas within the basin wherein the demands upon supply made by water users have developed or threaten to develop to such a degree as to create a water shortage or impair or conflict with the requirements or effectuation of the comprehensive plan, and any such area may be designated as a protected area, with the consent of the member or members from the affected state or states. The commission, whenever it determines that such shortage no longer exists, shall terminate the protected status of such area and shall give public notice of such determination.

"11.3—Diversion and Withdrawal Permits. In any protected areas so determined and delineated, no person shall divert or withdraw water for domestic, municipal, agricultural, or industrial uses in excess of such quantities as the commission may prescribe by general regulations, except (1) pursuant to a permit granted under this article, or (2) pursuant to a permit or approval heretofore granted under the laws of any of the signatory states.

"11.4—Emergency.

"(a) In the event of a drought which may cause an actual and immediate shortage of available water supply within the basin, or within any part thereof, the commission after public hearing upon due notice given, may determine and delineate the area of the shortage and by unanimous vote declare a drought emergency therein. For the duration of the drought emergency as determined by the commission, it thereupon may direct increases or decreases in any allocations, diversions, or releases previously granted or required, for a limited time to meet the emergency condition.

"(b) In the event of a disaster or catastrophe other than drought, natural or manmade, which causes or may cause an actual and immediate shortage of available and usable water, the commission by unanimous consent may impose direct controls on the use of water and shall take such action as is necessary to coordinate the effort of federal, state, and local agencies, and other persons and entities affected.

"11.5—Standards. Permits shall be granted, modified, or denied, as the case may be, to avoid such depletion of the natural stream flows and ground waters in the protected area or in any emergency area as will adversely affect the comprehensive plan or the just and equitable interests and rights of other lawful users of the same source, giving due regard to the need to balance and reconcile alternative and conflicting uses in the event of an actual or threatened shortage of water of the quality required.

"11.6—Judicial Review. The determinations and delineations of the commission pursuant to Section 11.2 and the granting, modification or denial of permits pursuant to Sections 11.3, 11.4, and 11.5 shall be subject to judicial review in any court of competent jurisdiction.

"11.7—Maintenance of Records. Each signatory party shall provide for the maintenance and preservation of such records of authorized diversions and withdrawals and the annual volume thereof as the commission shall prescribe. Such records and supplementary reports shall be furnished to the commission at its request.

"11.8—Existing State Systems. Whenever the commission finds it necessary or desirable to exercise the powers conferred with respect to emergencies by this article, any diversion or withdrawal permits authorized or issued under the laws of any of the signatory states shall be superseded to the extent of any conflict with the control and regulation exercised by the commission.

"Article 12

"INTERGOVERNMENTAL RELATIONS

"Section 12.1—Federal Agencies and Projects. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern Federal projects affecting the water resources of the basin, subject in each case to the provisions of Section 1.4 of this compact:

"1. The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission.

"2. No expenditure or commitment shall be made for or on account of the construction, acquisition, or operation of any project or facility nor shall it be deemed authorized unless it shall have first been included by the commission in the comprehensive plan.

"3. Each Federal agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise, and discharge such authority except as specifically provided by this section.

"12.2—State and Local Agencies and Projects. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern projects of the signatory states, their political subdivisions and public corporations affecting water resources of the basin:

"1. The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consulation with the commission;

"2. No expenditure or commitment shall be made for or on account of the construction, acquisition, or operation of any project or facility unless it first has been included by the commission in the comprehensive plan;

"3. Each state and local agency otherwise authorized by law to plan, design, construct, operate, or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority, except as specifically provided by this section.

"12.3—Reserved Taxing Powers of States. Each of the signatory parties reserves the right to levy, assess, and collect fees, charges, and taxes on or measured by the withdrawal or diversion of waters of the basin for use within the jurisdiction of the respective signatory parties.

"12.4—Project Costs and Evaluation Standards. The commission shall establish uniform standards and procedures for the evaluation, determination of benefits, and cost allocations of projects affecting the basin, and for the determination of project priorities, pursuant to the requirements of the comprehensive plan and its water resources program. The commission shall develop equitable cost sharing and reimbursement formulas for the signatory parties including:

"1. Uniform and consistent procedures for the allocation of project costs among purposes included in multiple-purpose programs;

"2. Contracts and arrangements for sharing financial responsibility among and with signatory parties, public bodies, groups, and private enterprise, and for the supervision of their performance;

"3. Establishment and supervision of a system of accounts for reimbursement purposes and directing the payments and charges to be made from such accounts;

"4. Determining the basis and apportioning amounts (i) of reimbursable revenues to be paid signatory parties or their political subdivisions, and (ii) of payments in lieu of taxes to any of them.

"12.5—Cooperative Services. The commission shall furnish technical services, advice, and consultation to authorized agencies of the signatory parties with respect to the water resources of the basin, and each of the signatory parties pledges itself to provide technical and administrative service to the commission upon request, within the limits of available appropriations, and to cooperate generally with the commission for the purposes of this compact, and the cost of such service may be reimbursable whenever the parties deem appropriate.

"Article 13

"CAPITAL FINANCING

"Section 13.1—Borrowing Power. The commission may borrow money for any of the purposes of this compact and may issue its negotiable bonds and other evidences of indebtedness in respect thereto.

"All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the commission without recourse to taxation. The bonds and other obligations of the commission, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the commission, and the full faith and credit of the commission are hereby pledged for the prompt payment of the debt service thereon and for the fulfillment of all other undertakings of the commission assumed by it to or for the benefit of the holders thereof.

"13.2—Funds and Expenses. The purpose of this compact shall include without limitation thereto all costs of any project or facility or any part thereof, including interest during a period of construction and a reasonable time thereafter and any incidental expenses (legal, engineering, fiscal, financial consultant, and other expenses) connected with issuing and disposing of the bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special fund; all other expenses connected with the planning, design, acquisition, construction, completion, improvement, or reconstruction of any facility or any part thereof; and reimbursement of advances by the commission or by others for such purposes and for working capital.

"13.3—Credit Excluded; Officers, State and Municipal. The commission shall have no power to pledge the credit of any signatory party or of any county or municipality, or to impose any obligation for payment of the bonds upon any signatory party or any county or municipality. Neither the commissioners nor any person executing the bonds shall be liable personally on the bonds of the commission or be subject to any personal liability or accountability by reason of the issuance thereof.

"13.4—Funding and Refunding. Whenever the commission deems it expedient, it may fund and refund its bonds and other obligations, whether or not such bonds and obligations have matured. It may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including payment of any premium, duplicate interest, or cash adjustment required in connection therewith) issued by the commission or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the commission or which are payable out of the revenues of any facility acquired by the commission. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the commission. All provisions of this compact applicable to the issuance of bonds are applicable to refunding bonds and to the issuance, sale, or exchange thereof.

"13.5—Bonds: Authorization Generally. Bonds and other indebtedness of the commission shall be authorized by resolution of the commission. The validity of the authorization and issuance of any bonds by the commission shall not be dependent upon or affected in any way by: (1) the disposition of bond proceeds by the commission or by contract, commitment or action taken with respect to such proceeds; or (2) the failure to complete any part of the project for which bonds are authorized to be issued. The commission may issue bonds in one or more series and may provide for one or more consolidated bond issues, in such principal amounts and with such terms and provisions as the commission may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues, and franchises under its control. Bonds may be issued by the commission in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to both principal and interest, as may be determined by the commission. The commission may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such redemption provisions, including premiums, as the commission may determine.

"13.6—Bonds, Restorations and Indentures Generally. The commission may determine and enter into indentures providing for the principal amount, date or dates, maturities, interest rate, denominations, form, registration, transfer, interchange, and other provisions of the bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded, and refunded. The resolution of the commission authorizing any bond or any indenture so authorized under which the bonds are issued may include all such covenants and other provisions other than any restriction on the regulatory powers vested in the commission by this compact as the commission may deem necessary or desirable for the issue, payment, security, protection, or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents, and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application, and disposition of such revenues, of the proceeds of the bonds, and of any other moneys of the commission; the operation, maintenance, repair, and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease, or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities, the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the commission or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this compact into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this compact and is bound thereby.

"13.7—Maximum Maturity. No bond or its terms shall mature in more than fifty years from its own date, or on any date subsequent to the duration of this compact, and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

"13.8—Tax Exemption. All bonds issued by the commission under the provisions of this compact and the interest thereon shall at all times be free and exempt from all taxation by or under authority of any of the signatory parties, except for transfer, inheritance and estate taxes.

"13.9—Interest. Bonds shall bear interest at a rate of not to exceed six percent per annum, payable annually or semi-annually.

"13.10—Place of Payment. The commission may provide for the payment of the principal and interest of bonds at any place or places within or without the signatory states, and in any specified lawful coin or currency of the United States of America.

"13.11—Execution. The commission may provide for the execution and authentication of bonds by the manual, lithographed, or printed facsimile signature of officers of the commission, and by additional authentication by a trustee or fiscal agent appointed by the commission. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons ceases to be an officer before the delivery of the bonds or coupons, his signature or countersignature is nevertheless valid and of the same force and effect as if the officer had remained in office until the delivery of the bonds and coupons.

"13.12—Holding Own Bonds. The commission shall have power out of any funds available therefor to purchase its bonds and may hold, cancel, or resell such bonds.

"13.13—Sale. The commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The commission may sell at less than their par or face value, but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the commission calculated upon the entire issue so sold of more than six percent per annum payable semi-annually, according to standard tables of bond values. All bonds issued and sold for cash pursuant to this compact shall be sold on sealed proposals to the highest bidder. Prior to such sale, the commission shall advertise for bids by publication of a notice of sale not less than ten days prior to the date of sale, at least once in a newspaper of general circulation printed and published in New York City carrying municipal bonds notices and devoted primarily to financial news. The commission may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder under such terms and conditions as it deems most advantageous to the public interest, but the bond shall not be sold at a net interest cost calculated upon the entire issue so advertised, greater than the lowest bid which was rejected. In the event the commission desires to issue its bonds in exchange for an existing facility or portion thereof, or in exchange for bonds secured by the revenues of an existing facility, it may exchange such bonds for the existing facility or portion thereof or for the bonds so secured, plus an additional amount of cash, without advertising such bonds for sale.

"13.14—Negotiability. All bonds issued under the provisions of this compact are negotiable instruments, except when registered in the name of a registered owner.

"13.15—Legal Investments. Bonds of the commission shall be legal investments for savings banks, fiduciaries and public funds in each of the signatory states.

"13.16—Validation Proceedings. Prior to the issuance of any bonds, the commission may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the signatory parties. Such proceedings shall be instituted and prosecuted in rem, and the judgment rendered therein shall be conclusive against all persons whomsoever and against each of the signatory parties.

"13.17—Recording. No indenture need be recorded or filed in any public office, other than the office of the commission. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein and irrespective of the date of receipts of such revenues by the commission or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the commission or the indenture trustee.

"13.18—Revenues. Bond redemption and interest payments, to the extent provided in the resolution or indenture, shall constitute a first, direct and exclusive charge and lien on all such rates, rents, tolls, fees, and charges and other revenues and interest thereon received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such rates, rents, tolls, fees, charges and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds, and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements, or extensions of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding, and unpaid.

"13.19—Remedies.—The holder of any bond may for the equal benefit and protection of all holders of bonds similarly situated; (1) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the commission or assumed by it, its officers, agents, or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction, or insurance of the facilities, or in connection with the collection, deposit, investment, application, and disbursement of the rates, rents, tolls, fees, charges and other revenues derived from the operation and use of the facilities or in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds; or (2) by action or suit in a court of competent jurisdiction of any signatory party require the commission to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies, however, does not exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

"13.20—Capital Financing by Signatory Parties: Guarantees.

"(a) The signatory parties shall provide such capital funds required for projects of the commission as may be authorized by their respective statutes in accordance with a cost sharing plan prepared pursuant to Article 12 of this compact; but nothing in this section shall be deemed to impose any mandatory obligation on any of the signatory parties other than such obligations as may be assumed by a signatory party in connection with a specific project or facility.

"(b) Bonds of the commission, notwithstanding any other provision of this compact, may be executed and delivered to any duly authorized agency of any of the signatory parties without public offering and may be sold and resold with or without the guaranty of such signatory party, subject to and in accordance with the constitutions of the respective signatory parties.

"(c) The commission may receive and accept, and the signatory parties may make, loans, grants, appropriations, advances, and payments of reimbursable or nonreimbursable funds or property in any form for the capital or operating purposes of the commission.

"ARTICLE 14

"PLAN, PROGRAM AND BUDGETS

"Section 14.1—Comprehensive Plan. The commission shall develop and adopt, and may from time to time review and revise, a comprehensive plan for the immediate and long range development and use of the water resources of the basin. The plan shall include all public and private projects and facilities which are required, in the judgment of the commission, for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin to meet present and future needs. The commission may adopt a comprehensive plan or any revision thereof in such part or parts as it may deem appropriate, provided that before the adoption of the plan or any part or revision thereof the commission shall consult with water users and interested public bodies and public utilities and shall consider and give due regard to the findings and recommendations of the various agencies of the signatory parties, their political subdivisions, and interested groups. The commission shall conduct public hearings upon due notice given with respect to the comprehensive plan prior to the adoption of the plan or any part of the revision thereof, except that public and private projects and facilities which, in the judgment of the commission, are not required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and which, in the judgment of the commission, will not significantly affect the water resources of the basin, may be added directly to the comprehensive plan at any time at the discretion of the commission without public hearing thereon. The comprehensive plan shall take into consideration the effect of the plan or any part thereof upon the receiving waters of Chesapeake Bay.

"14.2—Water Resources Program. The commission shall annually adopt a water resources program, based upon the comprehensive plan, consisting of the projects and facilities which the commission proposes to be undertaken by the commission and by other authorized governmental and private agencies, organizations, and persons during the ensuing six years or such other reasonably foreseeable period as the commission may determine. The water resources program shall include a systematic presentation of:

"1. The quantity and quality of water resources needs for such period;

"2. The existing and proposed projects and facilities required to satisfy such needs, including all public and private projects to be anticipated; and

"3. A separate statement of the projects proposed to be undertaken by the commission during such period.

"14.3—Annual Current Expense and Capital Budgets.

"(a) The commission shall annually adopt a capital budget including all capital projects it proposes to undertake or continue during the budget period containing a statement of the estimated cost of each project and the method of financing thereof.

"(b) The commission shall annually adopt a current expense budget for each fiscal year. Such budget shall include the commission's estimated expenses for administration, operation, maintenance, and repairs, including a separate statement thereof for each project, together with its cost allocation. The total of such expenses shall be balanced by the commission's estimated revenues from all sources, including the cost allocations undertaken by any of the signatory parties in connection with any project. Following the adoption of the annual current expense budget by the commission, the executive director of the commission shall:

"1. Certify to the respective signatory parties the amounts due in accordance with existing cost sharing established for each project; and

"2. Transmit certified copies of such budget to the principal budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures. The amount required to balance the current expense budget in addition to the aggregate amount of item 1 above and all other revenues available to the commission shall be apportioned equitably among the signatory parties by unanimous vote of the commission, and the amount of such apportionment to each signatory party shall be certified together with the budget.

"(c) The respective signatory parties covenant and agree to include the amounts so apportioned for the support of the current expense budget in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. Such amounts shall be due and payable to the commission in quarterly installments during its fiscal year, provided that the commission may draw upon its working capital to finance its current expense budget pending remittance by the signatory parties.

"Article 15

"GENERAL PROVISIONS

"Section 15.1—Auxiliary Powers of Commission; Functions of Commissioners.

"(a) The commission, for the purposes of this compact, may:

"1. Adopt and use a corporate seal, enter into contracts, and sue and be sued in any court of competent jurisdiction;

"2. Receive and accept such payments, appropriations, grants, gifts, loans, advances, and other funds, properties, and services as may be transferred or made available to it by any signatory party or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or part thereof;

"3. Provide for, acquire, and adopt detailed engineering, administrative, financial, and operating plans and specifications to effectuate, maintain, or develop any facility or project;

"4. Control and regulate the use of facilities owned or operated by the commission;

"5. Acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, lease, license, mortgage, or otherwise as it may deem necessary for any project or facility, including any and all appurtenances thereto necessary, useful, or convenient for such ownership, operation, control, maintenance, or conveyance;

"6. Have and exercise all corporate powers essential to the declared objects and purposes of the commission.

"(b) The commissioners, subject to the provisions of this compact, shall:

"1. Serve as the governing body of the commission, and exercise and discharge its powers and duties, except as otherwise provided by or pursuant to this compact;

"2. Determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid subject to any provisions of law specifically applicable to agencies or instrumentalities created by this compact;

"3. Provide for the internal organization and administration of the commission;

"4. Appoint the principal officers of the commission and delegate to and allocate among them administrative functions, powers and duties;

"5. Create and abolish offices, employments, and positions as it deems necessary for the purposes of the commission, and subject to the provisions of this article, fix and provide for the qualifications, appointments, removal, term, tenure, compensation, pension, and retirement rights of its officers and employees;

"6. Let and execute contracts to carry out the powers of the commission.

"15.2—Regulations; Enforcement. The commission may:

"1. Make and enforce rules and regulations for the effectuation, application, and enforcement of this compact; and it may adopt and enforce practices and schedules for or in connection with the use, maintenance, and administration of projects and facilities it may own or operate and any product or service rendered thereby; provided that any rule or regulation, other than one which deals solely with the internal management of the commission, shall not be effective unless and until filed in accordance with the law of the respective signatory parties applicable to administrative rules and regulations generally; and

"2. Designate any officer, agent, or employee of the commission to be an investigator or watchman and such person shall be vested with the powers of a peace officer of the state in which he is duly assigned to perform his duties.

"15.3—Tax Exemptions. The commission, its property, functions, and activities shall be exempt from taxation by or under the authority of any of the signatory parties or any political subdivision thereof; provided that in lieu of property taxes the commission, as to its specific projects, shall make payments to local taxing districts in annual amounts which shall equal the taxes lawfully assessed upon property for the tax year next prior to its acquisition by the commission for a period of ten years. The nature and amount of such payment shall be reviewed by the commission at the end of ten years, and from time to time thereafter, upon reasonable notice and opportunity to be heard to the affected taxing district, and the payments may be thereupon terminated or continued in such reasonable amount as may be necessary or desirable to take into account hardships incurred and benefits received by the taxing jurisdiction which are attributable to the project.

"15.4—Meetings; Public Hearing; Records, Minutes.

"(a) All meetings of the commission shall be open to the public.

"(b) The commission shall conduct at least one public hearing in each state prior to the adoption of the initial comprehensive plan. In all other cases wherein this compact requires a public hearing, such hearing shall be held upon not less than twenty days' public notice given by posting at the offices of the commission, and published at least once in a newspaper or newspapers of general circulation in the area or areas affected. The commission shall also provide forthwith for distribution of such notice to the press and by the mailing of a copy thereof to any person who shall request such notices.

"(c) The minutes of the commission shall be a public record open to inspection at its offices during regular business hours.

"15.5—Officers Generally.

"(a) The officers of the commission shall consist of an executive director and such additional officers, deputies, and assistants as the commission may determine. The executive director shall be appointed and may be removed by the affirmative vote of a majority of the full membership of the commission. All other officers and employees shall be appointed or dismissed by the executive director under such rules of procedure as the commission may establish.

"(b) In the appointment and promotion of officers and employees for the commission, no political, racial, religious, or residence test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be solely on the basis of merit and fitness. Any officer or employee of the commission who is found by the commission to be guilty of a violation of this section shall be immediately dismissed.

"15.6—Oath of Office. An oath of office in such form as the commission shall prescribe shall be taken, subscribed, and filed with the commission by the executive director and by each officer appointed by him not later than fifteen days after the appointment.

"15.7—Bond. Each officer shall give such bond and in such form and amount as the commission may require, for which the commission shall pay the premium.

"15.8 Prohibited Activities.

"(a) No commissioner, officer or employee shall:

"1. Be financially interested, either directly or indirectly, in any contract, sale, purchase, lease, or transfer of real or personal property to which the commission is a party;

"2. Solicit or accept money or any other thing of value in addition to the compensation or expense paid him by the commission for services performed within the scope of his official duties;

"3. Offer money or any thing of value for or in consideration of obtaining an appointment, promotion, or privilege in his employment with the commission.

"(b) Any officer or employee, who willfully violates any of the provisions of this section shall forfeit his office or employment.

"(c) Any contract or agreement knowingly made in contravention of this section is void.

"(d) Officers and employees of the commission shall be subject, in addition to the provisions of this section, to such criminal and civil sanctions for misconduct in office as may be imposed by Federal law and the law of the signatory state in which such misconduct occurs.

"15.9—Purchasing. Contracts for the construction, reconstruction or improvement of any facility when the expenditure required exceeds ten thousand dollars, and contracts for the purchase of services, supplies, equipment, and materials when the expenditure required exceeds five thousand dollars shall be advertised and let upon sealed bids to the lowest responsible bidder. Notice requesting such bids shall be published in a manner reasonably likely to attract prospective bidders, which publication shall be made at least thirty days before bids are received and in at least two newspapers of general circulation in the basin. The commission may reject any and all bids and readvertise in its discretion. If after rejecting bids the commission determines and resolves that in its opinion the supplies, equipment, and materials may be purchased at a lower price in the open market, the commission may give each responsible bidder an opportunity to negotiate a price and may proceed to purchase the supplies, equipment, and materials in the open market at a negotiated price which is lower than the lowest rejected bid of a responsible bidder, without further observance of the provisions requiring bids or notice. The commission shall adopt rules and regulations to provide for purchasing from the lowest responsible bidder when sealed bids, notice, and publication are not required by this section. The commission may suspend and waive the provisions of this section requiring competitive bids whenever:

"1. The purchase is to be made from or the contract to be made with the Federal or any state government or agency or political subdivision thereof or pursuant to any open and bulk purchase contract of any of them;

"2. The public exigency requires the immediate delivery of the articles or performance of the service;

"3. Only one source of supply is available;

"4. The equipment to be purchased is of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest; or

"5. Services are to be provided of a specialized or professional nature.

"15.10—Insurance. The commission may self-insure or purchase insurance and pay the premium therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the commission may determine, subject to the requirements of any agreement arising out of the issuance of bonds by the commission.

"15.11—Annual Independent Audit.

"(a) As soon as practical after the closing of the fiscal year an audit shall be made of the financial accounts of the commission. The audit shall be made by qualified certified public accountants selected by the commission, who have no personal interest direct or indirect in the financial affairs of the commission or any of its officers or employees. The report of audit shall be prepared in accordance with accepted accounting practices and shall be filed with the chairman and such other officers as the commission may direct. Copies of the report shall be distributed to each commissioner and shall be made available for public distribution.

"(b) Each signatory party by its duly authorized officers shall be entitled to examine and audit at any time all of the books, documents, records, files, and accounts and all other papers, things, or property of the commission. The representatives of the signatory parties shall have access to all books, documents, records, accounts, reports, files, and all other papers, things, or property belonging to or in use by the commission and necessary to facilitate the audit and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

"(c) The financial transactions of the commission shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the commission are kept.

"(d) Any officer or employee who shall refuse to give all required assistance and information to the accountants selected by the commission or to the authorized officers of any signatory party or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things, or property as may be requested shall forfeit his office.

"15.12—Reports. The commission shall make and publish an annual report to the legislative bodies of the signatory parties and to the public reporting on its programs, operations, and finances. It may also prepare, publish, and distribute such other public reports and informational material as it may deem necessary or desirable.

"15.13—Grants, Loans, or Payments by States or Politicial Subdivisions.

"(a) Any or all of the signatory parties or any political subdivision thereof may:

"1. Appropriate to the commission such funds as may be necessary to pay preliminary expenses such as the expenses incurred in the making of borings, and other studies of subsurface conditions, in the preparation of contracts for the sale of water and in the preparation of detailed plans and estimates required for the financing of a project;

"2. Advance to the commission, either as grants or loans, such funds as may be necessary or convenient to finance the operation and management of or construction by the commission of any facility or project;

"3. Make payments to the commission for benefits received or to be received from the operation of any of the projects or facilities of the commission.

"(b) Any funds which may be loaned to the commission either by a signatory party or a political subdivision thereof shall be repaid by the commission through the issuance of bonds or out of other income of the commission, such repayment to be made within such period and upon such terms as may be agreed upon between the commission and the signatory party or political subdivision making the loan.

"15.14—Condemnation Proceedings.

"(a) The commission shall have the power the acquire by condemnation the fee or any lesser interest in lands, lands lying under water, development rights in land, riparian rights, water rights, waters and other real or personal property within the basin for any project or facility authorized pursuant to this compact. This grant of power of eminent domain includes but is not limited to the power to condemn for the purposes of this compact any property already devoted to a public use, by whomsoever owned or held, other than property of a signatory party. Any condemnation of any property or franchises owned or used by a municipal or privately owned public utility, unless the affected public utility facility is to be relocated or replaced, shall be subject to the authority of such state board, commission, or other body as may have regulatory jurisdiction over such public utility.

"(b) The power of condemnation referred to in subsection (a) shall be exercised in accordance with the provisions of the state condemnation law in force in the signatory state in which the property is located. If there is no applicable state condemnation law, the power of condemnation shall be exercised in accordance with the provisions of Federal condemnation law.

"(c) Any award or compensation for the taking of property pursuant to this article shall be paid by the commission, and none of the signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award or compensation.

"15.15—Conveyance of Lands and Relocation of Public Facilities.

"(a) The respective officers, agencies, departments, commissions, or bodies having jurisdiction and control over real and personal property owned by the signatory parties are authorized and empowered to transfer and convey in accordance with the laws of the respective parties to the commission any such property as may be necessary or convenient to the effectuation of the authorized purposes of the commission.

"(b) Each political subdivision of each of the signatory parties, notwithstanding any contrary provisions of law, is authorized and empowered to grant and convey to the commission, upon the commission's request, any real property or any interest therein owned by such political subdivision including lands lying under water and lands already devoted to public use which may be necessary or convenient to the effectuation of the authorized purposes of the commission.

"(c) Any highway, public utility, or other public facility which will be dislocated by reason of a project deemed necessary by the commission to effectuate the authorized purposes of this compact shall be relocated and the cost thereof shall be paid in accordance with the law of the state in which the facility is located; provided that the cost of such relocation payable by the commission shall not in any event exceed the expenditure required to serve the public convenience and necessity.

"15.16—Rights of Way. Permission is hereby granted to the commission to locate, construct, and maintain any aqueducts, lines, pipes, conduits, and auxiliary facilities authorized to be acquired, constructed, owned, operated, or maintained by the commission in, over, under, or across any streets and highways now or hereafter owned, opened, or dedicated to or for public use, subject to such reasonable conditions as the highway department of the signatory party may require.

"15.17—Penalty. Any person, association, or corporation who violates or attempts or conspires to violate any provisions of this compact or any rule, regulation, or order of the commission duly made, promulgated, or issued pursuant to the compact in addition to any other remedy, penalty, or consequence provided by law shall be punishable as may be provided by statute of any of the signatory parties within which the violation is committed; provided that in the absence of such provision any such person, association, or corporation shall be liable to a penalty of not less than $50 nor more than $1,000 for each such violation to be fixed by the court which the commission may recover in its own name in any court of competent jurisdiction, and in a summary proceeding where available under the practice and procedure of such court. For the purposes of this section in the event of a continuing offense each day of such violation, attempt, or conspiracy shall constitute a separate offense.

"15.18—Tort Liability. The commission shall be responsible for claims arising out of the negligent acts or omissions of its officers, agents, and employees only to the extent and subject to the procedures prescribed by law generally with respect to officers, agents, and employees of the government of the United States.

"15.19—Effect on Riparian Rights. Nothing contained in this compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective signatory parties relating to riparian rights.

"15.20—Amendments and Supplements. Amendments and supplements to this compact to implement the purposes thereof may be adopted by legislative action of any of the signatory parties concurred in by all of the others.

"15.21—Construction and Severability. The provisions of this compact and of agreements thereunder shall be severable and if any phrase, clause, sentence, or provision of the Susquehanna River Basin Compact or such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, agency, or person is held invalid, the constitutionality of the remainder of such compact or such agreement and the applicability thereof to any other signatory party, agency, person, or circumstance shall not be affected thereby. It is the legislative intent that the provisions of such compact be reasonably and liberally construed.

"15.22—Effective Date; Execution. This compact shall become binding and effective thirty days after the enactment of concurring legislation by the Federal government, the states of Maryland and New York, and the Commonwealth of Pennsylvania. The compact shall be signed and sealed in five identical original copies by the respective chief executive of the signatory parties. One such copy shall be filed with the Secretary of State of each of the signatory parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the commission upon its organization."

RESERVATIONS

Sec. 2. In the exercise of the powers reserved to the Congress, pursuant to section 1.4 of the compact, the consent to and participation in the compact by the United States is subject to the following conditions and reservations:

(a) Not withstanding any provision of the Susquehanna River Basin compact the Susquehanna River Basin Commission shall not undertake any project (as defined in such compact), other than a project for which State supplied funds only will be used, beyond the planning stage until—

(1) such commission has submitted to the Congress such complete plans and estimates for such project as may be necessary to make an engineering evaluation of such project including—

(A) where the project will serve more than one purpose, an allocation of costs among the purposes served and an estimate of the ratio of benefits to costs for each such purpose.

(B) an apportionment of costs among the beneficiaries of the project, including the portion of the costs to be borne by the Federal Government and by State and local governments, and

(C) a proposal for financing the project, including the terms of any proposed bonds or other evidences of indebtedness to be used for such purpose, and

(2) such project has been authorized by Act of Congress:

Provided, That when a project has been authorized by Congress, such additional or changed uses of storage therein as the commission may desire shall require project reauthorization, with allocation of project costs to all project purposes served.

(b) No provision of section 3.9 of the compact shall be deemed to authorize the commission to impose any charge for water withdrawals or diversions from the basin if such withdrawals or diversions could lawfully have been made without charge on the effective date of the compact or to impose any charges with respect to commercial navigation with the basin, jurisdiction over which is reserved to the Federal Government: *Provided*, That this paragraph shall be applicable to the extent not inconsistent with section 1.4 of this compact.

(c) Nothing contained in the compact shall be deemed to restrict the Executive powers of the President in the event of national emergency.

(d) Nothing contained in the compact shall be construed as impairing or in any manner affecting the applicability to all Federal funds budgeted and appropriated for use by the commission of such authority over budgetary and appropriation matters as the President and Congress may have with respect to agencies in the executive branch of the Federal Government.

(e) Except to the same extent that State bonds are or may continue to be free or exempt from Federal taxation under the internal revenue laws of the United States, nothing contained in the compact shall be construed as freeing or exempting from internal revenue taxation in any manner whatsoever any bonds issued by the commission, their transfer, or the income therefrom (including any profits made on the sale thereof).

(f) Nothing contained in the compact shall be construed to obligate the United States legally or morally to pay the principal or interest on any bonds issued by the Susquehanna River Basin Commission.

(g) All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are undertaken by the commission or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality so determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and every such employee shall receive compensation at a rate not less than one and one half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project. The Secretary of Labor shall have, with respect to the administration and enforcement of labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended, 50 U.S.C. 276 (c)).

(h) The commission shall insure that there is no discrimination on the ground of race, color, religion, sex, or national origin in (1) the programs and activities of the commission, (2) the employment practices of the commission, and (3) the employment practices of parties entering into contracts with the commission, including construction contracts and contracts for private concessions in connection with recreational facilities.

(i) Contracts for the manufacture or furnishing of materials, supplies, articles and equipment with the commission which are in excess of $10,000 shall be subject to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 335 et seq.)

(j) Nothing contained in this Act or in the compact shall be construed as superseding or limiting the functions, under any other law, of the Secretary of the Interior or of any other officer or agency of the United States, relating to water pollution: *Provided*, That the exercise of such functions shall not limit the authority of the commission to control, prevent or abate water pollution.

(k) The provisions of section 8.4 of article 8 of the compact shall not be construed to apply to facilities operated pursuant to any other Federal law.

(l) For the purposes of the Federal Tort Claims Act, of Jun 25, 1948 (62 Stat. 982), as amended (28 U.S.C. ch. 171 and sections 1346(b) and 2401(b)) and the Tucker Act of March 3, 1887 (24 Stat. 505), as amended (28 U.S.C. 1346(a)(2), 1402, 1491, 1496, 1501, 1503, 2411, 2412, 2501), and the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 551–558, 701–706), and the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended (16 U.S.C. 791–823), the commission shall not be considered a Federal agency.

(m) The officers and employees of the commission (other than the United States member, alternate United States member, and advisers, and personnel employed by the United States member under direct Federal appropriation) shall not be deemed to be, for any purpose, officers or employees of the United States or to become entitled at any time by reason of employment by the commission to any compensation or benefit payable or made available by the United States solely and directly to its officers or employees.

(n) Neither the compact nor this Act shall be deemed to enlarge the authority of any Federal agency other than the commission to participate in or to provide funds for projects or activities in the Susquehanna River Basin.

(o) Notwithstanding paragraph 7 of section 3.10 of the compact, the United States district courts shall have original jurisdiction of all cases or controversies arising under the compact and this Act, and any case or controversy so arising initiated in a State court shall be removable to the appropriate United States district court in the manner provided by section 1446 of title 28, United States Code. Nothing contained in the compact or elsewhere in this Act shall be construed as a waiver by the United States of its immunity from suit.

(p) The right to alter, amend, or repeal this Act is hereby expressly reserved. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by the Susquehanna River Basin Commission as is deemed appropriate by the Congress or any such committee.

(q) The provisions of sections 2.4 and 2.6 of article 2 of the compact notwithstanding, the member and alternate member appointed by the President and adviser there referred to may be paid compensation by the United States, such compensation to be fixed by the President at the rates which he shall deem to prevail in respect to comparable officers in the executive branch.

(r) 1. Nothing contained in this compact or in this Act shall impair, affect, or extend the constitutional authority of the United States.

2. Nothing contained in this compact or in this Act and no action of the commission shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the United States under other existing or future legislation in or over the area or waters which are the subject of the compact, including projects of the commission: *Provided*, That

(i) The commission shall serve as the principal agency for the coordination of Federal, State, interstate, local, and nongovernmental plans for water and related land resources in the Susquehanna River Basin.

(ii) Except as provided in reservation (j), whenever a comprehensive plan, or any part or revision thereof, has been adopted with the concurrence of the member appointed by the President, the exercise of any powers conferred by law on any officer, agency, or instrumentality of the United States with regard to water and related land resources in the Susquehanna River Basin shall not substantially conflict with any such portion of such comprehensive plan and the provisions of section 3.10 and article 12 of the compact shall be applicable to the extent necessary to avoid such substantial conflict: *Provided further*, That whenever the President shall find and determine that the national interest so requires, he may suspend, modify, or delete any provision of the comprehensive plan to the extent necessary to permit action by the affected agency or officer in accord with the national interest. Such action shall be taken by executive order in which such finding and determination shall be set forth.

(iii) To insure consideration by Congress or any committee thereof of the commission's views, proposals for Federal projects which come within one or more of the classes requiring commission review under section 3.10 of the compact shall be submitted to the commission for review and recommendation for a period of ninety days or such longer time as may be requested by the commission with the concurring vote of the member appointed by the President; and the recommendations and views of the commission thereon, if any, shall be included in any report submitted by the sponsoring Federal agency to the Congress or to any committee thereof in connection with any request for authorization or appropriations therefor.

3. For the purposes of paragraph 2(ii) hereof, concurrence by the member appointed by the President shall be presumed unless within sixty days after notice to him of adoption of the comprehensive plan, or any part or revision thereof, he shall file with the commission notice of (i) no objection, or (ii) nonconcurrence. Each concurrence of the member appointed by the President in the adoption of the comprehensive plan or any part or revision thereof may be withdrawn by notice filed with the commission at any time between the first and sixtieth day of the sixth year after the initial adoption of the comprehensive plan and of every sixth year thereafter.

(s) In the event that any phrase, clause, sentence or provision of section 1.4 of article 1 of the compact, is declared to be unconstitutional under the constitution of any of the signatory parties, or the applicability thereof to any signatory party, agency or person is held invalid by a court of last resort of competent jurisdiction, the United States shall cease to be a party to the compact: *Provided*, That the President may continue United States participation in the activities of the commission to the extent that he deems necessary and proper to protect the national interest.

(t)(1) All Acts or parts of Acts inconsistent with the provisions of this Act are hereby amended for the purpose of this Act to the extent necessary to carry out the provisions of this Act.

(2) No action of the commission shall have the effect of repealing, modifying, or amending any Federal law.

(u) Notwithstanding the provisions of section 2.2 and 2.3 of the compact, the Federal member of the commission and his alternate shall be appointed by the President of the United States and shall serve at the pleasure of the President.

(v) Notwithstanding the provisions of section 12.5 or any other provision of the compact, the furnishing of technical services to the commission by agencies of the executive branch of the Government of the United States is pledged only to the extent that the respective agencies shall from time to time agree thereto or to the extent that the President may from time to time direct such agencies to perform such services for the commission. Nothing in the compact shall be deemed to require the United States to furnish administrative services or facilities for carrying out functions of the commission except to the extent that the President may direct.

(w) Nothing contained in this Act or in the compact shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the Federal Power Commission, Federal Communications Commission, Atomic Energy Commission, Interstate Commerce Commission, or other such Federal independent regulatory agency under existing or future legislation. Accordingly, no action of the Susquehanna River Basin Commission shall conflict with any of the terms or conditions of any license or permit granted or issued by the aforementioned Federal agencies. This reservation shall not be construed as a basis for noncompliance with the requirements of the compact or this Act; nor shall it be construed to permit use of waters of the Susquehanna River Basin or to endanger their quality without approval pursuant to the compact.

EFFECTUATION

Sec. 3. (a) The President is authorized to take such action as may be necessary and proper, in his discretion, to effectuate the compact and the initial organization and operation of the commission thereunder.

(b) Executive departments and other agencies of the executive branch of the Federal Government shall cooperate with and furnish appropriate assistance to the United States member. Such assistance shall include the furnishing of services and facilities and may include the detailing of personnel to the United States member. Appropriations are hereby authorized as necessary for the support of the United States member and his office, including appropriations for the employment of personnel by the United States member.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent all Members may have 5 legislative days in which to extend their remarks on the bill just passed (S. 1079), an act consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

TO AMEND THE SMALL BUSINESS ACT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4536) to amend the Small Business Act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 4536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,900,000,000" and inserting in lieu thereof "$2,200,000,000";

(2) by striking out "$300,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000".

Sec. 2. Subparagraph (B) of section 8(b) (1) of the Small Business Act (15 U.S.C. 637 (b)(1)(B)) is amended to read as follows:

"(B) in the case of any individual or group of persons cooperating with it in furtherance of the purposes of subparagraph (A), (i) to allow such an individual or group such use of the Administration's available office facilities, parking space, and related materials and services as the Administration deems appropriate; (ii) to rent for the use of such an individual or group such office facilities and related materials and services as would not otherwise be available for the purpose and as the Administration deems appropriate; (iii) to pay as the Administration deems appropriate, the expenses of disseminating through advertising media information to small business concerns respecting the availability of such individuals or groups; (iv) to pay, as the Administration deems appropriate, the expense of placing in telephone directories an independent listing of the telephone numbers of such individuals or groups; (v) to reimburse any such individual for the cost incurred in making any telephone call from his home in furtherance of the purposes of subparagraph (A); and (vi) to pay transportation expenses and a per diem allowance in accordance with section 5703 of title 5, United States Code, and, when the Administration deems appropriate, the cost of transportation or mileage and related allowances under section 5704 of title 5, United States Code, for local travel including travel between the individual's residence or regular place of business and the place where service is performed, to any such individual or group for travel and subsistence expenses incurred at the request of the Administration in providing gratuitous services to small businessmen in furtherance of the purposes of subparagraph (A) or in connection with attendance at meetings sponsored by the Administration;".

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. Patman: Mr. Patman moves to strike out all after the enacting clause of S. 4536 and insert the provisions of H.R. 19828, as follows:

TITLE I—SMALL BUSINESS ADMINISTRATION

Sec. 101. Paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,900,000,000" and inserting in lieu thereof "$2,200,000,000";

(2) by striking out "$300,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "200,000,000" and inserting in lieu thereof "$300,000,000".

TITLE II—AUTHORIZATION FOR PRESIDENT TO STABILIZE PRICES, RENTS, WAGES, AND SALARIES

Sec. 201. Section 206 of the Economic Stabilization Act of 1970 (84 Stat. 799–800; Public Law 91–379) is amended by striking out "February 28, 1971," and inserting in lieu thereof "March 31, 1971,"; and by striking out "March 1, 1971," and inserting in lieu thereof "April 1, 1971,".

The motion was agreed to.

Mr. PATMAN. Mr. Speaker, in explaining the reason for this series of unanimous-consent requests, what happened is this. On Wednesday, November 25, the House, by unanimous consent, passed and sent to the other body H.R. 19828, to provide additional authorization for the Small Business Administration and, second, authorize an extension for 1 month—February 28, 1971, to March 31, 1971—of Public Law 91–379, the so-called Economic Stabilization Act.

The same day the Senate passed a Small Business Administration bill and sent it to the House.

Procedurally, at this point the Senate bill resides on the Speaker's desk and the House-passed bill resides on the President's desk in the other body. My motion here today would merely substitute the House-passed bill for the Senate bill number and send it back to the Senate. I am led to believe that the Senate will accept the House-passed version of the bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 19828) was laid on the table.

COMMENDATION FOR EFFORTS TO RESCUE AMERICAN PRISONERS OF WAR

Mr. RIVERS. Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 1282) in support for efforts to rescue American prisoners of war incarcerated in North Vietnam, as amended.

The Clerk read as follows:

H. Res. 1282

Whereas conditions have not materially improved in the year since Congress passed H. Con. Res. 454 calling for humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; and

Whereas increasing numbers of American military personnel remain in captivity in North Vietnam in circumstances which violate the Geneva Convention of 1949 on prisoners of war and offend standards of human decency, some having so remained for as long as six years; and

Whereas the Government of North Vietnam and the National Liberation Front have refused to identify the prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, and to release seriously sick and injured prisoners, as required by the Geneva Convention, despite repeated entreaties from world leaders: Now, therefore, be it

Resolved, That the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners of war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere.

Resolved further, That it is the sense of the House of Representatives, as a further expression of its concern for prisoners of war, that the American negotiators at the peace conference in Paris should be instructed to insist that the matter of prisoners be given first priority on the peace talks agenda; and

That negotiators should seek improved treatment of prisoners, release of names of prisoners, inspection of prison conditions by the International Red Cross or other international bodies, and the assurance of continuing discussions looking toward the eventual exchange or release of prisoners; and

That no permanent agreement should be entered into until there is substantive progress on the prisoner-of-war issue.

The SPEAKER. Is a second demanded?

Mr. ARENDS. Mr. Speaker, I demand a second.

The SPEAKER. For what purpose does the gentleman from California arise?

Mr. LEGGETT. To demand a second, Mr. Speaker.

The SPEAKER. The gentleman from Illinois has demanded a second.

Mr. LEGGETT. I demand a second also, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. LEGGETT. May I inquire whether the gentleman from Illinois is opposed to the resolution?

The SPEAKER. Is the gentleman from Illinois (Mr. ARENDS) opposed to the resolution?

Mr. ARENDS. No; I am not opposed to the resolution, Mr. Speaker.

Mr. LEGGETT. Mr. Speaker, I make the point of order that the gentleman from Illinois is not qualified and I demand a second.

The SPEAKER. The Chair cannot hear the gentleman from California.

Mr. LEGGETT. Mr. Speaker, I make the point of order that the gentleman from Illinois does not qualify and I demand a second on the resolution.

The SPEAKER. The gentleman from Illinois is not opposed to the resolution?

Mr. ARENDS. I am not, Mr. Speaker.

The SPEAKER. The gentleman from California is opposed to the resolution; is that correct?

Mr. LEGGETT. That is correct; in its present form.

The SPEAKER. In its present form?

Mr. LEGGETT. Yes.

The SPEAKER. The gentleman qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from South Carolina will be recognized for 20 minutes and the gentleman from California will be recognized for 20 minutes.

Mr. RYAN. Mr. Speaker, will the gentleman from South Carolina yield?

PARLIAMENTARY INQUIRY

Mr. RIVERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RIVERS. The time is allocated 40 minutes——

The SPEAKER. The Chair is unable to hear the gentleman.

Mr. RIVERS. The time is allocated 20 minutes to the committee and 20 minutes to the gentleman from California.

The SPEAKER. The gentleman from South Carolina has been recognized for 20 minutes.

Mr. RIVERS. And 20 minutes to the gentleman from California (Mr. LEGGETT)?

The SPEAKER. That is correct.

Mr. RIVERS. Now, what priority will the time be allocated? Does he speak first or I speak first, or who is in charge at this point in time?

The SPEAKER. The gentleman from South Carolina presenting the resolution and being the advocate thereof will be recognized first. The gentleman, however, if he does not desire to use his time at this time, then the Chair will recognize the gentleman from California (Mr. LEGGETT) for 20 minutes.

Mr. RIVERS. Mr. Speaker, I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, may I ask the distinguished chairman of the committee this question: Page 2, line 21, of the printed resolution, as reported with an amendment, contains the words: "That no other negotiations should proceed." This language is clearly intended to prevent negotiations at the Paris peace talks, except on the prisoner-of-war issue.

Have those words been eliminated?

Mr. RIVERS. That will be eliminated by the clarifying amendment.

Mr. RYAN. Which has been sent to the desk?

Mr. RIVERS. Which has been sent to the desk.

Mr. Speaker, I ask that the gentleman from California use some of his time.

Mr. LEGGETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the form of the resolution we have before the House certainly is fraught with all kinds of difficulty.

I hesitate to be the sole objector on the Committee on Armed Services to the legislation. The bill passed out of committee by a vote of some 27 to 2, and I understand that the other vote that opposed the legislation, cast by the gentleman from Michigan, was on the basis of opposition to the form of the amendment.

Certainly it is regretted that this legislative body must formally splinter on the question of the military effort that took place over the weekend of November 22, 1970. The heroism of the men involved is not the issue—and I would like to reemphasize that—the heroism of the men who participated in the Son Tay invasion or the commando raid, however you might wish to call it, is certainly very, very commendable. The issue is the wisdom of the planning behind the operation, and whether by a very broadly couched resolution presented to this House we want to give encouragement to the Pentagon and to the Joint Chiefs of Staff to do this kind of thing again.

Certainly if we could have been successful and have recovered all of our prisoners in one swoop, why, I do not believe there would be a man in this House who would oppose the action. But unfortunately we were not successful.

I am not pressing here in this body to condemn the action that took place. I am not the moving party, and certainly I do not want to toy with the emotions and the heartbreak of the families of these prisoners of war.

On the other hand, I believe that if we needlessly encourage this kind of activity and give false hope to the families of these prisoners of war, we are not doing them any good.

This particular resolution says, and I would read just a portion of it:

> *Resolved,* That the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners of war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed—

I do not see why we should commend the official chain of command, or why we should commend the intelligence or why we should commend the Joint Chiefs of Staff, or why we should commend the Commander in Chief of our military forces, the President of the United States.

By honoring the command as well as the officers and men of the mission, we will be setting out this operation as a model for future prisoner of war efforts to follow. This would be most undesirable, since efforts of this type will almost certainly continue to be nonproductive, and since better approaches are available.

RAID NOT A SUCCESS

The raid on the Son Tay compound has not received unanimous domestic support. The majority of my own mail is strongly opposed. Nobody faults the valor of the men, but the wisdom of the action has been severely criticized. In my view, the criticism is well founded.

FAULTY INTELLIGENCE

In a well-planned operation of this type, we would know exactly what we were going in for, where it was, and the extent and character of the opposition. This was obviously not the case. It appears that all we really knew was the physical layout of the buildings. If we were totally ignorant of the prisoner situation, it follows that we were also ignorant of the number and armament of the guard force. We could have been walking into an ambush.

To this day, we do not know whether the men had been removed from the camp 2 days or 3 months before November 22.

The Department of Defense does itself no credit by insisting intelligence was excellent. Vice President AGNEW was more candid when he told the United Press on November 25:

> Well, obviously it wasn't successful, as you know, because of faulty intelligence.

Sontay has not been the first major intelligence failure of this war. In April the President was told of the existence of an "enemy headquarters for all of South Vietnam." When this headquarters was found to be as nonexistent as the Sontay headquarters, the intelligence failure was brushed over.

If the House passes this resolution, it will be rewarding incompetent intelligence and encouraging more of the same for the future.

PENALTIES OF FAILURE NOT WEIGHED

On balance, the consequences of this mission are so overwhelmingly negative that I must conclude the consequences of failure were not carefully considered:

First. It is most unlikely that American prisoners of war will be freed this year as a Christmas gesture. The President is reported to have said the raid would be worthwhile if it freed five prisoners. It may well have prevented the freeing of that many.

Second. Some POW's may have been killed by the diversionary air raids in the Hanoi area. The North Vietnamese

Government claims this to be the case. It would be most ironic if some of the men killed were the former Sontay prisoners we had hoped to free.

Of course, the North Vietnamese may not be telling the truth. They may have killed the POW's in deliberate reprisals. This would be despicable on their part. But the fact remains: these men would be alive today if it were not for the raid.

Third. Hopes of successful negotiations on any aspect of the war have been materially set back.

Fourth. The prisoners living conditions will certainly become harsher in that they will be guarded more closely and moved around more frequently.

In addition, there may be deliberate retaliation. The Hanoi daily newspaper, Nhan Dan, said:

> The Americans are warned they will be punished accordingly. All consequences are the responsibilities of the American aggressors.

Fifth. The scale of the war is increasing. Since the raid, the other side has killed an entire medical team at Cam Ranh Bay, shot down two C-123 transport planes killing 38 Americans and 75 South Vietnamese, and has increased the shelling of South Vietnamese cities to the highest level in 3 months. It is reasonable to assume much of this is in response to the raid.

If the scale of the war continues to enlarge, it will cost the lives of many American soldiers. And there will be an increase in the total number of prisoners of war, rather than the decrease we sought.

Sixth. Our international credibility has decreased. As an example of the critical foreign press, the London Times said:

> It would be gratifying if the shock of the raid were to extract some future concessions from the North Vietnamese over prisoners. Much more probable is a hardening all around at the Paris peace talks and stronger suspicions in Hanoi over what American policy really is in winding down the war.

We cannot even say with confidence that the results would have been better if the prisoners had been there. All the adverse consequences listed above would have been intensified. As for the prisoners in the camp, as former POW Coy Tinsley told Time magazine, the guards "would probably have annihilated them and moved out."

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from New York.

Mr. ROSENTHAL. I thank the gentleman for yielding.

Can the gentleman tell us whether the State Department expressed a position either for or against this resolution?

Mr. LEGGETT. It is my information that only one witness was presented in favor of the resolution prior to the time it was enacted, and that was a representative from the Pentagon.

Mr. ROSENTHAL. Does the gentleman know whether the State Department was asked to express a position for or against the resolution?

Mr. LEGGETT. I do not know. I do not see it in the report, and no communication was given to my office to that effect.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I appreciate the gentleman yielding.

I want to state that, although the communication perhaps did not bear the stamp of approval of the Paris office of the State Department, I did receive a letter from the official in charge of congressional relations in the State Department congratulating me upon the resolution that the gentleman from New York and I cosponsored. So it does to an extent show State Department approval.

May I ask the gentleman to yield just for a half a minute further?

Mr. LEGGETT. I yield further to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding, and I do wish to express my support for the resolution which the gentleman from New York and I invited our colleagues to cosponsor, and I rise in support of the resolution as amended by the Committee on Armed Services.

(Mr. FINDLEY asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield further?

Mr. LEGGETT. I yield again to the gentleman from New York.

Mr. ROSENTHAL. Mr. Speaker, I would like to inquire of my distinguished friend, the gentleman from Illinois (Mr. FINDLEY,) whether he is purporting to tell the House that the State Department did express a position favoring this resolution in the letter he referred to, and if so would he tell us who it was who sent the letter and what the contents of it were?

Mr. FINDLEY. Mr. Speaker, if the gentleman will yield further, yes, the letter I received was from the Assistant Secretary of State for Congressional Relations, Mr. David Abshire.

It had no notation as to being of a confidential character and I presume he was writing as an official of the State Department to me as an author and cosponsor of the resolution indicating his congratulations to me on having drafted this resolution. And I cannot give any interpretation to that except as an affirmative support of the resolution we have before us.

Mr. ROSENTHAL. Does the gentleman have that letter at hand?

Mr. FINDLEY. No, but I can get it very promptly and I am glad the gentleman has such an interest.

Mr. LEGGETT. I would like to ask the gentleman from Illinois a question.

Did the approval of the State Department refer to the resolution in preliminary form, or to the form in which it was presented and that we have on the floor here today?

Mr. FINDLEY. I tried to make it clear in my remarks that it related to the language of the resolution that I had drafted and introduced together with the gentleman from New York (Mr. STRATTON), which did not include the amendment of the Armed Services Committee.

Mr. Speaker, the letter referred to above from Assistant Secretary of State Abshire is in my hand now. Obviously it is more personal than official in content, but clearly it would never have been written if the State Department opposed the resolution I drafted and introduced, and which was referred to the Armed Services Committee.

Here is the text of the letter:

> DEAR PAUL: You are, indeed, to be congratulated on co-sponsoring the resolution on "commending the courage of participants in the recent military expedition which sought to rescue American prisoners of war believed held in a camp near Hanoi, North Vietnam." I always admire how quickly you show leadership on such matters, and particularly on this one which is of such importance.
>
> Warmest regards.
>
> Sincerely yours,
>
> DAVID M. ABSHIRE.

Mr. Speaker, today the House will pass House Resolution 1282, which includes the language of a resolution which I drafted and which, together with my colleague, Representative SAMUEL STRATTON and 73 other Members of the House, was introduced immediately after the heroic rescue attempt of American prisoners of war on November 21, 1970. Added to this original resolution by the House Armed Services Committee is the language of the resolved further clause, which expresses the sense of the House that the POW issue should be given first priority at the Paris peace talks and that no settlement should occur until there is substantive progress on this issue.

It provides ample proof that the United States is not about to forget her fighting men now incarcerated who have risked everything and given their all in the service of their country.

It has its roots in early congressional expressions on the treatment of POW's, expressions which have been largely ignored by the North Vietnamese and Vietcong. In December of 1969, exactly 1 year ago, the House of Representatives passed unanimously House Concurrent Resolution 454, calling for humane treatment and release of American prisoners of war.

By their votes, 405 Members of this body strongly protested the treatment of U.S. servicemen held prisoner and approved of efforts by the U.S. Government and other world leaders to obtain humane treatment and release of American prisoners of war.

Since that time, no material progress has been made. The North Vietnamese have persistently refused to identify the prisoners they hold. They have refused to permit any inspection of the camps in which the prisoners are kept. They will not allow mail to be received by most prisoners, and they have not released sick or injured prisoners. Each of these simple, humane gestures is required by the 1949 Geneva Convention on prisoners of war which the North Vietnamese ratified in 1957.

In the face of world opinion, and in contravention of its duty under international law to which it has voluntarily agreed, North Vietnam disregards basic tenets of human decency and in a barbaric manner makes hostages of American prisoners of war.

The only thing that has changed in the year since Congress last spoke is the number of Americans held captive. One year ago, just over 1,300 men were held prisoner or were listed as missing in action. Today that number has grown by over 250 men. At the end of November, 1,558 American soldiers were held prisoner or missing in action.

The families of most of these men do not know whether their loved ones are still alive, and for them each new day brings only pain and waning hope. News stories, such as those of recent date, which tell of torture and even death in the prison camps add to the nightmare which has become the daily life of relatives of the prisoners. Imagine just how much worse it must be for the brave men who remain captive.

The American people will not wait for Paris.

With no progress since Congress last spoke, it is important for us once again to reaffirm our strongest disapproval of North Vietnamese conduct and our determination to take considered steps to bring about the release of our men held under such intolerable conditions.

The expedition to save the lives of Americans thought to be held prisoner was such an action. It was well planned and executed. Its scope was strictly limited to the stated objective of saving the lives of American prisoners.

In my view, and in the view of those who have sponsored this resolution, those responsible for planning and carrying out this valiant rescue mission deserve commendation and the sincere thanks of Americans everywhere. No doubt, when word of the rescue attempt reaches other prisoners, as it inevitably will, their spirits and their faith in their country will be greatly lifted. Similarly, the morale of our men still fighting in Vietnam under trying circumstances will be raised.

It is important that the House speak to this subject, and it is propitious for it to do so now, just before Christmas. An overwhelming vote, approving the resolution, will be the finest Christmas card the House of Representatives could possibly send to Americans held prisoner of war and their loved ones.

Finally, a grim observation. This statement may give evidence of a growing, gnawing doubt and pessimism on the part of many Americans about progress at Paris, a doubt which can serve only to harden public attitudes toward those who have been accused of barbaric conduct and who flaunt international law. The American people and their Government will never allow U.S. prisoners of war to become unwilling pawns in the diplomatic efforts to end the war. The unconscionable attempt by the North Vietnamese and Vietcong to so use our prisoners in such a manner is an exercise in futility which this resolution makes clear.

The policy statement which the House will make today is to urge that the POW question be given first priority at the Paris peace talks. Some Members might not have expressed their sentiments on the POW issue in the strong language of the Armed Services Committee's amendment. Some might feel that settlement of the Vietnam war and an end to the killing should have first priority, and that with peace will naturally come the return of prisoners of war. Some may even feel conscience bound not to vote in favor of the resolution for that reason.

However, one should look first at the record of the Paris peace talks before passing on the significance of the amendment. Those who would argue over the negotiating priorities at Paris must first show how those priorities, or the Paris peace talks themselves, have any relationship whatsoever to the real world and to the real war in Vietnam.

It is time for Americans and the people of the world to realize that the road to peace is unlikely to lie through Paris. President Nixon attempted to disabuse us of this over a year ago when he told the Nation:

> No progress whatever has been made except agreement on the shape of the bargaining table.

Secretary of State William P. Rogers has only a few days ago reluctantly admitted that in the last year no progress has been made. He said:

> So far they haven't shown any interest in negotiating sensibly about working out a peaceful settlement.

Despite the major peace offerings of two administrations, including the comprehensive proposal recently made by President Nixon, the North Vietnamese and the Vietcong have steadfastly refused to bargain.

The intransigence of the other side has made Paris a play actor's state, and to quote Shakespeare, the peace talks are "full of sound and fury, signifying nothing."

Thus, in a sense, it matters very little how the priorities are arranged at Paris. The subjects discussed over the last few years have yielded no progress whatsoever. In another sense, priorities in unpromising negotiations are important. This amendment will help focus world attention on the serious and tragic plight of prisoners of war held captive in Southeast Asia.

So many men have been held prisoner or have been missing in action for so long they tend to become statistics. Today, I am placing in the CONGRESSIONAL RECORD the 1,531 names of those who were listed as missing in Southeast Asia in connection with the conflict in Vietnam as of September 19, 1970. Included are the names of those believed to be prisoners of war.

Publication of the names personalizes the POW agony in the most graphic and effective manner possible. Hopefully, this will help to mobilize world opinion and thereby bring pressure on the leaders of Hanoi and the NLF at long last to comply with provisions of the Geneva Convention on prisoners of war.

The names follow:

U.S. Military Personnel Held Prisoner of War or Missing in Action in Southeast Asia

John Abbott, Joseph S. Abbott, Jr., Robert Archie Abbott, Wilfred Keese Abbott, Lewis Herbert Abrams, Humberto Acosta-Rosario, Thomas Yuji Adachi, John Quincy Adam, John Robert Adams, Samuel Adams, Steven Harold Adams, Charles L. Adkins, Keith Alexander Albert, Bobby Joe Alberton, John Scott Albright, II, Wendell Reed Alcorn, Donald Deane Aldern, Terry Lanier Alford, Gerald Oak Alfred, Jr., Richard Michael Allard, Richard K. Allee.

Henry Lewis Allen, Thomas Ray Allen, Wayne Clouse Allen, David Jay Allinson, Clyde Douglas Alloway, Albert Harold Altizer, Everett Alvarez, Jr., Harold Joseph Alwan, Glendon Lee Ammon, Gareth Laverne Anderson, John Steven Anderson, John Thomas Anderson, Warren Leroy Anderson, Anthony Charles Andrews, Stuart Merrill Andrews, William Richard Andrews, Ralph Harold Angstadt, Francis Gene Anton, Jose Jesus Anzaldua, Jr., Victor Joe Apodaca, Jr., Ivan Dale Appleby.

Richard Duane Applehans, Bruce Raymond Archer, Steven R. Armistead, John William Armstrong, William Tamm Arnold, Gerasimo Arroyo-Baez, Alan Frederick Ashall, Carlos Ashlock, Donald Henry Asire, Edwin Lee Atterbury, Charles David Austin, Ellis Ernest Austin, Joseph Clair Austin, William Renwick Austin, II, Robert Douglas Avery, Richard Lee Ayers, Mark Albert Babson, Jr., Robert Leo Babula, Vladimir Henry Bacik, Kenneth Frank Backus, Arthur Edward Bader, Jr.

Bobby Ray Bagley, James Albert Bailey, James William Bailey, John Edward Bailey, Bill Allen Baird, Arthur Dale Baker, Elmo Clinnard Baker, Michael Dimitri Balamoti, Ralph Carol Balcom, Frederick C. Baldock, Jr., John Robert Baldridge, Jr., Arthur T. Ballard, Jr., Paul W. Bannon, Lawrence Barbay, William Orlan Bare, Charles Ronald Barnes, Robert Warren Barnett, Gregory I. Barras, Thomas Joseph Barrett, Michael Lero Batt, James Reginald Bauder.

Richard Gene Bauer, William Joseph Baugh, James Ellis Bean, Rudy Morales Becerra, Edward Eugene Beck, Jr., Henry James Bedinger, Quentin Rippetoe Beecher, James Alvin Beene, Burriss Nelson Begley, Glenn Arthur Belcher, James Franklin Bell, William George Bennett, Gregory Rea Benton, Jr., Kile Dag Berg, James Robert Berger, Charles Lee Bergevin, Bruce C. Bessor, Thomas John Beyer, Steven N. Bezold, Larry William Biediger, Charles Lawrence Bifolchi.

Earl Roger Biggs, Norman K. Billipp, James Douglas Birchim, Edward James Bishop, Jr., Robert Irvin Biss, Ralph Campion Bisz, Herndon Arrington Bivens, Arthur Veil Black, Cole Black, Gordon Byron Blackwood, Charles Edward Blair, John Charles Blevins, Ronald Glenn Bliss, Douglas Randolph Blodgett, Donald Bruce Bloodworth, Raymond Edward Bobe, Jon Keith Bodahl, Timothy Roy Bodden, John E. Bodenschatz, Jr., Paschal Glenn Boggs, Cristos C. Bogiaces, Jr.

Richard Eugene Bolstad, Jack Williamson Bomar, James Ervin Booth, Lawrence Randolph Booth, Delmar George Booze, Murray Lyman Borden, John Lorin Borling, John Arthur Boronski, Joseph Chester Bors, Robert Curtis Borton, Jr., Galileo Fred Bossio, Leo Sydney Boston, Russell Peter Bott, Michael Bouchard, Richard Lee Bowers, Roy Howard Bowling, Charles Graham Boyd, Alan Lee Boyer, Terry Lee Boyer, Allen Colby Brady, Richard Craig Bram.

James Alvin Branch, Michael Patrick Branch, Joseph William Brand, Harvey Gordon Brance, William James Brashear, Michael Lee, Brazelton, Richard Brazik, Herbert Owen Brennan, Richard Charles Brenneman, Barry Burton Bridger, Jerry Glen Bridges, Ernest Frank Briggs, Jr., Ronald Daniel Briggs, Robert Edwin Brinckmann, John Warren Brodak, Edward James Broms, Jr., John Henry Ralph Brooks, Nicholas George Brooks, William Leslie Brooks, Donald Alan Brown, Earl Carlye Brown.

George R. Brown, Harry Willis Brown, Paul Gordon Brown, Wilbur Ronald Brown, William Theodore Brown, Ralph Thomas

Browning, Charles Richard Brownlee, John Martin Brucher, Edward Alan Brudno, Richard Marvin Brunhaver, Alan Leslie Brunstrom, Hubert Elliott Buchanan, Louis Buckley, Jr., Victor Patrick Buckley, Leonard R. Budd, Jr., Edward Burke Burdett, Arthur William Burer, Richard Gordon Burgess, Charles W. Burkart Jr., Michael John Burke, Donald Dawson Burnham.

Donald Ray Burns, John Douglass Burns, Michael Paul Burns, Michael Thomas Burns, William David Burroughs, Jon Thomas Busch, John Robert Bush, Robert Edward Bush, James Edward Butler, Phillip Neal Butler, William Wallace Butler, Richard Leigh Butt, Neil Stanley Bynum, Hugh McNeil Byrd, Jr., Ronald Edward Byrne, Jr., Johnny C. Calhoun, Porter Earl Calloway, Kenneth Robbins Cameron,, Virgil King Cameron, Burton Wayne Campbell, Clyde William Campbell.

William Edward Campbell, Elwyn Rex Capling, Charles Edward Cappelli, Franklin Angel Caras, David Jay Carey, James Edmund Carlton, Jr., Allan Russell Carpenter, Nicholas Mallor Carpenter, Daniel Lewis Carrier, Larry Edward Carrigan, Patrick Henry Carroll, Dennis Ray Carter, James Louis Carter, Billie Jack Cartwright, Thomas Franklin Case, Donald Francis Casey, Alfonso Roque Castro, Jim Ray Cavender, Carl Dennis Chambers, Jerry Lee Chambers, Harlan Page Chapman.

Paul Claude Charvet, Arvin Roy Chauncey, Gary Anthony Chavez, Robert Preston Chenoweth, Fred Vann Cherry, Larry James Chesley, Chambless M. Chesnutt, Vincent Augusto Chiarello, Luis Gerardo Chirichingo, William Murre Christensen, Michael Durham Christian, Joseph Christiano, Eugene F. Christiansen, Carl Russell Churchill, Michael Daniel Chwan, Walter Alan Cichon, Frank Edward Cius, Jr., Richard Ames Chaflin, Gean Preston Clapper, Jerry Prosper Clark, John Calvin Clark, II

John Walter Clark, Lawrence Clark, Richard Champ Clark, Stanley Scott Clark, Thomas E. Clark, Fred L. Clarke, George William Clarke, Jr., Charles Peter Claxton, Thomas Dean Clem, James Arlen Clements, Curtis Roy Cline, Dean E. Clinton, Claude Douglas Clower, Robert F. Coady, Echol W. Coalston, Jr., Earl Glenn Cobell, Deverton C. Cochrane, Harry Bob Coen, Gerald Leonard Coffee, James Derwin Cohron, George Thomas Coker.

Legrande Ogden Cole, Jr., Jimmy Lee Coleman, Allan Phillip Collamore, Jr., Raphael Lorenzo Collazo, James Quincy Collins, Jr., Richard Frank Collins, Thomas Edward Collins III, William Kevin Colwell, Douglas Craig Condit, John E. Conger, Jr., Bernard Conklin, John Francis Conlon III, James Joseph Connell, Lorenza Conner, Vincent John Connolly, Charles Richard Connor, Lawrence Yerges Conway, Donald Gilbert Cook, Glenn Richard Cook, Kelly Francis Cook, William Richard Cook.

David Leo Cooley, Henry Albert Coons, William Earl Cooper, H. C. Copeland, William Michael Copley, Gilland Wales Corbitt, Kenneth William Cordier, Arthur Cormier, Kenneth Leon Coskey, Robert Gordon Cozart, Jr., Philip Charles Carig, Carroll Owen Crain, Jr., Robert Roger Craner, Andrew Johnson Craven, Rendar Crayton, James E. Creamer, Jr., Joseph Crecca, Jr., James Alan Crew, John Hunter Crews III; Michael Paul Cronin, Herbert Charles Crosby.

Richard Alexander Crosby, Ariel L. Cross, Gregory John Crossman, Gerald Joseph Crosson, Jr., Frederick Austin Crow, Jr., Frederick Hugh Crowson, Carl Boyette Crumpler, Carlos Rafael Cruz, Kenneth Leroy Cunningham, Patrick Robert Curran, Thomas Jerry Curtis, Clifton Emmet Cushman, Bradley Gene Cuthbert, Raymond George Czerwiec, Thomas Carl Daffron, Douglas Edward, Dahill, Glenn Henri Daigle, Douglas Vincent Dailey, Charles Alva Dale, James Alexander Daly, Jr., Verlyne Wayne Daniels.

Benjamin F. Danielson, Edward Joseph Darcy, Oscar Moise Dardeau, Jr., Lenard Edward Daugherty, Robert Norlan Daughtrey, John Owen Davies, Joseph Edwin Davies, Brent Eden Davies, Charlie Brown Davis, Jr., Daniel Richard Davis, Edgar Felton Davis, Edward Anthony Davis, Gene Edmond Davis, Ricardo Gonzalez Davis, Robert Charles Davis, Thomas James Davis, Robert Gayle Davison, George Everette Day, Joe Lynn De Long, Ernest Leo De Soto, John Arthur Deering.

Samuel M. Deichelmann, Charles Edward Deitsch, David Stanley Demmon, James Eugene Dennany, William Roy Dennis, James Richard Dennison, Terry Arden Dennison, Jeremiah Andrew Denton, Jr., Thomas G. Derrickson II, Richard Carl Deuter, Rexford John Dewispelaere, Bennie Lee Dexter, Ronald J. Dexter, James Vincent DiBernardo, Robert Joseph DiTommaso, Stephen Whitman Diamond, William Calvin Diehl, Jr., John Francis Dingwall, John A. Dixon, Herb Doby, Edward Ray Dodge.

Donald Wayne Dodge, Ward Kent Dodge, Morgan Jefferson Donahue, Myron Lee Donald, James Edward Dooley, Robert Bartsch Doremus, Dale Walter Doss, Jefferson S. Dotson, Daniel James Doughty, Thomas Evan Douglas, Jack Paris Dove, Sr., Donald William Downing, Peter Edward Drabic, John Arthur Dramesi, Jerry Donald Driscoll, Dallas Alan Driver, David Henry Duart, Bruce Chalmers Ducat, John Francis Dudash, John Everett Duffy, Thomas Wayne Dugan.

Robert Ray Duncan, William Charles Dunlap, John Galbreath Dunn, John Howard Dunn, Michael Edward Dunn, Charles Gale Dusing, Richard Allen Dutton, Dean Arnold Duvall, Robert Raymond Dyczkowski, Melvin Carnills Dye, Dennis Keith Eads, David John Earll, Leonard Corbett Eastman, Curtis Abbot Eaton, Norman Dale Eaton, Joseph Yagnacio Echanis, Raymond Louis Echevarria, Wayne Alvin Eckley, Arthur Gene Ecklund, Robert John Edgar, William Rothroc Edmondson.

Robert Clifton Edmunds, Jr., Harry Sanford Edwards, Jr., James Thomas Egan, Jr., Norman Edward Eidsmoe, Dennis Lee Eilers, Frank Callihan Elkins, Robert Malcolm Elliot, Andrew John Elliott, Aritce Weldon Elliott, Jerry W. Elliott, Billy Joe Ellis, Jeffrey Thomas Ellis, Leon Francis Ellis, Jr., Randall Shelley Ellis, William Ellis, Jr., John Cooley Ellison, Richard Gene Elzinga, Roger Gene Emrich, Erich Carl Engelhard, Lawrence Jesse Englander, David Wayne Erickson.

John Lee Espensied, Edward Dale Estes, Walter O. Estes II, Michael John Estocin, Harry L. Ettmueller, Cleveland, Evans, Jr., James Joseph Evans, David Everson, Lawrence Gerald Evert, Patrick Martin Fallon, Hughs Michael Fanning, Joseph Peter Fanning, Robert St. Clair Fant, Jr., Fielding W. Featherston, John Anthony Feldhaus, Charles Richard Fellenz, John Heaphy Fellowes, Allen Eugene Fellows, John Fer, Douglas David Ferguson, Walter Ferguson, Jr.

William Fernan, Edward J. Fickler, Clifford Wayne Fieszel, John Sewart Finlay III, Dickie W. Finley, Arthur Thomas Finney, Charles E. Finney, Richard William Fischer, Donald Ellis Fisher, Donald Garth Fisher, Kenneth Fisher, Crosley James Fitton, Jr., Richard Allan Fitts, Joseph Edward Fitzgerald, Paul L. Fitzgerald, Jr., John Norlee Flanigan, Kenneth Raymond Fleenor, Horace Higley Fleming III, Hubert Kelly Flesher, Fredric Russell Flom, Carroll Edward Flora, Jr.

John Peter Flynn, Roscoe Henry Fobair, Brendan Patrick Foley, Willis Ellis Forby, David Edward Ford, Randolph Wright Ford, William Stannard Forman, Gary Henry Fors, Frederick John Fortner, Marvin Lee Foster, Paul Leonard Foster, Ralph Eugene Foulks, Jr., Donald R. Fowler, Henry Pope Fowler, Jr., San Dewayne Francisco, Martin Stanley Frank, Fred Augustus W. Franke, Jr., Charles Edward Franklin, William David Frawley, John William Frederick, Jr., Peter Joseph Frederick.

William V. Frederick, Edmund Henry Frenyea, Laurence Victor Friese, Bruce Carlton Fryar, Wayne Eugene Fullam, Robert Byron Fuller, William Otis Fuller, Frank Eugene Fullerton, Norman Carl Gaddis, Robert Hugh Gage, Ralph Ellis Gaither, Jr., Paul Edward Galanti, Russell Dale Galbraith, John Theodore Gallagher, Ronald Edmond Galvin, Richard Owen Ganley, Berman Gande, Jr., Jimmy Ray Garbett, John Garrett Gardner, Markham Ligon Gartley, Robert Russell Garwood.

James Wayne Gates, Charles Hue Gatewood, Dennis Lee Gauthier, Paul Stuart Gee, Stephen Jonathan Geist, James Edward George, Jr., Gerald Lee Gerndt, Donald Peter Gervais, Paul Everett Getchell, Vincent Frank Giammarino, Willard Selleck Gideon, Robert Michael Gilchrist, Thomas Eldon Gillen, Charles R. Gillespie, Jr., Tommy Emerson Gist, Danny Elloy Glenn, Calvin Charles Glover, Douglas J. Glover, Solomon Hughey Godwin, Kenneth B. Goff, Jr., Lawrence Herbert Golberg.

Edward Frank Gold, Robert Arthur Gomez, Jesus Armando Gonzalez, Wayne Keith Goodermote, Edwin Riley Goodrich, Jr., Charles Bebnard Goodwin, Bernard Joseph Goss, Theodore W. Gostas, Donat Joseph Gouin, Laurent L. Gourley, Robert Allen Govan, James William Grace, John George Graf, Paul Leroy Graffe, Dennis Lee Graham, James Scott Graham, David Fletcher Gray, Jr., Francis George Graziosi, Norman Morgan Green, Charles Edward Greene, Jr., Robert Lee Greer.

Robert Raymond Gregory, David Scott Greiling, Earl W. Grenzebach, Jr., Larry Irwin Grewell, James Lloyd Griffin, Rodney Lynn Griffin, Robert Smith Griffith, Christopher Grosse, Jr., Wade Lawrence Groth, Peter Arthur Grubb, Wilmer Newlin Grubb, Guy Dennis Gruters, Lawrence Nicholas Guarino, Gary John Guggenberger, Louis Fulda Guillermin, Andre Roland Guillet, Edward Joseph Guillory, Alan Wendell Gunn, Laird Guttersen, Theodore Wilson Guy, Harley B. Hackett III.

John R. Hagan, Robert Warren Hagerman, William Warren Hall, Collins Henry Haines, Donald Joe Hall, Frederick Mervyn Hall, George Robert Hall, James Shreve Hall, Keith Norman Hall, Thomas Renwick Hall, Jr., Roger C. Hallberg, Porter Alexand Halyburton, Dennis Clark Hamilton, Eugene David Hamilton, John Smith Hamilton, Roger Dale Hamilton, James Edward Hamm, Dennis Wayne Hammond, Eugene Allen Handrahan, Larry James Hanley, Terence Higgins Hanley.

Kenneth Hanna, Lester Alan Hanson, Robert Taft Hanson, Jr., Stephen Paul Hanson, Thomas Patterson Hanson, Stephen J. Harber, William Morgan Hardman, John Kay Hardy, Jr., William H. Hardy, Olin Hargrove, Jr., David Northrup Harker, Lee Dufford Harley, Gary Alan Harned, Carlyle Smith Harris, Cleveland Scott Harris, Gregory John Harris, Stephen Warren Harris, Donald L. Harrison, Patrick Kendal Harrold, Richard Danner Hartman, Gregg Hartness.

James Cuthbert Hartney, Elroy Edwin Harworth, Paul Alfred Hasenbeck, Arden Keith Hassenger, Steven Morris Hastings, David Burnett Hatcher, Leslie John Hauer, Robert Douglas Hauer, Edgar Lee Hawkins, Richard William Hawthorne, Daniel Henry Hefel, John Heilig, Donald Lester Heiliger, Lucius Lamar Heiskell, Steven W. Heitman, Lawrence Neal Helber, John Wayne Held, Robert Ray Helle, Gerald Robert Helmich, William Roy Henderson, Howard William Henninger.

Nathan Barney Henry, Ronnie Lee Hensley, Thomas Truett Hensley, Robert Dale Herreld, Frederick Daniel Herrera, James Wayne Herrick, Jr., Henry Howard Herrin, Jr., Ned Raymond Herrold, Peter Dean Hesford, Frederick Hess, Jr., Jay Criddle Hess, Roosevelt Hestle, Jr., Samuel Eugene Hewitt, James Martin Hickerson, Prentice Wayne Hicks, Terrin Dinsmore Hicks, Barry Wayne Hilbrich, Billy David Hill, Gordon C. Hill, Howard John Hill, Robert Laverne Hill.

Robert Bruce Hinckley, James Edward Hiteshew, James Otis Hivner, Cecil J. Hogson, Michael George Hoff, Sammie Don Hoff, Arthur Thomas Hoffson, Jerry Franks Hogan, Robert Eugene Holdeman, Lawrence Thomas Holland, Tilden Stewart Holley, David Hugh Holmes, Lester Evan Holmes, James William Holt, Robert Edwin Holton, Ronald Lee Holtzman, Earl Pearson Hopper, Jr., Ramon Anton Horinek, Thomas Teruo Horio, Stanley Henry Horne, John Charles Hosken.

Robert Eugene Hoskinson, Anthony Frank Housh, George Andrews Howes, David Louis Hrdlicka, Edward Lee Hubbard, Eric James Huberth, Lynn Ragle Huddleston, James Lindberg Hughes, Kenneth Raymond Hughey, Charles J. Huneycutt, Jr., James D. Hunt, Robert William Hunt, William Balt Hunt, Russell Palmer Hunter, Jr., Charles Gregory Huston, James Leo Hutton, Leo Gregory Hyatt, Di Reyes Ibanez, Roger Dean Ingvalson, Roger Burns Innes, Robert Newell Ireland.

Wayne Charles Irsch, James Wesley Jackson, Jr., Juan L. Jacquez, John Andrew Jakovac, Larry Carl Jamerson, Charlie Negus James, Jr., Gobel Dale James, Jeremy Michael Jarvis, Julius Skinner Jayroe, James Milton Jefferson, Perry Henry Jefferson, Derrell Blackbur Jeffords, Robert Duncan Jeffrey, Harry Tarleton Jenkins, Jr., George William Jensen, Jay Roger Jensen, Eugene Millard Jewell, Paul Frederick Johns, Vernon Zigman Johns, Bobby Louis Johnson, Bruce Gardner Johnson.

Frankie B. Johnson, Jr., Guy David Johnson, Harold Eugene Johnson, Samuel Robert Johnson, William Darrell Johnson, James E. Jones, Louis Farr Jones, Murphy Neal Jones, Robert Campbell Jones, William Eugene Jones, George Henry Jourcenais, Harold Kahler, Richard Raymond Kane, Paul Anthony Karl, Joseph John Karins, Jr., Carl Frederick Karst, James Helms Kasler, Abel Larry Kavanaugh, Joseph Thomas Kearns, Jr., John Charles Keiper, Richard Paul Keirn.

Jack Elmer Keller, Wendell Richard Keller, Donald Richard Kemmerer, Allan Gordon Kennedy, James Edward Kennedy, Robert D. Kent, Gail Mason Kerns, Everett Oscar Kerr, John Creighton Gille Kerr, Michael Scott Kerr, James Alan Ketterer, Wilson Denver Key, Richard Abbott Kibbey, Ernst Philip Kiefel, Jr., Thomas Michael Kilcullen, Melvin Joseph Killian, William A. Kimsey, Jr., Charles Douglas King, Donald Lewis King, William Louis Kinkade, Marshall Frederick Kipina.

Thomas Henry Kirk, Jr., Donald Martin Klemm, Dean Albert Klenda, William Blue Klenert, James Robert Klimo, Harrison Hoyt Klinck, Robert Earl Kline, Michael Lee Klingner, Kenneth Keith Knabb, Jr., Herman Ludwig Knapp, Thomas Edward Knebel, Henry C. Knight, Larry Dale Knight, Roy Abner Knight, Jr., Rodney Allen Knutson, Tom Y. Kobashigawa, Thomas Carl Kolstad, Aado Kommendant, Terry Treloar Koonce, Theodore Frank Kopfman, Walter Kosko.

Stephen Jay Kott, Galand Dwight Kramer, Edward L. Krausman, Jeffrey Marti Krommenhoek, Harold W. Kroske, Jr., Theodore Eugene Kryszak, Robert J. Kuhlman, Floyd Harold Kushner, John Charles Kwortnik, Gary Russell LaBohn, Michael Louis LaPorte, Richard Joseph Lacey, Melvin Earl Ladewig, John Wayne Lafayette, James Lasley Lamar, Kenneth Ray Lancaster, Charles Lane, Jr., Glen Oliver Lane, Michael Christopher Lane, Mitchell Sim Lane, Billy Ray Laney.

Richard Clive Lannom, Gordon Albert Larson, Carl William Lasiter, Clarence Albert Latimer, Bruce Edward Lawrence, William Porter Lawrence, Ronald Merl Lebert, Charles Richard Lee, Leonard Murray Lee, Wallace Wilson Leeper, Darel Dean Leetun, Douglas Paul Lefever, Edward W. Lehnhoff, Jr., William E. Lemmons, Lauren Robert Lengyel, Michael Robert Lenker, Edward Watson Leonard, Jr., Stephen Ryder Leopold, Leonard J. Lewandowski, Jr., Earl Gardner Lewis, Jr., James Wimberly Lewis.

Merrill Raymond Lewis, Jr., Robert Lewis III, Venon Peyton Ligon, Jr., William Allan Lillund, Warren Robert Lilly, Charles W. Lindewald, Jr., Marvin Nelson Lindsey, Ronnie George Lindstrom, Robert Charles Link, Donald Michael Lint, Hayden James Lockhart, Jr., Hubert Bradford Loheed, John Henry Sothorn Long, Julius Wollen Long, Jr., Stephen Glen Long, Luther Albert Lono, Arthur James Lord, Albin Earl Lucki, Carter Purvis Luna, Donald Alfred Luna, Jose David Luna.

Herbert Lamar Lunsford, Alan Pierce Lurie, Robert Lee Luster, Donavan Loren Lyon, James Michael Lyon, Henry Elmer MacCann, Don Allen MacPhail, Lyle Everett Mackedanz, Charles Macko, Notley Gwynn Maddox, Thomas Mack Madison, William Louis Madison, James A. Magnusson, Jr., Douglas Frank Mahan, Louis Frank Makowski, Richard Joseph Mallon, Jimmy McDonald Malone, John Michio Mamiya, Thomas Angelo Mangino, Charles Weldon Marik, Edward Holmes Martin.

John Murray Martin, Larry Eugene Martin, Richard D. Martin, Russell Dean Martin, Jerry Wendell Marvel, Phillip Louis Mascari, Daniel Francis Maslowski, William Henderson Mason, Martin John Massucci, Michael John Masterson; Ronald Lambert Mastin, Robert Susomu Masuda, Peter Richard Matthes, Oscar Mauterer, Calvin Walter Maxwell, Samuel Chapman Maxwell, Roderick Lewis Mayer, Ronald Michael Mayercik, William John Mayhew, John Sidney McCain III, Marvin R. McCain, Jr.

George Carlton McCleary, Jack McCrary, Glenn Dewayne McCubbin, Michael K. McCuistion, Eugene Barker McDaniel, Morris L. McDaniel, Jr., Norman Alexande McDaniel, Jr., Norman Alexander McDaniel, Emmett Raymond McDonald, Kurt Casey McDonald, John Terence McDonnell, Michael Owen McElhanon, Brian Kent McGar, James Maurice McGarvey, Francis J. McGouldrick. Jr., John Michael McGrath, William Darrell McGrath, John Bryan McKamey, Kenneth Dewey McKenney, James Clifford McKittrick, George Grigsby McKnight, Robert Charles McMahan.

Kevin Joseph McManus, Isiah McMillan, Cordine McMurray, Fred Howell McMurray, Jr., William G. McMurray, Jr., Thomas Mithell McNish, William Thomas McPhail, Everett Alvin McPherson, David Edward McRae, George Palmer McSwain, Jr., James Henry Mclean. Eugene Thomas Meadows, William Harley Means, Jr., Arthur Stewart Mearns, Edward John Mechenbier, Read Blaine Mecleary, Rick Eggburtus Medaris, James Patrick Mehl, Gustav Alois Mehrer, Michael Howard Mein, Charles Howard Meldahl.

Fredric Moore Mellor, George Bruce Menges, Virgil Kersh Meroney III, Raymond James Merritt, James Hardin Metz, William John Metzger, Jr., Alton Benno Meyer, William Michael Meyer, Francis Barnes Midnight, Richard M. Milikin III, Paul Lloyd Milius, Charles Worth Millard, Carl Dean Miller, Edison W. Miller, Edwin Frank Miller, Jr., Richard Arthur Miller, Roger Alan Miller, Joseph Edward Milligan, Michael Millner, James Burton Mills, George Ivison Mims, Jr.

Richard Willis Minnich, Jr., Richard Edward Mishuk, Albert Cook Mitchell, Gilbert Louis Mitchell, Thomas Barry Mitchell, Joseph Scott Mobley, Thomas Nelson Moe, Harold Deloss Monlux, Vincent Duncan Monroe, Paul Joseph Montague, Dennis Anthony Moore, Ernest Melvin Moore, Jr., Herbert William Moore, Jr., James Rodney Moore, Jerry Lawrence Moore, Maurice Henry Moore, Raymond Gregory Moore, Thomas Moore, Frank David Moorman, Manuel Jesus Morieda, James Leslie Moreland.

William David Moreland, Burke Henderson Morgan, Charles Elzy Morgan, Edwin Everton Morgan, Herschel Scott Morgan, James Sheppard Morgan, Thomas Raymond Morgan, Richard G. Morin, Charles Frank Morley, Merwin Lamphrey Morrill, Glenn Raymond Morrison, Jr., Joseph Castleman Morrison, Richard David Morrow, Richard Dean Mullen, William Francis Mullen, James Alfred Mulligan, Jr., Harold Eugene Mullins, Henry Gerald Mundt II, David Louie Munoz, Larron David Murphy, Patrick Peter Murray.

Armand Jesse Myers, Glenn Leo Myers, John Heber Nasmyth, Jr., Robert John Naughton, Dennis Paul Neal, Felix Viado Neco-Quinones, Bobby Gene Neeld, William Lee Nellans, James Raymond Nelson, Richard Crawford Nelson, William Humphrey Nelson, Roger Morton Netherland, Martin James Neuens, Wallace Grant Newcomb, Stanley Arthur Newell, Benjamin Byrd Newsom, Charles Vernon Newton, Donald Stephen Newton, Warren Emery Newton, Hubert C. Nichols, Jr., Daniel Russell Nidds.

Cowan Glenn Nix, Craig Roland Nobert, Robert Graham Nopp, Lee Edward Nordahl, Giles Roderick Norrington, Thomas Elmer Norris, Kenneth Walter North, Michael Robert Norton, James Ernest Nowicki, Bruce August Nystrom, Kevin O'Brien, Michael Francis O'Connor, Michael Davis O'Donnell, John Francis O'Grady, Robert Charles O'Hara, Donald Eugene Odell, Ernest Arthur Olds, Floyd Warren Olsen, Barry A. Olson, Gerald Everett Olson, Quinlan Roberts Orell.

Warren Robert Orr, Jr., Dale Harrison Osborne, Edwin Nelms Osborne, Jr., John Francis Overlock, Robert Duval Owen, Timothy Samuel Owen, Joy Leonard Owens, Eugene Matthew Pabst, Ronald Lyle Packard, David Eugene Padgett, Albert Linwood Page, Jr., Gordon Lee Page, Alexander J. Palenscar III, Gilbert Swain Palmer, Edwin David Palmgren, Robert Joseph Panek, Sr., Charles Carroll Parish, Frank C. Parker III, Woodrow Wilson Parker II, Lionel Parra, Jr., Frank Collins Parrish.

Thomas Vance Parrott, John William Parsels, Edward Milton Parsley, Don Brown Parsons, Jr., Donald Eugene Parsons, Robert Edward Pasekoff, Gary Pate, James Kelly Patterson, Kenneth James Patton, Marshall Irvin Pauley, George Francis Pawlish, Donald Elmer Paxton, John Allen Payne, Norman Payne, John Darlington Peace, III, Robert Harvey Pearson, Wayne Edward Pearson, Joe Palmer Pederson, Robert Delayney Peel, Gene Thomas Pemberton, Gordon Samuel Perisho.

Glendon William Perkins, Richard Robert Perricone, Elton Lawrence Perrine, Thomas Hepburn Perry, Gaylord Dean Petersen, Delbert Ray Peterson, Douglas Brian Peterson, James F. Pfister, Jr., Charles C. Pfordt, Jr., Daniel Raymond Phillips, Robert Paul Phillips, James Larry Phipps, William C. Pierson, III, Robert Edward Pietsch, Alan Dale Pittman, Peter X. Pike, Thomas Holt Pilkington, James Glenn Pirie, Victor John Pirker, John Joseph Pitchford, Jr., Peter Potter Pitman.

Albert Pitt, Robert Linwood, Platt, Jr., James Edwin Plowman, Joseph Charles Plumb, Jr., Dean Andrew Pogreba, Melvin Pollack, Ben Marksbury Pollard, George John Pollin, Harmon Polster, Jerry Lynn Pool, Russell Arden Poor, William Joseph Potter, Jr., William Tod Potter, Lynn Kesler Powell, William Elmo Powell, Lowell Stephen Powers, Trent Richard Powers, Milton Emmett Prescott, Jr., James Arthur Preston, Charles Francis Prevedel, Bunyan Durant Price, Jr.

Dallas Reese Pridemore, Joe Harold Pringle, Leo Twyman Profilet, Joseph D. Puggi, Dennis Gerard Pugh, Benjamin Harrison Purcell, Robert Baldwin Purcell, Frederick Raym Purrington, Charles Lancaster Putnam, Darrel Edwin Pyle, Thomas Shaw Pyle II, Harley Boyd Pyles, George Quamo, Michael Edward Quinn, Inzar William Rackley, Jr., Dayton William Ragland, Frank Delzell Ralston III, Rainer Sylvester Ramos, Charles James Ramsay, Donald J. Rander, Frederick Joel Ransbottom.

Melvin Douglas Rash, Dennis M. Rattin, Richard Raymond Ratzlaff, Robert Ernest Rausch, James A. Ravencraft, Harry M. Ravena III, James Edwin Ray, James Michael Ray, Ronald Earl Ray, King David Rayford, Jr., Paul Darwin Raymond, Charles H. W. Reed, Jr., James Wilson Reed, Richard Raymond Rehe, David George Rehmann, Harold Erich Reid, Edward Daniel Reilly, Jr., Lavern George Reilly, Thomas Edward Reitmann, Walter A. Renelt, Robert Alan Rex.

Ronald Reuel Rexroad, Jon Anzuena Reynolds, Charles Donald Rice, Richard Rich, Dale Wayne Richardson, Floyd Whitley Richardson, David John Richtsteig, David J. Rickel, William Ernest Ricker, Thomas F. Riggs, Herbert Jenjamin Ringsdorf, Robinson Risner, Wendell Burke Rivers, Marion Lee Roach, Richard Dean Roberts, John Hartley Robertson, John Leighton Robertson, Floyd Henry Robinson, Kenneth Dale Robinson, William Andrew Robinson, Charles Donald Roby.

Alton C. Rocket, Jr., Albert Edward Rodriguez, Ferdinand A. Rodriguez, Jerry Lee Roe, David John Rollins, Victor Romero, Joseph Rose, III, Luther Lee Rose, Robert Page Rosenbach, J. Lynn Ross, Jr., Joseph Shaw Ross, Charles Stoddard Rowley, James Milan Rozo, James Thomas Ruffin, Mark John Ruhling, Albert Edward Runyan, Bernard Francis Rupinski, Donald Myrick Russell, Kay Russell, Peter John Russell, Howard Elmer Rutledge.

John Leslie Ryder, Robert T. Saavedra, Mitchell O. Sadler, Jr., Harold Reeves Sale, Jr., Raymond Paul Salzarulo, Jr., William Dale Sanderlin, Robert James Sandvick, James Terry Savage, Robert Ralston Sawhill, Jr., Charles Joseph Scharf, Richard John Schell, Robert F. Scherdin, Thomas Edwin Schuerich, James Francis Schiele, Wesley Duane Schierman, Norman Schmidt, Walter R. Schmidt, Jr., Peter Vanruyter Schoeffel, Klaus Dieter Scholz, Fred Thomas Schreckengost, Raymond Cecil Schrump.

Robert Harry Schuler, Jr., Paul Henry Schultz, Sheldon D. Schultz, Robert James Schweitzer, Dain Vanderlin Scott, Martin Ronald Scott, Mike J. Scott, Gary Bernard Scull, Vincent Anthony Scungio, Lee D. Scurlock, Jr., Michael Anthony Seagroves, Bruce Gibson Seeber, James Eldon Sehorn, Robert Russell Sennett, Francis Lesli Setterquist, John Calvin Sexton, Jr., Leo Earl Seymour, Philip Raymond Shafer, Joseph Francis Shanahan, William Leonard Shankel, Michael Henry Shanley, Jr.

Earl Eric Shark, Lewis Wiley Shattuck, Charles Ervin Shelton, Peter Woodbury Sherman, Armon D. Shingledecker, James Richard Shively, John Reginald Shoneck, Jerry Michael Shriver, Donald Monroe Shue, Robert Harper Shumaker, Edwin Arthur Shuman III, Gary Richard Sigler, Lance Peter Sijan, Claude Arnold Silva, Edward Dean Silver, Thomas William Sima, Kenneth Adrian Simonet, Joseph Louis Simpson, Donald Maurice Singer, Daniel Everett Singleton, Jerry Allen Singleton.

Winfield Wade Sisson, Ronald Nicholis Sittner, Orval Harry Skarman, William E. Skivington, Jr., Burt Chauncy Small, Jr., Bradley Edsel Smith, David Roscoe Smith, Dewey Lee Smith, Gene Albert Smith, George Craig Smith, Hallie William Smith, Harding Eugene Smith, Sr., Harold Victor Smith, Harry Winfield Smith, Herbert Eugene Smith, Homer Leroy Smith, Howard Horton Smith, Lewis Philip Smith, II, Richard Dean Smith, Richard Eugene Smith, Jr., Robert V. Smith.

Victor A. Smith, Warren Parker Smith, Jr., Wayne Ogden Smith, William Arthur Smith, Jr., William Mark Smith, David William Sooter, Charles Everett Southwick, Donald Lee Sparks, John George Sparks, Larry Howard Spencer, Dyke Augustus Spilman, Domenick Anthony Spinelli, Donald Ray Spoon, Doyle Robert Sprick, Theodore Springston, Jr., Boyd Edwin Squire, Dean Paul St. Pierre, Charles David Stackhouse, Raymond Clark Stacks, Bruce Wayne Staehli, Hugh Allen Stafford.

Ernest Albert Stamm, Charles Irvin Stanley, Robert William Stanley, Ronald Stanton, William Robert Stark, Willie Ernest Stark, John Edward Stavast, Martin William Steen, Thomas Stegman, Mark Lane Stephensen, Thomas James Sterling, Larry James Stevens, Jack Thomas Stewart, Peter Joseph Stewart, Robert Allan Stewart, Phillip Joseph Stickney, Theodore Gerhard Stier, Joseph Millard Stine, Robert Lewis Stirm, Walter Morris Stischer, James Bond Stockdale.

Hervey Studdie Stockman, Kenneth A. Stonebraker, Thomas Gordon Storey, Ronald Edward Storz, Aubrey Eugene Stower, Jr., Floyd Wayne Strange, Richard Allen Stratton, William Harry Stroven, Robert Austi Stubberfield, William W. W. Stubbs, Leroy William Stutz, Randolph Bothwell Suber, Dwight Everett Sullivan, John Bernard Sullivan III. Timothy Bernard Sullivan, Thomas Wrenne Sumpter, Jr., James Lawrence Suydam, John Willard Swanson, Jr., Roger W. Swanson, Orson George Swindle III, Smith Swords III.

Derri Sykes, Robert Ernest Tabb, Bernard Leo Talley, Jr., Richard George Tangeman, Charles Nels Tanner, Marshall Landis Tapp, Lawrence Byron Tatum, James Erlan Teague, Dennis Andrew Tellier, Russell Edward Temperley, Erwin Bernard Templin, Jr., Refugio Thomas Teran, Irby David Terrell, Oral Ray Terry, Ross Randle Terry, James Calven Thomas, Kenneth Deane Thomas, Jr., Dennis L. Thompson, Donald Earl Thompson, Floyd James Thompson, George Winton Thompson.

William James Thompson, Gary Lynn Thornton, Larry C Thornton, Leo Keith Thorsness, Rainford Tiffin, Henry Albert Tipping, Jack H. Tomes, Samuel Kamu Toomey III, Loren Harvey Torkelson, John Cline Towle, Donald Joseph Trampski, Konrad Wigand Trautman, James Allen Treece, J. Forrest George Trembley, Alan Robert Trent, Robert Douglas Trier, William Leslie Tromp, Joseph Felix Trujillo, Robert Steven Trujillo, William Michael Tschudy, Glenn Ernest Tubbs.

Robert Leon Tucci, Edwin Byron Tucker, James Hale Tucker, Lonnie Joseph Tullier, James Henry Turner, Charles Robert Tyler, George Edward Tyler, Ralph Edward Uhlmansiek, Paul Gerard Underwood, Russell Keith Utley, Terry Jun Uyeyama, James Lee Van Bendegom, Gerald Gordon Van Buren, Richard Haven Van Dyke, Jack Linwood Van Loan, Larry Jack Van Renselaar, Eykel Martin D. Vanden, II, Michael Banard Varnado, Gerald Santo Venanzi, Milton James Vesceluis, Jr., Bobby Gene Vinson.

Francis Edward Visconti, Raymond Walter Vissotzky, Richard Dale Vogel, Raymond Arthur Vohden, Dewey Wayne Waddell, Robert Frost Waggoner, Gunther Herbert Wald, Herbert C. Walker, Jr., Michael Stephen Walker, Samuel Franklin Walker, Jr., Hobart M. Wallace, Jr., Michael John Wallace, Therman Morris Waller, Charles Milton Walling, Richard Ambrose Walsh, III, Jack Walters, Jr., Donald Glenn Waltman, Neal Clinton Ward, John Alan Ware, James Howie Warner, Arthur Leonard Warren.

Ervin Warren, Gray Dawson Warren, Samuel Edwin Waters, Jr., Jimmy Lee Watson, Ronald John Webb, Franklin Lee Weisner, Courtney Edw. Weissmuller, Robert John Welch, Norman Louross Wells, Larry Don Welsh, John Thomas Welshan, Gordon James Wenaas, John Henry Wendell, Jr., Michael Ray Werdehoff, Robert Larry Weskamp. John Thomas West, Donald Elliot Westbrook, David Robert Wheat, Eugene Lacey Wheeler, Charles Edward White, James Blair White.

Robert Thomas White, Lawrence W. Whitford, Jr., Warren Taylor Whitmire, Jr., James Wesley Widdis, Jr., Robert Earl Wideman, Danny Lee Widner, Wallace Luttrell Wiggins, Walter Eugene Wilber, Woodrow Hoover Wilburn, Robert Frederick Wilke, George Henry Wilkins, Robert Vincent Willett, Jr., David Richard Williams, Eddie Lee Williams, Howard Keith Williams, James Ellis Williams, James Randall Williams, Lewis Irving Williams, Jr., Roy Charles Williams, Don Ira Williamson, James D. Williamson.

Edward Arle Willing, Glenn Hubert Wilson, Gordon Scott Wilson, Wayne Vaster Wilson, David William Winn, Charles C. Winston III, David Marshall Winters, Robert Carl Wistrand, William Michael Wogan, Wayne Benjamin Wolfkeil, Donald Joseph Woloszyk, Don Charles Wood, Patrick Hardy Wood, Brian Dunstan Woods, Robert Deane Woods, John Bowers Worcester, Paul Laurence Worrell, Murray Lamar Wortham, Frederick Joseph Wozniak, Arthur Wright, Donald Lee Wright.

Gary Gene Wright, James Joseph Wright, Jerdy Albert Wright, Jr., Thomas Thawson Wright, Lawrence Daniel Writer, Walter Francis Worbieski, Blair Charlton Wrye, Patrick Edward Wynne, William P. Yarborough, Jr., Charles Luther Young, James Faulds Young, John Arthur Young, Robert Milton Young, Joseph S. Zawtocki, Jr., Roy Esper Ziegler II, David Hartzler Zook, Jr., Harold Jacob Zook, Charles Peter Zuhoski, Robert John Zukowski.

Mr. **WOLFF**. Mr. Speaker, will the gentleman yield?

Mr. **LEGGETT**. I yield to the gentleman from New York.

Mr. **WOLFF**. I would like to ask the gentleman who spoke just a moment ago, is not that the same resolution that he offered in the Foreign Affairs Committee and which was turned down by the Foreign Affairs Committee, that he is referring to now? Did you not offer a resolution in the Foreign Affairs Committee that was turned down to this effect?

Mr. **FINDLEY**. I might say to the gentleman I drafted the resolution and introduced it. And it was my expectation frankly at that moment that it would be referred to the Foreign Affairs Committee but it was not so referred.

Mr. **WOLFF**. Did you not offer an amendment to the supplemental appropriation?

Mr. **FINDLEY**. No. The amendment I offered in committee dealt with another subject I will say to the gentleman.

Mr. **WOLFF**. Did the letter that you refer to have within it the question of ceasing negotiations?

Mr. **FINDLEY**. No, it did not.

Mr. **WOLFF**. It did not?

Mr. **FINDLEY**. It did not relate to the amendment added in the Armed Service Committee.

Mr. **ROSENTHAL**. Mr. Speaker, will the gentleman yield?

Mr. **LEGGETT**. I yield to the gentleman.

Mr. **ROSENTHAL**. Then that letter is irrelevant to the discussion that we are having here today?

Mr. **FINDLEY**. I will say to the gentleman that the gentleman from California (Mr. LEGGETT) did make comment about the language in the resolution as I introduced it so to that extent the colloquy certaintly is relevant.

Mr. **ROSENTHAL**. Is it the gentleman's position in any way, shape or form that the State Department is for the resolution we are going to have to vote on in a few minutes, is it?

Mr. **FINDLEY**. I have no way of judging the attitude of the State Department on the committee amendment to the resolution.

Mr. ROSENTHAL. Then we wasted about 10 minutes of the House's time?

Mr. FINDLEY. I hope not.

Mr. LEGGETT. We have no recommendation from the State Department on the resolution in its present form and certainly that should be one of the factors that we should take into consideration when we vote on the resolution.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Speaker, I would first like to commend the gentleman in the well, our colleague, the gentleman from California (Mr. LEGGETT), for demanding a second which then made it procedurally possible for full and meaningful debate on this vital question.

And, secondly, I would like to most emphatically note and commend the actions and the courage of the gentleman from New York (Mr. RYAN) whose persistence this afternoon avoided what could have been a very foolish collective act by this House. He stood firm until we eliminated the language in the resolution that must have troubled most of us—the language that very clearly and explictly stated that no other negotiations should proceed to end this dreadful war until the prisoner of war issue was substantially resolved.

For that, Mr. Speaker, I think that every Member of this House as well as the people of the country owe a great debt of gratitude to the gentleman from New York (Mr. RYAN).

Mr. LEGGETT. Mr. Speaker, I must decline to yield further since my time is rapidly running out.

Mr. STRATTON. Mr. Speaker, will the gentleman yield to clarify a point?

Mr. LEGGETT. I yield to the author of the resolution for a question.

Mr. STRATTON. Mr. Speaker, will the gentleman indicate whether he is opposed to the resolution as first introduced or as amended by the committee?

Mr. LEGGETT. I think that is a proper question. My objection to the resolution goes not so much to the amendment of the chairman, that a great number of Members of the House probably found difficulty with, but to the fact that by commending this type of action it would seem to be encouraging a repetition of an unsuccessful effort. In turn, this would tend to leave the way open to a possible massive reescalation of the war in Southeast Asia.

Mr. STRATTON. Mr. Speaker, will the gentleman yield for just one other question?

Mr. LEGGETT. I am sorry, I cannot yield further. May I inquire of the Chair how much I have remaining?

The SPEAKER. The gentleman has 9 minutes remaining.

Mr. LEGGETT. I would say this, that certainly this was a very commendable action to get into the Son Tay prison in the way we did and to get out with as few casualties as we had. We had a helicopter that went down. We recovered the people. There were no deaths attributed to this action. But I think we must keep in mind that perhaps the activities of the 22d and 23d of November were not the only risks that were incident to the effort to recover the prisoners. I refer to an article that appeared in the Washington Star on December 2 in which it is pointed out that immediately following the raid on the prison we had the biggest attack in months on three Vietnam cities.

I go at length on page 7 of my dissenting remarks into an explanation of exactly the ramifications of that raid.

I point out on page 8 of our report the effect, as reported in The New York Times, of increased barrages that occurred all over South Vietnam, and in many areas the casualties were heavy.

We had the loss of two C-123 aircraft that went down close to the following weekend, in which we lost 38 Americans and 78 South Vietnamese. So I say we cannot tell whether or not the Son Tay raid should be commended. It might be a contributing factor to further escalation.

I think we would be making a mistake to rubberstamp what has taken place. We have had only one witness to come before our committee. That was a representative of the Pentagon. We were given no right of cross-examination, of this one witness.

I am satisfied that certainly this kind of activity could very well affect the overall outcome of war in Southeast Asia.

You might ask why am I so much concerned about commending the men who participated in this raid? Well, ask General Manor, who was not examined by our committee, but whose comments are reported in the press. He was director of the operation, and he was asked by a reporter as to whether he would recommend more raids. He answered:

> Speaking from a personal point of view, yes, I definitely would recommend more.

When asked about landing a division or an army-size unit to rescue POW's, the General said:

> I would hope it would be feasible.

So you can see there are lots of people floating around the Pentagon who think this kind of activity is really great, and there are many people who are not prepared to wind the war down.

I say again that I am prepared to give full support to honoring the heroism and courage of the men that actually participated in this raid. But as far as encouraging them to do it again, I think we are damn fools to do it.

Have we improved the plight of the prisoners of war? Well, Hanoi has put out their statement, which I have covered in my dissenting remarks, and they say that the United States is going to pay the price. How is it going to pay the price? Well, we know what the Germans did to the prisoners when we had an abortive escape during World War II.

Are the men given hope because we attempted to effect this rescue? Does the raid mean something to the men who are prisoners of war?

I think all of our information is that those men are kept incommunicado. They have no possible means of knowing whether or not a raid has been effected, and whether or not it has been successful or unsuccessful. If anything is said about it, you can bet your tintype the comments are going to be negative.

I would also point out that we have had in this particular connection a very severe credibility problem with the Pentagon. I did not ask Secretary Laird what happened over this weekend, but unsolicited to my office came a report from Dick Capen, the Assistant Secretary for Legislative Affairs, and in the report he said:

> You can disseminate this to your constituents. We received this report on November 23rd:
>
> "Gentlemen, security considerations now permit me to report to you details of the limited-duration, protective reaction air strikes conducted against military targets in North Vietnam—south of the 19th Parallel. . . .
>
> "I am particularly pleased to report that we suffered no—I repeat no—losses of any of these aircraft or their crews."

A few days later they came out and said, yes, a plane was knocked down, but we recovered the crew. They denied that the effort had anything to do with prisoner of war camps, and they would hold Hanoi precisely responsible for the welfare of all the prisoners. We now find these statements of denial to be untrue. So unfortunately we are in the situation where we cannot rely precisely on what is told us by the Pentagon, which is a very regrettable situation.

This action has not received the unanimous support from the press and commentators all over the United States. I have included in my approximately 20-page dissenting analyses from the New York Times, the Washington Post, the Washington Star, Time magazine, and Newsweek magazine.

For the United States to put itself or this Congress to put itself in a hermetically sealed chamber and ignore all these questions and all this dissent all over the country with respect to the wisdom of this action is not promotive of wise and considered American foreign policy and is hardly helpful to the prisoners.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I should like to commend the gentleman in the well, the gentleman from California (Mr. LEGGETT) not only for his statement before the House today, but also for his very effective dissenting views which appear in the committee report on House Resolution 1282—Report No. 91-1671.

The gentleman has rendered an important service to the House by emphasizing the serious implications of this resolution.

As the resolution now reads, the language which would have prevented negotiations at the Paris peace talks from proceeding has been eliminated, and I am happy that the House is not to be put in the position, when it votes, of having to vote on the former language as reported out by the Committee on Armed Services.

This resolution proposes to commend the courage of the men involved in the Son Tay rescue mission, including the "official command," and, as it came before the House today, it further expressed the sense of the House "that no other negotiations should proceed until there is substantive progress on the prisoner-of-war issue."

In brief, House Resolution 1282, as it was reported out of the Armed Services Committee, would have stifled the Paris peace negotiations, preventing consideration of any other issue but the prisoners of war. That this was the intention of the majority of the members of that committee is demonstrated by the language of the committee report, which at page 2 describes the resolution as providing that:

> No other negotiations should proceed until there is substantive progress on at least some phase of the prisoner of war problem.

And, at page 3, the committee report states that:

> The negotiations should not proceed on any other point at Paris until there is at least the beginning of solving the problems of the POW's.

I came to the floor of the House today determined to make every effort and to use every legitimate parliamentary maneuver to keep the House from passing a sense-of-the-Congress resolution which would restrict or stifle the negotiations at Paris. Little enough has been happening there: the administration still refuses to place all the issues on the table. Now is no time to even further derogate the possibilities of substantive negotiations in Paris.

This last point is particularly noteworthy because just today the newspaper report that Secretary of State Rogers indicated that the administration looks favorably upon an extended cease-fire from Christmas through Tet. If the resolution, as it came to the floor, were passed by the House, it could only serve to make more difficult intensive negotiations during a cease-fire period. In fact, its passage might even forestall a cease-fire, since it would appear to reject any move save consideration of the prisoner of war issue.

Thus, because the language of House Resolution 128, providing that "no other negotiations should proceed until there is substantive progress on the prisoner-of-war issue" very seriously and adversely affected our diplomatic flexibility, that language was unacceptable to me and other Members. Therefore, we used the parliamentary tools of the House—such as time-consuming quorum calls—to delay the business of the House until the serious implications of House Resolution 1282 were known and there was an opportunity to rectify the most blatantly injurious language of the resolution.

I am gratified that these efforts have been successful. The chairman of the Armed Services Committee has now changed the most offensive language so that the resolution now reads:

> No permanent agreement should be entered into until there is substantive progress on the prisoner-of-war issue.

Instead of—

> No other negotiations should proceed until there is substantive progress on the prisoner-of-war issue.

The consequences of this change are particularly important. It is clear that the purpose of the resolution was to prevent discussion of any issue but prisoners of war. However, the elimination of the language nullifies that limitation upon the scope of negotiations.

The resolution, had it passed in its original form, could have been used even as justification for the suspension of the Paris peace talks, the rationale being that no progress was being made on the prisoner-of-war issue. That option is now foreclosed, by virtue of the change in language. And also the administration could have used the resolution, had it passed in its original form, as support for rejecting a cease-fire, the reasoning being that no cease-fire could be considered in light of the House's adamant insistence on "substantive progress" being made on the prisoner-of-war issue.

I want to make clear that my concern regarding the misguided language of House Resolution 1282 in no way mitigates or lessens my concern for the prisoners of war being held by the North Vietnamese—a concern which prompted me to vote last December 15 for House Concurrent Resolution 454, which provided:

> *Resolved by the House of Representatives (the Senate concurring)*, That the Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

The continuing imprisonment of the prisoners of war cannot be condoned. Maltreatment of prisoners of war must be, and is, condemned—by us and by all Americans. The whole world, in fact, is calling for humane treatment of prisoners of war, as demonstrated by the passage of a resolution in the United Nations last week regarding humane treatment and compliance with the Geneva Convention of 1949. But House Resolution 1282, in its original form, did not really serve the ends of the prisoners of war, and their loved ones. In fact, even in its modified form, it does not do so.

What this resolution proposes to do is to praise the courage of the men who flew into North Vietnam to rescue the prisoners allegedly at Son Tay prison camp, and all those involved in that abortive endeavor. However, to praise courage is not to praise wisdom. And, so far as wisdom and good judgment are concerned, the rescue attempt certainly is subject to question. Suppose the prisoners actually had been at Son Tay? In such case, there would have been many more North Vietnamese guards. Can we really expect that they would have stood aside? Or is it not more likely that they might have undertaken to slaughter the prisoners in the camp, rather than allow their escape?

And what of the prisoners in other camps? Their lot can hardly now be improved. In all likelihood, their confinement has become more stringent subsequent to the Son Tay incident. Periodic movement of these weakened men will probably now be undertaken.

So, without question, I praise the courage of those brave men who risked their lives to save their fellow men. But, I cannot, by some intellectual sleight of hand, thereby vouchsafe the wisdom of the mission without doubt. Thus, I cannot blithely commend "the official command," as the resolution provides.

Moreover, the renewed bombing which accompanied that mission suggests, once again, that the administration remains determined to continue employing military force in a vain effort to resolve this political conflict. So long as military might is deemed the answer by the administration, there will be no peace. Withdrawals have occurred—and these are all to the good—but the emphasis is now on the use of massive air power in Southeast Asia. And continued reliance on military might, regardless of its form, will not bring peace.

Yet, the resolution before us ignores these issues. By doing so, it does a disservice to those very men who bravely demonstrated the enormous value they place on human life in seeking to rescue their comrades. Real service will be done them—and their comrades—by entering into intensive negotiations in Paris. A political settlement must be attained, and, without question, a basic component of that settlement must be the safe return of the prisoners of war. The way to hasten the safe return of these brave men is to bring the tragic war in Vietnam to a prompt end.

Mr. LEGGETT. Mr. Speaker, I thank the gentleman from New York.

Mr. Speaker, I reserve the balance of my time. I am going to need 2 minutes to close.

Mr. RIVERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution was sponsored by 75 Members of the House who were stirred, as we all were, by the courage and bravery of the men who went into Son Tay in North Vietnam, only 20 miles from Hanoi, to attempt to rescue American prisoners of war. All the men who took part in this raid were volunteers.

The resolution, as introduced, expresses the commendation of the House to the official command and the officers and men who took part in this daring operation on November 21. As you all know by now, the forces successfully landed in the Son Tay compound but found that the prisoners had been removed some time before. The forces successfully returned to their home base without losing a man and with just two of them suffering minor injuries.

The resolution points out that the North Vietnamese have consistently failed to meet elemental standards of human decency in treating our prisoners of war and have consistently violated the Geneva Convention—by refusing to identify prisoners held—by refusing to allow inspection of prisons by the International Red Cross or some other independent body—by refusing to allow regular exchange of mail for all prisoners and—by refusing to release sick and injured prisoners.

The Son Tay operation came only after numerous attempts to force the North Vietnamese into better treatment of prisoners had failed.

In approving the resolution, our committee agreed with its sponsors that one of the important achievements of this operation was to let the POW's know and to let their families know that these men have not been forgotten and that we are willing to go to considerable lengths to secure their release.

But our committee has strengthened the resolution by an amendment which makes it a vehicle to express very clearly the concern of the House for the welfare of POW's. The amendment to the resolution does this by expressing the sense of the House that the prisoners of war issue should be given top priority at the peace talks in Paris and no permanent agreement should be entered into until there is progress on the problems of the prisoners of war.

The committee believes that the House should have an opportunity to express itself in this manner so as to unmistakably make clear to Hanoi and to the rest of the world the great importance that the Legislature of the United States places on the welfare of our men.

I do not have to tell Members of this House that the Paris negotiations have been fruitless to date. Just recently our chief negotiator, the Honorable David K. E. Bruce, said flatly that "there have never been any true negotiations."

Those negotiations last week passed their 93d plenary session.

Some complained the resolution could be pictured as preventing other potentially useful negotiations. We have clarified the language of the bill.

The committee does not believe that negotiations that have gotten absolutely nowhere in 2 years are going to be prevented from getting anywhere by the House suggesting an order of priorities which puts the major emphasis on the sanctity of human life.

It is the belief of our committee that if there could be agreement on just one beginning step in just one phase of the prisoner of war issue—as, for example, the repatriation just of seriously ill prisoners—it would be a real breakthrough in the possibility of negotiations. It could provide that elemental exchange of trust which is now lacking and without which no negotiations can be relied upon. Substantive progress on the prisoner of war issue would be a believable signal—the first believable signal—that the North Vietnamese are ready for serious negotiations.

When the North Vietnamese cannot treat seriously ill human beings with a minimum standard of human decency, how could the rest of the nations of the world have any confidence in their word? Knowing of their savage treatment of prisoners, how can we believe anything they say?

What could possibly be gained by the North Vietnamese by refusing to tell distraught wives whether or not their husbands are alive? There are women whose husbands have been missing for more than 3 years who do not know if they are wives or widows. In all of the American history prior to the Vietnam war no American has been held in captivity for more than 4 years. In North Vietnam today there are Americans who have been prisoners for as long as 6 years.

How can we, as a body, not stand up and say that the first order of priority is to put an end to this intolerable degradation?

I do not think we can do less than to pass this resolution so as to express the House's feeling for the POW's in the strongest terms.

Finally, I would remind Members that the resolution in its clauses concerning the peace negotiations expresses the sense of the House. We cannot bind the President. The Constitution gives the President authority to run foreign affairs. But this resolution tells the world with unmistakable clarity that the House of Representatives places the highest importance on the welfare of our prisoners of war.

This resolution was approved by our committee by a vote of 27 to 2. I urge the House's support.

Now, Mr. Speaker, there is a clarifying amendment which really makes the committee amendment better. The clarifying amendment perfects the language on page 2, lines 21 and 22, of the bill to read:

> That no permanent agreement should be entered into until there is substantive progress on the prisoner of war issue.

The Speaker wanted it and I wanted it and I assume you want it. It is a good amendment. It is a good bill and it is amended well. It expresses the sense of our committee, your committee, and I hope the sense of this House.

Now, Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I appreciate the chairman of the committee, the gentlemen from South Carolina, yielding this time to me.

This resolution was a joint product of the gentlemen from Illinois (Mr. FINDLEY) and myself, introduced primarily, I think, to make it clear that the criticisms of this effort to rescue our prisoners of war that had been expressed extensively in the other body did not necessarily reflect the views of the Congress as a whole.

When this resolution is passed by a two-thirds vote this afternoon, as I hope and anticipate it will be, I think it will be a clear expression of our sentiment on this very important issue.

I think it ought to be made clear, also, that the gentleman from California (Mr. LEGGETT) who is opposing this resolution made it clear in his response to me that he is opposed to the original resolution. There were some Members earlier this afternoon who had some reservations about the meaning of lines 21 and 22 on page 2 of the resolution as it was reported by the committee. The clarifying amendment that the gentlemen from South Carolina has referred to has now made it clear that the committee was never opposed to negotiations. Our only desire is that there be some progress on the prisoner issue before we enter into any permanent agreement. But the gentleman from California (Mr. LEGGETT) is opposed to even commending those who participated in this raid.

It ought further to be made clear, Mr. Speaker that the hearings and report show——

Mr. LEGGETT. Will the gentleman yield?

Mr. STRATTON. I regret that I do not have the time to yield.

The hearings and the report make it clear that the representative of the administration who appeared on this bill was very properly a representative of the Defense Department, because this resolution was referred to the Committee on Armed Services. He is in fact a former colleague of ours, Hon. Armistead Selden of Alabama, the acting Assistant Secretary of Defense for International Security Affairs. And he strongly supported the resolution as originally introduced on behalf of the Nixon administration.

Now, Mr. Speaker, let me make two other points. I had the opportunity the other day, as a member of the U.S. Naval Academy Board of Visitors, to attend a meeting at Annapolis. The chairman of that Board is H. Ross Perot, the industrialist from Texas, who has done so much in the past year to call public attention to the issue of the prisoners of war and to obtain their release. In a public address last Friday in Mahan Hall in Annapolis, to a group made up of Navy wives from the naval community and their guests, Mr. Perot made two very significant comments.

First of all, Mr. Perot said his information from his contacts in North Vietnam is that this Sontay raid has created complete consternation in North Vietnam, just as complete consternation there as though some North Vietnamese had landed safely 25 miles outside of Washington and then had successfully extracted themselves. Mr. Perot's information is that General Giap, the top commander of the North Vietnamese military forces, is on the carpet in Hanoi today because of his inability to prevent this kind of raid from happening. That is the kind of consternation and confusion we ought to be encouraging.

Another thing Mr. Perot said is that in his various contacts with the North Vietnamese during the past year, in his efforts to get further information about the prisoners and to obtain more humane treatment of these prisoners, he has come to believe that the North Vietnamese pay a great deal more attention to what Members of the House of Representatives think than what the Members of the other body think, simply because they know we have to be elected every 2 years, and are therefore much closer to the sentiments and views of the people of the United States than are the Members of the U.S. Senate.

Therefore, Mr. Speaker, I want to assure my colleagues that if the resolution is passed overwhelmingly—and we are of course glad that the North Vietnamese recognize the fundamental difference between these two great Houses of the Congress—this will be a clear indication of the sentiments of the people of the United States.

Mr. Speaker, just one final comment: Mr. Perot also expressed his conviction that presenting these demands directly to the North Vietnamese representatives in person has a very beneficial effect. So if this resolution is adopted today, as I am sure it will be, I would recommend that the House send a delegation directly to Paris to present this resolution directly and in person to the North Vietnamese delegation at those peace talks.

Mr. RIVERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois, the ranking minority member of the committee (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, all of us were stirred by the heroism of the officers and men who voluntarily undertook to rescue some of our prisoners of war from the North Vietnamese. And the great majority of us, I am sure, recognize the courage it took for the President and the Secretary of Defense to authorize this rescue attempt.

The resolution before the House today appropriately expresses the House's commendation for the official command and the officers and men who took part in the Son Tay operation. And it also, in a very strong way, expresses the House's deep concern for the welfare of the American prisoners of war by expressing our belief that the prisoner-of-war issue should be given the top priority at the peace talks in Paris and should be pursued ahead of all other items on the agenda.

I think one thing should be kept very clear. By no stretch of the imagination would this operation constitute an enlargement of the war. Whenever the President has exercised new initiatives on the war, some critics have accused him of intensifying the fighting or enlarging the conflict. President Nixon has not in any way slowed down his successful program for orderly withdrawal of our troops from South Vietnam. The Vietnamization program is on schedule and is showing encouraging results. What the President has done is to show Hanoi and the rest of the world that our gradual withdrawal from Vietnam in no way lessens our concern for the welfare of the POW's and our determination that they should be safely returned to their loved ones.

In this resolution the House joins in that deep concern.

Because this resolution, before amendment, calls for progress on the prisoner-of-war issue as top priority at the peace talks in Paris, some have charged that it could prevent progress which conceivably might come on another phase of the war. Of course it could not do that. The resolution expresses the sense of the House concerning the negotiations. It does not in any way bind the President or limit his constitutional authority in direction of foreign affairs. We simply could not do that. If an opportunity presented itself for a settlement on a major issue of the war independent of the prisoner-of-war question—such as a standstill cease-fire—the President would retain the initiative to take advantage of the opportunity.

I wholeheartedly support this resolution as amended.

The SPEAKER. The Chair recognizes the gentleman from California for his remaining time.

Mr. LEGGETT. Mr. Speaker, in the few minutes I have remaining I would say I think the intent of the resolution, as amended, is that we want to make indelibly clear in the Paris negotiations that the most important thing the United States has in mind is getting back our prisoners of war. I think the Hanoi and Vietcong negotiators have made it indelibly clear that the most important thing to them is the United States removing itself from Southeast Asia.

I would hope that now we could get into some serious negotiations, and that we would offer to pro rata remove ourselves from Southeast Asia if the other side would pro rata return to us our prisoners of war. I believe that if an offer were made in that fashion we would have real hope of getting these men back safe and sound.

I was glad to hear in the remarks made by all of the proponents of this resolution that nobody was encouraging the Pentagon to do this kind of thing again. I think it would be foolhardy to encourage the introduction of a division of men into North Vietnam, because that will lead to a reescalation of the war similar to that which has proven so futile in the past.

There have been a lot of allegations concerning this resolution with respect to our efforts to effect this successful commando raid, and I am not going to recount them again at this time, but I would hope that every man, when he votes on this resolution, if he sees fit to vote in favor of the resolution, would interpret his vote as commending only the courage of the men who participated in this raid, and not as encouraging the Pentagon to do this kind of thing again, which might well lead to a further reescalation of the war.

Mr. RIVERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I thank the distinguished gentleman for yielding. I rise in overwhelming support for the resolution.

Mr. Speaker, I rise today to speak in support of House Resolution 1282. I am in complete accord with the decision of the President and Secretary of Defense Laird in approving the action that led to the military expedition of November 21, 1970. This course was clearly justified. It showed the Communists that the United States is not a "paper tiger," and our commitment to the men held captive by the North Vietnamese and the Vietcong has been reaffirmed.

The official command, officers and men involved in this voluntary mission to seek the release from captivity of U.S. prisoners of war believed to be held prisoner by the enemy at San Tay near Hanoi, North Vietnam, are to be congratulated for the courage they displayed in this hazardous and humanitarian undertaking. In the language of the resolution, the mission "has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere."

Ambassador Bruce recently said emphatically:

> We intend to get those prisoners out.

This is indeed encouraging that we are speaking out. It is quite a change from 2 years ago. Before the Nixon administration took office, the official policy of the United States toward the prisoner of war problem was "low silhouette." In other words, the policy was a vague and discreet diplomatic struggle designed to ultimately win the release of the prisoners. This policy failed. It failed, in fact, to the extent that almost no one even realized that there was a problem at all. So far as the public was aware, there were no prisoners in Communist hands. The prisoner of war was truly the forgotten American.

Mr. Speaker, those with loved ones who are held captive can renew their stamina, courage, and faith in their quest to free the prisoners so long as the United States supports them and demonstrates that support through firm, positive action. Our prisoners of war are no longer "The Forgotten Americans"; they are remembered, and I pledge that my involvement will continue with the sense of urgency the problem demands until all prisoners are returned to American soil.

Mr. RIVERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, for the benefit of the RECORD, I would ask the gentleman from South Carolina exactly what is the clarifying amendment which the gentleman from South Carolina will offer under this unanimous-consent request?

Mr. RIVERS. Mr. Speaker, on page 2, line 21, that no permanent agreement should be entered into until there is substantive progress on the prisoner-of-war issue.

Mr. ICHORD. Mr. Speaker, I commend the gentleman for his leadership in presenting this resolution to the floor of the House.

Mr. Speaker, I rise in support of the resolution and also the amendment which I believe many of us in the House of Representatives would view as long overdue. Had the representatives of the Communist government of North Vietnam or its Vietcong "front" of subversives and terrorists shown any evidence of sincerity in attempts to bring about a peaceful solution of the conflict in Southeast Asia, the war would have been over long since and a resolution of this nature would not now be necessary.

But through protracted propagandizing at Paris, the Communists have demonstrated their total unconcern with the purpose of negotiations and, in the extended interim, have submitted captive American prisoners of war to unspeakable torture and mistreatment.

Some insight into the nature of the treatment accorded American POW's and the effect this has had on their wives and families suffering in anguish and ignorance here at home, was outlined in horrifying detail for our House Committee on Internal Security in the latter part of 1969 when two former POW's testified in public hearings in some detail about their experience in Hanoi's prison camps.

North Vietnam's attitude toward those captured in communism's cruel war against South Vietnam is unconscionable. Since Hanoi's negotiators have demonstrated the cynicism of their intentions in Paris as far as achieving a peace settlement is concerned, the very least we can do is insist that the plight of American servicemen be resolved. Until and unless there is a satisfactory solution that will assure prisoners of war held by Communist North Vietnam the basic humanitarian guarantees accorded to all combatants by international convention throughout modern times, the peace talks cannot possibly succeed.

Refusing to clearly identify the American prisoners who languish in North Vietnam's prisons and prohibiting the International Red Cross or some other worldwide humanitarian organization from even inspecting the prison facilities, together with documented evidence of brutal mistreatment of prisoners are crimes against humanity—not just American servicemen.

We must make Hanoi and their Communist supporters throughout the world understand that no further negotiating is possible before the prisoner of war matter is resolved to the complete satisfaction of the United States of America. On this there must be no further compromise or delay.

It should be noted that Hanoi's only rationale for torturing American POW's is the same used by Hitler's Nazi Germany in the persecution of 6 million Jews, namely, that the prisoners are, by their very existence—common criminals thereby justifying any inhuman treatment. America fought against this rationale in World War II. Can we do less in Vietnam, today?

Mr. RIVERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the House concurrent resolution and would like to commend my two colleagues for giving this body the opportunity to vote on the measure. As I stated yesterday, all Americans—both hawks and doves—should take pride in the fact we did make a very valiant effort to rescue some American prisoners of war. As we continue to deescalate the fighting in Vietnam, we cannot forget the American prisoners of war. We are now bringing our combat troops home at a greatly accelerated rate in order to save American lives and end U.S. involvement in the war. By the same token I feel we should take the necessary steps to save the lives of those U.S. servicemen being held captive by the North Vietnamese and Vietcong. We must do whatever necessary to reunite these men with their families.

The mission into North Vietnam last Friday was not a grade B movie or John Wayne theatrics, as it has been characterized by some. Rather it was a very worthwhile undertaking by a brave group of volunteers. It was a humane and compassionate gesture by a group of servicemen risking their lives to free their fellow servicemen.

I do not believe there is any doubt in anyone's mind that the American prisoners of war are being held captive under inhumane conditions. We do not even have a complete list of those Americans being held captive. Our country is continuing to negotiate in Paris and other reported secret sites. Yet these ongoing negotiations have been unsuccessful thus far and have done nothing to relieve the anguish of the POW's or their families. For this reason I believe we should explore every possible avenue of gaining freedom for the POW's.

These missions would not be possible without the help of volunteers from the ranks of the U.S. Armed Forces. For this reason I hope the Congress will give unanimous approval to this House concurrent resolution commending these men for their bravery, their gallantry, and their love of fellow man.

Mr. RIVERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I cannot speak for the rest of the House, but when I cast my vote I am going to be saying to the Department of Defense I am glad you did it, and I hope you will do it again.

Thank you.

Mr. RIVERS. Mr. Speaker, I yield to the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Speaker, I support House Resolution No. 1282, which commends the American volunteers for their magnificent performance in attempting to rescue prisoners of war held by the Communists.

It goes without saying that all patriotic Americans are proud of those gallant men for one of the most daring and brilliantly executed rescue efforts ever recorded. It was indeed a great display of courage and devotion.

The Communists have constantly ignored the terms of the Geneva Convention in the treatment of prisoners of war and inspection of prison camps. They have been both brutal and uncivilized in the treatment of the Americans they hold. The Hanoi regime must be held fully accountable for their dastardly conduct.

Mr. Speaker, it is heartening to know that both the President and the Secretary of Defense have made it plain that other means will be undertaken to obtain the freedom of those prisoners. We must use every resource at our command to achieve that objective.

As I see it, if Hanoi persists, the further withdrawal of American combat troops from South Vietnam should be related to the willingness of the enemy to release all Americans held by them.

If that fails, then it must be assumed that the President will consider other steps, including appropriate punishment of the enemy for persistent violations of basic rules of human decency in the mistreatment of those prisoners.

Mr. RIVERS. Mr. Speaker, I yield to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, I support House Resolution 1282, which is intended to strengthen the efforts of our Government to rescue American prisoners of war. The Communist mind is beyond understanding. Their cruelty to those unfortunate Americans who are now their prisoners defies all humanitarian considerations. The present resolution would call for an end to peace negotiations in Paris until realistic steps are taken by the Communists to provide proper treatment for their American captives. I consider this a realistic step. It is questionable that any worthwhile exchange of views can ever take place between our negotiators and theirs until the Communists are motivated with higher ideals than they have demonstrated thus far. We should not continue to waste time in fruitless negotiations. If they want to negotiate in earnest, let them demonstrate it by humane treatment of our fellow countrymen who are in Communist hands. I am confident this resolution will be overwhelmingly adopted. I trust that the administration will accept it in the spirit in which it is offered and be governed by it.

Mr. RIVERS. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. PASSMAN).

Mr. PASSMAN. Mr. Speaker, I rise in support of this legislation.

I would like to commend the distinguished chairman of the Committee on Armed Services for bringing out this legislation.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman.

Mr. FULTON of Pennsylvania. Mr. Speaker, as a cosponsor of House Resolution 1282, I strongly support this legislation.

On December 2, 1969, I offered an amendment to House Resolution 613 requesting the President to continue to press the Government of North Vietnam to abide by the Geneva Convention of 1949 in the treatment of prisoners of war. This amendment was agreed to unanimously by the House of Representatives.

Likewise on September 22, 1970, in a telegram to President Nixon, I urged that the U.S. representatives at the Paris peace talks make clear to the North Vietnam delegation that the U.S. Government, its Congress and people place absolute first priority on obtaining guarantees on the identification, treatment, and repatriation of U.S. prisoners of war.

The officers and men who took part in the rescue mission of November 21, 1970, are to be highly commended for their courage, as are the wives, parents, and families of our U.S. prisoners of war.

Count on my strong support for our U.S. prisoners of war and their families, and for House Resolution 1282, to support efforts to rescue American prisoners of war incarcerated in North Vietnam.

Mr. RIVERS. Mr. Speaker, I want to make it perfectly clear that this amendment serves two purposes. It commends the courage of those men who volunteered for this raid and it expresses the sense of the House that we want the welfare of these people protected at the Paris peace talks. There is nothing mandatory on anybody.

We clarified it and tried to make it plain for those who could not see. But for me, Mr. Speaker, I want the world to know that I would tell that crowd in Hanoi, you will either treat them with human dignity or some of you will not be here tomorrow.

It is as simple as that. They have left our men to rot and die. They have insulted these women who have gone throughout the length and breadth of the land trying to find out something about their husbands and with tearstained eyes and tearstained lips they have gotten no reaction from these people.

So far as I am concerned, Mr. Speaker, if I were the President of the United States, I would deliver an ultimatum to this crowd and let them guess where the next blow is coming from.

Mr. PIRNIE. Mr. Speaker, I enthusiastically join in this effort to express commendation for the valor of the officers and men who played such heroic roles in the attempted rescue of our prisoners of war on November 21, 1970. The personnel engaged in this inspiring mission volunteered to perform a task of unknown peril. Their response was in keeping with the highest tradition of American military heroism. It is worthy of note that they prepared for this undertaking with such meticulous care and detailed planning that the task was accomplished without loss of life. Although the mission was denied complete success, by the prior removal of the prisoners of war from the location at Son Tay, this fact in no sense lessens the exceptional character of the undertaking.

During these past years, and increasingly in recent months, we have been mindful of the sad plight of our American servicemen held as prisoners of war. We are very proud that there has been such general adherence to the high standards of conduct set forth in the U.S. code of conduct. Despite great deprivations and upspeakable physical hardships, our men have endured their confinement with heroic fortitude. They deserve our prayers and continuing support.

The mission for their liberation was evidence of our determination to gain their freedom and return to their families. Our concern should be manifested by a continual seeking of their release through every possible channel, particularly, through the negotiations in Paris. The negotiations must realistically address this grave matter and progress must be made to insure that the North Vietnamese provide all POW's the humane treatment to be accorded them under the rules of the Geneva Convention. This expression will serve notice to Hanoi that we are determined in this effort. Our prisoners of war and their longsuffering families must have continuing assurance that their cause is our cause. We must keep this commitment.

It is in this spirit that I commend and thank the brave men who planned and executed this inspiring foray. This resolution will speak, freely and forcibly, of our determination to secure humanitarian treatment of those they sought to rescue. It is overwhelmingly the sense of this body.

Mr. DANIEL of Virginia. Mr. Speaker, I rise in support of the resolution.

I have lived a sufficient number of years that I should have arrived at that point where nothing surprises me. But I am surprised—no, flabbergasted—at some of the response to the valiant attempt on November 21 to rescue American prisoners believed held at Son Tay.

The operation was in the best American tradition of direct action to accomplish an objective. Yet there were howls of anguish and frenzied breast-beating by those who would interpret any positive action on this country's part as adversely affecting progress at the Paris peace talks. I fail to see how you can adversely affect that which is nonexistent.

It requires a most peculiar sort of mental gymnastics to read something sinister into a purely humanitarian act performed by brave men who knowingly placed their own lives in jeopardly to aid their fellowmen. God grant that the majority of Americans never secumb to such twisted reasoning processes.

The intransigence of our enemy as regards prisoners is amply illustrated by my own experience. On September 9, 1970, I met with Vietcong representatives in Paris to discuss prisoners held by them. I was promised a response to my inquiry, but have heard nothing of substance since that date.

Those who advocate a policy of accommodation speak often of meaningful dialog. It is gratifying and refreshing to observe our Government in this instance speaking the only language the enemy appears to understand. Even more, it is inspiring and serves to restore one's faith in his fellow creatures to learn of the bravery displayed in this exercise.

Mr. KASTENMEIER. Mr. Speaker, I firmly believe this resolution represents an endorsement of a hypocritical scheme to exploit the tragic circumstances of American prisoners of war, their wives and families in furtherance of presently undisclosed military objectives. The road we are asked to take by an affirmative vote on this resolution may have been charted for us before. Implicit in this statement of support for efforts to rescue American prisoners is the authorization to send American troops into North Vietnam. Our initial limited involvement in South Vietnam was premised on a moral obligation to save the people of South Vietnam. Following the Gulf of Tonkin resolution, elicited from Congress by misrepresentation of fact, American participation in the war escalated, bringing death and destruction to hundreds of thousands of innocent beneficiaries of our misbegotten crusade and setting the stage for economic disaster in this country—all this notwithstanding a clear mandate for peace from the people of this country in the 1964 presidential election.

The mandate was repeated in 1968 but in 1970 we invaded Cambodia to protect our boys. Today we are asked to vote for another resolution. Will this, too, be used to expand our military operations under the pretense of rescuing American prisoners of war?

It is cruel to use the wives and families of American POW's to propagandize the American people in furtherance of this country's misguided and expanding involvements in Indochina. Only one thing will secure the release of prisoners of war—that is an end to the war.

This resolution proposes that we halt the Paris peace talks until we achieve satisfaction on the POW issue. We have yet to begin serious participation in these talks. Our policy of Vietnamization is the antithesis of a negotiated political settlement. Vietnamization is designed to entrench our unpopular military puppet government while we acquiesce in that Government's brutal treatment of over 30,000 political prisoners.

Is it any wonder that our pleas for just treatment of American prisoners of war go unheeded? Reports from Vietnam, including visual evidence presented in the news media, and testimony of returned veterans, suggest that the policy of the United States and its allies is not to take prisoners and when taken to subject them to brutal, even fatal interrogation—as in the case of bound prisoners being thrown from helicopters. Token good treatment of prisoners—for the benefit of congressional inspection tours—cannot conceal our complicity in the murder of not only military personnel but also of allegedly suspect civilians. If we expect to receive international support for our legitimate concern for American POW's we must have clean hands ourselves.

It is natural that those charged with the defense of this country will view the success or failure of a mission such as the Sontay raid in terms of the technical proficiency with which it was executed. That is as it should be. But as Congressmen, we must view these activities differently. The responsibility resides with the Congress to decide what threatens the security of this Nation and where and when such threats shall be met. Having decided this, the military may decide how the threat is to be met within bounds of international principals of warfare and basic concepts of humanity. A military mission can be approved by Congress only if it contributes to the stability of international relations and furthers the cause of peace, but in no case should the executive be encouraged to unilaterally expand military operations beyond the scope contemplated by Congress when asked to provide funds for the defense of our country. It is my opinion that this resolution to commend the abortive Sontay raid would constitute such encouragement.

Mr. TEAGUE of Texas. Mr. Speaker, I rise in support of this resolution, and in so doing would like to point out that the POW issue is one on which I have been working for a number of years. I made my first trip to Southeast Asia in 1964. It was while I was on this trip and visited aboard an Aircraft carrier that the Naval flyers expressed their great concern for those who did not return from their air strikes. Immediately upon my return, I wrote letters to our then Secretary of Defense, Secretary of State and to our Representative in the United Nations asking what steps had been taken and what steps were then contemplated to be taken in an effort to assist those men who were known POW's and to ascertain the status of those flyers carried as MIA.

In addition to working closely with a group of parents and wives in the Texas area in behalf of their husbands and sons, I have sponsored and worked for legislation in their behalf, to help ease the burdens which they carry while awaiting some word on their loved ones.

The Government of North Vietnam is a signatory to the Geneva Convention and they have continued to violate the provisos of this Convention with respect to the treatment of prisoners of war. They have consistently refused to identify the prisoners they hold, to allow inspections of their prisons or release the sick and wounded. I sent a congratulatory message to the President of the United States for having had the courage to proceed with the mission of rescue when he knew his critics would berate him regardless of the outcome of the mission.

This body has passed a prior resolution calling for humane treatment of our prisoners of war. In spite of it, conditions have not improved. Therefore, Mr. Speaker, I heartily approve of the amendment to the resolution today requiring that the POW issue be made of primary import and that further negotiations in Paris be limited to this sole issue until some progress is made.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of House Resolution 1282, expressing support for efforts to rescue American prisoners of war in North Vietnam.

More than 25 years ago I was a prisoner of another war. The intervening years have done little to dim the memory of the disease, the dirt, the starvation, the misery, and the fear of that experience.

When trains were available, we were herded into boxcars to be moved like cattle from place to place. When no trains were available we were marched in columns throughout the country.

But the two things I remember most vividly were two bombing raids when Allied bombers filled the air above us. During one raid in Nurenberg more than half of the group were killed or injured. Yet we felt no animosity against the bombers; we were proud of them. We were proud that our pilots were still fighting for us; that our country still cared about us; and that we would eventually be free because they would not quit fighting until we were free.

Before we were captured my men and I were a proud company. We were fighting men, trained, ready, willing and able to fight for our country.

After our capture, we were unarmed frightened men, cut off from all communications with our friends, our families, our country.

Before our capture we could endure sleepless nights, limited rations, cold, and discomfort, because we knew we were fighting with the full backing of our Nation.

Afterward, the long, miserable, lonely hours and days seemed endless, and there was little to sustain hope.

It is hard for a man in his prison cell to see or feel any tangible evidence of concern on the part of others. In our case, the fact that our bombers were flying overhead convinced us our Government still cared. It gave us the strength to hold on until we could be rescued or rescue ourselves.

I managed to escape from a marching column, through the help of God, and of my cellmates who were spurred on to superhuman effort by the firm conviction that our country was worth fighting for.

This country is worth fighting for. But I often have wondered if the American soldiers who for the past few years have suffered from jabs of Communist bayonets; have been beaten and starved by Communist barbarians, still believe it is. We gave them little to sustain their hope before the Son Tay action. The loneliness of their long hopeless captivity must have been unbearable unless they somehow sustained the conviction that they were not the victims of some higher policy or grand strategy that would lead only to half victories and uncontrollable stalemates.

The American people have had enough of the torture and killing of our captive men by the arrogant North Vietnamese. They have had enough of breaches of treaties, stalling at peace talks, and of the total lack of interest exhibited by the United Nations and the free world in stopping it. And they are even more fed up with submission by some in our own Government to threats and violations of international law, for fear we might anger those who perpetrate the atrocities.

To ask where to look for help as a nation is an admission of weakness. We can and must look to ourselves—to the elected and appointed leaders of this Nation. And we must act now or admit our lack of ability to do so.

We must not remain silent. We must serve notice on the world that the Congress of the United States stands solidly in support of the President and the Secretary of Defense in their determination to rescue those who have suffered so long. We must applaud those brave men who directed and participated in the Son Tay action, and serve notice on the world that we have had enough.

If we must choose between nations with courage to stand with us in our demands for decency and those who pay decent human behavior only lipservice, let us stand with the courageous, whatever the risk. If we must choose as Americans between might and sniveling threats, abject fear, and weaseling, let us stand for what is right and the might to make it so.

Mr. Speaker, I am convinced that every American prisoner in North Vietnam who knows about Son Tay is proud today. We, too, are proud, and I believe we must say so.

Mr. Speaker, I urge adoption of House Resolution 1282.

Mr. COHELAN. Mr. Speaker, I will today vote in favor of House Resolution 1282. I wish to make it clear, however, that I strongly associate myself with the remarks of my distinguished colleague, Robert L. Leggett, and share his misgivings about the propriety of this type of legislation and the dangers hidden in expressing approval of what could be considered escalatory and potentially dangerous policy by the administration. I do want to make it clear, however, that I, and I am sure all of my colleagues, are vitally concerned with the welfare of our captured American prisoners of war. No one in this body wants American servicemen to be captive 1 day longer than necessary and I am hopeful that the administration will do everything in its power to terminate our presence in Southeast Asia and secure the release of our captured Americans. While I feel that the abortive attempt and corresponding bombing raids was a mistake, I support this resolution also as a means of commending the gallantry of the individual officers and men who volunteered for this dangerous mission. They and all of our servicemen who risked their lives deserve our continued respect.

Again, Mr. Speaker, I use this opportunity to call on the President to terminate our engagement in South Vietnam and bring all of our troops home as soon as possible.

Mr. PRICE of Texas. Mr. Speaker, I rise in support of House Resolution 1282, commending those Americans who, on November 21, 1970, risked their lives attempting to free American prisoners of war believed to be held at the Sontay prison camp near Hanoi. I was one of the original sponsors of this proposal, and I have submitted testimony in its behalf to the House Armed Services Committee.

The prisoner of war issue is one that torments Americans everywhere; for at the present time, there are more than 1,500 Americans listed as prisoners of war or missing in action in Southeast Asia.

A voluminous amount of evidence has been laboriously compiled, evidence that American prisoners are undernourished, denied access to adequate medical care, kept in solitary confinement for long periods of time, prohibited from communicating with their families and loved ones, and are often used as guinea pigs for trumped-up propaganda charges.

On numerous occasions, the United States has unsuccessfully appealed to the enemy to respect the terms of the 1957 Geneva Convention; however, North Vietnam and the Vietcong have consistently refused to release even the names of the U.S. prisoners they hold.

In fact, the chief North Vietnamese negotiator to the Paris peace talks has declared that he would never release a list of American prisoners, "as long as the United States continues its aggression and does not withdraw its troops from Vietnam."

In addition to inhumanely treating our captured countrymen, North Vietnam, by its steadfast position, is also creating great hardships for the families of the missing servicemen.

Thousands of families throughout the Nation live in daily torment and anxiety for the information they receive regarding the captured is skimpy at best and nonexistent at worst.

In the past 5 years, approximately 100 captured servicemen have been allowed to write to their families; however, letters have only trickled in at the average rate of two letters each year per prisoner.

If these few writers had been allowed to write the number of letters and cards permitted under the Geneva Convention, their families would have received 18,000 pieces of correspondence, as opposed to the less than 2,800 they actually received from their captured husbands and fathers.

I believe this Nation has a clear obligation to the imprisoned servicemen and their anxious families. I believe ths Nation must do everything within its power to obtan the release of our countrymen.

In this vein, I think President Nixon and Secretary of Defense Laird are to be commended for bringing this issue out into the open for discussion and action. Before President Nixon took action the POW issue was a closed and silent issue. The people most affected in this country were the families of the imprisoned servicemen. But with the President's decision to bring the issue to the awareness of the American people, and Secretary Laird's positive program of information and Defense Department initiatives, the whole POW question has become firmly implanted in our consciousness and our concern.

It is in this same vein that I cosponsored a House resolution, the concept of which is now public law, calling on the North Vietnamese to provide humane treatment and to take appropriate steps leading to the prompt release of all American prisoners of war.

In addition I have made speeches, counseled at length with wives of POW's and their families and I have signed petitions and letters to various leaders of the North Vietnamese Government imploring them to deal with American prisoners on a humanitarian rather than a political basis.

I have also taken a personal offensive on the matter, an offensive which I would like to share with you.

Last September I traveled at my own expense to Paris in the hopes of arranging a meeting with members of the North Vietnamese delegation to the Paris peace talks. I wanted to discuss with them the prisoner of war issue and attempt to determine possible solutions to the problem.

After making several phone calls and talking to various intermediaries and Communist Party functionaries I was able to arrange a meeting with Nugen Minh Vy, Deputy Chief of the North Vietnamese delegation. We met on September 11 and talked for approximately an hour and a half. Vy took the basic position that, the United States was the aggressor in Vietnam, President Nixon was solely interested in trying to obtain a military victory, and while the North Vietnamese had no American prisoners of war as such, they were holding an unspecified number of American war criminals who had been captured while trying to perpetrate criminal acts against the people of the Democratic Republic of Vietnam.

I tried to convince him that he had a completely distorted, inaccurate, and unreliable concept of American involvement and policy in Vietnam. I painstakingly reiterated to him the nature of our commitment and the direction of our present policy. I also hammered home the points that: First, the American people do not regard their captured countrymen as war criminals; second, the American people are up in arms regarding the treatment the American POW's are getting at the hands of their Communist captors; and third, the American people believe the POW problem is a humanitarian rather than a military issue.

Before the meeting adjourned, I asked Vy about certain prisoners in particular whom I had flown combat with in Korea. I gave him pertinent information regarding these individuals, and while he did not specifically promise I would receive any answers to my questions, he did take the materials and promise he would look into the matter. In addition, I asked to be given a safe conduct pass and be permitted to travel to Hanoi, visit American POW's, and establish, firsthand, the nature of their confinement and the quality of their treatment. I said I would make a full disclosure of my findings to Congress and the American people upon my return from Hanoi.

At the close of the meeting, a second meeting was proposed for November 23, 1970. And when I left Paris, although I had no way of determining what impact if any I had made on the enemy, I did know that at least I had developed a high-level contact, a contact who was willing to sit down and discuss the issues surrounding the war with me.

In late November I returned again to Paris for our second meeting. But, after repeated and unsuccessful attempts to hold the meeting, attempts which spanned several days, I concluded that my efforts were stymied for the present.

The causes of this breakdown were twofold: First, the retaliatory bombing raids carried out by U.S. planes in response to the Communists' shooting down of one of our unarmed reconnaissance planes; second, the U.S. rescue raid on the Sontay prison camp near Hanoi.

Although I am naturally greatly disappointed I was unable to hold a second meeting with Nugen Minh Vy, my feelings of disappointment are more than outweighed by my positive feelings regarding the airstrikes and the rescue attempt.

The selected bombing raids show the North Vietnamese that we mean business and that our Nation will not allow the Communists to really engage in actions which violate any of the understandings we have arrived at with them. When we agreed to halt the bombing of North Vietnam on October 31, 1968, the North Vietnamese tacitly agreed not to shell major population centers, not to cross the DMZ in force and not to fire upon unarmed U.S. reconnaissance planes. Hopefully, the bombing strikes will make the Communists view their agreements more seriously.

As regards the POW raid, I believe the purpose of this mission was a noble one. The planning of this mission was a monument to the meticulous nature of military planning when clearly defined military goals are established. And its execution aptly demonstrates the effectiveness of our military forces when they are freed from political constraints and permitted to exercise their power.

The only lamentable facet of this rescue attempt was, of course, that American POW's had been moved prior to the raid. I would venture to say, however, that had any captured Americans been rescued, both they and their gallant rescuers would have been met and feted by the very demagogues who are now calling the mission a mistake.

The fact that no American prisoners were rescued by the raid is tragic but it by no means negates the courageous effort that was made or the benefits that were obtained. Americans everywhere have been dramatically shown that this Nation does indeed care for its own. American soldiers, especially those fighting in Southeast Asia, have been uplifted and have been given a renewed sense of purpose. Finally, our captured countrymen have had their faith restored and have been given dramatic evidence that they are not forgotten casualties of the war.

Mr. Speaker, I urge my colleagues to support this resolution which commends the gallant men who participated in this dangerous mission for their efforts were truly made in behalf of all Americans, congressional recognition and commendation is their right. It is their due.

Mr. SCHMITZ. Mr. Speaker, the gentleman from California (Mr. LEGGETT) has commented to the effect that no one who had spoken in favor of House Resolution 1282 up to the point where he made his remarks had advocated making another attempt to extract the Americans being held captive by the North Vietnamese Communists.

As a cosponsor of a resolution identical to House Resolution 1282—House Resolution 1287—I would like to state that in my opinion we should make another attempt to free our men. In fact, our next attempt should be of considerably greater magnitude, thus hopefully assuring a greater success.

In September of this year I introduced House Joint Resolution 1378. This resolution calls for a declaration of war against the North Vietnamese Communists unless within 30 days following passage of the resolution the enemy releases all American prisoners and starts large scale withdrawals of their armies from the territory of their neighbors.

To my mind this is still the best course to follow. Why not put it right on the line? Let us tell these barbarians that we have had enough of this protracted savagery on their part and that unless they choose to conform to more civilized standards of behavior we are going to remove them from the positions of responsibility which they hold. We would be doing a favor for not only the South Vietnamese people but for the North Vietnamese people as well.

Dr. Henry Kissinger, the President's adviser for national security affairs, has assured us that—

> I would have to say that if there is the danger of a general war in this administration, I do not believe, and we do not believe, that it will come from Southeast Asia. It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union.

We obviously have the military capability to defeat the North Vietnamese Communists. To deny this fact is ridiculous. Let us muster up our courage and notify the Communists that unless they voluntarily release all the Americans which they hold and cease attacking their neighbors we are going to replace them with men of a more pacific mien.

This is the purpose of House Joint Resolution 1378, which I would like to insert at this point for the consideration of my colleagues.

Mr. BINGHAM. Mr. Speaker. I have the greatest admiration for the courage, dedication, and self-sacrifice of the men who took part in the attempt to free American prisoners in North Vietnam on November 21. Further, I deplore and condemn the failure of North Vietnam to observe the Geneva Convention with regard to these prisoners. I would gladly have voted for a resolution that expressed these sentiments.

However, I cannot vote for House Resolution 1282, even though it has been substantially improved by the last minute amendment to the last sentence made by the Committee, apparently on the floor of the House.

I cannot vote for the resolution because I construe it to represent commendation for those in high places who decided that the raid should be undertaken and directed that it be carried out. I believe the raid was a violation of international law, which cannot be justified merely because the North Vietnamese Government may be violating international law in other respects. I believe also that there was a substantial risk that the raid would bring about retaliation against American prisoners; at the very least those prisoners will now undoubtedly be constantly moved about, which in itself is a hardship for prisoners.

I also object to the resolution on the ground that it would be futile and misleading to instruct the American negotiators in Paris "to insist that the matter of prisoners be given first priority on the peace talks agenda." The first priority on that agenda must be the achievement of peace, so that not only the American prisoners will be freed, but that the killing will stop.

There is no question whatsoever that the return of American prisoners must be made a condition of any peace agreement. The way to get our American prisoners home is to achieve such a peace agreement, and the way to do that is to set a timetable for complete American withdrawal and to stop allowing Generals Thieu and Ky to make their political survival a condition of any settlement.

Let there be no mistake about it: The administration's Vietnamization policy is not a course that will free our American prisoners. I believe that the administration recognizes this elementary fact, and that that is why the administration has embarked upon irresponsible and reckless gambles in the hope of freeing at least some of the prisoners by military means.

Mr. HOGAN. Mr. Speaker, I share with every American a deep concern for our fighting men who are being held prisoners by the Vietcong and North Vietnamese. Our prayers and thoughts are constantly with these men and the members of their families who are also undergoing a special kind of torture.

In defiance of the Geneva Convention, the enemy has prohibited communication between these men and their families and refused to make available any information regarding their well-being.

Only through those few who have escaped or were released have we learned of the criminal treatment and lack of decency afforded American POW's. I, myself, had the privilege to meet and talk with Major James N. Rowe who endured a 5-year ordeal in the prison camps of North Vietnam before escaping to freedom. Major Rowe told of the political indoctrination and executions of American prisoners, and also related the horrors of being held by jungle captors constantly on the move, of insufficient food, of forced marches, and of daily threats of death.

When President Nixon called for an exchange of all prisoners of war in October of this year, I had high hopes that the Vietcong would see advantages in such a move and negotiate a mutual release of all prisoners as an indication of good faith on which to base further negotiations at the peace table. The complete rejection of this offer and the failure of all diplomatic and political channels to gain freedom for these men, placed the President in the position of having no peaceful alternative to pursue the release of these men or to secure any communication privileges for them with their families.

Due to the total lack of improvement in the situation and news of increasing deaths in the prisoner-of-war camps, I feel President Nixon acted responsibly in authorizing the recent rescue mission and took the only course of action available to him—other than to do nothing. My highest praise goes to those brave men who took part in this rescue effort thereby endangering their very own freedom and lives on behalf of their fellow soldiers.

Public reaction to the mission has shown that the American people support the President's decision. I recall that Major Rowe reiterated time and again that part of the Vietcong strategy to break down the faith and morale of American POW's was the use of American news sources quoting statements from people within our own Government, opposing our efforts in Vietnam.

Public opinion in our Nation is a weapon the North Vietnamese both fear and use. We are divided on many issues concerning the war and the conduct of withdrawal from that war. However, we have presented and, I believe, must continue to present a solid front on the issue of treatment and release of American prisoners of war. We must all continue our deep concern for our servicemen and their future, and we must continue to condemn the Communists for their reprehensible disregard for the value of human life.

At this particular time, I believe we can best support and encourage our American POW's by giving our unanimous support to further rescue efforts to secure the release of these men. It is my hope that when—or if—our men learn of congressional action in regard to these raids, they will find the House of Representatives 100 percent behind them.

Mr. CLEVELAND. Mr. Speaker, the bill before the House today, of which I am a cosponsor, offers a clear opportunity for all Members to go on record as being strongly opposed to the disgraceful and scandalous conditions which exist in North Vietnamese prisoner-of-war camps.

This vote today is not a hawk-dove vote. Neither is it a vote on the war in Southeast Asia. Rather it is a chance to reaffirm our support for humanitarian ideals and the values of human decency, and to demand that they be recognized as rights of American men who are being held as prisoners of war in North Vietnam.

Mr. Speaker, lest we have any doubt that these unfortunate people are suffering under cruel and barbaric conditions, I ask consent to insert into the RECORD an excellent and timely series written by William Selover which has appeared in the Christian Science Monitor during the past 10 days. This series has explored in depth the status of these prisoners, and the inhuman conditions under which they exist. It leaves no doubt that they are being tortured both mentally and physically. This series also leaves no doubt that these brave men are responding with courage and determination.

This series brings to light what has until now been largely untold. It discloses incidents of barbaric torture, and other cases of systematically applied torture. It tells of cruel punishment for such infractions as greeting a fellow prisoner. This series describes the endless isolation which is the daily life of these men. Further, this series, which was prepared before the decisive American rescue attempt, discloses that some American prisoners of war have been executed by the North Vietnamese. This is in addition to others who have died from the effects of their treatment and incarceration.

This documentation of the atrocities being inflicted upon these men is new, and adds to what we had already known about the refusal of the North Vietnamese to even release the names of the men held. This refusal to allow the families of the men held to even know whether their loved ones are dead or alive is nothing short of barbaric. So is the refusal to allow the prisoners, many of whom have been in solitary confinement for over 5 years, to either send or receive mail. This is brutal treatment of both the prisoners and their families.

Mr. Speaker, one of the lessons we should have learned from the events of the past decade is that the North Vietnamese have their ears closely tuned to world opinion. The charade going on in Paris, at the so-called peace negotiations, has been developed into a propaganda show by the North Vietnamese and the Vietcong. They have used these talks as a chance to influence world opinion, rather than a chance to find a just peace as so many of us had hoped. This all points out that the best way for the United States to get its sons out of North Vietnamese prisons is to mobilize world opinion so that the wrath of the world will be felt as the consequence of the refusal to abide by the Geneva Convention.

It is disturbing to note that the people who have cried most loudly about the supposed "immorality" of the war in Vietnam, and who have spoken out loudly over conditions supposed to exist in a South Vietnamese prison, now stand by with only perfunctory comments on the barbaric treatment of American prisoners by the North Vietnamese. These self-righteous people would do well to work against atrocity wherever it exists, and not just when it suits their political

purposes. Such a case of atrocity is in the prisons of North Vietnam. When there is an outcry of protest, the leaders of North Vietnam will hear, and will then treat our men with human decency, and under the standards of the Geneva Convention.

I am offering this excellent series from the Christian Science Monitor as a contribution to making the treatment of these POW's an issue of national concern, which it deserves to be. These articles shed needed light on exactly what is going on in those North Vietnamese prisons, and the atrocities which are being committed.

Likewise, I cosponsored this resolution because it too helps focus world opinion on the need to do something to help these unfortunate men. The rescue mission which was carried out was a decisive, bold action, which depended on the courage and bravery of the soldiers who volunteered for it. They deserve our commendation. Their action stands as a renewed commitment to help the POW's. I trust that this was but the first step of this commitment.

The series on the prisoners of war from the Christian Science Monitor follows:

[From the Christian Science Monitor, Nov. 25, 1970]

PWs: WHISPERED NAMES, TAPPING

(By William C. Selover)

WASHINGTON.—Behind the daring United States raids on North Vietnam, in the vain attempt to rescue American prisoners of war, is a sorry tale of mistreatment, isolation, and humiliation suffered by those held in Communist camps.

It is a story, too, of grinding silence.

In all six of the known North Vietnamese prisoner-of-war camps, speaking is forbidden and prisoners are isolated from one another.

The only sound, besides the occasional dry Hanoi propaganda broadcasts, is the sound of tapping, a tapping on walls, on doors, on steel bars—quiet, gentle tapping best known to prisoners.

It is the only real human contact the Americans have with each other.

When they do have a rare chance to meet face to face, the exchange is always in a quick, urgent whisper. Each says two things to each other: his own name, and the name of someone else. They put these names into mental storage in the slim hope that they may be released and be able to pass on information to families of prisoners.

Many prisoners have memorized more than a hundred names.

The same exchange takes place in the tapped messages—the trading of names.

So far, some 339 prisoners have been seen alive and in prison in North Vietnam. These names have come from various sources. Most of them have been confirmed by the nine prisoners the Communists have released in the past two years.

From them, much of the current information has been learned concerning treatment, numbers, and location of the prisoners. There are about 1,500 Americans currently missing in Southeast Asia. Most are pilots.

Prisoners are warned that attempts to communicate with one another would result either in deep solitary confinement, or execution.

One recently released prisoner told of his first month in captivity: He was placed in a bamboo hut on his stomach, with his feet in wooden stocks, arms tied behind him in ropes. Except for two brief periods a day, he was kept in that position for 29 days. His weight went from 170 pounds to 115 pounds.

In other locations, the prisoners were kept in leg irons, in isolated cells. All were treated as criminals and subjected to cruel propaganda. The Geneva Conventions regarding prisoners of war are totally ignored by Hanoi.

All of this places great pressure on the White House to seek every avenue toward the release of the prisoners. State Department officials have been exploring every possibility, including some bizarre, offbeat suggestions, similar to the diplomatic ploy used at the time of the Pueblo release. They are designed to save face.

The Pentagon's deep rescue raid received top priority by the White House. But because of this, it may have lessened chances that the men can be released by creative diplomacy.

[From the Christian Science Monitor, Nov. 28, 1970]

FAMILIES' FRUSTRATIONS GROW: UNITED STATES MULLS NEW DEAL FOR POW's

(By William C. Selover)

WASHINGTON.—Every other month Mrs. Doris Paxton and her teenage daughter, Leslee, send a small package to Hanoi.

It's addressed to Lt. Col. Donald E. Paxton, an American pilot downed over Laos Feb. 22, 1969.

Mrs. Paxton never knows if it reaches her husband. In fact, she has never heard any word at all from him, or about him. His name has not appeared on the lists of those prisoners of war confirmed captured.

But her package goes anyway—bolstered by her hopes and prayers that somehow the deck of cards, the Yo-Yo, the reading material, the wool socks, and the home-made fudge may find him.

Still, reflecting quietly in her comfortable ranch-style home in McLean, Va., she finds it's not always easy to hope as she marks the days since his downing.

Mrs. Paxton is just one of hundreds of wives and mothers who are similarly counting the days. Some have done it for more than five years.

What she fears most now is that the war may just wind down and fizzle out without any more being done for the prisoners.

This concern is shared widely among the families of those missing or held prisoner. With the progress of the Vietnamization program and the exit of American servicemen from Southeast Asia, they wonder what will happen to their men. They are deeply frustrated over the prospect.

It is exactly this frustration that has driven government officials here to explore every avenue of hope, to devise dramatic ways to rescue them, to initiate diplomatic initiatives of every description, through every likely channel and some unlikely ones.

Diplomatic efforts are still being pressed by the White House, and in a small, paneled office high on the seventh floor "executive suite" of the State Department overlooking the Lincoln Memorial and the Potomac River beyond.

Throughout the summer and fall, every head of state who visited Mr. Nixon, especially those whose countries have ties with Hanoi, heard from the President about the prisoners.

He urged them to approach Hanoi with the question. The President and his aides have been especially pressing Eastern European countries and the Soviet Union to do something.

But informed sources here say the response in Hanoi has been disappointing. United States intelligence sources report that in recent months, whenever the question has been raised with Hanoi leaders, the interview has been either terminated or transformed into a hostile chill. "They are apparently becoming very sensitive about it," said one official.

Thus, officials have seen that over the past year the chances of successfully freeing the prisoners through conventional diplomacy—or even getting their names—have diminished markedly.

Because of this, there is currently under consideration in certain quarters here a plan born of the successful effort to free the Pueblo crew through a bizzare, outlandish proposal.

It would consist merely of private assurances to Hanoi that should it agree to release the prisoners, the returning men would be forbidden from meeting with the press for a specified period of time—say a couple of months. (In the Pueblo case, the U.S. agreed to sign a document apologizing for the incident, but only after renouncing it first.)

In the current situation with the PWs in Vietnam, the proposal under study is not so outlandish, but it still pays primary consideration to the all-important Oriental issue of "saving face."

SPLIT OPINION ASSUMED

Underlying this plan is the assumption that there may be a divergence of views within the Communist leadership in Hanoi, with some officials in favor of releasing the prisoners, while others are against it.

The fact that nine prisoners have been released without explanation in the past two years is believed to support the contention that there may be some sentiment in Hanoi for wholesale release.

This view holds that the balance of opinion among the Hanoi leaders could be shifted by the assurance that the released prisoners would not immediately go before television cameras and before the world recounting incidents of mistreatment, torture, and brutality.

Stories of such incidents have come out of the testimony of some of the prisoners already released.

The North Vietnamese, according to sources here, apparently are extremely sensitive to world opinion in the face of such charges.

It is assumed that the whole prisoner issue is troublesome for Hanoi. It is all a matter of disposing of the problem without shame in the eyes of the world, it is felt, or of "saving face."

A publicity blackout could be the answer.

EFFECT OF RAID ASSESSED

It is felt here the blackout is worth exploring, and some officials are convinced that following the dramatic Son Tay raid, Hanoi may be more willing to go the diplomatic route.

Not everyone agrees, of course. Some powerful voices on Capitol Hill think otherwise. They feel the raids were an extreme provocation, reducing the hope of finding a diplomatic solution.

But they could be wrong.

In any case, the Nixon administration has tried the Pentagon plan and may try it again.

Defense Secretary Melvin R. Laird insists that the daring raid of Nov. 2 is just the beginning. Other "strong" and "unusual" measures to free the prisoners are planned, he says.

Pressure on the White House to "do something" was apparently the most convincing argument for the Son Tay rescue effort.

Next step may be the news blackout pitch.

The clear indication here is that no effort will be spared, and no route unexplored, when it comes to the release of American prisoners of war.

[From the Christian Science Monitor, Nov. 30, 1970]

SOME GIFTS GET TO U.S. PRISONERS

(By William C. Selover)

WASHINGTON.—What American prisoners of war held in North Vietnam most want are photographs—photographs of their children, of their wives, their families, and loved ones.

Many of the families spend $25 to $35 every two months on packages and letters that contain photographs along with other items ranging from homemade brownies to playing cards.

Month after month the mailings have continued. Indications are that sometimes the mail gets through.

But more often than not, when pictures are sent, their Communist captors snatch these little mementos of home and freedom away before they are delivered.

It's all part of the psychological pressure that the prisoners—some in captivity for more than five years—have received in prison camps in North Vietnam.

"It's all so unnecessary," says Mrs. Virginia Capling of Chicago. "It's as though they're deliberately trying to punish the family." Mrs. Capling's husband, Rex, was shot down over North Vietnam two years ago.

President Nixon wants to change all that.

NEW EFFORTS UNDER WAY

Mr. Nixon announced in late October, "I have instructed the Postmaster General to make every effort to see that our prisoners of war receive their mail. And by every effort, I mean, if possible, even going to Hanoi to accomplish that objective."

Postmaster General Winton M. Blount hasn't gone to Hanoi yet, but he has gone to Geneva under this dictate.

Until now, the only way many letters are assured delivery is through an antiwar group in New York, the Committee of Liaison, headed by Mrs. Cora Weiss.

Members of the group have made periodic trips to Hanoi to deliver the mail and return with letters.

But the letters returned, some 3,000 so far, are hollow reminders that the men in captivity are under severe restrictions: Each letter is only six lines long, and each must conform to a stringent form.

Letters from families are under the same restrictions.

The Committee of Liaison supplies the form letters. Most families are very reluctant to use this source, not wanting to cooperate with an antiwar group. But apparently, it provides almost the only assured link with the prisoners.

TYPICAL LETTER RELEASED

One family received this typical letter, squeezed on six lines of the form:

"Dear mom, dad and family,

"How's everyone? I am in excellent health and still retain my optimistic outlook on everything. So don't worry a bit about me. The food and treatment here are very good. I got your packages. They were great. I think about you all much of the time and look forward to being home soon. Love, Robert."

But "Robert" (not his real name) wrote that over a year ago. He is still captive.

Many letters ask for photographs. And even though they are sent regularly in packages, letters continue to return indicating that they haven't been delivered.

There is less formal restriction on the content of packages, which go through regular postal channels, by way of Switzerland and the Soviet Union. (Some letters sent this way through regular mails have reached their destinations as well.)

SOME PACKAGES ARRIVE

Since the package program was first permitted, beginning in 1968, some 5,400 have been sent this way. Letters received by families show that certain things have actually arrived.

But not always.

Recently, some letters were returned indicating that the addressee had passed on. This is a jolting tragedy for families waiting at home, especially since this has sometimes occurred after families have seen their captured loved ones in propaganda photos, or have seen the texts of news conferences in which they participated.

But the fact that some letters are returned with such information is taken by some officials here as a sign that the Hanoi regime may be softening its stance on the prisoners.

But until the North Vietnamese leaders begin to respect the Geneva Convention on mails (four letters and two cards per month), there is not much reason to hope.

One returned prisoner (and there have been nine in the past two years) reported that letters taken from deceased Americans, destined to wives and families at home, have been read tauntingly to the prisoners.

This type of brazen, psychological cruelty in what the administration wants stopped. And apparently the White House intends to spare nothing in this effort.

[From the Christian Science Monitor, Dec. 2, 1970]

MISTREATMENT DESCRIBED: PW's "BLOW WHISTLE" ON HANOI

(By William C. Selover)

WASHINGTON.—A tragic tale of torture, brainwashing, murder, and medical neglect is slowly filtering out of Communist prisoner-of-war camps in Southeast Asia, where hundreds of American pilots have been confined, some for up to six years.

These facts have come to light slowly, with this risk: The released prisoners who have told their stories had been warned that those remaining in the war camps faced reprisals.

NO TESTIMONY GIVEN

But the released prisoners have nonetheless been urged by their buddies to "blow the whistle" on Hanoi, to refute the claims that they are giving humane treatment to prisoners, and not to fear what might happen as a result.

One prisoner, the subject of intensive torture, particularly wanted his story told.

He said if he gets tortured some more, "at least he'll know why he's getting it and he will feel that it will be worth the sacrifice," according to Lt. Robert Frishman, released in 1969.

He was speaking of Lt. Comdr. Richard Allen Stratton, who had refused to appear before a North Vietnamese delegation to testify that he had received humane treatment.

Because of his refusal, he was thrown into a dark cell for 38 days to think about it.

What he had to think about was the kind of treatment he had, in fact, received: He had cigarette burns and rope scars on his arms to remember. He had been deprived of his sleep, beaten, his fingernails had been removed, and he was forced to suffer in solitary confinement with untreated wounds.

STATEMENT SQUEEZED OUT

Ultimately, Colonel Stratton made his statement. However, he appeared before press and photographers while walking around bowing and appearing glassy-eyed, giving the impression that he had been brainwashed. The trick apparently worked. And Hanoi, since then, forced him to make statements saying he hadn't been brainwashed.

But most men in prison camps offer less resistance to making periodic statements of humane treatment. To get these statements, the men are forced to sit on a hot stool in a stuffy room with no sleep, with mosquitoes biting them.

"In two days your feet swell up and then it creeps up your legs until they're numb," reported Lieutenant Frishman, who went through it.

"Some have gone for 150 hours. Others passed out from heat exhaustion in 48."

EXECUTIONS REPORTED

Several men have in recent weeks been reported by Hanoi to have died in confinement. Chances are, medical treatment was not adequate, or coercion was too intensive.

But there is no way of knowing. Not yet.

Some American prisoners held in South Vietnam camps have been executed after months of confinement. Some were avowed acts of reprisal. Often, though, this information came out later, sometimes a year or two later.

Officials here say, however, that most of the time cooperative prisoners have not been subjected to anything more than the torture of a humdrum existence, depressing solitude, and hopeless meals.

A typical day for a prisoner begins at about 5 a.m. in the summer, and a half an hour later in the winter.

He leaves his room only to empty his night bucket. He then has the Voice of Vietnam or Radio of Hanoi to begin the day. This is English-language propaganda, designed to demoralize the troops.

A guard arrives to pass out the daily allotment of three cigarettes per person.

The first meal is at 10 in the morning, and the second, and last, is at about 4 in the afternoon. Each consists of pumpkin soup and pig fat, with some bread. The prisoner's weight loss is generally between 30 and 50 pounds in the first nine weeks.

Occasionally, if he has behaved well, he can sweep leaves or sit in the sun for a period. Sometimes he can read propaganda material.

"But for the most part," said one priosner, "I would just have to use American ingenuity to keep my mind busy and fight the isolation."

MESSAGES TAPPED OUT

Prisoners are generally forbidden to speak to each other. But when guards are out of hearing range, they manage to tap out Morse-coded messages to their fellow prisoners.

Occasionally a whispered word or two is exchanged.

The most urgent need for this communication is to gather an accurate name-count, so that families on the outside might one day learn whether their son, or brother, or husband is dead or alive. Some prisoners report that up to 600 names of men alive and well may be available.

Hanoi has never officially released a single name of a prisoner. But, through peace groups and confirmed by the memorized lists of released prisoners, some 339 have been accounted for. Officials don't accept this as a complete list.

FIGURES TALLIED

About 1,500 men have been lost in that area.

With scraps pieced together from intelligence reports, officials here now say that there have been about 376 Americans known alive in North Vietnam at one time or another, 78 in South Vietnam, and three in Laos. Thus 457 out of the 1,500 missing have been spotted alive in confinement.

The saga of the search for names took a dramatic turn last September when Astronaut Col. Frank Borman undertook a 14-country mission to seek the names, at the request of President Nixon.

He went first to Moscow and Warsaw. Then on to Stockholm; Paris; Geneva; Belgrade; Algiers; Tehran, Iran; Delhi; Bangkok, Thailand; Vientiane, Laos; Saigon; Hong Kong; and ending in Tokyo. Of this 25-day trip, Colonel Borman could only report "American anguish and human tragedy."

He got nothing—except attention. And world attention was what President Nixon determined early in his administration the plight of the PWs deserved.

It's a humanitarian issue on which countries opposed to American aims in Southeast Asia may nevertheless agree. They agree that mistreatment is repugnant, that torture is reprehensible, and that Hanoi's refusal even to let a representative of the International Red Cross into the country, much less to inspect the prison camps, is deplorable.

There has been some criticism of treatment of Communist prisoners in South Vietnam. Officials here admit that there have been instances of mistreatment. But, they insist, it is the exception rather than the rule, and those found guilty of violating international standards set up by the Geneva Convention are punished.

Generally, officials say, with the Red Cross inspecting each Allied prison camp about twice a month, and with the willingness of the Allies to provide the Communists with a list of prisoners held, there is no comparison between Communist and Allied treatment of prisoners.

The big difference is essentially oriental in nature and thus somewhat inscrutable for the Westerners: The Hanoi leadership has shown no interest whatsoever in the names of its missing soldiers. It considers its men, when captured, as disgraced. Some 36,000 Communist prisoners are held in South Vietnam. Between 8,000 and 9,000 are North Vietnamese

But the American families and the American people are profoundly interested in every single American prisoner. That's why Mr. Nixon has clearly gone to the public on this issue.

[From the Christian Sciences Monitor, Dec. 3, 1970]

Daily Trips to Mailbox: PW Families Wait, Hope

(By William C. Selover)

Washington.—Time weighs heavily on the hands of hundreds of wives, parents, and children of men lost in Southeast Asia. The men are mostly downed pilots. Some are listed as missing in action, others are confirmed prisoners.

Either way, the families they left behind bear the burden of not knowing what has happened or what may happen to their loved ones.

For Mrs. Virginia Capling in Chicago, that daily walk to the mailbox is her hardest moment.

An attractive, outgoing woman, Mrs. Capling, whose husband, Rex, an Air Force major, was shot down over North Vietnam two years ago, does not know whether her husband is alive or dead, whether he is sick or well, or whether he will ever return home again.

Some day, she may know more—when Hanoi decides to tell her. Meanwhile, she keeps making that daily trip to the mailbox, keeping up her hopes.

"WE WANT TO BE UNITED"

"We've carried this burden alone and we're tired," she told Monitor Chicago correspondent Guy Halverson. "We want our fellow Americans to speak out and join us. We want to be united in this issue."

Until May, 1969, the Pentagon warned families not to discuss the plight of their lost loved ones with anyone outside of the immediate family.

The Pentagon apparently felt it would be easier on those remaining if the Hanoi regime was not embarrassed by a lot of publicity.

Then, a year and a half ago, Defense Secretary Melvin R. Laird lifted the ban on the PW issue. "From that point on," Mrs. Mary Ann Waters told Curtis J. Sitomer, a Monitor Los Angeles correspondent, "I could no longer in good conscience play the role of a plain old housewife."

Soon she joined a group "with a terribly long name"—the National League of Families of American Prisoners and Missing in Southeast Asia.

Her husband, Capt. Samuel E. Waters Jr., flew off on a bombing mission over North Vietnam on Dec. 13, 1966. Mrs. Waters was left on Okinawa caring for her two infant children, Robbie and Samantha. Her husband never returned. She has had no word from him since. "Our only report was that he had ejected safely out of the plane," says Mrs. Waters.

Describing her work with the National League of Families, Mrs. Waters explained that her first task was just to inform the American public that there are, in fact, prisoners over there.

"Many people had no idea about this incredible situation," she said.

"Then we urged the writing of letters to congressmen as well as other government officials as well as those in charge in North Vietnam."

She has corresponded with ambassadors in the Soviet Union, Sweden, France, India, and Cambodia, asking them to intercede to help her husband.

On Thanksgiving Day, she joined about 50 other southern California families of American prisoners of war in Los Angeles's Pershing Square, in a symbolic tribute to their missing and imprisoned loved ones.

They solemnly partook of a Thanksgiving breakfast of hog fat, pumpkin mash and rice—the routine, twice-daily meal for Hanoi's captives.

These activities help keep the women busy and active, giving them a feeling of purpose in a deeply frustrating situation. State Department officials here, constantly in touch with families of prisoners, say that the activity is therapeutic, that it helps them go from day to day.

PETITION CIRCULATED

Mrs. Lone Chavez, the wife of an Air Force captain downed at the end of July, circulated a petition in her office calling on Hanoi to comply with the Geneva Convention. She wants to know if her husband, Gary, was captured. He is officially listed as missing.

Speaking about her husband to the Monitor's San Francisco correspondent, David Holmstrom, Mrs. Chavez confided: "He told me once that if anything happened to him he hoped I would make as big a stink as possible about it."

So she's trying. As are other wives.

At the national headquarters of the League of Families, a small office in a handsome new building on Capitol Hill, members of the league keep lists, coordinate letter writing, and keep in touch with government officials on the subject.

CRUSADER ROLE DISLIKED

And they let their views be known. But it's not easy for some women to make their private grievances public.

"I dislike crusading women," the head of the National League of Families, Mrs. Bobby G. Vinson, says. "It upsets me tremendously to bleed publicly."

But that's what she sometimes has to do to gain attention to her plight, and the plight of hundreds like her. Her husband, an Air Force colonel, is missing in North Vietnam.

"If it is true that the Communists are watching public opinion, in this country, and the world," she says, "please let them know that the world community condemns them for this inhumane action."

That's the whole idea of the league.

But for some women, it is too much.

DISHEARTENING REMINDER

For Mrs. Doris Paxton, such activity as a constant reminder, only disheartens her. She would rather go bowling with her friends, or, as she has done part-time, work for her local church in suburban McLean, Va.

Her husband, Lt. Col. Donald E. Paxton, an American pilot, was downed over Laos in February, 1969. Nothing has been heard from him or about him.

She and her daughter, Leslee, share moments of fun and laughter in the afternoons when Leslee gets home from high school.

But in quieter moments, sitting back in a burnt-orange, velvet chaise, with the picture of her husband at her side, Mrs. Paxton wonders why this had to happen, what Hanoi expects to gain from keeping American prisoners, from their mistreatment, from confining them to soltitude, even from withholding their names. "I don't think they can gain any more from them," she concludes, "just the frustration factor."

Mrs. Paxton was among the many wives and families encouraged by the raid into North Vietnam to rescue some American prisoners. "How marvelous it would have been if they had been able to bring some of them out," she says.

As for fears being expressed in Congress and elsewhere that reprisals could result from the effort, Mrs. Paxton believes that "any man being held would accept the reprisals and thank God that the government went in to do something."

And in southern California, Mrs. Mary Ann Waters was "thrilled" with the recent rescue attempt.

"Those boys now know that somebody over here cares what happens to them." But she believes that the raid would never have been attempted if the Paris negotiations "were going well."

SOME DISAGREE

Not every wife could agree with the raids.

Mrs. Chavez thinks it was not the wisest thing that could have been done. "I'd like to see some quiet diplomatic work done," she said, "instead of a highly publicized 'Steve Canyon' effort. It is inexcusable that the intelligence was so poor," she said, referring to the fact that the raid was made on an empty camp.

Even though her husband volunteered for duty in Vietnam his attitude changed once he was there. Mrs. Chavez opposes American involvement there and would like to see a "new administration with a new attitude toward the war."

But Mrs. Chavez is clearly in the minority among officer's wives.

Most of them support the administration's position and treat the PW issue as their own personal tragedy.

It's most difficult for the children, many families agree.

The Waters children are aware that their father is a prisoner of war. "I often take them with me," Mrs. Waters says, referring to her TV appearances, speeches, and other activities. "We all joined the Thanksgiving event. This type of thing gives them a feeling of relationship with their dad."

Miss Kris Capling, an ebullient, pert young lady of seven, was four when her father was transferred overseas. "I think this is hardest on the children," Mrs. Capling says. "In the beginning, I didn't tell her anything. When she was six, I told her that her father was in an accident and that he had to bail out of his plane. But that he'd be home when the war was over."

[From the Christian Science Monitor, Dec. 7, 1970]

Vietnam Unique: PW's Languish as Political Pawns

(By William C. Selover)

Washington.—Earlier this year, delegations of wives of United States prisoners held in North Vietnam converged on Paris to meet with representatives of the Hanoi government.

They went there seeking information about their husbands. Some carried signs asking: "Am I a wife or a widow?"

In all instances they were rebuffed.

The most responsive reply they got was that their requests would be forwarded to Hanoi for consideration.

But for the most part, the Communist delegates reverted to the pattern of accusing the U.S. of "exploiting family sentiments." And the wives were told to return to the U.S. and join the peace movement if they wanted their husbands back.

It was a cruel ploy.

UNPRECEDENTED POLICY CHARGED

As tempting as the prospect may have appeared to some, no one did it. Not a single

PW wife has joined the antiwar movement, according to State Department sources.

The Hanoi demand was all part of the unprecedented manner in which the prisoner issue has become an international political football. Never before, in any other war (at least, not so far as State Department officials can ascertain), have prisoners been held as international hostages, ransomed to a political and military settlement of the war.

American officials at Paris and elsewhere have been told by North Vietnamese and Veit Cong representatives that the prisoners will be released if the President sets a timetable for pullout of U.S. troops from the area. They have also called for the replacement of the Thieu-Ky regime in Saigon with one favorable to Hanoi.

The President has been under considerable pressure from some quarters here, particularly in Congress, to actually agree to announce a U.S. withdrawal date, to see what happens. But officials at the State Department, deeply skeptical of the Hanoi intentions, predict the Communists would use the "salami tactic" in bargaining. "Once you accept the initial demands, then they add conditions," one official explained.

EXCHANGES EFFECTED BEFORE

In earlier wars, even the Korean war, the prisoner issue was resolved by an exchange of prisoners. "This is the first time in recent memory," said one official, "that the issue has been tied to political settlement, not to prisoner exchange."

The fact is, Hanoi is just not interested in their nearly 8,000 prisoners now held in allied camps in South Vietnam. These men are considered disgraced. Hanoi has never even asked about them. And when prisoners are occasionally returned to Hanoi, they are watched or held for some time.

Hanoi has refused to operate through International Red Cross channels to deliver the mail. Rather, it works through peace groups in the U.S., requiring the wives and families to make their requests through a group called the Committee of Liaison, a peace group in New York.

"I'D LIKE TO HEAR, BUT—"

For wives whose imprisoned husbands have long and distinguished service records, it is particularly galling to have to deal through a peace group to obtain some word from Hanoi.

"I would like to hear something," explained a wife of a pilot downed two years ago over Laos. "But I don't want to go through a peace group, as desperately as I want to hear. I want to hear it officially. . . . In my case, my husband would have 20 years of service next July. . . ."

Most wives support the President's determined withdrawal and his Vietnamization program.

But, at the other end of the spectrum, the political right wing in this country is using the PW issue as an excuse to press for a widening of the war, to seek a "total victory," and to extend bombing raids into populated areas of the north.

SILENCE BROKEN

The Rev. Carl McIntire, the self-proclaimed war hawk, calling for a total victory over communism in the area, cited the PW issue as a rationale.

Somewhere in the middle, U.S. officials are trying strongly to counter the treatment of prisoners by the Hanoi regime as political booty. "We cannot permit them to be political hostages," astronaut Frank Borman told Congress after undertaking a mission on behalf of the prisoners for President Nixon.

After having been fairly silent on the prisoner issue, the U.S. now speaks out on it in every forum.

At the UN recently, for example, Sen. Claiborne Pell (D) of Rhode Island, U.S. representative in Committee III, referring to the North Vietnamese charge that U.S. prisoners are "war criminals," told the Assembly:

"I believe it is obvious that the North Vietnamese have merely made an attempt to cast a veil over the refusal to accord proper and reasonable treatment of the prisoners or permit access to them," he said. "In fact, they have signaled their intent to use these unfortunate captured military men as political pawns."

And, at the Paris peace talks, the PW issue has become the most visible of all the current questions.

The Nixon administration has its own reasons for "going public" on this issue at the moment, not the least of which is to detract from the resumed bombing of the north and to garner world opinion in behalf of the American prisoners.

But in the end it is the prisoner and his family who experience the most tragic of the traumas—seeing their intensely personal sadness exploited on every hand for narrow political gain.

Mr. ZABLOCKI. Mr. Speaker, I want to join my colleagues in support of House Resolution 1282, a resolution commending the brave American servicemen who attempted the daring raid at Son Tay in an effort to free American prisoners of war believed to be held there.

Although the mission of those men was not, regrettably, a success, their bravery and gallantry deserves the recognition which the resolution bestows. Working far beyond enemy lines as they were, their lives were in constant danger. But they were heedless of personal risk in their dedication to free their captured American comrades.

Although future raids such as the one at Son Tay may not be possible because the North Vietnamese certainly can be expected to take every precaution against further attempts, the event undoubtedly has given the loved ones of those in captivity renewed hope.

Moreover, while we cannot be certain that our prisoners have learned about the raid, I am confident that with time they too will know what was risked on their behalf and be strengthened in the knowledge.

Mr. Speaker, as you know, the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, of which I am chairman, has done considerable work on the prisoner problem. Approximately a year ago—on December 15, 1969—the House approved House Concurrent Resolution 454, calling for the humane treatment and release of American prisoners held in Southeast Asia. That resolution subsequently was passed by the Senate.

Although the legislation before us today is a House resolution and does not require Senate concurrence, it too will have its effect. We cannot, I believe, make too clear or vote too often our demands for humane treatment for our captured men as required by the Geneva protocol on prisoners of war.

In that regard, let me assure you, Mr. Speaker, the chairman of the Armed Services Committee, and all other interested members, that the Subcommittee on National Security Policy and Scientific Developments of the Foreign Affairs Committee intends to continue its work on the prisoner-of-war problem in an effort to explore all possible avenues toward the humane treatment and ultimate release of our captured servicemen.

Because of the purpose which House Resolution 1282 is meant to serve, I am happy to give it my support and vote.

Mr. GRIFFIN. Mr. Speaker, it is altogether fitting that we pass this resolution giving the No. 1 priority to the release of our POW's from Vietnam at the peace talks in Paris, and commending the brave and courageous men for their daring and precision attempt to rescue the men at the Son Tay camp in North Vietnam on November 21.

The valor displayed by these men who participated in this dramatic rescue attempt is in the highest tradition of the U.S. military service and is deserving of our highest order of praise and commendation.

Also, the determination to obtain the release of American prisoners of war and persons missing in action was clearly indicated to the North Vietnamese and the nations of the world by this rescue attempt. This determination, likewise, deserves the endorsement of Congress as a further means of underscoring our intent of not abandoning the brave and courageous men languishing under the cruel and inhuman fist of a ruthless enemy.

Most importantly, Mr. Speaker, our call for improved treatment, release of names, inspection of prisons, and all matters regarding these prisoners as the absolute No. 1 point in all further discussions in Paris is the single most important proposal relating to this war that has yet been brought before this Congress.

The adoption of this resolution will do more to restore the spirits of the families of these prisoners than anything this Government can do as well as contributing tremendously to their ultimate release.

Mr. WOLFF. Mr. Speaker, I believe that those gallant men who volunteered and actually went into North Vietnam on November 21, 1970, are deserving of high praise for their bravery.

While the volunteers who undertook this assignment are to be commended for great courage—and rightly so—those who were responsible for the planning and intelligence work leading up to the ill-fated invasion deserve to be condemned. I find it incredible that our intelligence could be so weak that we would send volunteers into an area from which our POW's had been removed 3 weeks previously.

We risked the lives of our men held prisoners in North Vietnam and we risked the lives of those who joined the unsuccessful rescue effort. It was a great error to jeopardize these lives and the fault of the error rests with the intelligence-gathering apparatus and those men who planned this mission so poorly.

Also, Mr. Speaker, I was pleased to be among those Members who arranged to have the last paragraph of the resolution, as originally written, corrected. This is the part referring to future negotiations. I share the frustration of my colleagues at the lack of success in Paris, but I believe those talks must continue. For it is a simple truth that if we are not talking to the enemy we cannot achieve the negotiated settlement which is our stated goal.

The correction which requires progress on the prisoner-of-war issue with a permanent agreement is a good one.

Mr. HORTON. Mr. Speaker, I rise in support of the resolution commending the Son Tay rescue mission and the brave men who participated in that operation.

I believe we should take note of several important aspects of this mission. First, it was not an escalation or expansion of the war. It was, rather, a humanitarian mission of rescue. Second, it should be noted that the participants—volunteers all—distinguished themselves not only by their bravery, but by their professionalism.

Admittedly, my knowledge of the extensive preparations for the mission is limited; however, I have read of the impressive training and preparations at Eglin Air Force Base for the mission. The dedication and professionalism shown by the volunteers—in their training, as well as their conduct on the operation, reflects very favorably on our Armed Forces, indeed.

In a time when we read daily about drug use, racial friction, and disciplinary problems in our armed services, the Son Tay mission serves to remind us that our armed services are also characterized by tough determination, courage, and efficiency.

In this respect, Mr. Speaker, I was especially pleased by the concluding words of the resolution, which read, in part:

> This hazardous and humanitarian undertaking . . . has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere.

Mr. Speaker, it takes a special kind of courage to survive a prisoner of war camp. The American prisoner is dependent upon himself alone for his survival. Living under wretched conditions, he is vulnerable to his own thoughts of despair and abandonment. His captors torment him with stories of the hatreds and disunity here at home. And they encourage him to forget his country as they seek to convince him that he has been forgotten. It takes a special, quiet kind of bravery for a man to survive this treatment. The kind without trumpets or cheering crowds. His will to survive is largely based on his faith in this country and its people. The Son Tay mission has justified and confirmed that faith.

I think, however, that we must redouble our efforts to achieve release or, at least, humane treatment for our prisoners in North Vietnam. Our best diplomats should be assigned to that function and all channels of our communication with the North Vietnamese—official and unofficial, public and private, national and international—should be very, very busy with that task.

I am certain the mission "lifted the hopes and spirits" of our other soldiers as well. The fighting man's will to serve his country also rests on faith in America and I'm sure the pride we felt at home was similarly felt by our men in the field.

For these reasons, Mr. Speaker, I was especially pleased with the wording of the resolution. The men who participated in the mission should be commended, not merely for their courage at Son Tay, but for reminding us that this courage and professionalism exists throughout our armed services and can be called upon for hazardous missions, even when the possibilities for success are unknown.

I was—as we all were—very disappointed that the men found no prisoners at Son Tay. It serves to remind us that gathering intelligence is often as much an art as a science, that frequently we must be satisfied with impressions when facts are unavailable. To the extent that our intelligence-gathering in North Vietnam can be improved, it certainly should be. Perhaps better use can be made of agents on the ground, since we have experienced the limitations of aerial photographs.

Closely related is the matter of security. It is imperative that security be as tight as possible in a mission where American lives are at stake. My conversations with Vietnam veterans, as well as press reports, suggest that our South Vietnamese allies are not as security-conscious as they can be. Since they must be included in the planning of many operations, I think we should increase our efforts to help them improve their security precautions and procedures.

The Son Tay mission serves to remind our allies, our adversaries, and ourselves that American activity in Vietnam, from its beginnings to the day our soldiers leave, has been and will be, a professional effort. Hopefully, our nation will soon end this tragic war and we will be able to get on with answering our needs at home.

Mr. EDWARDS of California. Mr. Speaker, had House Resolution 1282 been a straightforward commendation of the bravery of the men who, under orders from above, participated in the Sontay raid, I would have no difficulty in supporting it.

Nor do my reservations about this legislation have anything to do with my very real sympathy for the prisoners of war and their families. Surely all of them have borne more than their share of heartache and misery as a result of this unfortunate and illegal war.

It is tragic that the war continues at all. A recent Gallup poll indicates that a majority of Americans support the proposal for total American withdrawal by a fixed date in 1971. Our Government's approval of this proposal would insure the release of all the prisoners of war, on both sides.

House Resolution 1282 is unacceptable because it also commends those in high places who authorized the raid. These same officials, including Secretary of Defense Laird, have indicated that more raids are contemplated and I cannot think of anything more detrimental to the health and safety of the prisoners if this is true. How do we know that the Sontay raid has not already resulted in retaliation against the American prisoners of war? How do we not know that this abortive raid has not resulted in added discomfort to the prisoners as they are moved from prison to prison for security reasons? How many prisoners were killed or injured in the massive bombings which accompanied the raid?

For these reasons I cannot support any resolution that compliments the "official command." The individual officers and men who so bravely participated; yes, but not the President, the Secretary of Defense, and those in charge who ordered this irresponsible gamble.

All America should be indebted to the distinguished gentleman from California (Mr. LEGGETT) for his magnificent leadership in leading the opposition to this ill-conceived bill.

And had it not been for the perseverance and parliamentary skill of the distinguished gentleman from New York (Mr. RYAN) the resolution would have been even worse—it would have done serious damage to the peace talks in Paris. The gentleman from New York deserves much credit.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the motion offered by the gentleman from South Carolina (Mr. RIVERS) that the House suspend the rules and pass the resolution (H. Res. 1282), as amended.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 347, nays 15, answered "present" 1, not voting 71, as follows:

[Roll No. 387]

YEAS—347

Abernethy
Adair
Adams
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ayres
Baring
Barrett
Bennett
Betts
Bevill
Biester
Blackburn
Boggs
Boland
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Carney
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins, Ill.
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Henderson
Hicks
Hogan
Holifield

Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keith
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lloyd
Long, La.
Long, Md.
Lujan
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pike
Pirnie
Podell
Poff
Pollock
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roybal
Ruppe
Ruth
St Germain
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Wampler
Ware
Watson
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—15

Bingham
Brown, Calif.
Burton, Calif.
Chisholm
Clay
Conyers
Harrington
Kastenmeier
Leggett
Lowenstein
Ottinger
Rosenthal
Ryan
Scheuer
Stokes

ANSWERED "PRESENT"—1

Morse

NOT VOTING—71

Abbitt
Addabbo
Alexander
Anderson, Tenn.
Aspinall
Beall, Md.
Belcher
Bell, Calif.
Berry
Biaggi
Blanton
Blatnik
Bolling
Brasco
Button
Collins, Tex.
Daddario
de la Garza
Dent
Diggs
Dowdy
Dwyer
Edwards, La.
Farbstein
Fulton, Tenn.
Gilbert
Gray
Green, Oreg.
Grover
Halpern
Hanna
Heckler, Mass.
Helstoski
Kee
King
Lennon
Lukens
McKneally
MacGregor
Meskill
Mikva
Morton
Mosher
Moss
Nichols
O'Konski
Pettis
Pickle
Poage
Powell
Preyer, N.C.
Purcell
Reifel
Roe
Roudebush
Rousselot
Sandman
Stanton
Stephens
Stuckey
Sullivan
Symington
Tiernan
Tunney
Waggonner
Waldie
Watts
Weicker
Wiggins
Wydler

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution as amended was agreed to.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Stanton.
Mrs. Sullivan with Mrs. Dwyer.
Mr. Lennon with Mr. Beall of Maryland.
Mr. Brasco with Mr. Grover.
Mr. Aspinall with Mr. Button.
Mr. Dent with Mr. Halpern.
Mr. Fulton of Tennessee with Mr. Morton.
Mr. Stephens with Mr. Belcher.
Mr. Roe with Mr. McKneally.
Mr. Pickle with Mr. MacGregor.
Mr. Nichols with Mr. Collins of Texas.
Mr. Moss with Mr. Bell of California.
Mr. Waggonner with Mr. Berry.
Mr. Tiernan with Mrs. Heckler of Massachusetts.
Mr. Helstoski with Mr. Roudebush.
Mr. Biaggi with Mr. Wydler.
Mr. Blatnik with Mr. Sandman.
Mr. Edwards of Louisiana with Mr. Rousselot.
Mr. Gray with Mr. Mosher.
Mr. Blanton with Mr. Meskill.
Mr. Hanna with Mr. Wiggins.
Mr. Stuckey with Mr. Reifel.
Mr. Purcell with Mr. Weicker.
Mr. Preyer of North Carolina with Mr. Lukens.
Mr. Mikva with Mr. Dowdy.
Mr. Kee with Mr. Watts.
Mr. Waldie with Mr. Pettis.
Mr. Alexander with Mr. O'Konski.
Mr. Anderson of Tennessee with Mr. Tunney.
Mr. Gilbert with Mr. King.
Mr. Daddario with Mr. Diggs.
Mrs. Green of Oregon with Mr. Symington.
Mr. Abbitt with Mr. de la Garza.
Mr. Farbstein with Mr. Powell.

Mr. WYATT changed his vote from "present" to "yea."

Mr. SCHEUER changed his vote from "yea" to "nay."

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the pending resolution.

The SPEAKER. Without objection, so ordered.

There was no objection.

SURVIVOR ANNUITIES UNDER CIVIL SERVICE

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and pass the bill (S. 437) to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes, as amended.

The Clerk read as follows:

S. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332(f) of title 5, United States Code, is amended by inserting immediately after the first sentence thereof the following new sentence: "An employee or former employee who returns to duty after a period of separation is deemed, for the purpose of this subsection, to have been in a leave of absence without pay for that part of the period in which he was receiving benefits under subchapter I of chapter 81 of this title or any earlier statute on which such subchapter is based.".

SEC. 2. (a) Section 8339(i) of title 5, United States Code, is amended by striking out "his spouse" and inserting in lieu thereof "any spouse surviving him".

(b) Section 8339(j) of title 5, United States Code, is amended—

(1) by inserting "(1)" immediately after "(j)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) An employee or Member, who is unmarried at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to his spouse and who later marries, may irrevocably elect, in a signed writing received in the Commission within 1 year after he marries, a reduction in his current annuity as provided in subsection (1) of this section. His reduced annuity is effective the first day of the month after his election is received in the Commission. The election voids prospectively any election previously made under paragraph (1) of this subsection.".

SEC. 3. (a) Section 8341(a) of title 5, United States Code, is amended—

(1) by inserting "and" at the end of paragraph (2)(B);

(2) by striking out paragraph (3); and

(3) by renumbering paragraph (4) as paragraph (3).

(b) Section 8341(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if an employee or Member dies after having retired under this subchapter and is survived by a spouse to whom he was married at the time of retirement, or by a widow or widower whom he married after retirement, the spouse, widow, or widower is entitled to an annuity equal to 55 percent, or 50 percent if retired before October 11, 1962, of an annuity computed under section 8339(a)-(h) of this title as may apply with respect to the annuitant, or of such portion thereof as may have been designated for this purpose under section 8339(i) of this title, unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire any spouse surviving him to receive this annuity.

"(2) If an annuitant—

"(A) who retired before April 1, 1948; or

"(B) who elected a reduced annuity provided in paragraph (2) of section 8339(j) of this title;

dies and is survived by a widow or widower, the widow or widower is entitled to an annuity in an amount which would have been paid had the annuitant been married to the widow or widower at the time of retirement.

"(3) A spouse acquired after retirement is entitled to a survivor annuity under this subsection only upon electing this annuity instead of any other survivor benefit to which he may be entitled under this subchapter or another retirement system for Government employees. The annuity of the spouse, widow, or widower under this subsection commences on the day after the annuitant dies. This annuity and the right thereto terminate on the last day of the month before the spouse, widow, or widower—

"(A) dies; or

"(B) remarries before becoming 60 years of age.".

(c) Section 8341(d) of title 5, United States Code, is amended to read as follows:

"(d) If an employee or Member dies after completing at least 18 months of civilian service, his widow or widower is entitled to an annuity equal to 55 percent of an annuity computed under section 8339(a)-(e) and (h) of this title as may apply with respect to the employee or Member, except that, in the computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of—

"(1) 40 percent of his average pay; or

"(2) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age.

The annuity of the widow or widower commences on the day after the employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the widow or widower—

"(A) dies; or

"(B) remarries before becoming 60 years of age.".

(d) Section 8341(e)(2) of title 5, United States Code, is amended by striking out "subsection (a)(4)" and inserting in lieu thereof "subsection (a)(3)".

Sec. 4. Section 8344(a) of title 5, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "If the annuitant is receiving a reduced annuity as provided in section 8339(i) or section 8339(j)(2) of this title, the increase in annuity payable under subparagraph (A) of this subsection is reduced by 10 percent and the survivor annuity payable under section 8341 (b) of this title is increased by 55 percent of the increase in annuity payable under such subparagraph (A), unless, at the time of claiming the increase payable under such subparagraph (A), the annuitant notifies the Commission in writing that he does not desire the survivor annuity to be increased. If the annuitant dies while still reemployed, the survivor annuity payable is increased as though the reemployment had otherwise terminated. If the annuitant dies while still reemployed and the described reemployment had continued for at least 5 years, the person entitled to survivor annuity under section 8341(b) of this title may elect to deposit in the Fund and have his right redetermined under this subchapter.".

Sec. 5. (a) The amendment made by the first section of this Act is effective only with respect to annuity accruing for full months beginning after the date of enactment of this Act; but any part of a period of separation referred to in such amendment in which the employee or former employee was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, or any earlier statute on which such subchapter is based shall be counted whether the employee returns to duty before, on, or after such date of enactment. With respect to any person retired before such date of enactment, any such part of a period of separation shall be counted only upon application of the former employee.

(b) The amendments made by section 2(a) and 3 of this Act shall not apply in the cases of employees, Members, or annuitants who died before the date of enactment of this Act. The rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

(c) The amendments made by section 2(b) of this Act shall apply to an annuitant who was unmarried at the time of retiring, but who later married, only if the election is made within 1 year after the date of enactment of this Act.

(d) The amendment made by section 4 of this Act shall apply only with respect to a reemployed annuitant whose employment terminates on or after the date of enactment of this Act.

Sec. 6. The Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) Each former President shall be entitled for the remainder of his life to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to the annual rate of basic pay, as in effect from time to time, of the head of an executive department, as defined in section 101 of title 5, United States Code. However, such allowance shall not be paid for any period during which such former President holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.";

(2) Subsection (e) is amended to read as follows:

"(e) The widow of each former President shall be entitled to receive from the United States a monetary allowance at a rate of $20,000 per annum, payable monthly by the Secretary of the Treasury, if such widow shall waive the right to each other annuity or pension to which she is entitled under any other Act of Congress. The monetary allowance of such widow—

"(1) commences on the day after the former President dies;

"(2) terminates on the last day of the month before such widow—

"(A) dies; or

"(B) remarries before becoming 60 years of age; and

"(3) is not payable for any period during which such widow holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate."; and

(3) Subsection (f) is amended to read as follows:

"(f) As used in this section, the term 'former President' means a person—

"(1) who shall have held the office of President of the United States of America;

"(2) whose service in such office shall have terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and

"(3) who does not then currently hold such office.".

The SPEAKER pro tempore (Mr. Boggs). Is a second demanded?

Mr. CORBETT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DULSKI. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of S. 437, as amended.

The amendment strikes out all after the enacting clause and substitutes a new text. There is only one substantive difference between the amendment offered and the amendment reported by the committee.

This difference is in the provisions relating to the widows of former Presidents.

The amendment provides that the annual monetary allowance for a widow of a former President be increased from $10,000 to $20,000. The committee amendment provides for a monthly pension equal to 55 percent of the monetary allowance for a former President.

The amendment also requires that the widow of a former President waive the right of any annuity or pension to which she may be entitled from the United States in order to receive the monetary allowance. A similar provision is in existing law, but was not included in the committee amendment.

The main purpose of the bill is to correct several inequities in existing law. Presently a retiree who accepts a reduced annuity in order to provide a survivor benefit for his wife, cannot extend that survivor annuity to a subsequent spouse. He is also precluded from having his full annuity restored.

The legislation now before us will permit the post-retirement spouse of such a retiree to qualify for survivor benefits if the spouse was married to the retiree at least 2 years immediately before the retiree's death.

Other major elements of the bill are—

First. It will extend to widowers of deceased female employees the same treatment accorded widows of male employees.

Second. It will provide credit for periods of separation due to injuries incurred while performing official service.

Third. It will allow a retiree, unmarried at the time of retirement, to provide survivor benefits for a subsequently acquired spouse, upon election to accept a reduced annuity.

Fourth. The bill provides for an increase in the annual allowance for former Presidents from $25,000 to an amount equal to the rate of pay for level I of the Executive schedule, the rate for Cabinet officers (presently $60,000). The Cabinet officer rate was the basis for setting the $25,000 allowance in 1958.

I would like to commend the gentleman from New Jersey (Mr. Daniels) chairman of our Retirement Subcommittee, for the outstanding work he and his colleagues on the subcommittee performed in finalizing this legislation.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey, the chairman of the subcommittee (Mr. Daniels).

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in support of S. 437, as amended, and for the purpose of explaining the proposed amendments to the bill, most of which are of a technical and perfecting nature.

Mr. Speaker, more Americans are spending more years in retirement periods of uncertain length and indeterminate needs than ever before in history. The economic and social problems growing out of this development require devoting our attention to its impact upon that segment of our retiree population covered by the civil service retirement system.

The hearings conducted by the Subcommittee on Retirement, Insurance, and Health Benefits reveal the need for remedying the inequities these retirees face—particularly, those faced by their widows—and the policies which have perpetuated those inequities. It is the primary objective of this legislation to alleviate the economic uncertainties and difficulties they now face by providing annuity protection to the surviving spouses of certain of these retired Federal employees.

The amendment under consideration incorporates several related proposals: H.R. 3661, introduced by the chairman of the Committee on Post Office and Civil Service, Mr. Dulski; H.R. 468, introduced and acclaimed over the years by the gentlewoman from Michigan, Mrs. Grif-

FITHS; H.R. 434, sponsored by our colleague from Oklahoma, Mr. EDMONDSON; and H.R. 11120, authored by the gentleman from Virginia, JOEL BROYHILL. I commend the part that each of these colleagues have played in assisting the committee in bringing to the floor of the House a long-overdue measure of simple equity. I am gratified with the overwhelming support given it by the members of the Retirement Subcommittee and the full committee.

The existing provisions of the civil service retirement law provides that upon an employee's retirement he may accept, in lieu of the maximum benefit to which he is otherwise entitled, a reduced annuity and, thus, provide a survivor annuity to only that spouse to whom married on the date of retirement. Acceptance of the reduced benefit is irrevocable and the reduction in annuity continues, irrespective of whether the designated spouse predeceases the retiree or the marriage is terminated by divorce. The law does not extend the survivor protection thus provided to the spouse of a postretirement remarriage.

The major purpose of this legislation is to amend existing law so as to provide for the automatic substitution of a spouse acquired after retirement as an eligible survivor-annuitant. Such substitution is justified on the premise that the socioeconomic need to provide survivor protection for a spouse acquired subsequent to retirement is no less than the need to protect a previous spouse.

Entitlement to the survivor benefit will automatically be vested in the widow or widower who survives the retiree, if such survivor has been married to the retiree for at least 2 years preceding the retiree's death, or if the survivor is the parent of a child born of the marriage. Thus, the eligibility requirement will be identical to the existing provision of law respecting the surviving spouse of an employee who dies in active employment.

Neither does existing law permit a retiree who is, or was, unmarried at the time of retirement to subsequently elect a reduced annuity upon marriage and, thus, provide a survivor annuity for the spouse acquired after retirement.

The bill recognizes the relative equity of persons in this circumstance by permitting a retiree who is unmarried upon retirement to later elect a reduced annuity in order to provide a benefit for his spouse.

Although present law allows an unmarried retiring employee who is in good health to elect a reduced annuity in order to provide a survivor benefit to a person having an insurable interest, it does not provide him an opportunity to substitute a spouse acquired subsequent to retirement as the survivor-annuitant. Recognizing that such a retiree might likewise desire to protect a spouse acquired after retirement, in lieu of the person named at retirement, the bill allows such a substitution.

Generally, under present law, when an annuitant is reemployed he is considered covered by the retirement system, but no deductions are withheld from his salary. If he completes five or more years of continuous, full-time reemployment service, he may elect to have his annuity recomputed on the basis of his entire service, and elect survivor benefits based on the resulting increased annuity.

On the other hand, he, as well as an annuitant who completes between one and five years of continuous full-time reemployment service, is entitled upon separation to a supplemental annuity based only on the reemployment service. The supplemental annuity, however, does not increase the benefits potentially payable to any survivor. This has been a reasonably satisfactory arrangement for annuitants whose reemployment service is relatively brief, because the resulting supplemental annuities are not large enough to provide a significant increase in a spouse's potential benefit.

It is recognized, nonetheless, that there are instances of an annuitant working for an extended period and earning a supplemental annuity large enough to provide a meaningful increase in the spouse's potential survivor benefit. While not creating a survivor annuity not previously provided upon initial retirement, the bill provides a workable method of allowing use of supplemental annuities to increase benefits to potential survivors. The supplemental annuity would be reduced by 10 percent and the spouse would be entitled to an increased survivor benefit equal to 55 percent of the supplemental benefit. In addition, the bill provides for automatically increasing the survivor rate accordingly in the event the annuitant dies while still reemployed, and for allowing the eligible survivor-annuitant to exercise the option of recomputation where the annuitant dies while still in service after 5 years of reemployment.

Under present law, in order for the husband of a deceased female employee to qualify for a survivor benefit he must—in addition to meeting either the 2-year marriage or parentage requirement—be incapable of self-support by reason of physical or mental disability, and must have received more than one-half of his support from his wife. This provision reflects a difference in treatment which is based solely upon whether the employee is a man or a woman. However, the difference in survivorship protection accorded male and female employees in active service does not exist with respect to the protection available after retirement—there being no duration of marriage, parentage, incapacitation, or dependency requirements to be met on the part of either a widow or widower where the employee, at time of retirement, accepts a reduced annuity to provide a spouse's survivor benefit.

The committee takes cognizance of the fact that the female employee contributes the same percentage rate of deduction as does the male employee, but her nondependent widower has no survivorship entitlement; whereas, a male employee's widow is automatically awarded a survivor benefit, irrespective of the fact that she may be self-sustaining. The legislation corrects this inequitable situation by removing the dependency requirements applicable to surviving widowers of female employees, thus according them the same treatment accorded widows of deceased male employees.

Further, Mr. Speaker, the amended bill proposes to treat an employee who is separated from Federal service while in receipt of compensation benefits for a job-incurred injury or illness as though he had been carried in a leave-without-pay status during such periods for retirement eligibility and computation purposes.

Lastly, the amendment provides for updating the monetary allowances payable to former Presidents of the United States and to their widows. In enacting Public Law 85-745, approved August 25, 1958, the Congress provided a lifetime monetary allowance of $25,000 per annum for any person who has served as President of the United States, and an annual benefit of $10,000 for the widow of a former Chief Executive.

While the $25,000 allowance to a former President was then equated with the salary of a Cabinet member, such allowance has not been updated during the 12 intervening years—whereas, Cabinet officers' salaries have been increased to a present figure of $60,000. The widow's benefit, likewise, has remained unchanged.

The amendment increases the annual Presidential allowance to a rate comparable to the salary of a Cabinet member—currently $60,000—and increases the widow's allowance from $10,000 to $20,000.

Mr. Speaker, both the subcommittee and the full committee were unanimous in reporting this legislation, and its provisions are fully endorsed by the administration. Therefore, I urge its unanimous adoption.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. DANIELS of New Jersey. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. I would like to commend the gentleman in the well. The bill will correct what is probably one of the most inequitable practices of the pension system and one of the most inequitable things that has ever occurred in employee relationship in the House. It has been grossly unfair that from women the same amount has been collected that has been collected from men, and yet their husbands, their spouses, have not had the same rights. I commend the gentleman, and I assure the women judges, in spite of the fact that they are not included in this bill, that I have introduced a bill that will include their husbands, too. These things are quite unfair. I do thank the gentleman and the full committee for correcting this inequity.

Mr. DANIELS of New Jersey. I also wish to commend the gentlewoman from Michigan for her leadership in connection with this amendment.

Mr. CORBETT. Mr. Speaker, I rise in support of S. 437, which corrects longstanding inequities in the civil service retirement program.

Presently, a Federal employee upon retiring may elect to provide his wife a survivor benefit, for which he must take a reduced annuity of 2½ percent on the first $3,600 and 10 percent on whatever is remaining of his annual annuity. However, in the event his wife predeceases him, he cannot substitute a subsequent spouse to receive survivor benefits, although his annuity continues to be reduced. The same is true of an unmarried retiree, who elects a reduced annuity in order to provide a survivor benefit to a person with an insurable interest. Namely, he cannot substitute a spouse as survivor annuitant in the event of marriage subsequent to retirement. Also, a retiree who was unmarried at the time of retirement may not subsequently elect a reduced annuity, and, thus provide a survivor annuity for a spouse acquired after retirement.

This bill ends the above-named inequities in the following manner:

First. Provides for automatic substitution of a subsequently acquired spouse, effective when the remarriage has lasted 2 years or upon the birth of a child of such marriage.

Second. Permits a retiree who was unmarried at retirement to elect, within 1 year after remarriage, a reduced annuity in order to provide a survivor annuity to a spouse to whom married for at least 2 years or who is the parent of a child born of such marriage.

Third. Allows an unmarried retiree who provided for a person with an insurable interest, to change his election, within 1 year after marriage, to provide survivor benefits to a spouse whom he has been married to for at least 2 years or is a parent of a child born of the marriage.

Mr. Speaker, from a purely humane and social point of view, it is imperative that we act quickly to remedy this most unfair situation.

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, I rise in support of S. 437, a bill designed to end the gross inequities existing under the survivor benefits provisions of the civil service retirement program.

Today, too many civil service annuitants who elected a reduced annuity, upon retirement, to provide a survivor benefit to their spouse, now find that even though their spouse has died they cannot redesignate a later spouse to receive survivor benefits. Nevertheless, their annuity will always continue to be reduced. This does not seem to be fair. In other words, it is the same as denying one the right to redesignate beneficiaries to one's will or insurance policies.

There are other inequities this bill eliminates, and they have been thoroughly explained by the able and distinguished chairman of our Subcommittee on Retirement, Insurance, and Health Benefits, Mr. DANIELS.

It is also worth noting that on November 24, 1970, the House passed H.R. 4183, a bill to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after retirement may qualify for survivor benefits, and sent it to the President for his signature.

Mr. Speaker, I do not wish to belabor a rather obvious point. That is, the passage of this legislation is important to many present and future annuitants, who through no fault of their own, are deprived of the honorable responsibility of providing survivor benefits for their spouse, even though they are paying for it.

I urge my colleagues to approve this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I assume that the amendment offered by the gentleman from New York is embodied in the 4 or 5 pages of typewritten copy which I hold in my hand?

Mr. DULSKI. That is correct.

Mr. GROSS. I will say to the gentleman that this amendment, in my opinion, vastly improves the bill. I still have some question about it, but reluctantly I will support the legislation with the amendment, and I commend the gentleman for offering it.

Mr. DULSKI. I thank the gentleman. Mr. Speaker, I have no more requests for time.

Mr. CORBETT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT) whatever time he may consume.

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman yielding and rise in support of the bill.

We did hold hearings on this measure and to the best of my knowledge, all the witnesses who appeared before our subcommittee supported the bill before us. I offered an amendment, that the committee did not see fit to adopt, which would have required that the second spouse be at least 50 years of age at the time the retiree qualified for an annuity. Nevertheless, I think this is a good bill. It has been long desired by both Government employees and retirees and I urge its passage by the House.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of that portion of S. 437 that relates to survivor annuities.

For many years I have urged the Congress to adopt legislation to liberalize the current civil service retirement law with respect to survivor annuities.

This bill would permit the retired Federal employee to designate a new spouse as survivor if he is predeceased by the person named as survivor at the time he retired. Moreover, this bill also provides for the reemployed annuitant that had previously been manditorily retired because he is over the age of 70 years and is subsequently called back to Federal service at the interest of the Government. The effect of this later case is to permit him to accumulate additional service toward his eventual retirement annuity and to be able to pass on to his survivor the increased annuity he would gain by his further employment.

At retirement a civil service retiree is at the low ebb of his income. At this point it is very difficult for him to make the decision which could result in a substantial reduction in his annuity. He has a tendency at this point to gamble on whether he will outlive his spouse or not. If the retiree fails in that gamble and the surviving spouse outlives the annuitant the country or the community has the problem of providing for the surviving spouse. On the other hand, if the annuitant outlives the spouse, he must continue to live at a reduced annuity. For the annuitant, it is a sort of Russian roulette game. We must, if we can, remove this provision from the retirement law that requires him to gamble and give him a more equitable basis to plan for the protection of his survivor. I hope this will be done in the near future.

As my colleagues know my district encompasses one of the largest centers for retired Federal employees in our Nation. One of the most frequent requests I have from these fine people concerns that portion of this bill which would permit an annuitant to designate a second spouse as his survivor. In this case the Congress has to accept the fact of life that an annuitant may remarry and that he has a legal and a moral right to provide for this new spouse which might result from a subsequent marriage. This bill will correct this antiquated policy.

In the latter case, which I mentioned earlier, the law never contemplated the problem of additional benefits for a retired person being recalled to Federal service after the mandatory retirement age. Such cases exist and the omission to provide for such a situation should be corrected. Granted this situation is rare, but when such cases occur to recall a retiree in his senior years, it is because the Government needs his service and it is always a matter of the highest national interest to utilize a rare talent. The Government in this instance should have no qualms to permit the increased annuity benefit which such employees might earn.

Last, I have examined this bill and I find that adequate provisions have been taken to assure the actuarial soundness of these measures. For these reasons I urge the passage of the bill.

Mr. SCHMITZ. Mr. Speaker, I want to be on record in opposition to S. 437, which would more than double the present "monetary allowance" for ex-Presidents. In view of the sky-high and still rising cost of Government today, the heavy tax burden and the enormous deficit, I have made it an invariable rule never to vote for Government pay increases which exceed the rise in the cost of living. This applies to ex-Presidents just as to anyone else.

Mrs. MINK. Mr. Speaker, I rise in support of S. 437, legislation relating to survivor annuities under the civil service retirement program.

I would like to draw particular attention to the provision of this bill which will eliminate a discriminatory policy affording lesser recognition to the contributions of women to the retirement fund.

Under existing law a widower of a Federal employee does not receive survivor benefits based on his wife's earnings unless he was dependent on her for more than half his earnings and incapable of self-support. No such requirement is imposed on widows of Federal Government employees.

It is not generally realized, but in practice this requirement means that a woman must earn three times as much as her husband in order for him to be "dependent" on her. Further, her husband must be physically or mentally disabled to the extent that he could not support himself in any case. The obvious purpose of such requirements, imposed on the earnings of women but not on those of men, is to insure that a man's earnings receive paramount recognition while those of a woman are deemed meaningless and unimportant to the family.

At a time when nearly half of women of employable age are in fact working, either from choice or necessity, the basis on which this policy was founded has long been outdated. The policy remains as an obsolete reminder of bygone times when a woman's place was solely "in the home," but its continued existence is far more than a dusty anachronism. As a law in force it represents an enormous inequitable burden on women who in many cases are the principal breadwinners of their family. In any case, it is grossly unfair to give lesser meaning to the contribution of women to family security while at the same time extracting just as much in civil service retirement taxes from women's earnings as from those of men.

The bill removes the dependency requirements applicable to surviving widowers of female employees, thus according them the same treatment given widows of deceased male employees.

This long-needed improvement will help remove sex discrimination from the Federal Government retirement system. I have long supported this change to bestow equal rights on women under the system.

While in this light the change is designed to give equal rights to women, in actuality men stand the most to gain. It is the widower and indirectly other surviving members of the family who will benefit by having survivor funds resulting from the deceased wife's years of earnings.

This is a good example of how providing equal rights for women benefits all. Accordingly I highly recommend approval of this legislation by my colleagues.

Mr. PEPPER. Mr. Speaker, I rise to indicate my strong support for the changes in survivors annuities proposed in the amendments to S. 437. I have been concerned for a long time with the inequities which this legislation is designed to correct.

In my bills, H.R. 7496, H.R. 12202, and H.R. 12612, introduced in the early part of this 91st Congress, I sought to provide on a more equitable basis survivor annuities for the second wives of annuitants and for the surviving husbands of women who have established civil service rights comparable to those accorded to male employees of the Federal Government.

I am very pleased, therefore, that this legislation recognizes that justice to the men and women who have served their National Government requires that the retirement system be made responsive to their needs. It is a fact of life that many retiring employees have elected to accept reduced benefits in order to provide annuities for their widows and have then found themselves widowers whose remarriages did not provide benefits for their second wives. This legislation corrects this situation by providing that annuities can be paid to second wives and by providing that retired civil servants who marry after retirement can elect to provide annuities for their widows.

This legislation also eliminates the discrimination against female civil servants who previously could not provide annuities for their surviving husbands unless the widowers were financially dependent upon their wives. This dependency requirement is not applied to the spouses of male civil servants and equity demands that it not be applied to female employees of the Government.

I regret that this legislation does not provide, as I proposed in my bill, H.R. 6528, minimum benefits for civil service annuitants of $200 per couple and $100 per person. But it is important that the inequities dealt with in this legislation be eliminated. And I commend the Committee on the Post Office and Civil Service for its favorable report on this legislation. I hope that the other body will concur in the House amendments so that this legislation will become law before we adjourn the 91st Congress.

Mr. CORBETT. Mr. Speaker, we have no further requests for time.

Mr. DULSKI. Mr. Speaker, we have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York (Mr. Dulski) that the House suspend the rules and pass the bill S. 437, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill (S. 437) just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

RIVERS AND HARBORS AND FLOOD CONTROL ACT OF 1970

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, as amended.

The Clerk read as follows:

H.R. 19877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—RIVERS AND HARBORS

Sec. 101. The following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated. The provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full.

NAVIGATION

Pleasant Bay, Massachusetts: House Document Numbered ——, at an estimated cost of $10,221,000;

Baltimore Harbor, Maryland and Virginia: House Document Numbered ———, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of such project;

Atlantic Intracoastal Waterway Bridges, Virginia and North Carolina: House Document Numbered ———, at an estimated cost of $11,220,000;

Manteo (Shallowbag) Bay, North Carolina: House Document Numbered 91–303, at an estimated cost of $10,769,000;

Port Sutton, Tampa Harbor, Florida: House Document Numbered 91–150 maintenance;

Tampa Harbor, Florida: House Document Numbered 91–401, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of such project; after the date of enactment of this Act the Secretary of the Army, acting through the Chief of Engineers, shall maintain the Port Sutton Terminal Channel and the East Bay Channel and Turning Basin.

Freeport Harbor, Texas: House Document Numbered ———, at an estimated cost of $13,710,000;

Quachita and Black Rivers, Arkansas and Louisiana: House Document Numbered ——, at an estimated cost of $13,500,000;

Missouri River, North Dakota, South Dakota, and Nebraska: House Document Numbered ——, at an estimated cost of $35,981,000;

Coos Bay, Oregon: House Document numbered 91–151, at an estimated cost of $9,100,000.

BEACH EROSION

Lido Key, Florida: House Document Numbered 91–320, at an estimated cost of $240,000; the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse or credit local interests for work performed by them subsequent to July 1, 1968, and in accordance with the recommended plan of improvement.

Sec. 102. The Secretary of the Army acting through the Chief of Engineers, is authorized and directed to make a survey subject to all applicable provisions of section 110 of the Rivers and Harbors Act of 1950 of the feasibility of constructing and maintaining a navigation channel having a depth of seventeen feet at mean low water and a width of one hundred feet, extending a distance of approximately two and one-half miles from deep water in Saint Georges Creek, Maryland, to the Harry Lundeberg School of Seamanship at Piney Point, Maryland, and terminating in a turning basin at that bottom.

Sec. 103. The costs of operation and maintenance of the general navigation features of small boat harbor projects authorized between January 1, 1970, and December 31, 1970, under the authority of this Act, section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, shall be borne by the United States.

Sec. 104. The proviso in section 6 of the Act of July 3, 1930, as amended (48 Stat. 948; 33 U.S.C. 569a), is amended to read as follows: "*Provided,* That individuals so engaged may be paid at rates not to exceed the daily equivalent of the rate of GS–18 for each day of their services."

Sec. 105. The civilian members of the Board on Coastal Engineering Research authorized by the Act of November 7, 1963 (33 U.S.C. 426–2) may be paid at rates not to exceed the daily equivalent of the rate for GS–18 for each day of attendance at Board meetings, not to exceed thirty days per year, in addition to the traveling and other necessary expenses connected with their duties on the Board in accordance with the provisions of 5 U.S.C. 5703 (b), (d), and 5707.

Sec. 106. The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Harbors and rivers in American Samoa and the territory of Guam, in the interests of navigation, flood control, and related water resources purposes.

Kanawha and James Rivers, with a view to determining the availability of providing a waterway connecting the Kanawha River, West Virginia, and James River, Virginia, by canals and appurtenant facilities.

Ventura Marina to Ventura Keys, Ventura County California.

Elk River, Maryland.

Stillpond Creek, Kent County, Maryland.

Patapsco River, Brooklyn, Maryland

Shooters Island, New York, possible removal and utilization for fill and widening of Arthur Kill.

Sec. 107. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to conduct a survey of the Great Lakes and Saint Lawrence Seaway to determine the feasibility of means of extending the navigation season in accordance with the recommendations of the Chief of Engineers in his report entitled "Great Lakes and Saint Lawrence Seaway—Navigation Season Extension."

(b) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Departments of Transportation, Interior, and Commerce, including specifically the Coast Guard, the Saint Lawrence Seaway Development Corporation, and the Maritime Administration; the Environmental Protection Agency; other interested Federal agencies, and non-Federal public and private interests, is authorized and directed to undertake a program to demonstrate the practicability of extending the navigation season on the Great Lakes and Saint Lawrence Seaway. Such program shall include, but not be limited to, ship voyages extending beyond the normal navigation season; observation and surveillance of ice conditions and ice forces; environmental and ecological investigations; collection of technical data related to improved vessel design; ice control facilities, and aids to navigation; physical model studies; and coordination of the collection and dissemination of information to shippers on weather and ice conditions. The Secretary of the Army, acting through the Chief of Engineers, shall submit a report describing the results of the program to the Congress not later than July 30, 1974. There is authorized to be appropriated to the Secretary of the Army not to exceed $6,500,000 to carry out this subsection.

(c) The Secretary of Commerce, acting through the Maritime Administration, in consultation with other interested Federal agencies, representatives of the merchant marine, insurance companies, industry, and other interested organizations, shall conduct a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and the Saint Lawrence Seaway beyond the present navigation season, and shall submit a report, together with any legislative recommendations, to Congress by June 30, 1971.

Sec. 108. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, study, and undertake measures in the interests of water quality, environmental quality, recreation, fish and wildlife, and flood control, for the Cuyahoga River Basin, Ohio. Such measures shall include, but not be limited to, clearing, snagging, and removal of debris from the river's bed and banks; dredging and structural works to improve streamflow and water quality; and bank stabilization by vegetation and other means. In carrying out such studies and investigations the Secretary of the Army, acting through the Chief of Engineers, shall cooperate with interested Federal and State agencies.

(b) Prior to initiation of measures authorized by this section, such non-Federal public interests as the Secretary of the Army, acting through the Chief of Engineers, may require shall agree to such conditions of cooperation as the Secretary of the Army, acting through the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

Sec. 109. (f) Section 110 of the River and Harbor Act of 1958 (72 Stat. 297) is amended to read as follows:

"(f) There is hereby authorized to be appropriated the sum of $2,000,000 to carry out the provisions of this section and, upon completion of transfer to the State of Illinois of all right, title, and interest of the United States in and to the canal, an additional sum of $6,528,000 to be expended for the repair, modification, and maintenance of bridges, title transfer, modification or rehabilitation of hydraulic structures, fencing, clearing auxiliary ditches, and for the repair and modification of other canal property appurtenances, notwithstanding subsection (b) of this section."

Sec. 110. The project for the Trinity River and tributaries, Texas, authorized in section 301 of the River and Harbor Act of 1965 (79 Stat. 1073) is hereby modified to provide that not to exceed $75,000 of the costs incurred in 1968 and 1969 by the Trinity River Authority of Texas for aerial photography and mosaic preparation furnished to and accepted by the Secretary of the Army, acting through the Chief of Engineers, shall be credited as a part of the local contribution required of such authority for such project.

Sec. 111. (a) In any case where the Administrator of the Environmental Protection Agency determines that dredged spoil from an area within an authorized Federal navigation project is significantly polluted and the Secretary of the Army thereafter determines that dredged spoil disposal facilities are available for the disposition of such spoil, then open water disposal of such dredged spoil shall be discontinued. The Administrator of the Environmental Protection Agency and the Secretary of the Army shall not make any determination under this section except after consultation with the Governors of all affected States.

(b) The Secretary of the Army, acting through the Chief of Engineers, shall undertake to establish the contained spoil disposal facilities authorized in subsection (c) at the earliest practicable date, taking into consideration the views and recommendations of the Administrator of the Environmental Protection Agency as to those areas which, in the Administrator's judgment, are most urgently in need of such facilities.

(c) The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct, operate, and maintain, subject to the provisions of subsection (d), contained spoil disposal facilities of sufficient capacity to meet the requirements of this section for a period not to exceed ten years. Before establishing each such facility, the Secretary of the Army shall obtain the concurrence of appropriate local governments and shall consider the views and recommendations of the Administrator of the Environmental Protection Agency and other appropriate heads of Federal agencies with respect to the effect of the proposed facility on the quality of the water and land resources involved, and on the environment. Section 9 of the River and Harbor Act of 1899 shall not apply to any facility authorized by this section.

(d) Prior to construction of any such facility, the appropriate non-Federal interest or interests shall agree in writing to (1) furnish all lands, easements, and rights-of-way necessary for the construction, operation, and maintenance of the facility; (2) contribute to the United States 25 per centum of the construction costs, such amount to be payable either in cash prior to construction, in installments during construction, or in installments, with interest at a rate to be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue; (3) hold and save the United States free from damages due to construction, operation, and maintenance of the facility; and (4) except as provided in subsection (g), maintain the facility after completion of its use for disposal purposes in a manner satisfactory to the Secretary of the Army.

(e) The requirement for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (d) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that the State or States involved, interstate agency, municipality, or other appropriate political subdivision of the State or industrial concern is participating in an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and is making progress satisfactory to the Administrator.

(f) Notwithstanding any other provision of law, all costs of disposal or dredged spoil from the project for the Great Lakes connecting channels, Michigan, shall be borne by the United States.

(g) The participating non-Federal interest or interests shall retain title to all lands, easements, and rights-of-way furnished by it pursuant to subsection (d). A spoil disposal facility owned by a non-Federal interest or interests may be conveyed to another party only after completion of the facility's use for disposal purposes and after the transferee agrees in writing to use or maintain the facility in a manner which the Secretary of the Army determines to be satisfactory.

(h) Any spoil disposal facilities constructed under the provisions of this section shall be made available to Federal licensees or permittees upon payment of an appropriate charge for such use. Twenty-five per centum of such charge shall be remitted to the participating non-Federal interest or interests except for those excused from contributing to the construction costs under subsections (e) and (f).

(i) This section, other than subsection (j), shall be applicable only to the Great Lakes and their connecting channels.

(j) The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to extend to all navigable waters, connecting channels, tributary waters, connecting channels, tributary streams, other waters of the United States and water contiguous to the United States, a comprehensive program of research, study, and experimentation relating to dredged spoil. This program shall be carried out in cooperation with other Federal and State agencies, and shall include, but not be limited to, investigations on the characteristics of dredged spoil, alternative methods of its disposal, and its effects on receiving waters.

Sec. 112. In all cases where real property shall be taken by the United States for the public use in connection with any improvement of rivers, harbors, canals, or waterways of the United States, and in all condemnation proceedings by the United States to acquire lands or easements for such improvements, the compensation to be paid for real property taken by the United States above the normal high water mark of navigable waters of the United States shall be the fair market value of such real property based upon all uses to which such real property may reasonably be put, including its highest and best use, any of which uses may be dependent upon access to or utilization of such navigable waters. In cases of partial takings of real property, no depreciation in the value of any remaining real property shall be recognized and no compensation shall be paid for any damages to such remaining real property which result from loss of or reduction of access from such remaining real property to such navigable waters because of the taking of real property or the purposes for which such real property is taken. The compensation defined herein shall apply to all acquisitions of real property after the date of enactment of this Act, and to the determination of just compensation in any condemnation suit pending on the date of enactment hereof.

SEC. 113. (a) Subsection (a) of section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended by striking out "$10,000,000" and inserting in lieu thereof "$25,000,000". Subsection (b) of such section 107 is amended by striking out "$500,000" and inserting in lieu thereof "$1,000,000".

(b) Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, as amended (33 U.S.C. 426g), is amended (1) by striking out "$10,000,000" and inserting in lieu thereof "$25,000,000", and (2) by striking out "$500,000" and inserting in lieu thereof "$1,000,000".

(c) The amendments made by this section shall not apply to any project under contract for construction on the date of enactment of this Act.

SEC. 114. The New York Harbor Collection and Removal of Drift project is hereby modified substantially in accordance with the plans on file in the Office, Chief of Engineers, subject to the approval of such plans and recommendations for requirements of local cooperation by the Secretary of the Army and the President.

SEC. 115. The project for Santa Barbara Harbor, California, authorized by the River and Harbor Act approved March 2, 1945, is hereby modified to provide that the dredging and maintenance of such project shall be the responsibility of the United States.

SEC. 116. The multiple-purpose plan for improvement of the Arkansas River and tributaries, authorized by the River and Harbor Act of July 24, 1946, as amended and modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a bridge and necessary approach facilities across Spaniard Creek, Muskogee County, Oklahoma, as a replacement for the former bridge which was removed in connection with the construction of Lock and Dam Numbered 16. Appropriate non-Federal interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall own, operate, and maintain the bridge and approach facilities after completion of construction.

SEC. 117. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake measures to clear the channel of the North Branch of the Chicago River, Illinois, of fallen trees, roots, and other debris and objects which contribute to flooding, unsightliness, and pollution of the river.

(b) Prior to initiation of measures authorized by this section, such non-Federal interests as the Secretary of the Army, acting through the Chief of Engineers, may require, shall agree to such conditions of cooperation as the Secretary of the Army, acting through the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

(c) There is authorized to be appropriated to the Secretary of the Army not to exceed $200,000 for the Federal share of the project.

SEC. 118. Title I of this Act may be cited as the "River and Harbor Act of 1970".

TITLE II—FLOOD CONTROL

SEC. 201. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this title. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

LOWER MISSISSIPPI RIVER BASIN

The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further modified and expanded to include the project for flood protection within the areas of eastern Rapides and south-central Avoyelles Parishes, Louisiana, that are drained by the Bayou des Glaises diversion channel, and Lake Long, and their tributaries, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered —, at an estimated cost of $15,333,000.

OHIO RIVER BASIN

The project for flood protection on Mill Creek, Ohio, is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–413, at an estimated cost of $32,642,000.

MISSOURI RIVER BASIN

The project for flood protection and other purposes in the Blue River Basin, vicinity of the Kansas Cities, Missouri and Kansas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–332, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project.

The project for Oahe Dam and Reservoir, Missouri River, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 91–23, at an estimated cost of $732,000.

GREAT LAKES BASIN

The project for flood protection along Red Run Drain and Lower Clinton River, Michigan, is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered —, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project.

The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered —, at an estimated cost of $19,070,000. Prior to the commencement of this project, including, but not limited to, acquisition of real property, the Secretary of the Army, acting through the Chief of Engineers, shall investigate all possible alterative methods, including, but not limited to, possible relocation of elements of the project, installation of channels, provision of levees and floodwalls, decreasing of size of project facilities, rerouting of streams, raising or lowering pools, and deepening channels and movement on the stream, or any combination of the foregoing that can accomplish the purposes of this project and shall report his findings and determinations to the Congress.

RED RIVER OF THE NORTH

The project for flood protection and other purposes on Wild Rice River, Minnesota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 366, Ninetieth Congress, at an estimated cost of $8,359,000.

The project for flood protection and other purposes on the Sheyenne River, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–330, at an estimated cost of $20,000,000.

SOURIS RIVER BASIN

The project for Burlington Dam and Reservoir on the Souris River, North Dakota, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–321, at an estimated cost of $29,240,000.

UPPER MISSISSIPPI RIVER BASIN

The project for flood protection on the Mississippi River at Davenport, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered —, at an estimated cost of $12,263,000.

ARKANSAS RIVER BASIN

The project for flood protection and other purposes on the Deep Fork River in the vicinity of Arcadia, Oklahoma, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–299, at an estimated cost of $24,900,000.

ARKANSAS-RED RIVER BASIN

The project for water quality control in the Arkansas-Red River Basin, Texas, Oklahoma, and Kansas, designated as part I, authorized by the Flood Control Act of 1966, is hereby modified to include part II of such project, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered —, except that the amount authorized for part I shall be utilized for initiation and partial accomplishment of parts I and II.

SABINE RIVER BASIN

The project for flood protection and other purposes in the Sabine River Basin, Texas and Louisiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered —, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project.

SANTA BARBARA COUNTY COASTAL STREAMS

The project for flood protection on Atascadero Creek and its tributaries at Goleta, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–392, at an estimated cost of $13,830,000.

SAN JOAQUIN RIVER BASIN

The project for Merced County Streams, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered —, at an estimated cost of $37,260,000.

SACREMENTO RIVER BASIN

The project for flood protection and other purposes on Cottonwood Creek, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered —, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project.

COMMONWEALTH OF PUERTO RICO

The project for flood protection and other purposes for Portugues Dam and Reservoir, Puerto Rico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered ——, at an estimated cost of $11,110,000.

The project for flood protection and other purposes for Cerrillos Dam and Reservoir, Puerto Rico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered ——, at an estimated cost of $16,351,000.

The project for flood protection and other purposes for channel improvement at Ponce, Puerto Rico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered ——, at an estimated cost of $14,295,000.

SEC. 202. (a) The plan for flood protection in the Big Sandy River Basin, Kentucky, West Virginia, and Virginia, included in the comprehensive plan for flood control in the Ohio River Basin, authorized by the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended and modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to relocate Levisa Fork of the Big Sandy River at Pikeville, Kentucky, and to construct related drainage facilities, in connection with the city of Pikeville's model city program. Such channel relocation shall be accomplished by excavation of an open cut to connect the points of the horseshoe bend in Levisa Fork at Pikeville, and the open cut shall be designed and constructed to such dimensions and grades as will permit relocation of the river with the Chesapeake and Ohio Railway on the left descending bank and United States Highway Numbered 23 on the right descending bank of such open cut. Spoil material from the open cut shall be utilized for filled areas included in the model city plan.

(b) The work authorized by this section shall not be commenced until an agreement satisfactory to the Secretary of the Army, acting through the Chief of Engineers, has been entered into with the Department of Housing and Urban Development, the State Highway Department of Kentucky, the Federal Highway Administration, the Appalachian Regional Commission, the Chesapeake and Ohio Railway Company, the city of Pikeville, and other participating agencies, relative to the financial responsibility of each participant in the model city project; and appropriate non-Federal interests have furnished the cooperation required by section 3 of the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended. Financial participation of the Department of the Army shall be based upon an equitable distribution of costs among the participants, but shall not exceed $2,000,000.

SEC. 203. The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate and participate with concerned Federal, State, and local agencies in preparing the general plan for the development of the water resources of the Western United States authorized by the Colorado River Basin Project Act (82 Stat. 885).

SEC. 204. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with the Commonwealth of Puerto Rico, political subdivisions thereof, and appropriate agencies and instrumentalities thereof, in the preparation of plans for the development, utilization, and conservation of water and related land resources of drainage basins and coastal areas in the Commonwealth of Puerto Rico, and to submit to Congress reports and recommendations with respect to appropriate participation by the Department of the Army in carrying out such plans. Such plans that may be recommended to the Congress shall be harmonious components of overall development plans being formulated by the Commonwealth and shall be fully coordinated with all interested Federal agencies.

(b) The Secretary of the Army, acting through the Chief of Engineers, shall consider plans to meet the needs of the Commonwealth for protection against floods, wise use of flood plain lands, improvement of navigation facilities, regional water supply and waste management systems, outdoor recreational facilities, the enhancement and control of water quality, enhancement and conservation of fish and wildlife, beach erosion control, and other measures for environmental enhancement.

SEC. 205. Notwithstanding the first proviso in section 201 of the Acts entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes" approved June 30, 1948 (62 Stat. 1171), and May 17, 1950 (64 Stat. 63), the authorization in section 203 of the Act of June 30, 1948, and section 204 of the Act of May 17, 1950, of the project for local protection at East Grand Forks, Minnesota, shall expire on April 17, 1975, unless local interests shall before such date furnish assurances satisfactory to the Secretary of the Army that the required local cooperation in such project will be furnished.

SEC. 206. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to elevate, relocate, or make such other changes as may be necessary to insure that the road located in the Wolf Creek Park area, running in an east-west direction and crossing Wolf Creek, Harris Branch, and Strain Branch in the Navarro Mills Reservoir, Texas, will at all times be above elevation four hundred and forty-three feet above mean sea level.

SEC. 207. Paragraph (2) under the heading "Lower Mississippi River Basin" in section 203 of the Flood Control Act of 1966 (Public Law 89–789) is amended by striking out "Baton Rouge, Louisiana," and inserting in lieu thereof "Cairo, Illinois,".

SEC. 208. Subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property.", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended by inserting "(1)" after "except that", by striking out "and, further, that" and inserting "(2)" in lieu thereof, and by inserting before the period at the end thereof a comma and the following: "and (3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Secretary of the Army, acting through the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs".

SEC. 209. It is the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the well-being of the people of the United States, and the national economic development are the objectives to be included in water resource projects prosecuted by the Secretary of the Army, acting through the Chief of Engineers, and in the evaluation of benefits and costs attributable thereto.

SEC. 210. The project for the western Kentucky tributaries (Obion Creek), Kentucky, authorized as part of the comprehensive plan for the lower Mississippi Basin in the Flood Control Act of 1965, is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, shall, after the date of enactment of this Act, relocate at Federal expense all transmission lines (both gas and electric) in western Kentucky required to be relocated by this project or, at his discretion, reimburse or credit local interests for such relocations made by them.

SEC. 211. (a) Section 3013 of title 10, United States Code, is amended by striking out "four Assistant Secretaries" and inserting in lieu thereof the following: "five Assistant Secretaries", and by adding at the end thereof the following: "One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Civil Works. He shall have as his principal duty the overall supervision of the functions of the Department of the Army relating to programs for conservation and development of the national water resources including flood control, navigation, shore protection, and related purposes."

(b) Paragraph (15) of section 5315 of title 5, United States Code, is amended by striking out "(4)" and inserting in lieu thereof "(5)".

SEC. 212. The Secretary of the Army, acting through the Chief of Engineers, is authorized, in the interests of flood control and related purposes, to remove logjams in the lower Guadalupe River, Texas. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work and to perform all such work hereafter.

SEC. 213. The Secretary of the Army, acting through the Chief of Engineers, is authorized to resolve the seepage and drainage problem in the vicinity of the town of Niobrara, Nebraska, that may be related to operation of Gavins Point Dam and Lewis and Clark Lake project, Nebraska and South Dakota, subject to a determination by the Chief of Engineers with the approval of the Secretary of the Army, of the most feasible solution thereto. There is authorized to be appropriated to the Secretary not to exceed $7,800,000, to carry out this section.

SEC. 214. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform dredging operations in the Coal River Basin, West Virginia, for the purpose of improving the channel capacities in the interest of flood control. Such operations shall be performed on an interim basis pending completion of the Kanawha River Basin comprehensive study being undertaken by Federal and State agencies and implementation of the pertinent study recommendations by the Department of the Army. Appropriate non-Federal public interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of dredging operations, agree to furnish the necessary lands, disposal areas, easements, and rights-of-way, and hold and save the United States free from damages due to the dreging operations.

SEC. 215. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed, as part of the comprehensive study of the water and related resources of the Susquehanna River Basin, to investigate and study, in cooperation with the Administrator of the Environmental Protection Agency and other interested departments, agencies, and instrumentalities of the Federal Government and of the governments of States and their political subdivisions, the availability, quality, and use of waters within the basin with a view toward developing a comprehensive plan for the development, conservation, and use of such waters. The Environmental Protection Agency shall have the responsibility in carrying out this section for those aspects of the development, conservation, and use of such waters which are essentially within its jurisdiction.

(b) In connection with such investigations and studies the Secretary of the Army, acting through the Chief of Engineers, and in cooperation with the Environmental Protection Agency and all other interested Federal agencies, shall make such studies and develop such plans as deemed necessary for the construction, operation, and maintenance of facilities in selected regions of the basin, including augmentation of streamflows by releases of stored waters.

(c) Such facilities may include, but shall not be limited to, water conveyance systems; regional waste treatment, interceptor, and holding facilities, water treatment facilities; and facilities and methods for recharging ground water reservoirs.

(d) The Secretary of the Army, acting through the Chief of Engineers, shall submit to the Congress the plans prepared pursuant to this section, which shall include all recommendations of the Environmental Protection Agency with respect to matters under its jurisdiction, and shall include recommendations for authorization and appropriate financial participation and cooperation by the States, political subdivisions thereof, and other local interests.

(e) In determining the need for storage for regulation of streamflow and water release, the Secretary of the Army, acting through the Chief of Engineers shall not be limited by the provisions of section 3(b) (1) and (4) of the Federal Water Pollution Control Act, but may include recommendations, if appropriate, which are consistent with section 8 of the Federal Water Pollution Control Act, and other like project purposes of water resources projects.

Sec. 216. The project for flood protection on the Klamath River at and in the vicinity of Klamath, California, authorized by the Flood Control Act of 1966 (80 Stat. 1405), is hereby modified to require the Secretary of the Army, acting through the Chief of Engineers, to provide, as an essential part of the project, bank protection works extending approximately two miles downstream from the project to protect the north bank of the river from erosion due to Klamath River flows. Non-Federal interests shall furnish lands and interests therein necessary for the works, hold and save the United States free from damages due to the works, and operate and maintain the works after completion.

Sec. 217. The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due to significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest.

Sec. 218. The Secretary of the Army is hereby authorized and directed to cause surveys for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects, to be made under the direction of the Chief of Engineers, in drainage areas of the United States and its territorial possessions, which include the localities specifically named in this section. After the regular or formal reports made on any survey authorized by this section are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law except that the Secretary of the Army may cause a review of any examination or survey to be made and a report thereon submitted to Congress, if such review is required by the national defense or by changed physical or economic conditions.

Great Swamp, New River Basin, South Carolina.

Streams flowing through West Brazoria County Drainage District Numbered 11 in Brazoria County, Texas.

Vermilion River, Ohio.

Huron River, Ohio.

Black River, Lorain County, Ohio.

Black Creek, Clay County, Florida.

Grand Lake, St. Marys, Ohio.

Coody Creek, Muskogee, Oklahoma.

Sec. 219 The Claremont Dam and Reservoir, New Hampshire, authorized by the Flood Control Act approved June 28, 1938 as a part of the comprehensive plan for flood control and other purposes for the Connecticut River Basin, is not authorized after the date of enactment of this Act.

Sec. 220 The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to provide bank revetment works along the Ohio River at Newburgh, Indiana, to protect public and private property and facilities threatened by erosion.

Sec. 221. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $1,400,000 for the prosecution of the Comprehensive Plan for the Upper Mississippi River Basin, approved in the Act of June 28, 1938, as amended and supplemented by subsequent acts of Congress.

Sec. 222 (a) After the date of enactment of this Act the construction of any water resources project by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under the provisions of section 215 of the Flood Control Act of 1968 or under any other provision of law, shall not be commenced until each non-Federal interest has entered into a written agreement with the Secretary of the Army to furnish its required cooperation for the project.

(b) A non-Federal interest shall be legally constituted public body with full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.

(c) Every agreement entered into pursuant to this section shall be enforcible in the appropriate district court of the United States.

(d) After commencement of construction of a project, the Chief of Engineers may undertake performance of those items of cooperation necessary to the functioning of the project for its purposes, if he has first notified the non-Federal interest of its failure to perform the terms of its agreement and has given such interest a reasonable time after such notification to so perform.

(e) The Secretary of the Army, acting through the Chief of Engineers, shall maintain a continuing inventory of agreements and the status of their performance, and shall report thereon annually to the Congress.

(f) This section shall not apply to any project the construction of which was commenced before January 1, 1972.

Sec. 223. The Secretary of the Interior in financing the relocation of the existing Placer County Road from Auburn to Foresthill, California, as part of the construction of the Auburn Dam and Reservoir on the Auburn-Folsom South Unit of the Central Valley Project, California, may provide for the cost of construction of a two-lane river level bridge across the North Fork of the American River with a substructure and deck truss capable of supporting a four-lane bridge.

Sec. 224. Section 204 of the Flood Control Act of 1950 is amended by adding at the end of the authorizations set forth under the center heading "COLUMBIA RIVER BASIN" the following new paragraph:

"The Secretary of the Army, acting through the Chief of Engineers, is authorized to pay to those railroad employees suffering long term economic injury through reduction of income as the result of the relocation of rail transportation facilities due to the construction of Libby Dam, Montana, such sums as he determines equitable to compensate such employees for such injury. There is authorized to be appropriated to carry out this paragraph, not to exceed $900,000."

Sec. 225. That the plan for flood protection in the Big Sandy River Basin, Kentucky, West Virginia, and Virginia included in the comprehensive plan for flood control in the Ohio River Basin, authorized by the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended and modified is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide the towns of Williamson and Matewan, West Virginia, with comprehensive flood protection by a combination of local flood protection works and residential flood proofing and to initiate advanced engineering design and construction thereof as described by the Chief of Engineers in Report on Tug Fork, July 1970, at a total cost not to exceed $10,000,000 except that no funds shall be appropriated to carry out this section until such modification is approved by the Appalachian Regional Commission and the President.

Sec. 226. This title may be cited as the "Flood Control Act of 1970".

The SPEAKER pro tempore. Is a second demanded?

Mr. CRAMER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the legislation we have before us today, H.R. 19877, the Rivers and Harbors and Flood Control Act of 1970, represents a solid program which was developed by careful and comprehensive study and consideration by all the members of the Committee on Public Works. I would like to commend especially, the tireless efforts of our distinguished chairman, the gentleman from Maryland (Mr. Fallon) and of the able subcommittee chairman who did so much to put this excellent package together, the chairman of the Flood Control Subcommittee, the gentleman from Alabama (Mr. Jones), and the chairman of the Rivers and Harbors Subcommittee, the gentleman from Minnesota (Mr. Blatnik).

They and the ranking minority members, the outstanding gentleman from Florida (Mr. Cramer) and the gentleman from Ohio (Mr. Harsha) are to be commended for the legislative proposal reported from the Committee on Public Works.

Mr. Speaker, these two Subcommittees on Rivers and Harbors and Flood Control heard testimony on many navigation, beach erosion and flood control projects. We carefully analyzed and examined all projects presented to the subcommittee, as well as the subject matter of numerous legislative proposals.

Title I, the Rivers and Harbors Act of 1970 included authorization for navigation projects and one beach erosion control project, at an estimated Federal cost of $184,741,000 and includes work in 13 States.

Title II calls for development of some 19 projects in a dozen States. The authorized work would amount to $400,000,000.

Environmental statements for all projects in this bill have been submitted by the committee in accordance with the requirements of section 102 of the National Environmental Policy Act of 1969.

This is authorizing legislation. This bill does not appropriate a penny of taxpayers' money at this time. Passage of the bill will not affect the present fiscal situation of the United States. However, passage will place the Nation in a position to develop these projects as rapidly as the economic and fiscal situation of the Nation allows.

Mr. Speaker, in addition to the specific projects authorized in this bill, we considered recommendations for a number of small projects each having an estimated Federal cost of less than $10,000,000.

Section 201 of the Flood Control Act of 1965 permits the congressional Committees on Public Works to approve projects under $10,000,000 by resolution. Our committee presently has under active consideration, a number of flood control, navigation, and beach erosion projects which qualify for authorization under section 201.

Before concluding my remarks, Mr. Speaker, I would like to take this opportunity to mention one specific project located in my own congressional district; that is, the Cottonwood Creek project proposed by the U.S. Corps of Engineers. The reasons are respectfully submitted here for consideration:

Early this year, northern California experienced another major flood disaster during which the damage mounted into the millions of dollars. The floodwaters had hardly subsided when the full Committee on Public Works authorized an on-the-spot inspection and seminar on the situation. A detailed report on our findings was filed with the committee.

One of the main contributing factors to flooding all along the Sacramento River was the heavy runoff on Cottonwood Creek, the major uncontrolled tributary to the Sacramento River. This, plus maximum flood control releases from the Lake Shasta Reservoir behind which an exceptionally heavy runoff was being experienced, resulted in substantial damage including the inundation of virtually all of the town of Tehama. Had the Cottonwood project been completed, there is no doubt but that all this damage could have been avoided.

The alltime record flow of floodwaters in Cottonwood Creek is 60,000 cubic feet per second. This year the maximum hit 58,500 feet per second. I might interject here that the Corps of Engineers projections show a 10-year flood crest of 50,000 second feet, but we have experienced this twice in the past 6 years—60,000 second feet in December 1964, and 58,500 in January of this year.

Safe channel flows are in the order of 15,000 cubic feet per second.

You can see how the Corps of Engineers can estimate easily that completion of the Cottonwood project would result in annual flood damage savings of $3,417,000.

With a total estimated construction cost of $174,000,000 the flood control and other benefits which would accrue from completion of this multiple-purpose project would result in a benefit-cost ratio of 1.3 to 1, even at the higher interest rates now in force.

In addition to flood control, the benefits in the proposed project would include increased municipal, domestic, and irrigation water supply, increased recreation opportunity in an area to which the millions living in the Metropolitan San Francisco Bay area often turn for their moments in nature's outdoors, enhancement of fish and wildlife, and area development in a region now suffering from one of the highest unemployment rates in the Nation.

It is a small wonder that we have virtually unanimous support for the project from State and local government, from chambers of commerce and boosters groups, from farm organizations and from conservation groups, including the Sierra Club.

In the formulation of the feasibility study by the Corps of Engineers, continuous coordination has been maintained with all of these agencies and organizations.

This was accomplished through a California State-Federal interagency group comprised of the State of California's Department of Water Resources, the U.S. Bureau of Reclamation, the U.S. Soil Conservation Service, and the Corps of Engineers. In addition, close coordination was maintained with conservation and other citizen groups.

After the proposed plan of improvement was completed, the views of all interested Federal and non-Federal agencies were obtained through individual conferences and through a formal hearing held July 7, 1970, in Cottonwood, Calif.

No objection has been raised to the project by any Federal agency—their comments have been indicative of the need for this development. The State of California has submitted testimony to the full Committee on Public Works urging its approval, and the county boards of supervisors in Shasta and Tehama Counties have urged its construction.

In summary, we have a fine project, consisting of two earthfill dams, one at Dutch Gulch, standing 268 feet high with a crest of 21,810 feet and storing 1,100,000 acre-feet of water, and one on the South Fork of Cottonwood Creek standing 238 feet high with a crest of 29,340 feet, storing about 900,000 acre-feet of water.

Mr. Speaker, with a favorable benefit-cost ratio and general support among Federal, State, and local governments and the people of the region, I believe we have, in H.R. 19877, the inclusion of a project most worthy of consideration. I do, therefore, urge favorable consideration by my colleagues of the omnibus bill.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill that we are considering today is in recognition of the duties of the Government to consider the plight of its citizens, who, by virtue of natural phenomenon, or by virtue of their location, need Federal action to protect themselves and their property from harm. This bill presents some 30 project reports for flood control and rivers and harbors projects located in 21 States and Puerto Rico. It covers all types of works under the jurisdiction of the committee within the province of the Corps of Engineers. It provides for one comprehensive river basin plan previously approved by the Congress and expands this plan in accordance with the findings of the GAO and the committee to consider aspects of the environment and means of protecting the environment while accommodating the needs of our citizens. The total authorization for projects included in this bill is $584,793,000.

In addition to the bill before us, the committee has heard testimony concerning a number of projects each having an estimated Federal cost of less than $10 million. Those projects that qualified for authorization under the provisions of section 201 of the Flood Control Act of 1965 are under consideration by the Committee on Public Works for action under the authority of the act. Section 201 of the Flood Control Act of 1965 permits congressional committees on Public Works to approve projects under $10 million by resolution. It is my understanding that action will be taken on 201 projects prior to the conclusion of this Congress.

There is one portion of this bill with which a number of the members of the committee do not find themselves in agreement; that is, section 224. That section authorizes the Secretary of the Army, acting through the Chief of Engineers, to pay to railway employees such sums as he determines equitable to compensate them for their economic injury in the form of reduced income which resulted from the relocation of rail transportation facilities due to the construction of Libby Dam, Mont. A matter of this nature and potential magnitude requires indepth hearings and evaluation before the committee takes action. No one can fail to sympathize with any citizen of the United States who suffers with direct or indirect economic injury as the result of a Federal project. Nevertheless, the principle followed by the amendment to the Flood Control Act is one that can prove to be extremely burdensome financially. If carried to its extreme, it would require that in case any highway that is built, and, incidentally, shortens a route so that a truckdriver would be entitled to less pay for the same service, would be the basis for additional payments by the Federal Government because of that shortening.

Similarly, seamen could have a claim against the U.S. Government for the difference in wages that they would receive after a canal is built compared to that which they would have earned before a canal is built. On the other side of the coin, those citizens who might have to drive a greater distance to work as a result of a Federal project could then feel that they had the right to claim the difference in mileage costs. The Federal Government would have an endless series of problems trying to find a way to compensate every conceivable applicant who might construe this language to mean that by setting a precedent wherever there is a relocation of rail lines, highways, or waterways, that they are eligible for some compensation. Under these circumstances, we believe, that this is too far reaching, and therefore, we oppose it.

In addition to legislation dealing directly with projects or to monetary authorizations, this bill and report contain several references to factors which the committee feels require attention. Among these are the needs for recodification of the general and permanent laws relating to civil works projects of the Corps of Engineers. In the River and Harbor Act of 1965, we directed the Secretary of Army to transmit a suggested draft of this revision on codification. We have urged the Secretary to proceed with this action, already overdue.

We have also urged for action upon section 206 of the Appalachian Regional Development Act of 1965 to prepare a comprehensive report for water resources development in Appalachia. The committee attaches great importance to this study and emphasizes here the need for the report. In addition to serving the information requirements of the Appalachian region, we believe this type of report will help other regions of the area that are in the process of advancing regional economic and basin water and land resource development programs.

In order to make some legislation history regarding section 216 of the bill, the committee desires to relate by their adoption and inclusion of this section, that a state of emergency exists and, therefore, asks the Corps of Engineers to move forward programing the necessary funds for the completion of the project as described in the committee report under section 216.

In evaluation of the projects by the committee, we attempted to scrutinize them carefully and in many instances only authorized a portion of the entire project, thereby permitting the committee to maintain continuing surveillance and review over the ongoing projects.

It serves two purposes: First to hold the total authorization to a lower more realistic and reasonable level; and, second, it serves notice to all concerned that we intend to retain the close oversight and scrutinizing responsibilities delegated to our committee by the Congress. We believe this is in keeping with sound fiscal policy in addition to legislative processing requirements.

I urge the Members to review the indepth committee report that contains the specifics of our Rivers and Harbors and Flood Control Acts of 1970, H.R. 19877.

In closing, I would say that within the context of the bill and report, there are various items of interest to Members concerning cost sharing arrangements and matters of similar interest and further urge the adoption of the Public Works Committee's recommendation.

(Messrs. LANGEN, MICHEL, and TEAGUE of California (at the request of Mr. DON H. CLAUSEN) were granted permission to extend their remarks at this point in the RECORD.)

Mr. LANGEN. Mr. Speaker, I rise this afternoon in support of the bill currently being considered, H.R. 19877, the River and Harbor and Flood Control Acts of 1970. Contained in this proposed legislation are two authorizations of two flood control projects that are of great concern to the residents of northwestern Minnesota, a dam and reservoir on the Wild Rice River near Twin Valley, Minn., and the reauthorization of a flood control project on the Red River of the North at East Grand Forks, Minn.

I have personally toured the Wild Rice River area on a number of occasions and can testify to the existence of a serious flood problem which has plagued Norman and Mahnomen Counties for many years. Average annual flood damage in the Wild Rice and Marsh River Basins alone comes to about half a million dollars; and average annual crop damages along the Red River of the North from the mouth of the Wild Rice River to the Canadian border are estimated at about $1½ million, with urban damages to the city of Grand Forks at about $700,000. If one considers these secondary damages which could be averted by such a flood control project together with the direct flood damages, the urgency for the construction of this project becomes evident. Due to the cost-price squeeze which is all but driving out our efficient American farmers, many farmers could not survive another flood such as was suffered by this same area in 1969.

The construction of a dam on the Wild Rice River near Twin Valley, Minn., would alleviate most of these problems and present additional advantages to the whole area. The reservoir created by this dam would provide a much-needed body of water for fishing, recreation and a natural habitat for water fowl.

Since the disastrous flood of 1909, there have been at least 16 floods on the Wild Rice of Marsh Rivers and there have been four floods in the last 6 years. At this rate of flooding it is easy to see that the local residents do not even have time to recover from a prior flood before they are beset by another flood. The farmers and residents of these communities have tried to protect themselves from these onslaughts of nature as best they can. However, they are lacking the funds and expertise required to accomplish such a goal. This function is one for which the Army Corps of Engineers is equipped and trained, and this area should not be made to suffer another catastrophe.

Mr. Speaker, I have also toured the flood prone areas of East Grand Forks, Minn., and can testify to the urgent need for the proposed extension of time for local interests to furnish the required assurances of local cooperation with the project that was authorized by the Flood Control Acts approved June 30, 1948 and May 17, 1950.

I would also like to take this opportunity to thank the Committee on Public Works for their very kind consideration and inclusion of these worthy projects in the bill now before us.

Mr. MICHEL. Mr. Speaker, my particular interest in this omnibus bill is section 109, which would increase authorization for repair and rehabilitation of the Illinois and Mississippi Canal now that it has been transferred from the Federal Government to the State of Illinois.

First of all, let me discuss the history of the canal. The canal first was suggested as far back as 1843, while the Erie Canal still carried a large share of eastern freight. It was proposed to link the Mississippi and Illinois Rivers with a waterway from approximately Rock Island to near Bureau. A right-of-way was actually surveyed at this time.

Like many expensive projects, the idea languished for many years. The Nation became embroiled in civil war and it was not until the 1880's that the idea was revived. This time it had vigorous support, but there were many difficulties.

For one thing, some major engineering problems were discovered. Then it was found that a part of the right-of-way was owned by railroad interests who were opposed to the canal. Finally, these problems were overcome, the plans were approved and work was started.

Then war with Spain broke out. Plans were reviewed, and things were done from which the canal still suffers today. Width of the canal was reduced by two-thirds. Length of the docks were cut by half.

By 1907, all the obstacles seemed to be overcome. The canal went into operation; large quantities of freight moved across the State. There was a big saving of miles compared with the long trip down the Mississippi and up the Illinois to cover a distance of about 90 airline miles.

The canal did a thriving passenger business, too. In 1 year, some 12,000 persons paid to ride the barges—either the full distance, or on short journeys between towns, along the way.

These first barges were horsedrawn. Old timers along the canal can remember towpaths along the banks, where patient animals had hauled the heavy barges from lock to lock. At first, there were no tugs designed for the canal's dimensions. These came later.

Penny-pinching finally took its toll. It was found that the short locks and other inconveniences cut down the number of barges. The canal was not practical for bigger barges which could originate at points along the two rivers and take the short cut.

Traffic declined, and by 1951 it was abandoned as a commercial route. It was used only by fishermen, canoeists, and others seeking recreation. Demands that it be preserved have never ended.

My interest in this project goes back to the year 1957 when I introduced the first measure calling for the transfer of the canal from the Federal Government to the State of Illinois for it was quite obvious then that it was a "white elephant" to the Corps of Engineers. My bill was aproved and provided for the authorization of $2 million by the Federal Government to rehabilitate the locks and make such other repairs and modifications as the State requested.

We ran into a snag with a change in the State administration in 1960 in that Governor Kerner expressed concern that the State would be assuming some tort liability if the State were to accept the canal and thus he and his subordinates set a round figure of $10 million in additional Federal funds as a precondition for the State to accept control of the canal. The higher figure was principally for the repair and construction of railroad and highway bridges crossing the canal.

Subsequently, we tried our best to interest the Department of Interior to consider the area as a national park in view of the significant Federal contribution that would have to be made to clean it up. These efforts were to no avail and we then asked the Illinois-Mississippi Canal Commission to try and work out an agreement with the Corps of Engineers to get the cost down to a more reasonable figure.

After the change in the State administration resulting from the 1968 election these negotiations were intensified, led by the then director of the department of conservation, Mr. William L. Rutherford. Their discussions resulted in an agreement that this necessary repair and modification work could be accomplished with an amount of $6,528,000, the figure included in the bill we are considering here today. Actually, $800,000 of this amount has already been authorized in Public Law 87-874, so what we are really talking about here is a sum of $5,728,000, the amount called for in H.R. 14088, which I along with 15 members of the Illinois delegation, introduced on September 30, 1969.

Every Member of this body is aware of the great need for recreational areas and with our ever-expanding population this need can only become more critical in the years ahead. If these funds are made available, it would provide the basis for eventual development of this canal into a recreational park that will be of great benefit to the citizens of central and western Illinois, as well as the many visitors who will have access to the park, since it will be adjacent to the new Interstate 80 route, which traverses the northern part of the State of Illinois.

The department of conservation has some exciting plans for this area, the most notable of which consists of negotiation for the acquisition of an Amish village at the intersection of Interstate 80, Illinois 88, and the Illinois-Mississippi Canal. Land acquisition is being pressed as rapidly as possible, and the advisory board of the department of conservation has asked Governor Ogilvie to release $1 million to speed up this necessary land acquisition.

In fact, the State of Illinois intends to spend $25 to $30 million over the next 10 years to develop the entire area as a State park.

This area is ideal for all types of recreation, and is capable of serving some 8 million people. Recently residents in the immediate canal area who are vitally concerned with its restoration, conducted a cleanup operation of their own. An estimated 31 tons of trash was removed from the canal by some 3,000 concerned citizens representing such groups as the Boy Scouts, Girl Scouts, Future Farmers of America, camping and hiking groups, environmental action groups, the Izaak Walton League members, chambers of commerce, high school classes, members of the Federation of Sportsmen Clubs and Better Fishing Association. This is just one more example of how vitally interested the people of Illinois are in the restoration and maintenance of the canal and I am pleased that the committee has agreed to recommend authorization of these funds.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. Conable).

Mr. BLATNIK. Mr. Speaker, H.R. 19877, the River and Harbor and Flood Control Act of 1970, is a result of tireless effort of all members of the Committee on Public Works. At this time I would like to express our appreciation for the leadership given by the gentleman from Maryland (Mr. Fallon) and the able chairman of the Subcommittee on Flood Control, the gentleman from Alabama (Mr. Jones), and the splendid cooperation given by the ranking minority members, the gentleman from Florida (Mr. Cramer), and the gentleman from Ohio (Mr. Harsha), and participation of members from both sides.

Mr. Speaker, the Subcommittee on Rivers and Harbors heard testimony on many navigation and beach erosion projects. We carefully analyzed and examined all the projects that were presented to the subcommittee, as well as the subject matter of numerous legislative proposals.

Title I, the River and Harbor Act of 1970 includes authorization for 10 navigation projects and one beach erosion control project, at an estimated Federal cost of $184,741,000, and includes work in 13 States.

Environmental statements for all projects in this bill have been submitted to the committee in accordance with the requirements of section 102 of the National Environmental Policy Act of 1969.

I want to emphasize that the bill does not appropriate 1 cent of taxpayers' money at this time. Therefore, passage of the bill will not affect the present fiscal situation of the United States. However, with the passage of this bill, those projects which are needed for the well-being of our Nation will be in a ready position to be developed as rapidly as the economic and fiscal situation of the Nation allows.

There are certain provisions in H.R. 19877 which I would specifically point out to my colleagues in the House as being worthy of special note.

Section 107, which I am pleased to have authored, is the direct outgrowth of the study included in the River and Harbor Act of 1965 and authorizes the Secretary of the Army, acting through the Chief of Engineers, to conduct a survey to the Great Lakes and St. Lawrence Seaway to determine the feasibility of extending the navigation season, in accordance with the recommendations of the Chief of Engineers in his report entitled "Great Lakes and St. Lawrence Seaway-Navigation Season Extension." Preliminary investigations conclude that practical measures are available for deicing waterways and lock structures, but that solutions to the icing problem on the Great Lakes and St. Lawrence Seaway are complex, and additional studies are necessary.

The section also authorizes the Secretary of the Army, acting through the Chief of Engineers, in cooperation with interested Federal agencies—primarily the Coast Guard and the Maritime Administration—and non-Federal public and private interests to undertake an action program to demonstrate the practicability of extending the navigation season. This program will complement the survey by serving as a means of testing and developing various methods which may be recommended and also by encouraging the participation in the development and use of these methods and shipping interests.

The program will include, but not be limited to, ship voyages extending beyond the normal navigation season; observation and surveillance of ice conditions and ice forces; environmental and ecological investigations; collection of technical data related to improved vessel design; ice control facilities and aids to navigation; physical model studies; and coordination of the collection and dissemination of information to shippers on weather ice conditions.

Subsection (c) of the section authorizes a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and St. Lawrence Seaway beyond the present navigation season. One of the deterrents to winter navigation is the higher insurance rates for this season, and the provision of reasonable rates is a necessary part of any program for extending the navigation season.

Section 108 is a most important provision which we hope has nationwide significance—it is the cleaning up of the Cuyahoga River, one of the four dirtiest rivers in the United States—a river so dirty that it has on several occasions caught fire. The purpose of this section is to establish, on a test-case basis, what can be done in the way of physical and engineering improvements working in conjunction with other Federal and State treatment programs, to improve the total quality of a river—both its appearance and its quality—so that it may assume, through recreational, environmental, wildlife, and water quality values, a functional and viable role in the area it serves.

Section 111 provides for a program of construction of contained spoil disposal facilities in the Great Lakes in order to eliminate pollution associated with open water disposal of contaminated dreged spoil. The section is similar in import to a proposal submitted earlier this year by the administration. It varies from the administration proposal mainly in the area of cost sharing, by providing for waiver of the required local cooperation where the Administrator of the Environmental Protection Agency finds that the local interests are participating in an approved plan for the construction, modification, expansion, or rehabilitation of waste treatment facilities and are making progress satisfactory to the Administrator.

The section provides that, in any case where the Administrator of the Environmental Protection Agency determines that dreged spoil from an area within an authorized Federal navigation project is significantly polluted, and the Secretary of the Army thereafter determines that dredged spoil disposal facilities are available for the disposition of such spoil, then open water disposal of such dredged spoil shall be discontinued. No determinations as to significant pollution and availability of disposal areas are to be made except after consultation with the Governors of the affected States.

The section further authorizes the Secretary of the Army, acting through the Chief of Engineers, to construct contained spoil disposal facilities, subject to conditions of non-Federal cooperation, as soon as practicable. The priority of construction of the various facilities would be determined after considering the views and recommendations of the Administrator of the Environmental Protection Agency.

One point we would note is that we recognize that in certain cases the disposal of particularly hazardous spoil by open waters dumping would be so contrary to the public interest that it should not and will not be permitted at all, notwithstanding the fact that alternative disposal areas are not available.

H.R. 19877, is another forward move in the extension of the Federal river and harbor program which has produced the best system of navigable harbors and waterways possessed by any nation. Since Congress initiated the program in 1824, considerable sums of money have been appropriated for improving and maintaining the Nation's navigable waterways. These improved waterways carry huge tonnage of foreign and interstate commerce and have made possible free, easy, and unobstructed interstate commerce, and have more than justified the Federal expenditure.

Mr. Speaker, in addition to the projects in this bill, the Committee heard testimony with respect to report recommendations for a number of projects each having an estimated Federal cost of less than $10,000,000. These projects qualify for authorization under the provisions of section 201 of the Flood Control Act of 1965 which permits the Congressional Committees on Public Works to approve projects under $10,000,000 by resolution. This committee presently has under active consideration a number of flood control, navigation and beach erosion projects which qualify for authorization under section 201.

The following tables summarize the number of projects contained in the bill, together with the estimated Federal cost:

	Number	Amount
Title I:		
Navigation projects	10	$184,501,000
Beach erosion control projects	1	240,000
Total, title I	11	184,741,000
Title II: Flood control and multiple purpose projects	19	400,052,000
Grand total	30	584,793,000

List of projects by States

Project	*Estimated Federal cost*
Alabama	None
Alaska	None
Arizona	None
Arkansas: Navigation: Ouachita and Black Rivers (also Louisiana)	$13,500,000
California: Flood control:	
Goleta and vicinity, Atascadero Creek	13,830,000
Merced County Streams	37,260,000
Cottonwood Creek (channel improvement and two reservoirs)	40,000,000
Total, California	91,090,000
Colorado	None
Connecticut	None
Delaware	None
Florida:	
Navigation:	
Port Sutton, Tampa Harbor	Maintenance
Tampa Harbor	40,000,000
Beach erosion control: Lido Key	240,000
Total, Florida	40,240,000
Georgia	None
Hawaii	None
Idaho	None
Illinois	None
Indiana	None
Iowa: Flood control: Mississippi River at Davenport (local protection and reservoir)	12,263,000
Kansas: Flood control:	
Blue River, vicinity of Kansas City (channel improvement and four reservoirs). (See Missouri.)	
Arkansas-Red River Basin, water quality control. (See Oklahoma.)	
Total, Kansas	None
Kentucky	None
Louisiana:	
Navigation: Ouachita and Black Rivers. (See Arkansas.)	
Flood control:	
Eastern Rapides and South-Central Avoyelles Parishes	(15,333,000)
Sabine River Basin (local protection, 3 reservoirs, and navigation channel). (See Texas.)	
Total, Louisiana	(15,333,000)
Maine	None
Maryland: Navigation: Baltimore Harbor (also Virginia)	40,000,000
Massachusetts: Navigation: Pleasant Bay	10,221,000
Michigan: Flood Control: Red Run Drain and Lower Clinton River (channel improvement)	40,000,000
Minnesota: Flood control: Wild Rice River, Twin Valley Reservoir	8,359,000
Mississippi	None
Missouri: Flood control: Blue River, vicinity of Kansas City (channel improvement and 4 reservoirs) (also Kansas)	40,000,000
Montana	None
Nebraska: Navigation: Missouri River (also North Dakota and South Dakota)	35,981,000
Nevada	None
New Hampshire	None
New Jersey	None
New Mexico	None
New York: Flood control: Ellicott Creek, Sandridge Reservoir	19,070,000
North Carolina: Navigation:	
Manteo (Shallowbag) Bay	10,769,000
Atlantic Intracoastal Waterway Bridges (also Virginia)	11,220,000
Total, North Carolina	21,989,000
North Dakota:	
Navigation: Missouri River. (See Nebraska.)	
Flood control:	
Missouri River, Oahe Reservoir	732,000
Cheyenne River, Kindred Reservoir	20,000,000
Souris River, Burlington Reservoir	29,240,000
Total, North Dakota	49,972,000
Ohio: Flood control: Mill Creek (channel improvement)	32,642,000
Oklahoma: Flood control:	
Deep Fork River, Arcadia Reservoir	24,900,000
Arkansas-Red River Basin, water quality control (also Texas and Kansas).	
Oregon: Navigation: Coos Bay	9,100,000
Pennsylvania	None
Rhode Island	None
South Carolina	None
South Dakota: Navigation: Missouri River (see Nebraska)	None
Tennessee	None
Texas:	
Navigation: Freeport Harbor	13,710,000
Flood control:	
Arkansas-Red River Basin, water quality control. (See Oklahoma.)	
Sabine River Basin (channel improvement, 3 reservoirs, and navigation channel) (also Louisiana)	40,000,000
Total, Texas	53,710,000
Utah	None
Vermont	None
Virginia: Navigation:	
Baltimore Harbor. (See Maryland.)	
Atlantic Intracoastal Waterway Bridges. (See North Carolina.)	
Total, Virginia	None
Washington	None
West Virginia	None
Wisconsin	None
Wyoming	None
Puerto Rico: Flood Control:	
Portugues River, Portugues Reservoir	11,110,000
Cerrillos River, Cerrillos Reservoir	16,351,000
Ponce, channel improvements	14,295,000
Total, Puerto Rico	41,756,000
Grand total	584,793,000

The following table lists the projects in the River and Harbor Act of 1970, project document number and estimated Federal cost:

TITLE I.—RIVERS AND HARBORS NAVIGATION PROJECTS

Project	H. Doc. No.	Federal cost of new work
Pleasant Bay, Mass	91–	$10,221,000
Baltimore Harbor, Md. and Va	91–	40,000,000
Atlantic Intracoastal Waterway bridges, North Carolina	91–	11,220,000
Manteo (Shallowbag) Bay, N.C	91-303	10,769,000
Port Sutton, Fla	91-150	
Tampa Harbor, Fla	91-401	40,000,000
Freeport Harbor, Tex	91–	13,710,000
Ouachita-Black Rivers naval project, Arkansas and Louisiana	91–	13,500,000
Missouri River, N. Dak., and Nebr	91–	35,981,000
Coos Bay, Oreg	91-151	9,100,000
Subtotal		184,501,000
Beach erosion: Lido Key, Fla	91,320	240,000
Total of title I		184,741,000

Mr. Speaker, I urge favorable consideration of H.R. 19877.

Mr. CONABLE. Mr. Speaker, I should like to ask the chairman of the subcommittee, the gentleman from Alabama (Mr. Jones), a question relating to a committee amendment listed in the report on page 1, referring to page 19 of the bill, to a certain project in which I have an interest, since it is located in my district. I should like to ask the gentleman if the effect of this wording would be to put any acquisition of land prior to the formal report on alternatives by the Corps of Engineers at the sole risk of the State of New York if they decided to go ahead before that report was completed.

Mr. JONES of Alabama. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. I would say the State of New York would be proceeding at great risk in the acquisition, because the amendment goes, among things, to the proposition of the acquisition of land for a project which may subsequently be changed; that is, the location may be changed. Consequently, the acquisition of lands prior to a final determination of the project plans would be tenuous.

Mr. CONABLE. I thank the gentleman.

Mr. Speaker, I wish to discuss the Ellicott Creek-Sandridge Dam project which is authorized by this omnibus rivers and harbors legislation. At my request the Public Works Committee has approved a restrictive amendment to this authorization, to require that before commencement of this project the Army Corps of Engineers further investigate all possible alternatives to this proposed project and report its findings to the Congress. The amendment further specifies that no property may be acquired for the purposes of this project during this period of review and reconsideration.

The Sandridge Dam project is premature and must be studied further before the Congress should give its unqualified commitment to the project. It is a $22 million multipurpose project whose main element is a massive earthen dam and reservoir to be constructed in the 37th Congressional District which I represent. The study and recommendation of this project have moved so swiftly that there has been no opportunity for a public hearing on it before the Public Works Committee. At the request of the State of New York Department of Environmental Conservation the report on this project has been accelerated in an effort to have the project authorized in this present omnibus bill. As a result, I question that there has been adequate opportunity to consider the impact of this project in the area of western New York which I represent. Thus I appreciate that the Public Works Committee has agreed to amend the authorization for this project to provide the opportunity to have it more thoroughly considered.

The whole basis for the proposal is flood control, and yet the 1.2 cost-benefit ratio needed to secure its consideration by Congress is comprised of only 35 percent flood control benefits, the balance being made up by recreational benefits of questionable value and possible municipal water supply. It appears that the flood control benefits relate primarily to projected construction adjoining the new State university site in the town of Amherst, Erie County, N.Y. The plan for the State university itself includes its own flood control measures; thus little of the flood control benefits can be ascribed to protection of the university site. The extent to which the plan is designed to provide esthetics for the university site is not clear since esthetics are not properly part of the benefit-cost ratio.

This is a major project of considerable expense to the Federal taxpayer, and yet there is some question that the Corps of Engineers has not had a major part in the development of the project. It is my understanding, for instance, that the required report by the engineers was in fact prepared in large part by independent engineering consultants, hired with money provided by the State of New York to avoid the delays caused by the workload of the Army Engineers.

In view of the hardships which would be created for people in my area by the erection of the dam, after consideration of the history of the proposal's development by the State of New York despite the major cost to the Federal Government, and in the light of the questionable economic justification for the project, the Army Engineers should be required to handle the investigation of alternatives in other than a routine way. I believe the committee amendment provides for this by requiring that the Corps of Engineers formally report back to the Congress about the possible alternatives which could provide better economic justification, less hardship on area residents and still achieve the basic flood protection goals of the project.

Mr. DON H. CLAUSEN. Mr. Speaker, I reserve the remainder of my time.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. Pucinski).

Mr. PUCINSKI. Mr. Speaker, I rise in support of this legislation because among the many worthwhile projects in this bill, there is an authorization to clean the North Branch of the Chicago River of fallen trees, roots, and other debris and objects which contribute to flooding, unsightliness, and pollution of the river.

I am most grateful to the members of the committee for including this urgently needed project in this omnibus bill. I am particularly grateful to my good colleague from Chicago, Congressman John C. Kluczynski, a member of the committee and to Congressman John Blatnik, chairman of the subcommittee, for their assistance in this matter.

The North Branch of the Chicago River flows through the entire northwest side of Chicago and deep into the northwest suburbs. It once was a beautiful stream flowing through forest preserves, and for many years, was a source of recreation for a large number of people.

Over the years, it was become blighted with foreign material; fallen trees, and roots, and other debris have created a series of dams which severely restrict the free-flow of this waterway. Because of these restrictions, we now experience severe floodings and an extremely high rate of dangerous pollution.

Recently, Dr. E. James Kennedy, head of the Division of Science and Mathematics at North Park College, prepared an exhaustive study of the North Branch and found a tremendously dangerous health hazard owing to the high content of bacteria in the slow-flowing waterway.

Dr. Kennedy suggested that the artificially-developed dams and obstructions to the free-flow of this waterway have made the North Branch one of the most highly-polluted waterways in the country.

I am most grateful to Dr. Kennedy and the North River Commission in Chicago for the work the Commission and this very dedicated scholar have done to focus attention on the danger presently lurking in this waterway.

The action being taken by the Public Works Committee and its chairman, the distinguished gentleman from Maryland (Mr. Fallon), will make an enormous contribution toward dealing with this problem. The Corps of Engineers have assured me that these artificially-created obstacles to the free-flow of the North Branch can be moved and a substantial part of the flow restored to a normal degree.

It is my hope that the authorization being enacted today will enable us to proceed with this project, and by next summer, have the free-flow of the river restored. I know that I express the gratitude of all of those who have suffered from flooding and other serious problems, when I express my gratitude to the committee for its action today.

Mr. JOHNSON of California. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. Jones).

Mr. JONES of Alabama. Mr. Speaker, in title II of H.R. 19877, the Flood Control Act of 1970, there are a total of 19 projects recommending local flood and hurricane protection works and multiple-purpose reservoirs for flood control, water supply recreation, and other water uses. The total estimated cost of these projects is $400,052,000. I might point out that in the 1968 Flood Control Act we authorized 40 projects estimated to cost $1.1 billion. The Flood Control Act of 1970 is one of the smallest, if not the smallest, in the last 20 years.

Each project authorization has been examined in great detail. Testimony was received from Members of Congress, the Corps of Engineers, local interests, and others concerned with adequate development of this country.

The benefit-cost ratio for each clearly shows the measurable advantages of development.

Environmental statements for all projects have been submitted to the committee in accordance with the requirements of the National Environmental Policy Act of 1965.

Mr. Speaker, this legislation is urgently needed to carry out the highly important water resources development program of this Nation. This legislation was unanimously reported out by the committee. The projects and items of legislation are fully explained in the report accompanying this bill.

Members of the Flood Control Subcommittee join me in recommending passage of this important legislation.

Long hours have been spent by the members of the subcommittee in the formulation of this bill, and at this time I wish to express my appreciation and thanks for their efforts.

I am, as always deeply, appreciative of the splendid leadership of the chairman of this committee, the gentleman from Maryland (Mr. FALLON), the able chairman of the Subcommittee on Rivers and Harbors, the gentleman from Minnesota (Mr. BLATNIK), the gentleman from California (Mr. JOHNSON) and the cooperation given by the ranking minority members of the committee, the gentleman from Florida (Mr. CRAMER), the gentleman from Ohio (Mr. HARSHA), and the ranking minority member of the Subcommittee on Flood Control, the gentleman from California (Mr. DON CLAUSEN).

In the committee's report on the Flood Control Act of 1968—House Report No. 1709, 90th Congress—we noted a lack of uniformity of standards for the formulation and evaluation of water resources projects. At that time we pointed out that the data furnished the commitees of Congress does not always accurately reflect all primary direct and indirect benefits as well as the secondary benefits which had been established as Federal policy by the executive branch and published in Senate Document No. 97, 87th Congress. We urged that there should be a reevaluation of the principles, standards, and procedures for economic analysis of Federal water and related land resources projects.

Over a year and a half ago, the Federal Water Resources Council embarked upon necessary revisions to the project evaluation criteria with a view toward recognizing all the benefits and costs that result from water resource investments.

The committee understands that the report of the special task force has been completed and is under intensive review within the executive branch. The need to improve our environment and to alleviate our urban congestion and problems, requires that more realistic criteria be applied to water resource project evaluations. The proposals under study by the Water Resources Council would provide the basis for the development of projects responsive to the Nation's priorities. These revisions are long overdue and the committee urges early and expeditious action by the administration in approving and implementing these procedures. Accordingly, section 209 of the Flood Control Act of 1970 expresses a statement of the intent of Congress that the objectives of enhancing regional development protection and improvement of the quality of the environment, enhancing well-being and enhancing national economic development should be included in water resource projects prosecuted by the Secretary of the Army, acting through the Chief of Engineers, and in the evaluation of benefits and costs attributable thereto.

This statement of intent is not to be inferred that the committee is in total agreement with the entire report of the task force, but rather that we concur in its stated objectives. We will at the appropriate time examine in detail all aspects of the report.

Section 215 authorizes and directs the Secretary of the Army, acting through the Chief of Engineers, as part of the comprehensive study of the water and related resources of the Susquehanna River Basin, to investigate and study, in cooperation with the Administrator of the Environmental Protection Agency and other interested Federal and State agencies, the availability, quality, and use of waters within the basin with a view toward developing a comprehensive plan for the development, conservation, and use of such waters. The studies and investigations authorized by this section will include the development of plans for recommendations to the Congress, concerning the construction, operation, and maintenance of water conveyance systems; regional waste treatment, interceptor, and holding facilities; water treatment facilities; and facilities and methods for recharging ground water reservoirs.

The committee feels strongly that truly comprehensive and effective water resources planning must consider all of the water uses and needs of a basin, including means for preserving or enhancing water quality. The Susquehanna Basin is considered ideal for the first such study because of the comprehensive study now being undertaken for it by the Department of the Army in cooperation with other Federal and State agencies.

The recently established Environmental Protection Agency will play a significant role in the study. The section provides that any plans submitted to the Congress by the Secretary of the Army, acting through the Chief of Engineers, shall include all recommendations of the Environmental Protection Agency with respect to matters under its jurisdiction.

Plans submitted to the Congress will also include recommendations as to appropriate financial participation and cooperation by the States, political subdivisions thereof, and other local interests.

The intent of the section is to achieve a truly comprehensive study and plan for the water resources of a river basin, utilizing the authorities and abilities available to the various Federal and State agencies in a coordinated and cooperative effort. This study can, through the experience gained in carrying it out, benefit future similar studies in other basins and add greatly to our ability to effectively develop and conserve the Nation's water and related resources.

The committee feels that there should be a uniformity of obligation in water resources development projects and the associated items of local cooperation, and that before Federal moneys are invested in a project, the non-Federal interests should be bound to perform the required cooperation.

Under section 222 the construction of any water resources project by the Secretary of the Army, shall not be commenced until the non-Federal interests enter into a written agreement with the Secretary of the Army to furnish the cooperation required under the project authorization or other law.

The non-Federal interests entering into these agreements must be legally constituted public bodies with full authority and capability to perform the terms of the agreement and to pay damages, if necessary, in the event of failure to perform. The agreements will be enforceable in the appropriate district courts of the United States.

The section also requires that a continuing inventory be kept of agreements and the status of their performance, and that an annual report be made to the Congress.

The committee feels that this section will provide a necessary uniformity of obligation among non-Federal interests and insure that Federal investments in water projects will be economically and judiciously made. The committee recognizes that changes in State law may be necessary in order for non-Federal interests to comply with this action, and, accordingly, has made the provisions of the section applicable on January 1, 1972.

The following table lists the projects, project document numbers, and estimated Federal costs for projects in title I of H.R. 19877:

FLOOD CONTROL PROJECTS

[Dollar amounts in thousands]

Projects	Document number and Congress	Federal cost of new work
Eastern Rapides and south central Avoyelles Parishes, La.	S. 91–113	$15,333
Mill Creek, Ohio	H. 91–413	32,642
Blue River, Kansas City, Mo. and Kans.	H. 91–332	40,000
Oahe Dam and Reservoir, Missouri River, N. Dak.	S. 91–23	732
Red Run drain and lower Clinton River, Mich.	H. 91——	40,000
Ellicott Creek, N.Y	H. 91——	19,070
Wild Rice River, Minn	H. 366, 90——	8,359
Sheyenne River, N. Dak	H. 91–330	20,000
Souris River, N. Dak	H. 91–321	29,240
Mississippi River, Davenport, Iowa.	H. 91——	12,263
Arcadia Reservoir, Deep Fork River, Okla.	H. 91–299	24,900
Arkansas-Red Rivers, water quality control, pt. II, Oklahoma, Texas, and Kansas.	S. 91——	
Sabine River Basin, Tex. and La	H. 91——	40,000
Goleta and vicinity, California	H. 91–392	13,830
Merced County streams, California.	H. 91——	37,260
Cottonwood Creek, California	H. 91——	40,000
Portugues and Bucana Rivers, Puerto Rico:		
Portugues Dam and Reservoir.	H. 91–422	11,110
Cerrillos Dam and Reservoir		16,351
Ponce Channel improvement.		14,295
Total flood control, 19 projects.		400,052

Mr. Speaker, I urge favorable action on H.R. 19877.

Mr. FALLON. Mr. Speaker, it is a distinct privilege to present to the House today the omnibus rivers and harbors and flood control bill, H.R. 19877, as amended, and to recommend its enactment.

This bill authorizes 11 navigation projects and 19 flood control projects in 21 States and Puerto Rico. The Committee on Public Works has made every effort to keep down the total authorization contained in the bill, while at the same time including those projects which are urgently needed for the economic well-being of the Nation. The projects in this bill will provide valuable benefits to the people of this Nation through improvement of navigation, prevention of floods, water supplies for our cities and towns, water quality, and recreation. The total authorization contained in this bill for these 30 projects is $584,793,000. At a time when economy in our Government is so important, I think the members of the Committee on Public Works and the Subcommittee on Rivers and Harbors and Flood Control are deserving of our highest commendation for the success of their efforts to keep the cost of this bill down.

One of the projects approved for authorization in this bill is the Baltimore Harbor and Channels, Maryland and Virginia. This project is particularly important to the State of Maryland since it concerns the deepening of the existing channels and approach of Baltimore to meet the existing and prospective needs of navigation. Specifically, it provides for Cape Henry, York Spit, and Rappahannock Shoal Channels, 50 feet deep and 1,000 feet wide; a main ship channel, 50 feet deep and 700 feet wide; three branch channels, 50, 49, and 40 feet deep and all 600 feet wide. The present depths are not adequate for fully loaded large bulk cargo carriers now in use and today's technology is moving so fast and the economic growth is increasing so rapidly that I am gratified by the inclusion of this project which confirms the need for these additional depths while taking into account the necessary protection of the environment.

Mr. Speaker, I wish to commend the members of the full committee and the subcommittees, who, in spite of other pressing business, devoted so much time and effort to the consideration of this bill. I particularly commend the gentleman from Minnesota who chairs the Subcommittee on Rivers and Harbors, and the gentleman from Alabama, who chairs the Subcommittee on Flood Control, for their outstanding efforts with regard to this bill.

Mr. KLUCZYNSKI. Mr. Speaker, I rise in support of H.R. 19877. I believe that we have reported an excellent bill, one that once again states clearly that this is an all-American committee. H.R. 19877 is a nonpartisan bill—on the Public Works Committee we do not ask whether a Member who testifies before us on a project is Democrat or Republican. The only questions we have relate to the merits of the project.

There are certain items in the bill which are of vital importance to my State of Illinois and I would point out to my colleague that they are sections 109, 111, and 117 of the River and Harbor Act of 1970.

Section 109 amends the River and Harbor Act of 1958 to authorize the appropriation of $5,728,000 for the repair and modification of certain structures along the Illinois and Mississippi Canal in the State of Illinois.

The Illinois-Mississippi—Hennepin—Canal, constructed and owned by the U.S. Government, is a former commercially navigable waterway linking the Illinois River at Bureau to the Mississippi River near Rock Island. The main canal is 75 miles long and passes through Bureau, Henry, and Rock Island Counties. Water for the canal is supplied by a feeder canal, 29 miles long, extending southerly from Sinnissippi Lake on the Rock River at Sterling-Rock Falls in Whiteside County.

Although efforts to arouse interest in the construction of the Illinois-Mississippi Canal originated as early as the mid-1830's, it was not until the River and Harbor Act of 1890 was enacted that authorization for the project was granted. Construction was initiated in 1892, and the canal completed and opened to navigation on October 24, 1907. The total cost of construction for the canal was approximately $7,500,000.

By 1930, the facilities offered by the Illinois-Mississippi Canal were so outmoded in comparison with water transportation facilities in use or under construction on the Illinois and Mississippi Rivers that the River and Harbor Act of June 15, 1930, directed that studies be made to determine the advisability and cost of improving the canal to meet the needs of present and future navigation. Reports in 1938 and 1951 discouraged the improvement of the canal as not being advisable.

Following the conclusion of World War II, traffic on the canal dropped rapidly. As an economy measure, operation of the canal was placed on a standby basis whereby only emergency repair and maintenance was effected and commercial and pleasure boat traffic was permitted only on receipt of advance notice so arrangements could be made to operate the locks. Finally, on July 1, 1951, the Federal Government ceased operation of the canal for through traffic. Since that time only minimal custodial maintenance of the canal and appurtenant structure has been exercised by the Federal Government.

The River and Harbor Act of 1958 included authorization to bring about the transfer of the Illinois and Mississippi Canal to the State of Illinois. It provided among other things, for the repair and modification of this obsolescent canal project for the purpose of placing it in proper condition for public recreational use other than for through navigation at a Federal cost not to exceed $2,000,000. That amount was based on the then estimated cost of abandonment of the facilities if transferred to the State. The Government dam across Rock River between Sterling and Rock Falls is a part of the canal project and creates Sinnissippi Lake. It was recognized that the $2,000,000 would not completely rehabilitate and modify the facilities but the State desired to take over and perform such additional work at its own cost to preserve this project as a recreational and conservation area. An agreement was signed with the State in December 1960 to accomplish the foregoing, listing the work to be performed and the priority of each item of work. The priority was that desired by the State. All items request of the State the agreement included an expressed understanding that acceptance of the canal properties by the State upon performance of work totaling $2,000,000 will not preclude the undertaking of additional work at Federal expense should the Congress authorize and appropriate funds in excess of the amount authorized in the aforementioned act.

Section 106 of the River and Harbor Act of 1962 authorized an additional amount of $800,000 which represents escalated costs of repairs over the original $2,000,000. This additional amount would be expended for repairs and modification upon acceptance of the transfer by the State.

The Corps of Engineers has completed the authorized repairs and modifications within the $2 million limitations. However, the increase of $800,000 authorized by the 1962 River and Harbor Act has not been expended pending the completion of transfer to the State of all the interests of the United States in and to the canal.

State legislation specifically enacted to acquire the canal properties provides that upon acceptance of title thereto, the canal shall become a State park under the supervision of its department of conservation. On November 19, 1969, the Governor, on behalf of the State, tentatively accepted the deed to the properties pending its review by the attorney general of the State. The State has plans for developing the canal properties for public recreation and conservation purposes over a period of years at an estimated cost of $16 million. The development would proceed soon after the canal is deeded to the State concurrently with the additional work authorized by the proposed legislation.

Since 1945, because of lack of traffic, the United States has performed only minimum custodial maintenance of structures on the canal. This has resulted in deterioration of the structures, particularly railroad and highway bridges, to the point that the cost of repair or rehabilitation is substantially greater than the costs that would have been incurred had normal maintenance and repair been performed.

The State of Illinois position, throughout the entire period of negotiation and discussion with the Federal Government, has consistently been that the $2 million authorized for rehabilitation of the canal is totally unrealistic. There are numerous items of cost which were omitted in the determination of that amount.

Section 109 would increase the authorization for repair and rehabilitation of the Illinois and Mississippi Canal in connection with the transfer to the State of Illinois. The committee agreed that it was appropriate that the canal and its properties including the Federal bridges, be put in good repair before being transferred to the State.

Section 111 provides for a program of construction of contained spoil disposal facilities in the Great Lakes in order to eliminate pollution associated with open water disposal of contaminated dredged spoil. This should go a long way toward resolving the complaints pertaining to the Corps of Engineers disposal of polluted materials in the Great Lakes.

Section 117 provides for the elimination of fallen trees, roots, and other debris from the north branch of the Chicago River should vastly improve the environmental and esthetic aspects of the river. Also, significant public health benefits should accrue to individuals residing in the area.

Mr. Speaker, I urge my colleagues to support H.R. 19877.

Mr. STOKES. Mr. Speaker, I rise in support of the bill. It is well known that the Cuyahoga River, which runs through my congressional district, is one of the most polluted streams in the United States. It will live in infamy as the only river in the world to be proclaimed a fire hazard. In fact, in November of last year the British Broadcasting Co. called the Greater Cleveland area the pollution capital of the world.

Section 108 of this bill will go far in alleviating this overwhelming problem. It was taken from a bill I introduced in September—H.R. 19091—and authorizes a massive cleanup of the Cuyahoga. I am very grateful to both the distinguished chairman of the Public Works Committee, Mr. FALLON, and the distinguished subcommittee chairman, Mr. BLATNIK, for their support of my bill. I also offer my sincere thanks to the gentleman from New Jersey (Mr. HOWARD) for the leadership role he played in moving the measure along so rapidly and to my Ohio colleague, the distinguished ranking minority member, Mr. HARSHA, for his work in broadening the scope of the bill to include the entire Cuyahoga Basin.

Mr. Speaker, perhaps if my colleagues could learn of the enormous ecological problems associated with the Cuyahoga they could share the committee's sense of urgency in getting this project off the ground.

Today, 17 streams and over 500 outfalls of sewage mixed industrial wastes and storm and combined sewer overflows discharge into the Cuyahoga along its 85-mile length from its origin at Lake Rockwell, through the industrial giants of Akron and Cleveland, to its mouth in downtown Cleveland at Lake Erie.

During the past few years, there have been efforts made at the local level by both public agencies and private organizations to eradicate this stigma from our landscape. These efforts, although fruitful, could not be of sufficient magnitude to accomplish this goal. We can be encouraged, however, by the fact that such cleanup programs can result in improvements in receiving water quality. It is imperative, therefore, that we continue an aggressive program for water pollution control in the Cuyahoga River. Further, I believe that if we demonstrate that we can clean up the Cuyahoga, we can be assured that we are capable of cleaning up any river in the Nation.

In June of 1969, the river actually caught fire, causing almost $100,000 damage to two railroad bridges. A continuous and vigorous cleanup program could have prevented this shameful occurrence.

At this time, there is virtually no fish life in the lower Cuyahoga; in fact, hardly any biological life at all. Dissolved oxygen—the lifegiving substance of all biological life—has been depleted.

Recreational uses of Lake Erie have also decreased because of the deterioration of lake quality caused by the river. Although these losses, both in terms of real loss and unrealized economic increase, are difficult to quantify, a decline has been evident. Sport fishing has been affected by the decrease in game fish abundance in the same way commercial fishing operations have suffered. In addition, swimming has been disallowed in several areas because of the hazardous levels of bacterial contamination.

In short, the rape of the Cuyahoga River has not only made it useless for any purpose other than a dumping place for sewage and industrial waste, but also has had a deleterious effect upon the ecology of one of the Great Lakes.

We can, however, take a significant step forward in the effort to cleanse the Cuyahoga with the passage of this bill. We can, by removing debris from the river and its banks, by dredging and scalping the river banks, and by embarking upon a bank stabilization program, prevent hundreds of tons of debris and suspended solids material from entering Lake Erie. Thus, we can make an important contribution to the improvement of what may well be the Nation's most critical pollution problem area.

Mr. DELLENBACK. Mr. Speaker, H.R. 19877, the omnibus rivers and harbors flood control bill, contains an authorization for a harbor improvement project at Coos Bay, Oreg.

It is estimated that the project to be undertaken by the Department of the Army, acting through the Chief of Engineers, will cost $9.1 million.

Coos Bay is the second largest port facility on the Oregon coast. When this port facility is expanded, more and larger vessels will be able to utilize Coos Bay and take advantage of the adequate labor force now available to meet this increase in port activities. A larger port would help diversify the economy and make the area less dependent upon the forest products industry.

The existing Federal project consists of a twin-jetty protected entrance channel, interior channels, anchorage areas, and turning basins. The proposed improvement consists of modifying the existing project by deepening and widening the project channels to provide a 45-foot depth in the entrance channel, a 35-foot depth in the interior channel, construction of an anchorage area 1,000 by 2,000 feet to a depth of 35 feet near mile 6, deepening and widening existing turning basins, and abandonment of existing authorized anchorage at miles 3.5 and 7.

I urge my colleagues to approve this important piece of legislation.

Mr. OLSEN. Mr. Speaker, I rise today in support of a provision in this bill which I have worked for with the Libby Dam project initiated. At a cost of some $378 million, this dam contributes more to the Columbia River power system than even Hungry Horse Dam, and is one of the world's largest river projects. Because of the terrain in the area and the nature of the reservoir that will be produced, it was obviously necessary from the beginning that the tracks of the Burlington Northern railroad would have to be relocated. The Federal Government has taken pains to insure that neither the railroad nor the traveling public be inconvenienced by the construction of Libby Dam. It should also be our responsibility to insure that railroad workers are not deprived of their just income because of the dam.

Therefore, I have sponsored the bill and the amendment that now form the mileage compensation provision of this act we now consider. This provision will authorize the Secretary of the Army to provide just compensation to those workers who suffer economic injury due to the relocation of the railroad by the construction of Libby Dam. Arguments have been made that this provision is unfair. I do not think it is unfair for railroad workers to get the same considerate treatment given to their employers. Mr. Speaker, I commend this provision favorably to my colleagues, and I trust that the House of Representatives will agree to consider the plight of these people, and in so doing, pass the bill before us with the mileage compensation provision intact.

Mr. BROOMFIELD. Mr. Speaker, for 3 years the citizens of the South Oakland and Macomb County areas of Michigan have joined my colleague and friend (Mr. O'HARA) and myself in urging some form of relief from the annual flooding of the Red Run Drain and the Lower Clinton River. Originally, any improvements were to be a part of the southeast Michigan water resources study, which is not due to be completed for several more years. But at our insistence, the Army Corps of Engineers agreed to a special emergency study of the situation. Early this spring the district office of the Corps recommended immediate action on a project to widen, deepen, and straighten the Red Run-Clinton River channel. The Corps evaluated the proposal through the summer months and considered the objections of several environmental groups in the State. The Corps subsequently approved this most important program. It is part of the omnibus rivers and harbors and flood control bill before you today. Passage of this measure, authorization for the Red Run-Lower Clinton River project, is essential to the continued growth of this area in Michigan.

Mr. VANIK. Mr. Speaker, I rise in support of H.R. 19877, the rivers and harbors bill of 1970. I am particularly pleased that the Public Works Committee saw fit to include section 108 relating to the Cuyahoga River. This section would authorize the Army Corps of Engineers "to investigate, study, and undertake measures in the interests of water quality, environmental quality, recreation, fish and wildlife, and flood control, for the Cuyahoga River Basin."

To be brief, the Cuyahoga may take the title for being the world's most polluted river. As a river which is known for being a fire hazard, it certainly has a good claim to this dubious title.

It has been said with a little exaggeration that about the only thing Lake Erie is good for is its sunsets. The lower Cuyahoga River, one of its major tributaries, is good only for floating shipping. Its water is unusuable. It is offensive to the nose; it is ugly in appearance, and it contributes to the overall pollution damage being done in Lake Erie.

I have pointed to the serious problems of the Cuyahoga, but I would like to add that those are problems which grow as the river moves toward the lake. There are portions of the river in Portage County which, presently, or with just a slight amount of work, would be quite scenic and quite beautiful—an important feature to consider in the Cleveland-Akron metropolitan areas where we have so few scenic natural pathways or waterways. A number of fine conservation groups, such as the northeast Ohio chapter of the Sierra Club, are working to create a much-needed park along a large portion of the river valley. Such a park, in combination with the old Cleveland-Akron Canal, would be a treasure for millions of northeast Ohioans today—and in the future. The corps, and increased public support, can help bring this park into being.

Corps assistance in debris removal and improved vegetative stabilization of the riverbanks will be of great assistance in improving both the upper and lower river.

I would also like to take this opportunity to make three additional points.

First, for navigation reasons, the corps dredges parts of the lower Cuyahoga. For years, these dredgings were dumped out in the open waters of the lake. Yet it was obvious to anyone that these dredgings were highly polluted. When they were first dumped into the river, they polluted the river and the water which flowed out into the lake. But a large part of that polluted material settled to the bottom of the river and was covered with silt—or more pollution. In dredging this material and dumping it in the open waters of the lake, the corps was stirring up this material and, in effect, giving it a chance to pollute again. There are numerous Great Lakes harbors which are highly polluted and where the same problem occurs. I pointed out this problem to the corps as early as 1965 and obtained Public Health Service support of my contention. In 1967, the corps began to move toward an experimental program of placing these polluted dredgings in landfills or dyked areas where they could not contribute to the further pollution of the lake. Studies of the corps' practice of open lake dumping have shown that it is detrimental to the organic life around the areas in which the polluted dredgings are placed.

Because of these findings, the President finally sent a message to Congress in April of this year urging a program of placing these dredgings behind dykes.

The pollution danger constituted by dredged wastes has again been documented by a very scholarly article just made public. The research paper was done by M. Grant Gross, senior research oceanographer at the Marine Sciences Research Center, State University of New York, Stony Brook, N.Y., and published just this October. The paper concentrated on the effects of various wastes dumped in the New York harbor area. The paper clearly demonstrates that dredged wastes are among the most harmful and serious forms of pollution in our outer harbors and waterways today.

In his study, Professor Gross compared the levels of oxidizable carbon normally produced on the river and harbor floor and that found in the area where New York City's dredged wastes are dumped. Oxidizable carbon is important because it is presumed to constitute a major dissolved oxygen demand in the water in which it is found. The professor found that in the 35 square nautical miles in which the city of New York dumps, about 12,000 metric tons of carbon would normally be produced. But because of the dumping operations, an extra 100,000 metric tons of carbon is created in the area each year—resulting in very low dissolved oxygen concentrations throughout the entire dumping area. And without oxygen, there can be no life.

It is vital that this form of pollution be stopped. The temporary diked areas developed at several harbors are rapidly filling up. We need legislation authorizing the Corps to continue and expand this program until such time as enforcement of the Rivers and Harbors Act of 1899 and other laws removes most of the pollution in our harbors and rivers.

Second, I think that among the things that have not been discussed is the possibility of developing a cleanout basin somewhere at the head of navigation of rivers such as the Cuyahoga, where there would be a circular basin, with a hard fill in the bottom, which could pick up a great deal of the siltation that occurs and a very easy cleanout process probably substituted for the dredging which goes on every year throughout the river.

Now this is the kind of river, in my judgment, that ought to have this kind of consideration, because if we had a turning basin or a silt-collecting area, it would prevent a tremendous amount of the siltation that goes into the river and then becomes contaminated with the polluted matters that are mixed with it during the course of its industrial route.

Third, and this is also beyond the scope of today's bill, I would hope that we might give consideration in the next Congress to the idea of special river treatment plants. The Congress is providing billion dollar support for a grant program to aid in the construction of waste treatment plants.

But there are a number of rivers in America which are major tributaries to our lakes or coastal waters and which—like the Cuyahoga—are still flowing cesspools. The Detroit, Niagara, Hudson, Chicago, and others come to mind.

Currently, we are trying to meet the pollution treatment needs of each of the cities and towns which sits along the banks of these rivers or is part of that river's watershed. But we are not solving the total problem. Let us say that there are five large towns along a river. Town A provides 90 percent treatment of the wastes it returns to the river. Town B has an old treatment plant with occasional storm sewer overrun and thus, on the average, provides only 80 percent treatment. Town C has the latest equipment and provides 98 percent treatment. Cities D and E have pretty good treatment at say, 90 percent.

It is obvious that when this river gets to the sea or to one of the Great Lakes or enters another river, it is still going to be a polluting river: it is still going to be dirty, even though each of the cities along its course has tried to do a good job in preventing pollution.

I am not a chemist. I am not an engineer. But I believe that it wouild be feasible to give some consideration to the construction of river treatment plants at the mouths of certain of our rivers. These plants would be large, would be expensive, but they would be a major factor in improving the quality of our waterways and seacoasts.

I am sure that they could be constructed in such a way that they would not need to impair navigation or organic life. By making use of natural channels and currents, or a series of intake systems these plants could treat nearly 100 percent of the river's waterflow. Already there are powerplants along New England rivers which manage to use nearly or completely 100 percent of a river's water for their cooling process without disturb-the flow of that river. This treatment could precipitate out toxic heavy metals, provide phosphate removal, skim off oils and other petroleum wastes and remove other wastes that had escaped the various small treatment plants along the river's course. In addition, before passing the water on to the sea, lake, or other river, the plant could provide aeration treatment which could, in a very real sense, restore the vitality and life qualities of the water.

I offer this as an idea to consider. It may be somewhat futuristic, but I believe that we must think ahead and plan now if we are to save our environment for tomorrow.

Another, alternative idea for reviving the Great Lakes has just been suggested in an article that appeared in the November 7, 1970, Saturday Review by John R. Sheaffer. Although Mr. Sheaffer's ideas may require some testing for their long-range soundness, a research and demonstration grant has been made to begin implementation of his idea. It is through creative thinking such as this, and the will to carry through with adequate financing, that we will in time be able to save the lakes. Because of the importance of Mr. Sheaffer's project, I would like to reprint portions of the Saturday Review article in the RECORD at this point:

REVIVING THE GREAT LAKES

(By John R. Sheaffer)

The death of Lake Erie has been announced. Premature aging, brought on by excessive intake of powerful stimulants, is given as the cause. And it is said that the whole Great Lakes system is rapidly being brought to the end of its life by the same malady.

This calamitous news should not be accepted as the final word. The Great Lakes have been grievously abused, but the effects are not irreversible. Technology competent to restore a fondly remembered past is available. All we lack is the will to use it.

The revival could be started by one simple official order: "No direct discharge of any wastes into any watercourse."

There are those who will say that such a directive would be meaningless for practical purposes because alternate means of waste disposal either are not available or are far too expensive to contemplate. But the Federal Water Quality Administration of the U.S. Department of the Interior is gambling the biggest single project grant in its history on the conviction that a workable substitute for indiscriminate dumping into the lakes is at hand. FWQA is committed to spend $2 million on the opening phase of a research project intended to demonstrate that sewage and factory effluent presently being poured into Lake Michigan can be diverted to fertilize barren land in Michigan. If all projections for the scheme prove out, this new waste disposal system will pay for itself and net a profit, perhaps even stimulate the economy of Michigan by building up an agro-industrial complex of respectable size.

Michgan's Muskegon County, fronting on the eastern shore of the lake directly opposite Milwaukee, is the scene of this precedent-setting experiment, which is built around acceptance of the principle that nature is a closed ecological system and that wastes, when properly cycled back into the system, are valuable resources. Wastes become liabilities only when they lose their rightful place in the cycle. Human and animal excrement, emptied into watercourses, stimulates aquatic plant growth and turns lakes into bogs. When spread upon the land, however, the same chemical constituents of waste give nutriment to food grains and vegetables.

Historically, the closed-system principle, though recognized by professional ecologists, has been ignored in practice in this country. We have dumped our wastes into rivers and lakes for generations. As long as the human population remained a statistically insignificant factor in the system, oxygen and bacteria in the water decomposed the waste and redistributed the chemicals in the purifying process. A certain amount of acceleration occurred in the rate of eutrophication (a geological process through which lakes gradually fill up and become first marshes and then dry land) but not enough to be distressing.

However, as cities and towns multiplied and grew and as household conveniences such as detergents were added to the burden of sewage, the amount of waste rose to flood proportions. Phosphorus, potassium, and nitrogen released into the water encouraged proliferation of colonies of plants to choke streams and lake beds, exhaust the oxygen supply, and overwhelm the restorative microorganisms. Idyllic watercourses deteriorated into stagnant, stinking pools.

William J. Bauer, founder of the Bauer Engineering Company of Chicago, Ill, proposed coupling of the sewage outlets of twelve cities and townships into one great outlet pipe that swung away from Lake Michigan, Muskegon Lake, Mona Lake, and White Lake—traditional sinks for the wastes in these communities—and fifteen miles inland to virtually uninhabited sandy barrens of the eastern part of the county. There the pipe would empty into three aerated lagoons, each covering eight acres. These manmade basins, agitated continually by streams of air from mechanical mixers to minimize odor while bacterial colonies in the waste matter decomposed their host, would be big enough to hold the waste flow up to three days. This would enable accommodation of sudden surges of water such as occur after storms. And, because of the volume of water contained at one time, toxic industrial spills could kill the restorative bacteria and yet remain under treatment long enough for a new bacterial colony to grow and do its necessary work.

The enormous advantage represented by the latter circumstance may not be widely appreciated because most people do not realize that the conventional sewage treatment system in use in most American communities suffers regular spells during which the helpful bacteria are dead and the sewage simply passes through the system in an almost raw state. These spells last anywhere from seven to ten days. If six of them happen each year (one Midwestern state suggests that as an average), almost raw sewage is dumped into watercourses about one day in every week.

The system . . . designed for Muskegon County called for two storage lagoons to hold the waste after it had passed through the aerating lagoons. Each of these storage receptacles would occupy 900 acres. Their purpose would be to hold the waste during the winter months when the ground would be too hardened by cold to absorb the effluent. After being withheld until the return of milder weather, the waste might be used as fertilizer during the remainder of the year.

[The] system finally called for the effluent to be piped from the storage lagoons to rotary irrigation rigs, which would spray the liquid with its suspended solids over almost 6,000 acres of now unproductive but potentially valuable sandy soil.

One appendix to the plan estimated a profit of $740,000 a year from sale of corn that could be grown on the irrigated fields, a quadrupling of the value of the land because of the irrigation, opening of at least 1,200 new jobs, recreational development of shorelines now useless because of uglification caused by water pollution, and construction of a 200-boat marina. Another appendix described a new industrial complex that might be built around the corn crop. Among its suggested products were feed for cattle, oil for the human diet, charcoal for use in Muskegon's existing paper mill, starch for the paper mill and for a foundry, carbon dioxide gas for a carbonate mill, calcium hydroxide for use on the irrigated land, and furfuryl alcohol for the finishing of office furniture.

Apart from its dollars and cents aspect, the Bauer system offered an intangible human bonus of inestimable value. This arises from a growing suspicion among public health physicians that many rapidly spreading diseases in this country are transmitted by viruses. How do the viruses travel? Their presence is not sought by any water quality tests now in use. Studies have been made of viruses in sewage, however, and thirteen different viruses have been found in raw sewage, in effluent from primary (one-step) sewage treatment plants, and in effluent from secondary (two-step) treatment plants as well. A month-long sequestration of the effluent in oxidation ponds kills 70 per cent of the viruses. But only after the effluent is filtered through soil do the viruses disappear altogether. Researchers have discovered that soil particles possess an electrical affinity for viruses, which allows the viruses to be grabbed by the soil and held long enough to be dismembered into innocuous protein.

Students of irrigation had one serious question about the Muskegon plan. It had to do with the established fact that elsewhere. in the past, prolonged irrigaton saturated the land and created within it a mound of water that in time destroyed the enterprise. Because the thick layer of glacial debris—sands and gravel—underlying Muskegon County is incapable of holding water for long, the danger here was not great. Nevertheless, the . . . system eliminated it by providing a network of drainage wells through which any threatening accumulation of excess water could be pumped back into the county's rivers and lakes.

In mid-September U.S. Interior Secretary Walter J. Hickel announced that FWQA, which operates within his Cabinet jurisdiction, had awarded a $1,083,750 research and demonstration grant and an additional $981,650 construction grant to the Muskegon project. These sums cover only the first year of a seven-year commitment. Secretary Hickel fixed the total cost at approximately $30-million. Of this, the federal government which will pay 55 per cent, the state of Michigan 25 per cent, and Muskegon County the balance. Design specifications are now being prepared for bids. Construction will be awarded about January 1, 1971, and the system ought to be in operation in 1972.

"If this project is completely successful, there will be many more opportunities to utilize similar systems in the Great Lakes region," Secretary Hickel said in his September announcement. This is unquestionably true. The Great Lakes basin is made up of glacial outwash plains. Large stretches of well-drained soil suitable for irrigation lie within reach of urban centers but beyond commuting zones and thus are susceptible to purchase at unexploited farmland prices. If we take the Muskegon irrigation tract as a model, simple mathematics tells us that a billion gallons of waste water per day (that is the flow rate of Chicago's sewage disposal system, the largest in the country) can be disposed of on 260,000 acres of land. A preliminary survey of the major metropolitan areas in the United States suggests that all of them could be served in this manner by using marginal lands equivalent to no more than 2 percent of the acreage on which fifty-nine principal crops were harvested in 1968.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California (Mr. JOHNSON), that the House suspend the rules and pass the bill H.R. 19877, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill as amended was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from California?

There was no objection.

CASE OF ANIMALS USED FOR RESEARCH

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19846) to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets, as amended.

The Clerk read as follows:

H.R. 19846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Welfare Act of 1970".

SEC. 2. The first section of the Act of August 24, 1966 (Public Law 89-544; 80 Stat. 350), as amended, is amended to read as follows: "That, in order to protect the owners of animals, from the theft of their animals, to prevent the sale or use of animals which have been stolen, and to insure that certain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purpose or use."

Sec. 3. Section 2 of such Act is amended—

(1) in subsection (b) by striking the semicolon after the word "Agriculture" and inserting the following: "of the United States or his representative who shall be an employee of the United States Department of Agriculture;";

(2) in subsection (c) by striking the words "commerce between any State," and inserting in lieu thereof the words "trade, traffic, commerce, transportation among the several States, or between any State,";

(3) by striking subsections (d), (e), (f), (g), and (h) and inserting in lieu thereof the following:

"(d) The term 'affecting commerce' means in commerce or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce;

"(c) The term 'research facility' means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals affecting commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: *Provided*, That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this Act;

"(f) The term 'dealer' means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells any animals whether alive or dead, affecting commerce, for research or teaching purposes or for exhibition purposes or for use as pets, but such term excludes any retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer;

"(g) The term 'animal' means any live or dead dog, cat, monkey, nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber; and

"(h) The term 'exhibitor' means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which were purchased in commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals. circuses, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in State and county fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary."

Sec. 4. Section 3 of such Act is amended—

(1) in the first sentence thereof after the words "licenses to dealers" by inserting the words "and exhibitors";

(2) in the first proviso thereof after the words "until the dealer" by inserting the words "or exhibitor";

(3) in the second proviso thereof after the words "That any" by inserting the words "retail pet store or other";

(4) in the second proviso thereof after the words "as a dealer" insert the words "or exhibitor"; and

(5) in the last sentence thereof after the words "as dealers" each time such words appear, insert the words "or exhibitors".

Sec. 5. Section 4 of such Act is amended to read as follows:

"Sec. 4. No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, affecting commerce, to any research facility or for exhibition or for use as a pet animal, or buy, sell, offer to buy or sell, transport or offer for transportation, affecting commerce, to or from another dealer or exhibitor under this Act any animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked."

Sec. 6. Section 5 of such Act is amended—

(1) by inserting after the words "No dealer" the words "or exhibitor"; and

(2) by inserting before the period at the end thereof the proviso ": *Provided*, That operators of auction sales subject to section 12 of this Act shall not be required to comply with the provisions of this section".

Sec. 7. Section 6 of such Act is amended by inserting after the words "research facility" the words "and every exhibitor not licensed under section 3 of this Act".

Sec. 8. Section 7 of such Act is amended—

(1) by inserting between the words "except" and "a person" the words "an operator of an auction sale subject to section 12 of this Act or"; and

(2) by inserting between the words "as a dealer" and "issued" the words "or exhibitor".

Sec. 9. Section 8 of such Act is amended—

(1) by inserting after the words "or experimentation" the words "or exhibition";

(2) by inserting between the words "except" and "a person" the words "an operator of an auction sale subject to section 12 of this Act or"; and

(3) by inserting between the words "as a dealer" and "issued" the words "or exhibitor".

Sec. 10. Section 9 of such Act is amended to read as follows:

"Sec. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to section 12 of this Act, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, or an operator of an auction sale as well as of such person."

Sec. 11. Section 10 of such Act is amended to read as follows:

"Sec. 10. Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe, upon forms supplied by the Secretary. Research facilities shall make and retail such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. Such records shall be made available at all reasonable times for inspection and copying by the Secretary."

Sec. 12. Section 11 of such Act is amended—

(1) by striking the words "dogs and cats" and inserting in lieu thereof the word "animals";

(2) by striking the words "in commerce by any dealer" and inserting in lieu thereof the words ", affecting commerce, by a dealer or exhibitor"; and

(3) by striking the period at the end thereof and inserting the following: ": *Provided*, That only live dogs and cats need be so marked or identified by a research facility.".

Sec. 13. Section 12 of such Act is amended to read as follows:

"Sec. 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of animals, affecting commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales. The Secretary is also authorized to require the licensing of operators of auction sales where any dogs or cats are sold, affecting commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 23 of this Act."

Sec. 14. Section 13 of such Act is amended to read as follows:

"Sec. 13. The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility: *Provided*, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation."

Sec. 15. Section 14 of such Act is amended by adding at the end thereof the following new sentence: "Any department, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under section 13."

Sec. 16. Section 15 of such Act is amended—

(1) in subsection (a) by striking the words "or experimentation" and inserting in lieu thereof the words ", experimentation or exhibition"; and

(2) in subsection (b) by striking the word "effectuating" and inserting in lieu thereof the words "carrying out".

Sec. 17. Section 16 of such Act is amended to read as follows:

"Sec. 16. (a) The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, research facility, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to section 10 of any such dealer, exhibitor, research facility, or operator of an auction sale. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, or (4) such animal is held by an operator of an auction sale.

"(b) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

"(c) For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914 (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraph (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of Title II of the "Organized Crime Control Act of 1970" (62 Stat. 856; 18 U.S.C. 6001 *et seq.*), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in sections 19(b) and 20(b) of this Act."

Sec. 18. Section 17 of such Act is amended by striking the phrase "issue rules and regulations requiring licensed dealers and research facilities" and inserting in lieu thereof the phrase "promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 12 of this Act".

Sec. 19. Section 18 of such Act is repealed.

Sec. 20. Section 19 of such Act is amended to read as follows:

"Sec. 19. (a) If the Secretary has reason to believe that any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provisions of this Act, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may make an order that such person shall cease and desist from continuing such violation, and if such person is licensed under this Act, the Secretary may also suspend such person's license temporarily, but not to exceed twenty-one days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred. Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who knowingly fails to obey a cease and desist order made by the Secretary under this section, shall be subject to a civil penalty of $500 for each offense, and each day during which such failure continues, shall be deemed a separate offense.

"(b) Any dealer, exhibitor, or operator of an auction sale aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the United States court of appeals for the circuit in which such person has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706 of title 5, United States Code, Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

"(c) Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both."

Sec. 21. Section 20 of such Act is amended—

(1) in subsection (a) by striking the words "rules or regulations" and inserting in lieu thereof the words "rules, regulations, or standards"; and

(2) by amending subsection (b) to read as follows:

"(b) Any research facility aggrieved by a final order of the Secretary, issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based."

Sec. 22. Such Act is further amended by adding at the end thereof the following new section:

Sec. 25. Not later than March of each year following the enactment of the "Animal Welfare Act of 1970," the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a comprehensive and detailed written report with respect to—

"(1) the identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under section 3 and section 12 of this Act;

"(2) the nature and place of all investigations and inspections conducted by the Secretary under section 16 of this Act, and all reports received by the Secretary under section 13 of this Act; and

"(3) recommendations for legislation to improve the administration of this Act of any provisions thereof.

This report as well as any supporting documents, data, or findings shall not be released to any other persons, non-Federal agencies, or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives."

Sec. 23. The amendments made by this Act shall take effect one year after the date of enactment of this Act, except for the amendments to sections 16, 17, 19, and 20 of the Act of August 24, 1966, which shall become effective thirty days after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mrs. MAY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. Foley) will be recognized for 20 minutes and the gentlewoman from Washington (Mrs. May) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Washington (Mr. Foley).

Mr. FOLEY. Mr. Speaker, the Agriculture Committee brings to the floor this afternoon what we consider to be a major step forward in the protection of animal welfare in the United States. This follows the landmark legislation passed in 1966 by the 89th Congress, but it expands considerably on that legislation in four areas.

First, the bill expands the definition of the term "animal" to include additional species. At present the act applies only to live dogs, cats, rabbits, hamsters, guinea pigs, and nonhuman primate mammals.

This bill, within its definition includes all warmblooded animals designated by the Secretary, with certain specific limitations and defined exceptions.

Second, the bill regulates more individuals and organizations which handle live animals, and will bring into the framework of the legislation for the first time exhibitors such as circuses, zoos, carnivals, road shows, and wholesale pet dealers.

Third, the bill establishes by law the humane ethic that animals should be accorded the basic creature comforts of adequate housing, ample food and water, reasonable handling, decent sanitation, sufficient ventilation, shelter from extremes of weather and temperature, and adequate veterinary care including the appropriate use of pain-killing drugs, including the appropriate use of analgesics and tranquilizing drugs. The bill specifically guarantees the absolute authority of the research institutions to conduct research experiments so that the enlightened leadership of the United States in the medical and scientific research field will not in any way be diminished.

Fourth, the bill strengthens the Secretary of Agriculture's enforcement authority by broadening the statutory concept of "commerce," and by increasing the penalties against persons convicted of interfering with, assaulting, or killing Government inspectors, and by broadening the discovery preocdures for obtaining adequate information to sustain proper administration.

Mr. Speaker, this bill is the result of months of difficult legislative effort. It involved in its early stages great controversy. It was a bill that many thought could never reach this floor. However, because of the exceptional cooperation of persons of good will and devotion not only to the cause of animal welfare, but to the advancement of scientific research and knowledge, this bill has the substantial support of the medical research community, the pharmaceutical industry, other industrial organizations, and the many organizations and individuals directly concerned with animal welfare.

Mr. Speaker, the Subcommittee on Livestock and Grains of the Committee on Agriculture held many hearings and other meetings in attempting to bring this bill to fruition.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. GROSS. Would the gentleman from Washington be good enough to refresh my memory as to other legislation on this general subject? Did not that legislation come from the Committee on Interstate and Foreign Commerce and is not the enforcement of that legislation fixed in some other department or agency of the Government?

Mr. FOLEY. I will say to the gentleman from Iowa that the jurisdiction over this legislation and its predecessor legislation in the other body is in the Committee on Commerce, but in the House the jurisdiction lies in the Committee on Agriculture.

In 1966, the predecessor legislation was reported by the Committee on Agriculture to the House and the enforcement lies with the Department of Agriculture.

Mr. GROSS. Did not the House pass legislation on the subject of humane treatment of animals?

Mr. FOLEY. Yes, we passed legislation in the 89th Congress, in 1966.

Mr. GROSS. Was that not enacted into law?

Mr. FOLEY. It was enacted into law and this bill would extend and expand upon that basic legislation.

Mr. GROSS. But the enforcement is not lodged, or is it lodged in the Department of Agriculture?

Mr. FOLEY. It is lodged in the U.S. Department of Agriculture. The existing law which was passed in 1966 is enforced now by the Department of Agriculture.

Mr. GROSS. Is this law to be combined with the enforcement of the other law and to become a part thereof, or if enacted what might amount to another agency for the enforcement of this law?

Mr. FOLEY. No. The enforcement of this law will be conducted by the same department of Government and by the same sector of that department as administers the present law.

Mr. GROSS. What has been the expenditure annually for the enforcement of the other law?

Mr. FOLEY. The present annual estimated expenditure is around $350,000 per annum, plus $24,000——

Mr. GROSS. For this bill that is before us today, is that right?

Mr. FOLEY. No. For the existing law.

Mr. GROSS. This bill would add an estimated $1.2 million to the cost of the program, is that right? $1.2 million?

Mr. FOLEY. That is correct.

Mr. GROSS. What did the gentleman say had been the prior cost for the legislation?

Mr. FOLEY. In fiscal year 1970—$352,600.

Mr. GROSS. Is this not going up pretty fast on the administrative side, and on the enforcement side?

Mr. FOLEY. The existing law provides protection of live dogs and cats, and other live animals from theft and sale to research laboratories, and provides humane treatment of animals used in research. This bill goes farther in extending the number of animals that are covered, and expands the type of protection that is offered under the regulations, as well as the organizations and individuals which are to be regulated.

For example, as I mentioned earlier, for the first time wholesale pet dealers, road shows, zoos, circuses, and animal exhibits, with some exceptions are covered, and it provides responsibility for adequate ventilation, care and humane treatment that the present law does not require of those agencies or exhibitors.

Mr. GROSS. Am I correctly informed that the Department of Agriculture is not very enthusiastic about this bill?

Mr. FOLEY. The Department of Agriculture supported the legislation with some reservations, as the gentleman will find in the report.

Mr. GROSS. I thank the gentleman.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, the bill provides in certain parts that animals should be given tranquilizers under certain circumstances?

Mr. FOLEY. Yes, the bill does mandate adequate veterinarian care, including the use of analgesics and tranquilizing drugs, but it does preserve complete control of the research institutions with respect to the use of analgesics or tranquilizing drugs. In other words, Congress imposes an ethic of adequate veterinary care including appropriate use of pain-relieving drugs but the decisions are exclusively in the hands of the research institutions, and their judgments are final.

Mr. ECKHARDT. Will the gentleman yield further?

Mr. FOLEY. I yield further to the gentleman.

Mr. ECKHARDT. Do I understand correctly that with respect to this business about interference with research matters that—and I believe it is in section 13, where research organizations were taken out, but still there is provision for inspectors to go into research institutions to find out what is happening under section—what it is—section 17—where the present law is changed to remove the restriction with respect to inspection?

Mr. FOLEY. I just think I can quote the gentleman from the bill itself. Page 9 of the bill, line 17, where it states:

> Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility. . . .

Mr. ECKHARDT. But still in section—I believe it is section 17—that originally the law provided that there should not be any such inspections by the Department in the research institutions, and that section was taken out because you say section 13 includes the problem?

Mr. FOLEY. Yes.

Mr. ECKHARDT. But does it really? May not the research institutions be subject to entry and inspection to see if they are engaged in wrongful activities, or should it not be in both places?

Mr. FOLEY. Well, I quote to the gentleman again—it is true that the Secretary and his designated agents may go into a research facility, but they may not interfere in any way with the conduct of an actual research experiment.

The language of the bill is quite specific in stating in the report its intent.

Second, in regard to the amendment to section 13 of the act, it is the intention of the committee that the Secretary neither directly nor indirectly in any manner interfere with or harass research facilities during the conduct of actual research and experimentation. The important determination of when an animal is in actual research is left to the research facility itself.

Mr. ECKHARDT. I understand that, but if that be true, why should they go into the laboratory at all?

Mr. FOLEY. In order to inspect the records of the purchase of the animals by the laboratory to insure that the animals are being purchased in accordance with the law.

They can also raise questions about the animals that are not in actual research concerning their housing and husbandry by the laboratory.

Mr. ECKHARDT. I am in wholehearted agreement with the general purposes of the bill, but I simply have some reservations that we may well be going too far in protecting animals like walking horses and the giving of analgesics to animals and we are not dealing with some rather more important issues.

Mr. FOLEY. I may tell the gentleman that the committee went into this in great detail and tried to write language as strong as possible to make it clear that it is not the intent in any way to override the exclusive and sole discretion of the research facility in the conduct of experiments and the use of analgesics and tranquilizing drugs on animals in laboratories for experimentation purposes.

I think the concerns of the laboratory community and the medical research community of this country have been largely removed by the bill's language and the committee's intent as printed in the report which I referred to a moment ago.

I can assure you that there were many serious expressions of concern by the research community earlier, and I think that with few exceptions they have been removed.

Mr. MELCHER. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman.

Mr. MELCHER. To further clarify the point raised by our colleague from Texas, I might add that the bill directs the Department to send their people in to investigate the proper husbandry of animals under experimentation, which is something new in the bill. But also the bill does clarify the point that they will not interfere with any of the experimentation processes going on—but the husbandry must be up to acceptable standards.

Mr. FOLEY. I thank the gentleman.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman.

Mr. LOWENSTEIN. I simply wanted to assure the gentleman from Texas that some of the concerns that he expressed were considered very carefully in the subcommittee and were taken into account. And also I would assure the gentleman that in my judgment the work of the gentleman from Washington who is now in the well and, in fact, of the whole subcommittee, the chairman included, was quite remarkably diligent in guarding against some of the evils he spoke about.

I want to comemnd the gentleman in the well for his efforts in behalf of this bill.

Mr. FOLEY. I thank the gentleman from New York.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I commend the gentleman in the well, Mr. FOLEY, and other members of this subcommittee, for the hard work done on this bill.

I rise in support of the Animal Welfare Act of 1970 as reported by the Committee on Agriculture. I was fortunate to have been able to study this bill since it was originally introduced and reported to the Subcommittee on Livestock and Grains on which I serve. The subcommittee spent many days of hearings and debating the merits of this legislation and the changes that need to be made in the present law to further protect warmblooded animals.

H.R. 19846 has strong bipartisan support and represents a compromise over several proposals presented to the committee. The important point to be made is that we are not tying the hands of researchers who are working with animals daily to unlock the secrets of dread diseases. Rather, we are just strengthening the provisions of the 1966 act which require these researchers to give the animals they are using the most humane and kindly treatment possible.

This bill extends coverage to more types of animals and also makes the humane requirements applicable to exhibitors of animals. I consider this a very important provision, and one that is needed.

Another provision which has my wholehearted support would allow employees of the Department of Agriculture to make spot inspections to ascertain if the requirements of the legislation are being met.

All in all, Mr. Speaker, we have a bill to protect the welfare of warmblooded animals and at the same time allow for the continued use of these animals for research programs in a humane manner. I urge my colleagues to suspend the rules and pass the Animal Welfare Act of 1970.

Mr. FOLEY. Mr. Speaker, I would like to report to the House that both the subcommittee and the full Committee on Agriculture reported this bill unanimously.

Mr. Speaker, before I leave the well, I want to pay tribute to all of those outside of the committee in this House who have labored so long and arduously to make this legislation possible. Certainly there are many people, too many to name, representatives of the pharmaceutical community and the research community, and many, many members of organizations committed to a very deep concern for animal welfare, who can be very proud of their constructive efforts in this legislative result.

I must mention one name in particular, however. A very distinguished lady, Mrs. Roger Stevens, the wife of the former Chairman of the National Council on the Arts, has devoted many, many months of work in behalf of this legislation. Her knowledge of the legislative process, her concern for animal welfare, and her determined effort to make this bill a reality has been absolutely indispensable. I know, frankly, without her devoted service and effort we could not possibly have a bill to report to this House this afternoon. She is, herself, the daughter of a noted American scientist, and she has with her intense concern for animal welfare a compatible commitment to the advancement of medical and scientific knowledge.

She held the key role in developing an effective bill which could be enacted, as I believe we shall enact this bill today. I would not like to leave the well of the House without paying special tribute to her efforts for which all who support this legislation owe special gratitude.

I reserve the balance of my time.

Mrs. MAY. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. MAY asked and was given permission to revise and extend her remarks and to include extraneous matter.)

Mrs. MAY. Mr. Speaker, I rise in support of H.R. 19846, the Animal Welfare Act of 1970.

As a sponsor of the original "cat and dog" bill passed in 1966, I am pleased that this expansion and strengthening of the law can be acted upon before we adjourn. I worked with my colleagues on our House Agriculture Committee to draft the original bill, and am glad to have had the opportunity to help shape this one.

Basically, the legislation amends the act of August 24, 1966, relating to the care of animals used for purposes of research experimentation, exhibition, or held for sale as pets. This bill strengthens the administration of that act, and it expands the perimeters of its protection to more animals and to more people who handle, exhibit, buy or sell, or transport them or who use them in the pursuit of medical and scientific knowledge.

As is pointed out in our committee's report on this bill, H.R. 19846 is the result of careful consideration by our Livestock and Grains Subcommittee and our full Committee on Agriculture. It is an effort to demonstrate America's humanity to lesser creatures while maintaining and promoting the national enlightenment in medicine for the care of all mankind. It is a bill which initially was controversial, but which by virtue of good reason and good will and deliberation and discussion by many persons of divergent views, was able to command the unanimous approval of the Committee on Agriculture as well as the joint sponsorship of the entire membership of the Livestock and Grains Subcommittee on which I have the honor of serving as ranking minority member. I know this measure enjoys broad, bipartisan support in this Chamber, as well.

Briefly, the bill goes to four basic points:

First, it expands the definition of the term "animal" to include more species. The present law applies only to live dogs, cats, rabbits, hamsters, guinea pigs, and monkeys. All warmblooded animals designated by the Secretary of Agriculture, with limited exceptions, would be included.

Second, it regulates more people who handle animals, such as circuses, zoos, and wholesale pet dealers.

Third, it establishes by law the humane ethic that animals should be accorded the basic creature comforts of adequate housing, ample food and water, reasonable handling, decent sanitation, sufficient ventilation, shelter from extremes of weather and temperature, and adequate veterinary care—including the appropriate use of pain-killing drugs.

And, fourth, it strengthens the Secretary of Agriculture's enforcement powers under the act broadening the statutory concept of "commerce," by increasing the penalties against persons convicted of interfering with Government inspectors, and by broadening the discovery procedures for obtaining adequate information to sustain proper administration.

I believe this is a good bill, as we have drafted it, and circumstances have demonstrated that it is a necessary one. While it provides additional needed safeguards for the protection and humane treatment of animals, it preserves the domain of the medical community and in no way authorizes the disruption or interference with scientific research or experimentation. It reaffirms our congressional commitment to proper treatment of all animals, and restates our conviction that the work that is done behind that laboratory door should be done with compassion and with care.

I urge my colleagues to approve this legislation.

I include in the RECORD a copy of an article entitled "More Legal Protection on the Way for Animals Behind Bars" by Ann Cottrell Free, published recently in the Washington Star, which contains a great deal of the background of the development of this legislation, as well as tributes to Mrs. Stevens and others who have had so much to do with the development of the bill that is before us:

[From the Washington Sunday Star, Dec. 6, 1970]

MORE LEGAL PROTECTION ON THE WAY FOR ANIMALS BEHIND BARS

(By Ann Cottrell Free)

The idea behind the proposed Animal Welfare Act of 1970 has been a long time coming into its own—it has been an uphill fight, often resisted by powerful forces—but it looks now as if it may come to a final vote in the closing hours of the 91st Congress.

Its passage will be a tribute to a deepened Congressional ecological conscience. More and more members of Congress are realizing that all living creatures must be treated with decency and respect—regardless of whether they are endangered species roaming in the wild or animals doomed to spend dreary lives behind bars in laboratories or zoos.

There can be little doubt that the passage of the Endangered Species Act one year ago this month and the emphasis in the past year on man's relationship with the earth and all its creatures have had a profound effect on congressional thinking.

The new legislation—which has so many sponsors that this sentence would be consumed by listing them all—has its roots in proposals first made exactly 10 years ago, in 1960. Soon after the 1958 passage of the Federal Humane Slaughter law, humanitarians started laying congressional groundwork to bring some measure of federal supervision over the care and treatment of laboratory animals.

HUMANIACS

The well-funded research explosion was using an unprecedented number of dogs, cats, rodents, primates and a variety of other creatures. Estimates have gone as high as 300 million annually. They were often obtained from questionable sources and treated with less care than the most expendable test tube.

Those persons, who worked for setting standards of care were immediately called anti-vivisectionists or branded as "humaniacs" by some members of the scientific community. In truth, they were violently opposed by the antivivisectionists, who were working for total abolition of animal use.

Though a number of bills were introduced during those years, they went nowhere. In desperation, humane organizations tried new approaches and often fell to quarreling among themselves as to bill content and strategy. (Most of the bills gave supervisory authority to Health, Education and Welfare.)

But 1965 brought the beginning of a breakthrough. Researchers' demands for dogs and cats had grown so great that unprincipled dealers turned to stealing pets. Their boldness and carelessness trapped them.

As more and more "pet-napping" cases turned up, there came to Congress also descriptions of stomach-turning conditions within dealers' compounds. Eyewitnesses told of seeing dead and dying dogs mixed in with live ones in conditions of indescribable filth. Such testimony about this $30 million business prompted passage of the Laboratory Animal Welfare Act of 1966. This legislation had more than 50 sponsors.

Administration of the act was given to the animal health division of the Department of Agriculture's Research Service. Dealers and purchasers were licensed and required to conform to Agriculture's standards of human treatment of dogs, cats, hamsters, primates, rabbits and guinea pigs.

More than 110 dealers went out of business during the first three years of the program. Licenses of some of the larger dealers have been revoked. Agents have been cursed, threatened and shot at. But even so, the act did not go far enough. There were huge loopholes. and it has been handicapped by lack of funds to employ more inspectors—most of whom are veterinarians and have many other Agriculture Department duties within the states where they are stationed.

Though the act has no authority over care of animals actually being used in research, some institutions have declared the animals "in research" on the moment of arrival. This clearly frustrates the intent of the act to improve conditions of the animals while awaiting research.

More federal authority was needed. In 1968 help came from an unexpected source. A 43-year-old GOP freshman representative from Norfolk, Va., introduced legislation that filled the bill. Rep. G. William Whitehurst would extend the mantle of enlightened care to animals actually undergoing research. But what's more, he asked that the same standards apply to animals in circuses, zoos and the pet trade.

Humanitarians soon learned that it was not only Bill Whitehurst they had to thank, but his wife, Jeanette. "I told the people at the Norfolk SPCA, where I have helped with humane education, that I'd try to lend a hand when we got to Washington," she said the other day.

Whitehurst's bill actually was a beefing up of the "pet-napping" Act and was referred to the House Agriculture Committee, whose chairman has repeatedly shown himself a friend of animals. Texan W. R. Poage has been the key man on the House side on both the humane slaughter and "pet-napping" bills.

Testimony, presented this June before Rep. Graham Purcell's subcommittee, lifted once again the curtain of secrecy on unspeakable conditions among the creatures that perform, amuse and give their lives to man.

"We, who worked there, were always pleased when some animal died to be out of a miserable life," said June W. Badger of Middleburg, Va. She told the committee of conditions in some of the circuses and zoos for which she had worked in the last 19 years. Cramped, unventilated cages, starvation, sadistic punishments. A litany of misery.

The arrival from South and Central America and shipment to pet wholesalers of crates of birds and monkeys were described by Mrs. Christine Stevens.

She is the wife of Roger Stevens, president of the Kennedy Center for the Performing Arts and the government's former cultural chief. Mrs. Stevens is president of the Animal Welfare Institute and secretary of the Society for Animal Protective Legislation.

IMPORTED ANIMALS

She described wretched conditions of animals that Custom inspectors have overlooked. (They are charged with checking on condition of imported animals.) She told of continued conditions of cramped laboratory housing and of the inhumane environment in many municipal and roadside zoos. Quoting Dr. Desmond Morris, author of the "Naked Ape," she said, "If zoos are to survive the 20th century, they will have to reform." She introduced into the record a letter in behalf of the Whitehurst bill from Virginia McKenna and Bill Travers, stars of the film "Born Free" and patrons of the Captive Animals Protection Society.

The arrival of dogs and cats at animal auction sales was described by Frank McMahon, field director of the Humane Society of the United States. "I've seen them chained within the trunks of cars. I've seen them jammed in crates and cages. I've seen them sold by the pound." Humane agents of local societies are given rough treatment, he said and under the existing federal law these auctions are exempt from regulation.

The legislation now speeding toward the congressional deadline embodies many of the suggestions made by the men and women who know the problem first hand. Auctions are included. Animal categories have been broadened. Fines for resisting agents have been stiffened. But most important, the Agriculture Committee called for the use of appropriate pain-killers for research animals whenever possible.

(When Agriculture sets the standards for humane handling many humanitarians trust that life-time caging of such research animals as dogs will be eliminated.)

Some of the additions to the Whitehurst bill were called for in bills introduced by Rep. Thomas S. Foley, D-Wash., and in the Senate by Warren Magnuson, D-Wash., Alan Cranston, D-Calif., and William G. Spong, D-Va. When the bill was favorably discharged from the House Agriculture Committee, it bore the name of each member. An exact copy was introduced in the Senate by Robert J. Dole, R-Kan. Hearings by Senator Philip A. Hart's Commerce sub-committee are expected any day.

Even with the evaporation of much of the scientific community's opposition to lab animal legislation and even with the good chance that this measure will miraculously pass this session, there are other hurdles. One is money.

The burden on the Department of Agriculture will be heavier, making necessary the employment of more inspectors. These men, also, have the added duty in coming years of policing the horse shows to see that no "walking horse" brought across state lines has been "sored" to make it step high, wide and handsome. The famous Tydings "walking horse" bill is now awaiting Presidential signature. Sen. Joseph Tydings, D-Md., sponsored it in this session of Congress.

As this session adjourns, left at the post are at least 10 other animal protection measures: air transportation regulations, cessation of shooting wolves and other animals from airplanes over federal lands, elimination of use of agonizing poisons in the government's predator control programs, better conditions at the ports of entry such as Miami. The list is long—but the abuse and suffering have gone on a long time, too.

But at last, what has been described as the "silent lobby" has found its voice. Or could it be that man, for a change, is listening to voices other than his own?

Mr. KLEPPE. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from North Dakota, a member of the committee.

Mr. KLEPPE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, there was a point in time, when we started hearings on this legislation, when it looked as if we would probably never get together, but I want to compliment the gentleman from Washington for his explanation and the gentlewoman from Washington for her remarks, as well as all other members of the committee for working on this very controversial piece of legislation.

Mr. Speaker, the legislation before us today represents the best possible approach by the House Agriculture Committee, the Department of Agriculture, and interested individuals, to the protection of animals.

The proposal, H.R. 19846, expands the definition of the term "animal" to include any live or dead dog, cat, monkey, guinea pig, hamster, rabbit, or such other warmblooded animal, that the Secretary of Agriculture may determine is being used for research, experimentation, or for exhibition purposes, or as a pet. The bill also regulates those individuals handling animals, including wholesale pet dealers, circuses, zoos, carnivals, and road shows.

The bill establishes by law the humane ethic that animals should be given basic creature comforts of adequate housing, ample food and water and reasonable handling.

I might add that the bill in no manner authorizes the disruption or interference with scientific research or experimentation. Under this bill the research scientist still holds the key to the laboratory door. However, the Agriculture Committee and the Congress expect that the work that is done behind the laboratory door will be done with compassion and with care.

Finally, the bill strengthens the enforcement powers of the Secretary of Agriculture by broadening the statutory concept of "commerce" by increasing the penalties against persons convicted of interfering with, assault, or killing Government inspectors, and by broadening the discovery procedures for obtaining adequate information to sustain proper administration.

Passage of this legislation will not constitute an unnecessary burden to the taxpayers. The current program is financed in part by license fees, and after implementation of this legislation, will become self-supporting.

After extensive hearings on this legislation, this proposal represents a compromise by the Agriculture Committee, the Secretary of Agriculture and a majority of interested individuals.

Mr. PIRNIE. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Speaker, I thank the gentlewoman from Washington for yielding.

I have asked the gentlewoman to yield for two purposes: First, to commend the gentlewoman for her remarks in behalf of this legislation; and second, and very personally, I wish to take note of the fact that with the end of this Congress, my colleague from Washington is leaving this body. I am reminded that we entered the service of the Congress together and served on the same committee. During the 12 years which have passed, the gentlewoman has demonstrated not only her devotion to her constitutents but also her genuine love of her country. She has been a most able Member of the House.

Those of us who have had the privilege of serving with her join with me, I am sure, in an expression of deep affection and respect and the wish that our colleague may have great happiness in the years ahead. We are indeed sorry to lose her from this body.

Mrs. MAY. Mr. Speaker, I thank the gentleman from New York for those very wonderful remarks.

Mr. TEAGUE of California. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, I certainly associate myself with the remarks made by the gentleman from New York.

The gentlewoman from Washington has sat on my left hand on the Committee on Agriculture for some years now. She will be sorely missed. I frequently needed her advice and guidance. I do not know what I will do without it.

Mr. Speaker, we all wish the gentlewoman the very best.

Mr. ZWACH. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Wisconsin.

Mr. ZWACH. Mr. Speaker, I thank the gentlewoman for yielding and I associate myself with her remarks and the remarks of the gentleman from Washington.

But beyond that, Mr. Speaker, I want to say as a member of the Committee on Agriculture that I have had tremendous benefits from the association with the gentlewoman and from her knowledge in the field of agriculture. We shall miss the gentlewoman sorely.

Mrs. MAY. Mr. Speaker, I thank the gentleman from Wisconsin.

Mr. PELLY. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, I am sorry the gentlewoman has to yield briefly, because there are many things I would like to say but at this time, at least, I want to state for the record that those of us from the State of Washington regard the gentlewoman with great admiration and affection. We see her leaving Congress as a great loss. I know the agricultural interests of this country feel the same way about it.

Today we had occasion when a Member from the other side of the aisle from the State of Washington led off as far as this particular bill is concerned, and thereby one more example of there being no partisanship on legislation such as this. Our delegation works for the interests in our State and the Nation.

Mr. Speaker, it has been a great personal joy for me to serve with the gentlewoman. I wish her well and great happiness in the future.

Mrs. MAY. Mr. Speaker, I thank my colleague, the gentleman from Washington.

Mr. MAYNE. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. Mr. Speaker, I yield the balance of my time to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, I thank the gentlewoman for yielding. Certainly I want to associate myself with the remarks which have been made about her just now for the service she has rendered in this Congress, and particularly on the Committee on Agriculture, and on the Subcommittee on Livestock and Grains, where it has been my privilege during the past 2 years to sit next to the gentlewoman and to have an excellent opportunity to observe the great contribution she has made to the legislative work of this committee, and in all things regarding the work of the Congress.

The gentlewoman certainly has served her constituents with great distinction. Every member of the committee on both sides of the aisle is going to miss the gentlewomans great talent and integrity very much indeed.

Mr. Speaker, I rise in support of H.R. 19846, the Animal Welfare Act of 1970, and request permission to revise and extend my remarks.

I am pleased to be an original cosponsor of this important legislation and to have had a part in the favorable reporting of the bill by the Livestock and Grains Subcommittee and then by the House Agriculture Committee. It has been a pleasure working with my colleagues on the subcommittee and on the committee on this most recent strengthening of the commitment of Congress and the Nation to the care and protection of dumb animals.

H.R. 19846 expands the definition of covered animals to include all warm-blooded animals designated by the Secretary of Agriculture, rather than just live dogs, cats, rabbits, hamsters, guinea pigs, and monkeys. It brings under regulation more animal handlers, such as circuses and wholesale pet dealers.

The bill establishes by statute the requirement that animals be accorded basic creature comforts of housing, food and water, reasonable handling, sanitation, ventilation, shelter and adequate veterinary care, but does not disrupt or interfere with scientific or medical research or experimentation, with the expectation that such research will be done with compassion and care. The bill also strengthens the Secretary of Agriculture's enforcement powers, including improved procedures for obtaining information. I strongly urge its enactment.

Mr. Speaker, during the hearings which led up to H.R. 19846 a great many discussions were held with responsible individuals who use various animals in biomedical research. They were concerned, as I am sure you will recall, with the changes we were intending to make in section 13 of the act of 1966, and especially with the modification in the definition of "adequate veterinary care" which we felt should be provided during an animal's stay within the laboratory.

Mr. Speaker, I should like to use the remainder of my time for the purpose of addressing certain questions to the distinguished gentleman from Washington (Mr. FOLEY), who is handling the bill as floor manager for the majority, in order to further establish legislative intent on this point.

I believe essential protection and freedom for the investigator has been assured by including in this section a stipulation to which the gentleman from Washington has already referred, which appears in section 14 of the bill commencing at page 9, line 17, that the Secretary of Agriculture shall not promulgate rules regulations, or orders with regard to design outline, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility.

However I am somewhat concerned that the section-by-section analysis of the bill contained in committee report No. 91-1651, may not be sufficiently clear on this point to anyone who has not had the advantage of the full discussions held by our subcommittee. In order to clear up any possible uncertainty as to the legislative intent on this point, I would like to ask the gentleman from the State of Washington (Mr. FOLEY), who is handling the bill as floor manager for the majority if it is his understanding as it is mine, that the intent of the committee is that while animals are undergoing actual research or experimentation the decision with respect to appropriate use of anesthetic analgesic, or tranquilizing drugs would rest exclusively with the attending veterinarian of such research facility, and that any standards or guidelines promulgated by the Department of Agriculture could be disregarded by the research facility if in its opinion these guidelines were not proper under existing circumstances and research requirements. Further, that the research facility veterinarian would not be required by the Secretary to justify or defend his decision not to employ these agents if inconsistent with or contrary to standards recommended by the Secretary. I would ask the distinguished gentleman from Washington (Mr. FOLEY), if his understanding of the committee intent is the same as that which I have just stated.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MAYNE. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. The gentleman has stated the intent of the committee exactly. The statement the gentleman has just made is the intention of the committee in its reporting of this bill to the House for consideration.

Mr. MAYNE. With that assurance from the distinguished gentleman I am happy to renew my support of this very important and salutary legislation. I urge all Members to vote "yea" in support of the bill.

Mr. MIZELL. Mr. Speaker, I rise today in support of H.R. 19846, the Animal Welfare Act of 1970.

This legislation has been a focal point of concern among animal lovers throughout the Nation for some time. I have received dozens of letters from citizens within my own district and from other interested parties seeking my support for this measure.

If ever there was a piece of legislation considered by this body that deserved the support of all of its Members, this bill must be the one.

I have received correspondence from university professors, attorneys, pharmacists, veterinarians and other professionals interested in this legislation. But a housewife from Thomasville, N.C. wrote one of the most convincing of all the letters I received.

She said:

> I realize there are many weighty problems facing you these days, from busing of school children to the Vietnam war. It seems that with all the other pleas these days for so many concerns, the animals just go on suffering needlessly because they can't speak for themselves.

Certainly, we are faced with grave and important issues today—the issue of war and peace, of economics, of racial discord, of rampant crime—but I believe they could all be solved if we would all simply apply a greater measure of humanity in our relations with one another.

And just as certainly, that humanity should be extended to all of the creatures with whom we share this planet. These animals bring us great pleasure, and ask for nothing in return. Surely we can see that to return pain for pleasure, even to animals, makes us all a little less humanitarian, and this we cannot afford, especially at a time when humanitarianism is in such short supply.

This bill includes provisions regulating the transportation, purchase, sale, housing care, handling and treatment of warmblooded animals used in research or public exhibition. These provisions will insure that the animals are humanely treated, and will set standards to be rigidly maintained.

I urge my colleagues to vote with me for passage of this legislation.

Mr. MATSUNAGA. Mr. Speaker, as one with a longstanding interest in improving the standard of care, handling, and treatment of laboratory and other animals, I strongly support H.R. 19846, the proposed Animal Welfare Act of 1970.

In a number of ways, this legislation will significantly strengthen the existing law. More species of animals will be protected: all warmblooded animals designated by the Secretary of Agriculture, with but a few specific exceptions.

Further, not only animals used by laboratories are covered. Wholesale pet dealers will be required to comply with the law's provisions, as will animal exhibitors, such as zoos, carnivals, and circuses.

Mr. Speaker, this bill marks a giant step toward honoring man's moral commitment to take the best possible care of the animals who serve him. I urge its approval.

Mr. PRICE of Texas. Mr. Speaker, a member of the Subcommittee on Livestock and Feed Grains and as one of the sponsors of H.R. 19846, I commend this legislation to the attention of my colleagues and urge them to approve it forthwith.

This bill, the Animal Welfare Act of 1970, was sponsored by the entire membership of the subcommittee. It represents the product of months of diligent effort and the final blend of various proposals which have been offered on this subject. Many individuals and organizations in and out of government have contributed greatly to this bill, and I think the final committee product demonstrates this fact full well.

Basically, H.R. 19846 amends the present law covering the care of animals used for research experiments, exhibition, or sale as pets. It strengthens the administration of the present law, which Congress enacted in 1966, in four major respects: First, it enlarges the definition of the term "animal" to include additional species. Under present law, protection is provided only to live dogs, cats, rabbits, hamsters, guinea pigs, and nonhuman primate mammals; namely, monkeys, and so forth. The bill extends the definition to include all warmblooded animals designated by the Secretary of Agriculture, with certain specific limitations and defined exceptions.

Second, Federal regulation is extended to cover exhibitors of animals such as circuses, zoos, carnivals, road shows, and wholesale pet dealers.

Third, animals covered by the act should be accorded, as a matter of law, basic protections such as adequate housing, ample food and water, reasonable handling, decent sanitation, and adequate medical care.

Finally, the Secretary of Agriculture is empowered with greater authority to enforce the provisions of the act, and penalties for criminal violations are increased.

Mr. Speaker, in philosophy, the Animal Welfare Act of 1970 gives legislative flesh to the principle that the humane treatment of dumb animals is not incompatible with the advancement of medical research and development. This bill is eminently worthy of enactment, and I urge my colleagues to give it their wholehearted support.

The SPEAKER. The question is on the motion of the gentleman from Washington (Mr. FOLEY) that the House suspend the rules and pass the bill H.R. 19846, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

TRANSFER OF PEANUT ACREAGE ALLOTMENTS

Mr. O'NEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17582) to amend the peanut marketing quota provisions to make permanent certain provisions thereunder.

The Clerk read as follows:

H.R. 17582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 358a of the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) Subsection (a) thereof is amended by deleting ", 1969, and 1970" and inserting in lieu thereof "and succeeding".

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. O'NEAL of Georgia. Mr. Speaker, this bill comes up under suspension of the rules because it should not be controversial and consequently should not take us very long to dispose of it during this busy week.

While it is of great importance to those of us with a special interest in peanuts, I realize full well that it is not a big thing to most of the Members of the House. Therefore, I intend to be brief and to the point.

Because of legislation that we have twice passed overwhelmingly by suspension of the rules, peanut farmers in the same country have enjoyed the privilege of transferring allotments to each other by sale or lease for three recent crop-years, and the present law has worked well. To my knowledge, the Department of Agriculture has received no complaints or reports of any abuses. As a matter of fact, the legislation has met with nearly unanimous approval throughout the peanut industry in every geographical area.

The transfer authority expires this year. In reporting the bill, H.R. 17582, both the Subcommittee on Oilseeds and Rice and the full Committee on Agriculture, without objection, agreed to extend this authority on a continuing basis in view of the program's success and noncontroversial nature.

The original legislation was enacted in 1967 for 2 crop-years and extended in 1969 for 1 additional crop-year. As I said, both bills were brought to the House floor and passed under suspension of the rules. In writing the original law, tight restrictions were included to guard against any speculation or overproduction which might otherwise result. Examples of these restrictions are as follows:

Allotments are never permitted to cross county lines.

The total peanut allotment transferred to any farm cannot exceed 50 acres or any lesser amount prescribed by the Secretary.

If transferred acreage goes to a farm where the production per acre exceeds that of the transferred acreage by more than 10 percent, a corresponding downward adjustment in the acreage transferred is made to assure that no overproduction would result from the transfer.

Allotments may not be resold for a period of 3 crop-years.

And there are other restrictions. It may even be said that some are unnecessary, but I sincerely believe that these conditions are responsible for the universal acceptance and success of the legislation.

The subcommittee heard suggestions that we relax two of the minor restrictions. First, it was suggested that we eliminate the requirement of consent by lien holder in case of temporary transfer by lease for a 1-year term ony. In addition some felt that perhaps the productivity adjustment requirement should be eliminated, now applicable in case a receiving farm—not under irrigation—is placed under irrigation within a 5-year period.

The subcommittee and full committee, however, decided to leave the basic law unchanged. There is absolutely no relaxation of restrictions. The bill under consideration simply extends existing authority on a continuing basis.

The primary purpose of the legislation is to permit some small but capable farmers to become a little more efficient by increasing their allotments while others, who wish to discontinue growing peanuts, could transfer their resources to other crops or retire from peanut production entirely and still receive a small remuneration. Problems connected with small allotments become more serious each year as production costs per acre continue to increase.

Many allotments are simply too small to constitute an economic unit. The Department of Agriculture reports that more than one-fourth of all peanut allotments are 5 acres or less and more than one-half are 10 acres or less. The average size of established allotments is approximately 18 acres.

The type farmer I most wanted to help when I wrote the first bill 3 years ago was the young man who decides on a career in agriculture or the sharecropper who has long dreamed of owning a farm but who did not inherit an allotment. This legislation allows a new grower to acquire an allotment up to 50 acres through lease or outright purchase without increasing the national allotment by a single acre.

Enactment of this measure will not result in any expense to the Government, any added cost to the consumer, nor any increase in the production of peanuts. Mr. Speaker, I urge favorable consideration of this bill.

Mr. MIZELL. Mr. Speaker, I rise today to voice my support for H.R. 17582, which amends existing peanut marketing quota provisions to make permanent the existing authority to sell, lease, and transfer peanut acreage allotments within counties.

The peanut growers of North Carolina have expressed to me their desire to see this legislation passed.

I believe it is good legislation, and needed legislation, but above all, fair legislation.

Some months ago, I introduced legislation calling for similar allotment provisions for burley tobacco growers. I noted at that time the need for a more equitable policy regarding the Nation's burley tobacco farmers, who had felt the pains of discrimination far too long, and as a result, had suffered financially. That bill was recently passed by this body.

The same condition which that legislation remedied for burley growers existed until relatively recently in the case of peanut farmers, as well. But in 1968, it was wisely decided to allow peanut growers to sell, lease, or transfer acreage allotments through this year.

Now we have an opportunity to extend that right to our peanut farmers on a permanent basis. The proposal does not entail any expense to the Government, any added cost to the consumer, or any increase in the production of peanuts.

It is a simple step toward greater efficiency and equality in this important segment of our agricultural industry. I urge my colleagues to join with me in voting for passage of this legislation.

Mr. PICKLE. Mr. Speaker, today the House considers the transfer of peanut acreage allotments bill, H.R. 17582. Due to a longstanding prior commitment, I am unable to be in Washington today, but I do want to register my support for this bill.

This bill allows for intracounty lease, sale, and transfer of acreage allotments for peanuts among farms. The law has undergone a 2-year trial period and has proved successful in helping peanut farmers to keep the rising costs of producing and harvesting peanuts in line with returns on their investments. I believe that the time is now ripe to make this law a permanent authorization—and this is provided for in H.R. 17582.

The sale, lease, and transfer of allotments does not cost the taxpayer or the consumer. It simply makes it possible for peanut farmers to realize a reasonable return on their investment.

I think this is a good law and one that ought to be made permanent.

Mr. FOUNTAIN. Mr. Speaker, I rise in support of H.R. 17582.

As has already been pointed out, the purpose of this legislation is to make permanent the existing authority for the lease, sale, and transfer of peanut acreage allotments among farmers within a given county.

Under the provisions of this permanent legislation, the Secretary of Agriculture will have the right to make a determination as to whether or not such a lease, sale or transfer, in whatever form, will impair the effective operation of the peanut marketing quota or price support program. If he makes the decision that it will not, then H.R. 17582 would permit on a permanent basis the 1968, 1969, and 1970 practice of the owner or operator of a farm selling or leasing all or any portion of his allotment to any other farmer or to any other farm owned or controlled by him in the same county.

Other portions of section 385(a) of the Agricultural Adjustment Act of 1938 are left unchanged. In other words, allotments still cannot be transferred across county lines and from a farm subject to a mortgage or lien unless the transfer is agreed to by the lienholders. There are some nine conditions still in the law including the requirement that no transfer can be effective until recorded or filed with the county committee of the county in which the transfer is made and until the county committee determines that the transfer complies with the provisions of the law. Another important, unchanged condition is the fact that the total peanut allotment transferred to any farm by sale or lease shall not exceed 50 acres or any lesser amount prescribed by the Secretary.

For some time now it has become increasingly clear that this legislation should be made permanent. There are many peanut acreage allotments which are too small to constitute an economic unit in view of the rising costs of producing and harvesting peanuts. Also, much greater mechanism in the production of peanuts involves the use of very expensive equipment and other items involved in improved methods of cultivation. The cost per acre of producing peanuts has simply gone up and up.

Consequently with more than one-fourth of all peanut acreage allotments being five acres or less and more than one-half being 10 acres or less, farmers with such small acreage are finding the production of peanuts uneconomical and others who want to grow peanuts have found it necessary to increase their peanut acreage in an effort to realize a reasonable return on their tremendous investment. So making this program permanent will enable those interested in growing peanuts to get enough acreage to justify remaining in the business. At the same time, requiring sales or transfers within a county will guard against any major geographic switch in peanut production which would be injurious to the economy of many counties.

All peanut growers are familiar with the existing transfer legislation. Simply put, therefore, all this legislation does is to make the existing law permanent and enable those farmers who want to continue growing peanuts to get enough acreage by the sale or transfer process to justify their remaining in the business. At the same time, continued production of peanuts in a given area may well prevent the future transfer of such acreage to some other State.

The SPEAKER. The question is on the motion of the gentleman from Georgia (Mr. O'NEAL) that the House suspend the rules and pass the bill H.R. 17582.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. O'NEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

LAND CONVEYANCE AT FORT RUGER MILITARY RESERVATION, HAWAII, TO STATE OF HAWAII

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4187) to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands.

The Clerk read as follows:

S. 4187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Seretary of the Army, or his designee, is hereby authorized to convey to the State of Hawaii, subject to the terms and conditions hereafter stated, and to such other terms and conditions as the Secretary of the Army, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to certain lands, with the improvements thereon, within the Fort Ruger Military Reservation, Hawaii, as described in section 3 of this Act.

SEC. 2. In consideration for the conveyance by the United States of the aforesaid property, the State of Hawaii shall convey, or provide for the conveyance, to the United States of certain lands, described in section 3 of this Act, acceptable to the Secretary of the Army, or his designee, as replacement land for use as military family housing sites or other purposes in connection with the Fort Shafter-Tripler Army Hospital area, Oahu, Hawaii, and shall, at its sole expense, perform on this replacement land certain site preparations which will, in the opinion of the Secretary of the Army, or his designee, equal in cost the dollar value difference between the appraised fair market value of the property being conveyed to the State and the appraised fair market value of the land being conveyed to the United States. The site preparation shall be in accordance with plans and specifications to be approved by the Secretary of the Army or his designee.

SEC. 3. The lands authorized to be exchanged and referred to in sections 1 and 2 of this Act are located on the island of Oahu, Hawaii, and are as generally depicted on maps on file in the Office of the Pacific Ocean Division Engineer, Honolulu, Hawaii. The lands to be conveyed by the United States comprise approximately fifty-seven acres with the improvements thereon; the replacement lands to be acquired by the United States comprise a minimum of approximately two hundred and fifty-nine acres situated adjacent to the Tripler Army Hospital Reservation. The exact description and acreages are to be determined by accurate surveys as mutually agreed upon between the State of Hawaii and the Secretary of the Army, or his designee.

SEC. 4. The lands conveyed to the United States, as described in section 3 of this Act, shall become a part of the Tripler Army Hospital Reservation and be administered by the Department of the Army.

SEC. 5. Notwithstanding any other provision of law, the cost of the lands to be acquired by the United States, as described in section 3 of this Act, and the cost of the site preparation and installation of utilities borne by the State of Hawaii, as provided herein, shall not be considered in arriving at the average cost of any family housing units or the cost of any single family housing unit to be constructed on the property.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may be allowed 3 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, this bill—S. 4187—would authorize the Secretary of the Army to convey to the State of Hawaii title of the United States in approximately 57 acres of land with improvements located within Fort Ruger Military Reservation, Hawaii, upon the conditions: First, the State shall convey to the United States a minimum of 259 acres of land located adjacent to the Tripler Army Hospital Reservation; second, such lands are to be acceptable as replacement family housing sites or other purposes for Fort Shafter-Tripler Army Hospital area; third, the State shall at its expense provide site preparation on the replacement lands which shall equal in cost the difference in value between the land conveyed to the State and that conveyed to the United States; fourth, specifications or site preparation are to be approved by the Secretary of the Army, or his designee; fifth, exact acreages and descriptions to be determined by surveys; and, sixth, the Secretary may include such other terms he deems in the public interest. The bill further provides that the lands conveyed to the United States shall become a part of the Tripler Army Hospital Reservation; and also that the cost of site preparation by the State shall not be considered in the cost of family housing later constructed thereon.

The State of Hawaii desires to acquire a portion of Fort Ruger lands for the establishment of a university medical school and the expansion of facilities of the Leahi Hospital adjacent to Fort Ruger. To offset the continuing military requirements for family housing, the State has offered to provide substitute lands comparable in value and utility in exchange for approximately 57 acres of Fort Ruger lands, on terms generally set forth in the bill.

The Fort Ruger lands to be conveyed to the State comprise two separate parcels, one of 51.63 acres and one containing 2.94 acres. Improvements consist of administration buildings, warehouses, 39 sets of family quarters and supporting facilities. The housing quarters, by reason of age and condition, are planned for demolition upon authorization of the family housing construction program. Preliminary estimates place a current value on the lands and improvements at between $4,500,000 and $5,000,000.

The 259-acre tract of land to be conveyed to the Government is situated on the Koolau Mountain ridge contiguous to the northeast boundary of the Tripler Army Hospital. The S. M. Demon Trust Estate tentatively has agreed to sell the same to the State for reconveyance to the Government. This tract is raw, undeveloped land with a value in the range of $1 million. Testimony revealed that by reason of the topography only about 180 acres appear economically feasible of development. To render the replacement lands comparable to the Fort Ruger lands as to utility for housing, the State proposes to perform at its expense necessary site preparation under specifications approved by the Army. The cost to be expended is to reflect the difference in value between the property to be conveyed to the Government and that conveyed to the State. Final adjustments will be based on detailed appraisals, mutually agreed upon, as well as other terms of exchange which will be developed by an agreement between the parties. In this connection, it is understood that State legislation has been enacted authorizing the proposed exchange and necessary funds.

The Department of the Army, on behalf of the Department of Defense, recommends that S. 4187 be enacted.

Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GROSS. I would like to ask the gentleman if the legislature of the State of Hawaii has enacted the necessary legislation.

Mr. BENNETT. It has.

Mr. GROSS. In all of its ramifications to take care of this obligation?

Mr. BENNETT. It has. The State of Hawaii has enacted the legislation and made the appropriations necessary. It has done so.

Mr. GROSS. I thank the gentleman.

Mr. MATSUNAGA. Mr. Speaker, the pending bill is a simple one. It merely authorizes the Secretary of the Army to convey certain lands in Hawaii to the State of Hawaii in exchange for other lands to be conveyed to the Army by the State.

The State of Hawaii would receive about 57 acres now within the Fort Ruger Military Reservation. State plans are to use the land to establish an integrated medical center, consisting of a 4-year University of Hawaii medical school, and an expanded State-operated hospital, which is presently located on State land adjoining the land belonging to the Army.

In return, the Army is to receive about 259 acres of land in Honolulu near Tripler Army Hospital, which will be made suitable for construction of military housing at the expense of the State of Hawaii in accordance with Federal specifications.

Mr. Speaker, both the State of Hawaii and the Army will benefit substantially from this land exchange. Construction of the medical center near existing medical facilities would enable the State to respond to the demands of increasing health care needs in Honolulu.

Correspondingly, the Army would gain a land area suitable for 900 housing units and located near other military housing areas so as to provide better consolidation and more economic use of maintenance and support services.

Mr. Speaker, no expenditure of Federal funds would be required by the enactment of S. 4187. The exchange finally agreed on is to be evenhanded insofar as land values are concerned. Both the Department of the Army and the State of Hawaii favor the bill's enactment. The Senate passed it without any dissent. I urge that the House also give its quick and overwhelming approval to this mutually beneficial legislation.

The SPEAKER. The question is on the motion of the gentleman from Florida (Mr. BENNETT) that the House suspend the rules and pass the bill S. 4187.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COPYRIGHT PROTECTION IN CERTAIN CASES

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 230) extending the duration of copyright protection in certain cases.

The Clerk read as follows:

S. J. RES. 230

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the terms thereof as extended by Public Law 87–668, by Public Law 89–442, by Public Law 90–141, by Public Law 90–416, or by Public Law 91–147 (or by all or certain of said laws), would expire prior to December 31, 1971, such term is hereby continued until December 31, 1971.

The SPEAKER. Is a second demanded?

Mr. HUTCHINSON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, will the gentleman yield to me?

Mr. CELLER. I yield to the gentleman from Michigan.

Mr. DINGELL. I have some questions to ask the chairman of the committee about this.

Will the gentleman from New York explain the function of this bill, please, to the House?

Mr. CELLER. This bill is similar to a bill passed in the last Congress extending copyright for those whose renewal terms were expiring. The House passed in the last Congress a comprehensive copyright revision which went to the Senate, but unfortunately, was not acted upon in time. That was due to a controversy that arose because of differences largely concerning community antenna television. Because of the differences the copyright code languished in the Senate and was not passed. Because thereof we in the last Congress extended the copyrights for 1 year pending the action of the Senate.

Now, I am told that the chairman of the subcommittee having jurisdiction over copyrights, patents, and trademarks of the Senate Judiciary Committee will in the next Congress prepare—and he has expressed the hope and belief that most of the difficulties if not all of the difficulties that arose concerning CATV will have been resolved and that they will be able to complete their task and have passed the copyright revision in about the manner in which we have passed it in the last Congress.

Meanwhile, between the time we passed the bill last year extending copyrights and the time that the Senate will act, there will be a number of copyrights in their renewal term which will expire. Many other copyrights will be protected by the new bill that the other body undoubtedly will pass. So, in order not to create discrimination among copyright holders we are asking that the copyrights be extended for the period of another year.

Mr. Speaker, there is no cost to the Government. It is only a matter of equity and justice that this is done.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield further, I would like to ask the gentleman what is the oldest copyright under this bill that would be extended?

Mr. CELLER. What is the what?

Mr. DINGELL. What is the oldest copyright that would be extended under Senate Joint Resolution 230?

Mr. CELLER. I think it is about 64 years.

Mr. DINGELL. Four years?

Mr. CELLER. No.

Mr. DINGELL. I would say to the gentleman that it would be more like about 40 years.

Mr. CELLER. The present copyright law, as the gentleman knows, is for 28 years and then there is an extension permitting another 28 years.

Mr. DINGELL. So, that is a total of 56 years?

Mr. CELLER. Fifty-six years; yes.

Mr. DINGELL. But, we are extending it 56 years, plus how much in addition thereto? There have been several extensions. This will be more like 60-something years, will it not?

Mr. CELLER. This is only for 1 year.

Mr. DINGELL. The oldest copyright would be older than 56 years. How old is the oldest copyright we would be extending through the passage of this particular piece of legislation?

Mr. CELLER. Extensions have totaled 8 years, a total of 64. I think this is the sixth extension.

Mr. DINGELL. The sixth extension? Six 1-year or 2-year extensions?

Mr. CELLER. No, that would be 6 years added; actually, there were eight.

Mr. DINGELL. Six years added to the 56 years, making a total of 62 years?

Mr. CELLER. Yes.

Mr. DINGELL. That is the number of years I would suggest to the gentleman from New York that the copyright laws would be extended.

Mr. CELLER. That is right. The recent bill that we passed; that is, the bill that was passed in the last Congress provided copyright protection for new copyrights for a term of the life of the owner of the copyright, plus 50 years after death.

Mr. DINGELL. How many more times are we going to have these copyright bills before us?

Mr. CELLER. I have told those in the other body who are responsible for passing this very bill that we are now considering that I would under no circumstances renew this copyright provision, but that they must pass the comprehensive compromise code, otherwise there would be no more extensions. This is the last extension.

Mr. DINGELL. I am happy to hear the gentleman say that because every year we have a bill or resolution for the extension of copyrights and usually at the request of the same people. I think it is about time that the House quit extending these copyright laws.

Mr. CELLER. I am in thorough accord with the gentleman's point of view in that respect.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Joint Resolution 230.

This resolution would continue until December 31, 1971, the renewal term of any copyright which would otherwise expire prior thereto.

Under present law a copyright is granted for 28 years, renewable for another 28 years, or a total of 56 years.

Senate Joint Resolution 230 would provide an interim extension of the renewal term of all copyrights so that no copyright would expire in calendar 1971. This type of extension has been granted on five previous occasions, the first of which was in 1962.

These extensions have been granted over the years because, during this period, the Congress has been working on a major revision of the copyright law which would substantially extend the term of copyrights. The House passed such a general revision in 1967; the matter is now pending in the other body.

The latest version, S. 543, would extend existing copyrights 19 years, giving them a life of 75 years. Copyrights having their inception subsequent to passage of the new law would enjoy a term of the life of the author plus 50 years.

Those portions of S. 543 containing the extension of existing copyrights to 75 years are not in dispute. The only matter holding up this bill is a series of questions concerning cable TV, which are wholly unrelated to the copyright terms. When the general copyright revision legislation is passed, as it inevitably will be—and I hope that this will be early in the next Congress—it will unquestionably include the provision extending existing copyrights to 75 years.

To fail to provide for an interim extension at this time would cause thousands of copyright holders to lose their copyrights simply because the other body cannot resolve an unrelated issue.

Mr. Speaker, I urge adoption of Senate Joint Resolution 230.

The SPEAKER. The question is on the motion of the gentleman from New York (Mr. CELLER) that the House suspend the rules and pass the Senate joint resolution (S.J. Res. 230).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

AMENDMENT TO FOREIGN SERVICE BUILDINGS ACT, 1926

Mr. HAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 18012) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations.

The Clerk read as follows:

H.R. 18012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(f)(2) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295(f)(2)), is amended—

(1) by striking out "and" and inserting in lieu thereof a comma; and

(2) by inserting immediately before the period at the end thereof a comma and the following: "not to exceed $15,000,000 for the fiscal year 1972, and not to exceed $15,900,000 for the fiscal year 1973".

The SPEAKER. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bill that is reported every 2 years by the Committee on Foreign Affairs. In order that the House may understand it, I am enumerating the principal features and the reasons why the committee believes this bill to be important.

The authorization is for the operating account that covers the maintenance, repair, operation, and equipment of buildings overseas. It also includes rent payments for properties leased for more than 10 years.

It does not authorize money for the acquisition of any buildings. Such acquisitions would come out of the capital account for which no authorization is requested.

The properties are used by many agencies of Government other than the Department of State.

Other agencies reimburse FSO for building operating expenses such as utilities, cleaning services, et cetera. State pays for all improvements and repairs.

Authorizations in the 1968 law were $13,500,000 for fiscal year 1970 and $14,300,000 for fiscal year 1971.

Authorizations in this bill are $15,000,000 for fiscal year 1972 and $15,900,000 for fiscal year 1973.

Experience shows that costs of goods and services increase about 6 percent per year.

United States held properties overseas originally cost about $270 million. They are now estimated to be worth more than twice that amount. The appropriation made pursuant to the authorization in this bill will enable the Department to maintain our valuable properties in the best possible condition.

Mr. ADAIR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 18012, to amend the Foreign Service Buildings Act.

In my opinion the authorization of an appropriation not to exceed $15 million for fiscal year 1972 and $15,900,000 for fiscal year 1973 is reasonable and well justified.

These sums are needed for the operation and maintenance of U.S. buildings abroad that come under the jurisdiction of the Office of Foreign Buildings of the Department of State.

As noted in the committee report, no funds are authorized in this bill for the purchase, construction, or leasing of office buildings, residences, and other structures abroad.

While the amounts requested for operation and maintenance of U.S. buildings abroad in fiscal year 1972 and fiscal year 1973 are slightly higher than for the 2 preceding years, they reflect only the unavoidable worldwide increases for wages and prices averaging 6 percent.

This legislation is necessary if we are to properly maintain and operate the valuable property of the United States abroad.

I urge passage of H.R. 18012.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. HAYS) that the House suspend the rules and pass the bill H.R. 18012.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Mr. EDMONDSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs, as amended.

The Clerk read as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970".

TITLE I—GENERAL PROVISIONS

SEC. 1. As used in this Act—

(1) The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

(2) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(3) The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(4) The term "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(5) The term "person" means any individual, partnership, corporation, or association.

(6) The term "displaced person" means any person who, on or after the effective date of this Act (moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of sections 202(a) and (b) and 205 of this title, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(7) The term "business" means any lawful activity, excepting a farm operation, conducted primarily—

(A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, and processing or marketing of products, commodities, or any other personal property;

(B) for the sale of services to the public;

(C) by a nonprofit organization; or

(D) solely for the purposes of section 202 (a) of this title, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(8) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(9) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

FINALITY OF DETERMINATIONS

SEC. 102. (a) Any determination by the head of a Federal agency administering a program or project as to payments under titles II and III of this Act shall be final and no provision of such titles shall be construed to give any person a cause of action in any court, nor may any violation of either of such titles be raised as a defense by such person in any action.

(b) The provisions of section 301 of title III of this Act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

(c) Nothing in this Act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence on the date of enactment of this Act.

TITLE II—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF POLICY

SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

MOVING AND RELATED EXPENSES

SEC. 202. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this Act, the head of such agency shall make a payment to any displaced person, upon proper application as approved by such agency head, for—

(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency; and

(3) actual reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed $300; and a dislocation allowance of $200.

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than $2,500 nor more than $10,000. In the case of a business no payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. (a)(1) In addition to payments otherwise authorized by this title, the head of the Federal agency shall make an additional payment not in excess of $15,000 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(A) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Federal agency, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be made in accordance with standards established by the head of the Federal agency making the additional payment.

(B) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the Federal agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this subsection shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives from the Federal agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) The head of any Federal agency may, upon application by a mortgagee, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person assisted under this section, which mortgage is eligible for insurance under any Federal law administered by such agency notwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage.

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. In addition to amounts otherwise authorized by this title, the head of the Federal agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either—

(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed $4,000, or

(2) the amount necessary to enable such person to make a downpayment (including incidental expenses described in section 203 (a)(1)(C)) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed $4,000, except that if such amount exceeds $2,000, such person must equally match any such amount in excess of $2,000, in making the downpayment.

RELOCATION ASSISTANCE ADVISORY SERVICES

SEC. 205. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this section, the head of such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in subsection (c) of this section. If such agency head determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

(1) determine the need, if any, of displaced persons, for relocation assistance;

(2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(3) assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such Federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment;

(4) assist a displaced person displaced from his business or farm operation in ob-

taining and becoming established in a suitable replacement location;

(5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

(d) The heads of Federal agencies shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. (a) If a Federal project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the Federal agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

(b) No person shall be required to move from his dwelling on or after the effective date of this title, on account of any Federal project, unless the Federal agency head is satisfied that replacement housing, in accordance with section 205(c)(3), is available to such person.

STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL COOPERATION)

SEC. 207. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Federal agency having authority over the program or project may not accept such property unless such State agency has made all payments and provided all assistance and assurances, as are required of State agency by section 210 and 305 of this Act. Such State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, such Federal agency shall pay 100 per centum of the first $25,000 of the cost of providing such payments and assistance.

STATE ACTING AS AGENT FOR FEDERAL PROGRAM

SEC. 208. Whenever real property is acquired by a State agency at the request of a Federal agency for a Federal program or project, such acquisition shall, for the purposes of this Act, be deemed an acquisition by the Federal agency having authority over such prorgam or project.

PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 209. Whenever real property is acquired by the government of the District of Columbia or the Washington Metropolitan Area Transit authority for a program or project which is not subject to sections 210 and 211 of this title, and such acquisition will result in the displacement of any person on or after the effective date of this Act, the Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, shall make all relocation payments and provide all assistance required of a Federal agency by this Act. Whenever real property is acquired for such a program or project on or after such effective date, such Commissioner or Authority, as the case may be, shall make all payments and meet all requirements prescribed for a Federal agency by title III of this Act.

REQUIREMENTS FOR RELOCATION PAYMENTS AND ASSISTANCE IN FEDERALLY ASSISTED PROGRAMS; ASSURANCES OF AVAILABILITY OF HOUSING

SEC. 210. Notwithstanding any other law, the head of a Federal agency shall not approve any grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

(2) relocation assistance programs offering the services described in section 205 shall be provided to such displaced persons;

(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3).

FEDERAL SHARE OF COSTS

SEC. 211. (a) The cost to a State agency of providing payments and assistance pursuant to sections 206, 210, 215, and 305, shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs, except that, notwithstanding any other law in the case where the Federal financial assistance is by grant or contribution the Federal agency shall pay the full amount of the first $25,000 of the cost to a State agency of providing payments and assistance for a displaced person under sections 206, 210, 215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan such State agency the full amount of the first $25,000 of such cost.

(b) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by the State law of eminent domain which is determined by such Federal agency head to have substantially the same purpose and effect as such payment under this section, and to be part of the cost of the program or project for which Federal financial assistance is available.

(c) Any grant to, contract or agreement with, a State agency executed before the effective date of this title, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this Act, shall be amended to include the cost of providing payments and services under sections 210 and 305. If the head of a Federal agency determines that it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payments or assistance by such State agency pursuant to sections 206, 210, 215, and 305.

ADMINISTRATION—RELOCATION ASSISTANCE IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

SEC. 212. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under sections 206, 210, and 215 of this title, a State agency may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this title through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs. Such State agency shall, in carrying out the relocation assistance activities described in section 206, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

REGULATIONS AND PROCEDURES

SEC. 213. (a) In order to promote uniform and effective administration of relocation assistance and land acquisition of State or local housing agencies, or other agencies having programs or projects by Federal agencies or programs or projects by State agencies receiving Federal financial assistance, the heads of Federal agencies shall consult together on the establishment of regulations and procedures for the implementation of such programs.

(b) The head of each Federal agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed by the head of the Federal agency having authority over the applicable program or project, or in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

(c) The head of each Federal agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as he deems necessary or appropriate to carry out this Act.

ANNUAL REPORT

SEC. 214. The head of each Federal agency shall prepare and submit an annual report to the President on the activities of such agency with respect to the programs and policies established or authorized by this Act, and the President shall submit such reports to the Congress not later than January 15 of each year, beginning January 15, 1972, and ending January 15, 1975, together with his comments or recommendations. Such reports shall give special attention to: (1) the effectiveness of the provisions of this Act assuring the availability of comparable replacement housing, which is decent, safe, and sanitary, for displaced homeowners and tenants; (2) actions taken by the agency to achieve the objectives of the policies of Congress, declared in this Act, to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by, or having real property taken for, Federal or federally assisted programs; (3) the views of the Federal agency head on the progress made to achieve such objectives in the various programs conducted or administered by such agency, and among the Federal agencies; (4) any indicated effects of such programs and policies on the public; and (5) any recommendations he may have for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws and regulations.

PLANNING AND OTHER PRELIMINARY EXPENSES FOR ADDITIONAL HOUSING

SEC. 215. In order to encourage and facilitate the construction or rehabilitattion of housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or Federal financially assisted project, the head of the Federal agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to nonprofit, limited dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal agency. All other loans shall be without interest. Such Federal agency head shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such laon, the Federal share of the sum repaid shall be credited to the account from which such loan was made, unless the Secretary of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the Treasury and credited to miscellaneous receipts.

PAYMENTS NOT TO BE CONSIDERED AS INCOME

SEC. 216. No payment received under this title shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

DISPLACEMENT BY CODE ENFORCEMENT, REHABILITATION, AND DEMOLITION PROGRAMS RECEIVING FEDERAL ASSISTANCE

SEC. 217. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to have been displaced as the result of the acquisition of real property.

TRANSFERS OF SURPLUS PROPERTY

SEC. 218. The Administrator of General Services is authorized to transfer to a State agency for the purpose of providing replacement housing required by this title any real property surplus to the needs of the United States within the meaning of the Federal Property and Administrative Services Act of 1949, as amended. Such transfer shall be subject to such terms and conditions as the Administrator determines necessary to protect the interests of the United States and may be made without monetary consideration, except that such State agency shall pay to the United States all amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

DISPLACEMENT BY A SPECIFIC PROGRAM

SEC. 219. Notwithstanding any other provision of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency within the area in New York, New York, bounded by Lexington and Third Avenues and 31st and 32d Streets; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person for purposes of sections 202 (a) and (b), 204, and 205 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least five years prior to the date of enactment of this Act.

REPEALS

SEC. 220. (a) The following laws and parts of laws are hereby repealed:

(1) The Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231–1234).

(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

(3) Section 2680 of title 10, United States Code.

(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606(b)).

(5) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

(6) Paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

(7) Section 2 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes," approved October 6, 1964 (78 Stat. 1004; Public Law 88–629; D.C. Code 5–729).

(8) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

(9) Sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

(10) Chapter 5 of title 23, United States Code.

(11) Sections 32 and 33 of the Federal-Aid Highway Act of 1968 (Public Law 90–495).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

EFFECTIVE DATE

SEC. 221. (a) Except as provided in subsections (b) and (c) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment.

(b) Until July 1, 1972, sections 210 and 305 shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

(c) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of section 220(a) of this title and section 306 of title III shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall, to the greatest extent practicable, be guided by the following policies:

(1) The head of a Federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of evaluation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

(6) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall institute formal condemnation

proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire the entire property.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provision of law, if the head of a Federal agency acquires any interest in real property in any State, he shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which he requires to be removed from such real property or which he determines will be adversely affected by the use to which such real property will be put.

(b) (1) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (a) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. Nothing in this subsection shall be construed to deprive the tenant of any rights to reject payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

LITIGATION EXPENSES

SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

(2) the proceeding is abandoned by the United States.

(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for whose benefit the condemnation proceedings was instituted.

(c) The court rendering a judgment for the plaintiff in a proceeding brought under section 1346(a)(2) or 1491 of title 28, United States Code, awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or the Attorney General reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

REQUIREMENTS FOR UNIFORM LAND ACQUISITION POLICIES; PAYMENTS OF EXPENSES INCIDENTAL TO TRANSFER OF REAL PROPERTY TO STATE; PAYMENT OF LITIGATION EXPENSES IN CERTAIN CASES

SEC. 305. Notwithstanding any other law, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302, and

(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304.

REPEALS

SEC. 306. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3073), section 35(a) of the Federal-Aid Highway Act of 1968 (23 U.S.C. 141) and section 301 of the Land Acquisition Policy Act of 1960 (33 U.S.C. 596) are hereby repealed. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Act or portions thereof under this section.

The SPEAKER. Is a second demanded?

Mr. CLEVELAND. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. EDMONDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, which is the result of almost 10 years of work by the House Committee on Public Works will, when passed, be a memorial to one of the best-loved former Members of the House of Representatives, the Honorable Clifford Davis of Tennessee, who led the study for several years as chairman of the select committee which first dealt with this problem. We have long been concerned by lack of uniformity and lack of equity in the treatment of persons displaced from their homes by Federal land acquisitions or by State and local land acquisitions that are assisted by Federal grants.

The bill is a very complex bill, basically intended to assure that no family or individual now owning their own home should be left without a home owned by them as a result of Federal acquisitions through any lack of fairness or equity in the acquisition procedures. It is also intended to assure that no tenant of any home is left in a worsened condition as a result of Federal acquisition policies, and to give to tenants who are displaced by Federal acquisition or by federally aided acquisitions an opportunity to acquire a home with Federal assistance in that operation and, third, to improve considerably opportunities for relocation and a new start for business and farm operators who are impacted by Federal land acquisition or federally assisted land acquisition programs.

There are many phases of this program on which we would be pleased to answer questions if desired.

I think that we have tried to establish an equitable and a fair system to proceed with uniformity in our various Federal land acquisition programs, and we have called for a series of four annual reports by the departments that are engaged with implementing this program to assure careful oversight by the Congress.

I do not want to omit mentioning at this time the great staff job that was done on this bill by members of the staff of the Committee on Public Works and particularly by a former staff member named Henry Krevor, who has literally lived with this problem and proposals to correct it for almost 10 years.

I also want to compliment the many Members of the Congress who appeared and testified for this bill, the honorable Member from Florida (Mr. BENNETT), the gentleman from Alabama (Mr. BEVILL), the gentleman from Colorado (Mr. BROTZMAN), the gentleman from California (Mr. COHELAN), the gentleman from California (Mr. CORMAN), my colleague from Oklahoma, TOM STEED, and a number of other Members of the Congress who gave to us excellent suggestions and guidance during the extensive hearings that were held on this bill.

At this point, Mr. Speaker, I would yield such time as he may consume to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, while compliments are being passed out I think that the gentleman from Oklahoma (Mr. EDMONDSON) is fully entitled to the compliments of the House for the work that he himself has done on this bill in bringing it to the floor of the House and making possible its passage.

It is nothing more than a simple act of justice to the American people. Those who oppose Government subsidies to private individuals should also oppose private individual subsidies to the Government when it builds highways or other public works.

So again I commend the gentleman from Oklahoma for this simple act of justice to the American people.

Mr. EDMONDSON. I thank the gentleman very much.

Mr. Speaker, I ask unanimous consent that the chairman of the Committee on Public Works, the gentleman from Maryland (Mr. FALLON), and the chairman of the Subcommittee on Roads, the gentleman from Illinois (Mr. KLUCZYNSKI), may extend their remarks in connection with this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FALLON. Mr. Speaker, I rise in support of S. 1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Affirmative action by the House today will provide the climax of some 9 years of intensive work on the legislation which began when in October of 1961 there was created in the Committee on Public Works a Select Subcommittee on Real Property Acquisition for the specific purpose of providing a comprehensive appraisal of the impact of Federal and federally assisted programs on displaced persons and property owners.

The hearings and report of that subcommittee were the impetus and the cornerstone of the legislation we are considering today.

S. 1 has passed the other body on several occasions. The lateness of the session in previous years has prevented action by the House on this matter but today we have the opportunity to provide the groundwork that will establish a much needed basic program of relocation payments, advisory assistance, decent, safe, and sanitary replacement housing and a uniform policy on real property acquisition practices for all Federal and federally assisted programs. This is worthwhile legislation and this is needed legislation. It will give every citizen in the country an opportunity to get fair and equitable treatment from the Federal Government whenever any one of the many of the Federal grant or federally assisted programs move in to replace persons' homes, apartment dwellings, or acquire their property.

Let me conclude by thanking all the members of the committee who worked so diligently on this legislation and in particular the gentleman from Illinois (Mr. KLUCZYNSKI), and the gentleman from Oklahoma (Mr. EDMONDSON). I might also add that this legislation is another tribute to my dear friend, the late Representative from Tennessee, Clifford Davis, who chaired the 1961 Select Subcommittee on Real Property Acquisition. It is also a tribute to the fine work of the chief counsel of that select subcommittee, Henry Krevor, who also provided invaluable assistance to the committee on its work on the present bill.

Mr. KLUCZYNSKI. Mr. Speaker, as one who has been keenly interested in the need for fair practices by the Federal Government in connection with its policy of acquiring real property or displacing and moving owners or tenants from their property, I am proud to rise in support of S. 1.

I chaired the majority of the hearings held on this legislation this year and I know from the testimony received by the committee from private, State, and Federal witnesses of the need for this legislation.

S. 1 is a major breakthrough in the field of providing fair treatment to all our citizens. In years to come it will be the basis for establishing for the first time across the board within the Federal Government a sound and progressive program to take care of both in a advisory capacity and in an actual financial capacity those many, many fellow citizens of ours who through no fault of their own are forced to move from their own homes or apartments and give up real property they have held for years because of one or another Federal program. This legislation will indeed prove to be invaluable in giving these people the help they so badly need when they are forced to relocate, move, or give up property. I am particularly pleased to note because of my interest in small business legislation and as chairman of one of the subcommittees of the Small Business Committee, how well the small business owners and the "mom and pop" stores are helped by this legislation. This legislation will also be of tremendous benefit to the residents of my home city, the great city of Chicago, and I know it has the enthusiastic support of my mayor, Richard Daley and our commissioner for public works, Milton Pikarsky.

I would like to thank all those who through the years have worked diligently on this legislation and in particular may I acknowledge the fine leadership of our chairman, the Honorable GEORGE H. FALLON, who has supported and has seen the need for this legislation over the years.

I will conclude by commending the original members of the select subcommittee who held the first hearings on this legislation in 1961 and in particular the chairman of the select subcommittee, my old and great friend, the late Clif Davis, of Tennessee. My thanks to the staff for the many hours of work on this legislation and I would particularly thank Henry Krevor, the former chief counsel of the select subcommittee, for his work during those days and his work on the parent legislation.

GENERAL LEAVE TO EXTEND

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members of the House wishing to do so may extend their remarks in connection with the pending bill.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am glad to yield to my good friend, the gentleman from Missouri, who has also been a strong champion of this legislation for a number of years and has been one who has urged the expedition of action in the committee on it and who has supplied to us many useful suggestions in regard to this legislation.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's remarks.

Mr. Speaker, I would only say that my attempts to write a land acquisition bill to update the policies comes about as a result of much land taking, if not grabbing and harassing and exercising of private owners in the congressional district that I am privileged to represent.

Because of the great impoundments of rivers there by the Corps of Engineers we have become particularly experienced about these grabs—and that is my first question.

Does this involve the Corps of Engineers land taking for Federal purposes such as flood control and power generation or other purposes?

Mr. EDMONDSON. I can assure the gentleman that it does and the new policies will be effective upon enactment of the legislation.

Mr. HALL. Second, I found that the Committee on Public Works had several years ago caused hearings to be held on our land acquisition policies and that the report was an excellent one but that it had lain dormant for a Congress or two, and the land acquisition bill that I devised after much research and reading was predicated upon those hearings and my testimony before the subcommittee of the gentleman was predicated on that. There is no question but what our present land acquisition policy states that there will be a willing seller and that there should not be harassment and entrapment or fear.

Can the gentleman assure me whether or not there is a willing seller that will be offset by the relocation policies in this bill by a fair-market-value determination and is there anything specifically herein to prevent leapfrogging or checkerboarding or acquisition of land around a particular person without the right of appraisal, or are they going to be placed at the mercy of a peer of jurors of the Federal Court in order to protect the owners' own holdings in spite of the law of eminent domain?

Mr. EDMONDSON. I assure the gentleman that everything the committee could do to safeguard the rights of the landowner or the business owner in connection with land taking has been done.

Furthermore we have established in the law the principle that the Government can no longer come in and offer to a landowner a price far below the appraisal that they have themselves determined as fair market value price for the property.

The law requires now that the offer they make for the property must be at least the amount of the appraisal figure that they have as the value for the land. This will put to an end for all time to the practice some agencies have been unfortunately guilty or, taking advantage of the uneducated and inexperienced landowner who is willing to cooperate with the Government and to give them the property at the price that is first offered by the Government.

We now assure by law that they cannot make that first offer below the appraisal figure that they have in determining the value of the land.

Mr. HALL. Mr. Speaker, this would void an agency of the Government subcontracting for land acquisition to those who mark up brownie points by making the best deal for the Government, instead of necessarily the best deal for the individual landowner; is that correct?

Mr. EDMONDSON. It certainly would do that.

Mr. HALL. One final question, and then I shall yield the floor. The gentleman knows that in my original bill, which had to be fragmented in its reference and then was corrected in a subsequent bill, there was special treatment of capital gain taxation. Does this bill contain any manner or means of handling capital gains where there was very little markup because of inheritance or otherwise, or is it all handled by protection of those who would reinvest, who hold the profits for business, or who buy property held by a former owner for investment?

Mr. EDMONDSON. I share the interest of the gentleman in that particular question, and it is my impression that the committee feeling was that we did not have the jurisdiction to get into the tax field with regard to this particular bill. We were not able to take care of that particular item for that reason.

I yield to the gentleman from New Hampshire if he wants to elaborate upon that.

Mr. CLEVELAND. Not on that last point, but I have a comment to make on the second question raised by the gentleman from Missouri.

Mr. EDMONDSON. Will the gentleman from Missouri yield to the gentleman from New Hampshire for that purpose?

Mr. HALL. The time is yours; of course.

Mr. EDMONDSON. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Just one comment. I thank the gentleman for yielding. This bill has been the product of a bipartisan effort. Many Members, like the gentleman from Missouri, who have been particularly concerned about this problem, have introduced legislation to correct it. As a result, the Committee on Public Works has borrowed very heavily from not only the majority staff and minority staff but also Members of the House who have had these problems before them.

I might say to the gentleman from Missouri that the relocation expenses are not treated as taxable income.

I would like particularly to address myself to the remarks of the gentleman from Missouri about the possibility of coercion. I refer to page 66 of the bill, section (3) of title III. You will note the following language:

> (3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.

Again on page 68 the following language appears in section (7):

> (7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

I think that these sections of the bill make very clear the congressional intent to meet the problems that the gentleman from Missouri has so helpfully called to our attention. I think you will find on examination that fairness has been the hallmark of this legislative effort, and it runs through all sections of the bill.

Mr. Speaker, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is a long-overdue move. All Americans deserve fair and equitable treatment when their homes, businesses, or farms, are taken for public purposes. This was not always the serious problem it is today. In earlier times, there was relatively little taking of residential or commercial property in Federal or federally assisted programs, providing farm-to-market routes, the construction of reservoirs, or public buildings. Because of the popularity of such programs, local support often resulted in little if any cost for lands or rights-of-way taken.

In recent years, however, our economy has expanded tremendously. Our population is increasingly centered in urban areas. At the same time the demand for public facilities and services has grown at an escalating rate. Where major public projects have been undertaken, therefore, whether for highways, urban renewal, or hospitals, the acquisition and clearance of sites has involved the taking of residential and commercial properties and a large displacement of the people who owned, lived, and worked on them. In rural areas the results have been severe. In urban areas, the results have been catastrophic.

The real root of the problem is that traditional concepts of evaluation and eminent domain have proved inadequate. In recognition of this fact, the Congress, in the Federal Aid Highway Act of 1968, provided a more fair and equitable system of relocation payments for both property owners and tenants displaced by that program.

The bill we are considering today will make such provisions applicable for all Federal and federally assisted programs which cause the displacement of people. It provides a humanitarian program of relocation payments, advisory assistance, assurance that comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to displacement, and economic adjustments, and other assistance to owners and tenants displaced from their homes, farms, and places of business.

Section 218 relates to a special problem facing displaced persons when land for replacement housing is unavailable. Such is often the case when the Federal Government is a major landowner. I am very familiar with the practical problems which result from this, because of my experience with the White Mountains National Forest. I know many other Members have faced similar problems. In these areas, where the Government is a major landowner, a person displaced by a new road or dam often finds that there is no land in his community which he can buy for a new home. As a result, though he is paid money for his land, it does him no real good—there is simply no land available upon which he can relocate or buy. It is to meet this type of problem that section 28 was drafted. This provision authorizes the transfer of surplus Federal property to State agencies for the purpose of providing replacement housing as required by this bill where such land is otherwise unavailable. Now, in actual practice, the amount of land made available will be very small, only enough to provide replacement housing. This is no raid on Federal landholdings. But it will relieve the severe hardship on those forced to move because of a Federal or federally assisted project where the Government has surplus land available to transfer.

In many parts of New Hampshire, especially in the White Mountains National Forest, most of the land is Government owned. In addition, the forest is on a land-acquisition program which is buying up additional land as it becomes available. So, in such a case, if a new road goes through a person's home, if there is no private land available, and surplus Federal land is, fairness dictates the Federal Government should have to yield enough to allow that person to stay in the community.

Mr. Speaker, for the above reasons, I urge House approval of this just and equitable measure. It is long overdue, and needed.

Mr. EDMONDSON. I thank the gentleman for his comments in that regard. I thank again the gentleman from Missouri for his comments.

Mr. HALL. Mr. Speaker, I thank the gentleman for yielding. I would simply point out that, until such time as we devise a way to treat the gain of inherited property on maybe second, third, or even fourth-generation property with the proper capital gains, I doubt, whether it is within the jurisdiction of this committee or not, we will have solved the total problem of coercion, harassment, or excessive landtaking by a Federal Government that now owns over 34 percent of the land in the United States which less than 105 years ago we were devising ways under the Homestead Acts to give back to the people.

I thank the gentleman.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding. In this bill we talk about some of the inequities that have been forced on individuals by the administrative departments, and I would not want to let this opportunity pass without pointing out some of the injury which the Congress itself imposes in land acquisition propositions when we continually authorize projects of various kinds, such as park and recreation areas, without appropriating funds to implement them, and then literally tying the hands and capabilities of property owners for years, until the Congress—not the administrative agencies—takes care of the proposition.

I think this is a good moment to try to point out that this body is at times—and quite frequently, I add—guilty of doing just that. Therefore, we, too, must be conscious of this business of protecting the rights of the individual property owners, as well as reminding the administrative departments of their responsibilities.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from Iowa for his observations.

Mr. COHELAN. Mr. Speaker, it is with pleasure and satisfaction that I rise today to support S. 1, a bill that will provide uniform and equitable treatment for all persons displaced from their homes, businesses, or farms by a federally assisted project. For many years I have been vitally interested in this type of legislation. Two years ago, I introduced H.R. 386 in the 90th Congress. At that time, I said that several extensive studies including the relocation report of the Advisory Commission on Intergovernmental Relations and hearings before House and Senate committees had documented, beyond question, the increasing size in inequities of Government-caused displacement of persons and businesses. The compensation assistance is unequal, inadequate, and causes extraordinary burdens for the elderly, the poor, and our minority citizens.

The situation existing at that time is still with us today but its effect has been magnified. It is estimated that within the next 10 years over 1 million households, 180,000 businesses, and 40,000 farms will be forced to relocate. The burden of this displacement falls most heavily on the elderly, the poor, and the underprivileged groups, which increasingly inhabit our central cities. For them the absence of adequate housing near jobs at prices they can afford is particularly severe.

We must also note that not only does the burden of relocating constitute an extreme hardship to these people but also that most of the relocation takes place in the central city—the very area that these people inhabit. In effect, our Federal and federally assisted urban and rural improvement program commonly presents us with a tragic paradox. We want to improve the lives and surroundings of our people and so we push ahead with urban renewal, mass transit, and highways; yet many of those who need to benefit most from these programs actually suffer the most. With this bill we can do much better.

There, of course, have been relocation assistance programs in operation. These have been conflicting programs, however, and S. 1 gives us the opportunity to establish a uniform Federal standard applicable to all Federal and federally assisted projects. This past year in the 91st Congress, I introduced H.R. 14965. This bill, a uniform relocation measure, was similar to S. 1 but included provisions which would have extended the benefits for those persons displaced primarily from older but substantial and adequate homes. I am very pleased to note that a number of the provisions in H.R. 14965 have been adopted in modified form in the House version of S. 1, which is before us today.

One of the things we must recognize is that under the traditional concepts of eminent domain the value paid on a piece of condemned property is equal to its market value. Very often a property that is sound and adequate is often undervalued due to its location in a semi-industrial zoned area—for instance, in such cases a house may have a legitimate market value of $7,000 to $10,000. This, of course, is far less than what would be needed to purchase a home of comparable size and convenience in another area of the city. Under the bill being considered today, section 203 provides additional payments to cover such circumstances. The authorized supplemental payment will not exceed $15,000 under this measure. While the $15,000 supplemental will not bridge the gap between the eminent domain market value standard and the actual reasonable cost which a displaced homeowner must pay for a comparable dwelling it goes far in that direction.

I must commend the Committee on Public Works for passing out an exceptional and far-reaching piece of important legislation. And I strongly urge that this measure be accepted by the House.

Mrs. MINK. Mr. Speaker, I rise in support of S. 1, legislation to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for such programs.

My interest in this bill particularly concerns several projects in Hawaii where Federal land is being acquired by the State under federally assisted programs. These are the John Rodgers and Manana veterans housing areas. I am hopeful that this bill will help persons affected by these transactions receive fair and equitable payment and/or relocation assistance.

When the John Rodgers property, formerly owned by the Navy but being acquired by the State for expansion of Honolulu International Airport, is conveyed, the displacing agency will be the State Department of Transportation. The second project involves the sale of land to the Hawaii Housing Authority of 5.5 acres for housing developments and conveyance of the remaining 14.7 acres to the State for low-rent public housing purposes.

This legislation provides a humanitarian program of relocation payments, advisory assistance, assurance that comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to displacement, economic adjustments, and other assistance to owners and tenants displaced from their homes, farms, and places of business. The need for such legislation has long been apparent as mushrooming Federal programs have ousted thousands from their homes with no uniform guarantee of proper compensation or treatment.

In view of the importance of this bill to Hawaii and our other States, I strongly urge its adoption.

Mr. JOHNSON of California. Mr. Speaker, some 9 years ago, the House of Representatives established a Select Committee on Real Property Acquisition, chaired by that distinguished gentleman from Tennessee, the late Judge Clifford Davis. I was privileged to serve on that select committee.

Over a period of more than 3 years, the committee traveled throughout the Nation, from the heart of redevelopment areas in Boston to the mountains of California, holding hearings and uncovering vast inequities in the acquisition programs of the various Federal agencies.

We found not only a lack of uniformity among the agencies, but also uncovered serious cases of discrimination and abuse of power by acquisition officials representing the Federal Government. After the committee completed its work in 1965, I introduced an omnibus bill incorporating the numerous recommendations made by the committee in its final report.

Since that first introduction, we have worked on several proposals, refining them, improving them, modifying them until we have before us today the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which, in the words of House Report 91-1656 is "the culmination of lengthy and extensive efforts to develop legislation establishing a uniform policy for the fair and equitable treatment of persons who are displaced or have their real property taken for Federal and federally assisted programs."

The hearings of the select committee and the reviews subsequently conducted by the Committee on Public Works, headed by its outstanding chairman, the gentleman from Maryland (Mr. FALLON) have demonstrated dramatically the urgency for action.

It is always difficult to force an individual to move as we expand hospital, sanitation, transportation, and other public facilities, to serve a growing population. But it is cruel to force those who are suffering personal hardships because of this displacement to suffer economic hardship as well.

The few should not be made to pay unfairly for the progress that will benefit the many. This is not our American way, but has happened, and without an equitable policy for land acquisition, this will continue to occur.

In brief, the legislation before us today provides a humanitarian program of relocation payments, advisory assistance; assurance that comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to displacement; economic adjustments, and other assistance to owners and tenants displaced from their homes, farms, and places of business. It establishes a uniform policy on real property acquisition practice for all Federal and federally assisted programs. And, perhaps most important of all, it gets to the heart of the dislocation problem by providing the means for positive action to increase the available housing supply for displaced low- and moderate-income families and individuals.

In conclusion, Mr. Speaker, I would call on my colleagues to give unanimous support to the proposal we have before us today. I urge this not only because it is the fair and proper course of action by which we can protect the rights and interests of those whose property is being acquired for public purposes, but also, Mr. Speaker, because action on this proposal would bring to a successful conclusion a massive and important effort undertaken in recent years by one of the finest men I have served with in this distinguished House of Representatives, our respected and beloved friend, Judge Davis.

Mr. BROTZMAN. Mr. Speaker, in the 90th Congress I first introduced legislation to make the Government's real property acquisition policies more equitable. While S. 1 does not contain all of the important features contained in the legislation I have sponsored, I believe it materially improves the existing law, and I hope the bill wins speedy approval.

My interest in fairly compensating individuals and businesses forced to vacate their premises so that worthwhile public projects may be erected dates back quite a few years. In the private practice of law, as the U.S. attorney for the district of Colorado, and as a Congressman, I have had occasion to witness the strengths and weaknesses of our current eminent domain laws.

In an effort to improve condemnation proceedings and alleviate hardship on the condemnees, I introduced a three-bill legislative package in both the 90th and 91st Congresses. One of the bills would have provided for a more equitable treatment of persons affected by capital gains caused by the sale of real property through eminent domain proceedings to the Federal Government or for federally assisted projects. The second bill would have amended the Small Business Act to provide assistance for owners and employees of small business concerns displaced or injured by Federal or federally assisted programs. The provisions of these two bills are not now before us, but I would hope that we might have the opportunity to consider them in the 92d Congress.

The third part of my legislative package is largely incorporated in S. 1. The bill provides for moving expenses for displaced persons. In the case of persons displaced from businesses or farms, provision is made for relocation assistance. For homeowners, new relief is included so that condemnees will not be economically worse off as a result of their being forced to move. This program of relocation assistance is urgently needed. When a home or business is condemned, merely tendering the fair market value is insufficient. Experience has shown that there are often additional costs involved if the effected person is to be successfully relocated. If the project is in the public interest, the public ought to be willing to share these additional costs.

Title III of the bill establishes a uniform policy for real property acquisition. The emphasis is on equal treatment for all landowners and the avoidance of litigation. Great care is taken to assure that the Federal Government act to assist displaced families and businesses. While I would have preferred language guaranteeing the accessibility of appraisals to condemnees, I take comfort in the bill's recognition of the pitfalls of the appraisal process. Provision is made for the property owner to accompany the appraiser on his inspection and responsibility is placed on the acquiring agency to determine, in advance of negotiations, an amount which it regards as the fair market value of the property, and to make an offer to the property owner for the full amount so determined. I am also pleased by the recognition that an across-the-board recovery of attorney fees in condemnation proceedings would be an invitation to litigation. Attorney fees would be recoverable only where the court determines that a condemnation was unauthorized, where the Government abandons a condemnation, or where the property owner wins compensation in an inverse condemnation proceeding.

Mr. Speaker, it is too late to assist the citizens who have already had their land taken, but it is not too late to help the nearly 200,000 persons who have their land condemned by the Federal Government each year. In my own district, it is probable that several public works projects will be initiated in the near future, and I would feel safe in predicting that each of the 435 congressional districts will, to some degree, be affected by the land acquisition policies of the Federal Government within the next few years.

In conclusion, Mr. Speaker, I want to congratulate the distinguished members of the Public Works Committee for reporting the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and I urge its adoption.

Mr. BENNETT. Mr. Speaker, I appreciate this opportunity to speak in favor of S. 1, the Uniform Relocation Assistance and Land Acquisition Policies Act. I have legislation which is identical to S. 1, but I do not claim authorship or expertise in developing this bill, which has already passed the Senate. I believe it is a good bill, and I hope the House will promptly pass it.

I have introduced this legislation and testified before the Public Works Committee in part because of a situation which occurred in my hometown of Jacksonville, Fla., last year.

The Public Works Committee in 1966 approved the prospectus for construction of a much needed new postal facility in Jacksonville. In January 1969 the site for the building was selected by the Post Office Department. The 19.4-acre site included several businesses and about 200 families, mostly below the stated poverty level with less than $3,000 annual income.

The displacement of these families was of great concern to me and to Jacksonville city officials. I contacted the Post Office Department to see what relief might be given to these families when their homes would be destroyed and they would be forced to leave their property. The Post Office Department wrote in March 1969:

> We appreciate your concern for these families (in Jacksonville, Florida) and would like to assure you that the Department is keenly aware of the problem. Our inability to provide for relocation assistance is due to the lack of statutory authority to pay for relocation costs.

As a result, on April 23, 1969, I introduced H.R. 10525, a bill to provide for relocation payments to individuals, families, and business concerns displaced by the construction of a postal facility in Jacksonville, Fla. This bill was referred to the Committee on the Judiciary.

It was my feeling at the time, and it is today, that when any agency of the Federal Government displaces an individual then the Government has an obligation to aid that individual and provide whatever relocation assistance is necessary under the circumstances.

In reporting on my earlier bill, H.R. 10525, the Bureau of the Budget referred to the House Public Works Committee's Select Subcommittee on Real Property Acquisition Report of 1965. The report found that Federal and federally assisted programs for relocation "have fallen short of fairness in the treatment of those displaced by Government programs." The Bureau of the Budget said it believed that comprehensive relocation legislation was needed that would "assure adequate and uniform relocation assistance to all who are displaced when land is acquired for use in all Federal or federally assisted programs." The legislation, which passed the Senate last year, S. 1, was recommended as a broader based bill to cover the problem which we faced in constructing the new Jacksonville postal facility. The General Services Administration also recommended the more uniform legislation contained in S. 1. On January 21, 1970, I introduced H.R. 15479 which is identical to S. 1.

This bill will not directly affect my constituents who were forced to move because of the proposed construction of a new post office building in Jacksonville because the bill will not retroactively include Federal construction projects. I do feel, however, even though I no longer have a parochial interest, the concept of the bill is good and merits passage.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of the Equitable Land Acquisition Policies Act.

This legislation is sorely needed to deal with a problem of increasing complexity and magnitude. I wish to commend the distinguished chairman and members of the Public Works Committee for developing an outstanding measure to introduce equity and uniformity in the treatment of hundreds of thousands of citizens who are dislocated under numerous Federal and federally assisted programs.

As all of us recognize, rapid population growth and technological change make imperative the Federal programs to assist in building and rebuilding our cities, highways, and airports. These programs have been enacted and must go forward for the benefit of our entire society. But they should not impose an undue burden upon those individuals and businesses whose properties have to be acquired to make way for the necessary improvements to benefit the rest of us.

Construction of public improvements frequently takes place in the older sections of our urban areas. Residents and businesses located in such areas are the ones who can least afford to absorb a financial setback occasioned by the need to relocate. They are the poor and the elderly and the small businesses. Many find it difficult or impossible to move from older low-rent areas to newer buildings whose costs and rents reflect the inflation that has taken place over the past several years.

For many businesses, the financial burden of relocation can be so great that they have to close up shop. Employees as well as employers suffer. We can ill afford such shutdowns. When businesses are forced to seek distant relocations, in order to obtain reasonably priced land, some employees cannot move with the business. Older employees may simply retire. Again, both employees and business owners suffer.

All of you are no doubt aware of examples of dislocation, with resulting suffering and financial loss. There is one in the city of Chicago with which I am most familiar. Hundreds of people who live in my own congressional district and surrounding areas are employed by Edward Don E. Co. This company has been in business for 50 years. It is now being forced to relocate because part of the new Interstate Highway System is being built through the center of our city.

This case can be multiplied a thousandfold. The number of people who will suffer from the effects of Government-sponsored dislocation in their economic and personal activities can literally be counted in the tens of thousands. Unless the Government can provide equal and equitable relief to all who are thus affected, the disillusionment that is abroad in our land will become more and more widespread.

At this time, the unequal treatment of dislocation households, businesses, and farms under different federally supported programs is, in itself, a cause for deep dissatisfaction. The inadequacy of relocation payments under some of the programs is grounds for justifiable resentment by those who are injured.

The provisions of S. 1 would serve to amerliorate the situation. The authorized relocation payments under the different programs would be uniform. There would also be some compensation above the modest moving and dislocation allowances for the small businessman who is dislocated, with special consideration for the elderly displaced businessman who may not be able to start over again in a new location. There is also special consideration for the small farm operator who is dislocated. A payment above the acquisition price would be allowed for homeowners, to offset the effects of inflation and enable them to acquire an adequate home in a suitable location.

Federal agencies which acquire property will also have to provide positive relocation assistance to those who are displaced.

Renters who are displaced from residences will also be eligible to receive assistance payments toward payments of rent in a decent, safe, and sanitary dwelling over the succeeding 2 years.

These and other provisions for financial assistance cannot compensate for the dislocation of lives for persons who must have neighborhoods in which they had established many personal ties. By providing financial assistance, however, we can allay the economic hardships that are caused by dislocation, we can encourage the continuation of business and employment at new sites and we can minimize the suffering and despair of those who are displaced.

Enactment and implementation of S. 1 will help us greatly in coping with the relocation problem that has been created by Government programs. I strongly urge that all the Members of this body vote to pass this bill.

Mr. KOCH. Mr. Speaker, I would like to note at this time my support for S. 1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which we are now considering.

For too long citizens have been subject to differing and often deficient relocation policies. The economic dislocation and hardship for a man losing his home or business is the same whether the federally sponsored project forcing his move falls under the jurisdiction of one agency or another. But to date, the assistance he has been eligible for has varied from none at all to several thousand dollars depending on the sponsoring agency. S. 1 would provide for the uniform and equitable treatment of all persons displaced from their homes, businesses or farms by Federal and federally assisted programs and provide uniform acquisition policies for all these projects.

This legislation is of interest to me in part because shortly after I was elected to Congress in 1968, the first request I had was from a group of citizens who were being displaced from their homes in New York City to make way for a new post office, but were to receive no relocation benefits at all. They further told me that they could not understand why this was since their friends in another part of town who had been similarly displaced to make way for another post office had been given both relocation services and financial assistance. My first reaction to this was that certainly some bureaucratic error had been made. I soon learned, however, that the facts my constituents had were correct—that they were not eligible for assistance because the Post Office Department was undertaking the construction directly while the other post office had been constructed by private enterprise on a lease-back arrangement. The private corporation was subject to the city's relocation requirements; the Federal Government was not. I must say that I felt a little foolish trying to explain that while it was true that a post office was being built in both instances, the Government in this case could not give relocation benefits, while the private company did.

Today's legislation, which I had a hand in drafting, rectifies this situation. It fills the gaps where assistance is not available while providing a single uniform policy for all of the Government's agencies.

During the past 2 years I have worked with the committee on this bill making certain that it would provide equitable benefits to these constituents. A great deal of consideration and time has been given by the committee to this bill to assure the enactment and implementation of a comprehensive and equitable program. I hope it will receive the support of this body.

The SPEAKER. The question is on the motion of the gentleman from Oklahoma (Mr. EDMONDSON), that the House suspend the rules and pass the bill S. 1, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

THE LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19363) to amend the Library Services and Construction Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 19363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Library Services and Construction Amendments of 1970".

PURPOSE: AMENDMENT TO THE LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 2. (a) It is the purpose of this Act to improve the administration, implementation, and purposes of the programs authorized by the Library Services and Construction Act, by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and to afford the States greater discretion in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States.

(b) The Library Services and Construction Act (20 U.S.C. 351 et seq.), is amended by striking out all that follows the first section and inserting in lieu thereof the following:

"DECLARATION OF POLICY

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies, and in promoting interlibrary cooperation among all types of libraries.

"(b) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses in the funds provided under this Act shall be reserved to the States and their local subdivisions.

"DEFINITIONS

"SEC. 3. The following definitions shall apply to this Act:

"(1) 'Commissioner' means the Commissioner of Education.

"(2) 'Construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). For the purposes of this paragraph, the term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

"(3) 'Library service' means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele.

"(4) 'Library services for the physically handicapped' means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

"(5) 'Public library' means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds.

"(6) 'Public library services' means library services furnished by a public library free of charge.

"(7) 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"(8) 'State Advisory Council on Libraries' means an advisory council for the purposes of clause (3) of section 6(a) of this Act which shall—

"(A) be broadly representative of the public, school, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons within the State;

"(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan; and

"(C) assist the State library administrative agency in the evaluation of activities assisted under this Act;

"(9) 'State institutional library services' means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

"(10) 'State library administrative agency' means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this Act.

"(11) 'Basic State plan' means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this Act; provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under provisions of this Act; and submits copies for approval as required by regulations promulgated by the Commissioner.

"(12) 'Long-range program' means the comprehensive five-year program which identifies a State's library needs and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this Act. Such long-range programs shall be developed by the State library administrative agency and shall specify the State's policies, criteria, priorities, and procedures consistent with the Act as required by the regulations promulgated by the Commissioner and shall be updated as library progress requires.

"(13) 'Annual program' means the projects which are developed and submitted to describe the specific activities to be carried out annually toward achieving fulfillment of the long-range program. These annual programs shall be submitted in such detail as required by regulations promulgated by the Commissioner.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

"(1) For the purpose of making grants to States for library services as provided in title I, there are authorized to be appropriated $112,000,000 for the fiscal year ending June 30, 1972, $117,600,000 for the fiscal year ending June 30, 1973, $123,500,000 for the fiscal year ending June 30, 1974, $129,675,000 for the fiscal year ending June 30, 1975, and $137,150,000 for the fiscal year ending June 30, 1976.

"(2) For the purpose of making grants to States for public library construction, as provided in title II, there are authorized to be appropriated $80,000,000 for the fiscal year ending June 30, 1972, $84,000,000 for the fiscal year ending June 30, 1973, $88,000,000 for the fiscal year ending June 30, 1974, $92,500,000 for the fiscal year ending June 30, 1975, and $97,000,000 for the fiscal year ending June 30. 1976.

"(3) For the purpose of making grants to States to enable them to carry out interlibrary cooperation programs authorized by title III, there are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $15,750,000 for the fiscal year ending June 30, 1973, $16,500,000 for the fiscal year ending June 30, 1974, $17,300,000 for the fiscal year ending June 30, 1975, and $18,200,000 for the fiscal year ending June 30, 1976.

"(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums appropriated pursuant to subsection (a) shall (1) in the case of sums appropriated pursuant to paragraphs (1) and (3) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2) in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the Commissioner promulgated in carrying out the provisions of section 5(b), be available for obligation and expenditure for the year specified in the Appropriation Act and for the next succeeding year.

"ALLOTMENTS TO STATES

"SEC. 5. (a) (1) From the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

"(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

"(3) For the purposes of this subsection, the 'minimum allotment' shall be—

"(A) with respect to appropriations for the purposes of title I, $200,000 for each State, except that it shall be $40,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(B) with respect to appropriations for the purposes of title II, $100,000 for each State, except that it shall be $20,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

"(C) with respect to appropriations for the purposes of title III, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. If the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

"(4) The population of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(5) There is hereby authorized for the purpose of evaluation (directly or by grants or contracts) of programs authorized by this Act, such sums as Congress may deem necessary for any fiscal year.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), or (3) of section 4(a) which the Commissioner deems will not be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallotment from time to time on such dates during such year as the Commissioner shall fix. Such amount shall be available for reallotment to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a).

"STATE PLANS AND PROGRAMS

"SEC. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan as defined in section 3(11) and meeting the requirements set forth in subsection (b), (2) submit an annual program as defined in section 3 (13) for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, and III, and shall submit (no later than July 1, 1972) a long-range program as defined in section 3(12) for carrying out the purposes of this Act as specified in subsection (d), and (3) establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

"(b) A basic State plan under this Act shall—

"(1) provide for the administration, or supervision of the administration, of the programs authorized by this Act by the State library administrative agency;

"(2) provide that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this Act;

"(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this Act have been effective in carrying out its purposes, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

"(4) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families.

"(c)(1) The Commissioner shall not approve any basic State plan pursuant to this Act for any fiscal year unless—

"(A) the plan fulfills the conditions specified in section 3(11) and subsection (b) of this section and the appropriate titles of this Act;

"(B) he has made specific findings as to the compliance of such plan with requirements of this Act and he is satisfied that adequate procedures are subscribed to therein insure that any assurances and provisions of such plan will be carried out.

"(2) The State plan shall be made public as finally approved.

"(3) The Commissioner shall not finally disapprove any basic State plan submitted pursuant to subsection (a)(1), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

"(d) The long-range program of any State for carrying out the purposes of this Act shall be developed in consultation with the Commissioner and shall—

"(1) set forth a program under which the funds received by the State under the programs authorized by this Act will be used to carry out a long-range program of library services and construction covering a period of not less than three nor more than five years;

"(2) be annually reviewed and revised in accordance with changing needs for assistance under this Act and the results of the evaluation and surveys of the State library administrative agency;

"(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this Act, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

"(4) set forth effective policies and procedures for the coordination of programs and projects supported under this Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs.

Such program shall be developed with advice of the State advisory council and in consultation with the Commissioner and shall be made public as it is finally adopted.

"(e) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a program submitted under this Act, finds—

"(1) that the program has been so changed that it no longer complies with the provisions of this Act, or

"(2) that in the administration of the program there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in the basic State plan,

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this Act or shall limit payments to programs or projects under, or parts of, the programs not affected by the failure, or shall require that payments by such State agency under this Act shall be limited to local or other public library agencies not affected by the failure.

"(f)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under this Act or with his final action under subsection (e) such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PAYMENTS TO STATES

"SEC. 7. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), or (3) of section 4(a), the Commissioner shall pay to each State which has a basic State plan approved under section 6(a)(1), an annual program and a long-range program as defined in sections 3 (12) and (13) an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title I to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year unless the Commissioner determines that—

"(1) there will be available for expenditure under the programs from State and local sources during the fiscal year for which the allotment is made—

"(A) sums sufficient to enable the State to receive for the purpose of carrying out the programs payments in an amount not less than the minimum allotment for that State for the purpose, and

"(B) not less than the total amount actually expended, in the areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and

"(2) there will be available for expenditure for the purposes of the programs from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.

"(b)(1) For the purpose of this section, the 'Federal share' for any State shall be, except as is provided otherwise in title III, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 33 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

"(2) The 'Federal share' for each State shall be promulgated by the Commissioner within sixty days after the beginning of the fiscal year ending June 30, 1971, and of every second fiscal year thereafter, on the basis of the average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.

"TITLE I—LIBRARY SERVICES

"GRANTS FOR STATES FOR LIBRARY SERVICES

"SEC. 101. The Commissioner shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and have submitted annual programs under section 103 for the extension of public library services to areas without such services and the improvement of such services in areas in which such services are inadequate, for making library services more accessible to persons who, by reason of distance, residence, or physical handicap, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public, for adapting public library services to meet particular needs of persons within the States, and for improving and strengthening library administrative agencies.

"USES OF FEDERAL FUNDS

"SEC. 102. (a) Funds appropriated pursuant to paragraph (1) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under section 6 and section 103. Except as is provided in subsection (b), grants to States under this title may be used solely—

"(1) for planning for, and taking other steps leading to the development of, programs and projects designed to extend and improve library services, as provided in clause (2); and

"(2) for (A) extending public library services to geographical areas and groups of persons without such services and improving such services in such areas and for such groups as may have inadequate public library services; and (B) establishing, expanding, and operating programs and projects to provide (i) State institutional library services, (ii) library services to the physically handicapped, and (iii) library services for the disadvantaged in urban and rural areas; and (C) strengthening metropolitan public libraries which serve as national or regional resource centers.

"(b) Subject to such limitations and criteria as the Commissioner shall establish by regulation, grants to States under this title may be used (1) to pay the cost of administering the State plans submitted and approved under this Act (including obtaining the services of consultants), statewide planning for and evaluation of library services, dissemination of information concerning library services, and the activities of such advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under this title, and (2) for strengthening the capacity of State library administrative agencies for meeting the needs of the people of the States.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES

"SEC. 103. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation, and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) for that year will be used, consistent with its long-range program, solely for the purposes set forth in section 102;

"(2) set forth the criteria used in allocating such funds among such purposes, which criteria shall insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971;

"(3) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program; and

"(4) include an extension of the long-range program, taking into consideration the results of evaluations.

"TITLE II—PUBLIC LIBRARY CONSTRUCTION

"GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION

"SEC. 201. The Commissioner shall carry out a program of making grants to States which have had approved a basic State plan under section 6 and have submitted a long-range program and submit annually appropriately updated programs under section 203 for the construction of public libraries.

"USES OF FEDERAL FUNDS

"SEC. 202. Funds appropriated pursuant to paragraph (2) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of construction projects carried under State plans. Such grants shall be used solely for the construction of public libraries under approved State plans.

"STATE ANNUAL PROGRAM FOR THE CONSTRUCTION OF PUBLIC LIBRARIES

"SEC. 203. Any State desiring to receive a grant from its allotment for the purpose of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit such projects as the State may approve and are consistent with its long-range program.

"Such projects shall be submitted at such time and contain such information as the Commissioner may require by regulation and shall—

"(1) for the year submitted under which funds are paid to the State from appropriations pursuant to paragraph (2) of section 4 (a) for that year, be used, consistent with the State's long-range program, for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

"(2) follow the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the long-range program;

"(3) follow policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

"(4) include an extension of the long-range program taking into consideration the results of evaluations.

"TITLE III—INTERLIBRARY COOPERATION

"GRANTS TO STATES FOR INTERLIBRARY COOPERATION PROGRAMS

"SEC. 301. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 303 for interlibrary cooperation programs.

"USES OF FEDERAL FUNDS

"SEC. 302. (a) Funds appropriated pursuant to paragraph (3) of section 4(a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 303. Such grants shall be used (1) for planning for, and taking other steps leading to the development of, cooperative library networks; and (2) for establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR INTERLIBRARY COOPERATION

"SEC. 303. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for interlibrary cooperation. Such program shall be submitted at such time, in such form and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (3) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 302,

"(2) include an extension of the long-range program taking into consideration the results of evaluations.'"

(c)(1) The amendment made by subsection (b) shall be effective after June 30, 1971

(2) In the case of funds appropriated to carry out programs under the Library Services and Construction Act for the fiscal year ending June 30, 1971, each State is authorized, in accordance with regulations of the Commissioner of Education, to use a portion of its allotment for the development of such plans as may be required by such Act, as amended by subsection (b).

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 3. (a) Effective on and after July 1, 1969, section 305(a) of the Adult Education Act is amended—

(1) by striking out in the first sentence "any fiscal year" and inserting in lieu thereof "the fiscal year ending June 30, 1972, and for any succeeding year"; and

(2) by inserting at the end thereof the following new sentence: "From the sums available for purposes of section 304(b) for the fiscal year ending June 30, 1970, and the succeeding fiscal year, the Commissioner shall make allotments in accordance with section 305(a) of the Adult Education Act of 1966 as in effect on June 30, 1969."

(b) Section 312(b) of the Adult Education Act is amended by inserting at the end thereof the following new sentence: "For the fiscal year ending June 30, 1970, and the succeeding fiscal year, nothing in this subsection shall be construed to prohibit the use of any amounts appropriated pursuant to this Act to pay such costs, subject to such limitation as the Commissioner may prescribe."

The SPEAKER. Is a second demanded?

Mr. REID of New York. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, the bill before us proposes a 5-year extension of programs carried out under the Library Services and Construction Act.

Secondary purposes of the bill are to simplify and strengthen Federal, State, and local administration of library programs.

Mr. Speaker, this is a modest piece of legislation. For fiscal year 1971, there is presently authorized for all library programs authorized by the act a total of $192,000,000. The bill proposes a total authorization for next year of $207,000,000, a net increase in authorization of only $15,000,000 for the entire act.

For subsequent years, the bill continues to make modest annual increases through fiscal year 1976, when the authorization is $252,350,000. This means that—5 years from now—the total authorization will only be about $60,000,000 over the amount presently authorized.

As my colleagues know, the accomplishments under the Library Services and Construction Act are impressive. Let me state just a few.

An estimated 85,000,000 people have benefitted in one way or another from the library programs.

Under the act, over 1,500 library facilities have been established, enlarged, or remodeled, and—with Federal funds and State and local funds which the act has stimulated—over 45,000,000 books and other library materials have been acquired.

In my own State, the library program has been a model of effective Federal, State, and local cooperation. The success of the program in Kentucky is largely due to the untiring and dedicated efforts of our State librarian, Margaret Willis.

The 1,700 phsically handicapped residents of my State, including the blind, have been provided library services under a Federal grant made under the authority of title IV of the act.

Our correctional institutions, which serve 2,864 persons, have had their library resources strengthened.

Thirty one library construction projects have been assisted with a total Federal contribution of $2,500,000.

I can cite a very striking example of this from my own district where Federal assistance—a small one-time demonstration grant of only $35,000 provided under the LSCA—has stimulated the interest of an entire community to the point where they have passed a local tax levy so that a permanent library facility could become a reality for the area.

Through this project, a community became aware of what a library means to them—and we have witnessed the transformation of a library housed in a vacant store to a library occupying a modern facility worth more than a quarter million dollars. On a small initial Federal investment of $35,000, we have seen a return of a quarter million dollar library building.

Mr. Speaker, I want to mention one additional aspect of this legislation which I feel is most important. While the present act has been a far-reaching piece of legislation in its national impact, I do not believe it provides sufficiently for the library needs of disadvantaged persons in urban ghettos and isolated rural areas.

H.R. 19363 corrects this weakness by according a priority to activities and programs which provide services to this segment of our population.

There are a few more features of the bill which I should like briefly to outline.

Under existing law, each State must submit a separate plan for each program and must appoint three separate State advisory councils. The bill before us today simplifies the administration of the State library program in many ways. It requires the submission of a single annual State plan that would integrate all State library activities under one plan.

Along with the annual consolidated State program, the State must also submit a long-range, 5-year plan explaining how LSCA funds would be used over the 5-year period in coordination with other programs administered by the Office of Education. With these provisions to simplify the application and approval process, State personnel will have more time to devote to the administration of the program.

There is an additional authorization of the appropriation of such sums as may be necessary for evaluation of programs carried out under the act. Presently there is no provision in existing law for evaluating the impact of programs. It is intended that funds appropriated under this section be used solely for evaluation of library programs and for the States to strengthen their local efforts at evaluation.

Title I of the bill continues the program of grants to the States for library services. The minimum allotment to the States under this title is increased from $35,000 to $200,000, with the remainder allotted on basis of population.

Under the bill, funds for establishing continuing and expanding library services in institutions operated or substantially supported by States—like reformatories, hospitals, and residential schools—will be available under title I and not as before under title IV. Likewise, services for physically handicapped—formerly under title IV–B—will be transferred to title I.

For the first time, explicit authority for library service programs for the disadvantaged is included. The amendments require that the annual State plans specifically outline the program designed to assure priority will be afforded projects that serve urban and rural areas with high concentrations of low-income families.

Title II continues the program of grants to the States for public library construction. The basic minimum State allotment would be increased $20,000 to a total of $100,000. These funds will be available for construction of new public library buildings and for acquisition, expansion, remodeling or alteration of existing buildings.

Title III of the bill continues the program for interlibrary cooperation with only one major amendment. Recognizing the support the States have given to other programs of LSCA and responding to fiscal constraints, we have decreased the local matching requirement from 50 percent to zero. Interlibrary cooperation is the key to surmounting many of the problems facing libraries. Cooperation will enable broader use of rare collections and enable shifting populations to continue to have access to good library services. Pooling scarce resources to provide quality services to a wide variety of people covering broad geographical areas is the local answer to many problems facing libraries.

Early this year, the Congress enacted the ESEA Amendments of 1970—Public Law 91–230—which contained an amendment to the formula for allocation of funds under the Adult Education Act of 1966.

Under the old formula, each State was provided with a basic allotment of $100,000 with the remainder allocated among the State according to the relative number of persons aged 16 years and over with less than a sixth grade education.

The new formula provides each State with a $150,000 basic allotment with the remainder allocated on the basis of the relative numbers of persons 16 years and over with less than a high school education.

The change in the allocation as provided by Public Law 91–230 results in the loss of a substantial share of last year's allocation in a number of States. Seventeen States will be subjected to a substantial cut which they had not anticipated. Several will have to cut the scope of the adult basic education program in half.

The amendment in this bill would postpone the operation of the formula change, thus allowing the States to proceed as they have been until the end of this fiscal year. With this postponement, States will have an opportunity to plan for the adjustments which this change will necessitate.

Finally, Mr. Speaker, I want to express deep appreciation to the chairman of the Select Subcommittee on Education, the gentleman from Indiana (Mr. BRADEMAS). This is well-designed legislation and it is largely so because of the leadership and dedicated efforts of the gentleman. As I have indicated, the legislation comes to the floor without a dissenting vote in committee or subcommittee. It is a bipartisan measure, and I want to express my personal appreciation to the members of the subcommittee and committee on both sides of the aisle for their work on the bill.

Mr. REID of New York. Mr. Speaker, I rise in strong support of H.R. 19363, the Library Services and Construction Act Amendments of 1970. The basic act which this legislation amends will expire on June 30, 1971. The several programs in this law have proven themselves of enormous benefit to individual Americans and to our society as a whole; their extension is essential.

H.R. 19363 would extend the several library programs for 5 years, through fiscal year 1976. In addition, a number of consolidations would take place in programs and applications in order to streamline the administration of the program, to ease the burden of reports and paperwork on library systems, and to permit individual priorities in each library system.

Title I of the new bill, entitled public library services, continues the purpose of the current law of extending public library services to geographical areas and population groups without access to library services and of improving public library services where these are inadequate. In addition, the new title I will include the functions of title IV of the existing law, library services for institutions and library services for the handicapped. Further, the bill adds new explicit authority providing library service programs for the disadvantaged, which was a major theme of the administration's library proposals.

Title II of the bill continues the present program of public library construction, and title III continues the present program of interlibrary cooperation with the Federal share raised from 50 to 100 percent.

Mr. Speaker, in testimony before the Select Subcommittee on Education, the administration indicated its belief that "the time is right to provide the States with more flexible authority which would reduce their administrative burdens and permit them to build on their experience under the act by assuming greater discretion in allocating funds among these areas according to their own priorities." In reducing five existing library programs to three, the bill before us represents major steps in the direction of the administration's goal.

More than 85 million people have benefited from the programs of the Library Services and Construction Act since its inception in 1964. Yet a very great deal remains to be done. Libraries must become more than mere repositories of books; they must be living resource centers for an urban neighborhood, a suburban community, a rural town or an entire region. All this requires much money and public library income this year is expected to be $450 million short of the recommended $5 per capita.

The backlogged needs for library services and equipment are in themselves costly. In 1968, the Office of Education estimated that it would require a lump-sum expenditure of $1.6 billion to stock school libraries optimally. Just to make up the backlog of space required to construct centralized school libraries where they did not exist in 1961 would require $2.145 billion. About 40,000 schools—or 40 percent of the total of public elementary schools—still lack libraries.

Funds appropriated in fiscal year 1969 provided 9 million books and filmstrips to elementary and high school children—or about one book or one filmstrip for every five children participating in the title II program. Yet, the standard is three filmstrips per pupil, and the number of volumes of books needed to bring school libraries up to standard is estimated to be 425 million.

The National Advisory Commission on Libraries termed "enormous" the needs of schools for books, library materials and facilities to house them.

Outside of schools, more than 15 million Americans—or 7 percent of the population—lack access to public library services.

Finally, the authorization figures included in this bill, especially for public library construction, are very modest ones in terms of the need. They reflect a realistic goal for the Federal contribution in this area, rather than an indication of how much money is necessary to do the job. In my view, it is incumbent upon this and successive administrations to recommend budget authority consistent with these levels. For the current fiscal year, the budget request for library programs is but one-third of the amount authorized. To do anything less than these levels would be once more to rely on rhetoric instead of funds to meet a major national need, and thereby to dash the hopes, the curiosity and the future of countless Americans.

Mr. BRADEMAS. Mr. Speaker, the bill S. 3318 to extend and amend the Library Services and Construction Act deals with the major Federal program for both metropolitan and rural libraries, for library services to physically handicapped and disadvantaged persons, and for services to people in hospitals, welfare institutions and other State facilities.

The bill has enjoyed bipartisan support. It was reported unanimously by the Select Subcommittee on Education and by the Education and Labor Committee. I am sure that Members of the entire House as well as those on our committee are well aware of the solid accomplishments the Library Services and Construction Act has brought about thus far in their own districts, resulting in improved library and information services.

The bill is a marked improvement over the law that expires at the end of the present fiscal year. The five titles of the old law have been consolidated into three, and the bill would permit the scrapping of a considerable amount of bureaucratic redtape. Instead of requiring States to submit five State plans each year, as under the present law, the bill provides that in the future States need submit only one basic State plan as a single document for approval as a whole.

It is significant also that the bill requires States to plan for the coordination of programs and projects under this law with those of other public and private libraries within the State. This requirement is to assure that best use is made of the funds provided for library assistance to elementary and secondary schools and institutions of higher education under such laws as the Higher Education Act, the Elementary and Secondary Education Act, the Higher Education Facilities Act and others.

This provision is to assure, also, that the States appraise their own needs for public library facilities and services, as they see them, and rank these needs for fulfillment in the order of priority that the States wish to assign. The bill, in short, encourages assumption of State responsibility for planning for the improvement of library services.

The committee report describes accomplishments under the Library Services and Construction Act since its beginning in 1956, when it was limited to the rural parts of the Nation—then in greatest need public library services—and when it was limited to support for services alone. The act has since been broadened to permit participation in urban areas, to authorize support for construction of facilities, and to strengthen the State library administrative agencies by requiring them to plan for library development, for provision of specialized services on a statewide basis, and for stimulation of interlibrary cooperation.

Your committee has reviewed this program very carefully four times since its inception in 1956, and each time, on the basis of experience and demonstrated need, it has successively been continued and broadened.

The bill before us today would extend the act for 5 more years and improve its effectiveness by simplifying its administration and giving the States more flexibility in using somewhat greater Federal funds for the programs to which they attach the highest priority.

Title I of the bill would authorize grants to the States for the extension of public library service to areas without such services as well as grants for the improvement of public library services where these are inadequate. These grants could also be used, at the option of the States, for provision of library services to the physically handicapped and to the disadvantaged in both urban and rural communities. The program for the handicapped would be consolidated into title I under the new bill.

Title I funds—for public library services—could also be used for the strengthening of metropolitan public libraries that serve as national and regional resource centers. The development of these major institutions is important to the success of the interlibrary cooperation that would be expanded under title III of the bill. Finally, title I funds could help strengthen the State library administrative agencies—which have different names and various placements within the structure of State government—and could support the planning for development and coordination of library services that would be required under the bill.

For title I programs, the bill would authorize appropriations in the amount of $112 million for fiscal year 1972; $117.6 million for fiscal year 1973; $123.5 million for 1974; $129.7 million for 1975; and $137.1 million for 1976. These funds would be matched by the States, with the matching ratio determined on the basis of relative population. The Federal share would range from 50 to 66 percent in the case of the States.

Thus, if the bill is fully funded, title I would evoke matching expenditures at the State and local levels of $93.4 million in fiscal year 1972; $102.5 million in 1973; $108.5 million in 1974; $114.1 million in 1975; and $120.7 million in 1976. There can be no question as to the readiness of the State and local governments to qualify for and to match these Federal funds. This has been demonstrated by experience under the previous legislation dating back to 1956.

Title II of the bill authorizes grants for construction of public library facilities. This title is essentially unchanged from the provisions in the present law. The amounts authorized are $80 million for fiscal year 1972; $84 million in 1973; $88 million in 1974; $92.5 million in 1975; and $97 million in 1976. As in the past, these amounts would be fully matched by State and local construction funds.

Title III of the bill is intended to stimulate further interlibrary cooperation. This effort is considered so important by the committee that separate authority and funding are provided in the bill instead of consolidating this title with title I as was done in the case of other programs under the present law.

Title III appropriations authorized by the bill would be $15 million for fiscal year 1972; $15.7 million for 1973; $16.5 million for 1974; $17.3 million for 1975; and $18.2 million for 1976. The Federal share of programs under this title would be 100 percent instead of 50 percent as at present, and there are several cogent reasons for this change.

We believe, in short, that the funds available under this title, although relatively limited, can yield very high benefits. The various kinds of libraries in the Nation often appear to be independent of each other and to have their particular functions—each serving a portion of the public. Nevertheless, interlibrary cooperation can strengthen an individual library's capacity to serve its constituents more effectively.

If the school libraries of a community are weak or nonexistent, for example, the students must necessarily use the public library. Ideally, perhaps, each library should have all the books, periodicals, films, and other materials that its users might need, but this we know is impossible as well as impractical. The problem can, in part, be solved by means of interlibrary cooperation, that is, by the traditional willingness of libraries to lend their materials to other libraries upon request.

The bill's three titles dovetail to strengthen the grant-in-aid program that the 84th Congress started in 1956, to give that program more flexibility and to speed up its operation. States will benefit from greater administrative simplicity authorized by the law. They will be able to give greater attention to provision of library services for those now without access to the library, including people in remote rural areas, the disadvantaged, the physically handicapped, and those in State institutions of various kinds.

The bill will require careful planning, looking ahead several years, so that maximum benefits will accrue from the relatively small amounts of Federal and matching funds. Within each State, in particular, construction projects will be scrutinized so that they will be located in the places where they are most needed. Where gaps in services are determined, the first approach to closing them will be through interlibrary cooperation, so that duplication is avoided and the best use is made of facilities and professional services.

One of the many witnesses before the Select Subcommittee on Education when it considered this bill told us, after reviewing the experience under this law in his State:

> The framework for improved programs is there. It is working. It is needed. Without continuing commitments through the Library Services and Construction Act, these efforts will all have been in vain.

I am confident, though, that this Congress will continue its commitment to the advancement of library services. We have already provided for the National Commission on Libraries and Information Services to gain an authoritative, impartial estimate of unfilled needs and necessary next steps for the improvement of libraries and information centers of all kinds. Now we are extending and expanding the proved partnership of the Federal Government with the States and communities through the Library Services and Construction Act.

This bill will aid every part of the Nation and every citizen in it. This bill aids the big cities, the suburbs, the small towns and rural areas. It aids the ordinary citizen—the housewife, businessman, student, or craftsman—as it aids the poor, the crippled, and the friendless of our society. It aids the schools and colleges as it aids the hospitals, the homes for the aged, and the child-care institutions.

The bill is soundly drawn, with amendments based on the experience and recommendations of the States. It is moderate in its fiscal dimensions. It meets the tests proposed by the President for modernization of the intricate structure of Federal grants-in-aid. It will advance the educational, economic, and cultural level of the Nation, and I urge its enactment. These amendments to the Library Services and Construction Act will enable us to make very effective progress toward our goal of access to full library service by all our people.

Mr. PICKLE. Mr. Speaker, a long standing prior commitment prevents me from being on the floor during the consideration of the Library Service and Construction Amendments of 1970, however, I want my support of this legislation to be on record. The Library Services and Construction Act has had a record of steady progress. During its lifetime this program has benefited approximately 85 million people. We need to keep this program rolling to meet the needs of our young people. Our student population, the heaviest users of libraries, will increase by 50 percent during the next 10 years. As the young people and our population, in general, become better educated we are going to have a greater demand on our libraries. The contribution of Federal funds over the next 5 years will help meet this demand.

I also want to speak in support of the committee amendment that deals with adult education. The adult education law was amended this April to change the formula for the allocation of funds among the States. This new formula will change drastically the amount of funds 17 States will receive. My home State of Texas will lose around a million dollars under the new formula. Further, I am opposed to the new formula because I think it disregards the intent of the basic adult education programs which is—first of all—to help the people with very little formal education.

Not only do I object to the new formula, I object to the manner in which the new formula was instigated. Under the law the new formula was to become effective with the 1971 appropriation.

While waiting for the enactment of the 1971 appropriation bill, however, the Office of Education was operating under a continuing resolution. This meant using State allotment figures based on the old formula for the adult education programs. Therefore the States operated for 3 months on the basis of a formula that was no longer law. Suddenly, without substantial notice, 17 of the States had their funds cut. This cut caused many programs that were underway to be dropped suddenly or severely curtailed.

The committee amendment would pospone the implementation of the new formula until fiscal year 1972. Although I would like to see the new formula repealed permanently, I support this amendment because it will at least give the States enough notice to realine their basic adult education programs with some degree of order.

Mr. MATSUNAGA. Mr. Speaker, the measure now being considered, H.R. 19363, the proposed Library Services and Construction Act of 1970, seeks to extend the exemplary, if somewhat undernourished, principle of Federal support for the strengthening and extension of local and State library facilities.

Since the first Federal grant legislation was enacted in 1956, those who have benefited from improved or expanded library services as a result of Federal involvement number in the tens of millions. An estimated 85 million people have benefited as a result of the title I—public library services—funds alone.

One of the most important features of the present law is the State and local matching fund formulas, which transform Federal grants into seed money, stimulating efforts by other levels of Government to meet the increased demand for quality library services.

The need to extend and improve this program is evident. We know that quality library services are not available to every American. Our public libraries have fewer than half of the volumes recognized as the needed number. Fewer than half of the State-operated and substantially State-operated institutions which are eligible, receive any assistance whatever under the present act. Only about half of the estimated 2¼ million handicapped Americans in need of library services can be served under current budget recommendations.

The public library is a basic resource in the education of all our people. Speaking as a former schoolteacher, I am convinced that the provision of quality library services deserves a high priority among the educational needs to be addressed by the Federal Government.

Mr. Speaker, the thrust of H.R. 19363 is an extension of the programs of aid for libraries which have yielded good results, and a recognition of the need for a greater commitment of resources to those programs.

Surely the authorization levels set forth in the bill are moderate in comparison to the manifest need for expanded support for public libraries.

I urge that the House give its swift and unanimous approval to this sound legislation.

The SPEAKER. The question is on the motion of the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 19363, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the bill S. 3318, to amend the Library Services and Construction Act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Library Services and Construction Amendments of 1970".

PURPOSE; AMENDMENT TO THE LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 2. (a) It is the purpose of this Act to extend authorizations of appropriations for programs authorized by the Library Services and Construction Act for five years and to improve the administration, implementation, and purposes of such programs by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and affording the States greater flexibility in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States.

(b) The Library Services and Construction Act is amended by striking out all that follows the first section and inserting in lieu thereof the following:

"DECLARATION OF POLICY

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies, and in promoting interlibrary cooperation.

"(b) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility in the conduct of public library services. The administration of public libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses of the funds provided under this Act shall be reserved to the States and their local subdivisions.

"DEFINITIONS

"SEC. 3. The following definitions shall apply to this Act:

"(1) 'Commissioner' means the Commissioner of Education.

"(2) 'Construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). For the purposes of this paragraph, the term 'equipment' includes machinery, utilities, and built-in necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

"(3) 'Library service' means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to clientele.

"(4) 'Library services for the physically handicapped' means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

"(5) 'Public library' means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds.

"(6) 'Public library services' means library services furnished by a public library free of charge.

"(7) 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"(8) 'State Advisory Council on Libraries' means an advisory council for the purposes of clause (3) of section 6(a) of this Act which shall—

"(A) be broadly representative of the public, school, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons, within the State;

"(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan;

"(C) assist the State library administrative agency in the evaluation of activities assisted under this Act and

"(D) submit, through the State library administrative agency, to the Commissioner a report of its activities and recommendations as may be appropriate at such time, in such manner, and containing such information as the Commissioner shall prescribe by regulation.

"(9) 'State institutional library services' means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated as substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

"(10) 'State library administrative agency' means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this Act.

"AUTHORIZATIONS OF APPROPRIATIONS

"Sec. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

"(1) For the purpose of making grants to States for library service as provided in title I, there are authorized to be appropriated $112,000,000 for the fiscal year ending June 30, 1972, $117,600,000 for the fiscal year ending June 30, 1973, $123,500,000 for the fiscal year ending June 30, 1974, $129,-675,000 for the fiscal year ending June 30, 1975, and $137,150,000 for the fiscal year ending June 30, 1976.

"(2) For the purpose of making grants to States for public library construction, as provided in title II, there are authorized to be appropriated $80,000,000 for the fiscal year ending June 30, 1972, $84,000,000 for the fiscal year ending June 30, 1973, $88,000,000 for the fiscal year ending June 30, 1974, $92,-500,000 for the fiscal year ending June 30, 1975, and $97,000,000 for the fiscal year ending June 30, 1976.

"(3) For the purpose of making grants to States to enable them to carry out interlibrary cooperation programs authorized by title III, there are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $15,750,000 for the fiscal year ending June 30, 1973, $16,500,000 for the fiscal year ending June 30, 1974, $17,300,000 for the fiscal year ending June 30, 1975, and $18,200,000 for the fiscal year ending June 30, 1976.

"(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums appropriated pursuant to subsection (a) shall (1), in the case of sums appropriated pursuant to paragraphs (1) and (3) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2), in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the Commissioner promulgated in carrying out the provisions of section 5(b), be available for obligation and expenditure until expended.

"ALLOTMENTS TO STATES

"Sec. 5. (a)(1) From the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

"(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), and (3) of section 4(a) for any fiscal year, the Commissioner shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

"(3) For the purposes of this subsection, the 'minimum allotment' shall be—

"(A) with respect to appropriations for the purposes of title I, $200,000 for each State, except that it shall be $40,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(B) with respect to appropriations for the purposes of title II, $100,000 for each State, except that it shall be $20,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

"(C) with respect to appropriations for the purposes of title III, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. If the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

"(4) The population of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), or (3) of section 4(a) which the Commissioner deems will not be required for the period and the purpose for which such allotment is available for carrying out the State plan as approved shall be available for reallocation or reallotment from time to time on such dates during such year as the Commissioner shall fix. Such amount shall first be available for reallocation to that State for other purposes authorized under this Act and then shall be available for reallotment to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a). The Commissioner shall fix at least one date for determinations under the first sentence of this subsection during each fiscal year.

"STATE PLANS

"Sec. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan meeting the requirements set forth in subsection (b), (2) submit an annual program plan for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, and III, which plan shall include (no later than July 1, 1972) a long-range program plan for carrying out the purposes of this Act as specified in subsection (d), and (3) if it so elects, establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

"(b) A basic State plan under this Act shall—

"(1) provide for the administration, or supervision of the administration, of the programs authorized by this Act by the State library administrative agency;

"(2) provide that any funds paid to the State in accordance with a long-range program and an annual program plan shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this Act:

"(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this Act have been effective in carrying out its purposes, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

"(4) set forth policies and procedures of accepting, reviewing, and approving applications for assistance under this Act, which policies and procedures shall insure that final action with respect to the approval or disapproval of any application (or amendment thereof) shall not be taken without first (A) affording the agency or agencies submitting such application reasonable notice and opportunity for a hearing, and (B) affording interested persons an opportunity to present their views.

"(c)(1) The Commissioner shall not approve any basic or annual program plan pursuant to this Act for any fiscal year unless—

"(A) the plan fulfills the conditions specified in subsections (b) and (d) of this section and the appropriate title of this Act;

"(B) the plan has, prior to its submission, been made public by the State agency to administer it and a reasonable opportunity has been given by that agency for comment thereon by interested persons;

"(C) he has made specific findings as to the compliance of such plan with requirements of this Act and he is satisfied that adequate procedures are set forth therein to insure that any assurances and provisions of such plan will be carried out.

"(2) The State plan shall be made public as finally approved.

"(3) The Commissioner shall not finally disapprove any plan submitted pursuant to subsection (a), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

"(d) The long-range program plan of any State for carrying out the purposes of this Act shall be developed in consultation with the Commissioner and shall—

"(1) set forth a program under which the funds received by the State under the programs authorized by this Act will be used to carry out a long-range plan of library services and construction covering a period of not less than three nor more than five years;

"(2) be annually reviewed and revised in accordance with changing needs for assistance under this Act and the results of the evaluation and surveys of the State library administrative agency;

"(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this Act, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects;

"(4) set forth effective policies and procedures for the coordination of programs and projects supported under the State plan with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs; and

"(5) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families.

Prior to its adoption, such program plan shall be made public and a reasonable opportunity shall be afforded for comment thereon by interested persons. Such program plan shall be made public as it is finally adopted.

"(e) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this Act, finds—

"(1) that the State plan has been so changed that it no longer complies with the provisions of this Act, or

"(2) that in the administration of the plan there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in such plan,

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this Act or shall limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or shall require that payments by such State agency under this Act shall be limited to local or other public library agencies not affected by the failure.

"(f)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under this Act or with his final action under subsection (e) such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PAYMENTS TO STATES

"SEC. 7. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), or (3) of section 4(a), the Commissioner shall pay to each State which has the appropriate State plans approved under section 6 and title I, II, or III an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title I to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year unless the Commissioner determines that—

"(1) there will be available for expenditure under the plan from State and local sources during the fiscal year for which the allotment is made—

"(A) sums sufficient to enable the State to receive for the purpose of carrying out the plan payments in an amount not less than the minimum allotment for that State for the purpose, and

"(B) not less than the total amount actually expended, in the areas covered by the plan for such year, for the purposes of such plan from such sources in the second preceding fiscal year; and

"(2) there will be available for expenditure for the purposes of the plan from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.

"(b)(1) For the purposes of this section, the 'Federal share' for any State shall be, except as is provided otherwise in title III, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 50 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

"(2) The 'Federal share' for each State shall be promulgated by the Commissioner within sixty days after the beginning of the fiscal year ending June 30, 1971, and of every second fiscal year thereafter, on the basis of average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.

"TITLE I—LIBRARY SERVICES

"GRANTS FOR STATES FOR LIBRARY SERVICES

"SEC. 101. The Commissioner shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and annual program plans under section 103 for the extension of public library services to areas without such services and the improvement of such services in areas in which such services are inadequate, for making library services more accessible to persons who, by reason of distance, residence, or physical handicap, or other disadvantage are unable to receive the benefits of public library services regularly made available to the public, for adapting public library services to meet particular needs of persons within the States, and for improving and strengthening library administrative agencies.

"USES OF FEDERAL FUNDS

"SEC. 102. (a) Funds appropriated pursuant to paragraph (1) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under section 6 and section 103. Except as is provided in subsection (b), grants to States under this title may be solely—

"(1) for planning for, and taking other steps leading to the development of, programs and projects designed to extend and improve library services, as provided in clause (2); and

"(2) for (A) extending public library services to geographical areas and groups of persons without such services and improving such services in such areas and for such groups as may have inadequate public library services; and (B) establishing, expanding, and operating programs and projects to provide (i) State institutional library services, (ii) library services to the physically handicapped, and (iii) library services for the disadvantaged in urban and rural areas; and (C) strengthening metropolitan public libraries which serve as national or regional resource centers.

"(b) Subject to such limitations and criteria as the Commissioner shall establish by regulation, grants to States under this title may be used (1) to pay the cost of administering the State plans submitted and approved under this Act (including obtaining the services of consultants), statewide planning for and evaluation of library services, dissemination of information concerning library services, and the activities of such advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under this title, and (2) for strengthening the capacity of State library administrative agencies for meeting the needs of the people of the States.

"STATE ANNUAL PROGRAM PLANS FOR LIBRARY SERVICES

"SEC. 103. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for approval for that fiscal year an annual program plan for library services. Such plan shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation, and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) for that year will be used, consistent with its long-range plan, solely for the purposes set forth in section 102;

"(2) set forth the criteria used in allocating such funds among such purposes, which criteria shall insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971;

"(3) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program plans; and

"(4) include an extension of the long-range plan, taking into consideration the results of evaluations.

"TITLE II—PUBLIC LIBRARY CONSTRUCTION

"GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION

"SEC. 201. The Commissioner shall carry out a program of making grants to States which have had approved basic State plans under section 6 and State annual program plans under section 202 for the construction of public libraries.

"STATE ANNUAL PROGRAM PLANS FOR THE CONSTRUCTION OF PUBLIC LIBRARIES

"SEC. 202. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic and a long-range State plan under section 6, submit for approval for that fiscal year an annual program plan for the construction of public libraries. Such plan shall be submitted at such time and contain such information as the Commissioner may require by regulations, and shall—

"(1) provide that funds paid to the State from appropriations pursuant to paragraph (2) of section 4(a) for that year will be used, consistent with its long-range plan, solely for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

"(2) set forth the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the program set forth in clause (1);

"(3) set forth policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

"(4) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program plan; and

"(5) include an extension of the long-range plan, taking into consideration the results of evaluations.

"TITLE III—INTERLIBRARY COOPERATION

"GRANTS TO STATES FOR INTERLIBRARY COOPERATION PROGRAMS

"SEC. 301. The Commissioner shall carry out a program of making grants to States which have approved basic State plans under section 6 and annual program plans under section 303 for interlibrary cooperation programs.

"USES OF FEDERAL FUNDS

"SEC. 302. (a) Funds appropriated pursuant to paragraph (3) of section 4(a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 303. Such grants shall be used (1) for planning for, and taking other steps leading to the development of, cooperative library networks; and (2) for establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM PLANS FOR INTERLIBRARY COOPERATION

"SEC. 303. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for approval for that fiscal year an annual program plan for interlibrary cooperation. Such plan shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation, and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (3) of section 4(a) will be used, consistent with its long-range plan, solely for the purposes set forth in section 302 and set forth specific procedures, policies, and objectives which will insure that funds available to the State under this title will be used to meet such purposes;

"(2) set forth the criteria which the State agency shall use in evaluating applications for funds under this title and in assigning priority to project proposals;

"(3) set forth such procedures and policies as will provide assurance that all appropriate libraries, agencies, and organizations eligible for participation in activities assisted under this title will be given an opportunity to participate to the extent of their eligibility;

"(4) include such information as will assure that the activities to be carried out during that year are consistent with the long-range program plans; and

"(5) include an extension of the long-range plan, taking into consideration the results of evaluations.".

(c)(1) The amendment made by subsection (b) shall be effective after June 30, 1971.

(2) In the case of funds appropriated to carry out title I of the Library Services and Construction Act for the fiscal year ending June 30, 1971, each State is authorized, in accordance with regulations of the Commissioner of Education, to use a portion of its allotment for the development of such plans as may be required by such Act, as amended by subsection (b).

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. PERKINS: Mr. PERKINS moves to strike out all after the enacting clause of S. 3318 and insert in lieu thereof the provisions of H.R. 19363, as amended, as passed.

The SPEAKER. Is there objection to the motion offered by the gentleman from Kentucky?

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 19363) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks immediately prior to passage of H.R. 19363.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

VOCATIONAL REHABILITATION ACT EXTENSION

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19401) to extend for 1 additional year the authorization for programs under the Vocational Rehabilitation Act.

The Clerk read as follows:

H.R. 19401

A bill to extend for one additional year the authorization for programs under the Vocational Rehabilitation Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 1(b)(1) of the Vocational Rehabilitation Act is amended by striking out "and" and by inserting before the period at the end thereof the following: ", and for the fiscal year ending June 30, 1972, the sum of $700,000,000".

(b) Section 1(b)(2) of such Act is amended by striking out "and" and by inserting before the period at the end thereof the following: ", and for the fiscal year ending June 30, 1972, the sum of $10,000,000".

(c) Section 1(b)(3) of such Act is amended by striking out "and" where it appears after "$115,000,000," and by inserting before the period at the end thereof the following: ", and for the fiscal year ending June 30, 1972, the sum of $140,000,000".

(d) Section 1(b)(4) of such Act is amended by striking out "1972" and inserting "1973".

SEC. 2. Section 4(a) of the Vocational Rehabilitation Act is amended by striking out "1972" and inserting "1973" in lieu thereof.

SEC. 3. (a) Section 12(1) of the Vocational Rehabilitation Act is amended by striking out "and" where it appears before "$30,000,000", and by inserting the following before the semicolon which follows "1971": ", and $30,000,000 for the fiscal year ending June 30, 1972".

(b) Such section is further amended by striking out "1973", and inserting "1974" in lieu thereof.

SEC. 4. (a) Section 13(a)(1) of the Vocational Rehabilitation Act is amended by striking out "1971", and inserting "1972" in lieu thereof.

(b) Section 13(f) of such Act is amended by striking out "and" where it appears after "1970," and by inserting "and $30,000,000 for the fiscal year ending June 30, 1972," immediately after "1971,".

SEC. 5. Section 15(a)(2) of the Vocational Rehabilitation Act is amended by inserting "$100,000,000 for the fiscal year ending June 30, 1972," immediately after "1971,".

The SPEAKER. Is a second demanded?

Mr. REID of New York. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, H.R. 19401 extends the Vocational Rehabilitation Act for 1 additional year.

The bill is a 1-year straight extension.

The authorization level proposed for fiscal year 1972 is identical to the current authorization for 1971.

There is a total 1971 dollar authorization for the act of $1,010,000,000. The bill proposes the exact amount for fiscal year 1972—$1,010,000,000.

Our sole purpose with this bill is to provide a timely authorization for the vocational rehabilitation program. Every Member of this House desires—I am sure—timely authorizations and timely appropriations. The current act expires at the end of this fiscal year. Passage of this legislation will insure that the appropriations process next year will not be hampered or delayed for want of an authorization for the vocational rehabilitation program.

Mr. Speaker, the Committee on Education and Labor voted unanimously to report H.R. 19401. I want to emphasize, that as reported by the committee, the bill makes no changes in the substance of existing legislation. The levels of authorization for each program are the same in this bill as they are for the current year. I am informed by representatives of rehabilitation agencies that these levels of spending represent the very minimum necessary to assure strong and effective programs next year.

In addition to our concern about timely authorization, it is of great importance that we extend these authorizations now, as State governments must know how much money is available from the Federal level in order to plan their matching allocations. Many State legislatures will be convening in January and February, and need the assurance of continuing legislation in this area.

I would like to read from a telegram I received from Miss Mary Switzer, vice president of the World Rehabilitation Fund, and former Commissioner of Vocational Rehabilitation:

> It is with great confidence . . . that I approach you once again . . . urging the extension of the present Vocational Rehabilitation Act for one year with 1971 authorizations.
>
> This is a strong conservative request and the rehabilitation community, particularly the state governments, need very much to know that Congress continues to support their programs.
>
> We all hope that this extension will be approved so that state programs can go forward with the momentum that has been provided. Many state legislatures meet this coming January. It would be most unfortunate to have the confusion and delay attendant upon the expiration of the present Act with nothing to take its place.
>
> This extension now would give us all the time to do a really workmanlike job in the new Session of the Congress on the next steps in the Vocational Rehabilitation Program.

I received another telegram from the National Rehabilitation Association, as follows:

> The National Rehabilitation Association heartily endorses the proposal to renew for one year at the 1971 rate without change in appropriation or allotment language, Vocational Rehabilitation appropriation authorities expiring June 30th, 1971. This will permit consideration of Rehabilitation legislation to proceed at an orderly pace in 1971 without the pressure of a June 30th expiration.

The record of the vocational rehabilitation program over the past 50 years is indeed impressive. We began after World War I to join with the States in extending rehabilitation services to victims of industrial accidents. Since then, the scope of our vocational rehabilitation efforts has broadened, so that it now includes millions of persons suffering from a variety of disabling accidents and defects.

Always we have aimed at enabling the individual to become a contributing members of society. I am sure my colleagues are familiar with countless instances of the great progress that has been made in returning people to productive work and social independence. Last year the number of people rehabilitated to employment for the first time passed the quarter million mark. The services which they received included medical diagnosis, evaluation, physical restoration, counseling, training, reading services for the blind, interpreting services for the deaf, and employment placement.

The vocational rehabilitation program is a particularly worthy investment in our future as well. It is instructive that the combined income of the 267,000 people who last year were able to return to employment as a result of the services provided under this legislation was less than $200 million at the time they were accepted for help. After rehabilitation, they were earning $863 million. This figure does not begin to take into account the savings to the welfare rolls and the gains in tax revenues thus generated. We cannot, of course, put into dollar value the precious sense of self-esteem, the pride in being able to provide for one's family, that such rehabilitation makes possible.

The record of achievement in my own State of Kentucky is a source of satisfaction to me and the many people associated with the program. The statistics are outstanding—Kentucky stands 50th among the 50 States in the number of persons rehabilitated. The State bureau succeeded in rehabilitating over 8,700 people—a 14-percent increase over 1969. During this fiscal year, Kentucky will probably receive close to $12,000,000 of vocational rehabilitation funds, reflective of the strong support from the State and local levels.

Mr. Speaker, as I said, H.R. 19401 comes from the Committee on Education and Labor with a unanimous vote. I wish to thank all the members of the committee for their efforts with respect to this legislation. As has been traditionally the case with vocational rehabilitation legislation, this is a truly bipartisan effort.

Mr. REID of New York. Mr. Speaker, I rise in strong support of H.R. 19401, the Vocational Rehabilitation Amendments of 1970. The purpose of this bill is simply to provide timely authorization for programs carried out under the Vocational Rehabilitation Act, since the existing authorization expires at the end of the current fiscal year.

The amounts to be authorized in this bill are for the next fiscal year only, and they are identical to the authorization levels for fiscal year 1971, totaling $700 million for grants to the States under section 2 and $310 million for other programs.

Mr. Speaker, there is no question that vocational rehabilitation programs are performing a service not only to more than 1 million disabled Americans but also to their communities and the industries and endeavors which now have the benefit of their skills. Rehabilitation of the handicapped is a source of strength to all America. Extension of authorizations at this time is necessary to make timely allotments to the States in order to enable them to plan for the most effective use of their Federal and State funds.

Finally, Mr. Speaker, I spoke this morning with Secretary Elliot Richardson of the Department of Health, Education, and Welfare. He informed me of the administration's general support for vocational rehabilitation and also of the administration's recognition of the urgent need to extend this legislation.

I urge support of this bill.

Mr. BRADEMAS. Mr. Speaker, today the House is being asked to act on H.R. 19401, a bill to extend for 1 year, 1972, the authorizations for certain vocational rehabilitation programs provided by the Vocational Rehabilitation Act.

The bill is a 1-year straight extension with an authorization level for 1972 identical to the current authorization for 1971—the total being $1,010,000,000.

This is an act which our committee and the Congress has voted to extend and improve over the years. I rise today to speak about this legislation because of my confidence in the ability of this State-Federal program, based on past performance, to continue its effective and urgently needed activities.

Its mission is to rehabilitate and to return to work physically and mentally disabled young people and adults who with help, have prospects of becoming independent functioning members of society.

We are not asking the House to make any substantive changes in the program at this time. We are asking only that existing programs be continued at present levels of authorization for 1 additional year. It is important that this be done as soon as possible so that the States, many of whose legislatures meet early next year, may be able to obtain the State funds they need to claim allotments of Federal funds, thus permitting continued, orderly growth of their service programs.

This program has had a remarkable history of support from the Congress, the people, and many professional and business sectors of society. It has profited from the dedicated leadership of men such as former Congressman Samuel McConnell, of Pennsylvania; the late John Fogarty, of Rhode Island; former Congressman Melvin Laird; Congresswoman EDITH GREEN; Congressman DOMINICK DANIELS; and our esteemed former colleague, Senator Lister Hill. Our own distinguished chairman, CARL PERKINS, and my colleagues on the committee have worked with Mary Switzer, the former Commissioner of Vocational Rehabilitation, and other State and national leaders in rehabilitation to keep this excellent program growing and relevant to the needs of the disabled.

This year, 1970, marks the 50th year of service to the American public by this State-Federal partnership. During this time it has helped put more than 2½ million people back to work. Last year alone it rehabilitated 267,000 people. It served a total of 870,000—many of whom will be among those 288,000 persons the program expects will be able to complete their programs of rehabilitation and placed in employment in 1971.

I think it useful to review the elements of this program which has such a successful record of achievement;

Vocational rehabilitation as a public program was created in 1920 by the Congress and State legislatures for the primary purpose of providing all of the kinds of help that disabled people need in order to work and to earn. It is based upon the philosophy that, in our society every individual is entitled to the opportunity to realize his maximum potential through useful work. While vocational rehabilitation services are designed specifically to help the handicapped overcome the effects of their physical or mental impairments, it would be a mistake to assume that the disabled, alone, benefit from this program.

Vocational rehabilitation benefits taxpayers and the families of the disabled, in that it keeps disabled people from being economically dependent upon others and frees family members from indefinite care of an impaired person.

Vocational rehabilitation is a unique service program. It is a process designed to preserve, develop, or restore the ability of disabled men and women to perform useful work. Services are tailored to meet the specific needs of the disabled individual and may include a diagnostic examination to determine the exact nature of the disability and what is needed to alleviate it. It may include physical restoration such as medical and hospital care, artificial limbs, and the like. Counseling and training for a suitable career, placement in the right job, and followup adjustment to that job are included, as needed. In short, the person is provided what he needs to return him to work and useful living. The result is that rehabilitated people become an integral part of society and our economy, paying taxes and buying goods and services.

Rehabilitation is good business. Consider these facts: The earning capacity of the 267,000 people who were rehabilitated last year was about $195,000,000 at the time they came into the program. After rehabilitation they were earning about $863,000,000.

Clearly, the economics of rehabilitation are impressive. However, the total value of rehabilitation services to society cannot be measured in terms of money alone. There is no way to place a dollar value on the opportunity for a disabled man or woman to be lifted from the despair of unwanted idleness and placed in useful work. There is no way to express in dollars and cents the benefits to the individual of being freed from dependency through a rewarding career that makes self-support a reality. This is the real meaning of rehabilitation.

Earlier, I mentioned the names of some of the past and present leaders of the House and the Senate who have contributed uniquely to the evolution of the program. We can all be proud of the part which the Congress as a whole has had in this effort. I was elected to the Congress in 1958 and soon after was assigned to the Education and Labor Committee. I recall that the vocational rehabilitation program had been amended in 1954 after extensive hearings by the committee. Of all the changes then recommended by the committee, the most fundamental was to change the public program from a single grant system to a multiprogram approach to disability and to rehabilitation. Since that action by Congress, there has been in addition to the basic program of grants to States for providing vocational rehabilitation services to disabled people, a separate system of grants for research in rehabilitation, another for training personnel and another for helping States to extend and improve their programs, and another for projects to help both public and private organizations to expand their rehabilitation services. There were other important departures such as the broadening of the Randolph-Sheppard Act for the blind which our colleague, JENNINGS RANDOLPH, of West Virginia, was so instrumental in passing.

The Congress gave the rehabilitation movement another great tool of forward movement with the passage of the Hill-Burton Hospital Act which provided for the construction of rehabilitation facilities as well as hospitals. The Social Security Act was amended, also, to protect the insurance benefits of covered workers who became disabled because the Congress decided that such earned benefits should not be lost by workmen who suffered disabilities, which by themselves were often catastrophic.

I believe that it is fair to say that the pioneering work done under the research and demonstration programs Congress authorized in 1954—and the new techniques for delivering service which later were developed—account for much of the progress which the rehabilitation programs are making today in reaching and serving the more severely disabled. Thousands of therapists, nurses, counselors, workshop administrators, and other professional personnel were trained under the program for work in public and private rehabilitation programs and centers. They help to account, also, for the phenomenal increase in the numbers of youth and adults who are served by these programs.

By the 1960's the public and voluntary rehabilitation programs set in motion by the amendments to the act in 1954 were in full operation and the results can be seen in the statistics of growth. From a total of 56,000 rehabilitated by the State-Federal service program in 1954, the count rose to 88,000 in 1960, 102,000 in 1962, and 135,000 in 1965. The first in a series of research and training centers was established where the expertise of a topflight center were combined with the resources of a university to assure maximum results in research, professional training, and care of the disabled. There are 18 such centers now in different parts of the country, some concentrating primarily upon certain disability groups such as the retarded, others emphasizing medical attention to all disabilities, and some concentrating upon the techniques of evaluation, counseling, and vocational rehabilitation.

During the early 1960's the Congress stressed new efforts to improve services to the mentally retarded through community programs, through medical centers and within the vocational rehabilitation program. In 1963, general hearings in the House and Senate revealed new opportunities for development and expansion of the total program.

The resulting legislation in 1965 provided a long list of noteworthy improvements for the program: the construction of new rehabilitation facilities, grants to speed the improvement of workshops, new methods of alloting funds to States, funding for statewide planning for new State services, the establishment of a National Commission on Architectural Barriers, and other steps to expand and perfect programs, such as use of money from the social security disability trust in rehabilitation beneficiaries of that program.

In 1967 and 1968, we provided support for a new National Center for Deaf-Blind Youth and Adults and authorized a special program for disabled migrants, and a new system for evaluation and work adjustment and additional ways to fund new rehabilitation facilities. As before, congressional action has made it possible to extend the program to more people, to people with more difficult problems to solve. By 1967, about 174,000 disabled people were being returned to employment; by 1968, the number was 208,000 rising to 267,000 by 1970.

Congress is now considering far-reaching proposals for new approaches to the economic maintenance of public assistance clients. New initiatives in the welfare program tend to emphasize activities which will help to restore and rehabilitate the individuals and families many of whom have lived so long and so hopelessly in dependence. It is significant, I think, that the family assistance program being considered by the Congress and the amendments to the manpower program which we have just completed work, place great emphasis upon the vocational rehabilitative process.

The public vocational rehabilitation programs can and should play a strong role in helping to return the disabled clients of the welfare and the manpower programs back to significant work. Among the poor, the rehabilitation problems reach their peak of difficulty. Disease and injury rates are higher than among the population generally. The result is a higher incidence of disabling conditions which, when taken in combination with the often equally severe problem of poverty, racial obstacles, substandard education, and general social deprivation, produce some of the most formidable rehabilitation challenges ever faced by any group of rehabilitation experts.

In the next Congress we expect to be considering new approaches to the welfare problem, the problem of improved medical and health services for all our people, and the expanding role of rehabilitation in these areas.

Mr. Speaker, in closing I want to say that vocational rehabilitation has meant a better standard of living for millions of disabled people and their families. It has meant more stable family life and better opportunities for the children. For all of us, this program has helped to build a better society.

Mr. MATSUNAGA. Mr. Speaker, as one who has given strong support to the vocational rehabilitation program, first as a State legislator and later as a U.S. Congressman, I rise in support of H.R. 19401, which would authorize the extension of the Vocational Rehabilitation Act through fiscal year 1972.

The Vocational Rehabilitation Act is widely recognized as one of the most forward-looking pieces of social and economic legislation to be passed by Congress in this century. As an unusually effective Federal-State program, it has provided remunerative employment and carved out new career opportunities for handicapped individuals who otherwise might have been relegated to a lifetime on the welfare rolls. The Vocational Rehabilitation Act is providing these handicapped persons, who are being counted in ever-increasing numbers with each passing year, the opportunity to become productive members of our competitive and demanding society. Even more important, perhaps is the fact that this program is enabling each rehabilitated individual to gain self-respect, a necessary element of the rehabilitation process.

Mr. Speaker, we ought to be mindful also of the need for expeditious and favorable consideration of this legislation at this time. Enactment of H.R. 19401 before the end of the current session of Congress would enable the States to provide matching funds so that vocational rehabilitation programs can be continued without interruption or loss of momentum.

H.R. 19401 would give the Secretary of Labor the authority to continue for 1 additional year the various programs under the Vocational Rehabilitation Act, and to provide grants in support of these programs at the same funding levels as in fiscal year 1971.

Mr. Speaker, this legislation deserves our wholehearted support.

The SPEAKER. The question is on the motion of the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 19401.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks prior to the passage of H.R. 19401.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEMONSTRATION ELEMENTARY SCHOOL FOR THE DEAF

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4083) to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes, as amended.

The Clerk read as follows:

S. 4063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing day and residential facilities for elementary education for persons who are deaf in order to prepare them for high school and other secondary study, and to provide an exemplary educational program to stimulate the development of similar excellent programs throughout the Nation, the directors of Gallaudet College are authorized to maintain and operate Kendall School as a demonstration elementary school for the deaf, to serve primarily residents of the National Capital region.

SEC. 2. As used in this Act—

(a) The term "elementary school" means a school which provides education for deaf children from the age of onset of deafness to age fifteen, inclusive, but not beyond the eighth grade or its equivalent.

(b) The term "construction" includes construction and initial equipment of new buildings, and expansion, remodeling, and alteration of existing buildings and equipment thereof, including architect's services, but excluding off-site improvements.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) There are authorized to be appropriated for each fiscal year such sums as may be necessary for the establishment and operation, including construction and equipment, of the demonstration elementary school provided for in section 1.

(b) Federal funds appropriated for the benefit of the school shall be used only for the purposes for which paid and in accordance with the applicable provisions of this Act.

SEC. 4. In the design and construction of any facilities, maximum attention shall be given to excellence of architecture and design, works of art, and innovative auditory and visual devices and installations appropriate for educational functions of such facilities.

SEC. 5 (a) The second proviso of the first paragraph under the heading "COLUMBIA INSTITUTION FOR THE DEAF AND DUMB" of the first section of the Act for March 2, 1889 (D.C. Code, sec. 31–1010), is repealed.

(b) The provisio and the last sentence in the paragraph having a side heading "COLUMBIA INSTITUTION FOR THE DEAF AND DUMB" in the first section of the Act of March 1, 1901 (D.C. Code, sec. 31–1008), is repealed.

(c) The last sentence under the heading "COLUMBIA INSTITUTION FOR THE DEAF AND DUMB" in the first section of the Act of March 3, 1905 (D.C. Code, sec. 31–1011), is repealed.

(d) The last sentence of the first paragraph under the heading "COLUMBIA INSTITUTION FOR THE DEAF AND DUMB" in the first section of the Act of June 27, 1906 (D.C. Code, sec. 31–1011), is repealed.

(e) The Act of November 7, 1966 (D.C. Code, sec. 31–1010a, and each subsequent Act making appropriations for Gallaudet College, are amended by striking out the proviso under the heading "Gallaudet College, Salaries and Expenses" in each such Act.

The SPEAKER. Is a second demanded?

Mr. REID of New York. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, the bill before us was unanimously approved by the Select Subcommittee on Education and unanimously reported from the Committee on Education and Labor.

It provides for construction and operation of a demonstration preschool and elementary school for the deaf in connection with Kendall School on the campus of Gallaudet College.

Through the continuing commitment of the Congress to Gallaudet College—and through the establishment of the model secondary school for the deaf and the National Technical Institute for the Deaf—programs for the education of the deaf have been significantly strengthened and improved at every level—with one exception.

The bill will fill this void because it focuses on educational programs and activities which are in my judgment the most essential—those at the preschool and elementary level.

Researchers, educators, and experts in the training of the deaf tell us that unless major efforts are made at this level—that is, the preschool and elementary—many deaf students will not be able to benefit from the federally assisted programs I have mentioned. Without improved programs at this basic level, it will be difficult—if not impossible—for many to bridge this educational gap.

Under the bill, Kendall School will serve children through age 15. These are critical formative years in any child's life, and even more so when a handicap like deafness must be dealt with. This makes the activities and scope of the proposed legislation much more vital and necessary.

As a demonstration school with a special emphasis at this age level, innovative and effective methods of teaching, techniques, media and technology will all be utilized to assist in teaching our young deaf children to learn. From this experience, the resulting evaluations and promising ideas will be disseminated to elementary schools for the deaf throughout the Nation.

The Kendall School will be operated primarily to serve residents of the National Capital region—the District of Columbia and the suburban areas of Maryland and Virginia. The bill contemplates that no tuition will be charged to any student in attendance at the school.

All the evidence before us indicates that a demonstration school at the preschool and elementary level is needed. In testimony presented to the committee, Mary E. Switzer—a name familiar to all of us—commented in this way on the need for increased emphasis on early levels of education for the deaf:

> The deaf have been the most handicapped of almost any of our disabled population by

virtue of the gaps in their early education, and I think we are all convinced now that the earlier one can attack the problems of learning in young children, the more chance there is of having them keep pace with the progress in education as they go from grade to grade.

One need only consider the increased demands at the elementary level which will result from the rubella epidemic of 1963-65, to appreciate the need for additional help at the levels proposed in S. 4083.

And I believe my colleagues will agree with me that it is only logical that the proposed demonstration program be located at the Kendall School. I make this statement for a number of reasons.

The Kendall School is already an established school of quality and competent staff. Thus, demonstration programs can be established with a minimum of delay and additional outlay of Federal funds. It is estimated that the additional cost for the demonstration school through 1975 will be approximately $10,700,000. This is surely quite a modest sum for the work that will be cut out for the program.

Second, the full and excellent resources of Gallaudet College can be effectively utilized in developing, perfecting and evaluating these demonstration elementary programs, with a speed and efficiency which only a complete facility such as Gallaudet can provide. With the close proximity of these educational institutions—all devoted to the education of the deaf—from preschool through college—positive results from innovative concepts and experimentation in education for the deaf can be swiftly disseminated and implemented.

Before closing, Mr. Speaker, I want to call my colleagues attention to a committee amendment to the bill which contains a series of technical changes in section 5 of the Senate-passed bill.

As can be seen from the committee report, certain provisions of existing law relating to Kendall School have become obsolete.

Aside from these, there are certain other provisions which relate to the financing of Gallaudet College and Kendall School. In the past, Gallaudet was required by law to charge tuition for students from the District of Columbia attending Kendall School. As I have indicated, this legislation contemplates that no tuition charge will be made for any students. Thus, the bill provides for the repeal of these previous requirements so as to carry out the intent of the legislation in this respect.

Mr. Speaker, I urge the Members of this body to join in unanimously approving the bill, S. 4803, so that the very worthwhile work in the area of education for the deaf can move forward to even greater accomplishment.

Finally, Mr. Speaker, I want to pay particular tribute to the gentleman from New York (Mr. CAREY) for his sponsorship of this legislation. It was because of his efforts in 1966 and his sponsorship then of legislation to create a model secondary school that we now have a very effective educational secondary system to work exclusively with the deaf. And it is because of his continued interest in and dedication to the improvement of educational programs for deaf students that we will today—with passage of this legislation—strengthen and improve programs at the elementary and preschool level.

I also want to compliment the chairman of the Select Subcommittee on Education (Mr. BRADEMAS) and the members of the subcommittee on both sides of the aisle for their excellent work on the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Does this mean, in effect, the establishment of still another school in the District of Columbia paid for by Federal taxpayers?

Mr. PERKINS. The bill authorizes the Directors of Gallaudet College to operate a demonstration preschool and elementary school program at the Kendall School on the Gallaudet campus.

Mr. GROSS. How many schools have we established on this basis throughout the rest of the country?

Mr. PERKINS. None. This will be a demonstration school to serve the Washington area principally Maryland, Virginia, and the District of Columbia.

Mr. GROSS. I have every compassion for children who are deaf. Are there no other schools of this nature anywhere else in the United States?

Mr. PERKINS. This will be a demonstration school for pre-school-age children up to 15 years of age. The bill provides for construction and operation. As a demonstration school it will serve the whole country. The knowledge acquired from the demonstration school will be disseminated to schools across the country.

Mr. GROSS. Is the gentleman saying that children can be brought in to that school?

Mr. PERKINS. I am not saying that. I am saying children will be enrolled in the school principally from the Washington area, Maryland and Virginia, and the District of Columbia. It is anticipated that a limited number of students will come from other areas.

Mr. GROSS. I am talking about children from Iowa and children from Kentucky and children from New York.

Mr. PERKINS. In other areas there are State schools. These will benefit directly from what is learned at the demonstration school.

Mr. GROSS. Is this a laboratory for Gallaudet College?

Mr. PERKINS. In a sense it will be a laboratory; what is learned will be transmitted to State schools throughout the Nation.

Mr. GROSS. The thing I want to get straight is whether we are doing something for the District of Columbia that we will not do for any other area of the United States.

Mr. PERKINS. We are providing a preschool. That is is greatly needed. I know of no objections to a preschool in this area. If we have a demonstration preschool and elementary school anywhere in the country it should be located on the campus of Gallaudet College because of the facilities and resources already there.

Mr. GROSS. The gentleman does not think this will set a precedent?

Mr. PERKINS. I do not think so.

Mr. GROSS. For the construction of other schools in other States of the country?

Mr. PERKINS. The States already have schools for the deaf.

Mr. GROSS. Why are there no department views in the report?

Mr. PERKINS. It is my understanding the administration supports the bill. It was reported from the committee unanimously.

Mr. GROSS. I am talking about the departmental or agency reports.

Mr. BRADEMAS. Mr. Speaker, if the gentleman will yield, I will respond to the gentleman from Iowa.

I have a letter from the Acting Assistant Secretary for Education of the Department of Health, Education, and Welfare indicating support for this legislation.

Mr. BRADEMAS. Mr. Speaker, I consider it a privilege to rise in support of S. 4083, a bill to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region.

We have had schools for the deaf in the United States for more than 100 years and Kendall School is one which was established in 1857. Yet, at no single time have we been able to gather together the numbers of deaf children, the highly specialized trained staff, the resources in terms of new educational technology, new techniques which have resulted from research so that we might have in one place a real model of exemplary elementary school program for deaf children.

Mr. Speaker, the development of this program at the Kendall School, on the Gallaudet campus, is very logical because its experience is ideally suited to demonstrate innovative and effective methods, techniques, media, materials, and technology in assisting young deaf children to learn well and at a rate more nearly comparable to hearing children of similar ages.

The reasons supporting this conclusion are:

First. The evolution of the Kendall School into a demonstration elementary school represents the natural progression in its development. The present grounds and facilities, with appropriate renovation and additions, can be converted into a demonstration school at minimal cost.

Second. The highly specialized resources of Gallaudet College, the model secondary school for the deaf, and the newly authorized center on educational media and materials for the handicapped will be available to support the development of the Kendall School.

Third. The experience in disseminating new techniques and materials developed by the model secondary school for the deaf can be employed enabling this demonstration elementary school for the deaf to have maximum impact on schools for the deaf.

The legislation before us is necessary to enable the Kendall School to expand its present capacity and thus to increase its service capability. The kinds of innovative programs the school will demonstrate will serve as an incentive to public programs across the Nation to compensate for an educational need which has been sorely neglected. Thus, increased program capabilities will not only reach those children not yet found and not yet being served, but, it will finally provide the establishment of a comprehensive education complex with a multidisciplinary staff which will work with the parents of deaf children, the deaf child, and their hearing peers to enable a greater portion of our deaf American citizens to realize the message of America which is to attain full participation in our society.

Parents are never prepared to accept the shock of being told that their child, upon whom they base their dreams and aspirations, is deaf. This handicap is not well known or understood by the general public and misconceptions regarding deaf persons abound. A parent education complex, as this legislation will provide, will constitute an absolutely imperative addition. There is currently no school in this country with a complex of the scope proposed by this bill.

Mr. Speaker, I urge my colleagues to join me in supporting the badly needed authority.

Mr. REID of New York. Mr. Speaker, I rise in support of S. 4083, a bill to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf.

Since 1857, the Kendall School, originally known as the Columbia Institute for the Deaf, Dumb, and Blind, has operated in conjunction with Gallaudet College under congressional incorporation and aegis. It serves some 210 deaf pupils from preschool to the age of 15 in the National Capital area.

The purpose of the bill before us is to enlarge the authority of Gallaudet College to make the Kendall School into a demonstration elementary school for the deaf. The need for such a facility on a national level has become increasingly apparent in recent years as the importance of early language training for deaf children has been recognized. There have been schools for the deaf for more than a century in this country but none has been able to draw together the numbers of children, the highly trained staff, up-to-date resources, educational materials, and practices that are necessary to maintain a real model of an exemplary elementary school program for the deaf.

The Kendall School, because of its proximity to the expert faculty and modern resources of Gallaudet College, is able to fill that gap. The establishment of a model elementary school program for the deaf will be a great service not only to the children from the National Capital area who will attend Kendall School classes, but also to many of the 4½ million preschool and school-age deaf children who are not now receiving appropriate educational services. The model programs and techniques developed at the Kendall School will assist these deaf children throughout the country.

The cost of operating the Kendall School as a demonstration elementary school will be $11.7 million through fiscal year 1975 above the regular cost of the Kendall School's operations during that period. That figure is estimated at $7.5 million. Of the additional sum, $7 million would be a one-time construction cost.

In testimony on this measure in the Senate, administration spokesman Frank Withrow of the Bureau of Education for the Handicapped said:

> A pilot demonstration program at Kendall School such as is contemplated in this legislation could influence the progress in early education of deaf children throughout the country.

Noting that a model elementary school for the deaf would complement the existing model secondary school facility at Gallaudet College, Mr. Withrow further observed:

> An exemplary program at the Kendall School would establish in one central location a continuous sequence of high quality educational programs for deaf youngsters from preschool to secondary school and on into postsecondary education.

The SPEAKER. The question is on the motion of the gentleman from Kentucky (Mr. Perkins) that the House suspend the rules and pass the bill S. 4083, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

RELATING TO LIMITATION ON NUMBER OF EMPLOYEES WHO MAY BE PAID FROM CLERK HIRE ALLOWANCES OF MEMBERS OF THE HOUSE AND RESIDENT COMMISSIONER FROM PUERTO RICO

Mr. FRIEDEL. Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 1264) relating to the limitation on the number of employees who may be paid from the clerk hire allowances of Members of the House and Resident Commissioner from Puerto Rico, as amended.

The Clerk read as follows:

H. Res. 1264

Resolved, That, until otherwise provided by law, effective immediately prior to noon on January 3, 1971, each Member and the Resident Commissioner from Puerto Rico, shall be entitled to three clerks in addition to those to which he is otherwise entitled.

Sec. 2. Notwithstanding any other authority to the contrary, no person shall be paid from the clerk hire allowance of any Members of the House of Representatives or the Resident Commissioner from Puerto Rico at a gross per annum rate of less than $2,000.

The SPEAKER. Is a second demanded?

Mr. DEVINE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FRIEDEL. Mr. Speaker, I yield to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. May I ask the gentleman from Maryland what triggers this latest addition to the payroll?

Mr. FRIEDEL. Just recently we passed a reorganization act doing away with the basic salary system for clerk hire for Members. Now they have done away with the basic salary and there will be a simple gross salary system starting with the 92d Congress on January 3, 1971. Members are now limited to 12 or 13 employees on their staff, depending on whether their constituencies are under or above 500,000 population. This will allow three additional clerks without any additional money. It does not cost the Government a penny.

Mr. GROSS. How do you live on $2,000? The amendment reduces the gross from $3,000 to $2,000. How does anyone live on $2,000 in Washington, D.C., or anywhere else, for that matter?

Mr. FRIEDEL. Well, the amendment was put in there to keep away these $1 a year or other token-type employees. Such employees would be entitled to health and life insurance, plus retirement benefits out of proportion to their salaries. There might be a need in the summer months or when we have a heavy workload where a Member could get someone for $40 or $50 or $60 or $70 a week, but they cannot pay such employees less than $40 a week. This would probably be short-term, temporary employment.

Mr. GROSS. Is this to take care of some moonlighting?

Mr. FRIEDEL. Oh, no, no, no. This is when Members experience peak workloads.

Mr. GROSS. Members are overworked?

Mr. FRIEDEL. Their staff may be hard pressed to handle the workload.

Mr. GROSS. So the $2,000 a year is going to relieve the Member who is so overworked?

Mr. FRIEDEL. It is expected to provide help when help is needed. They will not be able to pay them at a rate less than $2,000 a year. This will avoid putting anyone on for $1 a year who will have all of the other benefits. This will stop that.

Mr. GROSS. But it provides for three additional employees.

Mr. FRIEDEL. Yes. But no additional money, and they cannot pay an employee less than $40 a week.

Mr. GROSS. I see what you are doing. You are putting a minimum on now.

Mr. FRIEDEL. That is a protection for the Government and for the House.

Mr. GROSS. Will the gentleman explain about this protection?

Mr. FRIEDEL. I just said earlier it was

to do away with $1 a year men getting on the payroll.

Mr. GROSS. Do I have to be protected against the $1 a year man or woman?

Mr. FRIEDEL. You do not have to be protected against anything. This safeguard prevents a Member from putting anybody on for $1 a year. You would have to pay an employee at least $40 a week or more.

Mr. GROSS. Does the gentleman have any indication of how many employees work for more than one Member?

Mr. FRIEDEL. I do not have that figure, but this would be even better than the $5 minimum rule we have today under the base pay system.

The **SPEAKER.** The question is on the motion of the gentleman from Maryland that the House suspend the rules and agree to the resolution House Resolution 1264, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution as amended was agreed to.

A motion to reconsider was laid on the table.

INCREASE IN REGULATION "A" EXEMPTION

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 336) to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding $500,000 in aggregate amount, from the provisions of such act.

The Clerk read as follows:

S. 336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c. (b)) is amended by striking out "$300,000" and inserting in lieu thereof "$500,000".

The **SPEAKER.** Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The **SPEAKER.** Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, section 3(b) of the Securities Act of 1933 exempts from registration, subject to rules and regulations of the Securities and Exchange Commission, offerings of less than $300,000. This provision is intended to aid small businesses in raising capital for the commencement or expansion of their activities. The $300,000 figure was put into the section in 1945 and since that time costs have continued to rise throughout our economy. S. 336 would simply increase the $300,000 limit to $500,000.

Mr. SPRINGER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SPRINGER asked and was given permission to revise and extend his remarks.)

Mr. SPRINGER. Mr. Speaker, may I say this is a much needed increase. It probably ought to be more than we really put in the bill, in my estimation; and, there are a good many members of the committee who believed the same. However, we have raised it by a considerable percentage, from $300,000 to $500,000. This makes it more realistic in the truly small offerings. If the Exchange were to include the same type of offerings as the original measure contained, it would be much higher, about $2 million. However, we held it at $500,000, recognizing the need for relief in this area. The need is probably greater today than when the original figure was set.

Mr. Speaker, this is badly needed legislation.

It had the unanimous approval of the subcommittee, the unanimous approval of the full committee, and I recommend its passage.

The **SPEAKER.** The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the bill S. 336.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INVESTOR PROTECTION IN CORPORATE TAKEOVERS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3431) to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors, as amended.

The Clerk read as follows:

S. 3431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (*a*) the part of paragraph (1) of subsection (d) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) which precedes clause (A) is amended—

(1) by inserting after "section 12 of this title" the following: ", or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title,"; and

(2) by striking out "10 per centum" and inserting in lieu thereof "5 per centum".

(b) Paragraph (5) of subsection (d) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(5)) is redesignated as paragraph (6) and the following new paragraph is inserted immediately after paragraph (4).

"(5) The Commission, by rule or regulation or by order, may permit any person to file in lieu of the statement required by paragraph (1) of this subsection or the rules and regulations thereunder, a notice stating the name of such person, the number of shares of any equity securities subject to paragraph (1) which are owned by him, the date of their acquisition and such other information as the Commission may specify, if it appears to the Commission that such securities were acquired by such person in the ordinary course of his business and were not acquired for the purpose of and do not have the effect of changing or influencing the control of the issuer nor in connection with or as a participant in any transaction having such purpose or effect."

SEC. 2. Paragraph (2) of subsection (e) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)(2)) is amended by adding at the end thereof the following: "The Commission shall have power to make rules and regulations implementing this paragraph in the public interest and for the protection of investors, including exemptive rules and regulations covering situations in which the Commission deems it unnecessary or inappropriate that a purchase of the type described in this paragraph shall be deemed to be a purchase by the issuer for purposes of some or all of the provisions of paragraph (1) of this subsection."

SEC. 3. The first sentence of paragraph (1) of subsection (d) of section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)(1)) is amended—

(1) by inserting after "section 12 of this title," the following: "or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title,"; and

(2) by striking out "10 per centum" and inserting in lieu thereof "5 per centum".

SEC. 4. Paragraph 8 of subsection (d) of section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)(8)) is amended by striking out clause (A) and redesignating clauses (B), (C), and (D) as clauses (A), (B), and (C), respectively.

SEC. 5. Subsection (e) of section 14 of the Securities Exchange Act (15 U.S.C. 78n(e)) is amended by adding the following sentence at the end thereof: "The Commission shall, for the purposes of this subsection, by rules and regulations define, and prescribe means reasonably designed to prevent, such acts and practices as are fraudulent, deceptive, or manipulative.".

The **SPEAKER.** Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The **SPEAKER.** Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on July 29, 1968, Public Law 90–439 was enacted for the purpose of providing protection for investors in corporate takeovers. S. 3431 would amend the takeover legislation by providing:

First, that the protections of Public Law 90–439 be extended to insurance company securities; second, that persons with the goal of acquiring 5 percent or more of any class of equity security be subject to the reporting requirements; and, third, that the Securities and Exchange Commission have rulemaking power to define and prescribe means reasonably designed to prevent fraudulent, deceptive, and manipulative practices in corporate acquisitions.

Mr. Speaker, these amendments to the corporate takeover legislation of 1968 are worthwhile changes to this important investor protection statute.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thought that the bill that was passed here last week, in my opinion something of a monstrosity, was the last word in protecting the investors of this country. I thought that would solve all of the protective problems that were ever devised in the mind of man.

Mr. STAGGERS. The gentleman did not read the bill, because it had nothing to do with takeovers whatsoever. This has to do with stock takeovers and buying stock.

Mr. GROSS. It seemed to me it had a lot to do with the investors' money, which would be commingled and used.

Mr. STAGGERS. That had nothing to do with stock takeovers, and this does. I have just explained to the gentleman what the three provisions are, that the insurance companies are not covered, and we are putting them under on these securities on the market, we protect their investors, and also it drops the percentage down from 10 percent to 5 percent as to the number of securities.

Mr. SPRINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reason for this bill is as follows:

The 90th Congress passed Public Law 90–439 which required disclosures of intentions or attempts to buy up more than 10 percent of the stock of a registered security. The disclosure reveals the following items:

Who is involved;

What they now own of this security;

Where the money is coming from;

Any scheme to parcel out shares; and

What they will do with the money if they get it.

This bill extends the coverage to insurance stocks, without changing State responsibility for regulation of actual insurance company activities.

The 10-percent figure is lowered to 5 percent because experience indicates that in many instances a 5-percent holding can mean effective control of a company.

Offers of stock for stock exchanges must comply.

Acquisitions in the ordinary course of business, and by specialists and market-makers must be reported also, but simpler filings can be provided.

I recommend passage of this legislation as needed in the public interest.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the gentleman is not going to overprotect the investors, is he?

Mr. SPRINGER. May I say to the distinguished gentleman from Iowa that I think his question is good. The bill last week had nothing to do with this.

I would like to recall to the gentleman that the amount of stock which we will say that a corporation had to have before it had to make a report to the Securities and Exchange Commission was 10 percent of the stock, and now we have found through our investigations in our committee that it is possible with only 10 percent to determine what will happen to a corporation that it buys into because 10 percent in some corporations gives you almost control. What we have attempted to do in this bill is lower that figure from 10 percent of the stock to 5 percent of the stock, so that when they acquire it two or three things happen:

First of all, if it acquires 5 percent of the stock instead of 10 percent of the stock, that is one thing. The second thing in this bill is that it must disclose what it intends to do. Those are two very important provisions, may I say, in stock takeovers.

These are questions that the gentleman from Iowa has in the past shown interest in on the floor where we have had these very serious mergers by companies buying up other companies, so we have now made it impossible for them to secretly buy in by cutting it in half and making it 5 percent.

And the second thing is that now it must disclose what it intends to do by the buying of 5 percent of the stock. This is a very substantial change, may I say, in what a corporation does when it takes over another corporation. So we are on an entirely different subject.

The gentleman from Iowa, I believe, raised some serious questions last week as to the responsibility of those who are on the stock market exchange itself, but this bill has nothing to do with the problem the gentleman mentioned last week.

Mr. GROSS. Mr. Speaker, I want to thank the gentleman for his very clear explanation. If the gentleman will yield further to me, I would like to digress to make the observation that I am astounded that some of those who earlier this afternoon filibustered the House are not here now, and the temptation is great to get them over here. I will not do so on this bill, but the temptation is very great to bring some people over here who brought us down to this point in time this afternoon, because they slowed down the House earlier today.

Mr. SPRINGER. I think the gentleman has made a very good observation, because this is an important piece of legislation.

Mr. MONAGAN. Mr. Speaker, I support S. 3431 which amends the Securities and Exchange Act of 1934 to provide additional protection to investors in corporate tender offers and other acquisitions of securities.

Among other things the bill extends the full disclosure requirements of the Corporate Takeover Act, Public Law 90–439, to tender offers and acquisitions of over 5 percent of a company's stock. Under existing law the disclosure requirements are triggered only when a tender offer or acquisition involves over 10 percent of a company's stock. Clearly, lowering the trigger mechanism to 5 percent is a proper recognition of the impact that acquisition of 5 percent of a company's stock can have upon the control and marketing of the securities involved, and shareholders and management are entitled to be fully informed at the earliest point.

The bill also grants the Securities and Exchange Commission rulemaking power to prescribe methods to prevent fraudulent and manipulative practices in making tender offers. The new power will enable the Commission to deal more effectively with the devices frequently utilized by parties in contested tender offers. This provision in the bill is directly related to H.R. 4285, legislation which I introduced on January 23, 1969, to provide for adequate notice to stockholders and management of a target company in a cash takeover bid. My bill, along with S. 3431 the bill which we are considering today, was the subject of hearings before the Interstate and Foreign Commerce Committee on October 12, 1970.

I introduced this bill because I am seriously concerned about the defenseless position of shareholders and management of target companies in these takeovers. The provisions of the present law requiring disclosure to shareholders and management at the time disclosure is made to the SEC do not provide enough time to shareholders to make an informed decision, nor to management to present a defense to the takeover. I pointed out at that time that while I appreciated the necessity for the SEC to maintain a posture that favors neither the person making the cash tender offer nor the target company, I did not believe that that objective could be achieved under existing law. As the situation stood the moving party had all of the advantages and frequently utilized the element of surprise to the detriment of shareholders and management of the target company. The disclosure requirements of the Corporate Takeover Act were intended to give notice of the takeover bid to the target company management, and the 7 day withdrawal right for shareholders was intended to enable them to weigh the merits of retaining or selling their shares. Practices of moving parties under existing disclosure requirements were effectively thwarting both intended safeguards. My bill, providing for a 30-day hold period between the filing of a cash takeover bid with the SEC and the actual purchase of the target company's securities provided an approach to rectifying the inequities in the present law. I did not introduce my bill to shift the advantages from the person making the cash takeover offer to the management or to put shareholders in a position to exploit the market impact of a tender offer. I did introduce the bill as a means to balance the equities between the competing parties to prevent unnecessary economic dislocations of particular industries which are frequently occasioned by the looseness of our present laws governing cash takeover bids.

I hope the provisions in this bill granting the SEC the specific authority to define and prescribe means to prevent fraudulent, deceptive and manipulative practices in the area of tender offers insures greater fairness in this regard.

This legislation is needed and I urge my colleagues to suspend the rules and pass this bill.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill S. 3431, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill as amended was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, so ordered.

There was no objection.

POISON PREVENTION PACKAGING ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill S. 2162 to provide for special packaging

to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes, as amended.

The Clerk read as follows:

S. 2162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Poison Prevention Packaging Act of 1970".

SEC. 2. For the purpose of this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "household substance" means any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household and which is—

(A) a hazardous substance as that term is defined in section 2(f) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f));

(B) an economic poison as that term is defined in section 2a of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(a));

(C) a food, drug, or cosmetic as those terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); or

(D) a substance intended for use as fuel when stored in a portable container and used in the heating, cooking, or refrigeration system of a house.

(3) The term "package" means the immediate container of wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of section 4(a)(2) of this Act, also means any outer container or wrapping used in the retail display of any such substance to consumers. Such term does not include—

(A) any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof, or

(B) any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only such container or wrapping.

(4) The term "special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

(5) The term "labeling" means all labels and other written, printed, or graphic matter (A) upon any household substance or its package, or (B) accompanying such substance.

SEC. 3. (a) The Secretary, after consultation with the technical advisory committee provided for in section 6 of this Act, may establish in accordance with the provisions of this Act, by regulation, standards for the special packaging of any household substance if he finds that—

(1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance; and

(2) the special packaging to be required by such standard is technically feasible, practicable, and appropriate for such substance.

(b) In establishing a standard under this section, the Secretary shall consider—

(1) the reasonableness of such standard;

(2) available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;

(3) the manufacturing practices of industries affected by this Act; and

(4) the nature and use of the household substance.

(c) In carrying out this Act, the Secretary shall publish his findings, his reasons therefor, and citation of the sections of statutes which authorize his action.

(d) Nothing in this Act shall authorize the Secretary to prescribe specific packaging designs, product content, package quantity, or, with the exception of authority granted in section 4(a)(2) of this Act, labeling. In the case of a household substance for which special packaging is required pursuant to a regulation under this section, the Secretary may in such regulation prohibit the packaging of such substance in packages which he determines are unnecessarily attractive to children.

SEC. 4. (a) For the purpose of making a household substance for which a standard has been established pursuant to this Act readily available to elderly or handicapped persons who may be unable to use special packaging and to those households without young children, such household substance may be packaged in packages not complying with such standard if—

(1) such substance is supplied to the consumer in at least one popular size package which complies with such standard; and

(2) the packages which do not meet such standard bear, in conformity with regulations of the Secretary, conspicuous labeling stating: "This product is also available in special packaging which is recommended for use in households with young children". In the case of a household substance dispensed pursuant to an order of a physician, dentist, or other licensed medical practitioner who is authorized to prescribe, such substance may be sold in noncomplying packaging only when directed in the order of such practitioner or when requested by the purchaser.

(b) Whenever the Secretary determines that any household substance packaged in noncomplying packages is not also being supplied by a manufacturer or packer in popular size packages which comply with the standard established for such substance, he may, after giving the manufacturer or packer an opportunity to comply with the purposes of this Act, by order require such substance to be packaged by such manufacturer or packer exclusively in special packaging complying with such standard if he finds, after opportunity for hearing, that such exclusive use of such packaging is necessary to accomplish the purposes of this Act.

SEC. 5. (a) Proceedings to issue, amend, or repeal a regulation prescribing a standard under section 3 shall be conducted in accordance with the procedures prescribed by section 553 (other than clause (B) of the last sentence of subsection (b) of such section) of title 5 of the United States Code unless the Secretary elects the procedures prescribed by subsection (e) of section 701 of the Federal Food, Drug, and Cosmetic Act, in which event such subsection and subsections (f) and (g) of such section 701 shall apply to such proceedings. If the Secretary makes such election, he shall publish that fact with the proposal required to be published under paragraph (1) of such subsection (e).

(b) In the case of any standard prescribed by a regulation issued in accordance with section 553 of title 5 of the United States Code, any person who will be adversely affected by such a standard may, at any time prior to the 60th day after the regulation prescribing such standard is issued by the Secretary, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary shall file in the court the record of the proceedings on which the Secretary based his standard, as provided in section 2112 of title 28 of the United States Code.

(c) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original standard, with the return of such additional evidence.

(d) Upon the filing of the petition under subsection (b) the court shall have jurisdiction to review the standard of the Secretary in accordance with subparagraphs (A), (B), (C), and (D) of paragraph (2) of section 706 of title 5 of the United States Code. If the court ordered additional evidence to be taken under subsection (c), the court shall also review the Secretary's standard to determine if, on the basis of the entire record before the court pursuant to subsections (b) and (c), it is supported by substantial evidence. If the court finds the standard is not so supported, the court may set it aside. With respect to any standard reviewed under this subsection, the court may grant appropriate relief pending conclusion of the review proceedings, as provided in section 705 of such title 5.

(e) The judgment of the court affirming or setting aside, in whole or in part, any such standard of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code.

SEC. 6. (a) For the purpose of assisting in carrying out the purposes of this Act, the Secretary shall appoint a technical advisory committee, designating a member thereof to be chairman, composed of not more than eighteen members who are representative of (1) the Department of Health, Education, and Welfare, (2) the Department of Commerce, (3) manufacturers of household substances subject to this Act, (4) scientists with expertise related to this Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. The Secretary shall consult with the technical advisory committee in making findings and in establishing standards pursuant to this Act.

(b) Members of the technical advisory committee who are not regular full-time employees of the United States shall, while attending meetings of such committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

SEC. 7. (a) Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (p)) is amended—

(1) by striking out "which substance" in the part preceding paragraph (1) and insert-

ing in lieu thereof "if the packaging or labeling of such substance is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970 or if such substance"; and

(2) by adding the following after and below paragraph (2):

"The term 'misbranded hazardous substance' also includes a household substance as defined in section 2(2)(D) of the Poison Prevention Packaging Act of 1970 if it is a substance described in paragraph 1 of section 2(f) of this Act and its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.".

(b) Section 2z(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(z)(2)) is amended by striking out the period at the end of paragraph (h) of such section and inserting in lieu thereof "; or" and by adding at the end thereof a new paragraph as follows:

"(i) if its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(c) Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end thereof a new paragraph as follows:

"(n) If its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(d) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end thereof a new paragraph as follows:

"(p) If it is a drug and its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(e) Section 503(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(2)) is amended by striking out "and (h)" and inserting in lieu thereof ", (h), and (p)".

(f) Section 602 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 362) is amended by adding at the end thereof a new paragraph as follows:

"(f) If its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

SEC. 8. Whenever a standard established by the Secretary under this Act applicable to a household substance is in effect, no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to such household substance, any standard for special packaging (and any exemption therefrom and requirement related thereto) which is not identical to the standard established under section 3 (and any exemption therefrom and requirement related thereto) of this Act.

SEC. 9. This Act shall take effect on the date of its enactment. Each regulation establishing a special packaging standard shall specify the date such standard is to take effect which date shall not be sooner than one hundred and eighty days or later than one year from the date such regulation is final, unless the Secretary, for good cause found, determines that an earlier effective date is in the public interest and publishes in the Federal Register his reason for such finding, in which case such earlier date shall apply. No such standard shall be effective as to household substances subject to this Act packaged prior to the effective date of such final regulation.

The SPEAKER. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, I would like to give a brief explanation, if I may, of the bill.

Mr. Speaker, this is a very simple bill which seeks to achieve a very important and worthwhile objective.

Every year more than 100,000 children are injured seriously—and hundreds even lose their lives or are maimed for the remainder of their lives—by ingesting drugs or potentially toxic household products. The household drug most frequently involved is aspirin and among the household products causing the most serious and most frequent injuries are cleaning and polishing agents, cosmetics, pesticides, turpentine, and related paint products.

The bill seeks to avoid or at least reduce these deaths and injuries by requiring drugs and potentially dangerous household products to be marketed in special safety packaging which is significantly difficult for children under 5 years of age to open, but not difficult for normal adults to use properly.

I might say to the Members of the House that this bill is substantially noncontroversial—as it should be considering the objectives which the legislation seeks to achieve. There is one issue, however, on which there is considerable controversy. This issue involves the question whether special safety packages should become the rule or the exception on the shelves of supermarkets and other stores.

I regret to say to the Members of the House that under the bill reported by the committee, special safety packages are likely to become the exception rather than the rule. This consequence results from an amendment adopted by a majority of the committee which would permit the marketing of drugs and potentially hazardous household substances in conventional packages if drugs or products are also marketed in special safety packages in at least one popular size. The conventional packages would be required to carry a label stating "This product is also available in special packaging which is recommended for use in households with young children."

A majority of the committee members felt that since census figures indicate that approximately 75 percent of the households in this country do not have children between the ages of 1 and 5, it would be sufficient protection for those households which do have young children to make a single size package available with safety closures.

Personally, I would have preferred the bill without the Thompson amendment, but, I feel that the bill as reported is still preferable to not having any bill at all. Experience will have to tell us whether the availability of a single size special safety package will make a significant difference in avoiding or reducing death or injuries to children in the 1-to-5 age group. If experience shows that the present bill is insufficient, the committee, will, I trust, come back to the House with new legislation. Therefore, I urge the House to support this legislation as a first step in the right direction.

Mr. SPRINGER. Mr. Speaker, I think this is something Members will want to know about. One of the real problems in packaging poisons of any kind, whether they are real serious or not so serious, is that a child may open this package and use them. We have tried in this bill to correct that situation. That is in essence what this bill is about.

The chairman of our committee, has mentioned to you the thousands of these accidents, and I think they are accidents that happen each year. Even though there is a label on the package or on the bottle—like a crossbones or skull, saying this is poisonous—keep it out of the reach of children—as we all know, accidents do happen where children do get them in one way or another.

What we have done here is to follow what we thought HEW recommended. HEW determines what substances need special packaging, with the help of a technical advisory committee, and this is one that is pretty important. This must be offered in one popular size with special packaging, so that when you go to the drugstore or to any other store where you can buy these substances in a package or a bottle, there must be a popular size which you can buy which has a safety packing and which cannot be opened by a child, but would require an adult to open it. Second, other sizes, because there may be many sizes of these various substances, must have a reference to the availability of the safety package. In other words, on these packages it must say "This product may be bought with a special kind of packaging," so the parents can get that package if they ask for it. Suppose you have nine or 10 of those. All of them must say there is one that you can buy which has a safety cap or safety packaging, whatever you want to call it.

As to prescriptions, those will be specially packaged except when the customer or the doctor specifically otherwise request. I think that is reasonable.

The only question that has been raised is whether the packaging of poisons should be the rule or the exception to the rule. This bill takes the latter approach. It is certainly a desired improvement over the present practice. It may be sufficient. No bill can possibly rule out all negligence or all accidents. But if the reduction in negligence or accidents seems unsatisfactory, further requirements can be instituted on the basis of that experience.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Iowa.

Mr. KYL. Do I correctly understand that under the bill, if adopted, the manufacturer would be required to have one popular-sized container of the type described in his particular manufacture?

Mr. SPRINGER. It could be placed on the base package. He would put it on the popular-sized package.

Mr. KYL. And if he provides one such package and if he has that product appropriately labeled, then his responsibility has been met?

Mr. SPRINGER. That is correct.

Mr. KYL. Is there anything in this legislation which provides that the Department, HEW, or some other Government agency, must approve the so-called children-proofed packaging so that there is not immediately a suit brought against the company for saying that it was supposed to be child-proof but it was not?

Mr. SPRINGER. No. Let me explain that. The technical advisory committee at HEW would determine that.

Mr. KYL. And would approve each packaging?

Mr. SPRINGER. Correct.

Mr. KYL. The responsibility is on the manufacturer. The bill does not in any way provide that the hometown drugstore must at all times have stocked this popular-sized model in a child-proofed container?

Mr. SPRINGER. If you have a prescription, it will be specially packaged, unless the customer or the doctor says, "No."

Mr. KYL. Have these prescription-type packages been approved at this time so that the industry will immediately know what they have to do?

Mr. SPRINGER. No, that will still be up to the technical advisory committee.

Mr. KYL. At what point does the local drugstore become advised?

Mr. SPRINGER. When the technical advisory committee in HEW advises that it is in effect.

Mr. KYL. That the law is in effect, and that there is an approved model and it is available?

Mr. SPRINGER. That is correct.

Mr. KYL. I thank the gentleman.

(Mr. COLLIER (at the request of Mr. SPRINGER) was given permission to extend his remarks at this point in the RECORD).

Mr. COLLIER. Mr. Speaker, I rise in strong support of S. 2162, the Poison Prevention Packaging Act of 1970, and compliment members of both the House and Senate Committees on Interstate and Foreign Commerce for getting this legislation to us before adjournment.

Last year there were 76,155 poisonings of children under 5, and nearly 41,000 of these were poisoned by medicines. A child-resistant container for medicines is presently used at all armed services and public health hospitals. In a test at Madigan General Hospital in Tacoma, Wash., 837,000 prescriptions were issued in child-resistant containers; poisonings were reduced by 90 percent. Of the poisonings of children that did occur, two-thirds were due to adult failure to put the protective closure on properly. This study alone is dramatic proof that a protective package must be required. Statistics show that drugs and medicines are involved in nearly half of the poisonings of small children.

Many cases of poisonings require lengthy hospitalization and produce injuries from which the child may never recover. The substances which cause such tragic results are not primarily those thought of as being toxic but are such everyday products as aspirin, vitamin pills, cough medicines, soap, bleaches, furniture polishes, and similar products. When one considers the variety of such items in the average home, he realizes that there is no such thing as "out of reach" where children are concerned.

The need for passing the bill before us today is as urgent as any matter pending before this session.

Mr. SPRINGER. I yield to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Speaker, I rise in support of S. 2162, the Poison Prevention Packaging Act of 1970.

Each year, we are told, there are more than 100,000 reported cases of accidental poisonings, burns, and other injuries caused by medicines and chemicals, readily available in our drugstores and supermarkets, that have come into the hands of curious and unknowing little children. There are, as well, a good many cases that go unreported. This makes the question of the easy accessibility of these potentially lethal substances a matter of deep and general concern.

As I see it, the question here is not one of negligence on the part of the manufacturers or, for that matter, on the part of the parents. The point is simply that we have the technical means to package these hazardous materials in a way that should make it much more difficult for overly inquisitive little hands to open. We have the means and I believe we should use them.

Of course, as much as we might like to, we cannot legislate away such tragic accidents, but we can at least take the added precautions that should serve to reduce their number and the terrible toll they take in misery and in young lives.

The bill before us today is similar to legislation already passed by the other body. It can and, I believe, should be improved upon.

One significant difference in the two bills is that the Senate version is considerably stronger with respect to nonprescription hazardous substances available on the open shelf in that it would permit only one size to be sold in a nonsafety container. The House version, on the contrary, states that only one size has to be marketed in a safety container. This difference in the two approaches is substantial.

In its report accompanying this bill, the House Interstate and Foreign Commerce Committee states that the Senate version is not needed or desirable because not every household in the country includes small children. It is nevertheless true that small children not infrequently get into such homes. Even more important, I believe, is whether the House version would really result in encouraging the purchase of safety containers by those most in need of them—particularly if the safety package is in an inconvenient or less economical size. I would point out that 11 members of the House committee have signed additional views on this section of the bill in which they state they prefer the Senate version.

Mr. Speaker, if amendments were in order today on this bill, I would support one that would adopt the Senate position in this regard. Even so, I am going to vote for the bill in its present form and urge that it be passed. Time is very short in the life of the 91st Congress. If this bill does not pass today, and we seek to bring it up again under the normal procedures of the House, that would permit amendments from the floor, it is likely that no further action will be taken this year. For this reason, this bill should pass and it is my hope that a compromise bill can be agreed upon that will go a long way toward adopting the Senate position on the section of the bill to which I have referred.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Michigan for a question.

Mr. DINGELL. Mr. Speaker, I have this brief question of the chairman of the committee. On page 5 of the report, about the end of the section, before the words "Marketing of products in conventional and special safety packages," appears some language which was inserted in the report at my request. The bill applies to different commodities, and it names them. I was troubled because of some language that appeared in the Senate hearings from the departments. I note after careful review of that language the bill does not apply to commodities like, for example, small arms, ammunition, sportsmen's products and things of that kind, and I simply wanted to bring that to the attention of the House and also get the comment of my good friend, the chairman of the committee.

Mr. STAGGERS. It would not. Furthermore, the Secretary would have to make a finding before he could put any of it in. Ammunition is not in the bill.

Mr. DINGELL. I thank the chairman.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Texas (Mr. ECKHARDT), a member of the committee.

Mr. ECKHARDT. Mr. Speaker, I wish to praise this bill with faint damns—and perhaps not too faint at that. In its present form it is perfectly worthless. It is an example of the product of a lobby writing legislation for the House and most arrogantly insisting that its every "i" be dotted, its every "t" be crossed.

In the hearings it was found that thousands of incidents occur per year in which small children's hands are eroded by lye used for unstopping sinks; their eyes and faces are scarred by phenol used in disinfectants; their digestive systems are severely impaired by furniture polish; or they die from swallowing aspirin tablets. Cases of this type are occurring at the rate of more than 100,000 per year. These are only the cases severe enough to be reported and there must be many times the number of injuries actually occurring in our society.

The other body passed a bill which would take out of circulation easily operable containers of substances hazardous to children. He provided a single package exception to take care of such cases as that of the arthritic who needs easy access to his aspirin or the heart patient who needs quick access to his nitroglycerins.

The Proprietary Association urged to the subcommittee that the exception should be widened, and all Members were willing to amend the bill in such a way as to provide that one or more containers—as would appear reasonable—could be offered to these special purchasers.

In the subcommittee the bill's original rationale, to take unsafe containers out of circulation, was changed to a new rationale: The philosophy that consumers should be permitted to exercise their free choice concerning safe or unsafe packaging. The bill, as it came out of the subcommittee, permitted an election between the special child-safe container and the ordinary container.

Some of the Democratic Members considered this a reasonable forward step, feeling that at very least such a law might tend to move manufacturers and packagers toward uniform safe packages for each available size of container. I did not agree. I thought the Senate language preferable. But all of the signers of the statement of additional views which appears in the report recognized that the original approach of the bill had been altered and weakened as the bill came from subcommittee. I thought it was weakened too much even then. If 100,000 or more accidents of the kind mentioned are to be drastically reduced, unsafe packages must be cut off at their source, and it is desirable that unsafe packages be kept off the market—at least as nearly as possible.

If the Drano or Lysol or Clorox container at grandmother's house can be easily opened, the young child is just as surely injured there, or at the neighbor's, or in the apartment or tenement, or in the garage or storage house down the block, as he would be at home.

But it was not enough for the Proprietary Association that the bill's virility was so enfeebled in the subcommittee. It was their aim to emasculate it altogether, and this is what was done by the Thompson amendment in full committee. Republicans on the committee voted for it to the man, and in the haste occasion by the approach of the end of the session, some Democrats who signed additional views supported it primarily to assure that some bill would come out of committee. But a large majority of Democrats on the committee do not agree with the emasculating language. A substantial number could be reached to sign the report, and others are also opposed.

If the original bill could be characterized as one to take hazardous containers out of circulation, and the subcommittee bill could be characterized as a "buyer's choice" bill, the bill as it came out of the full committee is accurately described as the "packagers' token." If one sells lye or carbolic acid in four sizes of container, he may make a "child-safe" 4-ounce-container—along with the ordinary one which sells for, say, one-half the price—and then can offer unsafe containers in pint, quart, and half-gallon sizes—so long as their labels refer to the availability of the 4-ounce safe container.

Is it probable that the busy shopper, selecting some 15 to 20 items on her grocery list, will be so prudent as to seek out the small, "non-economy" size? Or is it not more likely that she will pick the pint size, ignoring the reference thereon to the small, child-safe package? Indeed, there may be difficulty in finding the safe package.

All Democrats on the committee believed that the bill should be moved out of committee and to the floor, but most do not favor the crippling amendment. Those who signed the additional views, 11 in all, stated that final passage of the bill in its present form would be a useless gesture.

This is why I praise the bill with not too faint damns. But since it comes up, in the only way it can be assured of coming up at this late time, on suspension of the rules, I cannot seek its amendment. I vote for it, like many of my colleagues, in the hope that the pernicious amendment will be removed in conference. Otherwise the bill will be a mockery to the public and a monument to the hard nosed—and hard hearted—willfulness, and, I must admit, adroitness, of a powerful lobby in the drug industry.

Mr. STAGGERS. Mr. Speaker, I yield to the chairman of the subcommittee, the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Speaker, I am familiar with the subject of this bill; have been so since 1966 when the Health Subcommittee first held hearings on the matter. I have continued to follow it closely since.

I am also acquainted with the issue raised by the minority report on this bill. The report states that the Proprietary Association urged the committee to provide for conventional packages for incapacitated persons such as arthritics and old persons.

Representatives of the Proprietary Association talked with me about their proposal and they certainly did urge that conventional packages be provided for those who could not open safety packages.

However, in their conferences with me they did not limit their remarks solely to the incapacitated, or those who needed medicine instantly. They argued that the law should make it clear that conventional packages will be available for the vast majority of the public which has no need or desire for safety packaging. I have read their communications to the committee on this bill and they did stress this point. As I always understood their position, they suggested, in effect, that safety packaging be the exception rather than the rule because the vast bulk of the public did not have young children in the age range where accidental ingestion would be a problem—ages 1 to 5.

There apparently was misunderstanding among some of the committee members as to the effect of the amendments and changes made in the bill in both subcommittee and full committee. That is not surprising since the bill was taken up by the full committee the morning after it was acted on by the subcommittee. Nevertheless, any misunderstanding is unfortunate and regrettable. But a debate on that is not fruitful.

The issue here today is whether we should pass this bill and let a conference committee resolve the differences or let the safe packaging bill die this year. I think we should pass the bill and not spend time dealing with problems that may have arisen from honest misunderstandings.

I have known the Proprietary Association for many years and I know of the many contributions they and their members have made to the furtherance of safety packaging. Long before the Congress considered legislation in this area, Proprietary Association members were conducting experiments and research to further the technological art of safety packaging and working to reduce accidental ingestions. Hearings before my subcommittee in 1966, and those on this bill before the Senate and the House, document many of the association's efforts and those of its members.

Briefly, such activities include:

Education efforts by the Council on Family Health—a nonprofit organization composed of many of the association's members—to point out the dangers of accidental ingestions. That work has been recognized and praised by Members of the Congress—Senator MAGNUSON on at least two occasions: CONGRESSIONAL RECORD, vol. 114, pt. 12, pp. 15086–15090, and vol. 114, pt. 16, p. 20808.

Sponsorship of industry conferences on safety packaging and safety in the use of home medicines. Indeed, this week the association is sponsoring another such conference in New York. Among the participants will be Dr. Jay Arena, president-elect of the American Academy of Pediatrics. That conference is devoted to "Safety Packaging in the 1970's."

Support of a number of publications and research studies related to accidental ingestion.

Financial support of the work of the Food and Drug Administration Committee on Safety Closures, a committee of Government, the medical profession, and industry appointed to develop standards for safety packaging. That committee today, December 7, is formally reporting the results of its work to the FDA.

The introduction, as early as 1956, of safety closures on children's aspirin bottles and extensive research and development of safety packaging.

The voluntary limitation—as recommended by an HEW panel—of the quantity of medicine in children's aspirin bottles to reduce the likelihood of injury. Senator FRANK MOSS, Utah, who spearheaded this bill in the Senate, stated at the opening of hearings on the bill:

> The drug industry, in particular, has undertaken preventive measures by limiting the number of tablets in children's aspirin bottles and by experimenting with preventive packaging.

The Proprietary Association's constructive work in this area of safety packaging must not be overlooked, and they should not be condemned or criticized because of honest differences in views as to how best to provide for both safe packaging and at the same time assure consumer choice for the vast majority.

I believe we should enact the bill as reported by the Commerce Committee and move quickly to conference with the Senate—if that is indicated—to assure passage of this important and needed legislation this year.

Mr. ROGERS of Florida. Mr. Speaker, I rise to express concern about S. 2162, a bill to provide for special packaging to protect children from serious personal injury or illness resulting from handling, using, or ingesting household substances.

The committee report states that in 1968 the Food and Drug Administration cited 105,000 reported ingestions of drugs and potentially toxic household products. Children under 5 years of age were involved in 71,563 of these ingestion accidents; 4,129 of these children were hospitalized as a result of these accidents. In 1967 there were a total of 325 child deaths reported. The figures for 1968 are still incomplete.

It is my opinion that these figures underestimate the extent of the accidents, taking in consideration the fact that many ingestions were probably not reported to the Food and Drug Administration.

I am concerned about the requirement in the bill reported out of the committee that safety closures of dangerous household substances only be made available in at least one popular-size container. Considering the multitude of package sizes available to the consumer and the fact that the prospective buyer is likely to buy containers or packages of dangerous household substances in many different sizes, I doubt that providing safety closures for only one size will really encourage the distribution of safety packaged products into a significant number of homes throughout the Nation.

Under the requirements of this bill I would venture to say that nonsafety closures will remain the rule in our marketplaces and will continue to be purchased for the most part by the consumer.

The argument that because 75 percent of the households in the country do not have children between the ages 1 through 5, and that therefore there is no reason to require all sizes of safety child-resistant packaging, seems ludicrous when you consider that almost every household in the country has visitors of that age category at one time or another.

The argument that the housewife with small children in her household will search through five or six sizes of bleach, furniture polish, or some other harmful household substance on the shelf to find the one package with the safety closure and will then purchase that size, is unrealistic. The housewife, on more occasions, will make a decision based upon the size suited for her purposes and the price to fit her budget.

Although I am in full accord with the intent of this bill, I cannot see how its safety closure requirements will reduce the availability to children of "easy to open" containers or packages of dangerous household substances. We should strive toward making the safety child-resistant package the rule in the marketplace—not the exception. We should provide one size of packaging without safety closures for those individuals, who because of physical handicaps, cannot easily open safety closures. There should be bold-faced warnings written on the packaging of such containers, and perhaps nonsafety containers should be available at the checkout counter or otherwise more closely controlled by the seller or distributor. I hope that the conference will make improvement in this bill.

The SPEAKER. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill S. 2162, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were supended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FORT POINT CHANNEL, BOSTON, MASS.

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17750) to declare the tidewaters in the waterway of the Fort Point Channel lying between the northeasterly side of the Summer Street highway bridge and the easterly side of the Dorchester Avenue highway bridge in the city of Boston nonnavigable tidewaters, as amended.

The Clerk read as follows:

H.R. 17750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the city of Boston to construct, maintain, and operate a causeway and a fixed-span bridge in and over the water of the Fort Point Channel, Boston, Massachusetts, lying between the northeasterly side of the Summer Street highway bridge and the easterly side of the Dorchester Avenue highway bridge.

SEC. 2. Work shall not be commenced on such bridge and causeway until the location and plans therefor are submitted to and approved by the Secretary of Transportation.

SEC. 3. Any project heretofore authorized by an Act of Congress, insofar as such project relates to the above-described portions of Fort Point Channel, is hereby abandoned.

SEC. 4. In approving the location and plans of any bridge, the Secretary of Transportation may impose any specific conditions relating to the maintenance and operation of the structure which may be deemed necessary in the interest of public navigation.

The SPEAKER. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, this legislation is necessary to allow the city of Boston to replace an obsolete drawbridge with a permanent bridge. There is no longer any commercial use of the waterway involved. The drawbridge was last opened in 1961. There is no objection to the bill and no cost on the part of the Federal Government, and I recommend passage of the legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, this is confined strictly to the bridge situation in Boston, and has nothing to do with the bridge at Chappaquiddick?

Mr. STAGGERS. No.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I just want to make sure the Members understand we did go into this very thoroughly and everything on it was quite carefully considered. The evidence was quite conclusive that the bridge presently spanning, in the nature of a drawbridge, is no longer needed, so that a fixed bridge is in order at this time. The span has not been used as a drawbridge since the year 1961, so I think it is rather conclusive it is no longer needed as a drawbridge and that a fixed bridge is proper.

The SPEAKER. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 17750, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended, and the bill, as amended, was passed.

The title was amended so as to read: "A bill to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Massachusetts."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill (H.R. 17750), just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

FEDERAL BOAT SAFETY ACT OF 1970

Mr. CLARK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15041) to provide for a coordinated national boating safety program, as amended.

The Clerk read as follows:

H.R. 15041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Boat Safety Act of 1970".

DECLARATION OF POLICY AND PURPOSE

SEC. 2. It is hereby declared to be the policy of Congress and the purpose of this Act to improve boating safety and to foster greater development, use, and enjoyment of all the waters of the United States by encouraging and assisting participation by the several States, the boating industry, and the boating public in development of more comprehensive boating safety programs; by authorizing the establishment of national construction and performance standards for boats and associated equipment; and by creating more flexible regulatory authority concerning the use of boats and equipment. It is further declared to be the policy of Congress to encourage greater and continuing uniformity of boating laws and regulations as among the several States and the Federal Government, a higher degree of reciprocity and comity among the several jurisdictions, and closer cooperation and assistance between the Federal Government and the several States in developing, administering, and enforcing Federal and State laws and regulations pertaining to boating safety.

DEFINITIONS

SEC. 3. As used in this Act, and unless the context otherwise requires—

(1) "Boat" means any vessel—

(A) manufactured or used primarily for noncommercial use; or

(B) leased, rented, or chartered to another for the latter's noncommercial use; or

(C) engaged in the carrying of six or fewer passengers.

(2) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(3) "Undocumented vessel" means a vessel which does not have and is not required to have a valid marine document as a vessel of the United States.

(4) "Use" means operate, navigate, or employ.

(5) "Passenger" means every person carried on board a vessel other than—

(A) the owner or his representative;

(B) the operator;

(C) bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(D) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

(6) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(7) "Manufacturer" means any person engaged in—

(A) the manufacture, construction, or assembly of boats or associated equipment; or

(B) the manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(C) the importation into the United States for sale of boats, associated equipment, or components thereof.

(8) "Associated equipment" means—

(A) any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component; and

(B) any accessory or equipment for, or appurtenance to, a boat; and

(C) any marine safety article, accessory, or equipment intended for use by a person on board a boat.

(9) "Secretary" means the Secretary of the Department in which the Coast Guard is operating.

(10) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia.

(11) An eligible State means one that has an accepted State boating safety program.

APPLICABILITY

SEC. 4. (a) This Act applies to vessels and associated equipment used, to be used, or carried in vessels used, on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States.

(b) Sections 5 through 11 and subsections 12(a) and 12(b) of this Act are applicable also to boats moving or intended to be moved in interstate commerce.

(c) This Act, except those sections where the content expressly indicates otherwise, does not apply to—

(1) foreign vessels temporarily using waters subject to United States jurisdiction;

(2) military or public vessels of the United States, except recreational-type public vessels;

(3) a vessel whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(4) ships' lifeboats.

BOAT AND ASSOCIATED EQUIPMENT STANDARDS AND USE

SAFETY REGULATIONS AND STANDARDS

SEC. 5. (a) The Secretary may issue regulations—

(1) establishing minimum safety standards for boats and associated equipment, and establishing procedures and tests required to measure conformance with such standards. Each standard shall be reasonable, shall meet the need for boating safety, and shall be stated, insofar as practicable, in terms of performance;

(2) requiring the installation, carrying, or using of associated equipment on boats and classes of boats subject to this Act; and prohibiting the installation, carrying, or using of associated equipment which does not conform with safety standards established under this section. Equipment contemplated by this clause includes, but is not limited to, fuel systems, ventilation systems, electrical systems, navigational lights, sound producing devices, fire fighting equipment, lifesaving devices, signaling devices, ground tackle, life and grab rails, and navigational equipment.

(b) A regulation or standard issued under this section—

(1) shall specify an effective date which is not earlier than one hundred and eighty days from the date of issuance, except that this period shall be increased in the discretion of the Secretary to not more than eighteen months in any case involving major product design, retooling, or major changes in the manufacturing process, unless the Secretary finds that there exists a boating safety hazard so critical as to require an earlier effective date; what constitutes major product redesign, retooling, or major changes shall be determined by the Secretary;

(2) may not compel substantial alteration of a boat or item of associated equipment which is in existence, or the construction or manufacture of which is commenced, before the effective date of the regulation; but within that limitation may require compliance or performance that the Secretary considers appropriate in relation to the degree of hazard that the compliance will correct; and

(3) shall be consistent with laws and regulations governing the installation and maintenance of sanitation equipment.

PRESCRIBING REGULATIONS AND STANDARDS

SEC. 6. In establishing a need for formulating and prescribing regulations and standards under section 5 of this Act, the Secretary shall, among other things—

(1) consider the need for and the extent to which the regulations or standards will contribute to boating safety;

(2) consider relevant available boat safety standards, statistics and data, including public and private research, development, testing, and evaluation;

(3) consider whether any proposed regulation or standard is reasonable and appropriate for the particular type of boat or associated equipment for which it is prescribed;

(4) consult with the Boating Safety Advisory Council established in compliance with this Act regarding all of the foregoing considerations.

DISPLAY OF LABELS EVIDENCING COMPLIANCE

SEC. 7. The Secretary may require or permit the display of seals, labels, plates, insignia, or other devices for the purpose of certifying or evidencing compliance with Federal safety regulations and standards for boats and associated equipment.

DELEGATION OF INSPECTION FUNCTION

SEC. 8. The Secretary may, subject to regulations, supervision, and review as he may prescribe, delegate to any person, or private or public agency, or to any employee under the supervision of such person or agency, any work, business, or function respecting the examination, inspection, and testing necessary to carry out his responsibilities under sections 5 and 6 of this Act.

EXEMPTIONS

SEC. 9. The Secretary may, if he considers that boating safety will not be adversely affected, issue exemptions from any provision of this Act or regulations and standards established thereunder, on terms and conditions as he considers appropriate.

FEDERAL PREEMPTION

SEC. 10. Unless permitted by the Secretary under section 9 of this Act, no State or political subdivision thereof may establish, continue in effect, or enforce any provision of law or regulation which establishes any boat or associated equipment performance or other safety standard, or which imposes any requirement for associated equipment, except, unless disapproved by the Secretary, the carrying or using of marine safety articles to meet uniquely hazardous conditions or circumstances within the State, which is not identical to a Federal regulation issued under section 5 of this Act.

ADMISSION OF NONCONFORMING FOREIGN-MADE BOATS

SEC. 11. The Secretary of the Treasury and the Secretary may, by joint regulations, authorize the importation of a nonconforming boat or associated equipment upon terms and conditions, including the furnishing of bond, which will assure that the boat or associated equipment will be brought into conformity with the applicable Federal safety regulations and standards before it is used on waters subject to the jurisdiction of the United States.

PROHIBITED ACTS

SEC. 12. (a) No person may manufacture, construct, assemble, introduce, or deliver for introduction in interstate commerce, or import into the United States, or if engaged in the business of selling or distributing boats or associated equipment, may sell or offer for sale, any boat, associated equipment, or component thereof to be sold for subsequent assembly, unless—

(1) it conforms with regulations and standards prescribed under this Act, or

(2) it is intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(b) No person may be held liable for a violation of this section if he establishes that he did not have reason to know in the exercise of due care that a boat or associated equipment does not conform with applicable Federal boat safety standards, or who holds a certificate issued by the manufacturer of the boat or associated equipment to the effect that such boat or associated equipment conforms to all applicable Federal boat safety standards, unless such person knows or reasonably should have known that such boat or associated equipment does not so conform.

(c) No person may affix, attach, or display a seal, label, plate, insignia, or other device indicating or suggesting compliance with Federal safety standards on, in, or with a boat or item of associated equipment, which is false or misleading.

(d) No person may use a vessel in violation of this Act or regulations issued thereunder.

(e) No person may use a vessel, including one otherwise exempted by subsection 4(c) of this Act, in a negligent manner so as to endanger the life, limb, or property of any person. Violations of this subsection involving use which is grossly negligent, subject the violator, in addition to any other penalties prescribed in this Act, to the criminal penalties prescribed in section 34.

(f) No vessel equipped with propulsion machinery of any type and not subject to the manning requirements of the vessel inspection laws administered by the Coast Guard, may while carrying passengers for hire, be used except in the charge of a person licensed for such service under regulations, prescribed by the Secretary, which pertain to qualifications, issuance, revocation or suspension, and related matters.

(g) Subsection 12(f) of this Act shall not apply to any vessel being used for bona fide dealer demonstrations furnished without fee to business invitees. However, if on the basis of substantial evidence the Secretary determines, pursuant to section 6 hereof, that requiring vessels so used to be under the control of licensed persons is necessary to meet the need for boating safety, then the Secretary may promulgate regulations requiring the licensing of persons controlling such vessels in the same manner as provided in subsection 12(f) of this Act for persons in control of vessels carrying passengers for hire.

Sec. 13. If a Coast Guard boarding officer observes a boat being used without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition as defined in regulations of the Secretary, and in his judgment such use creates an especially hazardous condition, he may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended.

INSPECTION, INVESTIGATION, REPORTING

Sec. 14. (a) Every manufacturer subject to the provisions of this Act shall establish and maintain records, make reports, and provide information as the Secretary may reasonably require to enable him to determine whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder. A manufacturer shall, upon request of an officer, employee, or agent authorized by the Secretary, permit the officer, employee, or agent to inspect at reasonable times factories or other facilities, books, papers, records, and documents relevant to determining whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder.

(b) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (a) containing or relating to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, or authorized to be exempted from public disclosure by subsection 552(b) of title 5, United States Code, shall be considered confidential for the purpose of that section of title 18, except that such information may be disclosed to other officers, employees, or agents concerned with carrying out this Act or when relevant in any proceeding under this Act.

NOTIFICATION OF BOAT DEFECTS

Sec. 15. (a) Every boat manufacturer shall furnish notification of a defect in any boat produced by the manfacturer, which he determines in good faith relates to safe use of the boat, to the dealer to whom the boat was delivered and to the purchaser (when known to the manufacturer) of the boat, within a reasonable time after the manufacturer has discovered the defect.

(b) Notification shall be accomplished—

(1) by certified mail to the first purchaser (not including any dealer of the manufacturer) of the boat containing the defect, and to any subsequent purchaser to whom has been transferred any warranty on the boat; and

(2) by certified mail or other more expeditious means to the dealer to whom the boat was delivered.

(c) Notification shall contain a clear description of the defect, an evaluation of the risk to boating safety reasonably resulting from the defect, and a statement of measures to be taken to repair the defect.

(d) Every manufacturer shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to purchasers or dealers required under this Act. The Secretary may publish so much of the information contained in the communication as he deems will contribute to boating safety.

RENDERING OF ASSISTANCE IN CASUALTIES

Sec. 16. (a) The operator of a vessel, including one otherwise exempted by subsection 4(c) of this Act, involved in a collision, accident, or other casualty, to the extent he can do so without serious danger to his own vessel, or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and the identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection are in addition to any duties otherwise imposed by law.

(b) Any person who complies with subsection (a) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent man would have acted under the same or similar circumstances.

Numbering of Certain Vessels

VESSELS REQUIRING NUMBERING

Sec. 17. An undocumented vessel equipped with propulsion machinery of any type shall have a number issued by the proper issuing authority in the State in which the vessel is principally used.

STANDARD NUMBERING

Sec. 18. (a) The Secretary shall establish by regulation a standard numbering system for vessels. Upon application by a State the Secretary shall approve a State numbering system which is in accord with the standard numbering system and the provisions of this Act relating to numbering and casualty reporting. A State with an approved system is the issuing authority under the Act. The Secretary is the issuing authority in States where a State numbering system has not been approved.

(b) If a State has a numbering system approved by the Secretary under the Act of September 2, 1958 (72 Stat. 1754), as amended, prior to enactment hereof, the system need not be immediately revised to conform with this Act and may continue in effect without change for a period not to exceed three years from the date of enactment of this Act.

(c) When a vessel is actually numbered in the State of principal use, it shall be considered as in compliance with the numbering system requirements of any State in which it is temporarily used.

(d) When a vessel is removed to a new State of principal use, the issuing authority of that State shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in the new State.

(e) If a State has a numbering system approved after the effective date of this Act, that State must accept and recognize any certificate of number issued by the Secretary, as the previous issuing authority in that State, for one year from the date that State's system is approved, or until its expiration date, at the option of the State.

(f) Whenever the Secretary determines that a State is not administering its approved numbering system in accordance with the standard numbering system, or has altered its system without his approval, he may withdraw his approval after giving notice to the State, in writing, setting forth specifically wherein the State has failed to meet the standards required, and the State has not corrected such failures within a reasonable time after being notified by the Secretary.

EXEMPTIONS

Sec. 19. (a) The Secretary, when he is the issuing authority, may exempt a vessel or class of vessels from the numbering provisions of this Act under such conditions as he may prescribe.

(b) When a State is the issuing authority, it may exempt from the numbering provisions of this Act any vessel or class of vessels that has been exempted under subsection (a) of this section or otherwise as permitted by the Secretary.

DESCRIPTION OF CERTIFICATE OF NUMBER

Sec. 20. (a) A certificate of number granted under this Act shall be pocket size, shall be at all times available for inspection on the vessel for which issued when the vessel is in use, and may not be valid for more than three years. The certificate of number for vessels less than twenty-six feet in length and leased or rented to another for the latter's non-commercial use of less than twenty-four hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A vessel which does not have the certificate of number on board shall be identified while in use, and comply with such other requirements, as the issuing authority prescribes.

(b) The owner of a vessel numbered under this Act shall furnish to the issuing authority notice of the transfer of all or part of his interest in the vessel, or of the destruction or abandonment of the vessel, within a reasonable time thereof, and shall furnish notice of any change of address within a reasonable time of the change, in accordance with prescribed regulations.

DISPLAY OF NUMBER

Sec. 21. A number required by this Act shall be painted on, or attached to, each side of the forward half of the vessel for which it was issued, and shall be of the size, color, and type as may be prescribed by the Secretary. No other number may be carried on the forward half of the vessel.

SAFETY CERTIFICATES

Sec. 22. When a State is the issuing authority it may require that the operator of a numbered vessel hold a valid safety certificate issued under terms and conditions set by the issuing authority.

REGULATIONS

Sec. 23. The issuing authority may prescribe regulations and establish fees to carry out the intent of sections 17 through 24 and section 37 of this Act. A State issuing authority may impose only terms and conditions for vessel numbering which are prescribed by this Act or the regulations of the Secretary concerning the standard numbering system.

FURNISHING OF INFORMATION

Sec. 24. Manufacturers may request from an issuing authority vessel numbering and registration information which is retrievable from vessel numbering system records of the issuing authority. When the issuing authority is satisfied that the request is reasonable and related to a boating safety purpose, the information shall be furnished upon payment by the manufacturer of the cost of retrieval and furnishing of the information requested.

STATE BOATING SAFETY PROGRAMS

ESTABLISHMENT AND ACCEPTANCE

SEC. 25. In order to encourage greater State participation and consistency in boating safty efforts, and particularly greater safety patrol and enforcement activities, the Secretary may accept State boating safety programs directed at implementing and supplementing this Act. Acceptance is necessary for a State to receive full rather than partial Federal financial assistance under this Act. The Secretary may also make Federal funds available to an extent permitted by subsection 27(d) of this Act to national nonprofit public service organizations for national boating safety programs and activities which he considers to be in the public interest.

BOATING SAFETY PROGRAM CONTENT

SEC. 26. (a) The Secretary shall accept a State boating safety program which—

(1) incorporates a State vessel numbering system previously approved under this Act or includes such a numbering system as part of the proposed boating safety program;

(2) includes generally the other substantive content of the Model State Boat Act as approved by the National Association of State Boating Law Administrators in conjunction with the Council of State Governments, or is in substantial conformity therewith, or conforms sufficiently to insure uniformity and promote comity among the several jursidictions;

(3) provide for patrol and other activity to assure enforcement of the State boating safety laws and regulations;

(4) provides for boating safety education programs;

(5) designates the State authority or agency which will administer the boating safety program and the allocated Federal funds; and

(6) provides that the designated State authority or agnecy will submit reports in the form prescribed by the Secretary.

(b) The requirements of subparagraph (a)(2) of this section shall be liberally construed to permit acceptance where the general intent and purpose of such requirements are met and nothing contained therein is in anyway intended to discourage a State program which is more extensive or comprehensive than suggested herein, particularly with the regard to safety patrol and enforcement activity commensurate with the amount and type of boating activity within the State and with regard to public boat safety education, and experimental programs which could enhance boating safety.

ALLOCATION OF FEDERAL FUNDS

SEC. 27. (a) The Secretary shall allocate the amounts appropriated to the several eligible States as soon as practicable after July 1 of each fiscal year for which the funds are appropriated.

(b) In order to encourage and assist the States in the development of boating safety programs during the first three fiscal years for which funds are available under this Act, the funds shall be allocated among applying States having a boating safety program, or which indicate to the Secretary their intention to establish boating safety programs in accordance with section 25 of this Act. One-half of the funds shall be allocated equally among the applying States. The other half shall be allocated to each applying eligible State in the same ratio as the number of vessels propelled by machinery numbered in that State bears to the number of such vessels numbered in all applying eligible States.

(c) In fiscal years after the third fiscal year for which funds are available under this Act the moneys appropriated shall be allocated among applying States. Of the total available funds one-third shall be allocated each year equally among applying States. One-third shall be allocated so that the amount each year to each applying eligible State will be in the same ratio as the number of vessels numbered in that State, under a numbering system approved under this Act, bears to the number of such vessels numbered in all applying eligible States. The remaining one-third shall be allocated so that the amount each year to each applying eligible State shall be in the same ratio as the State funds expended or obligated for the State boating safety program during the previous fiscal year by a State bears to the total State funds expended or obligated for that fiscal year by all the applying eligible States.

(d) The Secretary may allocate not more than 5 per centum of funds appropriated in any fiscal year for national boating safety activities of one or more national nonprofit-public service organizations.

ALLOCATION LIMITATIONS; UNOBLIGATED OR UNALLOCATED FUNDS

SEC. 28. (a) Notwithstanding the allocation ratios prescribed in section 27 of this Act, the Federal share of the total annual cost of a State's boating safety program may not exceed 75 per centum in fiscal year 1972, 66⅔ per centum in fiscal year 1973, 50 per centum in fiscal year 1974, 40 per centum in fiscal year 1975, and 33⅓ per centum in fiscal year 1976. No State may receive more than 5 per centum of the Federal funds appropriated or available for allocation in any fiscal year.

(b) Amounts allocated to an eligible State shall be available for obligation by that State for a period of three years following the date of allocation. Funds unobligated by the State at the expiration of the three-year period shall be withdrawn by the Secretary and shall be available with other funds to be allocated by the Secretary during that fiscal year.

(c) Funds available to the Secretary which have not been allocated at the end of a fiscal year shall be carried forward as part of the total allocation funds for the next fiscal year for which appropriations are authorized by this Act.

DETERMINATION OF STATE FUNDS EXPANDED

SEC. 29. In accordance with regulations prescribed by the Secretary computation by a State of funds expended or obligated for the boating safety program shall include the acquisition, maintenance, and operating costs of facilities, equipment, and supplies; personnel salaries and reimbursable expenses; the costs of training personnel; public boat safety education; the costs of administering the program; and other expenses which the Secretary considers appropriate. The Secretary shall determine any issues which arise in connection with such computation.

APPROPRIATIONS AUTHORIZATIONS FOR STATE BOATING SAFETY PROGRAMS

SEC. 30. For the purpose of providing financial assistance for State boating safety programs there is authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1972, and $7,500,000 for each of the four succeeding fiscal years, such appropriations to remain available until expended.

PAYMENTS

SEC. 31. (a) Amounts allocated under section 27 of this Act shall be computed and paid to the States as follows:

(1) During the first three fiscal years that funds are available the Secretary shall schedule the initial payment to each State at the earliest possible time after application and compliance with subsection 27(b) of this Act.

(2) For fiscal years after the third fiscal year for which funds are available, the Secretary shall determine during the last quarter of a fiscal year, on the basis of computations made pursuant to section 29 of this Act and submitted by the States, the percentage of the funds available for the next fiscal year to which each eligible State shall be entitled. Notice of the percentage and of the dollar amount, if it can then be determined, for each State shall be furnished to the States at the earliest practicable time. If the Secretary finds that an amount made available to a State for a prior year is greater or less than the amount which should have been made available to that State for the prior year, because of later or more accurate State expenditure information, the amount for the current fiscal year may be increased or decreased by the appropriate amount.

(b) Notwithstanding any other provision of law, the Secretary shall schedule the payment of funds consistent with the program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of funds from the United States Treasury and the subsequent disbursement thereof by a State.

(c) Whenever the Secretary, after reasonable notice to the designated State authority or agency, finds that—

(1) the boating safety program submitted by the State and accepted by the Secretary has been so changed that it no longer complies with this Act or standards established by regulations thereunder; or

(2) in the administration of the boating safety program, there has been a failure to comply substantially with the standards established by the regulations;

the Secretary shall notify the State authority or agency that no further payments will be made to the State until the program conforms to the established standards or the failure is corrected.

(d) The Secretary shall, by regulation, provide for such accounting, budgeting, and other fiscal procedures as are necessary and reasonable for the proper and efficient administration of this section. The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to Federal funds received by the States under this Act.

CONSULTATION AND COOPERATION

SEC. 32. (a) In carrying out his responsibilities under this Act the Secretary may consult with State and local governments, public and private agencies, organizations and committees, private industry, and other persons having an interest in boating and boating safety.

(b) The Secretary may advise, assist, and cooperate with the States and other interested public and private agencies, in the planning, development, and execution of boating safety programs. Acting under the authority of section 141 of title 14, United States Code, and consonant with the policy defined in section 2 of this Act, the Secretary shall insure the fullest cooperation between the State and Federal authorities in promoting boating safety by entering into agreements and other arrangements with the States whenever possible. Subject to the provisions of chapter 23, title 14, he may make available, upon request from a State, the services of members of the Coast Guard Auxiliary to assist the State in the promotion of boating safety on State waters.

BOATING SAFETY ADVISORY COUNCIL

SEC. 33. (a) The Secretary shall establish a National Boating Safety Advisory Council, which shall not exceed twenty-one members whom the Secretary considers to have a particular expertise, knowledge, and experience in boating safety. Insofar as practical, to assure balanced representation, members shall be drawn equally from (1) State officials responsible for State boating safety programs, (2) boat and associated equipment manufacturers, and (3) boating organizations and members of the general public. Additional persons from those sources may be appointed to panels to the Council which will assist the Council in the performance of its functions.

(b) In addition to the consultation required by section 6 of this Act the Secretary shall consult with the Advisory Council on any other major boat safety matters related to this Act.

(c) Members of the Advisory Council or panels may be compensated at a rate not to exceed the rate provided for Federal classified employes of grade GS-18 when engaged in the duties of the Council. Members, while away from their home or regular places of business, may be allowed travel expenses, including a per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Advisory Council employees or officials of the United States for any purposes.

CRIMINAL PENALTIES

SEC. 34. Any person who willfully violates subsection 12(d) of this Act or the regulations issued thereunder shall be fined not more than $1,000 for each violation or imprisoned not more than one year, or both.

CIVIL PENALTIES

SEC. 35. (a) In addition to any other penalty prescribed by law any person who violates subsection 12(a) of this Act shall be liable to a civil penalty of not more than $2,000 for each violation, except that the maximum civil penalty shall not exceed $100,000 for any related series of violations.

(b) In addition to any other penalty prescribed by law any person who violates any other provision of this Act or the regulations issued thereunder shall be liable to a civil penalty of not more than $500 for each violation. If the violation involves the use of a vessel the vessel, except as exempted by subsection 4(c) of this Act, shall be liable and may be proceeded against in the district court of any district in which the vessel may be found.

(c) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General. Subject to approval by the Attorney General, the Secretary may engage in any proceeding in court for that purpose, including a proceeding under subsection (d) of this section. In determining the amount of any penalty to be assessed hereunder, or the amount agreed upon in any compromise, consideration shall be given to the appropriateness of such penalty in light of the size of the business of the person charged, the gravity of the violation and the extent to which the person charged has complied with the provisions of section 15 of this title or has otherwise attempted to remedy the consequences of the said violation.

(d) When a civil penalty of not more than $200 has been assessed under this Act, the Secretary may refer the matter for collection of the penalty directly to the Federal magistrate of the jurisdiction wherein the person liable may be found for collection procedures under supervision of the district court and pursuant to order issued by the court delegating such authority under section 636(b) of title 28, United States Code.

INJUNCTIVE PROCEEDINGS

SEC. 36. The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act, or to restrain the sale, offer for sale, or the introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of any boat or associated equipment which is determined not to conform to Federal boat safety standards, upon petition by the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and except in the case of knowing and willful violation, shall afford him a reasonable opportunity to achieve compliance. The failure to give notice and afford such opportunity does not preclude the granting of appropriate relief.

CASUALTY REPORTING SYSTEMS

SEC. 37. (a) The Secretary shall prescribe a uniform vessel casualty reporting system for vessels subject to this Act, including those otherwise exempted by terms (1), (3), and (4) of subsection 4(c).

(b) A State vessel numbering system and boating safety program approved under this Act shall provide for the reporting of casualties and accidents involving vessels. A State shall compile and transmit to the Secretary reports, information, and statistics and accidents reported to it.

(c) A vessel casualty reporting system shall provide for the reporting of all marine casualties involving vessels indicated in subsection (a) of this section and resulting in the death of any person. Marine casualties which do not result in loss of life shall be classified according to the gravity thereof, giving consideration to the extent of the injuries to persons, the extent of property damage, the dangers which casualties create, and the size, occupation or use, and the means of propulsion of the boat involved. Regulations shall prescribe the casualties to be reported and the manner of reporting.

(d) The owner or operator of a boat or vessel indicated in subsection (a) of this section and involved in casualty or accident shall report the casualty or accident to the Secretary in accordance with regulations prescribed under this section unless he is required to report to a State under a State system approved under this Act.

(e) The Secretary shall collect, analyze, and publish reports, information, or statistics together with findings and recommendations he considers appropriate. If a State accident reporting system provides that information derived from accident reports, other than statistical, shall be unavailable for public disclosure, or otherwise prohibits use by the State or any person in any action or proceeding against an individual, the Secretary may utilize the information or material furnished by a State only in like manner.

APPROPRIATIONS AUTHORIZATION

SEC. 38. There is authorized to be appropriated amounts as may be necessary to administer the provisions of this Act.

MISCELLANEOUS PROVISIONS

SEC. 39. (a). The following are repealed:

(1) Section 7, as amended, and sections 13 and 14 of the Motorboat Act of 1940, Public Law 76-484, April 25, 1940 (54 Stat. 165);

(2) The Federal Boating Act of 1958, Public Law 85-911, September 2, 1958 (72 Stat. 1754), except subsections 6(b) and 6(c) thereof;

(3) The Act of March 28, 1960, Public Law 86-396 (74 Stat. 10); and

(4) The Act of August 30, 1961, Public Law 87-171 (75 Stat. 408).

(b) Subsection (c) of section 6 of the Federal Boating Act of 1958, September 2, 1958 (72 Stat. 1754), is amended to read as follows:

"(c) Such Act of April 25, 1940 (46 U.S.C. 526-526t), is further amended by adding at the end thereof the following new section:

" 'SEC. 22. (a) This Act applies to every motorboat or vessel on the navigable waters of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia, and every motorboat or vessel owned in a State and using the high seas, except that the provisions of this Act other than sections 12, 18, and 19 do not apply to boats as defined in and subject to the Boat Safety Act of 1970.

" '(b) As used in this Act—

" 'The term "State" means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.' "

(c) Any vessel, to the extent that it is subject to the Small Passenger Carrying Vessel Act, May 10, 1956 (70 Stat. 151), or to any other vessel inspection statute of the United States, is exempt from the provisions of this Act.

(d) Nothing contained in this Act shall be deemed to exempt from the antitrust laws of the United States any conduct that would be unlawful under such laws, or to prohibit under the antitrust laws of the United States any conduct that would be lawful under such laws.

(e) Regulations previously issued under statutory provisions repealed, modified, or amended by this Act continue in effect as though promulgated under the authority of this Act until expressly abrogated, modified or amended by the Secretary under the regulatory authority of this Act.

(f) A criminal or civil penalty proceeding under the Motorboat Act of 1940, as amended, or the Federal Boating Act of 1958, as amended, for a violation which occurred before the effective date of this Act may be initiated and continue to conclusion as though the former Acts had not been amended or repealed hereby.

The SPEAKER. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CLARK. Mr. Speaker, we have before us today, H.R. 15041, the Federal Boat Safety Act of 1970, which is a recreational boat safety bill to provide for a coordinated national boating safety program. The record of the hearings indicates that this legislation is necessary and that there is a great and growing need for it. Last year there were 1,350 fatalities in small-boat accidents and the Coast Guard was called upon approximately 31,000 times in 1969 to help small-boat operators.

Although the bill does not provide for Federal licensing or certification of small-boat operators, which is a controversial proposal, it does provide in section 22 that the States may require the operator of a numbered vessel to hold a valid safety certificate. The bill does not apply to foreign vessels, military vessels, vessels of a State or political subdivision used principally for governmental purposes or ships' lifeboats. The bill does apply to any noncommercial vessels leased, rented, or chartered for noncommercial use or engaged in the carrying of six or fewer passengers.

The thrust of the various sections of H.R. 15041 is to promote and encourage safety in the manufacture and use of recreational boats. One of the primary purposes of the bill is to provide the recreational boater with a boat constructed to provide safe boating through the means of construction and performance regulations and standards. In this connection, the bill provides for the issuance of regulations, first, establishing safety standards for boats and allied equipment, and second, governing the installation and use of associated equipment.

A basic purpose of the bill is to encourage the States to participate in boating safety through the establishment of boating safety programs and to encourage the States already having boating safety programs to enlarge and intensify their participation in these programs. The bill is designed to foster State participation by setting up a system of Federal funding to the States. H.R. 15041 provides that $7½ million be authorized and appropriated every year beginning in fiscal year 1972 with the $7½ million being allocated to the States in each of the next 4 succeeding fiscal years.

In allocating this $7½ million per year for a 5-year period, the bill sets out an initial level of Federal funding set at a Federal contribution of 75 percent the first fiscal year which then phases down at the 5th year to a Federal contribution of 33⅓ percent. No State may receive more than 5 percent of the Federal funding available for allocation in any fiscal year. The purpose of the phaseout device is to provide large Federal funding in the beginning and phase down the Federal contribution as the States become more involved financially and operationally so that at the end of the 5-year period, the Federal Government hopefully will be out of the picture completely, at least with respect to the funding of the State boating safety programs. The total 5-year implementation costs of the legislation, including financial assistance costs, operating expenses, and research and development costs, is estimated by the Coast Guard to be $51,158,225.

Another important feature of the bill is that it provides for a Boating Safety Advisory Council which will consist of 21 members selected to assure adequate representation from all segments of the boating community. The purpose of this Advisory Council is to insure that the boating community will have an input into such important recreational boat safety matters as the promulgation of standards for the manufacture of recreational boats.

In addition to the features mentioned above, this bill provides for the numbering of all undocumented vessels equipped with propulsion machinery and encourages boating safety by providing uniformity among the various States with respect to the aspects of boating safety.

Any person who willfully uses a vessel in violation of this act or the regulations issued thereunder shall be subject to a fine of not more than $1,000 for each violation or imprisonment not more than 1 year, or both. Any person who manufactures, constructs, assembles, or introduces into interstate commerce a vessel in violation of the act or its regulations shall be subject to a civil penalty of not more than $2,000 for each violation. The maximum civil penalty for any related series of violations shall be $100,000.

The Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation held extensive hearings on this legislation from March until July both here in Washington and in various boating centers of the United States. In the course of these hearings and subsequent deliberations, we ironed out the many problems which were raised initially so that this bill comes to the House floor with virtually the total support of the various organizations and interested parties comprising the boating community. For this reason, because the bill is timely, it fills the need, and is a good bill, I urge the support of all the Members for the passage of this very worthy piece of legislation. This bill passed unanimously in full committee.

Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the body of the RECORD.

Mr. GARMATZ. Mr. Speaker, the bill we have before us for consideration, H.R. 15041, the Federal Boat Safety Act of 1970, is a recreational boat safety bill to promote and encourage recreational boat safety.

The House Committee on Merchant Marine and Fisheries has been working on this legislation since 1968. Originally, there was a number of problems concerning this legislation. However, by holding hearings in the various boating centers of the Nation as well as hearings in Washington and by constant consultation between staff members, the Coast Guard, and the various parties from the boating community, we are able to bring a bill to the floor today which has the support of virtually all the interested parties in the recreational boat community.

Of all the areas of marine activity, the recreational boat field is the one at the present time most in need of reasonable legislation to foster and promote safety. Last year there were approximately 1,300 fatalities arising from small boat accidents. H.R. 15041 will make a significant contribution to decreasing this statistic and minimizing the hazards which give rise to it. The bill would enhance small boat safety in several material respects:

First. It would provide a safe boat by authorizing the Secretary to promulgate performance and construction standards governing the manufacture of small boats.

Second. The bill would provide a Boating Safety Advisory Council which will be available to consult with the Secretary on the many important aspects of boating safety including the promulgation of construction and performance standards mentioned above.

Third. It will go a long way toward encouraging the States to participate in boating safety through the establishment of boating safety programs set up and maintained by a system of Federal funding to the States.

Fourth. The bill would also contribute to boating safety by establishing uniformity in the area of boating safety.

The need for this legislation is all too apparent. The bill before us is a sound and reasonable legislative proposal which goes a long way toward promoting needed safety in the recreational boat field. I urge all the Members to join with me in support of H.R. 15041.

Mr. KEITH. Mr. Speaker, I rise in support of H.R. 15041, the Federal Boating Safety Act of 1970.

Mr. Speaker, for years now we have had Federal safety standards for aircraft, railroads, trucks, and more recently, for automobiles. Yet in the area of small boating, which is one of our Nation's most popular recreational activities, there has been with the exception of the Bonner bill, which is primarily a numbering bill, almost no Federal regulation.

As a result, fatalities in small boating accidents have run at the rate of 1,300 annually—more than in any other mode of transportation except automotive. And there is no question that, with improved safety standards, many of these deaths might have been prevented.

This legislation before us today will take some long-needed steps toward greater boating safety. It does so, in two ways—by setting standards for boat manufacturers, and by aiding the States in funding boating safety programs.

In drafting this bill, let me point out that the committee has been in close and mutually beneficial contact with the boat manufacturers who will be most affected by this legislation. I would like to particularly mention the National Association of Engine and Boat Manufacturers, whose treasurer, Ralph Thacher, is a constituent and friend of mine.

The manufacturers have recognized the necessity for boating safety standards, and I believe that their cooperation has resulted in a more effective bill.

In the vital area of recreational boat design and construction this legislation for the first time recognizes the fact that responsibility should be placed upon the manufacturer to produce a safe product. The Motorboat Act of 1940, the first Federal small boat law, placed responsibility for compliance solely upon the boat owner. This was true even for such devices as backfire flame control equipment sold an integral part of the boat. The boat owner is responsible for the effective operation of this device even though it may have been poorly designed or constructed. The average small boat owner is no better equipped to judge the quality of the various components which go into his boat than the average automobile purchaser. Responsibility for providing the boatman with a boat and equipment meeting Federal safety standards properly should lie with the manufacturer. A single set of standards is therefore necessary. To leave responsibility for the establishment of standards to the States could result in safety standards and equipment requirements so varied as to make compliance by the manufacturers extremely difficult. Varying State requirements also tend to raise the cost to the boatman, since the manufacturer must tailor his product for the area of boat use.

As reported by your Committee on Merchant Marine and Fisheries, therefore, the legislation authorizes the Secretary of the Department in which the Coast Guard is operating to issue regulations establishing minimum safety standards for boats and associated equipment, and to establish procedures and tests required to measure conformance with such standards. These standards must be reasonable and geared to meet the needs of boating safety. All noncommercial boats, regardless of size or method of propulsion, are included within the standards setting authority of this act.

In establishing standards the Secretary must consult with the Boating Safety Advisory Council. The council, composed of 21 members drawn from State officials, boat and associated equipment manufacturers, and boating organizations and the general public, will insure that there is adequate communication between the Federal Government and the private sector in the establishment and enforcement of standards.

The States may establish regulations governing the carriage or use of marine safety equipment which exceed or are in addition to Federal requirements to meet uniquely hazardous conditions with the State. Except in the case of such unique conditions the legislation prohibits the imposition of State or local standards or requirements. This preemption is essential.

Following the precedent established in the field of motor vehicle safety standards, this legislation provides for the notification of boat owners by the manufacturer whenever a defect in design or construction is discovered. The notice must be furnished to the Secretary who may publish this information to insure that the public is fully informed.

The second principal element of the Federal Boat Safety Act is the encouragement of State boating safety programs. The safe use and enjoyment of boats should be fostered at levels of Government which are closer to the boating public. Through a program of financial assistance the States will be encouraged to increase their safety patrol and enforcement activities and boat safety education. A boating safety program must be adopted and approved by the Secretary in order for a State to receive full financial assistance under the act. As reported by your committee the act authorizes $7.5 million for the current fiscal year and for each of the 4 succeeding years. The States will have 3 years within which to develop their boating safety programs. During these 3 years all States will be entitled to their share of Federal assistance based upon the allocation formula of the act. During the fourth and fifth years however, assistance to States which have not adopted an approved boating safety program will be reduced. The Federal share of each State's program may not exceed 75 percent of the total cost in fiscal year 1972 decreasing to approximately one-third in fiscal year 1976.

Mr. Speaker, I believe that the system of financial assistance to the States established in H.R. 15041 is sound. It provides an incentive to the States to increase their activity in this vital area and requires the States to take over the total burden of operating their programs within a reasonable period of time.

The Federal Boating Safety Act of 1970 contains a number of other important provisions which I would like to discuss briefly. Section 13 of the bill authorizes Coast Guard officers to direct boat operators to take corrective steps including, if necessary, returning to port whenever the officer observes a boat being used without sufficient lifesaving or firefighting equipment or in an overloaded or otherwise unsafe condition. Overloading and capsizing are the primary causes of boating fatalities. Some concern was expressed during the hearings over this provision, however it is an unfortunate fact that a great many people go out on their boats without regard to the most elementary safety requirements. Their guests may be completely unaware of the operator's negligence in inviting too many people aboard or in failing to provide enough life jackets. Under existing law the Coast Guard has limited authority to cite boat operators for unsafe or negligent operation, but no authority to direct the operator to take immediate corrective action. I do not believe the Coast Guard will use this authority to second guess the actions of responsible boatmen. This section of the bill will however enable the Coast Guard to intervene when there has been a failure to adhere to basic safety requirements.

Another important provision of the act is the so-called Good Samaritan clause, section 16. This provision requires the operator of a vessel to render assistance to persons involved in a marine casualty to the extent that he can do so without endangering his own vessel or passengers. Any person complying with this requirement in good faith is immune from civil damages. Often emergency first aid is required by the victims of marine casualties. While the lack of this protection has not inhibited dedicated boatmen in the past, the tremendous increase in recreational boating which is now taking place warrants its adoption.

Mr. Speaker, this legislation is an important step forward. While we may not entirely overcome the problem of the boating fool, we are insuring that the boats which are offered to the public are safe if used with reason and consideration for others. At the same time we are encouraging the States to assert their proper role in the field of boating safety and education.

I urge my colleagues to support the Federal Boat Safety Act of 1970.

Mr. MONAGAN. Mr. Speaker, I support H.R. 15041, the Federal Boat Safety Act of 1970. I am the sponsor of H.R. 15140 which is an identical bill.

The popularity of recreational boating in the United States has increased to the point where over 40 million people presently participate in the sport, and it is predicted that by 1975 the number will exceed 50 million. Another 10 million people are expected to take up the sport by 1980. The number of recreational boats now in use is estimated to be 9 million and this number is increasing by 200,000 annually.

Unfortunately, this great surge in recreational boating has occurred without a corresponding growth in safety regulations to govern the quality of recreational boating equipment and the conduct of those engaged in the sport. The fact that recreational boating accidents have been responsible for approximately 1,350 deaths in each of the last 5 years dramatically underscores the need to expand Federal safety regulations in this area.

To date, Congress has passed two laws relating to the problems involved in recreational boating. The Motorboat Act of 1940 dealt with specific items of safety equipment required to be carried on recreational boats, and the more recent law, the Federal Boating Act of 1958, for the first time involved State and local jurisdictions in the problems arising from recreational boating.

The Special Studies Subcommittee of the House Government Operations Committee, of which I am chairman, held hearings on July 31, 1967, and July 1, 1968, to evaluate the Coast Guard's administration of its statutory responsibilities for boating safety. The March 4, 1968, report of the subcommittee focused on the need for revision of existing laws to accomplish greater boating safety and recommended that the Merchant Marine and Fisheries Committee consider the need for revising existing laws to apply safety standards at the manufacturing level, in order to broaden existing numbering requirements, and licensing of motorboat operators.

I am pleased that the bill which we are considering incorporates most of the proposals contained in the subcommittee report. I am hopeful that mandatory education and certification requirements will be the subject of future legislation.

The main thrust of the bill under consideration is to authorize the Secretary of Transportation to establish safety standards applicable to boats and associated equipment, and to regulate the installation and use of safety equipment on boats. The construction and performance standards for recreational boats will mark the first time that manufacturers will have to produce boats and equipment that comply with uniform Federal standards, and I am confident that this requirement will guarantee the boating public greater safety.

In addition, the bill encourages States to adopt or improve boating safety standards by authorizing grants-in-aid to assist in program development and implementation; establishes a standard numbering system for recreational boats; creates a National Boating Safety Advisory Council; establishes criminal and civil penalties for violation of the act, and a uniform vessel casualty reporting system.

I am proud of the part that I have played in the development of this legislation to provide for a coordinated and comprehensive boating safety program, and I urge my colleagues to join me in voting to suspend the rules and pass this bill.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania (Mr. CLARK), that the House suspend the rules and pass the bill H.R. 15041, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CLARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 15041, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SALE OF PASSENGER VESSEL "ATLANTIC"

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16498) to permit the sale of the passenger vessel *Atlantic* to an alien, and for other purposes, as amended.

The Clerk read as follows:

H.R. 16498

A bill to permit the sale of the passenger vessel "Atlantic" to an alien, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 503 of the Merchant Marine Act of 1936, as amended (46 U.S.C.A. 1153), American Export Isbrandtsen Lines, Incorporated, may sell the passenger vessel "Atlantic" to an alien with transfer to foreign registry: *Provided,* That before such vessel is transferred to foreign registry all indebtedness thereon shall be discharged, including the outstanding balance of a note dated February 5, 1960, from American Export Isbrandtsen Lines, Incorporated, to the Seafarers International Union of North America, Atlantic, Gulf, Lakes, and Inland Waters District: *And provided further,* That such alien transferee enters into an agreement to make such vessel available to the United States in time of emergency in accordance with section 302 of such Act of 1936 (46 U.S.C.A. 1212) which agreement shall run with the title of such vessel and be binding on all owners thereof: *And provided further,* That American Export Isbrandtsen Lines, Incorporated, agrees (1) to deposit the net proceeds of sale, after satisfaction of all outstanding indebtedness, in its capital construction fund; (2) if it has no such fund at the time of the sale, to establish such a fund on such terms as the Secretary of Commerce prescribes, and to deposit such proceeds in such fund; (3) to use such proceeds solely for the construction of qualified vessels; and (4) to furnish a surety bond in an amount and with a surety satisfactory to the Secretary of Commerce to secure performance of the foregoing agreements.

The SPEAKER. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GARMATZ. Mr. Speaker, the Committee on Merchant Marine and Fisheries unanimously reported the bill, H.R. 16498, to permit the sale of the passenger vessel *Atlantic* to a foreign purchaser.

The committee favors authorization to sell this passenger ship foreign because there is no prospect the *Atlantic* may be operated economically under the U.S. flag and there is no present, or expected, defense need for this passenger ship.

The SS *Atlantic* was constructed by the United States as a cargo vessel in 1953 during the Korean war. The ship was placed in the reserve fleet after this emergency was over. It was converted to a passenger ship by the American Banner Lines. Later, it was further altered by American Export Lines.

There were substantial construction and operating subsidies for the *Atlantic* to operate as a passenger ship in the trans-Atlantic/Mediterranean service, and in cruises from 1960 to 1967. Despite these subsidies, however, the company has consistently lost money operating the *Atlantic* in this service. For example, in the period between 1960 and 1967, the Government paid the present owners, American Export Isbrandtsen Lines, operating subsidy in the amount of $22,142,392. But, even after this subsidy, the company showed a loss of $6,556,804. Most of this loss can be attributed to the very sharp reduction in patronage of transatlantic passenger ships after jet airplanes entered the picture in this trade in about the year 1958.

We have also been advised by the Department of Defense they have no objection to the sale of this vessel to a foreign purchaser because experience in movement of personnel to Vietnam indicates they will move by air rather than by ship.

Other U.S. passenger ships are in the same predicament as the *Atlantic* since they cannot be economically operated in existing trades. However, the committee considers the *Atlantic* to be unique because it was built originally as a cargo vessel, with a powerplant to match, making it thereby a very slow ship compared to modern passenger vessels. Accordingly, action on the *Atlantic* is not intended to establish a set precedent for action on other U.S. passenger ships.

To be certain that all interested parties were informed about the proposed legislative action on the *Atlantic,* I wrote to the chiefs of the several unions involved, as well as to the owners of the vessel and the Maritime Administration, inviting them to appear during the hearings on this bill. Only the owners and the Maritime Administration asked to testify on this bill. Each group favored the bill. There were no adverse reports from any executive agency. Further, there was no opposition to the bill from anyone else during the executive session on the bill or in the period the committee reported the bill to the House.

Let me make absolutely clear the basis on which the committee acted to support the sale of the *Atlantic*. The vessel is unique among U.S. passenger ships because it was originally built as a cargo vessel and it never had, does not have now, and will not have, the ability to compete with other passenger ships either foreign or domestic because it is a slow ship. Also, on the question of precedent, the committee in its report on this bill stated clearly its intention with respect to other U.S.-flag passenger vessels. We said "each case should be considered on its own merits." That statement in the report reflects my opening comments when we first heard the bill. I said at that time:

> I wanted to make it clear that we know other U.S. passenger ships are in the same or similar situation as the *Atlantic*.

I noted, therefore, the committee probably will wish to consider these related problems in the next Congress. I conclude:

> For now, however, it seems preferable for the Committee to consider only the questions immediately associated with the proposed sale of the *Atlantic*.

Further, to be certain on overall policy on U.S.-flag passenger operations would be developed, we stated in our report that the committee would conduct "in the near future an overall review of the entire field of American-flag passenger vessels."

I think this legislative history to H.R. 16498 establishes the need to relieve the owners of the *Atlantic* from an impossible economic burden and that the committee expressly determined it was not setting policy with respect to other U.S.-flag passenger ships.

It was, therefore, the unanimous conclusion of the committee that the sale of the SS *Atlantic* to foreign registry is the only practical and realistic course open. To protect the interests of the United States, sufficient safeguards have been built into the law to insure that all existing debts are satisfied before the ship is sold foreign and that the ship will be returned under U.S. registry in the event of a national emergency.

I urge the House to pass H.R. 16498.

Mr. MAILLIARD. Mr. Speaker, I join the distinguished chairman of the Committee on Merchant Marine and Fisheries in supporting passage of this legislation.

The Merchant Marine Act of 1936 quite properly requires that vessels constructed with Federal aid remain documented under the American flag for 25 years. This is the age at which ships generally have reached the limit of their economic life. Changing technology and consumer demand, however, have rendered the *Atlantic* obsolete long before reaching 25 years of age.

The *Atlantic* built as a freighter was converted into a relatively slow passenger ship in order to provide low cost tourist passage to Europe in the late 1950's. The jet age was just over the horizon, and in retrospect the conversion of this ship should never have been undertaken.

The companies associated with this ship have made, I believe, a sincere effort to operate her profitably. Her record has been dismal notwithstanding these efforts.

The future of passenger ship operations, regardless of what flag the ship may fly, lies in the cruise trades. Such ships must be floating hotels for their island-hopping guests. The *Atlantic* unfortunately is too small and austere, even for this type of operation.

The ship has been laid up for several years, and there is no prospect of her resuming operations under the American flag.

This legislation merely authorizes sale to foreign owners. Whether there will be any buyers remains to be seen. Undoubtedly, there are trades where she may be operated with some degree of success.

I am not optimistic over the future of American-flag passenger ships. They no longer fill a legitimate national defense role. We cannot bury our heads in the sand and pretend the jet age never occurred. At the same time, the foreign sale of the *Atlantic* does not set a precedent for other ships which were constructed as passenger ships. The larger question of the SS *United States*, the *Independence*, the *Constitution*, and others must be explored fully before any decisions are reached.

There is no legitimate reason to delay this bill, however. The facts in the case of the *Atlantic* are undisputed. Mr. Speaker, I urge my colleagues to support H.R. 16498.

The SPEAKER. The question is on the motion of the gentleman from Maryland (Mr. GARMATZ) that the House suspend the rules and pass the bill H.R. 16498, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS

Mr. CLARK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 212) to provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. Definitions listed in section 101 of title 10, United Stats Code, apply to this Act, except as noted below:

(1) "active duty" means full-time duty in the active service of a uniformed service;

(2) "Administration" means the National Oceanic and Atmospheric Administration;

(3) "grade" means a step or degree, in a graduated scale of office or rank, that is established and designated as a grade by law or regulation;

(4) "officer" means a commissioned officer;

(5) "Secretary" means the Secretary of Commerce,

(6) "Secretary concerned" is defined in section 101 of title 37, United States Code;

(7) "uniformed services" is defined in section 101 of title 37, United States Code.

SEC. 2. Each officer retired pursuant to any provision of law shall be placed on the retired list with the highest grade satisfactorily held by him while on active duty including active duty pursuant to recall, under permanent or temporary appointment, and he shall receive retired pay based on such highest grade: Provided, That his performance of duty in such highest grade has been satisfactory, as determined by the Secretary of the department or departments under whose jurisdiction the officer served, and unless retired for disability, his length of service in such highest grade is no less than that required by the Secretary of officers retiring under permanent appointment in that grade.

SEC. 3. Active service of officers of the Administration shall be deemed to be active military service in the armed forces of the United States for the purposes of all rights, privileges, immunities, and benefits now or hereafter provided by—

(1) laws administered by the Veterans' Administration;

(2) laws administered by the Interstate Commerce Commission; and

(3) the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

In the administration of these laws and regulations, with respect to the National Oceanic and Atmospheric Administration, the authority vested in the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force and their respective departments shall be exercised by the Secretary of Commerce.

SEC. 4. (a) Commissioned officers, ships' officers, and members of crews of vessels of the Administration shall be permitted to purchase commissary and quartermaster supplies as far as available from the armed forces at the prices charged officers and enlisted men of those services.

(b) The Secretary may purchase ration supplies for messes, stores, uniforms, accouterments, and related equipment for sale aboard ship and shore stations of the Administration to members of the uniformed services and to personnel assigned to such ships or shore stations. Sales shall be in accordance with regulations prescribed by the Secretary, and proceeds therefrom shall, as far as is practicable, fully reimburse the appropriations charged without regard to fiscal year.

(c) Rights extended to members of the uniformed services in this section are extended to their widows and to such others as are designated by the Secretary concerned.

SEC. 5. (a) All statutes that applied to commissioned officers of the Coast and Geodetic Survey on July 12, 1965, shall apply to officers of the Environmental Science Services Administration on that date and subsequent thereto, unless amended or repealed, and service as a commissioned officer in the Coast and Geodetic Survey shall constitute service as a commissioned officer in the Environmental Science Services Administration.

(b) All statutes that applied to commissioned officers of the Coast and Geodetic Survey on July 12, 1965, and to commissioned officers of the Environmental Science Services Administration subsequent to that date shall apply to officers of the National Oceanic and Atmospheric Administration on October 3, 1970, and subsequent thereto, unless amended or repealed, and service as a commissioned officer in the Coast and Geodetic Survey or the Environmental Science Services Administration shall constitute service as a commissioned officer in the National Oceanic and Atmospheric Administration.

(c) The enactment of this Act does not increase or decrease the pay or allowances of any person.

(d) A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provisions enacted by this Act.

(e) An order, law, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provisions enacted by this Act until repealed, amended, or superseded.

(f) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof.

(g) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 6. (a) Title 38, United States Code, is amended as follows:

(1) Section 101(21)(C) of such title 38 is amended by inserting the words "the National Oceanic and Atmospheric Administration or its predecessor organization" after "officer of" in the first line;

(2) Section 101(25)(F) of such title 38 is amended by inserting "the National Oceanic and Atmospheric Administration or its predecessor organization" after "concerning"; and

(3) Section 3105 of such title 38 is amended by striking "Coast and Geodetic Survey" and substituting "National Oceanic and Atmospheric Administration".

(b) The effective date of an award by the Veterans' Administration of disability compensation or dependency and indemnity compensation arising from an injury or death occurring prior to enactment of this Act and based on a claim filed by an individual who first became eligible for veterans' benefits by reason of the amendments made by the foregoing subsections shall be the date following the date of his discharge or release, or the first day of the month in which death occurred: *Provided,* That application therefor is filed within six months after the effective date of this Act.

SEC. 7. (a) Section 216 of title II of the National Housing Act, as amended, is amended to read as follows:

"WAIVER OF OCCUPANCY REQUIREMENTS FOR SERVICEMEN

"SEC. 216. The Secretary is hereby authorized to insure any mortgage otherwise eligible for insurance under any of the provisions of this Act without regard to any requirement that the mortgagor be the occupant of the property at the time of insurance, where the Secretary is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry on active duty in a uniformed service subsequent to the filing of an application for insurance and the mortgagor expresses an intent to occupy the property upon his release from active duty."

(b) Section 222 of title II of the National Housing Act, as amended, is amended to read as follows:

"MORTGAGE INSURANCE FOR SERVICEMEN

"SEC. 222. (a) The purpose of this section is to aid in the provision of housing accommodations for servicemen in the armed forces of the United States Coast Guard and their families, and servicemen in the United States National Oceanic and Atmospheric Administration and their families by supplementing the insurance of mortgages under section 203 of this title with a system of mortgage insurance specifically designed to assist the financing required for the construction or purchase of dwellings by those persons. As used in this section, a 'serviceman' means a person to whom the Secretafy of Defense (or any officer or employee designated by him), the Secretary of Transportation (or any officer or employee designated by him), or the Secretary of Commerce (or any officer or employee designated by him), as the case may be, has issued a certificate hereunder indicating that such person requires housing, is serving on active duty in the Armed Forces of the United States, in the United States Coast Guard, or in the United States National Oceanic and Atmospheric Administration and has served on active duty for more than two years, but a certificate shall not be issued hereunder to any person ordered to active duty for training purposes only. The Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce, respectively, are authorized to prescribe rules and regulations governing the issuance of such certificates and may withhold issuance of more than one such certificate to a serviceman whenever in his discretion issuance is not justified due to circumstances resulting from military assignment, or, in the case of the United States Coast Guard or the United States National Oceanic and Atmospheric Administration, other assignment.

"(b) To be eligible for insurance under this section a mortgage shall—

"(1) meet the requirements of section 203(b), 203(i), 221(d)(2), or 234(c), except as such requirements are modified by this section;

"(2) involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed $33,000, except that in the case of a mortgage meeting the requirements of section 203(i) or section 221(d)(2) such principal obligation shall not exceed the maximum limits prescribed for such section;

"(3) have a principal obligation not in excess of the sum of (i) 97 per centum of $15,000 of the appraised value of the property as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of $15,000 but not in excess of $25,000, and (iii) 85 per centum of such value in excess of $25,000; and

"(4) be executed by a mortgagor who at the time of application for insurance is certified as a 'serviceman' and who at the time of insurance is the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the United States Coast Guard or the United States National Oceanic and Atmospheric Administration, other assignment.

"(c) The Secretary may prescribe the manner in which a mortgage may be accepted for insurance under this section. Premiums fixed by the Secretary under section 203 with respect to, or payable during, the period of ownership by a serviceman of the property involved shall not be payable by the mortgage but shall be paid not less frequently than once each year, upon request of the Secretary to the Secretary of Defense, the Secretary of Transportation, or the Secretary of Commerce, as the case may be, from the respective appropriations available for pay and allowances of persons eligible for mortgage insurance under this section. As used herein, 'the period of ownership by a serviceman' means the period, for which premiums are fixed, prior to the date that the Secretary of Defense (or any officer or employee or other person designated by him), the Secretary of Transportation (or any officer or employee or other person designated by him), or the Secretary of Commerce (or any officer or employee or other person designated by him), as the case may be, furnishes the Secretary with a certification that such ownership (as defined by the Secretary), has terminated.

"(d) Any mortgage under a mortgage insured under this section is entitled to the benefits of the insurance as provided in section 204(a) with respect to mortgages insured under section 203.

"(e) The provisions of subsection (b), (c), (d), (e), (f), (g), (h), (j), and (k) of section 204 shall apply to mortgages insured under this section, except that as applied to those mortgages (1) all references to the Fund, or Mutual Mortgage Insurance Fund, shall refer to the General Insurance Fund, and (2) all references to section 203 shall refer to this section.

"(f) The Secretary is authorized to transfer to this section the insurance on any mortgage covering a single-family dwelling or a one-family unit in a condominium project insured under this Act, if the mortgage indebtedness thereof has been assumed by a serviceman who at the time of assumption is the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the United States Coast Guard or the United States National Oceanic and Atmospheric Administration, other assignment.

"(g) Where a serviceman dies while on active duty in the Armed Forces of the United States or in the United States Coast Guard or in the United States National Oceanic and Atmospheric Administration, leaving a surviving widow as owner of the property, the period of ownership by the serviceman (within the meaning of subsection (c) of this section) shall extend for two years beyond the date of the serviceman's death or until the date the widow disposes of the property, whichever date occurs first. The Secretary of Defense or the Secretary of Transportation, or the Secretary of Commerce, as the case may be, shall notify such widow promptly following the serviceman's death of the additional costs to be borne by the mortgagor following termination of the two-year period."

SEC. 8. All provisions of law inconsistent with this Act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GARMATZ. Mr. Speaker, H.R. 212 basically seeks to define the benefits of the commissioned officers of the National Oceanic and Atmospheric Administration—NOAA—and to provide these officers with certain privileges already provided to officers of the other uniformed services.

Prior to Reorganization Plan No. 4 of 1970, which resulted in the establishment of NOAA, these officers served with the Environmental Science Services Administration—ESSA. Reorganization Plan No. 4 abolished ESSA, the functions of which are now administered by NOAA, and the commissioned officers corps now serves NOAA.

Since the duties of these officers are not generally well known, I think it should be emphasized that they serve their country by performing duties which closely parallel those performed by commissioned officers of the other Armed Forces. Quite often, these duties include long and arduous service aboard oceangoing vessels, hazardous service in remote areas, and long-term separations from family and home.

In view of the facts I have just outlined, I think the NOAA officers are entitled to the privileges provided by H.R. 212, and I support enactment of this legislation.

Mr. CLARK. Mr. Speaker, the National Oceanic and Atmospheric Administration was created by Reorganization Plan No. 4 of 1970 which became effective on October 3 of this year. NOAA, as the Administration is commonly known, is now the Federal Government's leading agency in the fields of ocean and atmospheric science and technology. Reorganization Plan No. 4 brought together the Environmental Science Services Administration, and a number of smaller organizations concerned with the oceans which were scattered throughout the Federal Government.

The Environmental Science Services Administration was created in 1965 by Reorganization Plan No. 2 of that year, and brought together principally the Coast and Geodetic Survey and the Weather Bureau. Pursuant to Reorganization Plan No. 4 of 1970, the commissioned officer corps of ESSA became the commissioned officer corps of NOAA. Under Reorganization Plan No. 2 of 1965, the commissioned officer corps of the Coast and Geodetic Survey was transformed into the ESSA corps. The Coast and Geodetic Survey commissioned officer corps was created in 1917 to provide a highly trained career-oriented group within the Coast and Geodetic Survey to engage in activities on board ship and in remote corners of the world, which since 1807 had been performed by officers of the Army and Navy. The commissioned officer corps of the National Oceanic and Atmospheric Administration thus traces its history as a uniformed service to 1917.

Although the equipment has become more sophisticated and the airplane and helicopter are now utilized in addition to ships, the work is basically the same. The principal job of the NOAA officer corps is to provide the basic hydrographic and related data from which marine and aeronautical charts are prepared. Of course, this is an oversimplification of the scientific work which the commissioned officer corps is engaged in. The ships of the NOAA fleet commanded by the commissioned officers are engaged in a wide range of scientific investigations throughout the world.

With this brief background in mind, Mr. Speaker, I will now turn to the specific provisions of H.R. 212 as amended and reported by the Committee on Merchant Marine and Fisheries. H.R. 212 was introduced as a comprehensive revision of basic laws governing the establishment and operation of the commissioned officer corps of ESSA. It was also intended to correct a number of problems which developed following Reorganization Plan No. 2 of 1965. The principal issue which arose after the creation of ESSA in 1965 was the question of veterans' benefits for the commissioned officer corps. Under existing law, the commissioned officer corps of the Coast and Geodetic Survey is entitled to the benefit of all statutes administered by the Veterans' Administration.

The VA ruled, however, that officers initially commissioned in ESSA following Reorganization Plan No. 2 of 1965 were not entitled to veterans' benefits, and that only those officers who had secured their initial commission during the existence of the Coast and Geodetic Survey would be recognized by the VA as entitled to veterans' benefits. The result of this decision by the VA was to place the commissioned officer corps of ESSA and now NOAA in the unique position among Federal employees of being denied all types of disability, death and survivor benefits.

The commissioned officers are not recognized as civilian employees of the

United States entitled to the benefits of the civil service laws, nor under the ruling of the Veterans' Administration are they entitled to the benefits which normally accrue to uniformed personnel of the United States. H.R. 212 corrects this gross inequity by confirming statutorily what both Reorganization Plan No. 2 of 1965 and Reorganization Plan No. 4 of 1970 clearly intended: that the commissioned officers of ESSA and the commissioned officers of NOAA shall be entitled to veterans' benefits on an equal footing with those officers who were first commissioned in the Coast and Geodetic Survey.

H.R. 212 restores the continuity of service for the commissioned officer corps dating back to 1917, which was broken by an administrative ruling of the Veterans' Administration. In this connection, Mr. Speaker, I would like to point out that legislation identical to H.R. 212 was introduced in the 90th Congress, and that the extension of veterans' benefits to the commissioned officer corps had the full support of the previous administration. The Nixon administration, after reviewing this question, has likewise given strong support to the principle that the commissioned officer corps should be entitled to veterans' benefits on a par with the other uniformed services.

H.R. 212 also extends to the commissioned officer corps of NOAA certain benefits which the corps did not previously enjoy but which are accorded the other uniformed services. In many respects, the members of the commissioned officer corps serve under similar circumstances as personnel of the Army, Navy, Air Force, and Marine Corps. They are subject to frequent change of duty station, they spend extended periods of time at sea, and are separated from their families for many months at a time. The legislation, therefore, extends to these commissioned officers the benefits of the Soldier's and Sailor's Relief Act, and the inservice housing benefits accorded military personnel under the Federal Housing Act.

The broader question of the role of the commissioned officer corps in NOAA should be taken up after NOAA has had an opportunity to become fully operational. Your Committee on Merchant Marine and Fisheries, therefore, amended H.R. 212 to delete those provisions which deal with the establishment, responsibilities and duties of the corps. H.R. 212, as amended by your committee, is of vital importance to the commissioned officer corps of NOAA. Notwithstanding the lack of basic disability and survivor benefits since 1965, the officers of the corps have continued to perform their duties oftentimes under hazardous circumstances. Those officers who are married and have families have worked under a severe hardship of not knowing whether their families would be protected if injured or killed in the line of duty. Such a situation cannot help but have an impact upon the morale and upon the ability of the corps to attract the type of officer it must have to perform these vital missions. The legislation was unanimously reported by your Committee on Merchant Marine and Fisheries, and I urge my colleagues to support H.R. 212.

Mr. KEITH. Mr. Speaker, I rise to support H.R. 212 as reported by the Committee on Merchant Marine and Fisheries. The commissioned officer corps of the National Oceanic and Atmospheric Administration and the commissioned officers of its predecessor, the Environmental Science Services Administration, have been denied recognition by the Veterans' Administration. Although the Coast and Geodetic Survey Commissioned Officer Corps Act expressly conferred such benefits upon the members of the corps, and the reorganization plans of 1965 and 1970 mentioned by the distinguished chairman of the Coast Guard Subcommittee, Mr. CLARK, made it abundantly clear that these officers were to receive the same privileges and benefits in ESSA and NOAA as they were accorded in the Coast and Geodetic Survey, the Veterans' Administration ruled that only those officers who received their commission prior to the 1965 reorganization plan would be recognized in the future.

Officers initially commissioned in the ESSA corps, and now in the NOAA corps, are neither civilian nor military personnel from the standpoint of disability and survivor benefits. This is an intolerable situation which cannot be permitted to continue. The decision of the Veterans' Administration rested upon its own interpretation of Reorganization Plan No. 2 of 1965 and upon its philosophy of who should be accorded veterans' benefits. The Veterans' Administration is, of course, the final arbiter within the executive branch of the Government. Its decisions denying veterans' benefits are not appealable to the Federal courts. Accordingly, it is essential that legislation be enacted to remedy this matter. This is the principal provision of H.R. 212 as reported by your Committee on Merchant Marine and Fisheries.

Treating the commission officer corps of NOAA as a uniformed military service from the standpoint of veterans' benefits is consistent with the duties and responsibilities of the corps under existing law. During wartime, officers of the corps may be transferred to the Armed Forces, and during peacetime they spend the majority of their career at sea or ashore in remote parts of the world conducting a great variety of scientific investigations and surveys. In recognition of this military way of life, the bill also extends certain other benefits to the officers of the corps which the Armed Forces have enjoyed for many years.

The National Oceanic and Atmospheric Administration during the coming decade will hopefully lead the way for a great increase in knowledge and utilization of the oceans. Its work in the field of atmospheric science, meteorology, and the interplay between the oceans and the atmosphere should bring man much closer to a day when we can assert some influence over wheather conditions and the disastrous phenomena of weather such as hurricanes.

The commissioned officer corps of NOAA now numbers approximately 330 individuals in an agency whose overall employment numbers in excess of 13,000. Although few in relation to the overall size of NOAA, the officers of the corps perform work which is central to the success of NOAA's mission. The committee on Merchant Marine and Fisheries in the next Congress will be watching the development of NOAA very closely. We will be studying the role of the commissioned officer corps within the framework of this newly expanded agency. The many sections of H.R. 212 as introduced which have been, in effect, deleted by the committee's action, must be given careful consideration in light of the transformation which Reorganization Plan No. 4 of 1970 has brought about.

Mr. Speaker, your committee's action in amending H.R. 212 is a commonsense approach to a critical personnel problem which has been festering now for 5 years. We are rectifying denial of basic disability and survivor benefits to these dedicated men and their families, while at the same time reserving judgment on the broader question of the organization and mission of the commissioned officer corps within the National Oceanic and Atmospheric Administration. Mr. Speaker, this legislation has broad bipartisan support, and I urge its passage.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania (Mr. CLARK), that the House suspend the rules and pass the bill H.R. 212, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CLARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HUNTING FROM AIRCRAFT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15188), to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft, as amended.

The Clerk read as follows:

H.R. 15188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Act of 1956 is amended by adding at the end thereof the following new section:

"SEC. 12. (a) Any person who—

"(1) while airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal; or

"(2) uses an aircraft to harass any bird, fish, or other animal; or

"(3) knowingly participates in using an

aircraft for any purpose referred to in paragraph (1) or (2); shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"(b) This section shall not apply to any person in the discharge of his duties if such person is employed by, or is an authorized agent or operating under permit of, any State or the United States to administer and protect or aid in the administration and protection of land, water, or wildlife.

"(c) As used in this section, the term 'aircraft' means any contrivance used for flight in the air.".

Sec. 2. (a) Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) is amended by inserting "(a)" immediately after "'Sec. 609." and by adding at the end thereof the following new subsection:

"Violation of Certain Laws

"(b) The Administrator, in his discretion, may issue an order amending, modifying, suspending, or revoking any airman certificate upon conviction of the holder of such certificate of any violation of subsection (a) of section 12 of the Fish and Wildlife Act of 1956, regarding the use or operation of an aircraft.".

(b)(1) Immediately after the section heading of such section 609, insert the following:

"PROCEDURE"

(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 609 Amendment, suspension, and revocation of certificates."

is amended by adding the following:
"(a) Procedure.
"(b) Violation of certain laws."

Sec. 3. The amendments made by the first section of this Act shall take effect as of the thirtieth day after the date of enactment of such section.

The **SPEAKER**. Is a second demanded?

Mr. **PELLY**. Mr. Speaker, I demand a second.

The **SPEAKER**. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **DINGELL**. Mr. Speaker, in November of 1969, the NBC television network showed a documentary film entitled "The Wolf Men." Several scenes from the film depicted the hunting of wolves from aircraft and presented an interesting account of the status of the North American wolf. The film generated more mail from concerned citizens in support of legislation to prohibit hunting from aircraft than any other conservation legislation considered by my Subcommittee on Fisheries and Wildlife Conservation during the past decade or more.

Mr. Speaker, it so happens that there are two species of wolves listed by the Department of the Interior as threatened with extinction. They are the eastern wolf and the Texas red wolf. To make matters worse, the red wolf has been thought to be more numerous over the years than it is because of its close resemblance to the coyote, a predator.

Because of this close resemblance and the increased use of aircraft for taking of wolves, the latest count of all species of wolves on the North American continent has declined to a low of about 5,400. Of this total, approximately 5,000 are found in Alaska, 300 in Minnesota, and 100 scattered throughout the other 48 States.

Mr. Speaker, many States have already tackled this problem and have enacted laws to regulate the use of hunting from aircraft. In fact, all States now prohibit the shooting of game animals from airplanes, and 34 of these States have extended this prohibition to include nongame animals as well. Needless to say, Mr. Speaker, it is most unsportsmanlike to hunt from aircraft and I am sure my colleagues will join me in putting an end to this abominable practice.

The bill we are considering today, H.R. 15188, would supplement State law in this regard and not only would it put an end to the hunting of wolves from aircraft, but it would also make it unlawful for those so-called sportsmen to hunt any species of bird, fish, or other animal from aircraft.

Mr. Speaker, briefly explained, section 1 of the bill would make it unlawful for anyone while airborne in an aircraft to shoot or attempt to shoot for the purpose of capturing or killing any bird, fish, or other animal or to use such aircraft to harass any bird, fish, or other animal. In addition, it would be unlawful for anyone to knowingly participate in using an aircraft for such purposes.

Violators would be subject to a fine of $5,000 or 1 year imprisonment, or both. However, the prohibition would be inapplicable to any person carrying out his duties to administer and protect, or aid in the administration and protection of land, water, or wildlife if such person is an employee, authorized agent, or operating under permit of any State or the United States.

The term "aircraft" as used in this section would include any contrivance used for flight in the air, including but not limited to airplanes and helicopters of any sort.

Section 2 subsection (a) of the bill is technical in nature. It would amend section 609 of the Federal Aviation Act of 1958 to designate the existing section 609 as subsection (a) and to add at the end thereof a new subsection (b).

The new subsection (b) of section 609 of the act would authorize the Administrator of the Federal Aviation Administration to issue an order amending, modifying, suspending, or revoking any airman certificate upon the conviction of the holder of such certificate of any violation enumerated in subsection (a) of section 1 of the reported bill, regarding the use or operation of an aircraft.

Section 3 of the bill would provide that the amendments to the Fish and Wildlife Act of 1956 made by section 1 of the bill would take effect 30 days after the enactment of the legislation.

Mr. Speaker, I sincerely feel that the best way to put an end to the unsportsmanlike conduct is to get at the pilot of the aircraft and the bill I urge for passage today, H.R. 15188, would, I think, best accomplish this purpose.

Mr. **GROSS**. Mr. Speaker, will the gentleman yield briefly?

Mr. **DINGELL**. I am happy to yield to my good friend from Iowa.

Mr. **GROSS**. I note on page 14 of the report accompanying this bill a long dissertation on the creation of a fisheries loan fund, modification of loan contract, fishery vessels chartering. What relation does that have to hunting from an airplane?

Mr. **DINGELL**. The hearings at which this bill was considered involved a number of other pieces of legislation including the matters to which the gentleman alludes. The reports received at that time dealt not only with the matter now before us but with a number of other matters which are not included in the legislation before us.

Mr. **GROSS**. I thank the gentleman for his explanation.

Mr. **PELLY**. Mr. Speaker, the use of airplanes in wildlife conservation and management is widespread. The airplane and more recently the helicopter have proven to be extremely useful tools particularly in remote areas.

The true sportsman does not, however, shoot animals for sport from an airplane any more than he would hunt from an auto or truck. This is not hunting or sportsmanship; it is mere slaughter.

H.R. 15188 as introduced prohibited hunting from aircraft only over federally owned or reserved lands. As such, the departmental reports and the testimony of departmental witnesses were opposed to its enactment.

As reported, however, H.R. 15188 prohibits hunting from aircraft anywhere within the jurisdiction of the United States or the several States. I believe, therefore, we have achieved the uniformity of law which was lacking in the original bill, and which prompted departmental opposition.

The distinguished chairman of the Subcommittee on Fish and Wildlife Conservation has fully explained the details of the legislation, and I shall only reiterate one point. This bill does not prohibit the use of airplanes when necessary for legitimate wildlife conservation activities by the States or by persons acting under permit from any State or the United States.

I trust that the States will exercise their authority to grant permits with great care. Should it appear that any State is abusing this discretion, I am certain that the Subcommittee on Fish and Wildlife Conservation will move promptly to curtail such abuse.

I congratulate my distinguished colleague from Pennsylvania (Mr. SAYLOR) for having introduced this legislation, and I urge its passage.

(Mr. SAYLOR, at the request of Mr. PELLY, was granted permission to extend his remarks at this point in the RECORD.)

Mr. **SAYLOR**. Mr. Speaker, 13 months ago, the National Broadcasting Co. presented nationwide, a television documentary entitled "The Wolf Men." In response to the horrible scenes in the film of human monsters "hunting" wolves from airplanes, the gentleman from Wisconsin (Mr. OBEY) and myself, introduced the pending bill. In brief, the bill would make it a crime to kill and/or harass wolves and other endangered species from aircraft.

As the Subcommittee on Fisheries and Wildlife Conservation so aptly pointed out:

> The film generated more mail from concerned citizens in support of legislation to prohibit hunting from aircraft than any other conservation legislation considered by the Subcommittee during the past decade or more.

As a sponsor of the legislation, my mail was probably representative of that received by other Members. At first, the public seemed outraged that such a despicable practice could actually be true. Later, the public asked that the Congress do something to end the practice of hunting wolves from airplanes. And still later, the public began to ask, "what happened," to all those fine promises about ending the slaughter of wolves by flying human predators. I have often asked myself the same question during the past 13 months.

According to testimony of expert witnesses, and documented in the subcommittee's report, there are only 5,400 of all species of wolves to be found on the North American continent. Of that number, 5,000 are to be found in the State of Alaska. The testimony also shows that in the past 4 years, approximately 1,000 wolves per year were killed in the State of Alaska alone, and in 1968, one-third of that number were killed by the airborne predators.

It does not take any great amount of statistical talent to project that in the 13 months since November 1969, at least another 1,000 wolves have been killed off by the kind of monsters which we saw in the nationally televised program. I would assume that the incidence of airborne slaughter slacked off due to the publicity given the television program and the introduction of the pending bill. Nevertheless, even if we were to be generous to a fault and say the slaughter was cut in half during the past 13 months, the toll would still be unacceptably high for the survival of an endangered species of wildlife in America.

In my mind, and in the minds of many individuals and groups throughout the country, H.R. 15188 is a simple legislative solution to a blatant crime against nature.

There is no humane reason for not passing this bill today. There has been too much delay already.

Our vanishing wildlife is at stake. The wolf will be protected under the provisions of this bill, but equally important, all endangered species will be protected from the human monster who would decimate the wildlife population with hardly a second thought. The Subcommittee on Fisheries and Wildlife Conservation and the Merchant Marine and Fisheries Committee are to be commended for expanding the scope of our original bill to protect all wildlife.

Even in this sophisticated age we come across incidents of inhumanity which stagger the imagination; those who have killed wolves from airplanes would fit such a category. The public conscience cries out for retribution. There can be no retribution; however, we can end the slaughter. I implore the Members of the 91st Congress to do just that with the passage of H.R. 15188.

Mr. GARMATZ. Mr. Speaker, I rise to urge prompt passage of H.R. 15188, as reported by my Committee on Merchant Marine and Fisheries.

Mr. Speaker, this piece of legislation would have the effect of putting an end to one of the most unsportsmanlike practices known to mankind—the hunting of fish and wildlife from aircraft.

I feel sure many of my colleagues saw the documentary film in November of 1969, shown by NBC television network entitled "The Wolf Men." Several scenes from the film depicted the hunting of wolves from aircraft. That film generated more mail from concerned citizens throughout the entire United States in support of legislation to prohibit what is known by some as the sport of hunting from aircraft than any other piece of conservation legislation considered by my committee during my tenure in Congress.

I am pleased to report that H.R. 15188 would not only make it unlawful to hunt wolves—which incidentally are listed as an endangered species with less than 5,400 in number in the United States—but it would also make it unlawful to hunt birds, fish, or any other kind of animal from an aircraft.

The bill makes adequate allowance for Federal or State employees, permittees, and agents authorized to use an aircraft in carrying out their regular duties in protecting land, water, and wildlife.

H.R. 15188 was overwhelmingly supported by the members of my committee and I urge its immediate passage.

Mr. OBEY. Mr. Speaker, I rise in support of the bill presently before us, a bill which would prohibit the shooting of animals from aircraft by all but authorized personnel. I would like also to express my thanks to the committee for its diligence in refining the original proposal into something which is far more effective and flexible than the original bill. This is a bill which is necessary to prevent the demise of one endangered specie and perhaps several others.

The legislation was introduced by Congressman SAYLOR and myself last year largely in response to a television program entitled "The Wolf Men" which showed wolves being hunted from aircraft. That program generated thousands of pieces of mail to public officials protesting the practice. Thousands more in support of this legislation have been received by the Committee on Merchant Marine and Fisheries and many such letters have been written to my office directly.

It is obvious, I think, that there are many people who sincerely question the "sport" of shooting any animal from an aircraft. Anyone interested in preserving wildlife, anyone with a sense of fairplay, will grant that killing animals from an airplane is hardly legitimate sport. The fact that predators are the prime targets of these "sportsmen" is no legitimate defense of this practice.

The wolf has been classified as an endangered specie by the U.S. Department of the Interior. There are today less than 6,000 wolves left in this country. According to our latest estimates about 5,000 are in Alaska, 700 or so live in Minnesota, 25 are on Isle Royale in Lake Superior and perhaps 100 live elsewhere throughout the country, including about 25 in my own State of Wisconsin.

Although shooting animals from aircraft is illegal in some States, including Wisconsin, unfortunately such is not the case in some States.

In one State over 1,000 wolves have been killed in each of the past 4 years: 1,008 in 1969; 1,714 in 1968; 1,679 in 1967, and 1,292 in 1966. In 1965 there were an additional 800 wolves killed in that State.

So, in the past 5 years, hunters in one State have killed more wolves than now exist in our entire country. And in the past year for which we have available statistics, 1968, of the 1,714 wolves killed in one State, 718 of them were killed by airborne bounty hunters.

Mr. Speaker, the substantive objections to this legislation have been met. It will not prohibit research by university or other personnel. It is flexible enough to allow either State or Federal authorities to issue permits which will exempt persons from the prohibitions provided for in the bill.

The objection to this measure has been raised in some quarters that the goals of this legislation could better be accomplished by the adoption of uniform State laws. That objection ignores the obvious fact that given the limited number of wolves left in this country, by the time any such legislation would be passed to protect endangered species of wolves, there will be no wolves left to protect. It has been estimated that before the age of civilization, species became extinct at a rate of one per thousand years. Today, the rate is one lost specie every year, for mammals alone.

We have an obligation in this country which we have not lived up to very well in the past to protect and preserve for future generations every species of animal which has inhabited this land.

I believe this legislation would be a most useful tool in doing just that and it will certainly prohibit what must be considered a most unsportsmanlike practice. I urge my colleagues to support it.

The SPEAKER. The question is on the motion of the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 15188, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 15188, the bill just passed, and also on H.R. 17436, the next bill to be considered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATIONAL ENVIRONMENTAL DATA SYSTEM

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R.

17436) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data Bank, as amended.

The Clerk read as follows:

H.R. 17436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Environmental Policy Act of 1969 (Public Law 91–190) is amended by adding at the end thereof the following new title:

"TITLE III

"NATIONAL ENVIRONMENTAL DATA SYSTEM

"SEC. 301. This title may be cited as the 'National Environmental Data System Act'.

"SEC. 302. For the purpose of this title—

"(1) The term 'Data System' means the National Environmental Data System established by this title. The system shall include an appropriate network of new and existing information processing or computer facilities both private and public in various areas of the United States, which, through a system of interconnections, are in communication with a central facility for input, access, and general management. It shall also include all of the ancillary software and support services usually required for effective information system operation.

"(2) The term 'Council' means the Council on Environmental Quality established in title II of this Act.

"(3) The term 'environmental quality indicators' means quantifiable descriptors of environmental characteristics which will measure the quality of the environment.

"(4) The term 'information, knowledge, and data' shall be interpreted as including those facts which are significant, accurate, reliable, appropriate, and useful in decisionmaking in environmental affairs.

"SEC. 303. (a) There is hereby established a National Environmental Data System.

"(b) The purpose of the Data System is to serve as the central national coordinating facility for the selection, storage, analysis, retrieval, and dissemination of information, knowledge, and data relating to the environment so as to provide information needed to support environmental decisions in a timely manner and in a usable form. Such information as shall be deemed appropriate and useful for the achievement of the purpose of the system shall be made available by all Federal agencies and shall be collected and received, where available, from all Federal agencies, private institutions, universities and colleges, State and local governments, individuals, and any other source of reliable information.

"(c) Information and data shall also be sought from international sources such as foreign governments, the United Nations, and other international institutions; and the President is encouraged to enter into such agreements as may be necessary to accomplish this purpose.

"SEC. 304. (a) The information, knowledge, and data in the Data System and the analysis thereof shall be made available on request without charge—

"(1) to the Congress and all the agencies of the legislative and executive branches of the Federal Government, and

"(2) to all States and political subdivisions thereof, except that, in any case where it is determined that the service requested is substantial, the payment of such fees and charges may be required as may be necessary to recover all, or any part, of the cost of providing such retrieval service.

"(b) The information, knowledge, and data in the Data System and the analysis thereof shall be made available to private persons and entities—

"(1) upon payment of reasonable fees and charges as may be established as necessary to recover the cost of providing such retrieval service; and

"(2) subject to such terms and conditions as is deemed necessary to protect the interests of the United States.

"(c) In all instances the Data System shall perform its functions so as to protect secret and national security information from unauthorized dissemination and application.

"SEC. 305. (a) There is hereby created the position of National Environmental Data System Director, who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The Director shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental data of all kinds and to appreciate its significance in the management of natural resources as required for the purpose of this Act. He shall serve full time and be compensated at the rate provided for level V of the Executive Schedule pay rates (5 U.S.C. 5313).

"(b) It shall be the function of the Director to—

"(1) administer and manager, under the guidance of the Council, the operations of the Data System in all of its ramifications,

"(2) institute a study to evaluate and monitor the estate of the art of information technology and utilize to best advantage new and improved techniques for accomplishing the purposes of this Act,

"(3) utilize knowledge developed during such study to develop criteria and guidelines to govern the selection of data as to scope, scientific validity, quantity, and quality, to be incorporated into the National Environmental Data System network, including the development of predictive ecological models,

"(4) develop and implements a plan to establish and maintain the environmental information network anticipated to accomplish the purposes of this Act,

"(5) develop, establish, and maintain, as necessary, general standards which will permit and facilitate the compatibility and integration of existing and new information systems bearing on the environment to make them consonant and cooperative with the central facility established by this Act, and

"(6) develop and publish from time to time environmental quality indicators for all regions of the United States, including its coastal and contiguous zones, and for internationally significant environments such as the atmosphere and the oceans.

"(c) In carrying out his functions under this Act, the Director shall, to the fullest extent possible, provide the Council with statistical data and other information necessary for the preparation of the annual report of the Council required under section 201 of this Act, and in the development of long-range programs for the enhancement of the environment.

"SEC. 306. (a) The Director may employ such other officers and employees as may be necessary (1) for the efficient administration, operation, and maintenance of the Data System, and (2) to carry out his functions under this title.

"(b) The Director is authorized to provide such lawful incentives as may be required to achieve the purposes of this Act. There incentives may include, but shall not be limited to, grants of money, exchanges of information, sharing of facilities, specialized advice, programs and formats, and other like incentives. The Director shall also be authorized to enter into contracts with universities, individuals, and State and local governments when needed, and to purchase information, data, and personal services as required to fulfill its purposes. He is also authorized to employ consultants as required.

"SEC. 307. (a) The head of each department, agency, or instrumentality in the executive branch of the United States Government shall make available to the Data System such information, knowledge, and data on the environment which such department, agency, or instrumentality may have as a result of its operations. Such information, knowledge, and data shall be made available for incorporation into the Data System, as the Director deems appropriate as soon as possible after it becomes known to such department, agency, or instrumentality.

"(b) In the administration of all Federal programs resulting in financial assistance to any cooperative international study or to any State, political subdivision, or other public or private entity, and in all contracts in which the United States is a party, the head of the department, agency, or instrumentality administering such program, on entering into such contract, shall take such action as may be necessary to insure that information, knowledge, and data on the environment which either directly or indirectly results from such Federal financial assistance or contract will be made available to the Data System as soon as possible after it becomes known. In respect to federally assisted environmental programs conducted by foreign nations, it shall be the policy of the United States Government to encourage, to the fullest extent possible the availability to the Data System of such information, knowledge, and data arising from these programs which is appropriate to the purposes of the system.

"(c) The head of each department, agency, and instrumentality in the executive branch of the United States Government shall, to the fullest extent possible, permit the Data System Director to use, on a mutually agreeable basis, including the payment of compensation, personnel, facilities, computers, data processing, and other equipment within such department, agency, or instrumentality in carrying out its functions under this title; and, to the fullest extent possible, such computers, data processing, and other equipment shall be made compatible with all others in, and available for use by, the Data System.

"SEC. 308. There is authorized to be appropriated to carry out the provisions of this Act the sum not to exceed $1,000,000 for fiscal year 1971, $3,000,000 for fiscal year 1972, and $5,000,000 for each fiscal year thereafter."

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, we are currently in the midst of an environmental crisis. The world in which we live is being severely altered by many of man's activities with little or no knowledge of the consequences. Government agencies at all levels, industrial and agricultural officials, and others whose decisions affect the environment are rightly expected by the public to manage the natural resources of this country for maximum productivity with minimum environmental degradation. But too often these decisionmakers do not have available to them adequate information and knowledge of consequences. At this time, as at no other time in history, there are numerous and diverse studies, programs, and projects generating data on the environment. A great store of information is already on record buried in file cabinets, in notebooks of individuals, in formal and informal reports and documents, and in computer systems available to very few. The potential for optimum environmental management will be greatly enhanced if a method is found to improve the flow, analysis, and utilization of this enormous information base.

Mr. Speaker, the bill which we are considering today clearly expresses my conviction of the need for a National Environmental Data System which would make it possible for all legitimate claimants to obtain the information they need for a variety of objectives. The Federal Establishment is quite aware and concerned about the need for such a Data System. In fact, many of the Federal agencies have already developed data systems handling environmental data.

Outstanding systems now exist in the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, and the National Aeronautics and Space Administration. In addition, two environmental data systems exist outside the Federal Government, one at the University of Illinois, which is concerned with an eight-county area surrounding Chicago, and the other in the State of Maine, which provides an automated information system for the effective management of its resources.

Mr. Speaker, these functioning State, local, and Federal programs have demonstrated the feasibility and value of instituting a broader environmental data system at the national level. Conversely, the evidence at the hearings held by my Subcommittee on Fisheries and Wildlife Conservation equally demonstrated the losses that the Nation would suffer if such a system is not established.

My subcommittee held 4 full days of hearings on the legislation receiving testimony from a wide range of witnesses including, among others, ecologists, scientists, conservationists, environmentalists, and representatives from State and Federal Governments. All of the witnesses testifying at the hearings strongly supported the concept and the objectives of the legislation. The only objections were voiced by governmental witnesses and they were directed to various portions and details of implementation of the bill.

Mr. Speaker, great care was taken by the Committee on Merchant Marine and Fisheries to make sure that all objections were thoroughly considered. The bill, as reported, is designed to meet those objections and include amendments suggested by the agencies except the ones which suggest that the legislation is premature and that sufficient authority to carry out the legislation already exists in the Council on Environmental Quality. Yet, the Council in its first annual report to the President in August of this year stressed the fact that insufficient environmental quality indicators or systems by which to monitor the environment with any degree of accuracy had caused its report to be incomplete and uneven in many respects. Similarly, in the introduction of the Council's report, the President stated that existing systems for measuring and monitoring environmental conditions and trends and for developing indicators of environmental quality are still inadequate.

Mr. Speaker, after giving careful consideration to the evidence presented at the hearings, the agency reports, and, in particular, the President's expression of the need for such a system—which incidentially was made subsequent to the time the various agencies filed their reports on the legislation—the Committee on Merchant Marine and Fisheries unanimously reported H.R. 17436, with amendments, to provide for the establishment of a National Environmental Data System.

Mr. Speaker, briefly explained, the bill would amend the National Environmental Policy Act of 1969 to add a new title III to the act to be called the National Environmental Data System.

Section 302 of the bill would define certain terms used throughout the bill, such as "Data System," "Council," "environmental quality indicators," and "information, knowledge, and data."

The term "Data System" shall be construed to include an appropriate network of new and existing information processing or computer facilities throughout he United States. The Data System would be developed and established and consist of a central facility capable of interconnecting and communicating with other systems and equipment now or hereafter used by Federal and State agencies, private institutions, local governments, industries, and individuals.

The term "environmental indicators" would be intended to parallel the function, structure, and utility of the economic indicators monitored and published by the Joint Economic Committee. They would serve as the basic information on which determinations could be made on whether the environment is changing for the better or the worse, the extent to which it is changing and at what rate. They also would indicate trends so that remedial action could be instituted in a timely fashion.

Section 303 would provide for the establishment of a National Environmental Data System. It would serve as the central national coordinating facility for the selection, storage, analysis, retrieval and dissemination of environmental data made available to it by Federal agencies, State and local governments, individuals, and private institutions. Such data would be analyzed, interpreted, collated, and disseminated as broadly as possible in order to provide information needed to support environmental decisions in a timely manner and in a usable form. It would encourage the seeking and inclusion in the Data System of information and data from foreign and international sources.

Section 304 would provide that the information, knowledge, and data in the Data System and the analysis thereof would be required to be made available without charge to the Congress and all the agencies of the legislative and executive branches of the Federal Government. Such information, knowledge, and data would also be made available without charge to all States and political subdivisions thereof except in those cases where the service requested is substantial, then such local and State political subdivisions would be required to pay a reasonable retrieval fee for providing such service. In addition, such information, knowledge, and data would be required to be made available to private persons and entities but only upon the payment of a reasonable fee to cover such retrieval service.

Section 305 would provide for the creation of the position of National Environmental Data System Director. The Director would be required to be a person well qualified to interpret and analyze environmental data of all kinds. He would be required to serve full time and would be compensated at the rate provided for level V of the executive schedule pay rates.

The duties of the Director would be to:

First, administer and manage the operations of the Data System under the guidance of the Council on Environmental Quality;

Second, institute a study to evaluate and monitor the state of the art of information technology and utilize new and improved techniques for accomplishing the purposes of the act;

Third, utilize knowledge developed during such study to develop criteria and guidelines to govern the selection of data, including the development of predictive ecological models;

Fourth, develop and implement a plan to establish and maintain an environmental information network;

Fifth, develop, establish, and maintain, as necessary, general standards which will permit and facilitate compatibility and integration of existing and new information systems;

Sixth, develop and publish from time to time environmental quality indicators.

Section 306 would authorize the Director employ such officers and employees as may be necessary to carry out the purposes of the act and would authorize the Director to provide such lawful incentives as may be required to achieve the purposes of the act, such as payment of grants, exchange of information, sharing of facilities, and other incentives.

Section 307 would require each department, agency, or instrumentality of the executive branch of the U.S. Government to make available to the Data System all information, knowledge, and data as soon as possible after it becomes known for possible incorporation into the Data System; it would require all Federal agencies providing financial assistance to take such steps as may be necessary to insure that environmental information, knowledge, or data resulting from such assistance will be made available to the Data System; it would also require each department, agency, or instrumentality of the executive branch of the U.S. Government, to the fullest extent possible, to permit the Director, on a mutually agreeable basis, including the payment of compensation, to use personnel, facilities, data processing and other equipment in carrying out his functions under the act, and further, to the fullest extent possible, such computers, data processing, and other equipment would be required to be made compatible with all others in, and available for use by, the Data System.

Section 308 would authorize to be appropriate to carry out the provisions of the act the sum not to exceed $1 million for fiscal year 1971, $3 million for fiscal year 1972, and $5 million for each fiscal year thereafter.

Mr. Speaker, I strongly urge the passage of H.R. 17436.

Mr. PELLY. Mr. Speaker, I rise to support H.R. 17436 for the establishment of a National Environmental Data System.

On March 5, 1970, Mr. Russell Train, the Chairman of the Council on Environmental Quality, made his first appearance as Chairman of the Council before a congressional committee. In his testimony before the Subcommittee on Fisheries and Wildlife Conservation, Mr. Train stated:

> The identification and measurement of environmental trends would seem to require the establishment of data baselines in atmospheric, terrestrial, aquatic and marine environments, among others. Much of this fundamental data is not presently available at all, nor are the systems for its measurement. It will be necessary to develop systems, some of which will be international in nature as in the case of atmospheric data. Wherever possible, agencies with direct program responsibilities will be encouraged to undertake the necessary tasks. Finally, assuming that effective systems are established for procuring and measuring needed information, the Council will have the ultimate responsibility of synthesizing and interpreting this data so as to be useful in policy-making and decision-making.

President Nixon also has spoken of the need to establish an environmental early-warning system. Chairman Train has commented that we must undertake advance planning to meet critical problems which may still lie below the horizon of public awareness.

Mr. Speaker, the purpose of H.R. 17436 is to establish within the executive branch under the auspices of the Council on Environmental Quality, the basic framework for the future accomplishment of the environmental forecasting and monitoring program outlined by Chairman Train. I stress the word "future," Mr. Speaker, because we do not expect that this system can be created overnight. We are starting today from a position of relative ignorance in terms of monitoring the state of the environment and formulating baselines from which to measure the quality of our environment. We do not know precisely what data should be collected and preserved. Quite clearly, however, it is essential that a start be made toward the establishment of this environmental data system. The legislation now under consideration recognizes that we are only at the threshhold of devising an effective environmental prediction system.

As reported by your Committee on Merchant Marine and Fisheries, section 305(b) of the legislation provides that the Director of the Data System shall institute a study to evaluate and monitor the state of the art of information technology. He shall utilize the knowledge developed during this study to develop the criteria and guidelines necessary to govern the selection of basic environmental data for incorporation into the data system network.

Our national concern for preservation of the environment is in its infancy. Similarly, our knowledge is at a very primitive level. The national concern for the environment is not, I believe, a transitory phenomena soon to be eclipsed by another fad. Concern for the quality of our environment is firmly embedded in the declarations of policy of the National Environmental Policy Act of 1969, wherein it is stated:

> The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

The enactment of H.R. 17436 will be a positive step toward the fulfillment of this national policy by starting in motion the development of an effective environmental data system. For these reasons, Mr. Speaker, I support this legislation and urge that it pass.

Mr. KEITH. Mr. Speaker, I rise in support of this legislation.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 17436, a bill I have the privilege to cosponsor, which amends the Environmental Policy Act of 1969 to provide for the establishment of a National Environmental Data Bank.

As the Nation is placing more and more priority on the preservation of the quality of the environment, we in the Congress are acting to curb the pollution of our air, water, and land resources and to take the necessary steps to reclaim or improve the environmental quality of those areas which are severely degraded. We are finding, however, that the restoration of the environment is not a simple task. The problems and remedies are very complex and the fact that the information available to us is eclectically distributed throughout the agencies, institutions, laboratories, and libraries does not make it any easier to take responsible action.

H.R. 17436, if enacted, would create a central Environmental Data System which would provide for the efficient development and utilization of information needed to support the responsible management of the environment. The services would be available to Congress, all of the agencies of the Federal Government, and even the States and local communities which seek information for environmental management.

Again, I urge my colleagues to join with me in support of this excellent legislative measure to collect environmental information and make it available at one central point to decisionmakers and responsible citizens.

Mr. GARMATZ. Mr. Speaker, I rise in support of H.H. 17436, to provide for the creation of a National Environmental Data System. My distinguished and most able subcommittee chairman, the gentleman from Michigan (Mr. DINGELL), has already described the purpose and function of the legislation, however, I would like to make just a few comments on the need for an Environmental Data System.

The Subcommittee on Fisheries and Wildlife Conservation conducted extensive hearings on this bill and received testimony from more than 35 witnesses representing a broad spectrum of interests in environmental affairs. It is significant that not one witness, regardless of discipline, failed to applaud the purposes of this bill. Even those departmental representatives who expressed reservations concerning some of the details of implementation or who felt that this action might be premature endorsed the goals to be achieved by the environmental data system proposed by H.R. 17436. The first annual report of the Council on Environmental Quality discussed at length the need for an environmental data system and the President, in his introduction to this report, deplored the lack of information adequate for environmental decisions. This broad support for the purposes represents to me, as it did to my Committee on Merchant Marine and Fisheries, a most germane and cogent argument in favor of passage of H.R. 17436.

Mr. Speaker, I think it would be appropriate at this point to consider briefly both the benefits of having a National Environmental Data System and the consequences of not having such a system. Perhaps the most important single benefit to be derived from the National Environmental Data System is that people charged with making decisions which will affect the quality of the environment will have greatly improved access to substantially more information providing insight into the consequences of the various alternate decisions under consideration. In a recent article in the Wall Street Journal, I read that there are 81,000 Government structures in the United States. Only one of these is Federal and 50 are State. All the rest are municipal and county. Knowing as we do the problems that the Federal and State Governments have in getting adequate information by which to plan for the future and to make judgments, think of the impossible positions of these smaller governmental units in coping with their responsibilities. We all know that the resources and environmental expertise available to these smaller governments are limited, yet these peoples are daily confronted with an urgent need for information in a usable form. In addition there are many others in the private sector, industry and agriculture, construction and transportation, whose activities have an impact upon the environment and who must also act in the absence of best information. The purpose of this bill is simply to take the information already being developed by the various agencies and making it readily available to everyone who can use it to improve the quality of the world in which we live.

The alternative to not having such a system is very clear. We will continue the way we are going, with no real measure of the quality of our environment, no effective way of disseminating needed information to environmental decision makers, no management tool to identify undesirable trends, and to take remedial action in time. We will be forced to continue our undeclared policy of coping with environmental problems on a crisis-by-crisis basis and hoping for the best in between.

Few of us would accept this primitive level of management in our private affairs; how can we in good conscience fail to remedy the information lag in environmental decisionmaking.

Mr. Speaker, I urge prompt passage of H.R. 17436, a bill which was unanimously reported by my Committee on Merchant Marine and Fisheries.

The SPEAKER. The question is on the motion of the gentleman from Michigan

(Mr. Dingell) that the House suspend the rules and pass the bill H.R. 17436, as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System."

A motion to reconsider was laid on the table.

ESTABLISHING THE NATIONAL ADVISORY COMMITTEE ON THE OCEANS AND ATMOSPHERE

Mr. ROGERS of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19576) to establish the National Advisory Committee on the Oceans and Atmosphere, as amended.

The Clerk read as follows:

H.R. 19576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, There is hereby established a committee of twenty-one members to be known as the National Advisory Committee on the Oceans and Atmosphere (hereafter referred to in this Act as the "Advisory Committee").

Sec. 2. (a) The members of the Advisory Committee, who may not be full-time officers or employees of the United States, shall be appointed by the President and shall be drawn from State and local government, industry, science, and other appropriate areas.

(b) Except as provided in subsections (c) and (d), members shall be appointed for terms of three years.

(c) Of the members first appointed, as designated by the President at the time of appointment—

(1) seven shall be appointed for a term of one year,

(2) seven shall be appointed for a term of two years, and

(3) seven shall be appointed for a term of three years.

(d) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(e) The President shall designate one of the members of the Advisory Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

Sec. 3. Each department and agency of the Federal Government concerned with marine and atmospheric matters shall designate a senior policy official to participate as observer in the work of the Advisory Committee and to offer necessary assistance.

Sec. 4. The Advisory Committee shall (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, and (2) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration. The Advisory Committee shall submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities and shall submit such other reports as may from time to time be requested by the President. Each such report shall be submitted to the Secretary of Commerce who shall, within 90 days after receipt thereof, transmit copies to the President and to the Congress, with his comments and recommendations.

Sec. 5. Members of the Advisory Committee shall, while serving on business of the Committee, be entitled to receive compensation at rates not to exceed $100 per diem, including traveltime, and while so serving away from ther homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

Sec. 6. The Secretary of Commerce shall make available to the Advisory Committee such staff, information, personnel and administrative services and other expenses and assistance as it may reasonably require to carry out its activities.

The SPEAKER. Is a second demanded?

Mr. MOSHER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, on October 3, 1970, the National Oceanic and Atmospheric Administration was established pursuant to Reorganization Plan No. 4 of 1970. NOAA brings together the principal civilian agencies of the Federal Government concerned with increasing our knowledge and utilization of the marine environment. Although NOAA came into being as a direct result of the President's Reorganization Plan, the principal thrust for the creation of such an agency came from the report of the Commission on Marine Science, Engineering, and Resources, "Our Nation and the Sea," which was submitted to Congress early last year. That report was the subject of extensive hearings by the Oceanography Subcommittee under the chairmanship of the distinguished gentleman from North Carolina (Mr. Lennon).

The two principal recommendations of the Commission report dealing with Federal Government structure to further our national efforts in the oceans involve the establishment of NOAA and the creation of an advisory committee to serve as the link between the Federal Government, on the one hand, and State and local governments, private industry, and the scientific and academic community, on the other hand.

The President recognized the importance of such an advisory group in his message to Congress recommending the establishment of NOAA. The President stated that, upon approval of Reorganization Plan No. 4, he would request the Secretary of Commerce to establish a National Advisory Committee on the Oceans and the Atmosphere. Those of us who have been intimately involved with the hearings in the Oceanography Subcommittee were extremely pleased with the administration's support of the advisory committee concept. At the same time, however, the committee members generally felt that the National Advisory Committee on the Oceans and Atmosphere should have a statutory foundation, and that the members of the committee should be appointed by the President in order to attract men of the highest caliber and professional qualifications to serve on this most important committee. The Oceanography Subcommittee, therefore, developed a draft bill to establish the National Advisory Committee on the Oceans and Atmosphere, which as reported by your Committee on Merchant Marine and Fisheries, has been endorsed by the administration. On December 4, 1970, following the action of the Committee on Merchant Marine and Fisheries in reporting this bill, the chairman of the committee, the gentleman from Maryland (Mr. Garmatz) received a letter from Mr. James L. Lynn, General Counsel of the Department of Commerce, endorsing the legislation.

Mr. Speaker, turning to the bill itself, which I am privileged to cosponsor, section 1 establishes the 21-member Advisory Committee. The report of the Commission on Marine Science recommended a 15-member Committee; however, the Oceanography Subcommittee felt that the larger figure would insure adequate representation from all interested areas. Section 2 of the bill provides that members of the Advisory Committee may not be full-time employees of the Federal Government and shall be appointed by the President. It further provides that the members shall be drawn from State and local governments, industry, science, and other appropriate areas. In this connection, I would like to point out that it is essential that environmental quality considerations be taken into account in selecting the members of the Advisory Committee. Preservation of the marine ecology is as important as increasing our basic knowledge of the seas and the atmosphere, and all efforts to increase our utilization of the seas resources must be undertaken within a framework of environmental protection. Your Committee on Merchant Marine and Fisheries deleted the requirement of section 2 that appointments be made with the advice and consent of the other body. There is no precedent for confirmation of appointments to such an advisory committee and the very size of the committee weighs against such confirmation.

Section 3 of the bill provides for liaison between the Advisory Committee and other agencies of the Federal Government concerned with marine and atmospheric matters. NOAA does not, of course, encompass all Federal involvement in marine affairs. The Coast Guard, the Navy, and a number of other major agencies retain significant interest in oceanography and related fields. It is essential for our national oceanic program that there be as much communication and coordination as possible between NOAA and other interested agencies, and between the Federal Government generally and the private sector. The Advisory Committee can fulfill this important role.

Section 4 of the bill sets forth the basic responsibilities of the Advisory Committee to monitor our progress in furthering our oceanic and atmospheric programs, and to advise the Secretary of Commerce with respect to the progress of NOAA in carrying out its lead agency's functions. Section 4 also requires the Advisory Committee to submit a comprehensive annual report to the President and to

Congress, setting forth an overall assessment of the status of the Nation's marine and atmospheric activities. Your Committee on Merchant Marine and Fisheries amended this section to provide that the annual report shall first be submitted to the Secretary of Commerce, who will have 90 days within which to review and append to the report his own comments and recommendations.

Section 5 of the bill provides normal compensation and per diem for members of the Advisory Committee while serving on committee business.

Section 6 directs the Secretary of Commerce to furnish the Advisory Committee such staff, information, personnel, and administrative services as the Advisory Committee may reasonably require to carry out its activities. The Commission on Marine Science had recommended that the Advisory Committee have a small independent staff. While this recommendation had some merit, it also poses a number of drawbacks. On balance, it was felt that the Advisory Committee can best function in its proper capacity without involving itself in purely housekeeping matters. I am confident that the Secretary of Commerce and the Administrator of NOAA will insure that the Advisory Committee receives every assistance necessary.

Mr. Speaker, the Committee on Merchant Marine and Fisheries once before, in 1966, reported to this House legislation establishing a committee to advise the Government on marine science matters. The Marine Resources and Engineering Development Act of 1966 established the Commission which I have mentioned previously. That Commission, under the leadership of Dr. Julius Stratton, performed a monumental task. Each member of that Commission personally involved himself in its work. Its report is a blueprint for the future of marine and atmospheric science. We are confident that the National Advisory Committee on the Oceans and Atmosphere to be established by this legislation will prove to be equally effective and will continue the excellent work which the Stratton Commission began.

Mr. Speaker, I urge my colleagues to support H.R. 19576.

Mr. GROSS. Mr. Speaker, will the gentleman yield briefly?

Mr. ROGERS of Florida. I will be delighted to yield to the gentleman.

Mr. GROSS. Is it really necessary to create an advisory committee with all of the trappings that usually go with a committee for this purpose?

Mr. ROGERS of Florida. May I say to the gentleman that the committee did consider this most carefully. It originates with the suggestion of a study group that did a 2-year study in 1966. This was a unanimous recommendation of the committee. As you know, the President just reorganized some of the civilian agencies into a new agency pursuant to Reorganization Plan No. 4, passed by the Congress. This is a committee that is to try to bring in private enterprise in an effort to develop resources in a new field. It is most important, and it will play a very vital role in our movement forward in developing our resources.

Mr. GROSS. Does the gentleman from Florida have any idea how many more supergrades will have to be hired to serve this Advisory Committee?

Mr. ROGERS of Florida. There will be none. It is to be housed in the Department of Commerce with the present personnel.

Mr. GROSS. This must mean that the Department of Commerce is perhaps overstaffed if they have the staff to provide for another advisory committee.

Mr. ROGERS of Florida. I think not. This is something that will not be meeting every day, but it will just be extra duty for some of these people at times.

Mr. GROSS. I do not have to tell the gentleman, I do not suppose, that this Federal employment situation is increasing by leaps and bounds. I think the Members of the House and the Members of the Congress ought to be cautious about adding more people to the payrolls at this time in view of the tremendous increase, particularly in the executive branch of the Government.

Mr. ROGERS of Florida. I thank the gentleman for his comments, and I agree with him.

Mr. MOSHER. Mr. Speaker, I wish to join my colleague of the Oceanography Subcommittee, the gentleman from Florida (Mr. ROGERS), in supporting H.R. 19576, to establish the National Advisory Committee for the Oceans and Atmosphere.

As a member of the Oceanography Subcommittee of the Committee on Merchant Marine and Fisheries, I have been vitally concerned for a number of years over this Nation's failure to recognize the importance of the oceans to our future economic development, and also our apathy toward the chaos which man has created in the coastal zone, that narrow belt of land bordering the seas where the majority of the world's population is concentrated.

In the early 1960's, our Subcommittee on Oceanography initiated hearings which culminated in the enactment of the Marine Resources and Engineering Development Act of 1966. This landmark legislation for the first time declared it to be the policy of the United States to develop, encourage, and maintain a coordinated, comprehensive, and long-range national program in marine science. This legislation established the National Council on Marine Resources, chaired by the Vice President and includes six Cabinet Secretaries. It directed the President to establish a Commission on Marine Science, Engineering, and Resources composed of 15 members drawn from Federal and State government, industry, universities, and other institutions engaged in marine scientific and technological pursuits.

That Commission was given a mandate to investigate all aspects of marine science in order to recommend an overall plan for an adequate national program. The Commission, under the chairmanship of Dr. Julius Stratton, submitted its findings to the President and the Congress on January 9, 1969. The report of the Commission, entitled "Our Nation and the Sea," together with its supporting appendixes, is a truly comprehensive analysis of our existing programs and shortcomings and points the way to the future. Upon reading "Our Nation and the Sea," one must conclude that we are, with respect to the oceans, at about the same stage of development as our space programs were when the Wright brothers first flew.

The Stratton Commission report contains many excellent recommendations for this Nation's future role in the oceans and the closely related field of atmospheric research. We have only just begun to analyze and implement these recommendations. The most widely heralded suggestion of the Stratton Commission was the establishment of a Government agency to spearhead these programs during the next decade with the advice and counsel of an advisory committee drawn from outside the Federal Government. These recommendations became the focal point of our subcommittee hearings during the past year and a half. This was a logical first step, since everyone concerned with the Federal Government's role recognized that it had become fragmented among many different agencies, and that the efforts of these agencies overlapped to a wasteful degree and lacked any fundamental coordination.

At the beginning of our hearings in 1969, I pointed out that it might be preferable for the President, through his powers under the Reorganization Act, to implement the basic structural changes called for by the Stratton Commission. Our subcommittee proceeded to consider legislation to establish NOAA and the advisory committee, recognizing however that a major realinement of existing agency responsibilities posed numerous difficulties. Consequently, the subcommittee maintained a dialog with the administration and the President's Commission on Executive Reorganization. I believe that this dialog contributed substantially to the President's submission of Reorganization Plan No. 4.

The distinguished chairman of the Oceanography Subcommittee (Mr. LENNON) and I testified before the Committee on Government Operations in support of Reorganization Plan No. 4. Our joint statement was given on behalf of almost the entire membership of the Committee on Merchant Marine and Fisheries.

At that time, we advised the Committee on Government Operations of our intention to introduce legislation establishing the National Advisory Committee for the Oceans and Atmosphere as an essential corollary to the reorganization plan. That legislation we promised is now represented by the bill before us today, H.R. 19576.

Our ensuing discussions with Secretary of Commerce Stans were most fruitful. This bill has been drafted in a spirit of cooperation to insure the enactment of legislation which will fulfill the excellent recommendation of the Stratton Commission.

Mr. Speaker, unlike our space programs, this Nation's involvement in the oceans is an operational partnership between many elements of Government and industry. Each is contributing substantially and has a significant role to play in the future.

The National Advisory Committee will provide the mechanism for interchange between the Federal organization and the broad national maritime community.

Periodic appointment of new members at 3-year intervals will insure that fresh insights and concepts are made available to the Secretary of Commerce and NOAA.

Mr. Speaker, the establishment of NOAA and the Advisory Committee is the first step toward a coordinated national program which promises to pay great dividends for man. I urge my colleagues to support H.R. 19576.

Mr. GARMATZ. Mr., Speaker, the speedy enactment of H.R. 19576 is a vital part of this Nation's effort to launch a national oceanographic effort, and I urge its support.

On January 9, 1969, a momentous report, entitled "Our Nation and the Sea," was transmitted to Congress. This report consisted of a review of existing and planned marine science activities of the United States, and was compiled by the President's Commission on Marine Science, Engineering and Resources. Members of that Commission, all of whom were nationally recognized scientists and authorities on the Nation's oceanographic needs, made many important recommendations in this voluminous report.

One of the primary concerns stressed in the report was the need for an effective, coordinated Federal program, and an organization to draw the Nation's fragmented marine science activities together, under the leadership of a single agency—which would be known as the National Oceanic and Atmospheric Administration—NOAA. Reorganization Plan No. 4 of 1970, which is now in effect, has established NOAA.

Another significant recommendation of the Commission has not yet been adopted, however. I am referring to the need for a National Advisory Committee on the Oceans, and I am happy to say that the bill we are considering today, H.R. 19576, is designed to establish that Committee.

Mr. Speaker, the Oceanography Subcommittee of the House Committee on Merchant Marine and Fisheries—under the distinguished chairmanship of my able colleague, Hon. ALTON LENNON—held 23 days of hearings on the many recommendations contained in the report entitled "Our Nation and the Sea." In addition to the need for NOAA, the vital and pressing need for establishment of the Advisory Committee proposed by H.R. 19576 was constantly emphasized by the host of expert witnesses that testified during those hearings.

The Advisory Committee this bill proposes to establish would be composed of 21 distinguished members, and they would represent the interests of State and local governments, private industry, science, and other allied fields. Such a committee is essential if we are to implement a truly national oceanographic effort, because the members of this Committee would facilitate strong State and local input into a national program, and it would assure the necessary coordination between government and industry.

Mr. Speaker, Congress has already approved the establishment of NOAA. It is, therefore, essential that it also enthusiastically approve H.R. 19576 so that a truly coordinated and meaningful program to effectively utilize and conserve our great marine resources is assured.

I hope that the Members of this House will share my opinion and unanimously pass H.R. 19576.

The SPEAKER. The question is on the motion of the gentleman from Florida (Mr. ROGERS) that the House suspend the rules and pass the bill, H.R. 19576, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING ACCEPTANCE FOR NATIONAL STATUARY COLLECTION OF STATUE OF LATE SENATOR E. L. BARTLETT, PRESENTED BY STATE OF ALASKA

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 2) authorizing acceptance for the National Statuary Collection of a statue of the late Senator E. L. Bartlett, presented by the State of Alaska.

The Clerk read as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That the statue of the late Senator E. L. Bartlett, presented by the State of Alaska for the National Statuary Hall collection, is accepted in the name of the United States, and that the thanks of the Congress be tendered to the State for the contribution of the statue of one of its most eminent personages, illustrious for his distinguished civic services.

SEC. 2. The State of Alaska is hereby authorized to place temporarily in the rotunda of the Capitol the statue of the late Senator E. L. Bartlett referred to in section 1 of this concurrent resolution, and to hold ceremonies in the rotunda on said occasion. The Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

SEC. 3. (a) The proceedings in the rotunda of the Capitol at the presentation by the State of Alaska of the statue of the late Senator E. L. Bartlett for the National Statuary Hall collection, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such document shall be prepared under the direction of the Joint Committee on Printing.

(b) There shall be printed five thousand additional copies of such document which shall be bound in such style as the Joint Committee on Printing shall direct, of which one hundred and three copies shall be for the use of the Senate and three thousand copies shall be for the use of the Members of the Senate of the State of Alaska, and four hundred and thirty-nine copies shall be for the use of the House of Representatives, and one thousand four hundred and fifty-eight copies shall be for the use of the Member of the House of Representatives from the State of Alaska.

SEC. 4. A copy of this concurrent resolution, suitably engrossed and duly authenticated, shall be transmitted to the Governor of Alaska.

The SPEAKER. Is a second demanded?

Mr. SCHWENGEL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, Senate Concurrent Resolution 2 provides that the statue of the late Senator E. L. Bartlett, presented by the State of Alaska for the National Statuary Collection, be accepted. The resolution further provides that the statue be placed temporarily in the Rotunda of the Capitol and that the Architect of the Capitol be authorized to make the necessary arrangements to hold ceremonies when the statue is presented. A further provision of the resolution authorizes the printing of the proceedings held in the Rotunda at the time of the presentation. Copies of the proceedings would be distributed to Members of the Senate and the House of Representatives.

The statue has been properly authorized by the Legislature of the State of Alaska and there has been full concurrence by all concerned persons.

The late Senator E. L. "Bob" Bartlett served 24 years in the Congress, first for 14 years as Alaska's voteless Delegate and from 1959 as one of Alaska's first Senators. Probably his greatest dream came true with the admission of Alaska as a State.

Bob Bartlett's untiring efforts in the development and progress of Alaska is well recorded in the legislative history of the Congress. It is certainly befitting that his memory be honored and perpetuated by the placement of his statue in the National Statuary Hall Collection as one of Alaska's foremost citizens.

Mr. SCHWENGEL. Mr. Speaker, this resolution, Senate Concurrent Resolution 2, would authorize acceptance of a statue of a renowned American, the late Senator E. L. Bartlett of Alaska, for the National Statuary collection.

Many of us here today have had the pleasure of serving in the Congress with Bob Bartlett. He was Alaska's Delegate to Congress for seven terms beginning in 1945. In 1959 he became one of Alaska's first two Senators and served in that position until his death in 1968. He will be here when this bill is passed, in statue form, to be a constant reminder of excellent and adequate public service.

The Alaska State legislature has authorized the donation of the statue to the National Statuary collection.

Senate Concurrent Resolution 2 would authorize the statue of Senator Bartlett to be placed on display in the rotunda for a time. Ceremonies will be held on that occasion and the proceedings will be printed as a Senate document. At a later date the statue would be placed in a permanent location.

I urge House concurrence in Senate Concurrent Resolution 2, to accept the statue of the late Senator Bartlett into the National Statuary collection.

The SPEAKER. The question is on the motion of the gentleman from New Jersey (Mr. THOMPSON) that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 2).

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the Senate concurrent resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONSUMER PROTECTION LEGISLATION

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, on December 4 I directed an urgent letter to the President by messenger pointing out it lies in his hands whether any consumer protection will be advanced in this Congress or not. I also talked to congressional liaison in the White House pointing out the urgency of the matter. If so many as two Republicans on the Committee on Interstate and Foreign Commerce would permit the consumer class action bill to reach the floor—and they could do it in the form the administration wishes—there could be a clear choice of modes to obtain consumer protection through class action procedure.

I have not yet received a reply, and time is rapidly running out. Each morning I shall inform the House as to my progress in getting the attention of the President on this important matter. The text of my letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 4, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: I respectfully bring to your attention that a bill which contains a major part of your consumer protection program stands as the present order of business in the Interstate and Foreign Commerce Committee. It is the Consumer Class Action Bill, H.R. 18764. This is a clean bill identical to the Bill H.R. 14931 as it came out of the Subcommittee on Commerce and Finance.

The bill is a vehicle for the full committee to send out either the Administration Consumer Class Action Bill, by striking title III, or my bill, by striking title II. From observation of a test vote on Mr. Moss' substitute motion on last Tuesday, it is apparent that Mr. Springer, the ranking minority member, has the votes to take the former action and pass the Administration bill out of the full committee.

This is what I have urged him to do, and I will support, on the committee, reporting the bill in this way. I have every reason to believe that such move would be supported by the Democrats on the committee, because all of them (except a southern bloc) voted for the Moss motion for immediate consideration of the bill Tuesday.

Sir, I am aware of your views that a consumer class action bill should contain a triggering device, and I am sure you are aware of the theory of my bill that would merely make existing state substantive law, incorporated as federal law, enforceable through class actions in federal court. I do not yield my position, but I believe the House should have the right to choose between the two views or perhaps adopt the middle view of the Senate Commerce Committee.

But I am willing to cooperate in a procedure which will give the most favorable procedural advantage to your views (namely, that the bill H.R. 18764 would be reported with title III stricken) but that would afford an opportunity by record vote to the House to make the ultimate choice.

Mr. President, I suggest this as a practical way of putting into effect in this Congress some part of your consumer message which favored class actions. It is entirely feasible, even at this late date. I purposely made this procedure possible and invited it by the method of reporting the bill from subcommittee. This was done months ago.

But neither I, nor the Chairman of the Committee, Mr. Staggers, nor the overwhelming majority of the Democrats on the committee can bring this about against a solid block of Republicans and Southern Democrats. On the other hand the President's control of two Republican votes on the Interstate and Foreign Commerce Committee and one on the Rules Committee would pass this bill to the floor.

Therefore, based upon the assumption that the Administration will act to further the Administration program, it can be concluded that the passage through the House of the important consumer class action portion of a program advancing consumerism is feasible—indeed likely. Since this portion of the program is presently ready for floor action in the Senate, it is more than a possibility (I would say a probability) that it could be passed through the 91st Congress.

I respectfully submit that it lies in your hands whether consumer protection will be advanced in this Congress or not.

Respectfully yours,
BOB ECKHARDT.

WORLD AIRWAYS FIRST AGAIN

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, a short time ago the Department of Defense announced a new Vietnam leave policy which will enable military personnel to take a 14-day leave to the continental United States if they can show evidence of confirmed reservations via commercial carrier.

This leave is in addition to regular rest and relaxation and can be used anytime between the fourth and eighth month of their tour of duty.

We are all deeply aware of the loneliness a serviceman must feel when he is 10,000 miles from home. To envision 2 weeks at home in the middle of his tour, would up until now, have been considered the impossible dream—our men need dreams. They also need encouragement, and tangible assistance from people who care.

Ed Daly, chairman of the board and president of World Airways, the country's largest charter airlines, is a person who cares a great deal.

Daly recently announced that his company and the United Service Organization—USO—have filed a new charter tariff with the Civil Aeronautics Board which would enable military personnel to fly round trip from Vietnam to California for $350, including tax.

World Airways and the USO plan to undertake a joint program which would assist servicemen to make the trip home using the new economical fare.

Daly and Gen. Emmett O'Donnell, Jr., president of the USO explained that the low fare was possible through the charter concept of world flights, and the organizational setup of the USO, a charitable organization which operates solely in behalf of service men and women.

The new plan will include frequent flights from Vietnam to California; scheduled connections to all parts of the United States; a "fly now—pay later" financing arrangement so that all eligible military personnel will be able to take advantage of the new leave policy. USO will make its clubs available to provide the means by which arrangements for trips can be made.

In an unprecedented personal effort to aid the U.S. military command in Vietnam boost the morale of the serviceman, Mr. Daly announced that he is personally prepared to guarantee loans to servicemen who would otherwise be unable to pay for the trip or to borrow the necessary funds. These financial arrangements will be handled through the First Western Bank in Los Angeles, a subsidiary of World Airways with assets in excess of $1 billion.

I commend Ed Daly, World Airways, and the USO and join with them in expressing the hope that similar plans can be made available to military personnel serving in other overseas stations.

A press report on the new scheduled service follows:

There are two versions of our press release, one for the U.S. and one for the Orient. The Orient version simply has more details that are of interest to servicemen in that area, and should be used for military publications, etc. The U.S. version simply deletes some of the details having to do with our delivery of Stars and Stripes.

Following is the Orient version of the release, to be issued at 10:30 a.m., EST. 2 December.

[Part one of two parts—for immediate release]

"United Service Organization, Inc. (USO) and World Airways, the world's largest charter airline, today announced plans to undertake a joint program to enable servicemen given leave in Vietnam to fly to the United States, round trip for 350 dlrs, including taxes.

"In making the announcement, Edward J. Daly, chairman of the board and president of World, and Gen. Emmett O'Donnell, Jr., president of USO, said that under the joint operation the servicemen would be able to make the trip home using the most economical fare now being planned. They stressed that the low fare was possible through the charter concept of flights and the organizational set up of the USO, a charitable organization which operates solely in behalf of servicemen and women.

"First Western Bank and Trust Company, with 96 branches throughout the State of California, has indicated its readiness to provide loans to qualified personnel in Vietnam using the flight program.

"USO will make its clubs available to provide the means by which arrangements for trips can be made by servicemen in Vietnam.

"USO has indicated its willingness to work with any other air carrier qualified to participate in this program on the same terms and conditions as agreed to with World Airways."

[Part two]

"Complete information pertaining to flight schedules, reservations, payments and applications for loans will be available from the World Airways representatives at the USO service groups in Saigon, Da Nang, Cam Ranh Bay and Can Tho, and at any sales office of World Airways in the United States.

"The first flight is scheduled for December 15 from Saigon to San Francisco, utilizing Oakland International Airport. World will use its full capability in the program and will fly as many flights as are needed to meet the demand.

"The program is in support of a new policy recently announced by General Creighton W. Abrams, Commanding General, Military Assistance Command—Vietnam that permits qualified personnel of the U.S. forces in Vietnam to take a two-week leave in the United States.

"The flights will be operated on Boeing 707 Intercontinental fan jets of World Airways. World has been operating charter flights for the Military Airlift Command (MAC) since 1956, primarily in the Far East, and last year 395,000 servicemen were World passengers. In addition, World delivers the newspaper, Stars and Stripes, on a daily basis to servicemen at bases in Vietnam, the Philippines, Okinawa, Thailand, Korea, and Taiwan utilizing its own aircraft.

"World also operates commercial charter service on a worldwide basis, including many flights to the Orient.

"Herewith for your information is World Airways/United Service Organization leave program schedule commencing first round trip flight Saigon to Oakland, December 15 returning December 27. United Service Organization price is $350. Any individual inquiring is to be directed to contact their relative or friend in Vietnam and advise him to contact anyone in the USO office at Saigon/Da Nang/Cam Ranh Bay/Can Tho or any World Airways office in the United States where reservations for flights can be made and processed."

Flight No.	Saigon departure dates	Flight No.	Oakland departure dates
90502	Dec. 15, 1970	90502R	Dec. 27, 1970
90520	Dec. 17, 1970	90520R	Dec. 29, 1970
90503	Dec. 21, 1970	90503R	Jan. 2, 1971
90521	Dec. 23, 1970	90521R	Jan. 4, 1971
90504	Dec. 28, 1970	90504R	Jan. 9, 1971
90522	Dec. 30, 1970	90522R	Jan. 11, 1971
90505	Jan. 3, 1971	90505R	Jan. 15, 1971
90523	Jan. 5, 1971	90523R	Jan. 17, 1971
90506	Jan. 10, 1971	90506R	Jan. 22, 1971
90524	Jan. 12, 1971	90524R	Jan. 24, 1971
90507	Jan. 16, 1971	90507R	Jan. 28, 1971
90525	Jan. 18, 1971	90525R	Jan. 30, 1971
90508	Jan. 23, 1971	90508R	Feb. 4, 1971

THE MULTINATIONAL CORPORATION IN A WORLD SOCIETY—SPEECH BY ELLISON L. HAZARD

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, oftentimes speeches come across our desks from prominent men. I want to call to the attention of all Members a speech by Mr. Ellison L. Hazard that I believe is truly great. While I am not personally acquainted with Mr. Hazard, he has an impressive background. He is chairman and president of the Continental Can Co. and recently spoke before the International Conference of Financial Executives Institute in San Francisco.

It is obvious from Mr. Hazard's speech that he has a keen insight into the economic and political problems that our world faces. He draws from his background and wide experience to give us some very profound reasons why we must work to provide a better business climate to raise the standard of living of all people in the world, and to promote peace and understanding. He says:

> We need a world in which people are partners in creating progress rather than antagonists in continual conflict.

He reminds us of the great contributions business has made in elevating living standards, in fighting poverty and disease, and in providing the necessities for mankind, and that—

> Peace can be best brought about not by nation-states balancing force with force, but by businessmen constructing interlocking channels of trade and finance throughout the world.

He states:

> It would seem self-evident that as international trade grows, it promotes communication and thus understanding between people—an essential prelude for meaningful accommodation, without which peaceful relationships cannot be achieved.

These comments seem especially in keeping with our Nation's free-trade policies which are being jeopardized by the pending trade legislation.

Because Mr. Hazard's views are refreshing, and because he touches on some of the most involved economic problems we face, I think it would be worthwhile for all Members to have an opportunity to read his remarks. I am pleased to have them inserted in the RECORD:

THE MULTINATIONAL CORPORATION IN A WORLD SOCIETY

(By Ellison L. Hazard)

Acknowledgements.

When I was invited to speak to you, here in San Francisco, several thoughts crossed my mind. I have a very special affection for the Bay area. This is where I spent over 30 years of my life—where I attended grammar school, high school and college—where I met my wife, where we were married, where my children were born . . . and where I started work for Continental Can in the Depression year of 1934.

Not only has the San Francisco area played an important part in my life, but it has played a special part in bringing together the peoples of this fragmented world. Since the last century. "The City", as all loyal San Franciscans refer to it, has been a powerful economic link between the Western Hemisphere and the Orient.

Twenty-five years ago, representatives of all the important nations of the world met here in San Francisco—full of hope, and with great expectations—to sign the United Nations Charter.

Five years ago, an organization of which I am proud to serve as a trustee—the National Industrial Conference Board—held its third international conference here, with 500 businessmen from 60 nations in attendance. That meeting, more than any other previous gathering, highlighted a very important concept: the idea that peace can be best brought about, not by nation-states balancing force with force, but by businessmen constructing interlocking channels of trade and finance, throughout the world.

This very basic concept, and thoughts on how it can be implemented, comprise the thrust of my remarks this morning.

Among you are many who already have done a great deal to expand the horizons of business beyond political borders. Yet, we, as businessmen, do not ordinarily think of ourselves in that role. In the heat of doing business—creating, producing, selling, competing—it is, and has been, all too easy to forget that our actions have great historical significance . . . that indeed the advancement of mankind is not just a by-product of business, it *is* the business of business.

Over the long sweep of history, business *has* made great progress in elevating living standards, in fighting poverty and disease, in providing the necessities for mankind so that the development of the arts and sciences could, and would, be pursued. From the days of Marco Polo, business *has* been one of the most powerful, as well as one of the most persistent forces in the world. Edgar Watson Howe—one of America's most astute social commentators—even went so far as to state—and I quote—The advance in business has been the greatest pragmatic miracle the world has ever known—unquote.

Most people have thought of this miracle in economic terms, not fully recognizing that business also plays an important political role—that it can and should be a unifying force among the nations of the world.

It is true that at one time—and not too long ago at that—international business was often instrumental in creating hostility between peoples instead of bringing them together. It was considered to be a tool of colonialism, symbolized by the great companies of exploration and exploitation—the English East India Company, the Dutch New Guinea Company, the Hudson Bay Company, and other organizations of various national origins. Through the 19th century and well into our 20th century, international business objectives were achieved, for the most part, by building prosperity at home through exploitation elsewhere. People in some parts of the world remained hewers of wood and drawers of water—to use the Biblical phrase—while the resources of their homelands, and their labor, were used to build empires that blundered their way into the catastrophes of two World Wars and a Great Depression.

From these disastrous experiences, I believe we have learned some lessons. We have learned that the so-called civilized world, and its business organizations, cannot thrive as islands in a sea of world poverty. People can no longer be exploited once they have gained the right of self-determination, and the ballot. It has become clear to enlightened businessmen that technological advances must be exported and shared, and that markets must be developed on a worldwide basis, if a permanent base of prosperity is to be achieved *anywhere* in the world.

Obviously, the development of broad world markets through the expansion of the technology and productive capacity of all nations is fraught with many difficulties and complexities. These stem largely from the vast differences in ideologies, and in the existing levels of economic and social development around the globe. However, in this last third of the 20th century, the explosion of technology, coupled with new concepts and innovations in communications and transportation, make the attainment of a truly world marketplace not only possible, but—in my opinion—absolutely necessary.

Today, in most fields of business, technology and know-how are assets of the highest order. In profitably utilizing these assets in the world marketplace, company after company has found it desirable to export its knowledge and skills to a local base of operation, instead of shipping products over long distances.

As a result, we see emerging today, many companies of various national origins, with operations in a multiplicity of countries, who are contributing daily to the growth of world trade. These companies are unlike any of the great international companies of the past—companies that were by design and objective extractive and exploiting enterprises. The great multinational companies of today not only export products, but, in ever-increasing quantities, they are exporting technology, technicians and know-how outside of their own national borders. To name a few—Goodyear and Unilever, Phillips, Sony and IBM, Singer, ICI and Honeywell—these all serve to illustrate today's "multinational" corporation.

While there is no commonly accepted definition of a multinational corporation, it seems obvious to me that such an enterprise must have the following characteristics:

First, a significant and growing portion of its operations and resources are located outside its country of incorporation.

Second, its management is truly multinational in character.

Third, and perhaps most important, it uses its skills and resources to promote the growth of the economies in all the areas in which it operates.

The rising importance of such corporations is rather well recognized, but let me cite a few interesting and pertinent statistics:

In 1950, United States investment abroad was 32 billion dollars. Now it is more than 155 billion dollars—a five-fold increase in 20 years. The products generated by these assets have a value of more than 200 million dollars annually, equal to 20 percent of the entire annual gross national product of the United States.

In the world as a whole there are 400 billion dollars' worth of sales derived from international investments. In fact, in the world economy, the business volume of multinational corporations far exceeds that of enterprises who are engaged in export sales alone. For example, the production of United States companies abroad is more than five times the current level of United States exports.

The accumulated financial benefit to the economy of the world derived from the transferring of management skills and techniques and the resulting more efficient, less costly production, has amounted to literally billions of dollars over the past two decades.

Currently, multinational corporations are expanding at a rate of more than 10 percent a year, or twice the growth rate for gross world product, and from the projections of knowledgeable international economists, if present trends continue then—in the year 2000—the economy of the world will be more than half internationalized through the further development and expansion of multinational corporations.

Up to this time, most of the contributions to world trade by such enterprises have been largely confined to the "free world." However, the recent growth of industrial agreements between Western European firms and Soviet satellite countries opens new opportunity areas, and augurs well for the future. You may be surprised to learn that West Germany's trade volume with East Germany is almost half as large as West Germany's trade with the United States. These two countries have found this commercial relationship to be mutually beneficial. Thus, while those engaged in political diplomacy have accomplished little if any progress in achieving political accommodations between East and West Germany, businessmen are successfully breaching the Berlin Wall and are perhaps establishing, through economic interdependency, the basis for eventual solution of the political problems involved.

While practically all of our Western allies have stepped up their trade relationships with the Russian-dominated nations, we have not. I believe that we can and should increase our commercial relationships with the Russian satellite countries. The benefits encompass not only the area of mutual self-interest, but give us the opportunity to demonstrate first-hand the advantages and strengths of our free enterprise concepts.

It would seem self-evident that as international trade grows, it promotes communication and thus understanding between people—an essential prelude for meaningful accommodation without which peaceful relationships cannot be achieved.

I happen to think that the United States' very substantial direct investments abroad may very well be the most effective form of foreign aid available to our country. In recent years our traditional economic aid programs—those managed by our government—have been distorted by the strategies of the Cold War. While they have no doubt helped in implementing our national policy the results have had but short-term benefit, and have not achieved the objective of stimulating and accelerating economic progress in the under-developed countries of the world

While real progress is being made in strengthening the economic ties between the industrialized Western countries through trade relationships, and progress is evident in increasing trade between the Soviet group and our Western friends, we must face up to the regrettable fact that not much real economic progress is being made in the lesser under-developed countries of the world.

From the beginning of written history until the Industrial Revolution, the average per capita income in the world ranged between the equivalent of fifty to two hundred dollars per year measured in today's dollars. Even today, only about 20 percent of the world's population has achieved an income above that level. The other 80 percent exists in a setting that has had a dreary familiarity over the centuries of recorded history. Today's typical Indonesian, Egyptian, or Pakistani, and the indigenous populations of many countries in Central and South America, have in their environment much that would be familiar to a Roman of Caesar's time or Chinese in the Han Dynasty.

Today, there are 3.6 billion people on earth. By the year 2000, there will probably be 6.4 billion. Most of this population growth—in fact, nearly 70 percent of it—will take place in the poorer countries of the world, where minimal progress is being made in raising standards of living.

The significance of these statistics underlines the absolute necessity of promoting industrialization in the under-developed countries of the world if we are to make headway in increasing the average standard of living of our world's population. For example, the gross national products of Latin American countries are currently increasing by about 3 percent, but this is being cancelled out by an annual population growth of 3 percent. In contrast, in the more developed countries gross national products are increasing at a rate more than double the rate of population growth.

This year the per capita product value in the industrialized world is 12 times that attained in the non-industrialized world. By the beginning of the next century, per capita income in the industrialized countries could easily climb by 50 percent to a point where it is 18 times that in non-industrialized countries.

All of this unfortunately adds up to a potentially wider gap—an even deeper chasm between rich and poor in our world society. The social, economic, and political implications of such a situation cannot be ignored—especially since wider communications through the media of radio and television continue to make the impoverished even more aware of the affluency that surrounds them. As Lester Pearson, the former prime minister of Canada and winner of the Nobel Award, put it—quote—We envision a world in which the deprived and disadvantaged will join the mainstream of technological and social progress. We can only ask those who do not share this vision to look ahead for 25 years and try to determine what the world will look like then, if the division into the rich and the poor, the developed and the stagnant societies continues and widens, as it will certainly do if we do not work together to prevent it. Then, think back to the measures we could have taken—and thereby have avoided—the tragic consequences that will *surely follow tomorrow our failure to act today.* The paramount long-term interest of all nations, rich and poor, is in creation of a world in which all the world's resources, human and physical, are put to the greatest possible use for the greatest possible number— unquote.

The multinational corporation can be the major force with which the world marshals its human and material resources for the good of all people. Not only do these organizations have the skills and resources, they bring people together, forging a bond of mutual interest, respect, and understanding, and they can put the have-nots onto the launching pad while they propel the haves toward new social, scientific and technological frontiers.

This cannot be achieved if the multinational corporation continues to largely concentrate its operations in the highly developed countries of the world. To illustrate the current concentration of the total goods produced by U.S. operations abroad, about one-third is produced in Canada, one-third in Europe, and one-third in *all* the rest of the world.

U.S.-based companies with subsidiaries in Europe have an unusual opportunity to utilize their European organizations to establish themselevs in underdeveloped countries. For the truth is, U.S. companies do not have a large enough supply of middle management to export this asset to the underdeveloped countries—not to mention the fact that Americans, to a greater degree than the nationals of other countries, are typically reluctant to move and to live in other countries with a lower standard of living than ours.

According to many observers, European companies are far better equipped than we are in the United States with middle management and technical personnel who have the desire as well as the capability of installing production facilities, training people and transporting the acquired know-how of U.S. corporations into the underdeveloped countries.

To summarize: the multinational corporation has an important role far beyond that of making money or of developing and exporting product and know-how. It has the incentive, the enlightened self-interest to expand the marketplaces of the world, in order to permit people everywhere to have an increasing share in the progress of mankind.

Wouldn't it be pleasant if I could end my talk this morning on that high note! But you and I know that there are difficult problems that *must* be solved if a multinational corporation can successfully pursue its objectives. Tax, tariff, and anti-trust laws are inconsistent and discriminatory among the trading areas and various countries of the world. Tax havens abound. Fraudulent organizations often operating with funds fleeced from trusting people enjoy far-reaching immunity by operating from countries which have no meaningful regulations or supervision to restrict illicit operations—all actions that bring disrepute upon private enterprise.

Another case in point—today there is no way for a company to legally become a corporate citizen of the world. The multinational company needs an international character in the legal sense, as well as in its mode of operation. Without it, it will continue to be suspect in the minds of many of the vocal nationalists in the host countries in which it operates. "American Go Home" or "Englishman Go Home" have too often been used as emotional slogans by politicians or competitors who place false national pride ahead of economic reason.

Even in the limited Common Market area the tax situation makes it impractical to form a multinational company through the merger of existing companies located in two or more countries of the Common Market. Actually today, a Delaware corporate base offers advantages for such a merger not found in any of the European countries—a situation of which the Common Market people are painfully aware.

Still another case in point, the three-quarters of the earth covered by water is a jurisdictional "no-man's land". It is estimated that immense reserves lie under our oceans—reserves that will be needed to support the world economy for the next century, and the next, and the next. Already many of the technological problems are being solved that will soon permit the transmission of huge amounts of power to the ocean floor. Machinery is being built that will lift large rich payloads from the ocean depths. But, just how does one stake a claim to land under the high seas to permit operations outside of the 12-mile limit? Where does an American company make such an application?

Does it send a request to the President, to the State Department or to U. Thant? How will its legitimate interest be safeguarded if a competing enterprise from another nation takes over its sea base by force?

Problems of the nature of those I have outlined must be solved if we are to mitigate the problem and conflict areas that will otherwise retard the growth of multinational companies. The nations of the world must negotiate understandings and agreements on a wide spectrum of economic and legal questions if we are to accomplish world economic growth and with it world peace.

For there to be order there must be governing law, and for the development of international business there must be an adequate system of international law—in order to give the international businessman fair, modern and properly enforced rules to govern his actions and his transactions. Such a background of supra-national law must be established as quickly as possible. The world's economic problems are pressing, and will not wait.

Unfortunately, the leading nations of the world have proved themselves very woefully inept in the area of developing international agreements. Witness the complete failure of the League of Nations—the spectacle of the United Nations floundering in a chaos of bickering and inaction.

The only encouraging example I can think of in the negotiation of multi-lateral agreements between nations was the formation of the World Bank, an outgrowth of the Bretton Woods' Confreence of 1944. Here is an example where political problems were accommodated because economic necessities were paramount.

Perhaps from this example, and from a deeper analysis of history, we should conclude that it is folly to attempt to solve the political problems of the world before economic compatability has been achieved.

The United Nations, in spite of its obvious shortcomings, provides a sound and readily available instrument for the establishment of multinational agreements. Let us therefore encourage the United Nations to stop playing Cold War politics and start building a world peace, based on the economic realities of the last decades of this century.

It is my belief that real progress by the United Nations in this vital area will lead us down the road to peace faster than anything that has been accomplished in the twenty-five years that have elapsed since the U.N. Charter was signed here in San Francisco. To resolve the problems of world politics, and attain world peace, we must face economic realities. Politics should follow sound economics—not the reverse.

The questions before the world now are crucial and they must be answered before time runs out:

Can our statesmen untangle international law and eliminate many of the nationalistically oriented barriers to world trade, and create an atmosphere for the prosperity of international business?

Can international business expand rapidly enough, in all parts of the world, so that gross world product wins in its race with increased population? If not, the impoverished will inherit the earth by sheer weight of numbers.

Will a large segment of the professionals in American business—executives such as you—apply your vision, your experience, your wisdom in helping your business to grasp the significance and the opportunities that lie ahead for internationally oriented business?

Cannot we de-escalate the Cold War in a more enlightened fashion by enlarging trade with the Communist bloc? If not, we may miss a real opportunity to solve our problems of peaceful co-existence, and to bring the Communists face-to-face with the realities—the advantages—of free enterprise.

Can the people of the world throw off the shackles of narrow economic nationalism and enjoy the benefits of freer trade? If not, how can we avoid the continuation of a divided and fragmented world?

We need a world in which people are partners in creating progress rather than antagonists in continual conflict.

Given a healthy climate in which to operate, the multinational corporation can help build such a world, and help bring about genuine world peace—a peace based on economic realities, and strengthened by the enlightened self-interest of businessmen.

Thank you very much for inviting me here today.

PRESIDENT SHOULD SPEAK OUT ON DISASTROUS TRADE BILL

(Mr. MEEDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MEEDS. Mr. Speaker, comments favorable or unfavorable from the White House influence greatly the fate of legislation. A Presidential plea for "action now" can speed a bill through the Congress, while a negative request can slow or even sidetrack a piece of legislation.

President Nixon has not hesitated in his role as a legislator. Nearly every week we receive his views on measures before the Congress. Welfare, foreign aid, manpower, conservation, and national defense issues have all received Presidential attention and congressional action.

How astonishing it is, Mr. Speaker, that when the Congress is working on what may be the most disastrous economic legislation of the decade we hear nothing from Pennsylvania Avenue. H.R. 18970, the Trade Act of 1970, passed the House last month in bitter controversy amid absolute silence from President Nixon. Could it be that the political aspects of the measure were too delicate to merit Presidential comment?

Mr. Nixon has never been regarded as a protectionist. Surely he must realize the consequences of H.R. 18970. Surely he must hear the dire warnings now being sounded in Europe and Asia. Surely he knows the inflationary pressures inherent in the bill; surely he knows what the legislation can do to full employment.

The Nation's press has not let Mr. Nixon's silence go unnoticed. Mr. Speaker, I insert with my remarks the commentaries of Eric Sevareid, Milton Viorst, and Howard K. Smith:

CBS EVENING NEWS WITH WALTER CRONKITE

(By Eric Sevaried)

This lame duck session of Congress, the first in 20 years, got down to business quickly enough after the opening ritual of congratulations and commiserations for those elected and those defeated. It's the business itself, much of it, that is bizzare. Conceivably the President can find his veto of the bill for politcial spending on TV overridden; equally conceivably he can find himself confronting a political and economic nightmare in the form of an import quota bill. This, so a great many serious people fear, would not only set off a worldwide trade war in the disastrous style of the pre-World War II period, but would also fan the fires of the domestic inflation that the President must somehow dampen down.

The whole story on this is a comedy, or more appropriately, a tragedy of errors compounded. It all began with Mr. Nixon's promise to produce some foreign import relief for his Southern textile political supporters. This was to come through voluntary agreements with foreigners, chiefly the Japanese, but they balked. So a bill was put together in the House, intended only as a persuader, but it got out of hand. The gate had been opened, and, as one leader put it, Congress tore the whole fence down. Shoes were added to textiles, mandatory oil quotas to shoes, then scores of other products, when foreign imports reach a certain level.

And foreign countries, including the European Common Market, are preparing and announcing retaliations, chiefly against our farm exports, if this bill becomes law, and a Federal Reserve Board official estimates the extra cost to American consumers of clothing and shoes at nearly four billion dollars in the next five years.

Farm organizations are in a sweat, sensing what can happen to farm exports. The State Department, which has a premonition of history repeating itself, is in a sweat. Consumer groups are getting aroused, belatedly, and a last ditch effort at a voluntary deal with the Japanese is being made by the White House.

To complete the nightmare, the bill on the Senate side is tacked, along with the bill for a new welfare plan, onto the bill for raising Social Security payments, a prime specimen for connoisseurs of legislative abortions.

If that can be straightened out the President will have an easier time vetoing the trade bill itself, which he has warned he would do. He can always argue that he tried to help his textile industry friends, and as a matter of fact, he tried again this week. He nominated the chief Washington lobbyist for cotton textiles to membership on the Tariff Commission.

[From the Evening Star, Nov. 19, 1970]

NIXON'S DILEMMA ON THE TRADE BILL

(By Milton Viorst)

The most important piece of legislation to come up during the entire Nixon administration is currently before Congress. And, amazingly, we don't have a clue to whether the President approves of it or not.

This bill, which imposes a stringent new set of restrictions on imports, can damage our relations with every trading country in the world. It can profoundly impair the development of our national economy.

But because of its domestic political implications, the President has remained silent about it.

We know his opinions on street crime and student violence, on which he can take pious moral positions but which elude easy legislative solutions.

In contrast, he says nothing about the trade bill, where a moral position requires courage but whose disastrous consequences can be averted by a simple congressional majority.

Admittedly, the President is in a dilemma. He committed himself in 1968 to repay the Southern textile tycoons who made possible his election. He also has some major debts to the big spenders in the oil industry. He'll need both of these groups again in 1972. This legislation was originally written for them.

But he knows this bill is intrinsically inflationary. It will raise oil prices immediately and textile prices shortly. Over the long run, it could increase the price of every product that now has foreign competition. By 1972, the inflation in this bill could generate a lot of anti-Nixon votes.

The President also knows that, before long, the nation's exporters will begin to feel the backlash of economic reprisal. The European Common Market, our biggest customer, has warned explicitly that it will retaliate vigorously if this bill is passed.

Hardest hit will surely be agriculture, which last year had $6.6 billion in exports. Currently, American farmers export 50 percent of their soybean crop, 41 percent of wheat, 36 percent of tobacco, 58 percent of rice, 29 percent of cotton. Naturally, the farm lobbies are outraged by the bill.

As Denver's Rocky Mountain News put it: "Protection for a North Carolina textile plant will be at the expense of, say, an Indiana soybean grower (or) a Colorado wheat farmer."

There is no doubt, furthermore, that the bill will trigger the kind of action-reaction sequence (called a trade war) that can lead only to a grievous decline in international commerce, as the Smoot-Hawley protective tariff act did in 1939.

Paradoxically, the loser would necessarily be the United States. This year, despite all the complaining about unfair competition from abroad, we will have a $3 billion trade surplus. This surplus is vital to maintain our overseas commitments, our balance of payments and the stability of the dollar.

Mr. Nixon, perhaps, can still save the situation. He understands the importance of international trade. He is not, at heart, a protectionist. He can go on television to explain to the country exactly what is at stake.

He will have no problem showing that a congressman who votes for fatter profits for textiles and oil takes dollars out of the pockets of farmers, industrial workers and, ultimately, every American consumer.

Yet Mr. Nixon risks going down in history as the first protectionist president since Herbert Hoover, and the chief antagonist to the international trend toward freer trade.

By his acquiescing in the trade bill, he is asking the country to pay a heavy price for his personal political debts.

HOWARD K. SMITH COMMENTARY

Congress is on the edge of making what most economic experts consider the single biggest willful mistake of recent times. At the risk of saying things you already know, let me recount the elements.

In the Great Depression—which incidentally was worse than anything young people protest about today—nations sought to protect what industry was still working by raising already high tariff walls against one another's goods.

The result was—trade outlets for all narrowed, and the Depression got worse. Some think World War Two was the indirect result.

Well, President Roosevelt saw it and took the bold step of trying the opposite. He cut restrictions. Other nations cut theirs against us. Trade expanded . . . and the greatest period of world prosperity in history resulted.

Now, yesterday, the House voted to reverse 36 years of freer trade and restrict foreign goods again.

The excuse is, it will save a few jobs temporarily. The fact is, reduced foreign competition will raise our prices and deepen the recession. And, as Britain's trade spokesman said today, the world will retaliate and restrict our sales to them.

Since the U.S. sells more to other nations than we buy from them, *we* will suffer most from a trade war we are provoking.

In a time when we have so many problems due to omission and neglect, it seems the height of folly to create a bigger one by active commission in Congress.

The British trade spokesman called it "crazy"; and I can't think of a better description.

THE SST ISSUE

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, tomorrow, as I understand, the Department of Transportation appropriation bill will be sent to conference with the Senate. The gentleman from Illinois (Mr. YATES) has indicated that when the House considers this action he intends to make a motion to instruct the House conferees to support the Senate position on the SST and eliminate the $290 million from the bill.

Mr. Speaker, under that procedure there will be little opportunity for those of us who support the funding of the SST to restate our reasons. Therefore, let me remind my friends that President Nixon called the Senate's disapproval of the American SST a devastating mistake that could ruin the Nation's areospace industry, wiping out as he said, 150,000 jobs and costing the taxpayers millions of dollars in contract cancellation costs alone.

Mr. Speaker, the SST already exists in the Anglo-French Concorde and the Soviet TU-144. U.S. airlines have ordered some of the former.

U.S. airlines have put cash on the line for the U.S. SST because it will carry passengers at a lower cost than present jets. As to air pollution levels and climate, Mr. Speaker, there is no evidence that any reasonable number of U.S. SST's would significantly affect the atmosphere and as for noise no SST's will be permitted to fly supersonically over populated land masses.

Mr. Speaker, I hope the Members of this House will consider the devastating effect on our economy if there is no U.S. SST, because it would give up more than $22 billion in favorable foreign trade. Furthermore, the cost of cancellations and the settlement of other commitments caused by the abrupt discontinuance of the SST, according to the President, would be $278 million, as against $290 million in the bill. We already have $700 million invested.

Mr. Speaker, I urge that Members vote to table the Yates amendment, and indicate their confidence in the managers on the part of the House. These Members are well informed and could consider all points at issue, and make a determination based on their information. I do not think the House should take action tomorrow to kill the U.S. SST, at least until the House conferees have had an opportunity to study this problem. This is not an issue involving jobs in one particular area; after all the U.S. SST is being built in 46 States.

RECALL THE PEACE CORPS FROM CHILE

(Mr. COLLIER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COLLIER. Mr. Speaker, as a result of the recent election in Chile, President Salvador Allende will head a popular-front government. As he received but a mere 36 percent of the vote, it became necessary for the Congreso Nacional, Chile's legislative body, to make the final decision that put him in office for the next 6 years.

The popular front consists of Dr. Allende's own Marxist Socialists and Communists and four non-Marxist leftist groups. All of these parties are dedicated to the overthrow of the capitalistic system.

During the election campaign that brought about his assumption of power, Allende issued a list of 167 businesses that he promised to confiscate if elected President; they involve $2 billion in U.S. investments. He declared that his first goal was nationalization of Chile's basic mineral resources, to be followed by nationalization of banks and other industries and monopolies.

Allende said:

> We are against control of our basic and strategic sources of wealth—copper, steel, power—by foreign capital. We think our development must be based on our own internal strength.

Actually the process of socialization in Chile antedates the arrival of Senor Allende. Since 1965, more than 2 million acres have been expropriated, with due compensation to the owners, for distribution among rural workers. Another agrarian reform program, designed to give 60,000 rural families land during a 3-year period, became law in 1967.

Also in 1967, the Government of Chile acquired 51 percent ownership of a large mine owned by an American copper company, and of two mines of another American copper company in 1969, the owners being compensated. About 85 percent of Chile's 6,700 miles of railroad are owned by the state.

Upon assuming office, President Allende appointed Jose Toha, editor of Santiago's Marxist publication, Las Noticias de Ultima Hora, Minister of Interior. In this position, Senor Toha will command the carbineros, the national police force. His Deputy, Daniel Vergara Bustos, is a Communist.

The carbineros do not take an oath to support the Constitution, but instead swear allegiance to the President. Communists have also been named to the labor, finance, public works, and foreign portfolios.

Six years in office will give the new President sufficient time in which to entrench himself. Nationalization of key industries and harassment of the communications media will combine to squelch political opposition. The process of nationalization will bring about the elimination of advertising and the drying up of campaign contributions.

Mr. Speaker, this brief recital of the situation existing in Chile has been presented as a background before calling the attention of this great body to the fact that we have 65 men and 27 women stationed in Chile as representatives of the Peace Corps. The question arises, at least in my mind: Should these 92 members of the Peace Corps continue their work in Chile or should they return to the United States, possibly for reassignment to one or more non-Communist countries?

When the Peace Corps was established in 1961, it was for the purpose of promoting world peace and friendship by sending Americans abroad to help the peoples of other nations to meet their needs for trained personnel, help promote a better understanding of Americans by the peoples of other lands, and promote a better understanding of other peoples by Americans.

Just how will these 92 Peace Corps enrollees be able to promote world peace by serving in a country whose newly installed President has said:

> Our purpose is to have relations with Cuba, North Korea, North Vietnam, China, and the German Democratic Republic?

Cuba is a Soviet base in the Caribbean Sea from which death and destruction can be rained upon the United States. North Korea is the nation that seized the U.S. Navy's intelligence ship *Pueblo* in 1968 and held its crew prisoners for 11 months. We have been fighting a war against North Vietnam since 1963, one of its chief suppliers of aid being Communist China. East Germany is a puppet of the Soviet Empire, our bitterest enemy.

Why should the Peace Corps keep even one of its members in a country that maintains friendly relations with the enemies of the United States, let alone 92 members?

One of the reasons that I voted, earlier this year, to provide almost $100 million for the Peace Corps was that I believed it constitutes a very effective means, not only for combating Communist propaganda and influence in other countries, but as a way to demonstrate the superiority of the free enterprise system that has enabled the United States to enjoy a maximum of political freedom along with unequaled and unprecedented material prosperity, while also sharing its God-given abundance with less fortunate peoples all over the world. I still believe in the Peace Corps, but I see no point in maintaining any of its personnel in Chile.

Instead of exposing our 92 Peace Corps representatives to the dangers that inevitably accompany a Communist takeover, we ought to withdraw them immediately and begin strengthening our defenses in Latin America. With one Communist regime in Cuba and another in Chile, the latter a nation with a coastline of 2,620 miles, both the Atlantic and Pacific sides of the Panama Canal are in danger.

Mr. Speaker, during the 1960's we provided over $1,300 million in loans and grants to Chile. One of the purposes of our many foreign aid programs has been to combat communism. So many times we have heard the question, asked by the proponents of foreign aid, "Do you want them to go Communist?"

It is obvious that once again we have failed to effectively combat communism, for Chile has gone Communist.

HOUSE GOP CURBS HOUSING MEASURE

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, last Thursday, the House overwhelmingly adopted, on a voice vote, an amendment which I offered to the Housing and Urban Development Act requiring the Secretary of Housing and Urban Development to follow the dictates of Congress with regard to the establishment of criteria for funding waste and sewer grants.

It has been brought to my attention that a member of the House Banking and Currency Committee, the Honorable THOMAS L. ASHLEY, purportedly stated that he was confident that the conference committee on the housing bill would remove my amendment. It was obvious that the will of the House was behind my amendment because no vote was heard in opposition to its passage, with the chairman of the Housing Subcommittee, the Honorable WILLIAM A. BARRETT of Pennsylvania, voicing his support of my proposal, along with the ranking minority member of the Banking and Currency Committee, the Honorable WILLIAM B. WIDNALL of New Jersey, likewise voicing his support. The author of the substitute measure, the Honorable ROBERT G. STEPHENS, JR., of Georgia, voiced his support for my amendment and no opposition appeared openly. It is quite presumptuous for anyone to assume that the conference committee will delete an amendment that was adopted without visible opposition at the time of passage.

For the information of my colleagues, I am inserting the New York Times article into the RECORD:

HOUSE G.O.P. CURBS HOUSING MEASURE

(By John Herbers)

WASHINGTON, Dec. 3.—Republicans in the House of Representatives outmaneuvered the Democratic majority today and struck from a compromise housing bill a provision that would have established broad new authority for building new communities and revitalizing old ones.

The bill, which still contained some provisions opposed by the Administration, then was passed by a vote of 327 to 30.

It now goes to a conference committee, where Democratic and Republican sponsors will attempt to restore the new communities section, which is by far the most important part of the legislation.

Earlier this year the Senate passed a similar $4-billion bill containing the new communities provision.

By a teller vote of 91 to 84, the House struck the entire section broadening the Government's authority in helping establish new communities. Under a teller vote, members march up the center aisle and are tallied as being either for or against an amendment.

The vote came on an amendment by Lawrence G. Williams, Republican of Pennsylvania, who argued that establishing a corporation within the Department of Housing and Urban Development with powers to acquire land, guarantee loans and make grants for community facilities would place too much power in the Federal Government.

MINORITY OUT IN STRENGTH

The Republican minority was out in strength for the Williams amendment. Only a fraction of the Democrats were on the floor.

Ordinarily, a teller vote can be reversed in a roll-call after the members have been routed out of their offices and conference rooms. But this was impossible today because the Williams amendment was to another amendment and was not subject to a roll-call.

"We had the votes," said Representative Thomas L. Ashley, Democrat of Ohio, author of the bill. "We simply didn't have them on the floor."

Representative William B. Widnall, Republican of New Jersey, ranking minority member on the Banking and Currency Committee, who had helped work out the compromise bill, appealed for retention of the new communities section.

He said it was "responsible, constructive" legislation that followed the concept for urban growth policy and new communities set by the Administration and was needed not only to get new towns under way but also to rebuild residential sections of the central city.

The Ashley proposal would greatly expand the new communities section of the Housing Act of 1968, which has attracted little activity. It would do so by providing loan guarantees to both local governments and private developers, making grants for community projects and assembling the necessary land for development of large projects.

George Romney, Secretary of Housing and Urban Development, made a similar proposal earlier in the year, but it was rejected by the Budget Bureau as too costly for the time being.

After the Ashley bill came out of committee, Mr Romney asked Congress to wait until next year, when President Nixon is to make comprehensive housing and urban policy proposals.

The Administration offered a bill that simply would have continued existing housing proposals until comprehensive legislation is drafted next year. That measure was defeated last night.

Today, House Republican leaders had their members out to defeat the Ashley bill. On the new communities section they succeeded, but they were turned back on further substantive amendments.

What emerged was a bill that went considerably further than the Administration proposed. For example, it would expand existing housing programs by about $2.4-billion over the next three years.

Also it provides for the Government to underwrite crime insurance if rates in high-crime areas become unreasonable. This provision is designed to help small shopowners and others who are faced with heavy losses because of robberies and burglaries.

The House accepted by voice vote and without debate an amendment by Benjamin B. Blackburn, Republican of Georgia, to prevent H.U.D. from withholding water, sewer and other grants to suburban communities because they do not make provisions for low-income housing.

Mr. Ashley said this would clearly stand in the way of plans made in the housing agency to disperse central city poor to the suburbs where employment is more available.

The housing agency has been pursuing such a policy on a limited basis by giving priority to communities that do make provisions for low-income families. But agency plans for a stronger policy in this regard have been questioned by Attorney General John N. Mitchell and others in the Administration. This was the subject of a White House discussion yesterday by Mr. Mitchell, Mr. Romney and President Nixon.

Mr. Ashley said he was confident that the Blackburn amendment would be eliminated in conference, even though no one in the House spoke against it.

MILITARY RECORD OF HAWN FAMILY

(Mr. HUNT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HUNT. Mr. Speaker, patriotism and duty to country are words to which more than lipservice is paid by the family of Mr. and Mrs. Richard W. Hawn, Sr., of Lindenwold, N.J.

It was certainly refreshing to read on the front page of Lindenwolds Record Breeze of November 26, 1970, that four of the Hawns' children and a daughter-in-law either have served honorably or are presently serving in the U.S. Marine Corps.

Mr. Speaker, on this the 7th day of December—Pearl Harbor Day—the military record of the Hawn family perpetuates the tradition of those who have courageously fought and died for the freedoms which we enjoy in these United States. It is a record, also, which stands in marked contrast to the scores of youth who have reneged on their responsibilities as Americans and have given up their country by seeking the relative comfort of refuge in Sweden and Canada.

Mr. and Mrs. Richard Hawn have a family they can certainly be proud of and I heartily commend them. The Record Breeze article follows:

Military Record of Hawn Family

Lindenwold—To say the Hawn family is a military family would be making an understatement.

Two of the sons of Mr. and Mrs. Richard W. Hawn, Sr., John and Stephen, their fourth and sixth sons, and graduates of Overbrook Regional High School, recently completed their "boot" camp training at the Marine Corps Training Depot at Parris Island, S.C., and are now stationed at Camp Lejeune, N.C., for advanced training.

The two will be home for Christmas leave before departing for California and thence moving on to Okinawa.

The eldest of the Hawn brothers, Sgt. Richard W. Hawn, Jr., also a member of the Marine Corps, is now home, following his honorable discharge from the service in California.

A veteran of the Vietnam fighting, he is staying with his parents while awaiting his wife, Corporal Marsha Hawn, who will be transferred to Philadelphia, where she will finish her enlistment, also in the U.S. Marine Corps.

The Hawns have another son, James, who is stationed in Fort Jackson, S.C. He will return in November and serve with the reserves.

In all, Mr. and Mrs. Hawn have 10 children.

COMMENTS ON THE LATEST TURN IN VIETNAM POLICY

(Mr. COHELAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. COHELAN. Mr. Speaker, it has been almost 3 weeks since the original announcement by the Department of Defense about renewed bombing in North Vietnam. During this time, we have been treated to a series of disclaimers followed by corrections followed again by additional briefings.

At this point, only one thing seems clear—the bombing marks a renewed escalation of the Vietnam war. Notwithstanding that Orwellian explanation that these raids were "protective reaction of limited duration" this was clearly a new and regretable offensive operation.

The raid on the Son Tay prison camp is, of course, another matter. While there is no doubt that the technical execution was brilliant, I have serious doubts as to the wisdom of attempting to free the prisoners in this way.

The raid does point up the serious contradictions in administration information policy, however. Were it not for persistent questioning we would not have been told that some of the airstrikes were connected to this adventure. This last revelation may, of course, be only another interim explanation.

What we have seen is but a continuation of the 7-year nonpolicy in Southeast Asia. A lack of candor by the administration, a lack of consultation with Congress, and contradictory statements of intent.

The public lacks trust in our Government. I do not see how it could be otherwise if we are further subjected to events similar to those of last week.

I include now a number of editorial comments on this latest turn in Vietnam policy:

That Dubious Raid To Free the Hanoi Prisoners

(By Clayton Fritchey)

The North Vietnam helicopter raid to rescue U.S. prisoners of war is described as a "failure" because the prisoners had previously been removed, but it may have been a failure the administration can thank its lucky stars for.

If, as the Pentagon believed, the prisoners had still been there, they would have been in the custody of heavily armed North Vietnamese guards. At the first sign of a U.S. raid, it must be assumed the guards would probably have executed the prisoners, and then turned their guns on the rescue party.

What the final outcome would have been, nobody can say. But even if the raiders had succeeded in evacuating some of the U.S. prisoners after killing some or all of the guards, it is not pleasant to contemplate what the retaliation would have been.

Hanoi might well have executed American prisoners held in other camps, or have subjected them to such treatment that they wished they were dead. There are at least 378 U.S. military prisoners in North Vietnam. Was it prudent to endanger their lives in a long-shot attempt to rescue a small number of prisoners at the abandoned camp, especially when they, too, might have been killed?

There is a smell of desperation about this adventure. It is not the considered action of a great power, for no matter how the raid turned out it could not advance the kind of agreement that must be reached in order to resolve satisfactorily the over-all prisoner-of-war situation. Only patient negotiation can do that.

There is also the dubious smell to the various official explanations offered for the simultaneous mass bombing attacks on North Vietnam below the 19th parallel. First, it is suggested that they were intended to spur the enemy toward peace negotiations in Paris. Then we are told they were to interdict Hanoi's supply line to Cambodia and South Vietnam.

These stories won't hold water. Since President Lyndon B. Johnson bombed North Vietnam daily for years in a vain effort to get Hanoi to the peace table, why would President Nixon's 48-hour "limited duration" bombing do the trick? It is the same with supplies. Since Johnson's continuous bombing of Hanoi's system of supplies and reinforcements, how could a mere two-day renewal of the bombing do the job?

Administration spokesmen say key leaders on Capitol Hill were informed in advance of the raids. It turns out, however, that none of the appropriate senators or congressmen were consulted. This includes Sen. J. William Fulbright, chairman of the Foreign Relations Committee; Sen. George Aiken, the ranking Republican member of the committee; Sen. John Stennis, chairman of the Armed Services Committee, and Rep. Thomas Morgan, chairman of the House Foreign Affairs Committee. It is also widely believed that neither the CIA nor the State Department was in on the raid.

By putting Vietnam on the front burner again, the President has revived congressional demands for withdrawing U.S. troops by a definite date. Previous resolutions to that effect were defeated by a President who said he, too, was dedicated to withdrawal, but needed "flexibility" in getting out.

It is becoming clearer what flexibility really means. It actually allows the administration to escalate the war whenever it sees fit and, in the discretion of the President, to abandon or slow down further disengagement from Vietnam.

Escalation has happened twice already, first in the invasion of Cambodia (unauthorized by Congress) and now in the new aerial attacks on North Vietnam, also ordered without congressional consultation. There is nothing, in fact, to stop the President from full scale renewal of the war if he so desires, and this may not be as remote a possibility as many Americans think.

Sontay: Mission Incredible

(By Frank Mankiewicz and Tom Braden)

The scene is a deserted shopping center parking lot, just after dawn. A friendly, bald man, looking remarkably like the Secretary of Defense, parks his car and walks up to a parking meter. He deposits a dime, and we see the meter begin to whir; it is, in fact, a tape recorder. It begins to speak.

"Good morning Mr. Laird. The man you are looking at (click) is Richard Nixon, President of the United States of America. Mr. Nixon will lose the next election to a radical-liberal unless he can convince the followers of this man, (click) George Wallace, that the Nixon administration is hard and tough about Vietnam even though withdrawing from the war.

"This general, (click) Vo Nguyen Giap, is keeping hundreds of American airmen prisoner in North Vietnam on the flimsy pretext that they bombed his country. Your job, Mel, should you accept this assignment, is to rescue some of the fliers, convince the followers of Wallace that President Nixon is hard and tough, and take world attention away from the fact that our country doesn't even take prisoners.

"As always, should you or your team fail in this assignment, the assistant secretaries will say it was a success, anyway. This parking meter will self-destruct in five seconds. Good luck, Mel."

It was indeed like Mission Impossible—the technology was perfect, even down to the locks blown off the empty cells—but as so often happens in real life, it failed. The question is, why was it attempted at all?

In the opinion of one of the few Americans who has been involved in making this kind of decision, the effort represented "complete stupidity" if it was more than a political gesture. He assigned three reasons:

First, we are "badly penetrated." That is to say, the South Vietnamese, at every level of government and the armed forces, are full of Viet Cong agents—30,000, according to the CIA. It is thus virtually impossible to carry off a raid of this kind without their knowledge.

Second, our own intelligence in and about North Vietnam is "terrible." When Laird told the Senate Foreign Relations Committee, with heavy scorn, that we have no camera capable of taking pictures through a roof, he spoke more truly than he knew. Our knowledge of North Vietnam is in fact limited to what our cameras see—whenever we get an agent in there he is, in the language of the trade, quickly "rolled up."

Third, it was dangerous folly to think we could go into a real prison without some or all of the prisoners being killed. Since we were wrong about where the prisoners were, we must obviously have been wrong, too, about where the enemy was and what strength the enemy had. If there were indeed 200 to 300 U.S. prisoners at the camp, is there any reason to think it would not be defended, probably with machine guns or recoilless rifles?

As it was, one helicopter was lost, crippling the plan. Laird spoke of a "purposeful crash-landing," but this is absurd nonsense. Helicopters, by their very nature, either crash or land, but not both. Why crash-land, if you can land? The best theory is that film of the crashed helicopter was due momentarily from North Vietnam's propaganda people, which is the only reason we have heard about the raid at all.

Why, then, was it attempted? There are only two possible explanations. Sen. J. William Fulbright (D-Ark.) pointed to one, when he said the problem "isn't with the machinery or the technology; it's the brains and judgment that are lacking."

But there is another reason and it is expressed, if fancifully, at the beginning of this column. It is to make Mr. Nixon seem "tough" in Vietnam, thus protecting his right flank as he disengages. It may be smart politics, but it is dangerous business.

A MATTER OF CREDIBILITY

Secretary of Defense Laird says the Administration decided to publicize the commando raid on an empty prisoner-of-war camp near Hanoi because of "a certain problem of credibility in our society." But nearly everything connected with this brilliantly executed but nonetheless abortive mission—especially the official explanations and claims for it—is likely to widen that home-front credibility gap.

Mr. Laird does violence to credibility, for example, when he persists in asserting that intelligence for the raid was "excellent in all respects." It was excellent in all respects except the one for which the mission was undertaken: there were no American prisoners at Sontay. Even Vice President Agnew said the mission "obviously" was unsuccessful "because of faulty intelligence."

Nor can the well-deserved praise for the brave men who carried it out obscure the probability that the Sontay raid will mean even harsher treatment and stricter surveillance for all American prisoners in Indochina. Even if the raid had been a success, the rescue of 70 or more Americans believed to have been at Sontay would have had to be weighed against the likely consequences for an estimated 300 held in other prisons of North Vietnam.

The credibility problem goes well beyond the Sontay raid, however, to the related issue of the resumption of American bombing of North Vietnam and the over-all policy of Vietnamization and "winding down" the war. Mr. Laird says the decision to disclose the Sontay raid was made "to explain what we did in the North" and to refute North Vietnamese charges of heavy American bombing of the Hanoi-Haiphong area.

Hanoi doubtless exaggerated; yet Assistant Secretary of Defense Daniel Henkin has now admitted that in diversionary attacks during the helicopter raid on the prison, American planes bombed and strafed enemy installations in the Sontay area only 23 miles west of Hanoi. Mr. Laird had said nothing about air-to-ground attacks; he had mentioned only that American Navy planes had dropped diversionary flares along the coast.

This was hardly the way to refurbish the Administration's credibility at home or abroad. About all the world is likely to note is that the United States has again carried the air war close to North Vietnam's capital, as Hanoi had charged and as Washington in effect had denied. When coupled with the resumption of extensive American bombing of enemy installations and stockpiles south of the 19th parallel, the Sontay episode is bound to rekindle old doubts about Mr. Nixon's intentions.

Can the President's idea of Vietnamization include a stepped-up employment of American air power against the North to compensate for the withdrawal of ground troops? Can he still entertain the notion that another flexing of American military muscle will make Hanoi and the Vietcong more reasonable in negotiations about both peace and prisoners? These old questions have taken on fresh urgency. In the circumstances it is difficult to credit the assurances of Secretary of State Rogers that neither Sontay nor the resumption of the bombing will affect the Paris peace talks "one way or another."

[From the Washington Post, Nov. 29, 1970]

THE PRESIDENT'S WAR POLICY: A QUESTION OF TRUST

Senator FULBRIGHT. Is this an indication of a policy change—reversal of the basic policy and objective of the administration—or is it not? Perhaps I read more into it than ought to be read into it, but coupled with Cambodia and with the resumption of bombing, and now this additional action, does this indicate a change in attitude . . . ?

Senator DOLE. One cannot say there is a change in policy because of an effort to rescue American prisoners . . . The Senator from Kansas does not view this as an effort to enlarge the war. The Senator from Kansas does not view the bombing raids, which were directed at military targets, as any efforts to enlarge the war. President Nixon is committed to the Vietnamization program, yes, and hopefully to negotiations.—Congressional Record, Nov. 23, 1970.

This is what it all comes down to, in the ongoing debate over the question of what the Nixon administration is really doing in Vietnam, and the conclusions you draw depend in very large measure on where and how you begin—with what dark suspicions and how much trust. It isn't that the critics don't agree with the essence of President Nixon's approach as he has stated it so much as that they don't believe he means what he plainly says. For its part, the administration appears to be almost wholly insensitive, not to say needlessly defensive, as to whv this might be so; it is as if the President and Secretary Laird and Dr. Kissinger and all the rest had been living hermetically sealed from reality these past years, as if they were unaware that senators and the press and the public have in fact been conned and manipulated and misled and lied to, pure and simple, since the beginning days of the increased American involvement in the war.

Partly, to be fair about it, this was in the nature of conducting for the first time a limited war, waged without full mobilization and censorship and all the rest, in an open society. In such a war, things are said and done for show and for temporary effect, as a means of communicating with, and influencing the state of mind of the enemy—acts not primarily intended for domestic consumption, but visible or audible nonetheless and therefore baffling or downright deceptive in their domestic impact. Thus the "graduated" bombing of the North, intended not as an inevitable move toward an open-ended wider war, but as a thumbscrew that would force an early collapse of the enemy's will to fight. Thus, also, the plunge into Cambodia or the latest bombing of the North or even the raid on the POW camp outside Hanoi—all designed in one way or another, not as a return to the thumbscrew but, if we are to put the most logical cast on it, as a way to buy time for an orderly withdrawal from the war, to give the enemy pause, as it were—something a great power feels all the greater compulsion to do when it is engaged in a strategic retreat.

However, what the senators and the rest of the critics are arguing is that deep down the President still intends to *win* the war, that Vietnamization is a fraud, that the administration isn't telling us the truth. Confronted with word of the Sontay raid, the most Senator Pell can think of to say is "My God," while Senator Fulbright and Senator McGovern and the others probe for sinister shifts in policy. In a letter on the page opposite, a trio of academics contends that the President's "clearly announced and demonstrated strategy entails not only prolonging but vastly expanding this immoral, illegal and unconstitutional war . . ." They add: "to fail to resist his policy, is to become an accomplice."

This is not merely hysterical; it is a gross misstatement of fact. The President has stated no such intention of "prolonging" and "vastly expanding" the war and his continual withdrawal of American troops, which is far and away the most important substance of his policy, argues just the opposite: American battle casualties *have been* sharply reduced; the South Vietnamese combat role *has been* greatly expanded and become more effective; these are facts. And before you can brush them aside, you have to believe, among other things, that there remains within this administration's war council a significant element which still thinks that air power alone can win a guerrilla war. And you have also to believe that Mr. Nixon has some reason to want American forces still caught up in a raging conflict in Vietnam on election day 1972. Leaving trust aside, common sense suggests to us that neither is the case.

Our own hunch is that we are on the way out of Vietnam, irreversibly; that events and circumstances will make the military retreat total because it will prove impossible to retain and protect even a "residual" force of 50,000 men or 100,000 men or whatever; that the process, in the nature of things, may unfold even faster than the President suspects; that Mr. Nixon, while not rejecting negotiation, is not eager enough for an agreement to put the name and prestige of the United States on a deal for the soggy settlement, involving some sort of "coalition" with the Communists, which would be the inevitable result of a realistic compromise; and that the essential contradiction between Vietnamization, which means a gradual weakening of our influence on the Saigon government, and negotiation, which would oblige us to exert heavy pressure on the government in Saigon, will increasingly diminish the prospect for a negotiated settlement in any case.

All this does not necessarily promise an end to the war, only to our involvement in it; still less does it promise that "just peace" the President has spoken of so often. And we wish the administration would stop pretending that it does. For there can be no absolute objectives in a limited war and the administration cannot expect to be believed when it explains away a massive raid on Communist supply centers in North Vietnam in terms of protecting our "unarmed" aerial reconnaissance, or when it seeks to turn a bold but sharply limited and unsuccessful effort to rescue a relatively few American POW's into a dramatic feat of arms. We come back to the question of trust, and to the fact that it cuts both ways, which is really what Senator Aiken is saying in a speech pleading for bipartisan collaboration on the war, which is excerpted on this page.

Our course of action is going to remain very much subject to the response and the reaction of the enemy; it is that kind of war. And we are unlikely to find the best way out of it until the suspicions break down, until the risks and the responsibilities are shared in an atmosphere, not of hostility, but of mutual trust in the pursuit of a common cause.

REPRESENTATIVE PRYOR OF ARKANSAS TO INTRODUCE RESOLUTION IN 92D CONGRESS TO CREATE A SELECT COMMITTEE ON AGING

The SPEAKER pro tempore (Mr. SMITH of Iowa). Under a previous order of the House the gentleman from Arkansas (Mr. PRYOR) is recognized for 60 minutes.

(Mr. PRYOR of Arkansas asked and was given permission to revise and extend his remarks and to inlude extraneous matter.)

Mr. PRYOR of Arkansas. Mr. Speaker, I rise today to announce my intention of introducing at the beginning of the 92d Congress a resolution to create a Select Committee on Aging in the House of Representatives.

I am grateful to be joined today by 80 of my colleagues who have demonstrated their concern for the plight of the over 20 million Americans who will be directly and immediately affected by this committee.

Last February, following an extensive personal examination of nursing homes in the Washington, D.C. area, I addressed this House on the nature of the conditions existing in those homes. Some of those conditions I talked about that day were real and horrible. They were personal experiences observed while I had worked as a volunteer in those nursing homes. I spoke also that day of good nursing homes, of homes which were bright and cheerful and well managed. And I spoke that day of patients being charged $7 to have their toenails clipped; of patients sitting in wheelchairs unattended, in their own excrement; of a patient who had had, according to the proprietor, a slight heart attack, but was not given medical attention because the home did not make a practice of calling a doctor on Sunday.

At that time, February 24, I introduced House Resolution 850 to create a Select Committee To Investigate the Care of the Aged in the United States. Fourteen of our colleagues joined me at that time, and none of us expected that we would solve the problem overnight. But we wanted to make a beginning, to start bringing some hope to those who have given their lives to this Nation—and to afford to American senior citizens not an existence of constant and sure debilitation—but final years of pride, usefulness, and respectability. Now, after an eventful 9 months of waiting, there is still no select committee, there is still no forum in which a comprehensive approach to the problems of the aged can be discussed and planned, there is still no positive sign that the conditions which existed in February will either be adequately discussed, or more importantly, alleviated.

Mr. Speaker, these 9 months have been filled with both a sense of frustration and accomplishment. While we have been frustrated in waiting for the House to make a start in the massive effort needed to hear the voices of our older citizens, I have been deeply gratified by the response of those citizens to our efforts in their behalf.

More than anything else, that response, as evidenced by the more than 10,000 letters my office has received, is the reason why I have decided to expand my resolution to a Committee on Aging rather than solely to a Committee on Nursing Homes. For among those thousands of letters are not only personal accounts of the sometimes unbelievable conditions existing in nursing homes, but also the plaintive cries of elderly citizens who have been abandoned by society and want little more than a spokesman for their interests in Washington. This is precisely what I am proposing today.

I am proposing the establishment of a committee which will listen to those people, which will go to them and hear their problems and their suggestions for solutions to their dilemmas of growing old in America. I am proposing that a vehicle be created through which the voice of our elderly citizens can be raised and heard in the Nation's Capitol.

Mr. Speaker, there will be those in the House who will argue that we have too many committees already, that we do not have even the space for any additional committees—that other committees now exist which have jurisdiction over the issue of aging. But that is precisely the problem—we have too many committees dealing with minute segments of the problem of the aged and we have no single committee looking at the entire problem.

A majority of the 21 standing committees of the House have jurisdiction which in some way affects a substantial portion of the 20 million Americans aged 65 and over. If one looks at those issues which most directly affect the elderly American—employment, housing, health, welfare benefits, transportation, and nutrition—he finds at least five committees which have extensive jurisdiction over the subject area. While no Member of this House can doubt both the sincerity and diligency of the chairmen and members of those committees, one must wonder how it is possible not only to keep track of what his own committee is doing in regard to the elderly, but also what the other 10 committees are doing. More important, those committees which have jurisdiction over programs relating to the aged, also have the responsibility for programs affecting the entire population, and the workload is staggering. It is, in fact, a source of amazement, and yet at the same time, a source of pride, that we have done so well considering the limitations placed upon us.

But this Nation, Mr. Speaker, and this Congress can no longer afford to be satisfied with having "done well" considering the limitations. We must begin a concerted attack on the problems confronting the aged in our society. We cannot be satisfied with periodic investigations into tragedies which have already occurred. We must begin to avert those tragedies.

All of this can be accomplished, not by a frenzied outburst in response to a momentary concern, but by a consistent, full-time, and compassionate concern for those 20 million people. What we are talking about here are the daily lives of those elderly Americans, and they are entitled to no less than constant day-to-day concern by the House of Representatives.

Mr. Speaker, in the days ahead as we debate the question of whether this Congress will establish a Select Committee on Aging, many Members will ask many questions about the jurisdictional limits of the proposed select committee. Even though we are proposing a nonlegislative committee, many will ask whether we are stepping on the jurisdictional toes of existing committees. While I want to be certain to assure the members of those committees that we will not, in fact, be doing that, I would like to set the tone of that debate in another direction.

The committee we are proposing today will be a people's committee. It will listen to people in Washington and around the Nation. It will hear their problems, in their words and from their own hearts. Those people are not concerned with jurisdictions; they are not concerned with which committee has the legislative power to deal with their dilemmas. But they are concerned with the things which affect their own lives, with the price of a piece of beef which is packaged for two people instead of one, with the price of housing which has adequate facilities for a citizen who lacks full mobility, with the standards which have to be maintained in a nursing home, and with consumer frauds perpetrated upon the elderly.

These are acutely human concerns—concerns which must be dealt with in a very personal and compassionate manner—and all of the talk about jurisdiction is not going to get us one step closer to facing these problems in that personal manner.

Mr. Speaker, Members of Congress from all political persuasions and ideologies have joined me today. They have done so because they know that growing old is not a political issue, and that responsible treatment of the aged is not an ideological question.

Mr. Speaker, one-tenth of America, 20 million people who have served this Nation, now wait upon us to serve them. We cannot do it all. We cannot cure all of the ills, but we can begin. I urge all of my colleagues to join us in this effort to give this vital segment of the Nation a real voice, a continuing voice, a full-time voice, in the House of Representatives.

I include at this point a list of the cosponsors of the proposed legislation:

COSPONSORS OF PRYOR RESOLUTION TO CREATE SELECT COMMITTEE ON AGING AS OF DECEMBER 7, 1970

Alexander, Bill (D., Ark.), Anderson, Glenn M. (D., Calif.), Barrett, William A. (D., Pa.), Bell, Alphonzo (R., Calif.), Biaggi, Mario (D., N.Y.), Blanton, Ray (D., Tenn.), Brasco, Frank J. (D., N.Y.), Brinkley, Jack (D., Ga.), Burke, James A. (D., Mass.), Burlison, Bill (D., Mo.).

Caffery, Patrick T., (D., La.), Chisholm, Shirley (D., N.Y.), Conte, Silvio O. (R., Mass.), Corman, James C. (D., Calif.), Coughlin, R. Lawrence (R., Pa.), Davis, John W. (D., Ga.), Diggs, Charles C., (D., Mich.), Donohue, Harold D. (D., Mass.), Dorn, Wm. J. B. (D., S.C.), Duncan, John J. (R., Tenn.).

Eckhardt, Bob (D., Tex.), Edwards, Bob (D., Calif.), Edwards, Edwin W. (D., La.), Eilberg, Joshua (D., Pa.), Ford, William D. (D., Mich.), Fraser, Donald M. (D., Minn.), Frey, Louis (R., Fla.), Fulton, James G. (R., Pa.), Galifianakis, Nick (D., N.C.), Giaimo, Robert N. (D., Conn.).

Gibbons, Sam (D., Fla.), Goldwater, Barry M., Jr. (R., Calif.), Gonzalez, Henry B. (D., Tex.), Gray, Kenneth J. (D., Ill.), Griffiths, Martha (D., Mich.), Hanley, James M. (D., N.Y.), Harrington, Michael (D., Mass.), Hawkins , Augustus (D., Calif.), Hamilton, Lee H. (D., Ind.), Hechler, Ken (D., W.Va.).

Heckler, Margaret M. (R., Mass.), Henderson, David N. (D., N.C.), Jacobs, Andrew (D., Ind.), Jones, Ed (D., Tenn.), Koch, Edward I. (D., N.Y.), Kyros, Peter N. (D., Maine), McCloskey, Paul N. (R., Calif.), McDade, Joseph M. (R., Pa.), McFall, John J. (D., Calif.), Meeds, Lloyd (D., Wash.).

Mikva, Abner J. (D., Ill.), Mink, Patsy T. (D., Hawaii), Mollohan, Robert H. (D., W.Va.), Moorhead, William S. (D., Pa.), Morse, F. Bradford (R., Mass.), Murphy, John M. (D., N.Y.), Nedzi, Lucien N. (D., Mich.), O'Neill, Thomas P. (D., Mass.), Pepper, Claude (D., Fla.), Preyer, Richardson, (D., N.C.).

Pucinski, Roman C. (D., Ill.), Rees, Thomas M. (D., Calif.), Riegle, Donald W. (R., Mich.), Rosenthal, Benjamin S. (D., N.Y.), Roybal, Edward R (D., Calif.), Ryan, William F. (D., N.Y.), Sandman, Charles W. (R., N.J.), Shipley, George E. (D., Ill.), Steiger, William A. (R., Wis.), Symington, James W. (D., Mo.)

Taylor, Roy A (D., N.C.), Teague, Charles M. (R., Calif.), Udall, Morris K. (D., Ariz.), Waldie, Jerome, R. (D., Calif.), Winn, Larry (R., Kansas), Wolff, Lester L., (D., N.Y.), Wyman, Louis C. (R., N.H.), Yatron, Gus (D., Pa.), Zablocki, Clement J., (D., Wis.).

I also include a proposed draft of the legislation which I have previously referred to:

PROPOSED DRAFT OF PRYOR RESOLUTION TO CREATE A SELECT COMMITTEE ON AGING

Whereas there are now more than 19 million persons in the United States age sixty-five and over—a group representing more than 9 percent of our total population and more than 16 percent of our adult population; and

Whereas this group of senior American citizens is expected to exceed 25 million by 1985—thus continuing it as the most rapidly growing segment of our entire adult population; and

Whereas this group is faced with serious and continuing problems, including employment, housing, medical care, education, pensions, and meaningful use of retirement years; and

Whereas these problems have produced and will continue to produce serious strains on the fabric of our national life making it incumbent upon us to discover what social and economic conditions will enable our senior citizens both to contribute to our national productivity and to lead satisfying, independent and productive lives; and

Whereas the problems of our senior citizens, while calling for action by various legislative committees, are themselves highly interrelated, requiring coordinated review and recommendations based on studies in depth of the total field—studies which of necessity must range beyond the jurisdictional boundaries of any existing committee; and

Whereas the problems confronting our senior citizens are of such vital national concern as to require the full-time attention of a select committee of the House of Representatives: Now, therefore, be it

Resolved, That there is hereby created a non-legislative select committee to be composed of 13 Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete investigation and study of any and all matters pertaining to problems of older people, including, but not limited to, problems of maintaining health, of assuring adequate income, of finding employment, or engaging in productive and rewarding retirement activity, of securing proper housing, and, when necessary, of assuring adequate care or assistance.

No proposed legislation shall be referred to the committee, and the committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any members of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Speaker, I would like once again to commend the gentleman from Arkansas for the leadership that he has exercised in bringing this problem to the attention of the Nation and of the House. I support his resolution, and I feel the gentleman from Arkansas has done a tremendous amount of research and on-the-scene investigations in connection with this subject.

I feel that he has brought the searchlight of national attention on a problem which the Congress must grapple with. I fully support his efforts and the recommendations contained in his resolution which I cosponsored.

Mr. PRYOR of Arkansas. I appreciate the gentleman's generous remarks, and I would like to commend him and express my gratitude also for his sponsorship of House Resolution 850 of the 91st Congress, and also welcome his cosponsorship of the resolution which will be introduced in the beginning of the 92d Congress.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I would just like to add my words to those of my friend, the gentleman from West Virginia, who is one of the most valued and distinguished Members of the House, and to participate in this discussion with two people who have done so very much for the aging people of this country as well as in those parts of the country that face these problems. It is something that is very thrilling, and I want to thank the gentleman in the well again for all that he has done and continues to do in this area.

Mr. PRYOR of Arkansas. I appreciate the remarks of my friend, the gentleman from New York, and thank him also for his cosponsorship of House Resolution 850. He has always been a man who has cared not only for the elderly population of this Nation, but for all segments of our society, and I thank the gentleman very much.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I thank the distinguished gentleman very much for yielding to me.

Mr. Speaker, I rise primarily to commend the able gentleman now in the well for his taking the well-merited leadership in this worthy cause, and attempting to provide a select committee on the problems of the aging.

The other body has had a committee like this for some time. This House, I am sure, is deeply concerned about the well-being of some 20 million senior citizens, people above 65 years of age, in this country, and in many parts of the country who live in poverty and, I regret to say, partially in my district where there are senior citizens who do not get enough to eat, and who do not live in decent housing facilities, and who are deserving of the gratitude of this country.

When the Bible says "Honor thy father and thy mother," I think we can well follow that admonition by passing legislation which will show that a grateful country is concerned about our fathers and our mothers and our elderly, and that we are determined to make adequate provision for them so that they may realize, in the words of Browning, when he said:

> Come, grow old with me, the best is yet to be, the last for which the first was made.

I have associated myself with the able gentleman from Arkansas in this proposal. I shall certainly continue to do everything I possibly can to bring the matter to an early fruition.

Mr. PRYOR of Arkansas. I thank the very distinguished gentleman and good friend from Florida. I would also like to say to him that the resolution which will be introduced, and of which the gentleman is a cosponsor, was in many instances taken from the spirit and philosophy of the resolution which the gentleman from Florida himself introduced into the House of Representatives in 1967. I thank the gentleman very much for his generous remarks and his contributions.

Mr. FRASER. Mr. Speaker, I rise in support of the resolution to establish a Select Committee on Aging offered by the gentleman from Arkansas (Mr. Pryor).

There are now over 19 million elderly Americans in our society representing over 16 percent of our adult population. The programs on which these individuals are so heavily dependent are reviewed by seven committees of the House and administered by almost every department of the administration.

The need for an integrated approach to the problems facing elderly Americans is acute. The present ad hoc and piecemeal approach to these problems has resulted in an increase of those elderly individuals living below the poverty level from 4,632,000 in 1968 to 4,787,000 in 1969, in a deterioration of transportation services available to the elderly, and health care services available to the aged which in some cases are disastrous.

It is essential for improving the well-being of our elderly citizens that this committee be established in order to report to the Congress on the needs of those in this important segment of our society.

Mr. HANLEY. Mr. Speaker, I want to take this opportunity to thank our colleague, Dave Pryor, for his untiring efforts on behalf of America's older citizens. His dedicated activities in investigating nursing homes throughout the Nation, his constant publicizing of the plight of our senior citizens and now his call for a Select Committee on the Aging in the House serve to underscore the work which must be done.

I am pleased to note my cosponsorship of the proposal to establish the select committee, and I am pleased to participate in the special order to dramatize its need.

Modern medicine has performed great feats in lengthening our life spans. But we as legislators have a collateral responsibility to our older citizens, and that is to see that they enjoy their retirement years in a manner becoming a civilized society. This entails proper housing, decent medical care, recreational opportunities and a proper atmosphere of respect. I believe the select committee can perform an admirable service toward these ends.

I commend Congressman Pryor, and pledge my support to these efforts.

Mr. GONZALEZ. Mr. Speaker, I am very glad to join in the special orders today with Congressman David Pryor in his efforts to relate the need for drawing special attention to the problems of aging, and the need for a House Select Committee on Aging.

In the next Congress, I will be cosponsoring legislation that would provide a vehicle not only to carefully study the problems of the aged, but to initiate some action by way of legislation to respond to these concerns.

The Senate Committee on Aging in its investigative capacity has conducted studies on various matters of direct importance to the 20 million Americans now past 65 and the many millions nearing that age. The Senate report issued in 1969 discussed the achievements in the field, but the pending problems listed require a sense of urgency. The report shows:

First, that inadequate income is still the major problem facing most older Americans, one-third of whom live in poverty.

Second, that, even with medicare and medicaid, rising health care costs are causing great concern, and some hardships.

Third, that grave shortages exist in housing, nursing homes, and other forms of shelter.

Fourth, that while there have been some advances and innovations in the delivery of social services to the elderly, gaping deficiencies exist.

Fifth, that chronic questions persist in terms of Federal organization of programs for the elderly. The role of the administration on aging, for example, is not yet clear cut, even after 3 years of existence.

Sixth, that many elderly members of minority groups, in particular, pay a heavy price because of unresolved questions or inadequate action taken to meet needs of the low-income aged.

Seventh, that, intensifying all other problems, there is a widespread mood of alienation among the millions of Americans who find that their status and hopes deteriorate when retirement begins. That sense of alienation was measured in a poll in 1968, and it was found that a large percentage of "older people tend to see themselves as left out of things and have the impression that few think they can contribute anything."[1]

The personal investigation of nursing homes by my colleague from Arkansas very vividly reaffirms the Senate report's call for a sense of urgency in leading with the problems of the aged. The deplorable conditions in which our elderly can find themselves when they must live in nursing homes should certainly awaken us into action, not just words and studies, but legislative action.

Health care is but one aspect of the overall problem, and I applaud Congressman Pryor's reconsideration of a proposal that would have only encompassed the care of the aged.

I agree with you 100 percent that we need to look at "where we have been, where we are now and were we are going." I hope the majority of our colleagues will agree with us in our quest to help the older American.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I commend the gentleman for taking this time to discuss an issue that is of utmost importance for the Nation. I am happy to join the gentleman as a cosponsor of his bill to create a Select Committee on Aging for the 92d Congress.

The problems of our senior citizens are varied and complex. They concern the most pressing problems of the Nation: poverty, health care, and housing. Almost 40 years ago, legislation was enacted to provide for a system of social security—that is insurance for the wage earner who can no longer work or who should no longer have to work. The enormous poverty of the aged was somewhat alleviated by this program, but the dreams of an end to the poverty of the elderly were not fulfilled.

Today, in 1970, the great portion of the elderly of our Nation are insufficiently housed, cannot afford decent meals and do not have access to adequate health care either at home or in institutions. Indeed, it is a tragic irony that when one has the greatest need for health care, he is least able to afford it. I am sure everyone in this body has received many heart-rending letters from senior citizens and from people they have come into contact with concerning deprivation due to insufficient incomes and insufficient care. State governments in some instances have tried to supplement social security. However, with the tax base diminished, States are unable to provide adequate old-age benefits.

On May 21, this body passed a meager 5 percent increase for social security. It was woefully insufficient and almost cruel in its irony considering the increase in the cost of living. Regardless of how pitifully inadequate this increase was, however, the Senate still has not acted upon it and in a very cruel way is now making it part of a Christmas tree package instead of passing this bill on its merits, and indeed passing an increased amount. It disturbs me greatly when I hear that Social Security increases are inflationary or undeserved. The senior citizens of this Nation are the very ones that have built this country. For years they worked to create the industrial magnificence of this Nation and it is to them we owe our present comfort and wealth. It is not a handout they are asking for, but merely a part of what they so richly deserve. It is this body's obligation to see the elderly enjoy the fruits of their labor and are able to spend their twilight years in the dignity that becomes them.

I commend my colleague from Arkansas for the fine work he has done and is continuing to do to meet the needs of the aged. I look forward to working with him in the future on programs to alleviate the sorrow of our senior citizens.

Mr. RYAN. Mr. Speaker, I want to commend our distinguished colleague from Arkansas (Mr. Pryor) on the diligence and dedication he has demonstrated concerning the problems of our elderly citizens. As a cosponsor of his resolution to create a Select Committee on Nursing Homes and Homes for the Aged, I can attest to our colleague's active concern in this area.

The creation of a House Select Committee on Aging, which our colleague (Mr. Pryor) proposes, is a long-past-due recognition of the need for a special committee to investigate and study the problems and circumstances of an enormous segment of our population which is consistently neglected. The relevance of such a committee is demonstrated by the excellent work that has been done by a comparable committee of the other body.

---

[1] Report of the Special Committee on Aging, United States Senate, "Developments in Aging 1968", S. Rept. 91–119, April 3, 1969, pp. ix, x.

I want to briefly mention some of the bills which I have sponsored in the 91st Congress directly aimed at problems of the elderly. I believe just this bare list will demonstrate some of the manifold issues which a Select Committee on Aging could undertake to investigate. I should mention that this list does not include the numerous bills involving social security which I have introduced.

H.R. 654 provides for the establishment of an older Americans community service program.

H.R. 16881 establishes a senior citizens skill and talent utilization program.

H.R. 18307 amends the Older Americans Act to provide for the provision of low-cost meals.

H.R. 19216, the Elderly and Handicapped Americans Transportation Assistance Act, is concerned with remediating the special transportation problems of the elderly.

H.R. 19367 provides for the interchangeability of social security and civil service retirement plans.

Finally, House Resolution 900, of which our colleague from Arkansas (Mr. PRYOR) is the chief sponsor, creates a Select Committee on Nursing Houses and Homes for the Aged.

I am pleased to join the gentleman in cosponsoring legislation to create a House Select Committee on Aging. The need for such a committee and the benefits it can produce for our elderly citizens are significant.

I should like, at this time, to insert an article from the August 3, 1970, issue of Time magazine, entitled "The Old in the Country of the Young"—a thoughtful, intelligent depiction of the more than 20 million Americans in our Nation over the age of 65. The article follows:

THE OLD IN THE COUNTRY OF THE YOUNG

Edward Albee once wrote a play about a middle-aged couple who, before putting Grandma permanently in the sandbox with a toy shovel, gave her a nice place to live under the stove, with an Army blanket and her very own dish. The play contains more truth than allegory. One of the poignant trends of U.S. life is the gradual devaluation of older people, along with their spectacular growth in numbers. Twenty million Americans are 65 or over. They have also increased proportionately, from 2.5% of the nation's population in 1850 to 10% today.

While the subculture of youth has been examined, psychoanalyzed, photographed, deplored and envied, few have wanted even to admit the existence of a subculture of the aged, with its implications of segregation and alienation. Strangely enough, the aged have a lot in common with youth: they are largely unemployed, introspective and often depressed; their bodies and psyches are in the process of change, and they are heavy users of drugs. If they want to marry, their families tend to disapprove. Both groups are obsessed with time. Youth, though, figures its passage from birth; the aged calculate backward from their death day. They sometimes shorten the wait: the suicide rate among elderly men is far higher than that of any other age group.

The two subcultures seldom intersect, for the young largely ignore the old or treat them with what Novelist Saul Bellow calls "a kind of totalitarian cruelty, like Hitler's attitude toward Jews." It is as though the aged were an alien race to which the young will never belong. Indeed, there is a distinct discrimination against the old that has been called ageism. In its simplest form, says Psychiatrist Robert Butler of Washington D.C., age-ism is just "not wanting to have all these ugly old people around." Butler believes that in 25 or 30 years, age-ism will be a problem equal to racism.

We have time to grow old—the air is full of
our cries.

—Samuel Beckett.

It is not just cruelty and indifference that cause age-ism and underscore the obsolescence of the old. It is also the nature of modern Western culture. In some societies, explains Anthropologist Margaret Mead, "the past of the adults is the future of each new generation," and therefore is taught and respected. Thus, primitive families stay together and cherish their elders. But in the modern U.S., family units are small, the generations live apart, and social changes are so rapid that to learn about the past is considered irrelevant. In this situation, new in history, says Miss Mead, the aged are "a strangely isolated generation," the carriers of a dying culture. Ironically, millions of these shunted-aside old people are remarkably able: medicine has kept them young at the same time that technology has made them obsolete.

Many are glad to end their working days. For people with money, good health, careful plans and lively interests, retirement can be a welcome time to do the things they always dreamed of doing. But for too many others, the harvest of "the golden years" is neglect, isolation, anomic and despair. One of every four Americans 65 or over lives at or below "the poverty line." Some of these 5,000,000 old people were poor to begin with, but most are bewildered and bitter nouveaux pauvres, their savings and fixed incomes devoured by spiraling property taxes and other forms of inflation. More than 2,000,000 of them subsist on Social Security alone.

Job discrimination against the aged, and increasingly against the middle-aged, is already a fact of U.S. life. While nearly 40% of the long-term unemployed are over 45, only 10% of federal retraining programs are devoted to men of that age. It is often difficult for older people to get bank loans, home mortgages or automobile insurance. When the car of a 68-year-old Brooklyn grocer was stolen last winter, he was unable to rent a substitute. Though his driving record was faultless and he needed a car for work, he was told falsely by two companies that to rent him one was "against the law."

Youth is everywhere in place
Age, like woman requires fit surroundings.

—Ralph Waldo Emerson.

Treated like outsiders, the aged have increasingly clustered together for mutual support or simply to enjoy themselves. A now familiar but still amazing phenomenon has sprung up in the past decade; dozens of good-sized new towns that exclude people under 65. Built on cheap, outlying land, such communities offer two-bedroom houses starting at $18,000, plus a refuge from urban violence, the black problem (and in fact blacks), as well as generational pressures. "I'm glad to see my children come and I'm glad to see the back of their heads," is a commonly expressed sentiment. Says Dr. James Birren of the University of Southern California: "The older you get the more you want to live with people like yourself. You want, to put it bluntly, to die with your own."

Most important, friendships are easy to make. One relative newcomer to Laguna Hills Leisure World, Calif., received more than 200 get-well cards from her new neighbors when she went to a hospital in Los Angeles. There is an emphasis on good times: dancing, shuffleboard, outings on oversized tricycles and bowling (the Keen Agers v. the Hits and Mrs.). Clubs abound, including Bell Ringing. Stitch and Knit, Lapidary and "tepees" of the International Order of Old Bastards. The I.O.O.B. motto: "Anything for fun." There is, in a sense, a chance for a new start. "It doesn't matter what you used to be; all that counts is what you do here," said a resident of Sun City, Ariz.

To some residents the communities seem too homogeneous and confining. A 74-year-old Californian found that life was flavorless at his retirement village; he was just waiting for "the little black wagon." Having begun to paint seascapes and landscapes at 68, he moved near an artists' colony, where he now sells his landscapes and lives happily with a lady friend of 77.

In silent synods, they play chess or cribbage.

—W. H. Auden.

In fact, less than 1% of the elderly leave their own states. The highest proportion of the aged outside Florida is in Arkansas, Iowa, Maine, Missouri, Nebraska and South Dakota—on farms and in communities from which youth has fled. In small towns, the able elderly turn abandoned buildings into "senior centers" for cards, pool, slide shows, lectures and pie socials. In Hebron, N. Dak. (pop. 1,137), grandmothers use the balcony of the former J. C. Penney store for their quilting. But there is little socializing among the rural aged, who often subsist on pittances of $60 a month, and become even more isolated as public buses disappear from the highways, cutting off their lifelines to clinics, stores and friends.

A third of the nation's aged live in the deteriorating cores of the big cities. Or Manhattan's Upper West Side, thousands of penniless widows in dingy single-room-occupancy hotels, bar their doors against the alcoholics and dope addicts with whom they share the bathroom, the padlocked refrigerator and the telephone down the hall. "Nine out of ten around here, there's something wrong with them," says a 72-year-old ex-housekeeper living on welfare in a hotel on West 94th Street. "I get disgusted and just sleep every afternoon. Everybody dying around you makes you kind of nervous." Terrified of muggings and speeding cars, the disabled and disoriented do not leave their blocks for years on end, tipping anyone they can find to get groceries for them when their welfare checks arrive.

Close to a million old people live in nursing homes or convalescent facilities provided by Medicare. A new growth industry, nursing homes now provide more beds than hospitals. They are badly needed. But in many of the "homes," the food and care are atrocious. Patients have even been confined to their beds merely because bed care entitles the owners to $2 or $3 more a day. Mrs. Ruby Elliott, 74, recalls her year in a California nursing home with fear and bitterness: "It's pitiful, but peoople are just out for the money. That whole time I was among the living dead."

Fewer than half of the country's 25,000 nursing homes actually offer skilled nursing. Arkansas Congressman David Pryor recently visited twelve nursing homes near Washington, D.C. "I found two where I would be willing to put my mother," he said. "But I don't think I could afford either one on my $42,500 congressional salary." Pryor is trying to set up a congressional committee to investigate long-term care for the aged.

How terribly strange
To be seventy.

—Simon and Garfunkle.

Almost everyone hates to think about aging. Doctors and social scientists are no exception. "They think one shouldn't look at it too closely, as though it were the head of Medusa. It is considered a morbid preoccupation," says one anthropologist. But the acute problems and swelling ranks of the American aged have lately stimulated a number of new behavioral studies that are more scientific than any ever done before. They show, among other things, that people age at very different speeds and that many changes formerly attributed to age are actually caused by other factors. The cliché that a man is as old as his arteries, for example, has been found to be misleading. It is probably more accurate to say that a man is as sick as his arteries, and that such sickness is caused by diet and stress rather than by age.

The ability of elderly people to memorize and recall new information has been exhaustively tested at the Duke University Center for the Study of Aging and Human Development. They can do it, but they need more time than younger people. Their responses are apparently slowed down by anxiety; an older person's goal is less to achieve success than to avoid failure. Changes in the blood of elderly pupils showed that they were undergoing the physiological equivalent of anxiety without being aware of it. Drugs that changed this physiological happening helped them, and their performances improved, Dr. Carl Eisdorfer, who conducted the experiments, suggests that what initially slowed down his subjects was not so much their age as their attitude toward their age.

Old people may be ridiculed when they try to act young, but according to San Francisco Psychologist Frances Carp, it is better to fight age than to accept it. In America today, "acceptance of old age holds out few if any rewards," she says. Those who surrender often become debilitated by a devastating "elderly mystique"—and victims of self-fulfilling prophecies. For example, doctors at the University of Illinois studied 900 old people living at home and found many so sick that they could not walk to the door. They had lived for months without medical attention because they felt that they were old and therefore were supposed to be sick.

Actually, the overwhelming majority of the aged can fend very well for themselves. Only 5% of aged Americans live in institutions; perhaps another 5% remain bedridden at home. True, four out of five older people have a chronic condition. "But chronic diseases must be redefined," says Duke's Dr. Eisdorfer. "I've seen too many depressed people leaving their doctor's office saying, 'My God, I've got an incurable disease.' Chronic illness gets confused with fatal illness. Life itself is fatal, of course, but as far as most chronic illnesses go, we simply don't know what they do to advance death. The role of the doctor has to change. Now that infectious diseases are on their way out, the doctor must stop thinking about cures and start teaching people how to live with what they have."

New findings show that hypochondria, or "high body concern," one of the most common neuroses of the elderly, can often be cured. According to Dr. Ewald Busse, director of the Duke study center, if a man's family "keeps criticizing him unjustly, makes him feel uncomfortable, unwanted, he may retreat into an imaginary illness as a way of saying, 'Don't make things harder for me. I'm sick and you should respect me and take care of me.' It is clear from our studies that if the older hypochondriac's environment changes for the better, he will too. He will again become a reasonable, normal person. This is quite different from the reaction of the younger hypochondriac, who is much sicker psychologically and much less likely to respond to a favorable change in environment."

Recent studies bear out Sex Researchers Masters and Johnson's findings that men who enjoyed sex earlier in life can, if all else goes well, continue to enjoy it. Questionnaires over a ten-year period at Duke showed that the same men's interest in sex changed little from age 67 to 77, although there was a slight drop in activity. Result: a gradual widening in what the researchers coolly call the "interest-activity gap." A much lower proportion of women continued to be interested in sex after 67, but they managed to keep their interest-activity graph lines close together. "It depends on the individual," an elderly San Franciscan points out. "All ages have sexy people."

People expect old men to die,
They . . . look
At them with eyes that wonder when.
—*Ogden Nash.*

A common and unfortunate diagnosis of many aged people is that they are senile, a catchword for a number of conditions. There may be organic brain damage—for example, the brain may run short of oxygen because of impaired blood flow. But many of the "senile" actually have psychological problems. One 70-year-old retired financier, who insisted on calling his successor at the company all the time and had all sorts of paranoid suspicions, was diagnosed as having organic brain disease. A combination of psychotherapy and a new job as treasurer of a charitable organization helped the man to recover completely. Other "senile" patients actually suffer from malnutrition, or have simply broken down out of loneliness, perhaps caused by a temporary overload. As one old man put it: "There is no one still alive who can call me John." Explains Harvard Psychoanalyst Martin Berezin: "The one thing which neither grows old nor diminishes is the need for love and affection. These drives, these wishes never change."

Actually, senile traits are not peculiar to the aged. A group of college students and a group of the elderly were recently rated according to the characteristics of senility, and the students were found to be the more neurotic, negative, dissatisfied, socially inept and unrealistic. The students, in sum, were more senile than their elders. Other studies have shown that the percentage of psychiatric impairment of old persons is no greater than for younger groups.

But younger people are usually treated if their psychological problems are severe. Says New York Psychologist Muriel Oberleder: "If we encounter unusual nervousness, irritability, depression, unaccountable anger, personality change, apathy or withdrawal in a young person, we make sure that he is seen by a physician. But when those symptoms appear in elderly people, they are considered par for the course of old age. We rarely consider the possibility that elderly people who have had a breakdown can recover." Dr. Berezin successfully treated a 70-year-old woman who had a severe breakdown, her first. She had been picked up for drinking, setting fire to her home and other bizarre behavior, including chalking off a section of the sidewalk and claiming it as her own. In therapy, she revealed that she had yearned all her life for marriage and children. Eventually, she mastered her grief and regrets, settled down and began to enjoy the people around her.

Psychotherapy has never been easily avilable to the aged. Since it demands so much time and effort, it is considered better to expend it on those who have a long life ahead. There is also the still-powerful influence of Freud. If one's behavior is believed to be programmed in the first years of life, one cannot hope to change that program substantially during old age. (Freud, who contributed to age-ism, was also its victim. At 81, discussing "the many free hours with which my dwindling analytical practice has presented me," he added: "It is understandable that patients don't surge toward an analyst of such an unreliable age.")

. . . I reach my center,
my algebra and my key,
my mirror.
Soon I shall know who I am
—*Jorge Luis Borges.*

Most psychologists have simply ignored the process of aging. Says Harvard's Erik Erikson: "It is astonishing to behold how (until quite recently and with a few notable exceptions) Western psychology has avoided looking at the whole of life. As our world image is a one-way street to never-ending progress, interrupted only by small and big catastrophes, our lives are to be one-way streets to success—and sudden oblivion." But lately Erikson and other psychiatrists have become interested in all stages of man's development, and the "aging" that goes on at every stage.

One practitioner of "life-cycle psychiatry," Washington's 43-year-old Dr. Butler, believes that the possibilities for psychic change may be greater in old age than at any other period of life. "Little attention has been paid to the wish to change identity, to preserve and exercise the sense of possibility and incompleteness against a sense of closure and completeness." When a person's identity is maintained throughout old age, "I find it an ominous sign rather than the other way around. If the terms needs to be used at all, I suggest that a continuing, life-long identity crisis is a sign of good health."

Though many believe that age accentuates personality characteristics, Dr. Butler notes that "certain personality features mellow or entirely disappear. Others prove insulating and protective, although they might formerly have been impairing, such as a schizoid disposition." Some doctors suggest that neuroses and some psychoses burn themselves out with age, and note that the rate of mental disorders declines after the age of 70.

Carl Jung, who lived with great vigor until the age of 85, saw aging as a process of continuous inward development ("individuation"), with important psychic changes occurring right up to the time of death. "Anyone who fails to go along with life remains suspended, stiff and rigid in mid-air," Jung wrote. "That is why so many people get wooden in old age; they look back and cling to the past with a secret fear of death in their hearts. From the middle of life onward, only he remains vitally alive who is ready to die with life, for in the secret hour of life's midday the parabola is reversed, death is born. We grant goal and purpose to the ascent of life, why not to the descent?" Erik Erikson agrees: "Any span of the cycle lived without vigorous meaning, at the beginning, in the middle, or at the end, endangers the sense of life and the meaning of death in all whose life stages are intertwined."

Better to go down dignified
With boughten friendship at your side
Than none at all, Provide, provide!
—*Robert Frost.*

The problems of the aged are not their concern alone. Since reaching the age of 70 or 80 is becoming the norm rather than the exception, more and more of the middle-aged—even when they retire—have elderly parents and other relatives to care for. For the "command generation" there are two generation gaps, and the decisions to be made about their parents are often more difficult than those concerning their children. Various community agencies sometimes help, and in Manhattan a private referral service is kept busy helping distraught people find the right place for parents who can no longer live at home. One 81-year-old woman was persuaded to go to a nursing home when her daughter, with whom she had always lived, married late in life. To her own surprise, she is happier than she was before, taking great pride in reading to and helping her older roommate. A difficult decision of the middle-aged is how to allot their resources between children and parents and still provide for their own years of retirement, which may well extend for two decades.

The next generation of the aged may be healthier, certainly better educated and perhaps more politically aware. Those over 65 are now a rather silent minority, but in number they are almost exactly equal to the nation's blacks. Since none are below voting age, the aged control a high percentage of the vote—15%. More and more are banding together. The American Association of Retired Persons, for example, helps its nearly 2,000,000 members get automobile insurance, cheaper drugs and cut-rate travel. A more politically oriented group, the 2,500,000-member National Council of Senior Citizens, played a major role in pushing through Medicare. Now the group is lobbying to improve Medicare, which helps the sick but does not provide checkups, by including some sort of Preventicare.

Aside from health, money is the most pervasive worry of the aged; income maintenance is a major need. Private pension plans need attention too. According to one informed estimate, only 10% of the people who work under pension plans actually receive any benefits, usually because they do not stay long enough to qualify. As presently arranged, pensions also tend to lock older workers into their jobs and, if they become unemployed, to lock them out. They are then denied jobs because it is too expensive to let them join a pension plan.

> Come, my friends,
> 'Tis not too late to seek a newer world.
> —*Tennyson.*

Will able 70-year-olds have more opportunities to work in the future? Probably not. Instead of raising the age of mandatory retirement, business and labor may lower it, perhaps to 50 or below—making workers eligible even earlier for social insecurity. Aside from those fortunate few in the professions—law, medicine dentistry, architecture—most of the people over 65 who are still at work today are farmers, craftsmen and self-employed tradesmen, all categories whose numbers are shrinking. Of course, people cannot work hard forever. Each man ages according to his own clock, but at long last he is likely to lose much of his strength, his drive and adaptability. Witness the gerontocracy that slows down Congress and the businesses that have failed because of rigid leadership. But there are still many areas where the aged can serve and should, for aside from humane consideration, they can provide skill and wisdom that otherwise would be wasted.

New plans to recruit, train and deploy older workers to provide much needed help in hospitals, special schools and elsewhere will be discussed at the White House Conference on Aging scheduled for November 1971. Meanwhile, a few small-scale programs point the way. One is Operation Green Thumb, which hires retired farmers for landscaping and gardening. Another is the International Executive Service Corps, which arranges for retired executives to lend their management skills to developing countries. Hastings College of Law in San Francisco is staffed by law professors who have retired from other schools. A federally financed program called Foster Grandparents pays 4,000 low-income "grandparents" to care for 8,000 underprivileged youngsters. Although they have numbered only in the hundreds, most elderly volunteers in Vista and the Peace Corps have been great assets. "We know about outhouses and can remember when there weren't any refrigerators," says Nora Hodges, 71, who spent two years in Tunisia and is now associate Peace Corps director in the Ivory Coast. "People in underdeveloped countries rate age very highly. When we meet with this appreciative attitude, we outdo ourselves."

> Begin the preparation for your death
> And from the fortieth winter by that thought
> Test every work of intellect or faith.
> —*W. B. Yeats.*

Life would be richer, students of aging agree, if a wider repertory of activities were encouraged throughout life. Almost everyone now marches together in a sort of lockstep. They spend years in school, years at work and years in retirement. Youth might well work more, the middle-aged play more, and the older person go back to school. Former HEW Secretary John Gardner wants to see "mid-career clinics to which men and women can go to re-examine the goals of their working lives and consider changes of direction. I would like to see people visit such clinics with as little self-consciousness as they visit their dentist." As Psychiatrist Robert Butler puts it: "Perhaps the greatest danger in life is being frozen into a role that limits one's self-expression and development. We need Middle Starts and Late Starts as well as Head Starts."

To get a late start does not necessarily require a federal program. Many an enterprising individual has done it on his own. Mrs. Florida Scott-Maxwell, who at the age of 50 began training to become a psychotherapist, recently wrote down her reflections about aging in *The Measure of My Days*. "My seventies were interesting and fairly serene," she noted, "but my eighties are passionate, I am so disturbed by the outer world, and by human quality in general, that I want to put things right as though I still owed a debt to life. I must calm down."

> Old age should burn and rave at close of
> day. —*Dylan Thomas.*

How socially involved older people should be is a question in hot dispute among students of aging. Some believe in the "theory of disengagement," which holds that aging is accompanied by an inner process that makes the loosening of social ties a natural process, and a desirable one. Others disagree. Says Harvard Sociologist Chad Gordon: "Disengagement theory is a rationale for the fact that old people haven't a damn thing to do and nothing to do it with."

After analyzing lengthy interviews with 600 aged San Franciscans, Anthropologist Margaret Clark found that engagement with life, rather than disengagement, contributed most to their psychological well-being. But not when that engagement included acquisitiveness, aggressiveness or a drive to achievement, super-competence and control. To cling to these stereotypical traits of the successful American seems to invite trouble, even geriatric psychiatry. The healthiest and happiest of the aged people in the survey were interested in conserving and enjoying rather than acquiring and exploiting, in concern for others rather than control of others, in "just being" rather than doing. They embraced, Dr. Clark points out, many of the values of today's saner hippies. Similiarly, religion often teaches the aged, in spite of their physical diminishment, to accept each day as a gift.

The ranker injustices of age-ism can be alleviated by governmental action and familial concern, but the basic problem can be solved only by a fundamental and unlikely reordering of the values of society. Social obsolescence will probably be the chronic condition of the aged, like the other deficits and disabilities they learn to live with. But even in a society that has no role for them, aging individuals can try to carve out their own various inches. The noblest role, of course, is an affirmative one—quite simply to demonstrate how to live and how to die. If the aged have any responsibility, it is to show the next generation how to face the ultimate concerns. As Actogenarian Scott-Maxwell puts it: "Age is an intense and varied experience, almost beyond our capacity at times, but something to be carried high. If it is a long defeat, it is also a victory, meaningful for the initiates of time, if not for those who have come less far."

Mr. CORMAN. Mr. Speaker, I am pleased to join with my colleague from Arkansas, the Honorable DAVID PRYOR, in urging strong and immediate support for the creation of a Select Committee on Aging. I wish to commend the distinguished gentleman for requesting the special order so that we may call the Nation's attention to the neglect being afforded our elderly.

America has become a society geared to youth. The number of young people under 30 is approximately 108 million or more than one-half of the Nation's population. The young people of today are better educated and more informed than were their predecessors of 20 or 30 years ago. Young people are continually playing a larger and more dramatic role in shaping our educational system, managing our corporations and participating in the affairs of our governments.

There is no question that the future greatness of our country lies in the hands of the Nation's youth. But despite our emphasis on youth it is vital that we not lose sight of the needs of the rest of our population.

As well as a growing number of young people, there have been corresponding increases in the number of elderly due to medical advances which have lengthened the average life span. At the present time one in every 10 Americans has reached or passed his 65th birthday. There are currently more than 20 million older people in our population of more than 200 million and the number is growing at a net rate of 900 a day or 330,000 a year.

These older citizens were the very foundation of our achievements in agriculture, medicine, mass production and the space race in the years past. But with their retirement they have in the past been a forgotten segment of our population left alone to contend, the best they could, with the problems of old age.

The statistics reveal, sadly enough, that almost one fourth of our elderly are poor and that the majority of our older citizens must struggle, often in isolation, against multiplying problems in health, housing, transportation, employment, and retirement.

A decade ago the first White House Conference on Aging stimulated a new national awareness of the needs and circumstances of older people. The very next year the U.S. Senate established a Special Committee on Aging to serve as an investigative and study group concentrating on the problems of the elderly. In its early years, the committee was instrumental in working for the adoption of medicare and has since turned its attention to the problems of the elderly in the areas of housing, consumer interests, long term care and the economics of the aging.

The Senate committee has been most successful in representing the needs of our elderly and in pointing out the cynical exploitations and commercial indignities to which our elderly are subjected. It has contributed immeasurably to the creation and passage of legislation designed to aid senior citizens.

There are numerous reasons why I feel a similar committee should be created in the House. A House committee, I believe would be instrumental in further exposing and correcting the abuses of the elderly as well as centralizing the efforts of the House in behalf of our citizens aged 65 and over. It could work in conjunction with the Senate Committee and with the Second White House Conference on Aging so that the 18 million middle-aged Americans who are now 55 to 64 will not have to face the same problems upon their retirement.

I urge my colleagues to join in supporting the creation of this special House committee which has the potential of easing the conflict caused by the lengthening of life and the shortening of work careers.

Mr. GIAIMO. Mr. Speaker, I wish to commend the distinguished gentleman from Arkansas (Mr. PRYOR) for his singularly outstanding accomplishments in behalf of elderly Americans. His role in exposing the deplorable conditions in nursing homes and homes for the aged already has won him the deep respect of his colleagues and the sincere gratitude of senior citizens throughout the Nation. I am proud to join with him today to begin this vital legislative effort.

There are many tragic ironies to be found in America, Mr. Speaker, poverty in a land of plenty, ignorance in a land of unexcelled intellectual achievement, discrimination in a land where all men are created equal. Perhaps the most tragic of all, however, is the fact that many elderly Americans who toiled so long to provide security and comfort for all of us are now deprived of security and comfort in the twilight of their lives. Many of those who worked so hard to make this country prosperous are being deprived of the fruits of their labors while louder, more aggressive groups fight over the products of our prosperity.

There are more than 20 million Americans who are 65 or older; 10 percent of all U.S. citizens are elderly Americans. Yet, amid the clamor of conflicting pressure groups and interests, they are a silent minority. All too often their voices are not heard, their pleas not heeded and their needs not met. To whom can they turn for help?

Much has been said in this Chamber about inflation; much has been said about its effect on working Americans. Yet, no one in this Nation suffers more from inflation than senior citizens who must subsist on fixed incomes. These men and women cannot negotiate new contracts. They cannot earn raises. They cannot find higher paying jobs. They must depend on the compassion and foresight of Government for their very existence. Today, many of them cannot afford adequate food, clothing, shelter, or medical care. Their limited incomes cannot keep pace with the steady increase in the cost of living. To whom can they turn for help?

Even more deplorable than these economic conditions are the frauds perpetrated by those who would turn the desperate needs of our senior citizens to their own advantage. We have heard for too long the tragic stories of lonely hearts clubs, cure-all medicines, "inexpensive" land development schemes, and a host of other deceptions designed to rob these men and women of their life savings and self-respect. We know that the elderly American all too often falls easy prey to the greedy and deceitful tradesman in the marketplace. No one is more in need of consumer protection than our senior citizens. To whom can they turn for help?

Most tragic of all, however, are those unfortunates who are consigned to a hell-on-earth existence in certain nursing homes and homes for the aged. The gentleman from Arkansas (Mr. PRYOR) has aptly described the disgraceful conditions that prevail in certain of these institutions where the dollar takes precedence over human life. The humane and desirable effort to provide comfort and care for our elderly has become, in far too many cases, a lucrative "business" in which owners reap windfall profits while patients suffer from neglect and improper treatment. A business executive reportedly said recently that "in the nursing home business—there is no way to lose." He should have said "there is no way to lose—unless you are a patient."

I would like to quote some passages from the remarks made by the gentleman from Arkansas in this Chamber on June 10:

> She found the patient lying in a urine-soaked bed, dried vomit on her gown and pillow, food particles in the bed. She called an aide, who did nothing but change the top sheet.
>
> She watched an old patient choke to death on a piece of meat.
>
> Most of the patients have constant diarrhea. The food is atrocious, some of it not edible.
>
> I cannot imagine how bedridden patients would be evacuated down a normal outside fire escape.
>
> She found him lying in a wet bed. She realized he was dying and rang the buzzer for help. No one came. After 15 long and desperate minutes, another patient went for the nurse.
>
> Patients received only 700-800 calories per day, cooked from supplies that included hatchery reject eggs with maggots in the cases, bacon held so long it was molded black, very poorly home canned foods. . . . When inspectors were in the lobby, the words "code blue" came over the intercom and the kitchen immediately prepared dinners of frozen pork and chicken.

To these tragic statements, I would like to add the observations of an associate of mine who brought an aging relative to a Maryland nursing home in 1968:

> We brought her to the home in the early afternoon. She had been a vegetable for one year and totally incapacitated. The next morning, we found her lying on her side in bed, completely exposed, with a bed burn the size of a grapefruit on her back.
>
> There were other patients in that room. One was a blind woman who was very senile. The attendant would bring her food and leave it there for her to eat with her hands. They would tie this woman to a wooden wheelchair in the morning and leave her there all day.
>
> The second woman would lie in bed all day. Whenever an attendant came in, the woman would begin to cry. They would leave food for her, but she would never eat it. They refused to feed her, and they would always come back and take away the untouched tray. This woman's son would come in on his lunch hour and feed her. That was her only nourishment.
>
> Over near the water fountain, I noticed some dried urine on the floor. In all the time I spent in that room, the floor was never cleaned.
>
> Thank goodness we were able to move my grandmother to another nursing home after seven days.

Why are these conditions tolerated, Mr. Speaker? Why is the treatment better for so-called private patients than for those on medicare and welfare? Why do certain institutions charge more for medicine and services for Government patients? These unfortunate patients and their relatives and friends have the right to know the answers to these questions. To whom can they turn for help?

All of us, in one way or another, are to blame for allowing many elderly Americans to live out their last years without security, without comfort, without care, without hope.

The Congress is to blame for not putting human needs first. How can we justify providing such ridiculously low social security benefits while we spend billions for an unproven ABM system and subsidies for wealthy farmers? How can we place strict limitations on allowable earnings when we know that such limitations are forcing the elderly into poverty? How can we turn our backs on these men and women who made this Nation what it is today? These people gave us everything; we are giving them next to nothing.

The Federal Government and State governments are to blame for their failure to strictly enforce regulations concerning nursing homes and homes for the aged. Conditions at many of these institutions are nothing short of a national disgrace, yet, these conditions are all too often ignored by inspectors and administrators alike. With situations such as I described earlier becoming more and more commonplace, we can no longer tolerate an inadequate, business-as-usual approach to nursing home regulation. Neither can we accept the fact that these governments are more than willing to support the profit-motive nursing homes and homes for the elderly—institutions where conditions are the worst—while virtually ignoring the non-profit institutions which provide, on the whole, much better, more humane service.

Certain nursing home operators are to blame. These selfish individuals run their institutions for the sole purpose of making a profit. They cut costs on food, salaries, sanitation, safety, and other vital areas without regard to the consequences. They perpetuate horrible conditions for the sake of a few extra dollars. What is worse, these operators have formed a powerful pressure group which prevents meaningful action by the States and the Federal Government to alleviate this national disgrace.

Finally, the American people are to blame for their indifference to this deplorable situation. In primitive societies, the old and helpless were cast out of their villages and left to die. We are supposedly more compassionate and more humane than primitive societies; yet, we allow many of our senior citizens to fall into poverty, to be cheated in the marketplace, to be treated as vegetables in certain institutions and to live as socioeconomic outcasts. Apathy when dealing with issues is unfortunate; apathy when dealing with human life is intolerable.

To whom can these men and women turn for help, Mr. Speaker? That is the question we are attempting to answer here today. I submit that the problems of elderly Americans are unique and deserve our immediate and undivided attention. At the present time, our standing committees have too much other work to undertake an in-depth investigation of the conditions in which our senior citizens must live. It would be impossible for the Ways and Means Committee to devote its full-time attention to social security, for the Banking and Currency Committee to undertake a long-range study of senior citizen housing, for the Education and Labor Committee to spend all its time dealing with the conditions in nursing homes and homes for the aged, for the Judiciary Committee to put aside all other business to investigate the defrauding of the elderly American. Because of this, the time has come for this House to create a Select Committee on Aging.

The gentleman from Arkansas (Mr. PRYOR) has brought to the attention of the American people examples of the disgraceful conditions in nursing homes. Although he has done an outstanding job, the fact remains that neither he nor any other Member of Congress can individually bring to light all the irregularities or all the abuses and mistreatment which occur in certain institutions for the elderly. He cannot by himself investigate the conditions of poverty brought about by low social security benefits and the high cost of living. He cannot begin to scratch the surface when it comes to the investigation of consumer fraud against senior citizens. He cannot determine alone the needs of elderly Americans for better housing and medical care.

Let us follow the example of our colleagues in the other body by creating a committee that can devote full time to investigating the plight of the elderly. Let us create a committee that can begin the task of putting real security into social security, providing needed protection for the elderly consumer, and insuring that all senior citizens will be treated with compassion and understanding. Let us create a committee that will provide a forum for the more than 20 million elderly Americans who have done so much for this Nation.

The theme of this year's convention of the National League of Senior Citizens was "do more, live more, be more." This must be the goal of all elderly Americans, and it can be reached with our assistance. By creating a Select Committee on Aging, we will let them know that they can turn to us for help.

Mr. BARRETT. Mr. Speaker, many of my colleagues probably read with interest a recent news article about a Rand Corp. study which concluded that America's older citizens would likely be abandoned if we should suffer a nuclear attack. Surely this report is mere think-tank garbage and could never become the basis for any public policy. But perhaps it has some value if it shocks us into the realization that we perhaps need no nuclear attack to abandon our aged citizens.

My colleague from Arkansas, Mr. PRYOR, has recently focused national attention upon the plight of too many of our elderly citizens who have been abandoned by society and barely subsist in poorly run, inadequately regulated nursing homes.

His inquiry into these squalid conditions has prompted the resolution for the creation of a Select House Committee on Aging.

In lending my full support to this resolution, I do not mean to imply that this body has abandoned the elderly. But surely we need such a committee to explore on a continuing basis the conditions faced by this growing segment of our population and to develop effective proposals to meet their legitimate needs and aspirations.

Such a committee would help resolve the immediate crisis which has so meaningfuly captured the interest of Mr. PRYOR. It would also provide for this body a constant catalyst to insure that we remain sensitive not only to the basic needs of our elderly, but also to their unlimited potential for continued contributions to our society.

The age profile in our Nation changing dramatically, with nearly 900 persons entering the 65 and over age bracket daily. Our working years are diminishing, with people retiring earlier. We need a unit in the House to deal creatively with this situation—a unit that views these facts as an opportunity, not a problem. We must develop creative channels of involvement for our older citizens, most of whom want to remain active in community and national affairs. Their wisdom and experience are truly our greatest national resource. And it must not be abandoned.

The proposed Select Committee on Aging can help our Nation recognize their "gift of age." I urge approval of this resolution.

Mr. BELL of California. Mr. Speaker, my colleague, Mr. PRYOR, has already done a great service for thousands of our older citizens by mobilizing public opinion in support of improved conditions in nursing homes. But now his leadership in sponsoring creation of a Select Committee on Aging in the House of Representatives portends an even greater contribution to all older Americans.

Such a committee is needed in this body to help insure maximum benefit from investments already made by the Congress in experimental programs designed to aid our older citizens. Pilot programs such as the Foster Grandparents program, Project Late Start, Project Work, Project Mainstream, and so forth, were designed to test the validity of various approaches in meeting the needs of segments of our older population. We need the mechanism this resolution would create to evaluate these programs and develop legislation to expand those that have proven worthwhile.

With the growing numbers of Americans daily entering the 65 and over age group, we can no longer afford to leave to the executive branch, alone, the responsibility for initiatives in program development for this vast segment of our population.

I commend Mr. PRYOR for his leadership in this important matter and urge support of this resolution.

Mr. EILBERG. Mr. Speaker, I would like to address myself to the establishment of a Select Committee on Aging within the House of Representatives. Every Member, sensitive to his constituency, realizes the immense value of such a committee. Its use can never be underestimated. Right here, in our great legislative body many committees deal with legislation directly involving the aged. The problems of the elderly are of major importance, for example, to committees as Banking and Currency, Agriculture, Education and Labor, and Ways and Means. And it is not unreasonable to say that most committees in one way or another have to consider some of the problems of older Americans while evaluating the legislation before them.

Now it is time to recognize that a select committee is necessary to help members of specific committees in analyzing the direction we are taking in the enactment of needed legislation. A permanent select committee would have the special privilege of studying existing problems and issues by a staff having an expertise in the field of aging. It would also call upon professionals and laymen across the country to inform us of their unique experiences with the elderly and advise us on certain matters of particular interest. The legislative committees dealing with elderly persons would have detailed, pertinent facts and information that are readily accessible and that are relevant to their needs.

As you know, our Nation's concern for the 19 million older Americans during the decade of the sixties was unprecedented. Many persons compassionate to the needs of the elderly spent difficult years in developing programs and opportunities so that retirement could be a time of comfort and not a time of distress. Thus, we witnessed the creation of the Administration on Aging in the executive branch which now acts as a coordinator of government programs for the elderly as well as examines pressing situations that must be remedied.

We have also witnessed such major legislation as medicaid, medicare and the Housing Act of 1968 which are specifically designed for the best interest of senior citizens. Social security benefits, although still grossly inadequate, had been increased and are continuing to be increased. A few elderly are enjoying the benefits of federally financed recreation, legal services, part-time employment, and nutritional meals as a result of programs initiated in recent years.

But with all these good intentions, many conditions affecting the aged are currently unresolved. We have not yet created an atmosphere which is suitable for decent living. Most older persons are living a lonely existence, trying to escape the shadows of poverty by surviving on the barest, minimum essentials. It has been apparent for a long time that the problems of economic maintenance, housing, medical care and personal adjustment must receive more attention. It is quite evident that we are not maximizing our efforts to the extent that senior citizens can acquire the ultimate results of our actions.

The situations affecting the elderly are not simple. They are a result of multifaceted, intertwining problems that can best be met by studying them comprehensively in a committee established in the House solely for this purpose.

We have already proven that the creation of such a committee would be most instrumental in providing a thorough systematic, and complete study of the problems relating to the elderly. This was clearly indicated during the inquiry of nursing homes conducted by our distinguished colleague last winter. The many positive responses which he received demonstrates both the need for such an investigating committee and the keen interest on the parts of numerous people throughout this country.

The increasingly rapid growth of nursing homes in this country and the kind of care provided by them is of special interest to me. This problem, I feel must be checked further and this can best be done by a select committee in the House which represents our own interests. Time does not permit me to elaborate the many conditions encompassing the nursing home industry. But I would like to discuss a few of them in hope that these details will emphasize one small, yet extremely important function of a Select Committee on the Aging.

Since 1966 the number of nursing homes in the country has almost doubled, and according to the American Nursing Home Association, the period of greatest growth may be before 1975. The nursing home industry is turning into big business probably due to the fact that Federal money has become available for this purpose. Nearly 2 out of 3 dollars that go to nursing homes are from the public treasury and the greatest share comes from the medicaid and medicare program. Many times medicare and medicaid have been accused of being both the cause and the victim of inflated medical costs. Elegant nursing homes are being built across the country but sometimes at the expense of providing quality care. It is not uncommon to hear about people shut away in homes where they receive mere custodial care accompanied with improper diets and insufficient clothing. Conflicts of interest have often emerged because some administrators sit on reviewing committees of nursing homes when they have a vested financial interest in the particular homes. The reputability of a few physicians has been questioned when it appears they visit many patients in one nursing home for too short a time and charge each patient a substantial sum.

Many times druggists and other hospital suppliers have taken advantage of Federal programs by overcharging. Nursing home administrators feel Federal guidelines are unjust and many times refuse to take in medicare or medicaid patients. Too many homes are understaffed. They need more professionals to perform the tasks that unskilled workers are presently doing.

Patients and relatives feel that quality care is often inadequate even though the cost is high. This particular problem cuts across every economic level striking rich and poor alike. It is not unusual for a wealthy elderly person to liquidate his entire estate so that he can afford a decent nursing home.

In respect to nursing homes the Select Committee on Aging could help us develop an understanding of the atypical circumstances which have arisen in this industry. It would be their role to help us work out some kind of balance so we have homes that provide quality care at a reasonable cost to the patient as well as a reasonable level of profit to the provider of health care services. We owe this to the hard working individuals in our country who contribute tax dollars to our Treasury as well as to the thousands of individuals who depend on nursing homes for required care.

I could continue describing all the conditions which arise from complex ongoing Federal programs and point out numerous unmet desires of the elderly. But now it is time to stop talking and to further investigate these situations through a specialized committee that would be dedicated to senior citizens and to the 4,000 persons who enter this group each day, and to the many millions of people in their middle years who are now planning for their retirement. We must explore the field, and suggest bold and imaginative alternatives to existing inadequacies. For too long we have paid too little attention to the needs of older Americans. The time has clearly come when we must concentrate our efforts on those who have dedicated their lives to building this Nation. We in the House can support and must support the establishment of a Select Committee on the Aging.

Mr. MIKVA. Mr. Speaker, there are relatively few problems in this country that at one time or another directly touch and seriously affect the lives of all Americans. There is the awesome environmental problem confronting us, and there is the seemingly ever-present issue of war and peace. The individual burden of poverty, poor education, poor housing, poor transportation—though affecting millions—does not reach every American. What does is the specter of old age that all of us must eventually face. To many the specter is a more haunting one than it is for others, more haunting than need be.

The elderly, usually living on fixed incomes, still must meet the rising costs of the 1970's—whether it be for food, housing, clothing, medical care, or even the bus rides they must take to shop. Today, 10 percent of the population of the United States—20 million people—are over 65 years old, and within the next 20 years it is estimated that between 45 and 50 million Americans will be at least 65, therefore comprising an even greater percentage of the population than at present. Obviously, this constantly growing group must be helped and a conscious and organized effort must begin. The other body has had the foresight to establish a Select Committee on Aging and has made recommendations pertaining to social security reform, such as increasing overall benefits, and raising the minimum allowable yearly income for recipients. Also, the Senate committee has released findings showing that generally the elderly are paying more in taxes than required by law due to the difficulty of understanding tax laws or simply not being aware of certain legitimate deductions. Errors such as these cannot be afforded when living on a fixed income.

It is a must, I believe, that we here in the House also form such a committee that would seek out and recommend for action those reform measures presented by our colleagues in Congress in the area of aid for the elderly. Reform must not only be made in the area of taxes, but also in providing full social security benefits for women over 62 years of age. We must pass legislation that will take unemployed senior citizens 55 years and older, and place them in talent utilization programs to foster opportunities for community service activities by the public and private sectors, and pass legislation to provide grants to the States to establish, operate, and expand low-cost meal programs so that none of our senior citizens will go hungry or exist on nutritionally unbalanced meals.

Finally, there is a deep and urgent need for a national health insurance program. It is estimated that today persons over 65 account for as much as two-thirds of all the money expended yearly in the United States for health care. Yet, with all the medical technological expertise we possess, with all the excellent medical facilities and well-trained physicians at our disposal, the fact cannot be ignored that this country does not possess an efficient program for health care for the elderly. The United States is the only major industrial nation in the world that does not have a national health service or program of national health insurance. This literally has become the high cost of living. We must alleviate this situation.

Mr. Speaker, I cite these injustices to point to just a few of the reasons why a Select Committee on Aging is urgently needed in the House. To merely show our concern here today or to express our platitudes during a campaign is obviously not enough. Indeed it gives us a false face. The elderly who built this country deserve more than empty words and campaign speeches. They deserve the best.

GENERAL LEAVE TO EXTEND

Mr. PRYOR of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order, and to include extraneous material.

The SPEAKER pro tempore (Mr. SMITH of Iowa). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

THE PRESIDENT'S SPEECH TO THE NATIONAL ASSOCIATION OF MANUFACTURERS IN NEW YORK ON DECEMBER 4

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, on Friday evening, December 4, President Nixon gave a most important and welcome address before the meeting of the National Association of Manufacturers in New York. The purpose of his address was to announce that an important transition point in the administration's economic "game plan" has now been reached. We have substantially completed, the President reported, the first stage of fiscal and monetary restriction that was necessitated by the irresponsible economic management policies of the last Democratic administration. As a result, excess demand has been abated and the bubble of inflationary psychology punctured. This has begun to show up in both the consumer price index, which has shown a substantially decreased rate of increase in the last two quarters and in the wholesale price index, which actually registered a decline during the month of October.

Mr. Speaker, the President was candid about the cost of this partial success in the battle against inflation. He acknowledged that the rate of employment, the corporate profit squeeze, and the general slack in the economy are somewhat greater than was expected or desired. Referring to unemployment, he said:

> I believe we can and must do better . . . These are not small problems and people are not statistics.

I am greatly encouraged by these words. They indicate the kind of sensitivity and balanced perspective that are essential if success is to be achieved in the complex, baffling task of attaining both stability and growth in a trillion-dollar economy.

The President then went on to outline phase two of his economic policy. The dual objectives of this phase will be in his words, "to help move the economy up to its full potential of growth and employment while continuing to reduce inflation." The former aim is to be pursued, first, by the adoption of the full-employment budget concept for fiscal year 1972. This means that the budget would be balanced by the revenue that would accrue from a full employment economy, but will actually show a deficit because of current revenue shortfalls resulting from a slack economy. Second, monetary policy will be more expansionary as a result of commitment by the Federal Reserve to allow the money supply to grow at a 6-percent annual rate; this should be compared to the 1-percent growth rate that was allowed during the initial restrictive phase of the administration's program.

I believe that his combination of monetary and fiscal stimulation will do much to get our economy moving back toward full employment. But unless this new expansion is accompanied by policies to cope with remaining inflationary forces in the economy, whatever gains are made will likely be soon dissipated by a renewed spiral of inflation. The administration is also very concerned with this problem, and I am pleased to note that the President announced two very important initial steps in the fashioning of the specialized anti-inflation tools needed to accompany an expansionary aggregate policy.

The first step, was the announcement that the Interior Deartment would resume supervision of production in offshore oil wells and that holders of unused overseas crude oil allocations would be directed to use them for the purchase of Canadian oil. Both of these measures will tend to increase the supply of crude oil available to the American market and thereby counteract the recent inflationary price increases in this industry.

The second, specialized anti-inflationary tool was the suggestion that the Construction Industry Collective Bargaining Commission would be working out means of consolidating the bargining units in the construction industry and thereby equalizing somewhat the present unbalanced bargaining relationships in the industry that have lead to excessive wage settlements in the past year.

I want to enthusiastically commend the President for both of these steps and express the hope that further specialized anti-inflation tools will be brought forward to accompany the aggregate expansion that is absolutely essential to the health of the American economy and the well-being of workers, consumers, and investors alike. If we can now get the same kind of sensitivity, balance, and seriousness of purpose from this end of the avenue that the President admirably displayed in his speech last Friday evening, I am confident that the economic difficulties that now concern will be amenable to constructive solution.

A BRIGHTER PROMISE FOR UNITED STATES-LATIN AMERICA RELATIONS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, an example of congressional initiative in the field of foreign affairs affecting U.S. relations with Latin America is illustrated by the unanimous approval by the House of House Resolution 1116 on June 25, 1970. It was my honor and privilege to initiate that resolution, joined by the distinguished gentleman from California (Mr. Hanna). Cosponsors were our beloved Speaker, Mr. McCormack and other distinguished leaders of the House, Mr. Albert, Mr. Ford, and Mr. Boggs.

The resolution extends the deepest sympathy of the House of Representatives to the President and people of Peru on the devastation and disaster caused by the earthquake of May 31, and it calls upon the executive branch of our Government to assist the universities and other organizations of Peru in rebuilding their country and in equipping themselves for continued economic and social development of their country.

An embossed copy of this resolution was furnished to the First Lady, Mrs. Nixon, and specially framed on the very day of its passage, at her request, to enable her to take it on her trip to Peru for presentation there.

Mr. Speaker, it is my hope that the House of Representatives, which is traditionally close to the needs of people, has set in motion what well may become a major new phase of inter-American cooperation. In the case of Peru, the effects of the resolution already are being felt through its favorable impact on United States-Peruvian relations. By its wording the resolution also recognizes the value of the Peruvian University programs which many consider to be pilot projects for Latin America's future. For it is a program concerned with youth, a nation's greatest resource. At a time when United States-Peruvian relations need a boost, this recognition of the university programs comes at an opportune moment in history, for it has been accepted in Peru as a spontaneous reaction from our hearts and encouragement to the youth of Peru.

To implement the objectives of the resolution and to encourage further improvement of United States-Peruvian relations, I have requested the assistance of an outstanding international lawyer and Latin American affairs expert, Sheldon Z. Kaplan, of Washington. Many Members of the House remember him with high regard and affection for the contribution he made to the work of the House Committee on Foreign Affairs as staff consultant for a number of years. Mr. Kaplan is one of the few practicing lawyers in the United States listed in the "National Directory of Latin Americanists" published by the Library of Congress, and he is recognized as an expert on Latin American affairs. Mr. Kaplan has just returned from a mission to Peru as a guest of the Inca Garcilaso de la Vega University of Lima. That university, because of its emphasis on practical technological studies, is uniquely equipped to assist in rehabilitation, relief, and reconstruction work. It has been doing an outstanding job in the earthquake areas.

During Mr. Kaplan's visit to Peru he was asked by the Alcalde—mayor—of the Municipality of Pueblo Libre of Lima, Dr. Artemio Moscol, in a special ceremony at the town hall on November 17, to deliver to me a diploma of gratitude on behalf of the people of Peru for having sponsored House Resolution 1116. This municipality comprises the most historic area of Lima. Facing the town hall, across the square, remain standing the houses where the great Latin American patriots, San Martin and Simon Bolivar, lived.

I have been informed that this marks the first time in Pueblo Libre's long history that an American has been so honored. I am, therefore, proud to be the recipient of this award and I am touched by the warmth and friendship of Mayor Moscol's remarks during the ceremony.

Several approaches are being studied for the implementation of House Resolution 1116. One method would be through cooperative programs to encourage the growth and capability of Latin universities, coincident with improvement in our own university system. Today there are thousands of students who are denied admission to universities in Peru and elsewhere because of limited physical facilities. A hemispheric approach to the problem could offer greater hope for the future throughout this important part of the world. It may well be that the people-to-people programs could seek greater encouragement through loans through private channels. These would become more attractive with guarantees and other inducements on the part of both Peru and the United

States. Many of the universities particularly need laboratory equipment, technical aids, books, supplies, and other educational material. With proper encouragement, much of this can be obtained through private sources. However, grant assistance may well be warranted through the various mutual aid programs. It is a subject which deserves more consideration and support. I have asked Mr. Kaplan to give me a report on this matter at the earliest opportunity so that the necessary coordination and implementation might be undertaken during the first session of the 92d Congress.

Finally, Mr. Speaker, I wish to pay a tribute to Peru's outstanding ambassador and warm friend of the United States, Fernando Berckemeyer, who has taken a deep and active interest in Peruvian university assistance and who, over a period of many years, has endeavored to encourage, develop, and strengthen friendly relations between our two countries; to the Inca Garcilaso de la Vega University, its students, faculty, and administration, for their leadership in technological education for a better Peru; to the other great universities of Peru, like Universidad Nacional Federico Villarreal, whose main impulse is dedication to community; to Alcalde Moscol, the distinguished mayor of historic Pueblo Libre; to Dr. M. Guillermo Ramirez y Berrios, distinguished jurist of Peru, long a friend of the United States, beginning with his student days here, who has been very active in the Peruvian university assistance program; and to the leadership of this House for its statesmanlike action in securing speedy and unanimous approval of a resolution, which may well mark the beginning of a new era in people-to-people programs in the hemisphere.

FLORIDA MUST NOT BE SHORT-CHANGED ON RAIL SERVICE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Florida delegation in Congress is highly concerned over the proposal by Secretary Volpe of the Department of Transportation for the consolidation of rail service with its prospective elimination of passenger stops to north, central, and western Florida. In this, the second-fastest growing State in the Nation, and one which has been prominently in the forefront in rate of growth for three decades, it is unthinkable to eliminate so many of our principal cities from future rail service. Jacksonville is the northern gateway to Florida. Its shipping, manufacturing, defense, and industrial activities require rail service. Orlando is one of the most important of Florida's developing areas. The new Disneyworld which is nearing completion there will attract millions of people for relaxation and entertainment. The omission of Tallahassee, the capital city, and the Tampa-St. Petersburg metropolitan complex on the west coast, is equally nonsensical. The Volpe plan does not deserve serious consideration and it is unthinkable that it would ever receive the support and the endorsement of Congress.

I submit for reprinting in the RECORD an editorial from the Tampa Tribune which spells out in more detail the dangers inherent in the proposal for rail consolidation:

A SINGLE VOICE FOR RAIL SERVICE

The national rail network which shrinks passenger service to 16 major routes has some good points, but also some disturbing factors, including possible elimination of passenger trains to the Florida West Coast.

Time is short for this area to build a case to prevent exclusion from the two main rail routes proposed for Florida, or even to save our present passenger train services. Transportation Secetary John Volpe designated Monday the Florida routes as New York to Miami and Chicago to Miami.

Although Volpe's basic alignment unquestionably will be revised, his preliminary plans designate Miami to be the only Florida stop on these routes. On the Chicago-Miami run Volpe proposed as intermediate stops: Cincinnati, Atlanta, Louisville, Evanston, Ill., Fulton, Mo., Memphis and Birmingham. Columbia and Charleston, S.C., were suggested as intermediate stops on the New York-Miami run.

The Volpe rail consolidation concept reduces the number of passenger trains from 366 to 150. The national passenger service will be operated by the National Railway Corp., or Railpax.

Volpe said Railpax, which is to function in much the same manner that Comsat operates the communication satellites, hopefully will stabilize passenger service, produce passenger travel profits for railroads and stimulate demands for train travel through major improvements.

Railroads agreeing to participate in the passenger network will turn over their major passenger equipment to Railpax in return for stock in the corporation or, alternatively, tax writeoffs. Railroads joining Railpax may abandon all their passenger lines by May 1 when the new system becomes effective, but railroads not joining must continue operation of all their passenger trains until 1975.

Seaboard Coast Line officials said they do not know how SCL will fit into the national rail picture. They did say, however, they were surprised that the Florida West Coast was left out of Volpe's proposal. Neither does SCL know whether it would continue to operate passenger trains to this area if it joins Railpax.

The Railpax announcement contains two pertinent points for this area to consider:

The Volpe plan is to be circulated for comment among railroads, state regulatory agencies (in Florida's case, the Public Service Commission), railroad unions and the Interstate Commerce Commission. If protests are to registered from this area they must be directed to the Public Service Commission, the Seaboard Coast Line and Interstate Commerce Commission.

There are only 30 days for reaction to reach the ears of these groups. Then Secretary Volpe has another 30 days to rework his original plan and on Jan. 28 he will announce a final designation of the passenger system. Thereafter, Railpax can rework the system as it wishes.

Although rail passenger service into this area of Florida has fallen off as it has elsewhere, there still are thousands of visitors who use trains. The Seaboard Coast Line's Champion from Tampa-St. Petersburg to New York is one of the few passenger trains operating at a profit.

There are obvious questions which need quick answers: Does the Volpe plan mean this area forever will be cut off from passenger rail service? If Tampa is not designated an intermediate stop on a main route to Florida, what linkup means will travelers have for getting onto the main line? It appears there will be insufficient highways to handle ground travel to Disney World. So how will millions of visitors to Disney World be handled without some tie-in with railroads?

The entire Florida West Coast must speak as one strong voice to preserve our passenger rail links with the rest of the country. There's little time to waste in making this voice heard in Tallahassee and Washington.

ACTION NEEDED ON REVENUE-SHARING PROPOSAL

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, on August 8, 1969, President Nixon proposed a plan to share Federal revenue with the States in an amount that would eventually reach $5 billion a year. In explaining the plan, the President said:

> Under our current budget structure, Federal revenues are likely to increase faster than the national economy. At the local level, the reverse is true. State and local revenues, based heavily on sales and property taxes, do not keep pace with economic growth, while expenditures at the local level tend to exceed such growth. The result is a "fiscal mismatch," with potential Federal surpluses and local deficits.

I joined with 87 colleagues in sponsoring this measure out of the conviction that ending this fiscal mismatch is a necessary requisite to restoring the integrity and vitality of local and State governments.

In the intervening 15 months the fiscal plight of State governments has worsened. In the Washington Post of December 6, David Broder reported that a survey of the Nation's nine largest States indicated all of them face the prospect of large budget deficits in either the current fiscal year or the next. Both California and New York may incur deficits of $500 million next year and Pennsylvania may face one that large this year if new taxes are not imposed. Strained budgets in Michigan, Illinois, Texas, Florida, and New Jersey also promise either large deficits, new taxes, or service cuts—or all three.

I urge that all of my colleagues read this illuminating article and include it in its entirety at this point in the RECORD:

SEVEN OF NINE BIGGEST STATES FACE MONEY CRISES

(By David S. Broder)

When Gov. Nelson A. Rockefeller of New York was at the White House two weeks ago, pressing his plea for $10 billion in federal revenue-sharing with the states and cities, a reporter asked him if it was not the same plea he had made two years earlier.

"It is," the fourth-term Republican executive said. "But the fiscal crisis I was warning about then has arrived today."

A survey by The Washington Post of budget prospects in the nine largest states firms Rockefeller's description.

Except for Illinois, which imposed an income tax for the first time last year, and possibly California, all of the Big Nine states are facing major revenue-raising needs next year.

Two of them—Pennsylvania and Texas—may have to raise taxes twice, once immediately to meet a budget deficit in the current fiscal year and then later to meet bigger deficits looming for fiscal 1972.

All nine have imposed tight controls or cutbacks on spending in vital areas of need in order to keep their budgets from being further out of line.

The picture varies slightly from state to state, but two problems predominate: welfare and Medicaid costs have increased far beyond budgetary projections and revenues have been dragged down by the economic slump below the anticipated figures.

In addition, many of the states are facing urgent demands for more aid from their cities, which are caught in a crisis of their own for many of the same reasons.

Whether the states can meet the crunch from their own revenue sources is a matter of debate. Ohio, which has kept its overall tax rates deliberately low for the past eight years, and other states like New Jersey and Pennsylvania, which have yet to impose income taxes on their citizens, probably have substantial untapped revenue sources.

But the survey showed that the crisis is not confined to those states. It is every bit as severe in others of the Big Nine which have imposed relatively stiff taxes on their citizens.

Rockefeller's answer to the problem is to seek an immediate $10-billion-a-year program of federal revenue-sharing. A more modest proposal along the same lines, advanced by the Nixon administration last year, failed even to receive a hearing from Congress.

Whether prospects are any brighter next year is in doubt, but there is no question the demands for federal help will increase.

On Friday, legislative leaders from 49 states called on Congress to summon a constitutional convention to adopt a revenue-sharing amendment. Today, leaders of a number of state and local government groups are meeting in Atlanta to organize a common plea for such aid.

The financial problems that underlie this appeal are indicated in the following state-by-state report, based on dispatches from special correspondents of The Post:

California—Newly re-elected Gov. Ronald Reagan (R) has imposed two emergency measures in the past week in an effort to meet a $150-million deficit in his administration's record current year $6.6 billion without resort to higher taxes. Even larger deficits may loom for the year ahead.

In a meeting with department heads, Reagan said the current-year deficit stemmed from two factors: A $60-million shortfall in expected revenues below the June estimates, caused by the sluggish economy, and $90-million increase in costs of welfare and Medi-Cal (a state program of medical services for the needy.)

To meet the deficit, Reagan first ordered a freeze on hiring for state jobs, capital construction projects, purchase of equipment and out-of-state travel.

Two days later, he took a second step, ordering a $140-million cut in the Medi-Cal program, by reducing fees to doctors, dentists, druggists and nursing homes and postponing provision of non-emergency services.

PROTESTS STIRRED

Both actions have stirred vigorous protests. State employee organizations have denounced the threat of lay-offs and the California Nursing Home Association has voted to withdraw from the Medi-Cal program if Reagan's rate cuts go through.

Meantime, many observers are predicting that a half-billion-dollar deficit will face the governor in the next fiscal year and that Reagan, despite his statement last week that he was "unalterably opposed" to raising taxes, would have to do so to meet the constitutional requirement of a balanced budget.

Florida—The state dipped into reserves for $64 million to balance its budget in the current fiscal year and projections are that the "revenue gap" for the year beginning next July 1 may be closer to $200 million than to $100 million.

State fiscal officials said that revenues in the first four months of the current fiscal year were only 1 per cent below estimate ($4 million) but expressed concern that a prolonged slump in the national economy could force higher tax rates.

In his campaign, Gov.-elect Reubin Askew (D) made tax reform a central issue and said he would seek a corporate income tax as the major new revenue source.

Illinois—Having secured the first corporate and personal income tax in Illinois history last year. Gov. Richard B. Ogilvie (R) is anxious to avoid new taxes next year.

John W. McCarter, Jr., director of the Illinois Budget Bureau, said rapidly rising welfare costs would wipe out the current $100-million surplus in the state general revenue fund and require serious curtailment of other budget items to maintain a balanced budget for fiscal 1972.

State Medi-Caid costs rose from $210 million to $268 million last year and are expected to rise perhaps another 30 per cent next year. Welfare payments, which total $876 million in the current budget, may go about the $1-billion mark next year, according to Public Aid Director Harold O. Swank.

State revenues in the current fiscal year are $20 million below estimates, but McCarter said that, barring a further sump, new taxes could probably be avoided next year.

Michigan—Originally anticipating a budget surplus of some $12 million in fiscal 1971, Gov. William Milliken (R) last week was forced to ask the legislature to pass a package of emergency measures designated to eliminate a 62-million budget deficit.

The causes of the deficit were twofold. The long General Motors strike cost an estimated $25 million in lost revenues and added $25 million to welfare costs. The general economic recession has cost the state $20 million in reduced revenues so far.

Milliken's emergency measures included a temporary freeze on hiring, travel and equipment purchases, a 2 per cent reduction in budgets for all departments, a 1 per cent cutback in college and university appropriations and a variety of stopgap fiscal measures.

NO NEW TAXES

The package approved by the legislature included no new taxes, but next year's budget almost certainly will require higher revenues. Legislators are guessing that the flat-rate income tax will be raised from the present 2.6 per cent to 4 or 4.5 per cent.

New Jersey—As in Michigan, the picture has shifted suddenly from anticipation of a budget surplus to the prospect of a deficit.

Until a few days ago, Gov. William T. Cahill (R) had been hoping to accomplish something no governor had done in 27 years—proposing a slightly reduced state budget for the next fiscal year.

But then he was presented with a projection showing medicaid costs up $25 million and other welfare costs up another $75 million—a prospect he said left him "literally in a state of shock."

Cahill said the prospective $100-million deficit "may require new taxes," but adoption of an income tax is expected to await the report of a special commission after next November's legislative election.

Currently, the state relies on the sales tax as its main source of revenue, and officials are concerned that the economic slump may knock down receipts by as much as $35 million in the current fiscal year.

Cahill's immediate response has been to appoint a commission to seek ways of cutting welfare costs.

New York—Emphasizing his plea for additional federal help, Rockefeller has declined to give specific figures on New York's revenue needs for next year or the kind of taxes he would recommend to meet them.

State Controller Arthur Levitt, a Democrat, estimated last week that the state "will be at least a half-billion dollars short from the existing revenue structure, if it is to meet its program obligations next year."

CHANGE OF POLICY

Costs are rising in all the major categories of state spending. Revenues—which the state budget estimated would rise $549 million this year—were actually up only $25 million in the first seven months of the fiscal year.

Ohio—A change in party control of the governorship presages a basic change in fiscal policy for Ohio.

Outgoing Gov. James A. Rhodes (R) is leaving a $10 to $15-million surplus in the treasury and a compelling need for his Democratic successor, John J. Gilligan, to raise taxes.

In his eight years in office, Rhodes made heavy use of bond issues for construction projects, but kept taxes so low that Ohio ranks 49th among the states in per capita state and local tax burden. It ranks almost as low in state financing for mental health, education, hospitals, penal institutions and other public facilities.

Gilligan, who based his campaign on an improvement in those state services, said he would turn first to a corporate income tax for new revenue and would recommend a personal income tax if more funds were needed. Since the election he has appointed a blue ribbon task force to recommend an overall program of tax reform.

Pennsylvania—Gov.-elect. Milton J. Shapp (D) faces an immediate fiscal crisis. A prolonged dispute between outgoing Gov. Raymond P. Shafer (R) and the legislature ended with adoption of a stopgap budget covering spending only until April 1.

MUST ADD $450 MILLION

Shapp will have to recommend measures to raise an additional $450 million for the current fiscal year. Perhaps twice that much additional will have to be provided for fiscal 1972, which means that in one year the legislature will have to impose about $1.2 billion in new taxes—a 50 per cent increase.

Pennsylvania, too, has experienced an increase in welfare costs—which are running an estimated $27 million over the budget—but this seems like a small sum, in comparison to the overall revenue needs.

Shafer had recommended imposition of a state income tax and most observers think that will now be required. Shapp said in the campaign he would recommend such a tax only as part of an overall tax reform plan. Like Gilligan, he has a pair of blue ribbon task forces at work drafting recommendations for taxes.

Texas—Lt. Gov. Ben Barnes (D) said last week that "Texas is finding itself in the same financial crisis other states have been in for a decade."

A leap last spring in welfare costs forced Gov. Preston Smith (D) to borrow almost $60 million from other state funds, and the Texas legislative budget board last week said that despite a $350-million tax increase passed last year, the current fiscal budget will be $51 million in deficit.

Beyond that, it estimated that—without providing for new programs—state spending would exceed revenues in the 1972–73 biennium by $643.5 million.

Barnes said that barring help from Washington, "the legislature will have to pass one tax bill in January and another in May."

TRADE BILL CAUSING FARMER INCOME DECLINE

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, farmers in the 30 major soybean-producing States have a big stake in the outcome of the current consideration of the Trade Act of 1970 in the Senate. Because it appears nearly certain that soybeans will be one of the first commodities against which overseas nations will retaliate by reducing purchases, I have written each of the 60 Senators from those major soybean-producing States setting forth the loss of income their farmers suffered in 1 recent day's decline in soybean futures prices.

Soybean futures prices declined 10 cents a bushel on November 24. This drop was caused primarily by grain handlers who feared loss of overseas markets for their soybean stocks and began a heavy selling campaign.

A 10-cent-per-bushel reduction in soybean prices this year means a loss of more than $100 million to the farmers who grow soybeans in the 30 major soybean States. Farmers in my own State of Illinois suffered losses of nearly $18.6 million because of the 1-day price decline which grain trade personnel say was caused, for the most part, by the fear of overseas retaliation against U.S. soybean exports.

I call this to the attention of my colleagues in the House in order that those of you who also represent portions of these 30 States can gain a better understanding of the stake farmers who produce products for export have in the Trade Act of 1970. The decline in soybean prices in 1 day clearly indicates that the threat of retaliation against purchases of U.S. farm products is already having its effect on our farmers' income and should provide unmistakable evidence of things to come if the Trade Act of 1970 becomes law.

A copy of my letter to the Senators representing the 30 States, along with a listing of each State's farmer losses due to the soybean price decline is included with these remarks:

> Farmers who produce soybeans in your state face a loss of (amount) because of the sharp decline in the soybean futures market on the Chicago Board of Trade. Several warnings have been issued about retaliation against U.S. exports if the Trade Act of 1970 becomes law, but this decline in prices is the most graphic to date. Board of Trade spokesmen place major blame for the November 24 price decline on the legislative progress of the Trade Act of 1970.
>
> Grain trade officials on the Chicago Board of Trade said that soybean handlers were faced with the loss of overseas markets for their produce which caused the heavy liquidation of soybean stocks, driving the price down. The result of the one-day price decline was a $100 million loss of income to our nation's farmers.
>
> Attached is a list of 30 states in which soybeans are produced in sizeable volume. Your state is included. The dollar figure represents the loss of income farmers who produce soybeans face because of the one-day price decline.
>
> This alone constitutes a powerful argument for defeating the Trade Act.
>
> Sincerely yours,
>
> PAUL FINDLEY,
> *Member of Congress.*

Major soybean-producing States estimated farmer losses due to price decline, Nov. 24, 1970*

	Amount
Alabama	$1, 370, 250
Arkansas	8, 942, 220
Delaware	306, 180
Florida	463, 680
Georgia	1, 008, 720
Illinois	18, 586, 980
Indiana	9, 345, 600
Iowa	16, 317, 180
Kansas	1, 185, 300
Kentucky	1, 295, 280
Louisiana	3, 461, 040
Maryland	464, 400
Michigan	1, 251, 900
Minnesota	7, 403, 040
Mississippi	5, 256, 000
Missouri	8, 180, 640
Nebraska	1, 784, 340
New Jersey	107, 640
New York	10, 800
North Carolina	1, 930, 500
North Dakota	244, 440
Ohio	6, 472, 890
Oklahoma	279, 360
Pennsylvania	70, 560
South Carolina	1, 898, 820
South Dakota	367, 200
Tennessee	2, 494, 350
Texas	667, 800
Virginia	593, 370
Wisconsin	313, 200

*Estimated soybean harvest (USDA Statistical Reporting Service Cr Pr 2-2 (11-70) multiplied times $0.10 a bushel, reduced by marketing prior to November 24, estimated at 10 percent of crop.

CHARLES B. SHUMAN RETIRES

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, Charles B. Shuman, Sullivan, Ill., a great leader in American agriculture for the past 27 years, announced his retirement this morning in his annual president's report to the members of the American Farm Bureau Federation meeting in Houston, Tex.

Mr. Shuman served the past 16 years as president of the mammoth Farm Bureau and his annual report contained a fitting tribute to his sincere, determined efforts on behalf of American agriculture when he reported a 1970 Farm Bureau membership gain of 77,327 families. Prior to his election as American Farm Bureau president he served 9 years as president of the Illinois Agricultural Association, the largest of the State Farm Bureaus. During his leadership of the IAA he witnessed that organization's growth to more than 200,000 members.

As he announced his retirement from the top post of Farm Bureau today he did so to "accept an offer I could not refuse any longer—returning to the farm in Illinois to join my 13-year-old son, George, in a partnership to grow hogs."

Charles Shuman is proud to be a farmer and exemplified the independent and productive spirit of the American farmer. In his foreword to my book, "The Federal Farm Fable," which was published in 1968, Mr. Shuman perhaps spoke his true feelings about Federal Government farm programs when he referred to them as, "a complicated monstrosity," and said they resulted in American agriculture becoming trapped in a "bureaucratic quagmire."

In his final report to the organization he led and loved, he issued some suggestions to those who will now assume the leadership of Farm Bureau.

Referring to the recently passed Agricultural Act of 1970, Mr. Shuman said:

> I believe that Farm Bureau should accept the decision of Congress and cooperate in converting the farm program to a rural welfare plan, including further reductions in payment limits. A few simple amendments to the Nixon bill are needed to further adapt this legislation to the needs of the low income people of rural America. Simple justice demands that income supplements should be available to all farmers on a basis of need regardless of whether or not they produce certain crops or are in compliance with crop allotments—it is an unwarranted hardship to require small farmers to cut their already inadequate acreage. The Nixon bill should be amended to eliminate the requirement for farm program compliance as a condition of eligibility for income payments.

In addition to producing hogs, Mr. Shuman indicated today, he plans to do some writing about agriculture and its future. I wish him well in both ventures and look forward to reading the thoughts of a man, who for more than a quarter of a century, has been a respected leader in American agriculture fighting for the right of farmers to make more of their own farming decisions and reducing the direction they receive from Washington—a position many of us in the Congress support.

Charles Shuman is a powerful, effective voice for freedom and progress. May he enjoy many more years of good health and service.

BOB POAGE LAND TECHNOLOGY CENTER TO BE CONSTRUCTED ON TEXAS STATE TECHNICAL INSTITUTE CAMPUS IN WACO

(Mr. CABELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CABELL. Mr. Speaker, today, December 7, is Congressman BOB POAGE Day in Waco, Tex. His friends are honoring him by announcing the Bob Poage Land Technology Center to be constructed on the Texas State Technical Institute campus in Waco. The theme for the day is: "They shall beat swords into plow shares" for today is Pearl Harbor Day and Texas State Technical Institute campus is the former home of a tactical air command air base.

Texas State Technical Institute is now training 3,000 men and women who want to earn a good life through a technical education rather than being hampered by the welfare way of life.

This recognition being given our great colleague from Texas and the able chairman of our Committee on Agriculture, is well deserved.

I am sure that all Members join me in congratulating chairman "BOB" on this occasion.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States in 1968 produced 42 percent of the world production of caustic soda. The 1968 U.S. production was 7,783,000 metric tons compared to 1,525,000 metric tons by the Soviet Union, the second ranked producer.

SOVIET INTELLIGENCE ROLE IN LATIN AMERICA RISES

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the growing influence of the Communists in Central and South America is a matter of gravest concern for our Congress and country. Increasing evidence appears that the Soviets are using a base in Cuba proximate to the United States for servicing their nuclear submarines. These facilities reduce enormously the time which it has previously taken Soviet submarines to go back to Russia for servicing after their patrolling in the western Atlantic. The effect of this submarine-servicing facility, therefore, is not only to bring the United States within close range of nuclear weapons upon these submarines but to increase very largely the number of nuclear weapons in the area of the United States, in the Caribbean, or in the western Atlantic.

It is hard to understand what the position of our national administration is. They purported recently to say that they would not tolerate a Soviet nuclear submarine base in Cuba and they indicated that they made a deal with the Soviet Union that we would not invade Cuba while Castro was there if they would not build a complete submarine base. Yet, the whole matter is very hazy and obscure and it seems for all practical purposes the Russians have done that, as so often happens, they promised not to do.

I submit that the national administration owes it to our people to give our people the facts about this ominous extension of Soviet power within 90 miles of our shores, and to see to it that such an establishment does not jeopardize the security of our country.

The installation of these nuclear facilities in Cuba is simply a part of the whole aggression of the Soviet Union in Latin America. They have penetrated far beyond what they have ever achieved in the history of our country. They are now making it possible for communism to be exported and infiltrated into many critical areas in Latin America from Cuba as a base. The President said on one occasion he did not propose to be the first President to lose a war in which the United States was engaged. I am sure the President would not wish to be remembered as the American President in whose administration the Russians established a nuclear base in Cuba and thoroughly and dangerously infiltrated communism and Communist power—power aggressive to the United States—into Latin America.

In support of the general knowledge now that Soviet activity has vastly increased in Latin America, Mr. Speaker, I insert in the body of my remarks, immediately following my remarks, an article from the New York Times of December 7, 1970, entitled "Soviet Intelligence Role in Latin America Rises," a subheadline of which is "Soviet Activity Among Latins Grows":

Soviet Intelligence Role in Latin America Rises

(By Benjamin Welles)

Washington, December 6.—United States intelligence specialists are disturbed by what they regard as a steady increase in the number and quality of Soviet agents in Latin America.

These specialists say that the Soviet Union has reorganized and modernized its intelligence network in the Western Hemisphere in the last decade toward the goal of diminishing, and possibly replacing, United States influence.

To do this, the American specialists say, the Soviet Union is moving on a variety of fronts to capitalize on Latin-American discontent with protectionist United States trade policies and with what many Latin Americans believe to be Washington's neglect of their problems. A major part of the Soviet campaign, the specialists feel, is intelligence operations conducted by "a new breed" of agents.

"In 1960, about 85 per cent of the Russian intelligence agents in the hemisphere were over the age 40," one United States intelligence specialist said recently. "Now most are under 40. Some have even studied as exchange students in Ivy League colleges." The specialist described a typical Soviet agent today as personable, gregarious, cosmopolitan and fluent in Spanish and often in English.

Even the tailoring has improved, the specialist said. Ten years ago, he explained, a Soviet agent was easily identified by his baggy pants, a style favored by Eastern Europe's tailors. Now the typical agent is reported to be, among his other attributes, well dressed.

American analysts believe that approximately two-thirds of all Russian agents in Latin America work for the K.G.B., the Soviet intelligence agency, and the rest of the G.R.U., Soviet Army intelligence. About half the Soviet personnel accredited to Latin countries are intelligence operatives, the analysts report, saying that the proportion fluctuates from a high of 85 per cent in Mexico to a low of 25 per cent in Uruguay.

INCREASE IN RELATIONS

The steady increase in intelligence personnel and activities throughout the hemisphere is said to parallel the steady expansion of Soviet diplomatic relations with Latin-American states. The Soviet Union, the analysts say, regards secret intelligence as an arm of foreign policy, along with traditional diplomacy, force, the threat of force and propaganda.

Before World War II, the Soviet Union had diplomatic ties with three Latin-American countries: Mexico, Uruguay and Colombia. Now Moscow has embassies in 11 Latin-American countries—Cuba, Mexico, Colombia, Venezuela, Brazil, Uruguay, Argentina, Chile, Bolivia, Peru and Ecuador—is about to open an embassy in Costa Rica and is negotiating for an embassy in Guyana.

The growth of relations, specialists in Washington say, has been accompanied by a change in policy. "Soviet policy in Latin America began changing, after Khrushchev's fall in 1964, from hard-line to a soft, smiling approach," said one analyst. "The Russians had seen the bad Latin reaction to Castro's attempt to export revolution. They didn't quarrel with Castro; they just went their own way and Castro went his. Their tactics differ—but not their strategy."

A GOAL OF PERSUASION

Soviet policy is said now to be aimed at convincing Latin Americans that its diplomatic personnel are personable, professional, responsible people—always correct, as one informant put it.

"The Soviet is taking advantage of every local situation to increase influence at the expense of the United States, but it's not blowing trumpets," he added.

On the clandestine side, the sources added, the Soviet Union is seeking to recruit adherents among the Latin-American diplomats stationed in Moscow and is trying to build an organization of young Latin leftists to serve as Soviet advocates.

"The average Latin leader thinks he can handle the Russians in his country," one source said. "Sometimes this satisfies his vanity if he's inherently anti-United States, sometimes it pleases his leftist backers. Whatever the reasons, the Soviet Union is making political headway throughout Latin America."

KEY GOAL OF STRATEGY

One primary aim of Soviet strategy is said to be to counter the long-standing collaboration of United States and Latin-American intelligence agencies. This collaboration began during World War II, increased with the start of the cold war in the late nineteen-forties and accelerated in the early nineteen-sixties when the Cuban Government of Premier Fidel Castro began exporting revolution.

The collaboration now appears to be threatened, informants say, as Soviet intelligence seeks to extend its influence—at high levels in Latin governments and in police and security services—as a step toward eliminating the United States' influence.

The number of Soviet male officials accredited to Latin countries is still relatively small, analysts say—in 1960 it was about 150, today it is about 300—but it is growing. It includes embassy personnel from ambassadors to chauffeurs as well as men in trade missions, press and cultural offices and commercial enterprises such as shipping lines.

SPY'S RULE OF THUMB

By the rule of thumb that about half a country's accredited personnel are intelligence operatives, this would indicate a Soviet intelligence force of 150 in the hemisphere. However, specialists say this number is effectively doubled by the presence of wives. Additionally, significant numbers of unmarried Soviet women who are attached to overseas missions as secretaries or code clerks are believed to perform other tasks, including espionage.

One of these women—Raisa Kiselnikova, a 30-year-old translator, defected from the Soviet Embassy in Mexico City last March after 18 months' duty. She reportedly told the Mexican authorities that eight of the nine officials of the Soviet trade mission were intelligence agents.

A MOSAIC IS ASSEMBLED

The testimony of Soviet defectors and the use of surveillance techniques have helped the United States intelligence network and its Latin collaborators assemble a mosaic of clandestine Soviet activities in the Western Hemisphere. Some workings are said to be these:

Soviet intelligence activities are normally directed by a K.G.B. representative posted as an embassy official—a political or economic counselor, a trade or cultural aide—even as a chauffeur. Intelligence officers—of both the K.G.B. and the G.R.U.—have been identified while traveling in Latin America as diplomatic couriers or as correspondents of such Soviet press agencies as Tass and Novosti.

Intelligence personnel report directly to Moscow through their own codes and communications systems. They bypass the ambassador unless he belongs to the 125-member Central Committee of the Soviet Communist party.

Since the early nineteen fifties, Soviet intelligence operations in the Caribbean, in Central America and in the northern half of South America have been directed from Mexico City; those in the southern half of Latin America have been directed from Montevideo. The Soviet Embassy staff in Mexico City numbers 62 men, plus as many wives. At least 40 of the men are said to be intelligence officials. In Uruguay, the male embassy staff has 32 men, plus as many wives. Eight of the men are reportedly intelligence personnel.

CUBA THE OVERALL BASE

The main base for all Soviet activities in the hemisphere is still Cuba, the experts here say. Approximately 400 intelligence officers are said to have been assigned to Cuba since 1961.

Between 1961 and 1969, the experts add, approximately 2,500 Latin Americans have been trained in Cuban schools for political subversion. About 10 per cent have been Communists but the overwhelming majority reportedly have been young men and women of leftist—but not necessarily Communist—ideology. Several hundred are believed to have gone on to Moscow for further training.

Cuban personnel, trained by the Soviet experts, have been assigned to teach and direct subversion in other Latin countries, informants report.

"Che Guevara's failure to start a rural guerrilla movement in Bolivia and his death there in 1967 delayed but didn't really stop Castro's plans to export revolution," one analyst here said.

"Castro pondered long and hard about switching to urban warfare techniques," he continued. "It wasn't until last April, for instance, that he finally announced that he would back urban revolutionaries in the kidnapping of foreign diplomats, assassination and so forth—but only if they proved effective."

TIME AND PLACE VITAL

United States specialists believe that the Soviet Union will quietly back both rural and urban revolutionary movements in Latin America, depending on the time and place.

Soviet and Cuban influence is reported by rising in Chile, which has installed an elected leftist Government headed by Dr. Salvador Allende Gossens, a Marxist.

In Dr. Allende's Cabinet, analysts note, socialists—some of whom are more extreme in Chile than the Communists—now hold such policy posts as the Foreign Ministry, the Interior Ministry, with control of the police, and the key position of secretary general of the government. Chilean Communists, by contrast, hold the patronage ministries of finance, labor and social welfare, public works, education and mines.

As further proof of Soviet and Cuban influence, informants here note that the Chilean "groups mobiles," traditional antisubversive and riot-control units of the constabulary have been replaced by "committees for the defense of the community," modeled on a system installed throughout Cuba at Soviet suggestion. The committees will reportedly be manned by Communist and Socialist party stalwarts.

ACTIVITIES ELSEWHERE

Other aspects of Soviet intelligence activity in the hemisphere are listed by American sources here as follows:

Peru: Last February, when the first Soviet mission was accredited to the military government of President Juan Velasco Alvarado, five of the first nine Soviet Embassy officials came directly from Havana.

The Soviet Union has three military attachés in uniform in Lima, more than it has in the rest of Latin America. All three have been identified by United States sources as G.R.U. officials. Their relations with the Peruvian Government are reportedly correct and cordial and Soviet influence in Peru is said to be growing.

Argentina: The Soviet Embassy staff consists of 34 male officers of whom about a third are thought here to be intelligence personnel. Col. Sergei Sokolovski, the Soviet defense attaché, is more publicly prominent in embassy contacts with the Argentine Government than is Ambassador Yuri Volski, according to sources here.

Brazil: Soviet intelligence activities have been held to a minimum, informants here say. Most activity consists of making contacts. The embassy staff consists of 60 officers in Rio de Janeiro, Brasilia and São Paulo, with as many wives. About half the men are identified here as intelligence personnel.

Uruguay: Although Montevideo is reportedly a base for Soviet operations, these have not been increasing. No clear links have been detected between Soviet intelligence agents and the Tupamaro, the anti-government terrorist organization.

FEW ARMS SUPPLIED

The Soviet Union is not thought to be supplying appreciable quantities of arms to Latin America. Some arms—mainly Czech—have recently been detected being moved to subversive groups in Uruguay, Argentina and Chile, but not in significant quantities.

While the Soviet Union's clandestine activity is steadily rising in the hemisphere, informants say, its trade with Latin America remains static. For the last 10 years exports and imports have remained at approximately $130-million yearly, less than 2 per cent of Latin America's world trade.

Significantly, the analysts report, three-quarters of the trade is concentrated in two countries with strong, right-wing military governments—Brazil and Argentina. The remaining quarter is divided among all the other hemisphere countries, where the analysts, note, Moscow concentrates on buying commodities such as coffee, whose sales—and price—often balance the budgets of such states as Ecuador, Colombia and Costa Rica.

REMARKS OF COMMISSIONER PATRICK V. MURPHY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, one of the outstanding authorities in the field of crime is the distinguished police commissioner of the City of New York, the Honorable Patrick V. Murphy. Commissioner Murphy has had a long and eminent career as a police official. He started from a policeman on the beat in New York City and has risen to be one of the highest officials in the Police Department in the District of Columbia; to a top position in the Law Enforcement Assistance Administration; to the position of police commissioner of the city of Detroit; and now to his present position as police commissioner of the City of New York. Commissioner Murphy has had a variety of experience and a breadth of contact with the problems of crime which is not excelled, if equaled, by any other official in the country. Commissioner Murphy, when he was in Washington, was most helpful in his advice and counsel to the House Select Committee on Crime.

On December 7, Commissioner Murphy addressed the National Association of Citizens Crime Commissions at the Washington Hilton Hotel, and gave not only an informative but an inspiring address with particular emphasis upon how much it means to the police officials of the country to have the wholehearted respect and support of the people of the country. I commend Commissioner Murphy's able address to my colleagues and to my fellow countrymen and include it in the RECORD immediately following my remarks:

REMARKS BY NEW YORK CITY POLICE COMMISSIONER PATRICK V. MURPHY TO THE NATIONAL ASSOCIATION OF CITIZENS CRIME COMMISSIONS, WASHINGTON, D.C., DECEMBER 7, 1970

Thank you for inviting me to join you today. I am delighted to be here among friends and colleagues who share a common interest in crime prevention. The topic you have asked me to explore—"What the Police Expect of the Citizenry"—is both fascinating and encouraging to me.

It is a refreshing departure from the traditional topic where the subject places the police on the defensive, and we are asked to explain and justify increasing crime rates. Perhaps we can sharpen the focus of our discussion by paraphrasing the eloquent expression of the late President John F. Kennedy: Ask Not What Your Police Can Do For You But Ask What You can Do For Your Police.

The law in our society is predicated on the theory of voluntary compliance. It is the same philosophy applied by the Internal Revenue Service where the citizen is expected to report honestly his income and voluntarily pay his taxes. This has become our way of life, and it is universally accepted in varying degrees.

An interesting case recently came to our attention. It involved a taxpayer who sent a money order of $100 to the Collector of Internal Revenue with an annoymous note explaining that he had cheated on his tax return five years ago, and his conscience bothered him ever since. There was also a postscript which stated, "If my conscience still bothers me I will send you the balance."

The police service relies on the theory that we are essentially an honest and peaceful society, and that most people voluntarily comply with the law. The presumption that we are a peace-loving people may be a fallacy. It was little more than a hundred years ago when we were still a frontier nation pioneering in the wilderness. In the span of history it was only yesterday when shotguns rode the horsedrawn vehicles and every householder was armed. The stagecoach has disappeared but the deadly firearm is still with us: With an estimated hundred million guns in the hands of private citizens. We are a more sophisticated people today, enjoying greater material comforts, yet we have failed to rise above our violent heritage. We have failed to achieve domestic tranquility, and we are confronted daily with violence by gunfire.

Studies on guns—long and short—abound. Numerous laws on the national, state and local level limit the manufacture, sale, importation and possession of firearms. And yet there is no diminution in their unlawful use. Under the deceptive guise of freedom and the belief that citizens must be armed to resist tyranny, the American people tolerate and abet assault, robbery, murder and street crime at gunpoint. If this is freedom in its finest form, it is also freedom in its final hour. We have no way of determining how many firearms are in violent hands. We don't know the extent of the condition but we know the condition exists. Throughout the country in recent years tons of weapons have been plundered in transit and stolen from armories and gun dealers.

We are beyond the stage of restrictive licensing and uniform laws. We are at that point in time and terror when nothing short of a strong uniform policy of domestic disarmament will alleviate the danger which is crystal clear and perilously present. Let us take the guns away from the people. Exemptions should be limited to the military, the police and those licensed for good and sufficient reasons. And I would look forward to the day when it would not be necessary for the policeman to carry a sidearm.

Thousands of suicides, accidental deaths, slayings of relatives or acquaintances and the tragic list of assassinations in our time may never have been if the lethal instrument of death were not so readily available, and if the firearm as contraband had been the accepted national mode.

Let us ask ourselves the hard questions: Do we as a people really abhor violence? We are obviously concerned about crime. But to what extent? Perhaps our feelings about violence are not as strong as we think. With the increasing incidence of crime there has been a sharp rise in the number of people who obtain weapons for self-defense. It is reminiscent of the era of the armed frontiersman, but the dangerous difference is that the sparse frontier has given way to heavily populated urbania. I leave to your imagination the tragic consequence of a shot fired in a downtown shopping area or even on a neighborhood street.

For too long we have indulged the gun maniacs. The name of the game is human life, and it is a game we dare not play. The stakes are too high for an advanced society which values human life above all other considerations.

We are a proud people with a proud heritage. Out of the undeveloped wilderness that was once America, we have overdeveloped this vast region to the extent that pollution affects our streams and our waterways and contaminates the air we breath. The conservationists tell us wild life is disappearing, too. With the development of formerly rural areas to accommodate the growing population, the sportsman's field is receding and his targets are diminishing.

As a people, Americans are singularly distinguished for their record of achievement. But we have failed to plan for the debilitating by-products that accompany progress. This is well illustrated by our ecological problems. It is common knowledge to the doctor and chemist that the development of a new and helpful drug requires careful observation of the patient to ascertain the possibility of contraindications. Sometimes the resultant side-effects may be more hazardous than the original malady which the new drug was designed to cure. This is the pattern of unenforceable statutes which generate contempt rather than confidence in our system of justice. We have such laws on our books.

Within the province of police enforcement I would like to see fewer regulatory laws. The policeman would be a more effective crime-fighter, and he would be held in higher public esteem, if he were not required to enforce so many regulations which attempt to control morals—the so called victimless crimes. By charging our police with the responsibility to enforce the unenforceable we subject them to disrespect and corruptive influences. And we provide the organized criminal syndicates with illicit industries upon which they thrive.

The tremendous progress we have made has been accompanied by an astonishing record of tragic and abysmal failure. Crime has been increasing for many years. And let us not delude ourselves, it will continue to rise. The criminal mind will not repent. Criminal activities will not relent. Crime is woven into the fabric of our society. Crime will not abate when housing and education are inadequate, when there is widespread unemployment, when there is inequality of opportunity, when there is a woeful lack of full citizenship rights, when affluence and poverty live side by side.

George Bernard Shaw once wrote that security cannot exist where the danger of poverty hangs over everyone's head. Poverty degrades the poor and infects with its degredation the whole neighborhood in which they live. And whatever can degrade a neighborhood can degrade an entire civilization. In this context poverty is a burden not only on the poor but also on the affluent and on every intermediate level of our social and economic structure.

Mr. Shaw was a man of great vision. Without stating the time and place, and without specific reference to narcotics, his words vividly describe the spread of drug addiction. In our cities it began amid poverty in the ghetto. And the contagion spread into the more prosperous upper-class neighborhoods. The monetary cost of addiction in terms of goods stolen by addicts in their desperation to feed their craving for drugs has been estimated in astronomical figures. It is a cost that small businessmen, car owners, householders and every productive citizen has had to pay. Even the poverty-stricken are not immune from the frantic depredations of the addict in need of money to satisfy his craving for drugs. Addicts remain close to their home areas and it is the people in those areas who are most victimized by drug-related crime. The drain on society is reflected in the wasted lives of the addicts themselves and the predatory pursuit in the sub-culture of the addict world. It began with poverty. It infected the poor neighborhoods and the degradation has spread through an entire civilization—just as George Bernard Shaw once wrote.

Crime will not abate while the increasing arrest rate is paralleled by increasing recidivism. Crime will flourish as long as men are incarcerated in penal institutions which fail to rehabilitate. The national recidivism rate has been estimated at upwards of ninety per cent. This means that at least nine of every ten men who leave prison eventually return to crime. And the full cycle begins again in the overcrowded prison with its inadequate personnel and poorly designed facilities which provide a fertile breeding ground for criminal proclivity.

The breakdown in our system of criminal justice is reflected not only in the operation of our correctional institutions but, also, in the parole and probation services; in the failing efforts of the prosecution, and in legal maneuvers in the courtroom. Today there is as much time spent in the courtroom arguing motions as in conducting the actual trial itself. The bench and bar have become afflicted with a kind of "motion sickness."

This brings to mind a story involving Charles Evans Hughes when he was Chief Justice of the Supreme Court. He had taken several of his associates on a cruise down Chesapeake Bay. It was a bright clear day but the water was choppy, and the late Justice Cardozo became violently ill. Mr. Hughes found him leaning over the rail, his complexion a sickly green. "I'm sorry," said the Chief Justice. "Is there anything I can do for you?" With great effort Justice Cardozo raised his head and muttered: "Yes, please, overrule this terrible motion."

When the last preliminary motion is made and argued and ruled upon, the trial commences. But, again, there are delays ad nauseam. The appalling waste of time severely weakens the deterrent effect of our criminal law, and it breeds contempt for the law. Under our system of justice it is not uncommon for four or five years to elapse from the time of arrest to final disposition. The unreasonable excesses of our criminal procedures can—and must—be eliminated. With protracted hearings, motions, appeals, pre-trial and post-trial delays, our system of criminal justice is quickly grinding to a dead halt. We attempt to be fair to the defendant but, in effect, we violate his rights under the Sixth Amendment by failing to guarantee a speedy trial.

With an ever-increasing number of arrests and increasing delays in the courtroom we are further crowding congested court calendars and complicating the work of understaffed court personnel: To the extent that our system of criminal justice is losing public respect. There is a growing lack of public confidence and, ironically, the uniformed patrolman is first to feel the harsh effects of an alienated public. Without public respect and confidence and cooperation, the policeman is placed under a severe handicap which adds to the complexities of his arduous duties.

To function effectively the police must have the cooperation of every citizen. The community itself cannot remain neutral on the theory that the police are paid to do the job, and the police alone are the public protectors. Law enforcement is everybody's business. Public safety on the street and in the home requires a total commitment; not only of the police, the courts, the district attorneys, the correction, parole and probation services, but also of the community as a whole. The problem of crime starts long before the police are involved. And—unfortunately—it continues long after the police function, culminating in arrest, has been performed.

If crime were purely a police matter there would be little criminal activity. With improved police training and the application of sophisticated technical devices we are seeing a corresponding increase in police effectiveness. Our men are intelligent, responsible and humane public servants—skilled practitioners in the art of dealing with people. Yet crime proliferates. Let us not fault the police for the conditions which breeds crime: poverty, illiteracy, ill health, slum housing and limited opportunity for those most in need of opportunity.

We can deplore. We can discuss recommendations as we are doing today. But we cannot sweep the causes of crime under the rug. It is a contagion that will surface and spread. Social change is needed. In its present form it is a barrier to peace and tranquility. Through social change, we must remove not only the causes of crime but, also, the deadly instrument of violence. Let us repair the breakdown in criminal justice through speedier trials. Let us remove the unenforceable law from the sphere of police enforcement. Let us also develop a rehabilitation system that rehabilitates and does not return the offender to prison.

It may seem an unusual suggestion for a police commissioner to make to members of crime commissions—but perhaps one of the most helpful things citizens can do to help us is to demand that the current "non-system" of criminal justice be developed into system. As part of that demand the question must be posed: Is the crime control dollar being spent most effectively in our cities? Is any one part of the system—police, prosecution, courts, corrections—receiving an excessive share of available fiscal resources to the disadvantage of one or more of the other parts? Such imbalance only weakens the potential of the whole system.

This is what the citizen can do for police, The policeman asks for a reasonable climate in which he can function effectively. He asks for public acceptance, not accolades. In a street problem the citizen is asked to accept the policeman's leadership, trust his judgment, heed his words, and give him the respect and esteem so necessary—so vital—to the dangerous task of policing our cities.

Together, the citizen and the policeman can attain that human quality—that majestic quality of mankind—that eludes our society.

CONQUEST OF CANCER ACT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, one of the greatest challenges facing mankind is cancer. This malignancy causes more deaths each year than any disease except heart disease and, unlike heart disease, it is the greatest killer of the young as well as the old.

Cancer kills more children between the ages of 1 and 15 than any other disease. It also kills more Americans in a single year than we have lost in the last 6 years of the Vietnam war.

We lose six or seven times as many Americans to cancer each year as we lose in highway traffic accidents. One-sixth of our entire present national population is expected to die of this disease.

Of the 200 million Americans presently living in our country, over 50 million will develop some form of cancer and more than 34 million will die unless we find a cure. This means that some 16 percent of all deaths in America will result from this one disease.

Yet this need not be true.

I was a sponsor of the 1937 legislation which established the National Cancer Institute as the first of our National Institutes of Health. I strongly supported the first appropriation for cancer research—a mere $400,000 in 1938. And since that time in the other body and more recently in my service in the House, I have sought to assure adequate financial support for research into the causes and cures of this complex disease.

We have increased the level of Federal support for cancer research to $200 million last year. And we have increased the rate of cures from one in five in the 1930's to one in three today.

As a result of cancer research we are now saving twice as many lives as we would save if we eliminated highway fatalities entirely.

The greatest national safety program in which we could engage is cancer research.

I feel very strongly, therefore, that we should launch a final assault on the menace of cancer. We should attack cancer the way we have attacked the problem of putting a man on the moon within the decade. I am confident that, if we do this, we can achieve in less than a decade the greatest scientific and technical achievement in the entire history of mankind.

It is my great pleasure, therefore, to sponsor in the House legislation to create a National Cancer Authority to develop a massive final attack on this terrible malignancy.

This legislation is the result of recommendations of a committee of distinguished Americans who served as consultants to the Senate Committee on Labor and Public Welfare. It provides for the establishment of an independent authority, similar to the National Space and Aeronautics Administration, to assume the responsibilities of the National Cancer Institute and expand its vital work massively and quickly to achieve a final conquest of cancer.

This new structure would enable us to double our investment in cancer research to $400 million a year immediately, and to raise this amount to $1 billion a year in the near future. These are sums of the order of magnitude necessary to accomplish our goal of a triumph over cancer in the foreseeable future.

I commend this legislation to our colleagues and to all Americans concerned with the value of human life. We cannot fail to meet the challenge of cancer, and I am convinced that the American people will give this proposal their strong and urgent support.

I insert in the Record at this point the text of this landmark legislation:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Conquest of Cancer Act."

FINDINGS AND DECLARATION OF PURPOSE

Sec. 2. (a) The Congress hereby finds and declares—

(1) that the incidence of cancer is increasing and is the major health concern of the American people;

(2) that the attainment of better methods of prevention, diagnosis, and cure of cancer deserve the highest priority; and

(3) that a great opportunity is offered as a result of recent advances in the knowledge of this dread disease to conduct energetically a national program for the conquest of cancer.

(b) in order to carry out the policy set forth in this Act it is the purpose of this Act to establish, as an independent agency of the United States, the National Cancer Authority.

NATIONAL CANCER AUTHORITY ESTABLISHED

Sec. 3 (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the National Cancer Authority, having as its objective the conquest of cancer at the earliest possible time.

(b) The Authority shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the Authority a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. The Deputy Administrator shall perform such functions as the Administrator may prescribe and shall be the Acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in the position of Administrator. Upon the expiration of his term, the Administrator shall continue to serve until his successor has been appointed and has qualified.

(c) The President, by and with the advice and consent of the Senate, is authorized to appoint within the Authority not to exceed five Assistant Administrators.

TRANSFERS FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Sec. 4. (a) All officers, employees, assets, liabilities, contracts, property, and resources as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the National Cancer Institute, and except as otherwise specifically provided in section 10, with any function of the National Cancer Advisory Council, are hereby transferred to the National Cancer Authority.

(b)(1) Except as provided in paragraph (2) of this subsection, personnel engaged in functions transferred under this Act shall be transferred in accordance with applications and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

(c) The National Cancer Institute and the National Cancer Advisory Council shall lapse.

TRANSFER OF FUNCTIONS

Sec. 5. There are hereby transferred to the Administrator all functions of the Secretary of Health, Education, and Welfare—

(1) with respect to and being administered by him through, or in cooperation with, the National Cancer Institute and the National Cancer Advisory Council.

(2) under title IX of the Public Health Service Act relating to education, research, training, and demonstration in the field of cancer.

FUNCTIONS OF THE AUTHORITY

Sec. 6. In order to carry out the purpose of this Act, the Authority shall—

(1) carry out all research activities previously conducted by the National Cancer Institute, together with an expanded, intensified, and coordinated cancer research program;

(2) expeditiously utilize existing research facilities and personnel for accelerated exploration of the opportunities for a cancer cure in areas of special promise;

(3) encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

(4) strengthen existing comprehensive cancer centers, and establish new comprehensive cancer centers as needed in order to carry out a multidisciplinary effort for clinical research and teaching, and for the development and demonstration of the best methods of treatment in cancer cases;

(5) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer for professionals and for the general public;

(6) establish or support the large-scale production of specialized biological materials for research, including viruses, cell cultures, and animals, and set standards of safety and care for persons using such materials; and

(7) support research in the cancer field outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants and the training of American scientists abroad and foreign scientists in the United States.

ADMINISTRATIVE PROVISIONS

Sec. 7. (a) The Administrator is authorized, in carrying out his functions under this Act, to—

(1) appoint and fix the compensation of personnel of the Authority in accordance with the provisions of title 5, United States Code, except that (A) to the extent the Administrator deems such action necessary to the discharge of his functions under this Act, he may appoint not more than two hundred of the scientific, professional, and administrative personnel of the Authority without regard to provisions of such title relating to appointments in the competitive service, and may fix the compensation of such personnel, without regard to the provisions of chapter 51, and subchapter III of chapter 53 of such title relating to pay rates, not in excess of the highest rate paid for GS–18 of the General Schedule under section 5332 of title 5 of such Code; (B) to the extent that the Administrator deems it necessary to recruit specially qualified scientific and professionally qualified talent he may establish the entrance grade for scientific and professional

personnel without previous service in the Federal Government at a level up to two grades higher than a grade provided such personnel under the provisions of title 5 of such Code governing appointements in the Federal service, and fix their compensation accordingly;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the Authority and delegate authority to any officer or employee under his direction or his supervision;

(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain comprehensive cancer centers, laboratories, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Administrator deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Authority for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act;

(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(8) accept unconditional gifts or donations of services, money or property, real, personal, or mixed, tangible or intangible;

(9) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(10) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary, including funds appropriated for construction, repairs, or capital improvements; and

(11) take such actions as may be required for the accomplishment of the objectives of the Authority.

(b) Upon request made by the Administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Authority in the performance of its functions with or without reimbursement.

(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

SAVINGS PROVISIONS

SEC. 8. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or institute, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrator, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or institute, or part thereof, functions of which are transferred by this Act; but such proceedings to the extent that they relate to functions so transferred, shall be continued under the Authority. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Administrator, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or institute, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or institute, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Authority as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or institute, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or institute, or any part thereof, is transferred to the Administrator, or

(B) any function of such agency, institute, or part thereof, or officer is transferred to the Administrator, then such suits shall be continued by the Administrator (except in the case of a suit not involving functions transferred to the Administrator, in which case the suit shall be continued by the agency, institute, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, institute, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Authority or officer in which such function is vested pursuant to this Act.

(e) In the exercise of the functions transferred under this Act, the Administrator shall have the same authority as that vested in the agency or institute, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or institute, or part thereof.

REPORTS

SEC. 9. (a) The Administrator shall, within one year after the date of his appointment, prepare and submit to the President for transmittal to the Congress a report containing a comprehensive plan for a national program designed to conquer cancer at the earliest possible time together with appropriate measures to be taken, time schedules for the completion of such measures, and cost estimates for the major portions of such plan.

(b) The Administrator shall, as soon as practicable after the end of each calendar year, prepare and submit to the President for transmittal to the Congress a report on the activities of the Authority during the preceding calendar year.

NATIONAL CANCER ADVISORY BOARD

SEC. 10. (a) There is hereby established in the Authority a National Cancer Advisory Board to be composed of eighteen members appointed by the President, by and with the advice and consent of the Senate. Nine of the members of the Board shall be scientists or physicians and nine shall be representative of the general public. Members shall be appointed from among persons, who by virtue of their training, experience, and background are exceptionally qualified to appraise the programs of the Authority. The Administrator shall be an ex officio member of the Board.

(b) (1) Members shall be appointed for six-year terms except that of the members first appointed six shall be appointed for a term of two years, six shall be appointed for a term of four years, and six shall be appointed for a term of six years as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occuring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) A vacancy in the Board shall not affect its activities and eleven members thereof shall constitute a quorum.

(c) The Board shall biannually elect one of the appointed members to serve as Chairman for a term of two years.

(d) The Board shall meet at the call of the Chairman but not less than four times a year and shall advise and assist the National Cancer Authority in the development and execution of the program.

(e) The Administrator of the Authority shall designate a member of the staff of the Authority to act as Executive Secretary of the Board.

(f) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the Authority.

(g) The Board shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Authority toward the accomplishment of its objectives.

(h) The Board shall supersede the existing National Advisory Cancer Council, and the members of the Council serving on the effective date of this Act shall serve as additional members of the Board for the duration of their present terms, or for such shorter duration as the President may prescribe.

(i) Members of the Board who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS-18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

(j) The Administrator shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

COMPENSATION OF THE ADMINISTRATOR, THE DEPUTY ADMINISTRATOR, AND THE ASSISTANT ADMINISTRATORS

SEC. 11. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(20) Administrator, National Cancer Authority.".

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(56) Deputy Administrator, National Cancer Authority.".

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Assistant Administrators, National Cancer Authority (five).".

DEFINITIONS

SEC. 12. For the purposes of this Act—

(1) "Administrator" means the Administrator of the National Cancer Authority.

(2) "Authority" means the National Cancer Authority;

(3) "Board" means National Cancer Advisory Board;

(4) "comprehensive cancer center" means such cancer research facilities as the Administrator determines are appropriate to carry out the purposes of this Act, including laboratory and research facilities and such patient care facilities as are necessary for the development and demonstration of the best methods of treatment of patients with cancer, but does not include extensive patient care facilities not connected with the development of and demonstration of such methods;

(5) "construction" includes purchase or lease of property; design, erection, and equipping of new buildings; alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof); and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

(6) "function" includes power and duty;

(7) "Federal agency" means any department, agency, or independent establishment of the executive branch of the government including any wholely owned government corporation.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. For the purpose of carrying out any of the programs, functions, or activities authorized by this Act, there are authorized to be appropriated for each fiscal year such sums as may be necessary.

EFFECTIVE DATE

SEC. 14. (a) This Act, other than this section, shall take effect sixty days after its date of enactment or on such prior date after the enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsections (b) and (c) of section 3 may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Authority pursuant to this Act.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES TO THE NATIONAL ASSOCIATION OF MANUFACTURERS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, with refreshing candor, the President, last Friday night, told the National Association of Manufacturers and the American people exactly how it is with the American economy at this time—and where we go from here.

The President was frank to say that we are suffering considerable pain as we make the transition from war to peace and from inflation to stability.

It is in a spirit of nonpartisanship in the President's speech that I commend to my House colleagues as I place the President's remarks in the CONGRESSIONAL RECORD. I am firmly convinced that the economic policies of the Nixon administration are paying off. They will continue to pay off if the administration's quest for economic growth and stability is not hampered by opposition efforts to reap political advantage.

I urge all Members of the House to read the President's remarks of last Friday night and to consider how best to move this Nation toward price stability and prosperity. The President's speech follows:

TEXT OF AN ADDRESS BY THE PRESIDENT TO THE NATIONAL ASSOCIATION OF MANUFACTURERS

I would like to take this occasion to report to the nation on this Administration's economic strategy—what we found when we took office, what we did about it, what the results of our moves were, and what we are doing now.

When we came into office 22 months ago, this was the situation:

532,000 Americans were fighting in Vietnam, with no diplomatic or military plan to bring them home, and no economic plan to provide civilian futures for them when they did get home; prices were rising, interest rates were rising, and monetary and budget policies had produced a serious inflationary crisis.

The challenge was clear: Never before had this nation been able to end a war without severe economic hardship and never before had we been able to curb a major inflation without a recession. We accepted that challenge.

We acted immediately on both the war front and the home front.

Abroad, we implemented a plan that will bring 265,000 men home by next May. We brought casualties down to the lowest point in over four years. We presented a fair and honest plan for peace. We re-ordered our national priorities: More than a million men were released from the armed forces and from defense plants, and for the first time in twenty years the Federal government spent more money to meet human needs than on defense.

At home, we took the action needed to combat inflation. We held down Federal spending and balanced the budget; at the same time, the monetary policy of the Federal Reserve was restrictive. By doing what we said we would do, we effectively countered much of the inflationary pressure that had been feeding on itself and endangering the dollar.

In essence, then, we found a war that was surely not ending and an inflation that was surely accelerating, and we moved quickly to set a new course that would end the war and curb inflation—both at the same time.

Let me focus now on our economic plan and its results. Keep in mind its two basic elements.

First, we were determined to slow down a runaway inflation in a way that would not bring about a serious recession.

Next, even before the results of our anti-inflationary action became fully apparent, our plan called for moving the economy up toward its full growth potential, in a way that would not bring about a new round of inflation.

That was the plan and that is the plan. It was, and is, a bold and ambitious plan—to slow down the cost of living and as we end the cost of war, to hold down the pain of transition as we build strong and stable foundations for a new prosperity, with new confidence in the purchasing power of the dollar.

I want to speak with complete candor about the progress we have made and the problems we still confront.

The inflation psychology was more powerful than anyone knew. But the dangerously rising momentum of inflation was arrested by late 1969, and the rate of inflation has been moving gradually downward in 1970.

The progress is not as fast as we want, and we can expect some reverses along the way. But the worst of inflation is over. The lowered rise in the consumer price index, and the much lower rise in wholesale prices and lower interest rates indicate that there will be a further decline of the rate of inflation during the year ahead.

Have we slowed inflation without a serious decline, as our plan called for? We have—but the nation has paid a price for slowing down the rise in prices. The unemployment figures issued today, while they reflect in part the temporary effects of the auto strike, underscore that fact.

Unemployment is at the level of the first half of the Sixties, before the Vietnam war buildup began. I believe we can and must do better.

Businessmen and investors, large and small, have felt a profit squeeze, with corporate profits down 8% from 1969. Many working people and investors have been hurt, and it offers them little solace to know that this has been the least painful transition from war to peace, from inflation toward stability, in our recent history.

These are not small problems, and people are not statistics. The man looking for a job, the businessman suffering from disappointing sales, the investor who has seen his savings and investments erode—all are Americans with important human concerns.

The pain of transition from war to peace, from inflation to stability, is real, and it is the business of government, business and labor to help ease that pain as we move ahead.

Having paid the cost of slowing the rise in prices, the workingman and the businessman have earned a new right—the right to reasonable stability and a new steadiness of growth in our economic life.

Let me turn now to the prospects for the next phase of our economic plan. Our objective is to help move our economy up to its full potential of growth and employment while continuing to reduce inflation.

The basic questions are these: What have we been doing to restimulate the economy? What do we intend to do to step up the pace of growth? And what are we all prepared to do to hold down the cost of living as we quicken our economic pulse?

This is what has already been done to help the economy resume its growth:

First, early in 1970, budget policy turned in a more expansionist direction. It was an orderly and well-timed change. Some of the present deficit is government's way of picking up the check for a slowdown of inflation; much of it is a force working toward orderly stimulation and expansion of the economy.

Second, monetary policy has changed over the period of this year. From mid-1969 to February of this year, the money supply grew by only 1% a year; since February, the Federal Reserve has permitted the supply of money to grow at an annual rate of 6%.

Third, as a result of easier credit policies and curbing of inflationary psychology, interest rates are coming down substantially. This sets the stage for new expansion of housing, of State and local government construction, of private capital formation needed for productivity.

The effects of these basic changes in economic policy can already be seen in the strong upsurge in housing starts, the rapid expansion of State and local bond financing, and the strong market for corporate debt financing. Along with unusually large spending potential by consumers, these signs all point to the expansion ahead.

But the government has a responsibility to do more: this is what we are doing to help the economy along the path that will get us back to full employment as rapidly as possible, while continuing to make progress against inflation.

First, we plan our budget on the basis that it would be balanced if we were at full employment and the economy were producing full revenues, not when the economy is below that point. Our budget policy will be responsible in holding down inflation and responsive in encouraging expansion.

Second, as the economy rises toward full employment, more money will be required to do the nation's business. The amount of business to be done will rise steadily, and we shall need a rate of expansion of the supply of money and credit to do the job properly. I have been assured by Dr. Arthur Burns that the independent Federal Reserve System will provide fully for the increasing monetary needs of the economy. I am confident that this commitment will be kept.

Third, we look to a continuation of the strong revival of housing construction to be a leading force in the upward movement of the economy. Housing starts have been rising strongly this year and surged ahead almost 20% in the last quarter. The programs of government, which profoundly affect the rate of housing construction, will continue to be directed to assure that the pent-up demand for housing in America is met.

As we take these actions to produce a vigorous and orderly expansion, this is what we are doing to strengthen resistance to inflation:

We have arranged for a series of Inflation Alerts and established the National Commission on Productivity to enable labor, business and the public to cooperate in improving efficiency and cutting costs.

We have also set up procedures to change some government regulations that contribute to higher prices. These are not moves toward controls; on the contrary, these are moves away from the kind of government controls that cause artificial market shortages.

Take, for example, the recent increase of 25¢ per barrel in the price of crude oil, accompanied by increases in prices of gasoline and, later, jet fuel.

Up to now, State restrictions on production on Federal offshore leases have held down the supply of crude oil.

I have been informed by the Director of the Office of Emergency Preparedness that these restrictions are not necessary for national security; moreover, they actually interfere with the freedom of our domestic market system.

I have today directed the Interior Department to assume complete regulating responsibility for conservation and production of oil and gas on all Federal offshore lands. This means that more oil will be produced on those lands, while maintaining strict environmental standards.

I have also directed that companies importing Canadian oil be permitted to use their overseas allocation for the purchase of more crude oil from Canada.

Taken together, these actions will increase the supply of oil and can be expected to help restrain the increase of oil and gasoline prices.

Let us look at the other side of the coin—at the wage side—to see where government leadership can help hold down costs and prices.

The problem in the construction industry, for example, illustrates the need for that leadership. When you have an industry in which one out of three negotiations has led to a strike; when construction wage settlements are more than double the national average for all manufacturing, at a time when many construction workers are out of work, then something is basically wrong with that industry's bargaining process.

What can be done about it?

For one thing, the structure of bargaining must be changed. As it is now, the craft-by-craft, city-by-city pattern only guarantees instability. What is called for is more consolidated bargaining, on an area or regional scope. What is needed is a bargaining process that will preserve the integrity of each bargaining unit while it provides a new base for stability and fairness.

I have directed the Construction Industry Collective Bargaining Commission to take the initiative in working out these changes with leaders of management and labor. If the Commission determines that legislation is required, it will be proposed.

In today's economy, about the only thing greater than the problem of the construction industry is the potential of the construction industry. The men who are building this nation work in a field with a great future, and one in which the Federal government—with its expanded housing programs and its highway programs—will be a driving force for growth.

The time is now for the construction trades and the construction industry to face up to reality—a reality where strikes and costs are limiting its own future. The Federal stake in the construction industry is enormous. Unless the industry wants government to intervene in wage negotiations on Federal projects to protect the public interest, the moment is here for labor and management to make their own reforms.

If business and labor expect public policy to help stimulate real expansion, then business and labor should be prepared to offer the public some real help in curbing inflation.

In discussing this problem, however, let us recognize that no one industry and no one side of the bargaining table can be made the scapegoat for rising prices. There is blame enough to go around, and the past policies of government bear their full share of that blame. But recriminations and buck-passing will not help; what is needed now is the firm acceptance of the fact that fighting inflation is everybody's business.

The decisions of business and labor about prices and wages must be formed by the economic facts of life. The most basic of these facts is that we cannot receive more real income than we turn out in real goods and services. When profits and wages are rising faster than productivity, prices will also be rising.

Because of our campaign against inflation, we now have an opportunity to break the vicious circle of wage-price escalation. As you know, productivity is once again on the rise. As a result, production costs are rising less rapidly.

Government has done its part to hold the line. This is the critical moment, then, for business and labor to make a special effort to exercise restraint in price and wage decisions.

This is the moment for labor and management to stop freezing into wage settlement and price actions any expectation that inflation will continue in the future at its peak rate of the past. Any wage or price decision that makes that flat and irreversible assumption of a high rate of inflation ahead is against the public interest and against the real interest of the workingman.

There is also the moment, with productivity newly on the rise, for business to take a hard new look at its pricing policies, and to pass along to the consumer its savings in production costs.

Let us look beyond our immediate concerns to the deeper strengths and longer-range goals of the American economy.

Many people see full employment and a stable cost of living as a kind of tradeoff; they say we can have one or the other, but never both at the same time. The best we can hope for, they say, is a "balance of error"—not too much unemployment at a time when there is not too much inflation.

That may be a stage on the way to our goal, but it is by no means the goal itself.

The American people have a right to expect more than that.

Our goal is to achieve a combination of full employment and reasonable price stability. I am confident we can and will achieve that goal.

This is why I am confident:

I have an abiding faith in the power and genius of the American economic system. No businessman can intelligently plan ahead without figuring in the capacity of that economic system to meet the demands made upon it by the American people.

Taking the record of American free enterprise as a guide, the most realistic, businesslike view of the future is this: Our system can deliver full employment, a stable dollar and truly equal opportunity—all at the same time.

I know that many businessmen are concerned when young people, including their own children, come to them and say: "Business is not for me. I don't want to get in the rat race; I want to help other peopole."

The paradox is this: Nothing has done more to help people in this country and people throughout the world than the American private economic system. Not organized charity, not the most active voluntary organization, not government itself can begin to compare with the benefits to people that flow from our unique combination of management, capital and labor.

Here is a system that has reduced the percentage of poor in this nation by almost half in the past decade alone; a system in which even those on welfare receive more real income than 75% of the people of the world will see in their lifetime.

Here is a system that provides the working man with more opportunity, more real income, more leisure time, more personal freedom than any system in the history of man—and provides this all at the same time.

Here is a system that has made it possible for the United States to distribute 140 billion dollars in aid to the rest of the world since the end of World War II—that makes it possible for us to respond generously to human needs created by an earthquake in Peru, a flood in Romania or to a cyclone and tidal wave in East Pakistan.

And here is a system that makes possible massive aid to education, vital new programs to improve the health of our people, and a wide range of efforts to protect and restore our environment. A strong economy makes us strong enough to better our lives; a strong economy makes us strong enough to defend our freedom.

Our system produces wealth. I realize that "wealth" is a word that is scorned by a lot of people today.

But how could we afford our massive educational system without the wealth produced by the people who make our economy move? Where would we get the resources to care for the poor, to look after the sick, to clean up our air and water—if it were not for the wealth generated by our free economy?

Too many people make the mistake of thinking that because government is the distributor of so much wealth, government must be the source of that wealth. Nothing could be farther from the truth.

You cannot pass a law raising a nation's standard of living. You cannot legislate into being the resources to solve our problems.

On the contrary, the only place you can turn to for the ability to help other people is that place that is so often denounced as the citadel of self-interest—the private enterprise system.

The next time you hear someone running that system down, the next time you hear the product of that system derided as "material" or unworthy of man's highest ideas—remember this:

A nation with the greatest social goals, with the most perfect political system, but without a strong and free economy is like a magnificent automobile without an engine.

We in America have that engine; it is something to be proud of, not ashamed of; it gives power to our purpose.

Surely there are many ways for that engine, that system, to be improved. But let us never forget that what is right about our system enables us to correct what is wrong. The wealth produced by labor, management and capital gives all of us the power to ennoble our aims, to enrich our own lives and the lives of our fellow men.

We are not the only nation to dream of opportunity with security, growth with stability, freedom with justice. That "American dream" is not limited to Americans.

But we stand first in the world on the road to achieving that dream, because we have created the system that can take us there.

Without a strong economy, dreams will always remain impossible dreams; but with the wealth that workingmen and businessmen produce, we can and we will turn our dreams into reality.

To the young person thinking of entering business tomorrow, as well as to those already managing and working in our free economic system today, may I point out that a credo for a new prosperity is emerging:

I believe the American economy is strong and growing stronger, capable of more than doubling the real income of each succeeding generation of Americans.

I believe American business will respond to the social as well as the economic demands of the consumer, adding to the dignity and security of work as well as the quality of life.

I believe the greatness of America's economic system will be judged by future generations not by how big it gets but how good it is; not only in the increased value of its investments, but in its increased investment in human values.

I believe that we will build a new prosperity that will last; not a period of good times between periods of hard times, but a steady prosperity that people can count on and plan for.

I believe that the new prosperity can never be gained at the expense of one group or another, but must be newly shared at every level of our society and among all our people.

And this above all: I believe that only if our economic system remains free can we achieve that combination of full employment—something Americans have never enjoyed in this century—with price stability that will be the foundation of a new prosperity in a full generation of peace.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS—CONFERENCE REPORT

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1680)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17923) "making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 9, 11, 12, 16, 17, 24, 38, 39, 52, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 13, 14, 19, 25, 27, 28, 29, 30, 31, 32, 33, 34, 37, 41, 42, 46, 47, 48, 51, 54, 55, 56, 58, 60, and 61; and agreed to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$151,633,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ", except that $200,000 of the foregoing amount shall be available for matching with funds utilized for research on cottonseed proteins under public law 89–502, and"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10; and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$68,476,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$128,507,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,066,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,855,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,276,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,926,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$17,796,800"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,675,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,420,000,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$24,273,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$250,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: ", and in addition, $3,434,000 shall be derived by transfer from appropriation, 'Food Stamp Program' and merged with this appropriation"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,588,650"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,764,750"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$337,000,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$128,800,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$103,000,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$86,000,000"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,204,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3.

Jamie L. Whitten,
William H. Natcher,
W. R. Hull, Jr.,
George E. Shipley,
Frank E. Evans,
George Mahon,
Odin Langen,
Robert H. Michel,
Mark Andrews,
Frank T. Bow,
Managers on the Part of the House.
Spessard L. Holland,
Richard B. Russell,
John Stennis,
Allen J. Ellender,
Roman L. Hruska,
Milton R. Young,
Hiram L. Fong,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments; namely:

DEPARTMENT OF AGRICULTURE

Title I—General activities

Agricultural Research Service

Amendment No. 1: Appropriates $151,633,000 for research instead of $146,143,200 as proposed by the House and $160,446,200 as proposed by the Senate. The following tabulation lists the changes from the House bill agreed to by the conferees:

1. Improved methods for control of mastitis in dairy cattle	+$150,000
2. Research to control the golden nematode	+73,000
3. Pollution research concerned with animal waste management	+365,800
4. Staffing and equipping research laboratories	+820,000
a. Cotton cost-of-production laboratories:	
Phoenix, Ariz	+80,000
Stoneville, Miss	+45,000
College Station, Tex	+65,000
b. Georgetown, Del. (poultry)	+75,000
c. Grand Forks, N. Dak. (nutrition)	+25,000
d. Athens, Ga. (utilization research lab)	+195,000
e. Adjustment for delays in staffing	+335,000
5. Cooperative research program on cotton	−800,000
6. Increased pay costs	+161,000
7. Cooperative research on aphid-borne diseases in Northwest	+35,000
8. Soil and water air-plant research with the University of Florida	+65,000
9. Cooperative research on tobacco in North Carolina	+35,000
10. Research on overseas transportation and field handling of fruits and vegetables	+25,000
11. Wholesaling and retailing research	+35,000
12. Research on dairy cattle:	
a. Reproductive and food efficiency	+35,000
b. Dairy herd improvement	+35,000
13. Research on flowers and related ornamentals	+70,000
14. Research on horticulture specialty crops at University of West Virginia	+25,000
15. Acceleration of most essential research on sheep production by contract or grant	+100,000
16. Cooperative research program on the dog fly	+35,000
17. Research on temporary storage of high moisture feed grains	+35,000
18. Research on fowl cholera in turkeys	+35,000
19. Investigation of mosaic-resistant and cold-tolerant sugarcane varieties, Houma, La	+40,000
20. Research on nonchemical means of pest control	+1,000,000
21. Medical research on horses	+35,000
22. Facilities, construction:	
a. Completion of Phase I construction, U.S. Animal Research Center, Clay Center, Nebr	+1,800,000
b. Modernization of Northeast Soil and Water Conservation Facility, Orono, Maine	+600,000
c. Enlargement of research facilities for horticultural specialty crops in Northwest; Corvaillis, Oreg., and Puyallup, Wash	+600,000
23. Facilities, planning: Soil and water research facility, Baton Rouge, La	+80,000
Net addition over the House bill	+5,489,800

Although both the House and Senate bills included the same dollar amount, the conferees agreed to the addition of the words "and sheep", as proposed by the Senate, to the explanation of the budgeted total of $1,328,800 to improve quality, reproductive and feeding efficiency of beef. In addition, it was agreed that such research performed should not duplicate research conducted under item 15 in the above listing.

With regard to laboratory staffing, the conferees, in recognition of the lateness of the appropriation bill, agreed to the total amount provided in the House bill for the pesticide laboratories at Gainesville, Florida; Savannah, Georgia; Stoneville, Mississippi; Durant, Oklahoma; and College Station, Texas. However, it was agreed that the Department should move as rapidly as possible toward full staffing for these laboratories in the recognition of language provided by Senate amendment number 4. The conferees also direct the Department to seek relief from its currently restrictive personnel limitations in order that this important staffing may take place without impairing other programs of the Department.

The conferees passed over without prejudice the Senate additions for the planning of the North-Central Dairy Cattle Management and Forage Research Laboratory and for the elimination of the Mediterranean fruit fly and melon fly from Hawaii. The conferees agreed that with regard to the latter program, the Department should be prepared to fully report to the respective committees as to the progress, planning, and feasibility of experiments to eliminate the Mediterranean fruit fly and melon fly from Hawaii.

The conferees agreed that funds should be released from the contingency research fund for research on peanuts, including black hull disease and molds in the Southwest.

Amendment No. 2: Restores House language amended to provide that of the total funds provdied for research, $200,000 shall be made available for research on production of products from cottonseed proteins contingent on matching with funds available to the Cotton Board under the Cotton Research Promotion Act. This is in lieu of the $1 million provided by the House and stricken by the Senate.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to provide $4,580,000 to remain available until expended for plans, construction, and improvement of research facilities as outlined above under Amendment No. 1.

Amendment No. 4: Inserts language, as proposed by the Senate, pertaining to the formulation of budget estimates for fiscal year 1972 for the pesticides research program.

Amendment No. 5: *Plant and animal disease and pest control.*—Provides $98,619,750 as proposed by the House instead of $99,369,750 as proposed by the Senate. The total allowed includes the following changes from the House bill: an increase of $250,000 for the hog cholera eradication program and $250,000 for pesticide regulation, and a decrease of $500,000 in the contingency fund.

Amendment No. 6: Provides $1,500,000 for the contingency fund reserved for control of emergency outbreaks of insects, plant diseases, and animal diseases as proposed by the Senate instead of $2,000,000 as proposed by the House.

Cooperative State Research Service

Amendment No. 7: Appropriates $61,390,000 for payments and expenses under the Hatch Act for research in rural development as proposed by the Senate instead of $58,390,000 as proposed by the House.

Amendment No. 8: Provides $4,412,000 for cooperative forestry research grants as proposed by the Senate instead of $4,012,000 as proposed in the House.

Amendment No. 9: Provides $2,000,000 for contracts and grants for scientific research as proposed by the House instead of $3,350,000 as proposed by the Senate.

Amendment No. 10: Provides a total of $68,476,000 instead of $65,076,000 as proposed by the House and $69,826,000 as proposed by the Senate.

Extension Service

Amendment No. 11: Deletes language inserted by the Senate providing $10,400,000 for rural development work provided for in amendment 7.

Amendment No. 12: Provides for total payments of $140,031,000 as proposed by the House instead of $150,431,000 as proposed by the Senate.

Amendment No. 13: Provides $12,932,600 for retirement and employees' compensation costs for extension agents as proposed by the Senate instead of $13,515,000 as proposed by the House.

Farmer Cooperative Service

Amendment No. 14: Appropriates $1,684,000 for salaries and expenses as proposed by the Senate instead of $1,649,000 as proposed by the House.

Soil Conservation Service

Amendment No. 15: Appropriates $128,507,000 for conservation operations instead of $128,557,000 as proposed by the House and $128,457,000 as proposed by the Senate. The restoration of $50,000 will be used to staff new districts.

Amendment Nos. 16 and 17: Restore language proposed by the House.

Amendment No. 18: Appropriates $6,066,000 for watershed planning instead of $6,698,000 as proposed by the House and $5,434,000 as proposed by the Senate.

Amendment No. 19: Appropriates $76,000,000 for watershed works of improvement as proposed by the Senate instead of $74,278,000 as proposed by the House.

Amendment No. 20: Appropriates $15,855,000 for the Great Plains conservation program instead of $15,355,000 as proposed by the House and $16,355,000 as proposed by the Senate.

Amendment No. 21: Appropriates $14,276,000 for resource conservation and development instead of $13,876,000 as proposed by the House and $14,676,000 as proposed by the Senate. The conferees are in agreement on the authorization of 15 new planning starts.

Economic Research Service

Amendment No. 22: Appropriates $14,926,000 instead of $14,592,000 as proposed by the House and $16,228,000 as proposed by the Senate. The increase provided over the House bill includes $207,000 for better forecasting and measures of farm income and $127,000 for investigation of impact of world agricultural development and adjustment on U.S. foreign trade. The conferees are also in agreement that added emphasis should be placed on the latter investigation within available funds.

Statistical Reporting Service

Amendment No. 23: Appropriates $17,796,800 for salaries and expenses instead of $17,716,800 as proposed by the House and $17,874,800 as proposed by the Senate. The increase over the House bill is for preparation of an updated farm operators expenditure survey. In addition, the conferees are in agreement that within available funds added emphasis shall be placed on research to improve agricultural statistics, remote sensing, and analysis of horticultural statistics.

Consumer and Marketing Service

Amendment No. 24: Appropriates $149,247,000 for consumer protective, marketing and regulatory programs as proposed by the House instead of $159,247,000 as proposed by the Senate, and deletes language inserted by the Senate pertaining to interstate shipment of meat inspected by approved State inspection systems. The House conferees concur in the Senate report in regard to market news and grade standards on ornamental crops including continued industry contributions.

Amendment No. 25: Deletes language proposed by the House.

Amendment No. 26: Appropriates $1,675,000 for payments to States and possessions instead of $1,600,000 as proposed by the House and $1,750,000 as proposed by the Senate.

Food and Nutrition Service

Amendment Nos. 27–34: Provides a direct appropriation of $301,974,000 for child nutrition programs and language provisions pursuant to Public Law 91–248 as proposed by the Senate instead of $90,395,000 as proposed by the House. In addition, $238,358,000 shall be available by transfer from section 32 funds, as provided in both bills. This will provide a total of $540,332,000 in appropriated funds for the programs for fiscal year 1971.

Amendment No. 35: Appropriates $1,420,000,000 for the food stamp program instead of $1,250,000,000 as proposed by the House and $1,750,000,000 as proposed by the Senate, with a language provision restricting the expenditure of funds to the amounts authorized by law. Currently authorized is a total of $770 million through January 31, 1971 pending final action on a new authorization bill.

Foreign Agricultural Service

Amendment No. 36: Appropriates $24,273,000 for salaries and expenses instead of $24,023,000 as proposed by the House and $24,773,000 as proposed by the Senate.

Agricultural Stabilization and Conservation Service

Amendment No. 37: Provides a direct appropriation of $150,000,000 for administrative expenses as proposed by the Senate instead of $152,690,000 as proposed by the House.

Amendment No. 38: Deletes language inserted by the Senate pertaining to price support payments in view of the final action on the 1970 farm bill (Public Law 91–524).

Amendment No. 39: *Agricultural conservation program.*—Establishes a 1971 program of $195,500,000 as proposed by the House instead of $190,000,000 as proposed by the Senate.

The conferees agreed to call on the Department to announce the 1971 program, which should have been announced months ago, including therein all programs, practices and procedures available in the calendar year 1970 program except for such changes as may be recommended by the county committee and approved by the State committee.

The conferees have not included compulsory instructions in the Act, as in the past, choosing rather to rely on the good faith of the Department in carrying out these provisions.

In taking this action, the conferees considered the fact that ACP is the best program for fighting pollution at its source. The Department reports that about 85% of the funds were related to pollution control and abatement. Typical is the fact that ACP has shared costs with the farmer in the construction of 2 million sediment and water holding structures.

Amendment No. 40: Appropriates $250,000 for indemnity payments to dairy farmers in lieu of $500,000 as proposed by the Senate.

Rural Community Development Service

Amendment No. 41: Deletes House language providing a separate appropriation of $230,000 for salaries and expenses. A like amount for overall coordination and direction of the program is included under the appropriation "General administration."

Office of the Inspector General

Amendment Nos. 42 and 43: Appropriate $12,412,000 for salaries and expenses and provide for transfer of $3,434,000 from the appropriation "Food stamp program" instead of a direct appropriation of $15,378,000 as proposed by the House and a direct appropriation of $12,412,000 and a transfer of not less than $3,434,000 as proposed by the Senate.

Packers and Stockyards Administration

Amendment No. 44: Appropriates $3,588,650 for salaries and expenses instead of $3,508,650 as proposed by the House and $3,748,000 as proposed by the Senate.

National Agricultural Library

Amendment No. 45: Appropriates $3,764,750 instead of $3,614,750 as proposed by the House and $3,914,750 as proposed by the Senate.

Office of Management Services

Amendment No. 46: Appropriates $3,459,000 for salaries and expenses as proposed by the Senate instead of $3,384,000 as proposed by the House.

General Administration

Amendment No. 47: Appropriates $6,058,000 for salaries and expenses as proposed by the Senate instead of $5,559,000 as proposed by the House.

Amendment No. 48: Deletes House language, as proposed by the Senate.

Title II—Credit agencies

Rural Electrification Administration

Amendment No. 49: Provides loan authorization of $337 million for electrification loans instead of $322 million as proposed by the House and $352 million as proposed by the Senate.

The Conferees have considered the differences in the language contained in the House and Senate Committee reports recommending that the REA Administrator defer repayments of principal on certain rural electrification loans. After careful consideration of the Comptroller General's letter, dated September 28, 1970, addressed to the Secretary of Agriculture, the Conferees are in agreement that there is authority in Sections 4 and 12 of the Rural Electrification Act to follow both the House and Senate Committee recommendations, and that the Administrator, where he finds the financial condition of a borrower is sound and where the Government's interest is adequately safeguarded, may, in exercising such authority, proceed as follows: (a) by deferment of repayments of principal on outstanding loans for a period of three years in addition to any previous periods of deferment; and (b) by deferment of repayment of principal on new loans made after the date of this report for a period of three years in addition to the deferment period normally granted on new loans under preexisting practice. Such deferments may be made to meet local needs or where desired by REA electrification borrowers to voluntarily invest amounts equivalent to the amounts of principal to be so deferred in securities of the National Rural Utilities Cooperative Finance Corporation. It is expected by the Conferees that the REA Administrator will report to the House and Senate Committees actions taken by the REA Administrator pursuant hereto when he appears before the Committees to be heard on appropriations for REA for fiscal year 1972.

Amendment No. 50: Provides loan authorization of $128.8 million for rural telephone loans instead of $123.8 million as proposed by the House and $138.8 million as proposed by the Senate.

Amendment No. 51: Deletes House language providing for a contingency reserve of $20 million.

Amendment No. 52: Appropriates $14,613,000 for salaries and expenses as proposed by the House instead of $14,896,000 as proposed by the Senate.

Farmers Home Administration

Amendment No. 53: *Direct loan account.*—Authorizes $103,000,000 for real estate loans instead of $83,000,000 as proposed by the House and $123,000,000 as proposed by the Senate. The increase of $20,000,000 over the House bill is for water and waste disposal loans.

Amendment No. 54: *Rural housing insurance fund.*—Authorizes $19,000,000 for direct loans as proposed by the Senate instead of $30,000,000 as proposed by the House.

Amendment No. 55: *Mutual and self-help housing.*—Appropriates $775,000 for grants as proposed by the Senate instead of $2,125,000 as proposed by the House.

Amendment No. 56: *Self-help housing land development fund.*—Appropriates $400,000 for direct loans as proposed by the Senate instead of $1,000,000 as proposed by the House.

Amendment No. 57: Appropriates $86,000,000 for salaries and expenses instead of $81,500,000 as proposed by the House and $87,250,000 as proposed by the Senate.

Amendment No. 58: Provides transfer of not more than $2,250,000 from insurance funds for salaries and expenses as proposed by the Senate instead of $3,250,000 as proposed by the House.

Amendment No. 59: Restores House language providing that not more than $250,000 shall be available for administration of Public Law 91–229.

Title III—Corporations

Commodity Credit Corporation

Amendment Nos. 60 and 61: Provide reimbursement to the Commodity Credit Corporation for net realized losses in the fiscal year 1969 of $3,113,156,331 as proposed by the Senate instead of $2,863,156,331 as proposed by the House and a total restoration of $3,363,155,000 as proposed by the Senate instead of $3,113,155,000 as proposed by the House.

Title IV—Related agencies

Farm Credit Administration

Amendment No. 62: Provides limitation of $4,204,000 on administrative expenses instead of $4,054,000 as proposed by the House and $4,226,000 as proposed by the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the Committee of Conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and Senate bills follows:

	Amounts
New budget (obligational) authority, fiscal year 1970	$8,083,596,150
Budget estimates of new (obligational) authority, fiscal year 1971 (including $216,579,000 not considered by House)	7,748,354,500
House bill, fiscal year 1971	7,450,188,150
Senate bill, fiscal year 1971	8,475,935,100
Conference agreement	8,090,856,550
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	+7,260,400
Budget estimates of new (obligational) authority, (as amended), fiscal year 1971	+342,502,050
House bill, fiscal year 1971	+640,668,400
Senate bill, fiscal year 1971	—385,078,550

Jamie L. Whitten,
William H. Natcher,
W. R. Hull, Jr.,
George E. Shipley,
Frank E. Evans,
George Mahon,
Odin Langen,
Robert H. Michel,
Mark Andrews,
Frank T. Bow,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kee (at the request of Mr. Albert), for today through December 20, on account of official business.

Mr. Addabbo (at the request of Mr. Celler), for Monday, December 7, 1970, on account of official business.

Mr. Pettis (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Gray (at the request of Mr. Boggs), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Anderson of Illinois (at the request of Mr. Sebelius), for 30 minutes, on December 7, 1970; to revise and extend his remarks and include therein extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes and to include extraneous matter in five instances.

Mr. White immediately preceding the vote on H.R. 8539.

Mr. Hays, prior to the passage of H.R. 18012 today.

Mr. Adair, immediately following Mr. Hays prior to the passage of H.R. 18012 today.

All Members (at the request of Mr. Springer), to revise and extend their remarks on the bill S. 2162.

Mr. Schmitz to extend his remarks prior to passage of S. 437.

Mr. Thompson of New Jersey prior to the passage of Senate Concurrent Resolution 2.

Mr. Schwengel prior to the passage of Senate Concurrent Resolution 2.

(The following Members (at the request of Mr. Sebelius) and to include extraneous matter:)

Mr. Scherle in 11 instances.
Mr. Price of Texas.
Mr. Findley.
Mr. Goodling.
Mr. Rhodes.
Mr. Hosmer in two instances.
Mr. Collier in four instances.
Mr. Zwach.
Mr. Wyman in two instances.
Mr. Schmitz.
Mr. Ashbrook in two instances.
Mr. Steiger of Wisconsin.
Mr. Taft.
Mr. Bell of California.
Mr. Fish.

(The following Members (at the request of Mr. Pryor of Arkansas) and to include extraneous matter:)

Mr. Rostenkowski.
Mr. Ichord in two instances.
Mr. Ottinger.
Mr. Brown of California.
Mr. Stokes.
Mr. Udall.
Mr. Garmatz.
Mr. Gallagher.
Mr. Ullman in five instances.
Mr. Cohelan.
Mr. Boggs.
Mr. Edwards of California in two instances.
Mr. Evins of Tennessee.
Mr. Delaney.
Mr. Bingham in two instances.
Mr. Donohue in three instances.
Mr. Cabell in two instances.
Mr. Wolff.
Mr. Friedel.
Mr. Kluczynski in two instances.
Mr. Fountain in two instances.
Mr. Zablocki in three instances.
Mr. Minish.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1160. An act to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park.

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation;

H.R. 13934. An act to amend the act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes.

H.R. 18679. An act to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes;

H.R. 19000. An act to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe;

H.J. Res. 1077. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association; and

H.J. Res. 1411. Joint resolution correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on December 4, 1907, present to the President, for his approval, bills of the House of the following titles:

H.R. 471. An act to amend section 4 of the act of May 31, 1933 (48 Stat. 108); and

H.R. 18126. An act to amend title 28 of the United States Code to provide for holding district court for the Eastern District of New York at Westbury, N.Y.

ADJOURNMENT

Mr. PRYOR of Arkansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Tuesday, December 8, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2598. A letter from the Assistant Secretary of the Army (Installations and Logistics) transmitting notice of the movement of certain lethal chemical warfare agents, pursuant to Public Law 91–121; to the Committee on Armed Services.

2599. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated October 2, 1970, submitting a report, together with accompanying papers and an illustration, on Dunkirk Harbor, N.Y., in partial response to an item in the River and Harbor Act approved March 2, 1945. (H. Doc. 91–423) to the Committee on Public Works and ordered to be printed with illustration.

2600. A letter from the Secretary of the Air Force, transmitting a report of the number of officers in the Air Force above the grade of major on flying status as of October

31, 1970, and the average monthly flight pay authorized by law to be paid to such officers during the 12-month period ended that date. Pursuant to 37 U.S.C. 301(g) to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Submitted December 4, 1970*]

Mr. RIVERS: Committee on Armed Services. House Resolution 1282. Resolution to support for efforts to rescue American prisoners of war incarcerated in North Vietnam; with an amendment (Rept. No. 91-1671). Referred to the House Calendar.

[*Submitted December 5, 1970*]

Mr. McMILLAN: Committee on the District of Columbia. H.R. 19885. A bill to provide additional revenue for the District of Columbia, and for other purposes; with an amendment (Rept. No. 91-1672). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted December 7, 1970*]

Mr. MILLER of California: Committee on Science and Astronautics. For the benefit of all mankind. A survey of the practical returns from space investment (Rept. No. 91-1673). Referred to the Committee of the Whole House on the State of the Union.

Mr. WATTS: Committee on Ways and Means. H.R. 7626. A bill to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes; with an amendment (Rept. No. 91-1674). Referred to the Committee of the Whole House on the State of the Union.

Mr. FULTON of Tennessee: Committee on Ways and Means. H.R. 19670. A bill to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973; with no amendments (Rept. No. 91-1675). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURLESON of Texas: Committee on Ways and Means. H.R. 19470. A bill to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions; with an amendment (Rept. No. 91-1676). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Joint Committee on Atomic Energy. H.R. 19908. A bill to amend Public Law 91-273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 91-1677). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 19911. A bill to amend the Foreign Assistance Act of 1961, and for other purposes (Rept. No. 91-1678). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. Investigation and study of the Clifton Terrace project in the District of Columbia; with amendment (Rept. No. 91-1679). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee of Conference. Conference report on H.R. 17923 (Rept. No. 91-1680). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 19915. A bill to make permanent the existing temporary provision for disregarding income of OASDI and railroad retirement recipients in determining their need for public assistance; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. Quie, Mr. Adams, Mr. Bingham, Mr. Boland, Mr. Brown of California, Mr. Conte, Mr. Green of Pennsylvania, Mrs. Hansen of Washington, Mr. Harrington, Mr. Lowenstein, Mr. McCloskey, Mr. Matsunaga, Mr. Meeds, Mr. Moorhead, Mr. Morse, Mr. Obey, Mr. Ottinger, Mr. Pepper, Mr. Rostenkowski, Mr. Ryan, Mr. St Germain, and Mr. Tiernan):

H.R. 19916. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. FRASER:

H.R. 19917. A bill to amend the District of Columbia Election Act, and for other purposes; to the Committee on the District of Columbia.

By Mr. PEPPER:

H.R. 19918. A bill conquest of cancer act; to the Committee on Interstate and Foreign Commerce.

By Mr. FRIEDEL:

H. Res. 1293. Resolution authorizing the establishment of six additional positions of sergeant and one additional position of lieutenant on the U.S. Capitol Police force for duty under the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. HARRINGTON:

H. Res. 1294. Resolution to provide for the consideration of the bill (H.R. 18214) the Consumer Protection Act of 1970; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 19919. A bill for the relief of Long Chinh Le; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 19920. A bill for the relief of James L. Gerard, James W. Summers, and William D. Cissel; to the Committee on the Judiciary.

H.R. 19921. A bill for the relief of Mau Duc Nguyen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

644. By Mr. ZABLOCKI: Petition of Civic Awareness of America, Mrs. Alvin J. Emmons and Mrs. Ray Kuffel; Reverence for Life of America, Mrs. David R. Mogilka. In regard to the billion-dollar-population control bill, S. 2108 and H.R. 15159, along with the more than 40 bills and resolutions now pending in Congress. Signed by approximately 10,000 signators nationwide opposing S. 2108 and H.R. 15159 and any similar population control legislation. "We object to the use of our tax dollars for immoral programs of contraception, selective breeding, sterilization, abortion, euthanasia and infanticide. We object to Federal laws as well as opinions by appointed Federal judges which supersede State laws whereby depriving the individual State of the right of self-determination. We hereby petition our Congressmen and U.S. Senators to vote against any and all federally financed programs of population controls."; to the Committee on Interstate and Foreign Commerce.

645. By the SPEAKER: Petition of the city commission, Kalamazoo, Mich., relative to Operation Headstart; to the Committee on Appropriations.

646. Also, petition of Arthur Baker, Huntsville, Tex., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A FRIEND, A GOOD CITIZEN, LOST IN THE DEATH OF NORMAN FULTON CLEAVINGER, OF DIMMITT, TEX.

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, December 7, 1970

Mr. YARBOROUGH. Mr. President, my life has been enriched many times through the friendships I have made during my travels around my home State of Texas. One friend, Norman F. Cleavinger, a man who was a great inspiration to all who knew him, recently died.

Norman Cleavinger died October 4, 1970, just 19 days before his 75th birthday. He was a farmer for 32 years in the Springlake community of Texas, then, instead of taking his well-earned retirement, he moved to Dimmitt, Castro County, and began a new career. He became a businessman and a developer and made great contributions to the growth of Dimmitt and Castro County.

In addition to being an industrious man, Norman Cleavinger was a good family man, raising three daughters and three sons. He was also a religious man, an active member of the First United Methodist Church in Dimmitt.

For me, Norman Cleavinger was a friend. He helped me; he worked with me in a joint effort to bring effective representation in Government for the farmers and small businessmen.

Too frequently the Norman Cleavingers of this world do not receive the credit they deserve. But I believe that what made this country great was embodied in the life of Norman Cleavinger.

Mr. President, I ask unanimous consent that the article "Cleavinger Rites Held" from the Castro County News and the memorial service of worship for Norman Cleavinger at the First United Methodist Church of Dimmitt be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Cleavinger Rites Held

Norman Fulton Cleavinger, one of the area's best-known business men, died at 9:15 p.m. Sunday in Lubbock's Methodist Hospital. He would have been 75 years old Oct. 23.

Mr. Cleavinger had been hospitalized for a week in Dimmitt and Lubbock, following a heart attack.

Funeral services were conducted at 4 p.m. Tuesday in the First United Methodist Church of Dimmitt. Officiating were Rev. Jim T. Pickens, pastor, and Rev. Hugh Blaylock and Rev. Daris Egger, former pastors of the local church.

Burial was in Castro Memorial Gardens, under the direction of Dennis Funeral Home.

Mr. Cleavinger was born Oct. 23, 1895, in Leavenworth, Kan. His family settled in the Springlake area in 1910. After attending West Texas State and the University of Texas, he enlisted in the Army and served as medical corpsman in France. After his discharge in 1920, he returned home and bought a farm near Springlake.

He farmed for 32 years, then moved to Dimmitt in 1952 and opened C&S Equipment Co., dealership for John Deere farm equipment, Pontiac automobiles and GMC trucks.

He also was an active real-estate developer and builder in Dimmitt. A large residential addition in Southwest Dimmitt bears his name, and he built or purchased many of the city's present commercial buildings.

He was well-known in the state's Democratic Party circles, and was a county delegate to several Democratic state conventions. He also was active in the First United Methodist Church.

His survivors include his wife, Gladys; three daughters, Mrs. Carol Dyer of Dimmitt, Mrs. Norma Dawson of Springlake and Mrs. Lois Wales of Dimmitt; three sons, Ronald A. of Springlake, Jim of Dimmitt and Orville of Springlake; a sister, Mrs. Beulah Miller of Canyon; four brothers, Jess of Alhambra, Calif., Eugene of Laguna Hill, Calif., Dutch of Canyon and M. E. of Dimmitt.

Active pallbearers were Tommy Cleavinger, Ken Dawsan, Bobby Cleavinger, Mike Cleavinger, Dick Dyer, Joe Andrews, Ray Joe Riley and Kurt Wales.

Honorary pallbearers were J. L. Hinson, H. M. Baggarly, Andy Behrends, Bob McLean, E. C. Hudson, Ed Bennett, Troy Kirby, Stanley Schaeffer, Allan Webb, Tom Jones, J. J. Coker, W. C. White, George Bagwell, Raymony Wilson, F. Lee Stanford, Ray Riley, Jimmy Cluck and Sam Gilbreath.

Memorial Service of Worship, Norman F. Cleavinger, First United Methodist Church, Dimmitt, Tex., October 6, 1970

The body will lie in state in the sanctuary for an hour preceding the service. The casket will not be opened after the service begins.

Prelude, Mrs. Dale Winders, organist.

The congregation will stand as the family enters.[1]

Scripture Sentences and Invocation, Reverend Hugh Blaylock.

Anthem "Praise to the Lord, the Almighty," Choir. Nolan Froehner, Director.

Old and New Testament Lessons, Reverend Daris Egger.

Pastoral Prayer: The Lord's Prayer (the people praying together).

Solo "Lead Kindly Light," Nolan Froehner.

Sermon "Living the 'Why Not?,' " Rev. Jim Pickens.

Quartet "For All the Blessings of the Years," Mr. and Mrs. Dwayne Jones, Mrs. Marie Slover, W. L. Jones, Jr.

Benediction, Rev. Jim Pickens.

The Doxology.[1] The Congregation Singing.

Praise God, from whom all blessings flow;
Praise Him, all creatures here below;
Praise Him above, ye heavenly hosts;
Praise Father, Son and Holy Ghost! Amen.

Postlude and Recessional.

Obituary and Sermon, Memorial Service, Norman F. Cleavinger, First United Methodist Church, October 6, 1970

Jim T. Pickens, pastor, officiating.

Assisted by Darris L. Egger, Abilene, and Hugh F. Blaylock, Lubbock.

Reading from J. B. Phillips translations, New Testament Lessons:

Romans 1:14–17—"For I am not ashamed of the gospel. I see it as the very power of God working for the salvation of everyone who believes it, both Jew and Greek. I see in it God's plan for imparting righteousness to men, a process begun and continued by their faith. For, as the scripture says: The righteous shall live by faith."

I John 3:1—"Consider the incredible love that the Father has shown us in allowing us to be called 'children of God'—and that is not just what we are called, but what we are. Our heredity on the Godward side is no mere figure of speech—which explains why the world will no more recognize us than it recognized Christ.

"Oh, dear children of mine, have you realized it? Here and now we are God's children."

John 14:15–18—"If you really love me, you will keep the commandments I have given you and I shall ask the Father to give you someone else to stand by you, to be with you always. I mean the Spirit of truth whom the world cannot accept, for it can neither see nor recognize that Spirit. But you recognize him, for he is with you now and will be in your hearts. I am not going to leave you alone in the World—I am coming to you."

Matthew 25:37–40—"Then the true men will answer him: "Lord, when did we see you hungry and give you food? When did we see you thirsty and give you something to drink? When did we see you lonely and make you welcome, or see you naked and cloth you, or see you ill or in prison and go to see you?" And the king will reply, 'I assure you that whatever you did for the humblest of my brothers you did for me.' "

Old Testament Lesson, Palm 103 (read from the Revised Standard Version).

BRIEF OBITUARY

Dearly Beloved, we have come today in memory of our friend and loved one, and a servant of God, Norman Fulton Cleavinger. He was the son of M. E. and Ellen Ruth Hall Cleavinger, born October 23, 1895, in Leavenworth, Kansas. He departed this physical life in Lubbock October 4, 1970, just a little short of 75 years. He was not a retired farmer; he was an active man interested in business and farming, this church, and a wide range of activities and concerns that relate to all of us. He came to this country with his parents and settled at Springlake in 1910. Gladys Axtell became his bride on August 29, 1923. They remained in the Springlake community where they farmed and reared their family. Mr. and Mrs. Cleavinger moved to Dimmitt in 1952. He is survived by his wife, Mrs. Gladys Cleavinger, three daughters and their families: Mrs. Goldman Dyer of Dimmitt, Mrs. Ed Dawson of Springlake, and Mrs. Charles Wales of Dimmitt; three sons and their families: Ronald Cleavinger of Springlake, Jim Cleavinger of Dimmitt, and Orville Cleavinger of Springlake. His life was also blessed with his sisters and brothers who survive him: Mr. and Mrs. W. E. Miller of Canyon; and four brothers: Jess Cleavinger and his wife of Alhambra, Calif., Eugene Cleavinger and his wife of Laguna Hills, Calif., Dutch Cleavinger of Canyon, and M. E. Cleavinger, Jr., and his wife of Dimmitt; and 23 grandchildren, and a host of other friends, including all of us. This pastor and others of us who were close to him appreciated his witness in the world and the life he lived among us. So we come today in his memory.

MEMORIAL SERMON: "LIVING THE 'WHY NOT?' "

The writer of the Book of Acts records the occasion in which the disciple known as Peter was preaching at the day of Pentecost when the Holy Spirit had come to Christ's followers in a new and refreshing way. Peter, on that day of Pentecost, spoke this verse quoting from the Prophet Joel, the little book of the Old Testament which bears his name. Peter, quoting Joel, said:

"God says, 'This will happen in the last days; I will pour out upon everyone a portion of my spirit; and your sons and daughters shall prophesy; your young men shall see visions and your old men shall dream dreams.' " (Acts 2: 17 NEB.)

What the Prophet Joel had foreseen in Old Testament times was that in the fullness of time God would make Himself known among His people in a new and creative manner. Interestingly enough, Joel's word came alive! His dreams and his visions centuries later became a reality on that day we know as Pentecost—which some of us observe as the birthday of the church.

Peter stood up and addressed the people who had been blessed by the presence of the Holy Spirit. He also spoke to other people in Jerusalem who had gathered around those oddly acting people known as disciples of the resurrected Lord. His own address was infused with the out-pouring of the Spirit. When the Holy Spirit came upon the Church, he professed that a new day had begun. God's work in history was now being fulfilled in a new way, and Peter testified to that. Pentecost was the beginning of the new age. Now we in the Church are the continuation and part of that same new age that was born on the day to which Joel had prophesied.

That work which was begun at Pentecost is still our work as the Holy Spirit moves us to be God's disciples, His spokesmen, and His instruments in this world. "God so loved the world that He gave His only begotten Son . . .", and you know the rest. So faith in the God of Jesus Christ who transforms and illumines the faith of Israel calls you and me not only to be believers in the Spirit, but we're called to give ourselves as the implements of the Spirit.

No farmer, no one among us, in this enlightened age of technical developments and chemical farming, would go to the field without good equipment. We would not begin a job without the appropriate machinery to do the task. Not any of us of intelligence will begin a task without good equipment for we know we cannot get the job well done without it. But we, being led by the Holy Spirit, are the sons of God and we are the instruments of His work! Every Christian then, in the light of our instrumentality, is called to dream dreams and see visions. We are not called to be content with things as they are. We see them as they are, but we move from there to see things as they could and they should be in this world that God has loved.

George Bernard Shaw wrote these lines:

You see things as they are; and you ask "Why?". But I dream things that never were; and I ask "Why not?".

Living the "Why not?" is to translate dreams and visions into realities. Norman Cleavinger was that kind of man. There was a dynamic power in his life that permiated his whole personality which caused him to move and earnestly desire to change things from what they were to what they ought to be—for the good. He was a man of versatile skills and many interests which we all know. His loves and his hobbies ranged all the way from his family, his faith, his church, to the latest baseball and football games of his favorite teams. He was a man at home in the world of ideas. New ideas did not threaten him or discourage him; they tantilized him, and he in turn would stick needles in the preacher, his family, and the rest of us to respond to new ideas and new ways of doing things. He was not content to give time and energy just to abstract speculations, but he translated the world of ideas in which he was at home into the dreams and visions and realities of providing for his family, in working in the church, in concern about political life, and deeply dedicated to whatever would make our community and our nation greater. He dreamed dreams and worked to translate those dreams into realities.

---

[1] The congregation will be standing during the recessional.

Although he was nearly 75, his dreams were not dreams of the past, the Prophet Joel didn't know Norman. He was not dreaming about past occasions, but he was dreaming and had visions of new realities that affect all of us and called us to the new possibilities of the fulfillment and the realization of our personalities. He was keenly alert to the tunes and the moods of the present. He yearned for peace in our time. He longed for understanding between generations, and no long-haired hippie bothered him—he loved him, too, as anybody else—like he loved justice and equality for all persons no matter what their color or their ethnic origin.

So we come now thanking God for so many things that were revealed to us in the life of God's servant and our brother and neighbor. He was a man who was unafraid to live the "Why not?". He gave himself and his energies to translating the dreams and visions of both the old and the young into present reality. He would say to you and to me this afternoon—Say "yes" to life all of you, no matter what your age. Say "yes" to life and don't be afraid of death. Even in the last days he was unafraid of that reality but he would say life is involved in another realm of quality of existence.

He would say with the poet, James Bailey:

"We live in deeds not years; in thoughts, not breaths; in feelings, not in figures on a dial. We should count time by heart throbs. He most lives Who thinks most—feels the noblest—acts the best."

May God bless his witness and example to our "Living the 'Why Not?'" In the name of the Father, and of the Son, and the Holy Spirit. Amen.

RURAL MICROCITY POLICY IS URGED

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. ZWACH. Mr. Speaker, countryside America is close to my heart. It is where I was born and raised; it is what I represent in Congress.

I have long asserted that to cure the ills of the cities, we must develop the potential of the countryside so that we can reverse the migration from the country to the city.

This seems to be the same conclusion reached by Dr. Edward L. Henry, professor of government at St. John's University at Collegeville in our Minnesota Sixth Congressional District.

Mr. Speaker, I insert in the CONGRESSIONAL RECORD a news story by staff writer John Kelly which appeared in the St. Paul Pioneer Press about Dr. Henry and his study.

RURAL MICROCITY POLICY IS URGED

(By John Kelly, staff writer)

The next dynamic people movement will be from the suburbs to the countryside, just as the last one was from the cities to the suburbs, according to Dr. Edward L. Henry, professor of government at St. John's University and former mayor of St. Cloud.

"Most of the people in the city want out," Henry said in an interview on the peaceful Collegeville campus. A number of polls indicate this, he said.

"We must create conditions and jobs in the countryside to enable people to move," he said.

A positive public policy for development of the countryside must evolve, he said. The last such policy was embodied in the Homestead Act of 1862.

People want the open space that the countryside can offer, but they also want the comforts and amenities of the cities, he noted.

The only way that both aspects of this desire can be met is through the development of the "micro-cities" of the countryside, or those between 10,000 and 50,000 persons, he said.

To investigate the future of such cities the Center for the Study of Local Government has come about at St. John's with Dr. Henry as its director.

These limits of population were chosen because there are economies of scale to be reaped when cities are large enough and diseconomies of scale when they are too large, Dr. Henry explained.

A recent round of seminars on the future of a dozen cities of this size in Minnesota was undertaken with "report cards" submitted to each on how it was prepared to accept the new role of the rural micro-city.

"It had quite a catalytic effect," said Dr. Henry, with most of the cities becoming concerned about how they were preparing for this new role.

The cities which are under the scope of the micro-city project are Albert Lea, Austin, Bemidji, Fergus Falls, Hibbing, Mankato, Moorhead, New Ulm, Red Wing, St Cloud, Willmar and Winona.

The reason that these micro-cities are becoming attractive to metropolitans is that they have maintained some of the spirit that the larger ones inevitably lose. "Call it community pride," Henry said.

"Their future is still ahead of them and can still be controlled. At this point they need good data, expertise and bureaucracy—the infra-structure that cannot be supported below the micro-city level."

A lot of things are in motion which will enable the 10,000 to 50,000-person city to offer much of what the metropolitan has come to expect, Henry said.

For instance, welfare programs, which outstate dwellers had long resisted supporting, are becoming standardized by state and federal action, he noted.

Bathroom plumbing, highway maintenance and snow removal are probably on a par with the Twin City area, he said. "In 15 years of commuting to St. John's from St. Cloud, I was snowed out only twice. You don't get isolated any more."

Additional programs which will aid the growth of micro-cities include continued improvements in the transportation network, an educational subsidy to outstate school districts to equalize the quality of education and decentralization of the state college system and the University of Minnesota, Henry said.

Hopefully, the legislature will move this process along, he said.

In order to be a proper "mother-city," each micro-city must have hinterlands for 40 or 50 miles around, he said.

In those regions of the state where no acknowledge mother-city has emerged, the competing hamlets should be careful to get together and decide on one, lest the whole area go down the drain, Henry said.

The three main forces which influence the growth of rural Minnesota are the Higher Education Coordinating Commission, which plans college development, the Highway Department and the private utilities—light and power, Henry said.

(However, should the utilities be taxed at the state level, rather than at the local level, this influence would dim somewhat, Henry conceded.)

Henry said it was probably impossible to define a model micro-city, but that the existing successful ones have definite characteristics.

For instance, it is good to have (a) a medical center, hospital and mental health complex. (b) a junior or senior college or two, a consolidated high school and a vocational school; a center for state and federal agencies (d) a transportation complex, with several highways; (e) lack of an equal city in close range; (f) local leadership, which is essential.

Public investment in the micro-cities of the future can be justified, because "people have a moral right to live where they want to," Henry said.

If this means the building of parks and other amenities, then it should be done from the public purse, he said.

"With proper planning, we can make a new Athens out of an old Podunk," Henry said.

THE HONORABLE RICHARD F. HARLESS, 1905-70

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. UDALL. Mr. Speaker, my State of Arizona lost one of its leading citizens a few days ago in the passing of the Honorable Richard F. Harless, a former Member of Congress who served from 1943 through 1948.

I knew Dick Harless well. He was a member of my party. About the time I was getting out of law school he decided to leave Congress and run for Governor. I gave him some small assistance in that campaign, but it obviously was not enough because he lost out in the primary. That marked the end of his public service but not the end of his service to the people of Arizona in his capacity as lawyer and private citizen.

Looking back on one of the longest legislative battles in history, it is interesting to recall that the first bill to create the central Arizona project was introduced during Mr. Harless' last term in the House. That project was finally authorized 20 years later.

In his first term Mr. Harless played an important part in passage of the Wellton-Mohawk irrigation project in Yuma County.

While a Member of Congress, Mr. Harless argued a case before the Supreme Court of Arizona on behalf of the rights of Arizona Indians. Through his effective advocacy the Indian citizens of Arizona won the right to vote—an historic victory for that body of Americans known as "Indians not taxed."

Richard Harless was born in Kelsey, Tex., on August 6, 1905. He moved with his family to Thatcher, Ariz., in 1917, and attended the grade and high schools there. He was graduated from the University of Arizona in 1928, taught school at Marana, Ariz., from 1928 to 1930, and received his law degree from the University of Arizona in 1933. He was admitted to the Arizona bar the same year and began practicing in Phoenix.

Mr. Harless served as assistant city attorney of Phoenix in 1935 and was named assistant attorney general of the State in 1936. He served as county attorney of Maricopa County from 1938 to 1942, when he was elected tb the 78th Congress.

Following his retirement from Congress in 1948 Mr. Harless resumed practice in Phoenix.

I shall miss Dick Harless, as I know will all those of my colleagues who served with him during the 1940's. I know they join me in expressing deepest sympathy to his widow, Meredith, and their son, Glen.

A TRIBUTE TO ROBERT A. KLOSS, COLUMBUS, OHIO

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. TAFT. Mr. Speaker, it is my privilege to publicly recognize Robert A. Kloss upon his completion of 25 years as executive secretary of the Ohio Credit Union League. By most measurements of time 25 years is a modest period, however, when one recognizes that the first credit union in the State of Ohio was not organized until 1931, 25 years of outstanding leadership represents a significant period of time.

When the board of directors of the Ohio Credit Union League employed Bob Kloss in 1945, our Ohio credit unions were just emerging from the World War II era. The fortunes of a struggling Ohio Credit Union League were at their lowest level.

The growth figures of credit unions in Ohio provide the best measure of the capacity of Bob Kloss to provide leadership which has propelled the Ohio league into one of the outstanding credit union leagues in our country. In 1945 all credit unions in Ohio reported a total of 188,000 members. In 1945 all credit unions in Ohio reported a total of $24,225,000 in assets. One needs only to compare these figures with today's figures when all Ohio credit unions report a total of approximately 800,000 members and all Ohio credit unions report a total of approximately $800,000,000 in assets.

Those of us who have had an opportunity to watch the development of credit unions in Ohio fully recognize that thousands of credit union volunteers and professionals have had a hand in building the organization which these impressive statistics represent. It was those volunteers and professionals who paid tribute to Bob Kloss on Saturday, November 14, 1970, at a testimonial dinner held in Columbus, Ohio. We join our Ohio constituents and add our tribute to the many others.

The poet, Edwin Markham, wrote these words:

"MAN MAKING

"We all are blind until we see
That in the human plan
Nothing is worth the making if
It does not make the man.
"Why build these cities glorious
If a man unbuilded goes?
In vain we build the world, unless
The builder also grows."

Bob Kloss is one of the great builders of the great State of Ohio.

COMMENTS ON THE RECENT POW RAID

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. SCHMITZ. Mr. Speaker, last Friday the Letters to the Editor column in the Washington Evening Star dealt solely with reader reaction to the recent attempt to free the American soldiers being held in captivity by the North Vietnamese Communists.

These letters are a striking example of the feelings of the American people toward this gallant effort. Out of 17 letters only one is critical of the operation. This one disparaging letter is written by one Marilyn Lerch, a member of the Washington Peace Action Coalition. Miss Lerch was formerly involved with the Washington Mobilization Committee, the local detachment of the National Mobilization Committee, whom we all remember for its leading role in the assault on the Democratic National Convention. Miss Lerch attended the August 4, 1968, administrative committee meeting of the National Mobilization Committee in Chicago where plans for the assault were firmed up.

On the whole I think these letters are representative of several groups we find in America today. The first and by far the largest, by more than 16 to 1, are those Americans who are not committed to North Vietnamese Communist victory and have the critical judgment necessary to recognize an action consistent with the finest principles of our country. The other is the minority of freaks actively working to assure a Communist victory in Southeast Asia.

The letters follow:

LETTERS TO THE EDITOR

(Published letters are subject to condensation, and those not selected for publication will be returned only when accompanied by stamped, self-addressed envelopes. The use of pen names is limited to correspondents whose identity is known to The Star.)

THE POW RAID

ARLINGTON, VA.

SIR: Thanks for your editorial, "The POW Raid." At a time when so many seem to delight in venting their spleen against anything and everything military, your editorial was most heartening. Although unsuccessful, the fact that our government authorized and the brave volunteers of the Army and Air Force attempted, the rescue of our POWs deep in enemy territory gave me a feeling pride.

LLOYD E. KELLY.

SIR: You expressed what I expect and hope most of us thought and feel concerning the POW raid.

I was sickened by the sight and sound on TV of Senator Fulbright, almost before the 'copters were back, "chewing out" Secretary Laird. Right or wrong, something was done.

MARSHALL GRINDER.

SIR: Since news of the raid was released, I have heard nothing but the screams of narrow-minded politicians twisting the incident to their own political advantage.

I applaud your treating the incident the way all Americans should treat it, regardless of their political view. It was nothing but the tremendous courageous attempt of brave Americans to rescue fellow Americans who are suffering and dying in prison.

T. MICHAEL DYER.

SILVER SPRING, MD.

SIR: Let me commend you for stating there is not a scintilla of evidence to suggest that Hanoi has any interest in the Paris peace talks. But you neglected to reprimand the far left Liberals for labeling the attempted rescue "escalation."

PAUL CHIERA.

WASHINGTON AREA
PEACE ACTION COALITION.

SIR: The massive U.S. bombings of North Vietnam expose once again the basic intent of the Nixon administration of a military victory in Indochina. The POW raid, with its initiator's invocations of honor, duty, pride, morality, was clearly a diversionary tactic to cover a major escalation of the war.

The North Vietnamese have been warned that if they defend themselves, the Nixon administration will respond with stern and unusual measures. Not only does Nixon insist on destroying a people, he also insists they not defend themselves.

MARILYN LERCH.

SIR: Once again we are obliged to be a little proud of our President. He is able, once in a while, to show some backbone.

I could not say what I feel toward the Senators Fulbright, Kennedy and McGovern. These men are traitors in every sense of the word. Lord bless the President. He should put that word "victory" in his vocabulary.

SHARON BRUNK.

Vienna, Va.

SIR: The rescue attempt to free American POW's in North Vietnam was a faint but welcome beam of light in the dark cave of progressive withdrawal from U.S. responsibilities toward these prisoners.

Our POWs have been fully exposed by their captors to the pronouncements of the Pells, the Javits, the Kennedys and the Fulbrights. These pronouncements dismay me, and I'm not even a POW.

ROSS F. ROGERS.

SIR: I resent Secretary of Defense Laird being called on the carpet, so to speak, to explain or atone for his actions in his brave and daring rescue operations for our soldiers that are held prisoner in war camps. I believe we would settle the war much quicker if our "senators" would stop playing politics and leave the administration alone.

Who am I? The wife of a soldier stationed in Vietnam.

MRS. ROBERT H. WATSON.

SIR: I approved of the commando raid on the American POW camp and am sorry it was not more successful. The raid was an act of courage and heroism and all involved should be commended.

In our times one has come to expect much controversy on any action involving our military and/or our government. The thing I find incredible is that Senator Kennedy's opinion is sought by the press or that it is even newsworthy.

MAY LOU PRINGLE.

GAYS MILLS, WIS.

SIR: One might take Senator Fulbright's constant whining about our nation's "breaching accepted international understandings" if, when he cited our country's violations, he occasionally mentioned a few of the numerous infractions of hostile nations.

IMOGENE CASHMORE.

SEABROOK, MD.

SIR: Nothing could jeopardize the three ring circus performing in Paris.

Bombing of North Vietnam might prove that the conventional military just might provide the total victory needed to end the war, without the ever mounting peacefully negotiated casualty lists.

Would Sens. Kennedy and Fulbright care to try and swap places with some of our captured servicemen.

A. WILLIAMS.

SIR: All Americans must have thrilled with pride in learning of the daring raid near Hanoi to rescue prisoners of war. President Nixon is to be commended for authorizing the operation.

ROBERT C. THOMPSON.

FAIRFAX, VA.

SIR: If the critics had friends or family dying in one of those camps what song would they sing then? More important, what if the rescue had been successful and a number of POW's were saved? Would the strategy be labeled heroic or would our spineless critics find yet another excuse to condemn?

JOHN H. MCCLURE.

SIR: It was shocking and disgusting to hear some of our "cry-baby" Senators whining and complaining about the administration's efforts to free prisoners of war held captive by the North Vietnamese.

LEIDA M. HORWEDEL.

SIR: Moral support is being provided the North Vietnamese by, of all people, the politicans on the Hill. Every effort by President Nixon is blasted and thwarted by a certain radical group entrenched in the Senate and House.

L. B. BEALL.

SIR: In relation to the "expression of opinion" by Mary McGrory—perhaps she would like to know some Virginia families whose sons and husbands are POWs or missing in action in North Vietnam. To her shock she might find they were filled with a feeling that our President and our leading civilian and military officials do care!

MARY A. BAKER.

ROCKVILLE, MD.

SIR: With the exception of the shape of the table not one positive item has been agreed upon in the more than two years of the "Paris Peace Talks." In spite of this total lack of progress the Nixon critics continue to gnaw away at any effort on the part of the administration to bring reasonable pressure on our enemies, the latest being directed at the unsuccessful attempt to rescue U.S. prisoners held in North Vietnam.

I wonder how much longer these gentlemen intend our country "negotiate" away the lives of U.S. prisoners and their families.

BERT KURLAND.

FACTS, NOT SENTIMENT, SHOULD DECIDE "DELTA QUEEN'S" FATE

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. GARMATZ. Mr. Speaker, I understand that another attempt will be made this week on the floor of the House to obtain an exemption for the *Delta Queen.*

Although I have given my views to the Members of the House previously, I would like to summarize the reasons why the Members of this House should not permit the *Delta Queen* to continue operations as an inland river overnight passenger boat.

I recognize that there is considerable sentiment supporting the continued operation of this wooden riverboat. The sentiment seems to be that the *Delta Queen* is a link with our past and we should preserve this link to remind us of the good old days. The House, however, should vote on the facts and not on sentiment. The facts are, as I have repeatedly stated in the past, that—

The boat is a firetrap;

It is made largely of wood; and

Wood burns.

The S.S. *Yarmouth Castle,* made largely of wood, burned recently with a loss of 90 lives.

The S.S. *Morro Castle,* made largely of wood, burned with a loss of 134 lives.

The Canadian passenger boat *Noronic* made largely of wood, burned while tied to a dock in Toronto, with a loss of 118 lives.

The *General Slocum,* made largely of wood, burned in New York Harbor, with the bow on the beach but the stern in deep water, with a loss of more than 1,000 lives.

In earlier years, the river steamboat *Stonewall* on the Mississippi River, made largely of wood, burned with a loss of 209 lives, in an accident in the Mississippi River—where the *Delta Queen* operates—where the pilot could not reach the banks as the boat went aground on a shoal 150 yards from the bank.

It is against the law of the land to operate such a wooden passenger boat.

The Department of Commerce, which houses the Maritime Administration, opposes continued operation of the boat, in the interests of safety.

The Department of State opposes continued operation of the boat, in the interest of safety.

The Coast Guard, which has responsibility for maritime safety, opposes the continued operation of the boat, in the interest of safety.

Sentiment has its place, but the facts concerning the *Delta Queen* make clear that the Congress should not gamble with the lives of passengers. We have charged the executive departments with certain public safety. The agencies concerned with the *Delta Queen* say it is not safe to operate her further. The Congress should not substitute its judgment for the technical agencies on whom we rely for guidance concerning public safety.

I hope the *Delta Queen* never burns, but if it does, the blood will be on the Congress, not on the expert agencies which told us to stop the operation. I do not see how any Member in good conscience can vote on this issue on the basis of sentiment instead of facts. Too many lives are at stake.

There is another aspect of this *Delta Queen* issue which disturbs me. By a vote of 307 to 1, the House passed the bill leading to the Merchant Marine Act of 1970. By a vote of 343 to 4, the House accepted the conference report and the statement of the managers on the part of the House following the conference with the Senate on this legislation. During that conference with the Senate, it was agreed by all Members, House and Senate, not to permit the *Delta Queen* to continue to operate. Now if the conference system of the Congress is to have validity, I think the House should vote down the Senate's attempt to make an end-run around that conference agreement.

It also seems appropriate to point out at this time that even the owners of the *Delta Queen* have admitted this vessel has limited safety capabilities.

On October 4, 1970, William Muster, president of Greene Line Steamers, Inc., operators of the *Delta Queen,* wrote me a letter which included the following two paragraphs:

> Although we were deeply disappointed that the *Delta Queen* amendment was rejected in conference, we were most pleased by the unanimous decision of the Committee to recommend to the Congress that a construction differential subsidy be authorized for a vessel to replace the *Delta Queen.*
>
> As operators of the *Delta Queen,* we are only too well aware of the operational and safety limitations of our 44-year-old paddle-wheeler. It has always been our intention to retire her into active, but less demanding service as soon as we could build a new vessel.

Mr. Speaker, I remain convinced the *Delta Queen* should not be permitted to operate further as an overnight passenger boat. I hope the Members of this House will agree with me and vote to support existing law, expert advice, and previous action by the Congress—all of which are against continued operation of the *Delta Queen.*

I also feel the official Coast Guard position on the *Delta Queen* should be made public, and at this point I insert in the RECORD a copy of a letter from that agency:

> DEPARTMENT OF TRANSPORTATION,
> U.S. COAST GUARD,
> *Washington, D.C., September 2, 1970.*
>
> HON. EDWARD A. GARMATZ,
> *Chairman, Committe on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: The following information concerning the river passenger steamer DELTA QUEEN, including our latest thinking on proposed legislation affecting her operation, is furnished in accordance with your telephone call to Captain Kesler on 22 June 1970.
>
> The current Coast Guard position on proposed legislation to extend for two years the existing operation of the DELTA QUEEN is reflected in the enclosed copy of Department of Transportation letter dated 15 May 1970 to your Committee commenting on H.R. 14002; i.e., we are opposed to enactment of such legislation.

H.R. 14002 was introduced by Mr. Corbett in September of 1969 and, if enacted, would provide a second two-year extension (Public Law 90-435, enacted 27 July 1968 provided the first) during which the DELTA QUEEN would be permitted to operate in her present mode without compliance with the incombustible construction requirements set forth in the Act of 6 November 1966 (Public Law 89-777).

Our position today has not changed from that expressed two years ago, both during Coast Guard testimony before your Committee on proposed legislation resulting in the aforementioned Public Law 90-435, and in Department of Transportation letters dated 23 and 27 May 1968 commenting on two proposed bills under consideration at that time. In this regard, I have attached a copy of Rear Admiral Murphy's comprehensive statement of 13 June 1968 before your Committee, as well as a copy of Department of Transportation letter dated 23 May 1968 commenting on Mr. Williams' H.R. 15580. The Department's letter of 27 May 1968 in reference to Mrs. Sullivan's companion bill H.R. 15714 contained the same comments and, therefore, has not been included.

As you know, in addition to H.R. 14002, intended to grant the DELTA QUEEN an additional two-year postponement until November 1972, several other bills have been recently introduced which, if enacted, would completely exempt the vessel from compliance with Public Law 89-777. Our position with respect to these bills remains the same as that expressed on the proposed two-year postponement legislation. In the interest of maritime safety, we are opposed to such legislation.

In addition to copies of Rear Admiral Murphy's statement on the subject and other related correspondence, I have also enclosed for your use a brief fact sheet on the DELTA QUEEN containing, among other things, her tonnage, length, date of build, etc.

It is a pleasure to furnish you this information. If the Coast Guard can be of further assistance in this matter, please do not hesitate to let me know.

Sincerely,

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Assistant Commandant.

COMMUNISTS REFUSE TO NEGOTIATE IN PARIS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. RHODES. Mr. Speaker, it should be clear from the recent statements of David E. K. Bruce, our chief negotiator at the Paris peace talks, that negotiation with the North Vietnamese and Vietcong holds no real promise either for decent treatment for our POW's or for an end to the war.

Earlier this week Ambassador Bruce said that "there have never been any true negotiations" at the Paris talks in the almost 2 years of their existence. He also noted that the Communists had given no indication whatever that they are ready to begin meaningful negotiations. This is a very frank appraisal of the situation, and it appears to be absolutely correct.

Yet we still have critics of the war who propose negotiation as their only alternative to the actions the President has taken. The most recent example came from those who opposed the raid on the Son Tay prison camp. Instead of offering any constructive suggestions to help our prisoners of war, they offered negotiation—which is really a nonanswer to a real problem.

I would suggest that critics of the war devote their energies to bringing forth constructive alternatives that can help get us out of this war. But the idea that more negotiation is the answer, when in fact the Communists refuse to negotiate, should be identified for what it is—simply wishful thinking.

EVERY MANS' HOME IS HIS CASTLE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. GOODLING. Mr. Speaker, under our system of government we bend over backward to protect the rights of those charged with committing crimes and, in the process, we sometimes soft-pedal the rights of good-living and innocent citizens.

A rather unique reference is made to this paradox in an article written by Mr. Jake E. Teller and appearing in a recent issue of the Real Property News, which is published in Philadelphia, Pa.

Mr. Teller takes off on the common-law theme that "every man's home is his castle," and because the article is timely and cleverly presented, I insert it in the RECORD and commend it to the attention of my colleagues:

EVERY MAN'S HOME IS HIS CASTLE

(By Jack E. Teller)

You may not agree with me . . . but, . . . I disagree with any law which is designed to protect criminals.

Yesterday I read another legal opinion, which, in effect, says that you cannot shoot anyone who breaks into your house unless he shoots you first.

Not me pal! I ain't about to hold a dialog with anyone who breaks into my house. I'm ready. My house has a very interesting electronic system, and my four rifles and two revolvers are loaded. Any midnight strangers in my house would be wise to visit the confessional before entering.

My friends and legal advisers all tell me I will be guilty of murder if this unfortunate confrontation should occur. So, I have figured out a story for the judge. It will go approximately as follows:

"You see, yer honor, I woke up about three am one morning, and, for some reason, it occurred to me that I had not oiled my revolver recently. So I took it from the drawer of my bedside table intending to take it down to my shop and oil it while it was on my mind.

"As I entered by living room, there stood a man. You know how it is these days. Jedge, it is not uncommon to find a stranger strolling around your home—particularly at three a.m.

"Well, sir, I asked the guy if I could be of assistance. He answered, 'no, I'm just waiting for a trolley car'. So I said, 'well, they don't run too often around here but maybe, while you're waiting, you could help me oil my revolver because I don't know very much about revolvers'. 'Well,' he said, 'I doubt it. I'm a knife man myself. But let me take a look at it anyway'.

"So I handed it to him and he was looking it over and, at one point, sighted down the barrel with the gun pointing toward him. You know Jedge, that thing went off with a hell of a bang and my wife came running down the stairs hollering at me to get that thing off her new rug because it was bleeding all over it.

"Well, sir, I called the police and told them to bring a basket with them to remove some pollution from my living room."

The Jedge will probably say, "that's a ridiculous story. It is quite obvious that you shot the man yourself".

My only answer will be: "well, you know Jedge, the only way you can find out is to ask the guy with the hole in his head—or maybe some of the other people who were waiting for the trolley car."

Obviously, I will be sent to the electric chair.

But, so long as I have a choice (and I still do), I'd rather be murdered by justice than some coked-up criminal who would certainly be released by the courts (or by probation) to continue his mayhem.

It's a hell of an era where law-abiding citizens are considered to be guilty until they prove their innocence and where criminals are considered to be innocent until proven guilty. They get the financial and moral support of government; we can go to see our chaplain (and don't be too sure which side he's on either).

SUBVERSIVES EMPLOYING "REVOLUTIONARY RHETORIC" TO FURTHER THEIR ENDS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. ICHORD. Mr. Speaker, in this era when we hear of academicians who preach revolutionary violence along with teaching literature, history, and other traditional classroom subjects, it is refreshing to discover one who is aware of and concerned about the danger that confronts this country from within.

I refer to Roy Colby, professor of Spanish at the University of Northern Colorado, who is also president of that institution's chapter of University Professors for Academic Order.

Professor Colby has worldly experience not enjoyed by some other teachers. He is a former Foreign Service officer with service in Brazil, Mexico, and Cuba. He has had the opportunity to witness Communists at their work of subverting governments. He witnessed firsthand Fidel Castro's communization of a nation only 90 miles from our shores.

Professor Colby is the author of a book entitled "Conquest With Words" and is presently compiling a dictionary of communese-English terms that depict how perversion of language promotes the cause of international communism.

In a speech to the University Professors for Academic Order on his campus in mid-October, Professor Colby explained how the subversives in this country are employing what he calls revolutionary rhetoric to further their ends.

This speech is most interesting and informative and therefore I insert it in the RECORD for the benefit of my colleagues:

SUBVERSIVES EMPLOYING "REVOLUTIONARY RHETORIC" TO FURTHER THEIR ENDS

(By Roy Colby)

The widespread bombings throughout the nation, the sniping, the guerrilla warfare, the murder of policemen, the threatened kidnappings, the violence, the polticization of universities and the rest. You read about them every day.

What is happening to America, the land of the free and the home of the brave?

Revolution. Do you doubt it? Then read this.

On Oct. 14, 1970, thousands of policemen from all parts of the country assembled on the steps of the U.S. Capital in Washington, D.C., calling for stiffer laws against attacks on law enforcement officers. John J. Harrington, national president of the Fraternal Order of Police, told some 3,500 officers and members of Congress, "It's time the people of this country face up to it—there is a revolution taking place."

On August 24, 1970, State Attorney General Robert Warren said, "The bombings of the University of Wisconsin mark the beginning of an outright revolution. . . ."

FBI Director J. Edgar Hoover recently noted, "There exists a strong Marxist revolutionary youth movement."

If it is indeed, revolution then Communists everywhere are all for it and are doing their utmost to promote it. For according to the theories of Marxism-Leninism there is, and should be, a revolution taking place on all non-Communist countries of the world—including the United States. The revolution will last until Communists take over the government and seize power.

How is a revolution promoted? First and foremost of all, by words. By assigning Marxist values to ordinary ideas. By revolutionary rhetoric designed to win the support of persons who are gullible, superficial, idealistic, inexperienced and unwise.

The Marxist word-system for revolution, then, may be called "revolutionary rhetoric." How do you recognize revolutionary rhetoric when you hear it or see it in print?

The following is taken from an anti-ROTC leaflet coming from a booth in the University Center of the University of Northern Colorado. The sign above the booth read. "Rocky Mountain Revolutionary Union," and behind the long table filled with anti-U.S. literature—revolutionary literature, if you please—sat five hippie-style students, or at least they were of student age. It was a poorly reproduced mimeograph sheet showing, or purporting to show, the badly burned face of what was described as "after early surgery" to an eight-year-old Vietnamese boy.

"Does not your stomach rebel?" the leaflet asks. "Does not your mind revolt? The napalmed ruins of his body and his revaged mind are inflicted by the 'honorable' officers of American military might. Yes you should rebel when you join ROTC, when you sanctify the existence of ROTC. You are guilty of the most criminal violence, an accomplice to a degeneratedly twisted stronghold of legitimized murder. Yes ROTC is a lecherous arm of American imperialism seducing, subverting and corrupting the purity of youth from universal brotherhood. There is no place in a University of Life for ROTC."

Beside the Vietnamese boy's scarred face were printed these words in large letters: "ROTC plus U.S. Imperialism did this."

This is revolutionary rhetoric. This is Marxist rhetoric. Right here. Right here in our own university.

But there's more. At the bottom of the leaflet we read:

"Excerpt From the Program of the Rocky Mountain Revolutionary Union.

"An End to ROTC.

"The way the University complex best serves imperialism is exemplified in ROTC. The chief confrontation taking place is between a world in revolution and amerikkkan imperialism. People are rising up to free themselves from amerikkkan corporate exploitation. They will no longer passively watch their human and natural resources exploited, their country's chance for economic growth stiffled (sic) by amerikkkan economic domination and be pacified with care (sic) packages.

"Amerikkkan imperialism is the main structure standing in the way of our brother's (sic) liberation. ROTC supplies over half of the officers for fragmentation bombs, defoileges (sic) and fires the guns all under the guise of fighting for democracy. It trains men in the tactics of counter-insurgency and gives them the manpower to protect and foster the goals of a dehumanizing corporate imperialism. We demand an immediate end to ROTC."

Read that over again and note well certain words. Never mind the spelling—What do you want, good spelling or revolution? Look at them: *University complex, imperialism, confrontation, revolution, amerikkkan imperialism, people, exploitation, exploited, economic domination, liberation, under the guise of,* and *corporate imperialism.*

These words and others similar to them constitute revolutionary rhetoric, the vocabulary of revolution. They are all logical parts of a verbal pattern which is invariable in its make-up. Here are the elements which constitute the pattern.

A revolution is a violent overthrow of a government and is usually abhorred by a majority of the people. How then do you arouse people, convince them the government should be overthrown?

Very simply. You say it is all bad.

Therefore, all the things you do and stand for are good.

What do you attack?—the sources of power . . . The University. The courts. The police. The armed forces, ROTC, industrial firms, especially those connected with defense projects. And obviously those who try to stop you from carrying out your objectives.

Now let us see how good words are employed to describe revolutionary activities and bad ones represent the government under attack, its institutions, culture and policies, and its efforts to defend itself.

Please keep in mind the following labels do not necessarily have to bear any resemblance to the facts. Words are cheap. The truth is anything that helps the revolution. In revolutionary rhetoric, words are power tools to persuade, not means to seek and set forth the truth.

Let us suppose you are a revolutionary. You want to overthrow the United States government. What are you opposed to? These things, and you hear them over and over: *exploitation, monopoly, imperialism, colonialism, repression, oppression, aggression, racism, criminal discrimination, police brutality,* and so on.

What are you in favor of—besides an immediate end to all the things you are opposed to? Well, you want *equality, peace, justice, liberation, participatory democracy, a fair share for all* and anything else that sounds good and noble.

Who are you, anyhow? You are the students, the people, the workers, the minority groups—not just some of them, all of them. What are you like? You are *progressive, liberal, freedom-loving, justice-loving, peace-loving,* but at the same time you are also *oppressed, repressed, discriminated against and exploited.*

Who does this to you?—The *Establishment,* the *power structure* and their *puppets.*

Who are the people that make up the Establishment, the power structure and their puppets? Why, the *imperialists,* the *Fascists,* the *Nazis,* the *arch-reactionaries,* the moronic *conservatives,* the *clique* of *racists, warmongers* and *traitors,* the *extremists* in the *military-industrial complex,* the *amerikkkan monopolists,* the *ROTC* and the *pigs,* to name just a few.

You have tried to communicate with the Establishment but they wouldn't listen. They fail to see what is *relevant* and what is *irrelevant.* They still cling to obsolete *middle-class values.* They don't understand the *New Morality,* new politics, *participatory democracy.* You have tried non-violence but it did not work. You have no other choice—make revolution. Make demands. Arrange confrontations. Strive by any means available for *liberation* from all the bad things. Resist. And if the pigs try to stop you, defend yourself!

This is revolutionary rhetoric in operation.

Revolutionary rhetoric is remarkable for the ideas it does not express. Nothing about the rights of the majority. Nothing about whether actions proposed lead to the greater freedom of the individual—not of a class or group of people, but of the individual citizen. Nothing about America's great social progress in the last two decades. Nothing about the responsibilities connected with the exercise of constitutional rights. Nothing good about any non-Communist country. Nothing bad about any Socialist or Communist country.

Please note this point. In revolutionary rhetoric, the government is held responsible for the welfare of the citizens and hence for all the nation's ills. The individuals who comprise our people-run society somehow are held blameless—except the President of the United States. Since the government is not attending to the country's needs, or not doing it fast enough, the government should be destroyed.

Simplistic reasoning? Perhaps so, but too many of our students are falling for it. We, the educators, ought to have some responsibility for the views of our students. What has gone wrong in education when twice as many students believe the government is doing a bad job as those believing it is doing well?

We must come up with ways and means to cope with revolutionary rhetoric and the superficial ideas that lie behind it. If we don't—let each draw his own conclusion.

STRENGTHENING SMALL BUSINESS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. PRICE of Texas. Mr. Speaker, I urge my colleagues to approve S. 336 as reported out by the Committee on Interstate and Foreign Commerce. This bill would enable small businessmen to sell securities in an offering up to $500,000 without having to fully comply with the registration requirements of the Securities Act of 1933.

At the present time this offering level is set at $300,000. This limit was established in 1945 because it was felt at that time that this reasonably met the needs of our Nation's small businessmen. As we well know today though, inflation has plagued the small businessman just as it has harmed other areas of our economy. Capital costs have risen dramatically in the last two decades; operating costs, maintenance costs, and labor costs have done likewise.

Increasing the regulation A exemption to $500,000 opens new commercial vistas to small businessmen across the country. It will help them revitalize their efforts at precisely the right time to give the general economy a needed forward momentum.

Mr. Speaker, America's small businessmen have been the backbone and the fiber of the free enterprise system. Their efforts and their successes have been monuments to individual initiative and ingenuity. Congress must help small businessmen keep pace with the changing nature of the money market. Congress has the obligation to approve S. 336.

In conclusion, I urge my colleagues not to turn their heads away from the needs of the small businessman once this legislation is approved. There is other legislation pending before this Congress which also should be enacted into law. The investment tax credit should be reinstated for the small businessman. This would enable him to expand profitable operations, better serve consumer needs, and better fulfill his historic role as the cornerstone of the capitalist system. The present inheritance laws should be revised so that Federal estate taxes will have a less devastating impact on the families of farmers, ranchers, and small businessmen.

There are but two major bills that focus directly on the needs of the small businessman. There are many others eminently worthy of congressional attention.

THE TARNISHED DOOR

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. SCHERLE. Mr. Speaker, the famous inscription on the Statue of Liberty in New York harbor reads:

> Give me your tired, your poor,
> Your huddled masses, yearning to breathe free,
> The wretched refuse of your teeming shore.
> Send these, the homeless, the tempest-tost to me,
> I lift my lamp beside the golden door.

The luster of that promise is dimmed somewhat and the gleaming golden door tarnished by an event that recently took place on an American ship in American territorial waters some 250 miles north of where the "Mother of Exiles" stands. A Lithuanian sailor on a Russian ship took us at our word and flung himself across the 10 feet of water which separated him from an American Coast Guard cutter to safety and freedom—or so he thought. He was wrong. Hours later, with the permission of the American captain, Russian seamen boarded the ship, beat and kicked him into a bloody unconscious hulk and hauled him back roped in a blanket in an American lifeboat, to their own vessel. His prayers for help and cries for mercy still hang in the air unanswered.

The story of how and why official representatives of the United States refused asylum to a refugee, in direct contravention of the Geneva Protocol governing the status of refugees, and furthermore, actually assisted a Russian goon squad in forcibly subduing and returning him to captivity and probable death is a sad and shameful tale of bureaucratic bungling, indecision, and cowardice.

After the sailor, a radio operator known to us only as Simas, hurled himself to the deck of the *Vigilant* at 2 p.m., on November 23, Captain Eustis telephoned the Coast Guard's First District Commander in Boston, Rear Admiral W. B. Ellis. Ellis contacted his Washington headquarters which in turn put in a call to the State Department's Soviet affairs desk. The desk officer, a man named Kilham, was told only that the Coast Guard had a potential defector on its hands. Kilham urged caution and advised the Coast Guard not to "encourage" the defector, as it might be viewed as a "provocation" in view of the delicate negotiations taking place aboard the two ships. However, he instructed the Coast Guard to keep the State Department informed of any further developments.

The Russian trawler, mother ship of a Soviet fishing fleet, and the cutter *Vigilant*, were anchored together to discuss the overharvesting of yellow-tailed flounder. The meeting, arranged at the request of the Russians, was authorized by the State Department primarily for the benefit of American fishing interests in New England.

Two further calls to the State Department ensued at intervals, the second declaring that it was a false alarm and the third, at 7:45 in the evening, reporting that the seaman had already been returned. In fact, Simas was not finally dragged off the *Vigilant* until almost midnight. Adm. Chester Bender, Commandant of the U.S. Coast Guard, confirmed that the decision had been made by the Coast Guard First District Commander in Boston on his own authority. Under the circumstances, according to Admiral Bender, "the commander * * * felt that it was reasonable and proper that we not permit our ship to be used as a means of defection and that the man should be returned."

No one in the Coast Guard or the State Department can explain the discrepancy between the 7:45 call and the forcible return of Simas at midnight. Nor has the Coast Guard been able to justify making the decision on that basis and at that level without seeking instruction from higher officials in the State Department.

The crux of the problem seems to be the usual bureaucratic bugaboos of bungled communications and misplaced priorities. A State Department spokesman later maintained that, had they been informed that Simas had actually defected, the situation would have been handled differently. That may well be, but the fact remains that there should be clear procedures laid down for dealing with defectors. The rules governing cooperation among government agencies in such cases are inexcusably vague.

What is absolutely certain, however, is the duty of the United States to grant political asylum to refugees who manage to reach American territory. The Geneva Protocol, which we signed in 1968, unequivocally prohibits the expulsion or return of refugees to territories where their life or freedom would be threatened. An American ship in American waters is clearly considered American territory, and we must bear the responsibility for the outrage against human decency and justice which took place aboard the *Vigilant*. For the sake of a few fish, we sacrificed a human life.

Public indignation in the United States has risen in spontaneous protest against this disgraceful action. Americans of East European descent demonstrated angrily against the decision in many cities. The President, who only learned of the incident from weekend news reports, has called for a full investigation. None of this, however, will help Simas. Nor will it reassure millions in captive nations throughout the world who, like Simas, cherished some hope in the American dream. By this dastardly action, we have forfeited something of America's good name and of her proud claim to be mother of exiles and defender of liberty.

This tragic affair must not become one more unfortunate mistake from which nothing was learned. We have seen this scenario played, in different circumstances with different players in different costumes, so many times before. The result is always the same. At Pearl Harbor, during the piracy of the *Pueblo*, and in numerous other fateful incidents in our history, communications faltered, the chain of command broke down, and calamity befell the hapless victims. Why? How many more times must we witness the failure of those in authority, who should have learned from experience but never have?

If the officially expressed regrets of the State Department and others have any sincerity, it should be provided by their concerted efforts to insure that no such shameful incident occurs again. Proper channels of communication should be maintained and adequate procedures for dealing with similar eventualities should be established. Lower echelon officials should know just where to turn for instructions and higher functionaries should have clear policies to guide them. Unless and until these administrative reforms are implemented, there will be other Simases, other victims of ignorance and indecision, of cowardly caution and incompetence. "The only thing necessary for the triumph of evil," Edmund Burke warned in 1795, "is for good men to do nothing." It is still true.

TRIBUTE TO THE LATE ROSE McCONNELL LONG

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. BOGGS. Mr. Speaker, I rise in remembrance of a great and beloved lady of Louisiana, Rose McConnell Long, the mother of Senator Russell B. Long, who recently passed away at the age of 78.

The news of her passing leaves me saddened, for it was my great privilege to be her friend for more than three decades.

Rose Long was, in many ways, the most remarkable member of one of the most remarkable political families in modern history.

She was a gentle woman, but she possessed a quiet strength and resolve which brought out the best in others and which sustained her family through adversity and personal tragedy.

Throughout her long life, she was loved and admired by the people of Louisiana. She was their friend, their first lady, and, later, their U.S. Senator. It is with the people of Louisiana that her memory will forever reside.

MISSION POSSIBLE: OPENING GREEK JAILS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, I would like to insert in the RECORD, an article about one of Chicago's outstanding leaders, and his continuing fight for the people of Greece. This article outlines some of the recent activities of this dedicated man. I am sure that my colleagues will find it of considerable interest:

MISSION POSSIBLE: OPENING GREEK JAILS

(By William K. Wyant Jr.)

CHICAGO, June 30.—Anthony G. Angelos, Attorney General John N. Mitchell's candidate for ambassador to Greece, did not get the job. But he is pushing on as a one-man rescue squad for persons detained in Greek prisons.

Angelos, a Chicago banker and philanthropist, flew to Athens last month and interceded with Greek officials on behalf of John Kapsis. Kapsis is a liberal Greek editor jailed by the military dictatorship that runs the country.

"I wouldn't be surprised if they sprang him any day. If I were ambassador, he'd be out of jail," Angelos told the Post-Dispatch in an interview at Chicago's Tavern Club.

Angelos, a Greek-American, grew up a poor boy on the wrong side of the tracks in Chicago. He made it big in real estate and banking, and now he spends his time and money generously in causes he considers good. He is a dynamic man.

He is very disappointed about not receiving the appointment as envoy to Greece. He thought he had the post sewn up, but it went last September to Henry J. Tasca, a career foreign service officer in the Department of State.

Angelos said that Tasca was an excellent choice. But he felt, he himself had extraordinary qualifications as a person who speaks the language, knows the Greek people and is aware of what is going on over there. He feels the State Department snubbed him.

If the United States resumes full military assistance to Greece, or if President Richard M. Nixon names a commission to look into Greek-American relations, Angelos is still hopeful that he could be of service as an American who loves this country and understands Greece.

Non-career people, who receive high diplomatic posts, frequently are wealthy citizens who have made large financial contributions to party war-chests. Angelos is said to have been generous to the Republican Party in the 1968 campaign but he declined to say whether or how much he had given.

He did say that Attorney General Mitchell, whom he had known for about three years, espoused his cause, and that he had the support of Illinois Senators and of W. Clement Stone, the rich Chicago insurance man who, like Mitchell, is a member of the Richard Nixon Foundation.

Angelos has not allowed his failure to get the Athens job to subdue him or cramp his ebullient style.

Last January, before he sought to assist editor Kapsis, he made a trip to Athens and intervened on behalf of a beautiful American girl, Gloria Root, 21 years old. She had been featured as "Playmate" in last December's Playboy magazine.

Miss Root had been sentenced to 18 months for smuggling hashish. Angelos went to the jail where she was confined on the island of Corfu and talked to the girl for an hour. Her sentence was commuted to six months. She should be out, he said, in a week or so.

Angelos was unacquainted with Miss Root at the time he undertook that mission. He did so at the request of her parents, for whom he brought back a photograph. He borrowed an airplane from Greek magnate Aristotle Onassis for the journey to Corfu, taking with him a Chicago reporter and a Greek intelligence officer.

"I had never met the girl and I knew nothing about her. I felt it could have been my daughter," Angelos said.

Angelos threw himself into the John Kapsis case at the urging of another Chicagoan and business associate of Greek descent, Christopher G. Janus, a Harvard and Oxford man who has harshly criticized the junta of military officers in Greece.

Janus, 59, is a special situations officer for Bache & Co., investment brokers. He is a liberal politically. When his friend, Kapsis, editor of the leading Athens newspaper Ethnos, was put behind bars with a five-year sentence, Janus organized a National Committee to Free John Kapsis.

Angelos readily agreed to do what he could to help. He was the ideal emissary, because he knew the former Greek Premier George Papandreou, who died in 1968, and his son, Andreas, now in exile. Also he had rapport with the military leaders who seized power in a coup three years ago.

He could and did take up the cudgels for Kapsis with Prime Minister George Papadopoulos, a retired brigadier general, with First Deputy Premier Stylianos Pattakos, also a retired general, and with other Greek leaders who might temper the wind for the imprisoned editor.

"I've talked to Papadopoulos and Pattakos," Angelos told the Post-Dispatch. "We can close the doors and talk in the same language."

Angelos said his sessions with Greek leaders sometimes develop into shouting matches at which he says what he thinks very bluntly, a characteristic of his, and gets some frank language in return.

Angelos interviewed Kapsis in Koredaros jail on two successive days. He sneaked a photographer into the jail, and the man took a picture, with Angelos crouching down so he could not be seen through the window. They talked in English. This was on May 10 and 11.

"He told me he is being treated well," Angelos recalled. "No one ever touched him or gave him any mental anguish. He believed there was torture in the Communist section of the prison, but he had not seen it."

Kapsis was writing a book called "Pit of Snakes," for which his jailers had furnished him a typewriter. He told Angelos that it would be an insult to his two teen-age sons if he signed something that indicated he had done wrong, but he was willing to accept explusion to the United States, where he would go on fighting the regime.

"John Kapsis is not a Communist, and they know he's not," Angelos told the Post-Dispatch. He found the wardens and captains of the guard apologetic about what is happening in Greece to people like Kapsis. Even the junta's leaders, he said, wanted to help.

Angelos credited Papadopoulos and his deputies with being dedicated men and devout Christians who are trying to do their best for Greeks and Greece. He said they had made it safe for people to walk the streets at night, but they are not diplomats. They will never tolerate a Communist Party.

"I told them, what you need is a good public relations man," Angelos said.

By his own estimate, Angelos has brought to the United States at least 40 persons from around his father's village of Vrina, in the Peloponneseus. He has brought tractors for farmers around Vrina, helped equip a school, raised money for a $60,000 church, and wrought other benefactions.

He had a Horatio Alger career in Chicago. He was an altar boy in the Greek Orthodox Church, went to work when he was 10, selling newspapers, delivering groceries, ushering in a theatre, delivering messages for Western Union, and finally, at 16, making $30 a week at a Carnegie Steel blast furnace.

Enlisting in the Navy at 17, Angelos served on the battleship Texas as a radioman on the Murmansk run and then was assigned to the U.S.S. Pasadena in the Pacific. He got seven battle stars and the Purple Heart. He then worked his way through Drake University with the help of the GI Bill and graduated in 1951.

Out of college, Angelos started a company called World Wide Services, selling temporary labor to factories. With money from that, he bought slum property which he sold for $1,500,000 in the early 1960s. He bought stock in the Merchantile National Bank, became board chairman of Guaranty Bank & Trust Co., and finally disposed of his shares, at what he said was triple value, after a proxy fight in 1967.

When Angelos was under consideration to be ambassador to Greece, the Chicago Sun-Times reported that in the 1940s and 1950s he had been in trouble with the law over skid-row flop-houses he owned. His slum property experience gave Angelos an interest in derelicts whom he arranged to feed and house.

He told the Post-Dispatch that he once started to write a book about derelicts, to be called "Roadway to the River."

"I felt sorry for a lot of them," he said. "It's a sickness. They are the loneliest people in the world."

Angelos first went to Greece in 1950 with about $100 in his pocket. He tried later to get a job with the American aid mission, which was pouring money into Greece. He failed, but looked around and saw a lot.

"The one thing that bothered me most at that time," he said, "was that most of the money wasn't going to the aid of the people, but was going into the pockets of the rich—American and Greek. I would say 70 per cent of it reached the wrong hands."

Angelos married the former Barbara Gewant of New York City, an attractive redhead, 12 years ago, and they have two children. He is very proud of his family and his father and mother, still living in Chicago.

The Chicago candidate, backed by Mitchell, unquestionably was a serious contender for the job of envoy to Greece last year. Counting against him was the tradition that ambassadors are not often sent to a country of their own ethnic origin.

"I knew the State Department was against me," Angelos said. He also felt, he said, that there was discrimination against a man who came from the wrong side of the tracks and had made good, but did not attend an Ivy League school.

TRIBUTE TO SPEAKER JOHN W. McCORMACK

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. EVINS of Tennessee. Mr. Speaker, a renowned philosopher once said:

> No man has come to true greatness who has not felt that his life belongs to mankind—and that what God gives him he gives for mankind.

Certainly this profound truth applies in full measure to Speaker JOHN W. McCORMACK who unquestionably will be recorded in the annals of our Nation's history as one of the great Speakers of all time—a true champion of the people, an outstanding leader, and effective advocate of legislation in the public interest.

Speaker McCORMACK has truly served mankind through his inspired leadership for legislation that has improved the quality of life for all Americans.

As Congress approaches adjournment, it is with sincere regret that I refer to the retirement of Speaker JOHN W. McCORMACK of Massachusetts. I should like to take this means of paying brief but sincere tribute to Speaker McCORMACK as he leaves the House after 42 years of distinguished, devoted, and dedicated service.

Speaker McCORMACK is in the tradition of the great Speakers of the House—Speaker Sam Rayburn, his predecessor; Speaker Henry Clay, Speaker Thomas B. Reed, Speaker Joe Cannon, Speaker Nicholas Longworth and Speaker Champ Clark, among others—men of destiny who guided the House through challenging and momentous times.

Speaker McCORMACK, like all great Speakers, is a fighter and he climaxed his glorious career in the House with effective leadership during this, the 91st Congress. Although senior in years of service and wisdom, he was young in his outlook as he fought for the voting rights bill for 18-year-olds and secured its passage. During the recent national elections, it was Speaker McCORMACK who sounded a national rallying cry for our party and who delivered on this floor a major address summarizing the great accomplishments of the 91st Congress—a campaign document that proved invaluable to Democratic candidates throughout the Nation.

Speaker McCORMACK always rises to the occasion—and the challenge. He has served ably, courageously and effectively during one of the most trying periods in American history—a period of trial, turmoil and upheaval like those which, as the great patriot Thomas Paine said, "try men's souls."

Speaker McCORMACK, in addition to his great abilities and capacity for leadership, is a grand gentleman—a man of unfailing compassion — a kind and thoughtful man whose acts of kindness and consideration are countless.

He is a great leader—a great American—a wonderful human being—and the House will sorely miss his inspired leadership and guidance.

When a great man relinquishes the mantle of leadership, it is always a sad occasion.

As Edward FitzGerald wrote in the Rubaiyat of Omar Khayyam:

> The moving finger writes; and having writ, moves on; nor shall you lure it back to cancel half a line.

Time moves relentlessly and inexorably on and as JOHN McCORMACK ends his leadership in the House, there is pain and much regret. However, the imprint he leaves on the sands of time and history as Speaker will remind us all that we were privileged to serve and walk with a giant of history.

Certainly, I want to wish for our beloved Speaker and Mrs. McCormack the best of good luck and success as the Speaker lays down the gavel for a richly deserved rest and relaxation from the stresses and strains of leadership. Our thoughts, our prayers and our best wishes will always be with them.

THE HARE AND THE TORTOISE

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. BELL of California. Mr. Speaker, the recent achievement by the Soviet Union of an unmanned lunar landing and vehicular exploration of the lunar surface indicates that the competition in space technology is far from over. This point of view is articulated in an excellent editorial by Mr. Robert Hotz in the November 23, 1970, issue of Aviation Week and Space Technology. Mr. Hotz probably is as well versed on our Nation's space achievements and capabilities as anyone else not directly involved with either NASA or the Department of Defense. His editorial follows:

THE HARE AND THE TORTOISE

The Soviet Union has dramatically demonstrated this fall that it is pursuing a broad program of space exploration at as fast a pace as its technical base permits. In a recent 60-day period, the USSR launched 22 spacecraft from its three space centers while only three gantries in a forest of empty steel towers at Cape Kennedy had U.S. spacecraft on launch pads. The Soviets also demonstrated that their space program still has the moon as a major goal by launching three lunar-directed spacecraft that photographed, returned surface samples and explored the lunar topography.

The Soviet achievements on the moon are indeed formidable. But their technology still falls far short of the Apollo system that landed four U.S. astronauts on the moon last year and returned them safely to earth. The Soviet unmanned vehicles are engaged in the same type of preliminary exploration of the lunar environment that the U.S. did in preparation for its manned lunar landings. Zond 8, which photographed the surface on a circumlunar mission is roughly comparable in function to the U.S. Lunar Orbiters of 1966–67. The Luna 16 and 17 spacecraft are similar in function, despite increased capabilities, to the Surveyors the U.S. used for preliminary surface reconnaissance of potential Apollo landing sites. Thus it appears that the Soviets are still pursuing their long-established goal of eventually landing men on the moon and establishing manned stations there for scientific observation and exploration. The Zond series of spacecraft is manrated, according to Soviet space experts. They will probably be used for final reconnaissance missions preparatory to manned landings in much the same manner that Apollo 8 blazed the trail for Apollo 11 and 12.

Although much of the U.S. lunar data is available internationally, the Russians are clearly operating their own program for acquiring and evaluating data required for their next generation of manned lunar spacecraft. Although they must of necessity follow the same inexorable logic of exploration, they have developed a space technology with the Zonds and Lunas that is as distinct from our Lunar Orbiters and Surveyors as were Vostok, Voskhod and Soyuz from our manned Mercury, Gemini and Apollo spacecraft.

The Soviets have lost their pioneering leadership in manned space flight, but they have lost none of their determination to press on toward their ultimate goals.

They are still building an ever-broader technological base from which to pursue space exploration. There has been no faltering in either the morale of their space scientists and engineers or the support from their political leadership.

The contrast of the last two months of furious Soviet space activity with the shambles of the U.S. space program glaring spotlights a major national flaw in management of technology and waste of national resources. It also offers another valid example of the hare and tortoise racing fable.

The Soviets had the imagination to dream of exploring space and the technical guts to pioneer it. Their Sputniks burst on an astonished world with all the impact of a psychological atomic bomb. Soviet prestige rode high on their orbiting spacecraft. The U.S. embarked on a furious technological splurge to catch up. Setting the manned lunar landing as its major goal, the U.S. space program of the 1960s probably will go down in history as man's greatest constructive expansion of his capabilities in his long sojourn on this planet. The successful lunar landings of 1969 left the world breathless and the Soviets far behind.

No sooner had the tremendous exhilaration of this stunning achievement subsided, than the fleet U.S. space rabbit ambled to the roadside and took a nap under a shady economy tree, confident that the Soviet tortoise could never overtake him. The great science and engineering teams that conceived, built and operated the Apollo system and the other marvelous facets of the U.S. space program were broken up, the facilities mothballed and support of the national leadership dwindled. This rabbit nap at the roadside will also go down in history as an incredible blunder of national leadership and an unnecessary dissipation of a unique national resource.

The National Aeronautics and Space Administration is floundering along leaderless. The President has deliberately shrunk the space program as a deflationary economic tool. Congress has become indifferent. After $24 billion has been spent to develop the system and operational base for manned exploration of the moon, the Apollo flights have been drastically reduced. To save a few million dollars, the bulk of the scientific dividends Apollo could return on this investment are sacrificed.

Meanwhile, the Soviet tortoise plods along the lunar road, surviving technical disasters, changing political winds, international defeats and many other hazards unknown to foreign observers. The Soviets are now working on the moon with their remotely controlled robots. They are developing a substantial military space program of reconnaissance satellites, orbiting bombs and satellite interceptors. They are developing multi-manned earth-orbital space stations, communications satellites, deep space scientific probes and at regular intervals affirm that their sights are still firmly set on Mars and interplanetary voyaging. The Soviet tortoise is still some years behind the snoozing U.S. space rabbit. But it is moving inexorably ahead, albeit at a slower but steadier pace than its principal international rival. Whether the Soviets will ever again overtake and regain world leadership in space technology depends in large measure on how much longer American political leaders and the American people let their somnolent space rabbit languish in idle dreaming.

ROBERT HOTZ.

THE RECENT TRAGIC STORY OF REQUESTED AMERICAN ASYLUM BEING DENIED TO A LITHUANIAN SAILOR MUST NEVER BE REPEATED

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. DONOHUE. Mr. Speaker I, and most every other American, I am sure, was shocked and stunned when I learned of the recent shameful and unfortunate incident of the Lithuanian sailor who attempted defection to this country from a Russian fishing vessel but whose asylum was not only rejected by U. S. Coast Guard authorities but they apparently also permitted him to be beaten unconscious on the deck of their ship by Russian sailors and then dragged back to the vessel from which he had jumped, to undergo a fate that will very probably be worse than death itself.

A more grievous error in judgment and departure from our American tradition of asylum to the persecuted and unfortunate can hardly be imagined.

Upon the revelation of this most tragic blemish upon our American historical character and prestige I urged the President of the United States to initiate an immediate investigation to insure appropriate reprimand of any persons found derelict in their duties and that such a shameful incident would never again occur.

All of us were gratified when the President did announce his initiation of a full investigation and extensive study of the whole matter and his preliminary statement that "under no circumstances" should anyone seeking asylum in the United States be "arbitrarily or summarily returned" to the representatives of the country from which he was fleeing until every opportunity had been granted to the individual to have his asylum request considered on its merits, deserves our unanimous praise.

Irrespective of party affiliation, all of us vigorously support the President of the United States in this grave matter and we earnestly pray that his stern admonition and rigid instructions, regarding any similar incidents, to every representative of the United States, will make it as certain as it is humanly possible to do so that no other such horrible instance will ever again be repeated.

On this score I would like to include a pertinent editorial in the December 2, 1970, issue of the Worcester, Mass., Telegram and the article follows:

EDITORIALS: SHAME AT SEA

There is something nightmarish in the horror story about a Lithuanian sailor who sought political sanctuary aboard a U.S. Coast Guard cutter, who was denied that sanctuary, and who was beaten senseless by Soviet sailors and dragged back to a Russian fishing boat.

The atrocity was compounded by Coast Guard officials who allowed the hapless man to be transported back to the Soviet ship in a Coast Guard lifeboat.

All this happened with the Stars and Stripes rippling proudly in the breeze overhead.

President Nixon, who first learned of the tragic miscarriage of justice in the newspapers, properly has called for a "very full and immediate investigation."

He and the American people want to know the answers to a number of questions.

During the tragic 10 hours when the fugitive's freedom and possibly his life hung in the balance, why wasn't President Nixon consulted? Why didn't the State Department, when consulted, show more awareness? Do not the high officers of the Coast Guard and State Department understand that this nation spends and has spent millions of dollars to counter Communist propaganda and present America as a ready haven for freedom-loving oppressed? Don't they know the Geneva convention on refugees, which prohibits nations from returning refugees to territories or nations where their life or freedom is threatened? What sort of person could just stand by while the man was beaten before their eyes?

The affair on the cutter Vigilant, in American waters just off Martha's Vineyard, needs a thorough airing so that no such misconception of American policy and intent can be repeated. Those were unworthy rationalizations that balanced this seaman's hopes and life against a conference on fishing problems, that gave credence to Soviet charges of theft, that quibbled about whether the fugitive should have first jumped into the sea.

The President must find the answers, report them to our people and to the world, and make clear just how far the actions swerved from true policies of the United States.

HISTORY OF COMPANY K, 1ST WISCONSIN VOLUNTEERS INFANTRY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. ZABLOCKI. Mr. Speaker, Mr. Morris Oesterreich, past commander in chief of the United Spanish War Veterans, has recently brought to my attention an interesting historical roster of Company K, 1st Wisconsin Volunteers Infantry.

In order that the names of these dedicated volunteers be further preserved in the historical record, I submit them for inclusion in the CONGRESSIONAL RECORD at this time:

COMPANY K, 1ST WISCONSIN VOLUNTEERS, INFANTRY

Captain, Thaddeus Wild.
1st Lieut, John Budnik.
2nd Lieut., Peter Piasecki.
1st Sergt, Stan Polewezynski.
Q'Master Sergt., Clemens Borucki.

Sergeants: Ladislaus Cieslaus, Leon Drenski, Jacob Inda, Stan Polski.

Corporals: Jos. Ciskowski, John Czechowski, Frank Domachowski, Lad Galdynski, Frank J. Golla, Ludvik Kanezewski, Felex Michalak, Frank Makowski, Stanley E. Piasecki, Bern Sliga, Thomas Wetzel, J. Zarkowski.

Artificer, John Antoszak.
Musician, Michael Komorowski.
Wagoner, J. Zarkowski.

Privates: Andrejewski, Anthony; Andreszeyk, Frank; Bacus, Charles; Biedrzycki, Valentine; Blaszynski, Valentine; Buda, Anthony; Barezykowski, Max; Brezezinski, Frank; Boncel, John; Betanski, Ladislas; Bemka, Frank; Brzonkala, Apolintary; Boruch, John; Czarnecki, Andrew; Cegielski, Steven; Cichocki, Frank; Czarnecki, Jos.; Czechorski; Roman; Data, John; Duszynski; Felix; Dentkusz, Andrew; Duszynski, John; Ewald, August; Frankowski; Frank; Felski, Valentine; Fennig, John; Galwas, Slanislaus.

Gajewski, Ignace; Glowianka, Bern; Golatka, Adam; Horka, Ignace; Kobe, Jos.; King, G. S.; Knutowski, Barney; Koceja, Joe; Kozolowski, Michael; Kronhelm, Max.

Krzowicki, Adam; Kubacki, Frank; Krolekowski, John; Krolekowski, Stan.; Knitter, Frank; Kucharski, Lad; Kuezynski, Frank; Luezynski, John; Lisiecki, John.

Litza, Jacob; Mchajewski, John; Michalak, Leo; Micklas, Frank; Miller, Lucius; Nowak, Frank A.; Nowalski, Jas.; Joseph Kobs, (transferred to Hospital Corps).

Olbinski, Albert; Pilarski, Ignace; Paszkiewicz, Alex.; Platta, Paul; Patyk, Valentine; Prokop, Michael; Piotrowski, Edward; Rybacki, Frank; Rostankowski, John.

Sliga, Frank; Sobieszozyk, Bol.; Stachowsi, Stephen; Strenka, Stan; Sass, Stephen; Swosinki, Stanley; Tobiewicz, Casimir; Trojanowski, Thos.; Wetzel, John.

Westtphal, Frank; Waszkiewiez, John; Woida, Chas. E.; Wojtysiak, Jos.; Warszyski, M.; Zoltak, John; Zbylicki, John; Zachowski, Julius.

Company K reorganized for State Service Dec. 12, 1898;

Several Members of Co. K, joined the new Volunteers for service in the Philippines.

The above "Roster" was obtained from The Evening Wisconsin-National Guard Supplement, dated Jan. 8th, 1900.

Captain; Thaddeus Wild, is a Native of Lemburg, Austria. He came to America in 1881; he graduated from a "Continental Military School," before leaving his native land, and served some time in the Regular Army of the United States, dating from his arrival in Chicago, Illinois. He possesses a thorough Military Training, acquired largely at administrative work. He came to Milwaukee, Wis., in the spring of 1884; and engaged in the profession of Journalism, joining the "Kosiuszko Guards," in the same year. He was commissioned Captain, Nov. 16th, 1894; among the line of Captains in the National Guard he ranks 3rd, mustered out of the State Service May 14th, 1898 at Camp Harvey, Wis. (W.N.G.)

With his Company May 14th, 1898, he responded to the President's call for Volunteers in the Spanish-American War at Camp Harvey, Wis. He was commissioned a Captain, assigned to Co-K-1st-Wis-Vol-Inf., going South with his Company to Jacksonville, Fla., where his Company was distinguished for its splendid discipline and efficiency; upon returning he was mustered out as a Captain, Oct. 19th, 1898.

1st Lieut. John Budnik, enlisted in Co. "B," 4th, Wis. Inf., May 19th, 1890, to May 14th, 1898; mustered out of the State Service, as a 1st Lieut., at Camp Harvey, Wis. (W.N.G.)

Enlisting in the U.S. Volunteer Service in the war with Spain, May 14th, 1898, at Camp Harvey, Wis.; commissioned a 1st Lieut.; assigned to Co-K-1st-Wis-Vol-Inf., going South with the Company to Jacksonville, Fla. He served in that rank until Oct. 19th, 1898; mustered out as a 1st Lieut.

2nd Lieut. Peter Piasecki, was born at Milwaukee, Wis., May 30th, 1876. He enlisted in Dec. 1894, as a Private and served one year in the ranks when he was appointed a Corporal; seven months later attaining the rank of Sergeant in 1896; he was commissioned 2nd Lieut.; later served in that rank until May 14th 1898; when he was mustered out of the State Service at Camp Harvey, Wis., as a 2nd Lieut. (W.N.G.)

Enlisting in the U.S. Volunteer Service, in the War with Spain, May 14th, 1898; at, "Camp Harvey" Wis, commissioned a 2nd, Lieut; assigned to, Co-K-1st-Wis-Vol-Inf, served in that rank throughout the Campaign, returning He was mustered out, as a 2nd, Lieut; Oct, 19th, 1898;

2nd, Lieut; Peter Piasecki, saw Service in the World War.

At the call to, Arms, April 26th, 1898; the, "Kosciuszko Guards" heretofore designated (As Co, "B" 4th, Wis, Inf,) Volunteered in a body and was attached to, the, 1st, Wis, Vol, Inf, as, Co-K-, The Company was mobilized at, "Camp Harvey" Wis, on May 20th, 1898; went to, Jacksonville, Fla, where it remained, until, Sept, 6th, 1898; during its stay at, "Camp Cuba Libre" the Company distinguished itself by its splendid discipline, excellent drilling, cleanliness and orderly behavior. As a reward the Company suffered less from disease, than any other Company, in the Regiment, with only one death.

DECEASED

Private; Ignace Pilarski, of Milwaukee, Wis, aged 26 years, died at, Jacksonville, Fla, Sept, 8th, 1898; of typhoid fever.

Buried in the Polish Cemetery, at Milwaukee, Wisconsin.

W. E. Calkins, Dept, of Wisconsin, (U.S.W.V.) Historian, 1936–37–38–39–40–41–.

Capt. Wilde's Funeral Set Ex-Leader of Co-K-1st-Wis-Vol-Inf.

Masonic Rites, will be held for, Capt. Thaddeus M. Wilde, former Commander of, Co-K-1st-Wis-Vol-Inf, at 2-P.M. Wednesday, Mar. 24th, 1943; at the Niemann Chapel, 2846 S. Kinnikinnic Ave. Cremation will be at Forest Home Cemetery.

Capt. Wilde died Sunday, Mar, 21st, 1943; at the Soldiers Home, Wood, Wis, where he had lived for 12 years. Excelsior Lodge, F. and A.M. will conduct the Services.

Coming to Milwaukee, Wis., in 1892 after retiring as a Regimental Sergeant Major in the United States Army, he became a member of the editorial staff of the Kuryer Polski, Polish language newspaper. Capt. Wilde was in Command of the Kosciuszko Guards, which later became-Co-K-1st-Wis-Vol-Inf-, when it was mustered into service in the Spanish-American War. The Company was honored in 1912 for its service. It also served in the Mexican border incident and in the last War.

Capt. Wilde was appointed an assistant State Bank examiner by Gov. Schofield, retiring in 1913. Later he was a sales representative. He had made his home in Chicago, Madison and Milwaukee, Wis., in later years.

Born in Poland, he was a descendant of a family that had operated a publishing and printing establishment as early as 1776.

Surviving are his wife, Alma, and a Daughter, Mrs. Ralph Ramsey of Madison.

BUSINESSMEN: NEW PEACENIKS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. BROWN of California. Mr. Speaker, for a long time—and, to a certain extent, continuing to the present time—the antiwar or peace movement was looked upon by many as being made up of kooks, nuts, and impractical little old ladies.

I am not sure which of those categories I fell into, myself, but it has been gratifying to see, over the years, recognition of the fact that opposition to our foreign policy in Southeast Asia was rooted broadly throughout just about every facet of our population.

Harold Willens, a southern California businessman who has served as national cochairman of Business Executives Move for Vietnam Peace and who is now chairman of the Businessmen's Education Fund, documents the development of a strong support in the organized peace movement from the business community in a recent article published in the Progressive, December 1970. The article is adapted from his forthcoming book, "Laos: War and Revolution."

I feel sure that my colleagues will find the following article to be of great interest:

BUSINESSMEN: NEW PEACENIKS

(By Harold Willens)

Try to imagine the reaction if several years after public rejection of the Edsel car the Ford Motor Company had attempted to bring it back without as much as modifying a bumper. It would have justified a stockholders' revolt, with fortunate board members hanged in effigy, unfortunate ones in Detroit. The foreign policy engineers who Americanized the Vietnam war saddled the country with a national Edsel. And now, military involvement in Laos could make the Vietnam tragedy seem small by comparison. The chairman of the Senate Foreign Relations Committee has called Laos "one of the few places worse than Vietnam to fight a war."

Apparently adhering to the theory that even an Edsel can be successfully merchandised if sold with the covering canvas still on, the Nixon Administration, like its predecessors, has tried to keep the war in Laos a secret. As a businessman who began to speak out publicly and on a full-time basis against the Vietnam war early in 1967, I hope to describe the changing public attitude toward the Indochina war and the part played in that change by American businessmen.

After what we have already experienced in Southeast Asia, it seems inconceivable that the public will permit Laos to become another Vietnam. The outcry in reaction to our Cambodian invasion supports this assumption, as does the clear probability that three years ago Senator Stuart Symington would have found it difficult if not impossible to release the transcript of his committee's closed hearings on Laos.

Congress, which passively rubber-stamped escalating American involvement in Vietnam with the Gulf of Tonkin resolution, has at last begun to reassert its constitutional responsibilities. The "expertise" of Lyndon Johnson, Dean Rusk, and Walt Rostow—the men most responsible for depicting a national blunder as a national crusade—appears now as nakedly nonexistent as the mythical emperor's clothes. And businessmen who had previously kept their silence have begun to put themselves squarely on the record as opposed to allowing Laos or any other Asian country to become another Vietnam.

To me it is especially gratifying to see more and more businessmen come forward and become visibly involved in debating national policy, for I clearly recall how deafening was the silence in the business community only a few short years ago. Businessmen were firmly convinced that foreign policy was the exclusive domain of politicians and soldiers. As I tried to persuade businessmen that a mistaken war which was killing their sons, dividing their country, and damaging their economy was in fact very much their business, I discovered almost immediately that news media people seemed to regard anti-war businessmen as a man-bites-dog story. Whether the press conference occurred in Honolulu, St. Louis, Boston, or Washington, it was always well attended. Soon there were invitations to debate or be interviewed on nationwide television and radio programs.

In various parts of the country, people read and heard the well-documented and well-reasoned public statements of businessmen, many of them company presidents or board chairmen speaking out against the war. In astonishingly little time the country became aware that there were at least some businessmen of stature who were publicly opposing their country's involvement in the Southeast Asian war. Antiwar businessmen appeared before Congressional committees. Mail bearing corporation letterheads landed on White House and Pentagon desks. "Letters to the Editor" cited facts and tore apart Pentagon double-talk.

With growing rapidity in the late 1960s, Vietnam became known as the nation's most unpopular war. Administration boasts of victory diminished, followed soon by apologies and promises to do better and, ultimately, by President Johnson's decision not to seek a second term. This is not to suggest that the appearance of businessmen in the debate made the difference. But that we made a difference is not in doubt. Protesting business authority helped to tip the balance and turn the question from: "How soon will we win this holy war?" to "How soon can we extricate ourselves from this unholy mess?"

But the job is far from done. Republicans replaced Democrats on a vow of peace, and the war goes on. Staggering Pentagon budgets and the persisting death count in Southeast Asia contradict mellifluous vows to end the war. It is plain that additional and longer-range programs to arrest American militarism are needed; that we are rapidly approaching the finish line in a race between education and catastrophe; that to avert ultimate disaster new international realities must replace the fears, fables, and fallacies upon which our foreign policy is based.

It is also plain that businessmen/citizens represent a force of vast potential in the effort to turn the country around before time runs out. The Vietnam war shows that our country pursues a foreign policy dominated by military thinking in which weapons assume greater importance than ideas. It is this type of thinking that wastes money on weapons which don't work and on nuclear weapons which work only too well. And it is the military mentality which inched us into Vietnam, sent us rushing into Cambodia, and now seeks to sink us further in the quagmire of Laos.

The Businessmen's Educational Fund (BEF) came into being in 1969 expressly to bring to the attention of the industrial community, the public, and their representatives the excessive militarization of American foreign policy and the appalling drift to a militarized state. BEF's essential objective is to widen and deepen the idea of corporate responsibility by establishing a channel through which businessmen can strive for more relevant national priorities and policies. To extricate ourselves from Indochina is imperative. But the Indochina trauma must be recognized for what it is: a symptom reflecting the underlying misdirection of American policies and priorities.

Taking up *Fortune's* editorial appeal for a fresh audit of military spending, BEF has been hammering away at the disproportion between legitimate defense needs and the apparent uncontrollable proclivity of military leaders to seize everything in sight for themselves. What ultimately happens in Laos and the rest of Southeast Asia will be determined by the degree to which Americans succeed or fail in curbing the excessive military influence which brought our country into the Indochina war.

Here and there one notes encouraging confirmation of BEF's essential arguments in publications including *Fortune* and *The Wall Street Journal*. *Fortune:* "The United States is in the grip of a costly, escalating pattern of military expenditures. . . . At staggering costs the military has repeatedly bought weapons and deployed forces that add only marginally to national security."

From the beginning we have stressed the relationship of costs and risks to possible gains in our criticism of the Southeast Asian war. But it is no easy task to begin dislodging the firmly implanted myth that war is good for business. The fact is that during the four years prior to escalation of the Vietnam conflict, corporate profits after taxes rose seventy-one per cent, while from 1966 through 1969 corporate profits after taxes rose only 9.2 per cent. The war has weakened the competitive position of the United States in the world market. In 1964, merchandise exports exceeded imports by nearly $7 billion. By 1968, the excess of exports over imports had declined to less than one-half billion dollars.

Since 1964, the Consumer Price Index has increased sixteen per cent. Professor James Clayton of the University of Utah has predicted that "the inflationary effect of Vietnam will probably result ultimately in a ten per cent reduction in the standard of living of the average American." High interest rates and tight money have sharply cut the rate of residential construction, while the credit crunch has cut back spending on automobiles and consumer durable goods.

It has been estimated that by 1990 the *interest* cost on the Vietnam war debt may reach $35 billion, with the entire principal still outstanding. Perhaps this latter statistic is the most compelling way for a businessman—or any American—to place in proper perspective the economic consequences of a pointless military folly. The only way to hold down the cost of an Edsel is to scrap it quickly.

Even apart from the war, it becomes increasingly clear that military spending benefits relatively few firms while adversely affecting most. A majority of economists today would probably agree with these words of John Kenneth Galbraith: "For the vast majority of businessmen the only visible association with the defense industry is through taxes they pay. Not even a stray sub- or sub-subcontract comes their way, and among the important indirect effects are the starved communities in which they must operate and to whose disorders and violence they are exposed, the manpower and the materials they are denied and the regulations on overseas investments which they suffer because of balance of payment difficulties which in turn are the result of military spending."

The significance of Galbraith's statement is heightened by a statistic which surprises many: during the fiscal year 1970, *seventy per cent* of the nonfixed portion of our Federal budget went to military-related expenditures.

To compound the problem, the Pentagon and its industrial partners, having been left virtually free of meaningful accountability have become accustomed to spending taxpayers' money with irresponsible abandon. Air Force officials, for example, called the procurement for the C-5A cargo plane "the best contract ever entered into by the Air Force." Perhaps it was. But the cost overruns of this plane are already substantially in excess of $2 billion. The MBT tank was to have cost $250,000 per unit and to have been ready in 1970. The Army has already spent $2 billion on just one prototype, and present estimates are that production will not begin for another four years. Naval experts told Congress that the Mark 48 torpedo would cost $65,000 each. Later it was revealed that the price per torpedo will be at least $1.2 million.

These are just a few examples of the recklessness with which the military spends our money. It is an unfortunate fact that we have now so often heard expenditures described in terms of billions that the vastness of this figure has lost its meaning. It is useful to remind ourselves that a billion (one thousand million) dollars can provide vocational schooling full time for 540,000 youngsters, or send over 100,000 indigent students to a public college or university for four years, including full-time tuition, room, and board. With this in mind we can better appreciate the true cost of the $23 billion we have wasted on missiles and weapons that were built to be abandoned.

It is now estimated that the B-1 bomber which the Air Force wants would eventually cost between $15 and $20 billion. In his role as chairman of the joint chiefs of staff, General Earle Wheeler argued for this plane against many experts who regard it as unnecessary in an age of missiles. General Wheeler said: "The main reason for this generation of bomber was to force the Russians to spend more, spending themselves into bankruptcy."

General Wheeler's words illustrate that in foreign policy we have fallen into what businessmen recognize as the deadly trap of competitor-obsession. Fear of underestimating our competition drives us to overestimate the intentions and capabilities of others; what "they" *might* do becomes more important than what we *should* do. The fantasies of our military planners induce escalation of arms which the other side's fantasizers are then compelled to match. Meanwhile, to use a business analogy, our own plant (the environment, the cities, and so on) disintegrates, and our product (free-enterprise democracy) deteriorates.

To a businessman, who most live with reality and review both sides of a ledger, however distasteful, it seems clear that this aspect of our foreign policy is self-destructive. In this instance, the other side of the national ledger reveals that compulsive competitor-obsession keeps us from the most important business of all: preserving and improving our own national plant and product. It makes little sense to surround our cities with missiles while they are crumbling from within.

We are haunted by Cold War visions of a unified Communist monolith, even though clinging to that illusion means shutting our eyes to a world vastly different from that of twenty-five years ago. Our foreign policy rests more on demonology than on current international realities. We remain blind to the significance of a break between Yugoslavia and Russia, to the Sino-Soviet split, to Rumania's enthusiastic reception of President Nixon, and to the obvious nationalistic aspirations and enmities among Communist countries. We have depicted our competitor, whether in Laos, Russia, China, Vietnam, or Cuba, as totally evil. Therefore those who oppose him must be good. We have thus found ourselves embracing, as though they were Jeffersonian models of democracy, the regimes of such hated despots as Batista, Chiang Kai-shek, Diem, Thieu, and Ky. One wonders how we would respond today to Hitler, that most fervent of all anti-Communist crusaders. In our own self-interest it is time to look around; time to admit that there is both good and evil in all political ideologies. Seeing our adversaries as human beings is a necessary first step to avoiding large-scale war anywhere in Indochina, as well as preventing our own nuclear incineration.

Some time ago, addressing himself to the problem of fanaticism, U.N. Secretary-General U Thant spoke words which are not a utopian vision but a pragmatic prescription for self-preservation: "We have seen how the great religions of the world, after lamentable periods of bigotry and violence, have become accommodated to each other." While the mutual slaughter went on, theological zealots of old were undoubtedly certain that such accommodation could never occur. They were proved wrong. Practical persons must perceive that peace is not a heaven-sent gift but a structure to be created step by step. In military intervention and arms escalation, each step has been matched by the adversary. Is it not then possible that de-escalatory steps will also be matched by adversaries quite well aware that they too are running out of time—and resources?

It is worth a try. For by perpetuating a foreign policy based upon ideological fanaticism we have much to lose at home as well as abroad. Fanaticism inevitably turns its intolerance inward. An overly large, overly rich, and overly powerful military establishment was feared by our Founding Fathers and warned against by Dwight Eisenhower. Such a military bureaucracy could become the most serious threat to the very democracy it is supposed to be protecting. Recently it was revealed that at Fort Holabird in Maryland, the Army was filing and computerizing information on the personalities, beliefs, and lawful community activities of American citizens. Such 1984-type tactics are direct attacks on the Constitution of the United States, the same Constitution every military officer has taken an oath to defend.

Perhaps we have already gone too far to prevent expansion of hostilities to war in Laos, repressive erosion of American freedom, or massive nuclear destruction. On all counts a case can be made for giving up the game as lost. But games which were seemingly lost have been won. At all levels of the human enterprise there are moments of balance when a seemingly irreversible tide can still be turned. Left alone, the tide of present events will sweep away everything we value. Effectively challenged, that tide can be restrained and reversed.

In looking at Southeast Asia and beyond, it strikes me that American businessmen are uniquely equipped to help avert international, national, and personal disaster. I base this statement upon three and one-half years of personal experience in antiwar work as well as two additional considerations. First, since most political leaders follow rather than lead, a relatively small number of enlightened businessmen—to whom people in government are apt to listen—could help bring about constructive change before time runs out. Second, new directions depend upon discarding old orthodoxies, such as fanatical anti-Communism. In exposing these to the light of truth, businessmen can best withstand the attacks to which all heretics have at all times been subjected.

Here, then, is the greatest crisis and the greatest challenge ever faced by American businessmen: the rigor of business judgment—pragmatic common sense—must replace unthinking orthodoxy. Our children have the courage to challenge that orthodoxy. But they lack experience and influence. And they are increasingly isolated by the viciousness of certain demagogues in high office. Yet our children are essentially right, as were other powerless heretics, such as Galileo. We cannot blame our best young people for not deferring to the experts who took us into the Southeast Asian war and kept seeing light at the end of the tunnel; experts who invaded Cambodia in search of a nonexistent Communist Pentagon; experts clamoring for many more billions to build ABM's considered useless by the nation's best scientists; experts who are quite literally preparing to MIRV us all to death; experts who gobble up the nation's substance by scaring us into believing that Russia is about to roll over Western Europe and that a China barely able to feed itself is about to conquer the world.

As businessmen, as fathers, and as Americans we are confronted by an inescapable choice: our children—or our experts and their myths. How we choose can help determine how the nation makes this fateful choice. That is the great challenge and opportunity confronting American businessmen today. The following words are almost exactly those used over and over again by some of us since early 1967:

"An end to the war would be good, not bad, for American business. . . . We have more than adequate data to demonstrate that the escalation of the [Vietnam] war has seriously distorted the American economy, has inflamed inflationary pressures, has drained resources that are desperately needed . . . and has dampened the rate of growth in profits."

The speaker was Louis B. Lundborg, chairman of the board of the Bank of America, the world's largest private bank, and his audience was the Senate Foreign Relations Committee. We have been waiting a long time for Mr. Lundborg and his colleagues in the top tier of the corporate hierarchy to speak out. Mr. Lundborg said that, regardless of who is responsible for the war, "the rest of us have gone along pretty supinely. If anyone is to blame, it is people like me for not speaking up and not speaking out sooner—for not asking, 'What goes on here?' "

The president of Formica Corporation, Wallace G. Taylor, told a Honolulu audience that the nation's businessmen are "deaf, dumb, and blind to a hydra-headed new American revolution that is tearing this country asunder, value by value." How, he asked, "can a country whose business is business continue to be deaf to its own youth and blind to a war that is rapidly turning this country into one of the poor nations?"

Messrs. Lundborg and Taylor have said it all. They are now involved. Let us hope the contagion of intelligent involvement spreads on the wings of their words to others in the nobility of American commerce. If enough business leaders lead, we may still find our way safely through the most hazardous period in our nation's history—in Vietnam, Laos, and beyond.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

WHAT IS IN STORE FOR RAIL PASSENGER SERVICE?

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. OTTINGER. Mr. Speaker, in the weeks since Congress passed legislation creating a national rail passenger network, too little attention has been devoted to the means by which the Nixon administration intends to carry out that project. Over the past 30 years, rail passenger service in the United States has deteriorated to dangerous proportions. Whether there is time, even with this new authority, to revitalize what once was a vital force in the Nation's economy, remains to be seen. So far, machinations by both the White House and the Department of Transportation cast some doubt on the success of the new venture. New York Times Columnist Tom Wicker has written a pertinent and keen analysis of what is at stake. I commend it to the attention of my colleagues and present it for inclusion in the RECORD, along with a December 6 Times editorial on this urgent matter:

RAILROAD MERCY KILLING

There is an illusion, particularly prevalent among bureaucrats and businessmen who always take airplanes anyway, that the way to improve railroad passenger services is to cut off its hands and feet. In the name of efficiency and cost-cutting, lines are lopped off the dining, parlor, and sleeping cars are eliminated, and schedules are trimmed. When the number of passengers then declines still further, these same "experts" announce that the public just will not patronize the railroads.

These useless experts and this harmful illusion still prevail in the Department of Transportation. The network of passenger train routes made public by Secretary Volpe is patently defective.

On the entire Pacific Coast, there is to be no North-South service between the great cities of San Diego, Los Angeles, San Francisco, Portland, and Seattle. There is no service planned throughout the Southwest since the Sunset Route between New Orleans and Los Angeles is to be abandoned. Yet the fast-growing sunbelt states—Texas, Arizona, and Southern California—have increasing numbers of older, retired people who have the leisure and the preference for quality service.

Similarly, central and northern New England, already almost unreachable by train, are now to be abandoned altogether. The surviving trains between New York, Albany and Montreal, and between Boston and Albany are to be killed. Do President Nixon and Secretary Volpe expect the traveling public to stand and cheer this miserable plan which cuts service by nearly two-thirds?

Even worse than the deficiencies of the proposed network are the false premises which underlie it. According to Secretary Volpe's report, the first assumption which guided him and his associates is: "Intercity rail passenger service will survive only if the demand for it increases sufficiently to reverse the decline in ridership and the resultant mounting losses experienced to date in providing such service."

From this assumption, they further rationalize that available money has to be concentrated on "a limited number of routes which show some promise of profitability." They speak blandly of selecting routes based on "realistic projection of further demand and costs."

These assumptions foredoom the whole effort to failure. Has Congress appropriated $70 billion for the interstate highway system because it shows "promise of profitability"? What "realistic projections of future costs" did the nation follow when for decades it spent billions developing a network of airports and providing mail subsidies to money-losing airlines?

The answer, of course, is that the nation decided it wanted superhighways and airports. In each case, it built the best, most modern system that money could buy. Naturally, once these facilities were available people used them.

The same would be true of railroad passenger service. The assumption Secretary Volpe and his colleagues should have proceeded upon is the following: "Intercity rail passenger service is essential in a civilized, urbanized society. Its operating deficit, if any, will be supportable if riders are provided with clean, comfortable, conveniently scheduled, dependable service. As with highways and airports, the capital investment in roadbed and rolling stock will be written off by the Government."

It may be that the Nixon Administration, rather than believing in an illusion, knows perfectly well that the present approach will not work. There are cynics who called the Rail Passenger Service Act of 1970 the "railroad euthanasia bill." If this cynicism is not to be proved valid, Mr. Nixon and Mr. Volpe will have to stop approaching the problem in terms of phony public relations gestures. They will have to stop mouthing support for a "balanced transportation policy" and begin fighting for one.

PASSENGERS OR PIGEONS?

(By Tom Wicker)

WASHINGTON, Nov. 30.—Congress, the Nixon Administration and Secretary of Transportation John Volpe have made a small, shaky start on redeeming intercity rail passenger service from the limbo into which American railroads and national policy have cast it. The designation of a basic national passenger network, to be operated by a single corporation, offers hope for the future—but at the same time it suggests the immense problems remaining.

The network announced by Mr. Volpe, for instance, includes no North-South lines on the West Coast. This is not only an appalling gap, omitting what many had thought would be the profit-promising corridor route between Los Angeles and San Diego; it is also apparently the product of cost-cutters in the Administration who held down the scope of the system. This does not augur well for their faith in it or in rail passenger service generally.

Mr. Volpe pointed out, moreover, that no new equipment can be expected in operation for at least two years, which is not much less than the guaranteed life of the designated network. Yet it is the provision of clean, comfortable, speedy trains upon which rests any projection of a new public acceptance of rail service.

Moreover, the new rail corporation is expected to operate fundamentally on its own profits. The Federal Government is investing only $40 million directly in the corporation, although it will guarantee $100 million in loans for equipment and roadbeds and another $200 million in loans to enable railroads to invest in the corporation. It is at best uncertain whether, under these limitations, and after decades of neglect of the passenger by the railroad companies, the new corporation can approach a profit by July 1, 1973. After that date, if it does not, it will be empowered to reduce the basic network now designated.

This niggardly approach stands in stark and utterly senseless contrast to the $290-million further investment Congress even now is being asked to make in that unnecessary and uneconomic monument to pollution and technological chauvinism, the SST.

The small attention and sparse investment accorded passenger trains make even less sense judged against the action by the House last week in authorizing $17.3 billion more to complete the 42,500-mile Interstate Highway System by 1978. This not only represents a staggering level of investment for paving a great deal of the countryside, bulldozing much of our cities, and turning a high proportion of the American air blue and noxious; it is also an investment stupendously out of proportion to the low efficiency and poor cost-effectiveness of automobile transportation.

Since it takes only a fourth as much thrust to move a railway car on steel rails as it does to move a rubber-tired vehicle on concrete, a modern train requires only about fifteen relatively pollution-free horsepower per passenger to perhaps ten times that for a pollution-belching auto. One highway lane can handle 1,200 cars, or perhaps 2,000 passengers, an hour—compared to 40,000 passengers an hour on a single railroad track.

Former Assistant Secretary of the Air Force Robert Charles, who now is working with the Geo-Transport Foundation of New England, has pointed out that with an investment of several hundred million dollars in new roadbed, present train technology could provide a Boston-New York rail schedule of two hours fifteen minutes. That would be competitive with the airlines and beat the automobile on a time basis, and leave both far behind in passenger capacity.

At present, Mr. Charles recently told the New England Council, one-fifth of all planes landing at New York's three airports are from Boston and Washington. New York has long contemplated another airport; Boston is now discussing the expansion of its Logan Airport. But the new airport now being built for Los Angeles will cost an estimated $900 million, while one for Montreal may reach $1 billion. The provisions of high-speed, comfortable, frequent rail transit between New York and Boston might spare both cities that kind of airport costs and at the same time provide better and more efficient service.

By every such measure, the case for modern rail passenger service in America is overwhelming—if largely unrecognized. Designation of a basic system, even under existing handicaps, was a beginning. The more important step comes next, when President Nixon appoints three or more incorporators to set up the single operating corporation; the incorporators, in turn, must choose the executive management of the corporation.

Those Mr. Nixon appoints, therefore, must meet one overriding standard. They must genuinely believe in the necessity for, and the good prospects of, modern rail passenger service—speedy, clean, convenient, with courteous service, computer-managed ticketing and efficient scheduling. The defeatist attitude that descended on the railroads in recent years will be just as fatal as dirty coaches and slow trains; indeed, it will inevitably produce them.

As for Congress and the Administration, if they continue to give outsize preference to the highways and the airlines, nothing anyone else can do will redeem the passenger train from the fate of the passenger pigeon.

GENERAL WESTMORELAND BACKS ALL VOLUNTEER ARMY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the day before we adjourned for the election recess, General Westmoreland gave an excellent address at the Annual Meeting of the Association of the United States Army.

What makes this particular address so important is the commitment made by the Chief of Staff to the establishment of an all volunteer army.

The steps already underway and those outlined by General Westmoreland for the future are vitally important for the successful achievement of the volunteer army.

As General Westmoreland points out, however, Congress has an important responsibility too. We must provide adequate funds to make the volunteer army successful. With a commitment from the President and the Chief of Staff, Congress must not be the stumbling block. The distinguished chairman of the special subcommittee on the draft has held hearings on all aspects of selective service and the draft. In the next Congress we have an opportunity to move forward on the volunteer army.

I would like to include the full text of General Westmoreland's address at the conclusion of my remarks. I should also like to include an article from the October 15 New York Times which quotes Assistant Secretary of Defense for Manpower Roger Kelly as saying that with the active cooperation of the armed services, Congress and the country at large we could beat Secretary Laird's mid-1973 target for an all-volunteer army "by a significant margin."

Congress must do its part:

LAIRD AIDE HOPES TO BEAT DEADLINE

SEES ALL-VOLUNTEER FORCES BEFORE MID-1973 TARGET

(By William Beecher)

WASHINGTON, Oct. 14.—A top Pentagon official estimated today that it might be possible to achieve an all-volunteer armed force well ahead of mid-1973, the target established by Defense Secretary Melvin R. Laird.

Roger T. Kelley, Assistant Secretary of Defense for Manpower, told reporters that, with the active cooperation of the armed services, Congress and the country at large, "we may indeed beat this goal by a significant margin."

On Monday, Secretary Laird promised an "all-out effort" to do away with the need for the draft by July 1, 1973.

Mr. Kelley said that the Army was considering doubling the basic pay of certain recruits to get them to choose training in the combat branches—infantry, armor and artillery. This would be one of many steps to achieve and maintain an all-volunteer force, he said.

He noted that only 4 per cent of those needed to train for the combat forces were volunteers; the rest are assigned.

The Army is seriously considering "proficiency pay" bonuses of from $50 to $150 a month to induce recruits to choose this training, he said.

WOULD DOUBLE THE PAY

The money would be paid whether the men served in combat or not, he said, just as proficiency pay now goes to people with certain skills that are in short supply, such as helicopter mechanics. It is not to be confused with "hostile fire pay," which is currently paid to soldiers in a combat zone, whether infantrymen or truck drivers.

A bonus of $150 a month would virtually double the pay of a young private and could be quite an inducement, Mr. Kelley said. If such bonuses were decided upon for the 215,000 soldiers and 59,000 Marines now serving in the combat arms, this would cost about $493-million a year.

Mr. Kelley cited a long list of steps that the services were studying in their quest for an all-volunteer force.

He recalled that last April President Nixon said that the defense budget for the fiscal year 1972, beginning next July 1, would include $2-billion to move toward elimination of the draft. But he said that budgetary and police uncertainties left in doubt the amount to be requested in the budget due to go to Congress in January.

Other officials said that the total would, in all likelihood, be from $1-billion to $2-billion.

Other steps that are being seriously considered, Mr. Kelley said, include the following:

Substantial pay increases to bring military pay more in line with rates paid to civilians. The 20 per cent rise requested in the present defense budget for servicemen on their first tour of duty is only a modest step in the right direction, Mr. Kelley said.

An increase of perhaps 3,000 in the 16,000 scholarships currently awarded to college students enrolled in the Reserve Officers Training Corps.

Hundreds of millions of dollars worth of new housing for married and unmarried servicemen.

Special cost-of-living adjustments for servicemen living in high cost areas, such as Washington, D.C., and New York City.

A substantial increase in the number of military recruiters and in the advertising budgets for recruiting.

ADMIRAL'S ORDER CITED

Mr. Kelley said that numerous chats with servicemen had convinced him that correction of a lot of minor irritations could go a long way toward retaining good men in the service.

He cited approvingly a recent message from Adm. Elmo R. Zumwalt Jr., Chief of Naval Operations, to all Navy commands directing that enlisted men never be required to stand in line for more than 15 minutes "no matter what."

ADDRESS BY GENERAL W. C. WESTMORELAND, CHIEF OF STAFF, UNITED STATES ARMY, ANNUAL LUNCHEON, ASSOCIATION OF THE U.S. ARMY, SHERATON-PARK HOTEL, WASHINGTON, D.C., TUESDAY, OCTOBER 13, 1970

I take special pride in addressing the members and friends of this Association today. I welcome the opportunity to be among those who acknowledge the vital role of the Armed Forces in our society . . . who are concerned about the spirit and strength of this Nation's military power . . . and who demonstrate their active support for the United States Army.

Today, I want to discuss what I believe is crucial to the security of our Nation and vital to the future of the Army. This issue is the volunteer Army.

I am announcing today that the Army is committed to an all-out effort in working toward a zero draft—a volunteer force. In accepting this challenge, we in the Army will bend every effort to achieve our goal. But we need support and understanding from the Administration, the Congress, and our citizenry. This Association can help.

As you know, the Army is in a period of sweeping transition. We are redeploying forces from Vietnam, inactivating units, and reducing the size of our support base in the United States in order to come within reduced budgets. And we are still fighting a war. We currently have 300,000 Army troops in Vietnam. By next summer, after the withdrawal of those troops announced by the President, about 200,000 soldiers will remain. This is a large force executing an important and difficult mission. These forces must be supported for as long as the President chooses to keep them in action.

At the same time, this country is reordering its priorities and reallocating its resources. Department of Defense expenditures have declined sharply. The military share of the federal budget is smaller now than it has been at any time since 1950—just before the Korean War. The percentage of our Gross National Product devoted to defense in the next few years will be smaller than at any time in the past two decades, even though we are still at war. In this fiscal year alone, the strength of the Army is being very substantially reduced.

During the remainder of this fiscal year, we must send to Vietnam each month over 20,000 replacements even to meet our decreasing requirements. About 40 percent of these men must be trained in the basic combat arms of infantry, artillery, and armor. Unfortunately, few of our volunteers elect the infantry in Vietnam as their choice. When we give a volunteer his choice, he is more likely to select some other job. Accordingly, for the near future we will continue to depend on the draft for most of our replacements.

If this Nation supports the President's chosen course in ending the Vietnam War, I believe the draft must be extended beyond its expiration date of June 30, 1971. Additionally, we must appreciate that movement toward a volunteer force will take time . . . and continuation of selective service will guarantee a transition period without jeopardizing this Nation's defenses. And finally, and most important, even though we reach a zero draft, *selective service legislation should remain in force as national insurance.*

I am well aware of arguments both for and against selective service. Furthermore, I recognize that the Administration has committed itself to reducing the draft to zero. But I am also aware of the problems that confront the Army as we move toward a zero draft.

To achieve our goal, we must double or triple our enlistments and reenlistments. I assure you that we will muster our best efforts to achieve that goal.

The Army's strength is a function of the combined capabilities of both its Active and Reserve Components—the One Army concept.

Therefore, as our Active forces decrease in size, the Reserve Components take on increased importance. Both are vital to this Nation's military capability . . . and both will be affected as we move toward a zero draft. A significant part of this country's military potential and one frequently ignored is the Individual Ready Reserve—a manpower pool of almost one million trained Reservists who could be used in national emergency to fill Reserve as well as Active units. This necessary adjunct of the Army Reserve is sustained by current selective service legislation.

We know that many in Army Reserve Components are motivated to enlist as an alternative to being inducted. In view of this, a large part of our problem is to increase the number of volunteers in the Army Reserve and National Guard at the same time we increase volunteers in the Active Army.

How we manage the transition from an Army of over a million and a half men to one very substantially smaller is crucial in our movement toward attracting more men. If we decrease our Active forces in such a way that we are required to force out of the Army a significant number of volunteer officers and men who have already established their professional commitment and ability—some with two or more years of active combat—we will hardly be in a good position to attract new men into our ranks.

Conversely, if we confront our young sergeants and junior officers with no chance for promotion for many years, we face the prospect of losing many of our most capable young leaders. At the same time, we present a dismal picture of career attractiveness for those we wish to recruit. If we are to attract and, more importantly, retain young talent, reasonable opportunities for advancement must exist.

We cannot have the Army our Nation needs without good people. We need quality as well as quantity—and in the appropriate skills to meet our needs. This is our primary task—we accept it as a matter of the highest priority and utmost importance.

Success can only be achieved by a concerted effort in four areas simultaneously:

First, those of us in uniform in positions of high responsibility in the Army must attack this problem with all of the vigor, imagination, and dedication we can muster, and we must apply ourselves intensively to the task.

Second, we must eliminate unnecessary irritants and unattractive features of Army life where they exist.

But we will hold to those immutable principles of dedicated professionalism, loyalty, integrity of character and sacrifice. They are the hallmarks of a disciplined, responsible Army. All else is secondary. Young Americans thrive on challenges and high standards. We must insure that all activities have a perceivable need . . . understandably, exercises without a justifiable purpose "turn them off."

Third, we will not achieve our goal without the application of resources, and I mean money. We will need to increase pay. And we will probably find that we must put our money primarily in those jobs which are most arduous and have the least application to civilian pursuits . . . the infantry, artillery, and armor.

We will need money for housing our people—an item for which we have deferred needed expenditures throughout the Vietnam War. We will need money to maintain those houses. We will need modern barracks. We will need modern barracks. We will need money for civilian labor contracts so that our helicopter mechanics are not cutting grass and our radar technicians are not washing dishes.

Fourth, we will need the support of the American people and their leaders in business, industry, the church, education, and the news media. We cannot attract the kind of soldier we need into an organization denigrated by some, directly attacked by others, and halfheartedly supported by many. This country cannot have it both ways. If the Army is portrayed and believed as a Service to be avoided at all costs, a Service in which only those with the least qualifications need be recruited, and if we do not have the active help of community and national leaders in every field, even money will not do the job.

Success is required in these four areas if we are to achieve our goal. But the Army has sufficient control to produce what is required only in the first two. We can attack the problem immediately and energetically. And we can work toward making life in the Army more attractive for those young men we want to volunteer. But in the other two areas, we need help . . . from the Administration, the Congress, and the citizenry of our Nation.

I hereby commit the Army to the achievement of the first two objectives.

We have instructed commanders to avoid any practice that could be considered in the category of "make work." Specifically, they have been alerted to such things as:

Reducing inspections so that more time can be devoted to training.

Increasing their sensitivity to unrealistic training schedules that do not produce tangible results for the time expended.

And insuring that Saturday morning activity is not scheduled when that same activity could be accomplished just as effectively during the week.

We have achieved tangible results:

We have identified successful recruiters and stabilized their tours.

We have improved our training by implementing individually oriented, self-paced instruction in some military skills.

We have implemented a generous student loan program for dependents.

And we have begun to improve services for our men and their families—items such as improved laundry and commissary services.

A final point, and one in which I have great personal interest, is the broad opportunities for the men and women in the Army to improve themselves. Education means a great deal to the soldier, the Army, and the Nation. What the Army is doing to provide additional educational opportunities for its people is not well known. But it is substantial. Listen to this:

In the Army school system of two colleges, 20 branch schools, and 11 specialist schools, we offer over 900 different coures of instruction on a campus that is located in 17 different states. By the end of this fiscal year, we will have had 67,000 in the classroom each day of the year and will have enrolled over 350,000 servicemen in our Army school system. These courses cover a wide spectrum of academic subjects as well as skills, trades and crafts. And most of these are readily transferable to civilian pursuits.

During FY 70, 55,000 soldiers completed high school or received equivalency certificates and over 500 received baccalaureate or advanced degrees through the Army's General Education Development Program.

These were part of the 200,000 soldiers who took advantage of Army sponsored educational opportunities—from the elementary through the university level—during the past fiscal year.

Additionally, in this period, over 38,000 who did not possess the necessary mental prerequisites entered the Army and have been given the opportunity to improve their basic education level to meet our minimum standards.

This wide participation in educational betterment is in addition to the more than 2,000 officers who are currently enrolled in the Army's advanced civil school and degree completion programs.

As we look to the future we must, and will, do more to improve opportunities for the men and women in the Army to upgrade their education and to become better citizens.

These—and other measures already adopted—are only a beginning. We will do more—we will concentrate our efforts—and we will put maximum impetus behind them.

Accordingly, I am appointing a senior general officer as Project Manager, reporting directly to me and to Secretary Resor. His mission is to raise to the maximum extent possible the number of enlistments and reenlistments in both the Active Army and Reserve Components. This officer will have authority similar to that of the Project Managers of major weapon systems currently in the Office of the Chief of Staff.

Second, we are immediately increasing the size and quality of our recruiting effort.

And third, at all levels throughout the Army, senior officers will be charged personally with the responsibility for increasing the retention of good people, both by improving the living standards of their men and families and by an intensive effort to capitalize on the many attractive features of Army service.

Our Army is an organization of young people. Today the average age of those in the Army is less than 23 years. Over three-fourths of our enlisted strength has less than three years of service. The young men who are and will become our soldiers and junior officers have attitudes that differ from those of our older group of officers and non-commissioned officers. To ignore the social mores of this younger group is to blind ourselves to reality. Their values and attitudes need not necessarily be endorsed by Army leadership . . . yet we must recognize that they do exist. We must make Service life better understood by those who fill our ranks.

We will leave no stone unturned. We are willing to part from past practices where such practices no longer serve a productive and useful end. We are reviewing all our policies and administrative procedures . . . . Nothing is considered sacrosanct except where military order and discipline . . . the soul of the Army that insures success on the battlefield . . . are jeopardized. In this, we cannot and will not yield. We will continue to hold to the principles that have traditionally guaranteed this Nation a loyal Army.

Those of you who have worn the uniform of our country look back on your service with satisfaction and pride. After the dust has settled, I am sure such will be the case with our younger generation. The important thing is that the Army not only provides an opportunity for the young people of our country to serve proudly but also provides them an opportunity to prepare themselves to be better and more effective citizens.

Today, the Army of the United States has committed itself to moving toward a volunteer force with imagination and full energy. But our success will require the assistance and support of the Administration, the Congress, and the public.

Our efforts, alone, will not be enough. All citizens must do their part. We will need assistance from many quarters. We invite your help.

GOOD NEWS FROM CLASS 4–4

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. BINGHAM, Mr. Speaker, I insert the following article from the New York Times for 3 reasons:

First, Mr. Lelyveld's story illustrates the fact that New Yorkers—contrary to the general impression—tend to be warm and kindly people.

Second, the prominent placement of this article, complete with picture, shows that a great newspaper will feature good news as well as bad.

Third, Record readers should know that wonderful things are happenings in New York City all the time in spite of the city's job-like afflictions.

Class 4–4: A Rule Is Bent to Give Shaun a Chance

(By Joseph Lelyveld)

At the start of the third week of school this fall the children of Class 4–4 were told by Miss Dorothy Boroughs, their teacher, that a new student was about to join them. His name was Shaun Sheppard and, as the teacher explained it, he was really in the fifth grade but was going to remain in their class.

"They call it 'traveling,'" she said. "He'll be traveling in our class."

The aim of this unusual arrangement was to enable Miss Boroughs to continue working with Shaun, who had made good progress with her help the previous two years but still had a long way to go if he was not to be hopelessly stranded in school.

Shaun could not be formally enrolled in Miss Borough's fourth-grade class because he had already been left back once and that was the limit, according to school regulations. Besides, though he was thought to be more than two years behind in reading, there were other fifth graders who were much worse off.

A RULE IS BENT

What made him different was Miss Borough's belief that she could make a difference in his life and the willingness of her superiors to ease the rigidities of the system so she could try. But if schools had analysts to calculate risks and probabilities the way insurance companies have actuaries, then Shaun Sheppard would probably be recorded on a computer printout as the student in Class 4–4 with the lowest educational expectancy.

This would fly in the face of everything that is most obvious about Shaun himself—his lively intelligence, his feeling for stories and language, his gift for sketching and painting, and his self-sufficient emotional sturdiness, none of which could be easily missed or overlooked in a classroom.

But a computer would not have to assume equality of opportunity as the schools do when they demand that learning take place at a uniform rate. It would know, without asking why, that not many students catch up in school after falling two years behind, and that students coming from families that have been on welfare for two generations, as Shaun's has, tend to fall behind first.

ONE LIFE 'MESSED UP'

Shaun's mother, Josephine Sheppard, knows this better than any computer. Her own life, she says, was "messed up because I never learned what I was supposed to know."

As she bitterly recalls it, she was assigned to a class for retarded children in school, though it was and is obvious that she didn't belong there. Then she dropped out altogether from Mabel Dean Bacon Vocational High School here after giving birth to Shaun at the age of 17, which was 11½ years ago.

With her own experience in mind, she says learning is what will save Shaun, "the only son I have." Three years ago she approved Shaun's being left back to repeat the third grade. She says she approves his studying with a fourth-grade class now, for it means he still has a fighting chance to move ahead with the skills he needs and not be pushed on to oblivion, which is what high school became for her.

Miss Boroughs first met Shaun when he was going through the third grade the second time. In those days he was regarded as a discipline problem and could hardly read.

But when she came into his class as a "cluster teacher" to read stories and poems, with the aim of showing that reading has a purpose, Shaun quickly won her over with the radiance and gentleness of his smiles, his eagerness to sit next to her as she read, his complete absorption in the stories, and his quickness in committing to memory verses by poets such as Robert Louis Stevenson on subjects such as rain and snow.

That year and last, Shaun's reading improved to the point that he was nearly able to handle material designed for the third grade; with the progress he has made this fall he is now almost up to the fourth grade.

But he still has a strained and erratic relation with words and numbers on paper. Having to read aloud to his teacher or his class still seems to embarrass him slightly, causing him to sit tensely, curl his hair nervously with a finger and vibrate his knees like a jack-hammer under the table.

PERFORMANCE VARIES

Sometimes he will go to the blackboard and write "tor" as the first three letters of "taught" or subtract 678 from 1,000 and come up with the answer 789. But when he concentrates, he often works well and, on occasion, manages to express himself not just well but elegantly.

For instance, the other day Miss Boroughs was trying to get the class to tell her that she should use multiplication to solve a problem she had put on the blackboard. "Well, what should I do with these numbers? Should I cook them?" she asked, baiting the class. "What would I get if I cooked them?"

It was Shaun who called out, "A numbers soufflé."

Similarly, when Class 4–4 wrote letters to Blanche Goldberg, a student teacher who was moving to another class, it was Shaun who wrote, "Your times table work in Class 4–4 was very good and I may add superb, Miss Goldberg." Urging her to keep up the good work, he also advised, "Sock it to the facts, Miss Goldberg."

Miss Boroughs cautiously broached the idea of switching from Class 5–2 to 4–4 to Shaun when he visited her classroom early in the semester to give her a tiny bottle of dime-store perfume for her birthday. At first he said, "'Maybe." A week later he said "Yes."

She then promised him that he could return to 5–2 whenever he liked and, whatever happens, that he would be promoted to the sixth grade in June.

SUNLESS APARTMENT

Shaun lives with his mother and infant sister in a small, well-scrubbed but roach-infested tenement apartment that is below street level and gets so little natural light it might almost be under water. Heroin addicts sometimes pass the apartment on their way to the basement to shoot up. Because of them, the Sheppards keep gates on all the windows and a large dog.

He has a room and television set to himself. Television, he says, is "where I learn." It also may be where he picks up words like "soufflé and "superb."

Plaster is crumbling from the wall above his bed and his landlord only invites his mother to move out when she complains. But Shaun has handsomely decorated the wall with his own painting of Mickey Mouse.

Usually he is late when he comes swinging out of the building every morning, passing through the front door, which is missing its glass pane. From there it is a block and a half to school.

ORDER OF LAFAYETTE RESOLUTION REGARDING THE CASE OF SIMAS KUDIRKA

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. FISH. Mr. Speaker, Americans are sickened, puzzled and angered by the return of a would be Soviet defector to his uncertain fate. The President has called the incident outrageous. The State Department is reported as agonizing over its role in the event. The unfolding story is one of confusion, with poor judgment the most charitable if unsatisfactory explanation offered. We have witnessed the sacrificing of a man's freedom when the question at issue was as basic as freedom itself.

New Presidential guidelines on defections should prevent a recurrence, but for now the shame, the stain is with us.

Mr. Speaker, the following resolution was adopted unanimously by the board of directors of the Order of Lafayette, Inc., and by the annual dinner held at the Plaza Hotel in New York City on December 7, 1970:

LET NO ONE GUILTY ESCAPE

(By former Congressman Hamilton Fish, Sr.)

Whereas we are today celebrating the 29th Anniversary of Pearl Harbor once known as the Day of Infamy, we are confronted with another infamous act in violation of our sacred honor as the sanctuary of Freedom.

Whereas there is an old saying that Freedom shrieked when Kosciuszko fell, and now American freedom was sabotaged when Kudirka was seized on board an American ship,

Whereas this Lithuanian radio operator who jumped from a Russian trawler onto an American Coast Guard cutter on November 23 despite his pleas for protection and sanctuary and while praying to God to be saved, was beaten by a number of Russian sailors who boarded our Coast Guard ship, tied him into a blanket and carried him off in triumph on board the Russian trawler to slavery or death,

And Whereas the tragic surrender of the Lithuanian defector shocked all freedom-loving Americans and all people everywhere who love freedom and loathe tyranny,

And Whereas all loyal Americans are deeply ashamed of our part in the martyrdom of a brave Lithuanian defector who risked his life seeking freedom from Communist slavery,

And Whereas the United States has always hitherto been recognized throughout the world as the fortress of freedom and the hope and aspiration of all those who want to be free,

And Whereas we will steadfastly uphold the torch of freedom and openly and fearlessly send the word throughout the world that such shameful appeasement will never happen again and that this Lithuanian refugee shall not have suffered imprisonment or death in vain. As the Honorable Clare Booth Luce warned "will mankind eventually stand in the light of Freedom or crawl in the darkness of slavery?".

Therefore Be It Resolved by the Board of Directors of the Order of Lafayette at a meeting held in New York on December 7, 1970 that we denounce the servile appeasement in surrendering from an American Coast Guard ship Simas Kudirka, the Lithuanian defector by force and violence into Communist slavery and martyrdom.

And Further Resolved, we urge the Administration to publicly proclaim throughout the world that all refugees from tyranny and slavery will be protected wherever the American flag flies on sea or land, within our jurisdiction.

And Further Resolved that we deplore this unnecessary sacrifice in the cause of freedom and respectfully urge and insist that any officer or government official no matter how high who was responsible for abjectly surrendering this seeker of freedom back to slavery shall be court-martialed or tried as the case may be and that no one guilty of this atrocious action shall escape proper punishment within the law and the Constitution.

And Further Resolved that a copy of this resolution be sent to the President of the United States, to the Vice President, to the Secretary of State, to the Secretary of Transportation, to the Speaker of the House of Representatives, and to all members of the House and Senate committees investigating this disgraceful episode affecting the honor of the United States."

STATE ANTIPOLLUTION BOARDS HAVE POLLUTERS FOR MEMBERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. HAMILTON. Mr. Speaker, a New York Times article by Gladwin Hill on State antipollution boards documents cases in 35 States where the foxes have been set to guard the chickens. In this analogy, unfortunately, State residents have become the chickens. I recommend the following article to my colleagues:

POLLUTERS SIT ON ANTIPOLLUTION BOARDS

(By Gladwin Hill)

Most of the state boards primarily responsible for cleaning up the nation's air and water are markedly weighted with representatives of the principal sources of pollution.

This has been established in a nationwide investigation by The New York Times into the composition and operation of these boards and their role in environmental improvement.

The inquiry revealed that the membership of air and water pollution boards in 35 states is dotted with industrial, agricultural, municipal and county representatives whose own organizations or spheres of activity are in many cases in the forefront of pollution.

The roster of big corporations with employes on such boards reads like an abbreviated blue book of American industry, particularly the most pollution-troubled segments of industry.

The state boards—statutory part-time citizen panels of gubernatorial appointees and state officials—are in most states the entities that set policies and standards for pollution abatement and that then oversee enforcement. They are the agencies that the Federal Government usually has to deal with.

The possibility that board members' personal connections could prejudice objective handling of pollution problems is deplored by Federal officials. They say privately that the composition of such boards is perhaps a major reason why abatement has not progressed faster.

These officials have no objection to spokesmen for special interests serving on boards that are purely advisory. In fact, most of them welcome it. But they point out that the state pollution boards have policing powers and they think that it is wrong for members to be responsible for policing their own areas of activity.

The widespread practice of putting individuals linked directly or indirectly with polluting on state pollution boards is defended by those involved on two grounds.

One is that such individuals bring to bear needed expertise and familiarity with pollution problems. The other is that such entities as industry, agriculture and local government, because of their civic importance, rate special consideration in the councils of government.

Although there is no precise way to measure the impact of such boards on pollution problems because conditions vary so widely from state to state, there is abundant circumstantial evidence that they do not expedite pollution abatement.

One Colorado state hearing on stream pollution by a brewery was presided over by the pollution control director of the brewery. For years a board member dealing with pollution of Los Angeles harbor has been an executive of an oil company that was a major harbor polluter. The Governor of Indiana recently had to dismiss a state pollution board member because both he and his company were indicted as water polluters.

Only seven states were found in The Times inquiry to have boards without members whose business or professional ties posed possible conflicts of interest.

Eight other states—among them New York and New Jersey—get along without such boards, dealing with pollution entirely through full-time state agencies.

Conservation organizations and citizen groups in many states are campaigning against what they call "stacked" boards, and a number of states are contemplating reforms. But boards weighted with representatives from the pollution sector still dominate the national picture.

The controversial composition of most state pollution boards can be traced to their origins in state legislatures.

Many water pollution boards were created in the ninteen-fifties when water pollution first emerged as a nationwide problem and Congress passed laws giving Federal officials authority in interstate abatement. Air pollution boards were mainly formed in the last three years in response to analogous Federal legislation.

Familiar interest-group pressures in legislatures resulted in board seats in many cases being allocated by statute to such categories as industry, agriculture and municipalities.

Agriculture is a major source of pollution, from field burning and the drainage of animal wastes and farm chemicals. Counties and municipalities by the thousands have inadequate sewage facilities and noisome dumps and incinerators, and they are often as slow about remedying them as other polluters.

Some states even viewed pollution abatement as having a partisan aspect. The laws of Missouri, Utah and Ohio require that certain pollution board seats be split between Republicans and Democrats.

STATE OFFICIALS' ROLE

The presence of state officials on pollution boards does not always guarantee objectivity. Often they are from state Departments of Agriculture, Industrial Development or other agencies functionally allied with pollution sources.

Rarely, in the creation of the boards, were there any lobbyists for the general public. So it is unusual for more than one or two seats on a board to be earmarked for representatives of the public at large—if there are any at all—even though pollution is a problem distinctively affecting the entire public.

The arguments for composing boards largely of special-interest representatives are emphatically contradicted by the top Federal officials.

The Federal Water Quality Commissioner, David Dominick, said in an interview:

"Where a statutory board has responsibility as part of state government to establish standards for pollution abatement, the public is ill-served to have representatives of private vested interests passing judgment on such regulations.

"I think there's enough expertise in the public sector where no conflicts of interests would occur. The whole board should represent the public."

OPPOSES PRESENT SYSTEM

Dr. John Middleton, director of the National Air Pollution Control Administration, said:

"I think boards should represent disciplines that bear on air pollution rather than economic interests. Industry can provide any helpful information on a nonmembership basis.

"The pattern of one or two seats on a board earmarked for representatives of the public doesn't make any sense. All the members of a board should represent the public."

In many instances, industry is demonstrably subsidizing in some degree the operation of state pollution boards. Typically, they meet monthly for a day or two. Members get only nominal compensation—$6.30 an hour in Ohio—or sometimes only travel expenses. That means they are serving on their employers' time, and even if they forego their regular pay they are beholden to their employers for leaves of absence.

Critics of the "weighted" state boards do not contend that such boards are entirely unproductive. It is generally conceded that they have been the spearhead, however blunt, of much of the progress that has been made in pollution abatement. This applies particularly to air pollution, in which Federal regulatory steps to date have had little effect outside the field of automobiles.

The critics' contention is simply that with disinterested boards, action would have been more decisive and progress faster. This applies particularly to water pollution, an area in which Federal authorities in the last two years have been impelled repeatedly to go around state machinery and bring actions directly against polluters.

The Times investigation, conducted over the last two months, disclosed no instances of corruption. Indeed, a Federal official commented: "As far as we know these are all upright people. Many undoubtedly strive to be objective. But if you were trying a case against the X.Y.Z. Paper Clip Company, would you want an official of the company on the jury?"

No two of these state panels are exactly alike in composition. They range from five to 15 persons. A typical pattern is a nine-member board composed of several state officials, one or more representatives of industry, a representative of agriculture, representatives of municipalities and counties, and perhaps representatives of "conservation" and of "the public."

Industry is the most ubiquitous presence on such boards, with the steel industry, a big source of both air and water pollution, the most heavily represented.

The United States Steel Company, which has been cited as a polluter by Federal, state or local authorities in Ohio, Pennsylvania, Alabama and elsewhere, has executives on the air pollution boards of Alabama and Utah.

The company also had a man on Indiana's air board until a few months ago, when he was removed by Gov. Edgar Whitcomb because both he and his company had been indicted by a Federal grand jury for alleged violations of Illinois air pollution regulations.

Bethlehem Steel and National Steel have employes, respectively, on Indiana's air and water pollution boards. Bethlehem is also on the air board of Erie County, (N.Y. (Buffalo)), where it has been cited as an air polluter.

Other metal concerns also have a prominent part in pollution policymaking and enforcement among the states.

The Anaconda Company—recently sued in Montana for damages attributed to its fluoride emissions—has an executive on the air pollution board in Kentucky.

An Anaconda lawyer is on the water board in Utah. And the former head of an Anaconda subsidiary is chairman of Montana's Water Pollution Control Council.

A Reynolds Metals man is on the Alabama Water Commission. An Aluminum Company of America lawyer is an industry representative on North Carolina's Pollution Board and a staff doctor of the company is chairman of Iowa's Air Pollution Control Commission.

ROLE OF CHEMICAL MAKERS

The lead industry is well represented in Missouri pollution control. A former executive of the Eagle Pitcher Company (defendant in a recent Federal water pollution action in Kansas) is on the Missouri air board, and a National Lead executive is on the Missouri water board.

The next most active industry in providing expertise for state pollution boards is the chemical manufacturers—also a widespread pollution source.

Monsanto has men on the Arkansas Pollution Board and on the air boards in Tennessee and Idaho. Union Carbide which has temporized for more than a decade in controlling noxious fumes from its Alloy, W. Va., metallurgical plant, has an executive on the state air pollution board in Colorado.

The DuPont company, a recurrent water polluter in its headquarters state of Delaware, has abstained from pollution board participation there—although another chemical company, Hercules Inc., is represented. But in Tennessee, a DuPont man is chairman of the air pollution control board and another DuPont man is on the state water board.

The Stauffer Chemical Company, whose fumes periodically tincture the air around Las Vegas, has a man on Nevada's Air Pollution Advisory Council, the source of panels that consider appeals from citations. The company also has an executive on Nebraska's Air Pollution Control Board.

The paper industry, another big pollution source nationally, is also well represented in pollution control agencies.

A Scott Paper Company man is on Alabama's water commission. A West Virginia Pulp and Paper Company man is on Kentucky's water board. An International Paper Company executive is on the Alabama air board.

The Brown Paper Company long criticized by conservationists for pollution, is on New Hampshire's air board. The Weyerhauser Company is on North Carolina's pollution board. The Bowaters Southern Paper Company is on the Tennessee air board.

On Wisconsin's pollution control board are two lawyers whose clients have included the St. Regis Paper Company and Consolidated Papers, Inc.

On the Water Pollution Control Commission in Kentucky, where acid drainage from coal mines is a big water pollution problem, is the president of the Kentucky Coal Operators Association.

These are only some of the bigger corporations from major pollution fields with representatives on the state boards. A complete list would run well over a hundred.

What are the effects of pollution influence within pollution boards?

Direct evidence that it is retarding pollution abatement is hard to find. No precise scales have yet been developed to gauge the degree of pollution in any particular state. Thus there is no way of comparing the relative progress of states with and without "weighted" boards.

There is no way of telling, moreover, how biased one board may be without prolonged observation and the effects of bias may be mingled with the effects of weak laws and regulations.

Evidence is available on all sides that from a national point of view efforts to reduce air and water pollution are making little headway under the prevailing system.

In four years, for example, air pollution has increased from an annual total of 142 million tons of contaminants to well over 200 million tons.

More than three years after the statutory deadline, as another example, only 18 states have adopted water quality standards satisfactory to the Federal Government.

What is more, Federal officials have information indicating that 32 states have extended various abatement deadlines without the approval of the Secretary of the Interior—technically a violation of Federal law.

But correlating general evidence of this kind with a particular "weighted" board in a given state will almost always be open to argument until more exact pollution measuring techniques are worked out.

What remains is circumstantial evidence. There is a wealth of it at hand and it clearly indicates the "drag effect" that such boards may have on attempts to get pollution programs moving. Here are some samples:

The Nebraska Water Pollution Control Council, notwithstanding, widespread water pollution from cattle feed lots, went 14 years without issuing a citation to such offenders until last May, when Federal officials threatened to move against an aggravated case of pollution.

In Minnesota, where one statutory requirement on the composition of the nine-member State Pollution Control Agency is that it shall contain a farmer, air pollution regulations for cattle feed lots were proposed two years ago but have not been enacted yet.

Since May, 1967, the Connecticut Water Resources Commission has issued 863 orders regarding pollution abatement. Official records indicate that compliance has been obtained in less than half of these cases.

Wisconsin's Attorney General, Robert Warren, has publicly chided the state Natural Resource Board's enforcement arm for occupying itself with "small cheese factories and small fry polluters" rather than big offenders.

Ohio—where four of the five members on the Air Pollution Control Board have ties with the pollution sector (with industry represented by Procter & Gamble, a soap company with an acknowledged pollution record)—has the smokiest city in the country, Steubenville.

Colorado's Air Pollution Control Commission recently went along with industry suggestions that preliminary enforcement of clean-air standards not be started until 1973, although disinterested citizens have contended that the standards could be met by mid-1971. Full-scale enforcement is not scheduled until 1980.

On Alabama's 14-member Water Improvement Commission, all six "industry" seats are occupied by executives of companies now involved in pollution proceedings. Alabama recently was denied a $600,000 Federal pollution control assistance grant because its laws were adjudged so weak.

Louisiana's air and stream control commissions—composed of state officials and representatives of such groups as the Louisiana Manufacturers Association and the Louisiana Municipal Association—have never imposed a fine on anyone, and the air commission has brought only one corporate polluter into court in five years.

On Pennsylvania's 11-member Air Pollution Control Board the lone "public" member is a former vice president of a steel company. Another steel executive left the board only recently. An executive of a third steel company is on the state's water board. Scranton, Johnstown and Pittsburgh are among the top 10 on the Federal list of smokey cities.

A confidential vignette of one board's activities was provided by a recent official in a Midwestern state where pollution problems are conspicuous.

"The chief problem," he said, "was a general atmosphere of timidity [on the board] due to a hostile, lobby-ridden legislature and an apathetic Governor.

"We had money troubles constantly, so we didn't get much done. Some members would knuckle under if industry seemed to be getting to the Governor. The Governor had some ties with the power industry, which restrained us from adopting tough emission restrictions."

Virginia has been so conscious of the possible conflicts of interest that it has adopted a law to eliminate it: Even members of the Legislature are ineligible to be on pollution boards.

The few states that have panels composed of engineers, professors, pharmacists, housewives and other disinterested citizens and that obtain expertise from outside sources give every evidence of getting along just as well as boards with members from the pollution sector.

This is also true of the states that have no citizen pollution boards. Several of these, such as New Jersey and Illinois, established professional environmental control agencies in the last year or two to supercede polluter-connected boards.

The Indiana Legislature next year will consider a proposal to supercede its present industry-oriented pollution boards with a full-time state agency like that in Illinois, which pays its five professional pollution control board members from $30,000 to $35,000 a year. Iowa and North Carolina are among other states considering structural revisions.

In Ohio, a "Breathers Lobby" of health, labor, church and conservation organizations has been pushing bills that would orient the state air pollution board more toward public interests by including an ecologist and an engineer among its members.

Short of statutory changes, one remedial strategy is the "end run" around slow-moving boards. Pennsylvania's Department of Justice three months ago established an "Environmental Pollution Strike Force" of six young lawyers, who have filed 17 actions against polluters and already won nine.

Finally there is the power of citizen pressure. State pollution boards generally are required by law to hold public sessions, and citizens in some states are finding that a sedulous gallery of observers may change the tenor of boards, deliberations.

At a recent stormy meeting of Alabama's water commission, an irate woman conservationist hauled off and slapped a member of the board.

COMPOSITION OF STATE POLLUTION BOARDS

	Air board	Water board	Combination air-water board
Alabama	*	*	
Alaska		**	
Arizona		**	
Arkansas			*
California [1]	***	*	
Colorado	*	*	
Connecticut	*	*	
Delaware			*
Florida			***
Georgia [2]		*	
Hawaii			***
Idaho	*	*	
Illinois		**	
Indiana	*	*	
Iowa	*	*	
Kansas			***
Kentucky	*	*	
Louisiana	*	*	
Maine			*
Maryland	**	**	**
Massachusetts			***
Michigan	*	*	
Minnesota			*
Mississippi	*	*	
Missouri	*	*	
Montana	***	*	
Nebraska	*	*	
Nevada [3]	*		
New Hampshire	*	*	
New Jersey	**	**	**
New Mexico			***
New York [4]	**	**	**
North Carolina			*
North Dakota	*	*	
Ohio	*	*	
Oklahoma			*
Oregon			*
Pennsylvania	*	*	
Rhode Island	**	**	**
South Carolina			*
South Dakota	*	*	
Tennessee	*	*	
Texas	*	*	
Utah	*	*	
Vermont	***	***	
Virginia [5]	***	***	
Washington	**	**	**
West Virginia [6]	*		
Wisconsin			*
Wyoming [7]	*		

Footnotes at end of table.

* Means state pollution board contains representatives of basic pollution sources (industry, agriculture, county and city governments).

** "No Boards" means air and water pollution regulation statewide is handled by a full-time State agency.

*** Means State board is free of such representation.

[1] Pollution sources represented in regional branches of State water board.

[2] Air pollution handled by State board of health.

[3] Water under State board of health.

[4] State environmental board is advisory.

[5] Interest conflicts banned by law.

[6] Water under State division of water resources.

[7] Water pollution control council is advisory.

Note: This table is not a classification of States a ir and water pollution conditions.

HON. JAMES A. FARLEY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. DELANEY. Mr. Speaker, the Honorable James A. Farley, distinguished former Postmaster General and legendary chairman of the Democratic National Committee, rightly has been acclaimed as one of America's most illustrious political leaders. Presently chairman of the Board of the Coca-Cola Export Corp., he also is recognized as a preeminent expert on the subject of American politics.

In this connection, a newspaperman friend, Mr. Paul Corcoran, recently asked him to prepare an article presenting his views and opinions on so-called political bosses who functioned during past years.

In replying to his friend, Mr. Farley prepared a most interesting and informative article, in which he vividly recalls an important aspect of American political history often overlooked in textbooks.

With the thought that we today can well benefit from studying the past, I am taking this opportunity to share Mr. Farley's article with my colleagues by inserting it at this point in the RECORD:

DEAR MR. CORCORAN: I am glad to give you my views. Yes, the so-called "Big Bosses" of the Big Cities have passed. As they pass into history, however, it seems to me that their vital, and from some standpoints, their magnificent part in American history is overlooked.

In my opinion, merely "dating back to the mass immigrations" would not explain their place in history. The old political bosses were American institutions; extra legal institutions, to be sure, but supplying a basic necessity of the growing American Republic.

The Big Bosses performed many of the functions for the new immigrant which are now performed by the huge H.E.W. government bureaus. It has been said by those who would diminutize their importance that they were the "political brokers" of the newly arrived, and that they ensnared their votes in return. Actually, they did much more as I will point out. But suppose they were political brokers? No one stopped the rich Republican financiers from doing the same thing. What is more, as their political "brokers," the Bosses got at least a show of humanity from the city governments, the first of its kind.

The Germans came first, starting around 1840 until 1848 when there was a German rush. They were better educated and more propertied than the later waves of immigrants, and they established themselves with distinction even before the Civil War. New York, Cincinnati, St. Louis, Milwaukee and Indianapolis were among their principal sites of settlement, and there was no place they went to which they didn't add their tremendous industry and great civic sense.

The Great Irish wave started with the Potato Famine of 1846. I don't want to go into this; the history of that Famine and the great plagues it brought are one of the blackest blots upon Christian history.

I hope, in your study, you will devote a few pages to an objective account of what the Irish suffered, not only at home, but in these United States, and for decades. Their labor was sometimes used when it was too dangerous to their health to send valuable slaves. This lasted for years. There was a saying that there was a dead Irishman lying under every tie of the Trancontinental Railroads. This, of course, is an exaggeration, but it is not an exaggeration to say that their pitiful wages gave them a standard of living which makes today's welfare standards look like a Roman feast.

Nor can I refrain from saying that in addition to winning their standing with their sweat and their tears, they more than earned their American citizenship with their blood. As Al Smith said, "Look at the Record." From the Revolution to the Fighting 69th, the Irish descended Americans are second to none. Nearly one half of the winners of the Congressional Medal of Honor are Irish-descended. 17 Kellys and 16 Murphys alone won the nation's highest decoration; check it.

What kept the Irish together was the Roman Catholic Church; it was their shield. What turned out to be their political sword was the Democratic Party. And what was their principal means was that they spoke the English language. They are a warm-hearted people and their suffering gave them great understanding.

So they met the boats of immigrants when they came in; you bet they did.

They met the people who couldn't speak the language and they met them as their friends. They found them jobs, they got them placed, they looked after them. These people had to earn their livings, hard livings. But they knew where to go when they were in trouble—the district club house. From morn to night, but especially after working hours, the district leaders were there, seven nights a week, listening to the poor people and their complaints.

The had little books where they listed every complaint. The next day, they would go to the various city departments themselves, to get the things straightened out: These factors were called "contracts." As a matter of course, the city officials would do the best they could to help the Bosses who had gotten them their appointments.

They had very little money for relief. In extreme cases, they would find a ton of coal for a freezing family, an undertaker who would bury as a favor, and doctors who forgot to send bills. They also created jobs—watchmen, for example—far and beyond what was needed. Today it's called relief. Then it was called municipal waste and corruption—but it served the same purpose—to save a poor family. See Lincoln Stephens on this—his autobiography really shows the humanitarian picture behind the "corruption." This is the point I want to make to you, that the word "corrupt" is supposed to describe the Big Boss system underneath. Well, this is in part true, I suppose. But the Big Boss "corruption" was really humanitarian underneath as far as the poor working immigrant family was concerned. The Big Boss certainly made deals with the Public Utilities companies—but part of that deal was for more *jobs* for his working people.

The Irish were very good at looking out for poor people because as no other people they knew what unemployment, in all its horror, means. This is much more than hunger and other privations. It is a humiliation of spirit. What the Big Bosses organization offered, therefore, was understanding and affection—believe it or not—affection and sympathy for a family in trouble. There were no forms to fill out; they just helped. There was no nonsense about lack of character requiring affidavits of necessity. In short, the Big Bosses knew the people because they were of the people and this is what kept them going. What finished the Big Bosses is primarily that they did their job so well that the immigrant peoples didn't need them after the first generation. The blast furnace of the American Melting Pot is the public school. Today, just short of half of the American people are the children of these illiterate immigrants. And where are they—at the top of their professions.

Now the Welfare Departments do all of the things the Big Boss used to do, but its institutionalized. This is called public conscience now; but if we want to call them fairly, it was public conscience when the Big Boss performed the same acts, though it was called corruption then and now. But, at least, it indicates that the Big Boss was something of a Gunga Din—he got belted and flogged for doing what was as necessary then as it is now. But the new welfare institutions and general education which, incidentally, he helped establish, have put him on the shelf.

There's one thing more I want to say. The word of the Big Boss was good. It may only be because it was his stock in trade, so to speak. But whatever the reason, his word was good. Another thing: The Big Boss often "went to bat" in criminal cases, especially when there was a bad boy in a working family; but he never, never tinkered around suits between citizens and he never took money for helping a poor family in trouble.

There are a couple of more points I'd like to make. The Big Boss was on the keen lookout for talent. A poor boy, if he wanted to work, was given a chance. That's where the Democratic Party came in. Al Smith, Senator Bob Wagner, President Harry S. Truman, President Lyndon B. Johnson, were all poor lads. So was I; and I've never stopped saying that if it was not for the Democratic Party, I would never have been its Chairman or a Cabinet officer, and these honors came to me for personal service.

I deplore the vast sums of money spent in campaigns today, because it is shutting poor boys out. The T.V. cameras will focus on a student riot, but I defy anyone to come up with any coverage of the Young Democrats or Young Republicans, giving them the same attention the old Bosses did. The high cost of campaigning is driving talent out of both parties, closing the old doors, and to the immense disadvantage of the Republic.

I strongly suggest to you that you compare the "subsidies" given in the name of public policy, the franchises given in the name of public necessity, and the tariffs exacted by the Republican Party at the time the Big City Bosses got the name of being corrupt for giving a portion of these sums to the poor. Mind you, I do not condone the corruption; but I do object to that term being applied to the Big Boss at the Bottom if it is to be condoned in the Republican Barn at the top.

One more thing; if it hadn't been for the Big Bosses, believe me, the basic legislation of F.D.R., which put the Liberals in the political business and put the Big Bosses out of it, couldn't have been passed without the Big Bosses themselves. I handled that legislation for the President and I know this as no man other than he knew better.

LOWER FARES FOR U.S. SERVICEMEN

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. FRIEDEL. Mr. Speaker, as many in this House know, I have, as chairman of the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce, been a constant advocate over the years for lower fares for our air travel consumers.

In this regard, I am most pleased that one of our large progressive supplemental carriers, World Airways, recently announced the filing of a new low tariff with the CAB that will allow U.S. servicemen to fly roundtrip from South Vietnam to California for $350. The extension of low-cost fares for home visits to the United States for U.S. servicemen stationed in Vietnam is long overdue and an extremely worthwhile undertaking.

I want to take this occasion to congratulate World Airways on receiving this year's USO Gold Medal for safely transporting over 500,000 servicemen and women. I also commend the company's initiative in seeking the lower servicemen's fares and the press release announcing this new plan be included at the conclusion of my remarks:

LOWER FARES FOR U.S. SERVICEMEN

Edward J. Daly, Chairman of the Board and President of World Airways, Inc., announced his Company had filed a new charter tariff with the Civil Aeronautics Board which would enable military personnel to fly round trip from Vietnam to California for $350.00. World, which operates a fleet of Boeing 707–320C Fan Jet Aircraft, is the largest charter carrier; it is based in Oakland, California and has operated scheduled air service in and to Southeast Asia for the military since 1956. Last year World flew almost 20 million miles for the Military Airlift Command and recently received the USO Gold Medal Award for having safely transported more than 500,000 servicemen and women.

World's plan will include (A) frequent flights from Vietnam to California (B) scheduled connections to all parts of the United States; and (C) financing arrangements so that all eligible military personnel will be able to take advantage of the new Vietnam policy. Mr. Daly announced that he is personally prepared to guarantee loans to servicemen who would otherwise be unable to pay for the trip or to borrow the necessary funds. These financial arrangements will be handled through the First Western Bank, Los Angeles, California, a subsidiary of World with assets in excess of one billion dollars.

This is clearly one of the most effective means of boosting morale of the serviceman, and General Creighton W. Abrams, Commander, U.S. Military Assistance Command, Vietnam, and the Department of Defense, are to be congratulated for originating this program. Mr. Daly expresses the hope that a similar plan would be made available to military personnel serving in other overseas stations.

HOUSE OF REPRESENTATIVES—*Tuesday, December 8, 1970*

The House met at 12 o'clock noon.

Rabbi Seymour E. Freedman, Concord Hotel Synagogue, Kiamesha Lake, N.Y., offered the following prayer:

Almighty G-d: As this day begins, we lift our thoughts to praise Thee for granting us life. Implant within us now, the radiance of Thy spirit so that our deeds shall reflect the nobility of our aspirations. Help us to feel Thy divine presence, challenging us to become Thy messengers on earth bringing equity and compassion to all.

Unto the Members of this House of Representatives, who have assumed the burdens of leadership, grant inner strength, be their shield and refuge in times of difficult decision. May the knowledge that they labor to build a better America be their constant inspiration.

Grant Thy blessings, O G-d, upon this Nation. May these United States ever be an international force guiding all the world to prosperity amid peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2876. An act for the relief of the Beasley Engineering Co., Inc.;

H.R. 8573. An act for the relief of Mrs. Margaret M. McNellis;

H.R. 12958. An act for the relief of Central Gulf Steamship Corp.;

H.R. 15770. An act to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes; and

H.R. 19830. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 19504. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 19504) entitled "An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. **Randolph**, Mr. **Jordan** of North Carolina, Mr. **Montoya**, Mr. **Spong**, Mr. **Cooper**, Mr. **Boggs**, and Mr. **Baker** to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate, to the bill (H.R. 10634) entitled "An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4561. An act to amend the peanut marketing quota provisions to make permanent certain provisions thereunder.

The message also announced that the Vice President, pursuant to Public Law 91–405, appointed Mr. **Spong** and Mr. **Mathias** to the Commission on the Organization of the Government of the District of Columbia.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** laid before the House the following communication from the Clerk of the House of Representatives:

Washington, D.C.,
December 8, 1970.

The Honorable the **Speaker**,
U.S. House of Representatives.

Dear Sir: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 7:40 p.m. on Monday, December 7, 1970, said to contain a Message from the President concerning a railway strike stemming from a dispute between railway carriers and four unions representing their employees.

With kind regards, I am,
Sincerely,
W. Pat Jennings,
Clerk, U.S. House of Representatives.

RAILWAY STRIKE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–424)

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Congress of the United States:

After much effort at settlement through negotiation and mediation, we are confronted with an emergency stemming from a dispute between railway carriers and four unions representing their employees. The unions involved have declared their intention of calling a nationwide strike starting at 12:01 a.m., December 10, 1970.

All existing governmental procedures have been carefully but vainly used to bring about a settlement of the dispute. Negotiations among the parties, based upon the recommendations of the Emergency Board, have progressed during the last 30 days. However, because of the number of parties and the complexity of the issues involved, these negotiations have not resulted in an agreed-upon resolution. At my direction, the Secretary of Labor has sought from the parties a voluntary extension of negotiations without strike or lockout, but he has not been successful.

A nationwide stoppage of rail service would cause hardship to all Americans and harm to the economy, particularly a stoppage at the height of the pre-Christmas season.

It is essential that our railroads continue to operate. Therefore, I recommend that the Congress extend for 45 days the period during which no work stoppage may occur. It is my hope that these additional 45 days will lead to a voluntary negotiated settlement of this dispute.

In requesting an extension to January 23, 1971, I am mindful of the fact that the current Congressional session is fast drawing to a close and there are many other pressing and important matters to be dealt with. Under these circumstances, it would not seem advisable to thrust upon the Congress at this time the consideration of the complicated substantive issues of this dispute.

The fact that some progress has been made in negotiations is encouraging, and it indicates that the parties may be able to resolve their differences. However, if no settlement is reached within this time period, I shall make additional recommendations to the Congress.

I urge that Congress act quickly on my proposal so that a crippling stoppage can be averted, and so that the Nation's travelers and shippers can depend on uninterrupted service.

Richard Nixon.

The White House, *December 7, 1970.*

APPOINTMENT OF CONFEREES ON H.R. 19504, FEDERAL AID HIGHWAY ACT

Mr. **KLUCZYNSKI**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. **Fallon**, **Kluczynski**, **Wright**, **Edmondson**, **Cramer**, **Harsha**, and **Cleveland**.

APPOINTMENT OF CONFEREES ON H.R. 380, AMENDING SECTION 7 OF THE ACT OF AUGUST 9, 1946 (60 STAT. 968)

Mr. **HALEY**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968), with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. **Haley**, **Edmondson**, and **Saylor**.

APPOINTMENT OF CONFEREES ON H.R. 17867, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1971

Mr. **PASSMAN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and appoints the following conferees: Messrs. **Passman**, **Rooney** of New York, Mrs. **Hansen** of Washington, Messrs. **Cohelan**, **Long** of Maryland, **McFall**, **Mahon**, **Shriver**, **Conte**, Mrs. **Reid** of Illinois, and Messrs. **Riegle** and **Bow**.

FBI DIRECTOR OWES APOLOGY FOR ETHNIC SLUR

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **EDWARDS** of California. Mr. Speaker, FBI Director J. Edgar Hoover owes an immediate apology to Mexico, to Puerto Rico, as well as to the millions of Americans of Mexican and Puerto Rican descent for his unforgivable ethnic slur as reported in this week's Time magazine.

Referring to the protection of the President on trips, Mr. Hoover is reported to have said:

> You never have to bother about a President being shot by Puerto Ricans or Mexicans. They don't shoot very straight: But if they come at you with a knife, beware.

I am sure I do not have to explain to my colleagues the racial implications of this remark. I will only protest it most vigorously and point out to Mr. Hoover that it is false—that the fine people he referred to take second place to none in talent, bravery, dedication, and patriotism. The splendid record of Mexican Americans as soldiers, sailors, fliers, and marines is a source of pride not only to them but to all Americans.

Moreover, Mr. Hoover, as head of the FBI and a veteran of public service for more than 40 years, should know this kind of language is destructive and violates his public responsibility.

OUTSTANDING PERFORMANCE BY THE SPEAKER OF THE HOUSE

(Mr. **BURKE** of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **BURKE** of Massachusetts. Mr. Speaker, I take this opportunity to bring to the attention of the Members of this House the outstanding job, the excellent performance, of our beloved Speaker, the Honorable JOHN W. MCCORMACK.

During yesterday's session approximately 25 bills were debated, discussed, and acted upon by this House under the suspension rule.

Our Speaker is a dedicated and devoted public servant. He is young in mind, young in heart, and young in spirit. I know when the "Good Book" is written about the U.S. Congress, like the name of Abou ben Adhem, the name of JOHN W. MCCORMACK will lead all the rest.

CONSUMER CLASS ACTION BILL

(Mr. **ECKHARDT** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **ECKHARDT**. Mr. Speaker, it is now the fourth day since I sent a letter to the President urging him to get his version of the consumer class action bill to the floor on the vehicle of my bill, H.R. 18764, which is the first order of business before the Interstate and Foreign Commerce Committee and is being blocked by the solid ranks of the Republicans. I have not heard from the President, though I know the executive department knows about it, because Mr. Bruce Wilson of the Justice Department, assistant to Richard W. McLaren, Assistant Attorney General, Antitrust Division, asked for the letter yesterday. I hope the President will get to this matter before the end of the session.

PERSONAL STATEMENT ON PRISONER-OF-WAR RESOLUTION

(Mr. **BEALL** of Maryland asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **BEALL** of Maryland. Mr. Speaker, yesterday the House of Representatives passed House Resolution 1282, commending the brave American servicemen who attempted the daring raid on Son Tay in an effort to free American prisoners of war believed to be held there. I would like the record to show that I was unavoidably absent during the vote on this measure; but if I had been present, I would certainly have voted in favor of this passage.

I was a cosponsor of the resolution as originally introduced and am continually dismayed at the outrageous behavior of the North Vietnamese with regard to American prisoners of war. Certainly the treatment of prisoners is clearly outlined in international law, and the North Vietnamese Government has shown a total disregard for the Geneva Convention to which they agreed.

It is incumbent upon citizens all across our country, and particularly those of us who serve in the legislative branch as well as the executive branch of our Government, to take every step that will bring public pressure to bear in an effort to influence the Government of North Vietnam to free these prisoners.

I applaud the House on the passage of House Resolution 1282 and again reiterate my strong support of this measure.

AGRICULTURE AND RELATED AGENCIES APPROPRIATION, 1971

Mr. **WHITTEN**. Mr. Speaker, I call up the conference report on the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of December 7, 1970.)

Mr. **WHITTEN** (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The **SPEAKER**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. **WHITTEN**. Mr. Speaker, I yield myself such time as I may consume.

(Mr. **WHITTEN** asked and was given permission to revise and extend his remarks and to include tables and other extraneous matter.)

Mr. **WHITTEN**. Mr. Speaker, we bring before you today the conference report on appropriations for the Department of Agriculture and related agencies for fiscal year 1971.

May I say here, we have provided for fully restoring the agricultural conservation program, and called on the Department to announce and carry out next year the same program we have had this year.

The Senate yielded on its $20,000 limit on payments and the new farm bill with its $55,000 limit will apply.

We have increased funds for rural water systems, both loans and grants, and for sewerage and water grants and loans.

We have made funds more readily available to meet the growing need for rural electricity power so badly needed when farm labor is not available.

Mr. Speaker, each time I bring this bill to the floor we have fewer and fewer Members of this body from rural areas, and thus less and less understanding of many problems. As I pointed out in June when this bill was last considered by the House, this bill should be of great and serious importance to each and every Member, because involved is the very basic foundation of our well-being and of our economy. We must take note that greater and greater numbers are quitting the farm, averaging from 600,000 to 800,000 annually. If their acreage was not farmed by the few, the larger farmers left, food would be much more scarce and much higher.

These people are leaving the farm for urban areas because farming requires longer work hours, harder work, larger investment, higher risk, and provides a decreasing return. You can understand why when you realize that the average return on farm equities has dropped from 7.1 percent in the period 1945–49 to 3.1 percent in 1968. Further, up until recently rural America has not offered the same advantages as have our cities, a situation we are trying to correct with loans for rural homes, rural water systems, sewerage systems, adequate electricity, and so forth.

Actually Mr. Speaker, we might term this bill an appropriation for public health and safety, for it carries $141,000,000 for inspection of meats, research, supervision of pesticides, for quarantines, inspection and treatment of the hundreds of thousands of airplanes which land here annually from foreign countries, and similar programs.

Or we might call this an appropriation for the protection of industry and labor, for the 5.1 percent on the farm have substituted machinery and other substitutes for farm labor, spending more than $4.8 billion for machinery and motor vehicles in 1967.

This bill might be called an antipollution bill, for its Soil Conservation Service and Agricultural Stabilization Service will catch 2.9 billion tons of sediment near its source with retarding structures, multipurpose reservoirs, and over 2 millions smaller structures. These programs, plus others such as water and waste disposal programs, take $694,704,000 of the total.

Or we might term the bill, the people's bill, for $2,814,718,000, goes to finance programs of school lunch, school milk, aid to the needy, food stamps, and other nutrition-related programs.

It could be termed a bill to help with our foreign problems and policy, for $702,500,000 of the total goes to Public Law 480, sales for foreign currencies.

It could be called rural development for $466,200,000 goes for repayable rural loans.

Of the remainder, $3,363,155,000 goes to the Commodity Credit Corporation for capital restoration which should carry that Corporation for years to come.

But perhaps above that, we should term this a bill to stave off financial depression and disaster, for it has been a drastic break in farm income, with the resulting break in purchasing power, which has led to every depression.

After all, the farm program was passed not as a relief program for farmers, but to restore farm purchasing power that the general economy might recover, and it did.

It would be well to review the great depression of the later twenties and early thirties, the seeds for which were sown in the 1920's following World War I when the Government announced the price of wheat would not be supported. The wheat which had brought $2.94 a bushel in July 1920 brought $1.72 in December 1930, and 92 cents a year later. Cotton fell to a third of its July 1920 price and corn by 62 percent. The value of agricultural products dropped from $18,328,000,000 in 1920 to $12,402,000,000 in 1921. Four hundred and fifty-three thousand farmers lost their farms, all reflected by failures of local banks.

In 1928 these prices were: wheat, $1; cotton, 18 cents; and corn, 84 cents. By 1931 wheat was 38 cents; cotton 5.5 cents; and corn, 32 cents. The Dow-Jones stock price averages followed by declining from a high of 381.2 in September to a low of 41.2 in July of 1932.

It has been said that there were more suicides during this period among those that did not know what a farm was as a result of the breakdown in farm or commodity prices—which had led to a fall in prices and values throughout the economy—than in any other period in our history.

I repeat—farm income, and resulting real purchasing power, has already dropped more than 50 percent on the farmer's investment since 1940, from 7.1 percent to 3.10. The warning signs are out.

Now, why can't we get this story over? Perhaps too few are willing to study history; or perhaps it is because the news media is focused on the 95 percent of nonfarmers.

Whatever it is, the story must be gotten over, for the sake of all.

Back to the detail in this conference report. It includes $100 million for grants and almost $108 million for loans for rural water and sewer systems. It also includes $15,855,000 and 15 planning starts for the community-oriented R.C. & D. projects.

Power and communications are equally fundamental to rural development as is housing and community facilities. This bill under consideration includes $337 million for new electric loans and $128.8 million for new telephone loans for 1971. With these funds the rural electric and telephone services will continue to improve for 25 million rural residents.

Today, over 98 percent of our Nation's farms have electric service and more than 80 percent have dial telephones. Rural people have made good use of these services—doubling their use of electricity every 7 to 10 years. The continuing need to develop and vitalize rural America is the great challenge for the 1,200 rural electric and telephone systems.

Of widespread concern to rural America as well as to the urban populations is the matter of pollution. Increased funds for planning and construction are provided in this bill for watershed protection and flood prevention activities of the Soil Conservation Service. Over the years, these important programs have built or planned 8,944 floodwater retarding structures and 440 multiple-purpose reservoirs which will catch 2.9 billion tons of sediment near its source.

In addition, despite determined opposition by the Office of Management and Budget, the conferees have included $195,500,000 for the 1971 ACP program. In the face of a vast outpouring of letters and the fact that both Houses had substantially agreed on a new program early in the fiscal year, no 1971 program has been announced.

While I have been a supporter of the many efforts by the Government to stem the tide of pollution, and support such efforts now, it is hard to understand why, while these tremendous amounts of money for pollution control—in excess of $2 billion for the current year, and probably twice that amount for the next year—are recommended by the Bureau of the Budget at the same time the Bureau of the Budget recommends, as it has for 14 years, a drastic reduction in or elimination of the agricultural conservation program wherein about one million Americans put up their time and their money—two-thirds of the cost—not only to save the lands for future generations but to help to preserve our water as we protect man from the pollution of our streams.

Apart from the program benefits, the abolishment of this program will cause the closing of about 300 county ASCS offices where farmers must go to transact their business with the Government as well as the loss of about 870 man-years of Soil Conservation Service technical staff, technicians, I might add, who have dedicated their lives to fighting pollution at its source—the land. Because of these facts, the conferees have directed in no uncertain terms that the agricultural conservation program be announced without further delay.

Mr. Speaker, I also feel I should point out we added the following language to the section on Soil Conservation Service, Conservation Operations, page 9:

> Provided, That Public Law 40, Eighty-fourth Congress, making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1956, and for other purposes, is hereby amended by striking out the period following the last proviso in the section entitled "Flood Prevention", substituting a comma and adding the following: "and where the Army does have jurisdiction and responsibility, may enter into agreements with the Army to carry out jointly the measures heretofore set out and in areas where the Secretary is authorized to purchase land rights for structural measures, the Secretary in lieu of such acquisition, may reimburse local organizations for such proportionate share of the cost of land rights furnished by local organizations as the Secretary deems equitable in consideration of the national interest.

This language when added to Public Law 40, 84th Congress, will enable the Soil Conservation Service and the Corps of Engineers to more fully discharge their responsibilities and by agreement to meet many erosion, bank caving, and other problems.

Of concern to all of us are the programs of agriculture directed to the problems of human nutrition. The funds included in the bill, are today serving free and reduced-price lunches to 5.3 million needy youngsters; 12 million are receiving the benefit of the family assistance programs. I am including at this point in the RECORD a summary of the food programs for 1970 and 1971:

FOOD ASSISTANCE PROGRAMS

[Program level—dollars in thousands. The House did not consider the Child Nutrition budget amendment of $216,579,000 submitted to the Senate on July 1, 1970]

Program	Fiscal year 1970 [1]	Fiscal year 1971		
		House bill	Senate bill	Conference recommendations
A. Child nutrition program:				
1. Cash grants to States:				
(a) School lunch (Sec.4)	$168,041	$169,721	$225,000	$225,000
(b) Free and reduced-price lunches	134,800	200,000	356,400	356,400
(c) School breakfast	12,000	15,000	15,000	15,000
(d) Nonfood assistance	15,000	17,500	15,000	15,000
(e) State administrative expenses	2,750	2,750	3,500	3,500
(f) Nonschool food program	[2] 13,572	[2] 5,000	[2] 15,000	[2] 15,000
Total, cash grants	346,163	414,971	629,900	629,900
2. Commodities to States	230,205	264,465	264,465	264,465
3. Nutrition training activities			750	750
4. Federal operating expenses	5,282	5,542	6,442	6,442
Total, child nutrition program	581,650	689,978	901,557	901,557
B. Special milk program:				
1. Milk (direct appropriation)	83,314	103,314	103,314	103,314
2. Special Section 32 funds used for milk program	20,000			
3. Administrative expenses	686	686	686	686
Total, special milk program	104,000	104,000	104,000	104,000
C. Family feeding program:				
1. Food Stamp program	$610,000	$1,250,000	$1,750,000	$1,420,000
2. Direct distribution to families:				
(a) Section 32 commodities	182,015	160,300	160,300	160,300
(b) Financial assistance to States	16,000	19,700	19,700	19,700
(c) Federal direct operation at local level	2,318			
(d) Section 416	61,942	92,745	92,745	92,745
Total, direct distribution to families	262,275	272,745	272,745	272,745
3. Nutrition supplement	33,000	40,000	40,000	40,000
Total, Family feeding	905,275	1,562,745	2,062,745	1,732,745
D. Direct distribution to institutions	12,889	26,416	26,416	26,416
E. Nutrition education program [3]	30,000	50,000	50,000	50,000
Total, food assistance program	1,633,814	2,433,139	3,144,718	2,814,718

---

[1] Revised to reflect approval of Public Law 91-207 (Mar. 12, 1970) to provide additional funds for child nutrition program.

[2] Excludes balances carried forward to succeeding year.

[3] Includes administrative expenses.

The conference committee carefully considered the plight of the food stamp program. The conferees appropriated $1,420 million calculated to continue this program at about the current level. The conferees agreed that to place more funds in the bill—up to the $1,750 million provided by the Senate—would be prejudicial to the work on a new authorization measure to be considered here today or tomorrow.

The conferees are aware that final action of both bodies on the food stamp authorization bill remains uncertain. In the interim, funds contained in this bill should very well suffice until action on a supplemental appropriation bill early next session.

The conference bill carries language limiting the expenditure of funds to the amounts authorized. The Food Stamp Act of 1968 (Public Law 90–552) authorized $170 million through December 31, 1970. Because of the changes in the food stamp program raising its cost, Congress approved a special appropriation—under Public Law 91–305—of $300 million available through October 31, 1970 and chargeable to the 1971 appropriation.

The continuing resolution (Public Law 91–454) approved October 15, 1970, amended the $300 million to read $600 million and made it available through January 31, 1971. Therefore, a total authorization of $770 million is currently available to be spent. If, because of the lateness of the session, final agreement cannot be reached on a new authorization bill, a further increase in the authorization can be sought to assure the continuation of the program.

At this point, Mr. Speaker, I would like to introduce for the RECORD a comprehensive table reflecting the recommendations of the conferees.

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970, BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1971

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and title	New budget (obligational) authority enacted to date, fiscal 1970[1]	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−) Conferee recommendations compared with—			
						1970	1971 budget	1971 House bill	1971 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—GENERAL ACTIVITIES									
Agricultural Research Service:									
Salaries and expenses:									
Research:									
Direct appropriation	$142,886,200	$141,437,200	$146,143,200	$160,446,200	$151,633,000	+$8,746,800	+$10,195,800	+$5,489,800	−$8,813,200
Transfer from sec. 32	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)				
Total, research	(157,886,200)	(156,437,200)	(161,143,200)	(175,446,200)	(166,633,000)	(+8,746,800)	(+10,195,800)	(+5,489,800)	(−8,813,200)
Plant and animal disease and pest control	97,393,750	98,763,750	98,619,750	99,369,750	98,619,750	+1,226,000	−144,000		−750,000
Special fund (reappropriation)	2,000,000	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	−2,000,000			
Total, salaries and expenses	242,279,950	240,200,950	244,762,950	259,815,950	250,252,750	+7,972,800	+10,051,800	+5,489,800	−9,563,200
Salaries and expenses (special foreign currency program)	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Total, Agricultural Research Service	247,279,950	245,200,950	249,762,950	264,815,950	255,252,750	+7,972,800	+10,051,800	+5,489,800	−9,563,200
Cooperative State Research Service: Payments and expenses	62,640,000	72,535,000	65,076,000	69,826,000	68,476,000	+5,836,000	−4,059,000	+3,400,000	−1,350,000
Extension Service:									
Payments to States and Puerto Rico	114,006,000	150,431,000	140,031,000	150,431,000	140,031,000	+26,025,000	−10,400,000		−10,400,000
Retirement and employees' compensation for extension agents	10,240,000	13,515,000	13,515,000	12,932,600	12,932,600	+2,692,600	−582,400	−582,400	
Penalty mail	3,400,000	3,617,000	3,617,000	3,617,000	3,617,000	+217,000			
Federal Extension Service	4,088,000	4,228,000	4,188,000	4,188,000	4,188,000	+100,000	−40,000		
Total, Extension Service	131,734,000	171,791,000	161,351,000	171,168,600	160,768,600	+29,034,600	−11,022,400	−582,400	−10,400,000
Farmer Cooperative Service: Salaries and expenses	1,648,000	1,689,000	1,649,000	1,684,000	1,684,000	+36,000	−5,000	+35,000	
Soil Conservation Service:									
Conservation operations	131,736,000	128,467,000	128,557,000	128,457,000	128,507,000	−3,229,000	+40,000	−50,000	+50,000
River basin surveys and investigations	8,839,000	9,043,000	9,043,000	9,043,000	9,043,000	+204,000			
Watershed planning	6,750,000	5,434,000	6,698,000	5,434,000	6,066,000	−684,000	+632,000	−632,000	+632,000
Watershed works of improvement	66,332,000	74,278,000	74,278,000	76,000,000	76,000,000	+9,668,000	+1,722,000	+1,722,000	
Flood prevention	24,738,000	21,037,000	21,037,000	21,037,000	21,037,000	−3,701,000			
Great Plains conservation program	15,417,000	15,355,000	15,355,000	16,355,000	15,855,000	+438,000	+500,000	+500,000	−500,000
Resource conservation and development	10,825,000	13,876,000	13,876,000	14,676,000	14,276,000	+3,451,000	+400,000	+400,000	−400,000
Total, Soil Conservation Service	264,637,000	267,490,000	268,844,000	271,002,000	270,784,000	+6,147,000	+3,294,000	+1,940,000	−218,000
Economic Research Service: Salaries and expenses	14,962,000	16,228,000	14,592,000	16,228,000	14,926,000	−36,000	−1,302,000	+334,000	−1,302,000
Statistical Reporting Service: Salaries and expenses	16,892,800	17,749,800	17,716,800	17,874,800	17,796,800	+904,000	+47,000	+80,000	−78,000
Consumer and Marketing Service:									
Consumer protective, marketing, and regulatory programs	137,957,500	149,247,000	149,247,000	159,247,000	149,247,000	+11,289,500			−10,000,000
Payments to States and possessions	1,600,000	1,600,000	1,600,000	1,750,000	1,675,000	+75,000	+75,000	+75,000	−75,000
Total, Consumer and Marketing Service	139,557,500	150,847,000	150,847,000	160,997,000	150,922,000	+11,364,500	+75,000	+75,000	−10,075,000
Food and Nutrition Service:									
Special milk program	[2] 84,000,000		104,000,000	104,000,000	104,000,000	+20,000,000	+104,000,000		
Child nutrition programs:									
Direct appropriation	122,500,000	301,974,000	90,395,000	301,974,000	301,974,000	+179,474,000		+211,579,000	
Transfer from sec. 32	(194,266,000)	(238,358,000)	(238,358,000)	(238,358,000)	(238,358,000)	(+44,092,000)			
Total, child nutrition programs	[3] (316,766,000)	(540,332,000)	[4] (328,753,000)	(540,332,000)	(540,332,000)	(+223,566,000)		(+211,579,000)	
Food stamp program	596,963,000	1,250,000,000	1,250,000,000	1,750,000,000	1,420,000,000	+823,037,000	+170,000,000	+170,000,000	−330,000,000
Total, Food and Nutrition Service	803,463,000	1,551,974,000	1,444,395,000	2,155,974,000	1,825,974,000	+1,022,511,000	+274,000,000	+381,579,000	−330,000,000

Footnotes at end of table.

Agency and title (1)	New budget (obligational) authority enacted to date, fiscal 1970 [1] (2)	Budget estimates of new (obligational) authority, fiscal year 1971 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conferees (6)	Increase (+) or decrease (−) Conferee recommendations compared with— 1970 (7)	1971 budget (8)	1973 House bill (9)	1971 Senate bill (10)
TITLE I—GENERAL ACTIVITIES—Con.									
Foreign Agricultural Service:									
Salaries and expenses	$23,562,000	$24,773,000	$24,023,000	$24,773,000	$24,273,000	+$711,000	−$500,000	+$250,000	−$500,000
Transfer from sec. 32	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)				
Total, Foreign Agricultural Service	(26,679,000)	(27,890,000)	(27,140,000)	(27,890,000)	(27,390,000)	(+711,000)	(−500,000)	(+250,000)	(−500,000)
Commodity Exchange Authority: Salaries and expenses	2,491,000	2,552,000	2,552,000	2,552,000	2,552,000	+61,000			
Agricultural Stabilization and Conservation Service:									
Expenses, ASCS:									
Direct appropriation	153,000,000	135,466,000	152,690,000	150,000,000	150,000,000	−3,000,000	+14,534,000	−2,690,000	
Transfer from CCC	(63,782,000)	(68,779,000)	(68,779,000)	(68,779,000)	(68,779,000)	(+4,997,000)			
Total, expenses, ASCS	(216,782,000)	(204,245,000)	(221,469,000)	(218,779,000)	(218,779,000)	(+1,997,000)	(+14,534,000)	(−2,690,000)	
Sugar Act program	93,000,000	83,600,000	83,600,000	83,600,000	83,600,000	−9,400,000			
Agricultural conservation program:									
Advance authorization (contract authorization)	195,500,000		195,500,000	190,000,000	195,500,000		+195,500,000		+5,500,000
Liquidation of contract authorization	(195,500,000)	(185,000,000)	(185,000,000)	(185,000,000)	(185,000,000)	(−10,500,000)			
Cropland adjustment program	77,200,000	77,800,000	77,800,000	77,800,000	77,800,000	+600,000			
Conservation reserve program	37,250,000					−37,250,000			
Emergency conservation measures	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Indemnity payments to dairy farmers	200,000			500,000	250,000	+50,000	+250,000	+250,000	−250,000
Total, Agricultural Stabilization and Conservation Service	561,150,000	301,866,000	514,590,000	506,900,000	512,150,000	−49,000,000	−210,284,000	−2,440,000	+5,250,000
Rural Community Development Service: Salaries and expenses	450,000		230,000			−450,000		−230,000	
Office of the Inspector General: Salaries and expenses	15,069,000	15,846,000	15,378,000	[3] 12,412,000	[3] 12,412,000	−2,657,000	−3,434,000	−2,966,000	
Packers and Stockyards Administration: Salaries and expenses	3,508,650	3,748,000	3,508,650	3,748,000	3,588,650	+80,000	−159,350	+80,000	−159,350
Office of the General Counsel: Salaries and expenses	5,656,500	5,657,000	5,657,000	5,657,000	5,657,000	+500			
Office of Information: Salaries and expenses	2,297,000	2,256,000	2,256,000	2,256,000	2,256,000	−41,000			
National Agricultural Library:									
Salaries and expenses	3,446,750	3,914,750	3,614,750	3,914,750	3,764,750	+318,000	−150,000	+150,000	−150,000
Library facilities		800,000					−800,000		
Total, National Agricultural Library	3,446,750	4,714,750	3,614,750	3,914,750	3,764,750	+318,000	−950,000	+150,000	−150,000
Office of Management Services: Salaries and expenses	3,274,000	3,518,000	3,384,000	3,459,000	3,459,000	+185,000	−59,000	+75,000	
General administration: Salaries and expenses	5,263,000	6,041,000	5,559,000	6,058,000	6,058,000	+795,000	+17,000	+499,000	
Total, title I, general activities	2,308,982,150	2,866,476,500	2,954,986,150	3,701,300,100	3,342,754,550	+1,033,772,400	+476,278,050	+387,768,400	−358,545,550
TITLE II—CREDIT AGENCIES									
Rural Electrification Administration:									
Loan authorizations:									
Electrification	340,000,000	322,000,000	322,000,000	352,000,000	337,000,000	−3,000,000	+15,000,000	+15,000,000	−15,000,000
Telephone	123,300,000	123,800,000	123,800,000	138,800,000	128,800,000	+5,500,000	+5,000,000	+5,000,000	−10,000,000
Contingency reserve			20,000,000					−20,000,000	
Total, loans (authorization to spend debt receipts)	463,300,000	445,800,000	465,800,000	490,800,000	465,800,000	+2,500,000	+20,000,000		−25,000,000
Salaries and expenses	14,834,000	14,623,000	14,613,000	14,896,000	14,613,000	−221,000	−10,000		−283,000
Total, Rural Electrification Administration	478,134,000	460,423,000	480,413,000	505,696,000	480,413,000	+2,279,000	+19,990,000		−25,283,000
Farmers Home Administration:									
Direct loan account:									
Real estate loans	(83,000,000)	(45,500,000)	(83,000,000)	(123,000,000)	(103,000,000)	(+20,000,000)	(+57,500,000)	(+20,000,000)	(−20,000,000)
Operating loans	(275,000,000)	(275,000,000)	(275,000,000)	(275,000,000)	(275,000,000)				
Soil conservation loans	(8,700,000)	(6,400,000)	(8,700,000)	(8,700,000)	(8,700,000)		(+2,300,000)		
Total, direct loan account	(366,700,000)	(326,900,000)	(366,700,000)	(406,700,000)	(386,700,000)	(+20,000,000)	(+59,800,000)	(+20,000,000)	(−20,000,000)
Rural housing:									
Insurance fund	(30,000,000)	(19,000,000)	(30,000,000)	(19,000,000)	(19,000,000)	(−11,000,000)		(−11,000,000)	
Direct appropriation		334,000	334,000	334,000	334,000	+334,000			
Emergency credit revolving fund	31,918,000					−31,918,000			
Rural water and waste disposal grants	46,000,000	24,000,000	100,000,000	100,000,000	100,000,000	+54,000,000	+76,000,000		
Rural housing for domestic farm labor	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000				
Mutual and self-help housing	2,125,000	1,250,000	2,125,000	775,000	775,000	−1,350,000	−475,000	−1,350,000	
Self-help housing land development fund	1,000,000	600,000	1,000,000	400,000	400,000	−600,000	−200,000	−600,000	
Salaries and expenses:									
Direct appropriation	71,450,000	85,091,000	81,150,000	87,250,000	86,000,000	+14,550,000	+909,000	+4,850,000	−1,250,000
Transfer from agricultural credit insurance fund	(2,250,000)	(2,250,000)	(3,250,000)	(2,250,000)	(2,250,000)			(−1,000,000)	
Miscellaneous transfer	(500,000)	(500,000)	(500,000)	(500,000)	(500,000)				
Total, salaries and expenses	(74,200,000)	(87,841,000)	(84,900,000)	(90,000,000)	(88,750,000)	(+14,550,000)	(+909,000)	(+3,850,000)	(−1,250,000)
Total, Farmers Home Administration	154,993,000	113,775,000	187,109,000	191,259,000	190,009,000	+35,016,000	+76,234,000	+2,900,000	−1,250,000
Total, title II, credit agencies	633,127,000	574,198,000	667,522,000	696,955,000	670,422,000	+37,295,000	+96,224,000	+2,900,000	−26,533,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970, BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1971—Continued

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and title	New budget (obligational) authority enacted to date, fiscal 1970 [1]	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−) Conferee recommendations compared with—			
						1970	1971 budget	1973 House bill	1971 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE III—CORPORATIONS									
Federal Crop Insurance Corporation:									
Appropriation	$12,000,000	$12,000,000	$12,000,000	$12,000,000	$12,000,000				
Premium income	(2,339,000)	(2,335,000)	(2,335,000)	(2,335,000)	(2,335,000)	(−$4,000)			
Total, Administrative and operating expenses	(14,339,000)	(14,335,000)	(14,335,000)	(14,335,000)	(14,335,000)	(−4,000)			
Subscription to capital stock	10,000,000					−10,000,000			
Total, Federal Crop Insurance Corporation	22,000,000	12,000,000	12,000,000	12,000,000	12,000,000	−10,000,000			
Commodity Credit Corporation:									
Reimbursement for net realized losses:									
Appropriation	4,198,237,000	3,363,155,000	3,113,155,000	3,363,155,000	3,363,155,000	−835,082,000		+$250,000,000	
Liquidation of contract authority	(1,017,697,000)					(−1,017,697,000)			
Total appropriation [6]	(5,215,934,000)	(3,363,155,000)	(3,113,155,000)	(3,363,155,000)	(3,363,155,000)	(−1,852,779,000)		(+250,000,000)	
Limitation on administrative expenses	(32,000,000)	(36,500,000)	(36,500,000)	(36,500,000)	(36,500,000)	(+4,500,000)			
Public Law 480:									
Sales, title I	420,000,000	526,100,000	411,100,000	411,100,000	411,100,000	−8,900,000	−$115,000,000		
Donations, title II	500,000,000	406,400,000	291,400,000	291,400,000	291,400,000	−208,600,000	−115,000,000		
Total, Public Law 480	920,000,000	932,500,000	702,500,000	702,500,000	702,500,000	−217,500,000	−230,000,000		
Bartered materials for supplemental stockpile	1,250,000	25,000	25,000	25,000	25,000	−1,225,000			
Total, new budget (obligational) authority, title III, Corporations	5,141,487,000	4,307,680,000	3,827,680,000	4,077,680,000	4,077,680,000	−1,063,807,000	−230,000,000	+250,000,000	
TITLE IV—RELATED AGENCIES									
Farm Credit Administration: Limitation on administrative expenses	(3,839,000)	(4,226,000)	(4,054,000)	(4,226,000)	(4,204,000)	(+365,000)	(−22,000)	(+150,000)	(−$22,000)
RECAPITULATION									
Title I: General activities	2,308,982,150	2,866,476,500	2,954,986,150	3,701,300,100	3,342,754,550	+1,033,772,400	+476,278,050	+387,768,400	−358,545,550
Title II: Credit agencies	633,127,000	574,198,000	667,522,000	696,955,000	670,422,000	+37,295,000	+96,224,000	+2,900,000	−26,533,000
Title III: Corporations	5,141,487,000	4,307,680,000	3,827,680,000	4,077,680,000	4,077,680,000	−1,063,807,000	−230,000,000	+250,000,000	
Title IV: Related agencies	(3,839,000)	(4,226,100)	(4,054,000)	(4,226,000)	(4,204,000)	(+365,000)	(−22,500)	(+150,000)	(−22,000)
Total, New budget (obligational) authority [7]	8,083,596,150	7,748,354,500	7,450,188,150	8,475,935,100	8,090,856,550	+7,260,400	+342,502,050	+640,668,400	−385,078,550
Consisting of—									
1. Appropriations	7,422,796,150	7,302,554,500	6,788,888,150	7,795,135,100	7,429,556,550	+6,760,400	+127,002,050	+640,668,400	−365,578,550
2. Reappropriations	2,000,000					−2,000,000			
3. Contract authorizations	195,500,000		195,500,000	190,000,000	195,500,000		+195,500,000		+5,500,000
4. Authorizations to spend from debt receipts	463,300,000	445,800,000	465,800,000	490,800,000	465,800,000	+2,500,000	+20,000,000		−25,000,000
Memoranda:									
1. Appropriations to liquidate contract authorizations	1,213,197,000	185,000,000	185,000,000	185,000,000	185,000,000	−1,028,197,000			
2. Appropriations, including appropriations to liquidate contract authority	8,635,993,150	7,487,554,500	6,973,888,150	7,980,135,000	7,614,556,550	−1,021,436,600	+127,002,050	+640,668,400	−365,578,550
3. Transfers from sec. 32	212,383,000	256,475,000	256,475,000	256,475,000	256,475,000	+44,092,000			
4. Transfer from CCC	63,782,000	68,779,000	68,779,000	68,779,000	68,779,000	+4,997,000			
Total, new budget (obligational) authority	8,083,596,150	7,748,354,500	7,450,188,150	8,475,935,100	8,090,856,550	+7,260,400	+342,502,050	+640,668,400	−385,078,550
Less: Loan repayments, Rural Electrification: Administration [8]	156,600,000	167,300,000	167,300,000	167,300,000	167,300,000	+10,700,000			
Net total, new budget (obligational) authority	7,926,996,150	7,581,054,500	7,282,888,150	8,308,635,100	7,923,556,550				

---

[1] Includes adjustments for transfers authorized in the indefinite portion of the 2d Supplemental Appropriation Act for financing increased pay costs under Public Law 91–231.

[2] An additional $100,000,000 was provided in the 1970 Appropriation Act from sec. 32, permanent appropriation, which included $20,000,000 for special milk.

[3] An additional $30,000,000 was provided by Public Law 91–207, approved Mar. 12, 1970, from sec. 32, permanent appropriation.

[4] A budget amendment for an additional $216,579,000 was submitted directly to the Senate.

[5] In addition, $3,434,000 is available by transfer from food stamp appropriation.

[6] In addition, there is permanent indefinite contract authority (budget authority established under basic law) of $440,756,000 in the 1971 budget and Senate bill, and $690,756,000 in the House bill. For fiscal year 1970 none is required.

[7] Note—Does not include interest receipts under the Rural Electrification Administration estimated at $116,100,000 in 1970 and $119,300,000 in 1971 that are covered into miscellaneous receipts of the Treasury.

[8] Deducting REA loan repayments from these totals has the effect of converting these figures to a basis comparable with the treatment of all other major loan programs in the Federal budget. Other loan programs operated through revolving funds net loan repayments against budget outlays, whereas REA loan repayments are covered into miscellaneous receipts of the Treasury.

Mr. LANGEN. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Minnesota.

Mr. LANGEN. Mr. Speaker, I thank the chairman, Mr. WHITTEN, for yielding.

As usual, the chairman has done an excellent job in presenting an explanation to the House of what occurred in the conference relative to the agriculture appropriation bill.

I think there are several things with regard to the report that are significant.

In the first place, as the chairman said, we have provided for expenditures of funds for so many of the very essential programs, such as the school lunch program, the food stamp program, operating the respective farm programs, and so forth.

Yet, the final conference report is actually only $7,262,000 over and above the figure of last year. When we look at the totals, however, there is an indication that it is $342.5 million over and above this year's budget estimates, it should be remembered: That $250 million of this is for reimbursement to the Commodity

Credit Corporation which does not represent an expenditure.

It does not represent an expenditure so that the actual expenditure increase is limited to $92.5 million, which I think speaks well for agriculture, and is in compliance with the statements that I put in the RECORD during the consideration of the original agricultural appropriation bill, and its relationship to the national expenditures on all scenes.

So on that basis I can very heartily recommend to the House the approval of this conference report.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Illinois.

Mr. FINDLEY. As the gentleman knows, the Congress earlier this year saw fit to establish a limitation at $55,000 per commodity per farmer for feed grains, wheat, and cotton. This was presented as a measure that would have a number of benefits, including the benefit of reducing the programs' cost.

Can the gentleman indicate how much will be saved in the current fiscal year as a result of the limitation having been accepted?

Mr. WHITTEN. I know of the active interest that my colleague, the gentleman from Illinois, has in this subject. However, our conferees did not go into it with that in mind. As the gentleman will remember, this is fixed by the existing law, and we have to pick up the cost after the fact. So while we have restored the capital impairment of the Commodity Credit Corporation we have had no occasion to make a thorough study to see what the effect of the $55,000 limitation, which is in the conference report, will have on the overall cost.

I know the gentleman has very definite ideas about its effect, and what it will save, but I will have to say candidly that in carrying out our responsibilities it did not call for such a study.

Mr. FINDLEY. Could the gentleman say whether the impairment of the capital of the Commodity Credit Corporation during previous years was fully restored as a result of this?

Mr. WHITTEN. It was fully restored, and it was thought that was a good thing. The Senate did this, I might say to the House. The amount involved was $250 million, but that does not come out of the Treasury; it is a bookkeeping item, it just shows the corporation has that much more borrowing authority, but it was thought and it was agreed that with a new farm bill it might be a good thing to start out with a solidly financed Commodity Credit Corporation.

Mr. FINDLEY. I thank the gentleman for yielding.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Speaker, I would like to take this opportunity to offer my gratitude to the distinguished gentleman from Mississippi (Mr. WHITTEN) and the distinguished gentleman from Minnesota (Mr. LANGEN) for their foresight in putting the money, $195 million, back in the bill for the agriculture conservation program.

We are in the process now, nationwide, of deliberating conservation and pollution, and I believe this program will serve a good purpose, both for the urban and rural areas across the country.

Mr. WHITTEN. I thank my colleague for his gracious statement.

Mr. SCHERLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENT IN DISAGREEMENT

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

> Senate amendment No. 3: On page 3, line 21, strike out "$1,500,000" and insert "$3,760,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$4,580,000".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the motion was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the conference report just adopted and to include certain tables with reference thereto and also that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO SEND TO CONFERENCE THE BILL (H.R. 17755) MAKING APPROPRIATIONS FOR DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17755), an act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 388]

Abbitt
Alexander
Ashbrook
Aspinall
Baring
Bolling
Brock
Burton, Utah
Button
Carey
Clark
Clay
Collier
Collins, Tex.
Cramer
Daddario
Dent
Diggs
Dowdy
Edwards, Ala.
Edwards, La.
Fallon
Gallagher
Gettys
Gilbert
Gray
Grover
Gubser
Halpern
Hanna
Hansen, Idaho
Harsha
Harvey
Horton
Jarman
Karth
Kee
King
McEwen
McKneally
Meskill
Morton
Moss
Murphy, Ill.
Nelsen
O'Hara
O'Konski
Ottinger
Podell
Poff
Pollock
Powell
Preyer, N.C.
Purcell
Rees
Reifel
Rivers
Roberts
Rooney, N.Y.
Roudebush
Scheuer
Stephens
Stokes
Tiernan
Waggonner
Waldie
Weicker
Wiggins
Wilson, Bob
Wold
Wright
Wydler

The SPEAKER. On this rollcall 361 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION TO SEND TO CONFERENCE THE BILL (H.R. 17755) MAKING APPROPRIATIONS FOR DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. YATES moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 17755 be instructed to agree to Senate amendment No. 4.

The SPEAKER. The gentleman from Illinois (Mr. YATES) is recognized for 1 hour.

Mr. YATES. Mr. Speaker, I yield 30 minutes to my good friend, the very able gentleman from Massachusetts (Mr. BOLAND) pending which I yield myself such time as I may consume.

Mr. Speaker, as I indicated in my letter to the Members of the House, I do not like to offer a motion instructing conferees who are about to go to conference. Ordinarily, they should be allowed to have a free and full discussion of all the issues that are brought up in the conference. But the nature of this issue that I am presenting to the House today is so clear and subject to such direct action that I decided to bring it to you in this form.

The House has never had a rollcall vote on the SST—neither in any authorization bill nor in any appropriation bill.

As you know, last week the Senate voted to kill the appropriations for the SST by a vote of 52 to 41. Only 22 Senators had voted against the SST last year when the same issue was presented to the Senate, and the overwhelming nature of the vote is such that one is surprised—one would have expected that, having taken the position as they did last year in support of the SST, that they would do so again this year. But almost as many Senators as voted against it reversed their position and now voted to kill the SST appropriation.

Now, Mr. Speaker, why would the Senators have voted to reject the SST funding? They were apprised of the facts in debate. All one has to do is look at the Congressional Record and see that there was a thorough explanation of all the facts that have been presented to the Congress on the SST.

They were told about this threat of the British and French Concorde to take over the aircraft industry. They knew that the Concorde had flown supersonically at twice the speed of sound.

They knew about the Russian plane, the TU-144. They knew that the TU-144 had flown twice the speed of sound, and they were warned about the possibility of the Russian plane being sold to countries of the free world.

They were told about the 150,000 jobs that the SST is likely to create throughout the country, and they knew of the tables which the contractor and DOT had made available showing the amount of business the SST would bring to each State.

They were told about the balance-of-payments advantages that the SST would bring to the United States.

They were told about the $800 million that we have already invested—the American taxpayers have already invested in this program. Yet they were willing to let that $800 million go.

They were made conscious of America's prestige in the aircraft industry.

They were very cognizant that America is the leader in the aircraft industry throughout the world, and yet they were willing to vote to kill the SST program.

Knowing these things, 52 Senators voted to kill the SST program. Why? There are good reasons.

Ordinarily, Mr. Speaker, I do not like to single out any official of the administration for criticism, but I cannot understand why Mr. Magruder, the head of the SST, should utter the phrase that he did when he was told of the Senate vote. He called it an "incredible act of hypocrisy," according to the press—a phrase that ought to be resented by every Member of the Congress, whether he be a Member of the House or of the Senate. He did not say that the Senate's vote was ill advised. He did not say it was unfortunate. He did not even say that it was a mistake. He called it an "incredible act of hypocrisy."

But, Mr. Speaker, this kind of defamatory expression could be expected in the progression of a program that has been marked by misrepresentation, by concealment, and by deception, and I do not use those words lightly. There has been a concealment of facts from the Congress and there still is. We still have not got all the reports on the SST.

There has been concealment of facts from the Congress and there still is. Administrators of the program last year refused to make available to our Appropriations Committee a copy of the Cabinet Committee's report to the President on the SST, a report in which seven of the highest ranking officials of the administration recommended to the President early last year that the SST program be brought to an end. It was only the threat by our Appropriations Subcommittee that we would not listen to any testimony or consider the SST appropriation that made the report available.

And that well-reasoned report showed logically and clearly why the SST program should be ended. Unfortunately, the President overruled the recommendation of his Cabinet Committee.

This year the Congress has requested another report on the SST made by a group of scientific experts to the President. It is supposedly highly critical of the SST. The administration, has refused to make this report available to the Congress. Dr. Richard Garwin, who was Chairman of the Committee appointed by the President's science adviser, has said that report is in the White House and he has refused to discuss it until permission is given by the President. That permission has not yet been granted. The fact remains that Dr. Garwin has been one of the ablest and most constructive critics of the SST program, an undoubted expert in the field, possessing superb qualifications. Among these is his membership on the President's Science Advisory Staff under three Presidents: Presidents Kennedy, Johnson, and Nixon.

Yes, there has been concealment. And there have been misrepresentations, the latest of which are contained in the President's own statement commenting on the vote of the Senate. I do not believe the President would deliberately misinform the country of the consequences of the cancellation of the SST program. I can only conclude from reading his statement that he was not told the facts by his associates, for it is obvious to those who know the facts in this case that statements in the President's message are clearly wrong. For example, he says the contract termination costs will be $278 million. The sum is greatly exaggerated, exaggerated by almost three times.

The President talks about a loss of 150,000 jobs if this program is canceled. He did not point out, however, that that number of jobs would not come into being until the SST was in full production, a condition which can occur in about 8 years or so after the prototype had been proved successful and $3 to $4 billion had been raised to put the plane into production. These are very serious conditions precedent to attaining that goal. Where is the contractor going to get $3 to $4 billion in production financing? The record shows it may have to come from the American taxpayer. Are you going to vote another $3 or $4 billion to further subsidize the program if private financing is not available? Those who say the SST is inevitable may want to think about that.

And, Mr. Speaker, the remark of Chairman Paul W. McCracken of the President's Council of Economic Advisers in his testimony before the Senate on July 31, 1970, is also very pertinent. He said:

> It should be stated, incidentally, that continuing the SST should not be supported as a means to assure reasonably full employment. By the middle of this decade (when the project, in any case, would begin to employ large numbers of skilled workers), the attainment of reasonably full employment can be achieved in other ways.

And I may add, much healthier ways than through the production of a plane which will present the environmental hazards which the SST presents.

Yes, Mr. Speaker, the SST will degrade the environment in at least three ways: by sonic boom, by airport noise, by possible permanent clouding of the upper atmosphere.

The SST will create a sonic boom. Can it be doubted that at some later days, if the SST flies unprofitably at subsonic speeds as it will, that the pressure to remove the present banning of the sonic boom overland will be rescinded? We must remember the statement by Gen. Jewel Maxwell, former head of the SST program, when he said:

> We believe that people in time will come to accept the sonic boom as they have the rather unpleasant side effects which accompanied other advances in transportation.

And the airport noise will be unbearable. The SST will generate a takeoff and infernal racket four times greater than that of the 707 or 747.

The SST Administrator would have you believe that the problem of SST airport noise is practically under control. Nothing is further from the truth. Oh, yes, the problem of noise is being researched. As a matter of fact, there are five agencies spending $85 million a year on noise research, but they have not found a way to eliminate it.

For years Senators and Members of Congress have been hounding the FAA to require suppression of aircraft noise at airports. Our good friend and colleague, Joe Addabbo, who represents the district in which Kennedy Airport is located, has told me of the telephone calls he receives at three or four in the morning when the caller says:

> Congressman, I can't sleep tonight because of the jet noise. I thought you would like to know that.

Congress did something about the noise. It passed Public Law 90-411 under which the FAA has now established a much lower limit of noise for subsonic jet aircraft.

But now the SST threatens to shatter that level with noise which will be four times greater than that of today's jets.

To avoid community wrath, the Department talks about building new jetports for the SST in remote areas. Apart from the millions of dollars such new installations would require, this will present the paradoxical situation of the SST saving 2 hours in flying time in the air on a trip from Europe and losing almost as much time on the ground because of the distance of the airport from urban centers.

And, Mr. Speaker, the Concorde's noise is even worse than the SST. The Association of Airport Owners has already declared that they will not permit supersonic craft generating such noise to fly into their airports.

Mr. Speaker, we are warned of another possible pollution by the SST—that the SST will degrade the environment by the creation of a permanent thin cloud cover which may change temperatures on the earth. A group of the Nation's most distinguished environmental scientists meeting in August at the Massachusetts Institute of Technology issued a report expressing concern as to what the operation of numbers of SST aircraft might bring. The projected SST's can have a clearly measurable effect in a large region of the world and quite possibly on a global scale.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Wisconsin.

Mr. REUSS. The gentleman from Illinois is well pointing out the fallacy of the claim that the SST would provide a WPA project for 150,000 employees. Is it not a fact that this Nation would be far better served if, instead of proceeding with the SST, we would use the saving to launch adequate programs in curing air pollution, in curing water pollution, in developing whole new systems of mass transit, and that the role of the aerospace industry in general and Boeing in particular could be a very large, and meaningful role if we would thus reorder our priorities?

Mr. YATES. The gentleman is correct. Of course, that is what the Chairman of the Council of Economic Advisers meant when he said that we should not look to the SST for the creation of full employment. There are more constructive industries and undertakings that would provide jobs of that kind. I thank the gentleman for pointing that out.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is it not true that before we could even start thinking about 150,000 jobs in the supersonic industry that we would have to have contracts for at least 300 supersonic transports at a cost of $60 million apiece—before the taxpayers could get one penny return on their investment?

The state of the airline industry all over the world, according to the best estimates, is that there is anticipated orders of only 187 SST's by the British, Russians, and everyone else, so when they talk about any economic factor here, is it not correct we must have on order 300 SST's at $60 million apiece before we can even think about realizing any return on this investment?

Mr. YATES. The gentleman is exactly right. That is what the record shows.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I take this opportunity to congratulate the gentleman from Illinois for having taken this action to give the House for the first time in its history a chance to vote on this issue of the SST.

There has been a great deal of publicity that the House has supported this program, but we have never had the outright chance to vote on it, and I am delighted the gentleman has taken this action, and I will support him in this action.

Mr. YATES. I thank the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding.

I ask the gentleman from Illinois (Mr. PUCINSKI) where he got the figure of $60 million as the cost of one SST?

Mr. YATES. I can answer that. The answer, given in our record, was $52 million by the time the first SST rolls off the line.

Mr. WILLIAMS. Where did the $52 million figure come from?

Mr. YATES. From testimony of Mr. Vierling, the Assistant Director of the SST program, and the FAA Administrator, Mr. Shaffer.

Mr. WILLIAMS. Is it not true the Department of Transportation report, updated as of November 27, 1970, sets the estimated cost on an SST at $37.5 million?

Mr. YATES. That is the cost, the projected cost at the present time, but the price that the witnesses before our committee gave us was estimated on a projected cost that took into account inflation, the cost by the time the first SST rolls off the assembly line. That is in the RECORD and the gentleman can read it.

Mr. WILLIAMS. The hearings that were held before the gentleman's committee were held in the early part of this year or the latter part of last year?

Mr. YATES. They have been held over the last 7 years on the SST.

Mr. WILLIAMS. But the hearings the gentleman is referring to were concluded about when?

Mr. YATES. About July.

Mr. WILLIAMS. The updated report of the Department of Transportation, updated as of late last month, give us a figure of $37.5 million. As the gentleman undoubtedly knows, there have been some structural changes proposed which will make the plane more stable at low speed flights.

Mr. YATES. I would think it needed that.

Mr. WILLIAMS. Which will also decrease the cost.

Mr. YATES. If that is true, it has not been testified to before our committee.

Mr. WILLIAMS. Then I would suggest the gentleman read the report of the Transportation Department, updated as of November 1970.

Mr. YATES. I will be glad to read it, but I must tell the gentleman that for the most part we act on testimony before our committee, and that testimony is directly contrary to what the gentleman said.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, if the gentleman will just take a look at the tragic story of cost overruns in every single defense item, he will see what happens on items that come before this Congress.

Mr. YATES. Correct.

Mr. PUCINSKI. I tell the gentleman, the $60 million figure is on the low side, and there is not an airline in the world that can pay $60 million for a commercial airplane carrying 250 passengers. We had better think about that also.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Speaker, on the breakdown of the budget request for this coming year, when we talk about priorities, let us take into consideration the fact that the SST takes $1.86 out of every $1,000 being spent. On drug prevention and rehabilitation, a subject which lies close to the heart of every American, there is 30 cents taken out of every $1,000. I think we have to look at what is important.

Mr. YATES. The gentleman is absolutely correct. The gentleman might well have been reading the speech last Thursday of the Senator from Michigan, Mr. GRIFFIN, the Republican whip and presumably one of the administration leaders in the Senate, who voted against the SST, and he did so, pointing out why:

> We have passed the National Passenger Railroad Act for which there has been an appropriation of $140 million to be paid over five years. How can you compare that with an appropriation of $290 million for one year for the SST?

He also made the same point the gentleman from Rhode Island made. He said this:

> Drug abuse is funded for only $154 million during the current year. This amount is supposed to deal with all phases of the drug problem including law enforcement, treatment, rehabilitation, education, training, and research.

Imagine that, $154 million for all phases of the drug problem. Yet, $290 million is in this bill for the SST.

There is $154 million for that problem imagine that. And yet there is in this bill $290 million for the SST this year. There will be $230 million for the SST next year, and a couple of hundred million dollars for the SST the following year, until the total program of $1.3 billion for the prototype is completed.

Then, after that the problem will be presented of finding $3 to $4 billion to move this plane into production.

The Senator from Michigan also pointed to the National Railroad Passenger Corporation Act recently passed by the Congress providing $140 million in Federal grants and loan guarantees to be available over the next 5 years for the operation of a national railroad passenger system—$140 million over 5 years for the entire railway passenger system of the country. Compare that with the SST appropriation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Iowa.

Mr. GROSS. I want to join in commending the gentleman for offering this motion to instruct the conferees and thus to give the House its first opportunity to vote on the record of the SST. I certainly intend to support the gentleman's motion.

Mr. YATES. I thank the gentleman.

I just want to complete what the Senator from Michigan, Mr. GRIFFIN, said. I say this for the benefit of my good friend the minority leader. He said this:

> The most compelling reason for my opposition to the pending request can be put very simply.

I am quoting him:

> At a time when the Federal Government is running in the red and the squeeze is on to allocate priorities it is impossible for me to assign to the SST a higher priority than some of the other pressing needs of the country.

This is the Senator from Michigan, Mr. GRIFFIN, speaking.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is it not a fact that even after this airplane is developed, there is a possibility it will never be certificated?

Mr. YATES. Of course.

Mr. PUCINSKI. This Congress passed legislation which is now the law of the land instructing the FAA to set up tolerable noise limits on takeoffs and landings. The Concorde, when it ran into trouble, had an emergency landing at Heathrow, England, and created a great deal of confusion in that community because of its unbearable noise. They have not solved the problem of noise on the Concorde, and they have not solved the problem of noise at ground level for takeoff and departure with the SST. There is no prospect that they will.

Under the law which we passed, which is now the law of the land, the prospects are very good that this airplane will never be certificated within the meaning of that law.

Mr. YATES. I thank the gentleman for his statement. He is quite correct. If the prototype of the SST is completed, it may very well take its position alongside the XB-70, for which our Government spent $1.3 billion to produce two prototypes, one of which crashed and one of which is in an air museum. After spending $1.3 billion the Government called for an end to the program. That is likely to happen to the SST as well.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I am supporting the gentleman's motion purely on the ground of the financial condition of this country. Our national debt today is right at $400 billion. The interest on that debt is the second biggest item in the appropriation bill for this year, $20.8 billion. I had the clerk of our committee break that down. The interest on the national debt runs at the rate of $30,000 a minute, or $400 million a week.

Mr. YATES. I thank the gentleman for his contribution.

I point out to the House that the SST is a unique program. We have cut military appropriations. We have eliminated education appropriations. We have cut other kinds of essential appropriations. Yet not once—not once in all this time—has the SST appropriation been cut. It is $290 million for this year. We voted the full amount. We voted the full amount last year. We voted the full amount the previous year.

Can you name one other program that has not been cut. No. The SST program is sacrosanct. It is a sacred cow. It is untouchable.

Well, the Senate has touched it. It has touched it hard as it should have done. The House should do the same.

For all these reasons, Mr. Speaker, I urge that my motion be approved.

I reserve the remainder of my time.

Mr. BOLAND. Mr. Speaker, has the gentleman from Illinois yielded 30 minutes to me?

Mr. YATES. I have.

Mr. BOLAND. Mr. Speaker, I yield such time as he may desire to the distinguished minority leader of this House, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I have in my hand a copy of the Christian Science Monitor for Friday, December 4. The front-page story headline reads as follows: "Britain Jumps Jet Air Industry Into the Future." In the article, and again I quote, the following comment is made:

> The makers, Sud Aviation and the British Aircraft Corporation, are convinced they will eventually build from 200 to 450 Concordes.

Mr. Speaker, let me say this: The British and the French are planning to build, will fly, and will sell 200 to 450 Concordes unless the United States of America proceeds with its version of the SST. Unfortunately, the Concorde is not as good an aircraft as that which we are planning or programing. Our aircraft will have a better benefit-cost ratio; it will do a better job and consequently it will be more salable in the commercial market. But if we quit, if we turn that market over to the British and the French and possibly the Soviet Union, the American aircraft industry will be anchored to the past and the British and the French and undoubtedly the Russians will assume the leadership in this vitally important area of the world economy.

What will the effects be if we quit and the British and the French proceed? Well, in 4 to 6 years you will have 200 to 450 Concordes flying all over the world at a speed of roughly 1,200 miles per hour at an altitude of 60,000 to 70,000 feet. They will be flying those high-performance aircraft and the U.S. version of the SST will be grounded.

What will the economic effects really be? Despite the comments and observations of my friend from Illinois, there is substance to the contention that if this program is grounded, if we quit, that we will lose approximately 150,000 jobs throughout the United States. It will mean the loss of tremendous capability among thousands of American workingmen. It will mean the loss of our expertise in the field of technology as far as the aircraft industry is concerned; 150,000 jobs are important to the future of the United States.

I do not argue for the SST on the basis that it ought to be an aviation WPA. I believe we have a good product. If it is approved by the Congress of the United States there will be 150,000 more jobs available to the American wage earners throughout this country for the next decade. Tax dollars should be spent only if the SST can be justified on its merits. I believe it does.

The United States has always prided itself on being the global leader in aviation. If we anchor this SST aircraft program to the ground by voting with the gentleman from Illinois, we will lose our leadership in this vitally important area in the decades ahead.

Mr. Speaker, we have already invested about $700 million in the SST program to date. It has been recommended by three administrations, initiated by the Kennedy administration, backed up by the Johnson administration, and supported by the Nixon administration. Three Congresses have supported the program. The House of Representatives in May of this year also endorsed and approved the $295 million to keep this program going toward fruition. It has been a bipartisan program.

I really do not believe that the gentleman from Illinois meant to say that three administrations have deceived, misrepresented, and concealed facts about this program. I violently take exception to the contention made by the gentleman from Illinois. He may believe that, but the facts do not bear him out.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I will yield when I get through.

Mr. YATES. OK.

Mr. Speaker, if 200 to 450 SST's of the Concorde version are in the skies in the next 4 to 6 years, it will mean that the United States will have lost an opportunity, with an investment of approximately $1.3 billion to make a profit of $1 billion. By any standard that is a good return.

Mr. Speaker, the break-even point on the sale of our version of the SST is 300 aircraft. There is no question that if our version is produced after the two prototypes we will sell 300 U.S. SST aircraft. We will take the market from the Concorde. The United States, after we pass the break-even point of 300 aircraft and move up to the 500 aircraft level, will make a profit. The U.S. Treasury will make a profit of $1.3 billion on an investment of $1 billion.

Mr. Speaker, allegations have been made that the U.S. aircraft industry has not invested in this venture. The truth is that under this program industry in the United States will invest $305 million of its own money. The aircraft—the commercial aircraft industry—will have an investment of $60 million. They already have $22 million on the line in order to firm up reservations of the planes as they come off the production line.

If the British and the French proceed and we quit, then there is going to be a tremendous adverse swing in the balance of payments from our Nation's point of view. This is one of our country's most serious problems. We have struggled to achieve a balance of payments over the last 10 years. The aircraft industry of the United States has been one of the biggest plus producers of a favorable balance of payments from our Nation's point of view.

It is estimated that if the United States proceeds with its version of the SST that there will be a tremendous benefit to our trade balance. But if we do not, it means that the British and the French with the Concorde will dominate the aircraft industry worldwide for the next decade or more, and there will be an adverse swing of at least $17 billion against us in the balance of trade. That is a conervative figure.

Mr. Speaker, some of those who are more pessimistic say that if we quit and the British and French proceed, the adverse balance of payments swing against us, as a Nation, could be as high as $46 billion. I do not think we want to take that gamble.

There has been much comment and a great deal of concern exhibited, and properly so, about the effect of the SST upon the environment. This concern includes aircraft and community noise problems as well as concern about weather and climate environmental problems.

Let me say this: If we build and sell our SST, we know that the agencies in our Federal Government will find the answers to these problems. They are now in the process, with the most highly trained and the best of our scientific personnel in trying to find out whether there is a noise problem on the ground, whether there are weather and climate problems in the air.

Mr. Speaker, if we quit and if the British and French proceed, we have no assurance whatsoever that the British and the French are concerned about these problems. I hope they are. However, we have no guarantee that they are going to be concerned with the noise problem on the ground or the weather or climate problems in the air.

I think that the record shows that the SST, our version, will have less noise problems than the current version of the DC–8 or the 707. We have ample scientific data that the SST, flying at 60,000 or 70,000 feet above sea level, will not have an adverse impact on our environment, or on the ecology of the world. We have the assurance by an order, a directive of the FAA, that no SST will be flown over land, the facts are that when the plane takes off on land it creates fewer problems than any of the present commercial jets.

One of the most amusing developments on this matter was the introduction of a bill by a Member of the other body which in effect would have the result of barring any SST plane from landing or taking off at a U.S. airport. I could not help but think that this was like some Member of the Congress in 1807, when Robert Fulton developed the steamboat, saying that because of this newfangled steampowered device we ought to preclude steamboats from coming into American harbors, and that we ought to rest the future of transportation around the world on ships with sails. That proposition, in my mind, would have been a ridiculous attempt to stop progress throughout the world. Legislation today to stop engineering and scientific progress by banning SST operations on all U.S. airports would be just as ridiculous.

Mr. Speaker, I say to you in all sincerity if we quit, and we relinquish the field in this new advance of science and technology in aviation, then the United States will make one of the most serious errors in the history of our country.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, the gentleman from Michigan has made an excellent address to the House, as did the gentleman from Illinois. There are real questions to be determined.

It will be recalled, I believe, that at one time I had introduced legislation, which never came out of the Committee on Interstate and Foreign Commerce, providing for financing, and private financing, of the SST. I wish it had come out of the committee, because I think if it had we would not be in this situation today.

But it seems to me that what these two gentlemen have said to the House today is the reason why we should vote down the motion offered by the gentleman from Illinois (Mr. YATES) because there are questions here.

I think that both of the gentlemen have made, as I said before, excellent statements, and this is the reason it ought to go to conference. That is the reason we have conferences, so as to work out these differences. I would hope that the House would permit the conferees to go into conference to determine these facts, and then bring the bill in and, if the House is not satisfied with what the conferees do, they can always vote down the conference report. It is my recollection that we did have a vote at one time on a motion to recommit, where the gentleman objected to the previous question on the theory that he was going to raise the question of the SST, and he was defeated on it. So we did have that vote. And I would hope and suggest that the House will vote down the motion offered by the gentleman from Illinois (Mr. YATES) and permit the conferees to function as we have permitted them to do in the past.

Mr. GERALD R. FORD. Mr. Speaker, let me say that I wholeheartedly agree with the gentleman from Ohio. I believe that the private sector must get into this program as quickly as possible, and I have been prodding not only this administration, but previous administrations, to take that step. I intend to keep the pressure on this administration, if this program goes ahead at the present time in this current fiscal year, but we have to get over this hump before we can possibly get private funds involved in the program.

Mr. BOW. Mr. Speaker, if the gentleman will yield further?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. BOW. I may say that at that time at the introduction of that bill I had met with brokers and bankers and other people in the financial world who said that it was possible to finance this through private financing but we must have the prototype first.

Mr. BOLAND. Mr. Speaker, may I inquire how much time the gentleman from Michigan (Mr. GERALD R. FORD) has consumed?

The SPEAKER. The gentleman has consumed 15 minutes.

Mr. BOLAND. If the gentleman is finished I would like to yield to other Members who oppose the motion of the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the comments of the gentleman from Massachusetts and I am delighted to yield my time unless he wants to let me yield to the gentleman from Illinois.

Mr. BOLAND. I will be glad to. I will yield sufficient time for a question.

Mr. GOLDWATER. Mr. Speaker, I would like to take this opportunity to urge my colleagues in the House to stand behind their previous decision to appropriate funds for the continued development of the supersonic transport. The development of this advanced aircraft is essential for America's technological and economic future.

I would like to point, first, at the implications of discontinuing this development program for the current state of the economy. One of the grounds on which opponents of the SST have voted against its funding has been that of "cutting Government spending" and "reordering our national priorities." Yet, what is more important as a national priority than fighting the current unemployment problem and cutting spending in the welfare area?

Have the opponents of the SST considered the implications of cutting its funding for an economy already seriously impaired by previous aerospace and defense cutbacks? Unemployment in my district is over the 8-percent mark, and it is above 10 percent in California as a whole. In Seattle, location of Boeing Industries, the prime contractor for the SST, unemployment is over 20 percent. Talented individuals all over the west coast are out of work, being forced to eke out a living on welfare and unemployment compensation.

Even more horrifying to consider in the long run is the fact that the traditional "brain drain" toward American industry is now being reversed; there are indications of an increasing flow of talent from America to other nations where the cost of living is lower and employment is offered in the field of engineering—not as a checker in a supermarket or a meter reader.

Yet the Senate has taken a step which will make this situation even worse if it is allowed to stand. Consider what will happen to the unemployment figures on the west coast alone, where the prime contractor and most of the subcontractors for the SST do business. Can we really afford this kind of blow to our economy right now? We have cut Government spending in defense and aerospace already—must we administer a coupe de grace to these industries which will set them back to a point where they may never recover?

Let us also look at the long-run consequences of such an action. I am sure that every Member of this House is aware of the extremely precarious state of our balance of payments, and the increasing murmurs on the part of foreign economists that America will soon need to devalue the dollar. Civilian aircraft, however, have long constituted an important American export, and last year alone brought in $2.2 billion in sales. Without an SST program, however, the loss of aircraft sales combined with increased purchase by U.S. airlines of the Anglo-French Concorde, may result in an unfavorable swing in the balance of trade of at least $17 billion. Can we afford such a loss? I think not.

Added to the considerations of unemployment and the balance of payments are the positive facts that the investment in the SST will be returned, that the Government will actually make a profit on this investment in the long run, and that these moneys will not only stimulate the economy but provide jobs for thousands of people. How many other Government investments and expenditures can make this claim? Most of the moneys we appropriate go out the door, never to be seen again, and the benefits provided are intangible and seldom enough, according to those receiving them.

I respectfully urge my colleagues in the House to consider these factors, to take a good look at our national priorities in terms of people and jobs, and to consider the economic state of America as a whole. It is an unfortunate situation when our decisions are influenced by scare tactics relating to problems which "may" appear rather than by the very real consideration of problems which will appear if the SST is not funded.

Mr. PUCINSKI. The distinguished minority leader said that we have already spent $700 million on this and we have to move forward.

There is no bank in the country except one that has invested or wants to invest a penny in this program. Will the gentleman when we have spent $1.3 billion developing the prototype also attempt to urge that as long as we spent $1.3 billion we must now spend the next $3 billion developing the wherewithal for production? How deep does the gentleman want to get into this before he realizes that this is a white elephant?

Mr. BOLAND. Mr. Speaker, if the gentleman will yield, and incidentally let me say before I answer the gentleman from Illinois, nothing has been concealed by this administration or past administrations from our committee. At times there has been some reluctance on the part of some people in the administration to come up promptly with all of the facts and all of the reports when we asked for them. But no Member of this House can say that our subcommittee has ever been denied any report or any information on any conclusion or decision that has been made by this administration or previous administrations regarding the SST program.

There was some reference to the testimony of Dr. Garwin in a local newspaper today and indications are that there is pending litigation on this matter. I must say that the gentleman from Illinois, who has been a persistent and eloquent inquisitor during all of the proceedings that we have had on the SST, requested that our committee allow Dr. Garwin to testify. The record includes all the information that Dr. Garwin ever said about this matter in the hearings. There is no secret about it—it is all there. There is nothing secret about it, and there never has been. So our committee—I suggest to a large extent because of the prodding by the gentleman from Illinois, who has done a magnificent job to inform the public precisely what this program is and precisely what the problems are—has developed all this information so that every Member of the Congress has all the information that is possible under the circumstances to determine whether or not he or she wants to support this program.

Now in answer to another question by the gentleman from Illinois, let me say that with respect to the Government financing of this program, this Congress and the administration, who are responsible for the program, are committed only to research and development of two SST prototypes and 100 test hours of flight. That is it. That is where our commitment ends.

I think it is time that the Congress should look at how we might go ahead with the production phase. I am willing to consider legislation, which may be offered by the gentleman from Ohio (Mr. Bow), which would make the production phase one which will be financed by private industry—perhaps with some insurance by the Federal Government. I have no objection to that approach.

Also, let me say that our competitors in this field, the British and the French, have together spent over $2 billion on the Concorde. I do not know what the Russians have spent on the TU-144. But I presume that in U.S. dollars it probably would be at least a billion dollars, too. They are moving ahead. As the gentleman from Michigan has suggested there are going to be SST transports flying whether we like it or not. We have arrived at the age of the SST, and we are going to see more of them. If our Government does not take the lead, we are going to lose in the years to come the dominant lead in the aviation industry that we have built up through the technical know-how and expertise which has resulted from the efforts of the men and women who have been working in this great aircraft industry of the United States.

Just think of it. Of all the commercial aircraft flown throughout the free world, 85 percent are produced here in the United States—and we can be proud of it. You can go to any airport around the world and you can see the great U.S. transports flown by Pan Am, TWA, Delta and other fine airlines. They are there, and you are proud of them.

They are paying off, let me say, too. The U.S. SST is not going to fly until 1978. At that time the airline industry will be out of its doldrums. We will be ready for a new generation of aircraft. And this is the new generation aircraft. This is the aircraft of the future. That is my response to the gentleman from Illinois.

Mr. Speaker, before I yield to the distinguished chairman of the Appropriations Committee I would like to comment on a paper distributed by the coalition against the SST. This brochure includes the following charges relating to the environmental impact of the SST:

First. The public will not be protected from the SST's sonic boom.

Second. The SST will produce an unprecedented level of airport noise.

Third. The world climate might change because of the amount of water vapor deposited in the stratosphere by the SST.

Regarding the first charge, proposed Federal rules will insure that the SST's can not be operated over the United States at speeds which cause audible sonic booms.

With respect to the second charge, the takeoff noise of the SST over the community will be lower than the typical jet in the present intercontinental fleet, and is expected to meet the levels established in the FAA's noise rule for the latest subsonic jets. This means the SST will relieve, not aggravate, the present noise situation over the community, where people live or work.

Furthermore, based on today's technology, even if the SST were certificated today, without the advantage of 8 additional years of noise suppression research and development—it would produce about the same level of sideline noise during takeoff roll as is now produced by subsonic jets over the community during approach to landing. However, experts are confident that his sideline noise can and will be reduced by at least one-half before its introduction into commercial service. This reduction, of course, is one of the principal reasons for building and testing the SST prototypes.

The third charge is equally fallacious. There is no evidence that water deposited in the stratosphere by the SST would change the climate. Natural weather phenomena injects into the stratosphere many times the amount of water produced by a fleet of SST's. However, additional research on the climatic effects of SST operation is underway and will resolve this question by the time a decision on SST production must be made.

I now yield 5 minutes to the distinguished chairman of the Appropriations Committee, the gentleman from Texas (Mr. Mahon).

The **SPEAKER** pro tempore (Mr. Holifield). The gentleman from Texas is recognized for 5 minutes.

Mr. GOLDWATER. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. GOLDWATER. Mr. Speaker, I also rise in support of the supersonic transport. The gentleman from Ohio has pointed out that there are many questions that need to be answered. I think there is no question, as the gentleman from Massachusetts has pointed out, that 85 percent of all commercial aircraft in the world is produced in this country.

I would also like to invite Members of Congress to come out to the west coast and see the tremendous dislocation that has been caused by the great reduction in defense and aerospace programs over many years. If funds for the SST program are allowed to be cut, that dislocation will be greater.

Mr. MAHON. Mr. Speaker, I rise to heartily endorse the impassioned plea of the gentleman from Massachusetts, in regard to the SST.

In my judgment, it would be a major mistake—it would be a setback for U.S. supremacy in the world—for us to turn our backs on the SST at this moment.

Of course, this program has problems. Of course, this country has problems.

But it is very important to American labor and American industry, and to the American flag all over the world, that we maintain the superiority which we now have in supplying to the nations of the world and to the airline companies of the world the airplanes in which people will fly.

I urge Members of the House not to join with those who wish to kill this program. We must stand strong. We must keep this SST program going as a result of actions by this Congress. I sincerely hope that the House will stand by its original position so that the program may continue in an orderly manner.

The **SPEAKER** pro tempore. The gentleman has consumed 3 minutes. The gentleman from Massachusetts has consumed 23 minutes and the gentleman from Illinois has consumed 19 minutes.

Mr. YATES. Mr. Speaker, I yield myself 2 minutes.

The **SPEAKER** pro tempore. The gentleman from Illinois is recognized.

Mr. YATES. Mr. Speaker, my friend from Massachusetts has made a very eloquent statement. He spoke of the supremacy of the American aircraft industry and American planes flying all around the world. Everywhere you go in the world, he said, you will see American 747's, 707's, and other American planes. That is true. And you will still see them even if this appropriation is voted down.

Those planes were all built by private industry. Those planes were not built with taxpayers' money as is the SST. If this program were so attractive why shouldn't the contractor raise the money from private sources as was the case for all other commercial aircraft?

Who is going to benefit by the SST? Let me point out to you that the SST, which has been hailed as such a great advance in transportation, will fly with a premium fare. The statistics that were presented to our committee disclose that only 10 percent of the American public travels overseas now; 90 percent fly domestically. The statistics also show that 90 percent of those who fly overseas fly at reduced rates, at economy rates, or at charter rates. The statistics show that only a small percentage fly at first-class rates.

The testimony shows further that the SST will command a fare that is 24 percent higher than the first-class fare, whatever that fare may be when it flies. Thus, we find that only 2 percent of the Americans are going to use the SST. Two percent. Are we going to spend $1.3 billion of the taxpayers' money for the prototype and $3 to $4 billion of the taxpayers' money for a production model of the plane to serve 2 percent of the American people? How ridiculous can we be?

Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, I support the Yates motion.

We have more urgent priorities than we have resources. Think of our problems. We should be spending about $14 billion a year to fight water and air pollution, and those figures come from the conservative U.S. News & World Report. Crime makes millions of older people afraid to go out at night. Most of our elderly barely subsist. Six million children and adults are mentally and physically handicapped. We do not have enough classrooms and teachers for normal children. Our cities are broke and desperate for funds, and they want the Federal Government to share revenues of $10 to $20 billions annually, yet all we have to divide among the cities and States are growing Federal deficits.

We have a $20 billion backlog in military construction. We have a $40 to $50 billion backlog in naval expenditures for the next 10 years. However nice we might think spending $1.3 billion in Federal money to develop the SST is, is it really such a high order of priority or urgency that the ordinary person, the working man, should dig into his pocket to pay taxes so that a business executive can get to London in 3 hours instead of 7? Incidentally, the people will be taxed not only to subsidize the building of the plane, but to pay for the expense-account travel involved. The taxpayer is going to get it from both ends.

If we sell the SST to other nations, it may improve our balance of payments. But it may also make it worse. If two or three times as many people will be traveling and spending money abroad as do now, this could add to balance of payments difficulties. There is no telling in advance what offsetting consequences these SST's will have on our balance of payments.

We have heard a great deal about the unemployment resulting from this. I want to ask this: Does spending money on schools, does spending money on getting rid of crime, does spending money on correction of water and air pollution, does spending money on military housing and new naval vessels—do these expenditures produce no jobs? Is there any inherent job-creating superiority of the SST over these other projects?

The Egyptians built pyramids, supposedly to provide employment for their people. That is just what the SST is—a flying pyramid. But the flying pyramid is not needed, because we have plenty of other ways of creating jobs.

The SST presents us with unsolved problems: Design complications; cost overruns. We have them. So do the British and the French. From what I hear, the British and the French are just waiting for us to drop the SST, so they can drop it also. The truth is we are building the SST because the Russians and the British and the French are doing it. And the Russians and the British and French are doing it because we are. There is a quotation from Alexander Pope in "An Essay on Criticism":

> Be not the first by whom the new is tried,

The automobile industry was not invented in the United States, and the most popular automobiles selling today are not the first automobiles that were invented and put into production. I say we should let the British and the French, if they want to, complete the first SST-Edsel and then let us improve on their mistakes.

Mr. Speaker, nobody really knows whether the SST is going to be, on balance, destructive or beneficial to our economy, and to our environment. We hear things about the sideline noise which is gong to be as loud as 50 of our 747's taking off at once. We are also told that the SST may pollute the upper atmosphere. No one really knows. But where has the case been made that this is the wisest use of our very limited economic resources? Let us do first things first—and things like the SST last.

The **SPEAKER** pro tempore. The time of the gentleman from Maryland has expired.

Mr. YATES. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. REUSS).

The **SPEAKER** pro tempore. The gentleman has 4 minutes remaining.

Mr. YATES. Then, Mr. Speaker, I yield the gentleman 3 minutes.

Mr. REUSS. Mr. Speaker, gentlemen who favor the SST have talked about prestige. Well, what happened? The aircraft industry of France was able to persuade its government to embark upon the Concorde. Then France, having Great Britain over the barrel on Great Britain's entry into the common market, was able to "con" Great Britain into going ahead.

If we really want to think of the prestige of the United States, let us terminate the SST now and leave the Concorde to live or die among its worshipers.

We can recapture our prestige if we will have the commonsense to start reordering our priorities away from this machine—which benefits such a limited few—and toward better schools, decent homes, adequate hospitals, clean air and water, and even a break for the hard-pressed taxpayer. We can restore our prestige if we show that we have the wisdom—yes, and the humility—to admit we made a mistake and that we propose today to correct it.

Therein lies real prestige. Let us vote up the Yates instruction and vote down the SST.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I am a little confused as to your view of the economics of this issue. If we terminate this program and the aerospace industry, in which we have an 85-percent dominance in world markets, and lose the balance-of-payments benefits we would have from the SST, how would we benefit these social programs that have been paid for by the taxes generated from that positive balance of payments?

Mr. REUSS. I will be glad to answer that question. It is not proposed that we terminate the U.S. aircraft industry. It is proposed that we leave the U.S. aircraft industry to that same status which has brought it to its 85-percent dominance of the world, under the free enterprise system, and stay away from the state socialism which afflicts those on the other side of the water.

Mr. BROWN of Ohio. The gentleman is a distinguished economist. I wish he would answer my question. How is it, by not providing jobs in this country and not having a viable aerospace industry, that we can finance the social benefits you indicate are at stake here in the SST?

Mr. REUSS. I say, let us provide the services that help the people of this country. Let us build the schools, the homes, the clean air and water, the things we so desperately need, and we will find jobs enough for everybody.

The trouble is we are not doing it. We are engaged in foolishness like the SST. We ought to reorder our priorities.

Mr. BROWN of Ohio. Is the gentleman telling me that being in the lead in certain industries and having a positive balance of payments is not beneficial with respect to financing social programs?

Mr. REUSS. A positive balance of payments comes about through our licking inflation, and through reordering our priorities. That is what we ought to be doing.

Mr. Speaker, having lost the SST on the merits in the Senate last week, the administration is now reduced to defending it as a job-creating WPA project.

In a statement over the weekend, the President contended that the Senate's action "means the loss of at least 150,000 jobs" in the aerospace and other industries.

But listen to what one Boeing official said on Saturday, after the Senate vote:

> Boeing and Seattle can walk away from the SST—there are only 4,800 jobs at Boeing involved anyhow.

What the President is doing here is counting all the people who will be working on the SST if it goes into full production—and this will not happen until 1978 at the earliest. Furthermore, only 50,000 of those predicted jobs will involve people working directly on the SST—the remaining 100,000 are those who will provide services to the people working on the SST.

It is kidding to hold out the SST as something that will solve the current unemployment problems in the aerospace industry—are the aerospace scientists and engineers who are now driving cabs going to be encouraged if we tell them that there will be jobs for them 8 years from now if they will only be patient?

Furthermore, suppose there is full employment by 1978, as all of us hope there will be. Adding the demand for 150,000 more jobs at that time would then be highly inflationary.

The 1970 Nobel Laureate, Paul Samuelson, had this to say of the argument that the SST would create jobs:

> Any way that the U.S. Government or anyone else spends a billion dollars on goods will make a billion dollars' worth of goods, and it would be a return to the outmoded depression philosophy of makework—in which men are hired to do useless things like digging holes and filling them up again in order to increase jobs and purchasing power—if we were to succumb to the makes-jobs argument.

But, the President says, it would be a "waste" to halt the SST now that "nearly $700 million of our national resources" have been put into the project. The President said:

> It would be like stopping the construction of a house when it is time to put in the doors.

If the President is making this argument now, think how much more strongly the same argument will be made when the two prototypes have been completed and more than $1.3 billion of our national resources has been invested. "The only way we can get the taxpayer's investment back is to go forward with full production of the plane," the President will say. If there are objections from those concerned about the environment, they will be treated just the way they are treated now—ignore them if they come from outside the Government, and suppress them and keep them secret if they come from within.

But wait, the President says:

> The termination costs for the program are almost as large as this year's $290 million appropriation request. It would cost nearly $278 million to terminate now. Wrong again. The true termination cost is only $90 million, which represents the amount that must be paid back to Boeing and GE under the contract. As for the rest, $105 million is money already spent under the continuing resolution which allowed the program to go forward pending passage of the appropriation bill; $22 million is money deposited in the Treasury by the airlines to reserve SST delivery positions—money which never belonged to the Government in the first place; and $58 million is airline "risk contributions" which the Transportation Department admits it is not legally bound to refund—they say there is "a possible moral refund obligation."

Finally, the President talks as if all the money spent on the SST would be totally wasted if we stopped now. Again, not so. Under the Government's contracts with Boeing and GE, the title to all the work done so far goes to the Government if the project is canceled. All the parts, mockups, supplies, plans, drawings, dies, fixtures, tools, and so on will be the property of the Government, and at such time as an environmentally sound and commercially viable SST can be built with private capital, the Government will be in an excellent position to sell all of this to a private developer and recoup a large part of its investment.

The SST should be discontinued. Now.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I wish we had more time to deliberate and debate on this question. I ask unanimous consent that I be permitted to insert in the RECORD at this point a recent article "The Case for the Supersonic Transport" written by Harvey Ardman and published in the American Legion magazine for December 1970.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The article is as follows:

THE CASE FOR THE SUPERSONIC TRANSPORT

(By Harvey Ardman)

The development of an American supersonic transport airplane, to carry commercial passengers between continents three times as fast as current jets, has been a controversial subject for quite a few years now.

Government funds as well as private funds are needed to help bear the enormous cost of development, so the creation of an American SST is in the area of public debate, and it has been debated to a fare-thee-well.

A host of objections to the SST has been raised. They include:

The great cost of development.

The need to divert government funds instead, to poverty programs and other social purposes.

The lack of any apparent need for such air speed at such cost when it can take nearly as long to get to and from the airports as it takes to fly the Atlantic right now.

The sonic booms that such planes would make, to the annoyance or worse of people and things below.

Supposed danger of radiation damage to passengers who'd fly as high as the SST's would fly.

Pollution of the upper air by jet exhausts with possibly direful effects on world climate.

Possible destruction of the high ozone layer which helps keep damaging ultra-violet rays from reaching the earth.

Anybody who has been reading the papers or listening to radio or TV knows that these discouraging objections have received the most attention in the public debate. They have gotten the headlines. the prime spots in news broadcasts and the blasts of some of the politicians. In the recent elections some candidates of both parties included anti-SST platforms in their campaigning. Alarmed conservation and anti-pollution groups have issued these objections to the SST broadside.

The public is entitled to hear and weigh these points. The SST is a public question, and these are not the kind of objections that should be swept under the rug.

The public is equally entitled to hear the answers to them and the reasons why an American SST is wanted, if we are really supposed to reach great decisions through the expressed will of an informed public.

Inexpert propagandists have been fantastically wrong in their treatment of scientific developments in the past. So wrong have they been that in a recent release the Nat'l Aeronautic Ass'n—which is *for* the SST—had a bit of fun with the media's habit of giving the bigger play to SST objections. The NAA dug up an Oct 9, 1903, New York Times editorial that appeared after Professor Langley's Flying Machine had crashed into the Potomac on Oct. 7 of that year.

Langley's attempt to fly was a "ridiculous fiasco," said the Times then. It went on to say that it would take "from one million to ten million years" to evolve a machine that would really fly, *if* we could eliminate "the existing relation between weight and strength in inorganic materials." Birds are organic and can fly, machines are inorganic and cannot, it explained. We'd be better advised, it said, to devote our efforts to more profitable things.

Langley's plane crashed in the Potomac again on Dec. 8, 1903. Two days later the Times of those days was back scolding him. The unsolvable problem of flight, it patiently explained to Langley, was that because there is always a weakest part to any mechanical device, extra strength must be built in to provide a safety factor. "To allow it in an aeroplane," Langley was advised, "would be to weight it so that it would be too heavy for its purpose."

As a lesson in newspaper science, let it be noted that Langley's plane was later proved flyable, and that when the above editorial appeared on December 10 the Times had just seven days left for the life of its explanation of why man would not fly until at least the year 1001903 A.D. On Dec. 17, 1903, Orville Wright took off, flew and landed a heavier-than-air machine under its own power at Kitty Hawk, N.C.

Digging up such editorials is good clean fun, of course. It doesn't prove anything one way or the other about the SST. But it does make a valid point. When we get tailor-made opinion on the scientific impossibility of coping with problems, we are well advised to hark to the experts as well as the amateurs, and we are entitled to a fair shake in getting our hands on what the experts say.

Some of the objections to the SST are deadly serious, and not to be taken lightly. Which doesn't mean that nothing can be done about them. Some of them are pure nonsense. Others are irrelevant. Meanwhile, the main reason why the aviation industry and the U.S. Department of Transportation want the SST has been reported with so little emphasis—among all that has been said—that if you know what it is you're a rare bird. Do you know why those who want it want it?

The SST certainly is not being promoted to make sonic booms, pollute the air, change the climate, waste money or irradiate passengers.

The latter is among the objections in the nonsense category. Radiation from space is a little more at the 65,000-foot elevations that SST's would normally fly than it is at the 35,000-foot levels of our present commercial jets. At 65,000 feet, radiation generally is almost as great as it is at ground level in New York City. New York has higher than normal ground level radiation for reasons nobody yet comprehends. Normal radiation at 65,000 feet is not as great as it is in some long-inhabited areas of South America.

There are periods when solar flares intensify the radiation in the upper atmosphere. These flares are monitored and even predicted from earth. All an SST pilot need do would be to react as you do when you see a red traffic light. He'd stop. That is, stop flying at 65,000 feet and come down to a lower level—in fact he'd be ordered to.

There is a world of experience in dealing with this. Military planes have been flying with men aboard at these altitudes and higher for close to a generation now. Our U-2 pilots logged thousands of hours at 75,000 to 80,000 feet without any radiation problem. The radiation factor is not an argument against our producing SST's, but only a warning to observe precautions that are already timeworn.

Solar flares aside, there is less radiation exposure for passengers flying the Atlantic in an SST than in one of our current commercial jets. Time is a factor of radiation exposure. A passenger on a two-and-a-half-hour SST flight from New York to London at 65,000 feet will, under normal conditions, absorb less radiation than he does today making a six-and-three-quarter-hour flight at 35,000 feet. The much shorter time of exposure more than offsets the slightly higher radiation level.

If concern about radiation is to be taken seriously, we must scrap the present planes as fast as possible and get cracking with high speed SST's so that passengers need not spend so much time at high elevations. Fortunately, the radiation in either case is usually negligible. It is easily avoidable when it is not negligible. Which is why I have labeled this as a nonsense objection against producing American SST's.

At the other extreme, the sonic boom question isn't nonsense at all. A plane flying faster than sound (and the SST's would hit top speeds not quite three times the speed of sound) makes a boom that makes a bang on land and sea below. There is no known way to prevent a plane that's flying faster than sound from making a sonic boom.

The designers, planners and proponents of the SST have been more aware of this than anyone else. The boom is a bug they can't lick entirely.

If we get our own SST's they will have to be, and will be, tightly regulated when it comes to making booms. The regulations of SST flight proposed by the Department of Transportation are tougher than those imposed on supersonic military planes. So when it comes to the booms that you might hear from SST's, you can say they will be scarcer and weaker than whatever booms you have been hearing from military planes. In fact, you can expect none unless you're at sea. This does not overcome the objection, and nothing can overcome objections to booms if there are to be booms.

SST's will be forbidden to fly at boom speeds over land in U.S. territory, and other countries have their own rules. Planes are not being sought for strictly land routes, but only for transoceanic flight. When and if they fly from, say, Chicago to London, they will still have a speed of advantage during the land portion of the flight of 200 to 250 mph over current commercial planes without making booms on the ground.

They will be forbidden to make booms until they are out to sea. Most of their supersonic speed will be at around 65,000 feet over water. They will not dive and maneuver like military planes. Dives and low-level flight produce the window-breaking, dynamite-like booms that have been experienced from military planes.

It is no kindness to ships at sea to make any booms. What kind of booms will ships hear? Sonic booms are measured in pounds per square foot (psf) in excess of the existing air pressure. A psf of 120 is a helluva boom. It doesn't directly injure people but nothing else good can be said about it. The plaster-cracking, window-shattering boom can have a psf as low as 10 to 20. A diving or low-level fighter plane can produce one easily.

The SST in its level flight at its prescribed altitude will make booms of from 1.5 to 2.2 psf on the water below. This is like a thunderclap from maybe half a mile away—not distant, not right on top of you. It exerts the same psf that hits the ears of a Volkswagen driver when he swings his car door shut. At one point in its climb to cruising altitude the SST will make a boom of 3.5 psf. This is like a nearer thunderclap. Ships are surely going to hear these thunderclaps caused by SST's when they hit their transoceanic speeds. It's nothing to cheer about, but neither does it seem to have been a problem of great dimension so far. For many years military planes have been flying all the oceans at Mach 2 (scientific jargon for twice the speed of sound) without creating a maritime problem.

But let's not kiss off sonic booms. Who wants them even if SST's won't make bad ones at sea and none over land? The problem here is a different one. We won't escape booms from supersonic transports by preventing the United States from developing SST's. Britain, France and Russia are making SST's. They've flown theirs while all we have is a dummy.

U.S. and European airlines have already reserved 74 SST's from pending British and French production. Foreign-made SST's are going to be flying the oceans, and making booms over them, whether we develop our own SST's or not. If we keep American firms from making SST's we will lose the business and still get the booms. The boom question, then, is a question of regulation, and not a reason to keep us out of the SST business.

Here we get to the real reason why our aviation experts in and out of the industry want to keep going full speed on SST development.

It is purely economic.

The livelihoods of the Americans whose jobs and income depend on our aerospace industry require us to be ahead of the world in supersonic commercial jet plane design, manufacture, performance and sales in the years ahead. We cannot match the low cost of cheap labor abroad, and we live or die in business competition with the rest of the world by keeping ahead or not keeping ahead in performance.

The SST is the next generation of passenger planes. While we debate whether there should or should not be SST's, our aviation industry is already seriously behind the time schedule of foreign competitors in developing a marketable SST for the world's airlines.

We have more than a million people directly employed in the aerospace industry. We have a total of more than four million whose incomes are directly identifiable with aerospace production and sales, when we include subcontractors and suppliers who are not themselves directly a part of aerospace.

From now through the 1980's the health of the industry will depend largely on whether or not we made and sell the lion's share of the coming generation of SST passenger planes.

According to present plans, the joint British-French SST, the Concorde, will be ready for scheduled flights between 1972 and 1974. The Boeing SST, the Concorde, is well behind that. It can't enter commercial service until 1978, even if it suffers no further delay.

The drawing-board Boeing is far superior to the already-flown Concorde. No airline would prefer a Concorde to a Boeing if it were offered a choice of two proven planes that meet the present specifications of each, though a Concorde would cost less. The major world airlines might sit out the four-to-six-year time difference for most of their SST purchases if they could be assured that the Boeing would be available about on target.

The Boeing's superiority is based on an American technology that cannot yet be duplicated abroad. It would cruise about 430 mph faster than the Concorde with more than twice as many passengers. What the airlines want is more speed while carrying more passengers.

It isn't that they are concerned about saving each passenger four hours or so in crossing the Atlantic. Probably not one passenger in ten could do much with the time saved, though few would choose a seven-hour flight if a two-and-a-half-hour one were available. What interests the airlines is that a single plane could carry far more people in any given time.

A 298-passenger Boeing SST, designed to cruise at 1,780 mph, could make 27 N.Y.-London round trips in the flying time that the new Boeing 747 needs to make ten round trips at its 595 mph cruising speed. Scheduling, turn-around and on-ground factors may not allow full use of this advantage, but the first Boeing SST will probably be twice as productive in passenger haul as a 747, and later ones as much as 2½ times as productive.

Of course, this kind of SST performance represents vast operating savings for the airlines. None of them want to fly many slower planes and crews, and support terminal facilities for them, to do what a few SST's might be doing for their competitors.

This kind of performance could also do something more for passengers than save them a few hours. The economical performance of SST's would hold their air fares down. If we stay with the present planes, airline efficiency will hit a plateau. Thereafter, transoceanic air fares must rise with inflation. The better economic performance of SST's will hold fares down. For most passengers, the dollar savings in fares will probably mean more in the future than the hours saved on each trip.

The present Concorde, designed to carry 128 passengers at 1,350 mph cruising speeds, is so superior to the jets now flying that, without a Boeing SST, the world's airlines would go for Concordes, as their 74 existing orders for Concordes attest.

But it's so inferior to the Boeing's planned performance that the Concorde couldn't stand the competition of an assured Boeing SST.

Rumors keep pouring out of Europe that the Concorde will be abandoned, whether we produce a Boeing SST or not.

Rumors about multi-million dollar projects often have multi-million dollar motives behind them. Every fresh rumor that the Concorde will never go into full production is heralded here as proof that we don't need the Boeing SST after all, and it promotes delay in Boeing SST development. Every delay of the Boeing SST gives the Concorde's makers more time to sell the first models and more time to work on improvements that might make it more competitive with the Boeing. The British Concorde is probably quietly in production now.

Some of our own responsible people outside of the aerospace industry have taken all of this lightly. It is deadly serious (a) to the Concorde makers abroad who are proceeding with the ship in Britain and France behind the facade of rumor, and (b) to everyone whose bread and butter comes from airplane production in the United States.

The widespread public and political campaigns against the SST here are fostering near panic in our aerospace industry. The whole industry is hurting today, even though (thanks to its past technological superiority) it has previously suffered for less from foreign competition than most of our other major industries.

U.S. aerospace is now seriously depressed for a variety of reasons which may not change for the better soon, and it looks to the SST to give it the lift it needs.

Our plane-making industry was on the rise until recently. In 1968 we hit an all-time peak of 1,418,000 people directly employed in aerospace. Well over 4 million more benefited directly from subcontracting and supply orders placed with other industries. Throughout the '60's, U.S. aerospace throve (1) on its near-monopoly of free-world civilian plane sales; (2) on its space contracts for NASA; (3) on its manufacture of U.S. Air Force, Navy and Marine Corps planes and, (4) on its sales of military planes abroad.

In civilian plane sales alone we have provided very nearly all the planes flown by U.S. airlines, while 84% of all jets flown by commercial airlines in the free world today are American made.

In June of 1970, those directly employed were down to 1,160,000. Some 258,000 jobs had disappeared in a little over a year. Cities like Seattle, Los Angeles, Wichita, Dallas and Fort Worth suddenly suffered widespread unemployment.

By next March, the outlook is that another 174,000 jobs in the industry will have disappeared. With each job that goes, roughly three people in subcontracting and supply firms lose work due to the disappearance of aerospace orders.

The industry had been doing better than ever in the sale of civilian planes here and abroad until just recently, when, unfortunately, it needed to do better yet.

We sold $3.2 billion worth of commercial planes in 1966—with about $1 billion in sales overseas. In 1969, we hit a high of $5.6 billion, with almost $2 billion in foreign sales.

Since then a series of blows had struck the industry.

Commercial plane orders of current jets slipped off because of internal crises in the airlines.

Our government can back both its military and its space-program orders.

National policy dictated that we not sell military planes to aggressive small countries abroad. The French moved into that market. With assured sales left them by our moving out of the picture, they have now produced a better small fighter for small nations' purposes.

Today, South American countries no longer buy any U.S. combat planes. They get them chiefly from France.

Readers may applaud or condemn these losses of military and space orders as they choose. For our aerospace industry they mean that the bread and butter of millions of Americans must depend more than ever on holding and enlarging the commercial plane market.

But in the commercial field we have been losing ground in the foreign airlines markets even when we get the business. The trouble is that jets that fly slower than sound are beginning to respond to the law of diminishing economic returns for us. Even when we bring out a better subsonic jet, there's less of it that's brand new. More of it can be made abroad by firms that have caught up with the American technology that first developed today's basic models.

What has been happening is that when McDonnell-Douglas gets a contract to provide planes for Canada, Canada stipulates that she'll make the wings and tail. When Lockheed signs an order to supply planes for British airlines, Britain stipulates that she'll install Rolls-Royce engines in them—and so on. In short, there's less work for the U.S. planemakers even when they get foreign orders.

The same thing applies to replacement parts of existing models, which are a good part of the business. As fast as they can, other industrial countries learn to make their own parts for older model planes that they buy from us.

Even if nobody makes an SST, this will only get worse. If the whole world freezes commercial plane performance at about the level of the present 595 mph Boeing 747, it will only be a matter of time before other countries, with cheaper labor, will provide equivalent planes cheaper for their airlines and ours. All they need is time to catch up with American know-how, if the march of our know-how is willfully arrested.

They are catching up fast. This October a consortium of European nations was reported to be dealing with Britain for trade favors, in return for which they'd stop buying General Electric jet engines in favor of all British engines on their airlines.

They'll not only catch up, but they'll get ahead of us too, if we willfully check our own progress and they don't.

The first pilot model Concorde flew in March 1969. It broke the sound barrier that October. This Oct. 10, a Concorde hit 1,320 mph in level course flight.

The Russian TU-144 made its maiden flight on Dec. 31, 1968. It broke the sound barrier in June 1969 and hit 1,336 mph last May. The Soviets expect the first one to be carrying 120 passengers at a top speed of 1,550 mph in 1972. There's good evidence that Russia is bidding for world markets in a big way.

The 298-passenger, 1,780 mph Boeing exists only in the form of a full-scale mock-up in the huge workrooms of the Boeing Seattle plant. If that's where it stops we will be in the industry-wide position that Henry Ford was in when he stuck to his Model T into the late 1920's after his competitors had passed him by in making good, low-priced cars. Henry had to close shop and start all over, and Ford hasn't regained its one-time lead over General Motors since. When the first Concorde flies an ocean with paying passengers, our new 747 will become a Model T of intercontinental flight.

The catastrophe that awaits us if we pull a Model T performance in plane-making will go far beyond the total depression of our aircraft industry.

That industry has been pulling more than its weight in holding up balance of trade with other nations and in checking the disastrous flow of American dollars abroad.

Let's not review the ground we've lost to foreign competition in the auto, the movie, the camera and the huge electronics industries—as well as steel, textiles and many others—both at home and abroad. In 1970, the details read like a funeral dirge.

Plane-making has been perhaps the brightest spot in the whole picture. Consider that if our $5.6 billion trade in commercial plane sales in 1969 had gone to foreign firms that the United States would have lost another $11.2 billion in both trade balance and dollar flow—from $5.6 billion in to a $5:6 billion out. The best present estimates of what we'll lose as a nation in trade balance and outward dollar flow, if the Concorde flies and the Boeing doesn't, run as high as $50 billion between 1978 and 1990.

Had enough? These are the reasons why those who want the Boeing SST want it, and to say more about why would belabor the point.

We Americans can only live at our living standard if we keep ahead in technology, and constantly offer the rest of the world better products than it can make.

That's what we bet on when we joined the other nations in a series of long-term agreements to do away with protective tariffs. The other nations bet that they could manufacture existing products cheaper than we could. And they can. We bet that we could make what they couldn't. And we can if we will.

When we could make electronics products that they couldn't, we owned the world electronics market. But given a few years for them to study our products, we could no longer rule the mass electronics market. By 1972, inroads made chiefly by Japan and West Germany will see us with an unfavorable balance of trade in electronic products.

The Boeing SST may be late on the scene, compared to the Concorde, but if it moves on schedule it will rule the roost for years. Britain and France built their huge investment in the Concorde around an aluminum technology. They designed it for about the top speed that an aluminum fuselage can endure, due to the heat of air friction.

That speed is about 1,350 mph for safe cruising and up to 1,550 mph for short bursts only, under favorable conditions. The Soviets went the whole limit and gave their TU-144 a capability of 1,550 mph. It will hardly ever do that, because it cannot safely do it for long.

In both cases these foreign planes went right to the limit of the known technology, which is probably why their makers dared challenge the American giant. And of course they worked out all their systems, design and power plants for the speeds they had in mind.

But if we were slower, one reason was that we were developing a titanium technology for fuselages and structure that can stand far greater air-friction heat. We have the technology today. We have used it in two military models. Nobody else has it in such shape as to project mass airplane production on a titanium fuselage base.

Some day it will be copied, if anyone dares sink all that capital in another attempt to get ahead of us. All of our SST basic research and development has moved ahead with an over-1700 mph plane in mind, and a technological ceiling of above 2,000 mph.

Boeing got the official nod as the chief plane designer and producer.

GE has been developing the powerful engines. Various work and research has been parceled out from time to time to such firms as Aerojet General, Avco, Fairchild Hiller, LTV Aerospace, Northrop, North American

Rockwell, Rohr, Garrett, Goodyear, Uniroyal, Bendix, Hamilton Standard, Litton Industries and Sperry. Others will enter the field in time. McDonnell-Douglas ought to be one such, as it rates high in titanium technology.

If this is a formidable array of lobbyists for the SST (and it is) it is also an array of those who employ the bulk of the millions whose livelihood depends on American plane production and sales. The technology they are working on would virtually force the Concorde to start over.

It is interesting to note the objection made to the SST to the effect that the large sums of government money needed to help underwrite the development are needed instead for poverty programs.

It is estimated that it will take a little over $1.6 billion to make and test our prototype Boeing SST. Boeing and GE (the major contractors) would put up about $300 million between them, the airlines would put up about $60 million and the government would advance close to $1.3 billion. Still more will be needed to get full production under way.

About $1 billion has already been spent, and of course, Congress doesn't switch money from plane production to poverty programs. It treats them separately.

More to the point was an article in the Harvard Business Review by the mayor of St. Louis a year or so ago, discussing St. Louis' terrible poverty problems. McDonnell-Douglas, a major St. Louis employer and a major U.S. plane-maker, was held up as a fine example of an industry which restyled its jobs and its production methods in order to employ more unskilled labor in St. Louis. One need only walk among the laid off workers in the many U.S. cities that are hurt by the aerospace cutbacks to get it from them that what hurts aerospace makes poverty grow.

"The SST will make and save full production jobs in the late 1970's and the 1980's," says William Magruder, former test pilot and Lockheed executive who now heads up the Department of Transportation's special SST division. "Our present poverty situation is aggravated because somebody failed to look ahead in the 1950's and 1960's. The SST looks ahead to jobs in the 1980's, and if we'll do more of that in industry today we'll have less poverty then."

The SST is still moving ahead in Seattle and elsewhere today, and employing thousands of workers who'll lose their jobs if Congress turns thumbs down on continued SST development.

The basic SST contracts between Boeing, GE and the government provide that the government will get its development investment back with the sale of the 300th Boeing SST. If 500 are sold—as expected—the government will directly profit $1.1 billion from its investment. Somebody has guesstimated that employment on the SST, if it goes ahead full steam, will net between $6 and $7 billion in income taxes. How they do this arithmetic I don't know, but anyone would agree that the tax revenues from the billions of aerospace income from SST's would be plenty.

One SST will cost an airline about $52 million at 1978 prices, compared to $24 million for a Boeing 747 today and more in 1978. Sale of 500 SST's would involve a gross initial cost of $26 billion to the airlines. Overseas routes for 500 in the 1980's have already been projected, which explains how the sponsors hit on the 500 figure.

Since commercial flights began, plane owners have consistently recaptured the cost of a new plane in five to six years.

The role of the airlines is ambiguous. As businesses, they'd rather use and wear out their present equipment than invest immediately in a new generation of passenger planes. If the world's airlines were one cartel, they'd probably quietly agree among themselves not to use any SST's for a long time, and let the aerospace industry worry about its own problems.

But the facts of life are that our antitrust laws forbid any such conspiracy here, while the foreign airlines hope to get the transoceanic business with Concordes if they can.

Conceding that a good SST would be the superior competitive plane, our airlines don't dare stay with 747's once BOAC, Air France, *et al.*, or their own American rivals, are offering 1,350 mph flights over the seas. You *can* stick with the Model T, but only if your competitors don't go you one better.

So our overseas airlines are going along on both sides of the SST fence, while worrying chiefly that they haven't yet paid for their 747's. They are reserving Concordes in order to be able to compete as soon as European lines are flying them, and reserving and investing in Boeing's too. Ten airlines have put up $60 million for Boeing development, which may be credited to future purchases. Twenty-six of them have deposited $22.4 million as down payments to reserve 122 Boeing SST's when and if they are produced on schedule.

In official expressions, recognizing the facts of life, airline presidents have said they are for the Boeing SST and want to be sure it's a good one.

This about sums up the factual situation that foreign competition makes SST's a dead certainty, and our debate is really about whether we should willfully deprive ourselves of the business. It's the story of the small fighter plane all over again. We didn't prevent little nations from buying combat planes when we refused to sell them, we just sent the business to France.

This does not dispose of various objections dealing with air pollution, noise pollution, and various claimed damaging effects in the upper atmosphere—from destroying the ozone shield to altering the climate.

These objections have a high emotional content, and some of them a fear content. It is extremely difficult to find a factual basis for them except for some truths that are out of proportion to their conclusions. Several of them are of this sort: "Arsenic is poison. There is arsenic in sea water. So sea water will give you arsenic poisoning." It will not, because the volume of water you'd have to drink would kill you first.

Predictions that SST's would alter the climate claim that the moisture left in vapor trails at 65,000 feet would remain there and accumulate a cloud level over the earth in time. There are no known facts to support such a prediction. SST's can hardly ever produce vapor trails when cruising at 65,000 feet. One severe thunderstorm can deposit as much water in the stratosphere as 400 SST's flying four transoceanic flights, and there have been up to 6,000 thunderstorms a day for untold millions of years.

By the same token, there is no basis in known fact for the allegation that water deposited at high altitudes by SST's could destroy the ozone layer, which acts as a shield to keep out damaging ultra-violet rays from the sun. Again, the insignificance of SST water contributions to the total vastness of the atmosphere allows no such prediction. The problem has been carefully studied. In the absence of any evidence supporting such allegations the studies continue, however, since the subject is not a trivial one even if the supporting evidence for the charges is lacking.

Since amateurs are sounding off on these subjects every day, the public is at least entitled to access to the following expert opinion released by the Department of Transportation:

"Two scientific groups—The National Research Council of the National Academy of Sciences, and the Office of Meteorological Research—have studied the situation and report that there will be no appreciable disturbance of the earth's normal atmospheric balance by a fleet of SST's making 1,600 flights per day."

How about ordinary pollution by smoke, hydrocarbons and other exhaust pollutants? Jet engines don't pollute as much as internal combustion engines. The latest jet engines have smokeless burners that reduce emissions for ground operations by 70% for smoke particles and by 45% for smog ingredients. The SST's will have better pollution control equipment, since the latest in pollution-control design will be engineered into them from the start.

A Boeing SST fully loaded, going at top speed, will be the polluting equivalent of three cars doing 60 mph. If the maximum of 500 planned Boeings were all flying at once, they'd pollute the world's atmosphere about as much as the next 1,500 cars to pass on your nearest thruway, and far less than the more numerous slower planes they'd replace.

Present Boeing design suggests that one Boeing SST will make a little more sideline noise on runways and takeoff than a 707 or 747. Boeing engineers are betting that with eight years to work on it their intensive research into noise control will make the SST as "quiet" as (i.e., no more noisy than) any other jetliner. But the present design is noisier.

SST's should relieve airport and airways congestion. They'll fly far above the presently-used air lanes, and, like the 747, permit more passengers to be moved on fewer flights. Such haul capacity may become absolutely necessary the way public air travel keeps growing.

But both the pros and cons of these sidelight issues are not part of the essential case for the SST. The economic meaning of the big ships to 4 million Americans and our total economy is the big case for the SST.

Mr. BOLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, I rise in opposition to the motion offered by the gentleman from Illinois (Mr. YATES).

One of the major arguments being used against the SST is the argument concerning pollution. I can tell you that you could draw a radius around the city of Washington of 150 miles and you will find more air and water pollution occurring there than would be caused by a whole fleet of 300 SST's.

Mr. Speaker, I want to say this, also: We do not have a problem as to whether or not we will have an SST, because as we have heard repeatedly here today, England and France are flying SST's. So are the Russians. The Russian-made plane flies 200 miles per hour faster than the Concorde, and it flew at more than twice the speed of sound in May of this year.

The only question before us today is are we going to force our domestic airlines to go abroad and buy their SST's or are we going to permit it to be developed in this country so that we can sell them to our domestic airlines and also to the foreign airlines?

Do not fool yourselves. We will not be able to say to France, England, Russia, Spain, Japan, or anyone else, "You are not going to fly your SST's into this country." If the only aircraft in which they are making flights overseas are SST's, then they will simply turn around and say to us, "You are not going to fly any kind of an aircraft into our airports."

It is totally ridiculous to refer to this as a WPA project. The Federal Government is investing $1.3 billion in this program. With the sale of the first aircraft the Federal Government will start to recover their total investment. With the sale of 300 of these aircraft, the total Federal investment will be recovered.

Let me say this, also, Mr. Speaker: If, out of a potential 450 to 500 SST aircraft, 300 of them are going to be purchased by domestic airlines, then we will have over $12 billion spent abroad to make even more acute the situation of our economy and our unfavorable balance of payments.

I urge the defeat of the Yates motion.

Mr. BOLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, this has been an excellent debate. I certainly congratulate those who have attempted to lay the facts before the House this afternoon. However, I want to rise in opposition to the motion made by my friend from Illinois (Mr. YATES).

I think one of the most appealing arguments that has been made for the motion is that it represents a misapplication of our national resources and that we are ignoring our true priorities if we continue to fund this particular project. I think we ought to be reminded of what the President said in his statement which he issued just a day or two ago. This particular program can have a very important impact on our entire economy. This program can have a very real effect not only on our balance of payments but on the tax revenues coming into our Treasury.

I want to keep this great aerospace industry in our country healthy. I want to make sure that it continues to generate the kind of tax revenues, the kind of tax dollars that we can use.

Mr. Speaker, I would repeat I think in casting our vote on this motion this afternoon we ought to consider that the implications go far beyond just the $290 million appropriation. I, for one, would have confidence in the ability of the Committee on Appropriations of this House in a free conference to arrive at a figure perhaps somewhat less than the $290 million. I do not know. However, I suggest that the better part of wisdom this afternoon would be to leave that decision for the time being to the Committee on Appropriations of the House of Representatives.

I do not take this position out of blind determination that the SST must go forward no matter what the costs or consequences. We have reached a stage of development, I need not remind you, in which such reflective support for every technological innovation is neither rational nor wise.

At the same time, it will do us little good to adopt the posture that every technological innovation should be resisted merely because it is new; or to exaggerate the consequences or impact it is likely to have on the environment, economy, or national priorities.

Frankly, I fear that the opponents of the SST have displayed at times a tendency to exaggerate and mislead about the environmental difficulties posed by the project and to treat it as some kind of technological dragon that needs to be symbolically slain to demonstrate our capacity to master the technical forces we have created.

For instance, grave warnings have been issued that the SST will emit enough water vapor in the stratosphere to destroy the ozone that shields the surface of the earth from deadly ultra-violet radiation. While it is true that the SST will emit large quantities of water vapor in a relatively dry stratosphere, it is not true at all that water vapor automatically destroys ozone. It in fact, will retard the process of ozone formation only when the water molecule is disassociated by solar energy. Yet there is no evidence that this happens readily at the stratospheric level or that the 50-percent increase in the amount of water vapor in the stratosphere in the past 5 years has had any impact at all on the process of ozone formation.

Or take the matter of noise pollution. It has been charged that on takeoff an SST would sound as loud as 50 conventional jets combined. This news was certainly unlikely to evoke a chorus of support from the millions of Americans who reside in the vicinity of our great metropolitan airports. But as has been pointed out more than once the analogy is wholly misleading because it is not based on perceived noise level, and because the airport noise that irritates surrounding residents stems from landing and takeoff climb and not the runway noise on which the analogy is based. In fact, because of a steeper ascent and descent stage the SST is likely to be 50 percent quieter than conventional jets out over the adjacent residential areas.

There are other examples that could be mentioned, but my concern here is merely to illustrate the process of distortion that has occurred and to suggest that such misrepresentations are not very good grounds for terminating the project.

The other main argument against the SST is that a matter of priorities is involved and that there are other R. & D. areas, such as thermal pollution research, to which some of the funds we are appropriating for the SST could be put to more timely use. With this argument I am in greater sympathy and would therefore express the hope that the House conferees display some willingness to compromise on the appropriation figure with the Senate.

If something less than complete funding should occur this year, it is probable that the 1978 target date may be pushed ahead a year or two. But so long as the United States makes its willingness to continue with the SST clear to the world, we need not fear that our vastly superior plane will be bid out of the market. Such a minor stretch-out would, furthermore, allow us to resolve any remaining serious environmental questions, such as sideline noise, or economic difficulties that many are rightly concerned about today.

However, I would stress that a vote for the Yates motion is not a vote in favor of the kind of cautious continuation and improvement of the SST program that I have suggested. It is a vote to kill the project, to jeopardize the long-run vitality and viability of the American aircraft industry, and to cause serious balance-of-trade difficulties for this Nation in the next decade. Therefore, I urge my colleagues to vote down the motion and send the conferees uninstructed. Hopefully, they can arrive at a compromise with the Senate which will both meet legitimate concern about unresolved environmental questions and allow the project to continue, if necessary, at a somewhat slower pace.

Mr. BOLAND. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. HOLIFIELD). The gentleman from Massachusetts has 3 minutes remaining.

Mr. YATES. Mr. Speaker, may I inquire as to the time remaining to me?

The SPEAKER pro tempore. The gentleman from Illinois has 1 minute remaining.

Mr. BOLAND. Mr. Speaker, I yield 1 minute to the gentleman from Illinois. Let me say that I appreciate the fact that the gentleman has yielded one-half of his hour to me for purposes of this debate. So I am delighted to yield 1 minute of my time to him to close the debate.

Mr. Speaker, the motion which has been offered by the gentleman from Illinois (Mr. YATES) is to instruct the conferees to agree to the Senate amendment No. 4 which struck out the $289,965,000 that was voted by the House for the first supersonic transport.

Mr. Speaker, at the conclusion of the debate and the conclusion of the remarks of the gentleman from Illinois, I will offer a preferential motion to table his motion to instruct the conferees.

Mr. Speaker, I would suggest that if you favor the SST, you vote "yea" on the motion to table the motion of the gentleman from Illinois.

Mr. Speaker, the gentleman from Illinois in his opening remarks was critical of some of the remarks made by those in the administration who have lived with this program for many, many months and years. Perhaps the language was too strong. I am not going to use language as strong as that referred by the gentleman from Illinois. In my judgment the action of the other body in this matter was ill conceived and ill advised. It is a mistake. It ought to be rectified in conference and it ought to be rectified because it would have some very serious results.

We have already obligated under continuing resolutions about $100 million. So, this money has already been allocated through the end of December. This is an obligation under the various continuing resolutions that this Congress has passed. Also, under the SST contracts we will be responsible for the termination costs which would come to around $80 million.

So, in effect, we owe, if we cut the SST program off, at least $180 million.

The effect of the motion which has been offered by the gentleman from Illinois to instruct the conferees would be to tie our hands completely. If the motion to instruct is not tabled, we would not be able to face up to our fiscal responsibilities.

Mr. Speaker, I ask for a "yea" vote on my motion to table the motion which has been offered by the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, in closing I want to make two points. The first relates to the objection which most Members of the Senate who voted against the appropriation found most persuasive and that was the destructive effect that the SST would have on the environment. The testimony before our committee shows quite clearly that the SST will defile the environment in three ways: by sonic boom, by unbearable airport noise, and by the possibility of creating a permanent cloud cover in the upper atmosphere.

When the gentleman from Illinois (Mr. ANDERSON) talks about strengthening the economy, I join him in wanting to strengthen the economy but I do not want to do it through building a vehicle which would degrade the environment as the SST would.

We are living with new standards of what constitutes progress. We look at our rivers which are filled with filth and sludge and detergents and the other destructive byproducts of chemical and industrial pollution which surrounds us and we are horrified. We look at the skies that are clouded with sulfuric fumes which are belching from the chimneys of our industrial complex, and there are days when we gasp for breath. If this is progress, we have had to pay a heavy penalty for it. We do not want that kind of progress any more. Just because a new scientific advance will bring greater speed, or make a buck does not mean that it automatically is "progress." Today, we are determined to weigh its effect upon the quality of life on this earth and on our communities.

The SST must be judged by today's standards, and the economic benefits which it promises to bring must be balanced against the environmental loss which we will have to pay. By that test, the SST fails. And I say if the British and French Concorde and the Russian Tupolev will defile the environment over our country, in our country, as a result of noise, as a result of polluting the atmosphere, then I think they should be barred from this country if they are not barred from their own.

On August 5, I wrote a letter to President Nixon, saying:

> Now that the MIT group of scientists has raised its warning flag, I urge you to initiate conferences immediately to obtain from France, Britain, and Russia their assurance that they will not proceed with production of the Concorde or the Tupolev 144 pending the undertaking and completion of a study by an authoritative commission of the effect on world environment of projected supersonic flight. I feel quite sure that you would be willing to give our nation's pledge that SSTs will not enter production until such a study is completed.

The White House turned down my request. I still believe my idea to be a good one.

The second point I want to make, Mr. Speaker, is that the reduction in intercontinental speed by the SST is really no solution to what the American people want in their transportation. They want answers and solutions to the increasing delays surrounding their major airports, they are tired of being stacked in the air unable to land, or being enclosed in a plane on a field and unable to take off. They want the growing congestion bottlenecks eliminated so they can have safe, efficient, time-observing domestic flights.

The American people want their airports to be safe, so that accidents will not be repeated like the deplorable tragedy which wiped out the Marshall University football team at the Huntington, W. Va., airport where the aircraft was required to land at an airport which did not possess adequate air traffic facilities. That is where they want their tax dollars to go, for assurance of safety in air travel, not for additional speed in a questionable aircraft.

Mr. Speaker, there is no need to rush to build the SST program and to approve its huge appropriations. I urge approval of my motion.

Mr. TUNNEY. Mr. Speaker, no nation can tolerate waste of its most supreme talent—the energy and imagination of her skilled workmen. Yet that is what is happening today in the aerospace industry. Employment in the industry continues its desperate plunge, and the Nation is deprived of some of its keenest brainpower.

Hearings I held last week in Los Angeles emphasized the disastrous unemployment. Union leaders, corporation executives, unemployed scientists, craftsmen testified of the need for Federal action to offset cutbacks in defense and space spending.

Clearly the vast enterprise and know-how of the industry should be extended for a solution of some of the Nation's critical domestic problems—water and air pollution, mass transportation, crime control, medical care. Such long-term diversification will in no way diminish the industry's contribution to our national defense or deflect its missions in space but will simply give here at home—in our cities and on our streets—the same quality of invention and technology that was invested in getting to the moon.

The aerospace industry is the product of Federal and private enterprise and the Government must move quickly to provide funds for essential conversion of the industry to down-to-earth needs. The salvation of the industry lies in such conversion.

Testimony elicited during my hearings led me to reverse my longstanding opposition to the SST program.

That reversal was based upon three things:

First, the jobs provided by it in an industry which is in dire straits.

Second, the fact that we were only considering the development of a prototype while scientists solve the environmental problems.

Third, the technological fallout which would be more valuable than the $290 million expenditure.

My concern for the people in this ailing industry, along with the testimony on the three preceding issues, persuaded me at that time that the program would be worthwhile.

I was mistaken.

I have had the opportunity since my return from California to study the Senate hearings and the Senate debate.

They show, as to the jobs created by the SST, that the figure of 150,000 is grossly misleading. That represents the employment estimate for full production in 1978–80, which is 50,000 tripled to allow an estimate for other jobs created by it. All estimates, I point out. The number of people now employed on the SST is 4,800, most of them employed by Boeing. A Boeing official said last week:

> Boeing and Seattle can walk away from the SST—there are only 4,800 jobs at Boeing involved anyhow.

The impression created during my hearings in California that production of a prototype would allow a resolution of the environmental problems is also contradicted by Senate testimony. There are three different types of environmental effects. Sonic boom, sideline noise, and pollution in the upper atmosphere. Senate testimony about using the prototype to do environmental testing demonstrated that you do not need the prototype to answer some of the problems and that it would not help to answer the others. The sonic boom may be studied with existing aircraft so you do not need the prototype for that. The sideline noise, which one witness said would be equivalent to 50 subsonic jets taking off simultaneously, can be simulated with existing engines, so you do not need the prototype for that. The stratospheric pollution is caused by water vapor interacting with the ozone which shields out the sun's ultraviolet rays, creating the danger of eliminating this shield effect. Flying four prototypes would not demonstrate the effect of a fleet of 500 flying four flights a day, so the prototypes would not help answer this criticism.

There is the additional factor that a $27 million, 3-year research program, is going to be conducted into noise and environmental research. The Senate action did not affect this program.

The technological fallout was commented upon by the ad hoc committee to investigate the SST created by President Nixon after he became President. It did a major review of the entire program and I quote a section from its report on technological fallout:

> While technological fallout will inevitably result from a complex, high technology program such as the SST development, the value of this benefit appears to be limited. We believe technological fallout to be of relatively minor importance in this program and therefore should not be considered either wholly or in part as a basis for justifying the program. In the SST program, fallout or technological advances should be considered as a bonus or additional benefit from a program which must depend upon other reasons for its continuation.

At first, I thought SST could be excused simply as a crutch to an ailing industry. But, after reading fully the record on the SST, I am convinced that it would be harmful to the industry as well as disastrous to our environment.

It would not provide the diversifications necessary for lasting job security. Initially it would provide some extra employment but not nearly the number of jobs which would come if the industry were diversified and were handling a multiplicity of domestic as well as defense and space assignments.

The SST project, I fear, would delay the planning and the funding needed to begin conversion. It would put off the research and the retooling necessary to construct better communications for our police, speedier rapid transit, and the technology for keeping our air and water clean.

The SST would be tragic for the pollutants it would smear across our upper atmosphere and the noise it would impose over our countryside; and, as importantly, because it would divert the aerospace industry from the broader challenge of our domestic priorities.

Mr. LLOYD. Mr. Speaker, with full respect for those who view supersonic air transport as a permanent blot upon our environment, I have determined to vote in favor of continuing appropriations for developing a prototype SST because I believe the plus factors far outweigh the negative factors and that the negative factors can be substantially reduced if not eliminated altogether.

Fundamentally, we have had supersonic air transport for about 15 years, and the extension into domestic service is in my opinion inevitable. The suggestion in the other body that we can stop worldwide development by prohibiting the landing of supersonic airplanes in this country would make of us an island of isolation from which we would have a view of the air transport progress of the rest of the world. About the same as saying: "Stop the world, I want to get off."

The problems of lateral noise and unsatisfied evidence of the actual pollution of the upper air are troublesome and are problems which must be solved. By developing prototypes, we will have the means and the tools with which to attack these environmental problems, and I am confident that our scientific capability will enable us to solve these problems as similar problems of development and technical advance have been solved throughout the ages.

We are in a transition from a wartime to peacetime economy and that transition is causing unemployment. We are searching for responsible ways to increase civilian employment opportunities. This is one natural and logical road toward higher civilian employment in the aerospace industry.

I hope the other body will cooperate so that we can get on with the job of improving employment opportunity, continuing our leadership in aviation and the aerospace industry and developing the necessary research capability to prevent our technological advancement from having an adverse influence upon our environment.

Mr. MOORHEAD. Mr. Speaker, last summer the Joint Economic Committee, of which I am a member, studied the SST program in some depth. It is difficult to conceive of a project that has less justification than this one. The SST's costs will be gigantic. Development of the plane is totally at odds without national priorities. If built and flown, it will be a fantastically noisy contraption—both in the air and on the ground. New evidence strongly suggests that its vapor trails may destroy vital elements in the earth's upper atmosphere. SST development has been greeted unenthusiastically by the airlines, shunned by private industry and the financial world, and almost universally damned by a panel of President Nixon's closest advisers. The SST's potential benefits, such as they are, will accrue to less than one-half of 1 percent of our population.

In short, it is hard to disagree with the conclusion of the Council of Economic Advisers that the SST is a "white elephant" and that the Federal Government should discontinue its support of prototype development.

As that one thoughtful Republican economist, Milton Friedman, declared:

> If the SST is worth building, the market will make it in Boeing's interest to build without a subsidy; if a subsidy is needed, the SST should not be built.

The decisive 52 to 41 bipartisan victory in the other body displayed a rational sense of priorities in denying a $290 million handout to the ailing aerospace industry.

I strongly support the Yates motion to instruct the conferees to uphold the deletion of this inequitable and irresponsible use of Federal funds.

I include an editorial from the Pittsburgh Post-Gazette on this subject at this point:

SENATE REBUFF TO THE SST

The Senate has displayed a rational sense of priorities in denying a $290 million subsidy for the continued development of the supersonic transport. The decisive 52 to 41 vote was a bipartisan victory. Concern for the probably disastrous environmental effects of the controversial aircraft was undoubtedly the paramount factor in the Senate rejection of the SST program. Most encouraging of all was the responsiveness of legislators to the anxieties of scientists and citizens' groups less obsessed with a mythical world aviation leadership than with the deteriorating quality of life on earth.

It is possible to sympathize with the disappointment of SST advocates who believed that a copious transfusion of government funds would stimulate an ailing aerospace industry. But a preponderance of legislators rightly conclued that the general welfare outweighed the desirable objective of providing employment for hundreds of thousands of distressed aircraft workers.

Will the chimerical SST rise phoenix-like from the ashes of defeat? Some of its champions think so. Sen. Jacob Javits, New York Republican, who voted to delete funds for the supersonic transport, has indicated that he would be willing to support a reduced appropriation of $100 million for continued research and development of the SST. Opponents of the supersonic "boondoggle" fear that some such compromise may be considered in a forthcoming joint congressional conference on the bill.

The clear-cut margin by which the SST appropriation was rejected should be ample warranty, however, that a less ambitious substitute will not be foisted on a prematurely jubilant opposition. As tough-minded economist Milton Friedman has declared: "If the SST is worth building, the market will make it in Boeing's interest to build without a subsidy; if a subsidy is needed, the SST should not be built." The U.S. Senate has wisely decided that a project which menaces the psychic well-being of the public should not be pursued at the public expense.

Mr. SHRIVER. Mr. Speaker, the action of the other body last week in deleting funding for the SST prototype program was most unfortunate. If that action is allowed to stand, it could deal a disastrous blow to U.S. leadership in civil aviation and result in greater unemployment in the already-distressed aerospace centers of our Nation.

We must remember that this is a research and development program. The United States already is lagging in research and development efforts in aeronautics. The SST program today represents our only advanced aeronautical research and development effort.

How else do you solve the problems of supersonic flight unless you pursue solutions through an active research program?

The Congress is on record as favoring development of a nonpollutant automobile engine, but we have not told Detroit to stop its research efforts and stop producing automobiles.

We all recognize the growing concern throughout the Nation about the quality of our environment. However, the actions we take should be based upon facts not emotions.

In regard to the SST program, we have been given every possible assurance that one of the objectives of this research and development program is to secure more information and greater understanding of the possible environmental effects.

The administration has requested $290 million to continue the SST program. On May 28, 1970, the House, in its wisdom, approved that appropriation. We already have invested nearly three-quarters of a billion dollars which will go down the drain with the U.S. SST program, if the Senate action is sustained.

There is nothing new or novel in providing Government financial assistance to the SST. Most commercial air transport advancements were based on some type of Government financing. The one thing different with the SST prototype is that the investment will be returned to the taxpayers with interest.

In recent months we have witnessed a sharp downtrend in employment in the aerospace industry. I am deeply concerned over an unemployment rate ranging between 9 and 11 percent in Wichita, Kans., where the Boeing Co. maintains a division. In Seattle, Wash., the unemployment rate stands at 12 percent.

The failure to move ahead with the SST prototype program will undoubtedly mean further layoffs. Over the long term it could eliminate 50,000 jobs during the production phase of the SST program. Mr. William M. Magruder, director of the SST program in the Department of Transportation, has estimated a loss of 28 percent of all jobs available at the end of 1979 if we do not have the U.S. SST program.

Mr. Speaker, this is the age of the supersonic transport. It is here regardless of the outcome of the American SST program. Since the short-sighted action taken by the other body last week, there has been growing optimism on the part of the British, French, and Russians over an increasing demand for the British-

French Concorde and the Russian TU-144.

The proven aviation leadership of the United States and the economic health of our Nation are at stake here. Without the U.S. product, airlines will buy and operate one of the foreign SST's at a great cost to our economy. With an American SST, we can strengthen our labor force, bolster the industry, and generate the revenues needed to help underwrite Government programs which are not self-supporting or income-producing.

I strongly urge that the House conferees on the Department of Transportation appropriations bill insist upon the House position in regard to the SST prototype program.

Mr. MIZELL. Mr. Speaker, I rise today to express my opposition to the proposed motion to instruct the House and Senate conferees to accept the decision of the Senate to discontinue development of the supersonic transport craft.

More than that, Mr. Speaker, I rise to reassert my belief that the United States should and must maintain its superiority in every field of endeavor, if we are to continue to enjoy the bounty which American technology has afforded all of us.

Throughout the history of aviation, from the Wright Brothers' first flight over Kitty Hawk, N.C., until the present day, the United States has played the leading role. Should we now abandon that role, and relegate ourselves to a less significant position? Clearly, the answer is "No."

Earlier American advances in aviation have brought with them substantial rewards for the entire American economy, in terms of jobs, national revenue, and international trade.

The supersonic transport is going to represent another major advance in the aerospace field. We must recognize that the SST is going to fly, and it is up to us to decide whether or not the SST will be built by Americans.

I believe the choice is clear. The SST should be American-made. We can build the safest and best supersonic transport of all the nations now competing in the field. We owe it to ourselves and to our international neighbors to provide a superior product. We cannot afford to relinquish our leadership in aviation.

The U.S. Government obligated $708 million through fiscal 1970 for the development of a supersonic transport. Under the authority of a continuing resolution, another $105 million has been obligated in the past 6 months, for a total of $813 million in Government funds spent on development of an American SST. Add another $59 million contributed by the Nation's airlines and $80 million put into the project by Boeing and General Electric, and there is a total of $953 million already invested in this project. That is too much money to just go down the drain.

It is inconceivable to me that we should allow that much money to be completely wasted by aborting this project when it is more than halfway completed.

I was not a Member of Congress when this issue was first raised. But I can see the progress that has been made since that time, and I can also see the great losses we will suffer if that progress is not continued.

If we decide to quit now, we will have wasted very nearly $1 billion which American taxpayers entrusted to our care. That is not very good stewardship, as I see it.

But the losses would not stop there. The Nation's airlines put $22 million in escrow in the U.S. Treasury years ago as part of their involvement in this effort. That money will have to be returned. They have invested another $59 million on risk so that research and development could proceed. Much of that money may have to be returned, as well. And an estimated $12 million for termination of contracts, settling liabilities, and paying administrative costs to shut down this multimillion-dollar operation will also be required.

Therefore, we must face a potential additional expense of almost $93 million if this project is aborted at this stage.

Private industry does not have the resources to continue this project alone. Great Britain, France, and the Soviet Union—our rivals in this endeavor—all provided substantial government subsidies toward production of SST models, or they would not be flying today. And they are flying.

There are a great many unsubstantiated rumors regarding the effects the SST will have on our environment. I share the concern of millions of citizens for the state of our environment, as my record will attest. And because of this concern, I am going to vote for a continuation of research on ways to insure that the SST will not be a detriment to the American environment.

Funds for such research are included in the $290 million appropriation being requested at this time for continuation of the project.

In casting my vote against this motion to kill the American SST, I am voting for American superiority and prestige, for more jobs, for a better balance of payments, for a better aircraft, and for development of environmental safeguards, and I urge my colleagues to vote with me to oppose this motion to terminate its development.

Mrs. MAY. Mr. Speaker, there are no compelling reasons to instruct the conferees to delete the funds for the SST prototypes. To the contrary, all of the reasons for not instructing the conferees are compelling. I can list them in short order:

First, the jobs. An estimated 150,000 American jobs in many parts of the country and for an estimated two decades are at stake.

Second, our balance-of-payments posture. If we drop this program we will have crippled our strenuous national efforts to restore a favorable balance-of-payments posture for perhaps the next 30 years.

Third, the predicted return to the Government through direct revenues and taxes of the more than $6 billion promised by the program. That will be lost.

Fourth, the loss of America's preeminence in aviation to Britain, France, and Russia. We have held this preeminence at great effort for 40 years.

And fifth, the environmental considerations. This could turn out to be the item at the top of the list. Let me quote the President of the United States, who clearly put this matter in perspective last Saturday, December 5. The President said, and I quote him:

> I am well aware of the many concerns that have been voiced about the possible effects Supersonic transports might have on the environment. I want to reassure the Congress that the two prototype aircraft will in no way affect the environment. As for possible later effects, we have an extensive research project under way to insure against damage. Further progress on the part of the U.S. in the SST field will give this country a much stronger voice with regard to any long range effects on the environment than if we permit other nations to take over the entire field. And this they will surely do if we retire from this project now. The SST is an airplane that will be built and flown. This issue is simply which nation will build them.

And so, there is every reason—compelling all—to approve the SST as this body has so wisely done before. There is no reason that can be justified not to approve the SST.

I recommend and urge the substantial defeat of the Yates amendment.

Mr. GUBSER. Mr. Speaker, when the Department of Transportation bill was before the House earlier this year, an amendment to delete $290 million for development of a supersonic transport was offered by the gentleman from Illinois (Mr. YATES). I voted to delete the $290 million on a teller vote and the Washington Evening Star reported that an ad hoc committee sitting in the gallery confirmed my vote on this matter.

I voted against the SST because I felt that there were too many unanswered questions about the effect of such an aircraft on the environment. I therefore felt we should not go ahead with full-scale development until these questions were properly answered.

My position was not one of opposing the SST in the future if it were determined that the environment would not be adversely affected. It was a position of waiting to be certain.

Today the situation is different from that which prevailed at the time the vote was taken earlier this year. The other body has deleted all funds for an SST. If the House instructs its conferees to accept the Senate position, the SST will be permanently dead for all practical purposes. If, on the other hand, the House conferees enter into a free conference without instructions, it would be logical to assume that a figure less than $290 million will be arrived at as a compromise. This will not be enough for full-scale development of the SST, but it will be enough to provide answers to environmental questions. To me, this is the intelligent position and the one which I shall follow.

There are three major questions about the SST which concern environmentalists. These are the sonic boom, the question of sideline noise, and the question of possible weather modification.

About an hour ago I called my good friend, Dr. Robert H. Cannon, Jr., Assistant Secretary for Systems Development and Technology, Department of Transportation. I have known Dr. Cannon well for a number of years and believe implicitly in his integrity and scientific competence. He is an ardent conservationist and long-time Sierra hiker. He emphasizes that his principal job as Assistant Secretary is to find ways and means of minimizing the effect of modern transportation on our environment. He deals with vehicle emission, aircraft noise, and other environmental matters.

Dr. Cannon was formerly Chief Scientist for the U.S. Air Force and was a distinguished professor of aeronautics and astronautics at the Stanford University School of Engineering. He is recognized as an outstanding expert in his field.

In my conversation with Dr. Cannon, we thoroughly discussed the question of sonic boom, sideline noise, and weather modification.

Dr. Cannon frankly states that he sees no way to fly currently proposed SST's at supersonic speeds over land masses without an unacceptable sonic boom. For this reason, the Department of Transportation has already made the decision that SST's will not and may not fly at boom-producing speeds over the continental United States. The notice of proposed rulemaking has already been entered in the Federal Register and just a few days ago the other body passed a bill to prohibit supersonic flights over the continental United States which used precisely the same language as appeared in the Federal Register.

It is also my understanding that foreign governments have been advised that this proposed rule will apply to their aircraft as well as to our own.

Thus, it is obvious that sonic boom is already a moot question and should not influence our decision here today.

The question of noise is a bit more difficult. On approaches, the SST will actually be quieter than the 747, which in turn is quieter than the 707, 727, the DC-8 and other jets in common use today. This is because the SST will use what scientists call variable inlet geometry by which engine noise is directed back into the powerplant instead of emanating outwardly. Furthermore, the FAA noise rule prohibits any aircraft which will be noisier on approaches than the 747.

On takeoffs, the SST will be as quiet as the 747 because, at the standard measuring point, due to extra power, it can climb out at a faster rate.

The only remaining noise problem is that of "sideline" noise and I am informed that science already knows how to make an SST as quiet as a 747. This will mean a redesign of the SST engine, following testing of the original prototypes. Dr. Cannon assured me that an SST engine redesign can be carried out and that SST airport noise levels at or below those presently required of the 707 and the 747 will be assured before the SST program is allowed to proceed to the operational stage.

Thus, the question of "sideline" noise is one which can and will be controlled.

Lastly, there is the more difficult question of weather modification. Dr. Cannon admits with complete candor that he does not have the answers to this problem, nor does anyone else.

High-flying jets will discharge water vapor into the atmosphere and it is not known whether this vapor will disperse quickly or will accumulate and eventually create a cloud cover. Such a cloud cover could affect infra-red radiation from the earth and reflect it back to earth, causing our mean temperature to rise.

On the other hand, the cloud cover could block off ultraviolet rays from the sun and prevent them from reaching the earth, causing a permanent drop in temperature. Still another possibility is that there will be negligible effect upon climate.

In this respect, we have a clear-cut and unanswered environmental question. However, it should be pointed out that the Department of Transportation appropriation bill as voted by the Senate earmarks $4½ million for climatological assessment of whether or not high-flying supersonic transportation can present a danger of an important change in weather.

Dr. Cannon has described his plans for a 2-year test program which he will conduct as directed by the Senate amendment. He says:

> If the results are conclusively bad, the Department of Transportation will recommend that production of the SST not proceed.

Thus, Mr. Speaker, of the three environmental problems we have heard so much about, only one is questionable. Studies will be made of that question and the program will be canceled if the answer shows a possible detrimental effect on weather and the environment.

I repeat, Mr. Speaker, the present situation is not a question of full speed ahead on the SST. Progress will be less than the rate called for in the House bill. On the hand, it should not become a question of a dead stop for the program. Rather, we should defer a final decision on production until we have the answers from Dr. Cannon's investigation concerning weather modification. Until we have those answers and because of the great economic factors involved, we owe it to ourselves to keep this program alive. The House conferees should not be bound to an extreme position. Rather, they should be allowed to negotiate a position which is considerate of our environment and still preserves the chance for the United States to continue its dominance of the aerospace industry.

This situation is entirely different from the one we faced earlier this year and I shall therefore vote against instructing the conferees.

Mr. VAN DEERLIN. Mr. Speaker, I am convinced that development of the American SST and protection of the environment are not necessarily incompatible.

Since the potential rewards of going ahead with this aircraft seem to far outweigh the possible pitfalls, it would be most unwise to terminate Federal funding at this point, as voted by the other body. We should at least proceed with the construction and testing—under carefully controlled conditions—of the two prototype SST's before making any final decisions about the future of this aircraft.

The case for continuing the research and development phase of the SST project has been summed up well by the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) and by the able gentleman from Massachusetts (Mr. BOLAND). They point out that our foreign competitors are nearly ready and certainly willing to fill any void created by our precipitate departure from the SST market.

Just a few months ago, the House voted to appropriate the full $290 million sought for the SST during fiscal 1971. A majority of Members evidently felt then, as they have for some years, that the program is at least worth a try. Nothing has happened since then to justify a reversal of this decision.

Mr. BROOMFIELD. Mr. Speaker, the SST has been debated for so long and scrutinized from so many angles that, in a very real sense, it has become an issue of historic and national consequence. A year or so ago the SST was just another plane—although a very large one indeed. But today the SST symbolizes a number of issues that have grabbed the minds of our people: pollution, economy, and the whole matter of priorities. The controversy over this plane has generated healthy debate throughout the Nation, requiring us here to examine a wide range of related problems and forcing us to make decisions which must certainly influence domestic policy for the rest of the decade. The SST controversy is a prototype of the national debate which lies before us. Our final resolution of this issue will be a prototype for decisions we will make in the years to come.

I strongly recommend that we reject the SST, that we move now to save our environment, restore our economy, and rework our entire system of priorities.

The argument against the supersonic transport are by now so familiar that I only sketch them out for you here.

The noise level of the SST could prove to be an overwhelming inconvenience for Americans near airports or under its flight pattern. Its sonic boom could shatter windows for miles around. It might seriously pollute our upper atmosphere, thereby changing the earth's climate around the world.

It has been argued that the construction of the SST would create jobs for workers in the aerospace industry, now so crippled by unemployment. The fact is that any billion-dollar Government project will provide a billion dollars worth of jobs. And there are many more projects of greater importance to a greater number of Americans that our Government could wisely begin.

If the pollution problem is solved, if the noise problem is worked out, if the SST can be built to operate on less fuel, then perhaps it would be a worthwhile undertaking for private industry. It would still be a bad investment for the Federal Government. There are too many Americans starving in ghettoes and too many cities wasted by air pollution for us to even consider spending a billion dollars on a plane that would be just one more luxury for a tiny fragment of our population.

Mr. CLANCY. Mr. Speaker, I rise in opposition to the motion of the gentleman from Illinois (Mr. YATES) and hope that a motion to table will prevail.

It is my firm opinion that the SST prototype program is necessary to assure our Nation's ability to retain its position of leadership in the supersonic air age just ahead. The imperatives of a U.S. SST to sustain this leadership in the face of spirited competition from abroad are both technological and economic. To abandon the SST program would mean the crippling of our national efforts to restore a favorable balance of payments, the denial to the taxpayer of any chance of recouping the investments already made, and the abandonment of the predicted returns to the Government of direct revenue and taxes.

The halting of the SST program at this point would mean the destruction of a development effort well on the road to completion. It would mean a waste of nearly $700 million plus an additional $278 million in contract terminations. Therefore, the closing of this project would almost match the $290 million being sought at this time to continue the SST program.

As President Nixon recently pointed out, we are in a transition period from a wartime to a peacetime economy. Because of this factor, we are experiencing substantial unemployment in the aerospace industry. The abandonment of the SST program would mean the loss of at least 150,000 additional jobs in that and in other industries.

A supersonic transport will be flown. I firmly believe that the issue before us is whether passengers will ride on an American made product or one produced by a foreign nation. Let us insure the fact that it will be a U.S. SST.

Mr. WHALEN. Mr. Speaker, I would like to make an observation about the issue before the House today. I believe it also applies to what transpired in the other body in the vote to kill the American supersonic transport program.

The opponents of the SST here today, as was the case in the Senate, really are arguing the question of the SST, per se. This is not the issue.

The action taken by the Congress will have no effect whatever on the existence of the SST. The fact is that the SST already exists. Two currently are flying, a fact of which we are all aware. The basic issue today, then, is whether the United States should build an SST. A vote to terminate the American SST program will not eliminate the SST. Rather, it merely will have the effect of guaranteeing that there only will be two competitors instead of three.

One other observation I would like to make, Mr. Speaker, concerns the ecological considerations involved in the operation of SST's. I would like to point out to my colleagues that we have had supersonic aircraft flying in our skies since the 1950's. In addition to the various experimental aircraft that have been built, there have been the F–101, F–102, F–104, F–105, F–106, F–4, B–58, SR–71, F–8, F–111, XB–70, and others.

Supersonic flight is not new, by any means. And I have not seen any evidence to indicate that our environment or ecology has been affected to the magnitude that some have been suggesting here today.

Mr. RANDALL. Mr. Speaker, I intend to oppose the preferential motion to instruct the conferees to concur with the Senate's action to withhold appropriations for the SST. I shall support any parliamentary effort to table or defeat such a preferential motion.

The issues involved here are more complex than would seem at first look. It is not alone a question of whether we will lose 150,000 jobs. It is not a question of whether we should reorder our priorities and use the savings on water quality projects, air pollution, public housing, mass transit, urban renewal, and other urban objectives.

There are issues here which transcend the question of a slump in our economy, or even the cost of the project. In my opinion, there is a greater issue than national prestige, although that is involved. Deeper down there is the big issue as to whether or not our withdrawal from competition in the SST may be a signal to the world that we are willing to give up our leadership in air transportation which we have enjoyed for so many years. Perhaps an even greater danger to us is whether our withdrawal from competition will be interpreted as an indication to the world that we have lost our will to compete, not only in the area of the supersonic transport but that we have thus expressed a willingness to relinquish our leadership in other important matters. In my view that is what we should be most concerned about, as we vote to continue or withdraw from SST competition.

I am convinced that one day our people will be flying on a supersonic transport. I would suppose that even the opponents of our American SST would agree to that proposition. The facts are that the British and French are building the Concorde. It will fly. Then it will sell. It is not as good as our own prototype, which has a higher cost-benefit ratio. I think the gentleman from Michigan (Mr. GERALD R. FORD) put the issues most eloquently in perspective, when he said that if we quit the SST race now and relinquish leadership to the British and the French, our own aircraft industry will be anchored to the past.

The SST is not the child of the Nixon administration alone. The concept has been supported by former administrations. Three Congresses have supported the SST program to date.

Now, Mr. Speaker, we should all be rightfully concerned about the effect of the SST on the environment. But I question whether the opponents of the SST should go to such scare tactics as to make us all think we are still in the Halloween season. I refer to such scares produced by the argument that the SST will affect ultraviolet radiation by depleting the supply of ozone in the stratosphere. I refer to such suggestions that the SST would cause a layer of dust due to the engine exhaust products, so heavy as to cut off the sun and lower the temperature of the earth to such a point that it would create a new ice age. I refer to the argument that the SST would produce permanent clouds in the upper stratosphere, and then to the rather ridiculous charge that those who travel on the SST would be affected by such radiation levels as to impair their health or make travel on our SST's impossible.

Over in the other body an Assistant Secretary of Commerce, Dr. Myron Tribus, answered all of these questions quite conclusively. He stated affirmatively that the ultraviolet radiation would be barely detectable and that the same was true of exhaust products of the SST in comparison with other manmade sources of air pollution. He went on to say that if the SST were to cause clouds in the stratosphere, computer calculations could be made in sufficient time to guide the future development of the SST in relation to this problem. As to the problem of radiation danger to crews and passengers, Dr. Tribus pointed out that the danger would not be greater and perhaps even less than that experienced on today's subsonic flights, because of the reduced exposure time with an SST traveling at 1,800 miles per hour as compared to 600 miles per hour for today's subsonic aircraft.

On the matter of pollution, I was most impressed by the testimony which was presented to the Appropriations Committee of the other body, which set out the total pounds of pollutants emitted by certain vehicles per 1,000 pounds of fuel consumed. Remember, we are talking about pounds of pollutants for every 1,000 pounds of fuel consumed. Here are the facts: The subsonic jets put out 6.5 pounds of pollutants, while it is estimated the SST will produce only 6.9 pounds of pollutants. The old piston aircraft produced 168 pounds of pollutants per 1,000 pounds of fuel used. The real culprit as far as pollution is concerned is the automobile, which grinds out 262 pounds of pollutants per 1,000 pounds of fuel consumed.

Those who base their objections to U.S. development of the SST by suggesting the frightening things that might happen in the area of environmental consequences, are showing they are not willing to listen to MIT studies and also the findings of several Government agencies. It is this kind of pessimist who would have tried to stop the work of the Wright brothers. It is such kind of critic who in 1809 would have joined in branding the steamship "Fulton's Folly." Is is such people who fought development of jet transportation.

All up and down the corridors of history there have been those who have opposed change, or what we prefer today to call progress. It happened when Christopher Columbus wanted to set sail on his trip to discover America. Sometimes they are called doubters, just as one of the disciples doubted the crucifixion of our Lord. There have been doubters aplenty all through history. I suppose our forebears would never have ridden in a chariot, which first made use of the principle of the wheel, unless those with faith outnumbered and overruled the doubters.

We must not be doubters or lose faith that our American technological superiority can and will build a supersonic transport that will overcome the twin problems of noise and air pollution.

One of the most potent arguments to support the proposition that the United States should build the SST, so far as the evils of noise and pollution are concerned, is that if we build our own SST we know that we as a country will continue to be determined to seek solutions until we find the answer to noise and pollution. If we quit and drop out of competition, and the Russians, British, and French proceed on, we have no assurance at all that they will have any concern about the pollution of world air. We have no guarantee that they will be concerned about either noise on the ground, or pollution in the air. As a matter of international law they can continue on to do as they please.

The strongest rebuttal to the pollution problem is that foreign governments have never yet shown any measure of concern about air pollution, whereas our country has demonstrated its concern. If we build an SST we can control its pollution, but if we are at the mercy of foreign makes of SST's we may have some very serious and dangerous pollution problems because in the past they have demonstrated a rather complete lack of concern for air pollution.

As Senator Henry Jackson put it:

> "When we talk about banning SST in America, we ignore the planetary aspects of SST's flying everywhere except in the most progressive country in the world."

Following the action last week in the other body in cutting off funds for the SST, I am told by one who just returned that there was dancing in the streets of Toulouse, France, and Bristol, England. SUD Aviation and British Aircraft Corp. were delighted to see America drop out of the competitive race to build the SST.

While it is hearsay, word comes from a mutual friend who conversed with one of our astronauts on his return from Soviet Russia. Our astronaut was much impressed with their TU-144 or Tupolev SST. He said he was convinced that Russia was very close to the successful completion of a prototype that would be operational in the near future.

Most of us who will support the SST have also supported efforts by the Congress to improve our environment. But who can forget the continual complaint in a city in Pennsylvania about odors of an industry there? This last week the plant that produced the odors closed. There will be no odors now—neither will there be any jobs in that town.

We must continue the fight against the pollution of our environment. We can and we will. But we must also have industry and jobs to pay the taxes to fight pollution. Harvey Ardman in the American Legion magazine for December 1970 says that the case for the supersonic transport is purely economic. It is not just 150,000 jobs lost now, but the future of the aerospace industry in the decade or two decades ahead. The economic meaning of the big ships can affect indirectly as many as 4 million Americans and the health of our total economy. That is the case for the SST.

The SPEAKER. All time has expired. The Chair wants to have it understood that chronologically all time has expired.

MOTION TO TABLE OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

> Mr. Boland moves to lay on the table the motion offered by the gentleman from Illinois (Mr. Yates).

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. Boland).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 213, nays 175, answered "present" 1, not voting 45, as follows:

[Roll No. 389]

YEAS—213

Abernethy
Adair
Adams
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Ashbrook
Ayres
Beall, Md.
Belcher
Bell, Calif.
Berry
Betts
Blackburn
Blanton
Boggs
Boland
Bow
Bray
Brinkley
Brock
Brooks
Brown, Ohio
Broyhill, Va.
Buchanan
Burleson, Tex.
Burton, Utah
Cabell
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Colmer
Corbett
Corman
Cowger
Cramer
Crane
Cunningham
Daniel, Va.
Daniels, N.J.
de la Garza
Delaney
Denney
Derwinski
Devine
Dickinson
Dorn
Downing
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Fallon
Fascell
Feighan
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Garmatz
Giaimo
Goldwater
Gonzalez
Goodling
Griffin
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hanley
Hansen, Wash.
Harsha
Hastings
Hawkins
Hays
Hébert
Henderson
Hicks
Holifield
Hosmer
Hull
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keith
Kleppe
Kluczynski
Kuykendall
Landgrebe
Landrum
Lennon
Lloyd
Long, La.
Lukens
McClory
McClure
McCulloch
McDade
McEwen
McFall
McMillan
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
May
Meeds
Michel
Miller, Calif.
Miller, Ohio
Mills
Mize
Mizell
Mollohan
Montgomery
Morton
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Price, Ill.
Price, Tex.
Quillen
Randall
Rarick
Reid, Ill.
Roberts
Rogers, Colo.
Rooney, N.Y.
Rousselot
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Schmitz
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Staggers
Steed
Stratton
Stubblefield
Stuckey
Taft
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Ullman
Van Deerlin
Vigorito
Wampler
Ware
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wyman
Young

NAYS—175

Addabbo
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashley
Barrett
Bennett
Bevill
Biaggi
Biester
Bingham
Blatnik
Brademas
Brasco
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Caffery
Carey
Carney
Celler
Chisholm
Clay
Cleveland
Cohelan
Collins, Ill.
Conable
Conte
Conyers
Coughlin
Culver
Davis, Ga.
Davis, Wis.
Dellenback
Dennis
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Farbstein
Findley
Fish
Flowers
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Fuqua
Galifianakis
Gallagher
Gaydos
Gibbons
Gilbert
Green, Oreg.
Green, Pa.
Griffiths
Gross
Gude
Hamilton
Harrington
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jones, Tenn.
Kastenmeier
Koch
Kyl
Kyros
Langen
Latta
Leggett
Long, Md.
Lowenstein
Lujan
McCarthy
McCloskey
McDonald, Mich.
Macdonald, Mass.
Madden
Matsunaga
Mayne
Melcher
Mikva
Minish
Mink
Monagan
Moorhead
Morgan
Morse
Mosher
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Podell
Pryor, Ark.
Pucinski
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ryan
St Germain
Saylor
Scheuer
Schneebeli
Schwengel
Stafford
Stanton
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Sullivan
Symington
Taylor
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Vander Jagt
Vanik
Widnall
Wold
Wolff
Wylie
Yates
Yatron
Zablocki
Zion
Zwach

ANSWERED "PRESENT"—1

Minshall

NOT VOTING—45

Abbitt
Aspinall
Baring
Bolling
Button
Collier
Collins, Tex.
Daddario
Dent
Dowdy
Edwards, La.
Gettys
Gray
Grover
Halpern
Hanna
Hansen, Idaho
Harvey
Karth
Kee
King
McKneally
MacGregor
Meskill
Moss
Myers
O'Konski
Pettis
Poff
Pollock
Powell
Preyer, N.C.
Purcell
Reifel
Rivers
Roudebush
Smith, Iowa
Stephens
Talcott
Waggonner
Waldie
Weicker
Wiggins
Wydler

So the motion to table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gettys for, with Mr. Dent against.
Mr. Gray for, with Mr. Moss against.
Mr. Rivers for, with Mr. Waldie against.
Mr. Dowdy for, with Mr. Halpern against.
Mr. Kee for, with Mr. King against.
Mr. Daddario for, with Mr. Myers against.
Mr. Waggonner for, with Mr. Karth against.
Mr. Grover for, with Mr. Preyer of North Carolina against.

Mr. Wydler for, with Mr. Hanna against.
Mr. Meskill for, with Mr. Powell against.
Mr. Hansen of Idaho for, with Mr. Reifel against.

Until further notice:

Mr. Abbitt with Mr. Collins of Texas.
Mr. Purcell with Mr. Weicker.
Mr. Aspinall with Mr. Talcott.
Mr. Baring with Mr. Collier.
Mr. Smith of Iowa with Mr. Pettis.
Mr. Stephens with Mr. Poff.
Mr. Harvey with Mr. Pollock.
Mr. Roudebush with Mr. McKneally.
Mr. Wiggins with Mr. O'Konski.

Messrs. **HOLIFIELD, PHILBIN,** and **GOODLING** changed their vote from "nay" to "yea."

Mr. **SCHEUER** changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The **SPEAKER.** The Chair appoints the following conferees: Messrs. Boland, McFall, Yates, Steed, Mahon, Conte, Minshall, Edwards of Alabama, and Bow.

GENERAL LEAVE

Mr. **BOLAND.** Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to include extraneous material on the matter just concluded.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RELEASING CONDITIONS IN DEED WITH RESPECT TO LAND HERETOFORE CONVEYED BY THE UNITED STATES TO SALT LAKE CITY CORP.

Mr. **BROOKS.** Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp.

The Clerk read the title of the Senate bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Surplus Property Act of 1944, as amended (50 U.S.C. 1622(h), the terms and conditions in the instrument of transfer issued by the United States on November 15, 1961, to the Salt Lake City Corporation, providing for a reversion of title to the United States under specified circumstances, are hereby waived, for the limited purpose of permitting the repair and lighting of a large concrete "U" (an emblem of the University of Utah) situated on a tract of approximately 3.73 acres in section 33, township 1 north, range 1 east, Salt Lake meridian, Utah.

The Senate bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2162, POISON PREVENTION PACKAGING ACT

Mr. **STAGGERS.** Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes, with House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. Staggers, Moss, Murphy of New York, Keith, and Thompson of Georgia.

CONFERENCE REPORT ON S. 2108, FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970

Mr. **STAGGERS.** Mr. Speaker, I call up the conference report of the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Representatives of December 3, 1970.)

Mr. **STAGGERS** (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. **STAGGERS.** Mr. Speaker, I do not propose to take much time on the conference report on the family planning legislation (S. 2108) because the conference report is in almost every respect the legislation which was passed by the House about 3 weeks ago, on November 16 to be exact.

Under the conference report, first, none of the funds appropriated could be used in programs where abortion is a method of family planning; and, second, all of the services and informational materials under the legislation would be available on a voluntary basis.

The House bill authorized $267 million over a 3-year period. The Senate bill authorized the appropriation of $991.25 million over a 5-year period. The programs covered in the two bills were the same, but for the provision in the Senate bill for the construction and operation of population research centers. These were not provided for in the House version; they are not in the conference report.

The conference report provides for a 3-year program, as in the House bill, with an overall authorization of $387 million. The increase—over the House authorizations—is for project grants for family planning services and for research. The administration tells me that these increases are badly needed. They still do not provide the amount estimated to be needed in these areas.

Mr. Speaker, this is a good conference report and I trust the House will pass it.

Mr. **GROSS.** Mr. Speaker, will the gentleman yield?

Mr. **STAGGERS.** I yield to the gentleman from Iowa.

Mr. **GROSS.** Mr. Speaker, I would ask the gentleman from West Virginia does the gentleman state that all amendments adopted in the conference report are germane to the bill?

Mr. **STAGGERS.** Yes; they are.

Mr. Speaker, I think the conferees did a very good job. It is a very good bill, and I recommend the adoption of the conference report on this bill.

Mr. **SPRINGER.** Mr. Speaker, will the gentleman yield?

Mr. **STAGGERS.** I yield to the gentleman.

Mr. **SPRINGER.** Mr. Speaker, I think I should point out here that at the conference the Senate adopted the House bill with the exception of one matter, one major matter.

The House bill called for $267 million. The Senate bill called for $991 million. We settled for $387 million or roughly $600 million below the Senate bill and $120 million above the House bill.

The administration is well satisfied with the conference report.

Mr. Speaker, I recommend the adoption of the conference report.

Mr. **STAGGERS.** Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER** pro tempore (Mr. Sisk). The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3418, TRAINING OF FAMILY PHYSICIANS

Mr. **STAGGERS.** Mr. Speaker, I call up the conference report on the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of December 3, 1970.)

Mr. STAGGERS (during the reading of the statement). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. STAGGERS) is recognized for 1 hour.

Mr. STAGGERS. Mr. Speaker, the conference report before the House today is essentially the bill as was passed by the House December 3, and provides a 3-year program for the training of family physicians at medical schools and at teaching hospitals.

As passed by the House, the bill would have authorized a total of $225 million over a 3-year period for this program. The Senate authorized a 5-year program at a total of $425 million, but in conference the Senate accepted the House figures.

In conference we agreed to a modification of the provision in the House bill authorizing the use, out of appropriated funds under the general authorization, of up to $5 million a year for planning programs at schools and hospitals. The conference agreement authorizes $8 million to be used each year for planning and developmental grants.

Title II of the Senate bill authorized the establishment of a substantial research and training program in the fields of nutrition and problems related to malnutrition, at an authorization of $32 million for the fiscal year 1971, and a like amount for each of the next 4 fiscal years, totaling $160 million.

The House conferees felt that we needed to hold hearings before agreeing to a program as far reaching as this one, but agreed to a $5 million authorization for a study to be conducted by the Secretary of Health, Education, and Welfare in conjunction with medical schools and other health professions schools of the feasibility and desirability of establishing courses at those schools dealing with nutrition and problems related to malnutrition, and of establishing research programs and pilot projects in this area.

Mr. Speaker, the conference agreement was signed by all the House Members, and we recommend its adoption by the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. The Senate bill was for 5 years and with an authorization of $425 million; the House-passed bill was for 3 years at $225 million. The conference wound up with $225 million and a 3-year program. Is that what happened?

Mr. STAGGERS. That is the program passed on the House floor, and we retained it in conference.

Mr. GROSS. Unlike the conference report previously adopted, the figure approved by the House was not substantially increased in this case, is that correct?

Mr. STAGGERS. That is true. There was a reason for that, as the gentleman from Illinois (Mr. SPRINGER) told the House a few moments ago. The administration had requested more money for the program in the other bill and said that it was needed. We have inserted a statement to that effect in the RECORD. The Senate said that even that amount was not enough. But we cut it down. Usually the Senate moves these amounts up. We compromised. We cut $600 million out of their bill on family planning, or more than that. We believe we have come up with a good bill. We think this is a good bill.

Mr. GROSS. If the gentleman will yield further, it is usually no great achievement to cut the asking price of the other body because it invariably loads in higher expenditures. Then the figure of $225 million for 3 years was contained in the House-passed bill?

Mr. STAGGERS. That is correct.

Mr. GROSS. Are there any nongermane amendments in the report?

Mr. STAGGERS. No. I might add that the bill that passed the other body had in it $160 million for courses in nutrition. That program was adopted by our side, except we cut the amount from $160 million to $5 million, for research into the need for such courses.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Illinois.

Mr. SPRINGER. Every time we have had a medical bill or a bill relating to doctors on the floor of the House in the past few years any number of Members have asked, "What is being done in the field of family practice?" This is the doctor that you go to in the neighborhood, the one that you want to talk to or you want to get some relief from.

The great difficulty that we have had in the last 15 years in this committee in the whole field of developing medical training is that doctors graduating from medical school ultimately become doctors who specialize and, in the second place, when they become specialists, they stay in the cities and do not get out into the rural areas.

In order to correct this situation we simply had to have some kind of program to promote family practice. There is no hope of getting these doctors in the rural areas—and I am also talking about the ghetto areas and the poor areas—unless we develop more doctors in the family practice field.

Therefore, this bill would provide grants to medical schools for the purpose of setting up separate departments in this field. We have been working on this program and doing everything we can with it, wrestling, trying to figure some way to encourage more doctors to practice away from the city and affluent areas, with the hope of getting them into the areas where more doctors are needed, and there is a great shortage. That is the principal purpose of the bill, so that everyone understands what it is all about.

The gentleman from Iowa has raised the question of money. I do not think we shall have done the job any cheaper by doing it in 3 years rather than in 5 years. However, we have retained the practice which our committee adopted some 15 years ago when Mr. HARRIS was chairman of the committee. At that time we decided that we would take no program beyond 3 years in order that we might take a look at the program at the end of the 3 years and determine whether or not it was making progress. This is the real reason we have never yielded to the Senate beyond 3 years.

The bill is only $5 million different from the Senate bill.

However, the Senator from New York, Mr. JAVITS, had $160 million in for the particular item which we raised by only $5 million. Whether or not we can say we saved $155 million, I do not know. At least, there is only $5 million above the House bill, but I think the gentleman from Iowa has made the point, that we have not done it any cheaper under this plan. We have merely put in a 3-year program.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I am curious about several points and about one in particular. We have spoken for some time and discussed this matter for some time about how to get general practitioners into the rural areas. Does the gentleman from Illinois have any thought on why we permit students to pursue a premed course through college for 4 years, and then unless they achieve a straight-A rating, they cannot get into the medical school?

Our contention is this, that the straight-A students who come through there will go to the medical school and either become a specialist in the medical school or will want to teach. I am wondering why we cannot have some relaxing of this rule whereby, I am told, only one out of seven is selected, and why we cannot have some schools that will concentrate on general practitioners who have a B or C rating in college.

Mr. SPRINGER. May I say to the gentleman from New Jersey, there is no way I know whereby we in the Congress can legislate and tell a State university, in either New Jersey or Illinois, what students it shall or shall not admit. I have differed with my own University of Illinois Law School, because that is almost exactly 100 percent what is happening there. They are taking the students with the highest grades and saying this is the test. They have so many more applicants than they can take, they say this is the only way they can do it and be fair—just to take the students with the highest averages.

That is not true in the undergraduate colleges. The gentleman, I am sure, knows there is a great deal of emphasis on taking those who seem to have the best incentive in life and who are most in need of college. But this is not true only of the medical schools, and in this the medical schools are not the only ones who are guilty.

Mr. HUNT. That may be true, but at the same time, I know some very fine physicians who have graduated from college with a plus-C or minus-B rating who are doing a very fine job. I can name five in my own hometown.

Mr. SPRINGER. I never would have become a lawyer if that had been the test for becoming a lawyer. But I cannot criticize the universities for the standards they use in admitting students, and I do not believe this committee ought to be engaged in telling the medical universities what students to admit or under what conditions the students may be admitted. I do not believe that is our prerogative.

What we are trying to do in this bill is to produce more general practitioners. There is one reason why we have not been able to get them into these rural areas. The specialists in a field simply will not go into an area where the demand is very small. A general practitioner can go into any area and make quite a living. I have a couple who came into my own congressional district this year and got into communities of less than 3,000, but they are in counties of 15,000 or 18,000, and they are serving the entire counties. Their income is going to be as great this year as those in some of the larger cities, in Champaign or Decatur or other large cities, simply because the demand for the doctor is so great in the little rural communities that he is kept so busy he will have earnings equal to many in the larger cities.

Again, those two were not specialists but were general practitioners.

We are trying to increase with this bill the number of general practitioners. They can practice almost any place and make almost as much as the specialists in the larger cities. That is the real purpose of this bill.

Mr. HUNT. I agree with my colleague, the gentleman from Illinois. I agree that we cannot dictate to the colleges or to the medical schools as to which students they shall or shall not admit. But by the same token, we are appropriating money for schools or colleges who steadfastly refuse to admit anyone except the A students. I think this is a wrong approach. I think there ought to be some medium here. We have ofttimes written legislation on this floor that simply says other people ought to be given an equal chance. All we ask is that they be permitted to go into the medical school, and if they flunk out, that is it.

They are being precluded, and are being discriminated against.

Mr. SPRINGER. May I say to my distinguished colleague, he has said something worth saying on the floor of the House. I have been trying to encourage the medical schools to take a different attitude with reference to this problem. With all of these "A" students we are skimming the cream of the crop, which is good, but at the same time we ought to give the other fellow some incentive to go out.

May I say to the gentleman, there are not enough slots to be filled. Last year we had in the neighborhood of 2,500 students from the United States studying in foreign medical schools. We have been engaged in a program in this country every year, in the neighborhood of some 600 to 800. There are some in my own district who are studying in foreign countries, all because they were not able to get into the University of Illinois or the University of Chicago or St. Louis University or some other medical school in that area.

We are trying to increase the number of slots available for students to go to medical schools.

With the rising population, our bill of 1968 guaranteed that in 1972 we would have the same number of doctors per thousand. That does not mean anything if the doctors are all cluttered in a few areas and have not been scattered over the countryside. Even though there may be the same number of doctors per thousand, in the city of Chicago there may be one for every 500 or 600 people, whereas in Mendota, Ill., there may be one for every 1,200 or 1,600 people.

The problem will still remain, unless we can get more emphasis on the family practitioner. This program is placing emphasis on the family practitioner. Then we will have some hope of getting them out to the places where they are needed.

I have answered the gentleman the best I can.

Mr. HUNT. I am in thorough agreement, and I believe the gentleman is on the right track, when he says there are not enough slots to accomplish what I should like to see done. The gentleman says we have 2,500 students in foreign medical schools. How many foreign students do we have in American medical schools?

Mr. SPRINGER. Actually it is a small number. I am talking about a comparison. It would be a fraction of 1 percent.

Mr. HUNT. I do not know; I will take the gentleman's word for that.

Mr. SPRINGER. Actually, at the State university today it would be almost impossible for them to take a foreign student. The demand in the State is so great that the criticism in the State legislature would be too great to take any foreign student, unless he came under some kind of a managed program the Federal Government said was absolutely necessary. In the medical schools I have run through there are almost no foreign students.

Mr. HUNT. Apparently the State of New Jersey is by itself, because we do have them in the State schools.

Mr. SPRINGER. May I say to my distinguished colleague, in addition to this we have a great many foreign doctors coming to the United States to practice, and they are most welcome so long as they can pass the boards, and most of them can. They come from all over the world, because the opportunity to practice is so great and the demand is so great.

From Britain and Canada last year, though I do not have the figures, a rather substantial number came from both countries.

A few years ago I was at the hospital of the University of Cambridge. As I walked around the hospital I would guess there were well over half the doctors who were Indians or Pakistanis.

Mr. HUNT. That is very true, and the answer is quite evident, in that they have socialized medicine there and the income for the doctors in this country is much more lucrative. That is what draws them here.

I see no reason why we should not enlarge the slots in our schools to have our own students go to medical school, whether they are "B" or "C" students, to give them an opportunity to become doctors and make a living here.

Mr. SPRINGER. May I say to my distinguished colleague, we are now in the process of installing 16 new medical schools. They are not all finished. That will be a very substantial increase in the number of doctors.

We are fairly sure we are going to finance this far beyond 1972, which is the last year under the present program.

That is our only hope.

May I say also that the Illinois Medical Society itself came forward with a new program, which they have not sold yet to the University of Illinois but which they are desperately trying to do to all in our area, to cut the medical school term from 4 years to 2 years, and to put 2 years of the medical school back at the undergraduate school. That would double the number of doctors coming out. Every 2 years it would double the number. Now, in 10 years that makes a substantial number if you had 400 who were doctors in the last 2 years instead of 400 in 4 years. That is one thing we will have to come to ultimately. The deans of the medical schools I have talked to are very insistent on this. I think we are making true progress in this field. I think this is the most hope we have for increasing the number of doctors and the only hope we have for seeing our way to doing this in the immediate future.

In talking to the State schools I have talked to they said that they can take this and absorb this for the first 2 years in the undergraduate schools in the field of science. So in this way you can increase the number of slots and double them for the last 2 years.

That is my best explanation of it.

Mr. HUNT. I thank the gentleman for his explanation. I do hope that perhaps in the foreseeable future there will be some alleviation of this problem where you have to be an out-and-out brain and where you have to become a cardiologist and not a general practitioner. I do not see any reason why a straight-A student should have any better bedroom or bedside manners as a physician than a grade A student or a student with a B average or a C-plus student. They may have the same qualities.

I am hopeful and I will be insistent on the fact that somewhere along the line, if we are going to provide money for the program, we will have someone who will say that there will be other people who will have a chance to go to college besides those who are so very fortunate.

Mr. SPRINGER. I will be happy to report to the medical schools what the gentleman has said. I am sure he is not the only one who has said this, and I know they will be interested.

Mr. GROSS. Will the gentleman yield to me?

Mr. SPRINGER. Of course. I yield to the gentleman.

Mr. GROSS. Is there any compulsion in this legislation on the so-called family physician to remain a family physician or family doctor?

Mr. SPRINGER. No; I do not think we could ever compel a man to remain one, but he would have no specialized training except this. He could not be a surgeon or something else.

Mr. GROSS. But he might transfer his services and go from the rural community to the city. That would defeat the purposes of the legislation, it seems to me.

Mr. SPRINGER. May I say to the gentleman, we do not say in this bill where he has to practice, but what we do is increase the available supply. Through this we will get them in the areas where they can be used the most, we believe. We have not been successful up to this date because so many have become specialists. A general practitioner, as I say, would have no more interest in practicing in Chicago than in the gentleman's district, and it might be a lot more pleasant to practice in the Third District of Iowa. However, the fact that he becomes a brain surgeon or a great neurologist does not mean that he will go to a small community to practice, but a general practitioner practices any place.

Mr. GROSS. I would hope some of these general practitioners would come to the Third District of Iowa, but after all is said and done, there is not the slightest obligation, as far as I can ascertain, in this legislation either by way of penalizing them in any way or through any other form of compulsion to say that they must serve the communities where they are needed the most.

Mr. SPRINGER. No; I must disagree with my distinguished colleague. I do not believe we will want to come to the point where someone can tell me that I have to go out and practice law in a community that I do not want to live in. However, if it is made attractive enough by virtue of what you are doing and there is not any great distinction in the amount of money that you will make in one place over another, then I think there would be an inclination, or at least there would be on my part if I were a doctor, to practice in a smaller community. I think perhaps it would be more pleasant in the smaller community than it would be in Chicago or New York. I think it would be wrong for us to say, though, to them that you must practice in one certain place. I do not think we have ever done that.

Mr. GROSS. I do not mean in one certain place but to follow the line of general practitioners.

Mr. SPRINGER. Well, he will do that because that is what he is primarily trained for.

Mr. GROSS. But it can be in the cities that he will practice.

Mr. SPRINGER. That is true.

Mr. GROSS. And not out in the country.

Mr. SPRINGER. That is true. We will not tell him where he must practice, but by making them general practitioners we will be sure that this is the kind of person who can make a living in any kind of a community.

Mr. GROSS. Is this financial assistance in the form of loans?

Mr. SPRINGER. There are loans; yes.

Mr. GROSS. In what way is it disbursed—through the medical colleges? Are the colleges themselves subsidized, or is the money paid out to the individual?

Mr. SPRINGER. The money is paid out for the formation of a department.

Mr. GROSS. Of a department?

Mr. SPRINGER. A department.

Mr. CARTER. Mr. Speaker, will the distinguished chairman of the committee yield to me at this point?

Mr. STAGGERS. I yield such time as he may consume to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, in response to the last question of the distinguished gentleman from Iowa it is our opinion that after approximately 3 years of residency and training in the medical field that these young people will be trained to be general practitioners and we hope that that will lead them toward the ghetto areas and the rural areas.

This is the first time such a program as this has been instituted. I think it is a very good one.

Certainly, Mr. Speaker, I urge the adoption of the conference report.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 10634, STATE TAX WITHHOLDING OF INTERSTATE EMPLOYEES

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 3, 1970.)

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there were four principal subjects before us in this conference: First, multiple tax liability; second, multiple withholding; third, filing of information returns; and fourth, coverage of transportation employees.

First. The House version did not deal with the question of tax liability in any manner since this was a question which had been acted on in a broader bill by the Committee on the Judiciary and passed by the House—it is still pending in the Senate. The Senate would have provided that interstate employees could be liable for taxes in no more than two States—State of residence and a State where the employee earns more than 50 percent of his compensation. The House managers prevailed on this point and this was the major subject at issue.

Second, as to withholding, the House provided that only the State of an employee's residence could require withholding. The Senate provided that the State in which an employee earns more than 50 percent of his compensation could require withholding; or, if he did not earn more than 50 percent in any one State, his State of residence could. The Senate version was adopted.

Third, as to the filing of information returns, the House provided that only the State of an employee's residence could require the filing of information. The Senate provided that both the State of residence and a State where an employee earns more than 50 percent of his income could require the filing of information returns. We adopted the Senate version.

Fourth, as to particular transportation employees, the House bill did not specifically cover employees of water carriers such as barge operators operating under exemptions. The Senate version did. The House did cover employees of fishing vessels, the Senate version did not. The conference report covers both classes of employees.

I believe that this conference report is highly satisfactory and even improves the legislation and urge that it be adopted.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, approximately a year ago a Member of the other body slipped a nongermane amendment on a bill that provided he could employ an alien on his committee. That is one of the reasons why I am going to ascertain in the future whether all amendments to conference reports are germane.

Mr. STAGGERS. I can assure the gentleman from Iowa that the amendments are all germane to the bill.

Mr. GROSS. I thank the gentleman.

Mr. SPRINGER. Mr. Speaker, I think the gentleman from West Virginia has explained the bill. It is a very simple bill, and I recommend the adoption of the conference report.

Mr. SCHWENGEL. Mr. Speaker, I rise in opposition to approval of the conference report on H.R. 10634, which as originally conceived was a bill to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence.

This bill as passed by the House on September 14, 1970, was designed to remedy a situation which had been creating hardships for both employees and employers involved in interstate transportation. The problem had arisen in recent years because States and local governments, in their constant search for additional sources of revenue, had begun to withhold income taxes from wages of nonresidents who in their employment passed through the State.

H.R. 10634 as passed by the House related solely to withholding and reporting problems. The House passed version would prohibit State and local governments from withholding for other than the State or local subdivision of residence of employees on wages from railroads, motor carriers and other interstate carriers. It would also relieve interstate carriers from any duty to file information returns for tax purposes on the wages and salaries of these employees except in the State or local subdivision of such employee's residence. The House passed bill would not impair the general taxing authority of State and local governments nor would it relieve employees of their liability to pay taxes properly due.

As amended by the Senate and approved in conference the bill goes considerably beyond the withholding and reporting aspects of the House version. As approved in conference, the bill would provide that: First, compensation of interstate employees would be taxable only in the employee's State or subdivision of residence and/or in the State or subdivision in which more than 50 percent of the compensation is earned; second, employers would be required to withhold on compensation paid to such employees only for the State or subdivision in which more than 50 percent of the compensation is earned, except that if the employee did not earn more than 50 percent of his compensation in any one State or subdivision during the preceding taxable year, the employer would be required to withhold only for the subdivision of residence of the employee; and third, employers would be required to file information returns on employees only to the State or subdivision of residence of the employee and to the State for which withholding was required under the 50 percent rule.

The conference agreement encompasses such substantive changes that I do not think the House can merely rubberstamp its approval in these waning days of the 91st Congress without more deliberation. This agreement opens up a whole new can of worms. It involves a major change in Federal State tax jurisdiction relationships. It addresses itself to the problem of multiple State tax liability and places certain limitations on State and local jurisdictions in imposing taxes on certain nonresidents working with the State—a prerogative which had previously been left to the State.

The conference report reduces the present problem as far as employees are concerned, but it does not eliminate it. I know from the experience of the employees who reside in my State of Iowa and work at the Rock Island Arsenal in Illinois what difficulty they have in obtaining from Illinois the certification necessary to satisfy the income tax requirements of Iowa. To me it is far preferable to retain the provision of the House passed bill—that withholding be limited to the State or subdivision in which the employee resides.

The conference agreement would reduce some of the current administrative problems involved in withholding and reporting confronted by interstate employers, but much complex recordkeeping is still required on their part. This is necessary in order to determine what amount of compensation is earned in any State or subdivision. For railroad and motor carrier operators the amount of compensation attributable to a particular State or subdivision is based upon mileage traveled. For railroad maintenance or local terminal operators, and operators for air transport and water carriers, time is the basis used. These employers would have no reason to maintain these records for their own purposes. There will be further administrative problems for these employers with regard to new or transferred employees or in cases of employees with shifting assignments. These problems would be eliminated if the House provision to withhold and report only in the resident State or locality of the employee were retained.

I urge my colleagues to reject this conference report and insist that this legislation as passed by the House be restored.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE TODAY

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may be allowed to sit during general debate this afternoon.

The SPEAKER pro tempore (Mr. SISK). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PLANT VARIETY PROTECTION ACT

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1290 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1290

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3070) to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest, and all points of order against said bill for failure to comply with the provisions of clause 3, Rule XIII, and against section 31 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1290 provides an open rule with 1 hour of general debate for consideration of S. 3070, The Plant Variety Protection Act. All points of order are waived against the bill for failure to comply with the Ramseyer rule, clause 3, rule XIII, and against section 31 of the bill because of appropriations in a legislative bill.

The purpose of S. 3070 is to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest.

Certificates of plant variety protection would be issued to assure developers of novel varieties of sexually reproduced plants exclusive rights to sell reproduce, import, or export such varieties, or use them in the production of hybrids or different varieties, for a period of 17 years. A plant variety protection office would be established in the Department of Agriculture to administer the law.

Protection is presently limited, under patent law, to those varieties of plants which reproduce by such methods as grafting or budding. No protection is available to those varieties of plants which reproduce sexually—generally by seeds. Thus, patent protection is not available with respect to new varieties of agricultural crops such as cotton or soybeans.

The Secretary would establish reasonable fees to be collected to cover substantially all costs of administration; provide for their deposit in a revolving fund which would be available for administration of the act; and provide for a $50 filing fee pending establishment of fees by the Secretary.

Mr. Speaker, I urge the adoption of the rule.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, it is all well and good to say that the Committee on Rules decided in its wisdom to waive all points of order because of the Ramseyer rule, and because it is an appropriation on a legislative bill, but I wonder if the gentleman could develop for the Members who have their rights taken away by such a waiver as individually elected Representatives of the House of the Congress, the reasoning and the background for why there should be such waivers.

Mr. YOUNG. Mr. Speaker, I would say to the gentleman from Missouri that the distinguished chairman of the Committee on Agriculture is here, but the request by the Committee on Agriculture was for a waiver for the simple reasons stated in the resolution, and in the statement that it does not comply with the Ramseyer rule.

If the gentleman wants to ask the gentleman why his committee did not comply, he may do so.

Mr. HALL. Mr. Speaker, if the gentleman will yield further—

Mr. YOUNG. I am glad to yield to the gentleman.

Mr. HALL. I understand and often agree to not repeating all of the Ramseyer requirements in every piece of legislation that comes to the floor of the House. I find no fault with that when the Committee on Rules states it forthrightly and we need to solve, plus expedite our business. But for a long time we have made book on whether it was the Committee on Rules, whether it was the asking committee, or, indeed, whether in some instances, the Parliamentarian; that we have waived other points of order, and thus obviating the rights of individuals. And to simply get up and say that under a certain section of the bill that you make in order by this rule, points of order must be waived because it is an appropriation on a bill that otherwise has to do with authorizing only by a legislative committee is certainly not adequate in my book to make me support this.

I would like to know why this right is taken away.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman.

Mr. LATTA. Mr. Speaker, if the gentleman from Missouri will take a look at page 9, line 23, he will find the other reason why the Committee on Rules took this action.

The language of the bill reads: "The Secretary shall, under such regulations as he may prescribe, charge and collect reasonable fees for services performed under this Act. The fees authorized by this section shall be established to substantially cover the costs of administration of this Act."

That is setting up this fund that they can reuse the funds year after year without appropriations—and that is the second reason that the Rules Committee took the action that they did.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. YOUNG. I yield to the gentleman.

Mr. HALL. Yes, I understand that it establishes some income which we hope may or may not be self-supporting and gives the Secretary open-handed authority now and forevermore without reporting back through the appropriation process or any other of the common consitutional devices and prerogatives of the Congress, to go ahead with this.

If the Committee on Rules continues to waive points of order on such a basis, I do not know why we just do not become a "rubber-stamp" body. I oppose such rules.

Mr. LATTA. Mr. Speaker, will the gentleman yield further.

Mr. YOUNG. I yield to the gentleman.

Mr. LATTA. Let me say that this is not unique under these circumstances, and I do not think we are establishing a precedent here.

Mr. HALL. No, because we have done the same thing with section 32 funds, and on almost any bill that comes through here we are willing to "waive points of order" instead of debating them and letting the committee work its will, whether it is in the Committee of the Whole House on the State of the Union or whether it is the whole House. Oftentimes we hear that under a tax bill and other means of obtaining revenue we do not dare to open up the tax bills or the Liberty Loan bond issue would be revised and amended.

I just wonder when we are going to stop and if members of the Committee on Rules cannot explain that more adequately. The rule should be voted down.

I thank the gentleman for yielding.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I think the main thrust of this legislation has been needed for several years for some protection setting up this department or within the Department of Agriculture a plant variety protection office. And this office is empowered to issue certificates of plant variety protection.

Mr. Speaker, as I pointed out earlier in the colloquy with the gentleman from Missouri, there is a new fund being created by this bill in which these fees will be deposited for use and reuse by the department without appropriation, or the Appropriations Committee.

As I mentioned, this is not unique. If the gentleman has a better system for doing this, I am certain at the time that this bill comes out, he can move to strike and insert his bit of wisdom.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Why is not the rule conformed to in this case?

Mr. LATTA. Let me say to the gentleman who is as great an advocate as I am when it comes to saving the taxpayers' money that we hear a lot about that these days, and it will cost a little bit more money to print this whole act in this bill and to reproduce it in the Congressional Record.

I observed the other day that there has been a tremendous jump in the cost of printing the Congressional Record, and that is because all printing costs have gone up. I am sure the gentleman wants to save the taxpayers' money. This is one of the instances in which we thought we could do so, and I am sure the gentleman will concur with me that we should waive the Ramseyer act in order to save the money.

Mr. GROSS. If the gentleman will yield, I do not know about that. We ought to abolish the rule if we are not going to use the rule. The gentleman says that this is not unique. No, it is not unique because we scarcely get a rule that does not waive points of order in one way or another. It seems to me we are resorting to the comfortable way of life.

Mr. LATTA. It might not be too comfortable, but it does save some money to waive the Ramseyer rule. I think this is an appropriate case in which it could be waived, and the members of the Rules Committee believe it should be waived.

Mr. Speaker, I have no further requests for time.

Mr. YOUNG. Mr. Speaker, I have no further requests for time. I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 332, nays 27, not voting 75, as follows:

[Roll No. 390]

YEAS—332

Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collins, Ill.
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Derwinski
Devine
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hays
Hébert
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keith
Kleppe
Kuykendall
Kyl
Kyros
Landgrebe

Landrum
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lujan
Lukens
McCarthy
McClory
McClure
McDade
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara
Olsen
O'Neal, Ga.

O'Neill, Mass.
Passman
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Pollock
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robison
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roybal
Ruppe
Ruth
St Germain
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk

Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Wampler
Ware
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wylie
Wyman
Yatron
Young
Zablocki
Zwach

NAYS—27

Ashbrook
Bingham
Brown, Calif.
Dickinson
Gross
Hall
Hawkins
Hechler, W. Va.
Hosmer

Jacobs
Jonas
Kastenmeier
Koch
Lowenstein
Mink
Mize
Obey
Patman

Patten
Pelly
Rosenthal
Rousselot
Ryan
Schmitz
Snyder
Thompson, Ga.
Yates

NOT VOTING—75

Abbitt
Adair
Anderson, Tenn.
Aspinall
Baring
Bolling
Button
Celler
Chisholm
Clay
Collier
Collins, Tex.
Cramer
Daddario
Denney
Dennis
Dent
Diggs
Dingell
Dowdy
Edwards, La.
Evins, Tenn.
Fallon
Ford, William D.

Foreman
Gaydos
Gray
Grover
Halpern
Hanna
Hansen, Idaho
Harvey
Heckler, Mass.
Karth
Kee
King
Kluczynski
Langen
Long, La.
McCloskey
McCulloch
McEwen
McKneally
Meskill
Minshall
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Myers

O'Konski
Ottinger
Poff
Powell
Preyer, N.C.
Purcell
Reifel
Rivers
Rodino
Roudebush
Saylor
Slack
Stephens
Stokes
Stuckey
Teague, Tex.
Waggonner
Waldie
Weicker
Wiggins
Wold
Wright
Wydler
Zion

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Waggonner with Mr. Adair.
Mr. Dent with Mr. Saylor.
Mr. Gettys with Mr. Collier.
Mr. Moss with Mr. Wiggins.
Mr. Gray with Mr. Myers.
Mr. Kee with Mr. Button.
Mr. Waldie with Mr. Weicker.
Mr. Karth with Mr. Minshall.
Mr. Preyer of North Carolina with Mr. O'Konski.
Mr. Daddario with Mr. Meskill.
Mr. Abbitt with Mr. Dennis.
Mr. Purcell with Mr. McEwen.
Mr. Baring with Mr. Collins.
Mr. Long of Louisiana with Mr. McCulloch.
Mr. Stephens with Mr. Poff.
Mr. Aspinall with Mr. Harvey.
Mr. Celler with Mr. Grover.
Mr. Hanna with Mr. Clay.
Mr. Edwards of Louisiana with Mr. Cramer.
Mr. Evins of Tennessee with Mr. McCloskey.
Mr. Slack with Mr. Langen.
Mr. Stokes with Mr. Fallon.
Mr. Rivers with Mr. King.
Mr. Rodino with Mr. Hastings.
Mr. Murphy of New York with Mr. Wydler.
Mr. Teague of Texas with Mr. Morton.
Mr. Wright with Mr. Reifel.
Mr. Dowdy with Mr. Denney.
Mr. Anderson of Tennessee with Mr. Zion.
Mr. Kluczynski with Mr. Roudebush.
Mr. Dingell with Mrs. Chisholm.
Mr. Stuckey with Mr. Foreman.
Mr. Murphy of Illinois with Mr. Hansen of Idaho.
Mr. William D. Ford with Mr. Powell.
Mr. Ottinger with Mr. Diggs.
Mr. Biaggi with Mr. McKneally.
Mr. Halpern with Mr. Wold.

Mr. PELLY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEE ON SCIENCE AND ASTRONAUTICS

The SPEAKER laid before the House the following resignation from a committee:

WASHINGTON, D.C.,
December 8, 1970.

Hon. JOHN W. MCCORMACK,
Speaker, U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I am tendering my resignation as a member of the House Committee on Science and Astronautics.

I am apprising Chairman Miller of this action so that you and he may make the appropriate arrangements.

I wish to take this opportunity to wish you the very best in retirement. I have greatly appreciated your kindness and consideration to me since I came to Congress.

Warmest regards,
Sincerely,
BERTRAM L. PODELL.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

PLANT VARIETY PROTECTION ACT

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3070) to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 3070, with Mr. CAREY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. POAGE) will be recognized for 1 hour and the gentleman from North Dakota (Mr. KLEPPE) will be recognized for 1 hour. The Chair recognizes the gentleman from Texas.

Mr. POAGE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this is a bill which has been considered for a long time and it has become of special importance this year because of the tremendous blight we have seen affecting our corn crop. We know that the evil effects of that blight can to a large degree be alleviated by plant breeding. We know that is costly. We know it is particularly costly if you have to do it in a hurry, and we know that it is important to get seed that will resist that blight promptly.

It is the belief of those who support this legislation that by giving protection to those who develop varieties which in this case would be resistant, more productive, or more desirable varieties, giving protection to the producer of such a variety that he might sell that variety to the public for a period of time without someone else taking the benefit of his work and his expenditures, is in the public interest. I am convinced that it is in the public interest; our committee is convinced it would be beneficial to the whole country to give this kind of protection. I recognize that there are those who feel that the whole idea of a patent and a copyright program is unsound, and we ought never give anybody any protection for the development of their ideas.

But practically all of the nations of the world have taken a contrary view and have felt it to be in the public interest to develop desirable machinery and methods and statutes to give that kind of protection. That is what this bill does. It gives that kind of protection to those persons who produce plants from seed. We have laws at the present time authorizing a tax on asexually developed plants; that is, those produced by grafting or budding or the use of the tissue of the plant. But for plants produced from seed, there has been no such protection.

This will place the protection machinery in the Department of Agriculture under a form similar to patent papers, but which will be handled by the Department of Agriculture, because it involves plant seeds over which the Department of Agriculture has a special interest.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I thank the gentleman for yielding, and I compliment him for bringing this bill to the floor.

Mr. Chairman, it is my understanding seed companies are definitely in favor of this, and I have heard very little criticism on it. The only criticism I have heard is that it will impose higher costs on the farmer. Does the chairman of the committee have anything to comment on that?

Mr. POAGE. I do not think there is any doubt that it will mean if somebody produces a seed that gives better results than anybody else's seed, and if he is the only one who can sell that seed, then he will get more for it. That is the only reason he will develop the seed.

Our patent laws all enable the man who patents the invention to get more for it. I think there is no question about that. But this will not increase the cost of anything the farmer now has. The farmer will have everything he has today without any increase in cost.

This enables the farmer and us to get some research done in a hurry. At least, we hope for that. We hope to get special research done in a hurry, because it will give the costs back to those who spend their time and money in developing new plant species.

This is the only way we know to get people to invest their time and money. It is expensive to develop such seeds. So in the long run we believe there will be beneficial results for the producers and farmers. That is the reason the Agriculture Committee is basically interested in this. That is what basically this bill does.

It seems to me since we have just taken a vote on the rule, and the vote has been overwhelming, it would be a mistake to take the rest of the afternoon on this and to interfere with the ceremonies which are anticipated a little later on this evening, so I reserve the balance of my time.

Mr. KLEPPE. Mr. Chairman, I think the chairman of our committee has explained this bill very well. I rise in support of it.

Mr. Chairman, I would add that we held rather extensive hearings on this legislation. Any controversies that originated have been very well taken care of in this legislation.

I would add one further comment on the question of the gentleman from Illinois (Mr. FINDLEY). It was never the intent of this legislation in any way, shape, or form, to stifle competition which would result from a farmer developing a particular breed of plant. This was not the intent of the legislation, and I do not think we want to do that. The protection we are talking about is very definitely along the lines of or similar to what we have under the patent law. This is a good piece of legislation.

Mr. Chairman, I rise in support of the bill, S. 3070, a measure which will encourage the development of novel varieties of sexually reproduced plants, make them available to the public, provide protection for breeders and promote progress in agriculture.

When this measure becomes law a plant variety protection office will be established within the Department of Agriculture. Its function will be to issue certificates of plant variety protection to developers of new varieties. Among the benefits which will enure to agricultural America and the consuming public are:

First. It will greatly stimulate private plant breeding;

Second. It will allow our Government agricultural experiment stations to increase their efforts on needed basic research;

Third. It would permit public expenditures for applied plant breeding to be deviated to important areas which industry may not pursue;

Fourth. It will give farmers and gardeners more choice, and varieties which are better in yield or in quality, and so forth;

Fifth. It will make American agricultural products more competitive in world markets; and

Sixth. Consumers and other purchasers of crops will benefit: in some instances by improved quality, in others by aiding the production needed to serve them.

As a member of the subcommittee which conducted hearings on this measure I am convinced that the new law will definitely stimulate plant breeding. Experience in England provides a good case history. Prior to the enactment of its Plant Varieties and Seeds Act of 1964, little plant breeding was done in England by private companies, and not much was done by government agencies. Since the new law came into effect, there has been a great upsurge of plant breeding, and a once moribund seed industry is now showing signs of great new vitality.

The availability of legal protection for plant varieties will allow our Government experiment stations to concentrate more of their efforts on greatly needed basic research. Plant breeding is becoming an ever more sophisticated science. If the United States is to continue to keep pace with developments elsewhere, our scientific institutions must constantly search out the new genetic techniques and properties which can be incorporated into the overall American plant breeding effort. Private seedsmen cannot afford to do this kind of research. The public institutions are well equipped for such investigations.

The availability of protection for plant breeders should increase the benefits from public expenditures where they continue to be used for applied plant breeding. Many public institutions today spend sizable sums of money on the development of finished plant varieties. Once released, these experiment station varieties are made available to all. Advertising and marketing such varieties is often not attractive. Within a short time, many of those which are marketed disappear from the market because those who handle them learn they cannot make the kind of return on their investment needed to allow them to continually handle such varieties.

Finally, and most importantly, legal protection for plant varieties should make U.S. agricultural products more competitive in world markets. Higher crop yields help reduce per unit costs of the finished product, be it meat, milk, food, or fiber. Clear examples of this may be seen by noting the dramatic increase in yields of just two crops—corn and sorghum—which, as a result of their adaptation to hybridization, have been the object of keen competition among private plant breeders of this country.

For all of the above reasons I urge my colleagues to support S. 3070, a measure which will benefit all America.

Mr. Chairman, I reserve the balance of my time.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I thank the gentleman from North Dakota for yielding.

Mr. Chairman, I speak in support of this bill, which is very much needed and salutary legislation.

Mr. Chairman, the bill under consideration, S. 3070, would extend the same legal protection to plant scientists as has been enjoyed by research workers in other fields for decades through our patent laws.

Those plants which reproduce asexually such as by budding and grafting have been covered by patent law since 1930. There is no justification for not extending the same coverage to sexually reproduced plants.

Plant breeding is becoming an ever more sophisticated science. This legislation is a must if the United States is to keep pace with the rest of the world in the area of botanical research and development. The protection available through this legislation will definitely stimulate plant research.

This bill has already passed the Senate without serious opposition. I urge my colleagues to join me in support of this proposal.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, I represent an agricultural district too, and I am concerned about the cost of this to the farmer, and ultimately, of course, to the consumer. It seems strange that we have gone all the way through our history up to 1970 without the need to resort to this sort of protection for some special interests.

As a matter of fact, plants have been developed over the years, have they not—the winter wheats and things we grow in the Dakotas—and without such recourse to protective laws, but rather through development, and much of it public development through the State universities and the Department of Agriculture? This will result, will it not, in a sort of hiding of development, as is often the case in the patent development protection?

Mr. KLEPPE. I will say to the gentleman, we believe it would not. The gentleman probably knows that asexually produced plants already have the type of protection that this legislation provides for sexually produced plants.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I am glad to yield to the gentleman from Texas.

Mr. POAGE. The answer is quite clear. There is no way in the world for a seed producer to profit by his development if he hides it, because what he has to do is to make the development public and sell it on as wide a basis as he can. That is the only way in the world this bill can help him.

I believe, rather than encouraging anybody to hide his development or discovery, on the other hand it very definitely encourages the use of that development as widely as possible.

Mr. KASTENMEIER. On that point I refer to the hiding of the development of the process. An invention in process is often concealed by the inventor. Presently in our public institutions and otherwise information with respect to the development of plants is commonly shared, and there is none of the concealment or hiding which would be implicit in an economic motive under this sort of legislation.

Mr. POAGE. Mr. Chairman, will the gentleman further?

Mr. KLEPPE. I yield further.

Mr. POAGE. Again it seems clear to me that under the present system, of course, our public agencies all interchange information. They would do exactly the same thing under the terms of this bill, because none of the public research agencies, the experiment stations, would have any reason for doing other than what they are doing now. They would not be restricting the use of their seeds.

With respect to the big seed houses today, nobody knows what the big seed houses are doing because they have to hide everything. It is the only assurance in the world they have that somebody else will not reap all the rewards of their investment. We are trying to get this out from under the barrel and put it out in the light where the public can see what they are doing, where they will have some protection as to what they are doing.

Mr. KLEPPE. If I may make one comment, there is nothing in this bill, as I understand it, that would not be productive from the standpoint of public institutions or individuals.

What we are talking about basically, and what the gentleman is referring to, involves money and involves cost to the consumers. The whole intent of this is to protect the spirit of competition so that we can develop better products and better plants so that the consumer will have a better product of whatever it is to be produced. Whether it comes from a public institution or an individual, I do not see that this legislation would not offer the very best kind of protection necessary to insure that development.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield further?

Mr. KLEPPE. I am glad to yield further.

Mr. KASTENMEIER. I would only say, in commenting, I can imagine that the seed houses would like this protection. The consumer in the ultimate—and the farmer in the first instance, the user of seeds—is going to be penalized. For that reason, Mr. Speaker, I am going to oppose the bill.

Mr. KLEPPE. May I ask the gentleman from Wisconsin, when he indicates that the farmer would be penalized, specifically how he figures that?

Mr. KASTENMEIER. The gentleman knows that the patent system is a costly system not only bureaucratically here in the Department of Agriculture but also in terms of obtaining a patent today. This involves the whole invention process. I trust it will not cost as much in the Department of Agriculture as it does in the Patent Office. I should know about that, because I am chairman of the Patent Subcommittee of the Committee on the Judiciary. It is a very expensive process, I assure the gentleman.

I think as a result of it it has caused an increase in cost. We think in terms of invention that it has served the purpose in our Nation's history to reward the inventor. However, I think in the field of agriculture, where we have gone so many years, all of the years of our Republic up to the present time, without this particular protection, it would be very costly now to invoke it.

I urge the Members to consider the implications of an act such as we are considering today.

Mr. KLEPPE. I respect the gentleman's position, but I think on the other side of the coin where we would be if we did not allow some protection to these individuals that would make a substantial investment to improve our plant varieties and thereby ultimately to benefit the consumer. I think this is the real plus of this situation.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I commend the committee on the work they have done in this field. I have had constituents who have been interested in this matter over a period of 5 or 6 years. I know this is a difficult problem. I believe it will be constructive and helpful, though. I agree with the gentleman from Wisconsin that there are many things we have not had in our Republic up to now. Among them are Federal aid to education, SST's, ABM's, minimum wages, and open housing. I think we need to look at the farmer's situation and try to give him a fair shake along with the rest of the population.

I thank the gentleman for yielding and again commend him on the fine work he has done.

Mr. KLEPPE. I thank the gentleman for his comment.

Mr. Chairman, I reserve the balance of my time.

Mr. POAGE. Mr. Chairman, I have no further requests for time.

Mr. KLEPPE. I have no further requests for time.

The CHAIRMAN. Under the rule, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

INDEX

Section
TITLE I —Plant Variety Protection Office 1
TITLE II —Protectability of Plant Varieties and Certificates of Protection 41
TITLE III—Plant Variety Protection and Rights 101

TITLE I—PLANT VARIETY PROTECTION OFFICE

Chapter Section
1. Organization and Publications........ 1
2. Legal Provisions as to the Plant Variety Protection Office........ 21
3. Plant Variety Protection Fees........ 31

Chapter 1.—ORGANIZATION AND PUBLICATIONS

Section 1. Establishment.

There is hereby established in the Department of Agriculture a bureau to be known as the Plant Variety Protection Office, which shall have the functions set forth in this Act.

Sec. 2. Seal.

The Plant Variety Protection Office shall have a seal with which documents and certificates evidencing plant variety protection shall be authenticated.

Sec. 3. Organization.

The organization of the Plant Variety Protection Office shall, except as provided herein, be determined by the Secretary of Agriculture (hereinafter called the Secretary). The office shall devote itself substantially exclusively to the administration of this Act.

Sec. 4. Restrictions on Employees as to Interest in Plant Variety Protection.

Employees of the Plant Variety Protection Office shall be ineligible during the periods of their employment, to apply for plant variety protection and to acquire directly or indirectly, except by inheritance or bequest, any right or interest in any matters before that office. This section shall not apply to members of the Plant Variety Protection Board who are not otherwise employees of the Plant Variety Protection Office.

Sec. 5. Bond of Employees.

Such employees as the Secretary designates, before entering upon their duties, shall severally give bond, with sureties, in sums prescribed by the Secretary, conditioned for the faithful discharge of their respective duties and that they shall render to the proper officers of the Treasury a true account of all money received by virtue of their offices.

Sec. 6. Regulations.

The Secretary may establish regulations, not inconsistent with law, for the conduct of proceedings in the Plant Variety Protection Office after consultations with the Plant Variety Production Board.

Sec. 7. Plant Variety Protection Board.

(a) APPOINTMENT.—The Secretary shall appoint a Plant Variety Protection Board. The Board shall consist of individuals who are experts in various areas of varietal development covered by this Act. Membership of the Board shall include farmer representation and shall be drawn approximately equally from the private or seed industry sector and from the sector of government or the public. The Secretary or his designee shall act as chairman of the Board without voting rights except in the case of ties.

(b) FUNCTIONS OF BOARD.—The functions of the Plant Variety Protection Board shall include:

(1) Advising the Secretary concerning the adoption of Rules and Regulations to facilitate the proper administration of this Act;

(2) Making advisory decisions on all appeals from the examiner. The Board shall determine whether to act as a full Board or by panels it selects; and whether to review advisory decisions made by a panel. For service on such appeals, the Board may select as temporary members, experts in the area to which the particular appeal relates; and

(3) Advising the Secretary on all questions under section 44.

(c) COMPENSATION OF BOARD.—The members of the Plant Variety Protection Board shall serve without compensation except for standard government reimbursable expenses.

Sec. 8. Library.

The Secretary shall maintain a library of scientific and other works and periodicals, both foreign and domestic, in the Plant Variety Protection Office to aid the officers in the discharge of their duties.

Sec. 9. Register of Protected Plant Varieties.

The Secretary shall maintain a register of published specifications of United States protected plant varieties and a file of such other scientific and technical information as may be necessary or practicable.

Sec. 10. Publications.

(a) The Secretary may publish, or cause to be published, in such format as he shall determine to be suitable, the following:

(1) The specifications for plant variety protection including drawings and photographs.

(2) The Official Journal of the Plant Variety Protection Office, including annual indices.

(3) Pamphlet copies of the plant variety protection laws and rules of practice and circulars or other publications relating to the business of the Office.

(b) The Plant Variety Protection Office may print the heading of the drawings or photographs for protected plant varieties for the purpose of photolithography and may provide suitable copy for any lithography to appear on the same page.

(c) The Secretary may (1) establish public facilities for the searching of plant variety protection records and materials, and (2) from time to time, as through an information service, disseminate to the public those portions of the technological and other public information available to or within the Plant Variety Protection Office to encourage innovation and promote the progress of the useful arts.

(d) The Secretary may exchange any of the publications specified for publications desirable for the use of the Plant Variety Protection Office. The Secretary may exchange copies of specifications, drawings, and photographs of United States protected plant varieties for copies of specifications, drawings, and photographs of applications and protected plant varieties of foreign countries.

Sec. 11. Copies for Public Libraries.

The Secretary may supply printed copies of specifications, drawings, and photographs of protected plant varieties to public libraries in the United States which shall maintain such copies for the use of the public.

Chapter 2.—LEGAL PROVISIONS AS TO THE PLANT VARIETY PROTECTION OFFICE

Sec. 21. Day for Taking Action Falling on Saturday, Sunday, or Holiday.

When the day, or the last day, for taking any action or paying any fee in the United States Plant Variety Protection Office falls on Saturday, Sunday, a holiday within the District of Columbia, or on any other day the Plant Variety Protection Office is closed for the receipt of papers, the action may be taken or the fee paid, on the next succeeding business day.

Sec. 22. Form of Papers Filed.

The Secretary may by regulations prescribe the form of papers to be filed in the Plant Variety Protection Office.

Sec. 23. Testimony in Plant Variety Protection Office Cases.

The Secretary may establish regulations for taking affidavits, depositions, and other evidence required in cases before the Plant Variety Protection Office. Any officer authorized by law to take depositions to be used in the courts of the United States, or of the State where he resides, may take such affidavits and depositions, and swear the witnesses. If any person acts as a hearing officer by authority of the Secretary, he shall have like power.

Sec. 24. Subpenas, Witnesses.

(a) The clerk of any United States court for the district wherein testimony is to be taken in accordance with regulations established by the Secretary for use in any contested case in the Plant Variety Protection Office shall, upon the application of any party thereof, issue a subpoena for any witness residing or being within such district or within one hundred miles of the stated place in such district, commanding him to appear and testify before an officer in such district authorized to take depositions and affidavits, at the time and place stated in the subpoena. The provisions of the Federal Rules of Civil Procedure relating to the attendance of witnesses and the production of documents and things shall apply to contested cases in the Plant Variety Protection Office insofar as consistent with such regulations.

(b) Every witness subpoenaed or testifying shall be allowed the fees and traveling expenses allowed to witnesses attending the United States district courts.

(c) A judge of a court whose clerk issued a subpoena may enforce obedience to the process or punish disobedience as in other like cases, on proof that a witness, served with such subpoena, neglected or refused to appear or to testify. No witness shall be deemed guilty of contempt for disobeying such subpoena unless his fees and traveling expenses in going to, and returning from, one day's attendance at the place of examination, are paid or tendered him at the time of the service of the subpoena; nor for refusing to disclose any secret matter except upon appropriate order of the court which issued the subpoena or of the Secretary.

Sec. 25. Effect of Defective Execution.

Any document to be filed in the Plant Variety Protection Office and which is required by any law or regulation to be executed in a specified manner may be provisionally accepted by the Secretary despite a defective execution, provided a properly executed document is submitted within such time as may be prescribed.

Sec. 26. Regulations for Practice Before the Office.

The Secretary shall prescribe regulations governing the admission to practice and conduct of persons representing applicants or other parties before the Plant Variety Protection Office. The Secretary may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before the Office of Plant Variety Protection any person shown to be incompetent or disreputable or guilty of gross misconduct.

Sec. 27. Unauthorized Practice.

Anyone who in the United States engages in direct or indirect practice before the Office of Plant Variety Protection while suspended or excluded under section 26, or without being admitted to practice before the Office, shall be liable in a civil action for the return of all money received, and for compensation for damage done by such person and also may be enjoined from such practice. However, there shall be no liability for damage if such person establishes that the work was done competently and without negligence. This section does not apply to anyone who, without a claim of self-sufficiency, works under the supervision of another who stands admitted and is the responsible party; nor to anyone who established that he acted only on behalf of any employer by whom he was regularly employed.

Chapter 3.—PLANT VARIETY PROTECTION FEES

Sec. 31. Plant Variety Protection Fees; Appropriations.

The Secretary shall, under such regulations as he may prescribe, charge and collect reasonable fees for services performed under this Act. The fees authorized by this section shall be established to substantially cover the costs of administration of this Act. Such fees shall be deposited into a fund to be available, without fiscal year limitation, for the administration of this Act. The initial capital of the fund shall consist of appropriations, which are hereby authorized to be made. Until such time as the Secretary prescribes fees as provided by this section, a fee of $50 shall be charged for filing each application, subject to such adjustment as may be appropriate after fees are prescribed by the Secretary hereunder.

Sec. 32. Payment of Plan Variety Protection Fees; Return of Excess Amounts.

All fees shall be paid to the Secretary, and the Secretary may refund any sum paid by mistake or in excess of the fee required.

TITLE II—PROTECTABILITY OF PLANT VARIETIES AND CERTIFICATES OF PROTECTION

Chapter — Section

4. Protection of Plant Varieties........ 41
5. Applications: Form, Who May File, Relating Back, Confidentiality..... 51
6. Examination: Response Time, Initial Appeals 61
7. Appeals to Courts and Other Review.. 71
8. Certificates of Plant Variety Protection 81
9. Reexamination After Issue, and Contested Proceedings................ 91

Chapter 4.—PROTECTABILITY OF PLANT VARIETIES

Sec. 41. Definitions and Rules of Construction.

The definitions and rules of construction set forth in this section apply for the purposes of this Act.

(a) The term "novel variety" may be represented by, without limitation, seed, transplants, and plants, and is satisfied if there is:

(1) Distinctness in the sense that the variety clearly differs by one or more identifiable morphological, physiological or other characteristics (which may include those evidenced by processing or product characteristics, for example, milling and baking characteristics in the case of wheat) as to which a difference in genealogy may contribute evidence, from all prior varieties of public knowledge at the date of determination within the provisions of section 42; and

(2) Uniformity in the sense that any variations are describable, predictable and commercially acceptable; and

(3) Stability in the sense that the variety, when sexually reproduced or reconstituted, will remain unchanged with regard to its essential and distinctive characteristics with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

(b) The terms "United States" and "this country" means the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico.

(c) The term "kind" means one or more related species or subspecies singly or collectively known by one common name, for example, soybean, flax, or radish.

(d) The term "date of determination" means the date when there has been at least tentative determination that the variety has been sexually reproduced with recognized characteristics, whether or not the novelty of those characteristics has been determined.

(e) The term "breeder" shall mean the person who—

(1) directs the final breeding creating the novel variety, or

(2) discovers the novel variety, and

makes the tentative determination described in subsection (d). Where such actions are conducted by an agent on behalf of his principal, rather than the agent, shall be considered the breeder. The terms "breed", "develop", "originate", and "discover", and derivatives thereof shall each include the other.

(f) The term "sexually reproduced" shall include any production of a variety by seed.

(g) The term "basic seed" means the seed planted to produce certified or commercial seed.

(h) The term "testing" means testing or experimental use of a variety before any sale thereof. Sale for other than seed purposes of seed or other plant material produced as the result of testing shall not constitute a sale for the purpose of the preceding sentence or for the purpose of the following subsection.

(i) The term "public variety" means a variety sold or used in this country, or existing in and publicly known in this country; but use for the purpose of testing, or sale or use as individual plants not known to be sexually reproducible, shall not make the variety a public variety.

(j) A variety described in a publication as specified in section 42(a)(1)(B) is "effectively available to workers in this country" if a source from which it can be purchased is indicated in such publication or readily determinable or if such publication teaches how to produce the variety from source-material effectively available to workers in this country.

Sec. 42. Right to Plant Variety Protection; Plant Varieties Protectable.

(a) The breeder of any novel variety of sexually reproduced plant (other than fungi, bacteria, or first generation hybrids) who has so reproduced the variety, or his successor in interest, shall be entitled to plant variety protection therefor, subject to the conditions and requirements of this title unless one of the following bars exist:

(1) Before the date of determination thereof by the breeder, or more than one year before the effective filing date of the application therefor, the variety was (A) a public variety in this country, or (B) effectively available to workers in this country and adequately described by a publication reasonably deemed a part of the public technical knowledge in this country which description must include a disclosure of the principal characteristics by which the variety is distinguished.

(2) An application for protection of the variety based on the same breeder's acts, was filed in a foreign country by the owner or his privies more than one year before the effective filing date of the application filed in the United States.

(3) Another is entitled to an earlier date of determination for the same variety and such other (A) has a certificate of plant variety protection hereunder or (B) has been engaged in a continuing program of development and testing to commercialization, or (C) has within six months after such earlier date of determination adequately described the variety by a publication reasonably deemed a part of the public technical knowledge in this country which description must include a disclosure of the principal characteristics by which the variety is distinguished.

(b) The Secretary may, by regulation, extend for a reasonable period of time the one year time period provided in subsection (a) for filing applications, and may in that event provide for at least commensurate reduction of the term of protection.

Sec. 43. Reciprocity Limits.

Protection under the Act may, by regulation, be limited to nationals of the United States, except where this limitation would violate a treaty and except that nationals of a foreign state in which they are domiciled shall be entitled to so much of the protection here afforded as is afforded by said foreign state to nationals of the United States for the same genus and species.

Sec. 44. Public Interest In Wide Usage.

The Secretary may declare a protected variety open to use on a basis of equitable remuneration to the owner, not less than a reasonable royalty, when he determines that such declaration is necessary in order to insure an adequate supply of fiber, food, or feed in this country and that the owner is unwilling or unable to supply the public needs for the variety at a price which may reasonably be deemed fair. Such declaration may be, with or without limitation, with or without designation of what the remuneration is to be; and shall be subject to review as under section 71 or 72 (any finding that the price is not reasonable being reviewable), and shall remain in effect not more than two years. In the event litigation is required to collect such remuneration, a higher rate may be allowed by the court.

Chapter 5.—APPLICATIONS: FORM, WHO MAY FILE, RELATING BACK, CONFIDENTIALITY

Sec. 51. Application for Recognition of Plant Variety Rights.

(a) An application for a certificate of Plant Variety Protection may be filed by the owner of the variety sought to be protected. The application shall be made in writing to the Secretary, shall be signed by or on behalf of the applicant, and shall be accompanied by the prescribed fee.

(b) An error as to the naming of the breeder, without deceptive intent, may be corrected at any time, in accordance with regulations established by the Secretary.

Sec. 52. Content of Application.

An application for a certificate recognizing plant variety rights shall contain:

(1) The name of the variety except that a temporary designation will suffice until the certificate is to be issued.

(2) A description of the variety setting forth its novelty and a description of the genealogy and breeding procedure, when known. The Secretary may require amplification, including the submission of adequate photographs or drawings or plant specimens, if the description is not adequate or as complete as is reasonably possible, and submission of records or proof of ownership or of allegation made in the application. An applicant may add to or correct the description at any time, before the certificate is issued, upon a showing acceptable to the Secretary that the revised description is retroactively accurate. Courts shall protect others from any injustice which would result. The Secretary may accept records of the breeder and of any official seed certifying agency in this country as evidence of stability where applicable.

(3) A declaration that a viable sample of basic seed necessary for propagation of the variety will be deposited and replenished periodically in a public repository in accordance with regulations to be established hereunder. This declaration may be added by amendment.

(4) A statement of the basis of applicant's ownership.

Sec. 53. Joint Breeders.

(a) When two or more persons are the breeders, one (or his successor) may apply, naming the others.

(b) The Secretary, after such notice as he may prescribe, may issue a certificate of plant variety protection to the applicant and such of the other breeders (or their successors in interest) as may have subsequently joined in the application.

Sec. 54. Death or Incapacity of Breeder.

Legal representatives of deceased breeders and of those under legal incapacity may make application for plant variety protection upon compliance with the requirements and on the same terms and conditions applicable to the breeder or his successor in interest.

Sec. 55. Benefit of Earlier Filing Date.

(a) An application for a certificate of plant variety protection filed in this country based on the same variety, and on rights derived from the same breeder, on which there has previously been filed an application for plant variety protection in a foreign country which affords similar privileges in the case of applications filed in the United States by nationals of the United States, shall have the same effect as the same application would have if filed in the United States on the date on which the application for plant variety protection for the same variety was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed. No application shall be entitled to a right of priority under this section, unless the applicant designates the foreign application in his application or by amendment thereto and, if required by the Secretary, furnishes such copy, translation or both, as the Secretary may specify.

(b) An application for a certificate of plant variety protection for the same variety as was the subject of an application previously filed in the United States by or on behalf of the same person, or by his predecessor in title, shall have the same effect as to such variety as though filed on the date of the prior application if filed before the issuance of the certificate or other termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

(c) A later application shall not by itself establish that a characteristic newly described was in the variety at the time of the earlier application.

Sec. 56. Confidential Status of Application.

Applications for plant variety protection and their contents shall be kept in confidence by the Plant Variety Protection Office, by the Board, and by the offices in the Department of Agriculture to which access may be given under regulations. No information concerning the same shall be given without the authority of the owner, unless necessary under special circumstances as may be determined by the Secretary, except that the Secretary may publish the variety names designated in applications, stating the kind to which each applies.

Sec. 57. Publication.

The Secretary may establish regulations for the publication of any pending application when publication is requested by the owner.

Chapter 6.—EXAMINATION, RESPONSE TIME, INITIAL APPEALS

Sec. 61. Examination of Application.

The Secretary shall cause an examination to be made of the application and if on such examination it is determined that the applicant is entitled to plant variety protection under the law, the Secretary shall issue a notice of allowance of plant variety protection therefor as hereinafter provided.

Sec. 62. Notice of Refusal; Reconsideration.

(a) Whenever an application is refused, or any objection or requirement made by the examiner, the Secretary shall notify the applicant thereof, stating the reasons therefor, together with such information and references as may be useful in judging the propriety of continuing the prosecution of the application; and if after receiving such notice the applicant requests reconsideration, with or without amendment, the application shall be reconsidered.

(b) For taking appropriate action after the mailing to him of an action other than allowance, an applicant shall be allowed six months, or such other time as the Secretary in exceptional circumstances shall set in the refusal, or such time as he may allow as an extension. Without such extension, action may be taken up to three months late by paying an additional fee to be prescribed by the Secretary.

Sec. 63. Initial Appeal.

When an application for plant variety protection has been refused by the Plant Variety Protection Office, the applicant may appeal to the Secretary. The Secretary shall seek the advice of the Plant Variety Protection Board on all appeals, before deciding the appeal.

Chapter 7.—APPEALS TO COURTS AND OTHER REVIEW

Sec. 71. Appeals.

From the decisions made under sections 44, 63, 91, 92, and 128 appeal may, within sixty days or such further time as the Secretary allows, be taken under the Federal

Rules of Appellate Procedure. The Court of Customs and Patent Appeals and the United States Courts of Appeals shall have jurisdiction, with venue in the case of the latter as stated in 28 U.S.C. 2343.

Sec. 72. Civil Action Against Secretary.

An applicant dissatisfied with a decision under section 63 or 91 of this title, may, as an alternative to appeal, have remedy by civil action against the Secretary in the United States District Court for the District of Columbia. Such action shall be commenced within sixty days after such decision or within such further time as the Secretary allows. The court may, in the case of review of a decision by the Secretary refusing plant variety protection, adjudge that such applicant is entitled to receive a certificate of plant variety protection for his variety as specified in his application as the facts of the case may appear, on compliance with the requirements of this Act.

Sec. 73. Appeal or Civil Action in Contested Cases.

(a) A party to a proceeding under section 92 of this title, dissatisfied with the decision, may take an appeal under section 71 or may have remedy by civil action if commenced within sixty days after such decision or within such further time as the Secretary allows. A party contemplating appeal as provided herein shall notify all adverse parties of his intention and any such adverse party, not the Secretary, shall have the right, by notice served within ten days of the notice to him, to elect that any review shall be by civil action. In such suits the record in the Plant Variety Protection Office shall be admitted on motion of any party upon the terms and conditions as to costs, expenses, and the further crossexamination of witnesses, as the court imposes, without prejudice to the right of the parties to take further testimony. The testimony and exhibits of the record in the Plant Variety Protection Office when admitted shall have the same effect as if originally taken and produced in the suit.

(b) Such suit may be instituted against the party in interest as shown by the record of the Plant Variety Protection Office at the time of the decision complained of, but any party in interest may become a party to the action. If there be adverse parties residing in a plurality of districts not embraced within the same State, or an adverse party residing in a foreign country, the United States District Court for the District of Columbia, or any United States district court to which it may transfer the case, shall have jurisdiction and may issue summons against the adverse parties directed to the marshal of any district in which any adverse party resides. Summons against adverse parties residing in foreign countries may be served by publication or otherwise as the court directs. The Secretary shall not be made a party but he shall have the right to intervene. Judgment of the court in favor of the right of an applicant to plant variety protection shall authorize the Secretary to issue a certificate of plant variety protection on the filing in the Plant Variety Protection Office of a certified copy of the judgment and on compliance with the requirements of this Act.

Chapter 8.—CERTIFICATES OF PLANT VARIETY PROTECTION

Sec. 81. Plant Variety Protection.

(a) If it appears that a certificate of plant variety protection should be issued on an application, a written notice of allowance shall be given or mailed to the owner. The notice shall specify the sum, constituting the issue fee, which shall be paid within one month thereafter.

(b) Upon timely payment of this sum, and provided that deposit of seed has been made in accordance with section 52(3), the certificate of plant variety protection shall issue.

(c) If any payment required by this section is not timely made, but is submitted with an additional fee prescribed by the Secretary within nine months after the due date or within such further time as the Secretary may allow, it shall be accepted.

Sec. 82. How Issued.

A certificate of plant variety protection shall be issued in the name of the United States of America under the seal of the Plant Variety Protection Office, and shall be signed by the Secretary or have his signature placed thereon, and shall be recorded in the Plant Variety Protection Office.

Sec. 83. Contents and Term of Plant Variety Protection.

(a) Every certificate of plant variety protection shall certify that the breeder (or his successor in interest) his heirs or assignees, has the right, during the term of the plant variety protection, to exclude others from selling the variety, or offering it for sale, or reproducing it, or importing it, or exporting it, or using it in producing (as distinguished from developing) a hybrid or different variety therefrom, to the extent provided by this Act. If the owner so elects, the certificate shall also specify that in the United States seed of the variety shall be sold by variety name only as a class of certified seed and, if specified, shall also conform to the number of generations designated by the owner. Any rights, or all rights except those elected under the preceding sentence, may be waived; and the certificate shall conform to such waiver. The Secretary may at his discretion permit such election or waiver to be made after certificating and amend the certificate accordingly, without retroactive effect.

(b) The term of plant variety protection shall expire seventeen years from the date of issue of the certificate in the United States. If the certificate is not issued within three years from the effective filing date, the Secretary may shorten the term by the amount of delay in the prosecution of the application attributed by the Secretary to the applicant.

(c) The term of plant variety protection shall also expire if the owner fails to comply with regulations, in force at the time of certificating, relating to replenishing seed in a public repository: *Provided, however*, That this expiration shall not occur unless notice is mailed to the last owner recorded as provided in section 101(d) and he fails, within the time allowed thereafter, not less than three months, to comply with said regulations, paying an additional fee to be prescribed by the Secretary.

Sec. 84. Certificate of Correction of Plant Variety Protection Office Mistake.

Whenever a mistake in a certificate of plant variety protection, incurred through the fault of the Plant Variety Protection Office, is clearly disclosed by the records of the Office, the Secretary may issue a certificate of correction stating the fact and nature of such mistake, under seal, without charge, to be recorded in the records of plant variety protection. A copy thereof shall be attached to each copy of the published specifications or certificate of plant variety protection and such certificate of correction shall be considered as part of the original certificate of plant variety protection Every such certificate of plant variety protection shall have the same effect as if the same had been originally issued in such corrected form. The Secretary may issue a corrected certificate of plant variety protection without charge in lieu of and with like effect as a certificate of protection.

Sec. 85. Certificate of Correction of Applicant's Mistake.

Whenever a mistake of a clerical or typographical nature, or of minor character, or in the description of the variety, which was not the fault of the Plant Variety Protection Office, appears in a certificate of plant variety protection and a showing has been made that such mistake occurred in good faith, the Secretary may, upon payment of the required fee, issue a certificate of correction in the manner and with attachment of copies as in section 84, if the correction unquestionably could have been made before the certificate issued. Such certificate of plant variety protection shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form.

Sec. 86. Correction of Named Breeder.

An error as to the naming of a breeder in the application, without deceptive intent, shall not affect validity of plant variety protection and may be corrected at any time by the Secretary in accordance with regulations established by him or upon order of a federal court before which the matter is called in question. Upon such correction the Secretary shall issue a certificate accordingly. Such correction shall not deprive any person of any rights he otherwise would have had.

Chapter 9.—REEXAMINATION AFTER ISSUE, AND CONTESTED PROCEEDINGS

Sec. 91. Reexamination After Issue.

(a) Any person may, within five years after the issuance of a certificate of plant variety protection, notify the Secretary in writing of facts which may have a bearing on the protectability of the variety, and the Secretary may cause such plant variety protection to be reexamined in the light thereof.

(b) Reexamination of plant variety protection under this section and appeals shall be pursuant to the same procedures and with the same rights as for original examinations. Abandonment of the procedure while subject to a ruling against the retention of the certificate shall result in cancellation of the plant variety certificate thereon and notice thereof shall be endorsed on copies of the specification of the protected plant variety thereafter distributed by the Plant Variety Protection Office.

(c) If a person acting under subsection (a) makes a prima facie showing of facts needing proof, the Secretary may direct that the reexamination include such interparty proceedings as he shall establish.

Sec. 92. Priority Contest.

(a) If the Secretary determines that two applications of different applicants may be based on the same variety, he may:

(1) Initiate a priority contest on his own motion whether or not one of the applications may have been certified; or

(2) Issue a certificate on the application having the earliest effective filing date, with notice to all; or

(3) Issue a certificate naming alternative owners, under a single variety name acceptable to both.

(b) On request of any person when a certificate has been issued naming another as an owner or alternative owner, both having applied for protection on the same variety, the Secretary shall institute a priority contest, except that any person shall have forfeited his right to assert priority for the purpose of obtaining plant variety protection when an adverse certificate has issued if he fails to make the request within one year of the mailing of notice specified in part (2) above or if he fails to make the request within the period for taking action after refusal of his application on the basis of the adverse certificate.

"Sec. 93. Effect of Adverse Final Judgment or of Non Action.

(a) A final judgment under section 92 adverse to an application from which no appeal or other review had been or can be taken or had shall constitute cancellation of any certificating on that application, and notice thereof shall be endorsed on copies of the specifications of the protected plant variety thereafter distributed by the Plant Variety Protection Office.

(b) Any person who has not proceeded in accordance with the provision of this chapter shall not be foreclosed or in any way prejudiced with respect to the defense of an infringement suit or affirmative relief under declaratory judgment proceedings.

(c) No person subject to an adverse decision in a proceeding under this chapter shall be foreclosed with respect to asserting comparable grounds in defense of an infringement suit or as a basis for affirmative relief under declaratory judgment proceedings.

Sec. 94. Interfering Plant Variety Protection.

The owner of a certificate of plant variety protection may have relief against another owner of a certificate of the same variety by civil action, and the court may adjudge the question of validity of the respective certificates, or the ownership of the certificate. The provisions of section 73(b) of this title shall apply to actions brought under this section.

TITLE III—PLANT VARIETY PROTECTION AND RIGHTS

Chapter Section
10. Ownership and Assignment 101
11. Infringement of Plant Variety Protection 111
12. Remedies for Infringement of Plant Variety Protection, and Other Actions 121
13. Intent and Severability 131
14. Temporary Provision and Related Enactments; Exempted Plants; Miscellaneous 141

Chapter 10.—OWNERSHIP AND ASSIGNMENT

Sec. 101. Ownership and Assignment.

(a) Subject to the provisions of this title, plant variety protection shall have the attributes of personal property.

(b) Applications for certificates of plant variety protection, or any interest in a variety, shall be assignable by an instrument in writing. The owner may in like manner license or grant and convey an exclusive right to use of the variety in the whole or any specified part of the United States.

(c) A certificate of acknowledgment under the hand and official seal of a person authorized to administer oaths within the United States, or in a foreign country, of a diplomatic or consular officer of the United States or an officer authorized to administer oaths whose authority is proved by a certificate of a diplomatic or consular officer of the United States, shall be prima facie evidence of the execution of an assignment, grant, license, or conveyance of plant variety protection or application for plant variety protection.

(d) An assignment, grant, conveyance or license shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it, or an acknowledgment thereof by the person giving such encumbrance that there is such encumbrance, is filed for recording in the Plant Variety Protection Office within one month from its date or at least one month prior to the date of such subsequent purchase or mortgage.

Sec. 102. Ownership During Testing.

An owner who, with notice that release is for testing only, releases possession of seed or other sexually reproducible plant material for testing retains ownership with respect thereto; and any diversion from authorized testing, or any unauthorized retention, of such material by anyone who has knowledge that it is under such notice, or who is chargeable with notice, is prohibited, and violates the property rights of the owner. Anyone receiving the material tagged or labeled with the notice is chargeable with the notice. The owner is entitled to remedy and redress in a civil action hereunder. No remedy available by State or local law is hereby excluded. No such notice shall be used, or if used be effective, when the owner has made identical sexually reproducible plant material available to the public, as by sale thereof.

Chapter 11.—INFRINGEMENT OF PLANT VARIETY PROTECTION

Sec. 111. Infringement of Plant Variety Protection.

Except as otherwise provided in this title, it shall be an infringement of the rights of the owner of a novel variety to perform without authority, any of the following acts in the United States, or in commerce which can be regulated by Congress or affecting such commerce, prior to expiration of the right to plant variety protection but after either the issue of the certificate or the distribution of a novel plant variety with the notice under section 127:

(1) sell the novel variety, or offer it or expose it for sale, deliver it, ship it, consign it, exchange it, or solicit an offer to buy it, or any other transfer of title or possession of it;

(2) import the novel variety into, or export it from, the United States;

(3) sexually multiply the novel variety as a step in marketing (for growing purposes) the variety; or

(4) use the novel variety in producing (as distinguished from developing) a hybrid or different variety therefrom; or

(5) use seed which had been marked "propagation prohibited" or progeny thereof to propagate the novel variety; or

(6) dispense the novel variety to another, in a form which can be propagated, without notice as to being a protected variety under which it was received; or

(7) perform any of the foregoing acts even in instances in which the novel variety is multiplied other than sexually, except in pursuance of a valid United States plant patent; or

(8) instigate or actively induce performance of any of the foregoing acts.

Sec. 112. Grandfather Clause.

Nothing in this Act shall abridge the right of any person, or his successor in interest, to reproduce or sell a variety developed and produced by such person more than one year prior to the effective filing date of an adverse application for a certificate of plant variety protection.

Sec. 113. Right To Save Seed; Crop Exemption.

Except to the extent that such action may constitute an infringement under subsections (3) and (4) of section 111, it shall not infringe any right hereunder for a person to save seed produced by him from seed obtained, or descended from seed obtained, by authority of the owner of the variety for seeding purposes and use such saved seed in the production of a crop for use on his farm, or for sale as provided in this section: *Provided*, That without regard to the provisions of section 111(3) it shall not infringe any right hereunder for a person, whose primary farming occupation is the growing of crops for sale for other than reproductive purposes, to sell such saved seed to other persons so engaged, for reproductive purposes, provided such sale is in compliance with such State laws governing the sale of seed as may be applicable. A bona fide sale for other than reproductive purposes, made in channels usual for such other purposes, of seed produced on a farm either from seed obtained by authority of the owner for seeding purposes or from seed produced by descent on such farm from seed obtained by authority of the owner for seeding purposes shall not constitute an infringement. A purchaser who diverts seed from such channels to seeding purposes shall be deemed to have notice under section 127 that his actions constitute an infringement.

Sec. 114. Research Exemption.

The use and reproduction of a protected variety for plant breeding or other bona fide research shall not constitute an infringement of the protection provided under this Act.

Sec. 115. Intermediary Exemption.

Transportation or delivery by a carrier in the ordinary course of its business as a carrier, or advertising by a person in the advertising business in the ordinary course of that business, shall not constitute an infringement of the protection provided under this Act.

Chapter 12.—REMEDIES FOR INFRINGEMENT OF PLANT VARIETY PROTECTION, AND OTHER ACTIONS

Sec. 121. Remedy for Infringement of Plant Variety Protection.

An owner shall have remedy by civil action for infringement of his plant variety protection under section 111. If a variety is sold under the name of a variety shown in a certificate, there is a prima facie presumption that it is the same variety.

Sec. 122. Presumption of Validity; Defenses.

(a) Certificates of plant variety protection shall be presumed valid. The burden of establishing invalidity of a plant variety protection shall rest on the party asserting invalidity.

(b) The following shall be defenses in any action charging infringement and shall be pleaded: (1) noninfringement, absence of liability for infringement, or unenforceability; (2) invalidity of the plant variety protection in suit on any ground specified in section 42 of this title as a condition for protectability; (3) invalidity of the plant variety protection in suit for failure to comply with any requirement of section 52; (4) that the asserted infringement was performed under an existing certificate adverse to that asserted and prior to notice of the infringement; and (5) any other fact or act made a defense by this Act.

Sec. 123. Injunction.

The several courts having jurisdiction of cases under this title may grant injunctions in accordance with the principles of equity to prevent the violation of any right hereunder on such terms as the court deems reasonable.

Sec. 124. Damages.

(a) Upon finding an infringement the court shall award damages adequate to compensate for the infringement but in no event less than a reasonable royalty for the use made of the variety by the infringer, together with interest and costs as fixed by the court.

(b) When the damages are not determined by the jury, the court shall determine them. In either event the court may increase the damages up to three times the amount determined.

(c) The court may receive expert testimony as an aid to the determination of damages or of what royalty would be reasonable under the circumstances.

(d) As to infringement prior to, or resulting from a planting prior to, issuance of a certificate for the infringed variety, a court finding the infringer to have established innocent intentions, shall have discretion as to awarding damages.

Sec. 125. Attorney Fees.

The court in exceptional cases may award reasonable attorney fees to the prevailing party.

Sec. 126. Time Limitation on Damages.

(a) No recovery shall be had for that part of any infringement committed more than six years (or known to the owner more than one year) prior to the filing of the complaint or counterclaim for infringement in the action.

(b) In the case of claims against the United States Government for unauthorized use of a protected variety, the period between the date of receipt of written claim for compensation by the department or agency of the Government having authority to settle such claim, and the date of mailing by the Government of a notice to the claimant that his claim has been denied shall not be counted as part of the period referred to in the preceding paragraph.

Sec. 127. Limitation of Damages; Marking and Notice.

Owners may give notice to the public by physically associating with or affixing to the container of seed of a novel variety or by fixing to the novel variety, a label containing the words "Propagation Prohibited" and after the certificate issues, such additional words as "U.S. Protected Variety". In the event the novel variety is distributed by authorization of the owner and is received by the infringer without such marking, no damages shall be recovered against such infringer by the owner in any action for infringement, unless the infringer has actual notice or knowledge that propagation is prohibited or that the variety is a protected variety, in which event damages may be recovered only for infringement occurring after such notice. As to both damages and injunction, a court shall have discretion to be lenient as to disposal of materials acquired in good faith by acts prior to such notice.

Sec. 128. False Marking; Cease and Desist Orders.

(a) Each of the following acts, if performed in connection with the sale, offering for sale, or advertising of sexually reproducible plant material, is prohibited, and the Secretary may, if he determines after an opportunity for hearing that the act is being so performed, issue an order to cease and desist, said order being binding unless appealed under section 71:

(1) Use of the words "U.S. Protected Variety" or any word or number importing that the material is a variety protected under certificate, when it is not.

(2) Use of any wording importing that the material is a variety for which an application for plant variety protection is pending, when it is not.

(3) Use of the phrase "propagation prohibited" or similar phrase without reasonable basis, a statement of this basis being promptly filed with the Secretary if the phrase is used beyond testing and no application has been filed. Any reasonable basis expires one year after the first sale of the variety except as justified thereafter by a pending application or a certificate still in force.

(b) Anyone convicted of violating a binding cease and desist order, or of performing any act prohibited in subsection (a) of this section for the purpose of deceiving the public, shall be fined not more than $10,000 and not less than $500.

(c) Anyone whose business is damaged or is likely to be damaged by an act prohibited in subsection (a) of this section, or is subjected to competition in connection with which such act is performed, may have remedy by civil action.

Sec. 129. Nonresident Proprietors; Service and Notice.

Every owner not residing in the United States may file in the Plant Variety Protection Office a written designation stating the name and address of a person residing within the United States on whom may be served process or notice of proceedings affecting the plant variety protection of rights thereunder. If the person designated cannot be found at the address given in the last designation, or if no person has been designated, the United States District Court for the District of Columbia shall have jurisdiction and summons shall be served by publication or otherwise as the court directs. The court shall have the same jurisdiction to take any action respecting the plant variety protection, or rights thereunder that it would have if the owner were personally within the jurisdiction of the court.

Chapter 13.—INTENT AND SEVERABILITY

Sec. 131. Intent.

It is the intent of Congress to provide the indicated protection for new varieties by exercise of any constitutional power needed for that end, so as to afford adequate encouragement for research, and for marketing when appropriate, to yield for the public the benefits of new varieties. Constitutional clauses 3 and 8 of article I, section 8 are both relied upon.

Sec. 132. Severability.

If this Act is held unconstitutional as to some provisions or circumstances, it shall remain in force as to the remaining provisions and other circumstances.

Chapter 14.—TEMPORARY PROVISION AND RELATED ENACTMENTS; EXEMPTED PLANTS; MISCELLANEOUS

Sec. 141. Effective Date.

This Act shall take effect upon enactment. Applications may be filed with the Secretary and held by him until the Office of Plant Variety Protection is organized and in operation.

Sec. 142. Amendment of Federal Seed Act.

The Federal Seed Act (53 Stat. 1275) is amended as follows:

(a) By adding at the end thereof:

"TITLE V—SALE OF UNCERTIFIED SEED OF PROTECTED VARIETY

"Section 501.

"(a) It shall be unlawful in the United States or in interstate or foreign commerce to sell by variety name seed not certified by an official seed certifying agency when it is a variety for which a certificate of plant variety protection under the Plant Variety Protection Act specifies sale only as a class of certified seed: *Provided*, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety."

(b) By adding at the end of section 102 the following wording: "Seed of a variety for which a certificate of plant variety protection under the Plant Variety Protection Act specifies sale only as a class of certified seed shall be certified only when

"(1) the basic seed from which the variety was produced was furnished by authority of the owner of the variety if the certification is made during the term of protection, and

"(2) it conforms to the number of generations designated by the certificate, if the certificate contains such a designation.".

Sec. 143. Amendment of Judicial Code.

Title 28 of the United States Code, entitled Judicial Code and Judiciary, is amended as follows:

(a) After section 1544 add:

"Sec. 1545. Decision of the Plant Variety Protection Office.

"The Court of Customs and Patent Appeals shall have nonexclusive jurisdiction of appeals under section 71 of the Plant Variety Protection Act."

(b) In section 1338 after "Patents" in the heading, after "patents" and after "patent" (both occurrences) insert ", plant variety protection".

(c) After section 2351 add:

2353. The Court of appeals has nonexclusive jurisdiction to hear appeals under section 71 of the Plant Variety Protection Act.

Sec. 144. Exempted Plants.

The provisions of this Act shall not apply to the seeds, plants, or transplants of okra, celery, peppers, tomatoes, carrots, and cucumbers.

Sec. 145. Short Title.

This Act may be cited as the "Plant Variety Protection Act".

Mr. POAGE (during the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point and printed at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any amendments?

AMENDMENT OFFERED BY MR. POAGE

Mr. POAGE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POAGE of Texas: Page 43, between line 17 and line 18, insert the following:

"(d) In section 1498 and the following new subsection:

"(d) Hereafter, whenever a plant variety protected by a certificate of plant variety protection under the laws of the United States shall be infringed by the United States, by a corporation owned or controlled by the United States, or by a contractor, subcontractor or any person, firm, or corporation acting for the Government and with the authorization and consent of the Government, the exclusive remedy of the owner of such certificate shall be by action against the United States in the Court of Claims for the recovery of his reasonable and entire compensation as damages for such infringement: *Provided*, That a Government employee shall have a right of action against the Government under this subsection except where he was in a position to order, influence or induce use of the protected plant variety by the Government: *Provided, however*, That this subsection shall not confer a right of action on any certificate owner or any assignee of such owner with respect to any protected plant variety made by a person while in the employment or service of the United States, where such variety was prepared as a part of the official functions of the employee, or in the preparation of which Government time, material, or facilities were used: *And provided further*, That before such action against the United States has been instituted, the appropriate corporation owned or controlled by the United States or the head of the appropriate agency of the Government, as the case may be, is authorized to enter into an agreement wtih the certificate owner in full settlement and compromise, for the damages accrued to him by reason of such infringement and to settle the claim administratively out of available appropriations."

Mr. POAGE. Mr. Chairman, this amendment was approved by the committee and has the support of the committee. It is designed simply to give a forum to provide an appeal and fixes the Court of Claims as that agency.

Mr. Chairman, I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POAGE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 9, line 25, after "authorized" strike out all through the period after "Act" in line 4, page 10, and insert in lieu thereof: "shall be recovered to the Treasury of the U.S.A., and expenses needed for the administration of this act shall come through the nation's regular budgetary, authorization, and appropriations process."

Mr. HALL. Mr. Chairman, I certainly shall not take 5 minutes.

If one will take the bill and look at the bottom of page 9, after the phrase, "the fees authorized," my amendment would simply strike "by this section shall be established to substantially cover the costs of administration of this Act. Such fee shall be deposited into a fund to be available, without fiscal year limitation, for the administration of this Act."

I leave all of the rest of the wording of the distinguished committee in there, stating that the initial capital of the fund shall consist of appropriations authorized herewith can be made and that the Secretary may change the initial fee of $50 if he sees fit.

All I am inserting in lieu of that phrase which is stricken is simply that funds so contributed can be recovered into the Treasury of the United States and that expenses needed for the implementation of this act will have to come through the regular budgetary process of authorization of the legislative committee and appropriations of the Committee on Appropriations.

Mr. Chairman, in my opinion it is a simple amendment. I hope it will be accepted.

Mr. Chairman, I am afraid that with the speed with which we are acting, it has precluded prior discussion and distribution of the amendment. I am sure, Mr. Chairman, this comes about as a result of accepting Senate-passed legislation by one of our committees. I have absolutely nothing against the purpose of this act. In fact, I am strongly for it. I believe that the two greatest things that have ever happened to agriculture have been the technical breakthroughs in hybrid and sexually produced plants. I think they should be copyrighted and protected along with the rubber-tired tractor.

So, Mr. Chairman, I offer this amendment simply in support of keeping our Government a constitutional government and avoiding backdoor raids on the Treasury, keeping that from happening, and piling expenses upon us again and again.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not want to be in opposition to what the gentleman from Missouri has suggested, because I think that basically he probably has a sound approach on this procedure. This bill, however, was presented to the committee and it has been before the committee for several months. However, the presentation that the gentleman from Missouri is making was not submitted to the committee nor any request that we handle it in this way. Rather, it was suggested that the procedure used in the bill was the most expeditious and cheapest way of handling these funds. It all comes out to exactly the same amount of money whether you put it into an administrative fund and pay the expenses out of that fund or whether you put it into the Treasury and pay the expenses for its operation out of the Treasury.

It is my belief that you save some of the overlapping of the work that is done here in the Congress and some duplication by using the direct method.

We do not think that it involves any particular amount of money one way or the other, but the committee felt that it was a simpler and a more direct approach to use the money you took from these individuals who sought a certificate—and they are the ones who pay it, not the general taxpayers, because it is not tax money that is taken in. It is money you take from these people—we felt that it would be simpler and easier to put that in a fund and use directly.

We thought that it would probably be more likely to keep the cost down by letting everybody see that these costs were coming out of the money that they were paying in. We thought that when they had a monetary interest in maintaining this fund that possibly there would be a better accounting of it than if the money went into the Treasury, and then we appropriated tax money to perform this particular function.

That is the reason the committee took the course we did take. It may not be a good reason but we thought it was. Certainly, we do not claim that this is the only way the matter might be handled.

I do not think that it would destroy the bill if you adopt the amendment offered by the gentleman from Missouri (Mr. HALL). The committee is not going to run off and get mad if you adopt the amendment. The amendment has certain merits to it, and I would certainly be the first one to admit this, but I think we would save a little money by not adopting the amendment.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I have no objection myself to the amendment offered by the gentleman from Missouri, but I would like to ask the gentleman a procedural question concerning the time limit on this Congress, that if the Senate did not accept this amendment that it would be a reasonable likelihood we would never finish action on the bill?

Mr. POAGE. I think that is a reasonable likelihood.

Mr. HUNGATE. I thank the gentleman.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I commend the gentleman from Missouri for offering the amendment, and I would point out to the committee that insofar as expediting the passage of this legislation is concerned, it depends apparently on the subject of the legislation how expedited legislation can be. I could name a few subjects that could be run through in 48 hours. So I think if people put their minds to it the bill can get through in good shape.

The gentleman from Missouri has made the point that it would be less expensive to the taxpayers to administer these fees in the normal process of governmental business, and that to turn the fees over to an administrator with no requirement that he report to the Congress would in essence make a private business out of a public function.

Mr. Chairman, I think the gentleman is to be commended for offering his amendment, and I support the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HALL).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 25, noes 13.

So the amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not under the rule the Committee rises.

Accordingly the Committee rose and the Speaker having resumed the chair, Mr. CAREY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 3070), to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest, pursuant to House Resolution 1290 he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The SPEAKER laid before the House the following resignation from a committee:

WASHINGTON, D.C.,
November 17, 1970.

Hon. JOHN W. MCCORMACK,
Speaker, U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I am tendering herewith my resignation as a member of the House Committee on Interstate and Foreign Commerce.

I am apprising Chairman Staggers of this action so that you and he may make the appropriate arrangements.

I want to wish you the very best in retirement. I have greatly appreciated your kindness and consideration to me ever since I came to Congress. If I make it to the Senate and can ever be of help to you there, please consider me your Senator.

Yours very truly,
RICHARD L. OTTINGER,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file three privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished majority leader let us know if the plans for tomorrow are the same as he indicated a few moments ago, which, as I understood it, was to bring up the Foreign Assistance Act of 1971 and then one of the two revenue bills, either one from the Committee on Ways and Means or one for the District of Columbia?

Mr. ALBERT. The gentleman is correct.

Mr. GERALD R. FORD. I thank the gentleman.

ELECTION OF MEMBERS TO COMMITTEES

Mr. MILLS. Mr. Speaker, by direction of the Committee on Committees, I offer a privileged resolution (H. Res. 1298) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1298

Resolved, That the following-named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Government Operations: George W. Collins, of Illinois;

Committee on Interstate and Foreign Commerce: Bertram L. Podell, of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE SUPERSONIC TRANSPORT

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, I rise today to indicate my support of the supersonic transport program. Unfortunately, this domestic program has become a cause celebre to those interested in protecting the environment and was, therefore, defeated by a vote of 52 to 41 in the Senate. I say "unfortunately" because making this program the whipping boy for the problems existing in our environment diverts the public from the real problems of air and water pollution in our Nation. The building and flying of two prototype American SST airplanes will provide less pollution of the atmosphere than the automobile creates in a single day in any major city.

I support the bill offered by Senator Magnuson to protect the Nation against sonic boom and sideline noise from all airplanes, including the SST. This is the proper approach to take regarding any noise factors which may be involved from supersonic airplanes. As I have stated to Members of the House before, I have seen the British-French Concorde and talked with its designer and have also talked with the designer of the Russian Tupelov-144, and these airplanes are not only in existence but clearly demonstrate that the supersonic transport is a valid aeronautical concept. Further, both nations intend to fly this airplane during the decade of the 1970's in commercial air traffic.

When the possible pollution and noise effects of the supersonic transport are put into proper perspective, it then becomes incredible to believe that the United States would stop development of this airplane. The opponents of the SST have generally opposed any continuation of the space program and have demanded reduction of the defense program, and if they now dismantle the domestic airplane industry, there will be no industrial support for the maintenance of an economy in the United States that can support our people and provide the industrial and technical support to save our environment. The less sophisticated an industrial society is, the more it will pollute the environment. The original industrial nations of the world destroyed their environment through use of heavy industrial coals, the dumping of sewage and byproducts into streams, and the littering of the landscape because of the inability of the society to provide enough tax money to enable the Government to clean up the industrial cities.

We must develop an answer to the competition of the industrial state and human beings for the natural resources of the world and develop a means whereby individuals can obtain the items which produce a better life and at the same time maintain an ability for human life to survive on the planet.

As I mentioned earlier, the SST is diverting the attention of the public from the real problems of the industrial, urban system. The sheer magnitude of the pollution caused by the internal combustion engine in the automobile, the massive pollution caused by ineffective treatment of human and industrial wastes, and the deadly dangers of massive overpopulation dwarf any effects of the SST. This airplane is like a very tiny tail on a huge dog.

In conclusion, I would point out that the amount of money involved in this program is very small when compared to the other items in the Federal budget and it is one of the few nonspace, nonmilitary items available for future development of our industry. The money factor becomes important at this time because we have already spent over $700 million in development of this airplane and the prototypes are over 50 percent completed. In addition, the SST for fiscal year 1971 has been moving under a continuing appropriation and we have already paid for development in fiscal year 1971 for the period from July 1, 1970, through January 1, 1971, which is half of the year. A further complication is the cost of stopping the program with the involved contract commitments and penalty clauses which will mean the Federal Government may sustain contract costs over $100 million.

In addition we are faced with a very difficult dollar balance in our trade relations with other nations. I have previously placed in the Record during the debate on the trade bill the amount of money which has been earned by the United States through sale of jet transports to other nations. If it were not for the sale of these sophisticated airplanes, plus agricultural products, we would suffer a devastating balance-of-trade deficit. If this is compounded by the Europeans selling Concordes or TU-144's to the United States, we will have an impossible trade balance, and I would say to my friends who favor free trade, they have seen nothing to compare with the restrictive trade bills that will appear before the end of the 1970's if we are buying foreign jet airplanes in the 1970's.

This program will create jobs for American workmen and will not require restrictive trade quotas or any other type of protection. The amount that the American consumers will pay because of restrictive trade quotas or tariffs will be many times the $290 million requested for this program.

I, therefore, urge my colleagues to vote to continue the SST program on the grounds that it is not a prime factor in protecting our environment, that it will provide jobs for Americans, that its cost is minimal compared to the other items, and that we will need it to balance our trade in the decade of the 1970's.

HOUSE APPROVAL OF THE ANIMAL WELFARE ACT OF 1970

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITEHURST. Mr. Speaker, the list is long, the abuse and suffering have gone on for a long time, but at last man for a change is listening to voices other than his own. The House of Representatives has taken another important step in reducing unnecessary cruelty to animals by approving and sending to the Senate H.R. 19846, the Animal Welfare Act of 1970.

Since the passage of the Poage bill in August of 1966, many things have been learned about the effectiveness of some of the provisions contained in that law. Its primary concern was to stop traffic in stolen pets, as well as the care and handling of laboratory animals. Not only have some of the law's provisions proven not as effective as had been hoped, but it has also become obvious that the principle of humane treatment of all animals must be expanded. This is the purpose of the Animal Welfare Act of 1970.

The Animal Welfare Act is the result of many days of hearings and executive sessions of the Subcommittee on Livestock and Grains of the House Agriculture Committee. It does not contain all of the features I was seeking when I introduced the original legislation, H.R. 13957, but it does contain the major points. This bill also contains many of the ideas written into H.R. 18637, introduced by my colleague, the gentleman from Washington (Mr. Foley).

Basically, H.R. 19846 accomplishes two ends:

The bill expands the definition of the term "animal" to mean all animals, as determined by the Secretary of Agriculture, instead of simply pet animals as designated in Public Law 80-544.

The bill also broadens the protective features of the law to include road shows, circuses, zoos, and carnivals, as well as expanding coverage of research facilities.

In the attempt to accomplish these ends it is important that we not cause difficulties for progress in the fields of science and medicine. This was of concern to me as well as many members of the committee. I offered amendments to my bill in an attempt to clarify this point, and the committee devoted a section of the bill to the intent of the legislation in this and other fields. I am including a copy of the "Committee Intent" at this point for the benefit of my colleagues:

COMMITTEE INTENT

In its consideration of H.R. 19846 the committee carefully considered both the language and the legal construction of that language in several sections of the bill. In reflection of that consideration the committee submits the following expressions of intent:

(1) In regard to the amendment to section 2(b) of the Act, the committee does not contemplate the designation of private citizens or non-Federal Government employees in the administration of this legislation.

(2) In regard to the amendment to section 13 of the Act, it is the intention of the committee that the Secretary neither directly nor indirectly in any manner interfere with or harass research facilities during the conduct of actual research and experimentation. The important determination of when an animal is in actual research is left to the research facility itself. Research or experimentation is also intended to include use of animals as "teaching aids in educational institutions".

(3) In regard to the amendment to section 17 of this Act, the committee intends that inspection under this section shall be specifically limited to searches for lost or stolen pets by officers of the law (not owners themselves) and that the term "legally constituted law enforcement agencies" means agencies with general law enforcement authority and not those agencies whose law enforcement duties are limited to enforcing local animal regulations. It is not intended that this section be used by private citizens or law enforcement officers to harass research facilities and in no event shall such officers inspect the animals when the animals are undergoing actual research or experimentation.

(4) In regard to the amendments to Section 20 of the Act, the committee reiterates its policy expressed in the conference report on P.L. 89-544 that in the case of research facilities the Secretary may grant individual extensions of time to certain of these facilities if he is convinced that these facilities will be able to meet the requirements of the regulations within a reasonable length of time. The purpose of this authority is to enable those research institutions whose compliance depends on obtaining additional funds for construction or personnel to secure such funds.

In this connection the committee also urges that adequate funds from Federal sources be made available for those research facilities which depend to a large extent on support derived from both State and Federal sources for laboratory facility improvements.

I wish to acknowledge and thank the thousands of people across this great Nation who have actively supported this legislation. The House Agriculture Committee, the Subcommittee on Livestock and Grains, and I have received thousands of pieces of mail and numerous telephone calls from individuals interested in furthering humane legislation.

The news media have responded generously in helping to publicize the need for this bill. Newspapers, television, radio, magazines, and newsletters have donated time and space to the various aspects of the bill and testimony given in support of it.

The letters, the coverage, the events of our time have helped raise the ecological sense of Congress and we are more aware of the consequences of neglect. The animal welfare bill of 1970 extends humane coverage to many unfortunate animals not protected under present law.

Congress is not alone in its concern for the humane treatment of animals. Across the country there are organizations promoting the welfare of animals. They are public as well as private and are invaluable in helping to ease the suffering of both animals and mankind. But even though there are many such organizations they are limited in what they can do. However, this bill includes areas of coverage over which such organization have no control.

I congratulate my colleagues for extending this coverage by voting for the animal welfare bill of 1970, H.R. 19846.

The bill now goes to the Senate Commerce Committee. Following the introduction of the clean bill by the House Agriculture Committee there have been several companion bills introduced in the Senate. Therefore, I look for rapid and favorable consideration by the Senate.

Those interested in commenting on the bill should address their letters of support of S. 4539 to WARREN G. MAGNUSON, chairman, Senate Commerce Committee, Senate Office Building, Washington, D.C.

CESAR CHAVEZ IS IN JAIL FOR CONTEMPT OF THE LAW

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, Cesar Chavez chooses to be in jail. He wants to be in jail to rally sympathy and support which he cannot achieve through the law, or muster through a strike, or force by an illegal secondary boycott.

Mr. Chavez initiated a secondary boycot against all lettuce producers, including one whose lettuce was and is completely grown, harvested, and shipped by bona fide union labor.

The Superior Court of the State of California in and for the county of Monterey, after appropriate hearings, made an order and Mr. Chavez deliberately and admittedly violated the order. The judge had no alternative but to find Mr. Chavez in contempt of the order of the court. The violation of the simple order was so flagrant and done so openly and arrogantly that the court had no alternative but to remand Mr. Chavez to jail for contempt.

If the decision of the court is wrong, or if Mr. Chavez is dissatisfied with the decision, it can be appealed.

If the law is wrong, or if Mr. Chavez is dissatisfied with the law, it can be amended.

If Mr. Chavez wants to get out of jail he need only renounce this illegal secondary boycott of lettuce produced by this one grower. This can be done simply by publication of a one-sentence letter.

Mr. Chavez has defied the law. Those who support him are defying the law. There is really no sense in having a law if it does not apply to all and if all do not obey.

Any preachment of defiance of the law degrades the law, undermines our legal system, and weakens our society.

Last summer during the harvest of the lettuce crop, Mr. Chavez tried to mount a strike of the lettuce fieldworkers. The strike petered out for lack of worker interest.

On several occasions he tried to get himself arrested for petty misdemeanors, without success.

Now Mr. Chavez has accomplished his objective of getting himself confined in jail—for publicity purposes.

The real fieldworkers would much prefer that he try to obtain better working and living conditions for them in other States rather than to seek such publicity for himself, especially in this manner and in this agricultural area.

UNACCEPTABLE MANPOWER BILL EMERGES FROM CONFERENCE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 30 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, it is with very great regret that I must report to the House that the conferees on the manpower training legislation—H.R. 19519—S. 3867—have not produced a bill acceptable to the Republican House conferees. Moreover, we do not feel that the bill which emerged is acceptable to the House. Accordingly, we have not signed the conference report.

We recognize that there were large and fundamental differences between the two versions of this legislation and that in the normal course of things we could expect compromises. What emerged, however, was a near abandonment of the House-approved bill and a complete abandonment of crucial principles relating to the public service employment provisions.

Stated in the most direct terms: The bill approved by the other body and accepted in conference contemplates a public service employment program operated without any objective of moving persons from such employment into regular jobs in the public and private sectors. The inclusion of this objective—and providing the Secretary of Labor with the authority to see that local and State manpower programs worked toward it—was the critical factor which made it possible for most of the members on our side of the committee, as well as the Secretary of Labor, to accept a bill with a public service employment title in it.

Before explaining the importance of this provision, Mr. Speaker, I want to make clear that the House-passed bill was itself a fragile compromise. The administration, which early took the initiative in sending to the Congress an extremely comprehensive and farsighted proposal, did not want a public service employment program as a separate and distinct activity having a specified level of funding. Members on our side of the committee—and many Members on the majority side in the Congress—did not want such a program. If we had to accept the program as the price of any comprehensive manpower legislation, then we wanted certain guarantees as to its size and character. The guarantees desired by the Department of Labor and by Members on our side went considerably beyond those contained in the bill which we finally reported from the Committee on Education and Labor.

We wanted assurances that no individual would be kept in this program for longer than 2 years; we wanted the Secretary of Labor to have the authority to terminate public service programs which failed to move participants into regular employment. The House provisions fall far short of what we wanted. They represent the minimum we could accept. These minimal provisions are found in section 302(h) and (i) of the House bill and read as follows:

> SEC. 302. Any application for financial assistance under this title shall provide that—
>
> (h) objectives shall be set for the movement of persons employed thereunder into public or private employment not supported under this Act; and
>
> (i) the approvable request for funds does not exceed 80 per centum of the cost of carrying out this program:
>
> *Provided*, That, if the employer has not achieved the objectives prescribed pursuant to clause (h) under any agreement, the Secretary shall reduce the Federal share in any continuation or extension of the agreement, unless the Secretary ascertains that the applicant was without fault or that economic conditions in the area precluded accomplishment of such objectives.

These provisions which were dropped in conference do two essential things. One: They state the basic principle that there should be some targets set for moving people into regular employment; and two: They provide that the Secretary should have some means of assuring that these objectives are attainable. We offered in the conference to trim these provisions one step further by changing the phrase "the Secretary shall reduce the Federal share" to "the Secretary may reduce the Federal share". This, too, was rejected.

Our understanding of the position of the House is that it did not want to authorize a huge public service employment program—and the conference version is considerably greater in size—which would make States and local governments employers of first resort without any semblance of an objective to move people into real jobs in the public or private sectors.

There are other problems with the conference-approved bill, although not as critical as this one. The administration proposal embodied in the House-passed bill was for a broadly conceived and flexible manpower program unrestrained by narrowly defined special categories of training. The Senate bill retained all of the narrowly drawn categories and mandated that a significant portion of appropriated funds be spent to carry them out. The bill approved in conference is an improvement upon the Senate bill in that it is somewhat less restrictive but because it still retains these narrow programs and mandates expenditures for them, it must be regarded as a disappointment.

Mr. Speaker, if the result of the conference action, as I think likely, is that we end up with no new legislation, then we shall have missed an opportunity to improve upon the existing hodge-podge of training programs. I think that result is unfortunate because it was so unnecessary and because it is so wasteful of the tremendous efforts of countless individuals in both the executive and legislative branches.

But no new legislation is a far better result than ill conceived, badly drawn legislation with a potential for wasting enormous resources on programs which do not even aim at gainful employment for the individuals involved.

In my judgment, the surest way to dissipate public support for necessary manpower training programs is to build into them this enormous potential for abuse. I, therefore, feel that we would be better advised to stay with our existing Manpower Development and Training Act and related programs, with their admitted shortcomings, until these problems can be resolved in an acceptable way—hopefully early in the next Congress.

I am authorized to say on behalf of our ranking member, Mr. AYRES, and of Mr. QUIE, who will be the ranking member in the next Congress, and of the other Republican conferees, that they substantially share these views.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Vanadium is a rare element that is used to toughen and increase the shock resistence of steel. In 1968 the total world production was only 10,970 metric tons. In the same year the United States produced 5,881 metric tons, more than half of the world production.

"DITCHING" ALONG THE OBION AND FORKED DEER RIVERS: BENEFIT OR BOONDOGGLE?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 20 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, a very interesting court case is pending in Federal Court at Nashville, Tenn., seeking to halt U.S. Corps of Engineer "ditching" operations along the Obion and Forked Deer Rivers in west Tennessee.

The plaintiffs in the case—Civil Action No. 5724, J. Clark Akers III, et al., against the United States Army, operating as the Corps of Engineers, the United States Department of Interior, et al.—allege, among other things, that the Corps of Engineers would be in violation of various Federal laws if it continues its "ditching" operations.

Historically, the Obion and Forked Deer Bottoms have produced one of the greatest variety of fish and game resources in the United States. This fact was recognized by the Department of the Interior. The Department, in conjunction with the Tennessee Game and Fish Commission, made a study of the subject projects being performed and to be performed by the Corps of Engineers. This report, dated August 1959, examines the damage the work would cause to the area and to the wildlife habitat. The report recommended modifications which were not accepted by the corps.

Conservationist groups maintain that ditching has already occurred which has destroyed a "pristine wilderness and prime wildlife habitat, and has replaced it with muddy ditches running through areas shorn of their natural pine tree cover."

An interesting and apparently objective commentary on the ditching activity and its ramifications appeared earlier this year in a series of articles by Mr. Flavil Griggs which were printed in the Dyersburg, Tenn., Mirror.

Mr. Speaker, I place these articles, by Mr. Griggs, in the RECORD at this point and commend them to the attention of our colleagues.

[From the Dyersburg (Tenn.) Mirror, Aug. 27, 1970]

ONE MAN'S OPINION—I

(By Flavil H. Griggs)

(EDITOR'S NOTE—In a major article to the Mirror this week, Flavil Griggs of Friendship outlined his thoughts about the pending Nashville lawsuit which may stop all dredging on the lower Forked Deer and Obion Rivers. Griggs, of Route 2, Friendship, has been living and working on these rivers since he was a young boy. Presently 56 years old, he claims to have fished, hunted, and traveled extensively on the entire lengths of the rivers, and he has kept keenly aware of the changes that have occurred there.)

(His article will appear in a three-week series, concluding September 10. He qualifies his authority by his proximity to the rivers, and his years of observation. As he told us, "I'll wager that I know as much or more about these rivers than any person in West Tennessee.")

(Mr. Griggs is currently a carpenter and homebuilder, working out of Crockett County.)

Too many of us, private citizens and public officials alike, have always tended to accept without question those things decided upon and done by the U.S. Army Corps of Engineers. Given a free hand for many years they have done much good and, I must add, some things that have turned out badly. Possibly because of this, Congress passed the National Environmental Policy Act last year. It requires all agencies to review all major work projected in order to prevent environmental damage. There had been a drainage project, actually a continuation set up for this summer on the Obion and Forked Deer Rivers, which has now been halted by a lawsuit. By now, most of the people of West Tennessee know about this and apparently most seem to think hanging too mild a punishment for those who filed the suit.

I have asked myself, "Why did the judge allow a suit of this nature?" And, too, "Why did those four individuals take on all the powers that be, so to speak, in a lawsuit?" I don't know the exact motive behind the suit, but I can see where a strong case can be made. On the other hand, I can appreciate what the landowners believe to be their rights.

Is there room in these valleys for soybean fields and game habitats at the same time? I think so. To qualify this statement, I will present a study of the geographical changes and their effects brought about during the time starting before and since the first "drainage projects" were accomplished on some of the rivers of West Tennessee. Following this, I shall make predictions of what may be expected should the proposed projects be released and carried out; and, I shall make recommendations for all those concerned with actually trying to cure the ills of these rivers.

During the fifty years past, a clear picture of what happens when the straight "drainage canal" or ditch is substituted for the original crooked river can be seen in direct comparison with those parts left in their wild state.

Let us first go back to the time before the dredgers began work and study how the wild system worked. There were three main rivers in West Tennessee, of which only the Hatchie has remained untouched. In it we can see what might have been had not the Obion and Forked Deer Rivers been ditched. Let me, in passing, point out that although the Hatchie River is supposedly included in the wild rivers act, recently a small item appeared in a newspaper which said that a certain sum has been allocated to do work on the Hatchie River on that portion which lies in Mississippi. It is distressing to see the act ignored.

Originally, all these river systems had nearly the same size and general characteristics with a history of all having been used by steamboats until the railroads took away their usefulness. Each of the valleys had a considerable drop per mile especially in the upper reaches (this is the crux of why they did and will resist changing) which carried off water naturally and eventually to a standard low, leaving none to damage the stands of timber selected by nature to occupy the various levels. Each of the rivers were wide and deep enough that the occasional fallen tree was soon absorbed. Debris moved then during high water when the flood plains became covered. Each bend became an obstacle to help scatter what accumulation there was among the intervening trees.

Some clearing of the ridges or second bottoms had been done where crops were grown with reasonable success and the words "disaster area" had not been coined to mean losing crops on ground by nature suited only to timber growing. Then, as now, forests were the key factor in the retention of water and the retardation of quicker higher flooding. By diffusion—the average rain was accommodated within the lower flats of the bottomlands. The occasional period of heavy rain during crop time meant a loss then as it does now. In those days, however, the clearings amounted to only a small percentage of the overall bottomlands. I feel that most of the higher ground on ridges might have been cleared for working without causing too great a change to the system had the rivers themselves not been disturbed by ditching. But, somewhere along the way, nature, which had always worked, could be unbalanced by too much removal of the timber.

Here we are posed with a new question of who may or may not turn certain lands into farmland or leave them to forestry. It probably is that those who filed the suit we are studying saw what I have noticed in that immediately after the start of any so called "drainage" the land owners almost always start a wholesale clearing to the bank of the creek or river. I grant that this is by law their right. Nature has a different view though. After the clearing, even the medium rains cause disasterous floods to the lower parts of the valley. Soybean plants do little to slow down a fast flow, and "disaster loans" must be paid back sometime. A dramatic example of this is the Obion River valley which has been mostly cleared of standing timber in the wake of the recent work to the lower wild portion of the river. This spring, crop damage reached an all-time high. An interesting thing came to my attention about the man who rented the newly cleared land below the bridge on Highway 78, and who had worked for days preparing the ground for planting. He must have summed up what many will have to see in times to come when on Friday morning after a rain the night before he could see only the exhaust pipe of his tractor. "I didn't know it could rise so fast!" he was quoted as saying. People of that area, would it provoke some second thoughts when I add what should be a chilling reminder that much more ditching, which will be followed by land clearing, is proposed. We all know that some years go through the short season required by soybeans without hard rains. This chance will always attract someone to gamble on a crop. And, again to the people of the lower Obion valley, let me make a prediction based on what I have seen elsewhere at other times: with the partially straightened river and most of the whole valley denuded as they now are, even though further ditching not necessarily is done, alluvium from all points will concentrate along the bed and banks to cut off exits for areas away from the river. Then what is much worse is the long run than mere overflow is that these outer bottoms will become "duck ponds" impossible to keep drained by natural flow as both the banks and bed of the river rise. In all sincerity, I can visualize a duck hunter's paradise in a few years—sooner if the proposed continuation of ditching is carried out—allowing the people of the upper valley to dump their debris and floods on those below. All could be losers in the long run as I will explain in succeeding paragraphs.

[From the Dyersburg (Tenn.) Mirror, Sept. 3, 1970]

ONE MAN'S OPINION—II

(By Flavil H. Griggs)

Up to here, I have devoted this writing to an analysis of what happens upon the tampering with and of disregarding the balance of nature in the wild river systems of West Tennessee. I will turn now to the parts of these rivers defiled by those abominations: the straight ditches. There is no criterion to estimate the damage done these past fifty years, but, what is worst, the damage continues. The blame can be laid to those people of the time who had an idea that all that was needed to stop flooding was to dig a straight river to replace the old ones. (Will someone later write of this present generation that we, too, did the wrong thing to the valleys?)

Let us examine what has happened to the flood plains along with the ditches themselves. They were laid out to follow a line near the middle of the valleys, disregarding high or low bottomlands. The creeks running into the rivers were channeled out in like manner. Visualizing rich, flood-free land, the owners of the bottoms started clearing away the timber especially up the creeks which went out into the hills. Fortunately, for their own good, land clearing was a slow process in those days. A short honeymoon was had until it was seen that the land could overflow. I saw man after man "go broke" trying to farm the cleared land in Dyer County along the middle Forked Deer River bottom. At first, it only seemed that the dredging was of little or no value, and certainly of no harm. However, a gradual change was taking place along the new river which was to change the entire picture and which complicates any remedial action today.

The original watersheds had taken care of silt from worked cropland by the slowing of the flow as it left the slopes. Thus any heavy build up was near the source. After the ditches had been dug, the mixture of water and mud stayed in solution while still out in the channels. Since the volume of water was frequently more than the beds could carry, the silt laden water rose above the banks to spread out over the flood plains. Most of the silt dropped, as is natural, close to this new unnatural source, thus building the immediate banks higher and higher, interestingly though, after a first leveling off of the bottom with sand, the depth of the river beds have remained nearly the same, rising about as much as the banks themselves. After a while, there became three distinct levels in the valleys—that of the newly formed high land along the river and the original, lower bottomlands away from the river. This in itself would not have been too much a disadvantage as the natural slope of the valley would have as in days before "drainage" allowed flood water to eventually recede. Actually most of the bottomlands still do dry out although all are subject to easy flooding. From the beginning, though, as the banks of the new river rose, so did the banks of the tributaries which came to the river at angles. Together they formed some effective dams. One has only to examine aerial photographs of the rivers in question to see large areas given over to marsh. Again, this is especially true of the lower valleys. Starting years ago, owners of these lands, after all laterals dug to drain them failed, gave up. Many sold out to the State Game and Fish Commission and to private hunting clubs.

There has been a marked slowdown of the processes noted above during the last few years due to less siltation pollution of the rivers because many of the creeks and their bottomlands have been allowed to grow up in young woods and/or marsh, especially from the point they enter the river valley proper, and the rivers themselves have to a certain extent been choked off and slowed down.

Until lately, little attention seemed to be paid to the bottoms, as enough land for farming could be found elsewhere. Any farming that was done on the flood plains was as an extra and in calculable amounts as loss from which could be shrugged as an act of nature. Then came farm subsidies good only on cleared land, and recently we have had the "soybean revolution". All at once timber raising became passe, and most of the timber on all the level land of West Tennessee apparently is facing extinction. The known easy flooding of certain parts of the upper river valleys, however, remain as a deterrent to further clearing. Now, seemingly everybody, except "duck hunters" want the U.S. Engineers to do something—ignoring the fact that because of a "doing something" fifty years ago something obviously needs to be done today.

We are now up to the crucial point of our study which is to determine what effects might be expected upon a resumption of work projects in these valleys. Being more familiar with the Forked Deer River, I will discuss it in particular. I understand that it had been proposed that work on the North Fork was to have started at its juncture with the rivers below and up to four or five miles above Dyersburg, Tennessee. The accomplishment of this would likely have set a pattern for any further "drainage" of the rest of the valley as it stands today because a part of this dig would extend beyond the wild part into a portion of that river which was earlier turned into a ditch along which all wetlands now owned by the State Game and Fish Commission, hunting clubs and others might not want to see them drained. This must be a parallel to the situation in the Obion valley which prompted the suit against further "ditching". Without defending every point contended, I heartily agree that a study should be made to determine the possibility of certain kinds of damage. Too, it has been my understanding that the Engineers could only do such projects only after being certified as economically feasable. Well time has proven that the straight "drainage ditch," as applied to the rivers of West Tennessee, has been tremendously costly in terms of reducing the productivity of related bottomland. No better example of a contrast can be seen than to compare these to the Hatchie River bottoms; or even more dramatically shown by the bottomlands above Dyersburg along the ditched river as against those below, where the river was left in its natural state.

Are we to repeat the same mistakes? Who then will be the arbitrator of what is best to do? Can the general public by requesting action be trusted to make right decisions? May we either trust the judgment of a government agency employee to decide on what is needed or will help in correcting the ills of those fouled up valleys? As I stated before, I do not know the exact motive behind filing the law suit, but chancing the wrath of my neighbors, I will state that I see this law suit as a boon because perhaps it will bring to light the problems involved. Without such an airing, I'm afraid that those taking the lead might not recognize the existance of any problematic situation at all and could embrace any proffered proposal, be it good or bad.

[From the Dyersburg (Tenn.) Mirror, Sept. 17, 1970]

One Man's Opinion—III

(By Flavil H. Griggs)

Let us take up various methods of handling the valleys. At the present time, the rivers are the most choked up in their fifty year history because a severe snow storm two winters ago threw a great many trees into the river beds. Debris, which is a potent and ever present danger to the "drainage ditch" has been mostly scattered among these trees to reduce the threat of complete stoppage. Some drifts will eventually form to require removal. This form of maintenance has been the method of keeping up the rivers to this time. Though no solution to anything but the specific problem, it has served up to now. And, barring further drainage projects, could still be used. This might on the face appear to be a solution, but read on.

The most obvious action would be to thoroughly dredge out the present channels. This is the one method that I'm afraid would be employed were it to come to actual dredging. This, in my studied opinion, would be adding to an already bad situation. You will remember how it was determined that the banks and beds of the new straight rivers rose to heights above the outlying flood plains. Visualize then how the problem will be added to by more pile-up from the new dig—known to the Engineers as spoils. The proponents of this method might point out that the depth achieved would offset these things. The truth is that only a short time would pass before the whole system would be in even worse shape.

In fact, it stands to reason that deterioration would outstrip that of years ago, since all that would be necessary today to bring us back to worse conditions is the filling of the new higher banked channels with sand. This is easy for the rivers of West Tennessee to do. Both the newly dredged portions of the Obion and Forked Deer Rivers have so filled that one may ford them in many places in hip boots during low water; and I saw a five mile stretch of newly cleaned out channel below the Eaton levee road fill up and level off during the first year until at any point it has only a thigh deep normal low water level and a six to seven foot deep overall bed. A three foot rise commences the flooding of the outlying bottomland through breaks in the banks. I see here an example of the end production of digging out the channels as they stand today. What hopefully would be done as a benefit again becomes a "vale of broken dreams". The thing that actually will hurt most is what will be done during the time when optimism will cause the land owners of the valleys to spend money to dig laterals (which will fill up), hire bulldozers to clear land (thus losing whatever start already there toward salable timber), and eventually to find the land again too risky for farming. The people of the Forked Deer valleys could then join up with those of the Obion River valleys to swell the crop losses to astronomical proportions. After this, instead of calling for "disaster loans", maybe they will band together and sue the perpetrators of their troubles.

Again, as has been pointed out, the lower parts of the valleys suffer the greatest losses from all phases of the deteriorating systems. Thus, Dyer County stands in a position to lose tremendous amounts as it holds most of the lower parts of the rivers under study. There is still another fact which is more immediate and should even cause alarm: Dyersburg has quite a few people with homes and business places on parts of the flood plains of the North Forked Deer River. Let us suppose that this particular river has been subjected to rechannelling, followed by the clearing away of most of the timber throughout the bottoms and the Mississippi River is at high stage—it usually is at least once each year. The stage is set for the tragedy when on cue a heavy rain falls up the valley. With little to clamp down the flow, it will be at the manmade bottleneck of Dyersburg that the unimpeded flood from upstream will come to meet the backed up water from below, causing floods several feet higher than ever before.

This flooding is, of course, an immediate concern, but of at least of equal importance is that because of this slowing down of the silt-laden water along the lower parts of the valley, the buildup will be greatly accelerated. (This is why channelization of a whole system inevitably causes catastrophe).

There will be those who might suggest that the proposed "drainage" would prevent this flooding of Dyersburg. They should take into consideration that the backwaters from the larger rivers below can themselves alone rise to a level which constitutes a costly situation in some parts of the city, and that no normal amount of work will in any appreciable amounts effect a change; for instance, water will rise above the levees of the highways into the city. Unfortunately, it can be said that anything done above the city is a potential threat. I suggest to the city fathers, and county officials, rather than embrace whatever is proposed as "drainage", side with the duck hunters who initiated the lawsuit to force a public statement of aims concerning what is to be done. Later they should make a thorough examination of the ramifications of what is then proposed and to all peoples of West Tennessee, stop and consider how all will be affected when and if another wrong move is made, in any case the city and county could better themselves by some measure of maintenance of the river through and below Dyersburg.

By now, it may seem that I am anti-everything concerning these valleys. Far be it from me! I know that productivity is low and getting lower throughout the entire flood plains, and that because of this people are asking for help. I'm sure that they would want a genuine improvement—not a repetition of proven mistakes.

I certainly am not nor would there likely be any, an authority on the things I am going to propose. You, the reader, can readily grasp the main feature which is simply a return to nature as exemplified by those rivers and/or parts of rivers of West Tennessee left in their wild state, the bottomlands of which are by selective usage 100% productive. In order to achieve something approximating the former wild rivers, we must by sightings and a study of old maps dig a meandering course much as they were before being disturbed. Too, all the major creeks coming into the new river must be given the same treatment. The cost of replacing, so to speak, the river should be borne by those who had it taken away in the first place.

I wish I could say that this change alone would cure all ills, but, as has been repeatedly pointed out, the whole system, to work properly, also has to have woodlands to clamp down and render less harmful the inevitable overflows. Presently, there are still enough stands of timber interspersed with the cleared lands where marshland has not as yet formed (which, in addition to the now less efficient channels, are holding down the quick, high-rising floods). However, given hope of flooding being eliminated by seeing a new clean river bed, it can be assumed that individually the land owners will clear most of the bottomland during the first year or two after the project is started, thus nullifying all long-term gains. (Look at the way the Obion River valley has been cleared lately).

In order to insure continuing protective belts athwart the flow, it must be that certain parts of the watershed be set aside and developed for this purpose. Again individually there could not be expected of the land owners a voluntary compliance. Therefore, other provisions will need to be made. Because of involving more than one county, one way might be that state level laws establishing zones and provisions for governing them be passed. This last is a possibility, of course, but due to the disparity of the extent of land loss due to standing water in the upper and lower valleys, the people of the upper valleys might not take kindly to what would likely seem to be letting good land stand idle . . . I think a better way, albeit initially more expensive, is that these lands, considered as needed to balance nature in the valley be procured by the state by whatever means necessary and developed as game habitat for all to use, and as a forestry project to help pay its way.

SOME PROBLEMS CONCERNING MAN'S RELATIONSHIP TO WORK IN A CHANGING WORLD

(Mr. McCORMACK (at the request of Mr. Burke of Massachusetts) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, on November 21, 1970, Mr. Lane Kirkland, secretary-treasurer of the AFL-CIO delivered an address at the annual Cardinal Cushing dinner held in Boston, Mass., in which address Mr. Kirkland discussed, as he stated, "some problems concerning man's relationship to work in a changing world."

The address of Mr. Kirkland, which is profound, interesting, and challenging in its contents and tone, I herewith include with my remarks:

Speech by AFL-CIO Secretary-Treasurer Lane Kirkland at the Fourth Annual Cardinal Cushing Dinner, Boston, Mass., November 21, 1970

The death of remote figures, however eminent, does not in itself stir men deeply.

To know real sorrow they must sense a void in their own lives, like the loss that comes with the fall of a great tree that gave shade to their own kind and color to their landscape.

And with the passing of the man whose name is given to your Annual Awards Dinner, a great tree, with deep roots and broad branches, has fallen and our own world is diminished. We know that we shall not soon see his like again and we mourn not for him, but for ourselves.

Richard Cardinal Cushing's personality was not the sort that image-makers fabricate. It flowed from a spring of natural enthusiasm, from a genuine involvement in human hopes and aims that left no room for blandness, or for the cultivation of the "cool" mode of the day, or the air of detachment from the common condition of men. In fact, what he had was not personality at all but something far stronger though not so much in style—he had what used to be called character.

Cardinal Cushing was a blunt and forthright man, a quality we in the labor movement admire and value. Everything that he was or believed was out in the open, right on top of the table. There is an eloquence in simple declarative honesty and the Cardinal brought it into every phase of the work of his life. The vast range of that work, the variety of his commitments and the manifold interests they reflected, enriched and diversified his life, made him a full and complex man, made him colorful and distinctive—and make us keenly conscious of his absence tonight.

His successor, Archbishop Humberto Medeiros is surely cut from the same human and humane cloth and destined for the same stature. He too represents the fullest and highest calling of the church, to a life of works, as well as faith.

We in the AFL–CIO have already seen a sample of his works. As you know, he was one of five Catholic bishops who helped resolve the California grape strike. Today the farm workers are building a union, and while their struggle is far from over, they have taken a great stride forward toward their birthright of freedom, strength and dignity. They speak for themselves through a union of their own. I want to thank Archbishop Medeiros for the part he played in that achievement. I thank him, not only on behalf of the grape workers and their families, but on behalf of all agricultural workers and their children, and indeed, in the name of generations to come who will labor in the fields.

I have said, in effect, that Cardinal Cushing and Archbishop Medeiros do not quite fit the popular stereotype of men in their station. Nor does anyone really fit into those stereotypes so popular with journalists and the arbiters of fashions in attitudes and substitutes for knowledge or experience—least of all the American working man.

Today we are witnessing a "rediscovery" of the worker by the mass media and by sheltered intellectuals. *Time* magazine has just discovered something called "Blue Collar Power," while others, at a different end of the political spectrum, are rushing to dusty old texts for a quick brushing up on the theory of the proletariat.

Naturally, the image of the worker changes from one rediscovery to the next. Right now he is stereotyped as a "hard hat." But, depending on the moods and fashions of the times, the worker's brawn and skills are alternately labelled as weapons of backlash and as agents of revolution.

He is a selfish reactionary; he is a primitive revolutionary. He is economically insecure; he is comfortably affluent. He is complacent; he is militant.

Certain racial and ethnic groups have always suffered similar portrayals to their great detriment. Thus, the Negro was once stereotyped as a shuffling, grinning, happy, child-like figure endowed with natural rhythm; now he is a militant Black Panther looking rather like Rap Brown and spouting mindless revolutionary cliches.

The image changes, but the dimension remains the same. It is the thin, single facade of the cardboard mask in a morality play. The players represent fixed notions, not flesh and blood, and they are portrayed accordingly, exaggerations of the noble or grotesque. The humanity, individuality and integrity that make men what they really amount to are sequeezed out of the picture—and all that is left is a symbol, not a character, and certainly not a man.

There are 58 million wage and salary earners in the United States. Counting their families, they make up some 70 percent of the population. You cannot squeeze them into a neat package.

This is no less true of union members. When we organize a plant or a shop or a work site, we want the whole force, 100 percent of the eligible crew. We do not conduct psychological tests or apply political litmus paper. We don't ask whether the worker is a liberal or a reactionary, a Democrat or a Republican. We don't ask whether he's a Catholic, a Protestant, a Jew, or a Muslim. We don't ask whether he believes in medicare, social security, open housing, racial equality, or even the philosophy of trade unionism. We say that whatever his views are, he is entitled to earn a living, to bargain collectively with his employer, and to determine the conditions under which he will sell his labor. All sinners belong in the Church. All workers belong in the union.

We say something else, which is borne out by the entire history of the labor movement: Whatever raw impulses, hang-ups and prejudices a worker—like everyone else—may have, the labor movement reflects his better nature and gives voice, not to the aberrations and passing fears and emotions, but to his higher aspirations. It provides the channel through which his capacity for cooperation, fraternity and solidarity can be enlarged and strengthened. It provides the means whereby his sights can be raised beyond his workplace, he can identify his interests with those of others, and he can make his contribution to resolving the problems of the larger society.

On all these counts, the record is clear: American workers have nothing to apologize for. Whatever steps this nation has taken toward social equality, economic progress, greater political democracy, expanded educational opportunity, improved health, and just plain human decency, have been due in the first instance to the prodding and the pressure of the American workingman through his unions. If stereotypes are to be indulged in, is that not the most accurate one, the most representative, expressing the real consensus of the American worker, through the program of his union?

Remove that powerful force, and the wheels of social progress grind to a halt. Those bills we all want to see passed in Congress—for consumers, for the elderly, for the sick, for the unemployed, for the poor, for the cities—they will wither and die with the cherry blossoms in Washington.

I am not giving you another stereotype—just a plain fact. It's a fact that most of you know. I just think we sometimes ought to say it a little louder, if only to clear the air of some misguided, misleading and poisonous nonsense. For all those silly stereotypes and fanciful vignettes and impressionistic portraits boil down to nothing more than the old game of setting up a scapegoat, or an object of patronage. They divert us from some central, crucial problems of work and society.

Pope John XXIII wrote, in *Mater Et Magistra*, that: "It is perfectly in keeping with the plan of Divine Providence that each one develop and perfect himself through his daily work . . ." He was expressing in Christian terms what countless secular thinkers have also said—that man is, and always has been, what he does. His whole existence revolves around what he does. Work is the way people live, the way each of us develops and perfects himself.

Even that innermost, private part of us where idle fancies and day-dreams grow is powerfully influenced by the patterns and rhythms of our work life, by the satisfaction or discontent it yields, by the self-regard it enhances or diminishes, by the moods it generates, and of course by the standard of living it makes possible.

We may regret that this is so; we may feel painfully constricted by it; we may protest and flail against it. But we cannot deny it. Indeed, the principle that a man is what he does extends from the workplace to our entire legal and ethical system. We hold a man accountable for his actions, not his feelings, thoughts or attitudes. Or at least we have up until now.

Today we can detect, especially among some allegedly enlightened people, a growing contempt for work and for workers and a tendency to depreciate, to hold cheap, the substance for his skills. This contempt for work is coupled with an ingenious effort to redefine man in ways that accord primacy to feelings over deeds. We are told that man is not what he does but what he feels—or what he thinks about what he feels, or what he feels about what he thinks.

This serves, of course, to glorify those who do nothing but are bursting with feelings. The affluent idle and the remittance men of our time, exempt from the productive process, now have a convenient ideology to justify the single-minded pursuit of sensations—through psychedelics, drugs, astrology, sensitivity-training, cultism, and a wide assortment of mystical adventures.

We can easily dismiss these forms of idiocy. But we cannot ignore the implications for the larger society of changing attitudes toward work—and the role of work in the life of the average man.

The problem is rooted in the revolutionary consequences of technology, which has expanded our productive capacity and simultaneously decreased the proportion of the population that is directly involved in production.

In the Middle Ages, perhaps two percent of the people were supported in idleness by the remaining 98 percent who worked at subsistence levels. Today the majority are fed, clothed, and sheltered by a minority which is growing smaller. Most of our people, to be sure, do not live in idleness; but they have been freed from the production of the necessities of life. These changing relationships to work have inevitably caused changing attitudes toward work.

Trade unionism has also contributed to this development—by altering the ratio of work and non-work time. Workers who once, at a time within memory, had no vacations now enjoy six-week sabbaticals. The work-week and the work-day have been shortened. Three-day weekends are becoming more common.

The work-life itself has been cut—at both ends. At one end, workers are demanding and getting earlier retirement plans—like "30 and out." At the other end, the vast expansion of access to college means that growing numbers of young people are postponing their entry into the labor market—well beyond the age of ostensible maturity. We know that this large-scale increase in the non-working, student population consists mainly of the sons and daughters of workers—since the elite has always sent its children to college.

In short, we start working later, stop working earlier, and spend less time at work in between. This has the most important consequences for our cultural and economic life. Our increased leisure time has made possible the expanded influence of the mass media, especially television, on public taste and opinion. It has made education our fastest growing industry, with recreation and communication not far behind. It has caused pronounced shifts in our economy toward the service trades.

Not only do we work less, but the work we do is changing rapidly. The rise and fall of occupations used to span centuries. Now in less than a single lifetime—indeed, within even a decade—we can see old occupations disappear and new ones take their place. A young man entering the labor market today can expect to change his occupation several times before his retirement. He can also expect to change his residence more frequently. Today, nearly a fourth of the population moves its domicile every year. Fewer and fewer people die where they were born or among the friends of their youth, or even know most of their living relatives. We are losing old identities and seeking new ones.

All of this obviously impairs the life of the basic unit of the human community, the family, and destroys its roots. Now, people need roots; they need to identify with a group or a territory. When that need is frustrated, we come to live in a world of strangers in a strange land, in a state of disorientation whose symptoms are all too obvious today. Many of the bizarre obsessions on the fringe of modern society—communal living, astrology, even toying with witchcraft—can perhaps be understood as unconscious attempts to retrieve this lost sense of belonging to a group or a place, and to find a mooring, or a family substitute.

I would like to suggest that there is a role here for the labor movement—not as a cult, which gives intimacy to the few by alienating them from the many, and from reality as well, but as a natural, time-proven source of solidarity. Not the solidarity of withdrawal, but the more durable solidarity of struggle and participation in the problems of the real world.

After all, you will find no mass institutions in modern society that come closer to practicing the ideal of participatory democracy than unions do. Nor will you find a sturdier spirit of fraternity and cooperation than that which is linked by common interests. To the extent that the labor movement falls short of these ideals, we must do better. But we are still the most effective human community left in action today.

We have another role. The labor movement is not only an expression of human solidarity. It is an instrument of change. Its abiding purpose has been to humanize the economic order—to minimize the human cost of technological progress and to maximize the workers' share of its proceeds.

We pursue that purpose, day in and day out, in the legislative halls, across collective bargaining tables, and through public education. We will continue to pursue that purpose because it is the motive force of the labor movement, and because we hold it to be essential to a democratic society.

We agree with Cardinal Cushing, who said a year ago from this platform: "We must recall and keep well up front in our minds that the whole economy and society itself is for man." We do recall. We are not likely to forget it. And we are not likely to let anyone else forget it, either.

I have tried tonight to discuss some problems concerning man's relationship to work in a changing world. These are difficult problems. We in the labor movement do not have all the answers. Neither does anyone else. Nor can they.

We live in the most revolutionary society in the world. The pace of technological, social and cultural change is more rapid here than anywhere else—and that pace is accelerating. We confront problems which no one else has ever faced before, and which other societies will not face for decades or generations to come. The answers will come, not from blueprints, but from living and grappling with the problems first hand.

To an extent not commonly supposed, answers to the problems of work come from below. They emerge from the varied experiences and insights of working people themselves, as each one seeks to "develop and perfect himself through his daily work."

Yet fewer and fewer of the apostles of words and ideas really know very much about working people today. They should begin to learn before they prescribe.

First, they ought to know what the worker is not.

He is not a cartoon. He is not a reactionary, and he is not a revolutionary. He is not a hard hat, but neither is he a head full of mush. He is nobody's fool and he isn't looking to be anybody's hero.

He didn't start the war in Vietnam, although he has a better chance of losing his son there. He didn't create the military-industrial complex, although he is accused of depending on it for his job. He didn't make more than $8,000 last year, although his latest wage increase is said to cause inflation. He wasn't responsible for slavery, he didn't prosper from segregation and he is not a racist although he may now be told to put his job on the altar of society's atonement.

Then they should discover who the worker is.

He is the man who is living and grappling with the problems. He is at the center of the most profound and far-reaching changes in our society. Not because he is an activist or a social innovator, but because he is on the line, at the point of production, where the heat is. He is bound to a technology that refuses to stand long enough to allow human beings to adjust to it—and he has no cushion or surplus to shield him from constant instability. He is caught up in all the social, cultural and political consequences of the dynamism of our times.

So, not only must the worker struggle to make ends meet—no easy thing in this era of the New Hooverism. But he must also struggle to sustain a sense of who he is—a sense of his economic function and social identity—in a society where occupational obsolescence rivals the Detroit variety, and where work patterns are about as stable as an ice cube on a radiator. This is, you might say, a continuing struggle against marginality and uselessness. You might even call it a struggle for . . . relevance!

As if he didn't have enough problems, the American worker has lately had to fend off a propaganda blitz aimed at blaming him for everything from Vietnam to racism. This is a new form of class warfare, but with a curious twist. Twenty years ago, when you tried to organize a union in your plant, the boss denounced you as a Red. Now he and his friends at the country club denounce you as a reactionary pillar of the status quo. And so it has come to pass, in this Alice-in-Wonderland world, that the well-to-do elite accuse those who have little of being the mainstay of "the system," while they, who have benefitted most from the system pander to its enemies. This is an old gambit-self-protection by the creation of a diversionary target.

Such nonsense does not stem exclusively from the chic Left. Witness, for example, the recent suggestion of an Administration spokesman that workers could hasten the reduction of unemployment by moderating their wage demands. In other words, the unemployed worker should not blame the Administration for his plight; he should blame his fellow workers for their greed at the bargaining table. It's the old story: Pit the have-nots against the have-littles, while the have-lots keep getting more.

Finally, to those who are now trying to find, dissect and classify the American worker, I offer this advice. Do not look for his identification marks in his hair length, life styles, manner or dress. Look instead for work. Look at the nature of the productive process, of the work performed. Then look at the people engaged in it. Learn something of the problems and struggles which that engagement generates. Then you will have your definition of the American worker. He is what he does. He is what he struggles to do.

Perhaps it is the struggling itself that builds and sustains a sense of self, even against hostile economic forces. To have struggled and survived, if nothing more, a man must have come to know himself better. When survival is the most a man can expect, and he carries on—for the sake of his family or his honor—survival alone can be a proud achievement.

In times like ours, when there is a strangely widespread temptation to cop out, or drop out, or tune out, or fall out—in such a time, the man who sticks it out, for whatever reason—necessity, hope, duty, self-respect, stubborness—displays a quality which I believe is deeply rooted in the American worker. I cannot name it, but I believe it is also the lasting strength of the labor movement.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HALPERN (at the request of Mr. GERALD R. FORD), for today, on account of illness.

Mr. COLLIER (at the request of Mr. GERALD R. FORD), for balance of week, on account of death in family.

Mr. PREYER of North Carolina (at the request of Mr. ALBERT), for today and remained of week, on account of death of father.

Mr. GRAY (at the request of Mr. ALBERT), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SEBELIUS), to revise and extend their remarks, and to include extraneous matter:)

Mr. STEIGER of Wisconsin, today, for 30 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. HOGAN, on December 9, 1970, for 60 minutes.

(The following Member (at the request of Mr. MELCHER), to revise and extend his remarks, and to include extraneous matter:)

Mr. FULTON of Tennessee, today, for 20 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TUNNEY (at the request of Mr. BOLAND) to extend his remarks following the remarks of Mr. YATES on his motion to instruct the conferees on H.R. 17755.

Mr. GOLDWATER, immediately following the remarks of Mr. GERALD R. FORD, on the Department of Transportation conference report today.

Mr. SCHWENGEL, to revise and extend his remarks prior to the passage of H.R. 10634.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. RAILSBACK.

Mr. KYL.

Mr. GOLDWATER in three instances.

Mr. WYMAN in two instances.

Mr. CARTER.

Mr. ROUSSELOT.

Mr. FINDLEY.

Mr. LUKENS.

Mr. GERALD R. FORD.

Mr. ZWACH.

Mr. KEITH in two instances.

Mr. FISH.

Mr. HORTON in four instances.

Mr. MCCLORY.

Mr. FULTON of Pennsylvania in five instances.

(The following Members (at the request of Mr. MELCHER) and to include extraneous matter:)

Mr. PICKLE in 12 instances.

Mr. ROGERS of Florida in five instances.

Mr. CHARLES H. WILSON.

Mr. EDWARDS of California in two instances.

Mr. HÉBERT in three instances.

Mr. RARICK in three instances.

Mr. PUCINSKI in six instances.

Mr. OTTINGER.

Mr. MINISH.

Mr. ROBERTS.

Mr. TIERNAN.

Mr. FLOOD.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2876. An act for the relief of the Beasley Engineering Co., Inc.;

H.R. 8573. An act for the relief of Mrs. Margaret M. McNellis;

H.R. 12958. An act for the relief of Central Gulf Steamship Corp.; and

H.R. 15770. An act to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 336. An act to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security loans, not exceeding $500,000 in aggregate amount, from the provisions of such act;

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for, certain other lands; and

S.J. Res. 230. Joint resolution extending the duration of copyright protection in certain cases.

ADJOURNMENT

Mr. MELCHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 9, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2601. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; to the Committee on Interstate and Foreign Commerce.

2602. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of October 31, 1970, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

2603. A letter from Comptroller General of the United States, transmitting a report on the progress and problems in controlling industrial water pollution, Federal Water Quality Administration, Department of the Interior; to the Committee on Government Operations.

2604. A letter from the Comptroller General of the United States, transmitting a report on the need for strengthening management controls over the procurement of munitions under development, such as 105-mm ammunition, by the Department of Defense; to the Committee on Government Operations.

2605. A letter from the Comptroller General of the United States, transmitting a report on the savings and greater effectiveness obtainable in the Army helicopter maintenance program; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. Investigation and study of the public school system of the District of Columbia; with amendment (Rept. No. 91-1681). Referred to the Committee of the Whole House on the State of the Union.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1295. Resolution providing for the consideration of H.R. 19567, a bill to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968 (Rept. No. 91-1682). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1296. Resolution providing for the consideration of H.R. 19868, a bill to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes; with amendment (Rept. No. 91-1683). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 1297. Resolution providing for the consideration of H.R. 19911, a bill to amend the Foreign Assistance Act of 1961, and for other purposes; with amendment (Rept. No. 91-1684). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ECKHARDT:

H.R. 19922. A bill to amend the Railway Labor Act to avoid interruptions of railroad transportation that threaten national safety and health by reason of labor disputes and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY (for himself, Mr. QUIE, Mr. UDALL, Mr. VIGORITO, Mr. CONYERS, Mr. MCDADE, Mrs. CHISHOLM, Mr. O'HARA, Mr. PRICE of Illinois, Mr. ROE, and Mr. TUNNEY):

H.R. 19923. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. MURPHY of New York:

H.R. 19924. A bill to establish the Vincent Thomas Lombardi National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT:

H.R. 19925. A bill to provide for the appointment of additional U.S. district judges; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 19926. A bill to amend the Communications Act to express the intent of Congress to establish in the Federal Communications Commission the exclusive jurisdiction for regulation over all aspects of cable television systems; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (by request) (for himself and Mr. SPRINGER):

H.J. Res. 1413. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; to the Committee on Interstate and Foreign Commerce.

By Mr. DEVINE (for himself and Mr. GERALD R. FORD):

H.J. Res. 1414. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H. Res. 1299. Resolution relating to the creation of a world environmental institute to aid all the nations of the world in solving common environmental problems of both national and international scope; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SKUBITZ introduced a bill (H.R. 19927) for the relief of Mrs. Nashiki Sugimoto, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

647. By the SPEAKER: Petition of the Council of Jewish Federations and Welfare Funds, Inc., New York, N.Y., relative to the crisis in American cities; to the Committee on Banking and Currency.

648. Also, petition of the city council, Worcester, Mass., relative to the proposed elimination of rail passenger service for the Central Massachusetts area; to the Committee on Interstate and Foreign Commerce.

649. Also, petition of the Woman's Club of Greenwood, La., relative to the Highway Trust Fund; to the Committee on Ways and Means.

SENATE—*Tuesday, December 8, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God who has left Thy creative work unfinished as a challenge to the souls of men, we thank Thee for sharing with us Thy divine wisdom and for calling us to cooperate with Thee in building the beautiful temple of life. Give us unclouded vision to see Thy perfect plan. Give us the spirit of wisdom and of understanding to guide us so that we may live and serve according to Thy will. Help us to seek the truth come whence it may, and cost what it will. Grant that in the service of humanity we may be divinely guided, and so live that we may minister to the gladness and glory of God, to whom be praise and dominion forever and ever. Amen.

Suggested by Mr. Henry T. Deren, Ivyland, Pa.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 8, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

RECOMMENDATION RELATING TO EMERGENCY RAILWAY STRIKE LEGISLATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–424)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

After much effort at settlement through negotiation and mediation, we are confronted with an emergency stemming from a dispute between railway carriers and four unions representing their employees. The unions involved have declared their intention of calling a nationwide strike starting at 12:01 a.m., December 10, 1970.

All existing governmental procedures have been carefully but vainly used to bring about a settlement of the dispute. Negotiations among the parties, based upon the recommendations of the Emergency Board, have progressed during the last 30 days. However, because of the number of parties and the complexity of the issues involved, these negotiations have not resulted in an agreed-upon resolution. At my direction, the Secretary of Labor has sought from the parties a voluntary extension of negotiations without strike or lockout, but he has not been successful.

A nationwide stoppage of rail service would cause hardship to all Americans and harm to the economy, particularly a stoppage at the height of the pre-Christmas season.

It is essential that our railroads continue to operate. Therefore, I recommend that the Congress extend for 45 days the period during which no work stoppage may occur. It is my hope that these additional 45 days will lead to a voluntary negotiated settlement of this dispute.

In requesting an extension to January 23, 1971, I am mindful of the fact that the current Congressional session is fast drawing to a close and there are many other pressing and important matters to be dealt with. Under these circumstances, it would not seem advisable to thrust upon the Congress at this time the consideration of the complicated substantive issues of this dispute.

The fact that some progress has been made in negotiations is encouraging, and it indicates that the parties may be able to resolve their differences. However, if no settlement is reached within this time period, I shall make additional recommendations to the Congress.

I urge that Congress act quickly on my proposal so that a crippling stoppage can be averted, and so that the nation's travelers and shippers can depend on uninterrupted service.

RICHARD NIXON.

THE WHITE HOUSE, *December 7, 1970.*

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 7, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF CALENDAR TO BE CALLED LATER TODAY

Mr. MANSFIELD. Mr. President, in compliance with a suggestion made yesterday, which I hope will meet with the approval of the Senate, we will take up the unobjected-to items on the Calendar later in the morning today.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks by the distinguished Senator from Oklahoma (Mr. BELLMON) today, there be a period for the transaction of routine morning business with a time limitation of 3 minutes therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF COMMERCE

The assistant legislative clerk read the nomination of Andrew E. Gibson, of New Jersey, to be an Assistant Secretary of Commerce.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of C. Langhorne Washburn, of the District of Columbia, to be Assistant Secretary of Commerce for Tourism.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. May I say that I know one of these nominees, Mr. C. Langhorne Washburn. I have known him for 20 years. He is a man of considerable ability who has been doing this kind of work, promoting tourism and the interests of tourism of the United States in the implementation of the U.S. Travel Act for which the distinguished Senator from Washington (Mr. MAGNUSON) deserves a great deal of the credit. I am delighted to see that Mr. Washburn has been confirmed to this new position.

Mr. President, I ask unanimous consent that the President be notified of the confirmation of the two nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCOTT. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ELIMINATION OF MULTIPLE CUSTOMS DUTIES ON CERTAIN HORSES

Mr. MANSFIELD. Mr. President, I ask unanimous consent to rescind the action of the Senate in agreeing to the amendment of the title of H.R. 4239, which was passed by the Senate on yesterday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amended title ordered to be stricken reads as follows:

An act to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing, and to provide for the imposition of quotas on lamb meat.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Oklahoma (Mr. Bellmon) for not to exceed 30 minutes.

Mr. KENNEDY. Mr. President, will the Senator from Oklahoma yield briefly without losing his right to the floor or any of his time?

Mr. BELLMON. I yield.

STATE INCOME TAX WITHHOLDING FOR INTERSTATE TRANSPORTATION EMPLOYEES—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Dec. 3, 1970, pp. 39843–39845. Congressional Record.)

Mr. PROUTY. Mr. President, I must confess that I am a bit disappointed in this act dealing with State taxation of the compensation of employees of interstate employers as it emerged from conference. There have been eliminated from the Senate-passed version thereof provisions which would have limited the number of States that could tax the compensation of employees of interstate carriers to not more than two.

Nobody argues that it is just or reasonable to permit the numerous States through which an employee of an interstate carrier may move during the course of a year to tax the compensation he receives in the performance of those duties. This situation is aggravated by the fact that some States attempt at least to tax not only the compensation actually earned in that State but all of the compensation of the employee in question. A bill limiting the number of States that could make a claim upon the compensation of such an employee to not more than two, as had been provided in the Senate-passed version of this bill, would have been in the public interest, in my opinion.

Nonetheless, Mr. President, the bill which you have before you, and which was agreed to in conference, is a very great step toward solving the unique tax problems of the employees of interstate common carriers and, I might add, of the carriers themselves. While it does not limit the liability of such employees, it does limit the number of States which may require withholding from the compensation paid to an interstate carrier employee to not more than one and the number of States which may require the filing of information returns with respect to the compensation of such an employee to not more than two. In the first case, either a State in which such an employee derived more than 50 percent of his compensation would be entitled to require withholding or if there is no such State, the State of the employee's residence would be entitled to withholding. In the second instance, both the State entitled to withholding and the State of the employee's residence would be entitled to require the filing of information returns by his employer.

Mr. President, these provisions are fair and equitable to all concerned:

It protects the employee from multiple withholding;

It reduces the burden upon the employer associated with multiple withholding and/or the filing of information returns with the vast number of States in which his employee may operate for some portion of any given tax year;

It preserves to the State most closely associated with the earning of compensation by such an employee, the right to require withholding and to the State most closely associated with the employee, the right to obtain the information which they need to assess his tax liability.

Mr. President, while this may not be the best possible legislation that could be devised to deal with the peculiar multi-State tax problems of the employees of interstate carriers, it is the best which we can pass during the closing days of the 91st Congress. Legislation to obtain one or more of the goals which have been accomplished by the present bill has been pending before Congress for a decade. It is high time that we did something to resolve the problem. I urge the Senate to adopt the conference report.

Mr. KENNEDY. Mr. President, I move adoption of the conference report.

The motion was agreed to.

ENERGY PRODUCTION

Mr. BELLMON. Mr. President, President Nixon's decision to produce oil wells on Federal leases on the Outer Continental Shelf at the maximum level consistent with wise conservation practices appears to be an example of a good decision reached for the wrong reasons.

It is a good decision since it provides a small, though badly needed, economic incentive, through accelerated returns, to a selected segment of the oil industry. I believe four companies will be the principal beneficiaries. It will also help resolve the argument about the amount of shut in crude oil producing capacity remaining in this country.

However, the reason given for the President's action, that is, to drive down crude oil prices, is erroneous since both prices and profits received by the oil industry and wages received by oil workers have not risen as much as in many other segments of the economy. The President has mistakenly chosen to administer an undeserved public whipping to one of the most responsible, most essential elements of our society.

Mr. President, I hold in my hand a table showing the level of profits received by many industries in this country and ask unanimous consent to have it printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

RATIO OF PROFITS FEDERAL TAXES (ANNUAL RATE) TO STOCKHOLDERS EQUITY

[In percent]

Industry	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Average 10 years, 1960-69	Rank
Aircraft and parts	7.3	9.8	12.7	11.3	12.2	15.2	14.4	12.9	14.2	10.6	12.1	1
Motor vehicles and equipment	13.5	11.4	16.3	16.7	16.9	19.3	15.9	11.7	15.1	12.6	15.1	4
Electrical machinery, equipment	9.5	8.9	10.0	10.1	11.2	13.5	14.8	12.8	12.2	11.1	11.4	5
Furniture and fixtures	6.5	4.9	7.9	8.3	10.1	13.4	14.2	12.1	12.2	12.6	10.2	8
Tobacco manufactures	13.4	13.6	13.1	13.4	13.4	13.5	14.1	14.4	14.4	14.4	13.8	2
Chemicals and allied products	12.2	11.8	12.4	12.9	14.4	15.2	15.1	13.1	13.3	12.7	13.3	3
U.S. petroleum	8.8	8.7	8.8	9.8	10.1	11.3	12.3	12.5	12.2	11.0	10.5	7
All manufacturing corporations	9.2	8.8	9.8	10.3	11.6	13.0	13.5	11.7	12.1	11.5	11.1	6
Textile mill products	5.8	5.0	6.2	6.1	8.5	10.9	10.1	7.6	8.8	7.9	7.7	10
Food and kindred products	8.7	8.9	8.8	9.0	10.0	10.7	11.2	10.8	10.8	10.8	10.0	9
Primary iron and steel	7.2	6.1	5.4	7.0	8.8	9.8	10.2	7.7	7.6	7.7	7.7	11

Source: The Chase Manhattan Bank for domestic operations of U S. petroleum corporations, FTC–SEC for manufacturing corporations.

Mr. BELLMON. Mr. President, this table shows that the oil industry does not receive more profits but rather less than the industry at large. It seriously questions the wisdom of the President's decision to make the effort to force down these prices.

President Nixon's action serves to underscore widespread public misunderstanding of the energy business and of the growing energy crisis.

The critical shortage of energy which this country faces is a condition heretofore unknown and is properly causing great concern among consumers who have always taken energy abundance for granted. I am convinced that it is the misguided and shortsighted action by Congress and the Federal regulatory agencies which have produced this crisis. It is my opinion that Congress must act now to correct this situation before capital and talent has permanently and irreplaceably departed the industry. It is my purpose to help focus attention on this problem so that necessary correctives can be taken to avoid the national stagnation an energy shortage will bring.

Our country has long been known as a land of plenty. From the founding of this Nation the rich endowment of arable lands, forests, water, minerals, and elbowroom has provided the resources required for this country to become the world's most highly developed, industrialized nation.

This high degree of development is reflected by the heavy use of fuels. The United States uses more energy totally and on a per capita basis than any other country in the world. The United States consumes approximately one-fourth of the world's coal, a third of the petroleum, and twice as much natural gas as all the rest of the world put together. The United States of America with 6½ percent of the world's population, consumes 37 percent of all the energy used in the world.

Through much of our history, we have been able to take for granted that domestic sources of energy would meet the needs of industry and the consumer in any crisis. Recently, the energy supply picture has changed and a feeling of alarm has begun to spread. There is good reason for concern.

In 1945, the annual production of energy in the United States of America from all sources equaled 32,333 trillion B.t.u.'s while the annual consumption of that energy was only 31,541 trillion B.t.u.'s. As a result, the energy industry was troubled with surpluses.

Five years later, in 1950, production of energy still led consumption. The annual production of energy from all sources equaled 34,510 trillion B.t.u.'s while consumption was 34,153 trillion B.t.u.'s. A relative balance between production and consumption had evolved.

By 1960 energy production as compared to consumption had changed. In that year this Nation produced 41,704 trillion B.t.u's of energy from all sources while we consumed 44,816 trillion B.t.u.'s. For the first time in modern history, the United States had moved from an energy surplus condition to an energy deficit. The era of abundance had ended.

Since 1960 the gap between supply—production—and consumption has continued to grow. The latest figures—for 1968—show production of 57,495 trillion B.t.u.'s of energy. Consumption for that same period reached 62,143 trillion B.t.u.'s of energy. Long range predictions indicate that the rate of consumption of energy will continue to increase at even a faster rate than in past years. One source, the Chase Manhattan Bank, predicts a growth rate of energy consumption in the years 1965–80, almost twice the rate of the previous 5 years, 1960–65. Expressed in oil equivalent, the Nation's energy requirements in 1950 amounted to 16 million barrels a day. By 1965, they had reached a level of 26 million barrels a day. This Nation's energy requirements are expected to reach an estimated 46 million barrels a day by 1980.

This production-consumption squeeze can be seen in all of our principal sources of energy, coal, oil, natural gas, and nuclear fuels.

COAL

The demand for bituminous coal and lignite outran production in 1968. In that year U.S. bituminous coal and lignite consumption plus exports gained 19.5 million tons over 1967. Production, however, declined 7.4 million tons during the same period, creating a gap of 26.9 million tons. There are good reasons for the decline in production.

Until relatively recent time, coal mines could be opened with comparatively low investment because the principal element of production was labor rather than expensive equipment. Mine sites were relatively plentiful and coal was near to the surface. Mine safety laws were shamefully lax. As a result, the industry consistently had excess productive capacity, and coal consumers naturally fell into the habit of relying on low cost "distress coal" as a ready source of supply as well as a reserve in time of trouble.

A national coal crisis has developed, although we are beginning to pull out. Today, the national coal shortage has improved. Power companies report that coal stocks are now near 60 million tons, which will be adequate for 1970–71 winter needs provided there are no serious interruptions due to labor-management problems in the mines or lengthy transportation delays.

Interestedly known recoverable reserves of coal far exceed any other energy source. It is estimated that the United States has over 220 billion tons of coal reserves still remaining, enough to last 395 years at the current rate of use. With these reserves available and demand high, it is fair to ask why is more coal not being mined?

NATURAL GAS

In 1968, for the first time since World War II, when annual reserves studies were initiated, the United States used more natural gas than it discovered. Consumption of gas reached a new peak in 1968 of 19,351 trillion B.t.u.'s, accounting for 31.1 percent of the total energy consumed in the United States. Production in 1968 climbed to a record 19.4 trillion cubic feet, up a trillion over the previous year. However, during the same period, gross additions to reserves were only 13.7 trillion cubic feet. This shows that we used something like 6 trillion cubic feet more than we discovered.

Productive capacity has fallen below demand and suppliers have begun turning customers away. In early July it was reported that a shortage in the supply of natural gas in the Baltimore-Washington area had reached a critical situation. In this same area a policy was instituted in April which prohibited new contracts to supply gas to any new customer or for new equipment of an old customer that would use more than 300,000 cubic feet of natural gas per day. As a result, the power firm had to tell over 40 potential natural gas customers that they could not be supplied. Similar conditions exist in other areas.

So, with coal, just as with natural gas, there is a paradox. The estimated known recoverable reserves of natural gas in the United States are 5,000 trillion cubic feet. There is enough for 250 years. With demand high and reserves abundant, I believe it is fair to ask why is more gas not being produced?

PETROLEUM AND PETROLEUM PRODUCTS

Crude oil and crude oil products continue to lead all other energy fuels in annual consumption. In 1968, the U.S. production of crude petroleum equaled 19,308 trillion B.t.u.'s of energy. Total demand in the United States for petroleum and petroleum products for the first 6 months of this year ran about 5.8 percent higher than a year ago.

It is estimated that known recoverable reserves of crude oil in the United States total 2,000 billion barrels, enough to last over 200 years at anticipated rates of consumption. These figures do not include the reserves in Alaska. Nor do they include the tremendous reserves in the oil shales of the Rocky Mountain States. However, here again a paradox exists. While the demand for petroleum and petroleum products increases, and while additional resources are known to exist, exploration activities to locate more oil continue to decrease.

Drilling activity declines markedly through the third quarter of this year:

	1st 9 months of 1970	1st 9 months of 1969	Decrease
Total wells drilled	21, 483	23, 207	1, 824
Total footage	104, 055, 207	110, 490, 330	6, 435, 123
Wildcats	5, 503	6, 339	896
Total footage	33, 053, 207	38, 110, 283	5, 057, 076

Mr. President, wildcat wells are wells that locate new reserves. With demand high and abundant reserves available for development, I believe it is fair to ask why are more wells not being drilled in the United States.

URANIUM

Nuclear energy for peaceful purposes has the potential of supplying the energy source needed to provide electrical power to millions of consumers. However, duringing the past decade nuclear energy has not been able to provide the energy which was predicted in the early sixties when the consensus of opinion was that nuclear reactors could compete economically with conventional power sources.

In the context of that evaluation, power companies rushed to nuclear power as a new source of energy. Subsequent to that first assessment, it has been determined that the evaluation of nuclear energy potential was incorrect. Nuclear energy as a solution to the electrical power gap was, and still is, not a reality. The Atomic Energy Commission estimates that over 600,000 tons of potential reserves of uranium exist in the Western United States, enough to meet all electrical power requirements for an infinite number of years. The United States is the admitted world leader in atomic and nuclear know-how, and yet presently nuclear power provides only 0.047 percent of our Nation's energy consumption. During the past summer, electrical energy ran short and "brownouts" were common. With the need great, the reserves abundant and the technology in a high state of development, I believe it is fair to ask why is more energy not being produced from nuclear sources? Congress should find out before it is too late.

Several new and innovative energy sources are presently under study and development by industry and Government. One such idea is now being developed in the western part of the United States. It is called geothermal steam and it involves the harnessing of steam produced by nature's cooling-off process inside the earth, or of steam artificially induced into hot strata of the earth. If proper techniques can be developed and used successfully, this could prove to be a most exciting breakthrough in the search for an ample supply of pollution-free power for future generations.

There is presently pending before the Senate a bill to allow the further development of geothermal steam sources in the Western United States. If this measure is enacted, this source could provide steam to power electric generating facilities for the large metropolitan areas on the west coast.

To help avoid future energy crises, the Congress must keep abreast of this and other new energy possibilities and when appropriate, act to insure full and orderly development.

No one who has studied our energy potential can reasonably doubt that this country has the reserves needed to supply our needs for the indefinite future. An enormous supply of untapped natural gas, coal resources to last hundreds of years, abundant oil reserves yet untouched, a vast potential supply of nuclear fuel and new exotic power sources, could provide abundant energy for all our needs. Yet, in spite of our rich natural endowment, the United States is today facing acute shortages of fuels—all kinds of fuels—to powerplants and industry, to generate electrical power, and to heat homes, schools, and hospitals. And the trend of further increases in consumption accompanied by paradoxical decreases of domestic production are predicted indefinitely for the future. Mr. President, the Congress needs to find why, so that needed corrective action can be taken—now, before it is too late.

In 1965 the United States consumed 4.2 billion barrels of petroleum and petroleum products. It is estimated that by 1980, U.S. consumption will reach 6.5 billion barrels per year. That is a 54-percent increase in 15 years. The ratio of new U.S. crude oil reserves to production has been in a declining trend since 1950.

Mr. President, at this point I ask unanimous consent to insert in the RECORD an article from the Wall Street Journal concerning the decline in crude oil reserves.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 8, 1970]

CRUDE OIL RESERVES FELL TO 15-YEAR LOW IN 1969

NEW YORK.—Proved domestic reserves of crude oil fell to the lowest level in 15 years last year, and combined oil and gas liquids reserves were the lowest in more than a decade.

Proved reserves of crude oil at year-end totaled 29.6 billion barrels, down one billion barrels, or 3.5%, from a year earlier, the American Petroleum Institute reported. Combined reserves of oil and gas liquids totaled 37.8 billion barrels, down 1.5 billion barrels, or 3.9%.

This is the sixth year in the last decade in which proved U.S. oil reserves have declined, and the third year in succession. Earlier this week the American Gas Association reported that proved U.S. reserves of natural gas fell for the second consecutive year in 1969, after 20 years of steady increases.

The oil reserves figures, however, continue to omit the probable major amounts in the vast Prudhoe Bay oil field on Alaska's North Slope. The institute's committee compiling the statistics said the North Slope reserves are indicated to be extensive, but couldn't be evaluated quantitatively. They said that competitive factors prevented operators on the North Slope from providing the proprietary engineering and geological data needed to estimate reserves.

Mr. BELLMON. The natural gas picture is no better. In 1965 the consumption of natural gas in the United States was over 16,000 billion cubic feet. By 1980, it is estimated that requirements for natural gas will reach about 30,000 billion cubic feet a year. This is close to 90 percent more natural gas in 15 years. Production and development of natural supplies are declining.

Mr. President, I ask unanimous consent to insert into the RECORD an article from the Tulsa Daily World indicating the decline in natural gas reserves in the United States.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Tulsa Daily World, Apr. 6, 1970]

U.S. NATURAL GAS RESERVES DECLINE SECOND YEAR IN ROW

NEW YORK.—Saying the "urgency of stepping up oil and gas exploration was underscored, the American Gas Association Sunday reported the nation's proved natural gas reserves declined in 1969 for the second year in a row.

The AGA committee on natural gas reserves estimated year-end proved reserves at 275.1 trillion cubic feet compared with 287.3 at the end of 1968.

The committee, which has reported annually since 1946, is presently headed by John C. Jacobs, senior vice president, Texas Eastern Transmission Corp., Houston.

This 4.2 per cent drop resulted when production climbed 7 per cent to a record 20.7 trillion cubic feet, while gross additions to reserves totaled 8.4 trillion, compared with 13.7 trillion a year earlier.

"We are disappointed but not surprised by the reserves figures," said J. W. Heiney, AGA president. "Unless this situation is corrected, the natural gas industry will be severely hampered in its efforts to expand output to meet the rapidly growing demand. Similarly, its contribution to combating air pollution, by providing a clean-burning fuel, will suffer."

Heiney, president of Indiana Gas Co., Inc., Indianapolis, emphasized that such a brake on the industry's ability to play its full part in the energy economy would be an artificially-induced shortage.

Although proved gas reserves have declined, potential gas reserves—that is, gas believed to be in the ground but yet to be discovered—are larger now than ever before.

The potential gas committee, in a study released last summer by the Colorado School of Mines, estimated potential gas supply—in addition to proved reserves—to be 1,227 trillion cubic feet. Nearly double the committee's estimate of two years earlier, this would be sufficient supply to meet indicated needs into the 21st century.

Proved reserves in Alaska, where vast potential gas deposits are believed to exist, are currently reported at 5.2 trillion cubic feet. This amount does not include estimates for the Prudhoe Bay area because of non-availability of data the committee requires to make such estimates.

The gas industry has consistently urged Congress to strengthen exploration incentives. It is also in favor of retaining a quota system on oil imports, rather than adopting a tariff system which it believes would further discourage U.S. petroleum exploration and development.

"Any decline in the search for oil would automatically reduce the search for gas," Heiney said. "Yet as the reserves figures show, what the industry needs now more than anything else is more not less, exploration."

The reserves committee also estimates that natural gas liquids reserves declined 455 million barrels to 8.1 billion barrels with production reaching a record 736 million barrels.

Canadian reserves, the Canadian Petroleum Association reported, climbed from 47.7 to 52.0 trillion cubic feet despite peak production of 1.6 trillion.

The five leading natural gas States experienced reserves declines as follows—Texas, down from 119.0 trillion to 112.2; Louisiana, from 88.0 to 85.1; Oklahoma, from 18.3 to 17.6; New Mexico, from 15.1 to 14.3; and Kansas, from 14.5 to 14.1.

Concurrent with the AGA report on natural gas reserves, the American Petroleum Institute's annual report indicated a continuing decline in crude oil reserves.

"The oil experience," continued Heiney, "reminds us that this nation has an overall energy supply problem. In recent weeks several officials of the national administration have called attention to problems with electric power, coal, and oil. There isn't just a gas shortage. There's an energy shortage. And, as I have indicated, there are compelling public interest reasons by the solution to our particular part of the energy shortage should have top priority."

Mr. BELLMON. Coal consumption in 1965 totaled 5.2 million tons. It is estimated that by 1980 the United States will consume over 800 million tons of coal a year. That is approximately 60 percent more coal than this Nation consumed in 1965. Today coal production is lagging behind demand for that fuel source and it is estimated that pollution control measures and the enforcement of the Coal Mine Health and Safety Act passed by this body a year ago will further hamper increased production efforts.

In 1968 nuclear powerplants produced approximately 3,000 megawatts of electricity. It is estimated that 150,000 megawatts of power will be produced in 1980. This is an increase of 4,900 percent capacity. Even with this tremendous proportional increase, the nuclear power industry is expected to supply less than 5 percent of the total energy requirements of this country in 1980.

From this it can be seen that this Nation is failing to meet its present energy needs and its tragically apathetic about meeting future requirements. As a result, we are face to face with a dilemma which must be solved. To find a solution Government must first get the facts in order to make correct decisions and set a course for the country. Only then will investors in the energy industry feel secure in making the huge investments required. The name calling and finger pointing which has gone on will heat no homes and power no factories. As long as uniformed or misinformed charges about the high cost of energy from domestic sources are current, and as long as false reports are circulated, this Nation will go backward—toward energy starvation.

I believe it is fair to ask, where can the United States acquire adequate energy fuels to supply the immediate needs of this country and insure that adequate supplies will be available for the future needs of the United States? This country could increase its reliance on energy from foreign sources. The theory is that there is an abundant supply of energy fuels outside the United States that can be purchased at lower prices than domestic products. The theorists postulate that consumers could save money by destroying the domestic energy industry and reducing this Nation to a state of energy dependency.

Recent occurrences in the Middle East and the resulting jump in the costs of imported crude oil have proven the utter fallacy and stupidity of such a policy though few of its advocates have had the grace to admit the folly of the policy they have advocated. It is fortunate for the country and the consumers of energy that such a policy has not been followed since it would now cost $11 billion more per year to buy crude oil and natural gas from Middle East sources than from domestic sources.

This is not the first time conditions have arisen to show the utter folly of depending upon insecure sources for fuel. In 1967 a political upheaval in the Middle East drastically curtailed the flow of petroleum products to the United States and the rest of the free world. Costs skyrocketed and the situation was saved only by the reserve producing capacity of our domestic petroleum industry.

This time we may not be as fortunate. My State of Oklahoma no longer has reserve producing capacity. The percentage allowable in Oklahoma on wells is presently 150 percent as of December 1, 1970. In December 1969 the percentage allowable for the same type operation was 100 percent. In December 1968 the percentage allowable was 90 percent. In December 1967 the percentage allowable was 54 percent.

The latest production-nomination figures are for October 1970. In October 1970 the nomination demand was 656,575 barrels of crude oil per day. Production was 605,048 barrels per day or over 50,000 barrels per day short of demand. The nomination demand for December 1970 is 650,559 barrels per day. The shortage is expected to remain at about 50,000 barrels per day. This situation has existed for over a year.

Production has increased slightly with the increase of the allowable but still the industry is unable to meet the demand because the existing wells are unable to meet the demand capacity.

Mr. President, I have a table which graphically shows the figures I have just given. I ask unanimous consent that the tables may be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Thousands of barrels daily	Percent allowable
Oklahoma production:		
1967	632.2	54
1968	611.0	90
1969	615.7	100
1970	(1)	150
Texas production:		
1968	3,096.7	52
1969	3,155.5	68
1970	(2)	83

[1] Estimate current production as of Dec. 1, 1970.

[2] As of Dec. 1, 1970.

Mr. BELLMON. Mr. President, if we cannot meet the demands, further price increases of imported petroleum products are certain.

Our country is not the only nation in the world that has an expanding energy demand. Japan, Western Europe, the Soviet bloc countries, the Soviet Union, and the developing nations of Africa are all rapidly increasing their demand for fuels to supply their own energy needs. This sharpens competition for the available supply and will almost certainly further increase the cost of energy fuels from foreign sources.

For most of these nations the only hope for improvement lies in the national income generated by sales promotion. It is from petroleum sales that funds to pay for schools, hospitals, highways, water and sewage system comes. For these nations their endowment of petroleum is the only substantial marketable product they have. For them petroleum is their "pearl of great value." It is depletable and irreplaceable and once it is gone, hope for national development will be gone.

Why, then, should the developed nations where most of this petroleum is marketed conspire to drive down international oil and gas prices. We pretend to favor helping underdeveloped nations. With great sanctimony we and a few other rich nations provide a pittance of "foreign aid." At the same time, through force of our economic strength, we take from them at bargain-basement prices the only resource they have available for helping themselves.

Mr. President, our Nation must have an increasing supply of energy fuels to allow it to continue to achieve industrial and social progress and to discharge our international responsibilities. The question is where and how can our Nation best acquire the needed energy. There are only two possible answers. The energy will come either from secure domestic sources or from insecure foreign sources. I submit that the only sane answer lies in the development of domestic energy resources rather than further reliance on outside supply. While the Nation safely can and should purchase a substantial portion of its energy needs from foreign sources, the maintenance of a strong, dependable domestic energy industry is essential for security, economic, and humanitarian reasons.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the conditions in some of the countries from which we buy oil. The figures show the conditions in the countries of Indonesia, Venezuela, Nigeria, Iran, Saudi Arabia, Iraq, the United Arab Republic, Libya, and Kuwait compared with conditions in the United States.

The table shows the drastic need for better schools, better health, and better public services. It demonstrates the need for an improvement in the quality of life in many countries from which we buy petroleum. I believe that Senators will find the table valuable when they come to decide whether this country is following a sane, humane policy when it comes to the prices paid those countries for our fuel oil imports.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CHART I

	Population (in millions)	Number of persons per physician	Life expectancy in years	Number of persons per teacher	Literacy rate (percent)	GNP per capita in dollars	Total Government revenues (in millions of dollars)	Oil revenues portion	Total Government expenditures	Education expenditures		Health expenditures		Highway and communication expenditures	
										Millions of dollars	Per capita	Millions of dollars	Per capita	Millions of dollars	Per capita
Indonesia	114	34,820	48	313	60	$100	$406	$17	$406						
Venezuela	10	1,210	66	152	90	880	2,062	1,268	2,464	$307	$31			$69	
Nigeria	62	44,230	46	531	32	80	524	100	523						
Iran	28	3,880	45	286	28	297	2,141	1,063	2,730	260	9				
Saudi Arabia	8	13,000	35	444	10	478	1,134	943	1,230	88	11	$38	$5	117	$15
Iraq	10	4,760	50	165	22	278	821	457	1,050	148	15	31	3		
UAR (Egypt)	34	2,380	53	210	40	183	1,483	60	2,328	269	8				
Libya	2	3,160	50	219	30	1,644		1,120							
Kuwait	0.7	750	50	99	54	4,111	889	782	889	27	39	16	23		
United States	204	850	73	92	95	4,500	260,000		280,000	40,000	196	9,000	36	41,000	58

Mr. BELLMON. Mr. President, any other course will be a great disservice to our citizens and to friendly nations. That opinion is not universally held and Congress needs to find which viewpoint is correct. Only then can this Nation embark upon a well-thought-out course to meet our energy needs now and in the future. There are other questions which need answers.

President Nixon's action, had it been taken for this reason, would have been commendable. Taken for the reason announced, which is to force down petroleum prices throughout the world, it amounts to a slap in the face to the energy industry and may prove to be a disincentive which will discourage accelerated fuel production, aggravate already critical shortages and contribute to higher fuel costs.

Vast new reserves of crude and natural gas have recently been discovered in Alaska. This source of energy can provide some relief, though it is likely that consumption will rise about as rapidly as Alaskan oil flows develop. Utilization of Alaskan petroleum is impossible until transportation facilities are built.

A trans-Canada pipeline is now in the study phase. If and when this source of energy is available for consumption in the United States, the cost for the natural gas delivered by this new system is estimated to be close to 60 cents per million cubic feet. Liquefied natural gas from Algeria landed at the Port of New York is costing $1.20 per million cubic feet—triple the delivered price of gas from Mid Continent. The supply of gas from Algeria is extremely uncertain since the Algerian Government has negotiated a contract giving the French Government priority. At the same time, the Federal Power Commission is controlling wellhead prices on Mid Continent Natural Gas at the unbelievably low price of 10 to 15 cents per million cubic feet. The price is so low that operators lose money and drilling of new wells is virtually at a standstill. Why does the Federal Power Commission pursue this ridiculous policy? Do we really need Federal regulation of natural gas prices or can the market set the price? Congress needs to find out.

Mr. President, there is another troublesome aspect of the President's action. As is common, even necessary in the executive branch of Government, the President's action represents a conclusion and it is impossible for the country or the Congress to know the basis or the facts upon which this conclusion was reached.

In the critial and complex energy field, which conflicting political forces seems to have chosen for a battleground, the country and Congress must know what the facts are. In addition, Congress must have a means of remaining current as conditions change.

The Senator from West Virginia (Mr. RANDOLPH) has introduced S. 4092, a bill to establish a Commission on Fuels and Energy "to recommend programs and policies intended to insure that U.S. requirements for low-cost energy will be met and to reconcile environmental quality requirements with future energy needs." Senator RANDOLPH has been joined by 52 coauthors of the proposed legislation, of which the junior Senator from Oklahoma is one.

Mr. President, while I believe there is much merit in S. 4092, I have since reached the conclusion that it does not go far enough.

At this crucial time, the Nation needs a congressional forum where issues relating to energy problems can be publicly raised and debated before vitally important legislative or administrative actions are taken. Public discussion will serve to inform and educate both citizens and Government officials so that decisions once reached can be better understood and more widely supported.

Mr. President, it is my intention to introduce legislation creating a Joint Committee on Energy made up of Members of both Houses of Congress as quickly as possible after the 92d Congress convenes.

There are too many unfounded charges relating to the Nation's energy condition. There is too much uncertainty, too few facts, too little knowledge, too much political haymaking on both sides of the energy issue. In addition, the gnomes at the White House who seem to do their work in secret and apparently in the dark, so far as accurate information is concerned, could be greatly helped toward sound conclusions by a thorough and continuing congressional review of the Nation's energy condition.

The issue which must be decided by Congress and the citizens of this country is whether the United States shall remain self-sufficient in the production of energy fuels to meet its basic requirements. I submit that the best interests of the consumers of the country, as well as interests of national security, would be served by an energy policy which fosters the development of domestic sources of energy up to this level with a reserve available for contingencies.

Mr. President, according to the best information available the President's action can possibly result in an increased production of up to 300,000 barrels per day from the Outer Continental Shelf. Whether or not this increase is realized depends upon many factors, including the capacity of the pipelines to move the crude once it comes out of the ground.

Estimates are that demands for crude in this country will increase by almost 800,000 barrels per day during 1971. In that case the increase from the Outer Continental Shelf will be absorbed by May 15.

And indeed, Mr. President, why should not foreign nations be paid a fair price for the crude oil and natural gas they produce. A look at economic and social conditions in most of the oil exporting countries will show that the citizens of these nations are desperately in need of improved health facilities, greater educational opportunities, better food, more adequate transportation, and greater industrial opportunities.

Mr. President, I believe that President Nixon has had some bad advice on this subject. I believe it is incumbent upon Congress to take steps to see that the facts obtained by the executive branch and Congress are based upon the finest information available. I believe that the creation of a joint committee of Members of both Houses will be the best way to secure such information.

Mr. HANSEN. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. The time of the Senator from Oklahoma has expired.

Mr. BELLMON. Mr. President, I ask unanimous consent that I may have an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I am pleased to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I compliment the distinguished Senator from Oklahoma for the highly enlightening address he has just made. I share his concern.

I have the greatest respect for the sincerity of the President in taking the action he did, but I think he took action which was ill advised, because those who are close to him and who advise him in these matters have heeded the wrong counsel of too many people.

With respect to the concluding statement just made by the Senator from Oklahoma, I may say that his views are shared by the distinguished Senator from West Virginia (Mr. RANDOLPH), who said, in speaking to the American petroleum institute:

> We recognize that, to start again in the new Congress next year, after it goes through the pangs of organization, et cetera, will be to lose many valuable months. We could not be sure we could persuade the Administration to accept the partnership concept for making fuels and energy studies and for developing national policy guidelines. Hence, I would be agreeable if, before the 91st Congress adjourns, the Senate Committee on Interior and Insular Affairs were to empower itself to make a detailed fuels and energy study and report its recommendations during the two-year life of the next Congress.

I think that is essentially what the distinguished Senator from Oklahoma was saying. I certainly do believe that that is the course of action that should be taken. Only by holding hearings and looking into the critical matters can we be certain that we are proceeding in a manner which will best assure the success and adequacy of our fuels energy in this country, and at the same time provide for us a national security that would otherwise be placed in real jeopardy by our becoming increasingly dependent on foreign sources of supply.

Mr. President, the action just announced by President Nixon is another step toward the eventual decimation of the domestic petroleum industry. I cannot believe that the President, if he realized the full implications of his proposals to further increase imports of Canadian oil and capacity production from Federal offshore leases, would approve such measures.

Mr. President, this action is apparently aimed at the major oil companies who recently posted price increases for domestic crude and oil products. As I told the President in a telegram Friday, I believe such increases were justified.

Mr. President, I ask unanimous consent that that telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DECEMBER 4, 1970.

The PRESIDENT,
The White House,
Washington, D.C.:

May I beseech you to carefully consider the following before approving any such drastic actions toward the petroleum industry as demanded by Senators Proxmire, Kennedy and Hart.

(1) A fair and impartial investigation will undoubtedly support the basic necessity of recent crude and gasoline price increases.

(2) The increases were minimal as well as overdue and must be sustained if the industry is to invest the billions of dollars necessary to insure long-term U.S. energy needs.

(3) Compared with other prices, crude, home heating oil, gasoline and natural gas has not reflected the inflationary trend nearly as much as other products and the industry has absorbed a large part of its higher labor, steel, machinery and other costs in an effort to avoid price increases.

(4) A Price Waterhouse study just completed of 38 of the larger oil companies producing 56 per cent of U.S. crude shows the total inputed industry effect from the Tax Reform Act of 1969 as $658 million on 1968 earnings and will be more for 1969 and 1970.

(5) The study also shows that despite a 7.9 per cent increase in revenues by the group in 1969 over 1968 net income fell 1.6 per cent. On domestic operations the rate of return declined from 12.2 per cent in 1968 to 11.0 per cent in 1969 and the rate of return was significantly below the average return of 11.7 per cent reported for all industries.

(6) The report also indicated a decided shift in the group's sources of capital funds. In 1959 cash earnings represented 91.3 per cent of the source of funds: the comparable figure for 1969 was 76.4.

Increases in heavy fuel oil prices are mainly because of excessive dependence on imports. Any relaxation of present quotas or changes in domestic production patterns or procedures should, in my opinion, be carefully weighed against the overall long term effects on the ability of the domestic industry to develop and produce the rapidly accelerating energy demands of the nation.

CLIFF HANSEN,
U.S. Senator.

Mr. HANSEN. Mr. President, I cannot understand why some of the President's advisers considered such arbitrary, precipitate, and drastic action necessary after previously announcing that there would be an investigation of the price increase and inviting comment from the industry by formal notice in the Federal Register.

The industry did comment but was not given the benefit of an open hearing or even prior notice of the proposed action announced by President Nixon Friday evening in New York.

Mr. President, the action to produce adjacent Federal offshore leases at capacity would not only violate sound conservation practices but would also force the State with adjacent leases to overproduce their own leases to protect correlative rights.

The same thing would apply should the provisions of the Connally Hot Oil Act be suspended and each State and each lease owner should be forced into a wasteful production race which would actually be in violation of State laws that have been upheld by the Supreme Court.

Those who advise the President in oil matters obviously do not know the history or background of the State conservation and proration laws that brought order out of chaos almost 40 years ago when overproduction and waste had almost wrecked the oil industry and gas was flared into the air or often not flared at all but just vented in order to produce more oil.

These conservation and orderly production laws have saved inestimable billions of barrels of oil and trillions of cubic feet of natural gas that would otherwise have been wasted or never recovered.

Mr. President, the 12.2-percent figure we see used for the rate of oil imports is absolutely meaningless. During the past few days the Washington Post has repeatedly referred to oil imports as 1,300,000 barrels daily. Not once to my knowledge has the Post mentioned the fact that refined products are coming in at the rate of more than 2 million barrels per day. This is mostly residual, the price of which has almost doubled during the present energy crunch and which is almost all imported—more than 90 percent of all east coast needs.

And after the domestic industry, by Federal request and at considerable expense, converted refinery capacity to make up a shortage of residual because of a worldwide shortage and after the States, particularly Texas and Louisiana, had increased production to make up a shortage of foreign crude oil, what thanks does the industry get?

Mr. President, if the President's oil advisers have no more concern for the Nation's most important energy industry nor the future energy requirements of this country than to take such action, then I believe it is high time that Congress acted to save the President from those who have such little understanding of the real economics or national security aspects of the oil and gas industry in the national energy picture.

Those who profess to help the consumer by condemning the industry for price increases that will only give it a fair return on its investment are actually playing a cruel hoax on the American public because we would be left at the tender mercies of Middle East and North African oil producing countries when we lose our self-sufficiency in oil and gas production.

The protectors of the public are already protesting proposed well-head increases in the price of gas but are saying nothing of proposals to import gas from Canada and Algeria at rates up to more than double the price of domestic gas delivered to the east coast. What kind of consumerism is that?

Those who continue to cry for more Canadian imports fail to mention the fact that Canada imports more than half of her own needs while exporting more than half of her production to the United States. Who would have priority over that Canadian oil should Canada's own imports be disrupted?

Mr. President, the following is what Glenn Nielson, chairman of the board of Husky Oil, a company that operates in both Canada and the United States, has to say about oil imports from Canada:

Nielson spoke in October, to a Canada-United States Joint Chamber of Commerce Committee in Toronto:

To assure the utmost security of North America, it appears that it would be in the best interests of both Canada and the United States to develop policies which will minimize the dependency of both countries on insecure sources of imported oil.

Let me remind you that 21% of the petroleum requirements for the United States are supplied from imported crude, fuel oil and other petroleum products. More than 50% of Canada's requirements are imported mainly from overseas. More than 40% of Canada's population are not even served by a pipeline, and 50% of her industrial capacity are dependent on this unstable source of supply. This over-dependence must be changed if we are to have security in North America.

The United States should continue to control its volume of imports through a quota system providing if possible for a lesser ratio of imports to domestic demand. If the United States producing capacity cannot meet her share of the requirements, only then should imports be increased with preferential treatment being accorded Canadian production.

Canada should develop an import control system which, over a period of time, will reduce its current level of dependency on overseas imports. Under such a program the short-fall between demand and imports would then be satisfied by use of Canadian oil. At the present time this would require pipelines for the transportation of western crudes to Eastern Canada.

Perhaps the most important factor can be termed the "Political Climate." Both the United States and the Canadian governments should foster governmental regulations and policies that will create an atmosphere of confidence to attract the fluid capital that can flow any place in the world. Only through this means can we hope to compete for the sorely needed capital to supply our needs for energy, the life blood of our economy.

For years I have firmly believed that the long-range answer for North America is closer cooperation and planning between our countries. With respect to the mutual benefits that could accrue to our citizens, I find myself repeating these words from "The Line That Joins":

"Canada, with her super-abundance of natural resources, and the United States, with her large and growing markets, have a most logical basis for integrated and cooperative programs. With minimum cooperation, these two countries already lead the world in gross national product per capita. With full cooperation, and the increasing use and need for energy and natural resources, there would be no limit to their combined potential.

"Canada and the United States would make ideal partners for integrated market programs. No other two countries in the world today are as closely related or have such similar economic climates. There are no language barriers. Education, compensation, and the standard of living are almost equal. Both nations are rich in human and natural resources. Both have freedom of enterprise, speech and worship, which I hope and pray we will never lose."

So, Mr. President, if those who advise President Nixon refuse to recognize these fundamentals of the oil import program and the vital necessity of a healthy and viable domestic petroleum industry, then I believe it is high time the Congress acted and acted quickly.

I propose to ask the chairman of the Interior Committee of the Senate to instigate an investigation into the U.S. fuels and energy situation as quickly as possible.

I ask unanimous consent that certain excerpts from the Chase Manhattan Bank's letter of October 1970 labeled "The Petroleum Situation," be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE PETROLEUM SITUATION

WORLDWIDE OIL

The Free World's demand for oil appears almost insatiable. During the first nine months of this year it exceeded 40 million barrels a day. The task of handling this huge quantity of oil, and seeing it through from the production stage to refining, and then to marketing, calls for expertise of the highest order. A minor disruption in this complex logistical system immediately becomes front page news. It is worth reflecting, however, that almost every day of the year the world's total oil requirements are safely delivered to consumers.

The growth of demand is as impressive as the volume. Thus far in 1970 it has exceeded 9 percent. This represents an increase of nearly 3½ million barrels a day—an amount equal to the entire output of a major producing nation such as Libya, Iran or Venezuela. Within the United States the January through September demand for oil recorded a 5 percent increase over the year-earlier level. In the rest of the Free World, the rate of demand growth was more than twice as great—almost 12 percent. Historically, gasoline and jet fuels have been the fastest growing products in the United States, while fuel oils have been the market leaders in Europe and Japan. But in 1970, fuel oils have been the fastest growing products in the United States also.

Throughout the Free World, the demand for fuel oil has grown more rapidly than could have been forecast earlier in the year. In one nation after another traditional consumers of coal are switching to oil in an effort to solve local air pollution problems. In addition, the increased demands in the Persian Gulf, stemming from the rupture of the Trans-Arabian pipeline, and the production cutbacks in Libya, have increased the demand for fuel oil for use as ships bunkers.

Year by year, the United States buys more and more of its fuel oil needs in foreign markets. In the past, this has been advantageous to the consumer, since foreign prices were lower than domestic prices. However, 1970 is different. The potential demand is outstripping the available supply on a worldwide basis, and the United States is obliged to outbid other nations if it wishes to satisfy the demand for fuel oil.

THE VITAL ROLE OF PROFITS

In the third quarter of 1970, petroleum industry earnings began to exhibit some signs of recovery. The combined net income of the 26 companies comprising the group this Bank has under continuous survey was approximately one-half of 1 percent higher than in the same period a year earlier. It was the first gain the group has been able to achieve in the past 5 consecutive quarters. Not all of the companies experienced an increase, however; in fact, half of them suffered a decline instead.

Despite the somewhat better results in the third quarter, the group's net earnings for the year to date were 4.5 percent smaller than in 1969. And, if the net income for the entire year were to equal that of last year, a gain of 14 percent in the fourth quarter would be necessary—an unlikely prospect.

But merely matching last year's earnings is not good enough. As the worldwide needs for petroleum continue to grow, so must the petroleum industry's net income. Otherwise, the industry cannot make the capital investment required to satisfy the market demand. Within the past decade the Free World's oil needs have doubled. And within that period the petroleum industry has had to double the capacity of its refineries, tankers, pipelines, and the vast array of marketing facilities. In addition, it has had to maintain a continuous, expensive, and often fruitless search for new sources of petroleum. All of this has cost enormous sums of money. And much larger amounts will be needed in the decade ahead. But that is not all; approximately 50 percent more money will be required for repayment of debt, enlarged working capital, and dividend payments.

The industry has three sources of funds to accommodate its needs: net earnings, the various provisions for capital recovery, and borrowed capital. Of the three, borrowed capital is the smallest source. And the amount of borrowed capital available to the petroleum industry is limited by the over-all availability of money in the capital markets and the degree of competition for such funds. The amount of money that can be obtained from the provisions for capital recovery is also restricted—by the size of capital investment in the past and by law. As readers will recall, this source of capital funds was sharply reduced by the Tax Reform Act of 1969. Consequently, net income must of necessity assume a greater role in the process of capital formation.

If net income is to assume that role, the petroleum industry's pricing mechanism must be sufficiently free to respond to all economic forces. But such is not the case. The current lack of earnings growth is clear-cut evidence that petroleum prices are too low relative to costs. And even though the industry's earnings over the past decade grew at what appeared to be a healthy rate, the expansion nevertheless was not large enough to generate all the capital funds required. Consequently, capital spending—particularly that devoted to the search for new reserves of oil and gas—was less than adequate. And the current shortages of both oil and gas in the United States can be traced directly to that development. Intense competition of the type that prevails in the petroleum industry always imposes a ceiling upon price. But restraints of various forms applied by government have constituted a much stronger and unnatural force.

As stated earlier, the petroleum industry's financial needs for capital expenditures and other essential purposes in the Seventies will be very much larger than in the Sixties. A realistic projection of the industry's cash flow, based upon the existing price structure, indicates it will fall far short of generating the funds required. Without any form of relief, the industry will be unable to satisfy all market needs. And a shortage of petroleum would cripple economic activity. That, in turn, would surely trigger political repercussions.

The hour is late. And the time for correction is immediate. Clearly, the petroleum industry's net earnings must grow at a substantially faster rate in the decade ahead. That can happen, of course, only if prices are brought into realistic alignment with costs. There is a need to adjust prices, not only in the United States, but abroad as well. And, because of the complex structure of the industry, numerous adjustments are necessary. There are both independent and integrated producers, refiners, transporters, and marketers. And all have growing needs for capital funds. Therefore, the price of crude oil, natural gas and all refined products must be high enough to generate sufficient funds for capital investment and other essential purposes. And they must also be high enough to encourage reinvestment. The competition for capital funds is intense and there are many opportunities for alternative investment.

No consumer welcomes higher prices of any kind. But, in the case of petroleum, consumers have been getting a great bargain relative to the cost of other essentials. And over the past decade, the cost of petroleum has risen far less than that of other essentials As the current shortage of natural gas has progressively developed, consumers have left no doubt that they consider price very much secondary to availability

As problems worsen, forces of correction are a normal result. And recently announced increases in the price of crude oil and some refined products are examples of that process. Unfortunately, the advance triggered a certain amount of criticism, particularly on the part of government. In view of the nation's vital needs for petroleum, the developing shortages, the petroleum industry's record of inadequate earnings reduced capital recovery as a result of the Tax Reform Act of 1969 and the rapidly growing capital requirements the criticism appeared very much out of order. And it doubtless worsened the climate for investment at a time when the reverse is very much needed. The nation would be far better served by positive constructive actions designed to assure an adequate supply of petroleum in the future for all consumers.

Mr. HANSEN. I also ask unanimous consent that a letter from the president of the Independent Petroleum Association of America, addressed to the President of the United States, with a copy to me, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INDEPENDENT PETROLEUM
ASSOCIATION OF AMERICA,
Dallas, Tex., December 7, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is to convey to you our deep concern about your actions to rollback the recent increases in the price of crude oil and gasoline.

I most respectfully submit that your actions are based on misinformation and are not justified by the facts. The price of crude oil before the increase was 4 percent above the 1957–59 base period and with the increase it would be only 11 percent above the base period as compared with the cost of living which is up more than 37 percent; industry hourly wages up 53 percent; wholesale prices up to 18 percent; other crude minerals up 45 percent; and during the past 12 months alone the increase in hourly wage for the private nonfarm sector was 7 percent. In the light of these simple facts and by singling out one industry, your actions against the 8 percent increase in crude oil prices can only appear to us to be discriminatory and therefore punitive. We are also dismayed that you would condemn this 8 percent increase while it is under study by the Director of the Office of Emergency Preparedness.

Also, analysis of the history of the state conservation laws will show that you have been misinformed in your statement that such laws "interfere with the freedom of our domestic market system." There is no evidence to support this statement or the inference that as a result of the conservation laws consumers have paid higher prices. The long history shows that crude oil prices have been stabilized at declining levels under state conservation laws. For 40 years prior to these state laws the average price in constant 1958 dollars was $2.88 per barrel; for the first 25 years under these laws the average was $2.67; and for the past 11 years the average has been $2.63. The state laws are administered by personnel with much expertise and long experience and their replacement with less experienced federal employees involves training and added expenditures at a time when you are striving for a reduction of deficit spending.

Your actions condemn consumers of gasoline and home heating oil to the same ill-fate and hardships now being experienced by consumers of residual fuel oil on the East Coast who are faced with shortage and substantial increases in prices. Residual fuel oil is the only product that is not under the Mandatory Oil Import Program and as a result the East Coast has become 95 percent dependent on imports. Your actions will ordain that consumers of all other oil products will become increasingly dependent on imports and the accompanying uncertainties of supply and price. A shortage of domestic production can be predicted because already the cash flow of the industry is inadequate to do the necessary exploration to meet growing demands. The 25 cent increase in crude oil prices perhaps will not even offset the 20 cents per barrel of additional tax imposed on the industry by the 1969 Tax Act. If the crude price increase is not permitted to stand, the impact will be primarily on independent producers who do most of the exploratory drilling because they are dependent substantially on internally generated funds. Furthermore, consumers are already faced with shortages of natural gas. This is widely recognized as being caused by the unrealistically low prices set by the Federal Power Commission. Your actions on crude oil will aggravate the natural gas shortage because the exploration of oil and gas are inseparable.

We are confident if you will order a reevaluation of the facts, you will find them as we have outlined. In the interest of protecting U.S. consumers from shortages and inordinate price increases for both oil products and natural gas, and so as to provide assurance of the availability at all times of oil for the security of the Nation, we respectfully and earnestly appeal to you to do so and to reconsider the actions you have taken.

Respectfully yours,

ROBERT E. MEAD.

Mr. HANSEN. I thank my distinguished colleague.

Mr. BELLMON. I thank my colleague from Wyoming. He has long been one of the leaders in attempting to call the attention of the Senate and the citizens of the country to the energy crisis we have in the United States, and I greatly appreciate his comments.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BELLMON. I yield to the Senator from Montana.

Mr. MANSFIELD. I must apologize for not being present to hear what the distinguished Senator from Oklahoma said, because of a commitment of an emergency nature which suddenly arose. But I do look upon him, upon the distinguished Senator from Wyoming who has just spoken, and upon the distinguished Senator from Kansas (Mr. DOLE) as leaders in the field and champions of the domestic oil industry.

May I say that I was interested in what the President said Friday before the National Association of Manufacturers. I was somewhat disturbed, however, that he selected only the oil industry and the construction industry. Considering the shape of the whole economy, I think they are being unduly and very likely unfairly singled out—at least that is true as far as the oil industry is concerned.

I would hope that the President would look at the whole picture, recognizing the whole situation in which our economy now finds itself. In that way our most difficult economic situation could be faced up to. This is not a partisan matter. The previous Democratic administration has to take its share of the burden of responsibility, because, while inflation, unemployment, high interest rates, and the like have increased dramatically in the 2-year period since it went out of office, at least some of the elements in the foundation were laid before that time.

But I do wish to compliment the distinguished Senator from Oklahoma for speaking on a subject which he knows very well, and to assure him that I shall look into the RECORD with interest tomorrow, and read with interest, as I always do, what he has had to say on this most important subject. The Senator from Oklahoma speaks rarely, but when he does, he usually has something important and interesting to say.

The ACTING PRESIDENT pro tempore. The Senator's additional time has expired.

Mr. MANSFIELD. I ask unanimous consent that the Senator from Oklahoma may have 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I thank the majority leader for his contribution. He has established himself as a national leader who speaks clearly and without partisanship on these matters of great importance to our country, and I appreciate his contribution this morning.

In line with what the majority leader has said, I call attention to the fact that for the year 1969, profits in the petroleum industry in the United States amounted to 11 percent, based on the stockholders' equity; and there are many industries, including tobacco, furniture, electrical manufacturing, motor vehicles and equipment, and several others that had a higher profit ratio as far as stockholders' equity was concerned. I am at a loss to see why the President chose to single out the oil industry and the construction industry in the fashion which he did.

Mr. MANSFIELD. Will the Senator yield?

Mr. BELLMON. I yield.

Mr. MANSFIELD. Is that 11 percent net or gross?

Mr. BELLMON. The figure I have is identified as a percentage of stockholders' equity. I assume it is a gross figure.

There was a great deal in President Nixon's speech that I thought was very helpful: the fact that the country has changed from an inflationary period——

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BELLMON. Let me finish my sentence.

The change from a period of inflation to one of more price stability is certainly one that we need to take note of, but I regret that he chose to chastise two of our important industries in this fashion.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Notwithstanding what the Senator has said, the fact remains that there has been an extraordinary increase in the cost of oil and oil products to the consumers. I think this is serious most particularly, in the light of the problems that the consumers are facing, up in the New England area, where we have seen, for example, residual oil, the heavy oil used in hospitals and educational institutions, increase in price up to 100 percent; and home heating oil has increased anywhere from 20 percent to 35 percent.

I feel that many of the suggestions included in the NAM speech were arrived at as a result of the findings of the President's own committee charged with investigating the whole oil import issue.

I would be interested if the Senator from Oklahoma could elaborate a little bit on some of the problems the oil industry is facing in terms of meeting these kinds of needs; because, as I understand, as recently as a couple of months ago, crude oil down in Aruba was being bought at $1.60 to $1.80 a barrel. It costs approximately 35 to 60 cents a barrel to process it and ship it up to Boston, and then it was being sold in Boston at about $4.15 a barrel, which represented about a 100-percent profit, or perhaps half a million dollars of profit on each tanker coming up from Aruba, and that profit was being extracted from the consumers of New England.

I know it is difficult to isolate different parts of the oil industry, and I know that the Senator from Oklahoma is speaking in the aggregate of the problems the industry faces; but I can only say that, in terms of a particular part of the country and the problems that New England is facing because of increases in the cost of oil products, it has been one of the most inflationary developments that we have seen. I would be interested in any reaction or response that my good friend from Oklahoma may care to make.

Mr. BELLMON. Mr. President, I appreciate the contribution of the Senator from Massachusetts, and I can appreciate his concern for the New England area. But I believe if he will check the record, he will find that the products he has mentioned, the price of which has admittedly gone up rapidly, are imported products, the increase in cost of which has been due to development in the Middle East and elsewhere. The fact that New England has become dependent upon imported fuel oil and residual oil has meant that the ability to produce those products domestically from American crudes does not exist in this country any longer.

The thing that is happening currently in New England is a situation that could develop nationwide, if this Nation ever becomes completely dependent on foreign sources for the crude oil and the products that we depend on to fuel our factories and heat our homes.

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. BELLMON. I yield.

Mr. HANSEN. I call attention also to the fact, Mr. President, that there have been no import restrictions on residual fuel oil for the east coast for 5 years. This problem, which rightly concerns the distinguished Senator from Massachusetts, cannot be laid at the door of the domestic oil industry. There have been no restrictions on the importation of residual fuel oil, and the very program that he and others have been calling for in the United States is the one that has brought about this drastic and sharp increase in the price of these fuels that are so essential to the east coast.

The solution to the problem really lies, not in giving further encouragement to a policy which places greater dependency upon foreign sources of supply, but rather to encourage a program which takes into account the fact that the only way we can be self-sufficient in this country is to encourage a domestic oil industry that will be able to provide the necessary supplies, so that we will not be subject to the whims of foreign dictators who, one moment say, "We will export tremendous supplies of oil," and then turn around, on the other hand, and with a snap of their fingers sever the Syrian pipeline or shut it off completely. That is exactly what brings about the problem that concerns our good friend, the Senator from Massachusetts.

Mr. BELLMON. Mr. President, I ask unanimous consent to have printed in the RECORD a table showing annual increases in the cost of regular gasoline, which is one of the products most in demand in this country.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

ANNUAL AVERAGE—55 KEY U.S. CITIES FOR REGULAR GASOLINE

	Retail price of regular grade gasoline			Average hourly earnings, all manufacturing (dollars per hour)	Gallons of gasoline which 1 hours wage will buy	
	Excluding tax	State and Federal tax	Including tax		Excluding tax	Including tax
1926	20.97	2.41	23.38	.542	2.6	2.3
1927	18.28	2.81	21.09	.544	3.0	2.6
1928	17.90	3.04	20.94	.556	3.1	2.7
1929	17.92	3.50	21.42	.560	3.1	2.6
1930	16.16	3.79	19.95	.546	3.4	2.7
1931	12.98	4.00	16.98	.509	3.9	3.0
1932	13.30	4.63	17.93	.441	3.3	2.5
1933	12.41	5.41	17.82	.437	3.5	2.5
1934	13.64	5.21	18.85	.526	3.9	2.8
1935	13.55	5.29	18.84	.544	4.0	2.9
1936	14.10	5.35	19.45	.550	3.9	2.8
1937	14.59	5.40	19.99	.617	4.2	3.1
1938	14.07	5.44	19.51	.620	4.4	3.2
1939	13.31	5.44	18.75	.627	4.7	3.3
1940	12.75	5.66	18.41	.655	5.1	3.6
1941	13.30	5.93	19.23	.726	5.5	3.8
1942	14.46	5.97	20.43	.851	5.9	4.2
1943	14.56	5.97	20.53	.957	6.6	4.7
1944	14.62	5.97	20.59	1.011	6.9	4.9
1945	14.48	6.02	20.50	1.016	7.0	5.0
1946	14.69	6.08	20.77	1.075	7.3	5.3
1947	16.93	6.18	23.11	1.217	7.2	5.3
1948	19.54	6.34	25.88	1.328	6.8	5.1
1949	20.27	6.52	26.79	1.378	6.8	5.1
1950	20.08	6.68	26.76	1.440	7.2	5.4
1951	20.31	6.84	27.15	1.56	7.7	5.7
1952	20.24	7.32	27.56	1.65	8.2	6.0
1953	21.28	7.41	28.69	1.74	8.2	6.1
1954	21.56	7.48	29.04	1.78	8.3	6.1
1955	21.42	7.65	29.07	1.86	8.7	6.4
1956	21.57	8.36	29.93	1.95	9.0	6.5
1957	22.11	8.85	30.96	2.05	9.3	6.6
1958	21.47	8.91	30.38	2.11	9.8	6.9
1959	21.18	9.31	30.49	2.19	10.3	7.2
1960	20.99	10.14	31.13	2.26	10.8	7.3
1961	20.53	10.23	30.76	2.32	11.3	7.5
1962	20.36	10.28	30.64	2.39	11.7	7.8
1963	20.11	10.31	30.42	2.46	12.2	8.1
1964	19.98	10.37	30.35	2.53	12.7	8.3
1965	20.71	10.46	31.17	2.61	12.6	8.4
1966	21.57	10.51	32.08	2.72	12.6	8.5
1967	22.55	10.60	33.15	2.83	12.5	8.5
1968	22.93	10.78	33.71	3.01	13.1	8.9
1969	23.85	10.99	34.84	3.19	13.4	9.2
1970[1]	24.37	11.14	35.51	3.35	13.7	9.4

[1] 11 months average. Imported products.

RETAIL PRICE—REGULAR GRADE GASOLINE POSTED FROM PLATT'S OIL GRAM

[Index numbers—1957-59=100]

1970	Retail gasoline price			Retail gasoline	
	Excluding tax	Tax	Including tax	Excluding tax	Including tax
January	23.95	11.13	35.08	110.9	114.6
February	22.88	11.13	34.01	106.0	111.1
March	23.74	11.13	34.87	110.0	113.9
April	25.62	11.14	36.76	118.7	120.1
May	24.84	11.14	35.98	115.1	117.5
June	24.89	11.14	36.03	115.3	117.7
July	25.62	11.14	36.76	118.7	120.1
August	23.81	11.14	34.95	110.3	114.2
September	24.49	11.14	35.63	113.4	116.4
October	24.60	11.14	35.74	114.0	116.8
November	23.71	11.14	34.85	109.8	113.9
December					
August (11 months)	24.37	11.14	35.51		

Mr. BELLMON. This chart shows that the cost of regular gasoline has gone up very little during the period of 1950 to 1970. In fact, the income from 1 hour of labor would have brought 5.4 gallons of regular gas in 1950; and in 1970, the same hour of labor will buy 9.4 gallons, which shows that, from the working man's viewpoint, gasoline is still a very good buy and one that is getting better all the time.

The ACTING PRESIDENT pro tempore. The Senator's additional time has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator may have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I say to my good friend, the Senator from Wyoming, that I suppose we will be talking about this matter in some detail when the time comes for the proposed trade legislation.

This argument about national security has always amazed me. We in New England always "import" our oil; even when it comes from Texas, it is shipped "overseas." It goes by sea down to Florida and up the eastern seaboard to Boston, and that is supposed to be secure nationally even though it is by ship all the way. But when we want to import oil from Venezuela over almost the same route, we cannot do it, because there is supposed to be a threat of interruptions on the sealanes by foreign submarines.

Of course, a tanker that goes around the coast of Florida, as we saw in the Second World War, is going to be just as vulnerable to any kind of submarine attack as tankers that would be bringing oil from Venezuela. The argument is made about the unpredictability of the dictators or other governments of these foreign countries. Take Venezuela, for example. The practical political fact is that every major political segment in Venezuela is committed to exporting oil to the United States to the greatest degree possible. And the President's own task force report points out that Western Hemisphere oil is so secure that we should make arrangements for increased imports.

So the instability argument is a phony argument that is made, and I know it is well intentioned; it applies, perhaps, to some extent in terms of the Middle East on a scattered and short-term basis. But it is completely inapplicable in terms of the Western Hemisphere situation.

The reason why there is so little domestic residual oil supply at the present time is that the oil companies, quite frankly, find it is more profitable to refine and make higher grade oil products which are protected by the price floor of the import barrier program.

The oil companies are given extraordinary kinds of privileges and protections have been built into the system by law and executive action. They therefore have an important responsibility to the public not to overreach in taking advantage of their special position. We are one nation, and the workers in the shoe factories and the textile mills of Massachusetts need heating oil in order to heat their homes. They should not have to pay what amounts to a discriminatory tax just to enrich the oil companies.

We cannot get around the fact that the President's own task force report suggested that one of the best ways to reduce the cost to consumers is to strike down the oil import program. The President made at least some move in his NAM speech in the direction of trying to free up the supplies of oil products—and it was an encouraging move as far as it went. But it really was extremely limited and more symbolic than substantive, compared to the power that the President actually has in this field. Nevertheless, already we hear the trumpet sound for retreat.

It is exceedingly difficult for some of us to understand. New England has 6 percent of the population in this country and consumes 22 percent of the home heating oil in the country, and we have just seen the cost of it rise at an extraordinary rate—5 percent in the last few months, a rise which cost New England consumers $45 million in added fuel this winter on No. 2 oil alone. They are asking these questions of their Representatives, and they are asking questions of me and of my Republican colleagues.

When the President talks about making some kinds of adjustments even following along the recommendations of his own task force report, I feel that we ought to be able to give him some support in terms of this, and this is really why I raised this point with my good friends, the Senator from Wyoming and the Senator from Oklahoma.

Mr. HANSEN. Mr. President, let me just make this observation: The President's task force report has been discredited. It has been discredited for very good reasons.

In the first place, some of the assumptions that were made in their report which were accepted as fact have been disproved by——

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HANSEN. May I finish this one point?

There was great talk about how much money was going to be saved by importing oil. What are the facts? The fact is that there is not any cheap oil, and the Senator from Massachusetts has already underscored that fact when he spoke about how much the cost of residual fuel oil has been raised in the East. It is not cheap any more.

Mr. KENNEDY. Mr. President, will the Senator yield at that point?

Mr. HANSEN. I yield.

Mr. KENNEDY. The reason is that the oil companies have doubled the price. It costs them as little as $1.60 at Aruba; as little as 35 cents to process and transport a barrel of oil to Massachusetts. But they sell it at $4.15. Why is the cost going up? Because the oil companies have increased it. It is not very complicated. Certainly the cost has gone up, and they are the ones who have increased it.

I remind my friend, the Senator from Wyoming, with reference to discrediting the President's task force report, that the President appointed the task force. The President appointed the task force to study this matter. The President made all this information available. The President asked that this task force report be issued. We know all the efforts that were made to bury this task force report, to discredit it before it came out. But it was the President's task force report, and the recommendations were valid, and I believe three-fourths of the members of the task force supported them. Now we hear from those who wanted it in the first place that the report is being discredited and that the recommendations are not really valid. The President appointed the task force, it completed a comprehensive study, and the committee made its recommendations, and the recommendations have not been followed. As a result, the consumers in the eastern part of this country and the Middle Atlantic States and the farm States in the Great Lakes areas are paying increased prices for home heating oil. It is as plain and simple as that.

Mr. HANSEN. I take it that the point the distinguished Senator from Massachusetts is attempting to make is that this task force was appointed by President Nixon, and that is very true. Let me observe, however, that what has happened is not necessarily that the oil companies have raised the price of oil in Aruba, but it is not coming to the United States as easily and cheaply as it once did. It is not coming to New England as it used to come. It has to come clear around the tip of Africa. The oil line across Syria has been severed, and there has been a disruption in these supplies. This is the very thing we have been pointing out and saying should not be permitted to exist, because it does threaten——

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HANSEN. No, I will not yield. I have tried to be courteous, listening carefully to the Senator from Massachusetts, and now if I may take a moment, I would like to say this:

The fact is that the world tanker price has gone up for deliveries to many of the free world nations, because it is a much longer route than it used to be. This is exactly why we are concerned about having a domestic supply which can be depended upon and can be counted upon.

I am perfectly aware of the fact that the price of residual oil has gone up in New England. But I say again, Mr. President, that it will not solve our problems of shortages and rising prices simply to strike down the mandatory oil import program and to depend upon foreign supplies as New England was forced to do until the domestic oil industry increased its production to meet the need.

The domestic oil industry profits are far lower than profits in practically any other area of manufacturing. The thrust of the letter that came from the Chase Manhattan Bank underscores that point. If we want to have that kind of drilling and exploration activity continue which will make certain that we have enough oil supplies in this country, then we must see to it that the industry becomes more profitable.

Those people familiar with the facts on the energy situation tell me that in the gulf coast area, which is counted upon now to fill the breach, they are producing practically the maximum amount down there right now.

The oil industry uses the term "maximum efficiency rate." That means that if we want to get all of the oil and gas out of the ground that we can, that is the level beyond which we should not go.

The Senator from Oklahoma was talking about that this morning.

The PRESIDING OFFICER (Mr. McGOVERN). The additional time of the Senator has expired.

Mr. BELLMON. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I was saying that this is one of the points the distinguished Senator from Oklahoma was trying to make, that it does not serve national policy very well to go beyond that point. If we are interested in the economics of the oil business and in the maximum recovery of oil and gas, then we have to listen to the geologists and the engineers.

Mr. BELLMON. Mr. President, the fact is that if the oil reserves are drawn down too rapidly, a very high oil and gas ratio develops, and the gas production, in this way, has to be cleared and the pressure reduced, which means that much of it will be left in the ground.

Regarding the comments of the Senator from Massachusetts (Mr. KENNEDY) as to the wisdom of holding oil prices up, I am sure that he is aware of the fact that most of the countries who produce oil for export, such as the Middle Eastern countries, Latin America, and Indonesia, have low per capita incomes, very low life expectancies, and many other serious social problems.

For instance, in Indonesia, the life expectancy is 48 years; in Nigeria, it is 46 years, and in Libya, it is 50 years.

The literacy rate in Indonesia is 60 percent; in Nigeria it is 32 percent; in Libya, 30 percent.

In Indonesia the gross national product is $100; in Nigeria $80; and in some of the other countries, not much better.

I attended the Interparliamentary Union meeting at The Hague in October of this year, and one of the charges made by spokesmen for some of these countries, as well as other countries, was that this country and other industrialized and well-developed countries are practicing a policy of neocolonialism by taking from the underdeveloped countries their natural resources at bargain basement prices.

It seems ridiculous to me that we in the Senate who have been trying hard to help other countries improve themselves, have them turn around and say that we are trying to take from them the one commodity they have to keep their countries going. That seems to me to be totally inconsistent, and I am curious as to whether the Senator from Massachusetts would agree with me on that.

Mr. KENNEDY. The point the Senator from Oklahoma is making is extremely important, insofar as the relationship between the more industrialized countries of the world and those who are exporting or attempting to export raw materials, in many instances in the "third world," who produce only a single commodity. I think this whole relationship between the rich and the poor nations is something which is going to be, and should be, the basis of foreign policy discussions, and will be a key issue over the period of the 1970's in terms of foreign policy.

The fears and frustration and sense of hopelessness which we saw within the major cities of this country when they exploded during 1967, can very well be the pattern that may be followed by the third world, if they see their opportunities for exporting virtually eliminated because of different barriers erected by various protectionist bills which may be passed or considered in the Senate.

The Senator's point is therefore well taken in these general terms, although I would have doubts about the specific conclusion.

Mr. BELLMON. May I ask the Senator one additional question? I believe the Senator was not in the Chamber when I proposed that we create a joint committee of Congress to look into this whole energy situation, because there are too many charges and too much misinformation going around and we do not know the facts. It seems to me, therefore, that if Congress would undertake to develop those facts in a responsible way, we will know what action to take; and I am wondering whether the Senator from Massachusetts would join me in sponsoring such a piece of legislation so that we can get all the facts we need.

Mr. KENNEDY. The approach is certainly worth considering; but I am not familiar generally with the specifics of the proposal or how this would be set up and then achieved. I do agree that if we were able to get such a report on national energy policy, and really let the chips fall where they may, it would be of great value.

However, I feel that so much information has been obtained and collected already that has not been acted upon. With the greatest of respect for my good friend from Oklahoma, the oil industry generally has interfered directly with the successful implementation of some of the comprehensive and persuasive reports and studies which have been made in the past. Therefore, it is with some hesitancy that a Senator from New England would become involved in another study of this kind, unless we are able to get some very clear indication that the results of the previous studies will first be followed up and implemented. We have had so many of them in the past and so little to show for them.

Let me just say that I would welcome the opportunity to review this matter with the able Senator from Oklahoma—and as our majority leader has stated all of us have deep respect for him and the sincerity of his endeavor. So I would want to make every effort to work with him in this endeavor.

Mr. BELLMON. I thank the Senator from Massachusetts.

Mr. KENNEDY. If I could briefly say to my good friend from Wyoming—I do not know where we are in terms of who has the floor.

Mr. BELLMON. I have the floor, and I am happy to yield further to the Senator from Massachusetts.

Mr. KENNEDY. Let me say to my good friend from Wyoming that when we talk about a 11-percent return for the oil industry, that would indeed be a fair and reasonable return on an investment for a number of other industries in the older parts of the country, especially in New England, in terms of its shoes and textiles which virtually have today a return of not even 3 percent.

Therefore, using the criteria of return upon an investment, and using the figures that were given here, and considering wage increases and rising costs, 11 percent is extremely good. We in New England, particularly in shoes and textiles, have traditionally obtained a return on the investment from 2 to 3 percent. Some of them do not even have even that much and they are two of our oldest and traditional industries—the mainstays of New England.

An 11-percent return on an investment is three and a half times the return on an investment in terms of our industries in New England. So when we see prices going up and oil company profits going up, people in New England ask why.

I want also to say to my good friend from Wyoming that as for exploration and drilling, we should try to work out some kind of arrangement to encourage the smaller, independent companies, by giving them the full depletion allowance, so that they can go and do this exploration. It seems to me that we can work this out. I am sure that my good friend from Wyoming and those from other oil-producing States could make recommendations and suggestions on how we can continue to provide for these advantages to small and independent companies.

But I think the question that really concerns us is why we ought to be providing these kinds of tremendous tax advantages for the majors who are already immensely profitable.

Finally, let me say on this matter—and the Senator from Oklahoma has been kind and generous with his time—that in terms of an increase in the cost of oil, we have a number of tankers in the United States that are mothballed. I do not see why we should be reluctant to permit the U.S. Navy to make contracts with private industry on a contract basis and let those tankers start moving into the trade field rather than having these tankers in mothballs. Why should these tankers not be made available to private industry for the transportation of oil so that hopefully we might bring the price of oil down? Certainly we ought to be able to hold it where it is—but what equity requires is that it be brought down.

We in New England are looking for initiative, creativity, and sensitivity with respect to the problems we are facing. As I mentioned earlier, the consumers in that part of the country have really experienced some of the cruel results of these extraordinary increases in the cost of oil.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator from Oklahoma be permitted to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I yield now to the Senator from Wyoming.

Mr. HANSEN. Mr. President, if I may respond to the Senator from Massachusetts, let me say that his suggestion about exploring the use of Navy tankers may have merit. I have no objection to it at all. I simply observe that the responsibility for doing this and for not having used these tankers previously cannot be laid at the door of the oil industry.

The point that I wanted to make—and I hope that I have made it—with respect to the foreign situation, is that many influences have been at work. It cannot fairly be charged that the events that brought about the increase in the price of imported crude from the Mideast was the result of the insatiable appetite of the American oil companies for profit.

Foreign governments are taking a bigger share of the profit, and they will keep on taking a bigger share. They are doing everything they can to see that they get everything possible out of oil produced in their countries.

Mr. BELLMON. Mr. President, as a former Governor of the State of Woming I am sure that the Senator shares my feelings. I do not blame those countries which have oil resources—the only resource they have—for seeing that those resources bring the highest price they can obtain. If they allow those resources to be mined and exhausted without improving the living conditions of their people, they will then be in a position where there will no longer be income from them. Once those wells are dry, there is no more oil or gas.

If the foreign countries do not make an improvement in the lot of their citizens, they will then be in a terrible situation.

This country is wrong in trying to force down the prices to bargain basement levels. We ought to be fair with those countries.

The charts that I have seen show that the production of oil in this country may go up 14 percent and that the level of the imports may come up 18 percent. The problem is that we cannot open up the market so rapidly that we destroy the domestic industry and become totally dependent on the foreign market which is most undependable, as I am sure the Senator agrees.

Mr. HANSEN. Mr. President, the Senator from Oklahoma has underscored one of the fallacies in the President's task force study. They assumed that the price of foreign oil was going to stay just where it was, at a low price. They assumed that we could not only import oil, but could also levy a tax on that oil. To show how far out the task force was, they said that we would not only save the American consumers $5 billion, but that we could replenish the American treasury by adding on a tax. How wrong they were. The price of foreign crude delivered to American shores has increased two, three, or four times.

Mr. BELLMON. Mr. President, if we were to bring in all of our oil that we use from foreign sources, it would cost the American consumers about $11 billion more than if we were to use domestic sources.

Mr. HANSEN. It would not save anything.

Mr. BELLMON. The Senator is correct. That argument is totally without foundation.

I might also say that my reason for having concern for the foreign governments is because my State has been depleted of petroleum for the benefit of other parts of the country. Some of those who were once rich are now impoverished.

Seminole County, which has produced several billions of barrels of oil over the years, has many of its citizens now on welfare.

It seems to me that the countries having these resources are irresponsible unless they do use them to the best advantage of their citizens.

Mr. HANSEN. Mr. President, I thank my colleague.

Mr. BELLMON. Mr. President, I now yield to the Senator.

Mr. DOLE. Mr. President, I support the suggestion made by the Senator from Oklahoma for the creation of a Joint Committee on Energy. I recognize the very difficult problem faced by the President and the very difficult problem faced by those of us who represent oil-producing States. Therefore, I believe that the creation of such a committee, not just for another study, but for basic suggestions on the entire question of imports and prices, would be of great benefit.

I might say that the independent oil industry in Kansas, Wyoming, Oklahoma, and other States would welcome the creation of such a committee.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, a statement I submitted to the Office of Emergency Preparedness to be considered in their investigation of the recent increases in crude oil prices.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BOB DOLE

Pursuant to notification published in the Federal Register for November 17, 1970, the purpose of this statement is to set forth views with respect to the announced investigation of increased crude oil and petroleum product prices initiated by Gulf Oil Corporation on November 11.

This investigation fulfills the legal obligation of the Office of Emergency Preparedness under Section 232 of the Trade Expansion Act of 1962, which requires "surveillance" of prices for any item subjected to import controls under that section.

The purpose of the surveillance requirement is to establish whether price increases are necessary to accomplish the security objectives of Section 232. This being the primary question, my statement will be concerned first, with the vital necessity of permitting an economic climate in which adequate petroleum fuels (oil and natural gas) will be found and developed, and secondly, with the depressed conditions of the petroleum producing industry in my State of Kansas.

THE ISSUE: ECONOMIC INCENTIVE

The issue involved in this investigation is best described by a brief excerpt from testimony before the Mines and Mining Subcommittee of the House Interior and Insular Affairs Committee, by the Honorable Hollis Dole, Assistant Secretary of Interior for Minerals:

"I have (tried to) emphasize a crucial point: namely that unless we take prompt and substantial action, we shall pass from a period of energy sufficiency into a period of general energy insufficiency. There is a general recognition among knowledgeable people that at presently indicated rates of discovery, it is highly unlikely that our gas supply will be able to keep up with the demand over the next several years. But it is not only gas that is in dwindling supply: in five years out of the past nine, we have failed to replace as much oil as we withdrew from our proved reserves. We are uncomfortably close to the limits of our capacity to produce electricity.

"For the past two years, we have consumed and exported more coal than we mined, with the result that electric power plants are now operating with a 70-day supply of coal instead of the 90-day supply they customarily maintain.

"Yet the impending reductions in energy supply is an *economic condition*, not a physical one. The fact is that we have enormous resources of hydrocarbon fuels—solid, liquid and gaseous—that are available to us any time we care to undertake the cost and effort to find, extract and produce them."

The critical decline in petroleum exploration, drilling, reserves and producing capacity can be attributed—as Secretary Dole made clear in this statement—to insufficient economic incentive. Investment incentive in a high-cost, high-risk activity such as petroleum exploration within our economic system results from one primary consideration: reasonable expectation that successful ventures will result in an economic return that justifies the investments. It is all too apparent that incentives have not only been inadequate but have been declining since the mid-1950's. As a result, domestic exploration and drilling is now in its 14th year of decline and the United States faces the prospect of real and critical shortages in essential energy supplies. Should the nation be confronted with irreversible shortages, it clearly will be a result of the short-sighted policies of the Federal Government.

These adverse policies, I am convinced, include the unrealistic federal regulation of natural gas prices since 1954, an oil import policy characterized by almost constant uncertainty, and singling out of crude oil price increases as inflationary.

PERTINENT QUESTIONS

In assessing the security justification for improved economic conditions based upon the price function, the government should carefully weigh these very pertinent questions:

1. Are the announced price adjustments reasonable in relation to petroleum exploration and drilling costs and in relation to other wholesale raw materials prices?

2. Under federal policies that seek to depress prices with the result of further undermining domestic exploration and development, what will be the prices for alternative supplies?

3. If the national security requires reasonable self-sufficiency in essential fuels, a basic assumption of federal policies for many years, what alternative energy sources hold promise of lower cost than our conventional oil and gas resources?

Some provide an almost automatic but highly questionable answer to the first question, by asserting that any increase in domestic fuel prices is unjustified irrespective of supply and demand conditions, costs, or any other factor that normally is given weight in economic decision-making. To this school, the answer is very simple, if both impractical and dangerous: remove import controls, or outlaw state conservation practices, or both.

These apparently simple solutions, coupled with promises of great "savings," have great appeal for the consumer. Unfortunately, they ignore the basic issue of how and whether the United States is to revitalize the petroleum industry in order to insure reasonable self-sufficiency.

The question boils down, very simply, to this: do we as a nation want an adequate supply of oil and gas within our own control? If so, are we willing to pay the price that will encourage the investment of necessary capital and technology?

DOMESTIC CRUDE OIL PRICES

Dr. James McKie, the chief economist for President Nixon's Cabinet Task Force on Oil Import Controls commented in the OIL DAILY on August 7, 1970, that "If a U.S. real base price of $4 or more per barrel were necessary to guarantee minimum 'secure' coverage of U.S. (oil) needs, that result would then be consistent with the objectives of the recommended import policy."

It is clear from this assessment that Dr. McKie believes the nation's vital interest lies in maintaining "secure" petroleum supplies, even at real U.S. prices of $4 per barrel or more.

The statement by Dr. McKie was made in June, 1970, although not published until August. It was well before the publicity about $3-a-barrel tanker rates which resulted from the rupture of the Trans-Arabian Pipeline and oil production curbs in Libya. It was also before the pressure in the world markets which led to a doubling, almost overnight, in the prices for residual fuel oil. These events nevertheless reinforced the wisdom of Dr. McKie's statement.

Cheap foreign oil, it is clear, will be cheap only until we cannot do without it. This fact now has been made abundantly clear by the overnight increase in residual fuel prices for our industrialized East Coast, which is more than 90 percent dependent for this fuel on foreign countries. The situation with respect to residual fuel which enters this country under an "open door" policy is a clear forewarning of what we can expect as to all our petroleum products if we choose deliberately to pursue policies of increased dependency on foreign supplies. One proposed means of forcing down domestic crude oil prices, removing oil import controls, would be self-defeating. It would, at this time, get no more foreign oil. It would further depress the domestic industry and we would get far less domestic oil.

The dollar received from crude oil and natural gas at the wellhead is the primary source of funds for exploration and development of both oil and gas. Since my state of Kansas contributes significantly to the nation's gas supplies, I believe it is important to recognize that government actions to control or limit prices of either oil or gas results in less supply of both. With natural gas shortages already a fact, particularly for industrial uses, the impact of inadequate crude oil prices on future gas supplies is a consideration of vital importance.

CONSUMER INTEREST

The question of the consumer's interest in sufficient gas supplies at reasonable prices, is, therefore, much involved in the question at issue here. What are the alternative costs confronting consumers as domestic gas supplies dwindle and our dependence for this vital energy source is shifted to sources other than domestic supplies?

One alternative to expanded domestic gas supplies would be liquefied natural gas, imported from North Africa. The price of this imported gas for the Northeast, it is estimated, would be $1.70—more than a dollar per MCF higher than delivered domestic supplies.

Both the risks and costs of foreign supplies of oil and natural gas add up to a highly questionable alternative for U.S. consumers. Domestic prices adjusted upward to assure increased domestic supplies would be in the long-range best interest of the consuming public. In fact, changes in consumer prices for petroleum have been infrequent and moderate. They have lagged far behind the rising costs of exploration, drilling and development and have reflected a stability that has been common to few other major commodities under the inflationary conditions of the past decade.

COST-PRICE SQUEEZE

In addition, crude oil prices have trailed far behind the major items of cost involved in domestic oil and gas exploration and development. In 1969, for example, the average U.S. crude price was less than four percent above the government's base years for measuring price behavior, 1957–59, while oilfield wages were up more than 40 percent and oilfield machinery almost 24 percent in the same period. In contrast to the insignificant rise in crude prices, the wholesale price for all commodities rose 13 percent from the 57–59 base years to 1969.

Because domestic exploration takes place in remote areas and drilling must be deeper than in the past, this further contributes to the cost-price squeeze.

If adequate domestic fuels are important in a security sense, then this cost-price squeeze is germane to our defense policies. But a dependable energy supply goes beyond the military requirements in a war situation, as we have learned only too well with respect to residual fuel oil.

Security against getting cold is important to the American people. Security against losing a job in a plant that is idled for want of fuel is equally important. The best and cheapest security is the domestic petroleum industry—but we must recognize that domestic supplies of oil and gas cannot be found and developed at 1970 costs, and sold at less than 1960 prices.

My principal concern is that this government not discourage reasonable price changes for fuels that will further aggravate the drift toward "general energy insufficiency" alluded to in Assistant Secretary Dole's statement. It is clear that our great need is to reverse the decline in petroleum exploration and development, not to aggravate that decline.

KANSAS OIL AND GAS PRODUCTION

Aside from the broad question of maintaining secure supplies of essential fuels for the nation as a whole, I am deeply concerned about the impact of inadequate economic incentives on the oil and gas producing industry in Kansas. Petroleum is the second most important industry in our state, exceeded only by agriculture.

Kansas is the province of the small, independent producer. Two-thirds of our production is in the "stripper" class, producing 10 barrels or less per day. Some 35 percent of this marginal production comes from secondary recovery projects, such as waterfloods, installed at great cost.

An adequate price for crude oil not only would stimulate new exploration activity in deeper and still unexplored areas, but would assure recovery of hundreds of millions of barrels of oil obtainable only through costly secondary recovery techniques. Government actions that singled out the oil producing industry to prohibit nominal price increases that are overdue by every reasonable economic standard would have a devastating, demoralizing effect on this essential industry. Even worse, it would hasten the day of artificial, unnecessary and perhaps irreversible shortages of oil and gas. I urge that these factors be carefully weighed in the government's deliberations.

Mr. BELLMON. Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 336. An act to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding $500,000 in aggregate amount, from the provisions of such act;

S. 1079. An act consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes;

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands; and

S.J. Res. 230. Joint resolution extending the duration of copyright protection in certain cases.

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs;

S. 437. An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes; and

S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes.

The message further announced that the House had passed the bill (S. 3431) to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 2) authorizing acceptance for the National Statuary Collection of a statue of the late Senator E. L. Bartlett, presented by the State of Alaska.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 15188. An act to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft;

H.R. 16498. An act to permit the sale of the passenger vessel *Atlantic* to an alien, and for other purposes;

H.R. 17582. An act to amend the peanut marketing quota provisions to make permanent certain provisions thereunder;

H.R. 18012. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations;

H.R. 19401. An act to extend for one additional year the authorization for programs under the Vocational Rehabilitation Act;

H.R. 19402. An act to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library;

H.R. 19576. An act to establish the National Advisory Committee on the Oceans and Atmosphere;

H.R. 19846. An act to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets; and

H.R. 19877. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Acting President pro tempore (Mr. ALLEN):

H.R. 1160. An act to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park;

H.R. 2876. An act for the relief of the Beasley Engineering Company, Inc.;

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, Calif., and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation;

H.R. 8573. An act for the relief of Mrs. Margaret M. McNellis;

H.R. 12958. An act for the relief of Central Gulf Steamship Corp.;

H.R. 13934. An act to amend the Act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes;

H.R. 15770. An act to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes;

H.R. 18679. An act to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes;

H.R. 19000. An act to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe;

H.J. Res. 1077. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association; and

H.J. Res. 1411. Joint resolution correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 15188. An act to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; and

H.R. 19576. An act to establish the National Advisory Committee on the Oceans and Atmosphere; to the Committee on Commerce.

H.R. 18012. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; to the Committee on Foreign Relations.

H.R. 19401. An act to extend for 1 additional year the authorizaton for programs under the Vocational Rehabilitation Act; to the Committee on Labor and Public Welfare.

H.R. 19402. An act to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library; to the Committee on Agriculture and Forestry.

H.R. 19877. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; placed on the calendar.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. McGovern). Under the previous order, there will now be a brief period for the transaction of routine morning business with the statements therein limited to 3 minutes.

EMERGENCY STRIKE LEGISLATION

Mr. GRIFFIN. Mr. President, it has become necessary for President Nixon to request special legislation to extend until January 23, 1971, the legal prohibition against a national rail strike.

The unions involved have announced their intention to strike at 12:01 a.m., Thursday, December 10, 1970.

It seems obvious that once again Congress finds itself in a situation where it has no realistic choice except to approve special emergency legislation, if we are to avert a national disaster.

However, this occasion should not pass without pointing again to the failure of Congress to face up to the need for general legislative reform in the labor management area and, particularly, the failure of Congress even to consider the legislative recommendations advanced by President Nixon with reference to national strikes in the transportation industry.

It will be recalled that early this year, on February 27, President Nixon sent to Congress proposed legislation directed toward this goal.

Since then, the Nation has witnessed four different crises in the railroad industry which have dramatically underscored the urgent need to enact legislation such as President Nixon proposed early this year.

The first a strike threat similar to the one we face now—came to a head only 4 days after the President proposed—and the junior Senator from Michigan introduced—the Emergency Public Interest Protection Act of 1970. At that point, in order to give Congress adequate time to consider general legislation, the President asked Congress for special limited emergency legislation to deal with the specific nationwide rail shutdown then threatened.

At that time the administration had already exhausted the emergency strike procedures of the Railway Labor Act, the law which regulates labor-management relations of railroads and airlines.

Under that existing law, the President can delay for 60 days a rail or airlines strike or lockout which threatens to halt essential transportation services. He does this by appointing an Emergency Board to study the positions of both parties and to recommend a settlement. With the existing law, if the 60-day period ends without a settlement, the President has no options available except to let a strike occur or to request special legislation from Congress.

Subsequently, on July 7, the President was forced to invoke the 60-day delay in order to prevent a nationwide rail stoppage revolving around an 11-year-old dispute concerning railway firemen.

No settlement was reached during the 60-day period, but under Government urging, the parties to that dispute extended their negotiations voluntarily. Another crisis developed when the no-strike prohibition expired on Thursday, September 24. At that time, a strike was again narrowly averted with a last minute 2-week extension.

Labor Secretary Hodgson has announced renewed mediation to resolve the issue. But, if a strike or lockout should occur, we will have no legislative machinery left to deal with it. The only recourse will again be congressional action.

The third crisis occurred 2 months ago when the President again delayed a rail strike by invoking the 60-day emergency provisions. Although Federal mediators worked long hours to help the parties reach a settlement, their efforts were fruitless. Reluctantly, the President was forced then to intercede to protect the national welfare.

The fourth event or crisis faces us now. The 60-day period is about to elapse and the President once again has been forced to ask Congress for special legislation to avoid a nationwide emergency strike.

Thus, in the short space of 9 months, the Government has had to intervene four times in rail disputes in order to avert disastrous rail strikes. This is a shocking record. Unfortunately, however, this record was altogether predictable. The history of America's railroad labor-management relations is filled with similar instances of breakdowns in collective bargaining.

Since the passage of the Railway Labor Act 45 years ago, the law's emergency provisions have been invoked an average of four times a year. Work stoppages at the end of the 60-day cooling-off period have occurred at the rate of more than one a year since 1947. Three times—in 1963, 1967, and earlier this year—Congress has been faced with the urgent necessity of passing special legislation to avert a damaging strike. Today we are called upon to do it again.

What has prompted these dismal developments? Why have negotiators in the railroad industry so often been unable to solve their own differences without Government intervention?

The President answered these questions when he proposed the Emergency Public Interest Protection Act. As he pointed out, the Railway Labor Act actually discourages genuine collective bargaining.

Existing procedures for the establishment of an Emergency Board when a strike is threatened have operated too often to give both sides a chance to unload their responsibility for hard bargaining.

Under existing law, the parties know they can bargain halfheartedly until the strike deadline. They can almost count on the appointment of an Emergency Board to take over, and each side then nurtures the hope that the recommendations of the Board will strengthen its own bargaining position.

As the President has noted, emergency procedures which were originally designed to be a last resort have now become almost a first resort.

This fundamental flaw in our railroad industry collective bargaining machinery must be corrected. Otherwise, the old pattern will continue—crisis will follow crisis, in each the negotiators will be unable to reach a settlement, the Nation will be brought to the brink of a crippling strike, and the President and Congress will be forced to intervene.

The President's proposed Emergency Public Interest Protection Act of 1970 is grounded on two of this Nation's most important labor-management ideals.

The first is that bargaining should be as free as possible from Government interference. This philosophy is based both on democratic principle and on pragmatic considerations of how the collective bargaining system works best.

The second ideal underlying this proposal is the firm belief that America's citizens must be protected from widespread damaging work stoppages that would imperil their health and safety as well as the well-being of the Nation.

It is clear that these two ideals can conflict—that intervention may be necessary in order to protect the public interest. But this proposal is structured to provide maximum public protection with minimum Government interference in emergency disputes in our vital transportation industries.

The proposal would cover emergency disputes in the railroad, airline, trucking, maritime, and longshore industries. I have already cited the urgent need for improving dispute machinery under the Railway Labor Act which applies to the airlines and railroads. There are also flaws in the existing law as it applies to disputes in the maritime, longshore, and trucking industries.

Disputes in the maritime, longshore, and trucking industries are now covered by the emergency provisions of the Taft-Hartley Act, under which dangerous strikes or lockouts can be enjoined for an 80-day cooling-off period.

Since this law was passed in 1947, the emergency provisions have been invoked 29 times. In more than a fourth of these cases, eight of the 29, a strike or lockout occurred after the 80-day cooling-off period. All of these stoppages were in transportation industries.

The proposed Emergency Public Interest Protection Act would make all transportation industries subject to the Taft-Hartley Act—a law which, though imperfect, has been far more successful than the Railway Labor Act.

The administration's proposal would also broaden and strengthen the Taft-Hartley Act by giving the President three new options for dealing with transportation disputes in cases where no settlement is reached and where the national health and safety is again threatened after the 80-day cooling-off period.

The first option would allow the President to extend the cooling-off period for as long as 30 days. This would be an especially attractive alternative if the dispute appeared to be close to settlement.

The second option would permit partial operation of the affected industry. In such a case the strike or lockout could continue in part, but danger to the national welfare would be minimized by keeping essential segments of the industry in operation for up to 6 months.

The third option would involve the process of "final offer selection." Under this alternative, each of the parties would be given 3 days to submit one or two final offers. The parties would then have an additional 5 days to bargain concerning these offers. If no agreement were reached, a panel of three neutral members would, after formal hearings, choose one of the final offers as the binding settlement.

This option would guarantee a conclusive settlement without a work stoppage. Such a procedure would provide a strong incentive for labor and management to reach an agreement. Neither side could afford to hold to an extreme position, since such a stand would almost force the panel to accept the offer of the other side.

I believe that the Emergency Public Interest Protection Act is a sound proposal. It is based on democratic and pragmatic beliefs which lie at the root of our Nation's collective bargaining system. It would eliminate the Railroad Labor Act which has proven ineffective time and time again. It would encourage bargaining responsibility in our vital transportation industries. And it would provide enough options to deal effectively with emergency disputes.

Despite the soundness of this proposal, however, it has languished in the committees of Congress. And as it lies neglected, our newspapers and news programs continue to report new rail strike threats, new negotiation deadlocks, and new emergency boards.

Mr. President, in my remarks I have tried to outline and detail the various crises which have occurred since President Nixon advanced his legislative proposal to provide more effective tools in dealing with situations such as the one that confronts the Nation now. Whatever those in Congress may think of the merits of President Nixon's proposal, I think there has been an unanswerable and inexcusable failure on the part of Congress and its committees even to consider and to hold hearings on such an important legislative proposal by the President of the United States.

Somehow or other the committees of Congress having jurisdiction seem to find time to deal with other pressing problems facing the Nation. But when it comes to the need for updating, revising, and streamlining the procedures and tools available for dealing with national emergency strikes, the committees appear to have turned their heads—at least so far as this session of Congress is concerned.

As the sponsor of the administration's proposed legislation in the Senate, and particularly in light of the crisis the Nation faces now, I call once again upon the Senate's Committee on Labor and Public Welfare to deal expeditiously not only with the emergency request which President Nixon now places before us, but to resolve to consider as early as possible in the next session the President's proposals in this important field.

Mr. KENNEDY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator, I think, has quite legitimately pointed out the responsibilities of Congress in directing its attention to this problem of national emergency strikes involving railroads and other means of transportation.

I wonder if my friend and colleague feels that there is a role for the executive branch at this time, as well, to utilize its own good offices under the leadership of the White House, to represent the overriding national interest, and to exercise the great majesty and power of the office of the President in attempting to cope with this immediate problem.

I wonder if my friend and colleague from Michigan feels that there is some occasion at this time for such action by the President?

Mr. GRIFFIN. Of course, I am not familiar with every action and every detail of the efforts made on the part of the administration in connection with these negotiations, but it is my impression from everything I do know that the President and the administration have worked very diligently and very hard. In particular, the Secretary of Labor has burned the midnight oil working with the parties involved and he has done everything within his power in a realistic way to try to bring about a settlement.

I do not know if there is any more that can be done. If so, I would join in the suggestion of the Senator from Massachusetts.

We have seen this kind of a situation before—not only under this administration but under previous administrations as well—where everything possible had been done and the position of the parties is adamant. We have been confronted on other occasions in the past where there was no choice except to enact special legislation.

It appears to be that kind of a situation again—no choice, other than to pass the emergency special legislation request which, of course, only serves to put off the problem.

Mr. KENNEDY. As I recall President Johnson himself brought the parties to the White House on a number of occasions in such situations. I also remember he asked the labor committees of the House and the Senate to discuss the airline strike with him 4 years ago.

In the President's message of December 7, he refers to existing Government procedures being used to bring about a settlement of this dispute. He states that the negotiations between the parties have failed to show any progress, and he refers to the imminence of the railroad strike. There is very little in the statement to indicate the personal kind of intervention which I think can be of importance and significance in a situation like this.

I do not by any means suggest that the President should become the final arbiter in every strike situation. The Senator from Michigan has pointed out the responsibility of Congress to address itself to this matter. But in terms of the immediate problem with which we are confronted, I gather from the response of my friend, the Senator from Michigan, that he feels every effort should be made by the President, as well, in terms of the President's personal intervention to bring the parties together and the use of the full resources of his office in attempting to reach a settlement.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, if I may respond, I think the suggestion of the distinguished majority whip is quite clear. He suggests that the President have the parties to the White House. That may or may not be a good suggestion, or useful advice. I am sure that would be a suggestion for the White House to respond to rather than the junior Senator from Michigan.

There are times and circumstances when such intervention might be appropriate and useful; and I believe the President, with the advice of the Secretary of Labor, will have to make that judgment.

Certainly, as the Senator from Massachusetts has pointed out, the President cannot be the final arbiter or mediator in every labor dispute.

Several Senators addressed the Chair.

Mr. KENNEDY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Florida.

Mr. GURNEY. Mr. President, I have followed the colloquy with interest. I do not know any better than the distinguished Senator from Michigan what the White House has in mind so far as personal intervention is concerned. I wish to point out that in a previous crisis when I served in the House of Representatives under the previous administration, all kinds of personal intervention on the part of the President of the United States in connection with a rail crisis similar to the one we have now did no good at all and at the last minute Congress had to provide national rail legislation.

Perhaps partially in answer to the Senator from Massachusetts it might be suggested that the President incumbent does not want to move in that direction because it has failed in the past.

I believe another observation should be made. Certainly the work done by the Department of Labor in these various disputes in this administration has been extremely important. What this administration is trying to do is to work quietly behind the scenes, if one wishes to call it that, through its Department of Labor, to deal with strikes.

I know of two instances in my State. We had an airline strike last year involving National Airlines, and the dispute involving the power and light company. The Labor Department worked day in and day out, week in and week out, in an attempt to help out in bringing the parties together and eventually they did. This is the way the administration is working; so, indeed, the executive department is not saying, "Hands off. We are not trying to help in all these big labor disputes." They are trying to help but through the departments and agencies of Government that are designed to be of assistance in labor crises; that is, the Department of Labor.

I wish to say to the distinguished Senator from Michigan that I agree the time is long past when the committees of Congress must share their responsibility in connection with the executive branch of Government.

We ought to try to come to grips with the highly unsatisfactory labor strife in this country. It has always been a mystery to me why our great industrial Nation has not been able to dispose of some of the labor problems and disastrous confrontations like the one we are faced with and like the General Motors strike of a short time ago. We ought by now to have grown up and have become matured enough to come to grips with such matters, so that our great Nation can have a more stable labor and economic policy. Certainly we as legislators have a responsibility in this respect. I am glad that the Senator from Michigan (Mr. GRIFFIN) has reminded us of it.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I may have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. I now yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think that two facts remain clear from this exchange. One is that Congress obviously bears a responsibility in providing some kind of procedure to deal with national emergencies of this nature. Second, and what remains equally clear, is that we do not really know what the administration or the President has done personally to utilize his offices to meet this crisis. The distinguished Senator from Florida is uncertain whether the administration is doing something or is not doing something. My friend from Michigan is equally uncertain, as I am, and as I think most Americans are.

Whether or not President Johnson was successful at the time he brought in the union leaders and the railroad officials, when previous railroad strikes were imminent, the fact remains that by bringing them into the White House he highlighted the problem and pointed out what was in the national interest. That was important and useful in terms of clarifying the situation.

I must say that I share fully what I think was the splendid statement that was made by the majority leader only yesterday, when he said that obviously—and I am paraphrasing his comment—Congress will meet its responsibilities, but that we would certainly hope during this period that the President would meet his. If he does not want to intervene in this dispute personally, but wants to place the burden completely on Congress, we ought to know that, and the American people ought to know it. Obviously, we will meet our responsibilities. But I share the view that the President bears a responsibility in this area and that he has the great resources of public opinion that can be marshaled in looking out for the national interest. I join the majority leader in urging the President to do so.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GRIFFIN. Mr. President, I know that the distinguished Senator from New York is eager to address himself to the same subject, so I shall yield the floor and let him obtain the floor in his own right.

ORDER OF BUSINESS

Mr. JAVITS obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from New York allow me to have the Senate proceed to pass some unobjected-to items on the Calendar? I have been waiting patiently for an opportunity to do so.

Mr. JAVITS. Even if the majority leader had been waiting impatiently, I should be pleased to yield to him for that purpose.

AMENDMENT OF THE EXPEDITING ACT

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 12807.

The PRESIDING OFFICER (Mr. McGOVERN) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 12807) to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HART, Mr. ERVIN, and Mr. HRUSKA conferees on the part of the Senate.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1417, 1418, 1421, 1422, 1423, 1424, and 1425, in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMDR. JOHN N. GREEN

The bill (H.R. 2477) for the relief of Comdr. John N. Green, U.S. Navy, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1405), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Comdr. John N. Green, U.S. Navy, of Santa Barbara, Calif., of all liability to repay to the United States the sum of $8,079.55, representing overpayments of active duty compensation received by him for the period from June 1, 1951, through June 30, 1957, while he was serving as a member of U.S. Navy, which were made through administrative error in overcrediting service to him for pay purposes.

STATEMENT

The House of Representatives in its favorable report on H.R. 2477 relates the following:

The Department of the Navy in its report to the committee on a similar bill in the 90th Congress stated that it had no objection to the enactment of the bill.

Comdr. John N. Green had enlisted service in the U.S. Navy from July 14, 1944, to June 21, 1946. He then enlisted in the U.S. Naval Reserve on June 22, 1946, and served until June 11, 1947, when he entered the U.S. Naval Academy as a midshipman. Commander Green graduated from the Naval Academy and was commissioned as an ensign on May 31, 1951. Shortly after his entry on active duty as a commissioned officer, the Bureau of Naval Personnel erroneously credited Commander Green with prior enlisted services from July 14, 1944, until May 31, 1951. His pay entry base date was established at July 14, 1944. This overcredit of service apparently was due solely to an administrative error committed by the Bureau of Naval Personnel.

Because of a discovery that a number of officers in the past had been erroneously credited with longevity for their time spent as midshipmen at the Naval Academy, the Bureau of Naval Personnel in the past year conducted a check to verify the pay entry base date in the records of captains and senior commanders. As a result of this check the error in Commander Green's record was discovered. Following the discovery of the error, Commander Green's pay entry base date was correctly reestablished as July 4, 1948.

The overpayment in this case apparently resulted from Commander Green's mistaken belief that he was entitled to credit for pay purposes for his Naval Academy time. There is no reason to believe other than that Commander Green was acting in good faith. For this reason, the Department of the Navy has no objection to the enactment of the proposed legislation relieving him of liability to the United States.

The committee has carefully considered this matter and secured additional information concerning the circumstances of the crediting of prior service in this instance. As has been noted, this officer had had prior active duty as an enlisted man in World War II. Following the war he enlisted in the Naval Reserve. This time was properly creditable for longevity purposes. The case is not merely one in which Academy time was alone involved. It was a question of crediting all prior service. As was indicated in the Navy Department report, the investigation by the Navy disclosed there was no evidence of bad faith on Commander Green's part. The committee is satisfied that the officer was not aware of the error, and its discovery after a 16-year interval has obviously imposed an unfair burden on him.

The Navy report suggests the addition of another individual to the bill so as to grant relief in a similar case. However, the committee has not had an opportunity to review the circumstances of that particular case, and therefore has decided not to make the amendment.

The committee after a review of the foregoing concurs in the action taken by the House of Representatives and recommends that the bill, H.R. 2477, be considered favorably.

LAWRENCE BRINK AND VIOLET NITSCHKE

The bill (H.R. 4634) for the relief of Lawrence Brink and Violet Nitschke, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1406), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Violet Nitschke the balance of the amount owing on a $6,700 judgment against Lawrence Brink, an Army Department employee, in full satisfaction of her claims against the employee and against the United States in full satisfaction of the judgment. The bill provides that the amount paid to Violet Nitschke shall be reduced by any amounts paid on the judgment by Lawrence Brink and that he be paid an amount equal to the amount he has paid on the judgment.

STATEMENT

The House in its favorable report on H.R. 4634 relates the following:

"The Department of the Army in a report to the committee on a similar bill in the 90th Congress indicated that it favored enactment of the bill. The bill in the current Congress, H.R. 4634, embodies the suggestion of the Army report that Mr. Brink be paid an amount equal to the sum he has paid on the judgment and that a provision be included reducing the amount to be paid to Mrs. Nitschke.

"On the morning of June 9, 1959, while driving a Government truck on official Government business, Mr. Brink struck a car driven by a Mr. James E. Srstka, Jr., causing it to collide with Mrs. Nitschke's car. At the time of the accident, Mrs. Nitschke had stopped to make a left turn into a motel. Mr. Srstka had stopped behind her.

Mr. Srstka filed a claim with the Omaha District, Corps of Engineers, in the amount of $415.47. This claim was administratively settled under the Federal Tort Claims Act upon a determination that Mr. Brink was negligent, that his negligent act was the proximate cause of the damage suffered by Mr. Srstka and that at the time of the accident, Mr. Brink was a Government employee acting within the scope of his employment.

As is noted in the Army report, Mrs. Nitschke could have sued the United States under the provisions of the Federal Tort Claims Act for the damages she suffered in the accident. She could not, however, today since her claim is barred by the statute of limitations. Any judgment she might have recovered in such an action would have been paid by the United States which would have had no right of indemnification therefor against Mr. Brink. In addition, such a judgment would have been a complete bar to any other action by Mrs. Nitschke against Mr. Brink based on the accident. Accordingly, if Mrs. Nitschke had proceeded under the Federal Tort Claims Act, Mr. Brink would have been relieved of all financial liability arising out of the accident.

Mrs. Nitschke did not, however, proceed under the Federal Tort Claims Act either administratively or by suit, although it was apparently suggested to her that she do so. Instead, she sued Mr. Brink in a State court and was apparently awarded a judgment against him in the amount of $6,700. Mr. Brink bore the cost of defending this suit and the burden of satisfying the judgment rests upon him and not upon the United States. The Army specifically noted in its report that as a result simply of the choice of a forum, over which he had no control, Mr. Brink suffered a heavy financial blow.

Subsection (c) of section 1 of the bill provides 25 percent for attorney's fees for the amount paid under the authority of that section. This is the same percentage fixed in section 2678 of title 28 of the United States Code which applies to attorney's fees in connection with judgments in tort claims actions against the United States.

The Federal Tort Claims Act was amended in 1962 to remedy this situation. But Public Law 87-258, Federal district courts were made the exclusive forum for suits growing out of motor vehicle accidents involving Federal employees acting within the scope of their employment, and a suit against the Government was made the only available remedy. Mr. Brink, however, did not benefit from this amendment since section 2 of the act provides that any rights or liabilities existing at the time the act became effective were not to be affected. Mr. Brink is currently employed by the U.S. Army Engineer District, Omaha, as a maintenance foreman. Since the accident, which is the subject matter of this bill, he has not been involved in any accident.

As was observed, the Department of the Army has indicated that it favors enactment of a bill for Mr. Brink's relief in view of the facts outlined above. The committee feels that the language contained in the present bill will effectuate the suggestions of the Army regarding recognition of amounts paid in partial satisfaction of the judgment. The committee agrees that relief in this instance is consistent with the purposes and policies of the 1962 amendments to the Federal Tort Claims provisions of title 28 of the United States Code which were intended to protect Government drivers such as Mr. Brink.

The committee after a review of all the foregoing concurs in the action taken by the House of Representatives and recommends that the bill, H.R. 4634 be considered favorably.

MRS. RUTH BRUNNER

The bill (H.R. 9488) for the relief of Mrs. Ruth Brunner, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1409), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that a claim filed by Ruth Brunner in 1959, shortly after the death of her husband, the late Harry Brunner, also known as Henry Bruner, is to be recognized as a valid and timely claim by the widow for benefits under the veterans' laws.

STATEMENT

In its favorable report on the proposed legislation, the House Judiciary Committee set forth the facts in the case as follows:

"In November of 1959, Mrs. Ruth Brunner filed a claim for widow's benefits under the veterans' laws. In connection with her claim, she filed a copy of a death certificate, a child's birth certificate, and other related papers. As is outlined in the Veterans' Administration report, the problem encountered by Mrs. Brunner was that he had served in the military service under the name of 'Henry Bruner.' The Veterans' Administration, as is noted in the second paragraph of this report, has taken the position that she failed 'to make a timely complete application.' The information submitted to the committee indicates that Mrs. Brunner's late husband used the name 'Harry' and she married him under that name. Furthermore, the death certificate issued following his death was issued in the name of 'Harry Brunner.' The Veterans' Administration report itself indicates that the name 'Harry Brunner' was adopted by the veteran upon moving from Pennsylvania to Georgia in the 1920's. When he and Mrs. Brunner were married on March 10, 1947, as has been noted, he was using the name 'Harry Brunner.'

"On this state of facts the committee has concluded that the widow has been unfairly denied veterans' benefits through circumstances beyond her control. She made a timely application and the confusion as to the name has served to bar benefits to her for an extended period.

"When it is considered that the benefits provided in the law to widows are intended for individuals such as Mrs. Brunner, to conclude on this state of facts that somehow she is responsible for her failure to receive these benefits seems to be unfair. The committee feels that the relief extended by this bill would merely be consistent with the purpose of the law in that it would merely authorize the Veterans' Administration to pay the widow the benefits which would have been available to her had there not been this difficulty concerning the name of the veteran.

"Accordingly, it is recommended that the bill be considered favorably."

The committee, after a review of the foregoing, concurs in the action taken by the House of Representatives and accordingly recommends favorable consideration of H.R. 9488, without amendment.

FRANCES VON WEDEL

The bill (H.R. 10153) for the relief of Frances von Wedel, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1403), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the sum of $35,625.11 to Frances von Wedel, of Staten Island, N.Y., in accordance with the opinion rendered in the congressional reference case, *Frances von Wedel* v. *The United States*, No. 1–67, filed on January 6, 1969, by the Chief Commissioner of the Court of Claims. This amount is to be paid in full settlement of the claims of Frances von Wedel against the United States for the return of money and proceeds of securities vested in, and transferred to, the Attorney General of the United States pursuant to Vesting Order No. 10108 dated November 13, 1947, issued under the authority of the Trading With the Enemy Act, as amended.

STATEMENT

The proposed legislation was passed by the House of Representatives May 23, 1969. The facts of the case as stated in the accompanying House Report No. 91–207 are as follows:

The bill, H.R. 10153, was introduced to provide for payment to Frances von Wedel of the amount recommended in a congressional reference case. The matter was referred to the Chief Commissioner of the U.S. Court of Claims by House Resolution 508 approved September 11, 1967. That resolution provided for the reference of a bill, H.R. 1734, of the 90th Congress to the Chief Commissioner in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code. The report of the Review Panel was made to the Speaker of the House of Representatives by the Chief Commissioner on January 6, 1969. The communication of the Chief Commissioner and the report of the Review Panel are set out as a part of this report.

The report of the Review Panel in the opinion delivered by William E. Day, Presiding Commissioner, recommended that the Congress authorize and direct a payment of $35,625.11 to Frances von Wedel in full settlement of her equitable claim against the United States. It was further determined that Mrs. von Wedel's claim was an equitable claim based on principles of equity and justice in accordance with the standards of the case of *Burkhardt, et al.* v. *United States*, 113 Ct. Cl. 658 (1949).

The facts upon which the determination was made are summarized in the opinion. Mrs. von Wedel, an American citizen, was married in 1931 to Carl von Wedel, a German national living in the United States. In July 1939, they went to Europe because of the illness of his mother. Mrs. von Wedel returned to the United States in December 1939, but he remained in Germany, serving as an officer in the German Army for the duration of the war. Thereafter, he returned to the United States and, reunited with his wife, lived with her until his death in 1952.

In June 1939, before leaving the United States, Mr. and Mrs. von Wedel operated a joint securities account in New York in an amount slightly in excess of $24,000. At about the same time, Mr. von Wedel executed and delivered a power of attorney to a lawyer who was also a personal friend, authorizing the attorney in fact to do for the principal whatever the principal might do for himself. Mr. von Wedel had property other than the joint securities account, and Mrs. von Wedel then (or later) had some property of her own, including a separate bank account.

In 1940, the attorney in fact transferred the joint securities account to the sole name of Mrs. von Wedel, and she made some small additions to the account.

In 1947, the Attorney General of the United States, as successor to the Alien Property Custodian, issued a vesting order taking over Von Wedel property of the value, in liquidation, in excess of $108,000. The vesting included the joint securities account and Mrs. von Wedel's personal bank account.

The opinion of the review panel noted that Mrs. von Wedel filed a suit in the District Court of New Jersey to reclaim the vested property including that which had been given to her by the attorney in fact. The court in that proceeding dismissed the complaint on the ground that it failed to state a claim on which relief could be granted. The findings of fact set out following this report summarize the opinion of the district court and of the court of appeals in that case. It should further be noted that the commission's panel made the express finding that there was no legal claim against the United States. This, of course, is consistent with the previous court determination which, in effect, made a similar finding. The committee was aware of these decisions when the reference was originally made to the Chief Commissioner. The original bill could be regarded as a petition for equitable relief, and the reference in this instance was made to provide a full examination of the case to determine the basis for such relief.

In the congressional reference case proceedings, the opinion notes that the attorneys for the parties agreed as to the portions of the property to which Mrs. von Wedel had an equitable claim. The parties in a stipulation identified these assets and this list is set out in finding No. 5. The items in the list are those which Mrs. von Wedel owned or contributed directly to the accounts actually vested. The list set forth in finding No. 5 is as follows:

1. One-half of the initial investment in the joint securities account	$12,126.88
2. Two contributions made by Mrs. von Wedel directly to the securities account	2,550.00
3. Mrs. von Wedel's proportionate share in the securities account when vested	[1] 15,229.53
4. Money in her personal checking account	3,718.70
Total	35,625.11

[1] The committee has been advised that this figure represents the share of Mrs. von Wedel in the appreciation or increased value of the account at the time of vesting. This figure does not include her share of the initial investment which is set out as item No. 1.

It should be noted that in House Report 591 of the 90th Congress, first session, which accompanied House Resolution 508 of that Congress, it was indicated that the committee desired a full investigation concerning the portion of vested assets which represented the personal earnings of Mrs. von Wedel, the funds in her personal checking account and the proceeds from a joint securities account. The total of these amounts is $35,625.11, the amount stated in the bill. As has been noted, the opinion of the Panel of Commissioners has recommended that Mrs. von Wedel be paid this amount in full settlement of her equitable claim against the defendant. It is recommended that the bill be considered favorably.

The bill contains the customary language limiting the amount of attorneys fees. The amount of the limitation in this case is 20 percent. The committee approves this limitation and notes that this is the limit fixed in the Federal Tort Claims provisions of title 28 of the United States Code. Section 2678 of that title fixes the limit for tort cases going to judgment at 25 percent of the amount of a judgment and for cases involving an administrative settlement, the limit of attorneys fees is fixed at 20 percent. In view of the fact that this matter was the subject of a congressional reference proceeding, the committee has concluded that it is appropriate to fix the limitation at 20 percent.

In agreement with the conclusion of the Chief Commissioner of the Court of Claims and the subsequent action of the House of Representatives, the committee recommends the bill favorably.

STATE OF HAWAII

The bill (H.R. 14684) for the relief of the State of Hawaii was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1410), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The proposed legislation would waive applicable limitations of the Suits in Admiralty Act as well as any prior judgment or the bar of laches to permit the State of Hawaii to bring an action against the United States for damage to a State pier caused by the Bureau of Commercial Fisheries vessel in 1964.

STATEMENT

The facts of the case as contained in the House report (No. 91–1542) are as follows:

The Department of the Interior, in its report to the committee on the bill, stated it has no objection to its enactment. The Department of Justice also stated it has no objection to the bill and further indicated its approval of the provisions of H.R. 14684 to effectuate the purpose of granting to the State of Hawaii the opportunity of presenting its case in court.

On July 15, 1964, because of a failure in the propulsion system, the Bureau of Commercial Fisheries vessel *Townsend Cromwell* collided with another vessel and the State owned pier was damaged. The other vessel was the MV *Neptune* and it was docked alongside berth 104 in the Kewalo Basin. The collision forced the *Neptune* into the catwalk of berth 104, causing it to collapse. The committee has been advised that, because the damage was substantial, it was not feasible to repair the catwalk.

After the collision, on the basis of information from the U.S. Bureau of Commercial Fisheries, officials of the Harbor's Division of the Hawaii State Department of Transportation were led to believe that the claim could be settled by the United States under the Federal tort claims provisions of title 28. In reliance on this advice, the legal section of the Hawaii Department of Transportation filed a claim for $6,597 under the Tort Claims Act. The claim was led on a form supplied by the U.S. Bureau of Commercial Fisheries within the 2-year period of limitations. Eleven months after the claim had been filed and after the 2-year period of limitations for filing suit under the Suits in Admiralty Act had expired, the State was advised that the United States could not settle the case administratively under the Tort Claims Act, because it was an admiralty matter.

The reports of the Departments of Interior and Justice refer to the above facts, and agree that the State was misled as to its rights to assert its claim under the particular circumstances of the matter. The Department of Justice noted that the Federal Tort Claims Act expressly excludes claims against the United States for which a remedy is provided by the Suits in Admiralty Act, 46 U.S.C. 741 et seq. (28 U.S.C. 2680(d)).

The committee has concluded that in view of the particular circumstances of this case that the State of Hawaii merits the relief provided in this bill. It is clear that the State was diligent in its efforts to assert its claim. It is also evident that the State relied on misleading advice given by Federal personnel with the result that the claim could not be considered on its merits. The State should have the opportunity for a full and fair consideration of its claim. It is recommended that the bill be considered favorably.

In agreement with the views of the House, the committee recommends the bill favorably.

CERTAIN POSTAL EMPLOYEES

The bill (S. 1035) for the relief of certain postal employees at the Elmhurst, Ill., Post Office was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Louis H. Linneweh, Howard D. Slavik, Edith J. Fainter, Henry H. Higgins, and Thomas Newett are relieved of all liability for the repayment to the United States of money or other property in their custody as postal employees, which was lost as a result of the burglary of the Elmhurst, Illinois, Post Office on February 21, 1965. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

Sec. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each person named in the first section of this Act an amount equal to the aggregate of any amounts which have been paid by such person to the United States, or withheld from amounts due such person from the United States, on account of the liability for which relief is granted by this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1411), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Clerks Louis Linneweh, Howard D. Slavik, Edith J. Fainter, William H. Higgins (reported in S. 1035 as Henry H. Higgins), and Thomas J. Newett of liability to the United States for amounts stolen from their individual fixed credits during a burglary of the Elmhurst, Ill., Post Office.

STATEMENT

The facts of the case contained in the report from the Post Office Department are as follows:

The main post office at Elmhurst was burglarized sometime between 8 p.m. Saturday, February 20, and 4:40 a.m. Sunday, February 21, 1965. Investigation disclosed that the entire amount of the Government loss was obtained by the burglars from one four-drawer steel letter-size file cabinet and from wood screenline drawers containing the fixed credits (funds and stamp stock) of the clerks. The post office has two vaults which are adequate for the needs of the office. However, the vaults were not utilized by the employees for overnight storage of their fixed credits. Of the total loss amounting to $10,874.87, the sum of $9,338.75 was disallowed because of negligence in protecting stamp stock and funds.

In a letter dated November 6, 1967, the General Accounting Office held deceased former Postmaster Joseph J. Holloway and retired Assistant Postmaster Roger Olson jointly and severally liable for the loss of $9,338.75 in funds and stamp stock because they failed to ascertain that the regulations for safeguarding stamps and funds were not being followed. The GAO further held that the clerks were each liable for the amounts stolen from their individual fixed credits because they had failed to place their stamps and funds in vaults or safes after their tour of duty ended, as required by section 321.2, Postal Manual. Losses experienced by the individual clerks for which they have been determined to be liable are:

Mr. Louis H. Linneweh	$3,525.00
Mr. Howard D. Slavik	2,085.00
Mrs. Edith J. Fainter	2,147.00
Mr. William W. Higgins	1,351.75
Mr. Thomas Newett	230.00
Total	9,338.75

Under existing law the Department has no alternative but to charge losses of this character to the postmaster and other employees whose negligence contributed to the loss. This practice is not in accord with current viewpoints of enlightened personnel management. Although liability is expressed in terms of compensating the Government for its loss, it must be looked upon realistically as a punishment and its enforcement as a deterrent against future negligence. The assessment of liability as punishment is capricious. This is illustrated by this case in which the liability of the clerks varies from $3,525 to $230 although their fault was the same. Other equitable consideration likewise cannot be evaluated under current law.

We believe some relief should be granted to these employees. However, consideration should also be given to the fact that the employees were negligent. For the foregoing reason, we believe the bill should be amended to provide that the Postmaster General, upon a determination that it is appropriate to do so, is authorized to relieve the employees named on such terms as the Postmaster General deems just and expedient of liability in whole or in part with respect to the transaction involved.

The committee is of the opinion that hardship cases such as this should be handled by general legislation. However, the committee also feels that these claimants should not be penalized for the lack of such general legislation. Nor does the committee believe that the bill should be amended to handle this situation in a piecemeal fashion. Accordingly, it is recommended that the bill be passed in its existing state.

DANIEL H. ROBBINS

The bill (S. 3168) for the relief of Daniel H. Robbins was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 151, title 35, United States Code, or any other provision of law, the Commissioner of Patents is authorized and directed to accept delayed payment of the final fee (prescribed in section 41(a), title 35, United States Code) in the application for United States Letters Patent of Daniel H. Robbins of Rochester, New York, serial number 475,638, filed July 29, 1965, and allowed July 24, 1968, for a Graphic Printer, assigned to Itek Corporation, Lexington, Massachusetts, as though no abandonment or lapse had ever occurred, if such final fee is paid within three months after the date of enactment of this Act. Upon payment of such fee, the Commissioner is authorized to issue to the said Daniel H. Robbins the patent for which application was so made. No patent granted on said application shall be held invalid on the ground that the final fee was not paid within the period specified in title 35, United States Code.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1412), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Commissioner of Patents to accept late payment of the final issue fee in the application for U.S. Letters Patent of Daniel H. Robbins, serial No. 475,638, filed July 29, 1965, and allowed July 24, 1968, for a graphic printer, as though no abandonment or lapse had occurred, and to authorize the Commissioner to issue the patent if such fee is paid within 3 months from the date this legislation is enacted.

STATEMENT

Information submitted to the committee indicates that on July 29, 1965, David H. Robbins filed a patent application relating to a graphic printer. The application was assigned to the Itek Corp. On June 18, 1968, the Patent Office mailed a "Notice of Allowability" and on July 24, 1968, a formal "Notice of Allowance" was mailed.

Information furnished to the committee further indicates that on December 20, 1968, there was received in the Patent Office a letter from the Itek Corp. inquiring as to the status of the application. The Patent Office failed to make any reply to this communication. On March 4, 1969, the Patent Office mailed to Itek a notice that the application had become abandoned for failure to pay the issue fee. The Itek Patent Department, without referring to the March 4 notice, again inquired about the status of the patent application in correspondence received by the Patent Office on June 27, 1969. The Patent Office replied on July 29 that the application was abandoned.

On August 4, 1969, Itek filed a petition to revive the abandoned application. The petition was denied by the Patent Office because of the limited authority of the Patent Office to accept late payment of the issue fee. The only statutory authorization for the acceptance of such a late payment is contained in section 151 of title 35 which permits the Commissioner to accept a late payment of the fee only if it is submitted within 6 months from the Notice of Allowance.

Itek's first inquiry concerning the status of the application, to which the Patent Office did not reply, was received slightly less than 5 months after the formal Notice of Allowance was mailed. The committee is satisfied that the Itek Corp. had proper procedures for the processing of mail relating to patent applications and that apparently the Itek Corp. did not receive either the Notice of Allowance or the Notice of Abandonment.

The Department of Commerce has advised the committee that "the abandonment appears to have resulted from a series of unfortunate and regrettable circumstances." The committee has been further advised that as to those circumstances "for which the Patent Office was responsible, appropriate procedures have been instituted to prevent reoccurrence."

As a general rule the committee is opposed to special legislation providing for private relief from the general revisions of the patent law. However, this committee and the Congress have approved such relief when unusual circumstances have been established, such as Private Law 90-211 for the relief of Jack L. Good. In that instance the Congress approved a private bill to authorize the Commissioner of Patents to accept late payment of the issue fee because of the presence of extraordinary circumstances.

Likewise, the committee feels that the information submitted in connection with this legislation justifies a special exception to the time limit established by 35 U.S.C. 151.

The Department of Commerce in its report on this legislation states that it has no objection to its enactment.

ORDER FOR RECOGNITION OF SENATOR MONDALE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after approval of the Journal, and the consideration of unobjected to measures on the Calendar tomorrow, the distinguished junior Senator from Minnesota (Mr. MONDALE) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 246—INTRODUCTION OF A JOINT RESOLUTION RELATING TO EMERGENCY STRIKE LEGISLATION

Mr. MANSFIELD. Mr. President, may I say, before the Senator from New York embarks upon what I think will be the introduction of a resolution, that in my opinion, the administration has done almost all that it could do to bring to a head the present labor difficulty which confronts Congress. The exception that I think the President ought to give serious consideration to would be the placing of his personal prestige on the line, so to speak, to see if at all possible this strike, which is scheduled to begin at 12:01 a.m. on Thursday morning next, 1 minute after midnight, could possibly be averted.

May I say further that any recommendation by the administration should be given prompt and expeditious consideration by the Senate, so that we can face up to our responsibilities in this most important matter, and decide one way or the other what should be done.

Mr. JAVITS. Mr. President, if the Senator will remain——

Mr. MANSFIELD. The Senator has the floor.

Mr. JAVITS. I know, but if the Senator from Montana will remain, I would like him to hear what I have to say.

First, Mr. President, I must do my duty; and so, by request, I introduce for appropriate reference a joint resolution to avert the immediate taking effect of the announced strike, by deferring the period called for as a standstill by the Railway Labor Act for a period of 45 days, until January 23, 1971.

Mr. President, I point out that we have done this before in a similar crisis with respect to the railroads in 1967, and again in the shop craft dispute in 1970. As the ranking minority member of the Labor committee, it is my duty, on the part of the administration, and I therefore introduce by request, the resolution to accomplish that.

Also, Mr. President, the minority members of the Committee on Labor and Public Welfare, which has jurisdiction of this general subject, have today, at this very moment, requested an immediate hearing upon the resolution now being introduced, before the Committee on Labor and Public Welfare. The request is signed by the members of the committee with the exception of Senator DOMINICK, who is unreachable at this time, being away at a place in the southern part of the world where he cannot be reached.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 246) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, introduced by Mr. JAVITS, by request, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. I ask unanimous consent that the letter to which I have referred, together with the letter of transmittal from the Secretary of Labor be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C.

Honorable SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. SPEAKER: I am transmitting herewith draft legislation to carry out the President's recommendation for averting the threatened Nationwide rail dispute.

The draft legislation provides an extension for an additional period of 45 days of the prohibition against strikes or lockouts in this dispute.

This situation demonstrates forcibly once again that we must have permanent effective procedures for solving labor disputes of this nature. Last February the President proposed the enactment of an Emergency Public Interest Protection Act to provide such procedures for the transportation industry.

However, as such legislation has not yet been enacted and, in view of the urgency of the present situation, I recommend that the legislation I am transmitting be given immediate and favorable consideration.

Sincerely,

SECRETARY OF LABOR.

Enclosure

U.S. SENATE,
COMMITTEE ON LABOR AND
PUBLIC WELFARE,
Washington, D.C., December 8, 1970.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: As you know, the President has requested Congress by extension of the appropriate provision of the Railway Labor Act to take immediate action to avert for 45 days a nationwide railroad strike announced to begin at 12:01 a.m. December 10, 1970. The President has asked the Congress for timely action to avoid a national emergency as the Administration finds that the consequences of such a strike even for a limited period of time would be catastrophic to the nation.

Accordingly, the national interest requires immediate consideration of this legislation and we request that the Labor and Public Welfare Committee commence immediate hearings on the President's resolution.

Sincerely,

JACOB K. JAVITS,
WINSTON L. PROUTY,
GEORGE MURPHY,
RICHARD S. SCHWEIKER,
WILLIAM R. SAXBE.

Mr. JAVITS. Mr. President, addressing myself to the position taken by the majority leader, I see nothing whatever inconsistent between his suggestion—which personally I endorse—and the action which I have taken in introducing the resolution.

We have about 36 hours, Mr. President. These two matters must proceed on parallel tracks. The President, I am convinced, wishes collective bargaining to work; and if he can, by his personal intercession, assist it to work, then there is no question about the fact that the suggestion made by the majority leader is a perfectly valid one.

The President may decide that he cannot, by his personal intercession, assist it to work, in which case I am sure he will be heard from. The majority leader's voice, and perhaps even mine, are important enough to warrant the President's being heard on that subject. But I see no conflict whatsoever between the parallel tracks of responsibility of the administration and of Congress; and the majority leader was very gracious about that, in saying that he thought the Secretary and other people in the administration had done everything they could up to now, but he did think the President himself might yet be able to do something.

If that hope could be realized, no one would be happier than I, and I am sure every one else in Congress. At the same time, Mr. President, if we allow the strike to go on, and the men actually go out, some would argue that, "Well, this is a way to compel people to collectively bargain," but at the expense of the country suffering so catastrophic a blow, I doubt very much that that is a price we all wish to pay.

I point out that once they are out, if we do not act in time to avert this awful decree, the situation will get confused and it will be very difficult to bring them back, and will undoubtedly involve some delay. Indeed, we had testimony—I am speaking now strictly as a matter of fact—from the railroads the last time we faced this problem. We had the testimony of the railroad managements that they simply could not be responsible for what would happen if there was any suspension at all, no matter how short, and that things would get so fouled up that it would take weeks to rearrange them.

I will say, in deference to the unions, that this time they have done what last time they did only at the hearings: They have offered to move defense material or material required for health—what they call "essential shipments"—and to continue all passenger services. This involves, really, the reason for a hearing, I might tell my colleagues, because the managements firmly maintain that they simply cannot run the railroads that way. It presents critical problems in determining what is and what is not essential, disagreements on that score, the impacts on enormous backups in freight yards of cars full of material which is not going to be permitted to move, and to screen out of that what is going to be permitted to move. They claim—and that is all I can tell Congress—that such problems would present them with a practical impossibility.

This is something we will simply have to make up our minds about. We may say we do not know who is right, but we do not want a strike for x days, to avail ourselves of the opportunity to find out who is right through necessary hearings.

I would represent to my colleagues, particularly consistent with the majority leader's view, with which I agree, that we still have to face up to our problem here in Congress. The time is unbelievably short.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I would hope that, without in any way compromising his strongly held view—which is unnecessary; he does not have to compromise—the majority leader, with his prestige, would make it possible for us to get a very prompt hearing, so that if Congress feels it desirable to act, it will, without in any way impairing the feeling that the President, as the majority leader has said, should do everything he can, with his personal prestige, to try to make collective bargaining work.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. I agree with what the distinguished senior Senator from New York has said. He is the ranking member of the Committee on Labor and Public Welfare. I would personally suggest that as soon as the resolution is introduced, he get together with the chairman of the committee, and that hearings start immediately.

Mr. JAVITS. I thank my colleague very much. His graciousness is typical of him, and I shall do exactly that.

The resolution has been submitted. I will see Senator Yarborough at once.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GURNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN PRISONERS OF WAR

Mr. GURNEY. Mr. President, the Book of Common Prayer says that man that is born of a woman hath but a short time to live, and is full of misery. It says:

> He cometh up, and is cut down, like a flower; he fleeth as it were a shadow, and never continueth in one stay.

Today, over 1,400 American men languish in Communist prison camps, and they know misery. They sit in these camps in full violation of the Geneva Convention; alone, suffering, shut off from normal communication, while their families here at home try desperately to gain knowledge of their condition, indeed their existence.

Let none forget, Mr. President, that these are our men, and that we shall not now nor ever cease our attempts to bring them forth from the misery of brutal captivity.

ORDER OF BUSINESS

Mr. GURNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN EFFORT TO LIBERATE AMERICAN PRISONERS OF WAR HELD CAPTIVE BY NORTH VIETNAM

Mr. DOLE. Mr. President, I move that the Senate proceed to the consideration of Senate Resolution 486.

The PRESIDING OFFICER (Mr. McGovern). The resolution will be stated by title.

The legislative clerk read as follows:

> A resolution (S. Res. 486) relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam.

The PRESIDING OFFICER. The motion is not debatable. The question is on agreeing to the motion.

The motion was agreed to and the Senate proceeded to consider the resolution.

Mr. FULBRIGHT. Mr. President, I have discussed this matter with the distinguished Senator from Kansas. I am agreeable to having the resolution go to the Committee on Foreign Relations under an arrangement to report it back to the Senate within 10 days. This will give the committee an opportunity to review the resolution in the light of some of the information which has been developed since the resolution was originally offered.

Serious questions about the incident were raised in several articles which I inserted in the Record on December 4. They contain a great deal of information, including an interview with General Manor. One article indicated that perhaps some officials knew that no prisoners were there but that the action had purposes other than the rescue of prisoners.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the morning hour be extended for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. With respect to all resolutions, not just this one, I think that, as a matter of proper procedure, the relevant committees should have an opportunity to review the resolutions and request full information from the officials and other sources before the Senate is asked to take action. Serious question has been raised as to what the real purpose was, and I would not like to see the Senate commit itself without more knowledge as to what really was the background. I do not wish to sidetrack the resolution altogether. I think it is significant, and I would undertake to report it back to the Senate within 10 days.

Mr. DOLE. As the Senator from Arkansas has pointed out, we have discussed Senate Resolution 486 and some of the questions raised by the Senator from Arkansas. As I indicated to him, my purpose and my hope is that the entire Senate will have the opportunity to express its will on the resolution. I have no objection to its going to the committee to be reported back prior to adjournment, with the understanding that the Senator from Kansas believes we will be here 10 more days. For that reason, I have no objection to the Senator's request.

Mr. FULBRIGHT. Mr. President, I move that the pending resolution be referred to the Committee on Foreign Relations with instructions to report it back within 10 days.

The PRESIDING OFFICER (Mr. Byrd of Virginia). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

United States Air Force Flying Pay Report

A letter from the Secretary, Department of the Air Force, transmitting, pursuant to law, the Air Force flying pay report as of October 31, 1970 (with an accompanying report); to the Committee on Armed Services.

Proposed Legislation for Averting the Threatened Nationwide Rail Dispute

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 4. A bill to establish the Big Thicket National Park in Texas (Rept. No. 91–1415).

By Mr. HART, from the Committee on the Judiciary, without amendment:

S. 2299. A bill granting jurisdiction to the Court of Claims to render judgment on certain claims of the Algonac Manufacturing Company and John A. Maxwell against the United States (91–1416).

By Mrs. SMITH, from the Committee on Armed Services, without amendment:

H.R. 8663. An act to amend the Act of September 20, 1968 (Public Law 90–502), to provide relief to certain former officers of the Supply Corps and Civil Engineer Corps of the Navy (Rept. No. 91–1417).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 14421. An act to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto (Rept. No. 91–1418).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.R. 18012. An act to amend the Foreign Service Building Act, 1929, to authorize additional appropriations (Rept. No. 91-1420).

AMENDMENT OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1964 FOR CERTAIN EMPLOYEES—REPORT OF A COMMITTEE (S. REPT. NO. 91-1419)

Mr. STENNIS, from the Committee on Armed Services, reported an original bill (S. 4571) to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes, and submitted a report thereon, which bill was placed on the calendar, and the report was ordered to be printed.

THE FEDERAL INSURANCE GUARANTY AGENCY ACT—REPORT OF A COMMITTEE—MINORITY AND SUPPLEMENTAL VIEWS (S. REPT. NO. 91-1421)

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably, with amendments, the bill (S. 2236) to create a Federal Insurance Guaranty Corp., to protect the American public against certain insurance company insolvencies. I ask unanimous consent that the report be printed, together with minority and supplemental views.

The PRESIDING OFFICER (Mr. Spong). The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

OMNIBUS RIVERS AND HARBORS AND FLOOD CONTROL BILL OF 1970—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91-1422)

Mr. BYRD of West Virginia. Mr. President, at the request of my senior colleague (Mr. Randolph), and on behalf of the senior Senator from Ohio (Mr. Young), from the Committee on Public Works, I report favorably an original bill (S. 4572) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Kansas (Mr. Dole), and the individual views of the Senator from Delaware (Mr. Boggs).

The PRESIDING OFFICER (Mr. Spong). The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from West Virginia.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Robert O. Blake, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Mali; and

John A. McKesson 3d, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Gabon Republic.

Mrs. SMITH. Mr. President, from the Committee on Armed Services, I report favorably on the nomination of eight flag and general officers in the Army and Marine Corps. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Maj. Gen. William Charles Gribble, Jr., U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Lt. Gen. Henry Augustine Miley, Jr., Army of the United States (major general, U.S. Army), to be assigned to positions of importance and responsibility designated by the President, in the grade of general;

Maj. Gen. Woodrow Wilson Vaughan, U.S. Army, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general;

Maj. Gen. Robert Ray Williams, U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Maj. Gens. Hugh M. Elwood and Donn J. Robertson, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving;

Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, for appointment to the grade of general while serving as Assistant Commandant of the Marine Corps;

Gen. Lewis W. Walt, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of general; and

Lt. Gen. William J. Van Ryzin, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general.

Mrs. SMITH. Mr. President, in addition I report favorably 225 appointments in the Regular Army in the grade of major and below. Since these names have already been printed in the Congressional Record, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Edward A. Fedok, and sundry other persons, for appointment in the Regular Army.

GENOCIDE CONVENTION—EXECUTIVE REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (EXECUTIVE REPT. NO. 91-25)

Mr. CHURCH. Mr. President, from the Committee on Foreign Relations, I report favorably, with understandings and a declaration, the genocide convention, executive office, 81st Congress, first session. I ask unanimous consent that the report be printed, together with the individual views of the senior Senator from New York (Mr. Javits).

The PRESIDING OFFICER (Mr. Spong). The report will be received, and the convention will be placed on the Executive Calendar; and without objection, the report will be printed, as requested by the Senator from Idaho.

BILLS AND JOINT RESOLUTIONS INTRODUCED OR REPORTED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred or placed on the calendar, as follows:

By Mr. MONDALE:

S. 4569. A bill for the relief of Freny Rustom Irani; to the Committee on the Judiciary.

By Mr. HART:

S. 4570. A bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the National Wild and Scenic River Systems; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Hart when he introduced the bill appear below under the appropriate heading.)

By Mr. STENNIS:

S. 4571. A bill to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes; placed on the calendar.

(Reference is made to the bill when reported by Mr. Stennis, which appears earlier in the Record under the heading "Reports of Committees".)

By Mr. BYRD of West Virginia (for Mr. Young of Ohio):

S. 4572. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; placed on the calendar.

(Reference is made to the bill when reported by Mr. Byrd of West Virginia, which appears earlier in the Record under the heading "Reports of Committees.")

By Mr. JAVITS (by request):

S.J. Res. 246. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the joint resolution appear earlier in the Record under the appropriate heading.)

By Mr. RANDOLPH:

S.J. Res. 247. Joint resolution expressing the support of the Congress that the United States should convene in 1971 an International Conference on Ocean Dumping; to the Committee on Foreign Relations.

S. 4570—INTRODUCTION OF A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT

Mr. HART. Mr. President, I am introducing a bill designed to stop development temporarily on scenic sections of Michigan's Au Sable and Manistee Rivers. The bill would add those sections to the list of 27 rivers under study for possible addition to the National Wild and Scenic Rivers system.

The sections affected by this legislation would be: the Au Sable, downstream from Foot Dam to Oscoda and upstream from Loud Reservoir to the source of the river, including the principal tributaries but excluding Mio and Bamfield Reservoirs; and the Manistee, upstream from Manistee Lake to the river's source, including its principal tributaries but excluding Tippy and Hodenpyl Reservoirs.

These rivers and wildlands through which they pass are great resources for the people of Michigan and the Nation. They are, however, greatly endangered by the all-too-common threat of developments that would mar their scenic beauty and dilute their wild character. Much of the land along the Au Sable and the Manistee—including its tributary, the Pine River—is owned by the Consumers Power Co. They have in the past leased some of these lands for private development. Proposals for further leasing this spring focused widespread attention on the endangered future of these river lands. To its credit, the power company has delayed its leasing plans for the moment.

Nevertheless, the threatened future of these rivers is clear. We must move rapidly to forestall that threat, and I am most eager, as are Michigan's conservation-minded citizens, to cooperate in this endeavor.

Development is prohibited while a river is under study. If it is determined that a river should be protected permanently, additional legislation is required to add it to the wild rivers system.

The Departments of Interior and Agriculture, which administer the wild rivers program, have indicated interest in the Michigan rivers.

I am introducing the legislation at this time, not expecting that it will be passed in the few remaining days of this session, but in hopes that it will afford the rivers some degree of protection and will encourage the Consumers Power Co., to discontinue further leasing of its lands and perhaps gradually to phase out existing leases.

The Manistee and Au Sable Rivers have long been recognized as among the outstanding recreational rivers in the Midwest. At the national level, the Manistee River was recognized in the 1963–64 wild river study conducted by the U.S. Department of Interior and Agriculture as meeting national criteria, and the wild and scenic rivers bills introduced in Congress by the administration in 1967 and 1968 included the Manistee in the study category on rivers.

At the State level, both the Au Sable and Manistee were recognized in a 1965 Michigan Department of Natural Resources report to have natural and recreational values of major significance, and it was recommended that several stretches of riverfront be kept free of development. Again, in the foreword to a Department of Natural Resources Bulletin entitled, "Michigan's Au Sable River: Today and Tomorrow," written by G. E. Hendrickson and published in 1966, Gerald E. Eddy, then Chairman of the Michigan Water Resources Commission, stated:

> . . . the Au Sable is perhaps enjoyed and cherished by more people than any other Michigan river. Cool clean flowing water, natural cover, and gravel spawning beds make it an outstanding trout stream. Its natural beauty attracts canoeists, campers, and cabin dwellers. The kind of excellence typified by the Au Sable, however, is fragile and can easily deteriorate through neglect, mismanagement, and apathy.

Once again, in March of this year, in its response to Michigan House Concurrent Resolution 356, the Michigan Department of Natural Resources reiterated its previously stated recommendation that substantial sections of the Au Sable and Manistee riverfronts be left undeveloped. Specifically, the DNR response indicated that the lands consumers proposed to lease fell within the sections DNR had recommended for preservation.

Early in the new Congress, I will introduce similar legislation and will urge early consideration of it.

The PRESIDING OFFICER (Mr. SPONG). The bill will be received and appropriately referred.

The bill (S. 4570) to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the National Wild and Scenic River Systems, introduced by Mr. HART, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSOR OF A BILL

S. 4238

At the request of the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 4238, the Universal Enrollment Act.

ESTABLISHMENT OF A FEDERAL BROKER-DEALER INSURANCE CORPORATION—AMENDMENT

AMENDMENT NO. 1095

Mr. BROOKE. Mr. President, I rise today to discuss matters of utmost importance to all Americans—the health and stability of our national securities markets and investor confidence in these institutions.

In recent years, the number of Americans owning securities has grown significantly to the point where more than 30 million Americans presently own shares in U.S. industry including 1,214,000 citizens of my own State. This growth has been possible because of the trust and confidence investors have placed in our national securities markets, the brokers and dealers who represent them, and the regulatory bodies which protect the public interests. Congress has contributed to this confidence by its belief that industry self-regulation, coupled with oversight by the Securities and Exchange Commission produces an effective regulatory structure.

Events have taken place in recent months involving the failure of a number of larger brokerage firms—as well as the "shotgun marriages" of still others—which have, however, weakened investor confidence and cast a cloud on industry self-regulation as a viable concept. An estimated 150 brokerage firms have entered into liquidation. Hundreds of others have had to merge or cut back operations. As a result, thousands of investors have found their cash and securities in brokerage accounts frozen pending the settlement of bankruptcy suits or other court actions. What the dollar loss to individual investors will be, no one can now predict.

The Senate will shortly begin debate on Senate bill 2348 which is designed to establish a Federal broker-dealer insurance corporation. Senator MUSKIE has introduced this measure which will protect investors' funds and securities and will, in my opinion, do much to restore consumer confidence in the investment industry. But I believe Senate bill 2348 should be further strengthened.

Accordingly, I am submitting an amendment which is designed to eliminate certain practices by brokers and dealers which subject investors' cash and securities to unreasonable risks. Specifically, the amendment I propose to section 15 of the Securities Exchange Act of 1934 would provide that broker-dealers must segregate from their own funds and securities both cash and securities entrusted to them by investors for safekeeping. There would be an absolute prohibition on the use of customers' property for the broker-dealer's own purposes.

New York Stock Exchange members alone now hold approximately $2.2 billion of customers' cash, commonly referred to as "free credit balances." They also hold approximately $47 billion of customers' securities. These free credit balances are accumulated, typically, after the sale of securities and are retained by the broker-dealers for safekeeping until the customer decides to purchase other securities or withdraw the funds from his account. It is also commonplace for fully paid customers' securities to be held by broker-dealers for safekeeping—both for convenience sake and because the practice facilitates additional transactions.

In reliance on the existing regulatory structure, investors have maintained large cash balances at brokerage houses and have entrusted their securities to broker-dealers for safekeeping. There may or may not be a correlation between the stability of broker-dealers and the stability of our national financial markets. But the public thinks there is. The mail which my office and others have received concerning the failure of a number of broker-dealers betrays a growing lack of confidence in our financial markets generally.

In my judgment Congress must act to afford the American public maximum protection. We cannot permit practices on the part of broker-dealers which undermine the public's confidence in our financial markets. The very stability of our economy and the ability of American business to raise vast sums of capital from large and small investors alike warrants constructive, responsible measures to correct what has become a serious situation.

The amendment which I offer today makes broker-dealers fiduciaries with regard to the safekeeping of both cash and securities entrusted to them by the investing public. And that is as it should be.

It has been suggested by some that such a provision is unnecessary because the commingling of customer and brokerage firm property has been commonplace for years. If that has been the case, it is time that Congress acts to put a stop to such practices.

It is an unfortunate fact that, if a firm which has failed to adequately segregate the investing public's property should go into bankruptcy, the trustee in bankruptcy can tie up these assets for an indefinite period. The innocent investor could lose all or most of his cash or securities.

If this proposed amendment becomes law, investor losses will be limited to those cases where fraud or outright violations of this provision occur, in which case the insurance provisions of S. 2348 will come into play.

It is also argued that many broker-dealers use free credit balances as their operating capital and that to require segregation of such funds would further undermine the stability of broker-dealers generally. I cannot accept and I hope Congress will not accept that argument. Why should customers' cash and securities be used to satisfy broker-dealer capital needs? To ask the question is, I suggest, to answer it.

The amendment which I propose would take effect pursuant to regulations promulgated by the SEC. In no event, however, would the effective date of this provision be delayed more than 1 year beyond the effective date of the new bill. This should give broker-dealers sufficient time to alter their capital structures in a manner consistent with their fiduciary obligations to the investing public. Once the law takes effect investors will no longer bear the risks I have cited. They will be fully protected and indeed could possibly even earn a return on free credit balances maintained with broker-dealers.

Mr. President, this amendment would plug a gaping loophole in the Securities Exchange Act. This amendment will offer maximum protection to the public, and its enactment will restore and build public confidence in our national securities institution.

I ask unanimous consent that this amendment be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Spong). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 1095) is as follows:

Amendment No. 1095

On page 73, line 7, insert the following:

"Sec. 4. Section 15 (c) of the Securities Exchange Act of 1934 is amended by adding the following:

"'(6) (A) No broker or dealer or member of a national securities exchange shall hold in custody or under a lien any money, security or other property received from or on behalf of any customer, except that such broker may hold in custody or under a lien or may lend or pledge an amount of such securities that is fair and reasonable in view of the indebtedness of said customer to said member, broker or dealer and in compliance with such rules and regulations as the Commission may prescribe for the protection of investors.

"'(B) When a broker or dealer or member receives or holds securities that are fully paid for or in excess of the amount which can be held in custody or under a lien or under a loan or pledge under this section or receives any monies or other property from or on behalf of any customer, except in the ordinary course of business to complete a transaction for such customer, such member, broker or dealer shall—

"'(i) promptly deliver such securities, money or other property to such customer, or

"'(ii) upon the written consent of such customer, place or maintain such securities, money, or other property in the custody of either a bank which has at all times an aggregate capital, surplus and undivided profits of such specified minimum amount as may from time to time be prescribed by the Commission, or of a clearing corporation, central depository, or similar facility subject to such qualifications as the rules and regulations of the Commission may prescribe in the public interest and for the protection of investors. Such securities, money or other property shall not be removed by the broker or dealer from such bank, clearing corporation, central depository or similar facility, except upon the specific authorization of such customer to complete a transaction for the account of such customer or for delivery to such customer or his designee and subject to such rules and regulations as the Commission may prescribe in the public interest and for the protection of investors.

"'(C) This subsection shall become effective pursuant to regulations promulgated by the Commission. In no event, however, shall the effective date of this subsection be later than one year from the date of enactment of this Act.'"

On page 73, strike lines 8 and 9, and insert in lieu thereof the following:

"Sec. 5. The amendments made by this Act shall take effect upon the date of enactment of this Act, unless otherwise specified herein."

NOTICE OF HEARINGS ON THE NOMINATION OF JEREMIAH COLWELL WATERMAN TO BE A MEMBER OF THE PUBLIC SERVICE COMMISSION

Mr. KENNEDY. Mr. President, on behalf of the Senator from Maryland (Mr. Tydings), I ask unanimous consent to have printed in the Record a notice of hearings.

There being no objection, the notice was ordered to be printed in the Record, as follows:

Notice of Hearings on the Nomination of Jeremiah Colwell Waterman to be a Member of the Public Service Commission

Mr. Tydings. Mr. President, as Chairman of the Senate Committee on the District of Columbia, I wish to give notice that a hearing on the nomination of Jeremiah Colwell Waterman to be a member of the Public Service Commission will be held on Thursday, December 10, 1970. The hearing will begin at 10:00 A.M. in Room 6226 of the New Senate Office Building.

Individuals and representatives of organizations who wish to testify at the hearing should notify Mr. Vaughn Williams at 225-4161, prior to December 9, 1970.

Written statements, in lieu of personal appearance, are welcomed and may be submitted to the Staff Director, Room 6218, New Senate Office Building, Washington, D.C. 20510, for inclusion in the hearing record.

ADDITIONAL STATEMENTS OF SENATORS

"SPARE THE THINNING THICKET" BY DOROTHIE ERWIN IN THE DALLAS NEWS—THE CASE FOR THE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, Southwest Scene, the Sunday magazine of the Dallas Morning News for September 27, 1970, contains an excellent article by Dorothie Erwin concerning the plight of the beautiful Big Thicket area of southeast Texas. The article points out that at one time the Big Thicket consisted of more than 3½ million acres; however, due to unregulated practices this ecological wonderland has now been reduced to approximately 300,000 acres.

Unless prompt action is taken by the Federal Government to preserve this unique area, one of the last great wilderness areas in America will be sacrificed unnecessarily to the chainsaw and bulldozer. Since 1966 I have fought for the creation of a Big Thicket National Park of not less than 100,000 acres. During this session of Congress, significant progress has been made toward obtaining this goal. Today, the Committee on Interior and Insular Affairs has filed its report on my bill, S. 4, to create a Big Thicket National Park. By taking this action, the Senate Interior Committee has reaffirmed its commitment to saving our ecological wonderlands. I commend the distinguished chairman of the committee, the Senator from Washington (Mr. Jackson), and the distinguished chairman of the Parks and Recreation Subcommittee, the Senator from Nevada (Mr. Bible), for their vision and their diligent work in this important area. I recommend the article by Dorothie Erwin in the Dallas Morning News to the Senate because of its penetrating discussion of the problems involved in saving the Big Thicket.

Mr. President, I ask unanimous consent that the article, entitled "Spare the Thinning Thicket," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Spare the Thinning Thicket

(By Dorothie Erwin)

Nature made the Big Thicket a biology laboratory, one that man couldn't duplicate if he tried.

But if that makes it sound like a place only a botanist could love, I should find another metaphor. It has been trouble enough already for scientists and other conservationists to persuade politicians that a thicket, even this unique biological area, deserves to be a national park.

A thicket hasn't the public image for a popular park. It lacks the grandeur of a waterfall, the majesty of a peak. A family certainly can't take it all home in a snapshot with the kids lined up squinting in front of it.

Yet the storied Big Thicket, Southeast Texas' wet woodlot northwest of Beaumont, has been appreciated for the most unscientific reasons. If its last remaining rich little parts are saved now and only minimally developed for the public's use—a few interpretive exhibits to explain the ecology, a few trails cleared and marked—then its recreational potential will be as uncommon as its botany.

Organized preservation efforts began as far back as the 1930s but they were ineffective. Intermittent attempts to promote a state park in the thicket, culminating in the early 1960s, always got somehow lost in the woods. Only this year has the preservation of some part of Texas' peculiar little wilderness, in the national park system, seemed really possible. A combination of factors accounts for the change: A coalition of national and regional conservationist organizations publicizing the thicket and supporting the park idea, a growing environmental awareness among laymen, and some pragmatic election-year politicking.

It will be a nonesuch park if it is a park.

Science and local tradition differ in their mapping of it. The thicket of lore and legend is a small area, roughly the watershed of Pine Island Bayou and its Little Pine Island tributary in Hardin and Polk counties. Local people call the densest parts "tight-eye" thicket. A characteristic example of it is in the triangle that has the towns of Kountze, Saratoga and Sour Lake at its tips.

But defined according to its geology and biology, the thicket region comprises several counties between the Neches and San Jacinto rivers and about 3½ million acres—the figure that's often cited now by conservationists as the Big Thicket that used to be. It was reduced and fragmented by logging, farming, oil drilling, pipelines and residential development. The consensus estimate is that about 300,000 acres of it remains.

Diversity of flora and fauna is the thicket's peculiar charm. The region is characterized by mild temperatures and deep, pervious soils that retain the plentiful moisture from numerous springs and 60 inches of rainfall a year. A National Park Service study found the thicket to contain "elements common to the Florida Everglades, the Okefenokee swamp, the Appalachian region, the Piedmont forests and the open woodlands of the coastal plains."

Subtropical and temperate zone vegetations overlap. Environmental ecology students may observe most of the plant communities of the continental United States in a single day in this compact area.

Dr. C. L. Lundell, Texas Research Foundation director, says the thicket contains more soil types and more plant and animal species than any area of comparable size in the United States.

Present, but in diminishing numbers, are the primitive soil-building plants of the sphagnum bog community that are fascinating to laymen and vital to botanical study. Twenty-one species of wild orchids have been found in the thicket, and 25 varieties of ferns. In a few acres of privately owned botanical preserve near Silsbee, representations of the rare species are carefully coddled—the tiny orchids, the insect-eating plants (there are five species known in America, four of them in the thicket) and other oddities. They are dying out elsewhere as their areas are drained for timber cultivation, and this unearthly little garden could soon be their only Texas habitat.

To zoologist Dr. Daniel Willard of The University of Texas, one of many scientists who testified at a Senate hearing on a park bill this summer, such areas as the thicket are valued as "controls" for experiments in environmental manipulation.

The weight of scientific testimony was that the thicket's biology has not been fully studied; that there is much to learn from the interrelationsips of life forms and the soil-building processes at work. The concern is that it will not be learned if the climax forests—the relatively stable natural areas in which plants and animals have adjusted to their environment—are skinned off and replaced by sanitized, cultivated pine plantations.

No part of the remaining thicket is large enough to be a certified "wilderness" under the national legislation that applies. Pipelines and other man-made incursions disqualify the Saratoga triangle and other sizable contiguous areas for park consideration. But isolated natural areas remain. Eight of these—the "string of pearls," they were called—are proposed for protection in the National Park Service studies that were made in 1967 and 1968.

Four bills have been introduced in Congress to make the pearls into parks that would total from 35,500 acres to 185,000 acres. The larger acreages would include some combination of protected corridors along the streams and roads that connect the natural ecological areas.

The allied conservationist organizations, about 20 of them, which are represented in the Big Thicket Coordinating Committee have insisted on addition of the corridors as the "string" for the pearls. They say the natural areas cannot survive in isolation without their waterways protected, and that preservation of the natural streamways for hiking, canoeing and primitive camping will add a recreational dimension to the park.

All the land in question is privately owned, most of it by large lumber companies. The Texas timber industry, through its organizations and individual spokesmen, is on record in favor of a 35,500-acre park. But it has vigorously opposed any expansion of that acreage.

There is considerable opposition to the large-park plan, too, among thicket area residents, who fear that it would raise their taxes or harm the wood products industries on which the Southeast Texas economy is heavily dependent.

The Big Thicket Association, which was formed in 1964 to revive the preservation effort, has found that converting thicket-area residents to the park idea has been among its toughest tasks. With meager resources (only $1,857 in dues last year), the association has printed literature, hosted visitors, created publicity and kept the park idea alive. The American Heritage Society this year gave the group a $10,000 award for conservation activity, the first real money ever available for the cause.

Others have given impetus to the movement. Sen. Ralph Yarborough has led the effort for national park legislation. The coordinating committee has helped draw the park partisans into harmony, though not unanimity, in their efforts this year. Supreme Court Justice William O. Douglas' description of the thinning thicket in his book, "Farewell to Texas," helped draw national attention to the park idea. The Audubon Society magazine hit a lick in 1967 with John V. Dennis' announcement that the ivorybilled woodpecker, long thought to be extinct, still lives in the thicket. Many other names have figured in the save-the-thicket effort.

As the warmish quarrel continues between the timber industry and the allied conservationists, the thicket itself seems to need interpreting for the uncommitted outsider.

Its character is not apparent to the casual viewer. It hides, especially from the motorist. Close to paved roads, but invisible to passerby and difficult to reach, are places of serene beauty and fantastic foliage.

The part easiest to see is the Alabama-Coushatta Indian Reservation, at the northwestern corner of the proposed park area, where guided tours are offered. The Indians have a fine and beautiful forest, with numerous champion trees. But this is only one facet of the Big Thicket and it offers no glimpse of the typical "tight-eye."

The impassable wall of roadside vegetation that the motorist sees in the heart of the traditional thicket (for example, along FM 770 between Kountze and Saratoga) is misleading, for it is unnatural thicket that results from the removal of the forest's crown canopy for highway construction. Plants respond to the increase of light with a burst of growth, matted and jungly and formidable to the eye. But just behind this screen, in many areas, is beautiful open forest. Stream banks are often open enough for hiking with only minimal clearing.

For a thicket timber industry leader to say, as one did say to a visiting newsman recently, that the heat, snakes and insects make the place "uninviting" as a recreational site is to miss the whole point that conservationists have tried to make: Some mud, mosquitoes and moccasins come with the territory, as part of a complex biological community sustained by a unique environment. Of course nature has the bark on in the thicket, and that is the justification for its preservation.

No one claims the thicket offers recreation for the masses. But it attracts quite a few. Amateur naturalists are numerous and their legions are increasing. The thicket is for them, as well as for the professional scholars. The lower thicket is birdwatchers' bliss, especially in winter. Three hundred bird species live in the wilderness area.

Not every outdoorsman wants a marina and an ice dock handy. The canoeist wants a quiet, natural stream, the hiker a quiet, natural trail. In the mild coastal climate they could have them almost the year around.

All concerned agree there should be no improved campsites in the park's natural areas. Camping would be at the several nearby lakes.

Mass traffic would soon destroy the pearls. Wide roads would alter them seriously. The thicket would not—should not—be a tamed and sterilized extension of the urban backyard.

The thicket was never one vast solid mass of impenetrable vegetation, although early immigrants formed that impression of it when it blocked their paths. It was and is, in large part, open forest with many baygalls interspersed in it and many streams threading through it.

Baygalls are the shallow seepage bogs, open in the center and surrounded by rings of thicket. White bay and gallberry, the dominant species, give them their name. These dense, vine-tied snarls of holly, myrtle, yaupon, palmetto and titi are the classic thicket—fascinating or sinister depending on whether one is studying it or lost in it.

Naturalist Mrs. Geraldine Watson of Silsbee guided the writer and a photographer for Southwest Scene on a tour that included a splendid specimen of a baygall, very still and eerily yellow-green, early one morning. Pale sunlight filtered through the fringe of trees onto the small ponds and the sphagnum moss that spongily, silently absorbs the footfall. Naturalists treasure these places, so characteristic of the thicket, as laboratories of the land building process—the transition of bog into soil.

The stands of bush palmetto along Pine Island Bayou near Saratoga are dramatically photogenic, too. Here again, lush and exotic settings are near the roadways but hidden from them. If the park materializes, this area will be in public ownership, accessible to hikers. It illustrates the palmetto-cypress-tupelo forest association that is typical of the lower thicket.

There are six other distinct plant associations elsewhere in the thicket, sometimes merging, and the pearls are intended to contion some representation of each.

Few virgin woods remain anywhere in the region. Almost all areas have been cut over, drained, crossed with roads or pipelines or otherwise altered by man. But one of the thicket's traits is rapid growth. The forest will soon return to climax stage if it is not starved for water.

Perhaps some black bears and panthers would reclaim a place, too. They and the alligators, once numerous, have almost disappeared. The ivorybill—the 20-inch-long woodpecker whose gaudy headfeathers used to decorate Indian warbonnets—lives in the thicket if he lives anywhere. The Audubon writer confidently claimed there were "five to 10 pairs" three years ago. I know three truthful birders with good eyesight who declare they've seen the splendid bird since then.

The Indians, the white loners on the frontier, loggers, moonshiners, Confederacy draft-dodgers—all used or abused the woods in some way. The thicket was meat market for a long time, thick with deer and bear. The

Caddoes and Atakaps and the ancestors of the Alabama-Coushattas dined off it.

It turned aside the first streams of white settlers. The thicket got the mavericks—self-sufficient and unsociable. Thicketeers to this day are openly proud of their rough-tough ancestors.

Loggers had eyes on the thicket as early as the 1850s, and floated logs down the Neches and Sabine. The narrow gauge railroad built in the 1870s speeded up the harvest. By the 1890s there was a network of rails and rowdy sawmill towns. In the logging style of that era all over the South, the cutters cut and moved on without looking back or thinking ahead.

Most of the sawmill towns faded into ghostliness when the timber was used up. Farming moved in as the woods receded. Then the oil boom came, further altering the look and the economy of Southeast Texas.

All concerned recognize that present forest management practices are a far cry from the shortsighted cut-and-run methods of 50 years ago. Still, angry charges fly across the communication gap in the park dispute. The park partisans are convinced that some timber men are maliciously destroying attractive areas of the thicket to discourage the park idea because a park would loosen their hold on the area's economy; and that continuation of the present large-scale draining and conversion of the thicket to pine tree cultivation will eliminate all natural forest and the plant and animal communities associated with it.

The timber industry, on the other hand, maintains it is taking good care of the forest resources; that timber lands are inexorably shrinking while population and the need for wood products are growing, and that every available acre of production land is needed.

At the Senate hearing in Beaumont in June, a timber spokesman illustrated the communication gap: "How many acres would you lock up for one species of orchid that is indistinguishable to anyone but an expert botanist?" he asked. From the viewpoint of most of his listeners there, the orchid is locked up now because it is in the possession of an industry that would, quite naturally, rather have pine trees. Putting it into a park would open it up.

Someone—and it will have to be public officials—must strike a balance and decide how many acres for orchids. It is unrealistic to expect timber men—who grow trees and cut wood like fish got to swim, birds got to fly—to take care of some thicket for its scientific, recreational and aesthetic values if they do so at the expense of marketable pine trees.

It is elected officials, not tree owners, who are assigned to look after the public's interest, aesthetic as well as economic. They can't know the long-term ecological consequences of the conversion of vast areas from mixed forest to pine plantations. But they can justify the preservation of some natural area as a merely reasonable and prudent way of aiding ecological research and expanding recreational opportunities.

The thicket would have been under state ownership or protection long ago if those responsible for state parks had rated conservation of natural areas as important as the development of mass-use recreational facilities.

So at last, this year, the Washington route to a thicket park looks far more promising than the Austin route. If an irreplaceable natural resource is finally lost with the thicket now, it will be because too few public officials in either capital could see the forest for the pine trees.

PRESIDENT NIXON'S ADDRESS ON THE ECONOMY

Mr. GRIFFIN. Mr. President, last Friday evening, in New York City, President Nixon delivered a major address before the National Association of Manufacturers on the state of the economy and the administration's strategy for dealing with it.

The President appeared before the NAM, but declared at the outset that he was reporting "to the Nation." Columnist David Lawrence later described it as a "historic address."

The President made it clear that while there will be no letup in the administration's determined efforts to win the battle against inflation, the time has come for a shift in emphasis.

Richard Nixon demonstrated that he is a President who will not be passive about critical problems which attend the difficult shift from a wartime to a peacetime economy.

There have been dislocations—economic pain and suffering borne by labor and management alike—and it is, as the President noted, "the business of Government, business, and labor to help ease that pain as we move ahead."

The time is ripe for Government to stimulate the economy, and President Nixon announced the support of Federal Reserve Chairman Arthur Burns in expanding the money supply. We now have new hope for an upsurge in housing, as well as in State and local government construction.

At the same time, the President made it clear that inflationary contract settlements in the construction industry must not continue. He indicated that he will not hesitate to use the power of his office to bring about reasonable settlements.

It is my hope that both management and labor in the construction industry will read and understand the President's message. Good-faith negotiations in this critical industry can void the necessity for Presidential intervention.

The President's announcement permitting an increase in existing import quotas on Canadian oil is especially welcome. I am hopeful this action will lower the cost to consumers of gasoline and heating fuels.

All in all, I am most encouraged by the President's address. It was in keeping with the efforts of the administration to promote a stable, vigorous economy, while promising no letup in the fight against inflation.

As the President wisely observed:

> Let us recognize that no one industry and no one side of the bargaining table can be made the scapegoat for rising prices. There is enough blame to go around, and the past policies of Government bear their full share of that blame. But recriminations and buck-passing will not help; what is needed now is the firm acceptance of the fact that fighting inflation is everybody's business.

That admonition applies to Congress as well.

NATIONAL SPENDING PRIORITIES

Mr. HART. Mr. President, many of us in Congress have talked a great deal about the importance of changing national spending priorities.

As is often the case in politics and government, it is easier to talk about changing priorities than accomplishing a change.

As is also often the case in this Nation, changes which do occur often go unnoticed because they happen over an extended period of time.

And finally, it sometimes happens that small changes are made to seem large depending on who is using what figures.

The effort to tighten the Pentagon budget and to redirect those savings into domestic programs is an excellent case-in-point.

We have made some progress in reducing the Pentagon budget.

Last year Congress decreased Pentagon money requests from $75.2 billion to $69.6 billion in the defense appropriations bill and from $2 billion to $1.644 billion in the military construction funding bill.

The cuts totaled $6.7 billion.

This year Congress approved a $2.037 billion military construction bill, $97 million less than the Pentagon budget request.

The defense appropriations bill on which we vote today is, as recommended by the Senate Appropriations Committee, $2.3 billion less than the $68.7 billion requested by the administration.

While this figure may well be adjusted upward in conference, I think it safe to predict that when it completes action on this bill, Congress will have reduced the Pentagon budget by more than $2 billion.

To what does this add up? It means that in the last 2 years Congress can take direct credit for an overall reduction in the Pentagon budget of about $10 billion. Congress, I think, can also take indirect credit for the reduced Pentagon appropriations request made by the administration in this year's defense bill, down from last year's $75.2 billion to $68.7 billion.

So some progress has been made, but the battle is far from won.

Already, Pentagon spokesmen have talked about the need to increase their budget next year.

If, indeed, the administration does request increased funds for the Pentagon, so be it. But the administration should not be misled by the fact that attempts are not being made now to cut this bill as approved by the Senate appropriations bill.

The fact that those of us who previously have attempted to reduce on the floor what was approved in committee are not doing that today does not mean we are tiring or relaxing our effort.

To the contrary, we are encouraged by the action of the Senate Appropriations Committee this year, for under its recommendations Congress is approaching the military spending limit of $66 billion which many of us supported earlier this session in an amendment to the military authorization bill.

In short, the Pentagon will have to make a case for any budget increase next year, the same case which will have to be made for increases in any other program.

And let us not be misled by statements made by some administration officials and supporters claiming that our Nation has turned the corner on changing our spending priorities.

These spokesmen would tell us that a breakdown of the administration's budget shows 36 percent will be spent on defense and 41 percent on human resources.

Those percentages are accurate only if one counts under human resources expenditures from trust funds for social security, medicare, unemployment insurance, and so forth.

However, the fact is that neither Congress nor the administration has any control over these expenditures. The Federal Government is merely a caretaker for these funds and eventually returns them to the source from which collected, such as social security benefits.

If trust funds were separated from the human resources portion of the budget, we would find that the breakdown between domestic and defense expenditures in the administration's budget comes out about $26 billion for the domestic and about 7 billion for defense.

These are the funds over which Congress and an administration can effect control. In the language of the budget planners, they are called controllable outlays.

It is my understanding that under the administration's budget requests, controllable outlays for human resource programs would be increased by only $200 million over last year, hardly sufficient to keep up with rising prices.

Clearly, while we have been making some progress on holding the level on Pentagon spending, we have not turned the corner in reordering our national priorities.

In short, we have been more successful in reducing Pentagon spending than we have been in increasing domestic programs, and the task of changing priorities is a two-step process.

And certainly there are domestic programs which could use these funds.

Many needy children will be without a school lunch this year because of a lack of money. We have no defense for this failure.

Applications for 235 and 236 housing programs are backed up, and Congress will have the authority, when action is completed on the 1970 Housing Act, to increase funds for these programs.

Urban renewal will have a backlog of $3 billion by the end of this fiscal year.

The level of funding for Headstart is still unsettled.

Many of the Nation's educational and health manpower programs could use more money even though we increased budget requests for these activities.

Support for basic and applied research must be increased.

These are just some of the needs.

A reallocation of funds cut from the Pentagon and other programs should not be called inflationary if Congress stays within the overall total of administration budget requests.

More important, it is my understanding that White House economists now agree Federal expenditures should be geared to what Federal revenues would be if the economy were approaching what is considered full employment. Under those guidelines, we could increase Federal expenditures by about $10 billion, and still not add to inflationary pressures.

Mr. President, to sum up, while some progress has been made in cutting Pentagon spending, we have made too little progress, the administration pronouncements notwithstanding, in directing those reductions into important domestic programs.

The difficult effort to make reality out of the easy-to-say phrase "changing national spending priorities" will entail continued vigilance over Pentagon budget requests, increased pressure to direct funds into domestic programs, and new efforts to raise additional revenue by closing tax loopholes.

That is a program for next year, for the next decade.

NEEDED: AN AUTHORITATIVE REPORT ON SIMAS

Mr. **BROOKE**. Mr. President, I wish to express my continuing deep concern and, indeed, my dismay over the handling of the attempted defection off the coast of Massachusetts nearly 2 weeks ago of a Lithuanian sailor named Simas.

This case has become a cause célèbre and casts a scandalous blot on our country's reputation as a haven for the oppressed of the world. The testimony of Government officials and eyewitnesses alike makes it increasingly clear that the participants in this affair, who should have supported an heroic leap to freedom, instead have brought shame upon the United States of America.

These questions require an immediate answer:

If the Coast Guard knew at 2:30 p.m. on November 23 that there might be a "potential defector," why was guidance not sought immediately?

After informing the State Department about 4 p.m. that "no defection had occurred," why did the Coast Guard neglect to amend and correct that statement when a defection did, in fact, take place an hour later?

Why did the Coast Guard apparently notify the State Department duty officer in Washington, D.C. at 7:45 p.m. that the man had been returned to Soviet custody when, in fact, the return of Simas, carried, bound, and unconscious, to the Soviet ship did not occur until nearly midnight?

Why were Coast Guard officials not familiar with the protocal relating to refugees, which specifically prohibits the expulsion or return of refugees to territories where their lives would be in danger?

Under what circumstances could any officer in the service of the United States think it appropriate to permit personnel of a foreign power to board and forcibly remove any individual?

Unfortunately, these questions have not been addressed in the verbal and written reports which have so far become available.

The President has taken commendable steps to prevent a repetition of this affair. He has expressed his own severe displeasure and has issued instructions that any future cases involving a potential defector must be reported immediately to the White House. The Voice of America has broadcast the message through the world that the Nation which has given shelter to over a million refugees since the Second World War has not closed its doors to human need.

But the peoples of the world need to know all the facts if they are to believe that this case truly involved nothing more than a ridiculous and humiliating bureaucratic misjudgment. Only a full and detailed report, which hopefully will confirm that no high decisions were taken and no high officials consulted, will reassure the world about our Government's policy. It should be forthcoming immediately, for it is needed now if we are to begin the long process of restoring the faith of the disillusioned throughout the world.

SENATOR RANDOLPH URGES PROMPT ACTION ON SENATE JOINT RESOLUTION 74—NATIONAL EMPLOY THE OLDER WORKER WEEK

Mr. **RANDOLPH**. Mr. President, during the last decade substantial numbers of older Americans have "dropped out" of the labor force—too often unwillingly.

Many need to work to supplement inadequate social security benefits or other retirement income. Others simply want to work part time or full time to remain more active during their later years.

However, recent employment statistics clearly reveal the increasing difficulty elderly persons encounter in finding work.

Since January 1969, unemployment for persons 65 and older has increased by 78 percent. During this same period, their very long term unemployment—27 weeks or longer—has doubled.

There are now 6,017,000 men 65 and older who have withdrawn from the work force, compared with 4,463,000 in 1959. This represents a drop-out rate increase of 34 percent.

Even more disturbing, the number of individuals 65 and older falling below the poverty line has risen by nearly 200,000 since 1968. In sharp contrast, the number of younger persons in poverty has declined by about 1.3 million.

A number of proposals have been advanced to encourage the employment of senior citizens. One such measure is my legislation, Senate Joint Resolution 74, to authorize the President to designate the first full week in May as "National Employ the Older Worker Week."

Since 1959 the American Legion has advanced efforts to designate the first week in May as "Employ the Older Worker Week." This is in recognition of the benefits to be derived from hiring aged individuals.

My resolution—which has received widespread bipartisan support—is directed toward making this meritorious objective a national endeavor by calling upon persons in all walks of life to observe such a week with appropriate ceremonies, activities, and programs.

Unfortunately many employers have false stereotypes about the desirability or feasibility of hiring older persons.

Consequently, informational and educational efforts are needed now to help make prospective employers aware of the many attributes of elderly workers—such as their stability, experience, and dependability.

The designation of such a week can be a constructive force, I strongly believe, in helping to eliminate false impressions and prejudices against aged individuals.

In September this resolution passed the Senate without a dissenting vote. And the measure is now pending before the House Judiciary Committee.

It is my genuine hope—as well as the desires of numerous senior citizens' organizations—that the House act promptly and favorably on this resolution during this session of Congress to focus increased national attention on the advantages of employing older persons.

Another successful approach to encourage employment of senior citizens has been provided under certain title III programs of the Older Americans Act.

For example, a number of projects now provide job placement and referral services for the elderly. One particularly outstanding example is the Retirement Jobs, Inc., program in San Jose, Calif.

This highly successful program has placed more than 1,000 older Americans in a wide variety of jobs.

A recent article by Martin Segal describes this program in greater detail and the benefits for senior citizens.

Mr. President, I commend this article to Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

3,000 ONCE RETIRED ARE AGAIN PRODUCTIVE

(By Martin E. Segal)

Over 3,000 older men and women have been returned to the mainstream of life as a result of finding new employment through a nonprofit corporation.

The work of Retirement Jobs Inc. of San Jose, Calif., has benefited not only the older folks who have been put to gainful use, but the community as well.

When the corporation was organized in 1967, it had 90 persons signing up for its services. So successful has its operation been that it now has five offices serving the counties of Santa Clara, San Mateo, and Santa Cruz with more than 1,000 members. Expansion into the San Francisco area is planned.

LOW BUDGET

Except for some handicapped persons, Retirement Jobs accepts no members who are not of Social Security retirement age. There are no membership fees for applicants. And once a person signs up and becomes a member he remains a member for life.

Once again, the program serves as an example of how a small federal outlay given to solve the problems of older folks has produced outstanding results. Retirement Jobs has been aided by a grant under the Older Americans Act. The organization operates on a low budget of $33,000 a year. Office space for the five locations is donated. After these federal funds expire, it plans to continue operation with local funding.

Managers of the offices are paid $2 an hour. Clerks get the same amount. However, these people do not exceed the $140 a monthly maximum allowable amount under the Social Security law. Volunteers who are members do the rest of the work.

A 74-year-old retired lawyer, Jules Eshner, and the other officers and directors are not paid. Eshner puts in 50 hours a week on his unpaid job, but reports his compensation comes in the satisfaction he gets in seeing the program work.

Retirement Jobs placed 1,000 persons in 1969 and has a goal of 1,200 placements for this year. During Senior Citizens Month, 100 persons found jobs through the service.

HOUSING STARTS UP

Mr. DOLE. Mr. President, it is gratifying to note that President Nixon is looking for a renewed surge in housing construction as one of the key elements in his plan to revitalize the economy. In his speech to the National Association of Manufacturers on Friday, he pointed out that housing starts have been rising strongly this year and have surged ahead almost 20 percent in the last quarter. The President then pledged that his administration would continue to direct its programs in such a way that the pent-up demand for housing in America will be met.

This is a strong commitment for the relief of the lower- and middle-income wage earners who have been most hurt by the tight money, high interest rates, and slowdown in housing starts. Thankfully, all of these problems are on the way to solution.

As the President noted, housing starts are up dramatically. The Federal Reserve has foreseen an easing of the tight money situation, and the Department of Housing and Urban Development has recently lowered the interest ceiling on VA and FHA mortgages.

All in all, it appears that the housing problem is being turned around and President Nixon deserves much credit for recognizing the overwhelming importance of this problem and taking the necessary steps to correct it.

SKI UTAH

Mr. MOSS. Mr. President, the skiing season has been in progress in Utah, now, for weeks, and it will extend into May. Undoubtedly we have some of the most superb ski country in the world. No one disputes this. And the great thing about it is that one can ski in Utah and still find solitude and beauty.

Bob Redford, who visited most of the fabled European ski areas in filming "Downhill Racer" and who has also skied all over America, finds the Utah ski scene the best in the world.

He says:

> It really seems better—it really does.

And to prove he means what he says, he has made his permanent home near Sundance, Utah, a new ski area of which he is a part owner and which is now being developed not far from the location of his film, "Butch Cassidy and the Sundance Kid."

Recently the magazine the American Way published an interview with Bob Redford on "Skiing Utah" in which he predicts that the secret of how great Utah is for skiing cannot be kept much longer. I ask unanimous consent that the Redford interview, which lists key Utah ski areas, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SKI UTAH

Powder is the word to describe skiing in Utah.

The ski season stretches from mid-November into May. Terminal elevations reach 10,550 feet, with vertical drops to 2,500 feet. Average temperatures in mid-season are an ideal, wind-protected 20 to 25 degrees; humidity is less than 10 percent.

Virtually all areas offer the security of packed snow on gentle, well-groomed slopes, as well as the celebrated "Powder Alleys" for the more adventurous, and night skiing is excellent. The abundant snow (average depth at 8,500 feet is about 98 inches) is "dried-out" before falling, because much of the water is drawn off when incoming snow slouds cross the Sierras.

Resorts, restaurants, lodges, lifts and facilities are absolutely first-rate; new developments are sprouting; nightlife is booming, and—very significantly—skiers from across the country are as close as thirty minutes from plane to powder. Yet, until this season, Utah has enjoyed a kind of esoteric or "experts only" reputation in national ski circles. Why?

Among the skiers best equipped to discuss the subject is Robert Redford, star of the widely-acclaimed Downhill Racer, who makes his permanent home near Sundance, a fast-developing new ski resort of which he is part owner, located twelve miles north of Provo, Utah, not far from the location for his film Butch Cassidy and the Sundance Kid.

Here, in an interview with freelance writer John Minahan, Redford discusses why Utah is finally emerging as a major national ski resort.

MINAHAN. Where and when did you start to ski?

REDFORD. I started very late, about '67. Resisted skiing for a long time because I didn't have time for winter sports. I was from California and I was a beach guy, you know, and team sports. I didn't see winter until I went to college. And because it was something that everyone did, I had a resistance. There was everybody going skiing, everybody putting the skis on the rack, everybody dressed alike, looking alike, talking the same way, and everyone had this obsession that lasted about four months. And for some reason, that kind of put me off. I'm sorry, because now I'm so fired on the whole sport. I picked it up rather quickly in Utah and before long I was really going after it.

MINAHAN. Did you ever go to a ski school?

REDFORD. No, I just started skiing with good skiers. I skied with Junior Bounous, who's certainly one of the finest teachers around the west. He's truly an expert on powder technique. I've always learned more from doing thngs with people who were good, who knew what they were doing, rather than listening to it spoken to me. So I then got immensely interested in skiing.

MINAHAN. Bill Levitt of Alta Lodge told me that Utah's snow is the finest for skiing he's seen anywhere in the world. Do you agree?

REDFORD. Yes, I've skied all over the world now, too, I think I've skied in just about all the major areas. And certainly all the top ones in Europe, because we made Downhill Racer at all the major European ski races. So of course I'm familiar with those areas. But Utah, I'd have to say that it does seem better, it really does.

MINAHAN. Because of the powder?

REDFORD. Yes, it's very dry, it's very high and dry. And it's extremely well-protected. A lot of the other areas I've been to are exposed when you get up that high. They're quite exposed and you get the wind, and the cold cuts through you. And, you know, when you're really cold, you can't enjoy skiing. But up here, you get up pretty high but you're still protected by all these surrounding peaks. This applies to the whole compound of resorts in the Wasatch Range, not one exclusive of another.

MINAHAN. A lot of the top skiers know this, they come every year, but for some reason the area hasn't really been "discovered" by large numbers of skiers across the country.

REDFORD. What could be better?

MINAHAN. Yes, but why is this the case?

REDFORD. Because it's never been promoted. You know, I'll be honest with you, it's why I settled here. It's one of the reasons I settled in Utah, because it had not been promoted. It was still a place where you could go and witness what space really was, what the word "space" really meant. And what the word "solitude" meant. And scenic beauty, all thrown into one.

I mean, that's going to change, obviously, it has to. As more people discover the unusual qualities of Utah, the snow and the skiing conditions, it can't be kept a secret too much longer. Colorado always had the reputation of being the western ski outpost, until you got to Tahoe. And people just kind of hopped over Utah without realizing it; so it's enjoyed this kind of esoteric reputation, which is justified.

MINAHAN. You think it's sort of inevitable that you're going to have huge ski crowds in Utah?

REDFORD. Oh, I suppose so, but they're developing it quite rapidly, and if it's done wisely, there won't be huge crowds. There's a way to do it. It's just that most ski resorts have been in such a rush to make a buck that they haven't thought far enough ahead about what to do with crowds when they come. The way we're developing our area, we're taking that into consideration.

MINAHAN. How much emphasis are you giving to nightlife?

REDFORD. Plenty. In the past, Utah had this kind of archaic reputation of being a place that was rather barren, culturally, and wasted, entertainmentwise, which was not true. People thought because it was Mormon country that you couldn't get a drink here; a lot of people thought you couldn't even get gas in the state. So, with that kind of naive opinion floating around, many people simply weren't aware of what Utah had to offer. Truth is, there's a lot of nightlife; certainly in Park City, and in the newer developments like Sundance, there's a big emphasis on nightlife.

MINAHAN. Getting back to skiing, it seems to me there's always wide disagreement about how to handle beginners. How do you do it at Sundance?

REDFORD. I'm a big believer in the whole psychological atmosphere. For example, at our ski school we're developing a special beginner area that's separated from the rest of the skiing on the hill. Junior Bounous manages the school and he agrees with me that a lot of people who're just starting to ski, particularly those who ski late in life, are intimidated by people who ski well. And people who ski well are unmindful of beginners.

As a result, many people don't take up skiing with the enthusiasm that they might have. They don't want to be seen "looking bad"; they don't want to crash in front of somebody who's good. They wouldn't mind at all going off into the boondocks and just crashing all over the place if nobody could see them. So the psychological advantage to having an area that's apart from the rest of the skiing is a good one because it encourages more people to come take a whack at it.

MINAHAN. For intermediate and expert skiers, could you give some idea of the altitudes and vertical drops?

REDFORD. Well, I know round figures. Alta goes from about 8,500 up to 10,500, with vertical drops from around 750 to 2,500. Park City goes from 7,000 to approximately 9,500. At Sundance we're now 6,000 up to 7,400, but we're going up to 10,500 when we complete our new lifts.

About the lowest base I think they have in Utah is around 5,900 or 6,000 feet, I don't think it gets any lower than that. Now, compare that to the east, where some of the *tops* of the mountains aren't even that high. It's ridiculous. In my opinion, you simply can't compare western and eastern skiing, it's just a joke. It's an absolute joke.

MINAHAN. What kind of lift facilities are available in the major areas?

REDFORD. In our area, we have an intermediate total of two double chair lifts and a Poma lift and J-Bar. The Poma is 3,000 feet long and lifts 700 vertical feet. One of the double chair lifts is over a mile in length and has a vertical rise of 1,400 feet. The other is just under a mile long with a 900-foot vertical rise. The lift total is intermediate because in the spring we'll be putting in two new double chair lifts that will open up skiing from the 7,400 to 9,000-foot level and provide five additional miles of runs. Eventually we'll go up to 10,500 with a gondola.

Park City has a gondola that's two-and-a-half miles long, a Prospector D-Chair, a Thaynes D-Chair, and two J-Bars. Park City West, that's a new resort as of last year, I know they have a Tomahawk D-Chair, an Iron Horse D-Chair, a Short Swing D-Chair, and a Tumbleweed D-Chair. They also have a couple of Mighty Mites and a Pathfinder in the beginner's area.

Alta has a Collins S-Chair, Wildcat D-Chair, Germania D-Chair, Albion D-Chair, Sugarloaf D-Chair, and a New D-Chair. The Albion is over a mile in length, and the Sugarloaf is nearly as long, with a vertical rise of around 1,300 feet.

MINAHAN. Is there an average rate for lifts?

REDFORD. It varies. Our area is $4.50 per lift pass, that's for the day. Some areas go up to $6.50. It's still cheaper than the east, or any other place in the states.

MINAHAN. A major consideration for most skiers is the driving time from airports. What are some average driving times from the Salt Lake City Airport to the principal resorts?

REDFORD. To Sundance, it's an hour. To Alta, it's forty minutes; Alta, Solitude and Brighton are about the same. I'd say it's around forty-five minutes to Park City and Park City West. And to Gorgoza, it's only thirty minutes.

MINAHAN. So in contrast to places like Aspen and Sun Valley, the driving time is a real competitive advantage.

REDFORD. A very important advantage. People just don't realize how easy it is to get here to ski. For example, if you live in L.A., you're roughly an hour away by jet. The same from San Francisco. And then you're only about thirty minutes to an hour away from skiing. So it's realistic to say that if you wanted to hang it just right, from the time you left sunny Cal, you could be skiing in about two hours. You just can't do that if you're going skiing, unless you live in the immediate area.

MINAHAN. And you certainly can't do it in the east.

REDFORD. It's easier going by wagon train in the east, it's bumper-to-bumper. Utah is just so accessible. Say you're coming from New York: with the nonstop jets coming out here now, you're only four hours away.

But say you're going from New York to Aspen: you have to fly to Denver, then you have to arrange for a small single-engine or twin-engine connecting flight into Aspen, and the schedules are not that regular; or a train takes seven hours, and driving is six or seven hours. So figure it out—getting there isn't easy at all. Same with points farther west; they're just not that accessible.

MINAHAN. Do most of your resorts provide transportation from the airport?

REDFORD. Most of them, yes, for people booking a reservation. There's also regular bus service to all the areas, taxi service, and of course all the major rent-a-car agencies are right at the airport. There's a good helicopter service, too, connecting to Park City, Alta, Sundance, Solitude, Brighton and Snow Basin.

MINAHAN. What's the situation on equipment rentals?

REDFORD. Alta's excellent, they have four shops now. Park City has two shops. Our area's quite good, a lot of it due to the various tie-ups we had on Downshill Racer. We have a ski rental and repair shop; in fact, we had that before we had a lodge.

Rates are approximately the same in all the areas—by the day, skis are usually four dollars; boots, two dollars; poles, one dollar; all three, seven dollars. Some resorts have special children's rates and weekly rates. A few of them rent things like skibobs and snowmobiles. All the equipment is first-rate, you can get just about anything you want.

MINAHAN. Do you recommend any special equipment for powder skiing?

REDFORD. No, not really. Soft-tip skis seem to give the best results on powder, but they're not necessary.

MINAHAN. Would you say there's one particular time during the season when powder conditions are especially good?

REDFORD. It depends somewhat on where you are in the state, but in most areas the base snow averages from about three feet in mid-November to around fifteen feet by the end of May. My personal preference is March, because the powder at Sundance is usually ideal then.

MINAHAN. How would you describe the Sundance area to someone who hasn't been here?

REDFORD. Well, you've seen it, so you know I'm not exaggerating at all when I say that the area is really unusual. It's just plain unusual. There are some magnificent ski resorts in the United States, some of them are just terrific. But very few have the character that Sundance has. And everybody has the same thing to say about it when they see it.

The road here is a winding mountain trail that cuts through the pines and quaking aspen along the Alpine Loop. You take it way up and then you just come onto the scene. And there it is, like an amphitheater far below, you know, like a little cup down in there. And just our day lodge there now with the restaurant and shops and our riding stables nearby. And behind it, the glacier, way up top, below the peak of Mount Timpanogos. The whole thing is like a tucked-in niche—a huge geological niche.

MINAHAN. Going up the lift I noticed that everything seems to open up as you go higher.

REDFORD. That's the thing I like most. You start at the base in heavy pine, with the stream running right through our development, and as you go up the lift to ski, land becomes revealed all around you, like a flower budding, you know. Until when you get to the very top, you can look for seventy-five miles and see the Colorado border. You can see the Rockies in the distance and the Unita Range.

Then the name really does become significant, because all these peaks, these sharp, jagged peaks, are all around you and it's a true alpine condition. The sun hits the snow-capped peaks and just bounces—I mean the light scenes that go on up there on a clear day are just incredible.

MINAHAN. I know your intention here is to make everything blend into the environment, but it didn't hit home until I saw that big pine tree in the middle of the restaurant.

REDFORD. Oh, the tree, yes, I feel like I'm trying to save somebody's life. It was at my insistence that the room be built around the tree. The architects were saying, "You just can't do it, you know, I mean it's just kind of dumb, you're taking up space, you can put a table there." And I said I'd rather have a tree than a body.

MINAHAN. We watched a Laurel and Hardy movie at dinner the other night, we were roaring. I can't ever remember ever going in a restaurant and seeing something like that.

REDFORD. Well, we felt that it should all be fun, a lot of the young people like it, so we decided to have a sandwich night on Wednesday nights, and we run old serials—Hoot Gibson and Ken Maynard and all the old boys. Even old Gene Autry and his guitar, and Rin Tin Tin and Laurel and Hardy. All the guys. It's a big hit, everybody loves it. It's prety here in the evenings; the slopes are all well-lighted and night skiing is popular.

MINAHAN. What are your plans for Sundance in the future?

REDFORD. This spring we'll start construction on our new lodge. We're placing it on top of a sheer bluff. And the idea is to have an outdoor funicular like they have in Italy—it's like a gondola that runs along the ground on a rail, up a very steep section. It'll go right up to the new lodge itself. Then on the bluff we'll have slalom races, and the lodge will be perched there overlooking everything.

Then, down below, the "community" will develop along the creek. So that the village, as it starts to come, will follow the waterway going back through the pine trees. And there'll be another lodge built back through there. Then the condominium cluster development which we'll have spotted throughout the entire area. But all separated from each other; no cluster will be near another.

MINAHAN: And your permanent home overlooks the whole area.

REDFORD: Exactly. So, naturally, I feel very strongly about how the area is developed. When I built my home here seven years ago, it was relative wilderness, there was nothing around. That's when I was really in heaven out here. Of course, I knew it couldn't last, somebody would develop it, so we bought the area ourselves, more with the idea of ecology in mind than anything else.

I mean, sure, everybody likes to make money, but that really was not the intent upon buying it. The intent was salvaging more than anything. Because I'd been to many new resorts around the country and studied the operations. And I usually came away quite disappointed because there was such a feeling of the fast-buck thing. It was clear to me that the owners just wouldn't be there the next year; they'd sell out and go on to the next thing. Consequently, the planning had great flaws in most of those areas. They didn't plan for the future, they were ripping out trees in droves, as if they'd somehow replace themselves. And I've always hated to see that.

So when we took over this area, it was with a heavy concentration on ecology in mind. We've kept to that. And I'm very proud of the way it looks and the way it's going to look. After all, I'll have to live with it.

ALTA

Location: 26 miles southeast of Salt Lake City in Little Cottonwood Canyon. (State Highway #210. Area Manager—Charles Morton). For information call (801) 649–9751 or write Charles Morton, Alta, Utah 84070.

Altitude: 8,550 ft. to 10,550 ft.

Season: Mid-November into May.

Lifts and Tows: *Collins S-Chair*: 2,750 ft. long with 750 ft. vertical rise; *Wildcat D-Chair*: 4,250 ft. long with 1,250 ft. vertical rise; *Germania D-Chair*: 4,000 ft. long with 1,000 ft. vertical rise; *Albion D-Chair*: 5,200 ft. long with 850 ft. vertical rise; *Sugarloaf D-Chair*: 5,100 ft. long with 1,300 ft. vertical rise; *New D-Chair*: 4,000 ft. long with 730 ft. vertical rise.

Ski Slopes: Unlimited ski runs, vertical drops 750 ft. to 2,500 ft. Distances ¾ mile to 3 miles. 30 expert runs. 9 intermediate runs and 4 novice runs.

Area Features: Power and alpine skiing as well as machine-prepared intermediate runs and 4 novice runs. The old silver mining town of Alta is famous for its alpine runs—Wildcat, Sunspot, High Rustler and Backside which have produced a deep powder technique among its many proponents. Excellent cross-country skiing. Three cross-country skiing shelters. 4- and 6-mile tours. Forest Service snow rangers. Average Temperature 20-25 degrees. This true alpine resort leads sophisticated skiers and novices alike to proclaim Alta the powder paradise of America with the best and most consistent snow conditions in the world—with depths of 15 feet in the spring. Alta has two full-time time ski shops, complete photo service, a state liquor store and The Shallow Shaft—a newly opened night spot.

BEAVER MOUNTAIN

Location: 27 miles east of Logan, Utah on U.S. 89. Area Manager is Ted Seeholzer. For information write 124 North Main Logan, Utah. Phone (801) 752–5334 or 563–5773.

Altitude: 7,200 ft. to 8,832 ft.

Season: December 15 to April 15.

Lifts and Tows: Beaver Face double chair, 3,200 ft. long, 1,060 ft. vertical rise. Little Beaver double chair, 1,500 ft. long, 350 ft. vertical rise. Poma, 1,300 ft. long 350 ft. vertical rise. Harry's Dream Lift, a double chair lift which is 4,600 ft. long with 1,600 ft. vertical rise. This lift opens up two-thirds-more skiing area than was previously accessible. It offers enough variety that any skier from novice to expert can find real satisfaction in its runs. Harry's Dream also provides unlimited powder skiing.

Ski Slopes: Slopes with 1,600 ft. drop in 1½ miles. Terrain varies from expert to novice.

Area Features: Trails and open slopes with machine packed runs. An A-frame lodge serves the day skier with a cafeteria, lounge, ski shop, and rentals. Large improved parking facilities adjacent to the area for 200 cars. This fine family-operated resort offers excellent runs for skiers of all abilities and is noted as a tourist stop for skiers enroute between Utah, Idaho and Wyoming resorts. Nearby Logan, with its college atmosphere, provides accommodations. Additional: Shelter Lodge and Forest Service snow rangers.

BLUE MOUNTAIN

Location: 4 miles west of Monticello, Utah. Area Manager: Grant Bronson, Monticello, Utah 84535. Phone (801) 587–2786.

Altitude: 8,700 ft. to 9,500 ft.

Season: December 15 to April 1.

Lifts and Tows: 2,000 ft. Poma Lift with 850 ft. vertical rise.

Ski Slopes: 2,600 ft. to 3,000 ft. runs.

BRIAN HEAD

Location: 30 miles east of Cedar City and 12 miles southeast of Parowan on U143. General Manager: Bill Thompson. Dr. Charles Gunnow, President. Write P.O. Box F, Cedar City, Utah. Phone Brian Head No. 1.

Altitude: 9,700 ft. to 11,300 ft.

Season: Late-November through early-May.

Lifts and Tows: D-Chair: 3,000 ft. long with 700 ft. vertical rise; D-Chair: 5,600 ft. long with 1,200 ft. vertical rise; T-Bar 1,300 ft. long with 350 ft. vertical rise.

Ski Slopes: 12 trails ranging from beginner to advanced. Runs up to 2½ miles.

Area Features: Ski rental, a lodge with restaurant, lounge and ski shop. Future plans include a year-round alpine village and recreational facilities.

BRIGHTON

Location: 25 miles east of Salt Lake City in Big Cottonwood Canyon Area. Operators: Dean and Gilbert Jensen, Zane and Michael Doyle. Write 3535 Hermes Drive, Salt Lake City, Utah. Phone (801) 277–5440 or 277–3963.

Altitude: 8,900 ft. to 10,400 ft.

Season: Mid-November to Mid-May.

Lift and Tows: Millicent S-Chair: 4,200 ft. long with 1,300 ft. vertical rise; Mary D-Chair: 2,450 ft. long with 425 ft. vertical rise; Majestic D-Chair: 3,700 ft. long with 750 ft. vertical rise; Sky Hook T-Bar: 550 ft. long with 225 ft. vertical rise; Evergreen D-Chair: 2,800 ft. long with 660 ft. vertical rise.

Ski Slopes: Unlimited runs, slopes and trails for all skills from beginner to expert.

Area Features: Machine-packed slopes. Shelter and dining facilities located at the base of the lifts. This resort high in Wasatch National Forest is noted for its diversity of terrain and year-round appeal. Brighton carries a long history as one of the first resorts of the West. Additional: cross-country skiing and touring; full-time Forest Service Snow rangers on duty.

GARGOZA

Location: 3 miles east of Parley's Summit on Interstate 80 (13 miles east of Salt Lake City). Write P.O. Box 11277, Salt Lake City, Utah 84111. Phone (801) 359–5452.

Altitude: 6,400 ft. to 6,830 ft.

Season: December 1 to March 15.

Lifts and Tows: Two D-Chairs: 1,200 ft. long with 300 ft. vertical rise. T-Bar: 2,100 ft. long with 300 ft. vertical rise. 1 free Rope Tow. Lifts open 10:00 a.m. to 10:00 p.m. Monday through Saturday, 9:30 a.m. to 5:00 p.m. Sunday.

Ski Slopes: Gradual and "sorta" steep. Perfect for intermediate and beginning skiers—and for confidence building before taking on the big mountains.

Area Features: Complete snack bar and family dining. Tubing-sledding lift. World's longest toboggan chutes (1,100 feet with 600 feet to run-out). Group rates. Live music on weekends, regularly-scheduled live entertainment. Annual Tubing Olympics.

PARK CITY: ACTION COUNTRY

Location: 27 miles east of Salt Lake City, via Interstate 80. Area Manager: Woody Anderson. Write P.O. Box 919, Park City, Utah 84060. Phone (801) 521–2131 or 649–9681.

Altitude: 7,000 ft. to 9,400 ft.

Season: Mid-November to May.

Lifts and Tows: Gondola: 2½ miles long with 2,300 ft. vertical rise. Prospector D-Chair: 6,600 ft. long with 1,000 ft. vertical rise. Thaynes D-Chair: 5,280 ft. long with 1,000 ft. vertical rise. Two J-Bars, each 1,200 ft. long with 100 ft. vertical rise. Lifts open 8:30 a.m. Night skiing 4:30 p.m. to 10:30 p.m.

Ski Slopes: Choose from one of many magnificent ski slopes available. Over 35 miles of groomed ski terrain and 37 separate ski runs for the novice intermediate and expert skier.

Area Features: Park City Resort features well-groomed slopes for skiers of all abilities, the longest aerial tramway in America and a unique mine train museum tour. Cafeteria at base serves skiers' meals as well as gourmet dinners. Lounge, ski shop, rental, repairs and nursery school complete facilities. The Summit House also serves complete chef-prepared foods. Picturesque Park City offers the old Western mining atmosphere with its many shops, restaurants, lounges and hotels.

PARK CITY WEST

Location: 24 miles east of Salt Lake City via Interstate 80. Don Redmon, Area Manager. Write P.O. Box 308, Park City, Utah 84060. Phone (801) 363–6413 or 649–9663.

Altitude: 7,000 ft. to 9,200 ft.

Season: Thanksgiving to May.

Lifts and Tows: Tomahawk D-Chair: 5,000 ft. long with 1,400 ft. vertical rise; Iron Horse D-Chair: 6,640 ft. long with 1,800 ft. vertical rise; Short Swing D-Chair: 3,400 ft. long with 950 ft. vertical rise; Tumbleweed D-Chair: 1,550 ft. long with 340 ft. vertical rise; 2 Mitey-Mite lifts and Pathfinder beginner's area lift.

Ski Slopes: 30 miles of groomed slopes and trails, for the beginner to expert skier.

Area Features: All trails and slopes are machine packed along with precision control of moguls. Park City West conducts a weekly NASTAR race complete with electric timing. The lodge's unique western-styled lounge (The Barn) offers Saturday live evening entertainment and is equipped with a package liquor store. Nursery services for hotel guests are available.

POWDER RIDGE

Location: 16 miles northeast of Ogden, Utah. Write Ronald H. Harrison, 2580 Eccles Ave., Ogden, Utah 84401. Phone (801) 399-9603.

Altitude: 7,200 ft. to 9,422 feet.

Season: Mid-November to May.

Lifts and Tows: 10 double chair lifts scheduled at final completion.

Area Features: Day lodge, warming shelters, overnight accommodations, ski shop, rentals and ski school. Ultimate plans call for an alpine village, heliport and complete summer resort center. 5,000 acres of ski slopes from beginner through expert.

SNOW BASIN

Location: 19 miles east of Ogden on Utah Highway #39 in Ogden Canyon above Pineview Reservoir. Area Manager, Roy C. Newson. Write 4921 Kiwana Drive, Ogden, Utah. Phone (801) 392-9196.

Altitude: 6,600 ft. to 9,200 ft.

Season: Late November through April 10.

Lifts and Tows: *Becker D-Chair:* 2,500 ft. long with 600 ft. vertical rise; *Wildcat D-Chair:* 5,200 ft. long with 1,355 ft. vertical rise; *Wildcat S-Chair:* 5,200 ft. long with 1,355 ft. vertical rise; *Porcupine D-Chair:* 4,300 ft. long with 1,100 ft. vertical rise; *Powder Puff T-Bar:* 1,800 ft. long with 180 ft. vertical rise. Lifts open 9:30 a.m. to 4:30 p.m. weekdays, 9:00 a.m. to 4:30 p.m. weekends.

Ski Slopes: Beginners and novice slopes; open slopes for intermediate and expert.

Area Features: Skiing for the entire family with 32 designated runs. Mt. Ogden is one of the West's great ski mountains and has been the site for many national and international events. A day lodge, cafeteria, ski shop and rental service are all conveniently located at the surfaced parking lot. Snow Basin has been the training ground for many top racers, which speaks for its excellent variety of terrain and ski schools. Full-time snow rangers are added features. Closed Monday.

SNOWBIRD

Location: Peruvian Gulch and Gad Valley at Alta, Utah 84070.

Altitude: 8,000 ft. to 11,000 ft.

Lift and Tows: Jig-back *Aerial Tramway,* 3,000 ft. vertical rise. 3 other lifts in planning, including *Beginners' Lift.*

Ski Slopes: Diverse slopes, beginners through expert. Hotel and day facilities to be located at base, restaurant at top. For full details phone or write Ted Johnson, President, Snowbird Corp. (801) 649-9822, Alta via Sandy, Utah. 84070.

SNOWLAND

Location: 8 miles east of Fairview on Utah Highway #31 near the summit of Fairview Canyon.

Altitude: 8,900 ft.

Season: November through May.

Lifts and Tows: *Mitey-Mite:* 1,000 ft. long with 200 ft. vertical rise. Lifts open 10:30 a.m. to 4:30 p.m. weekends and holidays.

Ski Slopes: 3 ski slopes of varied terrain for beginning and intermediate skiers.

Area Features: Leisure skiing for the entire family on great powder snow. Ski touring in the fabulous Skyline Drive country in Central Utah—unsurpassed scenic beauty. A day lodge and snack bar are located at the area.

SOLITUDE

Location: 23 miles east of Salt Lake City in Big Cottonwood Canyon. Phone (801) 355-6412.

Altitude: 8,200 ft. to 10,200 ft.

Season: Mid-November to April.

Lifts and Tows: *Inspiration D-Chair.* 3,600 ft. long with 1,100 ft. vertical rise; *Powder Horn D-Chair:* 3,600 ft. long with 1,360 ft. vertical rise. *Moonbeam D-Chair:* 2,800 ft. long with 800 ft. vertical rise.

Ski Slopes: Unlimited runs.

Area Features: Solitude features one of the world's largest night skiing areas. Manicured slopes and central lodge facilities accommodate the skier's needs with minimum effort and maximum pleasure. A barshop at mid-way, cafeteria and dining facilities at the terminal serve skiers lunches as well as full meals.

SUNDANCE

Location: On Timpanogos Loop Highway (Utah Highway No. 80) in Provo Canyon. 12 miles northeast of Provo, Utah and 12 miles southwest of Heber, Utah. Write Edward Jones, Sundance, Inc., P.O. Box 837, Provo, Utah 84601. Phone (801) 374-8444.

Altitude: 6,000 ft. to 7,400 ft.

Season: November 20 to April 1.

Lifts and Tows: 2 Double Chairs: 5,500 ft. long with 1,400 ft. vertical rise and 5,000 ft. long with 1,300 ft. vertical rise; Poma Lift: 2,600 ft. long with 700 ft. vertical rise; new 7,400 ft. long Double Chair Lift will be completed for the 1971-72 season.

Ski Slopes: Open slopes—runs vary from novice through expert.

Area Features: Night skiing, ski shop, evening dining and Sunday brunch in the Tree Room. Hole-In-The-Wall Boutique.

SENATOR MILTON R. YOUNG INSTALLED AS PRESIDENT OF U.S. TAE KWON DO ASSOCIATION

Mr. YOUNG of North Dakota. Mr. President, it was a distinct honor for me to have been installed last weekend as president of the U.S. Tae Kwon Do Association, an organization which was founded in America to further the cause of this Korean form of self-defense, an art similar in many respects to karate.

I have been very much interested for several years in the fine and dedicated people who are involved in teaching this art. This is one of the best forms of athletic activities I know of, not only from a physical fitness and personal discipline standpoint, but from the personal satisfaction these trainees get out of learning how to defend themselves.

In fact, Mr. President, I believe the teaching of karate could well be offered in high schools and even colleges. Physical fitness is essential for a happy, productive life, and, invariably, people who are capable of defending themselves are less troublesome and better citizens. People trained in Tae Kwon Do do not resort to the use of knives, guns, or other weapons to protect themselves.

Mr. Jhoon Rhee, a truly great athlete and probably the Nation's most outstanding karate expert, is the founder of the Tae Kwon Do Association in the United States. He is a truly fine citizen, and I am real proud to count him as a very good personal friend. He is president of the Jhoon Rhee Institute of Tae Kwon Do, Inc., and vice president and secretary-general of the association. I was very pleased to become associated with the other outstanding people who also were elected as officers of this association. They include Representative JAMES SYMINGTON, of Missouri, vice president, who is a student of karate and has won a karate belt; Mr. Jack Valenti, president of the Motion Picture Association of America, another vice president of the Tae Kwon Do and also a karate student; and Mr. Ku Kyung Chung, treasurer.

The members of the board of directors of this nonprofit corporation, formed to further the development of this form of Korean art, are: Pat Berleson, 1964 national Tae Kwon Do champion and head of the TKD school in Fort Worth, Tex.; Bradley Coury, Washington, D.C., attorney, Phil Cunningham, 1969 TKD Glabe champion of Philadelphia; Jose Jones, 1967 Metropolitan Washington champion; Young Il Kong, owner, TKD school in Baltimore, Md.; Mahn Suh Park, owner of the TKD school in Philadelphia; Andy Paul, Washington, D.C., businessman; Chae Bok Rhee, Milford TKD, Milford, Conn.; Leonard Sattler, Washington, D.C., attorney; Hyun O. K. Shin, president, TKD school in New York; Pat Worley, 1970 national TKD champion of Washington, D.C.; Fred Wren, 1967 TKD champion of St. Louis, Mo.; and Dong Ja Yang, Howard University physical education instructor. Honorary president is His Excellency Don Jo Kum, Ambassador of the Republic of Korea.

PRESIDENT DECLARES DECEMBER 10 AS "NATIONAL HUMAN RIGHTS DAY"

Mr. PROXMIRE. Mr. President, yesterday Mr. Nixon proclaimed December 10 as Human Rights Day. I am grateful that he has brought attention to this subject, as I believe it is one of the most important issues facing our country and the world.

December 10 is also the 22d anniversary of the United Nations Declaration of Human Rights.

The Senate can demonstrate its concern for, and dedication to, human rights, by ratifying the Genocide Convention of the United Nations. This treaty was just recently reported to the Senate by the Committee on Foreign Relations. No one is for genocide. By ratifying this convention, we could celebrate National Human Rights Day in a way that will long be remembered by the entire family of nations.

Again, I congratulate the President on designating Thursday of this week as National Human Rights Day. I urge the Senate to take action on the Genocide Convention in the near future.

THE UNDEFEATED ARKANSAS STATE UNIVERSITY FOOTBALL TEAM

Mr. FULBRIGHT. Mr. President, I am pleased to be able to pay tribute in the Senate—for the second consecutive year—to the Arkansas State University football team. The undefeated ASU Indians are the national champions of the college division, ranking number one in both the Associated Press and United Press International polls.

Coach Benny Ellender's team has compiled a 10-0 record, winning its third straight Southland Conference championship. On Saturday December 12 ASU will play Central Missouri State in the Pecan Bowl in Arlington, Tex.

I think the Indians have really proven themselves as the number one team because they have ranked first in the AP poll since the first week of the season and have been able to withstand all the pressure of being on top.

Mr. President, I ask unanimous consent to have articles from the Jonesboro Sun and Arkansas Gazette about the ASU team and Coach Benny Ellender printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Jonesboro (Ark.) Sun]

A-State Takes No. 1 Spot In Both Polls

Arkansas State University took the mythical national title by finishing first in both the Associated Press and United Press International College Division polls today.

The Indians were ranked first in the Associated Press poll since the start of the season but just moved into first place in the UPI poll this week.

A-State replaced Tampa University, who lost 36–28 to Vanderbilt Saturday, in the UPI poll. The Indians had 17 first place votes in that poll. Tampa finished second and Montana was third.

In the Associated Press poll the Indians had seven first place votes and 245 points. Montana was second with 207 and North Dakota State third with 154.

This is the first time in the history of the school that the Indians have finished ranked first in the nation. Until this year the highest the Indians had ever been in the polls was fifth. Last year, the Indians finished fifth in the UPI poll and seventh in the AP poll.

The Tribe is also the first football team from Arkansas to ever take a unanimous national title. The University of Arkansas took one of three versions of the major college title in 1964.

Arkansas State retained its No. 1 ranking today in the Associated Press college division weekly football poll.

Now 10–0 after finishing its regular season with a 27–3 victory over Southern Illinois last week, State received seven first place ballots and 245 points in the voting by an AP panel of sportswriters and broadcasters.

Montana, which completed its season with a 10–0 mark, was second with three firsts and 207 points.

Arkansas State will play next on Dec. 12 when it plays Central Missouri in the Pecan Bowl at Arlington, Tex.

Tampa's first loss of the season after nine victories, 36–28 against Vanderbilt, dropped the Florida school one notch from fourth to fifth. North Dakota State remained third and Tennessee State, which beat Parsons 21–3, moved up one notch into the No. 4 spot.

Wofford, Texas A&I, Jacksonville State, Alcorn A&M and Southwest Louisiana complete the first 10 teams in that order.

The top twenty teams with first place votes in parentheses and total points on a 20–18–16 through 1 formula:

1. Arkansas State (7)	245
2. Montana (3)	207
3. North Dakota State	154
4. Tennessee State	149
5. Tampa (1)	148
6. Wofford (2)	132
7. Texas A&I (1)	102
8. Jacksonville State	94
9. Alcorn A&M	88
10. Southwest Louisiana	73
11. Delaware	58
12. Western Kentucky	49
13. Wittenberg	47
14. Long Beach State	39
15. Abilene Christian	38
16. St. Olaf	37
17. Westminster, Pa	35
18. Grambling	34
19. Eastern Michigan	21
20. Edinboro, Pa	18

ARKANSAS STATE UNIVERSITY FINAL STATISTICS—RECORD: 10-0-0

	ASU	Opponent
Wichita State	53	14
SE Louisiana	12	3
The Citadel	24	7
Trinity	21	14
Louisiana Tech	38	17
Abilene Christian	28	23
Lamar Tech	69	7
North Dakota University	23	18
Texas-Arlington	27	7
Southern Illinois	27	3

[From the Arkansas Gazette]

Ellender's Philosophy: Keep It Simple, Lasting

(By E. Michael Myers)

JONESBORO.—Bennie Ellender, whose Arkansas State University Indians are the No. 1 ranked team in small college football, is a soft-spoken coach who believes in simplicity.

"We place a lot of emphasis on breaking down the elements of success. They are alike in almost everything you do. When we break them down and let our players see how they are related to winning we give them something they can use for the rest of their lives," the 45-year-old coach said.

Ellender has used that philosophy to capture the Southland Conference football title for the third straight year. He takes his Indians to the Pecan Bowl at Arlington, Tex., Dec. 12, again for the third straight year.

But the son of a former Louisiana oil field roughneck believes in more than just championships and bowl berths, although they have their place of importance.

"If I didn't think I was making more of a contribution to my players than just teaching them physical skills, I couldn't justify being a coach," he said.

In eight seasons at Arkansas State Ellender has produced three small college All-America players and a record of 51–20–4. He has a two-year winning streak of 18 games and in the last three seasons his record is 25–4–2.

On and off the field Ellender believes in unity of purpose and dedication. Without it his players would have little to prepare them for life after graduation.

"Whatever will lead to success in our program will also enhance their possibility of meeting with success after graduation. I don't think football is an end in itself; it has to be an integral part of an entire college program," he believes.

"We all know good blocking, tackling are responsible for winning, but preparation, dedication, desire, mental toughness and intelligence and a lot of other basic things are responsible for helping players block and tackle well.

"When they understand this they also understand that it comes to be successful in all their endeavors," the three time Southland Conference coach of the year said.

Ellender, who quarterbacked at Tulane University in the mid 1940s, must compete for his players in a state rabid for Arkansas Razorback football. But he believes he has just as much or more to offer than the big time college football powers.

"We offer a boy an opportunity to play quicker than he can at the larger schools and we offer nearly as much here in academics as any school. The spectator interest isn't as great but there is more opportunity." And he believes the players know it.

"We have a tremendous amount of togetherness and this is good. We strive to make them feel they are part of the organization. We feel like we have good rapport with all our people, that the door is open to them at all times."

U.S. POLICY TOWARD PORTUGUESE AFRICA

Mr. CASE. Mr. President, in light of the present continuing debate in the U.N. Security Council about alleged Portuguese involvement in the invasion of Guinea, I am today releasing the text of correspondence I have had with the State Department on U.S. policy toward Portuguese activities in Africa.

My original inquiry of the State Department was prompted by a letter I received in November from a Maplewood, N.J., high school student, Laurence E. Tobey. At that time I wrote Mr. Tobey that his letter to me "raised some points with which I was not familiar," and I thanked him for what I consider to be "a well thought out and informative letter."

While the State Department reply is not responsive to all the details mentioned by Mr. Tobey, my understanding is that it is probably the most complete public disclosure to date of U.S. policy toward Portugal in Africa.

I ask unanimous consent that the texts of the letters be printed in the RECORD.

There being no objection, the texts were ordered to be printed in the RECORD, as follows:

NOVEMBER 1, 1970.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am a student at Columbia High School and have recently completed a course in African history. One of the major problems under discussion was European colonialism. European oppression has been overthrown throughout Africa, with the major exception of the Portuguese colonies of Angola, Mozambique, and Portuguese Guinea. The Caetano regime which is presently in power in Portugal has maintained repressive colonial wars in each of these colonies since 1961, which the United States and NATO allies have supported with military aid and training. I would like to question this support.

"The United States had supplied the Portuguese Air Force with 50 Thunderjet fighters since 1952, some 30 Cessno training and security planes, (of which Portugal has paid for 12), a large number of Harvard trainers, 18 Lockheed bombers (PV–2 Harpoons) and 12 other Lockheed bombers". (*African Report,* May, 1970). In addition, West Germany has supplied 40 Fiat G–90 fighter-bombers. Germany has also supplied three naval frigates, in addition to two from Britain and four from France. All of this material has been provided ostensibly for NATO use. None of it has been used for that purpose. Portugal has further failed in its NATO commitment by maintaining only one army division for NATO duty, and that at 50% combat strength, while by contrast, the Portuguese maintain 130,000 soldiers in Africa for colonial duty. Finally, clandestine aid has been given by the United States, in particular the Central Intelligence Agency, in the form of 20 B–26 bombers, and the United States has also trained several thousand Portuguese soldiers in counter-insurgency, and at present the Army maintains a Military Assistance and Advisory (MAAG) Group in Portugal. The fact remains that these forms of military aid have been provided under the auspices of NATO and the Military Mutual Defense Assistance agreement. It has not been used for that purpose, but in fact, the Portuguese have continued their colonial wars at the expense of their NATO commitments.

The nature of the wars conducted in Africa by the Caetano regime has often been described as immoral, indiscriminate, and blood-thirsty. Their purpose is none but avowed, admitted imperialism. There can be no moral justification for such territorial aggrandizement.

In conclusion, I would like to suggest the following:

(1) Immediate cessation of all American military aid to Portugal, and diplomatic pressure put on the NATO allies to do the same.

(2) The American Embassy to the United Nations be instructed to introduce action in the UN condemning the Caetano regime for its wars, and demanding that steps be taken to prepare Angola, Mozambique, and Portuguese Guinea for independence. (The United States voted against such a resolution in 1966.)

The American policy towards Africa as a whole has been described as one of benign neglect. American attitude toward Portuguese imperialism is at mildest, acquiescence. The continuation of bloodshed serves no purpose for any one except the narrow-minded men of the Caetano regime; not the people of Africa, who are kept in crushing poverty, nor the people of Portugal, who must fight and pay the bills. The present American policy aids only the Caetano regime. I ask that the United States stop underwriting their policy of imperialism and repression.

Sincerely,

Laurence E. Tobey.

Department of State,
Washington, D.C., November 13, 1970.
Hon. Clifford P. Case,
U.S. Senate,
Washington, D.C.

Dear Senator Case: Thank you for your letter of November 4 and the opportunity to comment on Mr. Tobey's letter of November 1 to you regarding U.S. policy towards Portugal and Portuguese Africa.

The United States Government's attitude towards this question was set forth in the Secretary of State's March 26 policy statement on Africa. He said: "As for the Portuguese territories, we shall continue to believe that their peoples should have the right of self-determination. We will encourage peaceful progress toward that goal. The declared Portuguese policy of racial toleration is an important factor in this equation. We think this holds genuine hope for the future. Believing that resort to force and violence is in no one's interest, we imposed an embargo in 1961 against the shipment of arms for use in the Portuguese territories. We have maintained this embargo and will continue to do so."

It is true that we do maintain a modest Military Assistance program (MAP) in Portugal, designed to help it fulfill its NATO missions primarily in anti-submarine warfare and air defense. Materiel and training in these areas are generally inapplicable to the African wars. (Counterinsurgency training courses have not been offered to the Portuguese military since 1964.) Moreover, since the imposition of our arms embargo in 1961, we have required assurances from the Portuguese Government that any materiel supplied to Portugal from public or private U.S. sources will be restricted to the NATO area, which does not include the African territories. To the best of our knowledge, these assurances have always been kept.

We, therefore, believe that any U.S.-manufactured arms acquired in the U.S. and used by the Portuguese in Africa were acquired prior to the 1961 embargo. I might point out that such items, being often of World War II or Korean War vintage, are also available commercially in many parts of the world outside U.S. Governmental control.

With regard specifically to B-26 aircraft, Portugal did obtain seven B-26's through a Swiss firm in 1965. The aircraft came from private U.S. sources. Those directly involved in delivering the planes to Portugal included three Americans, a Briton and a Frenchman. All were indicted by a U.S. Federal Grand Jury for illegal export of the aircraft. Charges were dropped against two of the Americans; the two non-Americans were brought to trial but acquitted; and the fifth suspect evaded arrest and remains at large (presumably abroad). The case attracted widespread public notice at the time, and included unfounded allegations that the transaction had been a CIA-sponsored venture.

Repeated high-level efforts by U.S. officials to obtain the return of the aircraft from Portugal met with no success. The Portuguese have maintained throughout that they bought the aircraft in good faith and under valid contract from a Swiss firm and cannot be held responsible for the illegal acts of those with whom the Swiss firm in turn may have had dealings. At our insistence, however, the aircraft have not been moved from the metropole, and have not, therefore, been of any use to Portugal in Africa.

Concerning Mr. Tobey's policy recommendations, I might make a few observations. First, our MAP program in Portugal has averaged about $1 million annually in recent years—an amount which represents less than one-fourth of one per cent of Portuguese military spending. Any resources freed for Portugal by our MAP are thus of relatively negligible value. In the absence of our MAP, Portugal would doubtless continue its military effort in Africa, an effort which the Portuguese view as essential to their vital national interests. Without our MAP, Portugal's NATO proficiency would likely suffer, while there would be virtually no effect on its capability in Africa.

In the United Nations, we have supported resolutions which we believed offered a constructive approach to the question of Portuguese Africa. An example of this was our vote for a 24th General Assembly resolution welcoming the Manifesto on Southern Africa; a copy of the statement of the U.S. representative is enclosed for your information. We have been unable to support certain resolutions in the General Assembly or the Security Council which, in our view, have contained objectionable provisions, unsubstantiated allegations, and unwarranted implications.

I believe that the foregoing points illustrate that the United States has not acquiesced in Portuguese colonialism in Africa, as Mr. Tobey alleges. We have, over the past decade, repeatedly made known to the Portuguese our position and concern in this question. The Portuguese have always been willing to discuss the matter with us, but they remain convinced that their policies will prove to be right in the long run. In order to continue to play a positive role, the U.S. continues, nonetheless, to seek to preserve a constructive relationship with the Portuguese, both in the metropole and in the overseas territories.

I hope that this information will be of assistance in responding to Mr. Tobey.

Sincerely yours,

Colgate S. Prentice,
Acting Assistant Secretary for Congressional Relations.

THE CAMPUS CALM

Mr. DOLE. Mr. President, pundits and journalists—the two words have become nearly synonymous—have wondered at the general campus calm this fall and at other signs indicating the fading of the so-called youth rebellion.

Mr. Stewart Alsop, a sometimes perceptive journalist-pundit, has stumbled across an answer that seems as good as any.

I ask unanimous consent to insert it in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Newsweek magazine, Dec. 14, 1970]

Radical Chic Is Dead

(By Stewart Alsop)

Washington.—Something has happened that is hard to define precisely or to prove conclusively, but that is important all the same, politically and in other ways. What has happened is that radical chic suddenly isn't chic any more. Instead, it has become a bore, and because it has become a bore, it is dying.

Watch the faces at some more-or-less politically sophisticated gathering the next time the "rage and alienation" of "the kids" is mentioned. Is there not a certain glazing of the eyeballs? Or when Eldridge Cleaver, say, or the Black Panthers, or Dr. Timothy Leary, or the youth culture, or Ti-Grace Atkinson, or women's lib, or the Gay Liberation Front, or some other icon of radical chic is introduced. Is there not a faintly embarassed haste to change the subject?

The fact is that radical chic—or the New Left, or call it what you will—was essentially a fad, and all fads die. This is the world's most faddish nation, but our fads die very suddenly. Mah-jongg, Joe McCarthy, flagpole sitting, the Hiss trial, Communist-baiting, dirty jokes about Eleanor Roosevelt—they were all fads, in their different ways, and they all occupied the obsessive attention of the nation. Then they became a bore, and they died, utterly, overnight.

CROSSOVER

The reason seems to be that a sort of crossroad point is reached with our fads. The promoters of the fads go from excess to greater excess, to hold the attenton of the faddists, until appetite sickens on the surfeit, and so dies. When this crossover point is reached, the fad suddenly comes to seem a bit silly, or a little sickening, or very boring, or all three together.

Take the case of Dr. Timothy Leary, the original guru of the drug culture, who was once taken entirely seriously. He is now wandering woozily about North Africa, stonned to the eyeballs as always, and issuing such pronouncements as this:

"Resist lovingly . . . Resist spiritually, stay high . . . praise god . . . love life . . . blow the mechanical mind with Holy Acid . . . Arm yourselves and shoot to live . . . Life is never violent. To shoot a genocidal robot policeman in the defense of life is a sacred act."

The "literature" of radical chic is full of this sort of silly-sickening-boring stuff. For example, this syllogism from Chicago's "underground" paper, Rising Up Angry: "Kill a pig—satisfaction. Kill more pigs—more satisfaction. Kill all pigs—complete satisfaction."

This sort of thing has rather suddenly ceased to be chic, and its unchicness is reflected in the liberal-intellectual press. The phrase, "radical chic," first appeared in New York magazine, no reactionary journal, in a brilliantly funny piece by Tom Wolfe, describing Leonard Bernstein's famous party for the Black Panthers. The rapid decline of radical chic may have started with that article.

INFRA DIG

More recently, New York has published a two-part series by Gail Sheehy on the Black Panther trial in New Haven. The Panthers emerge as more pathetic than heroic, and Sheehy points out that the appeal of the Panthers to many young Negroes lies in the fact that "those cats do more travelin' than rich folks do."

This is a far cry from the recent past, when the Panthers were so radically chic that Yale University was plastered with "Free the Panthers" signs, and president Brewster had announced that he was "appalled and ashamed" to discover that he was "skeptical of the ability of black revolutionaries to get a fair trial anywhere in the United States." In those days, in the academic community, it was considered hideously *infra dig* to mention a fact that seemed to leave no one appalled and ashamed—that, as Sheehy points out, a "whimpering, dull-witted black" had been subjected to prolonged torture, and then brutally murdered.

There is plenty of other evidence of the sudden unchicness of radical chic. For example, The Wall Street Journal thus summarizes the thrust of four recent lead articles in Commentary, the New York liberal-intellectual magazine: "This talk of political repression is nonsense. The Black Panthers are a menace. Women's liberation is silly . . . The New York Review of Books, chief intellectual organ of the New Left, is 'anti-American'."

For another example, there was the recent witty article by John Corry in Harper's, reprinted in The Washington Post—neither being reactionary journals. Corry takes hard swipes at many targets—women's lib, The Village Voice, the fashionable radicalism of the ladies' fashion magazines. But his hardest swipes are reserved for the radical young—"stuperfying dull when they are not being simply unpleasant"—and the Panthers. He makes the case that the Panthers, in their role of "furnishing entertainment for the white radicals" are simply "the natural sons of Stephin Fetchit."

SDS is already moribund, and it seems a good bet that, as radical chic becomes more and more obviously a bore, the Panthers and women's lib and the rest will fade away too. What has killed radical chic?

The elections, for one thing, in which the liberal Democrats scuttled toward the center to save their skins, defying the thunderbolts of The Village Voice and J. K. Galbraith. The winding down of the war, obviously. And perhaps also the winding down of the U.S. economy, which has had the sobering effect on the fashionably radical that the sight of the gallows is supposed to have on the condemned man. But above all there is the curious crossover process that makes all fads fade, by making them silly, or sickening, or boring.

POOR-BOYING IT

For wonderful silliness, consider the pants a good many of the revolutionary young now wear. To bestow on a pair of bell-bottomed blue jeans the correct poor-boy-Woodstock look, it used to be necessary to "tie-dye" them with Clorox, to make them look messy, and to unravel the bottom seams, to make them look ragged. It costs a bit more, of course, but the more affluent young revolutionaries can now buy their pants pre-tie-dyed and pre-raggedized.

These pre-poor-boyed pants—and much else besides—make it a little difficult to take the famous youth revolution quite so solemnly as it once was taken. It is now even possible to suggest, without being labeled a horrid old reactionary, that the revolution springs as much from an entirely natural desire not to get drafted or shot at as from a burning idealism. Now that radical chic is dying, it should also be possible for serious people to get on with the serious business of dealing with poverty, the war, the draft, discrimination against women and Negroes, and the other serious problems that the faddish posturings of radical chic have served to obscure.

MANY DISTINGUISHED SCIENTISTS STRONGLY BELIEVE IN SUPERSONIC AIRCRAFT DEVELOPMENT

Mr. RANDOLPH. Mr. President, in the current controversy on further funding of the supersonic transport aircraft, there has been disagreement with the scientific community on this proposed development.

The following statement by the President's science adviser, Dr. Edward E. David, Jr., has been endorsed by distinguished American scientists who opposed the action of the U.S. Senate in denying funds to continue vital experimental work on the supersonic transport aircraft:

> The recent Senate Action denying funds for experimental work on the Supersonic Transport represents the wrong approach in dealing with new technology. Our society must not suppress technological advances, but through research, development, and experimentation make sure that those advances are obtained without undesired side effects. Instead of canceling work on the SST, we should mount a vigorous program of experimentation aimed not only at solving the technical problems of economic supersonic transportation but also at assuring no undesirable effects.

Mr. President, I list the following eminent scientists have expressed individual support for this statement—affiliations are given for identification purposes only:

Dr. Harold M. Agnew, Los Alamos Scientific Laboratory, Los Alamos, New Mexico.

Dr. Ernest W. Anderson, Iowa State University, Ames, Iowa.

Dr. Charles A. Barth, University of Colorado, Boulder, Colorado.

Dr. Raymond L. Bisplinghoff, National Science Foundation Washington, D.C.

Dr. Robert A. Charpie, Cabot Corporation, Boston, Massachusetts.

Seymour J. Dietchman, Institute for Defense Analyses, Arlington, Virginia.

Dr. Stark Draper, MIT Instrumentation Laboratory, Cambridge, Massachusetts.

Dr. Eugene Fubini (formerly IBM), Washington, D.C.

Dr. Thomas Gold, Cornell University, Ithaca, New York.

Dr. Robert Milton Howe, University of Michigan, Ann Arbor, Michigan.

Also, Dr. Richard H. Jahns, Stanford University, Stanford, California.

Dr. William W. Kellogg, University of Colorado, Boulder, Colorado.

Dr. Winston E. Koch, Bendix Corporation, Detroit, Michigan.

Dr. Eric B. Kraus, University of Miami, Coral Gables, Florida.

Dr. Paul W. Kruse, Jr., Honeywell, Inc., South Hopkins, Minnesota.

Also, Dr. Helmut D. Landsberg, University of Maryland, College Park, Maryland.

Dr. Frank T. McClure, Johns Hopkins University, Silver Spring, Maryland.

Dr. William G. McMillan, Jr., The Rand Corporation, Santa Monica, California.

Dr. Ruben F. Mettler, TRW, Inc., Redondo Beach, California.

Dr. Rene H. Miller, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Also, Dr. Wilbur R. Nelson, University of Michigan, Ann Arbor, Michigan.

Dr. William A. Nierenberg, Scripps Institution of Oceanography, LaJolla, California.

Frank A. Parker, Jr., Research Analysis Corp., McLean, Virginia.

Dr. Walter O. Roberts, Univ. Corp. Atmospheric Research, Boulder, Colorado.

Dr. Leonard S. Sheingold, Corporate-Tech. Planning, Inc., Waltham, Massachusetts.

Also, Dr. Chauncey Starr, University of California, Los Angeles, California.

Karl V. Steinbrugge, Pacific Fire Rating Bureau, San Francisco, California.

Dr. Henry S. Stillwell, University of Illinois, Urbana, Illinois.

Dr. C. Guy Suits, Crosswinds, Pilot Knob, New York.

Dr. Edward Teller, University of California, Berkeley, California.

Dr. Frederick E. Terman, Stanford University, Stanford, California.

Dr. Milton J. Thompson, University of Texas, Austin, Texas.

Dr. G. L. Von Eschen, Ohio State University, Columbus, Ohio.

Dr. Eric A. Walker, Pennsylvania State University, University Park, Pennsylvania.

THE PRESIDENT'S SPEECH TO THE NAM

Mr. BROOKE. Mr. President, President Nixon's speech to the National Association of Manufacturers on Friday night was a forthright treatment of our most pressing domestic problems—concurrent inflation and high unemployment.

One important part of the President's address was the announcement of the freeing of Federal offshore lands from State imposed restrictions on crude oil production. Depending on the development of additional pipeline and other gathering capacity, this action could mean an increase of as much as 500,000 barrels per day of crude flowing into domestic markets. The President took this step in hopes of rolling back the recent inexcusable price increases in crude oil and gasoline. This is a needed first step in breaking the invidious grip of the Nation's inflationary petroleum pricing system, which has long victimized consumers. I commend the President for his action.

The real significance of the President's announcement is its promise that this administration will no longer permit the States to hold down the production of crude oil so that big producers can raise prices at will. Moreover, restrictive State prorationing policies will be offset by more production from Federal reserves and larger overland imports from Canada with a goal of obviating unreasonable increases in petroleum prices.

In the debate over the need for wage and price controls, an important factor has been lost sight of: One section of the economy already has a form of price control. The oil industry enjoys its own price system, comprised of the oil import program, maintaining the flow of less expensive foreign oil at a mere trickle, and the State prorationing systems which in the name of conservation limit the production of oil in the largest producing States to a predetermined level. The combination of these two supply controls holds oil prices at a level higher than that of the world market. It is therefore no coincidence that the oil industry occupies a position of dubious prominence in the President's recent inflation alert as well as in his speech to the NAM.

This dual system of controls sandwiches the consumer into paying high prices for oil. I can see no reason for preventing a change to a system of import controls which would relieve the burden from the consumer. The Senate may have another opportunity to redress the balance in the consumer's interest. When the omnibus trade bill reaches the floor of the Senate, it will add language to the existing national security clause which would forbid the President from adopting any form of a tariff system. Such language would obviously prevent any reasonable change in the present oil import system. If and when the Senate has to face that issue, I am hopeful that this body will remove this invidious section from the bill.

THE PRESIDENT STACKS ANOTHER ADVISORY COMMITTEE

Mr. METCALF. Mr. President, Public Law 91–518, the Rail Passenger Service Act of 1970, provides in section 501 that:

> Within thirty days after enactment of this Act, the President shall appoint a fifteen-man financial advisory panel. Six members of the panel shall represent the business of investment banking, commercial banking, and rail transportation. Two members shall be representatives of the Secretary of the Treasury and seven members shall represent the public in the various regions of the Nation.

The President made the appointments a week ago today. He appointed, as the law provides, two representatives of the Secretary of the Treasury. He did not appoint, as the law provides, seven public members. The 13 non-Government members come from industry. They come from investment houses, commercial banks, railroads, an electric utility, a mining company, and a large law firm. He did not even appoint a tamed, retained academician for window dressing.

One company represented in the 15-member advisory panel, Goldman, Sachs & Co., is the defendant in a $23 million action, charged with "fraud, deception, concealment, suppression, and false pretense" in the sale of the commercial paper of Penn Central Transportation Co.

Mr. President, how can faith in our system be restored when our Chief Executive disregards the law and excludes public members from his advisory committees? There are experts on corporation finance who are not employed by and beholden to corporations. The Congress said that some advisory committee members shall come from the investment and rail industries, and some shall come from the public. Those are not the same categories.

The President's action last week brings a new concern to the hearings on advisory committees which were resumed this morning by the Senate Subcommittee on Intergovernmental Relations. Those hearings have dealt with my bill, S. 3067, which would require appointment of nonindustry members to Office of Management and Budget advisory committees.

If the President will not put public members on the rail passenger committee, he may refuse to put them on a budget committee. Congress should quit creating advisory committees which quickly become additional industry lobbies. We should instead take a good look at the concentration of financial and economic power that is stifling even minuscule attempts to let the people have a say in their government.

Secretary Volpe will be invited to testify before the subcommittee regarding the makeup of the rail transportation advisory committee.

Mr. President, I ask unanimous consent to have printed in the Record the Department of Transportation press release of December 1 regarding the President's appointment and the November 21 Business Week article entitled, "How to Keep Up on the Penn Central," which deals with the suit against Goldman, Sachs & Co. referred to above.

There being no objection the press release and article were ordered to be printed in the Record, as follows:

Department of Transportation Press Release

December 1, 1970.

President Nixon today named 15 distinguished leaders in business, finance and government to a panel to advise the directors of the National Railroad Passenger Corporation on ways and means of increasing capitalization of the Corporation. The panel will submit a report to Congress on or before January 1, 1971, evaluating the Corporation's initial capitalization and prospects for increasing it.

Secretary of Transportation John A. Volpe Monday outlined a basic national rail passenger system as authorized by the Rail Passenger Service Act. The Secretary explained that the system, as presently drafted, links together 14 major cities, along 16 routes. Under this arrangement rail passenger service would be provided to more than 85 percent of the nation's population currently being served. The Corporation will begin operating trains starting May 1, 1971.

Named to the panel by the President are: Carl H. Lindner, President and Chairman of the Board of the American Financial Corporation, Cincinnati; Lloyd Waring, Vice President and Director, Kidder, Peabody and Company, Boston; Charles R. Yates, Vice President, Finance, Seaboard Coast Line Railroad Company, Atlanta; Donald B. Herterich, Vice President, Manufacturers Hanover Trust Company, New York; Daniel W. Hofgren, Goldman Sachs and Company, New York; Mrs. Claire Giannini Hoffman, Director, Bank of America, Board of Directors of Sears, Roebuck and Company, San Francisco; Isabel H. Benham, Vice President of Shearson, Hammill and Company, Inc., New York; and Marshall L. Burman, Senior Partner, Arvey, Hodes and Mantynband, Chicago.

Also: Howard P. Allen, Director, Special Counsel to the Vice President of Southern California Edison Company, Los Angeles; John S. R. Shad, E. F. Hutton and Company, New York; Richard Pistell, Goldfield Corporation, New York; James H. McGlothlin, Executive Vice President, Southern Railroad Company, Washington, D.C.; Winthrop C. Lenz, Senior Vice President, Merrill, Lynch, Pierce, Fenner and Smith, New York; Murray L. Weidenbaum, Assistant Secretary of Treasury for Economic Policy, Washington, D.C.; and Bruce MacLaury, Deputy Under Secretary for Monetary Affairs, Department of Treasury, Washington, D.C.

The members of the panel will receive no salary.

How To Keep Up on the Penn Central

Apparently there is no situation so bad someone cannot turn it to his advantage. Two groups now offer to keep subscribers up to date on every complicated turning in the reorganization proceedings of Penn Central Transportation Co.

The respected Washington-based Bureau of National Affairs is already publishing *Corporate Reorganization Report*, a biweekly notification and referral service, providing financial, business, government, and legal counsel aimed at creditors and stockholders of the huge railroad. The BNA provides its subscribers with two binders, one for the current file and the other for documents including the full or partial text of all major filings before the court, the Interstate Commerce Commission, and Congressional committees. The service, which costs $200, started in October and will run through Dec. 31, when the BNA will decide whether to continue it.

But this week the BNA had a competitor: S&C NEWS (its initials stand for stockholders and creditors). Based in Philadelphia, it will be sent to subscribers twice a month at a monthly rate of $20 for the first subscription and $5 for each additional.

A LONG WAR

It was plain that both services would have plenty of work for their reporters this week as the Penn Central situation took yet another turn. Fundamental Investors, Inc., a $1-billion mutual fund, and three other businesses sued the securities firm of Goldman, Sachs & Co. for more than $23-million, charging it with "fraud, deception, concealment, supression, and false pretense" in the sale of the commercial paper of Penn Central Transportation Co.

The suit is the first major attack against Goldman, Sachs for its role as salesman of Penn Central paper. Other plaintiffs in the suit are C. R. Anthony Co., an Oklahoma City retailing concern; Welch Foods, Inc., of Westfield, N.Y., and Younker Brothers, Inc., a retailer in Des Moines, Iowa.

REAL WELFARE REFORM IS URGENTLY NEEDED

Mr. HARRIS. Mr. President, real welfare reform is urgently needed. The present system is not working. It must be replaced.

Toward this end, I introduced the National Basic Income and Incentive Act earlier this year, and I have worked within the Senate Finance Committee for needed improvements in President Nixon's family assistance plan.

To detail in chronological order a part of my efforts to date toward welfare reform, I ask unanimous consent that certain exhibits, hereto attached, be printed in the Record at the conclusion of my remarks.

Exhibit 1 consists of a series of excerpts from the hearings held this year on welfare reform by the Senate Finance Committee, showing statements made by me and question and answer sessions in which I participated, in an attempt to point out defects in President Nixon's family assistance plan and to suggest needed improvements in it.

After passage by the House of Representatives of the family assistance plan and during the course of consideration of it by the Senate Finance Comittee, the administration made a series of revisions of the family assistance plan. Exhibit 2 consists of an analysis of these revisions and a table comparing the revisions with the family assistance plan as passed by the House of Representatives, prepared by the staff of the Senate Finance Committee and dated November 5, 1970.

It had earlier been my stated intention to vote to report some version of the family assistance plan to the Senate where I thought there was the best chance of curing its defects. Eventually, however, I decided against even this tactical step as set forth in a statement by me printed on November 24, 1970, in the Washington Post, which is exhibit 3.

Exhibit 4 is a letter which I wrote on November 24, 1970, to Under Secretary of Health, Education, and Welfare John Veneman, enclosing a copy of my Washington Post statement.

Exhibit 5 is a copy of a list of minimal requirements I feel a welfare reform bill should meet and which I delivered to White House Counselor, Dr. Daniel Patrick Moynihan and Under Secretary of Health, Education, and Welfare John Veneman at a meeting with them in my office on Tuesday morning, December 1, 1970.

Exhibit 6 is a statement issued on December 3, 1970, by Secretary of Health, Education, and Welfare Elliot L. Richardson, which indicates the latest position of the administration, agreeing to certain important improvements in the family assistance plan since the last prior revision of it in October and following objections which had been voiced by me and others.

There being no objection, the items were ordered to be printed in the Record, as follows:

EXHIBIT 1

EXCERPTS FROM SENATE FINANCE COMMITTEE HEARINGS

WEDNESDAY, APRIL 29, 1970

(The following discussion concerned an HEW regulation under the AFDC program which exempted a mother of pre-school or school-age children from being forced to accept work or work-training if she thought day-care facilities for her children were inadequate.)

The Chairman. But it seems to me that you are not enforcing what we tried to do with the work incentive program. We pass this bill and call the same program by a different name, we are not in a position to feel the confidence that we would like to feel that it is going to achieve the result stated for it. But we intended that these people should go to work. We did not intend that they should should have an open-ended regulation by which they could refuse to go to work. We did not intend that they pull this sit-down strike and we did not intend that they be given $430,000 to show people how they could avoid working. It is very frustrating for us, working for the same objective that you are working for, to see that the administration is not enforcing it.

We had some Cabinet officers under the prior administration testify that this thing should be entirely voluntary and no person should be required to go to work if he did not feel like working and we voted them down. We feel we are frustrated by this regulation, which you have inherited. It seems to us if you have a program for putting people to work, you ought to show your good faith by changing some of those regulations and saying that they do have to work.

Secretary Finch. We will be happy to come back to you tomorrow when we find out what has happened in implementation of this regulation.

Senator Harris. Could we also, Mr. Chairman, find out if that really prevented anybody from going to work; aside from the lack of day care centers and the lack of jobs and the lack of training programs whether that regulation really prevented anybody from going to work? It is my understanding that far more volunteered to go to work than there was provision for, anyway. (At presstime, June 11, 1970, the material requested had not been received from the Department of Health, Education, and Welfare.)

Secretary Finch. I think that is a correct statement.

Mr. Rosow. That is right, Senator.

Secretary Finch. I think the latter part of it is correct.

The Chairman. If they volunteered to go to work, the question would be entirely moot. We are talking about a situation where people did not want to work, did not go to work, and no effort was made to get them to work. The regulation said they did not have to.

WEDNESDAY, APRIL 29, 1970

JOBS FOR WELFARE RECIPIENTS

Senator Harris. I thank you very much, Mr. Chairman.

Mr. Secretary, I have a lot of questions, as you might imagine, but initially I will just start out with some having to do with employment and the work training requirements under the bill. I think it is very important that there be encouragement for working, and I think some problems about that have already been pointed out.

The basic problem that I see with this bill, if it is to be other than just a pious statement that people should go to work; what are we going to do about the fact that there are about a million people who are out of work who were working January 1, 1970.

There are no provisions for expanded public or private jobs in this bill, are there, other than the training slots?

What if unemployment continues to go up, what can we do to provide jobs for these people who will be out of work and who, I take it, will be more and more of those who are least able to get jobs otherwise?

Secretary Finch. On page 36 of the bill, Senator, there is a provision allowing the Secretary of Labor to fund special work projects, which are defined as projects consisting of performance of work in the public interest, through grants to or contracts with public or nonprofit private agencies or organizations. Then they list the assurances that are required. That is one option.

Senator Harris. How much money is involved in that in the bill?

Mr. Veneman. For job training?

Senator Harris. For jobs?

Mr. Veneman. Over $700 million, take away 300.

Mr. Patricelli. About $260 million for job creation and training.

Senator Harris. How many job slots do you suppose that the would provide for? Do I understand you to mean that you anticipate that there will be subsidization to private industry as well as to public, governmental bodies for employing people who otherwise would be unemployed?

Secretary Finch. Yes.

Senator Harris. A total of $260 million is provided in the bill for both the subsidy as well as for the training; is that correct?

Secretary Finch. Yes.

JOB SLOTS UNDER THE BILL

Senator Harris. How many jobs slots do you anticipate that that would provide?

Mr. Veneman. There are 150,000 job training slots and 75,000 job upgrading slots.

Senator Harris. Those 150,000 training slots, are they in addition to training slots already available under other programs, or is this a part of that?

Secretary Finch. These would be new slots.

Senator Harris. 150,000 training slots. How many subsidized jobs do you assume that there would be under that program, or would there be any?

Secretary Finch. I am afraid Secretary Schultz would have to speak to that. That is really in Labor's field.

Senator Harris. That is exactly the first question I asked you. I took your answer to mean that there were subsidized jobs provided in that $260 million.

Secretary Finch. Well, the answer, I think, is——

Senator Harris. But you don't know how many there would be? Don't you think that would be a rather basic kind of thing to know?

Mr. Patricelli. I think the mix changes, varying with economic conditions.

Senator Harris. I understand that. My point is you say: jobs, jobs; but where are the jobs? Isn't it true that for every 1 percent unemployment goes up, approximately 1 million people, who otherwise were working, are thereby put out of work?

Secretary Finch. That is about right.

Senator Harris. Is that correct?

Secretary Finch. Yes, sir.

AVAILABILITY OF JOBS FOR WELFARE RECIPIENTS

Senator Harris. If the unemployment rate then has gone from 3.3 percent to 4.4 percent under this administration—and I take it everybody predicts it will go higher, although there could be disagreement as to how much higher—that means that approximately 1 million who had been working are now unemployed, and the Department of Labor, as I understand it, says that these are not new people in the market, but primarily are people who had jobs and now do not have jobs.

My point is: how do you plan for these people to go to work? Where is there in your bill, provision for even enough new jobs, public or private, to make up just these jobs we have lost out of the economy? Where are the jobs?

We have heard all of these pious statements about putting people to work and we have heard a lot of to-do about forcing people to go to work. Where will they go to work? That is my point.

Mr. Veneman. It would depend upon the skill of the individual.

Senator Harris. Aren't we talking about people with a rather low level of skill and rather low level of education?

Mr. Veneman. It depends on which way the economy goes. Many people who were formerly associated with the aerospace industry, highly trained and educated people are now on the unemployment rolls.

Senator Harris. What are we going to do about that under your bill?

Mr. Veneman. I don't think our bill touches that problem.

Senator Harris. Where will they go to work? If I were to vote for this bill, Mr. Secretary, and then went back to Oklahoma and said, "Well, I want you all to feel better because I have said all of these welfare folks have to go to work," everybody would applaud, but then, will they go to work?

Secretary Finch. I don't think this bill really attempts to meet the problem of guaranteeing jobs.

Senator Harris. It does not attempt to meet that problem?

Secretary Finch. No, not the problem of guaranteeing any number of jobs against any kind of situation that might develop. There will be some other benefits, though. For example, with the massive increase we hope to get in day-care funds, we will undoubtedly be able to use many of the unemployed people in jobs connected with the new day-care facilities.

Mr. Veneman. I do think we are getting into Secretary Shultz' bailiwick here.

Senator Harris. Don't you think we have to?

Mr. Veneman. Yes; it is essential, but I think he can probably answer the questions more precisely. He also has a job bank program, so he will be more able to help you identify problems in particular areas. I am sure that if you read the want ads in the Oklahoma City newspaper you will find as you do in the most newspapers, several pages of employment opportunities.

Senator Harris. What percentage of those opportunities, Mr. Secretary, would you say would be available to the average mother receiving aid for families with dependent children now?

Secretary Finch. It would depend, to a degree, upon the training programs that were available.

Senator Harris. That is right; it would be rather low without the training programs, wouldn't it?

Secretary Finch. Yes.

COMPARISON OF NUMBER OF WELFARE FAMILIES WITH NUMBER OF TRAINING SLOTS

Senator Harris. How many families presently are there now in the country receiving aid to families with dependent children?

Secretary Finch. One million, 800 and some-odd thousand.

Senator Harris. One million, 800 and some-odd thousand.

Secretary Finch. That was in November 1969.

Senator Harris. How many families will there be receiving family assistance under your program?

Secretary Finch. About 3.9 million.

Senator Harris. What you add here into training is 150,000 training slots?

Mr. Veneman. Actually, the additional persons that would be added because of this measure would be primarily working people, people that are already employed.

Senator Harris. I am just saying this, first—see if this is correct: 1,800,000 families now receiving AFDC, and they are the types that are to be encouraged or required to go to work; there will be 3.9 million, some of whom will be working poor under your program, and, according to your estimates, a good many of whom, I presume, are not now earning above the poverty level because of lack of training for jobs that might be available.

Is it true, then, that compared to that, there are only 150,000 new training slots provided in this bill for them? Is that correct?

Secretary Finch. Yes, sir.

Senator Harris. Can you explain that?

Secretary Finch. There are 150,000 training slots provided in the bill. Of the 1,800,000 families now receiving AFDC, about 7 percent of the female heads of households are working part time, and I think about 7 percent full time.

Mr. Hawkins. That is correct.

Mr. Veneman. Fourteen percent of the caseload is now employed. Also, out of the caseload, 61,000 are in the unemployed parent category.

So, most of those probably would be covered by the WIN slots that are available now. But 100,000 are predominantly for female heads of households, and will be effective only if the day-care component is adequate.

Secretary Finch. I would like to put into the record chart 13 of the welfare reform and work incentive—the material that has been circulated. Based on, roughly, manpower training capabilities and institutional openings in 1969 of 323,000, in 1971 we project 462,000 on the job.

The figure went from 140,000 in 1959 to 234,000 in 1971. Work support experience is 538,000 in 1971. And then, under this bill, including the 75,000 upgraded positions, you have another 225,000, or a total of 1,459,000, if you are looking at the whole galaxy of slots that are available to the Secretary of Labor.

SECRETARY SHULTZ'S STATEMENT OPPOSING CREATION OF JOBS IN PUBLIC SECTOR

Senator Harris. The staff just handed me here the testimony of Secretary Shultz testifying in the Ways and Means Committee, in their hearings on this bill, as follows:

"It is not our intent to create jobs in the public sector, especially for the hard-core unemployed as a way of solving manpower problems, and represent instead a failure to face up to the more difficult task of equipping individuals to compete for the ever-increasing number of real jobs that our economy is producing. We estimate that there will be 2 million job openings a year in clerical, sales and operative occupations."

Now, it seems to me that you are talking about an unrealistic thing with the health manpower crisis, the manpower shortage in education, and, I think, a good many other fields, such as rebuilding the cities, and there are tremendous demands for personnel in the public sector generally, and, if you are not going to make any effort at all to increase the employment in these service functions, which are the fastest growing in the country, I don't see how you are going to take up the slack. But, we could go into that later.

Obviously, you are not going to put people to work; you are putting people out of work under the macro economics now being practiced.

COMPARISON OF NUMBER OF CHILDREN RECEIVING WELFARE WITH DAY CARE AVAILABLE

What about day care? How many children presently are in families receiving aid to families with dependent children?

Mr. Hawkins. As of November, Senator Harris, there were 5,269,000 children.

Senator Harris. 5,269,000. How many will there be under the family assistance program which you advocate? How many children will be in families receiving that type of assistance?

Mr. Veneman. Under the working poor category?

Senator Harris. Whatever category. The total taking up cumulatively those now receiving AFDC and those who finally would be receiving assistance under your program, how many children would be in such families?

Mr. Veneman. Based upon a 1967 survey with a 1971 projection, we estimate that there would be 12½ million children under 18.

Senator Harris. Twelve and one-half million children.

Mr. Veneman. In all.

Senator Harris. Twelve and one-half million children. There are now 5.2 million-plus children in families receiving assistance now, and there would be 12½ million children in families receiving assistance under the program that you recommend.

Secretary Finch. Many of those would be in intact families.

Senator Harris. I understand that, but, nevertheless, you could break it down more if you wanted to compare it with the figures I was just going to cite.

Under your bill there would be only 300,000 children provided for in the child-care program for children of school age, and 150,000 children provided for who are of preschool age. Is that so? Is that all the day care that would be provided, as opposed to the number of children that would be involved in the program?

Mr. Veneman. Let's not forget, Senator, that in the intact families there presumably is a mother at home taking care of the family.

Senator Harris. Could you break out those figures for me? Right now you have an AFDC family. An employed father is not entitled to, or his family is not entitled to assistance now, except in five States.

Mr. Veneman. I would think in the family group it would be somewhere around 7 or 8 million children. That would be in families with a father and mother and kids, and the mother is home to take care of the children. So you are still talking 5 or 6 million children that would be in single-headed households.

Senator Harris. That is exactly my point: 5 or 6 million children.

Mr. Veneman. These additional day-care slots that we are talking about would be in addition to those in existence at the present time.

Mr. Patricelli. We are spending roughly $80 to $90 million on day care now.

Senator Harris. That wouldn't provide very much, if $386 million only provides 450,000.

Mr. Patricelli. This would be a 400- to 500-percent increase in 1 year.

Senator Harris. I am not talking about the increase; I am talking about the pious statement that we are going to require these people to go to work. As I understand it, we can't require the mother to go to work unless there is a day care that meets some standards.

Mr. Veneman. That is true. One of the provisions is: day care would have to be made available.

LACK OF INFORMATION ON TOTAL NUMBER OF CHILDREN FOR WHOM DAY CARE WILL BE PROVIDED

Senator Harris. We are only providing the cumulative total of day care under your bill for school-age children of 300,000?

Mr. Patricelli. There are two mechanisms in the bill to provide day care. One is a project grant authority under which we propose to make $386 million available in the first year to provide day care.

Senator Harris. Will it be more the next year? You said "the first year."

Mr. Patricelli. This is done on a fiscal year by fiscal year basis. We haven't projected for fiscal 1973.

Senator Harris. So, all we know about this level is what we are asked to approve for the fiscal year?

Mr. Patricelli. There is separate mechanism for reimbursing parents, essentially, for the cost of day care which they themselves provide. This is a provision for disregarding day care expenses in coming up with accountable income for the purpose of determining eligibility for payments. The Federal Government in effect would be helping to reimburse them for day care that they buy themselves.

Senator Harris. Have you somewhere in the figures the number of children that would normally be eligible for day care? Obviously, there is quite a discrepancy between 450,000 children and 5 or 6 million, or whatever it is.

Does somebody have those figures?

You started with a 12 and a half million kids altogether. Some of those are children of intact families, where, presumably, one parent would be available to take care of the child, and then you come down to the amount that you are providing.

All I am interested in, in my judgment, and I would presume you agree, is that there would be a very wide difference between the number of children who would ordinarily be eligible for day care and the number of day care slots provided for in your program; is that so?

Mr. Veneman. Senator, I believe that the program provides an adequate number of day care slots for a first full year's functioning of the program.

We have to take into consideration that 14 percent of these people have some kind of child arrangements already, because they are working either part time or full time.

Mr. Patricelli indicated we do permit deduction for day-care services which they are obtaining on their own. We can't estimate what that is. Also, we can't assume that every woman who is on the AFDC caseload is available for employment. They are not all trainable, and we might as well face that fact of life. There is going to be a certain percentage——

Senator Harris. How did you pick out 300,000 and 150,000?

Mr. Patricelli. That was done by projecting the day-care opportunities that would be needed to sustain the 150,000 job training opportunities for the AFDC mothers. And the calculation was based on average family size and number of children for such mothers, namely: three.

So, three times 150,000 is 450,000.

The five-plus million children that we are talking about in AFDC of course includes a large number of children who are under six, and we do not require mothers of children under 6 to go to work, so day care is not necessary to sustain a work requirement for those people.

Senator Harris. Would you be satisfied to leave the record then like it is, that you are not able to estimate how many children fall into any of these categories, or how many would be available or what percentage of them your day-care recommendations would take care of?

My judgment is there is a wide gap. I take it you are not even willing to admit that. Or if not, if you are to say how much it is, it seems to me you surely could have some figures on it. Why can't you come up with the numbers?

Mr. Patricelli. I think we are starting from different places, Senator. We provide financing for day care adequate to sustain the work training and employment programs which are provided for.

Senator Harris. I understand that. I suppose my time has run out, but I will ask you this one last question: is there any way you can particularize your figures on this?

Mr. Patricelli. We will try.

Senator Harris. Would you do that?

Mr. Patricelli. Certainly.

Senator Harris. Can you now?

Mr. Patricelli. Given the instruction we have had about ballpark estimates and back-of-the-envelope figures, we would prefer to put the figures in the record.

Senator Harris. We have been so loose on this that I will take ballpark figures. If you can give them now, you may do so.

Secretary Finch. I think we had better come back with figures. (At presstime, June 11, 1970, the material requested had not been received from the Department of Health, Education, and Welfare.)

Thursday, April 30, 1970

WORK DISINCENTIVES UNDER BILL

Senator Harris. First of all, a couple of statements, Mr. Chairman. I think that Senator Williams has done an excellent service in pointing out the kinds of notches that appear in the present law. This is a question I had yesterday, whether those same notches would not still be in the law under the new program. It has been demonstrated today that they would be. I think that, together with the question which the chairman asked in regard to the striking down by law of residence requirements, a decision with which I happen to agree, indicates you really cannot very well latch on to a system which both taxpayers and welfare recipients agree is a failure. That is why I offer a substitute plan and will offer a substitute plan, because it will, with a flexible level which could be phased in over a period of years, together with discretion in the Secretary about what resources and income will be taken into account, avoid altogether this notch problem which we have seen in the present law yesterday and in the FAP program today.

In addition, of course, as this bill does not do, my bill provides for uniformity among the States, counting one child as being of the same worth in whatever State he lives.

Also, the plan which I have suggested would relieve the States of the enormous and growing burden of welfare which is upon them. The bill before us would not do so. So I hope we will, at the proper time, have a chance to present an alternative way to do this. The suggesttion which I have made is not just a matter of raising the level. It is throwing out this old system and starting a new one, which would be an all-Federal system, and avoid the inequities and anomalies which exist in the present law as well as in H.R. 16311.

POOR PRESENTATION BY HEW AND QUESTION OF WHETHER ADMINISTRATION WANTS BILL SABOTAGED

There is another thing that I want to say. With all due respect, gentlemen, I believe this is the most ill-prepared presentation that I have seen since I have been in the Congress of the United States. I am really amazed that some of these very simple questions do not get a very quick and easy response—such things as just asked a minute ago about medicaid, and the questions I asked yesterday about the day-care costs. It seems to me that those are things which ought to have been easily available, because they ought to have been thought out in advance when you put this plan together.

Now, I will just be very frank with you. Rumors are circulating very strongly in this room today and yesterday that the administration intends to abandon this bill in this committee and that the presentation has been lukewarm and confused purposely to sabotage this bill. I think you are entitled to know that is what is being said, and I just want to hear you say for the record whether or not that is what you intend to do.

Secretary Finch. Senator, we could not possibly have contrived a scenario like this.

Senator Harris. I do not think so. I do not think you could have contrived an appearance which could have been less helpful to your proposal than what has accidentally occurred.

Mr. Chairman, I am hopeful that we will be able to proceed during the afternoon, because I do not believe I have ever looked at a bill, including the 300 page social security bill we had 2 years ago and the tax bill we had last year, that I have as many questions about, or seen as many things we can ask about. So I hope we will go this afternoon, Mr. Chairman.

The Chairman. Hold on just a minute.

As you know, Senator Harris, we have a conference scheduled this afternoon with regard to the airport tax bill and there are five members of the committee who, of course, would like to know what is being said in the committee room but who unfortunately will be at that conference. If the Secretary can be here this afternoon, as far as I am concerned I would be willing to continue this hearing this afternoon. I understand you will not be in town tomorrow.

Senator Harris. That is right.

Senator Bennett. I would have to add this caveat, on condition that we can find a Republican who is willing to sit, because I do not think it is fair to ask the Secretary to come back without a member of his own party being available.

Senator Harris. I think it is terribly important that we get this record complete.

The Chairman. We will furnish one Democrat. We will see if we can find one Republican member.

Secretary Finch. Just to clean up the record, if the Senator wanted a categorical denial of any intention to abandon the bill, I am happy to enter it. If the Senator wants to expedite the situation, he can submit questions in advance; we will be responsive. This is a bill of enormous magnitude. We have had a number of changes made in the House. We have had to alter our material considerably on the basis of those changes. We will continue to be as responsive as we can under the circumstances.

Senator Harris. I am glad to hear it said, Mr. Secretary, because I want you to know that that is a very strong feeling which circulated around here yesterday and today. I think you are entitled to know it, and I am glad to hear your response that it is not so.

Thursday, April 30, 1970

AFTERNOON SESSION

Senator Harris (presiding). The committee will be in order.

Mr. Secretary, Senators Bennett, Jordan, Fannin, and Hansen, on the Republican side of the committee have indicated they will come, or all of them will be here from time to time during the afternoon. We can either wait or proceed—we haven't any rule that particularly covers this situation—if you like.

Secretary Finch. I think we might as well proceed.

Senator Harris. Okay, Thank you very much.

Yesterday I asked several questions relating to child care, and you have given me since that time some material which has to do with how that program would operate.

Without objection, we will place in the record at this point a sheet entitled "Child Care Under the Family Assistance Program" and one entitled "Major Steps in Providing F.A.P. Day Care". Both of these carry the name of J. M. Sugarman, January 26, 1970, and also an additional two charts dated January 28, 1970, both labeled "Major Responsibilities in the Provision of Child Care Under the Family Assistance Program."

As I say, those will be placed in the record at this point. They detail how that program will work, and so forth.

(The documents referred to follow:)

"CHILD CARE UNDER THE FAMILY ASSISTANCE PROGRAM

"1. Who Is Eligible for Child Care?

"People who need child care to enable them to participate in *training, vocational rehabilitation or employment*, AND:

"(1) Who are entitled to benefits under Part D (Family Assistance) *or* Part E (Supplementary Payments).

"(2) To the extent the Secretary permits, persons who were *formerly* entitled to benefits under Part D or Part E, and who still need child care to maintain employment.

"(3) Until Family Assistance becomes effective, persons who are receiving AFDC.

2. What Kinds of Child Care Will Be Provided?

"We have strongly emphasized our desire to give parents a wide range of choice in child care arrangements. At the same time we have emphasized our desire to create the best possible *developmental* day care so that parents have *real* alternatives available to them. Parents will have the following basic options:

"(1) If they have income, they may make their own arrangements and *exclude the costs* of the child care from their reported income.

"(2) They may arrange to have the child cared for *in* their own *home* or in the home of a friend or relative and the Federal Government will pay for the cost.

"(3) They may have their child cared for in a *family day care* home which would have a small group of children (2–6) cared for in someone's home.

"(4) They may have their child cared for in a *group day care center*.

"(5) They may, through a vendor payment system, choose among available day care programs, or in some cases, organize their own programs.

"In each of these options we would expect to set reasonable standards as to how Federal funds can be used. These standards will mandate for options 3, 4, and 5 that there be educational activities, health and social services, nutrition and parent participation. It is our belief that a large number of parents will initially select options 1 and 2, but will switch 3, 4, or 5 when they understand how much more they offer to children.

"Child care will be available, as necessary, for children from birth through 14 years of age.

"3. How Will Funds Be Distributed?

"We intend to parallel the model called for in the Manpower Act. There will be a prime grantee at the State level and other prime grantees in those local areas which have large child care needs. The prime grantee will then contract with a variety of public and private organizations (including for-profit groups) to provide the actual care.

"We intend to encourage States and local communities to form 4–C (Community Coordinated Child Care) organizations to serve as the prime grantee. These organizations are broadly representative of public and private education, health and welfare agencies as well as parents. Such linkage is very important to our overall strategy in the emerging field of child development.

"Where a 4–C organization does not exist a welfare or education agency, a Head Start program, a health and welfare council, or other similar agency may be the prime grantee. Under some circumstances a corporation might be selected as a prime grantee on a national level (e.g., Ford Motor Company might want to develop day care at its plants for FAP recipients who were receiving on-the-job training.) It should be clearly understood, however, that funds under this act may *not* be used to support day care for persons other than those specified in the act.)

"4. Staff and Facilities

"Training funds are authorized in the Act and will be extensively used. Particular emphasis will be placed on (a) developing managerial and planning competence, and (b) employment of non-professionals. We estimate that 65% or more of the total staff can be non-professionals. In the *early stages* of the program child care jobs could be created for as many at 12% of the persons registering under FAP.

"The Act permits use of funds for renovation and remodeling. The latter term considerably broadens existing authorities and will permit a broad range of building improvements, including structural changes, or even additions to buildings which do not increase available space by more than 20%. On the other hand it *does not* permit land purchases or construction of new buildings. We still have under consideration the possibility of submitting construction legislation. Program grants can include money for rent and thus may stimulate private industry to build facilities.

"5. Administrative Linkages

"The administrative process involved is as follows:

A. At the Federal Level

"OCD, Labor, and Social Security will form working teams at both Washington and regional levels. They will plan jointly and develop coordinated plans for operation.

"B. At the State and Local Level (See attached chart)

1. Labor advises OCD of the estimated number of persons to be registered in each geographic area. OCD (a) identifies a prime grantee, and (b) begins the process of funding day care programs based on anticipated numbers of persons entering training and employment.

"2. The Social Security Administration receives applications for Family Assistance and refers individuals to the employment service.

"3. The employment service registers the individual. At the same time, a representative of the prime grantee or of the agency providing social services for that area counsels the parent on available day care options.

"4. The employment service notifies the prime grantee when the individual is scheduled for training.

"5. The prime grantee completes child care arrangements with the parent.

"6. OCD monitors the operation of prime grantees and works on problems identified by Labor or Social Security."

MAJOR RESPONSIBILITIES IN THE PROVISION OF CHILD CARE UNDER THE FAMILY ASSISTANCE PROGRAM

Social Security Office	Employment service	Prime grantee [1]	Day-care contractor [2]
A. INITIAL ARRANGEMENTS FOR CHILD CARE			
1. Individual applies for family assistance. Social Security notifies employment service.	2. Individual registers for training or employment. Employment service advises child-care prime grantee of approximately when individual will enter employment or training.	3. Representative of prime grantee may be assigned as a member of employment service team. In any event will work closely with coach. Prime grantee advises individual of available options: (a) Income exclusion. (b) In-home care. (c) Family day care. (d) Group day care. (e) Vendor payment. A. If individual selects income exclusion, prime grantee notifies Social Security. B. If individual selects in-home care or vendor payment, prime grantee arranges payments. C. If individual selects family or group care, prime grantee arranges child's enrollment.	4. Contractor provides day care.
1. Notifies prime grantee when individual no longer qualifies for FAP.	1. Advises prime grantee if: Individual terminates training or employment. Individual alleges that child-care arrangements are inadequate to permit her to maintain employment.	1. Works with employment service to develop jobs for FAP recipients in child-care field. 2. Helps individuals to change child-care arrangements if they are dissatisfied. 3. Monitors operation of child-care programs to see that standards are met. 4. Collects fees from parents who can pay part of costs. 5. Assists individuals to obtain other child care when they are no longer eligible for care under family assistance program. 6. Coordinates activities with other early childhood programs. Provides training and technical assistance.	

[1] Examples of prime grantee would include a 4–C organization, a welfare department, an education agency, or a health and welfare council.

[2] Contractors may include any competent public, private nonprofit, or private for-profit organization.

"CHILD CARE UNDER THE FAMILY ASSISTANCE PROGRAM

"Who

"Families needing child care to participate in training or to maintain employment, and who—

"Receive FAP payments,

"Receive supplementary payments,

"Formerly received FAP or supplementary payments, and

"Received AFDC and/or participated in WIN.

"Eligible for

"Preschool and school-age child care through—

"Group day care,

"Family day care, and

"In-home care.

"Funded through

"Grants to competent public and private agencies of all types.

"Grants to agencies to provide child care vouchers to parents.

"Excluding child care costs from the calculation of income.

"Fees on a sliding scale basis determined by HEW.

MAJOR STEPS IN PROVIDING FAP DAY CARE

[Major steps follow numerical sequence, 1 through 19]

DOL/Employment Service	DHEW/OCD	Prime grantee [1]	Operating agency [2]
1. Advises OCD of expected number of placements.	2. Estimates numbers of children requiring service.	3. Estimates types of services required and gaps in available resources. Requests funding level for new programs.	
	4. Approves establishment of new programs and sets preliminary funding level.	5. Programs funds and invites applications from operating agencies.	6. Prepares application for funds.
		7. Recommends applications for approval.	
	8. Approves application and forwards funds to prime grantee.	9. Contracts with and allocates funds to operating agencies.	10. Operates program.
11. Notifies prime grantee that individual is scheduled for training or employment.	----------	12. Counsels with family and explains alternatives to them. Exclusion of day care costs. Voucher system. In-home care. Family day care. Group day care.	
		13. Arranges for enrollment of child where necessary. Approves in-home and voucher arrangements.	14. Provides service and reports to prime grantee.
		15. Pays operating agency. Collects fees from parents. Monitors programs.	
		16. Reprograms contracts as necessary because of changes in enrollments.	
	17. Receives reports from and monitors operations.	----------	
18. Notifies prime grantee that individuals are no longer eligible for child care.[3]	----------	19. Terminates enrollment of child.	

[1] Prime grantee will be that organization which has greatest capacity to develop coordinated day care programs. Preference will be given to recognized 4–C organizations.

[2] May be competent public, private nonprofit, or private for-profit organization.

Must be coordinated with agency making FAP and supplementary payments.

NUMBER OF CHILDREN ELIGIBLE FOR CHILD CARE UNDER THE BILL

Senator HARRIS. However, we have not yet received information from you as to the number of children who would be eligible for child care under the bill, and the number of children who would under present law be eligible for child care.

I looked at the material, some of the material which the committee had given us, and there is a chart which is called "Table M-AFDC Families by Whereabouts of Father, 1969," which is a table excerpted from a preliminary report of findings—1969 Study of Aid to Families with Dependent Children by the Department of Health, Education, and Welfare.

Without objection, we will place that in the record at this point.

Secretary FINCH. Which document is that, sir?

Senator HARRIS. I will just hand it to you. It is Table M–AFDC Families by Whereabouts of Father, 1969. It shows the number, the total number, 1,630,400. That is the number of families presently. Of those families, 275,500 presently are headed by a father in the home.

That would leave, by my calculations, under present law, 1,332,900 AFDC families which are headed by a mother, where the father is for various reasons absented from the home.

Without objection, as I say, we will place that in the record.

(The table referred to follows:)

AFDC FAMILIES BY WHEREABOUTS OF FATHER, 1969

Whereabouts	Number	Percent
Total	1,630,400	100.0
In the home	297,500	18.2
In an institution:		
Mental institution	6,900	.4
Other medical institution	6,200	.4
Prison or reformatory	53,500	3.3
Other institution	1,300	.1
Not in the home or an institution; he is residing in:		
Same county	311,300	19.1
Different county; same State	86,200	5.3
Different State and in the United States	128,100	7.9
A foreign country	18,000	1.1
Whereabouts unknown	630,600	38.7
Inapplicable (father deceased)	90,800	5.6

Senator HARRIS. I have also looked at an excerpt from the President's budget having to do with child care, and without objection at this point we will place that in the record.

It states that the average children receiving care per mother is expected to rise from 2 in 1969 and 1970 to 2.5 in 1971.

So under the President's budget figures I take it you could at least double the number of families presently headed by mothers, where the father is absent from the home and say there are at least that many children under present law who are eligible for child care.

And then I was looking at the President's budget here which does not carry forward sufficient numbers of people in child care to meet what you testified yesterday is the goal, namely, 300,000 school-age children in child care and 150,000 pre-school children in child care. But, at any rate, the President's budget anticipates 122,533 mothers would be served by this child care program in 1971, and that would include approximately 306,333 children.

Now, the point—as I say, we will place that excerpt from the President's budget in the record at this point.

(The excerpt follows:)

"FISCAL YEAR 1971 BUDGET FOR CHILD CARE UNDER THE WORK INCENTIVE PROGRAM

"2. *Child care.*—This activity provides for child care for children of WIN enrollees. An estimated 45% of the average enrollees in 1971 are mothers who are unable to provide child care for their children while they are undergoing training. Therefore, unless child care is provided, approximately one-half of the enrollees would be unable to accept the training to upgrade their employability.

"In addition, child care is provided for the children of employed former WIN enrollees until such time as other satisfactory child care arrangements can be made or the mothers can pay for the care from their earnings.

"Average children in care per mother are expected to rise from about 2 in 1969 and 1970 to 2.5 in 1971.

"The tables below show workload data for WIN child care:

CHILD CARE UNDER WORK INCENTIVE PROGRAM

	1969 estimate	1970 estimate	1971 estimate
Average mothers receiving care:			
Enrollees	6,475	34,130	49,750
Employed mothers	825	13,161	43,603
Total	7,300	47,291	93,353
Average children receiving care:			
Preschool	4,088	26,483	65,348
Schoolage	10,512	68,099	168,035
Total	14,600	94,582	233,383
Enrollees	(12,950)	(67,860)	(124,375)
Employed mothers	(1,650)	(26,722)	(109,008)
In care end-of-year:			
Mothers	28,500	65,450	122,533
Children	57,000	126,850	300,057

Source: Appendix to the budget for fiscal year 1971, p. 443.

Senator HARRIS. My point yesterday was that we ought not to mislead ourselves or the general public into thinking that we are going to place all of these people in work, because as we discovered yesterday, there is a question about where are the jobs that they could fill.

And secondly, we talked about child care and whether or not it would be available to any other than a rather small percentage of those mothers even presently heading families on AFDC, which obviously would be, I take it, a larger figure under this bill.

I just wonder if you have any comment on that. I don't want to belabor it, but I think it is important that we know just how far we are going insofar as work is concerned.

Secretary FINCH. Mr. Chairman, we should have for you by tomorrow, and for the committee, that additional information. (At presstime, June 11, 1970, the material requested had not been received from the Department of Health, Education, an Welfare.)

I may have misunderstood the figures that you recited. It is possible that they are the WIN figures as opposed to what we had proposed under FAP, and not having seen them, I am not sure——

Senator HARRIS. The President's budget—those were indeed, I think, WIN figures.

Now, are the figures under the bill which you now propose, the FAP bill, would they be cumulative or would they be in addition?

Secretary FINCH. They are in addition to what is proposed in the budget.

Senator HARRIS. Those are not broken down under the WIN program by school or preschool children, so we do not know just what categories they would fall in.

COMPARISON OF MOTHERS ON WELFARE AND AMOUNT OF CHILD CARE UNDER THE BILL

But at any rate, I take it you will agree that there will be a wide gap between the number of mothers who would either be required or encouraged to seek outside employment or training, and the number who will be able to do so if child care is a bar, since we will not be able to produce sufficient child care to make those figures the same.

Secretary FINCH. No sir, I would not concede that.

Senator HARRIS. Then you are not prepared to say how many mothers would be involved?

Secretary FINCH. Not until I have seen the figures.

Senator HARRIS. That is right. You don't know how many children and how many mothers are involved so you are still not able to answer the question.

Mr. VENEMAN. You mean under the bill, Senator?

Senator HARRIS. Yes.

Mr. VENEMAN. There are 150,000.

Senator HARRIS. Oh, I know that. What I mean is how many are eligible. I know how many you cover.

Mr. VENEMAN. Mr. Rosow probably has that.

Senator HARRIS. That is the question I asked yesterday.

Mr. ROSOW. Senator Harris, I am Assistant Secretary of Labor Rosow.

We estimate that there are about 800,000 mothers who have at least one child under 6 who are not mandated to register under the bill, and we have no firm estimate on how many of those would volunteer.

But the bill encourages volunteers and says in its present form that they would receive the same priority as mothers who are mandated to register who have children from age 6 to 17.

In the latter category, I believe our figures from memory, were 500,000 mothers in that category.

Senator HARRIS. With school age children?

Mr. ROSOW. With school age children; yes, sir. And the reason that the bill asks for 150,000 training opportunities for mothers in the first year is that we believe that is a realistic figure in relation to our present baseload under the WIN program where we have already registered about 138,000 people, and it is a question of how many more we can absorb.

So the 450,000 figure for children is merely derived from a basic number as to how much training and employment we think we can generate in the first year, added on top of the present WIN baseload.

Senator HARRIS. It is anticipated, then, that that figure would rise to accord with the number of children who might be served?

Secretary FINCH. Not in the first year.

Senator HARRIS. After the first year.

Secretary FINCH. Subsequently?

Senator HARRIS. After the first year.

Secretary FINCH. Yes.

Senator HARRIS. And so it is correct—I presume it is, as the President's budget indicates—that you have to figure 2.5 children per mother covered for 1971? Is that correct?

Mr. ROSOW. I think it may be a little higher than that.

Senator HARRIS. And then if there are 500,000 mothers, as you estimate it, who would have school age children, and therefore under the law could be required to take employment, you would multiply that by two and a half and you would get something over a million children, only 300,000 of which are provided for in the bill for child care in the first year. Is that right?

Mr. ROSOW. That is right.

Senator HARRIS. That is correct.

Mr. ROSOW. And we think that is realistic, because the child-care program is a support service to the work and training objectives of the bill, and one could not race ahead of the other. And, of course, it is recognized in this bill that when the mother takes a job, or when she completes training and gets a job, the child care continues, whereas under present law, depending on the behavior of the State, it may continue, but in most cases it phases out after about 90 days.

Senator HARRIS. I understand that and that would also increase the pressure for this number of child-care positions by reason of the fact that by law you are extending the time during which the care might be rendered.

Mr. ROSOW. Yes, sir.

Secretary FINCH. I think there are two other points, Mr. Chairman, that are relevant at this point. One is that should the bill be enacted, this portion of the program would be immediately operative, apart from the operative date of the rest of the program. This early effective date is to try to compensate for the problem you are addressing.

Senator Harris. Yes.

Secretary Finch. The second point is that the average number of children in FAP-eligible female-headed families is 3.0, and 51.7 percent of the FAP female-headed families have three or more children.

Senator Harris. So the multiplier might actually be greater.

Secretary Finch. Right.

Mr. Rosow. About a million and a half children.

COST OF CHILD CARE PER CHILD

Senator Harris. I have been told that the amount of money in this bill that would provide for the 450,000 child-care positions is based on a cost of $800 a year per child as the figure. Is that correct?

Mr. Rosow. We used $1,600 a year for the preschool aged child, which is estimated to represent a typical case of one in a family of four, and two children who are school age, at which the figure was $400.

So when you average it out, that is right, it was $800 per capita, but blended—there was $2,400 for three children divided by three gave you an average of $800 each, but it was differentially computed for the preschool cost being substantially higher and the afterschool cost substantially less.

Secretary Finch. As I recall, that data is based on Headstart figures.

Senator Harris. It is my understanding that testimony will be presented to this committee which will indicate that the figure shoulld be something around $2,000 as the national average per child for day care. Do you disagree with that?

Mr. Rosow. I think HEW has some facts on that.

Mr. Patricelli. Senator, all we can say at this point is that when these figures were put together, this was the unit cost in Headstart exclusive of capital construction for full-day Headstart. There is some indication it may have gone up to about $1,700 in the interim, but I am not familiar with the $2,000 figure.

Senator Harris. Is that a proper analogy—Headstart with day care?

Mr. Patricelli. At the present time all Federal day-care programs are governed by the same set of so-called interagency Federal day-care standards. They are the Headstart standards. And WIN day care is supposed to meet those standards, as well.

So pending change in those administrative standards, yes, it is a fairly high level, enriched form of child development service.

CHILD CARE STANDARDS

Senator Harris. While we are on that, how will the standards be set for the type of care and what sort of oversight and administration will there be of this child-care program generally?

Mr. Patricelli. We would contemplate again, having a set of standards, as we do now, that would largely govern the quality of care that is given in the family assistance day-care program.

The House committee wishes to make clear, and it did in its report, that different types of care would be appropriate in different types of situations. And it may be more appropriate for an older child, for example, who is going to school, that he be taken care of in the hours of 3 to 5 in a program that might be more recreational in nature than you would want to give a preschool child, whom you are concerned with on a full-day basis. But the present intent is to apply interagency standards that we are now trying to redefine with the Office of Economic Opportunity and the Labor Department.

QUESTION WHETHER REGISTRATION BY WOMEN SHOULD BE VOLUNTARY OR MANDATORY

Senator Harris. Mr. Secretary, you stated in your original testimony that a good portion of the women who would by this bill be required to work voluntarily choose jobs, or at least that seems to me to be the import of what you have stated. Why then should we go through what is almost involuntary servitude, it seems to me, and require it when we are going to probably get more volunteers, if history is any judge, than we could take care of anyway?

Secretary Finch. Well, sometimes what women say to an interviewer is not necessarily what they believe. They might like to have the interviewer believe that they had worked, or that they wanted to work. We think that it is in many cases highly desirable that they work, because of the perception that passes on to the children.

You have got 68 percent of those who are already working who would be eligible, with 57 percent working full time. The latter are working and paying taxes.

So I think we have a very good reason to believe that this is not involuntary servitude. It is something these women want and desire to do.

Senator Harris. Well, the question is what sort of jobs are they working at voluntarily. If 68 percent are working, it would be interesting to know what sort of job and what kind of pay.

Mr. Patricelli. Senator, as the Secretary stated in his testimony yesterday, the 68 percent refers to mothers who are without husbands and who have children between the ages of 6 and 17. Some of them may have incomes above the eligibility line.

There was an effort to find out in a population similar to the AFDC population, which we are dealing with.

Senator Harris. I understand that, but isn't that statistic meaningless unless we know, also, what sort of jobs that 68 percent are working at and what the jobs pay? Whereas in the program which you are presenting to the committee there is not any kind of standard about pay. For example, there is no requirement for a minimum, or prevailing pay.

Mr. Veneman. Yes, there is, Senator.

Senator Harris. Is there? What is it?

Mr. Rosow. Well, the bill provides that in referral to work the person will be referred at the Federal minimum wage or the State minimum wage or the prevailing wage, whichever is higher.

Now, insofar as some of the occupations are not covered by either a Federal or State minimum, in that case the prevailing wage would pertain. The employment service would have to establish, in fact, that other people are performing the same work under the same conditions at those wages and that jobs, in fact, are being filled in the community at those wages.

Senator Harris. Good. That was added in the House, was it?

Mr. Rosow. Yes.

Senator Harris. Well, that's good.

Secretary Finch. And also in the material given to you, Senator, we have the percent of AFDC mothers who work, broken down into full time, part time, professional, clerical, and so on.

(Material supplied for the record at this point follows:)

PERCENT OF AFDC MOTHERS WHO WORK—BY SELECTED CHARACTERISTICS[1]

Characteristic	Percent of total who work: Total	Full time	Part time
Total	15.5	7.5	8.0
By race:			
White	12.5	6.0	6.5
Nonwhite	18.8	9.1	9.7
Presence of children:			
Under 6	13.2	7.0	6.2
None under 6	19.5	8.4	11.1
By education:			
0 to 8 years	15.0	6.0	9.0
9 to 11 years	15.2	7.9	7.3
12 years	19.8	11.0	8.8
13 plus years	23.2	14.0	9.2
By length of time continuously on AFDC rolls:			
0 to 1 year	14.9	7.7	7.2
1 to 2 years	15.8	8.5	7.3
2 to 3 years	15.8	7.9	7.9
3 to 4 years	10.9	5.2	5.7
4 or more	16.1	6.7	9.4
By usual occupation:			
Professional, semiprofessional, proprietors, etc	30.6	18.0	12.6
Clerical, sales, and kindred workers	22.0	14.1	7.9
Craftsmen, foremen, and kindred workers	25.0	14.0	11.0
Farming	17.6	3.8	13.8
Operatives and kindred semiskilled and skilled workers	18.1	13.3	4.8
Service workers, except private household	24.9	14.5	10.4
Private household service workers	31.6	8.5	23.1
Unskilled laborers	11.2	5.3	5.9
Never employed or work experience unknown	.8	.3	.5

[1] Excludes mothers in AFDC–UF cases.

Source: 1967 AFDC Characteristic Survey (figures were derived from data not completely edited. Final results are not likely to show significant differences.)

USUAL OCCUPATION OF AFDC MOTHERS BY EDUCATION—PERCENT DISTRIBUTION

Usual occupation	Total	By years of education: 0–8	9–11	12	13 plus
Professional, semiprofessional proprietors, etc	1.0	0.2	0.6	3.2	12.4
Clerical, sales, and kindred workers	9.6	1.5	9.2	28.8	33.9
Craftsmen, foremen, and kindred workers	.6	.3	.6	1.0	.9
Farming	4.1	8.6	1.8	.7	.5
Operations and kindred semiskilled and skilled workers	7.4	5.5	8.5	8.8	7.4
Service workers, except private household	19.2	15.1	24.9	23.5	17.4
Private household service workers	14.1	18.0	13.7	9.0	6.2
Unskilled laborers	12.7	13.6	13.6	8.5	4.7
Never employed or work experience unknown	31.4	37.2	27.2	17.3	16.6
Total	100.0	100.0	100.0	100.0	100.0

Source: 1967 AFDC Characteristics Survey. (Figures were derived from data that has not been completely edited. Differences from final version are likely to be insignificant.)

USUAL OCCUPATION OF WORKING AFDC MOTHERS (PERCENT DISTRIBUTION)

Occupation	Working mothers: Full time	Part time
Professional, semiprofessional, proprietors, and so forth	2.4	1.6
Clerical, sales, and kindred workers	18.0	9.5
Craftsmen, foremen, and kindred workers	1.0	.8
Farming	2.0	6.9
Operations and kindred semiskilled workers	13.1	4.4
Service workers, except private household	37.2	24.9
Private household service workers	16.0	40.6
Unskilled laborers	9.1	9.4
Never employed or work experience unknown	1.2	1.9
Total	100.0	100.0

Source: 1967 AFDC Characteristics Survey. (Figures were derived from data that has not been completely edited. Differences from final version are likely to be insignificant.)

Senator Harris. Do you really believe that you will get more volunteers than you can take care of in child care and in jobs and in training?

Secretary Finch. When you say volunteers——

Senator Harris. I mean based upon our own history and based upon the survey of women who have children and who work.

Secretary Finch. The demand in the past has always exceeded the capability, and I think we have reason to believe that we will——

Senator Harris. That is exactly my question. Why, then, do we go through what has always exceeded the capability, and I suppose, is the only thing like it in our society generally, and require mothers with school-age children to work? Are we so sure about the effects of that in our society? Might we not be producing a side effect that we won't like?

Mr. Rosow. I would like to address myself to that, because I have taken a lot of criticism about that in the general public during the months that this has been under discussion and review. And we have given a lot of careful thought to it.

As Secretary Finch has said, I think in the first case there is really a question of simple equity. Many mothers in our society have elected to work out of sheer economic necessity, not because they are career women or want to seek fulfillment in employment, but because they have school-age children in the category 6 to 17, and must either contribute to the family support or cannot survive without working.

As Secretary Finch said, 68 percent of these women in the nonwelfare population are working today. And they do not have any aid from the State in terms of child-care facilities; they are entirely self-supporting.

These people are taxpayers and see themselves struggling to exist, and they see other people in the society fully supported or supported to a degree at various levels in different States and not working. They see this as an inequitable relationship.

Apropos of your question, Senator Harris, about whether people want to work, and therefore can make the transition, an indepth study in Baltimore found that inner city mothers had a stronger desire to work than mothers of the type I mentioned who have husbands working and are not on welfare. They are not working and part of the reason is that they cannot make the transition on their own; they need some assistance, encouragement, facilities, the type of thing we provide in the employability teams under the WIN program where five people sit around the table with this person and solve the various problems that are impediments to work.

Many of these people are really afraid to go out in the world to work because they think that they are going to fail or that they are unwanted or they have no skills or it has been many years since they last held a job, or they have worked at jobs that did not work out.

So insofar as your question about training is concerned, we feel in the Department of Labor that we have, since 1962 with passage of the Manpower Training and Development Act, put into place a very elaborate and extended series of training programs.

We have been in the learning, growing process here, and this entire background of manpower training is available for the volunteer mothers. We are not limited to the 150,000 spaces and the 75,000 up-grading spaces. They are incremental to the in-place program of about 1.2 million training opportunities.

And since most of these people, by definition, would qualify immediately as disadvantaged persons, we would tend to regear our programs to take them in.

In fact, the manpower programs trained about 200,000 public assistance persons in fiscal year 1969 alone and with considerable success.

So that it is quite conceivable, depending on how well the transition from welfare to work actually operates, that we may have a situation where a 30 or 40 percent or half of all our manpower programs will be applied to these persons.

Senator Harris. I appreciate your answer, and I think the goal is a laudable one, but it isn't responsive to what I meant to ask, which is: Why, then, make it mandatory for this particular class of mothers? Do we know that much about whether society's properly served by this kind of requirement? Motivation and attitude, as you have indicated, are very important if a person is going to move into the work force and to go through a training program.

And do we know, for example, the effect of making it mandatory rather than voluntary?

MOTHERS WHO VOLUNTEER NOT GIVEN HIGHER PRIORITY THAN MOTHERS MANDATED TO REGISTER

May I just say this last thing on the same question: How would you determine which one would get priority for the limited number of slots, child-care positions and training positions, and so forth—those who volunteer or those who are required to go to work?

Mr. Rosow. Well, the House Ways and Means Committee had indicated that it would prefer the administration to treat volunteers in the same category of priority as those who had been mandated to register. So that would mean——

Senator Harris. You mean not to—what was the choice? I mean, as opposed to what?

Mr. Rosow. Well, in fact, we have been silent on the question of the treatment of volunteers, although our implicit intent was to treat them with the same priority as any other mother who was registered. If two women came in, one who volunteered and one who was registered because her children were school age, and the conditions were favorable for both—let's say the one who registered had only one child under age six. She was able bodied and the child was four or five years old and an adequate day care center was available. She would be treated just like the mother who might have a child 10 in school. That is the intent here.

So we would be flexible with regard to both.

Now, in looking at the employment potential of adults, we separated out certain categories.

For example, we have said if a person is over 49 years of age, they would have a more limited employment potential than a person in the younger age groups. If a person is disabled or had any physical impairment, we would consider them limited in employment potential. If they had less than 4 years of schooling, we say they are limited. If they had more, we would say they have a potential. If a mother has two or three preschool children, we would put her in a lower category—even if she volunteered—because there are impediments to her working and there are impediments to the social structure taking care of her children.

If the person is between the age of 16 and 21 and in school full-time, he is exempted by the law.

So these are the sort of criteria that we used in defining the priorities and potential for work.

Senator Harris. Then if there were three volunteer mothers and three who were required to report for work or training, making a total of six, three of each category, and you had four positions—that is, you were able to only produce child care and jobs or training for four, you would take two from each category?

Mr. Rosow. No. It might be that all three would be volunteers and one would be of the registered group. It would depend on the mix. There would not be any attempt to balance between the two.

The objective of the law is not to be punitive but, rather, to have the persons covered under the Family Assistance Program accept some responsibility that goes with the rights that are being legislated in this bill.

But the objective will be to work on those who have the greatest opportunity to succeed in training or work.

If we had 10 volunteers and had a hundred registered, and the 10 volunteers had the best chance of making it, we would work on them first and then get to the registrants because we are interested in the total.

Senator Harris. Right. I want to turn to Senator Fannin, but let me just finish on that one point, then. You wouldn't distinguish between the two except to the degree that they had a better chance of making it, as I understand it, regardless of what category they were in.

But isn't it a fact that the administrators of WIN would tell you that mandatory referrals don't work out very well?

Mr. Rosow. Senator Harris, I think the problem here has been with the present law, and we have referred to this before, and the Secretary referred to it in his testimony. This phrase of "An appropriate person" which is the present language has allowed the judgment as to who should be referred to the Welfare Department. And there have been widely varying, standards, and moral judgments involved here, from 97-percent referrals in Utah to 3½-percent referrals in New York City, and that has been the basic kind of problem.

This situation in WIN is improving. The employment service, the State welfare people, have become more oriented toward trying to make the program work, and so forth. So I think that is really the crucial thing in our view.

THURSDAY, APRIL 30, 1970

Senator Harris. Back to a question I asked earlier about the minimum wage. I thought I understood what was said about the minimum wage, but apparently I did not, according to what a staff member tells me. It is what I originally thought, that if the job to which a person is referred, is not now covered by a minimum wage, then a minimum wage would not have to be paid; is that correct?

Mr. Rosow. That is my understanding, Senator.

Senator Harris. Yes.

Mr. Rosow. I thought you might have misunderstood——

Senator Harris. I did——

Mr. Rosow (continuing). When you said it covered your objective. It covered it in part. And the other part about prevailing wages, it is conceivable that the prevailing wage is less, particularly in the South.

Senator Harris. Do you know whether picking cotton is covered by any minimum wage?

Mr. Rosow. It depends on the State.

Senator Harris. Is it covered by a Federal minimum wage?

Mr. Guttman. Yes, Senator. It depends on the number of man days of hired labor used by the farmer, 500 man days a quarter. So it would depend on the size of the farm.

Senator Harris. But if it were a small enough farm there wouldn't be any minimum wage for picking cotton?

Mr. Guttman. That is right. It is the size of the farm which determines coverage. Small farms are exempt.

REQUIRING PERSONS UNDER THE BILL TO ACCEPT WORK AT LESS THAN MINIMUM WAGE

Senator Harris. Then is it possible under this bill that a mother with school-age children could be required to take a job picking cotton, for which a minimum wage was not paid?

Mr. Guttman. Yes, Senator, if that were the available work.

Mr. Veneman. I think also it would depend upon whether or not there was a State law. In some States were there is an agricultural exemption from the Federal minimum wage requirement the State does, nevertheless, cover women and minors under State minimum wage requirements.

Senator HARRIS. But I mean it is possible that that could happen under this?

Mr. ROSOW. Yes.

Senator HARRIS. In my own State one time the county commissioners who administer the free commodities program decided during the cotton-picking season to stop it and refused to give out free commodities, no matter how needy people were, because they said this kind of program keeps us from getting cotton pickers.

That is why I asked you that. I think it is far more than theoretical. I just wonder if you have any response to that?

Secretary FINCH. Well, I think it is covered in this bill under section 448, part (b), which says that:

"No family shall be denied benefits under this part . . . if the wages, hours, or other terms or conditions of the work offered are contrary to or less than those prescribed by Federal, State, or local law, or are substantially less favorable to the individual than those prevailing for similar work in the locality."

That is as far as the bill reaches, Senator.

Senator HARRIS. Well, of course, I don't think that is far enough, as you know.

MANDATORY WORK REQUIREMENT

Now, back to the question of requiring work. I call your attention to an evaluation of the work incentive program made by Auerbach Corporation of Philadelphia, Pa., dated January 29, 1970, this year, and submitted to the Committee on Ways and Means.

Without objection, at some point in the record, this entire report will be included, but I will just read to you some very brief excerpts and ask you to comment.

(The complete report appears in this hearing as appendix A, page 383.)

Auerbach Corporation, which I understand is the official evaluator of the department, said this about the present WIN program:

"Unless mothers can be employed in positions paying substantial wages, either the cost of AFDC-related services will increase as a result of WIN, or the net useful income of the mother will decrease, or the program will have to be limited to mothers who can find their own child care at little cost.

"Another problem is that WIN calls for compulsory participation of mothers. This requirement has provoked such consternation among welfare rights representatives, union leaders, and others, that the program began in an atmosphere of distrust despite the fact that:

"Far more volunteers exist than slots.

"Essential services, child care in particular, simply do not exist in many areas.

"The punitive provisions of the legislation are largely unenforceable.

"A third incongruity involves the job situation. Although the WIN concept is built around jobs for welfare recipients, there has been little investigation of the labor market to determine exactly where and how jobs can be obtained, and how many jobs are actually available or likely to become available for WIN enrollees. Now that the program is underway, there is a growing feeling among local WIN staff that many participants, women in particular, will not obtain jobs in the already tightly restricted labor market existing in many communities."

At another place the same report says: "The staffs could not handle the volume of traffic."

I wonder if you have any comment on whether those objections will be met under the FAP program which you are recommending.

Mr. ROSOW. Well, the Auerbach Corp. which has a contract with the Department of Labor was invited to testify in executive session before the committee on the comments you read, Senator Harris. And in addition, the chairman invited Employment Service and Welfare State directors from eight States to testify about the WIN program from their close observation.

Almost unanimously they stated that the WIN program, in their view, was the most promising manpower program that has come along since 1962, and urged the committee to look with favor on the possibility of this program working to achieve the objectives of this bill.

It is true that some of the problems you state exist, and there are other problems. In fact, after hearing the testimony in the executive session we prepared an analysis of the six problem areas under WIN that were identified by the State representatives and the Auerbach people and how the Family Assistance Act would in effect offset or put aside those problems.

I will be glad to submit that chart for the record.

(The chart referred to follows:)

FAP WOULD IMPROVE OR WIN IN SIX IMPORTANT AREAS

Problem areas in WIN

1. Incentives for training are too low.
2. The Employment Service cannot directly help enrollees meet personal expenses related to training.
3. The requirement for substantial State dollar contributions is a major impediment.
4. The "referral" relationship between welfare and employment agencies is too discretionary and variable, resulting in gaps and lax enforcement.
5. Dual agency responsibility and guidelines create confusion and conflict.
6. The lack of adequate child care is a major barrier to training and employment.

Source: Department of Labor.

Provisions of WIN

Trainees receive a maximum of $30 a month in addition to their welfare payment. [SSA Sec. 434]

Expenses attributable to training are taken into account by the State welfare agencies in determining need. [SSA Sec. 402(a) (18) (D) (ii)]

Federal assistance for training is limited to 80%, for child care to 75%. [SSA Secs. 435 (a) and 403(a) (3) (A)]

Welfare agencies refer "appropriate" individuals, as interpreted and determined by each State agency.

Procedures for disqualification, for example, provide that both Labor and State Welfare agencies make related, but possibly differing, determinations. [SSA Sec. 402(a) (19) (F)]

State welfare agencies provide for child care services; 25% matching in required [SSA Sec. 403(a) (3) (A)]

Provisions of FAP

Trainees would receive a minimum of $30 additional per month, but where the manpower training payment exceeds the FAA payment plus this $30, the family would receive the difference between the two. [FAA Sec. 432(a) (1)]

The Secretary of Labor would make payments directly to trainees to cover their training costs. [FAA Sec. 432(a) (2)]

The matching formula would be 90–10 for training, and 100% federal for child care. [FAA Sec. 435 and 436]

The statute would require that every adult, able-bodied member of a family receiving assistance *must* register for work or training. The only exceptions are clearly specified in the bill. [FAA Sec. 447]

Responsibilities are clearly delineated with respect to registration, training and work, with no second guessing; a separate appropriation is provided for the Secretary of Labor. [FAA Secs. 447, 448, and 435]

The burden of State matching would be eliminated; authority is flexible with respect to who provides the service and what form it takes, and includes renovation; child care continues for those who enter employment. [FAA Secs. 436 and 443(b) (3)]

Mr. ROSOW. They deal with things like incentives for training, the ability of the employment service to assist in training expenses, the question of child care support, which now involves 25 percent State matching, which is a major impediment, as Secretary Finch said yesterday; the fact that the child care funds funnel through the welfare organization, which does not make for flexibility of use; the fact that the WIN program is young and has had a problem digesting so much registration and maximum enrollment in a very brief period of time; the fact that referral has been quite uneven among the States. The critical problem of the dual agency responsibility between HEW and Labor with regard to this term "appropriate person" which is now cleared up in the bill so that registration is clean and clear and not a matter of judgment is critical because in that step itself there will be a clear commitment to deal with the people. It will not be a question of achieving enrollments.

They will be enrolled. It will be a question of providing the work training, the jobs, and the child care. And to a large extent the burden will be placed on the States to perform and on the administration to perform in these areas.

So I think the Family Assistance Act seeks to eliminate some of the existing legislative inadequacies in the 1967 WIN amendments.

QUESTION OF ABILITY TO EXPAND CHILD CARE THE EXTENT PROPOSED UNDER THE BILL

Senator HARRIS. If that is so, given the present number of child care positions, how will you gear up now the several million, I suppose, applicants that you are going to have now?

Mr. ROSOW. The present 1967 WIN amendments make no distinction, in fact, between mothers with young children and mothers with school-age children. The law merely refers to "appropriate person" and it is left to the discretion of the welfare organization to make that decision and that is why, in fact, some of the so-called volunteers are persons with young children who were referred by the welfare officer.

The Family Assistance Act clearly exempts all mothers with young children at a time when they are needed full time in the home.

Now, with regard to those mothers with children 6 to 17 years of age, it is quite conceivable, again in terms of our priorities, that a large number of those mothers will have children who will not require what we characteristically think of as child care. They are children who are preadolescent, and adolescent, and are really self-sufficient. They may require some recreational facilities or part-time programs, but that mother would have more freedom to enter a training program or take a job than one with a very young child. The problem will exist, of course, in let's say the age group of 6 to 12, somewhere in there, and it will really be a problem, as Secretary Finch said, of getting more program into place during the 1-year leadtime which this bill would provide.

In other words, funds would be provided on the day of enactment of the legislation prior to the registration program, which will take place in July 1971. But it is very likely—and I think your point is very valid—that child care facilities will not, in fact, be in place all over the country in a smooth and efficient manner to assure that all the persons who have registered who have children are ready and willing and able to go into jobs.

There will be lags and inefficiencies and unevenness in this process, and in itself it will place the burden and a demand on us to perform.

Senator HARRIS. Do you believe that in the first year you will be able to provide work or training and child care for every person who is required to go into a work or training program and for every person who volunteers?

Mr. Rosow. I don't think we could categorically say yes to all of those questions. I think that we will have work referral for some people who will not have young children, where it will be easier. It is possible, under the bill for the mother to purchase child care, and that is being done to a large extent now, and that is treated as an income disregard.

In other words, it is financed rather than subsidized, in effect. And I think we can expect a lot of that to take place in the absence of facilities being available. We have got entry for the private sector to come in. We have authority for the Secretary of HEW to contract directly with school boards to try to overcome the problem of construction and to use facilities that are in place.

So, I think that many of the aspects of the program look optimistic, but it would be difficult to make a universal commitment.

Senator Harris. You just don't know, then?

Mr. Rosow. Yes; a large proportion of the answer is yes, but in the totality of the—

Senator Harris. Do you know how many mothers of preschool childen or how many mothers of school-age children have been referred under the present program?

Mr. Rosow. Yes, sir; I can't give you the breakdown by the age of the children.

Senator Harris. The law doesn't discriminate now?

Mr. Rosow. But we have, in fact, enrolled up to, I think February of this year, 138,000 persons under the WIN program. Now, that includes males as well as females. And we have placed in active employment around 22,000 of these people. We have, of course, some problems in any program of this type of dropouts, of people who couldn't compete who have illness or personal reasons for being—

Senator Harris. But how many of those were mothers with children?

Mr. Rosow. Of the 138,000, I think about 60 percent are women.

Senator Harris. Do we really know?

Mr. Rosow. Yes, we have a record on the computer; 60 percent are female and 40 percent are male in this program. We have a breakdown by age, race, education, labor force status when they entered, and other critical facts.

Senator Harris. You don't know how many of those, of course—

Mr. Rosow. We don't know how many have children in each age bracket.

Senator Harris. That is right. Then, we don't know how many would be required to register if the law were as it is recommended.

Mr. Rosow. No, but we know, as we said earlier, Senator Harris, that 500,000 women would be required to register who are in the category of having children age 16 to 17.

Senator Harris. Right.

Secretary Finch. And that goes to the first question you raised at the opening of this session. We would hope to have this data tomorrow. We think what we will have is not an optimum experience, but what is achievable, trying to work with the best information that the Department has. (The material referred to appears on page 245.)

PRESENT AVAILABILITY OF DAY CARE

Senator Harris. Do we have any way to know how many qualified day care slots there are now available in each State? Have we been able to determine the extent to which personnel qualified to provide the kind of day care required is available in the States?

Mr. Patricelli. Senator, we do not have the day care capacity of the country, by State. We could give you a nationwide figure of 11,700 licensed or approved day care centers or family day care homes which have a capacity of some 438,000 children——

Senator Harris. How do you know that?

Mr. Granato. That is the latest official survey, made in 1968. We estimate——

Senator Harris. Who made the survey?

Mr. Granato. The Children's Bureau in HEW made the survey.

Senator Harris. How many of those are vacant and would be available for this program?

Mr. Granato. There is no actual estimate, but our experience in the past has been that the majority of these slots are full.

Senator Harris. So, I mean what makes us think, then, that all this child care we are talking about is deliverable? How do we know how many child care positions could be delivered in my home State of Oklahoma, for example?

Mr. Granato. I think there is no question but that there is going to have to be a program for resource expansion, or program expansion. Utilizing family day care homes, we could expand rapidly to provide care for children. I think that we can develop the resources. Whether we can meet the total need as rapidly as the referrals are made, I think we still need to answer.

Senator Harris. What about the trained people?

Mr. Granato. The bill calls for funds for training. We would prepare a plan for training professionals and AFDC recipients.

Senator Harris. Are such plans in being now?

Mr. Granato. Yes, there are.

Senator Harris. Are there?

Mr. Granato. The planning and outlining in terms of what we would do immediately is in the planning stage at this time. We are estimating that we could begin with approximately 12 percent of the positions including welfare recipients and eventually hope to go to maybe 65——

Senator Harris. Don't you have authority under the existing law to do that with very few children actually being served with child care?

Mr. Granato. Yes.

CHILD CARE FOR MOTHERS ON WELFARE BUT NOT IN A TRAINING PROGRAM

Senator Harris. Under what provisions would AFDC mothers who work, but are not under a training program, be able to secure day care under this bill? Is there provision for that?

Mr. Patricelli. Senator, two things are relevant here.

First, as a woman moves into employment, or is employed full time for that matter, she can participate in these programs under a fee schedule approach. It is specified in the bill that the Secretary would pass on the amount of payment or the fee schedule that the woman would have to pay.

Moreover, the bill says that wherever day care would be necessary for an individual to continue or to enter full-time employment, it can be provided.

One of the problems here, of course, is do you want to undertake to provide fully governmentally subsidized day care for a large number of families who are already providing their own, or, in using scarce resources, are you trying to target in on those families which need the day care to get work in the first place. We have tried to strike a balance here.

ADEQUACY OF $1,600 FLOOR FOR FAMILY OF FOUR

Senator Harris. Talking about scarce resources gets me to the next question which you, Mr. Secretary, talked about earlier, and that was the adequacy of the $1,600 minimum income floor for a family of four. Congress could decide to do something differently and for example not approve ABM or SST, and with this savings raise the level of these payments. That is obviously true.

What about this? What is budgeted in President Nixon's budget for revenue sharing to the States for the year in question here, and couldn't that be forgone and added on to the level of income provided in this bill?

Secretary Finch. The administration's commitment is very clear. It is a billion for the first full year, moving to 5 billion over a 5-year period. There has been no action by Ways and Means on that provision. I think they feel that it is a very important concept, and I see no disposition anywhere in the administration to alter that decision.

COST OF FOOD STAMP PROPOSALS

Senator Harris. What about the food stamps. We are looking earlier at the problems of notches, or services in lieu of money. Some economists looking at the way we operate—whereby we provide services, health services and housing services, and so forth—said I wish money had been invented. Suppose, for example, the Congress decided instead of the expanded food stamp program to provide cash in the way of raising the minimum provided for in this bill. Have you figured out how much that would allow the floor to be raised?

As I understand it, for each hundred dollars it is $400 million.

Secretary Finch. That is approximately correct.

Senator Harris. What would be the cost of the food stamp program which is down here?

Mr. Patricelli. The President's proposal, and in fact the present food stamp schedule, I believe, is priced in fiscal year 1971 at about $1.2 billion. If you substituted cash for the food stamps you could buy perhaps a $300 increase in the basic payment.

Senator Harris. If that were done, it would eliminate one of the notch problems that we saw on the charts you presented this morning in response to what Senator Williams was asking. Would that be so?

Mr. Patricelli. If you were to repeal the food stamp law at the same time, yes.

Senator Harris. That is what I mean. And in place of that add the cash that would otherwise go for food stamps to the level provided in this bill. You would not then have that notch problem in regard at least to that item, is that so?

Secretary Finch. That is correct.

DISCREPANCIES BETWEEN STATES

Senator Harris. Now, Mr. Secretary, you said in your statement that the present law is defective in that it is characterized by unjustifiable discrepancies between the states. Under the FAP program which you are recommending there would still be discrepancies between States, is that not so? There would not be any uniformity as to what a child is entitled to State by State, except for the minimum floor that the Federal Government guaranteed.

Secretary Finch. Well; no. You would also have the additional factor of national eligibility standards, which would be a wholly new concept.

Senator Harris. I understand that is intellectually——

Secretary Finch. Then, of course, it is up to the State legislatures, and also, where you have city and county programs, to the city and county, to decide how much they want to add to this base.

Senator Harris. I call your attention to the chart which you presented to the committee entitled "State Inequities," which shows that the States have average monthly payments of a family of four between $250 and $299. That one State is $49 and that 19 States are between $100 and $149. In other words, that chart showed allowance payments vary greatly with each State.

(The chart referred to not printed in the Record.)

Senator Harris. Now, you would still have greatly varying payments by States under that present system, is not that so?

Secretary Finch. Yes.

Senator Harris. President Nixon said at one point a child should not be worth more in one State than he is in another State and that was a major failing of the present system. That criticism of the present system would still lie once we had enacted the family assistance program, is not that so?

Secretary Finch. We would have closed the gap enormously. Under family assistance the average would be $133.

Senator Harris. Right.

Secretary Finch. And then if you were to throw in the food stamp increment, the average would get up to somewhere around $205.

LIMITING THE FEDERAL WELFARE OBLIGATION WHILE STATE BURDENS INCREASE

Senator Harris. You used as an argument for this program that it would for the first time limit the Federal obligation.

Secretary Finch. That is correct.

Senator Harris. Is not that therefore quite likely to raise the obligation either of the State or the burden of the poor person?

Secretary Finch. No. The inducement before was for States which had sufficient resources to increase their expenditures, and thereby take advantage of open ended Federal matching. California did this.

Senator Harris. I call your attention to chart No. 12 in the booklet entitled "Material Related to H.R. 16311," prepared by the Senate Finance Committee staff, a chart entitled "Federal and State Sharing in Cost of Benefits to Families," which indicates—and I do believe that there is question about this—that Federal costs would say relatively constant rising only from $4.7 billion in 1972 to $4.9 billion in 1976, but that State costs, on the other hand, would increase from $2.1 billion in 1972 to 3.4 billion in 1978. (The chart referred to appears at p. 131 of this hearing.)

Do you agree that this is so?

Secretary Finch. Well, we cannot anticipate how the State legislators will react to savings we are picking up here, so that I can't stipulate that you would necessarily get this result. The States may decide to put some of their savings, assuming they got revenue-sharing involved as well——

Senator Harris. The staff tells me that that chart is based upon your own cost projections given to the House Ways and Means Committee.

Secretary Finch. That is correct.

Senator Harris. That being so, since the Federal Government is going as you say for the first time to limit its contribution in the future, those costs you project yourself, isn't it obvious that they will either be borne by the State or the burden of the poor person will not be as greatly relieved as it is otherwise projected.

Mr. Veneman. Senator, there are two things that we should take into consideration here. One of them is that the State costs under existing programs would rise as much or perhaps more than they would under Family Assistance. The other is that this chart relates only to grant payments. The bill provides that the State could turn over the administrative costs to the Federal Government, and those administrative costs would be in addition to the Federal costs shown in the charts.

Another factor is that the Federal Government would pick up 100 percent of childcare costs, whereas now we pick up those costs on a 75–25 matching basis.

Senator Harris. Of course that is not being done.

Mr. Veneman. And the Government would pick up 90 percent——

Senator Harris. That does not really relieve the States much because, as you said, States would not be doing it very much anyway.

Mr. Veneman. It would relieve them if you had a massive program going.

Senator Harris. Well, I mean it still is the same thing, though. How can——

Mr. Veneman. The point I am making is that this is not the total program cost. This is only the grant-payment portion.

Senator Harris. Right. But isn't it rather inconsistent to say that we are going to limit our Federal contribution and keep it relatively constant knowing that population is going to go up and costs are going to go up, and so forth, and the projected costs of your own figures going up, and therefore the State will either have to take on more of that or the person will be less relieved of the burden of poverty, and at the same time recommend a revenue sharing program whereby we will give back some costs to the States?

Wouldn't it be just better to take this welfare burden off the back of the States and at the same time do a more uniform and humane job for the people involved? That it is an obvious choice anyway.

Secretary Finch. As a matter of philosophy, I have to disagree. I just do not think the Federal Government or HEW ought to become totally involved there.

Senator Harris. Both of you have been of course in State government. I served 8 years in the State senate. Can you understand how a Governor or a State legislator could feel very strongly, as some have said to me, that under this program you are saying we are going to limit what we pay, and here is the problem, you fellas have got to take on more of it yourselves?

Mr. Veneman. But they would not be taking on as much as they are now.

Senator Harris. Well, I call your attention to your own projection of figures. You say costs are going to rise.

Mr. Veneman. That is correct.

Senator Harris. But you say the Federal share is not. So a State legislator or Governor looking at this program would think that the Federal Government estimated the cost is going up and it is protected by a limit, but we will just have to do the best we can.

Mr. Patricelli. We are sharing, Senator, in enlarged caseload costs with the States. And we are not limiting our contribution on an absolute basis. We would be paying 30 percent of whatever size supplemental program the State has, up to the poverty line. There is a sharing.

Senator Harris. Why do you estimate then that the costs in the next 4 years will only go up from 4.7 to 4.9 billion?

Mr. Patricelli. That segment at the bottom of the chart is composed of two factors. One is the cost of the working poor program, which as we said yesterday was estimated at 100 percent participation. With economic prosperity, we hope that by 1976, those costs would go down.

Senator Harris. What did you say, with economic prosperity?

Mr. Veneman. Yes, assuming that.

Mr. Patricelli. Assuming a continuing inflation in wages which in the working poor level is about 8 percent a year, there will be smaller and smaller family assistance payments. So that segment of the white area goes down. However, the portion of Federal costs relating to the 30 percent matching of the State supplemental was projected to go up at the same rate as the State costs themselves were projected to go up.

Mr. Veneman. See, that Federal portion has built into it, what is it, two billion that is built into that portion?

Mr. Patricelli. Yes.

Mr. Veneman. If you would take that out then you would see a little different growth pattern in there.

Senator Harris. Well, you can't have it both ways. You can't argue to a fellow who is more conservative than I am that this is a good deal because we are going to limit the Federal contribution for the first time and keep our Federal costs from going up in the future, as you state twice in your affirmative statement, and then convince me that it is a good deal for the States and the poor people at the same time.

Mr. Veneman. I think what we would have to do in order to make this chart actually reflect what will be happening would be to separate out the working poor portion of it for that 4-year period. Then I think you would see more of a corresponding increase of both Federal and State dollars.

Senator Harris. It is true, however, as the statement says that the Federal share is limited but the States' share——

Mr. Veneman. No, the Federal share in the existing categories is not limited. It is limited under family assistance only to the extent that we will pay 30 percent up to the poverty line.

Secretary Finch. In other words, we would put a ceiling on Federal grants on a per case basis. That is the significance.

Senator Harris. Mr. Secretary, you say on page 5 of your statement:

"Under the current system we have no control over the allocation of Federal resources. Each State establishes its own benefit levels and the Federal Government has an open-ended obligation to provide matching for these benefits. The result is not only a potentially unmanageable drain on Federal resources, but the creation of a system in which the Federal Government discriminates sharply in its treatment of equally needy families in different States. This is neither logical nor equitable."

I agree with that. I think that it is a good statement generally in so far as we are going to have to pay for it one way or another. I think it is very important that we understand that it is not a question of not making a payment or making some payment. It is going to cost us either way.

But at another point in the statement you say that this means that for the first time the Federal share will be limited—on page 16 you state:

"It is important to note that this poverty line limit for Federal matching puts, for the first time, a limit on the Federal welfare commitment."

That is correct, I take it.

Mr. Patricelli. It is correct as to benefits per family. We think it is desirable to put a ceiling on the Federal contribution toward hitherto unlimited benefit levels. But, as the Secretary says, we are proposing to match 30 percent on a case by case basis regardless of the number of cases. We think you can make a distinction between the number of cases and the amount per case.

Senator Harris. Right. I understand. So if that level is to be superseded then the State will pay for it or the person will not get that extra funding.

Mr. Veneman. Over the poverty line, it would be 100-percent State funds.

REDUCTION IN INCOME OF SOME WORKING PERSONS UNDER THE BILL

Senator Harris. All right. I call your attention to charts 5, 6, and 7 of the committee material. (See pp. 117, 119, and 121 of this hearing.)

It has been said by Senator Ribicoff and others that we are embarking upon a very new and, some have said, exciting new concept with a minimum Federal income floor. What worries me is the fact that what is intellectually stimulating to some of us may not be as good as more money for those who need it. And I notice, if the chart for State A is correct, that a family of four headed by a mother with earnings of $2,000 and work expenses of $30 per month under the present law will realize a total income of $4,267 but under the law which you propose would actually make less, $4,147, and that an unemployed father with earning of $2,000 and work expenses of $30 per month would make $4,267 presently, or would realize that presently, but under the bill which you propose would realize less, $4,147.

In State B a mother with earnings of $2,000, work expenses of $30 per month, would realize a net income of $3,467 under present law, and would realize less than that, $3,347, under the law which you propose. In many categories as those charts indicate, the amount realized would be about the same or not substantially different, and that in New York City a mother with earnings of $3,320, work expense allowance of $60 per month, would realize presently $6,027, but under the law which you propose would realize less, $5,547, and in other categories no increase at all. Are those facts substantially correct, and if so do you agree that that is a good result that people would be penalized by the passage of this law?

Secretary Finch. Well, first of all, I would like to ask whether or not this includes the food stamp increment?

Senator Harris. Well, I do not know, since it is not included in your bill. As I have indicated by the legislation which I proposed, all these matters ought to be considered together. I do not think they ought to be considered separately.

Mr. Patricelli. Senator, the reason that this was done was something we touched on only briefly yesterday. The present law permits disregard of the first $30 of earnings, plus one-third of the rest, plus, on top of that, whatever the State defines as work-related expenses. In some States you may have $40, or even $100, of work-related expenses, which, when added to the first $30, is taken as an initial disregard. Family Assistance tries to standardize that. Based upon Department of Labor surveys taken in a number of cities, we pegged the work-related expenses at roughly $60 a month plus day care.

The present law in some States permits a larger initial deduction, and that in turn results in a larger payment as earnings go up and a higher so-called break-even point.

Now, as we said, in New York City, under present law this particular mother would be receiving welfare until her earnings have passed over $7,000. Somewhere in the range from $7,000 to $7,300 she becomes ineligible, whereas under Family Assistance and the treatment we make for work-related expenses, the break-even point becomes roughly $5,950. We did not feel that a small loss of welfare benefits to people who have relatively high earnings was in error. This is one of the choices that has to be made between having a very high ceiling on welfare benefits and adjusting work expenses, and the proper level of the basic payment, and all of the rest.

But unless you wish to maintain a ceiling of over $7,000 in New York City, we think that you would want to accept this kind of change.

FISCAL IMPACT OF THE BILL ON THE STATES

Senator Harris. How many States will be disadvantaged and how many advantaged by the program? In other words how many will realize less Federal funds and how many will realize more?

Mr. Veneman. All States would benefit from the program. There is a saving clause in the provisions.

Senator Harris. It it true——

Mr. Veneman. Some of them will come out even. There is a guarantee that it would not cost them any more for the next 2 years, as I recall, by the saving clause.

Secretary Finch. Six States come out even and the others——

Mr. Veneman. Under the committee bill, Arkansas, Georgia, Iowa, Kentucky, Mississippi, Missouri, North Carolina, North Dakota, and South Carolina would have no-loss provisions applicable to them. Those States would not obtain any fiscal relief, but would be protected from incurring any additional costs. All the rest of the States would obtain some fiscal relief. And, Senator, I think there is a factor that we must keep in consideration when we start talking about the basic payment. Unless we make some kind of adjustment on the percentage of Federal participation in the State supplemental payment, we are really not helping a good share of the present caseload. They are not going to get any more money out of this. The States are just going to need more fiscal relief as you go to $1,600, $1,800, or $2,000. Out of about 1,900,000 AFDC families in January of this year, nearly a million lived in States that pay above a $2,000 level, for example.

Senator Harris. I believe the figure is 82 percent of those presently covered under the law would not receive any more under the bill which you propose. Do you understand that to be the case?

Mr. Veneman. I think it would be close to that. A good share of those are in States that would be making supplemental payments. But the point is that as you increase the present caseload, the percentage would decrease from 82 percent to a lesser figure, but you would still have about a million or more in seven States. California, New York, Illinois, Pennsylvania, Massachusetts, Michigan, and New Jersey have about a million of the caseload. The plan is not going to help those people. It is going to help the other States.

NATIONAL WELFARE SYSTEM

Senator Harris. I think that is why I feel that you have to take over the welfare system and make it a Federal program. And then you avoid all those other problems we were talking about this morning.

Second, it seems to me it is a rather important thing to relieve the States of those increasing burdens of education and welfare. Additionally, since there are no residence requirements any more, and I agree with that, it is even more imperative that we really make this into a national system altogether.

Mr. Veneman. You have a resource problem there. And, of course, if you make it a national system there are a lot of questions you have to answer: How do you regionalize it? Do you bring Mississippi up to New York's level if you nationalize it?

FEDERAL ADMINISTRATION OF WELFARE

Senator Harris. Let me ask you about that. When do you plan to take over the Federal administration of the program? When would you be able to do that and how are you going to do that?

Mr. Veneman. Federal administration of the family assistance program could go into effect at the time the bill becomes effective.

Senator Harris. That is my question. New York, as I understand it, is ready to make application.

Mr. Veneman. They want us to take over the whole program, including the grant payments. We are saying we will administer the program under this bill—we will handle their supplemental payments for them.

Senator Harris. How many States do you believe would decide upon Federal administration of the supplementary program and of the adult program? Do you have any idea?

Mr. Veneman. We do not have any idea. We put a pretty good incentive in there. We said if we administer federally we will pay 100 percent of the administrative costs; otherwise, it is 50-50 sharing.

Senator Harris. Do you have any idea how many might so decide?

Mr. Veneman. We have no idea on that, Senator.

Secretary Finch. My guess would be a majority of the industrial States.

ADMINISTRATION OF MEDICAID PROGRAM

Senator Harris. How would the States that decided upon Federal administration administer the medicaid program? How will they administer that?

Mr. Veneman. The States will administer that. We are not proposing in this act to take over the administration of title XIX.

Senator Harris. How do you avoid, it seems to me, the argument that you wind up with both still in it and all the duplication of two kinds of programs and two administrations? Doesn't that seem terribly inefficient?

Secretary Finch. We are prepared to make a presentation to the committee of how we use eligibility for title XIX as a back-up mechanism for the administration of this program, although there would be a separate mechanism within HEW to administer this program.

HEW PLANS FOR ADMINISTRATION

Senator Harris. What agency under HEW is going to administer this part of the program?

Secretary Finch. The House committee report suggests a totally new agency, but one that would have access to the information that we have in Social Security.

Senator Harris. What would be your plan? I mean are you bound by that House report?

Secretary Finch. As I indicated in my opening statement, we will have this before your committee very shortly.

Mr. Veneman. We want the benefit of the wisdom of this committee, Senator, before we make a final decision on that.

Senator Harris. I would, too. I would like to have somebody's wisdom. It seems to me that instead of the present hodge podge system you are just going to double it.

Mr. Veneman. No, I do not think so. What we are suggesting is not a complete take-over of all welfare.

Senator Harris. That is exactly my point. You are still going to have some down here and some down here.

Mr. Veneman. There has been a lot of discussion before this committee and within the administrations over the past years of separating the services aspect of public assistance from the money payments. We feel that the Federal Government can pay out money more efficiently than 50 different systems can—or even more than that where they have as in some States, county administration. And we are willing to pay 100 percent of the expense of disbursing the money. That is what we are talking about when we talk about administration.

States would still be responsible for providing the social services aspects.

Senator Harris. There is a rumor, Mr. Secretary, that you have said or feel that it might take 5 or 6 years before you would be willing to accede to the first request that HEW takes over the administration of the program——

Secretary Finch. I have got to find your rumor source, Senator. That is the first time I have heard that.

Senator Harris. Really?

That came to me yesterday. They said would you ask the Secretary how long he thinks that it would take before HEW would be in a position to accede to a request made under this bill for Federal administration. How long do you really think it might be?

Do you have any idea?

Secretary Finch. As I say, we are prepared to give the committee a full demonstration of how this might be done, on the basis of our experience with title XIX and social security. We think they could move rather rapidly, within conceivably a year's time.

Senator Harris. Within a year?

Secretary Finch. Yes.

Senator Harris. How many new Federal and State employees would be needed to administer the program; any idea?

Mr. Veneman. Well you would have a reduction in State employees, of course, Senator, and an increase in Federal employees. And I think a lot of them would be transferred.

HEW TASK FORCE ON ADMINISTRATION OF BILL

Senator Harris. How many people do you have working on the HEW task force on the administration of the program?

Mr. Veneman. We expect to have about 30 working by the first of July.

Senator Harris. I have some additional questions. We are going to try to quit here at 4:30 as we did yesterday.

Senator Hansen might have some questions.

Secretary Finch. Senator, we want to correct the record. The number on the task force should have been 90, instead of 30.

Mr. VENEMAN. We have 30 on board and we expect to have 90 by the first of July.

Senator HARRIS. Right.

Senator Hansen?

Senator HANSEN. Thank you, Mr. Chairman.

I think I will take notice of the fact that the Secretary and staff have had some long days already, this is the second one in a row, and forgo any questions. I did have the opportunity earlier to ask some questions.

Thank you, sir.

DIFFERENCE IN PAYMENT LEVELS IN ADULT AND FAMILY PROGRAMS

Senator HARRIS. Right. What is the justification for the lack of uniformity in payments? Under the family assistance program the level would be $500 per year for the first two people, and $300 per year per person thereafter, but the level of payments under the adult categories is, as I understand it, $1,320 per person. Is it just a matter of doing the best you feel we can do by allocation of resources or is there some reason for the discrepancy between the two?

Secretary FINCH. We would have preferred a cutback. But if you begin with the critical case, obviously it is with the first two persons—assuming a parent and a child—that you are going to get the greatest clout with the dollar, and then beyond that you just have to go to what seems to be a rational figure.

Mr. VENEMAN. That is where your heaviest fixed costs come in—housing, and certain other fixed costs for a family. You have to have housing whether you have two or three, and as you add to the family the cost per individual is reduced.

As far as the adult categories are concerned, our recommendation to the Ways and Means Committee was $90 a month in our original bill. They raised it to $110.

Senator HARRIS. And, of course, you have already spoken to the fact that the bill does discriminate against childless couples and single persons, which I believe you said was a matter of deciding what was more important to do with limited resources.

Secretary FINCH. And a matter of making a judgment on its social impact.

Senator HARRIS. That is what I mean, what you considered to be more important.

RIGHT TO HEARING IF PROTECTIVE PAYMENTS ARE MADE

What about a provision in the bill which, as I understand, allows that payments may be made to a person other than a family member if the Secretary deems that appropriate without a requirement for notice and opportunity to be heard.

Is that correct?

Secretary FINCH. I think there is always provision for a hearing. You are talking about where the father is gone and maybe you have got a clear-cut case after a hearing of an incapability of the mother adequately handling——

Senator HARRIS. That is the question. Can it be done without notice and without hearing?

Mr. PATRICELLI. The individual has the right to ask for a hearing, Senator. This is similar, according to Mr. Hawkins, to provisions of the Social Security Act now.

Mr. HAWKINS. There is a right to a hearing, at the present time under the existing programs, on practically any decision that an individual considers adverse.

Senator HARRIS. There is no intent to deny that right in this situation? I mean if that is not provided in the bill, then it ought to be corrected?

Secretary FINCH. I think that is essentially present law, Senator.

Senator HARRIS. What I mean is if that right of notice or hearing is not now provided to a parent, if payment is going to be made for that child to someone other than the parent, shouldn't that be corrected and notice of hearing and hearing be provided?

Secretary FINCH. We would not object to its being spelled out more specifically.

Senator HARRIS. Good.

Mr. PATRICELLI. The major situation in which that kind of protective payment would be used would be pursuant to the termination of benefits for an individual who has refused, without good cause, a training or job opportunity; and the finding of "without good cause" in itself involves the hearing procedure.

ADMINISTRATION'S SOCIAL SERVICES BILL

Senator HARRIS. I understand that, Mr. Secretary. You testified before the House Ways and Means Committee that:

"We are mindful of the need for social and rehabilitation services as an essential corollary to an effective income maintenance program. We will be sending you draft recommendations in the near future."

When do you expect that that bill will be coming to us, and do you believe that we can properly act upon this bill without having that before us to consider at the same time?

Secretary FINCH. I think the Under Secretary had better speak to that one.

Mr. VENEMAN. Senator, I think the two issues are separable. I think that we can act upon this bill without having the services legislation before us. We would hope that we would have the services proposal within the very near future.

Mr. PATRICELLI. We hope, Senator, that when the services bill is transmitted, which we hope will be very shortly, the committee would try to act on that measure along with this, but that is not essential, as the Under Secretary has said.

Senator HARRIS. What will be left in title IV after this bill is implemented? Don't we need to be acting on a social service program at the same time therefore?

Mr. PATRICELLI. This bill contains amendments to title IV which would leave essentially intact the present services program. There is no doubt that passage of some measure on the cash side, such as this, offers an opportunity also to reform the services structure. But this bill does not repeal title IV of the Social Security Act.

Mr. VENEMAN. If we did nothing with services, the existing services legislation would remain in the Social Security Act.

AUTOMATIC COST-OF-LIVING INCREASE IN FAMILY ASSISTANCE BENEFITS

Senator HARRIS. Has there been any discussion within HEW proposing automatic cost-of-living increases in the family assistance program levels along the line of the President's recommendation in regard to such an adjustment with social security?

Mr. VENEMAN. There have not, Senator, except to the extent that we are willing to participate up to the poverty line, and that would be a variable ceiling as far as the State supplemental payments are concerned and would reflect the cost of living.

DISTINCTION BETWEEN EMPLOYED AND UNEMPLOYED FATHER UNDER THE BILL

Senator HARRIS. Let me just ask you this one last question.

What about the distinction between an employed and an unemployed father under this bill? That has given some cause for concern to members of the committee. Why do we need the distinction between the two? As I understand it, those were Mr. Patricelli said words of art, "working poor," and "unemployed father." Why do we need the distinction?

Secretary FINCH. Otherwise we would have to break out of the present structure.

Senator HARRIS. Why can't it be purely based upon income without making a distinction between an individual working part-time and one working full-time. I do not see what the distinction is.

Mr. VENEMAN. It could be done, I suppose, Senator. But I think the distinction was made by the Congress.

Senator HARRIS. Yes, but is there any reason why you have to stick with those rigid categories?

Mr. PATRICELLI. The reason that you cannot completely obliterate them at this point is largely financial. Treating working men and unemployed or part-time employed men identically requires either a raising of the basic payments so high that the unemployed father program is subsumed, or a requirement that the States match the payment to the working poor so as to bring that payment up in all cases to the equivalent payment for the unemployed father or part-time employed father. In either case the additional cost is in the range of several billions of dollars.

Mr. VENEMAN. Another thing, Senator: One of the basic principles that we tried to adhere to when we were developing this program was that no one now receiving aid would have a reduction in his assistance. You have expressed concern just looking at the New York example and a couple of the others that were prepared here by the staff, where you see a slight reduction. If we were to treat the unemployed family the same as we are proposing to treat the working poor category, they would be subjected in many cases to quite a reduction of the aid that they are entitled to under the existing law.

CHILD CARE STANDARDS

Senator HARRIS. Just this last one. Is it possible under this bill to require a mother to put her school-age children in child care facilities against her will when those facilities do not meet the standards that she believes are adequate?

Mr. VENEMAN. Well, they would have to be standards that were established through regulation by the Secretary.

Senator HARRIS. By the Secretary of HEW?

Mr. VENEMAN. Yes.

Secretary FINCH. Yes.

Senator HARRIS. Have you prepared any kind of standards?

Mr. VENEMAN. We do have day care standards now in existence.

Senator HARRIS. And those would continue?

Mr. VENEMAN. They are essentially, as I believe was indicated earlier this afternoon, the Head Start standards.

Senator HARRIS. Senator Hansen, anything further?

Senator HANSEN. Do I understand that the Secretary and his staff will be back tomorrow morning?

Senator HARRIS. That is my understanding.

Senator HANSEN. I will have some questions, but I know you have had a long day and I would forgo asking them now.

Thank you very much.

Senator HARRIS. You really have had a long day and I for one appreciate it very much and I appreciate your coming here and patiently answering these questions this afternoon. I am advised to announce that the committee will stand in recess then until 10:00 a.m. tomorrow.

Secretary FINCH. Thank you.

(Whereupon, at 4:25 p.m., the committee recessed.)

Senator HARRIS. May I say, first, I am impressed by your presentation here this morning. As you know, I agree what in effect you say, that poverty by definition is lack of income, and that what poor people primarily need is money, when we are prone, instead, often, to give them advice; and that has proved to be second best to money. I, therefore, agree with the basic philosophy of the family assistance program. I hope it can be improved, as I indicated earlier. Let me ask you first this:

Outside of the 10 percent of the families who are receiving assistance that live in the seven lowest AFDC benefit States—I think primarily if not totally the Southern States—

and persons with other sources of income, will any family with children and now receiving assistance be financially better off under this bill than is true at the present time?

Secretary RICHARDSON. No family now receiving assistance.

Senator HARRIS. Let me ask you——

Secretary RICHARDSON. Outside of the States that you identified.

Senator HARRIS. Now, let me ask you the converse of that. Will any such family be worse off under the family assistance program than is presently true?

Secretary RICHARDSON. With the corrective measure that I proposed earlier in the hearing for the problem of States where there is a difference between the family income standard and the actual assistance payment, the only remaining group who would be adversely affected are the families of the unemployed father category in the 23 States and one territory that have those programs.

There are about 90,000 families in this category.

I also touched on the possibility that we will decide that in order to avoid hardship to them we could develop an approach similar to the one we have suggested for the so-called galloping supplemental situation.

Senator HARRIS. I understand that two types of families would be worse off or could be worse off under the family assistance plan than they are now. One is the family in those 23 States which now have unemployed father programs, and under the revised family assistance plan now will be ineligible for Federal cooperation in funding of that program.

How does this fit in with what Secretary Finch previously said, ". . . a system which provides a clear financial reward for a family breakup seems vicious and irrational . . ." and I believe those were very nearly the same as your words this morning. How can we justify doing that?

Secretary RICHARDSON. This is one of the problems we keep confronting in the attempt to develop a system which is equitable overall. The problem is that if you continue to cover the families with an unemployed father and also provide benefits for the first time to families of the working poor, you would create a new inequity which in effect could mean that the families of an unemployed father with children are better off than the families of an employed father——

Senator HARRIS. First——

Secretary RICHARDSON. There is also the problem that applies to the unemployed father, who under the law of the States in question, can work up to 30 hours a week without any loss of benefits and thus has a disincentive to engage in full-time work. It was these considerations which led to the conclusion that the families of unemployed fathers should be treated in the same way in the family assistance plan as families of employed fathers. This would mean in substance they would get if the father were not working at all, a combination of benefits consisting of $1,600 in cash, in the case of families of four, $860 in food stamps, and the equivalent of health insurance coverage worth $500, for a total of $2,960. They would in effect be not too much worse off than the families headed by female workers who would also be benefited by the State's supplement.

Senator HARRIS. Let me be sure, first, that we understand the effect of what you are now proposing. While we would cut out the Federal participation now available to 23 States that provide the unemployed father program, at the same time under your recommendation we would continue to provide a Federal supplement for those States that pay more than $1,600 for families headed by a mother.

So, then, wouldn't we continue or make worse what you have criticized, and I have criticized and others have criticized in the present system?

For example, President Nixon said in St. Louis on June 25:

"When any system has the effect of encouraging a man to desert a family rather than stay with it, it is time to abolish that system and get a better one."

How are we doing in regard to carrying out those good words?

Secretary RICHARDSON. The main thing we are doing is to cover the working poor, which is a major step. It is true that by eliminating the Federal supplementation of benefits to the families of unemployed fathers we would be taking a step away from this objective. On balance, however, we think that the aggregate effect of the total program we propose is very much in the direction of the statement you have just quoted.

Senator HARRIS. One way would be to raise the basic payment so that the unemployed father program is subsumed, and that is, of course, what I recommended and still recommend. I asked about this difference back when we had the earlier hearings, about discriminating between the employed and unemployed fathers, since what we wanted to do anyway was to cover the working poor.

Mr. Veneman, at that time, as shown on page 346 of our previous hearings, you said: "If we were to treat the unemployed family the same as we are proposing to treat the working poor category, they would be subjected in many cases to quite a reduction of the aid that they are entitled to under the existing law."

After having so assured me then, have you now come in and recommended exactly what Secretary Veneman said we shouldn't do.

Mr. VENEMAN. Secretary Richardson mentioned this morning that we should "grandfather in" these people who are presently on the roll. I cannot help but agree with him that the benefits to the working poor, now that we are moving in that direction, will far offset the disadvantages that the potential unemployed father families would have. There are only 90,100 in the Nation right now.

Senator HARRIS. For those 90,000, this is a rather important matter; wouldn't you think?

Mr. VENEMAN. To put it in the perspective, there are 260 families in Oklahoma and about 37,000 in California.

Senator HARRIS. If we start out with pious statements about how we want to hold families together, then we ought not to try to mislead people into thinking that we are doing that, when in some ways, here, we would be going backward, even from where we were in the original bill.

Mr. VENEMAN. I don't think we are, with the grandfather clause. We are not stepping back if we "grandfather" the present caseload in.

Senator HARRIS. The present caseload was insufficient to start with. The Senate of the United States, acting on an amendment which I and the late Senator Robert Kennedy offered, decided in the past that it wanted to make the unemployed father program mandatory in all of the States. We voted to require the States to allow eligibility for a family headed by an unemployed father, requiring him thereafter within 30 days to go into work or training. Instead, the conference, later decided not to approve that and decided to require mothers to go to work.

I always thought that was a rather poor way to go about it. I certainly wouldn't want to see us continue in that same direction under your revised plan.

Mr. VENEMAN. I don't suggest that we are going in that direction, Senator.

Senator HARRIS. Just one other thing about good statements concerning putting people to work. Where would you think we would find jobs for these people that would be required to work? Shouldn't we spend some money in helping create additional jobs, Mr. Secretary, public and private? I see a prediction in the morning papers that the unemployment figures are going to go higher. As we all know, those average unemployment figures are already much lower than for those who have less skills, those who are black, and other minorities. Where would we find the jobs for these people that we are requiring to go to work?

Secretary RICHARDSON. Senator, as you know, of course, the current duration of unemployment for those on the rolls is comparatively short. And in many places there are available jobs for people if they have the requisite skills. The problem is in most instances one of matching the individual and the job. I am sure you will be hearing next week from the Department of Labor on the progress they have made in developing computerized job banks that appear to be working very effectively to this end. Our feeling is that while we should utilize the special project provisions of the law that were first enacted in 1967 to make this an effective supplement to the free market provision of jobs, we would still like to see what can be accomplished through the more adequate provision of job training opportunities and the more effective capabilities of our Employment Service in making the existence of currently available jobs known to those who are asked to register for jobs under this program.

May I go back for a moment to one point? I think your questioning about the unemployed fathers helps to point out the kind of problem one runs into in seeking to reform an existing system and to do so within practicable limitations of cost.

Some members of the committee, and certainly this administration, feel very concerned about adding costs where this would be the by product of an otherwise desirable reform intended to make the application of the system more uniform.

In the case of the unemployed fathers and the employed fathers of the working poor, for example, the most simple way to achieve equity would be to mandate State supplementation for both groups nationwide so they would all be treated the way the unemployed father families are now treated in 23 States. The short answer to this is that it would cost another $1 billion on the program the first year.

So the question then is given this additional requirement, is it better to do it through the grandfathering route that Secretary Veneman referred to?

Senator HARRIS. We ought to be candid enough to admit these deteriorating effects that will continue in the program which you recommend, which in my judgment are not necessary.

Second, we ought not to say that we are going to have uniformity under your plan, when, as a matter of fact, there will be wide disparity between what a child is worth in the way of welfare assistance from one State to another under the plan which you propose, though there will be a minimum floor, a floor which is less than that now paid 85 percent of the recipients. We ought not to say that we are going to simplify the administration, as much as I think we can, because FAP will continue the division between the various levels of Government involved. So, the people ought to know exactly what we are doing here, and I think we can do far better than what you recommend.

But, I, again, say that I think that the full Senate ought to have a chance to consider this matter, and I would be willing to trust to them some of the judgments I think ought to be made. I think the present system is a bad system, as this administration and others have said, and I don't think we ought to patch around on it. We ought to replace it with a better system.

Wednesday, July 29, 1970

REDUCTION IN BENEFITS FOR THOUSANDS UNDER FAP

Senator Harris. Thank you very much.

Mr. Secretary, as you stated the other day the revised bill would set the State supplementary payment level at the amount a family with no income would be paid in the State, and that would result, it was testified, in a welfare cutoff for some, and for others a reduction.

Further, the revised bill, as you have testified, would discontinue Federal sharing in payments to families with an unemployed or underemployed father in the home.

Thereafter, you testified, as I understood it at the time—perhaps it was not intended to be a commitment but just a statement of possibility—that there was some intention on your part that there would be a grandfather clause so that no person now receiving benefits would have them eliminated or reduced by the passage of the revised bill.

And, then, I noticed in the morning paper, yesterday afternoon, when I was not here, you made some commitment about reducing some assistance payments now without even waiting for the passage of the new law.

Now, where are we in regard to people who would be cut off welfare or have their welfare reduced under this bill or by administrative action which you plan?

Secretary Richardson. Well, there are three distinguishable situations involved, Senator. One is the unemployed father of an AFDC family. The second is the problem that arises out of the fact that in 22 States there is a differential between the amount which the State AFDC program defines as the needs of a family of a given size and the actual amount paid to the family under the State public assistance program and which either impose statutory maximums, or pay a percentage of unmet need. In those States there is a gap between the actual amount paid and what the State says a family of that size really needs to live on with the result, that there is a disregard of a portion of earning which the family may receive between the actual payment level and the need standard. In other words, the family in that situation is able to keep a larger amount of its earnings than when it reaches the need level, where the so-called "30⅓ formula" takes over.

Now that, of course, produces a highly inconsistent situation among States with respect to the relative earning incentive of families with earned income.

So the Department purported to take care of that in section 452 of the bill on a basis which, in effect, would have provided a single State supplemental payment for all families of a given size.

Senator Harris. That was a change between the time the first bill was submitted and the revised bill was submitted?

Secretary Richardson. Yes.

Now that would have resulted in a situation in which as many as 300,000 families could lose benefits. So in order to avoid that, I said, that having considered various ways of handling the problem we would propose to "grandfather" present recipients.

Senator Harris. Could you furnish us with a list by States of those numbers and the amounts of money involved that would be cut off or reduced as a result of that provision, save for the possibility of grandfathering them in?

Secretary Richardson. Yes.

Senator Harris. Now, go on to the grandfathering situation.

Secretary Richardson. The third situation——

Senator Harris. No, what is your position presently with regard to grandfathering in those numbers?

Secretary Richardson. Well, we think we should do it, and our proposal in effect would be to "grandfather in" all the individuals and families who are presently getting this benefit but not for families newly coming on the rolls. The number of families involved would decline, considering that there is roughly a 50-percent turnover in the AFDC roles in a given year.

Senator Harris. Now, let's go to the other cases that I mentioned and you mentioned in exactly the same way: what the numbers are, and let's get charts, if we may, by States of numbers and money of cutoff or reductions as a result of the revised bill, and then what your position is in regard to grandfathering them in.

Secretary Richardson. Well, this brings us to the category of the unemployed-father AFDC family. There are about 90,000 of these families nationwide. We felt, in looking over the situation as a whole, that providing supplementation for this group and not for the working poor created an actual incentive not to obtain a full-time job. If we maintained the bill as passed by the House, this would occur because an individual could work up to 30 hours a week, or at the State's option 35 hours a week, and still be considered unemployed for purposes of this provision of the law. So under our June revisions we recommended to the committee that the Federal Government no longer participate in supplementation of unemployed-father families. This would mean then that, except where the State made up the difference, there would be a potential reduction in benefits for those in families.

Senator Harris. The difference between your first bill and your revised bill, except for some other action, would be a reduction in welfare payments in this category, I believe you have said, for something like 90,000 families.

Secretary Richardson. 90,000 families.

Senator Harris. Could you give us a chart on that, then, showing how that breaks out by States, numbers and amounts?

Secretary Richardson. Yes, we will give you both the charts you requested.

(The information referred to follows:)

"Under the Administration revision of H.R. 16311, there would be no Federal participation in State supplementation of AFDC-UF cases. Furthermore, Section 452 of the Bill would specify a payment schedule for State supplementation that is different from the present AFDC payment schedule in some States. These two provisions would result in Federally mandated payments being lower than actual current law payment for some families. If all such families already on the AFDC rolls were "grandfathered" into the old payment schedule with the implementation of Family Assistance, the following table shows families affected by State and the first-year costs of such a change in the Bill:

[Dollars in millions]

	Number of families affected by—		Cost of "Grandfathering"	
	UF repeal	Sec. 452	Total	Federal
Total	79,100	370,200	$198.6	$59.4
1. Alabama		5,100	1.0	.3
2. Alaska		1,300	.8	.2
3. Arizona		5,700	.3	.1
4. Arkansas		6,300	.1	(1)
5. California	31,000	121,600	71.9	21.6
6. Colorado	600		1.1	.3
7. Connecticut				
8. Delaware	100	2,900,	.6	.2
9. District of Columbia				
10. Florida		38,600	2.1	.6
11. Georgia		45,300	4.1	1.2
12. Hawaii	300		.7	.2
13. Idaho				
14. Illinois	3,500		7.6	2.3
15. Indiana		15,900	6.4	1.9
16. Iowa				
17. Kansas	300		.4	.1
18. Kentucky		19,100	.1	(1)
19. Louisiana		11,200	2.2	.7
20. Maine	100	7,300	3.2	1.0
21. Maryland	400		.3	.1
22. Massachusetts	2,500		6.1,	.1.8
23. Michigan	1,300		3.4	1.0
24. Minnesota				
25. Mississippi		4,000	.7	.2
26. Missouri	300	25,400	5.8	1.7
27. Montana				
28. Nebraska	100	5,100	.16	.5
29. Nevada		2,000	.6	.2
30. New Hamsphire				
31. New Jersey	8,500		23.8	7.1
32. New Mexico		4,300	.1	(1)
33. New York	13,900		29.6	8.9
34. North Carolina		14,100	.5	.2
35. North Dakota				
36. Ohio	2,400		2.3	.7
37. Oklahoma	300		.1	(1)
38. Oregon	3,800		4.3	1.3
39. Pennsylvania	2,600		5.9	1.8
40. Rhode Island	300		.5	.2
41. South Carolina		3,700	.7	.2
42. Soth Dakota		2,300	.1	(1)
43. Tennessee		24,300	1.5	.4
44. Texas				
45. Utah	600		.8	.2
46. Vermont	100		.4	.1
47. Virginia				
48. Washington	2,400		6.6	2.0
49. West Virginia	3,700	3,900	.2	.1
50. Wisconsin				
51. Wyoming		600	(1)	(1)
52. Guam				
53. Puerto				
54. Virgin Islands		200	.1	(1)

[1] Less than $500,000.

Note: Original State estimates for fiscal year 1971. Actual caseload will probably be higher.

Senator Harris. All right. Now what is your position, then, in regard to grandfathering in that group and how does that fit in with the talk about the regulations?

Secretary Richardson. Well, here we have in mind maintaining State supplementation for these families for up to a period of 2 years. This brought us to the question, which we haven't fully resolved at this point concerning the family where the father goes to work for a couple of months and has an incentive to lose a job again prior to enactment of family assistance in order to continue to get the supplemental benefits for a couple of years.

Senator Harris. Is that problem brought about by the revised bill's recommendations or is that a problem of the grandfathering in?

Secretary Richardson. Part of it is a problem under the existing law. Under the grandfathering approach, the problem arises because it would be necessary to determine when a family would cease to be entitled to the higher benefits applicable under present law to an unemployed father family. For example, a father goes to work at a full-time job, meaning a job more than 35 hours a week, and therefore ceases to be eligible for the State supplement, but loses his job in 6 weeks or 2 months. We would have to determine whether the family would go back on to the unemployed father rolls or would they thereafter be on the same footing as other male-headed families. That is the question that arises under the grandfather provisions themselves, and we haven't definitely arrived at a recommendation to the commmittee on just how to handle that problem.

Then the final question that arose, which we discussed yesterday, is the question of how much work in a week should be the father be enabled to do and still be considered unemployed. What I said yesterday to the committee was that we would revise the Department's regulations on this score. What I have in mind is to make sure that the regulations are so written that the Federal Government is not supplementing the income of a family where the father is working full time for 35 hours a week. In this regard we are talking about existing law and not about the bill.

I think we do need to consider the question of providing some continuation of eligibility for a family where the father may work 35 hours in a given week because of some temporarily available job, for example, as distinguished from a situation where he works regularly.

I think we also need to look at the kind of work or whether he may be in a situation where he can earn quite a lot of money at high wages in a high skill trade, for example, during a short period, but have relatively few hours of work other parts of the year.

At any rate what I said to the committee yesterday was that we would revise these regulations to exclude the possibility of abuse on the part of a father who is working regularly or who does work at substantial income for shorter periods.

Senator Harris. That spotlights, of course, my concern. I believe in every instance that you have mentioned here during the last days, when you have made an effort to rationalize what is a very irrational system, and avoid these notches that apply, disincentives to work which presently exist, you have done it to the detriment of the recipient. He winds up being the victim of rationality. We would get a much more rational system at his expense. We would wind up cutting down his medical insurance bonus or we would wind up phasing down his food program or we would wind up cutting down the unemployed father family payment or we would wind up cutting down or cutting out the Federal sharing in the supplementary program for those who work. Always, under your recommendation, we would wind up trying to make a more rational system at the expense of the person we started out to help.

We all have been talking about the need to help poor people get what they need most, which is money. Yet, it seems to me, in trying to construct a more beautiful system you have done just the opposite in so many ways here in this revised bill. I don't think that you can cure it by this grandfathering business. I think, first of all, there are very serious questions of constitutionality about that. If a person is entitled to it now, a person in the future is, also. Secondly, I think that you would just perpetuate the notch problems or you would start up new ones. It is morally illogical, I think, to say "Well, the people presently receiving assistance ought to continue, but in the future we are not going to do it." We ought to remember why the unemployed father program was established; it was to try to reduce the terrible pressure in the present system for the breaking up of families. Everybody has said that is his goal, and yet you are not going in that direction.

So, that worries me very much, all these recommendations that have to do with the subject. I have a question or two on other matters, but if you would like to respond I would like to hear it.

Secretary Richardson. I would like to respond, thank you, Senator.

I think it should be emphasized that each one of the situations about we have just been talking is a situation affecting a relatively small number of families in proportion to the total involved under the reform.

Senator Harris. Mr. Secretary, you have said that once before, that this only involves 90,000. That reminds me that Senator Richard Russell told me once that when he came to the Senate, the then Senator from my hometown, Thomas P. Gore, a blind man, was chairman of the Armed Services Committee; he said they had a meeting about benefits for the widows and orphans of those who had been killed in the Spanish-American War. Senator Russell said, "I was a rather young man, and I said, 'well, I don't know how you can call it a war; There were only 385 people killed in the whole engagement.'" And he said that Senator Gore looked at him, almost as if he could see him with his sightless eyes and said, "Son, for those 385 it was a hell of a war." I think that might be said for those 90,000 you are talking about, I don't think it is good to say, "Well, there are not very many of them." For those people, that is a very, very serious matter, as well as for those who are going to be in that position in the future.

Secretary Richardson. Well, Senator, this is why we are proposing to do what we have outlined for those families. But the point I am trying to make is that your comments suggested, that in seeking to fix the system and to eliminate the inequities and disincentives which now are built into it that the inevitable consequence was to hurt significant numbers of people. We concede that it does hurt some people.

Senator Harris. I don't think it should. I think you can go in the other direction.

Secretary Richardson. The point is the reforms we have proposed do help, on a basis more adequate than does existing law, very large numbers of people, much larger than the numbers who would be hurt, and the problem, therefore, is how to move toward a more adequate and fairer program of Federal support of the incomes of poor people, including the working poor, in a manner which does the least damage to those families who happen to enjoy under existing law a particularly high combination of benefits. So what we have been talking about really is how to handle the transition. But I don't think that we ought to lose sight of the fact that the overall impact of our proposals will be, we believe, a much fairer and more adequate level of support for most poor people in this country. I think this is particularly true with respect to the impact of our proposal to cover the working poor.

Senator Harris. Your argument is that, during the transition, that in order to help some others not now helped sufficiently—the working poor, in particular, and I certainly agree with that—that some have to give up something that they now have. Then, in order to get around that, you have said, "Well, we will grandfather them in. They ought not to have to pay the burden of the improvement in the system," is that so?

Secretary Richardson. That is so. The point you made about the unemployed father category is true. As you pointed out, the reason why the law was amended to enable the States, if they close to do so, to provide benefits to families with an unemployed father was to reduce the incentive to family breakup. It is true, that if we put the unemployed-father families on the same footing as the employed father families under our present proposals so that there would be no State supplement to those families supplementation of female-headed families would continue and therefore a degree of disincentive would remain. It is not as great as it would have been before because by covering the working poor we would give a family of four the equivalent of combined benefits of family assistance and food stamps an income equivalent of $2,440 plus health insurance, which is a lot better than it was before. But the alternative would be to provide benefits to employed families on the same basis as they are now provided in those States that have unemployed fathers. That solution involves a problem of cost.

REVENUE SHARING AND FAP

Senator Harris. The real alternative is a matter of money, and you just said it there: it is a matter of cost. It is important to note that, between a beautiful system of assistance and actual financial assistance, those we are concerned with here would choose actual financial assistance. As you said, it is a matter of costs.

With respect to revenue sharing, how much money is in the President's budget for revenue sharing which, I trust, we are not going to enact this year. How much would that add to the $1,600 FAP level if Congress decided not to pass revenue sharing and, instead, added that amount to this program, which is a method of revenue sharing, that is, it takes some responsibility from the States and assumes some more for the Federal Government.

Secretary Richardson. Well, the first year of budget allowance for revenue sharing proposed by the President is a billion dollars, and this would mean then that——

Senator Harris. I believe that would almost exactly eliminate that problem you have discussed in regard to unemployed the underemployed fathers, wouldn't it?

Secretary Richardson. Yes, that would be about it.

Senator Harris. How much would it raise the level of the basic benefit under the FAP program for a family of four to use the revenue sharing the first year for that purpose?

Secretary Richardson. You mean to raise the basic benefit?

Senator Harris. Right.

Secretary Richardson. It could be raised from $1,600 to about $1,800. I might also clarify for the committee in the spirit of Senator Nelson's request for options that one of the ways of dealing with the funding of the family health insurance proposal would be to raise the basic benefit by, say, a hundred dollars.

Senator Harris. What about the food stamp program, first at the cost as passed by the Senate and, second, at the cost as recommended by the President. How much money is involved in each of those propositions, and what would that raise the benefit level by, if you paid that in cash, rather than in food stamps?

Secretary Richardson. We have calculated, Senator, that the President's food stamp recommendations would cost $1.8 billion in fiscal year 1972, assuming that the stamps would be made available to all the families whom we would propose to cover under the family assistance plan as now before you.

UNIFORMITY OF PAYMENTS NEEDED

Senator Harris. As you know, I have introduced a plan which does not have these notch problems. Also it would give some uniformity among the States, with no incentive for migration, if there is such an incentive now. But under the bill which you have proposed, even the revised bill, you would still have considerable variation, wouldn't you, in the amount of payments? Isn't it true that if the Federal Government took over the administration of that part of the program you would be issuing checks to families of four in similar circumstances that would still range from $138 to $347 a month?

Secretary Richardson. Well, of course, that differential is brought about by the State supplement.

Senator Harris. That is my point. You have said that uniformity was one of your goals. Secretary Finch said that was one of his goals. President Nixon has said that a child in one State should not be worth more than a child in another State. My point is: How much will we really be getting away from that present variance, which we have all uniformly condemned, if we enact the revised bill which you recommend?

Secretary Richardson. Well, there would be at the lower end of the scale an increase in benefits for a family of four in approximately eight States, which would account for about 18 percent of the families covered under the proposed plan. These would be the families who would, in terms of present AFDC coverage, actually gain in benefits, putting aside for the moment the working poor families.

At the upper end of the scale, there would be Federal participation in 30 percent of the State supplement up to the applicable poverty level for the family. But it is true that there would remain differences. Elements of uniformity would, it is fair to say, be achieved in other ways that are also significant. These would include determination of eligibility considering such important factors as the amount of assets that a family could have without being required to liquidate anything. It would provide uniformity in the exclusion of the family home, the elimination of liens, the recognition of the need for a family to have assets involved in work, and so on. So there would be uniformity in these respects where there is a wide range of variance now from State to State. We think that these are all very positive aspects of the plan.

If we were to go beyond that, of course, and to make, let us say, the poverty level itself the basis for determining payment levels under the plan, we would be committing the Federal Government to vastly increased costs.

Finally, there was a point brought out by Senator Miller that there are, after all, variances in the cost of living regionally and these are circumstances taken care of by the State supplement.

Senator HARRIS. That type of variation would be taken care of anyway in any kind of a new system. I don't think that is any argument against the federalization of the welfare system which I support. What worries me, Mr. Secretary, is that, here, we are giving people to understand that we are in a major way revamping and overhauling the system and eliminating all these problems, but in many ways we are perpetuating a great many of them. One such problem is this tremendous variation between States on how much people receive. But, again, as you said, that is a question of costs. Congress must decide, as the President has, how they think limited resources should be divided.

WORK REQUIREMENTS FOR MOTHERS

Let me ask you another question. We often do things, as we have with this welfare system in the past, and then wake up to find it has made many rather serious judgments—about how people ought to live in this country, and so forth—that maybe we hadn't intended. I worry about this and about the work requirement in regard to mothers, as you know .The questions that this new system raises are one that we might well pause and consider carefully. Do we consider, for example, a mother's work caring for other people's children more valuable than what she does for her own? Do we consider a mother's work in the home, where a working father is present, more important than that of a mother raising children alone? The latter question, of course, is, as you are quite aware, prompted by the requirement in the bill that a mother of school-age children, where there is no father in the home, sign up for work and training, whereas, if there are two parents in the home, she would not be so required. What about those kinds of questions? Have they been thought out? Are those the kinds of judgments society wants to make, that society and children are better off when a mother is required to go to work, rather than be at home with her children? The operative word is "required."

Secretary RICHARDSON. Well, let us take the second point. Certainly the plan before you does reflect the judgment that, where we are talking about providing an income supplement under a public program paid for by taxpayers generally, it is reasonable and fair to expect that a mother who can work, even if her children are in school, will work if she is given the opportunity and has the training that enables her to work.

The proportion of American women today who have school-age children, who can choose whether to work or not, and who do choose to work, is very high, and growing substantially. On this basis, it is reasonable in determining whether or not a family should have its income supplemented out of public funds to say that, as a condition to receiving that income supplement, the mother should be willing to receive training and to take a job if a job is available. I would agree that this is the kind of thing that one could very well debate. It does reflect a basic philosophy toward work, as a condition of receiving public funds. In this area the administration has adopted the general point of view I have expressed, and we think that it is reasonable.

BUILDING INDIVIDUAL INCENTIVE

Senator HARRIS. I have other questions about day care and other matters, but let me just wind up now with this on this same point: Some people say they believe that unless people are psychologically or philosophically handicapped they will want to work. I believe that. I think that is so, and I think that we can demonstrate it. I think we have experience which indicates that the present system traps people in a cycle of dependency from which they have difficulty breaking out. And that is why we are all here, I take it, to replace that system with one which builds upon individual incentive.

The Office of Economic Opportunity has said that its experimental program in New Jersey indicated that, far from doing away with the work ethic, additional income which allows people some kind of a decent standard of living, decent health, decent housing, clothes for the kids to go to school, and enough to eat, far from destroying initiative and destroying the work ethic, this encourages it even more and that people want to do a little better. They are just like all of us in this room; they want to do a little better still. Do you agree that that is so?

Secretary RICHARD. I do, Senator. I think there are many reasons for this which transcend the attitudes and more of our particular society. I think people want, and I personally believe this is very fundamental, the satisfaction of the feeling that they are making a contribution to their community, that they are a part of it. I think they want the feeling that they are contributing to the support of their own children through their own efforts. I believe that this is a very basic human need and human satisfaction.

So I do not approach these proposals before the committee with the feeling that most people who have a choice between a job at decent wages and not working for the same money would choose not to work. I think it is important to build into the bill a provision that they will be penalized if they refuse to accept a job. But I expect that the occasions on which this sanction is required would be comparatively few. I think, therefore, that we need to emphasize, in looking at the work-incentive side of this program, the other aspects of it, which have to do with creating greater opportunities for the heads of the families to work for the very reasons that you have just stated.

Senator HARRIS. I thank you for a good discussion and I thank you, Senator Byrd, for yielding to me.

THURSDAY, JULY 30, 1970

Senator HANSEN. I have several more questions, Mr. Secretary, but I realize I have taken more than my share of the time.

If I may, just let me conclude by asking or by stating—by making a statement that does include several questions, but I think they are so closely related that I am certain you will have no difficulty in commenting upon the thrust of these questions despite my desire to read them all at one time.

WORK REQUIREMENT FOR MOTHERS

Yesterday the distinguished Senator from Oklahoma, Mr. Harris, raised a number of questions concerning the attitude of society toward a mother's duties to her children where a working father is present, but what about female-headed families? Should their responsibilities to their children, that is, being in the home, be subordinated to their duty under the bill to enroll in a training program or take a job?

What about the attitudes of children? Should there not be demonstrated the continuing importance of work? I think Senator Harris made some observations yesterday that indicated that in New Jersey there was evidently no diminution in incentive when welfare assistance was abundantly in evidence.

Secretary RICHARDSON. Well, I think, Senator——

Senator HARRIS. Could I just add, Mr. Secretary and Mr. Chairman, first of all, the operative word yesterday was "required" and I think the Secretary would agree that up to now our experience has been that there have been more people volunteering under the WIN program than we could provide day care or training or job slots for, and evidence is that the same will be true in the future without the stigma and coercion of work, involuntary servitude in effect, which is involved in this bill for mothers of school-age children.

Second, not only I but Secretary Richardson testified yesterday that the New Jersey experiment demonstrates, just what I think we all say, that the present system destroys incentive and initiative. But if the people have an opportunity for a decent standard of living for the first time, decent health, decent housing, enough to eat, clothes for the kids so they can go to school, rather than destroy the work ethic and individual initiative, indications are from the New Jersey experiment and other examples that it enhances them and that people just like all the rest of us in this room as we said yesterday, want to do a little better. That, I think, is a better paraphrasing of what we said yesterday than what Senator Hansen has just said, though it is generally in the same direction.

Senator HANSEN. If I may, insisting on having the last word, Mr. Secretary——

Senator HARRIS. I come after you do. When you get through——

Senator HANSEN. I am quite well aware of that. I just wanted to say this for what Senator Harris has just criticized as "involuntary servitude" is something that I suspect he might say would apply to some 10 million people representing fewer than that number of families on welfare or receiving some welfare assistance. My observation is this. What 10 million Americans including all children would regard as involuntary servitude by some, I should think, is something that the other 190 million Americans quite readily accept as a responsibility that they believe is theirs to accept the duties of citizenship, the duties of parenthood, the time-old responsibility of taking care of one's family, and I just do not want to leave you with the responsibility, Mr. Secretary, of having to respond to a characterization of a program that I think is unfair.

I do not believe at all that to expect able-bodied people to have to work in order to help take care of their families is a result of the application of the power of a despotic government upon citizens that violate their constitutional rights or anything else.

Now, the distinguished Senator from Oklahoma has not said all of this. [Laughter.]

This is what I am saying. I am offended that he would imply that if you are to receive some help from welfare and to be asked, if you are able bodied, to do some work at the same time that you are pressed into service. I do not believe that.

Senator HARRIS. Mr. Chairman, Senator Hansen decided to debate me rather than ask Mr. Richardson a question. I would like to just respond.

I think the operative word in what he said is "ask." He said he does not think there is anything wrong in asking people to work. I do not, either. And I think what we are talking about here are mothers of school-age children. I think that we are going to all go home, as we did a year or so ago, and say to our constituents, well, we certainly straightened out those welfare mothers. We put them all to work and got them off welfare.

Well, that is not going to be the effect of this because first of all, where is the work? Where are the training slots? Where are the day-care slots that will provide help for those who volunteer? These things are really not provided for in the family assistance plan and I think we ought to recognize that without going all around the country making pious statements about how we are putting everybody to work here and we are going to stop this welfare business.

The truth is, Mr. Chairman, as we have just said a while ago and as Secretary Finch earlier testified, these mothers under the present program have volunteered in more numbers than we were able to take care of them and that is what I want the record to show. I do not think we ought to stigmatize them by saying that somehow they are different from the rest of us, they do not want to do better, they do not want to have a better life for their children, they do not want to work if the Federal Government will give them a better life for their children, when as a matter of fact, they do. They are like the rest of us.

Could you respond to that?

Senator Hansen. Mr. Secretary, if I may, I believe I still have the floor. I will be happy to yield it in a moment. I do not propose to debate with the distinguished and articulate Senator from Oklahoma. I am aware of his ability which has been recognized by his party and by the people of the State of Oklahoma.

I did want to say that I asked you a question and I would hope that in time, when the Senator from Oklahoma—my very good friend—and I have gotten through with this, gotten through with this colloquy, you may yet have a chance to express your opinion upon the matter.

Let me say this, though, that I do not believe that we are talking about trying to force people either to go to work where there are no jobs or go hungry. That is not the situation. I do not think it is your intention. It certainly is not mine and I doubt that it is the intention of the Senator from Oklahoma.

Rather, I think the question is if we are concerned about moving people off the welfare, I believe that there is still something good to be said in the kind of example that is set in the home. I have known a lot of women that were heading up their families. Some were widows. Others had been deserted by a father or perhaps they were heading a family because of the failure of the father to be able to work, so that with respect to his abilities, he could not make any contribution, and indeed became dependent upon his wife for help. And I guess I am old-fashioned but, you know, I think a lot of those youngsters who have grown up in families like that, and I know several in Wyoming, have turned out to be pretty good citizens because they had to take on some responsibilities, too.

Their mothers working part time or quite a bit of the time who had to assign children duties. I do not really believe that hurts anybody. I do not think that it hurts youngsters to do the sort of work they are capable of doing, despite the fact that we have some laws on the books in this country that harken back to a number of years ago, many years ago when we did have child labor and there were some very bad abuses of very young people having jobs. But that is no longer the situation here and I happen to think, and I hope you share my opinion, that it would be worthwhile for all young people who are members of families where parents, either one or both, are able bodied, to see the daily example of their doing something and to know that we are going to get along better in this life and in this country of ours if we willingly assume a responsibility and make a contribution, instead of being inclined to believe, as we may well do, that all we have to do in order to get along in this country is to exist and that somebody else is going to work sufficiently harder to take care not only of themselves but of those of us who may by one reason or another choose not to work.

I yield the floor.

Senator Harris. Thank you.

Secretary Richardson. I think this has been a significant exchange insofar as it identifies one of the very real problems that we have to face in deciding the future direction of our family assistance and income maintenance programs.

I have really two comments. One is that I agree with Senator Harris, and I take it you would agree with him too, Senator Hansen, that most family heads, given a chance to work for a decent wage to support their children, would seek that opportunity rather than to accept public support. I think this is a rather basic fact which tends to be borne out by the AFDC caseload statistics themselves.

We have had a good deal of discussion here before this committee which has tended to create the impression that we looked at AFDC mothers or, where they are covered, AFDC fathers, as deadbeats who really would prefer to live off the public trough than support themselves through their own exertions. There are undoubtedly people like that on the rolls, but if you consider, for example, the fact that for fiscal 1971 the closings of the AFDC caseload represented 42 percent of the total and then look at why this 42 percent or 800,000 families went off the rolls, it turns out that in 35 percent of all these cases it was due to work or because their earnings increased to the point where they were no longer eligible for AFDC. This was true then of something like 280,000 families.

Of the people who came on, 53 percent was because of decreased earnings or a loss of support. When you couple this with the indications that Senator Harris also cited of the interest of mothers in obtaining training opportunities and taking advantage of day-care facilities for their children so they could undergo training or take work, you have further evidence that in most instances if training opportunities and day-care facilities are provided, and if the jobs exist, most of the family heads in these circumstances will take advantage of these opportunities.

That leaves, then, a small remaining proportion. The real issue then is how do we treat that remaining number, and the difference, I take it, between you is that Senator Harris would say that that group should be freely able to choose whether or not to take advantage of the day-care, training, and job opportunities, and you say and the administration bill says no, that remaining number should be subject to a loss of benefits under this publicly supported program if they refuse to take advantage of these opportunities. And we would say that such a sanction is justified by the fact that this is a publicly supported program, and for all the other reasons you have cited, Senator Hansen. With respect to feelings about work on the part of our society as a whole, feelings that we believe a family head should have in terms of responsibility for the support of his or her own children, and the attitudes which you identified with respect to the children themselves—the atmosphere in which they grow up—it is not unreasonable where public dollars are concerned to make work a requirement for eligibility at least, for that member of the family.

We have not taken, and I do not see how we could take the additional step of cutting aid to children because the family head refused to work. But I think it is fair to say where the majority would want to work anyway, that the minority that does not, should have to choose either to take the job or suffer the loss of benefits that would follow from refusing it.

Thursday, August 6, 1970

Senator Harris. Thank you, Mr. Chairman, Mr. Secretary, I would like to follow up some of the questions that have been pursued before in this committee with particular regard to Senator Talmadge's amendment to this bill.

PROVIDING JOBS FOR WELFARE RECIPIENTS

Where do you visualize we could add what I understand to be from one and one-quarter to three million people, 60 percent of them in rural areas, to the work force? What kind of jobs do you visualize that they would get?

Secretary Hodgson. They would get the kind of jobs that those of us who work in the job world usually call entry jobs, that is jobs that are ways of getting into the world of work and traditionally have been ways of entering the world of work. They are strong in service, clerical and trade occupations. They are not in high skilled level jobs or jobs requiring extensive advance educational preparation. But they are jobs that have been used in such programs as the placements under the WIN program, placements under the JOBS program, and others of the kind of programs that we have had some experience with.

So we would have to bodily characterize them as the entry level jobs in those spectrums of employment that exist pretty much throughout the Nation.

I would not really want to say that they are the one particular industry vis-a-vis another. There are many different industries that provide these kinds of jobs.

Senator Harris. Well, let's take this kind of a situation: Adair County, Okla., eastern Oklahoma, I would say is probably one of the 10 poorest counties in America, and the typical fellow you are going to be covering and wanting to get into work quite likely is a man who is underemployed now, who is working at whatever jobs he can find, which are bean sacking or some kind of seasonal type work such as that. What sort of job do you figure that you are going to be able to provide for that kind of man?

Secretary Hodgson. The lower the level and the narrower the number of jobs that are available in any area will increase obviously the difficulty in effecting early placement or quick placement of these people.

It will be necessary in each of these circumstances, whether rural, urban, suburban or whatever, to analyze that labor market in their area and to emphasize what opportunities do exist, and place your attention on those rather than——

Senator Harris. But no present opportunities exist, when these are, by and large, people who are of lower skills and of educational attainment, and that is one of the reasons why they are in this lower income bracket.

We understand that there are fewer jobs now in the country privately than there were earlier. But where is the opportunity for that fellow? Unless you go along with something like the O'Hara bill or the Nelson bill or the Talmadge amendment or something like that, where are we going to find jobs for these people?

Secretary Hodgson. Well, as we said earlier, Senator, the economic health of the Nation as a whole, of the respective sectors of the Nation will be a very major determinant in the effectiveness with which we move people, especially with rapidity, from welfare to the world of work.

Senator Harris. What do you expect the present 5 percent unemployment rate to do in the future?

Secretary Hodgson. What we are experiencing now is a start in pickup of productivity or in production. The second quarter of this year was slightly higher than the first quarter. We think the third quarter will be higher than the second, and the fourth above that, so we expect a pickup in production.

Traditionally, unemployment lags a little bit behind the pickup in production, as you know, with our experience in previous periods of economic slowdown, but we feel this present level of unemployment will probably vary, as it has done in the last 2 or 3 months, slightly up or slightly down. I would not say it is at the maximum at the present time. In fact, it may go up a little bit over what it is at the present time. How much is a little bit I do not know, but I would not expect that we would have a pick-up of unemployment into, or a lowering of unemployment quite as rapidly as production picks up just on historical experience.

But I would feel the fourth quarter we would have some distinct improvement.

Senator Harris. You think that by the fourth quarter the 5 percent unemployment rate would come, is that what you are saying?

Secretary Hodgson. Yes.

Now of course this bill, even as contemplated at the present time, does not have an effective date until July 1, 1971.

Senator Harris. Well, of course you know that is no answer for the fellow who is out of a job.

I think we ought to be doing for him right away.

But I take it that you are not for any kind of job creation, for the subsidization of private industry for additional jobs or for subsidization of local or State or other public jobs.

Secretary Hodgson. I think you generally have assessed our position.

But specifically, we have said there are circumstances where we feel that special work projects can be created that would be useful and helpful. The characterization that we give to these is, No. 1, that they be special; No. 2, that they be temporary and constantly checked on to see that they are accomplishing what they are intended to accomplish, and that they can be helpful in strategic situations in moving people from welfare to work. But we do not think, as a broadly applicable concept, that we would want to use the approach that has been sometimes characterized as having a welfare job rather than a welfare check.

Senator Harris. Well, I would not want to do that either. But I would rather we would be realistic about the opportunities for work and try to expand those opportunities if we could, because I do not see how you are going to put that fellow to work over in eastern Oklahoma under your bill. I guess people are going to go home and say we are going to put all these welfare people to work as a result of this bill, but I have my doubts.

Secretary Hodgson. Well, we are not saying that, Senator.

Senator Harris. No, that is right.

I mean we are saying, that is what the public thinks.

Secretary Hodgson. Not that everybody is going to work under our bill. We are saying we are going to speed this process. We are going to provide the opportunities, and to the extent the opportunity exists, we are going to reinforce the ability to work by providing training, by having employment development teams in the employment service and in all the other mechanisms we have outlined for this committee. But this is not a 100-percent overnight remedy, and we would be remiss if we offered it to the American public on that basis.

Senator Harris. Right. You are going to try to get them to the opportunity, but not particularly expand the opportunity for work which now exists?

Secretary Hodgson. Well, we have to think that the private sector itself traditionally has been the place where that expansion has occurred and that is the place where we think in the future it will occur.

Senator Harris. But is it not true that the public service type jobs are the ones that are expanding most rapidly generally, and is it not true that we have personnel shortages in such fields as education and health and police work and rebuilding of cities and so forth, and would that not be a proper use of the public resources? At the same time people would be doing useful work and would be building toward long-range careers.

Secretary Hodgson. Well, some of these things you described are already being undertaken in our public service careers program; for instance, the increase in expenditure in vocational training by HEW in the medical field, that you have made reference to. So there is no question but what, particularly in the State and local world of employment, there has been a considerable expansion in the past couple of decades, and it remains a market for employment.

But there are a lot of other areas that do, too. The service sector has expanded rapidly. The construction sector looks to us to be an enormous area for expansion in the next 10 years.

So we think that there will be some expansion in this, particularly State and local public sector, but there will be enormous private expansion, too.

Senator Harris. Do you think you can put these people to work without reducing even prevailing wages in fields where the minimum wage does not apply?

Secretary Hodgson. We do not believe that the effect of FAP on wages is going to be substantial either way. There are some who feel that it might depress wages. There are others who feel that the level of support suggested in the bill may increase wages, raise the level. We do not really think that is the way the wage system in this country works and it will not be affected very much.

WORKING POOR

Senator Harris. How do you envision using the work requirement with respect to those who are already fully employed?

Secretary Hodgson. Maybe I do not understand your question.

Senator Harris. Suppose a fellow is fully employed but still——

Secretary Hodgson. He is a member of the working poor and not covered by this bill.

Senator Harris. But would he be covered by your bill?

Secretary Hodgson. There is no work requirement for the working poor.

Senator Harris. What about the training and so forth, would he be required to train for a better job or will he have an opportunity to do that?

Secretary Hodgson. We are going to provide, 75,000 upgrading training opportunities in the first year for members of the working poor who would profit by that, but it is not a mandatory requirement.

Senator Harris. So a person who is already working, but a member of the working poor, would not be required to go into some other kind of job or training; is that correct?

Secretary Hodgson. We certainly do not expect to take him off of his existing job and ask him to undertake training in order that he get another one. That is not our intent.

Mr. Rosow. I might supplement there, Senator Harris, by pointing out that our data show that about 50 percent of the working poor change jobs during the year, and we would hope to intervene at the point when they are not employed. By virtue of the fact they are registered, we would have much more access to them.

Then there is also the possibility that we could refer them to better jobs that might be available since we would have access to their prior employment history and so forth.

But our training intervention would be when they are not employed, during periods of unemployment.

Senator Harris. That is all I have, Mr. Chairman.

Exhibit 2

Major New Features of Administration's Revised Revision of H.R. 16311—Material Prepared by the Finance Committee Staff, November 5, 1970

INTRODUCTION

Original Proposal.—On April 29, 30, and May 1, the Committee on Finance began its public hearings on H.R. 16311, the Family Assistance Act of 1970. During these three days of hearings with the Administration, it became clear that the bill had many defects. Accordingly, the Committee afforded the Administration an opportunity to reconsider its proposal in light of the hearings and recommend appropriate changes. In particular, the Committee was concerned about the serious work disincentives under the bill in view of its proclaimed intention to aid persons to become independent through employment.

June Revision.—In June, the Administration submitted its revised version of H.R. 16311 to the Committee. Many changes in the bill were proposed, including changes unrelated to the immediate problem of work disincentives. The revised version proposed the elimination of State supplementary payments to families headed by an unemployed father; a new method of requiring State supplementation which would result in a welfare reduction or cut-off for about 1½ million recipients in 22 States; and a new social services title designed to unite all social services programs presently linked to the cash assistance program in a new combined program administered by a separate agency.

The revised bill did not deal with the major work disincentive problems raised at the hearings. Instead, it was proposed that three major problem areas be handled separately, either administratively or through new legislation. First, it was proposed that the schedule of entitlement to food stamps be revised administratively to insure that an increase in family income would not result in a net loss to the family because of a larger decrease in the food stamp bonus. In the public housing area, the Administration had proposed language for inclusion in the 1970 housing bill to require families in public housing to contribute a fixed percentage of their income as rent so that the value of public housing would diminish gradually as income rose. Finally, the Administration announced its plan to submit legislation next February to replace the present Medicaid program for families with a wholly Federal Family Health Insurance Plan paid for in part by the recipients, whose premium would be related to their income.

The cost of the revised bill was $1.1 billion higher than the cost for the same year associated with the House bill in the House report. The increased cost resulted from three major factors: (1) a $500 million increase in the estimated cost of cash welfare payments, based on more recent experience under present welfare programs; (2) a new proposal to permit welfare recipients to purchase food stamps through the welfare agency, expected to result in higher participation in the program at an estimated cost of $400 million; and (3) the new social services proposal was projected to cost an additional $200 million.

The Committee subsequently held hearings on the revised version of the bill, during which time all modifications proposed were thoroughly explored, often with the Secretary's agreement that some of the proposals should be eliminated or substantially modified.

Presentation of October Revised Revision.—On October 13, Under Secretary Veneman presented to the Committee in executive session a revised revision of H.R. 16311 representing the Administration's current proposal. In view of the numerous new changes and modifications proposed in this version, the Committee directed that the revised revision be printed together with accompanying material explaining the new version and estimating its cost and impact on welfare case loads, and a staff analysis. The material contained in this document differs somewhat from the October 13 version since the Department made changes fairly continuously between that date and the date of final printing. The Committee staff has prepared the following materials on the revised revision: (1) a brief analysis, with comments, on the major new features of the revised revision; (2) a short table comparing the major features of the June revision with the October revised revision; and (3) a number of charts showing the major features and impact of the various versions.

MAJOR FEATURES OF OCTOBER REVISED REVISION

Pretest of Family Assistance Plan and Effective Date.—The October revised revision proposes that the Family Assistance Plan be pretested in not more than two areas of the country, once appropriations become available, between January 1, 1971, and March 1, 1972. By March 1, 1972, the Secretary of Health, Education, and Welfare would have to report to the Congress on the results of the pretests. The Family Assistance Plan would become effective on January 1, 1972, for families headed by a mother or by a father who is either disabled or unemployed (in a State which makes payments to families with unemployed fathers). The Family Assistance Plan would become effective for other families (those headed by an employed father, or by an unemployed father in those States not now aiding the families of unemployed fathers) on July 1, 1972. The revised revision assumes that the Congress would have an opportunity between March 1, 1972, and July 1, 1972, to make any desirable modifications in the Family Assistance Plan before it became effective for most families headed by a father.

The staff notes that under the provision in the revised revision pretesting could not begin until the Congress has appropriated funds, presumably in a supplemental appropriation early in the first session of the 92nd Congress. In recent years, no general supplemental appropriation has been signed into law before April.

Following the appropriation, some time would be required to negotiate pretesting contracts. In order to prepare a report by March 1, 1972, it would be necessary to begin at least a month in advance. Thus it is highly unlikely that the two pretests could involve more than 8 months of experience at the most. Furthermore, the Family Assistance Plan is scheduled to become effective for families headed by mothers, disabled fathers, and unemployed fathers (in States which now aid families headed by unemployed fathers) on January 1, 1972—two months before the Congress will even receive the report on the pretesting. Those families which will begin receiving family assistance in January 1972 represent more than half of the total caseload. It is apparently assumed that the pretesting will result in no suggestions for modifying the Family Assistance Plan as it relates to these families.

Even supposing that an effective pretest could be mounted in such a brief time and that it could result in recommendations for changes in the law, the Congress would be required to act on this legislation in a very short period (4 months). If the Congress were to make any substantial changes in the legislation during the four-month period, this would require a sudden change in the program for the more than 50 percent of the potential case load already on the rolls beginning January 1972, and it would require that plans be changed in a very short time for the more than 1½ million families headed by a father who would become eligible for the first time beginning July 1, 1972. It seems unlikely that the Administration seriously contemplates that the pretesting will result in any change in the legislation, except perhaps for minor changes affecting administrative procedure.

State Supplementary Payments.—The Administration's June revision proposed that the Secretary determine the level at which the States would be required to supplement family assistance payments to needy families, based on the level of payment to a family with no income in January 1970. Since 22 States now make welfare payments on a basis of meeting less than full need as determined by the State, the effect of the proposal would have been to reduce or cut off welfare payments to most families with some income in those States. Estimates presented by the Department of Health, Education, and Welfare at the hearing projected that about 1½ million persons would face a reduction as a result of this provision.

The Administration's June revision also proposed the elimination of Federal participation in State supplementary payments to families headed by an unemployed father (the House bill by way of contrast would require all States to make such payments). Some 450,000 welfare recipients would face a substantial reduction in their payments if this provision became law.

At the hearings on the Administration revision, Secretary Richardson stated that it might be desirable to have some kind of "grandfather clause" to protect individuals who would face a welfare reduction or cut-off under the proposed provision in the revised bill. The October revised revision contains such a "grandfather clause." Under this provision, any family receiving welfare as of the date of enactment of the bill would be protected for two years from a reduction in assistance as a result of the provision relating to State supplementary payments. While the "grandfather clause" would protect close to 2 million persons now on the rolls, it would not protect individuals who come on the rolls between the date of enactment of the bill and January 1, 1972, nor would it provide protection for longer than two years.

Areas of Secretarial Discretion.—Throughout its consideration of H.R. 16311, the Committee has been struck by the unusual number of provisions in the bill according the Secretary broad discretion in setting policy. Rather than reducing them, the June revision expanded the number of places in the bill where the Secretary would be given such wide discretionary authority. The October revised revision, on the other hand, seriously attempts to deal with a number of these areas by writing the policy into the statute rather than leaving policy to be determined in later Department regulations. However, a number of important areas remain with little or no indication of the direction of Departmental policy.

Child Care.—The provisions of the bill relating to child care are a prime example of an area of Secretarial discretion with no indication of intended policy. It is generally agreed that lack of sufficient day care has been a major contributing factor in the failure of the Executive branch to implement the Work Incentive Program. It is also generally agreed that a broad expansion of child care is a key element if the work features of the Family Assistance Plan are to be realized.

The child care features of the October revised revison would confer upon the Secretary unusually broad authority relating to child care. Child care would be arranged for by the Secretary of Health, Education, and Welfare. Through regulation, he would set Federal standards for child care which would supersede all related State and local codes. Unlike the Chairman's child care bill (S. 4101) which would also permit preemption of State and local ordinances, the October revised revision and accompanying explanatory material give no indication what the Secretary's regulations would be. S. 4101 would write the specific Federal standards into the law.

The October revised revision would also retain the proposed provision in the June revision authorizing the Secretary to fund the construction of child care facilities when he finds that alteration of existing facilities is not feasible. Federal construction grant programs typically contain many provisions to assure equitable distribution of construction funds among the States. No such safeguards are included in the revised revision.

Social Services.—In the October revised revision, the Administration has abandoned its proposal for a new social services title to the Social Security Act.

Obligation of Deserting Parents.—H.R. 16311 contains a provision (unchanged in the June revision) which would make any father who deserts his family obligated to the Federal Government for the Federal portion of welfare payments made to his family during the period of his desertion. A modification proposed in the October revised revision would limit the deserting father's liability to instances in which it can be proven that the family's receipt of welfare payments was due to the desertion of the father. It might be expected that this new modification would seriously weaken the provision in the House bill.

Work Disincentives.—During the April hearings on the original Administration bill, three areas were highlighted as contributing to serious work disincentives because they could in some cases result in a decrease in total family income if the family's earnings increased. In the June revision, the Administration proposed handling each of these three areas outside the scope of the welfare bill itself.

First, the Administration proposed in June that the schedule of entitlement to food stamps be revised administratively to insure that an increase in family income will not result in a larger decrease in food stamp entitlement. This administrative action has not yet been undertaken.

Second, the Administration has proposed language for inclusion in the 1970 housing bill to require families in public housing to contribute a portion of their earnings as rental payment so that the value of public housing would diminish gradually as family income rose. The Senate, in action on the housing bill, has rejected this provision recommended by the Administration.

Third, the Administration stated its intention of submitting to the Congress next February a legislative proposal to repeal the present Medicaid program for families and replace it with a wholly Federal Family Health Insurance Plan with premiums, related to family income, paid by the families enrolled in the Plan. There has been no change in the Administration's plan to submit the legislation next February.

A serious work disincentive problem that has not been given sufficient attention to date relates to day care. The revised revision apparently contemplates that day care would be made available only to persons participating in the work and training programs under the bill. Thus it may be expected that situations would arise in which mothers were eligible for free or partly subsidized child care while receiving family assistance but would become ineligible for any child care aid if they worked themselves off of family assistance.

When these various work disincentive features are combined, it becomes apparent that under the October revised revision as under the earlier versions of the bill, there would be many situations in which a family would suffer an economic loss if its earnings rose.

Cost.—The cost of the October revised revision in its first full year is estimated by the Department of Health, Education, and Welfare at somewhat more than $4 billion. The cost of the June revision was also esti-

mated at about this level, but the fiscal year impact was different. In the June revision, the full $4 billion impact was attributed to fiscal year 1972, since the Family Assistance Act would have become effective on the first day of that fiscal year. Because of the delayed effective dates in the October revised revision, the $4 billion cost would be postponed until fiscal year 1973.

THE FAMILY ASSISTANCE ACT (H.R. 16311)

(Major changes made by the administration in June revision and October revised revision)

House bill	June revision	October revised revision
Authorization of pretests: No provision.	No provision.	**Authorizes appropriation of "such sums as may be necessary" to enable the Secretary of Health, Education, and Welfare to evaluate State general assistance programs for the "working poor" and to conduct and evaluate 1 or 2 programs designed to test the cash assistance and the work and training provisions of the family assistance plan. These tests would generally be limited to families which are ineligible for aid under present Federally funded public assistance programs and which include a fully employed adult. The Secretary must report his evaluation of the programs to the Congress by Mar. 1, 1972.**
Amount of State supplementation: **Requires the States to supplement Federal payments to families in accord with the State needs standards under AFDC for January 1970. It would also require continued application of the reduction provisions incorporated in the plans of approximately 22 States under which families are generally paid assistance amounting to something less than the difference between their countable income and the State standard.**	**States would be required to supplement Federal payments to families in accord with a payment level set by the Secretary of Health, Education, and Welfare based on payments to families under the existing AFDC program in the State if they had no other income. The effect of the provision would be to reduce the amount of assistance for families with any other income in those 22 States which now pay less than the full difference between countable income and the State needs standard.**	Largely the same as the June revision. However, the Secretary would be required to consult with the States in setting the payment levels, in accord with the amount generally paid families of given sizes without including certain extra amounts for special needs. Also would add a temporary savings clause for those families in 22 States who would otherwise have their assistance reduced under the revised revision. Under this clause, such families (if the State wishes), could continue to get assistance at the higher rate for the first 2 years after the family assistance plan goes into effect.
Work requirement: **Provides $300 reduction in family assistance for refusal of work or training.**	Increases family assistance reduction to $500.	Same as June revision.
Individual may refuse work if he has demonstrated capacity, through other available training or employment opportunities, of securing work that would better enable him to achieve self-sufficiency.	Provides that an individual may refuse work if he has ability to acquire such employment and if Secretary of Labor is satisfied that the employment is available and the individual has not had adequate opportunity to secure it.	Changes "refusal" provision to allow individual to refuse work that is not "suitable" as described in the bill. "Suitability" is related to wages, working conditions, the individual's prior experience, and other factors.
Secretary of Labor decides who to train and in what order of priority.	Same as House bill.	Adds provision specifying priority: (1) for unemployed fathers and volunteer mothers; (2) for other unemployed adults and youths age 16 and over, who are not regularly attending school and not employed full time; (3) for employed persons; and (4) for all others registered.
Child care: **The Federal Government would pay up to 100 percent of the cost of child care projects for children whose parents are or have been participating in work and training programs under the bill.**	**Basically same as House bill, but also authorizes the Secretary to construct facilities to whatever extent he determines this is necessary.**	**Adds requirement that Secretary of HEW prescribe standards pertaining to all aspects of child care provided under the bill. Child care and facilities provided under the bill would not be subject to licensing or other requirements of State and local governments with respect to which the Secretary had prescribed standards.**
Unemployed fathers: **States would be required to supplement family assistance payments for families headed by an unemployed father; 30-percent Federal matching would be provided. Families would be covered under medicaid program.**	**Eliminates requirement for State supplementation of payments to families headed by an unemployed father. Also eliminates Federal matching for such families if covered on a voluntary basis. Medicaid coverage optional, with Federal matching.**	**Adds requirement that States which pay families with unemployed fathers under present law must, for up to 2 years, provide supplementation to the families receiving payments at the time the supplemental payments program becomes effective. After 24 months no matching for unemployed fathers would be provided. Medicaid coverage optional, with Federal matching.**
Federal income tax exclusion: No provision.	**Allows an exclusion from income, for purposes of determining the amount of assistance, equal to any Federal income tax paid or withheld—in effect, reimbursing the recipient for income tax payments.**	**Eliminates the Federal income tax exclusion provided in the June revision.**
Mandatory application for benefits under other programs: No provision.	No provision.	**Provides that no assistance will be payable for any family member who refuses to apply for unemployment, social security, or other such benefits for which he is apparently eligible.**

THE FAMILY ASSISTANCE ACT (H.R. 16311)—Continued

(Major changes made by the administration in June revision and October revised revision)

House bill	June revision	October revised revision
Obligation of deserting parents: Makes deserting parents obligated to the United States for any family assistance benefits and for the Federal share of any State supplemental benefits paid to his family during the period of the desertion. This liability would be reduced by the amount of any support payments the deserting parent actually made and would not exceed the amount of any support payments required by a court order.	Same as House bill.	Limits the liability of deserting parents for repayment to the United States of family assistance benefits to instances in which it can be shown that the family is getting family assistance as a result of the desertion.
Family relationship: In determining family relationships for purposes of the family assistance plan, appropriate State law would apply.	Deletes House provision.	Same as June revision.
Administration of programs: (a) For aid to families, 3 alternatives are provided: (1) Federal administration of the Federal payment and, under agreement with the State, of the State supplement; (2) under agreement with HEW, the State could administer both payments; (3) Federal administration of the Federal payment and State administration of the supplemental. The Federal Government would pay the cost of administering the Federal payment. It would pay 100 percent of the cost of administering the State supplement if it is federally administered, and 50 percent if the State made its own supplemental payments.	Adds provision that if an agreement for Federal administration was made having an effective date not later than 2 years after the date of implementation of FAP, the Federal Government would assume 100 percent of the cost of administration during the period after the execution of the agreement and before Federal administration began.	Adds provision which prohibits the Secretary from making agreements with the States for State administration of Federal payments to the working poor after Jan. 1, 1974. Adds provision preventing States from returning to State administration once they have chosen Federal administration. Adds provision for 100 percent Federal matching for administrative costs for programs to establish paternity of illegitimate children and to secure support payments.
(b) For aid to the aged, blind, and disabled, States could continue to administer assistance to adult recipients or make an agreement with the Federal Government for Federal administration. If the Federal Government performed the administration, it would pay full administrative cost.	Same as House bill.	Adds requirement that administration of cash assistance and social services be separated.
(c) No provisions related to Federal administration of other programs.	Adds authority for Secretary of HEW to enter into agreements with States for Federal administration of the food stamp program (with the State paying the cost of administration), Federal eligibility determination for medicaid (with 50–50 matching by the State and Federal Governments of the cost of making the determinations), Federal determination of eligibility for surplus commodities (with the State paying the full cost of the determination), the Federal administration of State general assistance programs (with the States paying the full cost of administration).	Same as June bill.
"Savings clause": Provides generally that in the first 2 years after enactment the cost to a State of payments under the bill would not be greater than it would have been for payments required under present law.	Eliminates the 2-year restriction on the saving provisions. Changes the basis for determining the amount to be paid by the State from "what would have been" paid under existing law in each future year to what was actually paid by the State in fiscal year 1971, increased as the cost of living rises. Would require State to bear the cost of increases in welfare payment levels, but not the full cost of caseload increases.	Essentially the same as June revision.
Effective dates: Provisions for the payment of Federal family assistance and of State supplemental payments would be effective as of July 1, 1971. Child care provisions would become effective upon passage of the bill.	Same as House bill.	Effective date for family assistance and State supplemental payments Jan. 1, 1972, but payments to families headed by an employed father would not become effective until July 1972. Child care and new pretest provisions would become effective upon passage of the bill.
Social services: Maintains present law, under which States receive 75 percent Federal matching for social services provided under State plans, with open-end appropriation.	Repeals present law provisions for social services. Adds provision for new title XX of the Social Security Act to provide Federal matching funds for a variety of social services to be provided by States under State plans, with complex administrative relationships.	Eliminates new title XX in June revision. Same as House bill.

EXHIBIT 3

[From the Washington Post, Nov. 24, 1970]

SENATOR HARRIS ON THE NIXON FAMILY ASSISTANCE PLAN

The editors of *Newsweek* are said to reject dull copy with the notation, "EGO," which stands for "Eyes Glaze Over." The principal difficulty with any discussion of welfare legislation is that it is so tedious and detailed that the listener's eyes often glaze over after the first introductory phrases.

That has been one of the great barriers many of us have faced in trying to get people to understand what wretchedly wrong provisions are contained in President Nixon's Family Assistance Plan.

We have faced other barriers. Administration spokesmen have tried from the first to make it appear that any opposition from the progressive side of the political spectrum would be motivated purely by jealousy of Mr. Nixon's getting the credit for long overdue reform. And as the editor of one newspaper put it, "We've opposed him on everything else, and we just have to support him on something."

In the closing days of the 1967 session of Congress, the late Senator Robert F. Kennedy and I opposed our party leadership in the Senate and our President—and risked killing pending Social Security benefit increases—to try to stop punitive and regressive welfare legislation from being enacted.

"True," some said then, "this bill will hurt present welfare recipients, but we just have to pass it if we're going to give an increase to social security beneficiaries, since both are tied together in one bill."

Senator Kennedy and I thought that was a cruel trade-off, which should not in good conscience be agreed to.

A similar argument made in support of President Nixon's Family Assistance Plan—that we should aid some new recipients at the cost of reducing the benefits and repealing the rights of present recipients—is equally indefensible.

The Nixon Family Assistance Plan, which was inadequate to start with, got worse, not better, as it was considered and modified by the Senate Finance Committee. What the Finance Committee rejected last Friday was not the original Nixon proposal, nor even second or third version of that proposal. What we voted against Friday was the fifth administration version of the Family Assistance Plan.

Day by day over the past weeks of debate in the Finance Committee, the Department of Health, Education, and Welfare gave ground on the more progressive parts of their welfare bill in order to secure conservative votes. Day by day, nearly every change in this legislation made it less consistent with the principles which were said to have motivated its introduction.

For example, the bill we rejected would have ended federal support for the present limited unemployed-parent program, which permits men to register for work or work-training, remain with their families, and still qualify for welfare benefits. Repeal of this program would have had an intolerable impact on poor families because it would have given greater encouragement than does the present system for fathers to desert their wives and children in order to let them qualify for welfare benefits.

Further, during the hearings in the Senate Finance Committee, I asked then-Secretary Finch whether it would be possible under the Family Assistance Plan for welfare officials in the State of Mississippi to force the mother of a school-age child to put her children in a questionable day-care program after school hours, against her will, and to force her to pick cotton at the going local wage, Secretary Finch agreed that this could result. It could still result under the present version of the plan, and I find it horrifying that anyone today would advocate such a system.

The bill we rejected would have reduced welfare payments for hundreds of thousands of present welfare recipients across the nation. Few of those people, even under the present system, receive an income they can live on.

The bill we rejected would have created a bureaucratic monstrosity. Each state would have had sixty-four different options of how to structure its relationship with the Federal Government under various combinations of the Family Assistance Plan, Medicaid, food stamps and other related programs.

The National Welfare Rights Organization gave strong and highly impressive testimony against these and other provisions of the Nixon plan in special hearings sponsored by Senator McCarthy just prior to the Finance Committee action last week.

It is not too late for real reform. The administration has not lost anything—since they say they will offer the Family Assistance Plan as an amendment on the Senate floor—except the momentum they would have gained if I and others had voted to report the bill out for consideration on the Senate floor. This remains true even though I and other senators had made it very clear to the administration from the first that we would try to amend or kill the Family Assistance Plan on the floor.

When I told Secretary Richardson I had decided not even to vote to bring the bill out of Committee, I told him also I would be glad to work with him to produce an acceptable bill if he would be willing to negotiate with those who agree with the basic principles involved rather than those who do not.

There must be a recognition of the right of people to a decent minimum income, with a cash payment of $2464 provided right now. No present recipient can be hurt or present rights under the law lost. No mother of school-age children must be forced to work. No person should be forced to work in a substandard job at substandard pay; any system that requires either depresses wages and makes it less likely that poor people can escape poverty by working full time. There should also be greatly expanded job opportunities for the millions of people who are now looking for work in this country.

One member of the Senate Finance Committee said to me last week, "What President Nixon is trying to do with this bill is to get both the Wallace voters and the Humphrey voters on his side, and it cannot be done."

It cannot be done. And between now and the time the measure comes up in the Senate, the President had better decide which he wants.

EXHIBIT 4

NOVEMBER 24, 1970.

Hon. JOHN G. VENEMAN,
Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. UNDER SECRETARY: Enclosed is a statement I recently wrote for the Washington *Post* concerning the Family Assistance Plan.

The statement lists my more major objections. If you will let me know whether there is any hope the Administration feels it can agree on elimination of these objections, I will be glad to set forth in specific detail what minimal requirements I think ought to be met before the Family Assistance Plan is agreed to in the Senate.

The present welfare system cries out for real reform. I am eager to join with you and others to achieve it. I look forward to hearing from you at your earliest convenience.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

EXHIBIT 5

DECEMBER 1, 1970: MINIMUM DEMANDS FOR ALTERNATIVE PACKAGE—HARRIS

(1) Adequate income goal, a level defined by the Bureau of Labor Statistics Lower Living Standard, and an intent to move toward it.

(2) A federal floor of $2,464, cashing out food stamps and adding the bonus value of stamps on to present benefits.

(3) No forced work requirement for mothers with school children and a guarantee that no one will be forced to take a job paying below the minimum wage.

(4) Retain the states' standard of need and mandate AFDC-UP.

(5) Maintain all benefits recipients now receive.

(6) Provide an annual cost-of-living increase.

(7) Ensure the rights of recipients and applicants:

(a) the right to a full due process fair hearing

(b) abolish third party payments

(c) maintain present law on step-parent liability

(8) Full federal administration of basic federal floor and state supplementation.

EXHIBIT 6

STATEMENT OF SECRETARY OF HEALTH, EDUCATION, AND WELFARE ELLIOT L. RICHARDSON TO A MEETING ON WELFARE REFORM CONVENED BY COMMON CAUSE, DECEMBER 3, 1970

I greatly appreciate your attendance this morning because, with your help, the fight for meaningful welfare reform this year can be won. Never since the Social Security legislation was first enacted have so many people been able to agree on both the need for reform and the principles of change.

There has been so much dispute in recent weeks over possible amendments to the President's proposed Family Assistance Plan that the wide areas of consensus have often been obscured. Let me review for a moment what I think we do agree on and what this bill will accomplish.

First, the bill would establish a nationwide floor under assistance payments, and national eligibility standards for both the family and adult categories. This change alone involves a massive reform by eliminating the geographic inequities present under current law. Ten percent of present AFDC recipients and 36 percent of the aged, blind and disabled caseload would immediately receive higher benefits as a result of these changes.

Second, the bill provides for strong movement in the direction of Federal administration of all income assistance programs. The new working poor program would be Federally administered in every State and attractive options are created for the States to delegate to the Federal Government administration of the full range of associated programs, including State supplementation, food stamps, general assistance, and Medicaid eligibility determination.

Third, we would for the first time extend assistance to the working poor—a group comprising over 40% of the poor which is now ineligible for Federally-supported welfare. This is the heart of the reform and combines an important work incentive with effective action against poverty.

Fourth, the plan would greatly expand quality child care and manpower training programs, with over $600 million in new funds committed in the first full year of operation.

Fifth, Family Assistance improves the work incentive and work requirement provisions of current law. The several work disincentive notches now found in AFDC are eliminated, and mothers with preschool children are given the option to remain with their children—which is not the case under current law.

These are reforms that should not be permitted to die. We have calculated that almost 14.5 million people will be eligible for benefits that will make them better off than under current law. Anyone who contends that this bill is somehow worse than current law, or should be defeated if it is not further liberalized, must answer to these 14.5 million people.

This is not to say, of course, that there are no legitimate ways to improve the bill still further. Indeed, I believe that the bill has been much improved in the 13 months since it was introduced. The Administration has been discussing with a number of Senators a range of possible additions to the so-called "core bill" or October revision of Family Assistance for the purpose of attaching it by floor amendment to the Social Security Act. In particular, you are probably familiar with the list of 10 possible amendments which Senator Ribicoff has suggested as a result of his conversations with a number of Senators. We have given most careful attention to these ideas in an honest effort to develop an acceptable compromise. It is in that spirit that I can now present the Administration's response to those proposals:

1. We accept the idea that the bill should state a national goal of providing to every family, through work or assistance, an income adequate for their needs. This is a laudable goal which fully befits a Nation of our capacity.

2. We agree that the language of the President's original proposal, passed by the House of Representatives, should be restored providing for mandatory coverage of families headed by an unemployed father (AFDC-UF).

3. We agree that the effect of section 452 of the House-passed bill, maintaining current benefit levels for families with income, should be restored. (The October revision of Family Assistance has provided for a more limited provision "grandfathering in" persons now receiving payments at these higher levels for a period of two years.)

4. We cannot fully accept the proposal that no one be referred to a job under the work requirement that pays less than the Federal minimum wage of $1.60 per hour. There are now, after all, about 7 million persons who are working for less than this wage, and to state that no welfare recipient had to take such a job would be most inequitable to these low wage workers. Nevertheless, there could be cases where referral to jobs paying substantially less than the minimum wage would be unconscionable. Therefore, we would propose instead an amendment which would provide that no person could be required to take a job paying less than $1.20 per hour, which is 75% of the minimum wage. In any case, anyone working for between $1.20 and $1.60 per hour would be eligible for income supplementation under Family Assistance which would raise his total income from wages plus assistance to a level comparable to the Federal minimum wage.

5. We agree that public service jobs should be provided for welfare recipients, and will support an earmarking of $150 million in Labor Department funds for this purpose. The Federal matching formula for these jobs should be consistent with whatever formula emerges from the Senate-House Conference Committee now considering the Comprehensive Manpower Act (the matching rate currently in that bill is 80%).

6. We agree that the programs that are fully financed by the Federal Government should be administered by the Federal Government. This would apply to family assistance benefits for female-headed families in those States which have no State supplementation.

7. We agree that adequate protection should be provided to local and State welfare employees transferred to the Federal system as a result of the bill. We have been working with employee groups and the Civil Service Commission for some weeks to develop such a provision as an amendment to the bill.

8. Family Assistance makes a major change in current law regarding the impact of the work requirements on female heads of families. Under AFDC, women with *preschool* children may be required to take a job; under Family Assistance, that mandatory feature is applied in the case of mothers only to those with school age children. Moreover, priorities have been added to the bill governing the order of referral of persons to training and jobs which indicate that all male heads of families and all women who volunteer for employment are to be taken before the nonvolunteering mothers are reached. We feel, therefore, that the work requirement is humane and responsible, particularly in view of our latest proposals with regard to the minimum wage. However, there is a lack of clarity on the face of the bill as to whether the arrangement of child care is a precondition to requiring a mother to take a job, and we would accept an amendment clarifying that this precondition must be met.

9. We would accept an amendment which would continue the practice under AFDC in following State court decisions as to whether a step-parent has an obligation to support step-children.

10. Budgetary limitations preclude the Administration from accepting an increase in the basic $1600 payment for a family of four. An increase equal to the rise in the cost of living between the date of enactment and the 1972 implementation date could cost as much as $400 million in additional funds. In any case, the Administration's original proposal assumed an effective date of January 1972, so that no cost of living updating is relevant.

In short, we are able to accept 7 of 10 of the Senator's proposals, and to offer counter proposals on two others. Beyond this I do not think we can go. I recognize that many Senators may wish to go further on some of these items, and we fully recognize their right to offer such proposals through amendments which are separate from this consolidated floor amendment which we can accept.

I know that Senators Ribicoff and Bennett are working earnestly to prepare a bipartisan amendment attaching Family Assistance to the Social Security bill on the Senate floor. I sincerely hope that these responses by the Administration will provide a basis for that amendment. I believe that these two Senators have been magnificient in their commitment to welfare reform and their continuing effort to seek a balanced bill acceptable to a wide group of Senators. I would also like particularly to note and welcome Senator Hartke's statement yesterday that he will support a coalition effort. I believe that this battle can be won; we cannot afford to lose it.

PERSONS BETTER OFF UNDER H.R. 16311 (OCTOBER VERSION) THAN UNDER CURRENT LAW

Client group	Number families	Number recipients	Percent of current cases
Family assistance:			
(1) Working poor	1,861,300	10,840,000	
(2) AFDC cases with benefit increases in the 9 [1] jurisdictions with the lowest payments	211,300	845,000	9.9
(3) State supplemental cases not now eligible for AFDC	375,300	1,500,000	
(4) Current AFDC cases benefitting from simplified payment standard	(2)	(2)	(2)
Subtotal, family assistance	2,447,900	13,185,000	9.9
Adult categories:			
(1) Adult cases in the States [3] paying less than $110 monthly per recipient		1,109,700	36.3
(2) New cases made eligible by the minimum payment standard		105,400	
(3) New APTD cases made eligible by the national definition of disability		64,700	
Subtotal, adult categories		1,279,800	36.3
Total, all programs		14,464,800	16.9

---

[1] Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, and Puerto Rico.

[2] Sec. 452 of the bill requires that States simplify need and payment standards in order to reduce the number and complexity of such standards. This simplification is likely to be resolved in such a way that benefits will be computed on the basis of a higher standard than that now used for many current AFDC cases, but estimates of this impact cannot be made until such time as the Secretary develops definite guidelines for this simplification of standards.

[3] For Old Age Assistance recipients, 22 out of 54 jurisdictions now pay less than $110 monthly to a single recipient, and 47 jurisdictions now pay less than $220 to an aged couple.

AMERICA'S HUMANENESS

Mr. HANSEN. Mr. President, last evening Vice President AGNEW was in New York City to receive an award from the board of directors of the Boys' Clubs of America. This award is known as the "Uncommon Man" Award.

Upon accepting the award, the Vice President spoke concerning the faith and devotion which the majority of Americans feel for our country and the part that this majority has played in making the United States the great country it is today.

Mr. President, I ask unanimous consent that the text of Vice President AGNEW's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

It is indeed a privilege to be with you tonight and to receive this "Uncommon Man" award from what is probably the most uncommon collection of men in America. I consider it a rare honor and I am very grateful.

When I reflect on the talent that fills this room, the success that each of you has achieved in his chosen profession, and the fact that you have gone beyond that to dedicate your energies to helping hundreds of thousands of boys become appreciative of and contributive to the greatness of America, I am doubly impressed.

Nor am I unmindful of the role that two Presidents of the United States have played in this organization—Herbert Hoover, who was your chairman for 28 years and considered that it was the most meaningful experience of his life, and Richard Nixon, who took seriously his responsibilities as your chairman for four years preceding his inauguration as President last year.

It is also a real pleasure to share this platform tonight with the greatest baseball player of our era—and one of the greatest of all time—Brooks Robinson. I consider myself fortunate that Brooks helped me campaign for Governor of Maryland four years ago instead of running against me. Seriously, he's as great off the field as on it; he gives unstintingly of his time to numerous worthwhile religious and charitable causes. You and the 850 thousand boys' club members throughout the United States can indeed be proud that Brooks is an alumnus of one of your clubs—Little Rock, Arkansas.

Earlier this year, I had the opportunity to learn something about the work of one of your clubs—the Silesian Boys' Club of Los Angeles. I was very impressed with the work of this Club with underprivileged boys of the Spanish-speaking minority in the Los Angeles area. Through the courtesy of certain "Spiro Agnew" wristwatch manufacturers, the Silesian Boys' Club received a $10,000 check to assist in their good work. I hope Mickey Mouse will not be offended at our effort to build up the Silesian Boys' Club's treasury.

I can't commend too highly the work that has been done by your national organization since 1906 and by some individual clubs for more than a century. America urgently needs more of this kind of interest in our young people from the private sector—intimate, personal leadership that inspires them to achieve and excel in our strongly competitive society. A boy, discouraged and on the ropes from initial failure, needs an experienced, understanding hand to set him squarely on his feet and point him in the right direction.

One of my duties as Vice President is to serve as Chairman of the President's Council on Youth Opportunity. One of the responsibilities of the Council is the support of state and local youth coordinators. These coordinators serve on the staffs of Governors, mayors and county officials. They try to coordinate and energize public and private efforts in the area of youth opportunity—not an easy task.

These men and women must sort out and keep up with more than 200 Federal programs which directly or indirectly relate to children and youth.

It has been disturbing to me that, as the Federal government has created and publicized more and more programs, people have turned increasingly to government to solve their problems. This applies to youth work as well as to other fields.

At a meeting of the youth council a few weeks ago, I remarked on the need to reverse this trend by preventing the erosion of private group interest. In too many cases, we have regarded the availability of Federal money as an excuse to cease private support or to restrict the effort to that which the Federal funding will finance. We have fallen into the habit of saying, "that's all we can do because that's all Washington will give us." Many projects could be accomplished if the energy spent badgering Washington for more money would be applied to raising money for the project itself.

I do not deny that public assistance is useful and sometimes necessary. But if the Federal money is imaginatively utilized by local and state governments to stimulate activity and production in the private sector, the positive good resulting can be doubled or even trebled.

And it's important to remember that success depends on something more than money. The involvement and dedication of people, working shoulder to shoulder for a cause in which they are deeply committed, can overcome seemingly insurmountable obstacles. That participation is far more powerful than an impersonal signature on a check.

If we could use more of our Federal funds to stimulate private endeavors such as yours, instead of smothering initiative in a blanket of bureaucracy and a proliferation of programs, America would be a stronger nation for it.

Tonight, I am honored to be in the company of men who intensely enjoy their work of serving others. But what makes your willingness to help especially important is that you are successful products of our free enterprise system. You are representative of our fine institutions and of the professional freedom enjoyed in the United States. Everyone of you, by virtue of his own intelligence, vigor, stamina and fight, has attained a high peak of accomplishment in some field—be it government, labor, law, the military, sports, or some other business or profession. In short gentlemen, you are the establishment. And because you are the establishment—which is fashionably characterized as cold, crass, brutal, and selfish—you are confounding the critics of the American way by your willingness to help others less fortunate than yourselves. To prove their thesis, they would prefer that you spend your time exploiting the poor, evading the law, cheating the consumer, and terrorizing all of lesser position by your arrogance and insensitivity.

In these times it is vital that you continue to stand in obvious refutation of the minority of our fellow citizens who have lost their faith in American values. Your respect for our competitive system coupled with your sincerity and companion for the underprivileged and faltering among our youth help to repulse the current attacks on our traditions.

I believe it is appropriate tonight to discuss the challenges to our traditional values.

In particular, the competitive, ambitious, aggressive side of our outlook is under attack: the businessman's drive for profit is labeled money-grubbing, the politician's joust with his opponent is branded as vicious and divisive, the military commander's desire for victory is mocked as jingoistic heroics. The urge to fight one's way to the top in any undertaking is sneered at as inhumane and unworthy.

In the public mind, this attack on traditional values is believed to represent the feeling of most of our youth. I do not think this is fair or accurate. There are many, many young people, in my opinion the vast majority, who believe firmly in the American system and in traditional American values; while at the same time many of those who attack our values are no longer youths, but full grown adults.

Nevertheless, because the report of the President's Commission on Campus Unrest, of which I have been both critical and commendatory, has given such an excellent description of the new "anti" culture, I should like to read you a few passages. The report is speaking of what it calls "youth culture," but I want to emphasize that I consider that label a misnomer.

But here are some passages:

"This subculture took its bearings from the notion of the autonomous, self-determining individual whose goal was to live with 'authenticity,' or in harmony with his inner penchants and instincts. It also found its identity in a rejection of the work ethic, materialism, and conventional social norms and pieties. Indeed, it rejected all institutional disciplines externally imposed upon the individual, and this set it at odds with much in American society.

"Its aim was to liberate human consciousness and to enhance the quality of experience; it sought to replace the materialism, the self-denial, and the striving for achievement that characterized the existing society with a new emphasis on the expressive, the creative, the imaginative. The tools of the workaday institutional world—hierarchy, discipline, rules, self-interest, self-defense, power—it considered mad and tyrannical. It proclaimed instead the liberation of the individual to feel, to experience, to express whatever his unique humanity prompted."

Now in this much lionized subculture, three aspects strike me in particular. First, the avoidance of ambition and the retreat from power, struggle and greatness. Second, the emphasis on the abandonment of discipline, on hedonism; and "doing your own thing." Third, a gradual turn to solipsism, to the notion that there are no standards beyond oneself.

These three traits derive from an unwillingness to look beyond oneself or go beyond oneself. The retreat from ambition and from the arena of great affairs is justified by the emphasis on chucking societal restraints and "doing one's own thing." Older standards and principles that transcend the individual and have often called him forth to something nobler than self, are rejected, and the rejection is justified by reliance upon one's individual standard of values.

There is a positive side to this. After all, no less a personage than Plato once described justice as "doing one's own things." And none of us is naive enough to believe that there are not abuses in the accumulation as well as in the exercise of power. Prestige is not always well-earned.

But there is also a negative side. The reward of ambition is responsibility as well as power and prestige. And since power is an increment of achievement, no one will want power if achievement is considered an unworthy objective. And if there is no competition for power, it will fall into the hands of those least qualified to use it constructively.

There is little doubt that this new "anti" culture is opposed to what is generally considered to be the traditional, American values. To use the modern jargon, they are two different "life styles." I favor the traditional, but I firmly believe that both have the right to exist. Men can live in differing ways; they have the right to choose and tolerance demands that we try to see the good aspects of other ways of life.

I must state very emphatically that I have not given this description of the new way of life, juxtaposed to ours, for the purpose of criticism. Rather, I have given it in the desire simply to delineate, because I feel it is a phenomenon worthy of attention. However, I believe we should also be aware of what this new outlook signifies, not so much in moral terms as in practical terms—what it means for us and for our country.

Let us consider for a moment what this country stands for. It stands for freedom. It stands for equality of opportunity, and for justice. I realize that these concepts will always be ideals, goals; that they do not exist in perfection here. Our principal minorities still suffer from inequality of opportunity. But we have improved greatly in the past two decades, and with the help of all fair-minded citizens we shall conquer this defect. The beauty of our system is that it dramatizes flaws rather than conceals them.

In spite of our imperfections, I believe that our country remains the bulwark of freedom in the world today. With us rests the responsibility and the capacity to see that freedom does not die. Most of you remember well the Second World War and how this country armed itself to fight one of the greatest threats to freedom the modern world has seen, the Nazi Reich. If we had not gone to war and fought for 4 long years, it is possible that freedom would have perished from this earth. The Communists had already extinguished liberty in Russia, and were on their way to doing so in China. Britain would surely have fallen, and I doubt that we in

America would have remained free from invasion after the Nazis and the Communists had divided the vast Eurasian continent among themselves.

But we did go to war and, because of our decision to fight, freedom was preserved. Freedom is very precious, but it is fragile—it does not survive by itself. It must be fought for, every year, every day. Not always with arms, but always with will. Sometimes the threats to freedom are not readily apparent as threats—isolated acts of violence—an anarchist's bomb thrown in the name of peace—a policeman murdered in the name of freedom itself.

It is worth remembering that freedom is not something common in the world, nor has it always been there. Free, representative government was first developed as a political goal in Ancient Greece, and it remained for a long time a peculiarly Western response to communal needs.

We have inherited a firm belief in the correctness of an unfettered citizenry partly through the survival of great literatures from Greece and Rome, and partly through the success of nations that were founded on the principle of liberty. Athens reached the peak of her attainments as a democracy. Rome grew to world power through a constitution based on self-government. But our own country is perhaps the greatest example the world has ever known of the success that freedom brings.

But the men who founded our country did find a ready model for their concepts of free government. Because freedom at that time was languishing. There was a King in England, and a King in France; an Empress in Russia and an Emperor in China. Self-government did not exist in any major power in the world at the end of the 18th century.

The men who founded this nation therefore drew their concept of freedom in large part from their reading of ancient literature, and from their reading of authors who themselves were influenced by the Ancients. The example of a government by the people did not exist for them to observe in their contemporary world, because it had been extinguished with the founding of the Roman Principate, 1800 years before.

And so we see how rare a thing freedom really is, and how few nations and how few people in the history of the world have been able to enjoy it. Even today, a great portion of the world's population is not free.

These facts illustrate quite vividly that freedom does not simply take root and perpetuate itself, but must be established, cultivated and guarded—consciously and diligently.

It is because freedom requires vigilance and effort to survive that I am worried about the "anti" culture of today. I fear that those who espouse this way of life do not realize how quickly a massive individual rejection of responsibility and power could snuff out the freedom that makes their style of life possible. They say, "Make love, not war"; and their slogan has appeal. But it misses the point because it suggests that those of us who believe that there are times when freedom must be defenced, would rather make war than love. This is not true. No thinking person desires war. All sane Americans want peace. But we must face the fact that there are some in this world who are not interested in peace—at least not until their dreams of conquest are fulfilled. Therefore, we must retain the power and capacity to deter them and defend ourselves, if necessary.

It has been made clear throughout our history that we do not covet the resources of others. Certainly, all Americans want peace; all Americans want happiness; and all Americans want freedom. On this we are agreed—both we who believe in traditional values and those who profess the new "anti" culture.

What sets us apart is not the ends, but the means: is freedom best preserved by striving or by resting? Are the things we value most—justice, equality, peace—best secured by effort or by ease? Perhaps there is nothing intrinsically wrong with a society of civilized withdrawal and relaxation, but in view of the terrible fragility of freedom, can such a society be preserved in today's aggressive world?

Freedom always demands unceasing wakefulness, but most especially now, when her enemies are both powerful and aggressive. We need men in America who are strong as well as humane. We need men who understand that leadership requires effort and who are willing to make that effort—men who go beyond themselves both in joining the battle for prizes and in serving others generously.

You directors of the Boys' Clubs of America are such men. You have competed with other men and you have served other men. And the boys you have helped get a start on a better life than they were born to, will not forget. They have noticed what sort of men you are, the sacrifices you make, the generosity you have shown, and to them you will remain an example.

Because of you, they will be better able to believe in the American dream, to trust in American freedom, to have confidence in their ability to compete and to accept responsibility. They will not need to find a cheap outlet for their desires or live a degrading life in a fantasy world of dangerous drugs and narcotics.

They are strong boys. I believe they represent the great majority of American youth today. I do not think that, in honesty and fairness, we can tar the bulk of our young people with the brush of "anti" culture. In my view, our young people are too energetic, too positive. Some of the more vocal elements in our society may disagree and if you spend a great deal of time before the television tube, you too may wonder where I get my optimism. Well, I get it from my own observations—from traveling the length and breadth of this great country—seeing all those fresh young faces at airport fences, on city streets, even at political meetings—and hearing them say in a hundred ways that they believe in America. My judgment is that the youth of America is sound.

That is why I am optimistic: because we have fine young people and men like yourselves who together have accepted the responsibility of all Americans: to keep the United States strong as a guarantee of freedom in the world.

All of us want our country to be great, not only in her power, but especially in her humaneness. We want justice and equality and happiness for all our citizens. These are gentle aspirations, and it may seem strange to the advocates of the "anti" culture that there is also a tough side to happiness. But I believe that even in this sleek and prosperous age we would do well to heed the words of the great Athenian statesman, Pericles, who once said to his countrymen over 2400 years ago, that "the secret to happiness is freedom, and the secret to freedom is courage."

A BUSY WEEKEND ON THE PETROLEUM FRONT

Mr. McINTYRE. Mr. President, I wish to commend President Nixon for his long overdue action this past weekend in announcing two modest steps to bring a small bit of competition to bear on oil prices.

By freeing up a portion of Canadian oil imports to the United States, and by reducing the extent of State control over drilling on some Federal leases, the President has taken a step in the direction which I and others have urged for years—the direction of ending the controlled market of petroleum which has resulted in exorbitant prices of oil for U.S. consumers.

These steps are clearly in line with those which I and other Members of Congress had suggested to the White House. I ask unanimous consent that the text of my latest letter to General Lincoln on this subject be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 1, 1970.

Hon. GEORGE A. LINCOLN,
Director, Office of Emergency Preparedness,
Washington, D.C.

DEAR GENERAL LINCOLN: We hereby submit comments in response to the Federal Register Notice of November 17, 1970, "Crude Oil and Gasoline, Notice of Investigation of Recently Announced Increases in Prices" (F.R. Doc. 70–15548).

We should like to make some initial general comments, to outline specific factors and questions for consideration in your investigation, and finally to recommend certain courses of action.

GENERAL COMMENTS

First, we commend you, Dr. McCracken and others in the Executive Branch for instituting this investigation under the authority of Section 6(a) of Presidential Proclamation 3279, as amended. We consider a review of petroleum prices to be long overdue; we are pleased that the responsibility imposed on the Office of Emergency Preparedness and Council of Economic Advisers under the Proclamation is being exercised.

Because of the failure of the Executive Branch to act in so many cases of price increases in the past, your responsibility is particularly heavy now.

Second, we urge that you take interim action necessary to roll-back the recent price increases, pending completion of your investigation. As you know, a number of companies, the most significant being Humble Oil, have announced increases since the announcement of the investigation. This arrogant action by the majors is, we believe, a direct challenge to your authority and to the public interest and may render the investigation useless.

Third, we urge that the investigation be thorough and incisive. We are mindful that concern has been expressed that there will be only cursory examination of limited evidence, an innocuous report and no action. Some critics have pointed to the tone of the letter sent by OEP last week to the major oil companies, requesting submission of evidence, and have expressed the fear this letter may reflect a decision to "go easy" on the companies.

Fourth, we believe that the burden of proof to justify the recent crude oil and gasoline price increases rests with the major oil companies; the burden is upon those companies to justify maintenance of the rigid import controls on crude oil, which make it possible to institute such price rises. The domestic crude oil market is insulated from the world market and protected from competition. Those who wish to maintain this deviation from our free enterprise system—and who wish at the same time to raise prices—must bear a heavy burden of proof. They cannot merely provide you with declaratory statements about "national security"; they must provide convincing, factual data.

Fifth, as you are undoubtedly aware, over the past few years crude oil and petroleum product price increases have contributed significantly to the inflationary pressures in our economy. The recent price moves, if allowed to stand, will mean nearly $2 billion in added annual costs in our economy. A 1 cent per gallon rise in gasoline prices will cost American consumers nearly $1 billion per year; a 1 cent per gallon rise in home heating oil will cost the consumers along the East Coast nearly $150 million per year and the consumers of the Middle West nearly $50 million. Oil is an essential product; increases in its cost are felt throughout our economy. But the impact is particularly severe for low and middle income consumers.

If we are to fight inflation this must be the place to start, for petroleum imports, and hence prices, are under the direct control of the Executive Branch. This is the only area in our economy where the Government has so much influence over prices—and so much responsibility to act.

SPECIFIC QUESTIONS

In the interests of an effective investigation we strongly urge that you examine carefully—and seek convincing response and comment from the oil industry—to the specific questions and factors set forth in Appendix A of this letter.

As you know, many of us have, over the past several years, urged substantial changes in the Oil Import Program to stabilize petroleum prices, cool the inflationary pressures in our economy and strengthen U.S. security. We believe—and the evidence of recent months has demonstrated—that the present import control system both weakens our security and is a major cause of inflation. We believe that the conclusions reached earlier this year by the Cabinet Task Force on Oil Import Control, supported by the Secretary of State, Secretary of Defense, the Director of the Office of Emergency Preparedness and the Council of Economic Advisers are even more relevant today: "The present import control program is not adequately responsive to present and future security considerations . . . The present system . . . has imposed high costs and inefficiencies on consumers and the economy, and had led to undue government intervention in the market and consequent competitive distortions."

We hope that your investigation will be a thorough, serious one and will help to educate the American people to the facts and the reality of present U.S. oil policies. The Cabinet Task Force Report contains much data relevant to the current investigation; we trust that you and your staff will make full and effective use of that Report.

While we are not privy to all the facts and intra-corporate manipulations of the major oil companies, we do not believe that the recent increases in crude oil and gasoline prices are warranted either from the point of view of national security or from the point of view of our national economic interests. We believe that these increases, as in the case of past increases, will lead, not only to higher profits by the big oil companies, but will also sap our nation's strength through more inflation in our economy.

PROPOSED ACTION

We therefore urge that your investigation give careful consideration to the following steps to reverse these price increases:

A. Immediate decontrol of imports of crude oil and other petroleum products from Canada.

B. Substantial relaxation of import controls on crude oil from the Western Hemisphere.

C. Immediate decontrol of No. 2 fuel oil imports into the East Coast.

D. Permanent removal of crude oil production on Federal lands from state pro-rationing controls.

E. Suspension of the provisions of the Connally "Hot Oil" Act.

F. Immediate decontrol of residual fuel oil imports into Districts II through IV.

We also urge that under the authority of Section 6(a) of the Presidential Proclamation 3279, as amended, you order an immediate investigation of:

(a) The cargo price increases of No. 2 fuel oil for delivery to the U.S. East Coast instituted by Esso and Shell in August, 1970, in the Caribbean; we understand that within three weeks these two companies raised the price from 6.5 to 8.5 cents per gallon, more than 30%.

(b) The cargo price increases of No. 2 fuel oil instituted by Humble and other refiner-suppliers on the East Coast over the past two years.

(c) The cargo price increases of No. 6 fuel oil instituted by Humble and other refiner-suppliers throughout the country over the past year; in some instances these increases have been more than 100%.

In view of the gravity of the situation and the terrible toll inflation has taken in our nation, you cannot afford to do nothing. We view the current investigation and the action which will result from it as a test of our nation's commitment in the fight against inflation and a test of the commitment of this Government to serve the interests of all Americans, not just the richest and most powerful of our industries.

In conclusion, we again commend you and the Council of Economic Advisers for your prompt initiation of this investigation. We look forward to your report and your recommendations for action.

Thank you very much for your consideration.

Sincerely,

APPENDIX A

1. What has been the relationship between U.S. crude oil and product prices and corresponding world prices since World War II? Have world crude oil prices declined, while U.S. prices have increased?

2. What is the relationship of earnings and costs of the domestic operations of U.S. oil companies, as compared to earnings and costs of their foreign operations? To what extent are the losses and increased costs claimed by the majors due to foreign operations? (The price increase sought relates, of course, to domestic operations).

3. According to the First National City Bank compilation of 37 petroleum producing and refining companies, after-tax (net) income in the third quarter of 1970 is 2% higher than in 1969 and 7% higher than in the second quarter of 1970, while companies in other industries have experienced corresponding average declines of 11 and 13%. How do these figures, particularly when coupled with the strong oil earnings predictions for the 4th quarter of 1970, affect the justification for the industry's case?

4. What increased savings, and hence profits, will accrue to each integrated oil company under the depletion allowance as a result of the increase in crude oil prices?

5. What would be the impact on U.S. crude oil prices if Canadian imports were decontrolled? If imports from all Western Hemisphere sources were decontrolled? (The answers must assume, in the case of Western Hemisphere imports, that the oil will be carried on tankers at the lower rates available under long-term charter. As you know, 90% of the world's oil is carried in tankers owned by or under long-term charter to major oil companies.)

6. What is the national security justification for maintaining controls on Canadian imports? Western Hemisphere imports? In view of continued inflationary pressure exerted by oil prices in the U.S., are these justifications sufficient?

7. What are the facts on drilling, exploration and reserves in the United States? Isn't U.S. production higher than ever before? Are the drilling statistics misleading, in that modern technology enables producers to drill fewer wells and get more oil?

8. Who does most of the drilling and who owns most of the reserves—the majors or the independents? Why, despite record profits over the past decade, have the majors not done more drilling? Have the majors deliberately held back in order to maintain prices at a high level?

9. Will a crude oil increase really lead to an increase in exploration and drilling?

10. What was the impact on exploration of the crude oil price increase in 1969? Since that increase was justified as an incentive for more drilling, why has drilling continued to decline?

11. If there is so much need to encourage domestic production, why has the Texas Railroad Commission ordered a cut-back in December production in Texas?

12. How high must crude oil prices go to provide "sufficient reserves"? Would it not be less expensive and contribute more to U.S. security if existing domestic reserves were preserved for emergencies and imports, particularly those from the Western Hemisphere, were relied on to a greater extent in times of peace?

13. Why has so much drilling and discovery taken place abroad despite substantially lower world wide crude oil prices?

14. What will be the impact of these recent crude oil price increases on the petrochemical industry, in particular on its ability to compete in world markets?

15. What will be the impact of the recent crude oil price increases on independent refiners? Will these increases make it more difficult for the independents to compete effectively with major oil companies?

16. On September 29 the OEP justified the residual price increases of recent months, amounting to more than 100% in some cases, on the grounds that they would provide incentive for domestic production of the product. Won't the new crude oil price increase result in even higher prices for residual fuel oil? How much more "incentive" will be needed to provide adequate domestic production of residual oil?

17. As long as the import program is continued, state pro-rationing controls maintained, and competition in U.S. markets stifled, isn't it true that there will be no effective means to prevent an endless series of price increases?

Mr. McINTYRE. Mr. President, I will lend my full support on petroleum matters to President Nixon if he shows signs of continuing to follow a policy for freeing up the oil markets and does follow such a policy. Much remains to be done.

Nevertheless, I have reason to believe that the two steps announced this weekend may not necessarily be indicative of the direction that the administration plans to be taking on oil matters. Only yesterday, the Washington Post contained a fine investigative piece, written by Bernard Nossiter, about a proposal now under study in the White House to turn the naval petroleum reserves over to private oil companies.

I ask unanimous consent that the article entitled "White House Considers Selling Navy Oil Reserves," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITE HOUSE CONSIDERS SELLING NAVY OIL RESERVE

(By Bernard D. Nossiter)

The White House is considering a plan that meets a long-cherished goal of the oil industry, sale of the Navy's petroleum reserves.

Paul McCracken, the President's chief economist, is now circulating the proposal to members of the Domestic Council's Energy Subcommittee. It is embodied in an eight-page paper whose contents have been made available to The Washington Post.

The paper argues that the Navy's holdings in Alaska, Wyoming and California are too insignificant for strategic purposes. The document proposes three other methods to provide a reserve for a wartime economy and calls on the subcommittee to adopt a blueprint for disposing of the Navy's oil.

Almost since the day President Taft established the Naval oil reserves in 1912, the industry has eyed them with a mixture of fear and desire. Much of the oil costs comparatively little to bring to the surface and private companies have wanted it as a source of ready profits.

In addition, the reserves "overhang" the oil market and companies have worried lest some administration might use them to bring down oil prices.

By coincidence, disclosure of the disposal recommendation comes on the heels of President Nixon's announcement of a modest move to roll back the new, 25-cent-a-barrel increase in oil prices. There is no known connection between the two events, however.

Many administration officials would like to follow the paper's recommendation and lease the reserves to private firms. However, they fear this would touch off political repercussions and especially a charge of a "second Teapot Dome."

Teapot Dome is the name of the Naval Reserve in Wyoming. In 1929, President Harding's Interior Secretary, Albert Fall, was convicted of taking a $100,000 bribe for leasing Teapot Dome and the Elk Hills, Calif., reserve to some oil friends.

An indication that the administration's fears are justified came yesterday from Sen. Thomas McIntyre (D-N.H.).

Apprised of the new plan, he said:

"I find it incredible that an administration which continues to impose import quotas on oil in the name of national security would at the same time be considering the proposal to sell the naval petroleum reserves to private oil companies.

"Given the oil industry's enormous financial support to this administration's campaign efforts, I think that this proposal can be reasonably and moderately characterized as similar to the Harding administration's effort to sell the Teapot Dome naval petroleum reserves."

McIntyre is a leading foe of the quotas which currently limit oil imports to 1.3 million barrels daily. The system is justified as a device to encourage the search at home for new oil fields to enlarge the capacity for war needs. By keeping out low-cost foreign oil, it is estimated to cost consumers $5 billion a year.

QUOTAS NOT DISCUSSED

The new White House paper does not discuss quotas. It was drawn up by David Freeman, a member of the energy policy staff of the President's Office of Science and Technology.

In his covering letter, economist McCracken tells the energy subcommittee members that it is "important" for them to consider the document because they are charged with developing an "acting program" by the end of January.

The paper is titled "A Strategic Oil Supply and the Naval Petroleum Reserves."

(Proven reserves in the Navy's California holdings are 1,350,000,000 barrels; at Teapot Dome, 50 million barrels. The estimated but unproven Navy reserves in Alaska are 10 billion barrels.)

The paper urges the White House Domestic Council to select one of three other ways of insuring a reserve. They are:

1. Limiting production at every well, or at least those under federal lease, so that a predetermined reserve capacity is maintained.

2. Building up federal stockpiles of oil or holding back production entirely from some wells.

3. Continuing to rely on the production limits set by state regulatory bodies, notably Texas and Louisiana that hold back output to prop up prices.

The paper concludes:

"Once the Domestic Affairs Council makes the basic policy determination, the oil policy committee should be required to develop the detailed implementation plans including recommendations for the disposition of the existing naval reserves."

The paper is said to be one of a dozen or so dealing with different energy questions and now working their way through the White House staff.

Last summer, the former Interior Secretary, Walter Hickel, won the administration's blessing for a plan to sell off Navy oil and use the money to compensate potential polluters who are losing their leases in the Santa Barbara channel.

But the industry was so divided on this idea that it sank out of sight in the Senate Interior Committee.

Mr. McINTYRE. Mr. President, the single most frustrating obstacle to providing the American consumer with the benefits of a free and competitive market in oil is the import quota system. This system is based exclusively upon a questionable premise—that restrictions on oil supplies are needed for the national security. And while this premise continues to be the foundation of U.S. oil policy, it is not rational to consider selling off our naval oil reserves.

The naval oil reserves provide a sure, reliable, and safe supply of petroleum to be used to provide fuel for our naval and air fleets, but they also provide a much more important contribution to our national security. These reserves provide an economic support for the Department of Defense in its negotiations with private oil suppliers. As long as the naval reserves are available, the Department of Defense need never be totally at the mercy of the major oil companies.

We in New England have learned to our sorrow just how unfortunate that situation can be. Totally dependent upon the major oil companies, we have seen prices of residual fuel oil triple, and supplies of both residual and home heating oil threatened.

It would be a sad day for the national defense if, operating in a market controlled by State prorationing codes and national import quotas, the Department of Defense did not maintain its own, independent assurance of vital fuel.

So, Mr. President, I find it strange indeed that on the same weekend that the President announced that he would take limited steps to free up the oil market, the White House staff is taking steps to make our national security apparatus more dependent upon the giants of the oil industry.

I repeat, that whenever the President of the United States takes steps to support consumers, as opposed to major oil producers, he will have my full support. But I am hopeful that the White House will clarify its proposal for selling off the naval petroleum reserves, for such a step would, in my opinion, completely wipe out any of the possible benefits which could accrue from the actions announced by President Nixon this past Friday evening.

Perhaps the most significant development over this weekend in the direction of giving the Nation's consumers a fair break in the oil market was taken by the Governors of the six New England States. Meeting as the New England Governors Conference in Boston on Friday, the six Governors approved a policy resolution which will have far-ranging implications.

I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF DECEMBER 4, 1970

Whereas, fuel oil prices to New England consumers have increased drastically during the last six months; and

Whereas, much of this increase can be attributed to the adverse impact of the oil import quota program established by Executive Order of the President of the United States; and

Whereas, efforts to acquaint the President with the detrimental effects of the oil import program on the citizens of New England have proved fruitless;

Now therefore be it resolved that as Governors of the six New England States, we reaffirm our commitment to secure the elimination of the oil import program because of the continuing burden it places on the New England economy. To achieve this objective, we declare our intention to join in a legal suit to question the constitutionality of the quota program. We therefore request the New England Attorneys Generals Conference to prepare the legal groundwork necessary to file this suit. We resolve to develop the statistical information required to establish the validity of our case.

Gov. KENNETH M. CURTIS,
Gov. DEANE C. DAVIS,
Gov. JOHN DEMPSEY,
Gov. FRANK LICHT,
Gov. WALTER R. PETERSON,
Gov. FRANCIS W. SARGENT.

Mr. McINTYRE. Mr. President, as is evident from a reading of this resolution, the New England States, backed by the legal skills of the many fine lawyers in that region, with well developed skills in Federal litigation and oil import policy areas, intend to challenge the domination of the major oil companies head-on.

To begin with, the New England States believe, and I fully agree, that the present oil import control program is unconstitutional. Accordingly, the validity of that program will be challenged head-on.

There are two significant implications to this move. The first is that the President of the United States presently has it in his power to end this unconstitutional program, and can do so by a single stroke of his pen.

I urge the President to take this step promptly.

The second implication deals with the trade legislation which may soon be before the Senate. I would not have the record of the debates on the trade legislation later this month contain any implication that those of us who under certain circumstances, may vote for the bill, whether it contains language on oil import quotas or not, are implying by our votes that the oil import program is constitutional. Far from it, the record should be clear that this program is invalid, and nothing that the Congress does to limit the effect of the program should be construed as implying that it is valid.

I am particularly pleased, Mr. President, to note my understanding that the

New England States will be gathering material which may be used to bring antitrust actions against the major oil companies. Perhaps this way, we can truly bring well deserved price relief to our oil consumers.

THE PRESIDENT'S ACTION ON OIL PRODUCTION

Mr. BELLMON. Mr. President, while I strongly disagree with the reasons given for the President's action in moving for maximum production of crude oil, consistent with good conservation practices, on the Outer Continental Shelf, I find much in the President's address to the National Association of Manufacturers which is heartening.

The President's statement should do much to help end the feeling of pessimism which seems to have grown up in the country since mid-September. The President pointed up the dramatic progress which is being made toward slowing inflation and producing a stable economy. His report should improve the national economic psychology.

In addition, I applaud the President's rejection of wage and price controls and his decision to cast his lot with the American private economy system. In my opinion, wage and price controls are unwanted by the citizens of the United States. They are unworkable, unneeded, and in the long run would be unhealthy, if not deadly, since they would tend to freeze our economy into an immovable posture.

I strongly support the President in his decision to retain the freedom for producers to respond to the incentives of the marketplace.

THE TRADE BILL

Mr. JAVITS. Mr. President, yesterday in a speech entitled "The Trade Bill: Invitation to National Disaster," before the Commerce and Industry Association in New York, I commented that "the bill is the most significant—and potentially dangerous—piece of foreign affairs legislation of recent years." I am mindful that Secretary Stans has urged that the rhetoric be cooled and that "inflammatory terms such as trade war and retaliation tend to oversimplify very complex problems, and today's problems cannot be approached effectively from these antagonistic positions."

Yet, 1 day's reading of the press again is enough to convince me that the liberal trade foes of the bill are only doing their manifest duty. I refer to the article entitled "Soviet Intelligence Role in Latin America Rises," written by Benjamin Welles and published in yesterday's New York Times. The article states:

> That the Soviet Union has re-organized and modernized its intelligence network in the Western Hemisphere in the last decade toward the goal of diminishing, and possibly replacing, United States influence.

To do this, the American specialists say:

> The Soviet Union is moving on a wide variety of fronts to capitalize on Latin American discontent with protectionist United States trade policies and with what many Latin Americans believe to be Washington's neglect of their problems.

Second, I refer to an editorial entitled "A Bad Neighbor Policy," published in yesterday's Wall Street Journal. The Wall Street Journal writes:

> While the total U.S. trade has weakened in recent years, this country's exports to Latin American nations have continued to far exceed imports from the area. In a number of Latin American countries, moreover, major exports to the United States are the two top targets of the pending measure: Textiles and shoes. If the move is ridiculous from an economic standpoint, its political aspects are downright appalling. The protectionist gambit can hardly help but fuel the growing anti-U.S. sentiment in Latin America, a development that, among other things, poses dangers to U.S. security.

Last, but not least, I would like to return to yesterday's New York Times and a story by Anthony Lewis, filed from Brussels. Mr. Lewis writes:

> That the irony is one way of measuring the unwitting self-destructive effects that are likely if the Mills bill or something like it become law. The United States will be doing the most effective single thing it could possibly do to build up a rival economic power in the world—and to make it more antagonistic.

I ask unanimous consent that these articles and editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOVIET INTELLIGENCE ROLE IN LATIN AMERICA RISES

(By Benjamin Welles)

WASHINGTON, December 6.—United States intelligence specialists are distubed by what they regard as a steady increase in the number and quality of Soviet agents in Latin America.

These specialists say that the Soviet Union has reorganized and modernized its intelligence network in the Western Hemisphere in the last decade toward the goal of diminishing, and possibly replacing, United States influence.

To do this, the American specialists say, the Soviet Union is moving on a variety of fronts to capitalize on Latin-American discontent with protectionist United States trade policies and with what many Latin Americans believe to be Washington's neglect of their problems. A major part of the Soviet campaign, the specialists feel, is intelligence operations conducted by "a new breed" of agents.

"In 1965, about 85 per cent of the Russian intelligence agents in the hemisphere were over the age of 40," one United States intelligence specialist said recently. "Now most are under 40. Some have even studied as exchange students in Ivy League colleges." The specialist described a typical Soviet agent today as personable, gregarious, cosmopolitan and fluent in Spanish and often in English.

Even the tailoring has improved, the specialist said. Ten years ago, he explained, a Soviet agent was easily identified by his baggy pants, a style favored by Eastern Europe's tailors. Now the typical agent is reported to be, among his other attributes, well dressed.

American analysts believe that approximately two-thirds of all Russian agents in Latin America work for the K.G.B., the Soviet intelligence agency, and the rest for the G.R.U., Soviet Army intelligence. About half the Soviet personnel accredited to Latin countries are intelligence operatives, the analysts report, saying that the proportion fluctuates from a high of 85 per cent in Mexico to a low of 25 per cent in Uruguay.

INCREASE IN RELATIONS

The steady increase in intelligence personnel and activities throughout the hemisphere is said to parallel the steady expansion of Soviet diplomatic relations with Latin-American states. The Soviet Union, the analysts say, regards secret intelligence as an arm of foreign policy, along with traditional diplomacy, force, the threat of force and propaganda.

Before World War II, the Soviet Union had diplomatic ties with three Latin-American countries: Mexico, Uruguay and Colombia. Now Moscow has embassies in 11 Latin-American countries—Cuba, Mexico, Colombia, Venezuela, Brazil, Uruguay, Argentina, Chile, Bolivia, Peru and Ecuador—is about to open an embassy in Costa Rica and is negotiating for an embassy in Guyana.

The growth of relations, specialists in Washington say, has been accompanied by a change in policy. "Soviet policy in Latin America began changing, after Khrushchev's fall in 1964, from the hard-line to a soft, smiling approach," said one analyst. "The Russians had seen the bad Latin reaction to Castro's attempt to export revolution. They didn't quarrel with Castro; they just went their own way and Castro went his. Their tactics differ—but not their strategy."

A GOAL OF PERSUASION

Soviet policy is said now to be aimed at convincing Latin Americans that its diplomatic personnel are personable, professional, responsible people—always correct, as one informant put it.

"The Soviet is taking advantage of every local situation to increase influence at the expense of the United States, but it's not blowing trumpets," he added.

On the clandestine side, the sources added, the Soviet Union is seeking to recruit adherents among the Latin-American diplomats stationed in Moscow and is trying to build an organization of young Latin leftists to serve as Soviet advocates.

"The average Latin leader thinks he can handle the Russians in his country," one source said. "Sometimes this satisfies his vanity if he's inherently anti-United States, sometimes it pleases his leftist backers. Whatever the reasons, the Soviet Union is making political headway throughout Latin America."

KEY GOAL OF STRATEGY

On primary aim of Soviet strategy is said to be to counter the long-standing collaboration of United States and Latin-American agencies. This collaboration began during World War II, increased with the start of the cold war in the late nineteen-forties and accelerated in the early nineteen-sixties when the Cuban Government of Premier Fidel Castro began exporting revolution.

The collaboration now appears to be threatened, informants say, as Soviet intelligence seeks to extend its influence—at high levels in Latin governments and in police and security services—as a step toward eliminating the United States' influence.

The number of Soviet male officials accredited to Latin countries is still relatively small, analysts say—in 1960 it was about 150, today it is about 300—but it is growing. It includes embassy personnel from ambassadors to chauffeurs as well as men in trade missions, press and cultural offices and commercial enterprises such as shipping lines.

SPY'S RULE OF THUMB

By the rule of thumb that about half a country's accredited personnel are intelligence operatives, this would indicate a Soviet intelligence force of 150 in the hemisphere. However, specialists say this number is effectively doubled by the presence of wives. Additionally, significant numbers of unmarried Soviet women who are attached to overseas missions as secretaries or code clerks are believed to perform other tasks, including espionage.

One of these women—Raisa Kiselnikova, a 30-year-old translator, defected from the Soviet Embassy in Mexico City last March after 18 months' duty. She reportedly told the Mexican authorities that eight of the nine officials of the Soviet trade mission were intelligence agents.

A MOSAIC IS ASSEMBLED

The testimony of Soviet defectors and the use of surveillance techniques have helped the United States intelligence network and its Latin collaborators assemble a mosaic of clandestine Soviet activities in the Western Hemisphere. Some workings are said to be these:

Soviet intelligence activities are normally directed by a K.G.B. representative posted as an embassy official—a political or economic counselor, a trade or cultural aide—even as a chauffeur. Intelligence officers—of both the K.G.B. and the G.R.U.—have been identified while traveling in Latin America as diplomatic couriers or as correspondents of such Soviet press agencies as Tass and Novosti.

Intelligence personnel report directly to Moscow through their own codes and communications systems. They bypass the ambassador unless he belongs to the 125-member Central Committee of the Soviet Communist party.

Since the early nineteen fifties, Soviet intelligence operations in the Caribbean, in Central America and in the northern half of South America have been directed from Mexico City; those in the southern half of Latin America have been directed from Montevideo. The Soviet Embassy staff in Mexico City numbers 62 men, plus as many wives. At least 40 of the men are said to be intelligence officials. In Uruguay, the male embassy staff has 32 men, plus as many wives. Eight of the men are reportedly intelligence personnel.

CUBA THE OVERALL BASE

The main base for all Soviet activities in the hemisphere is still Cuba, the experts here say. Approximately 400 intelligence officers are said to have been assigned to Cuba since 1961.

Between 1961 and 1969, the experts add, approximately 2,500 Latin Americans have been trained in Cuban schools for political subversion. About 10 per cent have been Communists but the overwhelming majority reportedly have been young men and women of leftist—but not necessarily Communist—ideology. Several hundred are believed to have gone on to Moscow for further training.

Cuban personnel, trained by the Soviet experts, have been assigned to teach and direct subversion in other Latin countries, informants report.

"Che Guevara's failure to start a rural guerrilla movement in Bolivia and his death there in 1967 delayed but didn't really stop Castro's plans to export revolution," one analyst here said.

"Castro pondered long and hard about switching to urban warfare techniques," he continued. "It wasn't until last April, for instance, that he finally announced that he would back urban revolutionaries in the kidnapping of foreign diplomats, assassination and so forth—but only if they proved effective."

TIME AND PLACE VITAL

United States specialists believe that the Soviet Union will quietly back both rural and urban revolutionary movements in Latin America, depending on the time and place.

Soviet and Cuban influence is reported to be rising in Chile, which has installed an elected leftist Government headed by Dr. Salvador Allende Gossens, a Marxist.

In Dr. Allende's Cabinet, analysts note, socialists—some of whom are more extreme in Chile than the Communists—now hold such policy posts as the Foreign Ministry, the Interior Ministry, with control of the police, and the key position of secretary general of the government. Chilean Communists, by contrast, hold the patronage ministries of finance, labor and social welfare, public works, education and mines.

As further proof of Soviet and Cuban influence, informants here note that the Chilean "grupos móbiles," traditional antisubversive and riot-control units of the constabulary have been replaced by "committees for the defense of the community," modeled on a system installed throughout Cuba at Soviet suggestion. The committees will reportedly be manned by Communist and Socialist party stalwarts.

ACTIVITIES ELSEWHERE

Other aspects of Soviet intelligence activity in the hemisphere are listed by American sources here as follows.

Peru: Last February, when the first Soviet mission was accredited to the military government of President Juan Velasco Alvarado, five of the first nine Soviet Embassy officials came directly from Havana.

The Soviet Union has three military attachés in uniform in Lima, more than it has in the rest of Latin America. All three have been identified by United States sources as G.R.U. officials. Their relations with the Peruvian Government are reportedly correct and cordial and Soviet influence in Peru is said to be growing.

Argentina: The Soviet Embassy staff consists of 34 male officers of whom about a third are thought here to be intelligence personnel. Col. Sergei Sokolovski, the Soviet defense attaché, is more publicly prominent in embassy contacts with the Argentine Government than is Ambassador Yuri Volski, according to sources here.

Brazil: Soviet intelligence activities have been held to a minimum, informants here say. Most activity consists of making contacts. The embassy staff consists of 60 officers in Rio de Janerio, Brasilia and São Paulo, with as many wives. About half the men are identified here as intelligence personnel.

Uruguay: Although Montevideo is reportedly a base for Soviet operations, these have not been increasing. No clear links have been detected between Soviet intelligence agents and the Tupamaro, the antigovernment terrorist organization.

FEW ARMS SUPPLIED

The Soviet Union is not thought to be supplying appreciable quantities of arms to Latin America. Some arms—mainly Czech—have recently been detected being moved to subversive groups in Uruguay, Argentina and Chile, but not in significant quantities.

While the Soviet Union's clandestine activity is steadily rising in the hemisphere, informants say, its trade with Latin America remains static. For the last 10 years exports and imports have remained at approximately $130-million yearly, less than 2 per cent of Latin America's world trade.

Significantly, the analysts report, three-quarters of the trade is concentrated in two countries with strong, right-wing military governments—Brazil and Argentina. The remaining quarter is divided among all the other hemisphere countries, where the analysts, note, Moscow concentrates on buying commodities such as coffee, whose sales—and prices—often balance the budgets of such states as Ecuador, Colombia and Costa Rica.

[From the Wall Street Journal, Dec. 7, 1970]

A BAD NEIGHBOR POLICY

A major argument used to support the protectionist legislation now in Congress is that other countries discriminate against U.S. exports, so why shouldn't we do the same to theirs. The chief example cited is Japan whose trade restrictions, while decreasing, do indeed remain severe.

Even if an economic attack on Japan made sense, and we don't for a moment think it does, the pending legislation is not selective enough to hit only the Japanese. The proposed quotas on textiles and shoes, and possibly later other products, would hurt a great many countries, including the neighboring nations of Latin America.

An attack on Latin America surely has nothing to recommend it. While the total U.S. trade position has weakened in recent years, this country's exports to Latin nations have continued to far exceed imports from the area. In a number of Latin countries, moreover, major exports to the U.S. are the two top targets of the pending measure: Textiles and shoes.

If the move is ridiculous from an economic standpoint, its political aspects are downright appalling. The protectionist gambit can hardly help but fuel the growing anti-U.S. sentiment in Latin America, a development that, among other things, poses dangers to U.S. security.

Of course that sort of reasoning carries little weight with U.S. businessmen hungry for new protection; they don't like competition, whatever its source. Members of Congress, however, certainly have an obligation to think long and hard before embarking on a Bad Neighbor Policy.

[From the New York Times, Dec. 7, 1970]

THE TRADE REVERBERATIONS

(By Anthony Lewis)

BRUSSELS.—The builders of postwar Western Europe used to say, as their continent revived in strength and unity, that in gratitude they really ought to erect a statue of Stalin. The point of the joke was of course that Soviet intransigence had spurred the Marshall Plan, the North Atlantic Treaty and the beginnings of collaboration in Western Europe.

The next statue, someone suggested here the other day, ought to be of Wilbur Mills. For if the European Economic Community grows in size and cohesion and economic and political power over the next decade, Mr. Mills and his trade bill will deserve some of the credit.

That little irony is one way of measuring the unwitting self-destructive effects that are likely if the Mills bill or something like it becomes law. The United States will be doing the most effective single thing it could possibly do to build up a rival economic power in the world—and to make it more antagonistic.

Now the sophisticated men and women who inhabit the ugly new maze that is E.E.C. headquarters here are much too smart to think that Wilbur Mills is a primitive tyrant. They know that he is a shrewd legislator whose bill reflects genuine forces in the United States.

They know that these are hard times in America, that there is a climate of economic fear. They know that protectionism is not going to be dispelled by hope or even logic.

The Europeans have had enough experience with entranched economic forces in their own community to understand that particular American regional or industrial interests, with political weight, really feel threatened by free trade. But they expect more of national leadership, and they wonder whether Washington appreciates the dangers of protectionism.

Consider the question of enlarging the Common Market to include Britain and the other applicant countries. American Establishment opinion, long favoring that enlargement, has turned a little sour at the edges lately because of the E.E.C.'s tough trade tac-

> tics. But it still tends to favor Britain's entry, on the ground that she will hopefully make the market less selfish, more outward-looking.
>
> Passage of the Mills bill would propel the E.E.C. enlargement negotiations toward a successful conclusion. The specter of American protectionism would incline even the doubters inside the market to want a larger, stronger community.
>
> The psychology of a community enlarged under those impulses is likely to be defensive. The momentum will be toward division of the world into trade blocs.
>
> The retaliatory mood in Brussels is already evident. The reaction to the Mills bill is not so much fearful as determined. And the talk is not only of specific retaliation against sensitive American products. You keep out our shoes and textiles, we'll keep out your vegetable oil.
>
> There is the broader and more dangerous possibility of the E.E.C. trying to undercut whole markets for American products by preferential trade agreements. Those agreements, for mutual trade advantages, have so far been made only with countries in the Mediterranean area, where U.S. trade interests are not so large. Suppose the community should now seek agreements in Latin America? Or suppose it should move toward restrictions on American investments in Europe?
>
> Some Americans may still be thinking, "They can't do that to us." But they can. The European community is now a significant economic power, second only to the United States. And it is growing—a gain of 7 per cent in gross product last year over the year before, compared with less than 3 per cent in the U.S.
>
> With the applicant countries in, the E.E.C. would have a population of more than 250 million.
>
> We have learned, latterly, that the United States cannot have its own way in the world militarily or politically. There are other people with power, and we have to deal with them.
>
> The same is true economically: We have tremendous firepower, but in any conflict we are going to be hurt ourselves. The textile manufacturer in South Carolina may not care about that; so long as he is protected, he may think, it's just too bad about the farmer down the road. But the understanding and the responsibility ought to be greater in Washington.

Mr. JAVITS. Finally Mr. President, I would like to return to Secretary Stans December 1 speech in which he stated:

> The fundamental point to realize about this bill is the fact that on every major issue it delegates responsibility to the President to act. This being so, the concern should not be with the law itself, but with the way it will be administered if it becomes law.

I would point out that the greatness of this Nation is based on the fact that it is a nation in which the rule of law is supreme. If we pass bad laws with the hope that the administration of them will be benevolent we will have taken a long step toward weakening the separation of authority to the executive that racy. I would also point out that the Senate has had experience with delegation of powers and in turn our democrightfully belongs in the Congress to the President. I remember some rather bitter struggles in this regard and again it was in the foreign policy field. I hope my colleagues will not find me remiss or not find my rhetoric inflammatory if I again characterize this bill as the "Tonkin Gulf Resolution" in the trade field.

OKLAHOMA'S 4-H CLUB DELEGATION TO THE NATIONAL 4-H CONGRESS

Mr. BELLMON. Mr. President, for years, Oklahoma youths have made an impressive showing in the National 4-H Club Congress. This year Oklahoma's delegation compiled a truly outstanding record by winning a total of 21 national awards, more than any other State, and the most honors ever won in the 49-year history of the congress.

Oklahoma's delegates to the meeting in Chicago last week also won an unprecedented $12,200 in scholarships, the most money ever taken home by a single State.

Topping the list of achievements were three Presidential awards. This is the highest honor which can be given a 4-H Club member in the National, and Oklahoma won half of the six awards. This is the first time in the history of the congress that half of the awards went to members from one State.

In addition to these recordbreaking accomplishments, Clayton Taylor, president of Oklahoma's 60,000 4-H'ers, was chosen as one of five members of the team of 4-H reporters to the Nation for 1971. The team will visit national leaders, businessmen, and civic organizations throughout the Nation to explain new trends and developments in the 4-H program.

This year's 39-member delegation from Oklahoma surpassed a previous record of 19 national winners set in 1964. Ray Parker of Oklahoma State University, a member of the State 4-H Club staff, said he had never witnessed a more enthusiastic, ambitious group of youthful Oklahomans. Another 4-H Club leader, Dr. Pete Williams of Stillwater, Okla., said the amazing record was possible because of long hours and devotion by hundreds of adult leaders across the State, as well as the parents and others who take the time to give these young people encouragement and help them.

As one whose family has been closely involved with 4-H work for many years, I have a great appreciation for the opportunities provided by this organization for guiding young lives into useful and enjoyable activities. And while I share with all Oklahomans the feeling of pride for the performance of our young people at Chicago this year, there is also an inspiration for all Americans in their accomplishments.

These young men and women, who come from communities of all sizes and from different family backgrounds, will join the ranks of tomorrow's leaders in this Nation. The training and experience they have gained from the 4-H program and the sense of achievement through individual effort will equip them well for the challenges they must face.

Mr. President, I ask unanimous consent that the list of Oklahoma's 21 national 4-H winners be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF 4-H WINNERS

Clayton Taylor, Oktaha, top 4-H boy for leadership and presidential award.

Latriece Baker, Cater, top 4-H girl for citizenship and presidential award.

Larry Mark Shockey, Chickasha, top 4-H boy for citizenship and presidential award.

Gwen Etta Shaw, Darlington, consumer education and home economics.

John Lawler, Orlando, agriculture.

Tony Engelke, Amber, Automotive project.

Vicki Hutchens, Tishomingo, dress review.

Jimmie Williams, Smithville, electrical project.

Cathy Bennett, Guthrie, sheep project.

Alane LeGrand, Stillwater, health.

Denise Welson, Carrier, food nutrition.

Jane Mayer, Hooker, women's achievement.

John Roush, Cherokee, men's achievement.

Randy DuBois, Grove, veterinary science.

Ted Weber, Carmen, swine training.

Yvonne Moore, Ninnekah, food preservation.

Janet Johnson, Mulhall, bicycle program.

Bill Stasyszen, Tecumseh, overall 4-H achievement.

Lanny Bates, Ada, overall 4-H achievement.

Roellen Gentry, Shawnee, overall 4-H achievement.

Lou Ann Schiltz, Ponca City, overall 4-H achievement.

Payne County team of Jim Hiner, Barbara Knorr, Cora Ann LeGrand, and Duane Williams, all of Stillwater, won first place in poultry judging.

CAMBODIA

Mr. SYMINGTON. Mr. President, this morning in executive session the Foreign Relations Committee heard an interesting and informative report on Cambodia from two staffmen—Messrs. James G. Lowenstein and Richard M. Moose. They have just returned from a factfinding mission to that country on behalf of the committee.

The Lowenstein-Moose report is by far the clearest statement I have heard of the story on Cambodia. It provides indispensable background for decisions the Senate is shortly going to have to make with regard to U.S. aid programs in Cambodia, and the deeper U.S. involvement which would inevitably follow.

Unfortunately, the report is highly classified. It could be declassified in major part, and I think that should be done. Every Senator should have the benefit of the information it contains before he votes on the supplemental aid authorization for Cambodia.

The American people also are entitled to know where we are going and why.

WHAT THE AGRICULTURAL CONSERVATION PROGRAM MEANS TO FARMERS

Mr. COOPER. Mr. President, for some years I have observed firsthand what the agricultural conservation program means to farmers and the great influence it has had in restoring our national landscape. I have seen ravaged land become a place of beauty. I have seen burned over forests become green with pine and gullied hillsides flourish with clover. These improvements as well as maintenance of our basic natural resources of soil and water, can in many cases be attributed to the work of the ACP. I find it very regrettable that a program which has served us so well, and one with such outstanding prospects for future service, may be eliminated.

For many years the ACP has encouraged farmers to plant green cover crops to protect the soil and control erosion, to construct terraces and plant in contour strips, construct dams, pits, and ponds, plant trees and shrubs, construct sod waterways, and install farmland drainage systems. While the main emphasis behind these practices has been toward more productive farming, we now find that these same agricultural practices have been effective in controlling agricultural pollution. As ranking Republican member of the Committee on Public Works, I am working with the problems of water and air pollution and solid waste disposal, over which my committee has legislative jurisdiction. It is my belief that the ACP is an ongoing program which can be of great value in helping to solve the problems of agricultural pollution.

On February 10, 1970, in a message to the Congress on environmental problems, the President stated:

> Water pollution has three principal sources: municipal, industrial, and agricultural wastes. All three must eventually be controlled if we are to restore the purity of our lakes and rivers. Of all these three, the most troublesome to control are those from agricultural sources: animal wastes, eroded soil, fertilizer and pesticides. Some of these are nature's own pollutions.

With the ACP we have in full operation a program which is dealing effectively with these problems which the President placed so high on his own list of priorities. To abandon the ACP, at a time when it is successfully fighting one of our most pressing national problems, is unthinkable.

It seems obvious to me that if the ACP is not continued, it will be necessary to create a new program to combat agricultural pollution and agricultural conservation. I later find it difficult to understand the rationale behind the discontinuance of an established, effective, low cost program for a new and untried program which could be plagued with organizational and implementational difficulties. Apparently, many of those who would discontinue the ACP are not fully aware of the services it now provides and the necessity for an expansion of these services.

The Congress has recently voted to limit commodity payments to $55,000 per farm in response to growing concern about large payments that go to a small number of large farm operators. The ACP does not suffer such criticism because payments are limited to a fraction of that amount. The national average of ACP payments is about $200 and has broad participation nationwide. I know of no program which better lends itself to support of the small family farm with such broadly distributed benefits.

I believe it is a real paradox that at a time when there is so much concern about ecology and the problems of our environment, that an established program which has helped not only farmers, but has resulted in restoring natural beauty and enhancing the environment, should be abandoned or reduced. It is my hope that the President will direct the Bureau of the Budget to announce the ACP for 1971 so that farmers may enter their requests for participation.

Mr. President, I have written to the President and Secretary of Agriculture Hardin expressing my thinking on this subject. I ask unanimous consent that these letters as well as the reply I have received from Secretary Hardin be inserted into the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 26, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I hope very much that funds will soon be released so that the 1971 Agricultural Conservation Program may be announced, and farmers can make application for ACP participation, as in previous years.

I have seen the results of the ACP in Kentucky—gullied slopes now in clover; farm ponds; multi-flora rose fence rows, fields once brown now green. I believe the ACP has done a great deal to restore the natural beauty of rural areas, and to maintain our basic national resources of soil and water. At a time when there is much concern about ecology and the environment, I believe it would be a mistake to abandon or sharply reduce the program.

Second, farm commodity programs have been increasingly criticized because of large payments to a small number of operations, so that the Administration this year recommended and the Congress adopted a $55,000 per farm limitation. But the ACP has for many years been limited to a fraction of that amount, and the average payment is around $200 per farm. With the possible exception of the county agent system, I know of no farm program which better lends itself to support for the family farm, or which in fact has provided such broadly distributed benefits.

While it is true that the Soil Conservation Service provides essential technical assistance to farmers, I doubt it would be so effective on many smaller and family farm operations without the incentive provided by the ACP for them to undertake the long-run conservation measures.

I do not say that the ACP should not be redirected. Rather, the program lends itself to different local needs and revised national priorities. For example, agricultural pollution abatement practices, to be carried out through the ACP, have recently been developed and are being encouraged by the Department of Agriculture.

To this point, I may say that my early experience with, and strong support for, the ACP came during the years I served as a member of the Committee on Agriculture. Now, as the ranking Republican member of the Committee on Public Works, I find myself working on the problems of water and air pollution and solid waste disposal, over which that Committee has legislative jurisdiction. I am sure that agricultural sources of pollution will require increasing attention next year and in the years to come. With the ACP, it seems to me we have a program which can deal effectively with a number of these problems.

I should think it much better to redirect the ACP program, with increasing emphasis on pollution control, than to try to bring forward a new program to deal with farm sources of pollution.

I say that because new programs take time, organization, involve additional authorizations and expenditures, and in this case might lack the effectiveness of the ACP, which already has acceptance in the Congress and in the country.

I know you are familiar with the Agricultural Conservation Program as it has worked for many years. However, because a decision now about the future of the ACP involves not only the continuation of soil and water conservation practices on thousands of farms, but also the development and application of effective anti-pollution measures in the years ahead, I thought you would like to have and wanted me to present my views for your consideration at this time.

With kind regards, I am

Yours sincerely,

JOHN SHERMAN COOPER.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., November 18, 1970.

Hon. JOHN SHERMAN COOPER,
U.S. Senate.

DEAR SENATOR COOPER: This is in further reply to your letter of October 21, 1970, urging the release of funds for the Agricultural Conservation Program (ACP). We should also like to comment on your letter to the President of October 26, a copy of which you sent to us, expressing the hope that it might be helpful.

No final decision has been made to announce a 1971 program. However, we are continuing our discussions with the Office of Management and Budget on this matter and are hopeful that a decision on the program can be reached soon.

There is, of course, a serious problem in determining the items of sufficiently high priority for inclusion in the budget at a time of increasing demand for needed programs. The budgetary pressure and the lower priority assigned to the ACP have led to the difficulty in getting this program released.

As you point out, however, the ACP has been recently redirected to make it a more effective program and to better meet today's environmental and conservation problems. This has been done with the President's expressed goals for environmental improvement and the problems of agricultural pollution in mind. We are hopeful that this effort to redirect ACP will result in a much higher priority for this program.

The comments in your letter to the President concerning probable future legislation dealing with agricultural sources of pollution are especially noteworthy and timely. This Department is vitally concerned with environmental problems associated with agriculture and is actively working toward solutions in several fields. It would certainly seem appropriate to consider the adaptation of accepted and workable programs such as ACP to assist with the overall Department effort in helping to solve environmental problems in the rural areas.

Your views on this matter are very much appreciated as well as your support for the ACP.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

OCTOBER 21, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I have noted with great concern that this year the Bureau of the Budget recommended elimination of the Agricultural Conservation Program for fiscal year 1971. I believe I understand the ACP program, not only from my observation of it in my own State of Kentucky, but through my years of services as a member of the Senate Committee on Agriculture. It has been a good program—for individual farmers and for the country. I believe it can meet new challenges and will be needed in the years ahead.

While I know you are familiar with the strong support for the ACP in the Congress and in the country, I would like to direct my comments to two or three points which I believe ought to be considered at this time:

I recall that opposition to the ACP developed in the Bureau of the Budget years ago, where it was argued that the conservation practices increased soil fertility and eventually production. Of course, such assumptions could also be used to argue against the good work of the County Agent and the Land Grant College systems. I think it should be more widely recognized that since that time the ACP has been directed to long-range conservation measures, including dozens of conservation practices serving specific needs, and can now be adopted to meet more recently recognized problems. For example, you are to be commended for developing the new practices encouraging the abatement of agricultural-source pollution.

I now serve as the ranking Republican member of the Senate Public Works Committee, which has legislative jurisdiction over water and air pollution control, and solid waste disposal. I am sure that agricultural sources of pollution will require increasing attention next year and in the years to follow. With the ACP, a program is already at hand which can be of great value. If it is ended or sharply curtailed, some new and untried program to deal with farm sources of pollution will have to be developed—and there is often much waste of time and funds in establishing new programs.

Second, for years there has been a growing concern about farm programs which result in large payments to a small number of large farm operations. Now we are moving to place a limit on crop payments. But beneficiaries of the ACP have always been widely spread, the ACP has had a limit of $2500 per farm, and the average payment is about $200–$173 in Kentucky. With the possible exception of the County Agent system, I know of no program which better lends itself to support for the family farm and smaller operations, and which in fact has provided such broadly distributed benefits. Further, there is a clear national benefit in saving the hillsides, in renewing our soil and, as we are especially aware today, in protecting clean water from the beginning—where the raindrop falls.

Finally, it seems to me that the technical assistance offered by Soil Conservation Service would be less effective—especially on small family farms—without the possibility of cost sharing for specific practices.

I should think it an anomaly indeed, when there is so much talk and concern about ecology and the environment, if an established program which not only has helped farmers but which has resulted in restoring natural beauty and enhancing the environment, should be abandoned or reduced.

I hope very much that funds may soon be released so that the 1971 ACP programs can be promptly announced, and farmers may enter their requests for participation.

With kind regards, I am

Yours sincerely,

JOHN SHERMAN COOPER.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1971

The PRESIDING OFFICER (Mr. BYRD of Virginia). The hour of 12 o'clock having arrived, the Chair now lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

H.R. 19590, making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The Senate proceeded to consider the bill.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, it is again my privilege to present to the Senate the Department of Defense appropriation bill at the request of the chairman of the Committee on Appropriations and the Department of Defense Subcommittee, the distinguished senior Senator from Georgia (Mr. RUSSELL).

The committee considered budget requests totaling $68,745,666,000 for the various programs of the Department of Defense, excluding military construction, family housing, civil defense, and regular military assistance. This amount is approximately 46 percent of the total fiscal year 1971 budget requests of $148.1 billion that have to be considered by Congress.

The committee recommends appropriations totaling $66,417,077,000 which are—under the budget estimates by $2,328,589,000—under the House bill by $389,484,000—and under fiscal year 1970 appropriations by $6,249,955,144.

However, I want to call attention to the fact that additional funds in the amount of approximately $1.6 billion will be required during this fiscal year for pay increases for civilian and military personnel that are already in effect. These additional funds will be included in the second supplemental appropriation bill for fiscal year 1971 that will be considered early in the next session. When this additional requirement of $1.6 billion is considered, a more valid comparison with the fiscal year 1970 appropriation is a reduction of approximately $4.6 billion.

I am quite sure that many Members of the Senate are surprised that the most recent 6-percent general pay increase will require an additional $1.6 billion for the military and civilian personnel of the Department of Defense. It will be recalled that when this matter was considered by the Senate in connection with the increase for postal employees, I tried to make clear what the total cost would be. If the Congress really wants to help the President in his fight against inflation, we have to stop granting these large pay increases for military and civilian personnel as well as employees on the legislative branch of our Government. How can we expect labor and industry to respond to pleas to hold costs down while we go on granting these annual increases?

For the period from fiscal year 1964 to the present, Congress granted increases of 65.3 percent for basic military pay and 43.6 percent for classified employees. During this same period, the Department of Commerce's noncompensation component of its index of Federal purchase of goods and services increased only 20.6 percent. I ask unanimous consent to have printed in the RECORD at this point two tabulations prepared at my request by the Department of Defense entitled "Pay and Price Increases Since Fiscal Year 1964" and "Military and Classified Civilian Pay Raises Since Fiscal Year 1964."

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

PAY AND PRICE INCREASES SINCE FISCAL YEAR 1964

Fiscal year	Purchased goods and services [1]	Military basic pay [2]	Classified civilian salaries [2]
1964	100.0	100.0	100.0
1965	101.8	105.2	106.3
1966	103.7	114.7	109.2
1967	106.2	120.3	113.3
1968	109.1	125.3	117.1
1969	113.3	135.8	124.2
1970 (in January 1970 budget	117.6	152.9	135.5
1971 estimates, as submitted)	120.6	152.9	135.5
1970 (reflecting Jan. 1, 1970, pay increase—not in 1971 budget estimates)	117.6 120.6	159.1 165.3	139.6 143.6

[1] Source: Noncompensation component of index of Federal purchase of goods and services, Department of Commerce, for calendar year 1963 through calendar year 1969. Further price increases were estimated at 3 percent for calendar 1970 and 2 percent for calendar 1971. The calendar year data were then converted to fiscal years as follows: Fiscal year 1969 index =(calendar year 1969 index+calendar year 1968 index)÷2.

[2] Source: Specific pay increases enacted by Congress. Details as to effective dates and percentages are in the following table.

MILITARY AND CLASSIFIED CIVILIAN PAY RAISES SINCE FISCAL YEAR 1964

[In percent]

	Military basic pay	Classified civilian salaries
Oct. 1, 1963	14.2	
Jan. 5, 1964		4.1
July 1, 1964		4.2
Sept. 1, 1964	2.3	
Sept. 1, 1965	10.4	
Oct. 1, 1965		3.6
July 1, 1966	3.2	2.9
Oct. 1, 1967	5.6	4.5
July 1, 1968	6.9	4.9
July 1, 1969	12.6	9.1
July 1, 1970	8.1	6.0
Base prior to fiscal year 1964 raises	100.0	100.0
Effective rate in fiscal year 1964	110.65	102.05
Cumulative effect of above raises from base 100	182.90	146.58
Ratio of current rate to average amount paid fiscal year 1964 (line 3÷line 2)	165.3	143.6

Mr. ELLENDER. Mr. President, as the bill passed the other body, it included appropriations totaling $66,806,561,000. This total included $653,935,000 for items not included in the President's budget. I ask unanimous consent to have printed in the RECORD at this point a tabulation marked exhibit A listing each of the nonbudgeted items included in this total.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

EXHIBIT A

Items in House bill, totaling $653,935,000 for which there is no budget estimate

Operation and Maintenance, Army: Floor amendment to cover unfunded requirements	$50,000,000

Operation and Maintenance, Navy:	
Floor amendment to cover unfunded requirements	50,000,000
Project DEEPFREEZE	4,000,000
Operation and Maintenance, Air Force:	
Floor amendment to cover unfunded requirements	50,000,000
Retention of 5 Air Reserve units	23,900,000
National Board for the Promotion of Rifle Practice: General increase (understatement of estimate)	35,000
Shipbuilding and Conversion, Navy:	
Nuclear submarine (SSN)	166,000,000
Advance procurement for submarines 1972	22,500,000
Submarine tender (AS)	102,000,000
Destroyer tender (AD)	103,000,000
Service craft	24,000,000
Combat Readiness, South Vietnam Forces, Defense: Revision (September 9, 1970) of original budget request	58,500,000
Total, nonbudget items added by House	653,935,000

Mr. ELLENDER. Mr. President, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff appeared before the Department of Defense Subcommittee on November 20 and requested that the House bill be increased by $1,368,116,000, of which $1,008,534,000 was for budgeted items disallowed by the House and $354,599,000 was for additional nonbudgeted items—many of which require annual authorization but which were not considered in the Department of Defense Procurement and Research and Development Authorization Act, 1971—Public Law 91-441. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a tabulation marked exhibit B listing each of the items included in this total of $354,599,000 and indicating those items that require annual authorization.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Non-budget items in DoD reclama

AUTHORIZED

Military personnel, Army:	
Civil disturbance training	$1,262,000
Military personnel, Air Force:	
Servicemen's group life insurance	9,300,000
Medical continuation pay	1,500,000
Airlift service rate increase	4,300,000
Basic allowance for subsistence	10,400,000
Oahu cost-of-living allowance	2,100,000
National Guard personnel, Army:	
Additional drills for civil disturbance training	16,976,000
Operation and maintenance, Army:	
Second destination transportation	32,634,000
Change in RVN deployments	40,800,000
Operation and maintenance, Air Force:	
P.L. 91-258 Airway and Airway Development Act	5,300,000
Stock fund surcharge increase	3,100,000
MAC passenger rate increase	3,000,000
MAC cargo and special assignment rate increase	20,000,000
MSC rate increase	3,500,000
Conversion to new type foam for aircraft fires	10,000,000
Operation and maintenance, Defense Agencies:	
Computer services, Sec/Def activities, Computer Access to Public Statements (CAPS)	300,000
Operation and maintenance, Army National Guard:	
Protective equipment for civil disturbances	4,777,000
Operation and maintenance, Air National Guard:	
Force change to more modern weapons systems	2,500,000
Classification of air technicians	1,400,000
Other procurement, Air Force:	
Additional war readiness munitions (WRM)	$168,400,000
Total	241,549,000

NOT AUTHORIZED

Procurement of aircraft and missiles, Navy:	
RH-53D mine countermeasure helicopter	39,100,000
Airborne electronic countermeasures	49,800,000
Research, development, test, and evaluation, Army:	
Heavy lift helicopter	10,000,000
Research, development, test, and evaluation, Navy:	
Airborne electronic warfare equipment	9,700,000
Submarine sonar development	2,900,000
Research, development, test, and evaluation, Air Force:	
Armament/Ordnance equipment	500,000
Research, development, test, and evaluation, Defense Agencies:	
ARPA—Strategic technology	1,050,000
Total	113,050,000
Grand total	354,599,000

Mr. ELLENDER. Mr. President, the committee's recommendations for reductions totaling $389,484,000 are the net of increases totaling $766,151,000 for budgeted items disallowed by the House and recommended additional reductions of $1,155,635,000. These reductions include:

Nonbudgeted items included in the House bill, $653,935,000; reductions based on the use of funds transferred to appropriations in this bill from stock funds, $200,000,000; reductions based on recent review of budgeted programs, $301,700,000.

I stated earlier that the Secretary of Defense requested the committee to restore House reductions in budgeted items totaling $1,013,517,000. The committee's recommendations include $733,951,000 for these items. I ask unanimous consent to have printed in the RECORD at this point a tabulation marked exhibit C listing each of these budgeted items included in the Secretary's request and the commmittee's recommendation with respect to each.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

LIST OF RESTORATIONS REQUESTED BY DOD AND COMMITTEE ACTION ON THESE

Item	Restoration requested by DOD	Restoration recommended by Senate committee
Military personnel, Army:		
Automatic data processing	$5,000,000	
Communications and intelligence	3,100,000	
Public affairs	1,450,000	
Permanent change of station travel	39,300,000	$39,300,000
Military personnel, Navy:		
Public affairs	1,100,000	
Headquarters staff	11,000,000	
Permanent change of station travel	17,000,000	17,000,000
Military personnel, Marine Corps:		
Shortfall in total strength	24,600,000	
Public affairs	700,000	
Communications and intelligence	1,100,000	
Permanent change of station travel	7,900,000	7,900,000
Automatic data processing	500,000	
Military personnel, Air Force:		
Automatic data processing	3,300,000	
Communications and intelligence	7,616,000	
Headquarters staff	7,000,000	
Permanent change of station travel	29,075,000	29,075,000
eserve personnel, Army: Overstated drill strength projection	1,750,000	
Operation and maintenance, Army:		
Civilian personnel	3,133,000	1,676,000
Safeguard contract support	3,100,000	
Automatic data processing	8,000,000	8,000,000
Field exercises	3,696,000	
Communications	2,926,000	
Public information	900,000	
Professional training: Long term courses	600,000	
Conversion of heating plants in Europe	8,000,000	
Operation and maintenance, Navy:		
Civilian personnel	$500,000	$500,000
Intelligence	1,500,000	
Communications	2,012,000	
Headquarters operation and maintenance	7,000,000	7,000,000
Operation and maintenance, Marine Corps:		
Civilian personnel	1,500,000	1,500,000
Headquarters operation and maintenance	1,300,000	1,300,000
Operation and maintenance, Air Force: Automatic data processing	3,000,000	
OPERATION AND MAINTENANCE, DEFENSE AGENCIES		
Armed Forces information and education:		
Contract services	213,000	
Supplies	275,000	
Other services	100,000	
Defense Supply Agency:		
Automatic data processing (SAMMS)	5,500,000	
Other purchased services	1,100,000	
Supplies and materials	2,075,000	
Defense Communications Agency:		
Civilian personnel	1,000,000	
Travel costs	205,000	
Supplies and Materials	241,000	
National Military Command System	2,000,000	
National Security Agency	1,200,000	
Defense Intelligence Agency	1,300,000	
Defense Atomic Support Agency	2,000,000	
Operation and maintenance, Air National Guard:		
Flying hour program	5,000,000	5,000,000
General reduction	1,000,000	1,000,000

Item	Restoration requested by DOD	Restoration recommended by Senate committee
Contingencies, Defense	$5,000,000	
Procurement of equipment and missiles, Army:		
Improved HAWK surface-to-air missile	38,200,000	$38,200,000
Nike-Hercules modifications	5,800,000	5,800,000
LANCE surface-to-surface missile	30,800,000	30,800,000
Lance modifications	3,000,000	3,000,000
Land combat support system	21,600,000	15,000,000
Lance spares	1,100,000	1,100,000
Land combat support system spares	9,700,000	5,000,000
Tracked command post carriers, M577A1	9,200,000	9,200,000
Trucks, 1¼ ton, XM-705	28,800,000	28,800,000
Truck spares, 1¼ ton, XM-705	1,100,000	1,100,000
RATAC field artillery radar sets	4,000,000	4,000,000
Landing craft (LCU, LCM)	9,600,000	5,200,000
Procurement of aircraft and missiles, Navy:		
A-6E intruder attack aircraft	40,000,000	40,000,000
S-3A antisubmarine aircraft	79,000,000	
E-2C Hawkeye early warning aircraft	92,300,000	92,300,000
A-6 aircraft modification (for Condor missile)	5,500,000	
Aircraft spares and repair parts:		
A-6E	5,700,000	5,700,000
E-2C	8,500,000	8,500,000
Common ground equipment:		
S-3A (versatile avionics shop test equipment)	34,400,000	34,400,000
E-2C (VAST equipment)	9,000,000	9,000,000
Sparrow missile, AIM-7E/F	16,000,000	
Technical engineering support	11,800,000	
Other procurement, Navy:		
Ship alterations (Shortstop electronic warfare system)	4,900,000	4,900,000
AN/SPS-40 radar sets	2,400,000	2,400,000
Cluster bombs, CBU-55/B	11,500,000	
Walleye	3,500,000	
MK-46 torpedo	14,500,000	14,500,000
MK-48 torpedo	30,000,000	30,000,000
Procurement, Marine Corps: Trucks, 1¼ ton, XM-705	4,200,000	4,200,000
Aircraft procurement, Air Force:		
B-52/FB-111 aircraft:		
Modifications for AN/ALR-37 (RASTAS)	8,000,000	
Modifications for SRAM	27,700,000	27,700,000
F-111 spares and repair parts	11,200,000	11,200,000
Missile procurement, Air Force:		
Operational base launch program (Minuteman)	3,200,000	3,200,000
SRAM missile, AGM-69A	49,500,000	49,500,000
SRAM missile spares, AGM-69A	5,400,000	5,400,000
Other procurement, Air Force: Operational base launch program (Minuteman)	6,400,000	6,400,000
PROCUREMENT, DEFENSE AGENCIES		
Defense Communications Agency: Automatic data processing equipment (WWMCCS)	$6,400,000	$6,400,000
Research, Development, Test, and Evaluation, Army:		
Aircraft: Advanced helicopter development	1,100,000	
Exploratory development	5,400,000	
Federal Contract Research Centers	300,000	
Pershing missile system	3,800,000	3,800,000
Sea-to-land logistics system	500,000	
Defense Communications Planning Group	4,000,000	4,000,000
Development of electric power sources	2,000,000	2,000,000
Research, development, test, and evaluation, Navy:		
Basic research	5,000,000	
Exploratory development	3,000,000	
Military sciences: Studies and analyses	200,000	
Center for Naval Analyses (FCRC)	1,000,000	
Applied Physics Laboratory of Johns Hopkins Univ. (FCRC)	3,000,000	
Aircraft: Destroyer helicopter system (LAMPS)	7,000,000	7,000,000
Avionics development, F-14C aircraft	5,200,000	
Surface effects ships	10,000,000	
Facilities and installation support	1,100,000	
Additional recoupments	10,000,000	
S-3A antisubmarine aircraft (transfer from PAMN)	−58,000,000	
Research development, test, and evaluation, Air Force:		
Aerospace biotechnology	2,000,000	
Subsonic cruise armed decoy	10,000,000	10,000,000
Minuteman rebasing	50,000,000	34,000,000
Airborne warning and control system (AWACS)	23,500,000	23,500,000
Operational base launch support (Minuteman)	19,800,000	19,800,000
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES		
Defense Communications Agency	2,400,000	
Advanced Research Projects Agency (ARPA):		
Technical studies	500,000	
Climate modification research (NILE BLUE)	1,000,000	1,000,000
Defense Communications Agency	600,000	
Defense Supply Agency	250,000	
Studies and analyses	1,400,000	
Defense Atomic Support Agency	6,700,000	6,700,000
Total	1,013,517,000	733,951,000

Mr. ELLENDER. Mr. President, I do not intend to take time to explain the recommendations of the committee with respect to each appropriation in the bill. These recommendations are explained in detail in the committee's report.

I do want to call attention to the five volumes of hearings on the budget requests that total over 4,500 pages. Each of the programs and items included in the budget request are discussed in detail in these hearings.

Of the total amount recommended by the committee, approximately 60 percent—$39,990,246,000—is for the "Military Personnel" and "Operation and Maintenance" titles of the bill. These funds are required for the support of the active duty and reserve military forces, and for the most part, the level of these appropriations is determined by the strength of the active duty forces. The committee's recommendations are based on the fiscal year 1971 budgeted active duty military end-strength of $2,908,100 which includes:

Army	$1,239,600
Navy	643,800
Marine Corps	241,200
Air Force	783,500

Title III of the bill includes the budget request of $3,194,000,000 for "Military Retired Pay." The number of individuals on the retired rolls and the amount they receive is determined by law, and Congress must provide the funds. I call attention to the rate of increase in this appropriation. For fiscal year 1965, $1,339,000,000 was required, and, as I have stated, the requirement for fiscal year 1971 is $3,194,000,000. The projection for fiscal year 1975 based on the current rates for retired pay of $4.1 billion, and the projection for fiscal year 1980 is $4.9 billion.

The committee's recommendations include appropriations totaling $15,970,110,000 for the various procurement appropriations included in title IV of the bill. The committee's recommendation for each of these appropriations is explained in detail in the report.

For the research, development, test, and evaluation title, the recommendations of the committee total $6,960,100,000, and these recommendations are also explained in detail in the report.

Rather than go into the details of the committee's recommendations for the various procurement and research, development, test, and evaluation appropriations, I intend to comment on several of the major programs for which funds are recommended.

The total recommended for the various research, development, test, and evaluation appropriations is below the budget requests by $385,500,000; below the fiscal year 1970 appropriations by $446,648,694; and over the House allowances by $5,400,000.

The increase of $5,400,000 over the House allowance is the net of recommended increases in budget programs disallowed by the other body totaling $107,800,000 and recommended additional reductions in budgeted programs totaling $102,400,000, which are based on a recent review of requirements and involve reductions in more than 100 projects. I ask unanimous consent to have included in the RECORD at this point a tabulation listing each of the projects involved in the increases and decreases recommended by the committee.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

R.D.T. & E. PROJECTS INCREASED OR DECREASED

Research, development, test, and evaluation, Army

(Dollars in thousands)

Project and recommended change	
Committee increases:	
Pershing missile system	3,800
Development of electric power sources	2,000
Total increases	5,800
Committee reductions:	
Aircraft and Related Equipment:	
Aircraft Weapons	1,500
Aeronautical Evaluation	400
Aerial STANO (Advance Development)	1,100
Air Mobility Support Equipment	600
Aerial STANO Systems (Engineering Development)	300
Missiles and Related Equipment:	
Surface-to-surface Missile Rocket System	1,200
Forward Area Air Defense	400
Missile Effectiveness Evaluation	900
Kwajalein Missile Range	2,000
White Sands Missile Range	2,000
Chaparral/Vulcan System	200
Military Astronautics and Related Equipment: Tactical Satellite Communications	1,000
Ordnance, Combat Vehicles and Related Equipment:	
Army Small Arms Program (Advance Development)	1,000
Infantry Support Weapons	600
Field Artillery Weapons and Munitions	500
Wheeled Vehicles	300
Fortifications, Mines, and Obstacles	600
TOW Anti-Tank Weapon	500

Other Equipment:	
Therapeutic Development	800
STANO Program (Advance Development)	1,000
Tactical Communications	1,200
Supporting Development for Communications	400
STANO Systems (Engineering Development)	300
Biological Defense Materials	600
Chemical Defense Materials	2,000
Testing	1,400
Desert Test Center	600
STANO Operational Development (General Purpose Forces)	700
Counter Intelligence Activities	500
Total reduction	24,600

Research, development, test, and evaluation, Navy

[Dollars in thousands]

Project and recommendation change

Committee increases:	
Destroyer Helicopter system (LAMPS)	$7,000
Committee reductions:	
Aircraft and related equipment:	
Early Warning Aircraft	700
Airborne ASW Detection System	800
Advance Airborne Reconnaissance	600
Airborne Life Support System	100
Avionics	300
V/STOL Developments	300
Missiles and related equipment:	
FBM Systems	5,500
ABM Support	500
Standard ARM	500
Advance ARM System Technology	500
A/L S/L Anti-ship Missile-Harpoon	2,500
Advance A/L ASM System	500
Submarine Tactical Weapon System (STAM)	300
Military Astronautics and Related Equipment: Satellite Communications	800
Ships and Small Craft:	
Submarine Silencing	200
NMSC System Wide Support	200
Aircraft Launching and Retrieving	300
Advance Submarine Surveillance Equipment Program	900
Advance Ship/Submarine Sonar Developments	500
BW/CW Countermeasures	100
New Ship Design	1,500
Advance Surface Craft	500
Advance Air Control	200
Advance Communications	300
HY-130 Steel	500
River and Shallow Water Warfare	1,000
Ship Contract Definition	1,000
Electronic Warfare Systems	800
Submarine Surveillance Equipment Program	500
Ordnance, Combat Vehicles and Related Equipment:	
ASW Torpedo Counter Measures Resistance	300
Advance Conventional Ordnance	600
Unguided Conventional Aircraft Weapons	1,000
Marine Corps Ordnance/Combat Vehicles	500
Hi Energy Laser	2,000
Conventional Ordnance Equipment	1,800
Other equipment:	
Marine Corps Operational Electronic Developments	100
Undersea Surveillance	700
Advance Undersea Surveillance	1,000
Training Development Technology	300
Advance Marine Biology	500
Programwide Management and Support:	
ASW Support	500
Strategic Support	500
Programwide Management and Support—Continued	
Atlantic Underwater Test and Evaluation Center	500
Total reductions	32,700

Research, development, test, and evaluation, Air Force

[Dollars in thousands]

Project and recommended change

Committee increases:	
Subsonic cruise armed decoy	$10,000
Minuteman rebasing	34,000
Airborne warning and control system (AWACS)	23,500
Operational base launch support (Minuteman)	19,800
Total increase	87,300
Committee reductions:	
Military Sciences:	
Environment	$1,300
RAND	1,000
Aircraft and Related Equipment:	
F-4 Avionics	5,000
Advance Aircraft Navigation	200
Advance Fire Control and Missile Technology	1,200
Advance Reconnaissance and Target Acquisition Capabilities	1,000
VTOL Engine Development	800
Aerial Targets	500
Missiles and Related Equipment:	
Rocket Propulsion	3,000
Air-launched Missile Propulsion	1,000
Advance ASM Guidance Technology	300
Military Astronautics and Related Equipment:	
TITAN III	6,900
Missile and Space Defense	3,200
Advance Space Power Supply Technology	300
Space Experiment Support	300
Advance Liquid Rocket	500
Space Craft Technology and Advance Re-entry Tests	400
Ordnance, Combat Vehicles and Related Equipment:	
Chemical and Biological Defense Equipment	300
Armament/Ordnance Development	500
Improved Aircraft Gun System	600
Truck Interdiction	2,500
Other Equipment:	
Common Mobility Support	2,600
Light Weight Precision Bombing	3,000
Tactical Electronic Operational Support System	1,000
Satellite Communications Terminal-Tactical	500
Airborne Satellite Communication Terminals-Strategic	900
Aeronautical Chart and Information Center	300
Helicopter-borne Radar	200
Advance Detection System Development	800
Tactical Information Processing and Interpretation	500
Tactical Jamming	200
Electronic Warfare Systems	500
Life Support System	300
Cobra Mist (Classified Project)	500
Information Analysis Center	200
Tactical Air Control System	300
Other Equipment—Continued	
100th Strategic Air Wing	500
Air Force Communications	500
Total reductions	43,600

Research, development, test, and evaluation, Defense Agencies

[Dollars in thousands]

Project and recommended change

Committee increases:	
Climate modification research (NILE BLUE)	1,000
Defense Atomic Support Agency	6,700
Total increase	7,700
Committee reductions:	
Advanced Research Projects Agency, laser program	1,500

SAFEGUARD ABM SYSTEM

Mr. ELLENDER. The recommendations of the committee include $1,079,900,000 for the continuation of the development and deployment of the Safeguard ABM system. The recommendations of the committee are based on the modified phase II deployment approved in the authorization act, which provides for the continuation of deployment at the Grand Forks, N. Dak., and Malmstrom, Mont., sites, the initiation of full deployment at the Whiteman, Mo., site, and advance preparation at the Warren Air Force Base, Wyo., site. The committee's recommendation for this system is discussed in detail on pages 23 to 25 of the report, and I ask unanimous consent to have these pages included in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SAFEGUARD ANTI-BALLISTIC-MISSILE DEFENSE SYSTEM

The recommendations of the committee include $1,079.9 million for the continued development and deployment of the Safeguard anti-ballistic-missile defense system, which amount is a reduction of $13.1 million in the budget requests considered by the committee. In addition to these funds, the Military Construction Appropriations Act, 1971, includes $365.8 million for the Safeguard system. The amount included in the request for each appropriation and the amount recommended is set out in the following tabulation:

[In millions of dollars]

Appropriation	Budget request	Committee recommendation
Military personnel, Army	14.0	14.0
Operation and maintenance, Army	53.0	49.9
Procurement of equipment and missiles, Army [1]	661.0	651.0
Research, development, test and evaluation, Army	365.0	365.0
Total	1,093.0	1,079.9

[1] Discussed in detail on page 105 of this report.

The program requested in the budget and the program on which the committee's recommendations are based are set out in the following tabulation:

[In millions of dollars]

	Budget program	Recommended program
(a) Continuation of development (R.D.T. & E.)	365.0	365.0
(b) Continuation of deployment at phase 1 sites (Grand Forks, N. Dak., and Malmstrom, Mont.)	512.0	508.9
(c) Initiation of deployment at the Whiteman, Mo., site	178.0	178.0
(d) Advance preparation at the following sites: Northeast, Northwest, National Command Authority, Michigan/Ohio, and Warren Air Force Base, Wyo.	25.0	0
(e) Advance preparation at the Warren Air Force Base, Wyo., site	0	15.0
(f) Other modified phase 2 costs	13.0	13.0
Total	1,093.0	1,079.9

Attention is called to the fact that, while the committee's recommendations do not include any funds for the installation of additional Sprint missiles at the phase 1 sites (Grand Forks, N.D., and Malmstrom, Mont.), funds for this purpose are included in the Military Construction Apropriation Act, 1971. In its overall action on the Safeguard system, the committee has approved the installation of the additional Sprint missiles at these sites.

The committee's recommendation for the Safeguard system is in accord with the previous action of the Senate in acting on the Department of Defense Procurement and Research Authorization Act, 1971 (Public Law 91-441) which was based on the following recommendation of the Committee on Armed Services of the Senate:

"The committee has decided to confine the authorization for the continuation of the Safeguard program to those sites devoted to the defense of the deterrent. Thus the committee has approved continuation of the phase 1 sites at Malmstrom and Grand Forks, as well as full deployment at Whiteman and advance preparation at Warren Air Force Base.

"In taking this action, the committee wishes to establish the primacy of active defense to increase the survivability of the land-based deterrent. By striking from the authorization the House approved administration request to proceed now to advance preparation for four area defense sites, the committee affirms its conviction that there is no compelling need to move now to the deployment of an area defense of our population against Chinese Communist ICBM attack. (S. Rept. 91-1016, p. 19.)"

This recommendation of the Senate Armed Services Committee is implemented in Section 402 of the Department of Defense Procurement and Research and Development Authorization Act, 1971 (Public Law 91-441), and the funds recommended to the committee are subject to the restrictions imposed therein. This section reads as follows:

"SEC. 402. None of the funds authorized by this or any other Act may be obligated or expended for the purpose of initiating deployment of an anti-ballistic missile system at any site other than Whiteman Air Force Base, Knobnoster, Missouri; except that funds may be obligated or expended for the purpose of initiating advanced preparation (site selection, land acquisition, site survey, and the procurement of long lead-time items) for an anti-ballistic missile system site at Francis E. Warren Air Force Base, Cheyenne, Wyoming. Nothing in the foregoing sentence shall be constructed as a limitation on the obligation or expenditure of funds in connection with the deployment of an antiballistic missile system at Grand Forks Air Force Base, Grand Forks, North Dakota, or Malmstrom Air Force Base, Great Falls, Montana."

As indicated above, the committee's recommendations for appropriations in this bill directly related to the development and deployment of the Safeguard system total $1,079.9 million, and the Military Construction Appropriation Act, 1971, includes $365.8 million for this purpose for a total of $1,445.7 million.

In addition to these funds, the recommendations of the committee include $228.1 million for indirect support of the Safeguard system and other antiballistic missile efforts. The general purpose of these funds and the appropriation in which they are included are set out in the following tabulation:

Appropriation and purpose	*Amount (in millions)*
Army:	
Research, development, test, and evaluation:	
Advanced ballistic missile defense	$138.0
Army—Continued	
Range support (Kwajalein and White Sands Missile Range)	$35.0
Navy:	
Research, development, test, and evaluation:	
Sea-based missile defense	2.0
ABM support (Polaris targets for Safeguard test program)	6.5
Air Force:	
Research, development, test, and evaluation:	
Nike targets for Safeguard tests	8.0
Missile and space defense (ABM portion)	1.0
Advanced sensor technology	7.6
Defense agencies:	
Research, development, test, and evaluation:	
Advanced research projects agency, ABM activities	30.0
Total	228.1

NAVY'S F-14A FIGHTER AIRCRAFT

Mr. ELLENDER. Mr. President $932 million is included in the committee's recommendations for the continuation of development and initial production of the Navy's F-14 fighter aircraft. This program is discussed on pages 29-30 of the report, and I ask unanimous consent to have these pages included in the RECORD at this point.

There being no objection, the pages were ordered to be printed in the RECORD, as follows:

F-14A AND F-14B FIGHTER AIRCRAFT PROGRAMS

The recommendations of the committee include $932 million for the continuation of development and production of the Navy's F-14A fighter aircraft. The funds are for the following purposes: procurement of 26 aircraft, $517 million, which does not include $8.5 million for advance procurement; procurement of initial spares and repair parts, $80.9 million; advance procurement to support the planned fiscal year 1972 procurement program, $60.1 million; and continuation of the development, test and evaluation program, $274 million.

F-14A will be the Navy's primary air superiority fighter aircraft in the future. In addition to providing fleet air defense, this aircraft will have an air-to-ground attack capability. The F-14A configuration will incorporate a modified version of the existing Phoenix AWG-9 fire control system and TF-30 engines. It will have an all-weather capability for delivery of Phoenix and Sparrow missiles and will also employ a 20-millimeter gun and Sidewinder missiles for close in, air-to-air combat. The F-14A is manufactured by the Grumman Aircraft Corp., Bethpage, Long Island, N.Y., and is powered by two TF-30-P412 engines manufactured by the Pratt & Whitney Division of the United Aircraft Corp., East Hartford, Conn.

The $517 million recommended for procurement of aircraft and $8.5 million in advance procurement will provide a total of $525.5 million for the procurement of 26 F-14A aircraft. The 26 aircraft, referred to as lot III, are required to continue an orderly, least cost and earliest initial operation capability for the introduction of this new aircraft. The first eight of these 26 aircraft will supplement the 12 (lots I and II) research and development aircraft to enable the Navy to complete technical evaluation, conduct board of inspection and surveys trials and provide aircraft for fleet test and evaluation. The remaining 18 aircraft in lot III will provide the fleet training squadron aircraft to commence training for initial operational capability in April of 1973.

This $274 million is recommended for the continuation of the development and testing program with the first flight scheduled for January 1971, and Navy preliminary evaluation scheduled for April 1971.

The F-14A is discussed on pages 576-580 and 935-936 of part 3 of the committee hearings on the Department of Defense appropriation bill, 1971.

In addition to the $932 million recommended for the F-14A program, the committee's recommendation for the appropriation entitled "Research, development, test, and evaluation, Navy" includes $45 million for the F-14B aircraft program. The F-14B is the basic F-14A airframe powered by the advance technology engine being developed jointly by the Navy and the Air Force. This program is discussed on pages 966-967 of part 3 of the committee hearings on the Department of Defense appropriation bill, 1971.

POLARIS-TO-POSEIDON CONVERSION PROGRAM

Mr. ELLENDER. Mr. President, the recommendations of the committee include $921.6 million for the continuation of the program to convert 31 of the existing 41 Polaris submarines to Poseidon-carrying submarines.

I wish to state in passing that early next year two of these conversions will be completed, and moneys have been provided to fund six more.

I wish to state further that when selections of the submarines are made, they are usually programed when it is time to change the nuclear core. By coinciding these two actions, the costs of the program are diminished.

This program is discussed on page 32 of the report, and I ask unanimous consent to have the committee's comments on this program included in the RECORD at this point.

There being no objection, the page was ordered to be printed in the RECORD, as follows:

POLARIS-TO-POSEIDON CONVERSION PROGRAM

The recommendations of the committee include $921.6 million for the continuation of the conversion of Polaris submarines to carry the new Poseidon missile. These funds are for the following purposes:

	Millions
Conversion of 6 submarines (total estimated cost, $436,000,000, less advance procurement of $143,600,000)	$292.4
Advance procurement to support the fiscal year 1972 conversion program	54.3
Advance procurement to support the fiscal year 1973 conversion program	24.5
Procurement of Poseidon missiles	540.5
Procurement of Poseidon missile spares and repair parts	9.9
Total	921.6

The current program calls for the conversion of 31 of the existing 41 Polaris submarines to carry the new Poseidon missiles, which will be equipped with a multiple independently aimed reentry vehicle (MIRV).

Through fiscal year 1970, eight of these conversions have been funded, and the first Poseidon submarine (funded in fiscal year 1968) is scheduled to be deployed early in 1971. The recently successful submerged test launches of the Poseidon missile indicate that this deployment schedule will be met.

The recommended conversion program for fiscal year 1971 is based on the conversion of six Polaris submarines that would otherwise have to go into the shipyard for a scheduled overhaul, including a replacement of the nuclear propulsion cores.

In addition to the funds referred to above, the committee's recommendation for the appropriation entitled, "Research, Development, Test, and Evaluation, Navy," includes substantial funds for the continuation of the development and testing of the fleet ballistic missile system, the fleet ballistic missile defense, the fleet ballistic missile command and control.

The Polaris-to-Poseidon conversion program is discussed on pages 615–619, 700–705, and 972–973 of part 3 of the committee hearings on the Department of Defense Appropriation Bill, 1971.

DD–963 DESTROYER PROGRAM

Mr. ELLENDER. Mr. President, $459.5 million is recommended for the continuation of construction of the Navy's new destroyers, referred to as the DD–963 class. The funds recommended, along wth advance procurement funds provided in fiscal year 1971, will provide for the construction of six of these new ships. This program is discussed on pages 35 and 36 of the committee's report, and I ask unanimous consent to have the committee's comments included in the RECORD at this point.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

DD–963 DESTROYER PROGRAM

The recommendations of the committee include $459.5 million for the Navy's new destroyer construction program. This new class of destroyers has been designated the DD–963 class. The sum recommended and $47.3 million for advance procurement made available in prior fiscal years will provide a total of $506.8 million for the construction of six of these ships.

On June 23, 1970, the Secretary of the Navy announced the award of a contract for the construction of 30 of these new class destroyers to Litton Systems, Inc. This contract provides for funding these ships in five consecutive procurement increments, each subject to congressional approval, from fiscal years 1970 through 1974. The first increment for three ships was funded in fiscal year 1970, and the program recommended by the committee for fiscal year 1971 provides for the second increment of six ships. The total estimated cost to the Government of the 30 ships under the contract, including the cost of Government-furnished radars and weaponry, is estimated to be $2,550 million. The delivery of the first ship of the new class is expected in the fall of 1974.

These new ships will have a displacement of 7,000 tons, and will be approximately 560 feet long, with a beam of 54 feet. They will be equipped with a gas turbine propulsion system and will have a speed of over 30 knots. Armament will consist of two 5-inch guns, Sparrow missiles configured for air defense, standard and rocket assisted projectiles, antisubmarine torpedoes, antisubmarine rockets, and an on-board helicopter. These new destroyers will have an electronic warfare capability and be equipped with air search radar, surface search radar, fire control radar, and long-range sonar. The crew will consist of about 270 officers and men.

This program is discussed on pages 672–674 and 737–741 of part 3 of the committee hearings on the Department of Defense appropriation bill, 1971.

MARK–48 TORPEDO PROGRAM

Mr. ELLENDER. Mr. President, the committee's recommendations include $146.9 million for the continuation of development and testing and limited procurement of the Navy's Mark–48 torpedo. The tremendous increase in the cost of development of this family of torpedoes and the delay in developing an operational weapon is a matter of great concern to this committee. However, when the fact that this torpedo will make the new nuclear attack submarines fully effective is considered, you can reach only one decision, which is to continue the program at the most economic rate; the recommendation of the committee is based on this conclusion. This program is discussed on pages 36 and 37 of the committee's report, and I ask unanimous consent that these comments be included in the RECORD at this point.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

MARK 48 TORPEDO PROGRAM

The recommendations of the committee include $146.9 million for the Navy's Mark 48 torpedo program. The basic Mark 48 torpedo is a 3,600 pound, 21-inch diameter torpedo capable of being launched from torpedo tubes on both submarines and surface ships. The Mark 48 will have greatly improved capabilities over the Mark 37, which it will replace, in such areas as maximum speed, attack depth, acoustic acquisition range, and operating range. This torpedo will provide the Navy with an advanced wire guided torpedo capable of coping with today's high speed, deep diving nuclear submarine threat.

The program includes three versions of the basic torpedo. They are:

Mark 48, Mod 0 Torpedo.—This version is a high speed, long range, deep diving antisubmarine torpedo capable of operating with or without wire command guidance, using acoustic homing and conventional warhead. It has a secondary capability against surface ASW escort type ships. The propulsion system consists of a turbine engine and a pump jet propulsor. This version is ready for limited production.

Mark 48, Mod 1 Torpedo.—This version is a dual purpose antisubmarine/antiship, high speed, long-range, deep diving torpedo capable of operating with or without wire command guidance and using acoustic homing. Its propulsion system consists of a piston type swash plate engine powered by hot gas and a pump jet propulsor. This version is expected to be ready in the very near future for limited production.

Mark 48, Mod 2 Torpedo.—This version is also a dual purpose antisubmarine/antiship torpedo. It is a conversion of the basic Mark 48, Mod 0 torpedo, with an improved warhead and which makes it more effective against surface ships. This version is not ready for production.

Upon completion of the technical and operational evaluation in fiscal year 1971, either the Mark 48, Mod 1, or the Mark 48, Mod 2, will be selected for quantity procurement to meet fleet requirements.

The development of the Mark 48, Mod 0 is behind schedule by approximately 18 months and the estimated cost of development of the Mark 48 series of torpedos has increased from $75.1 million to $484.1 million. However, attention is called to the fact that the original estimate was for the development of only one type of torpedo and the current estimate is based on the development of three different versions of the torpedo. This tremendous increase in cost is the result of two factors; namely, (a) a stretch-out of the program caused by technical difficulties, and (b) the requirement for the development of a dual purpose antisubmarine/antiship capability, replacing a separate antiship torpedo development.

Of the total recommended, $110.6 million is for the procurement of torpedoes and $36.3 million is for the continuation of development and testing. These programs are discussed in the following paragraphs:

Procurement.—The committee's recommendation for the appropriation entitled "Other procurement, Navy" includes $110.6 million for the procurement of a limited number of Mark 48, Mod 0, and Mark 48, Mod 1, operational torpedoes, and for the conversion of a smaller number of existing Mark 48, Mod 0, torpedoes to the Mark 48, Mod 2, configuration for operational evaluation.

Development and testing.—The committee's recommendation for the appropriation entitled "Research, development, test, and evaluation, Navy" includes $36.3 million for the continuation of the Mark 48 development and testing programs. Of this total, $25.3 million is to continue development through the completion of the technical and operational evaluation of the Mark 48, Mod 0 and Mod 2 versions of the torpedo. The balance of $11 million is to continue development through the completion of the technical and operational evaluation of the Mod 1 version. A determination will be made as to which version of the dual purpose torpedoes should be procured in quantity to meet inventory objectives.

It is the position of the committee that a dual purpose Mark 48 torpedo is an essential requirement for the fleet, and its recommendations are based on this position.

The Mark 48 torpedo program is discussed on pages 417–426, 860, 1083–1086, and 1183–1185 of Part 3 of the Committee hearings on the Department of Defense Appropriation Bill, 1971.

AIR FORCE'S F–111F TACTICAL AIRCRAFT

Mr. ELLENDER. Mr. President, the recommendations of the committee include $52.7 million for the Air Force F–111F tactical aircraft procurement program. The funds recommended provide for the completion of currently approved Department of Defense procurement plans for this aircraft. This program is discussed on pages 39–41 of the committee's report, and I ask unanimous consent that these comments be included in the RECORD at this point.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

AIR FORCE PROGRAMS

F–111D/F TACTICAL FIGHTER AIRCRAFT

The recommendations of the committee include $562.7 million for the F–111D/F tactical fighter aircraft program. The F–111F is the latest model in a series of swing-wing F–111 tactical fighters. Like its F–111D predecessor, it will have the capability to operate from bases at extended range from its targets, to penetrate sophisticated defenses and to carry out attacks at night in all weather. The F model differs from the F–111D only in its engine and its avionics system. It is equipped with the new P–100 engine, which provides a 25-percent increase in thrust over the older model. Its avionics package is expected to be less costly than the Mark II system planned for the D model but will retain similar navigation capabilities and enable comparable air-to-ground attack performance against fixed targets.

In discussing the planned fiscal year 1971 procurement of the F–111 tactical aircraft the Secretary of Defense stated:

"I am sure that the committee shares my long-standing concern over the F–111 program, particularly in light of the difficulties that have been encountered. For the time being, we have retained in the budget request the planned funding for the F–111's noted above. However, I have asked the Secretary of the Air Force, in connection with an investigation of recent structural and operational difficulties, to examine in detail the alternatives to procuring F–111's in fiscal year 1971. I have postponed a final decision on this matter until this action is completed by the Air Force."

On September 17, 1970, the Deputy Secretary of Defense advised the Congress:

"The Air Force has now progressed sufficiently through the test program to permit me to conclude from the results obtained that the F–111 fleet will be structurally sound, and that it will indeed perform its intended missions. * * * Accordingly, I have approved the program for the procurement of remaining F–111's in fiscal year 1971."

F/FB–111 Recovery Program.—A major accident on December 22, 1969, resulted in the grounding of all F–111 series aircraft. Following a comprehensive review of the F–111 primary structure by an Air Force/industry team and a special ad hoc committee of the Air Force Scientific Advisory Board, the "F–111/FB–111 recovery program" was formulated. Phase I of the recovery program was started in April of 1970 and includes the following sequential phases:

Nondestruct inspection.—Provides for the nondestructive inspection of 11 of the 15 primary forgings and the incorporation of several engineering changes."

Cold proof test.—Each aircraft is subjected to a series of positive and negative gravity loads up to and including design limits at −40°. This test is designed to stress all primary forgings to 100 percent to assure that the four forgings not covered by the nondestruct inspection are structurally sound.

Field operations and functional check flight.—Includes final reassembly, extensive systems checkout, functional check flight and preparation for delivery to the Air Force.

Acceptance.—Includes final Air Force acceptance inspection and flight check prior to delivery to the using command.

A total of 344 aircraft (inventory and production) are schedule to be processed through the recovery program. As of November 19, 1970, 228 aircraft have been processed successfully through the cold proof test, and there has been one failure. 146 aircraft have been returned to the users. According to the current schedule, the cold proof test phase of the Recovery Program will be completed in early April 1971.

Phase II of the program is now being defined and will include refined nondestructive inspection techniques and establishment of final inspection intervals.

It is estimated that the recovery program will cost approximately $35 million.

Section 503, Public Law 91–441.—Section 503 of the Department of Defense Procurement and Research and Development Authorization Act, 1971 (Public Law 91–441) provides that no funds shall be obligated for the procurement of F–111 aircraft unless the Secretary of Defense has determined that the aircraft has been subjected to and successfully completed a comprehensive structural integrity test program, and approved a program for the procurement of such aircraft. This provision reads as follows:

"Sec. 503. Of the total amount authorized to be appropriated by this Act for the procurement of the F–111 aircraft, $283,000,000 of such amount may not be obligated or expended for the procurement of such aircraft until and unless the Secretary of Defense has (1) determined that the F–111 aircraft has been subjected to and successfully completed a comprehensive structural integrity test program, (2) approved a program for the procurement of such aircraft, and (3) certified in a written report to the Committees on Armed Services of the Senate and the House of Representatives that he has made such a determination and approved such a program, and has included in such written report the basis for making such determination and approving such program."

On September 17, 1970, the Deputy Secretary of Defense advised the Chairman of the Committee on Armed Services of the Senate—

"a. 'The Air Force has now progressed sufficiently through the test program to permit me to conclude from the results obtained that the F–111 fleet will be structurally sound, and that it will indeed perform its intended mission.' and

"b. 'Accordingly, I have approved the program for the procurement for the remaining F–111's in FY 1971.' "

The total recommended includes funds for the following purposes: Procurement of aircraft, $283 million; prior year overtarget costs, $200.5 million; procurement of aircraft spares and repair parts, $31.6 million; and research and development, $48.2 million. Each of these is discussed below.

Procurement of aircraft.—$283 million is recommended for the procurement of F–111F aircraft and the recovery program. The sum recommended and the $60.9 million for advanced procurement provided in fiscal year 1970, will provide a total of $343.9 million. As presented in the budget request, the total of $343.9 million was to cover the cost of the F–111 recovery program and the procurement of up to 40 F–111F aircraft. However, the committee's recommendation is based on the use of approximately $35 million for the F–111 recovery program and the procurement of 24 F–111F aircraft. It is anticipated that the funds recommended will provide an adequate number of aircraft to equip the planned fourth wing, which will complete the planned F–111 production program. These funds are included in the committee's recommendation for the appropriation entitled, "Procurement of aircraft, Air Force."

Prior year overtarget costs.—$200.5 million is recommended to cover overtarget costs for F–111 aircraft funded in fiscal year 1969 and prior years. These aircraft were funded based on target costs, and the additional funds are required to cover the Government's obligation in additional costs up to contract ceiling costs. These funds are included in the committee's recommendation for the appropriation entitled "Procurement of aircraft, Air Force."

Procurement of aircraft spares and repair parts.—$31 million is recommended for the procurement of initial aircraft spares and repair parts to support F–111F aircraft. These funds are included in the committee's recommendation for the appropriation entitled "Procurement of Aircraft, Air Force."

Research and development.—The committee's recommendation for the appropriation entitled "Research, development, test, and evaluation, Air Force," includes $48.2 million for the continuation of the development and testing program for the F–111 aircraft.

The F–111 program is discussed on pages 283–290, 338–339, 414–420, 589–590, and 726–728 of part 4 of the committee's hearings on the Department of Defense appropriations bill, 1971.

C–5A STRATEGIC AIRLIFT AIRCRAFT

Mr. ELLENDER. Mr. President, $622.2 million is included in the committee's recommendations for the C–5A strategic airlift aircraft, including $200 million for program contingencies. The committee's recommendations are in accord with and subject to the provisions of the Department of Defense Procurement and Research and Development Authorization Act. This program is discussed on pages 41–44 of the committee's report, and I ask unanimous consent that these comments be included in the Record at this point.

There being no objection, the comments were ordered to be printed in the Record, as follows:

C–5A Strategic Airlift Aircraft

The recommendations of the committee include $622.2 million for the C–5A strategic airlift aircraft program. The C–5A is the largest aircraft ever built and has a basic mission payload of 100,000 pounds for a 5,560 nautical mile mission, a maximum speed of 470 knots, a ceiling of 43,500 feet and a ferry range of 7,200 miles.

The C–5A aircraft was designed for the specific role of carrying outsized (very large) equipment of the Army's combat divisions that no other aircraft can transport, such as tanks, self-propelled guns, and other equipment of mechanized and armored divisions. It is this capability used, along with other airlift aircraft (C–130's and C–141's) that will enable the United States to meet its miltiary commitments through the rapid deployment of forces from a strong strategic reserve stationed in the United States. In commenting on the military requirement for the unique capability of the C–5A aircraft, Deputy Secretary of Defense David Packard, in a statement to the Committee on Armed Services of the Senate, said on May 27, 1970:

"As I have stated before, this airplane is critical to augment our airlift capability. We must have a rapid response posture to deploy Army units and their equipment to many areas of the world. *Only with this capability can we successfully withdraw a significant portion of our overseas committed forces and at the same time give positive assurance to our free world allies that we could rapidly redeploy our forces in time of tension.* Though the airplane is in its early stages of system test and qualifications, it clearly will have the capability to do the job it was intended to do." (Italics added.) (Committee on Armed Services, U.S. Senate, hearings on Authorization for Military Procurement, Research and Development, Fiscal Year 1971, and Reserve Strength, pt. 3, 2421.)

The recommendations of the committee are based on a C–5A buy of 81 aircraft (four squadrons) rather than the originally planned force of 120 aircraft (six squadrons). This force of 81 aircraft includes five research and development aircraft and 76 production aircraft.

The funds recommended are for the following purposes; funding for prior year deficiencies, $344.4 million; contingencies, $200 million; procurement of aircraft spares and repair parts, $66.2 million; and research and developnemt, $11.6 million. Each of these is discussed below.

Funding for prior year deficiencies.—$344.4 million is recommended to cover funding deficiencies for the 76 aircraft funded in prior fiscal years. Under the Air Force's interpretation of the contracts, it is estimated that the production cost of these 76 aircraft will total approximately $2,460 million. Through fiscal year 1970, approximately $2,033 million has been made available to cover these costs, leaving a balance of $427 million. The committee recommends the allowance of $344.4 million to cover the major part of this deficiency and calls attention to the fact that the balance of approximately $82 million will have to be funded in fiscal year 1972. The funds for fiscal year 1971 are included in the committee's recommendation for the appropriation entitled, "Procurement of aircraft, Air Force."

Contingencies.—$200 million is recommended for "Contingencies" to assure the continuation of production of the C–5A aircraft. Of the $344.4 million recommended to cover prior year deficiencies (discussed in the paragraph above), approximately $296 million is for the Lockheed Aircraft Corp. It is estimated that this amount would be adequate to assure the production of C–5A aircraft through December of this calendar year, at which time about 30 aircraft will have been delivered to the Air Force. The financial position of the Lockheed Co. is such that the Air Force must provide additional funds to assure the continued production of C–5A's.

It is the view of the committee that it is imperative to continue the production of these aircraft. This position is supported by the fact that if production is allowed to stop with the production of only 30 aircraft, the cost per aircraft will be approximately $125 million, whereas if production is continued through fiscal year 1971, 42 aircraft will be produced at a cost of $94 million per aircraft, and if the planned 81 aircraft are produced the cost per aircraft will be approximately $56 million.

The committee desires to call attention to the fact that there are a number of disputes between the contractor and the Air Force with respect to the Air Force's total liability for the planned 81 aircraft. These differences total some $400 to $500 million, and the matter is now pending before the Armed Services Board of Contract Appeals. Of course, the recommended $200 million for contingencies will be an offset against any determination of the Board of Contract Appeals that is favorable to the Lockheed Corp.

The committee's recommendation is in accord with the provisions of the Department of Defense Procurement and Research Authorization Act, 1971 (Public Law 91–441), and the $200 million recommended for "Contingencies" is subject to the limitations imposed in section 504 of that act, which reads as follows:

SEC. 504. (a) Of the total amount authorized to be appropriated by this act for the procurement of the C–5A aircraft, $200,000,000 of such amount may not be obligated or expended until after the expiration of 30 days from the date upon which the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a plan for the expenditure of such $200,000,000. In no event may all or any part of such $200,000,000 be obligated or expended except in accordance with such plan.

(b) The $200,000,000 referred to in subsection (a) of this section, following the submission of a plan pursuant to such subsection, may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime contractor under a contract entered into with the United States to carry out the C–5A aircraft program. No part of such amount may be used for—

(1) direct cost of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control or the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization costs on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such $200,000,000 may not be allocated to other portions of the C–5A aircraft contract or to any other contract with the United States, but payments to C–5A aircraft subcontractors shall not be subject to the restrictions referred to in such sentence.

(c) Any payment from such $200,000,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(d) The restrictions and controls provided for in this section with respect to the $200,000,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

These funds are included in the committee's recommendation for the appropriation entitled, "Procurement of Aircraft, Air Force."

Procurement of aircraft spares and repair parts.—$66.2 million is recommended for the procurement of aircraft spares and repair parts for the support of the C–5A force. These funds are included in the committee's recommendation for the appropriation entitled, "Procurement of Aircraft, Air Force."

Research and development.—The committee's recommendation for the appropriation entitled, "Research, Development, Test, and Evaluation, Air Force," includes $11.6 million for the continuation of the C–5A testing programs.

The C–5A aircraft program is discussed on pages 291–294, 342–343, 424–432, 601–602, and 730–733 of part 4 of the committee's hearings on the Department of Defense appropriations bill, 1971.

MINUTEMAN MISSILE PROGRAM

Mr. ELLENDER. Mr. President, the committee's recommendations include $898.5 million for the continuation of the development and deployment of the Minuteman II and III systems, including $29.4 million for the operational base launch program. The Minuteman program is discussed on pages 46–48 of the committee's report, and I ask unanimous consent that these remarks be included in the Record at this point.

There being no objection, the pages were ordered to be printed in the Record, as follows:

Minuteman Missile Program

The recommendations of the committee include $898.5 million for the Minuteman II and II missile programs. The planned force of 1,000 Minuteman missiles was attained in April of 1967, with the deployment of 800 Minuteman I's and 200 Minuteman II's, and the current plan calls for the replacement of Minuteman I's with Minuteman II's and III's. The current operational force includes approximately 500 Minuteman I's, 500 Minuteman II's, and a limited number of Minuteman III's, which were initially deployed in June of 1970. The long-range plan calls for a force of 500 Minuteman II's and 500 Minuteman III's.

The Minuteman III provides a major improvement in capability over the Minuteman I and II. It has an improved guidance and control system, and its improved third stage provides additional throw weight to carry the MK–12 reentry system. The MK–12 system with its multiple independently targetable reentry vehicle (MIRV) and penetration aid capability will greatly enhance the Minuteman III's effetctiveness against ABM defenses, and the number of warheads is increased without increasing the number of missiles in the force.

Included in the total recommended for the Minuteman program is approximately $29.4 million for the support of the planned operational base launch program. The objectives of this effort is to flight test the Minuteman system from an operational silo in order to obtain as realistic a configuration and environment as possible. The first such test calls for the firing of a Minuteman II missile from an operational silo in the Malmstrom Air Force Base, Mont., Minuteman complex into the Pacific. The planned line of flight would be across the Northwestern portion of the United States into the Pacific Ocean area some 200 miles south of San Francisco over a corridor encompassing the least population density possible. It is the view of the committee that these flight tests should be conducted in order to demonstrate the reliability of the Minuteman system. In recommending funds for this program, the committee calls attention to the fact that three efforts to launch a modified Minuteman II from an operational silo all resulted in failures.

The funds recommended are for the following purposes:

Procurement of missiles.—$447.2 million is recommended for the procurement of Minuteman missiles and associated ground equipment. The sum recommended and $34.9 million advance procurement will provide a total of $482.1 million for this purpose. This recommendation is based on a 15-month production leadtime and support of the planned deployment rate during the fiscal year 1971 funding period. Funds are also included for the procurement of missiles to support the operational test program and to provide spare missiles for logistic support of the deployed forces. The total recommended includes $3.2 million for the procurement of range safety destruct equipment, operational qualification testing, and contractor support for the operational base launch program. These funds are included in the appropriation entitled, "Missile procurement, Air Force."

Advance procurement.—$28.5 million is recommended for the advance procurement of long leadtime components to support the planned fiscal year 1972 Minuteman missile procurement program. These funds are included in the appropriation entitled, "Missile procurement, Air Force."

Missile spares and repair parts.—$26.2 million is recommended for the procurement of initial missile spares and repair parts required for the support of the missiles and associated equipment in the fiscal year 1971 procurement program. These funds are included in the appropriation entitled, "Missile procurement, Air Force."

Force modifications.—$166 million is recommended for modifications of existing Minuteman missiles and associated equipment. Of the total, $69.7 million is for the modification of existing launch and launch control facilities from a Minuteman I to a Minuteman II and III capability. The balance of $96.3 million is for the update program that provides for correction of known deficiencies during testing or inservice use. These funds are included in the appropriation entitled, "Missile procurement, Air Force."

Other procurement.—The committee's recommendation for the appropriation entitled, "Other procurement, Air Force" includes $6.4 million for the procurement of telecommunications and electronic equipment for the support of the operational base launch program.

Research and development.—The committee's recommendation for the appropriation entitled, "Research, development, test, and evaluation, Air Force," includes $224.2 million for the continuation of the Minuteman development and testing program. Of the total recommended, $185.4 million is for such efforts as systems integration and testing, guidance and control support, postboost propulsion system testing and implace and inflight hardness testing of the Minuteman III. The balance of $38.8 million is for general support and further inplace and inflight hardness testing of the Minuteman II. Within the total recommended, $19.8 million is for the support of the operational base launch program which will provide for the development of range safety destruct ordnance, missile integration, flight demonstration support, contractor support, and development of airborne equipment.

In addition to the above referred to funds the committee's recommendation for the appropriation entitled, "Research, development, test, and evaluation, Air Force" includes funds for the following efforts associated with the Minuteman system: Minuteman rebasing, $61 million, and command data buffer (ground base computer system), $10 million. The Minuteman program is discussed on pages 270–276, 364–365, 459–462, 577, and 795–797 of part 4 of the committee's hearings on the Department of Defense appropriation bill, 1971.

SUPPORT OF FREE WORLD FORCES

Mr. ELLENDER. Mr. President, section 838 of the bill as it passed the other body authorizes the use of appropriations available to the Department of Defense during the current fiscal year for the support of free world forces participating in the war in Southeast Asia without limitation. The use of funds for this purpose was authorized in section 502 of the Department of Defense Procurement and Research and Development Authorization Act, 1971 (Public Law 91–441). However, the Authorization Act provides for a limitation of $2.8 billion on the total that may be used for the support of these forces. The President's budget was based on the use of approximately $2.2 billion for this purpose. The committee recommends that section 383 be amended to impose a limitation of $2.5 billion.

The committee also recommends that section 838 be amended to include the restrictive language included in section 502 of the Authorization Act with respect to the support of free world forces in actions designed to provide military support and assistance to the Governments of Cambodia and Laos, and the use of funds for the payment of allowances to free world forces personnel in excess of such payments to U.S. military personnel.

These recommendations of the committee are discussed on pages 7 and 8 of the committee report. I ask unanimous consent to have these comments included at this point in the Record.

There being no objection, the comments are ordered to be printed in the Record, as follows:

Support of Free World Forces—Section 838

Section 838 of the bill authorizes the use of appropriations available to the Department of Defense to support Vietnamese and other free world forces in support of the Vietnamese forces and for the support of local forces in Laos and Thailand and for related costs. The recommendations of the committee include $2,165,300,000 for these purposes. These funds are included in the following titles of the bill:

	Millions
Military personnel	$145.0
Operation and maintenance	780.1
Procurement	940.2
Combat readiness, South Vietnamese forces	300.0
Total	[1] 2,165.3

[1] In addition, the appropriation entitled "Military Construction, Army" in the Military Construction Appropriation Act, 1971 includes $12 million for the support of free world forces.

Of the $2,165.3 million recommended, $1,749.2 million is for the South Vietnamese Forces (including $285.7 million for the modernizing program), and the balance is for the support of other free world forces in South Vietnam and for local forces in Laos and Thailand.

As the bill passed the House, funds would be available for the support of free world forces without limitation as to the amount. The committee recommends that Section 838 be amended so as to impose a limitation of $2,500,000,000 on the total that can be used for support of free world forces during fiscal year 1971. It is the view of the Committee that this limitation will give the Secretary of Defense adequate flexibility to meet any unforeseen costs of the Vietnamization program. The Committee also recommends that Section 838 be amended to include the restrictive language included in Section 502 of the Authorization Act with respect to the support of free world forces in actions designed to provide military support and assistance to the governments of Cambodia and Laos, and the use of funds for the payment of allowances to free world forces personnel in excess of such payments to United States personnel.

The funds recommended for these purposes are provided pursuant to and in accord with section 502 of the Department of Defense Procurement and Research Authorization Act, 1971 (Public Law 91–441), which read as follows:

"Sec. 502. Subsection (a) of section 401 of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

" '(a) (1) Not to exceed $2,800,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.' "

INTRODUCTION OF AMERICAN COMBAT GROUND FORCES INTO LAOS, THAILAND, AND CAMBODIA

Mr. ELLENDER. Mr. President, as the bill passed the other body, it includes section 843 as proposed in the President's budget which prohibits the use of funds provided in the bill for the financing of the introduction of American ground forces into Laos or Thailand, and the committee recommends that this provision be amended to include Cambodia. The committee's recommendation is based on the fact that earlier in this session the Senate adopted a somewhat similar amendment on a rollcall vote of 58 yeas to 37 noes. This recommendation is discussed on pages 10 and 11 of the report, and I ask unanimous consent to have these comments included at this point in the Record.

There being no objection, the comments are ordered to be printed in the Record, as follows:

Prohibition Against the Use of Funds for the Introduction of American Ground Forces Into Laos, Thailand, and Cambodia

Section 843 of the bill as it passed the House provides that none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand. The committee recommends that this provision be amended to include Cambodia, so as to read as follows:

"Sec. 843. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or *Cambodia*."

This matter was debated at length by the Senate earlier in this Session in connection with an amendment to the Foreign Military Sales Bill (H.R. 15628), and the Senate adopted, on a roll call vote of 58 yeas to 37 noes, an amendment which reads as follows:

"Sec. 7. The Foreign Military Sales Act is further amended by adding at the end thereof the following new section:

" 'Sec. 47. Limitations on United States Involvement in Cambodia.—In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970, for the purposes of—

" '(1) retaining United States forces in Cambodia;

" '(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnished military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;

" '(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

" '(4) conducting any combat activity in the air above Cambodia in direct support of Cambodian forces.'

Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander-in-Chief, including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed. Nothing contained in this section shall be deemed to impugn the constitutional powers of the Congress including the power to declare war and to make rules for the Government and regulation of the Armed Forces of the United States."

The committee's recommendation for the inclusion of Cambodia in this provision is based on this earlier action of the Senate.

ALLIED CONTRIBUTIONS TO NATO

Mr. ELLENDER. Mr. President, press reports in the past week indicate that 10 European nations of the North Atlantic Alliance have agreed on a defense improvement program in which, over a 5-year period, they will provide close to $1 billion to improve military installations and increase existing forces. According to the report, funds will be used for an integrated communications system and a new shelter program to provide a better aircraft survival system.

Some Members of the Senate will welcome this news as the initiation of a long overdue process aimed at equalizing, to a degree at least, the NATO burden that for so long has fallen disproportionately on the shoulders of the United States. Speaking for myself, I am not all satisfied with the proposal made. It is entirely too small.

For almost two decades I have urged every Secretary of Defense since Louis Johnson to secure from our NATO allies greater cooperation in the form of increased combat forces, installations, and improved equipment and materiel. During those years, I repeatedly stated that such an equalization of the burden was dictated by economic necessity as much as by fairness. To a large extent my pleas fell on deaf ears. Today, this is no longer solely my point of view. It is no longer an opinion; it is a fact. History has caught up with us. Our continued deficits, our annual gold drain, the inflationary spiral, and our pressing needs in other areas of the Government make it imperative that we—and our allies—realistically face this fact. To do otherwise would be foolhardy. Early this year and again last month, I queried the Secretary of Defense about the matter. He promised to do something about it. It seems that my urging, and that of others, has finally borne some fruit. However, I must confess that this is but a very small beginning, that in the future even greater contributions must be forthcoming by our allies. I would also hope that all of the countries involved will cooperate in this common endeavor, that they will search their souls as well as their exchequers and assume their proper responsibilities.

Mr. President, I ask unanimous consent that the complete statement be included at this point in the RECORD.

My enthusiasm for this gesture of our allies was further limited by the statement made by the Secretary of State on behalf of the President to the NATO Foreign Ministers at Brussels recently. In this statement he said:

> We have agreed that NATO's conventional forces must not only be maintained, but in certain key areas, strengthened. Given a similar approach by our allies, the United States will maintain in and improve its own forces in Europe and will not reduce them unless there is reciprocal action by our adversaries . . .

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT DELIVERED BY SECRETARY ROGERS TO THE NATO MINISTERIAL MEETING

The meeting of the North Atlantic Alliance will be one of the most important conferences in the history of the alliance. This past year has witnessed the completion of a comprehensive review of alliance defense that can serve as the basis for a common effort throughout this decade. This review testifies to the continuing value of candid consultations based on mutual respect and to the common recognition that the prospects for peace rest primarily on our ability and willingness to maintain an alliance sufficiently strong to deter those who might threaten war.

After the most searching consultations, together we have arrived at several fundamental conclusions which will help us maintain NATO's strength while the alliance seeks to translate the promise of detente into the reality of a just and lasting peace.

We have reaffirmed flexibility of response as the proper strategy for a defensive alliance confronted by a formidable mix of a potentially hostile force, which is constantly improving.

We have agreed that NATO's conventional forces must not only be maintained, but in certain key areas, strengthened. Given a similar approach by our Allies, the United States will maintain and improve its own forces in Europe and will not reduce them unless there is reciprocal action from our adversaries. We will continue to talk with our NATO Allies with regard to how we can meet our responsibilities together.

The allies have agreed to move to transform the recommendations of the study into fact. This should provide NATO with an enhanced capability sufficient to make the strategy of flexible response a more credible factor in the equation of deterrence.

In the process of this review we were heartened by the efforts of several of the alliance's members to create a new and more equitable sharing of the burdens of the alliance through a greater effort by our allies to meet the challenges of NATO defense in the decade of the seventies. This European initiative gives concrete testimony to the vitality and spirit of the European allies. NATO has strong support among the American people. Successful efforts to improve European forces and absorb a greater share of the burden will insure continued support.

I welcome the achievements of the alliance. I am certain we can move from agreed goals to practical action with the same seriousness of purpose.

Mr. ELLENDER. Mr. President, again speaking personally, although I know I voice the views of many of my colleagues. I regret this stated commitment. Certainly I would welcome with all my heart some signal of reciprocity on the part of Russia and its own allies. They should recognize that a mutually beneficial lessening of tensions can only be achieved through reduced force levels, as the Secretary of State indicated—"in reciprocal action."

But this reciprocal action is equally applicable to our own allies. If it is the considered judgment of the NATO leaders that ground forces of the present size are needed, then it is incumbent upon our allies to increase their commitment to permit the withdrawal of sizable numbers of American troops from Europe. For this fiscal year, there will be appropriated approximately $14 billion representing the costs of supporting U.S. general purpose forces in Europe and similar forces maintained in this country as a European contingency.

I recently made a trip to visit most of the NATO countries, just as I did 10 years ago. To be frank and candid, I found very little difference in military preparations between 10 years ago and now, except as to Germany. We are continuing to bear a disproportionate share of the burden. In addition to our Armed Forces in Europe, we have a very large number of civilians; many of them are dependents. To maintain them is very costly to us.

Our 6th Fleet is in the Mediterranean. In addition, we have a large contingent in the Atlantic, the cost of which is being paid by Uncle Sam without any assistance from any of our Western allies in Europe. It is time for them to wake up.

On my recent trip, I found that a change of attitude has come about only in the last couple of years, since the Russians entered the Mediterranean. That seems to have awakened our allies a little. With all that is going on in Western Europe now, it strikes me that it is only a question of time before we should halt all of the aid we are giving to the countries in Western Europe that are well able to take care of themselves. Therefore, I think it is unnecessary for us to be carrying almost the entire load.

This $14 billion is what the American taxpayer provides annually for such military support. It is my considered opinion that we cannot continue this vast outlay indefinitely. I would look to our allies to recognize this and take immediate steps to relieve us of this onerous burden.

It is up to the Secretary of Defense, the Secretary of State, and the Chief Executive to impress upon these governments who for years have accepted our largesse and protection that the time has come for them to fully equalize the burden. They are hard realists. They know when we mean what we say. If the administration is unwilling or unable to convince the NATO countries of the urgency of our reducing American forces in Europe, then it is incumbent upon the Congress to make these decisions. This is a matter that the next session of the Congress must deal with. It is imperative that we do so. The welfare of our country demands it. As a member of the Committee on Appropriations of the Senate and its Department of Defense Subcommittee, I will do all that I can to present facts that will warrant our withdrawal of troops from Western Europe at a much earlier date.

I talked with a number of European NATO organization personnel, and in my judgment, there is little effort being made to assist us. When I talked about montary contributions, they said, "We cannot afford that. We might be able to increase our troops."

I said, "If you do, we will withdraw ours."

They said, "No, you must not withdraw yours."

I asked, "How long do you think we ought to stay here?"

"Ten years at least," was the reply.

Mr. President, as I told those people, we cannot do that. We cannot possibly afford to maintain a military umbrella of protection over Western Europe any longer. It is up to our allies in Western Europe to participate more fully in their own protection. I think Congress should be addressing itself to this subject when it meets next year.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I wish to say that I am in full accord with what the distinguished acting chairman for the bill now under consideration has said about NATO and our position there.

It appears that we have, once again, been taken. I recognize the fact that at one time there were as many as 385,000 U.S. military personnel in Western Europe, and that that number has declined to a little under 300,000 at the present time, so that, overall, we have there about 525,000 military personnel and dependents—a quarter of a century after the end of the Second World War.

It is true that the direct costs to us are about $3 billion a year, which we can ill afford to lose—to squander, in my opinion—and that out of the defense budget, as the distinguished Senator from Louisiana has stated, it takes about $14 billion a year to maintain those elements which we have there.

The recent meeting, just a week or so ago, was to me a deep disappointment because of the firm pledge which the executive branch made as to what we would do in keeping our forces at their present level. There was a lot of talk and a lot of coverup, but in reality what it amounted to was only a delay in facing up to the problems which confront the NATO Alliance.

Our NATO partners are getting off very cheaply at a proposed figure of $195 million a year over the next 5 years. As far as contributing manpower, the United States is in just as bad a position as ever and our European Allies are in just as good a position, to wit, no change at all.

The compromise reached between the administration and our NATO Allies is only a coverup for a situation which calls for drastic attention. What the United States supposedly got was a NATO capability for fighting a 90-day holding or conventional war. What the United States got, in effect, was nothing because there will be no such happening as a "90-day conventional war on the ground." The end result will be, in my opinion, a Western European Continent weaker than ever and a delay in the time when the issue will have to be faced.

Now it looks as if we are waiting for a quid pro quo to reduce our costly contest. Well, if that is the case, if we are waiting for the Soviet Union to get its troops out of Eastern Europe, I think we are going to wait a very long time and we had better become accustomed to a permanent American presence in Western Europe.

With them it is a matter of geography. As far as we are concerned, it is a matter of having a sizable contingent—say at most two divisions and our nuclear capability. That would bring about a reduction of two and one half divisions from the present four and one half or five as well as a large reduction in expenditures.

I had hoped that this administration, by applying the termination date of June 30, 1971, would after that time begin to bring about a substantial reduction in American troops and dependents in Western Europe.

I would like to find out just how many headquarters we have in Western Europe, just how many generals we have in Western Europe, just how many colonels we have in Western Europe, and the answers to a lot of other questions, because I must say that while economics influences my thinking, literally it is of secondary significance. The important thing is the principle.

A quarter of a century after the end of the war, with all these countries fully rehabilitated, as the distinguished Senator has indicated, and fully able to take care of their own needs, maintaining direct contacts with the countries of Eastern Europe, maintaining a trade contact with the Soviet Union, entering into consortiums to establish trade contacts such as the steel rolling mill with Communist China—all of which indicates a change which I think calls for a change in an outdated policy which has now, once again, been not inaugurated but maintained.

As I understood the Nixon doctrine, it was to maintain a low profile all over the world. It was to bring about a gradual withdrawal of American troops and gradually more dependence on the people in the regions concerned.

The low profile may be taking effect in Southeast Asia and in Asia generally, but it seems to be taking the opposite stance as far as Western Europe is concerned.

I assure the distinguished Senator from Louisiana that as far as I am concerned, I intend to do all that I possibly can—and not only through sense of the Senate resolutions—to try to bring about a rectification of this policy, to bring about a substantial reduction of American troops and dependents. It should be done over not too long a period of time, but still, on a gradual basis. I think the time is long overdue to face up to this matter. I think the American people want this done. I am certain that a majority of the Senate wants it done. Unless it comes about this spirit of permanency will continue to permeate our policies. Unless something is done in the Senate, apparently, we can look forward to a permanent stationing in Europe of U.S. military personnel and dependents, not for years but for decades.

The cost is too great and the principle of necessary change is too sound to let go of at this time.

I reiterate that it is the principle which counts, and it is long past time when a substantial part of the American military personnel and their dependents in Europe should have been brought home.

It is with a sense of gratification that I commend the distinguished Senator from Louisiana. He has been very consistent in his attitude toward this particular problem, and I wish to assure him once again of my wholehearted support of any initiative which he undertakes, both in committee and on the floor.

Mr. **ELLENDER**. I thank the Senator.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be considered as original text for the purposes of further amendment, provided that no points of order be considered as waived thereby.

The **PRESIDING OFFICER**. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 10, after the word "elsewhere", strike out "$7,822,450,000" and insert "$7,861,750,000".

On page 2, line 18, after the word "cadets", strike out "$4,360,100,000" and insert "$4,377,100,000".

On page 3, line 2, after the word "elsewhere", strike out "$1,422,700,000" and insert "$1,430,600,000".

On page 3, line 10, after the word "cadets", strike out "$5,973,350,000" and insert "$6,002,425,000".

On page 4, line 19, after the word "law", strike out "$86,200,000" and insert "$84,200,000".

On page 5, line 12, after the word "law", strike out "$108,500,000" and insert "$106,500,000".

On page 6, line 19, after the word "exceed", strike out "$4,000,000" and insert "$3,634,000"; and, in line 25, after the word "Government", strike out "$6,269,011,000" and insert "$6,228,687,000".

On page 8, at the beginning of line 7, strike out "$4,731,910,000" and insert "$4,685,410,000".

On page 9, line 1, after the word "salaries", strike out "$399,943,000" and insert "$402,743,000".

On page 10, line 5, after the word "Government", strike out "$6,167,136,000" and insert "$6,093,236,000".

On page 12, line 22, after the word "Bureau", strike out "$337,600,000" and insert "$343,600,000".

On page 13, line 11, after the word "Board", strike out "$100,000" and insert "$65,000".

On page 15, line 2, after the word "authorized", strike out "$2,933,100,000" and insert "$2,930,000,000, and in addition $50,000,000 shall be derived by transfer from the Army stock fund,"; and, in line 4, after the word "available", strike out "for obligation until June 30, 1973" and insert "until expended".

On page 15, line 21, after the word "plants", strike out "$3,005,800,000" and insert "$3,127,900,000, and in addition, $100,000,000 shall be derived by transfer from the Defense stock fund,"; and, in line 24, after the word "available", strike out "for obligation until June 30, 1973" and insert "until expended".

On page 16, line 13, after the word "amended", strike out "$2,694,400,000" and insert "$2,276,900,000"; and, in line 14, after the word "available", strike out "for obligation until June 30, 1975" and insert "until expended".

On page 17, line 12, after the word "plants", strike out "$1,443,400,000" and insert "$1,487,300,000"; and, in line 13, after the word "available", strike out "for obligation until June 30, 1973" and insert "until expended".

On page 17, line 23, after the word "only", strike out "$171,700,000" and insert "$175,900,000"; and, at the beginning of line 24, strike out "for obligation until June 30, 1973' and insert "until expended".

On page 18, line 16, after the word "things", strike out "$3,203,000,000" and insert "$3,201,300,000"; and, in line 17, after the word "available", strike out "for obligation until June 30, 1973" and insert "until expended".

On page 19, line 6, after the word "things", strike out "$1,372,300,000" and insert "$1,380,400,000, and in addition, $50,000,000 shall be derived by transfer from the Defense stock fund,"; and, in line 8, after the word "available", strike out "for obligation until June 30, 1973" and insert "until expended".

On page 19, line 24, after the word "amended", strike out "$1,381,200,000" and insert "$1,345,100,000"; and, in line 25, after the word "avoidable", strike out "for obligation until June 30, 1973" and insert "until expended".

On page 20, line 14, after the word "amended", strike out $38,910,000" and insert "$45,310,000"; and, in line 15, after the word "available", strike out "for obligation until June 30, 1973" and insert "until expended".

On page 20, line 24, after the word "law", strike out "1,608,500,000" and insert "$1,589,700,000"; and, in line 25, after the word "available", strike out "for obligation until June 30, 1972" and insert "until expended".

On page 21, line 6, after the word "law", strike out "$2,156,200,000" and insert "$2,130,500,000"; and, in line 7, after the word "available", strike out "for obligation until June 30, 1972" and insert "until expended".

On page 21, line 14, after the word "law", strike out "$2,701,100,000" and insert "$2,744,800,000"; and, in line 15, after the word "available", strike out "for obligation until June 30, 1972" and insert "until expended".

On page 21, line 26, after the word "available", strike out "for obligation until June 30, 1972" and insert "until expended"; and, on page 22, line 1, after the amendment just above stated, strike out "$438,900,000" and insert "$445,100,000".

On page 22, line 23, after "$50,000,000", strike out the comma and "and, in addition, not to exceed $150,000,000, to be used upon determination by the Secretary of Defense that such funds can be wisely, profitably, and practically used in the interest of national defense and to be derived by transfer from such appropriations available to the Department of Defense for obligation during the current fiscal year as the Secretary of Defense may designate: *Provided*, That any appropriations transferred shall not exceed 7 per centum of the appropriations from which transferred".

On page 23, line 16, after the word "transferred", strike out "$358,500,000" and insert "$300,000,000"; and, in line 17, after the amendment just above stated, strike out the comma and "to remain available for the period of availability of the appropriation to which transferred, and in addition $150,000,000 to be derived by transfer from such appropriations available to the Department of Defense for obligation in the current fiscal year as the Secretary of Defense, with the approval of the President, may designate: *Provided,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority".

On page 24, line 7, after the word "available", strike out "for obligation until June 30, 1973" and insert "until expended".

On page 26, line 20, after the word "exceeding", strike out "$134,400,000" and insert "$136,700,000"; and, on page 28, line 11, after the word "amended", insert a semicolon and "(1) under regulations approved by the Secretary of Defense, for transportation from their homes to rest and recuperation centers in the Pacific area and return, plus per diem payments of not to exceed $30 per day for each dependent for periods not over two weeks, for dependents of military personnel assigned as province or district senior advisers in Vietnam on voluntarily extended tours of duty totaling not less than 18 months, during periods when such military personnel are granted special incentive leaves at such rest and recuperation centers."

On page 42, after line 24, strike out:

"Sec. 836. During the current fiscal year, the Secretary of Defense may, if he deems it vital to the security of the United States and in the national interest to further improve the readiness of the Armed Forces, including the reserve components, transfer under the authority and terms of the Emergency Fund an additional $300,000,000: *Provided,* That the transfer authority made available under the terms of the Emergency Fund appropriation contained in this Act is hereby broadened to meet the requirements of this section: *Provided further,* That the Secretary of Defense shall notify Congress promptly of all transfers made pursuant to this authority."

And, in lieu thereof, insert:

"Sec. 836. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $700,000,000 of the appropriations contained in this Act between such appropriations: *Provided,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.".

On page 44, line 3, after "(a)", strike out "Appropriations" and insert "Not to exceed $2,500,000,000 of the appropriations"; and, in line 10, after the word "determine", insert a colon and "Provided, That none of the funds appropriated by this Act may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970: Provided further, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

On page 46, after line 8, strike out:

"Sec. 842. Appropriations heretofore made available for Procurement of Equipment and Missiles, Army; Procurement of Aircraft and Missiles, Navy; Other Procurement, Navy; Procurement, Marine Corps; Aircraft Procurement, Air Force; Missile Procurement, Air Force; Other Procurement, Air Force; Procurement, Defense Agencies; and Special Foreign Currency Program shall not be available for obligation after June 30, 1973. Appropriation heretofore made available for Shipbuilding and Conversion, Navy, shall not be available for obligation after June 30, 1975. Appropriations heretofore made available under the headings Research, Development, Test, and Evaluation, Army; Research, Development, Test, and Evaluation, Navy; Research, Development, Test, and Evaluation, Air Force; and Research, Development, Test, and Evaluation, Defense Agencies shall not be available for obligation after June 30, 1972.

And, in lieu thereof, insert:

"Sec. 842. (a) Amounts, as determined by the Secretary of Defense and approved by the Office of Management and Budget, of any appropriations of the Department of Defense available for procurement (except Shipbuilding and Conversion, Navy) which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for three or more fiscal years, shall be withdrawn and shall revert to the general fund of Treasury.

"(b) Amounts, as determined by the Secretary of Defense and approved by the Office of Management and Budget, of any appropriations of the Department of Defense available for Shipbuilding and Conversion, Navy which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for five or more fiscal years, shall be withdrawn and shall revert to the general fund of the Treasury.

"(c) Amounts, as determined by the Secretary of Defense and approved by the Office of Management and Budget, of any appropriations of the Department of Defense available for research, development, test and evaluation (except Emergency Fund, Defense) which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for two or more fiscal years, shall be withdrawn and shall revert to the general fund of Treasury.

"(d) The Comptroller General of the United States shall examine the internal system upon which the determinations required by this section are based and shall submit to the Congress, prior to April 1, 1971, a report as to the adequacy of such internal system.

"(e) Section 642 of the Department of Defense Appropriation, 1970 (Public Law 91–171, approved December 29, 1969), is hereby repealed."

On page 48, line 14, after "Laos", strike out "or" and insert a comma; and, in the same line, after "Thailand", insert "or Cambodia".

On page 48, line 17, after the word "purposes", strike out "which would be authorized by section 610 of the Military Construction Authorization Act, 1971, as passed by the Senate" and insert "authorized by section 610, Public Law 91–511, approved October 26, 1970".

On page 48, after line 20, insert a new section, as follows:

Sec. 845. No part of the funds appropriated in this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

At the top of page 49, insert a new section, as follows:

Sec. 846. After June 15, 1971, no part of the funds in this Act shall be available to support in excess of 138,000 personnel of the Department of Defense (military and civilian) assigned to activities managed under the Intelligence and Security Program of the Department of Defense.

Mr. ELLENDER. Mr. President, before I yield the floor, I wish to take this opportunity to express my deep appreciation to the distinguished Senator from North Dakota (Mr. Young) who has contributed so much to the formulation of the bill before the Senate. His pertinent questions at the daily hearings that he regularly attended, his breadth of knowledge of the issues involved, and his wise and impartial counsel in the determination of the proper course of action have been of inestimable aid to the committee and to Congress.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, I deeply appreciate the very kind comments of my friend, the distinguished Senator from Louisiana, the acting chairman of the Defense Appropriations Subcommittee.

The bill does represent a great amount of hard work for almost an entire year by the chairman of this committee. This is also true of the entire Senate Appropriations Committee and the very able staff members, William W. Woodruff, Edmund L. Hartung, Fran Hewitt and Guy McConnell. The bill probably does not represent as much money as many would like. Certainly, the military would like to have more money, and certainly could justify more. But, on the whole, I believe it represents the most reasonable budget which we could come up with at this time.

Mr. President, the Defense Appropriations bill which we are now considering providing $66,417,077,000 does represent a very sizable budget.

It also represents a considerable reduction over the budget of 2 years ago. It is $389,484,000 below the amount approved by the House and $2,328,389,000 below the 1971 budget estimates. That is a sizable reduction. Further, Mr. President, it is $6,249,955,144 below the 1970 appropriation.

In the past 2 years there has been a reduction of approximately $12 billion in the amount requested by the Bureau of the Budget. During this period we have experienced severe inflation, so the purchasing power of the budget we are providing today would be approximately $17 billion below the purchasing power of the money appropriated 2 years ago.

I realize there are some who very sincerely believe this is still too big a budget and that it should be cut further. It certainly can be argued that there is some waste in a Federal budget this size, whether it be for the Department of Defense or any other agency of the Government. The same arguments would be appropriate even if it involves a budget of $5 or $10 billion.

Great progress has been made in the last few years, however, toward eliminating wasteful and unnecessary expenditures. I will have more to say on this later.

Mr. President, few realize that nearly $40 billion of the $66.4 billion contained in this bill goes to pay for costs of personnel of the Department of Defense, both military and civilian. Great strides have been made toward reducing the number of personnel in the Defense Department in the past 2 years. If we are to further reduce the defense budget, it is absolutely necessary that further deep cuts be made in personnel in the Department of Defense if we are to provide anywhere near the amount of money necessary for the modernization of our Armed Forces. Military and civilian personnel have been reduced from 4,735,000 on July 1, 1969, to an estimated low of 4,053,000 on July 1, 1971, or a reduction of 682,000. The Secretary of Defense has announced that still more cuts are scheduled.

In the last 2 years, 32 major military bases around the world and in the United States have been closed and still other bases are expected to be closed. Seventy-one military bases have been closed during the same period. Two hundred sixty-six ships have been retired from the Navy. These are important steps, too, toward reducing the appropriations for the Department of Defense and making possible more and much needed additional funds for the modernization of our Armed Forces.

Mr. President, as I mentioned previously, great progress has been made toward eliminating wasteful and unnecessary expenditures. Some old contract procedures which resulted in huge overruns in cost have been eliminated. A new so-called fly before you buy procedure of the Defense Department with respect to planes and even missiles has resulted in great savings to the Government and in better military equipment.

I share the views of a great many people that this budget is not adequate to carry on the war in Vietnam and all of our other worldwide commitments and still maintain a strong national defense. Under all the circumstances, however, I believe it is a reasonable budget and one with which the Department of Defense can live.

Ever since the advent of World War I, in which we became involved at a time when we had an obsolete and inadequate national defense, I have been deeply concerned about the need for the United States to have the most modern and best military equipment of any other nation in the world.

With the new foreign policy announced by President Nixon, we are reducing our worldwide commitments. This new policy is long overdue. This will mean far less manpower in the Department of Defense, which, in turn, would result in further savings. This will go a long way toward making possible a program of increased modernization in our armed services.

With the many costly domestic and foreign programs along with the war in Vietnam, our overall budget has become so huge that we have been cutting back too severely on the modernization of our armed services—and this at a time when Russia has been increasing their budget year after year to provide the most modern of all kinds of military hardware, such as missiles, planes and tanks.

Unless this trend is reversed, we will soon be a second rate military power to Russia. We are already second rate in certain areas of military hardware.

Mr. President, whether it is popular or unpopular to maintain an adequate national security, I shall continue to do whatever I can toward providing the necessary funds to make sure that we are not a second rate power and thus subjected to all of the blackmail that is sure to result.

While the Navy has retired 266 ships in the past 2 years, Russia has been making great strides forward in building a bigger and more modern Navy. If we want to even keep abreast of Russia, we must provide more new and modern ships, such as nuclear submarines. In order to effect a savings and make some reduction in this Defense budget, a start on a nuclear submarine was deleted from the House-passed bill. This is a cut that is going to hurt and the kind that we cannot continue indefinitely in the future.

Russia is building new nuclear submarines at a rate approximately eight times that of the United States, and in the matter of a short while could well surpass us in this very important area of national defense.

Because of some serious problems we have experienced in the acquisition of new and more modern fighter planes, we are slipping behind Russia in this important phase of military defense. Their newest fighter planes are equal or superior to anything we have in our inventory today.

We have two new fighter planes which we believe will be superior to anything Russia has—the F–14 and the F–15. The F–14 will not be operational, however, until the spring of 1973; and the F–15 will be operational in mid-1975. Even this schedule would be delayed if we fail to provide the necessary funds for the research and development of these new and absolutely necessary planes. Fortunately, there are funds in this bill to continue with the research and development of these planes.

The Soviet Government has been working feverishly to surpass us in both the number and effectiveness of intercontinental missiles. Their SS–9 carries a far bigger megatonnage than any of our intercontinental missiles. We believe, however, that our Minuteman, which we think has a more modern and sophisticated warhead, is still superior for the time being. The Russians have announced just recently their first long-range test firing of an improved SS–13 intercontinental missile into the Pacific. While the Russians are about equal to us in the number of intercontinental missiles, we still believe that we have a narrow margin of superiority in this area. This superiority could easily be overcome if we failed to continue the modernization of our missiles.

With the winding down of the war in Vietnam, hopefully our military budget can be lower in future years and still provide the money so badly needed for the modernization of our Armed Forces.

Cutbacks in defense spending do have some adverse effects on our national economy. The 683,000 civilian and military personnel that have been retired from the military services have added substantially to our unemployment problem. Cutbacks in defense-related industries have meant a further reduction in the same period of approximately 1,200,000 defense-related jobs.

Mr. President, in this connection, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a column by James McCartney entitled "Defense Trims Wipe Out Jobs Across Nation" which was published in the Miami Herald on Sunday, November 29. This article gives a vivid and, I believe, quite accurate analysis of the new unemployment problem we face.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. YOUNG of North Dakota. Mr. President, I do not mean to imply that we must maintain a huge defense establishment just to provide jobs. But I do want to point out that the cutback in defense spending has and will continue to affect employment in industry in this country. I am hopeful that increased public works and other means will be found to offset this drop in employment opportunities.

Mr. President, I am hopeful that the Senate will approve this defense budget bill the same, or substantially the same, as it came from the Senate Appropriations Committee where it received long and most diligent consideration.

EXHIBIT 1

DEFENSE TRIMS WIPE OUT JOBS ACROSS NATION

(By James McCartney)

WASHINGTON.—President Nixon's slashing attack on the nation's semi-sacred defense budget is cutting deep into the economy.

Literally hundreds of thousands of men have been thrown out of work as a direct result.

Hundreds of communities across the land—from tiny places like Valley Forge, Pa., to cities such as Seattle—have been hit hard.

Southern California's aero-space industry is reeling from the shock.

Even though the defense budget is about to rise once again, the effects of cuts over the last two years continue to hit home.

Nixon's program which has been masterminded by Defense Secretary Melvin R. Laird, is sweeping in scope.

Yet, because it evolved bit by bit over a two-year period, its full dimensions have not been widely understood.

Here is the way it adds up now:

More than 1.2 million defense contract workers have been dropped. Many were scientists and engineers.

Military manpower has been cut by 639,000.

Civilian employes of the military are down about 142,000.

This, however, is only one way to look at the cutbacks.

The number of ships in the Navy, for example, has been cut by 150—from a high in the early days of the Nixon Administration of 858.

The number of divisions in the Army has been cut. It was up to 19 and two-thirds divisions. The new figure is 13 and one-third divisions.

That is the lowest strength for Army divisions in a decade.

The number of planes in the Air Force is down by about 10 per cent. That's a slash of about 5,000 aircraft.

All this has touched raw nerves across the land.

Top administration officials candidly acknowledge that the defense cuts are the greatest single contributing factor to the current unemployment problem.

"MOST SIGNIFICANT CONTRIBUTOR"

That problem is now considerable.

As of the end of September, there were about 4.7 million unemployed.

This represents an increase of 1.9 million during the Nixon Administration.

As computed by Defense Department Comptroller Robert C. Moot, defense cuts have fed about 1.2 million men into the labor force during this period.

"We have let that many men go, you could say," says Moot. "You can't say that every man we've released has become unemployed. It's not that simple. It's not a one-for-one thing.

"But we are the most significant contributor to the unemployment problem."

By far the hardest-hit region has been the West Coast—all the way from the southern California aerospace complex to the state of Washington.

This area has absorbed about 32 per cent of the impact.

The north central region of the country—Ohio, Illinois, Iowa, Missouri and Kansas—ranks second, with 17 per cent.

Percentages in other regions are: south central (including Louisiana and Texas) 16.7; New England (including Massachusetts and Connecticut) 12; South Atlantic (including Georgia and Florida) 9; middle Atlantic (including Pennsylvania) 9; mountain, 4.

In some industries the impact has simply knocked business for a loop.

Defense cutbacks, for example, have slashed demand for aircraft and aircraft parts by 44 per cent.

The slash in demand for electronic equipment amounts to 23 per cent.

In some towns and cities across the land this has meant something like localized depression.

SEATTLE HIT HARDEST OF ALL

Probably the worst-hit city in the country is Seattle, which depends on Boeing Aircraft for its economic survival.

Seattle is a wasteland.

But many a smaller place has suffered quietly.

Valley Forge, Pa., a suburb of Philadelphia, was one of the first to be hit in the early days of the Nixon Administration. The administration canceled the "Manned Orbital Laboratory" program.

A major contractor was General Electric, with a plant in the Valley Forge area.

Raymond Bell Posey, executive vice president of the Valley Forge Chamber of Commerce, estimates that retail sales in the area have dropped about five or six per cent since the contract was canceled.

He says about 4,500 men lost jobs, many of them white-collar professionals. "But this is such a diversified area," he says, "that the impact has not been severe."

He points out that many of the employes of the General Electric plant commuted from Philadelphia, or Pottstown, or even from New Jersey—often traveling as far as 20 miles to get to work.

Thus, the Philadelphia area has absorbed the loss, and many who lost work have found other jobs, he believes.

This kind of pattern is repeated elsewhere. The one-industry town is no longer common in the United States, and most cities can absorb defense contract losses without disaster.

In terms of dollars, the Nixon Administration actually sought to slash the defense budget by about $6 billion—but has not succeeded in getting all requested cuts through Congress.

Administration officials, particularly Laird, have been plain-spoken in saying that they did not think the economy ought to depend on artificial stimulus from defense spending.

The President has made his attitudes clear on this subject privately. In other words, the administration does not wish to support a kind of "military-industrial complex" to keep employment high, according to officials.

This could be a courageous political point of view on the part of the administration for which it has gotten little public credit.

The defense cutback program, however, has clearly ended.

Last year's final administration proposal was for $71.8 billion. A rise of at least several billion is now in prospect—probably to about $74 or $75 billion.

It could go much higher if strategic arms limitation talks with the Soviet Union fail.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAJOR MILITARY SPENDING CUT BY SENATE COMMITTEE

Mr. PROXMIRE. Mr. President, I rise today to congratulate the chairman and members of the Senate Appropriations Committee, and especially its Subcommittee on Defense Appropriations for the major cuts they have made again this year in the military spending bill. Once again, they and their House counterparts, have achieved a signal success.

The Senator from Louisiana (Mr. ELLENDER) and the Senator from North Dakota (Mr. YOUNG) did an excellent job on this measure. It is a very difficult one to deal with because it is so complicated, and because it involves the security of our country in which we are all deeply interested. They handled it with excellent judgment and achieved a great deal.

The President asked for $68.7 billion. The Senate committee proposes $66.4 billion. That is a whopping cut of $2.3 billion below the President's requests.

They did this in the face of one of the heaviest propaganda barrages by the Department of Defense and its allies to restore the cuts that we have seen.

The Secretary of Defense insisted that the $68.7 billion was a "rock bottom" budget. When the House cut $1.9 billion from his requests, he came back to the Senate to plead for restoration of $1.3 billion. Furthermore, included in the $1.3 billion was $355 million for items which were not even in the President's budget.

I am happy to observe that not only did the Senate committee turn down the Secretary's request, but they went even further than the House. They not only refused to restore the $1.3 billion, they not only kept intact the House cut of $1.9 billion, but the Senate committee cut an additional $389 million below the House cuts.

That is some cut. Because of it, I intend to support the committee's actions.

SENATE EFFORTS VINDICATED

One further point should be made about the committee's action. In the passage in the Senate of the military authorization bill, the Senate accomplished a number of important goals. It cut over 7 percent from the budget request. In addition, it cut a number of weapons systems which the House had proposed but which either had not been requested or for which no "fly before you buy" or "build a prototype first" policy was in effect. The committee cut back on these items, and cut back very firmly.

In the conference, however, the House was adamant about a number of them. The Senate had to give in on some system which should not be built.

But I am very pleased to note that both the House and Senate Appropriations Committees have refused to fund these items in most cases. The work of the Senator from Mississippi (Mr. STENNIS) and his colleagues which appeared to be lost during the conference on the military authorization bill, has now been won. It has been won in the same sense that much of the effort the critics of military spending made and lost on the Senate floor has now also been won in the Appropriations Committee due to the $2.5 billion cut in funds.

PRIORITIES FIGHT BEGINNING TO PAY OFF

The Appropriations Committee staff now tell me that the $2.4 billion cut in the Defense bill will more than offset any increases which the Congress has made for health, education, housing, and the environment. They tell me that their best estimates are that when action on the budget requests are completed we will have cut the President's overall budget requests by more than $1 billion. That is for the entire sweep of Federal spending and will be $1 billion below President Nixon's request. We have therefore cut back on some wasteful spending. We have increased funds for needed programs. And, in addition, we have given the taxpayer a $1 billion plus overall cut. The long fight over priorities and spending is beginning to pay off. But it is only a beginning.

FIGHT NOW UP TO THE PRESIDENT

Congress has done its job. But the President and the administration have not cut military spending in any comparable degree to the cuts in appropriations by the Congress. Let me be specific.

In fiscal year 1969, Congress cut the President's requests for the Department of Defense and military construction by $5.5 billion.

In fiscal year 1970, or last year, Congress cut the President's requests for the Department of Defense and military construction by $6 billion.

This year, fiscal 1971, Congress will cut the President's requests by somewhere between $1.9 and $2.4 billion. We can be reasonably certain that the figure will be $2 billion or more. Those are total cuts from the President's budget requests for those 3 fiscal years of $13.5 billion.

PRESIDENT'S SPENDING TOO HIGH

But what about defense spending or the "outlays." These are the funds the President controls.

In fiscal year 1969, actual defense spending was $81.2 billion. In fiscal 1970, the first budget over which Mr. Nixon had real control, the military outlays dropped to $79.4 billion, or by only $1.8 billion. This year thus far, outlays are at an annual rate of $77.6 billion. This figure is for the first 3 months. The pace may quicken later. But thus far we have seen a cut in outlays or actual military spending of only $4.6 billion—which of course Congress provided for in the appropriations.

Congress had done its job. It has cut appropriations by over $13.5 billion, and by over $11 billion before this year. But the President and his administration have cut only $4.6 billion from actual spending.

It is time for the President and the Office of Management and Budget to do their job.

A $30 BILLION BACKLOG

One of the reasons for this difference is the huge backlog of obligated balances which the Department of Defense has squirrelled away. According to Special Analysis G in this year's budget statement the Department of Defense had on hand on June 30, 1970, obligated ballances of $30.4 billion. They expect to have $30.9 billion on hand on June 30, 1971. The procurement backlog alone is over $19.5 billion. These are funds which have been obligated but not yet actually spent. It is from these huge balances that the President and the Pentagon keep spending even while Congress cuts their budget. Congress has done its job. It is time for the President, the Office of Management and Budget, and the Pentagon to do their job. Unless they act, the military budget will continue to be out of control.

I welcome the attempt of both the House and Senate Appropriations Committees to come to grips with this problem. Unless this problem can be cured, we will have lost permanent control over military spending. I welcome the committee's language—in section 842—ordering the withdrawal of overage balances from the Pentagon and for the Comptroller General to determine the amounts to be withdrawn. That will help.

DANGER OF INCREASED BUDGET

But the danger is that the Pentagon will step up spending. We have already been told by Secretary Laird that he expects to ask for $1 billion more for military spending next year than this year. That is bad news for the country and bad news for the taxpayers, especially when we are engaged in winding down the Vietnam war, which should enable us to save $8 billion to $10 billion.

Instead, there should be a decisive cut in military expenditures by the President. And there should not only be a cut in his budget requests but in the actual spending or "outlays" over which he and the executive branch have control.

This is necessary both to carry out the mandate of Congress and to keep his overall budget within reasonable grounds.

We are told that the President is aiming for expenditures consistent with a full employment budget. This means that spending next year would be about $228 billion. There is no way this goal can be met short of a decisive cut in military spending without, of course, a deep and punishing reduction in spending in the human program areas. With the increases in the noncontrollable items brought about by the increases in the interest on the national debt, social security, welfare, medicare, and veterans costs, to name only a few, the overall budget can only be kept under control if there is a substantial decrease in Pentagon outlays.

Congress has given the President the blueprint. We have cut $13.5 billion from military appropriations. It is now up to the President and the Pentagon to carry out the plan. That can be done by slashing Pentagon outlays over which the President has control. They must cut more than the $4.6 billion reduction to date.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, as a member of the Senate Appropriations Committee, I highly compliment our distinguished colleagues, the Senator from Louisiana (Mr. ELLENDER), and the Senator from North Dakota (Mr. YOUNG), upon the excellent job which they and their fellow members of the subcommittee have done on the defense appropriations bill.

I am also pleased that the pertinent appropriations recommended, although independently arrived at, are substantially in agreement with the Military Procurement Authorization Act. There are, of course, some significant differences with respect to particular items.

Mr. President, we do not have a clear-cut historical legislative system for comparing procurement items all the way through in this legislative process. I think it will be helpful to bring forward at this time the figures as agreed to by the authorizing committee and as agreed to by the Appropriations Committee. Without this comparison being brought together in one treatment, anyone that is really trying to make a study of the military budget for this year and what was done about it by Congress, by both Houses, would find the record to be incomplete. So, I make these comparisons here primarily for the purpose of bringing out the complete legislative history. The Defense appropriations bill, as reported by the Senate Appropriations Committee, totaled $66.4 billion, which is $400 million, or less than 1 percent below the $66.8 billion passed by the House.

In terms of the procurement authorization legislation, the appropriations recommended by the committee provided $18.535 billion, or $374.2 million, which is 2 percent less than the Senate authorization bill, which amounted to $18.9 billion, or $222.2 million, which is 1.8 percent below the amount provided in the House appropriations bill.

The following table compares the procurement Authorization Legislation with the House and Senate appropriation actions:

	(Dollars in billions)
Authorization request	19,937
Authorization act	19,595
Authorization, (Senate version)	18,909
Appropriation, (House version)	18,757
Appropriation, (reported to the Senate)	18,535
Program, (reported to the Senate)	18,735

Mr. President, with reference to procurement, the Senate authorized $11.9 billion for the procurement of military hardware for fiscal year 1971. This is relevant here because it was the military procurement bill that we had under debate for so long. This compared with the defense request of $12.9 billion. The Appropriations Committee now recommends funding in the amount of $11.6 billion, or $317 million less than the Senate authorization.

I would like to emphasize that there are only a few major differences between the Senate authorization and the program now under consideration.

I think the striking similarity in these matters represents the understanding and the consideration of the Members of the Senate who have worked on these programs for years and are getting familiar with them one way or the other, either on the Armed Services Committee or on the Appropriations Committee. We have a good number of Senators in common to those two committees.

For purposes of the history of procurement items for fiscal year 1971, I note the following:

ARMY PROGRAMS

1. IMPROVED HAWK GROUND-TO-AIR MISSILE

This missile was authorized by the Senate at $53.3 million, a reduction of $37 million in the request. As a result of conference action the final authorization was $81.4 million. The Senate Appropriations Committee recommends full funding of $81.4 million authorized, or $23.3 million above the Senate authorization.

2. ARMY TANK PROGRAM

As with the Improved Hawk, the Army tank program was reduced by the Armed Services Committee; however, the reduction was restored by conference action. The recommended funding is the same as the amounts finally authorized.

NAVY PROGRAMS

The only significant difference concerns the Sparrow-F air-to-air missile. The Armed Services Committee reduced the number of missiles because of concurrency. This bill recommends no procurement this year to permit another year of development before starting production.

I have previously pointed out the transitional nature of the fiscal year 1971 budget. As ultimate force size and composition change, so do the requirements change. Battle losses, changes in usage factors—all have an effect on requirements for military equipment and material. Some 4½ months have passed since the Armed Services Committee completed their review of the fiscal year 1971 program.

Mr. President, one of the most difficult matters to deal with in the Committee on Armed Services, the Committee on Appropriations, and on the floor of the Senate, is the authorization and appropriation for research, development, testing, and engineering.

The Committee on Appropriations recommends $6,960,100,000, which is 1 percent below the $7,016,500,000 that was originally authorized by the Senate. It is $5.4 million more than the sum in the appropriation bill as passed by the House. It is $141 million below the final authorization.

A comparison of the Senate Appropriations Committee report with the original budget request, the Senate authorization, and the House appropriations bill follows—in millions:

			Appropriation			
					Change from	
	Request	Senate authorized	House	Senate	Senate authority	House appropriation
Army	1,735.9	1,609.2	1,608.5	1,589.7	−19.5	−18.8
Navy	2,212.3	2,194.3	2,156.2	2,139.5	−63.8	−25.7
Air Force	2,927.7	2,718.0	2,701.1	2,744.8	+26.8	+43.7
Defense agencies	475.7	445.0	438.9	445.1	+.1	+6.2
Emergency fund	50.0	50.0	50.0	50.0		
Total	7,401.6	7,016.5	6,954.7	6,960.1	−56.4	+5.4

Compared with the Senate authorization, the major changes made by the Senate Appropriations Committee are as follows:

ITEMS ABOVE SENATE AUTHORIZATION

Cheyenne—Senate authorization, 0; appropriation, $17.6 million.

The $17.6 million deleted in the Senate, but restored in the final authorization, is recommended for appropriation by the Senate committee. However, that does not constitute a commitment to production.

SAM–D—(Senate authorization, $74.3 million; appropriation, $83.1 million.)

The difference of $8.8 million was restored in the final authorization and is provided both in the House and Senate actions on the appropriation to support continued development. The Army has appointed a board to reassess the threat, review system tradeoffs, and make recommendations during the consideration of the fiscal 1972 authorization.

Destroyer helicopter—LAMPS—Senate authorization, $5.5 million; appropriation, $10.5 million.

The Senate authorization of $5.5 million was reduced to $3.5 in the House appropriations bill but restored to the final authorization of $10.5 million in the Senate committee appropriation report. The increase will permit initiation of contract definition, test bad aircraft and sensor work, and studies of ship-related requirements.

Air launch/surface launched antiship missile—Harpoon—Senate authorization, $7 million; appropriation, $18.5 million.

The $7 million in the Senate authorization was increased in the House appropriations bill to $21.0 million which is the same amount in the final authorization. The Senate Appropriations Committee deducted $2.5 million from this as being excess funding.

Point defense system—Senate authorization, $11 million; appropriation, $14.8 million.

The Senate Appropriations Committee agreed with the House and recommends the $14.8 million, the same amount as finally authorized, but $3.8 million higher than the Senate authorization.

B–1—Senate authorization $50 million—appropriation $75 million.

Both the House bill and the Senate Appropriations Committee provided $75 million, the amount contained in the final authorization. The progress of this development program will be watched closely and the requirements presented in the fiscal 1972 budget will be reviewed in detail.

Minuteman rebasing—Senate authorization $50 million—appropriation $61 million.

The Senate Appropriations Committee recommendation of $61 million is $11 million higher than the Senate authorization, but $34 million above the House appropriations bill. None of these funds will be used for mobile minuteman or hard point defense.

Subsonic cruise armed decoy (SCAD)—Senate authorization, 0—appropriation $10 million.

The Senate committee restored $10 million as provided in the final authorization act, but which the House had not provided in the appropriation. While the Senate Armed Services Committee supported this program, funds requested for fiscal year 1971 were deleted because of delay in approval by the Secretary of Defense and the availability of prior year SCAD funding.

Items below Senate authorization:

S–3A—Senate authorization $287 million, appropriation $266 million.

The Senate committee recommends $266 million which is the same as the final authorization and the House appropriations bill. Since the research and development program is incrementally financed, the difference of $21 million from the Senate authorization is not required.

Ship contract definition—Senate authorization $10 million—appropriation $1 million.

The $1 million appropriation recommended compares with the $2 million in the House bill but is $9 million below the authorization approved by both Houses. This is attributed to a delay in the DXG program which permits a reduction in funds required in fiscal 1971.

Titan III—Senate authorization $35.4 million—appropriation $28.5 million.

The House appropriations bill provided $35.4 million which is the amount requested and authorized by both Houses. The Senate Appropriations Committee reduced this by $6.9 million based on a review of lower priority requirements.

Mr. President, that completes the figure history of this matter. Again I highly compliment the two ranking members of our subcommittee that handled this bill. It is amazing to me the fine knowledge they have of all these intricate and complicated matters, with the switching back and forth of progress in the programs and the changing of figures from year to year. They certainly render great service to the Senate. I am pleased to see that their work is being accepted so well by the Senate.

I hope this bill will be agreed to by the Senate with a tremendous vote, without any alteration of any substance.

I refer again to the figures which I have given as partly in response to a promise I made in debate on the procurement bill when the question was raised about line items for this huge bill. I said then we would do everything we could to complete the record all the way through and next year we propose to do the same thing for the information of all Senators and interested parties. It is virtually impossible, however, in these huge bills to have what we ordinarily call line items to carry all the way through.

I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committee.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968); asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HALEY, Mr. EDMONDSON, and Mr. SAYLOR were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PASSMAN, Mr. ROONEY of New York, Mrs. HANSEN of Washington, Mr. COHELAN, Mr. LONG of Maryland, Mr. McFALL, Mr. MAHON, Mr. SHRIVER, Mr. CONTE, Mrs. REID of Illinois, Mr. RIEGLE, and Mr. BOW were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 3 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FALLON, Mr. KLUCZYNSKI, Mr. WRIGHT, Mr. EDMONDSON, Mr. CRAMER, Mr. HARSHA, and Mr. CLEVELAND were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 17436) to amend the National Environmental Policy Act of 1969, to provide for a national environmental data system, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore (Mr. ALLEN):

S. 336. An act to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security loans, not exceeding $500,000 in aggregate amount, from the provisions of such act;

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for, certain other lands; and

S.J. Res. 230. Joint resolution extending the duration of copyright protection in certain cases.

HOUSE BILL REFERRED

The bill (H.R. 17436) to amend the National Environmental Policy Act of 1969, to provide for a national environmental data system, was read twice by its title and referred to the Committee on Commerce.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment and ask to have it stated.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

> On page 49, between lines 5 and 6, insert a new section as follows:
>
> "SEC. 847. None of the funds appropriated by this Act in excess of $20,000,000 may be expended for the purpose of public information, public affairs, and public relation activities, including personnel costs connected with such activities."

Mr. FULBRIGHT. Mr. President, on November 6 President Nixon sent a memorandum to the heads of all departments and agencies of Government concerning Government public relations activities. I wish to read that memorandum for the benefit of the Senate. It is not very long and it is an execellent statement. I read:

> THE WHITE HOUSE,
> *Washington, November 6, 1970.*
>
> Memorandum to the heads of executive departments and agencies.
>
> Subject: Public relations activities.
>
> During the past 18 months, I have seen a number of agency publications, exhibits, films and related public relations efforts which in my judgment represent a questionable use of the taxpayers' money for the purpose of promoting and soliciting support for various agency activities. While I believe in and fully support an open Administration that legitimately informs the public, I want to put an end to inappropriate promotional activities by executive branch agencies.
>
> Therefore, I direct you to curtail sharply your agency's FY 1971 plans for promoting the agency's programs and attempting to obtain support of special interest groups.
>
> To bring about a curtailment of self-serving and wasteful public relations activities, I have instructed the Director of the Office of Management and Budget to reduce the funds available to your agency in FY 1971 for broadcasting, advertising, exhibits, films, publications, and similar public relations efforts. The Director will inform you of the specific dollar reduction I have ordered for your agency. I have directed that amounts which would have been used for this purpose be reduced and placed in reserve.
>
> I want to make it clear that this is not an attempt to single out those who serve the Government well by informing the public and preserving the principle of freedom of information. Rather, it is directed at those who are, quite understandably, program advocates, and who, perhaps unknowingly, affront many of our citizens with public relations promotions, fancy publications and exhibits aimed at a limited audience, and similar extravagances that are not in keeping with this Administration's often stated policy of frugal management of the public's resources.
>
> Please take personal action to ensure that your subordinates carry out the intent of this directive and that they do not attempt to circumvent it through changes in position titles or a reallocation of resources intended for other purposes.
>
> RICHARD NIXON.

I cannot think of a more appropriate or better statement concerning the purpose of my amendment. It is designed to implement the memorandum of the President of the United States, and, I may say, the Commander in Chief of the Armed Forces—the directive to cut down on promotional public relations activities. I could not have stated it nearly as well if I tried.

All of us receive these extravagant publications, paid for by the public relations office of the Department of Defense. By coincidence, on yesterday I happened to receive a most elaborate publication. It was a book at least 18 inches in one direction and about 14 inches in the other. It was sent to me by the Vice President of South Vietnam. It had elaborately illustrated pictures, and I would estimate it would cost somewhere around $20 or $25 on the open market. It was promoting, of course, the activities of our armed services and the Vietnamese armed services in Vietnam. I have no doubt, of course, that the ultimate payment for it would come out of our aid to Vietnam. It would not be allocated directly to the funds involved here. All of us get these enormous volumes of promotional literature, and we see television programs, and so on.

The President, as I said, has gone to the heart of the matter, directing the agencies to confine their activities to distributing legitimate information.

The President is to be commended for this step to limit the use of tax moneys to lobby taxpayers. By imposing a $20,000,000 ceiling on the public relations and public information activities of the Pentagon, my amendment will give the Senate an opportunity to support and endorse the President's efforts. The Senate Appropriations Committee has recommended as I understand, a nonstatutory spending limit of $28,000,000, on an annual basis. But it actually allowed a total of $30,400,000 for fiscal year 1971 on the grounds we are already well into the fiscal year and spending has been going on at a higher rate. This is not good enough, I think, particularly in view of the fact that we face, perhaps, a $15 billion deficit, and a mounting backlog of social needs. The Senate should do more than give the Pentagon's propaganda program a gentle tap on the wrist. It should impose a strict, statutory limit on spending for these purposes.

Eleven years ago, for fiscal year 1959, the Congress for the last time placed a limitation on the amount which the Department of Defense could spend on public relations and public information. The limit was set at $2,755,000—a substantial sum to promote what was then a $43 billion defense establisment. The Office of the Secretary of Defense alone—just that office—now spends more than that on public relations. From fiscal 1959 to fiscal 1970, the overall defense budget almost doubled. But during that same period, the Defense Department admitted spending for public relations activities, lacking any effective legislative restraint, soared to $40 million—a fifteenfold increase since 1959.

In other words, the overall expenditures for defense about doubled during that period, and its promotion and public relations costs had a fifteenfold increase.

I might point out, however, that I was advised by Defense officials last year that public relations and related spending for the entire Defense Department came to only $27,953,000 in fiscal 1969. But now, in anticipation of the imposition of a legislative ceiling, they admit that the public relations bill for 1969 was actually $44,062,000.

This is one of the recurring phenomena with the Defense Department, and other departments as well. When the matter first came up, they said $27 million. Now they have put it at $44 million, and so this permits the Department to come before the committee and say, "Look, we are taking a big cut, cutting it from $44 million to $30 million," when actually, if we accept their first figure of $27 million, we would be giving them a substantial increase, at $30 million, over their actual estimate.

The House Appropriations Committee was deceived on a more grand scale. The committee's report on the pending bill states:

> In 1968, the Committee was advised that $9,108,000 was included in the fiscal year 1969 Defense budget for Public Affairs, Public Information, and Public Relations activities. This year, the Committee was advised that the Department's best estimate of actual obligations for fiscal year 1969 was $44,062,000, an increase of $34,954,000 over the estimate.

The C-5A syndrome seems to have infected the public relations apparatus. But that is not all. The report of the House committee goes on to say:

> For fiscal year 1970, the budget estimate included $34,164,000 for these activities. Based on this estimate, the Committee applied a reduction of $4,955,000. The Committee was informed this year, however, that the Department estimated it would obligate $40,447,000 for this activity during fiscal year 1970, or $11,238,000 more than the amount allowed by the Committee.

The committee was not only deceived; the Defense Department thumbed its nose at the committee's attempt to make a modest cut in the program.

Yet the House committee, in spite of saying it was "determined to establish a fixed limitation" on these activities, was apparently so inured to deception on such a scale from the Pentagon that it cut the fiscal year 1971 budget request by only $7 million. This still left public relations spending at 11 times the 1959 limit.

In response to my inquiries last year, I was also told by the Department of Defense and the various services that the total number of personnel, military and civilian, who worked in public affairs programs came to some 2,800. I now find, again, that the figures provided grossly understated the actual situation. Now that the Department is concerned that Congress may reimpose a spending ceiling on this activity, they have recomputed the personnel involved and for fiscal 1970 the total comes to 4,430—nearly a 60-percent increase over the figure supplied to me. I ask unanimous consent that a table containing budget and personnel data, taken from the Senate Appropriations Committee hearings, and a table showing the effect of my amendment be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

SUMMARY OF PUBLIC AFFAIRS COSTS

[In thousands of dollars]

	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971
Army	13,929	12,253	12,253
Military personnel, Army	7,683	7,100	7,100
Operation and maintenance, Army	5,323	4,300	4,300
Operation and maintenance, Army National Guard	300	300	300
Procurement of equipment and missiles	16	10	10
Other	607	543	543
Navy/Marine Corps	14,340	14,001	12,186
Military personnel, Navy	6,982	6,488	5,692
Operation and maintenance, Navy	3,641	3,543	2,869
Military personnel, Marine Corps	3,543	3,786	3,441
Operation and maintenance, Marine Corps	174	184	184
Air Force	12,390	10,080	9,650
Military personnel, Air Force	8,559	6,734	6,537
Operation and maintenance, Air Force	3,831	3,346	3,113
Office, Secretary of Defense	3,403	3,354	3,527
Military personnel (various)	1,806	1,706	1,706
Operation and maintenance, Defense agencies	1,597	1,648	1,821
Total	44,062	39,688	37,616

Note: The above figures differ from those previously furnished to the HAC staff on public affairs in connection with the fiscal year 1970 budget review (1) because of the method by which derived, (2) because of reductions based on specific congressional action and fiscal constraints, (3) because of fiscal year 1970 pay raises, and (4) because of expanded coverage. For instance:

1. Based on 1-time reports costs at lower levels of command have been ideal and which are not available through routine accounting reports.
2. For comparability among services certain costs have been added (such as the Air Force's Home Town News Center and orientation group) or deleted (such as security review functions except in the OASD(PA), which are included).
3. Certain OSD costs incurred in central services category assigned to public affairs.
4. All identifiable costs of the A.F.I. & E. program and similar terminal information programs have been excluded.

The above figures also represent a substantially broader definition than applied from 1952 through 1959 under Public Law 179 82d Cong., particularly with respect to community relations programs and answering public inquiries.

PUBLIC AFFAIRS PERSONNEL BY DEPARTMENT[1]

	1969	1970	1971
Army:			
Military	1,138	1,058	1,058
Civilian	438	387	387
Navy/Marine Corps:			
Military	1,464	1,400	1,257
Civilian	336	312	267
Air Force:			
Military	982	814	781
Civilian	323	272	272
OASD (PA):			
Military	123	101	101
Civilian	95	86	86

[1] All figures are year-end strength except Army, which are available in man-years only.

Source: Hearings of the Senate Appropriations Committee on the Defense Appropriation bill, p. 920.

COMPARATIVE DATA ON PUBLIC RELATIONS BUDGETS AND ALLOWANCES

	Budget	House allowance	Senate committee	Fulbright amendment (approximate)
Army	$12,312,000	$10,444,000	$10,300,000	$6,750,000
Navy and Marine Corps	12,186,000	10,485,000	10,400,000	6,820,000
Air Force	9,650,000	8,190,000	8,100,000	5,360,000
Office of the Secretary of Defense	3,527,000	1,471,000	1,200,000	800,000
Defense Agencies and JCS	623,000		400,000	270,000
Total	38,298,000	30,590,000	30,400,000	20,000,000

Mr. FULBRIGHT. In the last fiscal year the admitted spending on public relations and public information was $12,253,000 by the Army alone; $14,001,000 by the Navy; $10,080,000 by the Air Force; and $3,354,000 by the Office of the Secretary of Defense. But this is really only the beginning.

For example, the Army takes much pride in what it calls Operation Understanding, a 4-day tour of Army Air Defense Command activities for a "cross section of interests and occupations in the civilian communities" during which the guests are exposed to the virtues of the ABM and other weapons systems. Apparently, the women's liberation movement has had a significant impact on the Army: they have frequent ladies' days in Operation Understanding. Three of the most recent lists furnished me were comprised entirely of women. One list was made up entirely of members of Texas Federation of Women's Clubs, one of members of Altrusa Clubs, and another of Colorado ladies, with no apparent club affiliation, who ranged from wife of physician to wife of district manager of the local telephone company.

Although the Army runs 36 of these tours a year, bringing in local leaders from all over the country to visit installations in Texas, New Mexico, Colorado, and elsewhere, it says that the "program is operated on the basis of no additional expense to the Government." Apparently, not one cent of the Army's $13 million public affairs budget last year was charged off to Operation Understanding."

The admitted totals for military spending on public relations activities is but the very small tip of a very large iceberg. It does not include, for example, the costs of maintaining aircraft for flying local dignitaries to Florida, Las Vegas, or Colorado Springs for "orientation" purposes; the travel expenses of the thousands of officers and civilians who ply the banquet circuit selling their service's particular brand of national defense; and the thousand and-one activities at the local base level, labeled "community relations," which all add up to trying to win friends and influence people to support military spending programs.

One of the biggest hidden subsidies for public relations is from the millions of dollars spent in the name of internal information programs for members of the Armed Forces. In fiscal year 1970 the Army spent, by its own admission, $13,200,000 on internal information programs. But this money financed items such as the "Big Picture" television series on which $727,000 was spent for production of 25 new films that year, which were seen by millions of Americans on their local television stations. Other services have similar programs, all ostensibly for internal use. A total of $35,103,790 was spent on internal information programs in fiscal year 1970. And a significant part of this amount should, in fact, be charged to public relations.

I emphasize that these figures are not within the figure which is called public relations, yet they obviously are in fact public relations.

Each service has its own devices, but the objective is the same: public support which will be reflected in practical terms—congressional appropriations. A Navy journalist wrote me last summer as follows:

> I whole-heartedly support your fight against huge expenditures by the military in the area of public affairs. As a Navy journal-

ist, I am well aware of the fact that the public affairs programs of the military are more geared to convincing the public than to informing it.

If our job in public affairs is to create a good image of the armed forces, whether it is deserved or not, all public affairs programs should be abolished. I suggest instead that the task be placed in the hands of J. Walter Thompson Company or another agency more experienced and more capable in the field of public relations and advertising. I'm sure they could do a much better job of convincing the American public at less cost to the American public.

An information officer in the Air Force wrote in a similar vein. He said:

> My own experience after four years in the field leads me to agree with you that a great deal of money is wasted on public relations activities which serve no purpose other than to further inflate the egos of high-ranking military officers . . .
>
> I also wonder about the propriety of spending the public's money to improve that same public's image of the military; although from the military's point of view, I can see the necessity for such an expenditure in light of the growing anti-military sentiment among the American people.

One of the most blatant—and I think inexcusable—propaganda programs has been one where five military camera crews have been used to turn out so-called news films on Vietnam and Southeast Asia for use by the commercial television networks.

I might say that these films are offered to the commercial television networks free, gratis. Several months ago it was disclosed, by personnel involved in this program, that some Department of Defense TV films presented to American television audiences as authentic events were in fact faked or staged. The Defense Department has not only propagandized the American people to support the current Vietnam policy, but also it has palmed off fiction as fact. The commercial television networks are perfectly capable of presenting the facts about what is going on in Vietnam. The American people deserve better, both from their Government and the TV networks, than to have staged propaganda films, paid with their tax money, passed off as straight and genuine TV news.

It is one thing for the Defense Department to have employees available to provide—quickly and responsively—factual information both to the public and the press upon request. It is quite another when the Department and the individual military services use taxpayers' money to generate and promote public support for military weapons, military programs, or a President's foreign policy. The existence of this public relations apparatus, which vigorously promotes the special interests of the Military Establishment, and the current foreign policy of the executive branch, should concern all those interested in preserving our democratic system and the traditions of the free press.

Only Congress can bring the Defense Department's public relations program under control. As a first step, a fixed statutory limit on spending for public relations should be imposed. My amendment would do just that.

It might be argued that a reduction to $20,000,000 is too severe, that the program should be cut back more gradually. In the last 11 years, since a congressional ceiling was abandoned, the size of the Armed Forces has increased about 35 percent, the cost of living about 30 percent, military pay about 69 percent, and civilian salaries about 56 percent. The inflation in this program has been of bureaucratic—not economic—origin. The limitation I propose would still allow a 740 percent increase above the 1959 legislative ceiling, which it seems to me is a very generous increase indeed.

Although the restriction I propose would meet, temporarily, a number of the problems involved in the operation of public relations programs by each of the components of our Armed Services, it does not get at the more fundamental problems of coordination and control within the Defense Department. What is needed is centralized control within the Pentagon for all public relations and continued congressional review to assure that whoever is placed in control recognizes the limitation on his role. To guarantee that control, I hope that in the future Congress will consider appropriating all funds for public information to one specific office—say, the Assistant Secretary of Defense for Public Affairs. This would take away the power of the individual services to fund unlimited public relations programs through a variety of operating budgets.

In 1947 Congress, in passing the National Security Act, voted to end the rampant rivalry between the military services and to require each to subordinate its parochial interests to those of the Military Establishment as a whole. The purpose, the Senate committee report stated, was to provide "unity of military concept" and "unity of purpose and effort" for our military forces. But 23 years later the Army, Navy, and Air Force each spend millions of tax dollars annually in an effort to persuade the public that its own brand of weaponry is the finger in the dike holding back the enemy hordes.

The Department of Defense, the purpose of the National Security Act notwithstanding, does not speak to the public with one voice but with at least four; one seeking a larger share of the taxpayers' money collected by the Federal Government and the other three competing for a larger share of the Department of Defense allocation—all of them urgently demanding more money for war and related purposes.

In recent years, the public's confidence in their Government and its leaders has been badly strained, much of the distrust having been created by the misuse of the Government's propaganda resources. Congress has failed the people in failing to control the propaganda apparatus of the Military Establishment.

There is something basically unwise and undemocratic about a system which taxes the public to finance a propaganda campaign aimed at persuading the same taxpayers that they must spend more tax dollars to subvert their independent judgment. President Nixon recognized that fact in his recent memorandums, which I have read, calling for a cutback in public relations programs. But only Congress can give the public a fair chance by cutting limits on the barrage of propaganda employed to persuade the man in the street that more military spending is good for him.

I urge the Senate to reassert congression control over the public relations apparatus of the Department of Defense by adopting my amendment.

I ask unanimous consent to have printed in the RECORD certain information provided by the Department of Defense and the military services concerning various aspects of their public relations and information activities.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., April 16, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your letter of March 31, 1970 requesting information concerning the activities of this office, the data requested is provided in the enclosures attached. I want to thank you for your comments about the previous cooperation which has been provided to you. I also want to express my regret that there was some delay in my response because of a death in my family.

You will note that the paragraphs in the enclosures follow the sequence of the questions asked in your letter of July 21, 1969.

I trust that this information will be helpful to you.

Sincerely,

DANIEL Z. HENKIN.

RESPONSIBILITIES

Although there have been some significant changes in the organization of the Office of the Assistant Secretary of Defense (Public Affairs), primarily through elimination of some activities and consolidation of others, there has been no basic change in the responsibility to provide the American people with maximum information about the Department of Defense consistent with national security. Other aspects of the responsibilities of this office have remained the same as previously reported. These include:

(a) Responsibility involving the interrelationship of the Office of the Secretary of Defense (OSD), Military Departments, the Joint Staff, the Unified and Specified Commands, and the close coordination essential with the White House and the State Department in national security public affairs matters. This office continues to emphasize that our objective is to insure that public information efforts are responsive to requests for information to the maximum extent possible, without duplication.

(b) Responsibility to provide public affairs policy guidance to the Unified and Specified Commands, to conduct seat-of-government coordination, and to perform public affairs functions for the JCS.

Also, as previously reported, this office continues to review functions and organizational structure with the dual goals of improving operational efficiency and achieving economies. Last September, a reduction of about 7% in OASD(PA)'s authorized personnel strength was reported. There will be further reductions of more than 6% by June 30, 1970, a cut of more than 13% in less than a year. Among other actions, OASD(PA) field offices established previously in New York City, Los Angeles and Chicago have been closed; further reductions are anticipated.

COSTS

The approximate over-all cost that can be specifically identified with OASD(PA) activities for FY 1971, as provided by the Office of the Assistant Secretary of Defense (Administration), which is responsible for these budget matters, is as follows: You will note the increased costs resulting from pay and per diem increases.

	Fiscal year— 1970 (budget)	Fiscal year— 1971 (estimate)
(a) Civilian personnel	$1,426,000	[1] $1,436,000
(b) Military personnel	1,706,000	1,706,000
(c) Travel	100,000	[2] 142,000
(d) Central services costs	122,000	[3] 243,000
Total	3,354,000	3,527,000

[1] Despite the 13-percent reduction in personnel, the cost of personnel pay and related benefits will increase $10,000. Savings resulting from decreased employment will be offset by increases for within-grade salary increases and annualization of the congressionally-approved pay raise which became effective in July 1969.

[2] The $42,000 increase in travel is entirely attributable to the increased per diem rates approved by the Congress during fiscal year 1970.

[3] Controlled by ASD (administration), not included in OASD (PA) budget. Fiscal year 1971 estimate includes (a) DOD annual film report ($100,000) and (b) Armed Forces Day posters ($21,000), which were originally included for fiscal year 1970, but subsequently were deleted. This estimate is subject to downward revision, particularly since the ASD(PA) has asked for a review of sound-on-film news activity.

NUMBER OF PERSONNEL

	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971
(a) Civilian	95	86	86
(b) Military	119	101	101
Total	214	187	187

Detailed Functional Information

Enclosure 4 tabs include detailed information in response to your request for an updating of the data provided to you last year regarding the functions and activities of the various elements of this office.

Special Assistant for Southeast Asia

As a result of a study which has been under way for several months, the ASD(PA) intends to designate the incumbent Special Assistant for Southeast Asia to succeed the retiring Director for the Directorate for Defense Information. He plans, on an orderly basis, to disestablish the Southeast Asia Office and reassign its functions, probably by the end of the current fiscal year.

Media Accreditation and Tours Staff

As previously reported this staff has been disbanded as a separate entity. The following is the disposition of the functions previously conducted by this staff:

Function abolished: Conduct, in coordination with the White House, State Department and USIA, tours to the United States for members of foreign news media.

Functions and projects transferred to the Directorate of Community Relations:

Biennial Tour of the North Atlantic Alliance.

Parliamentarians, Visits and Briefings for Official Foreign Visitors to the Pentagon and Defense Installations.

The Military Art Program.

The Joint Civilian Orientation Conference.

Implementation of Policies Outlined in DoD Directive 5435.2 "Delegation of Authority to Approve Travel In and Use of Military Carriers for DA Purposes."

Functions transferred to the Directorate of Defense Information:

Assistance to individual representatives of news media, foreign and domestic, in accomplishing sponsored or unsponsored travel to U.S. military installations or facilities worldwide.

Approval of travel in military carriers of news media representatives.

SPECIAL PROJECT OFFICERS

Although some reductions in staff is anticipated before the end of this fiscal year, as of this date there has been no change in the functions, organization or personnel requirements for the Special Projects Office except that one of the three Special Assistants who compose the Special Projects Office has assumed the additional responsibility for the administration of OASD(PA).

DIRECTORATE FOR DEFENSE INFORMATION

As of April 1, 1970, there were 54 military and civilian professional and clerical personnel assigned to the Directorate for Defense Information, OASD(PA). Included in this figure are three civilian information officers and one civilian information assistant assigned to the Defense News Branch and seven military information officers and one civilian information assistants assigned to the Armed Forces News Branch.

As of April 1, 1970, the Press Division had issued 823 news releases pertaining to the Military Departments and the Office of the Secretary of Defense. Answers to formal and informal queries remained about the same as reported for FY 1969, about 10,000 formal queries on a 12-months basis, and approximately 25,000 information queries from news media representatives and from members of the Congress.

In addition to the above, the Press Division handles about 50 interviews per month (an annual rate of 600), distributes a considerable volume of testimony by Defense witnesses before the Congress after release by the cognizant committee.

The Directorate also coordinates on public affairs plans and releases involving major events and/or major exercises, such as NATO operations, movements of major units, etc.

MEDIA TRAVEL

During this fiscal year OASD(PA) has approved requests from the Military Services and the Unified and Specified Commands for travel on military carriers for 209 individual news media representatives. We support such travel, within reasonable limits, when it helps to enhance the flow of information to the American public. Travel is accomplished on a strict space-available basis, not to interfere with the mission of the carrier, and the travel itself must be an essential ingredient of the story. No actual funds were expended by this office.

MAGAZINE AND BOOK BRANCH

The functional responsibilities and activities of the Magazine and Book Branch remain as stated in our last report.

Attached is a list of the authors we assisted during the last year, indicating the author and name of the book.

Author and book

Robert Liston, The Draft.
LCDR John J. Boyd, Canal Zone.
Charles A. Weil, Curtains Over Vietnam.
Mrs. Graham Lester, Letters from Home.
Liz Carpenter, Ruffles and Flourishes.
William H. Boyer, ROTC.
Trevor Armbrister, Pueblo.
Norman Polmar, Jane's Fighting ships.
Rene J. Francillon, Pictorial Aircraft.
Burton Shapiro, Lands and Peoples.
Dr. Jeremy J. Stone, Cost of the Arms Race.
Researchers, Whitaker's Almanack (sic).
Researchers, Standard Reference Encyclopedia.
Researchers, Ohio Almanac.
Researchers, New York Times Almanac.
Orrin E. Dunlap, Jr., Communications in Space.
Hank Searls, CBW.
Howard S. Rowland, Federal Aid to Towns and Cities.
David Seligman, Pacificism.
James E. Mrazek, The Art of Winning Wars.
George B. Macgillivary, The Macgillivary Clan.
Irving S. Cohen, The American Negro.
Lucian J. Ciletti, 200th Anniversary of America.
Brice Nelson, DoD Research by Universities and Private Institutions.
Denise Dooling, Black Power.
Researchers, The Bulletin Almanac.
Researchers, Collins Encyclopedia.
Researchers, The National Cyclopedia of American Biography.
Elden Aldridge, Medal of Honor Winners.
Richard Austin Smith, Submarine Procurement and Operations.
Leonard Moseley, American Impact on London—WWII.
Researchers, Information Please Almanac.
Virginia Myers, Careers for Women in Uniform.
Edgar J. Schoen, Our Mythical Rule of Law.
Mr. Goldenberg, Vietnam.
Prof. William B. Kintner, Safeguard: Why The ABM Makes Sense.
Researchers, World Directory of Aviation and Astronautics.
Researchers, Standard Reference Library, Inc.
Neal Ashby, Human Errors.
William J. Breslow, Naval History.
Edward Wakin, Negro Participation in American History.
Seymour Hersh, Domestic Action Programs.
Joseph Roson, Civic Action Programs.
Russell Brines, Far East.
Dr. Charles Squire, Waves in Classical and Quantum Mechnical Systems.
Seymour Hersh, My Lai.
Al Hoehling, Pearl Harbor Story.
Gerald Ellis, Weapons Used in Southeast Asia.
George Laros, Presidential Aircraft.
Marty Gerson, My Lai.
Edwin Corley, Presidential Aircraft.
Edward Jablonski, Air War.
Irwin R. Abraham, Medal of Honor Winners.
Researchers, Funk and Wagnall's Standard Reference Encyclopedia.
Ward Just, U.S. Army.
R. E. Crickmer, High School Geography.
E. N. Huggins, Novel on Korea.
Researchers, World Book Encyclopedia.
Researchers, Encyclopedia Britannica.
Aldus Books Limited, Oceanology.
Al Scholin, Lt. Gen. Benjamin O. Davis, Jr. (biography).
Researchers, World Aviation Directory.
Clay Blair, Jr., Novel With a Pentagon Setting.
Lee R. Buschoff, Jr., Space Available Travel.
Paul J. Gilette, Medal of Honor Winners.
Giuseppe D'Avanzo, Supersonic Aircraft.
Edwin Lee White, 10,000 Tons by Christmas.
Paul Dickson, American Research Institutions.

AUDIO VISUAL DIVISION

The functional responsibilities and activities of the Audio Visual Division and the Technical Services staff remain generally as established in 1966 and as reported in our September 3, 1969 letter.

Updated information concerning the Audio-Visual News Branch, Motion Picture Production Branch, and the Radio-Television Production Branch are contained in Tab F^1.

Next, TAB F^2 lists those funds required for operation wherein services, equipment or expendable supplies are required.

TAB^3 lists completed films, newsfilms, video tapes and still photos, either released to the public or cleared for public release.

AUDIO-VISUAL NEWS BRANCH

In performing the function of the Audio-Visual News Branch 590 assignments were accomplished from 1 July 1969 to 31 March 1970. These assignments produced 28,500 photo prints for distribution to various media.

MOTION PICTURE PRODUCTION BRANCH

The Motion Picture Production Branch participates in two main activities: approval of assistance on the production of commercially produced motion pictures and the approval of release to the public of those films and video tapes produced by the Army, Navy, Air Force and Marine Corps and other components of the Department of Defense.

The Branch also has the responsibility for the production of films for the Office of Public Affairs. During the period July 1969 to date no productions were undertaken, and none are anticipated through July 1970.

The List of Selected Films referred to in our last report was published in January 1970 as planned. The cost of printing 5,000 copies of this catalogue was $484.35 and was funded by the general DoD printing budget. Copies of this catalogue are made available at OASD(PA) Directorate for Community Relations and Information Offices of the Military Services. Approximately 20 requests for information concerning DoD films are replied to weekly by this branch.

It is anticipated that for the remainder of the fiscal year 1970 the following additional work will be accomplished:

Assistance: Five (5) theatrical projects (based on telephone conversations with producers and previous general inquiries).

Release of Service Productions: Ten (10) video tapes, and Thirty (30) Service films.

RADIO-TELEVISION PRODUCTION BRANCH

Activities of the Radio-Television Production Branch are basically confined to assistance to the commercial media in the production of documentary and entertainment programs, with a heavy preponderance on documentaries. Assistance involves authorization of and arrangements for (1) access to military facilities and personnel for research, photography or interviews, and (2) access to military film depositories for the selection and purchase of stock footage. All photography is accomplished by commercial film crews at the company's expense, and stock footage is purchased by the company in accordance with the provisions established by DOD Instruction 7230.7 User Charges.

The single exception to the above paragraph involves one disc recording containing several spot announcements, and one film clip, produced in cooperation with all the Services as a salute to Armed Forces Day, at an estimated total cost of $2,000. These costs have been absorbed by the military departments and are not charged to OASD(PA).

MAIL EARLY OVERSEAS 1969 PROJECT

This project produced a professional package of spot announcements, film clips and slides which were provided to over 750 television stations. A spot announcement package was also sent to over 5,000 stations. These public service materials urged the public to mail Christmas packages to servicemen overseas in time for delivery by Christmas. The project was coordinated with Postal authorities. Contract cost: $9,268.90. These funds did not come out of the OASD(PA) budget. They were part of the general printing fund maintained by OSD.

AUDIO VISUAL EXPENDITURES[1]

	July 1, 1969 to Mar. 31, 1970	Apr. 1, 1970 to June 30, 1970 (estimate)
Photographic supplies and equipment:		
Still photo:		
Expendables (chemicals, film, photographic papers, etc.)	$5,078.98	$1,200.00
Equipment	788.81	0
Total	5,867.79	1,200.00
Motion picture:		
Expendables (film stock, film cans, tape, movie leaders, filters)	2,864.48	1,500.00
Equipment	1,086.40	200.00
Total	4,950.88	1,700.00
Technical services: Expendables (parts, tubes, wire, tape, etc.)	881.39	368.61
Travel	3,121.06	2,665.00

[1] These are estimates obtained from staff personnel. Accounting and other official records are not structured to record actual costs for these types of services.

MISCELLANEOUS CONTRACTS

1. Department of Defense Newsfilm Contract (V-Series)

A contract to process, screen, edit and distribute to national TV-newsfilm media military sound-on-film stories occurring in Southeast Asia.

Production costs cover only the Stateside expenditures necessary for transport of film, film processing, editing, release printing, and necessary management details to accomplish the foregoing.

The input of sync-sound newsfilm is generated by five Service-supported camera teams in Vietnam. These teams are under the direct supervision of MACV and indirectly of OASD(PA). These teams were approved by Deputy Secretary Vance on November 12, 1965, and established by April-June 1966. The purpose of these teams is to document for release to the public, via national network television, the feature aspects of the military participation in Southeast Asia. The teams are not in competition with the civilian media. The high usage by network syndication of the material produced by these teams is indicative of the effectiveness of their efforts. A study is now under way with a view to inactivation of all or most of these five teams by the end of FY 1970. Such action appears feasible and desirable in view of the reduction of U.S. military strength in Vietnam and the need to achieve economies wherever possible.

2. Motion picture film processing

Motion picture newsfilm exposed by DoD cameramen requiring urgent handling is processed under a contract arrangement with the Department of Agriculture.

3. Army Photographic Agency

This Agency provided multiple services which include tape coverage of network newscasts from which Defense Department excerpts can be extracted, reproduced and shown to interested Defense agencies.

4. Defense Film Report

Funds ($100,000) for the production of a Defense Film Report were deleted from our budget as of 2 January 1970. (FY 1970 budget).

5. Costs

FY 1970 costs involved in 1, 2 and 3 above, funded from the OASD (Administration) budget (Central Services costs referred to in Encl 2), are estimated at $122,000. Estimated costs for FY 1971 are the same except for the addition of $100,000 for the DoD annual film report.

RELEASED MATERIAL

	Number of different photos	
	July 1, 1969, to Mar. 31, 1970	Apr. 1, 1970, to June 30, 1970 (estimated)
STILL PHOTOS (BASIC INPUT FROM THE SERVICES)		
Subject:		
Vietnam (combat operations, civic action, etc.)	183	61
Ceremonies and special events	64	36
U.S. troop training and exercises	107	43
New equipment and research	46	23
Miscellaneous	68	32
Total	467	195
Still photo assignments	500	815
Total prints produced	28,500	6,000
OFFICIAL FILM PRODUCED BY THE MILITARY DEPARTMENTS[1]		
News film:		
Footage released	16,724	8,873
Number of releases	145	89
V-series:		
Footage released	6,037	2,259
Number of releases	121	32
SPOTMASTER RELEASES		
DOD radio news releases (Spotmaster)	156	52
National media responses	4,500	1,700
Audio technical assistance requests	3,700	1,200
Telephonic inquiries	975	300

[1] Releases from this film are a bonus derived by screening official documentation film taken by the military departments for record and historical purposes.

DIRECTORATE FOR COMMUNITY RELATIONS

Assigned personnel

Officers	15
Enlisted	2
Civilians	14
Total	31

During FY 1970 the Directorate for Community Relations will complete an estimated 15,000 actions. These actions range from the Senate Youth Program which requires extensive planning to a simple action such as providing a color guard for a school function.

The expenditure for DCR for FY 1970 is estimated at $244,000. This figure includes civilian personnel salaries, overtime, cost of personnel benefits and travel. The increase in costs is due to per diem and salary increases even though there has been a decrease in the total number of personnel assigned to the Directorate since the last report. Salaries for military personnel projected through FY 1970 are estimated at $305,000.

Events division

a. *Aerial Events.* The Events Division schedules and coordinates the appearances by the USAF Thunderbirds, US Navy Blue Angels, US Army Golden Knights, US Navy Reserve Air Barons, and the US Navy Parachute Team. During the first half of FY 1970, the teams participated in 449 demonstrations, including those at military installations. The Events Division provided static display aircraft for 98 civilian and military shows. There were 132 flyovers authorized, including missing-ship formations for military funerals. These are authorized as part of training missions including Air National Guard and Reserve units of all services. During the second half of FY 1970, the teams are scheduled for 128 demonstrations, including those at military installations. It is estimated that there will be static display aircraft at 56 events. For flyovers, it is estimated that 100 demonstrations, including those for military funerals, will be given during the last half of FY 1970.

b. *Surface Events.* Military participation (musical, color guard, troops) for more than 4,500 events in the Washington metropolitan area and about 1,500 national events elsewhere will be authorized by this Division in FY 1970. A list of typical events supported is attached, showing military participation authorized. (TAB G[1])

Defense Industry Bulletin: This publication, which was mentioned in previous correspondence to your office, was transferred to the Defense Supply Agency on October 1, 1969. (See TAB G[2])

Place	Event	Sponsor	Military participation
Washington, D.C	Awards ceremony, handicapped Federal employee of the year.	U.S. Civil Service Commission	Joint color guard and Marine Band.
Do	Washington's Birthday	Department of the Interior	Joint color guard, joint cordon, Navy Band.
Do	Annual dinner, White House News Photographers Association.	WHNPA	Navy Band.
Arlington National Cemetery	Veterans Day ceremonies	Veterans' Administration; veterans, organizations	Navy Band and Sea Chanters.
Do	Memorial Day observances	G.A.R. Memorial Day Corp	Air Force Band and Singing Sergeants.
Wapakoneta, Ohio	Homecoming of Neil Armstrong	City	661st Air Force Band, 338th Army Band, U.S. Air Force flyover.
Rockville, Md	High school assembly	High school principal	Air Force band.
Chicago, Ill	All-star football game	Chicago Tribune	National anthem by Bluejacket Choir, 100 American flags carried by men of all services.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., September 8, 1969.

Memorandum for: Secretaries of the Military Departments; Chairman, Joint Chiefs of Staff; Director of Defense Research and Engineering; Assistant Secretaries of Defense; Assistants to the Secretary of Defense; Director, Defense Supply Agency.

Subject: Transfer of Function.

Reference: (a) My memorandum, subject: "Review of OSD Functions," dated March 8, 1969.

In accordance with reference (a), the Director, Defense Supply Agency will assume responsibility for the publication of the Defense Industry Bulletin effective October 1, 1969, vice the Assistant Secretary of Defense (Public Affairs). The three (3) personnel space authorizations (2 military and 1 civilian) and the personnel currently occupying these spaces will be transferred from the Office, Assistant Secretary of Defense (Public Affairs) to the Defense Supply Agency effective with the close of business on 1 October 1969. FY 1970 funds budgeted in support of the foregoing function when appropriated by the Congress will be transferred to the Defense Supply Agency from OSD. The Defense Supply Agency will budget for the publication of the Defense Industry Bulletin for FY 1971 and thereafter. Necessary arrangements for the orderly transfer of this activity will be worked out between the Assistant Secretary of Defense (Public Affairs) and the Director, Defense Supply Agency.

DAVID PACKARD.

PROJECTS DIVISION

An internal reorganization of the Directorate in October 1969 resulted in the establishment of the Programs Branch under the Projects Division. This branch has an authorized strength of two officers, and has an assigned strength of one officer who develops the long-range planning for Department of Defense Community Relations programs. Specifically, this branch develops programs to support the community relations objectives with regard to educational groups, youth groups, academic groups, and professional groups. The programs developed by the Programs Branch are executed by the appropriate Division or Divisions of DCR. Additionally, the branch monitors community relations problems around the country with a view to helping to solve or easing the problems. For example, this branch monitors military base closures, reductions in force of civilian employees, pollution of defense installations and other such problems. The Chief, Programs Branch, also acts as the Public Affairs working representative on the DoD Domestic Action Council. Duties include the coordination of news releases about Domestic Action programs and furnishing the public with Domestic Action information upon request.

a. *The Office of Media Accreditation and Tours* has been abolished, as was previously stated. A Far East and Pacific Journalists tour was accomplished in November after the Department of Defense withdrew from this White House, State and Defense Department jointly sponsored program. The Department of Defense participated in this tour since planning and commitments had been made prior to the Defense withdrawal from the program. The cost to the Department of Defense was $15,593.56. A list of participants is attached. (Tab H[1])

b. *Joint Civilian Orientation Conference.* JCOC–40 will be conducted on April 19, 1970 for 10 days. There will be 71 participants who will pay all their own expenses, including food and lodging, which totals to approximately $24,000. Military aircraft transportation costs for last year's JCOC (39) were funded by the Air Force. For the present JCOC–40, Military Airlift Command aircraft will be utilized and funded by Department of Defense. ASD(PA) costs will be about $6,000.

c. *Speakers Bureau.* For FY 1970, DCR anticipates a total of 900–950 speaker requests from all parts of the nation. As of April 10, 1970, 427 speakers have been provided. There has been an increase in requests for speakers during the present fiscal year in comparison with FY 1969.

EAST ASIA AND PACIFIC JOURNALISTS TOUR, NOVEMBER 3–DECEMBER 2, 1969

MEMBERS OF THE TOUR—REVISED SEPTEMBER 30

Robert Baudino, Australia, Chief Correspondent, Parliamentary Press Gallery, Canberra, Sydney Daily Telegraph, Canberra, Australia.

John David Little, Australia, News Reporter and Producer, Channel 9 TV, Sydney, Australia.

Leng Jo-Shui, China, Diplomatic Reporter, Central News Agency, Taipei, China.

Matt Wilson, Fiji, Chief Reporter, Fiji Times, Suva, Fiji.

P. M. Woo, Hong Kong, Editor, Ming Pao Monthly, Hong Kong, B.C.C.

Anwar Effendi, Indonesia, Editor, Mimbar Umum, Medan, Indonesia.

Mohammad Nurdin Supomo, Indonesia, Director, Radio Republic Indonesia, Palembang, Palembang, Indonesia.

Yutaka Ichiki, Japan, Assistant Political Editor, Nihon Keiszai Shimbun, Tokyo, Japan.

Shin Kawai, Japan, Senior Foreign News Reporter, Asahi Shimbun, Tokyo, Japan.

Lew Hyuck In, Korea, Political Editor, Dong-A Ilbo, Seoul, Korea.

Ri Dong Yohp, Korea, Editorial Writer, Chonpuk Ilbo, Chonju, Korea.

Somvail Vilayleck, Laos, Press Director (Propaganda and Tourism), Lao Ministry of Information, Vientiane, Laos.

S. H. Tan, Malaysia, Editor, The Malay Mail, Kuala Lumpur, Malaysia.

K. I. Gibson, New Zealand, Bulletin Editor, NZBC, News Service, Wellington, New Zealand.

Neal H. Cruz, Philippines, Editor-in-Chief, Daily News International, Manila, Philippines.

Eduardo R. Ranosa, Philippines, Senior News Editor, Tri-Media News (Philippines Herald DZHP TV–13), Manila, Philippines.

Colonel Karoon Kengradomying, Thailand, Director, Army Signal AM–FM Radio, Bangkok, Thailand.

Sutichai Yoon, Thailand, City Editor, The Bangkok Post, Bangkok, Thailand.

Phan Lac Phuc, Viet-Nam, Editor, Tien Tuyen, Saigon, Viet-Nam.

ORGANIZATIONS DIVISION

The activity in the Organization Division will be approximately the same for FY 1970 as it was for FY 1969. The Division will handle somewhat over 6,000 items of routine correspondence and respond to more than 300 written inquiries from the White House and Members of Congress. The Organizations Division continues to mail materials of interest to almost 300 civilian organizations which have indicated a desire to receive such items. Some of the significant forms of cooperation being extended to organizations during FY 1970 include:

a. Support provided to the Senate Youth Program, which is jointly sponsored by the United States Senate and the William Randolph Hearst Foundation. Secretary Laird addressed the group during the visit to the Pentagon this year.

b. Two seminars for nongovernmental organizations. Leaders of the organizations are invited to the Pentagon for a one-day seminar. Unclassified briefings are given by Department of Defense officials. Each will be attended by more than 200 participants.

c. Ten Pentagon military briefings for groups of business executives attending seminars sponsored by the Brookings Institute on Federal Government operations.

d. Providing support similar to that of FY 1969 for national conventions of major veterans' organizations.

e. Arrangements for 50 leaders of civilian organizations to attend Brass Strike Exercise in October 1969 and similar participation for the exercise in May 1970.

Both the Projects and Organization Divisions, during this fiscal year, have responded to an increasing number of requests for briefings and information on Defense policies and programs from high-school and college student groups throughout the nation. These have included specific requests for in-house briefings of student groups visiting the Pentagon during trips to the Washington area sponsored by veteran, civic and religious organizations; requests for speakers to participate in seminar activities during seasonal conferences of student organizations; and requests for brochure material of Defense publications, including fact sheets, Commanders Digest, and the Defense Industry Bulletin.

The Projects Division provides the actual briefings and tours of the Pentagon. It is estimated that over 6,000 students will have attended briefings or heard Defense speakers during FY 1970. Groups included Senate Youth Forum, Presidential Classroom, Washington Study Group, etc.

DIRECTORATE FOR PLANS AND PROGRAMS

The activities of the Directorate for Plans and Programs in FY 1970 remain essentially the same as they were described for FY 1969.

As previously stated, the planning function in this Directorate is not normally accomplished by the preparation of formal plans. It is more a matter of developing, in conjunction with other DoD elements and other agencies of the government, public affairs courses of action in connection with situations—actual or potential—that may be of public interest and therefore may require some action to be taken. Hence there have been no actual public affairs plans produced in the past year.

During this period, the personnel authorization of this Directorate was reduced by one (1) military space.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., August 17, 1970.

Honorable J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reference to your letter of 31 March 1970 requesting certain information concerning the Navy's public affairs program. Our final report was delayed because of the necessity of including afloat commands in order to be completely responsive to your inquiry.

Paragraph one of your letter requested an update of information on the same subject last year. Paragraph two raised certain questions concerning Navy internal information programs requiring a more complex response and is presented separately with pertinent annexes. The complete report comprises enclosure (1) to this letter and is keyed, paragraph by paragraph, to your letter of 31 March.

The figure of $8.801 millions for 1970 includes military and civilian pay raises effective this fiscal year. Despite increased salary costs, the figure is lower than our estimate for FY '70, made last year, but is considered more accurate. The reductions reflect manpower losses and reduced public affairs activities Navywide. Also included are administrative costs, some of which can be charged to internal information, although those costs are not easily separated.

It is hoped these data assist you in your consideration of defense appropriations bills which will come before you in the Senate this session of Congress.

Sincerely yours,

JOHN H. CHAFEE,
Secretary of the Navy.

PUBLIC AFFAIRS COSTS—U.S. NAVY, FISCAL YEARS 1970–71

1. (a). The overall estimated cost for FY 1970 of all Navy public affairs* activities, including the pay and allowances of all military personnel is $8,801,466; for FY 1971, $7,645,175.

1. (b). The number of civilian and military personnel working in public affairs, internal information and related administrative and clerical duties in FY 1970 totals 1,465. Of these, 441 work full-time in public information and community relations; 143 work full-time in internal information and 125 work full-time in administrative and clerical duties. The remainder devote part of their time to two or more of the activities we list above. In FY 1971, we estimate 296 persons, civilian and military, will be assigned full-time in public affairs; 117 full-time in internal information; 113 full time in administration, and the remainder will work part-time in two or more of these areas. Total personnel assigned in public affairs, internal relations and related administration in FY 1971 is estimated to be 1,314 civilian and military.

1. (c). Accurate data (or even an accurate estimate) of the numbers of personnel who work part-time in connection with public affairs are virtually impossible to gather without inaugurating complex and costly Navywide accounting and time allocation procedures of doubtful value in cost and manpower management. Many Navy ships and shore activities assign one person collateral duty in public affairs. This person normally spends anywhere from no time to several hours a week on this assignment.

1. (d). The following information is provided as the Marine Corps input to the Department of the Navy response to your letter of 31 March.

Estimated pay and allowances costs for Marine public affairs personnel for FY 1970 and FY 1971 are $3,920,000 and $3,625,000 respectively. The figures do not include the pay increase provided for in Public Law 91–231. The number of civilian and military personnel presently engaged in full-time public affairs work is 701. The estimated figure for FY 1971 is 631.

There are no Marine Corps personnel engaged in public affairs activities on a part-time basis.

1. (e). Data presented are actual through April 1, 1970. Except as noted, activities were expected to continue at the same rate through the remainder of the fiscal year.

MEDIA RELATIONS DIVISION

The Media Relations Division continues, in coordination with OASD(PA), to be responsible for all liaison with news media on information of national interest about the Navy and for preparation of informational films and printed matter with carry-over value to the Navy's internal information program.

Since the last report one branch of the Division has been disestablished: Special Projects and Research. A Special Assistant for Contract Motion Picture Production was designated in January 1970 to permit close supervision and control over commercial film producers performing work under contract for the Office of Information, and to seek new cost-saving measures.

News Branch: During the period 1 July 1969 to 1 April 1970, this branch answered an average of 500 queries per month originating from the Pentagon press corps and other newsmen from throughout the nation and the world.

A total of 881 news releases was prepared by the News Branch during the same period. (Also, approximately 792 routine contract award announcements were made and, in addition, about 100 releases of internal Navy interest were prepared and disseminated to service-oriented publications.)

In response to requests from news men, the News Branch also arranged over 500 interviews with key Navy officials during this period and coordinated the embarkation of approximately 200 newsmen in naval aircraft and ships. The majority of these newsmen were embarked in groups.

Audio-Visual Branch: During the period 1 July 1969 to 1 April 1970 this branch has responded to approximately 215 requests for assistance from U.S. and foreign broadcast networks. A sample of the types of requests received and the assistance provided is as follows:

Challenge, CBS Television: Arranged for interview and filming of deep diving experiment by Navy petty officer at New London, Connecticut.

Today Show, NBC Television: Salute to the Navy on Navy Day was coordinated with their writer.

Truth or Consequences, Metromedia Television: Coordinated guest appearances of Navy personnel at request of producer.

Metromedia Radio News: One-half hour documentary on the battleship USS New Jersey, provided technical assistance.

Canadian Broadcasting Corporation: Provided assistance for a documentary on the military as a profession.

Radio Luxembourg/Operation Deep Freeze: Coordinated the taping of communication aspects for the filming of a news feature report by telephone from McMurdo Sound, Antarctica, to Luxembourg.

WRC–NBC Television, Washington, D.C.: Provided interviewees and arranged for filming in connection with story on pollution and Navy plans to fight it.

NHK, Japan Broadcasting Corporation: "Big Sciences of the World". Coordinated research visits to Navy installations throughout the country.

The Audio-Visual Branch also originated, for release by DOD, Navy newsfilm stories of national interest. Since 1 July 1969, this branch has provided Navy footage used in 39 DOD releases such as the following samples:

SAC Bombers on Naval Air Station.
Navy Christmas Around the World.
Women Take Survival Training in Antarctica.
APOLLO XII Recovery Training.
Swiftboat Turnover in South Vietnam.

The Branch also releases one-minute, silent 16mm film clips (called news featurettes) produced by the film library of the Naval Photographic Center, Washington, D.C. Forty-seven featurettes have been released during the period. A sample list of subjects includes:

Navy Aid to Tunisian Flood Victims.
Seabee Hurricane Relief.
Deep Submergence Rescue Vehicle.
175th Anniversary of the Navy Supply Corps.
Shark Attack.
Inner Space Vehicle.
Test Pilot Glider Training.
Science Students Visit Naval Installations.
Camp Concern.

The Audio-Visual Branch coordinated Navy cooperation on two commercially produced feature films and three defense industry produced films in Fiscal Year 1970. This cooperation includes script review and approval, arrangements for filming on naval facilities and ships and the sale of stock footage to the film producer by the Naval Photographic Center. There was no cost to the Navy in this cooperation. The films are:

Feature Films: Too Late the Hero (Robert Aldrich).

Which Way to the Front (Jerry Lewis/Warner Brothers).

INDUSTRY FILMS:

Hook, Line and Helo (Sikorsky)
Saga of the Skyraider (Douglas)
The Ballad of John Green (Ling Tempco Vought)

The Branch also produced a 28 minute film for internal distribution. The film "Navy Screen Highlights", produced with existing stock footage, summarized the most significant events occurring within the Navy during the year.

FILM PRODUCTION BRANCH:

This branch produces historical and informational films for internal and public audiences. During the past nine months it has completed five films for release. Sample titles are: "Destroyerman", "Home from the Sea", and "The Great Flight". Four other films, made by commercial producers under contract to the Navy, were completed during the period: "Law of the Sea", "The Navy Sings It Like It Is", "Port of Call" and "Rise of the Soviet Navy".

NEWS PHOTO BRANCH:

The News Photo Branch continues as the primary Navy agency for the clearance and release, through DOD, of still photographs to U.S. news media. It also serves as the focal point for requests by Navy units for transparencies and prints needed for internal publications and other internal information programs. Since the beginning of the current fiscal year, this branch has distributed 21,695 transparencies and prints.

AMERICAN FORCES RADIO AND TELEVISION BRANCH:

This branch provides policy guidance and administrative assistance to 22 Navy-operated AFRT radio outlets and six television stations ashore, plus closed circuit television systems in 12 major ships when deployed. An average of 55 radio outlets in ships of both the Atlantic and Pacific areas had AFRT radio programming during this reporting period.

MAGAZINE AND BOOK BRANCH:

Between 1 July 1969 and 1 April 1970, this branch has answered approximately 1,000 requests for information from magazine and book publishers, editors, authors, staff writers and freelancers. In addition, extended assistance was provided to more than 50 persons developing magazine articles. Examples of this assistance are:

---

*Public affairs includes public information and community relations.

Arranged interviews and visit to USS John Adams for Parade Magazine.

Arranged interviews and provided information and photos to *Undersea Technology Magazine* for a special anti-submarine warfare issue.

ASSISTANCE TO 175 BOOK PUBLISHERS AND AUTHORS INCLUDED

Cooperation with David Westheimer (author of Von Ryan's Express) for a book titled Downfall.

Providing information for the up-dating of encyclopedias, almanacs, textbooks, science works and naval publications such as *Jane's Fighting Ships*.

Media relations projects to be pursued during the period 1 April–30 June 1970: During the remainder of fiscal year 1970, it is expected that five to eight more half-hour motion picture films, primarily useful in the internal information program, will be completed. Other work of the Division is expected to continue at approximately the same pace as described earlier. However, the workload of this Division basically depends on current events—providing media representatives with information on topics of current news interest. Since these events are unpredictable, no definite scope of future activities can be forecast.

COMMUNITY RELATIONS DIVISION

This Division is the principal point of contact between the American citizen, individually or as an organization member, who wants information about the Navy, or who wants to arrange either to visit a Navy unit or to have a Navy unit or exhibit visit his town. Thus, orientation visits/cruises, exhibits/displays, performances by the Navy's Blue Angels flight demonstration team or the Navy Band Sea Chanters and every imaginable kind of question about the Navy are the province of the Community Relations Division.

ORIENTATION AND SHIP VISIT BRANCH

The FY 1970 activities from 1 July 1969 to 1 April 1970 have included responding to requests, including those from Members of Congress, for:

U.S. Navy ship visits to various U.S. ports;

Reservations on U. S. Navy operated boat tour of Pearl Harbor and the Arizona Memorial;

Youth group orientation visits and cruises;

Surplus equipment including uniforms, boats and nautical material items; and use of facilities of naval bases for berthing and messing including outdoor encampments (Boy Scouts of America);

Support of the OSD-sponsored Joint Civilian Orientation Conference;

Activities have also included administering the SECNAV Guest Cruise Program and coordination of Fleet and Naval District actions in connection with commandant level orientation cruises.

SPECIAL EVENTS BRANCH

Following are illustrations of special events conducted during the 1 July 1969–1 April 1970 period (all special events participation is provided at no additional cost to the government):

Blue Angels were scheduled for 46 performances nationwide;

U.S. Navy Band—One hundred and twenty-five performances were scheduled in the Washington, D.C. area directly through the office at no additional cost to the government;

U.S. Navy Band Annual Spring Tour—Approximately sixty-three performances are scheduled in various U.S. cities during this annual tour. The performances are booked through a civilian tour director and all expenses are borne by the sponsors;

Navy Unit Band performances in the fifteen naval districts—Three hundred and seventy-five requests were processed and assigned by this branch to the proper naval districts for action by 1 April 1970. Another 100 requests are expected from 1 April to 1 July 1970. The bands perform at no expense to the government;

U.S. Navy Band Sea Chanters—Seventy-five performances were scheduled and coordinated through this branch at no additional cost to the government;

Foreign VIP Visits—Visits to the U.S. by heads of state of twenty countries. This branch coordinated security and baggage handling arrangements with the State Department, DOD, and appropriate naval district commandants;

Fort McHenry Flag Day Observance—Annual observance featuring a different service each year. Navy participation this year will include the Naval Air Training Command flag pageant and band, Navy ceremonial guard, ship visit and flyover.

LIAISON BRANCH

The Liaison Branch (more accurately referred to as the "Public Inquiries Branch") researches and prepares replies to correspondence and phone inquiries on Navy policies and programs received from members of Congress, private citizens, government agencies, industry, national organizations, foreign nationals, and daily newspaper "Action Line" type columns. Nearly 7,000 (6,736) such inquiries were handled in the period 1 July 1969–1 April 1970.

INTERNAL RELATIONS DIVISION

Editorial Services Branch:

Selected Navy entries for the Armed Forces' Thomas Jefferson Awards program. Assisted in budgeting request and extension of programs for High School News Service Report, a DOD publication for which the Navy is executive agent. Produced various graphic designs for pamphlets including a domestic action pamphlet on "Camp Concern".

NAVAL RESERVE AND TRAINING BRANCH:

Continued to administer all active duty for training of naval reservists of the Office of Information; conducted orientation course for Public affairs specialist direct commission officers; published the monthly newsletter Items of Interest; supervised evaluation of projects performed by Naval Reserve Public Affairs Companies (NRPACs) and designated nine top performing units for FY 69.

BIOGRAPHIES BRANCH

Prepared 53 new biographies; revised 378 old biographies; filled requests for 6,730 biographies; furnished information on 502 officers via telephone; furnished information other than biographies on 1,579 officers; supplied briefing material for 30 VIP trips; mailed more than 22,604 biographies under routine distribution; and supplied 2,814 photographs. A one-third increase in the above figures is anticipated for the fourth quarter due to the annual selection of flag officers during that time.

PLANS DIVISION:

Specific activities during FY 70 included:

Preparation of Policy Guidance concerning:

Seal Beach Pollution
Environmental Control
LFS Program
Civil Disturbance
OMEGA Navigation System
UNITAS XI
Black Sea Transit Operations

Preparation of responses to substantive Congressional queries, including this report;

Provided project officer to DOD Prisoner of War Sub-Committee on Public Affairs;

Provided public affairs escort for return of Navy POWs from North Vietnam;

Coordinated Navy public affairs planning for return of chemical munitions from Okinawa;

Developed and revised Navy Public Affairs Regulations;

Coordinated public affairs aspects of reduction in force actions at naval shore installations in connection with Project 703.

NAVY DEPARTMENT SPEECH BUREAU

Speech Evaluation Branch: Provides small rehearsal facility equipped with basic video tape recording equipment for use of Navy speakers as a means of improving oral delivery.

Speaking Engagements and Planning Branch: Coordinated public appearances by enlisted men and junior officers in the United States on leave or under change-of-duty orders from Vietnam, who have volunteered to speak in their home areas about the work of the Riverine Forces ("Brown Water Navy") in Vietnam. About 100 appearances by 35 officers and men have been arranged under this program. Responding to requests from various sponsoring organizations, 68 speaking appearances by Rear Admirals/Assistant Secretaries and above have been arranged during the period 1 July 1969 to 30 April 1970.

PROGRAM SUPPORT BRANCH

Planned, coordinated and conducted two 14-day speech seminars primarily for qualified naval reserve and navy officers who have expressed desires for training so that they could help fill requests for Navy speakers in their local areas.

Eight hundred and eighty-eight requests for speech material and speech background material were handled in the first nine months of fiscal 1970, nearly half of which required considerable basic research.

PUBLIC AFFAIRS MANPOWER MANAGEMENT DIVISION

Advises the Chief of Information on the procurement, assignments and training of public affairs officer specialists and subspecialists; coordinated with the Chief of Naval Personnel on the procurement, training and assignment of Navy Journalists; prepares public affairs personnel plans. The Division is concerned with approximately 170 public affairs specialist officers and 800 enlisted journalist personnel. The principal effort during the period of this report has been related to the involuntary separation of personnel under Project 703 and the severe turbulence which results from such darstic actions within a small community.

2. (a). (b). (c). As was indicated in our answer to question number one of your previous inquiry, "Internal information programs . . . are so integrated with normal command and administrative functions that they are extremely difficult, if not impossible, to separate." In an effort to be both responsive and accurate, however, we have surveyed major commands to identify persons whose primary duties are in the information field and who spend all or a part of their time working at internal information tasks. The effort devoted in a formal sense to internal information has been reduced to man years. Information requested in sub-paragarphs (a), (b), and (c), paragraph 2 of your 31 March letter is contained in tabular form in Annex A, Tab 1. Data are provided by fiscal years. Seldom is money requested specifically for internal information programs and no such request was made for FY 1971.

2. (d). The manner in which internal information duties are performed varies from command to command and station to station in the Navy, depending on missions or specialties. It is difficult to describe in detail, therefore, how personnel on board each station or command perform duties in the conduct of such programs. However, their activities are guided by provisions of Navy Public Affairs Regulations and are described in Tab 2, Annex A; costs are included in Tab 1.

2. (e). No catalogs of internal information materials other than films are published

by the Navy. A U.S. Navy Film Catalog, NAVAIR 10–1–777, a comprehensive listing of all Navy films for training, internal information and for public consumption, was sent to you last year.

2. (f). Copies of typical internally-distributed materials in the categories enumerated above are furnished as Tab. 4.

2. (g). Films produced in FY 1970 are included in Tab 1, Annex A. It is possible to determine organizations requesting Navy films listed in Tab 1 but virtually impossible to determine numbers of persons before whom they have been shown. Persons borrowing films are not required to report audience size or composition. Although these films have been cleared for public showing, it neither means they have been shown nor even requested outside the Navy.

2. (h). Non-appropriated funds generally are not used in Navy internal information programs with the exception of base newspapers, many of which are published with use of welfare and recreation funds.

2. (i). A list of Navy periodicals published primarily for internal information use, and their costs are included in Tab 1, Annex A.

2. (j). The Navy maintains no facilities of its own for training information personnel. Instead, it annually enrolls students at non-Navy activities, including the Defense Information School (DINFOS), an activity of the Department of Defense sponsored jointly by the Assistant Secretaries of Defense for Public Affairs, and for Manpower and Reserve Affairs. Navy students (officers and enlisted) scheduled for training in FY 1970 are as follows: at DINFOS, 202; postgraduate course in the University of Wisconsin, eight; and the photojournalism short course at Syracuse University, 13.

2. (k). The Navy Publications and Printing Service is the Department of the Navy's central publications service, conducting the Navy program coordinating the development of information to be printed or duplicated in conventional or micro-format, and controlling the procurement production, and physical distribution thereof, in accordance with 44 U.S.C., Public Printing and Documents, and regulations of the Congressional Joint Committee on Printing.

The total Navy program encompasses the publications and printing requirements of the Chief of Naval Operations, the Commandant of the Marine Corps, the Chief of Naval Material and the Systems Commands, the Chief, Bureau of Medicine and Surgery, the Chief of Naval Personnel, and the Secretariat. (Each component—command, bureau, or office—is responsible for the technical and editorial content of whatever publications may be required for the fulfillment of their assigned missions and for determining to whom such publications shall be distributed.)

The elements of the Service organization are a Headquarters Staff, 37 Navywide Publications and Printing Service Office and Branch Offices, and the Defense Printing Service, Washington, D.C. and Branches thereof.

The Service functions as a self-supporting organization, chartered by the Department of Defense to operate under the Navy Industrial Fund in accordance with Title IV of the National Security Act of 1947 as amended, and charged with the responsibility to provide and perform printing and related services or products and other functions necessarily incident thereto, for the Department of Defense, and for other agencies of government as directed or authorized by law or competent authority.

Production Record—FY 1969

Within the production reporting context of an industrially funded organization, the Navy Publications and Printing Service (NPPS) produced, within NPPS facilities, short-run, high-priority, and classified products and services valued at $22.6 million dollars in Fiscal Year 1969, and procured other categories of products and services valued at $26.0 million dollars.

Of the $48.6 million dollar total, NPPS procured or produced, by customer:

Army	$2.0
Air Force	1.8
Navy	39.0
SecDef	3.5
Other government agencies	2.3
Total	$48.6

CROSS-SERVICING BY NPPS

The Service operates a nationwide program designed to accelerate the procurement and distribution of technical manuals under contracts established by the Public Printer and developed in cooperation with the Naval Material Command, the Systems Commands, the Joint Committee on Printing, and the U.S. Government Printing Office. This program takes into consideration existing Army, Air Force and Marine Corps, as well as Navy, military equipment production contracts and schedules, and promotes the effective use of local commercial printing resources by all the services.

NPPS manages a central repository and referral service for engineering plans and drawings and technical information, and furnishes such information to naval activities, other Government agencies and contractors. A complete microform facility has been established to support this function.

As advertised in the Commerce Business Daily and in other governmental and commercial periodicals, the NPPS Office in Philadelphia furnishes a subscription sales service to the public on all military specifications and standards and on certain DOD directives. It is currently providing specifications and standards to 3,468 industry subscribers, and directives to over 400 subscribers.

The Navy Publications and Printing Service is providing direct support to Southeast Asia through the NPPSO, Pearl Harbor, and its branch Offices at Subic Bay, Guam, and Okinawa. Production in WESTPAC meets requirements of CINCPACFLT, PACAF, MACV, FMFPAC, and the 7th and 13th Air Forces. At the request of MACV, NPPS also provides a "Printing Liaison Officer", on the MACV staff, who services that and other Commands and provides direction to the operation of the MACV printing production facility.

It is worth noting that official publications of Navy, whether for internal or external use, are not promotional and are continually reviewed for security, propriety and "good taste" in accordance with SECNAV Instruction 5600.12 of 17 February 1960, and OPNAV Instruction 5600.16 of 25 January 1970. Tab 3, Annex A contains copies of those instructions.

2. (1). Approximately 150 newspapers are published periodically throughout the Navy, 50 of which are published with appropriated funds, 100 with nonappropriated funds, chiefly those accumulated for recreation and welfare purposes. Approximately 100 magazines are published periodically by Navy units at the local level. Typical samples are included in Tab 5, Annex A. Costs for internal information publications also are included in Tab 1, Annex A.

COSTS RELATED TO NAVY INTERNAL INFORMATION PROGRAMS

2. (a). Item, sub-total, total fiscal year 1970 (estimate).

NUMBER OF PERSONNEL CONNECTED WITH INTERNAL INFORMATION PROGRAMS

2. (b). Full time personnel, Washington level 61; Outside of Washington 82.

2. (c). Part time personnel 325.63 (man years)[1]

2. (d). Cost data for each office having share of responsibility for internal information program, not available—included in "Other" below.

2. (g). Cost of movies produced by the Navy for internal information.

"Year Ended 1969"	$42,750
"Navy Christmas"	84,944
"Navy Sings"	49,657
"Law of the Sea"	138,818
"Bomb Squad"	69,179
"Cleared for Take Off"	21,866
"The Navy Man"	65,008
"Sea Power on the Move"	53,653
"Navy's Operational Test and Evaluation"	46,940
"Skills for the Sea"	55,420
"175 Years of NavSup"	34,520
"President's Visit"	22,500
Movie costs—total	685,255

2. (i). Annual cost of periodicals published for use in internal information.

Bupers Register And Personnel Newsletter	$4,713
Officer Personnel:	
Newsletter	$9,749
Career Information Newsletter	7,216
Navy Recruiter Magazine	18,348
Naval Training Bulletin	20,598
BUPERS Mess Newsletter	733
Naval Aviation News [2]	136,000
All Hands/Naval Reservist	446,168
Retired Naval Personnel, Newsletter	11,712
Navy Chaplain's Bulletin	9,045
Wifeline	14,000
Direction	32,000
NAVNEWS	21,000
JO Journal	1,150
Sealift	38,038
Periodical costs—total	770,470

2. (1). Cost of newspapers and magazines published at the local level by Navy

Appropriated funds	$1,990,485
Non-Appropriated funds	283,830
Newspapers magazines local—total	2,274,315
Other Costs—Not specifically identified	2,111,670
Total cost of Navy internal information program fiscal year 1970	5,841,710 (Estimate)
Total cost of Navy Internal information program fiscal year 1971	[3] $3,320,280 (Estimate)

CHAPTER ONE: INTERNAL INFORMATION

E–1001 GENERAL

1. *Internal Relations* covers the activities and associations of people working in the same organization.

2. *Internal Information*, a tool of internal relations, defines the communications methods and media used to acquaint personnel in the Navy and their dependents and the civilian employees of the Navy with news and other material that can help them in under-

---

[1] Represents amount of time personnel, filling full-time public affairs billets, devote to internal information activities.

[2] Naval Aviation News is the oldest of the Navy's publications of this type and is a product of the Naval Aviation History Branch. Its mission is "to provide information and data on aircraft training and operations, space technology, missiles, rockets and other ordnance, safety, aircraft design, power plants, technical maintenance and overhaul procedures." Thus, it is primarily a technical publication, but is listed here because, collaterally, it performs an internal information function.

[3] Does not include film budget. Schedule for films for internal information purposes to be made during FY 71 has not been established.

standing the Navy and their jobs or personal affairs.

3. The Navy's internal publics include active-duty personnel, retired personnel, civilian employees, dependents and Naval Reservists.

4. The internal information program uses ship and station newspapers, Servicewide publications, educational programs, retention and leadership programs and personal communication between officers in command and their men.

5. The essential purposes of the internal relations program are to inform and to create an understanding of the Navy's role, policies and missions and (to the extent possible) this country's democratic way of life.

6. As appropriate, the internal information program may include recognition of the achievements of members of minority groups and stress their opportunity for advancement in the Navy and for assignment to the type of service in which they are interested and for which they are qualified, on a par with other Navy personnel.

7. Basic authority for internal relations activity is article 0709.1 of *Navy Regulations*, which states that the commanding officer will "use all proper means to promote the morale, and to preserve the moral and spiritual well-being of the personnel under his command." An imaginative and positive internal information program provides a prime means of carrying out this requirement.

E–1002 RESPONSIBILITY

1. The Chief of Information is responsible to the Secretary of the Navy and to the Chief of Naval Operations for informing naval personnel of the plans and policies of the Navy Department. He is responsible for supplying certain material for the support of the internal information program.

2. The Chief of Naval Personnel coordinates support of the General Military Training program of the Navy. This program was conceived to simplify administration of in-service training and the internal information flow that supports broad national and naval policy.

3. Director of Civilian Manpower Management has primary cognizance of information programs directed to civilian employees of the Navy.

4. Officers in command are responsible for fulfilling the objectives of the internal information program by supervising and actively participating in the program of their commands. Officers in command are supported by trained public affairs personnel, but the responsibility for informing their men—like the responsibility for the welfare of their subordinates—is primarily that of the officers in command.

5. The public affairs officer is important to the internal relations program. He supervises, coordinates and organizes the program's activities in accordance with these *Regulations*. He should:

a. Act in an advisory capacity to the officer in command on all matters pertaining to the conduct of the program.

b. Maintain close coordination with officers in command at all levels, staff officers and organizations associated with the morale and welfare of personnel. (He should be alert to detect any areas of current or potential misunderstandings or discontent, and should be able to offer suggestions to remedy the problem areas.)

c. Keep a close watch on policies and directives that affect personnel and disseminate pertinent information for fullest understanding and compliance.

d. Supervise the base, station or ship newspaper, magazines and radio and/or TV station.

E–1003 FREEDOM OF INFORMATION

The policy of unrestricted flow of unclassified information described in F–2005.1 applies to internal information as well as public information. Navy personnel are entitled to the same access to news as are all other citizens. Calculated withholding of unfavorable news stories from internal information publications is therefore prohibited.

E–1004 OBJECTIVE AND PURPOSES

1. The objective of the internal information program is to ensure that each individual in the Navy, his dependents and civilian employees are fully and continually informed about the Navy, its purpose and future, with emphasis on their individual importance. This program should provide personnel with background material to:

a. Motivate the individual Navy man and his dependents toward a career in the Navy.

b. Provide them with information about the Navy and their country so that they can intelligently discuss these matters with military or civilian acquaintances.

2. The information objectives of the Navy as described in A–1004 and A–1005 should be used as guidelines for development of pertinent phases of the internal information program. Guidance concerning internal information programs may be obtained from the Internal Relations Division (OI–410), Office of Information, or the Public Affairs Offices of Fleet and Type Commanders or District Commandants.

E–1005 METHODS AND MEDIA

1. *Information periods.* The need for personal contact between the officer in command and his men has been apparent throughout military and naval history. This need has not been changed with the advent of missile ordnance and atomic power in the Navy.

a. General Military Training (GMT) periods coordinated by the Planning Board for Training should provide for internal dissemination of information.

b. Officers in command periodically should be the principal participant and on other occasions lend support by introduction of the subject and person covering the subject. At scheduled presentations or discussions, the officer in command can present his policies and expectations concerning the subject covered and its relationship to his command.

c. At special periods applicable to dependents, their attendance should be encouraged.

d. When appropriate, the officer in command should participate in civilian-employee indoctrination training periods. Note. See OPNAVINST 1500 (series) and the U.S. Navy Manual for Leadership Support (NAVPERS 15934), Appendices B, C and D, for further information.

2. *Visiting Policy Spokesmen.* Senior Navy Department officials and flag officers visiting the command should be invited to speak to personnel of the command on Navy policy and other appropriate subjects.

3. Ship and station newspapers.

a. A ship or station newspaper is a publication prepared and distributed by and for Naval personnel and their dependents. An activity's newspaper can be an effective medium in the internal information program. To be as effective as possible, the publication should be closely supervised, encouraged and supported by the officer in command. He must ensure that the publication is in good taste and conforms to the policies established by the Department of the Navy.

b. The best qualified personnel should be assigned to prepare the material used in the internal information periodicals.

c. Sources of material for such publications are: Navy internal news releases, Service-wide periodicals, exchange newspapers from other commands, the American Forces Press Service, NAVNEWS and locally-developed channels. Special columns can include messages from the officer in command and the chaplain, letters to the editor, open forums, schedules of events, local news and sports and recreation.

d. Under certain conditions, command newspapers may be produced by a commercial publisher at no cost to the command. Such newspapers are known as Civilian Enterprise publications and are normally funded through advertising revenue obtained by the publisher. Officers in command are encouraged to investigate the possibilities of establishing a Civilian Enterprise newspaper in lieu of a command funded paper, whenever practicable. Information on establishing Civilian Enterprise papers is available from the Office of Information (OI–410). Basic guidelines will be found in NAVEXOS P–35 (see E–1008.1).

4. Familygrams (letters to parents, wives and families).

a. As a means of keeping dependents informed, officers in command are encouraged to write personal letters to parents and families of personnel attached to their commands on appropriate occasions. Such letters, when published by a ship, squadron or advance base, are especially effective in bridging the separation of personnel from their families. The Familygram should include news of the activities of the unit, the people and the role of the unit in its sphere of operation.

b. A critique of a unit's Familygram, or examples of other units' letters, may be obtained by writing to Family Editor (OI–410), Internal Relations Division, Office of Information.

E–1000 MATERIALS AVAILABLE

1. Materials listed below are a source of background and current information for use in the internal information program. They may be reproduced and used in any way required to supplement local information.

2. *Bureau and Systems Command publications.* Such publications provide information supporting the internal information program. Extracts and reprints from them should be used as appropriate.

3. OPNAVINST 1500 (series), General Military Training, enclosure (1), Command Planning Guide for General Military Training, provides direction and coordinated reference materials currently available to all commands in support of various previously independent programs.

4. DIRECTION Magazine is issued monthly by the Chief of Information to provide guidelines in public affairs for officers in command and public affairs officers.

5. NAVNEWS is a twice-a-month news service distributed to ship and station editors, containing information about the Navy and its personnel. The news service also contains Family Editor information, which provides material of interest to wives. The service is available on request from the Office of Information (OI–410).

6. *JO Journal,* issued with NAVNEWS for all ship and station editors, also goes to all Journalists, broadcasters and photojournalists. The *JO Journal* covers a broad field of topics: techniques, tools, information on contests, and news of where Journalists are serving and in what positions.

7. *Department of Defense material.* The Office of Information for the Armed Forces (OASD-M&RA) publishes material that is distributed to officers in command. This material, distributed through the Bureau of Naval Personnel, includes such items as *Fact Sheet* (background information on international and national events and policy statements), the pocket guides (to various countries, such as Japan, Spain, Okinawa, etc.) and other pamphlets on matters of interest for military personnel.

a. Public affairs officers and editors should ensure that this material is routed to them for use as source information in their internal information programs.

b. The Armed Forces Press Service provides a weekly clipsheet (Armed Forces Press File), covering current events of interest to all the Services.

(1) The Galley Guide is periodically included with the Armed Forces Press File. It includes helpful hints for editors.

(2) Those on the Press File mailing list also receive the weekly *Commanders Digest*, which contains official information, editorials, news and policy from Washington authorized sources.

(3) Requests for the clipsheet service and *Commanders Digest* should be sent to Armed Forces Press Service, Pomponio Bldg., 1117 North 19th St., Arlington, Virginia 22209.

E-1007 IMPLEMENTATION

1. An internal information plan will be drafted by each command in order to ensure the continuance of an internal information program which will coordinate all desired and necessary components.

2. The recommended approach for planning the internal information program is as follows:

a. Officers in command should direct an officer of the command to:

(1) Coordinate the components of the General Military Training program, as delineated in E-1005.1.

(2) Provide for publication of timely and interesting information in ship and station newspaper that support the information objectives of the Navy.

(3) Advise the officer in command on the use of a "CO's column" in ship or station newspapers.

(4) Obtain, evaluate and distribute information materials within the command.

b. When the public affairs officer of a command is not the officer responsible for the internal information program, he should act as an adviser to the latter. The public affairs officer should also be alert for public information possibilities in the internal information program.

3. To be effective, the internal information program must support, complement and supplement the command's long-range training program. Flexibility must be maintained, however, to meet the changing requirements of a command's information needs.

Department of the Navy,
Office Chief of Naval Operations,
Washington, D.C.

OPNAV INSTRUCTION 5600.16.
From: Chief of Naval Operations.
To: Distribution List.
Subject: Provision of Technical Instructions on the Operation and Maintenance of new equipment; policy for

1. *Purpose.* To promulgate the policy for provision of technical instructions on the operation and maintenance of new equipment and systems delivered to the fleet.

2. *Background.* There is concern over the non-concurrent delivery of instruction manuals and maintenance manuals when new and complex equipment is delivered to the fleet. This is particularly apparent where urgency of development, delivery and installation precludes concurrent delivery of technical data in a completed form.

3. *Policy.* The following policy is promulgated to ensure that every ship receiving new equipment also receives sufficient operational and maintenance instructions to permit the attainment of a satisfactory state of readiness with the equipment:

a. The technical bureaus have the responsibility to provide operating and maintenance instructions for each new equipment installation.

b. In special cases where time to prepare the technical manuals may be expected to exceed that time required to produce the equipment, the technical bureau may authorize interim manuals or instructions to be supplied with the equipment. The interim manuals may be as simple as an approved typewritten sheet or as complete as the final manual, but in no case will the fleet be supplied technical equipment without approved technical instructions on the operation and maintenance of the equipment.

J. W. Crumpacker.

Department of the Navy,
Office of the Secretary,
Washington, D.C.

SECNAV Instruction 5600.12.
From: Secretary of the Navy.
To: All Ships and Stations.
Subject: "Promotional-type" publications.
Re (a) Government Printing and Binding Regulations (current edition) published by the Joint Committee on Printing, Congress of the United States.

1. *Purpose.* This instruction emphasizes legal prohibitions against the printing or duplicating by or for any component of the Department of the Navy of "promotional-type" publications as defined herein, regardless of security classification, distribution, source of funds used in production and distribution, method of printing or duplicating used, format, or nomenclature applied to the publications, such as book, pamphlet, report, manual, directive, periodical, poster, etc.

2. *Definition.* Promotional-type publications are defined as printed or duplicated material which—

a. Is not required by law or regulations or competent authority; and/or

b. Is distributed to individuals or organizations having no functional, management, or command responsibility with respect to the issuing activity or subject matter contained therein; and/or

c. The content of which—

(1) Is directed to the invitation for or acquisition of work, responsibilities, or resources;

(2) Is actually or can be construed as an attempt to influence appropriation matters or legislation affecting weapons systems, defense concepts, or functional assignments; or

(3) Could be construed as an instrument of intradepartmental or interdepartmental rivalries.

3. *Background.* Under the provisions of reference (a), the Congress of the United States holds the Secretary of the Navy responsible for insuring that the subject matter of all Department of the Navy printed or duplicated material, including illustrations, is certified as necessary for the public service; is authorized by law; is devoted to the work which the branch or officer of the Government issuing the same is required by law to undertake; and does not contain matter which is unnecessary in the transaction of the public business or matter relating to work which any other branch of the Government services is authorized to perform. Further, all illustrations and the use of more than one color must be certified as functional and as relating entirely to the transaction of public business. This is a clear recital of Congressional intent that nothing be printed or published by a Government agency which is not strictly required for the conduct of its public functions. While there may or may not have been violations of or confusion as to this intent, it is emphasized herein to insure that all activities are aware of it.

4. *Prohibition.* The production and issuance of promotional-type publications, as defined herein, by any activity of the Department of the Navy or the use of appropriated or nonappropriated Department of the Navy funds in the commercial production and issuance of such publications is considered to be in violation of reference (a), and is prohibited. Requests for interpretation of this Instruction with regard to specific proposed publications, complete with a rough layout of each proposed publication, shall be forwarded via apropriate channels to the Chairman, Navy Publications and Printing Control Committee, for decision.

F. A. Bantz,
Under Secretary of the Navy.

Department of the Air Force,
Washington, June 18, 1970.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: This is in further response to your letter of March 31, 1970, requesting information concerning the Air Force external and internal information programs. Our delay in replying was caused by the necessity of going to individual units in the field to obtain some of the specific data you requested. Attached is an answer to each of the questions raised in your letter, together with a notebook of supporting materials and examples.

I hope you will find this data responsive to your request, and we will be happy to furnish any further information you may require.

Sincerely,

William B. Arnold,
Chief, Congressional Investigations Div., Office of Legislative Liaison.

Information Concerning Air Force Public Affairs and Internal Information Programs for U.S. Senate Committee on Foreign Relations

PREFACE

The mission of the Air Force Information Program is to develop and maintain a degree of knowledge and understanding of the Air Force which will assist us in meeting our responsibilities to both our own members and the general public. The Information mission is based on the policy guidance of the Secretary of Defense that the full record of the Air Force should be available to the American people, subject only to our first concern for the security of the United States and the safety of the Armed Forces. The Secretary's guidance derives in turn from the Freedom of Information Act which provides that maximum information concerning Department of Defense operations and activities must be made available to the public. In addition, we understand and abide by Section 601 of the DOD Appropriations Act of 1970 (PL 91-171), which prohibits the use of funds for publicity or propaganda purposes not authorized by the Congress.

Question:

1. With regard to the Public Affairs Program:

(a) The estimated total cost for all Air Force Public Affairs activities in FY 1970 and FY 1971, including the pay and allowances of all military personnel.

Answer:

The estimated total cost for all Air Force Public Affairs activities in FY 1970 and FY 1971, including pay and allowances of all military personnel, are:

Costs	Fiscal year— 1970	Fiscal year— 1971
Military pay	$6,734,000	$6,537,000
O. & M. (includes civilian pay)	3,346,000	3,113,000
Total	10,080,000	9,650,000

Question:

1. With regard to the Public Affairs program:

(b) The number of civilian and military personnel now working full time in the Public Affairs Program and the number estimated for FY 1971.

Answer:

The number of civilian and military personnel now working full time in the Public Affairs Program and the number estimated for FY 1971 are:

Full time	Fiscal year— 1970	1971
Military	660	627
Civilian	219	219
Total	879	846

Question:

1. With regard to the Public Affairs Program:

(c) An estimate of the number of personnel who now work part-time in connection with Public Affairs activities and the expected number in FY 1971.

Answer:

Part-time is defined as those full-time Air Force personnel working in the Information career field who divide their time among Public Information, Community Relations and Internal Information activities. These part-time figures are a proportionate share, based on workload, and expressed in man-years of those personnel working in all functions of the Information Program, as shown below:

Estimated part time	Fiscal year— 1970	1971
Military	142	142
Civilian	60	60
Total	202	202

Question:

1. With regard to the Public Affairs program:

(d) A detailed description of the activities in the last year of the various offices involved in Public Affairs programs, including information on the output of each office (i.e., number of photographs or press releases issued, speeches made, etc.)

Answer:

Public Affairs activities in the Air Force are conducted by the Public Information Division and the Community Relations Division. Detailed descriptions of these two divisions and information on their output are as follows:

PUBLIC INFORMATION DIVISION

The Public Information Division prepares, coordinates, and releases USAF information to national news media. It supervises/directs Information activities originating in major commands when the resultant stories are of national interest. This division monitors the USAF-wide press tour program; provides guidance on pictorial policies and operations; initiates, formulates, and supervises policies and procedures for the release of Air Force information to radio, television, and printed media (newspapers, books, and magazines); and plans and programs public information projects and activities. It has operational control for the three SAFOI field offices (New York, Chicago, and Los Angeles) and the Home Town News Center. There are five Branches within the Public Information Division: Operational Forces, Support Forces, Information Development, Pictorial, and Magazine and Books.

Branch personnel develop and write original information materials, including pictorial features, concerning subject matter of current public interest. They review and coordinate with Air Staff and/or Office, Assistant Secretary of Defense (Public Affairs), as appropriate, information actions concerning major commands and Air Force commands which are incorporated into unified or specified commands, such as Strike Command and MACV. They review television and motion picture scripts and proposed releases from major command or contractor sources and coordinate them with Air Staff authorities to ascertain accuracy and security compliance prior to determining appropriate distribution or other suitable action. They also coordinate with, prepare drafts, or complete appropriate release actions regarding Congressional notifications or inquiries processed by the Office, Secretary of the Air Force, Legislative Liaison. On request they attend interviews given news media representatives by Secretariat or Air Staff officials.

OPERATIONAL FORCES BRANCH (PUBLIC INFORMATION DIVISION)

The Operational Forces Branch acquires, develops, prepares, staffs, and disseminates public information news materials of all kinds that pertain to those operational Air Force commands and Air Force components of Unified/Specified Commands, whose principal mission is to conduct or to be prepared to conduct offensive and/or defensive air operations. Specific commands include: Tactical Air Command, Aerospace Defense Command, Strategic Air Command, United States Air Forces in Europe, Pacific Air Forces, Alaskan Air Command, United States Air Force Southern Command, and Air National Guard units assigned to listed operational commands.

SUPPORT FORCES BRANCH (PUBLIC INFORMATION DIVISION)

The Support Forces Branch acquires, develops, prepares, staffs, and disseminates public information news materials that pertain to Weapon and Support Systems Acquisition, Aeromedical Research, Basic and Applied Research, Personnel, Legal, Budget, Strategic and Logistic Airlift, Logistics, Communications, Accident and Incident Investigations, Training in other than the combat commands, and NASA-Air Force relations. Specific commands include: Air Force Systems Command, Air Force Logistics Command, Air Force Communications Service, Air Training Command, Air University, Headquarters Command, USAF Security Service, USAF Academy, Office of Aerospace Research, Aeronatuical Chart and Information Center, Air Force Accountng and Finance Center, Air Force Data Systems Design Center, and Air Force Reserve Personnel Center.

INFORMATION DEVELOPMENT BRANCH (PUBLIC INFORMATION DIVISION)

The Information Development Branch develops formal and informal staff recommendations for Air Force Information actions. It reviews and evaluates news and feature materials published in newspapers, magazines, and Government publications to identify and monitor current and potential public information problems and to recommend suitable Air Force Information actions. It monitors the security review processing of Secretariat and Air Staff speeches and evaluates their significance and news potential for public information handling. The Branch prepares plans and programs for Information actions to inform the public and internal Air Force military and civilian personnel of the mission, performance, capabilities, and requirements of the USAF. Information plans and programs are coordinated with Office, Secretary of Defense, the Air Staff, and other appropriate Government agencies. The Branch evaluates the effectiveness of Information activities in terms of the Secretary of Defense's principles of public information and the Freedom of Information Act.

PICTORIAL BRANCH (PUBLIC INFORMATION DIVISION)

The Pictorial Branch provides required audio-visual support for Public Information activities, including that needed for special news events. It coordinates with Office, Assistant Secretary of Defense (Public Affairs) and appropriate Air Staff offices concerning Air Force cooperation with national television, radio, and motion picture industries. It provides pictorial Information materials and policy guidance to the SAFOI field offices. The Branch coordinates and clears Air Force films and scripts recommended for nonprofit public exhibition.

MAGAZINE AND BOOKS BRANCH (PUBLIC INFORMATION DIVISION)

The Magazine and Books Branch maintains liaison with magazine and book publishers, editors, and writers, keeping them informed of Air Force activities of significance to their interests. The Branch assists magazine and books media representatives in gathering information and illustrative materials, arranging interviews, briefings, orientation visits, and other similar support, as related to the Air Force. It assists authors and publishers to develop their story ideas on Air Force themes.

PUBLIC INFORMATION OUTPUT

News release originated; distribution by:	
OASD/PA) [1]	77
AF commands	92
Direct to media	23
Total	192
News photos, distribution by:	
OASD (PA)	429
Direct to media	766
	1, 195
News inquiry answers, distribution by:	
OASD (PA)	537
Direct to media	1, 695
	2, 232

[1] Office, Assistant Secretary of Defense (Public Affairs)

USAF HOME TOWN NEWS CENTER

The USAF Home Town News Center, Tinker AFB, Oklahoma, receives, evaluates, and edits home town news and feature stories, photographs, and tape recorded or filmed interviews forwarded to it by Air Force units. It provides its services to media that have asked for them. The centralized HTNC operation relieves the maximum workload from each Air Force unit or base and standardizes the material distributed by the USAF.

HOME TOWN NEWS CENTER OUTPUT

Output distributed to print media:	
Individual news stories	321, 109
Individual news photos	107, 980
Individual inquiry answers	675
Output distributed to broadcast media:	
Individual radio news interview tapes	6, 112
Individual television news film clips	3, 657
Individual TV news slides	80
Individual inquiry answers:	
Radio stations	2, 855
TV stations	64
Total inquiry answers	2, 919

USAF OFFICE OF INFORMATION FIELD OFFICES

The USAF Office of Information field offices in New York, Los Angeles, and Chicago (Chicago will close June 30, 1970), are collocated with those of the other military services in these cities. They assist radio-television, magazines, newspapers, wire services, book publishers, and motion and still picture company representatives to obtain facts, figures, photographs, recordings, film transcriptions, and related materials concerning Air Force activities. The offices provide briefings to media, propose magazine article ideas, assist in news coverage of events, and review materials for accuracy upon request. In addition, they provide assistance in obtaining transportation of accredited media representatives to the locale of story material, and arrange interviews and/or appearances of Air Force personnel with media representatives.

FIELD OFFICE OUTPUT

Safoi-New York/Mid-West/Los Angeles

News inquiry answers:	
Direct to media	635
Speeches made	31

The Community Relations Division is described as follows:

COMMUNITY RELATIONS DIVISION

The Community Relations Division develops, plans, and implements Air Force-wide community relations programs designed to foster mutual understanding and cooperation between the Air Force and civilian communities. Also, when authorized by OASD(PA), plans, guides, and directs Air Force relations with national civic groups and organizations to bring about mutual understanding. It participates in and supports exhibits, demonstrations, open houses, significant national and international civic and military events, and other community relations functions. The USAF Air Demonstration Squadron, the Air Force Orientation Group, and the United States Air Force Band, which are scheduled by this Division, support these activities as does the USAF Documentary Art Program, another division responsibility. The Speakers Branch schedules and monitors speeches and public appearances by senior Air Force officials. The Community Relations Division has Air Staff responsibility for the worldwide Air Force band and museum programs and operational control of the Air Force Museum. The Division's overall mission is accomplished through specific actions of the five branches reported below.

SPECIAL EVENTS BRANCH (COMMUNITY RELATIONS DIVISION)

The Special Events Branch develops, coordinates, and implements programs that respond to requests from the public to view Air Force equipment and capabilities. These programs, which are conducted under Department of Defense public affairs and security directives and politics, are made up of demonstrations, exhibits, open houses and participation in civic and military events. The branch monitors and assists Air Force major commands in their special events programs and works with the other Services on joint programs. It controls scheduling of the Air Force Orientation Group and the USAF Air Demonstration Squadron.

Branch personnel attend an annual December scheduling meeting with OSD and representatives from the other Services. The Thunderbird schedule for the coming year is worked out during this meeting along with the schedule for demonstration teams from the other services in order to respond to requests and avoid duplication. The Special Events Branch closely monitors this schedule throughout the year and coordinates changes as appropriate. During FY 70, the Thunderbirds flew for 120 performances. These included a South American trip in the fall to Colombia and Guatemala. The South American tour was requested by the countries visited and approved by the Department of State.

The Special Events Branch also exercises operational control over the Air Force Orientation Group at Wright-Patterson Air Force Base. The Orientation Group constructs exhibits and adapts Air Force equipment for public display. The group was responsible for 285 exhibitions during FY 70. Exhibition sites included conventions, fairs, air shows, and similar public events.

ART AND MUSEUM BRANCH (COMMUNITY RELATIONS DIVISION)

The Art and Museum Branch develops, coordinates, and implements programs that give the Air Force and public an opportunity to vie with Air Force visual history. These programs are implemented through direct contact with artists and museums. Dissemination is by means of exhibits at requesting Air Force installations, civic centers, and museums. The Branch has operational control of the Air Force Museum, Wright-Patterson Air Force Base, Ohio. Activities include:

The Air Force Art collection, which presently numbers in excess of 3,000 paintings. These paintings are screened to provide suitable selections for display at the 33 exhibits that were arranged by the Art Branch during FY 70. The Branch arranged 47 artist tours during the year to cover Air Force activities.

CIVIL BRANCH (COMMUNITY RELATIONS DIVISION)

The Civil Branch replies to inquiries received from the general public that are referred to this Headquarters. The inquiries may be directed to this office or be addressed to the Secretary, Chief of Staff or other Air Force officials. Some come through Congressional channels. During Fiscal Year 70, the Branch responded to more than 5,000 inquiries. Most responses involve providing fact sheets or photographs, although some responses require individual research. For example, inquiries regarding specific instances of sonic booms are researched and determination made of possible Air Force involvement. During FY 70, Civil Branch provided 31 sonic boom responses. This Branch is also responsible for approving nonlocal airlift for community leader orientation concerning such matters as base closures, mission changes or to demonstrate other aspects of the Air Force mission. The Branch approved 42 point-to-point flights during the year and 5 orientation flights.

Another project conducted by the Branch was the Air Force Wife of the Year Program. This involved mailing 325 entry forms to Air Force bases worldwide. The entries were screened by Major Commands and 20 were submitted to the Air Force judges. One of the criteria for selection was community service.

SPEAKERS BRANCH (COMMUNITY RELATIONS DIVISION)

The Speakers Branch evaluates and acts on requests from civil and military sources nationwide that ask for Air Force speakers and appearances by senior Air Force officials. These include the Air Force Secretary, Under Secretary, Assistant Secretaries, Chief of Staff, Vice Chief of Staff, Deputy Chiefs of Staff, Chief Master Sergeant of the Air Force, and individuals from other Air Force activities. A quantitative evaluation of the Speakers Program follows.

The Speakers Branch processed 444 requests for Air Force speakers. Most of these requests were for speeches or appearances by the Secretary of the Air Force or the Chief of Staff. The Branch makes recommendations to the Secretary and the Chief of Staff as to the appropriateness of their acceptance. In some cases, the Branch arranges for a substitute speaker or a representative. During FY 70, Headquarters USAF officials made a total of 156 speeches and appearances.

BANDS BRANCH (COMMUNITY RELATIONS DIVISION)

The Bands Branch develops, plans, and coordinates the Air Force-wide Band program that supports the Air Force Community Relations Program, takes part in military formations and other appropriate ceremonies and enhances the recreation and entertainment programs at Air Force installations by providing concert music, dance orchestras, glee clubs, instrumental combinations, and individual musicians. The Branch monitors all aspects of the Air Force Band Program—including bands assigned to the Air National Guard—through technical assistance visits, reports, and other means. It schedules performances of the USAF Band and its components and processes and obtains needed clearances for engagements of all Air Force Bands when DoD and Headquarters USAF authorization is required. Although the Band Program is separate from the Information Program, scheduling is accomplished by this office to insure that band performances in the public domain comply with DoD directives and guidance. All Air Force bands are assigned to Air Force Major Commands.

During FY 70, the Air Force Band and its components conducted 318 performances before a total estimated audience of 654,150. In addition to scheduling the USAF Band, the Branch responds to public inquiries regarding the Air Force Band Program. The recent elimination of the Air Force Bagpipe Band as part of the overall Band reduction program, resulted in the Branch responding to 226 inquiries relating to the deactivation of the Bagpipe Band.

Question:

1. With regard to the public affairs program:

(e) Please list the films produced within the last year that were made available to the public, and the cost of each film.

Answer:

The following list is films produced or scheduled for production during FY 1970, by the Aerospace Audio-Visual Service (AAVS) of the Military Airlift Command. With exception of Items 1 and 13, these film products were prepared by AAVS, MAC, to meet requirements established by the various commands and units, other than the Office of Information, for films to assist in training, indoctrination, mission orientation, etc. All these films are unclassified and have been made available on request for public non-profit, public service theatrical, public service television and general sale purposes.

1. "*The Air Force Now*" and "*Air Force News Review*"—11 films. Monthly internal information series presenting unclassified information on recent Air Force developments and current events, with emphasis on people. (Note: Also reported in answer to question 2f.) This film is produced for the Commander's Call Program in the Internal Information Program.

Cost (Average): ---------------- $39,174

2. *SFP 1468, "Wings Over the Americas* (U.S. Air Force Southern Command)." Shows the civic actions, mobile training teams (medical and technical), rescue training, special air operations and advisory activities which are the responsibilities of the U.S. Air Force Southern Command. 23½ min., color, 1969.

Cost ---------------------------- $37,835

3. *SFP 1663, "Air Force Reserve—Ready Now"* Shows the mission of the Air Force Reserve (AFRES) made up of some 400,000 reservists. Covers activities of Air Force Reserve flying, medical, air terminal, navigation, specialty training and logistics units. Also pictures the humanitarian role of the Reserves in such disasters as hurricanes, tornadoes, blizzards, earthquakes and forest fires. 22 min, color, 1969.

Cost ---------------------------- $36,095

4. *SFP 1677, "Operational Readiness—Mission of Air Force Logistics Command."* An account of the logistic results of a Vietnam air battle: The ordering of a new engine for one aircraft, parts for the repair of another, and other requirements filled by the Air Force Logistics Command through its various activities, its methods of speedily supplying U. S. forces, and its plans for the future when computers will direct a fully-mechanized warehouse to supply a specific item to a specific location. 19 min. color, 1969.

Cost ---------------------------- $40,401

5. *SFP 1687, "Wings of Freedom—The Vietnamese Air Force."* Depicts the growth of the South Vietnamese Air Force to the present, 1969. The film shows the various phases of training and study in preparation to becoming a flying officer. Included is actual footage of the TET Offensive. 29 min, color, 1969.

Cost ---------------------------- $51,565

6. *SFP 1704, "The Air Force Chaplaincy—Where the Men Are."* Portrays how chaplains serve the spiritual needs of the men and women of the Air Force and their dependents. Pictures their service on flight lines, in work areas, in casualty wards, during emergency situations, and parish programs on large installations and in isolated areas. 18 min, color, 1969.

Cost ---------------------------- $25,903

7. *SFP 1725, "The Air Guard in GEEIA."* Story of the Air Guard volunteers and the Ground Electronics Engineering Installation Agency (GEEIA) performing installation and maintenance service. Depicted are several notable projects including Project "FAST RACE" requiring expeditious removal of communications-electronics installations from French soil. 16 min, color, 1969.

Cost ---------------------------- $25,964

8. *SFP 1737, "School of the Sky—Parachuting at the USAF Academy."* Shows basic parachute training program for all the Services and continuation of training by volunteer cadets in advanced programs at the Academy. Pictures cadets making first airborne jump and competing in tournaments. 12 min, color. 1969.

Cost ---------------------------- $19,343

9. *SFP 1797, "The Indispensables—KC–135 Air Refueling."* This film tells the story of the "Tankers," the KC–135 aircraft used worldwide to refuel aircraft of the Air Force and Navy. Combat stories of refueling over Vietnam are related on camera by fighter pilots, bomber pilots and general officers. 28 min, color, 1969.

Cost ---------------------------- $44,351

10. *SFP 1875, "Friends, Neighbors and People We Know."* A comprehensive overview of the Air National Guard in the Vietnam war: Their response to the call to active duty, deployment to Southeast Asia, and the mission accomplishment. 27½ min, color, 1970.

Cost ---------------------------- $44,754

11. *SFP 2003, "Tomorrow Will Not Wait—Air, Water and Land Conservation."* Shows attempts by the Air Force to stop pollution where possible, and to conserve the land we live in, 13 min, color, 1970.

Cost ---------------------------- $21,251

12. *TF 6374, "The Greater Adventure."* Shows right and wrong driving techniques. 30 min, color, 1969.

Cost ---------------------------- $42,329

13. *Television film clips.* Series of weekly news clips depicting worldwide Air Force activities, with emphasis on people.

Cost (average) ---------------------- $4,363

14. *SFP 2039, "NORAD Tracks Santa" (TV Clip)*. This is a short Christmas film clip showing weapons controllers picking up a blip that turns out to be Santa Claus. 1 min, color, 1969.

Cost ---------------------------- $2,679

Question:

2. With regard to the Internal Information Program, please provide:

(a) Information as to the total cost of all aspects of the Internal Information Program (including military pay and allowances) in FY 1970 and proposed for FY 1971.

Answer:

The total cost of all aspects of the Internal Information Program (including military pay and allowances) in FY 1970 and proposed for FY 1971 is:

Costs

Military pay and allowances:	
Fiscal year 1970	$6,025,054
Fiscal year 1971	6,025,054
O&M (includes civilian pay):	
Fiscal year 1970	3,503,026
Fiscal year 1971	3,485,297
Total fiscal year 1970	9,528,080
Total fiscal year 1971	9,510,351

Question:

2. With regard to the Internal Information Program, please provide:

(b) Details on the number of personnel (military and civilian) involved in Internal Information activities in Washington and outside of Washington on a full-time basis—also the number involved on a part-time basis.

Answer:

The number of personnel (military and civilian) in Internal Information activities in Washington and outside of Washington on a full-time basis (including the number involved on a part-time basis) is:

	Fiscal year—	
	1970	1971
In Washington area:		
Full time:		
Military	43	43
Civilian	44	44
Part time [1]	None	None
Total	87	87
Outside Washington area:		
Full time:		
Military	549	549
Civilian	108	108
Total	657	657
Part time:		
Military	115	115
Civilian	50	50
Total	165	165

[1] Part time is defined as those full-time Air Force personnel working in the information career field who divide their time among public information, community relations, and internal security.

Information activities. These part-time figures are a proportionate share, based on workload, and expressed in man-years, of those personnel working in all functions of the Information Program.

In addition, at unit level in the field, a modest number of personnel perform an additional duty in the Internal Information function. For example, an aircrew member might also act as Squadron Information contact to assist in identifying to the Information specialists certain activities worthy of note in base newspapers, etc. Such additional duty assignments and activities are normally a result of personal interest and are addictive to the additional duties already assigned the individual. The numbers of individuals are relatively small and difficult to quantify because the designation is usually informal and always secondary to primary duties. These personnel are not considered "part-time" as defined above in support of the Internal Information Program.

Question:

2. With regard to the Internal Information Program, please provide:

(c) A detailed description of the activities of all offices which have a share in the responsibility for the conduct of the Internal Information Program, including those of the Air Force Reserve and the Air National Guard.

Answer:

The office which has responsibility for the conduct of the Internal Information Program (including those of the Air Force Reserve and the Air National Guard) is described as follows:

INTERNAL INFORMATION DIVISION

The Internal Information Division of the Secretary of the Air Force, Office of Information, plans, directs and supervises the USAF Internal Information Program for all Air Force members, including both Air Force civilian and active duty military personnel as well as members of the Air National Guard, Air Force Reserve, and Air Force Reserve Officers Training Corps (AFROTC). The division establishes program objectives to assist commanders throughout the Air Force in communicating effectively with their personnel on matters relating to Information needs, orientation, motivation and retention. It is responsible for planning, developing, producing, distributing, controlling and evaluating print and audio-visual products in support of these objectives. It monitors professional education and training for the Information career field and serves as point of contact for liaison with the Office of Information for the Armed Forces (OASD/M&RA).

Working under the supervision of the Chief of the division are:

Assistant for Policy and Programs (Internal Information Division)

Advises division chief on policies regarding information, new military concepts, ideologies in conflict, and techniques of communications. Assists in prepublication guidance, coordination, and final review of all Command Services Unit articles and *Airman* Magazine articles. Selects or composes articles for *Air Force Policy Letter for Commanders*, for publication twice monthly, and for monthly *Supplement* to Policy Letter. Prepares monthly and annual Consolidated Index to all Internal Information materials and annual booklet, *Questions and Answers About the United States Air Force.*

Internal Projects Branch (Internal Information Division)

The Internal Projects Branch monitors and supervises professional education of Information personnel; represents the Air Force as required in matters affecting Defense Information School; undertakes special projects as directed; supervises Freedoms Foundation program as it relates to the internal Air Force audience; supervises Air Force participation in the Thomas Jefferson Awards Program. Prepares congratulatory messages for the Secretary of the Air Force and the Chief of Staff; and evaluates surveys.

Internal Media Branch (Internal Information Division)

The Internal Media Branch supports the Air Force Internal Information Program with visual and written media and policy guidance. Produces the weekly Air Force News Service for approximately 250 base newspapers; critiques all base newspapers and monitors expenditure of appropriated and non-appropriated funds for official newspapers; conducts annual Newspaper Awards Contest; monitors the Commander's Call program; directs production of the monthly Air Force Now film series and selects or directs the production of feature films for Commander's Call use. Conducts the Outstanding Airman Program; coordinates the USAF Orientation Program; produces, or directs the production of, posters, pamphlets, and fact sheets as required. Point of contact for all coordination with the Office of Information for the Armed Forces (OASD/M&RA).

Armed Forces' Radio-Television Branch (Internal Information Division)

The Armed Forces Radio and Television Branch exercises staff supervision and policy control over all Air Force-operated Armed Forces Radio and Television stations. Develops, coordinates, and disseminates Air Staff policy on the operation of the stations. Maintains liaison with Office of the Secretary of Defense, Departments of Army and Navy, major air commands, other governmental agencies, and commercial radio and television industries in matters pertaining to Armed Forces Radio and Television.

Command Services Unit (Internal Information Division)

The Command Services Unit, a function of the Internal Information Division, is responsible for planning, preparing, coordinating and distributing editorial, audio-visual and other printed materials designed for use at all levels of command.

Products that are prepared and distributed by the Command Services Unit include *Airman*, the official monthly magazine of the Air Force; fact sheets and background information sheets; the Aerospace Speech Series; slide presentations; original photography: graphic illustrations; booklets; posters.

Commanders at every echelon, including the Air National Guard and Air Force Reserve, are responsible for implementing the Internal Information Program in accordance with Air Force Regulations 190–6, 190–7 190–18 and Air Force Manual 109–4, copies of which are included with this report at Tab A through Tab D.

Question:

2. With regard to the Internal Information Program, please provide:

(d) A catalog or other publication listing all films, books, leaflets, posters, etc., currently available for use in the program.

Answer:

The following index was produced for this report and includes all films, books, leaflets, posters, etc., currently available for use in the program.

Tab E, Airman, Magazine, Monthly.

Tah F, The Air Reservist, Magazine, 10 times a year.

Tab G, Air Force Policy Letter for Commanders (AFRP 190–1), Pamphlet, Semi-monthly.

Tab H, Supplement to AF Policy Letter (AFRP 190–2), Pamphlet, Monthly.

Tab I, Information Program Bulletin, Pamphlet, Semi-monthly.

Tab J, Aerospace Speechmaking Guide (AFP 190–41), Pamphlet, As required.

Tab L, Of Flight and Bold Men, Pamphlet, Reprint.

Tab M, Air Force News Service, Releases, Weekly.

Tab N, Broadcast Briefs, Releases, Weekly.

Tab O, General Officer Biographies, Resumes, As required.

Tab P, Consolidated Index to Air Force Information Materials, pamphlet, monthly & yearly.

Tab Q. The Air Force Now, films monthly; Air Force News Review, films discontinued.

Tab R, Commander's Call "Talk Arounds", talking papers, 8 times a year.

Tab S, USAF Lithograph series (5 sets), pictures, as required.

Tab T, Bulletin board, graphic news posters, weekly.

Tab U, AFacts, graphic posters, discontinued.

Tab V, Photo pack (1 set) aircraft photos, as required.

Tab W, Fact sheets, pamphlets, as required:

69–1 Air Force Reserve.
69–2 Air Force One.
69–3 Unified Commands.
68–22–5a Tactical Air Command (Revision).
70–1 Thunderbirds.
70–2 B–1.
70–3 F–15.
70–4 Bare Base Concept.
70–5 Air-to-Surface Missiles.
70–6 Transition Program.
70–7 C–5.*
70–8 Aerial Postal and Courier Service.*
70–9 Security Police.*

Tab X, background information, pamphlets, as required:

69–1 USAF Education Services Program.
69–2 USAF Highlights of 1968.
69–3 Facts About Air Force People.
69–4 Conservation of Natural Resources.
69–5 Key Events in USAF History.
69–6 Aerospace Defense.
69–7 Organization of the USAF.
69–8 Air Force Base Guide.
69–9 "For Extraordinary Heroism"—Presidential Unit Citation.
69–10 U.S. Air Force Scientific Spinoff.
70–1 Strategic Forces.
70–2 Air Force Cross (Revision).
70–3 Air Force Aces.
70–4 Tactical Airpower.
70–5 USAF in Southeast Asia.
70–6 U.S. Air Force Band.
70–7 Air Force Historical Aircraft.*
70–8 Military Airlift.*
70–9 Highlights for 1969.*
70–10 Civil Air Patrol.*

Tab Y, aerospace speeches, pamphlets, as required:

54 Veterans Day—1969.
55 NCO Leadership in Todays' Air Force.
56 Wide New Yonder.
57 Air Superiority: Key to Airpower.
58 Forces for Freedom (Armed Forces Day—1970).
59 Memorial Day—1970.
60 Independence Day—1970.*
61 Air Force Heritage.*
62 Air Force People—Our Most Important Asset.*

Tab Z, Air Force newspapers, weekly, semi-monthly, monthly.

Question:

2. With regard to the Internal Information Program, please provide:

(e) A copy of each of the materials published by the Air Force last year for use in the program.

Answer:

A copy of each of the Internal Information materials published during FY 1970 is attached (Tabs E through Z).

Question:

2. With regard to the Internal Information Program, please provide:

(f) A list of the movies produced by the Air Force last year for the program, the cost of each, and an estimate of the number of civilians who have seen each.

Answer:

Twelve films were produced by the Air Force in FY 1970. Eleven are for The Air Force Now/Air Force News Review series, each produced at an average cost of $39,174, including personnel costs. It is estimated that each of these films was seen by an average of 30,000 Air Force civilian employees.

The annual Air Force Christmas Television Program was produced at an estimated total cost of $38,756, and was seen by approximately 15,000 U.S. civilian employees of the Air Force in oversea areas on the Armed Forces Radio and Television Network, and made available as a public service to television stations in the United States with recruiting commercials. Two-hundred and sixty-seven stations requested use of the videotape; no estimate of civilian viewers is available.

Question:

2. With regard to the Internal Information Program, please provide:

(g) A list of all Air Force periodicals used in the program and the annual cost of each.

Answer:

Periodicals published for use in the Internal Information Program during FY 1970 and the costs for each are:

Airman magazine	$340,000
Air Force policy letter for commanders	9,600
Supplement to the policy letter	15,000
Information program bulletin	1,037
The Air Reservist	120,000

Question:

2. With regard to the Internal Information Program, please provide:

(h) A detailed explanation concerning use of nonappropriated funds, if any, in the Air Force Internal Information Program.

Answer:

The only use made of nonappropriated funds in the Air Force Internal Information Program is in the production of 18 Air Force newspapers, as explained in paragraph 2j, and as defined in AFR 190–7, Tab B.

Question:

2. With regard to the Internal Information Program,

(i) Information concerning Air Force training schools for information personnel, the estimated costs for operation in FY 1970, and the number of officers and men scheduled to be trained.

Answer:

Four-hundred and thirty-one Air Force officers and airmen are scheduled to receive Information training during FY 1970 through Department of Defense and Air Force training programs. The programs, with personnel attendance figures in parenthesis, are: Short Course in Public Communication, Boston University (44); Foreign Service Institute Area Country Studies Program (7); Air Force Institute of Technology (AFIT) (21); and the Defense Information School (DINFOS) (359). Tuition costs for the Short Course in Public Communication and DINFOS are borne by the Department of the Army as executive agent for non-degree DoD Information training. Costs borne by the Air Force in support of Information training are estimated at $24,750, of which $23,750 is for tuition.

Question:

2. With regard to the Internal Information Program, please provide:

(j) Information concerning the number of newspapers and magazines published by Air Force units at the local level, the total cost estimate for each publication, and the source of funding. Please provide appropriate samples of these publications.

Answer:

As of May 4, 1970, there were 251 Air Force newspapers being published, including 60 by Air National Guard and 21 by Air Force Reserve units. Of these, 150 are official newspapers, financed by appropriated or nonappropriated funds, and 101 are unofficial, produced by civilian commercial enterprises at no cost to the U.S. Government. The estimated total cost of official newspapers is $587,503, of which $414,538 is from appropriated funds and $172,965 from nonappropriated funds. Attached as Tab Z are sample newspapers.

SUMMARY

The preceding pages respond to questions concerning the resources and activities of the Public Affairs (Public Information and Community Relations) and Internal Information Programs of the United States Air Force. In a vertical alignment, such as exists in the Air Force Information program, job specialization within the functional areas of public, community or internal information diminishes at each successive lower level of organization. At the lower levels, in other words, the Information Specialist performs overlapping duties in all three functional areas, while also meeting the normal management overhead responsibilities.

The answers to the questions contained in this report concerning manpower and funding are as precise as possible; however, some statistical interpolation was necessary because of the nature of the aforementioned overlapping duties and functions at the lower levels of the Information structure. Consequently, in addressing the overall Information Program, we identified an overhead management segment—primarily engaged in administering and supporting the overall Information effort—which does not clearly translate into any one of the three pure functions of Public, Community and Internal. While computations are in some instances based on estimates, the management overhead represents approximately 20% over and above the functional area costs of the Public, Community and Internal Program as described in this response.

---

* Projected for completion in FY 1970.

The Air Force is already in a reduction-in-force, and we anticipate the above-mentioned management overhead to decrease at a rate at least equal to that of the reduction of the Public, Community and Internal programs. Additional major reductions in the Information Program are in planning stages for FY 71.

DEPARTMENT OF THE ARMY, OFFICE
OF THE CHIEF OF PUBLIC INFORMATION,
Washington, D.C., June 15, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The following data is provided in further response to your letter of 31 March 1970, concerning the external and internal information programs of the Army.

The succeeding paragraphs correspond to the numbered paragraphs of your letters. Where the data or material furnished is voluminous, it is cited in the pertinent paragraph and attached as an inclosure.

1. With reference to the external information program of the Army which includes Public Information and Community Relations programs:

a. The estimated overall cost of the external information program for FY 1970, including military personnel costs, is $12,253,000. Cost estimates for FY 1971 are at the same level as for FY 1970. Costs reported herein are computed on a different basis from those reported last year. Those in the previous report were limited to the major command headquarters and their major subordinate command headquarters level. Costs reported above include those down through installation level.

b. Personnel who have information assignments do not perform duties exclusively in the external information program but also perform duties in internal and administrative activities. Therefore, all personnel are accounted for in man-years, under part-time in paragraph 1c, below.

c. The number of personnel in man-years of effort, in connection with external information activities, for FY 1970 is 1,058 military and 387 civilian. It is estimated that these numbers will be about the same for FY 1971.

d. Costs for Army activities outside the Office of the Chief of Information (OCINFO), which are described in AR 360-5 (Incl 1), that have external information programs are: Major Commands, $10,797,000 ($6,294,000 MPA, $3,650,000 OMA, and $853,000 other); and Unified Commands for which the Army component is the executive agency, $131,000 ($84,000 MPA and $47,000 OMA). Thesse costs are included in the totals listed in paragraph 1a, above. Personnel costs account for all of MPA funds and about 50 percent of OMA funds. Thus, approximately 80 percent of the overall costs are attributable to personnel pay costs which are necessary to accomplish the external information mission.

e. (1) *Community Relations Division* (CRD): The division responded to over 2000 pieces of correspondence requesting Army participation in activities in the civilian domain during the period July 1, 1969 through March 31, 1970. This does not include countless telephonic requests for assistance from the general public handled in the course of daily business.

(a) Divisional Organizations. CRD supported and provided assistance to 67 organizations such as the Society of the First Division and World Wars Tank Corps. For this year's annual Tank Corps reunion, CRD arranged for the appearance of a speaker, color guard, and an equipment display.

(b) Veterans Organizations. A large portion of the support provided to 29 different veteran groups during FY 1970 consisted of coordinating answers to requests for assistance in such personnel matters as hardship cases, compassionate reassignment, location of Army personnel, and requests from families pertaining to the health and welfare of sons and daughters.

(c) Boy Scout and Youth Groups. An average of six requests per month was received from Congressional offices seeking accommodations at Army installations for Boy Scouts and other youth groups visiting the Washington, D.C. area. One such request was to provide facilities for 120 boys and girls to a junior symphony orchestra which visited the area during the period 29–30 March 1970.

(d) Service-oriented Organizations. CRD provided support to 146 service-oriented organizations during the past year. An example of such support was the provision of a speaker and displays to the annual reunion of the Congressional Medal of Honor Society in Houston.

(e) Military Wife of the Year. This program honors the soldier's wife for bettering human relationships in both military and civilian communities, at home and abroad. CRD serves as the coordinator for Army participation in this program.

(f) Speaker Requests. Over 800 requests for Army speakers were processed from civic clubs, church groups, veteran organizations, professional clubs, etc., on a variety of subjects.

(g) Bands. Army bands and musical units are in great demand as evidenced by the approximately 675 processed requests received by this office during the first nine months of FY 1970. Typical of these actions was a request from the Chairman of the Philadelphia Pulaski Day Parade through a Congressional office for Army participation in the October 5th Pulaski Day Parade in Philadelphia. The 173rd US Army Band from Fort Dix, New Jersey, fulfilled that request. In addition CRD coordinated and scheduled the United States Army Field Band and Chorus for 250 performances before an estimated 600,000 persons during FY 1970.

(h) US Army Parachute Team. During the first nine months of FY 1970, 109 parachute demonstrations were coordinated and arranged for the Golden Knights parachute team. Demonstrations were performed at Bradenton, Florida at the reqeust of Florida State authorities in connection with "De Soto Week" (approximately 3500 spectators viewed the demonstration) and Charleston, South Carolina, at the request of the Charleston Tricentennial Commission and the South Carolina State Tricentennial Commission (approximately 30,000 spectators, including the Mayor of Charleston, viewed the demonstration).

(i) Army participation in Public Events. CRD responded to approximately 1000 requests for participation by Army personnel and equipment in civic-sponsored public events. Such a request was received in October 1969, for the participation of an Army color guard and firing squad for a Laconia, New Hampshire, Veterans' Day flagpole dedication ceremony. Arrangements were made to provide the requested support from Company B, 368th Engineer Battalion, of the United States Army Reserve stationed in Laconia.

(j) Veterans' Recognition. The American people have a continuing interest in the welfare and morale of American servicemen and initiate many projects to show their concern as evidenced by 150 requests received by CRD. One such project was initiated by a citizens' group in Gallup, New Mexico to honor a returning serviceman, a representative of all servicemen from the area, during the Christmas season. CRD assisted in locating a serviceman from the Gallup area who met the requirements or the project and coordinated this information through the interested Congressional office.

(k) US Army Exhibit Unit. At the request of civilian organizations and military recruiting offices, 11 exhibits were shown in 228 cities before a total audience of 12 million persons. Eighty percent of the exhibits were in support of the Army recruiting program. (See schedule at Incl 2).

(l) In addition to the above, CFD serves as point of contact between the Army elements and the Office of the Assistant Secretary of Defense (Public Affairs) in matters relating to Army participation in activities such as those described above. CRD also monitors Army Regulations dealing with community relations.

(m) As the Army point of contact, CRD forwards input provided by the Army staff and the major commands to the Defense Industry Bulletin which is published by the Defense Supply Agency, a Department of Defense agency.

(2) *Command Information Division*. Activities of the Command Information Division deal solely with internal information and are discussed in paragraph 2, below.

(3) *Policy, Plans and Programs Division*. Policy, Plans and Programs Division's activities complemented those of community relations, public information, and command information. As the major planning and policy office for OCINFO, activities of the division involved developing, coordinating, and administering plans and policies with other OCINFO divisions, and agencies of the Departments of the Army and Defense. Actions actually dealing with the external information program are normally accomplished by the Community Relations Division and the Public Information Division as described in paragraphs 1e(1), above and 1e(4), below.

(4) *Public Information Division*. The following are examples of Public Information Division activities during FY 1970:

(a) Public Information Division responded to approximately 13,450 media queries during the period 1 July 1969 through 15 April 1970. Additionally, some 14,000 other queries were answered from private citizens and organizations, including coordination of responses to Members of the Congress. These queries ranged from very simple matters about the Army, providing biographies, fact sheets regarding equipment, etc., to complex questions requiring extensive research and staff coordination involving such matters as the alleged My Lai incident, the Green Berets incident, and the NCO Clubs investigation. Among the public inquiries, many were requests from high school and college students seeking material and assistance in preparation of term papers, theses and other reference material. Under the Freedom of Information Act, the Army has a mandate to be responsive in making full disclosure with minimum delay, consistent with national security, to requests for information from the media and the public.

During this period, coordination was effected on 48 Medal of Honor presentations, etc., for press kits, and for response to the media.

(b) Approximately 147 public releases were cleared for issue by subordinate commands. See sample at Inclosure 3. Some 150 other releases were prepared and forwarded to the Department of Defense for national release. See sample at Inclosure 4. National announcements of approximately 660 contract awards involving amounts of more than one million dollars were made through the Department of Defense. Arrangements were made for approximately 185 interviews by media representatives with members of the Department of the Army staff, as well as tours to subordinate installations by press representatives.

Fifty newspapers from all parts of the United States are screened on a daily basis for analysis of information of special Army interest.

f. No motion pictures are produced for the external public. Motion pictures produced in support of the internal information program that are available to the public, upon request, are discussed in paragraph 2g, below.

g. "The Army Hour" is a twenty-five minute radio program of soldier interviews and music. Last year, 52 programs were released to approximately 1,232 commercial and educational radio stations in the United States and 285 American Forces radio stations overseas. "Worldwide" is a five-minute radio program of soldier interviews. Last year, 104 programs were released to approximately 1,058 commercial and educational radio stations in the United States and 285 American Forces radio stations overseas. During FY 1970, through 31 March, the Army Hometown News Center released 378,592 audiotapes, 1,353 television film clips, and 1,658,000 printed releases. This material, consisting of news of local soldiers for use by their hometown media, was furnished to 2,474 radio stations and 546 television stations.

h. Copies of major commands' monthly reports for non-local travel for external information purposes, as required by paragraphs 27 and 28, AR 360–5, for the FY 1970 are at Inclosure 5. As examples, one staff officer was sent to Fort Bragg, North Carolina and to Korea on Operation Focus Retina. One staff officer went to Miami, Florida, and Fort Bragg, North Carolina, on the IX Conference of American Armies. Two staff officers traveled to Fort Benning, Georgia, and Fort Hood, Texas, for liaison visits in connection with press arrangements for the My Lai incident courts-martial.

i. No "Speechmaker" publications were produced in FY 1970.

j. The quarterly Command Information reports which relate solely to the internal information program are provided at Inclosure 6.

k. During FY 1970, about 350 senior speakers (Lieutenant General and higher and Assistant Service Secretary and higher) were provided in response to requests from civic, service, veterans, and professional organizations.

2. With reference to the internal information program of the Army:

a. The FY 1970 cost for operation of the internal information program, including military personnel costs, is estimated at $13,200,000. Costs estimated for FY 1971 are at the same level as for FY 1970.

b. Because of the many duties performed in addition to internal information, personnel accounting is in man-years of effort. It is estimated that 1,141 military and 246 civilian man-years were used in FY 1970, on internal information activities.

c. The purpose of the Army Pictorial Center, located in Long Island City, New York, is to provide pictorial and audiovisual services for the Department of Defense, Department of the Army, Army Materiel Command, Continental Army Command, government agencies, and other authorized activities; and to maintain and operate the Army Motion Picture Depository and Army Motion Picture Record Center. The operating cost for FY 1970 is estimated at $10 million. There are 750 persons assigned to the center, and the workload is 250 motion picture projects. Only a small portion of its activity is directly in support of the Army internal information program. Specifically, $727,000 was budgeted for production of twenty-five Big Picture films in FY 1970. (Latest figures available indicate these films had 118,779 showings to internal audiences and 44,762 showings to external audiences). For reasons of economy, the Army Pictorial Center is scheduled to be closed on 30 June 1970, and the responsibility for the various audiovisual activities will be assigned to other facilities of the Army Materiel Command.

d. Army Regulation 360–81 (Inclosure 7) describes the operation of all offices, including the Army Reserve and the Army National Guard, which have a share of the responsibility for conduct of the internal information program. Costs are included in paragraph 2a, above.

e. Catalogs and listings of materials used in the internal information program are at Inclosure 8.

f. A copy of each of the internal information materials published during FY 1970, are at Inclosure 9, 10, 11, and 12.

g. The detailed data requested is shown in Inclosure 13.

h. Periodicals published for use in the internal information program during FY 1970 and the costs for each are:

Army Reserve	$250,000
Commanders Call Support Material	47,600
Army Digest	426,000
Army news/photo features	48,000

i. As of 30 May 1970, there were 140 authorized Army newspapers and 22 magazines being published throughout the Army. The estimated total cost is $1,412,537, of which $385,964 was from appropriated funds and $1,026,673 from non-appropriated funds. Attached at Inclosure 14 are three sample newspapers and two magazines.

j. Information concerning the training schools for information personnel is contained in DA Circular Number 350–74 (Incl 15), DA Circular Number 350–76 (Incl 16) and Defense Information School Brochure (Incl 17), attached. Thirteen officers and thirteen civilians attended the Advanced Public Relations Course, University of Wisconsin, during FY 1970. Six officers participated in the OCINFO Senior Officer Civil Schooling Program at the University of North Carolina, the University of Wisconsin, the University of Colorado, and the Ohio State University during FY 1970. Army personnel consisting of 138 officers, 439 enlisted men and 21 civilians attended courses of instruction at the Defense Information School during FY 1970.

Sincerely,

WINANT SIDLE,
Brigadier General GS, Chief of Public Information.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, with respect to the comments on Guard and Reserve forces included in the committee report on the defense appropriation bill for 1971, I agree wholeheartedly with the requirement for belt tightening in both the National Guard and Reserves of all the services. Such belt tightening through improved management is being forced upon the services through rising personnel costs, the prices of fuel and other expendable supplies, and the like.

Before we punch another hole in the belt, however, we should recognize that the Guard and Reserves have been living under austere budgets since the political decision in 1965 that they would not be mobilized to duty in Southeast Asia. For example, Army Reserve construction has been stopped for 6 of the 7 years from 1964 to 1970. Normal equipment retirement and withdrawals of equipment for use in combat from the Army Guard and Army Reserve exceeded equipment issues from 1964 to 1969.

Thus, for many years, Guard and Reserve manning, equipping, and training have been given low funding priority.

Now, as the Committee on Appropriations has pointed out, national policy has placed on the Department of Defense a requirement for development of genuine combat capability in the National Guard and Reserve. Secretary Laird has expressed publicly and officially his policy that Guard and Reserve units must be prepared to be the primary and initial source of augmentation for the active services and that the services must provide support to effect this preparedness. The services have developed their Guard and Reserve budgets to meet the minimum requirements of this policy, the objective of which is the development of mobilization equipping, manning, and training levels to meet JCS stated requirements for force deployability.

The reductions which have been made in Guard and Reserve appropriations do not appear to be consistent with this objective. The House of Representatives has told the Air Force to retain units previously programed for inactivation and has provided the necessary funds to support this retention. If the committee report is approved, we in the Senate will signify our willingness to have these units retained without the necessary support funds, thereby forcing degradation of support and a consequent lessening of readiness for deployment.

There is another point which we should consider before we determine that there is oversupport for the Air National Guard and the Air Force Reserve. The technician manning and flying hour program represented by the operations and maintenance funds are key elements which have made these components ready—so ready that when units of the Air Guard and Air Reserve were mobilized in 1968, they were ready for deployment within 72 hours and were able to fly combat missions within a few days after their arrival in Vietnam.

At a time when the Secretary of Defense and the military services are trying to carry out the repeatedly expressed intent of Congress that the Guard and Reserve be made ready so that they can be used upon mobilization and would, therefore, be more likely to be mobilized should the need arise—at a time when we are encouraging the improvement of readiness in all the Guard and Reserve components, it would be inconsistent for us to jeopardize proven readiness in the two components where the greatest improvement has been made.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MURPHY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1971—CONFERENCE REPORT

Mr. HOLLAND. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Murphy). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 7, 1970, pp. 40240–40241, Congressional Record.)

Mr. HOLLAND. Mr. President, may I ask that the secretaries on both sides of the aisle notify Senators who may be concerned with this matter that the Senate will take up this conference report immediately? I have heretofore endeavored to notify all the Senators that I thought were interested one way or the other in this report. I hope that they may be present on the floor momentarily.

Mr. President, I shall not report on all the details of the conference agreement, since the full text of the conference report and the statement of the managers on the part of the House have been printed as House Report No. 91–1680, and appears in the Congressional Record of December 7, yesterday, beginning on page 40240.

Mr. President, the Senate passed the agricultural appropriation bill on July 9. The bill as passed by the Senate contained 62 different numbered amendments, comprised of 106 individual differences. The House appointed its conferees on November 20, and the conference committee met on December 2, and again on December 3, when it reached final agreement.

Mr. President, I should say in justice to the House that the conferees of the House were not appointed until that late date because of the pendency of the farm bill which had not become law until about the time of the appointment of the House conferees.

Mr. President, in recognizing the need to economize in Federal expenditures, plus the fact that almost one-half of the current year will have elapsed by the time the President approves the appropriation bill, many of the items in conference were reduced below the amounts proposed by the Senate.

The conference agreement on the appropriation bill totals $8,090,856,550. This is $7,260,400 over the 1970 appropriations, $342,502,050 over the 1971 budget estimates, and $385,078,550 under the bill as passed by the Senate on July 9.

FOOD STAMP PROGRAM

Mr. President, the principal decrease under the Senate version of the bill pertains to the funding for the food stamp program.

The budget estimate and the House bill provided $1,250 million and the Senate provided $1,750 million. The conferees agreed to $1,420 million. This is $330 million under the Senate bill, but is $170 million over the estimate and an increase of $823,037,000 over the obligations for fiscal 1970.

The entire appropriation of $1,420 million is available only within the limits of amounts authorized by law for fiscal 1971.

Prior to the meeting of the conference committee, I requested the Department of Agriculture to summarize the efforts made by the Congress so far for the current fiscal year to carry forward the food stamp program in the absence of new authorization. Through next January 31, a total of $770,000 has been made available for this program as follows: First, in Public Law 91–294, the continuing resolution, approved June 29, 1970, section 101(a)(1) provides for the continuation of programs and activities. Therefore, under that resolution, the remaining $170 million of authorization from Public Law 91–552, approved October 8, 1968, which authorized extension of the Food Stamp Act of 1964, provided "not in excess of $170 million for the 6 months ending December 31, 1970" was provided.

Second, when the second supplemental appropriation bill for 1970 (Public Law 91–305) was under consideration by the Senate, an appropriation of $300 million was approved with the amount to be charged against the amount to be appropriated for the food stamp program when H.R. 17923 was enacted. This was due to the foresight of the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana. This $300 million was to be available through October 31, 1970. Finally, on October 15, 1970, when Public Law 91–454, an extension of continuing appropriations, was approved, an additional $300 million was appropriated by changing the original $300 million just cited and contained in the Second Supplemental Appropriation Act, to $600 million to be available through January 31, 1971.

These supplemental appropriations and the continuing resolution thus provide a total of $770 million, to be available through January 31, 1971, and all of which are chargeable against the limits to be established by the Congress in the authorization act for the food stamp program for fiscal 1971, not yet passed.

Mr. President, I believe that the amount agreed to; namely, $1,420 million, is adequate to carry out the food stamp program for the current fiscal year, but in the event that the final authorization for the food stamp program, plus the needs of the program prior to next July 1, show an expressed need for additional funds, I am confident that the next Congress will provide such amounts as may be proposed in a supplemental budget.

Mr. President, I ask unanimous consent that the letter I received from Assistant Secretary Lyng, dated November 30, dealing with the $770 million to which I have just referred, be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
Washington, D.C., November 30, 1970.

Hon. Spessard L. Holland,
Chairman, Subcommittee on Department of Agriculture and Related Agencies, Committee on Appropriations, U.S. Senate.

Dear Senator Holland: This responds to your informal request for information on available funds for the Food Stamp Program in the fiscal year 1971.

Funds totaling $770 million have been made available for this program through January 31, 1971, as follows:

1. Under P.L. 91–294, approved June 29, 1970, $170 million became available and has been used. Section 101(a)(1) provides for continuing programs in accordance with the terms of the then pending Department of Agriculture Appropriation Act. The amount was limited to $170 million by virtue of the authorization in P.L. 90–552, approved October 8, 1968, which amended the Food Stamp Act of 1964 to authorize "not in excess of $170 million for the six months ending December 31, 1970." The 1971 Agriculture Appropriation Bill (H.R. 17923) includes a proviso under the Food Stamp Program which reads "Provided, That this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1971."

2. Under P.L. 91–305, approved July 6, 1970 (the Second Supplemental Appropriation Act of 1970) a separate appropriation of $300 million was approved by the Congress "to be charged to the amount appropriated under this head in H.R. 17923, when enacted." This $300 million was to be available through October 31, 1970.

3. Under P.L. 91–454, approved October 15, 1970, an additional $300 million was appropriated (by changing the original $300 million above in the Second Supplemental Appropriation Act to $600 million) to be available through January 31, 1971.

In view of these actions by the Congress there is presently available $770 million for the Food Stamp Program to be available through January 31, 1971.

Sincerely,

Richard Lyng,
Assistant Secretary.

ASCS—PRICE SUPPORT LIMITATION

Mr. HOLLAND. Mr. President, another item in the Senate version of the bill dealt with a $20,000 price support limitation for fiscal year 1971. This was amendment numbered 38, and was offered by former Senator Smith from Illinois on July 8, when the Senate was debating the agricultural appropriation bill. At that time, the amendment was adopted by a vote of 40 yeas to 35 nays, with 25 Members not voting.

Subsequently, when the Senate was considering the general farm legislation bill, which provided for a 3-year extension of farm legislation beginning with crop year 1971, former Senator Smith of Illinois again offered an amendment which would have provided a limitation of $20,000 per farm for crop years 1971, 1972, and 1973. This amendment was rejected by the Senate by a vote of 44 nays to 21 yeas, or better than 2 to 1. As Senators will recall, the farm bill, in its conference form, does provide in the new basic law for a limitation of $55,000 per producer for each of the major crops. The President signed the farm bill (Public Law 91–524) on December 1.

In view of the subsequent action of the Senate and the enactment of basic farm legislation carrying a $55,000 limitation, the Senate conferees receded from amendment numbered 38.

In view of the adoption of the $55,000 limitation in basic law, it is my hope that there will be no further effort on the part of Members of either body to impose in appropriation bills restrictive limitations in the 3 years covered by the farm bill.

AGRICULTURAL CONSERVATION PROGRAM

Mr. President, another item of general interest to the Congress is the advance authorization for the agricultural conservation program for 1971. The conference agreement is for $195,500,000, as proposed by the House, instead of $190,000,000 as proposed in the Senate bill.

I regret that the administration has not announced the 1971 program. A year ago, when there was a long delay in the conference which was concluded on November 19, 1969, the Secretary of Agriculture announced the 1970 program under the terms of the continuing resolution, similar to the one which has been in effect since July 1, 1970.

This program of cost-sharing has been very beneficial to the protection and development of our natural land resources. On the average, $2 is spent for each dollar appropriated, since practices paid for are matched dollar for dollar by the producer.

During the hearings, the officials of the Department of Agriculture, on being questioned by the committee, presented a strong basis for continuation of the program, even though the President's budget had proposed elimination of an advance program. More than 85 percent of the practices are of an enduring nature and a large share of the conservation work installed under the program deals with soil and water pollution.

RURAL ELECTRIFICATION ADMINISTRATION

Mr. President, the loan authorization approved by the conference committee for the rural electrification program is $337 million, instead of $352 million as proposed by the Senate. The conference amount represents an increase of $15 million over the budget, and will provide a loan level for the current fiscal year of $360 million instead of $345 million, as proposed in the budget and carried in the House bill.

The amount approved by the conferees for the telephone program is $128,800,000, instead of $138,800,000 as proposed by the Senate. The conference agreement does provide an increase of $5 million over the budget estimate and a loan level, including carryover funds, of $130 million for fiscal 1971.

SUPPLEMENTAL FINANCING PROGRAM

Mr. President, both committee reports recommended to the REA Administrator, in differing versions, the additional deferment of principal payments to encourage subscription of capital for the electrification borrowers to the National Rural Utilities Cooperative Financing Corporation, now known as the CFC.

In essence, the House committee report proposed deferments on existing loans and the Senate committee report recommended an additional 3-year deferment on new loans, with the understanding that such deferments would be contributed to the CFC, a self-help financing venture created to supplement the regular REA lending program.

On July 27, the REA Administrator, Mr. David A. Hamil, transmitted to me, as chairman of the subcommittee, a letter of the same date to the Comptroller General of the United States, signed by the Under Secretary of Agriculture, posing a number of questions dealing with interpretation of the recommendations carried in the House and Senate committee reports on this subject. On September 28, the Comptroller General replied to the Secretary of Agriculture and transmitted a copy of his reply to me, as chairman of the subcommittee. In his transmittal letter, the Comptroller General, Mr. Elmer B. Staats, stated:

> We urge that every effort be made to resolve this matter and that the final agreement be clearly set forth in the legislative history of the appropriation act.

In response to the request from the Comptroller General and the request by the REA Administrator, this matter was dealt with by the conference committee. On pages 10 and 11 of the conference report there appears a statement setting forth the agreement of the conferees on the part of both the House and the Senate confirming that the REA Administrator has authority under sections 4 and 12 of the Rural Electrification Administration Act, as amended, to follow both the House and Senate committee recommendations, and further that the Administrator should do this when he finds that the financial condition of a borrower is sound and where the Government's interest would be adequately safeguarded. As stated in the conference report, in exercising this authority, which is voluntary, the Administrator is authorized to make additional deferments of at least 3 years on outstanding loans in addition to any previous deferment, and the deferment of principal on new loans made after the date of this report for 3 years, in addition to the deferment period normally granted on new loans under preexisting practices. These deferments may be made to meet local needs or where the desire by the REA cooperative borrower is to voluntarily invest amounts deferred in securities of the CFC.

Mr. President, I ask that the text of the conference report, regarding this item, be printed in the RECORD at this point, together with the letters of September 28, from the Comptroller General, the letter of August 12 from the Administrator of the REA, the letter of August 5, from the chairman of the subcommittee to the REA Administrator, and a letter of July 27, to the chairman of the subcommittee from the REA Administrator which transmitted a copy of the letter from the Under Secretary of Agriculture to Mr. Staats, the Comptroller General of the United States, raising questions to be interpreted as a result of the House and Senate committee report recommendations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE II—CREDIT AGENCIES

RURAL ELECTRIFICATION ADMINISTRATION

Amendment No. 49: Provides loan authorization of $337 million for electrification loans instead of $322 million as proposed by the House and $352 million as proposed by the Senate.

The Conferees have considered the differences in the language contained in the House and Senate Committee reports recommending that the REA Administrator defer repayments of principal on certain rural electrification loans. After careful consideration of the Comptroller General's letter, dated September 28, 1970, addressed to the Secretary of Agriculture, the Conferees are in agreement that there is authority in Sections 4 and 12 of the Rural Electrification Act to follow both the House and Senate Committee recommendations, and that the Administrator, where he finds the financial condition of a borrower is sound and where the Government's interest is adequately safeguarded, may, in exercising such authority, proceed as follows: (a) by deferment of repayments of principal on outstanding loans for a period of three years in addition to any previous periods of deferment; and (b) by deferment of repayment of principal on new loans made after the date of this report for a period of three years in addition to the deferment period normally granted on new loans under preexisting practice. Such deferments may be made to meet local needs or where desired by REA electrification borrowers to voluntarily invest amounts equivalent to the amounts of principal to be so deferred in securities of the National Rural Utilities Cooperative Finance Corporation. It is expected by the Conferees that the REA Administrator will report to the House and Senate Committees actions taken by the REA Administrator pursuant hereto when he appears before the Committees to be heard on appropriations for REA for fiscal year 1972.

Amendment No. 50: Provides loan authorization of $128.8 million for rural telephone loans instead of $123.8 million as proposed by the House and $138.8 million as proposed by the Senate.

Amendment No. 51: Deletes House language providing for a contingency reserve of $20 million.

Amendment No. 52: Appropriates $14,613,000 for salaries and expenses as proposed by the House instead of $14,896,000 as proposed by the Senate.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., September 28, 1970.

Hon. SPESSARD L. HOLLAND,
Chairman, Department of Agriculture and Related Agencies Subcommittee, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: By letter dated August 3, 1970, you asked to be furnished a copy of our reply to the Department of Agriculture's letter of July 25, 1970, which concerns recommendations contained in the House and Senate Committees on Appropriations Reports on the Department of Agriculture and Related Agencies Appropriation Act, 1971, H.R. 17923, 91st Congress.

The House Committee recommended that the Rural Electrification Administration defer payments by REA electric borrowers on outstanding loans and the Senate Committee recommended such deferments on new REA loans. Both recommendations were made to enable borrowers to make investments in the National Rural Utilities Cooperation Finance Corporation (CFC), with the expectation that such investments will generate private capital for future electrification loans.

In the enclosed decision of today's date we have advised the Secretary of Agriculture that there is considerable doubt as to whether REA has authority to follow the recommendation of either the Senate or House Committee on Appropriations, but that the Conference Committee on H.R. 17923 concludes and the House and Senate agree that there is authority to carry out either the House or Senate Committee's recommendation, or both, we would not object to REA following the recommendation that is contained in the Conference report.

We urge that every effort be made to resolve this matter and that the final agreement be clearly set forth in the legislative history of the appropriation act.

Sincerely yours,
ELMER B. STAATS,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., September 28, 1970.
The Honorable SECRETARY OF AGRICULTURE.

DEAR MR. SECRETARY: By letter dated July 25, 1970, the Under Secretary wrote concerning committee recommendations in connection with the Department of Agriculture and Related Agencies Appropriation Act, 1971, H.R. 17923, 91st Congress, as passed by the Senate. Specifically the House Committee on Appropriations has recommended that the Administrator of the Rural Electrification Administration defer payments by REA electric borrowers on outstanding loans for up to three years and the Senate Committee on Appropriations has recommended that the Administrator grant up to a three-year deferment on principal installments on new REA loans. In both cases the deferment was recommended to enable borrowers to make investments in the National Rural Utilities Cooperative Finance Corporation (CFC) a private financing institution organized to help meet the accelerating capital requirements of REA financed electric systems which cannot be met by REA.

The House Committee on Appropriations recomendations are as follows:

"To meet this massive requirement, [increasing need for electric power] Congress must continue to play its role. The REA borrowers themselves are likewise seeking other means within their own organization to meet their obligation to their consumers. They are forming the National Rural Utilities Finance Corporation to commence operations this year. Whether this system works will have to await the action of the money markets.

"Because of this, the Committee suggests that where the financial condition of a borrower is sound and where the Government's interest is adequately safeguarded, the Administrator considers deferring repayments on outstanding loans for up to three years. Such action where necessary would enable the cooperatives to more fully subscribe the stock of this new lending institution." H. Rept. No. 91–1161, 42.

The Senate Committee on Appropriations recommendations follow:

"The Committee commends the rural electric systems in their attempt to establish a financing organization to help alleviate the large financial needs of the rural electric systems for new capital financing from the Federal Government. The National Rural Utilities Cooperative Finance Corporation (CFC) was incorporated in the District of Columbia on April 10, 1969. The Committee understands that CFC now has 785 members in 44 states.

* * * * *

"The Committee expects the REA Administrator to assume an active role in cooperation with CFC in the accumulation of initial subscription of capital from CFC members for initial operations.

"In addition to the subscription of capital from existing sources, and to meet the objectives set forth in the House Committee Report, a continuous flow of capital funds is essential to the orderly development of the CFC.

"The Committee is of the opinion that the recommendation in the House Committee Report to defer principal repayments on outstanding loan contracts is not a feasible method of providing for an orderly flow of capital subscriptions to the CFC. The Committee recommends that beginning on July 1, 1970, that the REA Administrator grant up to a three-year deferment on principal installments on new REA loans—with the understanding that such deferred installments on principal will be invested by borrowers in the CFC.

"Such regular investments in CFC when continued for several years and coupled with the open market sale of debentures, should then enable the REA Administrator and the CFC to make an orderly transition from complete reliance upon government financing to a greater reliance upon the sale of CFC debentures, except for the financing of systems where the input of 2 percent government loans may be essential to the maintenance of adequate electrical service at reasonable rates in low density population areas." S. Rept. No. 91–987, 38, 39.

With regard to the House recommendation, inasmuch as it would apply to loans in being, it is apparent that the House Committee envisions the use of the authority of section 12 of the Rural Electrification Act of 1936, approved May 20, 1936, ch. 432, 49 Stat. 1366, 7 U.S.C. 912, for the purpose of carrying out its recommendation. Section 12 authorizes the Administrator to extend the time of payment of interest or principal on loans made under section 4 for plant and transmission construction for as long as 5 years. We understand that section 12 has been used only in hardship cases. Our review of the legislative history of section 12 indicates that that section was designed to afford the Administrator power to grant relief in situations where the borrower might be unable to meet payment when due. Specifically, in explaining the reason for section 12 Senator Norris on February 25 and 26, 1936, advised the Senate:

"By section 12 the Administrator is authorized and empowered to extend the time of payment of interest or principal. That is criticized, but it seems to me only fair that he should be given the authority to extend the time of payment in case some great catastrophe should happen, such as has happened in the past, making it almost necessary for such an extension to be made."

* * * * *

"The next amendment was, on page 7, after line 21, to insert a new section, as follows:

"SEC. 12. The Administrator is authorized and empowered to extend the time of payment of interest or principal of any obligation created pursuant to this act: *Provided, however,* That with respect to any loan made under section 4, the payment of interest or principal shall not be extended more than 5 years after such payment shall have become due, and with respect to any loan made under section 5, the payment of principal or interest shall not be extended more than 2 years after such payment shall have become due.

"Mr. COUZENS. Mr. President, I should like to have the Senator from Nebraska tell us the purpose of that amendment. There is no provision in it as to whether the interest shall continue over the 5-year period and the 2-year period, or what occasion may arise to bring about the desirability of those extensions.

"Mr. NORRIS. Of course, I cannot tell whether a case will ever arise where an extension will be desirable; but it was thought best to give the Administrator the power that is authorized to be given him in section 12 simply as a matter of safety, so that, on the other hand, when a loan came due he would not be compelled under the law immediately to proceed to collect it. He might be lenient; he might extend it; he might wait a while. If we did not put this language in the bill, the Administrator would feel that when a loan became due it was his duty to proceed at once to make collection. This amendment gives him a little leeway. That is the only reason for it that I know. It seemed only fair that the Administrator should have that much leeway." 80 Cong. Rec. 2579, 2832.

While the language of section 12 is admittedly broad, its legislative history as set out above and the long-standing administrative interpretation thereof creates considerable doubt as to whether that section was intended to constitute sufficient authority to carry out the recommendation in the House Report. In the absence of such authority in section 12, we would conclude that in order for a waiver to be granted by the Administrator it is essential that adequate consideration must flow to REA in each case where such waiver is granted.

With regard to the recommendation in the Senate Report, which would only apply to new loans, section 4 of the Rural Electrification Act of 1936, 7 U.S.C. 904, provides that loans made thereunder "shall be on such terms and conditions *relating to the expenditure of the moneys loaned and the security therefor* as the Administrator shall determine." (*Underscoring* added.) Thus, the terms and conditions of loans made under section 4 are restricted to those relating to the expenditure of the money loaned and the security for such loans. It likewise is questionable whether the condition that would be imposed by the Senate Committee recommendation, i.e., grant of waiver on condition that during the waiver period the funds otherwise due and payable to RFC would be invested in CFC, relates either to the expenditure of the money loaned or to the security for such loan.

In *Pridemark* v. *C.I.R.*, 345 F. 2d 35, 41 (1965) the court acknowledged that conferees thought a present statutory scheme was adequate to deal with a problem through either judicial decision or regulation and considered a Conference Report recommendation in reaching a decision. Accordingly, if the conferees on H.R. 17923 decide and report that:

(1) There is authority in section 4 to follow the Senate Committee's recommendation; or

(2) There is authority in section 12 to follow the House Committee's recommendation; or both,

our Office will accept the conference committee's recommendation and not object to any action taken by REA to follow whatever the conferees recommend, assuming that the House and Senate agree thereto. If there is no clear agreement on the issue, we will be glad to consider the matter further at your request in the light of the entire legislative history of the final enactment.

Sincerely yours,
ELMER B. STAATS,
Comptroller General
of the United States.

RURAL ELECTRIFICATION
ADMINISTRATION,
Washington, D.C. August 12, 1970.
Hon. SPESSARD L. HOLLAND,
Chairman, Subcommittee, Department of Agriculture and Related Agencies, Committee on Appropriations, U.S. Senate.

DEAR SENATOR HOLLAND: We have your letter of August 5 with respect to the deferral of REA loan repayments on the basis that borrowers would use the amounts involved to purchase Capital Term Certificates from the National Rural Utilities Cooperative Finance Corporation. We note your inquiry as to the steps taken to notify REA applicants of the Senate Committee's recommendations and the provisions made for incorporating the Committee recommendation in loans since July 1, 1970.

Unfortunately, this matter was not discussed at the Appropriations hearings nor at any other time during our presence. Moreover, the officials of the CFC have not discussed the matter with us, and insofar as we know have made no request that this be a part of our cooperative working arrangement.

To date, we have taken no steps to inform loan applicants of the Senate recommendations nor to incorporate such recommendations in current loan contracts. Our reasons for taking no action at this time are as follows:

1. It is our feeling that the substantial difference between the recommendation made by the House Subcommittee and that of the Senate should first be reconciled. We assumed that this would take place during the deliberations of the Conference Committee on the Agricultural Appropriations Bill.

2. After discussion of these recommendations with our General Counsel, it was decided that they involve serious questions relative to the authority of REA to defer loan repayments to the Government in favor of a strictly private institution. Consequently, the decision was made to refer the matter to the Comptroller General for a decision. Copies of this submission were sent to you and to other officials of the Senate and House Appropriations Committees.

3. In addition, it is desirable that this matter be discussed with the Office of Management and Budget and the Treasury to determine the effect on the Government's expenditures control program.

We respectfully request that this matter be considered by the Conference Committee and that all ramifications and consequences of the recommendations be reviewed. It is our desire not to take any steps that would tend to weaken the basis for REA's cooperation with CFC. We already have indications that there would be serious objections to this type of action. This is especially true when REA is already deferring the principal repayments for a period of three years. Moreover, borrowers have more than $515 million in accumulated general funds and a combined cushion of credit with REA of more than $346 million. With the exclusion of all investments in CFC from our general funds control, it would appear that most borrowers are in a position to meet their commitments to CFC without serious problems.

It is true that some borrowers do not have substantial amounts of general funds. Generally, this group of borrowers will continue to be eligible to receive 100% REA loans. However, these borrowers should take the steps necessary to reduce expenditures or increase rates as necessary to strengthen their financial condition. Rate reductions during the past several years have limited the ability of some borrowers to accumulate general funds and to be in a position to meet such responsibilities as CFC involves.

It would be helpful if the Committee would support REA and CFC in our combined efforts to take such steps as may be reasonable and appropriate to encourage and assist borrowers in increasing their financial strength. This is the only long-term solution to borrowers' financial problems.

We shall be pleased to discuss this matter at greater length with you and your associates on the Appropriations Committee.

Sincerely,

David A. Hamil,
Administrator.

U.S. Senate,
Committee on Appropriations,
Washington, D.C., August 5, 1970.
Mr. David A. Hamil,
Administrator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C.

Dear Mr. Hamil: This will acknowledge the receipt of your letter of July 27, transmitting to the Committee a copy of a letter of the same date to the Comptroller General from the Under Secretary of Agriculture. It is noted in the Departmental letter of July 27 that the General Accounting Office has been requested to confirm the authority of the Rural Electrification Administrator to defer principal payments for the purpose of requiring borrowers to invest such deferred amounts in the Cooperative Finance Corporation—as recommended by this Committee in Report 91–987.

The hearing record for fiscal 1971 sets forth the interest and participation of the REA to assist in the organizational aspects of the CFC, including development of the joint operating procedures to review and consider loans to be financed from CFC capital on a case-by-case basis. The record shows the opinion of the General Counsel that no legislation was required for such cooperation, and that such loans could be made upon a documented determination that the Government security interests were not diminished.

You have also notified borrowers that investments to be made in the Cooperative Finance Corporation will be exempted from the limitation of 8 percent on general fund reserves. The Committee has concurred in the joint cooperative efforts of the REA and the electric cooperatives to develop a supplemental "self-help" financing program. In furtherance of the desire of all concerned to provide for a continuous flow of capital subscriptions on a voluntary basis, it was believed by the Committee that more affirmative steps should be undertaken to facilitate the regular investment of capital in the CFC for not less than three years. The matter may, of course, be re-examined by the Committee prior to or at the end of three years.

Historically, the REA Administrators, past and present, have been aggressive in their assertion of full authority to make full use of the REA Act to make loans for various purposes and to defer the repayment of principal for varying periods and for varying purposes—without extending the term of the loan contract. This Committee believes that its recommendations, which are not mandatory upon the applicant for a loan as a term or condition of the loan, do fall within the authority of Section 4 which reads: "Loans under this section and section 5 shall not be made unless the Administrator finds and certifies that in his judgment the security therefor is reasonably adequate and such loan will be repaid within the time agreed." It is the understanding of the Committee that deferments authorized under Section 12 are normally made in hardship cases on outstanding loans and do not apply to the deferral recommendations of the Committee report which relate only to deferrals on new loans.

In view of the progress made to date on the CFC financing program, the restrictive fiscal situation, and the large backlog of loan applications, plus the ever-increasing power needs of the electric cooperatives, the Committee believes it essential to recommend to the REA the full use of existing authority under Section 4 of the REA Act, to provide for regular contributions to the CFC from loans made beginning with July 1, 1970.

In essence, the Committee recommendations continue the requirement of the Administrator to determine that all loans be feasible and that the security of the Government be protected, but that deferral of principal for at least three years in appropriate cases be made for payment into the CFC capital structure. Senate Report 91–987 fully describes the history of principal deferrals, the need for new methods of financing, and the ultimate goal to be achieved—namely, to reduce the complete reliance in future years upon 2 percent loan funds.

It will be appreciated if you will advise the Committee as to steps taken to notify the REA applicants of the Senate Committee recommendations, and what provision has been made incorporating the Committee recommendations in loans announced since July 1, 1970.

Yours faithfully,

Spessard L. Holland,
Chairman, Subcommittee, Department of Agriculture and Related Agencies.

Rural Electrification Administration,
Washington, D.C., July 27, 1970.
Hon. Spessard L. Holland,
U.S. Senate.

Dear Senator Holland: The statements contained in both the Senate and House Reports on Appropriations for 1971 concerning the deferment of REA loan repayments in support of the National Rural Utilities Cooperative Finance Corporation have been discussed with the Department's Office of the General Counsel. It is our opinion that these recommendations should be referred to the Comptroller General of the United States for a decision as to whether the Administrator may, under provisions to Section 4 of the Act, grant deferments for the purpose of facilitating borrowers investments in CFC as a private institution.

Accordingly, the attached letter has been directed to the Comptroller General of the United States.

We appreciate your interest in the success of the CFC venture. We have indicated our complete cooperation in an effort to organize and develop this supplemental source of credit for REA borrowers. Owing to the possibility that certain aspects of our working relationships may be questioned, we feel that we should proceed only with assurance that we have the essential authority.

Sincerely,

David A. Hamil, *Administrator.*

Department of Agriculture,
Office of the Secretary,
Washington, D.C., July 27, 1970.
Hon. Elmer B. Staats,
Comptroller General of the United States, General Accounting Office.

Dear Mr. Staats: In their Reports on the Department of Agriculture and Related Agencies Appropriation Bill, 1971 (H.R. 17923), the House and Senate Committees on Appropriations, respectively, have recommended that the Administrator of the Rural Electrification Administration defer repayments by REA electric borrowers on outstanding loans for up to three years, and that the Administrator grant up to a three year deferment on principal installments on new REA loans. (H. Rep. 91–1161, June 4, 1970, and S. Rep. 91–987, June 29, 1970.) In both cases, the deferment was recommended to enable borrowers to make investments in the National Rural Utilities Cooperative Finance Corporation (CFC), a self-help, nongovernmental financing institution organized to help meet the accelerating capital requirements of REA-financed electric systems, which cannot be met by REA. These recommendations raise several questions on which we would like your decision.

CFC was incorporated on April 10, 1969, as a nonprofit cooperative association under the laws of the District of Columbia. It was sponsored by the National Rural Electric Cooperative Association, representing almost all rural electric systems financed by REA. The corporate purposes of CFC are stated in its Articles of Incorporation to be:

"To provide, secure and arrange financing for its members and patrons as required by them for the planning, initiation and execution of their programs, projects and undertakings conducted in accordance with, and in pursuance of their objectives under the statutes of their respective places of organization and operation, in the United States of America, its territories and possessions, for the primary and mutual benefit of the patrons of the Association and their patrons, as ultimate consumers."

Membership in CFC is limited to cooperative or nonprofit corporations and public bodies which have received or are eligible to receive loans from REA and to their associations. Of the 983 such corporations and public bodies eligible for membership, and out of a present total of 986 REA electric borrowers, more than 750 have each submitted an application for membership along with a membership fee of $1000. However, only those applicants which subscribe to their required quotas of Capital Term Certificates will be admitted to membership. Required initial subscriptions are based on specified percentages of the value of the subscriber's utility plant in service, of certain operating revenues and of certain reserves, and are payable, at the subscriber's option, in three annual payments beginning on October 1, 1970; additional annual subscriptions are required from 1973 through 1984. Capital Term Certificates are unsecured obligations of CFC repayable in 50 years, bearing interest at a rate of 3 percent per annum, and subordinate to other indebtedness for borrowed money. CFC estimates it will receive, through Capital Term Certificates, and have available for lending to members, a maximum of $50 million during each of its initial three years, and a maximum total of $350 million during the next 15 years. As it gains experience and builds up a portfolio of loans, CFC also plans to sell debt securities in the private money market, perhaps in its second year of operation, and has estimated an ability to sell such securities in an amount equal to three times the amount received from membership fees, operating margins and sale of Capital Term Certificates. Thus, over a 15-year period, CFC may be able to establish a supplemental loan program well in excess of $1 billion.

In recent years, REA electric loan funds annually authorized by Congress have averaged about $350 million; capital requirements, loan applications and loan backlogs of REA borrowers have been accelerating. The rural electric systems which have received $3.5 billion in REA loans during the last 15 years are expected to need $8 billion in the next 15 years. While REA borrowers in special circumstances may be able to obtain and support individual, open-market financing in the future, CFC appears to be the only source now in view which may furnish substantial supplemental financing for a large majority of REA-financed rural electric systems.

Preliminary discussions between REA and CFC representatives have resulted in tentative criteria to determine the conditions under which 2 percent REA and higher-interest supplemental CFC loans would be made. Full or 100 percent REA loans, under these criteria, would continue to be made to borrowers unable to pay a higher rate of interest, as determined by the Administrator.

One hundred percent CFC loans would be made to borrowers who request them, because REA may be legally unauthorized to make the particular loan or for other reasons, and who are able to sustain such higher interest loans. Most financing, however, would be the result of concurrent REA and CFC loans, the proportion of the total loans to be made by each source to be determined so as to utilize the full amount estimated to be available to REA and CFC for this purpose. It has been estimated that during the first year of CFC's operation, approximately 90 percent of the needs of borrowers falling in this category (representing perhaps 90 percent of all electric borrowers) might be met by REA and 10 percent by CFC. REA loans to these borrowers would be conditioned upon the borrower obtaining a specified supplemental loan. This loan would normally be obtained from CFC, but could be obtained from any other financing source that might be available to the borrower.

CFC is a private corporation, owned and controlled by its members, whose articles of incorporation, bylaws and corporate purposes are subject to alteration by the members.

I

In its Report, the House Committee on Appropriations made its recommendation to the Administrator in the following terms (at page 42):

"To meet this massive requirement [of satisfying increasing power needs of consumers], Congress must continue to play its role. The REA borrowers themselves are likewise seeking other means within their own organization to meet their obligation to their consumers. They are forming the National Rural Utilities Finance Corporation to commence operations this year. Whether this system works will have to await the action of the money markets.

"Because of this, the Committee suggests that where the financial condition of a borrower is sound and where the Government's interest is adequately safeguarded, the Administrator considers deferring repayments on outstanding loans for up to three years. Such action where necessary would enable the cooperatives to more fully subscribe the stock of this new lending institution."

The Administrator's authority to defer repayments on existing REA electric loans appears in section 12 of the Rural Electrification Act of 1936, as amended, which provides:

"The Administrator is authorized and empowered to extend the time of payment of interest or principal of any loans made by the Administrator pursuant to this Act: *Provided, however,* That with respect to any loan made under section 4 . . ., the payment of interest or principal shall not be extended more than five years after such payment shall have become due. . . ."

This authority has been used sparingly by REA and to the minimum extent necessary to place a borrower on a more stable financial basis and provide greater assurance of repayment of REA loans; in all cases, consideration has been directed to the effect of any deferment on the Government's security and a finding required that the deferment is in the best interest of the Government, as well as the borrower.

The House Committee's recommendation for deferring repayments is limited to instances "where the financial condition of a borrower is sound and where the Government's interest is adequately safeguarded," and "where necessary," but the purpose of the recommended deferment is to "enable the cooperatives to more fully subscribe" to CFC's Capital Term Certificates. Such a deferment would represent a waiver or surrender of the Government's right to receive particular payments at specified times. It would, in effect, involve, on the one hand, the loss to the Treasury of earlier repayments and the consequent increase of the period during which Government funds would remain on loan to REA borrowers at the statutory 2 percent rate of interest, and, on the other hand, the investment by a borrower of such funds in Capital Term Certificates for which it receives 3 percent.

The initial question is whether the exercise of the authority contained in Section 12 of the REA Act must be confined to deferments of payments which are in the interests of, and provide a compensating benefit to, the Government.

If it be determined that this governing principle must be observed, the further question arises whether the recommended deferment of payments can be justified on the basis of the benefit to the Government in bringing about earlier and more CFC supplemental loans to REA-financed systems.

Encouraging the injection of a new and additional source of needed capital for REA-financed electric systems would help to assure protection of an important element in the Government's security interests insofar as it enables these systems more fully to satisfy their utility responsibilities, and to avoid the loss of consumers and service areas and of utility rights under existing certificates of convenience and necessity, franchises, permits and other service authorizations.

II

The recommendation in the Report of the Senate Committee on Appropriations appear as follows (on pages 38–9):

Supplemental financing program

"The Committee commends the rural electric systems in their attempt to establish a financing organization to help alleviate the large financial needs of the rural electric systems for new capital financing from the Federal Government. The National Rural Utilities Cooperative Finance Corporation (CFC) was incorporated in the District of Columbia on April 10, 1969. The Committee understands that CFC now has 785 members in 44 states.

"Historically, REA has granted loans since the program began in 1935 allowing deferment of the payment of principal on the loans for varying periods of time. In some cases the deferment period has been for one year, in some cases for two years, in some cases for three years, in some cases for five years, and in a few instances even longer.

"The Committee believes that the CFC plan has the potential of diverting the growing need to increase the annual loan authorization and achieve a large measure of 'self-financing' in future years. To be most effective the capitalization of the corporation must be accelerated.

"The Committee expects the REA Administrator to assume an active role in cooperation with CFC in the accumulation of initial subscription of capital from CFC members for initial operations.

"In addition to the subscription of capital from existing sources and to meet the objectives set forth in the House Committee Report a continuous flow of capital funds is essential to the orderly development of the CFC.

"The Committee is of the opinion that the recommendation in the House Committee Report to defer principal repayments on outstanding loan contracts is not a feasible method of providing for an orderly flow of capital subscriptions to the CFC. The Committee recommends that beginning on June 1, 1970, that the REA Administrator grant up to a three-year deferment on principal installments on new REA loans—with the understanding that such deferred installments on principal will be invested by borrowers in the CFC.

"Such regular investments in CFC when continued for several years and coupled with the open market sale of debentures, should then enable the REA Administrator and the CFC to make an orderly transition from complete reliance upon government financing to a greater reliance upon the sale of CFC debentures, except for the financing of systems where the input of 2 percent government loans may be essential to the maintenance of adequate electrical service at reasonable rates in low density population areas."

Thus, in lieu of the House Committee's proposed deferment of repayments due under outstanding REA loans, involving a Government waiver or surrender of existing rights, the Senate Committee's recommendation favors a proposed scheduling of principal payments, in notes to be delivered to REA by its electric borrowers pursuant to future REA loans, under which payments of principal would be deferred for three years, provided the deferred payments are invested by borrowers in CFC.

As noted by the Senate Committee, REA has from its beginning scheduled proposed principal payments to begin at varying periods after the date of the borrower's note. Present REA practice is to provide for principal payments generally to begin three years after the date of the note, but lesser and greater deferment periods are provided for, depending upon the particular circumstances of the borrower and the loan purposes. Basically, such deferments have been granted for the purpose of permitting the borrower, during the period of construction and initial operations, to develop and attain adequate revenues before it is obligated to make principal payments. Such scheduling of principal payments are provided for pursuant to the authority of the Administrator, under section 4 of the REA Act, to make electrification loans "on such terms and conditions relating to the expenditure of the moneys loaned and the security therefor as the Administrator shall determine and [such loans] may be made payable in whole or in part out of the income."

The basic question is raised whether the Administrator may, under the provisions of section 4, condition future REA loans, granting a deferment of principal payments, upon a requirement that the borrower invest such deferred amounts in CFC. The "terms and conditions" which the Administrator is authorized to fix for REA loans are required, under section 4, to be those "relating to the expenditures of the moneys loaned and the security therefor." May this form of assistance to CFC properly be deemed to relate to "the security" for REA loans, in light of the expected role of CFC in providing required capital to REA borrowers which might not otherwise be available and thereby preclude hazards to the Government's security interests resulting from borrowers' inability to fulfill their public obligations?

Further subsidiary questions are raised by the possible, different applications of the Senate Committee recommendation. Would the recommended deferment, with its concomitant obligation that the borrower invest in CFC, be a permissible "term and condition" under section 4 where the borrower is given the choice of accepting the deferment with its accompanying obligation to invest in CFC, or not accepting the deferment and thereby not obligating itself to invest in CFC?

Would such a "term and condition" be authorized if the borrower, on the other hand, were required, as a condition of receiving the loan, to accept the deferment and to obligate itself to invest in CFC?

Whether the deferment, with its obligation to invest in CFC, is required or optional, would the "term and condition" be permissible where (a) the borrower does not wish to become a member of CFC and wishes to obtain its required supplemental financing from a non-REA source other than CFC; (b) the borrower is eligible for a 100 percent loan from REA and has no present intention or need to borrow from CFC; (c) the borrower has ample funds of its own for investing in CFC; or (d) the borrower is already a member of CFC and has met CFC's required investment quota?

Your decision on the questions raised in this letter will be greatly appreciated.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary of Agriculture.

Mr. HOLLAND. Mr. President, as a result of working out this matter in conference, I think it will be very clear that there is no difference between the House and the Senate on this point and that the Administrator may in his discretion and when the interests of the United States are well safeguarded, in his opinion, thus contribute to the increased investment of funds of the various REA associations, if they so desire, in the capital of the CFC.

Mr. President, I believe that the efforts by the House committee and the Senate committee, as resolved in the statement which has been included in the record of the Senate from the conference report, will enable the REA Administrator—in cooperation with the Rural Electrification borrowers—to carry forward at an accelerated rate a self-help financing program to which the REA has repeatedly pledged the support of the Administration.

I am glad to add to my prepared statement the fact that the capital structure of CFC has now grown to the point that they have approved the granting of loans in certain cases and applications are now coming in for the granting of such loans. In other words, the organization is now functioning as a needed auxiliary and a needed supplement to the regular REA program.

COMMODITY CREDIT CORPORATION

Mr. President, I am pleased to report that the House conferees were willing to accept the Senate version of the appropriation bill for the item of reimbursement of capital impairment of the Commodity Credit Corporation in the amount of $3,363,155,000. The amount provided restores the unreimbursed loss incurred in fiscal 1968 of $250 million, and the full loss incurred in fiscal 1969 by the CCC in the conduct of authorized programs.

This is the first year in many years, and since I became chairman of the subcommittee in 1963, that the fiscal affairs of the CCC in regard to this item have been brought to a current basis.

In 1961, under Public Law 87–155, the Congress authorized that appropriations be made annually to reimburse the Corporation for net realized losses when the amounts of such losses were fully reflected in the accounts and reports of financial condition of the Corporation.

Over the years, it has been necessary to make supplemental appropriations to provide the CCC with sufficient capital under its $14.5 billion borrowing authority to carry out all of its assigned responsibilities. I am happy to report that with the assistance of the Senate, which has supported me year after year in our committee's recommendation to restore the capital of the CCC as intended by law, plus the cooperation of the House conferees, and from the Secretary of Agriculture—irrespective of political party—and finally, with the support of the Bureau of the Budget, this appropriation item is now current except for the losses incurred in fiscal year 1970, which I hope will be included in full in the budget estimate for 1972.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. YOUNG of North Dakota. This is the first time for a long time that the funds for CCC have been current. I know this to be true because I was the chairman of the Subcommittee on Agriculture Appropriations 16 to 20 years ago, and during all that time and since this is the first time CCC has been fully repaid.

As the Senator knows, CCC is capitalized at $14.5 billion. Many times 15 and 18 years ago the funds were all committed to the extent that we had to pass special appropriations to get funds to a Senate necessary farm program.

I wish to commend the distinguished Senator from Florida for the great job he has done in getting these funds current and for the able assistance he received from the distinguished minority member, the Senator from Nebraska (Mr. HRUSKA).

This is not the Senator's only accomplishment. I think it is fair to say that the Senator from Florida knows more about the entire operations of the Department of Agriculture than any Secretary of Agriculture in recent years. Although the Senator from Florida does not believe in all these programs, he has done an excellent job of financing them and making sure they are run right.

Mr. HOLLAND. Mr. President, I thank my distinguished friend for his more than generous statement. I want to say that I have had the help of many Senators. I have not only had the help of the distinguished Senator from Nebraska (Mr. HRUSKA) for some years as the ranking minority member, and before that of the Senator from North Dakota (Mr. YOUNG), who was the ranking minority member, but the help of every other member of the subcommittee and of the full committee.

When this principle of a fair and correct showing of just what the CCC operations and losses are, and restoring them in the year following that in which it occurred, was urged year after year, it took all of us together to gradually bring the account closer and closer to a current condition.

Nothing in this report makes me happier than to report that our joint efforts have now succeeded. With the help for the first time of the Bureau of the Budget, and with the help for a good many years of the Department of Agriculture, in bringing this account to a current basis, people can now look and see just what the CCC has done in terms of money and how that has impaired its capital structure. I must say the CCC does only those things which it is instructed to do by legislation passed by the Congress.

Mr. YOUNG of North Dakota. The Senator from Florida has been effective in a great many of his undertakings, but never more than in this one. I do not know of any project the Senator from Florida has undertaken which has been more difficult. The Senator from Florida just persisted until he practically forced the Bureau of the Budget to come up with a budget estimate, and he insisted that the Appropriations Committee provide those funds. Sometimes those funds were lost in conference with the House, but the Senator from Florida even persuaded the House this time that the account should be made current.

Mr. HOLLAND. I thank my friend for his more than generous remarks.

I yield now to the Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, I want to say that the House and Senate conferees have done a remarkably good job on this agricultural appropriation bill, and there seems to me no better time to say that over the past few years, under the able leadership of the Senator from Florida, we have had exceptionally good agricultural appropriation bills presented to us for our approval.

I would also like to add that the Senator from Florida has been ably assisted by three members of the Agriculture Subcommittee whom I now see on the floor—the ranking minority member, the Senator from Nebraska (Mr. Hruska), the Senator from North Dakota (Mr. Young), and the Senator from Louisiana (Mr. Ellender). Certainly, all these years the Senator from Florida has done a tremendously beneficial job for his country, and I want to say the country appreciates it, and certainly the Members of the Congress do.

Mr. HOLLAND. I thank my distinguished friend from Vermont for his overgenerous statement.

I may say that our subcommittee has been exceedingly fortunate in the fact that it has, as ex-officio members from the Committee on Agriculture and Forestry, the ranking minority member, the Senator from Vermont (Mr. Aiken), and the chairman of our legislative Committee on Agriculture and Forestry, the Senator from Louisiana (Mr. Ellender). I think this makes for an excellent interlocking of the legislative branch of the Senate with the appropriations branch.

I am quite eager to say again I think it is the help of these fine members of the subcommittee and the full committee which has made possible any progress or success which we have had.

I am glad to yield now to my distinguished compatriot, the ranking minority member of the subcommittee, the Senator from Nebraska (Mr. Hruska).

Mr. HRUSKA. Mr. President, I thank the chairman of our subcommittee. I rise to suggest, Mr. President, that the analysis and the overview of the bill just presented by the Senator from Florida is characteristic of the fashion in which he has dealt with the agricultural appropriation bills for some years now. It is not only in regard to the topics themselves, but the fashion in which he has exercised leadership in them that we find a great deal of comfort.

This is a big bill. It is over $7.5 billion, and only about $3.250 billion goes directly to farmers. The rest of it is in other areas. This is a subject that is frequently commented on by all members of the committee when they get exercised over some views that are bandied about in loose talk about the so-called $7.5 billion windfall or boondoggle for the farmers.

Many of these programs are far-reaching. The topics that were dealt with by the Senator from Florida include the food stamp program. They include price support limitations, the agricultural conservation program, the rural electrification program, the supplemental financing program and, of course, the Commodity Credit Corporation.

I want to comment only briefly on two or three of these topics, one of which is the Commodity Credit Corporation. I do that for the reason that we find in the Chamber today two of the pioneers in the field of trying to get the Commodity Credit Corporation capital account in proper shape, so it could be dealt with honestly and efficiently in a manner so the public would know what it is about, and where we are going, and why.

One of the charges left with us in the conference committee, concluded only 2 or 3 days ago, by the senior Senator from Florida was that now that he has put the house in order, it was for those of us who would stay a little while longer to keep it in order. I do believe that without his leadership it would not have been possible.

I shall not repeat any comments in those areas that have already been treated by the Senator from Florida. I call attention to two points which also evidence leadership on the part of the Senator from Florida. One is the allowance of $4,862,000 over 1970 as additional money for staffing and equipping of research laboratories. When the Senator from Florida assumed the chairmanship of the subcommittee, he undertook a pioneering, fundamental work by making scientific study and appraisal of all the research facilities and laboratories. An order of priorities was set forth and quite religiously followed.

However, we found ourselves in a position where five of these laboratories were built but were not staffed or adequately equipped. There sat this tremendous capital investment, unable to do work which was considered so important that tens of millions of dollars, and perhaps hundreds of millions of dollars, of capital had been pledged. So that item I believe is well invested, and it will produce much benefit as we go along.

In another area, $4,580,000 was added for the planning and construction of new, and I might add, vitally needed research plants. That also is money well invested.

Then we go to the figure for the agricultural conservation program. This year, again, Congress has overwhelmingly approved and confirmed the agricultural conservation program as national policy.

The conference committee approved funding at $195,500,000 for fiscal 1971. Yet no action has been taken by the Secretary of Agriculture to announce the 1971 ACP.

ACP cost-sharing is available to farmers and ranchers in every agricultural county in the Nation. The program is administered by the Agricultural Stabilization and Conservation Service. In many of these counties the ACP is the major program offered. Without an ACP in 1971 a minimum of 300 of these local offices will have to be closed, leaving farmers in these counties without ASCS services. Once closed, it will be very difficult to rehire personnel with the background and training to reopen these offices.

With all the tremendous public clamor for the control of pollution and for the protection of our environment, it would appear to me the height of folly to deactivate the ACP which fits right into our environmental quality programs, and it would be shortsighted indeed to strike the well-known and effective programs we have in the name of doing more.

This has been one of the most effective farm programs ever passed or funded, and I cannot reconcile the tremendous effort being put forth to control air and water pollution with the suggestion that the ACP be eliminated. Certainly no program already in existence or likely to be formulated would contribute more to the control of air and water pollution than this one.

On the basis of sheer volume, the greatest water pollutant of them all is silt. Farmers and ranchers with ACP assistance have kept millions of tons of silt out of our rivers and lakes with 2 million water-storage reservoirs; 33 million acres of terracing; over a million acres of permanent sod waterways; and vegetative cover on 769 million acres.

It is significant to me that since the ACP was started we have not experienced another dust bowl like the one so well remembered by those of us who live in the Great Plains States.

Economists tell us we are going to need more timber. The ACP has helped with the planting of 4.6 million acres of trees, and has improved the stand of trees on another 3.8 million acres.

Assistance is given for pollution abatement systems to handle solid wastes, and properly dispose of concentrations of pollutants in farm feedlot areas to keep our lakes, ponds, and streams clear and useable.

I believe, it would be well that the language in the conference report on the subject of the program, however, be scanned a little bit, Mr. President. I read a paragraph from page 9 of the conference report:

> The conferees agreed to call on the Department to announce the 1971 program, which should have been announced months ago, including therein all programs, practices and procedures available in the calendar year 1970 program such changes as may be recommended by the county committee and approved by the State committee.

Mr. President, I believe that that language, particularly the words "call on the Department to announce the 1971 program—including therein all programs, practices and procedures" and so on, should not be interpreted as a limitation or restriction of the program. As a member of the Conference Committee I was reluctant to agree to this language. The Congress, the Department of Agriculture, and the State and County ASCS Committees have tried hard and effectively in my opinion to constantly improve this program. We have eliminated completely some of the temporary practices which have caused criticism, and reduced other practices which do not have an enduring effect. In fact around 90 percent of the program is made up of enduring practices.

I ask unanimous consent to have printed in the Record at the conclusion of my remarks three tables, one showing the portion of the cost sharing for conservation practices with enduring benefits for the year 1969, and another which shows the portion of the ACP cost sharing assistance for practices with enduring benefits and for practices with benefits of limited duration, and another showing State allocations, farmer contributions, average assistance per farm, and participating farms.

The PRESIDING OFFICER (Mr. Murphy). Without objection, it is so ordered.

There being no objection, the tables were ordered to be printed in the Record, as follows:

PORTION OF COST SHARES FOR CONSERVATION PRACTICES WITH ENDURING BENEFITS [1] 1969 AGRICULTURE CONSERVATION PROGRAM

State	Percent
Alabama	68
Alaska	100
Arizona	[2] 100
Arkansas	72
California	[2] 100
Colorado	[2] 100
Connecticut	76
Delaware	29
Florida	65
Georgia	65
Hawaii	93
Idaho	98
Illinois	89
Indiana	77
Iowa	91
Kansas	98
Kentucky	98
Louisiania	65
Maine	97
Maryland	77
Massachusetts	84
Michigan	77
Minnesota	96
Mississippi	72
Missouri	94
Montana	[2] 100
Nebraska	99
Nevada	100
New Hampshire	96
New Jersey	70
New Mexico	95
New York	97
North Carolina	72
North Dakota	68
Ohio	85
Oklahoma	95
Oregon	98
Pennsylvania	98
Puerto Rico	97
Rhode Island	67
South Carolina	78
South Dakota	94
Tennessee	85
Texas	89
Utah	[2] 100
Vermont	[2] 100
Virginia	86
Virgin Islands	100
Washington	98
West Virginia	98
Wisconsin	98
Wyoming	99
Total	87

[1] Rounded to nearest whole percent.

[2] Less than ½ of 1 percent for practices of limited duration (temporary practices).

PORTION OF ACP COST-SHARING ASSISTANCE FOR PRACTICES WITH ENDURING BENEFITS AND FOR PRACTICES WITH BENEFITS OF LIMITED DURATION 1954 TO CURRENT PROGRAM

[Percent]

Program	Portion used for practices with enduring benefits [1]	Portion used for other practices [2]	Total
1954	76	24	100
1955	76	24	100
1956	84	16	100
1957	83	17	100
1958	86	14	100
1959	88	12	100
1960	87	13	100
1961	85	15	100
1962	87	13	100
1963	88	12	100
1964	89	11	100
1965	84	16	100
1966	86	14	100
1967	87	13	100
1968	87	13	100
1969	87	13	100
1970 tentative estimate [3]	90	10	100

[1] This group includes the practices classified in the ACP National Bulletin as having enduring benefits.

[2] This group includes the practices classified in the ACP National Bulletin as having benefits of limited duration.

[3] Based on early indications—considering increased emphasis on pollution abatement and other enduring practices.

STATE ALLOCATIONS, FARMER CONTRIBUTIONS, AVERAGE ASSISTANCE PER FARM, AND PARTICIPATING FARMS, 1969 AGRICULTURAL CONSERVATION PROGRAM

State	Allocation [1] (thousand dollars)	Farmer contributions [2] (thousand dollars)	Average assistance per farm (dollars)	Participating farms (number)
Alabama	5,298	5,298	231	22,493
Alaska	61	61	606	107
Arizona	1,563	1,563	1,099	1,402
Arkansas	4,452	4,452	213	20,723
California	4,894	4,894	702	6,268
Colorado	3,719	3,719	420	7,549
Connecticut	415	415	193	2,061
Delaware	279	279	227	1,233
Florida	3,335	3,335	293	11,090
Georgia [3]	6,980	6,980	212	28,865
Hawaii	159	159	649	205
Idaho	1,987	1,987	285	6,986
Illinois	7,577	7,577	290	24,577
Indiana	5,072	5,072	170	24,913
Iowa	8,386	8,386	182	43,937
Kansas	6,416	6,416	369	16,839
Kentucky	6,265	6,265	173	34,677
Louisiana	4,064	4,064	255	16,642
Maine	1,020	1,020	223	4,179
Maryland	1,196	1,196	207	5,684
Massachusetts	480	480	261	1,832
Michigan	4,430	4,430	211	18,163
Minnesota	5,876	5,876	269	18,746
Mississippi	5,915	5,915	154	39,106
Missouri	8,141	8,141	152	51,534
Montana	4,835	4,835	644	6,434
Nebraska	5,450	5,450	331	14,305
Nevada	640	640	840	687
New Hampshire	457	457	266	1,714
New Jersey	652	652	223	2,760
New Mexico	2,246	2,246	633	3,558
New York	4,499	4,499	247	19,087
North Carolina	6,267	6,267	83	76,198
North Dakota	5,269	5,269	175	27,868
Ohio	5,263	5,263	218	22,993
Oklahoma	6,221	6,221	248	20,972
Oregon	2,370	2,370	483	4,955
Pennsylvania	4,172	4,172	320	13,387
Puerto Rico	805	805	69	11,567
Rhode Island	68	68	154	383
South Carolina	3,212	3,212	214	14,610
South Dakota	4,071	4,071	201	19,007
Tennessee	5,236	5,236	111	44,345
Texas	18,142	18,142	267	66,433
Utah	1,245	1,245	250	5,147
Vermont	962	962	218	4,603
Virginia	4,188	4,188	109	38,132
Virgin Islands	12	12	925	13
Washington	2,550	2,550	363	6,874
West Virginia	1,613	1,613	104	15,377
Wisconsin	5,156	5,156	301	16,972
Wyoming	1,919	1,919	547	3,294
Total	195,500	195,500	213	871,486

[1] Basic State allocation plus estimated amount for small cost-share increases.

[2] Estimated as equal to State allocation (does not include conservation practice investments by the participants beyond the practice units for which cost shares were approved).

[3] Includes $595,000 for naval stores conservation payments through the Georgia State office for naval stores producers in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas.

Mr. HRUSKA. The former is by State, and the second one is by year, and the percentage shown as an estimated figure for 1970 of the portion used for practices with enduring benefits is about 90 percent. I am proud to say that for the State of Nebraska, the figure in the table is 99 percent.

Attempts are being made by the Department and the State committees to improve the program even more along this line. I would not want the report language to be interpreted in a manner so as to curtail the incentive to improve this program.

I would hope that the program can be announced soon and that the farmers can continue with this great program. I would suggest that during the next few months if drastic changes are proposed in the program, these changes be presented to the Senate and House committees. Extensive hearings can be held and a full investigation of the present program and future program can be made.

Again I wanted to commend, on behalf of myself and those whom I represent—and I know I speak the sentiments of all the Members of this body—the service rendered through the years as well as this particular year by the chairman of our subcommittee.

Mr. HOLLAND. Mr. President, I thank the Senator for that statement.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield again to the Senator from Vermont.

Mr. AIKEN. I agree with the remarks of the Senator from Nebraska. I have been trying since last August to persuade the administration to announce the ACP program for this year. I have not been successful in that. I cannot understand what has happened to their sense of values, because agriculture is still far and away the most important industry we have, with almost one-third of the total number of gainfully employed people in this country dependent upon it, either in connection with the manufacture of supplies and equipment, actually working the land, or in the transportation, handling, and processing of farm products.

I cannot understand why the Budget Bureau, or whoever it is that is responsible for this situation, does not recognize that fact.

I do wish to point out, however, that the idea of eliminating the ACP did not originate with this administration, but had been recommended to us by the previous administration, which however yielded to the express desires and wishes of Congress, and up to now the program has been continued.

I have no doubt but that the program needs to be changed in some respects. It is changing now, from a program mainly to encourage production to a program to control misuse of the lands or pollution of the waters. There is no reason in the world why the new program for this year should not be announced without any further delay; and as a matter of fact, it should have been done several months ago.

Mr. HRUSKA. I thank the Senator for his contribution, and thank the chairman once again.

Mr. BELLMON. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am happy to yield to the distinguished Senator from Oklahoma.

Mr. BELLMON. Mr. President, I join my colleagues in expressing support for the conference committee's decision to fund the agricultural stabilization and conservation program. I am one who remembers the days of the 1930's, when much of Oklahoma, as well as the other high plains States, was subject to very serious wind erosion. Today we are hearing about air pollution; but anyone who came through those storms would know what air pollution really was. The air was so full of silt and dust it was virtually impossible for man or beast to breathe.

The agricultural stabilization and conservation program has not only stopped that kind of erosion and air pollution, but it has given the farmers the tools they need to work with to stabilize agriculture through much of the Midwest, where rainfall is not dependable, where the climate is erratic, and where extraordinary steps are needed to keep the soil in place and keep it in a productive condition.

I would say the amount of money which our Government has spent through this program in helping to preserve our agricultural resources has probably been the best investment this government has ever made; and suddenly to come along and chop off the program and reverse that trend would, I believe, be a greater mistake than Congress and the Senate could allow.

I certainly join with my colleagues, and commend them for the good judgment they have had in restoring the appropriations and instructing the Department of Agriculture to announce the 1971 program.

Mr. HRUSKA. Mr. President, will the Senator yield briefly on that point?

Mr. HOLLAND. I thank the Senator from Oklahoma for his comment, and I am glad to yield again to the Senator from Nebraska.

Mr. HRUSKA. Would the Senator from Oklahoma agree with me—and this is a subject that has been discussed in committee as well as in conference—that the sensible way to go about a revision of this program is not to put it in the hands of the administrators, either Bureau of the Budget or in the Department for the purpose of doing that?

We well know that there are some component parts of the procedure that are probably not too beneficial, and perhaps should be discontinued. However, I feel the proper way to do it would be to allow the program to proceed as it has heretofore done, and then, if there is a desire for an overhaul of the program, have the administration come to Congress with a message outlining the necessity for a complete review, reappraisal, and revision of the program. Then the Congress, through its committees, could process that kind of request, and give it such new thrust as is deemed necessary, and also incorporate such innovations in the act as would be necessary to eliminate the less desirable practices? This would enable the program to proceed on a firm foundation.

Mr. BELLMON. Mr. President, I agree Nebraska that this would be a wise course for our Government to follow. Certain features of the agricultural stabilization and conservation program sometime—perhaps now, perhaps sometime in the future—will have outlived their usefulness, although land ultimately will have been terraced and probably sometimes finished with other soil conservation measures, and therefore we would no longer need the funds for those programs and they should be stopped. But we cannot come in and suddenly chop off the entire program, without checking to see whether there is a great deal of important work to be done.

I agree that the Senator has the right approach, and I would support him if such an approach were attempted.

Mr. HRUSKA. I thank the Senator.

Mr. HOLLAND. I thank both Senators.

Mr. President, I want to supplement the statement so well made by the Senator from Nebraska by saying that there are other programs in this bill, not directly related to the support of farmers, which have not yet been mentioned, such as the food for peace program, Public Law 480, which is a very large program and makes up a very large part of this bill, and the school lunch program, another very important program in the local social field, just as the food stamp program, which has already been mentioned.

So that this measure, called the agricultural appropriation bill, as a matter of fact covers a great many things, some of which relate to our foreign policy, some to our domestic social policies, and some to other policies, which I shall not mention at this time because they are smaller.

I am grateful for the statements made by my distinguished friends.

Mr. President, I understand that the distinguished Senator from South Dakota wishes to discuss some phases of this report, and I shall be glad to yield the floor.

Mr. McGOVERN. Mr. President, I want to make a very brief statement and then ask for a short quorum call.

I had intended to discuss this matter with the Senator personally, but it was my understanding that this matter would not come up until later this afternoon. The Senator showed me the courtesy last night, just before the Senate adjourned, to inform me that the Senate conferees were unable to retain the $1.75 billion authorized to be appropriated by the Senate for the food stamp program and had, in fact, agreed upon the House figure of $1.25 billion. In other words, there was no compromise at all, as I understand it, between the House and the Senate.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGOVERN. I know that the Senator is going to comment on the $170 million of unexpended funds, but that was already in the pipeline, and it seems to me to be irrelevant to the question of the action taken by the Senate earlier this year when we went on record, by a clear margin, calling for the new funds in the amount of $1.75 billion.

I knew at that time, as did the Senator from Florida and others, that some unexpended funds were in the pipeline, and that is true with most of these programs on which we are asked to vote on appropriations. But the fact remains that the $170 million to which the Senator refers will have been spent by the end of this month and that we will have expended something in the neighborhood of $725 million in the first 6 months of this year, which leaves something less than $700 million for the remaining 6 months of the fiscal year.

The point I want to make to the Senator is that this allows for no expansion at all of the program. As a matter of fact, it will bring about a retrenchment in the program at a time when we should be expanding both the number of people participating in this program and the amounts that are made available for the various families which are participating.

So I want to serve notice on the Senator—I have had no chance to do this before now—that I intend to ask for a rollcall vote on this measure, reluctant as I am to do that, and ask the Senate to reject the conference report.

This has been my first chance to talk with the Senator. I had fully intended to come to the Chamber to see him privately about it, before this matter was brought up for debate.

Now I am happy to yield to the Senator.

Mr. HOLLAND. I thank the Senator for yielding.

In the first place, I think the Senator is mistaken in his conclusion that the $170 million was in the pipeline. The $170 million was not in the pipeline. It had to be appropriated before it got in the pipeline, and it was only appropriated when we passed the continuing resolution. This $170 million was a remaining authorization from the earlier authorization bill. It was not in the pipeline; and funds had not been appropriated. If the Senator will refer to page 21 of the bill I will read lines 12 to 14 on page 21 of the bill:

> Provided that this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1971.

The new authorization is still in question. The House has reported a bill, and I understand it will shortly debate that bill. I wish the subject would be disposed of when the bill in the House is passed, but it will not be, because the differences between the House and Senate versions of the Senate bill are various and are very great.

I am sure that the distinguished chairman of the Committee on Agriculture and Forestry, who will be chairman of the Senate conferees and, I suspect, chairman of the conference committee, will bear out my statement that the conference is not going to be a simple matter on the bills passed by the two Houses.

I want to say another thing: As passed, we have made available not only the two items of $300 million each, made available by the initiative of the Senator from Louisiana in offering emergency legislation which was passed by both Houses, but also, we have reached back and appropriated the $170 million of remaining authorization from last year.

We have also provided that in the event the authorization measure should be passed in an amount greater than $1.420 billion—this is not stated in the report; I am simply stating this as a matter of conclusion, with which I am sure the Senator will agree—the last supplemental bill this year can handle that item; or, if the authorization bill is passed too late this year or not until next year, it may be handled in the first supplemental or in any supplemental bill next year, if the total authorization for fiscal 1971 is greater than $1.420 billion. I do not know of any other way we could have proceeded which would expedite the passage of this bill.

I want to make it very plain that it was not immediately agreed to that the $170 million should be added to the $1.250 billion and that the $1.420 billion represents not only $170 million more than the budget but also that much more than what was in the House bill when it came over to the Senate. My own feeling is that this bill should be passed promptly. It contains other measures which are very important. I know of no other way in which we can bring immediate pressure to bear on the Bureau of the Budget, and that is where the pressure has got to be brought to bear on the ACP program because they have not yet announced that program. Here we are in December, the sixth month of this fiscal year and they still have not announced the program for 1971. This is the only way in which we can lawfully place the school lunch program at the levels adopted in the bill which passed the Senate not long ago. Somehow, the Budget Bureau, by some device unknown to me, has allowed the school lunch program—and I hope that their device is lawful and I am glad they proceeded with it—to come to the level of the bill that was passed. However, I do not think it can properly or regularly operate at that level until this particular bill is passed. It does finance expanded and enlarged school lunch programs in the way that I am sure the Senator from South Dakota and the rest of us want it to be enlarged and expanded.

So many other items in this bill are of such great importance that I shall not attempt to enumerate them. We have been holding in abeyance or holding up the whole operation of many large programs affecting our entire Nation, in the first instance, waiting for the passage of the farm bill, which passed a short while ago and was signed by the President, as I recall, on December 1, I am informed by my assistant. We are proceeding as rapidly as possible to get something done.

If the Senator wants to take upon himself the responsibility of jeopardizing the passage of appropriate legislation before our adjournment—and I am told on the floor today that it is the intention of the leadership to try to adjourn on the 18th of December—today being the 8th of December, and that is 10 days from now—why, of course, that is his privilege. He would be thoroughly within his rights in taking the step he has suggested.

But I hope that he will reexamine his position, because there are people in the conference just as much interested in the food stamp program as is he, and we felt that we had worked out the maximum program possible under the conditions existing.

I thank the Senator for yielding.

Mr. McGOVERN. Mr. President, if I may reply briefly to that, I did not rise today to criticize the actions of the Senator from Florida or other Members of the Senate conference. What is disturbing to me is that it seems we are having a repeat here today of almost what happened on the agricultural conference, where practically everything that the Senate tried to accomplish in the way of a stronger agricultural bill was not only objected to on the House side, but they would not budge an inch in terms of making any concessions at all to the Senate conferees.

Now it is a fact that the Senate, by a rather clear margin, authorized to be appropriated $1.75 billion in new funds for the food stamp program. We did that, acting under clear evidence that has been provided by the committees of the Senate, demonstrating that there are several million people in this country who are malnourished and who are not being covered by any kind of food assistance program.

I frankly cannot accept, without at least making a fight here this afternoon, what seems to be another case of the House's being unwilling to compromise in a reasonable way.

If the conferees had come back with a figure of $1.5 or $1.6 billion, or something in that area, one would have been more inclined to let it go by. But what I would suggest, based on the best evidence we can compile, is that we need a figure of at least $1.65 billion just to keep the food stamp program expanding at its present rate.

I should like to read into the record a few monthly statistics on what has been happening in the program during the current fiscal year, so that we can get some measure of the kind of funds that will be necessary.

We started out in July with an expenditure in the food stamp program of around $98 million. That was increased to $102 million in August. It went up to $116 million in September, $123 million in October, $127 million in November, and is projected at $131 million for the current month.

Continuing that rate on through the rest of this year—and I think it is a modest rate of increase—we will be at an expenditure level on the food stamp program of around $158 million a month by the end of this fiscal year—July 1971—which is roughly $1.6 billion. If one adds the additional amount of $60 million in additional emergency costs, we have the figure of $1.65 billion.

It is my strong hope that we can reject the conference report and then, at the appropriate time, instruct the Senate conferees to go back for another conference and insist on an appropriation at least at the level of $1.65 billion.

It is my intention to take that action at the appropriate time.

Mr. HOLLAND. Mr. President, the food stamp program has been moving forward in the effort to take up $770 million in 7 months, because that is all the authority it has had.

Mr. McGOVERN. That is correct.

Mr. HOLLAND. That would leave 5 months yet to be calculated for. If $770 million, the total now available, would be used by January 31 next, and that amount should be stricken from the $1.420 billion, it would leave, as the Senator can see, between $600 and $700 million available for the last 5 months of the program.

I do not see how, under any circumstances, there could be a prudent or reasonable enlargement of the program in those additional 5 months to come to the $1.750 billion which was placed in the Senate version of the bill.

The conference committee—I just want to repeat this—placed in the bill every dime it felt could be reached, including not only the $1.250 billion in the budget and in the House bill but also the $170 million which we had reached back and picked up from the old authorization bill.

I merely restate this, because it happens to be so true. Even if the conference report on the food stamp authorization bill is hurried and is available to be passed before we get away from here, which I doubt very much now, knowing as I do the differences between the two bills, there is still no time for the deliberate consideration of what could be properly spent after January 31 of next year. And if there is passed an authorization big enough to add to the $1,420,000,000, it can be added in the first supplemental bill, after the authorization is completed.

I do not know how the Senator could come to the conclusion that it would be advantageous to force delay of this bill, which is apparently what he is seeking to do, rather than waiting to see what the authorization bill will be and then to endeavor the most prompt and the most immediate remedial treatment that can be given to this program, after that authorization bill is passed.

Mr. McGOVERN. Mr. President, in view of his many conversations with Members of the other body, can the Senator from Florida shed any light, as to why almost 14 months after the Senate passed a very strong food stamp reform bill in September 1969, no action has been forthcoming on those reforms in the House of Representatives?

I am frankly frustrated almost to the point of despair as to what can be done to get these food programs moving. It seems to me that we have documented beyond any doubt in the minds of reasonable people that there are millions of hungry Americans, millions of malnurished Americans, that we are not meeting with our program. What is it going to take to get the Members of Congress to give the same kind of priority to this program that they do to some of these programs that carry a defense label? This a matter of national defense, too. It has to do with the health and strength of the American people.

I have almost reached my wits' end as to what we can do in the Senate to get some action so that these reforms can move ahead. It seems to me that we are not doing very much to build a case when we acquiesce in a matter of this kind.

I realize that this is an uphill effort to try to recommit a conference report involving all the appropriations for a major department of the Government. But I do think that we ought to call the roll to demonstrate that there is opposition and impatience in the Senate when the steps we have taken in this field are constantly thwarted in the other body.

That does not preclude our making another effort next year in a supplemental bill, as the Senator from Florida has suggested. However, if he or the Senator from Louisiana can shed any light on why we run into this seemingly impossible barrier in the other body on food stamps, I would be glad to get the explanation.

Mr. HOLLAND. Mr. President, I will yield to the Senator from Louisiana in a moment. The Senator from Louisiana is better able to explain this than I because he has had so many more conferences with the House of Representatives than I have. However, I do want my distinguished friend to know two things. The first is that if we do not pass an appropriation bill, we would probably exacerbate the struggle we will have with the passage of that bill.

The second is that I happen to know of my own knowledge from my own infrequent conferences with the Members of the House that for many months it was planned there to couple with the farm bill then pending this food stamp bill. And the division of the two occurred long after the hearings had been underway on the farm bill.

Mr. President, I will yield to the Senator from Louisiana who knows much more about this subject than I and who, I should say, is responsible for passage of the two emergency resolutions which continued funds for the food stamp program. I am not responsible and the Senator from South Dakota is not responsible for the passage of the two helpful emergency measures which made available first $300 million and then made available an additional $300 million.

The Senator from Louisiana has been fighting for this program a long time. He knows all of the potential problems from his frequent contacts with the other end of the Capitol much more than I.

Mr. President, I yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I am very hopeful that the distinguished Senator from South Dakota will not press a vote on this matter. I think that the conferees have done all they can in order to obtain everything possible from the House. I have been trying very hard to get the House to act. I spoke to the chairman of the House Rules Committee a few days ago. The bill has finally been sent to the floor. I understand that this afternoon or tomorrow the bill will be up for debate and that it will require probably, I think, a debate of at least 2 hours. That is my understanding of the rule that was provided.

It seems to me that the Senator is making a big mistake in attempting to delay this measure. Not only, as the Senator from Florida stated, is the food stamp proposal being jeopardized, but also the school lunch program is being placed in danger. We have added a lot to the school lunch program. If this report is set aside or delayed, the schoolchildren will suffer.

I plead with the Senator not to oppose the adoption of the report. I give him assurances that just as soon as the House bill is enacted, we will go to conference. We have a bill pending now, a supplemental bill, and if we can get the conferees to get together before the Congress adjourns, we will have authority to increase the amount over what is now in the bill. But we have no authority to go further than we do in this particular bill.

Mr. McGOVERN. Mr. President, I think that the Senator from Louisiana knows that I am not criticizing any action he has taken on this matter. But I do continue to be puzzled by one strange situation that, it seems to me, has developed on this whole food assistance issue.

As I go around the country, I find general support on the part of the American people that we should put an end to hunger. I do not think there is a Member of the Senate that could really relax in the face of the certain knowledge that people—and especially little children—are suffering from malnutrition and hunger.

The Senator from Louisiana knows that every person in that condition, on a dollar and cents basis in the long run, will cost the country 3 or 4 times as much as it would cost to give them a decent diet. However, the Members of the House are theoretically, under our system, supposed to be more responsive to the public pressure in the country than are Members of the Senate.

I cannot understand why it has been so difficult over the past year and a half for us to get the kind of action in the other body that we have taken here time after time in trying to strengthen the food assistance program.

This is not criticism of the Senator from Louisiana. It is simply an effort to try to shed some light on what seems to me to have become an impasse between the two Houses.

Mr. ELLENDER. Mr. President, I understand. However, doing what the Senator is now suggesting will not assist in the matter at all.

Mr. McGOVERN. Is that the Senator's best judgment?

Mr. ELLENDER. That is my best judgment because we have provided all we can possibly obtain for the present under the authorization we have. If, perchance, the House does pass this bill, I think that we can go to conference immediately and come out with a bill and attach it to the pending supplemental bill. Hearings are now being held by the Senator from West Virginia (Mr. BYRD), and if the food stamp bill is enacted by the House tomorrow, we can go to conference and then have it authorized and go before the Committee on Appropriations, headed by the Senator from West Virginia. We can likely obtain whatever is finally agreed upon by both Houses.

This, as I said, will provide the funds for this month and all of January. Otherwise we would be without authority to go along.

Mr. McGOVERN. Mr. President, can the Senator give assurance here to the best of his ability—not just to me, but to the millions interested in this program—that he will use his great leadership and influence to try to get the best possible food stamp reform bill, not just the money, but the kind of relief that the Senate wrote into its legislation in September 1969? Can the Senator assure us that he will do all in his power to see that those needed changes become part of the law?

Mr. ELLENDER. Of course, if the bill goes to conference, and I presume I will be on the conference committee, I will do all I can to carry out what the Senate votes on.

Mr. McGOVERN. As the Senator knows, I have great confidence in his ability.

Mr. ELLENDER. The probabilities are that the Senator will be on the conference and he can work on this matter also.

Mr. McGOVERN. There are two questions. First, there is the amount of money, and then, there are the desperate needed reforms on the structure of the program. I am not enthusiastic about pumping unlimited amounts of money into the food stamp structure we have now. We have too many flaws to be corrected than simply putting in more money. But on the basis of the assurance of the Senator that we can make an effective bite in cooperation with the House both in the structure of the program and to provide supplemental appropriations in a very short time to cover these needs, I would be inclined not to press for a rollcall vote here today but I think we should have a short quorum call so that Senators can be consulted.

Mr. ELLENDER. I assure the Senator I will do the best I can. As a matter of fact, I learned the bill will be taken up tomorrow. I am hopeful we can get the defense bill out of the way so I can proceed and get the conference as soon as possible.

Mr. HOLLAND. As far as the Senator from Florida is concerned, he would hope his distinguished chairman of the Committee on Agriculture and Forestry would make provision on the conference committee for the Senator from South Dakota, and the Senator from Florida is perfectly willing to relinquish his own post on that committee because he wants nothing less than the most that can be done to sustain programs the Senate voted. But he reiterates, and this is the main point, nothing you do to this bill today by way of putting it off does anything but hurt the programs that are put off. It does not help the food stamp program. I am willing to step off the conference committee in favor of the Senator from South Dakota if that would expedite the matter in any way. I say that to my distinguished chairman as a matter of trying to cooperate.

Mr. ELLENDER. I will see to it that the Senator is on the conference.

Mr. HOLLAND. I thank the Senator for his assurance.

Mr. McGOVERN. That was not my purpose in rising but I do appreciate the statement of the Senator.

Mr. ELLENDER. Mr. President, if this is postponed, it postpones action on money necessary to run the school lunch program.

Mr. HOLLAND. Another program that would be jeopardized is the Public Law 480 program. It can be financed but in the event of a shortage of funds it would have to be financed out of CCC funds, which would do nothing but cripple other agricultural programs of the Nation. So many points can be made in favor of clearing this bill immediately. Anything that holds up the conference report does nothing but hurt the various programs contained in this conference report.

I think the Senator understands that and agrees with it.

Mr. McGOVERN. I appreciate the Senator's argument but as I indicated earlier, before I make a final decision about withdrawing the original suggestion I made for a rollcall vote on this matter, I would like to discuss the matter with the senior Senator from New York who is the ranking minority member of the Committee on Nutrition and Human Needs, and others who have been very much concerned about this problem.

Mr. President, I ask unanimous consent that the remarks I had prepared for today be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCGOVERN

Nearly two years ago, in 1968, the Senate of the United States created the Senate Select Committee on Nutrition and Human Needs. We did so because a majority of the Senate had for the first time become aware of the strong probability that hunger was a more serious problem in America than we had realized. No Senator could really accept even the suspicion that many of his fellow citizens and especially little children might be suffering from malnutrition when we are all so well-fed. So we created a committee to learn the facts.

The facts were established. Fifteen million Americans were hungry in 1968, as nearly as we could estimate on the basis of the best available evidence. And the Senate responded by passing a Food Stamp reform bill in September of 1969 to end this tragic and needless suffering. We also authorized to be appropriated $1.75 billion to finance a better anti-hunger effort.

But for reasons too confusing for me to understand, our brothers in the other body of this Congress have not acted to reform the food assistance program. Furthermore, they authorized appropriations at only $1.25 billion—a half billion dollars below the Senate appropriations. And I learned last night through the courtesy of Senator Holland and Senator Ellender, that the House conferees refused to compromise even to the extent of $1. They said either take $1.25 billion or we will not agree to sign the conference document. And so, believing this to be the best figure possible, the conferees of the Senate acquiesced.

I am saddened, shocked, and puzzled by this action of the Conference. I have spent a restless night pondering on what could be done.

I have concluded that I must consider voting to reject the Conference Report so that we can seek a better remedy for the cries of the hungry in our land. We may have to reject this conference and urge our brothers in the other body to agree to appropriate the funds that are actually needed for the program this year. I have carefully and conservatively estimated the cost of the program for this fiscal year as $1.65 billion. This estimate is based on an average monthly increase of 3%. This is a conservative estimate because the actual average increase in the program through the first six months of this year has been 8%. An appropriation of $1.65 billion would permit several million more persons to join the food stamp program and keep us moving toward our immediate goal of 15 million citizens.

We can remind our friends in the other body that last week, the Senate saved the Nation $290 million in the next fiscal year by striking this amount for the SST. This goes most of the way toward providing the $400 million which I suggest the House add to its present food appropriation of $1.25 billion in order to meet the real need of $1.65 billion. Several million hungry Americans depend on it.

Mr. JAVITS. Mr. President, I understand the subject of the debate. There are many cases in which you have to "break eggs" to get a result. I know the Senator is not concerned about the fact that we are often told in connection with bills that, "If you do not do this you will lose everything." Sometimes Senators have to run that risk.

What makes me sympathetic to the question put to the Senator from Louisiana (Mr. ELLENDER) is, first, his high character. He does not give assurances unless he is going to deliver to the best of his ability. Second, there will be an opportunity for a supplemental and this is not the end of the road for us. Therefore, we do have to take seriously what is said here—that, if we go so far and can go no further, then the entire matter will be jeopardized. But if you go so far and it would be possible to go further, and there is an assurance such as the Senator from Louisiana (Mr. ELLENDER) has given, that is a different matter.

I am sympathetic to the attitude the Senator has taken and I, too, would welcome the opportunity to discuss the matter.

Mr. HOLLAND. Mr. President, before the Senator requests or suggests the absence of a quorum, I wish to bring up one point. In this bill there is a substantial increase which would go into effect at once in connection with food and nutrition generally. The amount provided, I am told by the clerk, is $48.5 million for the employment of nutrition aides to teach, assist, and disseminate information regaining proper nutritional habits in the buying and preparation of food. That total amount has not been able to be utilized and will not be until this bill is passed. There are other increases affecting nutrition in this bill which go into effect as soon as the President signs it. Any holdup in the bill will also jeopardize them. I have not suggested we are risking everything by putting this off. I am stating that every program in this bill is delayed by the failure to approve the conference report which has been approved by the House and which has been awaiting approval since July 9 when we passed our bill; and I hate to think of an additional delay being caused by doing something I think does not help at all in untying the real Gordian knot, and that is getting an authorization for the food stamp program, which is the real problem ahead of us.

I have already offered before the Senator came to the Chamber to withdraw from the conference, so far as I am concerned, if the Senator from Louisiana wishes me to, in favor of the Senator from South Dakota, who I believe is the junior member on our side of the Committee on Agriculture and Forestry. I do not think I could do any more than that so that his views may be heard in conference.

Mr. HOLLINGS. Mr. President, does the Senator from Florida yield?

Mr. HOLLAND. I do not have the floor.

Mr. HOLLINGS. Mr. President, I think that I would like to confer with the Senator from New York and the Senator from South Dakota, but the distinguished Senator from Florida should not lose sight of the fact that the conference report is woefully inadequate in view of the facts and experience.

I take, as an example, the city of New York. For a time, in the beginning, all one had to do to get on welfare was to file his own statement. Anyone who applied could get $2,000 or $3,000 in benefits, but in order to get $200 or $300 in food stamp bonuses you had to stand in a long line, come back and stand in another long line, and usually it took on the average of 2 or 3 days just to fill out the forms.

Then, in September in New York they said that those on welfare could by a similar statement go into the food stamp program and in 1 month they put 400,000 persons on the food stamp program in New York.

Since January South Carolina has added 100,000 people to the food stamp program. As of the beginning of September the 8.2 million figure of the Department of Agriculture only brought home the actual facts that two-thirds of those who are eligible for food stamps have received them. Mr. President, you cannot belie the facts.

You can have cost overruns with the military and make settlements and agreements with corporations, but somehow when the human element is involved the overrun is disregarded. You never want to provide.

The Department of Agriculture shows that we were expending in the month of October—and that was the only official figure—at the rate of $100 million in excess of what has been provided for in food stamp authorization. This appropriation bill will provide for only 2 months.

But if we are going to get an authorization bill that provides adequately for the food stamp program, we have to do substantially better.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. HOLLAND. I certanly do not in any respect contradict any of the statements of the Senator from South Carolina. I just want him to understand, however, that the real problem here is the passage of a food stamp authorization bill, and there is going to be the real problem, because no more money can be made available, no matter how great the need may be, until we have an authorization program that is substantially larger than that which now exists.

The point that I have made over and over again—and I know it to be true—is that nothing we can do here by way of helping up these other programs, every one of which has some importance, and some of them have great importance, will hasten the completion of a large food stamp authorization bill. That is the real problem. That is the problem the Senator should be addressing himself to, and all of us should address ourselves to. It is a problem I have tried to address myself to in offering to withdraw from the Agriculture-Forestry conferees in favor of the Senator from South Dakota, so that he might have the assurance that his views would be completely understood by all conferees. But what is suggested now—to put off this long overdue appropriation for many vital programs—simply hurts all those vital programs. It does not unravel the real knot, which is: How do we get a good food stamp authorization bill, with the differences between the House bill, ready to be considered now, and the Senate bill, which was passed last year?

My own feeling is that we have just got to put that first. That is the real problem. We have to get a food stamp authorization bill. We do not make progress toward that end, nor do anything else, I think, but irritate the conferees on the other side, by holding up programs which the whole Nation needs and wants, and which the Senate is for, and which the Senator from Florida is for, and which every Senator is for, because we have all voted for them. That is what we do when we postpone adoption of this conference report.

I think the Senator from Louisiana a while ago spoke words of great wisdom when he called attention to the fact that just as soon as the House passes the food stamp bill, today, tomorrow, or whenever they pass it, we will go into conference. It is in that conference that the problems are to be resolved. There is going to be a supplemental bill passed probably the last day we are in session. There will be a new supplemental bill in January or February, after Congress convenes.

The point the Senator from Louisiana made is that any enlargement of any food stamp bill reflected in a better or a bigger authorization bill can go into either the last supplemental bill of this session or the first supplemental bill of the next session. But in the meanwhile why hold up all the other programs that are involved in this conference report—school lunch, Public Law 480, and various other programs which are encompassed within the bill? For example, better staffing of insecticide laboratories is included. We provide for the staffing of five insecticide laboratories which are now completed. I happen to know of one in my own State, which was completed in January 1969, and which is not yet staffed—at a time when we are talking about pollution and the great effect upon pollution problems of knowledge, use, and control of better insecticides. All these and many others are in this conference report.

The point is, let us get on with this bill and at the same time let us get on with the adoption of a better authorization bill. What we do here may worsen rather than help speed work toward an authorization bill which will more nearly meet views of the Senator from South Carolina and the vast majority of Senators present.

Mr. HOLLINGS. Mr. President, no one wants to be an obstructionist and no one wants to hold up other programs to force upon others the will of a minority, but we have not had our view felt and certainly we have not taken a realistic approach, toward feeding the hungry. So when the Senator speaks of the importance of staffing insecticide laboratories, he really tempts me. If I could hold up anything for the hungry I would certainly hold up staffing insecticide laboratories. I would willingly vote on that question in the Senate. But we should not promise our action in the context of House maneuvering and politics in the closing days of the session. I have not taken care of the problem. The President of the United States, on December 29, said that he was going to make certain that every needy and hungry child in America was going to receive a low-cost lunch by Thanksgiving. Thanksgiving has gone by and nothing has been done. Why? Because we put our attention on insecticide laboratories, Public Law 480, commodity surpluses, and all the other facets of agriculture, to the detriment of the fundamental problem underlying our society.

I am trying to get the attention of the Senate, and the attention of Members of the House particularly. It may be that the Senator from South Dakota and the Senator from New York are right that this may be the only way to do it. If the Senator thinks we can come back and get an appropriation in 60 days, that is fine, but let us not call this a good or realistic bill in light of the needs of this country.

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendment in disagreement.

The assistant legislative clerk read as follows:

> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "$4,580,000".

Mr. HOLLAND. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to Senate amendment No. 3.

The motion was agreed to.

Mr. HOLLAND. Mr. President, I ask unanimous consent to have printed in the RECORD a table reflecting the conference amounts for all of the food assistance programs administered by the Department of Agriculture. This table also shows the amount of increase over the 1970 level for each of the individual programs.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE—FOOD ASSISTANCE PROGRAM

[Program level dollars in thousands]

Program	Fiscal year 1969	Fiscal year 1970 [1]	Fiscal year 1971 budget estimate [2]	Fiscal year 1971 House bill	Fiscal year 1971 Senate bill	Fiscal year 1971 conference action	Conference action (+ or −) 1970
A. Child nutrition program:							
1. Cash grants to States:							
(a) School lunch (sec. 4)	$162,034	$168,041	$225,000	$169,721	$225,000	$225,000	+$56,959
(b) Free and reduced price lunches	54,000	134,800	356,400	200,000	356,400	356,400	+221,600
(c) School breakfast	3,500	12,000	15,000	15,000	15,000	15,000	+3,000
(d) Nonfood assistance	748	15,000	15,000	17,500	15,000	15,000	
(e) State administrative expenses	153	2,750	3,500	2,750	3,500	3,500	+750
(f) Nonschool food program	[3] 3,244	[3] 13,572	[3] 12,000	[3] 15,000	[3] 12,000	[3] 12,000	−1,572
(g) Nutrition training and surveys			750		750	750	+750
Total, cash grants	223,679	346,163	627,650	419,971	627,650	627,650	+281,487
2. Commodities to States	292,107	230,205	264,465	264,465	264,465	264,465	+34,260
3. Federal operating expenses	3,995	5,282	6,442	5,542	6,442	6,442	+1,160
Total, child nutrition program	519,781	581,650	898,557	689,978	898,557	898,557	+316,907

Footnotes at end of table.

U.S. DEPARTMENT OF AGRICULTURE—FOOD ASSISTANCE PROGRAM—Continued

[Program level dollars in thousands]

Program	Fiscal year 1969	Fiscal year 1970[1]	Fiscal year 1971 budget estimate[2]	Fiscal year 1971 House bill	Fiscal year 1971 Senate bill	Fiscal year 1971 conference action	Conference action (+ or −) 1970
B. Special milk program:							
1. Milk (direct appropriation)	102,048	83,814		103,314	103,314	103,314	+19,500
2. Special sec. 32 funds used for milk program		20,000					−20,000
3. Administrative expenses	629	686		686	686	686	
Total, special milk program	102,677	104,000		104,000	104,000	104,000	−500
Total, child nutrition and special milk programs	622,458	685,650	898,557	793,978	1,002,557	1,002,557	+316,907
C. Family feeding program:							
1. Food stamp program	250,981	610,000	1,250,000	1,250,000	1,750,000	1,420,000	+810,000
2. Direct distribution to families:							
(a) Section 32 commodities	192,668	182,015	160,300	160,300	160,300	160,300	−21,715
(b) Financial assistance to States	4,154	16,000	19,700	19,700	19,700	19,700	+3,700
(c) Federal direct operation at local level	1,300	2,318					−2,318
(d) Section 416	79,278	61,942	92,745	92,745	92,745	92,745	+30,803
Total, direct distribution to families	277,400	262,275	272,745	272,745	272,745	272,745	+10,470
3. Nutrition supplement	8,317	33,000	40,000	40,000	40,000	40,000	+7,000
Total, family feeding	536,698	905,275	1,562,745	1,562,745	2,062,745	1,732,745	+1,830,027
D. Direct distribution to institutions	32,227	12,889	26,416	26,416	26,416	26,416	+13,527
E. Nutrition education program	9,948	30,000	50,230	50,230	50,230	50,230	+20,230
Total, food assistance program	1,201,332	1,633,814	[3]2,537,948	2,433,369	3,141,948	2,811,948	+1,178,134

[1] Reflects approval of Public Law 91-207 (Mar. 12, 1970) to provide additional funds for child nutrition program.

[2] Includes budget amendment of $216,579,000 submitted to the Congress on July 1, 1970, too late to be considered by the House.

[3] Excludes balances carried forward to succeeding year.

Mr. HOLLAND. Mr. President, I also ask unanimous consent that a comparative statement on appropriations showing the new budget obligational authority for fiscal 1970, with comparisons for fiscal 1971 in the budget, in the House bill, in the Senate bill, and the amount agreed by the conferees for each appropriation item in the agricultural appropriation bill be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970, BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1971

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and title	New budget (obligational) authority enacted to date, fiscal 1970[1]	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−) conferee recommendations compared with—			
						1970	1971 budget	1971 House bill	1971 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—GENERAL ACTIVITIES									
Agricultural Research Service:									
Salaries and expenses:									
Research:									
Direct appropriation	$142,886,200	$141,437,200	$146,143,200	$160,446,200	$151,633,000	+$8,746,800	+$10,195,800	+$5,489,800	−$8,813,200
Transfer from sec. 32	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(..........)	(..........)	(..........)	(..........)
Total, research	(157,886,200)	(156,437,200)	(161,143,200)	(175,446,200)	(166,633,000)	(+8,746,800)	(+10,195,800)	(+5,489,800)	(−8,813,200)
Plant and animal disease and pest control	97,393,750	98,763,750	98,619,750	99,369,750	98,619,750	+1,226,000	−144,000		−750,000
Special fund (reappropriation)	2,000,000	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	−2,000,000			
Total, salaries and expenses	242,279,950	240,200,950	244,762,950	259,815,950	250,252,750	+7,972,800	+10,051,800	+5,489,800	−9,563,200
Salaries and expenses (special foreign currency program)	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Total, Agricultural Research Service	247,279,950	245,200,950	249,762,950	264,815,950	255,252,750	+7,972,800	+10,051,800	+5,489,800	−9,563,200
Cooperative State Research Service: Payments and expenses	62,640,000	72,535,000	65,076,000	69,826,000	68,476,000	+5,836,000	−4,059,000	+3,400,000	−1,350,000
Extension Service:									
Payments to States and Puerto Rico	$114,006,000	$150,431,000	$140,031,000	$150,431,000	$140,031,000	+$26,025,000	−$10,400,000		−$10,400,000
Retirement and employees' compensation for extension agents	10,240,000	13,515,000	13,515,000	12,932,600	12,932,600	+2,692,600	−582,400	−$582,400	
Penalty mail	3,400,000	3,617,000	3,617,000	3,617,000	3,617,000	+217,000			
Federal Extension Service	4,088,000	4,228,000	4,188,000	4,188,000	4,188,000	+100,000	−40,000		
Total, Extension Service	131,734,000	171,791,000	161,351,000	171,168,600	160,768,600	+29,034,600	−11,022,400	−582,400	−10,400,000
Farmer Cooperative Service: Salaries and expenses	1,648,000	1,689,000	1,649,000	1,684,000	1,684,000	+36,000	−5,000	+35,000	
Soil Conservation Service:									
Conservation operations	131,736,000	128,467,000	128,557,000	128,457,000	128,507,000	−3,229,000	+40,000	−50,000	+50,000
River basin surveys and investigations	8,839,000	9,043,000	9,043,000	9,043,000	9,043,000	+204,000			
Watershed planning	6,750,000	5,434,000	6,698,000	5,434,000	6,066,000	−684,000	+632,000	−632,000	+632,000
Watershed works of improvement	66,232,000	74,278,000	74,278,000	76,000,000	76,000,000	+9,668,000	+1,722,000	+1,722,000	
Flood prevention	24,738,000	21,037,000	21,037,000	21,037,000	21,037,000	−3,701,000			
Great Pains conservation program	15,417,000	15,355,000	15,355,000	16,355,000	15,855,000	+438,000	+500,000	+500,000	−500,000
Resource conservation and development	10,825,000	13,876,000	13,876,000	14,676,000	14,276,000	+3,451,000	+400,000	+400,000	−400,000
Total, Soil Conservation Service	264,637,000	267,490,000	268,844,000	271,002,000	270,784,000	+6,147,000	+3,294,000	+1,940,000	−218,000
Economic Research Service: Salaries and expenses	14,962,000	16,228,000	14,592,000	16,228,000	14,926,000	−36,000	−1,302,000	+334,000	−1,302,000
Statistical Reporting Service: Salaries and expenses	16,892,800	17,749,800	17,716,800	17,874,800	17,796,800	+904,000	+47,000	+80,000	−78,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970, BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1971—Continued

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and title	New budget (obligational) authority enacted to date, fiscal 1970 [1]	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−) conferee recommendations compared with—			
						1970	1971 budget	1973 House bill	1971 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—GENERAL ACTIVITIES—Cont.									
Consumer and Marketing Service:									
Consumer protective, marketing, and regulatory programs	137,957,500	149,247,000	149,247,000	159,247,000	149,247,000	+11,289,500			−10,000,000
Payments to States and possessions	1,600,000	1,600,000	1,600,000	1,750,000	1,675,000	+75,000	+75,000	+75,000	−75,000
Total, Consumer and Marketing Service	139,557,500	150,847,000	150,847,000	160,997,000	150,922,000	+11,364,500	+75,000	+75,000	−10,075,000
Food and Nutrition Service:									
Special milk program	[2] 84,000,000		104,000,000	104,000,000	104,000,000	+20,000,000	+104,000,000		
Child nutrition programs:									
Direct appropriation	122,500,000	301,974,000	90,395,000	301,974,000	301,974,000	+179,474,000		+211,579,000	
Transfer from sec. 32	(194,266,000)	(238,358,000)	(238,358,000)	(238,350,000)	(238,358,000)	(+44,092,000)			
Total, child nutrition programs	[3] (316,766,000)	(540,332,000)	[4] (328,753,000)	(540,332,000)	(540,332,000)	(+223,566,000)		(+211,579,000)	
Food stamp program	596,963,000	1,250,000,000	1,250,000,000	1,750,000,000	1,420,000,000	823,037,000	+170,000,000	+170,000,000	−330,000,000
Total, Food and Nutrition Service	803,463,000	1,551,974,000	1,444 395 000	2,155,974,000	1,825,974,000	+1,022,511,000	+274,000,000	+381,579,000	−330,000,000
Foreign Agricultural Service:									
Salaries and expenses	23,562,000	24,773,000	24,023,000	24,773,000	24,273,000	+711,000	−500,000	+250,000	−500,000
Transfer from sec. 32	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)				
Total, Foreign Agricultural Service	(26,679,000)	(27,890,000)	(27,140,000)	(27,890,000)	(27,390,000)	(+711,000)	(−500,000)	(+250,000)	(−500,000)
Commodity Exchange Authority: Salaries and expenses	2,491,000	2,552,000	2,552,000	2,552,000	2,552,000	+61,000			
Agricultural Stabilization and Conservation Service:									
Expenses, ASCS:									
Direct appropriation	153,000,000	135,466,000	152,690,000	150,000,000	150,000,000	−3,000,000	+14,534,000	−2,690,000	
Transfer from CCC	(63,782,000)	(68,779,000)	(68,779,000)	(68,779,000)	(68,779,000)	(+4,997,000)			
Total, expenses, ASCS	(216,782,000)	(204,245,000)	(221,469,000)	(218,779,000)	(218,779,000)	(+1,997,000)	(+14,534,000)	(−2,690,000)	
Sugar Act program	93,000,000	83,600,000	83,600,000	83,600,000	83,600,000	−9,400,000			
Agricultural conservation program:									
Advance authorization (contract authorization)	195,500,000		195,500,000	190,000,000	195,500,000		+195,500,000		+5,500,000
Liquidation of contract authorization	(195,500,000)	(185,000,000)	(185,000,000)	(185,000,000)	(185,000,000)	(−10,500,000)			
Cropland adjustment program	77,200,000	77,800,000	77,800,000	77,800,000	77,800,000	+600,000	37,250		
Conservation reserve program	37,250,000					−36,650,000			
Emergency conservation measures	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Indemnity payments to dairy farmers	200,000			500,000	250,000	+50,000	+250,000	+250,000	−250,000
Total, Agricultural Stabilization and Conservation Service	561,150,000	301,866,000	514,590,000	506,900,000	512,150,000	+49,000,000	+210,284,000	−2,440,000	+5,250,000
Rural Community Development Service: Salaries and expenses	450,000		230,000			−450,000		−230,000	
Office of the Inspector General: Salaries and expenses	15,069,000	15,846,000	15,378,000	[5] 12,412,000	[5] 12,412,000	−2,657,000	−3,434,000	−2,966,000	
Packers and Stockyards Administration: Salaries and expenses	3,508,650	3,748,000	3,508,650	3,748,000	3,588,650	+80,000	−159,350	+80,000	−159,350
Office of the General Counsel: Salaries and expenses	5,656,500	5,657,000	5,657,000	5,657,000	5,657,000	+500			
Office of Information: Salaries and expenses	2,297,000	2,256,000	2,256,000	2,256,000	2,256,000	−41,000			
National Agricultural Library:									
Salaries and expenses	3,446,750	3,914,750	3,614,750	3,914,750	3,764,750	+318,000	−150,000	+150,000	−150,000
Library facilities		800,000					−800,000		
Total, National Agricultural Library	3,446,750	4,714,750	3,614,750	3,914,750	3,764,750	+318,000	−950,000	+150,000	−150,000
Office of Management Services: Salaries and expenses	$3,274,000	$3,518,000	$3,384,000	$3,459,000	$3,459,000	+$185,000	−$59,000	+$75,000	
General administration: Salaries and expenses	5,263,000	6,041,000	5,559,000	6,058,000	6,058,000	+795,000	+17,000	+499,000	
Total, title I, general activities	2,308,982,150	2,866,476,500	2,954,986,150	3,701,300,100	3,342,754,550	+1,033,772,400	+476,278,050	+387,768,400	−$358,545,550
TITLE II—CREDIT AGENCIES									
Rural Electrification Administration:									
Loan authorizations:									
Electrification	340,000,000	322,000,000	322,000,000	352,000,000	337,000,000	−3,000,000	+15,000,000	+15,000,000	−15,000,000
Telephone	123,300,000	123,800,000	123,800,000	138,800,000	128,800,000	+5,500,000	+5,000,000	+5,000,000	−10,000,000
Contingency reserve			20,000,000					−20,000,000	
Total, loans (authorization to spend debt receipts)	463,300,000	445,800,000	465,800,000	490,800,000	465,800,000	+2,500,000	+20,000,000		−25,000,000
Salaries and expenses	14,834,000	14,623,000	14,613,000	14,896,000	14,613,000	−221,000	−10,000		−283,000
Total, Rural Electrification Administration	478,134,000	460,423,000	480,413,000	505,696,000	480,413,000	+2,279,000	−19,990,000		−25,283,000
Farmers Home Administration:									
Direct loan account:									
Real estate loans	(83,000,000)	(45,500,000)	(83,000,000)	(123,000,000)	(103,000,000)	(+20,000,000)	(+57,500,000)	(+20,000,000)	(−20,000,000)
Operating loans	(275,000,000)	(275,000,000)	(275,000,000)	(275,000,000)	(275,000,000)				
Soil conservation loans	(8,700,000)	(6,400,000)	(8,700,000)	(8,700,000)	(8,700,000)		(+2,300,000)		
Total, direct loan account	(366,700,000)	(326,900,000)	(366,700,000)	(406,700,000)	(386,700,000)	(+20,000,000)	(+59,800,000)	(+20,000,000)	(−20,000,000)

Footnotes at end of table.

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970, BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1971—Continued

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and title (1)	New budget (obligational) authority enacted to date, fiscal 1970[1] (2)	Budget estimates of new (obligational) authority, fiscal year 1971 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conferees (6)	Increase (+) or decrease (−) conferee recommendations compared with—			
						1970 (7)	1971 budget (8)	1973 House bill (9)	1971 Senate bill (10)
TITLE II—CREDIT AGENCIES—Cont.									
Rural housing:									
Insurance fund	(30,000,000)	(19,000,000)	(30,000,000)	(19,000,000)	(19,000,000)	(−11,000,000)		(−11,000,000)	
Direct appropriation		334,000	334,000	334,000	334,000	+334,000			
Emergency credit revolving fund	31,918,000					−31,918,000			
Rural water and waste disposal grants	46,000,000	24,000,000	100,000,000	100,000,000	100,000,000	+54,000,000	+76,000,000		
Rural housing for domestic farm labor	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000				
Mutual and self-help housing	2,125,000	1,250,000	2,125,000	775,000	775,000	−1,350,000	−475,000	−1,350,000	
Self-help housing land development fund	1,000,000	600,000	1,000,000	400,000	400,000	−600,000	−200,000	−600,000	
Salaries and expenses:									
Direct appropriation	71,450,000	85,091,000	81,150,000	87,250,000	86,000,000	+14,550,000	+909,000	+4,850,000	−1,250,000
Transfer from agricultural credit insurance fund	(2,250,000)	(2,250,000)	(3,250,000)	(2,250,000)	(2,250,000)			(−1,000,000)	
Miscellaneous transfer	(500,000)	(500,000)	(500,000)	(500,000)	(500,000)				
Total, salaries and expenses	(74,200,000)	(87,841,000)	(84,900,000)	(90,000,000)	(88,750,000)	(+14,550,000)	(+909,000)	(+3,850,000)	(−1,250,000)
Total, Farmers Home Administration	154,993,000	113,775,000	187,109,000	191,259,000	190,009,000	+35,016,000	+76,234,000	+2,900,000	−1,250,000
Total, title II, credit agencies	633,127,000	574,198,000	667,522,000	696,955,000	670,422,000	+37,295,000	+96,224,000	+2,900,000	−26,533,000
TITLE III—CORPORATIONS									
Federal Crop Insurance Corporation:									
Appropriation	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000				
Premium income	(2,339,000)	(2,335,000)	(2,335,000)	(2,335,000)	(2,335,000)	(−4,000)			
Total, administrative and operating expenses	(14,339,000)	(14,335,000)	(14,335,000)	(14,335,000)	(14,335,000)	(−4,000)			
Subscription to capital stock	10,000,000					−10,000,000			
Total, Federal Crop Insurance Corporation	22,000,000	12,000,000	12,000,000	12,000,000	12,000,000	−10,000,000			
Commodity Credit Corporation:									
Reimbursement for net realized losses:									
Appropriation	4,198,237,000	3,363,155,000	3,113,155,000	3,363,155,000	3,363,155,000	−835,082,000		+250,000,000	
Liquidation of contract authority	(1,017,697,000)					(−1,017,697,000)			
Total appropriation[6]	(5,215,934,000)	(3,363,155,000)	(3,113,155,000)	(3,363,155,000)	(3,363,155,000)	(−1,852,779,000)		(+250,000,000)	
Limitation on administrative expenses	(32,000,000)	(36,500,000)	(36,500,000)	(36,500,000)	(36,500,000)	(+4,500,000)			
Public Law 480:									
Sales, title I	420,000,000	526,100,000	411,100,000	411,100,000	411,100,000	−8,900,000	−115,000,000		
Donations, title II	500,000,000	406,400,000	291,400,000	291,400,000	291,400,000	−208,600,000	−115,000,000		
Total, Public Law 480	920,000,000	932,500,000	702,500,000	702,500,000	702,500,000	−217,500,000	−230,000,000		
Bartered materials for supplemental stockpile	1,250,000	25,000	25,000	25,000	25,000	−1,225,000			
Total, new budget (obligational) authority, title III, Corporations	5,141,487,000	4,307,680,000	3,827,680,000	4,077,680,000	4,077,680,000	−1,063,807,000	−230,000,000	+250,000,000	
TITLE IV—RELATED AGENCIES									
Farm Credit Administration: Limitation on administrative expenses	(3,839,000)	(4,226,000)	(4,054,000)	(4,226,000)	(4,204,000)	(+365,000)	(−22,000)	(+150,000)	(−22,000)
RECAPITULATION									
Title I: General activities	2,308,982,150	2,866,476,500	2,954,986,150	3,701,300,100	3,342,754,550	+1,033,772,400	+476,278,050	+387,768,400	−358,545,550
Title II: Credit agencies	633,127,000	574,198,000	667,522,000	696,955,000	670,422,000	+37,295,000	+96,224,000	+2,900,000	−26,533,000
Title III: Corporations	5,141,487,000	4,307,680,000	3,827,680,000	4,077,680,000	4,077,680,000	−1,063,807,000	−230,000,000	+250,000,000	
Title IV: Related agencies	(3,839,000)	(4,226,100)	(4,054,000)	(4,226,000)	(4,204,000)	(+365,000)	(−22,000)	(+150,000)	(−22,000)
Total, New budget (obligational) authority[7]	8,083,596,150	7,748,354,500	7,450,188,150	8,475,935,100	8,090,856,550	+7,260,400	+342,502,050	+640,668,400	−385,078,550
Consisting of—									
1. Appropriations	7,422,796,150	7,302,554,500	6,788,888,150	7,795,135,100	7,429,556,550	+6,760,400	+127,002,050	+640,668,400	−365,578,550
2. Reappropriations	2,000,000					−2,000,000			
3. Contract authorizations	195,500,000		195,500,000	190,000,000	195,500,000		+195,500,000		+5,500,000
4. Authorizations to spend from debt receipts	463,300,000	445,800,000	465,800,000	490,800,000	465,800,000	+2,500,000	+20,000,000		−25,000,000
Memoranda:									
1. Appropriations to liquidate contract authorizations	1,213,197,000	185,000,000	185,000,000	185,000,000	185,000,000	−1,028,197,000			
2. Appropriations, including appropriations to liquidate contract authority	8,635,993,150	7,487,554,500	6,973,888,150	7,980,135,100	7,614,556,550	−1,021,436,600	+127,002,050	+640,668,400	−365,578,550
3. Transfers from sec. 32	212,383,000	256,475,000	256,475,000	256,475,000	256,475,000	+44,092,000			
4. Transfer from CCC	63,782,000	68,779,000	68,779,000	68,779,000	68,779,000	+4,997,000			
Total, new budget (obligational) authority	8,083,596,150	7,748,354,500	7,450,188,150	8,475,935,100	8,090,856,550	+7,260,400	+342,502,050	+640,668,400	−385,078,550

Footnotes at end of table.

COMPARATIVE STATEMENT OF CONFSREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970, BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1971—Continued

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

[Amounts in dollars]

Agency and title (1)	New budget (obligational) authority enacted to date, fiscal 1970 [1] (2)	Budget estimates of new (obligational) authority, fiscal year 1971 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conferees (6)	Increase (+) or decrease (—) conferee recommendations compared with— 1970 (7)	1971 budget (8)	1973 House bill (9)	1971 Senate bill (10
RECAPITULATION—Cont.									
Less: Loan repayments, Rural Electrification Administration [8]	156,600,000	167,300,000	167,300,000	167,300,000	167,300,000	+10,700,000			
Net total, new budget (obligational) authority	7,926,996,150	7,581,054,500	7,282,888,150	8,308,635,100	7,923,556,550	−3,439,600	+342,502,050	+640,668,400	−385,078,550

---

[1] Includes adjustments for transfers authorized in the indefinite portion of the 2d Supplemental Appropriation Act for financing increased pay costs under Public Law 91-231.

[2] An additional $100,000,000 was provided in the 1970 Appropriation Act from sec. 32, permanent appropriation, which included $20,000,000 for special milk.

[3] An additional $30,000,000 was provided by Public Law 91-207, approved Mar. 12, 1970, from sec. 32, permanent appropriation.

[4] A budget amendment for an additional $216,579,000 was submitted directly to the Senate.

[5] In addition, $3,434,000 is available by transfer from food stamp appropriation.

[6] In addition, there is permanent indefinite contract authority (budget authority established under basic law) of $440,756,000 in the 1971 budget and Senate bill, and $690,756,000 in the House bill. For fiscal year 1970 none is required.

[7] Note—Does not include interest receipts under the Rural Electrification Administration estimated at $116,100,000 in 1970 and $119,300,000 in 1971 that are covered into miscellaneous receipts of the Treasury.

[8] Deducting REA loan repayments from these totals has the effect of converting these figures to a basis comparable with the treatment of all other major loan programs in the Federal budget. Other loan programs operated through revolving funds net loan repayments against budget outlays, whereas REA loan repayments are covered into miscellaneous receipts of the Treasury.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Has full action now been completed upon the conference report, and all of the amendments reported in disagreement?

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLAND. I move that the Senate reconsider the action by which it has agreed to the conference report and concurred in the amendment in disagreement.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

The Senate resumed the consideration of the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER (Mr. GOLDWATER). The question is on agreeing to the amendment of the Senator from Arkansas to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

Mr. FULBRIGHT. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, before we proceed to further consideration of the substance of the amendment, I want to say a few words in commendation of the distinguished acting chairman of the Armed Services Committee.

It is my understanding that the language in this bill prohibiting the use of Defense Department funds to pay for Vietnamese or Thai operations in support of the Cambodian or Laotian Government. It is my understanding that this provision was not in the House bill, but it is in the Senate bill; is that correct?

Mr. ELLENDER. That is correct.

Mr. FULBRIGHT. I congratulate the Senator. I am very pleased indeed that the committee has put that provision in the bill, and I hope very much that in conference the Senator will be able to retain it, because it is my understanding, judging from the attitude of Members of the House of Representatives, that they are not very sympathetic to it.

Again, the Cooper-Church amendment of last year prohibiting the sending of ground troops into Laos and Thailand has been expanded to include Cambodia, if I understand the bill correctly; is that not correct?

Mr. ELLENDER. That is correct.

Mr. FULBRIGHT. Again, I think the Senator and the committee ought to be commended for following the clear and express intent of the Senate in this respect.

I believe the committee also eliminated the $30-million item in the House bill for the International Fighter, another matter which has been debated at considerable length in the Senate; is that not correct?

Mr. ELLENDER. That is correct.

Mr. FULBRIGHT. And the committee retained the Mansfield amendment of last year, the language requiring Department of Defense research to be relevant to a military function?

Mr. FULBRIGHT. This was restored in the bill?

Mr. ELLENDER. It is in the bill.

Mr. FULBRIGHT. Mr. President, these are all actions for which I think the Senator from Louisiana deserves great credit and the commendation of the Senate, because he has done a very good job in all these instances in retaining what I believe to be the majority opinion of the Senate itself.

Mr. President, reverting now to the substance of my own amendment to illustrate one of the points I made earlier—I regret that on this bill, which involves more than $66 billion, when the distinguished chairman presented it and when I offered an amendment, I counted the Senators present, and there were five.

It seems that whenever we have a bill involving as much as $66 billion, we can usually expect to have about five Senators listening to the presentation of the chairman. If it is a bill involving only a little item like $290 million for the SST, I think on that we had 70 Senators present, all intensely interested, as though it involved the whole Treasury of the United States. But the bigger the bill, the less attention is given to it. That has been a standing tradition in both the House of Representatives and the Senate. I remember in the House once we passed what was in those days the largest bill ever passed, which was, back in the 1940's, in the amount of $30 billion; and I believe it passed in approximately 20 minutes, as I recall, without debate. So this is nothing new, in either the House or the Senate, and it is certainly no reflection upon the chairman of the committee. He presented a very good statement and, as I have said, I approve of most of the things he has done with this measure, with this one exception as to public relations.

Mr. President, I have here an illustration of just how far the Defense Department goes in brainwashing the American people in the guise of an information program.

This is a film catalog of the Army's "Big Picture" series, issued in the fall of 1969. The catalog is 32-plus pages long. Judging from the numbers, I estimate there are some 400 films or television programs listed. These do not even show up in the regular public relations budget for which the committee is allowing $30 million. These are the types of things that are made for what they call "internal information," and are allocated and paid for from funds for internal information programs. Yet, on the very first page it is quite clear that these are made not only for that but also for public distribution. I will read one paragraph contained in "General Information":

> Routine distribution of "The Big Picture" is divided into two main phases—primary showings and secondary showings."
>
> Primary showings are made to members of the Army through the Command Information Program at each installation—

They are a captive audience. They have to look at the films—

> At the same time, primary showings are seen over television stations throughout the U.S., and Armed Forces television outlets overseas. These stations present the series as a public service offering each week for the Armed Forces and the American public. To provide adequate distribution, films are rotated among the stations using the series.
>
> Following these primary showings, secondary showings are then available. Included in secondary showings are additional Army unit desiring films for use in Command Information Programs, civilian schools, public groups and professional and civic organizations.

In other words, here is a vast education program—paid for by the funds in this bill for internal information programs—designed to persuade the people of the United States to certain points of view, especially about foreign policy questions.

I submit, as I have said many times in the past, that it is not the responsibility of the military to educate the citizens of this country about highly controversial political matters. Yet, this is done. No other facility in the United States is comparable in extent and cost to this.

I read just a few of the types of films they have in this one series. These are very short synopses prepared by the Army about their own films. This is one:

> TV 736: Vietnam Crucible. "Vietnam Crucible" is a report to the American soldier of Army activities in Vietnam. This Big Picture presentation portrays the civilian as well as the military situation in the Republic of Vietnam.

Many of the films are devoted to Vietnam, but some do not seem to be about anything that has any direct relation to the military.

Here are some others:

> TV 705: The Army's First Infantry Division routs the terror and suffering imposed by the Viet Cong on the citizens of a Vietnamese village.
>
> TV 695: A nation builds. Introduced by Vice President Hubert H. Humhprey and narrated by film star John Wayne, this film traces the dramatic efforts of the people of Vietnam who are struggling to build a nation under the fire of Communism.

Here is a report of the U.S. Army in South America helping the people of Bolivia and Peru. In view of what has happened in Peru, I wonder whether these films are having the desired effect in Peru.

> A report of the United States Army in South America, helping the people of Bolivia and Peru map the peaks at the roof of the world and training their special forces units in guerrilla warfare.

And more:

> TV 681: The Army in Taiwan. The advice, assistance and training given the armed forces of Taiwan by the United States Army is reported in graphic detail.
>
> TV 680: The Unique War. The story of the American soldier's struggle to build a nation at the grass roots level—the two faces of the war in Vietnam, narrated by Glenn Ford.

Apparently, many use Hollywood talent to present a case which in many instances should be, I think, entirely outside the jurisdiction and responsibility of the military.

The committee has included in the bill the provision that research projects must be relevant to a military purpose, and I congratulate them for doing that. I submit that many of these information or public relations affairs have no direct relation to the military, except the function of obtaining more money from Congress for the purpose of financing whatever program they are interested in.

> TV 676: The New First Team. This film dramatically portrays the long and proud battle record of a unit which has made the transition from horse cavalry to sky cavalry.

That is a most important project. Here it is 1969, and a TV film shows the transition from horse cavalry to sky cavalry. I wonder what military purpose that serves.

These are available not just for the military but also to any civic club or any high school. The catalog tells you how to telephone the local office, and you can get any of these films free of charge.

Here is another one, TV 675, entitled "Your Military Neighbor." This is their description:

> TV 675: Your Military Neighbor. The Army is often called upon to assist the civilian community during times of emergency. "Your Military Neighbor" is the story of this assistance and the soldier who is active in the affairs of the community.
>
> TV 674: Vietnam Report. This film explains why Americans are in Vietnam and how the American fighting man is dedicated to helping the free people of Vietnam to protect their freedom.

Mr. President, this reminds me of a film which has been much discussed in recent years, entitled "Why Vietnam?", a different film from any of those I mentioned. This description reads:

> Outlines U.S. policy with respect to Vietnam as stated to the Nation.

I mention this film because it completely distorts the facts as to how we got into this war. I want to call attention to it now because, apparently, we are about to become involved in Cambodia in much the same way as we became involved in Vietnam.

The point is that the films are all made with Government money, paid for by the taxpayers, for the purpose of what they call informing, but I would call it the brainwashing of the American people about many of our Government's policies.

The USIA is specifically forbidden to brainwash the American people. The USIA makes films of many things but they are restricted for use only in foreign countries. I am not sure that I approve of a lot the USIA does, but as long as they are only misleading foreign people about our policies, that is one thing, but for us to finance our own departments to mislead the American people, I believe is the height of idiocy. I do not think we should allow them to do.

These films are made in the Pentagon and distributed throughout the United States free of charge—that is, free to the recipient, but not free to the taxpayers. They disguise this operation by calling it "troop information." Well if it is troop information, why does the pamphlet say these are all available to civic clubs and high schools or to anyone else who wants them, and free of charge?

Also, they urge television stations to use them and many of the smaller ones like to use them as fillers. What they need is the advertising of this kind of matter. With people like John Wayne, these stations say they like to use him on their stations, as well as Glenn Ford and many others who have well-known names or have famous names. What if anything, they pay John Wayne and others to do this, I do not know. Of course they did make available to him for his movie use of certain Department of Defense facilities. The U.S. Government can supply the equipment, the background, the troops, and everything else for a private movie like the Green Berets.

Recently I saw a part of the movie "Tora, Tora, Tora." It cost millions of dollars, with the greatest part of it using American facilities such as ships, aircraft carriers, military personnel, and so forth. I think that one of the ways they recompense some of the movie actors is to allow them the use of our facilities. I really cannot tell the Senate whether we pay the actors directly or not. But they are used, at least.

Paul Newman narrated one movie. I shall put the list in the RECORD, if the Senate is interested. But a lot of this has really very little to do with informing the troops and could not be justified as a legitimate expense of the Department of Defense.

Here is another which just caught my eye, "The history of the cavalry, from dashing horses to modern armor," released for the 1964–65 season. That is an old one.

Here is another one, entitled "The Finest Tradition, a spectacular summation of the Army's readiness for any mission—brushfire or global conflict."

The idea of global conflict apparently recurs in many of these films. I suppose that is to condition us to the possibility if not the probability of having a global conflict so that we will not be afraid of it or will accept it without protest.

Here is one of "Thailand—a look at the Kingdom of Thailand and the assistance offered this stanch ally by members of the United States Army."

Here is another, "The AEF in Siberia—the little-known story of the expeditionary force which journeyed into Russia following World War I. Shows their mission and activities while in the U.S.S.R."

Really, Mr. President, what does that have to do with our military activities today? What relevance does that have? That was, I guess, in 1918 or 1919. I submit it has nothing to do with the present responsibilities of the Department of Defense.

Here is another one entitled "Soldiers in Grease Paint"—hosted by Hollywood star, Celeste Holm. This is the story of entertainers who traveled wherever the military were in World War II to bring them a laugh and a reminder of home.

Celeste Holm, I assume, would attract a great many people.

Here is another one entitled "Shape of the Nation"—Bob Hope, Alan Shepard, Bud Wilkinson, Bob Richards, Jerry Colonna and Robert Preston participate in this film report on the President's physical fitness program. Mr. Hope serves as host-narrator.

Mr. President, this obviously would be very attractive to any school or television station if they could get it free, but they have to pay for most of Bob Hope's films, I would imagine.

Then there is a film entitled "Hidden War in Vietnam"—James Arness host-narrates this half hour report on American assistance to the Vietnamese.

Mr. MURPHY. Mr. President, will the Senator from Arkansas yield?

The PRESIDING OFFICER (Mr. Bellmon). Does the Senator from Arkansas yield to the Senator from California?

Mr. FULBRIGHT. I yield.

Mr. MURPHY. As one who has had some experience and background in these matters on the Hollywood scene, I can assure the distinguished Senator from Arkansas that to my knowledge actors do not get paid nor do they get any credit for the use of U.S. Government materiel or personnel from the military in the making of any motion picture.

It has been longstanding practice that the Department of Defense makes arrangements whereby, as was the case in the movie "Tora, Tora, Tora," certain payments were decided upon by the Department of Defense covering all the expenses incurred by the Government for the use of its weaponry, ships, and all the rest, and those bills are submitted to the producing companies or the producing studios and they are paid by those companies or studios.

With regard to one of the films that the Senator mentioned, "Soldiers in Grease Paint," I had some interest in that one. That was made during World War II. I am very proud to say that Hollywood sent 85,000 free volunteers from the motion picture industry to travel many places around the world to entertain our military forces, which they did without pay, and on their own time. I do not think there was a more important or worthwhile contribution to the war effort than that.

I would also say that in the beginning, in the making of these films, there was a statement made by Gen. "Hap" Arnold that the use of films made by my colleagues in Hollywood, as well as the volunteer services that were rendered by the motion picture industry, had a great influence on the outcome of World War II, caused by the use of film techniques, and actors and actresses—particularly by my good friend Frank Capra, who, I understand, is presently in town.

We trained our civilian Army in one-third the time the German high command thought was possible and thereby threw the German war program out of gear. This one feature had more to do with the successful outcome of World War II, probably, than any other one thing that could be named.

Mr. FULBRIGHT. The Senator misunderstands my point. I do not suggest that the use of any of these films was solely for the military. These films are being made available for public distribution, to television stations, civic clubs, and high schools all over the country, yet they are being made under the guise of being solely for troop information.

I do not object to use of films for troop information purposes. They are all of entertainment value, but some of them go far beyond that when they undertake to discuss purely the political aspects of some of these situations. But that is not what I am objecting to, or even commenting on.

My point is that these films are being used to indoctrinate the public to take a particular view of grave issues, like the war in Vietnam, through the showing of the films on television and their distribution to schools and civic clubs.

No one has given the Defense Department the responsibility to educate the children or the people of this country, especially in political affairs. That is my point. In any case, there is no criticism because they used movie actors. They used them to make the product attractive for distribution. It is no criticism intended of the movie actors who cooperated with the Pentagon in making these. I have no criticism to offer on that score.

It is a fact, since the Senator mentioned it, that in the making of some films for private distribution and profit, which have used military facilities, the GAO found that the charges made for the utilization of military equipment was nominal compared to the actual cost. If they had charged the reasonable cost for an aircraft carrier, for example, it would have run into tens of thousands of dollars, whereas the actual charge was something like $15,000. It was a nominal charge.

It is very difficult to say how much it is worth to use an aircraft carrier. The cost of a carrier runs into the hundreds of millions of dollars. Even the interest on such a sum for several days would run into a lot of money.

Does the Senator believe the Military Establishment is the agency of the Government dedicated to educating the civilian public about the political problems involved in Vietnam?

Mr. MURPHY. Mr. President, I did not raise that question. The Senator seemed uncertain as to whether John Wayne had been paid and whether Celest Holm was paid. I merely rose to make the record clear. That was the only purpose of my explanation.

Mr. FULBRIGHT. Mr. President, I appreciate the Senators statement. I did not know whether actors are paid directly or not.

I have received a report on the cooperation given in some commercial films. I think one of them was "The Green Berets." It was made at Fort Bragg, I believe, or much of it was. They even brought in special troops. They brought them there to play a part.

I will put this entire list in the Record because I think it is interesting. The Senate ought to know what is happening. I cannot imagine why we want to throw money away on this. It is a program that has mounted in cost and effects on our system. Never a day passes that some general, a member of the high echelon of the Pentagon, does not make a speech to someone's constituency to tell them about the great benefits of this or that weapons system and to tell them how wonderful the war is on behalf of our people.

This goes on all the time, beginning with General Westmoreland down. I think that General Westmoreland made 59 speeches in the first 18 months after he came back from Vietnam. That is not to mention the speeches he made when he was in Vietnam. President Johnson brought him back to address a joint session. Why does the Senator suppose that was done? Was it to inform us on the war or to influence our votes? It is one of the first times that a President sought to inject the military into the political life of our system.

This one says, "Patterns of History." This is for public distribution. "The Pattern of Communist Aggression From Early Post-World War II Days in Greece, Through Korea, Southeast Asia and Cuba."

That is an interesting subject. We ought to all be informed. My point is that I do not think we ought to be given only the military view of the significance of this kind of activity. This is what makes the subject the distorted picture that many of our constituents get.

Here is one called, Challenge of Ideas. It reads:

> Discussion of the conflict between democratic and Communist philosophies.

Now, who is well qualified to tell us the difference between democratic and communistic philosophies?

The speakers include John Wayne, Helen Hayes, Edward R. Murrow, Lowell Thomas, and others.

It never occurred to me that John Wayne was a specialist or qualified particularly in informing the American public about the characteristics of the communistic philosophy and the democratic philosophy.

I would have thought that someone especially versed in history, especially in the history of the United States and the democratic system would have been used.

Mr. President, I ask unanimous consent to have printed in the Record this entire film repertory.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE BIG PICTURE

GENERAL INFORMATION

This catalog supersedes all previous Big Picture catalogues and contains a list of films that are currently available in the Big Picture series.

The Big Picture is the official television report by the U.S. Army to its members and to the American people. Subject matter for episodes ranges from historic moments in the Army's proud history to up-to-the-moment coverage of current actions and accomplishments.

How to obtain individual films

To obtain the Big Picture, military users should use DA Form 11–44 and forward their request to the nearest Audio-Visual Support Center (AVSC). TV stations and other civilian users should make their request by contacting the nearest Army installation, Attention: Information Officer

Distribution for the weekly series

Routine distribution of the Big Picture is divided into two main phases—primary showings and secondary showings.

Primary showings are made to members of the Army through the Command Information Program at each installation. At the same time, primary showings are seen over television stations throughout the U.S., and Armed Forces television outlets overseas. These stations present the series as a public service offering each week for the Armed Forces and the American public. To provide adequate distribution, films are rotated among the stations using the series.

Following these primary showings, secondary showings are then available. Included in secondary showings are additional Army Units desiring films for use in Command Information Programs, civilian schools, public groups and professional and civic organizations.

In cooperation with his area TV stations, and the Audio Visual Support Center, (AVSCO), the Army Information Officer prepares a schedule for the appearance of each film. The AVSC packages and delivers the film to the TV station as scheduled by the IO. When the run has been completed, the film is returned to the AVSC and is then delivered to the next TV station on the showing schedule.

How to use this catalog

All Big Picture films are listed numerically (TV number) and include the following information:

a. Title
b. Synopsis
c. Release year
d. Film color
e. Restrictions, if any

For further information

For specific questions regarding the Big Picture series or further information, write to: Commanding Officer, United States Army Command Information Unit, Attention: Broadcast/Pictorial Branch, Department of the Army, Washington, D.C. 20315.

Big Picture films are also listed in Department of the Army Pamphlet 108–1.

TV 763: NATO. The North Atlantic Treaty Organization. The Big Picture examines the history and organization of the North Atlantic Treaty Organization: NATO. This timely film provides a close scrutiny of the major force which deters aggression in Europe. Color-Released 68–69 Season

TV 762: D-Day Anniversary. A 25th anniversary look at the sights and sounds of the famous beaches of Normandy. This Big Picture replays the drama and battle action of the period leading up to the historic landings and the fierce combat to overcome the wall of "Fortress Europe" in June of 1944. Black and White-Released 68–69 Season

TV 761: U.S. Army Europe. Following World War II, U.S. Army Europe was given the mission of helping to protect the borders of the West against possible aggression. Despite tensions and conflicts elsewhere in the world, Europe remains a critical area and a constant challenge to peace. In this issue of the Big Picture, you will see some of the ways in which the men of U.S. Army Europe perform their mission as an important element of the NATO forces guarding the peace. Color-Released 68–69 Season

TV 760: Your Army Reports #16. The Big Picture cameras travel to Fort Hood, Texas to attend a double anniversary celebration for the First and Second Armored Divisions, and to the 1968 conference of the Association of the United States Army. Color-Released 68–69 Season

TV 739: Call Me Mister. The highly qualified men and women of the U.S. Army who wear the insignia of the Warrant Officer perform a vital role. These officers with a warrant provide special talent in such fields as photo-mapping, automotive maintenance, flying Army aircraft, nuclear power plant operations and many others. Big Picture cameras look at some of these activities and some of the training provided by the Army in the Warrant Officer program. Color-Released 68–69 Season

TV 758: Ranger. The small unit leader of the modern U.S. Army must be a highly resourceful individual capable of directing operations under many types of geographical and climatic conditions. The Big Picture visits Fort Benning, Georgia, where selected officers and non-commissioned officers are trained to develop their leadership skills to the ultimate degree and earn the coveted "Ranger" shoulder tab. Color-Released 68–69 Season

TV 757: Korea Revisited. In the summer of 1950 the forces of communism unleashed an attack upon the Republic of Korea causing death and destruction. The United Nations answered the attack with a multi-nation fighting force which drove out the enemy and set up a shield behind which the people could rebuild. The Big Picture presents a look at the Republic of Korea today to show the progress and development of the nation and its people. Color-Released 68–69 season

TV 756: The Silver Rifles. Many symbols recognize excellence and valor in the nation's armed forces. Among the most prized is the Combat Infantryman's Badge. The meaning and traditions behind the award of these Silver Rifles is the subject of this "Big Picture" episode. Narrated by Fess Parker. Color-Released 68–69 Season

TV 755: The Voice of Command. The U.S. Army is on duty in every corner of the globe. To function effectively, it must have a highly developed communications system, a vital network that can unite these widely dispersed army elements into a single cohesive force, instantly responsive to our nation's needs. The Big Picture tells the story of the globe-spanning communications chain which carries to the ends of the earth, "The Voice of Command." Color-Released 68–69 Season

TV 754: The Soldier's Heritage. Through all of this nation's wars, the American soldier has distinguished himself by bravery and determination. He has established a heritage of which all Americans can be proud. To preserve and portray this enduring record, The Big Picture presents the historical summary of these accomplishments from the Revolutionary War to the present in "The Soldier's Heritage." Color-Released 68–69 Season.

TV 753: Seek and Strike. The modern armor soldier moves to battle on mounts of increasing mobility and firepower to seek and strike the enemy. The Big Picture takes you to the U.S. Army Armor Center at Fort Knox, Kentucky for a look at the historical development of mobile armor and examines the training of the tanker as he learns to move, shoot and communicate from aboard the latest combat vehicles. Color-Released 68–69 Season.

TV 752: The Army Air Mobility Team. Modern combat operations demand an immediately responsive fighting force. Previously, armies have been bound to earth in transporting men and supplies to and from battle. Today our highly mobile U.S. Army soldiers have the most modern vertical and short take-off aircraft to support them in combat operations. The Big Picture, "The Army Air Mobility Team" examines how men and Army aviation function in the difficult terrain in Southeast Asia. Color-Released 68–69 Season.

TV 751: Equal to the Environment. Wars must often be won by conquering a hostile environment as well as an enemy Army. The United States Army has often been forced to conduct operations in steaming tropical jungles, on sub-arctic coasts, towering mountains, in sub-zero cold and bleak deserts. The Big Picture "Equal to the Environment" tells how lessons learned, and history, are used as a basis for training our fighting men in ways and means of combating the dangers and problems of climate and terrain. Color-Released 68–69 Season.

TV 750: West Point—the Army Challenge. Duty, Honor, Country—the West Point motto, which motivates the lives of all who join the long gray line. The big picture documents the story of a young man who enters the U.S. Military Academy and completes the four years of study to qualify for a commission as a Second Lieutenant, United States Army. Color-Released 68–69 Season.

TV 749: Logistics in Vietnam. No soldier has been as well supplied as the U.S. soldier on duty in Vietnam. For a look at the magnitude of the support and supply activities, U.S. Army camera crews covered the action for this episode of the big picture. "Logistics In Vietnam" documents the activities and facilities which provide medical, transportation, engineer, supply and other services to the American fighting men. Color-Released 68–69 Season.

TV 748: 1st Air Cavalry Division. The famous "First Team" became airmobile in July 1965. Shortly afterward, its new power was trained on the aggressive forces in Vietnam. This is the story of how that new power, air-mobility, is helping the 1st Cavalry win the battle for freedom in Southeast Asia. Color-Released 68–69 Season.

TV 747. The Big Green Lab. In the tropics jungle heat and humidity can destroy man and deteriorate his weapons. And so in the forests of Panama the "Big Green Lab" of the Army Materiel Command's Test and Evaluation Command wage a constant battle against the ravages of environment. Color-Released 68–69 Season.

TV 746. 9th Division. In North Africa, in France and Germany, the 9th Division was unbeatable. Today, "The Old Reliables" meet a new challenge in Vietnam and add new victories to their battle record. Color-Released 68–69 Season.

TV 745: Soldier's Christmas. No matter where the soldier is stationed, in a remote Arctic outpost or the steaming jungles of Vietnam, the spirit of Christmas finds its way to our servicemen. Color-Released 68–69 Season.

TV 744: To Serve a Solder. The soldier with a high morale is a tough man to beat. Special Services has the responsibility of providing morale support activities and activities and services to the soldier, wherever he may be stationed in the world. The Big Picture presentation "To Serve A Soldier" documents the important mission of Special Services. Color-Released 68–69 Season.

TV 743: Your Army Reports No. 15. Presents brief features of Army activities worldwide. In this issue: The "Missile Mentor" that helps protect our country from surprise attack; the U.S. Army Orthopedic Clinic in Boston; the Demilitarized Zone in Korea. Color-Released 68–69 Season.

TV 742: Meeting the Need. To assure that our soldiers will be the best equipped, fed and clothed fighting men in the world, the U.S. Army Natick Laboratories provide research, development and testing of foods, clothing and equipment. The Big Picture "Meeting the Need" takes a comprehensive look at the scientists and facilities of the Natick Labs. Color-Released 68–69 Season.

TV 741: Men With a Mission. The Big Picture traces the history of the U.S. Army Reserve and its present mission of providing the backup force to the active Army in times of emergency. Narrated by Efrem Zimablist Jr., this film shows the men of the Army Reserve training to maintain their high state of readiness. Color-Released 68–69 Season.

TV 740: Policing the Front. The role of the Military Policeman has always been important but never so vital as in the present war in Vietnam. The men who wear the MP armband are shown in a variety of activities as they handle the complex problems of law enforcement and security against the background of a war with no conventional frontlines. Narrated by Jack Webb. Color-Released 68–69 Season.

TV 739: Soldiers-at-law. The responsibility for U.S. Army judicial and legal activities lies with the Judge Advocate General. The BIG PICTURE "Soldier-At-Law" shows the training which qualifies the civilian attorney as a judge advocate or military lawyer. The film emphasizes how individual rights, which are protected by the civilian judicial system, are also guarded by the military judicial system. Color-Released 68–69 Season.

TV 738: USARPAC. One of the U.S. Army's largest areas of activity is spread the length and breadth of the blue Pacific. This command, known as U.S. Army Pacific or USARPAC, includes responsibility for men and missions in Vietnam, Korea, Okinawa, Japan, Thailand, Taiwan and Hawaii. The BIG PICTURE, "USARPAC", takes a look at missions of our soldiers in the Far East. Color-Released 68–69 Season.

TV 737: The Bridge. The soldier and his family can always count on the spiritual services of the Chaplain. For a look at the U.S. Chaplain Corps through history and the dedication of these clergymen in uniform, John Daly hosts a visit to the Chaplain's School at Fort Hamilton, New York and some of the duty stations where Chaplains serve. Color-Released 68–69 Season.

TV 736: Vietnam Crucible. "Vietnam Crucible" is a report to the American soldier of Army activities in Vietnam. This Big Picture presentation portrays the civilian as well as the military situation in the Republic of Vietnam. Color—Released 67–68 Season.

TV 735: The Fight for Life. The war in Vietnam is fought in a hostile environment against an elusive enemy. As in any war, the sick and wounded require immediate medical assistance. The Big Picture documents the work being done by the men and women of the U.S. Army Medical Services as they help the soldier win, "The Fight for Life." Color—Released 67–68 Season.

TV 734: YAR #14. The men of the United States Army Reserve have an important mission to fulfill in defense of America. To meet this mission they must be well trained in the latest techniques of modern warfare. "Your Army Reports, #14" features the training activities of the 205th Infantry Brigade (Separate) of the U.S. Army Reserve as it prepares to meet its mission in defense of America. Color—Released 67–68 Season Withdrawn from TV.

TV 733: Platoon Leader. It takes men of leadership to lead a platoon of men in battle, men who can quickly assess the situation and make the right decision at the right time. The story of these men and the training they receive in the Army is depicted in this Big Picture presentation. Color—Released 67–68 Season.

TV 732: They Clear the Way. Part of the job of the U.S. Army Engineers is to build the bridges, airfields and roads which bring mobility to the combat forces. The Big Picture presentation, "They Clear the Way," depicts the story of these difficult and challenging missions in Vietnam. Color—Released 67–68 Season.

TV 731: The Senior Soldier. In today's modern and complex Army the role of the noncommissioned officer has greatly expanded. He has become part of a highly technical, creative, and resourceful middle management team. "The Senior Soldier" is the story of this team and the men who provide the face to face leadership which gets the job done. Color—Released 67–68 Season.

TV 729: Yar No. 13. The Army Chief of Staff, General Harold K. Johnson, decorates Warrant Officer Jerome R. Daley for gallantry in action in this edition of "Your Army Reports." Army combat photographers move forward with the 1st Cavalry Division and Vietnamese troops during an amphibious landing and search for the Viet Cong. And finally, "Your Army Reports No. 13" depicts the important mission of harbor pilots in the busy Port of Qui Nhon. Color—Released 67–68 Season. Withdrawn from TV.

TV 728: The Army Triangle. Three things dear to the heart of the soldier are food, mail and pay. The story of how these important items are processed and delivered to the soldier is detailed in this Big Picture documonetary film. Color—Released 67–68 Season.

TV 727: CONARC, HQ of the U.S. Soldier. The weapons of warfare are not enough to defend America in today's complex international community. It takes organization and men of vision; men capable of seeing the Big Picture. "Continental Army Command-Headquarters of the U.S. Soldier" is the Soldier" is the story of these men and how they are organized and trained to defend America. Color—Released 67–68 Season.

TV 726: The Army's Civilians. The Army Civilian plays an important role in the defense of America. Highly skilled, and completely dedicated to his country, he serves America well at home and abroad; in peace and in war. The Big Picture presentation, "The Army's Civilians," depicts the story of these men and women and their service to our country. Color—Released 67–68 Season.

TV 725: Song of the Soldier. Throughout history soldiers have gone to war with a song. Their songs express pride in country, belief in cause, and determination to win the battle and return home. You are invited to join the United States Army band and chorus in the Big Picture presentation, "The Song of the Soldier," as they sing the songs of the American soldier, from the Revolutionary War to Vietnam. Color—Released 67–68 Season.

TV 724: Ready To Strike. The "Tropic Lightning" 25th Infantry Division has a distinguished history beginning in World War II. The exploits of this division in Vietnam as a combat unit and a nation building force are portrayed in the Big Picture "Ready to Strike." Color—Released 67–68 Season.

TV 723: When the Chips Are Down. A major portion of the nation's strength in reserve lies in the National Guard. Bob Hope uses his light touch to narrate this Big Picture presentation which shows the training and readiness of the citizen soldiers. Color-Released 67–68 Season.

TV 722: YAR No. 12. The Army Chief of Staff, General Harold K. Johnson, speaks at the Annual Convention of the Association of the United States Army in this edition of "Your Army Reports." Then it's off to Vietnam to visit with Vietnamese civilians working with the United States Army, and a special feature on the Army Combat Photographer. Color-Released 67–68 Season. Withdrawn from TV.

TV 721: Physical Fitness. The future of America's fighting force is invested in the Physically Fit; the men and Women with the strength and courage to protect her interests. Therefore, the Army places a great deal of emphasis on physical training in developing the soldier. This training is the theme of the Big Picture, "Physical Fitness." Color-Released 67–68 Season.

TV 720: The Sky Soldiers. Since its arrival in Vietnam in 1965 the 173rd Airborne Brigade has played an important role in war and in peace . . . the 173rd landed at Vung Tau to secure and defend the airfield; . . . the 173rd mounted a large scale attack against the enemy in the heavily fortified Bien Hoa area and the 173rd undertook the mission of protecting the rice harvest for a hungry people under operation "New Life." The Big Picture presentation "The Sky Soldiers" shows the 173rd Airborne Brigade in Vietnam in a role of courage and sacrifice. Color-Released 67–68 Sesson.

TV 719: Army Transportation—Key to Mobility. Transportation has always played an important role in deciding the victory in warfare. The Spanish Armada of 1588, for instance, never accomplished its mission, and the Spanish Army never reached the battlefield. In the American Army today, delivering men and equipment to the battlefield is the job of the Army Transportation Corps. This challenging job is handled by highly trained professionals. "Army Transportation—Key to Mobility" is the story of these professionals and their training in the Army Transportation Corps, Color-Released 67–68 Season.

TV 718: Your Army Reports #11. The helicopter pilot has a big job in the Army, and this job gets even bigger when he arrives in Vietnam. For the helicopter lends mobility in difficult terrain, as it transports men and equipment to the battlefield. "Your Army Reports #11" spends a day with a helicopter pilot, and then joins a Chaplain who uses the helicopter to bring religious services to men of the Special Forces in Vietnam. Finally, this edition of "Your Army Reports" travels to Europe for firepower demonstrations at the Seventh Army Senior Commander's Orientation. Color-Released 67–68 Season.

TV 717: Ready 'Round the World. In the cold realism of war you are either ready or you're dead. There is no second chance. This is true of nations as well as individual soldiers. A nation must be ready to meet any action another nation may initiate. Its strength and ability must discourage nations of hostile intent. "Ready Round the World" is a film which depicts America's strength in the complex international world of the sixties. It is a film which speaks of men on guard around the world protecting the American way of life. Color-Released 67–68.

TV 716: The Big Red One in Vietnam. In World War II the First Infantry Division landed on Omaha Beach. After securing the beach they drove inland toward Hitler's Germany, and became a legend in their own time. Twenty-one years later a new threat to free men arose, and "The Big Red One" returned to the battlefield in Vietnam. The Big Red One in Vietnam is the story of this battlefield and one of America's most colorful units. The story of men bringing hope and security to people who have known only disillusionment and fear. Color—Released 67–68 Season.

TV 715: The O.C.S. Story. Thomas Jefferson expressed a basic attitude of the American people, when he said: "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of men." This fundamental belief in the individual has met the test of the 20th century, as the American Army has met the challenge of Fascism, Nazism, and Communism. The Army is welded together by leadership; by men who inspire young American men and the special training they receive in the United States Army to become Second Lieutenants. Color—Released 67–68 Season.

TV 714: Screaming Eagles in Vietnam. The 101st Airborne Division earned a place in history with its gallant fight during the battle of the bulge. General McAuliffe's reply to the German surrender ultimatum was "Nuts" and this aggressive spirit made the division an incomparable fighting team. Twenty years later, a new generation of soldiers, with the same esprit-de-corps, took the battlefield in southeast Asia. Their dynamic exploits are recorded in "The Screaming Eagles in Vietnam." Color—Released 67–68 Season.

TV 713: Your Army Reports No. 10. This issue of "Your Army Reports" travels to Virginia and the Institute of Heraldry, where a group of specialists design and develop a variety of heraldic insignia for agencies of the Federal Government. Then a story from Thailand where United States Army Engineers assist the government in constructing houses, bridges and roads. And finally "Your Army Reports" goes to Vietnam where infantrymen search Viet Cong tunnels for arms and information. Color-Released 67–68 Season.

TV 712: The Pershing—Seventh Army Blackjack. In 1958 it became evident that a smaller, lighter and more mobile solid propellant ballistic missile was needed to replace the Redstone. An Army rocket team was assembled to work with Martin Aircraft Company on the project. This combined team developed the Pershing Missile; a supersonic, surface-to-surface missile with a four hundred mile range. The film "The Pershing—Seventh Army Blackjack" tells the story of this mission. Color-Released 67–68 Season.

TV 711: The "I" in Infantry. A young man entering the Army is trained to be an Infantry Soldier. It doesn't happen overnight. It takes time. He has to learn how to control his fear, to handle his weapons, and more important he must find himself. He must learn where he fits into his infantry unit. And he must learn that his unit, and his comrades are depending on him—the individual. The "I In Infantry" is the personal story of a young man's development as an Infantryman. Color-Released 67–68 Season.

TV 710: Shotgun Rider. The Shotgun Rider, protecting the stagecoach, blasted a colorful trail through the pages of American history. Today he still plays a colorful role, for the war in Vietnam has put the shotgun rider back in business. Not aboard a stagecoach, but in a helicopter. His weapon is no longer a shotgun, but a machine gun. His mission, however, is the same; to protect the interest of a free people as he stretches from his helicopter firing at enemy targets. The film "Shotgun Rider" is the story of these men, and their important mission in Vietnam. Color-Released 67–68 Season.

TV 709: It's Up to You—Basic Combat Training. A military unit needs well-led, intelligent, rugged and skilled soldiers. This is the function of Army training; to shape the men who are the Army. The eight weeks of basic combat training are shown in this film as a new trainee learns the skills from seasoned veterans and progresses from civilian to soldier. Color-Released 67–68 Season.

TV 708: Stay Alert Stay Alive. To stay alive, the soldier must stay alert. Training in the United States readies him for his job but new lessons are learned every day. To pass this information on to newly arriving soldiers at the 1st Brigade of the 101st Airborne Division in Vietnam, an intense, rugged school is conducted by men who have stayed alert and stayed alive. This film shows how this training program operates on the scene in Vietnam. Color-Released 67–68 Season.

TV 707: Your Army Reports #9. In this edition of "Your Army Reports" we visit Vietnam, Taiwan and Germany. Patrol Air Cushion Vehicles, developed specifically for the war in Vietnam, are featured in this film. These heavily armed PACV's travel on a cushion of air, at speeds up to 50 knots. In Taiwan the Army is shown giving assistance at a Nationalist Chinese Cadre School, while paratroopers in Germany train to drop behind enemy lines. "Your Army Reports #9" is another report to the American soldier on Army activities throughout the world. Color-Released 67–68 Season.

TV 706: The Inner Ring. History's alternative to the wail of the early warning siren is silence. Silence of the dead, of a civilization destroyed. It would speak mutely of an apathetic people who refused to face reality and lacked the strength and wisdom to survive. "The Inner Ring," narrated by Darren McGavin, dramatically illustrates how the U.S. Army Air Defense Command safeguards America against sudden air attack and assures us that silence will not be our epitaph. Color-Released 67–68 Season.

TV 705: Village Reborn, Vietnam. The Army's First Infantry Division routs the terror and suffering imposed by the Viet Cong on the citizens of a Vietnamese village. Color-Released 66–67 Season.

TV 704: The Army and Vietnam. This film tells the story of how the American Army is meeting the challenge of Vietnam with well trained soldiers and new methods of logistical support. Color-Released 66–67 Season.

TV 703: Probe and Pursue. This is a graphic portrayal of the hazards faced by American soldiers as they engage in search and clear missions. Color-Released 66–67 Season.

TV 702: To Answer the Call. The men of the National Guard are charged with the responsibility of answering calls from the federal and state governments in time of emergency. This is the story of how the Army and Air National Guard cooperate in combat and in times of national catastrophe. Color-Released 66–67 Season.

TV 701: The Test of Battle. This film depicts the role of the United States Army Combat Development Command in providing new means of fighting and existing in a combat zone. Color-Released 66–67 Season.

TV 700: Your Army Reports #8. A roundup of action in Vietnam, shot by American cameramen on the scene, is depicted in this issue of Your Army Reports. The men and women of the United States Army are shown performing the tasks of defending our nation from the forces of aggression. Color-Released 66–67 Season.

TV 699: The Army's Floating Workshop. The USS Corpus Christi has been renovated and equipped with the finest material for performing the job of repair and maintenance of the Army's aircraft in Vietnam. The history of this vessel and its utility in combat support are documented in this film. Color-Released 66–67 Season.

TV 698: Alaskan Centennial. This film depicts the history of Alaska; first as a possession, then as the 49th State. It describes the role of Alaska in assisting the United States in defense, resources, and manpower for peace. Color-Released 66–67 Season.

TV 697: U.S.O.—Wherever They Go. The story of the U.S.O., depicting its history and service to the Armed Forces, is told in this star packed film, which is introduced by Bob Hope and narrated by John Daly. Color-Released 66–67 Season.

TV 696: Your Army Reports #7. This issue of Your Army Reports takes you to Taiwan, Korea, Germany and Vietnam, where U.S. soldiers are helping to defend freedom. Color-Released 66–67 Season.

TV 695: A Nation Builds. Introduced by Vice President Hubert H. Humphrey and narrated by film star John Wayne, this film traces the dramatic efforts of the people of Vietnam who are struggling to build a nation under the fire of Communism. Color-Released 66–67 Season. Withdrawn from TV.

TV 694: Chopper Pilot. A portrayal of the rigorous training that Army Aviators receive in preparation for their role in moving men, equipment and wounded in Vietnam. Color-Released 66–67 Season.

TV 693: The Red Diamond. This film report of the Red Devils of the Fifth Infantry Division (Mechanized), tells the story of one division which has seen service in twenty countries in nine campaigns. Color-Released 66–67 Season.

TV 692: Your Army Reports No. 6. This episode of the Big Picture presents some of the highlights of 1966—Remembrance Day in Luxembourg honoring General Patton, the selection of the Sergeant Major of the U.S. Army, President Johnson's visit to Fort Campbell, Kentucky, and from Vietnam, Combat Operations Hawthorne and Paul Revere. Color-Released 66–67 Season. Withdrawn from TV.

TV 691: Claws for the Eagle. A report on the modern weaponry used by the fighting men of the U.S. Army in many different situations. Color-Released 66–67 Season.

TV 690: Soldiers and Altars. The extensive religious activities and facilities that the Army provides for servicemen and their families—in peace and in combat. Color-Released 66–67 Season.

TV 689: Your Army Reports, No. 5. In Vietnam, in Thailand, in Germany, in Korea, in the United States, the Army is undertaking responsible missions. What, where and why is the subject of this report. Color-Released 66–67 Season.

TV 688: Something To Build On. What opportunities are available for the young man who makes a career of the United States Army? The many advantages are objectively considered in this report. Color-Released 66–67 Season.

TV 687: Firepower for Freedom. A vivid portrayal of this history of munitions and the work presently in progress in research and development of modern firepower. Color-Released 66–67 Season.

TV 686: U.S. Army in the Andes. A report of the United States Army in South America, helping the people of Bolivia and Peru map the peaks at the roof of the world and training their special forces units in guerrilla warfare. Color-Released 66–67 Season.

TV 685: Your Army Reports, No. 4. Probe and Pursue missions in Vietnam, assistance to the Montagnards in the Central Highlands, and a patrol of the 101st Airborne Division sweeps the "Iron Triangle" in this issue of Your Army Reports. Color-Released 66–67 Season.

TV 684: Our Heritage. Dr. Frank C. Baxter traces the chain of events surrounding the Declaration of Independence. These events and the documents are tied to the present day situation. Color-Released 66–67 Season.

TV 683: Lifeline. The difficult task of AMC—The Army Materiel Command—supplying our forces at home and abroad with the necessities of life and defense. Color-Released 66–67 Season.

TV 681: The Army in Taiwan. The advice, assistance and training given the armed forces of Taiwan by the United States Army is reported in graphic detail. Color-Released 66–67 Season.

TV 680: The Unique War. The story of the American soldier's struggle to build a nation at the grass roots level—the two faces of the war in Vietnam, narrated by Glenn Ford. Color-Released 66–67 Season.

TV. 679: Missions Unlimited. This is a report on the Army's many missions and how the U.S. soldier is ready to respond in all areas of possible conflict. Color-Released 65–66 Season.

TV 678: Your Army Report #3. Featured in this issue of Your Army Reports are: the merging of First and Second United States Armies, under a single headquarters located at Fort Meade, Maryland; a visit to a 1st Cavalry Airmobile Division Base in Vietnam; and Reserve Officers training in Kentucky. Color-Released 65–66 Season.

TV 677: Your Army Reports #2. Army cameramen travel to Vietnam, Korea and White Sands Proving Grounds for this issue of Your Army Reports. Color-Released 65–66 Season.

TV 676: The New First Team. This film dramatically portrays the long and proud battle record of a unit which has made the transition from horse cavalry to sky cavalry. . . . The First Cavalry Division (Airmobile). Color-Released 65–66 Season.

TV 675: Your Military Neighbor. The Army is often called upon to assist the civilian community during times of emergency. "Your Military Neighbor" is the story of this assistance and the soldier who is active in the affairs of the community. Black and White-Released 65–66 Season.

TV 674: Vietnam Report. This film explains "why" Americans are in Vietnam and how the American fighting man is dedicated to helping the free people of Vietnam to protect their freedom. Black and White-Released 65–66 Season. Withdrawn from TV.

TV 673: M–60, King of Armor. This film presents the concepts, prototype, exhaustive tests, production and field use of the world's newest battle tank, M–60, King of Armor. Black and White-Released 65–66 Season.

TV 672: Your Army Reports #1. Pictorial reports on the U.S. Army which includes . . . The chinook helicopter, the experimental Jungle Canopy Platform System, the Aerial

Gunners, the 35th Engineer Group building logistic and air support bases at Cam Rahn Bay in Vietnam, the 809th Engineer building a road in Thailand, the First Cavalry Division on patrol in Vietnam, and a report on the Army's new Drill Sergeants. Color-Released 65–66 Season.

TV 671: Army Medical Research. This film tells the story of Army Medical Research. How this research is conducted and the latest advances in preventive medicine. Color-Released 65–66 Season.

TV 670: Alaskan Earthquake. This is the story of how the United States Army, along with both state and federal agencies, responded to the Alaskan earthquake. Black and White-Released 65–66 Season.

TV 669: Strike Command. This film shows graphically the fighting potential of the quick-response, diverse and versatile team called the United States Strike Command. A joint command which includes fighting men of the Army, Air Force and Navy. Color-Released 65–66 Season.

TV 668: Science Moves the Army. This is the story of the Army Tank Automotive Center where Scientists are developing vehicles for a modern Army. Color-Released 65–66 Season.

TV 667: The Army Nurse—Soldier of Mercy. This film traces the history of military nursing—as old as our country—to current action with our soldiers in Vietnam. Black and White—Released 65–66 Season.

TV 666: E.O.D. (Explosive Ordnance Disposal). The story of military men who risk their lives to make safe or destroy undetonated explosives. Color—Released 65–66 Season.

TV 665: Assignment Taiwan. Filmed in Taiwan, this is the story of the United States Military Assistance Advisory Group in the Republic of China. Black and White—Released 65–66 Season.

TV 664: Ice Cap. The frozen North reveals its mysteries to the relentless probing of Army Engineers. The research, experimentation and daring of Army and civilian scientists at the North Pole have yielded information that will benefit all mankind for years to come. Black and White—Released 65–66 Season.

TV 663: Berlin Duty. This is the story of American soldiers serving in the shadow of the Iron Curtain and how their presence is symbolic of the West's refusal to abandon a beleaguered people to Communism. Black and White—Released 65–66 Season.

TV 662: Drill Sergeant. A portrayal of the role of the Army's Drill Sergeant as a leader, instructor, counselor, and friend to the recruits who will be tomorrow's combat-ready soldiers. Color-Released 65–66 Season.

TV 661: Desert Strike. The story of a mock war waged in the mountains and deserts of our Southwest by the United States Strike Command. Many weapons in our defense arsenal are put to use by opposing forces in Exercise Desert Strike, as a rehearsal of STRICOM'S ability to deal with specific emergencies the world over. Black and White-Released 65–66 Season.

TV 659 part 1, TV 660 part 2: Tigers on the Loose. Former members of the 101st Armored Division, including General Anthony MacAuliffe—German Generals Hasse Von Manteuffel and Siegfried Westphal—and German author Manfred Gregor, recall the fierce combat in which the division particiapted during World War II. Black and White-Released 65–66 Season.

TV 657 part 1, TV 658 part 2: The Bridge at Remagen. On March 7th, 1945, a bridge at Remagen was captured intact, providing the first American bridgehead on the Rhine. The story of this bridge—and the men who fought to take it—is the subject of this two part film. Black and White-Released 65–66 Season.

TV 656: Operation Scoreboard. Focuses attention on the Army Sports program and opportunities available to the young soldier of today for participation in team athletics. Black and White-Released 65–66 Season.

TV 655: Assignment Iran. This film following a young Army officer through his preparation and assignment in Iran. He is trained in guerrilla warfare, in the native language, history and culture of Iran. Black and White—Released 65–66 Season.

TV 654: Action Vietnam. The stories of two American heroes in Vietnam. The late Captain James Spruill and Captain Roger Donlon, Medal of Honor recipient. Black and White—Released 64–65 Season.

TV 653: A Soldier's Warranty. Vic Morrow introduces this salute to TECOM—the Army's Test and Evaluation Command. TECOM makes sure that the American soldier receives only the best equipment. Black and White—Released 64–65 Season. Withdrawn from TV.

TV 652: Prologue to Leadership. A pictorial report of the summer training of ROTC cadets at Indiantown Gap Military Reservation, Pennsylvania. Black and White—Released 64–65 Season.

TV 650/651: Tried by Fire. Paul Newman narrates the two part story of the 84th Infantry Division during the final months of the war in Europe. Vivid eyewitness accounts of the 84th in action from the Siegried Line to the Elba River are given. Black and White—Released 64–65 Season.

TV 648/649: The Battle of St. Vith. Narrated by Robert Taylor, this two-part episode recalls the key engagement that disrupted the overall German plan for the Battle of the Bulge. German and American participants in the battle reflect on their particular roles during those days of crisis. Black and White-released 64–65 Season.

TV 647: History of the Cavalry. The history of the U.S. Cavalry from dashing horses to modern armor. Black and White-Released 64–65 Season.

TV 646: The Finest Tradition. A spectacular summation of the Army's readiness for any mission—brush fire or global conflict. Black and White-Released 64–65 Season.

TV 645: Years of Menace. The Berlin Wall . . . Lebanon . . . Laos . . . South Vietnam . . . Cuba. President Kennedy's ultimatum to Khrushchev. Black and White-Released 64–65 Season.

TV 644: The Cold War. The world in tension, South Vietnam struggles against the communists. Black and White-Released 64–65 Season.

TV 643: The Cobra Strikes. The invasion of South Korea. The bitter panorama of the Korean War. Black and White-Released 64–65 Season.

TV 642: The Years Between. Uneasy peace. The Berlin Blockade and Chinese Communists present a new menace to world peace. Black and White-Released 64–65 Season.

TV 641: The Victory. Highlights of the victory in Europe and in the Pacific. Soviet Russia's occupation of territory presents a new threat. Black and White-Released 64–65 Season.

TV 640: The Tide Turns. The invasion of France and the drive inland that led to victory. Black and White-Released 64–65 Season.

TV 639: Global War. Pre-D-Day build-up of forces and the progress of the war on all fronts. Black and White-Released 64–65 Season.

TV 638: The Slumbering Giant Awakens. The combined efforts of the *military, industry, and labor* to make possible a giant war machine. Black and White-Released 64–65 Season.

TV 637: The Spreading Holocaust. The U.S. girds to meet the challenge of the world's mightiest crusade for freedom. Black and White-Released 64–65 Season.

TV 636: Flames on the Horizon. The Nazis and Facists overrun Europe. Pearl Harbor! Black and White-Released 64–65 Season.

TV 635: The Three Faces of Evil. The build-up of Facism, Nazism, and Japanese Militarism. Black and White-Released 64–65 Season.

TV 634: The Winds of Change. The events leading to the American participation in World War I. Black and White-Released 64–65 Season.

TV 633: America on the Move. A documentary described the spirit and motivation of our country as it meets the challenge of today. Black and White-Released 64–65 Season.

TV 631: Exercise Delawar. Film coverage of a joint U.S.-Iranian Exercise. STRAC troops from Fort Campbell are airlifted to Iran to participate. Black and White-Released 64–65 Season.

TV 630: Wherever Brave Men Fight. Vic Morrow, star of TV's COMBAT, narrates the story of the Infantryman. Black and White-Released 64–65 Season.

TV 629: Wings at the Treetops. The story of Army Aviation which has given the American soldier a dimension of mobility undreamed of twenty years ago. Color-Released 64–65 Season.

TV 628: Background to Berlin. From the rubble of World War II, a dynamic, prosperous city, West Berlin, has risen. An outpost of freedom in the jungle of Communist slavery. Black and White-Released 64–65 Season.

TV 627: Soldier's Heritage. An intimate look at the American soldier—his fears—his courage—his convictions; his role in shaping the history of our nation. Black and White-Released 64–65 Season.

TV 626: Meeting the Challenge. The citizen—soldiers, the National Guard—have helped write American military history; this is their story. Black and White-Released 64–65 Season.

TV 625: Old Glory. A documentary tribute to the American flag. Even more colorful in its heritage than in its stars and stripes. Color-Released 64–65 Season.

TV 624: Thayer of West Point. Lowell Thomas narrates the story of the father of West Point and his unique influence upon our nation's destiny. A dramatized documentary featuring stage and screen star, Shepherd Strudwick, as Sylvanus Thayer. Black and White-Released 64–65 Season.

TV 623: How Sleep the Brave. A poetic memorial to those generations of Americans who lived and struggled for American ideals and now rest in Arlington National Cemetery. Color—Released 64–65 Season.

TV 622: Medal of Honor. Depicts the gallantry of the men who have been decorated with the nation's highest award from Gettysburg to Korea. Black and White—Released 64–65 Season.

TV 621: Salute to the Coast Guard. The U.S. Army's tribute to a sister service which has logged a long and distinguished record in war and peace. Black and white—Released 64–65 Season.

TV 620: Traditions and Achievements. The heritage of the American Army from the days of the Revolution through the Korean War. Black and White—Released 64–65 Season.

TV 619: One Week in October. How U.S. diplomacy, determination and readiness in October, 1962 caused the removal of Soviet Ballistic Missiles from Cuba. Black and White—Released 64–65 Season. Withdrawn from TV.

TV 618: Third Army (The Big A). Story of the modern Third Army, covering seven southern states and including the Infantry, Signal & Military Police Schools, plus the special units assigned at various posts. Black and White—Released 64–65 Season. Withdrawn from TV.

TV 616: Thailand. A look at the kingdom of Thailand and the assistance offered this staunch ally by members of the U.S. Army. Color—Released 63–64 Season.

TV 614: Battalion Comamnder. A pictorial report of a day in the life of a Battalion Commander on duty in Europe. Shows his many functions as "the old man" with his unit and its troops. Black and White—Released 63–64 Season.

TV 613: Pershing Joins the Ranks. The field testing by the U.S. Army of the Pershing missile with actual firings shown at White Sands Missile Range. Black and White—Released 63–64 Season. Withdrawn from TV.

TV 612: AEF in Siberia. The little-known story of the Expeditionary Force which journeyed into Russia following World War One. Shows their mission and activities while in the U.S.S.R. Black and White—Released 63–64 Season.

TV 611: Soldiers in Grease Paint. Hosted by Hollywood star Celeste Holm, this is the story of entertainers who travelled wherever the military were in WWII to bring them a laugh and a reminder of home. Features many stars on tour as shown by Signal Corps cameramen during the war. Black and White—Released 63–64 Season.

TV 610: An Army Moves. The saga of early trans-continental motor convoy by Army trucks in the first days of combustion engines. Follows the convoy from the East Coast to the Pacific as it winds over rugged trails, sustaining itself along the way. Ends with a look at modern mobility of the Army. Black and White—Released 63–64 Season.

TV 609: R.O.T.C. a Pattern for Progress. Traces the story of an R.O.T.C. officer from his college days through his first few years of Army duty, showing the increased responsibilities challenges and privileges as he advances. Black and White—Released 63–64 Season.

TV 608: Point of the Spear. A pictorial summary of the tremendous air-lift operation of October 1963, dubbed "Big Lift." The cameras follow the 2nd Armored Division from Fort Hood, Texas, to Germany and then into maneuvers in West Germany. Color—Released 63–64 Season. Withdrawn from TV.

TV 607: Operation Montagnard. The story of how the rugged mountain tribes in Vietnam were trained to become defenders of their areas against the wily Viet Cong. Demonstrates the methods used by U.S. Army Special Forces to help win over these tribes to the cause of South Vietnam. Black and White—Released 63–64 Season.

TV 605: U.S. Army Advisor in Vietnam. The story of the Army advisor's tour in Vietnam and how he works closely with a Vietnamese unit, advising on defense, offense, training and tactics. Black and White—Released 63–64 Season.

TV 604: Mapping Adventure. Army engineers work hand-in-hand with Latin American neighbors on the difficult project of mapping South American jungles, mountains and swamps. Color—Released 63–64 Season.

TV 602: Paris '44. The recapture of Paris in 1944, and how the Allies saved it from mass destruction by the occupation forces of the Nazi regime. Scenes of General DeGaulle in Paris during the first few days of liberation. Black and White—Released 63–64 Season.

TV 600: Climb to Glory (part two). The final break-through by the 10th Mountain Division in its relentless push toward final victory in Italy in WWII. Black and White—Released 63–64 Season.

TV 599: Climb to Glory (part one). The 10th Mountain Division in Italy and how the unit succeeded in breaking the Gothic Line, highly touted as invincible by the Nazi leaders. Black and White—Relased 63–64 Season.

TV 598: Operation Amigo. Civil action at work in Latin and South America with assistance offered by members of the U.S. Army. Road-building, medical help and education for the masses are demonstrated as they happened. Color—Released 63–64 Season.

TV 597: Prelude to Taps. The famed 3rd Infantry, "The Old Guard," in the Nation's capital, offers a colorful, marching salute to all members of the Army team. Shown is a retreat review, a salute of flags and country, rifle drill and the marching precision of the Honor Guard drill team. Color—Released 63–64 Season.

TV 596: Famous Generals Series—*Stilwell*. The military career of "Vinegar Joe" Stilwell in the Far East during WWII. Black and White-Released 63–64 Season.

TV 595: Famous Generals Series—*Arnold*. General "Hap" Arnold's career during WWII, which is also the story of the growth of the present-day Air Force. Depicts much of the aviation activity in this era. Black and White-Released 63–64 Season.

TV 594: Famous Generals Series—*Patton*. The military career of forceful, colorful, George S. Patton, with emphasis on his WWII action in Africa and Europe, narrated by Ronald Reagan. Black and White-Released 63–64 Season.

TV 593: A Nation Sings. A musical remembrance of Civil War tunes and songs, featuring Ray Morgan as host-narrator with Bill Hayes and Gloria Lambert as vocalists. Backed up by the U.S. Army Band and Chorus. Black and White-Released 63–64 Season.

TV 592: Famous Generals Series—*Marshall*. An encompassing chronology of the career of General George C. Marshall, including his post-military assignment as Secretary of State. A capsule look at the Army prior to WWII and the events leading up to that war. Black and White-Released 63–64 Season.

TV 591: Famous Generals Series—*Bradley*. The story of the quiet General Omar Bradley and his rise to top rank in WWII. Traces his early days and schooling as well as his military career. Black and White-Released 63–64 Season.

TV 590-Famous Generals Series—Eisenhower. General Eisenhower's career with the military is traced from West Point through WWII. Does not cover his service as President of the U.S. Black and White—Released 63–64 Season.

TV 589-Famous Generals Series—MacArthur. The career of General MacArthur with emphasis on WWII action in the Pacific and during the post-war-era in Japan, plus early days of fighting in Korea. Black and White—Released 63–64 Season.

TV 588-Famous Generals Series—Pershing. The military highlights of "Blackjack" Pershing's career, from prior to the turn of the century through WWII to include his retirement days. Emphasis on WWII activity. Black an White—Released 63–64 Season.

TV 587-Fortress in the Sea. The recapture of Corregidor in WWII by General MacArthur's forces. Includes recollections of an Army nurse, a commander of paratroopers and an Army sergeant who saw action on the island. Black and White—Released 62–63 Season.

TV 568B-Salute to the Air Force. Host-narrated by Eli Wallach, the film features a review of aviation history from World War I to present age of space flights. Black and White—Released 62–63 Season.

TV 584: Alaskan Scout. Features the activity of Eskimo scouts in the Alaska National Guard as they operate from fishing village of Shishmaref, near Arctic Circle. Black and White-Released 62–63 Season.

TV 583: AFN–The American Forces Network. A report on the largest military radio broadcasting network in Europe. Features operations in Frankfurt, Berlin, Munich. Black and White-Released 62–63 Season.

TV 582: Shape of the Nation. Bob Hope, Alan Shepard, Bud Wilkinson, Bob Richards, Jerry Colonna and Robert Preston participate in this film report on the President's Physical Fitness program. Mr. Hope serves as host-narrator. Black and White-Released 62–63 Season. Withdrawn from TV.

TV 581: Salute to MATS. Film features four giant airlifts conducted simultaneously. Famous airlifts of the past are shown. Black and White-Released 62–63 Season.

TV 579: Beachhead: Anzio. World War II—the establishment of a beachhead at Anzio. Features footage not previously released. Black and White-Released 62–63 Season.

TV 578: The Third Challenge: Unconventional Warfare. Film portrays Communist techniques used in situations to take over political parties, countries, create discord, sabotage. Color-Released 62–63 Season.

TV 576: Beyond the Call (part two). Alexander Scourby narrates the concluding episode of this two-part tribute to America's heroes who have earned the Medal of Honor. Black and White-Released 62–63 Season.

TV 575: Beyond the Call (part one). Alexander Scourby narrates the first episode of a two-part series paying tribute to the heroic soldiers and gallant men of all services who have earned the Medal of Honor. Black and White-Released 62–63 Season.

TV 572: Command Decision: The Invasion of Southern France. Operation "Dragon" is revealed in this historic motion picture which features Roosevelt, Churchill, Chiang Kai-Shek and Stalin. Black and White-Released 62–63 Season.

TV 569: Salute to the Navy. A film tribute to the Navy featuring a pictorial review of the Navy's history, its achievements and future role in the military establishment. Black and White-Released 62–63 Season.

TV 568: The Army's All Americans. Noted sports commentator, Chris Schenkel, host-narrates this story of Army sports. Famous athletes are featured. Black and White-Released 62–63 Season.

TV 567: The Soldier Is Tops. A report on the impact of technological, physical and special requirements of today's fighting man, his selection and training. Black and White-Released 62–63 Season.

TV 566: Dragon's Teeth. General J. Lawton Collins tells of the fight to take the Siegfried Line in World War II, and of the campaign to cross onto the soil of Germany. Black and White-Released 62–63 Season.

TV 562: Hidden War in Vietnam. James Arness host-narrates this half-hour report on American assistance to the Vietnamese. Color-Released 62–63 Season.

TV 561: Guerrilla, U.S.A. The 101st Airborne Division and Special Forces Troops engage in maneuvers in mountains of West Virginia under realistic conditions. Film involves local townspeople. Black and White-Released 62–63 Season.

TV 560: Road to the Wall. Documentation of the rise of Communism from St. Petersburg, Russia, in early days of Lenin and Trotzky to Berlin and Cuba under the influence of Krushchev. Black and White-Released 62–63 Season. Withdrawn from TV.

TV 555. The Aggressor. Features role of Aggressor soldiers. Emphasize means they employ in testing defenses, security measures and plans of operation of the Army. Black and White-Released 62–63 Season. Withdrawn from TV.

TV 554: Sky Divers. Features U.S. Army parachute teams in two-mile high maneuvers. Black and White-Released 62–63 Season.

TV 552: Soldier Statesman. President Kennedy addresses the 1962 graduating class at West Point and emphasizes the dual role they must perform as officers and statesmen representing America abroad. Black and White-Released 62–63 Season. Withdrawn from TV.

TV 550: Patterns of History. The pattern of Communist aggression from early post WWII days in Greece, through Korea, Southeast Asia and Cuba. Black and White-Released 61–62 Season. Withdrawn from TV.

TV 548: Military Assistance Program (part two). Parallels MAP–Part One (TV 529) and features the Military Assistance Program in the Far East, and how it is essential to our allies. Black and White-Released 61–62 Season.

TV 547: Special Forces. Documents the training of the Special Forces soldier at Fort Bragg, N.C., and moves to the Alps in Southern Bavaria where a training mission is covered. Black and White-Released 61–62 Season.

TV 546. The Famous Fourth. Traces history of Fourth Division in World War I, WWII, and concludes with airlift of unit across North Pole to assignment in West

Germany. Black and White-Released 61–62 Season.

TV 544. Solid Punch. Documents the history of U.S. Army missiles and shows examples of types, uses and versatility of Army missile power. Black and White-Released 61–62 Season. Withdrawn from TV.

TV 543: Top of the World. An examination of the defense posture and strategic importance of Alaska, the Northwest Territory, Canada and Greenland. Features DEW Line and electronic sentinels on guard there. Black and White-Released 61–62 Season.

TV 539: This is the Infantry. Centered on activity at the Infantry School, Ft. Benning, Ga., the film presents the story of how the infantryman is trained to be resourceful, aggressive and self-reliant. Black and White-Released 61–62 Season.

TV 538: The Army Chaplain—Yesterday and Today. A pictorial essay on the Army Chaplain. Film spans all American wars from the Revolutionary to the Korean War, and emphasizes the Chaplain's role as a spiritual leader. Black and White—Released 61–62 Season.

TV 536. The U.S. Army in Berlin: Checkpoint Charlie (part two). Picks up the report on Berlin, the divided city, in the critical summer of 1961. Companion film to TV 530. Black and White-Released 61–62 Season.

TV 532: The Chaplain and the Commander. A pictorial essay on the Army Chaplain, his religious services, pastoral activities and duties as a staff officer. Black and White-Released 61–62 Season.

TV 530: The U.S. Army in Berlin: Timetable for Crisis (part one). A review of the troubled times of Berlin from VE Day to the critical summer of 1961. Companion film to TV 536. Black and White—Released 61–62 Season.

TV 529: Military Assistance Program (part one). Shows how the U.S. Military Assistance Program functions as a vital part of U.S. foreign policy in furnishing training, equipment and advice to allies. Reports on NATO success. Companion to TV 548. Black and White—Released 61–62 Season.

TV 528: Caribbean Command. A report on Latin America and the importance of our neighbors to the south in the maintenance of our freedom. Black and White—Released 61–62 Season. Withdrawn from TV.

TV 527: Patrolling. An Army lieutenant leads a combat night patrol into enemy territory and returns after establishing contact with the enemy. Black and White—Released 61–62 Season.

TV 523: The Army's Music Men. The U.S. Army Band, Fort Myer, Va., is featured in this unique presentation which brings musical selections from World War I to contemporary tunes. Alexander Scourby narrates. Black and White—Released 61–62 Season.

TV 520: U.S. Army and the Boy Scouts. John Daly host-narrates this program which shows the many ways in which the Army and the Boy Scouts have shared experiences. Black and White—Released 61–62 Season.

TV 518: Silent Warriors. A Special Forces unit's training in Utah armed with deadly bows and arrows. Black and White—Released 60–61 Season.

TV 517: MP Story, Review of Military Police History and the MP's training at Fort Gordon, Ga., covering laboratory work to physical training. Black and White—Released 60–61 Season.

TV 515: West Point—Education for Leadership. Shot on location at the United States Military Academy, the camera records the unrehearsed action and responses of cadets in classrooms, laboratories and on the playing fields. Black and White—Released 60–61 Season.

TV 514: City Under Ice. The Army in action on the polar frontier. Shown is the story of Camp Century, a research and development project in Greenland. Black and White—Withdrawn from TV.

TV 512: Challenge of Ideas. Discussion of the conflict between democratic and communistic philosophies. Speakers include John Wayne, Helen Hayes, Edward R. Murrow, Lowell Thomas and others. Black and White—Released 60–61 Season. Withdrawn from TV.

TV 509: Role of Armor. Authentic combat footage from WWII and Korea is used to depict the growth and development of Armor from its earliest beginnings to its all-important role in today's Army. Black and White—Released 60–61 Season. Withdrawn from TV.

TV 506: Breakout and Pursuit. The story of "Operation Cobra," one of the most daring war plans of WWII, directed by General Omar Bradley. American forces breakout from Normandy and begin their dash across France. Black and White—Released 60–61 Season.

TV 505: Partners in Progress. How the Army's Corps of Engineers worked with American Industry to keep America strong and free. A historical sequence demonstrates the Corps' work from the early days of Western Frontiers, through war and peace. Black and White—Released 60–61 Season.

TV 504: History of Aviation (part three). The final episode in this trilogy depicting military aircraft in the present-day concept of mobility and dispersion. Shows many unconventional transport devices including one-man flying platforms and "air cars" Companion film to TV 503 and TV 502. Black and White—Released 60–61 Season.

TV 503: History of Aviation (part two). Covers the period from the Billy Mitchell era to the present-day jet age. On-camera appearances of many air age "greats" heighten the film. Companion film to TV 504 and TV 502. Black and White—Released 60–61 Season.

TV 502: History of Aviation (part one). First in a trilogy showing the development of aircraft from the crude beginning to the present day. Covers period of early pioneer efforts to the pre-Billy Mitchell Era. Companion film to TV 503 and TV 504. Black and White—Released 60–61 Season.

TV 495: Mouth-to-Mouth Resuscitation. An excellent film on this newest of artificial respiration methods. Black and White—Released 60–61 Season.

TV 493: Dateline: West Berlin. How an Army newspaper in Berlin mirrors the daily life of hundreds of military men on guard in the divided city. Black and White—Released 60–61 Season.

TV 489: Eighth Army—Shield of the Free World. Traces the history of the Eighth Army in WWII, the Japanese Occupation, and its role in Korea. Black and White—Released 60–61 Season.

TV 486: They Were There. The Army's role in civil disaster. Film reviews the Johnstown Flood, San Francisco Earthquake and more recent holocausts: the Chilean Earthquake and the tidal wave damage inflicted on Hawaii: Black and White—Released 60–61 Season.

TV 485: Battle of North Africa (part two). A review of the military campaigns in North Africa during WWII. Covers the destruction of the fleet at Oran in June, 1940, and concludes with Field Marshal Montgomery's bitter battle for El Alamein. Companion film to TV 484. Black and White—Released 60–61 Season.

TV 484: Battle of North Africa (part one). A two-part presentation of the military campaigns in North Africa during World War II. Companion film to TV 485. Black and White-Released 60–61 Season.

TV 482: The Story of Stars and Stripes. Herbert Mitgang of the *New York Times* and famed commentator Baukhage tell the story of this world famous Army newspaper. Alexander Scourby and Sheppard Strudwick narrate the absorbing film. Black and White.

TV 481: Payoff in the Pacific (part two). The war in the Pacific. Covers the island-hopping victories of the Allies to the Japanese surrender abroad the Battleship Missouri. Companion film to TV 480. Black and White-Released 60–61 Season.

TV 480: Payoff in the Pacific (part one). World War II from Pearl Harbor and the loss of the Philippines to the early victories in the South Pacific and to the B–29 bases constructed on Saipan. Companion film to TV 481. Black and White-Released 60–61 Season.

TV 477: Operation Cartwheel. An outstanding historical report on a World War II Pacific Theater operation. Demonstrates the Allies' success in bypassing and isolating enemy strong points. Black and White-Released 60–61 Season.

TV 459: The Joe Mann Story. A highly sensitive memorial to a soldier killed in World War II. Expertly photographed with unusual backgrounds in Holland. Black and White-Released 59–60 Season.

TV 447: War's End. Brigadier General S.L.A. Marshall presents some penetrating thoughts about the Korean War and the effect it has had upon training in today's Army. Black and White—Released 59–60 Season.

TV 446: Winter War. William H. Lawrence, *New York Times* correspondent, narrates this second Big Picture episode covering Korea War History. Companion film to TV 445. Black and White—Released 59–60 Season.

TV 445: Summer Storm. Korean War Military history. Jim Lucas, Scripps-Howard Newspaper Alliance, is interviewed at the program close. Black and White—Released 59–60 Season.

TV 444: The Pershing Story. A film biography of General John J. Pershing. Covers period from 1860 through 1948, the year of his death. Black and White—Released 59–60 Season.

TV 443: West Point Summer Training. A typical summer training program at Camp Buckner where West Point cadets gain valuable field experience. Black and White—Released 59–60 Season.

TV 441: Battle for New Guinea. The bitter fight through unending mud to take New Guinea. Broadens the viewer's perspective of the role of the infantryman. Black and White—Released 58–59 Season.

TV 431: Battle of San Pietro. John Huston narrates this film about one of the most dramatic battles of WWII, Italy. Black and White—Released 59–60 Season.

TV 429: Character Guidance. The Army's Character Guidance program is explored in this documentary presentation. Black and White—Released 58–59 Season.

TV 428: The Code of the Fighting Man. A study of the Soldier's Code of Conduct—an outline of the U.S. Army Soldier's moral obligation to his country. Black and White—Released 58–59 Season.

TV 417: Battle of Manila. Invasion of the Philippines. Covers the landings through the final liberation of the City of Manila. Black and White—Released 58–59 Season.

TV 413: Battle of the Bulge. The story of America's "winter soldier" through the years from Valley Forge to the Battle of the Bulge. Black and White—Released 58–59 Season.

TV 406: Battle of Salerno. A fast-moving dramatic film covering the fighting by Fifth Army Forces of Lieutenant General Mark W. Clark, in Italy. Black and White—Released 58–59 Season.

TV 373: Preamble to Peace. An examination of the meaning of the U.S. Constitution and its preamble. Black and White—Released 57–58 Season.

Mr. FULBRIGHT. Mr. President, this is not the first time I have raised questions about the Pentagon's public relations program. I realize that the acting chairman of the committee has gone along with a small cut in the direct appropriation. This is an appropriation for direct public relations. All of this television and film material that I have been reading about is not included in the direct appropriations for public relations. This is in a different area, for internal information. That program amounts to a great deal more money.

I am not trying to cut that with this amendment. All I am doing is criticizing what they are doing with it.

No one can say that the Military Establishment is not entitled to have a public relations program, I agree that it is. But the present program goes much too far and is too costly. They use this material to distribute all over the United States.

I do hope that the Senate will accept this very minor cut. I would not exaggerate its importance. It is only to cut it back to $20 million.

This is still over seven times what Congress allowed them for direct propaganda only 11 years ago when the Congress took off the ceiling. It used to be $2,720,000.

I am asking that a ceiling of $20 million be put on this activity.

PEANUT ACREAGE ALLOTMENTS

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17582.

The PRESIDING OFFICER (Mr. Bellmon) laid before the Senate H.R. 17582, to amend the peanut marketing quota provisions to make permanent certain provisions thereunder.

Mr. TALMADGE. Mr. President, this bill was passed by the Senate yesterday on the Consent Calendar. It was likewise passed yesterday by the House of Representatives.

This proposed action has been cleared by the majority leader, the acting majority leader, the chairman of the Committee on Agriculture and Forestry, the ranking minority member of the Committee on Agriculture and Forestry, the distinguished Senator from Vermont.

It merely made permanent the law relating to the leasing of peanut acreage that has been on the statute books for about 3 years.

Mr. President, I ask unanimous consent that the bill be considered as having been read twice and that the Senate proceed to its immediate consideration.

Mr. FULBRIGHT. Mr. President, reserving the right to object, and I shall not object, the Senator says it is to make permanent the peanut acreage. Does that mean that there can be no change in the future?

Mr. TALMADGE. No; this is a leasing provision where small peanut growers may lease land from their neighbors only within the neighborhood where peanuts are grown.

Mr. FULBRIGHT. Mr. President, I thought the Senator said it was to make permanent the peanut acreage.

Mr. TALMADGE. Mr. President, I did not mean to say that. The bill has been acted upon unanimously by the Agriculture Committee of the House, the Agriculture Committee of the Senate, and unanimously by the Senate as a whole.

Mr. FULBRIGHT. Mr. President, I do not object. I just wanted to know what it was.

The PRESIDING OFFICER. Without objection, it is so ordered. And the Senate will proceed with the consideration of the bill.

The question is on the third reading of the bill.

The bill (H.R. 17582) was ordered to a third reading, was read the third time, and passed.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

The Senate resumed the consideration of the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

Mr. ELLENDER. Mr. President, I shall not detain the Senate very long, and I do not expect to answer all the arguments made by my good friend from Arkansas (Mr. Fulbright). I realize there are some abuses in the public affairs functions of the Department of Defense, but I consider those necessary evils.

Mr. President, in 1969 the amount appropriated for public affairs functions was $44.1 million. In 1970 it was $39.7 million. In the present bill the Budget Bureau provided for $38.298 million. The House has cut the program limitation back to $30.4 million. That is the amount that is now in the bill.

Since July 1, these activities have been funded under the authority of the continuing resolution at a monthly rate of at least $2.5 million. This means that at the end of this month approximately $15 million will have been obligated, and under the proposed amendment, only $5 million would be available for the last half of the fiscal year.

As a matter of fact, we have already given notice to the Department of Defense that they can expect a limitation of $28 million for the public affairs functions of the Department of Defense for next fiscal year.

Mr. FULBRIGHT. How much?

Mr. ELLENDER. It is $28 million.

I do hope that the Senate will reject the amendment.

Mr. President, I ask unanimous consent to have printed in the Record two inserts, one a comment from the committee report and the other additional material descriptive of the public affairs function.

There being no objection, the material was ordered to be printed in the Record, as follows:

Public Affairs Functions

The fiscal year 1971 requests for public affairs functions of the Office of the Secretary of Defense, the Army, the Navy and Marine Corps, the Air Force, the Defense Agencies and Joint Chiefs of Staff, where such functions constitute the primary mission of an organizational element, total $38,298,000 which includes $633,000 for Security Review Activities. For fiscal year 1970 approximately $39,700,000 was provided for these activities, and for fiscal year 1969 approximately $44,100,000 was provided.

Of the total requested for fiscal 1971, $12,312,000 is for the Army, $12,186,000 is for the Navy and Marine Corps, $9,650,000 for the Air Force, $3,527,000 for the Secretary of Defense, and $623,000 for the various Defense Agencies and Joint Chiefs of Staff.

The committee recognizes the requirement for an adequate public affairs program within the Department of Defense and the Army, the Navy and Marine Corps, and the Air Force in order that the public may be provided with accurate, timely information on Department of Defense programs and activities. This matter was discussed in a memorandum from the Secretary of Defense to the secretaries of the military departments and other Department of Defense officials, dated March 4, 1969. In this memorandum, the Secretary of Defense stated:

"Our obligation to provide the public with accurate, timely information on major Department of Defense programs will require, in some instances, detailed public information planning and coordination within the Department and with other government agencies. However, I want to emphasize that the sole purpose of such planning and coordination will be to expedite the flow of information to the public. Propaganda has no place in Department of Defense public information programs."

While the Committee recognizes the requirement for these activities, it is the view of the Committee that the total requested can and should be substantially reduced. Therefore, the Committee has recommended concurrence in the specific reductions made by the House in the request for funds for these activities. The committee also recommended concurrence in the specific reductions made by the House in the request for funds for these activities. The committee also recommends concurrence in the House action imposing specific limitations on the funds available for public information affairs, which is based on a total limitation of $28,000,000 annually. However, due to the lateness in the fiscal year the specific limitations recommended for fiscal year 1971 total $30,400,000. The recommended limitations, which are not applicable to Security Review Activities, are:

Army	$10,300,000
Navy/Marine Corps	10,400,000
Air Force	8,100,000
Office of Secretary of Defense	[1] 1,200,000
Defense Agencies and Joint Chiefs of Staff	[1] 400,000
Total	30,400,000

[1] Applicable to "Operation and Maintenance" only. Military personnel assigned to these activities are subject to the limitation imposed on each of the services.

The Public Affairs function provides for the following activities:

It provides a daily news briefing, necessary in-country transportation, accreditation, and other logistic support to more than 400 newsmen in South Vietnam and responds to their inquiries concerning military operations in that nation.

It conducts a daily regularly-scheduled on-the-record briefing for newsmen covering the Department of Defense, at which there is an extended exchange of questions and answers concerning a wide variety of subjects related to the Department's activities.

It arranges and conducts special news briefings and conferences at which the Secretary of Defense and other knowledgeable officials are available to answer newsmen's questions concerning subjects of interest. In addition to the daily briefings, 60 other additional news briefings were arranged for newsmen at the Pentagon in 1969.

It arranges interviews for newsmen and authors with key officials of the Department at the behest of these newsmen and authors. For example, in 1969 more than 450 interviews requested by newsmen were arranged by the Office of the Assistant Secretary of Defense (Public Affairs). In that same year, that office was responsible for arranging for Secretary Laird meeting with newsmen on 60 occasions.

It provides the 35–50 newsmen covering the Pentagon daily and others in Washington and throughout the nation, with a 24-hour-2-day, seven-day-a-week, availability to respond to inquiries. In 1969, more than 35,000 news inquiries were handled by the office providing this service.

It schedules knowledgeable speakers from the Department to meet, insofar as possible, requests received from the public and from organizations.

Coordinates and arranges news coverage of major news events to insure equitable treatment for all news media, efficient and prompt handling of news copy, film, and sound recording; as well as access to news sources. For example, coverage of the movements of the Sixth Fleet during the Jordanian crisis was arranged and coordinated by the Office of the Assistant Secretary of Defense (Public Affairs).

In response to requests from community, civic, and other organizations; it coordinates and schedules the appearance of demonstration teams, such as the Blue Angels, Thunderbirds and Golden Knights throughout the nation.

It monitors military operations and programs to insure that accurate information on these activities is publicly released on a timely basis and is consistent with the requirements of national security.

It reviews, for security and policy, Defense information that is proposed for release by the Government to the public, in addition to reviewing for security thousands of pages a year of Congressional testimony by Defense witnesses in order to permit open publication of the hearings.

It assists the Secretary of Defense and other key officials of the Department in responding to voluminous correspondence addressed to them or referred to them as a result of public or Congressional inquiries.

It provides technical assistance to radio, television and broadcasting representatives covering news events associated with Department of Defense operations.

It exerts continuous effort throughout the Department of Defense to insure promptness, accuracy, and completeness in the release of information concerning the Department's activities in consonance with the Freedom of Information Act and the Principles of Public Information enunciated by the Secretary of Defense.

In conjunction with the Department of State and in support of our Paris peace negotiators, it makes available to the American and world public, information concerning the plight of American Prisoners of War and Missing in Action. Cooperates with a great variety of organizations in focusing world attention on the problem. The program is carried out under the supervision of the Deputy Assistant Secretary of Defense for Public Affairs (Operations).

It arranges and provides briefings at the request of student groups and thus affords an opportunity for exchanging ideas and information during question and answer periods. For example, since January 1, 1970, approximately 125 student and youth groups composed of 3,792 members attended Defense briefings at the Pentagon or locations in the Washington area, and engaged in discussions at their request.

Mr. YOUNG of North Dakota. Mr. President, movies and slides are used more and more each year, especially in our school systems. It is one of the best ways of teaching young people. I have seen some of these films. They are very good. I think we will need more and more of them in the military system, particularly if we are to sell a voluntary military system to our people. The Department of Defense will have to produce films showing how good life is in the military if we are to have a completely voluntary military force by the date we have set, which is about a year from now.

We always have a problem of public relations wherever the military is involved, especially in Southeast Asia. Even in my State we have the Minuteman missiles scattered over one-third of our State, and we have two large Air Force bases, and now a large ABM system which involves 12 or 15 towns and cities. They have many problems as the result of this huge program.

Both the Army and the Air Force have an obligation to the people of North Dakota to explain what they are doing there. If a chamber of commerce wants a speaker to explain what they are doing, they should be able to get a speaker to tell them what they are doing. If they want General Westmoreland to speak, and I was able to get him, he would serve a good purpose.

I do not see how it is possible to cut out something that is so vital in the Department of Defense. As the chairman of the committee has pointed out, there would be little funds left for the remainder of the year if this motion were agreed to.

Mr. FULBRIGHT. Mr. President, I think the purpose of the amendment is misunderstood. General Westmoreland is not paid out of the funds of public relations. He is on the regular payroll. My proposal would not affect his speechmaking activities. The Senator has distorted the purpose of the amendment. My proposal relates to the use of the vast resources of the military to influence the attitudes and political judgments of Americans in general.

But these are vast programs. There are over 400 films in one catalog. It is a process, I think, of brainwashing the American people. There is no competing agency. I wonder what the attitude of the Senator from North Dakota would be if the State Department undertook to sell the American people on one of its policies and we appropriated $100 million for them to make films to distribute all over the country to propagandize the current President's views on foreign policy. As has been said before, and I joined in, we forbid USIA to distribute any of its material in the United States.

The Senator asked how we are going to sell a voluntary army. I do not think it is a function of the military to sell a voluntary army. At present I am opposed to the idea of a volunteer army. I do not think it is consistent with the preservation of a democratic system to establish a voluntary army which is disassociated from the people. I might change my mind, but as of the moment I am opposed to it. That is a matter that all of us in public life will have to thrash out sooner or later.

My amendment is addressed to the program of public relations. This program does not finance General Westmoreland's travels.

The Senator mentioned the ABM. I think it is not proper, if we are going to preserve the independence of judgment in the Senate, to use the full impact of the Military Establishment to go out and sell the ABM. That is one of the most controversial political issues we have ever had come before us.

Last year the first matter was decided on a 50–50 vote. Now, you throw into the breach all the pressure of the military to make people think it is a good thing and that it would be a strong step. I think that is not in keeping with our democratic system.

Mr. YOUNG of North Dakota. Apparently the Senator was not listening to my remarks.

Mr. FULBRIGHT. I was listening very carefully.

Mr. YOUNG of North Dakota. We have an ABM in North Dakota. It involves 12 to 15 towns and cities. They are all being affected one way or another. It is up to the military to go to these towns and cities and tell them how they are being affected. We have another situation with the Air Force.

Two years ago we had a terrific storm and the Air Force came to help the Indian people—giving them clothes and other help.

I do not say these funds should have to be used to sell the ABM but to tell the local communities how they will be affected.

Mr. FULBRIGHT. The Senator remembers that last year we had the famous Starbird memorandum. General Starbird was in charge of selling the ABM. He put out a memorandum which was secret to begin with, but an enterprising reporter discovered it, and the Washington Post published it. He set forth how to go about selling the program. It would have organized the manufacturers and the industrial companies who were involved in the project and their people would be used to go to each community, inform the leading citizens there, and get them to speak up for ABM. He had in the memorandum every possible approach of the Pentagon and its related allies, especially contractors to sell the ABM to the American people.

I thought that is what the Senator from North Dakota had reference to. I assume they told the people in North Dakota that, having the missiles in their midst, the ABM would be the salvation of the world and make them feel that they are a great part of a mission which contributes to peace and safety. I do not know what else they would say to the people there. They would not say, "Look, there is a great difference of opinion on this ABM. Half of the Senate voted for it and half against it."

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. YOUNG of North Dakota. The people of North Dakota need no selling at all. They think it is a patriotic thing to do. They accepted the ABM and the Minuteman and two Air Force bases.

Mr. FULBRIGHT. The Senator from North Dakota is the one who sold them. What the Senator from North Dakota is for, the people there are for. I myself do not see why they had to send the military there, because the Senator from North Dakota can do better than the military. That is his function. I think it is his function, as a Senator and a political officer. I think the Senator would be derelict if he did not explain his views and interpretation of the ABM. He supported it. That is his right and duty, if he believes in it.

I do not think we ought to turn the primary education of the American people on military matters over to the military—that is, if we want to preserve the American system. They simply have too much muscle, money, and personnel. They have all of their people at their beck and call to sell their views. If we think the military can do it better than the Congress, then all right. But as long as I am a Senator, sworn to uphold the Constitution, I feel it is my duty to uphold the integrity of the Senate and its function. If it does not perform properly, the people can change things.

I must say one wonders about it on some subjects, but I still have confidence in the political system we have. I think the education of the people on military matters should be done by Senators, Representatives, and the press—the civilian part of our Government and country. We are not a militaristic society—at least we are not in the past. But I must say we do not give as much emphasis to that aspect as we did in the past. Consider the bill we are going to vote on in a few minutes—$66 billion. That is more than the money provided for all of the rest of the agencies combined, if we leave out the trust funds, for which we do not appropriate.

This one agency can call on any of its 4 million people, and send them anywhere it wants to, to tell its story. The Pentagon has sent veterans all over the country. They have been down in my State. General Walt has been down there several times. They send in sergeants to say what a great job we are doing in Vietnam and how we are teaching the people hygiene and what a great job we are doing there. They send them into my State, obviously to offset my criticism. I think I am within my province in saying what I do. My constituents can retire me if they want to, but they cannot do anything about military officers who come there.

I say the system is getting out of bounds when there is such a huge organization educating the American people on military projects.

A short while ago I read the memorandum of the President of the United States, issued on November 6th, directing agencies to cut back on their propaganda activities, in very specific terms. I shall not read it again; I read it a moment ago.

My amendment is in direct support of the announced policy of the President of the United States. Therefore I think the Senate should support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas (Mr. Fulbright). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Maryland (Mr. Tydings), and the Senator from Georgia (Mr. Russell), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. Cook), the Senator from Colorado (Mr. Dominick), the Senator from New York (Mr. Goodell), the Senator from Iowa (Mr. Miller), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "nay."

On this vote, the Senator from New York (Mr. Goodell) is paired with the Senator from Colorado (Mr. Dominick). If present and voting, the Senator from New York would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 44, nays 46, as follows:

[No. 416 Leg.]

YEAS—44

Bayh
Burdick
Byrd, W. Va.
Case
Church
Cooper
Cranston
Eagleton
Fulbright
Gore
Gravel
Harris
Hart
Hartke
Hollings
Hughes
Inouye
Javits
Kennedy
Long
Mansfield
Mathias
McCarthy
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Spong
Stevenson
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NAYS—46

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Cannon
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Magnuson
McClellan
McGee
McIntyre
Murphy
Packwood
Pastore
Prouty
Scott
Smith
Sparkman
Stennis
Stevens
Symington
Talmadge
Thurmond
Young, N. Dak.

NOT VOTING—10

Cook
Dodd
Dominick
Goodell
Hatfield
Miller
Mundt
Russell
Tower
Tydings

So Mr. Fulbright's amendment was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. YOUNG of North Dakota. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MATHIAS. Mr. President, I was greatly encouraged this past week to learn that the Appropriations Committee, under the dedicated leadership of the Senator from Georgia and the Senator from Louisiana, had decided to report the Department of Defense appropriations bill to the Senate with a decrease of $389 million below the amount recommended by the House. When one considers that the House version was itself about $1.9 billion below the original estimate, it is possible to hope that at least in this area, Christmas may arrive a few weeks early to the American taxpayer.

The Appropriations Committee, by declining to include in this bill funds which were not in the President's budget and which have not received the required annual authorization, has demonstrated the proper emphasis on orderly procedure which is essential for efficient, economical government.

Several months ago, when the Senate was debating the military authorization bill, I spoke on the twin bulwarks for a strong, secure America in the future. They were education and science. Without a renewed commitment to these, areas, which have not been accorded the support they require, all of our sophisticated new hardware could conceivably incase our society in a suit of inflexible, inanimate steel. I believe we have become aware of this danger and are determined to prevent it.

Today, however, I would like to mention very briefly a different type of strength that is needed for a strong America. This strength resides in the spirit and soul of the American people. It is a deep desire for peace: of necessity peace with security, but peace that provides hope and confidence for the future of America and all mankind. A society that continues, year after year, to concentrate a large bulk of its resources on the machinery of war and destruction runs the risk of debilitating its innermost morality and inherent humanity. For the best part of three decades we have run this risk. Now perhaps there is a chance for change. As we vigilantly maintain our national security, by prudent and judicious defense expenditure, as we disengage from war in Asia, and as we closely watch negotiations in Paris and Helsinki, we may be able to divert a greater proportion of our resources to peaceful needs at home.

I view this current appropriations bill as a step toward this end. While I had hoped it might be possible to effect an even greater reduction in the amount recommended, I am satisfied that it is an excellent beginning. I commend the members of the committee for their action.

Mr. COOPER. Mr. President (Mr. Spong), I do not intend to repeat the arguments made many times in the early part in the Cooper-Church-Mansfield-Aiken amendment. It was said at the time that the amendment we offered was an unusual amendment and without precedent. In my statement I have noted the many reasons, on which this question has been raised and considered by the Senate in previous years.

In 1954, the debates show, on the question of the Korean security treaty, a colloquy between the distinguished Senator from Mississippi and then chairman of the Committee on Foreign Relations, Mr. Wiley, and myself, in which the Senator from Mississippi raised this question of the "constitutional process" provided in that treaty, as necessary to implement the treaty—to provide for the argument of the United States in war.

Since that time, the Senate has looked into the question and the Foreign Relations Committee, under Senator FULBRIGHT, examined them rigorously. The subcommittee under the Senator from Missouri (Mr. SYMINGTON), reviewing U.S. commitments, in action last year taken on the national commitments resolution, approved by the Senate, the approval of an amendment which I offered to the defense authorization bill, which was stricken in conference; later, the amendment which Senator MANSFIELD and I offered to the defense appropriation bill, which was modified by the effective work of Senator Church—and that is the beginning of our work together on later amendments—and the Senator from New York (Mr. JAVITS), the Senator from Colorado (Mr. ALLOTT), the Senator from Michigan (Mr. GRIFFIN), and others, a limitation upon the use of troops in Laos and Thailand was accepted by Congress and by the administration.

The action which has been taken by the Committee on Appropriations follows a long line of precedents.

I appreciate very much, and I know my colleagues do, the action of the Appropriations Committee.

Mr. President, over the past 2 years the Senate has rigorously examined the constitutional framework of policymaking for foreign affairs and national security matters. A very important application of the responsibilities of the Senate in these areas was the debate over Cambodia. A decisive statement of the majority view of the Senate is found in the pending bill, the Department of Defense appropriations bill, 1971. Section 843 provides:

> SEC. 843. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia.

The committee report states that the committee's recommendation for the inclusion of Cambodia in section 843 of the bill is based upon the earlier action of the Senate with respect to the defense authorization bill on December 15, 1969, and the Cooper-Church amendment to the foreign military sales bill, H.R. 15628, was adopted by the Senate, 58 to 37.

This clear affirmative action by the Appropriations Committee marks another important step in the effort by the Senate to fulfill its constitutional responsibilities in the joint making of foreign policy, particularly with respect to engagement in war over a period of years—certainly since 1954.

The primary purpose of the Cooper-Church amendment was to assert the view of the Senate that the United States should not become involved in a new war in Cambodia, a country to which it has no commitments, without the expressed approval of the Congress. Underlying their purpose is an attempt to resolve the continuing and contentious problem of whether a decision to enter into a war should be made by the President alone or by the President and the Congress, and whether the involvement of the United States in a war is necessary for the security of the United States and its people. These are issues which have troubled the Congress and the people during the life of the Republic, but more particularly since World War II.

The Constitution provides that the Congress has the authority to declare war, to make rules and regulations for the Armed Forces and to raise and support armies and a Navy, to suppress insurrection and repel invasion. The Constitution provides that the President shall be Commander in Chief of the Army and the Navy of the United States and the militia when called into service of the United States. While the notes of members of the Constitutional Convention distinguished the power of the President from that of the King of England who had the power to declare war and to raise armies and to make war, the exact and distinctive war powers of the President and the Congress have never been determined.

There has never been any doubt, nor is there now, in the event of sudden attack upon the territory of the United States or upon U.S. forces, the President has the authority and duty to repel attack. But since World War II, the way in which the Government of the United States—the Congress and the Executive—decide upon whether war is necessary for our security, has been continually at issue.

On January 26 of 1954 in the debate on the Korean security treaty, the distinguished chairman of the Armed Services Committee, Mr. STENNIS, and I, engaged in a colloquy with the then chairman of the Foreign Relations Committee, Senator Wiley of Wisconsin. The issue was over the meaning of "constitutional processes" and I am going to place in the RECORD at the conclusion of my remarks the full colloquy—a colloquy which I believe throws much light on the issue that has been so heatedly debated over the past 2 years. At this point I would like to quote the following portion. Senator STENNIS is questioning Senator Wiley then chairman of the Foreign Relations Committee about the meaning of "constitutional processes":

> Senator STENNIS. If the language does not mean the President can act without the action of the Congress, then what does it mean and why include such language?
>
> Mr. WILEY. To put it in a little different way, let me say the language simply means that if there is an overt attack by an aggressor upon one of our allies, the United States will simply take whatever action is determined by the President and the Congress to be advisable under the circumstances, having in mind the obligations of this Treaty, if it is ratified.
>
> Mr. STENNIS. The Senator says 'the President and the Congress.' He means, does he not, that the language did require affirmative action by Congress before the United States could enter into armed conflict or into a war?

A few moments later in the debate, Senator STENNIS, seeking further clarification of the war-making powers of the President and the Congress, said as follows:

> Mr. STENNIS. Of course, we protect our troops wherever they may be. However, apart from that, does the Senator from Wisconsin agree that before we would be called on to act under this Treaty, affirmative action by the Congress as well as the President would be required? Does the Senator agree to that?

Mr. Wiley replied:

> Very well. I think that if the circumstances were such as I have suggested, namely, if there had been an overt act of aggression but our troops were not involved or if there had not been an attack of our own troops but simply an attack of our allies, it would necessarily follow under Article III [of the UN Charter], that we would act to meet the common danger; and our action at that time would be in accordance with Constitutional processes. If it did not mean consultation, or something similar, with respect to which the Executive has the power, and if it meant utilization of the armed forces, I believe that Congress would and should have to decide.
>
> Mr. WILEY. I agree....
>
> Mr. COOPER. The Senator from Mississippi has raised the most searching question that can be addressed to this treaty. As the Senator from Wisconsin has said, it is the age-old constitutional question, "Under what circumstances can the President of the United States take action which, as a practical matter, may have the effect of committing this Nation to war without a congressional declaration of war?"
>
> The phrase, "constitutional processes" must imply the powers of both President and Congress. Under the Constitution the President of the United States can assert under certain circumstances—such as our troops being attacked or our physical area being invaded—his constitutional power as Commander in Chief to take action for the security of the country. Such action could, of course, lead to war.
>
> The important language in this article, it seems to me, in addition to the phrase "constitutional processes," which is difficult of interpretation, is the language defining the area, and conditions in which the United States would be morally committed to take some action under its constitutional processes.
>
> I believe the distinguished Senator from Wisconsin has said that he did not intend to make a statement which would interpret in any way the words "constitutional processes" to exclude the constitutional power of the President of the United States as Commander in Chief to act, under certain circumstances which he might think proper, to protect the security of the United States. Is that correct?
>
> Mr. WILEY. Yes, of course. Again we get into a field which has been the subject of discussion for some 165 years, as I have said. However, I believe that with the understanding which has been appended as a result of the suggestion of the Senator from Georgia [Mr. GEORGE] there can be no question as to what the meaning of the treaty is. As I have stated, there is nothing in the treaty which would delimit the constitutional power of either Congress or the President.
>
> Mr. COOPER. We seem simply to speak in a circle and come back to where we started. What does "constitutional processes" mean?
>
> Mr. WILEY. It is not a Bricker amendment, if that is what the Senator has in mind.
>
> Mr. COOPER. We come back to the question: What are the constitutional powers of the President and Congress with respect to tak-

> ing steps toward war? I believe that the distinguished Senator from Wisconsin has said that, in the absence of such circumstances as demanded the protection of the security of the United States, we would certainly expect that Congress would determine whether the United States should go to war.

The debate I have quoted from 1954 concerned Korea. However, the problem of national commitments was very much the principle at issue then as it is now.

The history of the past 25 years provides many significant examples of the processes of progressive involvement to war without any express prior commitment by our Government. It could, occur again and in situations where our national security and interests are not actually threatened.

The collapse of Nazi Germany brought the Soviet armies into Eastern Europe where they still remain. The fall of Nationalist China, the attack upon South Korea, and the possibility of a takeover of Southeast Asia by Communist China, caused the United States to construct a wide ranging series of bilateral and multilateral mutual defense agreements designed primarily to contain the Soviet Union and Communist China. They are eight in number and include 43 nations. Among them are NATO, SEATO, and ANZUS and American multilateral treaties with Japan, Korea, the Philippines, and Nationalist China.

While these treaties differ in certain respects, particularly NATO, which states that an attack upon any part of a large area designated by the treaty, shall be considered as an attack upon all the parties—they are similar in substance. In essense, the treaties affirm that armed attack against any party to the treaty would endanger the safety of all and that each party would act to meet the danger "in accordance with its constitutional processes." The term, "constitutional processes," is not defined or spelled out in the treaties. Does "constitutional processes" mean that the President acting as Commander in Chief could commit the forces of the United States to the military assistance of another treaty country? Or does it mean that the President shall consult with the Congress to determine whether the use of American forces is essential to the security of the United States as well as the other country and that he will not commit forces until the Congress has given its approval, either by a declaration of war or by a joint resolution of the Congress?

In fact, as the situation exists today, with the presence of our Armed Forces in a number of other countries, there is obviously a great danger that we could become engaged in a war without "constitutional processes" ever being exercised by joint action by the President and the Congress. For in addition to Vietnam, American troops are stationed in large numbers in Korea, Japan, the Philippines, Thailand, Nationalist China, and Western Europe.

Senator SYMINGTON's subcommittee of the Senate Committee on Foreign Relations has made a very thorough examination of our forces commitments around the world and has asked many basic questions about the necessity for their continued presence. The administration is making a similar examination. Both branches are seriously examining the possibility of the withdrawal of our forces from other countries consistent with our security.

This is a worthwhile and necessary inquiry, for it is evident that the mere presence of sizable forces in other countries is a significant factor that could lead to war without "Constitutional processes." Our involvement in war in Vietnam began with a limited military training program to the Government of South Vietnam. In 1962, the United States expanded its forces in South Vietnam as the Vietcong and the North Vietnamese enlarged the war against the Government of South Vietnam. Gradually, our forces grew from 650 in 1962 to about 17,000 in 1963, to a peak of 535,000 in 1969. When our forces were fired upon, our involvement in a major war was irretrievably determined. This involvement was approved by the Congress in August of 1964 with the Tonkin Bay Resolution, but the many small but increasingly binding decisions had been made over a period of at least 10 years.

I do not believe that any of the Presidents who have been involved with Vietnam, Presidents Truman, Eisenhower, Kennedy, Johnson, or President Nixon, foresaw or desired that the United States would become involved in a large scale war in Asia. But the fact remains that a steady progression of small decisions and actions over a period of 20 years had forestalled a clear-cut decision by the President or by the President and Congress—decision as to whether the defense of South Vietnam and involvement in a great war were necessary to the security and best interest of the United States. In the light of the experience in Vietnam, a basic change in attitude has taken place. In constitutional terms, the recognition that "Constitutional processes" become difficult if not irrelevant once engaged in a war, has underlined the urgency of the debate of the past few years over Cambodia.

Of course, economic difficulties and severe social problems at home, the desire to change our priorities, are factors in congressional concern, but most important, I submit, is a growing awareness on the part of the Congress that it must carry out its constitutional responsibilities to share the burden of decisionmaking and judgment on vital issues of policy and national security.

On June 25, 1969, by a vote of 70 to 16, after several years of thought and consideration, the Senate approved the national commitments resolution. In brief, the resolution states that the use of Armed Forces of the United States or the promise of their use to another country upon the territory of another country, shall not be deemed a national commitment of the United States unless explicitly agreed to by the President and the Congress by a treaty, statute or resolution.

Building upon this principle, I introduced an amendment on August 12, 1969, to the defense authorization bill denying funds for the use of American forces in support of Laos or Thailand. This amendment was approved 86 to 0 on September 17, 1969, but was deleted in conference with the House. Later, on December 15, Senator MANSFIELD and I introduced an amendment for the same purpose to the defense appropriations bill. It was modified by Senator CHURCH and thus marked the beginning of our association on Cooper-Church—and supported by Senators JAVITS, ALLOTT, and GRIFFIN, among others, denying the use of funds for American ground forces in Laos. It was passed by the Congress and approved by the President and remains the law of the land. The intended effect of these amendments was to insure that before American forces could be committed to the defense of these countries in war, the President must secure the approval of the Congress.

The Cooper-Church amendment to the military sales bill which passed the Senate by a vote of 58 to 37 on June 30, 1970, had a similar purpose: That is, to require that before any future commitment to a country with which we have no obligation that any new commitments must be the result of a joint decision on the part of the Executive and the Legislature.

I am very pleased that the Senate Appropriations Committee has accepted the basic principles of the Cooper-Church amendment and incorporated it as a part of the bill. Senator CHURCH and I are extremely grateful to Senator RUSSELL, Senator ELLENDER, and Senator STENNIS and others for their careful consideration of our written request to the Appropriations Committee that Cambodia be a part of the prohibition for U.S. ground combat troops along with Laos and Thailand.

The action of the Appropriations Committee is an affirmation of the constitutional principle that the President cannot commit troops to war in support of another country without the approval of the Congress.

The debate of the past several years and this most recent action by the Senate Appropriations Committee is in no sense a derogation of the President on the constitutional authority of the President. On the contrary, it is a clear expression of the reestablishment of the proper relationship between the Congress and the President with respect to the warmaking powers.

This effort to reestablish a proper constitutional relationship has in no way restricted the President's powers to protect our forces—to respond to an attack upon U.S. forces or upon the United States itself. In these actions, the President does not require the approval of Congress but he cannot take the United States into war unless the threat to our security is immediate, without the consent of the Congress. And in the event of an action to meet some immediate threat the Congress has the right to cut off funds for such actions if the Congress after due deliberation decides that continued action is not essential to U.S. security.

There has been suggested by some commentators that the process of the past several years to reestablish the congressional role in the making of foreign policy, and security affairs is a part of a movement toward neoisolationism. Comparisons have been made with the battle over the Bricker amendment in the early 1950's. This is a false analogy. The Bricker amendment largely concerned the issue of the overriding of domestic law by treaties and conventions. It would have provided that domestic law could not be superseded except by a statute approved by the Congress. The Bricker amendment was part of a larger conflict between those who advocated a major international role for the United States and the isolationists.

There are very few Members of Congress who desire a return to fortress America kind of isolationism. What is at issue is not whether we should be involved in the world but rather, how our power should be used to best further our interests. It is my belief that the debate of the past few years in the Senate and the Congress over Indochina and the review of our other commitments has strengthened the ability of the legislature to make the joint decisions called for by the Constitution. The action of the Appropriations Committee on section 843 is an important declaration of this new institutional strength.

Mr. President, I ask unanimous consent to insert into the Record at this point the debate that took place January 26, 1954, in the Senate.

There being no objection, the debate was ordered to be printed in the Record, as follows:

Mutual Defense Treaty With Korea

The Senate, as in Committee of the Whole, resumed consideration of the treaty, Executive A (83d Cong., 2d sess.), a Mutual Defense Treaty between the United States of America and the Republic of Korea, signed at Washington on October 1, 1953.

Mr. Robertson. Mr. President, will the Senator from Wisconsin yield?

Mr. Wiley. I yield to the Senator from Virginia.

Mr. Robertson. Mr. President, I preface my question by saying if anyone who is interested in knowing why the Bricker amendment was presented, will take the trouble to read the debate in the Senate in 1945, when the Senate, unanimously, with the exception of only one Member, voted to ratify the charter of the United Nations, he will find that the people of the Nation, and almost every Senator, were so imbued with the thought that the charter of the United Nations would be the instrumentality of preventing another world war that the hope was expressed by many, including Members of the Senate who discussed the charter, that posterity would look upon that action as it did upon the work of the Philadelphia Convention of 1787, when the Nation was formed.

Some very eloquent and wonderful speeches were made on the floor of the Senate at that time, but only one minor part of the charter was discussed, and that was done by the distinguished Senator from Michigan (Mr. Ferguson), who raised the question as to what kind of agreement would be involved if the Security Council called on the President of the United States to send troops abroad in the event of another war, or to stop an aggression which might lead to a major conflict. The Senator from Michigan hazarded a guess that in such a case a treaty would have to be submitted to the Senate. That viewpoint was challenged, primarily on the ground that the Security Council was only a part of the United Nations, that the United Nations was not a super sovereign government, and that never in the past had we negotiated a treaty except with a sovereign nation.

At the time of the debate there was no discussion of the fact that an international FEPC was involved in the United Nations Charter, and also the question of human rights, which some persons claim can, if acted on in a certain way change our Bill of Rights. So, as I say, without any mature consideration of what the Charter meant, but in an impulsive way, all but one Member of the Senate voted for its ratification.

In 1948 we find the Senate Committee on Labor and Public Welfare considering an FEPC bill. That committee reported a bill, with a substantial number of Senators signing their names to the report, stating that, regardless of whether such a bill could be authorized by our Constitution, it was authorized by the Charter of the United Nations.

Again, when a President of the United States seized the steel companies without any apparent authority, so far as the average lawyer or Member of Congress knew, the Chief Justice of the United States and two other judges who agreed with him held that, even if the President did not have the power he claimed under the Constitution, he had it under the Charter of the United Nations. Consequently, many of us felt that it would be quite appropriate to insert in the Constitution, a clear definition of what all good constitutional lawyers said had been the law all the time—and I agree with that viewpoint—that no treaty which violates the Constitution of the United States can be valid and effective.

Another treaty is now brought before the Senate, a treaty with Korea. I find in the report of the committee that the heart of the treaty is article III, which recites:

"ARTICLE III

"Each party recognizes that an armed attack in the Pacific area on either of the parties in territories now under their respective administrative control, or hereafter recognized by one of the parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes."

The question I desire to ask my friend, the distinguished chairman of the Foreign Relations Committee, which reported the treaty, is this: Will he be good enough to make it crystal clear to us in his explanation of the treaty to what extent under this treaty we are being committed to a future war on the mainland of Asia? The article of the treaty to which I have just referred provides that our aid will be rendered in accordance with constitutional processes.

Mr. Wiley. That is correct.

Mr. Robertson. So that, certainly, would clear up the question raised by the Senator from Michigan (Mr. Ferguson) with reference to constitutional processes in connection with the United Nations.

We all know that when the United Nations voted to enter the Korean war to try to stem the communistic aggression of North Korea. the President of the United States furnished troops, and Congress, to this day, has never been asked to vote or given the privilege of voting on the question whether the Congress should carry out the provision of the Constitution that the Nation cannot make war except by an act of Congress.

I wish the distinguished chairman of the Foreign Relations Committee would discuss this particular aspect of the treaty. Will we be committed to war if, at the end of the stalled negotiations in the Far East, the President of Korea decides he has had enough of such tactics, that North Koreans are in the territory of South Korea, as indeed they are, and that situation justifies South Korea to make war. In that event will we also be at war, under this provision? If that is what we are being committed to, certainly we should not go to war until Congress so votes.

Mr. President, I hope the distinguished chairman of the committee will not leave in doubt any provision of the treaty. Most of us have had little opportunity to consider it. We are all busy with other committees. I had four committee meetings today, and could not attend them all, and from now on there will be constant meetings of the Committee on Banking and Currency. I am on five subcommittees of the Appropriations Committee, and they will be in constant session. Of necessity I must rely upon the members of the Foreign Relations Committee, when that committee reports a treaty, to explain it fully in order that I may vote intelligently. I frankly admit that I am not one who wants to confess to the Nation that the Senate is incapable of analyzing treaties which it is called upon to ratify. If I thought that such was the case I would say, Change the Constitution and let the House of Representatives approve treaties.

I have pointed out that we ratified the most far-reaching treaty in the form of a charter in our history. We did not know what was in it. We do not yet know everything that is in it in its full application. That is the reason why a change in the Constitution is now being proposed. If something comes out of that treaty which is clearly in violation of our Constitution, I want to be sure that it is not going to be the overriding law of this land.

So I call on my distinguished colleague with reference to this and all other treaties that may come before the Senate for approval to make sure that we are fully advised of what we are doing.

Mr. Stennis. Mr. President, will the Senator from Wisconsin yield for a brief question?

Mr. Wiley. Mr. President, I yielded for a brief question a quarter of an hour ago, and my Jeffersonian friend from Virginia delivered quite a speech which was very challenging. I would prefer to carry on with my statement, and I am sure the answer to the question which was finally propounded by the distinguished Senator from Virginia will be as complete as the English language can make it.

Mr. Stennis. If the Senator would rather proceed with his speech I shall withhold my question.

Mr. Wiley. Mr. President, in order that it may appear in the Record more clearly, I ask unanimous consent at this time that the very brief Mutual Defense Treaty between the United States and the Republic of Korea be printed at this point in my remarks.

The Presiding Officer (Mr. Payne in the chair). Without objection, it is so ordered.

The treaty is as follows:

"MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA

"The parties to this treaty,

"Reaffirming their desire to live in peace with all peoples and all governments, and desiring to strengthen the fabric of peace in the Pacific area,

"Desiring to declare publicly and formally their common determination to defend themselves against external armed attack so that no potential aggressor could be under the illusion that either of them stands alone in the Pacific area.

"Desiring further to strengthen their efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive and effective system of regional security in the Pacific area,

"Have agreed as follows:

"ARTICLE I

"The parties undertake to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations, or obligations assumed by any party toward the United Nations.

"ARTICLE II

"The parties will consult together whenever, in the opinion of either of them, the political independence or security of either of the parties is threatened by external armed attack. Separately and jointly, by self-help and mutual aid, the parties will maintain and develop appropriate means to deter armed attack and will take suitable measures in consultation and agreement to implement this treaty and to further its purposes.

"ARTICLE III

"Each party recognizes that an armed attack in the Pacific area on either of the parties in territories now under their respective administrative control, or hereafter recognized by one of the parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

"ARTICLE IV

"The Republic of Korea grants, and the United States of America accepts, the right to dispose of United States land, air, and sea forces in and about the territory of the Republic of Korea as determined by mutual agreement.

"ARTICLE V

"This treaty shall be ratified by the United States of America and the Republic of Korea in accordance with their respective constitutional processes and will come into force when instruments of ratification thereof have been exchanged by them at Washington.

"ARTICLE VI

"This treaty shall remain in force indefinitely. Either party may terminate it 1 year after notice has been given to the other party.

"In witness whereof the undersigned Plenipotentiaries have signed this treaty.

"Done in duplicate at Washington, in the English and Korean languages, this 1st day of October 1953.

"For the United States of America:

"JOHN FOSTER DULLES.

"For the Republic of Korea:

"Y. T. PYUN."

Mr. WILEY. Mr. President, on Thursday, January 21, the Committee on Foreign Relations reported the Mutual Defense Treaty With Korea—Executive A, 83d Congress, 2d session—signed at Washington on October 1, 1953, unanimously recommending that the Senate give its advice and consent to ratification at an early date.

When this body gave its approval to the security pact between the United States and Japan in 1951, one of the primary elements which motivated our decision was the conviction that while such a pact was essential to preserving the safety of this country in the Far East, it was also a prerequisite to the restoration of Japan as a free nation in a divided world community. For we knew, and we know now, that if the Soviet Union and a Sovietized China could encompass Japan within their sprawling, expanding orbit, then the power of world communism in the Pacific, buttressed by Japan's great industrial potential, would directly and gravely menace the security of the United States in the westward approaches to this continent.

Parenthetically, Mr. President, I might say that most of us realize that we are no longer living in yesteryear. This little world has changed considerably, even since the beginning of the Second World War, and has become very small, indeed. We have airplanes that can travel a thousand miles an hour. We now have the A-bomb and the H-bomb. We are now able to cross our own continent in a matter of 4 hours, and we cross the Atlantic in 4 hours, if it is necessary. The result is that every nation is in every other nation's backyard, speaking figuratively and realistically.

I was speaking a moment ago about Japan. Virtually the same considerations are valid with respect to the Mutual Defense Treaty with Korea which the Senate now has before it. If we learned in the Second World War that the Pacific Ocean was a pathway for Japan to attack our westernmost possessions. we have learned, and we should now realize, that the security of Japan depends upon our preserving a free and independent Korea in the territory across the Sea of Japan—territory which points as a bayonet at the heart of the island empire.

The security of Korea is therefore a matter of the most vital concern to the United States, the United Nations, and the free world. One treacherous attempt has already been made to lay hands upon this bastion of freedom, which came perilously close to suceeding. Have we forgotten the ordeal of Pusan? Have we forgotten what the position of Japan and of our forces stationed there would have been had the Communists from North Korea driven the defenders of the republic into the sea?

Many who are experienced in world affairs are convinced that this aggressive attack against Korea, conceived, prepared, and armed by an outside power, might never have been unleased had the enemy been advised in advance—and this is important—that it could expect the United States to react with immediate and vigorous means in aid to the victims. One of Secretary of State Dulles' principal preoccupations has been to avoid this repetition of past error, that we do not again permit a would-be violator of free territory to miscalculate the intentions of the United States. In the words of Mr. Dulles:

"I believe, as one looks back at the wars of this century, that it can be said with a high degree of probability that if the aggressors had known in advance what we would do, that probably they would have not committed the acts of aggression.

"I think it is absolutely clear as to what we would do, if Korea were again invaded from the north. We would do what we did before.

"The important thing is to let that be clearly known. Then, I think it is not likely to happen, but if there is doubt about that, then it is likely to happen."

In short, the primary value of this treaty consists in giving the Communists notice, beyond any possibility of misinterpretation, that if they embark upon another aggression in Korea, the United States will not sit idly by, but that we can be expected to take prompt and adequate measures to meet it. At the same time, the treaty constitutes an additional link in the system of mutual security thus far developed in the Pacific. It fills a gap in the fabric of treaties which have already been concluded between the United States, on the one hand, and the Philippines, Australia and New Zealand, and Japan. Like the other security treaties with these countries, the Korean Treaty provides for consultation and, when necessary, appropriate action. And it reaffirms the belief of the United States that the greatest measure of security is to be found in collective measures.

The provisions of this treaty evidence our desire for peace. It is not a threat to any nation, but rather further proof of our will to live in peace, and to work toward that end through collective action for the protection of the free nations in the Pacific. This is clearly recognized in the preamble, which proclaims the determination of the parties to defend themselves against external armed attack, and to strengthen their efforts for collective defense pending the development of a more effective system of regional security in that area. It is also confirmed in article I, under which the parties undertake to settle by peaceful means any international dispute in which they may be involved, and to refrain in their international relations from the threat or use of force inconsistent with the purposes of the United Nations, or obligations assumed by any party toward the United Nations.

Whenever either party is of the opinion that the political independence or security of either is threatened by external armed attack, the parties are required, under article II, to consult together. This article, which, as will be noted, incorporates the principle of the Vandenberg resolution—Senate Resolution 239, 80th Congress—obliges the parties, separately and jointly, to undertake, through self-help and mutual aid, to maintain and develop appropriate means to deter armed attack and to implement the treaty.

The heart of the treaty, as was said by the distinguished Senator from Virginia [Mr. ROBERTSON], who recently asked me a question, is contained in article III, which received a most careful examination in the committee. It is worded as follows:

"Each party recognizes that an armed attack in the Pacific area on each of the parties, in territories now under their respective administrative control, or hereafter recognized by one of the parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the danger in accordance with its constitutional processes."

The unusual phraseology of this article relative to territory under the administrative control of one of the parties, was drafted to take cognizance of the fact that at present the Republic of Korea has effective control only over a part of the peninsula, and to anticipate the day when a settlement unifying the country would be reached through processes recognized as lawful by the United States.

It should be emphasized that the treaty does not become operative unless one of the parties is the victim of an external armed attack. It does not extend to the case of large-scale domestic riots or disturbances instigated by an outside power, nor does it apply to the violent overthrow of the Government or to a coup d'etat. An armed attack initiated by one of the parties to the treaty falls outside its scope. The instrument, in other words, is not an offensive alliance.

More significant, it does not apply to territories not now under the administrative control of either party, nor to territory which is not at some future time recognized by the United States as having been lawfully brought under the administrative control of the other party. In order to eliminate all possible doubts on this score, it was suggested by the Senator from Georgia [Mr. GEORGE] that there be included in the Senate resolution giving its advice and consent to ratification an interpretative clause worded as follows:

"It is the understanding of the United States that neither party is obligated, under article III of the above treaty, to come to the aid of the other except in case of an external armed attack against each party; nor shall anything in the present treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea."

The suggestion was adopted in the committee. Such an understanding is altogether consistent with the intention of the parties at the time the agreement was being negotiated; for Secretary Dulles indicated to the committee at the hearings that this very point was emphasized to the representatives of the republic when article III was drafted. The United States, under the treaty, reserves for itself the right to determine whether territory not now under the administrative control of Korea has lawfully been brought under such control.

There can be no question, therefore, of the United States becoming involved under this treaty in hostilities resulting from a unilateral attempt to the Government of Korea to unify the country by forceful means or by any other means not regarded as lawful by the United States. Whatever the practical consequences of such action by the other party would be, we are not warranted in assuming that the Republic of Korea will do other than to abide by the terms of the armistice agreement to which they and we have solemnly subscribed.

Mr. President, I believe it is important to call attention to one other element in the formula of article III, which recognizes that the armed attack referred to would be dangerous to the peace and safety of the parties. Any action we take pursuant thereto would then, under this article, be determined in accordance with our constitutional process.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield for a question at that point?

The PRESIDING OFFICER (Mr. PAYNE in the chair). Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. WILEY. I yield.

Mr. STENNIS. The Senator from Wisconsin has quoted from article III the phrase "in accordance with its constitutional processes."

Will the Senator explain fully, exactly what is meant by the phrase "in accordance with its constitutional processes," and also give his opinion as to whether or not constitutional processes were met at the time the United States went to war in Korea?

I ask the question in all good faith, and not in criticism of anyone. I was a Member of the Senate at the time the United States went to war in Korea. I did not raise any objection at the time we sent our troops there. However, I believe we have learned something in a practical way about what the clause can mean, and what it did mean, because it is to be found in article 43 of the United Nations Charter, which is on the subject of the use of troops and force.

So I shall appreciate the opinion, conclusion, and assurance of the Senator from Wisconsin as to what is meant by the phrase "in accordance with its constitutional processes," as used in article III of the Mutual Defense Treaty between the United States of America and the Republic of Korea.

Mr. WILEY. My reply to that question would be that any action we take under the terms of article III would then be determined in accordance with our constitutional process. This approach follows the principle of the Monroe Doctrine, rather than the "attack upon one is an attack upon all" principle of the North Atlantic Treaty. I think it will be agreed that the Korean treaty approach, which was previously formulated by Mr. Dulles in the Philippine and Australian-New Zealand pacts, has some advantages over the North Atlantic Treaty formula; and it avoids the constitutional question marks which seem to have been suggested by the latter.

The proposed treaty does not change in any way the constitutional relationship between the President and the Congress with respect to the use of the Armed Forces of the United States. What we do will be in accordance with the constitutional processes.

If the Senator will refer to page 5 of the report he will find this language under the headline " 'Monroe Doctrine' Formula," paragraph 6:

"The second element to be noted in the formula of article III is its replacement of the specific commitment language used in the North Atlantic Treaty——

Which I have just read—

by what Secretary Dulles has called the "Monroe Doctrine" principle. Thus, each party, in article III, recognizes that the armed attack referred to therein would be dangerous to its own peace and safety. The action to be taken would then be determined in accordance with its constitutional process. By contrast, the North Atlantic Treaty formula makes an attack upon one tantamount to an attack upon all, so that such an attack, which might not take place against the United States itself, is nevertheless so regarded."

That is, in the North Atlantic Treaty.

"Because of the constitutional issues which the approach suggests, for example, whether an attack upon another gives the President the same inherent right to act as an attack upon United States territory, the language of President Monroe was regarded by Secretary Dulles as preferable when he negotiated the Philippine and Australia-New Zealand Pacts, and is reproduced in the Korean Treaty.

"In short, the phraseology of article III of the Korean Pact permits the United States to take any action we deem appropriate by our constitutional processes, and gives adequate assurance of support to the other country which may be the victim of an attack. It has the additional advantage of never having been challenged throughout our history, from the constitutional standpoint, as altering the balance of power between the President and Congress."

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield for another question?

Mr. WILEY. I yield.

Mr. STENNIS. Specifically the clause we are discussing means that before the United States can resort to force or use troops, before it can go to war, it will be necessary that the matter be brought before the Congress. Is that correct?

Mr. WILEY. I think the constitutional process in the case referred to by the Senator from Mississippi would call for a declaration of war by the Congress. I am not so naive as to say, however, that something might not happen which would be in the nature of an attack upon our forces or upon a part of our territory. In such a case we would not wait for a declaration of war; we would go into battle. Constitutional process might also include, withdrawing our ambassador, by the President, issuing of an Executive warning, cutting off aid, and so forth.

Mr. STENNIS. If the Senator will yield further, regardless of what particular circumstances might exist at the time the question may arise, are we committing ourselves now, in agreeing to this treaty, to go to war if Korea is attacked, without any declaration by the Congress?

Mr. WILEY. In my opinion, very definitely the answer is no, but we enter into an undertaking that if there is an overt act by an aggressor upon our ally, then we will do that which we think is advisable and in accordance with our constitutional processes.

Mr. STENNIS. Who is "we"? Is that the Congress, or is it the President?

Mr. WILEY. It is the Congress and the President who have to determine that question.

Mr. STENNIS. Under that interpretation, then, an act of Congress would be required before American forces could be used, or the United States could go to war under the treaty, as the Senator has explained it. Is that correct?

Mr. WILEY. As I understand the question, I agree that if an overt act is committed by an aggressor upon an ally, it then rests with the constituted authority, to wit, the Congress, to decide whether or not we shall regard such aggression as a basis for going to war.

Mr. STENNIS. That is the interpretation the Senator from Wisconsin places upon the pact the Senate is considering today; is it?

Mr. WILEY. That is correct.

Mr. STENNIS. And on article III?

Mr. WILEY. Yes.

Mr. STENNIS. Will the Senator say that, in his opinion, that was the opinion of the committee which has reported the treaty, and which he represents on the floor today, the Committee on Foreign Relations?

Mr. WILEY. Supplementing what I have said, I would state that of course the President, as Commander-in-Chief, would undoubtedly come to the Congress, he would undoubtedly submit to the Congress a statement of the facts, and Congress would make the decision as to whether it would make a declaration of war.

Mr. STENNIS. It is the opinion of the Senator that that is as far as the treaty or pact goes, and that it does not authorize an attack by us or obligate us to make an attack unless the Congress so declares?

Mr. THYE. Will the Senator yield for a question at that point?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. Does the Senator from Wisconsin yield?

Mr. WILEY. I desire to have the Senator from Mississippi to restate the question, because I wish to be very clear about the facts stated in the question. I might say that we always have to be very sure of our facts. As I have said many times, until one obtains the facts, one had better not apply a principle; otherwise one may apply the principle to the wrong set of facts.

Mr. STENNIS. Mr. President, I am very glad to try to restate my question, because I think it is a very vital question before the Senate. I am referring to article III. The last clause therein reads: "in accordance with its constitutional processes."

Applying that to the United States, and assuming that an attack might be made on Korea, my question is, Would the consent of the Senate to the ratification of the pact, or treaty, authorize the President of the United States to act without action by Congress, and to respond to an attack on Korea by force and send Korea aid, by the use of the Army, the Navy, or airpower, or to go to war?

Mr. WILEY. My answer is that there is nothing in the treaty which would change, delimit, or add to the powers of the President of the United States.

Mr. STENNIS. I know the Senator does not mean to be evasive. However, I am asking the Senator to go as far as he can in stating what he thinks the treaty means. The Senator is presenting the treaty to the Senate and asking for its ratification. In my opinion, merely to say that the treaty does not change the authority of the President of the United States does not go far enough to answer the question fully and directly.

Is the treaty a committal by the United States to go to war even though Congress does not so declare?

Mr. WILEY. I think I think I have answered the question. There is a certain angle to the question of the Senator which has been debated for almost 165 years. The President, as the Executive and as the Commander in Chief, under certain circumstances, in a number of instances, in our relations with countries in South America, has assumed the right and has exercised the power when there was a question of American rights being invaded.

Let me try to be so clear in this matter that there shall not be any suggestion whatsoever that I am trying to evade the issue. I have said that the treaty does not in the slightest add to or attempt to control or delimit the right of the constitutional power of the President of the United States. In substance, it becomes an agreement with an ally that if and when an aggressor attacks that ally, we will go to the aid of the ally only if and when constitutional processes are followed.

Mr. STENNIS. Mr. President, if the Senator from Wisconsin will yield further——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield further to the Senator from Mississippi?

Mr. WILEY. I yield.

Mr. STENNIS. Then, Mr. President, let us suppose that such a condition arose that the President honestly felt justified and required the United States to go to war, but that Congress thought to the contrary, or perhaps was not in session. Then we would be directly confronted with the question, What is the President's authority?

I should like to raise a further point for the consideration of the Senator from Wisconsin. This exact language is in article 43 of the United Nations Charter. This language leads most interested citizens to believe that it means the question would have to come before Congress, and that Congress would have to vote a declaration of war, before the United States could go to war. That would be my interpretation of the language, but there is a precedent to the contrary.

Now it is proposed that we reenact the same language. I think we are entitled to know the bottom rock opinion of every member of the Foreign Relations Committee in regard to exactly how far we are committed, before we vote on the treaty. That is why I am pressing for an answer to this question.

I fully appreciate the very fine sentiments of the chairman of the Foreign Relations Committee, and I know he is sincere in what he says.

Mr. Wiley. Of course, the courts have held that the United Nations Charter is not self-executing; and, of course, in the case of any obligation which we have undertaken under the United Nations, the meaning is simply that we are obligated to handle it under our own constitutional processes. This, to me, at least, is very clear. I believe it means—as I have said several times—that we have entered into an arrangement with an ally to protect that ally if she is attacked. Otherwise, there is no obligation whatever. But if our ally is attacked, still it will be up to our appropriate constitutional authorities to-wit, the Congress and the President, to determine how the United States will live up to the agreement. If a resort to war is indicated, then clearly Congress will have to take action.

Mr. Thye. Mr. President, will the Senator from Wisconsin yield to me at this point?

Mr. Wiley. I yield.

Mr. Thye. The question which has been raised is that before the United Nations can commit us to use our troops, the United States Congress have a right to act upon a resolution which might be before the Security Council, and we have a right to exercise a veto in the event such a resolution is adopted by the Security Council, and therefore we have that safety insofar as the United Nations is concerned. In the case of the treaty now before the Senate, of course we have a right to examine the various questions.

The only part of the Korean Treaty which seems to me to be dangerous is the part which might affect the troops we now have in Korea. Of course we expect to have them there for some months to come. In the event a conflict between the South Koreans and the North Koreans should arise, our troops would be in the center of the conflict. Then the President would have to have the right and the courage to proceed to protect our troops at the very moment when shellfire broke out. But I believe that within the United Nations we do have the security of having a resolution considered by the Security Council; and we have the right to veto that resolution if we must.

Mr. Stennis. Mr. President, if the Senator from Wisconsin will yield further to me, I should like to boil down the question, repeating only a part of it: So far as language is concerned, virtually the same language is in the United Nation Charter; and a precedent was established under that language at the beginning of the Korean war.

It seems to me to be good logic and commonsense that if now we reenact virtually the same language, we reinforce the precedent which already has been established, we approve it, and we read into this language the meaning which has been given it. That is very clear; it is both law, logic, and precedent. Therefore, I am raising that particular point. I am not referring to all the conditions now existing in Korea.

As the Senator from Minnesota (Mr. Thye) has said, we already are at war in Korea. It is true there is a truce there now, but it is merely a temporary truce; and if a treaty of peace is not concluded, of course it is possible that our troops will have to resume the fighting. I am not trying to cover that point at all. Certainly our men will be protected.

But now the Congress is asked to legislate for the future, hoping at the same time that the present situation and condition will clear up. We are proposing to legislate for the long-time future, and it is proposed that we establish a precedent in the case of the continent of Asia. All the other agreements or arrangements were in relation to various islands in the Pacific, which at least can be surrounded by our aircraft carriers, submarines, and airpower.

But now we are proposing to deal with the continent of Asia and with a pact which will operate for an indefinite time in the future, unless terminated under its terms.

Therefore, I think this is the very heart of the question. If the language does not mean that the President can act without action by Congress, then what does it mean, and why include such language?

Mr. Wiley. To put it in a little different way, let me say the language simply means that if there is an overt attack by an aggressor upon one of our allies, the United States will simply take whatever action is determined by the President and Congress to be advisable under the circumstances, having in mind the obligations under this treaty, if it is ratified.

Mr. Stennis. The Senator says "the President and the Congress." He means, does he not, that the language would require affirmative action by Congress before the United States could enter into armed conflict or into a war?

Mr. Wiley. I think it means before we could get into a full-scale war; I am sure of that.

But I agree fully with the statement of the distinguished Senator from Mississippi, namely, that, regardless of wherever our troops may be, if they are attacked, they will not await action by the President in calling Congress into session; or if an attack were made on any of our territory, the President would be obligated, as Commander in Chief, immediately to take the steps which would be advisable under the circumstances.

In that connection, I think the declaration of the 16 nations relating to the armistice is very significant, and I now ask unanimous consent to have it printed at this point in the Record.

There being no objection, the declaration was ordered to be printed in the Record as follows:

"DECLARATION OF THE 16 NATIONS RELATING TO THE ARMISTICE, JULY 27, 1953 [1]

"We, the United Nations members whose military forces are participating in the Korean action, support the decision of the Commander in Chief of the United Nations Command to conclude an armistice agreement. We hereby affirm our determination fully and faithfully to carry out the terms of that armistice. We expect that the other parties to the agreement will likewise scrupulously observe its terms.

"The task ahead is not an easy one. We will support the efforts of the United Nations to bring about an equitable settlement in Korea based on the principles which have long been established by the United Nations, and which call for a united, independent, and democratic Korea. We will support the United Nations in its efforts to assist the people of Korea in repairing the ravages of war.

"We declare again our faith in the principles and purposes of the United Nations, our consciousness of our continuing responsibilities in Korea, and our determination in good faith to seek a settlement of the Korean problem. We affirm, in the interests of world peace, that if there is a renewal of the armed attack, challenging again the principles of the United Nations, we should again be united and prompt to resist. The consequences of such a breach of the armistice would be so grave that, in all probability, it would not be possible to confine hostilities within the frontiers of Korea.

"Finally, we are of the opinion that the armistice must not result in jeopardizing the restoration or the safeguarding of peace in any other part of Asia."

Mr. Wiley. Mr. President, I shall read a part of the declaration of the 16 nations. It relates to the United Nations members whose military forces are participating. I read the following:

"We affirm in the interest of world peace that if there is a renewal of the armed attack, challenging again the principles of the United Nations, we should again be united and prompt to resist. The consequences of such a breach of the armistice would be so grave that in all probability it would not be possible to confine hostilities within the frontiers of Korea.

"Finally, we are of the opinion that the armistice must not result in jeopardizing the restoration or the safeguarding of peace in any part of Asia."

Mr. Stennis. Mr. President, will the Senator from Wisconsin yield at this point for a brief question?

Mr. Wiley. Yes; I yield.

Mr. Stennis. Of course, we protect our troops wherever they may be. However, apart from that, does the Senator from Wisconsin agree that before we would be called on to act under this treaty, affirmative action by the Congress, as well as by the President, would be required? Does the Senator agree to that?

Mr. Wiley. The Senator from Mississippi now speaks, does he, about the use of force?

Mr. Stennis. Yes; the use of force.

Mr. Wiley. Very well. I think that if the circumstances were such as I have suggested, namely, if there had been an overt act of aggression, but our troops were not involved, or if there had not been an attack upon our own troops, but simply an attack upon the troops of our allies, it would necessarily follow, under article III, that we would act to meet the common danger; and our action at that time would be in accordance with constitutional processes. If it did not mean consultation, or something similar, with respect to which the Executive has the power, and if it meant utilization of the Armed Forces, I believe that Congress should and would have to decide.

Mr. Stennis. I thank the Senator very much.

Mr. Cooper and Mr. Humphrey addressed the Chair.

The Presiding Officer. Does the Senator from Wisconsin yield, and if so, to whom?

Mr. Wiley. I have only a little left of my statement, and then I shall be glad to open myself to general questions, if that is agreeable.

Article IV of the Treaty grants to the United States the right to dispose United States land, air, and sea forces in and about the territory of the Republic of Korea, as determined by future mutual agreement. By contrast with the corresponding provision of the Japanese Mutual Security Treaty, the United States is under no obligation under the Korean Treaty to participate in the internal security of the Korean Republic, or, as I have already noted, to take any military measures as a result of a revolution within Korea. We can, in fact, pull out all our Armed Forces from that area any time we desire to do so; not that there is any such intention. The existing military situation in Korea makes it more than likely that the stationing of United States forces there will be in our national interest for some time. As a consequence, a supplementary agreement to implement the terms of article IV will be needed to regulate the presence of our Armed Forces on Korean soil. Our committee has been assured that we will be consulted by the Department of State concerning the terms of the anticipated agreement.

---

[1] U. N. Document S/3079, August 7, 1953, made public August 7, 1953.

The treaty is to remain in force indefinitely, although either party may terminate it 1 year from the date that it gives notice thereof to the other party.

Now, Mr. President, let me say just a few words about the United Nations. In our treaties with the Philippines, and with Australia and New Zealand, the parties agree to report to the Security Council any action taken to repel an armed attack. This language has been omitted from the Korean Treaty. Does this mean that the United States is disregarding its obligations under the U.N. Charter?

I want to dispel any doubts Senators may have on this point. The facts of the matter are these. Article 51 of the United Nations Charter, which restates the fundamental right of states to defend themselves against attack, specifically refers to members of the U.N. Since South Korea is not a member of the United Nations, it was deemed desirable, during the negotiations, to omit any reference to the Security Council in this treaty. This in no way reflects any change in the warm support of the present administration for the United Nations.

Mr. President, this is not a one-sided treaty. It is not a gesture of altruistic deference to the Korean people; but it is an instrument which is eminently in the best interests of both the United States and Korea. The Korean Army has been tested and tempered in the crucible of battle. It has proven itself to be a valiant, fearless, and able ally. In testimony before our committee, Gen. Matthew Ridgway referred to instances in the history of our operations which demonstrated that Korean troops, under Korean leadership, fought with much the same effectiveness as our own. According to General Ridgway the Korean soldier, if provided with proper training, equipment, and leadership, will fight with very great gallantry and very great efficiency. This military reservoir, which is not negligible, complements the deterrent effect which is the primary purpose of the treaty—to put the world on notice that we intend to defend the peace in Korea.

Prompt ratification of the treaty will prevent doubts from arising in the minds of those who covet the soil of Korea as to just what our intentions are. The treaty itself will be a stabilizing factor in an area which has known little stability for so many years.

Mr. President, the Korean Mutual Defense Treaty is a testimonial to a gallant people, a long-suffering people who bear the scars of a terrible scourging endured through 3 years of misery, 3 years of indescribable devastation, and its accompanying sorrow of hunger, disease, and death. Victims of a cruel and premeditated aggression carefully prepared by the Communist enemies of civilization, they fought a desperate struggle, at first inadequately armed and inadequately supplied but richly endowed with a spiritual resource that enabled Korea to bear up proudly under any adversity which would have humbled others in more fortunate circumstances and blessed with greater advantages.

We have been proud to call the Koreans our ally; and we are proud to have fought and worked with them. And we should be proud to join with them in this instrument of mutual faith and confidence, which will serve the cause of peace and freedom, and strengthen our Pacific defenses.

I strongly urge the Members of the Senate to accept the recommendations of the Committee on Foreign Relations, and to give their advice and consent to the ratification of this treaty, subject to the understanding which has been described.

In our discussion in the committee there followed, as a result of the contribution made by the Senator from Georgia (Mr. GEORGE), the understanding, which is made a part of the resolution of ratification. The understanding reads as follows:

"It is the understanding of the United States that neither party is obligated, under article III of the above treaty, to come to the aid of the other except in case of an external armed attack against such party; nor shall anything in the present treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea."

I now yield to the Senator from Kentucky.

Mr. COOPER. I thank the Senator from Wisconsin for yielding.

The PRESIDING OFFICER. Is the Senator from Wisconsin yielding the floor, or yielding for a question?

Mr. WILEY. I yield for a question.

Mr. COOPER. I have been very much interested in the searching questions asked by the distinguished Senator from Mississippi (Mr. STENNIS). I should like to say, first, that I do not believe that the wording of the United Nations Charter has relevancy in this situation.

I ask the Senator from Wisconsin if it is not true that the United Nations, contrary to popular belief held by some, has no power whatsoever to commit this Nation to war.

Mr. WILEY. That is correct.

Mr. COOPER. There is only one situation in which the United Nations might have any power to commit our troops. If under the Charter nations have made available to the Security Council of the United Nations fixed and permanent military forces, consenting in advance for their use to maintain peace, there would be authority to commit the forces. As this has not been done by the United States or any other nation, I say and I am sure the Senator from Wisconsin will agree—that there is absolutely no power in the United Nations, to commit this Nation to war.

Mr. WILEY. I agree.

Mr. COOPER. The Senator from Mississippi has raised the most searching question that can be addressed to this treaty. As the Senator from Wisconsin has said, it is the age-old constitutional question, "Under what circumstances can the President of the United States take action which, as a practical matter, may have the effect of committing this Nation to war without a congressional declaration of war?"

The phrase, "constitutional processes" must imply the powers of both President and Congress. Under the Constitution the President of the United States can assert under certain circumstances—such as our troops being attacked or our physical area being invaded—his constitutional power as Commander in Chief to take action for the security of the country. Such action could, of course, lead to war.

The important language in this article, it seems to me, in addition to the phrase "constitutional processes," which is difficult of interpretation, is the language defining the area, and conditions in which the United States would be morally committed to take some action under its constitutional processes.

I believe the distinguished Senator from Wisconsin has said that he did not intend to make a statement which would interpret in any way the words "constitutional processes" to exclude the constitutional power of the President of the United States as Commander in Chief to act, under certain circumstances which he might think proper, to protect the security of the United States. Is that correct?

Mr. WILEY. Yes, of course. Again we get into a field which has been the subject of discussion for some 165 years, as I have said. However, I believe that with the understanding which has been appended as a result of the suggestion of the Senator from Georgia [Mr. GEORGE] there can be no question as to what the meaning of the treaty is. As I have stated, there is nothing in the treaty which would delimit the constitutional power of either Congress or the President.

Mr. COOPER. We seem simply to speak in a circle and come back to where we started. What does "constitutional processes" mean?

Mr. WILEY. If it is not a Bricker amendment, if that is what the Senator has in mind.

Mr. COOPER. We come back to the question: What are the constitutional powers of the President and Congress with respect to taking steps toward war? I believe that the distinguished Senator from Wisconsin has said that, in the absence of such circumstances as demanded the protection of the security of the United States, we would certainly expect that Congress would determine whether the United States should go to war.

Mr. WILEY. I believe that expresses very forcefully the position I take as to what the language means. However, I cannot help but say that, as we discuss the treaty, which relates to a small country, a mere dot on the perimeter of the earth, so to speak, we cannot close our eyes to the fact that in the day in which we are living—and I say this very thoughtfully—I am sure if we could foresee any danger of a third world conflict which would make it advisable for the President not to convene Congress in Washington, where we could be immediately blown out of existence by a bomb, but himself to take the steps which were necessary under the circumstances, Congress should provide the machinery to make it possible to vote, if necessary, by television or in any other way, so that that which happened to Hiroshima could not happen to Washington.

The story has been told that the Commander in Chief was consulted on the wisdom of dropping the A-bomb on Tokyo, and he said, "If we do so, we will kill the Emperor, and kill all the high government officials in Japan. We cannot do that to Japan, because we need the Emperor, around whom the people can gather when we take over."

There will be nothing like that in a third world war. The object will be to paralyze at one time the entire Government—Congress, the Executive, and the courts. Consequently, there should be adequate machinery available whereby Congress could vote by long distance on the subject.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. WILEY. I yield further to the Senator from Kentucky.

Mr. COOPER. I thank the Senator from Wisconsin. I know I share the hope of every Senator that there will be no resumption of the Korean war, but if there should be, there will be opportunity for Congress to take proper constitutional action.

But we cannot take away from the President his constitutional powers to protect our security, and I do not believe we ought to give to this treaty any interpretation which would permit any assumption that he would not act to protect our forces or to meet further aggression in Korea.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. WILEY. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I feel that the questions which the Senator from Mississippi [Mr. STENNIS] has asked and the probing he has done are of such significance that those of us who served on the Committee on Foreign Relations at the time of the discussion of the treaty should make our own positions quite clear.

First of all, I concur in the general analysis and interpretation of the treaty as given by the Senator from Kentucky [Mr. COOPER]. When we mention the phrase "constitutional processes" we must remember that in article III of the Korean treaty, which is now under discussion, the phrase is preceded by the language: "would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes."

The Government of the United States would determine the action in the area which would be dangerous to its own peace and security.

The truth of the matter is that "constitutional processes" relate to two sections of our Constitution. The phrase relates to article I, dealing with the legislative authority of Congress to declare war. It also relates to article II, the Executive authority, in which article the President is made the Commander in Chief of the Armed Forces of the United States. He takes an oath of office to defend the Republic and uphold the Constitution.

It seems to me that to argue the question of constitutional processes is beyond the point. The fact is that the courts have interpreted, and the President, by effective Executive action, has made it clear and unmistakable, that the Executive, the President of the United States, under the Constitution, within the constitutional processes, can take the action he deems to be necessary in order to protect the peace and safety and security of the Nation.

The only reason we are entering the treaty at all is because we feel it is in the interest of the security of the United States to do so.

I asked the Secretary of the Army, Mr. Stevens, and General Ridgway whether it was their feeling that the defense of Korea was important to our national security. The answer is to be found in the hearings. General Ridgway answered unmistakably, as did the Secretary of the Army, that the defense of South Korea against armed attack was absolutely essential to the safety and jurisdictional integrity of the United States.

I want my friend, the Senator from Mississippi (Mr. STENNIS) to know that I do not interpret the term "constitutional processes" to mean necessarily that there would be an open declaration of war by Congress.

I would hope that the preceding section of article II, which refers to consultation by the parties in case of an impending attack, would give the President time to come before Congress. However, it is entirely possible, as we sit here today, now at this very minute, that an attack could be launched against American installations in Okinawa or in the Philippines or in Korea. Surely under such circumstances we would expect the President to take effective action, as the Commander in Chief, to protect our forces and our interests. I want that point to be absolutely clear in light of the important questions which the Senator from Mississippi has asked.

It is important to bear in mind that we have a flexible defense structure, under which, as the Secretary of State and the Secretary of Defense stated, in answer to questions by Senators, it is the policy of the United States not necessarily to restrict action, in case of aggression in Korea or in other areas, to the immediate geographical area where the combat is occurring, but to pick and choose as we please.

I asked questions along that line of the Secretary of Defense and of General Ridgway, when they appeared before the committee. I asked General Ridgway the question: "Would we be limited under the treaty to confine our military action to South Korea?" His answer was that we would not be so limited, but that we would be able to pick and choose. He did not say where we would pick and choose, but he said that we would use our forces where we saw fit to use them.

I think we all ought to understand that fact when we vote on the treaty, as we should understand what we are voting for. I shall vote for the ratification of the treaty.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I was about to yield to the Senator from Utah [Mr. WATKINS]. I am perfectly willing to sit down and permit the Senator from New Jersey to speak on the treaty.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. WATKINS. I did want to ask a question of the Senator from Wisconsin, but inasmuch as the Senator from Minnesota has made his statement I believe it is only fair to give the Senator from Mississippi [Mr. STENNIS] an opportunity to make a statement.

Mr. STENNIS. Mr. President, the Senator from Minnesota [Mr. HUMPHREY] referred to the Senator from Mississippi, and I should like to have the opportunity of replying on the time of the Senator from Wisconsin, if he does not object.

Of course, if our troops were attacked in Korea or in Okinawa, or anywhere else, the President of the United States could immediately act to defend them. That, however, is entirely apart from the argument today. The question before the Senate today goes far beyond the sphere of activity of the United States Government in protecting American troops. It goes to the question of saying to a foreign nation: "If you are attacked, under any circumstances, we will come right into the fray."

That is the question before us. I ask now: By constitutional processes is it meant that Congress will be ignored? The Senator from Wisconsin has been very honest and has stated how Congress would enter the picture. Others may be just as honest and yet disagree. However, let us keep our eye on the ball. The question is whether, in certain circumstances, we will commit ourselves unconditionally to go into a foreign country.

It is a new policy. The question is, What does "constitutional process" mean? If it does not mean that Congress is involved, why have that clause in the treaty? If it does not mean that Congress is to declare war, then I believe it is included argumentatively, and I say let us strike it out so that it may be clearly defined and a two-thirds majority of the Senate may give an interpretation. I think we should include the action of the Congress. We are treading on dangerous ground when we commit ourselves to take action thousands of miles from home without giving Congress an opportunity to participate in the decision.

Mr. SMITH of New Jersey. Mr. President, will the Senator from Wisconsin yield for a moment?

Mr. WILEY. I will yield shortly. I do not think there is a great amount of difference between the two Senators who have spoken on the other side of the aisle. The treaty contemplates that an overt act of aggression being committed on South Korea—that is the single fact we will take into consideration—and in that event there is no question in my mind that the phrase "constitutional processes" means action by the Congress. I have said so 3 or 4 times in different ways, but I again refer to the understanding which is made a part of the treaty:

"It is the understanding of the United States that neither party is obligated, under article III of the above treaty, to come to the aid of the other except in case of an external armed attack against such party; nor shall anything in the present treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea."

That expresses what we think the treaty means in relation to an overt attack by any nation upon South Korea.

Let us assume, as has been suggested, an attack upon Okinawa or upon our Armed Forces in Hawaii, and it comes to the knowledge of the President. He cannot permit our forces to be sitting ducks. His duty is to be alert and to be ready for any emergency, and the forces under him must be ready.

I do not think I can say anything more than I have said, that the treaty does not delimit the power of the Executive or the power of the Congress. Everything remains as is provided for in the Constitution. We are saying to an ally, "You remain at home. If an aggressor attacks you, then, pursuant to congressional authority or constitutional process, we will decide what we are going to do."

Mr. HUMPHREY. Mr. President, will the Senator from Wisconsin yield at that point?

Mr. WILEY. I yield.

Mr. HUMPHREY. The Senator's comments about the interpretative clause I think should be clearly understood to involve two things: First, to define the scope of the treaty, as the Senator has pointed out; second, if the Government of South Korea should start a unilateral action and try to defend Korea by military means, which was the subject of interrogation of witnesses, under this treaty, because of such unilateral action within the peninsula of Korea, started let us assume, by our partner to the treaty, we would be under no obligation to furnish military defense. This does not rule out the possibility that, as a result, it may be necessary for us to take action within the area to defend our own installations, our own interests, but it makes it clear that this treaty can be interpreted in no way as binding the United States to aid in some expedition on the part of Dr. Rhee.

I should like to make it clear, Mr. President, because we are at a point in foreign affairs where we must be mature and, I should say, somewhat bold and frank, that this treaty does not make mandatory a declaration of war on the part of the Congress of the United States. It does, however, require that the President of the United States, following constitutional processes in article I and article II, defend the security, the peace, and the interests of the United States.

Mr. President, I should like to quote what General Ridgway had to say. I said to General Ridgway in questioning him:

"Senator HUMPHREY. Do we consider the southern half of Korea as essentially necessary, or essential to our defense in the Pacific—to the defense of our own security and territorial responsibilities that we have in the Pacific?

"General RIDGWAY. Positively; yes, sir."

That is a clear-cut answer.

So, finally, it seems to me that the chairman of the committee has given the only answer that can be given; namely, it bears upon the situation, and the President can surely come to the Congress if it is humanly possible, particularly if the hostilities are of great dimension; but no Congress would want to tie the President's hands in doing what is necessary for the fundamental interests and security of the Nation.

Mr. WILEY. We will determine the action for consultation, well and good. But if we should find ourselves in a situation similar to that at Pearl Harbor, where our country took action before it declared war, and the

President asked later for a declaration of war under this treaty or any other treaty, we would not expect the President of the United States to stand idly by and see the security of our own country threatened and not take positive action.

I desire to make clear that the military authorities have said they believe the defense of South Korea is essential to our own security.

Mr. WILEY. Mr. President, I said I would yield to the Senator from Utah.

Mr. WATKINS. Suppose a situation exists in which the war which has been raging in Korea is settled, and a peace treaty is entered into. This treaty, I understand, extends beyond such a period.

Mr. WILEY. That is correct.

Mr. WATKINS. It goes on indefinitely.

Mr. WILEY. That is correct.

Mr. WATKINS. Suppose Korea were again threatened. Am I to understand that Congress would be required to act before the President could send forces to defend against another attack?

I notice the Senator from Minnesota [Mr. HUMPHREY] is shaking his head. I totally disagree with his interpretation of the powers of the President.

Mr. WILEY. If I understand the Senator's statement is referring to a threatened attack. Does he mean there has actually been an overt attack?

Mr. WATKINS. Suppose another nation should attack Korea and the situation which we now have did not exist——

Mr. WILEY. I read, and I thought the Senator from Minnesota also referred to this language:

"Nor shall anything in the present treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea."

I think that if an armed attack occurred, it would be up to the President of the United States to submit the matter to Congress.

Mr. WATKINS. That is my understanding.

Mr. WILEY. I have said that 50 times.

Mr. WATKINS. I wanted to be certain. I desired to ascertain what would happen if we were enabled to get out of the present condition, which has never been legally declared to be war, but actually is war. When that situation has passed and there is peace again in the world, then, in the event of another attack upon Korea, or upon South Korea—let me put it that way—under this treaty, what would be the constitutional processes the United States would go through to become a party to that conflict or to decide not to become a party to the conflict?

Mr. WILEY. It would be necessary to follow the constitutional processes. The President would undoubtedly report the situation to Congress; and in such a case, if the attack was simply an isolated attack upon South Korea by an aggressor, I think the language of the treaty is very plain.

Mr. WATKINS. That Congress would have to make the decision whether the United States would go to war or would not go to war?

Mr. WILEY. The Senator is correct.

Mr. WATKINS. That is what I wanted to have made clear.

Mr. BUTLER of Maryland. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. BUTLER of Maryland. I am sorry I have not had an opportunity to follow the debate as closely as I should have. My question may already have been answered.

I wish to ask the distinguished Senator from Wisconsin if it is the desire of the contracting parties to leave the matter to their own individual constitutional processes within their own countries, why does the treaty provide that we shall perform acts to meet dangers, instead of following the formula as laid down by the Atlantic Pact, which makes it optional as to whether we shall?

Mr. WILEY. I do not have any question in my mind that it is made optional, entirely depending on the act of Congress. Article II provides:

"ARTICLE II

"The parties will consult together whenever, in the opinion of either of them, the political independence or security of either of the parties is threatened by external armed attack. Separately and jointly, by self help and mutual aid, the parties will maintain and develop appropriate means to deter armed attack and will take suitable measures in consultation and agreement to implement this treaty and to further its purposes."

Then article III sets forth:

"ARTICLE III

"Each party recognizes that an armed attack in the Pacific area on either of the parties in territories now under their respective administrative control, or hereafter recognized by one of the parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes."

In order to make it absolutely clear—and I have read this three times previously—the distinguished senior Senator from Georgia [Mr. GEORGE] submitted an understanding to be appended to the treaty, and all members of the Committee on Foreign Relations agreed that it should be appended. It reads as follows:

"It is the understanding of the United States that neither party is obligated, under article III of the above treaty, to come to the aid of the other except in case of an external armed attack against such party; nor shall anything in the present treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea."

As we said by the distinguished Senator from Minnesota [Mr. HUMPHREY], the committee debated very clearly the issue: Suppose Syngman Rhee started the battle. Would there be any obligation on the part of the United States? The answer was, "No, there would be no obligation whatsoever."

Does that answer the question of the Senator from Maryland?

Mr. BUTLER of Maryland. I think the Senator has answered my question.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. CHAVEZ. I wish to clear up a point in my own mind. I am in accord with what the United States has done in the case of South Korea. But I see Korea divided into South Korea and North Korea. Suppose Syngman Rhee, possibly feeling as did Abraham Lincoln about our own country, that it should not be divided into South United States and North United States, decided to go to war about the division of Korea? What would be the obligation of the United States under the treaty?

Mr. WILEY. There would be no obligation.

Mr. CHAVEZ. The Senator will remember that once upon a time Lincoln took the United States to war on the question of a divided country, and many men from Wisconsin and every other State of the Union north of the Mason and Dixon's line fought in battle against those who lived south of the Mason and Dixon's line, who felt the other way about the question. If Lincoln was right, would Syngman Rhee, likewise, be right, if he declared a war to unite Korea?

I think I am asking a fair question. Should there be a South Korea and a North Korea?

Mr. WILEY. I shall be very happy to try to answer the Senator's question. First, if Syngman Rhee should precipitate a war, there would be no obligation upon the United States under this treaty.

Mr. CHAVEZ. That is the point.

Mr. WILEY. There would be no obligation whatsoever upon our Government.

Second, when Lincoln said there should be one nation, indivisible, he recognized that if the South should win, it would have been the beginning of "dividitis," and the United States would have been merely another country of the Balkan type.

Mr. CHAVEZ. What about Korea?

Mr. WILEY. So Abraham Lincoln was right.

Third, so far as Syngman Rhee is concerned, so far as the United Nations is concerned, and so far as the United States is concerned, we have said that we will take steps, and we are trying to take steps, to bring about a unification of Korea, but we will not go to war for that purpose. I think that policy is definite and certain. I think all of us sympathize with Syngman Rhee and with Korea. All of us hope that if and when the world conflagration simmers down, Korea can again be united and be one people. But that is some distance in the future.

The philosophy of this treaty was stated better than I myself could state it by our distinguished colleague, Mr. Dulles, who is now Secretary of State. The purpose is to serve notice upon those who caused the devastation in Korea that if they attempt to take South Korea, then we will take such steps, pursuant to our congressional processes, as we deem advisable.

Furthermore, as I have said, the United Nations has said substantially the same thing. Sixteen of the United Nations have declared that to be their policy.

Mr. CHAVEZ. I wish to thank the Senator from Wisconsin for his indulgence. The only point I wished to make, and I think the Senator from Wisconsin has answered my question correctly, is that by our preachments we try to sell our ideas of government to other countries. But once in a while I become very much confused. I see South Korea, and I see North Korea. Yet we have the example of Lincoln, who was a peaceful man, permitting Americans to be killed in order to hold the United States together. I do not know for certain, but it seems to me that once in a while we are willing to have people of the same type and kind divided.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. WATKINS. I wish to ask the Senator from Wisconsin why a treaty is needed when we already have the United Nations operating. The United Nations is supposed to protect the interests of all the small nations of the world, and that covenant has still a long time to run.

Will the Senator explain why this treaty is needed, even though the United Nations has been and is supposed to be continuing to fight to defend the integrity of South Korea?

Mr. WILEY. I believe I answered the inquiry of the Senator in my opening remarks. I showed quite clearly that the reasons for the treaty was given by Secretary Dulles, and by the other witnesses who testified at the hearings. If the Senator will read the hearings, I think he will find the answer to his question.

My own conclusion is that, among other things, we have been precipitated into leadership in the world, and that we ought to enter into the treaty. I felt that in view of the treaties into which this country had entered with Japan, the Philippines, Australia, and New Zealand, it was necessary to serve notice upon the Kremlin that we would do what is set forth in the pending treaty. After all, the Kremlin is pulling the strings. The Kremlin pulled the strings when we were involved in hostilities with North Korea. After we defeated the North Koreans, the Kremlin induced General Mao and the Chinese Communists to enter the conflict. We fought the Chinese Communists and succeeded in halting them. About 2 million lives were lost in the conflict. We are stating to the Kremlin now, "If you start again, what follows may not necessarily have to be a limited war"—and it may not be a limited war.

In the opinion of that branch of Government which spearheads foreign policy, it was thought that to enter into the pending treaty would be in the interest of peace and security.

In the course of my remarks I called attention to the fact that if South Korea were defeated by the Communists, that country would become a spearhead right into the very heart of Japan. If the Kremlin could gain control of Japan, with its great industrial capacity, it would mean that all of Asia would be lost to the Communists, including the southeast. That area would include Japan, Formosa, the Philippines, Australia, New Zealand, and the rest of that vital area of the world.

I think it is the judgment of the best military brains—and I do not claim to be one of them—that it is necessary to enter into this treaty with Korea in the interest of America. I think that underlying that foreign policy is the basic principle of self-preservation, the preservation of the Nation itself. When steps are taken such as will be taken in consenting to the treaty, I think it will be the judgment of those who claim to know, who claim to have facts of which we have only a part, that the treaty is vital to the security of this country.

Mr. WATKINS. Mr. President, will the Senator yield for another question?

Mr. WILEY. I yield.

Mr. WATKINS. Is not the making of this treaty another confession that the United Nations does not have adequate power to do what it was created to do, and that the United Nations has substantially failed to protect all the smaller countries, and that that failure has required the United States to enter into a series of treaties in the Pacific, as well as to enter into the North Atlantic Pact?

Mr. WILEY. I do not think that the United Nations had, from the nations which constituted that organization, the authority to undertake the job. The United Nations is but an adventure in seeking to create some kind of unity at a crossroads of the world, where the black, white, red, and yellow men can meet and exchange ideas. However, there is no real power in the United Nations as yet. Perhaps when nations begin thinking alike, and dreaming a little more about fundamental spiritual factors, the United Nations may become a truly international force.

I might add the treaty is made pursuant to article 51 of the United Nations Charter, relating to the right of states to defend themselves. In the case of NATO in Europe, an organization of nations was built up for that very purpose. As a matter of fact, the United Nations Charter contemplates just such an organization.

Mr. COOPER. Will the Senator from Wisconsin yield for a question?

Mr. WILEY. I yield to the Senator from Kentucky.

Mr. COOPER. While we have an interest in the defense of smaller states against aggression, is it not true that one of the reasons behind the making of the treaty is as stated in article 3, a concern for the peace and safety of this country?

Mr. WILEY. Korea is not a member of the United Nations.

Mr. COOPER. Is it not true that we consider it important to the security of our own country?

Mr. WILEY. The Senator is correct.

Mr. COOPER. Mr. President, I remember that a year or two ago there were those who stated that the failure of the Government to announce that Korea was of interest to the United States and important to the peace and security of the United States was an invitation to invasion by the Communists and, in fact, helped precipitate the Korean war. Today we are considering a treaty which takes the opposite course, and which gives effective notice to the Communist aggressors that Korea is important to our peace and security. Unfortunately, some of those who complained a short while ago that the United States had not given notice of its intentions now find fault with this treaty which makes it clear.

Mr. WILEY. I thank the Senator. The Senator is stating what I believe is one true reason for the negotiation of the treaty.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I yield to the Senator from Mississippi.

Mr. STENNIS. As the Senator from Mississippi has indicated to the Senator from Wisconsin, I have a few more questions to ask. Some might be involved so far as the time taken to propound them is concerned, and if the Senator will be on the floor of the Senate at some later date in the debate, I should be glad to defer to him now for his lunch hour, and we can take these questions up later.

Mr. WILEY. If the Senator has something to ask, he had better ask it now.

Mr. STENNIS. Very well. Will the Senator yield?

Mr. WILEY. I am happy to yield.

Mr. STENNIS. I wish to preface my questions by saying that since early childhood I have had a very high respect for the Korean people. I know a little about some of the Christian missionaries who have gone among those people. I have had a most profound respect for the present Ambassador from Korea, and have found him to be a very intelligent and patriotic gentleman. Therefore my remarks will not reflect anything but praise and admiration for the Korean people.

As I understand, it is frequently said in a segment of the press that a promise was made to Syngman Rhee that the pending pact or treaty, or one similar, would be entered into, and that that promise was made to him before he would ever agree to the cease-fire. I was very much disturbed when Syngman Rhee released certain prisoners, and, as I understand, that delayed the cease-fire several weeks, during which time lives were lost.

As I have understood, through segments of the press and otherwise, before the cease-fire was finally obtained, a promise was made that the pending treaty would be consummated. Does the Senator know anything about that, and will he tell the Senate the facts on that point?

Mr. WILEY. The only information I have on the subject is that when Secretary Dulles went to Korea he entered into this agreement, but he said he would have to submit it to the Senate, and that it would then be up to the Senate. He did comply with that promise, and submitted the treaty to the Senate, and the Senate Committee on Foreign Relations held hearings.

As to the other matters referred to in the Senator's question, about what he has read in the press, I have consulted with Dr. Wilcox, of our committee, and we have no distinct recollection about those facts.

There appears in the hearings a letter from President Eisenhower to President Syngman Rhee, in response to a letter from President Rhee. President Eisenhower's letter is dated May 30, 1953, and is found on page 53 of the hearings. In that letter President Eisenhower said:

"You speak of a mutual-defense pact. I am prepared promptly, after the conclusion and acceptance of an armistice, to negotiate with you a mutual-defense treaty along the lines of the treaties heretofore made between the United States and the Republic of the Philippines, and the United States and Australia and New Zealand. You may recall that both of these treaties speak of "the development of a more comprehensive system of regional security in the Pacific area." A security pact between the United States and the Republic of Korea would be a further step in that direction. It would cover the territory now or hereafter brought peacefully under the administration of the ROK. Of course, you realize that under our constitutional system any such treaty would be made only with the advice and consent of the Senate. However, the action which the United States has heretofore taken, and the great investment of blood and treasure which has already been made for the independence of Korea, are certainly clear indications of American temper and intentions not to tolerate a repetition of unprovoked aggression."

That confirms everything we have said before.

Mr. STENNIS. What the Senator from Wisconsin has said confirms, then, the article in the New York Times, dated January 22, in which the flat statement is made that—

"The mutual defense treaty with Korea was signed by the two Governments on October 1, 1953, and transmitted to the Senate for approval 11 days ago.

"The treaty was one of the conditions demanded by President Syngman Rhee, of South Korea, for his agreement to the Korean armistice. That demand, said the committee report, reflected the legitimate concern on the part of South Korea for its security in the postarmistice period."

Mr. WILEY. I cannot agree that that can be read into the President's letter. I think there were negotiations; and I can imagine that Syngman Rhee, under the conditions confronting him, should have had assurances. The President said in his letter:

"However, the action which the United States has heretofore taken, and the great investment of blood and treasure which has already been made for the independence of Korea, are certainly clear indications of American temper and intentions not to tolerate a repetition of unprovoked aggression."

Now let us back up the President and ratify the treaty.

Mr. STENNIS. But these representations were made, at least partly, in order to obtain a "cease fire." My point is that if the "cease fire" was obtained in that way, in a measure the Senate was largely committed to ratify this treaty.

My question is, Should not there have been some consultation? Of course, there might have been. I shall ask the question whether there was any consultation before this treaty was agreed upon, in substance. Was there any prior consultation with the Senator from Wisconsin or with any other member of his committee, so far as he knows?

Mr. WILEY. Yes; and in that connection I read from page 2 of the committee report:

"3. COMMITTEE ACTION

"Assistant Secretary Robertson, on his return from the preliminary negotiations with President Rhee, appeared before the committee on July 16, 1953, and gave a full report on the course of the negotiations, on the problems encountered, and on proposed future negotiations. This was supplemented by several consultations between the Secretary of State and the members of the Far Eastern Subcommittee during the negotiations."

The Senator from New Jersey [Mr. SMITH] was the chairman of that subcommittee.

I read further from our report, on page 2:

"In the light of these consultations, and the fact that the treaty was made public almost 2 months before it was signed and 5 months before it was transmitted to the Senate, the committee felt that adequate opportunity for a full consideration of all the issues involved had been offered. Consequently, the committee proceeded to consider the treaty soon after its reference to the Senate.

"On January 13, 1954, public hearings began with testimony by Secretary of State John Foster Dulles, who discussed in detail the foreign-policy aspects of the treaty. The hearings concluded the following day with testimony by Secretary of the Army Robert T. Stevens and the Chief of Staff of the Army, Gen. Matthew V. Ridgway, who addressed themselves to the military aspects of the treaty. The committee considered the treaty in executive session on January 19, 1954, and voted without objection to report the treaty to the Senate with an understanding, which is discussed below.

"The committee wishes to commend the executive branch for its attempts to keep the committee informed during the course of the negotiations. Such consultations, properly timed as they were, can do much to build a spirit of cooperation between the two branches of the Government."

Mr. STENNIS. I have no particular complaint about that. My point is this: In order to obtain the cease-fire, in order that American boys might be spared the hardships of further military action, we had to make a promise for a mutual security pact of some kind, substantially like this one. Is that a fair statement of the situation?

Mr. WILEY. I do not think it is fair, because the President stated in his letter that he would enter into the treaty; and in the letter he also said:

"Of course, you realize that under our constitutional system any such treaty would be made only with the advice and consent of the Senate."

Mr. STENNIS. Yes; I am sure that point was made clear.

My question is this: Was not the agreement originally made—I refer to the agreement to negotiate this treaty through constitutional processes—under duress or semiduress, in order to obtain a cease-fire, after we had been on the verge of a cease-fire a few weeks previously, but suddenly that possibility seemed to be blown up, so to speak, by the release of the prisoners?

Mr. WILEY. I have no information by which I can affirm or disaffirm that statement. But by consulting with the State Department, I imagine the Senator from Mississippi can obtain a very definite answer on that subject. I will say that no such statement was made before the committee.

Mr. STENNIS. Of course, in large part the Senator from Wisconsin is my consulter with the State Department, because I know he keeps up with these matters, and I know he will give us an honest report.

Mr. President, will the Senator from Wisconsin yield for another question?

Mr. WILEY. Certainly.

Mr. STENNIS. The committee report mentions a regional security pact in the Pacific area. It mentions it as a possibility and as something which the committee thinks is perhaps a desirable step. Does the committee have in mind, for the regional pact, a specific pact to which the United States would be a party?

Mr. WILEY. I remember distinctly asking the question whether there was under contemplation a NATO for the Pacific; and I remember distinctly, also, that the Secretary of State spoke on that subject. We include the following in our report:

"The committee, therefore, raised the question of a Pacific pact or Pacific NATO with the Secretary of State. Although he felt that such a development would have certain advantages, the Secretary pointed out that the Pacific countries have cultural and political differences in addition to physical separation, which distinguished that area from Europe.

"'I think it would be very fortunate if a Pacific security system could be developed and it certainly is a possibility which we have very much in mind, but it does not seem as though that could be achieved at any early predictable date.'

"The committee, while concurring in the Secretary's evaluation of the prospects for a Pacific pact, wishes nonetheless to express its belief that such a pact is a desirable ultimate objective of United States policy in the Pacific and hopes that the Department of State will continue to encourage such a development. The security of the Pacific area would be measurably enhanced if the nations of that region would join and work together for their regional and collective self-defense."

Of course, he went into detail, and, of course, what he said was correct. Those nations are somewhat in the same position as the one France and Germany have been in. Their approach to any degree of unity can be brought about, I believe, only by means of the very thing which we hope will bring about unity in Europe, namely, the tremendous pressure of the Communists, which would require those nations to unite in order to save their own skins.

Mr. STENNIS. Mr. President, if the Senator from Wisconsin will yield further, let me say that brings us to another question: Instead of calling on the United States of America alone to enter into a pact with Korea to guarantee Korea against attack, why not make a real effort to obtain adherence to such a pact by some of the other Pacific nations that are close by Korea and certainly are as much bound up with Korea's future as are countries many thousand miles away? Why not make an earnest effort to have such nations join in a pact of that sort—if not in a Pacific pact, then at least in a group in which we would have some helpful standbys.

Mr. WILEY. I have no question that that group has been canvassed. The Secretary of State has said that such a pact does not seem possible in the predictable future. However, I do not think that prevents a future administration or the present administration from trying to bring about an agreement on the part of states which could constitute a real barrier to Communist advance in Asia.

But, again, dealing with that problem is like dealing with the problem now existing between France and Germany, and the Kremlin.

Mr. STENNIS. Mr. President, I thank the Senator from Wisconsin for his answers. I shall not detain him further.

Mr. WILEY. Mr. President, I thank all the Senators who have asked questions. I am sure their questions have been directly to the point, and I am sure they have brought into the picture considerable light which I failed to bring in during the course of my discussion.

Mr. SMITH of New Jersey. Mr. President, I have just had a brief discussion with the Senator from Mississippi [Mr. STENNIS]. I told him there were a few matters which I wished to bring to his attention in reply to his questions. He would like an opportunity to go to lunch. I have a prepared speech on the Korean Treaty. I shall deliver that first and, if he will return to the Chamber after lunch, I shall be glad to discuss further with him the question which he has raised. In the meantime I shall deliver my prepared speech, which takes up some of the points. Later I shall be glad to discuss further the questions raised by the Senator from Mississippi. I shall try to make proper reply to them.

Mr. President, I rise to second and support the convincing argument made by the chairman of the Foreign Relations Committee, the able Senator from Wisconsin, in favor of the Korean Mutual Defense Treaty.

The future security of the Republic of Korea is a matter of definite concern, and immediately related to the security of the United States. The Secretary of State, when he appeared before our committee testified that our security interests extended to the Pacific Island chain of Japan, the Ryukyus, Okinawa, Formosa, the Philippines, Australia, and New Zealand, a chain anchored by two land bases: Korea and Indochina. He pointed out that we have a security tie with all of these areas.

I may say parenthetically that I have just been to that area, as chairman of the Far Eastern Subcommittee of the Committee on Foreign Relations. At a later date I shall make a report to the Senate on that trip.

The Republic of Korea has demonstrated by its valiant and stouthearted stand against the Communists that it is a firm and dependable link. The magnificent fight put up by the South Korean troops against the northern invaders will not be forgotten by the free world. South Korea's anticommunism is tested and unquestionable. This brave country is a valuable ally for the United States and for the free nations.

So far I have spoken of what the United States will gain from this alliance. Let me say now, that the Republic of Korea will gain a much needed and well-deserved sense of security from the treaty. Concerned and appalled as we have been by casualties among American forces in Korea, our losses do not compare with the suffering during the past 3 years of the people of South Korea. Their land has been ravished, their homes destroyed, their sons and husbands killed, their families scattered. South Korea has paid a heavy price for its resistance to Communist aggression. And although the fighting has ceased, under an uneasy armistice, the Republic of Korea has no assurance that it will not be asked to pay the same price again next month or next year.

This brings me to the main point that I wish to stress about this treaty, its deterrent effect upon potential aggression in Korea. I believe that few Senators will quarrel with me if I say that had the Communists known in advance in 1950 that the United States and the United Nations would take firm action to oppose their attacks, they would never have crossed the 38th parallel. A recurrence of this sort of aggression is exactly what this treaty is designed to prevent by giving the Communists a clear warning about United States reaction to such a venture.

I may say that this is one of a number of treaties which we have made with countries in that area to emphasize this warning. We have a treaty of mutual defense with Japan. We have such a treaty with the Philippines, with Australia, and with New Zealand, and now we have before us a treaty with Korea. It is part of a pattern which we are developing in order to give warning to the Kremlin that something will happen if there are any further aggressions in this area. The Communists will be in no doubt about our retaliatory action. The treaty says:

"Each party recognizes that an armed attack * * * either of the parties * * * would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes."

We have been discussing that provision for some time.

Article III was prepared with the greatest care. After considering a similar provision in the security alliances which we developed in West Europe under the NATO plan, we decided that, because under the NATO plan the treaty said an attack on one would be considered an attack on all, a difficulty was created, which occasioned a great debate when that instrument was before the Senate for consideration.

The question was whether, if there should be an attack, the President could act without constitutional processes, so we decided upon a different provision. I was in consultation with Secretary Dulles when the treaties with Australia and other countries were being negotiated. It was decided not to adopt the NATO pattern, namely, that an attack on one would be considered an attack on all, but the pattern of the Monroe Dictrine. So if we are now asked the question as to what would happen if one of those treaties were violated by an attack, we can well ask anyone who raises the question, "What would we do if there were an attack in some area of South America protected by the Monroe Doctrine? What are the constitutional processes which apply to such a situation?"

The same principle applies in connection with the treaty now before us. We have simply said, by this treaty and similar treaties with other countries, that we are giving a warning that we look upon the Pacific area as an area of danger to us—not to anyone else—comparable to the danger we saw when the Monroe Doctrine was first enunciated. Let me make that point clear.

Besides our unilateral guaranty to act to meet the common danger, Secretary Dulles pointed out that the Republic of Korea has also the guaranty of 16 United Nations members having troops in Korea that a violation of the armistice agreement will be met with countermeasures not necessarily confined to Korea.

It has been brought out very properly today that, of course, the present situation, with danger of a possible violation of the truce, is an immediate problem, and that we have very little doubt as to what we would do under those conditions. The United Nations is also committed as to what it would do.

The Korean Treaty looks beyond that, years ahead, and assumes that the Korean situation is to be cleared up. In this treaty we have the declaration of the Monroe Doctrine, that we would view with alarm a threat to our peace and security if there were any attack in the far eastern area.

Secretary Dulles said:

"What we mean by this is, we would no longer feel limited by the boundaries of North Korea and the Yalu River, no longer would there be a privileged sanctuary, as General MacArthur called it, north of which attacks against our forces could be mounted. We would feel free to extend hostilities to areas beyond Korea, if those areas were in fact being used as a base for attack against our forces in Korea."

In other words, we are serving a warning that something definite will happen in case there is a breach of the present truce.

A precise definition of our future action, such as that given by the Secretary of State, should be the greatest possible deterrent to anyone plotting further aggression in that area.

Between these two guaranties Korea can rest secure in the knowledge that it will not face renewed aggression alone.

One guaranty is the United Nations guaranty, with respect to which I have just quoted the Secretary. The other is the mutual-defense arrangement which we are setting up in the treaty with Korea. Korea can rest secure in the knowledge that it will not face renewed aggression alone.

When I was in Korea 2 months ago I observed that the conclusion of an armistice there and the 16-nation declaration had given South Korea a measure of relief and stability. The pledge contained in the mutual-defense treaty will increase this measure and, in my opinion, give Korea a sufficient sense of security to enable it to go forward with the enormous task of reconstruction without the enervating fear of an attack from the north. This has not been possible yet.

Korea needs a breathing spell desperately to put its homeland in order again.

It is my belief that the Communists will probably not renew their aggression in Korea in the near future. The signs show that they are digging in for a prolonged armistice—an uneasy truce—and not preparing for a renewal of the fighting. In spite of these signs, of course, we must remain on our guard in Korea. I may say that we are remaining on our guard in Korea.

I should like to devote a few minutes of my time now to stress the things that the treaty does not do.

The treaty does not compel the United States to come to the aid of President Rhee should he attempt to reunite Korea by force.

My distinguished colleague, the Senator from Wisconsin (Mr. WILEY), read the interpretation which was added to the treaty in the Committee on Foreign Relations, on the motion of the Senator from Georgia (Mr. GEORGE), in order to protect us by reassurance against any suggestion that we might be called upon to act in case South Korea attempted to move unilaterally to bring about unification of Korea by force.

Much as we can sympathize with President Rhee's desire to see his country united, we cannot allow ourselves to become a party to an unlawful act, such as unification by military might. As a nation, we stand on record as striving wholeheartedly for the peaceful unification of Korea, and we will continue to bend our every effort toward that goal, remote as it may seem to some people at the moment. A violent unification, however, is against the principles and purposes of the United Nations of which we are a member, and against the truce terms. In the event that President Rhee should try such an action, the treaty will not come into play. Article III, which I have already quoted, limits action to an armed attack on either of the parties "in territories now under their respective administrative control, or hereafter recognized by one of the parties as lawfully brought under the administrative control of the other." I have emphasized the word "lawfully" in order to focus the attention of the Senate to this limitation.

In other words, if Korea is united by lawful means—by agreement or treaty or by other means—then the whole of Korea becomes subject to the treaty, and we would be prepared to help defend the whole of Korea. However, we would take no part in uniting it by forceful means.

During the hearings held by our committee, I asked the Secretary of State specifically whether the wording of article III would deter President Rhee from unilateral action to reunite Korea. He answered me, stating that it makes clear to President Rhee that "if he does that, he would then be alone." So we are repeating again and again exactly the limitations of the treaty.

I might add at this point, that when I was in Korea I had a long talk with President Rhee. I feel that it has been made entirely clear that the United States must oppose any attempt on his part to go it alone. For myself, I believe that he will not violate the truce.

I may say parenthetically that I am one of those who are very sympathetic with President Rhee's position, and very sympathetic with his situation, and on the floor of the Senate I have stated that he has dedicated himself to see his country reunited.

One can understand how he felt, in a state of turmoil, when he thought we were going to settle on the 38th parallel or some other place, and leave Korea divided. We are sympathetic, Mr. President, but we are trying to persuade him not to act with force, and we are trying to persuade him that his best chance of uniting Korea is to work with his friends and with his allies, especially the United States, to bring about the unification of Korea by peaceful means.

The second thing this treaty does not do is to run counter to our obligations under the U.N. Charter. The treaty was negotiated under article 51 of the Charter, which preserves for each nation the right of individual and collective self-defense against an armed attack. The only obligation imposed by that article in connection with an armed attack upon members, is that the measures taken to repel such an attack shall be reported to the Security Council. If we do take measures, we must report them to the Security Council, but we definitely do not have to ask the Security Council whether we can take the measures.

We are, therefore, not dependent upon a green light from the United Nations before we can come to the Republic of Korea's assistance in case she is attacked again. This means that a Soviet veto in the Security Council cannot stall prompt action on our part. We are free to do what we think is right and necessary under the circumstances. In the event of another attack, I am sure that our Government would work with the U.N. and report to the Security Council on any action taken.

Finally, the treaty does not go beyond the general type of commitment which we have made in our other Pacific-area security treaties. To those treaties I have already referred.

In providing, as it does, that an armed attack on either party would be regarded by the other as dangerous to its own peace and safety and would be met, by each party, in accordance with its constitutional processes, the treaty remains squarely within the four corners of the Constitution, and is on all fours with the Monroe Doctrine, which has been in effect for a long time and which deals with any possible encroachment by European nations on South America.

So I suggest to my friends who are troubled that they ask themselves: What would be the constitutional process in case there was a threatened attack on South America by a European or other country? That is exactly the same question we have before us.

Mr. WATKINS. Mr. President, will the Senator yield? I should like to ask him to outline what those processes are.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). Does the Senator from New Jersey yield to the Senator from Utah?

Mr. SMITH of New Jersey. I would prefer to wait until I have concluded my remarks. Then I shall be very happy to yield.

Secretary of State Dulles, who devised this formula when he negotiated the Japanese, Philippine, and Australia-New Zealand treaties, has characterized it as the Monroe Doctrine approach. It uses the exact words of President Monroe in his historical warning to European nations that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. The Monroe Doctrine has stood unchallenged on constitutional grounds throughout our history.

Before I close, I would like to refer briefly to the debate in the Senate last Friday during which a number of my distinguished colleagues on the other side of the aisle took issue with the administration's military strategy. Let me say to them that this question was also raised during the Foreign Relations Committee's consideration of the Korean Mutual Defense Treaty. The committee, in deciding to report the treaty, carefully explored with administration witnesses the defensive capacity of the United States in order to determine whether we have the military strength to shoulder this additional commitment. We, too, had read of the announced withdrawal of two American Army divisions from Korea, of military reductions, and of contract cancellations. I want to pass on to the Senate the assurances we received on that score. General Ridgway told us that the withdrawal of the two divisions would not weaken our position over there. "In fact," he said, "I think it would add to our flexibility."

I would also like to quote Secretary Dulles on this point:

"If we had to try to maintain ground forces, let us say, in Asia, to meet an attack by ground forces at any place where the enemy chooses to attack, then I believe that we are virtually subservient to the enemy.

"What we must do is to make clear that if there is such an attack, which involves our vital interests, our reaction will be, as I said last night, at places and by means of our own choosing. We will not necessarily allow the enemy to pick the rules of battle and the place of battle and the conditions of battle which best suit his purposes.

"By making that clear, as has been done in relation to Korea, in relation to Indochina, in relation to our vital interests in the Pacific, it is possible for us to protect our vital interests without an overextension."

That is the end of the quotation from Mr. Dulles in explaining the withdrawal of troops and the principle of flexibility and retaliation.

Speaking for myself, I believe that the President's program ensures us sufficient military strength to meet our commitments as well as the new one in Korea that we are considering today. As for the so-called "new" strategy, it is tailored, in my opinion to meet the world situation confronting us, in which we need the utmost flexibility within our economic and military means, to react to any new threat of aggression.

In conclusion, I would like to express some thoughts on the Pacific area in general. Over the past years, I have become familiar with that region through periodic visits there—I made three visits there on three different occasions—and as chairman and formerly as ranking minority member, of the Far Eastern Consultative Subcommittee of the Foreign Relations Committee. Over those years, I have noted an improvement in the situation there from the dark days of 1949 when China fell to the Communists. I believe that the nations of that area are becoming more alert to the threat of communism and that our military, economic, and technical assistance has given them a helpful start toward being able to meet that threat effectively. But I also believe that more can be done to encourage the idea of collective security in the Far East.

Mr. THYE. Mr. President, will the Senator from New Jersey yield?

Mr. SMITH of New Jersey. I would prefer to wait until I have finished with my remarks. Then I shall be happy to yield.

I hope the free nations of the Pacific will soon forget their differences and make common cause in a regional security arrangement, which in my judgment should be similar to the so-called American Monroe Doctrine and which would recognize that an attack anywhere in the Far East would affect the safety and security of all of us.

In making this statement I am not unaware of the great cultural, racial, and political differences which exist between the various nations in the Pacific, and I should state that we found that there would be difficulties in bringing about a regional pact among those nations at this time. However, we are still working on it. I am hopeful that their mutual aspirations and interests will override those differences.

Until the time that such a regional agreement is possible, the web of mutual defense and security treaties that we have negotiated with the Philippines, Australia, and New Zealand, Japan, and now the Republic of Korea, offers the best insurance against future aggression in that area so important to us. I therefore strongly urge the Senate to give its overwhelming advice and consent to this treaty and put the Communists on notice.

I shall be glad now to yield for questions.

Mr. Watkins rose.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). Does the Senator from New Jersey yield to the Senator from Utah?

Mr. SMITH of New Jersey. I yield.

Mr. WATKINS. While the Senator was delivering his address I asked him if he would outline the various steps in the constitutional process.

Mr. SMITH of New Jersey. We all agree that so far as a declaration of war is concerned, that is a congressional function, but we have two different situations existing. One is the present truce which is a precarious truce, with our men on the line in jeopardy in case of attack. We emphasized previously that in case of attack by the South Koreans, without any action by us, we would have nothing to do with it.

Mr. WATKINS. What would we do if South Korea provoked an attack?

Mr. SMITH of New Jersey. I discussed that with General Taylor at great length. He will have to be governed by the circumstances of the situation. It is very difficult to know just what to do. Before I discuss an attack under those circumstances, I want to consider an attack the other way. The question is, What are our constitutional processes?

Mr. WATKINS. Yes. What steps are we to take?

Mr. SMITH of New Jersey. With our troops in jeopardy I have no doubt that the President of the United States could move immediately. The Senator would agree with that, I am sure.

Mr. WATKINS. I should think so, because of the previous conflict which had been going on, and the temporary truce being only a breathing spell in it.

Mr. SMITH of New Jersey. If it precipitated a war, I would myself urge that the matter be immediately brought to the Congress, as I urged President Truman to do when the first attack was made. He should have done that. But the President may be on the spot. Confronted with a sudden danger to our peace and safety that he cannot now foresee. I would say that if the Monroe Doctrine principle came into effect, he would have to act immediately and rely on the Congress to back him up by a declaration of war.

Mr. WATKINS. Suppose there is peace in that area; suppose the armistice results in a peace treaty. This treaty will run on indefinitely. Suppose, then, an attack were made upon South Korea. What, then, would be the situation? Would the President have the power to order our troops into action there before coming to the Congress, or would he make the decision as to whether we should go to war?

Mr. SMITH of New Jersey. We have a great many troops in the area. The Senator is not speaking about the troops being in jeopardy, is he?

Mr. WATKINS. Where the troops have been withdrawn, as they would be if a peace treaty were made.

Mr. SMITH of New Jersey. What does the Senator conceive to be the duty of the President in case of a violation of the Monroe Doctrine in South America? What has the President done in the past? He has certainly issued stern warnings. He would have to be prepared to move in, and there would be a declaration of war if the situation should reach such a serious stage. President Cleveland issued a stern warning that we were going to stand by the Monroe Doctrine. Great Britain at that time was the one causing the trouble, if I correctly remember my history. The circumstances would be about the same in this case. The President should be prepared to issue a stern warning and have Congress back of him and ask for the support of Congress. I think President Truman should have done that on the occasion when South Korea was invaded by North Korea.

Mr. WATKINS. I agree with the Senator. I think it is an important right for the men who are going to do the fighting and the dying to have a voice in the matter.

Mr. SMITH of New Jersey. Through the Congress?

Mr. WATKINS. Yes; through their representatives.

Mr. SMITH of New Jersey. I agree.

Mr. WATKINS. No President would have the right, unless we were attacked, to order our forces into action.

Mr. SMITH of New Jersey. I agree with the Senator, and I cannot see why the situation cannot be handled in that way. Under our constitutional processes we would handle it in that way. When we debated the NATO pact the question very properly came up as to whether it covered an attack on Paris, for instance, and whether the President, acting alone, could move to defend Paris. We said, "The language is too broad; it is too uncertain. Let us use the words 'constitutional processes' so that everyone will know that there will be at least that approach to the question."

That is my position.

Mr. WATKINS. The Senator asked me what I would say the process should be in the event some nation threatened to attack a South American nation. I would say that the issuance of a warning by the President would be one of the first steps, but before he ordered out the Armed Forces I would say that the President, by all means, should come to the Congress to get the power to take that action.

Mr. SMITH of New Jersey. I could not agree more thoroughly with the Senator. I agree absolutely with all the Senator has said. I cannot conceive of a situation where it would not be possible to do that.

Mr. WATKINS. In the case of the NATO agreement it was stated that there was an attempt to increase the war-making powers of the President. What I objected to was that by agreement we were attempting to increase the war-making powers of the President to order our forces into action. In the debate we finally got the legislative history of what occurred when the North Atlantic Pact was drafted. As I remember, the Senator from Georgia [Mr. GEORGE], who was present a few moments ago, said that article 11 was drafted in the committee itself, and that he was responsible for article 11 which provided, in effect, that the treaty would be ratified and its provisions carried out by the parties according to constitutional processes. That is, in substance, what was provided. That meant, it was said, that all steps in implementing the treaty should be by the Congress, and particularly the decision as to a declaration of war should be made by the Congress, as should the decision with reference to sending troops outside United States territory in time of peace.

Mr. SMITH of New Jersey. I agree with the Senator. I have been advised by the chief of our Foreign Relations Committee staff that in the report on the NATO Treaty we made it clear that it was not intended in any way to enlarge the President's powers in the matter of declaring war. That was in the report which was made at the time.

Mr. WATKINS. Many persons have taken the position, and apparently the Truman administration took the position, that we sought in the NATO Treaty, to give additional power to the President, so that he could order out the troops without the approval of the Congress. In fact, there never has been approval by the Congress to sending troops to Europe under the NATO Treaty. The Senate alone passed an advisory resolution that the President should consult the Congress first.

Mr. SMITH of New Jersey. I wish to read to the distinguished Senator from Utah a quotation from the report of the Committee on Foreign Relations, when the NATO Treaty was presented to the Senate. I read from a volume entitled "A Decade of American Foreign Policy Basic Documents, 1941–49, 81st Congress, 1st Session, Published by the Committee on Foreign Relations":

"The committee does not believe it appropriate in this report to undertake to define the authority of the President to use the Armed Forces. Nothing in the treaty, however, including the provision that an attack against one shall be considered an attack against all, increases or decreases the constitutional powers of either the President or the Congress or changes the relationship between them."

That was in the report when the NATO Treaty was submitted to the Senate for action.

Mr. WATKINS. When I offered my reservation which required the adoption of a resolution by Congress to put us into a war in the event that any of the nations included in the treaty were attacked, or to send our forces abroad, the reservation was rejected. It was said by the chairman of the Committee on Foreign Relations at that time that to accept the reservation would be to cut the heart out of the treaty. But all it attempted to do was to say, in specific terms, that before such actions were taken, Congress should have the right to make the decision. Of course, I became suspicious of the whole proposal, and my suspicions were justified when the President did attempt to send troops abroad under the treaty without any authorization from Congress.

Mr. SMITH of New Jersey. That gave rise to the troops-to-Europe issue and to the long debate on the subject. That was the reason for the specific approach to this treaty, which we hoped would provide a sense of collective security in other dangerous areas. We did not use the NATO formula, but we used the Monroe Doctrine formula, which throughout the years we felt had proved to be constitutional and safe.

Mr. WATKINS. I might observe, in connection with this subject, that that presents a far different picture than we had in connection with the NATO Treaty.

Mr. SMITH of New Jersey. I hope the distinguished Senator from Utah feels that we have leaned over backward to try to provide the protections which he was anxious to have, and which all of us are anxious to have, namely, constitutional processes in our difficult, serious international relations.

Mr. WATKINS. I am happy to hear the Senator make that statement. I am glad we finally stopped the trend of attempting to increase the war-making power of the Executive by way of treaty. I may say that that was one of the things that gave rise to the proposed Bricker amendment.

Mr. SMITH of New Jersey. All of us are aware of that. We may have more debate on that subject before we finish with the general discussion on this subject.

Mr. WATKINS. I thank the Senator from New Jersey for his courtesy.

Mr. SMITH of New Jersey. Mr. President, I observe that the Senator from Mississippi [Mr. STENNIS] is on the floor. I promised him that at the end of my address, I would be glad to answer any questions he might wish to ask. I yield to the Senator from Mississippi.

Mr. STENNIS. I appreciate the Senator from New Jersey yielding. I did not have the advantage of being here during all the time he was making his remarks. At the expense of repetition, may I ask him what is his answer to the question I propounded to the Senator from Wisconsin [Mr. WILEY] with reference to the interpretation of the phrase, "in accordance with its constitutional processes," as contained in article III.

Mr. SMITH of New Jersey. I may say to the distinguished Senator from Mississippi that I have discussed that question at some length with the Senator from Utah. I should be glad to refer the distinguished Senator to the RECORD, or I shall be glad to restate my position.

Mr. STENNIS. Does the Senator from New Jersey agree with the Senator from Wisconsin that it would require, as the Senator from Wisconsin repeatedly said, an affirmative act of Congress for the United States to use force?

Mr. SMITH of New Jersey. I called attention to the fact that there were two situations. One was the uneasy truce which now exists. If there were a violation of the truce, I believe the President would be justified in acting to protect our troops and, as a part of our obligation in the United Nations, to protect the troops of the United Nations. I assume the distinguished Senator will agree with that statement.

Mr. STENNIS. I do agree with that statement.

Mr. SMITH of New Jersey. Assuming that we pass the Korean truce stage, and that there is a new attack in the future, what I then called attention to was the fact that under this treaty we are virtually, by article III, putting our position in the Far East in the same situation as in the Western Hemisphere under the Monroe Doctrine. We say in article III:

"ARTICLE III

"Each party recognizes that an armed attack in the Pacific area on either of the parties in territories now under their respective administrative control, or hereafter recognized by one of the parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes."

As we include the same clause in all our treaties, we are practically saying we are approaching the far-eastern situation in the same spirit as did President Monroe, when he warned the other countries of the world that aggression against the Western Hemisphere would be a matter of concern to the United States. As we know, down through our own history, the Monroe Doctrine has helped to prevent an outbreak of wars in this hemisphere.

We are seeking here the same approach as the Monroe Doctrine approach. Whatever constitutional processes would be required in the case of a violation of the Monroe Doctrine on this continent, I would say the same processes would be followed under this treaty, namely, the requirement of a declaration of war by Congress, except in some emergency in which the President had to act quickly in order to protect the safety of some our citizens.

Mr. STENNIS. I appreciate the answer of the Senator from New Jersey on that point. Then, unless it were necessary to protect some of our own citizens, including the protection of our own soldiers or servicemen who would be in the theater of danger, the Senator is not committing himself in this treaty to any obligation except through the process of a declaration of war by Congress?

Mr. SMITH of New Jersey. The Senator is correct.

Mr. STENNIS. The Senator is not going any further than that?

Mr. SMITH of New Jersey. No.

Mr. STENNIS. The Senator does not think the United States is committed to go any further than that, does he?

Mr. SMITH of New Jersey. Not as I see it.

Mr. STENNIS. Does the Senator from New Jersey agree with the Senator from Minnesota [Mr. HUMPHREY] in his point?

Mr. SMITH of New Jersey. I was not sure I thoroughly understood what was the real difference.

Mr. THYE. Mr. President, will the Senator yield?

Mr. SMITH of New Jersey. I yield.

Mr. THYE. I wanted to be certain that the reference by the Senator from Mississippi to the Senator from Minnesota was not a reference to me.

Mr. SMITH of New Jersey. I understood the Senator from Mississippi to be referring to the junior Senator from Minnesota [Mr. HUMPHREY].

Mr. STENNIS. The junior Senator from Minnesota is a member of the Committee on Foreign Relations.

Mr. SMITH of New Jersey. I was not entirely certain what the difference was between the junior Senator from Minnesota and our distinguished chairman of the Foreign Relations Committee, but my position in the matter is very clear.

I thought probably the Senator from Minnesota had reference to something that might happen unexpectedly, as to which we could not be too critical of the President if he used his discretion. That may be true. But fundamental constitutional processes mean that we follow the Constitution; and under the Constitution, Congress must declare war, if war is to be declared.

Mr. STENNIS. Did the Senator from New Jersey in his address cover the idea of a regional security agreement in the Pacific area, an agreement that might be called a Pacific NATO? Did the Senator speak on that point in his main address?

Mr. SMITH of New Jersey. I discussed the approach of NATO, and the Monroe Doctrine approach, quite extensively. I pointed out that in the negotiation of this treaty I had the privilege of cooperating with Mr. Dulles and with our Far-Eastern Subcommittee in the discussion of these approaches. We considered that we could not adopt the NATO formula, because to do so would cause difficulty on the floor of the Senate, with respect to understanding what was meant by the statement that an attack on one meant an attack on all. In other words, under the NATO formula, would an attack on Paris mean an attack on New York, and could the President act in such a situation? We leaned over backward to use the language of the Monroe Doctrine in formulating the far-eastern treaties, with the result that it is necessary for us to observe our constitutional processes.

Mr. STENNIS. I wish to ask 1 or 2 further questions. Did the Senator consider asking some of the other Asiatic nations to come forward and pledge themselves to the security of Korea? Was that considered by the Senator?

Mr. SMITH of New Jersey. I shall be glad to answer that question, because I have taken part in the discussions of that question, too. I have been to the Far East with Secretary Dulles and his associates. I have discussed the question at length with him and with Walter Robertson, Assistant Secretary of State for Far Eastern Affairs. I think there is not one of us who would not favor a collective security pact among all the Asiatic nations, but we have discovered there are differences between those countries. There are difficulties today that cannot be surmounted all at once. Some steps will have to be taken toward security before we can get the whole group into a mutual security pact. There is still very serious friction between the Philippines and Japan and serious friction between Japan and Korea. It will be found that there are some strained feelings between some of the countries which I have visited, as, for instance, between Indochina and Burma. We cannot accomplish our purpose all at once, but we are working sincerely to the end of bringing about a security setup among those nations themselves, which will bear upon that area in the sense that the Monroe Doctrine bears upon the areas of this hemisphere.

Mr. STENNIS. Does the Senator from New Jersey contemplate that the United States would become a member of a so-called Pacific NATO?

Mr. SMITH of New Jersey. I have urged that the initiative should come from those countries themselves. They should set up such a mutual security organization among themselves. If the United States can be of help to them, well and good. But I do not believe we should take the initiative by trying to tell them what to do for their own defense. We can advise them, but we should not try to lead them into a pact by insisting that they join in it.

Mr. STENNIS. Does the Senator suggest or think that the United States of America should become a party to it?

Mr. SMITH of New Jersey. I think that the treaties which we have entered into were definitely wise, because the treaties reflect our sense of fear and apprehension about the Far Eastern area. I do not think we can avoid our share of the responsibility or avoid going at least as far as the statement in article III, which states that each party recognizes that an armed attack in the Pacific area would be dangerous to its own peace and safety.

In other words, if there were to be an armed attack in the Pacific area, this country would be alerted and alarmed, and would have to do something about it, and do it quickly. If there were an attack on Indochina by the Chinese Communists, as Secretary Dulles has given the warning, we will be right there, and the consequences which follow will have to be borne. We have warned aggressors that we are going to be alert to any aggression anywhere in that area, which means so much to our own peace and security.

Mr. STENNIS. Lest the Senator be misunderstood, is it correct that the Secretary favors a Pacific NATO in which we would be a party?

Mr. SMITH of New Jersey. I am opposed to a Pacific NATO. I am opposed to anything further than saying that an attack on a nation in that Pacific area would be dangerous to our own peace and safety. I am in favor of saying that we would be glad to consult with a nation which is so attacked, and to take such action as is provided under our constitutional processes and to do what we can to meet the aggression.

This is the Monroe Doctrine approach. At Rio we enlarged the conception of a unilateral Monroe Doctrine into a multilateral Monroe Doctrine. In the Far East we should be thinking of a multilateral Monroe Doctrine.

Mr. STENNIS. The Senator would extend to all other nations of Asia the pact we are now entering into with Korea, would he?

Mr. SMITH of New Jersey. I would not even say that. With regard to some, I would, and with regard to others, I would not. We would have to explore the situation which obtained as to each one of the nations. We began with our natural allies, Australia and New Zealand. The Philippines were, in a sense, a ward of ours. The Japanese are, in a similar sense, a ward of ours. Korea, which has become an essential ward of ours, is the last one. As to whether we enter into such a pact with other nations would have to be determined on the merits of each individual case.

Mr. STENNIS. There are at least a few nations of Asia to which the Senator would extend the same pact which we now propose to extend to Korea?

Mr. SMITH of New Jersey. No; I would not without investigating each one on its own merits. I would not want to be committed to that policy, because I do not know what the effects would be. I do say that we should be convinced that an attack on any country in Asia would be a danger to our own peace and security. We have given a warning ahead of time, and we would be alerted to it. Anyone starting hostilities would have to take the consequences.

Mr. STENNIS. If I may ask the Senator one more question, referring to the discussion with Syngman Rhee, it was stated in the papers that some promises were made with reference to a pact, subject to ratification by Congress, of course. Does the Senator know whether or not the proposal was made that the United Nations or some other nations should give this guaranty, either without the United States or including the United States, and that it was stated that Syngman Rhee refused to agree, and stated that it would be with the United States or no one?

Mr. SMITH of New Jersey. I cannot answer that at all, but I can refer the distinguished Senator to the Senate document in which appears the message of President Eisenhower on the Korean Treaty. On page 5 of the message of the President of the United States, there is a joint statement by Secretary of State Dulles and President Syngman Rhee. It is erroneously dated October 8, 1953, in the print. Actually, it was released August 7, 1953. I shall read only the beginning of it. If the Senator wishes, I suggest that he read all of it.

I also suggest that the Senator read the statement on page 7 of the message from the President of the United States, which was issued by the Secretary of State after the original initialing of the treaty by Secretary Dulles and President Rhee, on October 1, 1953.

I am now reading in part from what is called the joint statement by Secretary of State Dulles and President Syngman Rhee. The correct date on which it was released is August 7, 1953:

"Following is the text of a joint statement by President Syngman Rhee and Secretary of State John Foster Dulles following the conclusion of their talks at Seoul, Korea."

The distinguished Senator from Mississippi will remember that just as the Congress was adjourning last summer there was a plan to have some of the Members of the Senate go to Korea. The Senator from California (Mr. Knowland) and I were to go as Members on the Republican side, and two of our colleagues were to go from the Democratic side. We were to go to Korea to discuss the matter with President Rhee. We could not go because of the pending business in the Senate, and because of the lamentable death of our colleague, Senator Taft. However, Secretary Dulles, Ambassador Henry Cabot Lodge, Assistant Secretary Walter Roberts, and a number of others did go. They discussed the matter with President Syngman Rhee, following which the statement I am about to read was issued. I quote the beginning:

"Our friendly and understanding consultations demonstrate clearly the determination of the United States and the Republic of Korea to stand together in cordial cooperation to achieve our common objectives, including the reunification of Korea."

Of course, what was troubling Dr. Rhee was the question of the reunification of Korea. President Rhee felt that if Korea were divided at the 38th parallel, or any other parallel, it would be permanently divided. He was greatly disturbed that we were not going to carry on until a unification was brought about. In view of those facts our representatives went to Korea to discuss that matter.

The joint statement continues:

"We have today initialed a draft of a mutual defense treaty. That treaty is designed to unite our nations in common action to meet danger and it will cement the ties which have brought us together to combat in Korea the menace of Communist aggression.

"Our two Governments will actively proceed with the constitutional processes necessary to bring this treaty into full force and effect. These constitutional processes, in the case of the United States, require that the United States Senate consent to the ratification. The United States Senate, having adjourned this week, will not again be in regular session until next January. However, United States Senate leaders have been kept fully informed of the exchange of views which have led to the action we have taken today and it is our sincere hope that this will lead to prompt and favorable United States Senate action."

Mr. President, I shall not read further, but if the distinguished Senator will read the remainder of the statement, he will see what has been accomplished.

Mr. STENNIS. The Senator from Mississippi was confused as to the date of the report. Which is the correct date?

Mr. SMITH of New Jersey. The correct date is August 7, 1953. The date in the document is a misprint.

Mr. STENNIS. I thank the Senator from New Jersey.

Mr. SMITH of New Jersey. I have had called to my attention by Dr. Wilcox the discussion contained in the printed hearings. In appendix II there is contained an exchange of letters between President Rhee and President Eisenhower. The first is a letter from President Rhee to President Eisenhower, dated May 30, 1953, the next is a letter from President Eisenhower to President Rhee, dated June 6, 1953. The next is a letter from President Rhee to President Eisenhower, dated June 19, 1953.

I have not read the letters recently, but, as I recall, they did not involve any commitment or coercion; President Rhee wanted assurance that he would not be left alone with a divided Korea.

Mr. President, I yield the floor, and I thank the Senator from North Dakota for yielding until I could finish the colloquy.

BARRING AMERICAN FORCES IN CAMBODIA

Mr. CHURCH. Mr. President, I rise to commend the distinguished Senator from Louisiana (Mr. ELLENDER), floor manager of this defense appropriations bill, and the members of the Senate Appropriations Committee, for the amendment the committee adopted to section 843 of the measure.

This is a very important action, consistent with the declared objective of the present administration to disengage American combat troops from Southeast Asia. It is an action, moreover, which implicitly recognizes that spending money for military purposes in a foreign land readily leads to the involvement of American personnel and then to the commitment of American troops.

To avoid just such a sequence of events in Laos and Thailand, the Senate adopted last December an amendment in the nature of a substitute, which I offered to an original amendment proposed by the distinguished Senator from Kentucky (Mr. COOPER). This amendment, adopted by a vote of 73 to 17 on December 15, 1969, prohibited the use of any funds in last year's defense appropriation bill to finance the introduction of American ground combat troops into either Laos or Thailand.

The following morning, at a Cabinet meeting, President Nixon indicated his willingness to accept the amendment, acknowledging it to be in accordance with his announced intentions. White House spokesmen indicated, at the time, that the restriction was consistent with the President's own objective of keeping the United States out of a wider war on an expanding front in Indochina.

But the amendment, as adopted, represented something more than an affirmation of Presidential policy. It was also, in a very real sense, a reassertion of congressional control over the spending of public money in countries neighboring on the war front in South Vietnam. It was more than the expression of the sense of Congress that the United States should not become involved in a spreading war in Southeast Asia; it was an exercise of congressional power denying funds for such a purpose, insofar as the use of American ground combat troops were concerned.

On October 14, 1970, Senator COOPER and I addressed a letter to the distinguished chairman of the Senate Appropriations Committee (Mr. RUSSELL) asking that the committee give consideration to extending the prohibition in the law to include Cambodia, along with Laos and Thailand.

I ask unanimous consent that the text of the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 14, 1970.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you well know, we submitted an amendment to the Defense Appropriations bill last year, which was modified on the Senate floor on December 15th, barring the use of U.S. funds to introduce American ground combat troops into Laos or Thailand. We are happy to note that this same language is included in this year's bill, H.R. 19590.

Because of the recent debate over American operations in Cambodia, we are requesting that Section 843 be amended in Committee by adding "or Cambodia" to the present wording. Hence, the Section would read:

Sec. 843. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand or Cambodia.

Thank you for your consideration of this matter, and we look forward to hearing from you in the near future.

Sincerely,

JOHN SHERMAN COOPER,
FRANK CHURCH.

Mr. CHURCH. Mr. President, it is most gratifying that the committee has responded affirmatively to this request. In doing so, the committee has taken cognizance of the majority decision of the Senate on a subsequent Cooper-Church amendment, approved by this body on June 30 of this year by a vote of 58 to 37. Had that amendment become law, more extensive restrictions would have applied to military spending in Cambodia than a simple prohibition against introducing American ground combat troops.

So the action the committee has taken with respect to the pending bill is altogether in line with the previous judgment of the Senate.

In amending section 843, the committee has used the language of last year, which the President approved, adding only the words, "or Cambodia." Once more, this goes hand in hand with the President's declared objective that, in the future, Asian governments must rely on their own armed forces—rather than ours—for their self-defense.

The section, as amended, now reads:

Section 843. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia.

I trust that the Senate will uphold the committee's decision; and I hope that, once passed by the Senate, the amendment will be retained in conference, and signed into law by President Nixon.

As part of the law, the amendment would help enforce the President's own declared resolve to prevent the United States from being drawn into a larger war, a goal that has the overwhelming support of all the American people.

Moreover, as part of the law, the amendment would constitute a further expression of the right of Congress to determine where and how public money is spent. Should the time come in the year ahead when the President decides we should send American combat troops into Laos, Thailand, or Cambodia, he would be obliged to come to Congress first for its consent. This is what the Constitution intended.

For all these reasons, Mr. President, I commend the Senate Committee on Appropriations for the statesmanlike action it has taken.

I ask unanimous consent that pages 10 and 11 of the Committee on Appropriations report—No. 91-1392—to the Department of Defense appropriations bill, 1971, be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PROHIBITION AGAINST THE USE OF FUNDS FOR THE INTRODUCTION OF AMERICAN GROUND FORCES INTO LAOS, THAILAND AND CAMBODIA

Section 843 of the bill as it passed the House provides that none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand. The committee recommends that this provision be amended to include Cambodia, so as to read as follows:

"SEC. 843. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or *Cambodia.*"

This matter was debated at length by the Senate earlier in this Session in connection with an amendment to the Foreign Military Sales Bill (H.R. 15628), and the Senate adopted, on a roll call vote of 58 yeas to 37 noes, an amendment which reads as follows:

'Sec. 7. The Foreign Ministry Sales Act is further amended by adding at the end thereof the following new section:

" 'Sec. 47. Limitations on United States Involvement in Cambodia.—In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970, for the purposes of—

" '(1) retaining United States forces in Cambodia;

" '(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnished military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;

" '(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

" '(4) conducting any combat activity in the air above Cambodia in direct support of Cambodian forces.'

Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander-in-Chief, including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed. Nothing contained in this section shall be deemed to impugn the constitutional powers of the Congress including the power to declare war and to make rules for the Government and regulation of the Armed Forces of the United States."

The committee's recommendation for the inclusion of Cambodia in this provision is based on this earlier action of the Senate.

Mr. JAVITS. Mr. President, I, too, would like to commend the committee for its exercise of statesmanship in regard to this matter. I also commend the Senator from Kentucky (Mr. COOPER) and the Senator from Idaho (Mr. CHURCH) for their fine work which laid the basis for this action.

Mr. President, I rise only to call the attention of the Senate to the fact that we are still, as it were, chasing after a runaway trolley with respect to the warmaking powers of the President. The best we can do is to anticipate it in an appropriation bill, where the money is immediately to be expended. The worst we can do is to chase the trolley, after the event has happened, the troops are already there, and the United States is committed, and then try to stop it with sense resolutions or a denial of money like the effort made with regard to the McGovern-Hatfield resolution.

The basic problem is that the constitutional responsibility for making war has gotten out of hand and is now essentially in the hands of a succession of Presidents who have been bold enough to seize the nettle, because they are all undeclared wars, which will probably be true of the future.

I hope very much, therefore, that the Senate will give most serious attention next year, when the Committee on Foreign Relations holds its hearings on my bill and, I hope, on other bills relating to the question of the warmaking powers of the President and the war declaring powers of Congress, and that we may, by sophistication in our legislation, come abreast of this new problem.

That is the real solution.

I hope very much that members of the Appropriations Committee, who have shown such a statesmanlike attitude, will now take an interest in this legislation as being very much along the lines of trying constructively and in a big way to deal with this problem.

Mr. President, I wish to join my colleagues in paying tribute to the chairman and members of the Appropriations Committee for the sense of fairmindedness and respect for the will of the Senate which is reflected in the defense appropriations bill they have brought to the floor. In particular, the action of the Senate Appropriations Committee, as embodied in section 843 and section 838, taken in conjunction with the historic debates earlier in this session, is a great significance. The great underlying issue of all these measures, of course, is the question of the division of the Nation's war powers between the Congress and the President.

The bill before us does much to restore the position of the Senate which, despite the clear provisions of the Constitution, has been eroded with respect to its proper role in the exercise of the Nation's war powers.

Mr. President, while the Senate has much to be gratified about in this bill, I think it also underscores the basic problem. There is, in my view, a grave danger that—by concentrating only upon its general power over appropriations—the Senate may unwittingly be contributing to the further erosion of its other, more specific war powers specified in article I, section 9 of the Constitution. If the Senate is forced to rely solely on its power over appropriations to effect its check-and-balance role with respect of warmaking, then the Senate will be contending itself with an after-the-fact role. Our recent experiences have shown how difficult it is to play our proper role when we are reduced only to ex post facto appropriations cuts and prohibitions.

In my judgment, the Senate will not live up to its full constitutional responsibilities until it finds an effective way to reassert its other war powers, as envisaged and specified in the Constitution. I hope very much that the Senate will give proper attention to this aspect of the problem early in the next session. The Foreign Relations Committee plans to hold hearings on this broad issue. I hope that the distinguished members of the Appropriations Committee and of the Armed Services Committee will take an active and sympathetic interest in those hearings.

Mr. DOLE. Mr. President, I wish to ask a question of the distinguished chairman of the Appropriations Committee, the Senator from Louisiana (Mr. ELLENDER), with reference to section 843, as to his interpretation of the definition of the word "introduction."

Section 843 reads:

> In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia.

The Senator from Kansas is puzzled with reference to the definition in section 843 of the word "introduction."

Mr. ELLENDER. In recommending that section 843 be amended to include Cambodia, along with Laos and Thailand, it was the intent of the committee to apply to Cambodia those same restrictions and criteria that were applied to Laos and Thailand pursuant to this provision as it appeared in the Department of Defense Appropriation Act, 1970, and proposed in the President's budget for fiscal year 1971.

Mr. DOLE. Mr. President, I ask a question as one who supported the Church-Cooper resolution—I do not wish to become involved in extended debate concerning it, but would this language prohibit any President from taking appropriate measures to protect American forces even if that meant going into Cambodia?

Is that a correct interpretation, I again ask the Senator from Louisiana?

Mr. ELLENDER. As I said, what the committee did was to use the exact language the President proposed in his budget for Laos and Thailand which the House had recommended, and then we added Cambodia. Of course, the Congress cannot by statute limit in any way the powers given to President by the Constitution.

Mr. DOLE. That is the point the Senator from Kansas would make for the record, that the President is the Commander in Chief. By statute we can limit the expenditure of funds as a proper role of Congress, but we cannot derogate the rights and powers of the President, which he possesses by virtue of the Constitution, by enactment of any statute.

To complete the record as to what the President's intentions may be, he stated them forthrightly on June 30, in his report on Cambodia. He gave a number of guidelines for U.S. policy in Cambodia, and among these were the following which relate to U.S. personnel:

There will be no U.S. ground personnel in Cambodia except for the regular staff of our Embassy in Phnom Penh.

There will be no U.S. advisers with Cambodian units.

We will conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to reestablish base areas relevant to the war in Vietnam. We do this to protect our forces in South Vietnam.

The President further commented publicly on this aspect of U.S. policy the following evening. He was asked whether he could give categorical assurances now that we will not send ground troops back into Cambodia no matter what. He answered:

> I indicated when this operation was begun two months ago . . . that once we had completed our task successfully of cleaning out the sanctuaries that then it would not be necessary and I would not consider it advisable to send American ground forces back into Cambodia.
>
> I can say now that we have no plans to send American ground forces into Cambodia. We have no plans to send any advisers into Cambodia. We have plans only to maintain the rather limited diplomatic establishment that we have in Phnom Penh and I see nothing that will change that at this time.

The interviewer then indicated that the Senate seemed to want the President to foreswear this in a final way and the President responded:

> I think that anybody hearing the answer that I have just given would certainly get the impression and would incidentally be justified in having the impression that the President of the United States has no intention to send ground forces back into Cambodia, and I do not believe that there will be any necessity to do so.
>
> When you say, can I be pinned down to say that under no circumstances would the United States ever do anything, I would not say that, but I will say that our plans do not countenance it, we do not plan on it, and under the circumstances, I believe that the success of the operation which we have undertaken, as well as what the South Vietnamese will be able to do, will make it unnecessary.

In reading these statements made by the President on July 1 of this year, one can easily see that the President indicated his present intention not to introduce American ground combat troops into Cambodia. This amendment, however, goes a step further, a step which the President refused to go, and purports to impose a judgment, regardless of the circumstances. The President has indicated that he will meet his responsibility as Commander in Chief of our Armed Forces and take the action he considers necessary to protect American forces.

It should be clear in the RECORD and I make the point that because of the importance of the President's responsibility, whoever he may be, that it is a continuing responsibility, obligation and duty—to protect American forces.

I would assume, based on the response from the Senator from Louisiana, that there is no effort to impinge upon the President's constitutional rights, powers, and duties.

Mr. ELLENDER. None whatever.

Mr. DOLE. Mr. President, that satisfies the Senator from Kansas. The Senator from Louisiana recalls that we had a very extensive debate on the Cooper-Church amendment and that section 843 is far different.

The Cooper-Church amendment was broader in some respects. It referred to the retention of ground forces in Cambodia. It covered the carrying out of contracts with any government that might supply forces in Cambodia and the conducting of air activity over Cambodia.

At the same time, the language of the Cooper-Church resolution made clear that it was not an effort by Congress in any way to impugn the constitutional rights and duties and obligations of the President. Therefore, I appreciate the response of the Senator from Louisiana.

I trust the record is clear that nothing contained in the defense appropriations bill or in the language of section 843 would tie the hands of any President if he found it necessary to act in the exercise of his powers under the Constitution to protect American forces.

DEFENSE BUDGET NEARS PEACETIME LEVEL WHILE WAR CONTINUES

Mr. DOLE. Mr. President, the fiscal year 1971 defense budget is close to the prewar, peacetime levels—much closer than many people appear to realize. Military manpower, for example, is forecast at 2,908,000 for June 30, 1971. That is an 8-percent increase above the level of 2,685,000 at June 30, 1964. And it is less than 4 percent above the 2,808,000 we had on June 30, 1962—another peacetime year.

In constant dollars—factoring outpay and price increases—defense spending under this bill will be about $4 billion higher in wartime 1971 than it was in peacetime 1964. The added costs of the war are more than $10 billion, so there have had to be short cuts elsewhere.

Let us look at what has happened. Consider procurement. In peacetime fiscal year 1964, we provided budget authority of $15,645 million. This bill provides $15,970 million—an increase of $325 million, 2 percent above the prewar level. But there have been sharp price increases since fiscal year 1964. That $15,645 million we provided in fiscal year 1964 would be equivalent to $19.3 billion at today's prices. So, in dollars of constant buying power, this bill is 18 percent below the peacetime level—and this bill has to cover the cost of the war.

Consider R.D.T. & E. In peacetime fiscal year 1964, we provided budget authority of $6,984 million. This bill actually provides less—$6,960 million. And that 1964 amount would be equivalent to $8.7 billion today. Once again, we find that the budget has been cut in real terms, this time by 20 percent, below the peacetime level. And, once again, this bill has to cover the cost of the war.

The consequences of trying to fight a war within a peacetime budget level are plain. It has been necessary to make cuts elsewhere—and very deep cuts. From 1968 to 1970, the number of ships in the active fleet has been reduced by 189. And consider this: In the last decade, while the average age of our fleet has actually increased, the Soviets have built a formidable navy. Forty-seven percent of our ships are 20 years old or more, but less than 1 percent of the Soviet Navy's ships are that old. Their submarine force, on which they have concentrated, is six times as large as Hitler's was at the beginning of World War II.

As to aircraft, the Air Force is buying less aircraft in 1971 than in any year since 1935, and over half of the 1971 buy is designated for other nations of the free world. The Navy is buying less aircraft in 1971 than in any year since 1946.

Deployments have been cut. The number of military personnel in Europe is one-third less than prewar, and cutbacks will be necessary in Korea and elsewhere.

Setting aside special war costs in the 1971 budget for defense, we find that the baseline force provided is much lower than for any year since before the Korean war.

IMPROVED INTERNAL SECURITY IN SOUTH VIETNAM

The pace and intensity of the war in Vietnam has changed considerably since the advent of President Nixon's policy of Vietnamization. Not only has the U.S. troops strength in Vietnam declined substantially, but the entire complexion of the war has shifted from the frequent clash of main force units, to an intensified pacification campaign to bring security to the countryside. Increasingly, the forces of the Republic of Vietnam are assuming responsibility for military operations against the enemy main force units, driving them out of South Vietnam and their long protected sanctuaries across the border in Cambodia. As a result, overall security in South Vietnam is improved, enemy main forces have been denied the initiative, and territorial forces are providing increased security to the villages and hamlets. The President's policies have been successful thus far in winding down the war, reducing the level of violence and the number of casualties, turning more of the security responsibility over to the South Vietnamese, and providing increased security, prosperity, and self-government for the South Vietnamese people.

Two aspects of the Vietnamization program which reflect improved internal security in South Vietnam are the improvement and modernization of the Republic of Vietnam Armed Forces—RVNAF—and increased territorial security. Indicators of progress and success achieved in each of these aspects of Vietnamization have been encouraging during the past year and, as President Nixon stated on April 20, 1970, progress in Vietnamization was the sole criterion on which he was able to base his decision to withdraw 150,000 more U.S. troops during the next year.

IMPROVEMENT AND MODERNIZATION OF RVNAF

The RVNAF I. & M. program covers every aspect of development of the regular forces—ARVIN, VNN, VNMC, VNAF—and territorial forces—RF, PF—for the purpose of enabling the RVNAF to take over the maximum share of the war.

The strength of the RVNAF now stands at over 1,000,000 men, which represents over a 90-percent increase during the past 5 years and approximately 15 percent during the past year.

Equipment deliveries to the RVNAF include over 880,000 small arms and crew-served weapons, 1,100 artillery pieces, 38,000 radios, 51,000 wheeled vehicles, 2,000 tracked vehicles, 200 helicopters and other aircraft, and 550 naval craft. The delivery of equipment is proceeding generally on schedule or ahead of schedule.

Additional equipment is being turned over to the RVNAF by U.S. units redeploying from Vietnam. About 20 different types of ARVN units have been equipped in this manner. The large turnover of riverine combatant craft to the VNN has made it the ninth largest navy in the world. Unit turnovers to the VNAF have equipped one special air mission, one fighter/attack—A-37—one forward air control—(O-1)—one airlift—CH-47—and two assault attack—UH-1—squadrons.

Military training within the RVNAF is a continuing effort for each man and each unit. Training centers and service schools incountry have an annual student training load of over 600,000, up 27 percent from 1969 and up over 50 percent from 1968. Offshore training—that is, in the United States—for RVNAF personnel has increased from about 1,500 in fiscal year 1967, to 2,400 in fiscal year 1969, to 7,600 in fiscal year 1970. Newly activated units undergo a unit training cycle; refresher training is given to units withdrawn from operations for refitting; and unit operational training is conducted by units in place.

The gradual yet highly visible improvements in the RVNAF are reflected in the Cambodian operations which provide further evidence of the military's confidence and ability to perform as a credible fighting force.

The United States has turned over to RVNAF more than 50 facilities to include the 9th Infantry Division base at Dong Tam, the U.S. Navy base at My Tho, the 3d Marine Division base at Dong Ha, Nha Trang Air Base, and the 4th Infantry Division base at Camp Enari. Additional facilities are programed for turnover in the near future.

By October 15, 1970, the actual U.S. troop strength in Vietnam had been reduced below the 384,000 directed by the President. The authorized U.S. troop strength had been reduced 29 percent and U.S. infantry-type battalions had been reduced 34 percent.

The number of U.S. combat deaths during the first 6 months of 1970 was 55 percent less than the same period in 1969. Similarly, the number wounded in action was 55 percent less. The weekly rate of U.S. combat deaths since July 1, 1970 is about 40 percent below the weekly rate for the first 6 months of 1970.

As a result of increased overall security, starting at the border areas, the number of ground contacts has decreased considerably, with the weekly average of days of contact reduced over 50 percent from 1969 levels.

INCREASED TERRITORIAL SECURITY

Today the territorial security forces number over 500,000. Giving protection to the Vietnamese people is the primary mission of these forces whose improved weapons, training, and leadership have produced a fighting force of significant capability.

Over 350,000 armed citizens are among the more than 3,500,000 members of the Peoples' Self-Defense Force, which is designed to provide additional security for the nation's more than 17 million citizens.

The National Police, which now number over 88,000, are better trained and better equipped to perform a public safety function, particularly protecting the people who live in the countryside.

Significant progress is evident through the GVN control of rural areas, with over 93 percent of the population now residing in relatively secure areas.

A special pacification and development campaign is now in full swing, the purpose of which is to accelerate, improve and consolidate GVN program gains countrywide.

Mr. SYMINGTON. Mr. President, I have listened with interest to the colloquy and the statements of the Senator from Kansas and the Senator from Louisiana. This increases my desire to have the Members of the Senate acquainted with the report of the staff members of the Foreign Relations Committee. That report is classified. I would urge that it be declassified so that the Senate will know what is going on in Cambodia.

I can fully sympathize with the feelings of the Senator from Kansas with respect to the rights and privileges and duties of the President of the United States when it comes to getting involved in a war. However, I have great interest in the rights and responsibilities of the Congress of the United States when it comes to fighting in other countries. Therefore, I hope that the facts incident to Cambodia, developed by the gentleman who went out on the ground, are made known to the Senate at the earliest opportunity.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I am intrigued with the comment the Senator from Missouri made twice here today.

As one who is not privy to that report, I inquire whether it is possible that we might have a meeting similar to the one we had on the ABM if it is not possible to declassify the report. I wonder if we could not meet in a secret session so that the Senator from Missouri could brief us on what is contained in the report.

Mr. SYMINGTON. If the Senator from Alaska would like to look at the report, I am confident that the report would be made available to the Senator to be read in the Foreign Relations Committee offices. I do not think a secret session should be required for I believe that it would be better for the report itself to be declassified.

Those who are going to vote on the money to cover what is planned in Cambodia should know what is going on in Cambodia.

I would like to see all the Members of the Senate have the information that in major part could be declassified in this report.

The PRESIDING OFFICER. The bill having been read a third time, the question is shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Maryland (Mr. Tydings), the Senator from Minnesota (Mr. McCarthy), and the Senator from Georgia (Mr. Russell): are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Russell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. Cook), the Senator from Colorado (Mr. Dominick), the Senator from New York (Mr. Goodell), the Senator from Iowa (Mr. Miller) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. Miller), and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

On this vote, the Senator from Colorado (Mr. Dominick) is paired with the Senator from New York (Mr. Goodell). If present and voting, the Senator from Colorado would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Texas would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 89, nays 0, as follows:

[No. 417 Leg.]

YEAS—89

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—11

Cook
Dodd
Dominick
Goodell
Hatfield
McCarthy
Miller
Mundt
Russell
Tower
Tydings

So the bill (H.R. 19590) was passed.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Ellender, Mr. Russell, Mr. McClellan, Mr. Stennis, Mr. Symington, Mr. Young of North Dakota, Mrs. Smith, and Mr. Allott conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from Louisiana (Mr. Ellender) for the leadership he has shown in shepparding this bill through the committee and the Senate today. It is the first Defense bill in recent years that has received such widespread acceptance by the Senate. It reflects the growing mood in the Senate to reduce the enormous expenditures and allocation of resources in this area by reducing what the Defense Department stated was a bare-bones, rock bottom budget, by $2.3 billion. No Member of the Senate is better prepared and more thorough in his scrutiny than the senior Senator from Louisiana (Mr. Ellender). This bill demonstrates the highest degree of diligence, and the greatest sensitivity to the desires of the Senate collectively and it reflects a great service to the Nation as a whole. In addition, this bill contains some very important policy statements, ranging from prohibition of expenditures for waging war in Cambodia to a most justified restriction on the expenditures of Defense money for research unrelated to Defense activities.

With equal force, I wish to commend the senior Senator from North Dakota (Mr. Young) the ranking Republican Member. He demonstrates the same devotion and diligence manifested by Senator Ellender. The high standing both have in the Senate is reflected in the swiftness with which the Senate has accepted the recommendations brought forth by the full Committee on Appropriations under their leadership. To them, the full Committee on Appropriations, Senator Fulbright who forcefully and succinctly presented his view on a very important aspect of proposed expenditures of these moneys, the leadership wishes to express its sincere thanks.

NATIONAL GROWTH POLICY

Mr. SPARKMAN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 19436.

The Chair laid before the Senate H.R. 19436, to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner-city development, to extend and amend laws relating to housing and urban development, and for other purposes, which was read twice by title.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of the bill.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I move that all after the enacting clause be stricken and that the text of the Senate-passed bill, S. 3468, be substituted therefor.

Mr. BENNETT. Mr. President, I send to the desk an amendment to the substitute amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BENNETT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 105, after line 16, add the following:

ELIGIBILITY OF AMERICAN SAMOA BANKS FOR FEDERAL DEPOSIT INSURANCE

Sec. 1010. (a) Subsection (a) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(a)), is further amended by inserting the words "American Samoa," after the word "Guam," each place it appears therein.

(b) Subsection (d) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(d)), is further amended by inserting the words "American Samoa," after the word "Guam,".

(c) Subsection (e) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(e)), is further amended by inserting the words "American Samoa," after the word "Guam,".

(d) Paragraph (5) of subsection (l) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(l) (5)), is further amended by inserting the words "American Samoa," after the word "Guam,".

(e) Subsection (m) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(m)), is further amended by inserting the words "of American Samoa," after the word "Guam,".

(f) Subsection (o) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(o)), is further amended by inserting the words "American Samoa," after the word "Guam,".

(g) Paragraph (4) of subsection (a) of section 7 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a) (4)), is further amended by inserting the words ", American Samoa," after the word "Guam".

(h) Subparagraph (B) of paragraph (5) of subsection (b) of section 7 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(b) (5) (B)), is further amended by inserting the words "American Samoa," after the word "Guam,".

Mr. BENNETT. Mr. President, I have discussed this amendment with the chairman of our committee and he has no objection to the amendment.

My amendment would simply allow banks in American Samoa to be eligible for Federal Deposit Insurance under the Federal Deposit Insurance Act, if those banks can, in fact, meet the eligibility criteria for Federal Deposit Insurance.

This proposal was considered and passed by the Senate on July 1 of this year, and it has been pending before the House Banking and Currency Committee since that time. I am informed by members of the House committee that it is impossible for that committee to consider this matter and bring it to the floor of the House in this session of Congress. I am further informed that that committee has no objection to this legislation and even suggested we handle the matter in this manner.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment, as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 19436) was read the third time and passed.

PROGRAM—PROPOSED IMPROVEMENTS IN SENATE PROCEDURE

Mr. MANSFIELD. Mr. President, it is the intention of the leadership to lay before the Senate tomorrow a clean bill, an original bill, from the Committee on Public Works, the rivers and harbors bill. That will be followed, I will say to my distinguished colleague, the minority leader, by going back once again to Calendar No. 1259, H.R. 18306, the financial institution bill. That is the situation as far as I see it at the moment.

As long as the distinguished minority leader is on the floor, I think I might say that I have been instructed by the Democratic policy committee to look into the proposals suggested by Senators Cranston, Saxbe, Hughes, and Schweiker; and I am in the process of doing that.

I shall very shortly deliver a memorandum to the distinguished majority leader, and then report back to the policy committee, as instructed, and I would assume the distinguished minority leader would once again take it up with the Republican conference.

Mr. SCOTT. Yes, Mr. President, I might reply to that by saying it has been discussed in rather general terms twice in the Republican conference. There is a broad approval in principle of the necessity and the desirability for reform of some of the in-house procedures to expedite the business of the Senate.

We would very gladly receive suggestions from the majority, and, at our next luncheon, probably next Tuesday, advise our conference and policy committee of the reaction of the majority, and see if we can manage to put into effect those improvements, or expediting, or exhortatory provisions which would help us to accomplish the people's business with greater facility.

I think the four Senators involved ought to be warmly complimented for the time they have put in, for the excellence of their suggestions, and for the fact that they have shown the concern which has made possible the opportunity for both sides of the aisle to give some serious consideration to the kind of thing we may be enabled to do without the necessity, surely for the most part, of our revising the rules of the Senate.

Mr. MANSFIELD. I would agree wholeheartedly with the distinguished minority leader and extend to those four Senators, whom I have already named, our heartfelt thanks and commendation for the initiative which they have shown. There are a few questions which I have raised, which I am sure the distinguished minority leader will look into. There undoubtedly will be a few questions which he will raise. But then we will report back to our respective committees, on the basis of instructions, and then we will see what can be done. I think the result will be very good.

Mr. SAXBE. Mr. President, will the Senator yield

Mr. MANSFIELD. Yes, indeed.

Mr. SAXBE. I would like to say, in my behalf and, I am sure, that of the other Senators who have worked on this matter, that we have greatly appreciated the spirit in which the leadership on both sides have helped us and encouraged us to work on these matters.

I might say that, on my part, I have spoken to every member of the minority and asked for their suggestions.

One thing that we found was that each Senator wanted to contribute to the decorum and workmanlike approach to the problems and the business of the Senate. We found that they were anxious and willing to forgo some of the privileges and licenses that have been granted over the years. Particularly, we are thinking of floor attendance and participation. All individuals in the policy committees evidenced a willingness to cooperate with the leadership in trying to expedite our business. No one indicated a willingness to conclude our session in December again with great, momentous decisions to be made, with time running out. All indicated a willingness to work harder.

I might suggest that I admired and welcomed the Senator's attitude in saying, "Well, all right, if you are willing to do this, we are going to ask you for it and we are going to ask you to forgo some of these things and we are going to call on you to live up to the consensus you have given your leaders."

It would not have been possible to reach the point where the matter now is had it not been for the Senator's encouragement and openmindedness.

Mr. SCOTT. Mr. President, I want to thank the distinguished Senator from Ohio and to say that underlying the suggestions is the recognized necessity for Senators to plan their day, to plan their weeks, and to plan their year.

I would like to be of any assistance I could in enabling all Senators to respond to the numerous requests from home as far in advance as they might, which presently is by no means possible under the system which we have followed over the years. Because of the increasing business of the Senate, it is necessary for us to stay here. But if we can aid the planning process and expedite the Senate's business at the same time, I would immediately want to do it.

Mr. MANSFIELD. Yes. May I say that the purpose of this statement today is to indicate to the initiators, Senators Saxbe, Schweiker, Cranston, and Hughes, that this matter was not being taken lightly, but was being given the most serious consideration, and was being expedited as much as possible.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes.

Mr. CRANSTON. I also would like to join my dear friend and colleague the Senator from Ohio (Mr. Saxbe) in thanking the leadership on both sides of the aisle for their wonderful cooperation from the outset in this endeavor.

We believe what we have proposed will make the Senate more responsive and more responsible, and will make life more orderly for Senators; and also, I think, our constituents will benefit greatly in their access to us on the great issues that come before us in the Senate.

While Senator Saxbe was talking to every Member on his side of the aisle, I was talking to every Member on my side of the aisle. We picked up many ideas from Senators on both sides. We have refined many of the ideas we started with. I hope we can now move as rapidly as possible to agreement, or as much agreement as we can attain, hopefully, before we go home for Christmas, so that we will not get mixed up in new arguments that will occur before we get back in January.

So that all Senators will know what the thinking was at the point where the matter was turned over to the leadership, I suggest that we place in the Record the memorandum to this point, just so every one will know what we are concerned with at this point.

The PRESIDING OFFICER (Mr. Spong). Does the Senator ask unanimous consent that that be done?

Mr. MANSFIELD. I ask unanimous consent that the memorandum be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Memorandum

PART I—ITEMS UPON WHICH THERE HAS BEEN CONSIDERABLE AGREEMENT

I. Senate daily schedule

Unanimous Consent

1. Extend Morning Hour by one hour and agree that speeches will be limited to 3 minutes during transaction of routine morning business and that such business shall not exceed 45 minutes on Tuesdays and Thursdays and 30 minutes on all other days, except as the Senate shall decide by unanimous consent when several Senators have arranged a colloquy on a current event of national significance; extend Pastore rule to consideration of legislative matters during Morning Hour. Extend Pastore rule to cover first 3 hours on all new business laid down.

2. During Morning Hour, after transaction of routine morning business; call of calendar on Tuesdays and Thursdays; then on all days consider bills until end of Morning Hour,

upon which limitation of debate has been agreed to.

3. During period for consideration of unfinished business, consider bills on which no time limitation agreed to.

4. Special Orders after conclusion of consideration of unfinished business.

5. At appropriate time during above schedule, announce intention to request unanimous consent agreement on following day to limit debate.

II. Senate monthly schedule

1. Recess at close of business on the final Wednesday of each month, reconvene on the following Monday. Concurrent resolution.

2. Recess for at least two weeks before Labor Day in election years. (Note: Reorganization Bill adopted Oct. 6 provides month-long recesses in non-election years.) Concurrent resolution.

III. Control of time immediately prior to rollcall vote and notice to Senators prior to closing debate and rollcalls

1. When a time limit of at least 20 minutes on amendments, and 30 minutes on bills, has been agreed to, require equal division between proponents and opponents of the final 15 minutes on amendments, and on bills, for summation arguments. Include agreement in motions limiting debate by unanimous consent.

2. Add a new bell-ringing signal 5 minutes prior to commencing final 15 minutes on amendments and on bills. By agreement between majority and minority leaders.

IV. Rollcalls

1. Set maximum time to be allowed for roll calls. (20 minute limit is now understood between majority and minority leaders.) General agreement.

2. If maximum time for roll calls is agreed to, arrange for signal light to blink on and off during final 5 minutes of roll calls. By agreement between majority and minority leaders.

V. Authorizations

1. Implement Sen. Magnuson's proposal that consideration of authorization bills will not be in order after a specific date, except with approval of both majority and minority leaders. (Sen. Magnuson suggests July 31; Sen. Ellender suggests May 31.) Unanimous consent agreement.

VI. Appropriations

Commence action on appropriations without waiting for House action, including mark-up subject to revision when House measures are received, to enable the earliest possible conferences after both bodies have acted. Permissible under present rules through establishment of Appropriations Committee policy.

PART II—ITEMS UPON WHICH NO GENERAL CONCENSUS HAS YET BEEN SOUGHT—SINCE THEY ARE NOT ENTIRELY VOLUNTARY

Voluntary agreements re monitoring, presence of Senators on floor and in Washington, reading prepared speeches, and reduction of number of roll calls

Seek agreement by as many Senators as possible to:

1. To the degree desired by the Leadership, assume monitoring responsibilities and assignments for fulfillment of revisions in Senate procedure and otherwise expediting Senate work (such as objecting to exceptions to 3-minute rule in Morning Hour, violations of Pastore Rule, etc.). Voluntary.

2. Agree to stay on Senate Floor on a regular basis during consideration of bills upon which limitation of debate has been agreed to. Voluntary.

3. Agree to stay in Washington on a regular basis when Senate is in session, restricting absences as much as possible to the Wednesday-night-to-Monday-morning recess at the end of each month. Voluntary.

4. Agree to minimize the reading of prepared speeches on Senate Floor during consideration of bills upon which limitation of time has been agreed to. Voluntary.

5. Agree to restraint in requesting roll calls, and to restraint in providing sufficient second when yeas and nays requested on insignificant matters. Voluntary.

PART III—ITEMS OFFERED FOR CONSIDERATION ONLY, UPON WHICH OPINIONS VARY

Other suggestions

1. Authorizations and Appropriations

a. Observe present 3-day rule on appropriations. Observe present rules.

b. Consider moving toward multi-year authorizations and appropriations where appropriate and feasible. Requires legislation.

c. Explore feasibility of legislation switching from fiscal to calendar year, or to separate budget and legislative sessions. Requires legislation.

2. Quorum Calls

When absence of quorum is suggested when quorum is apparently present, permit presiding officer to stand, count, and declare quorum present, subject to challenge of his ruling. Unanimous consent to waive rule V (2).

3. Morning Hour and Special Orders

a. Recognize Senators in inverse order to amount of time they request. General agreement.

b. If Senator absent when his time arrives, recognize next Senator present and ready to speak; late Senator goes to end of list. General agreement.

AUTHORITY FOR COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that until midnight tonight, all committees be authorized to file their reports, including any minority, additional, supplemental, and individual views.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALE TO AN ALIEN OF THE PASSENGER VESSEL "ATLANTIC"—ORDER TO HOLD BILL AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill (H.R. 16498) to permit the sale to an alien of the passenger vessel *Atlantic* be held temporarily at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARE OF ANIMALS USED IN RESEARCH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 19846, which has come over from the House.

Without objection, the Presiding Officer (Mr. SPONG) laid before the Senate the message from the House of Representatives on the bill (H.R. 19846), an act to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COTTON. Mr. President, as the senior Republican member of the Senate Committee on Commerce since 1963, I have watched with great satisfaction the development of our congressional commitment to the protection and humane treatment of animals.

Public Law 89-544, the act amended by the bill which we are considering today, was considered by the Senate Committee on Commerce and enacted into law in 1968. As one of the Senate conferees on the 1966 bill, and one who has had a continuing interest in this area, I have been pleased by the improvements which have resulted from its enactment. However, I have also been disturbed by the need for further improvement.

It is for this reason that I cosponsored at the request of scores of my constituents and in the interests of considering a more effective means of protection, the bill, S. 2446, introduced by Senator JAVITS. This bill would have amended the Public Health Service Act and placed in the Department of Health, Education, and Welfare the responsibility for developing further standards and providing greater assurance for the humane care, handling and treatment of laboratory animals. After much consideration and a careful examination of the bill just passed by the House, H.R. 19846—previously introduced in the Senate by the Senator from Kansas (Mr. DOLE), as S. 4539—I believe the proposal to retain the responsibility for regulation in the Department of Agriculture with a greater grant of authority from Congress is most commendable and deserving of enactment.

Very briefly, the bill will accomplish the following:

First, it will redefine the term "animal" to include all warmblooded animals designated by the Secretary, greatly expanding its coverage;

Second, it will regulate more of the people who handle animals, including exhibitors and wholesale pet dealers;

Third, it sets forth the basic creature comforts which must be afforded to these animals, including the necessity for the avoidance of pain through appropriate drugs and veterinary care. However, it also recognizes the prerogatives of the medical community and the contributions which these animals are making to the health and welfare of mankind, and in no way authorizes the Secretary to control or interfere with scientific research or experimentation; and,

Fourth, it will strengthen the enforcement powers of the Secretary, thereby contributing to the effectiveness of its administration.

I have been informed that this bill has the support of the groups which have expressed their interest in new legislation, including those who conduct the research, and that it is greatly desired. I would hope that with the endorsement of the Committee on Commerce, and after the most commendable work which has been done by the House Committee on Agriculture, the Senate will see fit to pass it without delay.

Mr. DOLE. Mr. President, H.R. 19846, which has been approved by the House of Representatives, is identical to a bill which I introduced on November 24 in an effort to expedite enactment of this important legislation.

I am impressed by the skill evidenced by the designers of this piece of legislation in resolving differences we have seen in the past between humane animal care groups and the medical research community. I know this has taken many months of hearings and consideration by the House Agriculture Committee to reach this point of agreement and I congratulate all those responsible for their efforts in this regard.

Having served as a House conferee for the dognaping bill of 1966, I fully appreciate the accomplishment of the sponsors of this bill.

While this bill provides for the protection of animals used in research and experimentation, it is not just a laboratory animal bill. It extends humane treatment of animals to wholesale pet dealers, zoos, road shows, circuses, carnivals, and auction markets. When the appropriate regulations are assured by the Secretary of Agriculture, the conditions under which these animals are held and exhibited will be immensely improved. The bill quite properly excludes from its provisions county and State fair livestock shows and such exhibitions as are sponsored by the 4-H clubs which are intended to advance the science of agriculture.

It is recognized that this bill and the regulations to be issued thereunder will require the upgrading of facilities within research laboratories. Our medical schools will find that sizable expenditures may be required for this purpose. The Secretary has broad authority as to the timing of specific regulations and I am sure that he will allow our medical schools ample time to get ready for compliance. I would hope that full consideration for the needs for added funds for this purpose would be given by the appropriate governmental bodies.

Having reached this point, I do not believe that we should delay any further in approving the bill which we now have before us.

Mr. President, an interesting and informative article appeared in Washington's Sunday Star entitled "More Legal Protection on the Way for Animals Behind Bars." I ask unanimous consent that this article be placed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORE LEGAL PROTECTION ON THE WAY FOR ANIMALS BEHIND BARS

(By Ann Cottrell Free)

The idea behind the proposed Animal Welfare Act of 1970 has been a long time coming into its own—it has been an uphill fight, often resisted by powerful forces—but it looks now as if it may come to a final vote in the closing hours of the 91st Congress.

Its passage will be a tribute to a deepened Congressional ecological conscience. More and more members of Congress are realizing that all living creatures must be treated with decency and respect—regardless of whether they are endangered species roaming in the wild or animals doomed to spend dreary lives behind bars in laboratories or zoos.

There can be little doubt that the passage of the Endangered Species Act one year ago this month and the emphasis in the past year on man's relationship with the earth and all its creatures have had a profound effect on congressional thinking.

The new legislation—which has so many sponsors that this sentence would be consumed by listing them all—has it roots in proposals first made exactly 10 years ago, in 1960. Soon after the 1958 passage of the Federal Humane Slaughter law, humanitarians started laying congressional groundwork to bring some measure of federal supervision over the care and treatment of laboratory animals.

HUMANIACS

The well-funded research explosion was using an unprecedented number of dogs, cats, rodents, primates and a variety of other creatures. Estimates have gone as high as 300 million annually. They were often obtained from questionable sources and treated with less care than the most expendable test tube.

Those persons, who worked for setting standards of care were immediately called anti-vivisectionists or branded as "humaniacs" by some members of the scientific community. In truth, they were violently opposed by the antivivisectionists, who were working for total abolition of animal use.

Thought a number of bills were introduced during those years, they went nowhere. In desperation, humane organizations tried new approaches and often fell to quarreling among themselves as to bill content and strategy. (Most of the bills gave supervisory authority to Health, Education and Welfare.)

But 1965 brought the beginning of a breakthrough. Researchers' demands for dogs and cats had grown so great that unprincipled dealers turned to stealing pets. Their boldness and carelessness trapped them.

As more and more "pet-napping" cases turned up, there came to Congress also descriptions of stomach-turning conditions within dealers' compounds. Eyewitnesses told of seeing dead and dying dogs mixed in with live ones in conditions of indescribable filth. Such testimony about this $30 million business prompted passage of the Laboratory Animal Act of 1966. This legislation had more than 50 sponsors.

Administration of the act was given to the animal health division of the Department of Agriculture's Research Service. Dealers and purchasers were licensed and required to conform to Agriculture's standards of human treatment of dogs, cats, hamsters, primates, rabbits and guinea pigs.

More than 110 dealers went out of business during the first three years of the program. Licenses of some of the larger dealers have been revoked. Agents have been cursed, threatened and shot at. But even so, the act did not go far enough. There were huge loopholes. And it has been handicapped by lack of funds to employ more inspectors—most of whom are veterinarians and have many other Agriculture Department duties within the states where they are stationed.

Though the act has no authority over care of animals actually being used in research, some institutions have declared the animals "in research" and the moment of arrival. This clearly frustrates the intent of the act to improve conditions of the animals while awaiting research.

More federal authority was needed. In 1968 help came from an unexpected source. A 43-year-old GOP freshman representative from Norfolk, Va., introduced legislation that filled the bill. Rep. G. William Whitehurst would extend the mantle of enlightened care to animals actually undergoing research. But what's more, he asked that the same standards apply to animals in circuses, zoos and the pet trade.

Humanitarians soon learned that it was not only Bill Whitehurst they had to thank, but his wife, Jennette. "I told the people at the Norfolk SPCA, where I have helped with humane education, that I'd try to lend a hand when we got to Washington," she said the other day.

Whitehurst's bill actually was a beefing up of the "pet-napping" Act and was referred to the House Agriculture Committee, whose chairman has repeatedly shown himself a friend of animals, Texan W. R. Poage has been the key man on the House side on both the humane slaughter and "pet-napping" bills.

Testimony, presented this June before Rep. Graham Purcell's subcommittee, lifted once again the curtain of secrecy on unspeakable conditions among the creatures that perform, amuse and give their lives to man.

"We, who worked there, were always pleased when some animal died to be out of a miserable life," said June W. Badger of Middleburg, Va. She told the committee of conditions in some of the circuses and zoos for which she had worked in the last 19 years. Cramped, unventilated cages, starvation, sadistic punishments. A litany of misery.

The arrival from South and Central America and shipment to pet wholesalers of crates of birds and monkeys were described by Mrs. Christine Stevens.

She is the wife of Roger Stevens, president of the Kennedy Center for the Performing Arts and the government's former cultural chief. Mrs. Stevens is president of the Animal Welfare Institute and secretary of the Society for Animal Protective Legislation.

IMPORTED ANIMALS

She described wretched conditions of animals that Custom inspectors have overlooked. (They are charged with checking on condition of imported animals.) She told of continued conditions of cramped laboratory housing and of the inhumane environment in many municipal and roadside zoos. Quoting Dr. Desmond Morris, author of the "Naked Ape," she said, "If zoos are to survive the 20th century, they will have to reform." She introduced into the record a letter in behalf of the Whitehurst bill from Virginia McKenna and Bill Travers, stars of the film "Born Free" and patrons of the Captive Animals Protection Society.

The arrival of dogs and cats at animal auction sales was described by Frank McMahon, field director of the Humane Society of the United States. "I've seen them chained within the trunks of cars. I've seen them jammed in crates and cages. I've seen them sold by the pound." Humane agents of local societies are given rough treatment, he said and under the existing federal law these auctions are exempt from regulation.

The legislation now speeding toward the congressional deadline embodies many of the suggestions made by the men and women who know the problem first hand. Auctions are included. Animal categories have been broadened. Fines for resisting agents have been stiffened. But most important, the Agriculture Committee called for the use of appropriate pain-killers for research animals whenever possible.

(When Agriculture sets the standards for humane handling many humanitarians trust that life-time caging of such research animals as dogs will be eliminated.)

Some of the additions to the Whitehurst bill were called for in bills introduced by Rep. Thomas S. Foley, D-Wash., and in the Senate by Warren Magnuson, D-Wash., Alan Cranston, D-Calif., and William G. Spong, D-Va. When the bill was favorably discharged from the House Agriculture Committee, it bore the name of each member. An exact copy was introduced in the Senate by Robert J. Dole, R-Kan. Hearings by Senator Philip A. Hart's Commerce sub-committee are expected any day.

Even with the evaporation of much of the scientific community's opposition to lab animal legislation and even with the good chance that this measure will miraculously pass this session, there are other hurdles. One is money.

The burden on the Department of Agriculture will be heavier, making necessary the employment of more inspectors. These men, also, have the added duty in coming years of policing the horse shows to see that no "walking horse" brought across state lines has been "sored" to make it step high, wide and handsome. The famous Tydings "walking horse" bill is now awaiting Presidential signature. Sen. Joseph Tydings, D-Md., sponsored it in this session of Congress.

As this session adjourns, left at the post are at least 10 other animal protection measures; air transportation regulations, cessation of shooting wolves and other animals from airplanes over federal lands, elimination of use of agonizing poisons in the government's predator control programs, better conditions at the ports of entry such as Miami. The list is long—but the abuse and suffering have gone on a long time, too.

But at last, what has been described as the "silent lobby" has found its voice. Or could it be that man, for a change, is listening to voices other than his own?

The **PRESIDING OFFICER**. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 19846) was ordered to a third reading, was read the third time, and passed.

RELIEF OF ARTHUR JEROME OLINGER

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 703.

The **PRESIDING OFFICER** (Mr. Spong) laid before the Senate the amendment of the House of Representatives to the bill (S. 703) for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually which was to strike out all after the enacting clause, and insert:

That notwithstanding the limitations of subsection (b)(1) of section 2733 of title 10 of the United States Code, or any other statute of limitations, the claim of Arthur Jerome Olinger, a minor, for injuries and consequent disability resulting from a fall on or about September 29, 1962, from an upper floor of Government quarters known as Feevren Strasse II, Warner Barracks, Bamberg, Germany, filed within one year of the effective date of this Act shall be held to a timely claim and shall be received, considered, settled, and, if meritorious, paid in accordance with the otherwise applicable provisions of section 2733 of title 10 of the United States Code. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MAINTENANCE AND OPERATION OF THE KENDALL SCHOOL AS A DEMONSTRATION ELEMENTARY SCHOOL FOR THE DEAF

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 4083.

The **PRESIDING OFFICER** (Mr. Spong) laid before the Senate the amendment of the House of Representatives to the bill (S. 4083) to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes, which was on page 3, strike out lines 4 through 12, inclusive, and insert:

Sec. 5. (a) The second proviso of the first paragraph under the heading "Columbia Institution for the Deaf and Dumb" of the first section of the Act of March 2, 1889 (D.C. Code, sec. 31–1010), is repealed.

(b) The proviso and the last sentence in the paragraph having a side heading "Columbia Institution for the Deaf and Dumb" in the first section of the Act of March 1, 1901 (D.C. Code, sec. 31–1008), is repealed.

(c) The last sentence under the heading "Columbia Institution for the Deaf and Dumb" in the first section of the Act of March 3, 1905 (D.C. Code, sec. 31–1011), is repealed.

(d) The last sentence of the first paragraph under the heading "Columbia Institution for the Deaf and Dumb" in the first section of the Act of June 27, 1906 (D.C. Code, sec. 31–1011), is repealed.

(e) The Act of November 7, 1966 (D.C. Code, sec. 31–1010a), and each subsequent Act making appropriations for Gallaudet College, are amended by striking out the proviso under the heading "Gallaudet College, Salaries and Expenses" in each such Act.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MILOYE M. SOKITCH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1383, H.R. 3571.

The **PRESIDING OFFICER**. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3571) for the relief of Miloye M. Sokitch.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1374), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Foreign Claims Settlement Commission to receive, consider, and act upon the claims of Miloye M. Sokitch, or his legal representative, under title III of the Foreign Claims Settlement Act of 1949, as amended, against the Government of Italy as if they had been filed within the time limit and manner prescribed under the act. Should the Commission determine the claim is meritorious, the bill authorizes the Commission to certify the award to the Secretary of the Treasury for payment out of balances remaining in the Italian claims fund. In order to be considered the claim would have to be filed within 6 months of the date of enactment of the bill into law.

STATEMENT

In its favorable report on the bill, the House Judiciary Committee set forth the facts of the case as follows:

"This bill would make it possible for the Commission to consider and settle a claim under an amendment to the Foreign Claims Act which permitted the consideration of such claims but failed to provide a period after enactment for the filing of such a claim. The result was that only claims filed before the Commission was authorized to consider such claims could be considered as "timely filed." As is noted in the Foreign Claims Settlement Commission report, the original claims provisions only permitted claims by persons who were U.S. citizens on the date of the loss or destruction of property giving rise to the claim. On August 8, 1958, Public Law 85–604 was enacted to permit awards to persons who were nationals of the United States on August 9, 1955, the date of enactment of title III of the act, even though their claims were based upon property lost at an earlier date. The amendment thus broadened the international law principle requiring continuous U.S. nationality of a claim from the date of loss to the date of filing.

"The information before the committee indicates that Mr. Sokitch's claim would have been covered by the amendment had there been an opportunity for him to file after its enactment. The report of the Foreign Claims Settlement Commission refers to the fact that after that enactment, all claims previously denied under the original provisions of the act because of failure to qualify under the international law principle, but which would be eligible for awards under the amendment, had to be reconsidered. In all, 146 claims were considered and amounts of awards made under the amendment totaled $606,464. However, the inequity of the situation was that the Commission required that in order to be considered the claim had to have been filed within the time limit for claims under the original act. That is, by September 30, 1956, or nearly 2 years prior to the enactment of Public Law 85–604 on August 8, 1958.

"As is noted in the Commission's report Mr. Sokitch became a national of the United States on April 11, 1947, and, therefore, his claim, if timely filed, would not have been eligible under the original provisions of the act since it was not owned by a national of the United States continuously from the date of loss. However, his claim would have come within the group to be considered under the Public Law 85–604 amendment provided that it was filed under those original provisions. The committee feels that this imposed an impossible burden upon Mr. Sokitch.

"As is clearly stated in the Commission's report, Mr. Sokitch was no eligible to claim under the original act, but the ruling by that Commission as to filing would have required him to file under the original act in order to be considered under a subsequent amendment making him eligible. The amendment itself apparently contained no provision fixing a date to file. While the Commission may have had no alternative, the result was inequitable in Mr. Sokitch's case. Here he did in fact file a claim after the amendment. On September 18, 1959, Mr. Sokitch filed this claim (No. IT–10,597) with the Commission against the Government of Italy in the amount of $215,200 for losses to property occurring during the years 1941–43. The claim was denied for the reason that it was filed after the final filing date which, as has been noted, was September 30, 1956.

"The committee was concerned with the statement in the Commission's report concerning the number of "tardy claimants" and the inference that such persons should be equated to Mr. Sokitch. However a careful reading of the report shows that the Commission has referred to claimants under the original act as well as the amendment, and also to those who have never filed. Mr. Sokitch's claim must be distinguished from both those who were qualified under the original act and did not file in time and those who never filed. Mr. Sokitch should not have been charged with a responsibility to file in a claims program which did not include him, therefore, it is not fair to characterize him as one of a group of late claimants under that program. Secondly, he did file after the amendment and he should not be classified as one of an unspecified number of persons who might have claimed but didn't. As a matter of fact, evidenced by the following two letters, there appears to be only one other claimant who filed after the amendment and who therefore might be equated to Mr. Sokitch in terms of a claim filed after the amendment."

The committee after a review of the foregoing, concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 3571, without amendment.

Attached hereto and made a part hereof are: (1) a letter dated December 16, 1969 from Samuel Herman; (2) a letter dated December 29, 1959, from the Foreign Claims Settlement Commission; and (3) a letter dated June 3, 1963, from the Foreign Claims Settlement Commission:

DECEMBER 16, 1959.

Re claim No. IT–10,957, Miloye M. Sokitch.

Chairman PEARL C. PACE,
Foreign Claims Settlement Commission of the United States, Washington, D.C.

DEAR MRS. PACE: This will refer to the proposed decision received December 9, 1959.

In due course, the claimant proposes to file appropriate objections and request a hearing.

In preparation for this hearing, it would be of great aid, on the issue of timeliness, if the Commission would make available to the claimant the following:

1. The number of persons appearing in the Department of State records, before August 9, 1955, as having made inquiry concerning Lombardo agreement losses.

2. The number of person who filed claims with the Commission under section 304, prior to and including October 1, 1956.

3. The number of persons who filed claims with the Commission under section 304 after October 1, 1956, and prior to its amendment on August 8, 1958.

4. The number of persons who filed claims with the Commission under section 304, as amended; that is, after August 8, 1958.

5. The number of persons, if any, falling within groups "1" through "4" above who received from the Commission a written notice (such as the attached in connection with Czechoslovakia) in accordance with section 4(b) of title I of the International Claims Settlement Act of 1949, in relevent part as follows:

"In addition, the Commission is authorized and directed to mail a similar notice to the last-known address of each person appearing in the records of the Department of State as having indicated an intention of filing a claim with respect to a matter concerning which the Commission has jurisdiction under this title."

6. Whether the records of the Commission show that Miloye M. Sokitch, the present claimant, was sent a written notice with respect to his claim against Italy.

7. Whether title III claimants against the Soviet Union, Rumania, Bulgaria, and Hungary were sent similar written notices with respect to the filing of their claims.

I suggest that the above information available only through the Commission will serve to illuminate the hearing by helping to define the physical scope of the problem. How many other persons are there in Mr. Sokitch's category? This may well prove significant in the Commission's final conclusion as to the legislative intent in the filing of claims under section 304, as amended.

Respectfully submitted.

SAMUEL HERMAN.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES,
Washington, D.C., December 29, 1959.

Re claim No. IT–10,957, Miloye M. Sokitch.

SAMUEL HERMAN, Esq.
Washington, D.C.

DEAR MR. HERMAN: Reference is made to your letter of December 16, 1959, requesting certain information and statistics concerning claims against Italy under section 304, title III of the International Claims Settlement Act, as amended.

The records of the Commission are not maintained in such a manner that ready answers to your questions are available. Additionally, it may be stated that, by reason of budgetary limitations and shortage of clerical personnel, the research necessary for an accurate response cannot be undertaken.

In response to your questions 1 and 5, it may be explained that the Commission dispatched written notices of Public Law 285 to those persons whose files were furnished to it by the Department of State. The Commission has no assurance that these files were complete, no count is now available of the number of notices that were mailed, and we have no record of the number of persons who directed inquiries to the Department of State prior to August 9, 1955, concerning Lombardo agreement losses.

The docket of the Commission records the date upon which claims are docketed in; accordingly, it does not reflect the date that claims were mailed nor whether or not the receipt of claim forms is a followup of a timely notice of intention to file under the act. Additionally, under the practice of the Commission, it often happens that a claim is split during development so that individual members of the family or others interested in the original claim are requested to complete individual claims forms after the filing date. For these reasons the information you seek in questions 2, 3, and 4 could be ascertained with accuracy only by an examination of each claim file. The docket does reveal that five claims (including the subject claim) were docketed after August 8, 1959. One of these upon examination, is found to be an amendment or splitoff of a timely filed claim, while the other four were denied as not timely filed.

With reference to question 6, the records of the Commission indicate that a notice of the enactment of Public Law 285 was mailed to Miloye M. Sokitch in Hartford, Conn., on December 19, 1955, and returned undelivered. The answer to question 7 is that notices were sent to such prospective Soviet, Rumanian, Bulgarian, and Hungarian claimants as were ascertainable from the records furnished by the State Department.

In answer to your last specific inquiry, according to the docket ledger it appears that only one claim, other than the Sokitch claim, was filed as a result of the amendment to section 304.

Sincerely yours,

MRS. STANLEY D. PACE,
Chairman.

Section 304, title III of the act, authorizing the Foreign Claims Settlement Commission to receive and determine in accordance with the memorandum of understanding between the Governments of the United States and Italy signed August 14, 1947, and applicable substantive law, including international law, the validity and amount of claims of U.S. nationals against the Government of Italy arising out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, and with respect to which provision was not made in the treaty of peace with Italy. Claims within the purview of this section were required to be filed with the Commission on or before September 30, 1956. The act also provided that the Commission complete its affairs in connection with the settlement of these claims on August 9, 1959.

Originally, nationally requirements with respect to claimants under section 304 of the act were based on the principle of international law that a government will not espouse the claim of one of its nationals against foreign government unless the claim was owned by one of its nationals at the time it arose. However, an exception was made by an amendment to the law in 1958 to permit consideration of claims by citizens who acquired U.S. citizenship after the loss but prior to August 1955, the date of the enactment of title III. The Foreign Claims Settlement Commission in its report on the bill noted that this amendment was made because by August 8, 1958, it was apparent that the Italian claims fund was more than sufficient to pay anticipated awards against the Government of Italy.

The committee has carefully considered all the facts outlined above and referred to in the report of the Foreign Claims Settlement Commission on a similar bill in a previous Congress which is set forth following this report and has concluded that legislative relief is appropriate in this instance. Accordingly, it is recommended that the bill be considered favorably.

INTERSTATE COMMERCE COMMISSION

Mr. MANSFIELD. Mr. President, yesterday, I made a statement on the floor on behalf of 30 other Senators and myself relative to the Interstate Commerce Commission. I am in receipt of a letter signed by Mr. George M. Stafford, Chairman of the Interstate Commerce Commission, acknowledging the letter signed by 31 Senators, and indicating that the Interstate Commerce Commission is in the process of preparing for the substantive committees of Congress, under the chairmanship of Senator MAGNUSON and Representative STAGGERS, an indepth position paper, and they also enclosed copies of letters to those two chairman.

Mr. STAGGERS states further:

> We believe this summary or position paper will best serve as a reply to the November 30 letter signed by you and your co-signers, and we will deliver a copy to each of you just as soon as it is completed in final form.

It is anticipated that this letter will be forthcoming sometime after the 92d Congress convenes, but in the interests of fair play, I ask unanimous consent that the letter from the Honorable George M. Stafford, Chairman of the Interstate Commerce Commission, under date of December 8, 1970, together with a copy of a letter from Chairman Stafford to the Honorable WARREN G. MAGNUSON, chairman, Committee on Commerce, be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., December 8, 1970.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD AND COSIGNING SENATORS: We hereby acknowledge your letter of November 30, 1970, co-signed by a number of other Senators.

A careful reading of it indicates that much more than just a letter reply is required.

We were in the process of preparing for our substantive Committees of Congress an in-depth position paper, as is indicated by the enclosed copies of letters to Chairman Magnuson and Chairman Staggers.

We believe this summary or position paper will best serve as a reply to the November 30 letter signed by you and your co-signers, and we will deliver a copy to each of you just as soon as it is completed in final form.

Sincerely yours,

GEORGE M. STAFFORD,
Chairman.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., December 8, 1970.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As all of us are aware, this nation is presently passing through an era marked by divisiveness, turmoil, dissension, and widespread criticism of national institutions. No branch of government has escaped a spate of criticism, invective, and vituperation. Neither the Congress, the Executive branch, or the Judiciary has been immune to the continuing attack launched against "the establishment," whatever that term may mean.

Nor has this Commission escaped a considerable measure of the continuing assault directed at Government, its agencies, and its officers. The Commission has never, and does not now, contend that its operations are in any way immune to searching inquiry or critical analysis. Some of the criticism of the Commission may be justified. Some has been objective, well articulated, and intended to be constructive in nature. However, much has been biased, political, or uninformed, or has taken the shape of irresponsible and ill-founded carp and fulmination.

The suggested remedies for the purported shortcomings of the Commission are as many and varied as are those who advance them. Some contend that the ICC should be abolished forthwith. Others propose that a superagency be constituted to assume the highly technical and specialized operations of the several existing regulatory bodies. In this regard it is significant that at a recent forum sponsored by the Transportation Association of America, at which all modes of transportation, the regulatory agencies, and transportation labor were represented, only the representative of the railroad industry was prepared to give unqualified support to the merger of the transportation regulatory agencies. The Commission has supported proposals which look to a studied evaluation of the consolidation of the agencies as well as of problem areas in every mode of transport and we have urged that, following such an in-depth study, the resultant recommendations be made the subject of Congressional and Executive scrutiny to the ultimate end that some order may be brought out of a situation which is presently characterized by charges, counter-charges, and confusion.

To this point, the Commission has attempted to maintain a position apart from the area of turmoil in an atmosphere conducive to the proper discharge of the duties and the obligations laid upon us by the Congress of the United States. We have studiously refrained from entering into heated public colloquy with the more vocal of our critics, and to carry on, within the limitations placed upon our functions, the job that all of us would like to see done in the field of surface transportation.

It has become apparent, however, Mr. Chairman, that the time has come for the Commission to make some comment relative to the charges and criticisms which have been leveled against the ICC. To that end, there is presently in preparation a factual summary or position paper which we propose to submit to the substantive committees, with copies to other Members of Congress, soon after the first session of the 92nd Congress convenes in January.

In this summary we will address the more serious criticisms, each of which we are studying and evaluating in the light of current facts and in consideration of the particular problems now faced by users and providers of transportation services. In addition, the report will treat the functional, operational, and statutory difficulties with which this Commission or any successor group must contend.

As you know, considerable support is mounting throughout the nation in support of the ICC. The Commission has played no role in the generation of such support, nor does it intend to do so in the future. We shall be content to put the facts on the record; delineate the problems with which we have been and are presently confronted; suggest constructive alternatives to destructive criticism, and generally give the substantive committees and the Congress, in general, an opportunity to put all of the facts, criticisms, invective, and emotion on the scale of reason and logic.

In conclusion, Mr. Chairman, we should say that we feel that the treatment of the Commission at your hands, and at the hands of Chairman Staggers, has been eminently fair and even-handed. We have shared and now share your concerns and apprehensions respecting transportation policy in general and the explosive problem areas confronting surface transportation in the decade of the 70's. The Commission takes this opportunity to extend to you and yours, and to the members and the families of the great Committee which you head, our sincere best wishes for a very Happy Holiday Season.

Sincerely yours,

GEORGE M. STAFFORD,
Chairman.

EDUCATIONAL ASSISTANCE TO DEPENDENTS OF CERTAIN MEMBERS OF THE ARMED FORCES

Mr. CRANSTON. Mr. President, in a few minutes I intend to move that the Senate agree to the amendments of the House to S. 3785, with certain additional amendments. The basic bill pertains to GI bill educational and home loan benefits for the families of servicemen who are missing in action, captured by a hostile force, or interned by a foreign government or power.

S. 3785 passed the Senate unanimously on September 25, 1970, and its provisions are fully explained in the committee report of the bill—No. 91-1232—and in my remarks upon passage of the bill on September 25, 1970—S. 16513.

This bill, introduced on April 30, 1970, by Mr. DOMINICK, was unanimously reported with a committee amendment in the nature of a substitute from the Committee on Labor and Public Welfare.

In brief, the purpose of the bill is to extend to the wives and children of our servicemen who are missing, captured, or interned, the same educational and home loan benefits to which they would be entitled under chapters 35 and 37 of title 38 of the United States Code if the spouse or parent had died or been totally disabled while in line of duty.

These families are beset with such grief and uncertainty that it is small recompense to immediately resolve the doubt in their favor for the purpose of eligibility for these benefits, to which they would be entitled if the most desperately hoped against circumstances were determined to have, in fact, occurred.

The Senate voted unanimously to accomplish this purpose. The House agreed, and passed these provisions without change, except to call our attention to a comma we thought to be a period. Parenthetically, I might note that we returned the favor by supplying a missing "s" in our amendment to the House's title amendment.

The Veterans' Affairs Committee of the House of Representatives received our bill on September 28, 1970, and reported it with amendments on October 14, 1970, on which date the House passed it with the committee-recommended amendments. These amendments added some unrelated provisions to the bill, dealing with GI bill educational benefits relating to apprenticeships, on-the-job training, and correspondence courses.

It is to these unrelated GI bill educational benefit amendments, and some of my own, to which I wish to address my remarks and to explain for the purpose of establishing a legislative history, as well as informing the Senate as to the substance of these amendments.

HOUSE AMENDMENTS

The House-passed version affected two GI bill programs: apprenticeship and on-job training. First, a salutary and noncontroversial group of amendments—sections 6, 7, and 8 of the House-passed bill—introduced as H.R. 17960, exclude apprenticeship and on-job training from absence counting provisions for courses leading to college degrees; establishes 120 hours per month as full-time attendance for such training with proration of training allowance based upon said 120 hours; and would adopt the number of hours of the standard workweek of the training establishment as constituting a full-time program of apprenticeship or on-job training.

This amendment recognizes that apprenticeship and on-job training programs are different from courses leading to college degrees for the purpose of counting absences, and adopts an administration-recommended procedure whereby full-time attendance in apprenticeship and on-job training programs is established as 120 hours per month. At present, for purposes of permissible absences, these noninstitutional programs are thrust into the procrustean bed of the college absence limitation of 30 days of "free walks" per year.

This amendment originated as H.R. 17960, and is well explained in the House of Representatives report—No. 91-1606, page 4—and in an October 13, 1970, letter from Donald E. Johnson, Administrator of Veterans' Affairs, to the Honorable OLIN E. TEAGUE, chairman, House of Representatives Committee on Veterans' Affairs—pages 9 to 11 of the House committee report.

Excerpting from this letter, we learn that—

> This change recognizes that apprenticeship and on-the-job training differ from institutional training. Training is conducted at the place where the work is performed and is subject to problems the training establishment may face, as where work training is performed out of doors and weather conditions may prevent following the usual training schedule.

The second change adds:

> A new clause providing for prorating the monthly training allowance when, in any month, the eligible veteran fails to complete 120 hours of training. This change would

> simplify reporting, accounting procedures, and recordkeeping for the industry training establishments, as well as the Veterans' Administration, and would be looked on with favor by the participating firms and labor unions.

The letter goes on to explain that—

> The existing law provides that no less than 35 hours per week shall be considered full-time training unless established as a lesser number by bona fide collective bargaining. The change to considering 30 hours as the full-time training load is more consonant with a 120-hour monthly requirement and with what is occurring in many trades and industries. The reduction of the standard measurement of full-time apprenticeship training would build in allowances for absences because of illness, personal reasons, weather, job conditions, and other types of reduced operations, in a realistic approach to reporting for benefit-payment purposes. The trainee's normal progression is not adversely affected by these changes and his training would not be affected so long as he is engaged in training for a minimal number of hours each month. The recognition of 120 hours as the standard monthly requirement would protect the veteran against loss of educational assistance when the establishment may be required to deviate from a higher standard workweek while giving him training in conformity with the program.

I have studied those three amendments and agree with the House of Representatives and administration that this change would be beneficial to veterans and to the administration of the apprenticeship and on-job training programs.

CORRESPONDENCE COURSE EDUCATIONAL ASSISTANCE

The second substantive amendment of S. 3785 by the House deals with the "established charge" for computing educational allowances for veterans taking correspondence courses.

The amendment, section 9 of the House bill, originated as H.R. 17887, and would redefine "established charge" for computing educational allowances for correspondence courses by using as a basis for the charge the institution's lowest extended time payment plan as approved by the State approving agency rather than the charge before addition of interest as now defined in VA regulations.

Some background on this issue is necessary. Under the Korean conflict GI bill, Public Law 82–550, the regulation concerning charges for correspondence courses—VA Regulation 12052(E)(2)—provided that payments would be made at not more than the lowest time payment. It did not specify that the lowest time payment could be paid if a cash payment were made lower than the time payment. An interpretation of the regulation was set out in a VA Department of Veterans' Benefits information bulletin dated May 11, 1956. This interpretation was as follows:

> V.A. Regulation 12052(E)(3) provides that the established charge for a correspondence course shall not be considered to be more than the lowest charge which is customarily paid by a nonveteran student under any payment plan exclusive of a cash discount arrangement for advanced payments. In determining the maximum amounts which may be authorized for veterans pursuing correspondence courses, the total cost of each course based on the lowest payment plan is used. Thus, the charges for each course included in T B7–145 are the maximum charges which may be authorized for the course. Where, in the case of an individual veteran, the charges shown in section E, item 23 of V.A. Form VB 7–1999 for that veteran are less than the maximum allowable charges, the authorization should be based on the actual charges to the veteran trainee rather than the charges set forth in TB 7–145.

Thus, while the rule for the appropriate charge for correspondence courses was not expressed as clearly as it might have been in the regulation itself, the VA policy, under the prior GI bill program, was reasonably clear that the charge was to be the lowest time payment or the actual cost to the veteran, whichever is the lesser.

The same policy, with the same lack of clear articulation in the regulations, was applied to the post-Korean GI bill, Public Law 89–358, enacted in 1966. It was not until 1969 that the term "established charge" was explained in a footnote to VA Regulation 14136(a) as follows:

> Established charge means the cost of the lowest time payment plan or the actual cost to the veteran, whichever is lesser.

This remained the VA's policy in regard to this issue until changed by a revision of the footnote accomplished in VA Regulations Transmittal Sheet 321, of June 2, 1970. The footnote was revised to read:

> Established charge means the established charge before addition of interest or the actual cost to the veteran, whichever is lesser.

This charge was apparently an outgrowth of the truth-in-lending law, Public Law 90–321, in response to which correspondence schools began to state the cost of their courses in terms of a basic charge before interest. A ruling of the General Counsel of the Veterans' Administration, dated November 26, 1969, recommended that "established charge" should not include any payment of interest for an extended time payment plan, as there was no precedent in other VA educational assistance programs which would permit a payment for interest charged the student because of deferred payment of his cost.

In response to this recent change in regulations, H.R. 17887 was introduced to define established charge as the "lowest extended time payment plan offered by the institution," and this provision was appended to S. 3785. In an October 12, 1970 letter from the Administrator of Veterans' Affairs to the chairman of the House Veterans' Affairs Committee, opposition was expressed to the provision. A major reason for opposing the measure was the possibility that a veteran would receive an overpayment in the amount of interest when he made a lump-sum cash payment for the course and received an educational allowance on the basis of a time payment cost.

While this possibility of overpayment does exist under the House provision, it seems reasonably simple to resolve. Furthermore, the magnitude of the problem is not overwhelming, because only about 5 percent of correspondence school students pay cash for their courses, and about 75 percent of all GI bill correspondence students are paying under a payment plan less favorable to them than the lowest time payment.

In order to resolve the issue, I will propose an amendment to the House amendment which would revert to the standard that was applied by the VA in the case of the Korean GI conflict bill and the present post-Korean program until June 2, 1970; that is, that the established charge means the lowest extended time payment plan offered by the institution, or the actual cost to the veteran, whichever is the lesser.

The purpose of my amendment is to make clear that the VA is authorized to pay educational allowances for correspondence courses on the basis of the total cost of the lowest extended time payment plan, including the basic charge for the course if it were paid for in cash and the interest added in connection with an extended time payment plan.

I believe that this return to the VA's prior policy is a fair resolution of the issue and will be acceptable to the other body.

SENATE AMENDMENTS

Since the House initiated amendments to this bill involving unrelated changes in the educational provisions of title 38, United States Code, I believe it is appropriate for the Senate to consider certain unrelated, beneficial, and noncontroversial amendments to this bill which already have been passed by the Senate, but which may otherwise not be enacted.

On September 25, 1970, the Senate upon the recommendation of the Committee on Labor and Public Welfare and its Subcommittee on Veterans' Affairs, unanimously passed S. 3657, the Veterans' Educational Assistance Allowance Advance and Work-Study Program Act of 1970. In addition to including the provisions of two bills I had introduced earlier—S. 3657 and S. 3907—this bill implemented several recommendations of the President's Committee on the Vietnam Veteran, contained in its report submitted in March 1970.

It is with great disappointment that I report that the House of Representatives and, apparently, the administration, have been less than enthusiastic in their reception of this bill.

Although the House Committee on Veterans' Affairs has held hearings on S. 3657, no executive consideration of the bill has occured or been scheduled. Thus, in view of the little time left to this Congress, I believe it is unrealistic to expect enactment of S. 3657 during this Congress.

While I consider all of the provisions of S. 3657 important, beneficial, and sound, I am impelled by the circumstances to view the situation realistically and to make this attempt to salvage a few of the noncontroversial provisions of that bill by adding them as amendments to S. 3785, the bill under consideration today.

These provisions which I submit as amendments to the House-passed version of S. 3785 are salutary, noncontroversial, administration-supported, and not of major significance.

The first, which I will propose as a new section 10 of S. 3785, was passed by the Senate as section 2 of S. 3657 and provides that a serviceman may, after more than 180 days of active duty service begin to use his GI bill entitlement for post-secondary training. Presently, he must wait until he has served at least 2 years to do so, although he may begin precollege work after 180 days.

In addition, clause (2) of the proposed section 10 makes clear that a course at an educational institution required by the Small Business Administration for minority group entrepreneurs is covered under the GI bill as an approvable "program of education." Financial institutions require some training and expertise on the part of the borrower before lending money for business purposes, and the borrower's background and experience are important considerations in determining the risk involved in making the loan. Many small business ventures fail because of lack of business training. Coordinated training programs can provide the veteran with the knowledge necessary to carry on bookkeeping, managerial, personnel, and other business functions. The new provision makes clear that a program structured to this need is to be considered a program leading to an acceptable objective under the GI bill.

These provisions were originally contained in S. 3683 and were recommended by the President's Committee on the Vietnam Veteran. They are described in detail in Senate Committee Report No. 91-1231, of September 23, 1970, page 25—and supported by the administration—pages 33 to 34, of the Senate report.

The second amendment I will propose to S. 3785, as passed by the House, will be contained in proposed sections 11 and 12 of S. 3785. These sections clarify certain provisions enacted last March in Public Law 91-219, relating to measurement of college courses for GI bill purposes, in light of information developed only after that law was enacted. The basis for these provisions is described in the section-by-section analysis of Committee Report No. 91-1231, on S. 3657, pages 25 and 26—and in a letter from Mr. Donald E. Johnson, Administrator, Veterans' Administration, to Senator Alan Cranston, chairman, Subcommittee on Veterans' Affairs, dated July 17, 1970, which appears in appendix A of the Senate report—pages 64 to 72.

The third amendment I will propose—which will be contained in proposed section 13 of S. 3785, accelerates the date on which GI bill allowances are increased for acquisition of dependents. I originally proposed a comparable provision in S. 3907, which is described in Senate Committee Report No. 91-1231—section 305 of S. 3657—and supported by the administration pages 41 to 43 of the Senate report.

This amendment amends section 3010 of title 38, United States Code, relating to effective dates of awards of veterans' benefits, to provide that a "voc rehab" or GI bill trainee, as well as a recipient of VA compensation or pension, who acquires a dependent shall have his GI bill allowance increased from the date he legally acquires that dependent, not when the VA receives notice of such acquisition—the present rule—as long as he gives notice within 1 year thereof. This new provision would be generally consistent with a number of other effective date provisions, which take effect on the happening of the event in question, for payment of disability compensation under chapter 11 of title 38.

The amendment I am proposing today is broader than S. 3907 as I originally introduced it and as it was contained in section 305 of S. 3657. Originally, only the effective dates under the GI bill—chapters 31 and 34 of title 38, United States Code—were affected by the provision. However, as I said when I introduced S. 3907 and later at our hearings on the bill on June 9, I fully support the idea of extending this new effective date to cover all veterans benefits, as the amendment I am proposing today would do. Since the Finance Committee has jurisdiction over the VA pension and compensation benefits, the other programs that would be affected by this new effective date, I have discussed this matter with the distinguished Senator from Georgia (Mr. Talmadge), chairman of the Veterans' Legislation Subcommittee of that committee, and he supports the provision in the amendment I am proposing.

I commend these amendments to the Senate and thank the leadership of both parties on the Labor and Public Welfare Committee and the Veterans' Affairs Subcommittee for their support in proceeding with them.

Mr. President, the original author of S. 3785, the distinguished Senator from Colorado (Mr. Dominick) is necessarily absent today, but I wish to thank him for the cooperation both he and his staff have displayed on this measure.

I congratulate him upon its consideration again by the Senate, and I expect prompt, favorable action by the other body, and that it will soon be on its way to the President for enactment.

Mr. President, I ask unanimous consent that a prepared statement that the Senator from Colorado would have made had he been present today be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Dominick

Mr. President, I wish to add concurring remarks to those so ably made by the distinguished Senator from California, and also to acknowledge and thank Mr. Cranston for his substantial interest and cooperation, as Chairman of the Veterans' Affairs Subcommittee, in assisting this bill's passage.

Efforts on the floor of the Senate to achieve humane treatment and the safe return of American servicemen captured or missing in Southeast Asia have, irrespective of the divergent philosophies involved, received overwhelming bi-partisan support. The principal provisions of this bill, providing some solace to the wives and children of such servicemen, has likewise benefited from such support. In addition to receiving a quick and non-controversial passage by both the Senate and the House, the bill enjoyed the approval of the Veterans' Administration and endorsement by all of the leading Veterans' organizations. It appears before you today with several attached House and Senate amendments which do not affect the substance of my original bill, but do provide some minor, yet necessary improvements to Title 38 of the United States Code concerning veterans' benefits.

As of September 14, 1970, there were 1,472 United States servicemen missing, captured, or detained by foreign governments in Southeast Asia. Almost 3,000 wives and children anxiously await news of their husbands and fathers, many of whom have been missing or captured for at least three and one-half years; a period of time longer than any serviceman was held prisoner during World War II. Faced with the tragic uncertainties of the status, condition, and future of their husband or father and consequently their own future, these families must attempt to retain the semblance of living normal lives. They are presently further frustrated in this attempt by veterans' laws which entitle dependents to veterans' benefits only after the serviceman is officially declared dead or permanently disabled. This bill would entitle wives and children of missing or captured servicemen to veterans' education benefits and wives to veterans' home loan guarantees.

The effect of the bill would be to provide, in those unfortunate circumstances where the serviceman is finally determined dead or permanently disabled, an advancement of veterans' benefits the dependents would receive at some future date. It would remove the family from legal limbo and furnish them with a headstart toward a new life, including a new home, education for the wife, and continuing education for the children. The educational entitlements to the wife are particularly essential because she is tragically and unexpectedly thrust into the position of the family breadwinner. In most instances, she is ill-equipped to earn a living so career training is necessary.

If the family is fortunate enough to have their serviceman return from Southeast Asia at some future date, the bill provides the above benefits on an interim basis until he returns. Upon return of the serviceman, educational benefits would cease at the end of the semester or term with the used entitlements being deducted from future entitlements. The unexercised home loan benefits would terminate upon the return of the husband with exercised benefits remaining in effect for the duration of the purchase contract. The returning servicemen's future home loan entitlements would not be affected by his wife's use of her home benefits during his absence. Thus, the benefits extended to families even on an interim basis would not unduly favor them over other veterans' benefit recipients.

The cost of the increased veterans' entitlements provided by this bill is minimal according to general estimates furnished by the Veterans' Administration. The total cost of educational entitlements for both wives and children probably won't exceed $500,000 per year, with much of the expense merely an advancement in entitlements which would arise upon future determination of the status of the servicemen. The guaranteed home loan entitlements create only potential liabilities so enactment of that provision would incur no substantial increase in cost to the Government.

The very least we can do for men whose service to their country has certainly cost them their freedom and perhaps their lives is to provide their families with some small solace by assisting them with educational and home loan financial benefits.

I urge the approval of Senator Cranston's motion.

Mr. CRANSTON. Mr. President, I request that the chair lay before the Senate the message of the House on the bill (S. 3785) entitled "An Act to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power."

Mr. SCOTT. Mr. President, we would like to join in that request.

Mr. CRANSTON. I thank the Senator.

The PRESIDING OFFICER (Mr. Spong) laid before the Senate the amendments of the House of Representatives to the bill (S. 3785) to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power, which was to strike out all after the enacting clause, and insert:

That section 1701(a)(1) of title 38, United States Code, is amended by—

(1) striking out the word "or" at the end of subclause (i) of clause (A);

(2) inserting "or" after the comma at the end of subclause (ii) of clause (A);

(3) inserting a new subclause (iii) at the end of clause (A) to read as follows:

"(iii) at the time of application for benefits under this chapter is a member of the Armed Forces serving on active duty listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (A) missing in action, (B) captured in line of duty by a hostile force, or (C) forcibly detained or interned in line of duty by a foreign government or power,";

(4) striking out the word "or" at the end of clause "(B)";

(5) redesignating clause "(C)" as clause "(D)"; and

(6) inserting a new clause "(C)" to read as follows:

"(C) the wife of any member of the Armed Forces serving on active duty who, at the time of application for benefits under this chapter is listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power, or".

SEC. 2. Section 1711(b) of title 38, United States Code, is amended by—

(1) striking out the word "or" at the end of paragraph (1);

(2) redesignating paragraph "(2)" as paragraph "(3)"; and

(3) inserting a new paragraph (2) to read as follows:

"(2) the parent or spouse from whom eligibility is derived based upon the provisions of section 1701(a)(1)(A)(iii) or 1701(a)(1)(C) of this title is no longer listed in one of the categories specified therein, or"; and

(4) striking out "1701(a)(1)(C)" in redesignated paragraph (3) and inserting in lieu thereof "1701(a)(1)(D)".

SEC. 3. Section 1712 of title 38, United States Code, is amended by—

(1) striking out "1701(a)(1) (B) or (C)" in subsection (b) and inserting in lieu thereof "1701(a)(1) (B) or (D)"; and

(2) adding at the end thereof the following new subsections:

"(f) No person made eligible by section 1701(a)(1)(C) of this title may be afforded educational assistance under this chapter beyond eight years after the date on which her spouse was listed by the Secretary concerned in one of the categories referred to in such section or the date of enactment of this subsection, whichever last occurs.

"(g) Any entitlement used by any eligible person as a result of eligibility under the provisions of section 1701(a)(1)(A)(iii) or 1701(a)(1)(C) of this title shall be deducted from any entitlement to which he may subsequently become entitled under the provisions of this chapter."

SEC. 4. Section 1720(b) of title 38, United States Code, is amended by striking out "section 1701(a)(1) (B) or (C)" and inserting in lieu of thereof "section 1701(a)(1) (B), (C), or (D).

SEC. 5. (a) Section 1801(a) of title 38, United States Code, is amended by adding a new paragraph as follows:

"(3) The term 'veteran' also includes, for purposes of home loans, the wife of any member of the Armed Forces serving on active duty who is listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (A) missing in action, (B) captured in line of duty by a hostile force, or (C) forcibly detained or interned in line of duty by a foreign government or power. The active duty of her husband shall be deemed to have been active duty by such wife for the purposes of this chapter. The loan eligibility of such wife under this paragraph shall be limited to one loan guaranteed or made for the acquisition of a home, and entitlement to such loan shall terminate automatically, if not used, upon receipt by such wife of official notice that her husband is no longer listed in one of the categories specified in the first sentence of this paragraph."

(b) Section 1802 of such title is amended by adding at the end thereof a new subsection as follows:

"(g) A veteran's entitlement under this chapter shall not be reduced by any entitlement used by his wife which was based upon the provisions of paragraph (3) of section 1801(a) of this title."

SEC. 6. Section 1681(b)(2) of title 38, United States Code, is amended by inserting immediately after "degree" the following: "(excluding programs of apprenticeship and programs of other on-job training authorized by section 1683 of this title)".

SEC. 7. Section 1683(b) of title 38, United States Code, is amended by—

(1) striking out "(b)" and inserting in lieu thereof "(b)(1)"; and

(2) adding a new paragraph (2) to read as follows:

"(2) In any month in which an eligible veteran pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b)(1) of this section shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours."

SEC. 8. Section 1684(a) of title 38, United States Code, is amended by—

(1) striking out "and" after the semicolon in clause (3);

(2) striking out the period at the end of clause (4) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof a new clause (5) to read as follows:

"(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible veteran is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining."

SEC. 9. Paragraph (1) of section 1682(c) of title 38, United States Code, is amended by inserting immediately before the last sentence thereof the following: "The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency."

And amend the title so as to read: "An act to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; and to further amend certain educational section of title 38, United States Code."

Mr. CRANSTON. Mr. President, I move that the Senate agree to the amendment of the House to the text of the bill with the following amendments which I send to the desk for reading.

The PRESIDING OFFICER. The clerk will state the amendments.

The assistant legislative clerk proceeded to read the amendments.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

On page 7 of the House engrossed amendments, line 4, strike out the period and insert in lieu thereof the following: "or the actual cost to the eligible veteran, whichever is the lesser."

On page 7 of the House engrossed amendments, between lines 4 and 5, insert the following:

"SEC. 10. Section 1652 of title 38, United States Code, is amended by—

"(1) striking out 'at least two years' in subsection (a)(2) and inserting in lieu thereof 'more than one hundred and eighty days'; and

"(2) by adding at the end of subsection (2) a new sentence as follows: 'Such term also means any unit course or subject, or combination of courses or subjects, pursued by an eligible veteran at an educational institution, required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under the provisions of 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a)).'

"SEC. 11. (a) Clause (4) of section 1684 (a) of title 38, United States Code, is amended to read as follows:

"'(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course.'

"(b) The last sentence of section 1684(a) of such title is repealed.

"SEC. 12. Clause (3) of section 1733(a) of title 38, United States Code, is amended to read as follows:

"'(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof then twelve semester hours or the equivalent thereof shall be considered a full-time course.'

"SEC. 13. Section 3010 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

" '(n) The effective date of the award of any benefit or any increase therein by reason of marriage or the birth or adoption of a child shall be the date of such event if proof of such event is received by the Veterans' Administration within one year from the date of the marriage, birth, or adoption.' "

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

Mr. CRANSTON. Mr. President, I move that the Senate agree to the amendment of the House to the title of the bill with an amendment as follows: Amend the title so as to read: "An Act to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; and to further amend certain educational sections of title 38, United States Code."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 51 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, December 9, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate December 8, 1970:

DEPARTMENT OF JUSTICE

Louis Patrick Gray III, of Connecticut, to be an Assistant Attorney General vice William D. Ruckelshaus.

U.S. DISTRICT COURTS

Dennis R. Knapp, of West Virginia, to be U.S. district judge for the Southern District of West Virginia vice a new position created by Public Law 91-272, approved June 2, 1970.

IN THE NAVY

Vice Adm. Paul Masterton, U.S. Navy, and Vice Adm. Luther C. Heinz, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of Title 10, United States Code, section 5233.

Vice Adm. William I. Martin, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of Title 10, United States Code, section 5233.

Rear Adm. James L. Holloway III, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of Title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Adm. John J. Hyland, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of Title 10, United States Code, section 5233.

IN THE MARINE CORPS

First Lt. Jack T. Kline, U.S. Marine Corps for appointment to the grade of captain.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonel

Mason, William H., 518015878.
Shackelton, Phillip L., 524015950.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel

Butler, Millard J., 244347238.
Coughlin, John T., II, 173320878.
DeMaria, John M., 105129608.
Dotson, J. T., 449369182.
Evans, Dell G., 432320759.
Luper, Robert B., 430304484.
Reybold, Philip C., 577389149.
Riesterer, Lavern R., 488226015.
Schlafer, Clarence J., 540246408.
Vaughan, Miles C., Jr., 462208871.

NURSE CORPS

To be lieutenant colonel

Smith, Lilamae, 202014709.

To be major

Barrett, William T., 530209199.
Bedsole, William K., 419440782.
Birt, Charles J., 261483225.
Blanton, Philip T., 267426890.
Brown, Fred D., 386324567.
Cloutier, Harold J., 231361045.
Codd, David R., 100221565.
Coulter, Wayne E., 360207338.
Crisp, Richard A., 443247825.
Gilliam, John J., 516361864.
Goldberg, Gerald D., 108249364.
Hammer, Theodore W., 473309211.
Hoyt, Joseph M., 531280583.
Jackson, George, Jr., 159288542.
Kennett, Walter H., 004400116.
Kitchen, Kenneth S., 455467690.
Korywchak, Frank, 166261841.
Large, Darrell R., 227402137.
Lokay, Fred J., 338287717.
Lytle, James H., 203222857.
Niemczyk, Theodore T., Jr., 064267440.
Nixon, Paul L., 264447003.
Opstad, Edwin A., 533301519.
Robinson, Benjamin F., Jr., 252425854.
Schenck, Roger L., 036221432.
Smith, George O., 234523589.
Thompson, Richard P., 263604733.

MEDICAL SERVICE CORPS

To be major

Story, Jack P., Jr., 257466694.

NURSE CORPS

To be major

Laurence, Charles H., 423302754.

ARMY MEDICAL SPECIALIST CORPS

To be major

Williams, Bertha C., 519369109.

To be captain

Allen, Frank B., 256547285.
Andrews, Roger L., 454483094.
Barthmus, Winfried, 173327472.
Bell, Robert J., 483480174.
Cayere, Jacques, 581844087.
Chippi, Michael J., 193282814.
Conter, Edward N., 318362701.
Cook, Jeffrey M., 542444545.
Diesing, Richard C., 126324024.
Donovan, John J., 350403702.
Easton, Jack E., 484401489.
Etzel, Stephen L., 272368016.
Evans, Larry D., 332345568.
Farris, Stephen R., 478446352.
Fesler, Lorenzo E., Jr., 165341673.
Fite, Don G., 244445312.
French, John R., Jr., 045345021.
Garbarino, Lloyd N., 433563088.
Henderson, James R., 416566986.
Jablonski, Robert C., 302366496.
Johansen, Eldon R., 507446766.
Johnson, Joseph V., Jr., 171323792.
Johnson, Michael P., 324320215.
Johnson, Richard A., 389369944.
Jones, William A., 232645507.
Keane, Patrick J., 551564793.
Knox, Everett W., 088329964.
Lalli, Charles G., 038260246.
Landis, George A., 272341932.
Leonard, Bruce M., 155303542.
Mabie, Gordon W., 250624406.
Merz, Edward W., II, 194305921.
Miller, Charles S., 266584858.
Miller, Gerald D., 364368653.
Montgomery, Thomas M., 311383708.
Morrison, Fred K., 330341421.
Napper, John E., 411567878.
Nichols, John D., 257626677.
Perry, James L., 404526965.
Phillips, David E., 549505209.
Phipps, Olen C., 409609658.
Rhinehart, Harry J., 241601199.
Ritzschke, Charles R., 538366421.
Robinson, Richard S., 389386690.
Schulenberg, Robert H., 459621545.
Shelly, Clyde, 500381967.
Smor, Francis M., 264568287.
Speranza, Nicholas, 068343176.
Stalmann, Bernard E., 188321114.
Sprout, David I., 285321827.
Thomas, Stanley E., 314381577.
Trimble, William L., 009324921.
Triplett, Robert L., 232689958.
Unzelmann, Werner O., 167321783.
Van Horn, John B., 211328500.
Weis, John R., 152308333.
Wilkins, George H., III, 453588495.
Wren, Charles C., 283328735.
Yurcaba, John, Jr., 207286531.
Zadrozny, Paul F., 167322067.

MEDICAL CORPS

To be captain

Barnes, Cary M., 514357117.
Burger, Leslie, 127307953.
Dewey, George C., Jr., 574422072.
Farr, James E., Jr., 249625376.
Hammond, James W., Jr., 459685443.
Leininger, Peter A., 264662480.
Marrero, Gualberto, 081342548.
Mathias, Phil A., 519464955.
Meinert, William J., Jr., 296366068.
Pierson, Dean L., 556443002.
Stabenow, David L., 498464345.
Wilson, Robert M., 523503426.
Wright, Paul A., 500404121.

DENTAL CORPS

To be captain

Bondioli, John E., 527569853.
Broome, William C., 266602828.
Kraut, Richard, 071346013.
McKeever, Peter J., 044328049.
Stringer, John L., 439620602.
Woodruff, Harvey C., 226546371.

VETERINARY CORPS

To be captain

Stonefield, Andrew J., 101342430.

MEDICAL SERVICE CORPS

To be captain

Barron, Garrett W., 209301740.
Parker, Stanley, R., 245608196.
Rooney, Christopher J., 170305306.
Shaffer, William J., 520409879.
Turner, Milton E., 403542222.

NURSE CORPS

To be captain

Burnett, Corrine, 094349686.
Evert, Richard H., 506506193.

MEDICAL SPECIALIST CORPS

To be captain

Arnold, Thelma S., 439589011.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenant

Adair, Lawrence J., 223606714.
Adams, James C., II, 276421691.
Aday, Michael W., 267720607.
Agee, Hubert C., Jr., 431768136.
Alexander, Charles, 424569067.
Ambrose, Richard L., 537447056.
Anderson, Charles W., 511448078.
Anderson, Stephen L., 266786649.
Andrighetti, John, 315480519.
Anthes, Louis C., 291381166.
Arnold, Richard B., 184366130.
Art, William L., 289422831.
Askwig, Glenn W., Jr., 539852213.
Avakian, Charles M., 015364317.
Bailey, Albert W., 519460793.
Baker, Howard L., 228584602.
Banyard, Thomas A., 519487830.
Barbee, William R., 246584146.
Barrett, James R., 520428065.
Bassett, Dennis A., 376402973.
Bassett, Richard S., 060349926.
Batistoni, Joseph M., 157340793.
Bauer, Michael W., 504465926.
Bay, Thomas R., 514448154.
Baybrook, Thomas G., 209322562.
Beach, Martin H., 238624210.
Beck, Raymond G., 294400569.
Beddow, Sidney W., II, 288400656.
Beech, George W., 424546926.
Bemis, Al H., 381428268.
Berish, George L., 044381057.
Bernardo, Peter R., Jr., 268383148.
Bernhardt, Paul G., 564604988.
Bevington, Richard, 276407713.
Bigbie, Samuel H., Jr., 256688676.
Bishop, Paul A., 575503521.
Bloodworth, Daniel, 260626331.
Boddie, James W., Jr., 561640514.
Bores, David R., 042388711.
Borns, Charles J., 576422246.
Bottman, John A., 477461718.
Boudreau, Michael W., 545368653.
Bradley, Bernard K., 585120632.
Brannon, David L., 508609159.
Bristol, William A., 299366323.
Britton, Randall T., 260725915.
Brown, Michael S., 430766955.
Brown, Richard K., Jr., 442443821.
Brownfield, John R., 236687549.
Burcher, David P., 522522141.
Burckhardt, Marland, 469444076.
Burdelak, David M., 310482536.
Burdick, William L., 049386644.
Burns, James C., Jr., 455822035.
Burton, David J., 248741712.
Busch, Conrad H., Jr., 187349524.
Bustamante, Arturo, 460682215.
Butler, James M., 267600943.
Cain, Michael E., 008345938.
Caldwell, John E., 138326361.
Callaway, Gary C., 229589304.
Camden, Joseph C., 534423912.
Campbell, Larry J., 453701599.
Campbell, Robert W., 206340754.
Cannon, Charles C., Jr., 466708286.
Carlson, John S., Jr., 544487755.
Carter, John L., 465688382.
Cartwright, Robert, 119369266.
Casey, James R., II, 430785979.
Cecil, Thomas W., 220428815.
Chalmers, Jefferson, 448429175.
Chappabitty, Edwin, 445442378.
Chestnutt, James R., 414707780.
Chrietzberg, Walter, 255706862.
Clark, Elliot J., Jr., 228586697.
Clark, Roy L., III, 408768492.
Clark, Walter D., 279365163.
Clarke, Hamer D., 026343077.
Clement, Ronald C., 567601439.
Colburn, Cordis B., 063360169.
Collings, Lawrence, 144345233.
Connolly, John F., 015303536.
Connors, Ralph J., 441428992.
Conrardy, Peter R., 398385175.
Constant, Terrence, 389420286.
Conti, Robert J., 574180849.
Cook, Marcus L., 523562847.
Costales, Patrick G., 575461334.
Cowan, William L., 065345024.
Cox, Ronald H., 491463457.
Cox, William D., Jr., 536403349.
Crews, Gerald L., 227505535.
Crist, Charles E., 524586364.
Crocker, George C., 219429977.
Crowder, William S., 418607199.
Cumpson, Garrett J., 270425567.
Cupp, Lloyd G., Jr., 456727235.
Daane, John H., 167342152.
Daniels, John E., 161322520.
Darden, Thomas S., 243762598.
Darrow, Arthur C., 350602586.
Daubert, David B., 082369018.
Davis, Edward M., 444401758.
Davis, James C., 425967755.
Dean, Arthur T., 238682887.
Dempsey, Jack D., 518441172.
Denmark, Robert C., 266701245.
Di, Leonardo Anthony D., 562582548.
Diaz-Rodriguez, Manuel, 538019953.
Dick, William P., 532441788.
Dickinson, Thomas R., 248724371.
Dinkel, Ernest H., Jr., 155345762.
Dixon, Gurney L., 215441385.
Dolan, John F., 056360633.
Donovan, Jack R., Jr., 320386523.
Donovan, Ronald E., 565623885.
Downing, John T., 452707892.
Downs, Curtis H., III, 457648985.
Drezins, Herbert G., 507565264.
Dubroff, Jack B., 079369845.
Dunham, Dale L., 537428019.
Dunkle, Stephen W., 313469035.
Durfee, Gary L., 379466883.
Edmonds, James T., II, 441443704.
Eichling, Robert E., 442465727.
Ellison, William H., 225605609.
Emig, John T., 288380875.
Estep, John D., 235609883.
Evans, Ronald L., 531389997.
Fairchild, Robert W., 487500116.
Fannoney, Abraham C., 012326012.
Fedok, Edward A., 208361016.
Filip, Thomas J., Jr., 377445689.
Fish, Elbridge G., II, 460664761.
Fletcher, James M., 262744171.
Fletcher, Jeffrey D., 539344271.
Foisy, William A., 004426528.
Ford, Francis N., 069344455.
Frase, Richard J., 222264869.
Frause, Robert D., 537423352.
Freeman, James J., 535245249.
Funkhouser, Preston, 504449043.
Fuzy, Eugene A., 226601138.
Gaffney, Edward J., 168320374.
Gallup, Archibald M., 044323090.
Gardner, Barry J., 230640259.
Gardner, Bruce R., 503489024.
Gardner, Michael C., 089361899.
Garlitz, Richard L., 453782519.
Garrett, George B., 464700877.
Gaul, Edwin J., 178305044.
Gauthier, Alfred T., 382409915.
Gavin, Victor C., 220426690.
Geoghegan, William, 280404066.
Geremia, Anthony J., 039285503.
Giblin, James F., 190346079.
Giddens, Paul J., 287400426.
Gilliam, Charles E., 232646181.
Glass, Patrick R., 511446011.
Goates, Donald R., 450621491.
Gomez, Jesus, 459669647.
Goree, Ronald B., 423585996.
Gorman, John L., 517502319.
Goslee, Clarke D., 297365171.
Gottfried, Edward J., 517464156.
Govekar, Paul L., Jr., 325380708.
Grannis, Herbert L., 406660721.
Green, John J., Jr., 030341739.
Greenspane, Ira R., 564565437.
Greenwalt, Robert J., 393469591.
Greer, David R., 288420059.
Greeson, Jon M., 440382500.
Griswold, Walter W., 417667336.
Groome, Nelson S., 22855435.
Grubbs, Earl H., 251765493.
Guilfoyle, Dale T., 268403702.
Gutierrez, Rodolfo, 547648370.
Haggar, Michael J., 454784691.
Hall, Anthony W., Jr., 461709147.
Hall, Clint W., Jr., 422563011.
Hall, Duane F., 446423792.
Hall, John C., 422586324.
Haluski, John S., 257706564.
Ham, Franklin E., 538366876.
Hammond, Thomas C., 221283065.
Hampton, William A., 002304638.
Hansen, William W., 529543726.
Hardesty, Duane E., 518521500.
Hare, James C., Jr., 248708026.
Harris, William H., Jr., 526660643.
Hatton, Gwyn R., 512448748.
Hawkins, John H., Jr., 452762801.
Hawthorne, James S., 349369337.
Hazen, James C., 496449878.
Hebert, Maurice G., 016283115.
Hejna, Donald J., 267681011.
Heltsley, Raymond D., 535423766.
Hendrickson, Gerald, 471429361.
Henkel, Jonathan C., 378442687.
Heslop, Ronald D., 562628041.
Hethcote, Stephen A., 538407676.
Hettish, John R., Jr., 410726880.
Hewitt, Roger L., 232720301.
Hill, Gerald L., 208302318.
Hill, Joe L., 447445076.
Hills, Shaun C., 464680368.
Hinton, Clarence C., 225609623.
Hitchcock, John L., 456729672.
Hobrle, John W., 472441108.
Hogg, Christian D., 282364590.
Holmes, Miles W., Jr., 038269712.
Homan, James V., 484509644.
Hooper, Richard A., 553402429.
Hopkins, John G., 403606943.
Hotard, Ernest P., 463520941.
Howell, Clifford N., 424564526.
Hubbard, James L., 547585357.
Huckabee, Robert H., 248746463.
Hunsaker, George D., 300344601.
Hunter, Joseph S., 251627332.
Hutchinson, Craig R., 162343788.
Isley, Rex M., 240522128.
Iverson, David L., 560652987.
Jackson, John W., Jr., 258686537.
Jackson, Ronnie D., 401662395.
Jarman, Robert O., 207340333.
Jefferson, Charles, 56867844.
Jeffrey, David G., 515424383.
Jelinek, Frederick, 056363625.
Jenkins, Everett R., 198342106.
Jennings, Floyd W., 498460413.
Jensen, Paul E., 527642995.
Johansen, Ralph F., 100366060.
Johnson, Lory, Jr., 247700890.
Johnson, Richard C., 257702465.
Jones, Donald R., Jr., 226628761.
Jones, James R., 444349777.
Jones, Malcolm W., Jr., 243640585.
Jones, Michael G., 550663596.
Jooss, Carl C., 269401138.
Joyner, James N., Jr., 225607575.
Kanda, Richard, 523542749.
Karig, Martin R., 124367396.
Karpman, Lawrence I., 096321407.
Keisling, Kim, 461741951.
Keller, Tommy A., 570589206.
Kelly, Everette S., 238327181.
Kelly, Robert J., 018341510.
Kelly, Ronald L., 420549615.
Kennedy, Kenneth H., 407583287.
Keppeler, Clifford, 169361962.

Kidd, Duane G., 389424849.
King, Roger S., 528569659.
Kinman, Harry D., 259674067.
Kirk, Joseph S., 426844656.
Kirner, Randall J., 573629704.
Knotts, Ralph D., 515387594.
Koch, Daniel R., 272424000.
Koerselman, Benjamin D., 484526540.
Koopman, Garold P., 454685382.
Kotrous, Gary L., 505466872.
Kowallik, Richard L., 308429222.
Kroon, Jerry D., 504480254.
Kuckowicz, Kenneth, 551606486.
Kuehler, Marin A., 450729063.
Kuelbs, John T., 469443803.
La Bounty, James W., 219402869.
La Gree, Brooks J., Jr., 442440882.
La Rose, Willard G., 486460742.
Ladnier, Paul D., 426880996.
Lake, James A., 034341649.
Lambert, David E., 020347714.
Latta, Byron F., 512409403.
Leggett, Isiah, 439628450.
Leonard, Gary L., 510462153.
Likins, Robert A., Jr., 389426287.
Link, Robert J., Jr., 261682328.
Linson, Robert, 162445050.
Lippencott, Barry L., 173365152.
Littig, Melvin J., 543480983.
Llewellyn, William, 329368435.
Long, Dallas L., Jr., 257707082.
Lott, Ralph E., 515405709.
Lovell, Larry G., 430823851.
Luther, Peter J., 385447237.
Mabry, Dawson B., 463548475.
Mackay, Donald J., 403622249.
Mackey, Patrick J., 538420635.
Magee, Burl D., 525868798.
Main, Roger L., 274382033.
Malone, Dennis A., 446444947.
Mangold, Robert B., 276405057.
Manor, Michael H., 103348239.
Manus, Kerry L., 518505347.
Marczak, Stanley A., 434688355.
Mariani, Joseph P., Jr., 155364667.
Marion, George R., 157365121.
Marks, James L., 496468396.
Marrs, Larry C., 523565442.
Marsh, Julian T., 422502332.
Martinache, Robert, 513447563.
Martinez, Miguel A., 574460144.
Marty, Edward J., 420602271.
Matthews, William P., 465646079.
Maupin, Larry S., 518469012.
Maxie, Keith A., 453663495.
McCarthy, Joseph T., 561624924.
McCormick, John E., 542448382.
McDaniel, Bernard, 269400996.
McDevitt, Paul J., 037289633.
McDonough, James F., 394429745.
McLaughlin, Aaron, 376464489.
McManus, Philip J., 075328922.
McMillan, William L., Jr., 404580512.
McMillan, William P., 527647946.
McPhee, James J., 064387532.
McQuitty, John T., 558625923.
Mealing, Robert A., 256704225.
Meekin, Richard S., 256624923.
Meisel, George, 448442075.
Melton, Arthur R., 449625198.
Messinger, Carl L., 135360357.
Millett, Roman L., 531401866.
Mitchell, Jim B., 453783200.
Mitchell, William H., 056361332.
Mohasci, Steve G., Jr., 572526274.
Moore, James P., 401622252.
Moore, William T., 559625248.
Morgan, Michael M., 510460861.
Morton, Clarence M., 450661106.
Mowrer, John M., 495462337.
Murphey, Samuel L. W., 212449939.
Murphy, Chester A. I., 229561268.
Myers, Wesley E., 496447041.
Nelson, Harry A., 190365144.
Nelson, Henry C., 319366562.
Nelson, Leo E., 032320792.
Nelson, Patrick G., 524568886.
Nicholas, David P., 409802124.
Niemira, James M., 120363888.
Nixon, Woodard L., 266600010.
Noles, James L., 421607608.
Norris, Michael A., 149343805.
Nowinski, Leonard S., 313443769.
Oates, Daniel L., 316465017.
Oberlin, Randolph A., 398401777.
Odom, Charles R., 245620534.
Oliver, Vincent G., Jr., 084364203.
Olsen, Jack B., 266744264.
Olsen, Wesley R., 238681748.
Ott, John J., Jr., 232682776.
Otto, Charles R., 417585644.
Paczkowski, Alan R., 354366320.
Padovano, Daniel J., 147400378.
Parker, Michael C., 577607711.
Passela, George W., 223568871.
Patterson, Thomas L., 447402222.
Paulus, Jeffrey A., 079346920.
Payne, Jimmy A., 416581069.
Peacock, Kenneth W., 266647652.
Peil, John L., 483543852.
Pelton, William E., 169360770.
Penrose, Clifford E., 218440762.
Penzel, William B., 557622142.
Perham, Gerald D., 373408116.
Perkins, Thomas H., III, 259783926.
Persons, Henry W., Jr., 252763558.
Petrich, Rudolph J., 273408702.
Pharr, Owen F., Jr., 246704187.
Pike, Joseph L., 258649736.
Pilvinsky, Michael, 210388040.
Pinckert, Frank G., 490520861.
Poirier, Louis F., II, 469486829.
Polles, John S., 299409676.
Popham, John K., 449723873.
Powell, Raymond F., 158347946.
Price, Joseph S., Jr., 344368847.
Proctor, Frank T., Jr., 252687523.
Prothro, Walter L., 432807780.
Prysock, David L., 227600491.
Puk, Richard F., 527641888.
Purcell, Thomas C., 444443172.
Ramsey, Royce D., Jr., 442440098.
Randall, Charles I., 577623455.
Randles, James D., 540464965.
Ratajczak, Jerome F., 385463848.
Raycraft, Homer J., Jr., 530285799.
Redding, James K., 293345985.
Reed, Cliff W., 257703180.
Reed, Henly E., Jr., 527489663.
Reed, Henry J., 247788262.
Reedy, Charles J., 432847894.
Rees, Michael D., 529641529.
Renneisen, Robert M., 507569313.
Requa, William V., 577545412.
Rhame, William F., Jr., 410703319.
Rheude, Gregory L., 056369398.
Richards, Robert R., 269400588.
Rilovick, J. Sheppard, 258668945.
Roberts, William G., 454766528.
Roberts, William J., 172344432.
Robinson, Donald L., 256748935.
Rockwell, William J., 142362167.
Rogers, Bruce F., 133343938.
Rolston, David A. 431744324.
Ronning, Craig O., 084260388.
Rowan, John E., 136362376.
Russell, William T., 225644262.
Sabine, Henry A., III, 445422335.
Sakamoto, Richard Y., 559587516.
Sakimura, Ronald K., 576467616.
Sale, Lafayette L., 419546683.
Salvadorini, David, 530283289.
Savage, Calvin K., 221287562.
Saxby, Robert E., 557589593.
Scandrett, William, 261965273.
Scherrer, George J., 183346302.
Schoch, Bruce P., 167367770.
Schoenborn, Donald, 492487471.
Schoenborn, Robert M., Jr., 491465723.
Schorr, John D., 535423591.
Schroeder, Philip V., 277402538.
Schubert, Russell B., 44740239.
Schuster, Kenneth B., 521526624.
Schwartz, Samuel R., 083340902.
Segree, Joseph W., 400581230.
Serrano, Jose A., 580884062.
Severn, Theodore R., 023366775.
Sheridan, George F., 575442048.
Siddons, James G., 333361366.
Sidebottom, William, 432809047.
Sienkiewicz, Richard J., 068362122.
Simmons, Ronald J., 568603622.
Sims, John E., 317445665.
Sinclair, Michael F., 065367907.
Singer, James C., 520502317.
Skantz, Conrad P., 428901250.
Skrzysowski, Richard J., 001328415.
Slayton, Barney F., 452725668.
Sloan, John E., 511447932.
Sloniker, Michael E., 442440270.
Smith, Mason E., 575463053.
Smith, Nelson F., Jr., 568648182.
Smith, Paul C., 173345900.
Smith, Rodney L., 433609193.
Smith, William C., 267629088.
Sommerfeld, Evan E., 340327201.
Sopko, Rance D., 541501044.
Speaker, Harry A., II, 418626620.
Speelman, James F., 512448292.
Squires, Richard C., 493444760.
Stanley, Stanislaw, 025321879.
Staubach, James C., 262705175.
Steiger, Michael S., 544481260.
Stelzenmuller, George V., III, 227600690.
Stephens, Thomas C., 536422041.
Stern, Bennett M., 241747409.
Stewart, Bobby A., 229561662.
Stewart, James R., 261685768.
Street, George L., IV, 016360761.
Stuart, Richard J., 041347685.
Swinehart, Lewis S., 177345444.
Tallant, David R., 387502164.
Teixeira, Edward T., 575448594.
Thibeault, William, 229622940.
Thomason, Melvin F., 228586886.
Thompson, John H., Jr., 037283615.
Tibbetts, Walter P., 007406925.
Tilson, David W., 411728612.
Timberlake, Harvey, 193324957.
Tirey, James D., 307462182.
Tomlinson, Meredith, 228587730.
Trexler, Herbert J., 381460491.
Tricomi, Frank A., 272402631.
Tripp, Russell E., 265725253.
Tyner, James C., Jr., 257582972.
Utley, Robert C., 460664252.
Vallecillo, Carlos, 581842546.
Van Brunt, Roy T., Jr., 111343305.
Vogel, Frederick J., Jr., 433723057.
Voightritter, Donald H., 369466053.
Voightritter, Ronald H., 369466069.
Vukelich, Vincent M., 516424898.
Wagner, Michael D., 497486144.
Walls, James A., 431800892.
Walsh, Francis R., 133321774.
Watkins, John F., 221288876.
Wattawa, Thomas J., 395382097.
Wedding, Benny E., 444401542.
Weinberg, Michael H., 050340295.
Wells, David R., Jr., 401606495.
Wendling, Henry H., 518500918.
Wertschnig, John J., 392420404.
Wesley, Daryl V., 287381781.
West, Alan C., 070400102.
West, Charles E., 462584294.
Wheeler, Marion H., Jr., 367480755.
White, Harold G., 418569537.
White, Ronald J., 219446265.
Whitman, Roy K., 029329736.
Whitsett, Robert M., 410660488.
Wieczorek, Robert L., 126325633.
Wiehe, Edward L., 165348902.
Wilkinson, Charles, 460743475.
Williams, Harold E., 315446649.
Willis, Max L., 530281049.
Wilson, Donald M., 380422350.
Wilson, James G., 006449346.
Windham, Daniel O., 420586384.
Wolfe, Randall H., 418587126.
Wood, Clifford M., Jr., 262680683.
Wright, Michael L., 404605909.
Wright, Victor E., 358347812.
Yager, Klaus D., 215403842.
Yarrison, James L., 219447936.
Yatsevitch, Peter G., 116340775.
Zaccagni, Philip J., 143321254.
Zak, Michael I., 089365000.
Zerhusen, Led J., 212448161.
Zielinski, Ronald J., 344368961.
Zink, Gale R., Jr., 550584200.

WOMEN'S ARMY CORPS

To be first lieutenant

Hess, Patricia A., 220423864.

MEDICAL SERVICE CORPS

To be first lieutenant

Aron, Bruce L., 001349726.
Austin, Henry M., III, 440449176.
Beale, Donald L., 176347729.
Beumler, Henry C., 527540234.
Bishop, Ronald M., 535429410.
Boyd, Ronald C., 542463415.
Davis, Brian K., 225645165.
Davis, Francisco S., 433567582.
Deas, Bernard W., Jr., 248723716.
Dievendorf, Lynn A., 051347725.
Earley, Ronald N., 237627340.
Fritsch, Robert G., 403545454.
Goding, William R., 262641144.
Hanohano, William J., 576464396.
Hawkes, Thomas A., Jr., 528584866.
Hendricks, Larry D., 440409883.
Hinkel, Robert E., 136387436.
Jones, Larry L., 440403603.
Jones, Thomas R., Jr., 265820475.
Lenz, Ernest J., Jr., 073306447.
Markham, Selwyn L., 464706066.
McCrea, Charles D., 212426937.
Michels, George N., 556568137.
Miles, Otha G., 459647097.
Munnell, Thomas C., 189323563.
Murphy, Robert F., 503529349.
Peterson, Lawrence, 157344244.
Peyton, Gaylon A., 483387751.
Schade, Harold C., II, 465684964.
Schaefer, Ken M., 547547600.
Sealfon, Michael S., 143341654.
Sheppard, Paul R., 489465772.
Simonetti, Robert G., 168365874.
Smart, Samuel C., 228589383.
Thomas, William G., 257684179.
Torba, Gerald M., 290407849.
Weaver, Daniel U., 562626771.
Wiener, Michael L., 215406496.
Wortham, James T., Jr., 216426460
Wright, Cephas C., 524509077.

ARMY MEDICAL SPECIALIST CORPS

To be first lieutenant

Pope, Richard L., 563602631.

ARMY NURSE CORPS

To be first lieutenant

Blake, Nelson A., 239624960.
Bombard, Charles F., 055327540.
Bowlyow, Ronald G., 352347080.
Bradley, John J., 032325356.
Chase, Harold M., Jr., 008248788.
Cochran, Ronald L., 524520853.
Cook, Thomas E., 437623374.
Defibaugh, Dixie L., 201327875.
Drummond, William F., 135345182.
Duffel, Dale L., 450702472.
Farineau, Paul F., 010329523.
Hamer, Lawrence A., 481542171.
Heston, James V., 201320904.
Pfaehler, Karl H., 169305083.
Ramirez, Ann L., 331362961.
Reis, Jerold M., 346366894.
Sinclair, Allen L., 255686253.
Trahan, Joseph A., Jr., 437609991.
Wilson, Margaret E., 491520130.

U.S. CIRCUIT COURTS

W. Wallace Kent, of Michigan, to be a U.S. circuit judge for the sixth circuit vice Bert T. Combs, resigned.

U.S. DISTRICT COURTS

Fred M. Winner, of Colorado, to be a U.S. district judge for the district of Colorado vice a new position created by Public Law 91–272, approved June 2, 1970.

William H. Webster, of Missouri, to be a U.S. district judge for the Eastern District of Missouri vice a new position created by Public Law 91–272, approved June 2, 1970.

H. Kenneth Wangelin, of Missouri, to be a U.S. district judge for the Eastern and Western Districts of Missouri vice Roy W. Harper, retiring.

Barron P. McCune, of Pennsylvania, to be a U.S. district judge for the Western District of Pennsylvania vice a new position created by Public Law 91–272, approved June 2, 1970.

DEPARTMENT OF JUSTICE

Ralph B. Guy, Jr., of Michigan, to be U.S. attorney for the Eastern District of Michigan for the term of 4 years vice James H. Brickley, resigned.

Frederick M. Coleman, of Ohio, to be U.S. attorney for the Northern District of Ohio for the term of 4 years vice Robert B. Krupansky, resigned.

Clarence A. Butler, of Maryland, to be U.S. marshal for the district of Maryland, for the term of 4 years, vice Frank Udoff.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 8, 1970:

DEPARTMENT OF COMMERCE

Andrew E. Gibson, of New Jersey, to be an Assistant Secretary of Commerce.

C. Langhorne Washburn, of the District of Columbia, to be Assistant Secretary of Commerce for Tourism.

EXTENSIONS OF REMARKS

THE CONCEPT OF ACCOUNTABILITY IN EDUCATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. ASHBROOK. Mr. Speaker, in October of this year Roger A. Freeman, senior fellow at the Hoover Institution on War, Revolution, and Peace at Stanford University and until recently a member of the present administration, reported on a hopeful and encouraging reevaluation in the field of education now being effected by Federal educational officials. The theme was set forth by President Nixon in his message on education reform and was summarized by the President in these words:

> School administrators and school teachers alike are responsible for their performance and it is in their interest as well as in the interest of their pupils that they be held accountable.

According to Mr. Freeman the prime emphasis in the President's message was on reform and not on finances, and was, in fact, the first message on education reform delivered by any President. This new approach was, indeed, a welcome relief to those who have long contended that more Federal funds do not necessarily result in better educational results. In the past the accent has been on the input or resources consumed by the schools with little attention paid to the output or effectiveness of the educational job done.

On October 22, 1970, Mr. Freeman delivered the following address before the annual fall conference of the California Elementary School Administrators' Association in Oakland, Calif. Its message should prove of interest to those in the field of education and to the many taxpayers whose annual contributions help so greatly in financing our educational endeavors:

MATH AND AFTERMATH IN THE PUBLIC SCHOOLS: THE CONCEPT OF ACCOUNTABILITY IN EDUCATION

(By Roger A. Freeman)

Ever since President Nixon sent his message on Education Reform to Congress last March, a lively discussion has been going on about its content, its meaning, its implementation. Some of his critics thought that the President should have recommended federal support of public school operations to the tune of several billion dollars a year and left everything else to the school administrators, the boards of education and the teachers. That is what the National Education Association and its allies have been demanding, for well over a hundred years, and still deem to be the solution to the problems which beset the schools. But no President ever has recommended such a program, nor is Congress likely to approve one if it were proposed, at least for as far in the future as we can see ahead. In fact, the chances for federal general school support appear to be slimmer now than they were twenty or twenty-five years ago.

In his message on March 3 the President followed a track that runs counter to the road his critics in the educational establishment would want him to travel: he introduced the concept of accountability: "School administrators and school teachers alike are responsible for their performance and it is in their interest as well as in the interest of their pupils that they be held accountable." He declared: "We have, as a nation, too long avoided thinking of the *productivity* of schools."

That conjured up in the minds of some school principals a vision of being tarred and feathered if their students fell short of the national norm on standard achievement tests. But that is not what it was intended to mean.

At the outset the President made it known to the staff charged with drafting the education message that he wanted its prime emphasis placed on reform and not on finances. This message was in preparation for six months and was as thoroughly studied, discussed, revised and edited as any presidential document could and should be; it went through several drafts before its was finally issued.

In contrast to many other messages it does not say: here is a problem and this is the solution. It admits that we do not know as much about the learning process as we should, that we have no ready answer to the question why so many children do not learn the essentials they need. It makes it quite clear however that the time is overdue to find out.

Accountability of the schools is not an entirely new concept. Some of us have been talking about it for a long time. Wilbur Cohen, President Johnson's last Secretary of H.E.W., criticized three years ago "the voluminous, yet unsuitable data now available for assessing the products of our education." He complained that "practically none of it measures the output of our educational system in terms that really matter—that is in terms of what students have learned." He added that it is an "incredible fact that the nation has, year after year, been spending billions of dollars on an enterprise without a realistic accounting of that investment."

In this, the first message on education reform by any president, Mr. Nixon made it clear that though far more money would be needed for education in future years, money alone was not the answer. Educational processes and methods would have to be made more effective and more productive. "We must stop congratulating ourselves for spending nearly as much money on education as does the entire rest of the world—$65 billion a year on all levels[1]—when we are not getting as much as we should out of the dollars we spend."

The President promised: "As we get more education for the dollar, we will ask Congress to supply many more dollars for education."

If we are to establish accountability for huge manpower and material resources, whether in education or in any other field, we must relate input to output, or investment to return.

Quantity is usually easier to gauge than quality, input easier to determine than output. But some measurement of quality is essential, particularly in education.

Until not so many years ago almost everyone active in education knew how to measure the quality of a school: class size (i.e., teacher-pupil ratio); qualification of the teachers (i.e., academic degree, years of experience, salary); number of books in the library; age, size and equipment of the building; and dozens of similar gauges. The number of tables in the NEA's annual *Rankings of the States,* listing available statewide data, jumped from 32 to 132 just within the past dozen years. But the final and most widely recognized yardstick of school quality that included all other measurements was: dollars expenditure per pupil in average daily attendance.

There is just one trouble with these data: they all list input, the resources consumed by the schools, they don't measure the output or product.

We know how many young people go through the schools and how many graduate. We don't know how much they learn while they are there. We don't record the capacity and the skills and knowledge of the students when they enter school, nor when they leave. If we did, we would at least know how much was added in the meantime, though there still would be a question of how much of the increase should be credited to the school.

To be sure, the public schools administer many millions of intelligence and achievement tests each year. But the results of those tests are not systematically used. Moreover they are closely guarded secrets in most school systems, for fear that they would be used, and possibly abused. A few major cities—New York, Washington, Oakland—have published test results in recent years and also given us such input factors as class size or expenditure per pupil; some have added socio-economic data which can be correlated. Those reports enabled us to gain valuable insights—which I shall discuss later—but we have no longitudinal studies which record a pupils progress through his entire school career. Project "Talent" plans a sequential study, but it will be some years before final results will be in.

Some have tried to justify sharply increased educational spending, past and future, by giving improved education much of the credit for growth in the nation's economy. That better education advances economic growth will hardly be doubted. But how much the education which our schools actually provided contributed to greater production and higher incomes is problematical. Brookings economist Edward Denison tried to find an answer by a residual process: he credited education with whatever economic growth he could not trace directly to the infusion of manpower and capital investment. His estimate that almost one-third of our 1929–1963 economic growth was due to education has been profusely quoted. But it is very tenuous and has been seriously questioned by other economists who came up with a far smaller credit to education.

Some observers have related the years of formal schooling which an individual completed to his income level, in order to show the high return on investment in education and thereby, indirectly, prove the value of a quality education. The Census Bureau computed lifetime earnings (from 18 to death) as follows:

	1968 dollars		
	Based on earnings		Increase 1956–68
	1956	1968	
Men with:			
Some elementary school	$168,287	$219,996	$51,709
8 years elementary school	228,872	285,344	56,472
4 years high school	312,622	382,678	70,056
4 or more years college	477,137	602,864	125,727
Increase:			
8 years elementary over dropout	60,585	65,348	4,763
High school over elementary	83,750	97,334	13,584
College over high school	164,515	220,186	55,671

In 12 years then the value of an elementary education increased by $56,472, of a high education by $70,056, of a college education by $125,727.

These figures have been widely used and interpreted as meaning that a young man could add $97,000 to his lifetime income by attending high school, $220,000 by attending college. But that seems to overstate the case.

There probably exists a positive casual relationship between school attendance and income level—with important exceptions. For example, a plumber is now paid $355. for a 40-hour week in San Mateo County which is more than the average teacher there gets. But to attribute all of the higher income of persons who have stayed in school for more years to the fact of their younger attendance is naive or misleading. Extended school attendance as well as economic success in later life, are causally related to the same personality traits more than to each other: higher intelligence, ambition, i.e., motivation to work hard, to plan ahead, to forgo immediate gratification for future advance, etc. In other words, a man earns a higher educaton for the same reason for which he attends school for more years: brains and tenacity.

The tendency of spokesmen for the educational profession to claim credit for the schools for economic growth, for higher income, and for just about everything else that is good and wholesome in American life, to praise school attendance as the answer to poverty and a remedy for most other ills, is understandable. But it boomeranged when shortcomings in the school's product were becoming painfully obvious, and when some of the promised improvements did not materialize. Many educators laid a trap for themselves when they exaggerated the returns from school education; not surprisingly they were blamed for deficiencies even though the failures often were not the schools' fault.

Illiteracy has been sharply declining in the United States: it was reported at 11.3% of the population by the 1900 Census, at 4.8% in 1930, at 2.4% in 1960. These rates are higher than in major European countries—but at least they are coming down. Moreover, the 1960 illiterates averaged 58 years of age and with better than 99% of our school-age children now attending school, we seem to be well on the way of resolving the problem within not too many years.

But *functional* illiteracy, that is, inability to read and write sufficiently for a minimum functioning in today's economic, political and social life is far more extensive than the Census reports indicate. The Office of Education estimated that 24 million persons 18 years and over are "functionally illiterate"—they cannot read, write or count at a fifth-grade level. Yet, there were on last count only 6.4 million Americans, 14 years and over, who have attended school for fewer than five years. In a study on Chicago's southside, for example, 93% of the respondents were found to have completed at least the fifth grade; but fewer than half could read at a fifth grade level.

School attendance in a particular grade, and even graduation, do no longer guarantee a specified educational level—ever since the schools, some years ago, discovered the secret of perpetual promotion. There are now some high school graduates who cannot even read their diploma. For about a quarter century, school critics such as Canon George Iddings Bell, Arthur Bestor, Mortimer Smith and Admiral Hyman Rickover have blamed some curricula and failure to maintain standards, for the inability of large numbers of public school children and graduates to master the 3Rs. The schools' defenders countered that by maintaining rigid standards the schools would be driving less able children from the classroom, which obviously would not help to raise their skills and knowledge. The root of the problem, they asserted, was inadequate financial support.

In the early 1960s Congress became increasingly concerned over the reported educational deficiencies among millions of the nation's children, particularly those from low-income backgrounds. To be sure, the schools' revenues and expenditures had risen tremendously—from $5.8 billion in 1950 to $18.5 billion in 1955 (and to $32 billion in 1970), which is a rate of increase more than twice as fast as enrollment and prices combined. But the added funds, it was asserted had not reached the sections where the poor and their children lived and went to school. Class sizes had been coming down in the national average, it was said, because certain suburbs and other wealthy sections could afford to hire additional teachers while central city schools were increasingly plagued by crowding and excessively large classes. Small wonder that children from poor family backgrounds were lagging several years and falling behind further while the offspring of middle class and well-to-do parents progressed.

There were no statistical data available to prove these charges. But the seemed plausible enough and were widely believed. To establish once and for all the existing discrimination against children from low-income backgrounds, Congress ordered, in the 1964 Civil Rights Act, that a comprehensive survey be undertaken, to form the basis for future legislature corrective action. Some grumbled at the time that it was a waste of money to spend $1¼ million to find out what had long been common knowledge. But the survey was undertaken anyway—the most extensive ever of American schools—by James Coleman, a sociologist from Johns Hopkins University. You all know the results, which surprised Professor Coleman and everybody else—with the exception of a few heretical researchers who had been saying so right along.

Coleman summarized his findings: "The evidence revealed that within broad geographic regions, and for each racial and ethnic group, the physical and economic resources going into a school had very little relationship to the achievements coming out of it." He concluded that "if it were otherwise we could give simple prescriptions: increase teachers' salaries, lower class size, enlarge libraries, and so on. But the evidence does not allow such simple answers."

---

[1] In the school year 1969/70. The corresponding figure for the current academic year, 1970/71, exceeds $70 billion. For the first time since the 1930s, the American people will in fiscal 1971/72 be spending more on education than on national defense.

In response to questions by the Senate Select Committee on Equal Educational Opportunity, Professor Coleman reported in June 1970 that eight reanalyses by other researchers had not in any way altered the results. Reviewing the national debate on the Coleman Report, Christopher Jencks of the Harvard School of Education summarized his conclusions: "Variations in schools' fiscal and human resources have very little effect on student achievement—probably even less than the Coleman Report implied."

Coleman found that the teacher-pupil ratio "showed a consistent lack of relation to achievements among all groups under all conditions."

Ample evidence of this was available long before the Coleman report. The *Encyclopedia of Educational Research*, summarizing over 200 studies of class size and pupil achievement, reported in 1950 that:

> On the whole, the statistical findings definitely favor large classes at every level of instruction except the kindergarten . . . the general trend of evidence places the burden of proof squarely upon the proponents of small classes. . . .

More recently, the most detailed report now available on any city school system (*New York City School Fact Book*, City University of New York, 1969) found:

> The evidence we have accumulated is somewhat surprising. We have recorded traditional variables that supposedly affect the quality of learning: class size, school expenditure, pupil/teacher ratio, condition of building, teacher experience and the like. Yet, there seems to be no direct relationship between these school measurements and performance. . . ."

A report on the Oakland Public Schools on 1966/67 state test results listed the median family income for each school. If we divide Oakland's 60 elementary schools into three groups, according to family income we find these results: in the highest income group it was 1:28.2.

	Grade			
	1	2	3	6
Median of lowest income group	1.6	2.1	2.9	4.2
Median of highest income group	1.8	2.9	4.0	6.2
Difference	.2	.8	1.1	2.0

I could give you many similar examples. But that seems hardly necessary.

Coleman was careful to point out that "racial composition *per se* of the school was not related to achievement when the social class composition was controlled."

With the long held and still widely believed assumption of a positive cost-quality relationship disproved, and race not the controlling factor, how do we explain the troublesome phenomenon that some children learn well and some don't? We have long known that differences in achievement among pupils tend to be wider within schools and classes than among schools. This suggests that student achievement is not as closely related to school features as we have been led to believe. Otherwise, performance within schools and within classes would be far more uniform than it is. Educational attainment seems to depend largely on forces over which today's schools exercise only limited control.

Coleman found the factor with the strongest correlation with student achievements to be the socio-economic-educational status of the parents. He, and many others, interpreted that as meaning that the home environment, the substance, level and intensity of conversations with the family, the presence or absence of books, the example, encouragement, stimulation and assistance by parents and other family members was the crucial element, aside from the contact with other children attending the same school. Few will question that home environment can be a powerful factor in motivating children to learn. But studies of adopted children suggest that characteristics of the natural parents are far more influential than environment. A study of one hundred adopted children by Marie Skodak and Harold Skeels, for example, found that "the intelligence of individual foster children appears to bear little relationship to measures of the foster home in which they are placed, while appreciable correlations appear between the I.Q. of the foster child and that of his own mother from whom he has been separated from birth."[2] Studies by Sir Cyrill Burt and others have found the I.Q.s of identical twins reared apart to be almost as closely correlated as the I.Q.s of identical twins reared together.

Considering what we can observe throughout nature, is it really so surprising that a child's score on the educational achievement tests of school tends to parallel his parents' score on the economic achievement test of life?

Intensive studies in recent years by Arthur Jensen, educational psychologist at the University of California at Berkeley, confirm the conclusions of the pertinent scientific literature in the field. For example, Bernard Berelson and Gary A. Steiner summarized in their massive volume *Human Behavior: An Inventory of Scientific Findings* (New York, Harcourt Brace, 1964):

> Large differences in intelligence as measured by the standard intelligence tests, are due principally to heredity. Here is one experts' review of studies on how much difference in ability results from the types of environmental differences usually found among homes and communities. One summary with which most others agree fairly closely, is that the variation in tested intelligence among school children is accounted for 75% by heredity, 21% by environment, 4% by accidental factors. (p. 217)

Experience has shown that the schools can teach almost every normal child to read, write or count to the same extent to which it can teach him to sing, paint, sculpture, swim, run, play a musical instrument or play basketball, that is, according to his individual capacity to perform and succeed in each of these fields. It can no more teach *all* children to read or count at the national average, than it can teach *all* children to sing or swim or sculpture or play basketball at the national average. But people seem to feel that in a country as rich and powerful as ours *everybody* ought to be above the average, or, at the least, at the average.

This reminds me of the alchemists who for nearly two thousand years, with a tremendous effort and at a huge expense, tried to do what we now know cannot be done. But they and their sponsors had a deep emotional need to believe that it can be done, so they kept trying and went undeterred from defeat to defeat, always expecting to find success around the next corner.

For how much longer will we let our latter day alchemists set goals for our public schools?

A few months ago at the Senate hearings to which I referred earlier, the Superintendent of Detroit Public Schools, Dr. Norman Drachler, pleaded with the committee in a manner that seemed facetious but was deadly serious:

> I might add, gentlemen, if this committee could do anything for education and equality, it would be wonderful if you would pass an act that would outlaw the national norm. It is a monstrosity for the school system. . . . As long as we have a norm, 50 percent must be below that norm.

This means not, I believe, that we should abolish the national average as a statistical tool, but that we should outlaw it as a norm which all children are expected to meet. If school officials pretend that they can bring *every* child up to a national norm, they are bound to disappoint and frustrate many children, to antagonize their parents, shake the confidence of wide sections of the public and, in the end, diminish the schools' chances of attaining even the goals which are within their competence.

But the belief in the magic power of the dollar dies hard, in and out of Congress, particularly among the potential beneficiaries of a federal program.

Title I of the Elementary and Secondary Education Act of 1965 sharply expanded the compensatory education programs which had been initiated in several cities during the late 1950s or early 1960s. Congress was promised then—and has been promised several times since—that the added federal funds would enable the schools to raise to national norms the cognitive skills of "deprived" children who are lagging one or several years behind their schoolmates.

Now, five years later, we know that Title I has done nothing of the sort. Most compensatory education programs have not raised the arithmetic and reading performance of the "benefited" children. That is what President Nixon reported to the American people in his Education Message of March 3.

We must stop letting wishes color our judgments about the educational effectiveness of many special compensatory programs, when—despite some dramatic and encouraging exceptions—there is growing evidence that most of them are not yet measurably improving the success of poor children in school.

The best available evidence indicates that most of the compensatory education programs have not measurably helped poor children catch up.

Recent findings on the two largest such programs are particularly disturbing. We now spend more than $1 billion a year for educational programs run under Title I of the Elementary and Secondary Education Act. Most of these have stressed the teaching of reading, but before-and-after tests suggest that only 19% of the children in such programs improve their reading significantly; 13% appear to fall behind more than expected; and more than two-thirds of the children remain unaffected—that is, they continue to fall behind. In our Headstart program, where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similarly poor backgrounds.

Headstart has been called the most promising of all these programs, and it probably is: it has *promised* more than any other—but it has not delivered. We have been sending an increasing number of children to school at four years of age and at three, which is all to the good, though it has not produced lasting results. Some are now proposing that we start at birth. But the available evidence suggests that even intervention at birth may come about nine months late.

I could recite to you the failure of the Higher Horizons and More Effective Schools programs in New York City, of the Banneker project in St. Louis, of the Madison project in Syracuse and of dozens of others. Virtually all of these projects were initiated and directed by experienced educators, resourceful and enthusiastic leaders such as Jacob Landers, Samuel Shepard, Mario Fantini, Carl Hansen, supported by larger numbers of equally enthusiastic teachers. The "Pygmalion in the Classroom" charge of self-fulfilling low expectations is contrary to the truth. Most of the big city projects were staffed by men and women who sincerely believed that they would succeed in lifting their students' academic achievements to higher levels. But sooner or later they could no longer hide their failure, from themselves or from others.

---

[2] *International Encyclopedia of the Social Sciences*, 1968, vol. 7, p. 428.

Just five months ago, on May 21, Neil Sullivan, whom many of you remember as the superintendent of Berkeley schools until 1968, testified before a Senate committee:

Berkeley, as most communities in 1964, with the passage of the Elementary and Secondary Education Act, put its first money into compensatory education. We went the whole route, lowered class size, provided remedial reading teachers, bought the machines, did those things that we thought were right.

The results after 2½ or 3 years clearly indicated that not only did the child in the inner city not improve, he had retrogressed.

That experience was repeated in city after city. The U.S. Civil Rights Commission, reviewed the major compensatory education programs since 1957 and found that "none of these programs seems to have raised significantly the achievements of participating pupils."

More Effective Schools in New York City has now been going for seven years. Its 21 schools have an average teacher-pupil ratio of 1:11.7 and spent in 1967/68 $1275 per pupil. A similar-sized district in Queens Borough (#25 with 23 schools) had a teacher-pupil ratio of 1:24.6, spent $671 per pupil. Sixth grade arithmetic scores (norm 6.4) averaged: in District 25, 7.0; in the MES schools, 5.2—almost two years behind.

But the parents in the MES schools had been promised by city and school officials years ago that their children would soon catch up and perform according to norm. Is it any wonder that they no longer trust those officials and harbor bitter resentment, which on several occasions has exploded into violence?

Mayor Lindsay said last year: "Our schools are the most lushly funded school system in the nation. . . it has the best teacher-pupil ratio of any city . . . but the management of the thing is such that we just don't get the production." (*New York Times*, June 6, 1969) Achievements in New York City schools are substantially below national average, and they continue to slip.

New York City's school chief admitted last December: "We have been spending a great deal of money on solutions which have little relation to the causes. Nobody knows why certain children are not profiting from the educational program . . . Money is being spent on new gimmicks but nobody knows the cause and effect relationship . . . We have offered all kinds of solutions but they are not producing results and nobody knows why." (*New York Times*, December 4, 1969)

If this is the conclusion of the head of the country's biggest school system, which is already spending more than twice the national average per pupil, how can we justify pouring huge additional funds into the country's largest and fastest growing industry, education—now spending at the rate of $70 billion a year—until we know what works and what will give our taxpayers a proper return on their hard-earned dollars?

This is why President Nixon proposed that we try to find out what produces results in education before we add multi-billion dollar programs to our present total of educational spending.

Accountability is a tool to concentrate the attention and efforts of officials who set school policy and of principals and teachers who carry it out, on making tangible progress toward the designated goals of the drive to lift the cognitive skills of lagging children. "For years," the President said, "the fear of 'national standards' has been one of the bugaboos of education." He explained that "success should be measured not by some national norm, but rather by *the results achieved in relation to the actual situation of the particular school and the particular set of pupils.*" (emphasis supplied)

So we shall have to measure the skills and knowledge of children when they enter school and at stated intervals during their years of attendance. We must then evaluate their progress in the light of *their own* capacity for growth and compare it with the advance which other, similarly situated, children achieved in the same school or elsewhere. Accountability should help to stimulate teachers, principals and school systems to vie with each other in friendly competition for the most effective instructional methods.

To conduct, sponsor, expand and strengthen research into instructional methods, the President proposed to Congress the establishment of a National Institute of Education. It should help to find answers to some of the hundreds of questions which are puzzling those trying to solve our educational problems.

Here are some of the questions I would ask: Which are the most effective methods of teaching arithmetic, reading, writing to children who show little interest in those skills nor seem to possess much talent for them? Should we force all pupils into a Procrustes bed of standard curricula and national norms although we know that some children are tall and some are short, educationally speaking? Would it be more effective to shape various curricula to conform to children's differential capacities instead of trying to adjust all children to a uniform mold? If so, what goals should we set and how? Should be continue our present school structure, should we try new organizational ideas, or should we follow the pattern that prevails throughout most of the rest of the world? What is the potential of programed learning (machines), movies and other mechanical methods of instruction? Should we work largely through the public schools or should we try to broaden the variety of offerings by getting private schools involved, as much as possible? Admittedly, these are leading questions, dealing with highly controversial subjects.

The Office of Education and the Office of Economic Opportunity recently sponsored a few projects aimed to find answers to some of these questions. A far greater variety of instructional methods could be tested by free market methods if parents were given a choice in the type of school to which they want to send their children. At this time, the nearest (or assigned) public school enjoys a virtual monopoly because not many parents can afford to pay the high charges that private schools must demand which sustain themselves from tuitions. This could be remedied by a voucher plan which is now being tried out. NEA, AFT and other groups strongly oppose the voucher plan—whose results could prove embarrassing if some private schools succeeded where public schools failed. Income tax credits for school taxes or tuitions are another—and in my opinion more effective—way of reducing the economic penalty for the exercise of parental freedom of choice in the selection of a school.

The advantages and disadvantages of voucher and tax credit plans are also being explored by the President's Commission on School Finance.

James Coleman advanced another idea which is now being tested: performance contracting. Instruction is farmed out to a private school or organization whose fee is geared to the pupils' measured progress in the cognitive skills. This idea is as obnoxious as the voucher plan to those who believe in the superiority of the monopoly approach to education.

In conclusion: Much thinking will need to be revised, many long-established practices altered, if we are to succeed in preparing children from low-income backgrounds more effectively than we have so far for the social and occupational demands of life in the last third of the twentieth century. The needed changes will extend to many public policies and institutions. But the schools will of necessity play a key role in the process of turning children into self-sustaining adults, able to take their proper place and meet their responsibilities in our society. This is why those to whom the schools are entrusted will have to accept a greater responsibility for their product than they have in the past. I trust that they will live up to that responsibility.

WHERE DO WE GO FROM HERE?

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. EDWARDS of California. Mr. Speaker, I would like to place in the RECORD a fascinating discussion of the possibilities and problems facing members of the Democratic Party in the immediate future, and I would like to commend the New Democrat for bringing the symposium together:

WHERE DO WE GO FROM HERE?

A NEW DEMOCRAT SYMPOSIUM: A FOURTH PARTY IN 1972?

The editors of the New Democrat sent out a letter to thirty prominent intellectuals, young activists, and Democrats to comment on the possibility of a fourth party in 1972 (after George Wallace's party). We asked: Do you believe the Democratic Party is still capable of aggressively reforming itself by the 1972 Convention or do you believe that a fourth party is the only conceivable means of effecting change in 1972?

Of the thirty, 18 replied: we were only able to include 11 of these statements. However, we believe what is printed here fairly represents the spectrum of opinion running from center to left on the fourth party issue. The one exception to this is the radical proposal by Paul Cowan for a "redemptive movement" in the United States.

The troubles and dangers raised by this Symposium are certain to be those which plague the independent candidacies of individuals like John Lindsay or Eugene McCarthy; or the attempts by any group to organize and field a fourth party in the 1972 election. What this Symposium reveals is how complex the new party scenario really must be to work.

Some may feel that the extremity of our times requires more novel departures for political action than our Symposium proposes. Yet the overwhelming perversity of American electoral history in the past decade may beg for ambiguity, lethargy, and caution in these prognostications.

Senator Eugene McCarthy has elsewhere formulated a number of guidelines for the emergence of a fourth party; an overriding issue, growing dissatisfaction with present parties, an emerging personality, and a younger electorate. It is interesting to see that many of these thoughts show up in the views of the participants in this Symposium.

Our guess is that the Democratic Party will have to, in some way, respond to the pressures for a fourth party on the liberal-left. To co-opt that movement, the Democratic leadership must implement a thorough reform program, and nominate an activist liberal in 1972. If the party fails to act accordingly, a new party will emerge, by necessity, as an ambulance to pick up the wounded from the political wreckage which will inevitably result.

FREDERICK DUTTON

Frederick Dutton practices law in Washington, D.C. He is on the Board of Regents of the University of California. He served in the John Kennedy Administration and was on the staff of Robert Kennedy's presidential campaign in 1968.

Any serious consideration of the 1972 Presidential prospect should take into account the growing likelihood of a number of major national candidates:

1. The Republican nominee—almost surely Nixon; but there is a rising possibility of a charismatic challenge by Ronald Reagan if he wins re-election in California this year by over a million votes: his goal!

The Democrats had to brawl out in the open in order to get an incumbent President of their party not to be renominated. Republicans can try that in a few executive suites and board of directors rooms. Even if Reagan does not decide to challenge Nixon in several carefully selected primaries, he will probably seek to move the GOP even more to the right; and the Republican convention is already a conservative bastion by its natural composition. In '68, Nixon was a convenience for that group, not a commitment.

2. The Democratic nominee—no figure able to maximize the Democratic base is emerging, though voter turnout has historically almost always been crucial to the success of the larger of the major parties.

Even just at the convention stage, the party's prospects could be shaped less by which candidate can get the most delegate support than which can avoid being vetoed in effect by any of the segments essential to the Democrats, including organized labor, the minority vote, the younger voting wave, and the establishment faction.

3. George Wallace—perhaps now weaker in public appeal then when he was heading toward '68. But in communities and counties where he had six contacts and possible workers then, he has 60 or 600 to activate now.

4. A new "fourth party" led by John Lindsay or possibly Eugene McCarthy. This gathering will be overwhelmingly white, better educated and more affluent than the national average, politically more active, largely suburban muscular in financial resources, energetically enthusiastic, and sure to cut massively into both major party bases.

The profound if still largely latent disaffection with the two major parties gives a new fourth party—or personal movement—an historic opportunity in Presidential, not Congressional, politics. The opening could even grow so rapidly during 1971 that the worst danger will be a split between the Lindsay phenomenon, which will "spontaneously" break out like a national rash at the grassroots next year, and some other factions, including Eugene McCarthy's loose but loyal sources.

Starting with nearly 15% of the popular sentiment in early '71, a fourth force may harness the volatility of our new culture and communications modes and have over a quarter of the electorate—much of the most active fourth—by early '72. That could seriously threaten the two major parties as the Presidential spring moves along, especially if Wallace can attract just ten percent of the electoral strength.

Hardheaded leadership

Lindsay's chances of fighting his way through the Democratic power structure, in contrast, are negligible even if he did well in the primaries. For he faces the sure opposition of organized labor's hardheaded leadership as well as entrenched control over the party's mechanics by stalwarts of the older order.

Does a new fourth party have a Presidential chance in '72? In a four-way split, it has the best chance in over a century.

It will not be either left or right so much as future-oriented. It will offer freshness and status for a society badly hungering for those. It will likely emphasize excellence and a dedication to both old and new dreams. It could also easily end up being rather smug in how it comes across. But it will be built on the old Puritan ethic as well as some of the newer qualities in the American culture and character.

JACK NEWFIELD

Jack Newfield is an editor of The Village Voice. He is author of "Robert Kennedy: A Memoir," and "The Prophetic Minority."

I favor, with some lingering reservations, a new, independent political party for 1972 for two reasons. The Democrats can't. A new party might.

The Democrats are a closed corporation. Let's not forget 1968 so quickly. Kennedy and McCarthy won seven out of seven primaries between them. Eight million registered Democrats expressed their opposition to the war by voting for the two anti-war candidates. But in Chicago the party not only nominated the candidate most closely associated with the war-makers (HHH), but they voted down an anti-war platform plank. In the end, about six white men over 50 had more decision-making power than eight million ordinary people.

Few decisionmakers

Despite the noble work of the McGovern Commission, I fear that same authoritarian situation will obtain in 1972. Daley, Meany, O'Brien, LBJ and a couple fat cat contributors will dominate the decision-making process.

At the same time, I think there is enough energy in the country to launch a new party that has a chance to win. Remember, both the Democrats and Republicans started out as third parties. The Democrats replaced the Federalists and the Republicans supplanted the Whigs. A party that starts a war like Vietnam, botches the poverty program, and then nominates old triple H, while kids, nuns and reporters are being clubbed in the streets is acting like the Whigs.

Elements of new party

What are the elements of a new party? First the peace movement, which is really a party in embryo. Then the liberal Republicans (Gardner, Brewster, Hatfield, Lindsay) who are a frustrated minority in their own party, and understand better than most Democrats the folly of Nixon's economic policies.

Then there are the suburban liberals, the blacks, the kids, and a lot of women, since I assume this new party will have the sense to grasp the historic dimension and power of the new feminist movement, and help translate its energy into programs for child care and abortion.

Moreover, with Wallace in the race, we are really talking about less than 40 per cent of the country electing a President. And if it is upheld by the courts, I suspect the 18 year-old vote will not go to Agnew.

Program

What would be the program of this party? Withdrawal from Indochina. Stop the Nixon recession. Stop Agnew from polarizing and poisoning the country. Tax the banks and corporations and regulate the federal agencies, and close the tax loopholes, so that the blue collar whites get a better deal.

All we need is a candidate.

RONNIE DUGGER

Ronnie Dugger is editor of "The Texas Observer." He is a longtime student of politics.

To your symposium question, can the Democratic Party reform itself by 1972 or must we have a fourth party, my answer is that the Democratic Party may vitalize itself sufficiently in time, but it is not likely to do so unless we have a fourth party or an independent movement stimulating a new kind of national dialogue and available, in a way threatening to the Democrats, as a standby alternative at the ballot box.

The Democrats will be predictably liberal on the customary issues at the national convention in 1972, but their test then will be whether they show they have the integrity to break the corporations' hammerlock on American democracy.

Capitalism's lackings

I believe in free enterprise competition where it still works, but it has stopped working in large sectors of our economic life, and government regulation of these sectors has also failed. Anti-trust has lost out to a privately-administered technological socialism. The regulatory agencies have been suborned by the industries they are supposed to regulate.

In the areas where competition, antitrust, and regulation no longer work, I believe we should turn now to cooperatives of various kinds, to government control of management, or to offsetting and thus competing government ownership. We must democratize our economic system or lose our democracy to a corporate bureaucratic overstructure essentially fascist in operation.

Most of the radically humanist liberal Democrats probably instinctively tend to agree with John Kenneth Galbraith—I do—that all corporations with 75% or more of their business in U.S. military contracts should be nationalized. They are already in effect public corporations, except that they are milking the public for all the private rake-off they can get. Nationalizing them would at least take some of the profit out of war. But what chance has Galbraith's idea to be evaluated, refined, and adopted in the resonant silence with which leading Democratic politicians have responded to it?

TVA-like oil company

Or again, what convincing difficulties in democratic or libertarian doctrine are posed by my idea, which I advanced recently in another context, that we should have a national oil company, TVA-like, to produce oil and gas from our own reserves under public lands and offshore? Such a proposal suggests many objections, but it is worth discussing, and the Democrats are not discussing it.

In a free and relevant political dialogue, we would be discussing and debating, not only the nowadays quite safe subjects of race, inflation, the environment, and Vietnam, but also the social management of AT&T; nationalization of the passenger-hating railroads; a national life insurance program; a continental water system that could make possible the revival of small farms and farming-family cooperatives; a federal credit pool to provide money at 2% or 3% for home loans. All such subjects are now "off limits" to leading politicians, and this is exactly what is wrong with the country and most particularly with the Democratic Party.

The leading Democratic politicians are struck dumb by such notions, as if by terror, and they oppress those loyal to their careers into a complicitous silence. They are caught in the vicious cycle of careers that depend on campaign money, the sources of which therefore control the careers. And being liberal, these Democrats are vulnerable to being Joe McCarthyized and are thus the most afraid of anything that, being in some sense socialist, can be called communist. No trivial irony, this may turn out to be the mortal flaw of the Democratic Party.

I would like to see the formation of a fourth party or independent movement now in the United States dedicated to opening up substantial arguments about our economic power structure and to the internationalization of abundance and the termination of U.S. military intervention against popular revolutions abroad. Like the Populists and the Progressives, such a new movement could stimulate the debate we need and frighten the Democrats leftward.

Texas, our Texas

Because of its particular political history, Texas may need a similar innovation with a different purpose. Some of the liberal Democrats in Texas are beginning to plan a fourth party "standby" program, maintained by "a skeleton crew," so that if, as usual, Establishment types dominate the 1972 Democratic primary, the standby group can make a run in November, quite possibly splitting the conservatives between the regular party nominees and winning.

We must have a serious challenge from a new political party or an independent movement, or both, because nothing else has the catalytic power to push the national Democrats into serious consideration of our basic economic system. If the national convention in 1972 responded to such a challenge sufficiently, good, we could stay with the Democrats. If they gave us another Humphrey convention or a stockly liberal platform, we would have a real alternative, ready to go. We need a real alternative.

PAUL O'DWYER

Paul O'Dwyer practices law in New York City. He has done active work on behalf of civil rights. He was the Democratic Candidate for U.S. Senate in New York in 1968; he ran again in the Democratic Primary in 1970 for the Senate.

Our Two Party System has become a One Party System as concerns many of the most pressing problems before the nation. Today voters throughout the country including the young, the dissenters, the distressed, the aged and the oppressed minorities are being requested by the Democratic Party and by the Republican Party to work within the system to try and cure its inequities. The Democratic Party, notwithstanding the gallant efforts of Senator McGovern, presents no plan for any real change. It is the hope of our Party's leaders that young energies coming into the campaigns during the next few months will be able to send to Congress Liberal Democrats. But electing Liberals against the war will not in itself bring about meaningful changes.

It will not be just enough for a Senator or a Congressman to commit himself to vote for the Hatfield-McGovern Bill and feel that he has brought an end to the war in Southeast Asia. It will not be enough for him to voice opposition to the ABM or the MIRV. If the Democratic Party really means to end the war in Vietnam and to change the racist complexion of the establishment, both in the Senate and the House, then by all means it will have to commit itself to depose John Stennis as Head of the Senate Armed Services Committee and Richard Russell as Chairman of the Appropriations, and in the House of Representatives, to oust L. Mendel Rivers, who otherwise will continue to be the Chairman of the Armed Services Committee of the House.

Electing liberal Democrats to Congress will not necessarily change the racist complexion of the congressional establishment.

They must be ready to strip George Mahon of Texas of his post as Head of the powerful Appropriations Committee and William Colmer of Mississippi, who now rules the very important and influential Rules Committee. Anything less than this commitment will leave our government in hands hostile to democracy and subversive of the concepts of our founders. Without this change there is no solution in sight for our most pressing problems. If this must be done with a combination of Democrats and Republicans, then it must be, for it there is to be a bipartisan policy, then let it be a bipartisan policy in favor of blacks, against hunger. in favor of ending the war in Vietnam and for peace and against violence.

I urge young people to beat the streets of these towns and this country to help those who are prepared to go down the line with such a program. If the young people, the oppressed, the underpaid workers and the minorities are to be kept within the system, there must be an end to injustice, indecency and hypocrisy and if that role is not provided by the Democratic Party, it will lose its relevancy.

Lawrence O'Brien, Chairman of the National Democratic Committee, sometime ago announced that he has come around to a position opposing the war and he believes the Democratic Party must do likewise. That's a good, if a belated beginning.

But unless there are commitments to these other things which I have spoken about, there will be no need for Mr. O'Brien to make elaborate plans for a Convention in 1972 for none of the forces will be there to give that body strength and respectability. The young, the dissenters, the black, the Puerto Rican and the Chicanos will not be there and without them there will be no hope of victory.

CURTIS GANS

Curtis Gans formerly served as a political strategist for the A.D.A. In 1968, he helped manage the campaign of Eugene McCarthy for the presidency.

The critical political question for 1972 is not whether there should be a fourth party or not, but who will vield Presidential power in 1973 and what policies he will follow.

I believe that the most important imperative for 1972 is to emerge with Presidential leadership that will restore faith in the democratic process by restoring faith in the ability of government to deal with the national crisis.

This means, at a minimum, that should the negotiations in Paris fail to produce a settlement, there be a commitment by the President to total and immediate withdrawal of all American troops from Vietnam. It means that the underlying premises of American foreign policy must be changed.

It means that a serious effort must be undertaken to redistribute the national wealth and eliminate hunger, poverty, and deprivation. It means a commitment beyond Medicare to full national health insurance. It means a greater commitment to teaching than to armaments. It means planning living communities and diversified transportation. It means a serious effort for reconciliation and against repression of the races and the generations.

It means the establishment of a new relationship between the public and industry to insure that industry serves the needs of a public broader than its stockholders. It means recognizing the need to control our technology and expand our awareness of its ramifications so that we can provide a habitable world not only in the next years but in the next centuries. And it means an image and reality of leadership with an articulated commitment to democratic values translated into the context of the 1970's.

I believe the imperative of winning the Presidency for such leadership implies working within the two major parties, and the fact of President Nixon's leadership in the Republican Party means in reality working within the Democratic Party.

Coalition for victory

A fourth party may well raise issues more easily, but only the Democratic Party has a chance to elect a President who might deal with those issues. Even at a time when party loyalty is at a low ebb, the most daring and most manipulative media campaign is unlikely to dislodge the base Democratic vote of the blacks, the elderly, the worker, and the poor. Nor should this vote be lost. These elements of the public are a necessary part of a constituency of conscience that will help insure that the nominee and policies of the Democratic Party are as right in 1972 and they were wrong in 1968. They are also a necessary condition of victory.

Thanks to the leadership of Senators George McGovern and Harold Hughes, the Democratic Party has begun to reform its procedures to make its crucial decision-making processes on candidates and issues open to democratic participation. It has reversed its policies sufficiently on the war in Vietnam so that no potential candidate favors withdrawal from Vietnam at a later date than July, 1971.

Candidates are made

There are still no candidates who offer all the qualities of leadership needed for the times. But one must, I think, remember that the Franklin Roosevelt of 1930 or the John F. Kennedy of 1958 did not seem to be such leaders two years before they assumed office. They were in part made by their times and the forces around them.

This argues, I believe, for an independent political force of those who now might channel their energies into a fourth party; and the larger number of those equally committed to substantive and substantial changes in the direction of the nation; to insure that the Democratic Party completes the task of reforming itself, deals with the major issues confronting the nation, and emerges in 1972 with a leader who is forthright on the issues and who stands a chance of being elected. If such a force fails to achieve this, or if by the end of 1971 it looks as if we are on the road to failure, there is still time to reassess. But as of now, it seems more important for the future of the country that we at least attempt to be both right and President.

JOSEPH L. RAUH, JR.

Joseph L. Rauh, Jr. is a member of the law firm of Rauh and Silard in Washington, D.C. He is a well known civil rights lawyer and currently is leading the legal battle against the United Mine Workers over the disputed Yablonski election. He is a member of A.D.A. He speaks here as a private citizen.

A standby liberal third party, ready to swing into action when the Democratic Party deserts the progressive prinicples of Wilson, Roosevelt, Stevenson and the Kennedys, would, it seem to me, best serve the cause of social change through the political process. And, perhaps paradoxically, the mere existence of such a third party structure might often obviate the necessity for third party action.

Take 1968 for an example. As it became clear in mid-summer that the nominees would be Nixon and Humphrey, the only hope for affording the American people a chance to vote on the issue of the Vietnam war was through an actual peace third party (headed, e.g., by McCarthy and Lindsay or vice versa) or through the use of a third party threat to force the Democrats to adopt a peace plank. But neither McCarthy nor Lindsay was ready to move at that late hour, Lindsay, at least, in part because of the absence of any existing organizational structure and the assumed difficulty of getting such a party organized and on the ballot.

Threat needed

Had there been a party structure in existence that could easily have reved up for action, the everchanging threat might have forced the Convention to adopt the peace plank as the threat of Wallace (Henry not George) helped force the Democrats to adopt the civil rights plank in 1948. With the threat of a peace party on his left, Humphrey might well have stood up to Johnson for the peace plank which was not sustantially different from what Humphrey had himself said in discussion as early as 1967; he would at least have had an additional talking point with Johnson and an additional incentive for supporting (or even intiating) the peace plank. Without that third-party threat, the country lost a chance to vote for peace and Humphrey lost the race.

Look, too, at how the Liberal Party (a quasi-standby party) determined the New

York bubernatorial nominee. By endorsing Arthur Goldberg prior to the Democratic primary, they forced the Democrats to take their candidate under threat of a split in liberal (small "l") ranks. The New York Times and Post endorsements, which were predicated on this very point, quite clearly supplied Goldberg's margin of victory.

The proposed standby third party would have a national structure based on 50 state organizations. Democrats and Republican could hold membership in the party without relinquishing their major party activity. Liberal independents would likely find the atmosphere congenial. The standby party would adopt platforms each year or two, but would run candidates only when neither of the major parties approximated its principles. Whether it later branched out into state, Congressional or even local races would depend on how the party developed. Flexibility would be the linch-pin of its operations and liberal issues the base.

RICHARD WADE

Richard Wade is a Professor of Urban History at the University of Chicago. He is the author of "The Urban Frontier" and "Slavery In The Cities." He has long been active in Democratic politics.

The issue of a "fourth party" has always seemed to me to be poorly posed. For the central purpose of most of its supporters is a fourth candidate, not a fourth party. Hence, those who favor this course flit from one political personality to another. At first, some looked to the second coming of Eugene McCarthy; after the New York mayoralty election, they moved for John Lindsay. A few eyed Harold Hughes, and the latest entry (at least at this writing) is Ramsey Clark (if as Jack Newfield wonders, "the country deserves him").

Otherwise, I see no one building the essential cadres for 1972 much less a larger party apparatus. Nor do I hear any discussion of how democratic the new party would be. (And this is no small matter. Procedures in small parties have historically been autocratic and elitist. I would guess that if one were thrown together hastily in a year or two, its internal processes would make the Democratic Party of Cook County or the Liberal Party of New York, look like participatory democracy by comparison).

The central argument for a fourth candidate is that neither the Republican nor Democratic Party can be trusted to put up an acceptable nominee in 1972. The GOP no doubt will continue with its present ticket (at least I hope so, for the alternative would be an Agnew or a Reagan). The Democratic choice is therefore crucial. What makes a fourth candidate attractive to some is the fear of a re-run of 1968 when the forces for change won all the primaries but could not nominate the candidate. (Ironically, in 1968 the system was actually working until the assassination in California. An incumbent President had been dumped, Kennedy had bested McCarthy in the primaries and, surely Humphrey would have been destroyed in New York where his delegates had been entered. In this perspective, it was the violence in Los Angeles not in Chicago which defeated the Democratic Party.)

But if there is no change in the Democratic Party by 1972, there indeed will be a fourth candidate nominated by a fraction of disillusioned delegates from the regular convention joined by those who felt excluded altogether. The result would be an easy Nixon-Agnew victory, the shattering of the political structure, and the continued minority rule of a divided and distraught nation. The best guarantee against this is a reformed Democratic Party.

Reforms are happening

Fortunately a lot of Democrats agree with this analysis. The McGovern Commission has come up with guidelines for the selection of delegates to the 1972 convention which require widespread reform in nearly every state organization in the country. Larry O'Brien, the new national chairman, has not only endorsed the proposals but has established an ad hoc committee to make sure the states comply. Indeed, in one half the states "little McGovern Commissions" are reforming party rules and procedures. The O'Hara Commission is now in the process of making recommendations which will, hopefully, democratize the internal functioning of the convention. If this activity succeeds, the 1972 Democratic convention should be the most open and unbossed in American history.

Best hope

Hence, I think the best hope for change in 1972 lies within a reformed Democratic Party. The search for a fourth candidate and speculation about a fourth party simply feeds the party's worst elements who will resist reform by arguing that those who seek it are "not really Democrats anyway". While I concede there may be some tactical advantage in warning the party that there is some place else to go, I think the greatest energy should be applied to the opening and revitalization of the Democratic Party. Those who worked so hard for Kennedy and McCarthy have earned a voice in the party. They ought to continue the job in the months ahead and then, perhaps, nominate the man who now best embodies that effort, the Senator from South Dakota.

NAT HENTOFF

Nat Hentoff is a staff writer for the New Yorker, a columnist on The Village Voice, a well known jazz critic, and editor of Liberation Magazine.

The question as stated seems to me artificial because it posits an either/or situation: "We are particularly interested to know whether you believe a fourth party is the only conceivable means of effecting change in 1972, or whether you believe the Democratic Party is still capable of aggressively reforming itself by the 1972 Convention?"

There is no one conceivable means of effecting change. Actually, much of what real—as opposed to paper—change we are likely to see in the immediate years ahead will result from organized local movements, spreading regionally and then nationally. This would range from black alliances to end discrimination in craft unions by dislocating job sites, if necessary, to environmental action that has palpable results beyond new buttons and posters.

That stated, I would say that a serious fourth party could be an extremely useful educational force and might even be of electoral impact in certain local situations and eventually perhaps nationally. By "serious," I mean, for openers, sizable numbers of people in the field now engaged in the basic nuts-and-bolts work of getting such a party on the various state ballots. To the extent this is not already happening, the idea is not yet a serious one and the basic reason for this symposium is, in the pejorative sense, academic.

As for the possibility of the transmutation of the Democratic Party from within into something less poignantly diffuse than is the present wheezing case, I am not especially sanguine for the short run. If the first two years of the new Ice Age has not been able to energize and organically unify the party—or at least significant parts of it—what can? The first woman President—Julie Eisenhower?

In sum, I would like to see a real fourth party begin so that we can get some idea of whether form does follow function politically in the present context. But as of the end of summer, 1970, all I hear is talk. Which leads me to believe that by 1972, all I will be hearing is more talk.

Anarcho-pacifist

As for the Democratic Party, I would like to see it act aggressively in any direction, including reform. But it seems involuntarily to have turned anarchist-pacifist. A turn I'd be all for, if willed. But alas, whatever motion is bring propelled from that party is due to the whirring of Presidential candidates—while the rest of the party keeps running to stand still.

So, as of now, I see more political reality in Andrew Young's Congressional campaign in Georgia and the Young Lords' incursion into municipal health decision-making in New York than I do in either of the alternatives you have set up for this Symposium.

JAMES MAC GREGOR BURNS

James MacGregor Burns is a Professor of Political Science at Williams College. He is author of "Roosevelt: The Lion And The Fox," "John Kennedy: A Political Profile," and "The Deadlock of Democracy: Four Party Politics In America."

I favor working within the Democratic Party rather than through a third of fourth party, because in general the history of parties and of social progress in the United States indicates that working within a major party is a far more fruitful tactic than trying to found and maintain third parties. Moreover, the Democratic Party has shown itself, in this century, remarkably sensitive to broad currents of American progressive thought and action. Today especially it is in a mood of experimentation, reform, and innovation. Our essential strategy for the years ahead will be not to divide the liberal and radical elements of the nation, but to unite them so that we can tackle the mammoth jobs ahead.

PAUL COWAN

Paul Cowan is the author of "The Making Of An Unamerican" and is a contributor on political ideas to many journals.

America is committing suicide. The question posed by The New Democrat, focusing solely on electoral politics, is too limited. Clearly there is widespread disgust with the intolerance and greed that have characterized the past decade's public life. Millions of Americans long to live in a society which frees the better part of their nature.

But a redemptive movement rather than a political movement might take root here. It would have to fuse politics with service and religion: to embody the more modest, generous future it promises. The people in it would have to realize that their reputations, luxuries, careers, even lives are unimportant now next to the need to preserve the species. In private resolutions, we would have to overthrow those treacherous individual egos that throb and compete—that reduce our worth as human beings. That done (if it can be), we would be freer to act on the religious impulse to celebrate and conserve all life.

Redemptive movement

Right now I can think three possible areas of agreement for a redemptive movement. All of them, of course demand far more thought than I can suggest here, all also demand a widespread acceptance of the idea that courage, patience, and self-restraint are vital ingredients for radical politics:

1) To the extent that it becomes involved in electoral politics, a redemptive movement will have to focus on principles instead of candidates—principles pointing towards demilitarization, populism, decentralized communalism which many conventional politicians now hesitate to support. One such principle might be that the military budget must be reduced to about 20% of the overall budget with a commensurate reduction of troops; and that U.S. troops may only be stationed overseas as part of a multinational peace-keeping force.

Another such principle (which obviously demands much study and elaboration) is that land and income must be radically redistributed. A third principle might be strict government controls on corporations which threaten the environment or human health and, at the same time, the adoption of special incentives for people who intend to make cooperative use of land and of consumer products like cars.

2) A redemptive movement would also have to include an array of sustained projects that serve people in their own communities. These would involve some of the young doctors, lawyers, social workers, teachers, etc. who are now so frustrated with the institutions of their professions. They would have to incorporate a central discovery of the past decade: that you cannot work with people unless you're willing to accept the legitimacy of their culture. Thus, hippies might have to cut their hair and give up dope; some revolutionaries would have to abandon their cherished ideologies; poverty hustlers would have to forgo their dreams of lavish expense accounts and plush Washington offices. And would have to accept their role as servants.

And accept, too, the importance of leaving meccas like Boston, New York, San Francisco and settling in less sophisticated cities like New Bedford, Akron, San Antonio. Some would have to work in a modest, respectful way with blue-collar and middle-class whites. For the only way to reach such people is to understand their ignored daily problems, to build on the intimate contacts that come from gentle service and show some of them, at least, that a demilitarized, socialist America would be a better country for them, too.

There would have to be some national structure for such projects. Professionals who were not willing to join the projects might use some of their larger incomes to help finance them. An efficient organization should be ready to provide material support, publicity, and even protection for the projects (many of which could be in constant danger). Finally, if the projects were successful, the people they included might become central to the redemptive movement's ventures in electoral politics.

3) But it is not enough to establish a revolutionary platform for a political party or to build it through the provision of services. Until the war ends there must also be direct actions which disrupt government operations.

Clearly, a movement which hopes to sink roots in white America shouldn't threaten its people with violence. But the trouble with that premise is that it is too often translated into a plea for passiveness, a plea to do nothing while the government proceeds with its policy of destruction.

The Catholic underground has begun to resolve that contradiction through strategies that a broader movement could adopt. In Delaware this summer some activists destroyed draft files, then left before the police could find them. A few weeks later 350 people who were unwilling or unable to participate in the raid signed a statement asserting their complicity with it. Suppose that hundreds of public figures associated with the moderate left were to follow their lead. By sharing in the risk of non-violent attacks on the war machine they might regain the respect of some militants. They would certainly help confuse the Justice Department and influence a segment of the public.

Is there enough energy in this wounded country to make such a redemptive movement a reality? The past few years haven't provided much grounds for optimism. But maybe there is more dedication to survival than anyone realizes. For by now it is clear that after all our bold pronouncements—our loud new politics, our blaring new culture—we are no more than a caretaker generation, whose modest but crucial role in history is to preserve this badly threatened planet for our young.

THE GALBRAITH PURGE

Two troubling and potentially dangerous events have taken place in the Democratic Party in the last month. The first involves a leak by the Treasurer of the Democratic National Committee, Robert Strauss, to the Evans and Novak column asking for the purge of John Kenneth Galbraith from his party positions. The second involves a similar leak to the Evans and Novak report a week later by Lawrence O'Brien suggesting that James Loeb, former U.S. Ambassador to Peru, was splintering the Democratic Party by not supporting a reactionaary in Texas, Lloyd Bentsen, for the U.S. Senate.

A Reformist Party

Both episodes are reflections of a more profound struggle for the soul of the Democratic Party. Galbraith and Loeb wish to lead the Party toward a policy of social reformism by embracing minorities, students, low income white workers, and, sometimes, Republican liberals, within the old Rooseveltian coalition. Galbraith, in particular, has taken tough positions on the point that national reform needs the support of all liberals (e.g., the Carswell and Haynesworth defeats needed Republican votes) and that the Democrats can only win in 1972 with a fusion of forces; liberal, labor, minorities.

Thus he has advocated the defeat of Mendel Rivers by student activists; he wrote a letter to The Texas Observer supporting the Republican Bush over the Democrat Bentsen in the Senatorial race; he proposed that the Democratic Study Group in Congress break the seniority system by threatening to vote for a Republican speaker; he wrote a book called Who Needs the Democrats? (see opposite page) boldly promulgating a vigorous and radical vision for Democratic reformism.

A Status-Quo Politics

Lawrence O'Brien and Robert Strauss take the opposite tack. They preach retrenchment; they would stick to fund-raising appeals among bankers, oil men, conservative businessmen and defense corporations; they would downplay the social issues and upplay law and order; they would grab the so-called "silent majority" away from Nixon. Their Bible is a new book, The Real Majority. by Richard Scammon and Ben Wattenberg which argues that the voter in the 1970's is in the extreme center, away from the poor, the black and the young.

What is dangerous about the O'Brien and Strauss leaks is that they suggest that the D.N.C. and its conservative allies within the Party, like George Meany are undertaking a deliberate campaign to revamp the Democratic Party in the image of the real majority. They seem quite willing to risk reopening the wounds of 1968, throwing away dissenting intellectuals, castigating the McCarthy-Kennedy forces, and taking the entire Party down the road of Neo-Nixonism.

End Revenge-Seeking

It is a comment on the times that this sort of maniac thinking should still exist in the Democratic Party. The fact is that the Galbraith and Loeb route is the only one which will take the Party to a victory in 1972. The Democrats' sole hope this time around is not to emulate a sterile Republican Administration and search for a destructive "silent majority," but to take an outspoken reformist program to the people, one which can unite the blue-collar worker and the urban black and the disenchanted student.

It is time to call a halt to this revenge-seeking by the conservative cabal in the Democratic Party. Otherwise it is as clear as the sun in the sky that those who write in this month's New Democrat Symposium in favor of a fourth party will no longer be pipe-dreaming.

WHO NEEDS THE DEMOCRATS

(By John Kenneth Galbraith)

(Paul M. Warburg, Professor of Economics at Harvard University)

EDITOR'S NOTE.—The following article is based on a chapter from Professor Galbraith's new book "Who Needs the Democrats?"

Remedy for the Democrats follows, not surprisingly, from the diagnosis. Some things are sufficiently obvious. If men suffer from having been too long in office, the answer is to end their suffering. Although in politics the one thing worse than the old fogy is the young fogy, neither is essential. In all primary elections there should be a presumption against incumbents and it should be very strong in the case of those in whom deathless phrase-making, other rhetorical devices for evasion, bureaucratic truth or Darwinism can, however faintly, be detected. Where, this autumn, a Republican of evident candor and honest mind is opposing a Democrat who is far gone with these flaws, it will be a service to the Democrats to support this Republican.

The Democrats have no choice but to accept, and then to make adequate, the guaranteed income. And they should reflect concurrently on the disastrous caution that allowed the Republicans to get this one first.

They must stop evading the issue of inflation. Where strong unions bargain with strong corporations, there will have to be controls. This doesn't interfere with the market. It restrains sensibly by public action prices that are otherwise fixed with public damage by private action.

End seniority

All candidates should be asked this autumn to declare themselves on the seniority system. It can no longer be the only national purpose of the Democratic Party to empower Mendel Rivers, Jamie Whitten and their friends. If reform means voting for the Republicans in the House of Representatives, so be it. An argument can be made for keeping the Democrats in control of the Senate to keep John Mitchell's friends off the Supreme Court and because it is cautiously liberal. There is no similar case for the House.

With the end of the southern rule, the Democratic Party can be unequivocal in its support of racial equality both North and South. There must be such a party. It will have pinned on it responsibility for the impatience of the black community and resulting violence. It will have to face the likelihood that, up to a certain point, progress is as likely to beget impatience and extremism as to be solvent for it. There is no other course. The liberal answer to extremism is still to remove its cause. It is the only hope for sustaining the coalition between blacks and white liberals in the South that is now taking form. Nothing less will insure or justify black support (and that of Spanish-speaking and other minorities) in the North. Every effort must be made to keep the unions in the Party. As black workers become more numerous in the union ranks, this could become easier rather than more difficult. But no concessions can be made to backlash sentiment of white workers. Nor can the older AFL–CIO leaders be accommodated in their preference for candidates who were good in the days of F.D.R.

Urbanize the party

Racial equality, a phrase which comes too glibly to one's lips, means continuing and doing adequately the things on which equality depends—in providing full access to political life, education, employment, income, union membership, housing, and the protection of law. Most of all as a purely practical matter, it requires that the Democrats become an aggressively urban party devoted to making city life in the United States not merely tolerable but safe, healthy, prosperous and pleasant. It is in the cities that the black and Spanish-speaking minorities in overwhelming numbers live. Unless the cities are good, they cannot have a decent life. The policy should also be attractive to the considerable number of whites who still survive in the cities.

Two things are required. The first is that, having contemplated all of the other remedies for urban decay, we must now try using money. We must stop using sociology as a substitute for taxation. That ample funds for city services—for the schools, police, courts, sanitation, public transportation, parks, playgrounds, museums, public festivals—will make city life agreeable may not be clear. But financial starvation does make urban life intolerable. And good and amply financed housing services and amenities do make urban life quite toleraable for people of various races in other countries.

Tax more

Modern city life is incredibly expensive. To make the necessary money available, Democrats must reject out of hand the notion that Americans are overtaxed. They are not and will be less so when foreign policy is reduced to need. A strong urban policy must include large bloc grants from the Federal Government to the large cities. (None should go to the states which are not in any similar need.) But the money should also be given on terms that require the cities to tax their own rich, and their own commuters, more adequately than now. Before John Lindsay is given final credentials as a Democrat, he must be required to make rich New Yorkers complain more about their taxes and less about their services. It is nonsense to suppose that the world's richest rich cannot pay for clean streets or even for police to protect their variously gotten gains.

Democratic socialism

The second requirement of an urban policy is plain recognition that for the most urgently needed services of the city dweller, private enterprise does not work and never will work. This is true especially of housing construction; housing repair, rehabilitation, maintenance and management; and the provision of local, commuter and interurban transportation. For these services we now have an apologetic half-hearted socialism—rent control, rent supplements, ineffectual efforts to make landlords live up to minimum standards of decency, dreary public projects that provide shelter, not homes, an under-financed and stinking subway, highways instead of mass transit, speeches by Nelson Rockefeller as a substitute for trains. The answer is to take on these tasks proudly—as the Dutch housing authorities build houses, as the Swiss run trains, as Toronto, London and Moscow run their mass transit, and as we have long operated that fine old manifestation of domestic bolshevism, the TVA. The city is an intensely social institution; it should surprise no one that it can only be served on important matters by social action. The Democratic Party must henceforth use the word socialism. It describes what is needed. If there is assumed to be something illicit or indecent about public ownership, it won't be done well.

* * * * * *

The remaining issue on which the Democrats must build their strength * * *. That is the recapture of power from organization. In the field of foreign and military policy, we must recapture the authority that the superpower mystique gave to the defense establishment, the CIA, the defense industries and the professional foreign policy establishment. Similarly at home, the mystique of an ever-expanding production, reinforced by the beneficient doctrines of the market, led to a plenary grant of power to the producing organizations—the great corporations—to use air, water, land and space for whatever in their judgment most efficiently expanded output. Here, too, power must be retrieved.

The remedy, however, lies not simply in the regulation of power which, misused, causes the public anguish. It requires that we remove the reasons for the delegation. It means a foreign policy that requires no such delegation to the Pentagon, a domestic policy that requires no such delegation to General Motors. Again let me be specific.

A shy giant

Democratic foreign policy must recognize that, henceforth, there is little the United States can do and little that it needs to do to influence the political events in Asia, Africa or Latin America. We should strongly support collective resistance to armies marching across frontiers. We should participate in the humane flow of economic assistance from rich countries to the poor. The Peace Corps and technical assistance should be available without pressure. Beyond these in the Third World, as it is called, we should do nothing. No military alliances, no military aid, no training missions, no other military missions, no counter-insurgency operations, no clandestine support to friendly governments, no plots against those that are deemed unfriendly. None of this means that all will be excellent in our absence. There will be cruel misfortune and disaster. It is only that in consequence of our presence, any disaster we now know will most likely be made worse.

If we resolve never again to intervene in Asia, Africa or South America, we must expect that some countries will go Communist or what will be so described. This on the basis of past experience may also be expected to happen if we do intervene. This likelihood must now be accepted. Democratic oratory now proclaims the unwisdom of trying to police the world. The corollary is that we accept what happens in the world. If we do not, then when some jungle or desert proclaims itself for Marx, Lenin or Mao Tse-Tung, there will be talk of the need to arrest the march of Communism or, in the absence of action, of another American defeat.

Poor is poor

Foreign policy like politics is the art of the possible. We have learned what is not possible. We must also see that below a certain level of development it matters little either to ourselves or the Communists what a country calls itself. If a country was poor and weak before it started calling itself Communist, it will be poor and weak afterward. And it will remain so for a long time. Had Communism a formula for the magical economic and political elevation of the poor countries, it would have captured them all by now. And we would have been wrong to oppose it, for we have no formula either. In the past there has been genius of a sort in our foreign policy. It has arranged defeats in circumstances where victory was not possible and was not needed.

In the Third World, the superpower mystique was an aberration of the period following World War II. That it was an aberration is now extensively recognized; what is yet to be recognized is the need to disestablish the bureaucracy—the military and bureaucratic power—that sustained that policy. This will not be easy. The military, intelligence and civilian bureaucracy would not be worth worrying about if it did not have the power to react in its own behalf. Abdication of world responsibility, return to isolation, and invitation to Communist aggression will all be averred. There will be little mention of the disasters flowing from the past policy. There will be need for Democrats to retain a certain alertness to bureaucratic truth.

In foreign policy the Third World has been the area of primary disaster. On the whole, things have gone much better where Europe, Japan, the Soviet Union, even Israel and the Middle-East are concerned. The reason is simple. There we have been dealing (with exceptions) with strong governments. The superpower mystique has been circumscribed by what other governments would accept. Both the power delegated to and exercised by the Pentagon and the CIA has been much less. So far as the clear and present Communist danger is concerned and for doing something about it, there would be a better case for the Green Berets in Czechoslovakia than among the Meo tribes in the mountains of Indo-China. Happily in Czechoslovakia the opportunity for such enlightened effort is much less. It seeks instead the vacuum in Indo-China.

CONTROL BUREAUCRACIES

But Democrats must recognize that much of our military effort in Europe and in relation more generally to the Soviet Union serves bureaucratic, not national purpose. Troop levels and deployment in Europe are still tied to the panic fears of twenty years ago when a march westward by the Red Army seemed imminent. The ABM, manned bombers, and nuclear aircraft carriers serve not the balance of terror, but the organizations that build and operate them. And beyond the curtailment in spending, and thus in bureaucratic power, that is unilaterally possible here, are the further cuts that become possible (hopefully of weapons to the Middle-East as well as strategic weapons) by agreement with the Soviet Union. Once again the purpose of this policy is not alone to save money, not alone to reduce the dangers inherent in the arms race, but also and most urgently to redeem power from the military and associated bureaucracy.

The reduced foreign policy will, of course, make it possible to be rid of the draft. This now survives only because we wish to spare well-to-do taxpayers the full cost of sustaining the army that the present policy requires. So we impose not only the discomforts and dangers, but also the pecuniary costs of that policy on the young in the form of compelled service at sub-market pay scales. Not surprisingly, the policy is more popular with the old than the young.

Politics over expertise

Needless to say, the next Democratic Administration and all that follow must keep the reduced foreign policy under firm political control. For a party to delegate to experts and members of the opposition the decisions that can destroy it is wildly unwise. This Lyndon Johnson learned or anyhow experienced. There is great safety in having a foreign policy considered in terms of what the people will accept. Such reflection is a partial antidote to action on the basis of bureaucratic truth.

Matching the redemption of power from the military is the need to redeem it from the civil bureaucracy and the great corporations. That is the other half of the Democratic task. Part of this task is obvious. It consists in protecting at all points the rights, immunities and liberties of the citizen in an increasingly organized world. This includes the Department of Justice. It is not my personal view that our liberties are in as much jeopardy as commonly imagined. When Americans are enslaved, it will be by someone of greater demonstrated competence than the present Republican Administration. A man who can be hushed up by Vice-President Agnew or John Mitchell did not have anything worth hearing to say. But the Democrats must leave no doubt as to their determination to protect people from organization and to protect privacy from the state.

The first step in redeeming power from private corporations consists in redeeming the public regulatory agencies from their control. This—the private management of the ICC, FDA, and FTC—by the firms that nominally they regulate is one of the most obnoxious scandals of our time. And Ralph Nader has shown that people are deeply sensitive to the abuse. To rescue public agencies from private control, retire their time-servers, reorganize them and give them true sovereignty for their task is thus a step of prime importance and high political yield.

Production quality

But there is a much more general delegation to the private corporation which raises the whole question of the purpose of the economic system. The question here is no longer how much, in crude terms, we produce; if this remains the objective, as all conservatives will argue, we cannot much improve on present arrangements. But that phase of our history has expired. The question now is *what* we produce and *for whom* and *on what* terms. Again let me be specific.

Present productive performance is highly uneven. It is ample or more than ample where the industry is technically powerful, has large public influence and large powers to persuade. It is poor in the public sector. It is equally bad or worse where the industry is technically weak or lacks public influence. Thus the need for balance—for vastly greater investment in urban services and for public ownership—if housing and transportation are to be tolerable. But balance also requires control of excess—of automobiles for urban use, highway construction, new gadgetry such as the SST which promise more public sorrow than private good, of disposable packaging material that is now a patina over all the land. In the past we operated on the rule that all production was good. Henceforth we must assume that any items will be subject to public discussion and action. This, it will be held, will be damaging to efficiency. That can be conceded. But crude efficiency, which is to say maximum production regardless, is no longer the goal. It is only the defense of those who don't want interference.

The right balance

As production ceases to be the sole goal, the question of who gets the product can no longer be elided—it can no longer be agreed that this problem is solved by everyone getting more. Income guarantees are part of the answer. So is more widely shared work. So is more employment in the civilian public services. So is a far, far better system of taxation to pay for those services. The essence of such a tax system is the notion that a buck is a buck is a buck—that however a man is enriched, whether by wages, salaries, capital gains, inheritance, gift, oil, and if possible theft, he pay the same tax on the same enrichment. And this tax, needless to say, must be stoutly progressive and thus deliberately egalitarian in its effect. Again it will be argued that such taxation will be damaging to incentives and thus to productivity. But productivity means production and production is no longer the goal. It will again be evident how admirably the commitment to production serves the *status quo*—and how wise conservatives are to defend it. But not Democrats.

The *terms* on which production proceeds are, of course, those that minimize the damage to environment—that provide for orderly use of space,[1] prohibit the disposal of waste in the air or surrounding waters, outlaw damaging productive agents and damaging consumers' goods. Again it will be argued that such restriction is deeply inimical to efficiency. Nothing is cheaper than to dump waste in the nearest river or to march the highways and power lines across the countryside regardless. Once again it will be seen how appeal to productivity reinforces the conservative stand. Once again the Democrats will have to face up to the question of whether they are the conservative party. If not, there isn't much choice.

STATE CHAIRMAN IN NEW POLITICS

(By Lester Hyman)

(NOTE.—Lester Hyman is former State Chairman of the Massachusetts Democratic Party, now practicing law in Washington, D.C.)

In this era of the New Politics, it may be useful to reexamine the role of that prime symbol of the Old Politics: The State Chairman. As a former holder of that dubious title in Massachusetts, I inevitably sensed surprise when introduced to high school or college audiences. How many of you, I would ask, when you heard you were going to meet the Chairman of a Political Party, thought that I would be short, fat, chewing a big cigar, with one hand in my pocket and the other hand in yours? Every hand would go up in affirmation of the stereotype.

Times have changed. Having come from a long line of colorful predecessors in Massachusetts (men like Charlie McGlue, "Onions" Burke and "Patsy" Lynch), I am all too aware of the caricature. However the most recent three Chairmen in Massachusetts (Gerard Doherty, David Harrison and I) all have been college bred, law school trained, professional men in their thirties.

If the kind of man occupying the position has changed, the pertinent question is whether the nature of the job of being a Party Chairman has changed as well.

The answer is a mixed bag. In some respects, the traditional duties of a State Chairman are more important than ever. In other respects, he faces new challenges, unknown in the history of American politics.

I submit that the duality of old and new functions calls for a new breed of activistic State Chairmen. I reject the notion that a Chairman cannot take positions on issues, that he must be strictly a "nuts and bolts" man. Nuts and bolts are essential, but they become meaningless unless you produce the connecting materials to which they attach. These building blocks are the issues and the candidates.

Traditional tools and jobs

1. Patronage. According to the old maxim, patronage is the glue that holds a political party together, I find this largely a myth in contemporary politics for two reasons.

First, most non-policy making governmental jobs are covered by civil service, thus removing them from the patronage bag.

Second, the policy-making jobs nowadays have become so complex, difficult and demanding of expertise that a Governor rarely can afford to appoint anyone but the best qualified man.

If you serve as a State Chairman where the Governor is not of your own Party, the well is even drier. This was my lot as Massachusetts State Chairman in 1968 and 1969.

In days gone by, patronage was employed to produce Party loyalty. For the kind of people we need to attract to the political process today (suburbanites, blue collar workers, minority groups, etc.), patronage is practically meaningless. Programs and personalities are the only effective magnets.

2. Money. The major tool is money. With it, one can help control the candidate selection and support mechanism. Here again, though, in most States, Party money is a myth.

People don't like to give to a Party. On a State level, there rarely is a consistent Party philosophy. Local issues govern, and they vary tremendously from year to year. So people tend to vote the man and contribute directly to that man. Some do the latter with perfectly proper motivation.

Others, however, have an ulterior motive. They wish a direct relationship between the donor and recipient rather than the anonymity that results when the Party organization is used as the middle man. Then, after the candidate is elected, he hopefully will be most responsive to the contributor who helped elect him. This, in my judgment, is an unfortunate result.

As State Chairman, fully 80% of my time was spent trying to raise money, so we could hire staff, put out mailings, and support candidates. There is no job in politics more depressing than raising money.

It seems to me that the only intelligent way to accomplish the task in the future is through professionally run, computerized, direct mail mass campaigns.

3. Registration. Despite all the talk of new politics and new coalitions, the age-old task of registering voters holds the key to many a candidate's success. Particularly in the South where blacks are demanding a voice in the system, registration is vital. Recently I returned from a trip to Mississippi where Charles Evers, the Mayor of Fayette, is the model for what blacks can achieve. Why, then, are there so few black officials (Evers is the only black mayor in the South, to my knowledge)? The answer is simple: registration. In the State of Mississippi as a whole, about 46% of the population is black. In many towns and counties there is an overwhelmingly black population, but less than half are registered.

When we talk of electing peace-oriented candidates, this can be done most readily by registering those people who are most likely to vote for them. Getting this job done is the sine qua non of State Chairmen.

4. Get out the vote. Assuming you have completed the prerequisite step of maximizing registration, you must motivate the voter to want to exercise his franchise.

And even with motivation, you often have to prod people to take the trip to the polls. In former days the ward boss knew his constituents were obligated to him (either for food, clothing, shelter, or a job); so he had leverage in getting them to the polls and often in telling them whom to vote for.

Happily this relationship no longer exists. The modern State (or County) Chairman now has to figure out which voters are most likely to vote for his Party's candidates and concentrate his house-to-house canvas, car pools, and telephone squads in that area. The new wrinkle of the 70's is the use of computers to identify the prime voter targets.

But computers can only go so far. Once they have identified the target, one needs an organization to get out the bodies. Putting this organization together is a difficult job requiring constant prodding and encouragement from a Chairman.

5. Encourage candidates. A Party Chairman can, by his personal efforts, encourage capable men and women to run for political office. John Kennedy once facetiously remarked that any man who ran for office couldn't be all bad. What he referred to, of course, was the great personal sacrifice a candidate must make, as well as the guts (physical and spiritual) necessary to wage a tough political campaign.

I would guess that more qualified citizens became involved in politics in 1952 than in any other year of our political history. The reason: Adlai Stevenson. People reasoned that if a man of his obvious intelligence and integrity could rise to the top of the political ladder, there was room for them.

On a State-wide level, a good Chairman can fulfill a similar role by actively encouraging and helping qualified men and women to run.

6. Act as Party Spokesman. Lacking a sitting Governor, the State Chairman should act as a spokesman for the Party and become more issue oriented than otherwise.

This role has its problems. The moment Party leaders see the State Chairman getting publicity as a spokesman, they suspect he is doing it to serve his own purposes, namely to run for office himself.

Therefore I suggest that the ideal Party Chairman is a person who has not held, does not hold, and will not seek office himself.

Senator Fred Harris suffered from this problem as National Chairman and was thus hindered in his effectiveness. I had a similar experience in Massachusetts.

---

[1] Socialism also raises its head here. I am persuaded that the answer to effective urban and ex-urban land management is greatly increased use of public land ownership.

In his role of Party spokesman, a Chairman should attempt to be responsible and credible.

I was always being goaded by Party "regulars" to attack every move and every statement of the Republican Governor on the ground that "that is the job" of a State Chairman.

I preferred to save my fire for deserving targets and even commend the Republican Governor on those occasions he did something we could agree with. In this way my creditability was heightened.

New Techniques and roles

1. Staying Power. A major problem is that politicization is a temporary condition. Some act of government—invading Cambodia, suggesting a Carswell for the Supreme Court—turns people on to the political process.

If we're lucky, the interest lasts through a particular election. But if the candidate or issue loses, the conclusion inevitably is drawn that the system doesn't work.

This is nonsense. What we need among the politically oriented is staying-power. I personally was involved in eleven straight losing campaigns before I had a winner. Continuous political activity usually has a salutary cumulative effect—witness Richard Milhous Nixon as the reductio ad absurdum of my thesis.

So a good State Chairman must not only encourage good candidates to jump in the water—he must keep them and their supporters swimming until eventually the race is won.

2. Issues. A good State Chairman should help develop the issues on which his Party can run.

Admittedly there are great risks in being caught in an ideological crossfire; however, the opportunity for substantive results far outweighs the risks.

In Massachusetts we put together a Democratic Advisory Council made up of some of the finest minds in the country (Jerome Wiesner, Paul Samuelson, Daniel P. Moynihan, John Kenneth Galbraith, James Gavin, etc.).

These men and women produced new ideas for governmental action (such as an Urban Education Council, an Economic Development Program, Campaign Financing reforms, etc.).

I then took these ideas and worked closely with the legislative leadership to gain their support for our ideas.

The State Chairman became, in effect, a broker between the theorist and the pragmatist.

There were many tensions on both sides, but finally we were able to line up across-the-board support for a Democratic legislative program.

A State Chairman should be a prime mover in developing issues for his Party.

3. Young People. Another crucial problem for State Chairmen is young people. Unless the Supreme Court rules to the contrary, every 16-year old today will be eligible to vote in 1971. For the politician, the challenge is tantamount to that of the scientist in harnessing nuclear fission.

If we don't find useful roles for the kids in the political process quickly, they will "fall out" and join the alarmingly large ranks of Apathetic and Alienated Adults.

The State Chairman must convince the Party pros to bring the young people into their leadership ranks. Traveling about the country, I am alarmed at the number of ward and town committees made up of septuagenarians (the same problem exists in the leadership of too many labor unions).

We must harness the tremendous energy of young people. We must give them roles of responsibility. And we must teach them that they will not reach their goals of social reform in one year or in one election.

Their vision and idealism, together with our experience, can be a synergistic combination for America. If we denigrate the role of the young—as the current Administration now is doing—there can be nothing but disaster ahead.

Conclusion

The challenge for a State Chairman in contemporary politics is enormous.

The job requires men and women of talent, intelligence and ability.

Although the popular stereotype of a Party Chairman is that of a "hack," the need for first-rate ability is overriding and eventually will change the image.

If a Chairman fulfills some of the roles outlined in this brief article, he will go far toward improving the political dialogue and the political climate in America.

BOB TERPSTRA

Bob Terpstra was formerly an aide to Senator Gaylord Nelson of Wisconsin. He is now the National Coordinator of The New Party, based in Washington, D.C.

It's often said that extra-party politics are against the American grain. Actually, the opposite is true: Since 1815, about 85 third-party Senators and 300 third-party Representatives have been elected to the U.S. Congress. Every presidential election has its retinue of minor parties. In 1968, there were more than 20 of them. The GOP itself was a thiry party; Lincoln led it to its first big victory.

Even when third party efforts fail to get candidates elected, they can succeed in changing the political complexion of the country. This happened when the Democratic Party co-opted the Progressive Party platform in 1924 and again in 1950 when, two years after Truman's victory, Henry Wallace's platform had been adopted virtually intact.

To the extent that their purpose is to liberalize the Democratic Party, and not build power bases for themselves, groups like the National Democratic Coalition are misguided in staying within the Party. Those in the NDC are in the main young persons who are not high in the heirarchy of the party and are no more likely to effect change in the Democratic politics than lower echelon employees are likely to shape the policies of General Motors. It may be a sad commentary on the way things work, but it's true that a political party is much more likely to respond to the outside threat of losing votes than to the efforts of idealistic persons from within.

Last chance

Another reason for a new party—The New Party—is that this may be the last chance for peaceful change before the shootouts. The nation cannot afford warfare approaching a bloody revolution. It took the French 30 years to recover from theirs and the Russians reeled for 20 years after theirs. And they got Bonaparte and Stalin.

In the eyes of millions, the established parties have become unresponsive to the needs of vast segments of the electorate. The black, the young, the elderly, the intellectuals and the peaceful have in effect been disenfranchised by the established parties. These groups are, indeed, working in their own worst interest in supporting the parties.

Ask Not What . . .

This says little of the quality of the candidates, but implies much. We, as a people, have come to ask too little of our politicians. We have let them become tied to economic interests and allowed them politically to take the easy way out too long. A fascinating instance of the depths to which we have sunk in this regard is to be found in a poll taken shortly after Nixon ordered the invasion of Cambodia. Fifty-two per cent of the public indicated they thought that Nixon was lying when he said the troops would be removed by June 30. Yet 54 per cent said they approved of Nixon's handling of the situation. We are forced to the conclusion that we, as a people, not only are willing to put up with a president's mendacity, but actively approve of a president who lies.

In the past, times of crisis have produced great leaders—such as Abe Lincoln—who have been able to provide the cement with which to put the country together in troubled times. Lincoln recognized that a house divided cannot stand. Now, when we again have to put the pieces back together, the second officer of the country, Spiro Agnew, in the name of the administration, is pulling out the foundation bricks one by one.

Perhaps the chief reason for the inability of the major parties to deal with the issues dividing this country, is that they are inseparably bound to monied interests, that they represent military, industrial, mercantile and financial interests and are paralyzed in the face of problems—such as pollution—which are inimical to these interests.

It is time for change in this country and the present major parties are not equipped to bring it about. It is both unwise and immoral to support them any longer. We must start voting our convictions rather than submitting to mean compromises. And rather than supporting ineffectual, corrupt parties, or joining in a revolution we must demand change on the only responsible way left to us—through a new party of the people—The New Party.

KALLAH

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. WOLFF. Mr. Speaker, I would like to call to the Members' attention a new and important undertaking which is set to begin this coming Sunday, December 13.

At Temple Israel in Great Neck, N.Y., the New York Metropolitan Region of the National Federation of Jewish Men's Clubs will sponsor a "Kallah"—an all-day conference devoted to closing the generation gap. The conference, which could serve as a model for churches and temples throughout the United States, will include panel discussions, speeches, and audience participation to give parents a deeper understanding of the concerns of today's young people.

Among the subject areas to be discussed are: Ecology, drug abuse, morality of youth, and dissent and law and order. Participants will include clergymen and laymen, all concerned with creating broader understanding between the generations.

Under the chairmanship of my able constituent, Samuel E. Friedman, the "Kallah" can play a very productive role in clearing away some of the myths and explaining some of the realities which have caused a rift between some members of different generations. I expect that the conference will be most successful and hope similar activities are undertaken elsewhere by religious groups of every faith and by lay groups that share the just concern with effective communication between young people and their parents.

FREEDOM AND RESPONSIBILITY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. BRADEMAS. Mr. Speaker, the American Association of University Professors on November 6 issued a statement on "freedom and responsibility" in the university community that I think is worthy of national attention.

The 55-year-old AAUP, representing 90,000 university professors throughout the country, has always emphasized not only the fundamental principles of academic freedom, but also the correlative responsibilities that such freedom imposes on university faculty members.

The 1970 statement, approved unanimously by the Council of the American Association of University Professors, reaffirms that organization's commitment to help assure freedom, academic and social responsibility, and mutual respect on the university campus.

I insert the text of the statement at this point in the RECORD:

FREEDOM AND RESPONSIBILITY

For more than half a century the American Association of University Professors has acted upon two principles: that colleges and universities serve the common good through learning, teaching, research, and scholarship; and that the fulfillment of this function necessarily rests upon the preservation of the intellectual freedoms of teaching, expression, research, and debate. All components of the academic community have a responsibility to exemplify and support these freedoms in the interests of reasoned inquiry.

The 1940 *Statement of Principles on Academic Freedom and Tenure* asserts the primacy of this responsibility. The 1966 *Statement of Professional Ethics* underscores its pertinency to the individual faculty member and calls attention to his responsibility, by his own actions, to uphold his colleagues' and his students' freedom of inquiry and to promote public understanding of academic freedom. The *Joint Statement on Rights and Freedoms of Students* emphasizes the shared responsibility of all members of the academic community for the preservation of these freedoms.

Continuing attacks on the integrity of our universities and on the concept of academic freedom itself comes from many quarters. These attacks, marked by tactics of intimidation and harassment and by political interference with the autonomy of colleges and universities, provoke harsh responses and counter-responses. Especially in a repressive atmosphere, the faculty's responsibility to defend its freedoms cannot be separated from its responsibility to uphold those freedoms by its own actions.

FREEDOM OF EXPRESSION

Membership in the academic community imposes on students, faculty members, administrators, and trustees an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways which injure individuals or damage institutional facilities or disrupt the classes of one's teachers or colleagues. Speakers on campus must not only be protected from violence, but given an opportunity to be heard. Those who seek to call attention to grievances must not do so in ways that significantly impede the functions of the institution.

Students are entitled to an atmosphere conducive to learning and to even-handed treatment in all aspects of the teacher-student relationship. Faculty members may not refuse to enroll or teach students on the grounds of their beliefs or the possible uses to which they may put the knowledge to be gained in a course. The student should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or his own part in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, religion, degree of political activism, or personal beliefs.

It is a teacher's mastery of his subject and his own scholarship which entitle him to his classroom and to freedom in the presentation of his subject. Thus, it is improper for an instructor persistently to intrude material which has no relation to his subject, or to fail to present the subject matter of his course as announced to his students and as approved by the faculty in their collective responsibility for the curriculum.

FACULTY AND POLITICS

Because academic freedom has traditionally included the instructor's full freedom as a citizen, most faculty members face no insoluble conflicts between the claims of politics, social action, and conscience, on the one hand, and the claims and expectations of their students, colleagues, and institutions, on the other. If such conflicts become acute, and the instructor's attention to his obligations as a citizen and moral agent precludes the fulfillment of substantial academic obligations, he cannot escape the responsibility of that choice, but should either request a leave of absence or resign his academic position.

The Association's concern for sound principles and procedures in the imposition of discipline is reflected in the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, the 1968 "Recommended Institutional Regulations on Academic Freedom and Tenure," and the many investigations conducted by the Association into disciplinary actions by colleges and universities.

SUPPLEMENTARY STANDARDS

The question arises whether these customary procedures are sufficient in the current context. We believe that by and large they serve their purposes well but that consideration should be given to supplementing them in several respects:

First, plans for ensuring compliance with academic norms should be enlarged to emphasize preventive as well as disciplinary action. Toward this end the faculty should take the initiative, working with the administration and other components of the institution, to develop and maintain an atmosphere of freedom, commitment to academic inquiry, and respect for the academic rights of others. The faculty should also join with other members of the academic community in the development of procedures to be used in the event of serious disruption, or the threat of disruption, and should ensure its consultation in major decisions, particularly those related to the calling of external security forces to the campus.

Second, systematic attention should be given to questions related to sanctions other than dismissal, such as warnings and reprimands, in order to provide a more versatile body of academic sanctions.

Third, there is need for the faculty to assume a more positive role as guardian of academic values against unjustified assaults from its own members. The traditional faculty function in disciplinary proceedings has been to assure academic due process and meaningful faculty participation in the imposition of discipline by the administration. While this function should be maintained, faculties should recognize their stake in promoting adherence to norms essential to the academic enterprise.

AAUP ROLE

Rules designed to meet these needs for faculty self-regulation and flexibility of sanctions should be adopted on each campus in response to local circumstances and to continued experimentation. In all sanctioning efforts, however, it is vital that proceedings be conducted with fairness to the individual, that faculty judgments play a crucial role and that adverse judgments be founded on demonstrated violations of appropriate norms. The Association will encourage and assist local faculty groups seeking to articulate the substantive principles here outlined or to make improvements in their disciplinary machinery to meet the needs here described. The Association will also consult and work with any responsible group, within or outside the academic community, that seeks to promote understanding of and adherence to basic norms of professional responsibility so long as such efforts are consistent with principles of academic freedom.

OHIO LAGS IN FIGHTING WATER POLLUTION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. VANIK. Mr. Speaker, I have just received a report to the Congress by the Comptroller General of the United States on the progress made by certain States and the Federal Water Quality Administration in controlling industrial water pollution. Although it was found that some progress has been made, in the General Accounting Office's study of 14 waterways in five States—Georgia, Maine, Michigan, Ohio, and Washington—it was found that Ohio stood out among the five as the laggard in fighting the water pollution problem.

For example, it was determined that Ohio in 1970 provided less than half as much for administering its water quality program than the State of Michigan and the State of Washington. On a per capita basis, the expenditures by the State of Ohio were the poorest of the five States.

It was revealed that Ohio had a water pollution control agency staff of 31 people for fiscal 1969 under circumstances where 137 was the recommended minimum and 209 was considered desirable staff, according to Federal standards established in 1964. Among the five States, Ohio had next to the smallest staff—only 13 more staff members were used to meet this problem than in the State of Maine, which is about one-tenth the population of Ohio.

This incredibly small Ohio staff reviewed permits and construction plans and made stream surveys, but practically no visits to polluting plants and factories. Under these circumstances, it is practically impossible for the State agency to know what is necessary for abating and controlling the water pollution problem. It is impossible for such an inadequate staff to know the dimensions of the problem and determine water quality trends, who the polluters are, and the progress being made by the polluters in correcting problems.

If the State is to assume responsibility in this critical area, it must have a staff sufficiently large to provide for regular testing of water quality, the regular conduction of plant inspections and service, the regular testing of plant effluents, and the requiring of periodic operating reports by polluters.

It is shocking that Ohio officials had to admit to the general accounting investigators that Ohio did not have a program for the regular testing of industrial waste effluents and that the amount of testing had decreased from prior years. It was also shocking to learn that the water quality data provided by the U.S. Geodetic Survey is not being regularly analyzed in Ohio to determine whether there is a reduction or an increase in water pollution.

In short, the report of the General Accounting Office indicates a complete dereliction of responsibility of the Ohio water pollution officials to face up to the water pollution problem.

HORTON SALUTES DR. PAUL E. MORROW FOR HIS WORK IN ENVIRONMENTAL HEALTH FIELD

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. HORTON. Mr. Speaker, I would say that any person living in this informed society of ours today would have to be completely out of touch with the world to be unaware of the frightening problems confronting us in the areas of environmental health. So it is with much pride that I want to bring to the attention of my colleagues the accomplishments of an outstanding scientist in my congressional district who is devoting much of his time and talents to solving some of the problems in that field.

Dr. Paul E. Morrow, professor of radiation biology, biophysics, and pharmacology at the University of Rochester, was asked to head the environmental health committee by the Genesee Region Health Planning Council. He readily accepted the task for he has long been interested in heading off problems in environmental health before they arise.

Dr. Morrow is eminently qualified for this assignment, having served on many scientific boards which have delved into similar studies.

It is reassuring to those concerned about these problems that such talented men as Dr. Morrow are actively engaged in meeting the serious problems head-on, with all the determination and skills at their disposal.

Dr. Morrow has been saluted by the Rochester Times-Union in a feature story authored by Jose Echaniz, Jr. The article gives interesting biographical information about the professor and also enumerates some of the activities of the committee which he heads.

I would like to share that article with my colleagues in the House, for I think that they, too, would like to express their appreciation to Dr. Paul E. Morrow for his efforts in behalf of his fellow man:

TIMES-UNION SALUTES: DR. PAUL E. MORROW

(By Jose Echaniz, Jr.)

Dr. Paul E. Morrow has long been interested in environmental health, whether the environment was that of a uranium mine, space capsule or greater Rochester.

So when he was asked to head the Environmental Health Committee of the Genesee Region Health Planning Council he was quick to accept.

"The word 'planning' had a particular attraction for me," says Dr. Morrow. "I think our major assignment is in planning for the future to head off problems before they arise. Other agencies are dealing effectively with day-to-day problems as they arise."

Active only since last June, Dr. Morrow's nine-man committee has inventoried official environmental health programs in the 10-county Genesee region and identified 21 public health issues which must be assessed and evaluated. These include not only air and water pollution, solid waste disposal and sewage disposal but matters of housing, noise, rodent control and food sanitation which also affect health.

Dr. Morrow, 47, is professor of radiation biology, biophysics and pharmacology at the University of Rochester.

He has served on numerous scientific boards, including national groups studying space craft environment, radiological exposure of uranium miners and air pollution. He was an adviser to the National Air Pollution Control Administration on particulate matter quality criteria. He also is a consultant on air pollution to the Rochester-Genesee Regional Transportation Authority.

A native of Fairmont, W. Va., Dr. Morrow was raised in Georgia and was graduated from the University of Georgia. In World War II, he was commander of a U.S. Navy minesweeper in the Pacific.

He received his master's degree in chemistry from the University of Georgia in 1947 and a Ph. D. in pharmacology from the University of Rochester in 1951, joining the university faculty the following year.

He is a member of the Rochester Association for the United Nations, the Memorial Art Gallery, Seneca Zoological Society and the Rochester Committee for Scientific Information.

He and his wife Anne have two sons. They live at 16 Tuxford Road, Pittsford.

THE FUTURE FOR GEOTHERMAL STEAM

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Tuesday, December 8, 1970

Mr. MOSS. Mr. President, in our search for a clean source of power, which will not pollute the atmosphere, we should not overlook the potential of geothermal energy. We do not know at the moment what share of our energy it could supply, nor how dependable a source it would be, but a broad search is underway to discover geothermal sources in all parts of the world—and there is every indication that they are there to be discovered and developed.

We have just begun our consideration of the use of geothermal steam in the United States—as we have just begun the application of knowledge and science to other ways to preserve our environment. Both the House and Senate Interior Committees and the Department of the Interior are involved in this consideration. This is a recognition of the fact that our energy research must involve geothermal steam as a way of creating power for modern living without dissipating human comfort and health.

A discussion of this and other factors in the worldwide interest in geothermal steam is published in the Saturday Review of Literature for December 5. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENVIRONMENT AND THE QUALITY OF LIFE

CLEAN POWER FROM INSIDE THE EARTH

(By John Lear)

CERRO PRIETO, MEX.—I could see the pillar of water boiling into the sky while our party was still miles away from the spout in the earth from which it spurted.

I could hear the pillar's awesome roaring long before I came to stand beside it and learn that it was moving at the speed of sound.

I felt no trace of dampness in the dry, desert air as I stood there. Though only 20 per cent of the pillar was steam, all but the steam evaporated within 100 feet of the ground—so enormous were the heat and pressure driving the water from below.

What was the source of this fabulous energy?

The spout of it was on the edge of a field of fourteen other blowholes from which trapped steam billowed gently eight miles west of the dormant volcano known hereabouts as "the black hill." The water and the steam together were escaping from a vast underground sponge of porous rock, saturated with brine that had seeped down through the desert bed of the Colorado River. Trapped within the sponge, the water reached boiling temperature by conduction from the solid rock below it. Under that solid rock lay congealing magma, pushed up from Earth's molten interior by an overturning of the floor of the Pacific Ocean.

In the past fifteen years, geophysicists have come to recognize that this overturning occurs on all the ocean floors and is usually marked by flow of lava through the crests of mid-ocean mountain ridges. The Pacific differs somewhat from the other oceans; instead of a mountain chain it has on its bottom a domed blister that has pushed its way under the North American continent perhaps as far east as the Mississippi River. During the last million or so years, the pressure of this intruding dome has been slowly tearing from the continent the Baja California peninsula of Mexico and the segment of California lying south and west of the San Andreas Fault, a great rift in the planet's surface. As this movement proceeds, the Gulf of California gradually widens. Although the heat thus released is evidenced by the hot springs all over the American West, the escaping energy asserts itself especially in the Salton trough, a twenty-to ninety-mile-broad geological feature that extends for 150 miles from the shores of the Gulf to the San Gorgonia Pass in the Santa Rosa Mountains of Southern California.

Photographs taken from Gemini and Apollo spacecraft suggest that at the Mexican border the Salton trough is at least forty miles and maybe sixty miles wide. Gravity anomaly studies indicate that from the border southward the trough is underlaid by sedimentary (spongy) rocks to a depth of 20,000 feet. Geologists have estimated that such an extensive sponge should hold boiling water enough to cover somewhere between three billion and ten billion acres of land to a depth of one foot. Cerro Prieto, "the black hill," is a characteristic symbol of this buried power, and here the Toshiba Company of Japan is installing for the Mexicans a set of specially designed turbines to turn the escaping steam into electric power by the beginning of summer 1972.

The Geothermal Energy Commission, an agency of Mexico's Federal Electricity Commission, has been exploring the potential of underground steam in the Mexicali Valley for the last decade. Up to now, wells have been drilled on less than 1 per cent of the two to four million acres that lie above the subterranean reservoir. The power plant at present under construction has a capacity of 75,000 kilowatts.

Plans for quadrupling this output are on the drawing boards. If predictions of qualified experts prove reliable, steam drawn from beneath the valley ultimately may power the equivalent of the metropolis of Los Angeles.

At the moment the Mexicans are concerned only with the steam. But the wells at Cerro Prieto are regularly spaced within a maze of earthen embankments wide enough to carry single-lane motor traffic. Alongside these elevated roadways are ditches running with water, smoking hot. The rectangular basins formed by intersections of the embankments are crusted pebbly white with salts deposited as the escaping water evaporates. These salts and the power together could supply electrochemical plants capable of employing as many as 50,000 primary workers. The usual formulas for servicing such industrial complexes call for five to ten secondary workers in support of each primary job.

It was this dream of a truly golden west for Mexico, about 1,500 air miles away from the national capital and linked economically to the rest of the country by only a railroad line across the Sonora Desert, that brought me here as one of a chartered planeload of guests of the Regents of the University of California. Drinking water is imported in bottles from California to the town of Mexicali, site of the airport at which our plane landed thirty miles from Cerro Prieto. Yet, Mexicali already has a half million residents—more than double the population that was here prior to Yankee industrialists' recent demand for factory space for assembly of various products from toys to trucks in a tariff-free border zone where unskilled workers flock to find jobs. This growth has taken place with the help of a minimum supply of electricity from an oil-fueled generator at Rosarito Beach, which also powers Tijuana and one of the world's biggest sea water desalting plants. A tremendous surge of new growth seems inevitable once Mexicali taps the prodigal source of electricity under its own backyard.

A similar burst of prosperity could be propelled by geothermal steam north of the Mexican border. As was noted earlier, the Salton trough reaches northward from the Mexicali Valley through the rich Imperial Valley of California. The purpose of the visit of the University of California Regents was to applaud Mexican ingenuity and initiative and to suggest their emulation in the United States. In our party was Dr. Robert W. Rex, professor of physics and director of the Institute of Geophysics and Planetary Physics at California's Riverside campus, who is dedicated to a geothermal revolution in the economy of the whole American Southwest.

In addition to the university and the National Science Foundation, financial supporters of Professor Rex's research include the Southern California Edison Company and Standard Oil of California, competitors in the energy market geothermal steam must enter. For the last half dozen years, Southern California Edison has not been able to find a new fossil- or nuclear-fuel power plant site acceptable to opponents of further pollution of the air and water. And Standard Oil of California, apart from its concern over price competition among oil and gas and nuclear fuel, has been unable to solve the problem of sulfur emissions from oil-burning furnaces. Under these circumstances, geothermal power is attractive because it can be generated much more cheaply than power from any other source; furthermore, under proper management, it is capable of enhancing rather than deteriorating the environment.

The Bureau of Reclamation of the U.S. Department of the Interior contributes a generous share of Professor Rex's working budget. That share may top $1 million next year. This is appropriate, for the bureau's objective is measurable only in the grand dimensions of promises solemnly made in the name of American democracy. By treaty with Mexico, the U.S. government in 1944 agreed that Mexican farmlands each year should receive from the Colorado River, en route to the Gulf of California, at least 1.5 million acre feet of water suitable for irrigation of crops. Not only has this pledge gone unkept; it has been broken more and more flagrantly with the passing years. Huge flood-controlling dams have conserved the water for use north of the border, the impounded water has lost enormous amounts of its volume by evaporation under the desert sun, the salt content of the water has risen because of the evaporation, and the Yankees have leached the salt out through irrigation ditch drainage and dumped it back into the river, finally leaving the Mexican share of the water not only sadly depleted but so heavily laden with salt that crops irrigated with it are limited both in variety and in yield. Crop failures are commonplace.

There is no greater cause of friction between Mexico and the United States. Two years ago, the Congress moved to demonstrate its good faith by authorizing the Secretary of the Interior to find 2.5 billion acre feet of water per year to meet the obligation to Mexico. This amount would provide a safe margin above the 60,000 acre foot loss that occurs by evaporation and otherwise between Lake Mead (created by building of Hoover Dam) and the Mexican border. During the next ten years, the Congressional act decreed, the search for this missing water may not go outside the basin of the Colorado. Interior's Bureau of Reclamation is concentrating the search on three sources: modification of clouds to increase the amount of rain feeding the basin, treatment of sewage in ways that will eventuate in potable water returnable to the basin, and geothermal waters from beneath the basin. Spending for cloud modification now totals $23 million. Arleigh West, who has just been moved up into the Washington, D.C., echelons of the bureau from directorship of the bureau's third region at Boulder City, Nevada, firmly believes that at least as great an expenditure is justified for Professor Rex's scheme to pipe geothermally heated waters to the surface of the Imperial Valley, take off the steam to generate power, use the heat remaining in the brine to evaporate the water (thus slashing the cost of desalination, which consists chiefly of the cost of heat), pipe the distilled water into Lake Mead, and refill the geothermal reservoir underground with salt water from the Pacific Ocean.

The Bureau of Reclamation's hopes are not, of course, built on pure altruism. Yankee farmers and other water consumers north of the border would benefit from dilution of the salinity of Colorado River water as much as would Mexican farmers. Awareness of the potential impact has prompted the largest water distributor in Southern California—the Metropolitan Water District of Los Angeles—and the Imperial Irrigation District to support Rex's work with research grants. Both know that the combined effect of the water and power would be felt all over the Southwest. Furthermore, the power when fed into a national electricity transmission grid could flow across the country to help prevent the brownouts that now plague the East.

The implications of the geothermal initiative of Professor Rex and his team have impressed the Mexican National Electricity Commission, and it has asked him to consider serving Mexico as a scientific consultant. Some such practical expression of the Good Neighbor Policy is long past due. Until today, no Yankee credit can fairly be given for Mexico's geothermal adventure. All praise must go to the Mexicans themselves and to help they obtained from the United Nations.

The roaring pillar of boiling water that awed all of us in the University of California inspection team here at Cerro Prieto is an authentic coda to the Mexican Revolution. It was in 1939, three years after President Lazaro Cardenas expropriated the foreign-owned petroleum properties in Mexico, that he formed the Federal Electricity Commission (CEF) for the purpose of controlling the most powerful means of lifting the peasants from poverty. One of CEF's organizers was Luis F. de Anda, engineer son of a well-to-do Mexican family, who multiplied his inheritance by building hotels.

In those days, the big profit in hotels came from spas where wealthy tourists could soothe their ailing bodies with baths in warm mineral springs. Therefore, de Anda kept his eyes cocked for warm springs while enjoying his favorite pastime of hiking across the hills and valleys of his native countryside. As he clambered over the often volcanic rocks, he came across many bubbling waters in which the Indians cooked potatoes and chickens and boiled off the bark of reeds they then wove into baskets. If the water stayed that hot, de Anda reasoned, Mexico might possess a source of wealth far surpassing the potential of spas. Perhaps the Mexicans could do what the Italians had done since 1904 at Larderllo capture underground steam in pipes and throw it into turbines to generate electricity.

He could think of no reason why he should not drill holes in the earth to test the idea. No reason, that is, except his own lack of technical knowledge of geology. He asked advice of University of Mexico vulcanologist Frederico Mooser and other geologists. The outcome of their consultations was an appeal to the United Nations.

The United Nations turned to Iceland, where geothermal steam had been used to heat homes since 1925. There was Gunnar Bodvarsson, an Icelander with years of experience in exploitation of subterranean water and steam. Bodvarsson went to Mexico in 1954. Now a professor of geophysics at Oregon State University, he recalls that he studied the rocks in the three neighborhoods pointed out to him by de Anda and found them all promising sites of geothermal activity.

In the following year, de Anda started to drill a steam well on one of the sites Bodvarsson had approved—near Pathé, in the state of Hidalgo. Anticipating success in this enterprise, de Anda visited Italy and brought back from Larderello an old electric power turbine. He hitched it up to the steam pipes at Pathé and felt vindicated when it produced usable current.

Luck intervened that same year with the dispatch to far-off Mexicali of a CEF engineer to determine what manner of power scheme might provide a shot in the arm for this forsaken desert region. Outside Mexicali, he saw puddles of ground water bubbling and heard from irrigation ditch diggers how bursts of steam often came up through the ditch bottoms. After confirming these phenomena for himself, he urged de Anda to extend the geothermal search to Baja California.

Five years of deliberation followed in Mexico City. The decision was hard to make. Not only its vast distance from the capital but the almost total isolation of Mexicali had to be weighed. But de Anda's sense of destiny triumphed in the end. By 1960, he was head of the new CEF agency, the Geothermal Energy Commission (CEG). Mooser, who had become chief geologist of CEF, joined him in support of Cerro Prierro's first well. At less than 2,000 feet, the drillers hit boiling water in 1961.

By poetic chance, that happened to be the year in which the United Nations staged a global conference in Rome on unconventional sources of energy. The sun, the wind, the tides of the sea, and the temperature gradients of sea water were considered along with the inner dynamics of Earth itself. When the conference proceedings came to be published, two of the three volumes were occupied entirely with reports of research on geothermal power.

Buoyed by these data and by advice they obtained from New Zealand (where geothermal resources, first put to use in 1925, had demonstrated results worthy of nationalization in 1946), de Anda and his associates applied native Mexican ingenuity to development of an enterprise that is now attracting the investment interests of the World Bank.

Among the earliest Yankees to recognize the significance of the Mexican breakthrough was geologist Robert Rex. In 1961, he was doing research for Standard Oil of California, using heat-flow measurements to determine feasible sites for oil wells in the Imperial Valley. Oil and steam do not mix, because the heat required for the latter dissolves and washes away the hydrocarbon constituents of the former. In the 1920s, there had been drilling for steam at the southern end of the Salton Sea, which has grown popular as a sportsmen's haunt since it formed in a below-sea-level pocket of the valley between 1905 and 1907 when the Colorado River flooded and shifted course disastrously. Hot water had been recovered from those 1920 steam wells, but the well drillers felt it was too heavily laden with salts to be profitably marketed. So Rex's assignment in the oil well hunt of the 1960s boiled down to deciding where the underground temperatures could be low enough to allow accumulation of oil pools.

In the midst of this heat-flow analysis, Rex heard that the geothermal water brought up at Mexicali held a much lesser burden of minerals than did the Salton Sea steam wells. Deciding to employ his fluency in Spanish to learn more on the spot, he crossed the border and picked up enough information to persuade himself that the geological formations involved would favor the presence of similar lightly salted brine north of the border. He looked again at the heat gradients he had compiled for Standard and concluded that all but one of the proposed oil well sites were too hot to harbor oil. The single exception he considered marginal he predicted that if a 13,000-foot-deep hole were drilled, the temperature at the bottom would be 500 degrees Fahrenheit. A well was drilled to the proposed depth. The temperature was 500 degrees. The water that came up contained the same percentage of salt as had been recovered at Cerro Prieto.

This well was in the middle of the Imperial Valley. It alone was not enough to convince Standard that drilling for steam would prove as sound an investment as would drilling for oil elsewhere. So Standard abandoned the leases it had obtained for oil exploration. Despite his inability to persuade the company to enter intensive research along his line of thinking, Rex did receive grants of Standard research funds to help support his own studies when he left Standard to join the University of California faculty at Riverside in 1967. Standard made a further concession to Rex in token of its belief in the importance of fundamental research by allowing him to take with him to Riverside the heatflow statistics he had gathered at Standard's expense and half the staff that had helped him in the gathering.

From that nucleus, in Rex's three years at the university, has grown a laboratory manned by twenty associates and graduate students during the academic year and by thirty persons in the summer months of field work. Key personalities, aside from Rex himself, are Israeli geophysicist Tsvi Meidav, James Combs from the Massachusetts Institute of Technology, Shawn Beihler from the California Institute of Technology, and Tyler Copeland from the University of Chicago.

This crew has determined that heat beneath the valley floor is two to three times the average for the North American continent, and that spongy rock capable of holding water underground is 15,000 feet thick at the northern end of the valley and 20,000 feet thick at the Mexican border.

In the 1,000-square-mile area covered by this exploratory work, seven especially hot spots have been defined. These suggest the existence of as many pools of buried geothermal energy, bubbling at temperatures above 500 degrees Fahrenheit, with a total potential of twenty million killowatts of electricity and five to seven million acre feet of distilled water annually for at least three decades and possibly for one to three centuries.

Next spring, Rex and his associates will get down to the serious business of proving out these exploratory findings. Two 1,000-foot-deep wells will be drilled preliminary to a major project set for next fall: a 6,000-foot well from which is expected to be drawn boiling water and steam. Later on, Rex hopes, the National Science Foundation may finance a well that will go all the way down to basement rock and perhaps tap a magma chamber for the first time. Data obtained from study of such a well could lead to a new kind of mining, in which the minerals—instead of being dug from under the earth—would be floated upward to the surface and there separated chemically. Morton International, Inc., which owns some of the geothermal leases on the heavily salted waters under the Salton Sea, has been experimenting with a pilot plant salt separation process and has reported this effort near success.

Rex intends to accept Mexico's invitation to serve it as a geothermal consultant. He considers it profitable to geothermal research in the United States for him to make his sophisticated survey instruments available south of the border. Using the border as a base line, he will define the hot spots simultaneously southward and northward of it in gradual progression and thus arrive at the pattern of heat flow for the entire Salton trough. While exploitation in the north is catching up with that in the south, it will be possible to train young Mexicans and young Yankees together at a Cerro Prieto well that has proved less promising commercially than the rest of the wells in the field. Techniques of power generation and water desalting will be taught as complementary subjects.

In speaking of the future, Rex hedges his public statements with caution. He notes the necessity of refilling the geothermal reservoirs in order to prevent subsidence of the valley floor. He notes that, although geothermal steam is much more cheaply produced than is nuclear steam, geothermal electricity is not always competitive with nuclear electricity because nuclear steam emerges at high pressures and high temperatures suitable for filling large-scale demands, whereas geothermal steam comes out of the earth at relatively low pressures and temperatures better fitted for smaller markets. As a corollary to this, Rex emphasizes that geothermal steam alone is not a panacea for the current power shortage in the United States.

Privately, however, Rex will admit to a suspicion that the geothermal potential of the United States is considerably greater than anyone now supposes. The Department of Interior's official figure on acreage with demonstrated potential is 1,350,000. But no one really knows because a high percentage of land throughout the West (the area of promising heat-flow measurements) is owned by the federal government and is not now open to geothermal exploration. Since 1962, Senator Alan Bible of Nevada has been sponsoring a bill in Congress to correct this situation, and the two Congressional houses (delayed by one Presidential rebuff) have finally passed slightly varying versions of it after writing in clauses to prevent giveaway of public treasure to private speculators. The differences remain to be resolved in the light of White House insistence that all geothermal leases be subject to competitive bidding.

At the United Nations, there is strong reinforcement for Rex's suspicion. A worldwide conference on geothermal energy held in Pisa, Italy, in the last days of September and first days of October 1970, heard 200 scientific reports, including a significant one from Russia that said the geothermal energy potential of the Soviet Union is greater than all other Soviet energy sources together. Considering Russia's huge reserves of coal, oil and gas, the Russian declaration has staggering implications. A U.N. official well acquainted with the record of geothermal performance commented after the conference: "We used to think a geothermal field would last only forty years at most before becoming exhausted. We are now beginning to think that a geothermal field, properly managed, may last forever." He cited the experience of Italy, Iceland, and New Zealand in support of this view.

That view may be extreme. But the men who hold it feel justified by the queries they are getting on prospective geothermal land leases from such globally reputed industrial giants as Standard Oil of New Jersey, Shell Oil, Continental Oil, and Union Oil. At worst, these men argue, small and poor nations can use cheap subterranean energy to lift themselves by their bootstraps as Mexico is doing. The U.N. itself is sponsoring geothermal energy exploration in Guatemala, Costa Rica, El Salvador, Nicaragua, Chile, Turkey, Ethiopia, and Kenya. It has been proposed that geothermal resources in the Jordan River valley might be an economic force worthy of being exerted toward a lasting peace pact between the Israelis and the Arabs. Skeptics retort that this idea may be nothing more than a lofty dream. But geothermal energy has contributed to the economic growth of Italy, Iceland, New Zealand, Japan, Hungary, India, Indonesia, and the Philippines.

The United States is planet Earth's backward child in this application of science to preservation of the environment. The 1970 U.N. conference just referred to had been suggested by the University of California Riverside campus. No one in Washington cared enough to pursue the honor. But the Italians were enthusiastic; so the conference went to Pisa. And that is only one symptom of the situation that has prevailed in this country for years. As early as 1890, homes and greenhouses in Boise, Idaho, were being heated by steam issuing from the earth. That steam is still flowing today to 200 customers along one avenue of the city. The town of Klamath Falls, Oregon, has used geothermal steam in similar fashion since the 1930s. There the steam comes from 500 wells and is so easily accessible that local plumbers make the connections routinely. Five hundred homes, seven schools, an apartment house, a nursing home, and several factories are supplied with heat in this manner. At a place called The Geysers, ninety miles north of San Francisco, where a bear hunter in 1847 came upon a quarter-mile long gash in the earth from which steam was pouring through a series of fumaroles, the Pacific Gas and Electric Company now generates 82,000 kilowatts of electricity and has plans for pushing that power up to 220,000 kilowatts by 1972. How many Americans are aware of these circumstances? Do many know that eleven northern California towns with power-generating facilities of their own have contracted for steam they hope two now prospecting companies—Geothermal Resources International and Signal Oil and Gas—will bring up across the canyon from the lands now supplying Pacific Gas and Electric? Or that Standard Oil of California now holds leases on large tracts of potential geothermal steam producing property in the Imperial Valley? Or that Magma Power Company and Union Oil Company are working together at Brady Hot Springs, Nevada, with the intention of pouring geothermal steam power into the nearby electric transmission trunk line of the Sierra Pacific Company?

It took Congress eight years—years characterized by steadily heightening population and power crises—to approach agreement on means of encouraging prospectors to explore promising sites of geothermal energy. The long delay does not indicate much top-level appreciation of regional effects geothermal energy might have in distributing population over the apparent waste lands of the West and thus relieving the burden on our overcrowded cities.

At least we ought to discover how bright the promise of America's geothermal resources really is. In recent weeks, one new geothermal steam strike alone moved the formerly accepted boundary of the country's geothermal province 800 miles eastward. The well was drilled by James (Pat) Dunnigan of Abilene, Texas, in the collapsed volcano cone that now holds the Los Alamos, New Mexico, nuclear explosive research laboratory. Within this caldera, man will epitomize his real attitude toward his environment, his willingness to assign unconventional competitive values to sources of energy that do not pollute the air or the water and do make possible new belts of green in otherwise barren countryside, and finally his determination to apply his imagination as devotedly to the exaltation of life as he has applied it to life's extermination.

What share of the energy supply of the United States could be provided by geothermal steam? That question is impossible to answer at the moment for three reasons. First, a dependable source of geothermal energy must be proved out before it can be committed. It isn't at all like a coal-fueled or oil-fueled boiler, which simply needs to be built soundly to deliver its promised load. Second, geothermal sources cannot be proved until they are discovered, and the discovery process is only now beginning seriously. Third, a need for power must be confirmed before any share in fulfilling the need can be fixed.

Most economists hold that our present living level can be maintained only if more power is made available every year. But the RAND Corporation, the California "think tank" that acquired global fame for the accuracy of its predictions for the U.S. Air Force, is now in the midst of a study, financially supported by the National Science Foundation, to determine whether an ever-upward spiraling energy supply really is necessary or can even be justified. The same question was raised at the 1970 annual meeting of the officers and corporate associates of the American Institute of Physics by Ali Bulent Cambel, Wayne State University's executive vice president for academic affairs and director of a sweeping White House inquiry into energy problems of the nation seven years ago.

Cambel conceded that "there is no doubt whatsoever that the production of power is the main source of the environmental blight that engulfs us everywhere." But he said he "simply cannot conceive of returning to animate power to supply energy consumed by modern industry. Not only would this be impossible technologically; we would also reject it on moral grounds. Were we to be naively inclined to substitute animate power for electrical power, we would have to increase the world's animal population immensely. In a food-hungry world, this would be going in the wrong direction."

Cambel saw no hope of early improvement in the prevailing power shortage for the following reason: In this country, energy consumption has been rising at an annual rate of 7 to 10 per cent. But new power plant construction planning has been based on an earlier acceleration of 3 to 5 per cent. Furthermore, reliability requirements (e.g., to take care of unexpected loads and generator down-times) call for a 20 per cent excess capacity that "does not exist in several metropolitan areas" and cannot be provided in a hurry.

"Yet," Cambel continued, "several immediate expedients are well known. These are expanding the interconnections among utility systems, and installing gas turbine and diesel generating units. We could have been on the verge of having still another option, magnetohydrodynamics, had we not drastically curtailed the associated research and development funds."

Fear of thermal pollution from power generation, "although a real one, should be handled with less hysteria," he said. "Instead of rejecting nuclear plants outright, more research should be conducted regarding site levels of thermal pollution; nor have we made exhaustive studies of judicious design and placement of outlets, or of the distribution of plant sites. Generated power could be transmitted and distributed by means of superconducting underground cables. Although still in the research stage, there is indication that such cables are feasible."

Cambel said categorically that "the limitation of energy consumption lies not in any shortage of resources but in environmental limitations." When fossil fuel reserves, uranium and thorium reserves, the nuclear fusion potential of deuterium in sea water, and non-depletable energy sources (hydro, aero, geothermal, tidal, and solar) are all considered together, man need not fear an energy shortage for billions of years. Because some fuels are more abundant than others, however, careful decisions must be made concerning when to switch from one fuel to another. But these are easy in comparison to the effectuation of controls over environmental pollution. The best hope, in Cambel's opinion, is creation of new counter-technologies that will improve upon the natural environment that our present technologies originally sought to modify.

Government subsidies and/or tax write-offs should be provided to industry to stimulate creativity through competition, Cambel proposed. As an example, he cited the possibility of developing household hydrocarbon fuel cells that would obtain their supply of gas from coal gasified with heat produced by nuclear-fueled electric power plants. The external electric wiring leading into a house would be abandoned, but the wiring inside the house would continue in use. The power used in this system would compete with the power supplied by public utilities.

Another example: Direct the Antitrust Division of the U.S. Department of Justice, the Internal Revenue Service, and the Department of Transportation to join in encouraging automobile makers to metamorphose into providers of vehicles for all modern modes of transportaton.

Cambel also advocated that "every conceivable fiscal encouragement" be given to manufacturers who invent appliances capable of doing accustomed work with less energy. Such devices would include microwave ovens and stoves to replace conventional gas and electric kitchen stoves; ultrasonic dishwashers and laundering machines to replace washers that thresh water about; electric chemiluminescent lighting panels to replace incandescent and fluorescent lighting fixtures; and thermoelectric refrigeration and air conditioning units to replace conventional compressor-driven coolers.

In short, the Cambel prescription for tomorrow's energy research and development is vigorous orientation toward less dissipation of energy without curtailing human comfort.

CRITICS OF CAPITAL REDEVELOPMENT INCREASING

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. KYL. Mr. Speaker, the New York Times, Sunday, November 29, published an article which I deem worthy of consideration by Members of the Congress:

Critics of Capital Redevelopment Increasing

(By Paul Delaney)

Washington, November 28.—Daniel P. Moynihan several years ago when, referring to the plan to redevelop historic Pennsylvania Avenue, he declared: "It is open to us in this place to build the first modern central city in the world."

Few would argue today with the Presidential Counselor's general line of thought. But a growing number of people, ranging from businessmen who would lose their property to blacks who would give priority to other things, are actively opposing the redevelopment plan.

The $650-million plan, in the works since 1962 and initiated by then Labor Secretary Arthur J. Goldberg, looks toward re-establishing Pennsylvania Avenue as a main street befitting the capital of a great nation and as the most famous ceremonial boulevard in the country.

Just about all of downtown Washington east of 14th Street, another main thoroughfare, would be rebuilt under the plan. Government and private office buildings—with shopping plazas, pedestrian malls and perhaps some housing units mixed in—would replace the present deteriorating restaurants, souvenir shops and liquor stores.

Since the plan was unveiled, the District of Columbia has passed through many changes. It has gone from about 55 per cent to about 75 per cent black. Its new form of local government, together with citizen participation in antipoverty and model cities efforts and a citizen role in the post-riot rebuilding plans of two years ago, has inspired hopes of changes far beyond those envisioned in the plan.

Supporters of the plan insist that redevelopment of the avenue is vital to the cultural, social and economic survival of downtown Washington.

They are confident that the plan, which is pending in Congress and already has the support of President Nixon, will go through next year despite mounting opposition. And opponents of the plan—in this city where the people vote only for the President, school board members and a nonvoting Congressional delegate—would have to agree.

Mayor Walter E. Washington, who backs the plan, believes that the revitalization of the city's downtown area would lead to the rebuilding of other areas, including those not far away where buildings are still boarded up from the riots of 1968.

But some blacks object that the riot-scarred sections of the black community should take precedence. Others complain that blacks had no role in the plan's formulation, that while Woodrow Wilson and Gen. John Pershing would be honored with memorials, not a single black would receive any notice.

"If they've got to go through with the damn plan, at least they could pay tribute to some black leader, such as A. Phillip Randolph as a great labor leader," suggested Clifford P. Alexander Jr., former chairman of the Equal Opportunity Commission.

SUSPICIOUS OF RENEWAL

Moreover, many blacks are suspicious of urban renewal on principle—an outgrowth of the many Negroes who have been displaced by such programs in the past—and feel that in any case this particular plan is already out of date. As one black put it:

"The plan just appears irrelevant, if not downright detrimental to this day and age in that the shops and restaurants would be out of the class of most black people."

James O. Gibson, an urban affairs expert with the Urban Coalition, opposes the plan as meant for "monuments, not for people, for concrete rather than for flesh and blood." And Mortimer C. Lebowitz, owner of several department stores, opposes it as "hard for the people, the city and the merchants who serve the city people."

"It would provide a monumental vista consonant with the history and aspirations of the nation," Mr. Lebowitz told the Senate Interior Subcommittee on National Parks and Recreation. "But just beyond, and impossible to conceal, is the city with its widespread poverty of goods and spirit to shame us in our claims of grandeur. This is where the $650-million should be spent."

Among the plan's supporters, besides Mayor Washington, is the City Council Chairman, Gilbert Hahn Jr. both officials were appointed by President Nixon and both would serve on the Development Corporation. They have said they feel that their membership would assure that the city's interests would be properly looked after. Previously, the city government had opposed the creation of any new agencies as a potential dilution of its authority.

MANY FEDERAL MEMBERS

The Development Corporation would have heavy representation from the Federal establishment. The Secretaries of Interior, Treasury, Housing and Urban Development, and Transportation and the administrator of the General Services Administration would serve on the 15-member board of directors. Others would be the Mayor, Mr. Hahn and eight private citizens, four of them residents of the district, all appointed by the President.

There are further questions over the authority proposed for the corporation. It would have the powers of eminent domain and the power to create a parking authority. Also, the area within the boundaries of the plan would not come under the jurisdiction of the city's Zoning Commission.

On that point, Arthur B. Hatton, executive director of the commission, said he feared a breakdown in code enforcement might occur. In southwest Washington, he said, the Redevelopment Land Agency, the city's renewal office, does not have the manpower to enforce zoning regulations.

"We are just beginning to see the real weaknesses of the land agency in the southwest," Mr. Hatton said. "It is responsible for code enforcement in these special plans, such as southwest and the proposed Pennsylvania Avenue plan, but it does not have the staff. Illegal modifications, such as turning townhouses into multiple-family dwellings, are taking place in southwest right now, but R.L.A. can't counter them."

Mr. Hatton also agreed with some critics that the type of avenue the planners envisioned was out of character with the type of person the area attracts. He said that most if not all of the buildings would be office buildings with thousands of Government clerks and secretaries.

"They have an hour for lunch, in which they want a fast sandwich and they might have time to pick up a pair of stockings," he said. "At 5:30 they will run to the subways that are being built and go straight to the suburbs."

Outside the boundaries of the plan but within the downtown renewal program, small business men have organized into an active lobbying group called Business Affected by the Yearly Action Plans [of urban renewal].

The group is opposed to the plan unless an accommodation they consider adequate is made with property owners, giving them good compensation for properties and first rights to return after rebuilding.

One city official said he could not muster any sympathy for the business men.

"Knowing the species, I know their capacity to survive," said the official, a former businessman himself. "I have less sympathy for the small retailer than for the resident who loses his home."

Some businessmen say they are as much opposed to the plan on esthetic as on economic grounds. They feel that some sights along the avenue are worth saving for history's sake, such as the Willard Hotel, which has been closed for nearly two years, the Occidental Restaurant, the Hotel Washington, and the National Press Building.

One of the leaders of this group of opponents is Dan Price, owner of the Occidental.

"We've got over 100 years of heritage here, but nobody's thinking of our history," he said. "There's got to be something left of culture. Using the criteria they are to tear us down, most Federal buildings would have to go."

ADDITIONAL TRIBUTE TO F. WARD JUST

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. McCLORY. Mr. Speaker, in addition to the tributes to the late F. Ward Just, editor and publisher of the Waukegan News Sun, the mayor of Waukegan, the Honorable Robert Sabonjian, has communicated personal thoughts of a most sensitive and appropriate nature, as follows:

F. Ward Just was very instrumental in getting our local merchants and business people to underwrite Municipal Bonds for City owned off-street parking lots.

When one of his employees died, in his own quiet way, he would make discreet inquiries as to what obligations both financial or education wise were encumbering the family and then pay these debts out of his own pocket.

He was a gentle and compassionate man but insisted on government being conducted on the highest level. He expected and insisted on the best editorialization on any community issues. He was the taxpayer's watchdog. He initiated industrial development for a greater industrial growth for Waukegan and Lake County.

His program for solicitation of funds, which he sponsored through his newspaper, titled "Help them to Hope", assisted countless families to have a cheerful and memorable Christmas.

His loss leaves a great void in our City and entire Community.

MICHAEL FROME'S DAM THE RIVERS, FULL SPEED AHEAD

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. REUSS. Mr. Speaker, a distinguished writer, Mr. Michael Frome, conservation editor of Field & Stream, has completed a three-part series on the Corps of Engineers' most prominent projects involving changing the natural, often drastically. I insert a copy of these articles from Field & Stream of October, November, and December 1970, in the RECORD at this point:

DAM THE RIVERS, FULL SPEED AHEAD

PART I

(By Michael Frome)

The Corps of Engineers is a semidetached affiliate of the United States Army that would love to be loved by all and can't fathom why it is not.

"Some of the recent criticism, tied to the timely topic of the environment, has been warped and is ill founded," as a colonel in the ranks recently assured a Kansas City audience composed of friendly fellow engineers and sympathetic boomers of public works. "We are not the enemy of conservation. The Corps has been in the forefront of efforts to expand public concern for our natural resources."

The colonels are speaking in such terms everywhere, for the Corps is on the defensive, stinging from rising criticism. Dr. Hugh Iltis, of the University of Wisconsin, calls it "a giant sacred bull, which ought to be chained, castrated, or slaughtered if we are to keep our environment." Dr. Paul Ehrlich, of Stanford, denounces its "beaver complex"—an instinctive desire to change all water flow in the United States at whatever social cost.

People are not only speaking out against the Corps in virtually every corner of the country, they are mad and frustrated as well. In Marin County, California, in May 1969, a group of citizens, after exhausting rational efforts to block the Corps from distorting tree-lined Tamalpais Creek into a concrete drainage ditch, then sought to do so physically on the site. One woman placed her leg in the path of a power saw aimed at the trunk of a beautiful big tree in the streambed. She and forty-one others—students, housewives, psychiatrists, architects—had to be hauled away by the local constabulary before the construction project billed as "flood control" proceeded.

For some time I have been collecting experiences on the paradoxical emasculation of our public resources by the Corps with public funds. Herbert Read, vice-president of the Izaak Walton League in Indiana, who has played a key role in the bitter fight to rescue for posterity some small shred of the Indiana Dunes, wins the prize for eloquent invective. On the basis of intimate contact, he calls the Corps "tight, hidebound, arrogant, unprogressive, anti-reform, self-protective, self-perpetuating, public-be-damned, and unrepentant." Mr. Read, who is an engineer himself, decries "the runaway, unchecked power of the Engineers in their rampaging campaign to wipe every vestige of natural landscape from the face of America." Moreover, "In many instances they bend, twist, and interpret the rules to suit their own objectives. They surround their work with military secrecy wholly unnecessary to the purpose."

Enough calumny has been heaped upon the subject. The primary goal of FIELD & STREAM in this series is not to add to it, but rather to analyze and identify the issues; to search for the way out of a public morass that defies even the wisdom and courage of Presidents, and to cite specific projects which need never be built and which thoughtful citizens are striving to prevent.

The Corps may be, as sometimes charged, the most powerful, most pervasive lobby in Washington. However, it acts in symbiotic relationship with other forces and can hardly change course even if it wants to.

Corps spokesmen, for example, like to say it is the public, through its representatives in Congress, and not the agency itself which decides what will and will not be done in the water resources development field. But the voice of the "public" that is heard loudest, and most effectively, belongs not to citizen conservationists, sportsmen, or scholars, who are still learning their way around, but to contractors, real estate speculators and boomers, industrial developers, and businessmen. They are tightly organized in lobbying groups such as the Ohio Valley Improvement Association, Mississippi Valley Association, Tennessee-Tombigbee Association, Florida Waterways Association, Missouri-Arkansas Basins Flood Control and Conservation Association, Inland Empire Waterways Association, Columbia Basin Development League, American Waterways Council, and National Rivers and Harbors Congress, all beating the tom-toms to receive something for nothing at the expense of Federal taxpayers.

Dams and other water resource projects don't come cheaply, but they often come easily. Congressmen may talk loudly about the lack of funds for poverty programs, parks, clean water, and saving the cities, but the truth is there is something at the pork barrel for everybody who plays the game. Economy is strictly for the other guy's district.

Lyndon Johnson tried a different approach. In 1968, he asked for nine new construction starts. The Senate funds bill responded with appropriations for fifty.

Under Richard Nixon there doesn't even seem to be a matter of contention. "This is no time for business as usual, spending as usual, politics as usual," the President stated on February 26, 1970. "This is the time for cutting out waste and cutting down costs with new vigor and new determination." This splendid declaration may apply to others but not to the Corps, which continues to receive its annual allocation of $1.3 billion in the President's budget.

The President needs to take a searching look at his own people in the Bureau of the Budget, who must give the Administration seal of approval before a water project goes to Congress. Their analyses are superficial and are predicated more upon political considerations than environmental conservation. The President needs to stiffen the backbone of the Bureau of the Budget, as well as his own.

The Corps is the oldest construction agency in the United States and the largest in the world. This means it is capable of doing the most damage—as well as the most good, perhaps, given the right direction. It had its beginnings during the American Revolution and grew up as an elite corps together with the Military Academy at West Point. With passage of the Rivers and Harbors Act of 1824, it became involved in nonmilitary engineering. Since then it has developed most of the nation's harbors and navigable waterways. During the nineteenth century it worked on a variety of projects, including the U.S. Capitol and Washington Monument. In the early years of this century it built the Panama Canal. In 1917 it was placed in charge of flood control on the Lower Mississippi. Under the Flood Control Act of 1936 and subsequent legislation, its duties were broadened to include water resources and power development, recreation, fish and wildlife conservation, water supply, and pollution abatement. In 1946, it was given beach and shoreline erosion control. Once concerned only with navigation, then with flood control, the Corps today may assign economic values to a long list of construction benefits.

Why is this work done under the Army's aegis? One may wonder. During World War II the Corps built bridges, airfields and docks, and cleared beachheads. Engineers are important for such military work. Yet, although the budget of the Corps was trebled in the past fifteen years, there were questions in the ranks about its ability to produce in Vietnam at maximum efficiency. The reason is plain: The Corps is so wrapped up in civil works its ability to fulfill its basic mission is seriously hampered.

The Civil Works Division of the Corps comprises a cadre of 200 military officers and approximately 35,000 civilians. The former are said to supervise the latter; since an officer's tour of duty, normally about three years, is very short compared with the life of a project, however, he is obliged to depend on the career civilian engineers, who roll on and on and on.

Through its eleven divisions, subdivided into thirty-eight districts, the Corps has more than 4,000 civil works projects in various stages, with a total estimated cost of $32.3 billion and rising steadily. This outfit has a life expectancy of forever in dredging rivers and harbors for navigation, constructing dikes for flood control, building dams and reservoirs, and channelizing streams. In my own state, Virginia, the Corps lists 150 projects extending into most nooks and crannies, from the Intracoastal Waterway to mountain reservoirs in the Ohio River Basin. The list includes Projects Completed, Projects Underway, Active Authorized Projects Not Started, Other Authorized Projects, Regional Investigations Underway, Basin Development Investigations Underway, Surveys Underway. Here indeed is a well-oiled machine that never runs down.

Rarely, if ever, is a proposed project killed for keeps, no matter how wasteful and unnecessary it may be. The Corps, and Congress, can sustain something alive and kicking for decades via studies and surveys, restudies and revaluations. The back shelf is wide and deep, loaded with reports labeled "deferred" and "deauthorized," but waiting for the right time to be dusted off, authorized, funded, and activated. Such projects have been used by some of our best Presidents in the lowest form of political payoff, and the Corps has invariably been ready.

Official spokesmen will vow that projects are always originated at the local level and developed by interested citizens and Congressmen through the political process, but officials sometimes are assigned to go out and get "proponents." As few as five persons in number may constitute a front organization, which the Corps aids in promoting local interest and support. It is also commonly claimed that the Board of Engineers for Rivers and Harbors—composed of six generals and a colonel backed up by seventy civilian specialists assigned to review all proposals from the field—has recommended against 55 per cent of them. This may possibly be so, but a former staff member of the Board assured me that honest individuals in the ranks have been told, when turning in negative evaluations, "That's the wrong answer. Write up a report justifying the project." Some of the most decisive judgments are made at the annual meetings in Washington of the National Rivers and Harbors Congress, a rendezvous of Senators, Congressmen, and construction boomers, at which projects are selected and approved for movement through the Appropriations Committees on the Hill. It is a strange conduit for conducting affairs of the nation.

In order to justify funding under laws and regulations, a project proposal must show that benefits outweigh costs. This is known as the benefit-cost ratio, an extremely questionable system which may have been valid when instituted, but which now serves to insure approval of marginal projects. Analysis after analysis has shown calculations that consistently exaggerate the benefits and minimize the costs. This is really nothing new. The Hoover Commission of 1955 studying reorganization of the government declared, "If the Corps of Engineers adopted a policy of exerting more rigid requirements to determine economic benefits you could expect a reduction in the number of favorable reports."

In 1964, Senator William Proxmire, of Wisconsin, a critic of wasteful military spending, conducted a study of 380 Corps projects. "I consistently found that projects with an alleged benefit-cost ratio of less than 2-to-1 provide returns less than their cost," he reported. "Costs of public works are invariably much greater than originally estimated because of poor estimates and inflationary pressures."

The truth is that no Corps project ever comes within estimated construction costs. A study of 167 flood control projects shows the actual expenditures to be as much as double those estimated at the time of authorization. "No private construction company could have remained in business with such a performance record," according to Dr. Gardner Brown, Jr., Professor of Economics at the University of Washington. Yet, in dealing with the public account, the Corps is able to go back to Congress for increased appropriations reselling a bad investment on grounds that it has gone too far to cancel.

There is more at stake than economic miscalculations and manipulations (including the use of fictitiously low interest rates). The Corps assigns benefits to water supply, recreation, fish and wildlife enhancement, pollution abatement—but fails to apply the hidden costs for destruction of natural resources, the "benefits lost" from wildlife species extinguished, valleys and forests flooded, historic streams submerged, entire ecological systems disrupted.

This issue comes home very plainly in a letter written to me by Dr. Donald W. Janes in behalf of the Arkansas Valley Conservation Council, a citizen group trying to block channelization of 100 miles of the Arkansas River below Pueblo, Colorado. "It would reduce the water table in the Arkansas Valley by about 7 feet, disrupt valuable wildlife resources, and would cost more money than the estimated value of the flood plain which the project purports to protect," Dr. Janes declared. "We feel this project has serious weaknesses, is unrealistic, is inordinately expensive to taxpayers, and is simply not wanted by the people the project is designed to protect."

The Corps may possibly be preeminent in engineering, though even this is open to question. Certainly economics is not its forte; it lacks the objectivity, if not the competency for making its own determinations of benefit-cost ratios, and should be disqualified. Its greatest weakness, however, lies in the lack of understanding and application of ecological principles. General William F. Cassidy, who served as Chief of the Corps for five years until 1969, recognized this deficiency. Under his administration, the Corps instituted a regulation declaring it would recommend carrying out a potential development "only when convinced that the sum of the prospective economic and esthetic gains would exceed the sum of the economic costs and esthetic losses."

As everyone knows, words in a government agency are the easiest item to come by. It is no small matter, even in the most progressive of agencies, to infuse a policy declaration at the top into thought and action processes in the ranks, or to reverse the momentum of years. Still, General Cassidy was consciously endeavoring to move his organization closer to the mainstream of American thought. "Our profession needs the help of other disciplines in assimilating and mastering environmental problems," he once declared. "We cannot ourselves be biologists, landscape architects, chemists, bacteriologists, as well as engineers. Part of our future is to bring ourselves in closer teamwork with the specialists in these fields. We are seeking improved working relationships with conservation groups and organizations. Our purpose is not just to explain our activities to them, but also to acquire a better understanding of their needs and views."

If one were to assess the history of the Corps, he would be obliged to conclude that General Cassidy's declaration and the followup, such as it may be, by his successor, General Clarke, are long overdue. The Government's role in the promotion of water resources may have been appropriate when expansion and development were regarded as "the staff of national life." The Erie Canal, for example, in one decade transformed New York City into the leading metropolis on the eastern seaboard, enriching and expanding community life. By the same token, dams may have been the best means of their time to prevent floods, produce power, store water, and open rivers to navigation. Manmade lakes do indeed provide fishing, boating, water skiing, swimming, and shoreline camping. But, without restraint or restriction, we have channeled, dammed, polluted, dredged, silted, and otherwise disfigured our waterways beyond recognition by God or any early American who may have known them in their native state. Enough is enough of the psychotic fixation on construction as the magic key to profits, politics, and "progress." Ecological sanity and development have now collided head on. Government must guard the public interest by maintaining nonmonetary values against the inroads of development for monetary gain, as Luna Leopold, the distinguished hydrologist, has written, in order to assure the maximum benefits from our resources over the long-term future. Americans cannot be satisfied with a block-building construction economy in an environmental desert of quicksand.

We now recognize that deviation from the norm in river flow creates unimagined problems. Little is actually known about storage, evaporation, transfer, or the influence of artificial impoundments on earth stresses. High dams may actually cause earthquakes since the great weight of impounded waters triggers release of tectonic forces. In another respect, the Aswan Dam of Egypt has become a classic of miscalculation before the world. It causes soil nutrients to settle to the bottom of the reservoir instead of continuing into the Mediterranean Sea—and this lack of nutrients is destroying fish populations which for thousands of years have fed residents of the eastern Mediterranean.

Almost all dams cause changes in flow patterns, water temperatures, the chemistry and quality of the waters, the biological interrelationship of the clearwater streams below them. Fluctuating water levels periodically expose, then inundate, timberlands and scenery. Dead trees and silt are substituted for green trees and plant and animal communities which have lived near these flowing waters. Beauty and quality are sacrificed. Mud, carried to the dam by its source waters, settles in the reservoir, where it accumulates in the form of silt and sediment. As the reservoir fills up, its value diminishes, while the danger of flood increases; and every reservoir is limited in its usefulness by its life expectancy.

Since 1936, billions of dollars have been invested by the Federal Government in flood control projects. Despite the massive investment, losses have shown an upward trend, now costing more than a billion dollars a year. With few exceptions, every stream must get out of its banks from time to time and use its flood plain to carry the flows it cannot accommodate in its normal channel. No area is ever completely protected. It is sometimes said that, "Floods are an act of God; flood damages result from acts of men." Through flood plain zoning, a form of land regulation eliminating development, the flood hazard can become the basis for preserving open space and recreation in the lowlands, while providing sound flood control. Yet dams, levees, and other works of the Corps of Engineers encourage developers to build where they do not belong. Cities continually push beyond protective reach of a project in ignorance of the hazard because it is profitable for private owners, even though imposing heavy burdens on society and the general public.

This brings to mind the case of Libby Dam, which is now under construction in Montana. When the project first arose a few years ago, the town of Bonners Ferry was the only significant population center in a seventy-mile area astride the Canadian-U.S. border subject to flooding. Much of Bonners Ferry is on high ground, but in flood years the Corps spent up to two or three million dollars keeping downtown stores dry and protecting dikes around surrounding farmland. Below Bonners, the valley flooded and provided good waterfowl habitat and good hay land on silt flats when they were dry.

Somehow, the needs of downtown Bonners Ferry became "a key element of the comprehensive plan for development of the Columbia River Basin in the interest of flood control, power generation, recreation, and related water uses." Construction began in 1966 on a project then estimated at $373 million. The reservoir will be 90 miles long, backing water forty-two miles into Canada, with a harmful impact upon habitat of waterfowl, mountain sheep, and other fauna, In terms of flood control, it would have made more sense—and cost only a fraction as much—to move the business section of Bonners Ferry to higher ground south of town, improve the dikes to protect the primary areas of farmland, and let the rest flood periodically.

There is something irrational and indecent about such happenings. Whether the initial responsibility rests with the Corps or local businessmen looking for a public handout or politicians too willing to serve the special interests is not important. The question is whether physical and biological integrity of natural water courses are better left intact for the long-range benefit of mankind. Certainly big dams are obsolete; they are not the wave of the future. The ancient justification for hydroelectric power may no longer be valid, considering there are now other ways to generate power. It is often a crude and expensive form of water control. We should be inventorying, classifying, and defining rivers for their best uses.

The new reservoirs usually show marked increases in sport fish populations and excellent harvest success for the first few years. Water releases from reservoirs, when appropriately controlled in volume, temperature, and quality, sometimes maintain and improve fisheries. Much is made of these points. However, in many cases the initial upsurge is apt to be followed by declining success after the population expansion ceases and stabilizes. When water flow is obstructed by a dam, the typical reservoir becomes a nutrient trap producing heavy sediment buildups, which ultimately render the bottom unproductive for many popular sport fish. Moreover, dams and reservoirs may block passage of anadromous fish between sea and spawning grounds, physically damage the spawning areas, and upset oxygen and other water quality conditions. In the East, dams have contributed to the decline of the Atlantic salmon and the decline of shad and alewife to very low levels. In the Northwest, fish ladders are still being added to recently constructed dams in order to compensate for serious reduction of the productive capacity of many fine streams.

The Corps likes to cite statistics showing that its 300 lakes are subject to a heavier volume of visitors than all games of baseball, football, basketball, soccer, hockey, and assorted other spectator sports combined. This may be impressive, but principally in terms of numbers. It would be a national folly to sacrifice the few surviving moving rivers, which constitute a living, vibrant part of our heritage, to developments which recognize only limited purposes and technical competence. Areas must be left alone, free of the engineers and builders, and preserved in their natural state so that people may come as individuals and develop sensitivity to the inspirational and scientific values in undisturbed nature. Most libraries were built at public expense, though not for the so-called "greatest number" on the order of parking lots and drive-in restaurants. Churches, libraries, universities—and protected wilderness solitudes—are provided to furnish a climate wherein the seeds of individual growth can germinate for the good of mankind.

As I wrote at the outset, the Corps of Engineers would love to be loved. Certainly it is not the only public agency not yet in tune with the environmental needs of the hour. In the water resources field, the Bureau of Reclamation, the Tennessee Valley Authority, and the Soil Conservation Service are all seeking new rivers to conquer.

Still, one can feel faint winds of change in the Corps and hear words that almost make hope spring to his heart. "Ironically, the man who is top bad guy to thousands of conservationists is an active conservationist himself," Engineering News-Record reported of General Cassidy a couple of years ago. "He's proud of the azaleas and roses he's planted around his Fort Belvoir home. And he thinks nothing of trudging through ten inches of snow at 6:30 a.m. to refuel a half-dozen bird-feeders before he leaves for his office."

Apparently General Clarke, the present Chief, found this to be an inspirational idea; for, according to the Corps, "The Clarkes wake up every morning to the impatient calling of birds waiting to be fed. The birds invariably win out on whether the General's coffee or birdfeed is dispensed first. He has no one to blame but himself, however. He built the birdfeeders."

Nature enthusiasts will find this touching, no doubt. There is, however, an old expression that war is too importont to leave to the generals; by the same token, conservationists may feel that our environment is too important to leave to the Engineers.

PART II

The sophisticated ditch diggers, earth movers, and dam builders wearing the uniform of the Army Corps of Engineers are generally accepted as upright fellows of rectitude and honor. Even severe critics, who may denounce the Corps as a destroyer of nature, are prone to comment on its traditions of integrity. The Engineers are said to be "clean," which means no scandals of payola, at least none showing.

But students of the Federal bureaucracy have learned to identify a form of deep-seated corruption that doesn't know it is corrupt. Regulatory agencies play a game of holding hands with—and running interference for—the industries they are assigned to regulate. This dirty business is called "clientism." The same kind of sport is popular within a broad spectrum of bureaus, which feel most comfortable with large industries and special economic interests. The Corps of Engineers is no exception. Many engineers, both military and civilian, who approve construction projects, later end up on contractors' payrolls.

The Corps insists that it gives the people only what they want. However, as a consequence of most of its exercises in civil works, somebody ends up as a big winner, with the cost paid for in environmental deterioration and immense expenditures out of the taxpayer's pocketbook—and with no record of dissent from the Army Engineers.

One of the built-in frauds in the Corps' operation is reliance on the principle that projects can be undertaken whenever benefits are shown to exceed the costs. There are no Congressional stipulations as to whom the benefits must accrue. Consequently, the agency has been free to perform costly work at public expense in cases where vested interests prove to be the greatest or the only beneficiaries.

The classic in this respect may be the Delaware River Project, a 23½-mile channel between Philadelphia and Trenton. It involved the removal of more than 42 million cubic yards of soil, disrupting habitat of waterfowl, shorebirds, and muskrats in order to serve the operations of one single company named United States Steel. Then there is the Burns Waterway Harbor, designed principally for the benefit of Bethlehem Steel and Midwest Steel (a division of National Steel). More on this lurid affair below.

The point must be made that wherever the national resources issues are made big enough, and the leadership of conservation organizations is tough enough, the promotions of the Corps of Engineers, or any bureaucracy, or Congress and the President, can be resisted. This is democracy at its best. But when nobody is looking, or when there is not enough public input and pressure to offset the lobbying influences of the special interests, allied with hungry politicians, anything can happen—and usually does.

Therefore, Field & Stream presents the following resume of the Fifteen Most Unwanted Projects of the Corps of Engineers. All involve impending destruction of natural resources and a waste of Federal funds; all are being fought by conservationists on the firing line. Their efforts against these projects deserve wide support.

1. The Indiana Dunes

For fifty years outdoorsmen and nature enthusiasts urged national protection for the dunes, bogs, marshes, and sandy beaches along the southern shore of Lake Michigan a few miles east of Chicago. In the early 1960's, when they were nearing their goal, Bethlehem and Midwest Steel decided to build major works in the heartland of the dunes. The Army Engineers obligingly recommended spending more than $25 million of Federal funds in order to give the steel companies a ready-made port, private slips, terminal facilities, the works.

The Save-the-Dunes Council and the Izaak Walton League challenged the Corps' feasibility figures. They discovered inflated benefits based on incorrect and doctored figures. The steel companies got what they wanted anyway, through the influence of Indiana politicians and the willingness of the Army Engineers. When the Indiana Dunes National Lakeshore was finally established, some of the choicest areas had been devoured for exploitation and speculation.

In 1966, the Corps granted Bethlehem a permit for an industrial landfill of 330 acres jutting a half-mile into the lake, to be topped by a 250-foot-high complex of blast furnaces and gigantic lakefront scrap heap. It first tried to do so without conducting public hearings. Then it ignored pleas of the Interior Department that (a) the view from the most natural part of the dunes shoreline would be undermined by industrial blight and (b) the massive rubble mound breakwater could well cause serious pollution problems. It also disregarded the question of whether Bethlehem really needed the fill for its mill operations or whether it was simply creating land worth millions of dollars.

The fight continues. The Interior Department, responding to citizen groups, is now demanding that the Corps require Bethlehem to build a sand ridge 600 feet wide and 150 feet high in order to screen the park from the facility at Burns Harbor. It is also asking the elimination of 40 acres of the landfill at the northern point, a reduction of less than 1 percent in Bethlehem's acreage, but which would reduce visual pollution from the lakeshore by 50 percent.

Bethlehem is scarcely inclined to accept this proposal. The stakes are high: after all, the steel company paid Indiana $125 an acre for underwater rights to land which is now worth $25,000 an acre.

The stakes are higher still. What will become of Lake Michigan? Thousands of acres have been filled in or are in the process of being filled by United States Steel, Inland Steel, Midwest Steel, and Bethlehem Steel. Boomers of construction propose a 20,000-acre fill for a jetport, and another 60,000-acre fill for a so-called "linear city" extending from Chicago to Burns Ditch Harbor. Should this course be adopted, the southern edge of the lake would move progressively northward, creating the same deleterious effect as the filling of San Francisco Bay. Does the nation want Lake Michigan reduced to a barge canal?

2. Cross-Florida Barge Canal

The Army Engineers have done their work well in Florida. They entered the state on a grand scale following a hurricane-driven flood in 1947 with an assignment to control future flood waters and to fulfill "other purposes." Thus began the biggest earthmoving job since the Panama Canal—really a vast reclamation project, with unending construction of canals, levees, dams, and spillways largely for the benefit of real estate developers and industrial farmers. The Engineers successfully cut off the natural flow of fresh water to the Everglades, at the southern tip of Florida, bringing ecological disaster to one of the finest wilderness areas on earth.

Now, the Corps is engaged in a senseless perpetration called the Cross-Florida Barge Canal, an old project designed to link the St. Johns River with the Gulf of Mexico, variously rejected and deferred over the years until it was dusted off for poltical purposes during the Kennedy-Johnson day. The Engineers, of couse, inflated benefits and submitted inaccurate construction costs to make the fiasco look justifiable.

One of the Corps' economic studies asserted that 78,000 tons of lumber would be hauled through the canal annually—more than is hauled over the entire Mississippi River system of 5,500 miles. Professor William Spencer Vickrey, of Columbia University, and other economists have termed the claimed benefits sheer "economic fiction." But one may suppose the Corps had little alternative to figure-fudging considering that the properly attributable benefit-cost ratio is not in excess of 0.13, barely a penny on a dollar. Even at that, the principal beneficiaries would be a few large industrial shippers given free use of a waterway built and maintained at public expense.

Worse yet, the Canal, should it ever be completed, is destined to wreak biological and hydrological catastrophe. The Florida Game and Fresh Water Fish Commission warned last year that construction of dams associated wtih the canal and locks will limit the yearly migration of anadromous fish to the upper reaches of the Oklawaha. Migration of the striped bass will be cut off. On the other hand, the canal will provide a direct infestation route for exotic plants and exotic fish. Bilge pumping, spillage, leaks, and inevitable barge sinkings will cause pollution problems and degraded water quality. A few communities already are reporting startling subsurface water losses as a result of diversion associated with the project.

The boomers of the project paint an illusionary picture of expanded boating and camping, but they don't say that boating will be hazardous, that swimming will be wretched because of weeds on the bottom, that fishing will decline within a few years.

Nor do they mention that the canal will drown a magnificent natural stream, the Oklawaha, whose rich, fast waters have created the dynamic conditions needed to maintain a productive sports fishery of channel catfish, chain pickerel, pan fish, and largemouth bass. "This project would change an unpolluted, free-flowing, spring-fed stream in a unique setting into a slow-moving, sluggish, bayou-like body of water," according to Ted Schlapfer, Regional Forester of the U.S. Forest Service. "This change is the greatest natural loss, for very few rivers such as the Oklawaha remain in the United States."

This isn't all. The river twists and doubles back and forth in a heavily forested mile-wide valley, bordered on one side by the Ocala National Forest. Much of the wilderness is still unspoiled, a classic ecological display, filled with pileated woodpeckers, limpkins, hawks, alligators, bears—a hunting and fishing paradise since the age of the Seminoles.

Newspapers have labeled the Cross-Florida Barge Canal a "horror tale" and "a crime against nature." The project is still only one-third complete and within recall. The damage can be undone. Interior Secretary Walter J. Hickel has requested a moratorium on construction pending an ecological re-evaluation. Conservationists on the scene have established the Florida Defenders of the Environment to end the nightmarish mistake. They have enlisted economists, ecologists, lawyers, publicists, and everyday citizens who love the good earth. The odds may be against them, but right is on their side. If the politicians mean business about saving the environment, Governor Kirk will request the project be abandoned. President Nixon will order any further work stricken from his budget. Congress will deauthorize it and substitute instead provisions for an Oklawaha National River.

3. Tocks Island Reservoir

"We came to the conclusion that the Tocks Island project was to serve powerful interests, and was not for the benefit of our area and its people, nor for the urban masses who were being promised a tax-financed luxury playground while their cities continued to collapse for want of funds." So charges Mrs. Joan Matheson, vice president of the Delaware Valley Conservation Association, which is energetically trying to block one of the worst Federal fiascos east of the SST.

Her organization became suspicious of the power project on the New Jersey-Pennsylvania border when studying the sponsors of a high-powered lobby called the Water Resources Association of the Delaware River Basin and found such names listed as Gulf Oil, Sun Oil, Tidewater Oil, Alpha Portland Cement, Prudential Life Insurance, Forward Lands, Inc., Lukens Steel, American Cyanamid, Atlas Chemical, duPont, and New Jersey Power and Light.

Other fingers were in the pie, too. There were those of former Governor Robert Meyner of New Jersey. In 1961, while still in office, he quietly dealt off 715 acres in the heart of Worthington State Forest, including a choice natural beauty spot adjacent to the Appalachian Trail called Sunfish Pond, for a paltry pittance to New Jersey Power and Light. One year later he switched horses and was engaged as attorney for the power company. Together with allied firms, it planned to convert Sunfish Pond into a pumped-storage hydroelectric site, or sump hole, based on the same principle which Consolidated Edison has proposed for Storm King on the Hudson River—and which the Supreme court denied on grounds of insufficient heed to inevitable disruption of natural values.

In 1965, three years after authorization of the dam and reservoir, Congress approved establishing a Delaware Water Gap National Recreation Area. Recreation then became the key justification of the project. The Interior Department and the National Park Service were enrolled as salesmen. In 1969, Regional Director Lemuel Garrison called the Tocks Island project "a striking example of contemporary recreation area planning," though even a Corps spokesman, Brigadier General (now Major General) F. P. Koisch, recoiled at the prospect of pouring in a daily load of 141,000 persons. "This is a tremendous number of people," he told a Congressional hearing. "It is almost frightening to see recreation in these quantities in these areas."

In a startling report to the Park Service (which it made available in 1970 only upon request), Dr. Edlen E. McNamara, of Lehigh University, wrote: "I thought all the ecological problems had been evaluated. But I found most of them had not even been investigated and that there was no plan to investigate them in the future. What I did find lacked scientific validity."

The facts are that daily fluctuation resulting from pumped storage would create vast mudflats around the 37-mile reservoir shoreline, with pronounced effect on vegetation and bottom-dwelling organisms, interfering with reproduction of fish life.

The project is wasteful in every respect. The cost has gone from an estimated $92 million to $235 million. It is not necessary for flood control. It would endanger the oyster industry in Delaware Bay. Pumped storage was not in the original authorization. The principal beneficiaries would be the utility companies. In a tight little state like New Jersey, precious resources should be husbanded instead of squandered for uses destined to prove unfeasible. The Tocks Island fiasco smells so bad that Senator Ellender was moved to complain last year, "I have just about concluded we will stop this project until it is straightened out."

If the Federal Government were to zone the whole area, including the watershed, nobody could complain. The present nondestructive use of farms, Scout camps, private camps and resorts, and old villages could continue. Only the spoilers would be expelled—the speculators who arrived with the project and who hope to reap a billion-dollar harvest by subdividing glaciated impermeable soils unfit for building. The native scene, complete with river rapids, forested canyon, Sunfish Pond, and the Appalachian Trail, deserves Federal sponsorship as a *natural* recreational area. Such a park would be far more attractive, educational, and useful—and far less expensive—than the $200 million-plus boondoggle.

4. Devil's Jump on the Big South Fork

On the Cumberland Plateau in Tennessee, clear streams race to a rendezvous where they become a classic wilderness river known as the Big South Fork of the Cumberland. It forms dramatic 500-foot canyons with varicolored sandstone cliffs as impressive as the palisades of the Hudson River. On its way northward, it sometimes rushes, providing a challenge for the whitewater enthusiast in canoe, kayak, or rubber raft. At other times it is placid, with clear pools, the longer ones ideal for walleyes, smallmouth bass, and muskies. Along its shores are sandy beaches and overhanging arches called "rockhouses," which make great overnight shelters.

This stream belongs in the National System of Scenic and Wild Rivers. The Bureau of Outdoor Recreation gave it the highest marks as early as 1964. But the Army Engineers and pork barrel politicians have proposed to construct the highest dam east of the Mississippi at Devil's Jump, costing $194 million—or more. The primary, justification at first was for hydroelectric power, but this is clearly senseless, considering there is no shortage in the region and that rates would be eight or ten times greater than those charged by the Tennessee Valley Authority. There is no flood problem, since the Big South Fork flows through an uninhabited gorge, without potential damage to property. As for recreation, the surrounding areas of Kentucky and Tennessee already are saturated with reservoirs impounded by the Army Engineers, TVA, Soil Conservation Service, and private firms.

In 1968, citizen conservationists arose to challenge the power of the Corps and its lobby. They developed ecological, historical, archaeological, and economic data and mobilized support from fifty-one local and national organizations. They convinced Congress to withhold approval of the Devil's Jump project in the Rivers and Harbors Act. Instead, an interagency committee, composed of representatives of the Corps, the Department of Agriculture, and Department of the Interior, was assigned to review alternate plans "for recreational, conservation or preservation uses of the area."

The report is now in; the Corps holds to its recommendation for a high dam, with a few crumbs tossed to the canoeist and fisherman. But the pressure is strong to save the Big South Fork as a wild river and the undisturbed gorges around it as a national wilderness area.

5. Tennessee-Tombigbee Waterway

This nifty Dixieland boondoggle, estimated to cost $316 million (for openers), has been kicking around Congress for years. It was first authorized in 1946, but the House Appropriations Committee blocked funding, considering the benefit-cost ratio was patently marginal. In 1951, the project was denied again. The House Committee accused the Corps of playing with figures and computing benefits "out of touch with reality." In 1967, Secretary of the Army Stanley Resor and the Bureau of the Budget both objected to the benefit-cost ratio of 1.24 to 1—after all, would such a rate of return induce any private concern to invest $300 million?—but persistence finally paid off for its promoters with a Congressional order for the Corps to start planning the canal.

Nothing deters the boomers of the "Tenn-Tom" sham, not even the priority of the Vietnam War. In 1969 they called the project " a development potential of outstanding merit and promise in an area where the need is critical" and enrolled a host of newspaper editors, who should know better, to endorse it. Forty members of Congress, who normally stand on their Southern states' rights, clamored for the Federal handout in Washington. Work on Tenn-Tom now appears likely to begin.

Should it become a reality, it will mean cutting a swath as wide as a football field a distance of 253 miles through northeast Mississippi and west Alabama from the north-flowing Tennessee River to the south-flowing Warrior-Tombigbee system, with an excavation of at least 200 million cubic yards of soil and pouring of two million yards of concrete, before building five dams and ten locks. It may even bring in the Atomic Energy Commission for "nuclear cratering," a nasty business which it has been trying to promote everywhere and anywhere.

Who will be the winners and the losers if this horror tale is inscribed across the face of the South? The public is assured Tenn-Tom will work wonders for the region, like opening large reserves of strip-mine coal in northeast Alabama and east Tennessee and phosphate deposits in Florida. This is what is called "economic growth." It also explains why Peabody Coal and American Potash and Chemical are among the strongest supporters of the project. On the other hand, bottomlands used by deer and small game will be flooded and destroyed. The promoters say Tenn-Tom will create a new flyway for ducks and a new setting of natural beauty, but what to do with the old flyway and the beauty given by nature is another question. The ecology of the region will certainly be knocked askew. Let Dixie take its choice.

6. Congaree Waterway

Fishermen from far and wide know Lake Marion and Lake Moultrie on the Congaree River in the Moncks Corner area of South Carolina for their famous striped bass, or rockfish, veritable monsters that weigh 20 pounds and more. This was the first, and is now one of the largest, significant self-sustaining population of landlocked striped bass in the world, and anglers come here in numbers approximating 150,000 a year.

However, there has recently been a proposal to turn the Congaree into a navigation channel from Columbia to Charleston, complete with the usual series of dams and locks that already characterize a host of "improved" streams in the Southeast. Fortunately, the South Carolina Wildlife Commission alerted sportsmen that the project would destroy the movement and spawning grounds of the striped bass—hatching would be impossible.

As a result, when the Corps held a public hearing at Columbia in April 1969, a show of hands revealed four persons approving the project and between 250 to 300 in opposition to it. Soon after, the Corps issued a statement that the Congaree Waterway was unfeasible and lacked "economic justification." The South Carolinians will be wise to get legislative protection for their striped bass stream, for as we have seen, a Corps project never really dies; it is only "deferred."

7. Salem Church Dam

Outside of Fredericksburg, Virginia, the Army Engineers propose to finish off long stretches of the Rappahannock River and its major tributary, the Rapidan, and turn them into a large flat lake through the simple process of erecting a $79.5 million high dam that nobody needs.

The original justification was flood control, though Fredericksburg hasn't suffered a major flood in years and could obtain far better protection by establishing the flood plain as a green belt and buffer zone. In time, other potential benefits presented themselves, including hydroelectric power (a private electric company is building a nuclear plant nearby), water storage (the local communities are now erecting smaller structures on their own), and the standard clincher of these times, recreation, which is claimed to represent 41 percent of the total benefits.

What kind of recreation are the Rappahannock and Rapidan best suited for? There are plenty of opportunities for canoeing, rafting, or floating on inner tubes through pools, rapids, and riffles. The bass fishing is good. The forested bottomlands are rich in wildlife, with deer, ruffed grouse, and turkey; fox hunting is popular. The remains of old locks tell the story of a mid-19th century canal and earthen ramparts bespeak the Civil War battles that raged around Fredericksburg.

In 1968, the University of Virginia conducted a statewide scenic river study, as directed by the legislature, and found three streams worthy of priority treatment, including the Rappahannock-Rapidan system. More recently, the Bureau of Outdoor Recreation reported these rivers fully qualify for inclusion in the National System of Wild and Scenic Rivers, and that recreation benefits ascribed by the Corps would be rendered fully unnecessary by the planned development of the nearby Potomac. Actually, preservation of the streams protects future options in case they're needed for water uses later, whereas construction of the dam and the inevitable accompanying real estate exploitation would wipe out options forever.

Fortunately, members of the Virginia Conservation Council and cooperating groups have learned that Virginians cannot save their historical past while sacrificing the natural environment.

8. Big Walnut Valley

In the Midwest, which is the American heartland, a remnant here and there is all that is left of the once inexhaustible wilderness. Such a place is the glacially carved valley of Big Walnut Creek in Indiana. Deep gorges provide a wet, cool climate ideally suited to sustain groves of giant hemlocks, sassafras, sugar maples, and beautiful Canadian yew. In one single area of less than twenty acres observers have identified more than 300 species of plants and 100 species of birds, including one of the oldest and largest great blue heron rookeries in the state. This should explain why the Big Walnut has been treasured for geological and ecological research.

To the Corps and its supporters it also provides a perfect spot to "enhance" nature. This can be done most directly by pouring concrete for a dam and reservoir. In the process, habitat of pileated woodpecker may be destroyed, together with great blue heron stream feeding areas, three covered bridges, and stream fishing in the gorges. But this would be considered incidental; the Corps has pledged to erect a "nature center" and observation tower on the hilltops from which to view the flooded valley and mudflats below.

This particular project ostensibly is designed for flood control, recreation, and what the Corps likes to call water quality control achieved through "low flow augmentation," simply a device to diffuse pollution, rather than eliminate it.

A variety of Indiana groups, from the Izaak Walton League to the Covered Bridge Society, have resisted this benefaction. They determined that the Corps had not made adequate sedimentation tests, was insufficiently aware of the values of the natural area, and had based its whole plan upon other areas alleged to be similar. In addition, Professor Helmut Kohnke, of Purdue University, testified that within a hundred years the proposed reservoir would be silted up and virtually useless.

Congress responded in 1968 by providing that the Big Walnut Dam and Reservoir "shall not be initiated until approved by the President," and studies have been ordered by President Nixon on this basis. From the first hearings at Greencastle in October 1965, the citizen groups have requested modification of the Corps proposal to keep the reservoir pool at high water out of the natural area; but there is probably no need for it at all.

9. Oakley Dam and Reservoir

"You've got to hit them in the teeth with their own kind of people," observes Bruce Hannon. As a former Corps officer, engineering instructor at the University of Illinois, and sparkplug of the Committee on Allerton Park, Mr. Hannon has been on the front line of the battle to prevent the Engineers from committing a stupefying piece of vandalism. He knows whereof he speaks.

In 1961 the Corps revived an old project for a dam and reservoir on the languid Sangamon River near Decatur, Illinois. Its ostensible goals were to provide flood control, a water supply reserve, and recreation. Conservation groups did not object. But once started, the scope of the project kept growing. This is often the case. It doubled in estimated cost, based on provisions for diluting sewage and other pollutants through "low-flow augmentation," for a higher dam, and for flooding close to three times as much farmland as originally scheduled—threatening to turn green and fertile fields of Piatt County into a sea of mudflats.

The new plans also called for bulldozing and flooding large portions of Allerton Park, an expansive beauty spot deeded to the University of Illinois in 1946 for use, study, and enjoyment of forest, wildlife, plantlife, and landscape architecture. No wonder the park defenders gathered a cadre of economists, engineers, biologists, botanists, and lawyers to strike back in behalf of one of Illinois' richest scenic wonders.

The University trustees acted too, engaging a major private engineering firm to make a study of alternatives. The firm found six courses of action available, all less expensive, and one costing only 8 percent as much as the Corps proposed spending.

The citizens committee fought hard. It collected 79,000 signatures on a petition to save the park. It exposed the incompetency of the Army Engineers in a variety of calculations. For instance, the Corps estimated the cost of channelizing 100 miles of the Sangamon at $18 million, but the entire 67,000 acres of bottomlands could be purchased for one-third as much. Flood damages were overestimated by 500 percent, and as much land would be flooded upstream by the dam as protected below it. The cost of the bottomlands of Allerton Park were understated at $60,000, when the scientific value alone has been estimated at about $5 million. As a consequence, Senator William Proxmire, of Wisconsin, termed the Oakley project "a pork barrel boon-doggle of the most blatant kind." Sanitary engineers testified that low-flow augmentation would not be a good solution for Decatur's problems, either technically or economically.

Through recent agreement among the State of Illinois, Decatur, the University and the Corps, a partial victory appears won by the people. In place of expensive, destructive channelizaton, there will be a recreational flood plain greenbelt along the lower Sangamon. Instead of diluting its sewage in the river, Decatur must turn to advanced treatment facilities. Allerton Park will be protected by limiting the reservoir, or conservation pool, to its lower edge. Still, Corps officials keep reintroducing their more extensive plans, and the eight-year battle with the bureaucracy continues.

10. Lukfata Dam and Reservoir

Because western Oklahoma suffered on occasion from lack of moisture in years past, the people welcomed construction of dams and reservoirs. Then the boosters and builders ran wild. Today the landscape of Oklahoma is fragmented with more than 100 large reservoirs, plus scores of smaller soil conservation projects. Finally, the last surviving mountain stream in the entire state, the Glover, is threatened.

The Glover flows through the moist Ozark uplands of southeast Oklahoma into the Red River Basin. It is the only mountain stream in Oklahoma still not ecologically disturbed, and it fulfills all the requirements of a true wild river. Disruptions of other rivers have caused a marked decline in smallmouth bass, but the Glover endures as the best smallmouth stream in the state, the only one where the sporty game fish can find long stretches of cool, free-running water, which they must have.

The Lukfata Dam was authorized before enactment of the national policy to consider preservation of some free-flowing streams. Should the dam be erected, the smallmouth bass population will decline rapidly or cease completely. Several thousand acres of wildlife habitat would be lost. Yet it is not needed for flood control. It is too small for production of hydroelectric power and abundant water is already available for industrial development. Two reservoirs within a radius of twelve miles, and seventeen others, built or proposed, within seventy-five miles offer the usual forms of reservoir recreation.

Oklahoma has failed so far to give its choice surviving streams protection through legislation, but interest and concern are growing. Through the efforts of the Scenic Rivers Association of Oklahoma and other groups, there is still a chance of rescuing the Glover in its natural state.

11. The Kindred Dam

The valley of the Sheyenne River in North Dakota is an outdoors haven. In places it is as luxuriant as a rain forest. The native prairie contributes vistas of natural beauty. Wildlife is abundant—it is the finest deer habitat in the state. Yet here the Army Engineers propose, in the name of flood control, to spend $20 million for a dam that would create another treeless lake with the usual mudflats. For half the amount, the Corps could easily protect Fargo and West Fargo, the alleged objective, by installing levees and by diverting the Red River of the North around them.

The values to be lost are significant, including the last largely undisturbed natural woodlands in the state and a well-managed forest products industry worth more than a million dollars a year. Furthermore ranchers say the valley trees offer important wintertime shelter for herds of beef cattle and chances are that seepage from the reservoir would affect the abundant forage of the Sheyenne National Grasslands.

None of these minus values are figured in the benefit-cost ratio, which is shaky enough at 1.2 to 1. Without the dubious benefits attributed to recreation and fish and wildlife, it would be a goner. The united opposition of ranchers, sportsmen, the North Dakota Forest Service, and the state's Game and Fish Department may sink it anyway.

12. Benjamin Franklin, Lower Granite, and Asotin Dams

The natural environment of the Columbia River has been emasculated by a series of eleven dams, reducing a once-mighty river of the Northwest to a series of slow-moving pools. Moreover, these dams have never lived up to promises for fishing opportunities held aloft by politicians and promoters. To the contrary, they have caused immense, irretrievable loss to priceless salmon and steelhead resources. Still the spoilers are not satisfied. They are now proposing the Benjamin Franklin Dam, a $380 million package, No. 12, to finish off the last natural stretch of the river, which extends fifty miles from Richland to Priest Rapids, coupled with digging a $105 million barge canal between Richland and Wenatchee, Oregon.

It is little wonder that conservationists are up in arms. For one thing, economic loss in fisheries would be greater than benefits derived from upstream navigation—the Corps has known for years that the Columbia is not a sound navigation project. For another, the Ben Franklin Dam would eliminate the last natural chinook salmon fishery and wipe out a trout and whitefish fishery, plus spawning grounds of summer-run steelhead. It would flood wildlife and waterfowl habitat, mule deer fawning areas, and nesting areas on river islands which produce 15 percent of Washington's Canada geese, as well as California and ringbilled gulls and other wild birds. It would wipe out archaeological sites of considerable importance.

A number of citizen groups—fishermen, hunters, hikers, nature enthusiasts, and archaeologists—are raising their angry voices together to save this last shred of the natural river environment. Their efforts are coordinated by the Columbia River Conservation League, which proposes that, instead of the dam, Congress designate a national recreation area.

Sportsmen are fighting also to save the last free-flowing sections of the Snake, the major tributary of the Columbia (see "Must This Be Lost to the Sight of Man?" in Field & Stream, July 1969). Suits brought by the Association of Northwest Steelheaders would stop the Corps from building the Lower Granite Dam, 34 miles downstream from Lewiston, Idaho, price-tagged at more than $200 million, and the Asotin Dam, at the upstream edge of Lewiston, a smaller boondoggle of only $110 million. The grounds in the suits are simple and direct: the Army Engineers failed to hold adequate public hearings; they misrepresented benefits and costs. The same accusations apply to scores of circumstances. But bringing a legal suit of this nature represents a new means for the public to defend its interests.

13. The Dos Rios Dam

On the Middle Fork of the Eel River, 600 miles north of Los Angeles, the Army Engineers and California Department of Water Resources propose building the 730-foot-high Dos Rios Dam at a cost of $400 million or more. The project had its beginning in 1960, when the citizens voted to provide water from northern California, which has it in abundance, to southern California, which has abundant need of it, principally because of the senselessly unrestricted residential, agricultural, and industrial development permitted in the dry south. But no mention was made then of the need of high dams on the Klamath, Trinity, or Eel, three of California's most productive surviving fishing streams. Many citizens now feel misled about the whole concoction.

The Dos Rios Dam would destroy a living river still noted for its summer steelhead run. It would flood the Round Valley Indian Reservation and more than 400 archaeological sites, as well as 14,000 acres of surrounding farmland.

The project does not appear too sound economically. California will be obligated to contribute a minimum of $153 million to construct a mammoth tunnel to carry water to Los Angeles. In a review of the Corps' benefit-cost ratio of 1.9 to 1, Professor Gardner B. Brown, Jr., an economist of the University of Washington, finds it more like .6 to 1—that is, 60 cents in benefits for every $1 in cost. The total cost of the project, he submits, was underestimated by at least 12 percent, while the benefits in water supply, flood control, hydro-power, and recreation were overestimated by figures ranging from 10 to 60 percent.

Then there is the question of ecology. Dos Rios is designed to create an enormous tub as part of a network of reservoirs, tunnels, aqueducts. and power plants designed to move water around. Somewhere the best laid engineering plans are apt to run haywire in the face of natural systems. More than the Eel is at stake. As J. C. Fraser, of the State Fish and Game Department, observes, "The tremendous fish and wildlife resources face the challenge of their lives in the next decade." The northwest water development area of the Trinity, Klamath, Eel, and their tributaries supports annual runs of 350,000 to 400,000 king salmon, 125,000 silver salmon, and perhaps a million steelhead. Over one-third of the state's deer population find habitat here. Hatcheries may be offered to "mitigate" the fish losses; except on paper, these will never do.

14. The Texas Water Plan

Thirty-two major reservoirs, thousands of miles of canals, innumerable smaller dams—these are the main components of the Texas Water Plan, a $9 billion promotional scheme that would modify every river in the state and completely reshape the face of Texas. It is based on transporting water from East Texas to dry regions of the West and transporting vast amounts from the Mississippi River delta below New Orleans.

Texas voters have rejected a $3.5 billion bond issue for the water plan. The principal beneficiaries, after all, would be investors and developers in on the ground floor. The people of East Texas and the Gulf Coast would have to sacrifice their water supplies, but pay for the privilege of doing so.

The Army Engineers are now engaged in feasibility studies on moving Mississippi River water. The first step somehow always leads to the next, unless the citizen voice is heard loud enough. Scientists already are warning of ecological dangers implicit in the Texas Water Plan. It bodes long-term weather changes of great consequences, including accelerated evaporation and thunderstorms. It threatens the brackish bays and estuaries, which provide for 99 percent of sport and commercial fish caught off the Texas Coast.

15. Rampart Dam

The Rampart Dam would be built on the Yukon River and cost $1.3 billion, for the primary purpose of generating hydro-electric power. It would create the world's largest manmade reservoir, larger than Lake Erie, wiping out 2,400,000 acres of the nation's best waterfowl breeding grounds and important wildlife habitat.

This isn't all. It would seriously affect the Yukon salmon run and spawning beds, which are vital to Pacific commercial and sport fisheries. The Rampart affair stirred concern and alarm all over the country. A coalition of national conservation organizations underwrote a scientific and economic study, which showed it to be unfeasible and undesirable.

However, the industrial boosters of Alaska are determined it will be built, now or later. The Fairbanks News-Miner last year editorialized on Rampart as "a project for the future." Simply stated, Rampart has been bedded down to rest, like the Sleeping Beauty, but not to die. So it is with unneeded and unwanted projects throughout the country—they never fade away.

Next month: The Future of the Corps of Engineers; or, Should It Have One?

PART III

To all who love the outdoors, the activities of the Army Corps of Engineers are of fundamental concern. For the Army Engineers are apt to show up with a huge project having nothing to do with its military mission, at any place.

Will its projects prove to be a blessing or a blight? The Corps would argue the former.

"We of the Corps of Engineers are providers of mass recreation on a large scale," Major General F. P. Koisch, Director of Civil Works, declared before the convention of the Outdoor Writers Association, held at Coeur d'Alene, Idaho, in June 1970. "In this world of tensions, refreshment of strength and spirit are valuable, indeed necessary, to the social health of the community. Public recreation programs are justifiable on much the same ground that public health programs are justifiable."

Certainly there are many outstanding public-use developments at the more than 300 projects administered by the Corps. But I wonder whether it is all that easy to fully equate this type of recreation with public health and welfare—particularly in an age of ecological awareness and concern from which there is no retreat.

True, the Corps builds massive reservoirs with high recreational use, but reservoirs commonly inundate wildlife habitat, thus destroying animals by forcing them into adjacent habitat already supporting wildlife at full capacity. In many parts of the arid West, the only habitat suitable for many species occurs in the river bottoms. Inundation may completely eliminate an essential type of habitat, such as winter range for big game and habitat for upland game. Creation of new water areas is likely to upset distribution of waterfowl and their harvest.

The Corps asserts its devotion to the recreation cause, yet deepening and straightening of streams, which it carries on full scale, destroys banks cover and habitat niches valuable to fish, fur animals, and other aquatic life. Such channelization drains and destroys wetlands and allows solar heating of streams. It eliminates or reduces overflow to adjacent wetlands and hardwood bottomlands used by fish for spawning and by waterfowl as wintering sanctuary.

The Corps could make a case somehow that its estuarine dredging and filling contributes to recreational real estate. But two-thirds of our ocean catch of fish is estuary-dependent for at least part of its life. Channel dredging and deepening invites the intrusion of saline waters to destroy the habitat of finfish, shellfish, waterfowl, and mammals, and permits invasion by saltwater pests such as oyster drills.

Under the Fish and Wildlife Coordination Act of 1958, the Corps is required to consult the Interior Department before issuing dredge and fill operation permits in navigable waters. In one three-year period no less than 20,000 permits were received, providing a clue to the magnitude of destruction suffered by the nation's irreplaceable estuarine resources. The East Coast, including Florida, lost 165,000 acres; the Gulf Coast, excluding Florida, 71,500 acres; and the West Coast, 262,000 acres. The St. Petersburg Times lamented that "one out of every eleven acres along Florida's tidal shoreline has been filled." This was Florida's fault. But such concerns must belong to public and private interests alike.

Most of all, the Corps' type of recreation development ignores the beauty and history of God-given waterways. It sacrifices them without restriction or restraint, to developments which recognize only limited purposes and technological competence—as though material wealth is the sum total of existence.

One of the tragic examples involves the project which the Corps began twenty years ago in the name of flood control on the beautiful St. Lucie River in Florida. The people were assured of unparalleled boating, swimming, and fishing. Today the St. Lucie is black with mud. The fish are gone—so are the oysters, clams, and bird life. Now, the Corps is proposing a new, costly ten-year project to clean up the St. Lucie.

On such counts the Corps has taken a tremendous drubbing from a rising army of critics. It has had its way politically, but not intellectually. "The time has come" as President Lyndon Johnson recognized in 1965, to "identify and preserve free-flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterways a memory."

Nobody, of course, wants to be the bad guy and nothing remains static in society. So yesterday's hero can be tomorrow's heel, and vice versa. In the case of the Corps, Lieutenant General William F. Cassidy, the former Chief, spoke in serious terms of the need for change within his agency. "No longer will we simply determine whether a given project proposal is or is not economically or engineeringly feasible," he pledged. "Instead, we will have before us a number of alternative courses of development which must be compared with one another in context of the kind of future we propose to create for generations to come."

Under his administration, the Corps added professional biologists, ecologists, soil scientists, agronomists, and landscape architects. A new division, called the Institute for Water Resources, is trying to articulate the need for environmental conservation in resource planning. Each year several key people are sent to Aspen, Colorado, to participate in the seminars on environmental arts and sciences conducted by the Thorne Ecological Foundation, which also draw industrial representatives anxious to catch up with the wave of the future. Two Chiefs of the Corps have been among the participants.

Then there is the annual Design Awards Program planned to encourage "functional and attractive designs of structures and area developments that harmonize construction projects with the landscape." It has not come off too well, even though the Corps vows that it loves natural beauty. The 1969 jury, headed by the president of the American Society of Landscape Architects, Theodore Osmundson, found only eight entries from the United States and its possessions.

There were none at all from the vast military construction program. None of those submitted were considered of outstanding merit.

Nevertheless, during the spring of 1970, Lieutenant General Frederick C. Clarke, who succeeded General Cassidy, took the unprecedented action of appointing an Environmental Advisory Board, inviting six outstanding citizen conservationists to look over his shoulder. No other resource agency of Government is blessed with such a group. Whether lasting good will come of it remains to be seen, but the chairman, Charles H. Stoddard, former director of the Bureau of Land Management, and the other members are not the kind to play a game of whitewash.

Actions of this nature are taken, at least in part, to forestall continuous demands that the civil works operation be lifted bodily and transferred to a civilian-run agency. "With a large backlog of outdated, expensive and unfinished projects to sell to Congress annually, and with public outcries increasing against such violences as the Cross-Florida Barge Canal," the Izaak Walton League commented recently in its publication *Outdoor America*, "the powers in the crenellated tower must be at least a little concerned over the suggestion of being walled-in by Interior or by the much-discussed Department of Natural Resources and the Environment."

Interior Secretary Walter J. Hickel, has urged moving the Engineers' civil works program into his jurisdiction. But he already has more environmentally destructive tomatoes in the Interior barrel than any man can handle.

The real challenge lies in a clear definition of public policy. "We have to overcome momentum and get redirected out of the atmosphere of another time," as General Koisch concedes. "We need new guidelines to protect the environment." Certainly the nation will have use of engineers, as well as social scientists, economists, and others with sound ecological training who know what they're doing in implementing public policy. The Environmental Policy Act of 1969 represents an important step in shifting gears, requiring all agencies to weigh ecological impacts of planned actions, along with economic and technical values.

There are many technological challenges awaiting an environmentally oriented Corps of Engineers, wherever it may be located. Representative Henry Reuss, one of its toughest and most constructive critics, proposes shifting resources and manpower from increasingly questionable navigation, flood control, and power projects, to construction of sewage systems and disposal plants, which the nation needs desperately to arrest the discharge of raw waste into rivers and harbors. Under the Reuss plan, the Engineers would also be responsible for research and development of new sewage disposal methods, to make up for lack of progress over many years. Thus, the Corps would have the chance to fight sewage sludge, coliform bacteria, industrial poisons, fertilizers, and pesticides, rather than man and nature.

The House Subcommittee on Conservation and Natural Resources, which Mr. Reuss heads, has recommended a variety of approaches to help the Corps join the environmental crusade. These include activities in navigable streams for protection of fish, wildlife, scenic values, and historic sites, as well as for navigation. In addition, the Corps would permit no further landfills or other work in estuaries and rivers except in cases where the applicant proves environmental responsibility; and it would require and encourage open hearings where there is sufficient public interest. To a certain extent the Corps has responded, with a new regulation that industries, municipalities, and other applicants for permits to construct sewer outfalls in navigable streams must first demonstrate that discharges will not adversely affect the water quality.

Representative Reuss thought he had unearthed a potent weapon in the 1899 Federal Refuse Act; this little-known and long-forgotten statute prohibits dumping into waterways, except under Corps permit, and provides a maximum fine of $2,500 for each incident or day of violation, with one-half going to any citizen furnishing convicting information to the Government. If this were to be activated, the Corps itself would be in charge of arresting and requesting prosecution of violators, but, unfortunately, the Department of Justice has moved slowly. But the tempo of public use of this provision is picking up everywhere.

Another area of urgently needed public works, which pleasure boat owners would especially welcome, involves the cleanup of debris in the nation's harbors. The blight, litter, and unchecked neglect in New York are so bad that in 1963 Congress appropriated $95,000 for an investigation by the Corps. It found millions of dollars worth of damage done annually by flotsam that ebbs and flows with the tide, menacing shipping and pleasure boats alike. In addition, it counted rotting hulls of nearly 2,000 scows and barges, schooners, launches, tugs, tankers, patrol boats, and drydocks abandoned like auto wrecks, and hundreds of dilapidated piers which serve as a breeding habitat of rats and mosquitoes. The Corps has recommended a $28.8 million program, to be shared by Federal, state, and local sources, to clean up the eyesores and make the port system safe. Possibly this could be the beginning of an even larger effort to improve harbors and urban environment everywhere, rendering the watersides available for better uses.

What the Corps must do, basically, if it wants to play a leading role in social advancement is to quit kidding itself and the public that unrestrained construction and environmental enhancement are synonymous, or that conservation equals maximum use of natural resources, with emphasis on the "use." This is akin to the view of the timber barons that forestry conservation is best served by growing the most lumber at the least cost to the shortest possible time for the maximum profit.

Some Corpsmen are addicted to tortured, malignant reasoning. Dumping millions of cubic yards of dredge into the Great Lakes (sometimes near the drinking water intakes) is justified by a spokesman on the grounds that, "No harmful effects on water quality were positively identified. In some areas, the beds of lakes and bays were found already so polluted that additional pollution from dredge disposal could not be demonstrated." If every polluter took this attitude, no progress would ever be made. Then there is the case for the defense of forest destruction associated with the Cross-Florida Barge Canal. As the dams are closed, crushed logs in the pools have been found floating to the surface, causing log jams not anticipated by the Corps, though predicted by conservationists in the early 1960's. "The logs and limbs are a natural by-product of creation of a reservoir of this type," observed a colonel in the Jacksonville district office in response to protests. The rules are sometimes made up as the game is played, answers are given with evasive gobbledygook, or not at all when it serves the Engineers best to withhold it from examination.

In order to be environmentally effective, the Corps must recover from the syndrome of growth, by which it declares, "Modern waterways give rise to industrial development which, in turn, creates traffic for the waterway." Its leaders should stop preaching growth as justifying the Corps' continuation of environmental insults. For many development projects are not needed at the time they are begun; as in the case of waterways, future growth could not take place if the projects were not built. This sort of thinking is a classic type of cause-and-effect reversal. In support of President Nixon's leadership, we should be thinking more of increasing the quality of living rather than the quantity of living.

General Clarke seems to have come a long way, but how far depends upon the audience he addresses. Speaking before the construction boomers, as he does often, development is the gospel to which environmentalists are the unholy heretics or apostates.

In such circumstances the General becomes the prophet of boom. "Our cities are doubling and redoubling their insatiable demands," he said recently, "for water supply, power, fuel, lumber and sand and gravel, fresh fruits and vegetables all year round, new homes, new cars, new roads, synthetics, supersonic transportation, milk and meat and butter—all the resource products needed to support our present-day industrial civilization and our level of living."

He becomes also the apostle of the synthetic, of man as the creator more powerful than God. "More and more of our fish and wildlife resources today are artificially propagated—in a word, developed," he declared in a speech at Dayton, Ohio. "More and more of our forests are planted by human hands and tended by machines. Similarly, our topsoil, our parkland, our landscapes, our lake and river frontage, our game preserves, are developed and improved by man to assist and reinforce the workings of nature."

The trouble is that engineers, both in public or private work, are impelled by their training to forever demonstrate man's conquest of nature. They despair at vestiges of primeval land left "idle"; so do foresters and many of the game biologists. Science and technology have developed skills to assault the sea and exploit the moon, but have failed so far to infuse an environmental ethic into their functions. Perhaps this is due to an outmoded national philosophy. We have always been governed and continue to be governed by natural laws that controlled the lives of primitive peoples, and that still control the lives of wild animals and wild plants. We need to replenish air and water. We need to maintain the soil nutrient cycles that are basic to food production. We need to recognize that, despite all manners of technological ingenuity, when the automatic generator fails, man must revert to the day-and-night cycle. We need to understand and appreciate it more so that man, for his own survival, may place himself in better balance with his total environment.

Gigantic schemes like the California Water Plan, the Texas Water Plan, and the $200 billion North American Water and Power Alliance (NAWAPA), which would redirect Canadian rivers now flowing into the Arctic Ocean into the United States and as far south as Mexico, inspired by politicians as well as engineers, are frightening. They invade and irrevocably alter dwindling water courses and lands whose physical and biological integrity might better be left intact for the long-range benefit of mankind. They deny to future generations a fair choice in the management of land, the environment, and their own affairs.

These colossal projects embody single-minded exploitation of natural resources, but perhaps before they are built an enlightened technology will rescue us, with the Army Corps of Engineers playing a key role. The fact is we are wasting water at every point of use, whether in irrigation, factory, or home. Much water use is nonconsumptive in nature, yet we throw it away through our sewer systems. There are great opportunities for reclamation and recycling of waste waters, which are now being exercised in a few places, with the reclaimed water recharging the ground-water basins from which it is pumped and used again.

America has entered the period when water management, rather than development, is the main engineering task—based on clean streams, natural scenery, and other values for recreation and beauty, which may compete with, or supplement, the economic possibilities for resource development. It must be based on making water available in proportion to supply, rather than on the dangerous disruption of entire ecological systems.

Attention has long been placed on apportionment and control of water. Now the emphasis at last is on water quality. When rain falls on bare ground, it flows overland, picking up undesirable salts, sediment and other surface pollutants. The accumulating sediment from muddy waters steadily reduces storage capacity in reservoirs. Protected, healthy watersheds, with adequate vegetation, improve water percolation through the soil to produce high quality, clear water for recreation and industry. Plant cover regulates the flow of heavy rainfall into stream channels, reducing the threat of floods. The wetland habitat for fish, waterfowl, and other wildlife is safeguarded from siltation when watersheds are healthy and streams are clean and even-flowing.

Geologists, physicists, and other scientists are expressing new doubts about the validity of dam construction. Of course, nearly all feasible dam sites on major rivers have already been used. Flood plain zoning in many circumstances is a cheaper, more feasible method of flood control. I recently read an interesting report by Don Dedera, a fine Arizona writer, on Glen Canyon Dam and Reservoir, much heralded by the Bureau of Reclamation as "a recreational wonder" for boating, fishing, and camping. This is not a Corps project, but it is revealing. According to Dedera, a group of eminent scientists called the Glen Canyon Study Group is deeply concerned about "enormous losses of water, the uglification of gorgeous wilderness, raw changes in the balance of nature, and portents of pollution." They found leakage into surrounding sandstone walls at the rate of one million acre/feet a year—an equivalent of 15 percent of the flow of the entire Colorado River. Evaporation off the lake, swept by high, dry winds, is around 5 feet a year—so great, in fact, that humidity of the area is substantially increased.

The engineers who design and build such facilities have often been accused of past insensitivity to problems of ecology. They may be guilty as charged, but so too have been the promoters, politicians, industry, agriculture—in fact, nearly everyone. The urgent need is to break the cycle. This is the key issue in the debate over the Corps that conservationists must not overlook.

"Is a congressionally authorized project authorized in prepetuity despite vastly changed circumstances?" asked Senator John Sherman Cooper, of Kentucky, in reference to the notorious Tocks Island Dam and Reservoir.

Then he went onto say, "More perplexing is the fact that Congress may be the only effective forum or mechanism, public or private, available for review of such authorizations. Consequently, if the legislative committees of the Congress do not review an authorization in the light of changed circumstances, the public is precluded from effectively challenging that authorization and can direct appeals only to the annual appropriation of funds—no matter how substantially the project has been changed."

There is only one way true progress can be achieved: the voice of the people must be raised and heard. "Every project we build is in response to a directive by Congress, which in turn is responding to an expression of need by some segment of the public," says General Clarke.

But to which segment does Congress respond?

Jack Paxton, of Champaign, Illinois, appeared before the Senate Appropriations Subcommittee on Public Works last May in behalf of the Committee on Allerton Park to speak against the Oakley Dam and Reservoir project. The subcommittee consists of seventeen members, yet only one, Senator Alan Bible, of Nevada, was present to hear testimony and ask questions.

Congress would be more attentive and interested if the "little people"—the hunters, fishermen, and all lovers of the outdoors of whom we have written in FIELD & STREAM—were exercising more political muscle. For much too long national conservation organizations have been willing to settle for crumbs from the table dispensed by the old guard in Congress, without carrying the tough challenges to the people.

Now, at last, the public is learning. The time to get involved is at the beginning, when a project is first announced and hearings are scheduled. The place to apply the immediate pressure is within one's own state—on Congressmen, the governor, and ranking state officials.

"These Temple Destroyars, devotees of ravaging commercialism, seem to have a perfect contempt for Nature, and, instead of lifting their eyes to the God of the Mountains, lift them to the Almighty Dollar," wrote John Muir in 19'3, while he was fighting the Hetch Hetchy Dam (not a Corps project) that ultimately destroyed one of the most beautiful valleys in Yosemite National Park. Have we learned since then the glory of God's mountains and flowing streams in their own right? If so, then the people will protect them, while the Corps of Engineers, and all other agencies, will respect, rather than resist, the public need and desire.

A. J. PORTH—PRISONER OF THE ESTABLISHMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. RARICK. Mr. Speaker, Mr. A. J. Porth of Wichita, Kans., long a foe of income taxes and the Internal Revenue Service's administrative bureaucracy, last month began serving a 5-year term for income tax violations.

Mr. Porth's book, "I Pay No Income Taxes" and his flier, "Prosecute Me" present thought-provoking reasoning as to just how far the establishment in control has detoured from constitutional government.

Mr. Porth's self-sacrifice, in order to dramatize his philosophy acknowledges the 16th amendment to the Constitution of the United States, but questions that the income tax amendment repealed the Bill of Rights and other constitutional protections and provisions.

Mr. Porth's position is that if the fifth amendment could be pleaded by criminals to avoid prosecution, if Communists could not be compelled to incriminate themselves, then likewise a law-abiding American citizen could not be constitutionally compelled by administrative rules and court interpretations to produce his own records to prosecute himself.

Following conviction, Mr. Porth is said to have charged he was the victim of administrative rules and regulations and had been prosecuted illegally under the same rules and regulations which he felt were in themselves unconstitutional. His plea to the court was that he wanted to be tried under civil procedures—not as a criminal.

So, while anarchists and bomb-throwers continue at large, Cassius Clay continues to fight, and the Chicago 7 are on an exhibition tour, the 69-year-old A. J. Porth, who tried to defend the Constitution by proving to the American people just how far we have left constitutional principles, has been sentenced to 5 years in prison and is presently undergoing psychiatric examination at the Springfield, Mo., Regional Diagnostic Clinic at the Medical Center for Federal prisoners.

Certainly Mr. Porth is a dedicated American who has been uncompromising for constitutional Government as he understood that great document.

I ask that several news clippings follow:

[From the Wichita Beacon, Nov. 6, 1970]

PORTH STILL FIGHTING AS JAIL DRAWS NEAR

(By Frank Garofalo)

A. J. Porth, longtime foe of the Internal Revenue Service, today called himself "a law-abiding citizen who honors only the Constitution of the United States" a few hours before he was to surrender himself to start a federal prison sentence.

In a press conference at his home, 1806 S. Everett, Porth said in a quivering, emotional tone:

"I'm not a criminal. No, I am a law-abiding citizen who honors only the Constitution of the United States, which is the supreme law of the land."

Porth, who started his battle against the income tax 20 years ago, was scheduled to surrender to the U.S. marshal late this afternoon to start a five-year sentence for conviction of tax law violations.

But in his inimitable way, Porth vowed to continue the fight to support the Constitution and promptly announced he had filed with the U.S. magistrate here, criminal charges against U.S. District Court Judge George Templar; U.S. Atty. for Kansas Robert Roth; Harry F. Scribner, director of IRS for Kansas, and Jack E. Nichols, an IRS employe.

Porth alleges in the four-count criminal complaint that the defendants conspired to prevent him from exercising the Constitution, depriving him of the rights and privileges of the Constitution, obstruction of justice and violation of their oaths of office.

Porth further charged he is the victim of administrative rules and regulations and was prosecuted illegally under the same rules and regulations. He said that in itself is unconstitutional.

He strongly emphasized he should have been proceeded against under "civil procedures" by the U.S. government and not as a criminal.

Porth said he also was prepared to file a habeas corpus proceeding in U.S. District Court the moment he is taken into custody today by the U.S. marshal. "It will be filed then," he explained.

The 69-year-old Wichitan, who has not paid any income taxes since 1960, was ordered 10 days ago to surrender himself. He was convicted in 1967 by a U.S. District Court jury of five counts of income tax and Social Security law violations. All appeals have failed in the U.S. Circuit Court of Appeals, Denver, and the U.S. Supreme Court.

However, one legal action is pending. A hearing is scheduled for Nov. 13 on Porth's appeal in U.S. District Court for a new trial. It is based on "new evidence."

Porth, who was convicted of counts of failing to withhold income taxes and Social Security funds from "employes' " wages, contended once again this morning he "was never an employer or ever had employes.

"I don't think I was required to withhold the withholding tax or file the proper forms because I wasn't an employer," he insisted.

Porth was supported at the press conference by Austin T. Flett, Chicago, Ill., resident, who said he hasn't paid any taxes since 1958 and the government "is afraid" to prosecute charges filed in 1965.

Flett said Porth "is being made the victim of a secret government operating under administrative law (Title 26, U.S. Code), which is unconstitutional."

3½-YEAR TAX FIGHT: A. J. PORTH SURRENDERS TO BEGIN PRISON TERM

(By Bob Jordan)

After nearly three and a half years of appeals and motions, A. J. Porth, Wichita, surrendered to the U.S. marshal Friday to begin serving a five-year prison term for tax violations.

"I don't hold any ill feeling toward anyone," the tall, soft spoken Porth said as he walked to the marshal's office. "I'm sure I'll get justice eventually."

Porth was convicted in 1967 by a jury on five counts of income tax and Social Security law violations. He was sentenced in July 1967, and has since been free on $1,500 bond as a number of appeals were considered.

A fews hours before he surrendered, Porth handed U.S. Magistrate John B. Wooley a criminal complaint against U.S. District Court Judge George Templar, U.S. Attorney for Kansas Robert Roth; Harry F. Scribner, director of the Internal Revenue Service (IRS) for Kansas, and Jack E. Nichols, an IRS employe.

He charged that defendants in his complaint "repudiated their oath of office to preserve, protect and defend the Constitution of the United States, and the basic rights of all citizens thereunder."

In the complaint, Porth further charged them with "unlawful harassment, intimidation, threats, obstructing justice, deprivation of citizenship rights, character assassination and premediated criminal libel."

Porth said he was the victim of administrative rules and regulations and was prosecuted illegally under those rules.

At a press conference Friday, Porth strongly emphasized he should have been proceeded against by "civil procedures" by the U.S. government and not under criminal statutes.

"I'm not a criminal. No—I am a law-abiding citizen who honors only the Constitution of the United States, which is the supreme law of the land," he said.

Porth, who has not paid his income taxes since 1960, was ordered to surrender 10 days ago by the U.S. Circuit Court, of Appeals, Denver. It affirmed judgment of the Topeka federal district court which had denied Porth a new trial, sought on the basis of new evidence.

He has since filed a new motion, against alleging new evidence is available and asking that the district court stay judgment and rehear his case.

A hearing on the motion is scheduled for next Friday in Topeka. U.S. Atty. Roth said Friday that Porth will be retained in the Sedgwick County jail until Monday when he probably will be transported to Topeka for the hearing. Pending outcome of the hearing, Porth will go to Springfield, Mo., for a complete examination, to be prepared for the parole board.

COURT DENIES PORTH APPEAL

(Special to The Beacon)

TOPEKA.—A motion for a new trial by Wichitan A. J. Porth, who began last week serving a five-year prison term for tax violations, was denied Thursday in Topeka U.S. District Court.

Porth, who has been fighting his conviction for over three years, based his new appeal on newly discovered evidence.

The court denied his appeal and Porth will be transferred to Springfield, Mo. for examinations as soon as possible, U.S. Atty. Robert Roth of Wichita said today.

PROSECUTE ME

Since 1961, A. J. Porth has refused to pay any income taxes and has filed his form 1040 in blank, declaring simply, "I plead the Fifth Amendment to the Constitution of the United States." As his experience and knowledge of the Constitution and constitutional law grew, Porth became aware of some 26 protective clauses in the Constitution and body of constitutional law extant to 1929 which caused him to amend his final 1963 return in the spring of 1964 to read: "My rights under the Constitution and its Preamble are effected as follows:

1. The Preamble
2. Art. I, Sec. 1
3. Art. I, Sec. 2, Parg. 3
4. Art. I, Sec. 8, Parg. 1
5. Art. I, Sec. 8, Parg. 2
6. Art. I, Sec. 8, Parg. 5
7. Art. I, Sec. 8, Parg. 6
8. Art. I, Sec. 9, Parg. 2
9. Art. I, Sec. 9, Parg. 3
10. Art. I, Sec. 9, Parg. 4
11. Art. I, Sec. 9, Parg. 7
12. Art. I, Sec. 10, Parg. 1
13. Art. III, Sec. 1, Parg. 1
14. Art. III, Sec. 2, Parg. 1
15. Art. IV, Sec. 1, Parg. 1
16. Art. IV, Sec. 4, Parg. 1
17. Amendment I
18. Amendment IV
19. Amendment V
20. Amendment VI
21. Amendment VII
22. Amendment VIII
23. Amendment IX
24. Amendment X
25. Amendment XIII
26. Amendment XIV, Sec. 1

This recalcitrant action on the part of an individual sorely vexed the administrative officers of the Internal Revenue Service with the result that Mr. Porth began to receive "threatening" letters. On May 18, 1962, from the Department of Revenue in Topeka, Kansas, came this letter from Graydon D. Luthey, Acting Chief Attorney, which said in part:

"We received from you what apparently was intended to be a Kansas income tax return; however, under the laws of this state . . .

"Unless a proper return is filed within 10 days from the date of this letter—further action will be taken by this Department."

In a two-page letter Mr. Porth replied:

"You and your office treat me as if I were a slave. You are going to make me pay regardless of the number and volume of taxpayers and tax dollars exempted . . .

"I will be glad to meet with you in the Wichita office or in my home and discuss this problem further. I do not believe in law violation. There is no choice in our present system, it is wrong if you comply and it is wrong if you do not."

Mr. Porth has heard no more from the Kansas office these past two and a half years. This troubles him because public servants are bound by law to carry out their duties, and when they fail to prosecute any individual citizen guilty of offenses against the state they become negligent of their duties. Now for a civil servant to be negligent in his duty involves very serious penalties and imprisonment. However, reasoning that the Kansas Income Tax administrators are probably awaiting action of the Federal Income Tax people, Mr. Porth has very patiently and kindly withheld pressing charges.

The Federal Government on the other hand has not appeared to be so lenient.

On June 14, 1962, Porth received a letter from the office of the United States Treasury, Internal Revenue Service, Box 1500, Omaha, Nebraska, over the signature of Frank C. Conley, Regional Counsel, the meat of which is contained in the following paragraph:

"This office has under consideration a recommendation that criminal proceedings be instituted against you for willful failure to supply information on your 1962 Income Tax return, in violation of Section 7203 of the Internal Revenue Service Code of 1954."

Section 7203 of the Internal Revenue Service Code is indeed an awesome section. It provides a penalty of "not less than $10,000.00 or one year in prison or both."

So Mr. Porth felt he had better make arrangements to investigate this. Reluctant to appear for a hearing at the time set forth, and firmly opposed to the idea of traveling some 600 miles, he asked that the hearing be held in Wichita. The request for change of venue was denied. There was difficulty of mutually agreeing upon the date of July 9, which happens to be his birthday. What is a defenseless salve to do but comply? The original date as set up by the Regional Office of July 2 at 10:00 a.m. was agreed upon.

With his accustomed patience he carefully explained how these officials were not only encroaching upon his constitutional rights but were likewise indulging in a little bit of criminal violation contrary to Title 18, Sec. 241 of the United States Criminal Code. Whereupon these gentlemen decided to give the matter further review.

On Sept. 21, 1962, Mr. Frank C. Conley advised Mr. Porth as follows: "The above captioned matter, which this office has had under consideration from the standpoint of possible criminal prosecution was returned to the District Director of Internal Revenue at Wichita, Kansas, for settlement of the civil liabilities.

"Any further correspondence on the matter should be directed to the Audit Division of the Wichita Office."

The Wichita office compounded its felonies, by filing tax liens running into some $4,000.00 in the County Clerk's office in the City of Wichita. Especially in view of the fact that Mr. Porth had not pressed action for this office to "do its duty"; he did not feel that this was a very sporting thing to do, at least it was not in his book of rules. A little investigation proved that the local Internal Revenue Service had similar contempt for taxpayers because there are on record in Sedgwick County Courthouse some 1000 liens filed by the Internal Revenue Service.

This, Porth decided, was carrying things a little too far, so on August 21, 1964, he addressed a letter to Mr. Harry Scribner, Director of Internal Revenue in Wichita District Office, reciting his indignities and summarizing his feelings as follows:

"You are attempting to rob me." "I am giving you 30 days time in which to lift the two liens or you will force me to exercise my constitutional rights and stop you from further taking private property for public use without just compensation."

Apparently this struck a responsive chord because on Sept. 25, Mr. F. Lynwood Judson, Chief of the Intelligence Division, addressed a letter by certified mail to Mr. Porth which contained these statements:

"Consideration is being given to a possible recommendation that criminal proceedings be instituted against you for your willful failure to file required returns . . .

"Therefore, it is deemed appropriate to grant you a formal interview before final decision is made . . .

"Accordingly, a time for the interview has been set for 9:00 a.m. on Tuesday, Oct. 6, 1964."

Porth's joy over the prospect of finally getting this matter cleaned up was short lived. His calendar showed a previous engagement. Besides, Porth's sense of civic responsibility had led him to accept the nomination to the position of State Auditor by the Conservative Party.

So he called the Internal Revenue Service office and asked for an extension of time until after the election. The request was denied. Whereupon Porth stated that he was immediately available. It was so arranged. At least associates and a clerk might attend. So once again he faced three officials of the Internal Revenue Service alone. Until the next of kin are notified their names will be withheld. From the scanty notes that Porth was able to take himself—and let it be said here that the Internal Revenue Service denied the use of its own notes on the "hearing" to Porth—the procedures went something like this:

Of his personal feelings, Porth notes, "I was very fearful at first, because events unfolding in which a person's individual welfare, liberty, the pursuit of happiness, and convictions are involved sustain misgivings. After all, I was summoned by a registered letter to a strange room with doors closed and three men opposed to my views of freedom."

The line of questioning brought forth his answer, "I do not intend to do or say anything that will waive my constitutional rights. Before answering further questions I must determine if this formal hearing is developing into a criminal prosecution?"

The reply was, "No," and it was stated that his constitutional rights would be respected.

"Do you keep books and records?"

"I do keep books and records for my own use and purpose."

"Are the books and records kept on a daily basis?"

"I keep them to the best of my ability. Nobody pays me for this loss of time. My first obligation is to provide a living. Keeping books and records is a secondary operation."

In response to the question concerning "amended" past returns filed 3/15/64, Mr. Porth stated, "All of my returns have been amended from 1961 through 1963, due to information I obtained reading a Supreme Court decision, U.S. vs. Manly L. Sullivan, in 1929. It became evident to me that my position could be made more protective by including all of the mandates of the Constitution lost by taxpayers who filed according to the Code requirements."

From here on Mr. Porth recited, "A free-wheeling conversation came forth on my part. The staff listened. I went into the Preamble of the Constitution. A Supreme Court's decision was recited in regard to a clause within the 5th Amendment which makes null and void, I believe, the XVI Amendment. This decision reads: 'The taking of private property for public use without just compensation not only violates the United States Constitution amendment, Art. 5, forbidding it, but is a violation of natural rights and justice.'

"I commented upon rape. It is wrong to take that from any lady not volunteered freely. The taking of private property in this instance is and always has been governed by natural law or will. The respect and dignity afforded a lady in this instance was one enjoyed and protected even before the Constitution of the United States was adopted. So it must be with all private property. The taking of it is a constitutional violation as well as a violation of natural laws and justice.

"The protection afforded to taxpayers in the 13th Amendment were gone into. The Bill of Attainder was explained. Protection afforded citizens in the fourth and fifth Amendments was discussed. And then a strange question was asked me that made me realize to what extent the Internal Revenue Service had been investigating into my private affairs. 'Did you write this letter to the Governor of Illinois?' I was given a look at the letter but refused to answer the question on constitutional grounds—the 5th Amendment.

"And so the hearing ended with my being advised that this could not be decided locally and the case would be referred to the Regional office in Dallas, or possibly to the Justice Department, Washington, D.C.

"Here I sit with illegal liens filed against me discrediting me financially making it impossible for me to earn a living as a businessman, with no idea as to when I shall be properly prosecuted. The Internal Revenue Service claims I owe them $4,000.00; I say I do not. The 7th Amendment under the Bill of Rights says:

'In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.'

"All I am asking for is a trial by jury. I am not aware of any constitutional amendment even suggested that will do away with this section. The question is, 'What is the LAW OF THE LAND? Is it this great body of administrative law that has grown up under the influence of the socialist bureaucrats who think they have been ordained to run our government and exercise dominion over us? Is it the United Nations Charter approved by Congress 19 years ago in defiance of our Constitution, or does our Constitution still hold water despite the arbitrary Supreme Court decisions? Or has law been forsaken completely as Dan Smoot cites in his current report dated Oct. 5, 1964?

"If the Constitution is the 'Law of the Land' and it would appear that it is still respected then the Income Tax is dead. If administrative law governs, then the Constitution is dead. My question is. 'Are not the American people entitled to know the truth?' Until I am prosecuted within the terms of the Constitution I say to all the world that the individual income tax laws are dead and that the Internal Revenue Service has no authority to prosecute anyone if they don't prosecute me."

ARTHUR J. PORTH,
Tax Consultant,
Bookkeeping Service.

RAILROADS IN TROUBLE

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. LUKENS. Mr. Speaker, it is becoming increasingly evident that there will be a real demand for greatly expanded rail service in the very near future. Already the railroads move 71 percent of household appliances, 78 percent of lumber and wood, 73 percent of the cotton crop, 76 percent of automobiles and parts, in addition to 40 percent of the Defense Department's freight. According to a recent study by America's Sound Transportation Review Organization, railroads will have to move about 46-percent more freight than they do now by 1980. And, as ASTRO puts it:

> Our cities are in the throes of air and highway congestion, access to the metropolitan cores is already difficult and in peak periods, nigh impossible. Air pollution has reached intolerably dangerous levels.

However, there is one mode of transportation that could move goods and people very efficiently without contributing to pollution or congestion—the railroads.

The railroads, though are in deep trouble. The industry's capital needs for expansion and improvement are in the billions of dollars. Labor costs eat up over half of every railroad dollar earned. The railroads are saddled with an excess of Government regulations which prevents them from freely raising or lowering prices to increase revenues or attract new business, prevents them from automatically discontinuing unprofitable and costly services.

No program of financial help is going to really solve the railroads' problems without an overhaul of present Government regulations which continue to choke an industry whose growth is so vital to this country's future.

LASER BEAMS TO THE MOON

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. PICKLE. Mr. Speaker, as we all know, in July of 1969, Apollo 11 astronaut Neil Armstrong placed a small reflector on the moon's surface. This reflector was part of the lunar laser ranging experiment being conducted at the University of Texas McDonald Observatory.

Scientists at the observatory fire a ruby laser at the reflector and can use this as a precise landmark to measure distances and to study such phenomena as polar motion of the earth, continental drift, the length of a day, and information on gravity and relativity.

Recently the University of Texas published an update on the progress of this experiment. I insert that report at this time:

> FORT DAVIS, TEX.—The project scientist in charge of the lunar laser ranging experiment being conducted at the University of Texas McDonald Observatory said here Wednesday (Nov. 25) the project has become an "unqualified success."
>
> "Our breakthrough in data rates indicates we will be able to fulfill all of our original objectives," said Dr. Eric Silverberg, who heads a five-man team conducting round-the-clock sightings.
>
> The lunar ranging experiment was initiated in July 1969, when Apollo 11 astronaut Neil Armstrong placed the first reflector on the moon's surface.
>
> It took a month for UT astronomers to locate the small (18 by 18 inches) reflector. Once located, the project accelerated at a rapid pace.
>
> "We have had 46 acquisitions (both visual and computer guided sightings) of the moon within the past two months," Dr. Silverberg said during an interview. "And those acquisitions have had an accuracy to about two feet—or a thousand times better than any measurements previous to the laser experiment," he continued.
>
> Dr. Silverberg said the project has a life expectancy of at least 10 more years. During that time the scientists expect to satisfy their objectives. Eventually, several ground stations operating throughout the world will be required.
>
> Dr. Silverberg predicted that Japan, France and the Soviet Union will soon join UT McDonald as routine observing stations.
>
> "To fulfill the objectives of individual experiments, we must all cooperate with one another," the Massachusetts native continued.
>
> The Soviet Union has just initiated its own lunar ranging program. According to TASS, the official Soviet news agency, a corner reflector was landed on the moon by their lunar vehicle last week.
>
> "This indicates they, too, will probably have an active lunar ranging program within the near future," Dr. Silverberg said.
>
> At the present time, Dr. Silverberg and his staff of four scientists work a 25-hour day in their ranging-acquisition program.
>
> "Every day we have to get up 45 minutes later in order to follow the moon's cycle,"

he said. The crew generally makes three "shots" a day, weather permitting.

Having brought the ranging program from infancy to the point where data accumulation has "become an automatic thing," the astronomers are looking forward to the Apollo 14 lunar mission which is scheduled for Feb. 5, 1971.

Apollo 14 astronauts will carry still another reflector when they descend on the moon's surface.

"Weather permitting, we will fire within four or five minutes after they put the reflector in place," Dr. Silverberg said. "The astronauts may even be able to see the ruby laser while they are on the moon."

The pulsed ruby laser emits a 36-inch-long brilliant pulse of light which is beamed directly through the 107-inch mirror of the gigantic telescope which sits high atop Mount Locke in the Davis Mountains of West Texas. It takes about 2.5 seconds to make the round trip to the reflector and back.

The point-to-point measurements made at UT McDonald Observatory determine the distance at any given time between the observatory and the reflector on the moon.

The value of one or more compact arrays of high-precision optical corner reflectors deployed on the surface of the moon is that they will serve as a bench mark to which precise range measurements can be made.

From the data retrieved, scientists can study such phenomena as polar motion of the earth, continental drift (the earth's crustal motion), the length of a day, and information on gravity and relativity.

UNIFORM OR MINIMUM STANDARDS FOR THE CABLE TV INDUSTRY

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. TIERNAN. Mr. Speaker, communications technology is one of America's most precious and fundamental assets. We are the world leaders in this rapidly developing field. And the 1970's promise greater expansion and new technologies, which will surely transform the realm of communications. If America wants to maintain its leadership role, we in Congress must formulate the legislation which will establish the necessary guidelines and policy.

For the past 5 years, we have heard of the fascinating potential of cable television. CATV has been billed as the great new hope for diversification and creativity in the broadcasting field. CATV certainly has the chance to revolutionize the medium within the next 10 years. It has the potential to offer a wide range of new services geared to the sundry needs of the many groups within our country. There are opportunities for two-way communication between doctor and patient, consumer and businessman and a host of new and exciting ideas. CATV has the opportunity to offer increased channels. The problem is that all these dreams will remain mere hopes, unless we in Government decide to act, and act now.

We in Congress must give the innovators a chance to operate their cable systems in an orderly manner with definite regulatory guidelines. It is here that the problem arises. At the present time there are over 2,350 operating CATV systems in America serving over four and a half million subscribers. These systems are being regulated and franchised by various governments and governmental organs all over the country. The cities are involved as well as the State public utilities, towns and the Federal Government. The trouble is that the lines of jurisdiction for this regulation are not clearly drawn. What is needed is Federal guidance.

I am today introducing legislation to amend the Communications Act establishing in the Federal Communications Commission the exclusive jurisdiction for regulation over all aspects of cable television systems. This will enable the FCC to establish uniform or minimum standards for the cable industry. Certainly cable television is an integral part of the inter-State movement of electronic communications and should be regulated by the FCC. In my opinion only the FCC can establish the needed regulatory guidelines which will enable CATV to begin to strive toward its potential. We need uniform regulation throughout the country in order to make CATV an effective communications tool. This cannot be accomplished if authority for regulation is left to the State and local governments. As has been pointed by many studies, such diffusion of regulation results in confusion and tension.

I would point out, that this legislation contains a provision which would allow the FCC to permit State or local governments to regulate certain areas of the CATV if such regulation was found to be in the public interest.

Mr. Speaker, this legislation is needed to insure that the FCC will have regulatory control over CATV in order to make certain that it is used in the "public interest, convenience and necessity." The FCC is the body which we entrusted with regulating over the air broadcasting. We must now make certain that the FCC has the mandate to regulate cable broadcasting so that it will work with and not damage our over-the-air broadcast outlets. The FCC and not the local community has the technical expertise and the staff.

Mr. Speaker, we should not remain silent on the CATV question any longer. The new modes of communications hold great promise for the fulfillment of national goals. The Federal Government should take these steps to help in this task.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

WHY NOT START A PEACE CRUSADE?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. ZWACH. Mr. Speaker, the season of Christmas is the season of peace and good will.

It is in this spirit that I submit for inclusion in the CONGRESSIONAL RECORD a column by David Lawrence "Why Not Start a Peace Crusade?"

Columnist Lawrence echoes thoughts on this matter that I have long held.

I believe our country and men of good will everywhere should actively engage in a crusade for peace. This is our only hope for the future.

The article follows:

WHY NOT START A PEACE CRUSADE?

(By David Lawrence)

Twenty-five years have elapsed since the guns were silenced as World War II came to an end. But there is still no assurance of peace.

In fact, the danger zones in Southeast Asia and the Middle East are only symbols of a world unrest—an almost universal fear of terrorism and guerrilla warfare motivated by terrorist groups that threaten the stability also of many countries in Africa and Latin America.

Europe is by no means free from apprehension. The 10 European members of the North Atlantic Treaty Organization have just told Defense Secretary Melvin Laird that they have agreed to add $1 billion to their contributions to NATO defenses in the next five years, with West Germany bearing the biggest burden of the increase.

Mr. Laird has declared that America doesn't intend to make any significant reductions in its manpower or combat strength in Europe.

The unanswered question is why after 25 years the United States and the nations of Western Europe should feel it necessary to maintain a military organization to ward off a possible attack from Eastern Europe that could be initiated by the Soviet Union.

Commercial progress has been good in many parts of Europe, but it would have been even far greater if intercourse between Eastern and Western Europe were devoid of Communist domination.

For, although there has been no war on the European continent, the possibility of a major conflict has never been out of the minds of the people in Central and Western Europe who have feared that sooner or later big armies from the East would invade their lands.

The United States maintains now about 300,000 troops on the European continent, and there is pressure from certain factions in Congress here to bring about the withdrawal of at least 2½ of the 4⅓ divisions in Europe.

The military situation there, however, is being given moral support by the United States in addition to the deployment of certain military units as, for instance, the strengthening of the U.S. 6th Fleet in the Mediterranean.

None of the European countries is strong enough by itself or even in combination with its neighbors to withstand an attack from the Communists.

What the United States is doing by its backing of NATO and the presence of its fleet in the Mediterranean may not be widely noted or discussed in this country, but it means a great deal to the Europeans.

There has been lots of discussion lately about the limitation of armament, and the talks with the Soviet Union have been expected to bring some halt in the expansion of military power, particularly in the field of nuclear and strategic arms. But the surprising thing is that there is and has been no crusade for peace.

Such an effort could, if properly organized, reach the hearts and minds of people in all countries of the world, and would do more to reverse the trend toward another war than anything else.

Ways are available for talking in the languages of all nations by radio—words which can be transmitted by the use of satellites and heard everywhere, Peoples could, in effect, talk to one another about the issues that keep them apart.

A peace movement is needed right now to win over the people of North Vietnam so that American prisoners can be released and progress can be made toward a settlement with the South Vietnamese.

A peace movement also is needed to assure the peoples of the Soviet Union that the United States has no unfriendly intent toward them. Their leaders could provide many benefits to their country if a cooperative effort toward peace were undertaken with the help of the American people. This could secure peace, not merely in Europe and Asia, but in all the continents of the world.

Nobody wants more wars, but there is very little action of a meaningful nature being taken to prevent the growth of the artificially stimulated hostile feelings which could bring a recurrence of the bloodshed and tragedies of 25 years ago.

BILL OF RIGHTS

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. ROUSSELOT. Mr. Speaker, each December 15 it is important and appropriate that we pause and thoroughly contemplate the total meaning of the Bill of Rights. One of my distinguished constituents, Mr. Ross M. Blakely, has been active for some years in an effort to properly commemorate the Bill of Rights, which effort was originally begun by the late distinguished Joe Crail. This Bill of Rights Commemorative Committee has encouraged a wide variety of Americans from every walk of life to take special note of the protection provided for individual's rights and, especially, to encourage young people to not only know about the Bill of Rights but also to study its deep meanings.

I am pleased to submit for your consideration an editorial by Herb McCormick, publisher of the Sar Marino Tribune, which appeared in its pages on December 3, 1970:

BILL OF RIGHTS

Why a Bill of Rights—an addendum of ten amendments to what seems like a United States Constitution with the ink hardly dry when one looks back from the 1970's?

As we approach the 179th anniversary of the adoption of the Bill of Rights, December 15, 1791, the rationale for the amendments is worth re-examination.

And here in Southern California, where the late patriot, San Marinan Joe Crail, founded Bill of Rights Week in 1941, we have a special reason for being aware that protection of individual rights is not something discovered recently by the "New This" or the "New That."

Appropriately, the distinguished Bill of Rights Commemoration Committee has dedicated the 30th annual observance to Mr. Crail's memory.

Now a nationally observed tradition, the December 9–15 "Bill of Rights Week" will again provide an occasion for calm recognition of the foresightedness of our early statesman. And, perhaps, a realization of the shortsightedness of some who today challenge the basic tenets of our Constitution and its Bill of Rights.

That there should even be a Bill of Rights "immediately" following the Constitution which draws so many accolades may seem a paradox to some. In fact, there are legalistic historians—who should know better—who claim many of those first ten amendments are redundant. That they are inherent in the original Constitution, hence rights are not strengthened by restatement in amendments.

A mainstream of evidence is easily understood by those who want to understand. The early leaders, and also their constituents, still could smell the muket-smoke . . . they still, figuratively, were bloodied from the battle against absentee tyranny. That they wanted to underscore their rights as individuals to be free from such things as the "quartering" of troops or the establishment of a state religion is understandable to a sensible man.

(In today's context, many groups have fought against the "quartering" of anti-missile installations in particular communities. Entirely aside from the pro-and-con arguments about the need militarily, it might well be emphasized that some have thwarted the military's plans, thanks to the protections built into the American system. Not all of them have stopped to realize that it was the very philosophy of the Bill of Rights which provided their "victory" over the establishment.)

On a lighter note, as schools, patriotic groups and public offices plan commemorations, it might be pointed out that the "neat package" of ten amendments often leads people to forget their history and consider the Bill a mystic entity "enacted" by Congress.

In truth, many more were suggested and Congress actually proposed twelve amendments— and there was ample debate before ratification of the ten amendments by the thirteen states. As originally proposed by James Madison in the form sent by the House to the Senate, the Bill of Rights comprised seventeen amendments!

Read the Bill this month. It takes only a few minutes, but it helps bring some basic facts back into focus.

THE PROS ARE STILL AROUND, THANK GOD

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. ROBERTS. Mr. Speaker, recently an article in the Retired Officer gave proper recognition to our professional military families who have served this country so well.

I am pleased that the family of our distinguished colleague from Texas, Hon. EARLE CABELL, was one of the families listed.

This family has provided many of the leaders in the civilian and military life of our Nation. I congratulate our colleague and his brother, Gen. C. P. Cabell, as well as other members of the Cabell family upon this deserved recognition.

The article follows:

THE PROS ARE STILL AROUND, THANK GOD

(By Maj. Gen. Perry B. Griffith, USAF-Ret.)

Opinions and decision-making are so influenced today by strident articulation, threats, cavalier disregard for fact and hysterical violence that a quiet group amongst us, forever affected by the wars we fight, is forgotten.

These are the families of our professional fighting men—America's hereditary military aristocracy: whose sisters and daughters inter-marry with other pros, and whose sons and brothers traditionally close the formation when a relative dies, retires or is killed.

Living in genteel poverty, they have willingly exchanged material wealth for a measure of pride, satisfaction and social position. Physical and mental hardship is a way of life. The women went West with their 7th Cavalry husbands, bearing and losing children along the way, but always alongside their men, during oppressive times and occasional, between-wars, good times.

They were in Panama dying of Yellow-Jack and they saw machine gun bullets and frag bombs chew up barracks, aircraft and ships of the line, and the men in them at Hickam, Ford Island and Pearl.

Like a British peer, the men die first in any war. For example, West Point's alumni magazine is loaded with the names of fallen graduates from subaltern to general officer. And today—in an unbelievably cruel situation, one receiving scant attention from our easy-living, left-wing-inflamed public—women folk mourn dead husbands or wait patiently for some who may be prisoners in Laos, North Vietnam and VC compounds in South Vietnam. But even so, they barely exist, with no assurance that their men are alive or dead, thanks to a sub-human foe we fight with Marquess of Queensbury rules in South East Asia.

And these dependents are all mixed up too; because never before has the U.S. seen vicious hostility toward those doing their duty in the highest tradition; fighting this war—yours and mine, not the pros' alone. They don't understand this, nor did their dead husbands, brothers and fathers and their other blood and by-marriage relatives.

Few civilians know much about the father to son paths a handful of our families has followed since 1802: from West Point, Annapolis and Air Force and also up from the ranks. Household names in the service, some are known outside, but most remain in obscurity away from their small, clannish, professional and social gatherings.

They are such as the FitzHugh Lees, the McCains, Mustin, Hanlon, Vandenberg, Olds, Arnold, Ryan, Clay, Cabell, Collins, Grant, Patton, Parker, Honeycutt, Puller, Carney, Polk, MacArthur, Kirby-Smith, Rodney families—among a few scores more in all services.

And there is, or was, the Bunker family: archetypical of this class.

If you never heard of the Bunkers, some history is in order, to be reflected on when Molotov cocktails are next heaved into an ROTC armory or rocks shied at a young veteran trying to get his degree. or that man—lately wearing a soldier suit—probably faced death for you and me, and for his flag (not a Viet Cong flag either, grasped in some rabble-rouser's palm, at Stanford, Berkeley or Harvard or Columbia or Yale or San Francisco State).

Paul Delmont Bunker finished West Point in 1903—MacArthur's, Wainwright's and Selfridge's class. A legendary football hero, he twice made Walter Camp's All-Time, All-American Team; and in 1969, joined nine other West Pointers in America's Football Hall of Fame.

He sired a daughter and two sons and both became officers. The elder was killed in a peacetime accident when his aircraft dug a hole in a Hawaiian pineapple field on a strafing run. The daughter married a second son's 1934 USMA classmate and fellow swimming team star, Thompson Brooke Maury III.

When WW II started, Brooke Maury and his father-in-law were in the Philippines. Two years later, when retreating Japs were moving to internal lines, Maury—a prisoner—was aboard an over-loaded ship which was mistakenly attacked; and, with hundreds more, he died.

Meanwhile, COL Bunker was on Corregidor. At the end, he cut a piece from our flag, flying over the Rock, and sewed it under his shirt. Dying in a POW camp, he whispered to a fellow prisoner, the piece was transferred and secreted to war's end. Today, with the Stars and Stripes desecrated and scorned, a bit of U.S. history is venerated in West Point's Museum: this piece from under COL Bunker's shirt.

The second son did well. And a few months ago, with responsibility to safeguard the Army's and taxpayer's interests during the Cherokee investigation, he paid those dues sometimes exacted of over-burdened leadership. For when all the Congressional fuss has ended, LGEN William B. Bunker lay dead of a heart attack—a professional casualty, lost and just as finished as had he succumbed to an enemy bullet.

So, now, the books are closed on the Bunker family.

To some, country comes first: selfish, isolationist pragmatists are, as a matter of course, relegated to the rear ranks. A heartening reality, when gut issues must be faced head-on—by someone.

And they'll always be met by men who spend their lives wading through swamps or in an Arctic gale or sloshing ashore on an enemy beach or fighting the wash of black water across a rolling destroyer's deck or with an engine afire, and a crew depending on the aircraft commander's skill to return them hundreds of miles to safe haven. These are the pros, and their families.

Thank God we've still got them around.

"DELTA QUEEN"

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. FINDLEY. Mr. Speaker, today the House takes up the fate of the *Delta Queen*, the sternwheel passenger vessel which for 44 years has carried Americans along the Mississippi, Ohio, Tennessee, and Cumberland Rivers. She is the only passenger vessel with overnight accommodations and operating solely on the inland rivers of the United States. The provisions of Public Law 89–777, enacted in 1966, would end the *Delta Queen's* long, colorful history of service for the reason owners are unable to make her comply with all the safety regulations imposed by that law. The bill we have presently pending before us would exempt the *Queen* from these provisions for the next 3 years, and I feel it is indeed worthy of thoughtful consideration.

The *Delta Queen* is an important remnant of our past and of America's history. She has served us well and we must not abandon her now.

I am including the text of letters from two residents of Illinois deeply interested in her fate, and these represent most eloquently the feelings of the many others who have written to me in this regard:

CARTHAGE, ILL.,
October 26, 1970.

Representative PAUL FINDLEY,
Washington, D.C.

DEAR MR. FINDLEY: I am writing to you to ask that you do all in your power to keep the *Delta Queen* running on the Mississippi. I understand there is now a bill proposed that would keep this fine steamer and relic of our heritage running and I surely feel that it should be kept going on our inland rivers.

We are so hasty at times it seems to do away with many precious things in our eternal search to make our country a safer and better place, but I feel a bit of our haste could be done away with in this case, and it could be exempted from the maritime safety laws and allowed to continue giving pleasure to so many people as it has over the years.

I realize you are very busy, but have always felt that you did listen to us people here in your district, so we will help you and you kinda keep an eye out for this bill for us and do all you can for us on it.

Thanking you, I remain,

Sincerely,

ZELDA BAXTER.

NOVEMBER 16, 1970.

Mr. KENNTH A. SCHAAF,
Franklin, Ill.

DEAR KENNETH: I appreciated very much receiving your recent letter concerning the preservation of the Delta Queen. As you know, the effort in behalf of the riverboat is still very much alive. A private claims bill which recently passed the House was revised in the Senate to include a provision to extend the life of the Queen until November 1, 1973, presumably until such time as a replica vessel could be constructed which would conform to the safety standards under existing protective legislation.

The proposal is now on the Speaker's desk, and of course must once again be considered by the House with the amendment intact. If the House fails to go along with the revision, the measure will then go to a House-Senate conference committee, hopefully to resolve the differences.

I of course have seen much correspondence both pro and con on this issue, and assure you that I will weigh both factors most carefully during consideration of the bill.

Thanks for letting me have your views, Kenneth. Best wishes.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

FRANKLIN, ILL.,
November 10, 1970.

Hon. PAUL FINDLEY,
Washington, D.C.

DEAR PAUL: Due to health impairments I failed to attend your meetings hereabouts during the campaign time. However I was with you in spirit, and I rejoiced over your hospitality on shipboard out of Beardstown. I've been interested in river navigation since boyhood days and the heydays of Mark Twain, so much so that I whiled away a lot of time studying the time-table of the Strechbees Line of Steamers out of Saint Louis. I was heartily elated when the Delta Queen made her debut on our waters—the Ohio river, the Mississippi and the rivers of Tennessee and Kentucky.

Recently, I have been shocked over the idea that the Delta Queen might be retired soon. I feel that she is good for several more years of safe service and so I am hoping you will be interested in voting "yes" on November 16 when Congress considers a bill to exempt the Delta Queen from Coast Guard regulations.

I would be very happy to know that this well-built, magnificent ship will continue in passenger service for many years. Her voyages really have educational value, and help to keep people in touch with our rich historical heritage.

With every good wish, dear Senator Paul, and hoping to visit you sometime in Washington.

Most respectfully yours,

KENNETH A. SCHAAF.

NOVEMBER 16, 1970.

Mr. EUGENE E. TINKER,
Principal,
Roseville High School,
Roseville, Ill.

DEAR MR. TINKER: I appreciated very much receiving your recent letter concerning H.R. 6114, which includes an amendment for the preservation of the Delta Queen.

As you may know, this is a private claims bill and the Senate attached an amendment passed the House without such a provision included. The provision of course would grant an extension of time the Delta Queen would be able to function until a replica vessel could be constructed which would conform to the safety standards under existing protective legislation. The time limit under this bill would be November 1, 1973.

I certainly realize the tradition and heritage attached to this fine old riverboat, and will consider all factors involved most carefully when we once again have the opportunity to vote on the issue. I appreciate this expression of interest on your part.

Best wishes.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

ROSEVILLE HIGH SCHOOL,
Roseville, Ill., November 9, 1970.

Mr. PAUL FINDLEY,
Federal Building,
Washington, D.C.

DEAR REPRESENTATIVE: I am writing to you on behalf of Bill HR6114—"Save the Delta Queen Amendment"—with the hope that you will do everything within your power to keep the Delta Queen on the Mississippi River.

I think it will be terrible if she is taken off the river. If the Delta Queen was unsafe, then I would strongly favor her end. But from talking to many qualified persons, I am told she is very safe.

Mrs. Tinker and I went to Lock 18 at Gladstone on Sunday, November 25, to see the Delta Queen come down river on what could be but, I pray not, her last trip. What a beauty she was as she rounded the bend and sounded her steam whistle in the early morning fog.

Hundreds of people were in Gladstone at the early hour. At Burlington and Nauvoo, and everywhere along her route, she was greeted by thousands of friends. Most of the people who greeted her will not write to you, but they all were sad to think that this might be her last trip. I know they want her to continue.

When the last steamboat, the Delta Queen, is taken, America will never be quite the same.

Please do all you can to save the Delta Queen.

Sincerely,

EUGENE E. TINKER,
Principal.

HARRY MARTINEZ—NICE GUY FINISHES FIRST

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. HÉBERT. Mr. Speaker, 30 years ago when I first came to Congress my district secretary was a promising young man named Jimmy Messina. After a short time he resigned the position noting "this job doesn't look like it will be permanent."

Last week in New Orleans, Harry Owens Martinez, dean of New Orleans newspapermen and sports editor of the States-Item since 1924, retired after a 60-year career. Recalling the day he became sports editor 46 years ago, Martinez said:

> You know my first assistant was Eddie Hébert, who later became city editor and has served in Congress since 1941.

A little different from my young secretary who did not think his job permanent, I knew if I hung around the job would be permanent and for 46 years I would have been assistant sports editor and would have only become sports editor last week.

Fortunately, I decided the end of the rainbow was in a different direction after serving 2 happy years as Harry's assistant.

I do not know anyone in the newspaper business who is better liked or loved than Harry Martinez.

He is the antithesis and contradiction of Leo Durocher's observation that "nice guys finish last." Harry was always first in the hearts of those who knew him. He leaves behind a wonderful tradition of friends and friendships.

I think it only fitting that I reproduce an excellent story written by Kermit Tarleton about Harry and his career.

And though you do not know the man, after reading about him I know you will wish you had.

I was fortunate.

The article follows:

[From the New Orleans States-Item, Nov. 27, 1970]

Martinez Retires After 60-Year Newspaper Career

(By Kermit Tarleton)

Harry Martinez, dean of the New Orleans sports writers, climbs down from his Crow's Nest today, ending a 60-year newspaper career.

The venerable, 75-year-old Gray Eagle, as Martinez is known to his many friends, goes into retirement with a warehouse full of memories covering six decades in the sports world.

"I've often been asked what my most exciting moment has been in sports, but I can't single out any one thing, I've covered so many kinds of events," Martinez explains. "It's the same with trying to pick the greatest athlete. Times are different, conditions change, I wouldn't even attempt it."

For Martinez, his greatest thrill may be among any number of great spectacles he has covered—the long count Dempsey-Tunney fight in Chicago's Soldiers Field; his first Kentucky Derby when he picked the finish one, two, four, three; the 1934 World Series when the Dean brothers dumped the Detroit Tigers; New Orleanian Nelson Whitney's victory over the great Bobby Jones in Southern golf competition, or the great Tulane football teams of the 1920s. Who knows? His list is endless.

For Harry Martinez the long trail through the sports world began in 1910 with the old New Orleans Item.

"It was a funny thing, I started off as a $2 a week copy boy, but came to the States shortly after when they offered me $3," he recently recalled. "In those days the sports editor was a man named Henry J. Reiter, who wrote under the name of Col. Cluke. I was a police reporter at the time. Then one day Col. Cluke got sick and had to go to the hospital. They called me in and told me I'd have to put out the sports page. It was a one man operation in those days.

"After Col. Cluke got well they put me on as his assistant. Finally, one morning when I got to work there was a note in my typewriter. 'I have just quit, you are the sports editor.' it said. That was in March, 1924, and I've been at it ever since."

"You know my first assistant was Eddie Hébert (who later became city editor of the States and has served the First District in Congress since 1940)."

How about that nickname, the Gray Eagle?

"Oh that was Keefe," he said with a chuckle, referring to the late William McG. Keefe, long time sports editor of The Times-Picayune and a Martinez crony for many years.

"We used to go to the Pelican games and I'd sit down front and he'd holler 'there's the old Gray Eagle', I was gray even then."

And the Crow's Nest, the name of the Martinez column?

"That was Keefe, too, he started that. I had a column with some name they didn't like. Fred Digby on the Item was writing 'Looking Em Over' and Keefe's column was called 'Viewing the News.' He put that Crow's Nest name on it. Then, too, I had been in the Naval Reserve during World War I and all the ships had Crows Nests, so it stuck."

As Harry Martinez what sport he likes the best and he'll tell you it's baseball, but start him off reminiscing and he'll jump to boxing first.

"I remember that Dempsey-Tunney long count fight in Soldiers' Field in 1927 well," he recalls. "It looked to me Dempsey was saving himself for one big round. Finally in the seventh he really tore into Tunney with both hands and knocked him down. Tunney had one knee on the canvas, but the referee wouldn't start counting until Jack went to a neutral corner. That cost him maybe three or four counts. Then Tunney came back and boxed circles around jack.

"Finally when Tunney retired undefeated (in 1928) there was pretty much of a scramble among the heavyweights. I especially remember that Max Baer-Primo Carnera fight out in Long Island (in 1934), when Baer won the title. He had Carnera down 11 times in that one.

"Joe Louis came along and took Jimmy Braddock in the White Sox Park (in Chicago in June 1937). That Louis was a good one. He could hit."

Asked for a comparison of Louis and fighters of today and Martinez sidesteps with even more grace than Cassius Clay.

"I was at ringside when Pete Herman won the bantamweight title from Kid Williams in 20 rounds. I followed Herman all through his career," he says with obvious pleasure.

Was he the best of New Orleans fighters you watched?

"I guess so, he and Joe Mandot, the Baker boy they used to call him.

"I remember one time Herman made a trip to England to fight the flyweight champion of the world. He never got paid for that, the promoter skipped out with the money. It was a funny thing, Sammy Goldman, who managed Herman, also handled Tony Canzoneri. Canzoneri fought Eddie "Kid" Wolfe here and the promoter skipped out with that purse too.

"He was smart enough to leave Uncle Sam's money here, though. Wolfe, who has a place up on Broad near the Fair Grounds, had been building up for this one big shot hand when he got it, the promoter takes off with the money. It was a terrific fight though.

"Mandot was a great one, I remember he fought on Nov. 4, 1912, a 10-rounder against Ed Wolgast. There were so many people trying to get into that one they almost tore down the fences to get in.

"Mandot never won the title but he was a great boxer. He didn't have a knockout punch. There was one fight he had with Johnny Dundee in McDonoghville across the river. Neither one could break an egg, but it was just like a cockfight. They really went at it.

"In the early days of Herman's career we had quite an array of bantamweights here. They used to have weekly shows at the old Orleans Arena on Bienville near Rampart. Johnny Fisse could take Herman sometimes, Eddie Coulon could handle Fisse and Herman could beat Coulon and they just kept going round and round.

"I knew Herman well, we were in the Naval Reserve together and Herman used to go around then fighting exhibitions. It was in Philadelphia in December, 1917, that a guy named Gussie Lewis put his thumb in Herman's eye and that was what really started him to go blind.

"Herman told me later Lewis apologized to him for that but in those days there was plenty of that and rabbit punches and so on."

Talk baseball to Martinez and you're sure to hear about the 1934 World Series between the St. Louis Cardinals with Dizzy Dean and his brother, Paul, and the Detroit Tigers.

He is particularly fond of the story when Dizzy got himself into the fourth game as a pitch runner. On a ground ball the throw went to second and the shortstop is relaying to first for the double play hit Diz, the base runner, in the head and laid him out. They had to carry Dean off on a stretcher and he was supposed to be finished for the series.

Then with Detroit holding a three-to-two game edge, Paul came back and tied that series and the next day Dizzy shook off his injury and won the last game 11-0 for the World's Championship.

But baseball to the Eagle has to center around the old Pelicans.

"I remember one time when Johnny Dobbs, who used to manage the Pelicans, was managing Birmingham and they came here for a Sunday doubleheader. In those days we drew crowds standing all around the outfield. Ray Gardner was at bat for the Pelicans and he thought the pitcher was trying to dust him off, so he went charging out to the mound with the bat in his hand. The Birmingham second baseman went to the pitcher's aid and out of the stands came an off-duty policeman dressed in civilian clothes to restore order.

"The second baseman took him for a fan and charged the officer, winding up in jail. Dobbs put up a big squawk and wouldn't play the second game until his man was released. Well, of course, it took a while to get him out of jail so there was no second game that day.

"Dobbs refused to play here any more until his team got police protection. In those days the teams had to walk around the end of the grandstand to get to the clubhouse and the fans used to throw pop bottles and anything else they could at them. It was then that they put a tunnel from the dugout to the dressing room and Dobbs agreed to come back."

Unlike his old pal, Bill Keefe, Harry Martinez was never considered much of a prankster, but in the Eagle's opinion old Alex Heinemann, former Pel owner, was one.

"He used to have several new, good hats in his office, but when he went out into the stadium he used to put on an old beat-up straw hat so he could hear the fans call him a bum and shout 'when ya gonna break down and buy a new hat?'

"The Pelicans had an outfielder named Ollie Tucker. He ran into the wall one day to catch a fly ball and knocked out a board in the fence. As they came in after the inning, Heinemann told me, 'Eagle, watch this.' Say Tucker, that'll cost you ten bucks for that fence, he yelled. Well the people went wild. 'You bum, whatcha doin chargin him for that fence, you cheap so and so.' The fans really got after him but he loved it."

Martin made his first trip to Louisville for the Kentucky Derby in 1934.

"I remember it well. I picked the finish to be Cavalcade, Discovery, Mata Hari and Agrarian. Actually Mata Hari finished fourth. I picked her to show because I knew fillies had little chance of winning, but I felt she was really outstanding and should at least be in the money. Actually she led all the way to the stretch.

"In 1948 I picked them one, two, three. I had Citation, Coaltown and My Request in that order.

"I remember one derby, I think it was an anniversary running, when they decided to put on quite a show. They hired a number of Kentucky university students to dress up with flowing capes and ride thoroughbreds. While they were on the track, the bugle blew to call out the horses for the race and the noise scared the parade horses, spilling youngsters all over the track. It ruined the whole thing.

"Actually the Kentucky Derby is just another horse race. I can remember some great finishes right here."

Asked to pick a favorite among race horses, the Eagle chooses Whirlaway. "I guess I always liked him, he was a great runner, a picture horse with his long tail."

"Then there was a horse named Best Pal," he recalls, "who kept on winning and winning. Roxy Romanelli, the jockey who rode him, told me later he bet on the horse only once and that time he lost.

Martinez can remember when horse racing was legislated out of business and when it came back with oral or bookmaking type betting.

Other horses that caught his fancy were Black Gold and Pan Zaretta, both of whom are buried in the Fair Grounds infield.

"Black Gold was a good little horse. A lot of people think that he won the Louisiana Derby and injured himself on the same racetrack, but that's not true. He won the Louisiana Derby at old Jefferson Park, went on to win the Kentucky Derby and retired to stud. When he failed as a stallion he was brought back and broke his leg at the Fair Grounds.

Football, quite naturally, has a warm spot in the Eagle's heart. He has seen every Sugar Bowl and was particularly close to Tulane's gridiron fortunes.

"Clark Shaughnessy came here in 1915 and it took him a little while to get going; finally in 1924 he had what he thought was his best team and he brought his old coach Doc Williams here from Minnesota to see them perform.

"That year they beat Vanderbilt, a good team and it was a great victory for Shaughnessy. He beat Spring Hill the following week, but Mississippi State beat him.

"In 1925 he bounced back and beat a good Northwestern team. Shaughnessy always had an ambition to go back to the Mid-west, where he was from, and win.

"That year Tulane got a Rose Bowl bid but declined because Tulane said it would take the kids away from school too long. Instead, they tried to make it up to them by scheduling a post season game with Centenary and came near getting beat.

"Bernie Bierman came in 1927 and it took him a couple of years, too. His three greatest teams were in 1929, 9–0; 1930, 8–1, and 1931, 11–0. The only loss in three years was to Northwestern, 14–0 in 1930.

"They went to the Rose Bowl and lost 21–12. Actually they surprised everybody. The California sports writers had ridiculed Tulane, but they made a great showing.

"Of course, Tulane played in the first Sugar Bowl and Monk Simons ran 85 yards for a touchdown.

"I remember one LSU game in particular when Biff Jones was there. It was a post season game with Oregon and it turned out to be the coldest football game I ever sat through. No one showed up except the people in the press box and I mean that, nobody else was there."

And so he goes with the past, but how about the future?

"Well I really don't know," Martinez says. "Both my children live out of town, so I guess I'll be going back and forth between them."

His son Owen is director of operations of for the Astrodome in Houston and his daughter, Mrs. Jackie Chol, lives in Lake Charles.

In 1952, when the mayor and representatives of 30 amateur and professional sports organizations gave Martinez a testimonial, his old pal Bill Keefe wrote this:

"Harry is fair and square in all his dealings, kind and considerate, patient and sportsmanlike and generous in his daily life. Few and far between are the persons blessed with the sweet disposition of the sterling chap who has been a lifelong friend to hundreds as well as to me."

"NO" TO THE SST

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. FISH. Mr. Speaker, arguments of national pride, remaining first in aerospace of the future and employment needs in the aircraft industry have been advanced in support of continuing appropriations for the prototype of the SST. In opposition are the demands for more basic means of transportation; the small number of American travelers who ultimately would benefit from the SST; the enormous cost involved at a time of pressing human needs and the serious questions raised concerning the impact of the supersonic transport on the environment.

I oppose a further expenditure of $290 million on the prototype.

In this time of growing contrast between rich and poor, black and white, the Congress should not, in conscience, allow the expenditure of untold sums of taxpayers' money for a supersonic airplane which, when completed, will serve a very small percentage of our citizens. Higher priority, for example, should be given to the development of safe, fast, clean commuter rail service for the hundreds of thousands of Americans who need to get to work each day. The issue in 1970 is not solely $290 million dollars. The Federal Government has already invested $703 million in the SST and estimates for the prototype alone are double this figure. The financing of eventual production costs is still not clear.

I believe a pivotal issue is the environmental impact of the SST, which at this time is not fully known. For example, serious questions are being asked as to the effect such a jet would have on the world's upper atmosphere. These large jets, traveling in the upper atmosphere, will release water vapor at a weight 40 percent greater than the weight of the fuel consumed. Unanswered is whether the introduction of this additional water vapor would alter the radiation balance, possibly affecting the general circulation of atmospheric components. Also, previous testimony on the SST indicates that the noise level at takeoff will be equal to the noise level of 50 subsonic jets taking off simultaneously. Here we face the issue whether localities will allow them to operate at that noise level.

We in the Congress daily face the problems of underfunding human needs because of economic conditions. In my view higher priorities should be accorded hospital construction and assistance in the education of medical professionals, housing, education, and environmental preservation than to the SST.

There is, furthermore, a real question of the financial condition of the airlines to purchase supersonic craft. A delay in development and production may well relieve U.S. airline companies of the competitive pressure to purchase such a plane.

We are all concerned over rising unemployment, but it makes little sense to argue that we ought to produce something we do not need because we need the employment. This is particularly true today when social needs are great and there is much we can do to fulfill these needs which would increase employment.

DECEMBER AT THE SMITHSONIAN

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the schedule of events for the month of December 1970 of the Smithsonian Institution.

I am sure that those who have an opportunity to visit the Smithsonian Institution during this month will find the exhibits and programs outstanding and interesting.

DECEMBER AT THE SMITHSONIAN

WEDNESDAY, DECEMBER 2

Lunchbox Forum.—Kurt Stehling, Marine Sciences Council, discusses *Iceland: Volcanoes, Geysers, and Fish (Aircraft Survey)*, Sponsored by the National Air and Space Museum. Room 2169, Arts and Industries Building, noon.

THURSDAY, DECEMBER 3

Creative Screen.—*Dream of the Wild Horses*—A classic film poem of the wild horses of Camarrgue with dream-like photography against soft-focus backgrounds and musical accompaniment of electronic sounds; and *Allegro Ma Troppo*—The rapid tempo of modern urban life cleverly edited with a Parisian touch. Continuous half-hour showings beginning 11 a.m.; last showing at 2:30 p.m., National Collection of Fine Arts.

SATURDAY, DECEMBER 5

Creative screen.—*Dream of the Wild Horses; Allegro Ma Troppo.* See Dec. 3 for details.

MONDAY, DECEMBER 7

Perceptions 3.—*Electric Stereopticon.* Electronic music concert performed by an eight-member group. The *Electric Stereopticon* is sound and sight and jazz and bright and blues and black and electronics and stroboscopics and costume and color and . . . and

. . . and . . . Presented by the Division of Performing Arts and the Smithsonian Associates. $3.50 Associates; $4 non-members. Natural History Building auditorium, 8:30 p.m. For information call 381-5407.

TUESDAY, DECEMBER 8

Perceptions 3.—*Electric Stereopticon*. See Dec. 7 for details.

WEDNESDAY, DECEMBER 9

Lunchbox Forum.—William A. Barden, Defense Communication Center, discusses *Technical Information Exploitation*. Sponsored by the National Air and Space Museum. Room 2169, Arts and Industries Building, noon.

Lecture-Demonstration.—*Ornamenting the Messiah Solos*. Kenneth Pennington, Chairman of the Voice Department, University of Maryland, assisted by Sharon Shafer, soprano, Louise McClelland, mezzo-soprano, and LeRoy Dorsey, 1:30 p.m. Hall of Musical Instruments, Museum of History and Technology.

THURSDAY, DECEMBER 10

Concert.—Air Force Woodwind Quintet. 8:00 p.m. History and Technology Building auditorium.

Lecture.—*Wildlife Annals*, by Edward M. Brigham, Jr., Director, Kingman Museum of Natural History, Battle Creek, Mich. Annals on film of birds, flowers, insects and small mammals throughout the changing seasons, including visits to noted sanctuaries in Northern U.S. and Canada. Sponsored by the Audubon Naturalist Society. Natural History Building auditorium, 5:15 and 8:30 p.m. Open to the public.

FRIDAY, DECEMBER 11

Concert.—Kilby Snow, autoharp virtuoso, accompanied by Mike Hudak, will present a wide range of music from traditional and old-timey songs to modern pop material. Sponsored by the Folklore Society of Greater Washington and the Smithsonian Performing Arts Division. 8:30 p.m., History and Technology Building auditorium. Free to Folklore Society members; $1, non-members.

Lecture.—*Shadows Over the Wilderness—Can It Survive?* Michael Frome, Conservation Editor of *Field and Stream*, presents a camera-led review of the National Parks and National Forests and discusses how the two original purposes of these areas—preservation and visitation—are now in conflict. Sponsored by the National Parks and Conservation Association, 8 p.m., Natural History Building auditorium.

SATURDAY, DECEMBER 12

Lecture.—*Problems in Conservation of Oil Painting*, by Charles H. Olin, Head Conservator, Fine Arts and Portrait Galleries. 3 p.m., Lecture Hall, National Collection of Fine Arts.

Saturday Jazz.—Featuring *The Last Poets* in jazz theater. *The Last Poets* are the forerunners of an emerging tradition of revolutionary black poetry. Presented by the Left Bank Jazz Society and the Smithsonian Division of Performing Arts, 8 p.m., Cramton Auditorium, Howard University. $3.50 per person; for further information call 381-5407.

WEDNESDAY, DECEMBER 16

Lunchbox Forum.—Donald Merchant, National Air and Space Museum, discusses *A Glimpse Behind the Scenes*. Sponsored by the National Air and Space Museum. Room 2169, Arts and Industries Building, noon.

THURSDAY, DECEMBER 17

Creative Screen.—A Happy Holiday Package of three films: *Christmas Cracker*—A Norman McLaren frolic filled with animated tricks; *Do-It-Yourself Kit*—An effervescent and humorous offering; and *The Great Toy Robbery*—A Western cartoon starring the world's most wanted good guy, Santa Claus alias Father Christmas. Continuous half-hour showings beginning 11 a.m.; last showing at 2:30 p.m., National Collection of Fine Arts.

FRIDAY, DECEMBER 18

Exhibition.—Prints by Pakistani artists from the Smithsonian's workshop in creative printmaking. These prints were made in Pakistan during the fall of 1967 under the direction of graphic artist Michael Ponce de Leon. Sponsored by the International Art Program of the National Collection of Fine Arts. Arts and Industries Building, through mid-January.

SATURDAY, DECEMBER 19

Creative Screen.—*Christmas Cracker; Do-It-Yourself Kit; The Great Toy Robbery*. Repeat. See Dec. 17 for details.

MONDAY, DECEMBER 21

Exhibition.—*Founders Day*. Commemorates the 350th anniversary of the landing of the pilgrims on the North American continent. Mall entrance, Museum of History and Technology.

WEDNESDAY, DECEMBER 23

Exhibition.—*Paul Manship: Drawings and Sculptures*. Fifty drawings and 15 small figurative and animal sculptures by this American artist (1885–1966), all from the NCFA's collection. Most of Manship's drawings, done mainly in pencil, were studies for his sculptures. National Collection of Fine Arts, through Jan. 31.

WORKSHOPS AND TOURS

(*Sponsored by the Smithsonian Associates*—By Subscription Only—Phone 381-5157)

Dec. 3 and 5 *Exploration Washington*. A unique tour of both prominent and little known historical monuments in the Washington, D.C. area, conducted by James M. Goode, Chief, Architectural Drawings Index. For Associates members.

Dec. 6 *Enameling Workshop* for adults, under the direction of Bill Cook.

Dec. 6 *Creative Candles Workshop* for young people (8–12 years old).

Jan. 22–24 *Associates Winter Weekend*. "Open fires—roasting chestnuts" and other amenities of 18th century hospitality at Old Sturbridge Village, Mass., for a relaxing midwinter weekend. For Associates members.

CONTINUING EXHIBITIONS

Arts and Industries Building

Hand of Man on America. Photographs by David Plowden depict man-made objects and their impact on the American continent—past, present and future. On display indefinitely.

Early Bird Replica. An operating backup model for the world's first communication satellite. On display indefinitely.

The Genteel Female. Lithographs depict the romantic view of the American woman of the 19th century. On display indefinitely.

Beechcraft. The history of the Beech Aircraft Co. traced through the use of scale models. On display indefinitely.

Finnish Design. 300 objects in stainless steel, plastic, glass, silver and porcelain by Tapio Wirkkala. Through Jan. 3, 1971.

Freer Gallery of Art

Whistler's Landscapes and Seascapes. Forty paintings show Whistler in his forgotten role as an avant garde artist. On display indefinitely.

Whistler's Etchings. Twenty-six prints and 16 canceled copper plates. On display indefinitely.

Museum of History and Technology

Do It the Hard Way: Rube Goldberg and Modern Times. The cartoons, writings and sculptures of Rube Goldberg with emphasis on his cartoon "inventions." On display indefinitely.

Contemporary Counterparts of Early American Craftsmen. Jeweler Mary Renk is featured. Hall of Everyday Life in the American Past. On display indefinitely.

Iron and Stell Hall. Exhibit of the American iron and steel business dealing with modern practices and some of the historical background. On display indefinitely.

South Carolina Paper Money, 1770–1933. The paper money provides not only a monetary history, but also a record of political issues, technical accomplishments, cultural habits and artistic taste. Through Dec. 31.

Museum of Natural History

Indian Images. Historic photographs of North American Indians (1847–1928). On display indefinitely.

Moon Rock Research. Finds of research on lunar samples by Smithsonian scientists. On display indefinitely.

Natural Collection of Fine Arts

Jasper Cropsey. Ninety paintings and drawinsg comprise the first major show of this 19th century landscapist. Through Jan. 3.

Winslow Homer. Fifty-one oils, watercolors, drawings, and graphics, mostly from the artist's popular early period. On display indefinitely.

A Look at the World: Mid-Century. Twenty-six American paintings and small sculptures give an individualist view of the 1950s. On display indefinitely.

National Portrait Gallery

John Quincy Adams. Thirty-five portraits from life, together with letters, documents, and material depicting Adams' involvement in the anti-slavery movement, constitute a look at the life and times of the sixth U.S. President. Through Jan. 3, 1971.

Along This Way. Portraits, photographs, death mask, and other artifacts of black culture exponent James Weldon Johnson. A teaching exhibition. Through June 30, 1971.

SIMONAS KUDIRKA, THE LITHUANIAN SEAMAN

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Tuesday, December 8, 1970

Mr. MINISH. Mr. Speaker, as we receive more information about the attempted defection by a Lithuanian sailor, Simonas Kudirka, the story becomes sorrier and sorrier.

While we in the United States pride ourselves on our concern for human life, somehow we permitted this unfortunate seaman to be cruelly beaten while on U.S. territory and then taken out of our jurisdiction.

A request for asylum should presuppose that the matter will be investigated before a decision is rendered. Otherwise, as in the case of Simonas Kudirka, there is little that can be done once he has been dragged off to Soviet jurisdiction.

The shocking truth is that there is no methodical and consistent handling of defection cases. In view of the brutality of the Kudirka incident, some humane procedure should be established at once.

While the State Department and the Transportation Department have prepared reports showing what went wrong, there is still no assurance that a similar incident will not happen in the future.

Hearings underway by the Foreign Affairs Committee and the Merchant Marine and Fisheries Committee should establish a proper procedure for humanely handling such cases. Such assurance is absolutely necessary in view of Seaman Kudirka's brutal treatment.

Two letters that I received on the

matter should be of interest to my colleagues, because they are reflective of public opinion. The letters follow:

LITHUANIAN COUNCIL OF NEW JERSEY,
Orange, N.J., November 30, 1970.

Hon. JOSEPH G. MINISH,
House Office Building,
Washington, D.C.

MY DEAR REPRESENTATIVE: I am writing to you in reference to the Lithuanian sailor who was forcibly returned to the Russians by the United States Coast Guard, one mile off Martha's Vineyard, in what seems to be a total disregard of the Geneva Convention protocol on political asylum.

On behalf of all the Lithuanian organizations of New Jersey I request you to speak out against this action and call for a full Congressional investigation.

I will appreciate hearing of your action on this matter.

Sincerely,
VALENTINAS MELINIS, *President.*

Hon. JOSEPH MINISH, M.C.
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MINISH: It was with a great deal of shame and heartsickness that I read the account in Sunday's Times of the disgraceful incident aboard the Vigilant. Have we become as unchristian and inhuman as the Soviets?

Despite orders from his superior, Admiral Ellis, did not Commander Eustis have a moral obligation to offer at least temporary asylum to the man who risked his life to escape oppression—what is wrong with American spirit and morality that it would allow a pleading, begging human being, to be beaten, bound and kicked into unconsciousness and then dragged back to, God only knows, what torture? This happened on an American ship in front of an American crew in American territorial waters. Is this how justice and humanity are observed in our Services? We prosecuted the Nazi at Nuremburg for "obeying" orders (against humanity).

Certainly this situation cries out for investigation. There was no need to immediately turn this poor man over to the Soviets—he could have been detained indefinitely and investigated. To allow his brutal captors to escape was a crime.

I have tried to teach my children that this great country of ours was founded on justice and love. How do I explain such inhumanity? No wonder the youth are distrustful of the military. It is difficult—no, impossible—to justify this abomination. Nothing we do now can help the poor, trusting soul who vainly sought our aid. America was the land of opportunity which warmly welcomed the poor and oppressed with open arms. What has happened to us? Why are we faltering? Can no one trust us now? Such a travesty should never be permitted to happen again.

Congressman Minish, the Congress should ascertain who was responsible for this reprehensible crime. Some one should be made to answer for this gross miscarriage of justice. I would appreciate knowing just what steps are being taken in Congress to get to the bottom of this sordid affair.

Very truly yours,
CATHERINE M. DUFFY,
Mrs. Wm. J. Duffy.

THE 50TH YEAR OF KDKA RADIO IN PITTSBURGH, PA.

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 8, 1970

Mr. SCOTT. Mr. President, KDKA Radio in Pittsburgh, Pa., is celebrating its 50th year of radio broadcasting today.

Broadcast journalism and entertainment for all of the people in America and abroad has come a long way thanks to KDKA, the first radio station. My colleagues in the Pennsylvania Congressional Delegation join with me in a salute to KDKA in their 50th year of broadcasting. May the future be as bright as their past accomplishments.

A POW WIFE SPEAKS OUT ON RESCUE MISSION

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. GOLDWATER. Mr. Speaker, there has been much comment on the recent American effort to rescue some of our men from a prisoner of war camp in North Vietnam. Some in the Congress have played politics with the raid, columnists and editorialists have had their say, but entirely too little attention has been paid to those with perthaps the most at stake in the whole matter; the wives of the POW's themselves.

In the recent issue of the Republican National Committee's weekly publication, Monday, Mrs. Bobby G. Vinson, National Coordinator of the National League of Families of American Prisoners Missing in Southeast Asia, has expressed her opinion of the raid. The article follows for my colleagues' interest:

A POW WIFE SPEAKS OUT ON RESCUE MISSION

The families of men who are held as prisoners of war and who are missing and believed to be prisoners of war in Southeast Asia will surely be heartened by this new evidence of concern on the part of the Nixon Administration.

Despite the failure of the rescue mission, it was daring and courageous in concept and execution, and we owe a debt of gratitude to those volunteers who were willing to risk their own lives in trying to aid our husbands and sons.

We can only reiterate what is only well known to the American people: That North Vietnam and her allies consistently have treated the POW issue as a political issue when it is in fact a humanitarian issue. Their continued refusal to abide by the Geneva Conventions serves both to prolong the war and impede the peace negotiations. If they would agree to an immediate exchange of all prisoners, we feel certain the action would encourage our citizens to demand accelerated efforts in Paris to bring the war to an end. Meanwhile it must become more apparent to North Vietnam and her allies with each passing day that the world community ultimately will hold them responsible for the lives and well-being of the prisoners.

Scores of families have contacted us and their spirits have been uplifted by this magnificent effort to rescue these men. Some families have expressed concern about possible reprisals against the prisoners as a result of the rescue mission. The National Headquarter of the League is aware, however, that there can be no reason or justification for the North Vietnamese to retaliate against the prisoners. The prisoners themselves have done nothing which would warrant reprisals and furthermore, any such action on the part of North Vietnam would not be tolerated by the more than 120 nations which signed the Geneva Convention.

We are becoming increasingly concerned about the welfare of the prisoners because there is evidence that they are dying in the camps.

JAILING CESAR CHAVEZ

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. EDWARDS of California. Mr. Speaker, Cesar Chavez is in jail because a delinquent Congress has failed to pass legislation which would give farmworkers the same rights as other workers enjoy in this country and have enjoyed for 35 years. How can we expect the growers to respect Chavez' movement when we refuse to respect it ourselves by recognizing legally its right to bargain. Cesar Chavez' incarceration is a case where the law suffers from lack of law. I include the following article from the New York Times as a part of the RECORD and ask that its comments be well heeded by the Members of this body:

JAILING CESAR CHAVEZ

The imprisonment of Cesar Chavez, leader of the California lettuce strikers, is an exercise in legalism of the kind that serves only to discredit the law. Mr. Chavez, as firm in his dedication to nonviolence as Mahatma Gandhi, is a symbol of emancipation for the most exploited of the nation's workers, the agricultural laborers.

The boycott for which he was jailed stems from the failure of Congress to extend to farm workers the same democratic machinery for determining union representation that millions of other workers have had for 35 years. If that machinery were available to record the preferences of lettuce pickers in the Salinas Valley, Mr. Chaves would have the law as ally, not obstacle, in his drive for economic justice.

The growers are hiding behind whirlwind contracts they signed with the International Brotherhood of Teamsters last July, a day after the Chavez union achieved final victory in its long grape strike and announced its intention of concentrating on the lettuce workers.

The leaders of the truck union, both nationally and on the West Coast, have acknowledged that their union has no business in this field. But most of the Salinas growers refuse to relinquish their pacts with the teamsters, even though that union has instructed its locals not to collect any dues or provide any service under the rush contracts.

None of these facts, of course, cast any doubt on the technical correctness of the order under which Mr. Chavez was imprisoned for violating a local judge's antiboycott injunction. Indeed, the union chief himself voices no bitterness at having to pay the price for civil disobedience.

But the reality is that the incarceration will merely add intensity to the boycott, the weapon the Chavez union used with such success in unionizing the vineyards. It is a weapon subject to gross abuse. The proper way to eliminate it in future conflicts of this kind is Congressional passage of a law that would make such tactics unnecessary.

SENATE—*Wednesday, December 9, 1970*

The Senate met at 10 a.m., and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou mighty God, we thank Thee for the tidings of great joy and the hope which broke upon man's life when the nightly sky heralded the advent of a redeemer who would set the people free and bring in the kingdom of love and justice for all. While we work and while we pray here, make our hearts ready to receive Him afresh, to comprehend Him more clearly and to follow Him steadfastly in private life and public service. As we catch a new vision of His star may all people, east and west, north and south, be guided to His manger of universal hope and salvation. May the promise of a new birth and a new man be fulfilled in our day and the peoples of every race and nation be brought under the domination of His great love in Thy kingdom that is without end.

We pray in His name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, December 8, 1970, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, after disposition of the Journal, the distinguished Senator from Ohio (Mr. Young) be recognized for not to exceed 15 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated.

DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations of Ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE ARMY

The assistant legislative clerk proceeded to read sundry nominations in the Army which had been placed on the Secretary's desk.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Chair now recognizes the distinguished Senator from Minnesota (Mr. Mondale) for 1 hour.

JUSTICE FOR CHILDREN

I. WHITE HOUSE CONFERENCE ON CHILDREN

Mr. MONDALE. Mr. President, next week a few thousand Americans, some famous, some just interested citizens—but all sharing a deep concern for their subject—will meet in Washington for the 1970 White House Conference on Children. Many of us are wondering just how helpful this conference is going to be.

Yesterday, the administrators of the Conference released a series of preliminary forum reports which contain a number of constructive recommendations, as well as a trenchant, critical analysis of present programs and institutions affecting children.

Mr. RIBICOFF. Mr. President, will the distinguished Senator from Minnesota yield to me at that point?

Mr. MONDALE. I am very happy to yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I would be more than pleased to stay here and listen to the Senator's entire speech but we are in the final phases of marking up the social security bill and the Finance Committee is now meeting.

Mr. MONDALE. I understand.

Mr. RIBICOFF. However, I have had the opportunity, through the courtesy of the Senator from Minnesota, to read an advance copy of his speech.

I want to commend him for his forthright and honest appraisal of the plight of children in America today.

What the Senator has said here this morning should be listened to and read by every American concerned with the future of our Nation.

For our children, indeed, are our future and we must not fail them.

The Senator has correctly identified many of the problems which we face, and he is supported by the findings and recommendations of the recent report of the Joint Commission on the Mental Health of Children. This report particularly emphasizes a major problem which the Senator from Minnesota has pointed out in his speech: The unresponsiveness of our society's institutions to the needs of children.

The Commission has recommended that a program of child advocacy be established. I have endorsed this recommendation and am presently drafting legislation to authorize a series of pilot programs in a number of communities throughout the country. Advocacy can be a means of putting the proper emphasis on the priorities we must give to children and their families. I share fully the view of the Senator from Minnesota (Mr. Mondale) that we must act quickly to instill some understanding and sensitivity into the institutions which serve children.

Mr. President, I would also commend for reading by every delegate to the present White House Conference the speech and the practical advice the Senator from Minnesota gives the delegates. As he says, our shelves are full of reports of White House conferences and commission after commission. I become very skeptical over the years as to whether these White House conferences and these commissions serve any useful purpose, or are merely used as a means to sweep under the rug by a great deal of publicity many of the problems we face; because, if we study the White House conferences that have been held to study all the social fields over the past 30 to 40 years, we will find recommended, as a result of the conferences held 25, 30, or 40 years ago, many proposals which are relevant today and which Presidents and Congresses have failed to do anything with, and where the problems still exist in our society.

Therefore, the recommendation that this delegation at the White House conference not leave Washington until it gets a commitment from the administration is sound and practical advice, because many of these problems are long past due. They have been discussed in public forums for decades.

Let me take this opportunity this morning to commend once more the Senator from Minnesota for bringing together in his speech the problems which face our children today.

We brag in this country that we are concerned with our children. We are, really, not.

Again, there is a lot of rhetoric without any followthrough. Throughout this Nation, there are millions of children who are sick, hungry, uneducated, and who need all kinds of medical care, including care for mental illness; yet, we neglect them.

As the Senator from Minnesota knows, when we neglect a child, once that child gets to be 3, 4, or 5 years of age, it becomes almost impossible to correct any defects which we could have corrected had we addressed ourselves to the problems earlier in that child's existence.

We in this country must realize that the future of our Nation depends upon our children. If we love our children and love our country, we must go beyond speeches and push forward with action programs where we address ourselves to the problems that plague America and its children today.

May I say to the Senator from Minnesota that he has my complete support and admiration for what he has done. I shall be more than pleased to cooperate with him during the next session of Congress on any legislation that he may propose, or a course of action to be followed, to correct the problems facing the children of America.

Mr. MONDALE. Mr. President, let me thank the distinguished Senator from Connecticut and express my deep appreciation. No person in the Senate has had a longer career seeking to serve these objectives than he, having served as Governor of Connecticut, and then Secretary of the Department of Health, Education, and Welfare, and then as Governor for many years. In the Senate he has been one of the leaders in the field, introducing, among other progressive proposals, the legislation that created the Joint Commission on the Mental Health of Children. I think his words carry special importance.

The 1970 White House Conference on Children will be the seventh such conference. It is interesting to note that in 1930 they held what was probably one of the better conferences. When one reviews the recommendations made by this conference held 40 years ago, he is, first of all, struck by how excellent the recommendations are and, secondly, by how few of them have been adopted. Most of them remain untouched.

I would hope that this year's conference would spend time on the implementation of the resolutions.

I think the report of the Joint Commission on the Mental Health of Children underscores the fact referred to, that although we like to think of ourselves as a child-oriented society, I do not believe that there are many industrial nations which permit as many of our children to be mangled and destroyed by hunger and neglect and poor housing and poor education as we in the United States do.

Mr. RIBICOFF. Mr. President, if we take into account the various affluent nations, the record of the United States is certainly one of the worst in the entire world.

I think we are fortunate in having Dr. Zigler in charge of these functions. I know Dr. Zigler. He was a professor at Yale University. I believe that he is dedicated to the same objectives as the Senator from Minnesota and I.

One of the problems, of course, that he is going to have, as in every other program, is where he will get the money considering the budget restrictions and restraints.

I have more and more in recent years felt that one of the best things the President and Congress could do would be to have a very thorough going review of the programs. There are many programs on the books now which are funded and for which we appropriate money which are not as effective as some other programs, but which could be much more meaningful and helpful in our Nation.

If we have limited funds, it would be much better to scrap ongoing programs which produce little benefit and substitute for them programs which would mean so much for the future of our society.

I again commend the Senator from Minnesota for his leadership in this field.

Mr. MONDALE. Mr. President, I thank the Senator from Connecticut.

Mr. President, I should like to make one final comment with reference to children's advocacy centers, on which subject the Senator from Connecticut is preparing legislation. I think that is the sort of approach we ought to try. It would be unique in this field. It has been recommended but remains essentially untried. I think, with the proper essential involvement of parents and children counselors in these centers, they can help make some of these rigid, paternalistic programs more responsive to the needs of the family, the children, and the family unit.

The Senator from Connecticut has had a great deal of experience with this matter. He knows that they are Washington centered and bureaucrat oriented and often do not have the sensitivity required and do not respond to the real needs of a family or children.

Mr. RIBICOFF. From my experience in government and as a former Secretary of the Department of Health, Education, and Welfare, there are millions of children who are falling through the cracks of bureaucracy. Many programs can be very helpful. However, when we get through shunting a child and his mother from one program to another with the forms and redtape incident thereto, we find that it is very discouraging.

We have many programs that are underutilized and could be better utilized.

The concept of a program is to have someone in the neighborhood to look after the problems of children, not to act as an agency, but to be there to make sure that if a child needs help because of physical, mental, educational, or emotional causes, that someone will be there to make sure that the child gets that care and does not wander around in the wilderness.

I believe this is especially true today when we consider the number of children who come under the influence of drugs and narcotics. It becomes even more important to help with the problems of these children as early as possible and move to correct them. With the passage of a little time, it is too late to salvage a child for himself and for the future of our society.

Mr. MONDALE. Mr. President, I could not agree with the Senator more. We had witnesses before the Equal Education Subcommittee who were representative of the Puerto Rican community. There are roughly 250,000 Puerto Rican children in the New York school system.

Last year they were able to identify only about 300 who had gone to college and received academic degrees.

We had as a witness one of the four Puerto Rican principals. We asked him how he was able to finally break through the system and become a principal. He said:

> It was very difficult. But I want you to know that I am one of the few that made it.

I imagine that that man was in his early thirties. He said:

> I cannot tell you how many of my peers failed to make it and now many are now dead from drug abuse.

When we hear that from a young American who resides in one of our major cities, it underscores beyond any doubt the way in which we are failing our people.

I thank the Senator from Connecticut for his useful contributions. I join with him as well in expressing my admiration for Dr. Zigler, who is one of the finest men in this field today.

Mr. President, I hope the delegates will also consider some of the issues overlooked by these reports, and above all, focus on the question of how to insure that immediate implementation of the Conference's recommendations will follow. Certainly the past history of White House Conferences and President's Commissions is that they make strong, sweeping, perceptive reports which ultimately do nothing but gather dust. President Hoover's President's Conference 40 years ago produced a children's charter comprehensive enough and still unfulfilled enough to be a fine agenda for action today. Since I believe that charter would be of interest to the Senate, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. Mr. President, there is recent experience, too. A reading of the Panel reports which preceded last year's White House Conference on Nutrition reveals a clear and forceful agenda for action, including hundreds of constructive recommendations. That agenda was followed by promises of action. A year later these promises remain unfulfilled. The followup to that Conference has been dismally weak.

So as the delegates prepare to come to Washington, I think it would be appropriate to convey some suggestions to them about what they might try to accomplish. I say to the delegates: Bear in mind the shelves of reports which already exist. Bear in mind what has happened in the past. Specifically, insist that a representative group from the Conference be formed to call on the President personally while the Conference is still in session and seek his public support for implementation. Abjure abstract discussion of new programs, new offices, new commissions, new agencies, new councils. Get an agreement from this administration, now, for immediate funding of an action committee, with an office here in Washington and staff picked by this Conference, to speak up for implementation of its findings; get a Children's Advocacy Center created now, with money, before you leave town; let this be the first White House Conference ever to focus on creating a legistive strategy for implementing its findings.

This will do more to make the recommendations of this Conference come to life than any other step. Take it from one who is personally and painfully familiar with what happened after last year's White House Conference on Hunger. Do not leave town without establishing a concrete action mechanism.

I make a commitment to the delegates as well. Regardless of what the administration does—although I would prefer to work in cooperation with it—I will join with other Senators to introduce the constructive proposals of the Conference in legislative form. And I will work to organize a bipartisan group of Members of the Congress to work on behalf of the children of America. If we can have Members of Congress for world peace through law, as we should and do, we can have Members of Congress for justice to children.

My advice to the delegates is not confined to the question of followup.

A study of the forum reports, as constructive as they are, reveals a certain lack of immediacy.

Nowhere in the reports do I find any real discussion of school desegregation. Yet this is an issue which has the gravest implications for the life chances of millions of American children—an issue where the direction of national policy is in heated debate every day, an issue where there is urgent need for public attention and response to the mounting evidence that the problems only begin for the black child when he is placed in a theoretically desegregated school. I find no mention of this in the forum reports. I hope the delegates will see that it is discussed.

And if there is little reference to school desegregation generally, there is no hint that this administration is at this moment spending millions of Federal dollars to support continued racist practices in schools in the name of aiding desegregation.

Reference to continued Federal inaction to solve the simplest and most inexcusable American problem—hunger—is confined to two paragraphs in one of the reports on health. I hope the delegates will raise that issue to a greater level of priority.

There are other omissions.

The forum reports are permeated with expressions of the need to protect children. But there is no attention to the fact that the President's Family Assistance Plan, pending in Congress right now, would force mothers of school age children to work even during hours when the children are not in school—a development which could hurt children further just as the Conference seeks new ways to protect them.

The forum reports repeatedly stress the need for more child advocacy, but there is no mention that this administration has been moving in the other direction. The Community Action program, which created some local advocacy for children, is currently being emasculated and dismantled. The neighborhood Legal Services program, which created another effective means of advocacy for children, is in political difficulty within the administration. And there are elements in the administration who would curtail the activities of public interest law firms, still another source of effective advocacy for children.

The forum reports stress the need for expanded child welfare and child development programs, and do not mention that this is the first administration which sought a ceiling on funds for social services including day care. It is also the administration which opposed the expansion of Headstart, after its grand promises about the first 5 years of life.

So I urge the delegates to bring some immediacy to the deliberations of the Conference.

There is one further gaping omission in the forum reports—any consideration of basic power relationships in America. The reports rightly criticize the lack of accountability and the bureaucratic empire building in many programs for children. But their major recommendation to deal with these failures is advocacy, rather than greater participation in governance.

Advocacy is good, and the system of child advocacy proposed in the reports is both interesting and promising. But the fundamental question is power and powerlessness. The basic underlying reason, more important than any other, why millions of American children are victimized, is powerlessness—the lack of power which their parents and they have to affect the Government, the programs and the institutions which are supposed to serve them. Advocacy on behalf of the child to sue the system and otherwise demand that it operate properly will help. But what will help more is if parents and children—families—can participate in the decisions before they are made. What will help more is if the power is shared—if the composition and geographic reach of school boards are changed to be more reflective of the community; if the administration of welfare policy is changed so that recipients have a formal voice in making it; if the control of health policy decisions is changed so that the lay community has a direct voice in it.

Indeed, because the talk is more, far more, about what we are going to do better for and to children, than about increasing the share of power which they and their parents have, the net effect of the forum reports has a faint ring of the brave new world where the State knows what is best for everyone.

The suggestions in the reports, taken one by one, each have their merits. But taken with the realization that there is no extensive consideration of powerlessness and how to alleviate it, the total impression created by the reports is more than slightly paternalistic.

Of course the Conference has not yet convened. My purpose is to urge the delegates to make this 1970 Conference what many past conferences have not been—a continuing lever for real, fundamental social change in America in the immediate future.

For we are failing our children. Erik Erikson has said:

> The most deadly of all possible sins is the mutilation of a child's spirit.

This sin is being committed every day, all over America. Our national myth is that we love children. Yet, we are starving thousands. Other thousands die because decent medical care is unavailable to them. The lives of still other thousands are stifled by poor schools and some never have the chance to go to school at all. Millions live in substandard and unfit housing in neighborhoods which mangle the human spirit. Many suffer all of these mutilations simultaneously.

In every society some people are consigned to the scrap heap—the irretrievably handicapped, the incurably ill, the incorrigibly criminal, the hopelessly uneducable.

But, in America we have needlessly allowed the scrap heap to pile up and up.

The most obvious victims of course are the 10 million children living in poverty and the untold millions maimed by racism.

But the scrap heap is not outsized merely because of poverty and racism.

Have we reduced the victims of physical handicaps to the irreducible minimum? Not when 45 percent of the children born in U.S. hospitals do not receive the prenatal care which could prevent some of the handicaps in the first place. Not when there are 3.7 million handicapped children who are not receiving the special educational services they require.

Have we reduced the victims of mental illness to the irreducible minimum? Not when there are 1.3 million children who need mental health services but are not getting them.

Have we reduced the victims of mental retardation to the irreducible minimum?

Not when there are 1 million educable mentally retarded children who will never get the help they need to reach their full potential.

The victims are most emphatically not just the poor and the minorities.

Consider the victims of bad health care. It is not surprising, perhaps that the infant mortality rate in Coahoma County, Miss., which is nearly two-thirds poor, is over twice the national average. But it may give pause to realize that the infant mortality rate in Westchester County, N.Y.—one of the wealthiest counties in America—is just about equal to the national average, a national average which is higher than at least a dozen other countries. No, the victims of bad health care are not just the poor.

Consider the victims of the tremendous shortage of preschool child development programs. Research shows that approximately 50 percent of a person's intellectual development takes place before he is 5 years old. Headstart and day care reach only one child in 10 among the poor, and the figures for children in other income groups are not much different. It is not just the poor who are missing out on crucial stimulation during the preschool years.

Consider the victims of our schools. The child of the ghetto may attend a school without textbooks, where the teacher thinks he is incapable of learning, where the paint peels and the plaster cracks, but the child of the suburbs finds less and less to engage him in school as well. Of 17 million school age children identified as "educationally deprived" by HEW, less than a third come from poverty families. "You have to have grown up in Scarsdale to know how bad things really are," one observer says. It is not just the poor who are the victims of our school systems.

Consider the victims of drug abuse. Millions of children—not just the poor—are having their lives twisted by the pandemic spread of drug abuse. Recent studies in suburban schools reveal that up to 75 percent of high school students have experimented with marihuana. Last year in Fairfax County, Va., there were more heroin cases discovered among young people than in the previous 5 years combined. The users come from among the highest income families in the county, including the sons and daughters of doctors and colonels. It is not just the poor who are the victims of drug abuse.

The children whom we are daily consigning to the scrap heap come from every income group, every racial group, every geographical area in our Nation. And every child consigned to the scrap heap is a useful life lost to the country, and indeed a lifetime of costs to the taxpayers in welfare, prison, or other expense.

The fact is that this is a problem in which the "real majority" has a deep and vital stake. It has become fashionable to suggest that the "real majority" somehow has concerns and views which are different from the poor. I disagree.

Fifty-five percent of Americans live in families with incomes of less than $10,000 a year. Whether the problem is schools or health care or preschool programs of what happens when a child is physically handicapped or mentally disturbed, all Americans share the same problems. And the sooner we can come to the shared realization that this is in fact the case, the sooner we shall create in America the atmosphere which our children need and deserve in which to grow up.

There is no one who perceives the gap between the need for change and the lack of will to act better than our children. Perhaps it is partly because they suffer its consequences most acutely, whether in the physical consequences of hunger and poor medical care, the psychic and intellectual consequences of bad schools, or the total consequences of being the drafted foot soldiers in a war they do not support.

We need no social scientists, no child psychologists or experts in human development, to tell us that a growing boy or girl, whatever his or her background, takes notice of the world, comes to see the way things work. Our American children, all of them, are every single day learning things about this Government and what it does or does not do. They are learning, wherever they live and whatever schools they attend, that the world's richest and strongest nation seems powerless when it comes to cleaning up its air and its water; seems willing to let its countryside become cluttered and ravaged; seems compliant before the selfish demands of billboard advertisers who would assault our eyes; seems attuned to the ideas of airplane enthusiasts who do not care what all of our ears have to suffer, so long as a relative handful of people can go faster and faster in planes that require longer and longer runways, which take up more and more of our wealth, while all the time we must hear that there is a limit to what can be made available to medical scientists working on diseases like leukemia, diseases that strike at and kill thousands of children every year.

I know that talking of priorities goes on and on all over the country. But for all the talk, what chance is there that the year 1970, with its White House Conference on Children, will see any change in those priorities? Again, our children will be watching and taking note. They will see whether in the next months and years they can swim here or play there. They will see whether the schools they go to are half-way decent or not. They will, if taken ill, learn what kind of help they get, if any, from what kind of medical institutions. They will observe the way our land is preserved, or greedily and wantonly ruined. They will take note of the kind of fare they are offered on television programs. Their minds are no less capable than a grown-up's of coming to the appropriate conclusions—of deciding whether or not this Nation is concerned with its future as well as its present, its long-term growth as well as its immediate appetites.

It is easy for us to deny children such vision and social intelligence; that way, we are let off the hook—and free to go about our business, paying lipservice to various humanitarian causes, while all the while ignoring the very real legislative and institutional backing those causes require. But the fact is, our children know what is going on. They have our number.

VICTIMS

Who are the victims of our neglect?

First. The migrant child. Nearly a million are children who live in families which subsist primarily by doing migrant or seasonal farmwork. There is no child in America more powerless to change his future, more powerless to escape the cycle of poverty into which he has been born.

In addition to the problems which confront every poor child, the migrant child suffers the consequence of constant rootlessness. The image of traveling together as a family is perhaps one of the most cherished of the American culture. But for the migrant child, travel only means a new shack, a new field to work in, and a new school, if any. Travel only increases the pace with which his life is destroyed. The very rootlessness of his life is a monstrous curse.

Born into extreme poverty—the average earnings of each farmworker from farm labor are less than $1,000 a year—the child not only is physically unable to attend school regularly, but he begins working at a very early age to supplement meager family earnings. He not only suffers from malnutrition, but his learning perspective is geared to a never-ending cycle of backbreaking work—bending, lifting, and carrying. By the time he is 10 or 11 he has stopped going to school and is beginning to have to cope with life as an adult.

By the time he is 14 or 15 he is often married. Soon his health deteriorates—his teeth and skin begin to rot and his back shows the damaging effects of stoop labor. His ability to earn is permanently impaired. He is in constant debt, getting in deeper and deeper as life goes on. The grower and the crew leader advance him groceries and other necessities against his wages, and he never comes out ahead. He is powerless—both politically and economically—to affect his situation. The cycle is well on its way again.

Migrants are the poorest paid, the most underfed, the least healthy, the worst housed, the most undereducated, and perhaps the most abused human beings in our society today. What goes on from generation to generation is the awful wholesale destruction, physically and psychologically, of hundreds of thousands of American children—migrant children.

What is especially discouraging is that these remarks of mine are obviously not the first time, or the hundredth or the thousandth, that this tragedy has been brought to public attention. A half century of rhetoric—of books, poetry, song, presidential reports, congressional hearings, and television documentaries—has documented this modern day slave system again and again.

To say that nothing has been done to help the migrant child would be unfair. A Migrant Health Act was passed about 10 years ago, which now provides a very limited $36 a year for the health of each migrant child, as opposed to the $96 which the average middle income family spends annually on each of its children's health. The poverty program, the Elementary and Secondary Education Act of 1965 and other Federal programs have titles or special provisions providing funds for migrant children, but these funds are very meager.

The most important hope for the migrant child of the future has been the rising of a great movement among the farmworkers—the movement to organize for the improvement of wages and working conditions through collective bargaining. After a half century of broken strikes and failed efforts, Cesar Chavez has molded a union which is surviving. But if Chavez has succeeded to some extent in California, there are still thousands of migrant children in Texas and Florida, and, indeed, New York and New Jersey and Michigan, for that matter, whose life is essentially unchanged. There are still horrendous gaps in coverage by Federal labor law and social programs, including—of special significance to the migrant child—child labor laws.

The generational trap of poverty, the slave labor, the premature deterioration of health, the inevitable destruction of life—all these things remain essentially as they have perennially been for nearly a million migrant children in America.

"The Grapes of Wrath" was written almost 40 years ago, and John Steinbeck is dead, but the conditions continue.

If we are going to have White House Conferences on Children, let us put as much passion into the implementation as we do into the parlor discussion. Otherwise, 10 more years will pass. A few million more migrant children will go down the drain. And another conference will surely convene to talk about new directions for the future.

The black child in the rural South. Here we are on more familiar ground for the Nation. This child has been the subject of court suits, street demonstrations, and congressional debate which have commanded national attention.

For those of us so disposed, we might congratulate ourselves just a bit. The black child in the rural South is not everywhere so trapped as he was a generation ago. Desegregation has produced broadened horizons for some, and more insistent demands for change from the current generation of young blacks in the South.

The Voting Rights Act has helped create an image of political possibility, resulting as it has in the election of 665 black officials in the Southern States and in the forced moderation of scores of white officials. Federal food programs reach some additional thousands of black children throughout the South, assuring that at least some children will not be irretrievably brain damaged in their infancy, and that others will be able to stay awake in school in order to learn. Headstart has helped open new worlds to thousands of children, and given their parents a stake in the improvement of the educational process.

But again, there is little reason for satisfaction, and even less for complacency. Regardless of what Mr. Moynihan and others say, the problems remain—educationally, politically, or economically.

Let the complacent one visit the black communities of Bolivar County, Miss.; Lowndes County, Ala.; Dorchester County, S.C.; or Terrell County, Ga. Or let him, for that matter, visit the Harlems and the Houghs, the Anacostias and the Roxburys, where thousands of blacks thought they would find the promised land after fleeing the depredations of plantation life.

It was Michael Harrington who told us 10 years ago, in revealing "The Other America" to his fellow citizens, that while we had a poverty problem in this country, it did not exist on a scale or in an intensity comparable to other nations. We learned during the 1960's that he was wrong. We found that there were families in Mississippi and elsewhere who literally had no cash income. We saw, because a few Senators and some media people cared, that there are children in America who have bloated bellies and running sores that will not heal.

There still are. It is not so fashionable in 1970 to talk about them. Hunger, it seems, was last year's issue. The other day someone remembered that President Nixon promised a free school lunch for every poor child by this Thanksgiving. It has not happened. Urgently needed reforms in the food stamp program have been in controversy for more than three and a half years and have still not been enacted. And all the while, there are still bloated bellies in Mississippi. I know it is hard to remember that every day. It is an uncomfortable thought, but in these days of our senses being assaulted with so many outrages, we have acquired an incapacity for further shock. That is too bad. Andrew Jackson's children in Winstonville, Miss., do not find it so easy to forget.

Nor are the problems of the black child growing up in the South just the same old ones—hunger, bad housing, no medical care, substandard jobs or no jobs at all, although these problems are all still with us.

Our achievements have produced new problems. Segregated classrooms are replacing segregated schools. Many black school principals are now in white schools in demoted positions. Thousands of black teachers have lost their jobs. The black child has been brought across town to the white school, but his athletic trophies have been left behind, and often he or she cannot play in the band or be a cheerleader or run for homecoming queen. Violence and intimidation are still problems—Lamar, S.C., was nationally publicized, but fear still stalks the dark back roads of hundreds of communities.

These things have not happened everywhere, of course. But they have happened in a shocking number of places. And the present administration has not only shut its eyes to these events but has even rewarded hundreds of offending school districts throughout the South. The $75 million appropriated under the emergency school assistance program has cheerfully and unashamedly been distributed to districts which are in clear violation of Federal civil rights laws, and for such racist purposes as improving the hygiene of black children so they do not contaminate the white children whom they may now chance to encounter in the hall between classes.

We have begun to tear down the outward manifestations of legal segregation. But we have not achieved real desegregation or quality education on the basis of a relationship of equality and respect. That is the challenge of the seventies. It has taken us 16 years to dismantle rural southern dual school systems. I am not sure we have 16 years to build a new structure. Black children are not nearly so patient as they once were.

In all of this, fortunately, there is some hope for further change, even accelerated change. This hope comes not from any new outpouring of conscience or commitment in white America, but from the very fact that the black community itself in the South, as well as elsewhere in the Nation, has achieved a new level of awareness and organization. Beginning with the civil rights movement, and undoubtedly assisted by Federal legislation, a new generation of black leadership has arisen which, like Cesar Chavez among the migrants, will insist on change. This is the best hope we have for the future.

If the White House Conference on Children were more possessed of a sense of urgency, it would have a forum taking a very hard and tough look at the results of school desegregation and where we go now, and another examining the continued ravages of hunger and malnutrition. Thousands of black children have undoubtedly escaped from the trap in recent years, but make no mistake about it—there are millions of more black children in the South who, as things are now, will find it impossible to get out of the complex trap of powerlessness and poverty and racism.

The Indian child. Perhaps the greatest poverty in America exists among American Indians. Add to this the welfare dependency and hopelessness which generations of paternalistic Federal trusteeship have brought, and the trap which confronts the Indian child is at least as dangerous and powerful as that which ensnares the migrant child.

We have heard it before, but we forget that annual Indian per capita income is only $1,500, less than half of the national average, that infant mortality is almost twice the national average, that 90 percent of Indian housing is substandard, and that suicide rates on the typical Indian reservation are more than double the national average.

As in other areas, the situation is not quite as bad as it was 10 years ago. The major reason is a rising generation of Indian young people of greater awareness and competency, who are not only committed to improving life in their communities, but are acquiring some of the skill and political sophistication that is necessary to bring change.

But the American Indian is still governed by a Congress which too often is more interested in protecting the land and water interests of the white man than in making a better life for the Indian. And power relationships at the local level are still not significantly different.

Three out of five Indian children attend local public schools—schools which are funded by Federal funds under the Johnson-O'Malley Act and the impacted school areas legislation. But this money is often spent for purposes which do not benefit Indian children, and the Indian child is more often than not assumed by the school system to be slow, lazy or dumb. Indian students on the Muckleshoot Reservation in Washington are automatically retained an extra year in the first grade of their public schools, and the Nook-Sack Indians of western Washington are automatically placed in a class of slow learners without achievement testing. No wonder massive early dropouts from school occur, and high rates of suicide and alcoholism ensue.

A third of the Indian children are in schools run by the Federal Bureau of Indian Affairs. Some of these are in boarding schools, including some 7,000 Navajo children under the age of 9, some of whom have frozen to death trying to escape and get home during the winter. About 1,200 Alaskan natives presently go to Federal boarding schools in Oregon and Oklahoma, thousands of miles from home. Two-thirds of the Indian children entering BIA schools have little or no skill in English, but less than 5 percent of the teachers in BIA schools are native to the culture and the language of the children they teach. Only 773 Indian children in the entire country were reached by the Federal bilingual education program in a recent year.

It has been our national assumption that Indians do not know how to do anything for themselves. Reservations are in general managed by white employees of the BIA, and Indian young people everywhere are indoctrinated with the idea of their incompetency.

The Indian child is also victimized by one of America's most dangerous and mean assumptions—that there is only one language in America, and that others are not worthwhile and will not be countenanced. Courses on Indian heritage and culture are nonexistent in both Federal and local public schools, and children are in every way made to feel that their own heritage and culture is inferior and worthless.

The rising young Indian leadership now beginning to develop gives some hope for change. But here, as with black children and others who are different, the Nation needs to learn a simple but profound lesson: If this country is to become what we have long claimed it to be, every citizen needs a full and free set of options for his life. It should be possible for the American Indian to live a life of fulfillment within his traditional family and tribal structure on the reservation, if he chooses to, but it should also be possible for the Indian child to go to the city and join the mainstream of American life if that is his wish. The assumption was made less than a generation ago that all Indians would be better off if forced away from the reservation. We have at least learned that that was wrong. Now we must make the choice of life-styles more than a choice between two lives of enforced deprivation—not paternalistically, not because we are generous, but out of a realization that there should be in America the capacity to celebrate diversity and to find new strength for our country in that fact.

I come back again, as I think about the White House Conference, to the matter of urgency. The forum reports make the salutary suggestion that control of Johnson-O'Malley and impacted area funds be turned over to local Indian communities. But I do not see enough of the sense that every day of delay in reforming the educational process for the Indian child is a day in which more suicides will occur and more alcoholics will be created.

The Chicano child and the Puerto Rican child. The list of victims proliferates. There are nearly 10 million Americans whose first language is Spanish, and whose heritage is a Spanish language culture. There are many who have Portuguese, Chinese, French, Japanese, and other culture and language heritages. Like the Indian child, the Chicano or Puerto Rican child or other linguistically and culturally different child is daily penalized by the forced application of homogeneity, the assumption that diversity is intolerable.

Until recent years the Chicano—or Mexican American, as the Anglo culture dominated him—was a forgotten minority of huge proportions. Politicians sought his vote, but after the election things went back to business as usual. Nationally, he was eclipsed by the greater numbers and earlier political awareness of the black community. He was thought to be submissive and unquestioning of authority. His child was among the more invisible of our victims.

Now we know a little more about how things are. We have had some national attention to the Chicano as a farmworker, through the organizing efforts of Cesar Chavez with the help of the media. The growing Puerto Rican minority in New York City and elsewhere has begun to surface. The barrio of East Los Angeles has erupted in violence. A network television documentary has shown a newly born Chicano child dying of prenatal starvation within a stone's throw of the multimillion-dollar HemisFair entertainment complex in San Antonio.

The Nation has begun to hear some tales from the victims who survived. We now know that 50 to 90 percent of Chicano and Puerto Rican children, depending on the area, come to school speaking only Spanish. Many of them, we find, are put in classes for the mentally retarded simply because they cannot cope with standardized English language intelligence tests.

The Senate Select Committee on Equal Educational Opportunity which I chair has heard some extraordinary personal testimony: A near Ph. D. Puerto Rican in educational administration at Harvard who was classified as retarded in elementary school; a Chicano Ph. D. in clinical psychology who spent several years in mentally retarded classes as a child; and a Puerto Rican woman lawyer who was told she has an IQ of 20 in elementary school. These are among the handful of victims who survived.

Others are not so fortunate. As many as one out of five Chicano children never go to school. Of those who do, one out of four drop out by the eighth grade. Less than half graduate from high school. In one school district in California 99 percent of the children in kindergarten are Chicano but only 30 percent of the graduating seniors are Chicano. Of 7,000 school-age Puerto Rican children in Boston, seven graduated from high school this past June.

Why? Not only are intelligent children treated as uneducable, but Spanish-speaking children are often forbidden to speak their native language in school and in many cases are even punished for doing so. In a South Texas school, children are forced to kneel on the playground and beg forgiveness if they are caught talking to each other in Spanish. In an Arizona elementary school, children who answer a question in Spanish are required to come up to the teacher's desk and drop pennies in a bowl—one penny for each Spanish word spoken. "It works," the teacher boasts. "They come from poor families, you know."

Of course, the ways in which the Chicano and Puerto Rican children are victimized go on and on—the poor health care, the poor housing, the lack of job opportunities, and there is again the all-pervasive powerlessness. When Cesar Chavez began to organize, he found the law enforcement officials of the communities in California where he was working squarely on the side of the growers. When Chicano high school students in a small town in Texas demonstrated against school conditions, some were beaten by Texas Rangers, and those who were old enough were reclassified 1-A by the local selective service board. The sense of hopelessness, of inability to change conditions, is a major barrier to change. But again, if there is any basis for hope, it comes not alone from any increased commitment among Anglo politicians, but also from a rising generation of dedicated and able Chicano and Puerto Rican leaders. In Texas the Mexican-American Youth Organization, denounced as "militant" a year ago, helped form a new political party and elected a member to the school board in Crystal City. In New York, Herman Badillo has been elected to Congress. All over the country Chicano and Puerto Rican young people are on the move, sometimes with tactics which cooler heads deem unacceptable or unwise, but always with a commitment and perseverance which are profoundly admirable.

As with Indian children, if the White House Conference were to be fully relevant, one would have expected to find more extended and specific reference to the daily damage we are doing to the children of Spanish-speaking Americans.

The poor white child. Two-thirds of the poor children in America are white. This is a fact which should have great political implications, but it is too often ignored or forgotten.

The greatest concentration of white poverty is, of course, in Appalachia. Things have not changed very much since the days when John Kennedy campaigned in West Virginia and was so deeply moved by what he saw there. In Appalachia today more than three-quarters of a million young people sit in the hollows and hills facing lifelong unemployment if they remain at home, and lacking the skills to do much of consequence they leave. Over 900,000 children under 6—nearly half of the preschool children in the region—are poor. Less than one of 20 of Appalachia's poor children is in Headstart. Only 6 percent of Appalachia's children receive welfare assistance.

The way things work is quite simple, though perhaps the truth is a bit hard to face. The outside economic interests which control the region no longer have any need for the labor of the men who live there. Coal mining is gone or largely automated. Children are neglected because social services are not thought to be important for people of no economic value. There are no jobs for the fathers, either privately or governmentally created. There is no welfare if the man is living at home with his family. And the schools for the children are badly underfunded. Local authorities remain unwilling or unable to tax the outside large corporations. So the school construction needs of the 13 Appalachian States represented 42 percent of the total school construction needs in the entire country in a recent year.

The power structure would just as soon that the former coal miners and former dirt farmers leave the region.

This approach ignores two problems: First, some people who live in a place call it home. They want to live there. They do not accept the idea that someone wants to force them to move elsewhere. Second, it is hard to go elsewhere when one lacks the skills to do much once one is there.

Thus, again, the trap. And as surely as the black child is still oppressed by the white power structure in the South, the white child of Appalachia is also oppressed by the white power structure. Racism in America is not all racial.

If the White House Conference had a deeper sense of immediacy, the children of Appalachia and the economic interests which oppress them would be the subject for a forum in themselves.

THE URBAN-SLUM CHILD

Some of the victims whom I have mentioned live in cities. But any child who lives in one of the large central cities of America is a victim in ways which transcend his race and even his economic status.

The air he breathes—polluted by automobiles, powerplants, industrial plants, and home heating—makes him far more subject to disease than his suburban or rural counterpart.

The congestion in which he lives has clinically observable effects on his mental state. It is not surprising, for example, that studies find an astonishing incidence of mental illness in New York City, where the population density is almost 1,000 times that of the country generally, and an even greater incidence in central Harlem, where density is near 10,000 times the national average.

But that is only the beginning. In most instances, the urban child must face and deal with the worst aspects of America's institutions. The child attending school in one of the 20 largest school systems in the country is almost a year behind the national norm for the rest of the country. The health problems faced by the urban child are equally as horrifying.

Venereal disease has gone beyond the epidemic stage. Infant mortality in the ghettos and barrios is often four times the national average. And drug addiction is now rampant in all parts of every major city. For a child of the city, his powerlessness and isolation from the mainstream of America are more obvious at an early age; his disconnection from society's major institutions, schools, police, religious institutions, business and industry is more blatant. Lack of space, poor housing, density, and inadequate opportunities strain family relationships even further.

Every institution which confronts the urban child is the biggest, most unresponsive form of that institution our country has to offer.

The schools are dropout factories. In the ghetto schools, children as they get older fall further and further behind national norms in every skill.

The city hospital is totally dehumanizing. The patient waits 2 to 4 hours in a clinic to see a doctor he has never seen before and is likely never to see again.

The welfare is at its most bureaucratic and degrading. The landlord is an absentee or a public housing authority as bureaucratic as the slumlord is neglectful. The credit merchant overreaches, and repossesses the moment payments fall behind.

We are coming to the point in America where the sheer fact of urban life, and particularly ghetto life, is a process of victimization in itself. People laughed nervously a couple of years ago when Jules Feiffer wrote a play called "Little Murders" in which urban life disintegrated into a sniper war. The play is no longer funny. It is coming true.

Our response so far is repression. Arresting the perpetrators of violence is right, as far as it goes. But if that is all we do, if we do not seek the causes and try to eliminate them, we are asking for a generation of urban guerrilla warfare.

The danger is not that there will be a successful revolution. We have in this technological society all the forces and power and weapons necessary for effective repression. The only catch is that we will have a different sort of country when we are through. A better course would be to stop now, reexamine national priorities, and commit the resources necessary to bring about the climate of justice and equality of opportunity within which guerrilla warfare will not arise and flourish. I do not see that question on the agenda of the White House Conference.

The handicapped child. There are more than 7 million handicapped children in America—emotionally disturbed, mentally retarded, physically handicapped in one of the variety of ways, or suffering from special learning difficulties. Nearly 5 million of these children are receiving no special educational services or other help.

Some are poor, but most are not. Most are children whose problem is not irremediable enough to cause them to be discarded into a public residential institution, but for whom the public schools have no appropriate programs and private services are either unavailable or too expensive.

We have, plainly and simply, failed these children. They are the victims of our neglect.

Consider the child who is in a residential institution either for the mentally retarded or the mentally ill. Typically, it is old, crowded, understaffed, filthy, sterile, strewn with feces, devoid of hope, filled with blank faces. There are retarded children there who are educable if the special education services are available. There are disturbed children who are curable if the psychiatric services were available. There are neglected and abandoned children who are there simply because there is no other place to put them, and who will remain there until they are 16 and then be dumped on the street, propelled to the scrap heap by a society which did not care enough to make life possible for them.

Here again, our treatment is both inhumane, and senseless. It would save money to save lives. The annual cost of foster care is about one-eighth the cost of institutionalization. The lifetime cost of educating an educable handicapped or retarded child is about $20,000. Institutionalizing him will cost well over $200,000. And the Nation's handicapped children have potential earning power of $15 billion if they receive the special education and services necessary for them to realize their personal and economic potential.

We are not going in that direction. In a recent year the Federal Government appropriated over $1 billion for cotton price support and one-twentieth that amount for child mental health services conceived in the broadest possible terms.

The 1930 White House Conference said:

> The emotionally disturbed child has a right to grow up in a world which does not set him apart, which looks at him not with scorn or piety or ridicule—but which welcomes him exactly as it welcomes every child, which offers him identical privileges and identical responsibilities.

Where are we now?

The child and the law. The child's life—rich or poor—can become entwined with the State in a variety of ways. He may be a neglected or abandoned child. He may be born out of wedlock or be the victim of a divorce where his future is determined without any legal protection for him. He may be deemed incorrigible by his parents or his teacher, or alleged to be a law violator of some kind.

The paradox of our national behavior is that we do both too much and too little. Too many children are swept off the streets for one reason or another. In various States, a child can end up in court and then in reform school or training school for such dangerous behavior as violating a curfew, hanging around a poolroom, wandering around a railroad track, swearing in public, sleeping in an alley, drinking, or smoking in public. He can be taken away from his parents, with or without their consent.

Once in the hands of the State, he is not all certain of being any better off. Milton Luger, a nationally known expert on juvenile delinquency, has made the following extraordinary statement:

> It would be better for all concerned if young delinquents were not detected, apprehended, or institutionalized. Too many of them get worse in our care.

First, the child gets a juvenile or family court hearing which is likely to be as short as 10 or 15 minutes in length. Before that hearing ever occurs he may be kept in a juvenile detention facility, perhaps in solitary confinement, for weeks on end or, even worse, his "pretrial" detention may have been in a county jail where he is mixed with adult prisoners, subject to homosexual abuse and the influence of hardened criminals. Adults are constitutionally entitled to bail under these circumstances. Children are not.

His court hearing may well be conducted without any legal representation, despite the Supreme Court's 1967 Gault decision requiring otherwise.

Having engaged in behavior which would not be a crime if he were an adult, he may nonetheless be adjudged a delinquent and sent away. Worse still, a judge not wanting to stigmatize him as a delinquent may send him away, noting on his record that he awaits "further orders of the court." This may be enough to keep him locked up a year or two, or even more.

The institution to which he is sent is seldom more than a crime factory. Educational programs are weak, psychological counseling infrequent or nonexistent, guards are frequently brutal, conditions are overcrowded, and stimulating activities scarce. Children with widely divergent problems are mixed together. Some are retarded. Some are disturbed. Too often, no sorting process exists.

As Howard James says in the subtitle of his shocking recent book, "Children in Trouble," the situation is a national scandal.

Less than a year ago, the New York Times reported the death of a 12-year-old heroin addict in Harlem—Walter Vandermeer. Charlayne Hunter and Joseph Lelyveld of the Times reconstructed his life. Public school gave up on him in the third grade, without trying to get him any psychological counseling from the school system's bureau of child guidance. Instead, it referred his case to the Society for the Prevention of Cruelty to Children which brought him to family court on a neglect petition. He was put in a children's shelter run by the society, and shortly moved to another public children's shelter. Shortly thereafter, the court released him, but he was back within 6 months, and was assigned first to a halfway house in Harlem and then to the Wiltwyck School in upstate New York—the fifth institutional setting in which he had been locked in 15 months. Wiltwyck gave up on him in 6 months and sent him back to family court, which let him back on the street again. The court, though finding him too disturbed for Wiltwyck, found, for reasons known only to itself, that he was not disturbed enough to be sent to a State training school. A year later he was dead. Most appalling, one school official told reporters that Walter's case was mishandled so badly, not because of incompetency, but because of overwhelming numbers. As he put it, "There are thousands of Walter Vandermeers out there."

Walter Vandermeer was a spectacular kind of victim. But the fact is there are 100,000 children in America in correctional-type institutions on any given day; the courts handle a million nontraffic juvenile cases a year—the children who drift in and out of the world of courts, social agencies, and special schools; and there are still thousands more out on the street where Walter Vandermeer eventually died, who have no hope at all of getting any help. The paradox is that no matter what happens as things are, no matter whether the neglected or disturbed or difficult child gets involved with the State or stays on the street—either way, he is a victim.

Institutions. I have listed a number of kinds of victims. Some are poor and some are racial minorities. Some are children with special problems. But they are not alone.

The fact is, all of our children are victims. The neglect, the mutilation affect the vast majority of our children—in certain respects all of them. Middle-class as well as poor children watch television commercials that are vulgar, insulting, misleading and frivolous, and television programs saturated with mindless violence, historical distortions, or rudely condescending remarks—programs which in sum treat American citizens as if they are infinitely exploitable. All children live and play and grow up in a world whose air is thick with smoke and dust and dirt, thick with obnoxious, foul-smelling, irritating substances whose potential hurtfulness we are only beginning to look at and study and estimate. Any child, rich or poor, can fall sick and find out that, yes, progress is being made on this or that disease—but only some progress, because we have set limits on how many doctors we turn out, and the money we need for various kinds of medical research is building huge, outmoded technological equipment.

What the list of victims does not adequately underscore is that the institutions and programs and structures which were created when things were simpler are simply not working now.

Education. Some of the questions about our schools are monetary; and I mean not only our ghetto schools or the schools on our Indian reservations or up our Appalachian hollows, but the schools most American children attend, the schools in Sacramento, Calif., and Boston, Mass., and in the cities and towns of the Midwest and the Prairie States, as well as the South. Do those schools have the books and other materials they need, the equipment they need? Are those schools new enough and pleasant to be in and well heated and airy and spacious and provided with good lighting? Do those schools have the services of school nurses and school doctors? Do they have adequate cafeterias and adequate playgrounds and adequate laboratories? Are the buses that bring those children to school safe? For that matter, are the school buildings themselves safe—and as well, not overcrowded, not understaffed, not old and dingy and depressing, a constant sign to children of what their Nation is and is not willing to do for its children?

Have we taken pains to document how many American workingmen have children at school in buildings labeled even by school authorities "inadequate" or "temporary structure"? Have we tried to find out what kind of educational services children get—not on paper, but in fact—if they are retarded or handicapped or plagued by one or another psychological problem that affects their ability to concentrate and learn? Have we gathered information, city by city, State by State, region by region, as to what deaf children, blind children, brain injured children, children with speech learning difficulties, gifted children, get in the way of the special teaching they need? Have we studied our schools of education, which supply us with teachers—obtained from them a comprehensive estimate, national in its scope, of their needs? How many men and women who already are teachers become understandably tired and weary and frustrated and bitter—as they are asked to do their work under discouraging—if not impossible—circumstances and for wages that are an insult to them as citizens of this nation? And finally, what does it all mean to our children—that teachers are treated as they are, that so many school buildings and classrooms are left as they are rather than torn down and replaced by what is minimally acceptable, let alone optimally desirable?

But money is far from the only problem. The more basic question is what goes on in the schools, how the money they do get is spent. Listen to the remarks of a student evaluator of the very affluent Montgomery County school system in suburban Maryland just outside of Washington:

> From what we know to be true, as fulltime students and researchers of the County School System (as well as from every attempt we know of to survey student attitudes in the County), it is quite safe to say that the public schools have critically negative and absolutely destructive effects on human beings and their curiosity, natural desire to learn, confidence as individuals, creative freedom of thought and self respect.

Listen to the words of another Montgomery County student:

> Fear—the school system is based upon fear. Students are taught from the outset that they should be afraid of having certain things happen to them: bad grades, punishment from authorities, humiliation, ostracism, "failure," antagonizing teachers and administrators—are all things that terrify students as they enter first grade. These fears, which school officials use as a lever from elementary school through high school to establish and maintain order and obedience, have horribly destructive effects: they may be reflected in extreme nervousness, terror, paranoia, resentment, withdrawal, alienation; they may be visible, they may be submerged, but in either case these effects should be of utmost concern to those who value the human mind and spirit.

Montgomery County is one of the most respected, most affluent school systems in America. It stands to reason that these observations are not unique. Student dissatisfaction is widespread throughout the country. Eighty-five percent of the schools responding to a Syracuse University questionnaire this year said they had had some type of disruption within the last 3 years. Fifty-nine percent of the high schools and 56 percent of the junior high schools studied by the National Association of Secondary School Principals in 1969 experienced some form of protest.

Obviously there is a mixture of failures. There is a failure to impart basic skills—one out of four students in the public schools of New York State cannot pass even minimal tests of competency in reading and mathematics.

But the failure goes far deeper. What the students in Montgomery County are talking about, and what many protesters in other affluent systems throughout the country are rebelling against, is an attitude which places conformity above individuality, discipline above creativity, which above all conducts education as though the concept of an education person were a constant, the same in 1970 as, say, in 1950. Young people mature earlier than they have at any time in our history, or at any time in recent history—since young people assumed adult responsibilities in pioneer days far earlier than they do now. They have serious questions about the way our Government and our society operate. These questions are not answered by courses which teach that America has never been the aggressor or never lost a war.

Partly the attitude is the attitude of the parents and the adult generation generally. Two-thirds of a group of high school parents surveyed in 1969 said that they believe "maintaining discipline is more important than student self-inquiry." To be young is to be by definition untrustworthy. In one New York suburb a new middle school has been badly needed for years. The school board repeatedly refused to approve its construction until recently when the superintendent explained publicly that the new school was essential in order to remove the 10- to 13-year-olds from the bad influence of the high school kids with their drugs, their "experimentation," and their "radical politics." It is no wonder that recent years have seen books with titles like "Death at an Early Age," "Our Children Are Dying," and "Crisis in the Classroom."

There is no doubt of it—our schools are failing millions of our children.

Corporations. The question of the social responsibility of the corporation is, of course, far broader than its responsibility to the child, but a few examples will illustrate how the child is particularly victimized by corporate irresponsibility or plain failure to take the child's interests into account.

A committee of the American Academy of Pediatrics recently concluded that air pollution is more dangerous to children in some respects than it is to adults, in terms of greater susceptibility to respiratory infections, which can lead in turn to permanent lung damage. What corporate consideration is given to children when it is decided that an industrial plant will use one type of fuel rather than another, or one grade of oil rather than another, thereby polluting the air more rather than less? What type of consideration is given to children when the automobile industry mindlessly pours more exhaust-spewing cars onto urban roads sending air pollution counters off their dials? What kind of consideration are children given when a large public utility decides to build another fossil fuel power generating plant in the middle of a large city, thereby polluting the air further? Perhaps if children were kept explicitly in mind when these decisions are being made, urban life generally would be less oppressive and less dangerous.

The food industry is another example. Here the responsibility is more direct.

What kind of food do we think we are buying for our children, and what do we actually get? How are we to make sense of some of the things we read on packages of food destined to be put before our children?

Every mother who has warmed a jar of baby food has tested the temperature with her finger—which she usually licks. Baby food companies know that and they flavor and salt the baby food to suit the mother's tastes. Lost in this consideration is the fact that babies need less salt than mothers and children who are taught to crave salt risk hypertension in old age.

There are other problems. The family accustomed to eating large quantities of rice was better nourished before the advent of polished rice. The mother who buys concentrated fruit juice to give her family vitamins and citric acid really gives her family flavored water if the concentrate was sold in a cardboard container. Cardboard, unlike the old tin cans, is porous and air produces a chemical reaction which can weaken or eliminate the vitamin content of the drink.

During World War II we had State laws requiring that commercial bread be made with fortified flour but they have been allowed to fall into disuse. Commercial bread—despite sweeping advances in food fortification—no longer contains fully fortified flour. Consider how much bread our children eat.

Anemia is a public health problem. It is widespread. It is particularly common in teenage girls, pregnant women, and young children. It has, depending upon the severity, a variety of debilitating effects. It could easily be eliminated. Iron fortification is a relatively simple process which is known not to affect food composition and consistency in most cases, and could be introduced with sufficient control to virtually wipe out anemia. That alone would eliminate nutritional anemia in pregnancy and improve the chances for normalcy for many of our children.

What people need, rich and poor, is nutritious food. If teenagers want to eat french fries and hamburgers, then we should use enriched flour in the hamburger bun and enrich the soft drinks that go with it. If a family wants to eat pasta, then we should make available the nutritious, enriched macaronis already developed.

Then there is the responsibility of television as a corporate entity. Study after study has shown the deleterious effects of violence on television, but it still saturates the airwaves. "Sesame Street" is widely heralded, but it, or anything like it, is seldom seen on commercial television. And television is still saturated as well with commercials which calculatingly and often misleadingly play on the emotions and desires of children. Saturday morning children's television has 50 percent more commercial messages than adult television. If a child watches children's television half the time it is on, and pays attention to only a half again of the blandishments of Tony the Tiger, Cap'n Crunch, and Fred Flintstone for various edibles, he gets twice as many messages from them as from his mother who tells him every day at breakfast to eat nutritious food.

Finally, toy manufacturers have a tremendous responsibility to the health and well-being of American children. When an arm of a toy doll is pulled off leaving a sharp prong uncovered, when the eye on a baby's toy can be detached and swallowed, when an electric toy reaches heat that can burn, when games are covered with glass that shatters on impact, or when sharply pointed, heavily weighted darts are sold—children's lives are threatened.

Toys like these may be profitable, but they injure 700,000 childen a year. Almost one out of five eye injuries to children involves a toy.

The children of America have a right to better protection from both the corporations that manufacture toys and the Government agencies that are responsible for making sure these toys are safe. That right is being ignored. Despite authority to ban new toys found hazardous to children, HEW acted in only three cases, and only after the Secretary was sued by the Consumers Union. And HEW still refuses to ban further sales of a heavily weighted, sharply pointed lawn dart that has already killed two children and wounded 14 others. Every American child and every American parent has a right to expect more.

Health care for children. I have already alluded to the failure of performance in child health care as measured by a classic indication like infant mortality. There are a million children born every year without adequate prenatal care, and 21 million children who see a physician less often than once a year.

Look at it from the doctor's side—there are only 12,000 pediatricians in the United States, about a third of what we need. Or from the money side—only 10 percent of the Federal health research dollar is spent on children.

Look at it from the family's point of view—how hard it is to get a doctor to make a house call, how long the wait is in the doctor's office, let alone the public clinic or emergency room.

And of course there is the financial side of it—only 10 percent of child health care is covered by health insurance.

It is not easy to talk about such matters. It is not easy to remind factory workers and white-collar workers and small businessmen that a sudden medical emergency which afflicts one of their children is an emergency which also can all too quickly be a financial disaster. It is not easy to remind those same working people, hard-working people, that no matter how long and earnestly they work, at no matter how many jobs, their children might one day suffer because we as a nation haven't supported the medical research we might, haven't trained the doctors we might, have not built the hospitals we might—or equipped them as we might.

Let us try to relate this situation to the typical American workingman—the so-called middle American. Even before his child is born there are risks and dangers that are avoidable, yet permitted by us in America. I refer to the illness pregnant women can get—illnesses that cost money only the rich can put their hands on, illnesses that require medical care and medical equipment simply not available in many cities and towns and whole counties and entire States of these United States. And likewise at birth or after birth, the child as well as his or her mother can require prolonged and delicate attention from skilled physicians and those who work alongside them—all of whom are in short supply in many parts of this country. What is a workingman to do? He cannot rent planes and fly his family half way across the country and check into a hotel and stay there while his wife and child are treated. Nor can he pay the thousands and thousands of dollars that hospitals and doctors and "services" cost. His child may have some bone trouble, a particularly difficult club foot, cerebral palsy, a congenital heart defect or another "problem" that we lump together under categorical, descriptive terms like "congenital disorder" or "mental retardation" or "physically handicapped." He may live in a large- or medium-sized city, let alone in rural areas—and be told there is a waiting list for this, there are no facilities for that, and so it goes and so it has to be. Our Government takes a census every 10 years, and is always coming up with facts or figures about the economy, the war, the state of our defenses.

I wonder why we do not try to find out and report upon how many children are born with or succumb to severe and crippling illnesses, injuries to their bodies and brains, diseases that affect their growth and development—and then go on to get thoroughly inadequate treatment for such afflictions. Perhaps if we knew how many children need pediatricians, need surgeons, need physical therapists, need child psychiatrists, need one or another kind of machine or instrument or mode of therapy—and do not get what they need, then we would be in a position to weigh our priorities, so that when generals and admirals, already in control of enough military hardware to destroy the entire planet, tell us they have needs, they want another kind of plane or ship or gun, we can say to them: Yes, we want to protect this country, and protect it not only from outside enemies but from diseases that every single day unnecessarily kill and maim and stunt and cause pain and suffering to American children.

The whole system is a nonsystem.

The hospital is the costliest way to dispense medical care, and it has become nearly 100 percent more costly in just the last 5 years. Yet, we still continue to put children in hospitals who do not have to be there, who could be taken care of in a doctor's office or a neighborhood clinical setting. Blue Cross and other hospital insurances still require that children be put in hospitals if they are to be reimbursed for procedures which could be performed outside the hospital. The Government reimburses hospitals under medicare and medicaid without asking any greater efficiency in return. In short, no leverage whatsoever is exercised to require the development of a system of neighborhood clinics which could dispense preventive care and keep children out of hospitals instead of forcing them in.

The same situation exists regarding medical manpower. There are dozens of tasks which could be performed by physicians' assistants and other paraprofessional manpower. The doctor is the costliest form of medical manpower. The cost of care and the scarcity of personnel could be greatly alleviated if we were to change the mix of medical manpower. It has not happened.

These faults of organization have caused medical costs to skyrocket. The situation is intolerable. Not only is medical care less available than it should be, but it is too often provided in the least efficient possible way, and it is too often financially out of the reach of the typical family.

As a consequence, millions of our children are victims.

The welfare system. Here we have another nonsystem which has grown up over the years—which destroys children, breaks up families, perpetuates dependency, robs people of dignity, and leaves them in poverty—and infuriates giver and recipient alike.

The visible, highly debated problem is, of course, financial assistance to poor children.

But we do a poor job with other welfare problems as well—notably adoption and foster care. Adoption is limited in many places by outmoded laws restricting racial and religious mixing of children and parents, and by the fact that adoption policies are controlled by traditional private welfare agencies whose good intentions are matched only by their "welfarist" orientation.

Foster care is limited by lack of funds as well as by traditionalist attitudes, like the idea that a single person cannot be an adopting or foster parent. There are perhaps three times as many children in need of foster care as actually get it.

Lost, too, in the debate over the administration's family assistance plan is its unprecedented proposal to limit funds for social services including day care to 110 percent of last year's appropriation—a dangerous precedent indeed in an area where we have at least had the advantage of open-ended appropriation.

And the FAP itself is bad for children. For who is more the victim of the President's "work fare" than the child whose mother is forced to work?

FAP is perplexing to those of us who want to support real welfare reform. In return for a national minimum floor for benefits and for extending aid to the working poor—both highly desirable reforms—we are being asked to accept a new system which will force mothers to work, with consequent risk to their children.

Secretary Richardson's proposals the other day improves the bill somewhat, but it remains to be seen whether the final version of the bill will be an improvement over the present system, bad as that is.

It may be said that the discussion of welfare, unlike the other institutions I have described, relates uniquely to the poor. It does not.

Who pays for welfare? One of the great sources of anger on the part of the industrial worker taking home $58 a week after taxes in New York is that his taxes are helping to give tax-free support of $64 a week to a welfare mother and her three children. True welfare reform—a negative income tax or a justly conceived family income supplement plan—would provide assistance to that angry industrial worker who needs and deserves it just as much, and would ultimately alleviate his sense that his tax dollars are not being spent for broad social purposes.

There are other institutions which fit into the pattern of failure—failure through being oversized, overbureaucratic, overly impersonal, and overly insensitive. There are the courts and residential institutions for children, which I have discussed earlier. There is the role of the university and of the church. There is the pervasive effect of racism, hostility to diversity, and callousness to powerlessness which cuts across the functioning of all of our institutions.

Perhaps above all, the institution which is failing our children is Government. Government is the ultimate source of funds for programs. Government is a major source of regulations to make institutions respond to children's needs. But Government in this country has allowed itself to become enmeshed in one of the greatest situations of distorted priorities in the history of a democratic government.

Government in this country seems incapable of extricating itself from unpopular wars which still cost money and lives. Government seems incapable of stopping the flow of dollars into useless weaponry and high-flying elephants. And all the while children suffer and the institutions which are supposed to serve them are subjected to no searching inquiry, no serious push for reform. Yes, if we are looking at the institutions which have failed our children, let us look first and foremost at ourselves here in the U.S. Senate.

Recommendations. It is neither practicable nor feasible to set forth a total program for reform and change. The length of such a program would be a book or a set of volumes in itself. Its total cost would be staggering. Among other things, those who would criticize this speech for political reasons—and there will be those—would have a field day with the supposed impracticality of it all.

But any program for reform must begin with a cry for recalculation of our national priorities. The refrain is familiar by now. I need not go through it again. But if the White House Conference is to contribute anything, that is where it should begin. For, apart from the immorality of spending money on unneeded weaponry while children go hungry, the sad fact is that in this great, affluent nation, we will never have enough resources to solve our problems unless we begin to exercise wisdom and good sense in the way in which we spend our national funds.

We need far more resources devoted to the solution of domestic problems. With proper priorities and a healthy, growing economy, I believe we could begin to do what has to be done.

The other day it was decided that it was more important to fully fund a $110 million authorization for a space station than it was to more adequately fund public housing. Every day we reenact another example of our present set of priorities, in which usually the child is the loser. He has lost over and over again during the past decade, and unless we can reorder priorities, he will continue to lose.

Had we the resources, the agenda is not difficult to see: It must include a guaranteed decent job for everyone; income maintenance for all; national health insurance; an adequate program of early childhood development; sufficient funds to extend service to all the handicapped children who need it; and so on down the list.

But what is needed is far more than just money. For, apart from the scarcity of funds, our institutions are simply not working very well.

It is not just that we cannot run a welfare system. We cannot get our hospitals to dispense decent, efficient medical care, either. It is not just that we cannot seem to get enough food to hungry children. Our schools cannot seem to interest or really educate our children either.

The question is not just one of a need for urgent attention to pressing problems. It is also one of philosophy and approach.

I have been for all the old programs. But even where we have spent a lot of money, things are often worse than they were before.

Because we did not listen. We bulldozed whole neighborhoods and called it urban renewal, over the anguished cries of those who told us it was Negro removal. We stacked people together in public housing and wondered what they were trying to tell us when they defaced walls and broke windows.

We built huge universities and wondered what the kids were talking about when they cried out about the impersonality of everything. We spent some Federal money—not nearly what was needed—on the public schools without asking how it was being spent or whether we were getting any results; then we acted surprised when citizen's groups told us that some of the money had been diverted to illegal purposes and was not helping poor children. We poured money into the welfare system without reform, long after recipients and welfare workers alike were telling us of its disastrous effects. The BIA did not listen to the cries of the Indians it was supposed to be helping, and now the first Americans are very nearly the last Americans.

It is time for us, as liberals, to face the fact that our approach has too often been self-satisfied, Washington-centered, insensitive, and conformist. We thought we knew best, and in so thinking, we robbed people of their pride and their sense of involvement in themselves and in their communities. Albeit unwittingly, we have often done as much damage as good.

In some ways the old political machines were more responsive than we are. At least people got some assistance in return for serving up their freedom. Now the bureaucrat whom they have to go to for help does not live in their neighborhood, does not speak their language, has no reason to deliver and often risks his career if he does.

Any nation which discovers in 1967 that it has 15 million hungry citizens in its midst cannot be very confident that it is doing things right. Any nation which discovers in 1970 that it has thousands of teachers in its schools who literally do not speak the same language as their students must doubt whether it is pursuing the right course.

If our national approach has been bulldozer solutions coupled with bureaucracy, this has been just as true of State government and local housing and redevelopment authorities and other agencies. Many have failed in the fundamental task of listening to and showing some understanding of those whom they are supposed to serve.

We need, first, a total reexamination of all of our institutions and programs in this country. What are we getting for our money? What are our children getting for our money? We are creaking along in 1970, trying to run a government and schools and social services through institutions which were created tens of decades and even centuries ago, and in many cases have not been reexamined since.

The changes in size alone are staggering. The United States Steel Corporation which the government broke up under the antitrust laws more than a half a century ago was smaller than the typical medium size corporation today. Before World War I, no university in the Western World had more than 5,000 students. Now 30,000 students is only a moderate-sized student body. Hospitals which had one employee for every three patients a half century ago now have three employees for every one patient. Some foundations have international operations and offices which are larger than most foreign governments.

The impersonality and unresponsiveness which comes along with the size is understandable. I have discussed some of it in these remarks. So the answer to our problems is far more than just money, although we certainly need more money as well.

One key matter to focus on is size. All the evidence suggests that adults and children feel more involved and are served better by small institutions. We can get smaller institutions by breaking up bigger ones and by creating new, smaller ones.

We can emphasize the building of neighborhood health clinics instead of concentrating almost exclusively on hospitals—clinics to serve target populations of 30,000 instead of 300,000. We can make sure that our new college campuses are smaller in size and just build more of them. When we build new correctional facilities, we can insure that they are small enough to allow the kind of group interaction which benefits the children whom we put in them.

And we can decrease the size of existing facilities. We can create colleges within colleges, campuses within campuses, no matter what the institution.

Above all, we can and must do something about the size of government. Many functions which are performed on the citywide level could be handled at the neighborhood level far more responsively and far more effectively. Much of what goes on in the Federal Government could be given over to the local government with strong Federal supervision and strong Federal standards. That is not the old liberal philosophy, but it is one which just might work better.

Attention to the size of institutions—reducing them to the smallest viable size—is one key element in making them work.

Another key element is regulation. Ralph Nader, with all that he has done, has reminded us that the regulatory agencies which we created with such fanfare a generation ago and earlier, have more and more come to be just captives of those whom they are supposed to regulate. Regulation can help with the size of institutions. It is certainly not shocking to begin thinking of breaking up corporate units into smaller entities. That, after all, was done at the turn of the century. And regulation can help with the quality of life. It is not shocking to think that, had we the will, government regulation could result in the cleansing of the air and water. Nor do children's toys have to be dangerous.

So regulation is one key word which has been lost from our vocabulary to the great detriment of our children and all of us.

Another key word, related to regulation, is accountability. As the institutions and programs which I have discussed have grown and proliferated, they have become sovereignties unto themselves, accountable to no one, proceeding along from day to day without supervision or question from the outside. Some of the accountability can be built internally. Agencies can begin to evaluate their own programs and release those evaluations to the public.

Perhaps a more important aspect of accountability is using money as leverage—the demanding by the Federal Government of accountability on the part of those to whom it gives money.

For years the Federal Johnson-O'Malley and impacted areas money has flowed to local public schools for the education of Indian children with no questions asked. We could begin to demand the hiring of Indian teachers, parental and community involvement in schools, the institution of bilingual programs, the institution of Indian history and cultural classes, and above all, a measure of dignity for the Indian child in return for the Federal flow of dollars.

We could begin to ask what local school districts are doing with the money under title I of the Elementary and Secondary Act and to demand results.

The disaster which masquerades for our health care system in this country could be turned around very quickly if the Government were to seriously get about the business of demanding performance for the billions of dollars it pours into the health care field. If the Government began to say that hospitals had to reorganize, that medical schools had to turn out students other than doctors as a condition of receiving Government research and other funds, if all of these things were done, the cost of health care would go down and quality would go up.

Accountability can also be stimulated from the outside, and here we come to another key word—advocacy. The Government never got serious about monitoring where its funds under title I of the Elementary and Secondary Education Act had gone until a group on the outside did its own evaluation, and came up with the conclusion that title I was not really helping poor children. Some would say HEW is not doing much better now, but at least it is aware of the problems. And if you go and talk to the auditors who work at HEW, they are jubilant. The outside advocates have put them on the map. They have more staff than they ever had. They are delighted that outside advocacy has come along and given them a job. They are delighted at the idea that someone wants their help, wants their contribution in keeping the Government honest. So outside advocacy has a great role to play in assuring accountability.

One of the most exciting developments in our society right now is the outside advocacy—both through the legal services program and through public interest law firms, as well as the young professionals in other fields who have taken it upon themselves to try to bring accountability to their professions. It is in this area that there is both great hope for change and great need for vigilance. For when these young professionals are successful, they get into political trouble—witness this week's Finance Committee vote to prohibit legal services lawyers from suing to challenge welfare policies.

A fifth key word—far more fundamental than advocacy, as important as that is—is participation: the sharing of power and the alleviation of powerlessness. One facet of the lack of accountability is that bureaucrats have come to believe that bureaucracy exists for their internal benefit. They forget their mandate, which is to see that services are delivered to the people.

No one really knows more about whether a program is working or not, and whether it is being properly administered than those whom it is supposed to benefit. More important, the only way to eliminate paternalism, laziness and unresponsiveness is to share power. If we do nothing else in the 1970's we must make it our goal to achieve participation programs by those who are supposed to benefit from them and by the community generally. Such participation, such sharing of power, should become a familiar aspect of our national life.

Fortunately, the political and other struggles of the past decade have given us some models for participation.

The Headstart program at its best has shown us what a marvelously rich experience parent involvement can be—both in terms of the parents coming to understand what quality education is and also in terms of the enhanced learning experience of a child. The extension of that kind of parent involvement throughout all preschool education and indeed throughout the elementary and secondary schools as well, would be a great boon in our society.

It is critical that the method of participation that we adopt be one in which real power is shared. There is always the bureaucratic temptation to try to coopt—to try and create nice-sounding advisory boards which have no power, are convened once or twice a year in a fancy board room or hotel and are then ignored. The struggle to create the proper mix for participation will not be easy. There is an appropriate role for professionals in both administration and policy, and citizen participation must include both those who are served by the program and representatives of the community generally.

Welfare need not be controlled by welfare recipients, but they must be represented in a real way in the making and application of policy. The university need not be turned over to the students and faculty, but they should be represented on the board of trustees. The doctors and the hospital administrators should still have something to say about the way a hospital is run, but the community should be directly represented on the board as well.

There is one aspect of participation which I want to emphasize particularly. That is the idea of having children themselves participate in the process of their institutions. I do not wish to overstate this concept—I am not suggesting that 5-year-olds need to sit on the boards of kindergartens; but high school students can participate very actively in decisionmaking in their institutions and in teaching younger students, as well.

Ghetto youths in St. Louis have done a fine job of running a rat control program. Youngsters would make the most effective nucleus of a preventive drug education program, because peer group testimony is what would be most influential. Instead of mistrusting one generation of young people to have any constructive influence on those just below them—which is what we seem to do now—I think it is crucially important that we involve young people in working with children.

Another key word is "innovation." We just have to be prepared to try new approaches. Whether schools without walls or magnet schools, or open classrooms or individualized instruction, or new forms of early childhood development, or new approaches to juvenile delinquency, the subject does not matter. The point is that the way we are doing things now is not working. We simply have to have new approaches.

Another important need is to find new ways of getting Federal money out to the communities for the benefit of children. The goal should be to encourage initiative at the local level while requiring adherence to strong national standards and requirements of accountability. Here I part most emphatically from those who would simply use revenue sharing or block grants as a means of handing out money to States and localities without any strings attached. But I also depart from some of my liberal brethren who are still enthralled with the categorical grant-in-aid approach that has a large Federal bureaucracy at the top handing out money to the States, which in turn give it to localities. This has resulted in the worst kind of bureaucratic delay and diffusion of purpose. We simply have to find new ways of getting the money directly to communities and even to neighborhoods for broad social purposes—but without giving up the idea of strong Federal standards.

The concept of national standards is extremely important. We are quite familiar with the patchwork of programs which passes for a welfare system, and the patchwork of local fiefdoms which passes for health care system. It is time we set national standards for performance as a country and stuck to them, through the processes of regulation and accountablity which I have already described.

Another key idea is rights—legal rights. This has two aspects. First, for too long we have regarded various social programs and services as a matter of largess dispensed by the State. It is time we began to think in terms of creating legally enforceable obligations for our children, on which they can sue if the obligation goes unfulfilled either in dollar terms or, for that matter, in quality. If we are ever to have any kind of national standard which really works to deliver service to people, we are going to have to create legally enforceable rights to go with it. This will be a massive job, and will require careful study, but I believe it is a major matter on the agenda.

The second aspect of the idea of legal rights has to do with rights of children vis-a-vis institutions—rights of children in school to engage in free expression and not to be subjected to discipline without due process, rights of children in court not to be subject to being disposed of without adequate counsel or real rules of law. The development of a body of children's law is also an important matter on the agenda.

A final key word is options, protected by national standards. A child and his family should have a full range of options as to where they want to live. The child should have a choice of educational experiences, a full choice of possible lifestyles and professions. We shut off the choices both ways sometimes. We do not integrate the schools and we deny ghetto schools the power and the funds they need to improve. We keep the suburbs lily-white as a practical matter and we keep the ghetto a slum. We make life for the Indian an impossibility both on the reservation and in the city. "Options" is a very important word.

I call now for a national re-examination of all of our institutions by reference to these 10 criteria—size, regulation, accountability, advocacy, participation, innovation, new avenues of money flow, national standards, legal rights and options.

Let us see how some of these ideas might work in relation to a matter of which I have not discussed in any detail, a timely subject on which public debate is going on—the question of day care, or more properly, early childhood development programs.

For various reasons, it appears that a good deal of new Federal money is about to be poured into the early childhood development field. I favor putting more money into this area. But let us be sure we do not make the same old mistakes all over again.

Some say that the present Federal day care guidelines are too stringent, that, if they are kept as they are, no project will be able to get started. No doubt there are ways in which these guidelines can be improved, but there is in my judgment one nonnegotiable criterion for whether an early childhood development program is an acceptable recipient of Federal money; not whether it enables the mother to work, but whether the program enhances the child's development. There is no point in pouring Federal money into a program that amounts to the warehousing of children, to a federally subsidized baby-sitting service. If we are going to provide money for early childhood development, let us do it correctly.

This means community participation in the planning and administration of the program; it means appropriate professional participation in the teaching or care at the program; and it means health care and nutritional value in the program.

There are those whose express interest in day care is to make it possible for mothers to work. They are applying growing pressure to provide 5-day-a-week, 10-hour-a-day child care for preschool children whose mothers work, or would work if these services were available. In some cases, this would be an improvement. There are thousands of young children—latchkey children—who are left at home to care for themselves, or are looked after by brothers or sisters barely older than they are. Unquestionably, a program with adult supervision and hot meals would be an improvement for them. But the creation of institutions with warm rooms, several adults, and breakfast, lunch, and dinner does not necessarily add up to child development.

I wonder whether many preschoolers—especially the very young—would not be served better by programs lasting several hours, rather than all day, or by programs that send tutors into their homes to work with them and their mothers. I know of one program here in the district that sent tutors to the homes of ghetto youngsters aged 1½ to 3 years, several hours a week, and was extremely successful in preventing IQ declines of 15 to 20 points that other ghetto youngsters were experiencing. That was not a day care program. It did not make it possible for the mothers to work. But it was a tremendously impressive child development. And that is what the criterion should be.

There is also a question about the funding channels for these new programs. I see that some of my colleagues are proposing day care programs which go exclusively through the States. I think it is time we learned that money sent out from the Federal Government by way of the States, through the State bureaucracy, to the localities gets to be pretty thin by the time it reaches the end of the pipeline. It is terribly important that we make money available directly to community groups and directly to local governments. Otherwise, the kind of early childhood development program we want will simply not be forthcoming. It is equally important for us to make sure that any private enterprise involvement in the provision of day care is subject not only to very careful standards, but to full community participation in the planning of the administration of whatever centers a franchise operation or a corporation becomes involved in.

The essential point here is that it will not do, in 1970, to simply write a blank check—pour a whole lot of money into something, anything, called "daycare" and then forget about the matter. We must do more than spend the money. After we authorize and appropriate the money, we must engage in appropriate oversight proceedings to see that the money is properly spent. We have gone on for too long just pouring out what little money we do appropriate without finding out where and how and to what end it is spent.

What I have been saying today comes down to a few simple sentences. We have to place a higher priority on our children and their families than we do on expensive military gadgetry or expensive space extravaganzas. And we desperately need to instill some understanding, humaness and sensitivity into the existing institutions which are supposed to serve our children. We need to instill an attitude of respect for a child's heritage, for his family, for his language, and for his individuality, and his potential. We need to involve children themselves and their parents in a significant decision-making role in these institutions. We need to recognize that we can and must provide far greater life chances for our children than we do now. Our children are our chance for change. They are our bridge to a better world. They are our only hope. Let us begin to act like we understand this.

If that recognition, coupled with a sense of urgency and a concrete implementation mechanism, can emerge from the forthcoming White House conference, I will count the conference a success.

Mr. President (Mr. STEVENSON), over the past nearly 6 years, I have probably served on as many human-problem committees and subcommittees as any of my colleagues. I have been all over this country—its ghettos, its Indian reservations, migrant labor camps, among the Eskimos and the Athabascans, and in the pockets of white poverty—and I am unable to express the profound frustration that I feel at knowing that we are such a powerful and wealthy society and at the same time seem to so tragically fail thousands and millions of our children. It is not only immoral. It is not only unnecessary. I think this failure tampers with the very existence and future of a vital democratic society.

If in our generation we could shift these priorities and make these institutional changes and, above all, commit ourselves to a full and effective reordering of society, so that every child had a chance—a full and a fair chance, which is what I understand to be the promise of America—I think our generation will have done more than any other to strengthen and revitalize our society and to assure a bright and a secure future.

EXHIBIT 1

THE CHILDREN'S CHARTER

President Hoover's White House Conference on Child Health and Protection, recognizing the rights of the child as the first rights of citizenship, pledges itself to these aims for the Children of America.

I. For ever child spiritual and moral training to help him to stand firm under the pressure of life.

II. For every child understanding and the guarding of his personality as his most precious right.

III. For every child a home and that love and security which a home provides; and for the child who must receive foster care, the nearest substitute for his own home.

IV. For every child full preparation for his birth, his mother receiving prenatal, natal, and postnatal care; and the establishment of such protective measures as will make childbearing safer.

V. For every child health protection from birth through adolescence, including: periodical examinations and, where needed, care of specialists and hospital treatment . . . .

VI. For every child from birth through adolescence, promotion of health, including health instruction and a health program, wholesome physical and mental recreation, with teachers and leaders adequately trained.

VII. For every child a dwelling place safe, sanitary, and wholesome, with reasonable provisions for privacy, free from conditions which tend to thwart his development; and a home environment harmonious and enriching.

VIII. For every child a school which is safe from hazards, sanitary, properly equipped, lighted, and ventilated. For younger children nursery schools and kindergartens to supplement home care.

IX. For every child a community which recognizes and plans for his needs, protects him against physical dangers, moral hazards, and disease . . . and makes provision for his cultural and social needs.

X. For every child an education which, through the discovery and development of his individual abilities, prepares him for life; and through training and vocational guidance prepares him for a living which will yield him the maximum of satisfaction.

XI. For every child such teaching and training as will prepare him for successful parenthood, homemaking, and the rights of citizenship; and, for parents, supplementary training to fit them to deal wisely with the problems of parenthood.

XII. For every child education for safety and protection against accidents to which modern conditions subject him . . . .

XIII. For every child who is blind, deaf, crippled, or otherwise physically handicapped, and for the child who is mentally handicapped, such measures as will early discover and diagnose his handicap, provide care and treatment, and so train him that he may become an asset to society rather than a liability . . . .

XIV. For every child who is in conflict with society the right to be dealt with intelligently as society's charge, not society's outcast. . . .

XV. For every child the right to grow up in a family with an adequate standard of living and the security of a stable income as the surest safeguard against social handicaps.

XVI. For every child protection against labor that stunts growth, either physical or mental that limits education, that deprives children of the rights of comradeship, of play, and of joy.

XVII. For every rural child as satisfactory schooling and health services as for the city child, and an extension . . . of social, recreational, and cultural facilities.

XVIII. To supplement the home and the school in the training of youth . . . every stimulation and encouragement should be given to the extension and development of the voluntary youth organizations.

XIX. To make everywhere available these minimum protections of the health and welfare of children, there should be a district, county, or community organization for health, education, and welfare . . . .

For every child these rights, regardless of race, or color, or situation, wherever he may live under the protection of the American flag.

The Children's Charter served—and today continues to serve—as an extremely useful guide to the people of the United States concerned with the well-being of children.

OUTCOME OF THE CONFERENCE

Followup programs were organized in many States. Frequently they represented the first statewide attempt to bring together the various professional groups and agencies to review children's needs and improve services.

One of the outstanding results of the Conference was a great advance in the field of pediatrics and pediatric education. Conference findings and recommendations served as a base for the children's measures under the Social Security Act (1935).

The 32 volumes of Conference findings appeared over a period of several years and were representative of an era of detailed factfinding and report making. But to condense or coordinate these findings into a composite whole or to convert them into a program of action for children was almost impossible. Perhaps such a program could not have survived even if it had existed—the Conference was held at the beginning of the depression—a depression that steadily deepened and became more bewildering during the years in the course of which the final volumes of the report appeared.

WHITE HOUSE CONFERENCE ON CHILDREN IN A DEMOCRACY (1940)

The fourth White House Conference on Children was concerned with all children, not merely with those handicapped by circumstance. This was a major development—and a significant one for the future.

The base line for the White House Conference on Children in a Democracy was family and community life. Its specific purpose was to develop a frame of reference for equipping American children "for the successful practice of democracy."

In mid-January 1940, approximately 700 men and women gathered in Washington to examine in detail the state of child life in the United States, the forces that shape it, and the conditions requisite to health and opportunity for all children.

A few scattered young people sat in with the group as observers and commentators. They were the vanguard of the great numbers of youth who were to take their place in the 1950 and 1960 Conferences.

Secretary of Labor Frances Perkins summarized the task which faced the Conference by saying:

"No matter what the storms, no matter what the stresses, no matter what the world problems are, both economic and social problems, it is our intent and purpose to keep our minds firmly fixed upon the welfare of our children and to promote that welfare under all conditions, recognizing that they are the vitality . . . of this great experiment which we are making on this continent.

"One of our problems in this, as well as in every other Nation, is how to make it possible for the children who are the future generation to partake of the best that the Nation is able to give, while they are in the formative stage, while their health is being built up. This Conference has brought in people of many backgrounds, people with many points of view, people with a great variety of expert knowledge. . . ."

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. MONDALE. I am delighted to yield to the distinguished Senator from Hawaii.

Mr. INOUYE. Mr. President, we have just begun our Christmas season, and our newspapers are filled with tantalizing advertising messages of the joy of Noel. It is a time of hope, of anticipation, and of love; and this is a time when people look forward to glad tidings. I do not suppose that Americans are in a mood to receive a message of misery, a message of bitterness, a message of frustration, but the message which was given this morning by my distinguished colleague had to be given.

I would hope that my colleagues who have avoided listening to this message this morning would take time to read what the Senator from Minnesota has had to say.

This is a horrible indictment of the system, and I think the sooner we realize it, the better we will be. This morning, my colleague spoke of children, and this is the season of children, and we honor the most blessed one on the 25th of December.

If I may, in order to place an emphasis on this indictment, I should like to read a portion of the Senator's speech:

> Our national myth is that we love children. Yet, we are starving thousands. Other thousands die because decent medical care is unavailable to them. The lives of still other thousands are stifled by poor schools and some never have the chance to go to school at all. Millions live in substandard and unfit housing in neighborhoods which mangle the human spirit. Many suffer all of these mutilations simultaneously.
>
> In every society some people are consigned to the scrop heap—the irretrievably handicapped, the incurably ill, the incorrigibly criminal, the hopelessly uneducable. But, in America we have needlessly allowed the scrap heap to pile up and up. The most obvious victims, of course, are the 10 million children living in poverty and the untold millions maimed by racism. But the scrap heap is not outsized merely because of poverty and racism. The victims are most emphatically not just the poor and the minorities.
>
> The children whom we are daily consigning to the scrap heap come from every income group, every racial group, every geographical area in our nation. And every child consigned to the scrap heap is a useful life lost to the country, and indeed a lifetime of costs to the taxpayers in welfare, prison, or other expense.
>
> This is a problem in which the "real majority" has a deep and vital stake . . . and the sooner we come to share the realization that this is in fact the case, the sooner we shall create in America the atmosphere our children need and deserve.

I pray that my colleagues will read this Christmas message by Senator MONDALE.

Mr. MONDALE. I thank the Senator from Hawaii for his very kind remarks. I value his friendship greatly, and I particularly appreciate working with him on the Select Committee on Equal Educational Opportunity which is trying to deal with some of the terribly important problems. More than I can express, I appreciate his remarks.

Permit me to make one observation here—although one could make thousands more—which I believe indicates the need for this kind of message as we approach Christmas. While I am sure it is a Christmas of joy for those of us making $42,000 a year, it is not a Christmas of joy for millions of young children, when we recognize that one of the great elements of the American Christmas is not delivered to him. We have had, for example, 2 of the top Spanish-speaking experts in the country testify before us—one a Dr. Palamares, who is a young psychiatrist and educator from California, and the other a young Puerto Rican, who is a candidate for a doctorate degree from Harvard University. Both have pleaded with us to understand how our system is failing Spanish-speaking Americans. Both these brilliant young men spent several years of their early lives in classes for the subnormal because they were not proficient enough for us in English and they were rejected as "dumb, stupid kids." It is a miracle they worked their way out of that. They are two geniuses and are so recognized by the best schools in this country. They happen to have escaped their early beginnings. Most do not. That is going on today.

Mr. BAYH. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I am happy to yield to the Senator from Indiana.

Mr. BAYH. I want to add my words of commendation to my distinguished friend and colleague from Minnesota, having served on a special committee of which he is chairman, and having seen him pursue tenaciously this area which is certainly not without controversy, and having seen the foresight and the courage which he exhibited as well as the hard work he has put into this problem.

I want to go on record publicly as not only congratulating him for the leadership he has provided in this area on the special committee, but also the perceptive remarks he has just made relative to the whole problem of the children of America. There is no one simple solution. The Senator from Minnesota just this moment addressed himself to the bilingual problem and the fact that many normal and bright children who are American citizens may happen to speak Spanish rather than English and are being denied the opportunity to share the American dream.

This is one of the many problems we must deal with if we are going to solve the problems which confront millions of American children.

Later on this week, the Senator from Indiana intends to address himself to one particular problem; namely, that of child care and development services. This is a problem which I have been addressing myself to over the past several months. The Senator from Minnesota has one of the major pieces of legislation already introduced in this field, as he is one of the leading spokesmen for children in the Committee on Labor and Public Welfare. I want to make certain that he has an advance copy of the prepared bill because I would like to have his thoughts and, hopefully, be able to work with him to see that it is enacted into law.

A comprehensive child care and development program is one which we suggest should be made available to all children, not just a few, and is one that should combine not just the theoretical, educational aspects of a traditional, preschool or nursery program, but bring to bear the nutritional and environmental aspects which are too often lacking in some of the custodial and educational, programs now available.

The Senator from Indiana does not intend to introduce the bill during this session but, feeling as the Senator from Minnesota does, that if this White House program is going to be meaningful and have any positive benefits accrue from it, some of us in the legislative branch might make some positive suggestions to let the White House Conference delegates know that we compliment them for their concern, but we want more than window dressing, we want action.

It is with that goal in mind that the Senator from Indiana intends to address himself specifically to a concrete bill in the area of child care, to try to get the opinions of some of the experts. Inasmuch as the Senator from Minnesota is one of the top experts in this field, I hope he will give us the benefit of his thoughts and that we can work together. I am certainly not wedded to the wording of the language of this particular measure.

In fact, one of the reasons we want to throw it out to public consumption and criticism is that the Senator from Minnesota and others can find ways to improve it and move forward to really get something done in this area.

Mr. President, my wife, Marvella is extremely interested in this subject and together we have had a chance to observe various child care programs. Having observed what some other nations have been able to do, the Swedes, the Japanese, the Israelis, and the Russians, I think that we in the United States can and must do more in this area.

I can think of no other area where we can make significant progress in solving a number of sociological problems than to tend to our children better. We do a lot of talking about it. The Senator from Minnesota in his remarks has eloquently stated that the time has come to do something about it. I compliment him again for his very fine speech.

Mr. MONDALE. Mr. President, I thank the Senator from Indiana. I know of his great work and devotion to reform in this field, and I am aware that both he and his wife have shown extraordinary concern and interest in the problems of children, particularly early childhood problems.

Hopefully, Congress can make fundamental changes in the early childhood efforts, because it is clearly one of the most hopeful of all the proposed remedies to deal with these problems. I want to underscore the need to create child development efforts that are sensitive to different cultures and languages, and in which the parents and children being served have an impact when decisions are being made. We need to permit the poor and disadvantaged of our children to play some role, along with their parents, to participate, to advocate, to reform, and to make their own decisions. I think that is the fundamental failure runing through all the programs. Hopefully, through our efforts and the implementation of recommendations from the White House Conference, we can begin to erase this curse and disgrace from our land.

Mr. President, I yield the floor.

Mr. MUSKIE. Mr. President, I commend the Senator from Minnesota (Mr. MONDALE) for his courageous speech this morning. By spelling out in forthright terms our national failure to provide a better quality of life for all our children, Senator MONDALE has exposed a national disgrace. And by offering specific suggestions for action, he has performed a valuable public service. This is what we have come to expect of him.

Mr. President, I share my colleagues' desire that the forthcoming White House Conference on Children will result—not merely in rhetoric and reports—but in concrete actions. The preliminary report by forum 15 on Children and Parents of the Conference contains a number of important recommendations, which I hope can be expanded and implemented. I shall do everything I can to support Senator MONDALE in his efforts to achieve justice for all children in America.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation.

The message also announced that the House had passed the bill (S. 4536) to amend the Small Business Act, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BOLAND, Mr. MCFALL, Mr. YATES, Mr. STEED, Mr. MAHON, Mr. CONTE, Mr. MINSHALL, Mr. EDWARDS of Alabama, and Mr. BOW were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. MOSS, Mr. MURPHY of New York, Mr. KEITH, and Mr. THOMPSON of Georgia were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8539. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States; and

H.R. 17750. An act to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Massachusetts.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 8539. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States; to the Committee on the Judiciary.

H.R. 17750. An act to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Mass.; to the Committee on Public Works.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

THAILAND, THE GENERAL ACCOUNTING OFFICE, AND THE TAXPAYER

Mr. SYMINGTON. Mr. President, on June 9, 1970, as chairman of the Subcommittee on U.S. Security Agreements and Commitments Abroad, I requested the General Accounting Office to "make a study of all payments, direct and indirect, to the Thai Government and its officials for their forces sent to Vietnam; and determine the factors relevant to their disposition by U.S. Government officials."

This request was prompted by conflicts between statements in the press attributed to the Prime Minister of Thailand and statements under oath by administration officials to the subcommittee.

The Thai version was that the expenses of the Thai volunteers in Vietnam were paid by Thailand; whereas the administration statements were that U.S. Government funds and materials were given to Thai officials in return for their forces which were sent to Vietnam.

Let us note in passing that this difference in position was quite comparable to an earlier conflict which arose in connection with the subcommittee's hearings on the Philippines concerning the expenses of Filipino troops in Vietnam—a conflict which has not yet been entirely resolved.

Following my request to the General Accounting Office, the Comptroller General wrote to the Secretary of Defense seeking the cooperation of that Department in securing access to the relevant documents. There ensued a rather lengthy, and unfortunately inconclusive, three-way correspondence between the Comptroller General, the Secretary of Defense, and myself over procedures which the Defense Department instituted to screen documents before making them available to the GAO.

These procedures are not only time-consuming; they embody a concept of auditing that can only be described as astonishing.

What would happen, for example, if a bank asserted the right to screen its books before making them available to the bank examiner?

It should be emphasized that the General Accounting Office is the independent agent of Congress, trying to ascertain what has happened to the people's money.

I am now in receipt of a memorandum detailing some of the observations made, and difficulties encountered, by an agent of the General Accounting Office during a trip to Bangkok, Saigon, and Honolulu in an effort to trace the payments made to Thailand in connection with the deployment of Thai troops in Vietnam.

I ask unanimous consent that the entire memorandum may be printed in the RECORD at the conclusion of these remarks. At this time, I will refer only to some of the highlights.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, it is estimated, for example, that based on costs thus far tentatively identified, cash reimbursements to the Thai Government will probably represent something less than 15 percent of total costs to the United States for Thai troops deployed to Vietnam. Other benefits which have accrued to Thailand include increases in the military and economic assistance programs, outfitting and support of the Overseas Replacement Training Center in Thailand, outfitting and support of Thai troops in Vietnam, construction, military sales concessions, and so forth.

At the Thai Overseas Replacement Training Center, Thai troops receive about 5 months' training before departure to Vietnam. The United States supplied the center with enough equipment and vehicles of the latest models contained in U.S. Army stocks to outfit a U.S. division—approximately $20 million worth. But the Thai troops were being trained in increments of 5,400 men—less than half the strength of a U.S. division.

Furthermore, the maintenance shops at the training center were filled to capacity with vehicles requiring maintenance, although little work appeared to be taking place. Large numbers of new trucks, trailers, and tractors were parked in open fields, engulfed with weeds. Many had flat tires and others—also new—had obviously been cannibalized for parts.

Ammunition was stored unprotected in open fields, with no security in evidence.

The representative of the Comptroller General was not even permitted to visit the Thai installations in Vietnam—although he had agreed that he would talk only to Americans—not Thais—and although he estimates that the U.S. Government has invested some $260 million in equipment, allowances, subsistence, construction, military sales concessions, and other support to the Thais for their contribution under the free world military assistance program to Vietnam.

Mr. President, I hope and believe the General Accounting Office will pursue its inquiry into this matter with full vigor, so that Congress and the American people will know more of the truth about why and how their tax money is being expended in this tragic Far East venture.

EXHIBIT 1

OBSERVATIONS MADE BY AUDIT MANAGER DURING SUPERVISORY VISIT TO SELECTED AUDIT SITES IN CONNECTION WITH A REQUEST BY SENATOR SYMINGTON FOR GAO TO CONDUCT A STUDY OF PAYMENTS MADE TO THAILAND FOR DEPLOYMENT OF ITS TROOPS TO VIETNAM

During the period from September 9, 1970, through October 7, 1970, I traveled to Bangkok, Saigon, and to our Far East Branch office in Honolulu before returning to Washington, D.C. The purpose of this trip was to oversee work being performed by the Far East Branch (FEB) staff concerning subject study, help finalize thoughts with regard to presentation of data in the forthcoming report, and to help solve any other problems that may exist.

The FEB staff had started work on the subject study in Honolulu on July 6, and in Bangkok on July 15. The staff in Bangkok was experiencing considerable difficulty and delays (per progress reports) in getting access to records maintained by the U.S. Embassy and the U.S. Military Assistance Command/Thailand. Therefore, we obtained a good bit of payment information from sources other than the U.S. Army 47th Finance Unit in Bangkok which had made the payments to the Thai Government.

We reviewed a number of vouchers by which payments were made to the Government of Thailand under the program, and obtained copies of certain selected vouchers and cancelled checks to use as examples in our report. We also prepared schedules showing all applicable payments made by the 47th Finance Unit since the unit was established in FY 1967, to the date of our visit in September 1970. In doing this, we were able to obtain copies of certain vouchers and cancelled checks, other information, and to schedule payments to the Government of Thailand for fiscal year 1967 which were not available in Bangkok.

The schedules prepared show that the 47th Finance Unit began making cash payments to the Thai Government in June 1967 for the period beginning in December 1966 for various types of allowances, etc. for Thai troops.

The largest of the 11 categories of payments relates to overseas allowance for Thai troops, followed by separation bonus of $400 per man after he has served in Vietnam, training in Thailand, subsistence for troops while in training, death gratuities of from $1,500 to $5,500 per man depending on rank, etc. Further details, however, are not shown herein because the source documents are classified. It should be mentioned, however, that based on costs thus far tentatively identified, cash reimbursements to the Thai Government will probably represent something less than 15 percent of total costs to the United States for Thai troops deployed to Vietnam.

BANGKOK, THAILAND (SEPTEMBER 14–19, 1970)

While in Bangkok, the assignment was discussed quite extensively with the audit supervisor and a limited review was made of the working papers and FEB's tentative report outline. I conveyed to the audit supervisor, who will also be deeply involved in preparing the overall report draft in Honolulu, our thoughts on report presentation. We believe the report should contain a schedule somewhere near the front showing amounts paid under each payment category. Other benefits that have accrued to Thailand as a result of their deployment of troops to Vietnam should also be scheduled, such as costs representing increases in the military and economic assistance programs, outfitting and support to the Overseas Replacement Training Center in Thailand, outfitting and support of Thai troops in Vietnam, construction, military sales concessions, etc. Subsequent sections would then contain descriptive explanations and examples of each category of payment and costs.

We also discussed access to records problems experienced by both the FEB and ID/W staffs. These problems have been serious and have delayed the study. These problems have also prevented us from obtaining information needed to present a complete and fully accurate report to the Subcommittee. For example, the FEB staff was not permitted access to documents or other information we consider essential to enable us to verify either the validity of payments or accuracy of Thai Government reimbursement billings to the U.S. Military Assistance Command/Thailand. We were also prohibited by the Department of State to directly contact Thai personnel to verify whether their troops actually received the money for which the United States paid the Thai Government.

I met separately with the U.S. Embassy Mission Coordinator, Director and Deputy Director of the Agency for International Development Mission to Thailand, and the MACTHAI liaison officer to the FEB staff in Bangkok. The Embassy Mission Coordinator was quite outspoken on the subject of GAO's access to their records. During the meeting, I advised him of a meeting between us and the Department of State desk officer for Thailand/Burma the day before my departure from Washington, D.C. At that meeting, we requested assistance in getting the Department to request the Embassy to relax its stringent records and document review process prior to releasing them to GAO, and to be somewhat more objective in those processes than had been evident thus far. The Coordinator advised us that the Embassy had not as yet received any new instructions from the Department on this matter, and that stringent records release criteria used by the Embassy will continue to be followed until the Department instructs them to change.

Shortly after arrival in Bangkok, I requested the audit supervisor to advise the U.S. Military Assistance Command that we wanted to visit the Thai Overseas Replacement Training Center at Kanchanaburi where Thai troops receive about five months training before departure to Vietnam. The trip was quickly approved and we visited the Training Center on September 18, 1970.

We had been advised that initially the United States had an Army special forces company of 300 to 400 men, plus about 200 or more logistics personnel, stationed at the Training Center assisting the Thais. This number, however, increased to something over 1,000 men in April 1968 before starting to phase down to a lower number. At present, the U.S. Army Advisory Group consists of only seven commissioned officers and two non-commissioned officers, although the group is authorized a total of 15 men. The commanding officer of the U.S. advisory group escorted us around the Training Center, and was quite outspoken when answering questions. While we obtained a good bit of information from him, the more significant comments were:

The U.S. supplied the Center with enough equipment and vehicles to fully outfit a U.S. Division based on an established TO&E. The equipment and vehicles are the latest models contained in U.S. Army stocks. Vehicles alone total up to something over 1,100 vehicles. However, the Thais train their troops in increments of about 5,400 men, which is something less than 50 percent of a Division's strength. Consequently, the U.S. has provided the Center with about twice the number of vehicles actually needed.

We were advised that it costs about $20 million to outfit a U.S. Army Division with equipment and vehicles. After my departure from Bangkok, the audit supervisor attempted to obtain from the U.S. Military Assistance Command/Thailand more current information regarding numbers, present ownership (U.S. or Thai Government), and cost of the equipment. However, the requested data had not been made available to him prior to his departure from Bangkok about October 1, 1970. Nevertheless, on October 5, 1970, the U.S. Army Pacific Command in Honolulu provided the FEB staff with IBM runs showing the initial issue of this equipment to the Thai Training Center.

During our visit to the Training Center we observed that the maintenance shops were filled to capacity with vehicles requiring maintenance, although little work appeared to be taking place. We also observed large numbers of *new* ¼-ton, ¾-ton, and 2½-ton trucks, as well as trailers, tractors, etc, that were parked in open fields, engulfed with weeds, many had flat tires, and still other *new* vehicles had obviously been cannibalized of part. We also observed that ammunition was stored unprotected in open fields with no security in evidence.

SAIGON, VIETNAM (SEPTEMBER 19–OCTOBER 2, 1970)

At the time of my arrival in Saigon on September 19, the Saigon staff, which began work on this assignment about the middle of August 1970, had performed work primarily on costs applicable to the Thai Army contingents, and had been dealing primarily with the U.S. Free World Military Assistance advisory group, U.S. Military Assistance Command/Vietnam, and the U.S. Army/Vietnam, in Saigon. The staff has thus far experienced only minimal access to records problems in Saigon.

In view of the conditions observed at the Thai Training Center as explained earlier in this trip report, I requested the Manager of the GAO Saigon Office to arrange with U.S. military officials for us to visit Thai installations in Vietnam. He immediately requested the GAO liaison at the U.S. Military Assistance Command/Vietnam by telephone to arrange the visit, and subsequently followed up the request in writing. He advised them that we wanted to make a 1-day field trip to the Thai base camp which, incidentally, is part of a larger complex housing U.S. forces, make observations of the facilities and equipment located there, and to talk with U.S. military representatives stationed there as liaison officers. We also informed them that, as on our visit to the Training Center in Thailand, we did not intend to talk to any Thai personnel during the visit. Nevertheless, U.S. miltiary officials in Vietnam with the concurrence of U.S. Embassies in Bangkok and Saigon denied us permission to visit the installation at that time and referred our request to higher authority.

The reason cited for denying our request was that GAO should have no need to consult host country officials or agencies and that such contacts could have adverse consequences. The reason cited, therefore, is not justified in view of the fact we had already visited the Training Center in Thailand without contacting the Thais, and we had agreed to not contact the Thais during our visit to the Thai base camp in Vietnam. It's difficult to understand the rationale of the U.S. military and Embassy officials for their refusal when one realizes the U.S. Government has invested possibly more than $260 million in equipment, allowances, subsistence, construction, military sales concessions, and other support to the Thais for their contribution under the Free World Military Assistance program to Vietnam.

The staff in Bangkok and Saigon has obtained conflicting information concerning ownership of equipment provided the Thais in connection with their deployment of troops to Vietnam. The staff had been advised from some sources that most of the equipment on hand with Thai troops in Vietnam had been brought with them from Thailand and that the Thai Government had title to all such equipment and would take it with them when they withdraw from Vietnam. The staff had also been advised that the Thais brought only a small amount of personal items with them to Vietnam (mess kits, clothes, etc.) and that such equipment as vehicles, weapons, etc., were generally obtained from U.S. Army stocks.

Although there was considerable correspondence on this subject between the U.S. Ambassador to Thailand and the Thai Government indicating that the Thais could keep such equipment upon withdrawal, the "Military Working Arrangement" between the Thai Government and the U.S. Military Assistance Command/Vietnam provides that title to equipment furnished through the Thailand Military Assistance Program and brought into Vietnam by Thailand will remain with the Thai Government, whereas title to items of equipment provided from U.S. or Government of Vietnam stocks will remain with the U.S. or Vietnam Governments as appropriate.

We had learned that equipment at the Thai Training Center and on hand with Thai forces in Vietnam are of the most up to date series in the U.S. Army inventory, and not of the type normally provided under the Military Assistance Program. Therefore, the source of such vehicles and equipment (costing about $40 million) at both the Training Center in Thailand and at the Thai base in Vietnam, may very well determine their ownership and disposition whenever the Thais withdraw from Vietnam. The FEB staff in Bangkok and Saigon, therefore, were requested to inquire further into the matter of equipment source and ownership. The FEB Saigon staff had obtained an up to date listing of U.S. equipment on hand with the Thais in Vietnam. The listing when compared to the authorized TO&E indicated the Thais had excess equipment in several categories. Since the listing did not show any cost data, the Saigon staff was requested to cost out the equipment. This exercise showed an equipment valuation of about $20 million.

IS THERE A VIRGINIA KNAUER?

Mr. MOSS. Mr. President, in these last days of the 91st Congress, American consumers are being taught a brutal lesson: The Nixon administration's consumer protection program is a fraud. It is not what it pretends to be.

Let us look at the facts.

On October 31, 1969, the President sent to Congress a consumer message which paid lip service to the pressing needs of American consumers. Here is where the deception begins. The message was billed as President Nixon's "Buyer's Bill of Rights" but its rhetoric was, in fact, a carbon copy of President Kennedy's 1962 Consumer Magna Carta.

From this first message was born a hodgepodge of proposals. But exposure of time and examination of fine print have shown these proposals to be mere shadows of their expressed objectives. The administration appeared committed to legislation that would strengthen the Federal Trade Commission and provide for consumer class actions so that consumers could protect their own rights without waiting for the bureaucracy. But while the Senate Commerce Committee hammered out the terms of a bill to meet these objectives, agents of the White House, Justice, and Commerce launched delaying and obstructive maneuvers designed to undercut the work of the committee.

A week ago last Monday, responsible officials in the administration refused even to discuss a proposed compromise which would have enabled Congress to act now on those consumer bills which have broad support, leaving the most controversial bill to be fought out next year. This refusal followed President Nixon's charge that Congress was unwilling to compromise in order to get some protection for consumers.

Legislation to create an Independent Consumer Protection Agency was worked out in an extraordinary show of bipartisan cooperation in the Senate—cooperation which was made manifest by a final vote of 74 to 4. The cooperation was extraordinary because it came in the face of White House urging to scuttle the whole effort.

But the Senate victory was short lived. In last week's tragic Rules Committee vote where every Republican voted in the negative, the White House succeeded in preventing the consumer agency bill from reaching the House floor where passage was certain.

On July 1 of this year, the Senate unanimously passed a bipartisan bill the administration had given up fighting against. This bill would have rid the marketplace of many warranty abuses which plague American consumers in every economic bracket. To the best of my knowledge, the administration has not lifted a finger to press for the passage of this legislation, despite the fact that responsible appliance manufacturers and retailers now accept the necessity for legislation.

Perhaps the administration's commitment to the consumer cause can best be gaged not by the speeches and messages that have seen the light of day, but rather by the extraordinary circumstances in which the President signed the Cigarette Advertising Act. That landmark legislation will remove from the air cigarette ads costing hundreds of millions of dollars directed toward the promotion of a lethal product. The President apparently signed the bill in the dead of night without comment. Apparently the President was too timid to offend the broadcasters and the tobacco interests which Congress had dared confront.

As this Congress comes to a close let the record of the Senate, and particularly the Senate Commerce Committee, testify to our consumer commitment. Under the leadership of Chairman MAGNUSON the Senate Commerce Committee has reported no less than 11 consumer bills to the floor of the Senate. The Consumer Subcommittee which I chair had held 36 days of hearing and taken testimony from more than 110 witnesses in the 91st Congress. More than 330 pages of reports have been presented to the Senate.

But the timid behavior of the administration has brought us a meager return for our time and energy investment on behalf of consumers of this country. And what about Virginia Knauer?

Once a forceful, committed spokeswoman for consumers, today she stands humiliated, undercut, and hamstrung by such barely visible White House operatives as Flannigan and Rose and the clever, business-oriented tactician of the Commerce Department, General Counsel James Lynn.

Mr. President, tomorrow President Nixon will hold his first press conference since early summer. There are, of course, many pressing and critical issues of national interest about which he is certain to be questioned. But if there were adequate time, I would hope that those present would seek the answers to these questions:

What is the administration really willing to do for consumers?

Will the administration allow Congress to create a consumer protection agency without putting roadblocks in its way?

Will the President support the recommendations of the National Commission on Product Safety for strong coherent product safety legislation?

Will the President support legislation to give the Federal Trade Commission the tools it needs to police fraud and deception?

Will the President support legislation to give consumers a meaningful right to protect themselves from fraud through class actions?

Will the President work for early passage of the warranty legislation in the next Congress?

Will the President allow the Department of Transportation to develop basic automobile insurance reform which its studies have demonstrated are essential?

And, finally, will he allow the real Virginia Knauer to stand up?

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. STEVENSON) laid before the Senate a message from the President of the United States submitting the nomination of Lt. Gen. Harry Herndon Critz, Army of the United States—major general, U.S. Army—to be placed on the retired list in the grade of lieutenant general.

THE SUPERSONIC TRANSPORT

Mr. MURPHY. Mr. President, I rise today to comment on a vote that was taken in the Senate a few days ago that had to do with the future building of experimental models of the supersonic transport. The SST was rejected in the Senate, but not by a great margin. Five votes would have changed the result.

I am sure many of my colleagues arrived at their conclusions in connection with the SST based on some of the arguments presented here. In examining the arguments I find many of them had no basis in fact; they were arguments based on theory. For instance, we were told about the damage to the environment but there is no scientific basis for the charge. We were told of the sideline noise from the engines, when the engines have not been built. I do not know how it would be possible to know about the sideline noise at this point.

I was pleased to read in the newspapers this morning that this program, which I think is vitally needed and extremely important to our aviation industry, is still alive by a vote taken in the House.

Recently, 34 American scientists, including Dr. Edward U. Teller, have urged that work continue on the SST simultaneously with investigation of its effects on the environment.

Because the SST is generally assumed to have been defeated because of its alleged adverse effect on the environment, this statement by leading scientists should serve to point out that there is a very great area of disagreement over the question of whether the SST will indeed harm the environment.

In the recent debate prior to the SST vote, the Senate heard many statements by scientists who were against the SST, but these arguments were almost always couched in terms of equivocation. There was a good reason for this. No one is sure just what the environmental effects of the SST will really be.

My colleague, the distinguished Senator from Arizona, said he had flown at twice the speed of sound in formation last summer and that there was no pollution discernible from the tailpipes of any aircraft in that formation.

The Senate, in voting down the SST, sacrificed the jobs of 150,000 workers, a billion dollars in wasted money, and America's leadership position in the aviation industry. But it is not too late to rectify that mistake. It would seem that the most rational course would be to allow continued development of the SST coupled with a thorough program of scientific investigation into possible environmental consequences. I hope that the Senate will give this possibility every consideration.

President Nixon has taken a strong and proper stand in terming the Senate's refusal to vote funds for the SST a "devastating mistake." It would be difficult to characterize this move—which will do so much more harm than good—in any other way.

The opponents of the SST have continued to downplay the consequences of their action. They dismiss out of hand the loss of 150,000 jobs, the loss of our Nation's prominent position in the aviation industry, the $700 million which has been wasted and the $278 million in contract terminations which will be wasted.

However, I wonder whether the American people will dismiss these losses so easily. As the realization begins to dawn that the U.S. Senate has voted irreparable damage to a significant portion of our economy, that we have given up leadership in an extremely important technological field and thrown away $1 billion to boot—then I wonder whether the defeat of the SST will be applauded or deplored.

I think it will be deplored. That is why I intend to discuss this matter further in this Chamber before the end of the session.

I believe that some of our colleagues who voted against the SST should reconsider their position, particularly if they were motivated by many of the arguments I listened to on the floor of the Senate which had no basis in science. I would urge them to weigh carefully the damaging consequences of their vote against what we have achieved in favor of preserving the environment based on some very specious and I believe unreliable information.

CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar beginning with Calendar No. 1410.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered. The clerk will proceed to state the items on the calendar, beginning with Calendar No. 1410.

ENRICO DeMONTE

The bill (H.R. 2335) for the relief of Enrico DeMonte was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1394), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that in the determination of the right of Enrico DeMonte, of Niagara Falls, N.Y. to widower's insurance benefits under section 202(f)(1) of the Social Security Act, as amended (42 U.S.C. 402(f)(1), as amended), he is held and considered to have been receiving at least one-half of his support from his late wife, Rose DeMonte, at the time of her death on October 15, 1963.

STATEMENT

In its favorable report on the proposed legislation, the Committee on the Judiciary of the House of Representatives said:

"Mr. Enrico DeMonte was completely disabled from performing gainful employment in an industrial accident in 1928. The accident caused an injury to Mr. DeMonte's eyes with the result that his eyesight was so impaired that he has been held to be functionally blind for purposes of earning a living and his own support. His sole personal source of income, except for a small amount of interest upon a savings account, is and has been the meager monthly sum of $100. This represents a disability payment which is made out of the New York State insurance fund. Considering that Mr. and Mrs. DeMonte were the parents of three children, this amount was inadequate for the purposes of providing the minimal support necessary for their subsistence. His wife was, therefore, forced to obtain employment in 1930 or 1931 in order to properly support themselves and their three minor children. Prior to that time, she was unable to obtain any employment because of the economic depression which existed.

"Mrs. DeMonte was forced to continue full-time employment, as and when she was able to obtain it, and in 1941 or 1942, she obtained a full-time job at the Chisholm-Rider Co., Inc., in Niagara Falls, N.Y., where she continued her employment until the year 1959 when a plantwide strike caused her employer to discontinue normal operation and go into a minimal operation under a skeleton crew.

"Mrs. DeMonte was then forced to seek new employment whenever and wherever available and of any type available to her. For a period of approximately 3 months, she collected unemployment insurance benefits, but thereafter she obtained part-time employment with the board of education in Niagara Falls, N.Y., where she worked during the years 1959 through the time of her accidental death on October 15, 1963. Unfortunately, Mrs. DeMonte was killed in an automobile accident which occurred on that date. Mrs. DeMonte, while laid off during the years 1959 through 1963, fully expected to be recalled to the Chisholm-Rider Co. plant and as a union member with 17 years seniority at the time of the layoff, she would have been recalled. This belief is strengthened by the fact that some time in the year 1964 the Chisholm-Rider plant reopened production and commenced the recall of former employees released because of the plant shutdown.

"Mr. DeMonte made application for widower's insurance benefits under the Social Security Act following his wife's death. He applied for these benefits because his wife was and had been the main support of the family for many years.

"Under the Social Security Act a widower must have been receiving at least one-half of his support from his wife at the time of her death in order to qualify for widower's insurance benefits. (Under the regulations of the Social Security Administration, a widower meets this requirement if his wife was contributing at least one-half of his support for a reasonable period before her death. A period of 12 months preceding the date of death is considered a reasonable period unless there is a change in the support situation during such period.) The reason for the support requirement is to assure that benefits will be paid only in situations where the widower had been dependent on his deceased wife for his support and lost that support as a result of her death.

"As is noted in the memorandum accompanying the Health, Education, and Welfare report, the information furnished to the Social Security Administration showed that in the 12-month period before she died, on October 15, 1963, Mrs. DeMonte was working part time and Mr. DeMonte was getting biweekly workmen's compensation payments. (Mr. De Monte had been receiving such payments since 1928, when he became disabled.) Mrs. DeMonte had a net income of $1,674.50 in the 12 months immediately preceding her death. In the same period her husband's income was $1,300 in workmen's compensation (which is not subject to taxes). The total income to the couple for that period was $2,974.50, and the value of Mr. DeMonte's support was determined to be one-half of $2,974.50 or $1,487.25. Since Mr. DeMonte's income of $1,300 was more than half that amount, the Social Security Administration determined that Mr. DeMonte did not receive one-half of his support from his wife in the year before her death and that he was not entitled to widower's insurance benefits.

"On October 13, 1964, Mr. DeMonte requested a hearing before an examiner of the Bureau of Hearings and Appeals of the Social Security Administration. The specific issue determined at the hearing, which was held on March 24, 1965, was whether Mr. DeMonte was receiving at least one-half of his support from his wife at the time of her death. The hearing examiner found that Mr. DeMonte's tax-free income of $1,300 a year had provided more than one-half of his support prior to the death of his wife on October 15, 1963. He therefore upheld the Social Security Administration's determination that Mr. DeMonte was not entitled to widower's insurance benefits.

"The committee has determined that the unusual circumstances of this case have served to deny social security benefits to a dependent individual, who is clearly of a class of individuals who were intended to be benefited by the Social Security Act.

"The beneficiary of this bill is a man who, according to the information supplied to the committee, was not gainfully employed since 1928. As has been noted in this report and as outlined in the departmental memorandum, the law only permitted a consideration of a 12-month period immediately preceding Mrs. DeMonte's death and did not make it possible to examine the history prior to that time when the actual facts show that she was the main support of the family and had she died in that period, Mr. DeMonte would have been eligible for the benefits he now seeks. The Department has questioned relief on the grounds that it would be preferential in this instance. However, the committee feels the facts are sufficiently unique that legislative relief should be extended in this instance and accordingly recommends that the bill be considered favorably."

The committee believes that the bill is meritorious and recommends it favorably.

MRS. FRANCINE M. WELCH

The bill (H.R. 12173) for the relief of Mrs. Francine M. Welch was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1398), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record. as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Francine M. Welch of liability in the amount of $5,568.74, representing payments of living quarters allowance as an employee of the Air Force in the period July 20, 1964, through March 8, 1969, which was subsequently held to be payable to her as a Federal employee serving overseas.

STATEMENT

The Committee on the Judiciary of the House of Representatives in its favorable report on the bill said:

"The Department of the Air Force in its report to the committee on the bill stated that the payments were received in good faith and in reliance upon determinations made by responsible Air Force officials, and, for this reason, the Department would have no objection to favorable consideration of the bill. The Comptroller General in his report noted its policy objection to private relief but stated that it viewed the matter as a case for determination by the Congress.

"The Department of the Air Force in its report outlined the situation as regards the regulations authorizing the payment of living quarters (LQA) to a civilian employee of the Government serving overseas. The Air Force noted that in order for an employee who is recruited outside of the United States for employment in a foreign area to qualify for the allowance, the person must meet the conditions of either section 031.12c or 031.12d of the Department of State Standardized Regulations. The first section allows eligibility to a locally hired Government employee if the person had been working in the foreign area for an employer named in that section and 'the employee was recruited in the United States, the Commonwealth of Puerto Rico, the Canal Zone, or a possession of the

United States' by that employer, 'and had been in substantially continuous employment by such employer under conditions which provided for his return transportation to' such U.S. area.

"Section 031.12d requires that 'the employee was temporarily in the foreign area for travel or formal study and immediately prior to such travel or study had resided in the United States, the Commonwealth of Puerto Rico, the Canal Zone, or a possession of the United States.' Current policy in Department of Defense Instruction 1418.1, January 14, 1969, reflects the consistent interpretation of section 031.12d by providing:

"In applying the provisions of section 031.12d, the determination of a locally hired employee's eligibility under the criterion "temporarily in the area for travel or formal study" must be administered with caution. An individual determination must be made in each case in consideration of all known circumstances. As a general rule, this criterion will be limited to persons who clearly are planning to continue their travels and who have no prior residence in the area.

"As is noted in the Air Force report, it was ultimately determined that Mrs. Welch did not meet either eligibility criteria. This, of course, is a determination that was made more than 5 years after the initial contrary determination was made. The problem in her case was that while she had traveled to Europe and apparently would have qualified under section 031.12d, she was held not to have qualified because she was locally employed in Germany prior to obtaining Government employment in Spain. The review of the Air Force of her reasons for traveling to Europe led to the conclusion that she did not qualify under the requirement that she was in the foreign area "temporarily for travel." The Air Force noted that the information on her application for employment and her application for quarters of allowance stated facts which should have alerted responsible personnel to the facts referred to above. It was also noted that there was no administrative authority for relief in this instance. It is therefore clear that Mrs. Welch's only recourse is to petition Congress for relief as provided in this bill.

"In view of the position of the Air Force and the circumstances of this case, including the evident good faith of the employee in fully disclosing the circumstances concerning her presence in Europe and reliance upon the Air Force determination for an extended period, it is recommended that the bill be considered favorably."

The committee believes that the bill is meritorious and recommends it favorably.

MUTUAL BENEFIT FOUNDATION

The bill (H.R. 2214) for the relief of the Mutual Benefit Foundation, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1404), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to pay $7,500 to the Mutual Benefit Foundation, a charitable corporation, in full settlement of its claims against the United States for the value of the private yacht *Southern Breeze* which was requisitioned by the United States in 1941 and delivered to the U.S. Maritime Commission at Galveston, Tex.

STATEMENT

In its favorable report on the proposed legislation, the House Judiciary Committee set forth the facts of the case as follows:

The bill H.R. 2976 was the subject of a subcommittee hearing on May 9, 1968, at which time the committee received testimony in support of the bill.

The *Southern Breeze* was a pleasure yacht owned by Leslie A. Layne. The committee has been furnished with a report of survey of condition of the yacht dated December 17, 1941. This survey disclosed that the yacht was built in 1912 and was 91 feet 8 inches in length. It was 17 feet wide and had a depth of 8 feet 6 inches. Its gross tonnage was 93.24 and its net tonnage was 63 tons. It was powered by two 220-horsepower 6-cylinder gasoline engines. The cabins and housing on the inside were built of mahogany and on the outside teak. The vessel was a flush deck type with wooden house amidship and navigating bridge on top of house fore part. The survey detailed the fact that the vessel was equipped with auxiliary machinery including a refrigerating unit, a butane gas system for the galley, and an auxiliary generator. The appraisal of the vessel in connection with the survey was $49,912.

The *Southern Breeze* was a pleasure yacht owned by Leslie A. Layne. Length 91 feet 8 inches, breadth 17 feet; net tons 63.

The vessel was requisitioned and possession was delivered to the District Manager, U.S. Maritime Commission, New Orleans, La., on December 17, 1941, at Galveston. Thereafter, the owner, Mr. Layne, was advised that the vessel was lost somewhere in the Atlantic Ocean in April 1943 but was later advised that the vessel (YP-156, official number 209519) was in custody of 7th Naval District, Miami, Fla. Still later (Mar. 3, 1954) the owner was advised by Lloyd's Register of American Yachts that the yacht *Southern Breeze* had foundered. So, since shortly after the date of requisition the owner was unable to definitely determine the location of the yacht.

On February 17, 1942, the War Shipping Administration transmitted to Mr. L. A. Layne an offer of $7,500 for the vessel and equipment. Mr. Layne considered this offer wholly inadequate and much correspondence was had as to its value. Mr. Layne furnished the War Shipping Administration the appraisal referred to above which was made by one R. L. Wynee, an independent marine appraiser who had no connection with Mr. Layne. As has been stated, according to this itemized appraisal the vessel, machinery and equipment as of December 17, 1941, was appraised at $49,912. The committee was also advised that at that time a letter was addressed to U.S. Maritime Commission, Washington, D.C., to the attention of Adm. E. S. Land, written by Mr. Charles Crotty, assistant director of the Port of Houston, stating that he had been cognizant of the vessel for from 12 to 15 years and knew its value, and that in his opinion based on the present values (1942) the vessel could not be replaced at a cost of $90,000 to $100,000. He placed the market value at not less than one-half its replacement value. At that time, Mr. Layne offered (for the purpose of settling and compromising the dispute) to accept $34,400 for the vessel.

After much correspondence the War Shipping Administration on June 9, 1945, forwarded a bill of sale, affidavit, and public voucher to be signed by Mr. Layne and a suggested form of letter to be signed by Mr. Layne's attorney, who at that time was Hon. W. M. Streetman. The accompanying letter advised that when the above-listed necessary documents were executed and returned the matter of payment of $5,625, representing 75 percent of the sum determined by the War Shipping Administration to be just compensation for the vessel, would be given prompt consideration.

Mr. Layne objected to the form of the bill of sale and refused to execute it. Further correspondence was had as to this feature and Mr. Layne did not return the papers. Therefore, he did not receive the $5,625, or any amount. At the hearing on the bill, the witness in behalf of the claimant was questioned concerning this incident and the witness was the attorney representing the Mutual Benefit Foundation, the charitable corporation to which the owner transferred his interest and stated that neither Mr. Layne nor the foundation was paid anything by the Government.

The bill recites that the claim for compensation for requisition of the vessel was assigned by the owner of the vessel, Leslie A. Layne, to the Mutual Benefit Foundation. Mr. Layne, long prior to his death, made the transfer to the Mutual Benefit Foundation, a charitable corporation, of all and every claim and demand held by him against the United States (or any agency thereof) for compensation for said vessel.

The committee has carefully considered the matter and the facts concerning it as disclosed in the information submitted to the committee and the testimony at the hearing as well as those outlined in the report of the Department of Commerce. The committee has concluded that the most equitable resolution of the matter at this time is to provide for a payment of $7,500. This is the amount originally fixed by the Government which was not paid due to a refusal on the part of the owner to accept any amount due to disagreement as to values. However, since the vessel has been lost and the intervening period has made it difficult to establish value, it is felt that the best settlement of the matter can be effected by providing for a payment of $7,500 to the assignee of the owner's interest—that is, the Mutual Benefit Foundation. It is recommended that the amended bill be considered favorably.

The committee, after a review of the foregoing, concurs in the action taken by the House of Representatives and accordingly recommends favorable consideration of H.R. 2214, without amendment.

JULIUS DEUTSCH

The bill (H.R. 7267) to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1407), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that notwithstanding any prior decision of the Foreign Claims Settlement Commission, the Commission be authorized and directed to reopen and redetermine, after hearing, the claim of Julius Deutsch against the Government of Poland, based upon the claim of the said Julius Deutsch, of a 50-percent interest in the Polish corporation "Lenko" S.A.

The bill further provides that any award made by the Commission after a redetermination shall be paid by the Secretary of the Treasury from the Polish Claims Fund to the same extent as if the award had been made prior to March 31, 1966.

STATEMENT

In its favorable report on the legislation, the House Judiciary Committee set forth the facts of the case as follows:

The claim referred to in the bill was a part of a claim filed with the Foreign Claims Settlement Commission on September 1, 1960. It was filed within the filing period for claims against Poland which was established pursuant to the provisions of title I of the International Claims Settlement Act of 1949, as amended.

Title I of the International Claims Settlement Act of 1949, as amended, conferred jurisdiction on the Foreign Claims Settlement Commission to receive, examine, adjudicate, and render final decision with respect to claims of nationals of the United States within the terms of the Yugoslav Claims Agreement of 1948, or concluded within the terms of any claims agreement thereafter concluded between the Government of the United States and a foreign country for the settlement and discharge of claims of nationals of the United States arising out of the nationalization of other taking of property.

The claim filed by Julius Deutsch was in the amount of $5,045,829 and was based upon the nationalization or other taking by the Government of Poland of the interest he claimed in two corporations in Poland.

On November 24, 1965, after consideration by the Commission, an award in the principal amount of $40,288.50, plus interest in the amount of $29,141.88, was made in favor of Mr. Deutsch for his 45-percent interest in the corporation, Slaka Fabryka Grenipi, S.A., located at Bielska, Poland, which was nationalized by the Government of Poland on June 26, 1948. The portion of the claim based upon the nationalization of Mr. Deutsch's asserted 50 percent interest in the second corporation known as "Lenko," S.A., located at Wapiennice and Bielska, Poland, was denied for claimant's failure to prove to the satisfaction of the Commission, his ownership in such corporation on July 4, 1947, the date of its nationalization or taking by the Government of Poland.

The Foreign Claims Settlement Commission in its report noted that while no hearing was requested by the claimant to appear before the Commission for the purpose of presenting oral argument or the filing of additional evidence concerning his denial, written objections were filed and were considered by the Commission, prior to the issuance of the final decision on February 2, 1966. The final decision affirmed the award with respect to the first corporation and the denial concerning the second corporation.

A petition to reopen the claim for a reconsideration was filed by Mr. Deutsch's attorney on March 3, 1966, together with certain additional evidence concerning claimant's ownership of the property which had been denied. The attorney was advised that the new evidence was found not sufficient to establish claimant's alleged ownership in the corporation "Lenko" S.A. at the time of its nationalization in 1947 and thus provided no basis for the reopening of the claim.

The issue raised in connection with this bill is, therefore, the basis for an authorization for a reopening of the claim. As is noted in the report of the Foreign Claims Settlement Commission, on April 28, 1966, an attorney for the claimant requested that he be permitted to appear before the Commission to challenge certain of its findings and conclusions in connection with the claim. The attorney was advised that this was impossible since the program was completed and the claim could not be reconsidered or heard. It is for this reason that legislative relief was sought as embodied in this bill.

In order to further develop the facts concerning this matter, a hearing was scheduled on the bill on January 22, 1970. The witness appearing in behalf of the claimant stated that the particular facts of this case provide extenuating circumstances justifying relief and further that a decision of a Polish court rendered on November 25, 1969, constituted new evidence which could not have been presented to the commission at the time of its original consideration of the claim.

While the facts must be established before the Commission under the provision of this bill, the information submitted to the committee indicates that the property which is the subject matter of this claim is a textile manufacturing plant with buildings in Bielsko and Wapienca, Poland. It was stated that this business was founded in 1880 by the father of the claimant, and in 1908, upon the death of the father, the claimant and his older brother became the sole owners of the company and operated the business as a partnership under the name of "Deutsch Bros."

In 1936, the brother organized a corporation, "Lenko" S.A., and all of the assets of Deutsch Bros. were transferred to the corporation in exchange for 12 shares of stock which were divided equally between the two brothers. One of the principal issues in this case relates to the ownership of the stock of the corporation. In January of 1939, the shares were reissued as bearer shares. At the subcommittee hearing, it was asserted that each brother retained the same 50 percent ownership as before. It was further stated that prior to the outbreak of World War II, the stock certificates were kept in the vaults of the corporate headquarters at Bielsko located within a few miles of the German border. Just prior to the German invasion of Poland, the claimant made preparations to leave the country and forwarded these stock certificates 300 miles eastward to Lenko's representative in Warsaw with instructions to make arrangements for their safe keeping. Julian Deutsch then fled from Poland and never returned. He settled in the United States and became a citizen on April 21, 1946. The corporate representative in Warsaw deposited the stock certificates for safe keeping in a bank used by the corporation in that city and apparently there is no question concerning the fact of the deposit in the bank.

After the war, the Government of Poland began nationalizing its economy and the Lenko plant was nationalized on July 4, 1947. The securities remained on deposit in the bank and, when that bank was liquidated, the certificates passed into the hands of the Polish National Economic Bank.

As has been noted by the Foreign Claims Settlement Commission in its report, this aspect of the claim was denied on the basis of a finding that Julian Deutsch had failed to provide to the satisfaction of the Commission his ownership in the corporation on the date of nationalization in 1947.

The Foreign Claims Settlement Commission in its report on a similar bill in the 90th Congress opposed the bill, and has advised the committee that it takes the same position concerning the bill in the present Congress. In that report the Commission noted that proposals which would have been extended to the Polish claims program were not passed by the Congress, and stated that the Commission had opposed the extension. It was also noted that there is presently no money in the Polish Claims Fund to pay claims such as the one embodied in this bill. If a payment is determined to be due upon further consideration of the claim as authorized in the bill, it will only be made if other money is deposited to the fund as outlined in the Commission's report. The committee has considered the objections of the Commission and has concluded that they must be weighed in the light of the relief sought under this bill. The committee views this bill as being, in essence, an appeal for a rehearing of the matter. Such a rehearing would enable the Commission to consider the determination by the Polish court in 1969, which has been referred to in this report and is in the nature of subsequently developed evidence which was not before the Commission at the time of its previous determination. Clearly, the Commission provides the best forum for a determination of this matter, and, while the facts were discussed extensively before the subcommittee in the course of the hearing on the bill, the committee makes no findings as to the ultimate determinations based on these facts for these are matters within the province of the Commission. It is recommended that the bill be considered favorably.

The committee, after a review of the foregoing, concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 7267, without amendment.

JAMES HOWARD GIFFIN

The bill (H.R. 7830) for the relief of James Howard Giffin was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1408), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that notwithstanding any contrary provision of the Railroad Retirement Act of 1937, as amended (45 U.S.C., ch. 9; 49 Stat. 967–974, as amended), the Railroad Retirement Board is authorized and directed to determine and certify to the Secretary of the Treasury the aggregate amount of annuity which would have been payable under such act to James Howard Giffin, of Bainbridge, Ohio (R.R.B. No. A–572441), for the period beginning on the earliest date for which he could (upon filing application therefor) have become entitled to an annuity under such act and ending with the date with respect to which he first commenced to receive an annuity under such act; and the Secretary of the Treasury is authorized and directed to pay to the said James Howard Giffin (out of the railroad retirement account in the Treasury) an amount equal to the amount so certified by such Board.

STATEMENT

In its favorable report on the bill, the House Judiciary Committee relates the facts of the case as follows:

James Howard Giffin was a railroad employee who, the committee has been advised, was employed by the Baltimore & Ohio Railroad up to March of 1947. The report of the Railroad Retirement Board indicates that his last day of work was March 1, 1947. He became a patient in the Athens State Hospital in Athens, Ohio, in April of 1947. However, he did not file an application for an annuity benefit under the Railroad Retirement Act until March 3, 1954. The Railroad Retirement Board has advised the committee that he was awarded an annuity based on his being permanently disabled to work in his regular occupation of railroad flagman by reason of psychosis. He is still receiving this annuity.

The annuity award, which was made in August 1954, was effective September 3, 1953, 6 months before the date his application was filed. This was the earliest beginning date permissible under section 2(c) of the act under which an annuity could not begin to accrue earlier than "6 months before the filing of the application." (The retroactive period was subsequently increased by Congress to 12 months with respect to applications filed after August 1954.)

The Railroad Retirement Board has opposed the relief which would be extended to Mr. Griffin by this bill. They have pointed out that among other reasons, incompetency is not included in the law as providing an exception for the requirement that an application be made for benefits in order to provide for the retroactive payment of annuities. In stating its opposition to private relief, the Board commented, in part, as follows:

"This limitation on accruals reflects the basic policy of the Railroad Retirement Act (as well as of the Social Security Act which contains a similar restriction on accruals) to provide current income to beneficiaries in the form of regular monthly benefits. There is no express exception in the act to this limitation on accruals because of the employee's incompetency. Nor can one be implied. There is provision in the act for another person to act on behalf of an incompetent (sec. 19) but it is provided that otherwise every individual receiving or claiming benefits shall be conclusively presumed to be competent until notice to the contrary is received by the Board.

"The matter of fault, negligence, ignorance of the law, incompetency, and so forth, in connection with failure to apply for benefits at the earliest possible date is not involved and does not arise. The purpose of the act is to provide current income; so accruals beyond the limited accrual period (6 months at the time Mr. Griffin applied) are not provided for, irrespective of considerations of lack of fault, ignorance, or incompetence.

(Certain lump-sum payments are provided for specific purposes; there is an insurance lump sum for burial purposes and a residual lump sum to guarantee that an employee and his survivors will get benefits at least equal to his contributions.)

"The policy and administrative considerations which lie behind this limitation on accruals in the Railroad Retirement Act as well as in the Social Security Act are not, of course, pertinent here since there is no proposal to change the law. The proposal here is to make an exception, by way of a private bill, to the statutory rule which limited the accrual of Mr. Griffin's annuity to 6 months, that is, which required that his annuity award be made effective no earlier than September 3, 1963. Enactment of this bill would set a precedent for introduction of other private bills to provide the same preferred treatment in similar cases, and enactment of such bills would result in a very unequal and unfair application of the law."

The committee has carefully considered the statements of the Retirement Board set forth in its report and as referred to above, as well as the other information submitted to the committee in connection with this claim. The wife of the claimant stated that in 1947, she informed her husband's employer that her husband was a patient at the Athens State Hospital. This was done by a phone call placed to a Mr. A. S. Weller, who was the superintendent of the Newark Division of the B. & O. Railroad, at Newark, Ohio.

The committee has carefully considered the facts of this case and determined that the circumstances justify the relief provided by this bill, that is, that this man be granted retroactive benefits to which the board found him entitled. It appears that the permanent disability that forms a basis for the benefits he is presently receiving must have operated to inhibit his ability to apply for the benefits himself. The fact that others failed to adequately protect his rights should not be taken advantage of for the purpose of denying him those benefits. The report of the Railroad Retirement Board does not raise any question concerning his entitlement to the benefits. Their opposition is grounded upon a failure to apply in a timely fashion. Since he was subsequently entitled to the benefits and the retroactive period would include the period of his initial hospitalization, it is recommended that the bill be considered favorably.

After a review of the foregoing, the committee concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 7830.

BILL PASSED OVER

The bill (S. 106) for the relief of Waldemar E. Kunstmann was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

INCREASE IN AUTHORIZATION FOR APPROPRIATIONS TO THE ATOMIC ENERGY COMMISSION

The bill (S. 4557) to amend Public Law 91–273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(b) of Public Law 91–273 is hereby amended by adding at the end thereof:

"(9) Project 71–9, fire, safety, and adequacy of operating conditions projects, various locations, $25,500,000."

Sec. 2. Section 102(a) of Public Law 91–273 is amended by striking "and" after "(3)," and by inserting ", and (9)" after "(4)".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1414), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SUMMARY OF THE BILL

This bill amends Public Law 91–273, the Atomic Energy Commission Fiscal Year 1971 Authorization Act, by providing a supplemental authorization for appropriations of $25.5 million for the construction at various locations of improvements to further enhance fire protection, safety, and operating conditions of the Atomic Energy Commission's nuclear weapons production and research facilities. These funds were requested by the President after careful and thorough study by the AEC and independent fire insurance consultants taking into cosideration the combination of gradual deterioration of aging facilities and advances in fire and safety techniques and materials.

The bill is in two sections. Section 1 amends subsection 101(b) of Public Law 91–273 by adding paragraph (9), line item for construction project 71–9, at an authorized level of $25.5 million.

Section 2 of the bill contains a technical amendment to subsection 101(a) of Public Law 91–273, containing limitations applicable to the authorization, by providing an appropriate reference to the new paragraph added by section 1.

BACKGROUND

On September 14, 1970, the President transmitted an executive communication (H. Doc. No. 91–382) to the Congress requesting the Congress to consider proposed supplemental appropriations most of which involved increased budget authorizations. Accompanying that request was a letter from the Office of Management and Budget which delineated the amounts of appropriations desired including $25.5 million for the Atomic Energy Commission for plant and capital equipment.

By letter dated September 12, 1970, the Atomic Energy Commission forwarded to the Congress a proposed bill to authorize the supplemental appropriations requested by the President. Hearings were held by the full committee on December 3, 1970. In view of the classified nature of the subject matter, the hearings were conducted in executive session.

On December 3, 1970, Chairman Holifield, for himself, Mr. Price of Illinois, and Mr. Hosmer, introduced H.R. 19908, a bill to authorize a supplemental appropriation of $25,500,000. Vice Chairman Pastore introduced an identical bill, S. 4557, on the same day. On December 4, 1970, the full committee met in executive session for markup of the bills. At this session, the committee voted to approve reporting of the bills favorably without amendment and adopted this report.

HEARINGS

On December 3, 1970, the full committee held executive hearings on the request for supplemental authorization of appropriations. Atomic Energy Commissioner Johnson presented a general statement on the proposed legislation. Testimony was also received on behalf of the AEC from Commissioners Ramey and Larson; R. E. Hollingsworth, General Manager; John Erlewine, Assistant General Manager for Operations; Maj. Gen. E. B. Giller, USAF, Assistant General Manager for Military Applications; and John Abbadessa, Controller. The Joint Committee intends to publish a declassified print of these hearings.

COMMITTEE COMMENTS

On May 11, 1969, a major fire occurred at the Rocky Flats (Colo.) plant of the Atomic Energy Commission. The Rocky Flats plant, which produces plutonium parts for weapons, is located approximately 21 miles northwest of Denver between Golden and Boulder. The fire occurred in building 776–777 which, like so many other AEC plants, is a complex facility that has been rearranged and modified frequently over the years to meet changes in production requirements and schedules. The restoration of the Rocky Flats manufacturing facility will cost between $40 million and $50 million. Public Law 91–47, June 22, 1969, provided supplemental appropriations in the amount of $45 million for that purpose.

To get a better overall picture of the possible vulnerability of other key weapons-related facilities to the starting and spreading of fire, the AEC contracted for detailed fire protection surveys by two independent industrial inspection teams. One team was supplied by the Factory Insurance Association (FIA) of Hartford, Conn., and a second team by Factory Mutual Research Corp. (FMRC) of Norwood, Mass. FIA and FRMC generally conduct the fire surveys which are used as the basis for setting industrial insurance rates. The inspections that these groups made at the AEC facilities were similar to those conducted for industrial installations before fire insurance rates are set for them. Inspections were conducted at Albuquerque and Los Alamos, N. Mex., Burlington, Iowa, Kansas City, Mo., St. Petersburg, Fla., Savannah River, S.C., Rocky Flats, Colo., Livermore, Calif., Amarillo, Tex., Miamisburg, Ohio, and Oak Ridge, Tenn.

A comparable survey was conducted by AEC personnel. In addition to looking for obvious fire hazards, an effort was made to determine what improvements would be necessary to convert all inspected facilities to what is known in the fire insurance trade as a "highly protected risk" (HPR). An HPR is an expensive facility in which, if a fire should occur loss could be restricted to $1 million or less. It was concluded that steps could be taken to significantly reduce the probability of fire initiation and progression and the attendant monetary loss if certain changes were undertaken (e.g., installation of overhead sprinklers and high-capacity fire-fighting water mains and installation of additional fire doors and walls). In some cases, the AEC is planning replacement of specified facilities with new facilities using modern materials. It is for this reason that the supplemental request for $25.5 million was submitted by the AEC for title I and title II design work and the procurement and installation of certain critical items for the 10 highest priority projects. The eventual cost for these 10 items is projected to be $118 million dependent upon the forthcoming more detailed examination under title I and title II.

The Joint Committee is aware that some buildings in the AEC's overall weapons complex where research, process development, manufacturing, and material recovery are conducted are in need of major modification or replacement. The committee is also aware of the fact that new standards for fire prevention and fire retardation, such as the "2-hour fire wall," impose criteria which in some instances can be met more economically through the construction of new facilities than through extensive modification of existing structures.

With respect to all nuclear activities, the Joint Committee has always put the health and safety of the general public and workers in the highest priority category. While the Factory Insurance Association and Factory Mutual Research Corp. reports submitted to the AEC did not specifically state that any new facilities are required, the committee has ascertained that upgrading some of the facilities to the recommended level could impose an economic burden approaching that of new facility construction and in some cases not completely eliminate certain conditions considered substandard under the higher criteria. Therefore, in keeping with the committee's traditional role of assuring maximum protection for public health and safety while seeking maximum efficiency in AEC operations, the committee recommends evaluation by the AEC of the retirement of certain facilities, replacement of others with the most modern designs and materials available, and improvement of existing structures where the action meets the demands for safety and efficiency.

While aging is an important factor in considering plant modification or replacement, serious consideration also must be afforded to improved materials and handling techniques and new concepts of inventory management and quantity throughputs. Also of vital importance to any organization—government or private—is the periodic reconsideration of the economic validity for retaining all ongoing activities. The committee urges the AEC to give careful consideration to the possibility of consolidation of certain activities with the transfer or even termination of some functions if such action would facilitate economy without adversely affecting safety or endangering overall production capability. The Joint Committee intends to pursue this possibility in depth during hearings on the fiscal year 1972 budget.

It is the committee's view that the proposed title I and title II effort to be supported by this supplemental authorization shall include thorough consideration of the possibility that certain plants could be identified as potential backup facilities for other weapons manufacturing plants. This might be accomplished at little additional cost, would lessen the necessity for redundant facilities, and yet would provide some competence for continued weapons work in the unlikely event of another serious accident like the Rocky Flats fire.

The Joint Committee is aware that several new task forces are at work considering such items as waste management and inventory control. The Joint Committee expects that the title I and title II effort proposed by the AEC would not foreclose the possibility of having any new concepts developed by these task forces incorporated into modified or new facilities.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

PROGRAM

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I wonder if the majority leader for the benefit of the Senate can indicate what might be the schedule for the remainder of the day and for the future, as far as he cares to indicate.

Mr. MANSFIELD. Mr. President, may I say to my good friend the distinguished acting minority leader that, at the conclusion of the morning hour it is intended to call up S. 4572, the so-called omnibus rivers and harbors bill. Following that it is anticipated that we will turn to the consideration of H.R. 18306, Calendar 1259, an act to authorize U.S. participation in increases in the resources of certain international financial institutions, and so forth.

I would anticipate that a resolution may be reported by the Committee on Labor and Public Welfare sometime today, because we are faced with a deadline, as the Senator well knows. I would anticipate that, in some form or other, a resolution covering the President's suggestions or the committee's deliberations would be before us. There will be other pieces of legislation to consider during the rest of the week.

On Monday next it is anticipated that we will take up the supplemental appropriations bill, the final appropriation bill; and, on the basis of the information which has just been relayed to the two of us, acting as joint leaders, by the distinguished Senator from Delaware (Mr. WILLIAMS), the Finance Committee has ordered reported a combination package. It is our understanding it will take 3 or 4 or 5 days to compile the report; and that, very likely, it will go to the printer on Sunday and be available on Monday. It will be a quite lengthy document and it will cover a wide spectrum. Members of the Senate ought to have an opportunity to look it over overnight. Then, hopefully, on Tuesday early, we may begin discussion of that multi-headed bill, which the Finance Committee has ordered to be reported.

The supplemental bill, which I have discussed with the distinguished Senator from West Virginia, who has been doing yeoman work trying to keep up with the many demands made in the consideration of the bill, has assured me the House will probably act tomorrow, if not today, and that he will be prepared to have it reported by the committee Friday and have it brought up Monday. That will be the last of the appropriation bills. And, to the best of my knowledge, outside of conference reports, which are privileged, we are drawing pretty close to a close.

Mr. GRIFFIN. I thank the majority leader.

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The VICE PRESIDENT laid before the Senate the following letter, which was referred as indicated:

PROPOSED LEGISLATION TO AUTHORIZE SECRET SERVICE PROTECTION OF VISITING HEADS OF FOREIGN STATES OR GOVERNMENTS

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"ASSEMBLY JOINT RESOLUTION NO. 48—RELATIVE TO THE SOUTHERN CALIFORNIA REGIONAL AIRPORT SYSTEMS STUDY

"WHEREAS, The Southern California Association of Governments has commenced a continuing, comprehensive, regionwide planning process which will include the identification of regional problems and issues and recommendations for goals and policies leading to their solution; and

"WHEREAS, The general assembly of the association has adopted a basic regional planning program which, among other things, provides for the coordination of the various elements of transportation planning; and

"WHEREAS, The Southern California Association of Governments' Airport Study Authority is now engaged in a two-year regional airport systems study which was begun when financial assistance was obtained for such a study under the provisions of Section 701 of the Housing Act of 1954, as amended; and

"WHEREAS, One year of the study is near completion and an application for the second year funding will be made to the Federal Department of Housing and Urban Development pursuant to said act; and

"WHEREAS, The magnitude and complexity of aviation and airport development in southern California are of such a nature that the full two-year program is necessary to develop the findings, conclusions and recommendations of the study; and

"WHEREAS, Airport development is crucial to the development of a regional transportation plan, which, in turn, is a significant element in a coordinated regional comprehensive plan; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide the necessary funds for the completion of the full two-year, 10-county southern California regional airport systems study and to assure that such funding be made available in sufficient time so that the study may continue without an interruption in the research; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the

United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 60—RELATIVE TO ENVIRONMENTAL QUALITY

"WHEREAS, Congress has acted to phase out the present 7-percent excise tax on new automobiles beginning with a 2-percent reduction starting January 1, 1971, rising to a 4-percent reduction in 1972, and complete removal of this tax in 1974; and

"WHEREAS, The Assembly Select Committee on Environmental Quality, consisting of committee chairmen of Assembly policy committees concerned with environmental quality, has recommended that legislation be enacted establishing a state environmental excise tax on new automobiles to fund programs to preserve, protect, and enhance the state's environmental quality contingent on removal of the federal excise tax on new cars; and

"WHEREAS, The select committee has recommended that an Environmental Bill of Rights be amended into the California Constitution declaring that it is the policy of the state to develop and maintain a high-quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural, and aesthetic values; and

"WHEREAS, The California Legislature recognizes the need to acquire key coastal resources to meet increasing demand for public beaches and for the protection of other unique coastal resources; and

"WHEREAS, The California Legislature further recognizes the need to make funds available in order to improve water quality, provide clean air, and develop improved methods of solid waste management; and

"WHEREAS, The national administration has proposed a new federalism involving greater exercise of initiative and responsibility by state and local governments to deal with state problems; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States not to request reimposition of a federal excise tax on new automobiles, so that this tax source may be used by the states to preserve, protect, and enhance the quality of our environment; and be it further

"*Resolved,* That the Legislature urges each Senator and Representative from California in the Congress of the United States to take all necessary action to allow this tax source to be made available to California for environmental quality control purposes; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION No. 52—RELATIVE TO THE CALIFORNIA DESERT

"WHEREAS, The California Desert contains a multitude of valuable resources such as minerals, unique vegetation, and wildlife, historical and archaeological treasures, and unparalleled scenery; and

"WHEREAS, The California Desert is now threatened by air pollution, solid waste disposal, scars on the land surface, accidental destruction and wanton vandalism; and

"WHEREAS, Three-fourths of the California Desert belongs to the United States Government; and

"WHEREAS, The Bureau of Land Management has prepared a very thorough and complete report urging a comprehensive plan for development and protection of the California Desert titled The California Desert, A Critical Environmental Challenge; and

"WHEREAS, The Bureau of Land Management stressed in its report the urgent need for legislation regulating the use, development and utilization of the California Desert; and

"WHEREAS, That need is also recognized by the United States Forest Service, the National Park Service, the State of California Resources Agency, and the Southern California Association of Governments, and these agencies have pledged to work together to help protect the California Desert; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation embodying the recommendations of the Bureau of Land Management for the protection and enhancement of the California Desert; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Post Office and Civil Service:

"ASSEMBLY JOINT RESOLUTION No. 70—RELATIVE TO THE PROPOSED A. P. GIANNINI COMMEMORATIVE STAMP

"WHEREAS, A. P. Giannini is recognized by professional economists as the greatest innovator in banking, having permanently revolutionized banking everywhere by founding and successfully operating a bank expressly to serve 'the little fellow'; and

"WHEREAS, He established that bank in cosmopolitan San Francisco, California, in the year 1904 as the Bank of Italy, later changed its name to Bank of America NT&SA, and saw it grow in some 40 years, under his leadership, from a modest single office to the world's largest privately owned bank and an international institution; and

"WHEREAS, Even today the Bank of America NT&SA is owned and controlled by 'the little fellow,' for of the 180,000 shareholders none owns as much as 1 percent of the outstanding stock; and

"WHEREAS, The banking institution A. P. Giannini founded and the revolutionary banking policies and principles he introduced have immeasurably contributed to the economic development and prosperity not only of California and the nation but have also profoundly benefited international trade and the economy of foreign countries; and

"WHEREAS, Much of the financial reward earned by A. P. Giannini personally was by him devoted to public service by endowing educational foundations and donating funds to academic institutions and charities; and

"WHEREAS, The life and career of A. P. Giannini, a California-born son of Italian immigrants, illustrate dramatically the opportunities open to all in our democratic society and American free enterprise system; and

"WHEREAS, There is pending a proposal that the United States Post Office issue a commemorative stamp in honor of A. P. Giannini; and

"WHEREAS, The proposed A. P. Giannini commemorative stamp would perpetuate throughout the world not only the memory of his achievements and public service but also of the values and benefits inherent in American democracy; and

"WHEREAS, This year, 1970, is the centennial anniversary of the birth of A. P. Giannini and hence a most appropriate time for the issuance of the proposed A. P. Giannini commemorative stamp; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President, the Postmaster General, the Congress of the United States, and the Citizens' Stamp Advisory Committee that in this centennial year of the birth of A. P. Giannini there be issued a commemorative stamp in recognition of his achievements and public service and as an exemplification of the opportunities open to all in our democratic society and free enterprise system; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Citizens' Stamp Advisory Committee and to Claire Giannini Hoffman, the daughter of A. P. Giannini."

A petition signed by sundry citizens of the State of Idaho, relative to the Headstart program; to the Committee on Appropriations.

A letter, in the nature of a petition, from Warren M. Weitzman, of New York City, praying for repeal of the first and 14th amendments to the Constitution; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, without amendment:

H.R. 14169. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act (Rept. No. 91–1423).

By Mr. MANSFIELD (for Mr. MAGNUSON), from the Committee on Commerce, with an amendment:

H.R. 15549. An act to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seaman through cooperation with the United Seaman's Service, and for other purposes (Rept. No. 91–1424).

By Mr. CHURCH, from the Committee on Foreign Relations, with an amendment:

S. Res. 469. Resolution to express the sense of the Senate on the Agreement of Friendship and Cooperation between the United States and Spain (Rept. No. 91–1425).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. JAVITS, from the Committee on Labor and Public Welfare:

Sidney P. Marland, Jr., of New York, to be Commissioner of Education.

BILLS AND A JOINT RESOLUTION INTRODUCED OR REPORTED

Bills and a joint resolution were introduced, or reported read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of North Dakota:

S. 4573. A bill for the relief of Luciano Trencio; to the Committee on the Judiciary.

By Mr. MONDALE (for himself and Mr. NELSON):

S. 4574. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service; and for other purposes; to the Committee on Commerce.

By Mr. METCALF:

S. 4575. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. YARBOROUGH:

S.J. Res. 248. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

(The remarks of Mr. YARBOROUGH when he reported the joint resolution and the debate of the joint resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 492—RESOLUTION SUBMITTED TO EXTEND THROUGH JANUARY 31, 1972, THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. McGOVERN. Mr. President, yesterday, in executive session, the Select Committee on Nutrition and Human Needs voted unanimously to seek an extension of the committee's work for another year. The members of the committee reached this decision because of the clear evidence that we have not yet resolved the problem of hunger and malnutrition in the midst of the most affluent society in the world. Indeed, the facts indicate that while some progress has been made during the first 2 years of the committee's existence, we are still only half way home on fighting hunger.

Among the items that the members of the committee discussed and believed warranted attention during the coming year were our efforts to insure that every needy school child does in fact receive free or reduced price lunches and that every needy family does in fact receive the family food assistance to which it is entitled. At this moment, there are probably 3 to 4 million children in school who by legal right should be receiving lunches but are not. Despite a Presidential pledge last Christmas that every needy school child would receive a lunch by Thanksgiving of this year, the children have not yet been fed. At this point, I ask unanimous consent to have printed in the RECORD news clippings from all over the country detailing the failure to meet that Thanksgiving pledge. The Select Committee is determined to insure that by next Thanksgiving that pledge will be fulfilled. That is one of our major goals in the coming year.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Post, Nov. 26, 1970]

HUNGRY KIDS STILL HUNGRY

(By Nick Kotz)

WASHINGTON.—Eigheteen months ago President Nixon pledged that "the moment is at hand to put an end to hunger in America for all time." Last Christmas Eve, he pledged that every poor American child would receive a free or reduced price school lunch by Thanksgiving Day, 1970.

This week, Nixon Administration spokesmen and Administration critics recalled those still-unfulfilled Presidential promises and quarrelled about progress made. They agreed, however, that at east two million hungry Americans still are not reached by any Federal food aid—perhaps several million—poor children still are not getting free school lunches.

Furthermore, Agriculture Dept. officials and Senate critics agreed that further progress is crucially dependent on passage of a food stamp reform act that has been stalled in the House Rules Committee and on positive action by 17,000 schools now lacking any lunch program.

The McGovern-Javits food stamp reform act which passed the Senate in September, 1969, would provide free stamps for the very poor, and more benefits for all poor, establish a national eligibility standard of not less than $4000 for a family of four. And provide for self-certification of recipients. The House Agriculture Committee passed a far more restrictive bill last June, but the Rules Committee has taken no action on it.

Sens. McGovern (D-S.D.) and Javits (R-N.Y.) and Rep. Conyers (D-Mich.) issued statements criticising the Rules Committee for its inaction.

"I don't know what the hangup is," said Asst. Agriculture Secretary Richard Lyng. "We've talked to all kinds of people down there (the Rules Committee) but haven't gotten anywhere. If no action is taken, even the authority for our present food stamp program expires on Dec. 31."

Rep. Colmer (D-Miss.), chairman of the Rules Committee, said in an interview that he will hold hearings on the food stamp bill next week.

If the bill reaches the House floor, Congressmen will be asked to choose between the McGovern-Javits bill, a far more restrictive measure approved by the House Agriculture Committee, or a compromise to be proposed by Reps. Foley (D- Wash.) and Quie (R-Minn.).

The Agriculture Committee bill eliminates free food stamps and self-certification and provides a work requirement more stringent than the one sought by the Nixon Administration. The House bill also requires states to pay 10 per cent of the cost of the program.

[From the Pittsburgh Post, Nov. 26, 1970]

TURKEY DAY SHAME: FREE SCHOOL LUNCHES: MANY STILL GO HUNGRY

(By Sylvia Porter)

Last Christmas eve, the Nixon administration made a formal pledge that all of the nation's needy children would get a free or low cost school lunch by Thanksgiving 1970. "It will cost what it will cost," declared Harvard's world-famous nutritionist, Dr. Jean Mayer, who directed 1969's White House Conference on Food, Nutrition and Health.

The "target group" of needy school children was estimated at that time at 6,600,000—about double the number then receiving free or reduced price school lunches. It is now Thanksgiving, 1970. How has the pledge been honored?

At last count, only 4,100,000 American children were getting free or low-cost school lunches, not only 2,500,000 below the original target, but also 1,000,000 below the number receiving free lunches at the end of the 1969–70 school year.

And the gap actually is much greater, according to Rodney Leonard, who heads the non-profit Community Nutrition Institute in Washington to push for better child nutrition programs nationwide. Leonard claims there are now at least 5,000,000 children who are legally eligible but who are not receiving free or low cost lunches.

Of course, the problem goes far beyond a school lunch. For millions, a free or inexpensive school lunch is the day's only meal. The link between hunger and a child's ability to learn is now well established. The link between lack of education and poverty also is indisputable.

A fundamental first step in the elimination of poverty in this land is elimination of malnutrition.

Yes, we are stepping up our national child-feeding programs (which also include a limited school breakfast program and a school milk program). This fiscal year, total federal spending for all child nutrition programs will top $1 billion, against less than $300 million only three years ago.

Congress will probably vote around $350 million for this year's free or low-cost school lunches—more than triple last year's appropriation.

This is progress. But the key point is that we have made a pledge and Congress has stated clearly its intent that NO American child will go without lunch because his family is unable to pay for it.

Yet millions are going without lunches and in addition are being subjected to grotesque abuses and discrimination.

To illustrate, in many schools, children who receive free or low cost lunches must stand in separate lines, eat from different colored plates, or wait at the end of the line until paying children have been served.

In many areas, names of families whose children are getting free lunches are pointedly printed in local newspapers. Or, if families fail to pay a certain contribution toward lunch costs, the school principal may threaten to give their children a failing grade.

In some Southern school districts, free meals are served only in all-black schools—an effective way of discouraging desperately poor parents from transferring their hungry children to better, predominantly white schools.

Elsewhere, "quotas" of free lunches are set so that a child may receive free lunches only two days a week or every other week. On "no lunch" days, these children simply watch while others eat, or "study" during the lunch hour, or scrounge for leftovers. Mind you, these are children who in many cases did not eat breakfast either.

Under the pioneering new 1970 Child Nutrition Act, such practices are illegal. However, they persist and only the feeblest efforts are being made to stop them.

Congress must vote sufficient funds to assure that all eligible children actually do receive free or low cost school lunches.

Administrators of the new Child Nutrition Act must crack down on the abuses of the law in so many parts of the country.

You and I must take responsibility for honoring the Nixon Administration's 1969 Christmas Eve pledge.

[From the Charlotte Observer, Nov. 26, 1970]

LUNCH EFFORT FELL SHORT—OFFICIAL; BUT NIXON AIDE SAYS IT DID NOT

WASHINGTON.—Officials who administer the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by Thanksgiving, 1970.

The White House, however, insisted the goal has been reached.

The gap within administration ranks developed Thanksgiving Eve after disclosure of an Associated Press study showing scattered school districts—from Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the free or reduced-price lunch program.

At the Agriculture Department, Assistant Secretary Richard E. Lyng announced that

5.3 million needy children received free or reduced price lunches in October, a 23 percent increase from last year.

"Unfortunately there are still some schools that do not have a lunch program" Lyng said in a statement, "so we know there are needy children that we have not yet reached."

But later, at the White House, press Secretary Ronald L. Zeigler insisted that first quarter figures will show the President's goal "has been met and more children are participating than ever before."

Zeigler first said the administration was "close" to achieving the goal of feeding 6.6 million needy children, then broadened his claim when questioned by newsmen.

Meanwhile, Sen. George McGovern, D-S.D., chairman of the Senate Select Committee on Nutrition and Human Needs, charged the administration program has practically stood still.

"A solemn pledge by the administration has turned out to be 3 percent food and 97 percent promise," McGovern said in a Thanksgiving statement.

[From the Detroit Free Press, Nov. 26, 1970]

Free Lunch Program Misses Goal

(By Sylvia Porter)

Last Christmas eve, the Nixon administration made a formal pledge that all of the nation's needy children would get a free or low cost school lunch by Thanksgiving 1970. "It will cost what it will cost," declared Harvard's world-famous nutritionist, Dr. Jean Mayer, who directed 1969's White House Conference on Food, Nutrition and Health.

The "target group" of needy school children was estimated at that time at 6,600,000—about double the number then receiving free or reduced price school lunches. It is now Thanksgiving. How has the pledge been honored?

At last count, only 4,100,000 American children were getting free or low-cost school lunches, not only 2,500,000 below the original target, but also 1,000,000 below the number receiving free lunches at the end of the 1969–70 school year.

And the gap actually is much greater, according to Rodney Leonard, who heads the non-profit Community Nutrition Institute in Washington to push for better child nutrition programs nationwide. Leonard claims there are now at least 5,000,000 children who are legally eligible but who are not receiving free or low cost lunches.

Of course, the problem goes far beyond a school lunch. For millions, a free or inexpensive school lunch is the day's only meal. The link between hunger and a child's ability to learn is now well established; the link between lack of education and poverty also is indisputable; a fundamental first step in the elimination of poverty in this land is elimination of malnutrition.

Yes, we are stepping up our national child-feeding programs (which also include a limited school breakfast program and a school milk program). This fiscal year, total federal spending for all child nutrition programs will top $1 billion, against less than $300 million only three years ago. Congress will probably vote around $350 million for this year's free or low-cost school lunches—more than triple last year's appropriation.

This is progress. But the key point is that we have made a pledge and Congress has stated clearly its intent that no American child will go without lunch because his family is unable to pay for it. Yet, millions are going without lunches and in addition are being subjected to grotesque abuses and discrimination.

To illustrate, in many schools, children who receive free or low-cost lunches must stand in separate lines, eat from different colored plates, or wait at the end of the line until paying children have been served. Or, if families fail to pay a certain contribution toward lunch costs, the school principal may threaten to give their children a failing grade.

In some areas quotas of free lunches are set so that a child may receive free lunches only two days a week or every other week. On "no-lunch" days, these children simply watch while others eat, or "study" during the lunch hour, or scrounge for leftovers. Mind you, these are children who in many cases did not eat breakfast either.

Under the pioneering new 1970 Child Nutrition Act, such practices are illegal. However, they persist and only the feeblest efforts are being made to stop them.

Congress must vote sufficient funds to assure that all eligible children actually do receive free or low-cost school lunches.

Administrators of the new Child Nutrition Act must crack down on the abuses of the law in so many parts of the country.

You and I must take responsibility for honoring the Nixon Administration's 1969 Christmas Eve pledge.

[From the Atlantic Journal and Constitution, Nov. 26, 1970]

School Lunch Goals Realized, Nixon Says

Washington.—Officials who administer the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by Thanksgiving 1970. The White House, however, insisted the goal has been reached.

The gap within administration ranks developed Thanksgiving Eve after disclosure of an Associated Press study showing scattered school districts—from Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the free or reduced-price lunch program.

At the Agriculture Department, Assistant Secretary Richard E. Lyng announced that 5.3 million needy children received free or reduced price lunches in October, a 23 per cent increase from last year.

"Unfortunately there are still some schools that do not have a lunch program," Lyng said in a statement, "so we know there are needy children that we have not yet reached."

But later, at the White House, press secretary Ronald L. Ziegler insisted that first quarter figures will show the President's goal "has been met and more children are participating than ever before."

Ziegler first said the administration was "close" to achieving the goal of feeding 6.6 million needy children, then broadened his claim when questioned by newsmen.

Lyng said November figures will not be available until late next month. "We will come very close to our Thanksgiving goal," he said, "and we are confident that we will reach the final goal this school year with the continued cooperation of state and local school officials."

Meanwhile, Sen. George McGovern, D-S.D., chairman of the Senate Select Committee on Nutrition and Human Needs, charged the administration program has practically stood still.

"A solemn pledge by the administration has turned out to be 3 per cent food and 97 per cent promise," McGovern said in a Thanksgiving statement. He termed it "a bitter lesson in the fumbling process of America's government for millions of her school children."

In another Thanksgiving message, Secretary of Agriculture Clifford M. Hardin said nourishing food has been provided to more Americans this year than at any time in history.

"Free or reduced price lunches assure needy children daily nutritious meals on all parts of the land," Hardin said. "Child feeding programs now reach far more schools and related institutions than ever before."

The AP story, as well as investigations by such private groups as The Children's Foundation of Washington, D.C., revealed that at some schools:

—A quota system gives free lunches to some needy children while requiring other children, just as needy, to pay.

—Officials refuse to notify parents there is a free lunch program.

—Children are asked to work for their free lunches, or denied lunches as punishment.

—Officials segregate children getting free meals so their classmate can see who is too poor to pay.

Local school administrators say such practices—all banned by federal law—have continued because of state and federal administive delays or shortage of money to pay for the share of each lunch that federal funds don't cover.

All districts examined in the AP study said they would start new lunch programs by the end of the Christmas holidays that would either conform with, or be closer to, federal law.

The AP study found that in Greensboro, N.C., about 450 needy children waited over a month this year before the city found private donors to pay the estimated 30 cents each lunch cost.

In Mississippi, local officials said the state establishes quotas on the number of free lunches it will finance, and anything beyond that is determined by how much money individual schools districts can scrape up.

[From the Chicago Sun-Times, Nov. 26, 1970]

Charges United States Fails To Keep Nixon School Lunch Pledge

Washington.—The head of the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by this Thanksgiving. The White House, however, insisted the goal was being reached.

Assistant Sec. of Agriculture Richard E. Lyng said 5.3 million children received free or reduced-price lunches in October, an increase of 23 per cent from a year earlier.

"Unfortunately," he added, "there are still some schools that do not have a lunch program, so we know there are needy children that we have not reached."

Later, at the White House, press secretary Ronald L. Ziegler said the last figures he had seen indicated 4.4 million children were being fed. But he said these figures did not include first quarter enrollment. "When the next figures come out, it will be shown very clearly that this goal (6.6 million) is being met," Ziegler said.

"Most of them are getting a meal now?" he was asked. "Yes," Ziegler responded.

The Thanksgiving Eve developments came after disclosure of an Associated Press study showing scattered school districts—from Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the lunch program.

Lyng said November figures will not be available until late next month. "We will come very close to our Thanksgiving goal," he said.

Meanwhile, Sen. George S. McGovern (D-S.D.), chairman of the Senate Select Committee on Nutrition and Human Needs, charged the administration program has virtually stood still.

"A solemn pledge by the administration has turned out to be 3 per cent food and 97 per cent promise," McGovern said.

The AP study, as well as investigations by such private groups as The Childrens Foundation of Washington, D.C., revealed that at some schools:

A quota system gives free lunches to some needy children while requiring other children, just as needy, to pay.

Officials refuse to notify parents there is a free lunch program.

Children are asked to work for their free lunches, or denied lunches as punishment.

Officials segregate children getting free meals so their classmates can see who is too poor to pay.

Local schools administrators say such practices—all banned by federal law—have continued because of state and federal administration delays or shortage of money to pay for the share of each lunch the federal funds don't cover.

[From the St. Petersburg Times, Nov. 26, 1970]

IN U.S. SCHOOLS

WASHINGTON.—An official who heads the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nation's 6.6-million needy children by Thanksgiving 1970. The White House, however, insisted the goal was being reached.

Assistant Secretary of Agriculture Richard E. Lyng said in a statement that 5.3-million children received free or reduced price lunches in October, an increase of 23 per cent from a year earlier.

He said the increase was "a result of the drive to meet President Nixon's commitment to reach a total of 6.6-million needy children by Thanksgiving. Unfortunately, there are still some schools that do not have a lunch program, so we know there are needy children that we have not reached."

Later, at the White House, press secretary Ronald L. Ziegler was asked about the school lunch program. Referring to Dr. Jean Mayer, the president's adviser on hunger and nutrition, Zeigler said:

"As you will recall, last year Dr. Mayer, in a press conference . . . mentioned that the Administration, at the President's instructions, had set a goal, I believe, of feeding 6.6-million poor children by Thanksgiving of this year."

He said the last figures he had seen indicated 4.4-million children were being fed. But he said these figures did not include first quarter enrollment. "When the next figures come out, it will be shown very clearly that this goal is being met," Ziegler said.

"Most of them are getting a meal now?" he was asked.

"Yes," Ziegler responded. "And the goal which Dr. Mayer stated last year, I believe, of feeding 6.6-million needy children will be reached."

The Thanksgiving Eve developments came after disclosure that scattered school districts from Massachusetts to Mississippi and North Carolina to Nevada were not meeting new federal standards for the lunch program.

Lyng said November figures will not be available until late next month. "We will come very close to our Thanksgiving goal," he said, "and we are confident that we will reach the final goal this school year with the continued cooperation of state and local school officials."

Meanwhile, Sen. George McGovern, D-S.D., chairman of the Senate Select Committee on Nutrition and Human Needs, charged the Administration program has practically stood still.

[From the Chicago Daily News, Nov. 27, 1970]

HUNGRY MILLIONS SKIP HOLIDAY FEAST

(By Robert Gruenberg)

WASHINGTON.—As the Thanksgiving turkey was being carved, hunger was still present across the land and politicians argued about who was to blame.

Administration spokesmen thought they had done well in meeting the problem and predicted they would do better.

Administration critics said, as did Rep. John Conyers (D-Mich.), the poor on this holiday of feasting had "nothing but promises to eat," and he asked, "What kind of a country is it?"

Asst. Sec. Agriculture Richard E. Lyng, in charge of consumer services and feeding programs, said in a statement that the nation had reached an "all-time record" in feeding 5.3 million poor children meals "free or at reduced prices" each day in October.

He said this was a million more than a month earlier, and 23 per cent more than had been fed a year ago. He conceded that it was still 1.3 million short of the 6.6 million who, as President Nixon pledged last Christmas, would be getting free or token-priced daily meals.

But Lyng went on to say that by next January between 7 million and 8 million poor children would be fed as a result of new federal "need" standards to take effect in January.

To Conyers and Sen. George McGovern (D-S.D.), the nation's foremost Senate voice on hunger, the 5.3 million children who were being fed were not so important a statistic as the "4 million who still go hungry at school."

Also, of the nation's "25 million hungry citizens, 13 million are without any governmental food assistance at home, and must struggle in unbelievable circumstances," said Conyers, with McGovern backing him up with only slightly different figures.

Legislation to expand the nation's food stamp program was passed by the Senate more than a year ago—on Sept. 24, 1969—reported Conyers and Sen. Jacob Javits (R-N.Y.). But it has been stalled in the House Rules Committee.

Unless the Rules chairman, William Colmer, the powerful Mississippi Democrat, gives the legislation a green light for House floor action, it is going to die in this session of Congress, they said.

While the politicians traded charges, Agriculture Department statements showed that in Chicago an "unprecedented" 125,000 school children in 407 public schools got free daily lunches, with 60,000 getting free breakfasts. Eleven thousand children in 38 of Chicago's Catholic elementary schools received 11,000 hot lunches daily, the agency reported.

[From the Cleveland Plain Dealer, Nov. 26, 1970]

DISPUTES FLARE OVER SCHOOL LUNCH PROGRAM

WASHINGTON.—Officials who administer the federal school lunch program said yesterday the government had failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by Thanksgiving 1970. The White House, however, insisted the goal had been reached.

The gap within administration ranks developed after an Associated Press study showed scattered school districts, from Massachusetts to Mississippi and North Carolina to Nevada, were not meeting new federal standards for the free or reduced-price lunch program.

At the Agriculture Department, Assistant Secretary Richard E. Lyng announced that 5.3 million needy children received free or reduced-price lunches in October, a 23% increase from last year.

"Unfortunately there are still some schools that do not have a lunch program," Lyng said, "so we know there are needy children that we have not yet reached."

But later, at the White House, press secretary Ronald L. Ziegler insisted that first-quarter figures would show the President's goal "has been met and more children are participating than ever before."

Ziegler first said the administration was "close" to achieving the goal, then broadened his claim when questioned.

Lyng said November figures would not be available until late next month. "We will come very close to our Thanksgiving goal," he said, "and we are confident that we will reach the final goal this school year with the continued cooperation of state and local school officials."

Meanwhile, Sen. George McGovern, D-S.D., chairman of the Senate Select Committee on Nutrition and Human Needs, charged the administration program had virtually stood still.

"A solemn pledge by the administration has turned out to be 3% food and 97% promise," McGovern said.

The AP study and investigations by private groups revealed that at some schools:

A quota system gives free lunches to some needy children while requiring other children, just as needy, to pay.

Officials refuse to notify parents there is a free lunch program.

Children are asked to work for their free lunches, or denied lunches as punishment.

Officials segregate children getting free meals so their classmates can see who is too poor to pay.

Local school administrators say such practices, all banned by federal law, have continued because of state and federal administrative delays or shortage of money to pay for the share of each lunch that federal funds don't cover.

[From the Miami Herald, Nov. 26, 1970]

NIXON SCHOOL LUNCH GOAL FELL SHORT, OFFICIAL SAYS

(By John S. Lang and Austin Scott)

WASHINGTON.—An official who heads the federal school lunch program said, Wednesday that the government has failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by Thanksgiving 1970. The White House, however, insisted the goal was being reached.

Assistant Secretary of Agriculture Richard E. Lyng said that 5.3 million children received free or reduced price lunches in October, and increase of 23 per cent from a year earlier.

He said the increase was "a result of the drive to meet President Nixon's commitment to reach a total of 6.6 million needy children by Thanksgiving. Unfortunately, there are still some schools that do not have a lunch program, so we know there are needy children that we have not reached."

Later, at the White House, press secretary Ronald L. Ziegler was asked about the school lunch program. Referring to Dr. Jean Mayer, the president's adviser on hunger and nutrition, Zeigler said:

"As you will recall, last year Dr. Mayer, in a press conference, mentioned that the administration, at the President's instructions, had set a goal, I believe, of feeding 6.6 million poor children by Thanksgiving of this year."

He said the last figures he had seen indicated 4.4 million children were being fed. But he said these figures did not include first quarter enrollment. "When the next figures come out, it will be shown very clearly that this goal is being met," Ziegler said.

"Most of them are getting a meal now?" he was asked.

"Yes," Ziegler responded. "And the goal which Dr. Mayer stated last year, I believe, of feeding 6.6 million needy children will be reached."

At a news conference Christmas Eve 1969, Mayer said that "the measures which have been taken by the Department of Agriculture are going to bring free and reduced price lunches to the 6.6 million needy children in nation's schools . . . and will be accomplished by Thanksgiving 1970 . . ."

The Thanksgiving Eve developments came after disclosure of an Associated Press study showing scattered school districts—from

Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the lunch program.

Lyng said November figures will not be available until late next month. "We will come very close to our Thanksgiving goal," he said, "and we are confident that we will reach the final goal this school year with the continued cooperation of state and local school officials."

Secretary of Agriculture Clifford Hardin said nourishing food has been provided to more Americans this year than at any time in history.

The AP study, as well as investigations by such private groups as The Children's Foundation of Washington, D.C., revealed that at some schools:

A quota system gives free lunches to some needy children while requiring other children, just as needy, to pay.

Officials refuse to notify parents there is a free lunch program.

Officials segregate children getting free lunches, or denied lunches as punishment.

Officials segregate children getting free meals so their classmates can see who is too poor to pay.

Local school administrators say such practices—all banned by federal law—have continued because of state and federal administrative delays or shortage of money to pay for the share of each lunch that federal funds don't cover.

All districts examined in the AP study said they would start new lunch programs by the end of the Christmas holidays that would either conform with, or be closer, to federal law.

The AP study found that in Greensboro, N.C., about 450 needy children waited more than a month this year before the city found private donors to pay the estimated 30 cents each lunch cost.

In Mississippi, local officials said the state establishes quotas on the number of free lunches it will finance, and anything beyond that is determined by how much money individual school districts can scrape up.

In Las Vegas, Nev., the nation's gambling capital, where only 32 of the district's 63 elementary schools serve any kind of lunches, Clark County school officials did not send application blanks or information on the free lunch program home with the children.

In Boston, a state commission reported that only 55 of 189 city schools had lunch programs, and that although 28,585 children were from welfare families, an average of only 667 free lunches were given daily.

[From the Albuquerque Journal, Nov. 27, 1970]

NIXON SCHOOL LUNCH GOAL NOT BEING MET OFFICIAL SAYS

WASHINGTON.—An official who heads the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by Thanksgiving 1970. The White House, however, insisted the goal was being reached.

Assistant Secretary of Agriculture Richard E. Lyng said in a statement that 5.3 million children received free or reduced price lunches in October, an increase of 23 per cent from a year earlier.

He said the increase was "a result of the drive to meet President Nixon's commitment to reach a total of 6.6 million needy children by Thanksgiving. Unfortunately, there are still some schools that do not have a lunch program, so we know there are needy children that we have not reached."

Later, at the White House, press secretary Ronald L. Ziegler was asked about the school lunch program. Referring to Dr. Jean Mayer, the president's adviser on hunger and nutrition, Ziegler said:

"As you will recall, last year Dr. Mayer, in a press conference . . . mentioned that the administration, at the President's instructions, had set a goal, I believe, of feeding 6.6 million poor children by Thanksgiving of this year."

He said the last figures he had seen indicated 4.4 million children were being fed. But he said these figures did not include first quarter enrollment. "When the next figures come out, it will be shown very clearly that this goal is being met," Ziegler said.

"Most of them are getting a meal now?" he was asked.

"Yes," Ziegler responded. "And the goal which Dr. Mayer stated last year, I believe, of feeding 6.6 million needy children will be reached."

At a news conference Christmas Eve 1969, Mayer said that "the measures which have been taken by the Dept. of Agriculture are going to bring free and reduced price lunches to the 6.6 million needy children in the nation's schools . . . and that further, will be accomplished by Thanksgiving 1970 . . ."

The Thanksgiving Eve developments came after disclosure of an Associated Press study showing scattered school districts—from Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the lunch program.

Meanwhile, Sen. George McGovern, D-S.D., chairman of the Senate Select Committee on Nutrition and Human Needs, charged the administration program has practically stood still.

"A solemn pledge by the administration has turned out to be 3 per cent food and 97 per cent promise," McGovern said in a Thanksgiving statement. He termed it "a bitter lesson in the fumbling process of America's government for millions of her school children."

In another Thanksgiving message, Secretary of Agriculture Clifford M. Hardin said nourishing food has been provided to more Americans this year than at any time in history.

"Free or reduced price lunches assure needy children daily nutritious meals on all parts of the land," Hardin said. "Child feeding programs now reach far more schools and related institutions than ever before."

FEW FREE LUNCHES

For example, most families in the Bromley Heath housing project, an ugly, barren yellow brick complex, are reported to be on welfare but nearby schools have few free lunches, and none at reduced prices.

In Mississippi, local officials say the state sets quotas on the number of free lunches it will release funds for and anything beyond that is determined by how much money individual school districts can scrape up.

"Ninety per cent of our children would qualify for a free lunch," said Homer Byers, principal of Marshall Countys 1000-pupil Sand Flat Elementary School.

Although new federal law directs schools to "avoid overt identification to their peers of children receiving such meals . . ." high school students in Quitman County, Miss., said "students who pay for their lunches go first, five or ten minutes ahead of time." Those getting free meals, they add, stand in line together until, one-by-one, their names are called and they step forward for their food.

In Las Vegas, Nev., the nation's gambling capital, Clark County school officials did not send application blanks or information on the free lunch program home with school children.

"If that's what the law says, I don't know it," said School Supt. Kenny Guinn. "Our interpretation is not the same . . . if Washington interprets different, nobody's ever told us."

[From the San Francisco Examiner, Nov. 26, 1970]

WHY SCHOOLS' LUNCH GOAL WAS NOT MET

(By Austin Scott)

President Nixon's hunger expert pledged last year that all needy school children in America would be getting free or cut-price lunches by this Thanksgiving. A study has found the goal will not be met. This dispatch, citing scattered abuses and problems in the massive program, documents why.

Every weekday morning, four of Mrs. Mary Hudson's children leave their weather-ravaged wooden shack in the northeast Mississippi hill country and trudge down the muddy, red-gravel road toward the school bus.

At lunch, two children get free meals. The other two, victims of a free-lunch quota system, often go hungry until they get home again.

Despite new federal laws and funds to back up a White House pledge, the goal of giving all needy children free or cut-price school lunches by this Thanksgiving has not been met in many classrooms—North and West as well as South, urban as well as rural.

Inside the Mississippi shack, Mrs. Hudson said her income, all from welfare, is $90 a month. There are "a heap of days," she said, when she can't give the two children the 30 cents each needs to buy lunch.

As she talked, wind drifted through cracks in the walls. Only old license plates nailed over holes in the sagging bare board floor and old car seats wedged into openings that once held windows kept the wood fire in the rusty oil drum stove from being overwhelmed.

PROBLEM NOT UNIQUE

Mrs. Hudson's poverty may be extreme, but her problems with the federal school lunch program are not.

A study disclosed that varied school districts—from Massachusetts to Mississippi and from North Carolina to Nevada—aren't meeting new federal requirements.

The Agriculture Department announced Wednesday that 5.3 million needy children benefited from the program in October, but conceded "there are many needy children that we have not yet reached."

Some schools, such as the one Mrs. Hudson's children attend, have a quota system which gives free lunches to some needy children while others just as needy have to pay.

PARENTS NOT NOTIFIED

In other schools, separate investigations by private welfare and church groups found, officials refuse to notify parents there is a free lunch program, ask children to work for their free lunches, deny lunches as punishment, and segregate children getting free meals so their classmates can see who is too poor to pay.

Local school administrators say such practices, all banned by the new law, have continued because of state and federal administrative delays or because of a shortage of funds to pay for the share of each lunch that federal money doesn't cover.

Without exception, districts checked by the Associated Press said they would implement new lunch programs by the end of the Christmas holidays that would either conform to, or be closer to, federal law.

MISSED TARGET DATE

It was last Christmas Eve that President Nixon's adviser on hunger and nutrition, Dr. Jean Mayer, promised that all 6.6 million of the nation's needy school children would be getting free or cut-price lunches by Thanksgiving 1970.

Later, on May 14, Nixon signed a bill expanding the program and said: "It will assure that every child from a family whose income falls below the poverty line will get a free or reduced-price lunch."

Regulations to implement that law were published Sept. 4. But a number of school districts have written policies saying they won't start meeting the law until January. For example, an administrative guideline issued by Massachusetts school lunch director John Stalker began: "This office recognizes that it is impossible to meet the deadline date of October 31, 1970 . . ."

The delays have angered some hunger fighters.

"Millions of needy school children have learned a bitter lesson about how government operates," said Sen. George McGovern (D-S.D.) chairman of the Senate Committee on Nutrition and Health Needs. "They have learned that they get promises instead of food when they are hungry."

NEED LUNCHES

McGovern estimates that 8.9 million children need free lunches, but said less than half are getting them.

However, Assistant Secretary of Agriculture Richard E. Lyng said yesterday that the 5.3 million children given free or reduced price lunches in October was a 23 percent gain from a year earlier.

Herbert Rorex, director of the department's child nutrition division, said in an interview that "we are moving with a good tempo toward the ultimate objective, but we may not make it by Thanksgiving Day." He acknowledged that many problems remain.

The AP study spotlighted some of those problems:

In Greensboro, N.C., needy children waited more than a month this year until the city could find private donors to pay the estimated 30 cents each lunch cost.

In Boston, a special state commission reported last spring that only 55 of 189 city schools have lunch programs, and that although 28,585 children are from welfare families, an average of only 667 free lunches were given daily.

[From the Los Angeles Times, Nov. 27, 1970]

SCHOOL LUNCH PROGRAM SHORT OF NIXON'S GOALS

(By Nick Kotz)

WASHINGTON.—Eighteen months ago President Nixon pledged that "the moment is at hand to put an end to hunger in America for all time." Last Christmas Eve he pledged that every poor American child would receive a free or reduced price school lunch by Thanksgiving Day, 1970.

This week Nixon Administration spokesmen and Administration critics recalled those presidential statements and quarrelled about progress made. They agreed, however, that at least 2 million hungry Americans still are not reached by any federal food aid program and that thousands—perhaps several million—poor children still are not getting free school lunches.

Furthermore, Agriculture Department officials and Senate critics agreed that further progress is crucially dependent on passage of a food stamp reform act that has been stalled in the House Rules Committee and on positive action by 17,000 schools now lacking any lunch program.

"I don't know what the hangup is," said Asst. Agriculture Secretary Richard Lyng. "We've talked to all kinds of people down there (the Rules Committee) but haven't gotten anywhere. If no action is taken, even the authority for our present food stamp program expires on Dec. 31."

FOURTEEN MILLION HUNGRY

Lyng said the food stamp and commodity distribution programs now reach 11.7 million people, while the Administration estimates the number of hungry poor at 14 million or 15 million.

Lyng and Sen. George S. McGovern (D-S.D.) agreed that the Agriculture Department would need additional appropriations simply to fund the present food stamp program, not to mention the food stamp reform bill which would expand eligibility roles.

McGovern said $400 million would be needed in addition to the $1.25 billion required by the Nixon Administration and approved by the House. The Senate has approved an appropriation of $1.75 billion.

"Unfortunately, there are still some schools that do not have a lunch program," Lyng said in a statement, "so we know there are many needy children that we have not reached. But we feel we will come very close to our Thanksgiving goal, and we are confident we will reach the final goal this school year, with the continued cooperation of state and local school officials."

Lyng acknowledged that 17,000 schools with more than 6 million pupils still have no lunch program, so that the poor in those schools now cannot get any meals, much less free ones.

[From the Kansas City Kansan, Nov. 27, 1970]

PLEDGED GOAL NEARED ON SCHOOL LUNCH AID

WASHINGTON.—When Thursday dawned the Nixon administration was close to its pledged goal of offering free or token-priced school lunches to 6.6 million needy children by Thanksgiving day, Assistant Agriculture Secretary Richard E. Lyng said.

But Lyng conceded the Agriculture Department's drive to expand free and token-priced lunch servings has not yet reached its ultimate goal of aid to every needy school child.

Department experts currently estimate that between 7 million and 8 million children from poverty families will be eligible for free or token-price lunches under new federal "need" standards which take effect in January. Lyng said state and local school authorities are cooperating enthusiastically in federal efforts to expand aid to needy children, adding that: "We'll be feeding substantially all needy children very soon."

There has been considerable confusion during the past year over the exact nature of President Nixon's promise to get lunch aid to needy children by Thanksgiving, 1970. Last Christmas, a presidential aide who said he was speaking for Nixon pledged that "The 6.6 million needy children will get a free school lunch program by Thanksgiving, 1970."

At the time the pledge was made, administration officials were estimating that only 6.6 million children would be eligible. Since then, however, they have revised their estimates of need upward. Lyng's comments in an interview today indicated the administration hoped to reach the 6.6 million portion of the pledge, but had no hope of fulfilling the full-coverage part of the promise before early next year at the soonest.

Lyng said firm estimates of the number of children receiving free or token-priced lunches as of today will not be available for about a month. But he said a preliminary report indicated the number of children receiving such aid rose from 4.3 million in September to 5.3 million in October.

"The pace is accelerating even more this month, so we think we'll come fairly close to 6.6 million by Thanksgiving . . . we may well achieve it," Lyng said.

The official's comments came as Agriculture Secretary Clifford M. Hardin issued a Thanksgiving statement asserting that government food aid programs now are reaching more needy Americans than ever before in history.

"Family food assistance programs now reach more than 12 million of the nation's poverty victims—a gain of 5 million since last Thanksgiving, and child feeding programs now reach far more schools and institutions," Hardin said.

Hardin praised farmers for giving the nation a food supply, expanded 20 per cent in the last decade, which is "unequalled in abundance and quality anywhere on earth." He called on other Americans who benefit from farm abundance help farmers get, in return, incomes on a par with those earned in other walks of life.

"The new farm law just passed by Congress marks a step in that direction by moving toward market-oriented production and expanded exports," Hardin added.

[From the Providence Journal, Nov. 27, 1970]

SCHOOL LUNCH PLEDGE UNMET

(By Sylvia Porter)

Last Christmas eve, the Nixon administration made a formal pledge that all of the nation's needy children would get a free or low cost school lunch by Thanksgiving 1970. "It will cost what it will cost," declared Harvard's world-famous nutritionist, Dr. Jean Mayer, who directed 1969's White House Conference on Food, Nutrition and Health.

The "Target Group" of needy school children was estimated at that time at 6,600,000—about double the number then receiving free or reduced price school lunches. It is now the day after Thanksgiving, 1970. How has the pledge been honored?

At last count, only 4,100,000 American children were getting free or low-cost school lunches, not only 2,500,000 below the original target, but also 1,000,000 below the number receiving free lunches at the end of the 1969–70 school year.

And the gap actually is much greater, according to Rodney Leonard, who heads the non-profit Community Nutrition Institute in Washington to push for better child nutrition programs nationwide. Leonard claims there are not at least 5,000,000 children who are legally eligible but who are not receiving free or low cost lunches.

Of course, the problem goes far beyond a school lunch. For millions, a free or inexpensive school lunch is the day's only meal. The link between hunger and a child's ability to learn is now well established; the link between lack of education and poverty also is indisputable; a fundamental first step in the elimination of poverty in this land is elimination of malnutrition.

Yes, we are stepping up our national child-feeding programs (which also include a limited school breakfast program and a school milk program). This fiscal year, total federal spending for all child nutrition programs will top $1 billion, against less than $300 million only three years ago. Congress will probably vote around $350 million for this year's free or low-cost school lunches—more than triple last year's appropriation.

This is progress. But the key point is that we have made a pledge and Congress has stated clearly its intent that NO American child will go without lunch because his family is unable to pay for it. Yet, millions are going without lunches and in addition are being subjected to grotesque abuses and discrimination.

To illustrate, in many schools, children who receive free or low cost lunches must stand in separate lines, eat from different colored plates, or wait at the end of the line until paying children have been served.

In many areas, names of families whose children are getting free lunches are pointedly printed in local newspapers. Or, if families fail to pay a certain contribution toward lunch costs, the school principal may threaten to give their children a failing grade.

In some Southern school districts, free meals are served only in all-black schools—an effective way of discouraging desperately poor parents from transferring their hungry children to better, predominantly white schools.

Elsewhere, "quotas" of free lunches are set so that a child may receive free lunches only two days a week or every other week. On "no lunch" days, these children simply watch while others eat, or "study" during the lunch hour, or scrounge for leftovers. Mind you, these are children who in many cases did not eat breakfast either.

Under the pioneering new 1970 Child Nutrition Act, such practices are illegal. However, they persist and only the feeblest efforts are being made to stop them.

Congress must vote sufficient funds to assure that all eligible children actually do receive free or low cost school lunches.

Administrators of the new Child Nutrition Act must crack down on the abuses of the law in so many parts of the country.

You and I must take responsibility for honoring the Nixon Administration's 1969 Christmas Eve pledge.

After your dinner yesterday, and your vow today to go on a diet, how digestible do you find this report?

[From the San Francisco Chronicle, Nov. 26, 1970]

MISSED TARGET IN SCHOOL LUNCHES

(By Sylvia Porter)

Last Christmas Eve, the Nixon Administration made a formal pledge that all of the Nation's needy children would get a free or low-cost school lunch by Thanksgiving, 1970. "It will cost what it will cost," declared Harvard's world-famous nutritionist, Dr. Jean Mayer, who directed 1969's White House Conference on Food, Nutrition and Health.

The "target group" of needy school children was estimated at that time at 6.6 million, about double the number then receiving free or reduced price school lunches. It is now Thanksgiving, 1970. How has the pledge been honored?

At last count, only 4.1 million American children were getting free or low-cost school lunches, not only 2.5 million below the original target, but also 1 million below the number receiving free lunches at the end of the 1969–70 school year.

The gap actually is much greater, according to Rodney Leonard, who heads the nonprofit Community Nutrition Institute in Washington to push for better child nutrition programs Nationwide. Leonard claims there are now at least 5 million children who are legally eligible but who are not receiving free or low-cost lunches.

The problem goes far beyond a school lunch. For millions, a free or inexpensive school lunch is the day's only meal. The link between hunger and a child's ability to learn is well established; the link between lack of education and poverty also is indisputable; a fundamental first step in the elimination of poverty in this land is elimination of malnutrition.

We are stepping up our national child-feeding programs (which also include a limited school breakfast program and a school milk program). This fiscal year, total Federal spending for all child nutrition programs will top $1 billion, against less than $300 million only three years ago. Congress probably will vote around $350 million for this year's free or low-cost school lunches, more than triple last year's appropriation.

This is progress. But the key point is that we have made a pledge and Congress has stated clearly its intent that no American child will go without lunch because his family is unable to pay for it. Yet millions are going without lunches, and in addition are being subjected to grotesque abuses and discrimination.

In many schools, children who receive free or low-cost lunches must stand in separate lines, eat from different colored plates, or wait at the end of the line until paying children have been served.

In many areas, names of families whose children are getting free lunches are pointedly printed in local newspapers. Or, if families fail to pay a certain contribution toward lunch costs, the school principal may threaten to give their children a failing grade.

In some Southern school districts, free meals are served only in all-black schools, an effective way of discouraging desperately poor parents from transferring their hungry children to better, predominantly white schools.

Elsewhere, "quotas" of free lunches are set so that a child may receive free lunches only two days a week or every other week. On "no lunch" days, these children simply watch while others eat, or "study" during the lunch hour, or scrounge for leftovers. These are children who in many cases did not eat breakfast either.

Under the pioneering new 1970 Child Nutrition Act, such practices are illegal. However, they persist and only the feeblest efforts are being made to stop them.

Congress must vote sufficient funds to assure that all eligible children actually do receive free or low-cost school lunches.

Administrators of the new Child Nutrition Act must crack down on the abuses of the law in so many parts of the country.

You and I must take responsibility for honoring the Nixon Administration's 1969 Christmas Eve pledge.

After your dinner, and your vow to go on a diet, how digestible do you find this report?

[From the Arizona Daily Star, Nov. 26, 1970]

MANY POOR CHILDREN UNFED, SAYS SCHOOL LUNCH HEAD

WASHINGTON.—An official who heads the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by Thanksgiving 1970. The White House, however, insisted the goal was being reached.

Assistant Secretary of Agriculture Richard E. Lyng said 5.3 million children received free or reduced price lunches in October, an increase of 23 per cent from a year earlier.

He said the increase was "a result of the drive to meet President Nixon's commitment to reach a total of 6.6 million needy children by Thanksgiving. Unfortunately, there are still some schools that do not have a lunch program, so we know there are needy children that we have not reached."

Later, at the White House, press secretary Ronald L. Ziegler was asked about the school lunch program. Referring to Dr. Jean Mayer, the President's adviser on hunger and nutrition, Ziegler said:

"As you will recall, last year Dr. Mayer, in a press conference . . . mentioned that the administration, at the President's instructions, had set a goal, I believe, of feeding 6.6 million poor children by Thanksgiving of this year."

He said the last figures he had seen indicated 4.4 million children were being fed. But he said these figures did not include first quarter enrollment. "When the next figures come out, it will be shown very clearly that this goal is being met," Ziegler said.

"Most of them are getting a meal now?" he was asked.

"Yes," Ziegler responded. "And the goal which Dr. Mayer stated last year, I believe, of feeding 6.6 million needy children will be reached."

At a news conference Christmas Eve 1969, Mayer said, "The measures which have been taken by the Department of Agriculture are going to bring free and reduced price lunches to the 6.6 million needy children in the nation's schools . . . and that further, it will be accomplished by Thanksgiving 1970. . . ."

The Thanksgiving Eve developments came after disclosure of an Associated Press study showing scattered school districts—from Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the lunch program.

[From the Minneapolis Tribune, Nov. 26, 1970]

OFFICIALS DIFFER ON WHETHER GOAL OF FREE LUNCHES HAS BEEN MET

WASHINGTON.—Officials who administer the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nations 6.6 million needy children by Thanksgiving 1970. The White House, however, insisted the goal has been reached.

The gap within administration ranks developed Thanksgiving Eve after disclosure of an Associated Press study showing scattered school districts—from Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the free or reduced-price lunch program.

At the Agriculture Department, Assistant Secretary Richard E. Lyng announced that 5.3 million needy children received free or reduced-price lunches in October, a 23 percent increase from last year.

"Unfortunately there are still some schools that do not have a lunch program," Lyng said, "so we know there are needy children that we have not yet reached."

But later, at the White House, Press Secretary Ronald L. Ziegler insisted that first-quarter figures will show the President's goal "has been met and more children are participating than ever before."

Ziegler first said the administration was "close" to achieving the goal of feeding 6.6 million needy children, then broadened his claim when questioned by reporters.

Lyng said November figures will not be available until late next month. "We will come very close to our Thanksgiving goal," he said, "and we are confident that we will reach the final goal this school year with the continued cooperation of state and local school officials."

Meanwhile, Sen. George McGovern, D-S.D., chairman of the Senate Select Committee on Nutrition and Human Needs, charged the administration program has practically stood still.

"A solemn pledge by the administration has turned out to be 3 percent food and 97 percent promise," McGovern said in a Thanksgiving statement. He termed it "a bitter lesson in the fumbling process of America's government for millions of her school children."

Secretary of Agriculture Clifford M. Hardin said nourishing food has been provided to more Americans this year than at any other time.

"Free or reduced-price lunches assure needy children daily nutritious meals on all parts of the land," Hardin said. "Child feeding programs now reach far more schools and related institutions than ever before."

The AP study, as well as investigations by such private groups as the Children's Foundation of Washington, D.C., revealed that at some schools:

A quota system gives free lunches to some needy children while requiring other children, just as needy, to pay.

Officials refuse to notify parents there is a free lunch program.

Children are asked to work for their free lunches, or denied lunches as punishment.

Officials segregate children getting free meals so their classmates can see who is too poor to pay.

Local schools administrators say such practices—all banned by federal law—have continued because of state and federal administrative delays or shortage of money to pay for the share of each lunch that federal funds don't cover.

All districts examined in the AP study said they would start new lunch programs by the end of the Christmas holidays that would either conform with, or be closer to, federal law.

The study found that in Greensboro, N.C., about 450 needy children waited over a month this year before the city found private donors to pay the estimated 30 cents each lunch cost.

In Mississippi, local officials said the state establishes quotas on the number of free lunches it will finance and anything beyond that is determined by how much money individual schools districts can scrape up.

In Las Vegas, Nev., where only 32 of the district's 63 elementary schools serve any kind of lunches, Clark County school officials did not send application blanks or information on the free lunch program home with the children.

Mr. McGOVERN. Mr. President, on the family feeding front, we are now reaching through the food stamp and commodity distribution programs approximately 12 million persons, about half of America's poor. Our objective is to fight for a full expansion of the food stamp program until it is able to reach every needy family. This will require far greater funding than has presently been appropriated, a need that I am certain will be increasingly evident in the coming year. But funding is not the only requirement for a truly successful food stamp program. We also need fundamental reforms in the structure of the programs. Reforms such as free food stamps for the very poor, simplified stamps for basic items of hygiene, the freedom of choice between stamps and commodities. I sincerely hope that we will achieve these reforms before this session of Congress is concluded. If we do not, then an even greater effort must be made next year to achieve them. And once we achieve them, we must insure by the closest scrutiny, that they are in fact implemented. As an example of the incredible maladministration of the program as it is presently operated, I ask unanimous consent to have printed in the Record at this point a letter I recently received regarding the impossibility of receiving food stamps in the District of Columbia. Specifically, this letter describes how a 90-year-old woman was expected to stand in the bitter predawn cold for hours in order to receive her stamps. This kind of torture of the poor must be stopped. A reformed food stamp program would stop it.

There being no objection, the letters were ordered to be printed in the Record, as follows:

National Rural Housing Coalition,
Washington, D.C., December 7, 1970.

Hon. George S. McGovern,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

Dear Senator George: Attached is a copy of a letter I have sent to Secretary Hardin. I call this incredible situation to your attention in the hopes that you and your Committee can inquire into the matter, and put a stop to it.

While I am at it, I might raise the question of how far the Select Committee has gone into the problem of seeing that food recipients are not being put through humiliations or medieval tortures as a price for a little food.

Lela Kelly (see attached copy) shows on the welfare rolls as being born in 1885, making her 85 years old. But she is, in fact, at least five years old than that. So what the D.C. government was asking was that a woman 90 years old stand in freezing weather from 4 in the morning until 6:30 so that if she were lucky enough to be among the first 20 people, she could get some food.

I know Mrs. Kelly, and I have known her foster granddaughter, Mrs. Carlock, for 18 years, and I assure you that she is a woman of the highest moral character. She would not have falsified information to me under any conditions I can conceive of. This story is as authentic as it is ugly.

Clay L. Cochran,
Chairman of the Board.

December 6, 1970.

Dear Secretary Hardin: November, 1970 the monthly OAA check for Mrs. Lela Kelly, 517 8th St. N.E., Washington, D.C. was either not sent or was lost or stolen. On being informed of this, her social worker, a Mrs. Rativz, gave her some food stamps to tide her over until the check appeared or could be replaced.

Mrs. Kelly's friend Dorthula Carlock of the same address went to the designated place, 1326 Florida Ave. N.E. one day in the morning and was told that it was too late and she should appear the following day if she wanted any food. She was told that the place opened at 6:30 A.M. but that they only took 20 people a day and if she wanted food she should be there by 4 A.M. (That's right four A.M.)

The following morning the temperature was below freezing but Mrs. Carlock appeared at 4:30 or 5 A.M. When the place opened at 6:30 she was told that she was not among the first 20 people in line and would have to return the next morning, at 4 A.M. if she wanted to get food.

Mrs. Carlock, not being a total fool or a total slave, called Mrs. Kelly's social worker, noted above, and the social worker said she would try to get her special permission to get food without having to stand in freezing cold from 4 to 6:30 A.M. She failed and advised Mrs. Carlock to just get along somehow until money came. The December check arrived in due course. . . .

Mr. Secretary, I am absolutely sure that you are not aware that the D.C. government is treating food recipients worse than anyone but a sadist would treat a mad dog. Will you please check into this matter and use your good offices to put a stop to this savagery?

Sincerely,

Clay L. Cochran.

Mr. McGOVERN. Mr. President, a third vitally important matter on the agenda of the Select Committee in the coming year is a followup of the White House Conference on Food, Nutrition, and Health held last December. This conference resulted in some 3,000 recommendations regarding the nutritional well-being of the American people. Many of them vitally important. The administration is reconvening a representative conference group in Williamsburg, Va., on February 5 to evaluate the results of the conference. The committee intends to monitor this meeting and assess its conclusions. The importance of the committee's oversight in this regard is emphasized by a telegram I recently received from Dr. Jean Mayer, the noted Harvard nutritionist and the Chairman of the White House Conference. I ask unanimous consent that the telegram be printed in the Record at this point.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Senator George McGovern, Senator Jacob Javits: The follow-up meeting of the White House Conference on Food, Nutrition and Health to be held in Williamsburg on February 5, will examine which ones of the recommendations cannot be effected without legislative action. I hope that the committee on nutrition and human needs will be continued in existing by the United States Senate in the coming year so that it can examine important unresolved issues in the field of nutrition in our country.

Jean Mayer,
Professor of Nutrition, Harvard University.

Mr. McGOVERN. Mr. President, these are the highlights of the committee's work in the coming year. I would now like to submit an original resolution to extend the committee's existence from January 31, 1971, to January 31, 1972, and ask for its reference. The select committee is not, at this time, requesting any additional operating funds. Its authorization to expend $246,000 under Senate Resolution 323 is sufficient to enable the committee to operate through January 31, 1971. The committee does expect to request next January a full operating budget for the period February 1, 1971, through January 31, 1972.

The PRESIDING OFFICER (Mr. Williams of New Jersey). The resolution will be received and appropriately referred.

The resolution (S. Res. 492), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. Res. 492

Resolved, that the Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through January 31, 1972.

Sec. 2. It shall be the duty of such committee to examine, investigate, and make a complete study of any and all matters pertaining to the lack of food, medical assistance, and other related necessities of life and health including, but not limited to, such matters as (a) the extent and cause of hunger and malnutrition in the United States, including educational, health, welfare, and other matters related to malnutrition, (b) the failure of food programs to reach many citizens who lack adequate quantity or quality of food, (c) the means by which this Nation can bring an adequate supply of nutritious food and other related necessities to every American, (d) the divisions of responsibility and authority within Congress and the Executive branch, including appropriate procedures for congressional consideration and oversight of coordinated programs to assure that every resident of the United States has adequate food, medical assistance, and basic related necessities of life and health; and (e) the degree of additional Federal action desirable in these areas,

Sec. 3. For the purposes of this resolution the committee, from February 1, 1971, to January 31, 1972, inclusive, is authorized: (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; (3) to subpoena witnesses and documents; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) contract with private organizational and individual consultants (6) interview employees of the Federal, State, and local governments and other individuals, and (7) take depositions and other testimony.

FEDERAL BROKER-DEALER INSURANCE CORPORATION ACT—AMENDMENT

AMENDMENT NO. 1096

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (S. 2348) to establish a Federal Broker-Dealer Insurance Corporation, which was ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 1097

Mr. RIBICOFF (for himself and Mr. BENNETT) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. RIBICOFF when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, December 9, 1970, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 336. An act to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security loans, not exceeding $500,000 on aggregate amount, from the provisions of such Act;

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands; and

S.J. Res. 230. Joint resolution extending the duration of copyright protection in certain cases.

NOTICE OF HEARING ON BUREAU OF INDIAN AFFAIRS

Mr. JACKSON. Mr. President, I wish to announce for the information of the Senate that the Committee on Interior and Insular Affairs will hold an open hearing on December 16 to hear the Honorable Louis R. Bruce, Commissioner of Indian Affairs, in connection with proposed changes in Bureau of Indian Affairs structure and policy.

The hearing will begin at 10 a.m. in room 3110 New Senate Office Building.

ANNOUNCEMENT OF HEARING ON BILL TO ESTABLISH C. & O. HISTORICAL PARK

Mr. BIBLE. Mr. President, I wish to announce that the Subcommittee on Parks and Recreation, of which I am chairman, will conduct an open public hearing on proposals to establish a Chesapeake and Ohio National Historical Park.

The hearing will start at 10 a.m., Tuesday, December 15, in room 3110 of the New Senate Office Building.

The bills are S. 1859 and H.R. 19342, the House-passed measure. Each would establish a park extending from Rock Creek in the District of Columbia to the vicinity of Cumberland, Md. Included would be the historic Chesapeake and Ohio Canal.

Persons wishing to testify should contact the Senate Committee on Interior and Insular Affairs.

NOTICE OF HEARING ON NOMINATIONS

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary I desire to give notice that a public hearing has been scheduled for Wednesday, December 16, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

W. Wallace Kent, of Michigan, to be U.S. circuit judge for the sixth circuit, vice Bert T. Combs, resigned.

Dennis R. Knapp, of West Virginia, to be a U.S. district judge for the southern district of West Virginia, vice a new position created by Public Law 91-272, approved June 2, 1970.

Barron P. McCune, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania, vice a new position created by Public Law 91-272, approved June 2, 1970.

Fred M. Winner, of Colorado, to be a U.S. district judge for the district of Colorado, vice a new position created by Public Law 91-272, approved June 2, 1970.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS OF SENATORS

MONTANA HOSPITALS AND SPRINKLER SYSTEMS

Mr. MANSFIELD. Mr. President, on December 7, 1970, I wrote a letter to the Honorable Elliott L. Richardson, Secretary of Health, Education, and Welfare, and have received his reply of December 9, 1970. I take this means to thank Secretary Richardson for his understanding and recognition of the problem and to express my personal appreciation for his reply.

I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., December 7, 1970.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I am writing pursuant to past correspondence regarding the life safety code's application and effect upon hospitals and rest homes under provisions provided in the 1967 amendments to the Social Security Act.

For your information, I am enclosing a copy of the *Congressional Record* of December 4 and I would draw your particular attention to the statement I made on this matter, commencing on page 39985.

As you are undoubtedly aware, the United States Senate Committee on Finance has given favorable consideration to a revised amendment providing assistance for facilities affected by this ruling. I would, however, draw your attention to the fact that end of session business, as well as the need for appropriation considerations, precludes the possibility of any immediate assistance to the affected facilities.

In the Commissioner of Social Security's report to you of November 17, he stated that, if a facility were unable to meet the existing deadlines for valid reasons, an extension would be granted. In light of the numerous difficulties resulting from this ruling relating to availability of sprinkler firms, installation and maintenance, as well as the entire area of financing, I am herein requesting a one-year extension of the existing compliance deadlines. It would be my hope that, during the coming year, the Department and the Social Security Administration will give concerted consideration to the various expressions of concern resulting from this ruling.

It has come to my attention that the National Fire Protection Association is still developing and reviewing existing and future life safety systems. I also think it pertinent that in departmental consideration of this question, that an appropriate review be made of those policies allowing for the delegation of authority to non-governmental bodies in the establishment of standards in connection with federal programs.

I would appreciate being apprised of your decision in this matter at your earliest possible convenience.

Assuring you of my concern and thanking you for your consideration, I am, with best personal wishes,

Sincerely yours,

MIKE MANSFIELD.

P.S.—Elliot, this is very, very important to a lot of small people, small towns, and small hospitals. Something should be done. Can you help?

Regards,

MIKE M.

WASHINGTON, *December 9, 1970.*

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Your letter of December 7 and the material you enclosed from the *Record* emphasize well the need for consideration of special circumstances in application of the sprinkler requirement for health care facilities.

As indicated in our earlier correspondence with you, we will grant an extension to a facility having valid reasons for failure to meet the January 31, 1971, deadline date that has been set. I will go further and say that valid reasons will include a facility's inability to negotiate a reasonable contract within the time limit for installation of sprinklers, as well as difficulty in timely arrangement for financing the proper cost of the equipment. Any serious difficulties experienced by a facility agreeing to install the equipment will be thoroughly considered in terms of justification for an extension of time. Also recognition is given to the situation where a facility housed in a wood frame building has begun construction of a new building.

I believe this will greatly alleviate hardship situations. In others as where a facility simply disagrees with the sprinkler standard, or is reluctant to incur the costs, I think the paramount concern of patient safety strongly calls for adherence to the time limit that has been set.

A blanket moratorium or extension for a year would expose a great many aged people to what leading fire safety experts have held is real and avoidable danger.

We are asking the State departments of health, which assist us to determine which facilities meet the standards for Medicare participation, to work closely with all facilities experiencing problems with the sprinkler equipment and to notify us of any that seem to warrant an extension.

With best regards,

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

PEARL S. BUCK COMPLETES TOUR OF NATIVE STATE—WEST VIRGINIA TO MAKE HER BIRTHPLACE A MEMORIAL

Mr. BYRD of West Virginia. Mr. President, one of West Virginia's most distinguished native daughters, Pearl S. Buck, recently traveled extensively in our State on behalf of a campaign to restore her birthplace.

This effort originated some 5 years ago and has gained widespread support throughout the State for the Pearl S. Buck Birthplace Foundation. Many West Virginians, including my colleague from West Virginia (Mr. RANDOLPH), have given generously of their time and talent to help transform Miss Buck's birthplace into a living tribute to her.

During her travels in West Virginia, Miss Buck visited more than 20 communities and spoke before thousands of people on behalf of the foundation. The climax of the tour was a banquet in Charleston on November 19.

I ask unanimous consent that a newspaper article about the banquet, published in the Charleston Daily Mail, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOST GIFTED DAUGHTER RETURNS HOME

(By Wilma Higginbotham)

"I've never doubted where my home was. I've always known it was West Virginia," Pearl S. Buck said last night at a dinner held in her honor at the Heart-O-Town Motor Inn.

Standing tall and elegant in a dress of champagne satin embroidered in pearls, she smiled the happy, relaxed smile of a daughter returned to her homeland.

It had been a big evening for "West Virginia's most gifted daughter."

She had received a plaque as "Woman of the Year" from Richard Polinsky, president of the Minnesota Woolen Co., as "the woman who most personifies the ideal upon which America was built," and been glowingly introduced by West Virginia's Senator Jennings Randolph via a live telephone hook-up with the nation's capitol. She also had received $500 with her award, made out at her request, to the Pearl S. Buck Birthplace Foundation, Inc.

She said, "I never feel I deserve these kind of things said of me because whatever I have accomplished was due to the parents and the background they gave me from my home state."

Miss Buck has lived and traveled in many lands but had little chance to visit her home state.

She said, "What a unique experience I've had in these two weeks to travel this beautiful state and have confirmed what my mother and father always told me about West Virginia. I love the people here and have met many I would like to know better. But I haven't seen any hillibillies. I don't know where they are . . .

"I feel when I come here I can speak to you informally as I would at home . . .

"I shouldn't be surprised if I start writing something when I know my home state better. I love to go to Lewisburg and visit the Old Stone Church. My father was dedicated there as a missionary.

"My father was the soul of independence. He felt he had direct communication with God. It was amazing how alike what he thought and God's will were sometimes. He went to China imbued with idealism and my life was greatly enriched by being the daughter of a missionary.

"They always told me about West Virginia. When we lived in China my mother and father used to sit together and talk in the evenings when he was not traveling. My father traveled hundreds of miles in China by donkey. He was a tall man and when he wanted to stop the donkey he would just put his feet on the ground.

"My father never got over his love for the hills. He always found an excuse to visit the farthest part of his parish in the spring. My mother died very young. Before she did, she told me, 'Remember when spring comes, let your father go.' After my mother died, I always packed his bags and let him go when the azaleas were blooming on the mountains."

She spoke briefly of trying to get help through the State Department and the Pentagon for the Asian children born of American fathers. Eventually, she signed away the millions earned as an author to a foundation for their care. She said, "I'm a very stubborn woman in a quiet way. I guess that also comes from West Virginia. My Asian upbringing taught me to be quiet. In other words, I'm liberated in my own way . . . liberated enough that it doesn't occur to me that I need any more.

"I watch with interest what is going on in our country. We have reached a very interesting period. I see policies that ought to be changed and see no way of doing it. Being a woman still has its handicaps in our society. If I were younger, I'd settle the whole matter by running for President.

"I'm so anxious to see our problems in Vietnam and Asia solved. I would like to see my two worlds reunited and our 100 years of friendship with China regained. Perhaps we will have to wait until the jeweled tigers are dead. As the King of Siam said, 'Is a puzzlement.'

"I've seen too much of Communism to have faith in it. I've been chased from my home by it. Our policy of containment has become a real problem for us. Other nations are changing their attitudes. Some very hard thinking has to be done in Washington."

CHRISTMAS MESSAGES FROM HANOI

Mr. MURPHY. Mr. President, every day for the past 2 weeks, Hanoi radio has broadcast so-called "Christmas messages" from Americans they hold prisoner. These taped statements are usually prefaced by a commentary describing the broadcast as a "humanitarian service."

This is a sick joke.

Hanoi is again showing its callous disregard for human decency. They deliberately exploit the suffering of our men and their families by raising hopes that our men are well treated.

If our men are in good condition, why do the North Vietnamese refuse to allow impartial observers to inspect the prison camps?

If Hanoi is really interested in making a humanitarian gesture, let them do one simple thing.

Let them release the names of all those whom they hold captive. Next to the release of the men themselves, notice their sons, husbands and fathers are still alive would be the best Christmas present their families could receive.

MILITARY SPENDING IN SOVIET UNION UNCHANGED

Mr. PROXMIRE. Mr. President, the Soviet Union announced on Tuesday that defense spending next year in the Soviet Union will remain unchanged. They will continue to spend about 17.9 billion rubles or $19.9 billion for defense in 1971, a figure which is almost the identical figure for 1970.

This is merely the direct defense spending for procurement of materiel and for the maintenance of the armed forces. Items for research and development and for defense industries are in other budget items. But it is nonetheless interesting that U.S.S.R. officials say that the amount for these items is not going to increase next year.

Almost daily the Pentagon puts out information through speeches by top officials or background information from its public relations organizations that the Soviet Union is gaining on us in missiles, ships, and strategic power. The impression is deliberately put out that the U.S.S.R. is not only gaining but that the Soviet Union has overtaken us or surpassed us in strategic power.

UNITED STATES STILL STRONGER POWER

That is not the case. It has not been the case in the past. The new information contained in the Soviet announcement gives no indication that it will be the case in the future.

In fact, a year ago the Joint Economic Committee held a set of hearings in which we invited the most knowledgeable experts on the Russian economy and the Russian defense capability to testify. Their conclusion was that the Soviet Union was then spending a maximum of $40 billion in equivalent American dollars for all aspects of their defense.

EXPERTS CONFIRM SOVIET DEFENSE SPENDING

I checked with these same experts again this year. Again they told me that they had no information to suggest that the Soviet Union was stepping up its overall defense outlays. This newest announcement confirms what the experts have told us.

Thus, if the United States is figuratively 6 feet tall in its military capability, the Soviet Union figuratively is 3 feet tall. While both we and they have the ability to blow up the world, the Soviets have not overtaken us militarily or economically, and there is not the slightest indication that they are doing so or will do so in the foreseeable future. While we should never underestimate the Soviet military strength, there is absolutely no reason to exaggerate it or panic in the face of it. While the Soviets will no doubt stress some aspects of defense which we do not, or spend larger sums in one area than another, the overall facts and the determining facts are that they spend about one-half the amounts we do on national defense. I ask unanimous consent that an article by Bernard Gwertzman on the Soviet announcement of 1971 military spending published in today's New York Times, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Soviet Keeps Fund for Defense High—1971 Outlay at Record Level But Its Share in Growing Budget Is Declining

(By Bernard Gwertzman)

Moscow.—The Soviet Union announced today that defense spending next year will remain unchanged at the current record level but that the military share of the budget will be the lowest in postwar years.

The 1,517 members of the Supreme Soviet (Parliament) were told at the opening session of their three-day winter meeting that the Government planned to spend 17.9 billion rubles ($19.9 billion) on defense in 1971, virtually the same as announced for 1970, which had been the highest level in Soviet history.

The defense item in the Soviet budget, in contrast to the United States budget, covers only direct outlays for the procurement of materiel and maintenance of the armed forces. Soviet investment in defense industries and military research and development are contained in other budget items.

Because of an increase in the total budget, to 160.6 billion rubles, the share of the direct military expenditures dropped to 11.1 per cent from last year's 12.35 per cent.

The Government also announced that the economy this year in both the industrial and agricultural sectors had rebounded from last year's poor showing.

Industrial growth was estimated at 8 per cent for 1970, 1 percentage point over 1969. The 1970 rate ended a downward trend of the growth rate in recent years.

FARM OUTPUT IMPROVES

Agriculture, traditionally the backward sector of the economy, recorded a 6.5 per cent increase over 1969 in the ruble value of products produced.

In 1969, largely because of poor weather, agricultural output dropped by 3 per cent. The rise in agriculture, however, did not keep pace with the planned 8.5 increase for this year. Newspapers have reported the largest grain harvest in history, but exact figures have not yet been made public.

The general tone of the economic report, made by Nikolai K. Baibakov, the chairman of the State Planning Committee, and the budget report by Vasily F. Garbuzov, the Minister of Finance, was sober and drew attention to the problems facing the economy as it enters a new five-year plan next year.

Stress was laid on the need to increase efficiency, to modernize technology, get rid of surplus workers. Ministers and plant managers were warned that they would be held personally responsible for failure to meet goals. They were told that they must take measures to meet consumer unrest, caused by an uneven flow and poor quality of merchandise.

Mr. Garbuzov, in announcing the defense budget. said that while the Soviet Union pursued a peaceful policy, it "cannot but consider that imperialists continue the arms race, strengthen military blocs, widen the fight against socialist countries and the liberation movements."

DEFENSE LEVEL ASSAYED

Western diplomats said that the maintenance of high levels of defense spending indicated that while tensions with Communist China might have eased and relations with West Germany improved. Moscow was still concerned about the arms race with the United States.

Mr. Baibakov, in making public the economic plan for 1971, said industry was expected to rise by 6.9 per cent and agriculture by 5.5 per cent. Both are moderate increases. Soviet economists have stressed that the days of spectacular rates of growth are over.

The Soviet economy in recent years has been strained by shortages of manpower and raw materials and a lagging technological base.

Both Mr. Baibakov and Mr. Garbuzov avoided making major projections for the next five-year plan, 1971–75, since this will be done by Premier Aleksei N. Kosygin at the 24th party congress opening March 30.

But the two economic specialists stressed the need for reductions in inflated work staffs. Mr. Garbuzov noted that 26,000 workers in the coal industry and 50,000 workers in other industries were given other jobs in 1970.

MORE TO BE REASSIGNED

He said that next year about 450,000 workers, half from state farms, are to be reassigned.

Both speakers took notice of complaints about consumer goods and pledged to meet demand for items in short supply such as fashionable women's shoes and many food products.

Continuing the trend of recent years, Mr. Baibakov said, output by the consumer-goods sector is planned to rise at a faster rate than heavy industry. But heavy industry continues to get a larger share of investment allocations.

Mr. Baibakov said motor vehicle output next year would top the million mark, with 560,000 trucks and 513,000 passenger cars. The new Fiat plant in Togliatti is expected to produce 160,000 cars. The plant began production recently and will produce about 30,000 cars this year. Its ultimate capacity will be more than 600,000.

The chemical and construction industries were criticized as usual for failure to meet delivery dates. Ministeries were told not to start any new projects but to devote energies to completing work already started.

ADDRESS BY E. J. DWYER, CHAIRMAN, NATIONAL ASSOCIATION OF MANUFACTURERS

Mr. GOLDWATER. Mr. President, on December 4, it was my pleasure to address the 75th anniversary meeting of the National Association of Manufacturers. Following my remarks, the new chairman of the board, Mr. E. J. Dwyer, made an acceptance speech on being appointed to this position. It was of so much interest, so to the point and frankly, so rather unusual a speech made by a businessman to other businessmen, that I knew Senators would enjoy reading it. I ask unanimous consent that this outstanding address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Board Chairman Installation

(Acceptance remarks by E. J. Dwyer)

The solemn oath that I have just given in accepting the national chairmanship of this great voluntary organization is one that I do not take lightly.

The task of representing over 13,000 American enterprises, large and small, is both a high honor and a grave responsibility. No industrialist asked to take this oath of office would do so without a profound sense of humility. At this moment I seek Divine guidance for the trust placed in me, and pray, too, that I am worthy of your confidence.

The high standards of conduct and leadership of those who have preceded me in this office add to this feeling. Each chairman has personally given a full measure of attention to the major problem areas that touch all of us, and which intensify our concerns for the future of our families, our enterprises, our communities and our nation. This dedication to the advancement of the national interest is especially true of my predecessor, Bill Keeler—a real "Chief", in more ways than one. Bill, you will be difficult to follow.

Although dimly conscious that my workload has just been increased, and in ways that I do not fully perceive at the moment, I look forward—eagerly, enthusiastically—to the next twelve months as NAM chairman. Eagerly, because of the opportunity my post provides to work with you and this audience and with many other industrialists to carry out the principles found in the Credo of this Association. Enthusiastically, because members of the NAM family have an unparalleled opportunity at this point in history to serve fellow industrialists all across the United States.

Many critics in our restless society are quick to attack American industry for what it has not accomplished. It is time we make clear what we have accomplished. NAM has the potential to become a much stronger and more vibrant force for American industry. My goal is to help amplify that voice so that it is heard across the land, informing and persuading.

American business and industry has had to cope with many problems in the past, and the outlook for 1971 is for more of the same. NAM must continue to be in the forefront of proposing solutions that are wholly consistent with our capitalistic free enterprise system—the most enlightened and beneficial economic system known in the history of mankind.

Yet, under our system, a basic obligation is imposed on the enterpriser. He must, first and foremost, produce a reasonable profit on the investment others have made in the enterprise. Otherwise, the industrialist cannot make more than a fleeting contribution to society. By his ability to put his enterprise on a profitable basis he is then able to provide the jobs that are essential to the wellbeing of our citizens, and the financial means for solving pressing human needs. He then can devote time, talent and resources to finding solutions to social issues that are crying out for attention; among them housing, education, crime prevention, mass transportation, environmental quality improvement, urban decay and equality of opportunity for all Americans.

I suggest that we need to continue to demonstrate that solutions to these larger social problems can be found in the application of principles tested in smaller economic and social units.

In our business and in our communities alike, we have an obligation to improve, to expand, to excel. We will find that many of these problems represent great opportunities.

In Peter Drucker's words, one of our obligations is to "maximize these opportunities."

Yet, in fulfilling this obligation, we must not promise more than can be delivered. A source of disillusionment to many Americans today, from Appalachia to Watts, is the heady promises made that remain unfulfilled.

Please remember this well: as industrialists, each promise we make that is not fulfilled creates yet another example of the failure of private enterprise. Those who seek to supplant or destroy our capitalistic free enterprise system are eagerly waiting to make the most of these failures. Each blasted hope that can be pinned on industry represents another nail for the coffin in which our critics intend to "bury us." Therefore, let's be short on promises and long on action in our efforts to solve these great social problems.

My humility in accepting my new responsibilities as Chairman of NAM is due to my recognition of the relationship that has existed between our excellent economic system and the well-being of the nation as a whole. My fervent wish is to strengthen this relationship in every way I can; if the system is weakened or impaired, our children and grandchildren may live under another system of government.

Whether the next system is benign or despotic, we Americans still will have lost a glorious heritage. I am indebted to a fellow Pennsylvanian, James W. Michener, for calling attention to the fact that our constitutional democracy is now the oldest continuing form of government on earth. As he points out, no other form of government existing today can make an equal claims to either the constancy or stability of our system of government. While others tend to regard us as a young country, we actually are the oldest in the family of nations—the senior brother who is experienced, tested, and possessed of the material and moral stability to command universal respect as the foremost nation on the globe.

During this Diamond Jubilee meeting, our theme is "Quest for Quality." What a positive concept for the dynamic decade that includes the 200th anniversary of the founding of our nation! And how appropriate is this theme for a meeting of industrialists who are doing so much to improve the quality of life within the framework of our free competitive enterprise system!

As your chairman, I aim to pursue the quest for quality in all phases of the Association's work, but particularly in NAM's work with *and* for members.

We must see that the Association's policies are fully and fairly considered in the highest councils of the nation. To do so, we must encourage the membership as a whole to join in the articulation of industry's concerted position on problems of overriding concern.

To become truly effective, we really need your advice and counsel on NAM Policy Committees and to your Board of Directors. Our positions must reflect your substantive contributions and our actions must serve your needs.

The life blood of any effective organization is a large, active and responsive membership. NAM is no exception. My efforts in 1971 will be directed largely at bringing this about by coming to you for your constructive suggestions, help and active participation.

Our mission is to lead American industry in the quest for quality within the framework of a free society. The joining of your voice to that of your industrial neighbors, and to the voices of firms in other industries will result in a clarion quality—one that is widely heard, respected, and heeded. The synergestic effect of a blending of voices on an upbeat note can be truly effective. We must and will be heard to the end that progress toward realistic goals is achieved. We must and will give emphasis to the positive aspect of American life, and overcome the shrill cries of nihilistic forces that have captured the attention of youth.

We must be in position to report that we did not drop the torch handed on from those men in Philadelphia who, nearly 200 years ago, had the genius to fashion a document that was flexible enough to accommodate the demands of undreamed technological and social change.

Our Association will be fully responsive to the new demands put upon it by the times. With your help, this can be accomplished. As your new chairman, I promise dedication to the task.

TO DAVE C. EBERHART—"A GOOD JOB; WELL DONE"

Mr. JORDAN of North Carolina. Mr. President, on December 16, 1970, Mr. David C. Eberhart, Director of the Federal Register, retires from active Government service. His retirement ends a distinguished career that spans nearly 34 years of Federal service—virtually all of it spent with the Federal Register.

During his career, Mr. Eberhart has made important contributions to the development of the Federal Register system of publishing the rules and regulations of the executive agencies. In helping develop the Federal Register system, Mr. Eberhart was always guided by public interest requirements. He regarded the Federal Register as a protection for the citizens against the whims of the bureaucracy. As a result he always searched for new and better ways of presenting to the public, the legal documents that literally affect every walk of life. When the Freedom of Information Act became law, Mr. Eberhart took the initiative in assisting agencies in meeting their responsibilities under that act to publish in the Federal Register all material that the public could rightfully expect to find there.

Understandably, since his work was so integrally involved with Federal printing, Mr. Eberhart was no stranger to the Joint Committee on Printing. With particular reference to the corollary effects of the Freedom of Information Act, his efforts have undoubtedly contributed beneficially to that committee's national printing program.

Mr. Eberhart also made important contributions to the development of the series "Public Papers of the Presidents" and the "Weekly Compilation of Presidential Documents" which give the public a record of the official statements of the Presidents of the United States.

In the field of law publishing, Mr. Eberhart introduced new processes to the publication of the laws of the United States assuring the accuracy of the printed versions of Federal laws. He won the plaudits of Congress, researchers, and the public with the introduction of legislative history references in slip law printings and in the U.S. Statutes at Large volumes.

These are only a few examples of the creativity, skill, professional competence, and dedication that Mr. Eberhart brought to the Federal Register. All citizens of the United States today have more ready access to statutory and administrative documents as the result of his distinguished career. So to Mr. Eberhart, on the occasion of his retirement, we say "thank you for a job well done."

LET US PASS THE PUBLIC INTEREST PROTECTION ACT

Mr. BENNETT. Mr. President, when Richard Nixon took office nearly 2 years ago, he assigned finding a solution to the congested and snarled transportation system of this country the highest of priorities. He observed at that time that the transportation system of this country runs from doorstep to doorstep, encompassing all the various means of transportation. Today the Nation is being confronted with the possibility of a crippling strike in one of the most vital links in the transportation system. At midnight tonight, unless we shoulder our responsibility, the Nation's railroads will be brought to a halt. The possibility of a rail strike is, as I see it, a result of the refusal by the union leaders of the four major unions involved voluntarily to extend their negotiations with railroad management. This refusal comes at the end of the present "cooling-off" period that saw a 5-man panel appointed by the President to investigate the dispute and propose terms for a settlement.

The proposals recommended by the panel represented a realistic approach towards the much needed modernization of the rail industry. They included a 37 percent increase in wages over a 3-year period, the largest wage increase in the history of the railroads, and "substantial" liberalization of certain restrictive work rules. It also contained a recommendation for the formation of a more permanent committee that would seek long-term solutions to the labor-management problems in the rail industry.

These proposals were accepted by the railroads as being an acceptable solution to the disputes. The unions involved have rejected them and instead are demanding higher wage increases, additional fringe benefits and increased demands regarding the proposed work-rule changes. With the possibility that these disagreements could result in an extended strike, it is essential for both those directly involved and the country in general, that we here in the Senate enact the necessary legislation to extend the strike deadline an additional 45 days. With the economy just starting to recover from the effects of the prolonged General Motors strike, the country cannot tolerate another major strike.

Putting aside the pros and cons of the positions in this particular labor dispute, the situation clearly demonstrates the necessity for prompt consideration and passage of President Nixon's Public Interest Protection Act. Contrary to much of the adverse publicity that this measure has received, it does not damage the collective bargaining process, but rather encourages those parties involved to work toward agreements between both parties with a minimal amount of Government intervention. In addition to encouraging meaningful negotiation, this bill would provide for additional protection of the public interest during those labor disputes in the transportation industry which imperil the national health or safety.

The threatening rail strike presents an excellent example of how the Public Interstate Protection Act would work to the advantage of both the railroads and the rail unions as well as protecting the public interest. I want to point out that the new options provided for the President under this act are available to him only after the 80-day cooling-off period provided for under the Labor-Management Relations Act has expired.

The first option that would be available to the President is the extension of the cooling-off period. During this extension of 30 days, both parties would continue to bargain.

A second option that would be opened to the President by the passage of this act is one that would allow for the partial operation of the essential part of the industry or service to a critical class of customers. The difficulty in deciding which portion of an industry is essential is a difficult one, however, if the option is available, it would make it possible for the President to prevent disaster to an essential segment of the Nation. Those who have carefully studied the act will realize that there have been sufficient precautions written into the act to prevent the favoring of one segment over another.

Perhaps the most reasonable and practical segment of the act is the final offer selection. Following the cooling-off periods, if an agreement still has not been reached, the parties involved would be given 3 days in which to submit two final offers. This would be followed by intensive bargaining with or without mediation by the Secretary of Labor.

If a settlement was still not forthcoming, a panel would be created to select the best agreement from among the final offers submitted by the disputing parties. The process of making that selection would involve hearings, consultation, and detailed study of those offers submitted by the two parties. This type of an arrangement would encourage the parties to negotiate with offers that were closer together rather than further apart, realizing that the most reasonable offer would be selected in the event that they were not able to reach a settlement independent of the final selection panel.

While there are a number of other important sections of the bill, I think that these brief descriptions of their functions adequately demonstrate the soundness in its approach aimed at resolving the labor disputes involving the Nation's transportation systems.

I urge the adoption of the President's request for an additional 45-day "cooling off" extension in the present railroad dispute. However, as I have mentioned. these types of stop-gap measures will not provide for any type of constructive program for dealing with similar situations in the future. It is for that reason that I would hope we will be able to see action taken on the Public Interest Protection Act early in the next session of Congress.

DO NOT FORGET THE HUMAN EQUATIONS IN SOCIAL SECURITY

Mr. McINTYRE. Mr. President, Congress is considering revisions in the social security program.

I believe the program, which according to reports will be forthcoming for Senate action in a few days, is much superior to the one which has passed the other body.

I believe the reported Senate version is more realistic and is a further step forward in meeting the needs of our senior citizens.

It would set a higher limit on outside income, raise minimum benefits to a more acceptable level and would not put the burden of additional taxes on persons with low income. Finally it differs from the House measure by increasing the monthly payments by 10 percent, twice that of the other body.

I do not suggest for 1 minute that this program is all our senior citizens deserve from social security. I can assure one and all that I am going to continue my efforts to see that this program is even more improved in the future. I would like to see a greater increase in payments, a higher limitation on income and an increase in minimum payments particularly for those who have lost their mate and suddenly find a drastic drop in their social security payments.

There are many other areas of need for our senior citizens such as improved transportation, better elderly housing, food services which pay attention to the special requirement of our elderly, improvements in medicare and medicaid and many others. These needs we must deal with if we are truly to pay our debts to those who have given fully of themselves during their working years. These problems I will be discussing and working to solve in other contexts and at other times.

As we will be discussing the improvements in social security here in a few days I know we will be deeply immersed in many complex tables of figures concerning the social security program. Obviously we must not and cannot forget the cold figures.

But, Mr. President, I hope that in our discussions we do not forget the human equation. We are really dealing with people, not numbers. We are really concerned with human beings during those years of their lives when they seek some relaxation and rest following the rigors of growing up, of parenthood, of homebuilding, daily work at the office or at home. They look forward to years of relaxation and a fuller enjoyment of life. They should not feel burdened just to keep body and soul together.

I have received thousands of letters from my senior citizen constituents, as I know other Senators have, who have told me the problems they have, the hopes they hope and the pressing needs they find they are facing.

I shall not burden the Record by reprinting numbers of these letters, but one of them which I received a few days ago struck me as expressing with particular meaning the human lives we are dealing with.

Mr. President, I ask unanimous consent to have this letter from a lovely lady in Dover, N.H., be printed in the Record with the hope it will be studied and remembered as we face the barrage of costs, tax rates, percentages, and the numerous other cold numbers.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Tom: I think the very hardest age is the 60's.

I had a stroke two-and-one-half years ago and my left side was paralyzed.

It was some time before I walked and even now I know my left leg and arm are not the same.

I get enough social security to pay for my board and room here with my brother and his wife, but I am not well and could do no work.

There are many in their 60's that do not get but $68.00 Social Security and try to get help under welfare programs but are turned down.

I do not think it is right for older people to be cared for by welfare in the nursing homes that are so expensive.

No, I really believe the welfare programs are too hard on those in their 60's and I feel that we are forgotten people. I find it hard just trying to adjust and get by with the bare necessities.

Tom, I am a nervous person and so depressed all the time.

I have my room with TV and my knitting and I read some but I find I have too much time to think and worry, and you must agree there is plenty to think and worry about.

My children find little time for me and have their own lives to live so I see them so seldom. I really feel so alone in this world.

I am 64 and will be 65 July 9, 1971, so will get Medicare. But, really, Tom, I think there should be a better program, and hope some day there will be.

Dentists and doctors have reaped a harvest with the Medicare and Medicaid programs.

As for Medicaid, I wonder how people who have homes and money do get it?

All these things are abused it seems, and it must be who one knows that counts.

In closing, I'll say I wish we poor old people could grow old gracefully.

RETIREMENT OF SENATOR WILLIAMS OF DELAWARE

Mr. YOUNG of North Dakota. Mr. President, it was with real regret that we learned of the decision of our distinguished colleague, the senior Senator from Delaware, to retire from the Senate on the conclusion of his present term.

His retirement will leave a void in the Senate which probably can never be filled. John Williams is the conscience of the Senate and has become such a legend that it is inconceivable that any future Senator could fill the unique position he has filled in the Senate for so many years.

Senator Williams was first elected to the Senate in 1946 and was reelected in 1952, 1958, and 1964. He has the distinction of being the first man in the history of the State of Delaware to be elected to four consecutive terms in the Senate.

Senator Williams has established a reputation as a fearless investigator. His investigations have been entirely free of partisanship. Over the years he has uncovered wrongdoings of high officials in the administrations of both political parties. As an investigator he has been completely unbiased, which is one of the reasons for his outstanding success. Another reason he has been so successful in his investigations is because he has steadfastly refused to engage in character assassinations or investigation through the press.

In all of his years as investigator and watchdog of the Treasury, he has never made public charges against any official until he has been able to fully document his charges. He has the highest respect for the rights and reputations of individuals. This has won him great confidence among Government employees and others who feel perfectly safe in coming to him with information.

Mr. President, for many years I served on the Senate Agriculture Committee with our distinguished friend and colleague. Although we did not often agree on farm price support legislation, he was a hard worker and one who was always well posted on legislation before the committee. He was one who could disagree with you without being disagreeable. I believe the highest tribute I could pay to his integrity was that, in spite of our differing views, I had no hesitancy whatever in giving my proxy to Senator WILLIAMS on those rare occasions when I was unable to attend an executive session of the Senate Agriculture Committee. He would vote me as I would have voted even though it was completely opposite to his own position.

Our friend has established an enviable record for fiscal integrity for our Nation. In this respect he is a true conservative. He is one who will oppose Federal spending if he thinks it is wrong or unnecessary, even if the spending may be in the short-term interests of a project or an industry in his State, if he feels that in the long run such spending would be harmful to our Nation.

Mr. President, earlier in my remarks I mentioned Senator WILLIAMS' diligence. He is one of the hardest working Members of the Senate. He is always at his desk well ahead of normal office hours and very frequently works late into the evening. In addition, he can very frequently be found in his office on weekends.

Mr. President, one of the nicest things about serving in this body is the lasting friendships that we make. I have known Senator WILLIAMS well all during his tenure in the U.S. Senate. He has the friendship and respect of every Member of the Senate. I hope I can always be counted among his closest friends. Although our good friend will not be present when the first session of the 92d Congress convenes, I will always remember him witn fondness and with great respect. Delaware is quite close to our Nation's Capital. I sincerely hope that our friend and his equally highly respected wife, Elsie, will be visiting us often.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my comments an excellent article on Senator WILLIAMS and his record, which was published in the Human Events report of November 28, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"NOT RETIRING, JUST CHANGING JOBS"—THE AMAZING SENATE CAREER OF JOHN J. WILLIAMS DRAWS TO A CLOSE

(By Carol D. Bauman)

In describing Delaware's senior Sen. John J. Williams, usually cautious reporters can't seem to resist superlatives. They will characterize him with phrases that could only apply to a computer, a trained German shepherd, or the most exceptional paragon of virtue ever to sit in the U.S. Senate.

"Fiscal bloodhound! Watchdog of the Senate!" they call him. "Indefatigable! One-Man FBI! Conscience of the Senate!" they crow. In his 24 years in the Senate Williams' press notices have nearly always contained descriptive phrases like "conservative, conscientious, scrupulous, shrewd, folksy, frugal, honest, persistent, sensible, taciturn, homey, and thorough," and many more.

It was with great regret, therefore, that his many friends and supporters learned earlier this year that he would definitely "retire" from the Senate at the end of his current term. But the senator wouldn't put it that way. To him, leaving the Senate is simply a matter of "changing jobs."

Twenty-four years in any career ought to be enough, he believes, and it's now time for a new one. What that new career will be, he isn't telling. But a review of the one he is leaving is cause for hope that the "new career" will be something that will be just as beneficial to his country as was the old one.

The 66-year-old lawmaker, whose slender, erect carriage, thinning gray hair and bushy eyebrows mark him as a familiar figure on the Senate floor and in the Senate Finance Committee, is unfortunately not a "household word" to most Americans. In cliches such as "every man has his price," would find it hard to understand that such a giant of integrity actually serves them in an elected capacity.

And if Sen. Williams has one fault (surely, this devout Methodist and champion of public honesty would admit to having one), it is that he has little glamour and his style of politics therefore gets few imitators. His own publicity during 24 years in the Senate was usually over-shadowed by the very scandal he was exposing. Most everyone remembers those charlatans Sherman Adams and Bobby Baker. But how many—outside Delaware—recall the name of the man who did the groundwork that led to their exposure?

The good that Sen. Williams has done will live after him, of course, but because he lacks glamour, his example might be lost on some of the idealistic young. A pity, because no one could more exemplify the idealism of a man thoroughly devoted to the concept that government is the servant, not the master of men, than this low-keyed, upright, self-educated former chicken-feed dealer from the Eastern Shore of Delaware.

"Sen. John J. Williams, Republican of Delaware, was born on May 17, 1904, on a farm near Frankford, Del., the ninth of 11 children. He attended Frankford High School and in 1922 moved to Millsboro, where . . . at the age of 18, he entered the grain business."

So begins the official biography which one is sent by the senator's office in Washington.

"The senior senator from Delaware first sought public office when he successfully ran for election to the United States Senate in 1946. He was re-elected to a second, third and fourth term in 1952, 1958 and 1964. At that time he became the first man in the history of the state of Delaware to be elected to four consecutive terms in the United States Senate."

So the biography continues. It also tells us he married the former Elsie B. Steel of Millsboro at the age of 20. They had one daughter, and now have three granddaughters. The biography also tells us he is a Methodist, a Mason, a Shriner, and a Rotarian.

No college degrees, no military service. Not even a bank presidency, or membership on the national board of some charitable, social or educational group.

Sen. Williams, who with his brother started a chicken-feed business (Williams' Super Feed) in Millsboro in 1922, became a wealthy man by dint of hard work, thrift and hardnose business practices.

In 1946, at the age of 42, he decided he had made enough money in chicken-feed, and leaving his brother to mind the store, set out on a second career. He determined to run for the U.S. Senate. He had never even met the state Republican chairman, he recalls, and has observed since that the party leaders were a bit peeved at his brashness for wanting to start at the top without consulting them.

"But I went into it on the principle a man has a right to seek office in this country without the consent of anybody," he says. Today, he acknowledged during an interview in his Capitol Hill office, that might be a little more difficult than it was in 1946. And, he says, "in a small state like Delaware you can do a lot more than you can in a large state."

Hitting the road to gain name identification and make his views on the issues known, he covered the little state from one end to the other. Before other Republicans realized what was happening, he had the nomination and then went on to beat his Democratic opponent by 12,000 votes out of 113,500 cast. Then, as now, he says that the trend toward centralization of powers in Washington was his greatest concern.

He had no trouble being re-elected the next three times. There is no question but that he would be re-elected to a fifth term if he chose to run again. Williams says today that he detects a "conservative trend" in the country, despite some unpopular moves by the President.

When reminded of some recent public opinion polls showing that the voters were not leaning heavily Republican, he said:

"I ran four times and three times the polls said I would lose. I think you can get a 'feel' at election time just by talking to people and reading your mail. I have the feeling that the liberals are going to suffer in the '70s."

In 1964, despite the landslide win by Lyndon Johnson, Sen. Williams won re-election by a wide margin, outpolling all other Republicans in the state. How he survived the Democratic trend of that year is testimony to the staying power of a man whose first principle in politics is scrupulous honesty.

In that election, two Republican state legislators were found to have violated ethical standards for public office, and the party asked them to step aside. When they refused to do so, Sen. Williams renounced the support of anyone who supported them. The tainted state legislators were defeated, but Williams was victorious.

In 1947, Williams' first year in the Senate, the late columnist Drew Pearson said he was "out of place" in the Senate. "Class D Rating," Pearson pronounced. Pearson proved to be 100 per cent in error. And, as the senator points out with a grin, later on Pearson found reason to praise his war against corruption.

The affirmative judgment of Williams by the press, by political organizations, and by his peers in the Senate, is nearly unanimous.

In 1951, *Look* magazine called him "The Man Who Broke the Tax Scandal." (The Internal Revenue Bureau corruption unearthed by the Delaware sleuth led to the 1952 GOP campaign cry, "The mess in Washington!") In 1962, *Reader's Digest*, one of Williams' biggest supporters, termed him "The Senate's One-Man FBI." In September 1966, *Reader's Digest* again praised the senator in an article by John Barron entitled "The Case of Bobby Baker and the Courageous Senators."

In a 1960 *Newsweek* magazine poll, Washington correspondents chose Williams as one of the 10 most effective members of Congress. *Nation's Business*, in December 1969, featured him as the "giant" who is leaving the Senate.

There have been other honors. The American Political Science Association selected Williams in 1959 as one of four members of Congress to receive its first annual award for distinguished service. In 1960 Americans for Constitutional Action (ACA) chose Williams as its "outstanding conservative member of Congress," and in 1961 presented him with its Distinguished Service Award. In 1969 Sen. Williams, together with his counterpart in the House, Rep. H. R. Gross (R.-Iowa), was honored by the first annual Conservative Awards Dinner sponsored jointly by the American Conservative Union, *National Review*, Young Americans for Freedom and HUMAN EVENTS.

Sen. Williams announced his decision to retire from the Senate on Feb. 18, 1969. Characteristically, he issued a straightforward press release, three single-spaced pages, explaining his decision and using it as an occasion to promote the adoption of a mandatory retirement age for members of Congress:

"I have long advocated a reasonable age limit for the top executives of government comparable to the practice in private industry. The federal government accounts for annual expenditures of nearly $200 billion and it has always been my contention that the affairs of the government should be operated on a more businesslike basis."

Williams, who is 66, pointed out that if he served another term he would be 72 at the end of it, and would be two years beyond the age at which he believes all government officials should retire. He cites the fact that the Supreme Court has three members past 70 (one past 80) and that many district courts are presided over by federal judges well past normal retirement age. The result, says Williams, is slower action, delayed decisions and oftime, decisions prepared by assistant law clerks.

Sen. Williams notes that elderly public servants are often pressured into running for another term with appeals to party loyalty. Usually they would prefer retirement, but are talked into running for fear of letting their supporters down. Such officials would probably welcome a mandatory retirement age so they could retire with a minimum of guilt, Williams says. Many, he says, serve well past the age at which they can really be of service, thereby risking a failure both of health and neglect of duties, or death in office. Some ultimately face defeat by the voters who can see the incapacitating effects of age.

"I'm a firm believer that a man should live by the rules he lays down for others," Williams says. And thus, at the age of 66, he leaves the Senate at the end of 1970, even though, as Sen. Russell Long of Louisiana, chairman of the Senate Finance Committee says, he "has failed to convince me that he is doing the nation a favor by insisting on retiring."

The question inevitably arises—who will replace Williams as the Senate's most alert crusader on spending, taxes and corruption?

"None of us is indispensable," he says modestly.

But, who, among some of the younger senators, does he see taking on his role in the future?

"There are lots of able men," the senator says with a grin, and refuses to name them.

How does it feel to complete 24 years in the Senate?

"Well, to quote another retired senator I admired greatly," he smiles, "when I first came to the Senate, I looked around and wondered how in the world I ever got elected to a body of such able and wise men. Now I look around and wonder how the devil some of these men ever got here."

Pressed to name some of the greatest senators with whom he has served over his 24-year career, Williams concentrates a while and firmly replies: "Harry Byrd, Sr., of Virginia, Walter George of Georgia, Robert Taft, Sr., Arthur Vandenburg, and former Sen. Tydings of Maryland (father of the present Maryland senator)."

Questioned about the alleged disillusionment with the American system among some segments of American youth, Sen. Williams replies:

"Youth are idealistic, and when they see evidence of corruption in high office, they hastily blame it on the 'system.' It is our duty to make them see that a few bad apples don't make the system bad. But we should show them that we will do something about the corruption even though these men may be our own buddies.

"People will only respect [elected officials] if we respect ourselves," Williams says. "And if we have any self-respect at all, we will expose the corruption and get rid of the unprincipled men among us."

Sen. Williams has always enjoyed a reputation of being thorough in the extreme when it comes to legislation in the fields of finance and honesty in government. It is here that he has built a reputation for being a "conservative," a title he warmly embraces.

The intricately constructed statements he releases to the press so frequently are the product of intense research, reading and investigation on matters not generally known to the public. And the senator himself is the man behind the work.

According to him, that's one reason why he has never joined the Washington party circuit. And it also explains his effectiveness. Singleness of purpose in all his endeavors has produced a legislative record that is remarkable for its consistency, and its independent attitude.

Taking 1969 as a sample year, the impossibility of fitting him into a neat pigeonhole becomes evident.

Using statistics supplied by the respected *Congressional Quarterly*, one gets an interesting picture.

The most significant statistic is found under: "Bipartisan Roll Calls," as tabulated by *CQ*. These are the votes on which a majority of voting Democrats and a majority of voting Republicans agreed. In tabulating opposition, *CQ* explains, it takes the percentage of bipartisan rollcalls on which a senator voted "yea" or "nay" *in opposition to the bipartisan majority*.

Since bills passed by bipartisan majorities are often the kind of bills that it takes great political courage to oppose, the number of times a senator or congressman registers such opposition is of more than passing interest.

In the House, Rep. H. R. Gross (R.-Iowa) led in opposition with a score of 52 per cent. Gross and those who follow him in leading "bipartisan opposition" scores are all hardcore conservatives.

In the Senate, Sen. John J. Williams led in the number of times he opposed bipartisan rollcalls—39 per cent of the time in 1969. He is followed by Senators Edward Gurney (R.-Fla.), Carl Curtis (R.-Neb.), and Strom Thurmond (R.-S.C.). In 1967–68, Sen. Williams' total opposition to bipartisan votes was still a high 33 per cent.

The Delaware senator was not among the nine top scorers when it came to over-all support of legislation backed by President Nixon. Instead, he was *third* in his over-all *opposition* to the President, trailing Senators Hatfield of Oregon and Cook of Kentucky. The percentage of times Sen. Williams opposed President Nixon during 1969—33 per cent—equaled the opposition scores of liberal Senators Case of New Jersey and Javits of New York. But, you may be sure, his votes were on totally different issues! Sen. Gurney of Florida, also a conservative, had a 32 per cent opposition to the President score for 1969. Even so, Sen. Williams' over-all support score for President Nixon's policies on rollcalls was a respectable 67 per cent.

Still further evidence of Williams' maverick voting performance may be seen in his scores under *CQ*'s "Conservative Coalition" ratings. Williams' name does not appear in the top seven for 1969. He supported the conservative coalition 67 per cent of the time, and opposed it 32 per cent of the time in 1969.

Sen. Williams' party unity score in 1969 (percentage of 89 Senate rollcalls on which he voted in agreement with a majority of his party) was a somewhat weak 70 per cent. For a comparison, consider that Senators Fannin (R.-Ariz.), Allott (R.-Colo.), Gurney (R.-Fla.), Cotton (R.-N.H.), and Curtis (R.-Neb.) were all top scorers in the party unity ratings with 90 per cent. All of those senators are considered trustworthy conservatives. Thus, Williams can be hailed neither for his unwavering support for President Nixon's policies, for support of the Conservative Coalition, nor for support of party unity rollcalls.

Where he does distinguish himself is with an exceptionally high "voting participation" score of 97 per cent, while the average Republican senator's voting participation score was 87 per cent.

What were some of the issues on which the independent Delaware Republican snubbed his nose at both his President and his party?

He voted against the Senate amendment which eliminated the House-passed $20,000 crop subsidy for individual farmers.

Then there was the vote to extend the income tax surtax at 10 per cent through December 31, which was adopted by 51 to 48 and supported by President Nixon. Williams voted "nay."

On the nomination of Judge Clement Haynsworth to the Supreme Court, Williams opposed the President and the GOP by voting "nay."

On an amendment to restore 27.5 per cent oil depletion, a position supported by the President and by the Conservative Coalition, Williams voted "nay."

On adoption of the 1969 Cooper-Church amendment to bar use of Defense appropriations for introducing U.S. ground troops in Laos and Thailand, Williams voted "yea."

On adoption of the conference report of the Tax Reform Act of 1969, Williams voted "nay" in opposition to the bipartisan majority.

On a Mansfield motion to recede from Senate insistence on the Philadelphia Plan amendment to the fiscal 1970 supplemental appropriations, Williams voted "nay" in opposition to the President and the GOP.

Of course his most recent and widely publicized active opposition to President Nixon's controversial welfare "reform" measure is another indication both of his conservatism and his independence.

In Williams' view, no candidate can ethically campaign on a platform of fiscal responsibility unless he is willing to live up to what he preaches. In terms of the staggering federal budget deficit for this year. Williams says it does no good for either Congress or the Administration to point fingers at one another, for both are equally guilty.

It is here that Williams has strong words of warning for his own party. "Unless we as a party, from the President to Capitol Hill, live up to our promises to balance the budget, then we have no business accusing the Democrats of irresponsibility," he says.

"Candidates who, during campaigns, use the issues of spending, taxes, or corruption in high office, must have good records on those issues themselves," he says firmly.

So one cannot judge Sen. Williams on "independence" alone. It is in that very independence of thought that he is most consistently found to be supporting the principles of sound government and fiscal integrity that *should* guide every one of his Senate colleagues.

Writing in the *Reporter* in 1965, Laurence Stern observed that Sen. John J. Williams' one concession to vanity was an exhibit of autographed newspaper cartoons, framed and hanging on the walls of his Capitol Hill office. They all characterized the Delaware senator's career to quote Stern, as "the triumph of the foxy country boy over a rogues' gallery of tax cheats, corrupt officials, junketing congressmen and assorted malefactors."

And indeed his office walls are still covered with the cartoons, many of which date back to his early years in the Senate and refer to scandals no longer even remembered by the public. Also hanging in the office are the numerous awards, plaques and citations given the senator over the past 24 years.

"The foxy country boy" attitude referred to by Stern became evident before Williams had been in the Senate even for one year. He had been receiving complaints that the Internal Revenue Service was billing some of his constituents for taxes already paid. When Williams demanded to see the files of the Wilmington tax collector's office, he found that even his name was carried on the rolls as a delinquent taxpayer.

That was enough for the "country boy." By the time he was through, the IRS employe responsible had admitted that he had embezzled more than $30,000 and finally wound up in prison.

One good investigation leads to another, so on a tip, he began looking into a possible tax-fixing operation in New York, with satellites in St. Louis, Boston and Philadelphia. The single-minded persistence of Delaware's country boy uncovered a scandal that reached all the way to the White House. In time, grand jury indictments and convictions were made. Caught in the Williams exposé were Truman White House assistant Matthew Connelly, and Assistant Atty. Gen. T. Lamar Caudle. The GOP capitalized on Williams' sleuthing by campaigning in 1952 with the theme "the mess in Washington."

But Williams is no respecter of party when it comes to official dishonesty. "I don't believe that either party has a monopoly on good men—or scandals," he once said.

Sen. Williams proved his bipartisan dedication to truth by becoming the first Republican in the Senate to call for the resignation of Sherman Adams from the Eisenhower White House staff, during the scandals of that Administration.

Once established as the defender of public decency, it wasn't long before Williams became the target for anyone with a "tip" about alleged misdeeds in high places. But Williams managed to keep his perspective about all the "dirt" that is given him unsolicited.

"I investigate them just like any newspaper reporter covers a story," he once said. "I get my facts straight, then I report them to the Senate."

Concern for the reputation of the accused is the motivation of Williams' caution. He told Washington *Star* reporter Paul Hope in 1966:

"You've got to be extremely careful. With the power of the Senate you can destroy a man, so you've got to be right. I have cases here that are maybe going to explode some day, but until I can document them they are going to stay right in that file. I'd rather let a dozen go than start a new one before it's ready."

Undoubtedly the best-known case of Williams' investigatory success was the Bobby Baker story, even though as of today Baker still manages to stay out of jail.

While the Senate Rules Committee used the well-worn tactic of delay to keep the ruinous facts of the overnight prosperity of Bobby Baker, protégé of Lyndon Johnson, from seeing the light of day, Williams plodded on.

"Whitewash put on over dirt won't stick. We country boys know that," he said.

When the Rules Committee attempted to cover up by closing down the investigation. Williams continued to dig. It was the mass of facts that he finally handed over to the grand jury that resulted in a nine-count indictment against Baker.

In pursuit of the facts, however, Williams took his own lumps from the Democratic Administration of Lyndon Johnson. For all Williams' trouble, the counsel of the Rules Committee called him a liar in public; the IRS audited his tax returns twice in the two years during the investigation; it was charged that his mail to government agencies was intercepted; and none other than President Johnson flew to Delaware in 1964 to try to defeat him for re-election. In spite of the Johnson landslide in Delaware, as elsewhere, Williams was re-elected by a 6,932-vote margin.

The most insulting blow of all was the clumsy attempt to besmudge Williams' character. At a news conference in Nashville, Carole Tyler, Bobby Baker's former confidential secretary, dropped a 10-megaton bomb:

"I wonder what you would think if you knew that the principal investigator of the Senate investigation [of the Bobby Baker case] was seen by me on July 6 at 6:30 a.m. with a lady—not his wife—just after they finished breakfast?"

Pressed to name the senator, Miss Tyler, who later died in a freak airplane accident near Baker's Carousel Motel in Ocean City, Md., said: "I think you know who I mean."

John Williams, then 61 and married for 38 years, was both outraged and incredulous.

But rather than make a public denial of the charge, which he explained in private that he could not do, he wrote a one-sentence statement:

"Any newspaper, any wire service, any network that carries any report questioning my character assumes full responsibility for its truthfulness and had better be prepared to prove it."

SENATOR WILLIAMS WAS STAUNCH FRIEND OF TAXPAYERS

Friends who wondered why the senator didn't openly deny the Tyler charge got a private answer:

The senator had been in a roadside diner with a pretty girl that morning. The girl was his granddaughter and he was driving her back home after the 4th of July weekend. (The Williams' maintain a beach house near Rehoboth Beach, Del.) But he refused to "drag my grandchild into this."

In another case, Sen. Williams' nose for skulduggery took him into the mortgage records of the Federal Housing Administration. For more than two years the General Accounting Office, the independent agency which reports to Congress on the fiscal soundness of government programs and departments, had been publishing in its GAO reports stories of the most incredible bungling, if not downright deception, in the awarding of FHA financing to dubious projects. Were it not for some concerned civil servants at FHA and for the crusading Delaware senator, Congress might have gone on blithely ignoring the facts.

Williams exposed some of the worst abuses. Homes for the elderly built with FHA-insured funds were never occupied and many were abandoned by the owners who left the government holding the bag. Apartment buildings that had been "doomed from the start," according to local reports, were given FHA approval because of political pressures. Individuals whose housing projects had failed consistently were still given FHA financing because of political connections.

One of the most startling of the scandals involved Webb & Knapp, Inc., a major contractor on urban renewal projects in New York City, Pittsburgh and Philadelphia. The company owed $27 million in federal taxes but was still approved for FHA mortgages totalling $67 million for seven urban renewal projects. The company filed for bankruptcy eventually, and the government admitted that it could expect to collect only about $1 million of the $27 million Webb & Knapp owed it.

The cases were made to order for Williams. He said: "In case after case the FHA has shown little concern for the housing needs of our people. It has seemed interested, instead, in pandering to politicians or slipping money into the pockets of questionable speculators."

While the Bobby Baker case and the FHA case occurred under Democratic administrations, Republicans have not been immune from Williams' searchlight.

In the matter of Judge Clement Haynsworth, rejected by the Senate when President Nixon nominated him for the Supreme Court last year, Williams explained his vote:

"For years I have been critical of federal judges neglecting their judicial duties and directing their energies toward outside activities for the purpose of financial gain, and to confirm Judge Haynsworth . . . in the light of his record would, in my opinion, be placing a stamp of approval on such outside financial operations."

While he admitted regret at having to make such a decision, his action was certainly in keeping with his straight-arrow view of public ethics.

It wasn't the first time he cast a vote against what politically would have been the more tenable position.

In 1959 he found himself holding the crucial vote in a Senate Finance Committee consideration of a special bill that would have benefited the taxable status of some General Motors stock owned by the duPont family. The duPonts, after lengthy litigation, were being forced to divest themselves of the $3.5 billion worth of stock, but wanted, understandably, to avoid paying regular tax rates on the income. Sen. J. Allen Frear, the Democratic senator from Delaware, home base of the duPont family, obligingly introduced special legislation to allow them to be taxed at a much lower rate.

Despite the fact that Sen. Williams, as the Republican senator from the duPont territory, was no doubt on good terms with the duPonts, he cast the vote that sent the bill to legislative limbo. The fiscal behavior which Williams expects from both government and citizen would not allow him to support legislation, even for his most powerful constituents, that violated that principle. He finally went on to help draft an amendment to the tax laws that did help the duPonts slightly in the matter of the forced disposition of the General Motors stock.

Sen. Williams keeps an especially alert eye on possible corruption in the distribution of government farm crop subsidies. Practicing what he preaches, he refuses government subsidies for his own farms in Delaware, and keeps a keen watch on those who do accept them. In 1965 he told the Senate that the Department of Agriculture was trying to cover up a major scandal involving large-scale overplanting in the acreage allotment of rice and cotton in the Arkansas area.

He has steadily supported the limitation to $20,000 of the amount of government subsidies that can be accepted by a single farmer. But Congress failed to adopt the lower subsidy limit, setting it instead at $50,000.

The efforts of the Delaware watchdog in trying to prevent waste can be prodigious. In 1967 he found two provisions in a House-passed salary increase bill that had the effect of making two Johnson appointees, both former Democratic congressmen, eligible for higher retirement benefits. Pointing out that the present law already gave the gentlemen involved liberal benefits, he provided Congress with carefully researched figures on just how much more of the taxpayers' money would go to making them comfortable in their declining years.

Williams argued on the basis of fairness alone that the two amendments should be deleted from the Act. But on a straight party-line vote, his motion was defeated.

"Who does the 'Great Society' think it is kidding?" he asked. "Who said that this 'Great Society' is not fighting its war against poverty—at least as far as its own hierarchy is concerned?"

The recent pay increases for the President, Cabinet officials and members of Congress were a real sore point with Williams. He gives several reasons for opposing the increases, most of which had to do with his predictions of a $15 to $20-billion budget deficit for fiscal 1970.

"This is no time to add to the burden of the taxpayer," he said. "Furthermore, I would hate to see the day when the Senate becomes an exclusive rich man's club. If a man can't live on $30,000 a year, then there's something wrong. These sentators don't need to live in $100,000 homes."

Williams himself has always resided at the old Mayflower Hotel on Connecticut Avenue, commuting on weekends to his home in Millsboro, Del.

Williams' scrupulous reading of GAO reports uncovers some federal spending that might never be known publicly otherwise. In July 1968 he uncovered a Johnson scheme to have federal employers write a history of the agency for which they worked in the Johnson Administration, for placement in the LBJ library in Austin, Tex.

Williams called the order, which came from Special Assistant to the President Joseph Califano, "an unnecessary and irresponsible waste" of taxpayers' money. History should be left to the historians and not "distorted by a lot of high-powered propaganda initiated at taxpayers' expense," he said.

Last year Sen. Williams prodded Congress into asking more questions about the practice of modern Amercan Presidents who take with them into retirement their own "papers"; i.e., government records compiled during their terms in office.

In the case of former President Johnson, the 31 million pages of private government files he took with him are appraised at almost $40 million. When they are donated to the LBJ library at the University of Texas, Johnson can take a tidy tax deduction on them. Furthermore, they would not even be released for other historians until Johnson himself used them as a basis for books and television interviews which will net him substantial royalties.

Williams introduced a bill to close the possibilities of this windfall to future ex-Presidents by making the value placed upon such property taxable as income, thereby offsetting the tax advantage.

"These people are making a profit out of property which properly belongs to the government. These papers are developed by government officials on government time, typed by government secretaries on government paper and stored in government files."

A harsh critic of the Johnson Administration's much-ballyhooed Campaign Financing Act of 1967 (which finally died unmourned), Williams has his own ideas about the problem of campaign financing and the myriad ways in which reporting procedures are being circumvented.

His proposals (for which he was praised by even the liberal Ripon Society) include provisions for (1) a special income tax deduction for contributions of up to $100 to political candidates or parties; (2) reporting of contributions and expenditures by *all* political committees; (3) broadening of the Federal Corrupt Practices Act to cover primary elections; and (4) prohibition of solicitation of campaign funds from federal employes by political committees.

In a recent triumphant scene on the Senate floor, Williams won a victory for another government reform he has promoted for years. He offered an amendment to the Military Authorization Bill which would end the Defense Department's long-standing practice of giving advance information about the award of a government contract to the congressman serving that district.

Although it was considered a harmless enough practice, Williams felt it perhaps gives an incumbent unfair advantage over his opponents, and also, more importantly, could give the public the impression that office holders were influencing the awarding of defense contracts. The Senate, pinned down by Williams' insistence on a rollcall vote, adopted his amendment 78 to 0. Sen. Hugh Scott, the Republican leader of the Senate, originally defended the practice on the grounds that it is one of the lawmakers' duties as "ambassador of the state," but finally voted with the majority when it became clear that his would be the only "nay" vote. It was later passed by the House.

Williams is both persistent and consistent when it comes to opposing budget deficits and unnecessary federal spending. As mentioned before, the pay raises for members of Congress, top Administration executives and federal judges, were a prime target for Williams' blue pencil.

Sen. Williams in the Senate and Rep. Gross in the House led the fight against the pay raises. Both introduced legislation to repeal the Salary Act of 1967, under which raises go into effect automatically on the recommendation of a presidential commission, unless the House or Senate objects within 30 days. In pressing for a repeal of that act, Williams predicted, in February 1969, that there would be massive deficits in both the 1969 and 1970 federal budgets. He warned Congress that the pay increase alone would add another $4 to $5 billion a year to the budget, while Congress was faced with the necessity of raising the national debt limit yet another time.

In August 1970, Williams took the floor to recall his prediction of a massive deficit, and attempted to stop more spending by offering an amendment that would have put a $205.6-billion ceiling on spending for fiscal 1971. That was the projected figure released by the budget bureau in May 1970. But without blinking, the spend-and-elect Senate voted down the Williams amendment 59 to 25.

It gave the ardent anti-deficit senator from Delaware a chance to say "I told you so" to his colleagues.

"I have felt for a long time that one of the greatest mistakes we have made in this Congress was made a year and a half ago when we raised congressional salaries by 40 to 41 per cent, and that of the top executives in government from 40 to 80 per cent," he said.

When President Nixon announced his revolutionary new "Family Assistance Program" to the nation in a televised speech in August 1969, Sen. Williams joined the majority of his Republican colleagues in indicating his conditional support of the bill. Like many others, Williams supported the "workfare" provisions of the legislation, but adopted a wait-and-see attitude on the substance of the legislation.

But in April 1970, when the Senate Finance Committee studied the House-passed version of the legislation to establish Nixon's Family Assistance Plan, Williams, as well as several other influential members of the committee, began to have serious doubts. After listening to testimony by the then Secretary of HEW, Robert Finch, Williams openly questioned the Administration's estimate of $4 billion for the first-year cost of the welfare program.

He enlightened Secretary Finch on the errors in the government's case, pointing to the fact that estimates were based on a national unemployment rate of 3.5 per cent, while the current figure was almost 4.5 per cent. That, Williams pointed out, would mean the cost of the program would be increased by $1.25 billion.

Williams also displayed charts prepared at his request by HEW staffers, which compared the amounts of total income that a welfare family could receive—combining benefits from the federal and state government, including such indirect assistance as public housing.

Williams' figures showed, incontrovertibly, that under the Nixon plan it was possible for a mother with three children and no earnings living in New York City, to get more from the welfare program than if she was earning enough money to make her family ineligible for food stamps and Medicaid. This was enough, despite protests from Secretary Finch, for the committee to insist that FAP be sent back to HEW for overhauling.

Yet even with the legislation patched up with haphazard Bandaids, it has still not met with the approval of the budget-conscious Williams. Even with its revisions, Williams predicts that the bill will not pass the Senate during the upcoming lame-duck session. He has also promised to engage in some lengthy "educational" discussion of the issue on the Senate floor, a move that might well bring about a full-scale filibuster.

His objections to the legislation of course encompass more than the strain it would place on the already burdened federal budget. While not against certain kinds of government aid to truly needy persons, the senator believes that problems of unemployment and non-support of families goes deeper. He cites, in an interview, the poor regard in which manual labor is held today. He would prefer that more be done to restore the dignity of work itself, and to explode the myth that every working man must be a chief rather than an Indian.

Besides that, of course, the senator argues that in time of great inflation and an exploding budget, what the country needs least is new federal programs or an expansion of old ones.

If the President had asked for Williams' advice, he would have told him that the welfare plan, besides being basically unsound fiscally, would be politically disastrous for the President's re-election chances. Williams believes Nixon's political fortunes would be enhanced by the bill's defeat.

He declined to comment on the number of Democrats and ultra-liberals within the Nixon Administration who have been the brain-power behind such schemes as the welfare plan. He did note, however, that he knew many of his Republican colleagues had been dissatisfied. His advice to his own party was that unless it builds a better record on the issues of spending, budget balancing, and reducing government programs, it cannot very well point an accusing finger at the Democrats.

Sen. Williams is at his best when fighting both excessive spending and scandal in the same government program.

He told the Senate during the discussion of certain Medicare program scandals that parts of the program, indeed its major components, would run up costs in the next 25 years that would surpass the present national debt of $370 billion.

"In every single year since Medicaid started we have had to approve a supplemental appropriation for it," he said. "In 1969 the program will require some $278 million in additional funds, and next year the total cost of the program is expected to exceed $6 billion."

He uncovered numerous examples of waste and extravagance in Medicaid during his sleuthing. He even found some downright dishonesty.

One example was the profitable operation by chain organizations of extensive care hospitals and nursing homes. When a patient was through at the hospital, the administrator sent him to one of its nursing homes, picking up a nice federal fee.

Williams noted that lax rules and administration of the program by federal bureaucrats led to the explosion of health costs from $1.3 billion in 1965 to an estimated $5.5 billion in fiscal 1969. He charged that the fees set under federal Medicare average as much as two to four times the maximums allowed by Blue Cross and Blue Shield insurance programs.

The Wilmington (Del.) *News* disclosed on July 15, 1970, that Williams had uncovered more abuses in the Medicare program this year. Questioning Social Security Commissioner Robert M. Ball at a Senate Finance Committee hearing, Williams pried loose the information (which of course he already knew) that HEW had sent a bogus doctor to investigate reports of overcharges and other abuses of Medicare throughout the country. While the "doctor" was in the field visiting hospitals and nursing homes, presumably to clear up the 'misunderstandings," he allegedly set up a dummy consulting firm with a former Nebraska welfare director that billed the government for fictional services, and collected.

Under Williams' questioning, Commissioner Ball finally conceded that Dr. Bradley Near, the HEW official whose activities are now under investigation by the Justice Department, was a *veterinarian.*

No accountant himself, Sen. Williams shows an amazingly sharp eye for deceptive accounting practices in the government. He was one of the first to protest the practice of adding federal trust funds to the total of normal governmental revenue, pointing out that it was hypocritical and dishonest, since those funds were not expendable.

Such back-handed accounting, Williams said, "has but one purpose: that is to deceive the American people as to the serious state of our financial situation."

In 1968 he delivered a scathing attack on the Johnson Administration for the phony accounting method, but reminded his colleagues that they could not excuse themselves from the responsibility to take action to control spending and taxes.

"I have said many times that we cannot point a finger at the President and then excuse our own responsibility by inaction," he charged.

In 1969 Sen. Williams' position had not changed, even though a Republican President was now formulating the federal budget. In August of last year, he reported that the budget surplus claimed by the Nixon Administration was accounted for by the amount of money accumulated in special trust funds like Social Security and Medicare, which he again patiently explained cannot be used to defray normal operating costs of the government. Williams joined Sen. Carl Curtis in sponsoring legislation that would have forced a return to an administrative budget, to show clearly whether the general treasury was operating in balance. Williams called it his "truth in budgeting" proposal.

Williams constantly emphasizes the serious moral responsibility of Congress to keep spending at realistic levels. In debate in November 1969 he told the Senate:

"Congress has no moral right to instruct the President that we expect him to hold expenditures for fiscal year 1970 at $192.9 billin (which was the amount of a Senate-passed ceiling on spending for 1970) and then authorize new projects and programs which will require billions of additional expenditures.

"I will not be a part of such hypocrisy," Williams fairly shouted, straining his normally soft low-volume voice.

Williams once called the Senate's attention to the fact that a Public Works bill being debated included 62 new projects, not one of which had anything to do with air and water pollution, the subject of the appropriation. The projects, he noted, had a total cost of more than $1.25 million.

"The record should be clear that when senators go home and expound their great interest in water and air pollution and motherhood, they can also let it be known that they do not have quite as much interest in the American taxpayer," he stormed.

Yet, on Williams' motion to recommit the giant boondoggle, only four others voted with him.

Sen. Williams is anything but delicate when it comes to laying the blame for inflation at the door of a liberal Senate. In December 1969, when despite his own best efforts, the Senate refused to delete $5 billion in cuts and $7 billion in Social Security benefits from a bill extending the federal income surtax, Williams was livid:

"It is the most irresponsible legislation passed in my 22 years in the Senate," he said.

He was so angry that he refused to lead Republican senators on the Conference Committee to iron out differences between the Senate and the House versions of the bill. He was still so angry by the time final passage rolled around that he voted against it in entirety.

Few examples of federal waste escape the Williams eagle eye.

On May 14, 1969, he voted against authorizing $480 million for a U.S. contribution to the International Development Association (IDA), arguing that the World Bank was not contributing its own fair share. Furthermore, Williams said, IDA funds would be used to finance the kinds of projects in other countries that many American communities could not afford.

He also opposed legislation to buy property to extend the Senate Office Building, explaining that the best way to approach the space problem was to cut back on some of the overstaffed subcommittees. He has frequently spoken out against the proliferation of committee staffs, which he charges result in the senators almost being run by their staffs.

In debate on appropriations for the Padre Island National Seashore in Texas, in June 1969, Sen. Williams charged that the project had more than tripled in cost since it had been authorized seven years before.

"Congress was promised that all the land would not cost more than $5 million. We have already spent over $12 million and now we are asked to spend another $4,129,829. How can Congress with a straight face criticize the Defense Department for its overruns?"

Sen. Williams, as Sen. Clifford Hansen of Wyoming has well said, made such significant contributions to his country through his never-ending search for waste and graft, that it would be difficult, if not impossible, to put a dollar sign on the value of his services.

Moreover, Williams has been one of the least expensive of all the U.S. senators for the public to maintain. Ever since his arriving in Washington, he has regularly returned the unused portion of his Senate stationery allowance for redeposit in the Treasury. (It took him a while to convince reluctant bureaucrats that it was indeed legal and possible to do this.) He did this, he says, without stinting on the amount of supplies he needed to take care of his official duties.

When he cast his vote on a public issue in the Senate, it was always done with the utmost in sincerity, at times displeasing even the conservatives who call him their own. In the '50s, for example, he reluctantly voted for censure of the late Sen. Joseph McCarthy, whose behavior he feared damaged the dignity and sanctity of the Senate. He also voted for cloture in 1964 to break the deadlock on the hotly debated Civil Rights Act of 1965, a nemesis of many Senate conservatives. But he did so with complete conviction and honesty—not for political gain.

He has not often been confused with the other Sen. Williams—Sen. Harrison Williams of New Jersey, the liberal Democrat. But such a mistaken identity could have embarrassed the Democrats.

In 1966, when liberal Democratic Gov. Pat Brown was trying to hold off the assault of Ronald Reagen in the race for governor of California, his campaign manager telephoned Washington to ask "Sen. Williams" to make some campaign speeches for Brown. The caller suggested that the senator might want to bring a subcommittee to California so that the trip could be financed by the federal government.

When John Williams realized the mixup, he had his secretary reply without a hint of sarcasm that he would be happy to come to California to speak on "good government," and that he would even pay his own expenses. After Brown's campaign manager heard this reply, there was dead silence at his end of the line. Sen. Williams says he prefers to think they didn't get him confused with Williams of New Jersey; it was just that they found out he didn't have a subcommittee.

With a 24-year career in the U.S. Senate that has earned him the respect of colleagues of both parties and the administration of reporters of all ideological shades and with no financial worries, Williams could retire and spend the rest of his life in self-indulgent relaxation. But that is not likely.

Williams insists he will engage in some activity to promote the principles he has tried to practice as a senator. Since he is not known as one of the country's better orators, he foresees no great demand for his services as a speaker. But his third career will definitely be consistent with the course he set for himself over the past 24 years.

No matter what he does, it is certain that the example of Sen. Williams will always be used by those who favor decency in public service. The senator recently expressed his concern about the poor example some members of the older generation had already given to American youth.

"When men holding high positions of trust betray that trust, we are creating in the minds of young people an element of doubt about the moral standards we are following ourselves, and are asking them to follow."

Perhaps insistence on the highest standards of public morality, whether in pursuing a Bobby Baker to justice, or in fighting to keep public spending within realistic limits, is the essential message Sen. Williams has for his country.

THE MORATORIUM ON GRAZING FEES

Mr. HANSEN. Mr. President, in January 1969, as former Secretary of the Interior Stewart Udall was preparing to leave office, he issued regulations to increase grazing fees on public lands administered by his Department by 400 percent. A similar action was taken by the Department of Agriculture with regard to lands under its jurisdiction.

This action, taken by "lameduck" administrators to drastically raise the price of forage on public lands, caused great concern among the Members of Congress who were informed on the subject of public land management. Following hearings on the grazing fee increase in both the House and Senate at which the new administration, the livestock industry representatives, and interested parties testified, a moratorium was placed on the implementation of the new grazing fee regulations.

Mr. President, at this time of the year when the Bureau of the Budget, now the Office of Management and Budget, is formulating the budget for the coming fiscal year, there is pressure to maximize revenues from the public lands even if such action would ignore the needs of the livestock industry, the economies of the public land States, costs to the consumer, and the intent of the Congress. I sympathize with efforts to provide revenues to offset potential deficits in Federal spending. But I do not believe that the long-term consequences of such action should be overlooked or policy set by the Congress overturned by administrative regulation.

Mr. President, it is vital that Congress express to the Office of Management and Budget and the appropriate departments that it will not tolerate implementation of the 1969 grazing regulations issued by Secretary Udall in violation of the moratorium this year any more than it would tolerate such action in 1969 or 1970. Implementation of the 1969 regulations is particularly unacceptable this year in light of the report of the Public Land Law Review Commission which was authorized by the Congress and prepared over a 5-year period at a cost of approximately $7 million. The report recommends broad changes in the public land laws as they relate to grazing on public land, and those changes differ greatly from the 1969 grazing fee regulations. It would be unconscionable in light of the work of the Commission for the moratorium to be lifted before the Congress is given the opportunity to consider the recommendations of the Commission and act accordingly.

In 1964, the Bureau of the Budget released a study recommending that an interagency group develop a uniform system for establishing fees based on economic values of the forage to the user. In the past, grazing fees had first been set by negotiation with the livestock industry and then in relation to the previous year's livestock prices. In 1966, Federal agencies managing public lands and livestock industry organizations cooperated with thousands of individuals in a joint study of the grazing fee question. Supposedly the 1969 grazing fee regulations were based on the results of the 1966 joint survey. But in order to justify a significant increase in the grazing fees the Federal agencies refused to recognize a value for the grazing permit even though such value was included in the survey. The agencies justified their action by arguing that assignment of a permit cost or value in fixing grazing fees would thereby recognize an interest in the permitted land.

The result of the 1969 regulations was a grazing fee schedule which was supposed to reflect the fair market value of the forage, but instead set a fee which failed to give consideration to one of the major costs to the user of forage from public lands and that is the cost of the grazing permit. In addition the new fee schedule did not adequately differentiate between public land forage and private land forage as it benefits the user.

As a matter of law, public land grazing permittees do not acquire any right in the permitted land. But the Federal Government has contributed to the concept of permit value in the administration of the statutory preference right of renewal, the payment of compensation upon permit termination for defense purposes, and statutory recognition of a right to include the permit as loan security. Indeed, permit value has come to be relied upon by Government agencies, business, and individuals.

The Public Land Law Review Commission recommended that fair market value should be established by law as a basis for grazing fees to replace the reasonable fee now required by law. But the Office of Management and Budget and the executive departments should not be permitted to implement the 1969 grazing fee schedule by citing this one phrase from the Commission's report. To begin, the executive should not be allowed to unilaterally act to change the public land laws established by Congress. If the Public Land Law Review Commission report recommendations are to be adopted as the law of the land, the Congress should take the action necessary to do so. But be that as it may, the Commission's recommendation of a fair market value basis for grazing fees was qualified and the Commission made additional recommendations relating to the grazing fee question. The 1969 grazing regulations totally fail to recognize the work of the Commission as it is reflected in the qualification to the fair market value basis and other recommendations. The livestock industry cannot in all fairness be expected to adjust to the impact of regulations which the Congress is very likely to change in the very near future if it intends to implement any of the recommendations of the Public Land Law Review Commission.

The Commission's report states:

> It is clear that Congress assumed that the administrative costs would be used as a yardstick in fixing fees.

The 1969 grazing regulations do not recognize this fact.

The Commission's report recognizes that grazing permits do have value and does recommend, "that permittees should be compensated when permits are canceled to satisfy other public uses." The 1969 grazing regulations do not agree with this statement.

The Commission's report recommends that factors in each area of the lands involved should be taken into consideration in determining fair market value. The 1969 grazing regulations in fact do the exact opposite and set up a single fee for all lands.

The Commission found that an equitable allowance should be afforded to current permittees for permit values in establishing grazing fees. The 1969 grazing regulations fail to achieve this goal.

Mr. President, these are the most glaring inconsistencies which exist between the Commission's report and the 1969 action. The Commission also made other recommendations regarding the role of the public lands, protection and conservation of the lands, allocation of grazing privileges, tenure, range improvement, and a new "dominant use" theory.

It is obvious that it would be a great misfortune to implement the 1969 grazing regulations in light of the Public Land Law Review Commission report. Such action cannot be justified. At the present time, legislation is being drafted to implement recommendations of the Commission. Congress, when it convenes in January, will have an opportunity to consider that legislation.

The Members of Congress should stand up and be counted. They must go on record now against any action by the executive department to rescind the moratorium and to implement the 1969 grazing fee regulations.

THE AMERICAN FLAG AND STUDENT UNREST

Mr. GOLDWATER. Mr. President, we are living in strange times, indeed, when the act of flying the American flag over the Army ROTC offices at a university in the Nation's Capital becomes a feat of almost heroic proportions.

However, this was the situation as described by a Georgetown University cadet in May of this year when that university was closed by a student strike.

In a letter to the editor of Army magazine, the situation was described by Mr. Timothy Fives of Saugust, Calif. The letter describes an almost unbelievable situation on the Georgetown University campus where a small group of ROTC cadets kept a vigil 24 hours a day to protect the ROTC offices and insure the flying of the American flag.

Mr. Fives' letter is self-explanatory. It describes a situation that deserves to be drawn to the attention of all patriotic and well-meaning American citizens.

I ask unanimous consent that the letter to the Army Times together with some remarks about it which Gen. William Quinn, retired commander of the U.S. 7th Army, recently made to a selected group of Georgetown University cadets, be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SAUGUS, CALIF.,
July 22, 1970.

ARMY PUBLICATION, EDITORIAL, AND EXECUTIVE OFFICES, *Washington, D.C.*

DEAR SIRS: Perhaps it is a bit late to start this letter, but I thought that someone should know this story. It all grew out of the student unrest and political turmoil that spread across the country's colleges in the first week of May when four students at Kent State were killed and American troops crossed into Cambodia.

Georgetown University in Washington, D.C. has had a bland history of student activism. But in this first week of May Georgetown suddenly became a political arena. The student government voted a strike. Picket lines were formed. An ad hoc faculty group voted to shut down the university. Finally the president of the university agreed to suspend classes and exams to avoid any chance of violence. By the weekend of the 8th, 9th, and 10th of May, Georgetown looked as if it were under siege. Preparations were being made by the student government and strike committee to feed and house the many students expected to arrive for a large protest march and rally in Washington that Saturday. Classes were cancelled. Political speeches, rallies, and skits were frequent. Large numbers of people were camped out on the university's main lawn. The marijuana flag with its black background, red star, and marijuana leaf, flew from the university's main flag pole. There was an occasional Viet Cong or North Vietnamese flag to be seen.

During this time a small number of Georgetown students in Army ROTC had been keeping a vigil in the ROTC offices twenty four hours a day. The purpose was to prevent a repetition of an incident in December where a small crowd had pushed into the offices, "liberated" them, and showed films and left a Vietcong flag on the wall. With tensions high this weekend, the few students, most of them members of the Robert Jude Reilly chapter of the Association of the U.S. Army, felt that if anything happened it would be worse than the December incident. The rumors of plans to take over the offices were both numerous and varied. To us, they also seemed very real at the time. So we kept awake during the nights just in case. As it happened, there was one incident that almost flared into real trouble. A small number of Georgetown's Radical Union students came up to the offices and saw the few of us sitting up and awake at four in the morning. We had several doors barricaded and several fire extinguishers ready. The ROTC offices looked a bit like an armed camp, and this irritated the Radical Union students. The arguments and philosophical debate almost flared into something more, but cooled after a bit.

But the real climax of the entire week of the vigil was on the morning of Sunday, the 10th of May. It suddenly occurred to us that if we were under siege the least we could do was to show our colors. And besides, the official American flag had been hauled down and replaced by the marijuana flag. Various strike posters and banners, some obscene, fluttered only a few feet from us along the building's walls. So I got my 8′ x 5′ American flag and we lashed it upright and unfurled to two staffs we had secured to the porch outside the offices. An interesting fact about the porch, George Washington had made a speech from that porch in 1797. It was dawn, and the sun was just coming over the roofs of the buildings opposite us in the quadrangle.

Within five minutes two strike "marshals" from the theoretically neutral student government at Georgetown rushed up to the ROTC offices and demanded we haul down the flag. We were told we had no right to fly the flag, that it was provocative, and an inflammatory insult. We were told we were inciting violence. When we finally proved our right to fly the flag on the same rational that the Viet Cong flag flew at Georgetown, the tone of their persuasion changed. One marshal said that we may have the theoretical right to fly the flag but that we were all fools and "his boys" would come up and "rip us off." I remember the words well; I was there all that night and all the next two days.

To make the story short, the flag stayed up and we made sure it would stay up. We illuminated it at night and mounted a proper color guard when we folded the flag at retreat. Enclosed is a photograph I took shortly after we put up the flag that morning. To the cadets there, it was the most beautiful sight and the most worthwhile deed that the AUS A chapter had performed all year long.

I hope this story, even though late, is of some value.

Respectfully,

TIMOTHY FIVES.

GENERAL QUINN TO SELECTED GEORGETOWN CADETS

Gentlemen—Cadets and Major Bolton: I quote from a letter Mr. Fives wrote to the editor of ARMY Magazine: ". . . the flag stayed up and we made sure it would stay up. We illuminated it at night and mounted a proper color guard when we folded the flag at retreat . . ."

But I am sure all of you have read that letter, in its entirety, in September issue of Army magazine. It should have been published in the most prominent spot in every newspaper in the country, and in the more important of our national magazines.

We older people read of a generation that has abandoned all that we, in our time, held dear and sacred—of young people who are interested beyond all limits in pot, sex, and revolution. Too few of us have the opportunity to know that there are still young men, and young women, too, who are all we hoped our successors would be.

You young men are the best there are, if for no other reason than the fact that you accept your obligation as educated young men to learn to lead our armed forces in battle. When you carried this even further, and became involved at the risk of physical harm in preserving the right to learn to lead, and the right to fly the flag of our country even where it was—and I hope temporarily—unpopular, you touched the hearts of tens of thousands of us.

This memento which I give to each of you does not have much intrinsic worth, but I hope you will keep it as a reminder that some of us who believe in our country are very happy to include you as one of us.

GENOCIDE CONVENTION CONSISTENT WITH THE AMERICAN TRADITION

Mr. PROXMIRE. Mr. President, many people have been given the false impression that ratification of the United Nations Convention on Genocide by the United States would subject American citizens to a loss of our proud judicial heritage and to a denial of our constitutional rights. This is not true.

In fact, this convention is designed to insure all of the citizens of the United States, as well as the citizens of the 75 nations who have previously ratified this convention, that any effort to exterminate any racial, national, ethical, or religious group will not be tolerated. President Nixon, Attorney General Mitchell, and Secretary of State Rogers have assured Members of Congress that this convention does not jeopardize the right of any citizen. The section of individual rights and responsibilities of the American Bar Association studied the Genocide Convention and found that the convention is "consistent with the American tradition." In the concluding remarks of their report on the Genocide Convention is the statement:

> The Genocide Convention is now twenty years old, but it is a living and important document. Our friends are confused, our enemies delighted, at continued United States hesitation about the Convention. Adhering to the Convention now would be a real step in the advancement of America's national interest.

The recommendations of the President and members of his Cabinet, the section of individual rights and responsibilities of the ABA, coupled with the recent endorsement of the Genocide Convention by the Senate Foreign Relations Committee should convince all of us that the time has come for Senate action on this important document. I urge the Senate to follow the lead of the Committee on Foreign Relations and the White House and ratify this treaty in the very near future.

ENVIRONMENTAL IMPLICATIONS FOR AGRICULTURAL AVIATION—ADDRESS BY SENATOR MILLER

Mr. ALLOTT. Mr. President, in the keynote address yesterday at the current annual convention of the National Aerial Applicators Association in Las Vegas, Nev., the Senator from Iowa (Mr. MILLER) voiced a concern shared by many of us over the problems of regulating the use of pesticides in our pollution control programs.

The concern he expressed is that we look at these problems in perspective, realizing that our current state of research is far away from giving us the facts, or at least the probabilities, needed to make intelligent and wise decisions with respect to most of our pesticides; realizing also that these facts or probabilities are essential in making judgments regarding the cost-benefit effects of particular pesticides—the cost in adverse effects versus the beneficial effects to society from agricultural productivity.

As Senator MILLER well said, these problems are so complex and the solutions so far-reaching, nothing less than the best scientific and economic research should go into them. Partisan politics, self-seeking publicity, emotionalism, rumors, shooting from the hip, personal profit, and interagency or intergovernmental rivalries have no real relevance.

I ask unanimous consent that the complete text of his address, entitled "Environmental Implications for Agricultural Aviation," be placed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL IMPLICATIONS FOR AGRICULTURAL AVIATION

(By U.S. Senator JACK MILLER)

At a time when our attention is being increasingly focused upon the environment, it is significant that the 1970 Nobel Peace Prize was awarded to an agronomist from Iowa, Doctor Norman Borlaug. His selection dramatizes the fact that agriculture is a major part of our environment and that the goal of world peace is furthered through agricultural progress and its ultimate concomitant—freedom from hunger.

This heightened public interest in the environment is timely, for unless we honestly face up to, and successfully attack, the many problems of pollution, there will assuredly be an ecological imbalance which will be most harmful to society. Of equal importance, that attack must be intelligent and wise, because, if it is not, society will be denied the benefits of agricultural and industrial progress.

These problems are so complex and the solutions so far-reaching that nothing less than the scientific and economic research should go into them. Partisan politics, self-seeking publicity, emotionalism, rumors, shooting from the hip, personal profit, and interagency or intergovernmental rivalries have no real relevance.

For example, one of the greatest challenges facing the United States is how to meet the mushrooming need for electric energy. We are told that over the next twenty years, we will need to build 250 major electric energy producing plants. Still, there are some who say: ban nuclear reactors, because they cause thermal pollution; others say: ban the use of fossil fuel, because its use pollutes the air; and there are even some who say: ban all new hydroelectric plants, because they upset the ecology of the area. However, such voices are silent when the practical question is asked about how to meet the energy needs of our society.

Your industry is very much involved in meeting another great challenge—how to meet the increasing demand for the highest quality food and fiber, not only for domestic consumption within the United States, but for our export trade, and on a cost basis that will enable our people to afford it and our exports to be competitive in world markets.

There are some 10,000 species of insects in the United States which are classified as public enemies, of which several hundred are particularly destructive and require some measure of control. Other pests capable of causing serious economic loss include 600 weed species, 1,500 plant diseases, and 1,500 species of microscopic worms.

Even though the cost of controlling these pests comes to over $3 billion a year, the Department of Agriculture estimates that nearly one-fourth of our total yearly production is still lost as a result of them. Even with substantial pesticide treatment of corn soil, soil insects are estimated to cause losses of $100 million to our annual corn crop alone! If we hadn't started developing the use of modern pesticides back in 1945, the great increase in quality and output-per-acre of agricultural produce, with its accompanying consumer benefits, would never have happened—even with the developments in more productive seed and plant varieties. The Department estimates that if all pesticides were withdrawn from farm use, crop and livestock production would drop by 25 to 30 percent, resulting in a boost in the price of crops by 50 to 75 percent. And, of course, there would be an accompanying deficiency in the diet of our people—especially among the poor and lower income groups.

The American Farm Bureau, for example, has adopted a policy which states: "Modern agriculture cannot provide adequate quantities of high quality food and fiber without the continued use of agricultural chemicals."

As the Department of Agriculture points out, pesticides are used in ways directly beneficial to wildlife. For example, herbicides are employed to eliminate poisonous plants and brush from rangeland and aquatic weeds from lakes and streams. Treated rangeland is replanted with forage suitable for grazing by deer, elk, and antelope. Selected areas of our national forests are treated without adversely affecting the wildlife populations or their habitat. In fact, the wildlife population in these forests has been at one of the highest levels recorded in the last twenty years.

Of the 450 million acres of farmland in this country, 70 million acres produce crops needing some degree of protection from insect pests. Some form of weed control is used on all cropland and also on a large percentage of the over one billion acres of grazing and forest land. According to the Doane's Agricultural Service, farmers in the Midwest corn belt treated over 24 million acres (of the 42 million acres planted) for corn soil insect control. Over 9 million of these were treated with aldrin insecticides and a substantial acreage was treated with another organochlorine pesticide, heptachlor.

Nearly three quarters of a billion dollars is spent annually on chemicals dispensed by your 2,000 operators from over 6,000 planes over 90 million acres. Not only are you top flight pilots, but you have to be knowledgeable in chemistry, physics, meteorology, agronomy, entomology, farming, engineering, and cost-accounting. And I don't see any direction but up as far as the demands for your services are concerned. The very fact that you have organized a trade association is evidence of your industry's maturity and how far you have come from the old "cropduster" days. You are to be congratulated—not only for your contribution to agriculture, but also to related areas of education, research, and public relations.

As is always the case with a growth industry, government regulations have accompanied your growth so that you are a highly regulated industry—not only in the operation of your aircraft, but in the pesticides your planes dispense. Approximately 80 percent of the pesticides applied by commercial applicators are applied by aerial treatment and 20 percent by a surface application, so problems associated with application of pesticides by aircraft are of primary importance. You are, therefore, very directly interested in the implications that the environment and environmental control programs hold for the use and application of pesticides.

Let me say that I understand and appreciate the work by your association in promoting uniform state laws establishing standards for the use and application of pesticides. The legislature of my own state adopted such a law earlier this year.

At the same time I can understand your concern over a future action—especially administration action—by not only state governments but particularly by the federal government, now that full responsibility and power over pesticides has been placed under the Environmental Protection Agency. As you know, this Agency came into being only a few days ago. Until now, the Department of Agriculture had the legal authority to register agricultural pesticides, and while the Department will still have a research and recommending input, there is concern in the agriculture and agribusiness community that the new Agency make its decisions on the basis of adequate research and a meaningful cost-benefit approach, namely: the cost to the public from known or probable adverse human and environmental effects versus the benefit to the public from known or probable quality and quantity of agricultural production.

I emphasize the "probable" factor, along with the "known", because at this stage of our research it appears that action on the basis of mere possibilities would be premature in view of the serious consequences—either to our environment on the one hand, or to our food production on the other.

It will be some time before we know what the policies of the Environmental Protection Agency will be in the field of pesticides, but it would seem likely that it will take at least some of its guidance from the December 1969 Report of the HEW Commission on Pesticides and Their Relationship to Environmental Health. I would hope and expect that the Department of Agriculture and the Council on Economic Advisers would also have a strong voice, because the HEW Report, although very scholarly, is somewhat lacking in logic and consistency.

For example, the Commission Report found that, on the basis of present knowledge, the only unequivocal consequence to humans of long-term exposure to persistent pesticides, at the levels encountered by the general population, is the acquisition of residues in tissues and body fluids. And it added: "No reliable study has revealed a causal association between the presence of these residues and human disease . . . increasingly sophisticated studies of human residues of DDT and related compounds disclose how little we really know."

It also found that there are "formidable inherent difficulties in fully evaluating the risks to human health consequent upon the use of pesticides" because of the complex nature of the problems involved and the large number of human variables—age, sex, diet, state of health, etc.—all of which profoundly affect human responses to pesticides, that attempts to extrapolate from the results of animal experiments to man are beset with pitfalls; that information on human levels of pesticide residues in adequately detailed coverage of various groups within the general population does not exist and is seen as the single most immediate step towards a better understanding of the problem; that, to date, the most significant information relates mainly to the DDT and aldrin-dieldrin groups, but knowledge of the behavior of these two groups in the human body is far from complete; that present levels of exposure of these two groups among the general population have not produced any observable adverse effects in controlled studies on volunteers.

Nevertheless, the Commission concluded that the unrestricted use of persistent chlorinated hydrocarbons which have a broad spectrum of biological effects should be progressively removed from general use over the next two years and should be replaced by licensing or permits covering only specific circumstances. The logic of such a conclusion escapes me. Certainly it is not supported by the findings to which I have referred.

What is supposed to take the place of these pesticides? It didn't say. If the Environmental Protection Agency wonders what to do, it will find that the Department of Agriculture has stated that organochlorines are effective against a large number of pests, have a long residual life which reduces the number of applications needed for effective control, are relatively safe to handle, and are fairly cheap. It will also find that the "best alternatives," or substitutes, which the Department has recommended unfortunately bring new dangers. While they degrade more quickly in our environment and pose no serious long-term residue problems, some of them apparently are very toxic to man, animals, and non-target insects. Often they are higher priced and usually they must be more frequently applied to bring effective control. USDA cost studies show that a changeover to less persistent pesticides on four crops—corn, cotton, peanuts, and tobacco—would cost about $2 per acre or around $22 million a year. Also, it is possible that target insects would develop resistance to the substitutes and require going back to the persistent pesticides.

Confidence in the HEW Commission's conclusion isn't helped by the statement of Dr. Emil Mrak, the Chairman of the Commission: "A carefully enforced no-tolerance for DDT would certainly eliminate all dairy products, a number of marine products, and a great many other foods. . . . We have found it just about impossible to define the word 'persistence'." He also noted that in Australia the use of persistent chemicals is allowed; whereas some of the very short-lived but highly toxic chemicals are banned, and added: "I cannot help but wonder who is correct."

Indeed, another conclusion of the HEW Commission would appear to undercut the logic of its conclusion that general use of persistent pesticides should be phased out over a two-year period. It said: "Adequate methods should be developed and utilized for evaluation of the hidden costs of the uses of pesticides—such as losses of useful fish and wildlife, damage to other species, and any aesthetic effects, so that meaningful cost-benefit ratios for society can be estimated." Until such developments take place, it would seem that any designated time period for phasing out is premature and arbitrary.

This is not to say that no restrictions whatsoever should be placed on the use of pesticides—whether persistent or short-lived. The Congress was recently confronted with evidence of serious damage to bees from pesticides in some parts of the country, and we have provided a measure of indemnification to the owners. What is still needed, however, is a regulatory system which will enable the use of pesticides and bees to be harmonized.

Perhaps the basis for the Commission's two-year time-phasing and its prediction that the shift to nonpersistent pesticides will continue at an accelerated rate is a statement in its report that some pesticides, especially the persistent group, have reduced the reproduction and survival of nontarget species; that extensive field data and the results of controlled experiments demonstrate the special vulnerability of certain birds, fish, and insects, some of which are useful to man and some are essential to our biological system itself. It noted that DDT causes egg shell thinning in ducks and falcons, but not in pheasants and quail. And I, for one, certainly do not suggest there should be a lack of concern over these effects. What I do suggest, however, is that we take the Commission's word that there will be a continued need for use of persistent materials for the control of selected pest problems and that we maintain a responsible perspective of the problem.

For example, Doctor H. B. Petty, University of Illinois Extension entomologist, recently pointed out in a speech he made in my state that pesticides have had only a minor role in total pollution. And the HEW Commission, itself, states that the scarcity of information concerning the influences of pesticides on natural populations prevents adequate assessment of their total effects; that less than one percent (200) of the 200,000 species in the United States have been studied and very few of even these have been subjected to adequate observations.

Indeed, the Commission notes that the major source of public concern arises over residues of persistent pesticides resulting from what it called "legacy of their earlier excessive or injudicious use."

And here, it seems to me, is where the Environmental Protection Agency should start: prevention of excessive and injudicious use of pesticides. Then, step by step, as our research moves forward and provides us with the facts needed to make probable cost estimates of the adverse impact on non-target species, further restrictive regulations can be issued with confidence that the best interests of all the people—not just the farmers, not just the city dwellers, not just certain classes of consumers, not just those in agribusiness, but all the people—will be served.

Preventing "injudicious" use needs elaboration. It would mean, to use Dr. Petty's words requiring pesticide use at the recommended rate on the right crops, and in the right way at the right time. The HEW Commission suggested such an approach in its comments on aerial application of pesticides. It said that "given good meteorological conditions, the size of pesticide particles or drops determines the efficiency of application—that is, the actual amount of pesticides which impinges on the target organisms. If the application efficiency is high, contamination by particles which fall on non-target organisms, foliage, and soil is minimized. If, in addition to more efficient application, pesticides less toxic to non-target organisms and more selective to target organisms are used, then a reduction in environmental contamination will result." All of which seems to make sense—provided we have the information needed to make a determination regarding the effects of a pesticide on target and non-target organisms. For example, use of DDT in areas frequented by ducks and falcons might not be licensed; whereas its use in areas frequented by pheasants and quail might be—based on the difference in egg-shell-thinning effects to which I have earlier referred, and assuming, of course, these were the only environmental considerations of probability.

If, instead of regulatory action promised on adequate research, we experience an excessive and injudicious exercise of regulatory power by the Environmental Protection Agency, a great amount of prolonged and complex litigation is in prospect. Already the Department of Agriculture, three years after issuing a ban on some home-lawn crabgrass killers, finds itself under an injunction issued by a federal district court in Utah in an action brought by the manufacturer claiming that the Department acted arbitrarily without proof that the pesticides were unsafe. One can visualize even more difficult questions before the court if the issue is not over a complete ban, but over the limitations on use which the federal government seeks to enforce. Not only would the government's research findings be called into question; but, assuming the government prevailed on this point—validity of its research findings—the cost-benefit judgment of the Environmental Protection Agency would be subject to judicial inquiry. Not to be overlooked would be the deterrent effect on agricultural producers and pesticide producers. Farmers have been suffering under such a severe cost-price squeeze for so many years that a decline in productivity from increased pest damage would force even more of them out of business and discourage young people from going into farming. Many of the pesticides are highly sophisticated products representing the results of millions of dollars of research by teams of some of our nation's most competent scientists. Those now on the market have had to clear exacting provisions of the Federal Insecticide, Fungicide and Rodenticide Act, and the safety criteria of the Food and Drug Administration, the Public Health service, and the Department of the Interior. If new evidence is forthcoming which indicates known or probable adverse consequences not previously taken into consideration or, if considered, inadequately considered, then government action to ban or restrict the use of a pesticide should be expected, and I don't believe adversely affected farmers or pesticide manufacturers will complain. But arbitrary action, founded on questionable or inadequate research, will not be in the public interest.

Government regulation, based on a cost-benefit approach, should provide for some flexibility according the crop conditions and crop outlook. For example, when our carryover supply of feed grains is adequate and the crop outlook is normal, certain restrictions might be indicated. But if the carryover supply is abnormally low, or the crop outlook is low or uncertain, such as is the case with the corn blight problem, some of the restrictions might be temporarily lifted. This is where the input of the Department of Agriculture and the Council of Economic Advisers would seem to be particularly important to decisions of the Environmental Protection Agency. At the state level, it would seem that similar flexibility should exist, so that areas of a state abnormally affected by pest problems could be assured of effective control—or, at least, more effective control than would exist under rigid regulations drawn up with normal conditions in mind. The County Commissioner system of California under which a county commissioner is the regulatory agent for his county provides an opportunity for such flexibility.

From all that I have said, I hope you will conclude that the key role your industry plays, in our nation's great agriculture, demands that you become activists in the formulation of public opinion which will be informed on the three-cornered subject of pesticides, the environment, and agricultural production. In this undertaking, you should join with members of farm and agribusiness organizations sharing a common concern for a balanced approach to our environmental problems. Public opinion is what makes our system of government tick. It may sound anamolous but if public opinion is not informed, the public interest will not be served.

A long time ago, Thomas Jefferson wrote that the key to success of the great American experiment in self-government is not just the will of the majority. This, he said, is a necessary condition; but the necessary and sufficient condition is the will of the enlightened majority.

The environmental implications for agricultural aviation will assuredly be ultimately determined by public opinion. Just make sure that public opinion is enlightened, and not only will your own interest be well served, but so will that of us all.

NEW LEADERSHIP FOR VETERANS OF FOREIGN WARS

Mr. CRANSTON. Mr. President, each year the Veterans of Foreign Wars of the United States holds an annual national convention, which is climaxed by the election of its highest officer to serve the following year. His title is commander in chief, and I am proud and honored that a very distinguished citizen of my State is now the head of this organization of overseas veterans who have served their country during time of war and national emergency. I am referring to Herbert R. "Chief" Rainwater, of San Bernardino, Calif. A long-time citizen of our State, "Chief" Rainwater, as he is called, is presently serving as assistant city administrator of the city of San Bernardino. He has been an active member of the Veterans of Foreign Wars since he joined that organization while serving in the Armed Forces during World War II, and I have known him personally for many years.

Chief Rainwater takes command of the Veterans of Foreign Wars during a period of accelerated growth resulting in the highest membership in the VFW's history. The membership of the Veterans of Foreign Wars of the United States now exceeds 1,600,000.

I am confident that Chief Rainwater will not only continue in the footsteps of his distinguished predecessors by increasing the growth of the Veterans of Foreign Wars but will bring great credit and distinction not only to the Veterans of Foreign Wars but California and the Nation. He is an articulate spokesman, a dedicated patriot, a proven leader, and I am sure that when the next national convention of the VFW is held in Dallas, Tex., next year that all records will have been broken under the leadership of this great Californian and American, Herbert R. "Chief" Rainwater.

Upon the occasion of his election to commander in chief in Miami Beach, Fla., "Chief" Rainwater delivered a hard-hitting acceptance speech outlining his programs for this year. It is typical of Chief Rainwater that he did not hesitate in this address to wade into controversial issues in a controversial way. Not everyone, I include, can agree with all that he said, but everyone, I am sure, will respect the strength and the conviction that characterizes this leader. And, indeed, he brings into focus some new views that deserves the most careful thought and consideration.

Mr. President, I ask unanimous consent that the text of his acceptance speech delivered to the assembled delegates in Miami Beach, Fla., on August 21, 1970, together with a biographical sketch, be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Our Heritage

"Our Heritage" is the theme we have chosen for the Veterans of Foreign Wars during the year which lies ahead.

Our American heritage is a great and noble monument to the constructive idealism of man. It is a legacy of freedom and opportunity for every American who respects it—and who is willing to accept his own responsibility under our law.

It is a legacy which has been protected, cherished, expanded, and handed down to us by the generations of loyal Americans who have gone before. It is one which we in turn have revitalized and defended on the battlefields of the world. For seventy years, the Veterans of Foreign Wars of the United States has been the guardian of that heritage. We shall continue to guard it—with our "lives, our fortunes, and our sacred honor."

Like the giant redwoods of my own California, our American Heritage has eternal attributes. It was brought to the bleak New England shores in the hearts and hopes of our Founding Fathers. It has survived the onslaughts of domestic intrigue and foreign aggression for nearly two hundred years. It has grown more precious to each of us in the holocaust of war.

But like the great redwoods to which I have compared it, it must always be protected from the elements which threaten to destroy it.

Today we must protect it from the flames of anarchy at home. We must continue to protect it from the destructive forces of totalitarianism abroad. We must guard it from the floods of disloyalty and selfishness and greed. We must shield it from the stormy winds of crime. And above all we must protect it from the decay which is brought about by all those silent Americans who take it for granted, and do nothing to preserve it.

This, my comrades and sisters, in this decade of the changing seventies, may indeed prove the greatest challenge we as a people will ever face.

Our traditional way of life, with all of its privileges and responsibilities; our individual liberties within the law; our reputation as a respectable and freedom-loving people; our national independence, and the future of this great nation, is at stake.

Only the strong and fearless voice of patriotism, tempered by the wisdom of experience and self-discipline, can quell the destructive forces whose cries of hysteria and rebellion now blow across this land.

The Veterans of Foreign Wars of the United States has long been the Voice of Patriotism—the strong, clear voice of patriotism in action—in the service of America in both peace and war. Let us resolve today to make that voice heard as it has never been heard before.

To do this effectively, we may find it essential to reappraise our own position from time to time, in the light of the challenges which lie ahead. We must always remain alert to the cold, clear light of changing facts—to the flickering moods of each new day.

What then of Vietnam? We have steadfastly supported three Administrations in the conduct and the purpose of that endless war. Yet there are those among us who have never approved of the "No-Victory" policies of each of those Administrations. Can we continue to support a policy of limited military conflict in which American men are handcuffed by such a policy—men who are called upon to bear the risks and burdens of political dissension and stalemate under enemy fire? I say that we cannot.

I say to you that this great veterans organization must from this day forward, demand that no American shall ever again be committed to the field of battle—anywhere in the world—with his hands tied by a "no-victory" policy which frustrates military strategy and prolongs war.

You may rest assured that I shall devote much of my time and energy during the coming year to the furtherance of this commitment.

The policy of "containment without military victory" which has been imposed upon our troops in Vietnam is directly responsible for thousands of unnecessary casualties and unbelievable costs. It has fed the furnaces of dissension and revolt among our youth.

This is no new or novel lesson in the governments of men. History has demonstrated over and over again that when war is thrust upon a nation, the quickest road to victory is the shortest and least costly road to peace. We in the Veterans of Foreign Wars know this simple fact of life full well.

In order that there be no misunderstanding, I repeat: It must be our position that if and when American troops are committed to actual combat—anywhere in the world—as a result of Congressional resolution, Presidential mandate, or an official declaration of war, there shall never again be any political restraints placed upon them which will deny them the opportunity, the unrestricted right, and the lawful duty, to win a military victory in the shortest possible time, consistent with the combined judgment of those who are charged with the specific responsibility of providing for the defense of this nation, and of carrying out its foreign policy throughout the world.

We therefore oppose the further subjugation of the Joint Chiefs of Staff which has been recently recommended by a Presidential Study Commission. The recommendation is that yet another civilian be appointed to substitute his judgment on military matters for that of the Joint Chiefs of Staff.

One more political amateur with authority to nullify the professional judgment of our military experts on the conduct of actual warfare would completely decimate our national defense.

The United States is committed by treaty to more than forty nations throughout the world—to assist them in the event of certain specified action by an alien power. In the light of our recent experience, and the attitudes of certain members of the Senate—as well as an overly-publicized segment of the American people—it is apparent that each of those treaties should be reviewed and reappraised.

Either we should all know and understand—and honor—our lawful and essential commitments to the nations of the free world—in the tradition of our American heritage and prestige—or we should cancel them forthwith.

I for one am weary of political hypocrisy and subterfuge—of disloyalty at home. I am sick of hearing my country maligned by foreign powers. I have grown intolerant of politicians who persist in pussyfooting on the international stage—to the detriment of American honor and prestige—and at the cost of American lives.

There is another subject which cries out for public expression on the part of the American people—and that is the subject of crime and anarchy and militant dissent.

I am not a lawyer, and I do not profess to speak as an authority on the technicalities of law. But many of the men who signed the Declaration of Independence, and adopted the Constitution of the United States, were not lawyers either. Yet all of those great men together, combined their thinking and their talents in the creation of our government, and our American Heritage. They purposely gave us a government of laws and not of men. They did it with painstaking care to protect us from the evils and the idiosyncrasies—the ulterior motives and vagrant whims—the dictatorial tendencies—of individuals who might attain positions of power.

It seems to me an insult to their common sense and their motives for certain individuals today—whose political connections have in many instances advanced them to the exalted status of our highest federal courts—to defile our American heritage by distorting our Constitution into a license for those who would destroy this nation, and flagrantly breach its laws.

More and more Americans who respect our laws and institutions are openly expressing this view. We as a great patriotic service organization—committed to the security of America and its people—both within and without—cannot remain silent on this vital issue.

Our heritage of law and order rests squarely upon the premise that the innocent shall be protected, and the guilty punished, within the laws of the various states and the federal government. It rests upon the principle that all powers not delegated to the federal government by the Constitution are reserved to the several states. The duty to protect law abiding citizens from the depredations of criminals and lawless elements of every description has always been one of those powers reserved to the states.

I cannot believe that our Constitution was ever intended to empower certain federal and state judges—according to their individual and strictly personal views—to place themselves between the forces of law and order and the hoodlums who engage in open warfare on our college campuses and in our public streets.

I therefore agree with the present Chief Justice of the United States Supreme Court, in his recent "State of the Judiciary Message," that a reorganization of our Judicial System is long overdue.

Beyond that, I believe that it is time for judges—in those matters which affect the security of this nation, and its law-abiding citizens—to become more responsive to the morality and the will of the people they represent. Their ever-growing tendency to sacrifice truth on the alter of mental gymnastics and rule-juggling has become a grave threat to the welfare of decent Americans.

Turning now to the so-called "Doves" on the subject of war—the people who have persisted in their vicious attacks upon the Commander-in-Chief of our Armed Forces—until he has been forced to bring our troops home from an unfinished war in Vietnam—it is glaringly apparent to every thinking American that they are not going to settle for simple withdrawal of American fighting men. Already they have turned their attention to the devious campaign of national disarmament. Their next goal is to strip the United States of America of every means of national defense.

Once shorn of the ability and the capacity to assist in the defense of other free nations, we shall find ourselves standing entirely alone against the Communist aggressor. Deprived of the armament with which to defend our own country, we shall at last be at the mercy of the aggressor here at home.

With the withdrawal of our men in Vietnam, we will have lost the war against Communism in Asia—unless we can effectively bolster our allies there with sufficient arms and materiel to enable them to survive until reason once again prevails.

We must, therefore, continue to call upon the government to supply them with arms, equipment, and materiel essential to their struggle for freedom. I shall pursue that goal on behalf of the V.F.W.

I shall also call upon Congress to leave all of the options of the President open—as Commander-in-Chief of the Armed Forces. Any other course can only reduce this great nation to the ashes of oblivion.

During the coming year we shall continue our long-standing campaign in behalf of American veterans. We shall remain the unrelenting advocate of all veterans—their widows, dependents, and parents.

We shall insist upon the increased utilization of all VA hospital beds for veteran patients. At this very moment, no less than 43,000 authorized beds are standing empty in VA hospitals—yet the rejection rate throughout America consistently averages 40% among veteran applicants. In some hospitals it runs as high as 60%. There can be no acceptable excuse for this deplorable condition.

We shall continue to resist with all of our energy, the incorporation of VA hospitals into any system of care for the non-veteran public.

We shall conduct a renewed program to establish more new medical services for our sick and disabled comrades—coronary and surgical intensive care units—kidney units—with a special emphasis on meeting the challenges of the disease of alcoholism and drug addiction.

We shall pursue our demands for a real in-depth analysis of all VA hospital needs—with primary attention to proper staffing and adequate funding—to meet all of those needs. The VA hospital system must be brought to the forefront—without further delay—in the rapid pace of medical progress.

Last but far from least, I wish to speak to you on the urgent dilemma of our Prisoners of War in Southeast Asia. To me this is the most urgent problem we in the Veterans of Foreign Wars face today.

In a very few days, every Post Commander will receive a letter from me which outlines a specific initial program on this subject.

Each Post Commander will be requested to circulate a petition throughout your community—demanding fair treatment for the release of every American serviceman who is being held as a prisoner of war in Southeast Asia—in North Vietnam, in Laos, or wherever they may be confined.

I shall personally take those petitions to the Paris Peace Talks for presentation to the North Vietnamese and Viet Cong representatives.

If they are not accepted at the so-called "Peace Table", I shall personally deliver them to U Thant at the United Nations—with a demand that positive immediate official action be taken to effect the release of those men.

If that fails, I shall review my options with qualified advisors in the Defense and State Departments—and I shall stand ready at all times to travel anywhere in the world—at any time—including Hanoi, if possible—to secure decent treatment for, and the release of every American military man in a North Vietnam prison.

These are but a few of the many important problems which demand our attention. Time does not permit me to discuss all of the issues which are vital to the nation and its veterans. But together, we shall work throughout the next twelve months to resolve them.

I am confident that with your continued support we shall make substantial progress in our fight to preserve our American Heritage, Thank you—and have a safe trip home.

CALIFORNIAN TO HEAD VFW FOR 1970–71

Herbert R. Rainwater of San Bernardino, Calif., will assume leadership of the 1,600,000 member Veterans of Foreign Wars of the United States during the organization's annual convention Aug. 14–21 at Miami Beach, Fla.

As Commander-in-Chief of the V.F.W. for 1970–71, Rainwater plans extensive travel on fact-finding missions throughout the world and has set as priority objectives the freeing of American prisoners of war and the internal security of the United States.

The new V.F.W. commander is presently on leave from the City of San Bernardino where he has served as assistant city administrator for the past year.

Rainwater was born of German parents on April 15, 1919 at Morrilton, Arkansas. He was nicknamed "Chief" by V.F.W. comrades because of intermingling of Cherokee Indian blood in his ancestory. Following graduation from high school, the new national commander attended special courses in business administration and management sponsored by the U.S. Office of Emergency Planning.

During World War II he served with the Army Field Artillery in the China-Burma-India campaign as a staff sergeant, aiding in the construction of the famed Burma Road.

Following discharge from the service, he owned and operated a public relations and marketing firm in Southern California, Arizona and Nevada which specialized in sales, promotions, merchandising and advertising.

From 1959 to 1960 he served as Regional Coordinator for the California Disaster Office and was appointed Special Consultant to the Legislature Finance, Banking and Insurance Committee by Governor Brown.

Prior to moving to San Bernardino in 1967, Rainwater was vice president of a large building company, and president of C.A.T.V. Television Cable Service.

The new Commander-in-Chief joined the ranks of the V.F.W. while serving with the Army overseas. He is currently a member of Ship No. 1774 in San Diego, Calif. He served as Department of California Commander in 1959–1960 and was named an "All-American Commander" by the National Headquarters for his efforts in organizing 32 new posts in his home state.

"Chief" Rainwater has held many offices on the V.F.W. national level including Inspector-General and Chairman of the National Community Activities and National Voice of Democracy Committees.

His wife Erma, who also has an intermingling of Cherokee Indian blood, has served as State President of the V.F.W. Ladies Auxiliary and National Council member from California and Oregon.

They have two children, Mrs. Walter Schneider of San Diego, whose husband is a member of the Scripps Institute of Oceanography; Jon Kevin, 11, a student at San Bernardino; and two grandchildren.

Following the national convention in Miami Beach, a gala "California Homecoming" for the new V.F.W. commander will be held Sept. 3, 4, 5 at the Grant Hotel in San Diego. More than 700 people, including nationally prominent figures are expected to attend.

The V.F.W. today has an all-time high membership with more than 350,000 Vietnam veterans listed on the membership rolls. It has shown an increase in membership for the past 17 consecutive years and is the only such organization to have done so.

The "grass roots" of the V.F.W. is comprised of approximately 10,000 individual posts located in each of the 50 states and overseas in such countries as Japan, Korea, Okinawa and France.

History of the veterans organization dates back before the turn of the century shortly after the close of the Spanish-American War in 1899. The three original state organizations in Ohio, Colorado and Pennsylvania joined in 1914 to form the Veterans of Foreign Wars of the United States.

Congress granted the V.F.W. a charter in 1936 as a "fraternal, patriotic, historical and educational" organization on a non-partisan, non-sectarian and non-profit basis. "Honor The Dead By Helping The Living" became the motto subscribed to by all V.F.W. members.

Founders of the organization were outstanding leaders in American military history, men like Lt. Gen. Arthur MacArthur, Gen. Francis V. Green, Gen. Irving Hale, Gen. Charles King, Gen. Wilder S. Metcalf and a former member of the U.S. Senate, Rice W. Means, who all devoted their talents to the establishment and progress of the V.F.W. during the early years.

Members through the years have included many U.S. Presidents and the majority of members in both the House of Representatives and Senate as well as many active federal, state and local judges.

The eligibility for membership in the Veterans of Foreign Wars is unique. Although millions of men served our country the Veterans of Foreign Wars admits only those who served in the military or naval service of the United States of America in any foreign war, insurrection, or expedition which service is recognized by the issuance of a campaign badge or medal by the military or naval service of the United States of America.

The organization, although limited to a section of our veteran population, maintains the greatest democratic system. Other than the requirement of overseas service, members from all walks of life and positions make up the membership.

The Veterans of Foreign Wars maintains its National Headquarters at Kansas City, Mo. To facilitate some of its programs, several of the services are located in the Nation's Capitol at Washington, D.C. The Veterans of Foreign Wars erected a Memorial Building in honor of its deceased members and furnishes office space to the Veterans of Foreign Wars services in Washington.

The Veterans of Foreign Wars sponsors nationwide programs and activites that reach into the small towns and communities. Through the local posts a comprehensive Americanism program is carried out. Under this program the members and the citizens of the country are kept aware of the activities of Communists and others who attempt to undermine the way of American life. A multi-facet program is conducted for the youth. This consists of baseball, basketball, rifle tournaments, marble tournaments, scouting and any other programs which help youngsters to become better citizens. The Loyalty Day program is carried out in hundreds of areas on May 1, consisting of parades, dinners, and speeches to keep our citizens aware of the evils of the Communists' May Day and to promote the American heritage. The Voice of Democracy is promoted in over 10,000 school systems and at the expense of the Veterans of Foreign Wars the winner from each state is awarded a trip to Valley Forge and the District of Columbia to vie for the top five scholarship prizes. First place winner receives a $10,000 scholarship.

One of the Veterans of Foreign Wars proudest accomplishments has been the establishment of the Orphan's Home at Eaton Rapids, Mich. Here the children of deceased members are provided an ideal and normal life in one of the many cottages erected in this area. The old-fashioned orphans' home has been discounted under the operation of the Veterans of Foreign Wars and the orphans live family style including the widows of the deceased members who act as house mothers for these orphans. The children are maintained and educated in a public school environment up through high school in one of the most modern type orphanages in the world.

Closely tied in with the Veterans of Foreign Wars organization is that of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States made up of wives, sisters, and daughters of members who belong to the Veterans of Foreign Wars. Women who served in any of the female components of the Armed Services are also eligible to join the Auxiliary to the V.F.W. if they meet the overseas requirements. They participate in many of the community activities sponsored by the parent organization and through their own efforts have liberally donated funds for the maintenance of the orphans' home and have financed many community projects of their own. They have eased the loneliness and the discomfort of ailing veterans by visiting and entertaining those who are hospitalized. The Auxiliary also sponsors an essay contest for school children and awards winners financial help to further their education.

WASHINGTON AREA HIGHWAY POLICY

Mr. MATHIAS. Mr. President, I would like to reiterate today my belief that Congress should not try to dictate highway policy for the Washington metropolitan area.

I strongly support the provisions of S. 4418, the Senate version of the 1970 Federal-Aid Highway Act, relating to freeway construction in the District of Columbia. S. 4418 does not require the District government to build any particular freeways. On the contrary, the bill would repeal section 23 of the 1968 Federal-Aid Highway Act, the section which directed the District government to build the Three Sisters Bridge and to study the North Central Freeway and other proposed roads.

Section 23 represented the type of congressional intervention in local highway matters which would not be tolerated by the voters of any State. We cannot ever repair the damage this section has done to sensible planning and sound transportation development. Repeal of section 23, however, would be at least symbolically a step toward congressional self-restraint.

On the same grounds I am opposed to any new legislative efforts to direct, require or compel the District government to build the North Central Freeway or any other specific highways. The entire Federal-aid highway program has been based on the principle that decisions about specific roads and routes should be made by the individual States.

The District of Columbia should not be an exception to this rule.

I am particularly concerned about continuing efforts to hold the Metro system hostage to freeway construction. Metro is urgently needed. It is the first alternative to choking automobile congestion in the Washington area, and represents an unprecedented degree of regional cooperation and a massive regional financial commitment. Congress has repeatedly approved the Federal share of this vital project. I will continue to do everything I can to secure the local funds for the Metro system, free of any strings, ties, or conditions.

Mr. President, the transportation problems of the Washington area are very complex. Concerned citizens and elected officials in the Maryland suburbs are currently reevaluating their own transportation needs and priorities, and the future of the Maryland connector to the proposed North Central Freeway is now very much in doubt. Given this situation, the North Central Freeway—if constructed at all—could turn out to be useless to use.

Congress should not bulldoze any freeways through the Nation's Capital. Rather, we should give full support to the mass transit system which the people of the region so clearly need and want, and should encourage the kind of coordinated planning which can bring a regional resolution of the region's highway needs.

THE THREAT OF PROTECTIONISM TO THE AMERICAN WORKER

Mr. MONDALE. Mr. President, one of the most pernicious myths about protectionism is that it helps the American worker. As the story is told, the worker stands to gain by cutting out competition from abroad, making his job more secure or even recapturing some of the foreign employment which went into those imports.

In fact, protectionism has been and always will be, clearly against the best interests of the American worker. And the protectionist trade bill before us now, far from preserving jobs or "protecting the worker," will cost him dearly in higher unemployment, reduced income, and even further inflation.

One need only look back to the dark days of the 1930's and the treacherous Smoot-Hawley tariff to see what a worldwide trade war can bring about. In a trade war, like any other war, there are no winners—only losers. And a bill which would destroy the civilized rules of international trade and invite wholesale retaliation upon American exports cannot help but usher in such a war.

The American worker is the most productive—and competitive—in the world. Our total exports are now running at an annual rate of some $43 billion—up from $21 billion before the passage of the Trade Expansion Act of 1962.

Some 3 or 4 million American jobs depend upon this enormous volume of exports. The Department of Labor has estimated 2.7 million jobs attributable simply to the export of merchandise. Agriculture Secretary Hardin estimated some 730,000 jobs from agricultural exports alone. And a very recent study by Dr. Anne Kruger, a professor of economics at the University of Minnesota, has calculated over a million jobs just in manufacturing directly or indirectly attributable to exports.

Dr. Kruger's calculations, for example, show 87,000 export-generated jobs in the iron and steel industry; 134,000 in transport equipment; 79,000 in fabricated metal products; 53,000 in chemicals; 138,000 in electrical machinery; 149,000 in nonelectric machines; and so on—including 47,900 jobs generated by exports in the yarn, textile, and apparel industry.

In my own State of Minnesota, in fact, a 1967 chamber of commerce study estimated 38,000 jobs in manufacturing and 34,000 in agriculture attributable directly or indirectly to exports.

It is these workers—their jobs, their income, and their families—which we would jeopardize by overthrowing the international rules of trade and inviting a trade war with the rest of the world.

There is no way for other nations to buy from us if we do not also buy from them. There is no way for us to drastically cut back on their sales to us—in "what they do best"—without their having to cut back on our sales to them—of what we do best.

Perhaps we can rob Peter to pay Paul. We can, at a cost, close off foreign competition from industries which are becoming progressively less competitive on the world market. But let us look at the cost—to the American worker.

First of all, such a shortsighted approach jeopardizes the established procedures which we already have for dealing with dumping, foreign export subsidies, and other unfair and illegal acts of foreign competition. It goes around our procedures, consistent with the international rules of trade under the GATT, which have been set up to give protection or compensation in those cases where trade liberalization has resulted in proven injury to American workers or businesses. By rejecting such procedures, a trade barrier bill virtually precludes those legislative and administrative steps which are so necessary to improving and strengthening our antidumping, tariff adjustment, and other laws for the defense of the American worker.

We must aggressively defend our industries and our workers from unfair competition. We must do so better than we have in recent years. And there is room in such a defense for tariff and quota protection when other remedies have been exhausted. But to pass a bill in utter defiance of all existing procedures and of the international rules of trade is to throw away what chance we might now have for such progressive and responsive remedies.

Second, a preoccupation with protectionism ignores the fundamental structural problems which lie behind any industry losing its competitive edge in the world marketplace. It assumes that a trade barrier can maintain the industry for all time in the form it is today—or perhaps was 10 years ago. It even virtually discourages imaginative long-range steps to correct the problem through diversification, regional development, retraining, and other adjustments which are desperately needed to maintain the productivity of the industry and its workers.

As Victor Reuther, of the United Auto Workers, said:

> Protection is like heroin. The first few shots really lift your spirits. But when you begin to build up tolerance, you need more. Pretty soon you live for that fix. You're hooked—and probably out of work.

I do not think for a moment that we can ignore the deeply disturbing and very human problem of unemployment—in any industry and for whatever cause. We cannot place slogans such as "comparative advantage" or "free trade" above the plight of our workers. But to assume that the solution to their problems lies simply in a wholesale erection of trade barriers is to do a profound injustice to the complexity of the problem and, I think as well, to the workers themselves.

Third, we must look at the inevitable unemployment in industries which in fact are competitive in world markets and for that very reason will stand to bear the brunt of foreign retaliation.

Are we somehow less moved by the specter of lost jobs and income in export manufacturing? Is the Congress or the President now to become the broker, playing off a quota here for a job there? The very thought of trading one man's job for another's is repugnant to me—and I think to anyone. But even in this frightful numbers game, the worker will lose.

In manufacturing alone, there are 144,000 more jobs dependent upon exports than there could possibly be if all manufactured imports were choked off and those goods now produced by American workers. By figures of Dr. Kruger, we put seven highly productive export-dependent jobs on the block for every six jobs we could possibly protect or recapture by choking off imports.

What is more, the potential loss in income through a trade war is even more devastating. The average wage in key exporting industries such as machinery, engines and turbines, transportation equipment, and chemicals is more than half again as high as the wages paid in those industries now seeking quota barriers. To penalize a worker for his productivity hardly seems like a fair approach to any trade problem—real or imagined. But that, in effect, is what a trade war does.

Finally, the American worker suffers as a consumer. Last month we saw inflation once again zoom up—to an annual rate of over 7 percent. I do not want to belabor the economic policy argument at this time. That the average worker just got another chunk robbed from his paycheck before he even got it out of the envelope is by now an old story. But how, then, can anyone talk of "protecting" the American worker with quotas which are going to put another $3 to $4 billion a year on his shoe and apparel bills alone? Who is really being protected by a bill which would "lock in" an oil quota system at estimated yearly cost to the consumer of $5 to $7 billion? This is, in fact, a viciously anticonsumer trade bill we have before us—one which will put a regressive tax of over $66 a year on the average American family, and probably even more on the lower-income worker who relies so heavily on imports to clothe his family.

The American worker is a consumer, perhaps above all else, and I fail to see the economic protection in a trade bill which can only fan the fires of inflation, rob the weekly paycheck, and fall most heavily upon those least able to pay.

I think it is absolutely clear that the interests of the American worker lie in fair, forward-looking trade policies which can meet the legitimate problems of import competition while continuing to reward the magnificent productivity of the American worker through ever-expanding export markets.

A protectionist trade bill will lead to a worldwide trade war which can only jeopardize the jobs of 3 or 4 million workers and farmers, cost billions of dollars to the consumer, and throw away whatever bargaining power we might have had in crucial trade negotiations with Europe and Japan over the next decade.

It is time, perhaps, to stop talking protection. The protection in the pending quota bill is more like extortion.

I believe that the proposed legislation would be disastrous to the American worker, and I only hope that this threat is realized before the floodgates are opened and a tragic and unnecessary war is underway.

SENATOR MILLER'S KEYNOTE ADDRESS AT WATER POLLUTION SYMPOSIUM

Mr. BOGGS. Mr. President, the distinguished Senator from Iowa (Mr. MILLER) gave the keynote address on December 1 at the water pollution symposium during the 63d annual meeting of the American Institute of Chemical Engineers, in Chicago.

In his address, Senator MILLER outlined the developments of our national policy on water pollution control and the actions the Federal Government is taking, especially in grants for construction of pollution control facilities and in research programs. He gave a good idea of the enormous problem of the disposal of both municipal and industrial waste.

He also called attention to the growing problem of the socioeconomic impact of cost sharing in water pollution control, especially the extent to which the cost should be borne by the people through taxes and to what extent by these people as consumers.

Those who are interested in the subject of water pollution control can obtain an up-to-date orientation by reading Senator MILLER's address. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF U.S. SENATOR JACK MILLER

First I wish to commend the American Institute of Chemical Engineers for sponsoring this Water Pollution Symposium.

A review of the various topics being considered here cannot help but reassure those of us in government and the general public that your profession is moving dynamically, if not glamorously, to help our national policy to be achieved.

That national policy was formulated in the Federal Water Pollution Control Act of 1948, in which it was stated that it is the "Policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in controlling water pollution, to support and aid technical research to devise and perfect methods of treatment of industrial wastes which are not susceptible to known effective methods of treatment, and to provide Federal technical services to State and interstate agencies and to municipalities, in the formulation and execution of their stream pollution abatement programs."

This policy rests on recognition by the Congress of the benefits resulting to the public health and welfare by the abatement of stream pollution.

The Water Pollution Control Act Amendments of 1956 made permanent the national water pollution control program begun in 1948.

The Water Quality Act 1965, which I participated in drafting as a member of the Subcommittee on Air and Water Pollution Control in 1963 and 1964, established the Water Pollution Control Administration and the procedures for determining and enforcing water quality standards. It also added another facet to our national policy. We made it clear that water quality standards to be developed should not be designed to merely lock in present uses of water or to exclude other uses; that they should not become a device to insure the lowest common denominator for water quality. Rather, the quality and productivity of our water resources are to be *enhanced*.

The Clean Waters Restoration Act of 1966 authorized $6 billion for federal sewage treatment construction grants running through the year 1972 plus $25 million annually for five years specifically for grants and contracts for research, development, and demonstration of advanced waste treatment and water purification methods; also, for development and demonstration of new or improved methods of joint treatment systems for municipal and industrial wastes.

Finally, the Water Quality Act of 1970 provides for research relating to the discharge of so-called "hazardous substances" into streams and enforcement procedures which extend to federal agencies and federal licensees, such as urban renewal projects, and power plants licensed by the Atomic Energy Commission and the Federal Power Commission. Any applicant for a Federal permit or license to construct or operate any facility which may result in any discharge into the navigable waters of the United States must now provide certification from the State in which the discharge originates that such facilities or related activities can be expected to comply with applicable water quality standards. Problems of acid and other mine drainage pollution are also covered by this new law, as is pollution by vessels and offshore facilities.

From this capsule review, you can see that the laws of the federal government have moved rapidly and comprehensively towards achievement of our national policy. And the laws and regulations of state and local governments have been moving too, I might add.

Inseparable to the success of our water pollution control programs is the financing. The Tax Reform Act of 1969 provides for writing off the cost of a certified pollution control facility acquired or constructed after December 31, 1968, over a period of 60 months. This, of course, will generally enable taxpayers to recoup the cost over a shorter period of time than through depreciation deductions. However, it does not mean a real tax cut in the long run—such as the investment tax credit did, for example.

The major financing problem concerns federal appropriations for grants to states and municipalities. The size of the problem is staggering. There are nearly 13,000 sewered communities containing nearly 70 percent of our nation's population. Seven percent of these have no sewage treatment at all, and only 40 percent of all treatment systems are currently adequate. Over 1,000 communities outgrow their treatment systems every year. These figures are based on an inventory of municipal waste facilities made in 1968.

The Secretary of Interior early in 1968, pursuant to a directive from the Congress, made a detailed estimate of the costs of carrying out an optimum program under the provisions of the Federal Water Pollution Control Act, as amended, for the five-year period beginning July 1, 1968. The total came to over $3.3 billion, of which nearly $2.5 billion was for construction grants to municipalities; another half billion was proposed for research and development. Current cost studies indicate that a major investment of $10 billion will be necessary over the next five years to achieve adequate levels of treatment of the nation's municipal wastes alone. The Administration proposes that the Federal Government provide $4 billion of this, with the States and local governmental units underwriting the balance. The appropriation for the Water Quality Administration of $1 billion for grants for construction of facilities, which was signed by the President on October 7, carries forward this proposal. As you know, there has been some controversy over the adequacy of the $10 billion program, and the Administration has let it be known that it is amenable to revisions upward if hard evidence is forthcoming.

In addition to this, we have a bill pending which would authorize over $1 million over a 3-year period for air pollution control and a solid waste disposal program. Additional money will be spent on the agricultural chemicals pollution problem.

After that, significant annual investments will be necessary to expand and replace systems to keep pace with population growth. Waste loads from municipal systems are projected to quadruple over the next fifty years.

Treatment of wastes from Federal Government facilities will require federal expenditures of another quarter billion dollars.

At the same time, we must consider that the largest volume and most toxic of pollutants come from industrial waste. The Department of Interior's 1969 report on "The Cost of Clean Water and Its Economic Impact" listed fifty-one agents being introduced into the nation's waters as a result of industrial processes, and the list is considered partial rather than comprehensive. A 1968 report of the House Committee on Government Operations, entitled "The Critical Need for a National Inventory of Industrial Wastes," states that the enormous variety, complexity, and quantities of mineral and chemical wastes contained in industrial effluent are even more serious in their pollution effects than the vast quantities of organic wastes discharged into our waters. The Committee called attention to a 1962 estimate that by 1970 the organic waste loads alone from industrial discharges would be equivalent to the biological oxygen demand load of untreated domestic sewage from a population equivalent to 210 million people.

There are over 300,000 water-using factories in the United States. We do not yet have a detailed inventory of industrial wastes, but preliminary studies suggest that over half the volume of these wastes comes from four major groups of industries: paper manufacturing, petroleum refining, organic chemicals manufacturing, and blast furnaces and basic steel production. The Federal Water Quality Administration on November 12 announced the beginning of an inventory which will be based on a survey of 10,000 industrial plants across the country over the next six to eight months.

The volume of industrial wastes is growing several times as fast as that of sanitary sewage as a result of growing per capita output of goods and increasing degrees of processing per unit. A large percentage of this volume can be treated efficiently, much of it after pretreatment in municipal treatment systems. Moreover, most wastes from food-processing industries can be treated in public plants, and wastes from paper and pulp mills, chemical, pharmaceutical, plastics, textile and rubber plants have been successfully treated in municipal plants. Accordingy, increased use of joint municipal-industrial treatment systems is indicated.

The Federal Water Quality Administration's economic studies have estimated the annual investment need for manufacturing industries at $650 million for each of the next five years.

Turning now to the area of research, the Committee on Water Resources Research of the Federal Council for Science and Technology published "A Ten Year Program of Federal Water Resources Research" covering the decade 1967 to 1976. Fifty-eight categories of research and supporting activities were covered under fourteen major problem areas, coupled with various recommended priorities.

One of these major problem areas is, of course, research on water pollution control—or water quality management and protection. The Committee recommended that research in this area be rapidly accelerated, with special attention to waste treatment processes covering a broad spectrum, including water reclamation from sewage for repeated reuse. Although complete biological purification and removal of most of the oxidizable organic materials is possible with present-day methods, each reuse adds dissolved salts, so that after three or four uses these salts could be too high to permit further reuse as potable water. Accordingly, the Committee stated that there should be close coordination of desalting research, including removal of such specific ions as borates and sillicates, and waste water reclamation efforts.

It also observed that the treatment of concentrated wastes is only a part of the pollution control problem, listing other sources for research such as acid mine drainage, agricultural chemicals, sediment, street washings, snow melting chemicals, seepage from septic tanks, leachings from farm and municipal dumps, and salt accumulation in irrigation.

Another area of research recommended concerns cost allocation, cost-sharing, and the socio-economic impact of cost-sharing. In the coming years, this is going to be one of the most controversial areas for the people, through their elected representatives, to decide. To what extent will the people pay for a clean environment through taxes or, as consumers, through higher prices? Undoubtedly there will be a mix, but some very hard decisions are coming up over the specifics of that mix.

Finally, the Research Committee made the reassuring statement that the Nation does not face a critical water shortage. It noted that we use only forty-one percent of our total supply and consume only one-fiftieth of our annual stream and ground water replacement. It did recognize, however, that in arid and semi-arid regions of the country, we are approaching full utilization. It said that there are no obvious technical reasons which preclude us from so managing our water supplies as to have adequate water for the foreseeable future, but that there must be continued research effort to improve economy and find better ways to deal with water problems.

I am certain that the confidence expressed in such a statement, which most of us in the Congress assuredly share, rests on the capabilities for research, design and engineering which our scientific and engineering community have long demonstrated.

You, as chemical engineers, can be the leaders of team efforts in developing and applying the processes required all over the country to preserve and enhance the quality of our water, teams which include not only chemical engineers, but sanitary engineers, industrial engineers, mechanical and civil engineers, electronics engineers, chemists, physicists, biologists, pathologists, economists, and, never to be forgotten, lawyers—not only patent lawyers but others who are developing a specialty in laws pertaining to the environment.

For our young people, especially the students, who are concerned over our environment, the problem of water pollution control—preserving and enhancing the quality of our water—offers a meaningful, highly relevant and extremely interesting challenge. And I am confident there will be enough of them who will demonstrate that their concern is deep enough to expend the energy needed to acquire the professional knowledge and skills that will be needed to meet that challenge.

Others, equally well motivated, may prefer to direct their attention to cleaning up the air. Perhaps they can start on some of the political campaigns.

CALIFORNIAN HEADS AMERICAN LEGION

Mr. CRANSTON. Mr. President, for the sixth time in its long and distinguished history the American Legion has elected a resident of the State of California as its national commander. Alfred P. Chamie, of Los Angeles, Calif., was elected to that office by the delegates to the 52d National Convention of the American Legion on September 3, 1970, at Portland, Oreg.

I was delighted to attend that convention and address its legislative rehabilitation and economic commissions. I have been a member of the Legion for 12 years. I have known Al Chamie for many years and know the qualities of leadership he possesses. By every standard of measurement he is qualified to lead this great veterans organization and I am proud that this honor has come to him and to my State. It is a tribute to the membership of the American Legion that they recognized in this fine citizen the qualities of character and leadership which are so urgently needed in these trying times. With Al Chamie as commander the American Legion can look forward to a year of dedicated service and added achievement. In his acceptance speech after his election he discussed some of the current problems facing this Nation and pledged the resources of the American Legion toward their solution. I ask unanimous consent that National Commander Chamie's acceptance speech and his biography be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ACCEPTANCE MESSAGE OF NEWLY ELECTED NATIONAL COMMANDER, THE AMERICAN LEGION, ALFRED P. CHAMIE

Delegates to this Fifty-Second National Convention of The American Legion, distinguished guests, ladies and gentlemen, I accept this high honor with a deep sense of humility—and I approach the duties of National Commander of The American Legion with sincere dedication and enthusiasm.

This is one of the important moments of my life. I appreciate the vote of confidence you have given to me. I am grateful to all of you who made this occasion possible. I accept the trust you have placed in me, with a deep sense of responsibility to America and The American Legion.

I am proud to be an American Legionnaire, proud of the outstanding record of service to God, Country, and Humanity which this great organization has compiled over the past 51 years. Proud, too, to stand shoulder to shoulder with the members of The American Legion in carrying out the Legion's principles and programs, in the Community, State and Nation.

I salute retiring National Commander J. Milton Patrick for his outstanding achievements on behalf of The American Legion this past year. There were many great accomplishments during Commander Patrick's year. We pledge ourselves to build upon these achievements and to strive for equally significant results.

In the year ahead we shall be concerned with the important areas of Rehabilitation, National Defense, Americanism and community service.

In the field of Rehabilitation we shall continue and increase our efforts on behalf of Vietnam Veterans. We appreciate the dedicated service and contributions of the Veterans Administration to this program. By the same token, we must be vigilant to insure that these returning Veterans will continue to receive only the very best in medical care and hospitalization. They must be encouraged and assisted in utilizing to the fullest extent the G.I. Bill of Rights. Every effort must be made to secure for them appropriate economic opportunity, housing and Veterans job preference. They must be fully informed of their Veterans rights and benefits which we shall diligently protect, and where necessary improve.

The Legion wholeheartedly supported them while they were in service. We stand ready to assist them on their return to civilian life. We shall offer them a warm wholehearted welcome to join The American Legion. Some 300,000 Vietnam Veterans already have joined ranks with us. We need in ever increasing numbers their youth, their dedication and their leadership for the future.

Likewise we must "Reach Out" to the older veteran by protecting and, where necessary, improving upon the nation's program of veterans benefits.

In the areas of Americanism and National Security, we are concerned about anarchy and other forms of lawlessness as well as the need for impartial law enforcement. There are divisive forces about us attempting to foster disunity and disrespect for our country and its elected officials. On the other hand, we are encouraged by the many voices in our Nation evidencing a renewed appreciation of America and its symbol, our flag. I hope during the coming year to increase this appreciation by amplifying the highly successful "Show Your Colors" program of a few years ago.

It is significant that the Legion has always been in the forefront of the struggle against crime and subversive activities, because law and order has been the foundation of our strength and freedom. Without law and order we would cease to be a civilized Nation.

Freedom, as we know it, cannot prevail in a society that condones illegal riotous demonstrations, assaults, burning, looting and pillaging. The preservation of freedom demands that respect for law must prevail; that redress of grievances as well as individual and group conflicts be resolved in a legal, peaceful manner; that *ALL* Americans must shoulder the obligations of citizenship.

We cannot mistake license for liberty, confuse responsible freedom with irresponsible indulgence, nor turn respect for law into defiant disobedience.

To quote a distinguished Federal Judge from Montgomery, Alabama: "When those who frustrate the law, who undermine judicial decisions, run riot and provide uncurbed leadership for a return to nothing more than a medieval savagery, then for the responsible American citizen to remain silent is tantamount to cowardice; it is a grievous injustice to the proposition that in America the law is supreme."

We have faith in the young people of America and look to them as our hope for the future. In these critical times we need to "reach out" to them in every way possible, particularly through sportsmanship, citizenship and leadership training projects. These include, among others, the Americanism Programs of Boys State and Girls State, Sons of The American Legion, the Oratorical Contests, the Citizenship Awards. The Boy Scouts and Girl Scout Troops, Junior Baseball and the Child Welfare program. These programs are needed to provide constructive guidelines for the young people who will be the leaders of tomorrow.

In the field of National Security retiring National Commander Patrick has spoken forcefully and articulately in expressing the positive position of the Legion, particularly with regard to Vietnam, Cambodia and the Middle East. National Security has always been one of our important concerns.

Finally, we must "reach out" to the communities of America and to all her people by applying the resources and energies of this organization to find equitable, workable, solutions to the major problems of our society. In this regard we are concerned with the following points specified in the final report of The American Legion Task Force adopted by the National Convention in Atlanta, Georgia in 1969:

(1) The crises in our Education System;

(2) Poverty;

(3) Race relations and the discouragement of racial discrimination;

(4) Pollution and dissipation of Natural resources;

(5) The Spiral of inflation;

(6) The Search for a just Peace;

(7) Threats from Technocracy and our ability to live with it, and

(8) Urban disintegration and decline of rural stability.

BIOGRAPHICAL SKETCH OF ALFRED P. CHAMIE

Alfred P. Chamie, 60, of Los Angeles, Calif., was elected National Commander for 1970–71 at the closing session of The American Legion's 52nd Annual National Convention in Portland, Oreg., on Sept. 3, 1970.

Vice president and general counsel of the Association of Motion Picture and Television Producers, Inc., Commander Chamie is a World War II veteran. His service as an Army officer from 1942–46, was with the infantry and the Judge Advocate General's Department.

Commander Chamie, a member of the Legion's Downtown Post 336 in Los Angeles since 1946, has served the Legion in a number of important capacities at the local, state and national levels.

After service as commander of the 17th District, California's largest, he served as commander of the Los Angeles County Council of The American Legion, and was California Department Commander (1957–58). At the national level his service includes: California's National Executive Committeeman (1958–60); chairman, National Labor Relations Committee; vice-chairman, National Public Relations Commission, vice-chairman, National Group Insurance Committee and member of the 50th Anniversary Executive Committee, National Commander's Advisory Committee and National Finance Commission.

A trustee of The American Legion Hollywood Canteen Fund which serves members of the Armed Forces and their dependents in Southern California, he was a member of the California Veterans Board and served as its chairman in 1955.

Commander Chamie has been honored for his work with veterans by his state and by the City and County of Los Angeles.

Besides his executive position with the movie industry trade association, he is secretary of the Central Casting Corp. He also is a member of the board of directors of the Motion Picture Relief Fund and seven motion picture industry pension and welfare trust funds.

During the Truman Administration for two years (1946–48), he was assistant United States Attorney for the Southern District of California. He is currently serving as a member of the President's National Defense Executive Reserve of the Office of Emergency Planning.

Mr. Chamie is admitted to practice before all the courts in California, the Federal courts and the United States Supreme Court. He is a member of the California, Los Angeles County, Beverly Hills and American Bar Association. He is also a member of the American Arbitration Society.

A Mason and an Elk, Commander Chamie has been active in the Boy Scouts of America, serving as a scoutmaster for three years and as a member of a neighborhood council in suburban Los Angeles. He also serves on the Permanent Charities Committee, the equivalent of the Community Chest, and on the Los Angeles District Attorney's Advisory Council. He helped established the U.S.O. in Southern California in 1940.

Both Commander and Mrs. Chamie have been active in the Los Angeles Music Center, an organization devoted to the performing arts.

An avid sportsman, Mr. Chamie skis and plays tennis, and until recently played the tournaments in the latter sport. During his college days, he played center field on the UCLA baseball team and was selected for the all-conference team in baseball 1930 and 1931 and, in 1931 was voted UCLA's most valuable baseball player.

Born in Brooklyn, N.Y., on June 1, 1910, he moved to California with his family when he was five years old. He is a graduate of the University of California at Los Angeles (UCLA) and the Harvard Law School. At the latter university, he was marshal of his graduating class.

Commander Chamie and his wife, the former Elizabeth Donnelly, are the parents of a daughter, Denise, and a son, Peter, a student at the University of Southern California.

Mr. Chamie once told a reporter his reasons for seeking the interesting office of National Commander of The American Legion as follows:

"I think the opportunity for further service to the men and women who were in the armed forces is the main reason. Veterans rehabilitation has been a primary interest of mine since I first joined the Legion. Bringing the new veteran of the Vietnam Period back into the mainstream of civilian life gives this area of service compelling currency both for our organization and our nation.

"Further, I have reached the point in life where I feel I should be doing more. And The American Legion is foremost in sound civic service.

"When I was campaigning for this office, I said many times that the future of The American Legion cannot be distinguished from the destiny of the American people. I believe our organization can help to provide the very necessary moral leadership in the difficult days ahead in which this nation seeks to fulfill its mandate of history."

SENATOR MILLER ADDRESSES THE NATIONAL CONFERENCE ON FARM PROGRAMS

Mr. HANSEN. Mr. President, on November 30, the distinguished Senator from Iowa (Mr. MILLER) addressed the National Conference on Farm Programs for the 1970's, sponsored by the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture, and held at the Sheraton Park Hotel in Washington.

As a member of the Committee on Agriculture and Forestry and also as a member of the conference committee of the Senate and the House which produced the final version of the bill which has now become law, Senator Miller's observations are of particular interest.

I ask unanimous consent that his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

ADDRESS OF U.S. SENATOR JACK MILLER

The new farm bill, which, of course, you people will have to administer, represents a compromise. And as in any compromise, there are some items that we do not necessarily like. It is impossible to get any farm legislation that is going to be generally acceptable to all farmers in a particular commodity classification, let alone to have all Members of Congress completely satisfied with all the provisions.

What is important, however, is whether the programs set forth in this legislation represent an improvement over what we now have. This, I believe, is the case.

Most of us believe that farm programs are necessary and will continue to be necessary for quite some time. An in-depth study by the Iowa State University research center two years ago provides ample testimony to the disaster which would befall the farm sector of our Nation if farm programs were discontinued. It is true that these programs cost the taxpayers a great amount of money every year, but, in exchange for this cost, the consumers of our Nation have long benefitted from the highest quality, lowest cost food and fiber of any nation in the world. If farm programs were done away with, this benefit would not be assured for the future, because many reasonably efficient producers would be forced out of agriculture, and their production would be lost. Greater reliance would have to rest on production from other countries—and such reliance would be fraught with deep risk to the Nation's security. Additionally, the social consequences to affected agricultural producers and their families, local communities, and the giant agribusiness industry would be catastrophic; and the cost to the taxpayers to even partially relieve these social problems would be tremendous.

So the question that was before the Congress and the people was really not whether or not there will be farm programs, but rather what kind of programs we should have. The kind of programs is terribly important and goes far beyond the matter of dollar-and-cents income to producers. The economic system of this Nation is capitalism—"peoples capitalism," it is often referred to, because, unlike the laissez faire capitalism of a hundred years ago, our federal and state governments have developed laws and regulations calculated to make this system work for the common good—what is good for not only those who risk their capital, but for those who supply their labor and for those who consume the goods. A study of history will show that where a basic industry, such as agriculture, moves away from capitalism, it is only a question of time when other segments of industry follow. What happened in Germany under Adolf Hitler serves as a particularly dramatic example. Farm programs which tend to move agriculture away from the capitalistic system should be avoided—except in the case of genuine emergency. Farm programs which tend to strengthen the market economy for agriculture should be preferred.

What concerned me so much about the farm programs we have had in recent years has been that they have tended to make farmers increasingly dependent on the Federal Government for their income. Government payments amounted to $693 million in 1960. They climbed to $3.3 billion by 1969. National net farm income in 1960 was $11.7 billion; and, in terms of 1960 dollars, it was $18 billion in 1969. Without the increase in Government payments, 1969 income—in terms of 1960 dollars—would have been only $10 billion. This is why farm programs in recent years have tended to make farmers more dependent on the Federal Government for their income.

This is not to say, however, that the taxpayers who have footed the bill for those payments have not benefitted. They have. In 1960, as most of you well know, 20 cents per consumer dollar went for food. In 1969, only 16½ cents per consumer dollar went for food. The savings to consumers represented by that difference greatly exceeds the cost in taxes needed to make farm program payments to farmers.

During a period of inflation, it might be news to consumers that if they were paying 20 cents of each consumer dollar for food, prices in the grocery stores would be far higher than they are. But actually, food prices have not gone up as much relative to other things consumers buy, and this is basically why farmers have not shared fairly in the national net income—*even with increased Government payments*. Another, point to be made is that a considerable amount of the increases in food prices have not gone into the farmers' pocketbooks, but into someone else's pocketbooks.

If we really believe in "people capitalism," and most of us do, then we should look forward to the day when farmers can rely, with confidence, on fair prices in the market—rather than having to rely on payments from taxes paid by consumers to supplement depressed market prices. But the movement toward that goal is going to have to be gradual if undesirable social consequences are to be avoided. The new farm bill is a step in that direction, because it will encourage broader markets through export trade and will permit farmers to shift production to meet market needs.

This legislation is a truly bipartisan effort. The Secretary laid down a basic premise for it, namely: that the budgetary cost to the federal government should not be any less than is now the case, so that the agricultural segment of our economy would not suffer a drop in income. Another premise was that the legislation should be constructed so that opportunities for improved income outside of government money would be opened up—especially in exports. This is where the Administration's set aside idea came into play. Under the set aside, farmers could grow what they thought best on the non-set aside and non-conserving base acres; and payments for participating in the program would not only assure consumers of lower prices, but perhaps more importantly would assure us of being competitive in overseas markets.

These principles were bought by the respective Agriculture Committees of the House and Senate. The arguments developed over the specifics of how they were to be implemented. How much set aside was there to be, for example?

No limitation was put on the Secretary's discretion on the amount of set aside for feed grains. If the set aside was too great, market prices would inevitably go up enough to make up the difference in income. If the set aside was too little and market prices were weak, the feed grains producers still had their payments and a $1 floor loan under their crops.

The wheat spokesmen didn't feel the same way about it, and the result was that we wrote into the law a limitation. The wheat set aside, in addition to the conserving base, is not to be in excess of 13.3 million acres for 1971, and not in excess of 15 million acres for 1972 and 1973. Because the wheat people had already been assured of 100 percent of parity on their domestic allotment, they didn't have the same degree of concern that the feed grains people had of better market prices if the wheat set aside was too great. They were, of course, concerned over the domestic allotment, and the new law provides for not less than 535 million bushels, or, for 1971 only, 19.7 million acres.

Perhaps the most controversial point in the entire conference arose over the cotton set aside. Naturally, the smaller the set aside, the more acres left over for planting to other crops, such as feed grains and soybeans. In turn, this would require the Department to increase the set aside for feed grains, and the Department estimated this would be considerably more costly than to have cotton acreage set aside. Finally, the figure of not in excess of 28 percent set aside for cotton was written into the bill, along with price support of 90 percent of average world market price during the preceding two marketing years and a payment formula—the payments plus the average market price must equal 35 cents or 65 percent of parity, whichever is higher, and be not less than 15 cents per pound—on the acreage planted, and at least 90 percent of the allotment must be planted.

Another cotton hangup was over the allotment. This was finally set at 11.5 million acres for 1971, with discretion in the Secretary for 1972 and 1973. However, the government costs for the 11.5 million acres are not to be less than for the present year's allotment (12.5 million acres).

Two controversial points came up over feed grains. As the bill came over from the House, the loan support was set at not in excess of 90 percent of parity. There was no floor. Although the work sheets provided by the Department for analysis of our Senate Agriculture Committee showed planning figures of $1 loan, there had been some indication that a 90¢ loan was being considered. We decided that the $1 floor should be written into the law, and the Department agreed that this would not cause any particular problem.

The main controversy was over the payment formula. The House bill provided for 32¢ per bushel payment on one-half the feed grain base, or a higher amount if necessary to bring the market price plus the payment up to $1.35 per bushel. If the market price is such that the 32¢ payment brings the total per bushel over $1.35, the payment still remains at 32¢ per bushel. But outside of the 90 percent of parity maximum loan rate, no other reference was made to parity.

The Senate adopted an amendment providing that the 32¢ payment is to be increased if necessary to bring the market price plus the payment up to $1.35 per bushel *or 75 percent of parity*, whichever is higher. During the Conference, the budget people firmly opposed the 75 percent of parity figure, projecting a greatly increased cost of the program for 1972 and 1973 on the basis of projected increases in inflation and in parity. They said they would go for no more than 68 percent of parity. We finally compromised on 70 percent of parity for 1971 and 1972, and it is doubtful that this will be over the $1.35 figure anyhow for those years. The problem was for 1973, and a 70 percent of parity figure could well be higher than $1.35. So we said that the total payments for 1973 would not exceed what the total would be on a basis of 68 percent of parity, except that the total *would*—not could as Farmers Union interpreted it—be higher if a slippage in the market was the reason. Thus, if the market price for the 1973 crop was $1.01, the payments would be 34¢ even if 68 percent of parity was $1.35.

Some of you, perhaps, have been wondering how this bill could cost farmers $1.2 billion over the next three years ($400 million per year) as the Farmers Union President claimed. What he really meant to say was that the 75 percent of parity formula passed by the Senate would have increased payments by that amount. Actually, the bill doesn't cost farmers anything, and the projections of the Department show that it will improve income over present levels.

Gross income from cotton, wheat, and feed grains was projected at $13.316 billion—compared to $13.248 billion (as of last August, before changes due to the corn blight situation); and overall budget expenditures slightly above those for the current year at $3.838.

There was some talk, you know, after the recess of sending the bill back to conference and simply enacting a one-year extension of the present law. If this had been done, it would have cost our feed grains producers $55 million for next year—compared to the new bill. At worst, this could have resulted in no bill at all, and that would have been truly disastrous. It would have cost feed grain producers $1.6 billion for next year; and similar adverse consequences would have resulted to wheat producers. I do not know the precise consequences to cotton producers, but a build up of surpluses would almost certainly have resulted.

There was no controversy over the dairy and wool titles.

Present law on dairy is continued; and authority is continued for the Dairyman's Class I Base Plan in Federal Milk Market Order Areas and any area coming into such Plan during the next three years can continue to have it in effect until December 31, 1976.

The National Wool Act is continued for three years, along with present incentive payments.

And P.L. 480 is extended for three years—largely unchanged.

I could extend my remarks to run all morning, but, perhaps, what I have had to say will be helpful to you in your vital role of carrying out the law—and the intent of the Congress.

---

20 TONS OF MILK A WORLD RECORD

Mr. MATHIAS. Mr. President, this morning I had the unique opportunity of milking the world's champion milk producer—a Maryland Holstein cow named Ballad. She is a true Maryland champion and has produced more milk than any other cow in recorded history.

But the recognition given Ballad today is not only a tribute to her, but also a blue ribbon award for the entire Maryland dairy community, which includes Glen Morrow, her owner, and other dairymen, the agricultural faculty and extension agents at the University of Maryland, county agents, feedmen, and all the others who are a part of Maryland's progressive farm economy.

I am proud to ask unanimous consent to have printed in the RECORD the announcement of Ballad's remarkable achievement.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

BALLAD'S REMARKABLE ACHIEVEMENT

Ballad, a coy five-year-old Holstein cow with big brown eyes is so happy about breaking the World's milk producing record that she is to have a swinging party Wednesday to celebrate the occasion.

For the first time in history the World's Championship came to Maryland Monday when Ballad squeezed out the last of 40,981 pounds of milk for a 365 day record, or more than 4,765 gallons during the year. To put it another way, Ballad could put 49 quarts of milk on the table every day for 365 days and to dairymen, that's a lot of milk.

She beat the previous record established by Mowry Leader, another Holstein, in Roaring Springs, Pennsylvania, in 1967, by 807 pounds.

Dairymen from all over the country will gather at Glen E. Morrow's Glen-Lu-Knoll Farm in Frederick, Maryland, to pay homage to the new Queen who will be in personal attendance at the luncheon celebration in a big blue and white tent erected especially for the occasion.

Her proud owner, Mr. Morrow, is a business consultant with offices at 1026 17th Street in Washington, and lives in Bethesda, Md. He bought the 140-acres Glen-Lu-Knoll farm just six years ago and acquired "Ballad" as a two-year-old at a Pennsylvania sale because "I liked her looks."

"Ballad" is a member of high bovine society on her mother's side, but her father was a disappointment on the bull market and ended his short and undistinguished career probably as hamburger, according to Mr. Morrow.

"Ballad" started her world's record run on December 7, 1969 under strict supervision of experts from the University of Maryland checking her production for the Holstein-Friesian Association of America, with headquarters in Brattleboro, Vermont.

It was apparent that the Holstein would be a winner when she producted 17,000 pounds in her second year, 23,000 pounds in her third year, and 33,000 pounds last year.

As the Pearl Mesta of the Holstein set, BALLAD will be hostess to more than 200 dairyland dignitaries Wednesday including officials from the U.S. Department of Agriculture, the University of Maryland, the Holstein-Friesian Association of America, the Delaware, Maryland Virginia Milk Producers Association, the Maryland State Dairy Queen, and other celebrities with lots of pull in milking circles.

Master of Ceremonies at the Wednesday luncheon is Robert M. McKown, Associate Editor of the Holstein-Friesian World of Lacona, N.Y., will be introduced by Doty Remsburg, President of the Maryland Holstein-Friesian Association of Jefferson, Maryland.

Mr. Morrow is a native of Wisconsin where he was brought up on his family's dairy farm, educated at the University of Wisconsin and taught physical education in the State's public school system until he went into the farm equipment business. He was national sales promotion manager for Massey-Ferguson from 1945 to 1958 and came to Washington in 1954.

His wife, Marylou, takes an active interest in the Glen-Lu-Knoll farm that they acquired in 1954. The Morrow's have three married daughters and three grandchildren.

When the Morrows bought the 140 acre farm it supported 73 head of cattle, but only three of the original herd remain on the farm and on two other farms that Mr. Morrow operated in the area.

He travels around the county showing some of the prize winning cattle from the herd which now numbers 132.

Among the favorites is his "political bull", the 3,000 pound Rendezvous who posed with Maryland Governor Marvin Mandel at the Montgomery County Fair in Gaithersburg last August.

The Morrow herd has had prize winners at Gaithersburg, the Maryland State Fair in Timonium, the All-American Show in Harrisburg, Pa., and the North American Dairy Show at Columbus, Ohio among others.

Much of his success in the dairy industry, Mr. Morrow said, is due to the efforts of his farm manager, Clyde Anders, who he imported from West Virginia five years ago, and his herdsman, former GI and Frederick area native, Bobby Stephan.

CRISIS IN POWER AND ENERGY

Mr. MOSS. Mr. President, for months past, we have been talking about the crisis in power and energy approaching in this country. Earlier this year, as chairman of the Subcommittee on Minerals, Materials, and Fuels, I held hearings touching on this problem. Our committee also considered a bill to create a joint congressional committee on problems of energy. It is my hope that next year we will be able to proceed with full-scale hearings and then fashion recommendations on how to meet the voracious demand for energy in this country and at the same time preserve the integrity of our environment. This poses a difficult problem, but one that must be solved. America demands and must have more energy. At the same time, we must halt the pollution of our skies and our waters and our open spaces.

The December 11 issue of Life contains an interesting article entitled "The Crisis in Power." I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CRISIS IN POWER

The amount of electricity produced in the United States this year—over 1.6 trillion kilowatt-hours—could satisfy the needs of a city of 20,000 for 10,000 years at present consumption rates. Yet it is barely enough to satisfy the needs of the whole country for even one year. For the first time since the invention of the steam-electric generator 88 years ago, the demand for power is running dangerously close to the supply. Blackouts and brownouts (deliberate emergency cuts) are already commonplace. Peak-load reserves, particularly in the East, are shrinking to the danger point. Even the Pacific Northwest, which has always been oversupplied with hydroelectric power, no longer has enough. Within a decade we will be consuming twice the power we consume now—provided we can produce that much.

In retrospect, the present crisis is the result of poor planning. Ten years ago the power industry was advertising heavily for more business, but they got more than they prepared for. When demand doubled, the electricity just wasn't there. Nuclear power was supposed to help but for various reasons (see page 30) failed to. Producers had to fall back on fossil fuels: coal, oil and natural gas. Labor, money and technical difficulties tightened the squeeze. Growing sensitivity to environmental factors compounded the problem still more. Public protests stopped plant construction in some cases, delayed it in others and caused new fuel and operating regulations to be imposed on an already harried industry.

The answer to the power crisis, as far as there is one, lies again in planning, not for the next five or 10 years but for the rest of the century and beyond. Technological advances may help too, though at the moment neither government nor industry is spending nearly enough to encourage much optimism. In the end Americans may be forced to choose between power and environment—if we are lucky enough to have a choice. Power pools capable of shifting wattage from one system to another exist all over the U.S. In the Northeast, where there is little or no electricity to spare, pool operations have become crucial in preventing shortages and—at least potentially—blackouts. At the center of the New York Power Pool, seated in a somewhat Strangelovian control room, dispatchers calmly act as brokers, buying and selling vast quantities of power for members and neighboring pools.

At 1:45 on a weekday afternoon, for example, Rochester Gas and Electric called dispatcher Pete Young to announce the shutdown for repairs of the Ginna nuclear generating station.

"Up to the 20 hour (8 p.m.) we'll have 200 (megawatts), for the 21 hour it'll be 50 and for 22, 23 and 2400 it'll be zero."

Other companies in the pool regularly buy extra power from Rochester, but dispatcher Young waits until his hourly check to spread the word. The man at Con Edison in New York City groans at the news. There have been problems with the Astoria No. 4 plant that day, and he might need extra power if it goes out again.

"As it is, I need 100 cap and energy from 4 p to 7 p," says Con Ed. (That is, 100 megawatts of energy for the peak load time of 4 p.m. to 7 p.m. Because the Ravenswood No. 3 unit has been out of service for five months, the city always requests extra power as it gets dark.)

Not wanting to dip into his own pool reserves, Young calls the Pennsylvania, New Jersey and Maryland pool, and they agree to supply the energy. But, they say, that is the limit of their excess.

Later, as the shift is changing, Con Ed calls back to ask for another 100 megawatts. "Astoria 4 just tripped out again. It got up to 50 and then died." Young hands the problem over to his replacement, who may turn to pools in Canada or New England. Then Young and his two fellow dispatchers walk out of the control room, chuckling over a standing joke. Somewhere down at Con Ed, the joke goes, there is a man with a bicycle who could make that generator run.

THERE IS FUEL TO BURN, BUT NOT FOR POWER

Almost every power plant using coal, natural gas or oil will be short of fuel reserves this winter. In about half the cases the shortage is coal. There is still plenty of coal underground, so much, in fact, that at present consumption rates it could last another 1,500 years. But in the early 1960s many utilities, eager to invest in nuclear power, refused to sign or renew long-term, low-rate contracts with miners. The miners, in turn, stopped opening new mines. In many cases they signed contracts to export part of what they were mining, usually to Japan and its expanding steel industry. Even now mining companies aren't rushing to open mines because of tight money, new safety regulations and a growing demand for fuels that are less polluting. Combined with a shortage of coal cars, these factors have already driven prices up.

Natural gas, which produces about a quarter of our electric power, is in even greater demand because it pollutes less than coal does. But existing pipelines are already being used to capacity, and many producers feel that rates and returns are too low to encourage large expenditures in searching for new fields.

Oil produces about 10% of our electric power. Because many American firms prefer to refine their own crude oil into more expensive fuels, most of the oil burned to generate power has to come from overseas. The closure of the Suez Canal, a worldwide shortage of tankers and last spring's break in the Trans-Arabian pipeline all served to reduce the supply—and raise the price—of oil for power production.

WHY NUCLEAR PLANTS HAVE NOT PAID OFF

Back when the nation's first commercial nuclear power plant went on line in 1957, the Atomic Energy Commission issued rosy predictions that by the year 2000, half the nation's power would be atomic. This could still come true, but so far the record is disappointing. The 19 plants now in operation account for only 2% of the power we use. Right from the start the projects ran into rising construction costs, technical difficulties and labor problems. Then protests stemming from fears of radiation and explosion blocked construction altogether in several localities. Actually, nuclear generators create not one but four kinds of pollution problems. They release tiny amounts of radiation; they produce waste heat in the form of hot-water discharges; they produce radioactive wastes that must ultimately be disposed of; and, in case of an accident, they could unleash clouds of deadly radiation. The chances of such an accident are theoretical—and infinitely small. The effects of radiation, thermal pollution and radioactive waste disposal on the environment are also debatable, but—as many utility companies have found out—they are real enough to arouse constant controversy.

Yet as shortages of fossil fuels have developed, nuclear plants are looking better again. Fifty-two plants are now under construction and 46 in the planning stage. For the first time since 1967, orders for new plants are up. Even with nuclear power, however, power companies may eventually face fuel shortages. Though reactors have been in use for only two decades, one percent of our uranium fuel supply has already been used up. Two things could help: fusion power, a still theoretical process designed to make use of the energy of fusing atoms (page 34), and breeder reactors, which will actually make more fuel than they consume. One experimental system is already being tested, and within 15 years, some experts feel, breeder reactors may be in general use. If so, it will mean a power potential greater than all of our fossil fuel reserves.

STAGGERING PROBLEMS OF LIGHTING A CITY

New York's Consolidated Edison is one of the largest investor-owned utilities in the country—and one of the most maligned by those who use its electricity, breathe its effluents and pick their way around its endless excavations. It operates 12 generating stations and 72,000 miles of underground conduits topped with 165,750 manhole covers. It has a $157 million annual fuel bill, 2,901,000 customers and more problems than any other utility company in the country.

Much of its equipment is old and some decrepit. When Con Ed tries to build new plants or put up transmission lines linking it with the reserves of other power systems, it must fight dozens of individual battles to get the necessary permits. On top of this it must provide over seven million kilowatts of power at peak periods and then be prepared to operate at half speed part of the remaining time. Yet peak-period demands keep going up. New York's new World Trade Center, a 110-story office complex, will add the equivalent of 44,000 homes to the city's load. Con Ed's power supply problems are so acute that this year the company bought 48 jet-engine gas turbines with a capacity of about two million kilowatts. It will operate some of them on four barges docked in the East River to help meet peak loads.

MEANWHILE, GADGETS NEVER STOP COMING

Few people realize just how many ways there are to use up electricity in the home, and more new devices are coming on the market every day. There are now more than 200 different kinds of electric appliances available. Most families have 20 or so, some as many as 50. Though all told they consume about 30% of the electricity generated nationally, few of us would be willing to give them up to protect and preserve the environment. The monthly winter cost to a family operating 20 basic appliances in an all-electric Midwestern ranch-type home is about $55 for 4,328 kilowatt-hours (or about 1.4 cents per hour, a figure very close to the average residential rate). Heating accounts for about three quarters of the bill (3,348 kilowatt-hours) with heavy appliances such as the refrigerator (101), the water heater (401), the stove (98) and the black-and-white TV set (30) adding some 20%. Among the small ones, the frying pan (15) and hand iron (12) use the most electricity, the carving knife (1), toothbrush (1) and trash masher (3) the least.

Air conditioners and central air-conditioning units have raised the home load in the last five years, with retail sales doubling. When a window unit starts up, it gobbles about as much electricity as four color TV sets going on simultaneously. In the offing are even more kilowatt-costly devices. If you really want to, it is already possible to wire up your lawn so that it stays green in the winter, and a Texas store recently advertised an inflatable "environment dome" costing $300,000 for your whole house and lot. It will control temperature and moisture for roughly 200,000 kilowatt-hours a month. In view of such developments it is hard to realize that 2% of American homes are still without electricity at all, though that figure is dropping. Just last month in Maine, 26 residents on an offshore island lit up for the first time—and promptly went out shopping for appliances.

STORING POWER IN A RESERVOIR

As the need for power soars, the battle between energy producers and environmental protectors will undoubtedly escalate. To meet power demands 20 years from now, according to one estimate, we will need 90 new fossil-fuel plants, 165 nuclear generators and so many transmission lines that their rights-of-way will occupy thousands of square miles of land. None of these projects will be built without controversy. One of the biggest arguments now raging, however, concerns a type of power project that emits neither smoke nor radiation: the pump-storage system of stockpiling electricity. Normally, since power can't be stored, utility companies must be able to produce enough electricity to meet peak-period demands.

Pump-storage is an intriguing hybrid that uses gravity as a kind of battery. During slow periods when generators have more capacity than is needed, excess power is used to pump water up a hill into a mountaintop reservoir. Then, when peak-period power is required, the water is allowed to run back through the pump-generators, thus producing electric current. Though only two units of power are returned for every three put in, the peak-load advantages are such that more and more utility companies are trying to build pump-storage systems. The problem is that the plants require space for reservoirs and pumping stations. To some extent, they invariably damage the natural environment of the area, inundating land and disrupting wildlife. In northern Massachusetts, Northeast Utilities will start up a huge "battery in a mountain" next year, supplying power reserves for the New England area. In New York State Con Ed has been trying for eight years to build a pump-storage plant at Storm King Mountain on the Hudson River—and is still trying. More than a dozen other sites are under consideration by other power companies, particularly in New England, and citizens' groups are fighting to defend them.

NEW SOURCES—IN THEORY AND IN THE EARTH'S HOT DEPTHS

The demand for new and nonpolluting power sources is leading scientists to reexamine the earth's natural energy systems. Waterpower already produces about 4% of our electricity, but there is little room for expansion: almost all the best hydroelectric sites have been used. The tides and the sun are energy sources, but so far they have not been employed successfully on a large scale. One recent plan for producing 10 million kilowatts of solar power would have required placing in space a 25-mile-square dish covered with solar cells, and a 34-square-mile receiver on the ground. One source that is actually being tapped in California (above) is the geothermal energy generated by underground volcanic activity.

In the realm of theory, a process called magnetohydrodynamics (MHD) has considerable promise. Already tested in prototype form, MHD uses coal in a way that is twice as efficient as conventional systems, by converting the coal to a gas, seeding it with millions of tiny particles to make it more conductive and forcing it through a stationary magnetic field. Electric current is produced directly, pollution is less because combustion is more complete, and exhausts are recycled to recover the seeding material.

Finally, if only it could be controlled, the atomic process known as fusion might be able to supply the world with an unlimited amount of power. The sun's energy is produced by fusion, and scientists have made fusion work in the explosion of the hydrogen bomb. The technology does not yet exist that can contain a fusion reaction for power-producing purposes, and perhaps it never will. But there is hope, which is more than can be said about most aspects of our power crisis.

MIDDLE MANAGEMENT TYRANNY

Mr. GOLDWATER. Mr. President, not long ago I spoke in this Chamber of my concern about the suffocating growth of the Federal bureaucracy. I warned that the uncontrolled activities of this monstrous force would sooner or later crush the average American. In particular, I singled out the serious danger posed by the "middle management" bureaucrat who works his own will on the intent of Congress and the wants of the people.

Mr. President, today I am going to disclose one of the most outrageous examples of insensitive bureaucratic abuse which this country has ever seen. The example will demonstrate the incredible extent of power held by middle level administrators and the terrible injury which the misuse of this power can inflict upon the needy citizen. Furthermore, the incident fits the classic case of bureaucratic neglect of the intent of Congress and indeed of constitutional requirements of fair play.

Unfortunately, the scenario is occurring right now in my home State of Arizona where, as incredible as it may seem, the Federal Government is seriously threatening to cut off the welfare payments of 81,543 Arizonans who are blind, totally disabled, aged, or dependent children.

This is the club which the Federal Government is holding over the head of the people of my State because of a disagreement between the Department of Health, Education, and Welfare, and the State of Arizona concerning three minor regulations issued by HEW. I have examined this confrontation from top to bottom and know I am accurate in stating that the difference caused by the implementation of the State regulations instead of the Federal ones does not involve the welfare status of more than 100 or 200 people, and nearly all of this small group of individuals are either eligible for benefits in another State or are already employed. In other words, they are not without some means of support. Compare this, if you will, with the massive threat of the Government to shut off the welfare checks of over 80,000 citizens.

What is even more shocking is the fact that the formal hearing at which the State was supposedly entitled to defend the right of its citizens to receive continued assistance was not conducted in conformity with the procedural rules of fairness required by Federal law as well as the U.S. Constitution.

Compounding the tragedy was the complete failure of the hearing officer to apply the intent of Congress as spelled out in the welfare sections of the Social Security Act.

Mr. President, this horrible infraction of the democratic process is the result of errors committed by a Federal hearing examiner who recently considered Arizona's compliance with Federal welfare law. The examiner released his report only 8 days ago and recommended that Arizona be found out of compliance with three minor HEW requirements.

One issue relates to the validity of an Arizona statute under which welfare assistance is withheld from recipients who leave the State for 3 consecutive months. Another involves the test for calculating the need of welfare applicants. And the third concerns the refusal of Arizona to set up an advisory committee including welfare recipients and welfare representatives.

There was a fourth issue relating to whether or not Arizona could properly seek to unite families by requiring relatives of children whose natural parents are alive to obtain legal custody of the children before the relatives can receive welfare grants for the children. However, the hearing officer ruled in favor of Arizona on this issue. The reason appears to lie in the fact that there was no Government regulation covering the custody problem whereas there were HEW regulations outstanding in each of the other three matters.

This brings us to one crucial aspect of the hearing. Wherever HEW had issued a regulation, the examiner refused to question it. In fact, he expressly decided:

> It is beyond his authority to rule upon the validity of regulations of the Department of Health, Education, and Welfare, and . . . for present purposes the validity of such regulations must be assumed.

Here is the most unbelievable ruling of the whole hearing. Why in the world was the State even given a hearing if questions of the legality of HEW's regulation could not be considered?

This tops them all. Arizona is provided a hearing and then after it is over the examiner decides not to consider whether or not the regulations issued by HEW are valid and proper under the Social Security Act. The fact was well known Arizona has not conformed to the HEW regulations because it claims—and with good cause I might add—they violate the intent of Congress as spelled out in the Social Security Act. But instead of deciding this all-important legal question and stating his reasons for his decisions, the examiner announced he will assume the regulations are valid. Therefore, presto, Arizona is automatically out of compliance with the HEW regulations.

Mr. President, this is the most trumped-up hearing I have ever encountered. Why, the State was wasting its time going before this fellow. His findings were rigged against the State from the start. Once he decided not to consider the legal issues, Arizona had lost the case.

But, Mr. President, I need not tell you such an agency hearing is invalid on its face. Whether through ignorance or design, the hearing officer has clearly violated one of the most elementary principles of due process and fairness which is laid down by Congress and the Constitution. If the examiner would familiarize himself with the Administrative Procedure Act, he would see Congress has required every agency decision, whether it is a final one or a recommended one, to include a statement of findings and conclusions upon all the material issues of fact and law, as well as the reasons or basis therefor.

This is spelled out as clearly as possible in section 8 of the Administrative Procedure Act, which governs all agency hearings unless there are other rules expressly prescribed. As the Social Security Act does not set forth any other code of procedures, Congress has definitely intended for the APA to apply in State-Federal welfare contests.

Even if the APA did not exist, it is obvious the Federal Constitution would guarantee the application of similar rules of procedure to all cases involving the magnitude of a possible loss of millions of dollars.

Accordingly, I charge that the HEW hearing is illegal and unconstitutional. It violates the will of Congress and denies the procedural due process guaranteed by the Constitution.

What makes the conduct of this hearing especially atrocious is the fact I am informed high legal officers at HEW claim the Department assumes the APA applies to all State conformity hearings. If this is true, the hearing officer has committed the additional sin of thwarting the will of his own superiors.

Mr. President, this procedural omission is not the only one which occurred at the HEW conformity hearing. I also am convinced the threat of withholding welfare funds across the board was used in an improper way. Make no mistake about it. The question of Arizona's eligibility to continue to receive Federal funds for its blind, disabled, aged, and child welfare recipients was a preeminent issue at every stage of the State compliance proceedings.

By letter dated July 8, 1970, Mr. John Twiname, who is Administrator of HEW's Social and Rehabilitation Service, informed the Arizona officials there were serious questions as to the eligibility of the State to receive continued welfare grants under titles, I, IV, X, and XIV of the Social Security Act. Mr. Twiname further notified the State it would have a hearing on the specific question of whether further Federal grants may be made to the State pursuant to these programs.

Now that the hearing has concluded, Mr. Twiname has again advised Arizona he may decide to withhold funds for all aspects of these programs. In addition, the HEW News release on the compliance hearing states that—

Mr. Twiname has 60 days to decide whether to withhold applicable Federal funds from Arizona.

So let no one avoid the major issue. At stake in this crisis is the welfare money of all Arizona welfare recipients. The Federal bureaucracy has clearly spoken. The question of withholding funds for "all aspects" of the welfare system is very much a real menace.

What would this mean? What harm would the denial of these funds cause to thousands of unfortunate citizens and their families? You can search high and low through the hearing examiner's record without finding the answer. Arizona was promised a hearing on this question, but the examiner has failed to set out even one fact touching on the cutoff issue. What does the Administrator, Mr. Twiname, have to go on in deciding whether or not to end further Federal payments? Nothing. Absolutely nothing.

The record is a blank on this vital point. Has the hearing officer inquired as to how many people will be denied welfare payments if HEW ends its grants? No.

Has he advised the Administrator as to the number of people who may be found ineligible under the State regulations but not under the Federal regulations? Has he determined what the difference in grant amounts to individual recipients will be if the Federal guidelines are used instead of the State ones? Again, the answer is no.

In short, the bureaucratic system has failed dismally to produce a fair and complete record on which an intelligent decision can be made. Incredible as it seems, a Federal Administrator will be making his decision about whether or not to terminate several millions of dollars in welfare grants on the basis of a patently barren record. Once again, I believe this kind of unthinking disregard for the fundamental rules of fairness destroys the legality of the entire proceeding.

Mr. President, having just completed a thorough review of the welfare crisis, I can report the impact of the State regulations is surprisingly slight in comparison with the bludgeon wielded by HEW. Let us examine the facts.

There are four welfare programs at issue. One is old-age assistance, the second is aid to the blind, the third is aid to the permanently and totally disabled, and the fourth is aid to dependent children. Now, taking the latest statistics available—which are for September 1970—we can see there are 13,755 aged recipients, 8350 disabled persons, 534 blind recipients, and 58,904 needy children. This makes a total of 81,543 welfare recipients in Arizona who are the target of HEW's threatened cutoff decree.

And directly at stake is $43.2 million which these individual citizens collectively receive in welfare grants. This is the combined amount of Federal and State payments going to welfare persons. Three-fourths of it is Federal money and, of course, the remaining State portion is fully dependent upon payment of the Federal share. Therefore, the entire amount is involved should HEW withhold its funds.

On the other hand, my study has revealed there are less than 200 persons whose welfare payments would be in jeopardy over the entire next fiscal year if the State regulations prevail. In other words, HEW is seriously warning it will go so far as to deny 81,543 needy people of their welfare aid in order to force Arizona to add perhaps 100 or 200 additional persons to its welfare rolls. The welfare of over 80,000 human beings is being put on the block by HEW as a hostage to its concern for 100 or 200 individuals, nearly all of whom we shall see are either eligible to receive benefits in another State or are earning an outside income.

Mr. President, this is nothing short of administrative blackmail. If private citizens would threaten each other with such illogical and disproportionate action, they would likely become liable to charges of extortion and blackmail.

There are kinder words applied to administrative differences, however, and they have to do with the denial of due process. Whenever a governmental unit abuses its authority by enforcing or threatening to enforce its edicts in an arbitrary manner, the courts have overturned such behavior as a violation of substantive due process. Where the means are not reasonably related to the end, the courts have always striken down the administrative action as a denial of essential justice.

When, as here, the living rights of thousands of individuals are at stake, the judiciary will scrutinize governmental action especially carefully.

Thus, in the present conflict, I must ask: "Can anyone honestly tell me HEW would not unreasonably interfere with the rights of nearly 82,000 needy citizens to receive the substance of their lives if it withheld the welfare checks of such people in order to force the State to its will?"

Once again, I must charge that the hearing examiner and certain middle management employees at HEW have displayed a callous disregard for the constitutional requirements laid down for agency activities. A threat to coerce State compliance by denying many thousands of unfortunate people of their only source of subsistence is cruel, irrational, and just plain stupid.

Where the agency gets off in thinking Congress would allow any such thing to happen is beyond me. Not only would such a drastic step be unconstitutional, but Congress has never authorized the use of this kind of pressure. It reveals monstrous disdain for Congress if anyone thinks so.

The only sensible remedy to consider in the event Arizona has misconstrued the Federal law is to extract a pledge from her to treat all those persons affected by the decision as hereafter eligible for benefits and to grant each of them the proper amount of assistance to which they are thereby entitled. And, even then, no order should be forthcoming until the State has been given a fair and complete hearing to determine the validity of its arguments.

If the State has erred in denying anyone his entitlement to welfare payments, then direct the State to pay those people what is coming to them, including possible back payments. If the State has shortchanged any recipient what is due him, then make the State pay these people the full amount to which they are and were entitled.

But, for Lord's sake, let us keep away from the idea of taking away the welfare grants of any innocent, deserving persons. Pay the additional ones what it is their right to receive. But do not remove anybody from the rolls solely out of a capricious administrative whim.

In the event the State still would not comply with this directive, arrived at after a fair hearing, then the route remains open to the courts and all the powers for imposing a fine that go with contempt of court. Again, there would be absolutely no need to terminate the welfare aid of one person. Put the emphasis on extending assistance to new and needy citizens. Let there be no talk of denying innocent citizens their basic needs for survival.

Mr. President, it would be well for me at this point to analyze further the effect of the differences between the application of the State and Federal regulations.

Remember, there are only three regulations still in controversy. The one which the welfare people say means the most to them would not directly add one person to the welfare rolls. This is the policy of HEW to set up an advisory committee in each State consisting of members from the welfare community and social workers themselves. I will not get into the merits of this requirement other than to suggest it is advisory only and will not of itself bring higher welfare payments or grant eligibility to any additional persons.

So we must move to the second regulation, which involves the test of need. This practice in turn might determine the entitlement of a person to receive welfare assistance. In layman's language, the issue revolves around how you calculate a person's earned income or lack of income after deducting work expenses and certain Federal allowances.

Rather than attempt to explain the different formulas, I will merely note that less than 100 persons are cut off from their welfare payments in any one year because of the State test who would not also be excluded by the Federal test. The important thing to observe is that no one is cut off who is blind, or disabled, or unemployed. We are talking solely about people who are able to earn a wage or income.

Insofar as the difference in the size of payments, again there would only be a slight increase resulting from use of the Federal requirement. For example, if we apply the State test to a typical individual with a wife and two children who earns a monthly salary equal to the Federal minimum wage, he would be entitled to receive a welfare payment of $76 a month. The same persons would be given $84 a month in welfare assistance should the Federal rule apply.

Therefore, we have a difference of $8 a month. It is true even this sum is important to a lower-income family, but I must ask, Is it a difference great enough to justify denying everyone in the State, whether blind, disabled, or unemployed, of his right to receive welfare help? Of course it is not, and for the life of me I cannot see how anyone at HEW ever conceived of this malicious fear tactic.

Mr. President, the impact of the State regulation is equally minor when one looks at the State residency rule. What the State does is to end payments to applicants who are no longer within Arizona after an absence of 3 consecutive months.

The restriction does not apply to persons who depart from Arizona if they return in less than 3 full months. Nor does it impose a 3-month waiting period on persons newly arriving in Arizona. It only applies to individuals who choose to stay outside of Arizona's borders for in excess of 3 consecutive months.

Once we have the group clearly in mind we can see it does not number a very large one. The best figure anyone has given me is 100 or less yearly.

And I should add that simply because 100 or fewer applicants are disqualified from getting continued assistance from Arizona does not mean they are suspended in limbo without any right to aid. Oh no, their ability to receive welfare money is not at question. Most likely all these same individuals are entitled to apply for and receive welfare assistance at the new place where they are residing. So truly what is at issue is not whether these people can continue to receive welfare grants, but whether they will be allowed to become eligible for welfare in more than one State at the same time.

Accordingly, it is my conclusion the welfare conflict between Arizona and the Federal Government actually involves the ability of one, and certainly not more than 200 persons to receive continued welfare aid. To my mind, any effort by the Government to push for this end by endangering the welfare rights of nearly 82,000 other individuals smacks of dictatorial practices. I am certain such an abuse of public trust could never stand up in the courts.

In fact, the punishment is so ridiculous on its face I wonder if someone along the bureaucratic line is attempting to embarrass the President and the newly appointed Secretary of Health, Education, and Welfare. Can it be that a long-entrenched middle level bureaucrat has misguidedly or perhaps intentionally worked his own will, his own wishes for a particular outcome, onto the policy of his own administrator or chief?

It is curious in the Arizona case that the hearing officer who proposed such a ludicrous decision and ignored several legal and constitutional mandates is reported to have been employed as a Federal welfare worker since 1945. Could his long years of doing things according to his own policy, acquired in his early practice, have caused him to be oblivious to the changed policies of a new administration? Might the long period of his employment in the welfare field have developed an attitude of self-assurance so that he felt no compulsion to follow or find out about the Administrative Procedure Act or the fundamental requirements of constitutional due process? I hope not. But I must point out, Mr. President, these are the classic symptoms of bureaucratic fever.

Whatever its cause, the Arizona welfare proceeding is a terrible example of bureaucracy run wild. The hearing was not guided in conformity with the Administrative Procedure Act. It was devoid of the most basic rules of procedure guaranteed by the Constitution. The State was intimidated by the threat of a penalty so severe and irrational it violated the bounds of due process. And the record sent up to the Administrator fails to set out any findings at all on certain key issues which are vital to the outcome of the controversy.

In these circumstances, I have felt compelled to send a letter today to Mr. Twiname, the HEW Administrator, protesting the illegal and unconstitutional manner in which the hearing was conducted. His only recourse, as I see it, is to declare the first hearing a false start and to begin over.

Therefore, I have today urged Mr. Twiname to either drop the matter entirely or to call a new hearing limited to the same three or four regulations considered at the first hearing. And, most importantly, if a new hearing is held, I have asked the Administrator to issue firm guidelines for its fair operation. Specifically, I propose the session be held in strict adherence to the fundamental concepts of fairness laid down in the Administrative Procedure Act. The examiner must be told to consider questions involving the validity of HEW regulations and he must be ordered to rule on all matters of law. In addition, he should fully set out the reasons for his conclusion on issues of law, as well as issues of fact.

Furthermore, the examiner must be directed to take testimony and render findings on the factual question of exactly how many persons and how much money is involved in the differences between the State and Federal regulation.

And, without delay, the Administrator should announce that HEW is dropping its threat to withhold all or any welfare moneys. If he is not resourceful enough to frame a sensible and related means of enforcement which will not put the whole State welfare system in jeopardy, then someone else with more imagination should take over the job.

In summary, Mr. President, I must deplore this outrageous incident of middle management tyranny. In these few minutes I have listed several instances of flagrant neglect of the laws of Congress and the true needs of the people. I have not even gotten into the merits of the disagreements between the State and HEW relative to their conflicting interpretations of the Federal welfare law. This is a matter which I intend to explore in a second speech on this subject in the near future. It will suffice for now to assure my colleagues Arizona's claims are not trumped up or devious, but are quite sound and serious. Rather, I think the major point of my speech today should be the poignant reminder it gives to all Senators that this example of dictatorial abuse might happen in your State as well as in Arizona. Sure as the sun rises it will unless we begin to clamp on reasonable controls over the Federal bureaucracy.

Mr. President, in order that readers can obtain a clearer picture of the issues at question, I ask unanimous consent to have printed in the Record the HEW news release announcing the findings of the hearing examiner, the abrupt notice given to Arizona of the examiner's proposed decision, the complete text of the findings and report of the examiner, Arizona's reply brief and proposed findings which were submitted to the examiner, the text of relevant sections of the Administrative Procedure Act, as codified in title 5 of the United States Code, and the text of my letter mailed today to John D. Twiname, Administrator of HEW's Social and Rehabilitation Service.

There being no objection, the items were ordered to be printed in the Record, as follows:

HEW News Release

A Federal hearing examiner has recommended that Arizona be found out of compliance with Federal welfare law, HEW's Social and Rehabilitation Service announced today.

Examiner Edward K. Adelsheim made the recommendation in a November 27, 1970, report to Social and Rehabilitation Administrator John D. Twiname, who have final authority under HEW regulations in issues involving State compliance with Federal welfare law.

Mr. Twiname has 60 days to decide whether to withhold applicable Federal funds from Arizona until it comes into compliance with Federal requirements.

Examiner Adelsheim proposed these findings:

—Contrary to Federal law, Arizona terminates payments to recipients who are temporarily absent from the State for over 90 days, in effect imposing a residence requirement.

—In disregarding certain earned income of welfare recipients as required by Federal law in the Aid to Families with Dependent Children (AFDC) program, the State disregards the first $30 of such income plus one-third of the remainder from a net amount rather than the gross income as required.

—The State plan makes no provision for a State-level advisory committee of recipients and representatives of public and private groups for the AFDC and Child Welfare Services programs.

The Examiner held a hearing on the issues August 18–19, 1970, in San Francisco, California.

In releasing the examiner's report, Mr. Twiname advised all the parties that they may within 20 days file exceptions to the recommended findings and proposed decision, and supporting briefs or statements.

He also invited the parties "to include in a separate brief or statement their comments as to whether, in event I decide to uphold the Examiner's proposed decision, funds shall be withheld for all aspects of the program . . . or whether only certain categories of funds shall be withheld."

His decision may be appealed in the U.S. Appeals Court.

Department of Health, Education, and Welfare Social and Rehabilitation Service, in the Matter of the Arizona Conformity Hearing

TO ALL PARTIES

Attached is a copy of the Hearing Examiner's proposed decision, dated November 27, 1970. Please be advised that as allowed by 45 CFR 213.32(b)(2) you "may, within 20 days, file with the Administrator exceptions to the recommended findings and proposed decision and a supporting brief or statement."

Also be advised that in accordance with 45 CFR 213.32(c), all parties are invited to include in a separate brief or statement their comments as to whether, in the event I decide to uphold the Examiner's proposed decision, funds should be withheld for all aspects of the program under titles I, IV-A, X and XIV of the Social Security Act, or whether only certain categories of funds should be withheld.

All briefs must be postmarked no later than December 17, 1970.

JOHN D. TWINAME,
Administrator.

HEARING EXAMINER'S RECOMMENDED FINDINGS AND PROPOSED DECISION

(In the matter of the continuance of grants to the State of Arizona under titles I, IV, X, and XIV of the social security act)

This case was heard before the undersigned Hearing Examiner, pursuant to a Notice of Hearing published on July 10, 1970 in the Federal Register, Volume 35, No. 133, page 11150, on August 18 and 19, 1970 in San Francisco, California.

The parties in this proceeding are:

Social and Rehabilitation Service of the United States Department of Health, Education, and Welfare (DHEW), John D. Twiname, Administrator, represented by Stephanie W. Naidoff, Assistant Regional Attorney, DHEW, San Francisco, R. T. Manuel, Jr., Deputy Regional Attorney, DHEW, San Francisco, and Borge Varmer, Office of the General Council, DHEW, Washington, D.C.;

Arizona State Department of Public Welfare, John O. Graham, Commissioner, represented by Peter Sownie, Assistant Attorney General, Michael S. Flam, Assistant Attorney General, and Fred W. Stork, Assistant Attorney General, Phoenix, Arizona.

National Welfare Rights Organization represented by Jerry Levine, Director of Litigation, Maricopa County Legal Aid Society, Tempe, Arizona, and Mark B. Raven, Staff Attorney, Legal Aid Society of the Pima County Bar Association, Tucson, Arizona;

Arizona Affiliates of the National Welfare Rights Organization represented by Mr. Raven;

Maricopa County Legal Aid Clients represented by Mr. Levine, Peter Nussbaum, Staff Attorney, Center on Social Welfare Policy and Law, New York, New York, and Oscar C. Rauch, Attorney-at-Law, Phoenix;

Welfare Rights Organization of Arizona, Inc., represented by Mr. Levine; and

Dinebeiina Nahiilna Be Agaditahe, Inc. (DNA) Clients represented by Martha Ward, Attorney, and Roy Ward, Attorney, Tuba City, Arizona.

Participating as *amici curiae* are:

Center on Social Welfare Policy and Law represented by Mr. Nussbaum and

Papago Legal Service represented by Lindsay Brew, Sells, Arizona.

By letter dated July 8, 1970 (quoted in the Notice of Hearing), Mr. Twiname notified Mr. Graham that it appeared that there were serious questions as to whether the Arizona State plan met requirements of Federal law and regulations and, therefore, as to eligibility of Arizona to continue to receive Federal funds under Titles I, IV (Parts A or B), X, or XIV of the Social Security Act for operation of programs under such titles. Accordingly, pursuant to his authority and responsibility for the administration of such titles, Mr. Twiname notified the Arizona State Department of Public Welfare that it would have an opportunity for a hearing, as provided for in sections 4, 404(a), 1004, and 1404 of the Act and 45 CFR 201.5, on the question of whether further Federal grants may be made to the State under Titles I, IV (Part A), X, and XIV of the Act, and that it would have an opportunity for a hearing on the question of whether further Federal grants may be made to the State under Title IV (Part B) of the Act.

In his letter dated July 8, 1970, to Mr. Graham, Mr. Twiname set forth four issues which, he anticipated, would be involved in the hearing. The four issues specified by Mr. Twiname were the issues, and the only issues, concerning which documentary and oral evidence was introduced at the hearing.

ISSUE NO. 1—RESIDENCY REQUIREMENT

This issue is whether the State plans for the OAA, AFDC, AB, and APTD programs, which provide for termination of aid payments at the end of 90 days to recipients who are residents of the State but have been temporarily absent for such period, are in compliance with section 202.3 of the DHEW regulations, 34 F.R. 8715, June 3, 1969.

The sections of the Social Security Act bearing on this issue are, in pertinent part, as follows:

Section 2(b):

"The Secretary * * * shall not approve any plan which imposes, as a condition of eligibility for assistance under the plan—

* * * * *

(2) any residence requirement which (A) in the case of applicants for old-age assistance excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for old-age assistance and has resided therein continuously for one year immediately preceding the application, * * * "

Section 402(b):

"The Secretary * * * shall not approve any plan which imposes as a condition of eligibility for aid to families with dependent children, a residence requirement which denies aid with respect to any child residing in the State (1) who has resided in the State for one year immediately preceding the application for such aid, or (2) who was born within one year immediately preceding the application, if the parent or other relative with whom the child is living has resided in the State for one year immediately preceding the birth."

Section 1002(b):

"The Secretary * * * shall not approve any plan which imposes, as a condition of eligibility for aid to the blind under the plan—

(1) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for aid and has resided therein continuously for one year immediately preceding the application; * * * "

Section 1402(b):

"The Secretary * * * shall not approve any plan which imposes, as a condition of eligibility for aid to the permanently and totally disabled under the plan—

(1) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for aid to the permanently and totally disabled and has resided therein continuously for one year immediately preceding the application; * * * "

The above-quoted statutory provisions have been implemented by regulations, 45 CFR 202.3, as follows:

"SEC. 202.3 *Condition of plan approval; prohibition against exclusion of residents.*

(a) A State plan for OAA, AFDC, AB, APTD, or AABD, to be approved under section 2, 402, 1002, 1402, or 1602, as the case may be, of the Social Security Act (42 U.S.C. 302, 602, 1202, 1352, 1382) may not impose, as a condition of eligibility for such aid or assistance, any residence requirement which excludes any individual who resides in the State.

(b) A State plan which conditions eligibility upon residence in the State may not exclude from eligibility and individual who resides in the State under the following definition:

A resident of a State is one who is living in the State voluntarily and not for a temporary purpose, that is, with no intention of presently removing therefrom. A child is 'residing in the State' if he is making his home in the State. Temporary absence from the State, with subsequent returns to the State, or intent to return when the purposes of the absence have been accomplished, shall not interrupt continuity of residence. Residence as defined for eligibility purposes under a State plan may not depend upon the reason for which the individual entered the State, except insofar as it may bear upon whether he is there for a 'temporary purpose.'

(c) A State must determine eligibility for aid or assistance with respect to a person's status as a resident of that State in accordance with the general Federal policies on acceptance of applications and determination of eligibility, including the requirement that prompt action will be taken on each application.

(d) Any State which has imposed, as a condition of eligibility, a requirement which is inconsistent with the provisions in paragraph (a) or (b) of this section must provide effectively methods for giving notice of its present erquirement to former potential applicants for OAA, AFDC, AB, APTD, or AABD and to other interested persons. The methods which the State agency proposes to meet this notice requirement must be submitted to and be approved by the Regional Commissioner, SRS, DHEW. In addition, where the records of the State agency permit identification of persons whose applications have been denied at any time within the past year by reason of such an inconsistent requirement, the State agency must give prompt written notification to such persons concerning the change in that requirement. Such notification must be given within 90 days of publication of these regulations and must clearly explain the rights which such persons have under these regulations."

Section 46-209.B of the Arizona Revised Statutes provides:

"A recipient of any assistance granted under this title shall not be continued on assistance after he has been absent from the state for three consecutive months."

It is stipulated that this provision has been adopted in the State plans for OAA, AFDC, AB and APTD by section 3-303.2 of the Arizona APA Manual which provides:

"Assistance Payments Out of State: Recipients who leave the State with the intention of returning will file a statement of intention of Residence, DPW-317, at the County Welfare Department prior to leaving the State in order to establish continued eligibility during their absence, or for a maximum period of 90 days.

"Recipients who leave the State of Arizona with the intention of establishing residence elsewhere will also complete the form DPW-317. The recipient will be advised that assistance from the State of Arizona will be continued only until his eligibility for assistance can be established in the other state and he must make application there immediately after arrival. The County Worker will also write to the County Welfare Office nearest the place of the recipient's new residence informing them of his presence in that state, his intent to establish residence, and that the State of Arizona will discontinue assistance immediately after approval of the application or at the end of 90 days, whichever date comes first."

The regulations in 45 CFR 202.3 are responsive to the decision of the United States Supreme Court in *Shapiro* v. *Thompson*, 394 U.S. (1969), holding that durational residence requirements in public assistance programs are unconstitutional.

Thus, under this decision the Department of Health, Education, and Welfare is barred from approving any State plan for OAA, AFDC, AB, and APTD which imposes as a condition of eligibility for assistance under the plan any residence requirement which excludes any resident of the State. Section 46-209.B of the Arizona Revised Statutes and section 3-303.2 of the Arizona APA Manual provides for automatic termination of public assistance under the four assistance programs when a recipient has been absent from the State for three consecutive months (or over 90 days) without regard to the circumstances surrounding his absence or his intention with respect to returning to the State. In effect, the State's plan provisions establish a conclusive presumption that the recipient is no longer a resident of the State by reason of his absence of 90 days. The result of such conclusive presumption is the automatic termination of assistance after a recipient's absence of 90 days, and this creates, as a condition of eligibility for assistance, a residence requirement which excludes a resident of the State in contravention of the above-quoted provisions of the Social Security Act, as read in light of the decision in *Shapiro* v. *Thompson,* and in contravention of 45 CFR 202.3.

The State argues that 45 CFR 202.3 is invalid. The Hearing Examiner's response to this argument must be that it is beyond his authority to rule upon the validity of regulations of the Department of Health, Education, and Welfare, and that for present purposes the validity of such regulations must be assumed. The State also argues that the statutory authority of the Secretary of Health, Education, and Welfare is limited to rejecting State plans which contain residence requirements which do not comport with the Act, and that the Secretary is without authority to reject a State plan which terminates assistance to individuals who are absent from the State for more than three consecutive months. The State is drawing a distinction between the determination of initial eligibility of an applicant for public assistance and the determination of his continuing eligibility. The applicable provisions of the Social Security Act and the regulations thereunder make no such distinction. The termination of assistance to a resident who leaves the State without losing his residence is as much an "exclusion" of that resident of the State as an "exclusion" of a resident in an initial determination of ineligibility.

ISSUE NO. 2—DISREGARD OF EARNED INCOME IN AFDC

This issue is whether the State plan provision for the AFDC program with respect to the method of disregarding earned income, which provides for application of the amounts of such income to be disregarded first against the net income instead of the gross income, is in compliance with 45 CFR 233.20(a) (7) (i).

The section of the Social Security Act bearing on this issue is 402(a) (8) (A) (ii) which provides that the State agency shall with respect to any month disregard—

* * * * *

"(ii) in the case of earned income of a dependent child not included under clause (i), a relative receiving such aid, and any other individual (living in the same home as such relative and child) whose needs are taken into account in making such determination, the first $30 of the total of such earned income for such month plus one-third of the remainder of such income for such month (except that the provisions of this clause (ii) shall not apply to earned income derived from participation on a project maintained under the programs established by section 432(b) (2) and (3));"

This provision was enacted with the Social Security Amendments of 1967, and, although it was optional for any period beginning after December 31, 1967 and ending prior to July 1, 1969, it became mandatory effective July 1, 1969 (section 202(c) of P.L. 90-248).

Section 402(a) (8) (A) (ii) has been implemented by regulations, 45 CFR 233.20(a) (7) (i), which provide that a State plan for AFDC must:

"Provide that the following method will be used for disregarding earned income: The applicable amounts of earned income to be disregarded will be deducted from the gross amount of 'earned income,' and all work expenses, personal and non-personal, will then be deducted. Only the net amount remaining will be applied in determining need and the amount of the assistance payment."

It is stipulated by all parties that the Arizona State plan for AFDC provides that the earnings exemption of $30 per month plus one-third of the remainder must be applied to net earnings, that is, gross earnings minus the cost of employment allowances, and that this method is set forth in item 2.B.3 of the Instructions accompanying form DPW-324. Stipulation No. 12 and HEW Exhibit No. 2 establish that item 2.B.3 of Instructions for DPW-324 includes, with respect to budget computation, the following method of disregarding earned income:

"(11) Enter the Gross Earnings from Employment of all adult recipients; and of any child recipient whose earnings are not totally disregarded.

"(12) Enter the cost of employment allowance(s). (See 3-1120.5D).

"(13) Subtract line (12) from line (11) and enter difference.

"(14) Enter amount of earnings disregarded by law or policy (i.e., ADC: '$30+⅓;' AB '$85+½')

"(15) Subtract line (14) from line (13) and enter difference. *Note:* In lines (16) and (17), DO NOT INCLUDE amounts set aside for the future identifiable needs of ADC Children. Note the amount and purpose of the 'set aside' in the case record."

The State does not dispute that 45 CFR 233.20(a) (7) (i) requires that the State plan for AFDC must provide that the disregarding of earned income be calculated on the basis of gross earned income, that is, the individual's earnings before any deduction for work expenses, whereas the State plan for AFDC provides that work expenses (the cost of employment allowances) are deducted from gross earnings, and that the disregarding of earned income is then calculated on the basis of the remaining net earnings. It is the State's position with respect to the obvious conflict between the DHEW regulations and the State's plan provisions that the regulations are invalid. As stated above, the Hearing Examiner considers it beyond his province to rule upon the validity of regulations of DHEW and, instead, must assume their validity for present purposes.

ISSUE NO. 3—ELIGIBILITY FOR AFDC—LEGAL CUSTODY

This issue is whether the State plan provision for the AFDC program that the caretaker-relative or the welfare department must have legal custody of a child whose siblings are also receiving AFDC in the home of their natural parent(s) in order for such child to be eligible for AFDC is in compliance with section 402(a) (10) of the Act and whether such exclusion from eligibility for AFDC of similarly situated children on a basis unrelated to need is a reasonable classification consistent with the provisions and purposes of title IV-A of the Social Security Act.

It is stipulated that the Arizona State plan for AFDC now in effect includes the following provisions in section 3-401.3 of the State Assistance Manual:

"A relative of a natural parent who is an Aid for Dependent Children recipient cannot be approved for an Aid for Dependent Children grant on behalf of any of the children of said parent unless said relative or the Department of Public Welfare has legal custody of the child or children named in the application. *The custody order will be waived in cases where due to the illness of the parent it is the medical recommendation that responsibility for all of the children not be undertaken by the parent for a given period of time.*"

Section 402(a) (10) of the Social Security Act requires that the State plan provide "that all individuals wishing to make application for aid to families with dependent children shall have the opportunity to do so, and that aid to families with dependent children shall be furnished with reasonable promptness to all eligible individuals."

The Hearing Examiner has given careful consideration to the Exhibits introduced in the record with respect to Issue No. 3, to the testimony at the hearing, and to those portions of the briefs and the reply briefs of the parties devoted to Issue No. 3. The Hearing Examiner accepts that it has been and is the long standing policy of the Department of Health, Education, and Welfare and of all predecessor agencies responsible for the administration of the public assistance programs that a State plan must contain only those eligibility conditions which result in an equitable treatment of individuals in similar circumstances and, further, that exclusions, or differences in treatment, of individuals which bear no reasonable relationship to the purposes and intent of the public assistance programs have been rejected. Because of his recommended finding No. 6 (see below) the Hearing Examiner is of the opinion that no useful purpose would be served by here reciting or summarizing the evidence and arguments with respect to Issue No. 3.

ISSUE NO. 4—ADVISORY COMMITTEE, AFDC-CWS

This issue is whether the State plans for the AFDC and CWS programs pursuant to Title IV, Part A or Part B of the Act, with respect to an AFDC-CWS advisory committee in the administration of the service programs for families and children, are in compliance with the requirements in 45 CFR 220.4.

The section of the Social Security Act bearing on this issue is, in pertinent part, as follows:

"SEC. 402(a) A State plan for aid and services to needy families with children must

* * * * *

(5) provide * * * such methods of administration * * * as are found by the Secretary to be necessary for the proper and efficient operation of the plan, * * *"

Regulations of the Department of Health, Education, and Welfare, 45 CFR 220.4, provide, in pertinent part, as follows:

"(a) An advisory committee on AFDC and CWS programs must be established at the State level and at local levels where the programs are locally administered, except that in local jurisdictions with small caseloads alternate procedures for securing similar participation may be established. The State plan must show that the advisory committee will:

"(1) Advise the principal policy setting and administrative officials of the agency and have adequate opportunity for meaningful participation in policy development and program administration, including the furtherance of recipient participation in the program of the agency.

"(2) Include representatives of other State agencies concerned with services, representatives of professional, civic or other public or private organizations, private citizens interested and experienced in service programs, and recipients of assistance or services or their representatives who shall constitute at least one-third of the membership. Such recipients or their representatives must be selected in a manner that will assure the participation of the recipients in the selection process and that they are representative of recipients of assistance or services.

"(3) Be provided such staff assistance from within the agency and such independent technical assistance as are needed to enable it to make effective recommendations.

"(4) Be provided with financial arrangements, where necessary, to make possible the participation of recipients in the work of the committee structure."

The record abundantly establishes that the Arizona State plan contains no provision complying with the above-quoted regulations, and that the State has purposefully omitted any such provisions from its plan for services to needy families and children. In its brief and reply brief the State takes the position that it is under no obligation to comply with 45 CFR 2220.4 for the reason that it is invalid. The Hearing Examiner reiterates that he must assume the validity of regulations of DHEW.

Recommended findings

Upon consideration of the entire record, the Hearing Examiner recommends the following findings:

With regard to Issue No. 1,

1. Under the Arizona plans for OAA, AFDC, AB, and APTD assistance is automatically terminated when a recipient has been absent from the State for over 90 days without regard to the circumstances of his absence.

2. The provision in the Arizona plans for OAA, AFDC, AB, and APTD for the termination of assistance when a recipient has been absent from the State for over 90 days imposes, as a condition of eligibility for such assistance, a residence requirement which excludes some residents of the State and does not comply with provisions of sections 2(b), 402(b), 002(b), and 1402(b) of the Social Security Act and 45 CFR 202.3.

With regard to issue No. 2,

3. For the purpose of calculating the amount of income to be applied in determining need, the Arizona AFDC plan prescribes the following method with respect to earned income and work expenses: All work expenses allowed under the plan are deducted from gross earnings; the $30 plus one-third of the remainder of earned income is then calculated on the basis of, and deducted from, the reduced amount; subject to other disregards not at issue here, the remaining amount is applied in determining need and the amount of assistance.

4. Under the mandatory requirement of 45 CFR 233.20(a)(7)(i), a State plan must provide that applicable amounts of earned income to be disregarded will be deducted from the gross amount of earned income, and that all work expenses will then be deducted in arriving at the amount to be applied in determining need and the amount of assistance.

5. The Arizona plan for AFDC is not in compliance with the requirement set forth in 45 CFR 233.20(a)(7)(i).

With regard to Issue No. 3,

6. The Government, which is the moving party herein, has not sustained its burden of proof that the exclusion provided for in section 3-401.3 of the State Assistance Manual is not in compliance with section 402(a)(10) of the Social Security Act and is an unreasonable and therefore invalid classification under the provisions and purposes of Title IV-A of the Act.

With regard to Issue No. 4,

7. The Arizona plan for AFDC-CWS omits any provision for a State-level Advisory Committee on AFDC and CWS programs.

8. The Arizona plan for AFDC-CWS is not in compliance with the requirement set forth in 45 CFR 220.4.

Proposed decision

The Hearing Examiner proposes that the Administrator of the Social and Rehabilitation Service of the Department of Health, Education, and Welfare conclude that the Arizona State plans for OAA, AFDC, CWS, AB, and APTD do not comply with Federal requirements.

EDWARD K. ADELSHEIM,
Hearing Examiner.
PORTLAND, OREG., *November 27, 1970.*

ARIZONA'S REPLY BRIEF

(In the matter of conformity of public assistance plan of the State of Arizona with the Social Security Act)

REPLY BRIEF

In replying to the briefs filed by all parties, including Amicus, one point should be made crystal clear. The testimony presented by the parties, except the Department of Health, Education, and Welfare, was not within the framework relevancy. The testimony bore no relationship to "policy" but went directly to that of "practice." The Department of Health, Education, and Welfare objected to this kind of testimony at the Hearing (see T.44 and 45), however, the Department of Health, Education, and Welfare relied upon it in their brief.

Using the testimony regarding practice, and their conclusive presumption that their regulations are law, the Department of Health, Education, and Welfare bootstrapped themselves into a position of bureaucratic diety.

The Department of Health, Education, and Welfare boldly contends the rule of "substantial failure" as set forth in the Act is not in issue. This position is offered without any authority. Congress does not pass statutes for the sake of an administrative Agency to give lip service to their enforcement. Neither the Department of Health, Education, and Welfare, nor any other party, proved Arizona's plan "fails to substantially comply with the Act" or that there were a "significant number of cases" which demonstrated a failure to comply.

ISSUE NO. 1

The Department of Health, Education, and Welfare grotesquely interprets the Act by stating the statutes call for "residency per se" and "durational residency." This construction has no foundation in the law. Also, reliance upon *Shapiro* v. *Thompson*, 394 U.S. 618 (1969) does not support this construction. *Shapiro* never held any portion of the Social Security Act to be invalid or unconstitutional. Consequently, reliance upon the severability clause of the Act (§ 1103) is not applicable. The Department of Health, Education, and Welfare cannot declare a statute of Congress invalid or unconstitutional.

Further, the Department of Health, Education, and Welfare relies upon evidentiary matters not presented at the Hearing. Such a tactic violates all notions of fair play. (Department of Health, Education, and Welfare Exhibit "C" attached to their Opening Brief). Exhibit "C" should be stricken from the record.

In conclusion, Arizona has conclusively demonstrated through legal argument in their Opening Brief the validity of its policy as being in conformity with the Social Security Act.

ISSUE NO. 2

The Social and Rehabilitation Service is wrong in its statement that there was only an interim policy as to deduction of work expenses when in fact such work expenses were deducted all along. The regulation 45 C.F.R. 233.20(a)(7)(i) is an unauthorized regulation that is not in conformity with the Social Security Act.

Arguments of all the parties are only attempts to receive the issue piecemeal. Clauses (7) and (8) must be taken in their entirety to arrive at the proper method of computing the deductions. (The brief of Center on Social Welfare Policy and Law as Amicus Curiae used the figure of $50.00 for work expenses in the Federal method and $40.00 for work expenses in the Arizona method, thus distorting the figures of the final amounts of grant in the example.

The features of clause (8) are given effect after clause (7) as shown by the following:

"(8) provide that, in making the determination under clause (7), the State agency—

"Except that, with respect to any month the State agency shall not disregard any earned income (other than income referred to in subparagraph (B)) of—

"(D) any of such persons specified in clause (ii) of subparagraph (A) if with respect to such month the income of the persons so specified (within the meaning of clause (7)) was in excess of their need as determined by the State agency pursuant to clause (7) (without regard to clause (8))—

Therefore, any expenses reasonably attributable to the earning of any such income must be deducted without taking into consideration income to be disregarded in clause (ii) of subparagraph (A).

For the first month the income exemptions or the disregards cannot be taken into account because the needs of such persons were not met by the furnishing of aid under the plan for any one (1) of the four (4) months preceding such month:

Unless, for any one of the four months preceding such month, the needs of such person were met by the furnishing of aid under the plan; . . .

This is the clause that authorizes the use of the disregards specified in clause (ii) of subparagraph (A). However, the sequence of the use of any expenses reasonably attributable to the earning of any such income must be followed, as stated in clause (7). Otherwise, in the cases of self-employment, if such person had been on the welfare rolls for any one (1) of the four(4) months preceding such month at any time that the expenses reasonably attributable to the earning of any such income are two-thirds (⅔) of the gross income, such person will always be eligible for a welfare grant. This is not in accord with the intent of Congress to provide an incentive for employment so that such persons may be able to get off the welfare rolls. The idea has been to get people off the welfare rolls and not perpetuate them on welfare.

To carry out the intent of the Department of Health, Education, and Welfare's regulation, the following is shown to demonstrate how ridiculous the situation could get to be.

HEW

Monthly gross income	$3,030.00
Disregard	30.00
	3,000.00
Disregard one-third	1,000.00
	2,000.00
Expenses	2,000.00
Income	0

STATE

Monthly gross income	$3,030.00
Expenses	2,000.00
	1,030.00
Disregard	30.00
	1,000.00
Disregard one-third	333.33
Income	666.67

The Department of Health, Education, and Welfare's regulation clearly does not follow the legal meaning of the Social Security Act § 402(a)(7) and (8) 42 U.S.C. § 602(a)(7) and (8) and, therefore, the Department of Health, Education, and Welfare exceeded its authority in promulgating the said regulation.

ISSUE NO. 3

In the Arizona Conformity Hearing transcript p. 214. Mr. Varmer makes an entirely illogical assumption as to equitable treatment in that a child of a deceased husband could not get welfare benefits without a custody order when living with a sister of the widow but could get welfare benefits without a custody order if the child was living with the deceased husband's sister even though the child's other siblings remained with the widow. The Social and Rehabilitation Service expanded on this illogical assumption in its Memorandum. There is no basis to express such an assumption from the Government's Department of Health, Education, and Welfare Exhibit "3". However, the Department of Health, Education and Welfare used this assumption to bring their Exhibits "4", "5", "6", and "7" to show their policy as to equitable treatment.

It appears the parties miss the point of the regulation. It is only when there is a child it its own original family with a parent and there is an attempt made to place such a child in another family environment is such a custody order required. This is not inequitable treatment.

ISSUE NO. 4

The Department of Health, Education, and Welfare bases its authority to establish the advisory council in question on 42 U.S.C. 602(a)(5) which provides:

"Provides (A) such methods of administration. . . . as are found by the Secretary to be 'necessary for the proper and efficient operation of the plan. . . .' "

In their Opening Brief, the Department of Health, Education, and Welfare then points out that the administrator believed the advisory council requirement would be of "considerable assistance" to the State agency administering the public assistance titles in carrying out its functions.

Such contention is self-evident of its fallacy. Nowhere in the Social Security Act does it provide authority for the administrator to promulgate rules and regulations. The Secretary has authority to do so only when "necessary for the proper and efficient operation of the plan." As pointed out in Arizona's Opening Brief, a regulation must be "necessary" to the operation of the Act. Neither the Secretary nor the administrator has the authority to promulgate a regulation pursuant to § 602(a)(5) because they feel it may be of "considerable assistance" in the administration of the Act.

Nowhere in the transcript has the Department of Health, Education, and Welfare shown the advisory council requirement to be necessary. Testimony has indicated people are willing to serve on such a committee, that such a committee might be a good idea but nowhere is such a requirement shown to be necessary.

It has been pointed out in the Department of Health, Education, and Welfare's Opening Brief that Arizona has chosen to ignore this alleged federal requirement. It requires no authority to establish that States are under no obligation to comply with an invalid federal regulation.

CONCLUSION

The Department of Health, Education, and Welfare has questioned whether Arizona's State plans in issues 1, 2 and 4 are in compliance with regulations enacted by the administrator. Also, the Department of Health, Education, and Welfare has questioned whether in issue 3 Arizona's State plan is in compliance with § 402(a)(10) of the Social Security Act and whether there is a reasonable classification.

The spirit of cooperative federalism enunciated by the U.S. Supreme Court in *King* v. *Smith*, 392 U.S. 618 (1968) does not mean that the Department of Health, Education, and Welfare is empowered to set up policies, rules and regulations that the Department of Health, Education, and Welfare believes are carrying out the intent of the Social Security Act in complete disregard of whether a state is right in its conception of the intent of the Social Security Act.

There have been numerous instances wherein the Department of Health, Education, and Welfare has recanted on some of its policies, rules and regulations. Whatever pressures the Department of Health, Education, and Welfare is under in promulgating certain policies, rules and regulations should not mean that a state must bow in deference to such policies, rules and regulations, especially when the state feels its position is right and proper and is carrying out the intent of the Social Security Act.

Arizona has done its best to point out that its State plans are in conformity with the Social Security Act even though the Department of Health, Education, and Welfare has set up policies, rules and regulations that would purport Arizona is out of conformity with the said Department of Health, Education, and Welfare's policies, rules and regulations.

Arizona has undisputed power to set the level of benefits and has considerable latitude in allocating its resources to meet the demands of its citizens. *Dandridge* v. *Williams*, 397 U.S. 471 (1970).

Arizona has clearly demonstrated in its briefs that its plans conform to the requirements of the Social Security Act.

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE STATE OF ARIZONA

ISSUE NO. 1

Residency requirements—OAA, AFDC, AB, APTD

A. Proposed Findings of Fact:

1. Under the Arizona plans for OAA, AFDC, AB and APTD assistance is terminated when a recipient has been absent from the state for three (3) consecutive months. Arizona Revised Statutes § 46–209.B.; Arizona APA manual § 3–303.2.

B. Proposed Conclusions of Law:

1. The Department of Health, Education, and Welfare regulation 45 C.F.R. 202.3 is inconsistent with the Social Security Act §§ 2(b), 402(b), 1002(b) and 1402(b); amends the Social Security Act §§ 2(b), 402(b), 1002(b) and 1402(b) administratively; violates and is contrary to the Tenth Amendment to the U.S. Constitution; and is thereby null and void.

2. Arizona Revised Statutes § 46–209.B. and Arizona APA Manual § 3–303.2 are consistent with the Social Security Act §§ 2(b), 402(b), 1002(b) and 1402(b).

ISSUE NO. 2

Method of disregarding earned income—AFDC

A. Proposed Findings of Fact:

For the purpose of determining the amount of assistance, if any, the Arizona AFDC plan prescribes the following method with respect to earned income and work expenses: All work expenses allowed under the plan will be deducted from gross earnings; the $30 plus one-third is then calculated on the basis of, and deducted from, the reduced amount; subject to other disregards not at issue here, the remaining amount is applied in determining the amount of assistance.

B. Proposed Conclusions of Law:

1. The Arizona plan for computing the amount of assistance for AFDC follows the law laid down in Social Security Act § 402(a) (7) and (8), 42 U.S.C. § 602(a) (7) and (8).

2. Arizona has undisputed power to set the level of benefits and has considerable latitude in allocating its AFDC resources to meet the demands of its citizens. *Dandridge* v. *Williams*, 397 U.S. 471 (1970).

3. Regulation 45 C.F.R. 233.20(a)(7)(i) does not carry out the legal provision of Social Security Act § 402(a) (7) and (8), 42 U.S.C. § 602(a) (7) and (8) and therefore is invalid.

ISSUE NO. 3

Eligibility for assistance—legal custody—AFDC

A. Proposed Findings of Fact:

1. The Arizona AFDC plan contains a provision that unless the relative or the Arizona State Department of Public Welfare has legal custody of a child the relative of a natural parent who is an AFDC recipient is precluded from receiving AFDC on behalf of any of the children of such parent.

B. Proposed Conclusions of Law:

1. The Arizona AFDC plan complies with the requirement of the Social Security Act § 402(a)(10).

2. Arizona's highest objective is "to help maintain and strengthen family life and to help such parents or relatives to attain or retain capability for the maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection" under Social Security Act § 401, 42 U.S.C. 601.

3. There is no unreasonable classification of persons similarly situated.

ISSUE NO. 4

Establishment of State level advisory committee—AFDC/CWS

A. Proposed Findings of Fact:

1. The Arizona State plan for AFDC/CWS omits any provision for establishment of a state level advisory council imposed on the states by 45 C.F.R. 220.4.

B. Proposed Conclusions of Law:

1. Regulation 45 C.F.R. 220.4 is invalid because it has not been shown to be necessary to the administration of the Social Security Act.

2. It is beyond the authority of the administrator to enact such a regulation. 45 C.F.R. 220.4.

3. 45 C.F.R. 220.4 is violative of the Tenth Amendment to the United States Constitution.

4. 45 C.F.R. 220.4 violates the single state agency concept provided for in 42 U.S.C. § 602(a)(3) and expanded in Part II § 2200 of the Federal Handbook of Public Assistance Administration.

5. Congress has expressed the extent it deems advisory councils necessary in 42 U.S.C. §§ 622, 907 and 1314. 45 C.F.R. 220.4 amends a federal law by administrative regulation. Such action is void.

6. The reasons stated in the foregoing necessitates a finding that 45 C.F.R. 220.4 is void and not binding on the states.

ADMINISTRATIVE PROCEDURE ACT, AS CODIFIED IN TITLE 5, UNITED STATES CODE

§ 554. Adjudications

(a) This section applies, according to the provisions thereof, in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved—

(1) a matter subject to a subsequent trial of the law and the facts de novo in a court;

(2) the selection or tenure of an employee, except a hearing examiner appointed under section 3105 of this title;

(3) proceedings in which decisions rest solely on inspections, tests, or elections;

(4) the conduct of military or foreign affairs functions;

(5) cases in which an agency is acting as an agent for a court; or

(6) the certification of worker representatives.

* * * * *

§ 557. Initial decisions; conclusiveness; review by agency; submissions by parties; contents of decisions; record

(a) This section applies, according to the provisions thereof, when a hearing is required to be conducted in accordance with section 556 of this title.

(b) When the agency did not preside at the reception of the evidence, the presiding employee or, in cases not subject to section 554(d) of this title, an employee qualified to preside at hearings pursuant to section 556 of this title, shall initially decide the case unless the agency requires, either in specific cases or by general rule, the entire record to be certified to it for decision. When the presiding employee makes an initial decision, that decision then becomes the decision of the agency without further proceedings unless there is an appeal to, or review on motion of, the agency within time provided by rule. On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule. When the agency makes the decision without having presided at the reception of the evidence, the presiding employee or an employee qualified to preside at hearings pursuant to section 556 of this title shall first recommend a decision, except that in rule making or determining applications for initial licenses—

(1) instead thereof the agency may issue a tentative decision or one of its responsible employees may recommend a decision; or

(2) this procedure may be omitted in a case in which the agency finds on the record that due and timely execution of its functions imperatively and unavoidably so requires.

(c) Before a recommended, initial, or tentative decision, or a decision on agency review of the decision of subordinate employees, the parties are entitled to a reasonable opportunity to submit for the consideration of the employees participating in the decisions—

(1) proposed findings and conclusions; or

(2) exceptions to the decisions or recommended decisions of subordinate employees or to tentative agency decision; and

(3) supporting reasons for the exceptions or proposed findings or conclusions.

The record shall show the ruling on each finding, conclusion, or exception presented. All decisions, including initial, recommended, and tentative decisions, are a part of the record and shall include a statement of—

(A) findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented on the record; and

(B) the appropriate rule, order, sanction, relief, or denial thereof.

U.S. Senate,
Washington, D.C., December 9, 1970.

Mr. John D. Twiname,
Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Twiname: As the elected representative of all the people of Arizona, I consider myself very much an interested party to any agency proceeding which involves the threatened denial of Federal assistance to each and every welfare recipient in Arizona. Accordingly, I must advise you of my strong view that the HEW compliance hearing was conducted in an illegal and unconstitutional manner and should be reopened in strict adherence to the rules of essential justice.

Specifically, the hearing examiner failed to consider and rule upon all material issues of law as required in the Administrative Procedure Act (5 U.S.C. 557) and guaranteed under the due process clause of the Constitution. There are serious legal grounds on which the three HEW regulations under review might be challenged and each of these points should have been considered and decided by the examiner, together with a statement of the reasons for his decisions.

Furthermore, the examiner did not make findings and conclusions on all material issues of fact. He should have examined, and made decisions on, all relevant questions concerning the differences in effect between the application of the State regulations and the Federal ones. For example, he should have reported to you as to how many people may be found ineligible under the State regulations but not the Federal regulations, and as to what the difference in grant amounts to individual recipients will be if the Federal guidelines are used instead of the State ones. Again, I must conclude the examiner's failure to record these matters violates the APA as well as Constitutional due process.

Next, it is my belief the examiner did not follow the mandate of the APA which requires his decision to include a statement of the appropriate "sanction." To the contrary, I observe your notice to the parties calls upon them for comments on this crucial issue. I would refer you to section 557(c)(B) which expressly imposes this responsibility upon the hearing officer, and not upon the parties themselves.

Finally, the procedure was conducted under an unconstitutional threat of withholding all Federal welfare monies. This threat is irrational and disproportionate to the issues at hand. My investigation indicates not over two hundred people, and more likely one hundred, would be denied welfare eligibility as a result of the State regulations. To intimidate the State by warning of a possible termination of assistance funds to all 81,543 Arizona welfare recipients is nothing short of cruel administrative blackmail, and most certainly constitutes a violation of substantive due process.

For the above reasons, I urgently request that you hold the first hearing null and void and either drop the matter entirely or set a date for a new hearing de novo limited to the same three or four regulations involved at the first hearing. In calling for any new hearing, I trust you will lay down strict orders for the proceedings to be conducted in conformity with the Administrative Procedure Act and the rules of fundamental fairness guaranteed by the Due Process Clause.

Above all else, I suggest you announce the agency has dropped the threat of withholding Federal welfare monies as an enforcement measure. To my mind any such step would be unconscionable as well as unconstitutional. Rather, it would be reasonable for you to study alternative sanctions such as seeking a promise by the State to treat all persons affected by any decision as being hereafter eligible for benefits and providing for back payments where appropriate. Similarly, if the State is found to have paid any recipient less than what is legally determined to be due him, then the State could be directed to pay these persons the full amount to which they are and were entitled. I need not remind you judicial remedies, including contempt of court powers, are available to correct any alleged continued violations. In no case, however, should the termination of welfare payments to needy citizens be considered.

Sincerely,

Barry Goldwater.

THE CRISIS IN THE MIDDLE EAST

Mr. MONDALE. Mr. President, the chronic crisis in the Middle East remains one of the most dangerous and baffling problems facing the international community.

Wise policy demands a clear appraisal of the forces at work in the region. Yet too often the divisions between Arab and Israeli, or between Arab and Arab, have seemed to defy even understanding by outsiders, let alone solution.

That is why I have been very much impressed with a recent series of dispatches from Charles W. Bailey, Washington bureau chief of the Minneapolis Tribune.

Mr. Bailey was on an extensive trip through the Middle East during the recent hijacking crisis and Jordanian civil strife. His reports are a perceptive analysis of those events as well as a sensitive and provocative picture of the larger crisis. Hopefully, his observations will be pondered by everyone in our Government responsible for U.S. policy in the area.

I recommend Mr. Bailey's thoughtful articles to all Members of Congress and ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Many Conflicts Inflame Mideast

(By Charles W. Bailey)

Jerusalem.—The Israeli Cabinet minister sat talking with a group of foreign journalists about the chances of negotiating peace with Egypt's President Gamal Nasser.

The telephone rang in the next room. The man who stepped out to answer it came back quickly, his face white.

"Nasser's dead," he said. "A heart attack."

For one long moment the room was silent. Then one of the newspapermen turned again to the official.

"Okay, now tell us how you're going to deal with Egypt without Nasser," he said.

The minister thought for a minute, then did just that for the next half-hour—almost as if the death of the dominant figure in the Arab world had changed nothing.

That incident illustrates, as well as anything could, the numbing, cumulative impact of the events that swept the Middle East last month.

A sudden cease-fire after years of war . . . the mass hijacking of four big airliners by Palestinian terrorists . . . the detention of hundreds of passengers as hostages . . . the convulsions of civil war in Jordan . . . the intervention by Syrian tanks . . . the resulting threat of wider war, perhaps even of a U.S.-Soviet military clash.

After all this, Nasser's death seemed simply one more incident in a story already overburdened with melodrama.

Of course it was more than that; the sudden removal of so strong a figure as Nasser will have a profound impact. But in a larger sense, the Israeli official's reaction was probably accurate—for while the drama of September seemed to change everything, in the long run it may change nothing.

For most Americans, the Middle East has seemed dominated by two conflicts, one local and one global, Arabs against Israelis and the United States against the Soviet Union.

But even a few weeks of investigation reveals a bewildering mixture of other conflicts. It is not just Arab against Jew, American against Russian.

It is also Arab against Arab . . . Israeli against Israeli . . . Arab against American . . . American against Israeli . . . Israeli against Russian . . . Russian against Chinese . . . father against son . . . old against new . . . reactionary against radical . . rich against poor . . . word against deed . . . emotion against reason . . . right against wrong—and even right against right.

Indeed, perhaps the only single thread that runs all the way through the complex fabric of the Middle East is "conflict"—conflict so overlapping, and often so contradictory, that an outside observer wonders how the contending forces can ever find the way to real peace.

Even the word "peace" means less than it seems when applied to the Middle East. For both Arabs and Israelis interviewed in the past month, peace today—and in the foreseeable future—generally means only the absence of open war, rather than the resolution of the basic conflicts that have led to so much war.

Behind the shaky cease-fire negotiated with so much effort by the United States this summer, preparations for war go on. The men who lead both sides talk publicly about peace—but privately about victory. They have stopped shooting for three months—but they are thinking about how they can win in three decades.

The words they use are harsh, bitter, absolute:

"The Jews say they have had their land for 22 years," growls a wealthy Palestinian businessman flying from the United Arab Republic to his home in Lebanon. "Well, we had it for 3,000 years. If they kill all the Palestinians, then they will have to kill all the Arabs, then all the Muslims in the world—all the Pakistanis and all the Albanians and even all the Muslims in Russia."

"Supposing we can't make peace?" asks a ranking Israeli political leader. "So what's wrong with a stalemate?"

"The Palestinian commandos want to regain their land," an elderly, dignified Lebanese Cabinet minister says. "It is their property, their right, and no Arab could oppose this idea, because to sacrifice one's blood to regain the land which is essential for his living, his dignity, his national pride, is something you cannot oppose."

"It is quite clear what they want," a high official of the Israeli Defense Ministry says. "They want to take over Israel. Well, they can't have it; we won't oblige. The moment they realize that the question becomes simply where the border will be."

Behind such oversimplified arguments are people—people often overlooked and sometimes completely ignored by the leaders and the governments who fight or argue over the Middle East.

Who are the people?

At the center, in the eye of the storm, live almost three million Israelis. Just over 2.5 million are Jews Almost all of the 435,000 non-Jews are Palestinian Arabs who stayed on after the establishment of Israel in 1948.

In Israeli-occupied territory—captured during the 1967 six-day war—there are over one million more Palestinian Arabs. About 700,000 of these live on the west bank of the Jordan River, or in the eastern section of Jerusalem. Another 350,000 are packed into the tiny Gaza Strip on the Egypt-Israel border.

Four Arab nations touch Israel's borders.

Egypt, with a rapidly-growing population now estimated at 33 million, is the largest of all Arab nations. It is also the strongest in military terms, thanks to massive Soviet aid which, since 1967, has replaced its smashed air force, equipped its decimated tank forces and provided a surface-to-air missile defense greater than the one built up in North Vietnam.

Lebanon, Israel's northern neighbor, is unique among Arab countries. Nearly half of its 2.6 million citizens are Christians. It has a tiny army—too small either to fight Israel or to keep out the Palestinian terrorist forces whose activity provokes periodic Isareli reprisal raids into Lebanese territory.

Jordan, on Israel's eastern border, has a population of about 2.1 million, nearly two-thirds of them of Palestinian origin. The rest are Bedouin tribesmen—the primary source of political and military strength for King Hussein. It was Bedouins in the Jordanian army who forced the bloody showdown with Palestinian guerrillas last month.

Syria, with a population of over 5.8 million, has a short but strategic frontier with Israel—the Golan Heights. Overlooking and dominating the rich Israeli farmland of Upper Galilee. Israel seized Golan Heights in 1967—and isn't about to give them back.

There are other Arab nations in the anti-Israel line-up, though their involvement has been less direct. Among these are Iraq, with nearly nine million population; Saudi Arabia, with four million people and tremendous oil wealth to help finance the anti-Israel fight; and Libya, with two million people, a zealously revolutionary government and rapidly developing oil resources.

PALESTINIANS—KEY TO MIDEAST PEACE

(By Charles W. Bailey)

BEIRUT, LEBANON.—"There is no Palestine—but there is a Palestinian society. They have an army and a people—but no land."

That definition, from a sympathetic Lebanese educator, is like almost every other judgment on the Middle East: oversimplified and incomplete. But it sums up the plight of a group that more than any other holds the key to eventual peace—and at the same time is the biggest single obstacle to achieving it.

Until very recently, neither the world at large nor the governments of their own region paid much attention to the two-and-one-half million Palestinians.

Now, however, after 22 years of such neglect, the world has suddenly become very much aware of the Palestinians—mostly because a group representing no more than a tiny fraction of them hijacked four big commercial airliners and held nearly 300 passengers hostage for three weeks.

The group that grabbed the airplanes—the Popular Front for the Liberation of Palestine (PLEP)—is hardly typical of Palestinians as a whole. But its feats have succeeded in spotlighting the plight of this unhappy group as never before.

Who are the Palestinians? What do they want? Who speaks for them? Who supports them? What are their prospects?

The answers are all complicated—and often contradictory.

Figures are inexact and become obsolete almost overnight, since the Palestinian birth rate is one of the highest in the world. But the best current estimates set the total number of Arabs of Palestinian origin at about 2.5 million.

Less than half this number—about one million—were actually involved in the first major exodus of Palestinians after the 1948 war that established Israel as a sovereign state. The rest are either children or grandchildren of the original emigrants—half of the Palestinians are under 18—or were part of the new wave of emigration that followed the second big Arab-Israeli war in 1967.

About 400,000 Palestinians still live in Israel, where they hold Israeli citizenship and are part of that country's economic and social fabric. Another one million live either as longtime residents or as refugees—in two pieces of territory occupied by Israel in the 1967 war: the Gaza Strip and the "West Bank," the part of Jordan west of the Jordan River.

Then there are about 1.1 million Palestinians who live elsewhere in the Arab world. The great majority of these are officially classified as "refugees" by the United Nations Relief and Works Administrtaion (UNRWA), which runs the refugee camps.

Not all of those who left Palestine—which in modern times was not a political entity until it was carved out of the old Turkish Empire and put under a British mandate after World War I—became refugees. The well-to-do, talented or lucky were able to enter the mainstream of other Arab states; today, Palestinians hold important positions in every Middle East country from Lebanon to the Persian Gulf.

But the great mass of displaced Palestinians—the peasants, the poor, the uneducated—did become refugees in the most agonizing sense of the word. And most of them have lived in camps for over two decades.

As of the end of 1969, a total of 1.25 million Palestinians were listed on UNRWA's refugee rolls. This made them eligible for one or more of UNRWA's services—a monthly food ration, shelter, health services, and schooling.

(The UNRWA budget is so skimpy—about 10 cents per day for each person aided—that thousands of eligible refugees can't be helped. Because of a budget squeeze, UNRWA this year has had to stop distributing soap to families living in often-squalid camps.)

REFUGEES HELD AS POLITICAL HOSTAGES

For the most part, the refugees are effectively trapped in the camps. The Arab governments allow the camps on their territory, but are reluctant (except for Jordan) to let the Palestinians become citizens or enter their economies. Instead, the refugees have in effect been held as political hostages by their supposed allies in the continuing struggle against Israel.

That ironic twist is only one example of the complexities of the Palestinian issue. Even if you can locate and count and classify the Palestinians—which isn't easy—you can't always tell who's on which side of the argument.

The Palestinian issue is a classic example of the general rule that there are as many inner tensions as outward conflicts in the Middle East.

To begin with the Palestinians themselves: They lack unified leadership or even unity of purpose. They are torn by differing economic and political goals; they are split by differences in age and education.

There are a dozen or more political groups—call them fedayeen, commandos, guerrillas, or terrorists, depending on your point of view—and they have never been able to unite as an effective single force.

Al Fatah, headed by Yasser Arafat, is the oldest and largest of the Palestinian guerrilla groups. With nearly 10,000 armed men—at least before the Jordanian civil war—Fatah has been responsible for most of the terrorist activity against Israel.

But Arafat is not particularly interested in ideology, and this has led to splits in the guerrilla movement. One splinter group became the PFLP, under Dr. George Habash; in its political theology, "reactionary" Arab regimes are almost as bad as the Israelis.

Even Habash's group, for all its Marxist-Maoist doctrine, has suffered from defections on the left. Nayef Hawatmeh, once a Habash lieutenant, split off to form the Popular Democratic Front, a far-out Marxist group that attacks "the Palestinian right wing" for joining "reactionary Arab governments" to squelch "movements of national liberation."

ARAFAT WANTS TO FIGHT, NOT REFORM

Arafat thinks the Palestinians ought to fight the Israelis first and leave reform of Arab governments until later. Habash thinks both should be pursued at once. Hawatmeh argues that the Arab "masses" need to be politically motivated now—and that fighting ought to come later.

One result of all this internal bickering has been to prevent the building of any strong, unified Palestinian military force. Despite the formation of a joint central committee and a smaller presidium of leaders, no effective unity has been achieved—even under such pressures as the Jordanian army's all-out military attack on the guerrillas last month.

Another result of the internal guerrilla bickering is the apparent reluctance of many Palestinians to support the extremists. Such spectacular feats as the airplane hijacking give all Palestinians a morale boost—this was clearly evident in Beirut the week of the mass hijacking—but they also make many older and more established Palestinians extremely nervous.

This in turn produces other divisions among Palestinians—particularly between older and younger generations.

The Young Palestinians are truly a new breed in the Arab world. There are, first, a great many of them; more than half of all Palestinians have been born since the 1948 war. They are also, as one UNRWA official here puts it, "the best-educated Arab group ever"—thanks to refugee schools, which provide nine years of free education, and UNRWA financial aid for those who wish to go on through high school and college.

The Palestinian youth is also impatient with the traditional family and authority patterns of Arab society. Education has sharpened his frustration over the failure of his elders to preserve what he regards as his homeland.

"You have no right to say what we should do," one Palestinian youth told his father last month when the older man criticized the guerrillas' hijacking spree. "You failed us in 1948. You should have stayed and died."

YOUNG PALESTINIANS HAVE SOME DOUBTS

But if the young Palestinians believe that their parents, and the established Arab governments, have let them down—in 1948 and especially in 1967, when the Israelis chewed up every Arab army in sight—they also seem to have some doubts about their own strength.

The lament of an Arab poet in the occupied West Bank—"our echo is louder than our voice; our soul is higher than our body"—typifies such doubts. The inability of the terrorists either to seriously inconvenience the Israelis or to stand up to unfriendly Arab governments and armies has been demonstrated repeatedly; the most galling example was the willingness of the late President Gamal Nasser of the United Arab Republic to make a cease-fire agreement with Israel despite the violent opposition of the guerrilla leadership.

Beyond all these divisions and doubts, there is disagreement among Palestinians over ultimate objectives. For many—the older, the relatively well off, and especially those who have found that life under Israeli occupation can offer some distinct economic advantages—the prospect of more war is far from appealing.

Thus, at the very moment the world is finally beginning to pay more attention to them, the Palestinians find themselves divided—and therefore in no position to present the kind of united front that would enable them to capitalize on outside sympathy.

Their problems, however, are not unique. Indeed the entire Arab world is subject to the same kind of varied aims and inner conflicts.

ARAB NATIONS SPLIT MANY WAYS

(By Charles W. Bailey)

BEIRUT, LEBANON.—"Our experience is that in the Middle East nothing is ever quite as it looks—and even then, it is not as it appears."

This statement, by a veteran Middle East diplomat, applies with special force to any attempt to describe and define the Arabs—that self-proclaimed "nation" which really isn't one at all, and which indeed often seems a collection of feuding cousins united only by mutual dislike for Israel.

"Arab consciousness is growing," one leading Lebanese scholar said. "Things are moving faster all the time. What has happened here in the last 20 years couldn't have happened in 100 without Israel being here."

There is no doubt that opposition to Israel has plastered over a great many cracks in the fractious Arab community. But even intense anti-Israel sentiment has not been enough to truly cement the basic inter-Arab splits. Among these are:

"Revolutionary" against "reactionary." This kind of division finds "revolutionary" governments like Egypt, Libya and Syria lined up against "reactionary" regimes like those in Saudi Arabia, Kuwait or Morocco.

To some Arab politicians—including many of the Palestinian guerrilla leaders—the struggle against "reactionary" Arab rule is almost as urgent as the war against Israel.

"Rich" against "poor." To a marked degree, the reactionary-revolutionary split is paralleled by a rich-poor division, since the "reactionary" states tend to be those with big oil reserves. There are exceptions. Libya and Iraq, both "revolutionary" regimes, have oil—while Jordan, a "reactionary" one, has none.

This parallel produces one of the major ironies of the Arab world today—the fact that two "reactionary" regimes, Saudi Arabia and Kuwait, have been providing the "revolutionary" Egyptian government with an annual subsidy of about $200 million, despite the fact that Egypt's President Gamal Abdel Nasser was their sworn enemy.

Nasser needed the money because the closing of the Suez Canal in 1967 deprived Egypt of substantial toll revenues; the Saudis and Kuwaitis needed a way to prove their support for the anti-Israel effort without actually getting involved militarily.

There are also a number of long-standing, deeply rooted conflicts which tend to undermine current efforts to promote Arab political unity. The feud between Iraq and Syria, for example, is not just a modern dispute between two wings of the same Ba'athist political party. It also goes back more than a thousand years to the time when the Syrian and Iraqi tribes were the first to fall into fraternal conflict after the prophet Mohammed united the Arabs.

There is a similar, if not so long, history of conflict between the Bedouin tribesmen of the desert and their city-dwelling counterparts—a conflict which found renewed and bloody expression in last month's Jordanian fighting between the Bedouins of King Hussein's army and the largely urban forces of the Palestinian guerrillas.

Even though Israel offers a common target, such cross-currents often lead to weird results. When Nasser accepted the U.S. cease-fire plan this summer, for example, he did so over the strong protests of the Palestinian guerrillas.

PERILOUS BALANCE FOR HUSSEIN

The Libyan government—one of Nasser's close allies, and also a strong backer of the guerrillas—reacted with a statement which combined an endorsement of Nasser's action, praise for the guerrillas and denunciation of any peaceful settlement with Israel as "impossible"—all in one communique.

Another system of Arab political splintering can be found every day on the newsstands of Beirut. In this city, which is a kind of listening post for the whole Arab world, there are no less than 48 daily newspapers published—each of them sponsored by and speaking for a different Arab government, opposition party, Palestinian group of other political force.

"The Arabs will always unite against a common enemy, but they will never unite politically," the Lebanese scholar said. "The differences between an Iraqi Arab and an Egyptian Arab are perhaps greater than between black and white in the United States."

His judgment is echoed, in more pragmatic terms, by a Lebanese Cabinet minister who said:

"In trying to approach the Arab world we have not been practical. We have been too theoretical and sentimental, too enthusiastic. Instead of trying to make a confederation among those nations that were willing, we tried to make a unity between countries that were not united."

But if the strains and differences prevent Arab political unity, there is still very much of an "Arab nation" in the emotional, religious and cultural sense.

"The concept of the Arab nation is first of all religious," said Dr. George Hakim, vice-president of the American University of Beirut, a century-old institution which has become a center of Palestinian political theory and activity.

"It goes back to the Koran. The words of God, as recorded in the Koran, include the phase 'the Arab nation.'

"Second, the concept is based on history—on the glory of the Arab conquests in the century after Mohammed first united the Arabs.

"And finally, it is based on poetry and literature—on the unifying force of a common language."

These manifestations of "Arab nationalism," however, have not yet been enough to produce a parallel political reaction.

ARABS NEVER ALL AGREE ON ANYTHING

Egypt's Nasser tried hard to turn the trick—and came closer than anyone before him and probably closer than anyone who will follow him. But despite his towering stature among Arabs, he never could dictate to all the Arab nations all of the time, and indeed never managed to get all of them to agree with him on any one issue.

One reason for his failure is a rise of traditional nationalistic sentiment in the Arab countries. This is especially true in nations like Lebanon and Egypt, where obvious economic opportunities would exist if only peace could be arranged.

In Lebanon, for example, the Arab-Israeli war has meant the almost complete shutdown of a once-rich tourist industry; serious strains on an economy that is heavily Western-oriented; and severe difficulties for its big shipping business, which depends on open borders, peaceful conditions and free movement of goods throughout the whole Middle East.

Other Arab nations may not feel such pressures as strongly as the Lebanese—who are derided by other Arabs as so money-minded that "They fight Israel all the way to the casino"—but they are there, and in an area where economic underdevelopment and poverty are chronic they must have some force.

The differing political outlooks—and varying motivations—of the Arab government show up clearly in the different treatment they give the Palestinian guerrillas. All of them, of course, proclaim support for the Palestinians, but what they do about it is another matter.

The Egyptians began by encouraging and arming the guerrillas (at a time when Egyptian forces were in a shambles after the 1967 war). But the guerrillas were not allowed to operate from Egyptian soil. They were kept under close watch by security police, and when Nasser accepted the cease-fire this summer he had over 100 Palestinians rounded up and expelled from Egypt.

In Lebanon, the guerrillas have been given an empty corner of the country—"Fatahland," a mountainous area on the Syrian and Israeli borders. But their military forces have in effect been barred from the rest of Lebanese territory—and the Lebanese don't want them attacking Israel from inside Lebanon.

The Syrians use a similar approach: They arm and support terrorist groups, and even provide Syrian manpower for them.

But they do not let the terrorists attack Israel from Syrian soil—presumably because they want to keep the inevitable Israeli reprisal raids at a minimum. So the Syrians send the terrorists to Lebanon or Jordan to do their stuff.

LIBYA STRADDLES ALL FENCES

As for Jordan—the country under the greatest pressure of numbers in dealing with the guerrillas—King Hussein sought for years to tread a narrow line between the Palestians, who now make up a majority of his population, and the Bedouins, on whom he depends for support.

As long as Hussein could persuade the terrorists to stay on the Israeli border and occupy themselves with the common enemy, his balancing act worked. But when the guerrilas moved in force into Amman and other cities, it failed—with tragic results.

The Jordanian civil war and the death of Nasser are the two new factors which could have far-reaching impact on relations among the Arab countries. Indeed, war-torn Jordan typifies—in political, military and human terms—the international crisis of the Arab world.

War Leaves Its Mark on Jordan

(By Charles W. Bailey)

Beirut, Lebanon.—"I was supposed to lecture at the University of Jordan this month, but they postponed it until December," the Lebanese professor said. "By then, it may be the University of Palestine."

The remark was meant half-humorously when it was made in early September. Within a fortnight, however, the future of Jordan was no longer a joking matter.

In two terror-filled weeks of killing, the passions and politics of the Middle East had torn Jordan apart—and had cast the gravest doubts over the future of that small country and its ruler, King Hussein.

Hussein's struggle to keep control of his country in the face of rising and militant Palestinian challenge epitomizes the problems of the entire Arab world.

His ability to stay alive and in power through the past 17 years won him the admiring nickname of "Byk"—for "Brave Young King"—in Washington, D.C. But last month time and events finally caught up with him, and his country was thrown into a civil war from which neither he nor his enemies seem likely to recover.

Ten years of attempted coexistence and compromise dissolved into 10 days of bitter, no-quarter combat. Hussein's army seems to have come out on top for the moment; but no one anywhere in the area—Arab or Jew, public official or private citizen—believes things will ever be the same again in Hussein's kingdom.

"You may have some kind of very uneasy status quo for the foreseeable future—which may be very short," says one top Israeli diplomat. "There are too many facts in Jordan that you can't wish away," says another. "The terrorists can't wish away the army. The army can't wish away the terrorists. Hussein can't compromise too much—he almost did."

Basically, two forces produced the Jordan civil war.

On one side was the most pro-Western Arab leader—Hussein, supported by an army whose hard core was made up of Bedouin tribesmen, fiercely loyal to his person and throne, trained by British officers, equipped by both Britain and the United States.

On the other side were the most anti-Western Arabs—the guerrillas, recruited from the thousands of Palestinian refugees who by now make up a majority of the Jordanian population, mobilized by a handful of extremist leaders, armed for the most part with Soviet weapons, and forced into at least temporary unity by the Jordanian army attack.

It was no sudden confrontation. Relations between the two sides have been uneasy, at best, since the first wave of refugees fled the new state of Israel in 1948.

Jordan absorbed the heaviest impact of tho refugee exodus, and Hussein—alone among Arab rulers—allowed the Palestinians to become citizens of his country. Today almost two-thirds of Jordan's 2.1 million people are Palestinian by birth or descent.

The Palestinian influx put added strain on a nation that had little historical strength in the first place. Until 50 years ago, the territory that is now Jordan was merely another desert province in the Turkish empire; the British installed Hussein's grandfather as king while they controlled the area under a post-World War I League of Nations mandate.

Still, for nearly 20 years—from 1948 to 1967—things went reasonably well. But when the 1967 Israel-Arab war resulted in Israeli occupation of Jordanian territory west of the Jordan River, sending another surge of refugees into east Jordan, the real trouble began.

The pressure of numbers was now greater, thanks to the loss to Israel of the "West Bank" area where thousands of displaced Palestinians had lived since 1948. Now, too, the painfully obvious inability of Arab governments to inflict military defeat on Israel helped the new "fedayeen"—guerrilla—groups to gain recruits and support from Palestinians.

Hussein's strategy was to encourage the guerrillas in their war against Israel, but at the same time to discourage their attempts to build up strength inside Jordan. For example, he let his army provide supporting artillery fire for terrorist raids into Israel—but also used the army to hinder guerrilla buildups in Amman and other Jordanian cities.

But Hussein was never fully consistent in enforcing his policy. He allowed the guerrillas to open political and propaganda offices in Amman, and even let his own government public-relations officers make appointments for foreign newspapermen with guerrilla leaders—all of which made it that much harder for Hussein to crack down on the terrorists when he finally decided to do so.

Through 1968, 1969 and 1970, Hussein repeatedly negotiated agreements with Yasser Arafat, leader of the strongest guerrilla group, and other terrorist chiefs. Each agreement gave the guerrillas a little more status; each in turn collapsed; each time the guerrillas came out stronger.

By early 1970 the cycles of conflict and compromise were almost continuous. The most extreme terrorist groups—like the Popular Front for the Liberation of Palestine (PFLP), which specializes in airplane hijackings—were flexing their muscles in Amman: collecting money at gunpoint, roughing up police, showing off weapons in public places, ignoring army roadblocks. Refugee camps had become virtually independent armed camps that Jordanian authorities could not enter without guerrilla permission.

In June, after five days of skirmishing during which the PFLP seized two Amman hotels and held some 60 Westerners hostage, Hussein was forced to dismiss two top army officers whom the guerrillas regarded as particularly hostile to them.

It all fell apart in August and September. The last straw for the guerrillas, was acceptance by Hussein and Egypt's President Nasser of the U.S.-sponsored ceasefire and peace initiative, which the guerrillas saw as a sellout of their cause. They began to fortify their positions in Amman in preparation for a showdown with the army; the army, already frustrated by repeated compromises, put rising pressure on Hussein to let it go after the guerrillas.

When the PFLP hijacked four airliners—and showed up the army by landing three of them 40 miles from Amman and forcing Hussein's troops to leave them alone—the fuse was lit.

The fighting shook—and divided—the whole Arab world. Nasser, who had been Hussein's staunch backer, turned against him when his troops began killing the Palestinians who symbolize Arab hostility to Israel. Syrian tanks attacked into Jordan; even the "reactionary" regimes that had backed Hussein now broke with him, cutting off their subsidy payments to him.

Hussein won the battle, but in the process he isolated himself from the other Arab nations, and he may yet lose the larger war. Many observers think that now the "Palestinization" of Jordan is inevitable in the long run; that Hussein, having finally turned his troops loose, will not be able to rein them in; that the king will stay in power, if he does, only because the guerrillas don't want to assume responsibility for running a country.

Such views are not universal.

"If Hussein can last two or three weeks, they'll all come flocking back to him," says Teddy Kollek, the Israeli mayor of Jerusalem. "And then we'll be back as the only scapegoat in the Arab world."

Some observers argue that whatever the cost has been for Hussein, it has also been high for the guerrillas—in both political and military terms.

"If they had been as strong as they thought they were, there would be no government today in Jordan," said one diplomat after the fighting died down.

"The Palestinians showed they were not a real force at all," said another. "They are not a real military force—the Syrians had to come in to help them. They are not a real political force—Nasser was able to ignore them completely on the cease-fire issue."

Whatever the current estimates, however, they can be more than guesswork. No experienced observer of the Middle East is willing to predict what will happen more than two or three weeks from now.

Jordan, however, is not the only source of uncertainty in the Middle East today. The Jordanian fighting focused attention on the heart of the Arab-Israeli conflict—the Palestinians. The death of President Nasser raised equally vital questions about the biggest and strongest of the Arab participants in that conflict—Egypt.

Arabs Keep Old Feuds Alive

(By Charles W. Bailey)

Cairo, U.A.R.—Egypt is the largest and most important Arab nation—and in many ways it is not an Arab nation at all.

Egypt, the strongest Arab military power, is Israel's most menacing enemy—and the one Arab nation with which Israel might most easily make peace.

Egypt's late President Gamal Abdel Nasser was the undisputed leader of the Arab world—an even Nasser could never impose his leadership on all of the other Arabs on any given issue.

All these statements, however contradictory, are true. They are indeed only a few of the many contradictions that together make up the picture of Egypt today.

For the past 18 years, "Egypt" has been synonymous with Gamal Abdel Nasser, the mail clerk's son who came out of the army to seize power—and to turn an unbroken string of military defeats into a succession of political victories that made him, at his death last month, one of the world's leading figures.

Now he is dead of a heart attack, and every calculation by every friend and foe should therefore be instantly out-of-date. Yet even if this is so in the short run—

and it probably is—the basic truths about Egypt stand unchanged.

Those facts, indeed, have changed little in centuries. The visitor has only to look out his hotel window to see how little: The feluccas sail slowly past on the Nile as they have for thousands of years, pushed upstream by the never-changing north wind, carried down by the river's constant current.

The Nile remains, as always, the bloodstream of Egypt. Nearly all the country's people live along its banks or in its coastal delta. The rest of Egypt is, as the official U.S. description puts it, "a nearly rainless block of desert."

In fact, nearly half of all the Arabs are crammed into the thin green strip along the great river. Five million people live in Cairo alone, making it by far the biggest city of the Arab world.

(The term "Arab" is used here, and elsewhere in this series, to cover all the Middle-Eastern peoples who share Arabic as a common language and the Moslem faith as a common religion. Strictly speaking, however, most Egyptians are not Arabs, for they do not trace their ethnic ancestry to the Arabian Peninsula. The same is true of most Lebanese, Sudanese and North African "Arabs".)

Cairo is also the closest thing there is to a "capital" of all the Arabs, Egypt is at the geographic center of the Arab world, and has been a nation for five thousand years; the other Arab states are scattered and are political inventions for only a few decades.

Cairo has been the intellectual, commercial and political center of the Middle East for centuries.

"Egypt is the bridge, geopolitically, between Africa and the Arab world," said one top Israeli official. "It is the linchpin between Algiers and Baghdad."

So Nasser found a ready-made stage on which to play the role he chose for himself as leader of all the Arabs—"A role," he said in 1953, "wandering about aimlessly seeking an actor to play it."

OLD PROBLEMS STILL NOT SOLVED

But Nasser also found another, less romantic, role awaiting him when he took power. That of trying to cope with Egypt's own long-standing, almost overwhelming and steadily increasing problems. The attempt to play both roles at once—despite the built-in conflicts between the two—was the central dilemma of his regime.

Nasser's successors will have to wrestle with the same set of problems. Although none of them seems to have even a fraction of the personal magnetism, charm and eloquence that allowed Nasser to make so much more of himself than the facts ever warranted, the basic situation is unchanged.

Egypt's size and strength—its army is the biggest of all Arab forces and has not only been lavishly equipped by the Russians but is also staffed from top to bottom by Soviet military advisers—make it far and away the dominant Arab power.

But even Nasser, for all his undoubted hold on the Arab masses, could never command the obedience of other Arab states. His only attempt to build pan-Arab political unity, a short-lived union with Syria, fell apart in less than four years.

And the inter-Arab crisis that led to his fatal heart attack—the bloody struggle between the Jordanian army and the Palestinian guerrillas—showed once more that opposition to Israel was not a strong enough cement to patch up Arab feuds.

For the moment, the group leadership that has taken Nasser's place seems intent on maintaining his policies. The new president, Anwar Sadat, has pledged to continue the struggle to liberate all Arab lands seized by Israel in 1967 and to support the cause of the Palestinian refugees.

But the new Egyptian leaders, lacking Nasser's prestige and unsure of their own position, may be less willing to take the kind of chances that he did last summer when he accepted the U.S.-sponsored cease-fire and peace initiative.

"It is strange," an Israeli Cabinet minister mused only hours before Nasser died, "while Nasser is our key enemy, the easiest settlement one can envision is with Egypt."

There was ample indication, before Nasser died, that he was prepared to make peace with Israel. Egyptians who had good reason to know Nasser's private intentions thought so, and their view was shared—though cautiously—by Western diplomats in Cairo, by Arab analysts in other Mideast countries, and even by the habitually skeptical Israelis.

Nasser's close friend and colleague, Mohammed Heykal, dropped a number of hints in the Cairo newspaper Al Ahram, which Heykal edits and which has become a semiofficial mouthpiece for Nasser's views.

LIBERATION CALLED UNREALISTIC

For example, Heykal warned in August that it was unrealistic to speak—as the guerrillas do—of "liberating" Palestine completely, which would require the destruction of Israel.

Heykal also scorned criticism of Nasser for accepting the cease-fire, noting that the chief critics—Syria, Algeria and Iraq—had never done any actual fighting against Israel.

He also said in print what Nasser had been telling some other Arab leaders, that most Palestinians would prefer peace, even with continued Israeli control of some occupied territory, to continuation of the 22-year war.

These views must have some continued weight with Nasser's successors in power, though they may be too unsure of themselves to do anything for the time being.

Another factor that influenced Nasser and must also weigh on his heirs is more simple and more urgent: The cost of renewed war with Israel. In the last three months of heavy fighting on the Suez Canal—May, June and July—the Egyptians were by all accounts taking a bad beating.

While the Israelis averaged only about one casualty per day along the canal, according to informed Western military observers, the Egyptians were losing upwards of 100 men each day. In three months, that added up to 10,000 dead and wounded Egyptians.

At the same time, the Egyptian air force was virtually grounded by the Israelis. "They weren't up there at all," one Western military attache in Cairo said. "The Egyptians flew just three missions in June and July—while the Israelis flew hundreds."

These military pressures are thought by most Western observers—and some Egyptians as well—to have been a substantial factor in Nasser's decision to agree to a cease-fire at the canal. The halt in military action obviously stopped the Egyptian casualties; the cease-fire coupled with the subsequent build-up of Soviet missiles near the canal, might also make possible some change in the air-power balance.

EGYPTIAN STRENGTH INCREASES

Nasser's proclaimed military strategy of a "war of attrition" against Israel probably will be continued by his successors. But they may seek—as he apparently was seeking—a less expensive way to wage such a long-range struggle with Israel.

Certainly Egypt has military muscle. The antiaircraft missile belt near the canal, Western military experts say, is now even stronger than the air defenses which gave U.S. pilots so much trouble over North Vietnam.

In addition, the Soviets are still moving more missiles in—there were eyewitness reports of new shipments near the canal this week—and they are reliably reported to be providing a new, bigger 203-MM cannon which would stretch the range of Egyptian artillery and give it markedly more power to hit the deeply-dug-in Israeli defenses on the canal's east bank.

But most military observers believe that the Egyptians still don't have the strength to attack across the canal and seize any of the Israeli-held territory. So the Egyptian leaders probably will be seeking, as Nasser was, to get it back by diplomatic means.

In summary, Nasser's successors probably will follow his general policy lines as they take up the burden of dealing with Israel:

To give strong verbal backing to the Palestinian guerrilla forces—but at the same time to explore the possibility of at least "no-war" settlement with Israel even if the guerrillas don't like it.

To keep on building up the Egyptian forces against a possible renewal of fighting and in an attempt to increase Egyptian diplomatic leverage in any future negotiations, but to avoid for now any major clash that would produce another flow of casualties like that suffered last summer.

Meanwhile the new Egyptian leadership must also deal with the unfinished business of Egypt itself. Here again, they will find themselves wrestling with the same problems that Nasser could never solve.

Egypt's Home Grown—and Growing—Problems

(By Charles W. Bailey)

Cairo, U.A.R.—Start with a country where only three acres out of every 100 will support life.

Cram those few acres with a population that is already too big, is growing at the rate of one million a year, and is overwhelmingly poor and undernourished.

Add the strength of debilitating intestinal disease that saps the strength and will of than half the population. Compound the problem with an underdeveloped economy. Multiply your troubles with the economic strain of a 20-year war.

Put them all together and they spell Egypt—as it was under Gamal Abdel Nasser and as it is today for the uncertain group of leaders who took over last month after his unexpected death.

If Nasser's best-publicized aim was to make himself the world's No. 1 Arab, he had another: To transform Egypt into a strong, self-reliant and prosperous nation in its own right. In many ways the second challenge was—and still is—the more difficult.

For much of the world, Nasser may have seemed preoccupied with outside affairs. But in fact he also undertook to start a fundamental social and economic revolution inside his nation.

"A revolution cannot achieve its aims for the people unless it goes beyond the goal of mere political independence and tackles the roots of economic and social problems," he said.

Nasser did "tackle" those problems: With sweeping land reform, nationalization of huge chunks of the Egyptian economy and of the Suez Canal, massive development projects, tax reforms designed to equalize the nation's wealth, and a fourfold increase in public health and education outlays.

Despite all these efforts, however, the problems today remain staggering. The biggest of all is population.

"The problem is that the economy has to grow at a good rate just to keep even with the population increase," one Western diplomat here explained. "The population is going up 3 percent a year, and the economy isn't keeping up."

There were 23 million Egyptians when Nasser took over in 1952. Today there are 33 million. By 1980, only 10 years from now, there will be more than 40 million.

Egypt has no prospect of being able to grow enough food for this mushrooming population. Though there are 386,000 square miles of land in Egypt, most of it is desert; only

10,000 square miles are now cultivated—along the banks of the Nile, in the river's lush delta, and at a few desert oases.

Even the irrigation water from the big Aswan Dam project will only raise the total to about 12,500 square miles—still less than 4 percent of the nation's total land.

The government hopes to cut the rate of population growth to a level between 1.2 and 2 percent per year. So far, however, the government's birth-control programs aren't taking hold.

Western experts say it isn't a matter of religious or other opposition, but simply that government officials aren't putting enough time and effort into the task.

"It's a long-range program, and they tend to keep pushing it aside while they try to deal with immediate problems," one diplomat explained.

In addition to food-supply problems, there is disease. By most estimates, 60 percent of the *Fellahin*—the peasants and workers—suffer from chronic bilharzia, a debilitating disease caused by water-borne parasites that attack intestinal organs.

Millions of Egyptians—10 percent of the children, many more of the older people—suffer from the eye diseases that have also plagued Egypt for centuries.

TOO MANY COLLEGE GRADUATES

Some of the country's economic problems, ironically, are by-products of the very programs designed to cure them.

An example is the situation of university graduates. In an attempt to raise the level of the country, Nasser made a college education available to any student, rich or poor, who could pass the entrance examinations. To provide added incentive for students, he also guaranteed every graduate a job.

The combination produced a new problem: University enrollment soared—there are some 200,000 university students in Egypt today, which means about 40,000 new graduates each year.

Because the economy is growing too slowly to provide that many new jobs, the government has had to redeem its pledge by putting graduates into the civil service.

There are more than 1.1 million public employees (in the civil service or state-owned industrial posts), according to the best estimates. Government offices are already overflowing—and they are getting more so with each year's crop of graduates.

Many offices are so overstaffed that employees simply don't bother to go to work. At one point this year the government, embarrassed by the mass absenteeism, ordered Cairo movie theaters not to open in the morning—to keep public employees from attending them during working hours. The order was rescinded, however, after the employees pointed out that there wasn't anything for them to do at the office anyway.

Much of Egypt's continuing economic trouble, of course, is caused by the continuing war with Israel. The forced closing of the Suez Canal, for example, has caused major dislocations.

Although lost canal revenues have been replaced by subsidies from oil-rich Arab neighbors, the fighting along the canal has forced nearly 700,000 Egyptians to flee homes in the area, and has destroyed the substantial part of Egypt's industrial base located near the waterway.

TOURIST BUSINESS DRIES UP

Another casualty of the continuing conflict, and of the canal closing in particular, is Egypt's once-lucrative tourist business. With no cruise ships sailing through the canal, there are no more of the tourists who used to disembark for a few days of sightseeing—and spending—in Cairo or at the magnificent ancient monuments of the Nile Valley.

The economic drain was probably one factor in Nasser's decision in August to go along with the American cease-fire proposal. A Lebanese Cabinet minister—an admirer and a friend of Nasser—put it bluntly:

"He is spending all the money of his country on war, which delays development. He cannot live off the bullets fired at him by the Zionists."

The picture is not all dark, of course. No competent observer in Cairo would deny that Nasser made a lot of progress with his "social revolution."

The trouble is that the problems are so immense that the efforts made so far, undercut by the drain of military spending and the effects of war, have left domestic programs hard-pressed to keep up with the growth of the basic problems, let alone solve them.

But Egyptians are, above all else, patient. They have been so poor for so long that a few more years, for the fellahin, is only a moment.

"There is no political problem so long as there is war," a Western diplomat suggested. "People accept the difficulties. Much more compelling in the public mind are questions of national honor, such as the occupation of Egyptian territory by the Israelis."

The Egyptians, in their 5,000-year history as a nation, have seen all kinds of enemies come and go—Alexander the Great, Julius Caesar and his Roman legions, Napoleon, the Turks, the Mamelukes, the British.

Now the enemy is, to the mass of Egyptians, "the Zionists"—the Israeli arm which sits at the Suez Canal and sends its planes over Egypt.

For the time being, and apparently for the foreseeable future, Egyptians seem quite ready to support their government in its war against Israel—a struggle being waged on the basis of a "war of attrition" in which vastly larger Arab forces, supported by Soviet arms and aid, will in the long run force Israel to give up its 1967 territorial conquests and make peace with the Palestinians.

Israel Holds Territory To Bolster Security

(By Charles W. Bailey)

JERUSALEM.—"Those who think we will abandon our security positions for illusory peace promises are indulging in idle dreams. Peace without security means nothing to us."

"There is no security in territory. You need neighbors you can live with. You can't have a policeman outside your door all the time."

These two statements—one by the top official of the country's major political party, the other by the leader of a small left-wing opposition group—typify Israel's dilemma and debate over the Arab lands it has held since the six-day war three years ago.

The occupied territories include Egypt's Sinai Desert and adjacent Gaza Strip; the west bank of the Jordan River and the old city of Jerusalem, both taken from Jordan; and the Golan Heights in Syria. Since 1967 Israel has held these areas as military and political hostages in the continuing dispute over a permanent Middle East settlement.

For Israel, the occupied territories have one very special value: They give the little country, for the first time in its brief history, frontiers that are reasonably secure and defensible—and that put Israel's major population centers beyond the reach of artillery fired from outside the country.

For the first time, Tel Aviv—the country's biggest city—is beyond the reach of long-range Jordanian guns. For the first time, Egyptian air bases are more than five minutes' flying time from Tel Aviv. Israel's farms in Upper Galilee are finally freed from constant shelling by Syrian cannon and mortars on the commanding escarpment of the Golan Heights.

Some of the occupied land, like the Golan Heights, is regarded as so strategically important that the Israelis won't even talk about giving it up under any circumstances. Jerusalem means so much, in emotional and religious terms, that they won't seriously consider either returning or internationalizing it. The rest is regarded as negotiable—but only as part of a peace settlement solid enough to justify giving up some military advantage.

The Arabs say Israel must give up the occupied areas as a first step toward peace. Israel insists that negotiations must come first. There is debate within Israel over how much land might eventually be returned to the Arabs—but little or no disagreement with the government's insistence that none can be given up until a peace treaty is signed.

The current disarray in the Arab world stiffens this stand.

"They ask Israel to make concessions," a high official says. "To whom? Who can deliver the goods? They ask us to give back the West Bank. To whom?"

Indeed, Israel's government and people seem ready to hold on indefinitely with things as they are. Their skepticism about the U.S.-sponsored peace initiative last summer was reinforced by Egypt's violation of the cease-fire terms, by the civil war in Jordan and by Egyptian President Gamal Abdel Nasser's death.

The Israelis have already said they are willing to extend the Suez cease-fire past its present Nov. 5 expiration date, even if there are no immediate peace talks. There are diplomatic reasons: With the Arabs in political disarray, the Israelis are content to let things simmer.

"I don't see that we have to unite the Arabs," one top official says. "We are not complete fools."

From a military point of view, there are also good reasons for the Israelis to keep the cease-fire going. Even the relatively low casualties on the Suez line loom large in a country of less than three million people, and Israeli military men can use the time to figure out the answers to Egypt's beefed-up antiaircraft defenses.

Israeli planes knocked out Egyptian high-altitude SAM2 antiaircraft missiles repeatedly through 1969 and early 1970, destroying them as fast as they appeared and thus allowing Israel to maintain the air superiority it needed to neutralize Egyptian artillery bombardment of Israeli canal defense positions.

But when the Soviet Union took over the missile defenses last spring, the picture changed. According to Israeli defense sources, the Russians "unrolled a carpet" of SAM2 missiles toward the canal, putting them closer together to increase their massed firepower and protecting them against low-level air attack by installing an additional shield of SAM3 missiles.

By early summer, Israeli planes found they could not penetrate this new "carpet" although it was far enough back from the canal so they still had control of the air immediately over the waterway.

Now even this is threatened by the missile build-up which both U.S. and Israeli intelligence units say has taken place near the canal since the cease-fire and in violation of its terms. It is this new threat that Israel's defense planners hope to counter—with the help of U.S.-supplied electronic devices to "jam" the radar that aims the missiles.

The other current Israeli military preoccupation—the threat of increased terrorist attacks against Israeli Kibbutzes (collective farms) and towns in the Jordan Valley—is an outgrowth of the Jordanian civil war.

The agreement that ended the fighting between King Hussein's troops and the Palestinian guerrillas calls for moving all guerrillas out of Jordanian cities and into areas along the Israeli border.

Israeli commanders expect this will lead to more terrorist activity on the border, and they have stepped up the alert along their defense lines on the west bank of the Jordan River, especially in the 25-mile stretch south of the Sea of Galilee.

Tanks and half-tracks patrol border roads every morning at dawn, looking for signs of infiltration and sweeping for mines that might have been planted overnight. The electric border fences have been supplemented with tell-tale plowed strips that reveal—by showing footprints in the smoothed-out earth—where infiltrators have crossed. And all along the river, travelers can now see guards in the kibbutz watch-towers during the day as well as at night.

In addition to such defensive measures, the Israeli army goes after the terrorists in their own backyards. Gen. Haim Bar-Lev, army chief of staff, revealed this month that his troops made more than 700 forays beyond Israeli's borders into Lebanon, Syria, and Jordan last year to attack terrorist bases and troop concentrations.

Most of these were small-unit operations; only a few were big enough to be publicized. But Bar-Lev warned that if pressure on border settlements increases, Israel will take "military steps of a serious dimension" that will "differ in scope and nature from our other activities to date."

The terrorists don't seem to worry Israeli officials much.

"They are very photogenic, and good at propaganda," a senior Cabinet minister says. "But they are weak in political judgment, social temperament—and military strength."

Israeli military leaders point to statistics to prove the point. From the end of the six-day war in 1967 through Sept. 1 of this year, 733 Israelis were killed by the Arbs. Of these, 657 died in conventional military operations—including the often-heavy Suez fighting and the sinking of an Israeli navy destroyer. Only 76 deaths in the three-plus years resulted from terrorist sabotage inside Israel.

"Even 76 is too many," one general says. "But it's about the number killed in six weeks of traffic accidents in this country."

The Israelis seem satisfied that their strategy for dealing with hostile Arab states and Palestinian terrorists is the right one. Others are not so sure.

For example, Western diplomats in Cairo, U.A.R., are convinced that Nasser was driven to seek greatly increased Soviet military involvement in his country's defense by two Israeli military moves in late 1969—the deep-penetration air raids on the Egyptian heartland and several commando raids that resulted in the "kidnapping" of entire radar stations by Israeli troops that moved in and out of Egypt with little opposition.

The Israeli air and ground attacks showed Nasser's military weakness, and humiliated Egypt's armed forces. But they also, by this analysis, brought such massive Soviet military intervention that the whole diplomatic and strategic character of the war was seriously altered.

Israel's policy of military "retaliation" against Arab states that harbor guerrillas is questioned by Western observers as well as Arabs. In Lebanon, for example, the Israeli attack on the Beirut commercial airport in December 1968—in which paratroops landed and destroyed a dozen Arab-owned commercial airlines—is regarded as a watershed in Lebanon-Israel relations.

Before that, the Palestinian guerrillas got short shrift from the Lebanese, who had stayed out of the 1967 war. After the airport raid, the climate changed rapidly and markedly; today the guerrillas have a well-established Lebanese sanctuary.

The Palestinians are predictably scornful on the subject.

"The Israelis keep telling us that they do these things to "teach the Arabs a lesson,'" one guerrilla spokesman said last month in Beirut. "They must think we're awfully stupid: they've been doing it for 10 years and we still haven't 'learned.'"

Critics of Israeli strategy do not dispute its short-term military superiority over Arab governments and guerrillas alike. But they question whether such a strategy is in Israel's long-run interest. A similar debate is taking place inside Israel, with its focus on the occupied Arab territories.

Israel Debates Future of Territory Captured From Arabs

(By Charles W. Bailey)

KIBBUTZ KEFAR BLUM, ISRAEL.—Sa'adia Gelb, his wife and his daughter all remember quite clearly how they felt the first time they went up onto the Golan Heights.

It was right after the six-day war in 1967, and the Gelbs—like thousands of other Israelis living in the rich farmland of Upper Galilee—wanted to see their home as it had looked to the Syrian troops who for years had shelled it from the Heights.

For Mrs. Gelb, who had come to Israel from Minneapolis with her husband 25 years earlier, it was a frightening sight: "When I got up there, and looked down at our Kibbutz, I felt worse than I ever had before."

For her pretty, Israel-born daughter, it was something quite different: "I felt freed. I felt happy."

For Gelb himself, a leader of the Kibbutz, or collective farm, where they live, there was still another emotion—relief: "There had always been the barrel of a gun pointed at me. Now it was gone."

Of all the territories occupied by Israel in 1967, the Golan Heights, which rise almost as steeply as a cliff nearly 3,000 feet above the valley floor, is the area whose future is least in doubt. The Israelis simply won't even think of giving it back.

ISRAELIS DEBATE FUTURE OF COUNTRY

There is a special intensity of Israeli feeling about the Golan Heights, partly because they are so obviously commanding a military position, partly because the Syrians have been so implacable and violent an enemy.

But feelings run almost equally strong, though less unanimously, about the other occupied territories. And the debate about their future touches the central questions about Israel's future: What kind of a nation will it be in the long run? How will it live with its neighbors? Can it become a true Middle Eastern state, or will it always be a kind of Western enclave in a hostile land?

There are four other occupied areas:

The Sinai Peninsula, taken from the United Arab Republic (U.A.R.).

The Gaza Strip, a small enclave on Israel's southwest coast, which had been controlled by the U.A.R.

The "West Bank", the area west of the Jordan River and the Dead Sea, which was taken from Jordan.

The old city of Jerusalem, also taken from Jordan in 1967.

Officially, the Israeli government won't talk about possible disposition of these territories now. It argues that there can be no return of the Arabs lands unless and until there is a peace settlement that contains solid guarantees of Israel's security.

ARABS INSIST ON RETURN OF LAND

But since the Arab states argue that the territories must be returned before there can be talk of a peace treaty, a kind of "which-came-first—chicken-or-egg?" argument has sprung up. Privately, even Israelis argue about it.

"For us, peace is more important than borders," says David Ben-Gurion, Israel's political father-figure now living in retirement in a desert Kibbutz.

"The pre-1967 borders, or anything like them, are out of the question," says Haim Landau, a leader of the hard-line Gahal party, which walked out of the government in a dispute over the Suez Canal cease-fire plan.

"Where I differ with the government," says a veteran and respected left-wing leader, "is that they want to keep as much territory as they can get. I want to keep as little as is needed."

Despite the apparently contradictory tone of such arguments, it is still possible to distill, from a fortnight of interviews with a wide variety of public and private figures, a rough sort of Israeli consensus on what might be done about the occupied territories.

WHO WOULD GET WHAT TERRITORY?

Here is how it looks:

Golan Heights: As noted above, there is no "give" to be found here. Even those who would return almost all the other occupied areas say that Israel must keep the Heights for security reasons.

Jerusalem: Despite all kinds of outside proposals for internationalization or joint administration of the city, Israelis won't consider the idea. The most they will concede is that after all the other territorial issues are settled satisfactorily, it might be possible to work out an arrangement guaranteeing free access to the holy places of the Moslem, Christian and Jewish faiths. But Israelis of all political persuasion insist that Jerusalem must remain one city, and that city must be the capital of Israel.

Sinai: The considerations here are all military. Israel wants Sharm el Sheikh, at Sinai's southern tip, because that area in turn controls the Gulf of Aqaba, the sea lane to the Israeli port of Eilat. To secure Sharm el Sheikh, the Israelis will probably also want a strip of land down Sinai's eastern edge.

ISRAEL MIGHT GIVE UP PART OF SINAI DESERT

As for the rest of the Sinai Desert, Israel might give it up if—and it's a big "if"—it could obtain other firm guarantees that the U.A.R. would not again put troops, tanks and planes into eastern Sinai where they would be only a few miles—and fewer minutes in flying time—from Tel Aviv and other major population centers.

For the moment, the Israelis argue simply that the Suez Canal, at Sinai's western edge, is the only logical defense line in the entire peninsula. They will stay there until there is peace with the U.A.R., the strongest Arab military power.

Gaza Strip: This little area, about 30 miles long and five miles across, was held by the U.A.R. at the end of the 1948 Israeli war of independence. It was crammed with Palestinian refugees and quickly became a hive of terrorist and anti-Israeli sentiment—which it continued to be after Israel seized it in 1967.

The only long-run solution for the Gaza Strip, almost all Israelis at least privately agree, is some kind of integration with the West Bank area. This would allow some of the Gaza population to move out and would make Gaza part of a more economically viable area.

ISRAEL WANTS FIRM SECURITY GUARANTEES

But here again, Israel seems sure to insist on firm security guarantees to make sure that Gaza does not again become, as it was before 1967, an arrow pointed directly at the heart of the country.

The West Bank: Of all the occupied areas, the West Bank is the one where there seems to be the most flexibility in Israeli attitudes. At the least, Israelis can foresee some kind of autonomy for the area; at most, some Israelis talk about returning much of it to Jordan or perhaps even turning it into an independent Palestinian state.

One reason for such flexibility is that the West Bank's population of Palestinian Arabs is the most nearly normal—and the least troublesome—of any occupied territory.

The social and economic structure of the area is strong, even under Israeli occupation; indeed, in purely economic terms, many West Bankers are better off than before 1967, thanks to the availability of work in Israel. Thousands commute by bus every day to the factories and other jobs in Israel.

As in the case of other occupied zones, the Israelis state some security requirements for the West Bank. They do not wish to go back to the pre-1967 situation, when Jordanian control of the West Bank meant that enemy guns could shell Tel Aviv, on the coast, and Jordanian tanks could strike Israel where it was only 10 miles wide and thus vulnerable to being cut in two.

TWO WEST BANK FRONTIERS CONTEMPLATED

So Israeli officials talk of two kinds of West Bank frontiers—a "security" frontier on the Jordan River, manned by Israeli troops, and a "political" frontier farther west, with West Bankers and Israelis freely traveling back and forth.

If some or most of the West Bank should be returned to Jordan, some Israelis envision a "security" frontier along the Jordan River with a narrow neck-like connection between east Jordan and the West Bank. That corridor would allow normal commerce but could be militarily controlled by Israeli forces.

A similiar corridor is suggested by some to connect the West Bank, in whatever form it eventually takes, with the Gaza Strip. This would not only give Gaza residents access to the West Bank but would offer a seaport, at Gaza, for West Bank commerce.

One reason that the Israelis are willing to consider at least limited autonomy for the West Bank is their realization that it might go far to meet the spreading demand, not only in the Arab world but in the West as well, for establishment of some form of Palestinian entity to which those refugees who wished could move from their places of exile.

THE WEST BANK COULD BE "SAFETY NET"

The advantages of such a solution to Israel were, ironically enough, well stated last month by a young Palestinian propagandist in Beirut, Lebanon: "Before 1967, we could not make much progress in organizing our people, because the West Bank was an Arab land and it served as a 'safety net' to keep political pressure from rising." To some Israelis, the West Bank could again become such a "safety net" to help lower Middle East animosities.

So the Israelis, while publicly resisting all attempts to draw them into discussions or commitments on the occupied Arab territories, busily debate the issue among themselves. For many of the debaters, the question goes much further than just the lands involved: It goes to the heart of their varying concepts of what Israel, and the Middle East, can and should become in the future.

A Victor's Dilemma—Security Versus Conciliation

(By Charles W. Bailey)

Tel Aviv, Israel.—Israel's defense minister had just given a high-ranking U.S. official a helicopter tour over the Arab lands seized by the Israeli army in the six-day war of 1967.

The visitor was skeptical. "Surely you know you can't have any real security as long as you hold onto all this real estate?" he asked.

"We never have had any real security," answered Moshe Dayan, the one-eyed general who is Israel's best-known public figure.

"But how long do you think you can hold onto it all?" the American persisted.

Dayan's retort was quick: "How long has it been since 1948?"

That exchange took place more than two years ago, but the issue is still very much alive today. No one seriously doubts Israel's current military superiority over its Arab enemies—but what about the long run? Can Israel survive for ten or twenty, or even fifty, years as a small armed enclave in the Arab world? And if it can, what kind of country will it be?

These questions trouble thoughtful Israelis at all levels. Surprisingly, one of those who states the dilemma most clearly is Dayan—whose military reputation and rather aloof personality mask the fact that he is, by all accounts, one of the most sensitive of all Israeli leaders to the long-range problem of living with the Arabs.

"We must not only prevent the letting of our blood and the devastation of our land," Dayan said last month. "We must also see to it that we are not rendered incapable of finding a common language with the Arabs."

MANY FACTORS CLOUD SHAPE OF FUTURE

Dayan's concern for this most basic problem—how to find some way to live at peace, if not complete friendship, with the Arabs who surround and outnumber the Israelis—is shared by most Israelis, regardless of their public statements. In addition, there are a number of other factors that cause thoughtful Israelis to worry about the kind of country they will have ten or twenty years from now:

Taxes to support the "Zahal," or Israel defense forces, are extremely high. In fact, more than 40 percent of the nation's entire gross national product goes into taxes—the highest figure in the world. Individual income taxes rise to levels that seem astronomical by American standards; at $11,000 per year—hardly a rich man's salary—the income-tax bite reaches 82 cents of every dollar earned.

Israel is heavily dependent, for the large sums needed to buy modern weapons and make basic capital investments, on overseas investment and gifts. This not only distorts normal economic flexibility, since its policies must satisfy its zealous overseas backers.

Israel's economy has become tied almost entirely to far-off markets in Western Europe and the United States since normal geographic trade patterns are foreclosed by Arab hostility.

"The real question," one distinguished Middle-Eastern educator said last month, "is whether Israel can become a normal Mideast state, instead of a foreign importation."

The demands of national security also warp the normal patterns of human life. Almost every boy and girl in Israel goes into the army at 18—boys for three years, girls for 20 months. In addition, men who have completed service must still serve two months on active duty every year until they are 50 or even older.

This citizen-soldier pattern puts a strain on the country's economy even in quiet times. And when a major crisis results in full military mobilization, the economy of the country is virtually crippled overnight.

COUNTRY'S WILL REMAINS STRONG

(When Israel mobilized in 1967, before the six-day war, high-school students had to be pressed into service to deliver mail and collect garbage in Tel Aviv. The country simply could not keep going for long with so much of its work force in uniform—a fact that by itself helped shape the decision to attack the Arab states instead of waiting.)

So far, the Israelis have been willing to pay the economic and social price for independence and continued survival as a nation. Indeed, there is no indication that their will is weakening; the economy is advanced and strong, taxes are paid, foreign capital continues to come in, and—perhaps most significant—young people pull strings to get into uniform, not to stay out.

Yet even a first-time visitor to Israel senses a growing concern over the long-range outlook. The nation's young people are no less patriotic than their parents and grandparents—but they are thinking further ahead, questioning whether they must live under the threat of war all their lives.

The young *sabra*—native-born Israelis rather than immigrants—provided most of the troops in 1967 and make up an even greater proportion of the army today. For them, the six-day war was a disturbing watershed experience.

Raised on stories of centuries-long persecution climaxed by the mass killing of Jews in Hitler's death camps, these young Israelis suddenly found themselves strong instead of weak, victors instead of defeated, occupiers instead of depossessed.

PROSPECT OF CONTINUED WAR DISTURBING

As one writer put it in a volume of postwar commentary by young people, "The very fact of a Jewish victory is a miracle, a dream" for older Israelis—but was "a fact, and sometimes a distressing fact," for the *sabra*.

In addition to such emotional scars, the 1967 victory also left Israel's younger generation with a more urgent concern: will they have to do it all over again? As another contributor to the same book said: "Our generation has been brought up on the need to be strong, to be able to defend ourselves. This is something you can educate people towards for ten or twenty years.

"But what happens over a longer period? That's why the generation that's already been through two or three wars has this fatalism. People have felt the pointlessness of this never-ending struggle."

The young are not alone in wondering whether the struggle will be "never-ending." Some of their elders also are beginning to question whether their government's policies will lead toward real peace—or only toward a continuing cycle of armed truce and periodic war.

Some powerful and respected figures raise such questions. One is David Ben-Gurion, Israel's first prime minister and a symbol of the country's fight for independence and survival.

"If I had been in the government right after the six-day war, I would have tried for peace first thing with Egypt," he said in a recent interview. "We don't need the territories we conquered, and except for Jerusalem and the Golan Heights, we should give them all back."

Ben-Gurion's view is shared by those both inside and outside Israel who believe the country missed a golden chance to settle with the Arabs after its overwhelming military triumph in 1967.

DID ISRAEL MISS ITS CHANCE?

"The Israelis in 1967 behaved like Arabs," argues a U.N. official with years of experience in the Middle East. "It was the time for Israel to move and be magnanimous. They could have made a settlement. The Arabs had lost all their arms and had no military strength. Israel missed its moment."

This kind of talk is not heard much, at least in public, in Israel. But there is a questioning mood, and it breaks through to the surface during debates like last summer's argument over whether to go along with the U.S. cease-fire proposal.

That dispute produced a split in the government, with right-wing representatives resigning in protest over the decision to accept the American initiative. It also stirred more public debate over the nature of an eventual peace and the problems involved in reaching a settlement.

Such debate seems, on the surface, to center on territory—and especially the west bank of the Jordan River, the one occupied area most widely recognized as a site for possible compromise with the Palestinians.

But beneath such specific talk lie more basic issues:

Is there any reasonable prospect that West Bank Arabs might eventually decide that the obvious economic advantages they now have—such as more and better-paid jobs—

THE UNIVERSITY OF MICHIGAN LIBRARIES

would justify accepting Israeli political annexation of the area? Or do the deep-seated animosities produced by four decades of war rule this out?

Even if the West Bank Arabs agreed to become part of Israel, could Israel absorb them without losing its essential character as a Jewish state? Is there any real chance of enough additional Jewish immigration into Israel to preserve that character despite a massive infusion of Arab citizens?

How much military risk could Israel take in order to buy political acceptance, not only from the Palestinians but from other Arab states? What kind of guarantees would be required to justify, for example, withdrawing Israeli troops from the Jordan River line?

There are recognized pitfalls in any permanent annexation of Arab land. As Maron Benbenisti, deputy mayor of Jerusalem, says: "The moment the Arabs accept Israeli rule as permanent, we will have new problems—the Arabs will lose their sovereignty, but the Jews will lose their exclusivity."

For the moment, the Israeli government is moving with great caution and skepticism—seemingly seeking for the moment a situation in which "peace is far away, but so is war," as one Cabinet member puts it.

The search would be complicated enough if it involved only the Israelis and the Arabs. It is made much more complex and difficult because of the deepening involvement in the Middle East of the world's two most powerful nations, the United States and the Soviet Union.

Soviet Influence in Mideast Mushroomed After War

(By Charles W. Bailey)

Beirut, Lebanon.—The Lebanese official raised his voice so he could be heard over the rattle of the air-conditioning unit in his window.

"In 1948, the Arabs wouldn't even speak to the Russians," he said. "Now look what's going on."

Across Beirut, in a top-floor apartment where a weak breeze came through open windows to stir the stifling afternoon heat, another Lebanese—this one a distinguished scholar—repeated the same message:

"At the end of World War II, all the Arab states faced West, and the Soviet Union had no foothold here. Now only a handful of these countries are even amiable toward the United States."

The two remarks sum up one of the major factors in today's Middle East equation: The steady growth of Soviet influence in the region, and the parallel development of a political-military confrontation between the United States and the Soviet Union.

The Mideast rivalry of the world's two great powers is most visible in the context of conflict between Israel and the Arabs, for the current role of the United States and the Soviet Union as armorers and patrons of the local adversaries has captured most of the headlines.

TWO REASONS UNDERLIE U.S.-SOVIET RIVALRY

The Arab-Israel conflict has of course engaged the great powers deeply—so deeply, in fact, that there have been moments when it seemed likely to mushroom into global war. But it is not the root cause of Washington-Moscow competition in the Middle East.

The United States and the Soviet Union have come face-to-face in the area for two basic reasons:

The collapse of the British and French empires after World War II eliminated the influence of the two major powers that had dominated the Middle East. This left a strategic power vacuum at the spot where Europe, Asia and Africa come together in a network of vital sea, air and land bridges between east and west, north and south.

The best-known of these bridges is the Suez Canal, which gives European shipping a short-cut to and from the Persian Gulf, India, Asia and East Africa.

But in modern terms the air "canals" through the Middle East are perhaps even more important. Today airports at Cairo, Beirut, Tel Aviv, Baghdad and Teheran swarm with planes of every major nation; these cities are critical way stations on the world's biggest air routes. American, British, Dutch, French, Russian and German airline stewardesses waiting for their next flight decorate hotel swimming pools in every Mideast capital.

The Middle East is also the earth's largest single reservoir of oil; nearly two-thirds of the world's oil reserves lie under the deserts here. This oil is immensely profitable to those who control and extract it—and it is virtually priceless to those in Western Europe and elsewhere who depend on it for power, heat and light.

FIRST CONFRONTATION CAME IN TURKEY, IRAN

Neither Washington nor Moscow played a major role in the Middle East before World War II. American interest was minor until U.S. oil companies began to make heavy investments in the Arabian peninsula in the late thirties. The Russians had long yearned to extend their influence into the warm waters of the Mediterranean and the Indian Ocean, but until 1945 they were busy elsewhere.

The first real U.S.-Soviet confrontation in the Middle East came in the "northern tier"—Turkey and Iran. Soviet efforts to extend political dominance into these countries after World War II produced an American counter-move in the form of military aid and an effort to set up anti-Communist defense alliances in the region.

Two additional developments changed the picture drastically. The first was the rise of Israel as an independent state—with initial backing from Moscow as well as Washington—and the resulting Arab-Israeli wars. The second was a political upheaval inside the Arab world, beginning with the 1952 Egyptian revolution that brought Gamal Abdel Nasser to power.

The United States sided from the start with Israel, and by the late sixties had replaced France as Israel's major arms supplier. The Soviets, after first backing Israel, swung over to the Arab side; the key step here was the Soviet decision not only to give Nasser major economic aid but also to give Egypt and other Arab states massive amounts of military equipment.

These trends brought the United States and the Soviet Union into increasing conflict—especially after the 1967 war, when Moscow not only reequipped the shattered Arab armies but also began to put its own military men, first as advisers and then in regular units, into Egypt.

SOVIETS HAVE 10,000 TROOPS IN EGYPT

As of today, Western experts estimate that there are at least 10,000 Soviet troops in Egypt. Some man antiaircraft missiles along the Suez Canal and around Egypt's cities; others maintain and fly MIG fighter planes on air-defense missions over the Nile Valley.

"The rest are advisers," says a western military source in Cairo. "These go right up to the top in the high command; there's a Russian counterpart looking over the shoulder of every Egyptian general."

American and Soviet leaders suddenly realized the dangers of their Middle East involvement when the six-day war broke out in 1967. President Lyndon B. Johnson and Soviet Premier Alexei Kosygin used their "hot-line" teletypes to assure each other they weren't involved—and to plead with each other to keep out.

For the first time, the great powers seemed to realize that they could not control their clients in the Middle East—that there was always a danger that the antagonism between Arab and Israeli might drag the big powers into a disastrous military showdown with each other.

From this sobering realization has apparently come at least a partial tacit understanding between Washington and Moscow that such an ultimate confrontation must be avoided—and that therefore the Arab-Israeli conflict must be cooled off: That, at least, is the only explanation most observers can offer for the Soviets' backing of last summer's U.S. peace initiative along the Suez Canal.

But no one—in Washington, in Moscow or here in the Middle East—thinks this kind of limited parallel thinking means the great-power competition in the area is slowing.

For one thing, the long-run objectives of the two superpowers in the Middle East seem almost diametrically opposed.

For the United States the objective is stability—to allow Israel to exist in peace, to ensure the continued flow of the oil so vital to America's European allies, to provide a hospitable climate for improved U.S.-Arab relations.

For the Soviets, the objective appears to be sustained instability—to prevent the U.S. from extending its influence, to keep Europe edgy about its oil supplies, and to provide the climate for continued Soviet influence with Arab regimes which, if left to themselves, would almost certainly prefer to keep Moscow at arm's length.

"Washington must realize that the Russians want something different out here than the U.S. wants," a high Israeli defense official argues. "The Russians want to get as much as they can at minimum cost and without a major war."

Both Israelis and Arabs, ironically, sometimes use the same arguments in appealing to their separate great-power supporters.

Again and again last month Israeli officials told this correspondent that the U.S. government does not fully appreciate the size of the Soviet threat in the Middle East. "Russians are not really 10 feet tall," one Israeli diplomat said scornfully. "But you are 4 feet tall."

On the other side, Arab leaders constantly tell their own people—and their Moscow benefactors—that Israel is nothing more than an American tool to achieve U.S. domination of the area. Typical is the matter-of-fact comment of one Palestinian spokesman on a recent Israeli raid against a guerrilla camp in Lebanon: "The Israelis attacked the Palestinians with American equipment at American orders."

RELATIONS WITH ALLIES CAN BE CONTRADICTORY

Despite such polemics, the relations between great power and Mideast ally can be as contradictory as everything else about the area.

Thus the same Palestinian who describes Israeli soldiers as American lackeys will roar with laughter five minutes later as he tells jokes belittling the fighting qualities of the Egyptian army.

Knowledgeable Egyptians insist that whatever their government says in public about the United States, it will never cancel U.S. oil-drilling contracts in Egypt. "There are no 'American interests' in Egypt," says one. "There are just some commercial arrangements."

When a visitor suggests to an Israeli politician that Israel's plea to the United States is like Winston Churchill's in World War II—"Give us the tools and we will finish the job"—the Israeli disagrees: "No, what we say is 'Give us the tools and we will finish our job.'"

The same Egyptians who insist that they are grateful to the Soviet Union for sending military advisers to help them also complain freely to American visitors that the Russians drink too much, tip too little—and smell bad in crowded elevators.

There is, in short, nothing simple about the relationships between the two great powers and their Middle East allies. These are, like everything else in the area, filled with complexities and conflicts.

Nothing in Middle East Is Ever What It Seems To Be

(By Charles W. Bailey)

Allenby Bridge, Israel-Jordan Border.—The bridge is a makeshift steel truss pushed across the river to replace the blasted span whose rusting girders still hang over the water a few yards downstream.

The river itself is little more than a creek, no more than forty feet wide as it moves almost imperceptibly between high banks, carrying its brackish, gray-green water the last few miles toward the Dead Sea.

The scene recalls a comment heard the night before: "There is more history than water in the Jordan River." Certainly the Jordan seems inadequate for its role as the dividing line between Israel and the Arab world.

Yet this very contradiction seems an appropriate final entry in the journal of a month's travel in the Middle East. For if anything at all is clear about this part of the world, it is that nothing is clear, nothing simple or predictable, nothing ever quite what it seems at first glance.

The visitor is left finally, not with conclusions but with impressions—a jumble of things seen or heard that defy classification but somehow seem to add up.

"Nasser's acceptance of the cease-fire was very popular among Egyptians," said a U.S. diplomat in Cairo, U.A.R. "There is a real desire for peace. But he also got wide popular approval for cheating on the terms of the cease-fire. People said, 'See, he is clever—he is answering those Arabs who opposed the cease-fire, and also making the Israelis uncomfortable'."

Another description of Nasser, offered by an Israeli Cabinet minister the night he died:

"He was brilliant in his considerations, but highly wrong in his conclusions. We often compared him to a brilliant mathematician who could add, subtract, multiply and divide—but didn't know how to count."

"The Russians will have trouble replacing Nasser," the same man suggested. "They bought him ready-made, already in power, already the leading Arab figure. You can't replace all that overnight."

Two opinions on Israeli-Palestinian relations, the first from an Israeli official, the second from a Lebanese:

"The older Palestinians want peace; the younger want war, and support the fedayeen. But they come to their senses as they reach a certain age—or prison."

"Israel cannot liquidate the fedayeen. Ten thousand can be killed—but there will be 20,000 to take their place."

Two Soviet army officers huddle at a Cairo cocktail party, speaking Russian so Western military attaches cannot understand their talk about the Israeli "Hijacking" of an entire Soviet-supplied Egyptian radar station. Unknown to them, one of the other guests does understand Russian. He hears this remark:

"Those stupid Egyptians. Give them something and right away they lost it!"

The British have been in the Middle East a long time; the gates of their embassy in Cairo bear the initials of Queen Victoria.

"The Israelis have nothing but bad choices on the West Bank," the British ambassador said. "They can return it to the Palestinians. They can continue to occupy it as a 'province.' They can annex it with the Arabs still there.

"We have four Arab neighbors. We don't need five," said an Israeli diplomat about the possibility of an independent Palestinian state on the West Bank of the Jordan.

"It may be impossible to get a 'solution' on Jerusalem," said the city's Israel deputy mayor. "I don't think the Arabs can agree to having it all under Israel's jurisdiction. And we won't agree to splitting it."

"The only possible solution is to give the West Bank and Old Jerusalem to the Palestinians as an independent state," said an American in Lebanon.

"There is a conspiracy against the Arabs by those who are helping Israel," said a prominent Lebanese official. "In the U.S., all the leading positions are in the hands of Zionists. They've got the pulpit, radio, cinema, newspaper, leaders in Congress, and they are infiltrating in the White House and in industry."

"Arab leadership is conspiratorial, and therefore tends to believe there are several possibilities in a single situation," said a veteran Western diplomat. "I think the Egyptians figured the U.S. peace move was 75 percent honest—and 25 percent a trick to stop them from moving their missiles forward until the Americans could provide the Israelis with sophisticated electronic gear to neutralize the missiles."

"The Arab-Jewish struggle is a tragedy," writes American journalist I. F. Stone. "The essence of tragedy is a struggle of right against right . . . to find a solution which will satisfy both peoples is like trying to square a circle."

"Perhaps the best one can achieve in the Middle East is not a settlement in which everyone is equally happy," said a top U.S. foreign-policy official. "Perhaps the best one can achieve is a settlement with which everyone will be equally unhappy."

"We are back almost where we were in 1968," said an Egyptian editor. "Not at square one, but at square one-and-a-half."

From an editorial in a Cairo newspaper:

"Good ultimately destroys evil, and the Crusades that went on for 192 years ended ultimately in Arab victory. And history repeats itself."

From an editorial in a Jerusalem newspaper:

"The lesson (of the Jordanian civil war) is clear. It was not the U.N. and the Security Council which saved Jordan from aggression and conquest by a neighboring Arab country. It was the Jordanian army itself . . . Once more it has been demonstrated that a nation can rely only on its own strength."

THE BASIS FOR LASTING PROSPERITY—ADDRESS BY DR. ARTHUR BURNS, CHAIRMAN, FEDERAL RESERVE BOARD

Mr. MATHIAS. Mr. President, the Chairman of the Board of Governors of the Federal Reserve System merits attention when he speaks by virtue of the great authority of his office. When the Chairman happens to be Dr. Arthur Burns, then I believe his views are mandatory reading for Members of Congress, officials of Government and business, and, most important, for the citizens who create, control, and constitute the units of the remarkable system that is our economy.

Dr. Burns views would be crucial if he spoke in a purely private capacity because of his ability as an economist and his long and mature experience in Government. When these personal qualities are combined with his official position, his observations should be carefully noted and his recommendations closely studied. I am glad to ask unanimous consent to have printed in the Record the text of Chairman Burns' speech delivered on December 7, 1970, at Los Angeles in the Pepperdine College Great Issues series. He has significantly entitled his address, "The Basis for a Lasting Prosperity."

Chairman Burns supports President Nixon's "Stern warning to business and labor to exercise restraint in pricing and wage demands." He adds to the President's program several suggestions of his own for innovation in the rebuilding of confidence and the attainment of his goal of a lasting prosperity.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Basis for Lasting Prosperity

Nearly three years ago, in a talk here in Los Angeles, I pointed out that once an economy becomes engulfed by inflation, economic policy makers no longer have any good choices. To regain a lasting prosperity, a nation must have the good sense and fortitude to come to grips with inflation. There is, however, no painless way of getting rid of the injustices, inefficiency, and international complications that normally accompany an inflation.

Events of the past several years have lent poignancy to these simple truths. Recent experience has demonstrated once again that the transition from an overheated economy to an economy of stable markets is a difficult process. Elimination of excess demand was an essential first step to the restoration of stability, but this step has brought with it a period of sluggish economic activity, slow income growth and rising unemployment. And while we have made some progress in moderating the rate of inflation, our people are still seeing the real value of their wages and savings eroded by rising prices.

The struggle to bring inflationary forces under control, and to return our labor and capital resources to reasonably full employment, is still going on. I am convinced, however, that corrective adjustments in the private sector over the past twelve to eighteen months are creating, in conjunction with governmental stabilization policies, the foundation on which a prolonged and stable prosperity can be constructed.

A cardinal fact about the current economic situation, and one that promises well for our nation's future, is that the imprudent policies and practices pursued by the business and financial community during the latter half of the 1960s are being replaced by more sober and realistic economic judgments. In my remarks to you today, I want first to review some of the key developments that lead me to this conclusion. Then I shall turn to the tasks that must still be faced in order to enhance the prospects for an early resumption of growth in production and employment in an environment of reasonably stable prices.

The current inflation got under way in 1964. Perhaps the best single barometer of the extent to which it served to distort economic decisions and undermine the stability of the economy is found in the behavior of financial markets during the late 1960's. In 1968, well over 3 billion shares of stock exchanged hands on the New York Stock Exchange—about two and one-half times the volume of five years earlier. The prices of many stocks shot upward with little reference to actual or potential earnings. During the two years 1967 and 1968, the average price of a share of stock listed on the New York Exchange rose 40 per cent, while earnings of the listed companies rose only 12 per cent. On the American Exchange the average share price rose during the same two years more than 140 per cent on an earnings base that increased just 7 per cent.

A major source of the speculative ardor came from some parts of the mutual fund industry. Long-term investment in stocks of companies with proven earnings records

THE UNIVERSITY OF MICHIGAN LIBRARIES

became an outmoded concept for the new breed of "go-go" funds. The "smart money" was to go into issues of technologically oriented firms—no matter how they were meeting the test of profitability, or into the corporate conglomerates—no matter how eccentric their character.

This mood of speculative exuberance strongly reinforced the upsurge of corporate mergers which occurred during the middle years of the 1960's. No doubt many of these mergers could be justified on grounds of efficiency. but the financial history of mergers—including some of the great conglomerates—suggests that many businessmen became so preoccupied with acquiring new companies and promoting the conglomerate image that they lost sight of the primary business objective of seeking larger profits through improved technology, marketing, and management. When talented corporate executives devote their finest hours to arranging speculative maneuvers, the productivity of their businesses inevitably suffer and so too does the nation's productivity.

These speculative excesses had to end, and it is fortunate that they ended before bringing disaster to our nation. Equity values are now being appraised more realistically than a year or two ago. Investors are now more attentive to high quality stocks. Indeed, many of them have discovered or rediscovered that even bonds and time deposits are a fit use of their funds. Not a few of those responsible for the frantic search for "performance stocks" have shifted to other activities or joined the ranks of the unemployed; so also have numbers of security analysts and stock brokers. With speculation giving way to longer-term investment, the stock market is now channeling risk capital to business firms more efficiently.

A searching reappraisal of the economic philosophy of mergers is also underway. Merger activity has slowed materially since mid-1969. To some degree this is a response to the growing concern in governmental circles over the dangers that may inhere in large concentrations of economic power. But it stems mainly from the fact that businessmen are recognizing that time and energy can usually be spent more productively in searching for ways to increase the economic efficiency of their firm than in a scramble for corporate acquisitions.

Businessmen are also reconsidering the wisdom of financial practices that distorted their balance sheets during the late 1960's. In the manufacturing sector, the ratio of debt to equity—which had been approximately stable during the previous decade—began rising in 1964 and was half again as large by 1970. Liquid asset holdings of corporate businesses were trimmed to the bone. On the average, the ratio of prime liquid assets to current liabilities fell by nearly half during those six years. In permitting such a drastic decline in liquidity, many of our corporations openly courted trouble.

Perhaps the most ominous source of instability produced by these financial practices was the huge expansion of the commercial paper market. The volume of commercial paper issued by nonfinancial businesses increased eightfold between the end of 1964 and mid-1970, as an increasing number of firms—some of them with questionable credit standings—began to tap this market. The hazards inherent in the spreading reliance on commercial paper were taken much too lightly. After all, the relations between the buyer and seller of commercial paper are by their very nature distant and impersonal—unlike the close working relationship that normally develops between a bank and its business customers. The buyer—typically an industrial enterprise—rarely has the facilities or the experience to carry out a full investigation of the risks attaching to commercial paper. Moreover, the buyer regards his investment as temporary—to be withdrawn when cash is needed or when questions arise about the quality of the paper. The issuer, therefore, faces considerable uncertainty as to the amount of his maturing obligations that may be renewed on any given day. The risks facing the individual issuer and buyer inevitably pose a problem also for the nation's financial system, since the difficulties experienced by any large issuer of commercial paper may quickly spread to others.

These familiar truths were lost sight of in the inflationary aura of the late 1960's. It took the developments of last summer, when the threat of financial crisis hung for a time over the commercial paper market, to remind the business community that time-honored principles of sound finance are still relevant.

As a result of that experience and the testing of financial markets generally during the past two years, corporate financial policies are now more constructive than in the recent past. This year, new stock issues have continued at a high level—even in the face of unreceptive markets—as corporations have sought to stem the rise in debt-equity ratios. Of late, borrowing by corporations has been concentrated in long-term debt issues, and their rate of accumulation of liquid assets has risen. Liquidity positions of industrial and commercial firms are thus improving, though it will take some time yet to rectify fully the mistakes of the past.

These efforts to restore sound business finances are not without costs to the nation. For example, long-term interest rates, while below their peaks at the end of last year or last spring, are still at unusually high levels because of this year's extraordinary volume of new capital issues. But there can be no doubt that substantial adjustments in the financial practices of our nation's businesses were essential if the basis for a lasting and stable prosperity was to be re-established.

By and large, our major financial institutions conducted themselves with prudence during the years when lax practices were spreading in financial markets. There were, however, some individual institutions that overextended loan commitments relative to their resources, others that reduced liquidity positions to unduly low levels, still others that permitted a gradual deterioration in the quality of loan portfolios, and even a few that used funds of depositors to speculate in long-term municipal securities. Fortunately, such institutions were distinctly in the minority. When the chips were down, our major financial institutions proved to be strong and resilient. And they are stronger today. As monetary policy has eased, the liquidity of commercial banks has been increasing. Even so, loan applications are being screened with greater care. The emphasis on investment quality has also increased at other financial institutions, as is evidenced by the recent wide spread between the yields of high and lower grade bonds.

These corrective adjustments in private financial practices have materially improved the prospects for maintaining order and stability in financial markets. But no less important to the establishment of a solid base for a stable and lasting prosperity have been the developments this year in the management of the industrial and commercial aspects of business enterprise.

During the latter half of the 1960's, business profit margins came under severe pressure. The ratio of profits after taxes to income originating in corporations had experienced a prolonged rise during the period of price stability in the early 1960's. But this vital ratio declined rather steadily from the last quarter of 1965 and this year reached its lowest point of the entire postwar period.

Until the autumn of 1969 or thereabouts, the decline in profit margins was widely ignored. This is one of the great perils of inflation. Underlying economic developments tend to be masked by rising prices and the state of euphoria that comes to pervade the business community. Though profit margins were falling and the cost of external funds was rising to astonishing levels, the upward surge of investment in business fixed capital continued. True, much of this investment was undertaken in the interest of economizing on labor costs. Simultaneously, however, serious efforts to bring operating costs under control became more and more rare, labor hoarding developed on a large scale, huge wage increases were granted with little resistance, and some business investments were undertaken in the expectation that inflationary developments would one way or another validate almost any business judgment. While the toll in economic efficiency taken by these loose managerial practices cannot be measured with precision, some notion of its significance can be gained by observing changes in the growth rate of productivity.

From 1947 through 1966, the average rate of advance in output per manhour in the private sector of the economy was about 3 per cent per year. In 1967, the rate of advance slowed to under 2 per cent, and gains in productivity ceased altogether from about the middle of 1968 through the first quarter of this year. The loss of output and the erosion of savings that resulted from this slowdown in productivity growth are frightfully high.

The elimination of excess demand, which the government's anti-inflationary policies brought about, is now forcing business firms to mend their ways. Decisions with regard to production and investment are no longer being made on the assumption that price advances will rectify all but the most imprudent business judgments. In the present environment of intense competition in product markets, business firms are weighing carefully the expected rate of return on capital outlays and the costs of financing. The rate of investment in plant and equipment has therefore flattened out, and advance indicators suggest that business fixed investment will remain moderate in 1971.

Business attitudes toward cost controls have of late also changed dramatically. A cost-cutting process that is more widespread and more intense than at any time in the postwar period is now underway in the business world. Advertising expenditures are being curtailed, unprofitable lines of production discontinued, less efficient offices closed, and research and development expenditures critically reappraised. Layers of superfluous executive and supervisory personnel that were built up over a long period of lax managerial practices are being eliminated. Reductions in employment have occurred among all classes of workers—blue collar, white collar, and professional workers alike. Indeed, employment of so-called non-production workers in manufacturing has shown a decline since March that is unparalleled in the postwar period.

Because of these vigorous efforts to cut costs, the growth of productivity has resumed, after two years of stagnation. In the second quarter of this year, output per manhour in the private nonfarm economy rose at a 4 per cent annual rate, and the rate advanced to 5 per cent in the third quarter. These productivity gains have served as a sharp brake on the rise in unit labor costs, despite continued rapid increases in wage rates.

In my judgment, these widespread changes in business and financial practices are evidence that genuine progress is being made in the long and arduous task of bringing inflationary forces under control. We may now look forward with some confidence to a future when decisions in the business and financial community will be made more rationally, when managerial talents will be concentrated more intensively on efficiency in processes of production, and when participants in financial markets will avoid the speculative excesses of the recent past.

Let me invite your attention next to the role that government policies have played this year in fostering these and related adjustments in private policies and practices.

The fundamental objective of monetary and fiscal policies this year has been to maintain a climate in which inflationary pressures would continue to moderate, while providing sufficient stimulus to guard against cumulative weakness in economic activity. Inflationary expectations of businessmen and consumers had to be dampened; the American people had to be convinced that the government had no intention of letting inflation run rampant. But it was equally important to follow polices that would help to cushion declines in industrial production stemming from cutbacks in defense and reduced output of business equipment, and to set the economy on a course that would release the latent forces of expansion in our home-building industry and in state and local government construction. I believe we have found this middle course for both fiscal and monetary policy.

A substantial reduction in the degree of fiscal restraint has been accomplished this year with the phasing out of the income tax surcharge and the increase in social security benefits. These sources of stimulus provided support for consumer disposable incomes and spending at a time when manufacturing employment was declining and the length of the work-week was being cut back.

I do not like, but I also am not deeply troubled, by the deficit in the Federal budget during the current fiscal year. If the deficit had originated in a new explosion of governmental spending, I would fear its inflationary consequences. This, however, is not the present case. The deficit in fiscal 1971—though it will prove appreciably larger than originally anticipated—reflects in very large part the shortfall of revenues that has accompanied the recent sluggishness of economic activity. The Federal budget is thus cushioning the slowdown in the economy without releasing a new inflationary wave. The President's determination to keep spending under control is heartening, particularly his plea last July for a rigid legislative ceiling on expenditures that would apply to both the Executive and the Congress. However, pressures for much larger spending in fiscal 1972 are mounting and pose a threat to present fiscal policy.

Monetary policy this year has also demonstrated, I believe, that it could find a middle course between the policy of extreme restraint followed in 1969 and the policies of aggressive ease pursued in some earlier years. Interest rates have come down, and liquidity positions of banks, other financial institutions, and nonfinancial businesses have been rebuilt—though not by amounts that threaten a reemergence of excess aggregate demand. A more tranquil atmosphere now prevails in financial markets. Market participants have come to realize that temporary stresses and strains in financial markets could be alleviated without resort to excessive rates of monetary expansion. Growth of the money supply thus far this year—averaging about a 5½ per cent annual rate—has been rather high by historical standards. This is not, however, an excessive rate for a period in which precautionary demands for liquidity have at times been quite strong.

The precautionary demands for liquidity that were in evidence earlier in 1970 reflected to a large degree the business and financial uncertainties on which I have already commented. It was the clear duty of the nation's central bank to accommodate such demands. Of particular importance were the actions of the Federal Reserve in connection with the commercial paper market last June. This market, following the announcement on Sunday, June 21, of the Penn Central's petition for relief under the Bankruptcy Act, posed a serious threat to financial stability. The firm in question had large amounts of maturing commercial paper that could not be renewed, and it could not obtain credit elsewhere. The danger existed that a wave of fear would pass through the financial community, engulf other issuers of commercial paper, and cast doubt on a wide range of other securities.

By Monday, June 22—the first business day following announcement of the bankruptcy petition—the Federal Reserve had already taken the virtually unprecedented step of advising the larger banks across the country that the discount window would be available to help the banks meet unusual borrowing requirements of firms that could not roll over their maturing commercial paper. In addition, the Board of Governors reviewed its regulations governing ceiling rates of interest on certificates of deposit, and on June 23 announced a suspension of ceilings in the maturity range in which most large certificates of deposit are sold. This action gave banks the freedom to bid for funds in the market and make loans available to necessitous borrowers.

As a result of these prompt actions, a sigh of relief passed through the financial and business communities. The actions, in themselves, did not provide automatic solutions to the many problems that arose in the ensuing days and weeks. But the financial community was reassured that the Federal Reserve understood the seriousness of the situation, and that it would stand ready to use its intellectual and financial resources, as well as its instruments of monetary policy, to assist the financial markets through any period of stress. Confidence was thus bolstered, with the country's large banks playing their part by mobilizing available funds tc meet the needs of sound borrowers caught temporarily in a liquidity squeeze.

The role that confidence plays as a cornerstone of the foundation for prosperity cannot, I think, be overstressed. Much has been done over recent months by private businesses and by the government to strengthen this foundation. If we ask what tasks still lie ahead the answer I believe must be: full restoration of confidence among consumers and businessmen that inflationary pressures will continue to moderate, while the awaited recovery in production and employment becomes a reality.

The implications of this answer for the general course of monetary and fiscal policies over the near term seem to me clear. The thrust of monetary and fiscal policies must be sufficiently stimulative to assure a satisfactory recovery in production and employment But we must be careful to avoid excessive monetary expansion or unduly stimulative fiscal policies. Past experience indicates that efforts to regain our full output potential overnight would almost surely be self-defeating. The improvements in productivity that we have struggled so hard to achieve would be lost if we found ourselves engulfed once again in the inflationary excesses that inevitably occur in an overheated economy.

As I look back on the latter years of the 1960's, and consider the havoc wrought by the inflation of that period, I am convinced that we as a people need to assign greater prominence to the goal of price stability in the hierarchy of stabilization objectives. I have recommended on earlier occasions that the Employment Act of 1946 be amended to include explicit reference to the objective of general price stability. Such a change in that law will not, of course, assure better economic policies. But it would call the nation's attention dramatically to the vital role of reasonable price stability in the maintenance of our national economic health.

At the present time, governmental efforts to achieve price stability continue to be thwarted by the continuance of wage increases substantially in excess of productivity gains. Unfortunately, the corrective adjustments in wage settlements that are needed to bring inflationary forces under control have yet to occur. The inflation that we are still experiencing is no longer due to excess demand. It rests rather on the upward push of cost—mainly, sharply rising wage rates

Wage increases have not moderated. The average rate of increase of labor compensation per hour has been about 7 per cent this year—roughly the same as last year. Moreover, wage costs under new collective bargaining contracts have actually been accelerating despite the rise in unemployment. In the third quarter of this year, major collective bargaining agreements called for annual increases in wage rates averaging 10 per cent over the life of the contract. Negotiated settlements in the construction industry during the same three months provided for wage increases averaging 16 per cent over the life of the contract, and 22 per cent in the first year of the contract. Nor is the end of this explosive round of wage increases yet in sight. Next year, contracts expire in such major industries as steel, aluminum, copper, and cans. If contracts in those industries are patterned on recent agreements in the construction industry—or, for that matter, in the trucking and automobile industries—heavy upward pressures on prices will continue.

I fully understand the frustration of workers who have seen inflation erode the real value of past wage increases. But it is clearly in the interest of labor to recognize that economic recovery as well as the battle against inflation will be impeded by wage settlements that greatly exceed probable productivity gains.

In a society such as ours, which rightly values full employment, monetary and fiscal tools are inadequate for dealing with sources of price inflation such as are plaguing us now—that is, pressures on costs arising from excessive wage increases. As the experience of our neighbors to the north indicates, inflationary wage settlements may continue for extended periods even in the face of rising unemployment. In Canada, unemployment has been moving up since early 1966. New wage settlements in major industries, however, averaged in the 7 to 8 per cent range until the spring of 1969, then rose still further. This year, with unemployment moving above 6½ per cent, negotiated settlements have been in the 8 to 9 per cent range.

Many of our citizens, including some respected labor leaders, are troubled by the failure of collective bargaining settlements in the United Sttaes to respond to the anti-inflationary measures adopted to date. They have come to the conclusion, as I have, that it would be desirable to supplement our monetary and fiscal policies with an incomes policy, in the hope of thus shortening the period between suppression of excess demand and the restoration of reasonable relations of wages, productivity, and prices.

To make significant progress in slowing the rise in wages and prices, we should consider the scope of an incomes policy quite broadly. The essence of incomes policies is that they are market-oriented; in other words, their aim is to change the structure and functioning of commodity and labor markets in ways that reduce upward pressures on costs and prices.

The additional anti-inflationary measures announced by the President last Friday will make a constructive contribution to that end. The actions to increase the supply of oil will dampen the mounting cost of fuels, and the recommendations made by the President to improve the structure of collective bargaining in the construction industry strike at the heart of a serious source of our current inflationary problem.

THE UNIVERSITY OF MICHIGAN LIBRARIES

I would hope that every citizen will support the President's stern warning to business and labor to exercise restraint in pricing and wage demands. A full measure of success in the effort to restore our nation's economic health is, I believe, within our grasp, once we as a people demonstrate a greater concern for the public interest in our private decisions.

If further steps should prove necessary to reduce upward pressures on costs and prices, numerous other measures might be taken to improve the functioning of our markets. For example, liberalization of import quotas on oil and other commodities would serve this purpose. So also would a more vigorous enforcement of the anti-trust laws, or an expansion of Federal training programs to increase the supply of skilled workers where wages are rising with exceptional rapidity, or the creation on a nation-wide scale of local productivity councils to seek ways of increasing efficiency, or a more aggressive pace in establishing computerized job banks, or the liberalization of depreciation allowances to stimulate plant modernization, or suspension of the Davis-Bacon Act to help restore order in the construction trades, or modification of the minimum wage laws in the interest of improving job opportunities for teenagers, or the establishment of national building codes to break down barriers to the adoption of modern production techniques in the construction industry, or compulsory arbitration of labor disputes in industries that vitally involve the public interest, and so on. We might bring under an income policy, also, the establishment of a high-level Price and Wage Review Board which, while lacking enforcement power, would have broad authority to investigate, advise, and recommend on price and wage changes.

Such additional measures as may be required can, of course, be determined best by the President and the Congress. What I see clearly is the need for our nation to recognize that we are dealing, practically speaking, with a new problem—namely, persistent inflation in the face of substantial unemployment—and that the classical remedies may not work well enough or fast enough in this case. Monetary and fiscal policies can readily cope with inflation alone or with recession alone; but, within the limits of our national patience, they cannot by themselves now be counted on to restore full employment, without at the same time releasing a new wave of inflation. We therefore need to explore with an open mind what steps beyond monetary and fiscal policies may need to be taken by government to strengthen confidence of consumers and businessmen in the nation's future.

In the past two years we have come a long way, I believe, towards the creation of a foundation for a lasting and stable prosperity. Confidence has been restored in financial markets. Businesses have turned away from the imprudent practices of the past. Productivity gains have resumed. Our balance of trade has improved. The stage has been set for a recovery in production and employment—a recovery in which our needs for housing and public construction can be more fully met.

To make this foundation firm, however, we must find ways to bring an end to the pressures of costs on prices. There are no easy choices open to us to accomplish this objective. But that, as I indicated at the outset, is the tough legacy of inflation.

AMERICAN REVOLUTION BICENTENNIAL

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Guy Friddell, and published in the Roanoke Times of December 8. Mr. Friddell is an editorial writer, columnist, and author who has a great appreciation and love of Virginia history. I believe that his observations on the coming celebration of the American Revolution Bicentennial are worth noting.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNCOVERING ROOTS

(By Guy Friddell)

President Nixon has approved the American Revolution Bicentennial Commission's recommendations that include Philadelphia's selection as "an exciting focal point" for the nation's 200th birthday in 1976. Washington, the President noted, will play an important role in setting the tone of the party.

Boston will develop a program for tracing the revolutionary roots. Miami will build "Interama," a permanent trade and convention center. By now, surely, the President is scratching his head and wondering if the commission overlooked a focal point or two.

Never mind. When the historians begin digging in the origins, they will hit a taproot leading from the island at Jamestown to a mountain near Charlottesville.

That was where John Adams looked when the question arose as to who would draft the Declaration of Independence.

Years later Mr. Adams remembered how a gangling 33-year-old redhead from Monticello had asked him to write the first draft, and how he had refused.

"Why?" Jefferson had wanted to know.

"Reasons enough."

"What can be your reasons?"

"Reason first—you are a Virginian, and a Virginian ought to appear at the head of this business. Reason second—I am obnoxious, suspected and unpopular. You are very much otherwise. Reason third—you can write 10 times better than I can."

"Well, if you are decided I will do as well as I can," Jefferson had said.

And at Monticello the thought turns to Montpellier, the home of Jefferson's balance wheel, the great little Madison," who became in committee and on the convention floor "The Father of the Constitution."

And if Madison fathered the constitution, in downtown Richmond is the home of John Marshall, who assured the Supreme Courts supremacy.

MORE THAN ANY OTHER

Somewhere along the line the celebraters must consider the man who, said Jefferson, had more to do than any other in starting the ball of the Revolution; and once in Patrick Henry's company, in Williamsburg, ringing with his dare to the crown, or in Richmond's St. John's church, echoing yet his choice of liberty or death, the spell is difficult to resist.

In Williamsburg, too, a dozen others labored at independence, and George Mason, even while grumbling at having to leave Gunston Hall, wrote the Virginia Declaration of Rights, a nation's model.

Finally, the celebrators will turn to Mount Vernon and George Washington, without whose steadying presence the whole experiment would have failed. For Washington, deeds spoke, as when at Yorktown his men had stormed the British redoubts, he said to his aides, "The work is done, and well done," and, turning to his servant, "Billy, hand me my horse."

By one route or another—Jamestown, Yorktown, Williamsburg, Richmond, Monticello, Montpellier, St. John's, Mount Vernon—they will be back.

SOME PLIGHTS OF THE ALASKAN ESKIMO

Mr. STEVENS. Mr. President, the Christian Science Monitor of Wednesday, December 2, 1970, contains an article entitled "A 'Fair Share'." This article highlights some of the plights of the Alaskan Eskimo. I would like to share this article with my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A FAIR SHARE

Oil has placed an unaccustomed spotlight on Alaska and, particularly, on its people.

The Eskimos, the native people of the Great Country, were not taken there as captives, nor were they conquered by America, nor did they make war on this nation. Long before Alexander the Great was vanquishing the white man's world they had already conquered their own white wastelands. And they never signed away the rights to those lands.

Yet most of them are demanding only that they be given a chance to work within the system and get a fair share of the action.

Here is an ancient people, living under American laws, going to American schools who yet seem within reach of preserving their own culture and re-creating a constructive identity.

The discovery of oil has helped nudge the process along, of course. Congress now seems set on finding a solution and the Senate already has passed a Native Land Claims Bill that would make land awards plus a cash settlement plus royalties on mineral wealth. This could mean 10 million acres and a billion dollars to the Eskimos.

The concept is a far cry from the uprooting of an established culture and the century of exploitation and neglect. And the hopeful sign is that the Eskimos, whose life, of necessity, always has been pragmatic, are prepared to work within the system and within the laws for a "fair share of what is ours."

THE PRESIDENT'S FISCAL AND MONETARY POLICIES

Mr. MUSKIE. Mr. President, President Nixon's remarks on December 4 to the National Association of Manufacturers were encouraging in several respects.

First, they signified that the President may have abandoned the deliberately restrictive fiscal and monetary policies of the past 22 months, policies which tried to control inflation by increasing unemployment, by tightening credit, and by ignoring the need to invest prudently in areas of housing and education and health care as typified by the President's vetoes in August of appropriations in these vital areas.

Second, they signified that the President at last seems to recognize inflation can be curbed only by dealing specifically with particularly troubling areas of rising prices and rising labor costs. His emphasis on oil and on construction bargaining is important. It should be followed by steps to hold down the costs of health care and to increase the mobility of labor.

The President has finally noticed the immense discretionary power of big business and big labor. As he said:

> This is the critical moment . . . for business and labor to make a special effort to exercise restraint in price and wage decisions.

These words are a welcome contrast to the President's remarks in January 1969 when he said:

> The leaders of labor and the leaders of management, much as they might personally want to do what is in the best interest of the Nation, have to be guided by the interests of the organizations they represent.

It is time the President recognized the public interest. Unfortunately, that recognition has not yet been combined with action.

The President has not yet told business and labor what is expected of them. He has offered no clues as to the extent to which restraint must be exercised. He has insisted that business and labor drive carefully without suggesting a reasonable speed limit.

The absence of that limit constitutes the vital missing link in our national economic policy today.

Many experts have suggested ways of forging that link. These experts include leaders of the Senate and House, businessmen such as those who serve on the Committee for Economic Development, and professional economists.

One member of this group who has recently made a particularly important contribution is Gardiner Means, an especially wise and experienced economist who first warned this Nation of the dangers of administrative inflation more than a generation ago.

His specific recommendations were printed in Sunday's Washington Post. They revolve around the formation of a temporary emergency Guidance Board to provide price and wage guidelines for big business and big labor.

That proposal deserves the most careful consideration by the Senate and by the President, as a thoughtful and constructive approach toward forging the missing link of our economic policy.

I ask unanimous consent that the article, entitled "A Full Employment Program," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FULL EMPLOYMENT PROGRAM

(By Gardiner C. Means)

The first phase of President Nixon's game plan to control inflation has already proved a failure. In spite of the fact that the planned reduction in production and employment has been exceeded, inflation has not been brought under control. Prices in the more concentrated markets such as autos and steel continue to rise although this rise has been masked by the fall in competitive market prices such as those for farm products, foods and lumber. Nor is the plan likely to bring such administrative inflation under control.

This presents the country with the need for an emergency program to get us back to full employment under conditions which recognize the reasons for the failure of the President's game plan and take into consideration what would be required to restrain the kind of inflation we have been experiencing.

I. WHY THE NIXON GAME PLAN WILL CONTINUE TO FAIL

The President's game plan is designed in terms of classical textbook theory under which simultaneous recession and inflation are theoretically impossible. It treats the inflation of recent years as solely a product of excess demand and a resulting "pervasive inflation-mindedness". Yet by the end of 1969, excessive demand had been largely eliminated through the budget surplus bequeathed to the present Administration and by the Federal Reserve's restrictive monetary policies. The main problem as conceived in the game plan was to kill the "pervasive inflation-mindedness".

The plan was to contract aggregate demand to a point well below that needed to support full employment, hold it well below the full employment level for two years, and then expand it to bring production up to its potential by early 1973, a goal now apparently revised to mid-1972.

This game plan takes no account of the actual behavior of administered prices and wage rates in the industries in which big business and big labor play a major role. Past experience has shown that even where there is excessive unemployment, the prices in the more concentrated industries are likely to rise. This is being confirmed currently by the continued rise of administered prices while market prices go down.

In the last three months four important market-dominated categories, (farm products, food, lumber products and non-ferrous metals) have gone down an average of 2.5 per cent, or at the rate of 10 per cent a year, while four important administration-dominated categories (steel, machinery, automobiles and non-metallic minerals) have gone up an average of 2.4 per cent or at the rate of 9.6 per cent a year. Furthermore, the administered-price increases cannot generally be attributed to wage increases. The Department of Commerce index of labor cost per unit of output for the corporate sector shows no significant increase in the last two quarters while according to the *Survey of Current Busines* the improvement in profits in the third quarter was to a considerable extent due to expansion of profit margins. It is this administrative inflation which is at the root of the modern inflation problem and is not taken into account in the President's game plan.

Even if the plan could be successful, it would be a highly expensive way to control inflation. It calls for something like five million man years of idle manpower and some $65 billion of potential production thrown away. The hardships on individuals and the costs of social disruption could easily make the planned cost $100 billion.

However, there is no reason to expect that the prolonged period of stagnation contemplated in the plan would eliminate administrative inflation. In spite of exceeding the planned contraction, there is no sign of a decline in the rate of price increase in the more concentrated markets. And when demand is expanded to achieve full employment in the future, this would not only cause a legitimate rise in market-dominated prices, but would reinforce the process of administrative inflation long before full employment was reached. Such inflation grows out of the use of market power and cannot be controlled through monetary and fiscal measures. This lesson is being learned in all of the major industrial countries.

The President's game plan is thus not only criminally wasteful of human and material resources but bound to fail.

II. WHAT NEEDS TO BE DONE

Because monetary and fiscal measures alone cannot bring about both full employment and price stability, the country is faced with two problems: the immediate necessity of getting back to full employment as quickly as possible with minimum inflation, and the longer run task of maintaining full employment without inflation.

The first is essentially an emergency problem which can be tackled by measures which might not be feasible or effective in the long run.

It has taken the present Administration's planned contraction less than 12 months to bring the economy from 3.4 per cent unemployment to its present level of stagnation. An emergency expansion program should aim to get back to 3.4 per cent unemployment within a year.

The means for expanding aggregate demand are well understood. The big problem requiring a new approach is how to sit on the lid of administered prices while the expansion goes on.

Controlling administrative inflation should not be confused with holding down prices in a demand inflation. The head of steam generated by excess demand is hard to control, and, if contained, is likely to produce inflation when the controls are removed.

Administrative inflation, on the other hand, results from the very considerable area of discretion involved in the setting of prices and the arriving at wage rates by big business and big labor. The problem of control is to limit the *arbitrary* use of market power within this area of discretion.

There is good reason why big business and big labor should be willing to accept guidance in this field in order to avoid inflation. Each business and each union has a strong interest in seeing that *everybody else* uses market power responsibly. But acting alone their specific interest in higher prices and wages for themselves leads to inflationary increases and only government can give the coordination necessary to achieve their common interest.

Two peace-time experiences with economic guidance by government indicate the possibility of its success.

In the early days of the great depression, President Hoover called in the leaders of big business and persuaded them, in the interests of prosperity for all, to agree not to cut wage rates. This was before the days of big unions, yet big business kept its promise. It was not until the business contraction had been going on for over two years that big business began to slash wages. If President Hoover had supported this wage guidance with the appropriate monetary and fiscal measures to expand demand, it might have been one of the most spectacular counter-cyclical programs on record.

The second case involves the Kennedy Guideposts. President Kennedy called on both labor and management to abide by wage and price guideposts in a period in which he was attempting to expand aggregate demand in order to achieve full production and employment. Big labor adhered to the Guideposts for approximately three years, so that labor cost per unit of real industrial output actually went down. Management also adhered to the guideposts to a considerable extent though not as closely as labor.

In the end, labor ceased to follow the guideposts because of a basic flaw in their design. The wage guidepost took account only of increases in productivity and failed to make allowance for increases in cost of living which resulted from a legitimate rise in market-dominated prices. Because of this flaw, labor lost nearly half of the productivity gains to which it was entitled before it departed from the guidepost. If the Kennedy plan had included a suitable cost of living provision and if management had cooperated more closely, the reflation plan could have been an outstanding success instead of only a partial one.

The emergency program suggested below would build on the common interest in achieving full employment and minimizing inflation. It would provide price and wage guidance as to what increases were legitimate. It would focus on the actions of big business and big labor. It would use the power of published analysis and public opinion to encourage adherence to the program.

THE UNIVERSITY OF MICHIGAN LIBRARIES

Furthermore the program would be based on a clear recognition that the present situation is indeed an emergency. It is certainly an emergency for the more than four million persons currently looking for work and not able to find it. It is also an emergency for the many business firms approaching or teetering on the edge of bankruptcy. It is hardly a normal situation for that half of industry that is operating at less than 75 per cent of capacity. Treatment as an emergency will facilitate the adoption of temporary measures.

III. AN EMERGENCY EXPANSION PROGRAM

The main instruments proposed for launching the program would consist of: 1) a Joint Resolution of the Congress, directed to all parties at interest, declaring the economic emergency and pointing in general terms to the actions appropriate to each; and 2) a single piece of new emergency legislation setting up a temporary Emergency Guidance Board to provide price and wage guidance to big business and big labor.

A joint resolution on the economic emergency

The Joint Resolution by the Congress could appropriately state the character of the emergency, set forth the shape of the program which was being adopted, outline the time schedule for reflation, set a time limit for the program, call on all interested parties for cooperation and indicate in general what would constitute cooperation for each.

In particular, it might request the President to call together the leaders of big business as did President Hoover in an earlier emergency, and likewise the leaders of big labor, and ask each group to agree to cooperate with the temporary price and wage guidance board for the duration of the emergency.

On fiscal policy, the recommendation of the Committee for Economic Development might be adopted. It calls for a budget that should be a little more than balanced at full employment but would run an intentional deficit at less than full employment. Or during the emergency, an even greater but temporary deficit might be aimed at in order to reduce the extent of the monetary expansion that would be required. On monetary policy the Joint Resolution could appropriately direct the Federal Reserve Board: 1) to cooperate with the Administration and the temporary guidance board in designing and carrying out an immediate reflation program and 2) to expand and control the country's stock of money to just support aggregate demand at the level necessary for reaching the goal of the emergency program in the light of the budget policies adopted.

The new legislation would set up a new and temporary agency which might be called the Emergency Guidance Board. The Board could be set up within the administrative arm of the Government or independent of the President and directly responsible to the Congress as is the Federal Reserve Board. In either case, it would be a temporary board created for the emergency period. In this way it could be more easily dismantled at the end of the emergency.

The Board should be composed of a small group of distinguished individuals respected by business, labor and consumers but not representing these several interests, with a chairman well versed in the operations of government.

The Board would presumably have no powers to force particular price or wage actions. Rather, its effectiveness would depend on the agreement of big business and big labor to cooperate, on the fairness of its guidelines, on the publication of the reports to it by big business and big labor justifying proposed or actual price or wage increases, and, in special cases, a Board recommendation against such increases or for a rollback. It should, however, have power to subpoena records for use in extreme cases.

The responsibility of the Board might properly be limited to pricing in the more concentrated industries. The legislation setting forth its powers and responsibilities might specify, for example, that the Board must be concerned with substantial price increases by any business having assets of, say, one-half billion dollars or more and with any business supplying, say, thirty per cent of any substantial market. It may be concerned with price increases by business enterprises having, say, $100 million assets or, supplying, say, 10 per cent of any substantial market, provided that either the business voluntarily accepts such guidance or an examiner of the Board makes a finding that such guidance is essential to the success of the program.

The Board should be empowered to require that any business or union subject to its emergency guidance should file an economic justification for any substantial price or wage increase involving a substantial volume of output.

In order not to be overwhelmed with an excessive number of cases, the Board would need to develop procedures for selecting the more significant cases which require Board judgment and recommendation, those to be handled through public hearings and attendant publicly and those for which staff consultation and negotiation would appear sufficient.

Large institutions, corporate or union, are not immune to public opinion. Their leaders know that their very size makes them vulnerable. The findings of a distinguished board are likely to have considerable persuasive effect. It is reasonable to expect that, for the limited duration of the emergency, they would respond with the degree of cooperation necessary to make this an effective device for restraining administrative inflation during the period of reflation.

IV. LONG RUN POLICY

The emergency measures should not be expected to resolve the long term problem of administrative inflation which will still persist after the emergency has been overcome.

In the absence of some new program, the country will constantly be faced with the dilemma of inflation and unemployment. Actually and economy which is running well should have neither inflation nor serious unemployment. Those who suggest that a 2 or 3 per cent annual rise in prices is acceptable are simply not looking for a well-running economy. Likewise those who accept 3.4 per cent unemployment as anything except an interim goal are accepting a badly running economy. They are saying that, rather than interfere with the abuse of market power they are satisfied that there should continuously be more than two and a half million workers looking for work and unable to find it; that the country should aim to throw away some 20 billion dollars of potential production a year; and that the burden of avoiding inflation should be placed on those least able to bear it. The emergency guidance program and its success or failure should give us clues as to the permanent institutional changes which might be needed to provide a well-running free enterprise system in the presence of substantial market power in the more concentrated industries.

SHARON MATTHEWS DAY

Mr. STEVENS. Mr. President, in October 1970, Miss Sharon Matthews, a senior at Mount Edgecumbe High School on Japonski Island near Sitka, Alaska, saved a 2-year-old girl and 3-year-old boy who were caught in a runaway automobile that was headed for a sharp dropoff.

Miss Matthews boarded the automobile while it was in motion and attempted to apply the brakes. She was unable to stop the car in this manner, so she turned its wheels sharply into a curb at the side of the road. The car stopped abruptly, and Miss Matthews received minor cuts and bruises. However, the children were not injured.

Sharon Matthews saved the day. Her prompt reaction averted what might have been a tragedy for the community on Japonski Island. She demonstrated uncommonly clear thinking in a fearful few moments when a lesser reaction would have jeopardized her own life and the two children she was trying to save.

To be sure, we may cite Miss Matthews as a brave and courageous young woman. But what is more, her behavior portrays innate compassion and good will for her fellow man. In her own celebration of life, Sharon Matthews places the lives of others on a par with her own.

This is the example I feel worthy of our note in the U.S. Senate.

Sharon Matthews Day was instigated by Sharon's friends and dorm mates at Mount Edgecumbe High School on October 15, 1970. They had a program and reception where she was presented with a gift by her contemporaries. Respect and recognition from her peers are perhaps the finest tributes which could be made to Miss Matthews.

HOMECOMING, U.S.A.

Mr. CANNON. Mr. President, when Gen. Creighton W. Abrams, our commanding general in Vietnam, recently announced a new leave policy that permits qualified personnel of our forces in Vietnam to take a 2-week leave in the United States, reasonable and rapid transportation became the key to the success of the new policy.

Homecoming, U.S.A. is the name of the program. Working through all the USO facilities, that organization that has for so long served our men in uniform, World Airways, a certified supplemental carrier, has established a round-trip fare of $350 from Vietnam and the west coast of the United States on a positive space basis. This figure was less than 50 percent of the existing fares.

Further, World Airways has arranged to loan responsible service personnel the amount necessary to make the flight, so since this $350 figure includes all taxes, and the USO makes no charge for its services, Homecoming, U.S.A. should be a great success.

World's first flight leaves for the west coast December 15, and already 30 flights are scheduled through March.

I compliment Edward Daly, president of World Airways, and Gen. Emmett O'Donnell, president, USO, on this joint venture that will let our servicemen come home using the most economical fare possible. The First Western Bank & Trust Co. of California will handle the loans. The aircraft to be used are Boeing 707 intercontinental fanjets. This kind of enterprise and public service could not come at a better time for our brave men in uniform whose hardships are not always appreciated by their fellow citizens.

IMPORTED SECOND FLOUR CLEARS

Mr. MILLER. Mr. President, Senators may recall my statement on the subject of imported second flour wheat clears during the recent discussion of the conference report on the farm bill. I noted, particularly the statement of the managers on the part of the House with respect to action to be taken by the Treasury Department.

The respected trade publication, the Southwestern Miller, in its November 3, 1970 issue, editorialized on this subject in terms of the Senate-passed bill and also the conference report. In part, it states:

> It would be an error to interpret the intentions of the conferees as any different from that outcome (i.e. classification of flour second clears as a milled grain product subject to the same restrictions as flour itself—explanation supplied), even though last ditch governmental efforts may have been undertaken to divert the Conference Report's meaning from the obvious track.

I ask unanimous consent that the complete text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IMPORTED SECOND CLEAR

Although the effect is minor in relation to overall flour supplies and outlets, it is disappointing that the Agricultural Act of 1970 does not include a section to close a bothersome gap in the coverage of the processor certificate regulations. In its original version of the bill, the Senate had included a section requiring that processors of flour second clears on which the certificate levy had not been paid, meaning imported clears, would be required to pay that charge when processing such clear into food products. The aim simply was to equalize the economic standing of imported second clear with domestically produced clear, on which processor levy of $1.70 per hundredweight is now paid.

Instead of accepting the rather clear meaning of the Senate section, the conferees bowed to objections raised by the Department of Agriculture and the Bureau of Customs. The Department of Agriculture contended that the section "would create international difficulties," a description that appears to be really exaggerated in comparison to size of the problem itself. Instead, the conferees sought to impart by language in their report the implications of what the Senate had been seeking and what the milling industry, through the Millers' National Federation, had considered a suitable alternative. The second clear import situation is now compounded by the fact that the product for many years has been classified by the Bureau of Customs as a feed product subject only to an ad valorem duty of 2 per cent. In 1969, the Customs Bureau tentatively proposed changing the classification to that of a nonenumerated product subject to an ad valorem duty rate of 8 per cent. No formal conclusion has been reached on the latter proposal, meaning that second clears still move into the United States subject to a very low duty.

What is to be hoped is that the language of the conference committee—"It is the opinion of the conferees that any imported product which is used primarily in food processing should be classified for tariff purposes as a food product in the appropriate category"—will achieve some of the ends sought in the original Senate language. That committee injunction, according to the Millers' National Federation, means classification of second clears as a "milled grain product" subject to the same restrictions as flour itself. The latter involve a tariff rate of 52 cents per hundredweight and inclusion in the annual quota limitation of 4,000,000 pounds on imports of flour from all sources. It would be an error to interpret the intentions of the conferees as any different from that outcome, even though last-ditch governmental efforts may have been undertaken to divert the conference report's meaning from the obvious track.

INSTALLATION OF JAMES P. GLEASON AS MONTGOMERY COUNTY, MD., EXECUTIVE

Mr. MATHIAS. Mr. President, on Monday, I was privileged to attend the installation ceremony of the newly elected county executive and county council of Montgomery County, Md. This was a special occasion for both celebration and dedication. It marked the formal beginning of a new era and continuation of distinguished records of performance in the careers of eight dedicated public servants, and it became the inauguration of a new experience in local government for Montgomery County.

James P. Gleason on December 7, became the first elected county executive for Montgomery County under the recently adopted county charter. As executive of a growing county of over 500,000 persons, Mr. Gleason will be faced with the diverse problems of urban development and rural neglect, suburban sprawls, and drug abuse. His job will be challenging, his record will be closely noted and his successes may serve as examples to the Nation.

Mr. President, I ask unanimous consent that Mr. Gleason's inauguration speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY JAMES P. GLEASON

Judge Anderson, members of the council, honored guests, ladies and gentlemen, today marks a birthday, the birth of a new form of government, a government designed to meet the countless challenges of these problem-filled times, a government designed to help realize the full and rich potential of Montgomery County.

Today marks a decisive turning point in our county's history which stretches back 194 years. Politically speaking, we have come out of the 19th and into the 20th century. The people have entrusted to a new government, to the county executive, and the county council, more authority and more responsibility than ever before.

Today also marks the beginning of yet another test of whether local government can cope with our modern world. There are many who assert that only an all-powerful Federal Government or an expanded State government can solve the problems of our complex society.

Yet the great majority of the problems which confront us occur at the local level where neither a Federal bureaucracy nor a remote State government can operate effectively or compassionately. It is with the full awareness of this responsibility of local government that I accept the position of your first county executive.

Let me state here my conviction that local government can work. It must work. It will work if all of us resolve to make it work.

We have a proud heritage upon which to build a better county for ourselves, our families and our friends. A little history may be appropriate here. Montgomery County was born on September 7, 1776, only two months after the birth of our Nation. We too will celebrate our 200th birthday in 1976.

Our first government was a board of commissioners, appointed by the Governor of Maryland. I am informed their first act was the collection of taxes, proving that in this respect government has not changed much in nearly 200 years.

Our population in 1790 was 18,000, a little less than the size now of Takoma Park, and the village of Poolesville was larger than Silver Spring.

We grew slowly but surely, remaining essentially a rural county for almost 140 years. Then came the New Deal and a Federal Government that doubled, doubled again and doubled once again.

As more and more Federal employees decided they wanted to live in Silver Spring, Wheaton, Chevy Chase, Bethesda and Kensington, we bacame a bedroom county, with the great majority of our citizens residing here but working in the District.

But today we no longer are a stepchild to the District of Columbia. While the Federal Government is still our largest single employer, over half of our people work in the county.

We are an affluent county. On any measuring stick—retail sales, per capita annual income, average household income, total personal income—the statistics testify that we are probably the wealthiest county in America.

Our schools are highly regarded. Our crime rate, though rising, is comparatively low. Our police and fire protection are excellent. We have 27 public and 54 private agencies which offer a variety of health and welfare services. We have 476 private citizens organizations which involve themselves in everything from politics to veterans affairs to gardening.

There is no question that we have the human and financial resources to handle all the usual problems that confront a county, and most of the unusual problems as well.

Yet, despite this favorable social and economic climate, we live in the shadow of worry. Who among us is not concerned about drugs, increasing violence, school tensions, declining standards and values?

But no place is free of these problems. And it must be clear to all, if the American system cannot work in Montgomery County, blessed as we are with our resources, our schools and our citizens, it cannot work anywhere.

In fact, the American system, with its basic reliance on local government, is working in our country and our great task is to remove that shadow of concern.

One of its roots lies in the tendency of government to grow aloof from those it serves. The principle of our strength, that government is the servant of the people, has been forgotten on too many occasions. I accept as one of my essential duties the drawing together of the people and their government. Government must become more responsive, more sensitive, and more willing to listen. To this end, my administration will open the doors of the executive branch of the government to all citizens.

Another factor undermining confidence in government is the resigned feeling of too many of us that we as individuals can no longer affect events or make an impact in our community. Let the closeness of my own election remind all of us of the importance of our voice in a democracy. I hope that we can use this awareness of our power to solve together the problems of our times, such as drugs and crime.

The county executive can state that elimination of the drug problem will have the number one priority of your government. But that assertion will *not* eliminate the drug problem in Montgomery County without the efforts of all of us, county executive, county council, county government, citizens, parents, children, educators, doctors, everyone of us.

THE UNIVERSITY OF MICHIGAN LIBRARY

The county executive can state that law enforcement must and will be improved. But all the new uniforms, new equipment and new training, which are needed and which should be provided, do not go to the heart of the law enforcement problem which is the relationship between the police and the public. They should be allies. Too often in the past they have been neutrals and, in some instances, enemies. Each must hold out a hand to the other. I accept the responsibility of uniting the government and the people in these vital areas.

All of us are concerned with the problems of our youth today. We know that there is a growing chasm between generations, which contributes to such problems as drugs, juvenile delinquency and a questioning of our traditions and institutions.

Your government will help close that gap by initiating a continuing interrelationship with the young people of Montgomery County through an open-door and open-mind policy, through frequent visits to the schools and through expanded recreational facilities.

Let me emphasize my own views on the youth of today. As adults, we must be candid with ourselves if we are to help perfect our society. Much that is being said to us by our younger generation is being dropped through the cracks of our own complacency. There is too frequently an impatience developing in our generation with the demands of the young. There is no necessity to bury the traditions of the past and the present by listening and deliberating on the pleas of those who will lead us tomorrow. We must face the reality of human frailty honestly, and ask what means of our own self-improvement are available if we are not to be challenged by the idealism and unfulfilled hopes of our youth. We owe the future, communication with the present, and I pledge my administration will meet the test.

Perhaps the greatest of all the tasks that we face is the restoration of public confidence in the institutions of government. Too often we have endured crisis government—meeting problems only as they have evolved into emergencies. The causes of this dilemma in Montgomery County rest on the inadequacy of planning, a fragmentation of governmental responsibility and the common reaction to solving every problem by the raising of taxes.

The history of government has demonstrated repeatedly that higher taxes on many occasions create more problems than they resolve. A harder but more effective answer is to utilize people more efficiently, to harness the energies of community organizations, to economize, to trim inflationary expenditures and to establish priorities. I pledge to you that the government under my administration intends to pursue this harder but wiser course of handling our citizens affairs.

It will be my duty to you to act now on the problems ahead, to assign responsibilities for the functions of the government so that all of our citizens will know where to go when problems arise, to bring the current fragmented government in this county to an end, and to make a clear distinction for our citizens between what is necessary for the government to accomplish and what would be desirable if additional financial resources were available.

The paramount question we all have to answer is, What kind of a society do we want? The objective of my administration will be to help produce a community in which people not only like to live but want to live and work with each other.

That goal can be obtained only through the mutual efforts and cooperation of every citizen, including an all-democratic county council and a republican county executive.

On the surface, and some political analysts are already predicting the battle as forthcoming, conflict would seem inevitable.

After 20 years in government, I know that some disagreement, some arguments, some conflicts are bound to occur when individuals of differing philosophies and political parties are obliged to work together.

But any disagreement, any conflict, should be based on honest differences of opinion as to what is best for the citizens of Montgomery County, not what is best for the Republican or the Democratic Party.

I pledge here and now that the executive branch of your Government will be nonpartisan and non-political. And I believe the members of the county council share my determination to begin this new and all-important era in Montgomery County's history in the same spirit.

You and I have an obligation to the future. Together, we can insure that the future of our children will be enhanced, our schools will run efficiently, our health and welfare services will be improved, our transportation system will keep abreast of our population, our housing will be expanded and our taxes will be spent effectively.

Together, we will build a community that will be the pride of the Nation and a better home for ourselves, our families and our friends.

Together, we will demonstrate that our system, the best and freest system of government yet conceived by man, does work, and works well for all of us.

And together, we will prove that it works best here in Montgomery County.

MISS SHERRY SHEALY

Mr. THURMOND. Mr. President, among the strengths of the Republican Party as it is growing in the South is its appeal to youth. More and more we find that the growth of the party comes among young people who approach the problems of our time with great enthusiasm and interest. A remarkable example of this growth among the youth is Miss Sherry Shealy, who was elected to the South Carolina House of Representatives as a Republican. On the day she was elected, she was only 21 years and 8 days old. This is a remarkable achievement which shows that age is no barrier to accomplishment.

Many people both young and old sometimes feel they are discriminated against because of their age or that they cannot achieve a certain goal either because they are too young or too old; but in the long run what really counts is the individual and the goals he sets for himself. Miss Shealy has proved that young people can accomplish something when they want to.

Recently the columnist Russell Kirk selected Miss Shealy as an example to show the accomplishments of youth in a column published in the State newspaper, published in Columbia, S.C. Dr. Kirk points out that Miss Shealy's achievement is no accident. He says:

> This rising Republican has been Miss Lexington, Lexington County Peach Queen, Columbia's Junior Miss, and Miss Congeniality. Among other things, she has been a classroom teacher, a dancing teacher, a Sunday school teacher, an organist, a college columnist, a leader in charitable activities, and Lord knows what all. Now she is probably the youngest legislator in these United States.

Like her father before her, who has been very active in party politics and who has also served with distinction in the South Carolina House of Representatives, Miss Shealy is showing that accomplishments come to those who work hard.

Dr. Kirk goes on to point out both young and old have equal opportunity for achievement and he cites many interesting examples in the rest of his column.

Mr. President, I ask unanimous consent that the column, "Age No Barrier to Shealy, Cash," published in the State, November 29, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Age No Barrier to Shealy, Cash: The Young and Old Triumph

(By Russell Kirk)

Mecosta, Mich.—Disliking both the stereotype of the Now Generation and the stereotype of Senior Citizens, your servant is happy to report the recent high achievements of two people who transcend these misleading categories. One doesn't have to grow old to act intelligently in public affairs, and one doesn't have to be young to resist the criminal.

In South Carolina, there was elected to the House of Representatives, on November 3, Miss Sherry Shealy—who, on election day, was 21 years and 8 days old. This rising Republican has been Miss Lexington, Lexington County Peach Queen, Columbia's Junior Miss, and Miss Congeniality. Among other charming things, she has been a classroom teacher, a dancing teacher, a Sunday school teacher, an organist, a college columnist, a leader in charitable activities, and Lord knows what all. Now she is probably the youngest legislator in these United States.

Hail to the Chief! At this rate, Miss Shealy will be inviting this commentator to dinner at the White House, before many years are out. What a Commander in Chief! Representative Shealy is knowledgeable about many matters, and could easily pick up military strategy and tactics, I'm sure. I don't mean that she'll use South Carolina's Capitol as a mere steppingstone: seriously, she's likely to be one of the more valuable members of the legislature at Columbia.

In Michigan, on the other hand, a gentleman of 75 winters has drawn his sword—well, his wastebasket, anyway—in defense of law and order: Mr. Travis Cash, proprietor of an Ann Arbor haberdashery. A few days ago, three young scoundrels entered his store, asked him to change a dollar bill for them, and then tried to rob his cash register.

But these predators reckoned without their host: for Mr. Cash does pushups and jogs daily, to keep his heart in good condition. Undaunted by the odds, Mr. Cash hit one robber with a table, bopped another with a wastebasket, and endeavored to seize all three.

Though they sprayed him with a chemical repellent, he pursued the gang for three blocks before those battered rascals made their escape. Speaking of cash, they lost the dollar bill for which they had demanded change.

So don't tell me that youth necessarily is ignorant, or the aged necessarily infirm. The great Alexander had conquered the world from Greece to India before he was 34 years old; while Austria's Marshal Radetzky won his great battle of Novara (in 1849) at the age of 83. That precocious Scot, James Crichton, graduated from the university at the age of 14, was internationally famous as humanist and soldier before he was 19, and died in an Italian duel at the age of 22. The political philosopher Thomas Hobbes was writing books and playing tennis until his end—at the age of 92.

There's no need to keep young people on leading strings until they're past 30—a modern tendency of ours, especially in the Academy. There's no need to pension off every person who has passed his 65th birthday (or his 60th), as we seem bent on doing.

It's foolish to try to categorize people according to their presumed "generation." Miss Shealy is wise at 21, and Mr. Cash valiant at 75: defying the tooth of Time, go thou and do likewise.

THE NEED FOR A DEFENSE POLICY

Mr. MUSKIE. Mr. President, the current issue of Foreign Policy contains a perceptive article, entitled "Security or Confrontation: The Case for a Defense Policy," written by Paul C. Warnke and Leslie H. Gelb. The article comes at a critical time, as Congress takes an increasingly searching look at our defense budget—both in terms of its implications for our domestic policies and in terms of the basic rationale underlying our national security.

Mr. President, Mr. Warnke, formerly Assistant Secretary of Defense for International Security, and Mr. Gelb, formerly Acting Assistant Secretary of Defense for International Security, are eminently qualified to discuss the need for a defense policy, and their case is a good one. I commend their article to the Senate.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SECURITY OR CONFRONTATION: THE CASE FOR A DEFENSE POLICY

(By Paul C. Warnke and Leslie H. Gelb)

The Defense Department budget has become the prime target in the search for the billions of dollars necessary to solve our corrosive social problems. In the process, our overseas commitments are also coming in for review. Reducing the drain of the Indochina war, many have hoped, would provide this fiscal dividend, bring defense spending down from its 1968 high of $80 billion to the halcyon $50 billion days of 1964, and deposit a $30 billion bonus in the public treasury.

This has not happened, however, and as matters are going it will not happen. The dividend was and is being consumed by inflation, cost-overruns, military pay increases, modernization, and new weapons systems. There will be no escape from a $70 billion defense budget until agreement can be reached on a new and sound defense policy.

Four propositions discussed below reveal the outline and possibilities of such a policy.

First, commitments do not dictate defense budgets, and reduced commitments will not necessarily produce smaller defense budgets. The reason to re-examine our commitments is not because it will save money, but because it will make us face up to the issue of where and when to use military force. The impact of these commitments on U.S. security today is likely to be quite different from when they were first made in the 1950's.

Second, a defense policy is required to translate foreign policy interests and commitments into the currency of force posture and defense dollars. Many of the approaches to budget cutting currently being discussed either dismiss or ignore defense policy and, therefore, provide no substantial rationale.

Third, flexible and controlled response remains the least risky defense policy and offers, with modifications of some earlier assumptions, a sensible basis for significant budget reductions. The updating and clarification of this doctrine can still produce the best posture for: (a) deterrence of conventional attacks by China and the Soviet Union; and (b) avoiding the choice between doing nothing or going nuclear should deterrence fail. Therefore, defense budget reductions should focus on the expensive frills and on questionable weapons systems, rather than on our limited conventional war fighting capability.

Fourth, President Nixon's defense policy seems to be moving toward greater reliance on nuclear weapons for massive deterrence and on air and sea power for immaculate defense. This means cutting manpower, which will save some money in the next few years but which does not portend sizable budget reductions over time.

OUR COMMITMENTS MUST BE REASSESSED

In his Foreign Policy Message of last February, President Nixon noted that when he took office his Administration "found a defense planning process which left vague the impact of foreign policy on our military posture."[1] He went on to report that through the National Security Council a strategy was developed "which represented a significant modification of the doctrine that characterized the 1960's." This new strategy, adopted "in the effort to harmonize doctrine and capability," involved two changes: in strategic policy, from deterrence through an assured second strike capability to the broader concept of "sufficiency";[2] and in conventional force policy, from a "2½ war" to a "1½ war" principle.[3]

The criticism of past planning is no doubt warranted and the concern for improvement is commendable. But the Foreign Policy Message left considerable ambiguity as to how the new military posture does a better job of meshing with our foreign interests. The Nixon Administration, it seems, has altered defense doctrine without re-examining the commitments upon which it should be based and the cases where military power may be required. Though it contained some hints to the contrary, the Message was essentially a reaffirmation of the 40-odd commitments which we have to the security of other nations throughout the world. President Nixon said: "Peace in the world will continue to require us to maintain our commitments—and we will." Tantalizingly and perceptively, he went on to state:

> It is misleading, moreover, to pose the fundamental question so largely in terms of commitments. Our objective, in the first instance, is to support our *interests* over the long run with a sound foreign policy. The more that policy is based on a realistic assessment of our and others' interests, the more effective our role in the world can be. We are not involved in the world because we have commitments; we have commitments because we are involved. Our interests must shape our commitments, rather than the other way around.[5]

But the remainder of the Message leaves this point undeveloped. There are the usual sensible references to the need for others to do more and for a willingness to negotiate. Yet the impression is left that the United States is still prepared to use its military force against a wide spectrum of threats affecting any of its allies.

Our commitments are, in fact, a series of legal and historical abstractions obligating us, in often obscure phraseology, to come to the defense of over forty nations. But the trouble with our foreign commitments is that they have acquired an independent life transcending the U.S. security interest that brought them into being. Collectively, our commitments remain what they have tended to become: an undifferentiated mass which defies discriminating analysis for defense planning purposes. While the President's Message says that "'isms' have lost their vitality"[6] and that peace will come "from a realistic accommodation of conflicting interests,"[7] there is little evidence that with respect to U.S. commitments our government has learned to distinguish between actual threats to national security and ideological confrontations.

As a basis both for avoiding senseless confrontations and for sound defense planning, the cardinal need today is a searching analysis of what these commitments should commit us to do in the light of our genuine national interests.

The propensity to regard our commitments as 40-odd blank checks has contributed not to our security but to a defense budget disproportionate both to the military threats we face and to the domestic problems we cannot avoid. Our defense forces have achieved a size and versatility that far exceed the limited opportunities for their effective use. That is not to say that all military threats to our security have now disappeared. What little we know of the Soviet power structure and what little we can see of China's internal struggles can give us no confidence that the foreign policy of either country will eschew the use of military force for the balance of this century. Russia and China have the manpower and means, and their motives are sufficiently obscure so that we must retain the military might to deter or to defend against their overt aggression. But as applied to our security arrangements with foreign countries, this reality means only that they must be construed in terms of the Soviet and Chinest threats.

Fortunately the real threats to our security are this easily identified. We are not a beleaguered outpost of freedom in a hostile world. Our foreign policy and the military force structure it connotes should thus be adjusted to correspond to a reasonable perception of the present threats. In viewing our commitments, we should also proceed on the basis that no commitment should be allowed to survive the threat which brought it into being. Our international security undertakings must not be allowed to read as committing us to protect 40-plus foreign governments against any and all of the threats that face them and them alone. Instead, each should be viewed against only those common threats from which the commitment itself derived.

Our commitments thus should be considered to be invoked only when a threat to a security partner is likely to bring Soviet or Chinese military power closer to us or to increase the chances of military confrontation with one of these other superpowers. Even if the threatened nation has no U.S. security pledge, our military response may be merited if these same consequences impend. Unless we retain the capability and the will to deal with direct Soviet and Chinese threats, further threats and aggression could be encouraged, other nations could be driven to acquire nuclear weapons in order to "protect" themselves, and our own society could become a cloistered citadel of fear and repression. These events would, in turn, deeply challenge our lives and our security.

A sensible view of our commitments and their bearing on the military forces we should maintain demands that we reject any unilateral peacekeeping role and any responsibility for safeguarding foreign governments in regional conflicts and internal revolts. Our military response should turn solely on a determination that a military threat exists to the United States.

Our rhetoric has consistently contributed to the illusion that we have undertaken global responsibilities for preserving the

---

Footnotes at end of article.

THE UNIVERSITY OF MICHIGAN LIBRARIES

peace or even the internal tranquillity of other nations. In announcing our first postwar aid programs, President Truman asserted: "It must be the foreign policy of the United States to support free people who are resisting attempted subjugation by armed minorities or by outside pressures." The pragmatic premise for our 1965 intervention in the Dominican Republic was that otherwise the country would have "gone Communist." Just after announcing in Guam the doctrine of a more limited American role, President Nixon assured the rulers of Thailand that America was proud to stand with them "against those who threaten it from abroad or from within." And in defending the Cambodian incursion, he told a press conference on June 3rd of this year that precipitate withdrawal from Vietnam would destroy any American "peacekeeping role in Asia." Such langugae unnaturally extends the life and reach of our commitments.

Nor do our foreign commitments require that we equip ourselves to deal unilaterally with purely regional conflict. By each commitment, the parties have recognized a common threat against which a common defense will mean increased security. But where border disputes, religious hostility, or political or economic differences embroil the other party in military conflict, our unilateral intervention is not part of our commitment and it would rarely be in our interest. We have, it is true, a genuine interest in world peace and stability. Even local conflict holds the seeds of superpower confrontation and of escalating danger. But local quarrels, just as internal unrest, can be expected to prove resistant to heavy-footed outside intervention and the application of massive American firepower. Prime Minister Lee Kuan Yew of Singapore has suggested that, while the British have historically proven to be "a good softener for hard water," he would be disposed to welcome American military help only in the case of large-scale Chinese invasion.

Cases in point mark the history of military assistance to the Asian subcontinent. Once upon a time, CENTO was regarded as an indispensable factor in the containment of Communism; and military aid to India and Pakistan was deemed essential to permit their defense against Chinese or Russian attack. When, in 1965, festering religious hatreds led them to use American arms against each other, our military assistance was largely cut off. Today, the Indians receive most of their military help from Moscow while Peking, by arming the Pakistanis, contributes to what might be deemed a "self-containment" policy. There are those who deplore the resultant loss of close U.S. military relations with Pakistan. But are we sure that American security is decreased when Pakistan is on friendly terms with Communist China? The brief border battling between China and India in 1962 was resolved without U.S. military intervention and with no show of Chinese enthusiasm for taking over the Indian burden. Neither case supports the need to ring the Communist superpowers with hostile states. Blind adherence to such a cold war containment policy can only be destabilizing in the modern security environment. By evoking comparable countercommitments, it would compound the problems of world peace. Whatever one's view on the Nigeria-Biafra tragedy, it demonstrates that abstention by either superpower can become reciprocal.

Where local differences threaten the regional peace, U.S. military participation should not be the consequence of an American security commitment, but instead should be part of a genuinely international operation, preferably under United Nations auspices. The single exception is Israel, where the Nazi legacy to today's world and our share in the creation of the state add up to a regional commitment of our national conscience, extrinsic though it may be to our physical security.

Commitments we have made in order to protect the security of the United States need not and must not be translated into commitments to the internal status quo, which, in the case of many of our security partners, has failed to meet the needs and satisfy the aspirations of their own people. Our national security does not depend upon the suppression of change in other countries, even when such change is revolutionary. As a policy, this would be the mirror image of the Brezhnev doctrine, rationalizing military intervention to preserve political empathy. Any such interpretation of our commitments could only have the effect of forfeiting any claim to influence with the emerging leaders of a changing world—and of further estranging our own youth.

None of our treaties require us to intervene in the case of purely internal threats. The President's Foreign Policy Message usefully comments that "we cannot expect U.S. military forces to cope with the entire spectrum of threats facing allies or potential allies throughout the world," and adds: "Experience has shown that the best means of dealing with insurgencies is to pre-empt them through economic development and social reform and to control them with police, paramilitary and military action by the threatened government."[8] The discussion of this premise implies, however, that there may be some residual combat role for U.S. general purpose forces in the counterinsurgency field. Vietnam has revealed the difficulties and dangers of such U.S. military participation. Most history, including our own, would seem to show that a successful insurgency is a decision on the merits.

It must be added that national security is not served by a static view of our foreign policy commitments. The value of NATO today is not that it geographically contains the Soviet Union, but rather that it contributes to confidence and freedom of political action in Western Europe. Thus we can welcome the efforts of West German Chancellor Willy Brandt to move toward normal relations with both Moscow and Pankow. In the current context, traditional military concern for the "southern flank" of NATO need not lead us to support a retrogressive and undemocratic regime in Greece, Similarly, the incremental value of our Spanish bases to our military capability in Western Europe would not justify a commitment to support the Franco government against democratic opponents or to protect its African interests against African challengers. Our own security is not identical with that of the present rulers of either country. Nor does the implementation of our NATO commitment require that we seek to expel the Soviet fleet from the Mediterranean or the Soviet presence from North Africa. No reasonable perception of the present military threat would justify a naval competition that could carpet the Mediterranean with wall-to-wall ships.

Our involvement in Southeast Asia may also be said to derive from an undiscriminating approach to international commitments. It is worth recalling that our original interest in the suppression of the Indochinese Communist movement was to prevent gains for the French Communists by bolstering the prestige of that French government. In the 1950's, SEATO was created to contain Chinese expansion in Asia, just as NATO had stalled Stalin's drive toward the Atlantic. But does continuation of the war and the death of further thousands of North and South Vietnamese contribute to the containment of China? Are expansion of the conflict and total deneutralization of Indochina helpful to American security? Would an anti-Communist bastion in the lower eastern sector of the Indochinese peninsula forestall Chinese aggression? Would it put us a step farther away from World War III? Has our insistence on the commitment outlived our perception of the threat?

Perhaps the principal lesson of the past decade is that military force is a singularly inept instrument of foreign policy and that its use must be limited to the meeting of direct military threats to American security. Except in the case of such palpable threats, influence and prestige are not served by the independent exercise of our military power. They may perhaps be better advanced by that attitude of "benign neglect" which, according to Lord Durham in 1839, allowed Canada to become more competent and capable of self-government. However infelicitous this phrase may be when applied to American domestic problems, it has much to recommend itself as an attitude toward international military involvements.

Based on this analysis, a few principles could usefully clarify the nature of our commitments for both defense partners and defense planners:[9]

1. Where the threat to the other country is purely internal, we are not obliged to and should not intervene, and thus need not maintain the capability to do so. At most, we should consider the provision of economic aid and perhaps military supplies, and then only with the greatest care to avoid frustration of the popular will.

2. In the case of insurgencies supported by economic and military aid from the Soviet Union or Communist China, our commitments, and the national interest they betoken, should dispose us to supply arms and equipment to the existing government but not to intervene with American forces. Where material assistance proves inadequate, the recipient government will have abundantly demonstrated its own inadequacy as well.

3. In the case of threats to allies from outside powers other than China or the Soviet Union, our commitment should not automatically be called into play, and U.S. troops should be sent only as part of a truly international effort. Economic and arms aid should otherwise constitute the outer limit of our involvement.

4. Only where one of our security partners is in fact threatened by Russian or Chinese military force must we consider that a commitment has been invoked because our own national security interest is involved.

5. Korea remains a special case, because of prior United Nations action and the continued presence of American troops. Our Korean commitment should be brought as soon as possible into conformity with these governing principles.

This construction could eliminate both the fear of new commitments and the concern that we are already overcommitted. Commitments, if they make sense, are not a burden but a blessing.

Because they treat United States commitments in terms of our own security, these principles can provide guidelines as to how, when, and where military force and assistance ought to be employed. This is, of course, the most important issue, but it does not, in itself, tell us what size defense budget or what kind of force posture ought to be adopted. Despite the fact that U.S. troops would be used only against direct Soviet and Chinese threats, the principles listed above could justify a defense budget as high as $80 billion or as low as $40 billion. The magnitude of the defense budget depends on other factors in addition to commitments: the content of defense policy (strategy for deterrence and defense, amounts of air and sea power versus conventional fighting forces, sophistication and expense of weapons systems, etc.), the demands of non-defense national priorities, and the pressures of domestic politics.

Footnotes at end of article.

DEFENSE POLICY SHOULD DETERMINE DEFENSE BUDGETS

Three general approaches to the problem of adjusting defense expenditures to national priorities can thus far be identified. The first would involve the imposition of significant and necessarily arbitrary budget cuts across-the-board. The second is a considerably more sophisticated but nonetheless still arbitrary approach designed to compel a more limited view of commitments by providing more limited resources. Finally, there is the possibility of an approach to the problem which would in fact address commitments in terms of defense policy, but would shape this policy to achieve the requisite economies by resort to a modern-day version of the Dulles doctrine of "massive nuclear retaliation."

The approach which would set an arbitrary ceiling on the defense budget is based on a series of assumptions about international politics, defense planning, and domestic priorities. With respect to the international scene, its proponents recognizes the unlikelihood of direct military attacks by China and Russia, and the certainty that the two Communist superpowers would have little to gain and much to lose from such ventures. Moreover, they see little necessary relationship between military capability and diplomacy. They argue that within wide margins both the strategic and conventional balances are insensitive to changes in force posture. Because of this, they are prepared to accept the marginally greater security risks of chopping the defense budget at about the rate of 5 to 10 percent each year for several years in both strategic nuclear and conventional force categories. One level of defense spending seems to them about as useful as another. Lastly. they point out persuasively the need for deep defense budget reductions as a way of making more money available for domestic priorities.[10]

Despite the soundness of many of its assumptions, this approach is internally inconsistent and politically insalable. On the one hand, those who advance this view maintain that there is little basis for matching force with diplomacy. On the other, they maintain that a very large defense budget would be provocative while a very low one would be risky, that certain weapons systems such as anti-ballistic missiles (ABM's) are destabilizing, and that the presence or absence of U.S. troops abroad is a factor in deterrence. Thus, within some margins, they recognize that force and diplomacy are inescapably tied together.

More importantly, the approach disregards the issue of defense policy. It offers no guide to the continued maintenance of deterrence. From the present vantage point, overt cross-border aggression by the Russians or Chinese does seem remote. But, in part at least, this remoteness stems from our present force posture and the present disposition of our forces. U.S. forces-in-being convey both the capability and the will to counter force with force, and these are key factors in deterrence.

An overriding shortcoming of this arbitrary budget ceiling approach, however, is that it will not work. It is unlikely to convince enough of the right people—executive branch officials, military and foreign service professionals, key Congressional leaders in the armed services field, and a groundswell of interested outsiders—that the additional risks of a lower budget are insignificant. The latest effort—the Proxmire-Mathias Amendment to cut the fiscal 1971 defense budget from $71 billion to $66 billion—failed in the Senate on August 28, 1970, by a vote of 42 to 31. Whatever its merits in assessing threats and determining that deterrence can be sustained with much less than present capability, this approach will continue to look as arbitrary as in fact it is. And even if our leaders could be persuaded to make arbitrary $1 to $5 billion reductions for a few years, this would not in the short range put a large dent in the defense budget and would not succeed over the long range in holding that budget down. With the experience of the last three years to examine, it appears that key leaders in Congress and the executive branch will accept the demands of domestic priorities only up to a point. Beyond that point, they must be convinced that a force posture justified only as being cheaper can keep threats and risks within secure bounds. The politics of persuasion require a more reasoned approach to defense budget cutting than one of ever lower and basically arbitrary ceilings.

A second suggested approach to reducing the defense budget shares many of the assumptions of the first. It too is arbitrary, but utilizes a different formula. Like the advocates of a lower budget ceiling, those who propose this method believe that defense expenditures should be reduced, and reduced soon, by $20 to $30 billion. They too base this belief on the assumption that threats to United States national security have been exaggerated and are not imminent. In order to achieve this magnitude of reduction in costs, they would establish an arbitrarily lower U.S. force posture.

Instead of across-the-board cuts, however, this approach would concentrate on cuts in our conventional fighting capability. The largest portion of the defense budget is, of course, the general purpose force program, and the largest single item in this program is manpower. Americans do not like being drafted, and the public resents having American boys fight on foreign soil when, they feel foreign boys should be fighting instead. From this standpoint, a promising path to a lower budget would be drastic slices in manpower, in ready combat divisions, and in related support.

A detailed and sophisticated version of this approach appeared in the January 1970 issue of *Foreign Affairs*. In an article entitled "Limits to Intervention," Graham Allison, Ernest May, and Adam Yarmolinsky have written:

> The Administration should be able to establish as a target the reduction of general-purpose forces to levels that characterized the Eisenhower period. Those levels—14 Army and Marine divisions, 16 tactical air wings, the traditional 15 attack carrier task forces, and 9 anti-submarine carrier task forces—would entail no significant reduction in the American capability to meet a major European contingency, and would leave a small force for dealing with a minor contingency. If actually established, such force levels would cost approximately $30 billion per year less than present general-purpose forces (including those deployed in Vietnam), $17 billion annually less than those advocated within the military establishment for a base-line posture, and $10 billion less than those projected as a result of President Nixon's decision to prepare for one major and one minor contingency.

The authors propound a series of presumptions which would limit the likely instances of American military intervention. They note: "Severe cutbacks in general purpose forces might . . . make it easier for the President to put in effect the suggested presumptions." They do not discuss the possible implications this lower force posture may have for reliance on tactical and strategic nuclear weapons.

Just as the first approach, this second proposal does not concern itself with the content of defense policy. Instead it would rely on limiting the options of the U.S. national security establishment. Its sponsors assert: "For the critical variable is the set of expectations within the bureaucracy, and an apparent leanness in non-nuclear forces would help to persuade the bureaucracy that the President genuinely intended to stand behind the presumptions he had announced." It is difficult, however, to accept either that the bureaucracy is the "critical variable" or that "leanness" makes a tough decision significantly easier. Where the President sits is at the head of the table—both within the bureaucracy and within the American political arena. When it comes to the use of force in particular, Presidents can resist their bureaucracies, as Eisenhower did over Dienbienphu in 1954, and they can lead them, as Kennedy did with Laos in 1961. The President, his views and values, will continue to be the "critical variable."

A third approach to reduced defense spending might be considered the modern version of "massive retaliation."[11] This view, unlike the previous two, does address the issues of defense policy. Just as the second approach, it focuses on cuts in our general purpose forces, but with precise awareness of the implications of this for the use of nuclear weapons. Supporters of this third view propose a lean conventional force posture because they appear to believe that some revised form of massive retaliation is the best and cheapest way to deter threats and live up to commitments.

Unlike the Dulles version, which relied on the threat to strike at the source of aggression, the new version probably implies striking at the point of aggression with maximum force. This would mean a new-found emphasis on tactical nuclear weapons both doctrinally and operationally.

A stronger case may be made for tactical nuclear weapons in Asia than in Europe. The Chinese have nothing like matching nuclear capability, while in manpower they possess vast superiority. Because the Soviets can respond in kind in Europe, and thus negate any NATO advantage from first-use, tactical nuclear weapons there can serve only as a secondary deterrent posing the incalculable risks of escalating conflict.

While this third approach does face up to the defense problems which the other two approaches either dismiss or ignore, and while it thus provides a rationale for systematic force and budget reductions, it is only a little less dangerous than wholesale revival of its predecessor doctrine. The tactical nuclear retaliatory power which the Chinese now lack, they will achieve in time. Greater reliance in NATO on the nuclear deterrent may frighten the Soviet Union a good bit less than it frightens our allies. As a response to limited aggression—the most likely kind—it may be doubted that Moscow or Peking would find our threat to use nuclear weapons credible. Perhaps most important of all, the lending of respectability to nuclear weapons, either by word in announced policy or by deed in reducing conventional forces, lowers the nuclear threshold and magnifies the hazards in future confrontations.

None of the three approaches described above provides the means for sound defense budget reductions, because none is based on sound defense policy. Our leaders are unlikely to be convinced to act upon the first and second approaches, which assume that the defense budget can be drastically reduced because one defense policy and one force structure is as good as another. The third approach is fatally defective because it leaves the President with unacceptable choices in the event of Russian or Chinese aggression. A defense policy premised on a weakened conventional force posture may leave the alternatives of nuclear response or no response at all.

AN UPDATED DOCTRINE OF FLEXIBLE AND CONTROLLED RESPONSE REMAINS THE BEST CHOICE

Although many world conditions have changed in the last ten years, the issues of defense policy America faces today are the same that it faced in the late 1950's and early

---

Footnotes at end of article.

THE UNIVERSITY OF MICHIGAN LIBRARY

1960's. The arguments for and against the various approaches are thus well worn, and the advantages of the doctrine of flexible and controlled response are still persuasive. Our overriding objective continues to be deterrence of Soviet and Chinese attacks against us and our allies. And deterrence still requires us to maintain usable and credible counterforces which, in turn, possess the varied military capability to meet threats on the level at which they are posed.

Flexible and controlled response represents the most satisfactory doctrine to attain the three principal aims of defense policy: deterrence, conventional defense should deterrence fail, and time for thought, negotiation and disengagement before escalation to the nuclear threshold. Accordingly, it harmonizes the commitments we seek to maintain with a credible force posture and with the threats that are most likely to present themselves.

Strategic nuclear attacks are the most unlikely threat. The United States and the Soviet Union are now in a constellation of parity, both sides possessing a secure second strike capability. Each can absorb a full first blow and in a retaliatory strike still inflict unacceptable damage on the other. As long as neither side pursues an unreachable quest for "superiority" in the form of knock-out first strike capability, there will be continued strategic stability.

A Chinese nuclear attack would seem even less likely than a Soviet one. Defense Secretary Laird has stated that the Chinese will not have even a force of 10 to 25 intercontinental ballistic missiles (ICBM's) before 1977. This contrasts with the present U.S. inventory of over 2,000 deliverable nuclear warheads. And recent published reports that the U.S. and the Soviet Union would be willing to limit ABM systems to zero indicate that President Nixon no longer deems the ABM essential against the very limited Chinese nuclear threat.

Soviet and Chinese conventional and tactical nuclear threats are much more difficult to assess. But the facts of life in the nuclear age also make highly unlikely any major attack by Russia or China against those countries to which the United States has security commitments. The immense potential for non-nuclear devastation inherent in today's weapons, the inevitable reluctance of the European and Asian nations to provide the battlefield, and the lure of tactical nuclear weapons combine to make protracted war between the United States and the Soviet Union perhaps the least plausible of conventional contingencies. An extended major land war between China and the United States appears unthinkable, given the immense disparity between the respective nuclear forces. A nuclear power, defending its vital interests, won't be willing to lose a conventional war.

What is not unthinkable is the possibility of concurrent though uncoordinated conventional probes directed at American interests in Europe and Asia. These might develop quite independently through an unfortunate coincidence of tensions. Or the timing of one might be dictated by an effort to capitalize on divided American attention. But the chances of parallel though unprogramed action by the Soviets and China should not be totally discounted in devising our conventional fighting capability. Otherwise, we forfeit the non-nuclear option if accidental timing or reckless opportunism produce concurrent Chinese and Russian military threats.

Where this analysis brings us, it must be conceded, is somewhere close to the widely discredited "2½ contingencies" principle of the McNamara Posture Statements. Indeed this number of contingencies seems a mathematical imperative unless we are to ignore either the Soviet or the Chinese conventional threat or relegate one of them to an automatic nuclear counter. The capability for handling a minor contingency appears prudent in the light of the special situations that exist and of its low incremental cost.

The interpretation of commitments which we are advocating here, however, would entail making a number of modifications in the assumptions that underlay the 2½ war principle of the McNamara years. A conventional fighting capability properly designed to meet the most likely 2½ contingencies would not attempt even to plan for the goal of being able to engage Russia and China simultaneously in sustained all-out war while handling a minor conflict on the side. The means to cope with any such "dispersed Armageddon" is beyond our reach, even if we were prepared to bankrupt ourselves in the effort. Moreover, a world thus in flames would be sure to trigger the strategic nuclear forces.

A defensive force structure appropriate to the military threats to our national security would not seek to match Soviet or Chinese manpower. Our forces would not be designed to ensure that no territory must ever be yielded. Nor should recognition of a continuing military threat from the Communist giants imply that we strive for forces which might enable us to contain or dissipate Soviet or Chinese "influence." As great powers, Russia and China have influence and must be expected to exercise it. Where such exercise takes a form other than military aggression, no scale of military force will be powerful enough to prevent it.

What is needed in the way of conventional fighting capability is the general purpose forces which will make possible a credible conventional response to Soviet and Chinese first steps toward conventional aggression, even if these steps are contemporaneous. We need not procure ground forces for *protracted* land war or naval forces for an *extensive* war at sea, for it is inconceivable that such forces would ever be so employed. What we can procure and maintain are the forces that will indicate our seriousness of purpose and buy time while the Soviet and/or Chinese leaders consider the consequences of pressing the attack. Theirs, not ours, would then become the sobering responsibility for unleashing forces of nuclear destruction.

It is neither possible nor useful to try and draw any single set of specifications for the defense forces which this analysis would justify. A few principles can, however, illustrate the rationale.

Our basic objective should be a force structure which guarantees the U.S. nuclear deterrent and maximizes our conventional war fighting capability. This would involve eschewing notions of "superiority" or avowed greater readiness to use nuclear weapons. It would also forgo both world-wide military readiness and continued accretion of sophisticated but unproven weaponry, while concentrating on efficiency and simplicity.

On the strategic side, we have seen how futile it is to search for superiority when the potential adversary is prepared to match missile-for-missile and megaton-for-megaton. The success of the U.S.-Soviet strategic arms limitation talks (SALT), in the form of a meaningful restriction on strategic arms, would lessen the costs and the risks of the strategic side of our defense forces. If hopes for such agreement are not realized, our goal must continue to be to protect our second strike capability—leaving the Soviet Union clear that a first strike would ensure retaliation and an unacceptable level of destruction—while avoiding exotic and expensive refinements. We might, for example, find better use for defense funds than an ABM which is not needed to deter a Chinese attack and cannot work against a Soviet one. The same can be said against maintaining very costly and ineffective air defense systems such as SAGE. Also indicated is the need to keep the new air defense system in the research and development stage until the future Soviet bomber threat can be assessed. As far as our own new long-range bomber is concerned, no compelling case has been made for going into production of the B–1, and we therefore should not do so.

On the conventional side, the emphasis should be on maintenance of something close to what is called the 1965 baseline on ground combat strength and readiness. This might mean initially about 17 combat-ready divisions (14 Army and 3 Marine) and total manpower of about 2.5 million. This contrasts with the 14 combat-ready divisional structure—2.5 million manpower base of the last Eisenhower year and the 22 divisional structure—3.2 million manpower base for 1970. The proposed 17 division force would differ from the 1965 baseline forces by one less division in Korea and one less in active reserve in the United States. It would permit ample recognition of the continued political value of significant U.S. forces in Europe. Further troop strength cuts should be the result of mutual balanced force reductions between NATO and the Warsaw Pact and improving relations between Washington and Peking.

In the meantime, we should continue to dismantle the world-wide base structure which has served to support a world-wide peacekeeping role. We need keep only those bases which are necessary for short-term conventional defense against Russia and China. The thousands of tactical nuclear weapons now deployed in Europe and in the Pacific can also be reduced. The need for Reserves and National Guard units should be re-examined in the light of the improbability of a protracted war being fought on a mobilization basis.

Tactical aircraft needs should be made commensurate with this modified version of flexible and controlled response. That would entail Air Force wings being reduced from 23 down at least to 20, Navy attack carrier-based wings from 15 to about 9 with Marine Corps wings remaining at 3. Carrier-based air wings in the Mediterranean and the North Sea would not in all likelihood be able to stay in effective range and still survive a Soviet attack. NATO-oriented carriers thus could bear the brunt of the suggested reductions. The very limited Chinese air and submarine threat promises more success for carrier-based aircraft operations in the Pacific, and this potential should thus be preserved. As for new tactical aircraft, it is hard to find reason for the very expensive and sophisticated F–14 and F–15 programs—with an estimated cost of $50 billion over the next ten years. A far simpler, less expensive fighter aircraft should be developed. As the number of attack carriers is reduced, anti-submarine carriers and escort ships can be mothballed.

The budgetary savings which this force posture will produce are not calculable in detail. They should save more than $10 billion from the non-Vietnam portion of the Nixon Administration's $71 billion figure for fiscal 1971. The real gains, however, would come in future years—in the saving of massive amounts of money that would otherwise have been spent. Cancellation of new production starts, it is recognized, means larger costs for operations and maintenance on the old system being continued. Modernization and thus new costs will inevitably crop up in the future. Nevertheless, adoption of a modified policy of flexible and controlled response would place an effective lid on the defense budget as well as show the way toward future cuts.

THE NIXON DOCTRINE'S IMPLICATIONS FOR DEFENSE POLICY ARE STILL UNCLEAR

What the Nixon doctrine means for defense policy cannot yet be determined from public statements. Up to the present time, the doctrine has been described largely in terms of what the United States will not do. A new defense policy to mesh with a new foreign policy has not as yet emerged.

The enunciation of the doctrine itself has been vague, and perhaps deliberately so. At a minimum, it seems to reflect a heartening willingness to view the reach of our commitments somewhat less expansively than was the case in the recent past. But its public airing has not explained the circumstances under which we would be prepared to respond militarily and what kind of military power we would use.

Insofar as defense policy is concerned, the Nixon Administration's major change to date has been its reduction in the number of force planning contingencies from 2½ to 1½. This might mean a thinning out of our conventional forces throughout the world, with the retention only of a minor U.S. military presence abroad. Such an interpretation is suggested by Vice President Agnew's comments during his latest Asian trip, when he told the reporters in his party: "It is not compatible with our philosophy to have large contingents of our forces permanently stationed in any country." A month earlier, Secretary Laird said of the Nixon doctrine: "It places primary emphasis on giving our friends the nuclear shield that is necessary to protect our treaty commitments, protect the national security of the United States."

Read literally, these comments would seem to suggest major reliance in the future on our nuclear forces, even to deter Soviet conventional aggression against our NATO allies. This would, indeed, be a reversion to old doctrine, the credibility of which has not improved with time.

A more plausible interpretation is that the "1½ war" strategy means maintaining significant conventional forces in Europe, and putting primary reliance on nuclear weapons for an Asian contingency. The Administration has announced that present American troop levels in Europe will not change at least through 1971. In the absence of some dramatic breakthrough in our relations with the Soviet Union, or sizable mutual troop reductions between NATO and the Warsaw Pact, it is unwise to plan on removing the major part of these forces within the next several years. To do so would leave us in Europe with only the dubious comfort of a nuclear response against a power with roughly equivalent nuclear strength. The same dread equation would make it imprudent in the foreseeable future to strip our NATO forces in order to meet a conventional attack by China.

At the same time, domestic and diplomatic considerations militate against selective resurrection of "massive retaliation" as the sole means for coping with any and all Chinese threats. If we are to continue to meet our Asian commitments, after scaling them down to size, we must not put ourselves in a position of being without conventional capability. Neither our own public nor world opinion would support or excuse a nuclear reaction to limited Chinese aggression.

Compounding the uncertainty as to the defense implications of the Nixon doctrine are the nature and scope of changes to date in the defense budget. The budget has not yet reflected the deletion for planning purposes of one hypothetical "war." Secretary Laird has estimated the current annual incremental cost of the Vietnam war at about $14 billion. This represents a saving of some $9 billion when compared with the incremental cost in the peak year of 1968. But it leaves the total of non-Vietnam-related outlays at some $57 billion—a level comparable to that which existed prior to adoption of the new 1½ war strategy.

Several new defense systems of questionable purpose and efficacy have in fact been cancelled. Starts for other expensive accretions have been delayed. But there is no clear pattern to allay the fear that sophisticated weaponry may be preserved at the sacrifice of our conventional fighting forces. If our conventional military power is to remain meaningful, it must retain the capability to deal with two plausible military threats. The "improbability of Sino-Soviet cooperation"[12] does not shrink these two to one but leaves them unmistakably two.

The primitive state of China's strategic forces and Soviet nuclear sophistication work alike to foreclose the chances of nuclear attack. Conventional aggression, by either or both Communist powers, cannot as blithely be discounted. Unrest in Eastern Europe, perceived opportunities in the Middle East, instability in Asia, or internal struggles for power may impel Soviet or Chinese leaders to military adventures. Unselective implementation of the Nixon doctrine can reduce our conventional fighting strength without significantly reducing our defense budget. The limited conventional strength needed for today's plausible contingencies is completely compatible with sizable cuts in defense expenditures. Our foreign policy commitments demand no more than the ability to cope with conceivable Soviet and Chinese threats. They also demand no less.

The Nixon doctrine declares a new course for American foreign policy. But without a defense policy to help chart that course, no one can tell us where it leads.

FOOTNOTES

[1] U.S. Foreign Policy for the 1970's—A New Strategy for Peace," February 18, 1970, p. 114.

[2] Ibid., pp. 121-22.

[3] Ibid., pp. 128-29.

[4] Ibid., p. 7.

[5] Ibid., p. 7 (emphasis in original).

[6] Ibid., p. 3.

[7] Ibid., p. 135.

[8] Ibid., p. 127.

[9] This listing of recommended responses owes much to the analytical approach taken by Messrs. Allison, May and Yarmolinsky in their article, "Limits to Intervention," Foreign Affairs, January 1970. The conclusions, however are not completely parallel.

[10] This is, in general, the approach taken by Morton H. Halpern in his article in The Washington Post, Outlook, February 15, 1970.

[11] For a powerful presentation of this type of approach, see Hanson W. Baldwin, Strategy for Tomorrow (New York: Harper & Row, 1970).

[12] U.S. Foreign Policy for the 1970's, p. 129.

THE BUCKLEY FAMILY

Mr. THURMOND. Mr. President, the Charleston News & Courier recently published a column by Holmes Alexander in which the columnist pays a wonderful tribute to Mrs. Aloise Buckley, the mother of Senator-elect James Buckley of New York and of William F. Buckley, Jr. I find it especially fitting that this column was published by one of the newspapers of my State because Mrs. Buckley has long been a resident in South Carolina. It has been my great privilege to know Mrs. Buckley for many years. She is a gracious and charming lady, and I have often enjoyed her hospitality, and that of her late husband, at the beautiful Buckley home near Camden.

Today her whole family has attained great distinction, both in literary and political affairs. It is a well-deserved fame which has come about as a result of impressive talent and hard work, and I certainly join with Mr. Alexander in complimenting Mrs. Buckley on the wonderful work she has done in raising such a fine family. Certainly it is true that a strong family produces strong children, and Mrs. Buckley can be proud of her accomplishments. It has been a great pleasure for me to work with Bill Buckley on many projects over the years, and I look forward to welcoming Senator-elect James Buckley when he takes office.

The column by Holmes Alexander is a graceful and appropriate tribute to Mrs. Buckley and her family. Mr. President, I ask unanimous consent that the column, entitled "Buckleys Give A Party," written by Holmes Alexander, and published in the Charleston News & Courier of December 1, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUCKLEYS GIVE A PARTY

(By Holmes Alexander)

WASHINGTON.—It was one of those bon mots which, as the saying goes, you usually think up when you're going home in the cab, but this time I spoke it on the spur of the moment. Somebody at the huge lively party at the Tavern on the Green in Manhattan to celebrate National Review's 15th birthday said to Mrs. Aloise Buckley, "Aren't you proud of your son?" I remembered how the late Mrs. Eisenhower had answered the same question at the close of World War II. She said, and so did I, "Which one?"

Her son James had just been elected U.S. Senator from New York on the Conservative Party ticket. Her son Bill is the celebrated wit, debater and man-of-letters. Her son Reid, the novelist, had a piece that morning in The New York Times, a battered Buckley target, entitled "The Buckley Mystique." I rate Mrs. Aloise Buckley as the Mother of the 1950's, '60s, and '70s.

The party was a humdinger for a bushel-basket of reasons. It was held on the edge of Central Park, the locus of some terrifying scenes in the flick "The Out of Towners" where a nice couple from Ohio were dumped by a pair of holdup hoodlums, robbed, chased and soaked as they had to sleep on the grass in Mayor Lindsay's Fun City.

I always feel like a rube in New York. I was fearful that my wife and I would undergo similar misadventures, and frankly was relieved when she insisted on traveling by Penn Central instead of the hijack-prone airlines. But there were four mounted cops at the Tavern door, and the cream of American intelligentsia inside. Nothing untoward happened, and as we checked out of the Plaza next morning, a smiling David Brinkley courteously stepped aside and presented us with his taxi. Could such things be in Gotham?

It was no hyperbole when the senator-elect remarked in a brief address that 15 years ago Bill Buckley had set forth his vision to "reconstruct the 20th century." Bill has, in all truth, "made America over," to use words that the late Henry Wallace employed with a very different meaning. Had Wallace succeeded, the initials USA might well have stood for the United Soviets of America.

The Buckley version, we may all rejoice to note, more nearly approximates the acronym CSA, not Confederate States of America, but Conservative Society of America. By sheer cerebration, surmounting early ridicule and massive improbability, he has accomplished for American fundamentalism what the writer Jefferson did for the Declaration of Independence, and the writer Hamilton did for the Constitution. We really are a new and better nation because Bill Buckley knows how to wrap the right ideas in brilliantly—chosen words of ink and voice.

I first met him in the office where I now write this piece. Arriving for work many years ago, I was astonished and somewhat irritated to find a long-legged stranger perched tailor-fashion on top my desk giving a radio-taped interview to my office-mate of the time. And there he was last week, the host at the Tavern, with the same self-assurance, arms akimbo at the same wasp-waist, now a cherished friend and object of ever-growing admiration. I feel as Churchill did when America entered World War II. Now, this country is not going to be overrun, vanquished, tossed into the trash heap of history. The Buckleys and their myriad of followers aren't going to let it happen.

From college onward, Bill never had any reason to display modesty, and he doesn't, yet no other word so well fits his brother James. It staggers belief that a young man so low keyed, so self-effacing, could win a political contest.

That's right, he got only about one-third of the vote, the same as John Lindsay and Salvador Allende of Chile, but it's more astounding for a conservative to win a constitutional election than for an independent or a communist to do so.

More astounding, that is because James Buckley's victory was the first of its kind; but assuredly won't be the last. We've got a new era going in our country. There will be many more conservatives in public office, some by name and some by nature.

The sons of Mrs. Buckley had a lot to do with the transformation. But let's don't forget that God did, too.

KENDALL DEMONSTRATION ELEMENTARY SCHOOL FOR THE DEAF AT GALLAUDET COLLEGE

Mr. YARBOROUGH. Mr. President, my bill S. 4083, as amended by the House of Representatives, was agreed to by the Senate yesterday. The bill provides for the construction and operation of a demonstration preschool and elementary school for the deaf in connection with Kendall School on the campus of Gallaudet College.

The bill was passed by the Senate on August 11, 1970, and was passed by the House of Representatives, with clarifying amendments, on December 7, 1970, and the Senate agreed to this amendment yesterday.

Testimony as to the need for this legislation has been heard by both the House Committee on Education and Labor and by the Senate Committee on Labor and Public Welfare.

Passage of this legislation will enable the Kendall School to expand its present capacity, and to focus on essential educational programs and activities at the preschool and elementary level. Without improved programs at this basic level it will be increasingly difficult—if not impossible—for many of our deaf and hearing handicapped children to benefit from other federally assisted programs for the deaf, such as the Model Secondary School for the Deaf and the National Technical Institute for the Deaf. We need only consider the increased demands at the elementary level which will result from the rubella epidemic of 1963–65 to appreciate the need for additional help at the levels proposed in S. 4083.

The establishment of a model elementary and preschool program for the deaf, provided for in this legislation, will be a great service not only to the children from the National Capital area who will attend Kendall School classes, but also to the 4½ million preschool and school-age deaf children who are not now receiving appropriate educational services. What is learned at this demonstration school at Kendall School will be transmitted to State schools throughout the Nation and will be used to improve the opportunities for all the deaf children throughout the country, and will assist them to attain full participation in our society.

AMERICAN HISTORIANS PROTEST TREATMENT OF SOVIET HISTORIAN IN RUSSIAN LABOR CAMP

Mr. McGOVERN. Mr. President, to paraphrase Cervantes, truth is the mother of history, and freedom is the mother of truth. As a student and one-time teacher of history I wish to express my agreement with the sentiments of a number of distinguished American historians who have protested the cruel and inhuman treatment meted out to Soviet historian Andrei Amalrik. Now imprisoned in a Russian labor camp, Amalrik's single crime is his devotion to truth, freedom, and history.

I ask unanimous consent that the text of a letter by the American historians to Prof. E. M. Zhukov of the Soviet Academy of Sciences be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 23, 1970.

Prof. E. M. ZHUKOV,
Academician-Secretary of the Department of History, Soviet Academy of Sciences, Moscow:

As historians in the United States, we have watched with acute concern and dismay the developments in the case of our colleague Andrei Amalrik. History can be taken seriously as a profession only when historians are free to develop their ideas and pursue their calling without harassment by the state. We believe that the treatment of Andrei Amalrik must be taken as a test whether history in the Soviet Union remains a matter of dogma and propaganda instead of being, as it must be, a matter of unfettered intellectual exploration. We look forward to the day when Soviet historians can be full and free members of the international historical community; but, so long as historians are arrested, convicted and sent to labor camps because their views do not have official approval, this day will be far away.

Jacques Barzun, John M. Blum, John K. Fairbank, Frank Freidel, Edwin O. Reischauer, Arthur Schlesinger, Jr., Richard Wade, C. Vann Woodward, Henry Steele Commager.

ADDRESS BY SENATOR PELL BEFORE THE UNITED NATIONS ON REPORT OF HIGH COMMISSIONER FOR REFUGEES

Mr. PELL. Mr. President, on November 17, 1970, as a delegate of the United States, I delivered a speech at the United Nations bearing directly on the shameful incident, 6 days later, in which a Soviet sailor was not only denied asylum by the United States, but was brutally returned to a Soviet vessel while still in the very territorial waters of the United States.

As a captain in the Coast Guard Reserve, and as one who has an immensely high regard and respect for the Coast Guard, I am particularly distressed at this tragic incident. I have sympathy with the plight of the young Coast Guard captain of the vessel, who was required to make critical decisions with, from all accounts, a minimum of policy guidance.

Our greatest sympathy, however, must be reserved for the seaman who sought, in full trust, the assistance of this country. The fact that his trust was betrayed through circumstance, rather than as a matter of national policy, can be of little consolation to him.

Mr. President, the Department of State since this incident has announced that standard policy guidance on the handling of requests for political asylum by foreign nationals has been provided to all Coast Guard commands and units, as well as to other Federal departments and agencies not previously involved in such matters.

It is most certainly an essential and belated action. I only wish such guidance had been provided long ago, so that the commander of the Coast Guard cutter, on the spot, would know what the responsibilities are that the United States has taken under the 1951 Convention Relating to the Status of Refugees.

Mr. President, I ask unanimous consent that my November 17 statement before the United Nations Human Rights Committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CLAIBORNE PELL

The lot of a refugee in any country anywhere is a sad, miserable one. Both as the former Vice President of the International Rescue Committee and just as an informed citizen, I have seen the sad plight of those, who, for political reasons, leave the security and predictability of their own life for the insecurity and miserable conditions of a refugee's life abroad.

Once I remember seeing a young man make the decision to be a refugee—he had tears in his eyes as he chose the uncertainty of a new life in a foreign land rather than stay with his mother in his homeland.

Refugees and freedom fighters, a term of more recent origin, are men and women who deserve help and support and comfort—not the harsh life they personally face.

Because of my personal connection with refugee problems, I am particularly interested in the report of the UN High Commissioner for Refugees, with its impressive record of achievement and spirit of dedication and empathy, both with the needs of refugees and with the problems of governments in relation to them.

Although I have not participated directly in the affairs of the UN on a steady basis for as long a time as most of the delegates here, I can say personally, from my familiarity with the subject, and on behalf of the U.S. Government, that the universal acclaim for the work of the present High Commissioner, Prince Sadruddin Aga Khan, is richly deserved. Indeed, after the acrimonious and often tendentious debate about previous items on our agenda, the present discussion seems to be a return to a more fitting spirit for a committee concerned with social and humanitarian problems.

I am particularly gratified by the emphasis the report has placed on international protection activities. Central to the work of the High Commissioner is Article 33 of the 1951 Convention relating to the Status of Refugees, which provides "no contracting state shall expell or return (refouler)[1] a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." The 1951 Convention and the 1967 Protocol Relating to the Status of Refugees together form the principal instrument of the High Commissioner in securing for refugees the cardinal element of protection.

The Convention and Protocol are of such crucial importance, because historically many countries of origin have sought by any means to bring about the coercive or forcible return of their nationals who have fled persecution. Unfortunately, as the Report of the High Commissioner, on page 4, points out with regret and concern, "certain cases of *refoulment* to the country of origin have occurred. The general application of the principle of non-refoulment should be facilitated by the increasing acceptance of the maxim that the grant of asylum is a peaceful and humanitarian act and should not be regarded as an unfriendly act by any state." In keeping with the humanitarian and non-political nature of his work, the High Commissioner did not make any specific charges.

While it is evident that continued vigilence is necessary to protect refugees, there is little doubt that the concept of asylum inherent in the convention is becoming ever more firmly embedded in international law. Already there are 59 nations which adhere to the convention and 40 to its attendant protocol.

The High Commissioner has been energetically encouraging the accession of additional countries to these documents, and we commend him for this. The universal acceptance of the High Commissioner's reports further solidifies the rights of asylum as international law.

The Convention and Protocol secure for refugees a number of specific rights which are essential to them if they are ever to cease being refugees; essential to the effort to help them take a tranquil place in the life of their new country as self-respecting, self-supporting persons living in dignity. These rights are set forth in the convention in very specific terms. They are of utmost importance. Without these rights refugees would be deprived of opportunity for human fulfillment.

Although we view the establishment and maintenance of liberal and humane asylum policies as the most important function of the UNHCR, my Delegation also would compliment the constructive manner in which the material assistance program was conducted in the past year. We believe that the High Commissioner has wisely chosen his priorities in allocating over half of his budget to Africa.

It is in the light of the matters of which I have spoken that the United States Government continues its strong interest in and support of all that the High Commissioner is seeking to achieve. My Government is an active participant in the High Commissioner's Executive Committee, and has continually been a contributor to the budget for his program. In addition, the United States maintains several of its own programs which are providing assistance to a large number of refugees who fall within his competence. Our overall assistance for refugees is primarily in the form of agricultural commodities provided to governments, voluntary agencies and the World Food Program; cast contributions to a number of intergovernmental programs; and financial endowment of direct United States programs. Through these efforts, for refugees in the United States and in other countries throughout the world who are of concern to the UNHCR, my Government's contributions during 1970 totalled over $100 million.

In closing I want to pay special tribute to the manner in which the present High Commissioner, Prince Sadruddin Aga Khan, has carried out the manifold duties of his office. His performance has been characterized by great imagination and never-failing dedication. These qualities have earned him the gratitude and confidence of the refugees. Speaking for my own Government and as an individual, I can say that they have earned as well the esteem and confidence of the United States of America.

THE GENOCIDE CONVENTION

Mr. PELL. Mr. President, I am very glad that the Genocide Convention has been reported out of the Foreign Relations Committee and is now before our body for action. It was 21 years ago that this convention was first reported to our committee. In these intervening years, it has been an increasing black mark on our escutcheon that while 75 countries have ratified this convention, the United States, which took the lead in pressing for its negotiation, is amongst the minority who have so far failed to ratify it.

I am glad to have been on the Ad Hoc Committee of the Foreign Relations Committee that considered this subject, both in the earlier Congress when it was chaired by the senior Senator from Connecticut (Mr. Dodd) and in this Congress when it was chaired by the senior Senator from Idaho (Mr. Church). I take personal pleasure in being one of those reporting out this convention, since my father, Herbert Claiborne Pell, was the original U.S. member of the United Nations War Crimes Commission, a group which was responsible for insuring that genocide should be considered as a war crime.

I remember well, too, those days in 1945 when there were those in the Department of State and in the British Foreign Office who did not wish that genocide should be considered as a war crime, and did all they could to sidetrack my father because of his efforts in this regard. At first, arrangements were made that no salary should be paid to my father in order to secure his departure from this commission. He then offered to serve for nothing, and even to pay the salary of his secretary. This resulted in a contretemps in the Department of State, as a result of which the rug was completely pulled out from under my father. However, while he was ousted from his job, he took his case to the American people and secured the reversal of the Department of State's previous position that the United States would not consider genocide a war crime.

The reporting out of this convention is also a great compliment to Rafael Lamkin. He is the man who really publicized the crime of genocide, and was a one-man task force at the U.N. for many years in his efforts to secure the ratification of this treaty by its member nations.

GEN. THOMAS S. POWER

Mr. HRUSKA. Mr. President, I wish to pay tribute to one of the world's great peacemakers who died earlier this week—Gen. Thomas S. Power, retired commander of the Strategic Air Command.

In our concern and unceasing search for peace in the world, we are prone to overlook the Strategic Air Command as one of the vital and effective instruments of peace. But an effective instrument of peace it is, through the imposing deterrent strength which it supplies to our national defense posture.

While we have not been able to avoid completely the limited wars, we have averted the threat of worldwide nuclear holocaust. The credit for this achievement must rest in great measure with the dedicated service of men like General Power and others of the Strategic Air Command.

It is my great privilege to have known General Power personally for many years. I can give assurance that he was a man totally dedicated to peace. He believed the way to achieve peace was to have such a strong nuclear arsenal that the prospect of nuclear confrontation with this Nation would be suicide for any nation.

He fought religiously for his beliefs, Mr. President, and many key elements of our current global air strategy are the result of his concepts and convictions.

It has been accepted practice—and an extremely critical phase of our national defense structure for a number of years—to have an airborne command post at all times—24 hours a day, 365 days a year. These so-called looking-glass planes literally have the heartbeat of our national defense in their care. In an emergency, they become a critical controlling element in our defense structure. The concept was initiated by General Power during his tenure as SAC commander from 1957 to 1964.

General Power also originated the mixed force concept of strategic air power, bringing missiles into SAC weaponry for the first time. While he felt they could not replace manned aircraft, he did feel they were a valuable complement to it.

Controversy often surrounded General Power because of the determination with which he pursued his goals and objectives. It is good that he lived to see so many strategic air developments which he helped to pioneer become standard operating procedures in our strategic arsenal today.

The Nation owes a great debt of gratitude to General Power and others like him. It is appropriate at this time, in my opinion, to call attention to his important and enduring contributions to the Nation he loved so deeply and served so long and well.

We shall honor his memory with gratitude.

We extend to his surviving helpmate of many years our deep condolences.

ENVIRONMENTAL QUALITY: AN ALTERNATIVE TO THE INTERNAL COMBUSTION ENGINE FOR THE URBAN COMMUTER

Mr. TYDINGS. Mr. President, increasing evidence shows that the current urban transportation system based on the internal combustion engine is a grave environmental health hazard. Most urban smog results from the activity of sunlight on the hydrocarbons and nitrogen oxides released from the auto exhaust pipe; carbon monoxide and lead—compounds deadly poisonous to human lungs—are discharged into the air by the explosion of gasoline in an internal combustion engine.

---

[1] Refouler—to return involuntarily.

Medical researchers find automobile pollution a growing health menace in every city with a population of 50,000 or more. They are finding that lung cancer, heart ailments, respiratory diseases and eye infections increase in proportion to the increase in the number of automobiles on the road.

The automobile industry is responding to this environmental health crisis by installing devices to reduce harmful automobile emissions. However, these devices will not significantly reduce the amount of pollutants released into the air, since by 1980 twice as many automobiles will be on the road as in 1970.

Not only do automobiles propelled by the internal combustion engine make huge contributions to air and noise pollution, but also they consume vast amounts of scarce city acreage for parking. Automobile junkyards are decorating our landscape at an alarming rate. The more space-eating highways we build, the more cars fill them up.

I wish to call the attention of Senators to a two-wheeled alternative to this urban quagmire—the bicycle.

Bicycles emit no fumes, and they do not pollute. They do not fill roadside junkyards with rusting wreckage. They are fast during rush hours; they even start in cold weather. Since there is no engine, they make no noise. They are easy to park. They are vehicles for personal and societal health and fitness. They are even fun.

More and more people are converting to the two-wheeled alternative. Sixty-four million Americans are riding bikes this year. In 1969, over 40,000 bikes were sold in the Washington area; there are over 1,200 regular commuters. There are 15,000 miles of bikeways from Maine to California that have been completed in the last 3 years. In the District of Columbia the National Park Service has designated portions of Rock Creek Park closed to automobiles on Sundays to reduce the traffic hazards that constantly discourage cycling. The National Park Service is also to be commended, for they are in the process of constructing a system of bikeways in the District.

In the Washington Post of June 14, Staff Writer Carl Bernstein, in an article entitled "Commuter Cycling Picks Up Speed," documents the growing interest in this alternative for urban mobility. He said:

> There is indeed a rapidly increasing number of persons who, in cycling to and from work, have discovered a quicker, cheaper, healthier, nonpolluting alternative to packed buses, long lines of creeping automobiles, parking safaris and Washington's rush-hour taxicab shortage.

Rather than regarding bicycles as toys, we should regard them as viable, nonpolluting, inexpensive, and healthy means of urban transportation.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMUTER CYCLING PICKS UP SPEED

(By Carl Bernstein)

When Clay Gubric opened his Towpath Cycle Shop in 1966, he counted three or four bicyclists pedaling home from work on a busy weekday. One day last week, more than 50 commuting cyclists, most of them dressed in business suits or skirts, passed by his shop in Georgetown during the evening rush hour.

They are among a rapidly increasing number of persons who, in cycling to and from work, have discovered a quicker, cheaper, healthier, nonpolluting alternative to packed buses, long lines of creeping automobiles, parking safaris and Washington's rush-hour taxicab shortage.

The bicycle commuters—an estimated 1,200 of them in the Capital area—represent only one phase, however, of a bike-riding boom by adults in Washington and other big cities.

Despite the economic downturn that is hurting other retail businesses, bicycle dealers here and elsewhere report that sales have reached record levels. In 1969, more than 7 million bikes were sold in the United States—twice as many as 10 years earlier.

To accommodate the increasing number of cyclists here (40,000 bikes were sold in the Washington area last year), a two-mile stretch of Beach Drive in Rock Creek Park is closed to automobile traffic every Sunday from 9 a.m. to 6 p.m. and opened to hundreds of bicyclists. A three-mile bike path, one of a dozen such urban trails in the United States developed with federal funds, opened recently in Arlington County and is already often overcrowded with cyclists.

The Smithsonian Institution, the Commerce Department and several other government agencies have installed bike racks for their employees. A marked "bikeway" advises bicyclists of the quickest and safest way to pedal across town from RFK Stadium to the C&O Canal towpath. True Magazine ("For Today's Man") has decided that bicycling is as good a gauge of manhood as, say, horsepower, and features a cover picture and photo-essay this month on "The Growing Bike Craze: Everyone's Rolling Along."

If there is any lingering doubt that a bicycle renaissance has arrived, such notion might be dismissed by the black-and-white signs now being posted by the National Park Service along roadways in Rock Creek Park. "All persons have equal rights when driving cars or riding bikes," the signs proclaim.

Like other bicycle dealers here, Clay Gubric attributes the cycling boom to a change of image in which the bicycle is no longer regarded as a toy, but as a utilitarian machine—the same role it served in the last decade of the 19th century, when the bicycle was the primary means of individual transportation in American cities, except for walking.

Dating to the early 1800s in its crudest form—a hobbyhorse with wheels—the bicycle by 1865 had become known as a velocipede, and sported a huge front wheel, above which the rider was perched on an iron seat.

The big front wheel was fine for gaining speed, but the precarious position atop it often resulted in "headers" as the luckless rider lost his balance and was catapulted forward.

It was not until the development of the safety bicycle in 1874 that the prototype of today's machine, with two wheels of equal size driven by a chain running on two sprockets, was marketed.

Since then, the bicycle has been "the simplest and most economical means of personal mechanical transport" known to man, in the words of the Encyclopedia Britannica.

"Everybody seems to be rediscovering the bicycle at once," says Mel Pinto, owner of Sports and Cycles International in Arlington—a shop that, like Gubric's, sells primarily to adults.

"The situation is so hectic now," says Hal Webber, manager of the Chevy Chase Bicycle Service, "that there is a shortage of bicycles throughout the country." The shortage is particularly acute among the sophisticated, 10-speed bikes—many of them foreign made—that are gaining popularity with adults because of their light weight, potential speed and relative pedaling ease.

The 10-speed machines are equipped with a much wider gear ratio than either three-speed or single-speed bikes, thus enabling the rider to maintain a constant pedal speed, regardless of grade changes and wind conditions.

Judging from the people who can be found pedaling two-wheelers through the streets of Washington on almost any day, bicyclists are stock brokers and congressmen, secretaries and lawyers, students and government clerks, librarians and teachers, youngsters and oldsters.

United in their aversion to bad weather, homicidal motorists, bicycle thieves and exhaust pollution (so noxious that daily shampoos are a necessity for most regular riders), they regard such hazards as minor compared to what they consider the advantages of cycling.

"FASTER BY BIKE"

"It's faster by bike," says Michael Mulroney, a tax attorney who estimates he has covered more than 2,800 miles pedaling eight miles twice a day between his home in Alexandria and office in downtown Washington.

"I can beat the bus by 15 to 20 minutes and can easily equal the driving time by car if there's heavy traffic, no head wind and I'm in shape," he says.

Rep. Bob Eckhardt (D-Tex.), who has ridden his lightweight English bike to Capitol Hill almost every workday since he came to Congress in 1967, finds that "you see things from a bike that you don't notice in a car."

Eckhardt usually makes a leisurely trip from his Georgetown home to the Hill in about 25 minutes, riding alongside the Potomac River to the Lincoln Memorial, then onto the sidewalk next to the Reflecting Pool ("by that beautiful glade of trees"), across the Mall and into the House garage.

"This is a great city for bicycling," said Eckardt, 56. "The terrain is ideal. But the traffic is terrible," he adds, urging that a bike path be created to link Rock Creek Parkway with the C&O Canal—thus avoiding the Georgetown traffic jams.

Like many cyclists, Harry Bernard, an auditor for the Internal Revenue Service, took up bicycling on the advice of his doctor.

"He told me to try either cycling or jogging," recalls Bernard, 51. "I tried jogging but it got boring, going over the same slow route every day. Jogging might be good for you but you feel like you're going to drop dead any minute.

TOOK SON'S BIKE

"So one day I took my son's bike to work. It was like a revelation. I went through the park and I could smell the trees. I pulled up on the grass to look at the ducks. I'd been cooped up in the car for so long I forgot there was such a thing as honeysuckle."

Since then, Bernard has learned that "on the main streets you can thread your way through the traffic. While everybody's lined up for three blocks, waiting for the light to change, I use the side of the lane and zip right up front," he explains. "When I drove a car to work I would get mad as hell, just sitting there going no place. Especially when it was hot. No more."

For Therese Lepine, a secretary in the office of Sen. George D. Aiken (R-Vt.), heat and rain are—except for traffic—the major obstacles to bicycle commuting.

"The rain you can't do much about," she says. "I keep a change of clothes at the office and wear shorts when I ride on hot days"—a solution used by many bicycle commuters.

Not all serious cyclists are commuters, of course. Many, like John Flynn, 51, prefer long-distance cycling touring or hosteling to pedaling on their home turf.

"There's no better way to see the country than on a bicycle," says Flynn, a desk clerk at the Fairfax Hotel who cycles to New England each summer.

"I don't like to hurry. I usually take about three days to go to my family's home in Rhode Island, then another three or four days to New Hampshire. I've never taken the same route twice. I like to wake up in the morning and say: 'Well, which way should I go today?' "

The bicycle's role as a nonpolluting mode of transport seems to go unnoticed by few riders. Indeed, many cyclists harbor fierce antipathy for what they regard as an automobile culture that is choking the nation with fumes, speed noise and concrete.

"There are more and more kids my age who are rebelling against cars and buses," maintains Jude Sanches, 21, who commutes by bike from her Arlington home to her job as a sales clerk at Peterson's Warehouse in Georgetown.

"It's like why pollute the air and contribute to building more highways when it's more fun to bike in the first place?" she asks.

Miss Sanches, who says she gladly gave up hitchhiking for bicycling, is among a growing group of cyclists who regard pedaling as an almost political act and inevitably flash the two-fingered peace symbol upon encountering another person on a bike.

While exhilarating, cycling on Metropolitan Washington's streets can also be somewhat terrifying, which is why Miss Sanches rides to work on a path adjacent to some unused railroad tracks in Arlington, instead of on Lee Highway.

"Too many drivers don't believe bicycles have a right on the road," she says, echoing the single complaint most often heard from bicyclists. "They lean out their windows and curse at you, or they honk their horns and proceed to run you off the shoulder of the road."

For just such reasons, Clay Gubric, former City Councilwoman Polly Shackleton and other bicycle advocates have urged that certain streets be designated for bicycling and closed almost permanently to automobile traffic.

Meanwhile, in the absence of such action, some members of the bicycling minority are becoming more militant.

Recently, the driver of a big Buick Riviera, within plain view of one of the park service's antidiscrimination signs, forced a cyclist off the road and, according to the bike rider, drove off laughing.

At a stoplight half a mile ahead, the cyclist caught up with the Riviera. Dismounting from his trusty 10-speed steed, the rider purposefully walked up to the car and proceeded to kick a good-sized dent in the rear fender.

The motorist, caught in traffic on a road too narrow to make a U-turn, watched helplessly as the pedal power advocate remounted his bike, clenched his fist and headed off into the opposite direction with the words "Ride On."

PROPOSED PRESIDENTIAL COMMISSION TO STUDY LABOR-MANAGEMENT RELATIONS LAWS

Mr. TOWER. Mr. President, on July 15 of this year, I introduced proposed legislation to establish a Presidentially appointed commission to study Federal laws dealing with labor-management relations and to make recommendations for new legislation or for the revision of existing laws, with particular emphasis upon emergencies caused by disputes in the transportation industry. The joint resolution was referred to the Committee on Labor and Public Welfare where no action has so far been taken and where—by every indication—it appears it will die within several weeks.

Today we are faced with the reality of a threatened railroad strike. I do not need to dwell upon how this will affect the Nation, our Nation's economy, or American workers whose jobs depend upon maintenance of rail services. The effects could be disastrous—certainly they will be disastrous for those immediately involved. How many will feel the effects would depend upon how long a stoppage would last.

For the third time this year we in this body face the choice: confront disaster and accept the consequences of a strike with all its implications for innocent parties or force free men to accept working terms not agreeable to them or to their representatives. I find such a choice abhorrent. I hope it also violates the sense of propriety of all Members of this body. I do not see how any Senator can fail to evaluate our actions today other than with the utmost gravity.

I hope also that my colleagues will wonder with me how long we in Congress are prepared to act in a range-of-the-crisis atmosphere. I do not think it is the proper constitutional duty of Congress to sit for the purpose of dictating strike settlements and enunciating the terms under which free men will be required to work.

Yet I see no objective action being taken which would lead me to believe that we intend to proceed other than through stop-gap measures passed in haste on the eve of national emergency.

Mr. President, my joint resolution, Senate Joint Resolution 220, was introduced with the hope that a commission would be able to take a long-range look at our labor laws and evaluate to what extent they have or have not contributed to today's atmosphere of chronic strikes, inflationary wage settlements and national emergencies which now occur—in the subject railroad industry, at least—thrice yearly.

By no stretch of the imagination does this Nation now follow anything like a laissez-faire labor policy. The Federal Government is involved at the bargaining table in almost every labor negotiation, either directly seated with the negotiators or through action by the National Labor Relations Board as an entity whose participation will later be invited by one side or the other.

The evidence today should indicate that there is need to determine if the direction of our labor policies has been advantageous to the cause of industrial-labor peace or if it has been deleterious to these relations. The fact that we are faced with this choice today indicates that this review is long overdue.

NEBRASKA IS NO. 1

Mr. HRUSKA. Mr. President, three of my colleagues (Mr. YOUNG of North Dakota, Mr. MANSFIELD, and Mr. METCALF) engaged in some discussion last week on the comparative merits of their football teams. Inevitably challenges followed and it is my hope that none of the gentleman said anything which he will later regret.

The discussion did serve to remind me that with the rapid approach of the bowl season, the last grand gasp of college football before it dies for another year, it might be well to provide the proper perspective for any football discussions which may come before us in the near future.

The best way that I can accomplish this objective is to mention some of the merits of another football team which, in an unassuming and businesslike manner, has been compiling an enviable record in the midlands.

Lest there be some erroneous speculation as to the true identity of this team I am about to discuss, allow me to say at the outset that it is a club known as the University of Nebraska Cornhuskers, merely one of the premier college football aggregations in this or any other season. This fact, which has been thoroughly documented throughout the past 3 months, will almost certainly receive additional emphasis on New Year's Day when the Cornhuskers will entertain thousands of Orange Bowl fans with their feats of gridiron skill and daring.

Aware as I am that any valid claims surrounding football teams must be accompanied by supporting evidence, it is my pleasure to mention just a few of the recent achievements of the Nebraska Cornhuskers and their able coach, Mr. Bob Devaney.

The Cornhuskers recently won their second consecutive Big Eight championship, and I submit that there are few among us who do not recognize the Big Eight as the toughest conference of them all these days. This notable feat of two consecutive championships brings Nebraska's record to an enviable six championships in the past 8 years—a record which surely must be difficult to match in any conference. Five of those championships were won outright. In charitable fashion, last year's title was shared with the University of Missouri.

In compiling its championships the past 2 years, the Cornhuskers have now compiled the third longest winning streak for major schools—18 games without a defeat. That streak marred only by an unfortunate tie with the University of Southern California early this year, is now surpassed by the University of Texas, which team must surely be adjudged to be almost as good as Nebraska, and the University of Toledo.

Most of the credit for the Cornhuskers' amazing record must go to Bob Devaney, commonly known as the winningest coach in the Nation, and with good reason. His teams have a record of 113 victories, 28 losses, and six ties for an average of .801 percent. His record at the University of Nebraska is 78 victories, 18 defeats and only one tie. Under him, the Cornhuskers have lost only two nonconference games—to the Air Force in 1963 and to USC in 1969.

Coach Devaney has not only instilled a winning spirit at the University; he has attracted to the University young men who are leaders in sports and other endeavors as well. He has helped to mold a togetherness and an esprit among students and all Nebraskans. While fellow Cornhuskers may differ over such matters as politics, the economy or the weather, the entire State is united as one on Saturday afternoons when the only audible cry across the plains is: Go, Big Red.

The high esteem in which Coach Devaney is held by Nebraska is evident in the official November 3 election canvass just completed. It was found that the coach received five write-in votes for Governor and 10 for Senator. In the senatorial race, I was unable to determine whether Coach Devaney's votes cut into my total or my opponent's.

While Coach Devaney has been the focal point for our gridiron eminence, he has not been without help from his players. Let me cite just a few statistics which will indicate what does propel the Big Red.

Since 1962 the Cornhuskers have scored 2,339 points to 1,057 for their opponents. This year they established a Big Eight record with 30 pass interceptions. Paul Rogers set a new Big Eight career kicking record of 24 field goals, 92 extra points, and a new season record with 48 extra points.

While naming Coach Devaney coach of the year this year, the Big Eight also named Linebacker Jerry Murtaugh player of the year. Conference coaches selected four Cornhuskers on the Omaha World-Herald's All Conference offensive team and four more on the defensive team.

The Cornhuskers soon will head for their seventh bowl game in the past 9 years. This will be their fourth trip to the Orange Bowl. They were there in 1955, 1964, and 1966. They have also been to the Cotton, Sugar, Sun and Gotham bowls once each.

I have really only begun to cite the record of astounding feats by this amazing football team, but shall allow this brief summary of achievement to suffice. It will serve, I am sure, to remind Senators who may discuss the game of football in the next 2 weeks that their enthusiasm should be tempered by the knowledge that, if their favorite teams should become too successful, they may collide with the Big Red in some bowl or other. This is a fate which this Senator would not wish for any football team.

CONCLUSION OF MORNING BUSINESS

Mr. **MANSFIELD.** Mr. President, is there further morning business?

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

PUBLIC WORKS AUTHORIZATIONS, 1970

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1435, S. 4572.

The **PRESIDING OFFICER.** The bill will be stated by title.

The legislative clerk read the bill by title, as follows: A bill (S. 4572) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. **MANSFIELD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BROOKE TOMORROW

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that the distinguished Senator from Massachusetts (Mr. BROOKE) be recognized for not to exceed 30 minutes tomorrow following the remarks of the distinguished Senator from Ohio (Mr. YOUNG).

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **MANSFIELD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **COOPER.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **FANNIN.** Mr. President, will the Senator yield?

Mr. **COOPER.** I yield to the Senator from Arizona.

THE SUN DEVILS VERSUS THE TARHEELS

Mr. **FANNIN.** Mr. President, on the evening of December 30, 1970, in the lovely city of Atlanta, Ga., a momentous contest will take place.

Arizona State University's mighty and unbeaten Sun Devils will play the University of North Carolina in the Peach Bowl.

Mr. President, I am aware that many people in the East and the South and the Midwest think that they have exclusive patents on the game of football.

My purpose here today is to give assurance that "Yes, North Carolina, there are Sun Devils."

In fact, the Sun Devils have been around for some time.

If one looks at the professional football ranks he will discover that Arizona State is tops in producing great players. There are Charlie Taylor and Jerry Smith of the Redskins here in Washington, Travis Williams of Green Bay, Curley Culp of Kansas City, Ron Pritchard of Houston, Larry Walton of Detroit, Ben Hawkins of Philadelphia, Art Malone of Atlanta, Fair Hooker of Cleveland, and Larry Todd of Oakland.

In the last 13 years at Arizona State, Head Coach Frank Kush has run up a record of 99 victories against only 30 losses and one tie. I am told that this is the second highest winning percentage for any active major college football coach in the Nation. In the past 4 years the Sun Devils have rolled to 34 victories and lost only six times.

Despite all this, Arizona State has had a devil of a time getting proper national recognition.

This, Mr. President, is the year of the Sun Devil.

Arizona State won all 10 regular season games and has a streak of 16 straight wins over two seasons.

Arizona State has won the Western Athletic Conference championship the past 2 years.

Arizona State is the national total offense champion with an average of 514.5 yards per game, and in addition, ranks seventh in total defense.

Arizona State is ranked eighth in the Nation by both major wire services.

It would not be fair to North Carolina, or to my esteemed colleagues, Senators ERVIN and JORDAN, for me not to mention a few of the attributes of Arizona State. Indeed, it might be almost unconstitutional if I were to let the Sun Devils sneak upon the unsuspecting Tarheels.

Therefore, in the spirit of good sportsmanship I give this necessarily brief scouting report on Arizona State.

Watch out for offensive guard Gary Venturo and defensive back Windlan Hall, both second team All-Americans as picked by the Associated Press.

Keep an eye on wingback-split end J.D. Hill who scored at least once in every game this year and was Sporting News first team All-American. Incidentally, he is a 9.3 second 100-yard dash man.

Plan your defense to stop quarterback Joe Spagnola who led the conference in total offense and was Western Athletic Conference back of the year for the past two seasons.

Then again, there are 11 other Sun Devil team members who took part in scoring this season, and you will want to sharpen up to try to stop them.

Arizona State is strong in running and passing and defense.

In short, the Sun Devils are as hot as the Arizona sun on the Fourth of July.

This, Mr. President, about sums up what I wanted to say. I have done my duty. My colleagues from North Carolina are forewarned. I take no responsibility for any damage inflicted on the Tarheels by my constituents at the Peach Bowl.

PUBLIC WORKS AUTHORIZATIONS, 1970

The Senate continued with the consideration of the bill (S. 4572) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Mr. RANDOLPH. Mr. President, what is the legislative order of business pending in the Senate?

The PRESIDING OFFICER. The pending matter is S. 4572, the so-called rivers and harbors bill.

PRIVILEGE OF THE FLOOR

Mr. RANDOLPH. Mr. President, there will be a need for additional staff members from the Committee on Public Works to sit with Senator Cooper and myself and other members of the committee and I ask unanimous consent that they have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, S. 4572, which has been characterized through the years as the omnibus rivers and harbors and floor control bill, is a measure, as my colleagues know, which is similar to the legislation which has been enacted at periods of 2 and 4 years for a considerable amount of time. The Committee on Public Works, acted after careful consideration and hearings by the subcommittee chaired by our able colleague from Ohio (Mr. Young), the subcommittee that has heard the witnesses on these projects dealing with flood control and rivers and harbors. After this had been done within the committee and within the subcommittee, we decided to bring the measure to the Senate, which is divided into two parts. Title I embraces the rivers and harbors programs, those works that are considered as inclusive of navigational projects, and also those items that deal with the subject of beach erosion and the authorization for navigation and beach erosion control surveys to be carried forward by the Corps of Engineers.

Title II of the bill includes flood control projects, comprehensive basin plans and multiple-purpose projects and authorizations for studies and surveys.

Both titles 1 and 2 will contain a number of items of what we call general legislative effect on those projects that have been previously approved and, also, we shall consider the operation of civil works programs as they relate to the Corps of Engineers of the U.S. Army.

All the works of improvement which have been authorized in this legislation are to be carried forward in accordance with existing law and stipulations that are contained in the appropriate project documents, as modified by certain comments and remarks which, as Senators well know, are contained in the report from the committee accompanying this measure to the floor.

The Public Works Committee has devoted much time to this legislation. Public hearings covered a period of 5 months, extending from April through September.

Details covering the recommended improvements have been furnished by the Corps of Engineers. The State and Federal agencies concerned and the Office of Management and Budget have commented and passed on most of the recommended improvements. In those few cases where projects have been included without the benefit of the views of the Office of Management and Budget language has been inserted providing that construction shall not be initiated until approved by the President. This will insure adequate review by the Office of Management and Budget.

Environmental statements were furnished the committee by the Corps of Engineers in accordance with the provisions of the National Environmental Act of 1969. These statements in most instances were satisfactory. However, since this is a new procedure for which criteria are still being developed, the committee plans to review these procedures with the Corps of Engineers and other interests during the next session of Congress.

There is an indication that some projects included in this legislation will impose changes in the natural and human environment; but such changes are inevitable, Mr. President, if we are to continue to be responsive to the water resource needs of present and future generations and to States like Alaska, represented on the committee by the knowledgeable membership of the Senator from Alaska (Mr. Gravel), and States like Florida, with the attention that has been given by the Senator from Florida (Mr. Gurney), a member of our committee, who understands the problems, as the problems have been so well understood and documented on the Senate floor, and by the able Senator who will retire with this Congress, the Senator from Florida (Mr. Holland).

Mr. President, I have mentioned these two States because the Senators whom I have just named are now in the Chamber during the presentation of these opening remarks.

In an effort to mitigate any possible adverse effects of the projects on the environment, the Committee on Public Works has written language into the bill, language which the ranking minority member of the committee, the able Senator from Kentucky (Mr. Cooper) has deemed to be very necessary.

All members of the committee have been of one mind in this matter, because we think it is very important we require the Chief of the Corps of Engineers to make the studies that will be necessary to insure the project plans include appropriate measures for the protection and/or the enhancement of the environment.

We believe that the projects we bring before the Senate today are well conceived and their inclusion is necessary in a comprehensive construction program by the corps. We also believe that these projects will be a valuable addition to those projects that are now in being and in various stages of construction, or those projects that are now being considered on the drawing board, those projects for protection from floods, and for the improvement of navigational facilities in this country.

The projects to be constructed by the Corps of Engineers as a result of this authorization consist of single- and multiple-purpose dams and reservoirs, levees, floodwalls, breakwaters, and channel improvements.

All are in the interest of navigation, flood control, beach erosion control, and other multiple-purpose water uses.

They will provide needed flood protection to our cities and towns, as well as agricultural areas of the country.

They will enhance the use of the navigable waterways of our Nation, which as we all know has one of the best harbor and inland waterway systems in the world.

These projects will provide additional water for domestic and industrial uses, implementing the supply which in many sections of the country has become increasingly critical.

Recreational activities are a part now—as they have never been before—of what we call the cost-benefit ratio. They are recognized as a factor in the cost-benefit ratio. It was not so many years ago that the projects brought before our committee by the Corps of Engineers did not consider this very important item of recreation. However, there is an increasing need, as well as a desire, on the part of millions and millions of the people of the United States living in our metropolitan centers to go into the countryside and to enjoy boating, swimming and water skiing, and fishing. In these waters there is the opportunity for these recreational uses.

Mr. President, during the period of several years I have attempted to have the Corps of Engineers realize that we should not call an impoundment of water which is being developed for reasons of flood protection either a dam or a reservoir. These very frankly are foreboding words. I think an impoundment of water which has no use for the people of the United States except the protective measures that I have set forth and for fishing, boating, swimming, and water skiing, should not have a designation on the map either of a dam or a reservoir. It should be designated as a lake.

Someone might say that this is a figure of speech. It is not a figure of speech. If a person who wants to come into the West Virginia mountains reads on the map that we have a dam or a reservoir at a certain point—such as Summersville in Nicholas, County, W. Va.—he does not take very much interest in coming into the State of West Virginia or inquiring as to the facilities existing there from the Department of Natural Resources or the Department of Commerce.

What do we have there at Summersville? If the father or mother or children sees on the map that it is designated as Summersville Lake, rather than Summersville Dam or Reservoir, it is natural that they will inquire, if they have no knowledge of the State, what the facilities are for recreation in that area of West Virginia.

I ask—in fact, I invite—all Members of the Senate to come to inspect the

the project which has been developed at Summersville, notably at Summersville Lake, and see the opportunity that exists there for delghtful, healthful recreation at one of the most beautiful lakes in the United States of America.

It was not a natural lake, because West Virginia, of course, is the Mother of Rivers. We are not because of our terrain, a State which is dotted with natural lakes.

Mr. President, if I seem to belabor this point, it is for a reason. I think it is important for the Corps of Engineers to be not only resourceful but also creative.

So, I report to the Senate that for the first time the Corps of Engineers, acting on my urgent appeal, has now designated on its maps and on the maps of all States, not a dam or a reservoir, but a lake. That is an appealing word. It causes one to look into the possibilities of visiting that place. This is not minimizing, of course, the basic reason for the lake or for the cost-benefit factors I have mentioned. It is simply that I have never taken the opportunity to do it before.

Legislation has been reported from our committee and has passed the Senate which brought about the change in the designation of all of these projects in West Virginia from dams and reservoirs to lakes. That was done by law. I did not feel that I could approach it in that way in reference to other States. But the Corps of Engineers, as I have already indicated, now designates these projects as lakes.

That is why I was speaking about the recreational activities. They are very important as we consider the environment and the enhancement of the lives of the American people.

All in all, the projects contained in the measure we present today will help to develop the Nation's water and land resources.

The projects recommended are the result, in many instances, of requests made by Members of the Senate and of the House of Representatives for studies of water resource problems in their States.

As the able Senator from Kentucky (Mr. COOPER) well knows, the committee asked the Corps of Engineers to look into these problems and to advise it on the best course of action for remedying the situations involved.

The projects that are contained in this bill are the answers, in part, to these problems.

Highlights of the bill will be of interest:

Section 101 of title I authorizes the construction of 18 navigation projects and five beach erosion control projects at a total estimated Federal cost of $169,673,000.

Section 203 of title II approves 23 flood control and multiple-purpose projects at a total estimated cost of about $310,219,000.

The total authorization contained in these titles amounts to $479,892,000. The projects are located in 32 States throughout the Nation.

The following additional items are included in the bill and are fully explained in the accompanying report:

Section 102 modifies the Port Orford, Oreg., project to provide for maintenance of a channel to the existing port facilities.

Section 103 provides for Federal maintenance of Federal recreational harbors.

Section 104 authorizes study and construction of a navigation channel to the Harry Lundeberg School of Seamanship at Piney Point, Md.

Sections 105 and 106 increase the rates paid to consultants and to civilian members of the Coastal Engineering Research Board to the equivalent GS-18 grade.

Section 107 authorizes navigation and beach erosion surveys at several localities.

Section 108 authorizes further study of the feasibility of extending the Great Lakes-St. Lawrence Seaway navigation season.

Section 109 provides for a study of the effects of navigation servitude to be conducted by the Secretary of the Army, acting through the Chief of Engineers, in cooperation with other Federal and non-Federal public and private interests.

Section 110 modifies the project for the Ouachita and Black Rivers in Arkansas and Louisiana to provide lands for national wildlife refuges.

Section 111 provides for a review of the cost-sharing provisions relating to beach erosion and hurricane flood control projects.

Section 112 specifies that charter fishing craft shall be considered as commercial vessels for the purpose of determining cost sharing related to small-boat projects.

Section 113 amends Section 11 of the Federal Water Pollution Control Act—relating to the discharge of oil—to exempt owners and operators of nonoil carrying, nonself propelled barge units from requirements of filing with the Federal Government evidence of financial responsibility to meet any liability imposed by the act. The amendment does not in any way affect liability under the act.

Section 114 guarantees FHA mortgage insurance for residential structures in the L-K Street slide area in Anchorage, Alaska.

Section 115 authorizes additional expenditures for repair and modification of the Illinois and Mississippi Canal in Illinois.

Section 116 provides for the establishment of a compliance with guidelines to assure consideration of possible adverse economic, social, and environmental impacts of civil works projects and activities.

Section 204 modifies the Big Sandy River flood protection plan to provide for relocating Levisa Fork at Pikeville, Ky., and constructing related drainage facilities as part of that city's model city program.

Section 205 authorizes the Secretary of the Army and the Chief of Engineers to cooperate in preparing the general plan for development of the water resources of the Western United States.

Section 206 increases the annual amount which can be used for flood plain information activities.

Section 207 authorizes the preparation of plans for development of the water and related resources of the Commonwealth of Puerto Rico.

Section 208 extends the expiration date for the local protection project at East Grand Forks, Minn., to April 17, 1975.

Section 209 provides for surveys for flood control and allied purposes at a number of localities in Florida and Hawaii.

Section 210 increases the monetary authorizations for the Upper Mississippi River Basin comprehensive plan.

Section 211 authorizes the review of authorized projects to determine the advisability of modifying the structures or their operation, and for improving the quality of the environment.

Sections 212 and 213 authorize studies to determine the advisability of modifying the project facilities and/or the regulation of impounded waters of the Fort Randall project in South Dakota and the Summersville Lake project in West Virginia.

Section 214 provides for correction of the seepage and draining problems at Niobrara, Nebr., that may be related to Lewis and Clark Lake in Nebraska and South Dakota.

Sections 215 and 216 modify the Missouri River Basin project to provide for free highway bridges over the Missouri between Bismarck, N. Dak. and Mobridge, S. Dak., and over the Little Missouri in the vicinity of Eagle Bay, N. Dak.

Section 217 modifies the Perry Dam and Reservoir project in Kansas to provide for certain road paving.

Section 218 authorizes a determination of the feasibility and desirability of establishing a national recreation area in the Upper Kentucky and Licking River Basins.

Section 219 provides authority to contend with the problem of unauthorized disposal of refuse at water resources development projects.

Section 220 would exclude commercial boat-docks from wildlife areas at water resource development projects.

Section 221 modifies the Libby Dam project to include sewage collection and treatment works at Rexford, Mont., as a part of the relocation of municipal facilities.

Section 222 authorizes an investigation of the Arkansas River Basin to determine means for protecting and enhancing the environment.

Section 223 authorizes a study of the effects of strip mining operations on navigable rivers and water resource projects.

Mr. President, I wish to thank the members of the Committee on Public Works and the members of the staff of the Committee on Public Works for the time and devotion which has been so symbolic of the efforts that we continue to make as we formulate a bill before we come to this body. We do not take a cursory look at these matters. We do as the able Senator from Louisiana (Mr. ELLENDER) has always done with reference to the appropriations on public works. He has been painstaking in going through the cost-benefit ratios, asking the interested parties exactly the purpose of authorizations, with the resulting appropriations that are necessary to carry them into being.

Of course, we have had the cooperation of all members of the committee. I have mentioned already the Senator from Ohio (Mr. Young), who is the chairman of the Subcommittee on Flood Control-Rivers and Harbors. I have mentioned already the Senator from Kentucky (Mr. Cooper), who is not only the ranking minority member of the full committee, but also the ranking minority member of the subcommittee.

I also wish to express appreciation to Gen. Frank Koisch, Director of Civil Works of the Corps of Engineers, and to his able staff, both military and civilian, for furnishing the committee with the details of the various projects. In particular I would like to thank Mr. John G. Anderson of the Office, Chief of Engineers, for his services as liaison officer for the Civil Works Division and the Committees on Public Works in connection with matters relating to the formulation of this bill.

Mr. President, it is my hope that expeditiously but certainly with a thorough discussion of matters that are in this measure we can move forward with this legislation for a conference with the House, and that we can bring to fruition this important proposal involving so many States and the people of those States prior to the adjournment of the 91st Congress.

Mr. COOPER. Mr. President, the chairman of our committee, the Senator from West Virginia (Mr. Randolph) has stated very clearly and fully the purposes of the bill now before us, and he has pointed out some of its important points. I shall be brief, but I do wish to take this opportunity to express my appreciation for the leadership of our chairman, the distinguished Senator from West Virginia (Mr. Randolph) in the development of this biennial authorization bill.

We have always tried to work together in committee in a nonpartisan way. The committee has conducted extensive hearings. We have given attention to the requirements for project approval which the Congress and the Corps of Engineers have developed over a number of years. We have received the help and the great experience of the distinguished Senator from Louisiana (Mr. Ellender), who, with his Committee on Appropriations looks at the authorized projects to determine whether or not appropriations should be made.

I would like to pay my respects to the members of the Public Works Committee staff who have worked diligently on the bill and who have been of untold help.

Throughout the years criticism has been made of the subject matter of this bill in both the authorization stage and in the appropriation stage. Inasmuch as this is a program which affects every State and helps every State and all the people of the United States, I feel sometimes many people who are critical of it do not recognize the long history and beneficial consequences of this work.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. RANDOLPH. Mr. President, when the Senator from Kentucky mentions the number of States involved, I would like to reemphasize the fact that 32 States are involved in projects of one type or another, projects which benefit not only the people of those States but which benefit also the people of all the States.

Mr. COOPER. I thank the Senator from West Virginia.

Mr. President, for the benefit of the Senate and the people we represent, I wish to mention that the Federal civil works program under the jurisdiction of the Corps of Engineers, embraces the works for improving rivers, lakes, coastal areas, and harbors of the United States in the interest of navigation, flood control, hydroelectric power development, water supply, pollution abatement, recreation, beach erosion control, and other allied water purposes. Much of this work has been carried on for over 145 years since the first appropriation by Congress in 1824. In the river and harbor and flood control legislation since that time Congress has delineated the policies, prescribed the procedures and authorized the water resources developments which constitute the present civil works program, and has delegated to the Corps of Engineers the duty of planning, providing, and administering the works involved therein.

Mr. President, today the Senate takes up S. 4572, a bill to provide authorization for civil works projects for the corps. As many Senators are aware, for many years I have been concerned about specific projects of the corps and I have stated this concern in individual views in several committee reports. These specific concerns have grown into a general concern over the process of making public works authorizations. The committee, in its report, supports these views and announces in a section entitled "Impact of Water Resources Development on the Environment" that during the first session of the 92d Congress the committee is going to review, and possibly revise, the basic statutory authority of the corps. I ask unanimous consent that at this point in the Record this section of the report be reprinted.

There being no objection, the section was ordered to be printed in the Record, as follows:

IMPACT OF WATER RESOURCE DEVELOPMENT ON THE ENVIRONMENT

The civil works program of the Corps of Engineers, providing the development and effective utilization of our water and related land resources, has an impact on and imposes many changes in our natural and human environment. If this nation is to continue to be responsive to the needs of its present and future generations, we must be prepared not only to recognize realistically that such changes must take place, but consciously seek out those opportunities where such changes can significantly enhance the quality of our natural and human environment. Water resources development is an essential element of our society and we must be prepared to design and select those projects that not only minimize injurious environmental impacts, but those which positively contribute to an improved environment. This committee is aware of the attention that the Chief of Engineers is giving to this important aspect of the program and of the substantial efforts being mobilized throughout the Corps of Engineers to get on with the job. Particularly noteworthy in that regard are: the establishment by the Chief of Engineers of an environmental advisory board composed of prominent experts in the field, the hiring of new personnel with skills in the social and environmental sciences throughout the corps' organization, and the issuance of new policies and procedures to guide this activity.

In reporting the omnibus rivers and harbors bill this year the committee has taken significant steps in alerting the Corps of Engineers to the importance of environmental factors involved in the projects being authorized. In part this was stimulated by increased public demand for a quality environment and in part by the independent concern of the committee. We are all aware that public values concerning navigable waters have evolved dramatically and yet the general authority of the Corps of Engineers has changed little in the last half century. It is possible that these new values should be reflected in the law.

Therefore, the committee believes it is necessary to review the general authorization of the corps and expects to do so in the first session of the 92d Congress. Some of the important elements leading to this conclusion are set out in order to assist in developing a prospectus for this committee activity.

First: The National Environmental Policy Act, Public Law 91-190, of January 1, 1970, requires the filing of detailed statements on the effects of proposed activities on the environment. In addition, the Water Quality Improvement Act places new demands on the corps in the issuance of permits for activities in navigable waters. The capability and performance of the corps to fulfill these new responsibilities will be reviewed by the committee. Two aspects deserve special attention.

One, the detailed environmental statements on the projects in the reported bill were in some instances unsatisfactory and the committee will request more meaningful performance on the part of the corps and to this end will review the general administrative procedures of the corps, including personnel, information services, and public hearing procedures.

Two, there is considerable dispute over the timing and degree of involvement of the public in the development of the environmental statements required under the act. The committee believes that the present interpretation frustrates the clear intent and purpose of the Act and must be reviewed as it applies to the corps.

Guidelines developed by the Council on Environmental Quality require that environmental impact agencies circulate draft "environmental" statements to the environmental control agencies for comment. Present practice tends to result in environmental agencies, examining the views of the impact agency, rather than the impact of the project on the environment. The committee is concerned that this may tend toward developing a self-serving justification for environmental impact rather than a review of that impact.

Moreover, the Council on Environmental Quality has apparently decided that no statements should be made public until all comments are in and the "draft" is somehow made "final". The committee believes the comments on the environmental effects of a project or proposal from an environmental agency should be made public when the environmental agency has completed its review, *not* when the impact agency decides to issue or the Council on Environmental

Quality decides to approve a "final" statement.

The committee believes the environmental control agencies should not have to wait for a "draft" statement. Major actions, proposals and projects should be brought to the attention of EPA and other interested agencies automatically at the earliest possible time in the planning process for whatever comment is in order and these comments should become public when completed by the environmental agency. Only in this way can the President and the Congress be free to make a policy decision based on all factors, not just those that a particular department or agency might want to be considered.

Second: The authority contained in the Refuse Act of 1899, as it relates to the Federal Water Pollution Control Act, specifically section 21 thereof, has been the subject of considerable debate. Administratively set regulations, guidelines, and procedures have been issued and policies are being developed in several agencies of the executive branch. Several committees of Congress have been reviewing the matter and making additional recommendations. It is timely for the Committee on Public Works, which has the responsibility for both acts, to review them with a view toward making them consistent in purpose, policy, and application.

Third: In the last several years some projects which have either been authorized or for which authorization is sought, have experienced wide fluctuations in the cost-benefit ratio. The principal cause of these changes appears to have been the recalculation of recreation benefits—a benefit which is secondary to the corps' responsibility to provide for navigation and flood control, and which is sometimes larger in dollar amount than any other benefit.

The question is not whether recreation should be included as a benefit of water resource development, but rather to examine how all benefits and costs are incorporated in survey and design. The committee also intends to explore the incorporation of new evaluative techniques which take account of secondary benefits as well as nonquantifiable costs and benefits in the planning and design or projects.

Fourth. As pointed out specifically in the individual views which Senator Cooper filed in conjunction with the Tocks Island project (Rept. No. 91-328), many corps projects change their character and cost drastically between authorization and actual construction. These tremendous changes raise a substantial legal issue: Is a congressionally authorized project authorized in perpetuity despite vastly changed circumstances? More perplexing is the fact that Congress may be the only effective mechanism, public or private, for review of such changed authorizations. Consequently, if the legislative committees of the Congress do not review such an authorization in the light of the changed circumstances, it is possible that public is precluded from effectively contesting that authorization and can appeal only through the annual appropriation process, no matter how substantially a project has been changed. This could put the public at a distinct disadvantage, and in the wrong forum, for the public concern may be with the authorization, rather than with the appropriation.

Fifth: During hearings by the Subcommittee on Air and Water Pollution on offshore dumping held in early 1970, the Corps of Engineers acknowledged that its legislative authority to regulate offshore dumping did not extend beyond three miles. Any gaps in this authority should be reviewed by the committee in the context of the Water Pollution Control Act, the Solid Waste Act, and the civil works program and a consistent policy and program developed.

Sixth: The House Committee on Government Operations Subcommittee on Natural Resources and Conservation conducted a thorough hearing on the issuance by the corps of a license to dredge and fill in Hunting Creek, Va. The committee issued a report following these hearings critical of the corps and recommended basic changes in corps policy.

That same committee has recently published a two-volume set of hearings on San Francisco Bay. These hearings focused principally on the activities of the Corps of Engineers. Following these hearings the committee issued a report making strong recommendations for revisions of corps policy. The committee intends to review these recommendations.

Seventh: National land use policy is increasingly looked to as an essential component of environmental improvement, yet it is clear that civil works projects of the corps dictate adjacent land use more than land use policy dictates the construction of civil works projects. The role that such projects play in determining land use must therefore be considered before any legitimate land use decisions can be made. The committee intends to review this relationship.

Eighth: The concept of alternatives to achieve desired objectives is growing in importance. Yet its translation into actuality is difficult. What are the alternatives to specific flood control projects or to specific plans for navigation assistance? Such things as flood plain zoning, requirements to store run off water in situ, and many more ideas and proposals need investigation. The committee intends to explore these fully. In the First Annual Report the Council on Environmental Quality in sharing this view stated:

> The primary rationale for these vast Federal outlays is to supply water for agricultural, industrial, and domestic use and to prevent floods. However, the environmental implication argues for a reevaluation of certain programs. Although the concern has been to produce water for growth and expansion, the decline of the quality of the natural and human habitat, which too often results from such projects, requires a broader perspective. Alternatives are now more seriously considered, along with the potential loss of environmental values. When the public outcry has been strongest, it has prevented the inundation of beautiful stream valleys and canyons. But understanding of the proper balance of water resources and environmental needs is only in its infancy, the number of free-flowing streams and rivers declines yearly as new dams, canals, or channels impound and divert the waters. Although extensive recreation areas are often created from such projects, they often irreversibly destroy the natural systems of land and water in addition to recreation uses of free-flowing streams and rivers. While millions of fertile acres are being abandoned in some areas, millions of dollars are spent in others to irrigate deserts and to dike wetlands for farming. Although some shifts in agricultural land use are clearly necessary, there is no coherent policy to assure that environmentally damaging projects are kept to a minimum. We continue to develop flood plains, then spend millions to protect man's use of them from natural flooding cycles. We continue to view the provision of water resources as a challenge to our engineering ability rather than as a challenge to weigh against man's ecological obligations.

All of the factors, plus the requirement of the National Environmental Policy Act that each agency recommend to the Congress by July 1, 1971, amendments to bring present statutory authority into conformance with the policy stated in the Act, make review in the first session of the 92nd Congress especially timely. The Committee expects to develop a comprehensive record and to this end hopes that all interested persons will participate.

WATER RESOURCES LAW

The committee notes that the Corps of Engineers graduate fellowship program in water resources law, undertaken in cooperation with the George Washington University, is now in its third year. This program, the only one of its type, trains young attorneys in water resources and environmental law. Those completing the program, and receiving their master-of-law degree, are assigned to field offices of the corps to provide the needed legal assistance in the planning and formulation of water resources projects and in the many problems which arise in connection with the planning, construction, and operation of these projects.

The committee feels that this program is of particular importance to the program of the corps, and trusts that it will continue. The committee also feels strongly that these specially trained attorneys should be utilized in the planning programs of the corps, and looks forward to their future contributions to the development of this Nation's water and related resources. The committee will watch with continuing interest the development and implementation of the program.

JOSO BRIDGE, SNAKE RIVER, WASH.

There was referred to the committee S. 2731, a bill providing for payment of compensation or performance of corrective work by the United States where any bridge, trestle, or other highway or railway structure located over the Columbia or Snake Rivers, or their tributaries, is or will be damaged as a result of the construction of any Corps of Engineers dam and reservoir.

It is our understanding that the Joso Bridge over the Snake River at Joso, Wash., is the only bridge to which the provisions of the bill would presently be applicable. This bridge crosses the Snake River, in the area of the pool created by the Lower Monumental lock and dam constructed by the Corps of Engineers. Four piers of the bridge are located in the bed of the river. They rested atop concrete pedestals which were above the maximum high water level of the river. Because of the construction of the Lower Monumental project, it was necessary for the bridge owner to raise the tops of the concrete pedestals 43 feet, to protect the steel piers from the water and possible collisions with debris, ice flows, or vessels.

The committee feels that further study is needed before action is taken on S. 2731, which would have prospective application to all bridges on the Columbia and Snake Rivers. The committee is, however, sympathetic toward the problem associated with the Joso Bridge, and feels that there are equities present which would make private relief legislation appropriate.

PEMBILIER DAM, PEMBINA RIVER, N. DAK.

The Committee on October 22, 1970, held a public hearing in Walhalla, North Dakota. The purpose of the hearing, at which more than 500 persons attended, was to hear first-hand, testimony relating to the need for early construction of the Pembilier Dam.

More than 30 witnesses, including The Honorable William Guy, Governor of the State of North Dakota, testified to the destruction that has been wrought by floods throughout the Pembina River Basin. It was unanimously agreed that unless the Pembina River was controlled, floods would continue to plague the region, resulting in great economic and social loss to the Nation.

The Pembina River Basin is approximately 80 miles southwest of Winnipeg, Manitoba and 160 miles north of Bismarck, North Dakota. It lies astride the international boundary between the Red River (known in the United States as the Red River of the North) and the eastern edge of the Souris River Basin.

The Pembina River Basin is approximately 130 miles long and varies in width from 18 miles to 52 miles. The area of the watershed west of Walhalla is 3,220 square miles of which 1,990 are in Canada and 1,340 in the United States.

The main stem of the Pembina River rises in Canada, flows in an easterly direction in a deeply incised glacial valley for 200 miles through southern Manitoba before crossing into North Dakota. It then winds gently to the east for a further 110 miles to its mouth on the Red River, two miles south of the international boundary. It drops from elevation 2,000 feet at its source to elevation 750 feet at its mouth.

The climate of the basin is characterized by wide variations in temperature. Average monthly temperatures vary from 67 degrees Fahrenheit in July to 2 degrees Fahrenheit in January. Extreme temperatures of 112 degrees Fahrenheit and −54 degrees Fahrenheit have been recorded.

The Pembina River Basin is subject to severe floods. A flood of the magnitude of that which occurred in 1950 would, on the basis of 1963 price levels, cause about $2.7 million in damages in the United States and about $1.6 million in Canada.

In view of the severe flood problems in the basin, the Committee on Public Works authorized the Corps of Engineers to investigate the matter in the United States and report its finding to the Congress. These directives date back to 1945, over 25 years ago. Due to various problems and the international aspects the investigation has not been completed.

A representative of the Corps of Engineers testified that the investigation of the Pembina River is presently underway, but that additional funds would be required to complete the study. In view of the need for early resolution of the flood problem in this basin, the Committee recommends that the required additional funds be made available by the Congress to provide for the completion of this study.

The Committee desires to assure the people of North Dakota, especially the residents of the Pembina River Basin, that at such time as the report of the Corps of Engineers on the Pembilier Dam is received, it will be reviewed and the project for the Pembilier Dam considered for authorization at an early date.

MONETARY SUMMARY OF BILL (COST OF NEW WORK)

The following tables summarize the number of projects contained in the bill, together with the total estimated Federal cost of new work. The projects are itemized in detail in sections 101 and 203.

	Number	Amount
Title I:		
Navigation projects	18	$164,791,000
Beach erosion control projects	5	4,882,000
Total, title I	23	169,673,000
Title II: Flood control and multiple purpose projects	23	310,219,000
Grand total	46	479,892,000

LIST OF PROJECTS BY STATES

Project	Estimated Federal cost
Alabama:	
Navigation: Mobile Harbor	$7,254,000
Alaska:	
Navigation: Humboldt Harbor	2,390,000
Arizona	None
Arkansas:	
Flood control: Posten-Bayou	1,379,000
California:	
Flood control:	
Goleta and vicinity, Atascadero Creek	$13,830,000
San Luis Rey River, vicinity Oceanside	7,900,000
Streams in the vicinity of Fairfield	2,740,000
Total, California	24,470,000
Colorado	None
Connecticut	None
Delaware:	
Navigation: Delaware Bay-Chesapeake Bay Waterway (Also Maryland and Virginia)	6,887,000
Florida:	
Navigation:	
Port Sutton, Tampa Harbor	Maintenance
Tampa Harbor	101,060,000
Beach erosion control:	
Lee County	608,000
Lido Key	240,000
Total, beach erosion control	848,000
Flood control:	
Central and Southern Florida, small-boat navigation	4,896,000
Total, Florida	106,804,000
Georgia	None
Hawaii	None
Idaho:	
Flood control: Placer Creek at Wallace, channel improvement	1,510,000
Illinois:	
Navigation: Waukegan Harbor	1,197,000
Flood control:	
Fort Chartres and Ivy Landing drainage district No. 5 and Stringtown drainage and levee district No. 4	2,310,000
Total, Illinois	3,507,000
Indiana	None
Iowa	None
Kansas:	
Flood control:	
Blue River, vicinity of Kansas City (channel improvement and four reservoirs.) (See Missouri.)	
Marion, local protection	2,146,000
Arkansas-Red River Basin, water quality control. (See Oklahoma.)	
Kentucky:	
Flood control: Western Tennessee tributaries. (See Tennessee.)	
Total, Kentucky	None
Louisiana:	
Navigation: Calcasieu River at Devil's Elbow	3,700,000
Flood Control: Eastern Rapides and South-Central Avoyelles Parishes	15,333,000
Total, Louisiana	19,033,000
Maine:	
Navigation: Frenchboro Harbor	$560,000
Maryland:	
Navigation: Delaware Bay-Chesapeake Bay Water (See Delaware).	
Flood control: Potomac River Basin, Sixes Bridge Reservoir	22,475 000
Massachusetts:	
Navigation: Edgartown Harbor	1,755,000
Beach erosion control: Revere and Nantasket Beaches	2,200,000
Total, Massachusetts	3,955,000
Michigan:	
Black River Harbor	484,000
Ludington Harbor	1,650,000
Ottawa River and Harbor	848,000
Total, Michigan	2,982,000
Minnesota:	
Flood control: Wild Rice River Twin Valley Reservoir	8,359,000
Mississippi:	
Flood control: Steele Bayou. Yazoo River	3,970,000
Missouri:	
Flood control: Blue River, Vicinity of Kansas City (Channel improvement and four reservoirs) (Also Kansas)	101,269,000
Montana	None
Nebraska	None
Nevada	None
New Hampshire	None
New Jersey:	
Navigation: New Jersey coastal inlets and beaches	11,750,000
New Mexico	None
New York:	
Navigation: East River	2,230,000
Beach erosion control:	
South Shore of Lake Ontario, Fort Niagara State Park	1,309,000
Flood control:	
Scajaquada Creek and tributaries at Cheektowaga	1,020,000
Total, New York	4,559,000
North Carolina:	
Navigation:	
Manteo (Shallowbag) Bay	10,769,000
Pamlico River and Morehead City	2,642,000
Total, North Carolina	13,411,000
North Dakota:	
Flood control:	
Sheyenne River, Kindred Reservoir	$20,000,000
Souris River, Burlington Reservoir	29,240,000
Total, North Dakota	49,240,000
Ohio:	
Navigation: Geneva-on-the-Lake	605,000
Oklahoma:	
Flood control:	
Deep Fork River, Arcadia Reservoir	24,900,000
Arkansas-Red River Basin, water quality control (also Texas and Kansas)	5,000,000
Total, Oklahoma	29,900,000

LIST OF PROJECTS BY STATES—Continued

Project	*Estimated Federal cost*
Oregon:	
Navigation:	
Coos Bay	$9,100,000
Pennsylvania	None
Rhode Island	None
South Carolina:	
Flood control: Reedy River, vicinity Greenville	1,609,000
South Dakota	None
Tennessee:	
Flood control: Western Tennessee Tributaries (also Kentucky)	1,924,000
Texas:	
Beach erosion control: Corpus Christi Beach	525,000
Flood control:	
Running Water Draw at Plainview	3,200,000
Arkansas-Red River Basin, water quality control (see Oklahoma)	
Total, Texas	3,725,000
Utah	None
Vermont	None
Virginia:	
Navigation: Delaware Bay-Chesapeakee Bay Waterway (see Delaware)	
Flood control: Potomac River Basin, Verona (Staunton) Reservoir	24,949,000
Washington:	
Flood control:	
Wenatchee, channel improvements	8,400,000
Zintel Canyon, vicinity Kennewick, reservoir and channel improvements	1,860,000
Total, Washington	10,260,000
West Virginia	None
Wisconsin	None
Wyoming	None
Puerto Rico	None
Grand total	479,892,000

COMMITTEE RECOMMENDATIONS

The committee recommends adoption of the projects and plans substantially as set forth in the bill, subject to certain qualifying remarks as follows (details and provisions of all items contained in the bill are set forth elsewhere in this report):

New Jersey coastal inlets and beaches.—The committee has approved the authorization of this project with the provision that the Chief of Engineers, during the planning and construction phase of the project, take appropriate measures to insure that dredged spoil used for beach replenishment does not contain polluted material. And in addition, take such other measures as may be necessary for the protection and enhancement of the environment.

Pamlico River and Morehead City Harbor, N.C.—It is the policy of the committee, generally, not to include those projects in the bill that have not been cleared by all the Federal agencies, including the Office of Management and Budget. However, the committee, from time to time, depending upon the circumstances involved, deviates from this rule. An emergency situation exists at this harbor in that the existing channels are grossly inadequate for the needs of present deep-draft shipping. Therefore, the committee has seen fit to include an item in the bill authorizing the project, with the provision that construction shall not be initiated until approved by the President. This will insure adequate review by the Office of Management and Budget.

Tampa Harbor, Fla.—The committee desires that the Chief of Engineers during preconstruction planning, give full consideration to the feasibility of offshore transfer facilities or shore facilities near the mouth of Tampa Bay, in lieu of channel deepening. The committee also requests that the Chief of Engineers give further consideration to the amount of overdepth dredging required for safety of navigation. The findings in these matters should be made known to the Committee on Public Works at an early date. The committee is well aware of the critical situation in Tampa Harbor and the urgent need for providing improvements to accommodate the needs of existing and expanding commerce. Therefore, the Chief of Engineers is urged to make the desired analysis as quickly as possible and to proceed with all necessary preparatory studies in advance of detailed engineering and design in order that no delay will be experienced in providing the necessary navigation improvements so vital to this harbor.

Mobile Harbor, Ala.—The committee notes that the Chief of Engineers made detailed studies of two plans providing for improvements at this harbor. Plan A, the recommended plan, provides for certain improvements having a benefit-cost ratio of 2.1. Since the alternative plan, plan B, is also economically justified, but less costly, the committee desires that the Chief of Engineers reexamine both plans during preconstruction planning in order to reaffirm the recommendations made in House Document 91-335.

Mr. COOPER. Mr. President, the Senator from Delaware (Mr. Boggs) also described, in individual views filed in the report with reference to specific projects, difficulties with problems that arise in the authorization of corps projects.

Mr. President, during the consideration of the omnibus bill, it was brought to the attention of the committee that the requirement in the Federal Water Pollution Control Act for evidence of financial responsibility, as it was being implemented by regulations, was causing a hardship to certain owners and operators of vessels that was in no way related to the objectives of the requirement in the act to show financial responsibility. Because of the timing involved, the committee chose to make a clarifying amendment to the financial responsibility subsection of the Water Pollution Control Act in the omnibus bill in order to avoid such hardship and administrative redtape. The very limited amendment provides that owners and operators of non-oil-carrying, non-self-propelled barge units do not have to show evidence of financial responsibility to meet liabilities imposed by the act. It should be pointed out further that the amendment in no way affects liabilities imposed by the act. I ask unanimous consent that at this point in the Record the section in the report describing the amendment be printed.

There being no objection, the description was ordered to be printed in the Record, as follows:

SECTION 113

Section 11 of the Federal Water Pollution Control Act as amended was added by the Water Quality Improvement Act of 1970, Public Law 91-224, April 3, 1970. Subsection (p) (1) of the section requires that any vessel, including any barge, over 300 tons using the ports or waters of the United States maintain evidence of financial responsibility "to meet the liability to the United States [to] which such vessel could be subjected under this section." This evidence is to be provided under regulations prescribed by the Federal Maritime Commission pursuant to a delegation from the President.

The regulations (46 CFR 42), of the Federal Maritime Commission require owners and operators of vessels over 300 tons, including dry cargo barges, to apply for certificates of financial responsibility covering all such vessels. The certificates must be obtained before April 3, 1971, and the regulations provide that applications for certificates should be filed by December 31, 1970, to facilitate timely processing. Owners and operators must file supplemental information to inform the Commission of certain transfers of the ownership or control of vessels.

For nonoil carrying inland and coastal owners and operators of non-self-propelled barge units compliance with the regulations would be a time consuming and costly process. Furthermore, many of these barges are chartered to successive operators on an almost daily basis so that frequent updatings of information covering these barges might have to be processed, fees charged, and amended certificates issued. In addition, under proposed regulations of the Commission, each company applying for a certificate would have to pay a $100 application fee, plus additional fees based on the number and sizes of the vessels involved for each new certificate and each amended certificate issued.

Section 11 of the Water Quality Improvement Act of 1970 imposed a form of absolute liability on those who carry oil, and residual liability on those who may cause accidents resulting in the discharge of oil in the navigable waters. Since non-self-propelled dry cargo barges would not be directly liable under the act, it does not at this time seem necessary for owners of such barges to meet the same financial responsibility requirements imposed upon owners of vessels which carry oil as either cargo or fuel. In addition, it should be noted that with only the exception of a very small number in Canada, all owners and operators of such non-oil-carrying barges are domestic corporations with assets readily accessible should a liability under act occur.

It should be clear that the amendment in no way affects the liability imposed by the act. Rather, it simply exempts owners and operators of non-oil-carrying inland and coastal non-self-propelled barge units from the requirement of establishing, with the Federal Maritime Commission, evidence of financial responsibility to meet costs of removal of oil discharged as a result of an act involving barges and for which the act imposes liability.

Mr. COOPER. Mr. President, Senator Randolph joined with me in offering this amendment to the committee as a reasonable and appropriate step to take to remedy this situation which is not necessary in order to fulfill the obligations and responsibilities under the Water Quality Improvement Act.

In looking toward the activity announced by the committee dealing with the corps, I hope and expect that all sectors of our society will communicate their ideas on the corps' activities and performance to the Committee on Public Works so that a complete record may be gathered by the committee and any reauthorization of the corps be based on the most complete evidence available. Also I hope that these hearings will provide a forum for the most innovative ideas for new corps' activities. The issues that will be involved in these hearings will be complex, involving as they do the many values that attend the development of water resources.

Mr. President, on page 4 of the report there is printed a statement entitled "Value of Civil Works Projects." I ask unanimous consent that the statement on page 4 may be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Value of Civil Works Projects

This committee has become increasingly concerned over mounting public criticisms and efforts directed toward halting or delaying needed water resources improvements. The impacts of water resources developments and the changes they impose on our natural and human environment are valid bases for public inquiry and concern; we must seek to obtain a proper balance between development and preservation in order to sustain and improve the quality of life for both present and future generations. In striving for that objective it is essential that the full range of public interests be considered in arriving at the best decision from the overall public viewpoint. Some controversy is unavoidable, due largely to honest differences of opinion, but the committee believes that the differences should be defined, reconciled, if possible, and brought to decision in due course using democratic processes. It is in this perspective that the committee has acted on the projects contained in this bill.

In all the public discussion of a few controversial projects, the manifold and widespread accomplishments of the many projects that have been constructed under the civil works program are too often overlooked. These projects have served their intended purposes well and have produced widespread public benefits far in excess of what had been anticipated. Flood damages prevented by corps projects to date are estimated to total $19 billion, or over three times the total expenditure for flood control. Harbors and waterways built by the corps carry almost 1.4 billion tons of traffic annually and account for about one-sixth of the Nation's total of intercity traffic. The 12 million kilowatts of installed hydroelectric power capacity in corps dams is a pollution free source of electric power and brings revenues of about $100 million annually. Water storage in corps reservoirs supplies about 4 million people and improves the quality of our streams by augmenting low flows. Construction of harbors, waterways, reservoirs and the restoration of our beaches has created countless new recreational opportunities for our citizens. Recorded visitation at corps projects exceeds 250 million yearly, and perhaps a like number goes unrecorded.

Large as these figures loom, they are but a partial appraisal of the true value of this program to the American people. The effects of this program extend into virtually all aspects of business activity and make significant contributions to the social well being of our people. It is the opinion of this committee that the civil works program has proven to be of inestimable value to the Nation and its continuation at an accelerated rate is in the public interest.

Mr. COOPER. Mr. President, I would just say to demonstrate the benefit of the Corps of Engineers activities in past years that the estimated flood damages prevented by projects which have been authorized and then later funded amounts to a total of $19 billion. Harbors and waterways built by the corps carry almost 1.4 billion tons of traffic annually. The 12 million kilowatts of installed hydroelectric power provide a capacity which can meet the heavy load which falls upon electric systems at peak times during the day. Water storage in corps' reservoirs supplies about 4 million people and improves the quality of our streams by augmenting low flows. Construction of these facilities by the corps has created many new recreation opportunities for our citizens who are interested in recreation, and these visits amount to over 250 million a year.

Although the report records the value of these projects, let me say that our committee, and other committees, are not wholly satisfied to accept without question, the construction of these projects. We have announced in our report (91-1422 a review of the jurisdiction and its basic statutes of the Corps of Engineers in the next 2 years to determine if we can bring them into more modern application.

So I think the bill is one which deserves the support of the Senate, and I hope very much it will be approved.

We do not look at the procedures for project approval established by the Congress lightly. We went over the bill project by project, and with respect to projects for which the Office of Management and Budget had not yet recommended its approval, we either refused the authorization of funding or provided that they be funded only when they were cleared by that Office.

We also called to the attention of the Corps of Engineers, as the Senator from West Virginia (Mr. Randolph) has noted, the requirements for reports on the environmental impact of these projects which accompany the project through the review process, and have insisted that they be provided, again before funding shall be given by the appropriate committee.

While we have no projects involving the expenditure of major sums of money in this bill which affect Kentucky, we have been very well considered in the past by the committee and also by the distinguished chairman of the appropriations subcommittee, the Senator from Louisiana (Mr. Ellender).

Mr. RANDOLPH. Mr. President, will the Senator yield momentarily?

Mr. COOPER. I yield.

Mr. RANDOLPH. West Virginia is not included in this measure, but we hope, as before, that in the future we will participate. We do so, however, as the Senator knows, only on the basis of the needs and the development of the facts.

Mr. COOPER. Yes. I did not realize that we were both in a similar position. I am glad that fact has been cited, to show that we are not just taking care of ourselves, as some of our critics think, and to indicate that we look at all projects on their merits and determine if the procedures which have been set by Congress are strictly followed before projects are authorized.

Mr. President, I am very pleased to note, however, that the committee approved several provisions in the omnibus rivers and harbors bill which I had requested. I am grateful for the interest and consideration of the chairman, the able Senator from West Virginia (Mr. Randolph), and to the full committee.

I wrote a provision, which was adopted by the committee as section 219 of S. 4572, to provide the Corps of Engineers with enforcement powers against dumping or disposal of refuse, garbage, rubbish, trash, debris, or litter of any kind at water resource development projects under its jurisdiction. The beauty of many of our manmade lakes is threatened by heaps of trash and litter which are strewn across their banks. I think it is a disgrace that many camping and picnicking areas around corps' lakes are cluttered with debris and trash. Many local groups in my own State of Kentucky have become increasingly concerned about the unsightly conditions at recreational areas. Visitation figures at corps lakes throughout the country are growing rapidly and new authority is needed to preserve the beauty and cleanliness of these areas.

Upon investigation, I found that the Corps of Engineers now has no penalties for littering nor enforcement powers against it. My proposal would provide penalties and enforcement powers for the Corps of Engineers, identical to those already in existence for the National Park Service and the U.S. Forest Service. It would authorize the corps to issue regulations prohibiting dumping and litter, with penalties of not more than $500 or imprisonment for not more than 6 months, or both, for any violation. Persons designated by the Chief of Engineers would have the authority to issue citations for violation. Persons charged with a violation could pay the citation or appear before a U.S. magistrate for trial.

Another provision, section 218, which I authored, would authorize the Corps of Engineers to cooperate with the State of Kentucky, the Forest Service, and the Bureau of Outdoor Recreation of the Department of Interior in planning a national recreation area to encompass the Kentucky River palisades and reservoir projects in the upper Kentucky and Licking River Basin, including the Red River Gorge and the Cave Run Reservoir.

The provision would instruct the Corps of Engineers to help develop plans to meet the needs of the State for improvement of the old locks and dams on the Kentucky River, outdoor recreational facilities, enhancement and conservation of fish and wildlife, and other measures for environmental enhancement, all with a view of encouraging and supporting the economic development of the State. Governor Nunn first approached me about the possibility of establishing a national recreational area in central Kentucky.

The Senate committee bill in section 204 would authorize the Corps to cooperate in a comprehensive undertaking to construct an "open cut" in the hills at Pikeville, Ky. The open cut would rechannel the Levisa Fork of the Big Sandy River and provide for the relocation of U.S. Route 23 and the C. & O. Railway. Portions of the land drained of the Levisa Fork would be filled, creating several hundred acres of land ideally suited for industrial, commercial, and residential and civic development. The plan has recently received national attention. It was developed by the city of Pikeville under its model cities program, with the assistance and cooperation of the State of Kentucky, the Appalachian Regional Development Commission, and several participating Federal agencies.

The committee also approved section 203 of the bill, a provision authorizing $1,924,000 for channel improvement and a new diversion channel in Bayou du Chien, channel realinement and enlargement in the Lake No. 9 area of Fulton County, Ky., and Reelfoot Lake Basin, Tenn., and a new diversion ditch to the Mississippi River. Flood protection is badly needed in this area. Flooding now occurs nearly every year, which causes extensive crop losses in the Reelfoot Lake Basin.

Mr. President, section 220, a provision which would prohibit the Corps of Engineers from establishing a commercial boat dock within the vicinity of a wildlife refuge or reserve, was also added by the committee at my request. While the provision would have general application, it would apply specifically to a problem at the community of Pleasant Hill on Lake Cumberland, Ky. The 1950 master plan for Lake Cumberland called for a commercial dock at Caney Creek. Since 1950, a community has been established at Caney Creek and the area is now generally known as "Pleasant Hill."

A wildlife reserve is located directly across the lake from Pleasant Hill. It contains the largest deer herd in the State of Kentucky, and is managed by the State department of fish and wildlife. The department has gone on record as opposed to a commercial dock at Pleasant Hill. The department believes a commercial dock would jeopardize the game reserve.

In addition, a commercial boat dock would work a considerable hardship on the Pleasant Hill community. The community was not established in 1950 and many conditions have changed since then. I believe an alternate site can be found which would not jeopardize the community, but would at the same time serve the public interest in a commercial dock, for the use of the general public.

Another provision, in which I was joined by the committee chairman (Mr. Randolph), section 223, authorizes the Corps of Engineers to review and study the effects of strip mining operations upon navigable rivers and their tributaries, including water resource projects under its jurisdiction, and report on such studies to Congress within 1 year from the date of enactment of this act. The provision authorizes the Corps of Engineers to make recommendations as to measures necessary to mitigate any adverse conditions due to strip mining practices.

We had a problem recently on the same lake which I previously mentioned—Lake Cumberland. The situation involves the barging of coal up and down the stream and many people in Kentucky are concerned that the barging may pollute the lake. Barging itself is difficult to stop, because the law requires that these lakes be open to all for navigation. Also, one of the beneficial uses which the Corps of Engineers takes into account in planning these projects is that of navigation.

Barging may or may not pollute Lake Cumberland and its impact depends greatly upon the construction of proper loading and unloading facilities.

However, another potential pollution problem which has been raised by the request for permission to barge coal on Lake Cumberland, is that of acid mine drainage into the lake from strip mines located nearby. Coal from these mines and its proximity to the lake is the reason for the barging permit request, for the coal will be barged to a powerplant at the other end of the lake. In my opinion, the location of the mines so close to the lake could itself endanger the quality of the water.

So, for the first time, we are giving the Corps of Engineers authority to commence a study of the effects of strip mining operations on the water resource projects under their jurisdiction.

I have one other statement to make, and then I shall yield the floor.

There is one additional problem which has developed, and which I know has been particularly noted by the distinguished Senator from Louisiana (Mr. Ellender), chairman of the Appropriations Subcommittee on Public Works. That is the problem of a change in the purposes and costs and benefits of a Corps of Engineers project, particularly if it is one authorized for a number of years. Not only must we face the problem of increased costs, but of changes in purpose from time to time. I call to mind specifically a project in the Delaware River Basin, the Tocks Island Dam and Reservoir, which has involved great cost, and which has been modified from time to time.

I think in such cases it is necessary that not only the Appropriations Committee, but the authorizing committee, review the projects which have been approved, to determine whether or not they are in conformity with the initial purposes, or whether they have been so changed that we should reconsider their authorization or provide for their deletion from public works schedules.

Mr. President, I again express my great appreciation, for myself, and on behalf of my Republican colleagues on the committee, for the courtesy, the fairness, and the objectivity of our chairman, the distinguished Senator from West Virginia (Mr. Randolph). I express my appreciation again also for the wonderful and diligent work of our staff, and I expect that Senator Randolph and I, at an appropriate point, will place their names in the Record, so that they will know we do appreciate them, and to help establish their qualifications to someday take our places.

Mr. RANDOLPH. Mr. President, I want to comment on the excellent presentation of the Senator from Kentucky. I do so that I may reemphasize what he has said about the Senate Committee on Public Works.

If there is any partisanship in the committee, I do not know where it exists. The members have their convictions and viewpoints, but I could never have had a finer challenge or a more sincere sense of working with people who were knowledgeable and cooperative than I have had during my tenure as chairman of this committee.

I express this feeling to the members of the committee personally very often, but even in the debate on this measure, I want my colleagues on the committee to know and the Record to reflect that I feel very strongly about this matter, and that is the reason I have risen at this time—to express further appreciation for the attitude of cooperation and for the extreme effort, Mr. President, which it is necessary to make sometimes to adjust our thinking, but to come out as nearly as possible with a consensus of the committee membership after well-considered and well-balanced study of each and every item. I believe we have done that on the measure before us today.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. RANDOLPH. I am happy to yield to my colleague from North Dakota.

Mr. BURDICK. Mr. President, I should like to add my words of commendation to the Committee on Public Works, chaired by the very able Senator from West Virginia. I know something of that committee, its work, and the diligence that has been expended by its members. They have gone to great lengths in determining the cost-benefit ratios which are necessary to determine the economic viability of these projects.

When we deal with flood control, for example, we are dealing with the preservation of the natural resources of this country; and if Senators will read the committee report, they will find many projects devoted to flood control and similar related endeavors.

I know the committee has done a tremendous job. I know it from my personal vantage point, of which I should like to tell the Senate of one aspect. This committee held field hearings in North Dakota, received evidence at first hand, listened to a great many witnesses, and informed themselves fully on the matters under consideration.

So I wish to say to the chairman and to his committee, on behalf of the people of my State, "We are very grateful for the way you have handled these matters, and express our appreciation to all of you."

Mr. RANDOLPH. Mr. President, I ask my colleague to refresh my memory on the location of the site where we held the hearing in North Dakota on the first day.

Mr. BURDICK. On the first day it was held at Walhalla, up near the Canadian border.

Mr. RANDOLPH. Yes. I do this for a reason, because in a sense it is Indian country, or at least in background.

Mr. BURDICK. Related. The Indian country referred to is the Charging Eagle Bay project.

Mr. RANDOLPH. Yes, that is true.

Mr. President, I think sometimes it is well to pause for 2 or 3 minutes and reflect on our findings, as I do now with reference to a particular area of the country where I had the responsibility to chair these hearings.

There were 1,500 people who came together in that high school gymnasium. I remember this part very well. They were not people who had traveled a few miles, you know, and objected because there was not a subway, but people who had come from hundreds of miles to be present at that hearing.

Those people had many problems, but few complaints. As Senators know, there is a difference in different parts of the country as to some of those situations. They came there because they were intensely interested in the development of their State, the protection of its wildlife, and the utilization of its water resources.

I am stressing this point because I saw evidence there of something about this country that encourages me.

I, of course, read the headlines and see through television the pictures which so often accentuates the disturbances to our society from the youth of the United States of America. I saw, on this occasion, at least 500 high school boys and girls, who came in relays—I call it relays, because as one group left to go back to their class studies, another group would come in. I believe perhaps 100 at a time would move in and out.

I saw young people who were listening to those hearings, who were concerned, yes, about the environment, as some of them expressed to me personally. But they came. They had a sense of courtesy and propriety. I do not know who taught it, whether it came from parents who are still close to their children in that part of the country, and who give them, not so much of their affluence from the standpoint of finances, but give to their children time.

The child or young person does not always need so much in the way of material things which are so much a part of an affluent society; but the parents, the father and mother, need to give to their young, their children, their time and their attention. And I saw there that someone, including, I am sure, the members of the teaching staffs, had done that.

I realize that young people, of course, are vigorous and active, and they move about, and understandably would not sit, perhaps, as some person 50 years of age would sit. But they were part of that hearing, and I shall never forget this experience, I say to my colleague from North Dakota.

As I have stated, sometimes I think it is important for us in the Senate to speak of the positive rather than to accentuate the negative in reference to our young people, because on this occasion, in what I have said, there is every reason for me to document it as I have done.

I thank the Senator.

Mr. BURDICK. I thank the Senator from West Virginia. I might add, on behalf of those young people and all the citizens of our State, that we appreciate greatly the work and time spent by the committee in seeking solutions to some real problems in our State.

Mr. ELLENDER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 35 after line 21 insert a new section 224, and on line 22 change the section number from 224 to 225:

"Sec. 224. It is the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the well-being of the people of the United States, and the national economic development are the objectives to be included in federally financed water resource projects, and in the evaluation of benefits and costs attributable thereto."

Mr. ELLENDER. Mr. President (Mr. Burdick), before discussing the amendment, I would like to compliment the senior Senator from West Virginia as well as the senior Senator from Kentucky for the very excellent omnibus river and harbor and flood control bill they and their committee on Public Works have brought to the floor of the Senate. If we are to be worthy stewards of the soil and water resources of the Nation, we must give a high priority to the development and preservation of these pricelss resources. The chairman of the Public Works Committee is recognized as an outstanding leader in the wise use and preservation of our land and water for future generations.

Mr. President, as chairman of the Subcommittee on Appropriations which deals with public works, I worked hand in hand with the chairman of the Public Works Committee as well as with the Senator from Kentucky (Mr. Cooper).

During the course of the last 20 years, we have been able to provide for the beneficial use of our waters in order to provide navigation. I do not know what would happen to our country—particularly in the present situation with respect to our railroads in which we are having a great deal of difficulty now—had we not provided for our inland waterways.

I well remember that of the 14 locks and dams that were constructed on the Ohio River as well as the several locks and dams on the Monongahela River which provides navigation to Pittsburgh and from Pittsburgh down the Ohio and Mississippi Rivers clear on to the Gulf of Mexico. Many of these projects were put into the appropriation bills as unbudgeted items. They were well thought through, not only by the Public Works Committee but also by the Subcommittee on Public Works of the Committee on Appropriations, of which I am chairman. Had we not provided those funds, our country would be in a bad way at the moment in regard to bulk transportation.

Today, we have barge services, as I have just indicated, down the Monongahela River to Pittsburgh, and from Pittsburgh clear on down to the gulf. In the early part of next year, we will have barge service from Tulsa, Okla., on the Arkansas River clear on down to the Gulf of Mexico. On the Missouri River we are providing for navigation from Sioux City, Iowa, so that we now have transportation clear on down to the Mississippi River and on down to the gulf.

We have provided similar facilities in the Northwest, on the Columbia River and Snake Rivers. We have provided for navigation on the Alabama and Coosa Rivers, so that now we are able to have transportation on those streams from Georgia, on down to the Gulf of Mexico. We are now working on a project to provide transportation from the gulf, via the Tennessee and Tombigbee Rivers into the Ohio and Mississippi Rivers. We are doing all of this so that we can make our rivers work for us.

Mr. President, I do not know of anything better Congress could do for the American people than to provide funds for the construction of these projects, which not only protect and preserve the two greatest resources we have—land and water—and at the same time make them work for us.

I am happy that in the past 16 years, since I have been chairman of the Subcommittee on Public Works, of the Committee on Appropriations, I have been able, with the assistance of my colleagues, to provide for all this water transportation, as well as hydroelectric power, flood control, and similar water resource purposes.

Mr. President, my amendment would express the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the well-being of the people of the United States, and the national economic development are objectives to be included in federally financed water resources projects and in the evaluation of benefits and costs attributable thereto. For many reasons it is essential that Congress at this time adopt such a statement of policy.

The Office of Management and Budget appears to be hostile to the entire water resource program. Both last year and this year that Office has recommended the placing in budgetary reserve all congressional add ons for water resource development.

When the Water Resources Council increased the discount rate a commitment was made that the Council would review the standards and procedures for formulating and evaluating water resource projects with a view to including all benefits in project evaluation. The Office of Management and Budget has successfully delayed the implementation of the report of the task force.

I ask unanimous consent to have printed in the Record a memorandum from Mr. Donald B. Rice, Assistant Director of the Office of Management and Budget, to W. Don Maughan, Executive Director of the Water Resource Council, dated December 2, 1970.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

MEMORANDUM

To Mr. W. Don Maughan, Executive Director,
Water Resources Council.

Subject: Proposed principles, standards, procedures for formulating and evaluating water resource plans and projects.

This is in response to your letter of October 29, 1970, to Mr. Weinberger on the above subject.

As Mr. Weinberger indicated at our meeting with you and representatives of the members of the Council on October 7, the proposed principles and standards should be carefully scrutinized because of the long range implication of these guidelines on future water resource development. We, therefore, are making an intensive review to assure that this is the best possible planning tool from the Administration's standpoint. As promised, our views will be furnished to the Council within 90 days.

So far, we have noted some changes that we believe should be made in the proposed standards. We believe the following changes are necessary to meet the goal of better decision making in water resource investments.

ADDITIONAL NON-FEDERAL PARTICIPATION IN DEVELOPMENT COSTS

Everyone agreed at the October 7 meeting that beneficiaries of water resource projects should be required to participate more in the costs for project development. Except for recommendations regarding cost sharing for water quality control, the WRC task force recommends no change in current policies regarding apportionment of costs to local interests.

We commend the task force for its proposal for water quality control cost sharing and concur in that recommendation. However, other cost-sharing proposals are also needed. Non-Federal interests should be required to pay substantially more of the investment costs in the future. For example, local cost sharing for flood control projects should be consistent with the Federal flood insurance program. More importantly, equity calls for increased local participation in water development projects.

WRC is considering new cost sharing policies for flood control. We strongly urge that this study be concluded soon since it has been identified as a possible 1972 program reform by the President. This study should be approved prior to approval of the proposed principles and standards.

DISCOUNT RATE

In determining the discount rate for government investments in water resources, we believe that the real opportunity cost of capital should be used. We recognize that the rate of movement from the current level of 5⅛ percent will have to be worked out but a significant increase from the current level should be made immediately.

MULTIPLE-OBJECTIVES

The task force report provides for the recommendation of plans to meet objectives of regional development, environmental quality and quality of life even when costs, on a national income basis exceed the benefits. We strongly disagree and believe no plan should be recommended unless the addition to national income exceeds the costs.

BENEFITS FROM INCREASES IN OUTPUT RESULTING FROM EXTERNAL ECONOMIES

The task force recommends that external economics and diseconomies resulting from water development be included in planning reports. It recognizes that present techniques are not well developed for measuring external economies and diseconomies. We do not agree that those economies or diseconomies attributable to influencing the economies of scale of processors or other producers should be included as benefits to a water resource project. Where such economies exist, they not only are almost impossible to measure but are probably offset by reverse phenomena elsewhere. However, external effects caused by a project such as increased costs imposed on parties other than project beneficiaries can be evaluated with sufficient confidence to warrant their inclusion in the national benefit-to-cost estimates.

BENEFITS FROM UTILIZATION OF UNEMPLOYED AND UNDEREMPLOYED RESOURCES

The task force report states that benefits should be counted when a water plan creates an opportunity to use resources that would be unemployed or underemployed in the absence of the plan. The report states that utilization of such resources may come about (a) as a result of implementing a plan, including construction, operation, maintenance, or replacement; (b) as a result of the use of intermediate goods and services resulting from the plan; or (c) as a result of expansion of output by firms who are indirectly affected by the installation of the project or indirectly affected by consumers and firms who use final and intermediate goods.

Use of unemployed or underemployed resources, namely manpower, on a project is now counted as area redevelopment benefits. Counting benefits under (b) and (c) above are conjectural; for example, the employment of unemployed persons in an area because an industrial plant is expected to locate there because of flood protection to be provided by a project. It is difficult to forecast plant locations. In addition, the plant may only relocate from one region to another so that there is no net addition to national income. Also, a plant planned for one location in a region might locate in another area within the region because of the project, in which case, there is no net addition to the region attributable to the project.

In addition to the question of private investments required to produce these benefits, non-Federal public investments, such as streets, water supply and sewers, may also be required before the benefits will occur. Thus, these types of benefits are not only conjectural but must be allocated among the various investments.

Benefits from the use of underemployed or unemployed resources in (b) and (c) above should not be included in the national income account and only included in the regional development account as a side calculation for information as to possibilities and not enter into the benefit-cost analysis of the cost allocation.

BASIN-WIDE ANALYSIS

The standards will apply to the preparation of framework studies or assessments, regional or river basin studies, and implementation (individual project) studies. Conceptually, basin-wide or regional analysis is the proper way to formulate water resource plans. In particular, one should be careful to eliminate double counting from the same population base; Further, this should assure a multi-agency effort which will facilitate trade-offs among agency objectives. In addition, however, water development should be an integral and necessary part of a regional economic development plan prepared by others than water planners.

INTERNAL EFFICIENCIES (INCREMENTAL ANALYSIS)

The standards need a stronger statement on the use of incremental analysis to determine optimum scale of development. The statement should stress the optimization of each project of a group of projects, and including each separable segment and each purpose of a project, as well as optimizing the scale of physical development.

APPROVAL OF PROPOSED PRINCIPLES, STANDARDS, AND PROCEDURES

We agree that the President should approve the statement of principles. With regard to the approval of the statement of standards, we believe it would be an appropriate task for the Office of Management and Budget. The standards, as well as the principles, will guide the course of future water resources planning and development. The importance of the standards suggests that the review and approval responsibility should be in the Executive Office of the President.

OTHER ISSUES

There are other areas that we are concerned with and now have under deliberation. We will communicate with you on these at a later time. Examples are:

Proposal to apply standards to activities not now covered by water resources standards, primarily land resources.

Proposed procedures for calculating navigation, recreation and agricultural related benefits.

Practicability of the social well-being or quality of life objective as an explicit planning objective.

Implication of publishing a national program for water resource development.

Recommended cost allocation procedures compared to other alternatives.

Validity of projections set forth in the standards to be used in planning.

Criteria for establishing period of analysis for a water resource plan.

We are furnishing this information in order to be more responsive to the Council's request for our views on the proposed principles and standards. This should allow you to focus early on some major areas of disagreement between the Council's task force and OMB. OMB staff, of course, is available to work with you on this matter.

Donald B. Rice,
Assistant Director.

Mr. ELLENDER. Among other things, it will be noted that the Office of Management and Budget expresses the view that the discount rate should be the opportunity cost of money—that is, somewhere between 10 and 15 percent—and that only national income benefits should be used in determining the benefit-to-cost ratio of water resource projects.

If the Office of Management and Budget is allowed to prevail, it will effectively sound the death knell of water and land resource projects at the very time we should be expanding our efforts in the field.

Mr. President, we have been trying to get this for quite some time. Other departments use such benefits, and, for the life of me, I cannot see why water resource projects cannot do the same. I am very hopeful that my good friend, the Senator from West Virginia, will consider this amendment and take it to conference, because I think it is essential if we are to proceed with the construction of any of the projects that he is now advocating for authorization. In this connection, I believe it is in accordance with his letters to the Chief of Engineers directing that secondary benefits be included in the Corps of Engineers' economic analyses.

Mr. RANDOLPH. I thank my knowledgeable colleague, the distinguished Senator from Louisiana, who presents this amendment for our consideration.

I have had the opportunity to discuss this matter with him prior to the presentation of the committee's action. It is my feeling, a personal feeling—I have not had the opportunity to discuss this matter with the ranking minority member of the committee—that we attempt to cooperate in these matters; but it seems to me that the Office of Management and Budget would like to deny consideration of secondary benefits in project evaluation. Is that correct?

Mr. ELLENDER. That is correct.

Mr. RANDOLPH. That is my understanding.

Not only would they like to deny many valuable resource projects, but also, it seems to me that the policy of the Office of Management and Budget, if carried out, would negate what Congress has done.

Mr. ELLENDER. There is no question about that.

Mr. RANDOLPH. As expressed in section 206——

Mr. ELLENDER. That is right.

Mr. RANDOLPH. Of the Appalachian Regional Development Act which was passed in 1965. I feel that this matter should go to conference. I hope that we can accept the amendment and take it to conference.

Mr. COOPER. Yes.

Mr. RANDOLPH. I would wish for my colleague from Kentucky to discuss this matter but I am in agreement with what has been correctly stated by the Senator from Louisiana.

Mr. COOPER. Mr. President, I have not had an opportunity to look at the amendment but listening to the Senator from Louisiana, I believe I understand it. As an ex officio member of the Committee on Appropriations along with the Senator from West Virginia, I observe that the Senator from Louisiana sits there day after day and hour after hour and hears every witness on any project before him. I have heard him question the Corps of Engineers diligently, with ardor and with force, just to be sure they are sustaining the intentions of Congress. I have heard the Senator express some displeasure that the original purposes of the act, that is, to provide navigation, flood protection, and the ancillary uses such as power development, recreation, and water supply——

Mr. ELLENDER. Water pollution.

Mr. COOPER. Yes, water pollution. The Senator has always felt the main emphasis in corps activities should be on the principal purposes of the act.

Mr. ELLENDER. That is right.

Mr. COOPER. The subject of the amendment goes, as I understand it, to what has been called a secondary benefit.

Mr. ELLENDER. That is right. That should be considered in evaluating the benefit-to-cost ratio.

Mr. COOPER. The Senator is not prescribing any particular evaluation.

Mr. ELLENDER. No, none at all.

Mr. COOPER. So that the matter of whether it should be approved or funded would be decided in the authorization committee and also the Subcommittee on Appropriations.

Mr. ELLENDER. That is right.

Mr. COOPER. Because of the experience I have had, not only on the Public Works Committee, but sitting as an ex officio member of the Senator's Appropriations Committee, and knowing his position on many projects, I think it is a valuable amendment and I am happy to join with the Senator from West Virginia in supporting it.

Mr. BOGGS. Mr. President, I wish to state my support for S. 4572, the omnibus rivers and harbors and flood control authorization bill.

The 50 authorized projects, together with various changes incorporated in this bill, have been detailed in a most persuasive manner by Chairman RANDOLPH and Senator COOPER, the distinguished ranking Republican member of the Committee on Public Works. They have explained the many benefits this legislation brings to our Nation. I do not wish to be repetitive, so I will concentrate my remarks on a couple of points.

One project in this legislation has particular benefits for the citizens of my State of Delaware. This is the Delaware Bay-Chesapeake Bay Waterway, authorized at an estimated Federal cost of $6,887,000 and described in House Document 91-400.

According to Army Corps of Engineers estimates, the project will create benefits of $969,000 annually at a benefit-cost ratio of 1.3 to 1.

Stretching from Lewes, Del., 145 miles southward to Cape Charles, Va., this project would improve the existing waterways along the route and create a new, protected channel for small craft in other spots on the route.

Construction of the waterway will create new boating opportunities for residents and vacationers along the Atlantic coast of the Delmarva Peninsula, and enable them to realize more fully the area's recreational potential.

When completed, the waterway would have a minimum depth of 6 feet and a width of no less than 100 feet along most of its length. This will necessitate widening and deepening the channel in various sections of Delaware. The Assawoman Canal near Bethany Beach, for example, would be dredged to a depth of 6 feet from its present depth of 4 feet, and widened to 60 feet from the existing 20 feet.

But this project offers more than increased recreational opportunity when our Nation seeks to leave our polluted cities for the cleaner environment of our coasts and mountains. The project will provide a safe and secure passage for vessels that now must face the perils of the open sea at several stretches along the route.

This waterway project, I must note, calls for a significant local contribution in conjunction with the Federal expense. Some $3,316,000, most of it to be provided by the State of Delaware for replacement of bridges over existing segments of the waterway, will be spent by the three participating States. With this indication of local support, I believe this project should be authorized in this bill. I commend it to my colleagues.

Turning to another topic, I wish to point out a most significant development in connection with this bill. This is the submission of the statements on the environmental impact of these projects.

Several provisos were added to the language of the bill incorporating views contained in these statements as well as the views of the Office of Management and Budget. The provisos are intended to assure that each project receives ongoing examination during both the planning and construction stages.

In closing, Mr. President, I wish to reiterate my support for this bill. I filed individual views that discussed some specific interest of mine looking toward future omnibus legislation. These individual views in no way lessen my belief that this is a sound and necessary bill. I support it.

Mr. ELLENDER. I wish to thank the Senator from Kentucky very much.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. YARBOROUGH. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 24, between lines 10 and 11 insert the following:

"Sabine River Basin

"The project for flood protection and other purposes in the Sabine River Basin, Texas and Louisiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-000, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project."

Mr. YARBOROUGH. Mr. President, this language is identical to the language in the House bill, on page 21, lines 17 through 23. It was not included in the Senate bill because the Bureau of the Budget had not cleared it at that time. The Corps of Engineers and the Bureau of the Budget now advise that they have cleared this project to the extent of $40 million. The whole project totals $190 million. They will not be constructing part of it until 1990, but Texas will go ahead and build part of it itself, at its own expense, because the project cannot be delayed that long. The Corps of Engineers and the Bureau of the Budget have cleared this unit for the comprehensive Sabine River Basin Development Project, for $40 million. That is just a segment, about one-fifth of the total project, and all that is authorized. We are not asking for authorization of the entire comprehensive basin plan but only the emergency part which would cost $40 million.

I hold a report in my hand, Mr. President, showing the strong need for this project.

The Sabine River is in the easternmost part of Texas, forming for 265 miles a boundary line between Louisiana and Texas. It has been slower getting developed, because it is a boundary line river. But on its upper reaches the river is entirely within the State and on the lower reaches it is a boundary between the States. We have here testimony by the Corps of Engineers before the House Public Works Committee on September 30 which gives the size and location of the drainage area, which covers 9,756 square miles. Of that drainage area, 7,426 square miles are in Texas and 2,330 square miles are in Louisiana. While three-quarters of the drainage area is in my State, the river constitutes the boundary line between Texas and Louisiana for 265 miles. The river rises in Collin and Hunt Counties in Texas about 35 miles northeast of Dallas, and flows southeasterly about 310 miles to the Texas-Louisiana State line, then southerly along the State line for about 265 miles to the head of Sabine Lake near Orange, Tex. The Sabine Lake is a brackish, salt water lake, opening on the Gulf of Mexico.

This report is in response to resolutions of the Committee on Flood Control in the House of Representatives, which were adopted on March 20, 1945, and the Committee on Public Works of the House, adopted on June 3, 1959.

There are no major Federal flood control or multipurpose reservoirs in the basin. That is unusual for that large a basin, but because of the fact that it is a boundary line and has been the subject of disputes between the States which now have been happily resolved.

Mr. President, I ask unanimous consent to have printed in the Record the entire statement by the Corps of Engineers, covering the cost estimates, of the benefit-to-cost ratios, the status of the two States, the Department of Transportation's favorable report, as well as HUD's, the Army Engineers, together with a letter to me dated October 1, 1970, by Ray Roberts, the Representative from Texas in whose district a considerable portion of this watershed lies.

There being no objection, the material was ordered to be printed in the Record, as follows:

Congress of the United States,
House of Representatives,
Washington, D.C., October 1, 1970.

Hon. Ralph Yarborough,
Old Senate Office Building,
Washington, D.C.

Dear Senator: Attached is testimony presented by the Corps of Engineers on the Sabine River Basin Development project before the House Public Works Committee on September 30.

As you know, this project has been in the development stages for some twenty years and involves flood control on the Sabine from its source in Hunt County to where it flows into Sabine Bay. The Chief of Engineers has recommended three major reservoirs at Mineola, Lake Fork, and Big Sandy. In addition, navigation improvement is recommended from Morgan Bluff to Echo and a local flood protection project for Greenville, Texas. The State and local sponsors will provide more than $80 million for the project.

This was the first Plan II Basin Development project to receive approval of the President's Water Resources Council. The report was submitted to President Nixon in December, 1969. Subsequent hearings were ordered by the Rivers and Harbors Review Board to insure that ecological factors were properly considered. There is every reason to expect that the House will recommend the Sabine River Development project as a model for future basin water resource development.

The project did not clear the Federal Agencies in time to be submitted to the Senate Public Works Committee. I appreciate the work you have done on this project, and I hope you will contact the Members of the Committee who are likely to be Conferees on the Omnibus Flood Control bill and seek their assistance in holding the project in the Conference Report.

Sincerely,

Ray.

SABINE RIVER BASIN, TEXAS AND LOUISIANA

Location: The Sabine River Basin includes all or portions of 20 counties in eastern Texas and seven parishes in western Louisiana. The Sabine River and its tributaries drain an area of 9,756 square miles, of which 7,426 square miles are in Texas and 2,330 square miles in Louisiana. The river rises in Collin and Hunt Counties, Texas, about 35 miles northeast of Dallas and flows southeasterly about 310 miles to the Texas-Louisiana stateline, then southerly along the stateline for about 265 miles to the head of Sabine Lake near Orange, Texas.

Authority: The report is in response to resolutions of the Committee on Flood Control, United States House of Representatives, adopted 20 March 1945, and the Committee on Public Works of the United States House of Representatives, adopted 3 June 1949.

Existing Projects: There are no major Federal flood control or multiple purpose reservoirs in the basin. Existing Federal navigation projects in the basin include the Gulf Intracoastal Waterway, the deep draft Sabine River channel to Orange, Texas and the Shallow draft channel in Adams and Cow Bayous. A PL 566 watershed projection and flood prevention project has been developed on the Upper Lake Fork Creek drainage. Non-Federal interests have constructed 11 reservoirs with individual storage capacities of more than 5,000 acre-feet and one group of 5 off-channel reservoirs having an aggregate storage of 7,550 acre-feet primarily for water supply. The Sabine River Authority of Texas has developed the Lake Tawakoni project for water supply and recreation and the Sabine River Authority of Texas and Louisiana has developed the Toledo Bend project for water supply, hydroelectric power and recreation.

Problems: Frequent flooding occurs throughout the Sabine River basin with over 500,000 acres of land along the main stem and lower reaches of major tributaries subject to flooding. Local efforts to protect flood plain lands by construction of levees or channel straightening have been ineffective and costly since the improvements have been repeatedly overtopped, broken, or destroyed. Average annual flood damages on the main stem and major tributaries are estimated at approximately $5.2 million. By the year 2020, municipal and industrial water supply requirements are projected to increase 9 times the 1960 use of 77.4 million gallons per day. Present water-oriented outdoor recreational demands on the basin are estimated at 7.5 million recreation-days, of which fishing accounts for about one-half of this total. By the year 1980 these demands are expected to double and by 2020 a nearly 5-fold increase can be expected.

Recommended Improvements: Construction is recommended for the Mineola, Lake Fork and Big Sandy multiple-purpose dam and reservoir projects for flood control, water supply and recreation; the local flood protection project at Greenville, Texas; and the commercial barge navigation channel about 5.3 miles long from Echo to Morgan Bluff, Texas. The reservoir projects constitute a system that would meet immediately foreseeable and projected water supply needs in the basin and provide a surplus of about 200,000 acre-feet annually for export to the Dallas area. The reservoir projects and the Greenville local protection project will meet urgent flood control problems in the basin. The conservation pools formed by the reservoirs would provide opportunities for public water-oriented outdoor recreation.

Estimated total construction cost (January 1970 prices):

Project	*Federal cost*
Mineola Reservoir	[1] $87,869,000
Lake Fork Reservoir	[1] 68,589,000
Big Sandy Reservoir	[1] 33,511,000
Greenville local protection	[2] 100,300
Navigation channel	[3] 1,765,200
Total	191,834,500

[1] Includes reimbursable non-Federal water supply and recreation costs listed in the following table.

[2] Excludes non-Federal costs for lands, easements, rights-of-way and relocations of $80,700.

[3] Excludes non-Federal costs for lands, easements, rights-of-way and alterations of $287,800.

[In thousands of dollars]

Project	Reimbursable costs		
	Water supply	Recreation	Total
Mineola Reservoir	29,224	4,454	33,678
Lake Fork Reservoir	33,079	2,045	35,124
Big Sandy Reservoir	13,908	2,923	16,831
Total	76,211	9,422	85,633

Project economics:

Mineola (4⅞ %, 100 years)

[Annual charges]

Int. & Amort.	$4,201,200
O, M & R (4)	676,000
Total	4,877,200

[Annual benefits]

Flood Control	$2,105,000
Water Supply	2,961,400
Recr. & F&WL	1,229,400
Redevelopment	75,100
Total	$6,370,900

(4) Includes non-Federal O, M & R costs of $155,200 annually for water supply and $429,000 annually for recreation and fish and wildlife.

Lake Fork (4⅞ %, 100 years)

[Annual charges]

Int. & Amort.	$3,135,600
O, M & R (5)	463,400
Total	3,599,000

[Annual benefits]

Flood Control	$1,405,500
Water Supply	3,949,100
Recr. & F&WL	792,200
Redevelopment	57,700
Total	6,204,500

(5) Includes non-Federal O, M & R costs of $115,700 annually for water supply and $226,400 annually for recreation and fish and wildlife.

Big Sandy (4⅞ %, 100 years)

[Annual charges]

Int. & Amort.	1,473,700
O, M & R (6)	454,700
Total	1,928,400

[Annual benefits]

Flood Control	$ 425,700
Water Supply	1,766,700
Recr. & F&WL	793,200
Redevelopment	30,800
Total	3,016,400

(6) Includes non-Federal O, M & R costs of $144,600 annually for water supply and $274,700 annually for recreation and fish and wildlife.

Greenville Local Protection (4⅞ %, 100 years)

[Annual charges]

Int. & Amort.	$9,700
O, M & R (7)	2,100
Total	11,800

[Annual benefits]

Flood Control	$13,000
Total	13,000

(7) O, M & R costs are non-Federal.

Navigation channel (4⅞ %, 50 years)

[Annual charges]

Int. & Amort.	$110,200
O, M & R (8)	59,800
Total	170,000

[Annual benefits]

Transp. savings	$616,000
Total	616,000

(8) Includes non-Federal O, M & R costs of $28,800 annually.

Benefit-cost ratios (5⅛ %)

Mineola Reservoir	1.3
Lake Fork Reservoir	1.7
Big Sandy Reservoir	1.6
Greenville Local Protect	1.1
Navigation Channel	3.7

Local cooperation:

Reservoir projects: Repay all costs allocated to water supply in accordance with the Water Supply Act of 1958, such costs presently estimated at $76,211,000 for construction and $415,500 for operation and maintenance; obtain without cost to the United States all water rights necessary for operation of the project for water supply; and in accordance with the Federal Water Project Recreation Act, administer project land and water areas for recreation and fish and wildlife enhancement; pay, contribute in kind or repay (which may be through user fees) with interest, one-half of the separable construction cost of the projects allocated to recreation and fish and wildlife enhancement, presently estimated at $9,422,000 and bear all costs of operation, maintenance and replacement of recreation and fish and wildlife facilities presently estimated at $930,100 annually.

Greenville Local Protection Project: Provide without cost to the United States all lands, easements, rights-of-way and necessary relocations and alterations; provide assurances that encroachment on improved channels and floodways will not be permitted; hold and save; maintain and operate the project; adopt such regulations or disseminate basic flood information as may be necessary to insure compatibility between development and protection levels; and inform affected interests, at least annually, that the project will not provide complete protection.

Navigation Channel, Echo to Morgan Bluff. Provide lands, easements, rights-of-way, aids to navigation, and suitable areas for spoil disposal including necessary dikes, bulkheads, and embankments or the cost of such retaining works required for disposal of spoil; hold and save; provide and maintain adequate public terminal facilities open to all on equal terms and depths in berthing areas and access channels commensurate with project depths; accomplish without cost to the United States alterations of utilities and their maintenance as required for construction of the project; provide proportionate share of costs of bridge alterations over existing channels in accordance with Section 6 of the Bridge Alterations Act; assume all obligations of owning, maintaining and operating all highway and railway bridges altered or constructed as part of the project; prohibit erection of any structure within 75 feet of the channels or turning basin; establish regulations prohibiting discharge of pollutants into the waters of the improved channels; and contribute annually, until such time as multiple use of the channel occurs, 50 percent of the annual charge for interest and amortization of the Federal investment, such share presently estimated at $47,400 annually. Responsible interests have provided adequate assurances.

Comments of States and Federal agencies:
State of Texas—Favorable.
State of Louisiana—Generally Favorable.
Department of Transportation—Favorable.
Department of HUD—Favorable.
Department of Agriculture—Generally Favorable.

Mr. YARBOROUGH. Mr. President, I urge very strongly that the Senator from Kentucky and the manager of the bill accept the amendment.

It is only one-fifth of the total amount of many for which authorization has been sought for the watershed, which development has been long delayed due to the former dispute between Texas and Louisiana now resolved. This is a modest amount. The authorization covers $40 million out of $190 million needed, but this amount will lead to a great development of that area between the two States. It is about the only area in Texas where there is an adequate rainfall—60 inches a year. That is a lot of water, and with proper development will be of vast benefit to the western part of Louisiana and the eastern part of Texas. I am, therefore, very hopeful that the distinguished manager of the bill and the interested Senators who are so ably aiding him will accept this modest amendment.

Mr. RANDOLPH. Mr. President, the amendment is, of course, of interest. It is of concern to the committee. It is my feeling that if the Senator would modify his amendment to include certain language that we have placed in the bill at other points—and I call the attention of my colleagues to page 19 of S. 4572 and would ask the Senator from Texas to turn to that same page—and note that we have in the measure certain situations and provisos, "Provided that construction shall not be initiated until approved by the President." I think that the Senator from Texas should modify his amendment, if I suggest to him—which I do only by way of a suggestion—to include the language to which I have made reference. I think this will be protective and would help us in connection with the consideration of the matter.

Mr. YARBOROUGH. Mr. President, I am very grateful for the action of the distinguished Senator from West Virginia in calling my attention to the matter. May I ask the Senator the page number of the bill to which he referred?

Mr. COOPER. Mr. President, that language is contained on page 19 of the bill as reported, S. 4572. We have used the language in connection with the Arkansas-Red River Basin. It would be my feeling that we should use it in connection with the amendment of the Senator from Texas.

Mr. YARBOROUGH. Mr. President, in keeping with the suggestion of the distinguished Senator from West Virginia, I modify my amendment now at the desk by adding a further proviso on the last line thereof as follows:

Provided, That construction shall not be initiated until approved by the President.

The PRESIDING OFFICER (Mr. HUGHES). The amendment is accordingly modified.

Mr. RANDOLPH. Mr. President, insofar as I am concerned, I would be willing to accept the amendment and take it to conference. I always work with my colleague, the Senator from Kentucky. If for any reason he would feel otherwise and believe that this matter should be an expression of the Senate voting either for or against the amendment as modified, I would understand such action. I think we should take it to conference.

Mr. YARBOROUGH. Mr. President, I am hopeful that the great Senator from Kentucky will agree to accept the amendment. I recall that when Texas was in the throes of its revolution, a band of men was formed in Kentucky. The citizens of Cincinnati by public subscription raised money and bought two cannons to give to the Kentuckians. The Kentucky volunteers came down the Ohio and Mississippi Rivers and arrived in Texas in time to join Sam Houston's army before San Jacinto, bringing with them the only cannon the Texans had at the battle of San Jacinto.

I hope that Kentucky will again come to our aid in this instance, as they did in the days of the infancy of the Republic of Texas.

Mr. COOPER. Mr. President, I am very much impressed by the appeal which the Senator from Texas has made. There were great battles fought in Texas.

As I recall my history, there was a flag made by the ladies from Newport, Ky., but it did not arrive in Texas in time to be raised at the Alamo.

Mr. YARBOROUGH. Mr. President, the Texans had lost their flags at the Alamo and Goliad. The flag made by the ladies of Kentucky was the only flag they had at San Jacinto. That flag is on display now behind the rostrum used by the Speaker of the House of the Texas Legislature in the State capitol of Texas. The flag was handmade by the ladies of Kentucky. It is a beautiful flag with a statue of liberty woven on it.

Mr. COOPER. Mr. President, in the list of the dead at the Alamo, there are the names of a number of Kentuckians.

Mr. YARBOROUGH. Yes, Kentuckians fell in the Alamo and entire companies of Kentuckians aided us at San Jacinto.

Mr. COOPER. I further recall, Mr. President, that Jim Bowie, for whom the knife was named, was also a Kentuckian. I do not know whether the Senator from Texas knows that Jim Bowie was a native Kentuckian.

Mr. YARBOROUGH. I did not know that because Louisiana claims him. He fought a famous battle in Louisiana, on an island in the Mississippi, and killed four or five men with the Bowie knife. He and his brother came to Texas from Louisiana.

Louisiana claims him, too. I would give the State of Kentucky unlimited credit except that the distinguished senior Senator from Louisiana is present on the floor.

Mr. COOPER. Mr. President, he was born in Christian County, Ky., near Hopkinsville.

Mr. YARBOROUGH. Mr. President, he died a hero's death. He was the last man to die in the Alamo.

Mr. COOPER. The Senator is correct about that. Mr. President, I hate to see the distinguished Senator from Texas leave the Senate. I will miss the discussions of history by the Senator from Texas and the influence of the State of Kentucky on Texas. He is correct in saying that thousands of Kentuckians went to Texas.

Some of my ancestors went there and lived there. One of them became a Confederate in the Civil War while the members of my immediate family were members of the Union army.

Mr. YARBOROUGH. Mr. President, I hope that Albert Sidney Johnston was one of those. He had a great career. He was at Shiloh and on the verge of victory when he was struck down and died. He bled to death because of humanitarianism. He sent his surgeon to treat some boys in the battlefield. The doctor said 20 years later that had he been there to treat Albert Sidney Johnston, that U. S. Grant would have been a prisoner before he became President.

Mr. COOPER. Mr. President, the Senator from Texas has now transferred his interest to Tennessee. Of course, Albert Sidney Johnston was a great man. He was from Washington, Ky. He was also a Kentuckian.

I hate to leave this discussion of those glorious days, but we must proceed with our consideration of the flood control rivers and harbors legislation. A few moments ago it was said that our committee followed the precedent laid down by Members of Congress in its deliberations. We did not approve any project unless it had been approved at all levels, including the Office of Management and Budget, except a few upon which we have had hearings and upon which has been placed this limitation which the Senator from West Virginia mentioned. The limitation would not allow construction to begin until the consent of the President which actually means conclusion of review and approval by the Office of Management and Budget.

May I ask now if the project has been approved by the Office of Management and Budget?

Mr. YARBOROUGH. It has been approved for up to $40 million. The whole project would involve $190 million. Only $40 million has been approved by the Office of Management and Budget.

Mr. COOPER. Has the project been approved by the House?

Mr. YARBOROUGH. It is in the House bill.

Mr. COOPER. Mr. President, if we go to conference with the House of Representatives, we will deal with this project at that time.

Mr. YARBOROUGH. It will be in conference.

Mr. COOPER. Mr. President, just for the RECORD, I am not in any way questioning the Senator. However, when was it approved by the Office of Management and Budget?

Mr. YARBOROUGH. We had this testimony of the Army Engineers under date, I believe, of September 30. I understand that the members of the staff have been notified.

Mr. RANDOLPH. That is correct. We have been notified. It is of recent date, within the past few weeks.

Mr. COOPER. Mr. President, I know that the Senator from Hawaii is about to offer an amendment to add additional projects. We should consider it in the course of this deliberation to see if the situation is similar.

If we accept these additional projects without any limitation such as the proviso attached to the Senator from Texas amendment, our action would overturn the whole purpose prescribed by Congress.

How much is involved under the amendment of the Senator from Hawaii?

Mr. FONG. One project is for $7 million, and the other is for nearly $2 million.

Mr. COOPER. Mr. President, have they been approved by the office of Management and Budget?

Mr. FONG. The Bureau of the Budget has not yet received the project now pending before it. One project is still with the Secretary of the Army and has not yet gone to the Bureau of the Budget. All other agencies have approved it. My amendment would subject both projects to the approval of the President.

Mr. COOPER. Are these projects included in the House bill?

Mr. FONG. My amendment is not in the House bill. Both projects are under $10 million, and so are not included in the House bill.

Mr. COOPER. Mr. President, I would address my question to my colleague, the distinguished Senator from West Virginia. There are many projects in the bill reported by the Senate Public Works Committee upon which the Senate would have to act, but upon which the House has not acted because they cost less than $10 million and can therefore be authorized by resolution of the House and Senate Public Work Committees.

Mr. RANDOLPH. That is correct.

Mr. COOPER. In other words, proposed projects which have met the approval of the Corps and, I assume, the Office of Management and Budget, can be constructed without full congressional approval if the cost is less than $10 million. That is under section 201 of the act of 1965.

Mr. RANDOLPH. As the Senator knows, in this legislation there are many projects under $10 million, which we could have reported by resolution under section 201 of the act of 1965.

Mr. COOPER. I know that.

Mr. RANDOLPH. There are many projects under $10 million that we put in our bill. The House has not voted to concur.

Mr. COOPER. I think our method is better because it requires every project to come through full congressional review.

I understand my friend, the Senator from New York (Mr. JAVITS), also has a project he will offer.

Mr. RANDOLPH. I do want to accommodate my colleague from Kentucky in discussing all of them. As the Senator knows, if we have votes, we will have to take them on the individual matters.

Mr. COOPER. Senators have said to me that unless some limitation is placed on these amendments, they will press for rollcall votes, and I would, too. However, I would like to ask the Senator from New York what his projects are.

Mr. JAVITS. I shall propose two amendments, one dealing with a very serious situation in respect of beach erosion and hurricane projects. I know that has been discussed in committee. I wish to bring up that matter and have the judgment of the members of the committee on it. The other matter relates to the clearing of New York harbor, which is a very difficult problem and represents a very serious emergency to the greatest port in the United States. It is marginal in money and in about 8 years comes to about $16 million for the Federal share. New York also has a third project, but I hope to engage in colloquy on that matter, as that is in the House bill, without offering an amendment.

Mr. COOPER. With regard to the beach erosion amendment, I presented that amendment in committee on behalf of the Senator from New York. I thought it should have been approved, but the committee did not approve it. I reserve my right to support the amendment because I think it is a very fair amendment.

Mr. JAVITS. I thank the Senator.

Mr. COOPER. I understand these are the only amendments that are going to be offered, but I do not know for sure.

Mr. HOLLAND. Mr. President, I wish to participate in the colloquy, but I have no amendment.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. RANDOLPH. Mr. President, I do not understand my colleague from Kentucky to oppose the amendment offered by the Senator from Texas. That is in a different category than the amendments that are presumably to be offered by the Senators from Hawaii and New York. Here we have no budget approval. We have budget clearance on the project that is embraced in the amendment of the Senator from Texas, plus the modification the protective provision that has been agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

Mr. COOPER. Mr. President, I want to hear again the limitation on the amendment. Will the clerk read the amendment as modified?

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

> On page 24, between lines 10 and 11 insert the following:
>
> "Sabine River Basin
>
> "The project for flood protection and other purposes in the Sabine River Basin, Texas and Louisiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project, *Provided*, That construction shall not be initiated until approved by the President."

Mr. COOPER. Mr. President, as I understand, this project is not for just $40 million alone, but will total something like $200 million. We have had no hearings. Even with this limitation, as much as I like and respect my friend from Texas, and I would like to help him as he is leaving the Senate, I feel that at some point we have to take a position and vote on it.

Mr. RANDOLPH. It is in the House bill and it would be taken to conference. I am ready to vote, if that is necessary. I would think it is unnecessary, but I want to be cooperative.

Mr. COOPER. I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Pennsylvania (Mr. RUSSELL), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

Mr. GRIFFITH. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. GOODELL) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota, Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Texas would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 54, nays 32, as follows:

[No. 418 Leg.]

YEAS—54

Anderson
Bible
Boggs
Burdick
Byrd, W. Va.
Cannon
Church
Cranston
Dodd
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gore
Gravel
Hart
Hartke
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Randolph
Ribicoff
Sparkman
Stennis
Stevens
Stevenson
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—32

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Brooke
Case
Cook
Cooper
Cotton
Curtis
Dole
Fannin
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Miller
Murphy
Packwood
Pearson
Prouty
Proxmire
Saxbe
Schweiker
Scott
Smith
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—14

Bayh
Byrd, Va.
Dominick
Goldwater
Goodell
Harris
Hatfield
Mathias
McCarthy
Mundt
Percy
Russell
Spong
Tower

So Mr. YARBOROUGH's amendment was agreed to.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. YARBOROUGH and Mr. BYRD of West Virginia moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, the proposed National Wildlife Refuge at Felsenthal is vital to the State of Arkansas. A brief history will demonstrate the need for both approval and completion of this project.

HISTORY

The Ouachita and Black Rivers navigation project, Arkansas and Louisiana, was authorized by the Rivers and Harbors Act of 1950. The 1950 act authorized the dredging of the Ouachita River to provide a channel of a minimum depth of 9 feet. However, before the plans under the 1950 Rivers and Harbors Act could be activated, the Senate Public Works Committee adopted a resolution on August 10, 1965, to review the project. The review resulted in the enactment of provisions in the Rivers and Harbors Act of 1960—Public Law 86–645—for the construction of 4 new locks and dams. The new plan called for raising the height of the dams approximately 3.5 feet to obtain a 9-foot minimum depth navigation channel instead of digging the channel deeper as provided under the authorization of 1950.

The Felsenthal area is unique. All the lands in the vicinity of the Ouachita River are low and flat and raising the height of the dam as required by the authorization of 1960 involves the flooding of thousands of acres. Under the authorization of 1950, local interests were required to furnish all lands, easements and rights-of-way necessary for the construction and operation of the Ouachita and Black Rivers Navigation project, which amounted to approximately 325 acres of land. However, under the Rivers and Harbors Act of 1960, local interests have to provide many thousands of additional acres of land. To date the local entities have been unable to comply with the authorization of 1960. Arkansas law is such that it prohibits counties—local interests in this case—from making appropriations exceeding 90 percent of the taxes levied in any one year—Arkansas statistic 17–411. Also, no county court can make a contract in excess of the annual appropriations—Arkansas statistic 17–416. Additional State constitutional provisions also act as deterrents. Because of the inability of the local interests to provide the exceedingly large amount of acreage required, the navigation project has been at a virtual standstill in Arkansas for a number of years.

In 1968, in an effort to resolve the dilemma, I proposed an amendment to the omnibus public works bill which would modify the requirements for local cooperation. After consideration the Senate Public Works Committee issued a directive (title I, Public Law 90–483) to the Secretary of the Army to review the requirements of local cooperation for the Ouachita and Black Rivers and report back to Congress. The board of engineers for rivers and harbors, after a thorough study, has recommended that there be no change in the local interest requirements.

PROPOSED NATIONAL WILDLIFE REFUGE

However, the Bureau of Sport Fisheries and Wildlife has recommended to the Corps of Engineers that the Ouachita and Black Rivers navigation project be modified to provide for acquisition of lands for establishment of a National Wildlife Refuge at Felsenthal Lock and Dam under Public Law 85–624 and section 6(c) of Public Law 89–72. The proposed refuge would contain approximately 65,000 acres of the land and water area at Felsenthal Lock and Dam. This plan is wholeheartedly supported by the Arkansas Game and Fish Commission, and the Louisiana Department of Public Works.

I heartily agree with the Bureau of Sport Fisheries and Wildlife that the acquisition of lands in the Felsenthal area would contribute to the national goals of conservation of migratory waterfowl by providing an important and necessary winter habitat in the Mississippi flyway. The area contains a significant acreage of hardwood forest essential to migratory birds and resident wildlife species. The preservation of these hardwood forests is vital and would provide substantial benefit to the country because such forests have been decreasing rapidly in quantity in recent years. Specifically, in the Felsenthal locality there have been clearing activities which constitute a threat to the ecology of the area.

Public ownership and management would enhance the project area for the endangered southern Bald Eagle which presently uses this area. In addition, this is a habitat for the American alligator and a number of other species. Controlled flooding will provide vast quantities of food for fish and space for spawning and early growth. There are remaining in the area sizable stands of virgin cypress and tupelo gum which are becoming increasingly scarce and should be preserved for the enjoyment of future generations. The area above the Felsenthal lock and dam included in the project has the potential for providing future generations of Americans the benefits and enjoyment associated with wildlife, fisheries and wilderness areas.

This proposal as reported by the Senate Public Works Committee would authorize the establishment of the National Wildlife Refuge contingent upon final approval by the Secretary of the Army, the President and Congress. The refuge is tremendously important because it not only would carry out the national migratory bird improvements program and provide wide range benefits, both recreational and economical, it would eliminate the bottleneck delaying the completion of the navigation project on the Ouachita and Black Rivers.

The committee language would allow the refuge to be authorized this year and occur if it is postponed until 1972, when the next omnibus public works bill will probably be forthcoming. At the same time, it will provide flexibility so that if the project is not approved by the Secretary of the Army and the President or disapproved by the Congress it could not become law.

If approved by the Secretary and the President, we will have the opportunity to reverse today's decision should any new consideration mandate such action. Thus, today's bill actually gives the Senate two chances to disapprove the project instead of one, and Senate control has been increased, not diminished by this procedure.

I ask the Senate to approve this worthwhile project.

AMENDMENT OF THE SECURITIES AND EXCHANGE ACT OF 1934

Mr. WILLIAMS of New Jersey. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3431.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3431) to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors, which were, on page 1, line 3, after "That", insert "(a)".

On page 2, after line 2, insert:

(b) Paragraph (5) of subsection (d) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(5)) is redesignated as paragraph (6) and the following new paragraph is inserted immediately after paragraph (4).

"(5) The Commission, by rule or regulation or by order, may permit any person to file in lieu of the statement required by paragraph (1) of this subsection or the rules and regulations thereunder, a notice stating the name of such person, the number of shares of any equity securities subject to paragraph (1) which are owned by him, the date of their acquisition and such other information as the Commission may specify, if it appears to the Commission that such securities were acquired by such person in the ordinary course of his business and were not acquired for the purpose of and do not have the effect of changing or influencing the control of the issuer nor in connection with or as a participant in any transaction having such purpose or effect."

Mr. WILLIAMS of New Jersey. Mr. President, S. 3431 was passed by the Senate on August 18, 1970. The House version now pending at the desk was passed by the House of Representatives this Monday, December 7, 1970.

There is only one difference between the House-passed version and the Senate bill. I have reviewed this difference with other members of the Senate Banking and Currency Committee including Senator SPARKMAN, the chairman of the committee, and Senator BENNETT, the committee's manking minority member. Since this difference is relatively minor and of little consequence as far as the purposes of the bill are concerned, we all agree that the Senate should accept the House amendment.

The difference which I have mentioned above is that section 1 of the House bill would permit the Securities and Exchange Commission by rule or regulation to allow any person to file in lieu of the other full disclosures required by section 13 of the Securities Exchange Act an abbreviated statement of disclosure. The intent of this exemption is to make the disclosure filings for stock exchange specialists, over-the-counter marketmakers, and investment companies less stringent since these individuals were not the ones which the act was intended to cover. I would also like to stress that this exemption can only be given at the discretion of the SEC and is not mandatory. I am, therefore, willing to accept the House version with the understanding that it will be properly and fairly administered and that in no instance will the exemption be granted without a thorough review of all the facts by the Securities and Exchange Commission.

I move that the Senate concur in the House amendments.

Mr. SPARKMAN. Mr. President, earlier this year Congress amended the securities laws by providing an exemption for certain industrial revenue bonds. Many communities all over the country have been moving ahead on projects which this change in the law made possible.

Inadvertently, the rewrite of the exemptive provisions of the securities laws contained in the Investment Company Amendments Act of 1970 omitted this change. The bill is now on the President's desk, and, unless Congress moves quickly to correct this omission, communities all over the country will be seriously disadvantaged.

The conference committee on the Investment Company Amendments Act of 1970 amended section (3)(a)(2) of the Securities Act in order to preserve the longstanding interpretation of the Securities and Exchange with respect to the status under that act of employees' plans which invest in securities of the employer. Inadvertently, the language as inserted was somewhat too broad.

Accordingly, I offer an amendment to the House amendments to S. 3431, which will correct these mistakes. My amendment has been checked with Senator WILLIAMS, the chairman of the subcommittee, and with Senator BENNETT, the ranking minority member of the full committee, and it has their approval.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

S. 3431, 91st Congress, 2d Session, is amended by adding a new Section 6 thereto to read as follows:

SEC. 6(a) Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) is amended to read as follows:

"(2) Any security issued or guaranteed by the United States or any territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or territory, or by any public instrumentality of one or more States or territories, or by any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificate of deposit for any of the foregoing; or any security issued or guaranteed by any bank; or any security issued by or representing an interest in or a direct obligation of a Federal Reserve bank; or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4), (A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security; or any interest or participation in a single or collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph (i) the contributions under which are held in a single trust fund maintained by a bank or in a separate account maintained by an insurance company for a single employer and under which an amount in excess of the employer's contribution is allocated to the purchase of securities (other than interests or participations in the trust or separate account itself) issued by the employer or by any company directly or indirectly controlling, controlled by or under common control with the employer or (ii) which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code. The Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of this title any interest or participation issued in connection with a stock bonus, pension, profit-sharing, or annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and previsions of this title. For purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interest or participation in any collective trust fund maintained by a bank; and the term 'bank' means any national bank, or any banking institution organized under the laws of any State, territory, or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official; except that in the case of a common trust fund or similar fund, or a collective trust fund, the term 'bank' has the same meaning as in the Investment Company Act of 1940."

(b) Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c) (relating to exempted securities) is amended by inserting after "any municipal corporate instrumentality of one or more States;" in paragraph (12) the following: "or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4)(A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security;

(c) Section 304(a) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd) (relating to exempted securities) is amended by reclassifying the present text of paragraph (4) thereof as paragraph (4)(A), and by adding a new subparagraph (B) at the end of such paragraph (4), to read as follows:

"(B) any security exempted from the provisions of the Securities Act of 1933, as amended, by paragraph (2) of subsection 3(a) thereof, as amended by Section 401 of the Employment Security Amendments of 1970."

(d) The amendments made by this section shall apply with respect to securities sold after January 1, 1970.

Mr. JAVITS. Mr. President, may we know what this amendment does?

Mr. SPARKMAN. This language has been approved by all the parties concerned. It is legislation that we passed previously, but through a mistake, it was omitted in the mutual fund bill, and this reinstates it.

Mr. JAVITS. It relates to mutual funds?

Mr. SPARKMAN. No. It relates to industrial bonds, the small bonds that we exempted.

Mr. JAVITS. The industrial bonds of municipalities and so forth?

Mr. SPARKMAN. That is correct.

Mr. JAVITS. Does it make any major change?

Mr. SPARKMAN. None whatever. It is simply the language we passed previously.

Mr. JAVITS. I rely on the statement of the Senator.

Mr. SPARKMAN. Mr. President, I move that my amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the Senate concur in the amendments of the House as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendments as amended.

The motion was agreed to.

RAILROAD LEGISLATION

Mr. SCOTT. Mr. President, I should like to address a question to the distinguished majority leader, as to whether we are likely to have a vote today on possible rail legislation.

Mr. MANSFIELD. Mr. President, in response to the question raised by my distinguished colleague, the minority leader, let me say that I have discussed this matter with several members of the committee on this side, as I am sure he has with members on his side, and it is my understanding that the Committee on Labor and Public Welfare intends to report a resolution of some nature this afternoon. I would hazard a guess, that it may be around 4 o'clock.

If such a resolution is reported, of course, we will turn to its consideration immediately. The Senate should therefore be prepared to stay in session until midnight, if need be, in order to face up to its responsibilities and dispose of any resolution reported by the committee, whether or not it is amended, one way or the other.

Mr. SCOTT. Yes. I think it is better to let darkness fall on this Chamber rather than upon the Nation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3070) to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest, with amendments, in which it requested the concurrence of the Senate.

DEVELOPMENT OF CERTAIN PLANTS

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3070.

The PRESIDING OFFICER (Mr. HUGHES), laid before the Senate the amendments of the House of Representatives to the bill (S. 3070) to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest, which were on page 9, line 25, strike out all after "authorized" over through and including "Act." in line 4, page 10, and insert "shall be recovered to the Treasury of the United States of America, and expenses needed for the administration of this act shall come through the Nation's regular budgetary, authorization, and appropriations process."

On page 43, immediately above line 18, insert:

(d) In section 1498 add the following new subsection:

"(d) Hereafter, whenever a plant variety protected by a certificate of plant variety protection under the laws of the United States shall be infringed by the United States, by a corporation owned or controlled by the United States, or by a contractor, subcontractor, or any person, firm, or corporation acting for the Government and with the authorization and consent of the Government, the exclusive remedy of the owner of such certificate shall be by action against the United States in the Court of Claims for the recovery of his reasonable and entire compensation as damages for such infringement: *Provided,* That a Government employee shall have a right of action against the Government under this subsection except where he was in a position to order, influence, or induce use of the protected plant variety by the Government: *Provided, however,* That this subsection shall not confer a right of action on any certificate owner or any assignee of such owner with respect to any protected plant variety made by a person while in the employment or service of the United States, where such variety was prepared as a part of the official functions of the employee, or in the preparation of which Government time, material, or facilities were used: *And provided further,* That before such action against the United States has been instituted, the appropriate corporation owned or controlled by the United States or the head of the appropriate agency of the Government, as the case may be, is authorized to enter into an agreement with the certificate owner in full settlement and compromise, for the damages accrued to him by reason of such infringement and to settle the claim administratively out of available appropriations."

Mr. JORDAN of North Carolina. Mr. President, I move that the Senate concur in the amendments of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to.

PUBLIC WORKS AUTHORIZATIONS, 1970

The Senate resumed the consideration of the bill (S. 4572) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Mr. HOLLAND. Mr. President, I should like the attention of the distinguished Senator from West Virginia and the distinguished Senator from Kentucky.

I note with pleasure that two beach erosion programs in my State have been approved—one with reference to Lee County, affecting three islands there, and one with reference to Sarasota County, affecting Lido Key there.

I note that the local contributions required are very high, and I take for granted that that is because most of the beach is privately owned. Am I correct in that?

Mr. RANDOLPH. Yes; the able Senator from Florida is correct. Most of the area is privately controlled.

Mr. HOLLAND. One more question: With reference to Lido Key, I note that the Bureau of the Budget suggested that, instead of approving the item as it came to the committee originally, the item be moved over to come under section 201 of the flood control bill because it could qualify for reimbursements or contributions already made prior to authorization. What was done by the committee in meeting or declining to meet that recommendation of the Bureau of the Budget?

Mr. RANDOLPH. We acted upon the recommendation of the Bureau of the Budget and placed the project in the status which has been indicated.

Mr. HOLLAND. In other words, the status under which the prior expenditures—and they were very necessitous—made by local people to prevent the increase of the great damage, could be considered and repaid.

Mr. RANDOLPH. They would be reimbursed under the language of the Corps of Engineers reports.

Mr. HOLLAND. I thank the Senator.

I should like to ask one more question. With reference to both of these projects, there is no environmental question, is there? It seems to me that they protect all environmental and conservation values, rather than destroy anything in that field.

Mr. RANDOLPH. The committee was concerned in these projects, as in all projects, that the environmental factors be fully understood. There is no contamination of the environment, as we have studied the matter, which would flow from the projects in which the Senator is interested.

Mr. HOLLAND. In fact, these projects do tend to conserve natural values and to conserve development values and to protect environmental values in each respect, as the Senator from Florida understands.

Mr. RANDOLPH. The Senator is correct. There is a protection. There is even, perhaps, a development that will take place that might conserve and strengthen the environment.

Mr. HOLLAND. I thank the Senator. One more question with reference to the Tampa Harbor. It is the largest harbor in Florida with an annual tonnage of commerce exceeding 30 million tons. I heard with some trepidation the statement made relative to the additional study that would be required as to the environmental aspects of the project which, in effect, would deepen the channel and would widen it coming up from the Gulf of Mexico to the port. It is my understanding, instead of involving any hurt to environmental values, that this would tend to prevent such a disaster as we had not long ago, when a foreign vessel coming in with oil, because of the tortuous nature of the present channel and its narrow width, came to grief and there was a large oil spillage there, which brought great damage to the beaches and many property owners, both public and private.

Just what was the statement of the distinguished chairman of the committee with reference to what has to be done in the future on this project?

Mr. RANDOLPH. There would be a restudy of what is called overdredging which is the 5 feet that is involved. There is no disposition to delay the project.

Mr. HOLLAND. There is no requirement in this case for future approval, but the project is ready to move ahead, as I understand it. There is a requirement that local interests make available $600,000 in cash, at once, so that the project can, in its planning stages, move ahead. Am I correct in my understanding on that?

Mr. RANDOLPH. That is correct. That contribution has been noted.

Mr. HOLLAND. The Tampa Port Authority is prepared to meet its responsibilities as local sponsors as it has in the past and support appropriate and necessary environmental standards. This is evidenced by the fact that the Port of Tampa has engaged the Geological Survey of the Department of the Interior to collect data so that responsible decisions can be made for maximum environmental use of the bays.

Mr. President, I thank the Senator for his answers. I want to add one thing to the record: Not only is the Port of Tampa aided by this but a new port, the Port of Manatee, which is closer to the Gulf of Mexico, has the advantage of part of this deepening. The deeper channel is being put in at Port Manatee in order to reach from the main channel into its own harbor. I suspect this matter was made clear to the committee, but I find no reference to it in the report. Am I correct?

Mr. RANDOLPH. Yes; it was discussed in our considerations in the subcommittee and it was mentioned in the full committee, although the explanation which has been indicated and documented by the Senator from Florida is not in the report. There is recognition of the need not only for the development of one harbor but also for the development of other harbors. That has been spelled out, and the Senator from Florida, knowledgeable in these matters, does well to call this to our attention during colloquy today.

Mr. HOLLAND. I thank the Senator. I call attention, likewise, to the fact that that very situation will probably raise the benefit-to-cost ratio, which is stated here as 2.1, to a figure above that, because Port Manatee is already operating and there will be some upping of that figure, because it does not involve any more Federal costs to complete the service to Port Manatee, because it is putting in its own channel at the required depth to the main channel.

Mr. RANDOLPH. That would result probably in an improved cost-benefit ratio for the project.

Mr. HOLLAND. Mr. President, I want to thank the distinguished Senator from West Virginia, the distinguished Senator from Kentucky (Mr. COOPER), and the committee, for recognizing these real needs in my State. For the State, I wish to thank them.

I apologize to Senators that I have not been able to yield because I am due to attend a conference which begins right now.

Mr. COOPER. If I may respond to the Senator from Florida, I should like to say that the discussion between the Senator from Florida and the Senator from West Virginia is correct. The proviso was put in because of certain questions raised by the Office of Management and Budget, but our language is, as the proviso states:

> The Chief of Engineers shall proceed without delay with preconstruction planning of the project.

Mr. FONG. Mr. President——

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, I call up my amendments and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read the amendments, as follows:

S. 4572

On page 5, between lines 7 and 8, insert the following:

"Nawiliwili Harbor and Port Allen Harbor, Kauai, Hawaii: November 24, 1970, report of the Chief of Engineers, at an estimated cost of $1,952,000: *Provided*, That construction shall not be initiated until approved by the President."

On page 24, between lines 10 and 11, insert the following:

"Kaneohe-Kailua Area, Oahu, Hawaii

"The project for flood protection in the Kaneohe-Kailua area on the east coast of the island of Oahu, Hawaii is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report of November 23, 1970, at an estimated cost of $7,249,000: *Provided*, That construction shall not be initiated until approved by the President."

Mr. FONG. Mr. President, this amendment, in which my colleague, the junior Senator from Hawaii (Mr. INOUYE) has joined me, proposes that the Kaneohe-Kailua flood control project and the Nawiliwili harbor improvement project, both in Hawaii be authorized, with construction of both projects contingent upon the President's approval.

Survey reports on both projects prepared by the U.S. Army Corps of Engineers have been cleared and approved by the State of Hawaii and by all the Federal departments and agencies that have reviewed them.

The Kaneohe-Kailua flood project is currently pending before the Office of Management and Budget for review in behalf of the President. The Nawiliwili harbor improvement project is awaiting clearance by the Secretary of the Army prior to submission to the Office of Management and Budget.

I am not aware of any objections to the projects, either by residents of Hawaii or by Federal agencies. Of course, the views of the Office of Management and Budget are still awaited.

In the meantime, however, as the Senate is considering an omnibus river and harbor authorization bill, my colleague and I are proposing that the Senate approve these two projects, contingent upon subsequent approval by the President. Congress would be amply protected by language of our amendment, which would prohibit construction unless the President gives his approval to the projects.

Although the Senate Subcommittee on Flood Control-Rivers and Harbors did not hold hearings on these two projects, I have checked with the staff of the subcommittee and the full Public Works Committee and am advised these projects are in order.

I understand the House Public Works Subcommittee on Flood Control-Rivers and Harbors held hearings on these two projects taking testimony from the Corps of Engineers.

So that other Senators will know what is involved in the two Hawaii projects, I shall summarize the need for flood control in the Kaneohe-Kailua area and the need for a larger harbor for safety of navigation at Nawiliwili, together with essential data about the projects proposed to remedy these two situations.

The Kaneohe-Kailua area on the windward side of Hawaii's most populated island, Oahu, has a long history of intense rainstorms and subsequent floods, including very destructive flash floods.

The city and county of Honolulu, which has jurisdiction in this area, has constructed flood measures over the past 6 years. For example, in 1964, the city and county of Honolulu widened and realined the channel at the mouth of Kaneohe Stream at a cost of $50,000. During 1967 through 1969, the city and county of Honolulu built substantial flood control improvements on Anolani Stream, one of the tributaries of Kaneohe Stream, at a cost of $650,000. The city and county anticipates spending an additional $500,000 on further improvements.

But even all these measures do not provide adequate protection against major floods such as occurred in February 1965 and 1969. However, these local flood control improvements will be incorporated into the proposed Corps of Engineers project.

To illustrate the flood problem, let me just cite a few instances. On February 4, 1965, torrential rains fell on the windward coast of Oahu, with over 7.5 inches drenching Kaneohe during a 24-hour period. Two lives were lost from drowning. The Keapuka residential area suffered severely when Kamooalii Stream overflowed and damaged 43 homes, 30 automobiles, streets and yards. A wooden foot-bridge was destroyed and the concrete-lined channel was severely damaged.

In May of that same year, storms resulted in 22.6 inches of rainfall in Kaneohe during a 3-day period. The Keaahala, Kawa, and Kamooalii Streams overflowed their banks, flooding homes and roads, depositing mud and debris, and damaging yards, tools, and equipment. Many families were evacuated because of high water. Channel and culvert damage and bank erosion were extensive in the Keapuka and Kapunahala subdivisions. Crop damages, from erosion near the mountain slopes and flooding in the lower areas, resulted in heavy losses to truck farmers.

A third major storm hit the Kaneohe area in November of that same year—1965—with 25.3 inches of rainfall in 5 days. There was no loss of life, as two children swept downstream by the rising water were fortunately rescued. But again property damage was extensive. Agricultural losses, including fruits and vegetables, from wind and rain were heavy.

On February 1 last year, 6 hours of heavy rain with intermittent bursts of very intense rainfall caused the greatest known flood in the Kamooalii Stream Basin. Accumulations of up to 18 inches in 6 hours were recorded nearby. Six houses in Keapuka were virtually destroyed and 43 others suffered varying degrees of damage but remained habitable.

To give protection against future floods, the engineers propose to build an earth fill dam and reservoir at the Kamooalii Stream site, with a gross capacity of 2,500 acre-feet and channel improvements and realinement at the mouth of Kaneohe Stream.

Annual benefits, primarily from flood control, are estimated at $708,000, while annual costs are estimated at $448,000, giving a benefit-to-cost ratio of 1.6. The estimated construction cost totals $7,579,000, of which the Federal share would be $7,249,000 and non-Federal local share would be $330,000.

The State of Hawaii favors this project and it has been favorably reviewed by the U.S. Departments of the Interior, Agriculture, Transportation, and Health, Education, and Welfare. As I said before, it only awaits review by the Office of Management and Budget.

I ask unanimous consent that a summary fact sheet prepared by the U.S. Army Engineers be printed in the RECORD at this point.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

KANEOHE-KAILUA AREA, OAHU, HAWAII

Location: Kaneohe-Kailua Area is on the windward (east) coast of Oahu, Hawaii about 5 highway miles from Honolulu.

Authority: River and Harbor Act of 1965.

Existing Project: There are no existing Federal flood control projects in the study area. Local agencies have constructed 8000 feet of flood control improvements on Kamooalii-Kaneohe Stream. These local flood control improvements will be incorporated into the proposed plan.

Flood Problem: Existing flood control improvements do not provide a sufficient degree of protection. Flash floods have caused the loss of lives and severe property damage in the highly urbanized flood plains of the Kamooalii-Kaneohe Stream.

Recommended Plan of Improvement: Provides for an earth fill dam and reservoir for flood control and recreation with channel improvements at the mouth of the Kaneohe Stream mouth.

Estimated cost (price level of March 1970)

Federal	[1] $7,249,000
Non-Federal	330,000
Total	7,579,000

[1] Includes $500,500 reimbursable by local interests in accordance with the Federal Water Project Recreation Act of 1965.

PROJECT ECONOMICS

[Interest rate 5⅛ percent]

Annual charges	Federal	Non-Federal	Total
Interest and amortization	$349,000	$43,500	$392,500
Maintenance and operation		55,500	55,500
Total	349,000	99,000	448,000

Kaneohe-Kailua Area, Oahu, Hawaii

Annual benefits:	
Damages prevented	$300,000
Land enhancement	70,000
Recreation	333,000
Fish and wildlife enhancement	5,000
Total	708,000

Benefit-cost ratio: 1.6.

Local cooperation: Provide lands, easements, rights-of-way, and relocations necessary for the reservoir and channel features of the project whose costs are presently estimated at $330,000 after credit by the Federal government of $50,000 for joint costs, allocated to recreation fish and wildlife enhancement. Maintain and operate the dam, reservoir and channel improvements and prevent encroachments which would interfer with the recommended improvements. Hold and save the United States free from damages. Pay with interest one-half of the separable costs of the project allocated to recreation at a cost which is presently estimated at $500,500. Bear all costs of maintenance, operation and replacements which is estimated as an annual cost of $55,500.

Comments of the State and Federal Agencies:

State of Hawaii: Favorable.

Department of the Interior: Favorable.

Department of Agriculture: Favorable.

Department of Transportation: Favorable.

Department of Health, Education, and Welfare: Favorable.

Comments of the Office of Management and Budget.

Mr. FONG. Mr. President, the second project for which my amendment cosponsored by Senator INOUYE requests authorization contingent on the President's approval is a safe navigation project at Nawiliwili Harbor on the Island of Kauai. No changes are requested in the nearby Port Allen Harbor. Federal projects already exist at both harbors.

The existing harbor at Nawiliwili was designed for the C–3 class vessel, with a length of 492 feet, a beam of 70 feet, and a draft when fully and evenly loaded of 29 feet. The jumboized C–4 freighter, in general use since 1965, however, has a length of 633 feet, a beam of 72 feet, and a draft of 33 feet. The larger tankers presently serving Hawaii have lengths of 547 feet and a loaded draft of 30 feet. The S-shaped entrance to the harbor and the 35-foot basin are inadequate to these vessels making Nawiliwili a port of call. Adding to the hazards of navigating the channel and turning basin are large swells and adverse winds.

In the interest of public safety, therefore, it is proposed to widen a 1,700-foot length of the northern site of the entrance channel by about 120 feet; to widen the northern side of the transition area by about 60 feet; and to increase the area of the basin by about 17.3 acres. No modification to the existing federally constructed harbor at Port Allen is recommended at this time.

Estimated cost of the project is $2,380,000, of which the Federal share of construction would be $1,952,000 and non-Federal share would be $428,000. Annual costs would total $139,100, of which the Federal share would be $114,900 and the non-Federal, $24,200.

Local interests have indicated willingness to furnish items of local cooperation, that is, the usual Federal requirements such as land, terminal facilities, berthing areas, relocations plus a cash contribution of 9.6 percent of Federal construction costs for increased utilization of lands.

The State of Hawaii supports the project and it has received favorable reviews from the U.S. Departments of the Interior, Transportation, and Health, Education, and Welfare. The project is expected to be forwarded soon by the Secretary of the Army to the Office of Management and Budget for review in behalf of the President.

As the benefits from this project are navigational safety—for crews and ships—no benefit-cost ratio is computed, for safety is an intangible factor.

There are precedents for projects of this nature, which are purely for safety, namely, the Thimble Shoal Channel, Va., submitted to Congress as Senate Document 122, 83d Congress, on September 3, 1954. This was later approved by Congress in Public Law 780 of the 83d Congress.

Another precedent is a turning basin on the James River at Richmond Harbor, Va., submitted as House Document 738, 77th Congress, March 2, 1945. This was later approved by Congress in Public Law 14 of the 79th Congress.

Mr. President, I ask unanimous consent that a fact sheet on the proposed improvements at Nawiliwili Harbor be printed in the RECORD at this point.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

MAWILIWILI HARBOR AND PORT ALLEN HARBOR KAUAI, HAWAII

Location: Nawiliwili Harbor and Port Allen Harbor are located on the south coast of the island of Kauai, Hawaii.

Authority: House Committee on Public Works resolution adopted 5 October 1966; House Committee on Public Works resolution adopted 3 June 1959 and Senate Committee on Public Works resolution adopted 9 September 1966.

Existing Project: The existing Federal projects are: *At, Nawiliwili Harbor:* a breakwater 2045 feet in length and "S" shaped entrance channel, 40 feet deep, 600 feet wide and 2400 feet long, a harbor basin 35 feet deep with surface area of about 63.3 acres. *At, Port Allen Harbor:* a rubblemound breakwater about 1200 feet long, a harbor basin of about 50 acres and an entrance channel 500 feet wide, all to a depth of 55 feet.

Navigational Problem: Under existing conditions at Nawiliwili Harbor, jumboized C4 and large passenger liners cannot safely use the harbor because of the difficulty of navigation of the entrance channel and lack of maneuvering room in the basin.

Recommended Plan of Improvement: At Nawiliwili the proposed plan would widen a 1700 foot length of the northern site of the entrance channel by about 120 feet, widen the northern side of the transition area by about 60 feet; increase the area of the basin by about 17.3 acres.

No modification to the existing Federally constructed harbor at Port Allen is recommended at this time.

ESTIMATED COST
[March 1970 price level]

	Federal	Non-Federal	Total
Construction	$1,952,000	[1] $208,000	$2,160,000
Lands of relocation		220,000	220,000
Total	1,952,000	428,000	2,380,000

[1] $208,000 cash contribution toward initial construction cost for increased land utilization.

PROJECT ECONOMICS
[Interest rate of 5⅛ percent]

Annual charges	Federal	Non-Federal	Total
Interest and amortization	$108,700	$24,200	$132,900
Maintenance and operation	[1] 6,200		6,200
Total	114,900	24,200	139,100

[1] Additional maintenance beyond that presently required.

Annual Benefits: Benefits are intangible relating to navigational safety.

NAWILIWILI HARBOR AND PORT ALLEN HARBOR, KAUAI, HAWAII

Benefit-Cost ratio: Not computed.

Local Cooperation: The usual Federal requirements for navigation improvements such as lands, terminal facilities, berthing areas, and relocations plus a cash contribution of 9.6% of Federal construction costs for increased utilization of lands. The contribution is presently estimated to be $208,000. Local interests have indicated willingness to furnish items of local cooperation.

Comments of the State and Federal Agencies:

Department of the Interior: Favorable

Department of Health, Education, and Welfare: Favorable

Department of Transportation: Favorable

State of Hawaii: Favorable

Comments of Office Management and Budget:

Mr. FONG. Mr. President, both these projects are meritorious and necessary. I hope the Senate will approve the amendment offered by myself and my colleague from Hawaii (Mr. Inouye).

Mr. President, I have spoken to the chairman of the Committee on Public Works about these amendments and he is willing to accept them.

Mr. INOUYE. Mr. President, I speak in support of the amendment offered by my senior colleague from Hawaii (Mr. Fong), and myself to authorize the construction of a flood control project in the Kaneohe area and to authorize the widening of an entrance channel to Nawiliwili Harbor.

If accepted, this amendment would authorize the construction of a retention dam and reservoir with the auxiliary recreational development of Kamooalii Stream in Kaneohe, Hawaii. The area in which this flood control project is to be constructed has been subjected to extensive and heavy flooding over the past several years. In 1968, such a flood caused property damages in the millions of dollars and also the loss of life of one of the residents in the area. Following these disastrous floods, preliminary work on this project was accelerated by the Corps of Engineers, and final authorization is now being obtained from the responsible agencies of the Federal Government.

This amendment, if accepted, would also authorize the widening and deepening of the inner entrance channel of Nawiliwili Harbor. Nawiliwili Harbor is the major port for the Island of Kauai, and due to its limited size there is a probability of a vessel becoming grounded and thereby closing the harbor to normal navigation until the vessel can be removed. Therefore, these modifications are necessary to fulfill the need for a safer harbor. This threat is aggravated by the almost total dependence of the island of Kauai on imports by ocean transportation. Further, the alternative port on Kauai, Port Allen Harbor, is not equipped to adequately serve the needs of the Island of Kauai.

Both of these projects have received the approval of the Board of Engineers for Rivers and Harbors. The Kaneohe flood control project has also received the favorable comments of the Department of Agriculture, Interior, Transportation, and Health, Education, and Welfare, and was submitted last week to the Office of Management and Budget for their review and comments. The comments from the appropriate Federal agencies are also expected to be forthcoming shortly on Nawiliwili Harbor. Since the Senate Public Works Committee considered the omnibus public works bill, prior to the submission of the necessary agency reports on these two projects, the committee was unable to include either of these two projects in the bill. The adoption of this amendment is necessary to forestall a possible 2-year wait for the authorization of the Kaneohe and Nawiliwili projects. However, this amendment also provides that work on these projects would only be initiated if these projects receive the approval of the President.

In view of the urgent need to begin work as soon as possible on the Kaneohe flood control project and the modification of Nawiliwili Harbor, I urge the Senate to adopt this amendment.

Mr. RANDOLPH. Mr. President, all members of the committee are knowledgeable on these projects, not only in their own States but those throughout the country. They work not on a provincial basis; they examine all the projects, including this project, from the standpoint of the economy and the benefit to the United States.

This project is in an area of our Republic which is far from the mainland of California. But the project contains a proviso which satisfies the chairman of the committee, so I feel that we could take it to conference or could allow the Senate to vote on it, as I feel certain the Senator from Kentucky (Mr. Cooper) would want us to do, possibly by a voice vote.

The distinguished senior Senator from Hawaii was a member of our committee, and has cosponsored the amendment with his able colleague and Democratic counterpart from Hawaii (Mr. Inouye), who is also a former member of the Public Works Committee. These two Senators value the project. The committee has reviewed it, and it includes the protective proviso. I hope the Senate will approve the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Hawaii.

Mr. COOPER. Mr. President, my position with respect to this amendment is not taken upon its merits. I know that amendments offered by the Senators from Hawaii are meritorious. These projects have been surveyed by the Corps of Engineers and have been submitted to the various agencies, and the agencies have commented on them. As to the second project, it has been submitted to the Office of Management Budget. The first project has not been cleared by the Department of the Army.

I must say that, after many years of being the ranking member of the Senate Committee on Public Works, I, of course, want in every way I can to go along with the position of my chairman and also to help, as far as I can, all of my colleagues in the Senate. However, I will have to say that if we were to put these projects in without a hearing—and, in this instance, one project has not even been cleared by the Secretary of the Army—and without the approval of the Office of Management Budget, we could put in any project.

I am not talking about the merits. Certainly my colleagues know my respect for them.

My reason for opposing the last amendment, the amendment offered by the Senator from Texas, was that it was a $40 million authorization. The entire project would actually cost $192 million.

I have to raise these questions. I will not say anything more about it. My position was soundly defeated in the last rollcall vote. I will not ask for a rollcall but I oppose the amendment.

The PRESIDING OFFICER (Mr. Goldwater). The question is on agreeing to the amendments of the Senator from Hawaii.

The amendments were agreed to.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, section 221 of the bill reads as follows:

> The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers is authorized and directed, as part of the relocation of municipal facilities of Rexford, Montana, to design and construct a central sewage collection and sewage treatment facility.

The Senator will recall that I discussed this matter with him relative to the removal of the town of Rexford because of the treaty dam, Libby, being built on the Kootenai.

While I visited Rexford this past fall, I met with the mayor, Jack Parish, and other interested citizens. They had been told at that time that the Army Engineers would not allow a water and sewerage system to be built, but that they ought to install septic tanks.

Am I correct in stating that on the basis of the efforts of the Committee on Public Works, there is contained in the pending proposal sufficient authority—authority which the Army Engineers said they lacked before. This authority would pave the way for the construction of not only a central sewerage collecting and sewerage treatment facility which now can be and must be and will be created—but the construction of a water facility as well?

Mr. RANDOLPH. Mr. President, the able majority leader—and, in this instance, I call him the senior Senator from Montana—is correct in his interpretation of what the committee has done.

Before I answer specifically as to the language in the legislation, as reflected on page 34 of the bill, and the language in the report on page 117, I wish to commend the majority leader for realizing that the contamination of the environment is being continued in certain portions of the United States through the excessive use of septic tanks.

It is encouraging to have a proposal brought to us which would, in a sense, say that the outmoded septic tank does not meet the situation in Montana, but the sewage treatment plant does meet the problem of the contamination of the environment.

I do not want to belabor the point except to say that some parts of the United States today are growing endlessly. For example, Broward County, Fla., is the fasting growing county in the United States, and much of its appeal depends on its beaches and on the recreational facilities there.

I am fearful of what could happen because of the 65,000 or 70,000 septic tanks that are now in use in Broward County, Fla. I do not want anything like that to happen any place in the country. I have also noted the press reports that Suffolk County, Long Island, which relies on septic tanks, will ban nearly all detergents after March, 1971. I think a better way to handle water pollution would be to abandon septic tanks and build modern sewers and sewage treatment facilities. It is encouraging to have the majority leader bring up this matter in his own State.

We have on page 34 authorized and directed the Army Engineers to design and construct a central sewage treatment collection and sewage treatment facility at Rexford, Mont., as has been indicated by the majority leader. We have then spelled out in the report the reason that this is being done.

I also commend the people of the area because they have been cognizant of their problem.

Mr. President, the language that was included by the committee, as the Senator from Kentucky (Mr. COOPER) knows, will assure that the replacement sewerage facilities will meet the applicable water quality standards and prevent the pollution of the Kootenai River.

Mr. MANSFIELD. Mr. President, I express my personal thanks to the distinguished chairman of the committee, the Senator from West Virginia (Mr. RANDOLPH), and to the distinguished ranking minority member of the committee, the Senator from Kentucky (Mr. COOPER). They, as always, have exhibited their great understanding and concern. As they know, this is a town which is being involuntarily moved because of a dam that is being built under a treaty arrangement with Canada. This act—the inclusion of this authority in this measure—is an indication that a small town and its people, who are deeply concerned, can come to the Senate of the United States and can be understood in what they request and can be given consideration, accommodation, and in this instance, justice.

I thank both Senators and members of the committee for their understanding of this particular problem, which is small in the overall, but big in the minds of the people up in Lincoln country.

Mr. COOPER. Mr. President, I support what has been said by the Senator from West Virginia and the Senator from Montana. I think it should indicate to people all over the country that no matter how small a community may be, it can be heard in the Congress. In this instance the people of the community were heard by a very influential Senator, but we have other instances in this bill where small communities have been heard.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that section 221 of the report of the Committee on Public Works on page 117 and section 221 in the bill on page 34 be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SECTION 221

This section authorizes the Chief of Engineers to construct sewer facilities, including collection and treatment works, for the town of Rexford, Mont., as part of the relocation features being made in connection with the construction of the Libby Dam and Reservoir.

Libby Dam, located on the Kootenai River in Montana, was authorized by the Congress in 1950 as a major unit in the Corps of Engineers comprehensive plan for development of water resources of the Columbia River Basin. The project is well underway with completion expected in 1974.

The town of Rexford with a population of about 1,000 persons, is located in the reservoir area and will be inundated when the dam is closed and water stored for project purposes. The Corps of Engineers as a mitigation measure is relocating the town to higher ground and providing certain municipal services, such as water, streets, school, fire, and police facilities, and other pertinent municipal services. Improvements in the private sector are being relocated by the individuals since the government has compensated them for the interest in their properties. In the absence of sewer treatment facilities, home and business owners will be required to install septic tanks.

Inasmuch as a septic tank system is outmoded and unsatisfactory, the town of Rexford has requested the Corps of Engineers as part of the relocation plan to include the construction of necessary sewer collection and treatment facilities. The Corps, while noting the desirability of such facilities, has indicated it is without authority for such work since it can only replace in kind those facilities being relocated. Local interests have therefore requested Congressional action to provide the necessary authority for the Corps of Engineers to provide the required sewage facilities. The language included in the bill by the committee will insure that the replacement sewage facilities will meet applicable water quality standards and prevent pollution of the Kootenai River.

SEC. 221. The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers is authorized and directed, as part of the relocation of municipal facilities of Rexford, Montana, to design and construct a central sewage collection and sewage treatment facility.

Mr. JAVITS. Mr. President, I shall raise a number of matters and I hope that the committee and the ranking minority member will bear with me. The first matter I wish to deal with, upon which I am not presenting an amendment, is the Sandridge Dam project, listed in the bill from the other body as Ellicott Creek, N.Y.

This is a very essential project for the people of the western part of the State of New York. It has been authorized by the House bill subject to an accommodation extended to one of the Representatives from New York, BARBER CONABLE, who felt the relocation problem was extremely serious and wanted some way to ascertain if there was an alternate to the one chosen for this project.

In view of the fact that the matter was not in balance in the other body, with one Representative ardently desiring the project and another desiring to have it looked at to see if there were any alternatives, it struck me that, on the part of the State of New York, we should make clear our great interest in having the project approved in conference, but not try to amend it here, which might change the agreement arrived at there.

I think it serves my State best if I have printed in the RECORD the telegram from Governor Rockefeller pointing out the high urgency of this project to our State and a letter addressed to me from the junior Senator from New York (Mr. GOODELL), generally to the same effect, and expressing to the chairman of the committee and the ranking minority member the deep interest of the State in this project and the great necessity it represents to us in terms of conservation of land and the hope that the balance which has been attained in the other body may be retained, assuming, and I hope that it is, that the conferees agree on allowing this project as it appears in the House bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALBANY, N.Y.

Hon. JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Your support is requested for inclusion of the project for Ellicott Creek Basin, New York, in the Omnibus Rivers and Harbors Act of 1970. The project consisting of the Sandridge Dam and Reservoir together with downstream channel improvements, has been recommended by the Chief, Army Corps of Engineers as urgently needed in the interests of flood control, water supply, recreation, and fish and wildlife enhancement.

New York State attaches the greatest urgency to implementation of the Ellicott Creek project and stands ready to meet all requirements of local cooperation. Early construction is needed to meet the flood control and water-related needs of the region, including those of the new campus of the State University at Buffalo and to keep abreast of activities of the State's urban development corporation.

I am pleased that the State was able to make a significant contribution through funds and personnel to expedite completion of the survey. The recommended Sandridge Reservoir and Ellicott Creek channel improvements are included in the early action plan of the Erie-Niagara basin regional water resources planning board and have been assigned the highest priority for implementation. This project is part of the statewide program for water resources development.

Your assistance to assure inclusion of the Ellicott Creek project in the Omnibus Rivers and Harbors Act of 1970 will be greatly appreciated.

NELSON A. ROCKEFELLER.

U.S. SENATE, COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., December 9, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR JACK: It is my understanding that the Senate will consider the Rivers and Harbors Authorization Bill, S. 4572, today, and that you plan to introduce an amendment to include the Ellicott Creek-Sandridge Dam project. Unfortunately, I plan to be in New York later today, and will not be present when the Senate considers this legislation. Therefore, I would appreciate it if you would include me as a cosponsor to your amendment, to authorize $19,070,000 in Federal funds for this flood control project.

The amendment calls for an investigation of all possible alternatives to the Ellicott Creek project prior to commencement of the project, and also provides that construction shall not be initiated until it has been approved by the President.

I believe a thorough investigation of all alternatives is essential, and that Congress should have an opportunity to review all aspects of the project. This is an essential provision, in view of the fact that time did not permit exhaustive hearings on the proposal by either the Senate or the House Public Works Committees.

There is no doubt that a serious flood problem exists along Ellicott Creek. A flood in 1960 inundated 890 acres in the Town of Lancaster, where a new domed stadium is to be built, and 3,200 acres in the Town of Amherst, along with extensive flooding in the Towns of Tonawanda and Cheektowaga.

To delay authorization of this project for two years would have a very serious effect upon the orderly development of the Buffalo-Amherst Corridor. An investment of $1.8 billion from State and private sources has been planned for the largest construction undertaking in Western New York's history. A key to this plan is construction of the new $650 million Amherst campus of the State University of New York. In addition, the State plans to construct in Amherst a $650 million housing development containing 10,000 units.

A delay could have a serious economic impact on the area, and would threaten the prospect of year-round employment of tens of thousands of construction workers, not only in the Buffalo-Amherst Corridor, but in the Town of Lancaster.

I would appreciate it if you would include this letter as part of the Record during discussion of your amendment.

With best wishes,
Sincerely,

CHARLES E. GOODELL.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RANDOLPH. Mr. President, I think the Senator is well reasoned in his procedure this afternoon. He has documented the situation. He has called to our attention the seriousness of the matter, and in a sense it is a crisis. This documentation will be a part of the RECORD. Rather than to have a test here of something that would not be really advantageous, we understand the problem and we will take a look at it, and we hope in the concept of the legislative record we make we will be of some help.

Mr. JAVITS. I thank the Senator. He is very gracious and understanding.

Mr. President, I have another matter I shall raise, and I shall have one other after this one.

I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 14, between line 9 and 10, insert the following:

"The New York Harbor Collection and Removal of Drift project is hereby modified substantially in accordance with the plans on file in the Office, Chief of Engineers, subject to the approval of such plans and recommendations for requirements of local cooperation by the Secretary of the Army and the President. Any disposal of materials in carrying out this project shall be in accordance with Federal and State laws and regulations with respect to the control of air and water pollution."

Mr. JAVITS. Mr. President, this amendment is offered on behalf of myself and Senators GOODELL, WILLIAMS of New Jersey, and CASE.

This involves a cleanup project for New York Harbor, the principal harbor in our country, for all practical purposes. The amount involved on the Federal level is $16 million. The State and municipality will contribute an additional $13 million as the aggregate value of the project is something in the area of $28.8 million.

The project, naturally, as in the case of all of these projects, will extend over a period of years. The most urgent representations are made by the Port of New York Authority as to the very, very dangerous situation of rotting hulks, rundown piers, shoreline rubble, and the dilapidated shoreline structures. In addition to the actual dangers to navigation, there are the unsightly conditions which prevail in this, probably the most used harbor in the United States.

I press this matter, and it is in the House bill, because I think it does not quite fall within the purview of the rule expressed by the Senator from Kentucky as to a budget authorization. In this case, what has been surveyed in terms of the budget is a very broad scale idea of clearing all the harbors of the United States. The Budget rejected that in favor of a harbor-by-harbor proposition, based on the plans, the contributions, and the importance of each harbor situation.

We believe that, if both the House and the Senate say they would like this that the President would allow it to go forward, with the permission of the Budget, because they are dealing with it on a case-by-case basis.

I think the committee knows infinitely better than I the technical problems, but I know New York Harbor, and it is a mess. I can assure Senators of that. As a practical matter, if any Senator has taken the ferry line to Staten Island or the Statue of Liberty, he can see it for himself. In view of the attitude of the Budget that they will take this on a case-by-case basis, I would like to suggest the possibility, so that it does not fall afoul of the prohibition of the Senator from Kentucky (Mr. COOPER), that is, the prohibition against something not authorized by the Budget, that we include the proviso which the Senator from West Virginia included in other amendments he accepted. That provides that the President expressly shall authorize the work to go forward before anything can be done.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. AIKEN. Mr. President, I am very interested in the discussion of the Senator in regard to cleaning up the sludge in New York Harbor. That may affect New Jersey.

Would the Senator also be concerned with cleaning up about 300 acres of sludge which New York State allowed to be dumped on the floor of Lake Champlain, three-fourths of which is in Vermont, which so pollutes the lake that we cannot use the waters in the lake. I refer to papermill sludge.

I realize that about 800,000 cubic yards of the sludge have been dumped in the lake over a long period of years. I also realize this papermill at Ticonderoga has furnished employment for several hundred people in New York and a market for the pulpwood of New York and some from Vermont, and possibly New Hampshire, and that it has provided taxes for both the State of New York and the Federal Government.

It seems to me that now that the Senator has gotten them to say they will consider these cleanup jobs on a case by case basis that it would be the neighborly thing to do if New York State would get all the assistance possible from the Federal Government and undo the damage they have done to a neighboring State.

I realize that the paper company will fight to the bitter end against cleaning that up, if it has to do it, because it fears it will establish a precedent requiring it to clean up the pollution generated by its mill everywhere. I realize, too, that the Federal departments may not want to establish a precedent for cleaning up all these unsavory industrial messes in the waters of the United States. But it seems to me if they are willing to take this matter up on a spot-by-spot basis, as the Senator has indicated, it would only be a neighborly thing to do if they would undertake to undo the damage that has been done to Lake Champlain so that the people may use that water. Three-fourths of the water is in Vermont.

I did persuade them, in building the new mill, which is two or three times larger than the old one, to dump the sludge on the New York side of the boundary. I think they are dumping it about 50 or 100 feet on the New York side, which is not far from the underwater Vermont boundary. But this is an opportunity for New York to come clean and undo the damage which it has done to a neighboring State.

I am not objecting to cleaning up New York Harbor. I agree that that may be a mess, too. But I do want the waters of Lake Champlain made pure for the people of Vermont, who own three-fourths of the lakebed.

Mr. JAVITS. Mr. President, in reply to our dean, Senator AIKEN, may I say the following: One, I thoroughly agree that our State should do everything possible, with Vermont, because it involves both jurisdictions, to clean up Lake Champlain. Second, we have a bond issue of $1 billion. We have done infinitely more than any other State for clean waters. I know the Governor wants to use it. I enlist myself in the effort which the Senator from Vermont is suggesting.

Last, I have a piece of information for the Senator from Vermont. We have actually been in touch with the New York authorities on this subject and we are trying to work out an arrangement between New York and Vermont to deal with the matter. I did not know that. My staff just advised me. New York is working with the Water Quality Administration very closely on this particular subject.

Certainly it is my pleasure—it is not anything the Senator exacts of me—to enlist myself with the Senator from Vermont in doing my utmost to clean up this very beautiful lake. I know it well. It is a magnificent body of water.

Mr. AIKEN. I knew the Senator from New York would appreciate the situation. The estimated cost of removing the sludge was put at about $4.4 million by the Army Engineers. I assume it will be $5 million before they get through. The Army Engineers have given the new paper mill, which is owned by the International Paper Co., authority to go ahead, regardless of the effect on the lake. I understand, and I have had information from the paper company itself, that they have devised means whereby they can control 90 percent of the pollution which is dumped into the water. I am also advised by the State of Vermont engineers that if the old sludge is cleaned out, it probably would not be too harmful for the new paper mill to operate, but if the 10 percent which they cannot control is added to that which is already in the lake, the only result will be to contaminate a greater part of the lake.

I appreciate the remarks of the Senator from New York. I knew that once he knew the situation he would cooperate. It would seem like a good, neighborly act.

Incidentally, we are building a good, four-lane road from Rutland to the New York border. I hope New York will reciprocate and build a four-lane road to meet ours.

Mr. JAVITS. I thank my colleague. As I have said, I enlist myself with him. We are already at work to save this beautiful lake.

Returning to the amendment I have pending on New York Harbor, I might say that we have written into the amendment a provision that any disposal of the materials in carrying out the project will be in accordance with Federal and State laws respecting the control of air and water pollution. So we are very cognizant of what happens even with the materials which are to be taken out of the seriously congested waters.

Also, as I said when I presented the amendment, if the managers of the bill feel it is necessary, notwithstanding plans and recommendations for local cooperation—that it be subject to the approval of the Secretary of the Army and the President, I am prepared to add the additional proviso which the Senator from West Virginia (Mr. RANDOLPH), has insisted in other amendments—namely; provided, that construction shall not be initiated until approved by the President.

Mr. COOPER. Mr. President, the manager of the bill, the Senator from West Virginia (Mr. RANDOLPH), is absent for a few moments, and he asked me to respond.

May I ask if this project has been completed by the Corps of Engineers as far as survey and preconstruction planning are concerned?

Mr. JAVITS. It is my understanding it has. That part, as far as New York Harbor is concerned, is done. Also, it is my understanding that it is a completely cooperative venture between New York and New Jersey. The Senators from New Jersey have joined in the amendment as evidence of that fact.

Mr. COOPER. What is the total cost of the project?

Mr. JAVITS. The total cost is $28,800,000—$16 million from Federal sources and $12.8 million from State and local sources.

Mr. JAVITS. Mr. President, I wish to point out that in 1963 the Congress authorized the Army Engineers to conduct a study and gave them $95,000 for the purpose; that 5 years later, in January 1969, the Engineers made public their findings, and their cost estimate was $28.8 million, of which the local contribution would be $12.8 million.

My amendment also provides that if the local contribution is to be approved by the Secretary of the Army and the President, if they are not satisfied that $12.8 million is the right amount, they can insist on what they think is the right amount.

Mr. COOPER. Mr. President, again, I find myself in the position that I have established on the previous amendment. Again, I have no doubt that the project has great merit. I have no doubt it will be acted on and be completed sometime in the future.

My investigation, after I learned about the Senator's project this afternoon, has disclosed facts which I cannot assure the Senate are correct, because I have not talked directly with the Corps of Engineers; but this is the information which has been given to me:

First, the Division Engineer has reported the project to the Chief of Engineers, but it has not been acted upon by the Chief of Engineers.

Second, it has not been cleared by any of the Federal agencies, and, of course, it has not been cleared by the Office of Management and Budget.

Finally, we have never had any hearings on it, although there have been House hearings.

So I am in the same position that I have been losing on. I feel I cannot support the Senator's proposal. That is the position that we are in.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am reminded that in an earlier day, there was a distinguished Member of this body, a Senator from a State other than Kentucky, who said to a Senator from a State other than New York, when that Senator offered an amendment:

> I would swim the deepest ocean to be by your side. I would climb the highest mountain if I could be there and help you. I would walk through the searing sands if I could be of some assistance. I would even plow my way through the deepest snows if I could aid you in this matter. But I must oppose your amendment.

I know the Senator from Kentucky loves the Senator from New York. And yet the Senator must oppose his amendment. I understand that. I respect, always, the integrity of the Senator from Kentucky. He continues, regardless of persons involved, to take a position and to adhere to it.

The reason that I shall go along with the amendment offered by the Senator from New York is that there is such a provision in the House bill; is that not correct?

Mr. JAVITS. That is correct.

Mr. RANDOLPH. It would, therefore, be in conference.

Mr. JAVITS. Correct.

Mr. RANDOLPH. And by amendment the Senator has added the proviso which we have already approved in connection with the project for Texas?

Mr. JAVITS. I shall in a moment.

Mr. RANDOLPH. Yes. I have checked the amendment, and for that reason I would agree personally, and I am sure we can take a vote, perhaps without a rollcall.

Mr. JAVITS. I thank my colleague very much.

Mr. President, I modify my amendment so that, at the end of the first sentence, appearing on line 5, the following proviso is inserted:

> *Provided,* that construction shall not be initiated until approved by the President.

The PRESIDING OFFICER. The amendment will be so modified.

Does the Chair correctly understand that the chairman has accepted that amendment as modified?

Mr. RANDOLPH. I accept it, but there is a difference of opinion, as we recognize here, and so we should, of course, vote upon the matter.

The PRESIDING OFFICER (Mr. GOLDWATER). The question is on agreeing to the amendment, as modified, of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I send to the desk another amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in full in the RECORD.

Mr. JAVIT'S amendment is as follows:

On page 11 starting on line 11 strike all through line 20 and insert the following in lieu thereof:

"SEC. 111. Subsection (b) of the first section of the Act entitled 'An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property.', approved August 13, 1946 (33 U.S.C. 426e(b)), is amended by inserting '(1)' after 'except that', by striking out 'and, further, that' and inserting '(2)' in lieu thereof, and by inserting before the period at the end thereof a comma and the following: 'and (3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Secretary of the Army, acting through the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs'."

Mr. JAVITS. Mr. President, this amendment raises a question as to what should be the division of Federal and local costs in respect to hurricane protection and beach erosion projects.

We have a problem which I shall describe, but first let me say what the amendment would do.

The amendment would give the power—and I wish to emphasize that the amendment is not operative in its text—or the authority to the Secretary of the Army, acting through the Chief of Engineers, to go up to 70 percent, exclusive of land costs, on multiple purpose projects which provide hurricane protection on beaches.

This is a matter of great interest to Senators from States which have beaches, and when I read the list of sponsors, Mr. President, I think the Senate will have that very clearly before it. No ideology separates us, I can assure you.

The list of sponsors includes, aside from myself, Senators BROOKE, CASE, EASTLAND, MUSKIE, GOODELL, THURMOND, TOWER, and WILLIAMS of New Jersey. We all sponsor this measure, Mr. President.

Mr. JAVITS. Mr. President, this amendment has had thorough consideration by the committee, and I am deeply indebted to the Senator from Kentucky (Mr. COOPER), who took up the cudgels for us in the committee. Our effort was not sustained, but he really tried very hard for us all; and I am indebted as well to the Senator from West Virginia (Mr. RANDOLPH), who took the matter seriously enough to include a study provision, which is in the bill, on this matter. It will be my burden to explain why we are still pressing forward, even though he has included a study provision. I shall attempt to carry that burden.

Mr. President, the facts are simply these: On projects where the Federal Government pays for a part of the cost of a project involving hurricane protection and beach erosion the chief of engineers has tried to apportion what part of the project he considers would be hurricane protection, which is on a 70–30 cost-sharing formula, and what part of the project he considers to be beach erosion, which involves a proportion of 50–50 or less.

Hence the average Federal participation in what all of us, as sponsors, consider to be hurricane protection projects amounts only to 56.2 percent.

What we compare that with is that when we come to inland flood control projects, for example, where there is a relatively similar situation, no such distinctions are made, and we end up with an average Federal financial participation of 74.8 percent.

I also wish to point out that in State conservation areas, that is, wilderness type areas, the Federal contribution for similar work is up to 70 percent. We deeply believe that there is a real discrimination being suffered by projects just because they happen to be on the beaches of the various oceans, as distinguished from projects of the same nature in other parts of the country, which have the benefit of the provision of up to 70 percent.

So we wish to make it crystal clear, still leaving the authority in the Secretary of the Army and the Chief of Engineers, that as far as Congress is concerned, he can go up to 70 percent on these projects, and that he does not have to apportion them between hurricane protection and beach erosion, if the primary purpose is hurricane protection.

I said a moment ago that the committee had written in a study provision. Why, then, do we not just let it alone?

The reason we do not, Mr. President, is, first, before the study provided for can be acted on it will be 2 years.

Second, we believe the committee knows about as much about the problem as it will know when it gets the study. This is a matter which, with the advice of the Government departments in question, can be settled right now, and the 2-year delay saved for all of us.

For those reasons, Mr. President, a group of us, as I say, of very diverse views on many things, but, having a similar view on this matter, have gotten together and proposed this amendment.

I realize that, if adopted, the amendment will not have to go to conference. However, in view of the fact that the sponsors of the amendment are convinced that they know as much about it now as they are going to know about it in a year, and that if we ask for a report it will be a minimum of 2 years before we can get action, the Senate ought to get a definitive settlement, especially as the definitive settlement will still leave the whole issue in the hands of the Chief of Engineers.

Again I wish to point out that the primary argument I make regarding the study is that we know as much about this now as we are going to know then. It is just a matter of delaying us for 2 years in many projects and disadvantaging the States accordingly. For practical purposes, no danger is involved, because it remains in the direction of the Secretary of the Army and the Chief of Engineers, who I am sure would not operate without the permission of the Budget. The only thing we do is to raise the maximum and make it clear to them that, where a project is preponderantly hurricane protection, we expect them to feel free—they may not do it—as a matter of law to go up to 70 percent.

Mr. President, I hope very much that this long-needed reform and discrimination against States with ocean-front shorelines could now be corrected.

Mr. RANDOLPH. Mr. President, I want to inquire of the Senator from New York—I realize, of course, the broad sweep of cosponsorship and the interest in the amendment—as to the proviso in reference to approval by the President before the work could begin.

Mr. JAVITS. Oh, yes. I think it is endemic in everything we do. I have no desire to bypass what now appears to be the ground rule of the committee that work on any of these things shall be subject to the authority of the President.

If the Senator wished that—the Senator will correct me, because he knows this bill like the back of his hand and I do not—I think what we would then have to say in the amendment is, "Nothing here contained shall affect the authority of the President in respect of any individual project which may be affected."

This amendment does not affect any individual project. I would negate the fact that we are trying to change anything in respect of all projects in the bill or otherwise by this amendment. I do not know what else we could do in order to carry out the Senator's desires.

Mr. RANDOLPH. I must say that the Senator has indicated that we are working within the ground rules of the committee, but we have been stretching the ground rules here this afternoon in reference to some amendments that have been offered on projects. I have attempted to accommodate various Senators by accepting their amendments with the proviso which sets forth this protective language and because the matters will be in conference; therefore I shall not oppose the amendment.

Mr. JAVITS. I thank my colleague.

Mr. COOPER. Mr. President, this proposition is dissimilar to the ones to which I have been opposed. In those cases, we had no hearings, no approval of the Office of Management and Budget. Even with the added clause, I did not think we should burden the President for that decision as to a problem on projects which have never even come before us formally.

However, Senator Javits and Senator Goodell testified before our committee on this proposal and had good reception from the committee. I think we understand what it means. I would think that it would help the Chief of Engineers, when he is confronted with projects which affect both hurricane and beach erosion, so that, without going through some elaborate process to determine which is affected most, he knows that if it affects hurricane protection, he would give this percentage of Federal support.

The House has already passed it. It is in the House bill. I would be very happy if we could accept the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that a statement by Senator Goodell be printed at this point in the Record.

There being no objection, the statement by Senator Goodell was ordered to be printed in the Record, as follows:

Statement by Senator Goodell on Need To Change Cost Sharing Formula for Hurricane Protection Projects

Mr. President. As a coauthor of this amendment with my senior colleague from New York. Mr. Javits, I urge its adoption by the Senate.

The purpose of this amendment is to provide additional protection for our nation's shores. As priceless assets, our shores must be carefully protected and nurtured, or else they will be lost. The longer we wait to take such action, the greater is the probability that we will have to undertake more and more protective work in the future.

This amendment will change the existing cost-sharing formula covering multiple-purpose hurricane protection programs. This formula must be changed because it is needlessly complex and unbalanced. It has had the effect of preventing needed protection projects from being constructed because some local communities have not been able to proceed with authorized projects due to a lack of matching funds. Other areas in need of shore protection may not even have applied for aid because the magnitude of the needed project is beyond the means of the localities under the present formula.

What this amendment seeks to do is to allow the federal government to bear up to 70 per cent of the costs of hurricane protection projects which may in fact involve incidental beach erosion control. It in no way alters the cost sharing formula for single purpose beach erosion projects. Nor do we intend to amend present procedures regarding the protection of privately owned property as provided in Section 426 (a), (d), Title 33, U.S.C.

This amendment is identical to S. 3744, a bill introduced by Senator Javits and myself on April 30, 1970. I testified before the Senate Public Works Committee on behalf of this bill on June 18. Senator Javits and I were joined by Senators Brooke, Case, Eastland, Muskie, Pell, Thurmond, Tower, and Williams (N.J.) as cosponsors of this legislation. An identical bill, introduced at the same time in the House by Representative Celler, passed the House on December 6, 1970 as part of H.R. 19877.

Regrettably, the Senate Public Works Committee has not approved this change in the formula. Instead, the Committee has authorized the Army Corps to conduct a review of this formula and report back to the Congress within a year.

Mr. President, I cannot concur in the Committee's recommendation on this matter. There has been ample evidence presented, in my view, to document the need for immediate action to change this formula. While we delay, our priceless shores lack the necessary protection against the vagaries of nature. How many more Hurricane Camilles must we endure before we finally act on the notion that preventative—not restorative—action is by far the wiser course.

I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (Mr. Javits).

The amendment was agreed to.

Mr. HART. Mr. President, on April 15, 1970, President Nixon sent to the Congress a message on waste disposal, dealing with disposal of polluted dredge spoil. In the message, insofar as the Great Lakes are concerned, he proposed legislation which would:

> Discontinue disposal of polluted dredged materials into the Great Lakes by the Corps of Engineers and private interests as soon as land disposal sites are available.
>
> Require the disposal of polluted dredged spoil in containment areas located at sites established by the Corps of Engineers and approved by the Secretary of the Interior.
>
> Require States and other non-Federal interests to provide one-half the cost of constructing containment areas and also provide needed lands and other rights.
>
> Require the Secretary of the Army, after one year, to suspend dredging if local interests were not making reasonable progress in attaining disposal sites.

On April 23, 1970, Senator Cooper and other Senators introduced S. 3743 to accomplish these purposes, and the bill was referred to the Senate Public Works Committee.

After consultation with the Michigan Department of Natural Resources, I voiced strong objection to this bill to the Public Works Committee. Our department had protested the new requirement that States and other non-Federal interests provide 50 percent of the cost of constructing containment areas and also provide needed land and other rights, a provision which, by the terms of S. 3743, applies only to the Great Lakes and their connecting channels.

The Senate Public Works Committee took no action on S. 3743. I was informed that the committee expected to hold hearings on this issue next year.

Meanwhile, there came over to us from the other body the omnibus rivers and harbors bill (H.R. 19877), which contained in section 111 a modified version of the provisions contained in S. 3743. It cut the non-Federal contribution for construction costs from 50 to 25 percent and added a new subsection (e):

> (e) The requirement for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (d) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that the State or States involved, interstate agency, municipality, or other appropriate political subdivision of the State or industrial concern is participating in an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and is making progress satisfactory to the Administrator.

Mr. President, those of us representing the Great Lakes States yield to no one in our desire to speed up pollution control in that area. But we do not look favorably on legislation which writes into law a State and/or local contribution feature which is applicable only in our area and on which hearings have not been held.

We are, therefore, grateful to our Senate Public Works Committee for striking the Great Lakes cost-sharing section—or for not including it in the Senate bill. We commend the chairman and the members of his committee and hope they will hold firmly to the Senate bill in this respect in conference.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

> On page 20, insert the following paragraph between lines 20 and 21:
>
> "The project for flood protection on the Mississippi River at Davenport, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document 91———, at an estimated cost of $12,263,000. *Provided*, That construction shall not be initiated until approved by the President."

Mr. MILLER. Mr. President, this amendment is designed to put in our bill a portion of the House-passed bill under "Upper Mississippi River Basin projects."

The House report on this particular item points out that Davenport—for those Senators who have not visited there—is a part of the Quad Cities complex, consisting of Davenport and Bettendorf, Iowa, and Rock Island and Moline, Ill.

Resolutions of the House Committee on Public Works were adopted as long ago as September 18, 1944, and, more recently, section 208 of the 1965 Flood Control Act. The latter is not entirely accidental. In 1965, the highest flood on record occurred in the Quad Cities area and caused a great amount of damage. Some Senators will recall that a most unusual natural phenomenon occurred when there was a large, jammed-up ice floe which became known as the largest inland iceberg in the history of the United States. All kinds of efforts were being made to manage this so that there would not be any disaster from the flooding. Fortunately, the weather did not thaw it unduly, and, as a result, an even greater disaster did not befall the Quad Cities area.

However, quite apart from that, there have been hundreds of thousands of dollars of damage occurring in this area from floods in the last several years. I have visited Davenport and the Quad Cities area and observed some of the damage that has occurred, and it has been severe.

As pointed out in the House report, on page 49, flooding has been relatively frequent and severe. The cost-benefit ratio, I note, is 1.3, which is quite in line with the projects we have been approving.

It is my hope that the distinguished chairman of the committee, the Senator from West Virginia, would take this amendment to conference.

I believe that information regarding the damage has been provided the committee over the last few years. I cannot recall whether there was a specific hearing on this point in the Senate Public Works Committee, but there certainly was in the House.

It would be my judgment that this would have a good chance of acceptance in the Conference Committee because there has been strong support for it in the House. I would appreciate it if the Senator from West Virginia could see fit to take the amendment to conference.

Mr. RANDOLPH. And still they come, these amendments and projects on which we have had no hearings. I ask now if there was a report on this project in recent weeks and if it is in the House bill?

Mr. MILLER. That is correct.

Mr. RANDOLPH. As the Senator has indicated, and as I understand it, the amendment will contain the provisory language as requested early today?

Mr. MILLER. That is correct.

Mr. RANDOLPH. The damage is not only considerable, it is, as the Senator has indicated, heavy; is that correct?

Mr. MILLER. The House Committee used the word "severe." May I say to my good friend from West Virginia it has been my personal observation that it has been severe, because I was amazed at the time of each flood crisis, when those areas were stricken, and I have had occasion to do this four different times in 4 different years in my 10 years of service in the Senate with respect to the Davenport area.

Mr. RANDOLPH. This project, as I understand it, embraces an area both in Iowa and Illinois?

Mr. MILLER. That is correct. There is the Quad Cities area, part of a group together, two on the Illinois side—Rock Island and Moline; and two on the Iowa side, Davenport and Benttendorf.

May I say that some of this would affect Davenport directly but the whole project will have a bearing upon the flooding in the Quad Cities area, so it is not just a Davenport, Iowa, benefit alone that we are talking about here; although, I might say, this is where the bulk of the damage has taken place so that I am sure, in evaluating the benefit-to-cost ratio, which is 1.3, that the Corps of Engineers would have taken into account the major damage which has occurred in Davenport.

There are some well-populated and industrialized cities in Moline and Rock Island which have also been affected by these same floods.

Mr. RANDOLPH. Mr. President, just before we vote, I know that the position of the Senator from Kentucky has been stated, but since the matter will be in conference, and since the proviso has been included in the language of the amendment offered by the Senator from Iowa, I shall not object to the amendment and will take it to conference.

The PRESIDING OFFICER (Mr. PACKWOOD). The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. COOPER. Mr. President, I wish to be recorded as having voted "nay."

Mr. DOLE. Mr. President, I rise in support of S. 4572, authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and other purposes. The Rivers and Harbors-Flood Control Subcommittee and the full Senate Public Works Committee have spent many hours in hearings and executive session deliberating on the contents of this bill. I commend the subcommmittee chairman, (Mr. YOUNG) and the chairman of the full committee (Mr. RANDOLPH) and the ranking minority member, Mr. COOPER, for their diligence in reporting this bill.

S. 4572 contains two water projects that are of particular interest to Kansans. A flood protection project on Mud Creek and the Cottonwood River at Marion, Kans., is authorized at an estimated cost of $2,146,000. The report on this project by the Corps of Engineers discloses that runoff from the drainage of the Cottonwood River and its tributaries frequently exceeds stream channel capacities. As a result, the city of Marion is subjected to flood damage that will be prevented by construction of a new channel and a protective levee.

The other project is part of the Blue River Basin and affects both Kansas City, Kans., and Kansas City, Mo. Because of severe flooding in the basin, particulaly in the low-lying industrialized portions, the Corps of Engineers has recommended channel improvements and the construction of a system of four upstream multiple-purpose reservoirs, namely, Wolfe-Coffee Creek Reservoir, Tomahawk Creek Reservoir, Indian Creek Reservoir, and Mill Creek Reservoir, at an estimated cost of $106,269,000. Besides prevention of future flood damage, the system will allow regulation of stream flow and provide a tremendous opportunity for water recreation.

In the course of examining the proposed Blue River project, the River and Harbors-Flood Control Subcommittee heard extensive testimony on the advisability of constructing this project and particularly the Tomahawk Creek Reservoir. Questions were raised by opponents of the Tomahawk Creek Reservoir concerning the Corps of Engineers' estimates of the cost of construction of that reservoir. In response to these questions, the corps provided additional information that was sufficiently persuasive to the committee. However, to protect the rights of all interested parties, a provision was included in the authorization that required the Corps of Engineers to thoroughly study the project to determine the necessity and feasibility of all aspects of the project. This provision does not require a restudy of the Blue River project or the Tomahawk Creek Reservoir. It does, however, emphasize the concern of Congress that all alternatives to construction of the Tomahawk Creek Reservoir have been thoroughly considered. It is intended by the Committee that this review be conducted during preconstruction planning for the project.

The general questions raised by the Blue River project have been discussed in the report on this bill, Senate Report No. 91-1422. For some time, I have been particularly interested in the question raised by the section in the report that discusses the impact of water resource development on the environment, and I specifically concurred in the need for oversight hearings during the next session of Congress.

On February 1 of this year, in a speech to the Mississippi Valley Association, I raised many of the same issues. I ask unanimous request that the text of that speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR DOLE BEFORE THE MISSISSIPPI VALLEY ASSOCIATION

I am delighted to be here today to share some of my thoughts on the development of America's great water resources. Recognition of the importance of taking affirmative action to protect our environment has long been a concern of your organization. Since 1919, you have continuously fought for a coordination of our total water uses with soil improvement, fish and wildlife development and the needs of the American people. Because of your established interest and expertise. the nation must look to you for guidance as it awakens to what President Nixon described as the "major concern of the American people in the decade of the seventies."

Water projects, their design and construction as well as the procedures by which they are approved are an important part of this concern. Over the years an elaborate procedure for approval of these projects, which appears to have its own momentum, has evolved. Because of these procedures, it is difficult to identify the weak and unnecessary elements. It is safe to say, however, that Congress shares a great deal of the blame for most of the archaic authorities under which the civil works programs of the Corps of Engineers presently operates. Authorities enacted in the late 1800's and early 1900's may not be suitable for the 1970's.

Not only the authority, but the enormous body of rules, regulations, guidelines, and other materials have become extremely complex and at the very minimum extremely confusing to the public. This work places a burden on the committee on public works as it carries out its role in the biennial approval of the Omnibus Rivers and Harbors Act. Several of my colleagues and I on the public works committee are considering the best means by which the committee can exercise its other constitutionally charged function to conduct oversight hearings on the general program of the corps. It is hoped that we may begin this review during this session of Congress and that your organization will play a meaningful role in identifying inefficiencies and recommending alternatives to the existing program. Specific questions involve such things as the benefit/cost ratio, relocation of individuals or communities and, of course, the considerable amount of time between the authorization of a project and its construction. This last factor often adds to the complexity and difficulty of the previous two. As you are well aware, it is not unusual for a project once authorized to not be initiated—much less completed—for several years following the studies and data upon which the project was authorized. This, of course, adds to the burden that the public must shoulder.

One of my own observations regarding the present system for the development of water resource projects is that the public does not participate in as meaningful a way as projects of this subestance and magnitude dictate. Too often the public's role in the present administrative process occurs so late in the procedure as to put them at a distinct disadvantage. By that time, the corps has developed a tremendous documentation in support of or in opposition to a particular project. We must incorporate into this system public participation at an earlier stage.

The thrust of President Nixon's state of the union message and an earlier address concerning the environment was that we must develop an integrated and comprehensive approach to environmental problems. This message, of course, applies to water resource projects. We must consider such projects in the total context of the environment and utilization of the environment. We must consider the effects of water resource projects on adjacent land use, population distribution, concentration of industry, and a whole myriad of factors that contribute to either environmental degradation or environmental quality. It should be acknowledged at the outset, however, that the achievement of a comprehensive approach is extremely difficult and one which will take dedication and commitment from all levels of our society and, of course, all levels of government. We are now coming full cycle to realize that decision-making regarding the environment cannot be left solely to the Federal Government or even the Federal Government working with State governments. To achieve an environment of quality, we must have the participation and help of all citizens. Your role, therefore, is not one of waiting for decisions from government. I would hope Congress will exercise its responsibility to make such participation legally possible and that your organization and your members, as citizens, will endeavor to participate in a meaningful way.

Mr. DOLE. Mr. President, although valid questions may be raised concerning the Corps of Engineers and its practices and procedures for recommending water projects to Congress, it is necessary to consider the whole picture and not deal with the problems in a piecemeal manner. Hearings next year by our committee should disclose the central problems and provide us with possible answers.

In the meantime, I urge affirmative action by the Senate on this bill and want to emphasize the need for approving a full authorization for the Blue River project. The House Public Works Committee has approved only $40 million for that project, which is clearly insufficient and will require Congress to go through this whole process again in 2 years. In order to provide the land owners and communities involved maximum notice, and to allow land acquisition to begin as soon as possible, I urge the Senate conferees on this bill to work for full authorization for the water projects contained in this legislation.

Mr. TOWER subsequently said: Mr. President, I should like to point out some of the merits of the Sabine River Basin project that the House has included in their rivers and harbors bill for this year, but which the Senate committee has omitted, along with a number of other projects, because the Office of Management and Budget has not yet finished its final review of these particular items. The project, the Sabine River Basin project, has been approved through all of the stages of development and review which are involved in such a major project. Recently, the following governmental units stamped their final seal of approval on the project: the State of Texas, the State of Louisiana, the Department of Transportation, the Department of Housing and Urban Development, the Department of Agriculture, the Department of Interior, the Department of Health, Education and Welfare, the Department of Commerce, the Federal Power Commission, and the Water Resources Council. I understand that the final review by the Office of Management and Budget is forthcoming. The House, in expectation of final approval from OMB, went ahead and placed the project in their bill, although the Senate committee preferred not to do so.

The project will affect 20 counties in east Texas and seven parishes in Louisiana. The Sabine River originates in Collin and Hunt Counties, just north of Dallas, flows 310 miles to the Texas-Louisiana State line, and then goes south for 265 more miles to the Sabine Lake, adjoining the Gulf of Mexico. In recognition of the importance of this large basin to the economy of much of the huge east Texas area, Congress authorized a report on a basin plan in 1945 and again in 1959. There are currently no federal flood control or multiple purpose reservoirs in the basin. Non-Federal interests have built several reservoirs on the River, but the sheer size of the basin makes a comprehensive basin project too large for state and private financial capacity.

There has been a continual flooding problem in the Sabine River Basin for years, and the local efforts to prevent this with levees and channel straightening have been ineffective. Average annual flood damage is roughly $5.2 million. By the year 2020, municipal and industrial water supply requirements will increase nine times over the 1960 usage. The additional need for increasing recreational usage will also be an important factor in considering the benefits of the comprehensive plan.

The major items to be constructed under the plan are the Mineola, Lake Fork, and Big Sandy Reservoirs for flood control, water supply, and recreation; local flood protection at Greenville, Tex.; and a commercial barge-navigation channel from Echo to Morgan Bluff, Tex. The reservoirs are necessary to help supply the rapidly growing Dallas area with water in the future, and are extremely critical to the future of this great metropolitan area.

In sum, Texas is vitally interested in this project, and must have this plan authorized by Congress as soon as possible in order to allow the various State and local authorities to begin their part of the preparatory actions for the eventual implementation of the basic plan. Federal budgeting and funding still lie ahead for this project, and I urge the Senate to take favorable action on this item so that steps can be taken on it as soon as possible.

Mr. HART. Mr. President, the Omnibus Rivers and Harbors Act now pending before the Senate authorizes a wealth of projects which will have a substantial impact on the environment. It is my understanding that some controversy exists, with regard to several of the projects, as to whether this impact is justifiable.

The National Environmental Policy Act of 1969 is designed to cope with this precise type of controversy. Section 102 of the act requires all Federal agencies to:

> (a) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;
>
> (b) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;
>
> (c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on:
>
> (i) the environmental impact of the proposed action,
>
> (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
>
> (iii) alternatives to the proposed action,
>
> (iv) the relationship between local and short-term use of man's environment and the maintenance and enhancement of long-term productivity, and
>
> (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The act further requires that:

> Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental pact involved. Copies of such statements and the comments and views of the appropriated Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes.

Unfortunately, the Corps of Engineers, in proposing the projects included in S. 4572, has failed to comply both with the spirit and the letter of section 102 of the act. That section requires that environmental impact statements, the so-called "102 statements," be prepared for each proposal significantly affecting the environment. The corps, however, originally submitted its proposals without a single 102 statement. In so doing, it would appear to be a violation of the act. Even today there might not be a single statement had it not been for the considerable pressure exerted by concerned conservation groups and the Senate and House Public Works Committees. As it was, the statements were received by the committees after hearings had been completed and certainly too late for any detailed analysis and input from the public prior to congressional action.

Moreover, section 102(2)(c) requires that the final 102 statement and the comments and views of the appropriate Federal, State, and local agencies are to accompany the proposal through the existing agency review procedure. This also was not done until long after the proposal had been submitted to Congress. Surely this sequence of events was not that contemplated by section 102.

The redeeming feature of this story is that today we are only considering authorizing legislation. These projects must still be funded, which requires another act of Congress. Prior to that act, the public will have the opportunity to consider the section 102 statements, and it is my hope and expectation that they will make good use of that opportunity.

It is my intention to vote for the Rivers and Harbors Act. It should be made absolutely clear, however, that my vote does not in any way approve of the performance of the Corps of Engineers in complying with the National Environmental Policy Act. The possibility of future consideration of the section 102 statements is, in my view, justification to proceed on this matter. In the future, however, I believe we must insist on complete compliance with an act which is of great potential value to us all. It is my sincere hope that this view is shared by all of my colleagues voting today.

The PRESIDING OFFICER (Mr. PACKWOOD). The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 19877.

The PRESIDING OFFICER. The bill will be stated.

The legislative clerk read as follows:

The bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. RANDOLPH. Mr. President, I move that all after the enacting clause be stricken and that the text of Senate bill 4572, as amended, be substituted therefor.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The bill (H.R. 19877) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. RANDOLPH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. COOPER. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

Mr. RANDOLPH. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. PACKWOOD) appointed Mr. RANDOLPH, Mr. YOUNG of Ohio, Mr. MUSKIE, Mr. JORDAN of North Carolina, Mr. COOPER, Mr. DOLE, and Mr. GURNEY conferees on the part of the Senate.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that S. 4572 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may I say that the Senator from West Virginia (Mr. RANDOLPH) the very able and distinguished chairman of the Senate Public Works Committee has again demonstrated his outstanding legislative skill and ability. He brought to the Senate a clear and convincing understanding of this measure and his outstanding presentation was largely responsible for its expeditious and overwhelming approval today. Once again the Senate is indebted deeply to Senator RANDOLPH, to his expert legislative skills, to his immense competence. The extremely important omnibus rivers and harbors proposal has again been steered to overwhelming Senate approval and the Senate again has Senator RANDOLPH to thank.

I should say, too, that the ranking minority member, the very distinguished and capable senior Senator from Kentucky (Mr. COOPER) played a large role in this success. We are all aware of his extensive and knowledgeable interest in this very important area and are deeply grateful to him for lending his support and advocacy.

Our thanks go also to others who contributed to the high quality of the debate on this measure. I wish to commend the distinguished Senator from Delaware (Mr. BOGGS), the distinguished Senator from Ohio (Mr. YOUNG), and the distinguished Senator from Texas (Mr. YARBOROUGH). They together with Senator JAVITS and Senator DOLE, are to be commended. Each gave us the benefit of thoughtful and thorough views and the Senate is indebted.

As a whole, the Senate can be proud of a job well done.

THE CALENDAR

Mr. MANSFIELD. Mr. President, with the approval of the Republican side of the aisle, I would like to call up two unobjected to bills at this time, Calendar Nos. 1426 and 1219, and ask unanimous consent that the Senate proceed to their immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered.

WALDEMAR E. KUNSTMANN

The Senate proceeded to consider the bill (S. 106) for the relief of Waldemar E. Kunstmann, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the Foreign Claims Settlement Commission is authorized and directed to determine and certify, under the terms of the Polish Claims Agreement of 1960, the validity and amount of any claims which Ida Kunstmann, Waldemar F. Kunstmann, and Anneliese E. Kunstmann, as heirs of the late Waldemar E. Kunstmann of Almont, Michigan, may have against the Government of Poland arising out of the loss of farmland with improvements owned by the said Waldemar E. Kunstmann, located near Lubicz (formerly Blumenfelde), Germany, now under Polish administration.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "For the relief of Ida Kunstmann, Waldemar F. Kunstmann, and Anneliese E. Kunstmann."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1413), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENTS

The purpose of the amendments is to require that any payment of moneys be made from the Polish Claim Fund instead of the U.S. Treasury.

PURPOSE OF BILL AS AMENDED

The purpose of S. 106, as amended, is that the Foreign Claims Settlement Commission be authorized and directed to determine and certify, under the terms of the Polish Claims Agreement of 1960, the validity and amount of any claims which Ida Kunstmann, Waldemar F. Kunstmann, and Anneliese E. Kunstmann, as heirs of the late Waldemar E. Kunstmann of Almont, Mich., may have against the Government of Poland arising out of the loss of farmland with improvements owned by the said Waldemar E. Kunstmann, located near Lubicz (formerly Blumenfelde), Germany, now under Polish administration.

STATEMENT

The Foreign Claims Settlement Commission is opposed to enactment of this bill. In its report to the committee, the Foreign Claims Settlement Commission set forth the facts of the case as follows:

"The bill directs the Secretary of the Treasury to pay Waldemar E. Kunstmann of Pontiac, Mich., the sum of $27,397 out of any money in the Treasury not otherwise appropriated in full satisfaction of all his claims against the United States based on the loss of certain real property.

"The bill does not specify the exact nature of Mr. Kunstmann's losses but it appears that they may relate to losses included under a claim which he filed with this Commission pursuant to the provisions of title II of the War Claims Act of 1948, as amended (Public Law 87-846).

"Mr. Kunstmann asserted a claim under the above-mentioned act based upon the loss of certain personal and real property located at Blumenfelde, Germany (now Lubicz, Poland) which was alleged to have occurred during World War II.

"Section II of the War Claims Act of 1948, as amended, provided, among other things, for claims of nationals of the United States for loss or destruction of, or physical damage to, real and tangible personal property located in certain European countries as the boundaries of such countries existed on December 1, 1937, including Germany and Poland, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 6, 1945, as a direct consequence of military operations of war or special measures directed against property because of its enemy ownership. The special measures provision has been construed to mean a wartime confiscation of American-owned property in areas under Communist control at the end of hostilities thereby precluding restoration and for which loss compensation had not been provided previously.

"Mr. Kunstmann's claim related to the loss of 140 acres of farmland, four brick farm structures, including a house, and personal property consisting of livestock, farm machinery and implements, and household furnishings. Based on the evidence of record, the Commission issued its proposed decision granting claimant $8,700 for the loss of his personal property and $5,978 for damage to the real property for a total award of $14,678. The remaining portion of the claim based upon the asserted loss of farmland and the remainder of the improvements not subject to war damages was denied for losses not under the "special measures" provisions of the statute.

"Objections were filed by the claimant contending that the value of the property was more than the Commission had allowed and, therefore, requested that the award be increased accordingly. Objections were also filed concerning the denial of that portion of the claim in regard to the farmland which claimant had valued at $21,000. The claimant had valued his improved real property at $13,720.

"Upon review of the entire record and testimony received during the course of an oral hearing held before the Commission in connection with the subject claim, the award with respect to damages to his improved real property was increased from $5,978 to $7,323 for a total of $16,023 which included the $8,700 for personal property losses previously granted. No award was granted for the farmland.

"In view of the foregoing, it appears that the amount of $27,397 referred to in the bill represents the difference of $6,397 between the value claimant had placed on his improved real property ($13,720) and the amount awarded by the Commission ($7,323) plus $21,000 for his farmland. The amount of the difference, $6,397, and the amount of the farmland totals, of course, the sum of $27,397.

"It is pointed out that while the farmland and the improvements were seized as alien property by the German authorities only that portion of the property which sustained damages as a direct consequence of military operations was determined compensable under title II of the War Claims Act. That portion of the claim based on property which did not sustain war damages but was lost as a result of nationalization or confiscatory decree of the Polish Government at the end of hostilities would appear to have been covered under the Polish Claims Agreement of July 16, 1960, if otherwise qualified. Mr. Kunstmann, unfortunately, did not file a claim under the 1960 agreement. Moreover, no determination was ever made by the Commission in regard to the value of the farmland.

"In effect, the bill S. 106, would provide compensation for the loss of property which, normally, would have been covered in the Polish Claims Agreement of July 16, 1960, *provided a claim had been timely filed under such agreement by Mr. Kunstmann.*

"Under the terms of the Polish Claims Agreements of July 16, 1960, the Government of Poland agreed to pay the Government of the United States the sum of $40 million in 20 annual installments, commencing in January 1961, for the payment of awards as determined by the Commission with respect to claims of nationals of the United States for:

"'(*a*) The nationalization or other taking by Poland of property and rights and interests in and with respect to property;

"'(*b*) the appropriation or the loss of use or enjoyment of property under Polish laws, decrees or other measures limiting or restricting rights and interests in and with respect to property; and

"'(*c*) debts owed by enterprises which have been nationalized, appropriated, or otherwise taken by Poland, which occurred prior to July 16, 1960.'

"Pursuant to the provisions of title I of the International Claims Settlement Act, the filing period was established during the period beginning August 16 and ending March 31, 1962, although some claims were, in fact, accepted up to March 31, 1965, under certain circumstances. The date of March 31, 1966, was established as the completion date of the program and the Commission completed its affairs with respect to the Polish claims on that date.

"A total of 10,169 claims were filed under the Polish Agreement of July 16, 1960, in which 5,022 awards were approved upon completion of the program on March 31, 1966, in the principal amount of $100.7 million plus $51 million in interest, for a total of $151.7 million against a fund which will ultimately consist of only $40 million. This, of course, assumes that the Polish Government continues to make its annual installment payments of $2 million under the Polish Agreement. Poland has met these installment payments and thus far, it has paid the United States the sum of $18 million. The Secretary of the Treasury, pursuant to statutory payment priorities, has paid all awards in full up to $1,000. Awards in excess of $1,000 have been paid $1,000 plus prorated amounts in the aggregate of 13.7 percent on account of the balance of the principal amounts of awards which includes the current 1969 installment payment. Assuming that the Polish Government continues to make its annual installment payments of $2 million, payments of approximately 36 percent of the principal amount of the award balances over $1,000 will be ultimately authorized to be made by 1980 when the final Polish installment payment is expected; each payment will be subject to the 5 percent deduction for administrative expenses. No payments on account of the interest portion of such awards will be possible.

"As indicated above, no claim was filed by Mr. Kunstmann under the Polish Claims Agreement. Moreover, there is nothing in the files of either the Commission or the Department of State which would suggest a claim under such agreement. Consequently, forms for filing such claims were not furnished Mr. Kunstmann upon commencement of the Polish program. In this connection, it was not until the adjudication of his war damage claim under title II of the War Claims Act did it become obvious that a portion of his claim was one of the types covered under the Polish agreement. When this discovery was made, the Polish claims program had already been completed.

"The bill, S. 106, provides payment in full for all of Mr. Kunstmann's claims to the extent of $27,397 out of money in the Treasury not otherwise appropriated. Accordingly, the bill, if enacted, would not affect future payments out of the War Claims Fund or the Polish Claims Fund.

"The Commission is not aware of any special extenuating circumstances which sets Mr. Kunstmann apart from others who did not file timely claims under the Polish Agreement or those who filed timely claims but were restricted to the payment priorities and the small amount of payments out of the Polish Claims Fund. In the absence of such circumstances and because the Commission is of the opinion that the use of unappropriated funds in the Treasury for the payment to these claims would establish a highly undesirable precedent for other unsatisfied claimants under other similar claims programs administered by the Commission, it would be opposed to the enactment of S. 106."

The Department of State concurs in the views of the foreign Claims Settlement Commission.

After a review of the foregoing, the committee has made an amendment in the nature of a substitute to S. 106 and recommends that the bill as amended do pass.

BOGDAN BEREZNICKI

The bill (S. 1779) for the relief of Bogdan Bereznicki was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 211 of title II of the War Claims Act of 1948 (50 U.S.C. app. 2017j) or any other provision of such title, or any regulations issued thereunder, the Foreign Claims Settlement Commission of the United States is authorized to receive, consider, and act upon evidence presented by Bogdan Bereznicki of Detroit, Michigan, in connection with the Commission's claim numbered W–12570, to establish that the said Bogdan Bereznicki was a national of the United States continuously from the time he suffered a loss of property in Rudki, Poland, to the date of filing such claim, the Immigration and Naturalization Service having determined, after the Commission had no further statutory jurisdiction of such claim, (1) that its earlier ruling that the said Bogdan Bereznicki was not a citizen of the United States was erroneous, and (2) that he had been a citizen of the United States from birth.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1198), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is that, notwithstanding the provisions of section 211 of title II of the War Claims Act of 1948 (50 U.S.C. app. 2017j) or any other provision of such title, or any regulations issued thereunder, the Foreign Claims Settlement Commission of the United States is authorized to receive, consider, and act upon evidence presented by Bogdan Bereznicki of Detroit, Mich., in connection with the Commission's claim numbered W–12570, to establish that the said Bogdan Bereznicki was a national of the United States continuously from the time he suffered a loss of property in Rudki, Poland, to the date of filing such claim, the Immigration and Naturalization Service having determined, after the Commission had no further statutory jurisdiction of such claim, (1) that its earlier ruling that the said Bogdan Bereznicki was not a citizen of the United States was erroneous, and (2) that he had been a citizen of the United States from birth.

STATEMENT

The facts of the case as contained in the report of the Foreign Claims Settlement Commission are as follows:

"The subject claim, numbered W–12570, was denied by the Commission for claimant's failure to meet the nationality requirements under the act in that he had expatriated himself on June 14, 1945, for entering and serving in the Polish Army.

"It is apparent that the bill is designed to compensate Bogdan Bereznicki the same amount which he would have been entitled to receive for his interests in property in Poland if he had met the nationality requirements under section 214 of title II of the act, during the period in which the Commission had jurisdiction with respect to these claims. Payment of any award to Mr. Bereznicki under the bill would be made out of the War Claims Fund.

"Title II of the War Claims Act provided, among other things, for claims of nationals of the United States for loss or destruction of, or physical damage to, real and tangible personal property located in certain European countries, including Poland, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 8, 1945, as a direct consequence of military operations of war or special measures directed against property because of its enemy ownership.

"Section 204 of title II of the act expressly precluded the Commission from granting awards in these claims unless the property involved (or the portion thereof involved) was owned by a national of the United States on the date of the loss, damage, or destruction and unless the claim arising therefrom had been continuously owned thereafter by a national of the United States until the date of filing with the Commission.

"Bogdan Bereznicki, his brother Eugene W. Bereznicki, and halfsisters, Helen A. Kohman and Kazimiera Rojek, filed a claim (No. W–12570) based upon the loss during World War II of certain real and personal property located at Rudki and Rozdzialowice, Poland, in which they had respective ownership interests. By its final decision dated May 17, 1969, the Commission found that the total value of the property lost was $13,280 and that claimants, Eugene W. Bereznicki, Helen A. Kohman, and Kazimiera Rojek, were entitled to an award for their respective interests of three-eighths, one-sixteenth and one-sixteenth in the property. Accordingly, awards in the amounts of $4,980, $830 and $830, respectively, were granted to three claimants which have been paid in full.

"Claimant awards were nationals of the United States on the date of loss and had maintained this status continuously to the date that the claim was filed with the Commission on July 17, 1964. On the other hand, Bogdan Bereznicki, who acquired U.S. citizenship at birth on August 20, 1925, in Rozdzialowice, Poland, through his father, Walter Bereznicki, who was then a citizen of the United States as a result of his naturalization on November 8, 1920, expatriated himself on June 14, 1945, in accordance with a finding on December 22, 1947, by the American vice consul at London, England, under section 401(c) of the Nationality Act of 1940 (54 Stat. 1137, as amended, 38 Stat. 746, 8 U.S.C. 901(c)), by reason of his entering and serving in the Polish Army. On March 1, 1948, Bogdan Bereznicki was repatriated pursuant to section 323 of the Nationality Act of 1940 (8 U.S.C. 723), as amended by the act of April 2, 1942 (156 Stat. 198), by taking, before U.S. consul in London, the naturalization oath prescribed by section 335 of the Nationality Act of 1940 (8 U.S.C. 735).

"Based on the foregoing, the claim of Bogdan Bereznicki, based upon his three-eighths ownership interest in such property, was denied because of his expatriation and, therefore, his claim had not been continuously owned by a national of the United States from the date of loss to the date of filing with the Commission, a statutory requirement for granting an award. The remaining one-eighth interest in the property was owned by two other half sisters in Poland for which no claim was filed under the statute.

"The war damage claims program under title II of the War Claims Act of 1948, as amended, was completed by the Commission on May 17, 1967, in accordance with an express statutory mandate. Consequently, the Commission has not had jurisdiction to review or change its decisions regarding these claims since that date.

"In view of the circumstances described above, there is no present administrative remedy available under which Mr. Bereznicki might obtain the relief requested.

"The Commission is informed by the Immigration and Naturalization Service, Department of Justice, that Mr. Bereznicki on February 16, 1968, applied for the issuance of a certificate of citizenship, claiming to have acquired the status of U.S. citizenship at birth through his father, and alleging that the consular finding of expatriation in 1947 was invalid because it was predicated upon action which was involuntary on his part. According to a report of the Immigration and Naturalization Service, a hearing and investigation conducted in connection with the application developed evidence which clearly warranted a finding that Mr. Bereznicki's entry into and service in the Polish Army occurred under circumstances amounting to duress, and therefore lacked the voluntariness which the courts have uniformly required as an essential element of expatriation. Moreover, it is also manifest from evidence of record that Mr. Bereznicki did not intend to relinquish his U.S. citizenship when he entered and served in the Polish Army, and consequently under the rationale of *Afroyim* v. *Rusk*, 387 U.S. 253 (1967), such activities cannot be regarded as having caused his expatriation.

Upon the basis set forth above, the Immigration and Nationalization Service concluded that Bogdan Bereznicki did not expatriate himself under section 401(c) of the Nationality Act of 1940, and further Service inquiry failed to disclose any other valid premise for holding that he had ever lost his citizenship of the United States. Accordingly, on July 29, 1968, he was issued Certificate of Citizenship No. AA–274192.

The certificate of citizenship, issued pursuant to authority set forth in section 341 of the Immigration and Nationality Act (8 U.S.C. 1452), attests that Bogdan Bereznicki became a U.S. citizen on August 20, 1925, and that from such date to July 29, 1968, he was continuously a citizen of the United States.

"In case Mr. Bereznicki had been issued a certificate of citizenship showing continuous U.S. nationality and submitted same to the Commission before the May 17, 1967, completion date, the Commission would have, of course, acted further on his claim. Undoubtedly an award in the amount of $4,980 would have been granted to Bogdan Bereznicki for his interest in the lost property. In this connection, however, it is to be noted that the issuance of the certificate of citizenship in question was based on the rationale in the *Afroyim* case which was decided on May 26, 1967, a period of 12 days after the completion date of the war claims program. Obviously, therefore, the certificate of citizenship could not have been issued and submitted to the Commission for consideration prior to May 17, 1967.

"In view of the unusual circumstances involved in this case, the Commission would have no objection to the enactment of this legislation but it is pointed out that there is presently no money in the war claims fund with which to pay additional claims by private relief measures such as proposed by the bill, S. 1779, or under any other proposal under the act. It is anticipated, however, that additional money may be made available by the Attorney General for transfer into the fund which may be utilized for the payment of a claim such as this one."

In agreement with the views of the Foreign Claims Settlement Commission the committee recommends the bill favorably.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1259, H.R. 18306.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 18306, to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes, reported with amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR RECOGNITION OF SENATOR MURPHY TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from California (Mr. Murphy) be recognized for not to exceed 35 minutes immediately after the distinguished Senator from Massachusetts (Mr. Brooke) completes his remarks on tomorrow.

The PRESIDING OFFICER (Mr. Packwood). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW INSTEAD OF SENATOR MURPHY

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the order to recognize the Senator from California (Mr. Murphy) be vitiated and that, instead, the Senator from New York (Mr. Javits) be recognized for not to exceed 30 minutes following the remarks of the Senator from Massachusetts (Mr. Brooke).

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AWARDS CEREMONY FOR THE SON TAY JOINT TASK FORCE, FORT BRAGG, N.C.

Mr. DOLE. Mr. President, earlier today I was privileged to attend an honor and awards ceremony at Fort Bragg, N.C., at which time those men who participated in the heroic and courageous raid on the prison camp near Son Tay on November 21 were decorated by the Secretary of Defense, Melvin Laird. Some of those present were awarded the Distinguished Service Cross, others the Air Force Cross, others the Silver Star, and others the Distingiushed Flying Cross.

Mr. President, during the ceremony representatives of the House of Representatives participated in the program by reading the resolution passed by the House of Representatives. It had been the hope of the junior Senator from Kansas to read the resolution passed by this body, but, unfortunately, the resolution has not yet been acted upon in the Senate, though I trust it may be before the Senate adjourns. In any event, it was a most impressive ceremony.

It demonstrated to those present that America cares about the prisoners of war and the men missing in action in South Vietnam. It demonstrated again that we can take pride—yes—in our country and—yes—in those who serve in the Armed Forces. But above and beyond that and far more important than any other consideration is the basic fact that in America we find other Americans who are literally willing to risk their lives, as these men did on the Son Tay mission, to rescue distressed Americans.

After the formal ceremony, I had an opportunity to visit personally with some of the children and the wives of the men and with some of the men who were on that mission.

I advised Colonel Simons and others that there was a feeling that perhaps the mission was undertaken knowing that prisoners were not there. They said, without exception, that of course they hoped they would find prisoners; that that was the purpose of the mission; and, of course, they felt very badly when they arrived and found the prisoners had been moved.

I certainly feel that before Congress adjourns, and certainly hope that before Congress adjourns, this body will act on Senate Resolution 486; and that hearings will be held at the earliest possible time by the Foreign Relations Committee.

Mr. President, let me emphasize again that it was a most impressive ceremony. It does make one proud to be an American. It does make one proud of those who serve in the Armed Forces. It was a fitting tribute. I know there are those in America who ridicule those in uniform, who ridicule those who are decorated for heroic achievement, for extraordinary courage and for acts of heroism; but the junior Senator from Kansas believes that the great majority of Americans applaud the efforts of those who participated in this dangerous mission.

As Secretary Laird said this morning during the ceremony, if an opportunity presents itself in the future to rescue some American prisoners, then he will suggest that that opportunity be taken advantage of.

Participating in the ceremony was Mrs. Joan Vinson, whose husband has been a prisoner of war for some time. In thanking the men who participated in the dangerous mission, Mrs. Vinson said every American stands a little taller today and every American walks a little straighter today because of the courageous act carried on by men who knew that the chances were 50–50 that they might not return.

Mr. President, they were tall men, short men, white men, black men, Mexican-Americans, but all Americans—Americans proud of their country, Americans proud of their service, and Americans who are concerned about American prisoners of war and Americans missing in action, many who have been missing in action and have been prisoners of war for some 3, 4, 5, and even 6 years.

How long must we wait, how long must the wives and the children and the mothers wait, before the American prisoners of war and the Americans missing in action are repatriated? How long must we wait for these distressed Americans to receive humane treatment at the hands of the enemy? How long must they wait for the right to communicate with their children, with their parents, and with their families? How long must they wait for proper medical attention? How long must the sick and the wounded wait for repatriation? How long must we wait for the enemy to comply with the Geneva Conventions with reference to the treatment of prisoners of war?

Some persons suggest that, well, we should negotiate; the only way to free the prisoners is through negotiation. Well, the Senator from Kansas would suggest that we have been negotiating in good faith. We will continue to negotiate in good faith. But I see no great evidence of any consideration given by the Hanoi government to the American prisoners because of the negotiations. Not one single American prisoner has been released because of the negotiations.

How many men must die while those who say we must negotiate prevail?

The Senator from Kansas is not suggesting, as he has said before on the Senate floor, invasion of North Vietnam. The Senator from Kansas is not suggesting a reckless raid. But he is suggesting that if the opportunity presents itself in which brave Americans can, with some assurance, carry out—yes—a hazardous mission, but in the process save some American prisoners, or what may be left of American prisoners who have been held in a cage for 4 or 5 years, then we should take advantage of that opportunity.

I can say to Senators in the Chamber that the men who participated in the mission asked nothing. They asked for no medal. They asked for no decoration. They asked for no kind statement from the President of the United States. They asked for no resolution from the House of Representatives. They asked for no resolution from the U.S. Senate. They asked for no special consideration.

Their act was a selfless one, carried out at great personal risk, because of their concern for more unfortunate Americans. And I would hope, Mr. President, with all the seriousness that I can muster, that this body will take appropriate action to commend their act of bravery. There can be no doubt or question about it. You do not get the Distinguished Flying Cross, the Distinguished Service Cross, the Air Force Cross, or the Silver Star without an act of bravery, and without some risk of life or personal danger.

So, Mr. President, let me again say, on behalf of those who participated this morning: They are proud to be Americans. They are proud to live in the greatest country on earth. They are proud to have participated in what they themselves consider a small effort to help their fellow men.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the remarks made by the Honorable Melvin Laird, Secretary of Defense, at the special award ceremony this morning at Fort Bragg, N.C.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY HON. MELVIN R. LAIRD, SECRETARY OF DEFENSE

We are here to honor brave and dedicated men.

We confer on them today awards that express their country's gratitude and admiration.

The mission for which these men volunteered called for undaunted courage and deep compassion. They were asked to go deep into enemy territory to search for—and, if possible, to rescue—their comrades in arms who are prisoners of war. They performed their mission flawlessly.

It was my pleasure to stand beside the President at the White House two weeks ago when he decorated four of your number, including General Manor and Colonel Simons. I assured the Commander-in-Chief that afternoon that I would personally be here with the rest of the Task Force for this ceremony, and that I would personally convey to you for him—for all Americans—our thanks for what you did.

From the outset, the President, the nation's top military leadership, and I gave total and unqualified support to this mission. I knew—as these men did—how grave were the risks they willingly undertook. I knew—as these men did—that there was a chance of disappointment—and even of failure.

But the reasonable chance to return to freedom Americans held captive made this mission well worth the risk. If a similar chance to save Americans were to arise tomorrow, I would act just as I did in approving and supporting the effort at Son Tay.

The mission to Son Tay was in one respect a heartbreaking disappointment. The prisoners had been moved. But it was not a failure. For these men who went to Son Tay showed the world that we will not forget or abandon the lonely and suffering Americans who are prisoners in Southeast Asia. Because of what was done at Son Tay, the flame of hope now burns brighter, I believe, in the hearts of the wives and parents and children of our prisoners of war and missing in action—and, I believe, in the hearts of the prisoners themselves.

We honor these men who went to Son Tay for their skill, for their courage, and for more. They and their families have earned the respect of the entire civilized world because they were willing to endure extraordinary risk, hardship, and even death in an attempt to save other men.

To the officers and men of this Joint Task Force, I say that your Commander-in-Chief, your countrymen, and all of us in the Department of Defense are proud of you. The deeds for which you are honored today will always remain a lustrous page in the annals of our military forces and of your services. I cannot fail to note with particular pride how many of those who are receiving awards wear the Green Beret.

It is a privilege for me to salute you and to convey to you the heartfelt thanks of your fellow countrymen.

Mr. DOLE. Mr. President, I further ask unanimous consent to have printed in the RECORD at this point the program of the honor and award ceremony, including the names of those who were honored this morning and the decorations of honor they received.

There being no objection, the program and list of names were ordered to be printed in the RECORD, as follows:

HONOR AND AWARDS CEREMONY—OPERATION IVORY COAST—FORT BRAGG, N.C., DECEMBER 9, 1970

SEQUENCE OF EVENTS

10:15-11:45—Honor/award ceremony, Main Post Parade Field.

12:00-12:30—Reception and luncheon, Fort Bragg officers open mess.

14:30-15:10—Observe Airborne Operation, Sicily Drop Zone.

The following individuals are to be awarded the Distinguished Service Cross:

Lieutenant Colonel Elliott P. Sydnor.
Captain Richard J. Meadows.
Master Sergeant Thomas J. Kemmer.
Staff Sergeant Thomas E. Powell.

The following individuals are to be awarded the Air Force Cross:

Lieutenant Colonel John V. Allison.
Lieutenant Colonel Warner A. Britton.
Major Frederic M. Donohue.
Major Herbert D. Kalen.

The following individuals are to be awarded the Silver Star:

Lieutenant Colonel Joseph P. Cataldo.
Captain Thomas W. Jaegar.
Captain James W. McClam.
Captain Eric J. Nelson.
Captain Dan H. McKinney.
Captain Glenn R. Rouse.
Captain Daniel Turner.
Captain Udo H. Walther.
First Lieutenant George W. Petrie, Jr.
Master Sergeant Galen C. Kittleson.
Master Sergeant Joseph W. Lupyak.
Master Sergeant Billy K. Moore.
Master CSergeant Herman Spencer.
Sergeant First Class Donald D. Blackard.
Sergeant First Class Earl Bleacher, Jr.
Sergeant First Class Leroy N. Carlson.
Sergeant First Class Anthony Dodge.
Sergeant First Class Freddie D. Doss.
Sergeant First Class Jerry W. Hill.
Sergeant First Class Marion S. Howell.
Sergeant First Class Donald E. Taapken.
Sergeant First Class John Jakovenko.
Sergeant First Class Jack G. Joplin.
Sergeant First Class Daniel Jurich.
Sergeant First Class David A. Lawhon, Jr.
Sergeant First Class Billy R. Martin.
Sergeant First Class Charles Masten.
Sergeant First Class Gregory T. McGuire.
Sergeant First Class Joseph M. Murray.
Sergeant First Class Noe Quezada.
Sergeant First Class Lorenzo Robbins.
Sergeant First Class Ronnie Strahan.
Sergeant First Class Salvador M. Suarez.
Sergeant First Class William L. Tapley.
Sergeant First Class Richard W. Valentine.
Sergeant First Class Donald R. Mingrove.
Staff Sergeant Charles G. Erickson.
Staff Sergeant Walter L. Miller.
Staff Sergeant Kenneth E. McMullin.
Staff Sergeant Robert F. Nelson.
Staff Sergeant David Nickerson.
Staff Sergeant Paul F. Poole.
Staff Sergeant John E. Rodriquez.
Staff Sergeant Lawrence Young.
Sergeant Terry L. Buckler.
Sergeant Gary D. Keel.
Sergeant Keith R. Medenski.
Sergeant Franklin D. Roe.
Sergeant Patrick St. Clair.
Sergeant Marshal A. Thomas.

The following individuals of the United States Air Force are to be awarded the Silver Star:

Lieutenant Colonel Albert P. Blosch.
Lieutenant Colonel Royal A. Brown, Jr.
Lieutenant Colonel Herbert R. Zehnder.
Major Eustace M. Bunn.
Major Iri L. Franklin.
Major John Gargus.
Major James R. Grochnauer.
Major Alfred C. Montrem.
Major Kenneth D. Murphy.
Major Harry L. Pannill.
Major Edwin J. Rhein.
Major Richard S. Skeels.
Major John C. Squires.
Captain John M. Connaughton.
Captain David M. Kender.
Captain Norman C. Mazurek.
Captain Thomas L. Stiles.
Captain William D. Stripling.
Captain Thomas R. Waldron.
Master Sergeant Harold W. Harvey.
Master Sergeant David V. McLeod, Jr.
Master Sergeant Maurice F. Tasker.
Technical Sergeant Dallas R. Criner.
Technical Sergeant Billy J. Elliston.
Technical Sergeant William E. Lester.
Technical Sergeant Charles J. Montgomery, Jr.
Technical Sergeant Paul W. Stierwalt.
Technical Sergeant Jimmie O. Riggs.
Technical Sergeant Lawrence Wellington.
Staff Sergeant Daniel E. Galde.
Staff Sergeant Melvin B. D. Gibson.
Staff Sergeant Aron P. Hodges.
Staff Sergeant Donald LaBarre.
Staff Sergeant James J. Rogers.
Staff Sergant Angus W. Sowell III.

The following individuals are to be awarded the Distinguished Flying Cross:

First Lieutenant George W. Williams.
Chief Warrant Officer Donald J. Exley.
Chief Warrant Officer Jackie H. Keele.
Chief Warrant Officer John J. Ward.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

The Senate continued with the consideration of the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

Mr. GORE. Mr. President, the birth of the Alliance for Progress initiated a dramatic new chapter in cooperation between the United States on the one hand and the countries of Central and South America on the other. This was really an extension of the Good Neighbor policy which had been inaugurated during the Roosevelt administration. During the years of the Eisenhower administration, relations with Latin America tended to be neglected as, indeed, was the situation during the critical period of World War II.

But following President Kennedy's electrifying speech on the Alliance for Progress, the charter of Punta del Este was brought into being, which sought to express the ideology of democratic development—democratic development throughout Latin America, politically, economically, and socially.

Very definite goals were defined. Specific targets of improvement were set out. A primary objective, on which others depended, was an improvement in the rate of economic growth, in productivity, and improvement in distribution of goods. A more equitable distribution of goods might well be classified as the second objective; and I think it could not be separated from the first, because there cannot be an equitable and democratic growth, either socially, economically, or politically, without a fair sharing of the products of the talents, toil, and resources of the Latin people.

We know that the gulf between the haves and the have-nots—the relatively few haves and the many have-nots—is deep and wide. President Kennedy envisioned reforms—fiscal reforms, tax reforms, economic reforms. It was even suggested that the rich of the Latin American countries should pay taxes. What a revolutionary suggestion, in the minds of some.

But there was a great spirit of cooperation on the part of the masses. Enthusiasm was stirred. Surveys showed that many Latins took new hope from the charter of Punte del Este, and more specifically from the eloquent speech setting out the Alliance for Progress by President Kennedy.

A further utilization of the natural resources of the various countries was envisioned—a sharing of credit, an exchange of goods, to raise greatly the level of agriculture productivity, to provide food for the hungry, to provide diversity of diet for the impoverished; education "to eliminate adult illiteracy and by 1970 to assure, as a minimum, access to 6 years of primary education for each school age child in Latin America."

Mr. President, was this an unrealistic goal—a sixth grade education for the children of Latin America? Was it an unrealistic goal that tax reform policies should be instituted which would require payment of taxes in some reasonable relationship to ability to pay? I do not think so.

Then there were health goals. Surely, every Senator who has visited the slums of Latin America is aware of the urgent need for better health, better hygiene, sanitary conditions. How could these reforms be brought about? Not by the United States alone, but by cooperation and mutual effort—an effort in which the Latins themselves promised to undertake, through their own processes, these social, economic, fiscal and political reforms.

The main economic burden of the development programs was indeed to fall upon our South American friends and our Central American friends. The United States, on its part, was to provide some funds, technical assistance and cooperation. Reforms were envisioned, in terms of the language itself with respect to tax reform, to create conditions demanding more from those who have most.

It was 1961 when President Kennedy made his electrifying speech, which, as I have said, marked a dramatic reorientation of North America's policy toward South and Central America. Prior thereto, the cooperation had been largely confined to the financing of exports of machinery and capital to Latin American countries. But, before the retirement of President Eisenhower, rebellion and rumor of rebellion in Latin America caused North Americans to take note of the danger. The revolution by which Fidel Castro seized power in Cuba shocked North America. So, even during the latter days of President Eisenhower's administration there were tentative, if timid, moves toward improvements in economic cooperation between the United States and our Central and South American neighbors.

It remained, however, for the late President Kennedy to dramatize the need and to build a bridge of friendship with eloquence and with an inspiring message and program.

Mr. HARTKE. Mr. President, I would like to add my voice to those opposing the passage in this session of H.R. 18306 which carries a $3.709 billion authorization for appropriations and contingent liabilities in four multilateral financial institutions. The only part of this bill for which a case can be made concerns the increase in the IMF quota. However, the senior Senator from Vermont has already pointed out that there have been frequent delays in the past in completing congressional action on U.S. contributions to international agencies; I do not think there will be any irreparable damage if this measure is put over for a few weeks.

There are important reasons for delaying action on this omnibus bill:

First, the President has said he will ask the next Congress "to overhaul completely our foreign assistance operation"; the President appears to have accepted without benefit of congressional review the recommendations of the Peterson task force that U.S. aid programs be diverted primarily to multilateral institutions—which tend to maximize the drain on our foreign exchange and aggravate our balance-of-payments deficits.

Second, the world has become increasingly alarmed with the continuing U.S. balance-of-payments deficits. Our foreign liquid liabilities stand at $44.5 billion compared to U.S. gold reserves of about $12 billion, of which a small fraction is owned reserves, the rest being spoken for in various ways. Last year the deficit was $7 billion, on a liquidity basis, and resulted primarily from the inability of the private sector to earn enough foreign exchange to offset the large negative balance—$4.5 billion last year from Government activities abroad—of which a significant part is in the area of foreign aid; the untying of aid recommended by the President needs to be considered by Congress in the light of its effects upon our balance-of-payments deficit;

And third, there have been a number of unsettling recent developments in international relations generally, including the Middle East, Southeast Asia, and particularly the wave of radical nationalism sweeping Latin America; these developments also argue for more careful consideration of this massive commitment of public funds that time will permit in this session.

There does not seem to be any disagreement with the IMF quota increase or that for the World Bank; the main problem concerns the two development banks, for Latin America and Southeast Asia. The former has come in for considerable criticism in the Senate and elsewhere; and it has just elected Mr. Ortzi Mena, formerly Finance Minister of Mexico, to its presidency. I am one who applauds his appointment, and wishes him great success in his challenging job of reorganizing the operations of the IADB. But I see no reason why our sincere good wishes need necessarily be accompanied by what amounts to a new blank check, which includes a billion dollars for soft loans. According to the House Appropriations Committee report on foreign assistance, as of June 30, 1970, there were available from prior year appropriations unexpended balances in pipeline of over $2.2 billion for the Inter-American Development Bank, so inaction by the 91st Congress can hardly be a serious blow to the Bank's operations. Since the founding of the Bank in 1959, the United States has already contributed $1.8 billion to the Fund for Special Operations, that is, soft loans, while the 22 Latin American members of the Bank have contributed less than one-third of this amount—and most of that is in local currencies.

On November 30 the Senate approved foreign aid appropriations in the amount of $2.2 billion. Both Houses are now also considering the President's request for a supplemental foreign assistance appropriation of over $1 billion. Frankly, I find it strange that Congress is being asked to act on these massive appropriations and even larger future authorizations and contingent liabilities before we have received the administration's recommendations on the sweeping reforms to make our foreign assistance fit a new foreign policy. I believe, therefore, that the national interest would be served by postponing action on H.R. 18306 until it can be looked at in a broader context, and in the light of international developments, during the 92d Congress. If the judgment is that the United States must act in this session on the IMF quota, I see no reason why that could not be done as a separate action without mortgaging our future options by an 11th hour enactment on complex and far-reaching matters.

Mr. GORE. Mr President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. GORE. The Senator has pointed out that the bill contains $3,600,000,000 for international organizations, all of which the Government of the United States must borrow I wonder whether it has occurred to the Senator from Indiana that at the rate of 7½ percent interest, the annual interest charge alone to the American taxpayer would be more than $270 million.

Mr. HARTKE. The Senator from Tennessee is correct. There is no question about it. In other words, the so-called soft loans, as we all know, are frequently made for projects which ultimately will have good, social value; for example, in housing projects, and the money in turn is loaned out at 2 percent, with no possibility of even getting a return.

The returning GI to the United States comes back but he cannot even buy a home here because if he has the down payment, the tight money policy makes interest rates so high that he cannot participate. Thus, we have this whole series of conflicting ideas which demonstrate that the left hand of the American Government does not know what the right hand is doing.

Mr. GORE. Does not the Senator think that priorities are upside down when we are unable to pass an appropriation bill to make repayable loans at reasonable interest rates to small business in the United States, on to communities in the United States to build schools, hospitals, or water systems; but here we have this enormous bill, to provide funds for soft loans which are never expected to be repaid to the United States, and which may not ever be repaid, even to the revolving fund of the so-called banks here involved.

What does the Senator think of the first priority, to promote the general welfare of the United States, to promote the welfare of our people? In asking that question, I do not wish to be niggardly with respect to a good neighbor policy. I was an enthusiastic supporter of the Alliance for Progress. I still am. It requires the Latin American countries to make improvements; they must require their wealthy to pay taxes in order to provide programs to educate the Latin American children so that they can be more productive and lead fruitful lives; but it seems to me that this self-help, this cooperation, this helping the people to help themselves and cooperating with them to the extent that they do so, which I support, is one thing; but to scuttle the Alliance for Progress which is based, as I believe, upon sound principles of cooperation, mutual help, and mutual effort, and to substitute, instead, political loans to the political elite in these countries—and we know what the political affinities are of the politically elite in Latin America—is wrong.

Therefore, I say, as between this kind of nonrepayable soft loan at arbitrary loan rates on the one hand, and credit availability for the returning GI's on the other, in order to build a home, the priority should be clear.

What would be the Senator's view of the priorities involved here?

Mr. HARTKE. There is no question about it, the Senator from Tennessee asks a question which answers itself. Most people throughout this country are concerned, anxious, and frustrated. They do not know where the country is going. They feel we are in an economic crisis or in a recession. Their fears are deepening because they feel that we are headed for a depression which is coming up, not even having an extension of the unemployment benefits which would apply now, because if this bill is passed they do not become applicable until 1972. That will mean a gap of a whole year, should those people be thrown out of work and need extended unemployment benefits.

There is no question that this is a misuse of the taxpayers money. There is no question about it.

What we are really doing here is attempting to keep the President true to his own determination, that is, completely to reevaluate the programs and give Congress advance study evaluations made by the administration, and jointly, so that we can come up with a program which will make sense, ordinary commonsense, but which will at least provide for equality of treatment of American citizens—although it is not a question of equality of treatment, really, for American citizens, compared to the other countries, because the people of those countries are not reaping any benefits from the loans at the present time, anyway. That is the heart of the difficulty. The fact is, most foreign aid money probably has been wasted and probably has been counterproductive.

Although it is sort of a historical continuity we have been following here in Congress, beginning after World War II, we do not find that same display of energetic support from the Japanese, whom we helped to rebuild or even from the Germans whom we helped to rebuild their country. Nor do we find any feeling displayed inside these countries that they want any jurisdiction within the framework of their own countries of sufficient funds to make this operation a part of their own operation so that they will feel a responsibility as well as merely accepting the doling out of the American taxpayers' money.

This is why a lot of the American people have soured on foreign aid. It is not that they are less humanitarian than they were. It is because they know that the money has not gone to the intended beneficiaries. They know that the people of the United States have been denied the opportunity, have been denied the health care, have been denied education, have been denied clean water, have been denied clean air, and have been denied highways. All of these are things which any people have a right to expect, at least in the United States. They have been denied this because of the feeling that we were somehow doing something for a foreign nation.

We have much too much this kind of off-the-top-of-the-head legislation.

Nothing will be harmed by laying the matter aside. If they need money for the International Monetary Fund, that presents no legalistic or procedural problem for the Senate. That can be taken care of, and very quickly. I think it should be.

The rest of us can wait and not commit ourselves to this tremendous expenditure of money.

We were talking about the social security bill that the Senator from Tennessee and I have been involved in. The social security beneficiaries are being denied the right to receive the compensation that they are entitled to have as old people in this society.

At the same time, someone with the touch of a hand, it seems, is ready to go ahead and pour money down to the elite controlling operators of the South American countries.

Mr. GORE. Mr. President, if money were requested to implement a genuine self-help program, such as the Alliance for Progress, I would be inclined to support any reasonable appropriation. However, soft loans to the politically elite may or may not reach the mass of the people in Latin America who need assistance.

Mr. HARTKE. Mr. President, we might turn this around and say that instead of this being an Alliance for Progress, it is an alliance for regression.

Mr. GORE. It is an alliance for politicians.

Mr. HARTKE. The Senator is correct. I think that the Senator from Tennessee is right. I would hope that we would lay this matter over and take care of the International Monetary Fund. There is no great rush to spend the rest of the money.

Mr. GORE. Mr. President, too much haste is being attempted. It was only 2 years ago that Congress passed a bill granting $900 million to the Inter-American Development Bank. Now, 2 years later, they are back asking for $1.8 billion. Is this going to be an annual drain on the taxpayers of the United States, never to be repaid?

Mr. HARTKE. I would imagine that if that had been aid to education, we would have had three vetoes in a row.

Mr. GORE. We did have a veto of a bill providing for aid to education, the veto of a bill providing for aid for hospital construction. We have testimony in the RECORD which shows that only about one county of four in the United States is now able to sell bonds at any rate of interest for the construction of school additions, school libraries, school facilities. Yet the President vetoes a bill for aid to education, and then asks for billions of dollars for soft loans for projects yet undescribed, for political loans approved by the political governments of Latin America and Southeast Asia.

Mr. HARTKE. Mr. President, let us not forget that the final accountability for these loans, whatever the projects are to which they are assigned, never come back to the same scrutiny in the period afterward. This type of loan activity constitutes grants made by the United States.

Mr. GORE. The loans in the United States of which I speak are the result of feasibility studies of projects which will pay for themselves.

Mr. HARTKE. The Senator is correct.

Mr. GORE. They are projects for rural electrification, hospital construction, water facilities, sewage disposal facilities, and recreational areas. They have a remarkable record of being self-sustaining.

Yet, these are denied while we have 5 million people who are unemployed and who need jobs in the building of the community facilities. We are asked for $3,600,000,000 for these international organizations only a week after the Senate had passed a foreign aid bill of more than $2 billion.

Mr. HARTKE. Mr. President, I wonder what the administration's recommendation would be if we were to say that an equal amount to this authorization should be placed at the disposal of those unemployed people in order to supplement their income and compensate for their unemployment so that they would have at least an average level of income during the Christmas season. I believe the answer would be that we could not afford it.

Mr. GORE. The president vetoed the independent offices appropriation bill this year. Among other things, that bill provided for veterans' benefits for the men returning sick, crippled, disabled, needing educational aid, hospitalization, medical treatment, the attendance of nurses; it provided loans to acquire housing and a decent home for their families. This bill was vetoed, unfortunately. As the Senator knows, I am sure, the Small Business Administration recently announced that it was out of funds, that no additional loans could be made to hard-pressed small businesses in the United States because funds were short. What kind of priority is involved here?

Mr. HARTKE. Mr. President, I wonder what the reaction of Congress is going to be. I imagine the administration will be here with some proposal one of these days. They do not hurry with most of their proposals. They seem to take their time.

The Jersey Central Railroad people tell me that they are going to liquidate. Their locomotives are going to stop. The railroad which serves the port of New York will close, and no more freight will be delivered as of December 31 of this year. They need $7 million or $8 million to keep going.

I wonder if we could have a possible diversion of these Government funds temporarily to one of our domestic railroads to keep the port of New York open over Christmas.

Mr. GORE. The Senator means soft loans.

Mr. HARTKE. They would be willing to receive repayable loans. Soft loans would mean an outright grant.

The administration tells us that they are directly opposed to any direct loans from the Federal Treasury.

Let me cite an incident. The administration recommended—against my better judgment and against the better judgment of the Senator from Tennessee—in the Finance Committee the cutting down on the cost of medicaid to retarded children who are 100 percent disabled, retarded children who are, therefore, entitled to benefits under the social security program would not be entitled to medicaid treatment under the new legislation which they have recommended, doing away with the prior recommendation and regulations which require that these poor children, mentally retarded children who are disabled and unable to take care of themselves, who heretofore under a Government directive have been authorized to receive medicaid treatment.

If such a child were to break an arm or a leg and have to go to the hospital, he would no longer receive these benefits.

Yet we can walk out of here and take off before the end of the year and adopt a policy of this kind.

It does not make good sense. I quite agree with the Senator from Tennessee that the action should be deferred.

Mr. GORE. Perhaps it would not be amiss to state again that the Treasury does not have this money.

Mr. HARTKE. They have to borrow it.

Mr. GORE. And at the current rates of interest the interest charge alone on this amount of money is more than $700,000 per day. That is a lot of interest, but this is a lot of money. And the Senator speaks of the priorities involved. The distinguished junior Senator from Arkansas sought recently to obtain an increased appropriation for making loans to develop water systems in American communities. There is a large backlog of applications for water distribution facilities and sewage disposal facilities. In fact, there is a backlog of $4 billion worth of applications already meeting the feasibility tests awaiting loans and grants from the Federal Government—repayable loans at realistic rates of interest.

Mr. HARTKE. But the Senator from Tennessee probably misunderstands the administration's idea of priorities. The program to which the Senator referred would help the people of the United States, and I suppose that is not to help the people of the United States.

Mr. GORE. But the people of the United States need help.

Mr. HARTKE. I know.

Mr. GORE. Five million people need jobs in the United States

Mr. HARTKE. I was being facetious. It is about time the leaders started to think about the people or the people will stop thinking about the leaders.

Mr. GORE. I thank the able Senator.

Mr. President, there are many other programs for which funds are not available in the United States. For instance, there is urban renewal. This is desperately needed. The downtown areas of our cities are decaying, and businesses and the population are moving to the suburbs. We need to reclaim the center cities of our metropolitan areas. Urban renewal is an urgent need, yet the funds made available are wholly inadequate.

Here is $3.6 billion proposed, not for these urgent needs which I have described here at home, but for other kinds of programs in faraway lands. Let me emphasize that I believe in a good neighbor policy and I believe in lending a helping hand, but I think this must be a two-way street. We should help the people help themselves. I do not think that standard is met when we make soft loans at artificially low interest rates to those with political influence in Latin America while here at home, for lack of money, we have fallen short of our announced goal of eliminating hunger among our own children. Mr. President, the record shows and the evidence shows that we do have hungry children in America. I know that I have seen hungry children in my own State. I have sought to provide aid for the little children who are undernourished.

Our agriculture conservation programs have been curtailed by the administration, and for what purpose? They have been curtailed to conserve funds, and yet we wage a useless war half way around the world in which we gain nothing, in which there was nothing to be gained.

The war has been widened into Cambodia and now a foreign aid program is recommended and appropriations requested to aid Cambodia, a little country in which we have wreaked much havoc.

But to return to other needs in our own country, funds were recently frozen by the President for the harnessing of our streams, for the construction of water navigation facilities, recreational facilities, and hydroelectric facilities. One such very worthy project, very much needed project is in Tennessee; this, too, in the name of saving money. But how does the pending bill save money? It commits us to the spending of vast amounts of money. Mr. President, we talk of doing something about pollution but the money for an effective program has not been made available. We hear a great deal about the revenue sharing. Why do we not share our revenue for such worthy purposes such as pollution control, education, and hospital and health facilities?

I was the coauthor of the Interstate Highway Act of 1956 and also the Interstate Highway Act of 1958. That construction program should have been completed by 1970. Although the highway users have provided a surplus in the trust fund from taxes they pay on their gasoline and oil and tires through highway user taxes, these funds, too, are withheld and highway completion is delayed, impeding the movement of freight and traffic, causing unnecessary death to our travelers, in the name of saving money. Yet we have here a bill of $3.6 billion for international organizations, largely for soft loans, never to be repaid to the United States, just 1 week after a foreign aid bill of more than $2 billion was passed; and only yesterday the Senate Committee on Appropriations reported another bill for economic aid to Cambodia.

Priorities are upside down. Not only is an adequate diet not available for our people, but adequate health care is simply unavailable for millions of Americans. As an illustration of funding deficiencies, my efforts to obtain a life-saving kidney machine for people in Tennessee have been unsuccessful. I tried to secure funds to obtain more of these machines to prolong the lives of thousands of Americans doomed to death for want of kidney aid machines. But once again funds are short. But if we pass this bill, funds will not be short for the Asian Development Bank. It has about 500 employees, it has made very few loans, and it can do very little in an area torn by war, an area simply not ready for a development aid bank.

Funds would not be short for the soft loan windows of the Inter-American Development Bank if we pass this bill. They are already flush. They have not loaned more than one-half of the $900 million provided 2 years ago, but now they want $1.8 billion. Why? To fill the pipeline, they say. Well, how long is this pipeline and how full must we keep it and how often must it be filled with how much?

We should return to the objectives of the Alliance for Progress—bilateral aid, helping the people help themselves.

I know that some persons say that multilateral aid, in which the hand of the United States is hidden, is better. Why is it better? Should the American taxpayer not know for what purposes his funds are to be used? Should Representatives and Senators not act responsibly in the appropriation of taxpayers' funds? What right have we to appropriate billions of dollars to be used for purposes of which we have no knowledge, except that they will be used for political loans to the politically elite of South America, Central America, and Southeast Asia?

Mr. President, this is the worst kind of foreign aid. I suggest that the Senate ought to conduct a thoroughgoing investigation of the loans already made by the Inter-American Development Bank. True, they report that they have a good record of payment of interest and principal, but that is not to say that the projects were sound. The governments of those countries, themselves, are assuring such payment as is made. What about the soundness of the project? Who actually got the money, and why? For what purpose?

There needs to be a very careful investigation of the Inter-American Development Bank, in my view. The distinguished Senator from Indiana spoke of the inadequate payments to our social security beneficiaries. The Senate Finance Committee only today reported a bill to increase the payment to $100 a month. What kind of standard of living can an American citizen have for $100 a month, particularly if he is at an age when his doctor bills and his drug bills are rapidly increasing?

I voted for the $100 minimum. It is better than $64, but it illustrates how difficult it is to provide education, health and medical care, employment, hospitalization, highways, and community facilities here at home.

It is against that background that I question the advisability of the pending measure.

Let me repeat, the Inter-American Development Bank now seeks $1.8 billion only a year after it received $900 million, which, in my opinion, was far, far too much at that time—so much so that they actually disbursed only about half of it. Yet they are back again——

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. FULBRIGHT. If the Senator will allow me, I will make just one or two comments about some of the previous remarks the Senator made. I only remind him that the so-called soft loans of the Inter-American Development Bank are not the same as they originally were in the early 1960's. Loans are now being made repayable in the currency loaned, and they will carry a charge of 3 to 4 percent interest and service charges, and they average between 15 and 25 years in maturities. They are quite different from the old soft loans.

The Senator stated we would have to borrow $3.7 billion and pay interest of $270 million a year. The estimated cash outlay under the pending bill would only be $35 million for the first year, fiscal 1971; $68 million for 1972; and $155 million for 1973.

So this money would be put up either from tax money or bond money, depending on whether or not we were running a deficit. Of course, we are running a deficit, which is now true of all the items we pass. We passed a bill yesterday appropriating $66 billion. We would have to borrow $15 billion if we ran a deficit of $15 billion.

Mr. GORE. The same would be true of the amendment the distinguished Senator offered to another bill to make funds available for loans for community water and sewage facilities. We would not have to borrow the money until the projects were ready and the loans were disbursed.

Mr. FULBRIGHT. And some of this money, unless there were a most unusual circumstance, would not be used other than as a guarantee for borrowing by the International Development Bank——

Mr. GORE. That is not true of any of the soft loans.

Mr. FULBRIGHT. No; I say, of the International Bank. As I understood, the Senator earlier said we would have to borrow $3.7 billion, which includes soft, hard, and all—the total.

I wonder if I might again renew my inquiry of the Senator, which we discussed last Friday, about the possibility of a vote. We discussed at that time the possibility that the Senator might offer a motion to recommit, in order to allow the Senate to register its approval or disapproval of the legislation. I understood that the Senator, tentatively at least, was seriously considering, if not agreeing to, offering a motion to recommit on Monday. What is the Senator's present attitude regarding a motion to recommit?

Mr. GORE. I shall be glad to yield to the Senator to make such a motion.

Mr. FULBRIGHT. It would be a little confusing, because I favor the bill. I would have to take the awkward position of making a motion and voting against my own motion, which I do not like to do.

What I am trying to get at is, I respect the Senator's difference of view about these activities. I happen to feel, if the United States is to do anything at all in the international field by way of helping underdeveloped countries, that this is the best way we can do it.

If we make a decision to do nothing at all in this area, then the Senator's view, of course, is quite logical. But if we are going to do anything, I believe these agencies, especially the International Bank, provide the most efficient way to accomplish it.

The IMF plays a different role, and has served, I think, a very important function in, one might say, the regulation of international trade. This country, being the largest international trader, has, I think, a great stake in that. This should not be treated or even regarded as any form of charity or aid, either. It is aid in a sense, but it is aiding us as much as or more than any other country.

So there are great differences here. The IDB does have the softer loans, but this is a supplement, I think, to the same policy we call the Alliance for Progress.

The Senator says it goes to the elites. Most of the so-called soft loans of the Inter-American Bank go for such things as education and that type of thing, which are activities not designed to produce revenue, in contrast, say, to an industrial enterprise, where the usual pattern is a hard loan, that is, on much harder terms.

So I do not think giving assistance to social projects or education should be considered giving it to the elite.

Mr. GORE. On the contrary.

Mr. FULBRIGHT. I respect the Senator's attitude on assistance. I would hope very much the Senate would be given an opportunity either to vote on a motion to recommit, or if the Senator wishes to make a motion to separate, that is his privilege. At least we could get some indication, then, what the sentiment of the Senate as a whole is.

Would the Senator be disposed to do either one of those things? Or to exercise any other alternative that he has?

Mr. GORE. First let me comment briefly on the statement the able Senator has just made.

I do not believe the Senator can demonstrate that the majority of the soft loans have been for educational purposes.

Mr. FULBRIGHT. I did not say "the majority." I said this is the type of thing. And social purposes.

Mr. GORE. I think the Senator did say "a majority." Some may have been, but I think the able Senator will find that many of these loans are for entrepreneurs who happened to have the favor of the political regimes in the various countries.

Mr. FULBRIGHT. Let me correct the RECORD; if I said the majority have to do with education I misspoke. I mean education and for what I call social purposes: Urban development, water and sewage, and the type of activity which is not profitmaking. I meant to include all of that as certainly the major effort, I believe, of the soft loans, as distinguished from a steel mill or an industrial enterprise, for example. This is the distinction I wish to make; not education solely.

Mr. GORE. I do not think the Senator can substantiate that with the record, either.

Mr. FULBRIGHT. All right. If I cannot, I will apologize to the Senator; but I intend to look up the record.

Mr. GORE. And even if the Senator could do so with respect to the soft loans that have been made, he certainly could not give any such assurance with respect to the money requested in this bill, because no such requirement is contained in the bill.

Mr. FULBRIGHT. I meant that is the practice. It has been the experience.

Mr. GORE. Well, if such has been the practice, the Senator cannot assure us that further disbursements, further loans, would be made in conformity with such alleged practice.

The trouble with this, may I say to my distinguished chairman, is that we do not know what we are doing. We do not know for what purpose we are appropriating the taxpayers' money. This is the basic fault of the International Bank soft loan operation. They come in and request, for high-flown purposes, vast amounts of money, and then they work their own will, lending it to people of their own choosing in their own countries, making loans at 3 to 4 percent in South America while the subsidiaries of the New York banks scattered all over Latin America are charging from 12 to 20 percent.

Mr. President, this is a profligate way to deal, in my view, with the taxpayers' money. I do not raise these questions to be specious. I do not raise these questions because I have opposed, or do now oppose or as a private citizen would oppose, genuine self-help, cooperative foreign aid. I believed in the Alliance for Progress. I regret that, after we have had it now for 10 years, Latin America has not fulfilled its part of the bargain. The fiscal reforms, the tax reforms, the social reforms which President John F. Kennedy envisioned, and to which they agreed, have not been met; and now they want soft loans, to be approved by their political regimes.

I say, Mr. President, that there is a better way to provide people-to-people aid. We should give technical assistance, educational aid, demonstrating how the people can help themselves, rather than soft loans never to be repaid to our Government, and of doubtful repayability even to the institution itself, or else they would not be called "soft" loans.

To come, now, to the able Senator's inquiry: Here is a bill of $3.7 billion, almost $4 billion, and there are few Senators on the floor. I suggest the absence of a quorum.

Mr. FULBRIGHT. If the Senator will withhold that for a moment, I only wish to say that the same number, exactly, were on the floor yesterday when I was discussing a bill involving expenditures of $66 billion. There were five Senators on the floor. So the Senator from Tennessee should be complimented that, on a bill of this size, he has the same audience.

Mr. GORE. I thank the Senator. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I support the position taken by the distinguished senior Senator from Tennessee (Mr. GORE) in regard to H.R. 18306, which would authorize U.S. participation in increases in the resources of certain international financial institutions.

The total amount involved is $3,709,500,000. To phrase it another way, H.R. 18306 would authorize total appropriations of $3,709,500,000 for four international financial institutions.

Of this total, $1,274,610,000 would be in the form of proposed actual expenditures.

Mr. President, I feel that the senior Senator from Tennessee is fully justified in calling the attention of the Senate to the significance of the measure now pending. It is a tremendous amount of tax funds which are involved. The total, as I mentioned previously, is $3,709,500,000.

This Nation is in a difficult financial position. The Government has been running up huge deficits over a long period of time. I believe that the major cause of the inflation the Nation is experiencing at the present time results from continued deficit financing, culminating in the tremendous $25 billion deficit for fiscal year 1968. That was only 2 years ago. Two years ago, when the fiscal year ended on June 30, 1968, this Government ran up a deficit of $25 billion. The prospects for fiscal year 1971—the current fiscal year—are that the Government will run up another huge deficit. I do not anticipate that it will reach $25 billion, but I believe that it will be a large deficit—one of the largest the Nation has had in recent years.

Thus, I feel that it is very important the Senate give full consideration to this measure which would authorize total appropriations of more than $3.7 billion.

I concur in the views expressed by the senior Senator from Tennessee when he states that he does not see how the Senate and the House would be justified in passing such a huge authorization and appropriation bill at this session of Congress.

We must recognize that while it is true all the moneys authorized in this bill must be subsequently appropriated, for certain appropriations involved in this vast money-spending bill, the appropriation, really, as a practical matter, becomes automatic, the reason being that the authorizing legislation commits the governors of the various international financial institutions to enter into contractual agreements to commit U.S. funds.

Therefore, I feel that the senior Senator from Tennessee (Mr. GORE) is essentially correct when he states that the bill, in effect, is an appropriation.

SOCIAL SECURITY AMENDMENTS OF 1970

AMENDMENT NO. 1097

Mr. RIBICOFF. Mr. President, for myself and the Senator from Utah (Mr. BENNETT), I am submitting an amendment to H.R. 17550, containing the major provisions of the family assistance plan.

While this amendment is drafted in the form of an amendment to the Social Security Amendments of 1970, Senator BENNETT and I are prepared to reintroduce it as an amendment to whatever bill gives us the best chance of passing meaningful welfare reform legislation this year.

We are convinced that the full Senate should have the opportunity to debate and pass on this reform proposal before the end of the 91st Congress. The amendment has been carefully drafted to take care of many of the problems and criticisms which the original family assistance proposal encountered. We believe this is strong and necessary legislation. We recognize that many people will have objections to some of its provisions. Many will think it goes too far. Others will think it fails to go far enough.

However, we firmly believe this amendment provides the best practical foundation for Senate debate and consideration of welfare reform.

The provisions of this amendment include the October revision of H.R. 16311, the so-called "core bill" plus other revisions which I have suggested to the administration and they have accepted. These changes include:

First. Establishment of a national goal to provide an income to all persons adequate for their needs.

Second. Restoration of that provision contained in H.R. 16311 approved by the House of Representatives providing for mandatory coverage of families headed by an unemployed father—AFDC-UP.

Third. Restoration of the requirements in section 452 of H.R. 16311 for using standard of need for families with income.

Fourth. A requirement that no person be required to accept employment at less than $1.20 per hour.

Fifth. A program of public service employment for welfare recipients with the Federal contribution set at a level of 80 percent.

Sixth. A provision for Federal administration of programs that are fully federally financed.

Seventh. Protection of local and State welfare employees transferred to the federal system as a result of the bill.

Eighth. Further legislative guarantees that adequate arrangements for the care of children will be available to mothers who might take jobs under the program.

Ninth. Additional safeguards of the legal rights of recipients, including protections presently provided for stepfathers.

Tenth. An increase from the Finance Committee proposals for a minimum payment to the adult categories of $130 for an individual and $200 for a couple per month to $130 for an individual and $230 for a couple per month.

Eleventh. A provision guaranteeing greater fiscal protections for States by freezing State expenditures under this welfare program to 90 percent of welfare expenses incurred in 1971 plus a cost-of-living feature.

Senator BENNETT and I hope all the Members of the Senate will give careful consideration to this compromise amendment.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be received and printed, and will lie on the table.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and this will be a live quorum.

The PRESIDING OFFICER (Mr. GRAVEL). The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 419 Leg.]

Allen
Anderson
Baker
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Case
Cook
Cotton
Cranston
Fannin
Fulbright
Gravel
Gurney
Hansen
Holland
Hruska
Inouye
Javits
Jordan, Idaho
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Moss
Nelson
Packwood
Pastore
Pearson
Ribicoff
Schweiker
Stevenson
Williams, Del.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Bayh
Bellmon
Bennett
Brooke
Burdick
Cannon
Church
Cooper
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fong
Goldwater
Gore
Griffin
Harris
Hart
Hartke
Hollings
Hughes
Jackson
Jordan, N.C.
Kennedy
Long
McCarthy
McGovern
Miller
Mondale
Montoya
Murphy
Muskie
Pell
Prouty
Proxmire
Randolph
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. NELSON obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3318) to amend the Library Services and Construction Act, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 2669) to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 12979) to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and that Mr. MAHON, Mr. SIKES, Mr. WHITTEN, Mr. ANDREWS of Alabama, Mr. FLOOD, Mr. SLACK, Mr. ADDABBO, Mr. MINSHALL, Mr. RHODES, Mr. DAVIS of Wisconsin, Mr. WYMAN, and Mr. BOW were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, in which it requested the concurrence of the Senate.

THE EMPLOYMENT AND MANPOWER ACT—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report as follows:

Conference Report (H. Rept. No. 91–1713)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House admendment insert the following: That this Act may be cited as "The Employment and Manpower Act".

STATEMENT OF PURPOSES

Sec. 2. The Congress finds and declares that—

(a) To attain the objective of the Employment Act of 1946 "to promote maximum employment, production and purchasing power" we must assure an opportunity for a gainful, productive job to every American who is seeking work and make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

(b) It is within the capability of the United States to provide every American who is able and willing to work, full opportunity, within the framework of a free society, to prepare himself for and obtain employment at the highest level of productivity, responsibility, and remuneration within the limits of his abilities.

(c) The growth of the Nation's economic prosperity and productive capacity is limited by the lack of sufficient skilled workers to perform the demanding production, service, and supervisory tasks necessary to the full realization of economic abundance for all in an increasingly technical society, while, at the same time, there are many workers who are working below their capacity and who with appropriate education and training could capably perform jobs requiring a higher degree of skill, judgment, and attention.

(d) The human satisfaction and sense of purpose so important to employment cannot be fulfilled unless employees have a reasonable opportunity to advance in employment to positions of greater responsibility, status, and remuneration.

(e) The problem of assuring meaningful employment opportunities will be compounded by the continued rapid growth of the labor force. It is imperative that these new workers, including the many young people who will enter the labor force, persons who have recently been separated from military service, and older persons who desire to enter or reenter the labor force, be provided with adequate academic and vocational skills which will allow them to work at the level of their full potential;

(f) The placement of unemployed or underemployed workers in private employment is hampered by the absence of a sufficient number of appropriate entry level employment opportunities to satisfy the need therefor and that the preparation of workers now occupying such places for, and their employment in, more responsible positions would increase the number of appropriate entry level employment opportunities.

(g) It is in the interest of workers, employers, and of the Nation to promote the filling of skill requirements in industry and to provide for the upward mobility of industrial workers by a program that will enable employers to educate and train their employees for positions of greater responsibility, to provide opportunities for advancement to industrial workers, and to create employment opportunities for the unemployed.

(h) There are great unfilled public needs in such fields as health, housing and neighborhood improvement, recreation, education, public safety, maintenance of streets, parks, and other government facilities, rural development transportation, beautification, environmental quality, conservation, and other fields of human betterment and public improvement and that to meet these urgent public needs, and the equally urgent need for expansion of public service employment opportunities which will provide meaningful jobs for unemployed, underemployed, or low income persons, including those who have become unemployed as a result of shifts in the pattern of Federal expenditures as in the defense, aerospace and construction industries, it is necessary to devote greater resources to public service and to expand public service employment.

(i) Improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

(j) The organization and delivery of manpower training services is increasingly complex, the technological nature of the service is expanding, and the trained staff to provide such services is scarce, thus requiring an intensive program of technical assistance and staff training to public and private agencies providing manpower services.

(k) The economic prosperity of the United States and the well-being and happiness of its citizens would be enhanced by the establishment of a comprehensive manpower policy and program designed to assure every American an opportunity for gainful productive employment and to provide the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

AUTHORIZED APPROPRIATIONS

Sec. 3. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1972, $2,500,000,000 for the fiscal year ending June 30, 1973, and $3,000,000,000 for the fiscal year ending June 30, 1974.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

FUNDS AVAILABLE FOR SPECIFIC PROGRAMS

Sec. 4. (a) The amounts appropriated to carry out this Act for any fiscal year (except for amounts otherwise reserved in accordance with this Act or expressly limited in an appropriation Act to a specific purpose under this Act) shall be allocated among the titles of this Act in such a manner, subject to subsections (b) and (c) of this section, that of the amounts so appropriated—

(1) one-third shall be for Comprehensive Manpower Services under title I of this Act;

(2) one-third shall be for Public Service Employment programs under title III of this Act; and

(3) one-third shall be for Occupational Upgrading under title II and Special Federal Responsibilities and Manpower programs under title IV of this Act.

(b) Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing or appropriating funds for any such program or activity, not to exceed 25 per centum of the amount appropriated or allocated from any appropriation for any fiscal year for carrying out any such program or activity under this Act may be transferred and used by the Secretary for carrying out any other such program or activity under this Act.

(c) To the extent necessary to enable the Secretary to make funds available to carry out any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962, as amended, or title I of the Economic Opportunity Act of 1964, as amended, the Secretary may transfer funds from amounts allocated for newly authorized programs under this Act.

ADVANCE FUNDING

Sec. 5. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

DEFINITIONS

Sec. 6. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a community service manpower program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

(4) "health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(5) "city" means an incorporated municipality having general governmental powers.

(6) "Wagner-Peyser Act" means "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113), as amended, (29 U.S.C. 49 et seq.).

LEGAL AUTHORITY

SEC. 7. (a) The Secretary may prescribe such rules, regulations, guidelines and other published interpretations or orders under this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. Such rules, regulations, guidelines and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

(b) The authority of the Secretary relating to disapproval of prime sponsorship plans under section 104(f) or relating to the challenge of an application of a prime sponsor by a unit of general local government under section 106(b) shall be delegated only to the Assistant Secretary for Manpower.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 8. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is higher, or to assist in relocating establishments from one area to another. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

(c) Acceptance of family planning services provided to trainees shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(d) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(e) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(f) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, or personnel employed therein, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(g) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

LABOR STANDARDS

SEC. 9. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

ELIGIBLE PARTICIPANTS

SEC. 10. Eligibility for participation in any program under this Act shall be determined in accordance with the provisions of this Act authorizing such program; and persons who or persons heading families who receive benefits under title IV of the Social Security Act, or food stamps or surplus commodities under the Agricultural Act of 1949 and the Food Stamp Act of 1964, shall be included among individuals eligible to participate in programs conducted under the provisions of this Act, and such persons shall be included among individuals considered low-income persons or persons heading low-income families, as appropriate, for the purposes of this Act.

NATIONAL MANPOWER ADVISORY COMMITTEE

SEC. 11. (a) The President, in consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, shall appoint a National Manpower Advisory Committee which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, public and private education, vocational education, vocational rehabilitation, manpower programs, and economic opportunity programs. From the members appointed to such Committee, the President shall designate a Chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Committee shall hold not less than two meetings during each calendar year.

(b) The National Manpower Advisory Committee shall—

(1) identify the manpower goals and needs of the Nation and assess the extent to which educational vocational education, institutional training, vocational rehabilitation, manpower, economic opportunity, and other programs under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) review the administration and operation of the programs referred to in clause (1) and advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity and other appropriate officials as to the carrying out of their duties under this Act and related Acts;

(3) conduct independent evaluations of programs carried out under this and related Acts and publish and distribute the results thereof; and

(4) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs including the programs authorized under this and related Acts.

(c) The National Manpower Advisory Committee shall make an annual report, and such other reports as it deems appropriate on its findings, recommendations, and activities to the Congress and to the President. The President is requested to transmit to the Congress as a part of his report under section 13 of this Act such comments and recommendations as he may have with respect to such reports and activities of the National Manpower Advisory Committee.

(d) The National Manpower Advisory Committee may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(e) Appointed members of the National Manpower Advisory Committee shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS-18 when engaged in the work of the National Manpower Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(f) The National Manpower Advisory Committee is authorized, without regard to the civil service laws, to engage such technical assistance as many be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

(g) For the purposes of this section, funds may be reserved from the sums appropriated to carry out this Act, as directed by the Director of the Office of Management and Budget.

STATE AND LOCAL ADVISORY COMMITTEES

SEC. 12. For the purpose of making expert assistance available to persons formulating and carrying out programs under this Act, the Secretary shall, where appropriate, require the organization of labor-management-public advisory committees on a community, State, and regional basis.

REPORTS

SEC. 13. (a) The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall report to the Congress by January 20, 1972, on the extent to which community colleges, area vocational and technical schools, and other vocational educational agencies and institutions are being utilized to carry out manpower training programs supported in whole or in part from provisions of the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and this Act, the extent to which administrative steps have been taken and are being taken to encourage the use of such facilities and institutions and agencies in the carrying out of the provisions of this Act and any further legislation that may be required to assure effective coordination and utilization of such facilities and agencies to the end that all federally supported manpower and vocational educational programs can more effectively accomplish their objectives of providing all persons needing occupational training and opportunity for such training.

(c) The Commissioner of the United States Office of Education shall report to the Congress by January 20, 1972, on the extent to which vocational orientation, preparation, and education are being incorporated in regular elementary and secondary education programs and curricula to the end that educational institutions serving youth during years of compulsory school attendance are affording meaningful opportunities, education, and incentives for students to enter vocational careers and on any legislation that may be necessary to facilitate an appropriate blend of vocational and academic education.

(d) The Secretary shall transmit to the Congress at the earliest appropriate date, not later than March 1, in each calendar year a report setting forth a description of summer work experience programs to begin in June of such year, including the number of opportunities in public and private agencies or organizations that will be provided to disadvantaged students in ninth through twelfth grades (and to youth of equivalent ages), in each of the several States and local areas within States, and a statement as to the total number of such persons who would be eligible for such programs, together with his recommendations, if any, for supplemental appropriations for such programs.

(e) The Secretary shall transmit at least annually as a part of the report required under this section a detailed report setting for the activities conducted under title III, including information on the extent to which participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs.

(f) The Secretary shall transmit to the Congress annually as part of the report required under this section a report of his findings and recommendations arising out of the programs and studies under part G of title IV.

AUTHORITY TO CONTRACT AND EXPEND FUNDS

SEC. 14. The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

ACCEPTANCE OF GIFTS

SEC. 15. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ or dispose of in furtherance of the purposes of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

ACCEPTANCE OF VOLUNTARY SERVICES

SEC. 16. The Secretary is authorized, in carrying out his functions and responsibilities under this Act to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

ACCEPTANCE OF FUNDS

SEC. 17. The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

TRANSFER OF FUNDS

SEC. 18. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 19. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

RENTAL, ALTERATION, AND IMPROVEMENT OF BUILDINGS

SEC. 20. The Secretary is authorized, in carrying out his functions under this Act to expend funds without regard to any other law or regulations for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this section—

(1) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

(2) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

EXPENDITURES FOR PRINTING AND BINDING

SEC. 21. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to expend funds made available for the purposes of this Act for such printing and binding as he determines necessary, without regard to any other law or regulation.

CRIMINAL PROVISIONS

SEC. 22. (a) Chapter 31 of title 18, United States Code, is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Employment and Manpower Act embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Employment and Manpower Act induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

(b) The analysis of chapter 31 is amended by adding at the end thereof the following new item:

"665. Theft or embezzlement from manpower funds; improper inducement."

COOPERATION OF OTHER AGENCIES

SEC. 23. (a) Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) The Secretary shall carry out his responsibilities under this Act through the utilization, to the extent appropriate, of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities, with their consent.

INTERSTATE AGREEMENTS

SEC. 24. In the event that compliance with provisions of this Act requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilities such compliance, subject to the approval of the Secretary.

EFFECTIVE DATE

SEC. 25. The effective date of this Act, except as otherwise provided, shall be July 1, 1971. Rules, regulations, guidelines and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

PROGRAM AUTHORIZED

SEC. 101. The Secretary of Labor shall develop and carry out a program of comprehensive manpower services under this title that will—

(1) provide for the prompt referral of those persons who are qualified and are seeking work to suitable employment opportunities;

(2) provide training and related manpower services to persons who are unemployed, in danger of becoming unemployed, employed in public service jobs, eligible to receive benefits under title IV of the Social Security Act, or employed in low-paying jobs who could through further training qualify for job opportunities that would provide an adequate standard of living for themselves and their families;

(3) provide appropriate training and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(4) provide the maximum of employment counseling, placement and related services, and training and related manpower services for persons who have recently been or will shortly be separated from military service;

(5) develop an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure;

(6) promote and encourage the adoption of employment practices by public agencies, private agencies, labor organizations, and private firms that will remove unreasonable barriers to employment, without reducing productivity, and expand opportunities for upward mobility;

(7) reduce the level of youth unemployment by improving the linkages between educational institutions and job markets; and

(8) support and encourage the development of broad and diversified training programs by public, nonprofit, and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers.

USES OF FUNDS

Sec. 102. (a) The services for which funds under this title may be expended shall include but not be limited to the following:

(1) Basic education, including literacy and communications skills, instruction courses in English language skills and, where appropriate, training programs conducted in languages other than English, which will assist individuals to become more employable or more suitable for participation in occupational training.

(2) A program for testing, counseling, and selecting for occupational training those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without training.

(3) Outreach to find the discouraged and undermotivated and encourage and assist them to enter employment or programs designed to improve their employability.

(4) Prevocational orientation to introduce those of limited experience to alternative occupational choices.

(5) Short-term work experience with public and nonprofit agencies for those unaccustomed to the discipline of work.

(6) Communication and employability skills for indviduals pursuing, subsequently or concurrently, courses of occupational training who require such other preparation to render them employable and for those individuals with sufficient skills for suitable employment who require such preparation to become employable.

(7) Part-time and full-time work and manpower services for older persons who desire to enter or reenter the labor force.

(8) Occupational training designed to improve and broaden existing skills or to develop new ones.

(9) On-the-job training provided by public, nonprofit and private employers.

(10) Part-time training for employed persons where such training would lead to improved employment opportunities.

(11) Programs to provide part-time employment, on-the-job training, or useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school.

(12) Special programs for jobs in public and private agencies leading to career opportunities including new types of careers, in programs designed to improve the physical, social, economic, or cultural conditions of the community or area served in fields including but not limited to conservation, pollution, beautification, health care, education, welfare, neighborhood redevelopment, rural development, transportation, recreation, maintenance of parks, streets, public facilities, and public safety, which provide maximum prospects for advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

(13) Programs to provide incentives to private employers, nonprofit organizations, and public employers to train or employ unemployed or low-income persons, including arrangements by direct contract, for reimbursement to employers for the costs of recruiting and training such employees to the extent that such costs exceed those customarily incurred by such employer in recruiting and training new hires, payment for on-the-job counseling and other supportive services transportation, and payments for other extra costs including supervisory training required by the program.

(14) Skill training centers wherever a consolidation of occupational training and related manpower services would promote efficiency and provide improved services.

(15) Supportive and followup services to supplement work and training programs under this Act and other Acts, including health care services, counseling, day care for children, bonding, transportation assistance, and other special services necessary to assist individuals to achieve success in work and training programs.

(16) Employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban neighborhoods and rural areas and easily accessible to the most disadvantaged.

(17) Special job development efforts to solicit job opportunities suited to the abilities of the disadvantaged jobseeker and to facilitate the placement of individuals after training including referral to employment opportunities in urban and suburban areas outside their own neighborhoods.

(18) Job coaching for a limited period to assist the employer and the worker to insure job retention.

(19) Relocation payments and other special services as needed to assist unemployed individuals and their families to relocate from a labor surplus area to another area with expanding employment opportunities where a suitable job has been located. Preference for such assistance shall be provided those who have been provided training before relocation or have been accepted for on-the-job and other types of employer-directed training.

(20) Special programs which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health care, education, day care, and recreation services.

(21) The development of job opportunities through the establishment and operation of centers for low-income persons who are unemployed or underemployed, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services.

(b) Where appropriate, the services authorized by this section may be provided, in whole or in part, through residential programs.

ELIGIBLE APPLICANTS

Sec. 103. (a) To the extent consistent with the purposes of this title, the Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title in order to make financial assistance available for the purpose of carrying out manpower services when the Secretary determines that such services can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by Secretary under section 104; and

(2) other public and private agencies, institutions, and organizations, including community action agencies.

PRIME SPONSORS

Sec. 104. (a) For the purposes of this title—

(1) any State; and

(2) any unit of general local government—

(A) which is a city which has a population of seventy-five thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

(B) which is a county or other unit of general local government which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functional labor market area; or

(C) which does not meet the population criteria in clause (A) or (B) and which has the largest population of a unit of general local government in the State otherwise meeting the requirements of clause (A) or (B); and

(3) any combination of such units of general local government having a total population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary, and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functional labor market area and to have at least one such unit having general governmental powers substantially similar to those of a city; and

(4) any unit or combination of units of general local government, without regard to population, in rural areas designated by the Secretary which have substantial outmigration and high unemployment;

shall be eligible to be a prime sponsor of a comprehensive manpower services program in accordance with the provisions of this section.

(b) Any State or unit (or combination of units) of general local government which is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary a prime sponsorship plan including provisions which evidence capability for carrying out a comprehensive manpower services plan in accordance with section 105(b) of this title and provisions for the establishment of a manpower services council which—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall include members who are representative of community action programs; other significant segments of the poverty community; the public employment service; education and training agencies and institutions, including vocational educational agenices and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health care, recreation, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeship programs; business; labor; and veterans organizations;

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which applications for financial assistance for any fiscal year will be submitted by the prime sponsor which shall be responsible for planning for and carrying out services for which financial assistance is provided under this title and under which appropriate arrangements may be made for the council's participation in planning and development, including initial preparation of such applications;

(5) set forth the prime sponsor's plans (adopted after full consultation with the council) for conducting on a continuing basis surveys and analyses of needs for manpower services in the area served by the prime sponsor to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that community action agencies will be involved in the development of applications for financial assistance and in the implementation of programs assisted under this title;

(7) set forth the council's plans for evaluating the effectiveness of programs for which financial assistance is provided under this title; and

(8) describe the area to be served by the prime sponsor.

(c) In any case in which a State has submitted a plan under this section to serve a geographical area under the jurisdiction of a unit (or combination of units) of general local government which is eligible under paragraph (2), (3), or (4) of subsection (a) and which has submitted a plan under this section meeting the requirements set forth in subsection (b), the Secretary shall approve the latter plan after carrying out the procedures set forth in subsection (d). When two or more units (or combination of units) of general local government each submit plans which include a common geographical area under their respective jurisdictions and which are consistent with the purposes of this title and meet the requirements set forth in subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the unit of general local government plan which he determines will most effectively carry out the purposes of this title.

(d) The Secretary shall not approve a prime sponsorship plan submitted under this section unless—

(1) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation, prior to the date such plan is to take effect, in order to provide a reasonable period of time for review in accordance with the provisions of this section;

(2) a copy of such plan has been submitted for comment thereon to the Governor of the appropriate State; the Governor has been provided such period of time, as the Secretary shall prescribe by regulation, after the copy of such plan was sent to him, during which time he may submit comments on such plan to the Secretary, a copy of which comments shall be sent to the plan applicant; and, if comments have been submitted by the Governor, such additional period of time, as the Secretary shall prescribe by regulation, has passed, during which time the Secretary shall, to the extent practicable, confer with and encourage the plan applicant to resolve any differences arising from such comments;

(3) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsorship plan is approved under this section.

(e) In the event that a unit (or combination of units) of general local government eligible to be a prime sponsor under subsection (a) does not submit a plan meeting the requirements set forth in this section, a community action agency serving a geographical area under the jurisdiction of such unit may submit a prime sponsorship plan for that area.

(f) Except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan submitted under this section if it is consistent with the provisions of this title. A plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

(2) for a reasonable time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(g) For the purpose of making such payments as may be reasonably necessary to cover the staff and other administrative expenses of the councils established pursuant to subsection (b) and to support other planning and evaluation activities of prime sponsors, the Secretary shall reserve not less than 1 per centum of the amounts available for title I to be allocated in the same manner as set forth in section 108 and 1 per centum of the amounts available for title III to be allocated in the same manner as set forth in section 306.

APPLICATIONS

Sec. 105. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth—

(1) a description of the services for which such financial assistance will be used;

(2) assurances that the services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, with the public employment service or any other public or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data indicating the number of potential eligible participants, and their income and employment status; and

(5) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

(b) An application submitted by a prime sponsor for financial assistance for any fiscal year shall set forth, in addition to the requirements set forth in subsection (a), a comprehensive manpower services plan for that fiscal year which shall include provisions for—

(1) coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential, effectively serving on an equitable basis the significant segments in that population;

(2) increased occupational opportunities and work experience for eligible individuals;

(3) intensified efforts to relieve skills shortages;

(4) effective utilization of manpower in our economy;

(5) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(6) utilizing, to the extent appropriate, those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies, including but not limited to the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages;

(7) long-term projections of requirements for manpower and manpower-related services, and planning for meeting such requirements, in the area served by the prime sponsor;

(8) evaluating the effectiveness of programs for which financial assistance is provided under this title in achieving the objectives of such programs; and

(9) arrangements in the area served by the prime sponsor for the conduct of services for which financial assistance is provided under programs administered by the Secretary of Labor relating to manpower and manpower-related services.

APPROVAL OF APPLICATIONS

Sec. 106. (a) An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in section 105;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(6) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

(b) If any unit of general local government submits to the Secretary a written statement and supporting reasons alleging that, with respect to the area served by such unit, the prime sponsor is not complying with the requirements for a comprehensive manpower services plan under section 105(b) and giving its reasons for the allegation, the Secretary shall, in accordance with regulations he shall prescribe, in no more than 30 days from the date he receives such written statement, make a decision on the allegation, after providing the prime sponsor with a copy of the written statement and with a reasonable opportunity to respond in writing and holding such conferences and hearings as he deems appropriate. The Secretary shall transmit to all interested parties a written statement of his decision, including his findings and supporting reasons. Until he makes such decision, the Secretary shall withhold approval of so much of a prime sponsor's pending application for financial assistance under this Act as relates directly to the matter under contention. With respect to allegations not involving such pending applications, nothing in this subsection shall in any way require the Secretary to withhold any financial assistance under this Act. If the Secretary determines that the requirements of section 105(b) will not be complied with, then he shall enter into direct arrangements with the appropriate unit of general local government or any other public or private agency with respect to those programs involved, and funds which would otherwise be available to the prime sponsor for such programs shall be made available through such direct arrangements. If the Secretary finds upon examination of the allegation that it requires no investigation because it is frivolous on its face, he may reject the allegation summarily without regard to the procedures required in this subsection except for transmission of a written decision to the interested parties.

CONCURRENCE OF OTHER AGENCIES

SEC. 107. (a) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health care, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions.

(b) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines relating to the participation of community action agencies and other community-based organizations serving the poverty community under this Act unless he shall have first obtained the concurrence of the Director of the Office of Economic Opportunity.

ALLOCATION OF FUNDS

SEC. 108. (a) The amounts available for any fiscal year for this title which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1)(A) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section, and (B) not more than 5 per centum shall be available for financial assistance under subsection (d) of this section;

(2) not less than 70 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this title.

(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among areas within each such State in an equitable manner taking into consideration the proportion which the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State. To the maximum extent appropriate, apportioned funds for each such area shall be expended through approved applications submitted by prime sponsors.

(c) The amount available pursuant to clause (1)(A) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial, assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to the area so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

(d) The amount available pursuant to clause (1)(B) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the establishment by the prime sponsor of appropriate procedures for coordination and cooperation with agencies administering vocational education programs in the area to be served by any such sponsor. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to such prime sponsor under subsection (b) of this section. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall establish criteria for the establishment of such procedures.

(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a)(2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(2) or (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(f) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) of this section and the labor market areas described in subsection (c) of this section.

SPECIAL REQUIREMENTS FOR STATES

SEC. 109. (a) Any State seeking assistance under this Act or the Wagner-Peyser Act shall submit an annual State employment and manpower plan to the Secretary for approval in accordance with the requirements of this section.

(b) The State employment and manpower plan shall—

(1) indicate the extent to which all State agencies providing manpower and manpower related services will be available to cooperate and, at the request of the local prime sponsor, participate in the development and implementation of comprehensive manpower services plans by prime sponsors in accordance with the provisions of this Act;

(2) provide for the developing and publishing of information regarding economic, industrial, and labor market conditions which will be useful and made available to assist prime sponsors in the development and implementation of comprehensive manpower services plans under this Act, including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations, and economic and business development and location trends;

(3) provide for the conduct of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing effective assistance to those individuals requiring manpower and manpower related services to achieve their full occupational potential in accordance with the policy of this act; and

(4) provide, without reimbursement and upon request, to any prime sponsor serving an area within the State, such information, technical assistance and advice as may be necessary and appropriate to assist the prime sponsor in developing and implementing the plans submitted under sections 104 and 105.

SPECIAL CONDITIONS

SEC. 110. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation protection will be provided to all participants;

(4) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(5) persons shall not be referred for training in an occupation which requires less than two weeks of pre-employment training unless there are immediate employment opportunities available in that occupation;

(6) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds; and

(7) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this title.

ALLOWANCES AND COMPENSATION

SEC. 111. (a) The Secretary shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments as he deems appropriate in allowances which would otherwise be payable under this Act, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this title shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

TITLE II—OCCUPATIONAL UPGRADING

AUTHORIZATION OF PROGRAM

SEC. 201. The Secretary shall carry out a program under which public and private employers will undertake to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employers. Financial assistance under this title may be provided by the Secretary pursuant to an application submitted by eligible applicants who shall be—

(a) prime sponsors designated pursuant to the provisions of title I of this Act; and

(b) other public and private employers.

REQUIREMENTS FOR APPLICATIONS

SEC. 202. Any application must contain assurances satisfactory to the Secretary that—

(1) the positions for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(2) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employ of the employer for a period of not less than six months;

(3) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer and of other employers in the same industry;

(4) the training period is reasonable and consistent with periods customarily required for comparable training;

(5) adequate and safe facilities and adequate personnel and records of attendance and progress are provided;

(6) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(7) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(8) the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations hereinafter authorized, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

PAYMENTS TO EMPLOYERS

SEC. 203. Such agreements shall provide for payment to the employer undertaking a training program under this title in an amount equal to—

(1) ninety per centum of the instructional expense other ordinary and necessary training costs, and trainee wage payments for the time spent in training less the value of productive services rendered by such trainee, plus

(2) a bonus payment to reward the efforts of employers whose programs under this title have resulted in substantial upgrading and high retention, to be computed as follows:

(A) at the end of the first twelve months following the completion of a program authorized under this title, 20 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees; and

(B) at the end of the second twelve months following the completion of a program authorized under this title, 10 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees.

ALLOCATION OF FUNDS

SEC. 204. The provisions of section 108 shall apply to this title.

TITLE III—PUBLIC SERVICE EMPLOYMENT

FINANCIAL ASSISTANCE

SEC. 301. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this title in order to make financial assistance available to public and private nonprofit agencies and institutions for the purpose of providing employment for unemployed and underemployed persons in jobs providing needed public services and training and manpower services related to such employment which are otherwise unavailable.

AUTHORIZATION

SEC. 302. In addition to the amounts authorized to be appropriated pursuant to section 3 for carrying out this Act, there are further authorized to be appropriated for the purpose of carrying out this title $200,000,000 for the fiscal year ending June 30, 1971, $400,000,000 for the fiscal year ending June 30, 1972, $600,000,000 for the fiscal year ending June 30, 1973, and $800,000,000 for the fiscal year ending June 30, 1974.

ELIGIBLE APPLICANTS

SEC. 303. Financial assistance under this title may be provided by the Secretary only pursuant to applications submitted by eligible applicants, who shall be—

(1) prime sponsors designated pursuant to the provisions of title I of this Act,

(2) other public agencies and institutions (including public service agencies and institutions of the Federal Government); and

(3) Non-profit hospitals and nursing homes, local service companies, Indian tribes, and any private nonprofit agencies and institutions approved by the appropriate prime sponsor.

APPLICATIONS

SEC. 304. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth a public service employment program designed to provide employment and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, for unemployed and underemployed persons in jobs providing needed public services in such fields as health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(b) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment

or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(5) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(6) a description of unmet public service needs and a statement of priorities among such needs;

(7) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(8) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(9) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(10) the planning for and training of supervisory personnel in working with participants;

(11) a description of career opportunities and job advancement potentialities for participants;

(12) procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this title; and procedures pursuant to which, in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participants shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(13) assurances that agencies and institutions to whom financial assistance will be made available under this title will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(14) assurances that the applicant shall, where appropriate, maintain or provide linkages with upgrading and other programs under this Act, and other Federal or federally supported manpower programs for the purpose of:

(A) providing those persons employed in public service jobs under this title who want to pursue work with the employer, or in the same or similar work as that so performed under the agreement with opportunities to do so and to find permanent, upwardly mobile careers in that field; and

(B) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

(15) assurances that all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed or underemployed persons;

(16) assurances that to the maximum extent possible, technical, supervisory, and administrative personnel shall be recruited from among fully qualified, unemployed or underemployed persons;

(17) ways in which the program shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 305. An application, or modification or amendment thereof, for financial assistance under this title may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this title;

(2) the approvable request for funds does not exceed 80 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary; and

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary.

ALLOCATION OF FUNDS

SEC. 306. (a) The amounts available for any fiscal year for this title which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this title.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner taking into consideration the proportion which the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State. To the maximum extent appropriate, apportioned funds for each such area shall be expended through approved applications submitted by prime sponsors.

(c) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(1) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(1) or (b), and no revision in the apportionments of the funds not so reallocated shall be made because of such reallocations.

(d) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

DISASTER RELIEF

SEC. 307. With respect to any area designated by the President as a major disaster area, the Secretary is authorized to utilize such funds as may be necessary, which are available to him under section 306 (a)(2) and (c), to make financial assistance available to eligible applicants to provide additional employment in carrying out public services needed in such area as a result of the disaster.

SPECIAL CONDITIONS

SEC. 308. (a) The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits), and will impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) persons employed in a public service job under this title shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the paricipant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations;

(3) all persons employed in a public service job under this title will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 shall apply to such agreements;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this title, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

LIMITATION

SEC. 309. For the purpose of providing training and manpower services which are otherwise unavailable and which are related to public service employment assisted under this title, there shall be available, in addition to the funds available for such training and manpower services under other titles of this Act, not to exceed 15 per centum of the amounts available for carrying out this title with respect to any fiscal year.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES AND PROGRAMS

PART A—GENERAL PROVISIONS

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 401. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under parts B and D of this title. In developing such criteria as are appropriate for each such part, he shall consider, among other relevant factors, the ratios of population, unemployment, and income levels. Of the sums available for any fiscal year for programs authorized under each such part, not more than 15 per centum shall be used within any one State.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 402. Federal financial assistance to any program or activity carried out pursuant to parts B and D of this title shall not exceed 90 per centum of the cost of such program or activity, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the purposes of this title. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant equipment, and services.

ADMINISTRATIVE REGULATIONS

SEC. 403. The Secretary shall prescribe regulations to assure that programs assisted under parts B and D of this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

SECRETARY'S RESPONSIBILITIES

SEC. 404. In carrying out his responsibilities under this Act, the Secretary is authorized under this title to provide for services and activities authorized under any other part of this Act.

PART B—SPECIAL WORK, TRAINING, AND CAREER DEVELOPMENT PROGRAMS

NEW CAREERS

SEC. 411. The Secretary shall carry out a special program to be known as "New Careers" which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including but not limited to health care, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing career ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement. In carrying out this section, the Secretary is authorized to (1) provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity, and (2) provide financial and other assistance to insure the provision of supportive and followup services to supplement programs under this section including health care, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

MAINSTREAM

SEC. 412. The Secretary shall carry out a special program to be known as "Mainstream" by providing financial assistance to public or private nonprofit agencies for the support of projects which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health care, education, day care, and recreation services.

COMMUNITY ENVIRONMENT SERVICE

SEC. 413. The Secretary shall carry out a special program to be known as the "Community Environment Service" by providing financial assistance to public or private nonprofit agencies, especially programs sponsored by State, county, and city governments. Such programs may provide employment on a full-time or part-time basis for persons to help restore a livable environment in urban and rural areas, including restoration of housing and neighborhoods; the planning, development, and maintenance of parks and recreation areas and facilities in inner cities as well as roadside recreation projects; and sanitation and cleanup projects, including solid waste removal. Support may also be provided for the employment of environmental health aides in community health care facilities, and water and air pollution control programs. Community environment service programs shall be encouraged to involve volunteers from the community in environmental planning and action campaigns.

OPPORTUNITIES INDUSTRIALIZATION CENTERS

SEC. 414. The Secretary shall make financial assistance available under this section for the establishment and operation of "Opportunities Industrialization Centers" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, health care, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made are assured that (1) the residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

JOBS FOR PROGRESS—OPERATION SER PROGRAMS

SEC. 415. The Secretary shall make financial assistance available under this section for the establishment and operation of "Jobs for Progress—Operation SER Programs" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, health care, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) the residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

MANAGEMENT TRAINING PROGRAMS

SEC. 416. The Secretary, after consultation with the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Administrator of the Small Business Administration, and the Director of the Office of Economic Opportunity, shall carry out a special program under which education, training, and experience in business management are provided to enable individuals to secure and retain business management opportunities or to establish their own business concerns. In carrying out the provisions of this section, the Secretary is authorized to make grants to public agencies, including educational agencies, and to enter into contracts with private agencies and organizations. The Secretary shall obtain the prior concurrence of the Secretary of Health, Education, and Welfare with respect to any educational component of any program assisted under this section.

MANPOWER PROGRAMS IN CORRECTIONAL INSTITUTIONS

SEC. 417. (a) The Secretary of Labor is authorized to make grants to public agencies including educational agencies and to enter into contracts with private organizations for the establishment, conduct, and evaluation of projects and programs, including demonstration projects and programs, under which inmates of correctional institutions are provided with educational, vocational, rehabilitative, work experience (including offsite training), placement assistance, and other related counseling and supportive services sufficient to enable them to acquire relevant skills and to secure and retain meaningful employment after their confinement. The education and training components of such project and programs shall be agreed to by the Secretary of Health, Education, and Welfare. In the case of projects and programs to be conducted in Federal correctional institutions, prior concurrence shall be obtained from the Attorney General of the United States. The Secretary of Labor shall consult with State and local correctional and educational officials where appropriate.

(b) Special consideration shall be given to applications under this section for programs and projects which—

(1) provide for participation of representatives of industry and labor and other qualified persons from the private sector of the economy in the development of curriculum, and as instructors,

(2) provide for the use of modern equipment in any such program, and

(3) make provisions for the employment of persons confined in such institutions after their release.

(c) Programs and projects assisted under this section may include activities designed to test the effectiveness of pretrial or presentencing arrangements under which offenders awaiting trial or further hearings may receive manpower training in lieu of parole or confinement.

(d) Except as precluded by Federal, State, or local law, projects or programs assisted under this section may provide for the selection of persons confined in the correctional institutions as teacher aides in accordance with criteria prescribed by the Secretary.

(e) (1) The Secretary of Labor shall, with the concurrence of the Secretary of Health, Education, and Welfare, promulgate regulations and establish standards, including but not limited to standards or regulations designed to ensure that programs and projects assisted under this section will contain provisions for (A) the development of skills for which there is a demand on a local, regional, or other appropriate basis, and (B) adequate internal administrative controls, accounting requirements, personnel standards, and evaluation procedures.

(2) No Federal, State, or local correctional institution shall reduce the amount of funds previously available for education, training, work experience, and placement assistance by reason of assistance granted to inmates of such institutions by reason of this section.

(f) The Secretary of Labor is authorized to make arrangements for training, medical, and transportation allowances and bonding assistance as surety for financial loss where necessary to carry out the purposes of this section.

PART C—JOB CORPS

STATEMENT OF PURPOSE

SEC. 431. This part establishes a Job Corps for low-income, disadvantaged young men and women, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling, and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. Its purpose is to assist young persons who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens, and to do so in a way that contributes, where feasible, to the development of national, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

SEC. 432. To become an enrollee in the Job Corps, a young man or woman must be a person who has attained age fourteen but not attained age twenty-two at the time of enrollment and who—

(1) is a permanent resident of the United States or a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 2112(d) (5), respectively, or any person admitted as a conditional entrant under section 203(a) (7), of the Immigration and Nationality Act;

(2) is a low-income individual or member of a low-income family who requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successfully in regular school-work, qualify for other training programs suitable to his needs, or satisfy Armed Forces requirements;

(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair his prospects for successful participation in any other program providing needed training, education, or assistance;

(4) is determined, after careful screening as provided for in sections 432 and 433, to have the present capabilities and aspirations needed to complete and secure the full benefit of the program authorized in this part, and to be free of medical and behavioral problems so serious that he could not or would not be able to adjust to the standards of conduct and discipline or pattern of work and training which that program involves; and

(5) meets such other standards for enrollment as the Secretary may prescribe (including special standards for the enrollment on a residential basis of fourteen- and fifteen-year olds) and agrees to comply with all applicable Job Corps rules and regulations.

SCREENING AND SELECTION OF APPLICANTS

SEC. 433. (a) The Secretary shall prescribe necessary rules for the screening and selection of applicants for enrollment in the Job Corps. To the extent practicable, these rules shall be implemented through arrangements which make use of agencies and organizations such as community action agencies, public employment offices, professional groups, and labor organizations. The rules shall establish specific standards and procedures for conducting, screening and selection activities; shall encourage recruitment through agencies and individuals having contact with youths over substantial periods of time and able, accordingly, to offer reliable information as to their needs and problems; and shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. They shall also provide for—

(1) the interviewing of each applicant for the purpose of—

(A) determining whether his educational and vocational needs can best be met through the Job Corps or any alternative program in his home community;

(B) obtaining from the applicant pertinent data relating to his background, needs, and interests for evaluation in determining his eligibility and potential assignment; and

(C) giving the applicant a full understanding of the Job Corps program and making clear what will be expected of him as an enrollee in the event of his acceptance;

(2) the conduct of a careful and systematic inquiry concerning the applicant's background for the effective development and, as appropriate, clarification of information concerning his age, citizenship, school, and draft status, health, employability, past behavior, family income, environment, and other matters related to a determination of his eligibility.

(b) The Secretary shall make no payments to any individual or organization solely as compensation for the service of referring the names of candidates for enrollment in the Job Corps.

(c) The Secretary shall take all necessary steps to assure that the enrollment of the Job Corps includes an appropriate number of candidates selected from rural areas, taking into account the proportion of eligible youth who reside in rural areas and the need to provide residential facilities for such youth in order to meet problems of wide geographic dispersion.

SPECIAL LIMITATIONS

SEC. 434. (a) No individual shall be selected as an enrollee unless it is determined that there is reasonable expectation that he can participate successfully in group situations and activities with other enrollees, that he is not likely to engage in actions or behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between any center to which he might be assigned and surrounding communities, and that he manifests a basic understanding of both the rules to which he will be subject and of the consequences of failure to observe those rules. Before selecting an individual who has a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other major behavioral aberrations, the Secretary shall obtain a finding from a professionally qualified person who knows such potential enrollee's individual situation that there is reasonable expectation that his conduct will not be inimical to the goals and success of the Job Corps and that the opportunity provided by the Job Corps will help him to overcome his problem.

(b) An individual who otherwise qualifies for enrollment may be selected even though he is on probation or parole, but only if his release from the immediate supervision of the cognizant probation or parole officials is mutually satisfactory to those officials and the Secretary and does not violate applicable laws or regulations, and if the Secretary has arranged to provide all supervision of the individual and all reports to State or other authorities that may be necessary to comply with applicable probation or parole requirements.

ENROLLMENT AND ASSIGNMENT

SEC. 435. (a) No individual may be enrolled in the Job Corps for more than two years, except as the Secretary may authorize in special cases.

(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.).

(c) Each enrollee (other than a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d) (5), respectively, or any person admitted as a conditional entrant under section 203(a) (7), of the Immigration and Nationality Act, or a permanent resident of the Trust Territory of the Pacific Islands) must take and subscribe to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable to this oath or affirmation.

(d) After the Secretary has determined whether an enrollee is to be assigned to a men's training center, a conservation center, or a women's training center, the center to which he shall be assigned shall be that center of the appropriate type in which a vacancy exists which is closest to the enrollee's home, except that the Secretary, on an individual basis, may waive this requirement when overriding considerations justify such action. Assignments to centers in areas more remote from the enrollee's home shall be carefully limited to situations in which such action is necessary in order to insure an equitable opportunity for disadvantaged youth from various sections of the country to participate in the program, to prevent undue delays in the assignment of individual enrollees, to provide an assignment which adequately meets the educational or other needs of the enrollee or is necessary for efficiency and economy in the operation of the program.

(e) Assignments of male enrollees shall be made so that, at any one time, at least 40 per centum of those enrollees are assigned to conservation centers as described in section 436, or to other centers or projects where their work activity is primarily directed to the conservation, development, or management of public natural resources or recreational areas and is performed under the direction of personnel of agencies regularly responsible for those functions.

JOB CORPS CENTERS

SEC. 436. (a) The Secretary may make agreements with Federal, State, or local agencies, or private organizations for the establishment and operation of Job Corps centers. These centers may be residential or nonresidential in character and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, health care, and other services appropriate to their needs. The centers shall include conservation centers, to be known as Civilian Conservation Centers, to be located primarily in rural areas and to provide, in addition to other training and assistance, programs of work experience focused upon activities to conserve, develop, or manage public natural resources or public recreational areas or to assist in developing community projects in the public interest. They shall also include men's and women's training centers to be located in either urban or rural areas and to provide activities which shall include training and other service appropriate for enrollees who can be expected to participate successfully in training for specific type of skilled or semiskilled employment.

(b) To the extent feasible men's and women's training centers shall offer education and vocational training opportunities, together with supportive services, on a nonresidential basis to participants in programs under other provisions of this Act. Such opportunities may be offered on a reimbursable basis or through such other arrangements as the Secretary may specify.

PROGRAM ACTIVITIES

SEC. 437. (a) Each Job Corps center shall be operated so as to provide enrollees with an intensive, well-organized, and fully supervised program of education, vocational training, work experience, planned avocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required program for each enrollee shall include activities designed to assist him in choosing realistic career goals, coping with problems he may encounter in his home community or in adjusting to a new community, and planning and managing his daily affairs in a manner that will best contribute to long-term upward mobility. Center programs shall include required participation in center maintenance support and related work activity as appropriate to assist enrollees in increasing their sense of contribution, responsibility, and discipline.

(b) To the extent practicable, the Secretary may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes where these institutions or institutes can provide training comparable in cost and substantially equivalent in quality to that which he could provide through other means.

(c) Arrangements for education shall, to the extent feasible, provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from secondary school; and the Secretary of Labor, with the concurrence of the Secretary of Health, Education, and Welfare, shall develop certificates to be issued to enrollees who have satisfactorily completed their services in the Job Corps and which will reflect the enrollee's level of educational attainment.

(d) The Secretary shall prescribe regulations to assure that Job Corps work-experience programs or activities do not displace presently employed workers or impair existing contracts for service and will be coordinated with other work-experience programs in the community.

ALLOWANCES AND SUPPORT

SEC. 438. (a) The Secretary may provide enrollees with such personal, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. Personal allowances shall be established at a rate not to exceed $50 per month during the first six months of an enrollee's participation in the program and not to exceed $75 per month thereafter, except that allowances in excess of $50 per month, but not exceeding $75 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration and the Secretary is authorized to pay personal allowances in excess of the rates specified herein in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. Enrollees shall be required to a reasonable degree to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

(b) The Secretary shall prescribe specific rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months service in the Job Corps.

(c) The Secretary may provide each former enrollee, upon termination, a readjustment allowance at a rate not to exceed $50 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance, however, unless he has remained in the program at least ninety days, except in unusual circumstances as determined by the Secretary. The Secretary, may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowance as the Secretary deems necessary to meet extraordinary financial obligations incurred by that enrollee; and he may also, pursuant to rules or regulations, reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(d) Under such circumstances as the Secretary may determine, a portion of the readjustment allowance of an enrollee not exceeding $25 for each month of satisfactory service may be paid during the period of service of the enrollee directly to a spouse or child of an enrollee or to any other relative who draws substantial support from the enrollee, and any sum so paid shall be supplemented by the payment of an equal amount by the Secretary.

STANDARDS OF CONDUCT

SEC. 439. (a) Within Job Corps centers, standards of conduct and deportment shall be provided and stringently enforced. In the case of violations committed by enrollees, dismissals from the Corps or transfers to other locations shall be made in every instance where it is determined that retention in the Corps, or in the particular Job Corps center, will jeopardize the enforcement of such standards of conduct and deportment or diminish the opportunity of other enrollees.

(b) In order to promote the proper moral and disciplinary conditions in the Job Corps, the individual directors of Job Corps centers shall be given full authority to take appropriate disciplinary measures against enrollees including, but not limited to, dismissal from the Job Corps, subject to expeditious appeal procedures to higher authority, as provided under regulations set by the Secretary.

COMMUNITY PARTICIPATION

SEC. 440. The Secretary shall encourage and shall cooperate in activities designed to establish a mutually beneficial relationship between Job Corps centers and surrounding or nearby communities. These activities shall include the establishment of community advisory councils to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Whenever possible, such advisory councils shall be formed by and coordinated under the local community action agency. Youth participation in advisory council affairs shall be encouraged and where feasible separate youth councils may be established, to be composed of representative enrollees and representative young people from the communities. The Secretary shall establish necessary rules and take necessary action to assure that each center is operated in a manner consistent with this section with a view to achieving, so far as possible, objectives which shall include: (1) giving community officials appropriate advance notice of change in center rules, procedures, or activities that may affect or be of interest to the community; (2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to enrollees; (3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community; (4) encouraging the fullest practicable participation of enrollees in programs or projects for community improvement or betterment, with adequate advance consultation with business, labor, professional, and other interested community groups and organizations; (5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together; (6) providing community residents with opportunities to work with enrollees directly, as part-time instructors, tutors, or advisers, either in the center or in the community; (7) developing, where feasible, job or career opportunities for enrollees in the community; and (8) promoting interchanges of information and techniques among, and cooperative projects involving the center and community schools, educational institutions, and agencies serving young people.

COUNSELING AND JOB PLACEMENT

SEC. 441. (a) The Secretary shall provide for the counseling and testing of each enrollee at regular intervals to follow his progress in educational and vocational programs.

(b) The Secretary shall counsel and test each enrollee prior to his scheduled termination to determine his capabilities and shall seek to place him in a job in the vocation for which he is trained and in which he is likely to succeed, or shall assist him in attaining further training or education. In placing enrollees in jobs, the Secretary shall utilize the United States Employment Service to the fullest extent possible.

(c) The Secretary shall make arrangements to determine the status and progress of former enrollees and to assure that their needs for further education, training, and counseling may be met.

(d) Upon termination of an enrollee's training, a copy of his pertinent records, including data derived from his counseling and testing, other than confidential information, shall be made available immediately to the Department of Labor.

(e) The Secretary shall, to the extent feasible, arrange for the readjustment allowance, provided for in section 438(c) of this Act, less any sums already paid pursuant to 438(d), to be paid to former enrollees (who have not already found employment) at the public employment service office nearest the home of any such former enrollee, if he is returning to his home, or at the nearest such office to the community in which the former enrollee has indicated an intent to reside. The Secretary of Labor shall make arrangements by which public employment service officers will maintain records regarding former enrollees who are thus paid at such offices including information as to—

(1) the number of former enrollees who have declined the office's help in finding a job;

(2) the number who were successfully placed in jobs without further education or training;

(3) the number who were found to require further training before being placed in jobs and the types of training programs in which they participated; and

(4) the number who were found to require further remedial or basic education in order to qualify for training programs, together with information as to the types of programs for which such former enrollees were found unqualified for enrollment.

If the Secretary deems it advisable to utilize the services of any other public or private organization or agency in lieu of the public employment office, he shall arrange for that organization or agency to make the payment of the readjustment allowance and maintain the same types of records regarding former enrollees as are herein specified for maintenance by public employment service offices, and shall furnish copies of such records to the Secretary. In the case of enrollees who are placed in jobs by the Secretary prior to the termination of their participation in the Job Corps, the Secretary shall maintain records providing pertinent placement and follow-up information.

EVALUATION; EXPERIMENTAL AND DEVELOPMENTAL PROJECTS

SEC. 442. (a) The Secretary shall provide for the careful and systematic evaluation of the Job Corps program, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practicable, and providing information needed to assess the effectiveness of program procedures, policies, and methods of operation. In particular, this evaluation shall seek to determine the costs and benefits resulting from the use of residential as opposed to nonresidential facilities, from the use of facilities combining residential and nonresidential components from the use of centers with large as opposed to small enrollments, and from the use of different types of program sponsors, including public agencies, institutions of higher education, boards of education, and private corporations. The evaluation shall also include comparisons with proper control groups composed of persons who have not participated in the program. In carrying out such evaluations, the Secretary shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the program and shall consult with other agencies and officials in order to compare the relative effectiveness of Job Corps techniques with those used in other programs, and shall endeavor to secure, through employers, schools, or other Government and private agencies specific information concerning the residence of former enrollees, their employment status, compensation, and success in adjusting to community life. He shall also secure to the extent feasible, similar information directly from enrollees at appropriate intervals following their completion of the Job Corps program.

(b) The Secretary may undertake or make grants or contracts for experimental, research, or demonstration projects designed to develop and test ways of securing the better use of facilities, of encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in the period of their enrollment, of reducing transportation and support costs, or of otherwise promoting greater efficiency and effectiveness in the program authorized under this part. These projects shall include one or more projects providing youths with education, training, and other supportive services on a combined residential and nonresidential basis. The Secretary may, if he deems it advisable, undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavioral aberrations. Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the prime sponsors, as described in title I of this Act, in the communities where the projects will be carried out. They may be undertaken jointly with agencies conducting other Federal or federally assisted programs, and funds otherwise available for activities under such programs shall, with the consent of the head of any agency concerned, be available for projects under this section to the extent they include the same or substantially similar activities. The Secretary may waive any provision of this title which he finds would prevent the carrying out of elements of projects under this subsection essential to a determination of their feasibility and usefulness. He shall report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

ADVISORY COMMITTEES AND BOARDS

SEC. 443. The Secretary shall make use of advisory committees or boards in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever he determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

PARTICIPATION OF THE STATES

SEC. 444. (a) The Secretary shall take necessary action to facilitate the effective participation of States in the Job Corps program, including, but not limited to, consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, the development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

(b) The Secretary may enter into agreements with State or local prime sponsors with prime sponsorship plans approved under title I of this Act to assist in the operation or administration of programs which carry out the purpose of this part. The Secretary may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs.

(c) No Job Corps center or other similar facility designed to carry out the purpose of this part shall be established within a State unless a plan setting forth such proposed establishment has been submitted to the Governor, and such plan has not been disapproved by him within thirty days of such submission.

APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 445. (a) Except as otherwise specifically provided in the following paragraphs of this subsection, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5 of the United Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

(A) The term "performance of duty" shall not include any act of an enrollee while absent from his or her assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Job Corps;

(B) In computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS-2 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

(C) Compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(3) For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered employees of the Government.

(b) When the Secretary finds a claim for damage to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, United States Code, he may adjust and settle it in an amount not exceeding $500.

(c) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade therein.

SPECIAL LIMITATIONS

SEC. 446. (a) The Secretary shall take necessary action to assure that for any fiscal year the direct operating costs of Job Corps centers which have been in operation for more than nine months do not exceed $6,900 per enrollee.

(b) The Secretary shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the operation of any conservation or training center shall become the property of the United States.

POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

SEC. 447. (a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the Job Corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Job Corps, or any applicant for enrollment in the Job Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law.

(b) No officer, employee, or enrollee of the Job Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee, or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee, or Federal employee who solicits funds for political purposes from members of the Corps shall be in violation of section 602 of title 18, United States Code.

(c) Whenever the *United States* Civil Service Commission finds that any person has violated the foregoing provisions, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Secretary with specific instructions as to discipline or dismissal or other corrective actions.

PART D—NEIGHBORHOOD YOUTH PROGRAMS

PROGRAMS AUTHORIZED

SEC. 451. (a) The Secretary shall provide financial assistance to public and private agencies serving urban and rural areas to carry out—

(1) programs to provide part-time employment, on-the-job training, and useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school;

(2) programs to provide unemployed, underemployed, or low-income persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment;

(3) programs to provide job and recreation opportunities for young persons during the summer months.

(b) In addition to the amounts authorized to be appropriated pursuant to section 3 for carrying out this Act, there are further authorized to be appropriated such additional amounts as the Congress may determine to be necessary for carrying out section 451(a)(3).

SPECIAL CONDITIONS

SEC. 452. (a) The Secretary shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal or other funds in connection with work that would otherwise be performed;

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

(d) Programs under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

(e) In the case of a program under section 451(a)(1), the Secretary shall not limit the number or percentage of participants in the program who are fourteen or fifteen years of age. In the case of a program under section 451(a)(2), the Secretary shall not limit the number or percentage of participants in any age group under twenty-two years of age, and the Secretary shall not limit the number of hours which participants may spend in work and on-the-job training to less than 80 per centum of the number of hours per week spent in the program, and allowances for such work and on-the-job training shall not be less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938.

PROGRAM PARTICIPANTS

SEC. 453. Participants in programs under this part must be unemployed or low-income persons. The Secretary, in consultation with the Social Security Administrator, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors.

PART E—MANPOWER RESEARCH AND DEVELOPMENT

RESEARCH AND DEVELOPMENT

SEC. 461. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies, the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; upgrading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement, opportunities and services for older persons who desire to enter or reenter the labor force, and for improvements of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary shall consult fully with the Director of the Office of Economic Opportunity. In carrying out this subsection the Secretary of Labor shall, where appropriate, also consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION

SEC. 462. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

MANPOWER UTILIZATION

SEC. 463. The Secretary shall establish program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program either directly or through such other arrangements as he may deem appropriate.

EVALUATION

SEC. 464. (a) The Secretary shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) The Director of the Office of Economic Opportunity is authorized to conduct, either directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant to this Act to determine the effectiveness of such programs and activities in meeting the special needs of disadvantaged, chronically unemployed, and low-income persons for meaningful employment opportunities and supportive services to continue or resume their education and employment and to become more responsible and productive citizens. The Director of the Office of Economic Opportunity shall report to the Secretary on the evaluation authorized by this subsection at least once in each calendar year.

REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

SEC. 465. The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within agencies, conducting programs under this Act restrict the opportunities for employment and advancement within such agencies and shall develop and promulgate guidelines, based upon such study, setting forth recommendations for task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such agencies.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 466. In carrying out his responsibilities under this Act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, where appropriate, shall provide, directly or through grants, contracts, or other arrangements, preservice and inservice training for specialized, supportive, and supervisory or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary of Labor may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years. In order to encourage the establishment and operation by low-income persons and their representatives of centers on the local level which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed, the Secretary of Labor shall, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, wherever feasible, provide training and technical assistance by grants, contracts, or other arrangements with individuals and organizations who have demonstrated a capacity to establish and operate such programs.

PART F—NATIONAL COMPUTERIZED JOB BANK PROGRAM

FINDINGS AND PURPOSE

SEC. 471. The Congress hereby finds that the lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources. The Congress further finds that the development of electronic data processing and telecommunications systems has created new opportunities for dealing with this difficult problem. It is therefore the purpose of this title to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

ESTABLISHMENT OF THE PROGRAM

SEC. 472. The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a national, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this part shall be coordinated with the comprehensive manpower services program established under title I.

CONDUCT OF THE PROGRAM

SEC. 473. For the purpose of carrying out the program established in section 472, the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis either directly or through grants, contracts, or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this part. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this part be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this part.

EXPERIMENTS, DEMONSTRATIONS, RESEARCH AND DEVELOPMENT

SEC. 474. The Secretary may conduct directly, or through contracts, grants, or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research and development as he deems necessary to improve the effectiveness of the program established under this part.

RULES, REGULATIONS, AND STANDARDS

SEC. 475. The Secretary shall prescribe such rules and regulations and standards as may be necessary to carry out the purposes of this part, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out the program established by this part, and including rules and regulations to assure the confidentiality of information submitted in confidence.

PART G—DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES FOR DISADVANTAGED PERSONS IN FEDERALLY ASSISTED PROGRAMS

PURPOSE

SEC. 481. The purpose of this part is to establish a program of research, development, and pilot activities for the purpose of determining the level of employment generated by Federal grant and assistance programs and the degree to which such programs can provide an increased source of opportunities for the employment and advancement of disadvantaged persons.

RESEARCH

SEC. 482. The Secretary is hereby authorized to undertake studies of the contribution of Federal grants-in-aid and other Federal assistance programs to the overall employment level. Such studies may include but are not limited to collection and analysis of information on the number of positions wholly or partially supported by Federal assistance programs, their occupational structure, wage, and salary levels, projections for future growth, requirements and qualifications for entry into such positions, promotional and career development opportunities, the educational, vocational, and other relevant characteristics of those who occupy such positions, and the effects of such employment on employment generally. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of such studies. They shall transmit to the Secretary annually estimates of the employment increases or decreases expected to result from the planned expansion or reduction of such programs, and as conditions warrant, on call from the Secretary, contingency plans and estimates relating to the increase in employment which would be created if such programs are expanded under conditions of persistent high unemployment and underemployment.

PILOT PROGRAMS

SEC. 483. (a) The Secretary of Labor is authorized to conduct experimental, developmental, demonstration, and pilot programs to carry out the purposes of this part. In the conduct of these programs, the Secretary is authorized to enter into agreements with the heads of other Federal departments and agencies administering grants-in-aid and other forms of Federal assistance to establish annual and multiyear goals for the employment of disadvantaged persons in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements, Federal departments and agencies may provide, notwithstanding any other provision of law, that the fulfillment of such goals shall be a condition for receiving such assistance.

(b) Programs under this part shall, to the extent practicable, be designed to eliminate artificial barriers to employment and occupational advancement, including merit system requirements and practices related thereto, which restrict opportunities for the employment and advancement of disadvantaged persons.

(c) Funds made available for the purpose of carrying out this part may be allocated and expended, or transferred to other Federal agencies for expenditure, as the Secretary of Labor deems necessary for carrying out the provisions hereof.

(d) Activities for which funds made available under this part may be expended shall include, but are not limited to, the following:

(1) extraordinary costs of training and supportive services necessary to improve the performance of disadvantaged persons who are employed pursuant to agreement under this section;

(2) costs of providing orientation, counseling, testing, follow-up, and other similar manpower services determined necessary to assist such individuals to achieve success in employment.

TITLE V—MANPOWER PROGRAMS FOR INDIAN, BILINGUAL, MIGRANT, AND OLDER WORKERS

PART A—INDIAN MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 501. (a) The Congress finds that (1) serious unemployment and economic disadvantage exist among members of Indian and Alaskan native communities; (2) there is a compelling need for the establishment of comprehensive manpower training and employment programs for members of those communities; (3) such programs are essential to the reduction of economic disadvantage among individual members of those communities and to the advancement of economic and social development in those communities consistent with their goals and life styles.

(b) The Congress therefore declares that, because of the special relationship between the Federal Government and most of those to be served by the provisions of this part, (1) such programs can best be administered at the national level; (2) such programs shall be available to federally recognized tribes, bands, and individuals and to other groups and individuals of native American descent such as, but not limited to, the Menominees in Wisconsin, the Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys and Penobscots in Maine, and Eskimos and Aleuts in Alaska; (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this part.

QUALIFIED PERSONNEL

SEC. 502. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of Indians to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of Indians and the programs related to Indians.

AUTHORIZATION

SEC. 503. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of Indians and Alaska natives bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

NATIONAL INDIAN MANPOWER ADVISORY COUNCIL

SEC. 504. The Secretary of Labor shall appoint a National Indian Manpower Advisory Council which shall consist of at least five but not more than ten members, and shall be composed of men and women representing Indian tribes and groups, and other persons interested in the problems of manpower training and employment on Indian reservations and among Indian groups. Indians shall constitute a majority of the Council, which shall designate its own chairman. Such Council, or any duly established subcommittee thereof, shall from time to time make recommendations to the Congress, the President, and the Secretary concerning problems and policies relating to employment and manpower and to the carrying out of their duties and responsibilities under this part. Such Council shall hold not less than two meetings during each calendar year. The appointed members of the National Indian Manpower Advisory Council shall be paid compensation at a rate not to exceed the daily equivalent for a GS-18 while engaged in the work of the National Indian Manpower Advisory Council, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis. The Secretary shall provide the Council with such staff and services as may be necessary for the Council to carry out its functions.

TRUST RESPONSIBILITIES

SEC. 505. No provision of this part shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands or tribes.

PART B—BILINGUAL MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 511. In recognition of the difficulties and limitations of large numbers of persons of limited English-speaking ability in the United States in finding employment and in learning the technology required for employment today, Congress hereby declares it to be the policy of the United States to provide financial assistance to public and private nonprofit agencies, institutions, and organizations to develop and carry out imaginative programs to increase employment and training opportunities for persons with limited English-speaking ability, especially such persons who are unemployed or underemployed.

QUALIFIED PERSONNEL

SEC. 512. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of persons with limited English-speaking ability to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of persons with limited English-speaking ability and the programs related to persons with limited English-speaking ability.

AUTHORIZATION AND DISTRIBUTION OF FUNDS

SEC. 513. (a) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons of limited English-speaking ability bears to the total population, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

(b) In determining the distribution of funds under this part, the Secretary shall give the highest priority to States and areas within States having the greatest need for programs authorized by this part. For the purpose of achieving an equitable distribution of assistance under this part within each State, the Secretary shall establish criteria on the basis of a consideration of (1) the geographic distribution of persons of limited English-speaking ability who are unemployed or underemployed, (2) the relative need of such persons in different geographic areas within the State for the kind of programs described in section 514, and (3) the relative ability of particular public and private nonprofit agencies, institutions, and organizations within the State to carry out those programs.

USES OF FUNDS

SEC. 514. Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act, especially—

(1) planning for and developing programs designed to meet the special manpower needs of persons with limited English-speaking ability including—

(A) the development of training courses and materials to teach skills and occupations that do not require a high proficiency in English, particularly the development of course materials in languages other than English; and

(B) the development of training courses and materials designed to increase the technical English vocabulary necessary for the performance of specific occupations likely to provide employment opportunities for such persons;

(2) preservice training designed to prepare persons to participate in bilingual manpower training and placement programs such as instructors, interviewers, counselors, and placement specialists; and

(3) the establishment, maintenance, and operation of programs, including acquisition of necessary teaching materials and equipment, designed to increase the employment opportunities and the opportunities for advancement of persons with limited English-speaking ability, which may include—

(A) programs to teach occupational skills in the primary language of any such persons for occupations that do not require a high proficiency in English;

(B) programs designed to teach specific technical English vocabulary necessary in the performance of specific skills and occupations in demand and which such persons may be reasonably expected to perform;

(C) programs developed in cooperation with employers designed to increase the English-speaking ability of such persons in order to enhance their opportunities for promotion;

(D) programs designed to assist any such person to further develop and capitalize on their bilingual ability for jobs that require such skills; and

(E) specialized placement programs including supportive services to encourage persons with limited English-speaking ability to find employment and to encourage employers to hire such persons.

APPLICATIONS FOR FINANCIAL ASSISTANCE AND CONDITIONS FOR APPROVAL

SEC. 515. (a) Financial assistance under this part may be made to any public or private nonprofit agency, institution, or organization, or to any such agencies, institutions, or organizations applying jointly or with a private employer, upon application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall—

(1) provide that the programs and projects for which assistance under this part is sought will be administered by, or under the supervision of, the applicant and set forth assurances that the applicant is qualified to administer or supervise such programs or projects;

(2) set forth a program for carrying out the purposes of this part and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) provide for such fiscal control and fund-accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this part;

(4) provide assurances that provision has been made for the maximum participation in the projects for which the application is made of persons with limited English-speaking ability who are unemployed or underemployed and who reside in the area to be served by the project; and

(5) provide for making an annual report and such other reports as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) An application, or modification or amendment thereof, for financial assistance under this part may be approved by the Secretary only if the application is consistent with the purposes of this part and meets the requirements set forth in subsection (a).

DEFINITION

SEC. 516. As used in this part, the term "persons of limited English-speaking ability" shall include persons who come from environments where the dominant language is other than English and who are preparing for work in a labor market where the dominant language is English.

PART C—MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 521. The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, substantially affected by recent advances in technology and mechanization, constitute a substantial portion of the Nation's rural manpower problem and substantially affects the entire national economy;

(2) such severe employment pattern has led to family incomes below the poverty level, with resulting hardships and adverse effects on the health, education, and welfare of families and particularly of children;

(3) much of the migrant and seasonal farmwork force is untrained and unaccustomed to, and ill-equipped for, the requirements of steady, gainful employment;

(4) there is a compelling need for the modification and adaptation of manpower training and employment programs that have heretofore not included migrant and seasonal farmworkers within their scope to meet the needs of such farmworkers;

(5) because of the special nature of certain farmworker manpower problems, particularly those which are interstate in nature, such programs can best be administered at the national level.

QUALIFIED PERSONNEL

SEC. 522. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of migratory and seasonal agricultural workers to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of migratory and seasonal agricultural workers and the programs related to migratory and seasonal agricultural workers.

AUTHORIZATION

SEC. 523. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons in migrant and seasonal farmworker families bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary. For the purposes of this part, persons shall be deemed to continue to be members of migrant and seasonal farmworker families for such period of time, not in excess of five years, as the Secretary may determine, in accordance with regulations which he shall prescribe, that such persons generally can benefit from the special programs authorized by this part.

(c) No financial assistance may be provided under this part unless the Secretary determines, upon the basis of evidence supplied by each applicant and evaluated and approved by the Migrant and Seasonal Farmworker Manpower National Advisory Council established by section 524, that persons broadly representative of the population to be served have been given an opportunity to participate in the development of programs to be assisted under this part, and will be given an opportunity to participate in the implementation of such programs.

MIGRANT AND SEASONAL FARMWORKER MANPOWER NATIONAL ADVISORY COUNCIL

SEC. 524. (a) The Secretary shall appoint a Migrant and Seasonal Farmworker Manpower National Advisory Council (referred to in this part as the "Council") which shall consist of—

(1) two individuals, appointed from private life, to represent farmers, who shall be individuals actively engaged in, and whose livelihoods are dependent upon, agriculture, and who employ labor in connection therewith;

(2) six individuals, appointed from private life, to represent the migratory and seasonal agricultural workers;

(3) two individuals, appointed from private life, who shall have a demonstrated interest in and knowledge of the problems relating to agricultural labor and who are or have been actively engaged in activities concerned with determining and solving the health, education, housing, social, economic, or welfare problems of the agriculture worker, his family, his employer, and the community in which he works;

(5) two individuals who have had experience as State or local officials and who have first-hand knowledge of the problems of agricultural labor; and

(6) the Secretary of Labor, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity who shall be nonvoting members of the Council.

(b) The members of the Council shall designate their own Chairman and Vice Chairman. Such Council shall hold not less than twelve meetings during each calendar year.

(c) The appointed members of the Council shall be paid compensation at a rate not to exceed the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, while engaged in the work of the Council, including traveltime and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(d) The Secretary of Labor is authorized to supply to the Council such technical and support personnel from any of the agencies specified in paragraph (6) of subsection (a) as he deems necessary, with the consent of the head of the agency concerned.

DUTIES OF COUNCIL

SEC. 525. (a) It shall be the duty of the Council to advise the Congress, the Secretary, and the President with respect to (1) the operation of Federal, State, and local laws, regulations, programs, and policies relating to any and all aspects of agricultural labor, (2) the extent of farmworker participation in the development and implementation of manpower programs authorized by this part and (3) any and all other matters relating to agricultural labor. The Council shall from time to time make recommendations to the Secretary concerning his functions under this part to provide maximum employment and manpower opportunities for migrant and seasonal farmworkers

(b) It shall also be the duty of the Council to consider, analyze, and evaluate periodically the problems relating to agricultural labor in order to devise plans and make recommendations for the establishment of policies and programs designed to meet such problems effectively. In carrying out this subsection, the Council shall consider, among others, the following matters—

(1) the effect of existing laws, regulations, programs, and policies on the problems relating to agricultural labor, including the problems of the migratory agricultural worker, his employer, and the local area in which he resides or is employed;

(2) the effect of the open-border policy between Mexico and the United States upon (A) the labor supply, (B) the living and working conditions in border areas, (C) the need for American residents along the border to migrate north in search of jobs, and (D) the entire national farm labor and rural economy;

(3) the extent that available labor market information (A) improves or limits farmworkers' opportunities to find jobs and to increase earnings, (B) alleviates the problems of underemployment and unemployment, and (C) provides the means for improving coordination of Federal, State, and local public and private policies and programs relating to agricultural labor;

(4) the need for more effective programs for the recruitment, transportation, housing, and full employment, in and off season, of the farm work force;

(5) the efficacy of a nonprofit manpower corporation or other ways to help regularize the employment of farmworkers, particularly seasonal farmworkers, including the provision of employment opportunities in rural areas that complement the seasonal job demands of agriculture;

(6) the development of a comprehensive manpower program to train and develop workers for increased mechanization of farm jobs, for nonfarm jobs in rural areas, and for meeting urban job opportunities;

(7) the future demand for farmwork including an accurate appraisal of the changing levels of demands and requirements for employees, particularly in the face of increasing mechanization;

(8) the relationship of such factors as worker ability, employer attitudes, skill levels, and educational levels to the employment opportunities of such farmworkers;

(9) the effect of farmworkers' substantial exclusion from major social and worker benefit programs, including legislation protecting the right to organize and collectively bargain;

(10) the means to familiarize farmworkers with program benefits and basic civil rights, including voting, to help them participate more fully in the American economic and political mainstream;

(11) the relationship between the institution of migrancy and the factors which cause it, to overall poverty in the United States, and to relocation and resettlement programs and activities previously developed to more adequately overcome such problems.

ANNUAL REPORT

SEC. 526. The Council shall study, investigate, conduct research, and prepare a report containing its findings and recommendations concerning matters relating to the purposes of this part, and shall transmit such report to the Secretary, the President and to the Congress no later than October 1 of each year.

PART D—MIDDLE-AGED AND OLDER WORKERS MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 531. (a) The Congress hereby finds and declares that—

(1) in a period of great affluence, middle-aged and older workers find it increasingly difficult to regain employment when out of work and to retain employment;

(2) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(3) as a result of unemployment, underemployment in low-skill jobs, and retirement with severely reduced incomes, millions of persons age forty-five and over live in poverty;

(4) more than a million men between the ages of fifty-five and sixty-four have given up the active search for work and thousands of men and women between the ages of sixty-two to sixty-four have retired with inadequate benefits;

(5) there is almost no opportunity for continued training and education for older individuals who are employed to meet the needs of a dynamic economy and changing technology;

(6) the loss to the economy of the potential production of goods and services, and the costs of unemployment compensation and public assistance, can be reckoned in billions of dollars;

(7) the loss to the individual in terms of frustration, impaired morale, loss of the sense of worth and dignity, and of his status within the family and society, is incalculable; and

(8) providing such individuals with opportunities for useful work will increase their incomes, benefit their physical and mental well-being, and strengthen the economy.

(b) It is the purpose of this part to establish and to assist programs which will—

(1) afford the middle-aged and older worker a range of real and reasonable opportunities for employment;

(2) eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age;

(3) increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work;

(4) improve and extend existing programs designed to facilitate training and the matching of skills and jobs;

(5) assist middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices; and

(6) stimulate innovative approaches to provide increased employment opportunities for middle-aged and older persons.

QUALIFIED PERSONNEL

SEC. 532. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of middle-aged and older workers to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of middle-aged and older workers and the programs related to middle-aged and older workers.

AUTHORIZATION

SEC. 533. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of heads of households who are forty-five years of age or older and are not in the labor force or are unemployed bears to the total population, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

(c) The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this part among the States and between urban and rural areas.

ADMINISTRATION

SEC. 534. (a) In order to carry out the purposes of this part the Secretary is authorized to—

(1) prescribe such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this part; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

RESEARCH AND INFORMATION PROGRAMS

SEC. 535. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this part.

(b) In carrying out the purposes of this part the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special informational an educational programs as he determines appropriate.

PROGRAM ESTABLISHED

SEC. 536. There is hereby established a comprehensive midcareer development service program, by which the Secretary will assist middle-aged and older workers to find employment by providing training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 537. (a) The Secretary is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons who are at least forty-five years of age.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program provided for in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

SPECIALIZED SERVICES

SEC. 538. The Secretary shall establish and carry out specialized services for older workers who desire to improve their employability, to receive training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the rest of their working lives.

STUDY

SEC. 539. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the Executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness of efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

PART E—GENERAL PROVISIONS

LIMITATION

SEC. 551. No individual, institution, or organization shall evaluate any program under this title if that individual or any member of such institution or organization is associated with the program as a consultant, technical adviser, or in any other capacity.

REPORTS

SEC. 552. (a) There shall be included, in the manpower report of the President required by Section 13 of this Act, special sections dealing with activities and accomplishments under each of the first four parts of this title.

(b) For the calendar years 1972 and 1973, in each of the special sections required by subsection (a) of this section, there shall appear a report on means of maximizing the employability and employment in programs authorized under this Act and other federal and federally-supported manpower programs, of the persons covered by the corresponding part of this title. Such reports shall also be included in subsequent annual reports, as the President shall deem appropriate.

ADJUSTMENTS TO PROVIDE GUARANTEED LEVEL OF SERVICES

SEC. 553. For the purpose of providing the level of services required in sections 503(b), 513(a), 523(b), and 533(b), and meeting the purposes of this title, the Secretary may—

(1) make equitable adjustments in funds allocated to carry out other provisions of this Act; and

(2) make equitable adjustments in the funds reserved to carry out parts A, B, C, and D, respectively, to take into account that persons eligible for assistance under such parts are receiving assistance under other provisions of this Act.

Any adjustments under (1) or (2) shall be without regard to the 25 per centum limitation of section 4(b) and shall not be counted for the purposes of such limitation.

TITLE VI—EMERGENCY EMPLOYMENT ASSISTANCE

PROGRAM AUTHORIZED

SEC. 601. (a) In addition to amounts authorized to be appropriated for carrying out this Act under section 3, there are authorized to be appropriated such amounts as may be necessary for the purposes of carrying out this section.

(b) There is hereby established in the Treasury a revolving fund to be known as the Emergency Employment Assistance Fund (hereinafter referred to as the "Fund"). Amounts appropriated pursuant to subsection (a) which are not needed for immediate expenditure in accordance with this section shall be deposited in such Fund to be available for obligation without fiscal year limitation in accordance with the provisions of this section. The Secretary of Labor is authorized to utilize sums deposited in the Fund to provide assistance under this section.

(c) In order to provide financial assistance for employment and training activities in areas of high unemployment, there shall be available to the Secretary of Labor, out of appropriations for the purposes of this section or out of the Fund, such amounts as shall be equal to the sum of the following:

(1) the amount of $200,000,000 when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 4½ per centum for three consecutive months; and

(2) the amount of $200,000,000 when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 5 per centum for three consecutive months.

(d) The Secretary shall apportion funds made available pursuant to subsection (c) (1) or (c)(2) among areas of high unemployment throughout the United States on an equitable basis, and to the extent practicable such funds shall be apportioned in proportion to the extent that the rate of unemployment exceeds 4¼ per centum or 5 per centum, as the case may be, in each such area.

(e) No further obligation of funds appropriated under subsection (c)(1) may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months and no further obligation of funds appropriated under subsection (c) (2) may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 5 per centum for three consecutive months.

(f) No more than one determination under subsection (c)(1) and no more than one determination under subsection (c)(2) shall be made in any given fiscal year.

TITLE VII—MISCELLANEOUS

EFFECT ON EXISTING LAWS

SEC. 701. (a) Effective with respect to fiscal years after June 30, 1971, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

(b) Effective with respect to fiscal years ending after June 30, 1971, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending all of the matter that appears preceding part D thereof to read as follows:

"TITLE I—MANPOWER DEVELOPMENT AND COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

"PART A—RESEARCH, EXPERIMENTAL, AND DEVELOPMENTAL AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"SEC. 101. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of the economically disadvantaged.

"ACTIVITIES AUTHORIZED

"SEC. 102. (a) The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and followup services.

"(b)(1) Such programs shall include a demonstration program to determine the feasibility of various means of providing assistance to disadvantaged individuals to enable them to purchase or otherwise arrange for manpower training and related services from public and private agencies, institutions and business concerns approved by the Secretary.

"(2) Not less than twenty-four months after enactment of this provision, the Director shall report to the Congress the results of the program conducted under this section together with his recommendations.

"(c) In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor, and, as appropriate the heads of other Federal agencies.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 103. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out programs under this part.

"RESEARCH AND EVALUATION

"SEC. 104. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. In formulating plans for the implementation of this section the Director shall consult with the Secretary of Labor and, as appropriate, with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"SEC. 105. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.";

(2) redesignating part D thereof as part B and sections 150 through 155 as sections 121 through 126, respectively;

(3) striking out part E thereof; and

(4) redesignating part F as part C and section 171 as section 141.

(c) Effective with respect to fiscal years after June 30, 1971, section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" at the end of paragraph (2) thereof, by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, in Job Corps centers operated under title IV of the Employment and Manpower Act".

(d) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

(e) Effective with respect to fiscal years ending after June 30, 1971, the Vocational Education Act of 1963, as amended, is amended by adding at the end thereof the following new part:

"PART J—OCCUPATIONAL TRAINING

"AUTHORIZATION

"SEC. 201. (a) The Commissioner of Education shall, with the concurrence of the Secretary of Labor, enter into agreements with States whereby the appropriate State educational agencies shall provide occupational training through public educational agencies or institutions, or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical or subprofessional occupations and for training the disadvantaged, or where such institutions can, at comparable cost, provide substantially equivalent training, make possible an expanded use of the individual-referral method, or aid in reducing more quickly unemployment or current and prospective manpower shortages.

"(b) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, to carry out this part."

AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 702. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"Sec.

"2001. Definitions.

"2002. Purpose.

"2003. Assignment of veterans' employment representative.

"2004. Employees of local offices.

"2005. Cooperation of Federal agencies.

"2006. Estimate of funds for administration; authorization of appropriations.

"2007. Administrative controls; annual report.

"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definition.

"For the purposes of this chapter—

"(1) the term 'eligible veteran' means a veteran of any war or of service after January 31, 1955, as defined in section 101 of this title; and

"(2) the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end, policies shall be promulgated and administered, so as to provide such veterans the maximum of employment and training opportunities.

"§ 2003. Assignment of veterans' employment representative

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representative as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veterans' particular qualifications with an available job or on-the-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, and training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. Employees of local offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"§ 2005. Cooperation of Federal agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. Estimate of funds for administration; authorization of appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are hereby authorized to be appropriated such sums as the Congress shall determine to be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate required pursuant to subsection (a).

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. Administrative controls; annual reports

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling service.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2005 of this title and a statement of the reasons for such determination.

"§ 2008. Cooperation and coordination with the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans.. 2001"

and inserting

"41. Job Counseling, Training, and Placement Services for Veterans .... 2001".

(c) The table of chapters at the beginning of part III of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans.. 2001"

and inserting in lieu thereof

"41. Job Counseling, Training, and Placement Service for Veterans .... 2001".

(d) The amendments made by this section shall become effective ninety days after the enactment of this Act.

Gaylord Nelson,
Ralph W. Yarborough,
Claiborne Pell,
Edward M. Kennedy,
Walter F. Mondale,
Alan Cranston,
Harold E. Hughes,
Adlai E. Stevenson III,
Jacob Javits,
Winston Prouty,
Richard S. Schweiker,
Managers on Part of the Senate.
Carl D. Perkins,
Dominick Daniels,
James G. O'Hara,
Augustus F. Hawkins,
William D. Ford,
William D. Hathaway,
James H. Scheuer,
Lloyd Meeds,
Phillip Burton,
Joseph M. Gaydos,
William Clay,
Managers on Part of the House.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that appropriate staff members of the Committee on Labor and Public Welfare be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, as the ranking Republican member of the committee, having participated actively in the conference with the Senator from Wisconsin, I commend this report to the Senate as the very best that can be done. In my judgment, taking all elements of the report together—notwithstanding that there are some phases of it that I am not completely happy with—it should not be vetoed.

I hope very much the Senate will adopt it, and I hope very much the President will sign it into law. I wish to say that the total amount of authorization involved was cut by about 25 percent, so that it aggregates some $9.5 billion. This program is on-going right now, and it is a multi-billion-dollar program at this time.

Mr. President, the act would authorize the following basic amounts for training and employment programs: $2,000,000,000 for fiscal year 1972, $2,500,000,000 for fiscal year 1973; and $3,000,000,000 for fiscal year 1974. Under the provisions, approximately one-third of the total authorized amount—after taking out certain amounts for special programs for Indians, migrants, bilinguals and older persons—would be allocated in thirds among manpower training activities, public service employment programs, and research and special categorical programs such as Job Corps and opportunities industrialization centers. In addition, the act would authorize the following "add-on" amounts for public service employment: $200,000,000 for this fiscal year; $400,000,000 for fiscal year 1972; $600,000,000 for fiscal year 1973; and $800,000,000 for fiscal year 1974.

The act also contains a trigger provision—which the administration first suggested and which I modified and introduced—under which additional amounts would be authorized for manpower training and employment programs to meet the special problems of severe levels of unemployment. Specifically, an additional $200,000,000 could be provided in any fiscal year in the event that unemployment raises above 4.5 percent for 3 consecutive months, and an additional $200,000,000 in the event that unemployment exceeds 5 percent for 3 consecutive months.

Under the so-called add-ons for public service employment alone, the conference bill would provide the basis for 40,000 jobs in this fiscal year, reaching in fiscal year 1974 a total of 160,000 jobs for that year.

Mr. President, although the bill is the Congress response to a major and highly commendable administration initiative to revamp our manpower training system, it falls short in a number of respects in implementing the administration's original objectives of total decentralization, decategorization, and consolidation of manpower training programs.

However, while it differs from the original proposal embodied in the Manpower Training Act—which I introduced on the administration's behalf in August of 1969—it represents in my opinion a workable compromise on the key issues.

First, the administration favored essentially giving the States the major responsibility for manpower programs. The conference bill gives the mayors essential control over programs in their areas. However, the conference bill also gives the States a substantial role in overall planning and direction and in conducting programs in areas not covered by local prime sponsors.

A very real improvement was made in respect of the type of administration it is to have at the level of municipalities and counties in reasonable aggregations of populations.

Second, the administration hoped to give those on the local level complete flexibility on the use of funds. While the conference bill contains the one-third allocation provisions I have noted, it also provides that as much as 25 percent of the amount allocated for one program activity—for example, public service employment—may be transferred to another activity.

Third, in respect to public service employment, the "add-on" amounts for public service employment are some $2,500,000,000 below the amounts originally authorized in the Senate bill over the 4-year period. The Senate bill had provided $750,000,000 for fiscal year 1971; $1,000,000,000 for fiscal year 1972, $1,250,000,000 for fiscal year 1973, and $1,500,000,000 for fiscal year 1975.

Mr. President, the conference bill is also stronger than the original Senate bill in respect to providing safeguards against the public service employment programs becoming a "make work" type program or serving as a disguised revenue sharing effort and in providing training and encouragement for the movement of individuals participating in the program from subsidized slots into regular employment. As Members will recall, I sought to strengthen these provisions when the bill was first considered by the Senate. On balance, I think that the conference bill now contains a number of provisions that will provide essential safeguards and encourage such movement. And the philosophy of the minority will nonetheless succeed, we feel, in providing at least a real opportunity for all of those people to move into permanent and regular employment, either public or private under the conference bill.

Finally, Mr. President, I wish to underscore the fact that the revamping of the manpower programs is really a proposal companion to the Family Assistance Act.

Underlying both of these key parts of the President's domestic package has been the central tenet of our free enterprise society—that the road from poverty indignity, and welfare dependency is traveled by those who work.

But work is unavailable—not only for the poor, but for millions of other Americans—as we face currently 5.9 percent unemployment. Whether this level should be regarded generally as acceptable or not on a national basis, the fact is that the bounds of tolerability have been already burst for our youth. As to them, the situations may be said to have passed the "red line." In November, the unemployment rate among teenagers was a full 17.5 percent—almost three times the national rate—while unemployment in urban poverty neighborhoods was at 24.9 percent—over four times the national rate.

The unemployment rate among black teenagers in poverty neighborhoods is at 34.9 percent—reaching toward a half. While unemployment affects all persons and hits the older persons hard as well, young persons are of special concern because they are at the age where they will determine on the basis of their current experience—and perhaps for the rest of their lives—whether our talk of work fare is a fact or is empty rhetoric.

Considering the present conditions, with the tremendous pressures arising from the unemployment situation, we consider the manpower training bill that we have offered more vital than ever. I feel that, because of the contingencies of the economic situation, it deserves a somewhat higher approach in terms of resources than we have heretofore given to manpower training.

The Employment and Manpower Act agreed to by the conferees will add meaning to our promises. It will replace the current manpower system with a new structure of State and local prime sponsors and provide through that means a wide range of training opportunities, new public service jobs, and additional "triggered" funds for such purposes at levels such as we now face.

We cannot stumble along another year with either an antiquated welfare system or a retarded manpower training system; indeed, the two proposals are intertwined in that manpower training is an insurance policy against the increased welfare costs that some fear will arise from a basic commitment to the national floor under welfare.

I commend it to the Senate, as does the Senator from Wisconsin (Mr. NELSON). I hope very much the President, who I hope will examine it very carefully, will find it, as I feel it is, worthy of approval and sign it into law.

Mr. NELSON. Mr. President, I think the Senator from New York states the case quite precisely.

Mr. President, the Senate conferees on S. 3867, the Employment and Manpower Act of 1970, have met in four sessions with the conferees from the other body and have reached agreement upon a bill.

We believe that this may be the most important piece of domestic legislation to be considered in this session of Congress. We urge the Senate to accept the conference report.

The bill would make it possible to do something about rising unemployment right now. For it not only establishes a major program of locally planned and administered public service employment, but it authorizes the appropriation of $200 million to get such a program off the ground this year. It could mean 100,000 jobs in 1972 and 300,000 by 1974.

It also represents the first major effort to rationalize and decentralize the manpower programs that have proliferated since the passage of the Manpower Development and Training Act back in 1962. Now the Labor Department is responsible for administering some 10,000 contracts involving the most complex relationships betweeen agencies and poverty groups in cities and States.

The bill would bring the new federalism at its finest to the manpower programs.

Governors and mayors would become prime sponsors to plan, organize, and administer local manpower programs at the community level, where problems must be dealt with and where local decisionmakers can solve their problems face to face. Mayors and Governors would be aided in their efforts to bring all elements together in comprehensive planning efforts by broadly based manpower services councils.

THE COMPROMISE BILL

AUTHORIZATION FOR APPROPRIATIONS

The Senate and House bills were identical on basic authorizations. The pattern of authorizations is as follows in the conference approved bill:

	Basic authorization (billions)	Additional for public service employment (millions)
Fiscal year—		
1971		$200
1972	$2.0	400
1973	2.5	600
1974	3.0	800

These authorizations total $9.5 billion over a 4-year period. This figure is a compromise between the $7.5 billion authorized by the House and the $12 billion authorized by the Senate.

Advance funding is provided, authority to make planning better by allowing funds appropriated in one year to be used to finance the following year's program, as is now possible under education legislation.

The Senate "trigger" mechanism was accepted making an additional $200 million in authorization available when nationwide unemployment exceeds 4½ percent for 3 months and an additional $200 million available when unemployment is over 5 percent for 3 months.

PRIME SPONSORS

The House had limited local prime sponsors to cities and counties of 100,000 population. The Senate figure was 75,000. In the compromise the Secretary would designate as prime sponsors States, cities of 75,000 population, counties (which exercise governmental responsibilities comparable to those of cities) of 100,000 population and combinations of governmental units equaling 100,000. Broadly representative manpower services councils with their own staffs would be established to help prime sponsors, and to evaluate manpower programs. The Senate conferees accepted a provision making rural areas with high unemployment and outmigration eligible to be prime sponsors.

A modified House provision for a State plan was accepted by the Senate conferees. As approved, the State plan would include the extent, to which State agencies, such as the employment service and vocational education would be involved in manpower programs—through the development of manpower statistics and providing information, technical assistance, and the full cooperation and participation of State agencies, at the request of local prime sponsors.

One-third of the funds for the overall act are allocated for this title.

TITLE II—UPGRADING

The Senate conferees also accepted a provision proposed by Congressman JAMES G. O'HARA of Michigan, to provide Federal funds to help industry and Government train people within their organizations for job advancement, increasing workers' income, and opening more entry level jobs.

TITLE III—PUBLIC SERVICE EMPLOYMENT

This title provides that the Secretary of Labor shall provide financial assistance for public service employment programs which provide jobs for unemployed and underemployed persons, in carrying out needed public services. The bill provides for using one-third of the basic appropriation for the act for public service employment programs.

Prime sponsors of manpower services programs under title I, as well as certain other public and private nonprofit agencies would be eligible applicants for carrying out public service employment programs. Examples of the kinds of public services which could be provided include jobs in health, public safety, education, transportation, recreation, parks, pollution control, housing and neighborhood improvements, rural development, conservation and beautification.

On these provisions the two Houses were in basic agreement.

Let me say that it is the clear intention of the Senate and the conferees—spelled out repeatedly in the bill—that public service employment jobs be coordinated with and made an integral part of State and local employee programs, that maximum upgrading be provided, that individuals have their progress reviewed annually to assure that every opportunity to obtain better employment or training is taken full advantage of. But we feel that the jobs must themselves be real, continuing jobs, jobs of the first resort, not training slots.

Titles III and IV of the Senate bill were combined into title IV, without changing the substance.

TITLE IV—SPECIAL RESPONSIBILITIES AND PROGRAMS

This title provides that the Secretary of Labor shall carry out the following special work and training programs: New Careers, Mainstream, Community Environment Service, Opportunities Industrialization Centers—OIC—Jobs for Progress-Operation SER programs, management training programs, and manpower programs in correctional institutions, Job Corps, and Neighborhood Youth programs.

One-third of the funds for the overall act are allocated for these programs as well as for such special Federal responsibilities as research and development, national computerized job bank program, and development of employment opportunities for disadvantaged persons in federally assisted programs.

TITLE V—MANPOWER PROGRAMS FOR INDIAN, BILINGUAL, MIGRANT AND OLDER WORKERS

These programs were accepted essentially as proposed by the Senate. They recognize the special needs for Indians, bilingual persons of limited English-speaking ability, migrant and seasonal farmworkers, and middle-aged and older persons, by requiring that appropriate shares of funds available for the entire act be used in providing employment and training for these groups. This title establishes special programs in the Labor Department to be administered by specialized personnel familiar with the particular needs of each of these population groups.

TOTAL AUTHORIZATION

	Billions
House bill	$7.5
Senate bill	12.0
Conference report	9.5

ADD-ON AUTHORIZATION FOR PUBLIC SERVICE EMPLOYMENT

[In millions of dollars]

	Senate bill	Conference report
Fiscal year 1971	750	200
Fiscal year 1972	1,000	400
Fiscal year 1973	1,250	600
Fiscal year 1974	1,500	800
Total add-on authorization over 4 years for public service employment	4,500	2,000

Mr. President, the principles involved in the bill as it left the Senate were agreed upon in the House. The bill passed with only 6 dissenting votes here. I do not want to impose on the time of the Senate in discussing the bill. I shall be glad to answer any questions. Otherwise, I do not want to take the time of the Senate.

Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. STEVENS. Mr. President, I had a little dispute with the Department of Labor which involves matters relating to this bill. I do not want to hold up action on the conference report. I shall go into the matter later, after discussions with my good friend. I do want the record to show very clearly, however, that I had intended to delay the consideration of the bill. Because of the circumstances involved, I shall not take the time of the Senate at this time, since we have a very important matter coming up, but I shall address the Senate on it at a later time.

Mr. NELSON. I thank the Senator.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. NELSON. For a question, or does the Senator want the floor?

Mr. PROUTY. For a brief statement.

Mr. NELSON. I yield.

Mr. PROUTY. Mr. President, while I shall vote for the conference report, I have serious reservations with respect to the bill. Should it be vetoed, I would give serious consideration to voting to sustain the veto.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the Senator from Mississippi.

Mr. STENNIS. I just came into the Chamber. Is this a conference report

Mr. NELSON. It is a conference report on a bill that passed the Senate by a vote of 68 to 6.

There were some modifications toward the House view, but fundamentally it is the bill that came out of the Senate.

Mr. STENNIS. That is the training, manpower?

Mr. NELSON. The manpower training aspect, those categorical programs involving Mainstream, New Careers, and the public service employment program, which is new in the manpower program.

Mr. STENNIS. Adults?

Mr. NELSON. Adults, yes; the elder citizens, the bilingual part of the program, the adult manpower training program.

Mr. STENNIS. And for mature people, middle-aged, and all?

Mr. NELSON. Yes. Just as it left the Senate; those aspects were all covered.

Mr. STENNIS. Is this the one that, in some areas, the junior colleges administer?

Mr. NELSON. Yes, in some cases that is correct.

Mr. STENNIS. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. NELSON. Yes.

Mr. HOLLAND. I have heard the distinguished Senator from Wisconsin, the distinguished Senator from New York, the distinguished Senator from Alaska, and the distinguished Senator from Vermont all say that they support the conference report, though with some reluctance; but I have not heard them say what are the items in the conference report that caused them to be reluctant. I think the Senate should hear those matters that are of gravest concern.

Mr. NELSON. I do not know what the distinguished Senator's reluctance is based upon. The bill, as I say, passed this body by a vote of 68 to 6, and there was nothing new added to the bill. There were some compromises made, but no fundamental changes in the bill; so it may be some reluctance that the Senator from Vermont had about the bill in the first instance. I do not know how he voted on final passage.

Mr. HOLLAND. Will the Senator yield further?

Mr. NELSON. Yes.

Mr. HOLLAND. I heard the distinguished senior Senator from New York say that he was not satisfied with some of the provisions of the bill, and the distinguished Senator from Alaska said much the same thing; and I have not heard any of the reasons which would cause them to have grave doubts about the bill. I think the Senate should hear them, because we have no printed copy of the report. We are acting solely on the faith of the statements being made to us by the distinguished Senators who have handled the conference on behalf of the Senate. I think we should know what it is that is causing the reluctance on the part of some of those Senators who support the bill.

Mr. JAVITS. Mr. President, I think the Senator is quite right, and I will state to the Senator what gave me great worry, and how those points were compromised.

What gave me great worry was, first, the so-called add-ons. In addition to the amounts appropriated for manpower training, the Senate had authorized a very substantial sum of add-ons in respect to public service employment, and the conference cut that amount by some $2.5 billion.

I believe that was very statesmanlike; they had the votes to override us. Chairmen Nelson and Perkins felt that that was wise. I think that they were very wise to do what they did, in cutting the amounts to what I think were understandable levels, in view of our unemployment situation.

The second matter that troubled me was the conditions which were set for people, who were being put into public service because of this bill, to transfer eventually into normal public and private employment. Again, I think we wrestled through the situation, and now have a technique by which there will be a real impetus toward the movement of people who were on public service jobs from those jobs to normal public and private employment, through reevaluation of their talents and through maximum efforts to place them.

The third aspect that concerned me was the fixed allocation of equal thirds to public service employment, manpower training, and certain special categories of employment like the Neighborhood Youth Corps, and Mainstream. The administration had wanted no categorization. But when we got a provision that 25 percent could be deducted from any one of these one-third items and put on another appropriation, I felt we had given some reasonable flexibility. Again, it was not exactly what we wanted, but I felt that we had compromised decently the problem which concerned me.

Those are the three points, and the three ways in which they were compromised.

Mr. HOLLAND. Mr. President, I thank the Senator for his candor and for his explanation, and I ask that the Record show now what are the amounts authorized, and for what period of time.

Mr. JAVITS. Mr. President, I will state the figures that worried me.

The Senate bill had $4.5 billion in addons for this public service employment. That was for 1972, 1973, 1974, and 1975. That amount was cut to $2 billion. I feel that, under the serious unemployment we now face, that is not a way-out-of-the-ball-park figure.

Mr. HOLLAND. Did the Senator say $2 billion or $2 million?

Mr. JAVITS. Two billion dollars. It was $4.5 billion in the Senate bill, and was cut to $2 billion.

Mr. NELSON. We cut $2.5 billion from the add-on authorization.

Mr. HOLLAND. Were there any other items reduced or cut out of the authorizations in the Senate bill?

Mr. NELSON. No, there was no disagreement before the conferees on the others.

Mr. HOLLAND. And what are the other items, now?

Mr. NELSON. I am not sure I understand the question.

Mr. HOLLAND. What are the items that are authorized for appropriation in this particular year, if any, and in coming years?

Mr. NELSON. We have, in 1972, the authorization at $2 billion. That is the administration request. The authorization for 1972 is $2 billion, for 1973, $2.5 billion, for 1974, $3 billion. Both the House and the Senate bills contained those provisions.

Mr. HOLLAND. And the bill extends over only those 3 years?

Mr. NELSON. Well, for additional public service employment it is 3½ years, because we are halfway through a year.

Mr. HOLLAND. And the bill covers only the 3 years mentioned, plus the half year this year?

Mr. NELSON. That is correct.

Mr. HOLLAND. Three and one-half years?

Mr. NELSON. Correct.

Mr. HOLLAND. I thank the distinguished Senator.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. NELSON. I yield.

Mr. ALLEN. In this public service employment, at what levels is the public service involved? What levels of public service are referred to?

Mr. NELSON. It was the same as the bill passed by this body, except that we cut back on the authorized add-ons.

Mr. ALLEN. Would that be State, county, municipal, and Federal?

Mr. NELSON. Yes. Under the bill, as the distinguished Senator will recall, we have returned these manpower programs to the local and State levels.

In other words, we created what are called prime sponsors. A prime sponsor may be a city of 75,000 population or more, or a combination of cities or counties totaling 100,000. They will plan a manpower program. If they desire to have public service employment in that manpower program, to hire people in their public safety departments, their hospitals, or their park departments, they will make their request. Their manpower plan is submitted to the Secretary of Labor, and he has to approve it.

All these requests would be made from the local or State level.

Mr. ALLEN. Does not the Senator think the public service employment is escalating or increasing rapidly enough, that we must appropriate billions of dollars to allow additional increases in public employment?

Mr. NELSON. I know there was a dispute about the issue of public service employment, but that is the one we debated on the Senate floor, and on that specific issue, the Senate approved public service employment.

Mr. ALLEN. Does the Senator know of any level of government or public service at which the level of employment is decreasing at present?

Mr. NELSON. Military.

Mr. ALLEN. Well, that is enforced employment in many respects.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. JAVITS. Relative to our population, there are great difficulties in certain areas because of shortages of money for police, fire protection, and especially sanitation workers, not in absolute numbers but relative to our population.

To that extent, and this is a de minimis proposition, the highest figure that conceivably could be reached is 360,000 employees. We have various surveys showing that there are many, many more than that vacant slots which cannot be filled because of population increase and the shortage of money in municipalities.

Mr. ALLEN. Would not this bill aid in the mushrooming of bureaucracy at all levels of Government?

Mr. JAVITS. I do not think it will mushroom them any more than they have been mushroomed, and probably a little less, because, generally speaking, when we get into these manpower training programs, which have an element of both national and State coordination, we are likely to have tighter and more efficient administration.

It might interest both Senators to know that, on Representative PERKINS' initiative, we wrote in a rather important section with respect to rural areas, in which we gave the opportunity for prime sponsorship, in respect of just such programs, to rural areas, designated by the Secretary, which have had substantial outmigration and high unemployment. So I think we were cognizant of what the Senator has in mind.

Mr. ALLEN. How many additional public employees would be enabled to be employed at all levels, under the terms of the bill?

Mr. NELSON. One hundred thousand in the first year. I have a breakdown; 100,000 is a minimum, to 180,000, it is my recollection, in the next fiscal year; and at the end of the fourth year it is 300,000.

Mr. ALLEN. On up as high as 300,000 additional public employees.

Mr. NELSON. If all the money were appropriated.

Mr. ALLEN. And that is only one-third of the bill, I believe. Is that correct?

Mr. JAVITS. Not the add-on.

Mr. ALLEN. One-third of the area of the bill. The other is training for private employment; the other is actual employment in private enterprise.

Mr. NELSON. The categorical programs, the manpower training programs, and the public service employment programs are one-third each, with the Secretary having the authority to transfer 25 percent, the effect of which is that he could reduce the one-third to one-fourth for each title.

Mr. ALLEN. Are jobs available for all these people that we are going to spend billions of dollars to train, when we have almost 6 percent of our work force unemployed at the present time?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. JAVITS. That is what I was trying to point out before. Perhaps I did not make myself clear.

The slots are available. They cannot be filled because of lack of money. So we do have the paradox of having public service underemployment in terms of unmet needs and individual unemployment. That is what this seeks to try to fill in to some extent. But we are dealing there with hundreds of thousands in terms of unmet public needs, not just the limitations of this bill, which in no way will meet the whole need. We have empty slots in municipalities, counties, and States which cannot be filled because they do not have the money for them.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. STENNIS. Is that all Federal money that is going to pay the cost of filling these slots?

Mr. JAVITS. No. These are all joint State-Federal programs.

Mr. STENNIS. What percentage?

Mr. NELSON. Eighty-twenty; no more than 80-percent Federal share.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. STEVENS. As I understand it, there either must be a hundred thousand people or it must be demonstrated that it is a rural area that has had a substantial exodus of population, plus employment. Is that correct?

Mr. JAVITS. There must be a city which is 75,000, or an aggregation of counties or cities which are 100,000. This does not mean one place, but an aggregation of places which total that population. The other areas which do not qualify under either standard are not neglected. They just become a responsibility of the State. This is really a question of who administers the program. If it is a 75,000 area, it can be administered by a mayor in that area. If it is a 100,000 area, it can be administered by a county executive in that 100,000 area. If it is outside either area, it is administered by the State.

Mr. STEVENS. Would the small villages in my State that have 5,000 or 6,000 people, with 85-percent unemployment, be eligible?

Mr. JAVITS. Yes, under the fourth proviso—to wit, "any unit or combination of units, without regard to population, in rural areas designated by the Secretary," and so forth, which have a heavy outmigration and high unemployment, or, if they are not rural areas, they would be a concern of the State of Alaska, which would have its own plan.

Mr. STEVENS. Would the State of Alaska receive assistance under the bill?

Mr. JAVITS. Yes, if it qualifies. It can qualify as a prime sponsor for those areas. So, really, there is not an area that can be out of the bill. It is just a question of who runs it.

Mr. STEVENS. I thank the Senator.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. NELSON. I yield.

Mr. KENNEDY. It is my impression that the Secretary's discretion to divert the 25 percent applies to title I through title IV and does not apply to the categorical grants in title V. We were especially concerned to tie in the formula appropriations for the special program in Indian and migrant and bilingual.

Mr. NELSON. In response to the question of the senior Senator from Massachusetts (Mr. KENNEDY) let me make this statement for purposes of clarifying the legislative history.

The bill provides for reserving funds for programs especially designed to meet the needs of Indians for manpower programs, on the basis of their proportion of low income population. Section 553 of the conference agreement makes clear that so long as the purposes of the title V programs for Indians, migrants, as well as bilingual and older workers programs are met. The Secretary may make adjustments to take into account that persons eligible for this special assistance—for example, Indians—are receiving assistance meeting such purposes under one part of the act, so that the same recipient of services would not have to be counted under more than one provision of the act.

In specific response to the question the Senator from Massachusetts has asked, the general authority in section 4(b) giving the Secretary discretion to reduce any allocation by 25 percent and transfer it to another program under the act, is not intended to allow the reservation of funds for the Indian, migrant, bilingual, and older workers programs to be reduced by such 25 percent. The last sentence of section 553 of the conference agreement makes clear that the calculations with respect to the special reservations of funds are not subject to the 25-percent transferability provision.

Mr. KENNEDY. I thank the Senator for a very complete response on this matter.

Mr. NELSON. Mr. President, I yield the floor.

Mr. ALLEN. Mr. President, I should like to address more questions, if I may, to the chairman of the committee or the manager of the bill.

What is the total over all authorization for the three aspects of the bill?

Mr. NELSON. The bill, as it left the House, had an authorization of $7.5 billion for the 4-year period. The bill, as it left the Senate, had an authorization of $12 billion. The conference committee reduced the Senate authorization from $12 billion to $9.5 billion for the 4-year period.

Mr. ALLEN. How much of that would be allocated to providing these 300,000 jobs in the public service?

Mr. NELSON. The authorized maximum, if the appropriations act appropriated the full authorization plus the add-ons, would be $4.5 billion.

Mr. ALLEN. $4.5 billion for the public service jobs?

Mr. NELSON. That is correct.

Mr. ALLEN. And then how much would be provided for training for possibly nonexistent jobs?

Mr. NELSON. I do not understand the question.

Mr. ALLEN. For the training of service jobs that may not be in being or available.

Mr. NELSON. $5 billion over the period.

Mr. ALLEN. $5 billion. Then, how much for the third aspect of the bill?

Mr. NELSON. That is the total.

Mr. ALLEN. That is the total? I thank the Senator.

Mr. NELSON. There has to be an annual review by the prime sponsor of the employees in a public employee training slot. The language would encourage training for promotion within the public service, and training for movement into the private service. That is the objective sought.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, will the Senator from Alabama withhold that?

Mr. HOLLAND. Mr. President, will the Senator withhold his request? I have one more question to ask.

Mr. MANSFIELD. Does the Senator from Alabama intend to speak about this at length? I want to find out——

Mr. ALLEN. I would like to ask that it be passed over so we can get to the railroad legislation. That would be my wish, and then we can go back to that again.

Mr. NELSON. After the railroad legislation?

Mr. ALLEN. Yes.

Mr. NELSON. I would be glad to finish this tonight.

Mr. MANSFIELD. I want to withdraw this conference report and get to the other business because if this is going to take too long——

Mr. STENNIS. Mr. President, will the Senator from Alabama yield?

Mr. HOLLAND. Mr. President, I should like to ask one more question. I ask for consideration.

Mr. STENNIS. That would come up again tonight?

Mr. MANSFIELD. Tonight. If not tonight, then tomorrow.

Mr. STENNIS. I would want some time to discuss the conference report.

Mr. MANSFIELD. This is a privileged motion. It could come up at any time, but we should get to the railroad business.

Mr. ALLEN. That is my thought, too, to go on to the railroad legislation and give us a little time to study the conference report.

Mr. NELSON. I should like to point out that maybe there is something unclear about it. The public service aspects of the program are fundamentally the same as when they left the Senate, except $2½ billion was cut out of the authorization. The Senator from Alabama (Mr. ALLEN) voted for the bill as it left the Senate. We took money away from the public service.

Mr. ALLEN. That was a mistake on my part which I want to rectify on this vote.

Mr. NELSON. I thought the Senator might have been under the impression that we changed something.

Mr. ALLEN. I understand that it was cut down.

Mr. HOLLAND. Mr. President, I have one question. My understanding is that the public service training that would be done is for the purpose of training individuals to serve as peace officers or police officers——

Mr. NELSON. In the public safety field, sanitary field, hospital and health services, transportation, in parks, and that sort of thing, depending upon what the needs of the cities, counties, and States are—what they want to do.

Mr. HOLLAND. As I recall it, we provided for the training of police officers under one of the crime bills which was passed earlier this session; is that correct?

Mr. NELSON. We passed something but I do not know the provision.

Mr. HOLLAND. I am sure that we passed something. I can understand the Senator does not have that information with him now at his fingertips, but I hope that he will get it before we resume consideration of the conference report.

Mr. KENNEDY. Mr. President, with the unemployment level nearing the 6 percent mark, all of us are mindful of the importance of the Employment and Training Opportunities Act of 1970. This bill marks the concern and commitment of Congress with the problems of unemployment and underemployment that face a growing segment of our population.

I believe we owe special recognition to the outstanding personal achievement of the Senator from Wisconsin in nurturing this bill to fruition. He has shown a dedication to the principles embodied in S. 3867 and has invested countless hours and endless energies in seeing those principles molded into legislative form. This bill stands as a tribute to the Senator's judgment and commitment, and, not in the least, persistence.

The contributions of the minority in subcommittee, committee and conference deliberations also should be mentioned. The Senator from New York participated vigorously in every stage, and many of the provisions and ideas contained in the final bill were the products of the Senator's and his colleagues of the minority.

Each title of the Manpower bill contains important and groundbreaking provisions. Title I deals comprehensively with delivery of manpower services. Title II provides for employment upgrading and title III represents the beginning of a Federal commitment to public service employment. Title IV clarifies and makes important contributions in the area of Federal responsibilities and special works and training programs. And title V sets up special categories of programs where the Federal Government recognizes the need for and commits itself to specially designed and administered programs for Indian, migrant, bilingual, and older workers.

I would like to take the opportunity here to point out that the special section relating to Indian manpower programs may represent the most far-reaching legislation for Indians of the 91st Congress. Two significant principles are established: First, the Federal Government will continue to deal directly with Indians—it will administer Indian programs directly and will not abandon its special relationship to Indians by going exclusively through States or other general prime sponsors. Second, a specific allocation of funds, based on a proportion of the total appropriation for Federal manpower services and programs, is set aside and earmarked for Indian programs and projects. This is the first such set-aside for Indians to appear in general Federal programing.

Other important aspects of the Indian provision are:

Special Indian manpower programs will be available not only to Federal reservations, but also to non-Federal tribes, Alaska natives, and groups of Indians in urban areas;

Full-time personnel in the Department of Labor, knowledgeable of Indian manpower and employment problems, will be designated responsibility for program development, coordination, information, and evaluation;

A National Indian Manpower Advisory Council, composed of a majority of Indian members, will be established to report to Congress, the President, and the Secretary of Labor concerning problems and policies relating to Indian manpower and employment;

The Secretary of Labor will have no authority to reduce or divert any part of the fixed percentage of funds allocated under the Indian provision to non-Indian programs. Discretionary powers given the Secretary to divert funds from other individual titles of the bill do not extend to title V, containing the Indian provision and other special catagories.

Under the formula for allocating funds under S. 3867, about 4 percent of the total manpower funds—or $80,000,000 per year—should be available for special Indian programs. This will be in addition to the funds expended by the Bureau of Indian Affairs. Congress has at last provided for a meaningful approach to the employment problems of American Indians, and most importantly, it has provided substantial funding and flexibility to back up its good sentiments.

Mr. MANSFIELD. If the Senate would allow me, I would ask unanimous consent, Mr. President, that the conference report be laid aside and that the Senate proceed to the consideration of——

Mr. ALLEN. Before doing so, if I may, may I ask the manager of the bill whether it is contemplated that the conference report, which I understand is some 65 pages long, is going to be printed and made available to Members of the Senate?

Mr. NELSON. It is printed here in proofs, and is available.

Mr. ALLEN. It has not been distributed, so far as I know.

Mr. JAVITS. It will be.

Mr. ALLEN. On the desks of Senators. Would there be any opportunity for us to study the report?

Mr. MANSFIELD. Yes. Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER (Mr. McGEE). Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, let me just answer the question of the Senator from Alabama——

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, I ask unanimous consent that two excerpts from section 304 of the conference report be printed in the RECORD in response to the specific question of the Senator from Alabama. That section sets forth the following condition for an application for financial assistance for public service employment programs.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SEC. 304. . . .

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills,

but nothing contained in this paragraph shall be construed to preclude persons or applications for whom the foregoing goals are not feasible or appropriate;

(4) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(5) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(6) a description of unmet public service needs and a statement of priorities among such needs;

(12) procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this title; and procedures pursuant to which, in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(14) assurances that the applicant shall, where appropriate, maintain or provide linkages with upgrading and other programs under this Act, and other Federal or federally supported manpower programs for the purpose of:

(A) providing those persons employed under the agreement who want to pursue work with the employer, or in the same or similar work as that performed under the agreement with opportunities to do so and to find permanent, upwardly mobile careers in that field; and

(B) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

Mr. MANSFIELD. Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana to set aside the conference report? The Chair hears none, and it is so ordered.

SENATE JOINT RESOLUTION 248—ORIGINAL JOINT RESOLUTION REPORTED TO PROVIDE FOR A TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS WITH RESPECT TO THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE (S. REPT. NO. 91–1426)

Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, reported an original joint resolution (S.J. Res. 248) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, and submitted a report thereon, which report was ordered to be printed.

EMERGENCY RAILROAD STRIKE LEGISLATION

Mr. YARBOROUGH. Mr. President, I send to the desk an original resolution which I have reported from the Committee on Labor and Public Welfare, and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated.

The joint resolution, with its preamble, reads as follows:

S.J. Res. 248

Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and certain of their employees represented by the United Transportation Union, the Brotherhood of Railway Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC), the Brotherhood of Maintenance of Way Employees; Hotel and Restaurant Employees and Bartenders International Union threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas the recommendations of Presidential Emergency Board Numbered 178 for settlement of this dispute did not result in a settlement: Now, therefore, in order to encourage these parties to reach their own agreement, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of February 6, 1971.

Sec. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees;

(2) such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate, if the dispute has not been settled; and

(3) A detailed proposal for the partial operation of railroads affected by the dispute described in this joint resolution including along therewith any proposals by the carriers or employee representatives concerned, so as to assure transportation services necessary to the national defense, health, and safety.

Sec. 3. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by five per centum effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. YARBOROUGH. Mr. President, the Committee on Labor and Public Welfare began hearings at 10 o'clock this morning on the railroad emergency dispute. We have heard from the Secretary of Labor, who gave us the benefit of the administration's views. We had letters from the Department of Agriculture, the Postmaster General, and the Director of the Office of Emergency Preparedness, indicating that if a strike of the Nation's railroads tonight at 12:01 a.m. were to be called by the railroad unions it would create a national emergency. We have had the benefit of the views of all the parties to the dispute—the four unions involved, represented by their negotiators, the UTU, the Brotherhood of Railway and Airline Clerks, Maintenance of Way Employees, and the Hotel and Restaurant Employees, and Bartenders Union, as well as the views of representatives of the National Railway Labor Conference, which represents the 120-odd class 1 railroads of the United States.

Mr. STENNIS. Mr. President, may we have order in the Senate. I ask the Chair to be helpful in getting the Senate to come to order, particularly so that we may hear what the Senator from Texas is saying.

The PRESIDING OFFICER. The Senate will please be in order, so that Senators may hear the Senator from Texas. Senators and other personnel will please take their seats.

The Senator from Texas may proceed.

Mr. YARBOROUGH. Mr. President, the committee has decided, in agreement with the administration, that in the time limitations which have been imposed upon it it cannot in good conscience study all the implications and effects of a bill on the merits and could not report a bill to the Senate which would permanently resolve this dispute. Accordingly, the committee is recommending to the Senate, and I hope the Senate will adopt, a resolution which will extend the period in which neither party can change the status quo insofar as work stoppage is concerned; that is, there will be neither a strike nor a lockout until February 6, 1971. During that time I hope that a solution to this problem can be arrived at, and I further hope that the administration and perhaps even the President will take an active part in insuring that free collective bargaining can work in the railroad industry.

This resolution would not prohibit the parties from continuing their negotiations in their efforts to reach an equitable settlement. It would prohibit, though, the stoppage of the railroads and the transportation system of this country until February 6, 1961.

I believe ir. free collective bargaining and the right of labor and management to agree upon the terms and conditions of employment.

Mr. MURPHY. Mr. President, it is very difficult to hear the speaker, there is so much noise in the corner over here. I suggest that those who must hold conversations go into the cloak room, which is provided for that purpose.

The PRESIDING OFFICER. The Senator from Texas will suspend.

The Senate will please come to order. All conversations in the rear of the Senate Chamber will cease so that Senators may hear the dialog concerning the Senate resolution now before the Senate.

The Senator from Texas may proceed.

Mr. YARBOROUGH. Mr. President, congressional compulsion as to the terms and conditions of employment is the first step toward congressional determination of wages, prices, and the profits of our economy. Our country has grown to be the mightiest in the world based upon the free enterprise system. Neither management nor the workers under normal circumstances want congressional intervention. But a general railroad strike has been ordered tonight at 12:01 a.m.

The workers have a right to strike absent legislative intervention by the Congress. Since the wage level under which they had previously worked and since the terms that control the amount of wages they receive expired on January 1 of this year, negotiations have gone on and dragged out through the different boards and finally with the Presidential Emergency Board.

Therefore, it seems to the committee in fairness that if we deny the workers their right to strike, we should provide some recompense so as to compensate them for having robbed them of their only weapon.

In addition, to setting a date of February 6, 1971, the committee has decided that the retroactive pay provisions which were recommended to the parties by Presidential Board No. 178 should go into immediate effect. This resolution and report, therefore, contains a section which provides for an increase of 5 percent for all workers covered by the dispute effective January 1, 1970, and a 32-cent-per-hour increase effective November 1, 1970.

After the second step goes into effect, there would be between a 13 and a 13½-percent overall general increase.

The committee also feels that it is in the best interest of the country that the Congress receive a report from the President no later than 15 days prior to the expiration of the no strike no lock-out provision.

Accordingly, a provision is included in the resolution providing that the President shall report within 15 days after the expiration of this resolution:

First, the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees;

Second, such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate, if the dispute has not been settled; and

Third, a detailed proposal for the partial operation of railroads affected by the dispute described in this joint resolution including along therewith any proposals by the carriers or employee representatives concerned, so as to assure transportation services necessary to the national defense, health, and safety.

It is the committees hope that the report which the President sends to Congress will indicate that the dispute will be settled at that time. However, if it is not, it is the committees belief that the Congress should have the benefit of the information requested of the President so that it may have time to consider legislative alternatives.

Mr. President, the House has passed a resolution that is now at the desk. It differs with the Senate resolution in two particulars only.

The House resolution postpones any change of status insofar as lockouts or strikes or work stoppages are concerned until the first of March.

The resolution requested by the administration, and as introduced, provided for 45 days of freeze of the present conditions until the 23d of January.

The Senate resolution postpones that date of expiration until the 6th of February.

The House resolution which is at the desk postpones it until the first of March.

The wage provisions in the House and Senate resolutions are identical, and provide that these men shall be paid these wages during the period the resolution is in effect.

There are two differences in the Senate resolution. One is the expiration date and the second is the Kennedy-Javits amendment which we have just noted concerning the three points that the President shall report to Congress no later than 15 days before the expiration date of the resolution, the recommendations and reports which I have read here.

Those are the two points of difference between the resolution I have just sent to the desk and the House resolution which is at the desk.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. YARBOROUGH. Mr. President, I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, do I understand correctly that the wage provisions are apparently in two stages, a 5-percent increase effective January 1, 1970 and a 32-cent-per-hour increase effective November 1, 1970?

Mr. YARBOROUGH. The Senator is correct. There is added a 13-percent-an-hour increase.

Mr. MILLER. What is that date?

Mr. YARBOROUGH. November 1, 1970.

Mr. MILLER. Are those provisions identical to the findings of the recommendations of the Presidential Board?

Mr. YARBOROUGH. They are identical so far as wages are concerned. The Presidential Emergency Board recommended these wage provisions now. There are other recommendations in the future. We did not cover that. Also, along with the Emergency Board recommendations there were certain very complicated work rules. We did not include any work rules in this.

Mr. MILLER. Mr. President, in other words what the Senator from Texas is saying is that the proposal before the Senate is that we put into effect the wage increases recommended by the Presidential Board up through the present period.

Mr. YARBOROUGH. Up until this resolution expires.

Mr. MILLER. Mr. President, these other recommendations of the Presidential Board regarding certain working conditions are not covered.

Mr. YARBOROUGH. They are not touched. The part that operates in futuro as to what kind of work they will have is not covered.

A Presidential Board is provided for November 1, 1971. We did not try to make it operate in futuro, beyond the expiration date of this resolution. Nor did we try to write these complicated work rules that I do not think the Senate has time to consider.

Mr. MILLER. Mr. President, the Senator has heard testimony of all the interested parties. Can he tell us whether there was any indication that the reason why the parties could not get together and the reason why we are faced with this resolution are mainly centered over the future increases and the work rules or are centered over what is contained in the resolution.

Mr. YARBOROUGH. Mr. President, they are centered in futuro on the work rules. That is the big point.

I do not mean that there is no dispute as to wages. There are four different groups. They are not all identical situations. One group was not satisfied with the wages. Other groups would have accepted the wages except for the work rules, which mean a change in working conditions and a lessened number of employees. Some employees would get more money but there would be fewer workers. It is very complicated.

Mr. MILLER. Mr. President, is it the committee's feeling that if we take this action there will be sufficient incentive on both sides to warrant a real effort to arrive at a conclusion regarding the future wages and the work rules by the time the present resolution expires?

Mr. YARBOROUGH. Mr. President, we did not go into all of the details of the dispute during the hearings. We did not have time to consider the things that this Board has considered for months.

I have no way of knowing. There would be a reasonable hope. We hope they will settle it. But whether that is a reasonable hope, I do not know.

These people have been working on this for some time. The union claimed some time in 1969 that, due to inflation and everyone's wages going up, they were due an increase. They wanted an increase in wages. This has been going on, I believe, for about a year and a half.

I have no way of stating. I have no realistic information as to whether they will accept the conditions. This is a stopgap resolution to keep the Nation's railroads going while we hope they will continue negotiations.

We had word that they were making some progress when the time expired. All the time allowed by law for the Emergency Board has expired. Many steps are provided by law. This has dragged out through the year. These are intermediate steps.

Mr. MILLER. Mr. President, were any indications given by any witnesses that if this resolution were adopted it would impair negotiations?

Mr. YARBOROUGH. We had no indication of that. We would not have recommended it if we had.

Mr. MILLER. Mr. President, were there any indications by any witnesses before the committee that the adoption of this resolution would help the negotiations?

Mr. YARBOROUGH. Mr. President, I do not know. Those fellows are pretty tough negotiators, the railroads and labor both. One does not find them making any admissions that the lawyers call admissions against interest.

Apparently no member of the staff recalls anyone. I do not recall anyone admitting anything.

Mr. MILLER. In other words, from the standpoint of the committee and the committee report to the Senate, we do not know, by virtue of the testimony the Senator took from the various witnesses, whether adoption of this resolution would help or hinder negotiations.

Mr. YARBOROUGH. This resolution is not a settlement resolution. We did not go into it deep enough to know the nuances of all the parties.

We have a stopgap resolution to keep the railroads rolling with what we think is fairness to both sides, but which is probably not acceptable to either side. I do not think either side wants it. They want to negotiate to their ultimate strength.

But we have come up with something in the brief time we had today. The Secretary of Labor said he went into this matter for the first time and had negotiators working on December 7 when the strike was called, and it was submitted to Congress yesterday.

We worked under tremendous difficulties of time limitations. We did not attempt to act in such a way as to substitute ourselves for the emergency board, the wage board, or the mediation board. We did not attempt to do that. We do have an emergency resolution to keep the railroads rolling. We hope that the provisions of the resolution banning a strike at midnight will be observed. We feel that it would be observed by the union officials, but the working men all over the country saw what happened in connection with the postal workers, who were Government employees, when they struck and got higher wages.

So we hope that with these two matters in there, some measure of relief from low wages and future negotiations open to them so that this is not final, this measure will keep the railroads rolling.

Mr. MILLER. I appreciate what the Senator has said but I do not think the Senator quite responded to my point. I know the Senator was not avoiding what I am seeking to find out.

Mr. YARBOROUGH. I am not avoiding the Senator.

Mr. MILLER. I want to find out whether the Senator can tell us whether it is the judgment of the committee, based on the testimony it received from all the witnesses, that adoption of this resolution will help or hinder further negotiations.

Mr. YARBOROUGH. This is a matter of opinion for every member of the committee. I cannot speak for all members of the committee who heard the witnesses and formed an evaluation. I do not think it will hurt future negotiations, but it is not a settlement. We did not attempt to take the place of an expert board.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. PROUTY. It has been pointed out that the only reason the carriers agreed to the recommendations of the Emergency Board is that there were recommendations involving changes in the work rules. That is the only reason the carriers agreed to the recommendation of the Emergency Board.

It is evident that the proposal the committee reported certainly is not in the interest of further negotiations.

Mr. MILLER. I appreciate the Senator's comment. I do appreciate the statement of the Senator from Vermont. Not being a member of the committee most of us have not heard the testimony. We have read statements in the newspapers, but we have not heard the testimony and that is why I asked whether any witnesses, whether they were management or labor, indicated that the adoption of this resolution would hurt or help negotiations.

Mr. YARBOROUGH. In my opinion it helps. But the representatives of management and labor were full negotiators. They were not saying, "If you do this it will do this." But I personally believe it will help. They are real professional negotiators.

Mr. HOLLAND, Mr. MURPHY, and Mr. KENNEDY addressed the Chair.

Mr. YARBOROUGH. I yield to the Senator from Florida.

Mr. HOLLAND. What are the four unions involved? Does the record show what they are?

Mr. YARBOROUGH. Yes. They are the United Transportation Union, the Brotherhood of Railway Airline and Steamship Clerks, Freight Handlers, Express and Station Employees, the Brotherhood of Maintenance of Way Employees; and the Hotel and Restaurant Employees and Bartenders International Union.

Mr. HOLLAND. Do I understand that the rate of increase of wages recommended by the committee was recommended by the Emergency Board and it was not that which was demanded by either the unions or by the railroads?

Mr. YARBOROUGH. No, these wages are not what management or labor wanted. This is not all that was recommended. This is not all that was recommended by the Emergency Board.

Mr. HOLLAND. I understand. Was the recommendation of the able committee headed by the distinguished Senator a unanimous recommendation?

Mr. YARBOROUGH. No, it was not a unanimous recommendation.

Mr. HOLLAND. Would the Senator state for the RECORD what the figures were?

Mr. YARBOROUGH. We voted on each amendment. On each amendment there was a record vote.

Mr. HOLLAND. And on the report of the bill?

Mr. YARBOROUGH. The final vote was 12 to 4.

Mr. HOLLAND. I thank the Senator.

Mr. YARBOROUGH. The Senator knows we do not disclose the vote.

Mr. HOLLAND. I understand.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. YARBOROUGH. We debated over three different dates: The Presidential date, the date in the House, and this date. We had several compromise dates. The Kennedy-Javits amendment was changed four times and widely discussed in committee. Changes were recommended in the rate provisions but we finally adopted a provision identical with the House provision on the increases in rates of pay.

Mr. HOLLAND. I thank the Senator. The two points I was particularly interested in have been answered: First, that the rate of wage increase that would be effective if the bill be passed is that recommended by the Emergency Board set up by the President under the Railway Labor Act.

Mr. YARBOROUGH. That is correct.

Mr. HOLLAND. And not rates urged by either the workmen or the railroads.

Mr. YARBOROUGH. No, the representatives of the working men came to my office complaining how unjust these are.

Mr. HOLLAND. Second, the committee was not unanimous in its report but was divided 12 to 4 for the favorable report which is before the Senate.

Mr. YARBOROUGH. The Senator is correct.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. MURPHY. Since I was one of those in disagreement with the report, I would like to explain my reasons to the Senator from Florida.

I have complete sympathy with the problems of the railroad workers. I think their case is a valid one. I think their representatives have been maybe neglectful over the past years. I think these wages and working conditions should have been brought to a head. However, in discussing this resolution, my objection to the injection of the wages and the conditions stems from the fact that I do not believe that it is proper for Congress to enter into labor negotiations in settling wage scales, and that is what this amounts to.

This might be considered compulsory arbitration by some. As an old labor man I would be very apt to call it compulsory arbitration. In other words, Congress is saying, "You must pay x dollars, and you must accept x dollars."

In my judgment, this might very well impede the progress of collective bargaining. I think it sets a very dangerous precedent.

That was the basis of my objection.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. HOLLAND. I was not seeking to bring out the name of any Senator who is for or against this bill because it is thoroughly the right of every Senator to vote as his conscience dictates just as it will be when we come to vote on the floor of the Senate. I was relieved, however, to find that the rate of wage increase suggested was not that demanded by either of the contesting parties—that is, the labor organizations or the railroads—but, instead, was the rate recommended by the Emergency Board appointed by the President under the terms of the Railway Labor Act. And I was also relieved to hear that other conditions that appeared in the report and recommendations of the Emergency Board are not dealt with in this bill, but simply the matter of fixing, for the duration of this measure, the wage that is recommended by the Presidential Board.

Mr. YARBOROUGH. That is correct. The work rules are very complicated. I think it would take a permanent board like the Emergency Board to work them out. Ours is temporary, and the day the resolution expires, everything in it dies with the expiration. That is some appeal for both sides to work and try to reach a settlement.

Mr. HOLLAND. I think the Senator from Texas and the Senator from California have thrown light on the situation.

Mr. SAXBE. Mr. President—

The PRESIDING OFFICER. The Chair had agreed to recognize the Senator from New York.

Mr. JAVITS. Mr. President, I yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, I think it should be pointed out that it is about time that we pierced the veil of free collective bargaining, because we all say that we admire and respect very much the right of unions to deal with employers and thereby reach agreement, or disagreement which results in a strike. That is fine as long as it does not affect anybody, but as soon as we have a national emergency which emerges from a railroad strike, immediately the Congress is brought in to terminate it.

In the resolution which is before us we have pretty much agreed to accept what the Presidential fact finding board proposed. In other words, we give them what they are willing to settle for if the work rules are not changed. The work rules are the nub of the entire negotiations, because if the work rules are left alone, the dollar amounts are acceptable to the unions.

I understand an amendment will be offered which provides that we shall also insist on the work rules. I shall not support that proposal, either. It seems to me that if we are going to have compulsory arbitration, we may as well talk about compulsory arbitration and we may as well pierce this veil about the collective bargaining of unions.

We discussed at some length the fact that essential services will be carried on. The railroads say it is not possible. The unions say they have men who will make it possible. I question it. I think the 45 day or the first of March provision, as the House adopted it, simply means postponing the disaster which is upon us. If we, however, adopt the pay scale and make it part of the law, I do not think there will be any problem in the future. It will continue. The railroads will lose on their work orders and their conditions of work, and the pay scale will remain. We have, in fact, succumbed to almost blackmail and adopted a pay scale which the railroads say they cannot live with unless the work rules are changed.

If we are simply going to extend the time for striking, I think we had best bite the bullet and say, "All right, if there is no agreement, I do not think we should have compulsory arbitration in the Congress of the United States," and let us get rid of the fiction that they do have the right to strike, which is their right to bargain. I think we are going to be involved in every dispute from here on, because it all involves the public interest.

I voted against this measure in committee because of that fact, and also because there is hitched to it a bipartisan amendment which directs the President to submit matters to the committee—which I feel will not only disclose the hand of the Secretary of Labor, but also I question whether we should be directing the President to do anything. In other words, if we are going to ask the President to jump through a bipartisan hoop by disclosing his actions, his intentions, and his assessment of the situation, we are going to be very unfair.

So unless we can extend it by leaving the wages and conditions alone, I think we are doing a great disservice to the country.

I call upon them to enter into genuine negotiations, but I also submit that there will never be genuine negotiations as long as the sure bail-out is just around the corner.

Mr. JAVITS. Mr. President, I have heard with great interest the statement of the Senator from Ohio, which he made with similar eloquence in our committee, and the statement of the Senator from Texas. The difficulty is that we fly in the face of both history and reality.

In respect of the remarks of my colleague from Ohio, whom I regard highly, the fact is that we have ended previous disputes in the railroad field by precisely this means. In 1963 we ended the firemen's dispute by what was in effect, although we dressed it up in other words, compulsory arbitration. In 1967 we required mediation of the shopcraft dispute with the railroads to finality. We really gave it to a board and made that board's decision final.

Then we actually, in 1970, which is only this year, put into effect an agreement which four unions made, and made it binding on all six unions, notwithstanding the fact that two of the unions were strongly against it.

The courts, generally speaking, have sustained this authority in the Congress and the President in the totality of the law because this is an industry heavily impressed with the public interest, because we have a right, under the commerce clause, or in the interest of national health and safety under the welfare clause, to deal with this industry directly.

The fact is that the Constitution permits us, rather than prevents us, from dealing with an emergency which could bring the country to a halt. The courts have recognized that, and we have to recognize it.

If all we did was to pass the resolution sent to us by the administration, we would be on very, very sound ground, and I doubt that there would be a voice raised here against it, except by those who felt it did not go far enough; but we have in two respects gone somewhat beyond the administration's position. Hence the deep concern expressed on the floor by many Senators.

So the Senate, in the same spirit in which we deal with other matters, is entitled to an explanation as to what we did, as the Senator from Texas (Mr. YARBOROUGH) explained, and why we did it. I would like to deal with the latter subject—why we did it.

First, taking the amendment which calls for a report from the President, we do that all the time. Our statutes are replete with exactly this catechism—that the President shall, within a given number of days, report on this, that, or the other thing. We know very well if the President chose not to honor any such statute, even though it says "shall," there would be nothing we could do about it. But what the President does, as Congress does, is try to honor our commitments, because, like the President, if Congress chose, we could bring the Government to a halt.

Mr. MURPHY. Mr. President, will the Senator yield at that point?

Mr. JAVITS. I yield.

Mr. MURPHY. I had to leave the committee meeting. At the time I left the word "report" was not in the resolution. I believe the word was "recommendation." Is the word now "report" or "recommendation"?

Mr. JAVITS. When the Senator left the meeting, the word was "report," and the word "report" is there now.

Mr. MURPHY. I did not hear it, because I discussed at length with two Senators the matter of the impropriety again of the President of the United States being called upon to make a settlement of this matter, on the same basis as I objected to getting into the matter of wage rates.

Mr. JAVITS. The words are:

> The President shall submit to the Congress a full and comprehensive report containing—

And then we make the specifications. I respectfully submit that any Senator on the floor knows that on legislation which almost any committee has handled, this constantly happens. We have it in foreign aid, we have it in the Finance Committee, we have it in Agriculture, we have it in dozens of things. There is nothing unusual about it; but we all know that if the President does not choose to honor it, there is nothing we can do to make him do so.

Mr. MURPHY. Will the Senator read the rest of the language?

Mr. JAVITS. Yes, I shall go over it. I do not know what point the Senator is trying to make.

Mr. MURPHY. I am talking about the difference between a report and a recommendation.

Mr. JAVITS. This calls for a report which will include also recommendations.

Mr. MURPHY. That is my point. I objected to that, as the Senator knows. I objected to that in the committee, and on the floor. That is what I made reference to when I first rose.

Mr. JAVITS. The Senator did; that is absolutely correct.

Now to continue, Mr. President: The reason we asked for this report 15 days before our resolution is that when the strike expires, which is February 6, according to the Senate version, we feel this is a sterile effort unless we are going to have the hopes of a settlement.

We believe that by bringing about a report on the question, we compel all the parties to come up to a higher plateau than if we just passed the resolution staying the strike, and in 45 days we would be where we are now. They can just sit with their hands folded and do nothing. We do not believe they will, but this puts the compulsion on them, and it gives us 2 weeks in which to look over what has been done.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. JAVITS. First, let me finish my thought.

Finally, the final item of this amendment asks that the President report to us a detailed proposal for the partial operation of the railroads, plus any proposals that have been made by the carriers or the union.

The reason for that is that it may be that we would then conclude that this proposal is good enough to take care of the national health, safety, and defense, and we will not need any further resolutions. The administration could easily—and I think that is probably what they will do, because they so testified—report back that it is impracticable to operate the railroads in part. But we cannot take that for granted; so I think we have a right to ask, "Is there any way in which we could avoid 'resoluting' further, in order to stay a strike?"

I yield to the Senator from Ohio.

Mr. SAXBE. Does the Senator believe there is any way in which negotiations can continue with due diligence required, if in fact the unions have achieved the pay raise which they expect to ultimately receive?

Mr. JAVITS. I believe that will have an effect on the collective bargaining, but I shall deal with that in a minute.

That is the second big point in question. I have about finished with the first item, which is, why the request for a report, what will it do, and why is it desirable?

I think it is very desirable. I have joined with the Senator from Massachusetts (Mr. Kennedy) in respect to it, and I hope the Senate will sustain us.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. JAVITS. On that, or on the waiting period?

Mr. MILLER. No, on the Kennedy-Javits section.

Mr. JAVITS. All right.

Mr. MILLER. The report from the President is supposed to contain such recommendations for a proposed solution of the dispute as he deems appropriate. I would like to find out what the sponsors had in mind, whether they were thinking of wage rates, rules changes, or methodology.

Mr. JAVITS. The Senator took the word out of my mouth. We were thinking of methodology. The Board has already reported what it thinks would be fair; it is inconceivable that the President could now depart from that, so we are thinking of methodology. We are talking about whether he wants a law or what he wants with respect to this matter, to bring it to a resolution.

Mr. MILLER. I asked the question because the Senator from California indicated some concern over it, and I would share that concern if we expected the President to come over here and say, "I recommend that the wages be so much an hour, that there be so much of an increase, and the work rules be changed," and all of that, which I do not think it is proper to have the Chief Executive get into.

Mr. MURPHY. Amen.

Mr. JAVITS. I certainly believe the Chief Executive has more brains than that, Mr. President.

Mr. MILLER. I believe so, too, but I do not believe we ought to pick his brains in that manner, and I am somewhat relieved by the response I have received.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MURPHY. Before the Senator from Iowa is too relieved, may I point out the basis of my discussion and the basis of my disagreement?

First of all, it is suggested that any and all plans be submitted. When it is specified that the President submit a plan, then that becomes the White House plan. If the plan is not adopted, or is adopted, in any case it puts the President of the United States in a position which I think is improper, just as I think it is improper for the Congress of the United States to inject itself into a labor negotiation. I do not think that is our business. I think our business here, as Members of this body, is to protect in every way we can the national welfare, health, and safety, period.

That is why I think the request is perfectly proper as sent up here by the President, which asked would we agree to extend the negotiating period 45 days. That is all they asked for.

Now, in the discussion, some of my distinguished colleagues, hopefully to insure acceptance of this resolution, have added these other fillips. I think it is improper, and I think it is wrong. I think it establishes a dangerous precedent, and I think that with regard to asking the President of the United States to send up his proposal, that puts him in a most embarrassing position, and as I said in the committee, I say to the Senator, were I the President, I would respectfully regret being unable to do that. I do not think it is proper, and I do not think it helps our case. I think it means we would be doing something that, in the future, we might deeply regret.

Mr. JAVITS. I thank the Senator. He has certainly made his views very clear, and I think they are entitled to the utmost respect. He voiced the same sentiments before the committee.

Mr. President, the next issue is this issue of whether to legislate with respect to wages. I think Congress has that power. I stated why when I began. The question is whether we should do it. It is a complex one. The reasons have been advanced by the Senator from Texas (Mr. Yarborough): That we are depriving the unions of the right to strike, and, therefore, we should not make that deprivation without some recognition of the equities in respect to why they did strike.

The question is always one of how far we shall go, for this reason: It is undeniable, and the Senator from Vermont (Mr. Prouty) and others are absolutely right about it, that while the provision of the resolution we brought in gives them a 13-percent wage increase—in other words, it brings them, with their increase, right up to date, because the Board recommended 5 percent retroactive to January 1, and 32 cents an hour, which, for practical purposes, is 8 percent, retroactive to November 1. It gives them those wage increases, and it does not in any way change the working rules. The deal was a package; it was not just the wage increases, it was the wage increases and the acceptance of the change in the working rules. That is why all this negotiation has taken place, because the management, on the one side, said with great reluctance, "We'll take the package."

Labor, on the other side, said, "We cannot accept the package, but we will negotiate with you on the working rules, in which we want certain reductions and changes. We like the money, but we do not like the changes in the rules."

That is why we are in this jam. Even that is the subject of controversy, because one set of unions, mostly the essential track and operating people, feel that way; they hate the rules changes, but they want the money.

The clerks, on the other hand, think the money is too low, because they are competing with another contract made by the railroads with the teamsters, with higher pay for what they claim is the same work. So we have that complication.

But waving that aside momentarily, the rules are in issue. That is why all the negotiation. If we give them the 13 percent, it is true that they are getting it free of the rules change. That is a big boon to labor.

The reason why we thought about giving them any increase is twofold. One, the House has given them exactly this package, 13 percent. The only difference between the House bill and our bill is the requirement for a report and that they have made the date March 1 instead of February 6. Other than that, they are the same. So that the House has already voted on two rollcalls to give them this 13 percent, and it is fair to assume that if we do not, we are going to be in quite a jam with the House, and this strike may not be stopped at all. I think that has to be said right away. There is no use in fudging that argument.

The other point is this. I think this is a consideration which has to be laid before the Senate. The fact is that the total wage package moving from this year into next year and the year after that is 19 percent plus the 13 percent. There are four, five, and five, and five again in the third year. So there is 19 percent, which is still left up in the air. Senators may feel—they have a right to feel—that even though the workers are getting the 13 percent now, there is still 19 percent to come, so that gives adequate room for negotiation about the work rules. But there is no doubt about the fact that only $\frac{19}{32}$ of negotiation is left, because that is all that is up in the way of money; and the workers want the money but they do not like the rules. So the negotiation is being loaded to that extent.

It is just a question of whether Senators are going to go with Senator Prouty's idea that the 5-percent increase retroactive to January 1 is enough of a carrot or whether they are going to go the whole way with the 13 percent, on the theory that that much of a carrot has to be given in order to keep the railroads operating.

It is a fact that this bill, if we pass one, conceivably could be defied, and there have been such utterances on the part of the union leadership. I do not believe it. I deeply believe that the railroad workers are highly patriotic and highly motivated Americans and that if we pass a law, they will obey it. But I cannot guarantee that, and I am sure that was in the minds of the Members of the House, as it was in the minds of the members of the committee who voted this particular provision.

That is the case and the reasons why we did what we did, which I now lay before the Senate.

Mr. SCOTT. Mr. President (Mr. WILLIAMS of New Jersey), will the Senator yield?

Mr. JAVITS. I yield.

Mr. SCOTT. Mr. President, I am bound to point out, inasmuch as the Senator has made some reference to it, that the House has written it in, and, of course, the Senate proposes not to differ. But all the wage increases do nothing to balance off the inflationary effects without work rules. Congress continually has been urging restraint on the President, it has been urging wage and price freezes and standby controls on the President, it has issued its own inflationary warnings, and it has reached a considerable decibel rate in doing so. Yet, Congress now proposes to enforce a more inflationary situation than any it condemns. Congress here would seem to be picking out a portion of the administration's recommendations and then doing an unbalanced job.

Perhaps they ought to be dealing with the wage increases and the work rules both. It would seem to me that they would be wise at this point to do neither and to support a simple extender, if a sufficient sentiment could be developed for that. I have to point out, also, that neither House of Congress has provided even 1 day's consideration to the President's proposals for long-term settlements of these problems.

So that, instead of the extender which the President requested in order to insure a fair and balanced consideration of the collective bargaining position of both sides, we are going to end up with an unbalanced situation and an inflationary situation. I do not see how next year, for example, Members of this body or the other body can get up and warn about what is not being done to control inflation, if Congress is going to fuel the fires of inflation by approving a settlement which itself is bound to be or to end up as a basis for future settlements and future inflationary helical spirals, like the standard definition of a spiral staircase: A series of ascending helical planes.

I would hope that, before we wreak this damage, we would carefully consider either the possibility of a simple extender or the possibilities which the Senator from Vermont may have in mind with regard to some change in this formula, or, if not, at least a more balancing effect than has yet been achieved.

I know that the committees of both bodies have worked very diligently and accepted the onus and pressure of emergency procedures here. They certainly are doing the best they can. But in the labors which have emerged, they have produced not a tamable mouse but an inflationary tiger, in my opinion.

Mr. JAVITS. Mr. President, I gave the Senate the arguments pro and con, and I would like to give my own judgment.

I believe that the 5 percent can be justified, retroactive to January 1, first, on practical grounds, that, having stayed the unions' strike, they should be given something; and, second, because there is no question about the cost of living running away to that extent, and the fact that these unions and these workers have not had any increases for a long time. They have a very equitable case on it. I think the 8-percent question is a very, very questionable item, and the majority of our committee thought they had to go to that extent. The Senate may disagree with them. I think that can be justified—and I say this in fairness to Senator PROUTY's amendment, which he offered in the committee—on the very elementary basis that something should be done and that it does have a direct relationship to the increase in the cost of living and that these workers really have not had the benefit of any increase.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SCOTT. I certainly am not contending that there has not been an increase in the cost of living. On the contrary, there has. The 5 percent is perhaps more readily justifiable than the 8 percent or 8.5 percent, at this time.

What I am pleading for is that we do a more balanced job and that we either extend and leave the collective bargaining process to labor and management or that we balance the scales between labor and management as well as we can, and that we should be extremely careful to realize that the first time Congress puts its hand to the levers of the inflationary steam engine, it proceeds to do an infinitely worse job than it accuses the administration of doing. I do not think that next year those people who will call to high heaven in their concern about inflationary pressures could plead non mea culpa to a situation of that kind, if they have been the engineers who stoked the fire.

That is my concern. I agree that the cost of living is there and that something should be done about it. The question is how it should be done.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, I think it would be well to point out, not only with respect to what the minority leader has stated but also with respect to what the Senator from New York has stated, that what we have here today is a culmination of many extensions of a situation arising from antiquated work rules which result in some alleged featherbedding and a situation that has resulted in the rest of the labor force getting regular and substantial increases while the railroad worker has been passed over. He has been passed over for a number of reasons: First, because of the size and magnitude of the railroad empire and the diversity of ownership of the numerous railroads, and second, because the railroad has always been considered a separate and somewhat elevated calling to a great many people, so that they did not have to indulge in the rough and tumble of, say, the UAW or some of the others. He does need relief because of inflationary pressures. No one wants to point the finger at who is to be the victim of inflationary pressures.

Mr. SCOTT. No, indeed. He does need relief.

Mr. SAXBE. He does need relief. On the other hand, railroads say, "We are between a rock and a hard place, because many of us are losing money and some of us are bankrupt. We cannot give the wage increases if we have work rules that require too many men or too much of a payroll so that we cannot use modern equipment and so that we cannot completely overhaul our methods of running the trains."

I have seen some places where they have taken advantage of this, to some degree, that imposes even on safety.

I am a veteran in this field, as most of us are, of the full crew fight, which has gone on in all of our States. There has never been a meeting of the minds which is necessary, if we are going to settle the basic dispute which is: Will the railroads give the unions the money they need, and will the unions give the railroads the privilege of operating at a level of efficiency so that they can proceed to make money and develop?

We are now bailing out of another opportunity to have this settled. If we grant this 13.5-percent wage increase, it seems to me we will have avoided the opportunity to settle this dispute once and for all.

If we are going compulsorily to arbitrate this situation—and that is what we are doing—by giving 13.5 percent, we will never get it back, I do not care what we write into the law. And we will never change the work rules, so that the whole fight will be continued 60 days, 6 months, 6 years—we will never work it out.

I maintain that collective bargaining in regard to railroads does not exist. It is a fiction. We might as well recognize that. If we are going compulsorily to arbitrate wages, then let us arbitrate the work rules. If the Government is going to run the railroads, as we will be doing indirectly if we set wages and work rules, then let us nationalize the railroads and be done with it; because we are making an impossible situation for the unions and their leaders to obtain a fair return for their members, and we are also making it impossible for the railroads either to provide the jobs or to make money.

Mr. SCOTT. Mr. President, a few years ago, the Commerce Committee of the Senate attempted to mediate a rail strike. Frankly, I do not believe we did a very good job of it. We were so thoroughly sick and tired and fed up, we became convinced that was a very bad way to run a railroad and that we would never want to assume that responsibility again.

Now we are moving from the Commerce Committee to the full Senate. Now the Senate is trying to run the railroads. In my opinion, the Senate will make as much of a mess of it as the Commerce Committee, in thinking it was in danger of achieving.

I hope we stop this nonsense. We should have an extender and give the collective bargaining system a chance to work.

I have been supported by every railroad brotherhood in my Commonwealth. I am for them. I helped them to write a lot of their legislation and their pension and retirement plans. I do not want them to bargain themselves not only out of a job but also out of an industry. I do not want them to end up as bus drivers.

I do not believe that we should enter a situation that happens in some towns, where the fireman gets a little bored because there have been no fires recently, so he starts one, so that the fireman becomes the arsonist. I do not think we want to envision ourselves in the role of that fireman and go out and set fires because we think that is the most powerful, exciting, and dramatic thing that we can do.

We are in danger of doing that. I am again making a plea for what I hope and believe to be a commonsensical approach, to continue the collective-bargaining system and make a simple extender.

If we will not do that, in the urge to run a railroad and play with our toys before Christmas, why then I would say balance the books, be equal, be fair, be just; but if we will not do that, do not create a situation where we have wage increases legislated by Congress without any of the other protective provisions against inflation and we watch the railroads go full speed ahead to the wall, and up the wall, and out—out of our existence and out of our economy.

We are in danger of running rampant here in our desire to show the railroad labor of this country that we love them.

If that is the case, then let us pass a resolution—to wit, "We love you, signed the United States Senate." Then let us get on with the commonsense business of being just and fair.

Mr. President, I yield the floor.

Mr. COTTON. Mr. President, I just want to add, in view of what the minority leader has just said, that we on the Commerce Committee went through something like 6 weeks of trying to be a super-National Labor Relations Board. That was under President Kennedy and we gave him what he wanted, which was a brief extension. We did not try to do anything else.

Once Congress—either the Senate or the House—proceeds to legislate wages, we might as well put a sign right outside that door labeled "The Super National Labor Relations Board," because there are other industries in this country besides the railroads which can bring our economy to a halt, and once we have set a precedent letting them appeal from their collective bargaining, and appeal from the various boards of arbitration, and the machinery we have set up, and then have them come to Congress to get dollars and cents, and work rules, or anything else, we will have started a precedent that every Member of this body will live to regret.

Mr. President, I could not possibly vote for this resolution in its present form.

Mr. ALLOTT. Mr. President, my remarks will be brief. I want to say that I agree basically with what the Senator from Ohio (Mr. Saxbe) and the Senator from Pennsylvania (Mr. Scott) have had to say.

In the past few weeks, we had a strike in an industry, while not a public utility, of such great dimensions that it vitally affects the whole country.

What this country has not recognized so far is that it is not only quasi-public utility corporations or quasi-municipal organizations that are involved. Many other organizations which are just as vital are affected, such as, for example, the steel industry. We have been over this particular racecourse three times, as I recall, since I came to the Senate. Each time we have granted an extension. That is what the President has asked for. That is what I seriously urge. But one thing I seriously urge that we not do is to in any degree get in the way of setting any of the terms of the labor contract between railroad management and railroad labor.

I can think of many things I could say about what I believe are wrong with the railroads. I think I have done as much as any other Senator to try to bring the various aspects of railroad operation, particularly passenger service and high-speed corridors, into the foreground, so that we can have a viable industry, particularly as to passenger service. But as the Senator from New Hampshire (Mr. Cotton), said a moment ago, we are not doing ourselves or anyone else any favor by dealing with only the wage aspects, which are just one part of the question. Even if it were the whole question, I would have to oppose the joint resolution as it came from the House.

I am concerned, of course, as I have always been, about aspects of the situation which may or may not be inflationary. I do not know how long the committee has dealt with the problem, but it certainly has been imminent, in the foreground, for many months. Here we are presented, on the last night, now, 4 hours and 15 minutes before a strike deadline, with a proposition to raise wages 13 percent, and to leave the working conditions as they are, which may constitute, I do not know how much more opposition to a settlement.

Mr. President, make no bones about it, if we do this tonight, we are going to be settling wage disputes in every industry in this country which is of sufficient size to have an influence on the national economy. If, for example, we get up to a steel situation or a United Mineworkers situation where coal and power and electricity are concerned, in this year or next year or the year after, the Senate cannot avoid the precedent that is set tonight in dealing with wages. We have never set wages in private industry.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MURPHY. Mr. President, I have been a member of a labor union for over 40 years. I would object to having the Congress of the United States inject itself into collective bargaining. It would destroy what has worked very well over the years. I would feel it was taking away and infringing on my rights as a member of a labor union.

Mr. ALLOTT. Mr. President, I thank the Senator from California for his contribution. Mr. President, I have just one other remark to make about this matter.

I am concerned about the problem of compulsory arbitration, as is every union member. Strangely enough, I find that management is just as concerned about compulsory arbitrations as unions are.

In the years that I have been a Member of the Senate, I have never found the Commitee on Labor and Public Welfare addressing itself in a hard way to finding another solution to the crisis situation in which we find ourselves as against compulsory arbitration.

Mr. MURPHY. Mr. President, will the Senator yield at that point?

Mr. JAVITS. Mr. President, I have the floor. I yield to the Senator from California.

Mr. MURPHY. Mr. President, in the hearings I asked the very question. This has been something that has been in my mind for many years. Has the time come when we should establish a series of labor courts in order to finally settle these things in the general interest and let the interest of the two disagreeing parties take a second position while letting the general welfare of the country take the primary position for a change?

I was told that it was considered. They have courts of this type in Australia that are not working well.

I am hopeful that could work well and that this could be an answer.

Mr. ALLOTT. Mr. President, I feel very strongly that this is a precedent which we should not take.

Mr. President, the Senator from Vermont has been very kind in permitting me to take the floor before he offers his amendment.

I must say that I could not vote for the resolution as amended here. I could not vote for any tampering with the wage scale. I think that it would become a precedent in this country.

I sincerely hope that we do what the President has requested and then, by public pressure and by senatorial and congressional pressure, force these people to the bargaining table in a sincere effort to bargain.

Mr. President, I thank the Senator from New York for yielding. I am particularly grateful to my friend, the Senator from Vermont, for yielding his place to me.

Mr. JAVITS. Mr. President, I shall yield the floor in a moment. I know that the Senator from Vermont (Mr. Prouty) and the Senator from Wyoming (Mr. Hansen) wish to be recognized. However, I would like to reply to what the Senator has said.

I point out that for a long time I have had a bill in to deal with precisely this question. I do not like compulsory arbitration or our being up against the gun as we are periodically, especially in the railroad field.

I have a measure which seeks to deal intelligently with the matter. Though I am the ranking minority member of the committee, I have never been able to get a hearing. The President has made a proposal. That proposal has not had a hearing.

Mr. President, I hope that this emergency will at least wake us up and that next year we will have permanent legislation.

Mr. PROUTY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

In section 3 insert a period after "January 1, 1970" and strike the rest of the sentence.

Mr. PROUTY. Mr. President, first I should like to make a brief resume of what has taken place over the weeks and months which have led to the present legislation.

The joint resolution reported by our full Committee on Labor and Public Welfare prohibits strikes and lockouts in the railroad industry until February 6, 1971. As we all know, a nationwide railroad strike will commence at 1 minute after midnight this evening if this joint resolution is not enacted prior to that time.

This dispute involves three nonoperating brotherhoods, The Brotherhood of Railway, Airline, and Steamship Clerks, Freight Handlers, Express and Station Employees, the Brotherhood of Maintenance of Way Employees, and the Hotel and Restaurant Employees' and Bartenders' International Union, and one operating union, the United Transportation Union. These unions together represent approximately 400,000 railroad employees, or more than 75 percent of workers in the railroad industry.

The last contract between the parties expired December 31, 1969. During 1969, timely notices under section 6 of the Railway Labor Act were served by each party on the other requesting changes in the existing contracts.

Negotiations were conducted on both the local and national levels and when no agreements were reached, the services of the National Mediation Board were invoked. The Board's attempts to arbitrate this dispute were fruitless and it terminated its services on August 10, 1970. At this time the unions announced their intention of striking the railroads on September 10, 1970.

On September 8, 1970, the Chairman of the National Mediation Board reconvened negotiations but no progress was made; and on September 15, 1970, the unions struck the Baltimore & Ohio, the Chesapeake & Ohio, and the Southern Pacific.

Because of the selective nature of these strikes, they were enjoined by the U.S. District Court for the District of Columbia.

The President then created Emergency Board No. 178 by the issuance of Executive orders under section 10 of the Railway Labor Act on September 18, 1970.

During the course of hearings held by the Emergency Board, the parties jointly requested the President to extend the time for the Board's report to November 10, 1970, and this request was granted. The Railway Labor Act's prohibition against strikes and lockouts invoked by the President by the appointment of the Emergency Board expires 30 days after the Board reports to the President. Thus, absent voluntary agreement or congressional action, the unions are legally free to strike the railroads at 12:01 a.m. tomorrow morning.

Emergency Board No. 178 submitted its report to President Nixon on November 9, 1970. It recommended a 3-year contract with total wage increases of approximately 37 percent. The wage increases recommended for the first year were 5 percent effective January 1, 1970, and 32 cents per hour effective November 1, 1970.

The Emergency Board in its 87-page report made recommendations on many, many other matters including a substantial number involving changes in work rules requested by the carriers.

Contrary to many statements I heard today at our hearings and in our committee meeting, however, the Emergency Board recommended that most of the issues regarding work rules be referred to panels or special committees for further consideration rather than deciding these issues in favor of the carriers' position.

Subsequently, the railroad carriers accepted all the recommendations made by the Emergency Board but the brotherhoods rejected them. Acceptance of the recommended wage increases by the carriers was specifically based on acceptance of all the recommendations made by the Emergency Board by both parties. Rejection of the recommendations by the unions leaves the carriers free to make any changes they desire in the wage increases to be offered the unions in collective bargaining if the carriers are forced to take different provisions pertaining to the work rules.

In our committee meeting, Chairman YARBOROUGH offered an amendment to legislate into law the 5-percent increase effective January 1, 1970, and the 32-cent increase effective November 1, 1970. This amendment was adopted by our committee and is contained in the bill we have reported.

Prior to adoption of this amendment, I offered an amendment in committee identical to the one that I have now offered on the floor of the Senate. My amendment deletes the 32 cents per hour increase effective November 1, 1970, but does provide for the 5-percent increase retroactive to January 1, 1970.

There is no question that even my amendment constitutes substantial interference with the processes of free collective bargaining. The Nation is faced with a catastrophic railroad strike, however, and all reliable sources indicate that there will be substantial wildcat strikes all over the country if this legislation is passed without granting some immediate increase to railroad workers.

The last increase railroad workers received, Mr. President, was 3 percent effective July 1, 1969. The Emergency Board states that the cost of living is increasing at a rate of around 6 percent a year. The 5-percent retroactive increase, therefore, will not in my opinion materially affect the carriers' bargaining position with respect to wage rates, and it will grant the railroad workers of this country some immediate relief.

This 5-percent increase, however, is not a large enough increase to permit the unions to sit back and not negotiate to the best of their ability to reach a new voluntary agreement. It can be superseded at any time by voluntary agreement between the parties, although the carriers will not be legally required to continue this increase beyond the expiration date of the present resolution. I believe that the inclusion of this provision will motivate both labor and management to voluntarily resolve their differences without coming back to the Congress.

Adding the 32 cents effective November 1, 1970, to this 5-percent increase, however, presents an entirely different picture. The wage increases recommended by the Emergency Board total 13½ percent in 1970 and approximately 9 percent each in 1971 and 1972. In my judgment, legislating the 13½-percent increase in its entirety strongly undermines the bargaining position of the carriers. It could also result in the brotherhoods not trying too strenuously to settle this dispute without coming back to Congress having already attained through legislation the largest portion of the recommended wage settlement.

The railroad carriers, Mr. President, strongly oppose any legislated wage increases in principal. I am also deeply opposed to this sort of action.

Almost 2 years ago, the President sent up proposals to provide permanent legislation for the handling of emergency strike situations. Despite numerous requests by Senators, no hearings have ever been held on this subject.

I do not believe that the U.S. Congress should be turned into a national mediation board for the settlement of every labor-management dispute that could possibly disrupt the economy of this country.

I feel we must enact permanent legislation in the next session of Congress to take care of these situations, and we are going to be confronted with them as we are now and as we have been in the past.

The fact remains, however, that there is no such machinery at the present time, and that the Nation simply cannot bear the effects of a nationwide railroad strike. I think that my amendment provides the only sensible and logical proposition to keep the railroads running, while at the same time strongly motivating both parties to this dispute to resolve their differences through collective bargaining before February 6, 1971.

Mr. President, if all Senators had attended meetings of the Committee on Commerce in which the financial plights of the railroads in this country were brought out in great detail, they would realize that we are faced with a problem of tremendous magnitude and seriousness.

As I recall, the former Secretary of Labor, Mr. Wirtz, who is a trustee of the Penn Central Railroad, stated that unless Congress enacts some kind of loan guarantee legislation the Penn Central could not pay the wage increases recommended by the Emergency Board.

That is true of the Penn Central and it is true of many other railroads. I heard only a short time ago of one railroad which may not be able to meet its payroll beyond December 15. We must recognize we are faced with a tremendously serious problem just to keep the railroads going.

I believe firmly and sincerely that my approach is fair to the workers and the unions and that it enables free collective bargaining to proceed in the future with the result that a settlement of some sort may be reached that is fair and reasonable to the parties involved.

That is why I feel so strongly that Congress cannot any longer try to serve as a national mediation board. We have neither the expertise nor the time to go into the various facets of the problem. So I hope very much my amendment, as a compromise, will be agreed to.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HANSEN. Mr. President, first, I wish to point out to the Senate that I am not a member of the committee that has had the responsibility of considering this resolution proposed by the administration. I do want to say I am deeply concerned in seeing that in this controversy, every opportunity, adequate time, and the climate are afforded so that the forces that properly should and will be brought to bear can operate in such a fashion as to result in true bargaining.

With that thought in mind it is my intention, should the amendment proposed by the distinguished Senator from Vermont be rejected, as I hope it will be rejected by this body, to offer an amendment which would strike sections 2 and 3.

My purpose in stating this position is to point out to Members of the Senate that I would hope we can offer to the Senate the resolution as proposed by the administration. The only change would be a different effective date rather than the one that came from the White House; but other than that there would be no difference.

I think if we are going to give the two sides to this controversy an opportunity to work things out, as we hope and as I believe they can be worked out, we should wipe the slate clean and we should not burden one side with the responsibility which would be the case if we were to accept the Prouty amendment.

I am in sympathy with the Senator from Vermont and his amendment, which would strike the 32-cent an hour wage increase, but I do not think it goes far enough. I submit we should strike all of that section, and then I think we should strike, as well, all of section 2, in order that the proposition as recommended to this body and to the other body by the White House can be acted upon. If we did that, then I submit we would have given the Congress of the United States the opportunity which I think it deserves in trying to offer an extension of time to the disputants so that they can work their will, and yet not give any unfair advantage to either side.

Mr. MURPHY. Mr. President, will the Senator yield at that point?

Mr. HANSEN. I yield.

Mr. MURPHY. I have heard it mentioned several times by my colleagues that these other conditions are already in the House-passed resolution. In the first tally, that resolution passed by three votes. That is not decisive or conclusive. Then later, when there was a rollcall, a few of the Members joined. The Senator from Wyoming and I know that they did not want to be labeled as being unfriendly to labor, and if they voted against it, that would be the case. I probably will be labeled as being unfriendly to labor. I will put my record against anybody's in the last 40 years.

I am sure that if this measure went to the House in the condition suggested by my distinguished colleagues, those Members in the House who so voted would be relieved and they would be happy and pleased that we had only provided for an extension of 45 days, or whatever the length of time was, in order to give both sides in contention an opportunity to get down to real bargaining. I have heard it said today that there has not been real bargaining, that there has been foot-dragging. There is always that. We should do that and make sure that the parties in contention get on with it and get to a solution.

As I have said several times on the floor and in committee, this is not our business. If we inject ourselves into this particular area, we will regret it for years to come, and we will be helping and doing a favor to nobody.

Mr. HANSEN. I could not agree more with the distinguished Senator from California. I think what he says is right. I would suggest to our many friends in the ranks of labor that the precedent we are setting tonight could come back to haunt labor, just as at this time it puts an unfair obstacle before management. Therefore, I say, with great sincerity, let us not as legislative body inject ourselves into this labor dispute by taking a position that does not reflect complete impartiality.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. HANSEN. I am happy to yield to the Senator from Alabama.

Mr. ALLEN. The Senator stated, I believe, that if the Prouty amendment is voted down he plans to offer an amendment striking out sections 2 and 3. Does the Senator intend to offer his amendment if the Prouty amendment is adopted?

Mr. HANSEN. It would be my intention.

Mr. ALLEN. Section 3 applies to the wage increase, whereas section 2 applies to the report by the President during the enforced period of negotiation.

What would the Senator's objection be to the President's making a report of the progress, if any, of the negotiation and the recommendations that he might care to make as to the settlement to be made?

Mr. HANSEN. In response to my distinguished colleague from Alabama, I have the feeling that there is no reason to call upon the President to inquire of the disputants where they are in their negotiations. I think the public, and certainly the Members of Congress, have not been denied an opportunity to know how the negotiations are progressing.

It seems to me that if we saddle the President with the responsibility of reporting back to the Congress, then we certainly are doing further detriment to his already onerous responsibilities, for which there is no good reason. If there were any reason to think that his getting a report from the disputants and bringing that to us would convey some information that we would not otherwise have, I think it could be argued that it certainly would be of great interest to this body, but I still believe it should be the right and the exclusive right, subject to the broad national interest—and it is at that point that we are injecting ourselves into the dispute this afternoon—simply to say that the strike shall be held in abeyance until some time is given to the disputants to see if they can work out their problems.

The difficulty, it seems to me, is that it would not help one bit in trying to bring about a resolution of the problem. I think if we could let labor on the one hand and management on the other go ahead and enter into their negotiations, without having to report to anyone, the chances for their arriving at a settlement that would be a good settlement would be enhanced.

Mr. ALLEN. The Senator's amendment, then, would not take the position that the 5 percent retroactive increase is or is not justified, or that the 32-cent increase is or is not justified. It would leave that to the negotiating parties to decide?

Mr. HANSEN. It would, indeed.

Mr. ALLEN. And there would be nothing to prevent them from arriving at the 5 percent, retroactive to January 1, pay increase, and also the additional 32 cents, if they in their collective bargaining came to that agreement?

Mr. HANSEN. The Senator is entirely correct. That is exactly what my amendment would hope to achieve, and I think it would if it were adopted, as I hope it will be.

It would seem to me that we should not prejudge any of these conditions. I am well aware of the fact, as is the Senator from Alabama, that a board has already examined into some of the controversies and made certain recommend-troversies and made certain recommendations. What disturbs me about the Prouty amendment is that it seeks to dilute some of those recommendations and to embody other recommendations and make them a part of the law. It does not make good sense to me. I do not think it will result in the kind of settlement that will best serve labor in the long run. I think it is a two-edged sword. If we were to do something today that favored labor, nothing could prevent that precedent from being used again tomorrow by using the other side of the sword to give an unfair advantage to management. It is not the purpose of this body to do that, as we all know.

I hope we will leave the slate clean and allow both management and labor to work out their will.

Mr. ALLEN. In other words, it is the opinion of the distinguished Senator from Wyoming that it would be setting a bad precedent to have the Senate impose a dollars-and-cents settlement on the parties to the bargaining.

Mr. HANSEN. It would be setting a bad precedent and it would be imposing an unfair disadvantage on one of the disputants to the controversy.

Mr. ALLEN. I thank the distinguished Senator for that information.

Mr. HANSEN. I thank my distinguished colleague.

Mr. President, just let me say in conclusion that I am reluctant to oppose my good and distinguished friend from Vermont. I appreciate the great contribution he has made as a member of the Committee on Labor and Public Welfare, and I salute him for that great effort. I hope that in this instance his amendment may be rejected, in order that mine can then be considered, as I propose to offer it if his amendment is rejected.

Mr. President, I yield the floor.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Vermont.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. PROUTY. I ask unanimous consent that my amendment be temporarily laid aside.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I send to the desk an amendment to strike sections 2 and 3 of the bill.

The language proposed to be stricken is as follows:

SEC. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees;

(2) such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate, if the dispute has not been settled; and

(3) a detailed proposal for the partial operation of railroads affected by the dispute described in this joint resolution including along therewith any proposals by the carriers or employee representatives concerned, so as to assure transportation services necessary to the national defense, health, and safety.

SEC. 3. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by five percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

Mr. HANSEN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HANSEN. Mr. President, the purpose of my amendment is to give both labor and management an opportunity to continue their negotiations without any duress, without the position of either side having been compromised or jeopardized in any way. I think the amendment has great merit. I hope that Senators will support it.

Mr. YARBOROUGH. Mr. President, I point out that the amendment to strike out section 2 would destroy labor's free collective bargaining, the free collective bargaining of both sides. It says to labor, "We are putting the shackles on you. You won't have a penny more. You can negotiate 18 months, and you have nothing, and you have to work without any raise, when almost everybody else in industry has had wage increases."

There is no question about the constitutional power to enact the resolution. The Supreme Court held that in 1917. When dealing with railroad labor, Congress can fix wages.

All we do is say that there shall be carried forward, until this temporary resolution expires, the wage increases already recommended in the Emergency Board's order.

There has been word—I have been advised by people knowledgeable in the matter—that a strike is to be called at 9 o'clock. If we want the Nation to have a railroad strike at 12:01, with what is going to happen to the economy, this is the kind of business that will do it.

I do not believe in compulsory arbitration. This is a species of compulsory arbitration. I do not want a railroad strike in this country, with the problems we already have, with the slowdown in the economy and people out of jobs. I have never been in here before speaking for compulsory arbitration.

The Postmaster General has already embargoed mail that moves on trains, at noon today. I doubt that the labor leaders can stop all the strikes in the country this soon.

If Senators want a railroad strike, strip anything out of this and say to the railroad workers, "We are going to treat you like a chain gang and give everything to railroad management." It would be the most unfair resolution I have every seen.

Mr. HANSEN. Mr. President, I point out that my amendment does not do any such thing. If I may say to my good friend, the Senator from Texas, it does not say to labor that they are going to continue working with conditions that are arbitrarily imposed on them. It leaves everything open.

I have full confidence that some of the recommendations of the Negotiation Board would be adpoted, including a retroactive provision in the settlement that is going to pay those workers whatever can be agreed upon. I think that is the important thing to keep in mind. It simply leaves those decisions up to labor and management. We have before us the recommendation of the Negotiation Board, and it seems to me that we ought to give it a chance to work.

So I hope the Senate will support this amendment. It will do precisely what I say—that is, to wipe the slate clean and leave both sides able to negotiate from a position of equal fairness, having in mind the best interests of this country. This is the recommendation that came from the White House, and I think it has merit, and I urge its adoption.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. MURPHY. Mr. President, I enthusiastically concur with what the distinguished Senator from Wyoming has said.

There is no question about the need for a raise in these wages. They certainly have been neglected. But it is not the duty of this body to inject itself into wage negotiations. I think this is a matter that should be taken up properly by the heads of the unions.

I said earlier in this Chamber that, so far as I am concerned, they were asleep at the switch. These people should have been given a raise a year ago. They have been 18 months without a raise. At least a year ago they should have had it.

I say again that this is not a matter to be decided by this body. Our job is to look out for the general welfare and the health of the country, to see that there is no emergency, and, therefore, merely to ask that they extend the negotiating period, and do whatever we can—and I mean everything—to make certain that proper wage negotiations take place.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. PASTORE. If this amendment is adopted, the Senator is saying that what we should do is inject ourselves in the process of collective bargaining. Is that right?

Mr. MURPHY. That is correct.

Mr. PASTORE. But is it not true that if we do not give some emolument at this time to these people who have waited 18 months without any satisfaction, as the Senator has said, if this amendment is adopted, then are we not injecting ourselves into destroying the right of the American free worker to strike?

Mr. MURPHY. No, I do not believe so.

Mr. PASTORE. Why not?

Mr. MURPHY. I think the Senator is asking——

Mr. PASTORE. That is exactly what we are doing.

Mr. MURPHY. If the Senator will permit me to answer his question, I would say that a request would come to Congress from the White House that the worker not be denied his right to strike; that he not be denied his right in collective bargaining; that, with regard to the general welfare, he merely continue for the stated period of time, whether it is 45 days or whatever it is; that we use every influence we can to guarantee him that negotiations will be meaningful; that there will be no foot-dragging; and that a resolution by the proper parties be arrived at—not to be arrived at in this Chamber. It is not our business.

Mr. PASTORE. How does the Senator guarantee all these things he is mentioning?

Mr. MURPHY. I did not say I would guarantee it.

Mr. PASTORE. That is the word the Senator used.

Mr. MURPHY. I am quite certain I did not say "guarantee."

Mr. PASTORE. The Senator said he would assure the worker of all these things he is talking about.

Mr. MURPHY. No. I said we would do whatever we could to guarantee that proper negotiations would take place. There were statements today that there had been foot-dragging and that one party or the other had not negotiated properly. That can be ascertained. There is no great mystery about that.

Mr. PASTORE. I think, Mr. President, that we would not have reached this very tragic moment had the President exercised the influence and the power of his Office, by bringing the parties together in the Oval Room of the White House. After all, this is not an unexpected or a surprise development. As a matter of fact, today history is repeating itself. We went this route several years ago, under another President.

It strikes me that the President of the United States should have exerted his power and his influence to see whether the parties could be brought together.

But now we are at the sorrowful moment when the workers are saying, "We are ready to strike," and we say, "You shall not strike for a certain number of days."

All this committee is trying to do is to soften the blow in the meantime. I realize that we are injecting ourselves into the process of collective bargaining, but we are doing it nonetheless when we adopt this amendment or defeat the amendment. We are intervening, in the public interest, and we have a right to intervene. The only question is, How do we do it with propriety? How do we do it with equity and justice?

All the Senator from California is saying to these family men who work on the railroad is, "Go to work without any increase, without any adjudication, and all we are telling you is that you are forced to go back to work and wait another certain number of days to see if you can work it out."

Mr. MURPHY. Actually, that is not the case. We are not saying to anybody, "Go back to work." We are saying, "In the general interest of the welfare of the Nation, you have our complete sympathy"—they have my own——

Mr. PASTORE. But a man cannot eat on sympathy.

Mr. MURPHY. May I finish, please?

They have every right in the world to a raise in salary. But my point is that this body has no right whatsoever to set the wages and working conditions of labor unions.

Why does not the Senator bring the Ford problem in here? Why does he not bring General Motors in, and the rest? They are all the same.

Mr. PASTORE. This is something that was adjudicated by an impartial board. We did not reach this determination, am I right, I ask the Senator from Texas?

Mr. YARBOROUGH. Yes.

Mr. PASTORE. Is it not something that was reached by a Presidential board?

Mr. YARBOROUGH. Yes.

Mr. HANSEN. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). The Senator from California (Mr. MURPHY).

Mr. PASTORE. We did not do this. The board appointed by the President did this. We are adopting that recommendation.

Mr. GRIFFIN. Mr. President, will the Senator from California yield?

Mr. MURPHY. I yield.

Mr. GRIFFIN. Mr. President, I wish to respond to the distinguished Senator from Rhode Island, for whom I have the greatest affection and respect. He was pointing his finger down the avenue to the White House, pointing the finger of blame for not taking certain action.

I should like to know what the Congress of the United States has been doing to try to deal with the need for reform in the basic legislation that applies to the railroad industry. What has Congress done since February 28 when President Nixon sent up to the Hill a legislative proposal which, if it had been enacted, would have prevented the strike that is threatened now?

Perhaps President Nixon's proposal does not meet with the approval of all Members of Congress. But what is the excuse, what is the explanation, for Congress not even considering or holding any hearings on it?

Mr. PASTORE. If the Senator will yield at that point——

Mr. MURPHY. Mr. President, I have the floor.

Mr. PASTORE. All right, but the Senator is making an accusation that I am pointing the finger. Let me ask the Senator: "You are a Member of this Congress. What did you do?"

[Applause in the galleries.]

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). The Senate will please come to order. The Senator will suspend. The Chair would inform the occupants of the galleries that there will be no more demonstrations or the galleries will be cleared.

Mr. MURPHY. Mr. President, the Senator from California has the floor; does he not?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRIFFIN. Mr. President, will the Senator from California yield further?

Mr. MURPHY. I yield to the Senator from Michigan, without losing my right to the floor.

Mr. GRIFFIN. The point has been made several times in this discussion that the pay raise included in the resolution has been recommended by an impartial board. That is true. But so have changes in the work rules been recommended by an impartial board.

Should the Senator put work rule change No. 1 into effect, but not the rest; or Nos. 1 and 2—and not the rest of them? If the Senate is not going to put the work rules into effect which would make it possible to obtain increases in productivity to offset the wage increases, how can we justify putting the wage rates into effect, or part of them? We should either go all the way—or none of the way. The amendment of the Senator from Wyoming makes good sense. The administration has proposed that we do not put either the wage increase or the work rules changes into effect legislatively at this time but, rather that we extend the time for collective bargaining.

So, I support the amendment of the distinguished Senator from Wyoming. I think that the Senate, acting responsibly, should adopt the amendment.

Mr. MURPHY. Mr. President, I thank my distinguished colleague from Michigan. May I say to my good friend from Rhode Island that I do not think we should adopt either segment of the package, or all of the package, any of it, or none of it. I think none of it is our business. I am very much disturbed that if we ever set this precedent, we will regret it and regret it for years to come. We have no right to do it in the defense of collective bargaining. As I have said earlier, as an old labor man, I do not want the Government injecting itself into my negotiations. I want to be able to negotiate. I think it is unfair to take any part or all.

Mr. KENNEDY. Mr. President, I shall delay the Senate only for a few minutes, but I want to mention one of the impacts of the amendment of the distinguished Senator from Wyoming. Not only does the amendment as proposed strike out the increase in wages, it strikes out as well a very important provision that was included in section 2, that is, to require the administration to come back to Congress, not in the final hours of whatever date we finally settle on—at the end of January, or February 6, or eventually the House provision of the first of March if we accept it—but 15 days prior to that date. They would have to tell us where they are in terms of negotiations, and inform this body as to what kind of legislative or other proposal they are prepared to make so that we on the Committee on Labor and Public Welfare and in the Senate, hopefully, can have an opportunity to talk about this with full deliberation, and not be talking about it 4 hours before there is a strike. And so with all these other implications, this section is extremely important—to request the administration to come on up in 15 days prior to the time of the termination and come back to Congress and say, "Give us this information. Get the information to the American public. Where are we in terms of negotiations?"

Where was the administration in terms of future proposals, or where will it be after 45 or 60 or 90 days, whatever we extend?

We should know what the proposals are from the administration.

The third subsection included in the Kennedy-Javits amendment requires the administration to use its best judgment in getting recommendations on the question of partial operation. That is one of the most basic and fundamental ways to preserve the right to strike for the individual transportation workers of this country not only in the railroads, but in the airline industry, and a whole host of other industries, and still protect the national interest.

We heard testimony today from the workers who pointed out that they are prepared to continue commuter service, that they are prepared to continue any kind of emergency service such as the transport of any goods that the Secretary of Defense, the Secretary of Transportation, or the Secretary of Labor says are essential in the national interest, and that they are prepared to go ahead on all this. But when we asked the Secretary of Labor, "What have you done about partial operation?" there was no response, in spite of the fact that the labor groups have requested the President of the United States, not yesterday, not the day before, but 2 weeks ago, to come on up with a proposal on partial operation.

What did the Secretary or President do? Absolutely nothing. The head of the labor group said that the President did not even answer his letter.

Labor got an answer from the various railroad management groups, but not the administration.

We have a responsibility here; but it is interesting that when the Secretary of Labor was asked whether the administration had requested the Committee on Labor and Public Welfare to go ahead and meet on its bill on the question of national emergency disputes, mentioned by our good friend, the Senator from Michigan, the Secretary of Labor said "no." When we reviewed the agenda of the minority in working out this vital business, this legislation was not on it.

So what we are doing here is trying to assure that next time around we will not have to act in the last few hours of this dispute.

The Committee on Labor and Public Welfare, under the chairmanship of the Senator from Texas (Mr. YARBOROUGH), has suggested a proposal which had bipartisan support. If we are going to act responsibly and come back here in the Senate, we should expect to have from the administration, in due time, what the progress is in terms of the dispute, and what recommendations they make, and the Committee on Labor and Public Welfare should have full opportunity for such expansive deliberation as we have on the floor of the Senate.

My friends, the effect of the amendment of the Senator from Wyoming will be effectively to strike out what I and the bipartisan supporters think, and what the workers believe strongly in; namely, a reasoned kind of consideration for any future action. We owe that to the workers. We owe that to management. We owe that to the Senate.

The effect of the amendment will be to strike out this inclusion.

Mr. MILLER. Mr. President, I hope that the vote on the Hansen amendment will not proceed on the basis of a consideration of the validity of section 3, the section the Senator from Massachusetts was referring to.

Mr. KENNEDY. Section 2.

Mr. MILLER. There are two bad defects in that section. I understand they are put in with the utmost of good faith, but the first defect is this matter of coming over 15 days before the time runs out with a proposal on how to manage the railroads on a limited basis.

I cannot imagine anything that would undercut collective bargaining more than that.

Mr. KENNEDY. Mr. President, will the Senator from Iowa yield right there?

Mr. MILLER. The Senator from Iowa is pleased to yield to the Senator from Massachusetts.

Mr. KENNEDY. I beg the Senator's pardon?

Mr. MILLER. The Senator from Iowa will yield to the Senator for a question.

Mr. KENNEDY. Mr. President, section 2 reads in part:

> SEC. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—
>
> (1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees;

Mr. President, we are asking for just the progress, what the negotiations have been. Are we not entitled to any information? On the last of the 45 days are we going to say, "Well, we are going to have the Committee on Labor and Public Welfare meet" and then having met on that day say, "We have not made any progress," and extend it 45 more days?

Mr. MILLER. Mr. President, I am very sorry. I misled the Senator from Massachusetts. I am talking about section 2.

Mr. KENNEDY. So am I.

Mr. MILLER. More particularly I am talking about subsection 3 to which he was referring, in which he said would be a great thing to have the administration make a detailed proposal to provide for partial operation of the railroads. He was very critical of the President and the administration for not coming over and making a suggestion at this time.

My answer is—and I think anyone familiar with collective bargaining would tell the Senator so—this would completely undercut the collective bargaining process. Just let the word get out on how to manage the railroads on an emergency partial basis, and we can imagine what that would do to collective bargaining.

That is why the administration did not come over with a proposal.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MILLER. In a moment I will yield.

The second point is section 2, subsection 2, wants some recommendation for a proposed solution of the dispute. What does that mean?

I already asked the Senator from New York what that meant. He said that it meant a methodology, and the methodology was sent over here, as the Senator from Michigan pointed out, a long time ago. Unfortunately those in control of the committees did not see fit to have even a hearing on it. This proposal has already been made months ago. I do not say that will help anything.

My point is that if we want to preserve collective bargaining and do not want to undercut it, and if we want to act, the methodology has already been sent here with a recommendation from the White House. We do not need section 2.

I hope that the consideration of the Hansen amendment will not proceed on the floor to the proposition of knocking out section 2 of the resolution.

Mr. KENNEDY. Mr. President, the language is as clear as one could possibly imagine. I will read what we are requesting. It reads:

> SEC. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—
>
> (1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees;

That means that we should get information as to whether there has been any progress.

I continue to read:

> (2) such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate, if the dispute has not been settled;

I think we ought to be able to know within 15 days whether we would act on the administration proposal for compulsory arbitration or whether there would be another extension. I think all we want is information. I think that is a very legitimate inquiry.

And then subsection 3 reads:

> (3) a detailed proposal for the partial operation of railroads affected by the dispute described in this joint resolution, including along therewith any proposals by the carriers or employee representatives concerned, so as to assure transportation services necessary to the national defense, health, and safety.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. MURPHY. Mr. President, I think the Senator's suggestion that all information be sent to the Senate 15 days before is an excellent suggestion.

Would the Senator be satisfied if section 2 stopped with that and did not include the part that my friend, the Senator from Iowa, was opposed to that says the administration must go beyond that and send over a definite proposal which, as my friend, the Senator from Iowa, pointed out, would without question impose itself one way or the other in collective bargaining.

Mr. KENNEDY. The Senator knows the answer. We talked about this in the committee. I would be glad to discuss very briefly my response. The Senator knows very well the position on this matter.

What we are asking for in subsection 3 is for the administration to submit the best proposal it possibly can in terms of a partial operation of the railroads affected. We are not asking the administration to commit itself to this proposal. However, the members of the committee felt that the administration has resources available to it in the Department of Transportation, the Department of Defense, the Department of Commerce, and all the various agencies of the Government to make a proposal. It would in no way commit the administration to accepting the proposal.

All it would do is provide Congress with the best proposal that could be developed, with the language of the Senator from New York, "including along therewith any proposals by the carriers or employee representatives concerned," so as to assure transportation services necessary to the national defense, health, and safety.

We are asking for additional kinds of information. There is nothing that mandates that the administration come up with another proposal and stick with it. All we are asking from them is that they let Congress make the determination whether we ought to move forward. And this subsection would assure that partial operation is a possible option at the end of 45 days—is, but only if, Congress decides that this is desirable at that time.

There are those, including Secretary Schultz, who has expressed view on this subject for years, who believe that one good way to preserve the rights in the whole transportation industry is to develop means to permit strikes in these respective industries while preserving the national interest.

All we are asking for is that we get information in this respect and not be told in the last hour that it will take an additional 2 weeks to work out a program and that they have not done it.

Mr. MURPHY. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. MURPHY. Mr. President, I believe I have the floor. I had the floor and yielded to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor in his own right and yielded to the Senator from California.

Mr. MURPHY. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. MURPHY. Mr. President, I thank the distinguished Senator from Massachusetts for making his point very clear. The reason I asked the question is for exactly that purpose. I think it is proper that the Senators who are here but who did not have the privilege of being at the committee meeting to have a full understanding of this because it is an extremely important point.

I agree with the Senator from Iowa when he says that the information is fine and proper and that we should have it all.

I would be hopeful that the disagreeing parties would bring back the information if they so choose on the partial operation of the railroads and do the things that need to be done.

I object to the administration's sending up a proposal that immediately takes on important meaning because it is the administration's proposal. It would, in my humble opinion, be an invasion of the collective bargaining rights of the two parties in disagreement.

Mr. President, I yield to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, is the Senator from California willing to yield the floor? I would like to have the floor in my own right.

Mr. MURPHY. Mr. President, I yield the floor.

Mr. ALLEN. Mr. President, it occurs to the junior Senator from Alabama that there is some merit in the proposal of the distinguished Senator from Wyoming. There is also merit in the contention made by the distinguished Senator from Massachusetts that there is value in section 2—referring to section 2 and not subsection (2).

If all we do is pass an extension, then, as the distinguished Senator from New York (Mr. JAVITS) said earlier this evening, the chances are that the parties might sit on their hands for the full time of the extension and reach no agreement through collective bargaining, whereas if we have section 2 in the resolution, there is then some incentive for the reaching of an agreement and at least Congress would be apprised of the developments.

So, the junior Senator from Alabama would suggest that section 2 has merit and that section 3 possibly should be stricken out.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Mr. President, since the amendment offered by the distinguished Senator from Wyoming is divisible, may not the junior Senator from Alabama request a division of the question?

The PRESIDING OFFICER (Mr. CURTIS). The Chair would state to the Senator from Alabama that inasmuch as the matter to be stricken by the amendment offered by the Senator from Wyoming contains two separate propositions, under the rule the Senator could demand a division.

Mr. ALLEN. Mr. President, I ask for a division of the question.

The PRESIDING OFFICER. A division is demanded. The question is on the first half of the amendment to strike section 2.

Mr. HANSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HANSEN. Mr. President, if I were to ask unanimous consent that only section 3 be stricken, according to my amendment, would that achieve the purpose of the distinguished Senator?

Mr. President, I believe the Senator from Alabama has the floor. May I ask unanimous consent that my amendment be modified so as to read that only section 3 be stricken from the bill?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. There is a parliamentary inquiry pending.

Mr. JAVITS. The Senator is asking unanimous consent.

Mr. HANSEN. I am making a parliamentary inquiry.

The PRESIDING OFFICER. It would have the same effect.

Mr. HANSEN. Mr. President, I ask unanimous consent that my amendment be modified so as to strike only section 3.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, let us understand the numbering. What is section 3?

Mr. HANSEN. In response to the Senator from New York, my amendment, as I have sought to amend it, would propose to strike section 3, and not sections (1), (2) and (3) of section 2, but only section 3 which states:

> SEC. 3. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by five percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

Mr. ALLEN. Mr. President, reserving the right to object, it occurs to me that what the distinguished Senator from Wyoming is requesting by unanimous consent is that the order of consideration of the two sections be reversed.

Unless the distinguished Senator from Wyoming will state that he intends no attack on section 2, then the junior Senator from Alabama will object to the unanimous-consent request; otherwise, it would merely reverse the order of consideration, considering section 3 rather than section 2.

Mr. HANSEN. Perhaps I misspoke. What I intended to ask by requesting unanimous consent to modify my amendment would be to leave section 2 with subsections (1), (2), and (3) attached to the bill, and to strike from the bill section 3.

Mr. ALLEN. Does the Senator plan to seek to knock out section 2?

Mr. HANSEN. No.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, because we do not know yet if it is precisely a divisible question——

Mr. ALLEN. That has been ruled upon.

The PRESIDING OFFICER. The Chair has ruled.

Mr. JAVITS. I know that. I will get to the point in a moment. The Senator from Wyoming said he wants a vote on that part of section 2—that is, my amendment with the Senator from Massachusetts which has section (3).

Mr. HANSEN. The unanimous-consent request I asked for would amend my amendment.

Mr. JAVITS. To strike only section 3?

Mr. HANSEN. To strike only section 3.

Mr. JAVITS. I have no objection.

Mr. ALLEN. Mr. President, reserving the right to object, I wish to ask the distinguished Senator from Wyoming if he would then ask to strike section 2, or if this would end his amendment. If so, I would have no objection to his request. But if he is going to attack section 3 and then section 2, objection would be interposed.

Mr. HANSEN. In response to the inquiry of the Senator, I will not offer further amendment to this bill, so far as I know.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered. The question is on agreeing to the amendment as modified.

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. YARBOROUGH. Mr. President, this is a motion to strike section 3, which provides for a 5-percent pay increase retroactive to January 1, 1970.

The **PRESIDING OFFICER.** The Senator is correct.

Mr. YARBOROUGH. And a vote of "yea" is a vote to strike out the pay increase, and a vote of "nay" is to preserve it.

The **PRESIDING OFFICER.** The Senator is correct. The question is on agreeing to the amendment of the Senator from Wyoming (Mr. Hansen) as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator from Tennessee (Mr. Gore), the Senator from Minnesota (Mr. McCarthy), the Senator from Minnesota (Mr. Mondale), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman), the Senator from Georgia (Mr. Talmadge), and the Senator from Ohio (Mr. Young) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick) and the Senator from New York (Mr. Goodell) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) and the Senator from Illinois (Mr. Percy) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Colorado (Mr. Allott) and the Senator from Arizona (Mr. Goldwater) are detained on official business.

If present and voting, the Senator from Colorado (Mr. Allott) and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

The result was announced—yeas 32, nays 52, as follows:

[No. 420 Leg.]

YEAS—32

Allen
Baker
Bellmon
Bennett
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Murphy
Packwood
Pearson
Saxbe
Scott
Stennis
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—52

Aiken
Anderson
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cranston
Eagleton
Fong
Gravel
Harris
Hart
Hartke
Hughes
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Smith
Spong
Stevens
Stevenson
Symington
Tydings
Williams, N.J.
Yarborough

NOT VOTING—16

Allott
Dodd
Dominick
Fulbright
Goldwater
Goodell
Gore
Hatfield
McCarthy
Mondale
Mundt
Percy
Russell
Sparkman
Talmadge
Young, Ohio

So Mr. Hansen's amendment was rejected.

Mr. PROUTY. Mr. President, I call up my amendment which was temporarily laid aside.

The **PRESIDING OFFICER** (Mr. Curtis). The question recurs on the amendment offered by the Senator from Vermont (Mr. Prouty).

Mr. PASTORE. Mr. President, may we have order?

The **PRESIDING OFFICER.** The Senate will be in order. Senators will please take their seats. The Senator is entitled to be heard.

Mr. PROUTY. Mr. President, this amendment deletes the 32 cents per hour increase effective November 1, 1970, but does provide for the 5-percent increase retroactive to January 1, 1970. It does not provide for the legislative imposition of the entire wave increases recommended by the Emergency Board, but I believe it will lessen the prospects of substantial wildcat strikes while at the same time motivating both parties to reach a voluntary settlement of their dispute through free collective bargaining.

I was rather hesitant to offer this amendment because it seems to me that the Congress of the United States should not be involved in disputes of this nature. By the same token, however, I do feel that the railroad workers represented by the railroad brotherhoods are entitled to some temporary or interim increase in wages which will at least face up to the increase in the cost of living but which will not be large enough to undermine the collective-bargaining processes.

I believe also, Mr. President, that if the members of the union are reassured that they will get some money immediately, which, as I said before, will be wage increases retroactive to January 1, 1970, they are going to understand and recognize that we are not indifferent to the problems resulting from extended bargaining which, in the present situation, have already forced them to wait almost an entire year for a wage increase.

It seems to me that this is a fair approach. It will mean, in substance, Mr. President, that Congress is not, in effect, becoming a mediation board to impose the final substantive terms of a contract. That will make it possible for the union representatives and the representatives of the carriers, to sit down and negotiate fairly, as equals, to arrive at an agreement which is fair and reasonable.

As I mentioned earlier, Mr. President, those of us who are members of the Committee on Commerce have heard a great deal of testimony indicating the serious financial plight of many American railroads. I think I quoted the former Secretary of Labor, Mr. Willard Wirtz, who, in response to a question from me, said that if all wage increases recommended by the Emergency Board were put into effect, the Penn Central could not meet its payroll unless there was some form of guaranteed loan legislation approved by Congress.

Many of our railroads are faced with bankruptcy. Many of the officers of those railroads are terribly concerned about what is going to happen if wage increases are forced upon them without corresponding revisions in antiquated work rules. I am also sympathetic to the plight of the members of the brotherhoods. If we look around at the situation of employees in other forms of transportation, we find that their salary increases have been far more than have been recommended by this Emergency Board. But I think the Emergency Board had to take into consideration the fact that many of our railroads may go under unless the parties take a realistic overall approach to this question which grants the carriers some relief from outmoded work rules as well as providing railroad workers with decent and justifiable wage increases.

Beyond that, it seems to me that if Congress is going to try to be a mediation board—if we are going to make the decisions in collective bargaining disputes—then we are going to involve ourselves in activities for which we are not qualified. We do not have the time to consider and ascertain the true facts. The Committee on Labor and Public Welfare has considered this matter only today since 10 o'clock this morning. The report of the Emergency Board runs some 87 pages and is the result of about 2 months' of specialized work. It is highly complex and highly involved. Above all, if we are to maintain free collective bargaining in this Nation, I think we had better leave it up to the parties and the proper mediation agencies to bring it about. I think it would be a blow to free collective bargaining in this country if we proceed with the proposal as reported to the Senate by the Committee on Labor and Public Welfare and as passed this afternoon by the House of Representatives.

I hope my amendment will receive the consideration which I think it deserves, and which I believe is in the interest of preserving free collective bargaining in this country.

Mr. MANSFIELD. Mr. President, would the acting minority leader—I have already discussed this with the Senator from Vermont—consider the possibility of a 10-minute limitation on this amendment?

Mr. McCLELLAN. Mr. President, I would like to have about 4 or 5 minutes, although I do not intend to engage in extended discussion.

Mr. MANSFIELD. Twenty minutes, then, the time to be equally divided?

Mr. GRIFFIN. Considering the fact that there was considerable debate on this amendment earlier in the evening, unless there are a number who wish to speak, it is agreeable.

Mr. JAVITS. Mr. President, would the Senator preserve us the right to add amendments to the amendment, with a 2-minute limitation?

Mr. MANSFIELD. Oh, yes, anything is satisfactory.

The **PRESIDING OFFICER.** Will the Senator restate his request?

Mr. **MANSFIELD.** I have made a unanimous-consent request for 20 minutes altogether on the pending amendment, 10 minutes to a side, under the control of the Senator from Vermont and the manager of the bill, and a limitation of 2 minutes on all amendments thereto. Five minutes of the time on the amendment goes to the Senator from Arkansas (Mr. McCLELLAN).

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. **McCLELLAN.** Mr. President, I shall try to be brief—I have to be, in view of the limitation of time.

I commend the Senator from Vermont for offering this amendment. I voted against the previous amendment to strike out all of section 3, because I do believe that if we undertake by legislative action to settle this strike, or postpone it for further bargaining, we should take into account that these railroad workers have been deprived of an increase for some long period of time, since the first of the year—and an increase has been recommended by the proper board having jurisdiction of the controversy.

I am concerned, however, for I do not believe we should undertake, to go the full limit of the money recommendation of that Board, unless we also accept its recommendations with respect to the revision in rules. If we adopt this proposal, we give them an increase in pay somewhat comparable to the increase in the cost of living during that period of time. Then we would leave the matter open for them to continue negotiations on the rest of it. But I submit if we are going to legislate—and unfortunately, I guess we have to—this is the action to take. This is certainly not a happy or likable situation. It is a deplorable situation, one for which some will put the blame on labor, some will put the blame on the railroads, others will try to put all the blame on the administration or on the President, and some of course on the Congress. I say it is a situation where we are all to blame. Congress has to accept its share of the blame.

This situation has not arisen overnight. We have known about it. We have had some experience before. We knew it was coming. We know what we face now. The test in the future is: Do we have the courage to legislate to prevent a recurrence of the dilemma? If we have not, we are going to be faced with this kind of problem again and again. We are going to be in the business of settling labor disputes in this fashion—by legislation time and time again.

I think we should proceed with legislation to establish some kind of tribunal where these labor controversies can be adjudicated outside the Congress. In the meantime, I shall vote for the amendment of the Senator from Vermont, because I do not think it is inflationary under the circumstances. But if we vote this whole package, I do not see how we can go back to the President and say, "You would not put in price controls," when we ourselves are voting such increases.

We have got to be fair in this deal. That is the way I feel about it. Give them this increase, let them continue bargaining, and extend the time. That is fair to everybody. But if we are going to put all the wages in, then we should also put in the rules, because they are a part of the recommendations of the Board.

This solution would be temporary, but it would give them some of the wages, certainly, that they are entitled to. This is a fair compromise, and should be adopted. I hope it will be.

Mr. **RANDOLPH.** Mr. President, will the Senator yield?

Mr. **McCLELLAN.** I am glad to yield whatever time I have remaining to the distinguished Senator from West Virginia. How much time do I have left?

The **PRESIDING OFFICER.** The Senator from Arkansas has 2 minutes remaining.

SENATOR RANDOLPH SUPPORTS RAISE FOR RAIL WORKERS—CITES ADVERSE RESULTS IF STRIKE OCCURS

Mr. **RANDOLPH.** Mr. President, the argument presented by the Senator from Arkansas was made, in different language, during the executive session of the Committee on Labor and Public Welfare this afternoon. There were those of us who spoke in somewhat the same vein, and there was a rollcall in reference to the Prouty amendment. Very frankly, it did not prevail. I would not say how any other member of the committee voted, but I voted for the amendment. I shall vote for it again. I feel that there should be an increase, and although the 5 percent is not adequate, I believe it is as far as the Congress should go in legislating a pay increase at this time. I emphasize that the railroad workers, due to higher costs of living, do merit a raise in their wages. They are a fine, loyal group of Americans, who are doing an important job in operating the railroads of the United States.

I feel that we can approve the 5 percent without increasing the inflationary spiral to any greater extent than that which exists now.

Mr. President, I believe in collective bargaining. Congress reluctantly should be legislating an arbitrary figure. We are to blame, in some degree, for our failure to have laws on the statute books to cope with such emergencies, rather than to have to act in the final hours before a possible strike.

But, Mr. President, I cannot overemphasize the adverse impact on our economy which would result from a rail movement stoppage. West Virginia coal hauling railroads carry approximately 150 to 160 million tons of coal annually from the mines to the markets. This volume, the largest produced in any State, is mined by approximately 40,000 men. Not only would rail shipments come to a stop, with rail workers unemployed, but soon there would be thousands of coal miners unemployed. A severe blow would be dealt our economy through the drastic curtailment of supplies to fuel and energize our vast industrial operations.

The **PRESIDING OFFICER.** The time of the Senator has expired. Who yields time?

Mr. **YARBOROUGH.** Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. **YARBOROUGH.** How much time do we have on each side?

The **PRESIDING OFFICER.** The Senator from Texas has 5 minutes and the Senator from Vermont has 10 minutes.

Mr. **YARBOROUGH.** How much time was allocated to the proponents of the amendment and how much time to the opponents?

The **PRESIDING OFFICER.** Ten minutes to each side.

Mr. **YARBOROUGH.** The 5 minutes just used has been 5 minutes in favor of the amendment.

The **PRESIDING OFFICER.** Under the unanimous-consent agreement, it was reserved for the Senator from Arkansas.

Mr. **YARBOROUGH.** Does the Chair mean that the proponents of the amendments were given 15 minutes and the opponents 5 minutes? I think that is an uneven division, when one considers the merits.

The **PRESIDING OFFICER.** That was the unanimous consent request.

Does the Senator from Vermont yield; and, if so, how much time does he yield?

Mr. **SAXBE.** Mr. President, will the Senator yield?

Mr. **PROUTY.** I yield 2 minutes to the Senator from Ohio.

Mr. **SAXBE.** Mr. President, I associate myself with the remarks of the Senator from Arkansas. If we want to give collective bargaining a chance to operate, we cannot give the whole package before they start. It seems to me that we have to keep an incentive or we are going to have a situation in which there is no collective bargaining with the railroads.

If we bail out this time, we remove all incentive. I think it is extremely important that we continue to regard collective bargaining between management and labor as the way we settle our labor disputes. If we want to throw that over, the best and surest way to do it is to indicate by our vote today that when the heat is on, rather than directing them to continue and to come up with an answer, we say, "All right, your case is just. Therefore, we give you the increases that you desire, and we only hope that you will negotiate."

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **COOK.** Mr. President——

The **PRESIDING OFFICER.** Who yields time? Time is running.

Mr. **YARBOROUGH.** I yield myself 3 minutes.

Mr. President, there has been talk that the resolution is for the purpose of bailing out labor. This, however, is not the case. We are really bailing out management. Labor did not want this resolution. On the contrary, labor has opposed it from the start. They do not want anything. They have their constitutional right to strike.

If this amendment were adopted, it would deny labor their right to strike. The Emergency Board has recommended that these wages be increased by 32.5 percent, spread over 3 years, 13.5 percent retroactive. All the committee's resolution does is to grant the 13.5 percent retroactively and leave open for future negotiations the 19 percent, plus any other wage changes. We only put in this resolution what already has been done retroactively.

The present amendment says to labor, "We will let you have 5 percent," even though the Board has found that the cost of living is justification for a 13½-percent increase. How can any man face railroad workers of this country and say that this amendment is fair and reasonable? Of course, it is not. It is denying these workers their rights in the marketplace to say what their labor is worth in terms of wages. It would be saying to them, "For a measly 5 percent, we have robbed you of your constitutional right to strike."

True, it is suggestive of compulsory arbitration, and I do not believe in that type of forced settlements, but we have an emergency, and I want to keep the trains rolling in the morning. The strike announcements are going out for 9 o'clock tonight. This strike has been called for 12:01. Every minute we debate means that another train will not roll in the morning.

To prevent an economic disaster, we will stop fiddling around and pass this resolution. The House has announced that if we cut the pay features, they are not going to agree with us, and we will have a nationwide strike. If we cut the money down, we cannot shift it to management, we cannot shift it to the President and we cannot shift it to labor. The blood is going to be on our hands if we do not give the workers this pittance which they so justly deserve. For a year and a half they have been pleading for a wage increase, but they have received nothing.

Some have complained that this committee did not meet until this morning. The Secretary of Labor testified that he never met with the parties until 5:30 on Monday, December 7. He met with them then for the first time this Monday. We have had Secretaries in the past who met with them for months. President Johnson met with them for 14 days in the White House. As the Senator from Rhode Island has said, nobody met with them until the Secretary of Labor met with them at 5:30 on Monday and called on Congress to submit a resolution to deny the workers their right to strike.

Giving the workers 13.5 percent is the least we can do. I recommend that the amendment be rejected. If we want to keep the economy from sinking into worse shape, we will keep the trains running.

Mr. PROUTY. Mr. President, I think the issue is very clear. I suppose Congress might well have become involved in the General Motors strike, because that affected the national economy. If we have a steel strike, perhaps we should become involved in that.

It seems to me that if we are going to preserve true collective bargaining, we should leave it up to the parties involved to work out their differences. The administration's request was merely for more time to accomplish this goal while protecting the public interest against the disastrous results of a nationwide rail strike.

I think it is most unfortunate—yes, and dangerous—to bring controversies of this nature before Congress. But this one is here and, absent permanent legislation to deal with this type of situation, we have no alternative to again act on an ad hoc basis.

I certainly played a rather prominent role in the Committee on Commerce in bringing about the Railroad Safety Act and in bringing about the so-called Rail Pac, the National Railroad Passenger Corp. I am concerned about the future of the railroads. I am also concerned about the future jobs of railroad employees. But if we permit a nationwide rail stoppage, the employees of the railroads are going to be without jobs, and certainly the operations of many industrial corporations in this country are going to be brought to a halt and their employees are going to become unemployed.

Mr. President, I think this is a precedent which is extremely dangerous, if anyone believes sincerely and honestly in the concept of free collective bargaining. The 5-percent increase I propose is merely a carrot, and should motivate rather than discourage the parties in seeking to negotiate a voluntary settlement.

If the Senator from Texas is willing to yield back the remainder of his time and no other Senator on this side wishes to speak, I am willing to yield back the remainder of my time.

Mr. YARBOROUGH. I yield back the remainder of my time.

Mr. PROUTY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Vermont. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Minnesota (Mr. McCARTHY), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Georgia (Mr. TALMADGE), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 37, nays 46, as follows:

[No. 421 Leg.]

YEAS—37

Allen
Allott
Baker
Bellmon
Bennett
Boggs
Byrd, W. Va.
Cook
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Fannin
Fong
Griffin
Gurney
Hansen
Holland
Hruska
Hughes
Javits
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Pearson
Prouty
Randolph
Saxbe
Scott
Stennis
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—46

Aiken
Anderson
Bayh
Bible
Brooke
Burdick
Byrd, Va.
Cannon
Case
Church
Cranston
Eagleton
Ervin
Fulbright
Gravel
Harris
Hart
Hartke
Hollings
Inouye
Jackson
Kennedy
Long
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Montoya
Murphy
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Ribicoff
Schweiker
Smith
Spong
Stevens
Stevenson
Symington
Tydings
Williams, N.J.
Yarborough

NOT VOTING—17

Dodd
Dominick
Goldwater
Goodell
Gore
Hatfield
McCarthy
McGee
McGovern
Mondale
Moss
Mundt
Percy
Russell
Sparkman
Talmadge
Young, Ohio

So Mr. PROUTY's amendment was rejected.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have discussed with the distinguished minority leader, the chairman of the committee, the ranking minority member, and the distinguished Senator from Iowa (Mr. MILLER), the possibility of a unanimous-consent agreement. I would like at this time, therefore, to ask unanimous consent that on all amendments from now on there be a time limitation of 20 minutes, with 10 minutes to a side to be equally divided between the sponsor of the amendment and the manager of the bill; that there be 2 minutes for amendments or motions thereto; and one-half hour on the resolution itself.

The PRESIDING OFFICER (Mr. CURTIS). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MILLER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

1. Following Section 2 of the Resolution add the following new section:

"3. There is hereby established a Presidential National Emergency Arbitration Board which shall consist of three members: one appointed by the Eastern, Western, and Southeastern Carriers Conference Committees representing the employees; one appointed by the National Railway Labor Conference representing the employers; and one appointed by the President.

"The Presidential National Emergency Arbitration Board shall, after hearing from representatives of both the employers and employees, make a determination of all issues in dispute, proceeding from a basis of the last best offer of the parties to the dispute immediately preceding appointment of the Presidential Emergency Board.

"The determination of the Presidential National Emergency Arbitration Board shall be made, published, and become effective at

12:01 antemeridian of February 7, 1971 unless the parties to the dispute have reached agreement prior thereto."

2. Insert "or arbitration" following the word "agreement" in the last sentence of Section 3 and renumber the section.

Mr. MILLER. Mr. President, may I say to the Senate that I will speak briefly about the amendment and I then propose to withdraw it.

I think it is important to bring this to the attention of the Senate at this time.

As I pointed out earlier in a colloquy with the Senator from Texas, there is no apparent incentive for the parties to settle this dispute. In fact, it is so uncertain that section 2 of the bill measure provides for the notification of Congress 15 days before the expiration of this time period of what the President thinks ought to be done.

As has been said many times on the floor, this will have a repeat performance in another 45 days.

The way to stop this is to give the parties to the dispute a real incentive. The incentive I propose would be the appointment of a Presidential board, an ad hoc board for this one labor dispute, which would proceed to determine the issues on the basis of the last best offer of the two parties. That is a novel idea.

The Arbitration Board would proceed on the basis of the last best offer of the two parties.

The failure of the Arbitration Board to proceed is one reason why the railway arbitration has not got very far in this country.

The carrot to this is that the Arbitration Board would have until February 7. On February 7 it would determine the results of its findings. And these would not become effective, if granted, until February 6 for the extension of time for these parties to get together and agree. If these parties do not know what the Arbitration Board would be coming out with 1 day after their deadline, I suggest that they would have a real incentive to get together and bargain collectively and reach a settlement.

Additionally, of course, my amendment would leave in what is already in the bill. The Senate has worked its will and has decided that it wants to have sections 3 and 4.

I suggest that the way we are going, some 15 days before the expiration of the time we are granting in this resolution when the President sends us a report indicating that the parties have not got together, at that time I will offer this amendment again.

I hope the Senate will adopt it at that time because then we will have an incentive for them to conclude an agreement.

I hope I am wrong. We all hope they will reach an agreement very soon. However, if they do not we are going to have to establish some kind of an incentive. I do not see any better incentive than this. The key to it is that the Arbitration Board proceeds on the basis of the last best offer of both parties.

Mr. President, I withdraw my amendment.

The **PRESIDING OFFICER.** The amendment is withdrawn. The bill is open to further amendment.

Mr. PEARSON. Mr. President, despite almost a year of negotiation, the flow of our rail transportation system may abruptly stop in several hours. Intense bargaining, recommendations of an Emergency Board, and a request by the Secretary of Labor for a voluntary extension of negotiations have failed to resolve this hardened dispute. Yesterday the President asked Congress to extend, for 45 days, the period during which no strike or lockout may occur, in the hope that a voluntary settlement may be reached during such period.

Mr. President, the Members of this body, of necessity, have limited knowledge of the complexity of the issues involved in these negotiations. For the most part, these are matters between men in the private sector.

I wish to emphasize, however, that in a time when our national economy is severely troubled, when inflation and unemployment are at critical levels, a nationwide stoppage of rail service could have a devastating impact on the financial health of this country.

Mr. President, the cost of transportation is reflected in everything we buy. As consumers, we would have to absorb the increased price of those commodities which are in ample supply today but might be rare tomorrow if the flow of goods is reduced to a trickle. Whether housewife, workingman, student, or executive, we all suffer if our Nation's railroads do not operate.

Many have urged the need for stronger controls, for a steadying hand on our deteriorating economy. Though mindful of proper limits, I believe such action is warranted in this instance.

For these reasons, I think it in the national interest to extend the negotiations period, as the President has requested.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum. It will take just a short time, but I do suggest it.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to lay aside Senate Joint Resolution 248 and proceed to the consideration of House Joint Resolution 1413.

The **PRESIDING OFFICER.** Is there objection?

There being no objection, the Presiding Officer laid before the Senate House Joint Resolution 1413, to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, which was read twice by title.

The Senate proceeded to consider the joint resolution.

Mr. YARBOROUGH. Mr. President, I move to strike out all after the resolving clause and substitute the language of Senate Joint Resolution 248 for the language of the House joint resolution.

The **PRESIDING OFFICER.** The clerk will read the language of the Senate joint resolution.

The legislative clerk read the substitute amendment, as follows:

That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees or by their employees. in the conditions out of which such dispute arose prior to 12:01 antemeridian of February 6, 1971.

Sec. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees;

(2) such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate, if the dispute has not been settled; and

(3) A detailed proposal for the partial operation of railroads affected by the dispute described in this joint resolution including along therewith any proposals by the carriers or employee representatives concerned so as to assure transportation services necessary to the national defense, health, and safety.

Sec. 3. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by five percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Texas to substitute the Senate language.

The motion was agreed to.

The **PRESIDING OFFICER.** The question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, who controls the time?

The **PRESIDING OFFICER.** The time of the Senator from New York has expired.

Mr. YARBOROUGH. Mr. President, the proponents have 15 minutes. I yield time to the Senator from Florida.

Mr. HOLLAND. I thank the Senator for yielding.

Mr. President, I dislike very much to vote for this action, which I think is in many respects, exceedingly unwise, and yet I intend to do so, for just one reason.

The **PRESIDING OFFICER.** The Senate will be in order. The Senator from Florida is entitled to be heard.

Mr. HOLLAND. Mr. President, as I say, I dislike very much to vote for this resolution, which I think is decidedly unwise, but I intend to do so, for just one reason: It is unthinkable to me that we should allow the railroads to cease to operate at midnight.

That would mean not only that many people in many areas who are dependent upon rail transportation for their movement from place to place would be deprived of that privilege, no matter how great the emergency. It would mean that those who have perishable products in many places will be unable to move them. It would mean that those industries which depend on the movement of great volumes of bulky products would be unable to continue. It would strike at the livelihood of literally millions of our people. For those reasons, I shall vote for the joint resolution.

I must say, however, that it seems to me that it would have been a much wiser course for us simply to extend the time of bargaining. We have done that on two or three occasions heretofore. The courts have held that we have ample authority to extend the time, and that, if we have that under the basic act, we may extend the time as we have done in the past, two or three times since I have been here for the railroads, and about the same number of times for the airlines.

I think we are very unwise to make of this body an arbitration board, which affords ready access to those who have these labor-industry troubles. I shall not be here after January 3, but I predict now that if legislation such as this is continued, Congress will find itself subject to increasingly great numbers of these matters, and required to serve as the arbitrator. I think that is unwise. I think it is a great departure from collective bargaining, and I wish I were in a position to vote against the measure. But I cannot do so, for the reasons I have stated.

Mr. President, we, ourselves, cannot evade responsibility in this matter. We, as the Senate and the House of Representatives, through our committees, have been unwilling to come to grips with this and similar problems.

The Senator from Florida has had legislation pending for about 15 years to try to correct the harmful effects of the Wisconsin case. The Senator from Nebraska, now presiding (Mr. Curtis), and I appeared in 1959 on that matter in the effort to protect States and localities against shutdowns of vital local utilities, and were promised action in early 1960. By that time, however, the chairman of that particular subcommittee was running for President, and I have never felt that he was to be blamed in any way for putting aside his assurance to us that there would be a report made in early 1960.

Mr. President, I have repeatedly, in every Congress since that time, reoffered that legislation, and pleaded on this floor and by letter to the present chairman of the committee and to earlier chairmen of the committee and the subcommittee for hearings, but without result.

I have offered repeatedly legislation of the same sort dealing with the airlines. They also come under the Railway Labor Act. Though I proposed compulsory arbitration, those who did not like that course could suggest other remedies if they saw fit to do so. But we were never permitted even to have hearings on that proposal.

So there is no way for us to escape a part of the responsibility for this dilemma in which we find ourselves tonight, and in which the whole Nation is caught. It is because the whole Nation is caught in it that I shall vote for this measure, which in many respects, to me, is distasteful and unpalatable, and which I think sets an unwise precedent, which Congress will repent itself of over and over.

Perhaps the only silver lining in the cloud is that the result of this legislation will soon become apparent as being so hopelessly unwise that Congress itself may adopt a more courageous course, and come to grips with this type of problem and enact permanent legislation. I hope that that will be the case.

But, Mr. President, because the continued operation of the railroads is of such a vital and imperative nature to the lives and livelihood of the people, and to the continuation of great industries, and because I think it is unthinkable for us to permit the railroads to cease to operate, I shall reluctantly, but not feeling that I am doing the wrong thing, vote for this legislation, which I consider as completely unwise and as unnecessary if this body had done its own duty heretofore.

Mr. President, I yield the floor.

Mr. YARBOROUGH. Mr. President, I yield 2 minutes to the distinguished Senator from Ohio.

Mr. SAXBE. Mr. President, the only thing that a labor union has to negotiate with is the right to withhold its services. If they lose that, they lose all rights to negotiate.

What we are doing here tonight is effectively depriving them of that right, and those who think their vote tonight will be a service to the unions are sadly mistaken. It will be a disservice. If we cannot have a strike now, we can never have a strike; and if nothing else, this will bring it forcibly to our attention.

I have questioned closely those people who have had the most active part in this matter. The Senator from Florida has just stated we cannot have a railroad strike. If that is the situation, then we are espousing that, and we should proceed from that point on in making plans to handle, in this Chamber and the House of Representatives, future labor negotiations for the railroads and such other industries as will have a national effect, and we are depriving the unions of their right to strike. We are not doing any service to the railroads, although the immediate effect would seem to be that we are pulling the laborers' irons out of the fire, and that we are keeping the railroads operating.

I say that we are only postponing the time when we must actively come to grips with the overall solution of negotiating labor settlements in these Chambers.

Mr. YARBOROUGH. Mr. President, I yield 1 minute to the majority leader.

Mr. MANSFIELD. Mr. President, this is just to inform the Senate that if the pending resolution passes, it will go to conference, and hopefully a quorum of Senators will be on hand or close by.

The **PRESIDING OFFICER.** All time has expired.

Mr. YARBOROUGH. Mr. President, I yield back the remainder of my time.

The **PRESIDING OFFICER.** The question is on agreeing to the joint resolution. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senators from Minnesota (Mr. McCarthy and Mr. Mondale), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman), the Senator from Georgia (Mr. Talmadge), and the Senator from Ohio (Mr. Young) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick), the Senator from New York (Mr. Goodell), and the Senator from California (Mr. Murphy) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) and the Senator from Illinois (Mr. Percy) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from Arizona (Mr. Goldwater), the Senator from California (Mr. Murphy), and the Senator from South Dakota (Mr. Mundt) would each vote "nay."

The result was announced—yeas 54, nays 31, as follows:

[No. 422 Leg.]

YEAS—54

Aiken
Anderson
Baker
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cranston
Curtis
Eagleton
Eastland
Ellender
Fong
Gravel
Gurney
Harris
Hart
Holland
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Montoya
Moss
Muskie
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Smith
Spong
Stennis
Stevens
Stevenson
Symington
Tydings
Williams, N.J.
Yarborough

NAYS—31

Allen
Allott
Bellmon
Bennett
Byrd, Va.
Cotton
Dole
Ervin
Fannin
Fulbright
Gore
Griffin
Hansen
Hartke
Hollings
Hruska
Hughes
Inouye
Jordan, Idaho
Mansfield
McGovern
Metcalf
Miller
Nelson
Packwood
Saxbe
Scott
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—15

Bayh
Dodd
Dominick
Goldwater
Goodell
Hatfield
McCarthy
Mondale
Mundt
Murphy
Percy
Russell
Sparkman
Talmadge
Young, Ohio

So the joint resolution (H.J. Res. 1413) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. YARBOROUGH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Without objection, the preamble was agreed to, as follows:

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and certain of their employees represented by the United Transportation Union, the Brotherhood of Railway Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC), the Brotherhood of Maintenance of Way Employees, Hotel and Restaurant Employees and Bartenders International Union threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas the recommendations of Presidential Emergency Board Numbered 178 for settlement of this dispute did not result in a settlement: Now, therefore, in order to encourage these parties to reach their own agreement, be it—

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that consideration of Senate Joint Resolution 248 be indefinitely postponed.

The PRESIDING OFFICER (Mr. Curtis). Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I move that the Senate insist on its amendment and request a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. Curtis) appointed Mr. Yarborough, Mr. Kennedy, and Mr. Javits conferees on the part of the Senate.

Mr. COTTON. Mr. President, in view of the fact that we are no longer delaying the disposition of this matter, I should like to take 2 or 3 minutes to make a brief statement.

When the motion was made to strike out all after the resolving clause on the House bill and to insert the Senate bill in its place, had it not been for the fact that it would have caused delay, the Senator from New Hampshire would have sought to speak for a moment and to ask for the yeas and nays. For the reasons stated, and because it is highly imperative that this matter be disposed of this evening, he did not do so.

But now that he has the opportunity to make this statement, the Senator from New Hampshire wishes to say that he would have liked to have had the opportunity to vote a rollcall vote to strike out the so-called Kennedy-Javits amendment.

The Senator from New Hampshire was here when his own committee went through this whole performance under President Kennedy. No one on either side of the aisle during that year made the slightest attempt to embarrass, harass, or put the President of the United States on the spot.

The Senator from New Hampshire was here when this matter was again before the Senate at least once, and I think more than once during the administration of President Johnson. No one at that time sought to write into the resolution any attempt to command the President to report or to take any particular action that he did not desire to take, or to bring any message to Congress that he did not desire to bring.

The Senator from New Hampshire is not questioning the sincerity or impugning the motives, of course, of the Senators in question, but the Senator from New Hampshire does regard that amendment as a deliberate attempt to embarrass the President of the United States.

As the Senator from New Hampshire has noted, he did not call for a rollcall vote on the so-called Kennedy-Javits amendment for the reasons he has stated, but he wants the record to show that if he had had the opportunity, he would have voted to delete it.

Mr. THURMOND. Mr. President, I should like to be associated with the remarks of the distinguished Senator from New Hampshire.

Mr. COTTON. I thank the Senator from South Carolina.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, and it was signed by the Acting President pro tempore (Mr. Metcalf).

ADDITIONAL STATEMENTS OF SENATORS

THE CAMPUS AS A MANAGEMENT PROBLEM

Mr. MILLER. Mr. President, the Wall Street Journal for Wednesday, December 9, contains a timely and perceptive article entitled "The Campus as a Management Problem," written by Leo L. Kornfeld, an educational management consultant.

Much has been written and said about campus unrest, but when it comes to college administration, the usual comment is that the president or board of trustees must enforce stronger discipline. While there is merit to such comment in certain cases, it tends to oversimplify the matter. Mr. Kornfeld discusses the real nature of the management problems of college campuses and, in my judgment, places their importance in the proper perspective by stating that, by itself, mastering these problems may not bring peace to the campus; but without this, peace will never be assured.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Campus as a Management Problem

(By Leo L. Kornfeld)

When the war nobody wants finally comes to an end, we shall still have unrest on college campuses unless glaring inadequacies in university administration are faced realistically and effective solutions found. New management concepts are urgently needed to meet problems of bigness, administrative complexity (and impersonality along with it) and rising educational standards, student expectations and social demands—all within the framework of relentlessly increasing costs.

Unprecedented growth in enrollment, programs and physical plant account for many of these problems. Higher education has become one of the nation's largest and most rapidly expanding "industries." Many universities are more complex and have bigger budgets than the largest corporations. They are also, in many respects, more difficult to manage.

Students are understandably appalled at the sluggishness, irrelevance and bureaucracy of the university system. Their frustration will continue unless university administration is modernized and brought into line with the needs of the 1970s.

There are four areas in which major improvements can be made: Planning governance, executive leadership and management decision-making.

Colleges and universities generally have not yet learned how to plan their futures. Most of them do not realize the importance of the planning function, so they fail to make organizational provision for it. Many of them have a so-called "planner" on their staff, but he is usually concerned only with planning physical space. Rarely do we find an individual with designated responsibility for marshaling programs, people, physical facilities and dollars into a coordinated long-range plan.

Before they can staff a rational planning operation, colleges and universities must clearly define their basic roles and missions and put down in writing what they are and where they are going. Unfortunately, these fundamental questions are rarely resolved, although they are often debated endlessly.

A UNIQUE ROLE

Universities must recognize the urgency of deciding what their unique role in society is. They must determine how they are going to perform that role, and then convey their identity and mission to key constituencies inside and outside the institution. If they fail to act, they may eventually find that others are deciding their futures for them.

Planning is a basic function of university governance, and governance begins with the board of trustees, which possesses the ultimate power for change. Here, too, we find ample opportunity for improvement.

Traditionally, university trusteeship has been considered an honor to be bestowed upon an individual for some major accomplishment (which sometimes consists of making a major financial donation). This is not enough. Boards of trustees must include persons of such caliber that they can significantly assist the president in setting policy and in determining the overall direction and thrust of the university. They must be persons who have wisdom and judgment, who are deeply interested in helping the institution chart its direction and who have the time to do so. Most boards would benefit by having additional qualified members from ranks of government, education and labor.

Trustees must constantly question what their institution is doing. They must keep informed about the quality of life on campus by visiting campuses frequently and by listening to what students and faculty are saying. Few trustees do this, and then they wonder what the shouting is about.

Another neglected task of trustees is to evaluate critically the effectiveness of managerial performance. At one extreme, many trustees believe that since they selected the institution's chief executive officer, they must support him in all circumstances. At the other extreme, they often interfere unnecessarily with administrative details, while overlooking broad policy issues. A balance of the two extremes contributes most to the good of the institution.

The position of chief executive at a college or university is extraordinarily complex and difficult to fill and keep filled. The fact that there are hundreds of vacancies in this job today speaks for itself. Trustees need to do some fresh thinking about the qualifications the chief executive should have in the 1970s. A blend of management skill with experience in the academic world is ideal but rarely found in one person. In the absence of a candidate with both attributes, preference should be given to the candidate with managerial strengths. The academic background can then be supplied by adding specialists to the president's staff.

The fourth problem area, management decision-making, is particularly troublesome for colleges and universities for two reasons: There is much uncertainty about who makes what decisions, and there are often insufficient data on which decisions can be soundly based.

The question of who makes decisions has arisen partially from the traditional academic orientation toward professional discipline. I believe it is time to examine realistically the collegial form of governance and to decide whether it fits present-day needs. No one questions the professional integrity of the faculty member. He must teach without interference from anyone, and he should be supported in this right. However, should a participative philosophy of governance be applied to university administration? Must everyone deliberate and vote on every decision? It simply does not work. We must have a system that clearly provides for adequate deliberation, with clear understanding of who is responsible for making what decisions.

THE DECISION-MAKING PROCESS

The multiplicity of university constituencies—trustees, administration, faculty, students, alumni and the community—results in gaps and overlaps in the decision-making process. The solution lies in having the trustees or the president, or both, determine who shall be responsible for decision-making at each level and for each segment of the institution, and at the same time providing the necessary participation and balance among constituencies.

A word should be said about the current practice of putting students on various committees, councils and even on boards of trustees. Students should be given a larger voice in university affairs, but it is a mistake to put them on committees or governing bodies unless they have real qualifications for being there. On matters that concern them and in which they have experience, they should be listened to and they should have some authority. For example, I think students could perform a useful service by evaluating the classroom performance of their teachers. But they are hardly equipped to award faculty tenure or make a decision on the investment of university funds.

Universities must also give more attention to gathering the information that is essential to soundly based decisions, making sure it is assembled in a useful form. Not enough progress has been made by higher educational institutions in developing management information systems, program budgets, cost-benefit analyses and statistical projections. Closer attention to data collection and analysis is one direct way colleges and universities can stem the rapidly increasing costs of education and ensure that they are getting the best value for their money.

If colleges and universities can master their exceedingly difficult management problems, they will go a long way toward relieving the frustration and dissatisfaction among students today. By itself, this may not bring peace to the campus; but without this, peace will never be assured.

THE SIGNIFICANCE OF FAITH AND PATRIOTISM

Mr. BYRD of Virginia. Mr. President, in these difficult years, it is important for all Americans to be reminded of the significance of faith and patriotism.

One of the most eloquent statements in recent years on this subject was written by Judge Luther W. Youngdahl, of the U.S. District Court for the District of Columbia, who served three terms as Governor of Minnesota before his appointment to the bench. As Governor of Minnesota, he was widely known for his vigorous law-enforcement program, his championship of youth, and leadership in the field of mental health.

Several years ago, Judge Youngdahl wrote an excellent essay entitled, "The Hearth, The Flag, and The Prayer." It was included in his book, "The Ramparts We Watch," a collection of essays on a wide range of subjects.

I ask unanimous consent that Judge Youngdahl's essay be included at this point in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

The Hearth, The Flag and The Prayer

Many years ago, Ambassador Harvey to the Court of St. James said, "The real strength of a nation is not in its armies and navies. A schoolhouse at the crossroads is worth more than a dreadnaught by the sea. A church at the hilltop is worth more than a score of regiments. And some day the world will come to realize that there is more power and glory in 'Lead Kindly Light' than in all the fighting anthems of the world." That statement has even greater relevance today than when it was uttered, as we are involved in a great ideological struggle to determine whether we shall remain free.

A contemporary statesman, a member of the U.N., writes: "The world is out of balance. There is too much material power and not enough moral power. That is why men look ahead with fear and a sense of insecurity. No political formula, no atomic development authority, no U.N. charter, can make good the spiritual deficit. Citizens who do not attend to that in their own community, fail in their duty to themselves, their country and their God."

The great issue facing Americans in this space age is how to be strong so we can continue to be free—strong not only economically, politically and militarily, but more especially, morally and spiritually. True, we need to maintain our military strength, an effective political front, and a strong productive capacity, but it is in another area that we have our real opportunity for victory: the moral and spiritual strength of our people.

"I know three things must ever be
To keep a nation strong and free;
One is a hearthstone bright and dear,
With busy, happy loved ones near;
One is a ready heart and hand
To love and serve and keep the land;
One is a worn and beaten way
To where the people go to pray;
As long as these are kept alive,
Nation and people will survive.
God keep them always everywhere—
The hearth, the flag, the place of prayer."

Looking frankly at the record, there is cause for real concern as we realize we are not meeting these prerequisites for a strong and free nation.

How about the integrity of the home? In St. Augustine's book, "The City of God," the significance of the family is emphasized thus: "The human family constitutes the beginning and the essential element of society. Every beginning points to some end of the same nature, and every element to the perfection of the whole of which the element is a part. Thus it becomes evident that peace in society must depend upon peace in the family and the order and harmony of rulers and ruled must directly be actualized from the order and harmony arising out of creative guidance and commensurate response in the family."

It is now axiomatic in American life that the family is a sacred institution. This most sacred human relationship, ordained by God himself, is a vital part of Judaeo-Christian tradition.

It is in the home that the lessons of mutual responsibility and of self-sacrifice are learned.

In the home each individual must be accorded the opportunity to achieve physical and spiritual maturity.

The family is intrinsic to human life and society; it is an institution sanctioned by law, blessed by religion and extolled in its highest achievements by literature and art. It is impossible to exaggerate the calamities that befall a society when the home disintegrates. The cost in terms of heartbreak and human wretchedness cannot be described; the economic cost defies calculation.

Repercussions are felt in added relief loads, increased aid to dependent children and additional costs of law enforcement, including the maintenance of penal institutions. Complications are felt in recreational programs, housing facilities, mental health work—in every area of social welfare. Every other social institution, including our churches and schools, is endangered.

And where the family degenerates, thereby leading to the serious weakening of our social and moral structure, the ground is fertile for communist infiltration from within and communist attack from without.

In my opinion three factors have caused the deterioration in the home:

1. Lack of wholesome discipline.
2. Apathy and indifference on the part of parents in the important job of parenthood.
3. Lack of Christian example.

(1) Wholesome discipline and respect for authority seem to be passé. Many parents fail to realize every child craves the authority of adults. We are denying our children something very valuable when we fail to teach them that there are certain rules which, if violated, bring quick and certain punishment. Too many of our children are sophisticated and spoiled. I believe there is a necessity for the return to some of the old-fashioned discipline to teach our youth the difference between right and wrong.

(2) There is too much apathy and indifference in the discharge of parental responsibility. The job of parenthood is forced to a secondary position by many other activities. I think of Mac, the mechanic, playing ball with his young son after a hard day's work. A neighbor said, "Mac, aren't you all tired out?" "Well, certainly I'm all tired out," said Mac. "Then what on earth are you doing that for?" Mac said, "I would rather have a backache today than a heartache tomorrow!"

Then there was a little fellow who came to his dad one day and said, "Dad, let's build a playhouse out of sticks today, shall we, Dad?" The father replied, "Shucks, sonny, let's wait until we get enough money to build a real playhouse." The next day the little fellow was run over by an automobile on his way to school. In his last dying, gasping breath, he got up in a half-crouched position on the hospital cot and whispered to his dad, "We didn't get that playhouse built, did we, Dad?"

(3) There is an appalling lack of decent example. Christian example is the best guarantee for good citizenship. Greater religious emphasis is needed in the home. A place should be found in every home for the family altar. Someone has said "Be most prayerful of your way with your children; when you are dealing with the children you are dealing with God."

"A careful man I want to be,
A little fellow follows me—
I do not dare to go astray
For fear he'll go the self-same way.

I cannot once escape his eyes,
Whate'er he sees me do he tries—
Like me he say he's going to be—
That little chap who follows me.

He thinks that I am big and fine,
Believes in every word of mine—
The base in me he must not see,
That little chap who follows me.

I must remember as I go
Thru summer's sun and winter's snow
I'm building for the years to be
That little chap who follows me."

Every child craves friendship, recognition and adventure. An essay contest was conducted in one of the schools when the students were asked to write about the greatest American. Some wrote about the Presidents—Washington, Lincoln and others; others wrote about prominent business men, religious leaders, educational leaders, labor leaders; but the boy who won first prize wrote about the man who lived next door.

The man was a new acquaintance, having just moved there two months before, but he was very kind and thoughtful to the boy—called him by his first name, permitted him to assist in washing his car, and indicated a real interest in him. There must have been a vacuum in the home life of that boy, as apparently the friendship accorded him by this new neighbor caused him to consider him the greatest American.

Then, too, every child craves recognition. I recall an incident in the Big Brother Camp which is conducted by Big Brothers on the shores of Lake Mille Lacs each summer to provide a period of free camping for underprivileged boys. A freckle-faced boy at first did not seem to be able to adapt himself to the camp life. He complained about the food, clothing, housing and recreation—nothing suited him. One day, however, one of the counsellors conceived the idea of a freckle-face contest. The boy won first prize; he had more freckles than any boy in camp. From that time on he became the best camper! Apparently for the first time in his life he had received recognition—even the humble recognition of having more freckles than any other boy in camp.

Further, every child craves wholesome adventure. Another incident occurred when I was presiding in the Criminal Division of the Municipal Court in Minneapolis many years ago:

The Gun Squad car was called to the Northeast section of the city. It was during prohibition days. When the detectives arrived upon the scene, they found a half barrel of moonshine whisky in the basement of the home. The father was raving drunk; the mother was in an institution for the mentally ill. Upon further search of the premises they found a 5-year-old boy and a 6-year-old girl huddled together under a piece of burlap gunny sack in a dog house at the rear of the premises. Another boy, eight years of age, his life threatened by his drunken father, had run away, but returned to his home before the detectives left. I had sent the father to the workhouse on several occasions for drunkenness, for liquor in his possession, and other similar offenses. He was past fifty and almost beyond rehabilitation. The mother, as indicated, was in a mental institution.

Assuming this 8-year-old boy would have remained in that environment until he was 18 years of age and then went out on the street to rob someone—the cry would be to put him away for a long period of time, despite the fact the boy never would have had a chance for a normal home life and the opportunity to learn the difference between right and wrong. Society is in "particeps criminis" when it fails to take up the slack in a situation like this when a home breaks down and to provide a substitute type of wholesome activity for these underprivileged youngsters.

Out of the ancient Talmud comes a story of the king who had a dream. He dreamt that he saw Justice standing with a large pair of scales in her hand. On one side of the scales was located silver and gold, land, lumber and buildings. That weighed to the earth. On the other side of the scales was a nest of straw, and that side tipped to the heavens. In his dream the king saw a guardian angel approach the nest of straw and place therein a little child. Gradually that side of the scales weighed to the earth, which proved to the king that the child was the most important thing on earth. Yes, even more important than silver and gold and land and lumber and buildings. How right he was!

The second prerequisite of a strong nation is a more alert and dedicated citizenry. Many complain about the conditions of our society and yet the indifference of these people helps bring about the conditions. They are like the girl who was invited on her first date. She called her pastor to get some advice about it. He said, "If your boy friend places his hand on one shoulder, I'll not worry. If he places his hand on your other shoulder, I'll not worry, but if he places his head on your shoulder, I'll do some conscientious worrying." She had her date and came back to her pastor a couple of weeks later and he asked, "How did you get along?" "Well, Pastor, my boy friend placed his hand on one shoulder and then on the other shoulder and then, Pastor, I decided to place my head on his shoulder and let his own preacher do the worrying about the situation!"

Too often we think of the enforceable obligations of citizenship—serving on the jury, paying taxes, obeying the laws—these are of highest importance. But back of them stand the non-enforceable obligations—life itself, the art of living so that life shall be good and beautiful, and there shall be dignity and reverence for every human personality.

Now, as always, the essential ingredient in effective, vital democracy is but one thing alone—individual willingness to shoulder responsibility for conduct of government. Lose that and we are doomed to crumble and deteriorate from within.

The saving of our way of life from destruction is not a job delegated solely to a group of young men fighting and dying on the field of battle—it is a job for every citizen.

Too many citizens afflicted with the disease of spectatoritis—sitting in the grandstand and knowing just what play ought to be called—finding fault, making scapegoats.

A working man was opening up his sandwiches one day. He came to a peanut butter sandwich and tossed it aside. "Don't they know I don't like peanut butter sandwiches?" said he. The next sandwich was a ham sandwich. He liked ham, so he ate it. The third sandwich was another peanut butter sandwich—he tossed it aside. "Don't they know I don't like peanut butter sandwiches?" An associate workman said, "Are you married, brother?" "Now look here, don't bring my wife into this. I made those sandwiches myself!" This is the situation with many of our citizens who are always finding fault but who haven't accepted their citizenship responsibilities.

People have come to associate odious motives and practices with politics. Politics is the art of making government work. It is the machinery by which society makes its moral decisions. The story is told of the sage and the cynic: the cynic came to the wise old man with his fists closed and asked, "What have I got in my hands?" The wise man responded, "A bird." The cynic then asked, "Is it dead or alive?" thinking surely he would trap the old man, for if the sage responded, "Alive," the cynic would crush the bird to death in his hands, and if he responded, "Dead," the cynic would open his hands and allow the bird to fly away, proving in any event that the wise man was wrong; but the sage responded "Just as you will, my son, just as you will." And so we get just as bad government as we are willing to stand for and just as good government as we are willing to fight for.

The Christian in government must dedicate himself to a program that places human values first. As Christ was most concerned with children and unfortunates, so must the Christian politician see that government invests generously in education, health and general welfare of youth. He must fight for humane care of the mentally ill and other fellow human beings in need of a helping hand. He must set an example of self-discipline and wholesome respect for law and order. He must work to put Christianity into practice by striving to foster and protect the heritage of citizenship for all of every race, creed, color of skin and national origin.

During my first administration as Governor of Minnesota in 1947, I came to appreciate what Christian people can do for good government when they are alerted to their responsibilities. I was fighting for the adoption of the Anti-Slot Machine Act to eliminate eight thousand slot machines and an eight million dollar racket that had existed in Minnesota. It was a rugged battle and we took a lot of abuse. At first the outcome was in doubt, but when the church people finally became aroused, they became real fighting crusaders and we were successful in securing the passage of the Act and the eight thousand slot machines left Minnesota overnight. It indicates that good government can be had if Christian people are willing to fight hard enough for it.

During the days when considerable abuse came my way because I was trying to enforce the laws on the statute books, when there was a discussion at a certain meeting I used to quote an incident concerning prenatal influence: A young man made the statement that he did not believe in prenatal influence. "Why," he said, "when my mother was carrying me, she rushed across the floor with a bunch of phonograph records in her arms and tripped over something, and smash went the records in hundreds of pieces! But," he continued, "it didn't affect me—affect me—affect me!"

The most important prerequisite, however, for a strong and free nation is that there should be a worn and beaten way to where the people go to pray. Congress has passed many important laws in the past few years, but one of the most significant acts, in my opinion, was the unanimous passage of a resolution establishing a meditation room in the Capitol. Without ostentation or blare of trumpet, a room was provided, with no emphasis, of course, upon any creed or faith, where the distinguished legislative leaders of our nation might go to receive guidance and strength from above. This act demonstrated that our legislative leaders recognized their inability in and of their own strength to resolve the difficult problems which face us. This should give us real comfort in our hour of trial.

Our nation was founded by men of faith. Thomas Jefferson, who wrote in the Declaration of Independence the immortal principles with which we are all so familiar, warned us, "Our liberties are the gift of God. If we do not nourish them, we may lose them." George Washington, who unsheathed his sword and led the Colonial Armies to victory to put these principles into practice, warned from his deathbed, "Beware of the man who attempts to inculcate morality without religion." Benjamin Franklin, who signed the treaty of peace in behalf of the American colonies that guaranteed to them these rights forever, stressed the necessity of prayer and emphasized if this nation did not place its trust in God, it could not endure.

At a very perilous time in our nation's history, Abraham Lincoln, the Great Emancipator, just before Thanksgiving Day in 1863, urged the people to get down on their knees in penitence, asking forgiveness as he said, "We have been the recipients of the choicest bounties of heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown, but we have forgotten God. We have forgotten the gracious hand which preserved us in peace and multitude and enriched and strengthened us and we have vainly claimed in the deceitfulness of our hearts that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated by unbroken success, we have become too self-sufficient to feel the necessity of religion and preserving grace, too proud to pray to the God that made us. It behooves us then to humble ourselves before the offended power, to confess our national sins and to pray for forgiveness."

Our freedom comes from God and it will be under God that we will continue to be free.

Our free way of life was developed by men and women of deep religious faith. America has always been conscious of the need for religion. The founders of our republic were sincerely and profoundly men who looked to God for guidance.

The western world must do more than build up armament and stockpile raw materials. As necessary as is military defense in this period of history, we delude ourselves if we think our many-billion dollars a year military budget will save us. We must act with every spiritual resource at our command if we are to win this struggle. Millions of people who are now indifferent to God are unconsciously giving aid, comfort and help to the communists. A moral breakdown is fast undermining America. We are being seriously threatened from a collapse from inner decay.

Headlines tell only a part of the story of increase in murders and crimes of violence, juvenile delinquency, sex promiscuity, narcotics, graft, corruption and apathy on the part of most, except evil-doers. Despite encouragement from increased church attendance in recent years, approximately fifty per cent of our people still remain unchurched. Although United States Sunday School enrollments are at an all-time high (well above the 32,000,000 mark) yet 27,000,000 other American children and youth receive little or no church training and of the 1,000,000 children who, each year, get into trouble with the law, the vast majority have no record of regular religious instruction.

As in the public schools, Sunday church schools, in many cases, are overcrowded and handicapped by a lack of teachers. As a Christian nation, we cannot afford to let a single child go without his spiritual heritage. Although our stewardship programs and parish work activities have been stepped up in many of our churches, we are still lagging far behind in the amount we appropriate for such work. We spend a far larger sum for horse race betting and for liquor today than we spend for our church Sunday schools and humanitarian causes.

Our religion and democracy are so strong they can never be conquered by open attack. They can only succumb to indifference and neglect. Arnold Toynbee said, "All civilizations which have been destroyed, have destroyed themselves and that even where a civilization's downfall has apparently come from outside forces, external pressures merely reveal the internal weaknesses which antedated the crisis. The fall of the Roman Empire was due largely to internal corruption and in more modern history we note the corruption and lack of respect for law in the French nation was even more dangerous to the French than the German troops on the other side of the Maginot Line."

A short time ago in Washington, a prominent businessman stated at a public meeting, "Our American way of life—that splendid, tough, permanent revolution inaugurated by our founding fathers—is a dead, flat thing without God for a basis." He further emphasized that the current defense program is not enough. "And up the efforts expended in economic and military aid, and is this the totality that is America?" he asked. He asserted it was not, and that America was something finer, deeper and nobler than economics and the military. "The real America is a religious nation; let's go back to it."

And so,

"I know three things must ever be
To keep a nation strong and free;
One is a hearthstone bright and dear,
With busy, happy loved ones near;
One is a ready heart and hand
To love and serve and keep the land;
One is a worn and beaten way
To where the people go to pray.
As long as these are kept alive,
Nation and people will survive.
God keep them always everywhere—
The hearth, the flag, the place of prayer."

ACCOMPLISHMENTS OF DR. JEROME H. HOLLAND, AMBASSADOR TO SWEDEN

Mr. BYRD of Virginia. Mr. President, I invite the attention of the Senate to the outstanding job being done by Dr. Jerome H. Holland, U.S. Ambassador to Sweden.

When Dr. Holland's nomination came before the Committee on Foreign Relations early this year, it was my privilege to introduce him to the committee. At the time, I said he was likely to bring high achievement to the Office of Ambassador.

Shortly thereafter, Dr. Holland was confirmed by the Senate without opposition. His actions since taking up his duties in Sweden has confirmed my judgment and the judgment of the Senate. From the very outset of his assignment, Ambassador Holland has faced extreme difficulties. Anti-American mobs in Stockholm have protested his presence there and have, on occasion, pelted him with fruit and eggs.

Before becoming our Ambassador to Sweden, Dr. Holland was president of Hampton Institute in Virginia. During his career there, he earned the respect of the academic community and was regarded as one of our outstanding Negro educators.

The demonstrators in Sweden have gone so far as to use racial epithets in their attacks on Dr. Holland. But he has maintained his composure and dignity, and has worked diligently for improvement in relations between the United States and Sweden.

An excellent account of Ambassador Holland's activities appeared in the Washington Post of December 3 in an article by Mr. Don Cook of the Los Angeles Times.

In the Richmond Times-Dispatch of December 7, an editorial tribute to Dr. Holland was published.

I ask unanimous consent that the article by Mr. Cook and the editorial from the Richmond Times-Dispatch be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Dec. 3, 1970]

Black Envoy Changes U.S. Image in Sweden

(By Don Cook)

Stockholm.—The two most talked-about men in public life in Sweden today, says a top Stockholm political journalist, are Prime Minister Olof Palme and America's black ambassador to Sweden, Jerome H. Holland.

Since plunging into Stockholm's acute anti-American climate last April, Holland has transformed the American embassy from a kind of besieged and lightly defended fort in hostile Indian territory into a lively, energetic and active diplomatic mission which is meeting Swedes and Swedish attitudes head-on. It would be going much too far to say that Holland has succeeded in changing the anti-American problem here, but he has certainly transformed the way in which it was being handled.

He has done so by a direct, meet-the-people approach which has intrigued the Swedes, and won plaudits from Palme on down. The prime minister tells personal visitors that Holland is a great success and speaks enthusiastically of him as being the most active American ambassador in Europe—which is probably true.

In the eight months he has been in Sweden, Holland has made formal official visits to 25 towns, and stopped off at countless other small villages. He has delivered 10 major speeches and addressed more than twice that many informal groups. Receptions at the Ameircan Embassy almost never stop. He has given Swedes something to think about.

He seeks out the young anti-American oppositionists and unfailingly sends word to the groups which continue to demonstrate against him wherever he goes that he will be glad to receive a delegation of their leaders for a personal talk.

Even though the American ambassador still must be closely protected by specially assigned Swedish police, and even though the demonstrations go right on, the number involved in them on each occasion is falling off. They are now heavily outnumbered by Swedes who want to hear Holland.

The fact that Holland is black is a strong asset, but only because he is also an intelligent, open and forceful personality.

When he was driven in a state carriage to present his credentials to King Gustav, the carriage was pelted with fruit and eggs by jeering students shouting "Nigger, nigger," and anti-Vietnam war slogans.

Holland went through the ceremonial with cool dignity, and then told his first meeting with the Swedish press at the U.S. embassy: "You can say what you want about the Vietnam war. That is free speech and I believe in free speech. But when I am called a nigger that is personal insult, and I resent it deeply."

A journalist asked him if he was a pacifist and Holland replied: "Well, I played offensive end on the football team at Cornell University." He was an All-American, also nominated to the National Football Hall of Fame.

The "nigger" attacks against Holland go on in Stockholm, but they are clearly counter-productive for the anti-American hard-core and an embarrassment to thinking Swedes. For example, a book which Holland wrote titled "Black Opportunity," now published in Swedish, was given vicious review in the Stockholm newspaper Dagens Nyheter, in which the white Swedish reviewer wound up denouncing Holland as "a traitor to his race."

So stunned was the editor of the newspaper that he took the unprecedented step of writing a reply to his own reviewer, saying that the review was ill-informed and the comment totally unjustified.

Some Swedes go to great lengths to demonstrate their anti-Americanism. Holland was invited by the rector of the Protestant cathedral in Vasteras, about 60 miles from Stockholm, to speak on "the Negro church as a social force in the United States." About 200 demonstrators turned up, most of them from the nearby University at Uppsala, and there was some trouble with the police. But a crowd of 1,100 packed the church to hear Holland speak.

NOVELIST'S COMPLAINT

Afterward, a Swedish novelist and critic named Lars Gufstanson wrote a letter to the local bishop protesting Holland's appearance on the ground that an ambassador cannot be separated from his official position or the policies of his country. This was, he contended, a politicizing of the church. He asked that the rector of the Vasteras cathedral be dismissed.

This drew an editorial of rebuke from the local newspaper, as well as personal comments of regret and support to Holland.

For almost two years, before Holland arrived, the American embassy was left in the hands of a charge d'affaires as a rebuke to the Swedes for their hostility toward the United States, which went far beyond mere opposition to the Vietnam war. Even official contacts with the Swedish government were reduced to the minimum necessary to handle routine business.

HOLLAND'S CHOICE

When Holland got here he had a choice of conducting business on a strictly official basis, or embarking on a risky public relations operation.

A big, hearty, six-foot-four extrovert who enjoys people, it was natural that Holland would choose the latter course instead of the cautious approach which a career diplomat might have preferred, Although a political appointee, he is in no sense a politician or even a Republican. He is a non-party educator and doctor of sociology (Cornell and the University of Pennsylvania) who resigned as president of Hampton Institute in Virginia to take on the Swedes.

[From the Richmond (Va.) Times-Dispatch, Dec. 7, 1970]

HOLLAND IN SWEDEN

Dr. Jerome H. "Brud" Holland contributed mightily to the development of Hampton Institute during his decade as president of that privately-supported Virginia college. Now, it appears, his many abilities are contributing greatly to improved American-Swedish relations.

Sweden these days is not a milk-and-honey ambassadorial assignment for an American. Its government has been in opposition to U.S. policy in Southeast Asia and the country harbors youthful antiwar drop-outs from American society. Upon his arrival in Sweden early this year after being appointed by President Nixon, Ambassador Holland was greeted with shouts of "nigger, nigger" and antiwar slogans, not to mention hurled eggs and fruit, by young lovers of peace and brotherhood.

A lesser man might have been tempted to withdraw into a protective shell because of such asinine treatment, but not Jerome Holland. According to a *Los Angeles Times* dispatch, Dr. Holland in just eight months in Sweden has transformed the American embassy "from a kind of besieged and lightly defended fort in hostile Indian territory into a lively, energetic and active diplomatic mission which is meeting Swedes and Swedish attitudes head-on."

Despite continued demonstrations by boorish brats, Dr. Holland has made formal visits to 25 towns, stopped for people-to-people chats at innumerable villages, delivered 10 major addresses and many talks to informal gatherings, and conducted so many embassy receptions that he seems to be holding one non-stop open house Demonstrators, the reported noted, "are now heavily outnumbered by Swedes who want to hear Holland."

"He has given Swedes something to think about," the dispatch states. Swedish Prime Minister Olof Palme calls Holland "the most active American ambassador in Europe."

But it's not surprising that Dr. Holland, the former Cornell football All-American, has met his problems head-on in Stockholm. For that is exactly the way he met the challenge of improving life for blacks in this country. In his book, *Black Opportunity*, and in his capacity as an educator, Dr. Holland persuasively urged that the problem of unequal opportunity be met head-on with the educational development that would enable the Negro to participate fully in the private economy.

Whether the challenge is building bridges between races, between cultures, or between nations, Dr. Holland's example of hard work and perseverance—as opposed to retreat into paranoia—would seem to be worthy of emulation.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

At 10:03 p.m., the Senate took a recess subject to the call of the Chair.

At 12:36 a.m.. December 10, 1970, the Senate reassembled, when called to order by the Acting President pro tempore (Mr. METCALF).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had concurred in the amendments of the Senate to the amendments of the House numbered 4 and 5 to the bill (S. 368) to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes; that the House receded from its amendments numbered 1, 2, and 3 to the bill, and that the House receded from its amendment numbered 6 to the bill and agreed to a further amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 3479) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The message further announced that the House had disagreed to the amendment of the Senate to the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. DINGELL, Mr. ADAMS, Mr. SPRINGER, and Mr. DEVINE were appointed managers on the part of the House at the conference; that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution.

AUTHORIZATION FOR PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS DURING ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions during the adjournment of the Senate until 10 a.m. today, December 10, 1970.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the adjournment of the Senate until 10 a.m. today, December 10, 1970.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS WITH RESPECT TO THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings in the CONGRESSIONAL RECORD.)

Mr. YARBOROUGH. Mr. President, I shall report on what the conferees agreed upon. The House adopted the conference report and the papers are expected momentarily.

The conference committee adopted the date of expiration of the joint resolution of March 1, 1971.

The conference committee struck out section 2 of the Senate joint resolution and rewrote it in the following language. There was no section 2 and no comparable language of any kind in the House joint resolution. This is a compromise, so section 2, as rewritten, reads as follows:

> SEC. 2. Not later than fifteen days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—
>
> (1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees; and
>
> (2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate——

That is, if the dispute has not been settled.

That was the language agreed to by the conferees of both Houses, and it has been adopted on a rollcall by the House.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. KENNEDY. The provision that was stricken in the conference was the third paragraph of the amendment which was introduced by myself and the distinguished Senator from New York. This was to invite comment by the administration on the consideration of a partial operation. That provision was stricken by the conferees, but the chairman of the House-Senate conferees was asked by the members of the conference to write a letter to the Secretary of Labor and to solicit his views on the possibilities of a partial operation.

Am I correct in that?

Mr. YARBOROUGH. That is correct.

Mr. KENNEDY. Do I understand correctly that the chairman of the House and Senate conferees will do so, so at least we will have the benefit of the thinking of the administration on the question of partial operation?

Mr. YARBOROUGH. That has been received.

Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I hope very much that the Senate will approve this report. It is now some 40 minutes after the workers were supposed to go on strike. I know some statements have been made, which many consider intemperate, about whether or not a law of the United States will be honored, but I know and many of us know a good deal about the railroad workers, and I have deep faith that if this law is signed by the President in the next few minutes, it will be honored, and I hope very much that we will do our part by approving what the conferees have brought back.

Mr. President, the conferees made a very material change in the provision that seemed to be troubling our colleagues in the other body and some of our colleagues, and struck out any reference to the provision which we had written in that the President give us his proposal for partial operation of the railroads; so that is a very substantial change.

Second, Mr. President, I sat and heard and restrained my temper when I heard that what I had done and Senator KENNEDY had done was construed by some as a deliberate effort to embarrass the President. I am very sorry that those words should have been uttered about me or any other Member of this body. I deeply feel that the verdict of history will be that that is not at all the case, because I call the attention of the Senate to the fact that when the President sent to the Senate his proposal for a permanent solution to this problem—and in all seemliness and dignity we should have a permanent solution, and not be caught in this terrible flap so unbefitting the Senate of the United States that keeps us here at this point, when a dispute legal since 12:01 a.m. until now has already probably resulted in a strike—the President himself, as one of the three remedies which he sought, sought the remedy of partial operation in exactly the words that the Senate had adopted.

So, with all respect, I say to my colleagues that I cannot see, if the President—and I know he was—was sincere and convinced about his recommendation, how he could have been embarrassed if we ourselves proposed that he let us know what he thought about it in a given situation.

On the contrary, I should think he would be very gratified that when we were looking for a solution, we turned to the very proposals he had made to us.

But be that as it may, we all understand these things. It is happily over, and I hope very much the Senate will agree to the conference report.

Mr. YARBOROUGH. Mr. President, I think the distinguished Senator from New York and the distinguished Senator from Massachusetts are entitled to this report from me:

We know that in conference this was very bitterly opposed by the House Members. They said it would be turned down in the House, and we would probably have this report turned down tonight, and the Rules Committee called in. We had a very anxious hour and a half or so, Mr. President. However, since then I have been to the House floor, and have talked with various Members of the House. A good many Members of the House of Representatives told me, "We are glad you in the Senate put this provision in the bill, because now that 15 days will give us time to consider what to do, instead of having a 24-hour report such as the original joint resolution would have required."

So I think that is a tribute to the Javits-Kennedy amendment, because some of the very people who were saying, "We cannot agree to it," now think this is a good provision, and the Senate version of that feature has now been approved by the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. COOK. Mr. President, voted in favor of this report on the last vote, but I would like to read into the RECORD a wire service teletype report, which reads as follows:

> While the House and Senate were at work on legislation ordering a strike delay, C. L. Dennis, president of the Brotherhood of Railway and Airline Clerks, issued a statement announcing:
>
> "There will be a strike by BRAC."
>
> Dennis said a 13.5 per cent retroactive pay raise proposed for inclusion in the delay legislation was not enough.
>
> "Perhaps it might sound big to a man from Mars, but the men and women who work on the railroads know that such an increase is not enough to give them wage parity with other branches of transportation," Dennis said.

He said later on, as indicated in a wire service report out here, that what he wanted was 38 percent, which means, Mr. President, that he wanted us arbitrarily to determine this entire matter for the railroad industry; and, having voted reluctantly in favor of it last time, I announce that I will not vote in favor of it this time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. YARBOROUGH. Mr. President, before the clerk calls the roll, I do not know what Mr. Dennis says now, or his union. I have been unable to reach them. But I have talked with representatives of the others, and they have assured me that they will—a number of the other unions—get their men back on the job as soon as possible, and they have also pointed out to me that the time now on the Pacific coast would be about 9:46, so that would mean they would not have gone out on the Pacific coast yet.

So lots of those trains are still rolling, and I know some of those unions will respect this order of the Senate, and I predict all of them will by tomorrow night.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode

Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman), the Senator from Missouri (Mr. Symington), the Senator from Mississippi (Mr. Stennis), the Senator from Georgia (Mr. Talmadge), and the Senator from Ohio (Mr. Young) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick), and the Senator from New York (Mr. Goodell) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) and the Senator from Illinois (Mr. Percy) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

I also announce that the Senator from Vermont (Mr. Aiken), the Senator from Colorado (Mr. Allott), the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Goldwater), the Senator from California (Mr. Murphy), the Senator from North Dakota (Mr. Young) and the Senator from Idaho (Mr. Jordan) are necessarily absent.

If present and voting, the Senator from Arizona (Mr. Goldwater), the Senator from South Dakota (Mr. Mundt), and the Senator from California (Mr. Murphy) would each vote "nay."

The result was announced—yeas 38, nays 23, as follows:

[No. 423 Leg.]

YEAS—38

Baker
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Curtis
Eagleton
Fong
Griffin
Hart
Holland
Hruska
Jackson
Javits
Jordan, N.C.
Kennedy
Mathias
McGee
Montoya
Pastore
Pearson
Prouty
Proxmire
Randolph
Schweiker
Scott
Smith
Spong
Stevens
Stevenson
Tydings
Williams, N.J.
Yarborough

NAYS—23

Allen
Bellmon
Byrd, Va.
Cook
Cotton
Dole
Fannin
Gurney
Hansen
Hartke
Hollings
Hughes
Inouye
Magnuson
Mansfield
McClellan
Metcalf
Miller
Packwood
Saxbe
Thurmond
Tower
Williams, Del.

NOT VOTING—39

Aiken
Allott
Anderson
Bayh
Bennett
Bible
Dodd
Dominick
Eastland
Ellender
Ervin
Fulbright
Goldwater
Goodell
Gore
Gravel
Harris
Hatfield
Jordan, Idaho
Long
McCarthy
McGovern
McIntyre
Mondale
Moss
Mundt
Murphy
Muskie
Nelson
Pell
Percy
Ribicoff
Russell
Sparkman
Stennis
Symington
Talmadge
Young, N. Dak.
Young, Ohio

So the report was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, there will be no further business on the part of the Senate this morning but the Senate will stay in session because it is anticipated that the Speaker's signature will be attached to the legislation, and then it will be here about 10 minutes after 1 o'clock, at which time the distinguished Acting President pro tempore will sign the resolution and it will be immediately dispatched to the President.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I understand that this morning at 10 a.m. there will be two special orders which will consume perhaps an hour and a half——

Mr. MANSFIELD. Three—an hour and a half in total time.

Mr. SCOTT. Three; yes. So that Senators may wish to know that they will have this opportunity to hear their colleagues from 10 a.m. to 11:30 today. [Laughter.]

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(At 1 o'clock a.m., the Senate took a recess subject to the call of the Chair.)

At 1:01 a.m., the Senate reassembled, when called to order by the Acting President pro tempore (Mr. Metcalf).

ADJOURNMENT UNTIL 10 A.M. TODAY, DECEMBER 10, 1970

Mr. BYRD of West Virginia. Mr. President——

Mr. KENNEDY. Mr. President, I move that the Senate stand in adjournment, in accordance with the previous order.

The motion was agreed to, and (at 1 o'clock and 2 minutes a.m.) the Senate adjourned until 10 a.m. today.

NOMINATIONS

Executive nominations received by the Senate December 9, 1970:

In the Army

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Harry Herndon Critz, 460-64-1268, Army of the United States (major general, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate December 9, 1970:

Diplomatic and Foreign Service

Ambassadors

Robert O. Blake, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

John A. McKesson III, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabon Republic.

In the Army

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. William Charles Gribble, Jr., 574-12-9564, U.S. Army.

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in grades as follows:

To be general

Lt. Gen. Henry Augustine Miley, Jr., 031-30-1192, Army of the United States (major general, U.S. Army).

To be lieutenant general

Maj. Gen. Woodrow Wilson Vaughan, 444-40-8227, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert Ray Williams, 520-44-0828, U.S. Army.

In the Marine Corps

Maj. Gen. Hugh M. Elwood and Maj. Gen. Donn J. Robertson, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, for appointment to the grade of general while serving as Assistant Commandant of the Marine Corps.

Gen. Lewis W. Walt, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of general.

Lt. Gen. William J. Van Ryzin, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

In the Army

The nominations beginning Edward A. Fedok, to be first lieutenant, and ending Darrell V. Winkler, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 1970.

HOUSE OF REPRESENTATIVES—*Wednesday, December 9, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Come, let us go up to the mountain of the Lord, that He may teach us His ways and that we may walk in His paths—Isaiah 2: 3.

Our Father, God, who hast called us to take time for prayer, help us so to pray that we may be conscious of Thy presence as we face the tasks of this day and every day. May these daily moments of quiet meditation keep alive within us the higher virtues and the happier values without which we cannot live honorably with ourselves nor lead our Nation with honest motives nor learn to be harmonious in our relationship with the nations of the world.

Let the light of Thy spirit shine upon us in such measure that the darkness of doubt and fear may be dispelled and confidence and courage may come to new life in us. Increase our faith in Thee, deepen our love for Thee, broaden our sympathies with Thee, and lift our souls to Thee that with the true spirit of Christmas in our hearts we may walk in Thy ways and minister to the needs of our fellowmen.

In the spirit of Him whose coming brought life to men, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy.

H.R. 3571. An act for the relief of Miloye M. Sokitch;

H.R. 4239. An act to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing;

H.R. 4634. An act for the relief of Lawrence Brink and Violet Nitschke.

H.R. 9488. An act for the relief of Mrs. Ruth Brunner;

H.R. 10153. An act for the relief of Frances von Wedel;

H.R. 14684. An act for the relief of the State of Hawaii;

H.R. 17582. An act to amend the peanut marketing quota provisions to make permament certain provisions thereunder; and

H.R. 19846. An act to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 19590. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 19590) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. RUSSELL, Mr. MCCLELLAN, Mr. STENNIS, Mr. SYMINGTON, Mr. YOUNG of North Dakota, Mrs. SMITH, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12807) entitled "An act to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HART, Mr. ERVIN, and Mr. HRUSKA to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17923) entitled "An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 3 to the above-entitled bill.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually; and

S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

(Mr. HAWKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, the gentleman from New York, Mr. OGDEN REID, and I have filed a petition at the desk to discharge the Committee on Rules from consideration of H.R. 17555, a bill to strengthen the Equal Employment Opportunity Commission in line with the commitment we made in the Civil Rights Act of 1964.

H.R. 17555 is not a new or novel idea which requires intensive study and public hearings even if these were the Rules Committee's function. Equal Employment Opportunity laws exist in over two-thirds of the States and in our Civil Rights Act of 1964.

This House passed an almost identical bill in 1966. A companion bill passed the Senate a few months ago with strong bipartisan support.

H.R. 17555 was reported from the Education and Labor Committee in August and since September we have patiently sought action from the chairman of the Rules Committee with diligence, patience, respect, understanding, and courtesy.

The leadership of the House and members of the Rules Committee have sought his cooperation. Over 100 national organizations have petitioned him—not for his personal support of the bill itself but for a fair hearing before the committee.

Should the Rules Committee operate to block legislation with which the chairman disagrees? That becomes the simple issue in this case. But there are even graver issues: Does democracy really work?

If the democratic processes can be held up by a single or even several Members of this body so as to block even a fair hearing on any matter before the Congress, then we had better make congressional reform the first order of business for the 92d Congress in January 1971.

I urge the Members to maintain faith in our institutions by signing the discharge petition to insure at least a fair hearing on equal employment opportunities for American workers.

DISCHARGE PETITION FOR EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1970

(Mr. FRASER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRASER. Mr. Speaker, I want to urge the Members of the House to join with our distinguished colleagues from California and New York in signing the discharge petition which has been filed at the Clerk's desk, to discharge the Rules Committee from further consideration of the rule providing for the Equal Employment Opportunities Enforcement Act of 1970, H.R. 17555. This is an important legislative bill which deals with one of the most fundamental problems which faces the United States today.

It is unfortunate that there should be any necessity for the filing of a discharge petition. There is no good and sufficient reason for the Rules Committee to withhold the favorable reporting of a rule on this legislative measure.

I do hope that Members will, by adding their signatures to this discharge petition, make clear to the members of the Rules Committee and to other interested parties that we do want an opportunity to act on this measure before the close of the 1970 session.

DISCHARGE PETITION FOR EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1970

(Mr. O'HARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'HARA. Mr. Speaker, I rise to state my complete support for the effort the gentleman from California (Mr. HAWKINS) and the gentleman from New York (Mr. REID) are making to bring before the House the bill sponsored by the gentleman from California and the gentleman from New York which deals with the enforcement powers for the Equal Employment Opportunities Commission.

Mr. Speaker, this legislation is long overdue. In fact, a substantially identical bill has been favorably considered by the House before.

The bill has been thoroughly discussed and debated. It has been under active consideration since the passage of the 1964 Civil Rights Act.

I believe the House should approve it again. To have that opportunity I hope the requisite number of Members will affix their names to the discharge petition which is now at the desk.

DISCHARGE PETITION ON HOUSE RESOLUTION 1265

(Mr. REID of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID of New York. Mr. Speaker, pursuant to rule XXVII of the rules of the House, the gentleman from California (Mr. HAWKINS) and I are today filing a motion to discharge the Committee on Rules from further consideration of House Resolution 1265 providing for the consideration by the House of H.R. 17555, the Equal Employment Opportunities Enforcement Act of 1970.

This bill, Mr. Speaker, which provides vitally needed judicially enforceable cease-and-desist powers for the Equal Employment Opportunity Commission has been pending before the Committee on Rules since August 21. The EEOC powers under the present law are limited to conciliation, and it is apparent that this authority is grossly inadequate to obtain meaningful action in the cases before it. By Chairman COLMER's own admission, action by the Committee on Rules is virtually impossible this year and he has denied as of this date even an opportunity for a hearing before the Committee on Rules.

Further, Mr. Speaker, because of the seriouness with which I view the obstructionism of the Committee on Rules, I am also introducing today a resolution providing for the readoption of the 21-day rule which was in effect during the 89th Congress. While it is apparent that such a change in the rules could not take place in the remainder of this session, my action today serves notice that I will fight for the 21-day rule until it is adopted by the 92d Congress.

The Rules Committee should not be a third house or executioner of bills duly reported by committees. This action flaunts representative government and denies the American people the right to work their will through their representatives.

I hope all Members, Mr. Speaker, will see fit to consider signing the discharge petition to permit action on a bill that has already passed the other body.

DISCHARGE PETITION ON H.R. 17555 TO EXPAND JURISDICTION AND ENFORCEMENT POWERS OF THE EQUAL OPPORTUNITY COMMISSION

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, I take this opportunity to urge my colleagues to sign the petition being circulated by the gentleman from California (Mr. HAWKINS) and the gentleman from New York (Mr. REID) which would discharge H.R. 17555 from the House Rules Committee. The bill would expand the jurisdiction and enforcement powers of the Equal Employment Opportunity Commission. Very similar measures were passed by the House in the 90th Congress and by the other body this year.

Enactment of H.R. 17555 is vitally necessary if the Federal Government is to sustain its commitment to equal opportunity and advancement for all Americans. It thus furthers the most basic tenets of our national creed. If this bill is allowed to die in the Rules Committee the will of this House will have once again been thwarted.

This legislation deserves a chance. I urge all of the Members of the House to support this discharge petition.

INTERSTATE TAXATION BILL

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, I was very pleased by the passage by the House of the conference report on H.R. 10634, the interstate taxation bill, which I introduced April 28, 1969.

This bill corrects an inequity which now exists because employees in interstate commerce have their wages withheld by States in which they do not reside, and in which they are not represented. It also relieves an administrative burden on both employees and employers who now must file informational returns and withhold wages for persons who may merely pass through a State in the course of their employment.

Correction of this discrimination is long overdue, and I commend the House for its action. I hope the President will sign the bill into law in the very near future.

GALLUP POLL GIVES PAUSE TO CRITICISM OF THE ADMINISTRATION

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, the most recent Gallup poll which showed that 57 percent of the American people continue to approve of the way President Nixon is handling his job, should give a pause to those critics of the administration who have lately been casting about for issues and coming up with some pretty frivolous charges.

Only last week we had two such instances of charges which are wholly unsupported by the facts: this was the implication that we are not doing enough for the disaster victims in East Pakistan and the accusation that the administration is not living up to its commitment to feed the hungry. Both of these charges are totally unfounded but they are being advanced by those who are trying to gain political advantage.

Significantly, this type of political charge seems to die on the vine as soon as the accuser gets the desired media coverage; but the administration's critics should begin to consider if such charges are doing them more harm than good. It is obvious that they are not being believed by a solid majority of the people.

One expects the loyal opposition to perform its traditional role, but I would certainly hope that for the next 2 years we will see more responsibility from opponents of the administration than was exhibited last week.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON SUPPLEMENTAL APPROPRIATION BILL

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the supplemental appropriation bill for 1971.

Mr. SHRIVER reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 19590, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, SIKES, WHITTEN, ANDREWS of Alabama, FLOOD, SLACK, ADDABBO, MINSHALL, RHODES, DAVIS of Wisconsin, WYMAN, and BOW.

CONSUMER CLASS ACTION LEGISLATION

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, this is now the fifth day since I wrote the President an urgent letter concerning the Republican minority's casting the block votes on the Interstate and Foreign Commerce Committee that prevents the consumer class action legislation from reaching the floor of the House. Though I have called my letter to the attention of the White House staff and have stressed its immediacy, I have not received a reply, even so much as an acknowledgement of receipt.

I sent the letter to the White House last Friday by a member of my staff, acting as a special messenger, because I thought, and still think, that it is of the utmost importance that consumer concerns be treated in this session of Congress. I am afraid that the President and his party have even now made this impossible. It was not impossible at the time I wrote my letter.

CONFERENCE REPORT ON H.R. 13000, FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM

Mr. DULSKI submitted the following conference report and statement on the

bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1685)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Pay Comparability Act of 1970".

RESTATEMENT OF CONGRESSIONAL POLICY ON FEDERAL PAY COMPARABILITY

SEC. 2. (a) Section 5301 of title 5, United States Code, is amended to read as follows:

"§ 5301. Policy

"(a) It is the policy of Congress that Federal pay fixing for employees under statutory pay systems be based on the principles that—

"(1) there be equal pay for substantially equal work;

"(2) pay distinctions be maintained in keeping with work and performance distinctions;

"(3) Federal pay rates be comparable with private enterprise pay rates for the same levels of work; and

"(4) pay levels for the statutory pay systems be interrelated.

"(b) The pay rates of each statutory pay system shall be fixed and adjusted in accordance with the principles under subsection (a) of this section and the provisions of sections 5305, 5306, and 5308 of this title.

"(c) For the purpose of this subchapter, 'statutory pay system' means a pay system under—

"(1) subchapter III of this chapter, relating to the General Schedule;

"(2) subchapter IV of chapter 14 of title 22, relating to the Foreign Service of the United States; or

"(3) chapter 73 of title 38, relating to the Department of Medicine and Surgery, Veterans' Administration.".

(b) (1) Section 5302 of title 5, United States Code, is repealed.

(2) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out:

"5302. Annual reports on pay comparability.".

ANNUAL PAY REPORTS AND ADJUSTMENTS; ADVISORY COMMITTEE ON FEDERAL PAY; RELATED PROVISIONS

SEC. 3. (a) Subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"§ 5305. Annual pay reports and adjustments

"(a) In order to carry out the policy stated in section 5301 of this title, the President shall—

"(1) direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under the provisions of subsection (b) of this section, a report that—

"(A) compares the rates of pay of the statutory pay systems with the rates of pay for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys that shall be conducted by the Bureau of Labor Statistics;

"(B) makes recommendations for appropriate adjustments in rates of pay; and

"(C) includes the views and recommendations submitted under the provisions of subsection (b) of this section;

"(2) after considering the report of his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b) (3) of this title, adjust the rates of pay of each statutory pay system in accordance with the principles under section 5301(a) of this title, effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year; and

"(3) transmit to Congress a report of the pay adjustment, together with a copy of the report submitted to him by his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b) (3) of this title.

"(b) In carrying out its functions under subsection (a) (1) of this section, the President's agent shall—

"(1) establish a Federal Employees Pay Council of 5 members who shall not be deemed to be employees of the Government of the United States by reason of appointment to the Council and shall not receive pay by reason of service as members of the Council, who shall be representatives of employee organizations which represent substantial numbers of employees under the statutory pay systems, and who shall be selected with due consideration to such factors as the relative numbers of employees represented by the various organizations, but no more than 3 members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations;

"(2) provide for meetings with the Federal Employees Pay Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

"(A) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (a) (1) of this section (including, but not limited to, the occupations, establishment sizes, industries, and geographical areas to be surveyed);

"(B) the process of comparing the rates of pay of the statutory pay systems with rates of pay for the same levels of work in private enterprise; and

"(C) the adjustments in the rates of pay of the statutory pay systems that should be made to achieve comparability between those rates and the rates of pay for the same levels of work in private enterprise;

"(3) give thorough consideration to the views and recommendations of employee organizations not represented on the Federal Employees Pay Council regarding the subjects in paragraph (2) (A)–(C) of this subsection; and

"(4) include in its report to the President the views and recommendations submitted as provided in this subsection by the Federal Employees Pay Council, by any member of that Council, and by employee organizations not represented on that Council.

"(c) (1) If, because of national emergency or economic conditions affecting the general welfare, the President should, in any year, consider it inappropriate to make the pay adjustment required by subsection (a) of this section, he shall prepare and transmit to Congress before September 1 of that year such alternative plan with respect to a pay adjustment as he considers appropriate, together with the reasons therefor, in lieu of the pay adjustments required by subsection (a) of this section.

"(2) An alternative plan transmitted by the President under paragraph (1) of this subsection becomes effective on the first day of the first applicable pay period commencing on or after October 1 of the applicable year and continues in effect unless, before the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternative plan is transmitted, either House adopts a resolution disapproving the alternative plan so recommended and submitted, in which case the pay adjustments for the statutory pay systems shall be made effective as provided by subsection (m) of this section. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.

"(d) Subsections (e)–(k) of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(e) If the committee, to which has been referred a resolution disapproving the alternative plan of the President, has not reported the resolution at the end of 10 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same plan which has been referred to the committee.

"(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon is limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same alternative plan.

"(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an alternative plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(i) Debate on the resolution is limited to not more than 2 hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(j) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to an alternative plan, and motions to proceed to the consideration of other business, are decided without debate.

"(k) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an alternative plan are decided without debate.

"(l) The rates of pay which become effective under this section are the rates of pay applicable to each position concerned, and each class of positions concerned, under a statutory pay system.

"(m) If either House adopts a resolution disapproving an alternative plan submitted under subsection (c) of this section, the President shall take the action required by paragraphs (2) and (3) of subsection (a) of this section and adjust the rates of pay of the statutory pay systems effective as of the beginning of the first applicable pay period commencing on or after the date on which the resolution is adopted, or on or after October 1, whichever is later.

"(n) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of the increases; and

"(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

"(o) The rates of pay that take effect under this section shall be printed in the Federal Register and the Code of Federal Regulations.

"(p) An increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title.

"(q) Any rate of pay under this section shall be initially adjusted, effective on the effective date of the rate of pay, under conversion rules prescribed by the President or by such agencies as the President may designate.

"(r) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

"§ 5306. Advisory Committee on Federal Pay

"(a) There is established as an independent establishment an Advisory Committee on Federal Pay, to be composed of 3 members, not otherwise employed in the Government of the United States, appointed by the President. The Director of the Federal Mediation and Conciliation Service shall, and other interested parties may, recommend to the President for his consideration persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policy to serve as members. The President shall designate one of the members as Chairman. Each appointment shall be for a term of 6 years, except that one of the original members shall be appointed for a term of 2 years, and another for a term of 4 years. A member appointed to fill a vacancy occurring before the end of the term of his predecessor shall serve for the remainder of that term. When the term of a member ends, he may continue to serve until his successor is appointed.

"(b) To assist the President in carrying out the policy under section 5301 of this title, the Committee shall—

"(1) review the annual report of the President's agent;

"(2) consider such further views and recommendations with respect to the analysis and pay proposals contained in the annual report of the President's agent as may be presented to it in writing by employee organizations, the President's agent, other officials of the Government of the United States, and such experts as it may consult; and

"(3) report its findings and recommendations to the President.

"(c) The Committee may secure from any Executive agency or military department information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions. Each such Executive agency or military department shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Committee on request of the Committee.

"(d) On request of the Committee the head of any Executive agency or military department may detail, on a reimbursable basis, any of its personnel to assist the Committee in carrying out its functions.

"(e) The Administrator of General Services shall provide administrative support services for the Committee on a reimbursable basis.

"(f) The Committee may obtain services of experts or consultants in accordance with section 3109 of this title but at rates for individuals not to exceed that of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of this chapter.

"(g) Each member of the Committee is entitled to pay at the daily equivalent of the annual rate of basic pay of level IV of the Executive Schedule for each day he is engaged on work of the Committee, and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703(b) of this title.

"(h) The Committee may appoint and fix the pay of such personnel as may be necessary to carry out its functions.

"§ 5307. Pay fixed by administrative action

"(a) Notwithstanding section 665 of title 31—

"(1) the rates of pay of—

"(A) employees in the legislative, executive, and judicial branches of the Government of the United States (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) and of the government of the District of Columbia, whose rates of pay are fixed by administrative action under law and are not otherwise adjusted under this subchapter;

"(B) employees under the Architect of the Capitol, whose rates of pay are fixed under section 166b–3 of title 40, and the Superintendent of Garages, House office buildings; and

"(C) persons employed by the county committees established under section 590h(b) of title 16; and

"(2) any minimum or maximum rate of pay (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule as a result of the pay adjustment by the President), and any monetary limitation on or monetary allowance for pay, applicable to employees described in subparagraphs (A), (B), and (C) of paragraph (1) of this subsection;

may be adjusted by the appropriate authority concerned, effective at the beginning of the first applicable pay period commencing on or after the day on which a pay adjustment becomes effective under section 5305 of this title, by whichever of the following methods the appropriate authority concerned considers appropriate—

"(i) by an amount or amounts not in excess of the pay adjustment provided under section 5305 of this title for corresponding rates of pay in the appropriate schedule or scale of pay;

"(ii) if there are no corresponding rates of pay, by an amount or amounts equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to the amount of the pay adjustment provided under section 5305 of this title; or

"(iii) in the case of minimum or maximum rates of pay, or monetary limitations or allowances with respect to pay, by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as may be appropriate, to the percentage of the pay adjustment provided under section 5305 of this title.

"(b) An adjustment under subsection (a) of this section in rates of pay, minimum or maximum rates of pay, and monetary limitations or allowances with respect to pay, shall be made in such manner as the appropriate authority concerned considers appropriate.

"(c) This section does not authorize any adjustment in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) This section does not impair any authority under which rates of pay may be fixed by administrative action.

"§ 5308. Pay limitation.

"Pay may not be paid, by reason of any provision of this subchapter, at a rate in excess of the rate of basic pay for level V of the Executive Schedule.".

(b) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"5305. Annual pay reports and adjustments.
"5306. Advisory Committee on Federal Pay.
"5307. Pay fixed by administrative action.
"5308. Pay limitation.".

(c) The President may make the initial adjustment required by subchapter I of chapter 53 of title 5, United States Code, as amended by this Act, without regard to the provisions of such subchapter relating to the Advisory Committee on Federal Pay and the Federal Employees Pay Council. Notwithstanding any provision of such subchapter I prescribing an effective date of October 1 for any pay adjustment made by the President, the initial adjustment based on the 1970 Bureau of Labor Statistics survey and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the first day of the first applicable pay period that begins on or after January 1, 1971, and January 1, 1972, respectively. Notwithstanding the provisions of such subchapter I, the President's agent for purposes of the 1971 and 1972 adjustments shall be the Director, Office of Management and Budget and the Chairman, United States Civil Service Commission. Adjustments under the provisions of such subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule.

SENATE PAY ADJUSTMENTS

SEC. 4. (a) Each time the President adjusts the rates of pay of employees under section 5305 of title 5, United States Code, the President pro tempore of the Senate shall, as he considers appropriate—

(1) (A) adjust the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate, and any minimum or maximum rate applicable to any such personnel; or

(B) in the case of such personnel whose rates of pay are fixed by or pursuant to law at specific rates, adjust such rates (including the adjustment of such specific rates to the maximum pay rates) and, in the case of all other personnel whose pay is disbursed by the Secretary of the Senate, adjust only the minimum or maximum rates applicable to such other personnel; and

(2) adjust any limitation or allowance applicable to such personnel;

by percentages which are equal or equivalent, insofar as practicable and with such exceptions as may be necessary to provide for appropriate pay relationships between positions, to the percentages of the adjustments made by the President under such section 5305 for corresponding rates of pay for employees subject to the General Schedule contained in section 5332 of such title. Such rates, limitations, and allowances adjusted by the President pro tempore shall become effective on the first day of the first pay period which begins on or after the day on which any adjustment becomes effective under such section 5305 or section 3(c) of this Act.

(b) The adjustments made by the President pro tempore shall be made in such manner as he considers advisable and shall have the force and effect of law.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) No rate of pay shall be adjusted under the provisions of this section to an amount in excess of the rate of basic pay for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

(e) For purposes of this section, the term "personnel" does not include any Senator.

PAY ADJUSTMENTS IN THE HOUSE OF REPRESENTATIVES

SEC. 5. (a) Whenever a pay adjustment by the President under section 5305 of title 5, United States Code, is made effective pursuant to subsection (a)(2), or subsections (c) to (m), inclusive, as the case may be, of such section 5305, or section 3(c) of this Act, then the Clerk of the House of Representatives, in such manner as he considers advisable—

(1) effective at the beginning of the first pay period commencing on or after the day on which such pay adjustment by the President is made effective as described above, shall adjust—

(A) each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule of section 5332 of title 5, United States Code, as a result of such pay adjustment by the President); and

(B) each monetary limitation on or monetary allowance for pay applicable to any such employee or class of employees, including but not limited to—

(i) the clerk hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico; and

(ii) the allowances for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip, and the minority whip, of the House of Representatives;

by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as the Clerk considers appropriate, to the percentage of the pay adjustment made by the President;

(2) shall determine, with respect to the employees and classes of employees within the purview of this section whose pay is disbursed by the Clerk, the respective amounts of pay adjustments which are equal, or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to corresponding increases in pay, as determined by the Clerk, made by the pay adjustment by the President; and

(3) shall transmit to the appropriate pay-fixing authority concerned in the House of Representatives a copy of his determinations with respect to the pay of those employees whose pay is fixed and adjusted by that authority.

(b) After consideration of the pay determinations transmitted by the Clerk of the House, the pay-fixing authority concerned may adjust, notwithstanding the provisions contained in section 665 of title 31, United States Code, the rates of pay concerned in such manner as that authority considers appropriate.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) This section shall not be deemed to authorize any adjustment in the rates of pay of employees whose rates of pay are disbursed by the Clerk of the House of Representatives and are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices, including employees subject to the House Wage Schedule.

(e) No rate of pay shall be adjusted under this section to an amount in excess of the rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

ALLOWANCES AT REMOTE WORKSITES

SEC. 6. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"Notwithstanding section 5536 of this title, an employee of an Executive department or an independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable degree of expense, hardship, and inconvenience, beyond that normally encountered in metropolitan commuting, on the part of the employee in commuting to and from his residence and such worksite, is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out:

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof:

"5942. Allowance based on duty at remote worksites.".

ALLOWANCES FOR EMPLOYEES ON FLOATING PLANT OPERATIONS

SEC. 7. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters of subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army."

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding:

"5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below:

"5946. Membership fees; expenses of attendance at meetings; limitations.".

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress), is repealed.

RESTRICTIONS ON POSTAL SERVICE EMPLOYMENT OF RELATIVES

SEC. 8. (a) Section 410(b)(1) of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act (84 Stat. 725; Public Law 91–375), is amended—

(1) by inserting "section 3110 (restrictions on employment of relatives)," immediately before "section 3333"; and

(2) by striking out "except that not regulation" and inserting in lieu thereof "except that no regulation".

(b) The provisions of this section shall become effective on the effective date prescribed under section 15(a) of the Postal Reorganization Act for section 410 of title 39, United States Code, as enacted by that Act.

SUPERGRADES

SEC. 9. (a) Section 5108(c) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking out the word "and" at the end thereof;

(2) in paragraph (9), by striking out the period at the end thereof and inserting in lieu of the period a semicolon and the word "and"; and

(3) by adding a new paragraph to read as follows:

"(10) the Chief Judge of the United States Tax Court, without regard to this chapter (except section 5114), may place a total of 5 positions in GS–16, 17, and 18.".

(b) Section 5108(a) of title 5, United States Code, is amended by striking out "2,734" and inserting in lieu thereof "2,754".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the amended title proposed by the Senate amendment, amend the title so as to read: "An Act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes."

And the Senate agree to the same.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS UDALL,
ROBERT J. CORBETT,
DANIEL E. BUTTON,
Managers on the Part of the House.
GALE W. MCGEE,
RALPH W. YARBOROUGH,
JENNINGS RANDOLPH,
HIRAM L. FONG,
CALEB BOGGS,
Managers on the Part of the Senate

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) entitled "An Act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill.

With respect to the amendment of the Senate to the text of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the text of the House bill and the text provided by the Senate amendment and that the Senate agree to the same.

With respect to the amendment of the Senate to the title of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment to such title set forth in the conference substitute which will reflect more accurately the provisions of the text of the conference substitute and that the Senate agree to the same.

DIFFERENCES BETWEEN THE TEXT OF THE HOUSE BILL AND THE CONFERENCE SUBSTITUTE

Title

The first section of the House bill provides that the act may be cited as the "Federal Salary Comparability Act of 1969."

The conference substitute provides that the act may be cited as the "Federal Pay Comparability Act of 1970."

Pay comparability

Policy

House Bill

Section 2 of the House bill restates the congressional policy provisions of section 5301 of title 5, United States Code, relating to pay comparability. Also, section 2 amends section 5302 to provide new procedure for implementing the new pay policy.

Subsection (a) of section 5301 of the House bill continues congressional policy that rates of pay for Federal statutory pay systems shall be based on the principles that—

there be equal pay for substantially equal work;

pay distinctions be maintained in keeping with work distinctions; and

rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

This restatement provides two minor changes in congressional policy from the policy under existing law.

First, the words "on a national basis" are included to remove any possible interpretation that would permit rates of pay under a statutory system to be fixed on an area basis.

Second, the specific requirement that the pay systems "be interrelated" was eliminated.

Conference Substitute

Section 2(a) of the conference substitute amends section 5301 as did the House bill.

Subsection (a) of section 5301, as amended by the conference substitute, contains provisions similar to the House bill, but eliminates the two changes contained in the House bill. Thus, the conference substitute does not include the words "on a national basis", but does include the requirement that the pay systems "be interrelated."

House Bill

Subsection (b) of section 5301 of the House bill identifies the pay systems under the pay comparability principles and requires that the rates of pay of each system be adjusted annually under the principles of subsection (a) and the procedures prescribed in the bill.

The employees covered by the legislation are Federal employees under the General Schedule, employees in the postal field service, officers, staff officers and employees in the Foreign Service of the United States, and physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

Conference Substitute

The conference substitute contains similar provisions in subsections (b) and (c) of section 5301, except that reference to the postal field service employees has been eliminated as such employees are now subject to the provisions of the Postal Reorganization Act, Public Law 91-375, approved August 12, 1970, and rates of pay for such employees will be fixed under collective bargaining procedures.

Section 2(b) of the conference substitute repeals section 5302 of title 5, United States Code, relating to the pay comparability procedure of existing law, and makes the necessary technical changes in the table of sections of subchapter I of chapter 53 of title 5, United States Code.

House Bill

The House bill, in section 2, amends such section 5302 to include the new procedures for fixing rates of pay under the comparability system.

Conference Substitute

The new procedures in the conference substitute are provided under new sections 5305-5308 of title 5, United States Code, as added by section 3 of the conference substitute, which is explained hereinafter.

House Bill

Pay adjustments

Section 2 of the House bill amends section 5302 of title 5, United States Code, to provide a permanent method of adjusting the rates of pay of Federal employees who are paid under the statutory pay systems.

Subsections (a)-(e) of the new section 5302 establish a Federal Employee Salary Commission composed of eight members and three associate members, and prescribe the functions of the Commission. Four of the members, having a total of four votes, are to be designated by ranking Government officials and the other members, having a total of three votes, are to be designated by employee unions.

The primary function of the Commission is to carry out the principles of pay comparability under section 5301(a), and after consultation with representatives of such agencies and employee organizations as it determines appropriate, the Commission is required to—

prescribe the comparability pay survey to be conducted by the Bureau of Labor Statistics;

prepare the annual comparative statement of rates of pay based on the Bureau of Labor Statistics' survey;

review all matters relating to pay comparability; and

submit to Congress a report setting forth the pay comparability information, the specific rates of pay necessary to fulfill pay comparability, and any recommendations for new legislation the Commission may feel appropriate to achieve pay comparability.

The Commission is required to seek and give full recognition to the views of employee organizations in connection with its deliberations and determinations.

A member of the Federal Employee Salary Commission is authorized to seek arbitration when a member determines that the rates of pay proposed by the Commission are not in conformity with the comparability principles.

Subsection (f) of the House bill establishes a seven-member Federal Employee Salary Board of Arbitration with the sole function of determining whether the proposed rates of pay conform to the comparability principles, and if the proposed rates do not so conform, prescribe such new rates of pay as the Board determines necessary to conform with the comparability principles. The Board is to be composed of two members from the House, two from the Senate, one designated by the Chairman, Civil Service Commission, one by employee unions, and one by the Board.

Subsection (g) of the House bill requires the Commission to submit to Congress the first pay adjustment recommendations based on the 1969 Bureau of Labor Statistics survey by February 1, 1970, and annual pay recommendations by February 1 of each year thereafter.

Subsection (h) of the House bill provides that the rates of pay submitted to Congress shall become effective at the beginning of the first pay period commencing on or after the adoption by both Houses of Congress, within 60 days by a yea and nay vote, of a concurrent resolution approving such rates of pay. This subsection also authorizes the granting of retroactive pay adjustments, to correspond to adjustments initiated by the Commission, for employees whose rates of pay are fixed by administrative action.

Subsections (i)-(p) of the House bill provide the necessary provisions for administration of the Commission and the Board and implementation of the pay rates.

Subsection (q) of the House bill authorizes increases to be granted, retroactively effective, in the legislative and judicial branches, and by the Secretary of Agriculture with respect to the Agricultural Stabilization and Conservation County Committee employees, in amounts which are equal, insofar as practicable, to the increases in rates of pay which become effective under the provisions of section 5302.

Section 3 of the House bill makes the necessary technical adjustments in the table of contents of subchapter I of chapter 53 of title 5, United States Code, to conform with the adjustments made in the heading of section 5302 of title 5 by section 2 of the House bill.

Conference Substitute

Section 3(a) of the conference substitute amends subchapter I of chapter 53 of title 5, United States Code, by adding new sections 5305-5308, providing a permanent method of adjusting the rates of pay of Federal employees who are paid under the statutory pay systems.

The most significant difference from the House provision is that the President is directed to make the annual adjustments in the rates of pay; whereas, under the House provisions, adjustments in the rates of pay would become effective only after approval by the Congress of adjustments recommended by the Federal Employee Salary Commission.

Section 5305 of the conference substitute prescribes the procedure for implementing the comparability pay principles under section 5301.

Subsection (a) of the new section 5305 requires the President to direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under subsection (b) of this section, a report—

that compares the rates of pay of the statutory pay systems for the same levels of work in private industry as determined on the basis of the annual survey that shall be conducted by the Bureau of Labor Statistics, that makes recommendations for appropriate adjustments in rates of pay, and

that includes the views and recommendations submitted under subsection (b).

After considering the report of his agent and the recommendations of the Advisory Committee on Federal Pay, the President shall make such adjustments in the statutory pay systems as he determines necessary to carry out the comparability principles under section 5301. The adjustments will become effective as of the beginning of the first applicable pay period commencing on or after October 1, of the applicable year.

The President is required to transmit to Congress a report of the pay adjustments he makes, together with the reports submitted to him by his agent and the Advisory Committee on Federal Pay.

Subsection (b) requires the President's agent to establish a Federal Employees Pay Council, consisting of five members. The members are to be chosen from representatives of employee organizations representing employees under the three pay systems covered by section 5301, but no more than three members at any one time shall be from the same employee organization. They are to be selected with due consideration to such factors as the relative number of employees represented by the various organizations.

Members of the Council shall not be deemed to be employees of the Government of the United States and shall not receive pay by virtue of service with the Council.

The President's agent is required to provide for meetings with the Council, and to give thorough consideration to the views and recommendations of the Council, and to the views and recommendations of individual members of the Council, if any.

The views and recommendations may include the coverage of the annual survey to be conducted by the Bureau of Labor Statistics, including such matters as the occupations, establishment sizes, industries, and geographical areas to be surveyed, the process of comparing the rates of pay of a statutory pay system with the rates of pay for the same levels of work in private industry, and the adjustments in the rates of pay that should be made to achieve comparability.

In addition, the President's agent is required to give thorough consideration to the views and recommendations of employee organizations not represented by the Council, regarding the same matters which may be considered by the Council.

The views and recommendations submitted by the Council, by any member of the Council, and by employee organizations not represented by the Council, are to be included in the report of the agent to the President.

Subsection (c) of section 5305 of the conference substitute provides that if, because of a national emergency or economic conditions affecting the general welfare, the President in any year considers it inappropriate to make the pay comparability adjustments required by subsection (a), he shall prepare and submit to Congress before September 1 of that year such alternative plan for pay adjustments as he considers appropriate which are to be considered as being in lieu of the comparability pay adjustments required by subsection (a).

An alternate plan transmitted by the President becomes effective on the first day of the first applicable pay period commencing on or after October 1 of the applicable year, and continues in effect unless, prior to the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternate plan is transmitted, either House of Congress adopts a resolution disapproving the alternate plan.

Subsections (d)-(k) of section 5305 of the conference substitute prescribe the rules controlling the action in the Senate and the House of Representatives for consideration of a resolution disapproving an alternate plan. In general, the rules prescribed will guarantee a Member of Congress the right to have such a resolution acted upon by the Congress. It is provided that it shall be in order, by a highly privileged motion which is not debatable, to discharge the committee from further consideration of a resolution in the event the committee to which the resolution has been referred has not reported the resolution at the end of 10 calendar days after its introduction.

Subsection (l) provides that the rates of pay which become effective, either temporarily or permanently, under section 5305 are to be considered the rates of pay applicable to each employee or position.

Subsection (m) of section 5305 requires the President, in the event Congress disapproves the alternate plan, to make the comparable pay adjustments required by subsection (a). Such comparability adjustments will become effective as of the beginning of the first applicable pay period commencing on or after the date on which the disapproving resolution is adopted, or on or after October 1, whichever is later.

Subsection (n) provides that the rates of pay that become effective under section 5305 shall modify, supersede, or render inapplicable prior pay adjustments under provisions of law or prior recommendations and pay adjustments that have the effect of law.

Subsection (o) requires that the rates of pay that take effect under section 5305 shall be printed in the Federal Register and the Code of Federal Regulations.

Subsection (p) makes it clear that increases in rates of pay under section 5305 are not to be considered an equivalent increase in pay under section 5335 of title 5, United States Code, relating to periodic step increases for General Schedule employees.

Subsection (q) authorizes the President to prescribe conversion rules for pay adjustments that become effective under the provisions of section 5305.

Subsection (r) provides that the provisions for automatic pay adjustments of section 5305 will not impair any authority pursuant to which rates of pay may be fixed by administrative action.

Advisory Committee on Federal Pay

Conference Substitute

Subsection (a) of section 5306 of the conference substitute establishes an Advisory Committee on Federal Pay as an independent establishment in the executive branch to be composed of three presidential appointees not otherwise employed in the Government of the United States. Recommendations for such appointees are to be made by the Federal Mediation and Conciliation Service and may be made by other interested parties. It is anticipated that such appointees will be persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policies. The appointees shall serve for 6-year terms.

Subsection (b) requires the Advisory Committee on Federal Pay to—

Review the annual report submitted to the President by his agent;

Consider such further views and recommendations, with respect to proposals in the annual report submitted by the agent to the President, as may be presented to the Committee in writing by employee organizations, the President's agent, other officials of the Government, and such experts as the Committee may consult; and

Report its findings and recommendations to the President.

Subsections (c)-(h) contain the usual administrative provisions for operation of the Committee.

Subsection (g) establishes the rates of pay for each member of the Committee at the daily equivalent of level IV of the Executive Schedule (now $38,000) for each day he is engaged in work of the Committee, and entitles each member to travel expenses, including per diem allowance, in accordance with the provisions of section 5703(b) of title 5, United States Code.

Pay fixed by administrative action

Conference Substitute

The primary purpose of section 5307(a) of the conference substitute is to authorize administrative pay fixing authorities to make adjustments in rates of pay, minimum or maximum rates of pay, and pay limitations or allowances, without regard to the antideficiency appropriation provisions of 31 U.S.C. 665, which prohibit administrative action from being taken to incur an obligation of funds in excess of the amount of funds available to cover the obligation. There are two principal features of section 5307(a).

Pay adjustments

The first feature of section 5307(a) is that it authorizes adjustments to be made in the rates of pay of employees of the legislative, judicial, and executive branches of the Government of the United States and of the government of the District of Columbia (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House) whose rates of pay are fixed by administrative action pursuant to law, and are not otherwise adjusted by the President under section 5305 of title 5, United States Code, as enacted by the conference substitute.

Authority is included for the adjustment of rates of pay of certain employees under the Architect of the Capitol whose rates of pay are fixed by 40 U.S.C. 166b-3, of the Superintendent of the House garages, and of persons employed by the Agricultural Stabilization and Conservation County Committees.

Wage board employees whose rates are fixed in accordance with prevailing local practices are specifically excluded under subsection (c).

It is to be emphasized that these provisions "authorize" adjustments in rates of pay. The actual decision of whether a pay adjustment will be made is within the discretion of the appropriate official.

The pay adjustments are not to exceed the pay adjustment under section 5305 for corresponding rates of pay or, when there are no corresponding rates of pay, the adjustments are not to exceed an amount equal or equivalent, insofar as practicable, to the amount of the adjustment under section 5305. The adjustments, however, may be less than the adjustments made by the President under section 5305.

The provisions of section 5307(a) are general in nature and all inclusive insofar as applicable administrative pay-fixing authorities are concerned, except as to certain employees of the Senate and the House of Representatives and wage board employees. Similar provisions in prior pay legislation were general in nature and, in addition, contained authorizations relating to specific administrative pay-fixing authorities.

To illustrate, section 211 of the Federal Salary Act of 1967, Public Law 90-206, included a specific authorization under subsection (a) to adjust the rates of pay of U.S. Attorneys and Assistant U.S. Attorneys whose salaries are fixed by administrative action of the Attorney General under 28 U.S.C. 548.

In addition, subsection (b) of section 211 contained general authorization for administrative pay-fixing authority.

Also, section 213 of the Federal Salary Act of 1967 identified several groups of employees of the judicial branch whose rates of pay are fixed by administrative action, such as referees in bankruptcy and law clerks.

The provisions of section 5307(a) of the conference substitute are intended to have general application covering all the applicable administrative pay-fixing authorities, with the exceptions noted above, including those specific authorities which were identified in former pay legislation.

Minimum or maximum rates of pay, limitations, or allowances

The second feature of section 5307(a) of the conference substitute is that it authorizes adjustments to be made in a minimum or maximum rate of pay, and in a pay limitation or allowance applicable to employees covered by section 5307.

It is intended that the authority of these provisions be used to make appropriate adjustments in minimum or maximum rates of pay or allowances affecting employees of the legislative, judicial, and executive branches, whose pay is fixed by administrative action, subject to the exceptions noted above. To illustrate, adjustments are authorized in the pay limitation under 28 U.S.C. 753(e) on the pay of court reporters.

Subsection (b) of section 5307 permits the adjustments in rates of pay, minimum or maximum rates of pay, limitations, or allowances under subsection (a) to be made in such manner as the appropriate authority considers advisable.

Subsections (c) and (d) provide that the authority of section 5307 does not apply to employees whose rates are fixed under the wage board system, and does not impair the authority to adjust rates of pay which may be fixed by administrative action.

Pay limitation

Section 5308 of the conference substitute provides that an employee whose rate of pay is adjusted under the provisions of sections 5301–5307 may not be paid at a rate in excess of the rate of pay for level V of the Executive Schedule (now $36,000).

Miscellaneous

Conference Substitute

Subsection (b) of section 3 of the conference substitute makes the necessary technical conforming changes in the table of sections of subchapter I of chapter 53 of title 5, United States Code.

Subsection (c) of section 3 of the conference substitute authorizes the President to make the initial adjustment under the new provisions without regard to the provisions relating to the Advisory Committee on Federal Pay, since there will not be adequate time to process the initial adjustment through the Committee procedure.

The subsection also provides that the initial adjustment and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the first day of the first applicable pay period commencing on or after January 1, 1971, and January 1, 1972, respectively.

This subsection also designates the President's agent, for the purpose of the 1971 and 1972 adjustments, as the Director, Office of Management and Budget, and the Chairman of the Civil Service Commission.

In addition, subsection (c) provides that adjustments by the President under subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule. The rates of pay of such employees were increased April 16, 1970, by the Postmaster General under authority of section 9 of the Postal Reorganization Act (P.L. 91–375). Hereafter such employees will have their rates of basic pay adjusted under the provisions of the Postal Reorganization Act.

Legislative pay

House Bill

The House bill included provisions in subsection (q) of section 5302 authorizing adjustments in the rates of pay of certain employees of the legislative branch, and adjustments in any minimum or maximum rate, limitation, or allowance, applicable to such personnel.

Conference substitute

Section 4 of the conference substitute provides that each time the President adjusts rates of pay under section 5305 of title 5, United States Code, the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate and any minimum or maximum rate, limitation, or allowance applicable to such personnel shall be adjusted by the President pro tem of the Senate in such manner as he considers advisable. No rate shall be adjusted to an amount in excess of the rate of basic pay for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

Section 5 of the conference substitute contains authority for adjustments relating to certain employees of the House of Representatives.

Whenever a pay adjustment is made by the President under section 5305 of title 5, United States Code, the Clerk of the House is authorized, in such manner as he considers advisable, to adjust each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House, other than a maximum rate equal to or greater than the maximum rate currently being paid under GS-18 as a result of the pay adjustment. Also, the Clerk is authorized to adjust each monetary limitation on, or monetary allowance for, pay applicable to such employee. This provision specifically includes authority to adjust the clerk-hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico, and the allowance for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip and the minority whip. The adjustments are to be in an amount rounded out to the nearest $100 and computed on the basis of a percentage equal or equivalent to, insofar as practicable and with such variations as the Clerk considers appropriate, to the percentage of the pay adjustment made by the President.

The Clerk of the House is authorized to determine with respect to the employees covered by this section, the respective amounts of pay adjustments which are equal or equivalent to corresponding increases in pay, as determined by the Clerk, made by the pay adjustments made by the President. The Clerk is required to transmit such information to the appropriate House of Representatives pay-fixing authority concerned.

The pay-fixing authority concerned is authorized to adjust the rates of pay of employees under his jurisdiction in such amounts as he considers appropriate subject to the limitations prescribed and subject to the usual procedures that may be required by the Clerk of the House under section 472(d) of the Legislative Reorganization Act of 1970, Public Law 91–510.

Illustration of pay-fixing authorities in the House are, a Member for employees in the office of a Member, the chairman of the committee for employees of a committee, and the House Administration Committee for employees under the House Employees Schedule. The decision as to whether any pay adjustment is to be made, and the amount of pay adjustment, is entirely within the discretion of the pay-fixing authority,

Subsection (c) of section 5 provides that the authority under this section does not impair any authority pursuant to which rates of pay may be fixed by administrative action. Subsection (d) specifically excludes wage board employees such as employees under the House Wage Schedule.

Subsection (e) places a ceiling on the amount of any increase under this particular section to the rate of basic pay of level V of the Executive Schedule which currently is $36,000.

The provisions of section 5 do not apply to officers of the House of Representatives (Clerk, Sergeant at Arms, Doorkeeper, Chaplain, and Postmaster), because the rates of pay of the officers are not fixed by administrative action, but are fixed by House resolutions, in some cases, or by the directive issued by the Speaker of the House on June 11, 1968 (2 U.S.C. 60a, note), which has the force and effect of law under section 212 of the Federal Salary Act of 1967 (Public Law 90–206).

Finally, the provisions of section 5 do not apply to those employees of the House of Representatives whose specific rate of pay is fixed by House resolution, such as minority floor assistants, under H. Res. 502, August 6, 1969, reporters of debates, under H. Res. 1055, October 19, 1966 and H. Res. 995, October 10, 1968; and reporters to committees, under H. Res. 533, June 8, 1956, H. Res. 385, August 18, 1959, and H. Res. 995, October 10, 1968.

Postal employee fringe benefits

House Bill

Section 4 of the House bill revises provisions of law relating to automatic step advancements for postal employees to permit the employees to reach the top pay step in 8 years instead of the present 21 years.

Section 5 of the House bill provides for a two-step within grade adjustment for postal employees in levels 1 through 11, effective October 1, 1969, and authorizes employees in levels 12 or above to receive a step increase on or after July 1, 1970.

Conference Substitute

The conference substitute does not include comparable provisions as such matters are now covered by the provisions of the Postal Reorganization Act, Public Law 91–375, approved August 12, 1970.

Miscellaneous Fringe Benefits

Premium pay

Section 6 of the House bill amends section 5545(c)(2) of title 5, United States Code, to authorize premium pay for certain employees for Sunday, night, holiday, and overtime work. This provision applies primarily to border patrolmen, Deputy U.S. Marshals, Customs and Internal Revenue personnel, and the Federal Bureau of Investigation.

The conference substitute does not include a comparable provision as similar provisions were included under section 8, Public Law 91–231.

Allowances at remote worksites

Section 7 of the House bill amends section 5942 of title 5, United States Code, to authorize an allowance, not to exceed $10 per day, at remote worksites in order to defray expenses of civilian employees assigned to duty at remote worksites.

Section 6 of the conference substitute includes comparable provisions, but requires that such expenses (including hardship and inconvenience) be above expenses normally encountered in metropolitan commuting.

Allowances for Floating Plant Operations

Section 8 of the House bill adds a new section 5947 to title 5, United States Code, authorizing an additional allowance for employees in the Corps of Engineers engaged in floating plant operations when the employees are prevented from boarding the vessel under circumstances beyond their control, such as hazardous weather conditions or while the vessel is in a shipyard for repairs.

Section 7 of the conference substitute contains a comparable provision.

Nepotism in Postal Service

The House bill does not contain a provision on this subject.

Section 8 of the conference substitute amends section 410(b)(1) of title 30, United States Code, as enacted by section 2 of the Postal Reorganization Act (Public Law

91-375), to extend the nepotism provisions of section 3110 of title 5, United States Code, to the new United States Postal Service. Section 3110, in general, prohibits a public official from appointing or advocating the appointment of any individual who is a relative of the public official.

Section 8 also corrects an error in such section 410(b)(1) by striking out the word "not" and inserting the word "no' 'in lieu thereof.

Supergrades

The House bill contains no provision on this subject.

Section 9(a) of the conference substitute amends section 5108(c) of title 5, United States Code, by adding a new paragraph (10) to authorize the Chief Judge of the U.S. Tax Court to place a total of 5 positions in GS-16, 17, and 18, without prior approval of the Civil Service Commission. The Tax Reform Act of 1969 (Public Law 91-172) eliminated the Tax Court of the United States as an independent agency in the executive branch and established a new U.S. Tax Court as a court of record under article I of the Constitution.

Since the Tax Court has been taken out of the executive branch of the Government, the U.S. Civil Service Commission has not allocated any additional supergrades to the Court on the basis that the Court should have its own quota of GS-16, 17, and 18 positions as is the case for several other agencies not under the control of the executive branch, such as the Comptroller General, the Director of the Administrative Office of the U.S. Courts, and the Library of Congress.

Section 9(b) authorizes 20 additional positions in grades GS-16, GS-17 and GS-18 for allocation by the Civil Service Commission among departments and agencies in the Executive Branch in accordance with procedures established and administered by the Commission under section 5108 of title 5, United States Code. The total number of positions now authorized is 2,734 and this section will increase the total to 2,754. By letter dated December 7, 1970, the Chairman of the Civil Service Commission advised that a minimum of 30 new positions is required to meet new critical needs occasioned by new organizations and functions in the executive branch. Specific mention was made of the needs for additional positions in these grades in the Environmental Planning Agency, the Office of Telecommunications Policy, the National Oceanographic and Atmospheric Administration and the Inter-American Social Development Institute.

Amendment to the Title

The title of the House bill reads:

"An act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.".

The conference substitute, in order to reflect the new provisions of the substitute, amends the title to read:

"An act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes.".

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS UDALL,
ROBERT J. CORBETT,
DANIEL E. BUTTON,
Managers on the Part of the House.

COURT LEAVE FOR EMPLOYEES OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12979) to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 2, line 19, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 3, line 12, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 4, line 3, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 5, line 5, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 5, line 18, after "title" insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)".

Page 6, after line 8, insert:

"SEC. 6. (a) For purposes of this section—

"(1) 'employee' means any individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives; and

(2) 'court of the United States' has the meaning given it by section 451 of title 28. United States Code, and includes the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands.

"(b) The pay of an employee shall not be reduced during a period of absence with respect to which the employee is summoned (and permitted to respond to such summons by the appropriate authority of the House of the Congress disbursing his pay), in connection with a judicial proceeding by a court or authority responsible for the conduct of that proceeding, to serve—

"(1) as a juror; or

"(2) as a witness on behalf of a party other than the United States, the District of Columbia, or a private party;

in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. For purposes of this subsection, "judicial proceeding" means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

"(c) An employee is performing official duty during the period with respect to which he is summoned (and is authorized to respond to such summons by the House of the Congress disbursing his pay), or is assigned by such House, to—

"(1) testify or produce official records on behalf of the United States or the District of Columbia; or

"(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

(d)(1) An employee may not receive fees for service—

"(A) as juror in a court of the United States or the District of Columbia; or

"(B) as a witness on behalf of the United States or the District of Columbia.

"(2) If an employee receives an amount (other than travel expenses) for service as a juror or witness during a period in which his pay may not be reduced under subsection (b) of this section, or for which he is performing official duty under subsection (c) of this section, the employee shall remit such amount to the officer who disburses the pay of the employee, which amount shall be covered into the general fund of the Treasury as miscellaneous receipts.

"(e)(1) An employee summoned (and authorized to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify or produce official records on behalf of the United States is entitled to travel expenses. If the case involves an activity in connection with which he is employed, the travel expenses shall be paid from funds otherwise available for the payment of travel expenses of such House in accordance with travel regulations of that House. If the case does not involve such an activity, the department, agency, or independent establishment of the United States on whose behalf he is so testifying or producing records shall pay to the employee his travel expenses out of appropriations otherwise available, and in accordance with regulations applicable, to that department, agency, or independent establishment for the payment of travel expenses.

"(2) An employee summoned (and permitted to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify in his official capacity or produce official records on behalf of a party other than the United States, is entitled to travel expenses, unless any travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned.

"(f) The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives are authorized to prescribe, for employees of their respective Houses, such rules and regulations as may be necessary to carry out the provisions of this section.

"(g) No provisions of this section shall be construed to confer the consent of either House of the Congress to the production of official records of that House or to testimony by an employee of that House concerning activities related to his employment."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE CERTAIN REPORTS

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FREE "WORK WANTED" ADS IN DETROIT AREA

(Mr. NEDZI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEDZI. Mr. Speaker, it is an economic truism that when the rest of the country catches a cold Detroit catches pneumonia. We have not quite reached the pneumonia stage, but Detroit which is so dependent on auto sales has been hard hit economically.

A small but nevertheless helpful step has been taken by publisher, Ben Nathanson, owner of a chain of 15 weekly newspapers in southeastern Michigan.

His Detroit Area Weekly Newspapers—DAWN—are providing free "Work Wanted" ads for 3 weeks in all editions.

The DAWN newspapers reach the communities of: Warren, Center Line, Mount Clemens, Fraser, Roseville, Clinton Township, St. Clair Shores, East Detroit, Huntington Woods, Southfield, the Grosse Pointes, and Harper Woods.

I commend Mr. Nathanson and his staff upon their initiative and creative community spirit and suggest that similar efforts by other community newspapers may prove rewarding.

PROVIDING FOR CONSIDERATION OF H.R. 19911, SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1297 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1297

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas (Mr. Young), is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1297 provides an open rule with 2 hours of general debate for consideration of H.R. 19911, the supplemental foreign assistance authorization.

The purpose of H.R. 19911 is to authorize additional appropriations for foreign assistance to $535 million; $195 million is for supporting assistance and $340 million is for military assistance. Supporting assistance is economic assistance which will be used in Cambodia and Vietnam to increase their capability to defend themselves against Communist aggression. Military assistance funds will be applied principally to programs in Cambodia and Korea; a small part will be available for programs in Lebanon, Jordan, and Indonesia. Both supporting assistance and military assistance requests contained in the bill will also permit the restoration of funds transferred from other country programs to meet the emergency needs resulting from the invasion of Cambodia by the North Vietnamese.

The bill also authorizes an additional appropriation of $15 million of contingency funds, as well as appropriation of local currency held by the United States, to provide assistance for East Pakistan in the wake of the recent disaster there.

The total authorization in the bill is $550 million.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in view of the fact that we will have the railroad bill and others here before us this afternoon, bills that are extremely important, and it will be a long day, I will not repeat any of the remarks of the gentleman from Texas (Mr. Young), who in my opinion has very adequately explained the rule—House Resolution 1297—that will provide for the consideration of H.R. 19911.

In this authorization the total amount is $550 million.

Now, there is $500 million also for Israel for economic and military assistance, but not in this bill, because that was previously provided in the Defense Procurement Act. We will have the last appropriation bill, which will be a supplemental, probably on the floor tomorrow that will include the funds for both of these projects which I have mentioned, with this exception, as I understand. from the testimony which we just heard in the Committee on Rules; the supplemental funds request is at $490 million rather than $535 million or $550 million.

Mr. Speaker, personally I have never voted for any authorization bill or any appropriation bill having to do with foreign aid. I think there are others who are in the same position, but I do not consider this particular legislation foreign aid. It is not. There is a lot of waste, in my opinion, in foreign aid, but ths money is absolutely necessary if our Vietnamization policy is going to work out, and if we are going to get our American servicemen home from this long, extended war over there. Unless we proceed to give them some money so they will have guns, ammunition, and equipment, and can take over for themselves, then our efforts will have been in vain.

So in voting for this bill, which I strongly support, I do not consider it as the same type of foreign aid we have had in the past. I believe it is essential to carry on our Vietnamization policy which in my opinion is working quite well.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding, in order that I may mildly compliment the Rules Committee for bringing us one rule that is a completely open rule.

Mr. SMITH of California. I appreciate the gentleman's congratulations, but may I say to you that we will have others this afternoon that will not be the same—so get ready.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORTS ON ADVISORY COMMITTEES

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight Friday to file a report on advisory committees.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FORT LAUDERDALE NEWS AND SUN-SENTINEL REFUSE TO ACCEPT ADVERTISING FOR X-RATED MOVIES

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, two newspapers, the Fort Lauderdale, Fla., News and the Sun-Sentinel, located in my congressional district have announced a new policy of refusing to accept advertising for X-rated movies.

I commend these publications for taking a positive stand at the community level to encourage decency and wholesomeness in entertainment, particularly at movie theaters, and I am sure my colleagues in the House are encouraged by the position taken by these newspapers.

I have made known to the President the decision of the Fort Lauderdale News and the Sun-Sentinel to refuse advertising for X-rated movies, and I belive an expression of support from the White House to the publications should be forthcoming.

SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes.

CALL OF THE HOUSE

Mr. ADAIR. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MORGAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 391]

Abbitt
Anderson, Ill.
Aspinall
Belcher
Bolling
Brock
Brown, Mich.
Burton, Utah
Button
Carey
Celler
Chappell
Clark
Clay
Collier
Collins, Tex.
Cramer
Daddario
Dent
Dingell
Dowdy
Edwards, La.
Farbstein
Findley
Ford, William D.
Forsythe
Gallagher
Gettys
Gilbert
Goldwater
Gray
Grover
Gubser
Hanna
Hansen, Idaho
Hathaway
Hunt
Karth
Kee
King
Langen
Lowenstein
McCloskey
McCulloch
McKneally
Macdonald, Mass.
Marsh
May
Mayne
Meskill
Miller, Calif.
Minshall
Morton
Moss
O'Konski
Ottinger
Pollock
Powell
Preyer, N.C.
Purcell
Rees
Reifel
Rivers
Roudebush
Rousselot
Scheuer
Steed
Steiger, Wis.
Stephens
Stokes
Stratton
Symington
Taft
Thompson, N.J.
Tunney
Waggonner
Waldie
Wiggins
Wold

The SPEAKER. On this rollcall 354 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

WITHDRAWAL OF MOTION FOR THE CONSIDERATION OF H.R. 19911

The SPEAKER. Will the gentleman from Pennsylvania (Mr. MORGAN) withdraw his motion for the consideration of the bill H.R. 19911.

Mr. MORGAN. Mr. Speaker, I withdraw the motion to go into Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19911.

AMENDING SECTION 213(a) OF THE WAR CLAIMS ACT OF 1948

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2669) to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That (a) section 213(a) of the War Claims Act of 1948 (50 App. U.S.C. 20171(a)) is amended as follows:

"(1) Paragraph (1) is amended to read as follows:

"'(1) Payment in full of awards made pursuant to section 202(d) (1) and (2), and thereafter of any award made pursuant to section 202(a) to any claimant (A) certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended, or (B) determined by the Commission to have been, on the date of loss, damage, or destruction, a nonprofit organization operated exclusively for the promotion of social welfare, religious, charitable, or educational purposes.'.

"(2) Redesignate paragraph (3) as paragraph (4) and, immediately after paragraph (2), insert the following new paragraph:

"'(3) Thereafter, payments from time to time on account of the other awards made to individuals and corporations pursuant to section 202 and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less.' The total payment pursuant to this paragraph on account of any award shall not exceed $35,000.

"(b) The Foreign Claims Settlement Commission is authorized to recertify to the Secretary of the Treasury each award which has been certified before the date of enactment of this Act pursuant to title II of the War Claims Act of 1948, as added by the Act of October 22, 1962 (76 Stat. 1107), but which as of the date of enactment of this Act has not been paid in full, in such manner as it may determine to be required to give effect to the amendments made by this Act to the same extent and with the same effect as if such amendments had taken effect on October 22, 1962."

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman explain briefly the action in conference and whether the amendment or the amendments by the other body are germane to the bill?

Mr. STAGGERS. They are germane to the bill; yes, sir. The amendment is a small amendment, and I think a good amendment.

The amendment pays up to $35,000 on the unpaid balance of any claims of individuals and the same for corporations. As we provided in the House bill, individual claims would be paid in full, but the other body has added corporations on the same basis, and claims of both can be paid up to $35,000.

Mr. GROSS. And this is an increase from what to what?

Mr. STAGGERS. There is no increase at all. These claims are paid from money in the War Claims that we already have in the Treasury.

Mr. ADAIR. Mr. Speaker, further reserving the right to object, I should like to ask the gentleman from West Virginia in the event no legislation should be enacted by this Congress upon this point, if the money now available would still be available for future use?

Mr. STAGGERS. Yes, it would. But I would say to the gentleman, we had full hearings on this measure. If we deny passage of this bill, we will deny full payment to the religious organizations of America which had properties in the war areas which were destroyed. They are the ones who are affected, and are the ones who are the beneficiaries of the bill. It would penalize all the religious institutions of America. I think the bill ought to be passed because they do have a legitimate claim. I think it is a fair bill. It went through this House without a dissenting vote, and the same over in the other body. The amendment I believe would strengthen the bill.

Mr. ADAIR. Further reserving the right to object, Mr. Speaker, this, then, enlarges the portion of the money that the churches will receive. It changes the distribution formula from what had already been established; is that correct?

Mr. STAGGERS. That is correct.

Mr. ADAIR. And the gentleman is of the opinion, after hearings have been held, that this is an equitable proposal?

Mr. STAGGERS. Oh, yes, indeed, because corporations were paid over 62 percent. I think the religious institutions should have priority for their properties that were destroyed in war zones. We think this is an equitable distribution.

Mr. ADAIR. Did not the religious organizations get 62 percent initially?

Mr. STAGGERS. On the original go-around, that is correct.

Mr. ADAIR. They had the same percentage as corporations?

Mr. STAGGERS. Except some of the small businesses, which were paid their claims in full.

Mr. ADAIR. Yes, I recall that. The small businesses, up to a limit, were paid in full, and I think that relates also to individual claims, does it not?

Mr. STAGGERS. Yes, there was no limit on payments to small business.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Iowa.

Mr. GROSS. Now I am beginning to understand what this is all about. Does this bill also provide indemnities for damages to race tracks and breweries?

Mr. STAGGERS. Not that I know of.

Mr. GROSS. Distilleries?

Mr. STAGGERS. Not that I know of.

Mr. GROSS. I would hope that practice has been discontinued long ago, but I am beginning to wonder.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS IN THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1300, Rept. No. 91-1687), which was referred to the House Calendar and ordered to be printed:

H. RES. 1300

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I call up House Resolution 1300 and ask for its immediate consideration.

The **SPEAKER.** The Clerk will report the resolution.

The Clerk read the resolution.

PARLIAMENTARY INQUIRIES

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER.** The gentleman will state his parliamentary inquiry.

Mr. GROSS. Does that not require unanimous consent?

The **SPEAKER.** The Chair will state that a two-thirds vote is required for its immediate consideration.

Mr. GROSS. Mr. Speaker, a further parliamentary inquiry.

The **SPEAKER.** The gentleman will state it.

Mr. GROSS. Is there a typewritten or Xeroxed copy of the resolution available from any source whatsoever?

I am not speaking now of the resolution that makes the joint resolution in order, that is the resolution from the Rules Committee, but is there by any chance a copy of this resolution?

The **SPEAKER.** The Chair is unable to answer the parliamentary inquiry.

The question is, Will the House now consider House Resolution 1300?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 1300.

A motion to reconsider was laid on the table.

The **SPEAKER.** The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes on the resolution to the very able and distinguished gentleman from California (Mr. SMITH) representing the minority, pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution simply provides—and I speak now of the resolution from the House Committee on Interstate and Foreign Commerce—that there shall be no strike scheduled for midnight tonight and that there shall be no cessation of the operation of or interference with the operation of the railroads until midnight of March 1, 1971.

Mr. Speaker, I do not know why I should spend a great deal of time here expounding my views about this situation. I realize, as every Member of this House and every responsible citizen in this country must realize, that the railroads are a necessary part of our economy. I recognize, as every Member must recognize that if this ordered strike takes place tonight, the economy of this country becomes paralyzed.

There is considerable argument now that the economy of the country is in a perilous situation. I recognize further, Mr. Speaker, that in this complex society where we live, there are adherents and proponents of the laboring man on the one hand and industry on the other, but that is not the question involved here. The question is very simple: Do we have the strike and paralyze the economy, or do we not have it and give the opposing factions an opportunity to further bargain collectively and bring about an amicable solution?

It is not up to me to say whether one side or the other is right or wrong. In my view, I repeat, the question is: Do we have the strike with the results that are bound to flow, or do we not have it for this period of time?

Mr. Speaker, I am very much concerned about this situation, particularly the one facet here which involves the general direction in which this country seems to be drifting. I do not like this legislation any more than the other Members like it but, Mr. Speaker, I want to repeat what I said in the Rules Committee today, that I was amazed when I saw on the television last night one of the responsible leaders of the union movement say that it did not make any difference. I am not quoting verbatim, but in substance he said it made no difference what the Congress or the courts did about this matter, that the strike was going on. I think that is a pretty strong and brash statement. I think it means simply that one man, the head of an organization, apparently speaking for the organization, says, as some other people have advocated in the past, "We will observe those laws that we like and we will ignore those that we dislike or disapprove."

Now, what does that mean? It means either that we live in a society of laws or we live in anarchy. I am so sorry that a man representing the great body of the laboring people of this country should publicly advocate the disregard of and the flouting of the laws of the land. Suppose other segments of our people take the same position. Suppose the individuals of this great Republic of ours generally and collectively take that position. Then we go back to the days of the caveman, where might and not law is the order of the day.

I do not know what the Congress is going to do about this matter.

I know what I am going to do about it. I am going to give these people, by my vote, an opportunity to settle this thing amicably and peacefully. I do not want to see even an opportunity presented to those who advocate the flaunting of the laws of the country.

It is not in my province to advise or counsel with the President of the United States, regardless of who he may be, but he has the responsibility for the maintenance of order and the observance of the law.

Mr. Speaker, I recall and history records that there was a Governor of a great Commonwealth of this country who, when the police of a great city in that State, to wit, Boston, took that position, that that man then heading that State as its Governor took the position that the law was going to be maintained. The result was that he subsequently was elected President of this glorious young Republic.

Should this happen, it would be a time that will really try men's souls, and the future of our cherished form of government with all of the liberties that it carries with it will be gone.

So, Mr. Speaker, I know nothing to do under the circumstances, faced with the perils of a demoralizing strike, with its resultant ill effects, but to support this resolution.

I hope that sometime the Congress, under the guidance of some administration, will go to the basic problem of solving these problems as they arise rather than having to come to the Congress every time a nationwide strike is impending.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to my good friend from Michigan.

Mr. GERALD R. FORD. On that precise point, in February of this year the President submitted to the Congress a message which called for new permanent legislation to handle strikes involving transportation; that is, railroads, airlines, and the trucking industry. I think this is basically good legislation. Unfortunately, no hearings have been held in either the House committee or the Senate committee on it. I have not heard of any violent objection from any party, and yet no party has been given an opportunity to present their views, their objections or suggestions. I deeply wish we could get some permanent legislation that would achieve a finality in disputes instead of having to go through this experience for about the fifth or sixth time in the last 5 years. Permanent legislation, updated, would be a significant improvement from the public's point of view and would avoid this periodic problem.

Mr. COLMER. I thank the gentleman for his contribution to my observation in this field. Certainly it is time that the Congress tackled this problem that keeps popping up every so often.

One final thing, Mr. Speaker. The President asked for an extension of 45 days. The committee in its wisdom saw fit to make this until March 1 of next year which would be approximately 80 days—81 or 82 days.

Now, the testimony before the Rules Committee this morning was to the effect that the period of 45 days would not give ample time, that Congress would not be back here before the 20th, that Congress would be unorganized and would not have the committees set up at the expiration of the 45 days. Therefore, the committee saw fit to make it 81 or 82 days.

Mr. Speaker, I certainly am in accord with that view, for whatever that is worth. Mr. Speaker, we are faced, whether we like it or do not like it, and after all you know no one puts a halter on us—we are faced with this problem and we have got to stand up and be counted, to use the old expression.

Mr. Speaker, as far as I am concerned I am unwilling to go back to face my people and tell them that I was not willing to stand up and face this situation while the whole economy of the country was paralyzed.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in view of the fact that all of the documents are not before all of the Members here, I would like to explain the situation as I see it.

Mr. SMITH of California. Mr. Speaker, in view of the fact that all of the documents are not before all of the Members here, I would like to explain the situation as I see it.

This morning in the Rules Committee we met and had a print of a resolution from the Interstate and Foreign Commerce Committee. We granted a rule about 35 minutes ago. Of course, we had to waive the two-thirds rule in order to get it here today and to consider it. Now we are on the rule, House Resolution 1300, which would provide for the consideration of House Joint Resolution 1413, the title of which is to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute. This is a copy of it. It is identical to the White House resolution that was sent down, with the exception of the date which the gentleman from Mississippi explained has been changed from January 23 until March 1, 1971.

Mr. Speaker, we must keep in mind that this will be the fourth time this has been done. We have done it four times before since 1963. The present negotiations have been underway since September 1969.

The resolving clause is as follows—and I shall leave this on the desk if anyone wants to see it:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of March 1, 1971.

Mr. Speaker, that is what we are considering today.

I urge the adoption of the resolution.

Mr. COLMER. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1413) with Mr. NATCHER in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have been instructed by the Committee on Interstate and Foreign Commerce to present this resolution to the Committee on Rules, and to the House for general debate. The resolution would extend the period of the prohibition against the railroad brotherhoods' being able to strike, under section 10 of the Railway Labor Act, from midnight, tonight, until midnight, March 1 of next year.

Mr. Chairman, the controversy first started in September of last year, although some of the notices were served in May, with the rest of them being served in September. The railroads and the brotherhoods have been negotiating since that time. As was testified yesterday before our committee, at which the Secretary of Labor and the Secretary of Transportation appeared, plus those representing the management of the railroads and those representing the unions—there were intensive negotiations toward the end with the hope that they would come to some settlement. This dispute was referred to an Emergency Board, and the Board recommended certain pay raises that would have taken place over a period of 3 years.

In the first year the pay raise was to be retroactive, 5 percent, to January of 1970. Then there was to go into effect on November 1 of this year a 32-cent-per-hour pay raise.

Then next year, on April 1, there would be a 4-percent pay raise, and again on October 1, 1971, an additional 5-percent pay raise, and then in the third year, April 1972, there would be a 5-percent increase, and additionally on October 1, 1972, a 5-percent raise.

The pay raise in most instances was not the nub of the controversy. Most of the controversy had to do with work rules.

One spokesman said that pay was their holdup, and not the rules, but I believe that the majority of them were agreed that the pay raises would be sufficient if the parties could reach some agreement on the proposed rules changes—and there are hundreds and I suspect even thousands of rules for the locals that are scattered across the United States.

This affects approximately 500,000 men—a little more than 500,000, who are directly affected.

The resolution that the President sent up would just continue the status quo for 45 more days in the hope that something would be done in the 45 days. In order to cooperate with the administration I introduced a bill with the cooperation of the ranking minority member on the other side of our committee, the gentleman from Illinois (Mr. SPRINGER). We held hearings last night which ran from before 4 o'clock in the afternoon until after 8 o'clock last night. We heard all of the evidence that we could concerning the dispute in the time available.

This morning we had a markup session on the bill. Some amendments were offered and all of them were rejected, except for one extending the date to March 1.

I might say that I offered one amendment, which I think was equitable, and I will offer it again here on the floor. That amendment was based on the fact that if we take away the right of these men to strike, which is their only weapon for gaining any recognition, we at least ought to pay them the cost-of-living pay raise which the Board had recommended plus the 32 cents across the board which they recommended for this period.

We all know that the cost of living has risen more than 5 percent since these men last had a pay raise. I do not think there is any person in this room who would deny that this raise should be coming to them. But if we prohibit them from striking, some may say, "Well, they are going to get it eventually—they are going to get it." Well, how do we know when they are going to get this increase? We know this: that if they take the regular procedure as in all of the other cases that have come before this House in recent years, it will be many months before they get cost-of-living increases, plus any other pay raise that they might have coming.

So I tried to explain this to the committee this morning, and I said I thought that it was only equitable that the employees obtain the cost-of-living pay raise plus the 32 cents recommended by the Emergency Board.

Continuing on the pay for just a moment, I would like to say that the amendment which was offered would give a cost-of-living increase, plus that which would take care of the time which we have denied them the right to strike. The right to strike is the only weapon that labor has in order to acquire any rights at the bargaining table with management. That has been their right down through the years, first clearly recognized in the Clayton Act of 1914. Labor fought hard to get these rights, and this right to strike has made living better for more people in America than any single law that has ever come from the Congress of the United States. The employees do not want to have to go back to the working conditions that existed when a lot of you, as well as myself, were boys.

At the age of 12 I worked in a silk mill, 10 or 12 hours a day. No one prohibited me from doing so. I wanted to work.

I needed the money to continue with my schooling. I do not think it hurt me in any way, but back in those days we had to work long hours in order to get ahead.

As we know, miners used to have to go into the mines and work from sunup to sundown. After they organized and obtained the right to strike their conditions improved.

But the Congress is taking the right to strike away from the railroad workers. This right has brought a better way of living to countless millions in America. It is a better way of living than any other nation has ever known on the face of the earth.

The men and women who work and toil with their hands are the ones who built America. If it had not been for them, we would not have all the things we enjoy today in our homes, as we travel, and the things we see.

Some might say, "Yes, but they get paid for working." That is true, and, comparatively, workers are paid good wages almost all over this land. Sometimes the pay in some industries drops behind, and the workers in those industries must have some effective way of catching up. In the railroad industry the only way the workers can catch up is by sitting at the bargaining table, and if they cannot reach an agreement there, to strike until they can reach some agreement.

It has been said that America would suffer if there is a railroad strike. I would like to remind the Congress that the railroad unions have said that they would carry all defense materials, all war materials, and all of the materials that have to do with health in this land. They would see that those essential materials were carried.

There are those who say that there are some difficulties in doing that. It would be hard to do. Perhaps it would be, but they have agreed to work overtime or do whatever is necessary to see that those materials are carried. But they still want the right to strike in order to settle their other issues. They agree to carry these products for war and health, but this is not acknowledged in the resolution in any way, and we are taking the right to strike away from them. When we do that, I think the least we can say to them is, "Let's give a cost-of-living increase while we are taking this right away." I think the least we can do is to give them what the Emergency Board has said was coming to them during 1970. I am hopeful that when we come to the amendment stage that this will be done.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Kentucky.

Mr. PERKINS. I am just wondering if this action may not be untimely in view of the statement from the labor representatives that in all probability the dispute will be settled before the deadline. I am fearful that we will be waving a red flag by throwing the weight of the Government against the brotherhoods involved at this time. That is my fear. I think we should not take action today in view of present negotiations. All of us know the Congress will be here several days.

Mr. STAGGERS. I agree with the gentleman, but I would say this, that when you are faced with an emergency, as this was brought to our committee, you act. I introduced this measure yesterday. As chairman I wanted to give our committee a free right to vote on it. I think this is the only democratic way to do it, and to bring it to the House for the House to consider if the committee saw fit to discuss it.

As I said, I did not hear any gentleman on the TV or the radio make any statement last night about striking if this bill is passed. We had the gentleman before our committee, and someone said to him, "Would you strike if the law was passed." The gentleman in question, the head of a union, was before our committee and said he had been a law-abiding citizen all his life, but he represented 300,000 men and he did not know what he would do when the time came if he was faced with the situation.

But I believe if we would say to those working men of America—and there are 500,000 of them involved here—that we are going to give them a cost-of-living pay raise plus that which was recommended by the Board until we lift this ban, there will not be a strike. In fact, I do not see how they could strike then.

We are in a period right now where we are almost up to Christmastime. I know there are those who do have large families who do have a hard time sometimes in getting along and doing what they want to do.

I am bringing this legislation to the floor for consideration, and I hope when this amendment is offered the Members will vote for it.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I would like to disillusion any Member here who thinks this committee relishes bringing this kind of dispute to the floor of the Congress for action. We do not. Since I have been ranking minority Member of this committee, and I believe since the present chairman has been chairman of the full committee, this problem has been before the Congress on three special occasions.

First of all, why is it important that we bring this before the Congress? A railway strike such as is encompassed and defined would result in a national stoppage. I do not mean that every store would be closed up, but I do mean that practically all the heavy ware within this country would close within at least 30 days.

Therefore, why do we present this legislation? I am going to explain what this legislation does, also.

Mr. Chairman, we do it simply because every Member within range of my voice knows this country will not stand still for a nationwide stoppage which would result from a railroad strike of the nature which has been heard by our committee. That everybody knows. I doubt if there is a Member on either side who would say that the people in his district would stand still for a nationwide strike resulting in a nationwide stoppage of delivery of goods. Some people would define it in one way, and some people in another. I think labor possibly would define it in one way and management in another.

Generally speaking, the editorials which have commented on this piece of legislation and legislation similar to it in the past have said that the national interest is overriding. The public interest comes above and beyond the rights of either management or labor. I want to develop that in a moment, as to what the editorial comment of this country is, what it says, and where it stands. I am talking about editorials from the left, if we want to put the Washington Post and New York Times in that classification, to the Chicago Tribune, if we want to put that in another classification over on the right. All of them support the legislation which I am going to mention in a minute, and which was introduced as an amendment to our resolution this morning, but which did not carry.

Different Presidents in the past have met this situation in different ways. I was not here in those days, but I see some of my colleagues who were here in those days, in the latter stages of World War II or just after that in the Truman administration, when President Truman recommended two things, as I recall it: Put some people in jail and draft the remainder. It was rather drastic to recommend that, and those recommendations were not followed by the Congress, I am happy to report.

This threat has occurred in the Eisenhower administration and in the Kennedy administration and in the Johnson administration, and now it recurs in the Nixon administration. There is not anything partisan about this.

There is not anything partisan about this. The fact of it is in the testimony before our committee; yesterday it was greatly free from partisanship either by labor or management, because they both realized this has happened under Democrat and Republican administrations, and every President had met the issue in the same way, and for only one reason: the public interest was overriding that of any particular segment of the American economy.

Three years ago when we were here with the legislation recommended by President Johnson, it was in the nature of legislation which appointed a board which finally mediated. In effect we gave them the power to legislate, which they did. They came in with a finding and it was binding on both parties. That was the Johnson recommendation.

What is the present Nixon recommendation? It is not that. It is not that drastic at all. It does simply one thing. It extends until March 1 the right of the two parties to further mediate their disputes; that is all it does.

Let me repeat it again. This does not legislate anything except to extend the time under present law in which these two parties may mediate their disputes, period.

There will be raised here, as there was in our committee this morning, the question of whether or not we ought to put into this legislation some of the issues in dispute, because nothing has been settled. The recommendations of the board that have been made thus far are not binding in any way. They are only recommendations of the board. They do not bind anybody. They are merely a basis recommended by the board upon which they may mediate their disputes.

A suggestion that we put in here a pay raise, as the chairman has suggested, which was introduced and defeated in the committee this morning, was for 5 percent plus 32 cents, to give that to labor.

Gentlemen, I do not believe I have an anti-labor record in this Congress. That is one of the principal issues in disputes, the question of the amount of money that is going up be given.

Yesterday, in examining one of the members of the labor panel, he said—I believe I am quoting him correctly, but if I do not quote him correctly I hope someone will correct me—that instead of the 37.6 percent which is provided under the factfinding board they want between, as I understand it, 40 and 45 percent.

Labor wants—or at least this one man on his own for his own group wants—this. He said:

> We want 40 to 45 percent total increase at the end of this three-year period. There is not enough money.

One of the things management wants in exchange—and there has to be something, for there has to be a quid pro quo for either side—is a change in the rules, in the work rules, which they say will then help compensate them for this 37.6 percent over on the other side. So if we give somebody a raise over here, we have taken that out of the dispute and weakened the party on the other side, which has a quid pro quo it wants in exchange for what the party on this side wants.

The issue is just as simple as that.

What we attempted to bring out here was exactly what was proposed by the administration, which was to extend the right for everybody to listen, to talk, to mediate. That is with the help, I may say, so I am told, of the Secretary of Labor. As far as I know, yesterday it was not disputed that the quality of the arbitrators is very good.

The chief arbitrator, a man by the name of Usery for 18 years was a member of a labor union mediating team. In other words, he spent 18 years, as I understood it, arbitrating for labor. On the other hand, as I understood it, management felt he had been evenhanded and fair. As far as I know, there was no objection on the part of labor to him, either. There was a feeling, I thought, as far as the arbitrating machinery was concerned, that it was evenhanded and good. The Secretary of Labor said it was the very best he could find.

May I say the effect of what you hear today is what some of you voted for 3 years ago, which was commonly known at that time as the Pepper-Anderson resolution. You will recall when we had the legislation up 3 years ago we did appoint a factfinding board and allowed them to settle the dispute. In other words, you had in effect forced arbitration. This legislation is not that. This legislation is in effect the Pepper-Anderson resolution of 3 years ago, which merely allows these two parties to continue their mediation until March 1, 1971.

Labor argued that it ought to have the right to strike. Now, what in effect do you have if you do have a strike? If you will turn to page 15 of the committee report, No. 91, which is available, you will see that the traffic that railroads carry amounts to 46 percent of the meat and dairy products, 74 percent of the canned and frozen foods, 71 percent of household appliances, 76 percent of the automobiles and automobile parts, 78 percent of the lumber and wood, 40 percent of the furniture, 63 percent of the chemicals, 68 percent of the primary metal products, and 86 percent of pulp and paper.

In other words, a strike has a very wide effect, may I say. The average number of passengers affected in the form of commuters would be 4,336,000. The average number of intercity passengers is roughly 1.8 million. So you would have about 6 million people affected by this each day that you would be on strike.

In trying to determine what ought to be done we had legislation which was suggested by the distinguished Member from Texas who has been working on this for over 3 years bringing some kind of a mediation service into these kinds of cases where the national interest is affected.

I remember talking with President Johnson about this legislation when he proposed it in his inaugural speech 5 years ago. I guess it is now 6 years ago. Later I talked with him at the White House about what he thought about getting this legislation out, because he said he was still for it. He was very frank to tell me that he had been informed by the chairman of the committee at least in the other body there that they could not get it out of the subcommittee. So that legislation was not proposed.

Finally let me say this, if I may: The legislation which the gentleman from Texas has proposed has been proposed by other Members of Congress. I think the distinguished Senator from New York, Mr. JAVITS, has had similar legislation to that offered by the gentleman from Texas (Mr. PICKLE) in this body. May I say that that legislation is supported editorially by every single metropolitan newspaper in the country that I know anything about.

If anyone can point out to me one metropolitan newspaper in this country that does not support that kind of legislation, I shall be glad to hear about it.

Mr. Chairman, some 3 years ago I had all of that in one package. I wish I could bring it here and read some of the editorials and the reasons why they felt that this was of such nationwide public interest that they felt there should be permanent legislation on it.

Mr. Chairman, I have been a supporter of free bargaining for a long time. I do not know whether we have reached the point in history where something like this is going to have to be done or not. The State of New York and the City of New York have this type of legislation. I do not understand that to be a backward State. On the contrary, it is my understanding that they claim they are one of the most progressive States in the Union. They have this kind of legislation in the public service field. But may I say that this legislation in every single poll that I know about that has been taken, the legislation described by the gentleman from Texas, has received overwhelming approval by the people who have been polled in those polls. If there is one poll that does not support that, I would like to know when it was taken and the name of the poll.

Mr. Chairman, that legislation is supported by everybody in this country, at least so far as I know by a great majority of the people, except in this body and the other body. These are the only two places that I know about where it does not have the majority support because it cannot get out of the subcommittee in its present form.

Now, it was my feeling that we ought not to enter into the various issues. The purpose of this is to allow the parties to do their own mediating. The chairman firmly believes that it will not. We did have some, I thought, hopeful signs yesterday that perhaps by that time it could be mediated, but there has been a feeling that we probably will be back in here with legislation similar to the Johnson legislation in 1967. As he explained to the Rules Committee this morning, if past experience is any indication, that is probably what will happen, but they will fail in view of the fact that the administration merely asked for more time. The Secretary assured us he felt in his own mind at least that we had a reasonable chance to get a settlement and they recommended this legislation to merely postpone the strike in order to allow the parties to meet.

Mr. Chairman, that is the legislation we bring here today to you, unamended, and as it came to us from the committee, and I recommend its passage.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT), a member of the committee.

Mr. ECKHARDT. Mr. Chairman, I want to explain exactly where we stand at the present time.

The situation is that the unions, in negotiation with the railroads, may strike at midnight tonight. They may do so legally, if legislation is not passed. No one here disputes the proposition that a railway strike would be costly. Everyone here, I think, agrees that if there is some way to avoid this even by a stay period, this should be done. But I shall not vote here merely to stay the union's right to strike unless there is some quid pro quo, some balancing provisions to make this bill other than a bill which takes away from one party its bargaining strength.

There is no reason why Congress should enter on one side of the strike and take the lawful weapon of the unions, in order to accomplish their proposed objective, away from them. The thing is, if nothing happens, wages stay the same. The railway workers have been seeking wages now since they opened their bargaining about a year and a half ago and this will simply remove their clout in the bargaining process.

Now, the proposal that the gentleman from West Virginia has suggested here is one of those balancing factors. I am for that. If there are adequate balancing factors I think we should vote for the resolution. If there are none, I can see no reason why a person in this House who can make the least pretense of fairness to labor unions, I can see no reason why he would vote for this resolution when it wipes away all opportunity for union suasion.

When the amending time comes, I wish to put a balancing factor into the bill.

The situation which has existed with respect to unions and management has been simply this: That since the negotiation is opened as against individual railroads but since the method of negotiation must of necessity be with respect to the industry, the courts have said we will not let you unions strike against an individual railroad; you must strike, if you are to strike at all, against all the railroads.

Now, that is what the courts have said up to now. I do not agree with them, and this decision may be overturned. But the unions have been enjoined from following their ordinary processes of union suasion; that is, simply striking against one employer and then seeing if agreement cannot be reached to set a pattern for settlement in the industry. Well, when the courts enjoin the unions from striking against one railroad, and in that way force them to strike against all, the matter then comes before us, and we in effect enjoin the unions from striking against all the railroads.

Now, what labor suasion is left when you cannot strike against one because the courts up to now have said "no," and you cannot strike against them all because the Congress says "no."

If we today, without giving any quid pro quo or any balancing factor to this resolution, say "you cannot strike against all the railroads," we have simply destroyed the possibility of agreement.

We will extend this, surely. We will extend it to March 1, but on March 1 we will have the same problems brought before us. We have had this done time and time again—and why? Because there is absolutely no economic pressure on the railroads to come to agreement—why should they? Their employees have not received their pay increases. The union has lost prestige in not being able to make an agreement for a period of over a year, and officers of the union are under pressure to come to an agreement.

Let us now look at these three pressures on the other side. The railroads are perfectly happy in paying the existing wages without an increase——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding me the additional time.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. Certainly, I will be glad to yield to our distinguished chairman.

Mr. STAGGERS. When the gentleman talks about the right of the railroad employees to strike one railroad, did we not just go through a period when we allowed the workers in the automobile industry who worked for General Motors to strike General Motors for a long period of time, and we did not stop them? And was this not also true of the truckers, and the Greyhound Bus Lines in the western part of the country? They were struck for several years, and nobody did anything about that.

But when we come up to this section of labor, the railroad brotherhoods, they say no, you cannot do this.

Mr. ECKHARDT. The gentleman is absolutely correct on that. That is why collective bargaining works in the automobile industry and the trucking industry, but it does not in the railroad industry.

Mr. STAGGERS. I thank the gentleman.

Mr. ECKHARDT. Mr. Chairman, what I am proposing in the amendment which I will offer when the time comes is simply to provide that up until March 1 there be a stay period for a strike, exactly the same language as in this resolution, but during the months of March, April, and May, with respect to this particular issue, this particular dispute, and with respect to these railroads and these employees, there remains exactly the same power to strike as would exist in the automobile industry, or in the trucking industry, or anywhere else where separate strikes may be brought.

I think this is important. Not only with respect to balancing and to fairness but because I believe that if you add this additional suasion that we will get an agreement before March 1. If you do not add this suasion there is no reason whatsoever why the railroads would come to an agreement.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BROWN of Ohio. Mr. Chairman, the Democratic Congress has had before it for almost a year a proposal from the Nixon administration to provide an improved method for settlement of labor disputes which could result in national emergency strikes. This proposal has never been scheduled by the Democratic leadership for consideration in the Committee on Interstate and Foreign Commerce on which I serve or in the Committee on Education and Labor. I think that is unfortunate and does not serve the cause of good government. It represents a failure of the Congress to meet its governmental responsibility to deal with a continuing problem and has left that problem to be dealt with on an ad hoc basis.

The whole governmental process cannot be indicted for this failure, however. At least the Nixon administration did make a proposal for a permanent method of settlement of such disputes. While the previous administration talked bravely of making such a politically dangerous proposal, it never quite did so during its five years in office. So the Nixon administration, at the very least, deserves credit for making a recommendation on this continuing critical issue—regardless of what one thinks of the merits of the proposal. Had this proposal been brought to hearing, the Committee—and possibly the Congress as a whole—would have had the opportunity to work its will in the hope of bringing about a long-term solution to this continuing problem.

If the Congress intends that one of its committees assume the responsibility of negotiating labor disputes that threaten to become strikes having a deleterious effect on the national economy or national interest, then let us at least take that step forthrightly. If the Congress feels, as I do, that some other method should be found of imposing compulsory arbitration in certain cases, then let us also do that forthrightly. Let us not maintain to railroad labor, or railroad management for that matter, that this industry still possesses the ultimate weapon of collective bargaining—the strike—but then deny that weapon on an emergency basis again and again.

In my brief service of 4 years on the Interstate and Foreign Commerce Committee, two Secretaries of Labor, Mr. Willard Wirtz, and Mr. James Hodgson, representing two Presidents with differing political labels, have come before the committee to tell us that the Nation cannot tolerate a nationwide rail strike because of the economic devastation such a strike would wreak upon the Nation. Mr. Wirtz, in a time of fuller employment than we now have, estimated that—

> Such a strike would cripple the country before it even scratched either party. When that is true, a lockout does not play its normal function in collective bargaining. It would not be against the other party. It would be against the country.

At a time when so many railroads are either in bankruptcy or are showing substantial operating losses, a nationwide rail strike would surely drive to the wall a number of the railroads currently in operation. The negotiator for the companies in the current dispute, Mr. J. P. Hiltz, Jr., testified to this fact Tuesday. He raised the serious question as to whether the inevitable rate increases which will follow wage increases will not do the same thing by leaving the railroads no longer competitive. For the industry's part, he feels the substantial changes in work rules at issue in this dispute are necesary to cut costs and remain competitive with other modes of transportation.

But labor contends that many of these work rule changes will destroy jobs and job security to a greater economic loss to present rail labor than the benefits from increased wages will give to those who work on the railroads. The leaders of rail labor point to pay rates in other modes of transportation and ask why their people must receive so little while labor in other modes receives so much more. It is a valid question and one which must be asked of Government ultimately because of Government's past involvement in the economics of the rail industry.

Are we maintaining the country's railroads as barely competitive with trucking, water, and air transportation by holding down rail wages through the denial of the right to strike while teamsters and airline employees are not denied that privilege? Is that fair Government control?

Let us look at the other controls of Government and see if they are any more equitable. Clearly they are not. The Federal Government once subsidized the development and operation of railroads with free land for rights-of-way and other exploitation and with lucrative contracts for carrying public mail. But now we build, maintain, and improve the rights-of-way of competitive modes by taxpayer financing of highways, waterways, and airways while requiring the railroads to maintain their own rights-of-way at their own expense. On top of that, we tax the railroad rights-of-way—and usually in excess of normal industrial property tax rates. And as a final insult, we have taken away the mail hauling subsidy and given it to trucks and airlines.

Mismanagement—or worse—may indeed be a goodly part of the cause of the Penn Central bankruptcy and its threatened cessation of operations. But is Government mismanagement of its transportation policies in recent years any more defensible? Our regulation of the rates, routes, and policies of the various modes of transportation is fragmented through several agencies of Government. Even where regulation of two modes—railroads and trucking—is reposed in one agency, the Interstate Commerce Commission, that agency too often makes its decisions affecting the economics of railroads without any relation to the economic effects of the regulatory decisions it makes regarding the trucking industry—and vice versa. Over 20 years ago, a minority of the Hoover Commission recommended reorganization of the regulatory agencies affecting transportation into a single agency. That must be done. It is 20 years late, and perhaps too late to save railroads as a transportation mode and as an employer—but it must be done.

Selective strikes against individual roads, as the rail unions would like, or a national strike against all roads would not threaten to destroy the railroad industry if it had not been for the mismanagement of that industry at the hands of Government over the years. That general public seems unaware of this fact. A national rail strike would certainly bring it to public attention and require Government to act more wisely and in more timely fashion. But what would that strike do to the rest of the economy of the Nation? We are told by officials of the executive branch of Government that we cannot afford what it would do and I accepted that and voted in committee for an extension of the strike deadline in the hope of a voluntarily negotiated settlement.

But I wonder? If this industry is so unimportant that its labor can be left underpaid, that its work rules can be left so inefficiently archaic, that its Federal regulation can be administered so narrowly, and its subsidies and taxes be so unbalanced, how important is it to our Nation?

Rail labor leaders have said they would be happy to see the industry nationalized and why not. At least they would know where they stand. They would not have the right to strike and would have to resort to Government and the political process to get wage increases and work rule changes—and is that any different than what they have to do now?

I do not covet the role of labor contract negotiator. I also feel the record of government in this area and in the field of management of railroads and other industries is demonstrably poor. I feel strongly that the process of collective bargaining cannot be both voluntary and federally settled. On the strength of the hearings before our committee, I am not able to suggest what that settlement should be. So if it must be settled federally, I favor some more sophisticated board of labor negotiators doing so than the Committee on Interstate and Foreign Commerce handling the compulsory settlement.

But this would not deal with the whole problem of the rail industry—rates, regulations, subsidies, taxes, and such. It will not assure the future viability of the rail industry. It may harm it irreparably, but if it is to be harmed, is it better to harm it by Federal action or inaction? What choice is that? If the industry should die and its jobs with it, perhaps collective bargaining or a destructive strike is a more appropriate vehicle for that mutual demise than to have the death occur at the hands of an inept government.

I do not feel the Congress should, or is well enough informed, to resolve the issues of this strike. I shall not vote to do that finally or partly. That is a job for voluntary negotiation. If voluntary efforts fail, either a strike or compulsory arbitration is all that is left. Perhaps a strike could be tolerated for a time before we face the issue of compulsory arbitration, seizure, or doing without railroads. At least it would let the American people know that the time of extremity in the rail industry has come.

And who knows—the people may force the Government to correct its inept handling of the railroads.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS), a member of the committee.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. ADAMS. I thank the chairman for yielding.

Mr. Chairman, I want to indicate to the committee that those of us on the committee who have been through these strikes since 1967 are of the opinion that we have reached the end of the line as far as simple extensions are concerned. This is a railway management bill in its present form. Make no mistake about it. Many of us in the past helped when the gentleman from Florida (Mr. PEPPER) offered his amendment in 1967 to give more time to negotiate on the basis that there would be negotiations and that collective bargaining would work. I supported that resolution at that time, and it had a purpose because we were then considering so-called mediation to finality.

Those of you who have been in the House will remember that was President Johnson's proposal.

The extensions have simply not worked. What has happened, instead, is that railway management has placed these disputes into a national emergency in each case. Railroad management relies on the proposition that the Congress will bail them out at some point, and therefore, negotiations stop. I want to make this point today because unless this amendment is adopted in either 45 days or 81 days, gentlemen, you are going to be right back here doing the same thing you are today, because the die has been cast.

I agree completely with what the gentleman from Texas (Mr. ECKHARDT) said. Something must be put in this bill to require the parties on both sides to bargain. The reason I say this is a management bill—and it has nothing to do with partisanship and it has nothing to do with Presidents, because we have been through this under administrations under the control of both parties—is that you are preventing the men from striking with no pressure on management.

Now, tell me where in this resolution is there anything to say to management that they should do something?

There is nothing.

I will support the chairman's amendment, and I hope all the Members of the House will do so in order to at least give these men something. They started in September 1969 and have been prevented from striking during this period of time, and now we propose to say for another 45 days they cannot do anything—and they have not received a nickel in that period of time.

I also would support the amendment offered by the gentleman from Texas (Mr. ECKHARDT) and it is not an amendment that is mutually exclusive, but it provides for the same kind of thing which we tried to enact in 1967. By "we," I mean a number of us who were in the minority on the conference, but who were very close to being a majority. We simply could not overcome former Senator Morse. We wanted to give the President an arsenal of weapons, such as seizure, in order to create a climate of an artificial strike to make the parties complete their bargaining.

The amendment offered by the gentleman from Texas (Mr. ECKHARDT) is of the same type. It is a selective strike mechanism. It is saying to the people, to both parties, "If you do not settle this, you will be thrown on your economic rights, and then you will have it out," and yet it prevents the situation from becoming a national emergency. It is a very good amendment.

I can assure the Members this: If that provision is not included, I will certainly oppose the legislation, and I will ask for a separate vote on the amendment to extend the time from 45 days to 81 days, because this Member, for one, is not going to go back to the laboring people in this country and in my district and say that we will keep them working without even an increase in wages to take care of the inflation they have suffered for the last year, and further if we have not given them anything. We further say we cannot come back 6 or 7 days early and do something about the situation. I just am not going to do that. Therefore, I would ask for a separate vote on the amendment if this legislation does not include something to balance out the legislation so the parties will negotiate. There will be an opportunity to vote on whether we want to come back early in

January to mediate this if we do not balance the bill. I firmly believe, as the chairman does, that we eventually are going to come back and mediate it then, or we will be back on March 1.

Mr. SPRINGER. I yield 3 minutes to the gentleman from Georgia (Mr. Thompson).

Mr. THOMPSON of Georgia. Mr. Chairman, I think we all know the disastrous effects a strike would have upon the people of this country. I think we all recognize the fact that we cannot have a strike. The national interest dictates that we in the Congress take action to prevent a strike from occurring.

But, at the same time, Mr. Chairman, I think we also recognize that we must be fair to both management and labor in this matter. I do not like being placed in the position of trying to settle a labor dispute, because, frankly, I do not know enough about the individual issues involved. I stayed here until approximately 8 o'clock last night in the hearings, listening and trying to learn a little bit, but as I see the resolution that came out of our committee, it provides no incentive whatsoever for anything to be done during this interim period, so far as management is concerned, to settle it.

Why do I make this statement? I make this statement for the simple reason that if this resolution passes, there is no pay raise in it. Without a pay raise management is not paying this money. I am told they have set aside a reserve fund to pay for the retroactive pay increase going back approximately 1 year. The 5 percent really does not compensate completely for the cost-of-living increase that has occurred this past year.

I do not know how much money is in the package that relates to 1970. I am told the total package over 3 years is about $1.5 billion.

Let us say it is only $100 million for the first year. The railroads save the interest on this $100 million by not paying it. The longer they can delay a settlement, they are going to save that much more interest. At 8 percent, interest on $100 million is $8 million per year and probably during January to February of 1971 it will be more than $1 million per month.

So I say the least we can do is to adopt the amendment which I understand the chairman of the committee is going to offer to provide the retroactive pay raise, to which I believe the people are entitled. We can put a stay against a strike, which this country cannot afford. If we adopt the chairman's amendment, I believe there will be an incentive for the parties to get down to serious negotiations and come up with a settlement before next March.

I hope it does occur. If it does not occur, then I suspect we will be back in the same posture we are in now around the last day of February.

Mr. SPRINGER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. Watson).

Mr. WATSON. Mr. Chairman, I thank the ranking minority member for yielding me the 2 minutes. I take this time purely to make an observation with the hope of clarifying some wrongful impressions which may have been gained from the previous debate on this resolution.

First, I commend my friend the gentleman from Georgia (Mr. Thompson) for his diligence as a member of the committee. Both he and I stayed around until after 8 o'clock last night listening to all the testimony.

As I recall, a number of the people have said that this is a management bill and it is to the advantage of management to delay and to stall.

I believe the members of the committee should be apprised of this fact, which is a very important aspect of this dispute. Initially I was of that opinion, that the longer they stalled the better it was for the carriers. The facts refute that conclusion. We should all remember that the recommendations of Emergency Board No. 178 this past November were accepted completely by the carriers, and it was the unions which refused to accept these recommendations. Had they accepted them then we would not be faced with this difficult decision today.

So I am convinced, if I may respectfully differ with my friend from Georgia, that it is to management's advantage to settle this thing as quickly as possible, not stall things.

It grieves me to be up here again with this particular matter. This emphasizes and underscores the importance of getting permanent legislation, which apparently we only concern ourselves with when faced with an emergency situation such as this.

Again, let me remind my friends that the carriers accepted the recommendations of Emergency Board 178. It was an impartial Board. I asked the representatives of management and labor whether they knew of any particular discrimination or any particular bias on the part of any of the five members of that Board, and everyone agreed: "No." These were knowledgable men in the field of labor disputes.

They wrestled with that problem and were totally impartial. I read the report of some 90 pages last night. They made recommendations for the resolution of this dispute and the carriers agreed to accept those recommendations, although very costly. But for reasons best known to themselves the representatives of labor rejected them and we find ourselves in this predicament today.

Above all, we must remember that we are not to take sides in this dispute but try to be fair to all while keeping uppermost the interest of the general public.

Mr. STAGGERS. Mr. Chairman, may I ask how much time remains on this side?

The CHAIRMAN. The gentleman from West Virginia has 4 minutes remaining.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. I thank the gentleman for yielding me this time, and I hope I can give some time back for comments he might like to make.

Mr. Chairman, this morning in the committee, when the amendment was offered by our distinguished chairman to provide for a pay increase, I offered an amendment to that amendment which was adopted. I want to read it, so that the Members will have it and it will be in the Record. The amendment would have stated:

> All proposals for changes in work rules, and other conditions of employment contained in the notices served by the carriers parties to this dispute recommended for adoption by Emergency Board 178 which the Secretary of Labor determines do not require further negotiations by the parties are hereby placed into effect as of the date of enactment of this joint resolution to the same extent as if agreed to by the parties and no change, except by agreement, shall be made in such work rules and conditions of employment prior to December 31, 1972.

That amendment was adopted, and then, by some strange development of the committee procedure, when the full amendment came to be voted on, the amendment and the amendment to the amendment did not pass, although the amendment to the amendment had passed once in the committee.

I will admit to the House it is difficult to explain what all of these rules are that are involved here. Most of them are still subject to negotiation. They embody recommendations and guidelines to the parties and the Secretary of Labor. Because they are not words of clarity and finality, it is hard for me to come to you and say that these rules should come into effect if you will grant the pay raise. It seems to me if we will grant the pay raise, we should have a quid pro quo and we should get some relief in work rules, because that is what management is asking for.

Nevertheless, because we could not explain what all of these rules involved, it was not passed. I do not think I can offer this here, because it is too difficult and too voluminous to lay out in a concrete fashion.

Another amendment was offered which was to make an addition to this bill, H.R. 8446, which I have had before Congress for some 5 or 6 years, which is an attempt to find answers by way of permanent legislation to the problems that we face.

It seems to me if we are going to save collective bargaining, we must make amendments to section 10 of the Railway Labor Act. There are no political hereos with regard to legislation in this field. The only one who wins in this is the public, and it is in the public interest that we should pass this legislation here.

I am going to ask in the full committee that a step-by-step procedure on the bill I have offered to this body be taken and that it be printed at this point in the Record.

The schematic outline is as follows:

SCHEMATIC OUTLINE OF PICKLE TRANSPORTATION STRIKE BILL

MEDIATION BOARD

Reports if a dispute exists which threatens "substantially to interrupt interstate or foreign commerce to a degree such as to deprive any section of the country of essential transportation service."

PRESIDENT

"In his discretion," may thereupon create an Emergency Board; or, if he determines that the "dispute immediately imperils the national defense, health or safety, he may proceed under the provisions of subsection (b), (c) or (d)."

EMERGENCY BOARD (MEDIATION)

(1) Size and membership is choice of President;

(2) Board must report within 60–120 days of appointment;

(3) If instructed by President, Board report will contain findings of fact and/or recommendations for settlement.

PRESIDENT

(1) Holds Emergency Board report for 30 days cooling-off;

(2) After cooling-off, President may return dispute to Emergency Board for 30 days consideration and for their recommendation on whether to proceed under (b), (c) or (d);

(3) President may proceed under (b), (c) or (d) or any combination thereof; he is not bound to follow the recommendations of the Emergency Board as to which procedures to follow;

(4) If President elects to proceed under (b), (c) or (d), he may impose the recommended settlement of the Emergency Board as interim working conditions, pending the time required to exhaust procedures of (b), (c) and (d).

(5) Whenever President determines to pursue (b), (c) or (d) (whether or not an Emergency Board was used) he shall notify the parties 10 days before entering such procedures—such notice need not specify to the parties which of the steps or combination thereof will be taken.

(B) SPECIAL BOARD (ARBITRATION)

(1) Parties have 10 days to select members and procedures; if they fail to do so, President performs this function;

(2) Board is composed of 5 members; 3 public, one labor and one management;

(3) Board has from 60–120 days from appointment to report;

(4) Board has power to make a settlement binding on the parties for a period of the Board's choice, but less than 2 years.

(C) SEIZURE OF CONCERNED CARRIERS

(1) Management of carriers is continued by Secretary of Commerce;

(2) All corporate activities continue as in the normal course of business;

(3) Working conditions remain the same unless the President imposed the Emergency Board recommendations.

(D) CONGRESSIONAL REMEDY

(1) If the President elects to proceed under the provisions of this subsection, "he *shall* transmit to Congress such recommendations for legislation as he may determine are required."

Mr. Chairman, I hope hearings will be granted, and I believe they should be held either in the way of open hearings or through a discharge petition, because we have reached the point where we must move forward in the field of permanent legislation. That legislation would involve an arsenal of weapons on the procedure approach.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, the fact was referred to that our committee did not hold hearings on a bill in this field that was sent up from the White House. I would like to explain a little bit why it has not been done. There is no possibility for doing it this year, and I would like to explain why.

I think the minority leader will agree with me, because I heard him make a statement on this earlier in the year, that if we took it up we would be months on a bill, laboring hard and long, before it would come out of our committee. We had so much legislation for the benefit of our Nation that we had to consider this year that we could not bring this up. We brought the last piece of legislation to the Committee on Rules just yesterday hoping that they would get it out. The Rules Committee said this morning that they have not seen anything like this before. They have never seen a committee that was as busy as our committee. We passed out 70 pieces of legislation, and some of them are landmark pieces of legislation, leading, we hope, to a better life in America.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. SPRINGER. Mr. Chairman, I yield 2 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, I would like to make a comment or two on the observations made by the distinguished gentleman from West Virginia, the chairman of the Committee on Interstate and Foreign Commerce.

I do believe that your committee has had a great amount of legislative responsibility in 1969 and 1970. It has held many hearings on many vital matters. It has produced a great deal of legislation covering a wide span.

However, the legislation involving the transportation industry as a whole, where you have labor-management disputes, is as important as any legislation that has been referred to your committee.

This Congress, hopefully, is about to expire. I do not foresee that your committee is going to be as overburdened in the next Congress.

Would the chairman of that committee—and the gentleman is going to be the chairman of that committee in the next Congress—assure the Members of the Committee of the Whole and the Members of the House that there will be hearings held on this permanent legislation in the next Congress?

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, we will consider holding such hearings, I will tell the distinguished minority leader.

Mr. GERALD R. FORD. I wish the gentleman would be firmer. To say that he will consider holding hearings is not enough. We are going to have, time after time, as we have had in the last 6 years, these emergency problems arising. In these cases, we improvised or we did something in an ad hoc way. I should think that the distinguished chairman of that committee would get fed up with these recurring problems. Why does not the gentleman hold some hearings and pass legislation that will provide a procedure for the settlement of labor-management disputes? Then, we would not have to go through this excruciating legislative experience so often.

Mr. RARICK. Mr. Chairman, as I understand the problem, because nothing constructive has been set forth since the last railroad crisis in March, Congress is again to be used to postpone another rail strike. As under standard operating procedures, we Members are herded into the Chamber at the last minute and in reality given but one alternative; that as a quasi-court of last resort, by legislation, we outlaw all railroad walkouts. Congress is again being asked to be judge and arbitrator in a labor dispute in which we do not have all of the facts, the facilities, nor the forum to attain justice.

The separation of powers under the Constitution have become so confused that the courts pass the laws, Congress is to try the cases, and the President remains in the background as a referee. We are given no explanation as to why the Transportation Department or the involved parties have not sought through the courts the injunction they now ask from us. For certain, the Federal courts must exist for some purpose other than civil rights litigation and supervision over public schools to insure proper racial balance of students.

Neither free enterprise nor free labor can long function under national socialism. This centralizing of power is the cause of the problem which we are again ordered to solve by a majority vote rather than on the equities—the rights and wrongs of the situation.

Neither compulsory arbitration by the force of law, nor the greater evil of Government-enforced work agreements, are in our American tradition. These are Soviet solutions. We should avoid them like the poison they are. Freedom of choice is still the law of our land. Unless men are free to negotiate their wages and working conditions, they must either become slaves or starve.

Unless and until the President is prepared to ask the Congress for a declaration of war, it is totally inappropriate to talk about the relationship between a railroad work stoppage and the so-called war effort. While we trade with the supplier of the enemy, refuse to purchase strategic chrome except from the Soviets, and permit the propaganda and demonstrations in this country designed to aid and abet the enemy, there is no justification for crying "war emergency" to justify the application of naked power by some bureaucrat to the negotiations between labor and management in the transportation industry.

If, as suggested, we sweeten the bill by including some monetary allowances to the workers, are we not by precedent encouraging this body to enter into all future labor disputes? It would seem to me that any American workingman would resent being told that he must work, but also must work under a wage scale which has been arrived at by Congress through some magical formula. What is left when freedom is gone?

We in Congress were not asked to intervene in the Post Office strike nor for that matter in the recent General Motors strike.

Will we next be asked to legislate a solution in the Chavez grape pluckers conflict?

The whole Federal role in labor disputes should be reexamined instead of regularly asking Congress or the courts to apply Federal power in selected situations to put out fires according to the whims of some ivory tower bureaucrats.

Voting for the bill and extending the cooling-off period is like applying a bandaid to a broken leg. The same old railroad problem should be put to rest by carefully drawn amendments to the Railway Labor Act. It should either be amended to protect the rights of all, or it should be repealed en toto.

Because I do not believe the Congress is the proper form for writing labor contracts or for enforcing laws which bureaucrats have written, I find myself in the position of having to oppose the bill.

Mr. LLOYD. Mr. Chairman, if ever there was dramatic evidence of the failure of this Congress to enact or even to debate legislation to prevent nationwide transportation tieups, today's strange proceedings in the House constitute such evidence.

Early in 1970, I cosponsored the administration's labor proposals, as chairman of the House Republican Task Force on Labor Law Reform. Others of the task force also joined in the sponsorship. That legislation has rested for 10 months in the Committee on Interstate and Foreign Commerce. Today the gentleman from Michigan (Mr. FORD) asked the chairman of that committee point blank if he would call the legislation up for committee hearing when the new Congress meets next month. The chairman replied only that he would consider it.

The Emergency Board has had this case under advisement and made its recommendations which were accepted by management and turned down by labor. To place the blame upon management for the impasse which could result in a nationwide strike at midnight tonight is to be inaccurate. Certainly we should not be here settling this dispute. There should be permanent legislation to handle this kind of situation, and the Committee on Interstate and Foreign Commerce clearly has the responsibility to take up this legislation.

The committee has not done so, so we here today and tonight are asked to do a startling thing. We are actually asked—we here as Members of the U.S. House of Representatives—to participate in the negotiation of that contract by awarding to labor part of the demands for which labor threatens to strike.

Labor has been represented in the negotiations. Management has been represented in the negotiations, but the public has not been represented. We are the ones with the responsibility to make that representation of the public's just cause.

When this body represents one party to the dispute; namely, labor, by awarding to labor part of the package which they have attempted to negotiate, we are entering new and dangerous territory. It is a territory which, in my opinion, we should not enter. It is not our responsibility to become a negotiator. It is our responsibility to require the parties to negotiate the contract which should be in the interests not only of labor and management but of the public as well.

I cannot vote for legislation which makes the Congress of the United States the negotiator of a labor contract.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

H.J. RES. 1413

Joint resolution to provide for a temporary prohibition of strikes or lockout with respect to the current railway labor-management dispute.

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers Conference Committees and certain of their employees represented by the United Transportation Union, the Brotherhood of Railway Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC), the Brotherhood of Maintenance of Way Employees; Hotel and Restaurant Employees and Bartenders International Union threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas the recommendations of Presidential Emergency Board No. 178 for settlement of this dispute did not result in a settlement: Now, therefore, in order to encourage these parties to reach their own agreement, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 a.m. of February 17, 1971.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the joint resolution be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 11, strike "February 17" and insert "March 1".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Add at the end of the resolution the following:

"SEC. 2. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by 5 percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section."

Mr. STAGGERS. Mr. Chairman, I have offered this amendment in perfectly good faith because I believe in it. Several of the Members awhile ago talked about justice. We can see the words written on that dias, the second word, wherein our forefathers said of America—the first word is the "Union" and the second is "Justice" and then "Tolerance," which is the keystone.

I would say to you concerning the laboring men on the railroads—I can draw a line down through any piece of paper and you mark on one side what their tools are, and what they will have on their side, and you will find that their principal weapon is that they have the right to strike. When you take away that right, you will find that the balance of the scales on the side of management will go up and you will have to balance those scales with something else if there is going to be justice.

Mr. Chairman, this is the only right, and the only way, that the working man has to balance those scales. When we take away certain of their benefits we unbalance their right and we have unbalanced those scales. We should balance those scales with something else.

Mr. Chairman, we ought to give them the retroactive pay which belongs to them by recognition of the railroads themselves. I daresay that if you polled every railroad in America, they would say, "We are willing for the railroad workers to have retroactive pay." I do not believe that any responsible representative of management would come to this House and say, "Do not give them this, because this is going to aggravate the final settlement."

This increase has been recommended by the Emergency Board, and it ought to go to the employees. I say that the 32 cent provision ought to be included in the amendment, because that will take them over the period of time in which we deny them the right to strike.

What right does labor have except the right to strike? On the one side is the person handling the purse strings saying that this shall be done, and that shall be done, so there is no other right except the right of labor to have an economic factor some place so as to balance these scales. That is all I am trying to do, is to make these scales balance.

If we take the right to strike away, then we give them the right to retroactive pay, the one that has been agreed to by management.

I say again that there is not one management in the railroad industry in this country that would come in here and deny these men the right to have this money.

So I say again that we cannot take something away from some of the people without reimbursing them. And we should not do business any other way, with any group in our land.

We did not take away the right to strike from the people who struck General Motors, and we did not take it way from the truckers in different places in this Nation. And yet we have picked on one segment here, and say they cannot strike.

So I will repeat again, that there is no one in management, I dare say, who would come in and say that the employees do not have the right to receive this money for their families. If this is not done we will do the employees irreparable damage.

Mr. SPRINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, you had an arbitration group meet, and they made recommendations. Had labor accepted those recommendations this would have included 37.6, including the 5 percent plus the 32 percent that the gentleman from West Virginia mentioned.

Mr. STAGGERS. If the gentleman will yield, and they also would have to pay them far more in the next 2 years.

Mr. SPRINGER. Right up to this time they would have had all this coming to them, they had worked that out, but they did not want to do anything about rules.

Now, Mr. Chairman, you have to balance accounts in this. When you increase the money, then how does a railroad expect to increase its productivity? Only by getting modernization of the rules. That is what they have been trying to get.

The Board made recommendations with reference to those rules, but labor was unwilling to accept them. Sure, they would like to have the 5 percent plus the 32 cents per hour but they do not want to accept the other side of it. The balance is the rules against the money, and they have said that they will not accept the rules.

So if you grant this amendment then you have taken sides in the dispute. You have given one side an advantage, and a definite material advantage, over the other side, which does not get anything in return.

Now, this is a matter that ought to be arbitrated between the people. It ought to be possible for them to make their own decisions.

The Board came in with a recommendation which the committee that was present accepted, and which management accepted completely, and said that is it, we will abide by it.

Labor said we will not abide by it, we want more money, we want 40 or 42 cents, and we do not yield on the rules as have been set by the Board.

Now those are the issues. When we get into this we are getting into a dispute on one side of this in an attempt to give that side an advantage in the beginning. That is something that was not brought before the committee. The committee turned this amendment down this morning for the very reason that we do not want to get into the issues in this dispute. And for that reason I recommend that this amendment do not pass.

Mr. ADAMS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I think we should clarify what was said by the gentleman from Illinois with regard to what is being suggested.

All that is being suggested by the chairman of the committee is that the men be paid for the period of time during which they have been enjoined. This is for the past year, since September 1969, when they have not had any right to strike. They have not been able to put any economic pressure on the employers at all. During this period of time they have received no increase in wages. Inflation has taken from them any gains that they might have received in the past. It is a matter of simple justice to say to these men, "All right, we have held you for a year and now we will pay you wages for that and in the future—and here is where the bargaining should take place—in the future you must bargain about your future wages and you must bargain about the work rules."

The only reason we did not put work rules into this proposal was the fact that last night the testimony was very clear in response to the questions of the committee that this Emergency Board has not decided on any work rules. All it does is to say, "Here are the guidelines, and then the parties must negotiate them."

In fact it was testified that it is impossible for any arbitrator to set work rules in this very complicated industry because the parties themselves who live with them through their whole lives must settle the rules. And if the parties are not satisfied you gain nothing by arbitrarily telling them that. This will be a particular work rule.

Under the amendment of the chairman of the committee we will pay the men for the period of time that they are being held by injunction.

The rest of their wage package as recommended by the Board will be decided by future bargaining.

If you do not do that then you are asking this Congress and every sitting Member here to say to these men, "All right, you have been held by an injunction for over a year from any economic sanction on the employer and now this Congress is going to hold you up for another period of time—not just 45 days, like the President recommended, but for 81 days," and they are going to say, "You have enjoined us another 81 days and what do we have for that? Nothing."

There is a right in the United States for Americans to withhold their work and I do not know what the men will do about this on these railroads when they are faced with that, because three times before they have had this happen to them and three times before the period of time has passed with no settlement. Management is exactly where it was at the beginning and the Congress had to finally settle the dispute.

So we do not think there is going to be any settlement. I cannot persuade the parties to settle, and if some of you can persuade them, or if the President could persuade them, or anybody in the world could persuade them, that is fine. But I do not think that they are going to be easily persuaded.

There is a problem that faces all these labor union leaders. What do they say to their men? What do they say to their men? Not only because of inflation, but to the man whose work is paid far below other men working with them. The other unions have received wage increases in the last year; and believe me these men in these labor unions and the men leading them are not trying to be arbitrary. They are under immense pressure and that is what is happening in this industry.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. PUCINSKI. The gentleman from Illinois (Mr. SPRINGER) said that we should not take economic sides. But is it not the effect of the amendment being offered by the chairman of this committee to restore economic equality—because in the absence of this amendment, we would indeed be taking economic sides by adopting this bill without the amendment. This bill would prevent a strike before March 1, 1971. Thus, the bill, without the amendment would make it possible for the railroads to continue getting the services of the railroad worker during the life of the bill, but the worker could not by law get his fair share of the profits. The amendment offered by the gentleman from West Virginia (Mr. STAGGERS) provides that the railroads shall get the services and the worker additional pay. Thus, we establish economic parity instead of denying it to one side or the other.

It seems to me that this legislation, in the absence of the amendment, would definitely take economic sides on behalf of the railroads.

Mr. ADAMS. I agree with the gentleman. I think it takes the side of the railroads.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the chairman of the committee.

Mr. STAGGERS. Mr. Chairman, what we are doing is taking away the liberties of a certain group of men for a certain period of time, and we are not compensating them in any way. I say this is poor compensation for taking away the liberties of those men and their families who have to live in this land of ours and whose children grow up to be adults. We must be fair and recognize that it is more than merely the workingmen themselves who are involved. It is also the families who are affected when we say we are going to take something away, and we ought to give something back in return.

Mr. ADAMS. Mr. Chairman, I hope the amendment will be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 90, noes 71.

Mr. SPRINGER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. STAGGERS and Mr. SPRINGER.

The Committee again divided, and the tellers reported that there were—ayes 93, noes 90.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Strike out all of section 1 and insert in lieu thereof the following:

"That, with respect to the disputes between United Transportation Union, the

Brotherhood of Railway Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC), the Brotherhood of Maintenance of Way Employees; Hotel and Restaurant employees and Bartenders International Union and the carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers Conference Committees upon which the above unions served notice under the Railway Labor Act on May 29, 1969, September 2, 1969, October 15, 1969, October 20, 1969, October 24, 1969 and November 20, 1969, the provisions of the following paragraphs of the Railway Labor Act (45 U.S.C. 160) shall be expanded or altered for the periods hereinafter set forth:

"(1) That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western and Southeastern Carriers Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 a.m. of March 1, 1971.

"(2) That the following provisions be in effect as subsections (b), (c), (d) and (e) of Section 10 of the Railway Labor Act (45 U.S.C. 160) after 12:59 P.M., February 28, 1971, until 12:59, May 31, 1971, applicable to these disputes only:

" '(b) It shall be unlawful for any carrier at any time to lock out any craft or class of its employees, or any segment of any such class or craft, or in any manner to diminish its transportation service in consequence of any dispute subject to this Act unless such carrier is caused to diminish such service by a strike of all or some portion of its employees.

" '(c) Whenever any carrier has proposed a change in agreements affecting rates of pay, rules, or working conditions in accordance with Section 6 of this Act and all procedures required under this Act have been exhausted with respect to such change, such carrier may make such change effective without agreement, unless (1) such change was proposed by the carrier as a counterproposal for consideration concurrently with a change or changes in such agreements proposed by a representative of employees, in which case the carrier shall not make such change effective except by agreement unless such carrier's transportation service has been interrupted by a strike of the employees whose representative initiated the proposed change to which the carrier made such counterproposal; or (2) such change is not permitted by other provisions of this Act.

" '(d) Whenever a representative of employees has proposed a change in agreements affecting rates of pay, rules, or working conditions in accordance with Section 6 of this Act and all procedures required under this Act have been exhausted with respect to such change, the employees represented by such representative may selectively strike any carrier or carriers to whom such proposal was directed, without concurrently striking other carriers to whom such proposal was also directed and who may have been jointly or concurrently involved with the struck carrier or carriers in the previous handling of the dispute under this Act. For the purposes of this subsection a strike shall be a "selective" strike if not more than three carriers in any one of the Eastern, the Western or the Southeastern Regions are concurrently struck and the aggregate revenue ton miles transported by all carriers in any one region who are concurrently struck did not in the preceding calendar year exceed forty percent of the total revenue ton miles transported by all carriers in such region in such year.

" '(e) Whenever a strike occurs on any carrier such carrier and the representative or representatives of the employees on strike shall arrange to provide transportation for such persons and commodities to the extent that such transportation is officially determined to be essential to the national safety or health of the United States.

" 'The official determination of the requirements of the United States under this subsection shall be made by the Department of Transportation after consultation with the Secretary of Defense and the Secretary of Labor. Such determination shall be made on the basis of facts known to the Department of Transportation. The determination shall be in writing, shall be based on findings of fact stated in the determination, and shall be conclusive unless not made in good faith or made arbitrarily or capriciously.' "

Mr. ECKHARDT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. I will explain it.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ECKHARDT. Mr. Chairman, this amendment does not in anywise touch the amendment which was just put on the bill. The amendment just put on the bill added a new section two. This amendment would amend section one.

This amendment in its first clause—that is, under 1—provides exactly the same terms in the bill with respect to the stay period until March 1 as in the original resolution. It does not change that in any way.

What the amendment does to change the bill is to add an additional provision in section one—in its clause 2—an additional period of 3 months, during which period, after the unions have been required to stay their actions for 81 days, a strike can be conducted in exactly the same way that it would be in the trucking industry or in the auto industry or in any other industry.

I wish to submit this point: Though the Staggers amendment created a degree of balance, and I was for it and I think it greatly improved the bill, this amendment addresses another problem. If we do not want management and labor in the railway industry to come to us again, we must in some way restore the normal pressures of bargaining.

With the Staggers amendment we have a situation in which cost-of-living increases are in effect during this 81 days and in which the provisions that the Board recommended for that period are in effect. But the difficult differences between management and labor will still not be resolved. Those differences concern what is in the package in succeeding years. This is where the big part of the wages exists.

Also, on the management side, what will be done about the work rules?

There is no incentive in the stay order as it is now written to get management to be a bit flexible. I mean, we have the requirement on labor to be a bit flexible because they cannot get their wage desires unless they get agreement.

What we have experienced heretofore is a situation in which whenever we extend this period of time there is no negotiation. So we are faced, at the end of that period of time, with the request for another extension. We will have it here again on March 1 unless we restore the normal processes of collective bargaining.

That is all this amendment does as a general proposition.

Let me explain exactly what it does in detail, what its processes are:

No. 1: Some provisions say just what is now written into the Railway Labor Act; no party which is not under strike can change its conditions. That is the law now. The carrier cannot change wages and working conditions during the term of negotiations when the carrier is not being struck; but, when a strike occurs against a single carrier, that carrier can do anything he wants to do under my amendment. He is then free to engage in the ordinary give-and-take of collective bargaining which may occur when a strike is in process. Unless the possibility of strike lies behind the log at some point there will be no realistic bargaining, and we will be faced with the same problem at the end of the moratorium period.

There is an important limitation in the amendment: you may not treat as a selective strike against carriers, a strike against more than three carriers in a region, or those who handle a greater amount than 40 percent of the service for the region; and, very importantly, it provides that the Secretary of Transportation shall require that those goods that affect health and safety must be carried. They must be carried even by those few railroads and those few railroad people who are on strike.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ECKHARDT was allowed to proceed for 5 additional minutes.)

Mr. ECKHARDT. Now, I want the Members to note that this provision is limited in two ways. This is not a permanent change of the Railway Labor Act. I think it does little more than restate what is the proper interpretation of that act, but up to now the trial courts have forced upon us a nationwide strike. This does not force a nationwide strike. These changes are limited to the particular disputes here involved and are limited in time to the period of 3 months after the 81-day stay.

I have heard from the other side of the aisle—and I think there is some basis for the contention—that we ought to do something to prevent Congress from being confronted time and time again with these problems. Some have said over there that we ought to do something comprehensive, something other than offer an ad hoc solution. I say to all of my friends here on the floor that I think frequently an ad hoc solution is a good one. That is the way the common law works. You have a tough problem and you try to solve it through means which seem to work under the circumstances. If it does not work, you can change it as soon as you come back. You can change it even befre March 1. That is the reason why you wrote the stay period as 81 days, to run out on March 1, so that we would be back for more than 2 months by then.

Now, my colleagues, I believe this scheme will work, and I believe it should be given a chance to work. It is the one thing in the bill that differentiates this

XUM

bill from any of the other stay orders that have been issued at previous times.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question?

Mr. ECKHARDT. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Do I understand your amendment would set up machinery where the Secretary could designate certain materials as essential to the interest of the Nation and those things would have to be moved even though there was a strike against a railroad against shipment of general cargo?

Mr. ECKHARDT. That is correct. They have to be.

Mr. PUCINSKI. In other words, what you are recommending is a selective strike procedure?

Mr. ECKHARDT. They would have to be moved. It is selective in two ways: First, it is selective by virtue of the fact that not more than three railways can be struck in a region; and, second, it is selective in that the strike could not include the refusal to move any strategic materials or matters relating to health and safety which the Secretary thought had to be carried. In the Second World War, I would assume he would have required almost everything to be moved.

Mr. PUCINSKI. Would the Secretary's judgment in determining what has to be moved be absolute?

Mr. ECKHARDT. It is absolute except that he is required to consult with the Secretary of Defense in this regard.

The ultimate decision is in the interest of the Nation. Labor cannot affect it and management cannot affect it.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield further, with this concept how do you retain the traditional leverage of economic pressure by the working people seeking some form of solution to their demands? How do you preserve the leverage of economic pressure?

Mr. ECKHARDT. Those pressures would continue in existence because in my opinion the Secretary could not be presumed to undercut the public interest in this respect.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Washington.

Mr. ADAMS. Is it not true that in this dispute the unions involved attempted, first, to strike individual lines, and in the memorandum that was testified to yesterday the original strike was scheduled against the B. & O., the C. & O., and the Southern Pacific on September 17, 1970?

Mr. ECKHARDT. That is true. The same situation exists as when we had the shop craft dispute.

Mr. ADAMS. And, they attempted selective strikes so there would not be a national emergency and collective bargaining would be allowed to continue without the emergency situation we face now?

Mr. ECKHARDT. That is right. The reason we are constantly faced with these problems is because of the pattern of nationwide bargaining and the pattern of the requirement of a nationwide strike. We have had strikes all the time in other industries even as big as the telephone industry.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Now, gentlemen, what have we done with the Staggers amendment? This has been done? We have forcibly arbitrated 5 percent, plus 32 cents per hour for labor, in this dispute. We have already made that decision. We have arbitrated your action. If that is what you want to do, then continue with the amendment which we have from the gentleman from Texas (Mr. ECKHARDT) to further arbitrate the dispute.

Now, what is the effect of this amendment which has been offered by the gentleman from West Virginia? Labor already now as of this minute, provided that the Senate accepts this and the President signs it into law—has already gotten every single thing it asked for before our committee, every penny. There is not any incentive on their part whatever to arbitrate anything between now and March 1. They have already got it. This amendment puts it in there.

Now, Mr. Chairman, the quid pro quo on the other side is rules. Why should they arbitrate rules? Why in the world, if I represented labor, would I arbitrate rules, when I have already gotten exactly what they asked for before our committee and said that they want now?

Now, gentlemen, if we are going to arbitrate labor disputes on the floor of the House—you started it and I want to be sure that you understand what is happening when you do a thing like this. If I were a labor leader I would not arbitrate under any circumstances between now and March 1. I have got every single thing that I asked for before our committee yesterday and management has not gotten one single thing.

Management has not gotten one single thing. This is the danger that I pointed out before of us getting into this matter when it ought to be left to the two disputants to work out their problems. If they cannot, they can come back to the Congress and we will come up with legislation as we did before.

So you have already legislated, may I say, away any chances in my opinion of any arbitration in this matter between now and March 1. This has already been done, and if you want to further upset this, in their favor, then take the amendment of the gentleman from Texas and put it into effect, and you will have given them another arm which they can use immediately.

What the gentleman from Texas is trying to do is to overcome a court decision which forbids exactly what the gentleman is trying to put into this resolution.

Now, that is the situation as of this moment. I assume there will be other amendments offered here by those who are representing that part of the spectrum of this dispute in the hope of using some kind of legislative force upon management to further retreat, and to give labor more of what they want after March 1. They have already gotten everything up to March 1, but now you are using this to force management to give them what they want between March 1 and January 1 of 1973.

If everybody understands clearly what they are doing, and they want to vote that way, that certainly is the decision of this House, and I will abide by it, but I want to be sure everyone understands exactly what is being accomplished by this amendment, and the amendment that was offered by the chairman a few minutes ago, and adopted.

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

At the outset I want to be very certain to put this in perspective as to what has been done, and what we are voting on.

The amendment offered by the chairman granted only 13.5 percent. This was for the past year, when the men have been enjoined and prevented from doing anything in terms of exercising any rights against management. It is payment only for the past.

What is to be negotiated during the next 81 days is the rest of the package—and incidentally, the wage package and the work rule proposals which are only guidelines, have been agreed to by management, so that what we have remaining is the rest of the 37-percent package which management had agreed to over the next 3-year period, and the work rules.

The men will end this period of the injunction by having been paid for the period of time they have been enjoined.

So, first, I want that to be clear. Second, the pattern of these disputes in the past has been that management, once having taken a position on an emergency board—and they have taken such a position in this dispute—refuses to negotiate further. What the amendment offered by the gentleman from Texas (Mr. ECKHARDT) attempts to do is to have the parties complete the collective bargaining without a national emergency strike.

Now, that can be done. If it is done, the individual lines could be struck. For example, if labor was to strike the three lines that they proposed on September 15, 1970, the pattern can be established between those lines and their union as to what the collective bargaining system should be in the country both as to certain work rules and money, and yet the goods in the United States can move over the alternative routes.

Gentlemen, we are at an historic point in management relations, and if we go with the amendment offered by the gentleman from Texas (Mr. ECKHARDT) we can try to save collective bargaining for both sides, let them have their economic weapons, and make their own solutions. I think this is what we all profess to believe in.

If we do not, if we do not accept such an approach, even now, or in 81 days then, gentlemen, we will follow the pattern that has been followed in this respect since 1963, which is congressional

XUM

arbitration for each one of these disputes.

I would say to the gentleman from Illinois that this has been the pattern. I am of the opinion that this dispute has been created by management. This means that if we continue this pattern that in 81 days we will come back and, yes, have to establish a Wage Board or some other set of specialized findings to settle the dispute.

The problem with this, and it was explained to us very carefully last night, is that these Wage Board recommendations do not settle disputes on items such as work rules. The parties will still have to do so. So I hope the amendment offered by the gentleman from Texas (Mr. ECKHARDT) will be agreed to because what it would do is to keep from having to come back in 81 days and arbitrate this dispute. This is an amendment that is separate from what the chairman has already placed in as an amendment to this bill. And believe me the men having future wages that are still in dispute and working rules that are still in dispute gives plenty of incentive for the working men of these railroads to come to a decision and try to settle the matter. And all we want is that both sides have this pressure put on them so they will settle.

Mr. Chairman, I hope the amendment will be adopted.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. With reference to one thing that was said by the gentleman from Washington, this will not in any way prevent us from coming back here on March 1, in my opinion, and we will be back here on March 1, with this bill because there is not going to be any settlement, I can tell you, by virtue of the Staggers amendment—there will not be any settlement. I think I can assure this House that we will be back on March 1 with the Johnson legislation of 3 years ago.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had not intended to take the floor at this time but I would like to do so to address a question or two to the gentleman from Illinois (Mr. SPRINGER). I was struck by the statement he made on this amendment because it seemed to me that he devoted most of his arguments to criticizing the amendment just adopted that was offered by the gentleman from West Virginia (Mr. STAGGERS).

So far as the amendment now pending, offered by the gentleman from Texas (Mr. ECKHARDT) is concerned, I noted that the gentleman from Illinois did not criticize in any substantive way the povision that a limited strike should be permitted—a strike against one, two, or three railroads. He did say that this would overrule a court decision. But he did not say that this type of limited strike was bad in itself.

He did not say that such a limited strike would create a national emergency such as a general strike creates.

So I would like to ask the gentleman from Illinois whether in his view a provision which permits a limited strike against one, two, or three railroads is a bad thing, as a way of giving to labor its basic right of collective bargaining without creating the sort of national emergency that we are now confronted with.

Mr. BINGHAM. Mr. Chairman, I yield to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. I can give you a good example of what happened in a case in September of 1969 when they struck American and Pan Am in those 2 busiest months and they kept them on the ground.

One of the members of the CAB came to me and said that the settlement was going to be 48 percent. I could not believe it—48 percent for 3 years or in other words 16-point-something percent per year. They had to do it. So I had them in and they said, "Congressman, there was nothing else we could do, we had to surrender."

Mr. BINGHAM. Mr. Chairman, I decline to yield further to the gentleman who is speaking on my time.

Mr. SPRINGER. Will the gentleman yield further?

Mr. BINGHAM. I will yield in just a moment. I would like to say that what the gentleman seems to be saying is that this is an effective tactic for organized labor to take. I am not opposed to organized labor having effective tactics in its quiver of arrows. What I am concerned about is the kind of general strike which creates a national emergency which is intolerable. But the gentleman has not said that from the national economy point of view a limited strike is intolerable.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Illinois.

Mr. SPRINGER. I think it does. It is exactly what I pointed out a moment ago.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Washington.

Mr. ADAMS. I think the gentleman from Illinois has made our argument for us perfectly, because that strike was settled between the parties and did not come back to this Congress. If you want to do away with collective bargaining, let us do away with it across the board in all industries and not put it only on this one. I think the gentleman's point was beautifully made. The 1969 airlines strike was settled between the parties.

Mr. BINGHAM. I thank the gentleman. I yield back the remainder of my time.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment, and move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. PUCINSKI. Mr. Chairman, I am not a member of the committee which is handling this bill, but I am a member of the Labor Committee, and I do have a very profound interest in what happens with relation to the entire labor force throughout the country when you have a work stoppage in the railroad industry.

I remember an occasion some 9 years ago—I believe that is correct, 9 years ago—when President Kennedy invited a group of us as members of the House Labor Committee and a group of members of the Interstate and Foreign Commerce Committee to the second floor of the White House and at that time unveiled legislation that he believed was needed to avoid a nationwide stoppage in the railroad industry at that time.

We have been here now—and I believe my memory serves me right—five different times trying to avoid a nationwide railroad strike, and each time it has been on a kind of helter-skelter basis. I remember President Kennedy telling those of us who were at that meeting that that legislation was not the best way of resolving the problem, but it was the best he could offer. So far as I know—and I will yield to the chairman of the committee or the author of the amendment—so far as I know, this is the first time that we have come here with a bill and an amendment that can build in a system for putting these railroads back into some semblance of order.

Let us not kid ourselves. Most managements of America's railroads leave much to be desired. The rot that has come out of the New York Central exposures and the various other scandals around the country make it eminently clear that the railroads have not always acted in good faith as far as their workers or their responsibilities are concerned. As I understand the amendment offered by the gentleman from Texas, he now proposes meaningful machinery for settling these disputes. He would set up the machinery for collective bargaining. But he would also set up machinery to protect the interest of the country against a nationwide stoppage of shipment of essential goods and services.

I know what will happen when the railroads go on strike tomorrow. You know what will happen, too. The machinery that the gentleman proposes here does permit selective strikes, it does protect the public interest in moving vital goods and services, and it seems to me that we have an excellent opportunity once and for all to get this dispute out of the Congress and on the bargaining table where it belongs between the unions and the railroads.

In a moment I will yield to the gentleman, because that is the way I understand his amendment and if indeed I understand it correctly, I think he has made a monumental contribution here today to bringing this dispute to a conclusion after we have been here time and time again legislating on temporary legislation.

We always come back. As my colleague from Illinois said, you will be back here in March again. You will be back in June. You will be back here again later this year. As I read the amendment, it does set up legislation for finally bringing some meaningful collective bargaining to the railroad industry. Am I correct in my understanding?

Mr. ECKHARDT. The gentleman is correct. The gentleman does not need to yield to me, for he has said it far better than I could have.

Mr. PUCINSKI. Mr. Chairman, I yield back the remainder of my time.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am certain the amendment offered by the gentleman from Texas has some very good information in it and has some very good points in it, but at the same time I think this is a topic on which we need hearings and thorough discussion.

I have confidence the chairman of the committee, when this Congress reconvenes, as we will in January, will make this one of our first orders of business. But for us to incorporate in this resolution today such a broad all-encompassing amendment as is offered by the gentleman from Texas—and I was in the committee meeting this morning, and I heard it read at that time, and though I have also been here this afternoon which I am still not certain what it does—would be, I think, a mistake. It is a bad legislative process, and I urge Members not to support it.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, I join the gentleman from Georgia in stating that certainly the gentleman from Texas has given some thought to this amendment. An amendment that is as sweeping as this certainly took some thought. But I think all of the testimony of today has pointed out that three or four Presidents have struggled with this, and the chairmen of committees have struggled to work out this problem. So let us not be misled that one member of the committee in a very few days has written an amendment to take care of the situation. If we vote for it, we vote for it without any testimony whatsoever. It is something with which this committee has been struggling for many years, and which Presidents have been struggling with for many years. What it does, in essence, is give the powerful labor unions an opportunity to pick off the weak railroads one at a time.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Texas.

Mr. ECKHARDT. I merely wish to say there were 11 members of the committee who thought this was wise. I am merely trying to approach the situation somewhat tentatively, and the legislation is written that way.

Mr. THOMPSON of Georgia. It may well be wise, but I was there this morning, and I did not have ample opportunity to apprise myself of all the terms and conditions. I believe the amendment consisted of 3 or 4 pages. It is something which should be subjected completely to hearings and should be investigated thoroughly. That is the basis on which I oppose the amendment offered by the gentleman.

Mr. SPRINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish those who are listening would take this amendment and read it. I sat in the committee this morning when it was read and beaten—I believe by 2 to 1. I believe there were 11 votes for it.

Mr. ECKHARDT. Mr. Chairman, a point of order: I may be mistaken, but I believe the gentleman has already spoken once on this amendment.

The **CHAIRMAN.** The gentleman is correct.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the last word.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, many of the Members who are lawyers I hope will take the amendment and read it thoroughly. As I said to the gentleman from Texas in committee this morning, he is a wise lawyer and a good lawyer and a very clever lawyer. But I cannot understand this amendment. If a Philadelphia lawyer can explain it to me, I would welcome that. I tried this morning and could not get an explanation, except what the gentleman told me he thought this meant. I do not read into it what the gentleman has said.

I do not know whether the gentleman drew up this amendment or whether somebody else did. I will give him credit. Maybe he did draw it up, but it does not sound to me like anything that anyone I know around here could draw up. There is paragraph after paragraph in it that I cannot understand, although the gentleman has explained what it means. I am not impugning the gentleman's good faith in any way. I want Members to understand that, but I cannot understand the amendment, and I know there are other Members who cannot understand it by reading it.

I think I am a fair country lawyer, and I cannot understand what the amendment means. It is indeed a tremendously complicated matter of four pages, with references to various numbers and letters of the alphabet in the various parts of the Railway Act, which I cannot comprehend myself. I think it is an extremely dangerous matter to try to undertake to pass this amendment today, because I have great hesitancy in believing that all that is in the amendment is what the gentleman said is in it.

Mr. ECKHARDT. Mr. Chairman, will the gentleman from Alabama yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Texas.

Mr. ECKHARDT. If I had another 5 minutes I should not ask a Philadelphia lawyer to explain it, but I should try to do it myself.

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 48, noes 114.

So the amendment was rejected.

Mr. PEPPER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise first to set the record straight about what the Pepper amendment in 1967—June 15, was when legislation of similar character to this today was before the House.

My able friend, the gentleman from Illinois (Mr. SPRINGER), I know, has not reviewed the RECORD recently, or he would not have stated that the Pepper amendment was the same as the resolution before us today before adoption of the Staggers amendment.

In the CONGRESSIONAL RECORD, volume 113, part 12, page 15925, my amendment was read. This is the way it was read by the Clerk:

> Amendment offered by Mr. PEPPER: On page 4, strike out line 25 and all that follows down through and including line 24 on page 5, and renumber the succeeding section accordingly.

Then I made a brief statement in explanation of the amendment. I believe this paragraph would suffice to clarify it: I quote:

> Mr. Chairman, this amendment preserves in its entirety the resolution which we are considering today, but would strike from that resolution all of section 5. That is the compulsory arbitration section of the resolution.

Mr. Chairman, the able gentleman will recall that the resolution then before the House in section 5 made binding the recommendation of the Board which was provided for in that resolution. My amendment eliminated the binding effect of the recommendation of the Board and left the recommendation of the Board to be considered by the public and by management and by labor. It did not become effective by provision of law, by the elimination of that section 5.

I just wanted to state that I am sure my friend was inadvertently in error.

Mr. SPRINGER. Would the distinguished gentleman yield?

Mr. PEPPER. Yes; I yield to the gentleman.

Mr. SPRINGER. Insofar as the distinguished gentleman's statement is concerned, it is essentially true. I do think that the ultimate effect was simply to take out the binding part of the arbitration, which was to throw the two parties back into arbitration again. That is all it did. It is my recollection the gentleman had a time limit, however, on the time which they could have.

Mr. PEPPER. No; it was open. My amendment left it open to management and labor and to the public to consider with what weight they might tend to give it the recommendations of the Board, but it did not have the effect of law, as the resolution would have had but for the effect of my amendment.

Mr. SPRINGER. I stand corrected, then. But I think the effect was merely to postpone it. They did not take it out, but they did leave it to the two parties. To that extent I stand corrected.

Mr. PEPPER. Mr. Chairman, I want to take advantage of this opportunity also to add this observation. Since 1963, we have had four instances of this sort of resolution which is before us today. Had we not done what we have done today in adopting the Staggers amendment, we would have many more. Obviously a pattern was appearing that when there was a dispute between labor and management in the railroad industry all that management had to do was to stand by its own determined opposition to whatever the demands of labor might be with the assurance predicated on several precedents in this Congress that the Congress would not let labor strike. As the able gentleman from West Virginia (Mr. STAGGERS) said earlier today, we would take away the only positive weapon of economic force that labor has. Therefore, management had the incentive and the encouragement not to make too many concessions, because they believed Congress would come to their side and not let labor use its economic power by striking. Today in the adoption of the amendment offered by the able gentleman from West Virginia, the chairman of the committee, we did what the axioms of equity require of a man who comes into a court of equity. They require that he who seeks equity must do equity. And that he who comes into a court of equity must come with clean hands. The word will go out from this House that from today we are not going to stop labor from striking without requiring that management make concessions that will give fair consideration to labor's demands. What we did today, therefore, I think, will diminish the number of cases of this sort which will come before Congress, because if management knows that Congress henceforth is going to demand that they do equity as they seek it, then they will be more agreeable to finding some means of settling these disputes through sincere collective bargaining.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, pursuant to House Resolution 1300, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. SPRINGER. Mr. Speaker, I demand a separate vote on the so-called Staggers amendment.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Add at the end of the resolution the following:

"SEC. 2. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by 5 percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section."

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Speaker appointed as tellers Mr. STAGGERS and Mr. SPRINGER.

PARLIAMENTARY INQUIRIES

Mr. SPRINGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SPRINGER. I want to be sure that we know what we are voting on. It is the Staggers amendment; is it not?

The SPEAKER. The gentleman is correct.

Mr. STAGGERS. Mr. Speaker, am I permitted to ask for a rollcall vote on this amendment? Can I demand a rollcall vote?

The SPEAKER. A rollcall vote demand is in order at the present time.

Mr. STAGGERS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from West Virginia demands a vote by a call of the yeas and nays which would be in order.

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Is it in order after a vote by tellers has been ordered to demand a rollcall vote after the Speaker has announced that a teller vote had been ordered?

The SPEAKER. The Chair will state that the demand for a rollcall vote before the tellers have taken their place and the beginning of the vote by tellers would be in order.

The gentleman from West Virginia demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 203, nays 184, not voting 47, as follows:

[Roll No. 392]

YEAS—203

Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Barrett
Bennett
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Brademas
Brasco
Brooks
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Carey
Carney
Carter
Casey
Celler
Chisholm
Clark
Clay
Cohelan
Collins, Ill.
Conyers
Corbett
Corman
Culver
Daniels, N.J.
de la Garza
Delaney
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Fish
Flood
Flowers
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Green, Pa.
Griffin
Griffiths
Halpern
Hamilton
Hanley
Hansen, Wash.
Harrington
Harsha
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Howard
Hull
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Long, Md.
Lowenstein
McCarthy
McFall
Madden
Mathias
Matsunaga
Meeds
Melcher
Mikva
Miller, Calif.
Mills
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Morse
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Podell
Price, Ill.
Pryor, Ark.
Pucinski
Railsback
Randall
Rees
Reid, N.Y.
Reuss
Riegle
Roberts
Rodino
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ryan
St Germain
Sandman
Saylor
Scheuer
Shipley
Sisk
Slack
Smith, Iowa
Snyder
Staggers
Stanton
Steed
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Thompson, Ga.
Tiernan
Tunney
Udall
Vanik
Vigorito
Wampler
Whalen
White
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young
Zablocki
Zwach

NAYS—184

Abernethy
Adair
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Berry
Betts
Blackburn
Bow
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Bush
Byrnes, Wis.
Cabell
Caffery
Camp
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Colmer
Conable
Conte
Coughlin
Cowger
Cramer
Crane
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fisher
Flynt
Ford, Gerald R.
Foreman
Forsythe
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Goldwater
Goodling
Green, Oreg.
Gross
Gubser
Gude
Hagan
Haley
Hall
Hammerschmidt
Harvey
Hastings
Henderson
Hogan
Hosmer
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Keith
Kleppe
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lloyd
Lujan
Lukens
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McMillan
Mahon
Mailliard
Mann
Marsh
Martin
May
Michel
Miller, Ohio
Mize
Mizell
Montgomery
Mosher
Myers
Nelsen
O'Neal, Ga.
Passman
Pettis
Pike
Pirnie
Poage
Poff
Price, Tex.
Quie
Quillen
Rarick
Reid, Ill.
Rhodes
Robison
Rogers, Fla.
Rousselot
Ruth
Satterfield
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Steele
Steiger, Ariz.
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Ullman
Van Deerlin
Vander Jagt
Ware
Watson
Watts
Weicker
Whalley
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wold
Wyatt
Wydler
Wylie
Wyman
Zion

NOT VOTING—47

Abbitt
Anderson, Ill.
Aspinall
Bolling
Brown, Mich.
Burton, Utah
Button
Collier
Collins, Tex.
Daddario
Dent
Dowdy
Edwards, La.
Gettys
Gilbert
Gray
Grover
Hanna
Hansen, Idaho
Hunt
Kee
King
Langen
Long, La.
McCulloch
McKneally
Macdonald, Mass.
MacGregor
Mayne
Meskill
Minshall
Morton
Moss
O'Konski
Pollock
Powell
Preyer, N.C.
Purcell

Reifel
Rivers
Roudebush
Stephens
Thompson, N.J.
Waggonner
Waldie
Wiggins

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Dent with Mr. Anderson of Illinois.

Mr. Reifel with Mr. Grover.

Mr. Thompson of New Jersey with Mr. Hunt.

Mr. Waggonner with Mr. Burton of Utah.

Mr. Moss with Mr. Button.

Mr. Edwards of Louisiana with Mr. Langen.

Mr. Long of Louisiana with Mr. Collier.

Mr. Abbitt with Mr. Collins of Texas.

Mr. Macdonald of Massachusetts with Mr. Brown of Michigan.

Mr. Rivers with Mr. King.

Mr. Purcell with Mr. Hansen of Idaho.

Mr. Preyer of North Carolina with Mr. McCulloch.

Mr. Gettys with Mr. Minshall.

Mr. Gray with Mr. Meskill.

Mr. Stephens with Mr. McKneally.

Mr. Dowdy with Mr. MacGregor.

Mr. Daddario with Mr. Roudebush.

Mr. Waldie with Mr. Pollock.

Mr. Aspinall with Mr. Morton.

Mr. Kee with Mr. Mayne.

Mr. Hanna with Mr. Wiggins.

Mr. Gilbert with Mr. O'Konski.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the remaining committee amendment.

The Clerk read as follows:

Amendment: On page 2, line 11, strike out "February 17" and insert "March 1".

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 220, nays 167, not voting 46, as follows:

[Roll No. 393]

YEAS—220

Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Baring
Beall, Md.
Bennett
Bevill
Biaggi
Biester
Blanton
Blatnik
Boggs
Boland
Brademas
Brasco
Brinkley
Brooks
Broyhill, Va.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Caffery
Carey
Carney
Carter
Casey
Celler
Chappell
Clark
Collins, Ill.
Colmer
Conyers
Corbett
Corman
Coughlin
Culver
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Diggs
Donohue
Downing
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Fish
Flood
Flowers
Flynt
Foley
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Green, Oreg.
Griffin
Griffiths
Gude
Hagan
Haley
Halpern
Hamilton
Hanley
Hansen, Wash.
Harsha
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Henderson
Hicks
Hogan
Horton
Howard
Hull
Hungate
Ichord
Jarman
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Lennon
Long, Md.
Lowenstein
Lukens
McCarthy
McClory
McDade
Mahon
Mann
Meeds
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
O'Hara
O'Neal, Ga.
Patman
Pelly
Pepper
Philbin
Pike
Pirnie
Podell
Poff
Price, Ill.
Pryor, Ark.
Pucinski
Quillen
Railsback
Randall
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Ruppe
St Germain
Sandman
Saylor
Schneebeli
Shipley
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton
Steed
Steele
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Vanik
Vigorito
Wampler
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Wilson, Charles H.
Wolff
Wright
Wydler
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NAYS—167

Adair
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Barrett
Belcher
Bell, Calif.
Berry
Betts
Bingham
Blackburn
Bow
Bray
Brock
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Bush
Cabell
Camp
Cederberg
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Conable
Conte
Cowger
Crane
Cunningham
Daniel, Va.
Denney
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Dulski
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Findley
Fisher
Ford, Gerald R.
Ford, William D.
Foreman
Forsythe
Frelinghuysen
Frey
Fuqua
Goldwater
Goodling
Green, Pa.
Gross
Gubser
Hall
Hammerschmidt
Harrington
Harvey
Hawkins
Hechler, W. Va.
Helstoski
Holifield
Hosmer
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Keith
Kleppe
Kyl
Landgrebe
Leggett
Lloyd
Long, La.
Lujan
McCloskey
McClure
McDonald, Mich.
McEwen
McFall
McMillan
Madden
Mailliard
Marsh
Martin
Mathias
Matsunaga
May
Michel
Mize
Mizell
Mosher
Myers
Nedzi
Nelsen
Nix
Obey
Olsen
O'Neill, Mass.
Ottinger
Passman
Patten
Perkins
Pettis
Pickle
Poage
Price, Tex.
Quie
Rarick
Reid, Ill.
Robison
Rosenthal
Rousselot
Roybal
Ruth
Ryan
Satterfield
Schadeberg
Scherle
Scheuer
Schmitz
Schwengel
Scott
Sebelius
Shriver
Sisk
Smith, Calif.
Snyder
Springer
Steiger, Ariz.
Stokes
Taft
Talcott
Teague, Calif.
Teague, Tex.
Tunney
Van Deerlin
Vander Jagt
Ware
Watson
Whalen
Widnall
Williams
Wilson, Bob
Winn
Wold
Wyatt
Wylie
Zion

NOT VOTING—46

Abbitt
Anderson, Ill.
Aspinall
Bolling
Brown, Mich.
Burton, Utah
Button
Collier
Collins, Tex.
Cramer
Daddario
Dent
Dowdy
Edwards, La.
Gettys
Gilbert
Gray
Grover
Hanna
Hansen, Idaho
Hunt
Kee
King
Langen
McCulloch
McKneally
Macdonald, Mass.
MacGregor
Mayne
Meskill
Minshall
Morton
Moss
O'Konski
Pollock
Powell
Preyer, N.C.
Purcell
Reifel
Rivers
Roudebush
Stephens
Thompson, N.J.
Waggonner
Waldie
Wiggins

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Anderson of Illinois.

Mr. Thompson of New Jersey with Mr. Hunt.

Mr. Reifel with Mr. Grover.

Mr. Waggonner with Mr. Burton of Utah.

Mr. Moss with Mr. Brown of Michigan.

Mr. Edwards of Louisiana with Mr. Collins of Texas.

Mr. Macdonald of Massachusetts with Mr. McKneally.

Mr. Abbitt with Mr. Collier.

Mr. Rivers with Mr. King.

Mr. Purcell with Mr. Cramer.

Mr. Preyer of North Carolina with Mr. Hansen of Idaho.

Mr. Gettys with Mr. Langen.

Mr. Gray with Mr. Mayne.

Mr. Stephens with Mr. McCulloch.

Mr. Dowdy with Mr. MacGregor.

Mr. Daddario with Mr. Meskill.

Mr. Waldie with Mr. Wiggins.

Mr. Aspinall with Mr. Minshall.

Mr. Kee with Mr. Pollock.

Mr. Hanna with Mr. Morton.

Mr. Roudebush with Mr. O'Konski.

Mr. Gilbert with Mr. Powell.

Messrs. TAFT, BINGHAM, BURKE of Massachusetts, and NIX changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19911, with Mr. Price of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. Morgan) will be recognized for 1 hour and the gentleman from Indiana (Mr. Adair) will be recognized for 1 hour.

The Chair recognizes the gentleman from Pennsylvania (Mr. Morgan).

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, H.R. 19911 provides authorization for a total amount of $550 million for foreign aid. The bill increases three of the authorizations for the fiscal year which ends on the 30th of next June.

The authorization for supporting assistance is increased by $195 million. The authorization for military assistance is increased by $340 million, and the authorization for the contingency fund is increased by $15 million.

Mr. Chairman, there is one very significant difference between the bill before us this afternoon and other foreign aid authorization requests which have been presented to the Congress during the last 20 years.

This bill does not provide funds to finance long-range development programs. It is directed toward serious and urgent problems that confront us in only seven countries.

These problems cannot be avoided. They have to be faced. If we do not provide the money which this bill authorizes, these problems will not go away.

I believe, and most of the members of the Committee on Foreign Affairs believe, that the best way to deal with these problems is to make it possible for the Executive to carry forward the operations which the funds authorized in this bill would finance.

Consider the problem we face in Cambodia: The new Government of Cambodia and the people of Cambodia have shown rather impressive and somewhat surprising determination to fight the North Vietnamese forces that have invaded their country.

There were many people in the United States and elsewhere in the world who did not believe that the people of Cambodia had either the determination or the capability to resist an invasion.

While the situation in Cambodia is uncertain, and if the Communists from North Vietnam increase their pressure the situation may deteriorate, the fact is that the Cambodian Army is doing better than most of us expected.

The Cambodian military has increased from some 40,000 just before the Communist invasion in April 1970 to approximately 150,000 at the present time. If this force is to be combat effective, if it is to continue to fight, it must have weapons and equipment. As the military requirements increase, however, the funds available are decreasing.

Now I know that all of us have in mind the argument that if we supply $85 million of additional military aid to Cambodia and $70 million of economic assistance, which funds are included in this authorization, we will find ourselves involved in another Vietnam with U.S. ground forces going in to help out the Cambodians when they get into trouble and with the United States finding itself committed to support the Government of Cambodia.

The President, the Secretary of State and the Secretary of Defense all say that they intend to avoid getting the United States entangled in another Vietnam, and the programs provided for in this bill are designed with that purpose in view.

The Secretaries of State and of Defense have assured the committee that they do not intend to send U.S. ground forces into Cambodia and that they are not going to send U.S. military advisers to Cambodia.

Our military people recognize, and the committee agrees, that there will have to be some sort of U.S. logistics team in Cambodia to make sure that the ammunition and other military equipment gets to the proper destinations and that it is properly stored.

We are assured, however, that U.S. military personnel will not become any more deeply involved than that.

Now there are some who sincerely believe that if we undertake even a limited operation in Cambodia, we cannot avoid going the rest of the way; and that the Congress should put a stop to it right now.

But, let me repeat what I said a while ago. We have a problem in Southeast Asia. Our boys are fighting and dying in Vietnam. We are bringing them home as fast as we can without betraying the people of South Vietnam whom we have encouraged to fight; 165,000 to date and another 100,000 before end of fiscal year.

We do not know whether the people of Cambodia, even with the guns and ammunition we supply, can defend their country against the forces from North Vietnam.

We believe, however, that if the Cambodian forces put up a good fight, it will save American lives and speed up the withdrawal of U.S. forces. Most of us on the committee, and, I firmly believe, most of us in the Congress think that spending U.S. funds for this purpose is a good investment.

Now, Mr. Chairman, let me turn from Cambodia to Korea. The authorization in this bill includes $150 million to modernize the armed forces of Korea. It also authorizes the transfer to Korea of the equipment now being utilized by U.S. forces that have been or will be withdrawn from South Korea; 20,000 before the end of the fiscal year 1971.

This is another case where we face a serious problem. I do not believe that the people of the United States are willing to abandon the people of South Korea to defend themselves against the Communist world. Too many American boys died there, and the Koreans themselves put up such a good fight that we cannot say that it does not matter to the United States what happens in Korea.

At the same time, we want to reduce our own Armed Forces and bring home as many American boys serving overseas as possible.

We believe that the Koreans can take over some of the defense responsibility from U.S. forces if we provide them with more sophisticated and more up-to-date equipment. They have demonstrated that they are good soldiers, and they are well trained.

The Government and the people of Korea were very much alarmed when they first heard that the United States was considering bringing some of our forces home. They feared that we were abandoning them. So that the Congress by approving the authorizations to improve the equipment of the Korean forces accomplishes two things: In the first place, we increase the fighting capability of these forces so that we can reduce our forces in Korea; and, second, and perhaps just as important, the Korean people will interpret this action by the Congress as a vote of confidence in them and an assurance that they still have our support.

On the other hand, if the Congress is not willing to authorize these funds for Korea, the United States will be confronted with a major problem. Shall we continue to pull out our troops or shall we accept the consequences of a substantial reduction in the capability for defending South Korea?

Mr. Chairman, the largest amounts of money in this bill are scheduled for Cambodia and Korea, to which I have referred.

In addition, funds are included for small military assistance programs for Jordan, Lebanon, and Indonesia.

The bill provides $30 million for Jordan and $5 million for Lebanon. In both of these countries, the governments are trying to keep the Palestinian guerrillas from taking over. There was severe fighting in Jordan between the army and the guerrillas last summer, and the Government forces lost a lot of equipment.

The existence of moderate, stable Governments in Jordan and Lebanon are important to the achievement of a lasting peace settlement in the Middle East. And, while both the Governments of Jordan and Lebanon are unfriendly to Israel, their continued existence is in Israel's best interests. For, if the present governments were to be taken over by radical guerrilla elements, the chances for peace in the Middle East would be more seriously impaired than they already are.

The major U.S. foreign policy objective in the Middle East is lasting peace. It, therefore, seems to me that it is also in the best interest of the United States to help those governments in their efforts to help themselves.

The bill also includes $3 million of military assistance to Indonesia. The present Government of Indonesia is strongly anti-Communist and is trying to maintain law and order in all parts of its scattered island area. The additional funds provided in this bill are to make available some more patrol boats, small aircraft, and other transportation and communication equipment to assist the Government in maintaining internal security.

The bill provides $65 million of additional economic assistance to Vietnam. Military assistance to Vietnam is funded from Defense Department appropriations, and there are no military assistance funds for Vietnam in this bill.

Economic aid of $50 million is to finance commodity imports. Vietnam has always paid for more commercial imports with its own foreign exchange than were financed by the U.S. foreign aid program. As the number of U.S. troops in Vietnam is reduced, the expenditures we make to maintain them and the money the troops themselves spend goes down. This has reduced the dollar exchange available to the Government, and it is necessary for the United States to finance additional commodity imports.

An additional $15 million will be used to implement the land reform program in Vietnam which has been accelerated as a result of legislation enacted this spring by the Vietnamese Legislature. While this contribution will finance commodity imports, the local currency proceeds will assist the Vietnamese Government in meeting the initial piaster costs.

Mr. Chairman, the only provision in this bill that is not directly related to our national security is an authorization of an increase of $15 million in the contingency fund.

The committee in the last foreign aid bill authorized $15 million for the contingency fund for the fiscal year 1971. Most of that money was allocated before the cyclone and tidal wave struck East Pakistan last month.

The contingency fund exists to enable us to take care of unforeseen problems. No one ever knows in advance what is the right amount to authorize for the contingency fund, and it is obvious that adequate provision was not made to provide the help needed in the case of a disaster of the magnitude of the recent occurrence in East Pakistan.

We do not know today how much may ultimately be required. There is no question that the people of East Pakistan need our help, and I am sure that the people of the United States want to come to their assistance. The figure of $15 million is, at best, an educated guess. The committee believes, however, that it is important to let the people of East Pakistan know that the United States is prepared to provide them with a substantial amount of help.

There is one other aspect of the bill which I want to mention. When the government of Prince Sihanouk was overthrown and the new Government and the people of Cambodia showed a determination to resist the Vietcong invaders, the United States immediately made available weapons, ammunition, and other basic equipment.

To finance this military aid to Cambodia, the President used authority provided in the Foreign Assistance Act to transfer military assistance funds previously allocated to other countries from those countries to Cambodia. In addition, the President transferred $60 million of economic assistance funds to military assistance for this purpose.

The bookkeeping is rather complicated and the details are given in the committee report.

The bill authorizes $60 million to restore the supporting assistance funds which were transferred and $67 million of military assistance funds to replace the amounts taken from the military assistance programs of other countries.

Mr. Chairman, in conclusion, let me remind you again that the United States faces serious problems in Cambodia, in Vietnam, in Korea, and in the Middle East. This bill provides funds which will enable our Government to deal with these problems.

In addition, we believe that it is in our interest to assist the Government of Indonesia to maintain order, and that we ought to provide funds to help repair the damage caused by the recent cyclone in East Pakistan.

In no one case can we be sure that voting the money in this bill will solve these problems. We can be pretty sure, however, that if we do not vote the money, these problems will be aggravated.

Mr. Chairman, I urge the approval of this bill.

Mr. ADAIR. Mr. Chairman, I yield myself whatever time I may consume.

Mr. Chairman, I join the distinguished chairman of the House Committee on Foreign Affairs in supporting the President's supplemental request.

Of the $535 million requested by the President in this authorization bill, a total of $340 million is for military assistance and $195 million is for supporting assistance.

Cambodia would receive military and supporting assistance totaling $255 million, of which $100 million would be used to pay back funds diverted to Cambodia from other sources.

Vietnam would receive $65 million in supporting assistance, while the Republic of Korea would receive $150 million in military assistance to begin a modernization program of its armed forces. In addition, Jordan, Indonesia, and Lebanon would receive lesser amounts.

Also, the Committee on Foreign Affairs approved a $15 million increase in the contingency fund for flood relief in East Pakistan.

In my opinion, the funds requested are reasonable. Aid to Cambodia and Vietnam will help to further the Vietnamization program. Modernization of South Korea's Armed Forces is essential as we withdraw troops from that country. And our relief assistance to East Pakistan is well justified on humanitarian grounds.

The funds requested by the President for military and supporting assistance are needed to implement the policy of lowering our profile abroad and reducing U.S. forces overseas. If this policy, which most Americans support, is to continue, we must make it possible for our friends and allies to assume a greater responsibility for their own defense.

I, for one, believe the request we consider here today to be a good investment. I consider it a good investment when America, by a relatively modest expenditure, can help a friend and ally to handle more of this own defense so that U.S. forces can return home.

This legislation will help to provide the American people with maximum security at minimum cost—both in terms of their tax dollars and the hardships to which those who serve in the armed forces are exposed.

If we are to preserve our Nation's security interests, while withdrawing troops from overseas, we must provide the assistance requested in this legislation. This is, in effect, a test case, for friend and foe alike will consider our action here today a signal of our future intentions. From our action they will judge whether we will continue to seek to preserve our security interests throughout the world by helping our friends and allies to help themselves, or whether we are beginning a retreat toward a new isolationism.

Mr. Chairman, I urge my colleagues to support H.R. 19911.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, the Nixon doctrine has two major aspects. On the one hand the American profile is being dramatically lowered. On the other hand, we are steadfastly supporting our treaty commitments and assisting our friends and allies to assume the primary responsiblity for their own defense. We do not intend to withdraw from the world. We do intend to alter the character of our involvement.

Success in this endeavor requires the striking of a careful balance. We can diminish a nation's incentive to help itself if we do too much for it. We will invite challenges and perhaps induce a sense of despair in our friends if we do too little for them.

Israel, Cambodia, South Korea, Jordan, Indonesia, Lebanon, and Vietnam are not lacking in self-reliance. Their efforts are the key to the preservation of local balance of forces in the Middle East and the repulsion of aggression in Asia.

The limted funds that we have thus far transferred to Cambodia have been a successful investment in the continued progress of pacification in South Vietnam. Cambodian Armed Forces harass the North Vietnamese Army, disrupt their supply routes, and help impede their use of border areas.

U.S. military assistance funds have also helped create a South Korean military force that is competent and large enough to permit a reduction in the U.S. military presence on the peninsula and the transfer of an increasing share of the burdens of mutual defense to our Korean allies. They are willing to bear that increased burden if we will provide our share of the means.

In the Middle East our ability to avoid direct confrontation with the Soviet Union depends in large measure upon the preservation of Israel's security position. It is imperative that the Israelis have the means to provide a credible deterrent if our efforts to solve that conflict are to be successful.

These programs entail costs, but when compared to the alternatives from which we must choose, those costs are minimal. The administration has moved resolutely to support our friends and allies while minimizing U.S. direct involvement and economizing U.S. resources by supporting self-help. The supplemental funds which it has requested are justified and the request deserves our support.

Mr. Chairman, in the interest of time at this late hour I am going to insert the remainder of my rather brief remarks in the RECORD; but I cannot let this occasion pass without an additional comment: We are very near the end of the 91st Congress. This is probably the last major bill to be reported out of your Committee on Foreign Affairs. It seems to me I would be remiss in both my feelings and my responsibilities were I not to express my view that all members of this committee, on both sides of the aisle, owe a great debt of gratitude for the service of our distinguished friend from Indiana (Mr. ADAIR). This will probably be his last major effort on the floor of the House, at least for the time being, since he is not returning in the 92d Congress.

We have disagreed in our committee, never really along party lines, but in personal differences of opinion. The distinguished gentleman from Indiana and I have not always seen eye-to-eye, even on our side of the committee.

I think every member of this committee, of both parties, regardless of personal views of agreements or disagreements, would agree that the efforts of the gentleman from Indiana, in the constructive work of the committee and trying to see that the committee does a good job, has been a great contribution. I think we would have absolutely unanimous agreement on this, and I wish to pay my respects to the gentleman and wish him well in the future.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to my distinguished chairman.

Mr. MORGAN. Mr. Chairman, I want to endorse and emphasize what the gentleman from California said about the ranking minority member of the committee, the gentleman from Indiana (Mr. ADAIR). I have had the opportunity of serving with the gentleman from Indiana as members of the Committee on Foreign Affairs for many years. The gentleman and I have not always agreed on matters of foreign policy during the different administrations under which we have served, but I must say I have never worked with any Member of Congress or any member of the Committee on Foreign Affairs who was more devoted to his duty than was Ross ADAIR. And even though Ross many times did not agree as to the amounts of money provided in the foreign aid bill or on the basic approach to foreign aid which has been adopt I never had a Member who was more helpful to take to conferences with the other body than Ross ADAIR. We always worked very closely together in conference, and I must say that in the next Congress as we return and start all over again, I am going to miss the gentleman from Indiana very, very much.

Mr. MAILLIARD. I thank the gentleman from Pennsylvania.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from New York.

Mr. PIRNIE. Mr. Chairman, I thank the gentleman for yielding.

Although it has not been my privilege to serve on this able committee with the gentleman from Indiana, I have observed the type of work which the gentleman has performed and his appearances on the floor have reflected. I join in this tribute not only to his ability and integrity, but also his fairness. He has had a great impact on the work of the committee and on this House. We can ill afford to lose men of such stature. He will be truly missed.

I join in an expression of congratulations and good wishes to the gentleman and his lovely wife. We wish them much happiness in the years ahead.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, it has not been my privilege to serve on the Committee on Foreign Affairs with the gentleman from Indiana (Mr. ADAIR) and the other Members who have spoken here, but since I am on the floor, and since I am a member of the delegation from Indiana, I would like to take occasion as a junior member of that delegation to express the respect all of us from the State of Indiana have for our senior Member (Mr. ADAIR), and also my own personal appreciation of his kindness and courtesy to me since I have had the honor of being a Member of this body.

The gentleman will certainly be missed here, and he is certainly regarded by all of us as one of the most distinguished citizens of our State.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MORGAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MAILLIARD).

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I would like to join in the tribute to the gentleman from Indiana (Mr. ADAIR). I have served on the Committee on Foreign Affairs with the gentleman from Indiana for more years than either of us want to talk about, and he has been a member of the subcommittee, which I chair, since I have been the chairman.

I have been to many conferences with the gentleman and we have not always agreed in the subcommittee or the committee or in the conference. We have never had an agreement that was disagreeable, and we have never had a disagreement in which the gentleman was not gentlemanly. He presented his point of view, and if he was outvoted, he acknowledged that he was, and went along.

I would like to pay special tribute to the gentleman for his contributions in the conferences. There, because the conference is a place where we compromise and reconcile views, the gentleman was always a strong advocate of his point of view, but he was always reasonable and always amenable to any reasonable compromise, and he was a tower of support to the chairman, as he was to me on the subcommittee when we marked up a bill. I remember the Fulbright-Hays Act for one, and I remember the Foreign Service Act amendments for another instance. I am going to miss the gentleman on the subcommittee. As I say, his contributions have been great and very meaningful over the years.

Mr. MAILLIARD. I thank the gentleman.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman from California for yielding.

Mr. Chairman, I wish to join the distinguished chairman of the Committee on Foreign Affairs and the other members who have preceded me in paying tribute to our distinguished and respected colleague from Indiana, E. Ross ADAIR, who will no longer be with us after the close of this Congress.

Having served with Ross on the Foreign Affairs Committee for some 20 years, I have come to know and respect him as a conscientious Member of this body.

Moreover, my wife and I have had an opportunity to meet and know his lovely wife, and to share experiences with the Adairs in carrying out our congressional duties.

As others have said before me, Ross just could not be disagreeable. Often we did not agree on issues before the committee. And although he would be adamant in defense of his position, he was always adamant in a pleasant and amicable way.

Ross ADAIR was, indeed, one of those individuals who can disagree without being disagreeable.

We in the committee and in the House will miss him.

My wife and I join in wishing him and his wife and family a fine and fruitful future.

Mr. MAILLIARD. I thank the gentleman from Wisconsin.

Mr. MORGAN. Mr. Chairman, I yield 8 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I regret that I shall vote against this measure. In general, I have supported over the years the granting of assistance to other countries to help themselves.

The problem I have with this bill is, first, it tries to do too much, it deals with too many countries, it initiates too many new policies, to be considered and enacted by the House in the brief time we have had to consider it.

The Foreign Affairs Committee has spent as much time on the unfortunate refugee who sought asylum on a U.S. ship as it has on this measure.

One of the questions unanswered through the hearings that we held, is what is the U.S. interest in Cambodia? I would favor assisting the Government of Cambodia resist foreign invasion. It is another matter, however, for the United States to be involving itself in a military and economic assistance program to a country solely in order to serve inadequately defined U.S. interests, real or imagined.

I fear that we seek to utilize the armed forces of Cambodia in support of U.S. objectives in Southeast Asia. I fear that our interests are not those of serving the interests of the people of Cambodia but rather in aiding our effort in Vietnamizing the war, the war centered primarily in Vietnam.

Until I am able to know more about the U.S. policy I cannot find it in the public interest to vote in favor of these many hundreds of millions of dollars for Cambodia.

It is a fact that the witnesses before our committee both in private and public session were either unable or unwilling to tell me, for example, as to whether or not the U.S. Air Force was flying air support missions on behalf of the Cambodian Army. There are extensive newspaper clippings which suggest that the U.S. Air Force is flying such missions for the Cambodian Army, yet neither in public nor private session would the Government witnesses give me an answer.

I resent this very deeply. It is clear to me that the other side, whoever they may be, whether it is the Liberation Front or the North Vietnamese, know the facts. This is another instance of the executive branch of the Government treating the Congress in a manner that is inconsistent with the furtherance of the interests of the United States.

XUM

Moreover, there is no need for the rapid treatment which was given this bill. There has already been transferred to the accounts for Cambodia some $90 million or $100 million, which will provide Cambodia with assistance, with ammunition, for some months to come.

Clearly there was no reason to add the beginning of an extensive program of military assistance for Korea at this time. That ought to have been considered in the regular foreign assistance measure which we will take up next year.

I think it is worth noting that United States policies toward Asian countries have changed under the Nixon doctrine. I think it is worth noting that this change in U.S. policy has come about not because of deliberations by our committee, not by reason of deliberations by the House of Representatives, but by reason of changed attitudes and changed perspectives by the American people. The witnesses who came before our committee disclaimed any intention of involving the United States deeply in the Cambodian war. This is consistent with the Nixon doctrine. Why is it over the past 8 years I have served on our committee that our committee has had no role in fashioning the new understanding and the new perspectives about the United States in the world? This, in my judgment, goes to the heart of a very serious problem which we faced here in the House. No one could be more fond of, no one could like our chairman more than I, and no one could find a staff which is easier to work with. The fact of the matter is that the House Committee on Foreign Affairs—and I think we all bear some collective responsibility in it—in my judgment, has not undertaken to search out what the realities of the world are and what kinds of perspectives we ought to have about American interests abroad. Every time that our committee has approached the hard questions on the war in southeastern Asia or on related questions we have seen the measures rammed through with inadequate hearings. Clearly our efforts have not been sufficient to ferret out as much information as possible about the circumstances involved in each measure.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

With regard to Cambodia, it is not true that the gentleman tried to get from administration witnesses some specific facts as to the length of time that the current supplies of ammuniton might be expected to last and was unable to get that information?

Mr. FRASER. The gentleman is exactly right. General Warren appeared before our committee and was unable to give us information as to how long the ammunition which we had purchased for Cambodia would last the Cambodian forces.

Mr. BINGHAM. Mr. Chairman, if the gentleman will yield further, if this bill were defeated, would the administration be without recourse insofar as providing additional assistance to Cambodia is concerned?

Mr. FRASER. No; the executive branch has ample authority to continue to furnish assistance either in the manner they have already been doing or by the transfer of existing defense stocks.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MORGAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding.

Recognizing that under the existing statute the President could undertake rather massive aid in various forms to Cambodia, the fact is that he has come to the committee for an authorization and it does present us with the opportunity to speak to fundamental policy on the Cambodian commitment.

While I understand the gentleman's thoughts and find myself agreeing with much that he has offered, I wonder if he is really pursuing the right course in simply opposing the bill, rather than seeking to write into the legislation provisions through amendments which will help to clarify the attitude or intent as to the nature and extent and scope of the commitment to Cambodia?

Mr. FRASER. As the gentleman knows, I supported his amendment in the committee and I expect to support it on the floor. I think this would improve the bill. I sought to get at least two additional witnesses brought before the committee who would have some expert knowledge of the Southeastern Asian situation, witnesses who were not tied to U.S. policy, but I was only able to get permission for one to testify. I regret the fact that we were not able to find out as much as we possibly could on this subject.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the distinguished gentleman.

Mr. MORGAN. The gentleman from Minnesota is making some serious accusations about the work of the committee. The gentleman did come to me and ask for one witness which I agreed to and that one witness did appear before the committee. However, on that occasion, the gentleman left the room and he did not wait for the other two witnesses.

I do not know why the gentleman did not stay and listen to the testimony of the other witnesses. The gentleman was not present when they testified.

I think if the gentleman is going to criticise and ask for additional witnesses, the gentleman had better make the effort to be present while the committee is in session.

Mr. FRASER. I asked for the right to have more than one outside expert. The two gentlemen who testified——

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. MORGAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. FRASER. The two gentlemen the chairman refers to were not among those I asked to testify. However, I am glad they did testify. It turns out that I had to be at a meeting of the Committee on the District of Columba which was marking up the District of Columbia revenue bill. I also knew what the witnesses were going to say. However, I wanted to get more information through the use of experts on our enlarged commitment contained in this bill.

Mr. MORGAN. The chairman of the committee has the responsibility of running the committee. He serves only on the one committee. I do not serve on the Committee on the District of Columbia, the Committee on Veterans' Affairs or the Committee on Government Operations. On both sides of the aisle of the Committee on Foreign Affairs there are Members who serve on other committees. As chairman of the committee I have to try to operate the committee in an orderly fashion and this situation presents a very serious problem. I have to schedule the witnesses and try to get the Members there.

Mr. FRASER. I am only saying to the chairman that I tried to get the right to have more expert witnesses come in but I was unable to get permission for that purpose.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. I think it should be brought out for the RECORD in defense of the committee that I know of no single member of our committee during the years I have been on it who has requested a study or a hearing that has been turned down by the chairman of the committee, or any kind of fact-finding commission, or any kind of investigation.

I must say this, too, for the RECORD: All of the hearings that have been held on the various aspects of our foreign policy were not started by the other body but by this committee. I remember that the first hearings which were started on Southeast Asia were held by one of our subcommittees and 11 months later the other body got around to hearing the same witnesses on the same subject. This has happened time and time again. I think the record of our hearings and studies and fact-finding missions within the Foreign Affairs Committee have been far more penetrating than in the other body.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. MORGAN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Iowa.

Mr. CULVER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to take this opportunity to express my admiration and respect to the gentleman in the well for the contributions his courage, his wisdom, and his persistence in seeking the truth have meant not only to the Committee on Foreign Affairs, but in no small sense to the Democratic Party through his leadership in the House, as well as the House as a whole.

I very much regret any suggestion that the remarks by the gentleman in the well were aimed at the chairman of this committee personally, or in fact at the general experience in its administration.

I know that the gentleman has expressed himself better than I might do as to the respect and affection in which the Chairman of the Foreign Affairs Committee is held by the Member in the well.

Mr. Chairman, I also wish to associate myself with the very eloquent explanation that the gentleman has made today about the inadequacies in the consideration of this bill.

For whatever combinations of reasons, this has made a full examination of the very crucial policy issues and questions inherent in this legislation impossible.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MORGAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. I thank the gentleman.

Mr. MORGAN. If the gentleman will yield, I just want to say to the gentleman from Minnesota that the comments I have made in this colloquy are in no way to be considered as in criticism of the gentleman. I want to say that the gentleman from Minnesota is one of the hardest working members of the Committee on Foreign Affairs. The gentleman comes to the committee well prepared, and the gentleman has been very useful to me over the years in helping with the major foreign aid bills. I should point out also that the gentleman from Minnesota is really the author of the 2-year authorization for foreign assistance that we are working under this year. I wish to note that any criticism the gentleman has made concerning the operations of the committee are not taken by me as in any way diminishing the gentleman's willingness, ability, or the availability of the gentleman's expert knowledge to the Committee on Foreign Affairs.

Mr. FRASER. Mr. Chairman, I thank the distinguished chairman, and I would only make this point about his comments: They illustrate why it is very difficult to take issue with the gentleman from Pennsylvania on any matter, because he is always gracious, but we do have a very crucial matter under consideration, and I do hope that it is one that we can deal with more fully in the future.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I did not ask the gentleman from California (Mr. MAILLIARD) to yield when he was saying some very appropriate and flattering things about the gentleman from Indiana (Mr. ADAIR), because I wanted to use at least a few minutes of my own time to pay my tribute to my friend.

In my opinion, and I am sure this is widely shared in the committee, the gentleman from Indiana (Mr. ADAIR), has been a tower of strength on the committee. He has shown constantly a sense of responsibility. He has been levelheaded, undramatic but effective. He has shown, I think without exception, good judgment on a lot of tough questions. He has shown that he is a man of intelligence and integrity.

It is curious also, Mr. Chairman, that there is a special order scheduled today to praise another man who has served our committee for many years, but in a different capacity, and who has many of the same good qualities. I refer to the retiring staff director of the committee, Boyd Crawford. Here again we have a man who has been an invaluable asset to the committee.

Most people, when they talk about whether Congress is effective or not, talk about the headline hunters, or the men and occasional women who get headlines. I would like to pay tribute today to the people who do not often make headlines, but who make a committee like the Committee on Foreign Affairs tick.

The fact that we are losing the services of both the gentlemen from Indiana (Mr. ADAIR) and Mr. Crawford, is going to constitute a real loss to all of us. However, we can be thankful for the services that they have contributed, both to us on the committee and to the House in general.

I would also like to comment very briefly on the situation referred to by the gentleman from Minnesota. He at least indicated that there are some differences of opinion within the committee. I think this is healthy. I might say that I too have been restive at times about the way in which the committee has handled, or has failed to handle, some of the responsibilities which fall within the jurisdiction of the committee; but I think it is grossly unfair to suggest even by indirection that this bill was rammed through without adequate hearings.

I think we all know what this bill represents. I am quite sure the majority of the committee did it with their eyes open and with an awareness of what it meant. Of course, we might have taken a different look or a deeper look at the situation in Cambodia. Of course, we might wish that the Foreign Affairs Committee had been something more than a very junior partner compared to the executive branch in the development of policy with respect to Cambodia. However, this bill represents no new commitment to that area. This is not a departure from U.S. foreign policy.

Mr. Chairman, this bill, instead, is, in keeping with the administration's continuing effort to reduce direct U.S. involvement in East Asia, and to promote peace and political stability in the Middle East. The aim is to assist friendly governments in both areas to maintain their own independence and integrity. I support this effort and the recommendations submitted by the majority of our Committee on Foreign Affairs.

It seems to me that we cannot avoid, and certainly we should not avoid, the necessity of providing essential economic and military assistance to our friends in East Asia as we withdraw our forces from that area and assign to those countries a larger share of responsibility for their own defense.

For instance, I believe it is prudent to act now, and not next year, to underline the continuing U.S. commitment to Korea by contributing to the modernization of Korean Armed Forces at a time when we are engaged in the withdrawal of 20,000 troops from that nation. Similarly, the proposed investment in the tranquillity of the Middle East is intended to preclude the possibility of U.S. military intervention in that dangerously unstable part of the world.

Mr. Chairman, even though Congress has already authorized funds for Israel, I should like to comment briefly on the situation there. First of all, the United States has important interests and concerns in the Middle East. These relate not only to Israel and other states in the area, but also to the growing involvement of the Soviet Union and the resulting danger of a military confrontation of the two great powers. As President Nixon said on October 23, 1970:

> In this region, in particular, it is imperative that the two major powers conduct themselves so as to strengthen the forces of peace rather than to strengthen the forces of war.

Our basic concern is the continued sovereign existence and the internal growth of the states of the area. I believe that U.S. interests in the Middle East can best be promoted—indeed, they can only be assured—by a peaceful settlement of the Arab-Israel conflict.

Over the years U.S. policy on arms shipments to all nations in the area has been one of restraint. This policy, founded on our desire to avoid a wasteful arms race and encourage use of the region's resources for economic development, is sound. But in the face of massive arms shipments from the Soviet Union which threaten the balance of power in the Middle East, it is now obviously necessary to increase U.S. assistance to Israel. At the same time, we must also continue to support moderate, friendly Arab States. Because it is in the interest of peace that a balance of power in the area be retained, we must demonstrate our determination to preserve that balance by providing what is necessary to maintain Israel's strength.

The President, in his request to the Congress, is seeking to maintain the balance of power in the Middle East. In seeking this objective he deserves our support.

Another fact, Mr. Chairman, which should be mentioned is that $100 million of the funds requested for Cambodia is needed to restore funds transferred from other important military and economic programs for Greece, Turkey, Taiwan, Vietnam, and Latin America. Reductions in the funding of these programs would not be a proper and responsible method of expressing one's misgivings over the Cambodian venture.

In his budget message last February, the President warned of the possibility that future events in Vietnam might require an additional $100 million authorization later this year, to support the Vietnamization policy and an extensive land reform program. No mention was made of Cambodia at that time, presumably since there were then no plans for a military operation in that country. Subsequently, that operation was defended on the ground that it was integral to the defense and withdrawal of U.S. troops in Vietnam. While I am willing to accept this argument at face value—in the absence of persuasive evidence to the contrary—I regret the lack of timely consultation between the executive and legislative branches at the time of the Cambodian invasion.

It is true that we are now being asked to pass upon the transfer of funds which have already been utilized—on an ex post facto basis—without full opportunity to exercise the normal procedure of legislative review. I share some of my colleagues' misgivings over this procedure; I trust it will not be repeated. Any subsequent requests which are submitted to our committee for consideration should be submitted promptly, and all such requests must be carefully scrutinized.

On balance, as I have said, I believe this request is justified and I urge its adoption by this body.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. Culver).

Mr. CULVER. Mr. Chairman, I wish to thank the distinguished chairman for recognizing me.

I would also like to take this opportunity to express my sentiments concerning the departure of our colleague, the gentleman from Indiana (Mr. Adair).

Throughout the period of time I have had the honor to serve on the Committee on Foreign Affairs it has been truly without exception that the service of the gentleman from Indiana has been characterized by diligence and courtesy, and for that I know I shall always have a great personal appreciation. I certainly wish him well and congratulate him on his many years of dedicated service to the Congress of the United States.

Mr. Chairman, in view of the time situation this afternoon, I will ask permission when the Committee rises to insert at this point in the Record the minority views on the pending bill.

The matter referred to is as follows:

Minority Views of Hon. Donald M. Fraser, Hon. Jonathan B. Bingham, Hon. Benjamin S. Rosenthal, Hon. John C. Culver, and Hon. Edward R. Roybal

INADEQUATE CONSIDERATION

Because of its important, long-range significance and implications, H.R. 19911 is a major bill. The timing and handling of this legislation, however, has made a proper examination of this authorization of funds impossible. In addition, the facts which have been advanced are inadequate to support the executive branch request at this time. Until mid-October the executive branch did not know—as we did not—that there definitely would be a postelection session. Yet, by mid-November it was arguing the absolute necessity of congressional approval in the waning days of 1970 for a supplemental foreign aid authorization amounting to more than one-half of a billion dollars.

As a result of pressures for speed, the House Foreign Affairs Committee was limited to five hearing sessions, four of them with executive witnesses from the Departments of State and Defense. Just one session was set aside for private witnesses and only three of them had the opportunity to testify. A request by some members of the committee to invite other outside expert witnesses to testify on the bill was turned down, even though additional testimony might have taken only a day or two longer.

Why this sudden urgency? Although the question was asked many times of administration witnesses, it was never answered satisfactorily. As the chairman of the committee himself remarked during the hearings—a good case was not made for the emergency nature of this legislative package.

Much of the discussion about the need for haste centered around the executive branch contention that unless congressional action is taken now money for ammunition to be used by Cambodian troops will run out in mid-January. Yet a Presidential determination of October 23, 1970, made available $40 million to insure adequate weapons and ammunition stocks during the dry season in Cambodia. Since the dry season there extends from about December to next May, it is difficult to accept the proposition that the Cambodians will be running short of bullets early next year.

Moreover, Secretary of Defense Laird admitted to the committee that even if the Congress fails to act during the postelection session, or even for some months in the new Congress, supplies to Cambodia will continue to flow. Authority for continued shipments could come through Presidential determinations provided under sections 610 and 614 of the Foreign Assistance Act, as has been done in the past; or under section 506 of that same legislation. Section 506—which thus far has not been invoked for Cambodia—provides that, following a Presidential determination, defense articles for foreign military aid may be ordered from existing Department of Defense stocks, up to a ceiling of $300 million, subject to subsequent reimbursement. It is clear, therefore, that U.S.-supported combat efforts in Cambodia and Vietnam would not be harmed by a failure to act on this bill.

The fundamental question is how long is the Congress going to be asked to give approval to executive actions which commit U.S. forces and resources, particularly in Southeast Asia, on an ex post facto and urgent basis with little or no time to analyze the political and military implications which might follow from that action.

We believe this bill contains the seeds of commitments paralleling closely the commitments made to South Vietnam during the latter part of the 1950's and the early 1960's. Those Vietnam commitments have been redeemed, and are continuing to be redeemed, at a terrible cost of American lives and resources. With the lessons of recent history written so clearly, no conscientious representative of the American people can approve a similar new involvement without full and careful consideration, in the light of the Nation's real interests.

WATERSHED LEGISLATION ON CAMBODIAN INVOLVEMENT

The primary importance of this legislation is in the funds it would authorize for military and supporting assistance to Cambodia. Up to this time, Congress has been substantially ignored in policy matters regarding that war-torn nation. The Cambodian invasion of last May was strictly an executive action; approval of Congress was not sought nor were members consulted about the move. Furthermore, military aid provided to date to Cambodia—totaling $98.9 million—has been given through unilateral Presidential determinations. Up to now, the extent of U.S. involvement in Cambodia has been solely the responsibility of the executive branch.

Psychologically and practically, if the Congress approves this legislation in the form and amounts requested by the executive branch, it will be endorsing the substance and direction of current U.S. policy in Cambodia. It will thereby come to share in the responsibility for the results of past actions in which the Congress had no say. Such will be the interpretation not only of domestic and foreign observers, but also of the executive branch when it suits its purposes to make an interpretation.

Many legitimate questions may be asked about the Cambodian involvement. For the most part, the testimony of the Secretaries of State and Defense and their subordinates failed to answer those questions, or to address themselves to the basic issues involved. Some vital questions are:

(1) *What is the nature of the U.S. commitment to Cambodia?*

Is the United States now involved in an effort to keep the Lon Nol government in power? The authorization for Cambodia has been defended almost solely in terms of vietnamization. And yet, no witness was willing to say that U.S. military aid to Cambodia would cease once vietnamization is completed.

(2) *How much is our involvement there going to cost in the future?*

One witness for the executive branch termed the $185 million in military aid and $70 million in supporting assistance for Cambodia in this bill a first installment in our program there and revealed that the administration expects to ask for even more money for Cambodia in fiscal year 1972.

(3) *Will the United States ultimately be forced to send in advisers to assist the Cambodians and perhaps ultimately to send combat troops?*

It is clear that the quantity of aid to Cambodia authorized by this bill will require a substantial increase in the number of American military personnel in Cambodia. Ostensibly these men would be involved only in logistics supply activities related to the delivery and use of American military equipment to be bought with funds authorized by this bill. It is but a short step, however, from such tasks to combat field advisory work. And, as the Vietnam experience shows us, the next step can be direct combat involvement of American fighting men. No witness, it should be pointed out, would predict that such a chain of events would not be repeated for Cambodia.

(4) *What is happening inside Cambodia?*

Executive branch witnesses were lavish in their praise for accomplishments of the Cambodians in fighting for their homeland against North Vietnamese invasion. Cambodian enthusiasm, determination, desires "to do the job themselves" have been cited frequently. Such assurances echo hollowly against the background of daily headlines which tell of North Vietnamese victories inside Cambodia. We have heard such overly sanguine reports before:

"During the last 6 months there has been steady and notable progress in military, political, social, and economic fields. Vietcong losses in personnel, weapons, and logistics support have increased sharply. Government forces are making forays into Vietcong strongholds which were never penetrated during the whole course of the Indochina war. Defections from the Vietcong have increased. Popular support is being gained by the Government. The rural population is rejecting communism. The people are fighting to protect themselves against the Communist guerrillas."

That statement was made by Adm. H. D. Felt, then commander in chief in the Pacific, on May 14, 1963, in testimony before the House Foreign Affairs Committee in support of a greatly expanded military aid bill for Vietnam. In those days, it may be recalled, we had no combat troops in Southeast Asia, no prisoners of war there, no tens of thousands of men killed or wounded in combat, no billions of dollars expended. The assurances which have been given us on Cambodia sound ominously like the kinds of things Congress was being told about Vietnam in the early 1960's.

(5) *What are other nations in the region doing to assist Cambodia?*

The Nixon doctrine, quite rightly, makes a point of defense cooperation in a regional or some other mutilateral framework. Yet in Cambodia we are doing the job virtually by ourselves. Witnesses cited small amounts of aid being given by third countries but this assistance to Cambodia clearly does not entail any real sacrifice for the donor countries. Moreover, it may legitimately be questioned whether the United States has both engineered the aid and is indirectly paying for it—as recent hearings have revealed to be the case in Vietnam.

OTHER TROUBLE SPOTS IN H.R. 19911

Although our primary concern is with the Cambodian authorization, there are several other provisions of the bill which trouble us. They concern the authorizations for Indonesia and Korea:

(1) *Indonesia:*

No satisfactory explanation has been offered for the drastic and emergency increase in the MAP program for Indonesia, nor for the decision to provide the Indonesians with arms in addition to purely civic action-type equipment. We believe this action signals a move away from the successful low-profile policy in that country and raises the real possibility of the United States becoming a sole source supplier of weapons to the military-run Government of Indonesia. Playing that supplier role in Indonesia from 1960–65, the Soviet Union pumped in more than $1 billion worth of military equipment. Today much of it lies rusting and unusable while Indonesian-Soviet relations are strained. In that story lies a lesson for the United States.

During the hearings the question was raised of why the United States is not providing military aid to Indonesia in a multilateral framework, as we are our economic aid to that country. Although such an idea would seem to be of the essence of the Nixon doctrine, the Secretary of State made it clear by his answer that a military aid consortium for Indonesia had never been seriously considered.

(2) *Korea:*

While we are generally in support of the modernization of Korean Armed Forces which will allow the United States to withdraw substantial numbers of American troops, we do not believe the executive branch has explained its plans and intentions thoroughly enough to ask congressional approval at this time. This legislation contains $150 million in new grant aid to upgrade Korean forces, and permits the transfer to the Republic of Korea of defense articles of the U.S. Armed Forces deployed in that country. The value of this equipment has been set at from $117 to $122 million by the Secretary of Defense.

These funds are a first installment in a 5-year commitment by the United States to Korea, but the committee was not briefed on the amounts which will be requested in subsequent years, the forcelevels we project for the Koreans, the effect of modernization on the strategic and political situation on the Korean peninsula, and the relationship between Korean modernization and the drawdown of American forces.

CONCLUSION

As a result of the circumstances which have been described, we have concluded that H.R. 19911, the foreign aid supplemental bill, should not be approved in the undue haste enforced by the artificial deadline of congressional adjournment. The stakes are too high, the possible future costs too enormous, the responsibilities of Congress clearly too grave, to permit a decision made precipitously and without full information.

DONALD M. FRASER.
JONATHAN B. BINGHAM.
BENJAMIN S. ROSENTHAL.
JOHN CULVER.
EDWARD R. ROYBAL.

Mr. CULVER. Mr. Chairman, I rise today to express my very serious opposition to H.R. 19911, the foreign aid supplemental authorization request. My opposition is based, not only on the specifics of the authorization request, but perhaps far more importantly, on the very manner in which this request has been presented to the House and as a result, the manner in which the House is considering the request.

In my judgment, if we as Representatives are to fulfill our constitutional responsibilities, if we are to act in a manner which we can in good conscience defend to our constituents, and if we are to serve the real national interests of our country, we must devote the most careful consideration to all of the short-term and far-reaching implications of the action we are considering today. Because in a sense, our decision today concerns not only millions of dollars but the very manner in which the Congress and the Executive work together on the subject of foreign aid.

Let me say at the outset that, in our constitutional system, the Congress cannot and should not be a substitute for the President in foreign affairs.

No Congressman, even if he is the most senior and gifted Member, can develop a comprehensive expertise on the whole range of public policy questions.

This results in part from the complexity and diversity of issues which confront the Congress, but it also stems from the very institutional structure and process of lawmaking.

Having said this, I want to emphasize my own strong conviction that Congress does have a vital role to play in the formulation of our foreign policy—and in my judgment, we are not fulfilling that responsibility if we give hasty approval to the request before us today.

Democratic government cannot persist in the long run if its principal representative institutions fail to contribute significantly to the shaping of the Nation's most important policy decisions, foreign or domestic.

Congress must be both a constructive and creative critic of administration policies, and a watchdog over the broad conduct of foreign relations.

Although very rarely does it have the opportunity to formulate the fundamentals of our foreign policy.

It can and must sanction them.

It can and must set the outer limits of Executive action in some spheres.

In terms of the supplemental authorization request before us today, the basic question becomes then, how long is the Congress going to be asked to give approval to Executive actions, which commits U.S. forces and resources, particularly in Southeast Asia but certainly not limited thereto, on an ex post facto, urgent basis, with little or no time to analyze the political and military implications which might follow from that action.

Clearly, our answer must be, that allowing such a situation to persist is irresponsible and thus intolerable. But granting hasty and ill-considered approval to the request today, we would be reinforcing a most undesirable precedent as well as acting in a manner which is both unnecessary and unwise.

It is unnecessary because the Executive already has the power to carry out its present foreign policy program in accord with existing provisions of the Foreign Assistance Act.

Continued shipments can come through Presidential determinations provided under sections 610 and 614, as has been done in the past. Existing Department of Defense stocks can be tapped under section 506. Thus our failure to approve this bill would neither deter nor prevent U.S.-supported combat effort options in Cambodia and Vietnam.

It is unwise because the Congress has not had sufficient time to carefully scrutinize the far-reaching implications of this request and thus cannot make this decision in a responsible manner. Nor has the Executive, I might add, fulfilled its responsibility to the Congress, by providing it either the necessary time or information on which to make such a major decision.

Consideration by the Foreign Affairs Committee was limited to five sessions. Only one of those sessions included witnesses from outside the Departments of State and Defense. Despite the request by some members of the committee for additional witnesses, and outside expert advice, only three private witnesses were allowed to testify during only one session.

In the judgment of many, this bill contains the seeds of commitments dangerously similar to those made to South Vietnam during the late 1950's and early 1960's. Moreover, we are being asked to endorse previous decisions pertaining to Cambodia which were made without prior congressional consultation although we had received every assurance that such consultation would be forthcoming.

If the Congress is to endorse such major policy directions, it must, at the very least, do so in the most carefully considered manner.

Because we have not fulfilled this responsibility, or even attempted to fulfill it, I urge my colleagues to join me in opposing the supplemental authorization request before us today.

Mr. ADAIR. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, in his inaugural speech and his statement at Guam in the summer of 1969, the President sketched the outline of a new U.S. foreign policy addressed to the realities of the 1970's.

Its aim is to reduce U.S. power and presence to rational limits throughout the world and to open an area of negotiation with the other major powers of the world.

The Pacific, and particularly Indochina, has been the focal point of that new policy.

What Mr. Nixon said in Guam was that the United States would reduce its military presence in Asia while maintaining a nuclear shield for our Asian allies against aggression by another nuclear power.

He said we would encourage Asians to handle their own security problems, whether in the face of internal subversion or external aggression, without the help of American combat troops. But he indicated America would assist with military, economic, and technical aid.

In subsequent speeches and actions, the President has begun to implement that new doctrine in ways that most Americans have applauded.

U.S. troop withdrawals from Vietnam have continued at an accelerating rate with U.S. force levels falling in recent months to the lowest point in 4 years. Casualty rates, although still too high, have decreased markedly.

Elsewhere in the Pacific, an agreement has been concluded calling for gradual withdrawal of U.S. forces from Okinawa as the Vietnam war ends and the island's reversion to Japan.

In Korea, a cutback has begun in the 50,000-plus U.S. garrison with a promise that we will help provide the South Korean military with modern equipment before we leave.

All of these actions carry with them the responsibility to fulfill our promise to provide supporting assistance to our allies in Asia and throughout the world as we lower our profile.

The President's supplemental aid request will help implement this doctrine both in Asia and the Middle East and speed the removal of the U.S. presence in Indochina.

The United States has a long history of support for the rights of neutrals to defend themselves against aggression. It is not in our interest to signal to the world that invaders may work their will on the nonaligned nations of the world.

I believe that it is vital that we continue to give tangible evidence of our determination to support the self-defense efforts of neutrals, and that we do so in such a fashion as to clearly demonstrate by the very nature of our support that the recipient does not compromise his neutrality in accepting it.

I believe that it is essential that we demonstrate to the world, and especially to Asia, that neutrality has a positive place in the Nixon doctrine, and that the Nixon doctrine does not imply the abandonment of the nonalined states to the will of their neighbors.

The President has stated that our policy in Asia is to use our material resources in support of the efforts of free Asian states to defend their independence against aggression.

Cambodia's neutrality has clearly been violated. Her independence is clearly threatened by the Communist forces of North Vietnam and the Vietcong. She has sent an urgent request for help to all powers, not only to the free world, but also to the Communist world.

We have responded to that call with a carefully designed program of limited support for the determined efforts of the Cambodian people to retain their independence. That support neither contemplates nor implies the involvement of U.S. advisers or support personnel. As Secretary of State Rogers said on November 25 in testimony before the House Committee on Foreign Affairs:

> We have no military forces or advisors in Cambodia, nor do we intend to have any.

Nevertheless, I believe that it is the responsibility of this body to make clear its intent that the adoption of this legislation is never construed as creating a new commitment involving U.S. troops. For that reason I fully support the amendment offered by the gentleman from New York (Mr. BINGHAM) stating:

> Use of United States Armed Forces—the furnishing of economic, military or other assistance under this Act shall not be construed as creating a new commitment or as affecting any existing commitment to use Armed Forces of the United States for the defense of any foreign country, or as creating a new commitment to provide any further assistance beyond that which is authorized under this Act.

Our support for Cambodia does demonstrate our continued resolve to support the right of neutrals, and to assist Asian nations under the Nixon doctrine in their efforts to repel aggression and retain their independence.

While the President's request for $500 million in additional aid for Israel is authorized under legislation already adopted, it is, however, vital to the success of this same doctrine.

I am proud of my support of the conference report on H.R. 17123, the Armed Services Procurement Authorization Act of 1971. The new law reflects the recognition of the Congress of the real danger to Israel. Not only does it provide the authority for the President to take the necessary steps to aid Israel, but it contains some unprecedented language.

The bill states:

> The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States.

We must now consolidate our position in support of Israel by backing up with actions what we have pledged in words. A strong start has been made.

The President's request for additional aid for Korea exemplifies the essentials of our doctrine throughout Asia: That we will provide the material assistance—but not troops—to help those governments willing and able to muster the manpower and initiative to defend themselves against aggression.

The Republic of Korea has made great strides since the early 1950's. It has built an economically and politically stable society under the ever-present threat of aggression from the Communist North.

In the past 3 years, the North Koreans have launched a massive attack by sea against the South, attempted to assassinate President Chung Hee Park, seized the U.S.S. *Pueblo* and mounted hundreds of border incursions.

The people of South Korea have made enormous sacrifices to keep their country prepared for aggression; so far they have met every threat. In addition, they have provided 50,000 crack troops to help reduce our burden in Vietnam.

While South Korea's 627,000-man military force is among the best trained and best disciplined in the world, North Korea is better equipped in almost every area of defense.

The South is most deficient in its air force, in modern communications facilities and naval craft and equipment for patrolling its vast coastal areas.

In addition, the North has 2,700 heavy artillery pieces, 4,000 mortars and 1,800 antiaircraft weapons. South Korea has 1,000 less artillery pieces, 2,000 fewer mortars and 1,400 fewer antiaircraft guns. The North Koreans have 700 short-range rockets capable of firing 20 rounds at once, another 20 missiles with a 60-mile range, and 210 ground-to-air missiles. South Korea, on the other hand, has no ground rockets or missiles, only 80 antiaircraft missiles. The same discrepancy exists between their respective naval forces.

Still, the huge difference in firepower counts for little beside the appalling obsolescence of the South Korean weaponry. Seventy-five percent of their trucks and jeeps are of World War II vintage, and should have been junked years ago. South Koreans still carry World War II carbines and M–1's. Even worse, the North Koreans have 19 factories capable of producing 73 million small-arms rounds, 6.5 million hand grenades, 650,000 artillery rounds, 14,000 tons of explosives, 150,000 rifles, and 300 mortars. South Korea does not have one such factory.

As a result, the South has become highly dependent on the U.S. garrison which has backstopped its own forces since the 1950's. We must be extremely careful that we make certain the South has the equipment and the confidence to defend itself before we begin withdrawing that garrison. The way to insure this confidence and capability is to begin a long overdue modernization program before we remove additional U.S. troops.

Last year I introduced an amendment—which passed the House—to provide initial funds for this modernization. In a conference committee dispute over language these funds, originally earmarked for Korea, were diverted to other areas. Meanwhile the administration went ahead with its withdrawal announcement.

The Nixon doctrine calls for the United States to reduce its military commitment to our Asian allies. I agree with that doctrine. But it also states that we will assist those allies in their efforts to achieve self-reliance. The $150 million in grants to the Republic of Korea authorized by this bill would provide a start toward the eventual modernization of its military defense forces. It will enable them to continue their strong resistance to Communist aggression. It will enable us to withdraw our forces on a rational and orderly basis.

This investment will be more than offset by the savings which result from the withdrawal of our forces. Present estimates indicate that net savings will amount to more than $450 million over a 5-year period. This assistance is not only good foreign policy, but good economy as well.

Finally, may I call to the special attention of my colleagues what I am certain will be one of the least controversial and most humanitarian aspects of this bill—the terrible plight of the people of cyclone-ravaged East Pakistan.

The massive cyclone and tidal wave which struck East Pakistan on November 13 with winds of 150 miles per hour and 20–30 foot tidal waves took the lives of 750,000 people. About 250,000 houses were completely demolished and another 110,000 partially damaged. Total crop and property loss has been estimated at $150 million.

The immediate needs of the area for clothes, blankets, food, and water have been met. The $10 million in American assistance played a large part in assisting the survivors of this greatest natural disaster of the century.

But the largest effort still remains to be made. An extensive reconstruction program will be needed as soon as possible, in order to take advantage of the dry-weather construction season which is now just beginning. The rice crop in the affected areas has been virtually wiped out, and in certain hard-hit regions 90 percent of the bullocks used by farmers to till their fields have been killed. Coastal embankments, roads, dwellings, schools, markets, dispensaries, grain storage facilities, and other public buildings are gone and must be replaced. Significant delays could mean the loss of an entire year before the productive output of the region is restored.

Of AID's $20 million fiscal year 1971 contingency fund, $11.5 million has been spent for various purposes, with $5 million going directly to Pakistan. The $8.5 million balance will not be adequate to meet the long-term needs of East Pakistan for reconstruction. Moreover, if these funds were all spent on East Pakistan there would be no way in which we could meet other similar emergency needs for the rest of fiscal 1971.

It is clear, therefore, that additional funds must be made available to further assist East Pakistan and to restore the AID contingency fund to a meaningful level. The committee amendment to the supplementary aid request is one I was proud to introduce. It would increase the fiscal 1971 contingency fund by $15 million, $10 million of which must be spent directly on East Pakistan.

Immediate aid from the United States would have a strong public impact on Pakistan and would encourage other donors to participate in the longer-term reconstruction effort. So much remains to be done: a broad rehabilitation effort would employ thousands of destitute workers. American financial aid would permit the Government of Pakistan to maintain its present programs for population control, agricultural development, education, and public health. Most important of all, it would put 2 million East Pakistanis back on their feet and give each one of them renewed hope for a brighter future.

Also, Mr. Chairman, I should like to join with other Members in paying tribute to the distinguished gentleman from Indiana. I have had the pleasure of working with him for many years in the committee, and he has been a tower of strength to me personally. I know that his work has been of great importance to the entire legislation that we have considered over the years, and I, too, want to join with other Members in wishing him as well as Marian, his wife, the very best.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I am sure that nothing I could say here this evening will induce anyone to stop giving away additional hundreds of millions to foreign countries. But there are a few things I would like to say.

In the first place, in response to our distinguished chairman of the committee that this money is necessary for Cambodia and other areas of Southeast Asia, there is no assurance from any source whatsoever that this money or any amount of money will salvage the situation in Cambodia, Vietnam, or anywhere else. We have spent an awful lot of money many, many, many times over the amount here to be authorized for those countries and the Middle East, and there is no assurance whatever that if we continue to pump money in it will solve any situation.

It is interesting to note that Uncle Santa Claus is making a return visit with foreign aid this year. We are almost up to the Christmas season, and it is apparently fitting that Uncle Santa Claus should put in another appearance for the purpose of delivering more foreign aid. And this is foreign aid, despite what you may have heard earlier this afternoon in the presentation of the rule on this bill. This is foreign aid, because a substantial amount of the money herein proposed to be authorized was raided from foreign aid funds, and this is simply putting it back.

I am opposed to this bill and the amounts contained herein for one reason among several, but for one reason, if the President can raid Foreign Assistance Act funds, if he can deobligate and reobligate as he has done, this bill being for the purpose of restoring money that he has raided from the funds already appropriated, if he can do that, he can go right on reobligating, deobligating, and reobligating funds, because there are many billions of dollars in the pipeline.

There is no reason why this bill should be here today at all for power has been delegated to the President to use unexpended foreign aid funds. I would point out, too, that the House Appropriations Committee, in reporting the supplemental appropriation bill late this morning, cut the funds authorized in this bill by some $60 million. If the House sustains the action of the Appropriations Committee we are dealing to some extent in an act of futility here this afternoon.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I was interested in what the gentleman had to say about obligating, deobligating, and reobligating. The gentleman is aware—and I do not necessarily agree with it—but the facts are that, when we get this program presented to us, it is what they call an illustrative program, and they make no guarantee that the amounts they talk to us about are going to be the amounts any country gets; is that not correct?

Mr. GROSS. That is right. There is nothing at all to stop the President, since vast power is given to him in the Foreign Assistance Act, to do just about anything he pleases with all money in the foreign assistance operation.

Mr. HAYS. I do not know how the gentleman voted in the Post Office and Civil Service Committee, but I have heard a lot of complaints around here about the President having too much power. But I read in the newspaper that the Post Office and Civil Service Committee is now going to give him the power to set the salary of everybody in the country, and they do not come back to the Congress any more. Is that right or wrong?

Mr. GROSS. Yes; that was the bill that was adopted in conference yesterday afternoon, and, since we are on that subject, I am the only conferee who voted against and refused to sign the conference report. I am opposed to that unconscionable delegation of power.

Mr. HAYS. Let me compliment the gentleman. This is one of the occasions on which he and I see eye to eye.

Mr. GROSS. I thank the gentleman for raising the question and his support in opposition to the conference report will be greatly appreciated when it comes to the floor of the House next week.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Of course, the gentleman realizes the differences between the authorization bill here today, and the bill the Appropriations Committee reported out of the full committee, and the legislation which was presented to the Rules Committee this morning. In this authorization the $15 million for Pakistan is authorized out of the contingency fund, and the Appropriations Committee, running ahead of the House, did not know that was in the authorization bill, so there is no fund in there for an increase in the contingency fund, so that will cover $15 million.

Mr. GROSS. And there is no assurance it will be put in the appropriation bill unless there is an amendment to the bill on the House floor.

Mr. MORGAN. I am sure that would be the proper approach.

Mr. GROSS. Of course, it would be, but there is no assurance that the $50 million is going to go in.

Mr. MORGAN. Of course, I will also say we will have the land reform program for South Vietnam. The Appropriations Committee also struck out the $50 million that is authorized in this request. Therefore, there was the additional $30 million. Of course, the other funds, with the small reduction in the foreign assistance funds, are for South Vietnam, but that is the difference between the two bills. There is very little difference, if that is taken out, between this authorization request and the appropriation request.

Mr. GROSS. It depends upon what the gentleman means by very little differences. To me a million dollars is quite a little difference.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, to me this is a much more important occasion than it seems to be to some other Members of those present in the Chamber at this time. The bill does embody a new commitment on the part of the Congress where none presently exists. Unquestionably the administration has undertaken a commitment in some respects to the Government of Cambodia. That goes without saying. But so far as I can recall, this is the first occasion upon which a congressional sanction has been sought for aid to Cambodia in any form for quite a number of years.

The Committee on Foreign Affairs is the policy committee of the Congress dealing with policy in the foreign affairs field. Here is a fundamental question of policy, because it involves the sanctioning of a commitment to a country where none presently exists, and it does seem to me highly appropriate that we have better attendance on the floor at this time, and that we also consider amendments to the measure before us which will give some definition of policy.

The administration by tradition likes to have the maximum of flexibility in the field of foreign policy. That is completely understandable, and to a degree, it is commendable, because one cannot foresee the circumstances that may come. The Congress has wisely provided authority from which the administration can draw military goods without prior authorization, up to a total of $300 million. It could draw upon that sum for emergency unexpected developments in Cambodia.

I think it is also commendable though that the administration has asked for a congressional sanction at this point, because of the gravity of the question, and because Cambodia is adjacent to the area where we have expended so much in terms of dollars and lives in recent years, and because there is concern on the part of many people that this might prove to be a fundamental step that would lead to other steps and perhaps in time involve us rather broadly in Cambodia.

All of us are perfectly aware that there are voices within the administration today, as there were yesterday—voices which are prominent which argue for a larger military role on the part of the United States on the Asian mainland. These voices are in contest with other voices within the administration.

I feel that this gives added importance to the deliberations of the Congress. We have a responsibility, of course, first and foremost to the American people; and, second, to ourselves under the Constitution. But beyond that I believe we have a responsibility to give some encouragement and guidance to the voices of reason within the executive branch. Therefore, I make no apology for the fact that I have prepared the amendment which I will offer. At this moment it looks as if my voice will be a relatively lonely one, but this does not deter me from taking a stand, as I have often in the past been a rather lonely voice in this Chamber.

To me this is a significant occasion, because it gives the Congress that rare opportunity which comes so seldom to speak to the question of fundamental commitment; that is, the sanctioning of a new commitment in foreign policy to a country where no commitment presently exists.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from New York.

Mr. LOWENSTEIN. I appreciate the valiant effort of my friend from Illinois to limit the commitment implied, at least, by this kind of legislation. I am sure his purposes are high.

I have a difficulty, which is this: If one is not persuaded of the merits of what is now called the Vietnamization program in Vietnam, how should one vote on an amendment which would stipulate that funds for Cambodia should only be used to further implement the program of Vietnamization?

Mr. FINDLEY. I might say to the gentleman, my amendment does not use the term "Vietnamization." I deliberately used the term "withdrawal of United States military personnel from South Vietnam." I know that the term "Vietnamization" lends itself to broad and varied interpretations.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ADAIR. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FINDLEY. So I would hope that my friend from New York would feel that the program under which we are withdrawing troops from South Vietnam would be a commendable one to which he would like to give his support.

May I add further, to my knowledge never in the 7 or 8 years we have been actively engaged in military action in South Vietnam has this Congress really spoken to the question of withdrawing our troops. I have made several efforts on the floor to get amendments added to legislation to that effect. To this day the Congress has even shrunk from giving its approval or endorsement to the policy of getting out of South Vietnam.

Mr. LOWENSTEIN. If the gentleman will permit, I should like to pursue this further.

Mr. FINDLEY. Surely.

Mr. LOWENSTEIN. Suppose that the process of withdrawing our troops from Vietnam, under the present timetable, or nontimetable, should last for many years into the future. Couldn't connecting the funds for Cambodia with the removal of troops from Vietnam over an undefined period at least imply a commitment to continue support for Cambodia until whenever, if ever, our troops are ultimately withdrawn from Vietnam?

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. ADAIR. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FINDLEY. I would say in response to that that the funds provided here are relatively limited, and I believe it would be stretching one's imagination to assume that approval of this legislation would really imply a long, multiyear obligation in Cambodia, whether for the purpose of securing the independence of Cambodia or for the more restricted purpose of facilitating the withdrawal of U.S. troops from South Vietnam.

Mr. LOWENSTEIN. If the gentleman will yield further, I would like to reiterate that I appreciate the purpose of the gentleman's amendment. What I am troubled about is whether limiting the use of funds as he proposes might not have the paradoxical effect of implying a commitment to continue assistance to Cambodia over a very protracted period.

Mr. FINDLEY. That is why I deliberately chose the words "withdrawal of our troops" rather than the imprecise word "Vietnamization."

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. ADAIR. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Ohio.

Mr. VANIK. I would like to commend my colleague for his minority views and his amendment.

I would like to say one other thing with respect to the procedures under which we consider this important legislation. This bill is silent on the really deep ramifications that are involved. It provides authority without congressional control. I just regret that there are only about 30 Members on the floor at this time to hear this debate. I regret that the pressures to legislate result in blanket, uncontrollable authorities. It is time that we took the time to exercise our constitutional authority to control and direct the course of foreign affairs and American expenditures and commitments which result.

Mr. FINDLEY. I would express the hope that there will be no effort on the part of anybody to close off debate under the 5-minute rule.

Mr. VANIK. I want to thank the gentleman for his contribution.

Mr. MORGAN. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I join our distinguished and esteemed chairman, Dr. MORGAN, in support of H.R. 19911, the foreign aid supplemental bill.

During the recent hearings on this legislation, I questioned the witnesses closely on the emergency nature of this request. While their replies did not satisfy me that each individual item in the authorization package requires urgent action, I have concluded that prudence would dictate to give the executive branch the benefit of the doubt as to their judgment and therefore support the request for additional military assistance even though I would personally prefer this action be taken early next session of Congress.

I should like to point out that much of the urgency derives from the failure of the administration to come to Congress before the elections to request an authorization for Cambodia and Vietnam.

Unfortunately, in the case of Cambodia, the President chose to use the vehicle of Presidential determinations under the Foreign Assistance Act to take funds from other country MAP and supporting assistance programs and diverted them to Cambodia.

The result has been a severe dislocation in the MAP program which this authorization request is designed to repair. It would have been better—far better—had the administration come to the Congress at the time the need first arose for substantial funding in Cambodia. But it would only be compounding the initial error for the Congress now to refuse to set things straight by providing the necessary funds.

It should be pointed out that fully one-fifth of the total amount requested in this bill, $100 million, will be used to reimburse countries which lost significant amounts of preprogramed funds from military and supporting assistance when the decision was made to aid Cambodia.

Programs for Korea, the Republic of China, Turkey, Greece, the Philippines, Tunisia, and Ethiopia were substantially reduced, and all material programs for Latin America and the Congo were withheld.

Those programs were presented to the Congress in the request for fiscal year 1971 appropriations. Justification for the programs was contained in the fiscal year 1971 MAP presentation.

The countries involved had been notified of the amounts which they would be provided. Joint planning of the recipient country and our military assistance advisory groups—MAAGS—had proceeded on the basis of the original figures. When the shift in funds came, the action negated weeks and months of planning and work.

Since that time there has been no change in the international military or political situation that would justify any reductions in those country programs. Therefore, restoration is necessary to maintain the confidence of our friends and allies.

Most particularly at this period of our troop withdrawals from forward positions in Asia and elsewhere, the United States must demonstrate that it intends to stand by its security agreements and that the United States is truly inerested in strengthening indigenous forces against aggression and subversion.

To date, unfortunately, we have not always consistently given that impression to those who have looked to us for assistance.

At present the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments is in the last stages of a yearlong indepth study of military assistance training as it operates worldwide.

One judgment which has emerged from that investigation is the importance of the United States acting consistent with its rhetoric. There have been statements about a Nixon doctrine which will mean aid to friendly nations in order to allow them to modernize their forces and thus fight aggression and subversion without direct involvement by U.S. combat forces. The recipient countries accept that doctrine—but they expect us to make good on our promises.

Too often they have been disappointed—particularly those nations which have experienced deep cuts in their country programs because of the Cambodia transfers. Since their confidence in our Nation is an essential element in stability and world peace, we must begin to express our determination, not just in words, but in dollars.

Therefore, I am not supporting this authorization today because the executive branch has operated a letter-perfect program. It clearly has not.

Nor am I supporting it because of any mistaken notion that by this authorization we will be freed from meeting future military assistance and supporting assistance needs. It clearly will not do the whole job.

Rather, I am supporting this legislation because of my belief that in doing so we are enhancing the assurance that American men will never again be sent into combat when Asian or African or Latin American manpower could do the job if given proper training and equipment.

Mr. Chairman, I urge the approval of H.R. 19911 without amendments.

Mr. ADAIR. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I would begin by joining in the tributes which have been paid to the gentleman from Indiana (Mr. ADAIR).

The gentleman from Indiana has given distinguished leadership to this committee, to our country and to the Congress. He is a Christian statesman in every sense of that word. His high integrity, his great ability, his character and his spirit have been valuable assets to this Congress and we shall greatly miss his leadership on this committee.

I would also like to join in the tributes to Boyd Crawford, who is one of the good men of the legislative branch of the Government, who has made a very fine contribution over many years. He shall be greatly missed.

Mr. Chairman, here is an opportunity for those who have been concerned about the extent of the money that has been expended on such military operations as the struggle in Korea and the struggle in Vietnam, and who have been concerned about the wise use of the assistance we give, to cast a vote for substituting a few million dollars in economic support and in military assistance for the many billions of dollars that have been expended in such conflicts as Korea and Vietnam heretofore.

Our President in the Guam or Nixon doctrine made clear that he intends, and firmly intends, to assume a lower American profile in Asia. He does not intend again for us to become embroiled, as we have in Korea and Vietnam, in the massive use of our own forces, and in the expenditure of the many billions of dollars that have been involved.

So here we are given an opportunity to give our assent to the withdrawal of troops from Vietnam, and to the withdrawal of troops from Korea. It is a policy which would substitute for our massive presence, for the expenditure of billions of American dollars through the Department of Defense, and for the expenditure of many thousands of irreplaceable young lives, a policy of economic support and military assistance to help other people to help themselves. I say this is the right policy for America, and it deserves the endorsement of this House overwhelmingly, and I hope it shall receive it.

Mr. ADAIR. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Chairman, I rise in strong support of this legislation, and I would also like to associate myself with the remarks made by the gentleman in the well who just preceded me, the gentleman from Alabama (Mr. BUCHANAN).

Also, Mr. Chairman, I would like to make expression of my appreciation for the wise and conscientious leadership of the distinguished gentleman from Indiana (Mr. ADAIR), and to thank the gentleman for the unfailing courtesy and graciousness he has always extended to me even as a relatively new member of the Foreign Affairs Committee and for the high quality of his leadership.

Mr. Chairman, it seems to me that this issue really boils down to whether or not we have confidence in the pledge of the Nixon administration to end this war and do so in a responsible manner. I am reminded of the fact that when this administration assumed responsibility for our military activities in Indochina there were in the neighborhood of 550,000 troops in Vietnam. Pledges were made that those troops would be reduced, and would be withdrawn from that part of the world, in an expeditious manner and that pledge has been kept.

Approximately 200,000 troops have been withdrawn, and the pledge is being kept and will be kept that additional troops will be continually withdrawn.

At the height of our spending before this administration took office the annual expenditure for military efforts in that war were just under $30 billion. That has been reduced by about $15 billion. In this fiscal year the cost is about $14.5 billion. There again is ample evidence that this administration is keeping its pledge.

Now, this is a request by the administration for supplemental assistance in Vietnam, in support of Vietnamization and for very significant assistance to Jordan, to Lebanon, to Israel and Korea, and for the controversial assistance to Cambodia. The evidence at our hearings has been clear, that this does not involve the participation of American military personnel in Cambodia—a statement which I trust. The majority of this military assistance is for ammunition and in support of the withdrawal of our troops from Vietnam.

It seems to me that this body, in support of these pledges which have been kept by this administration, should signify its faith in the Secretary of Defense, the Secretary of State, and the President of the United States, because they have clearly followed a policy to which they have adhered with fidelity and which is supported by the great majority of the American people today.

So, Mr. Chairman, I do support wholeheartedly the legislation before us today and urge its passage by the House.

Mr. ADAIR. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FULTON).

CONGRESSMAN ROSS ADAIR

Mr. FULTON of Pennsylvania. Mr. Chairman, may I say with a feeling of deep appreciation about our ranking Member, Congressman Ross ADAIR of Indiana, that he has been an inspiration to all of us through the years on the House Foreign Affairs Committee. His calm and his statesmanlike approach have been of immediate benefit and a great value to every one of us as well as to improvement of the legislation that has been prepared and reported out of the Foreign Affairs Committee.

Congressman ADAIR has the broad experience and has had the balance of judgment and the integrity to make a real leader. We, personal friends, really are going to miss Ross ADAIR on the completion of his congressional service, because so many of us have depended on him for consultations and for recommendations of moderation. Ross ADAIR has consistently maintained a good conservative point of view so that Congress does not run off in all directions in U.S. foreign policy, without program limits to prevent waste and inefficiency.

In closing might I say further that Congressman ADAIR is one of those who when he takes the floor of the House is listened to. That is one of the great characteristics that represents a real leader. So I would say to my good friend, Ross, even this evening when they are giving you the compliments you are listening and keeping your quiet composure which we all admire so much.

These compliments for Ross ADAIR are very well deserved and they are the kind of compliments that we could only pay to a good friend such as you, and mean it in full measure.

Mr. Chairman, I strongly support this legislation to authorize further assistance to Cambodia, Indonesia, Jordan, Korea, Lebanon, and restoration of funds already transferred from other country programs. We at this time of uncertainty cannot see just exactly how far this policy is going—because nobody knows. Conditions are uncertain, the time is short, and the emergency grows. But we in Congress must place some limits on this policy to prevent future Vietnams. For legislative history, I refer specifically to the limits stated by Secretary of State Rogers when he stated on the question of U.S. military advisory personnel in Cambodia, "We have no military forces or advisers in Cambodia, nor do we intend to send any."

That is a complete limit, publicly stated, and is specific limitation on this legislation and its purpose.

In our report the Foreign Affairs Committee says:

> The committee is in full agreement with the Secretary of State that the United States should not furnish military assistance advisers to Cambodian forces engaged in combat.

Mr. Chairman, I thoroughly agree with that position as the basis and intent for this legislation.

Further the committee report says:

> It is recognized, however, that U.S. military personnel should be provided to supervise the distribution and care of U.S. military supplies and equipment deliveries to Cambodia

This is certainly a necessary precaution and authorized activity under this legislation, because it means that on the distribution of the U.S. military supplies and equipment we will have U.S. observers and inspectors there in Cambodia to see that it goes efficiently to the right places and in the right amounts and for the right purposes.

Mr. ARENDS. Mr. Chairman, the bill before us, H.R. 19911, would authorize an important increase in the military and economic assistance commitments of this country. The $550 million to be authorized are designed to meet extraordinary and urgent requirements in two areas of the world where the United States has special and substantial commitments, and where we have a vital interest in the outcome of current events.

As you are aware, $500 million has already been authorized to provide for credits to Israel, and it is anticipated an appropriation bill including this figure will shortly come before the House. These loans will provide for the weapons which are essential if the balance of arms in the Middle East is to be maintained, and if the defense of Israel is to remain credible.

H.R. 19911 provides additional modest emergency funds for Lebanon and Jordan, two moderate Arab countries who have suffered greatly in the crossfire of the Middle East conflict. These funds would assist them in the maintenance of their independence and would help assure the presence of moderate voices in that part of the world.

In Asia, the commitment of the funds requested provides our friends and allies with the essence of the good faith commitment of the United States under the Nixon Doctrine. It assures them and the world that the United State has not abandoned its interests in the Pacific, nor has it retreated from its commitments.

These funds also provide for the replenishment of funds which were borrowed for emergency requirements in the Far East. The Congress agreed at the time of their original appropriation that they were essential and in the best interests of the United States. That condition is still true, and the restoration of these funds for two NATO allies, Turkey and Greece, as well as China and others, is necessary.

This request represents our resolve to provide support to Asian nations in their efforts to defend their freedom and independence. In providing such countries as Vietnam, Cambodia, and Korea with the means to resist aggression we also make it possible to reduce the number of U.S. forces in Asia. The money savings of those force reductions far outweighs the costs entailed in strengthening our Asian friends, or the provisions of this supplemental appropriation. The savings in American lives cannot be calculated.

The Foreign Affairs Committee added $15 million to the contingency fund for disaster relief to Pakistan. This timely action is a reaffirmation of our friendship for Pakistan.

This is a good bill. Its provisions are prudent. It supports our commitments. It assists in creating the conditions under which our troops can be brought home. It restores funds to programs which we have agreed are sound, but which were tapped to meet emergency requirements. It makes clear that we intend to assure that the balance of power is retained in the Middle East. It demonstrates our resolve under the Nixon doctrine to support our Asian friends. It deserves our support.

Mr. GALLAGHER. Mr. Chairman, I, too, wish to join my colleagues in their expressing of admiration for the gentleman from Indiana, Ross ADAIR. By every measure he has served his country with dedication, integrity and patriotism. He will be grossly missed.

There are, as I see it, a number of good reasons why we shall be well advised to grant the administration's request for additional military assistance in fiscal year 1971. The documentation submitted in support of each item included in the $340 million supplementary request seems to me fully to validate a specific need for additional authority and appropriations. One item, however, is particularly significant both because it accounts for more than 44 percent of the total amount we are asked to provide in this category, and also in light of the benefits we may expect to accrue if we approve it.

I refer, of course, to the $150 million needed to make a start on the long overdue modernization of the Armed Forces of the Republic of Korea. The substantial amounts of military assistance furnished to that strategically vital country in the past have been put to excellent use by a stanch ally whose defensive capabilities represent an important bulwark of freedom in the Far East. In recognition of both presently existing South Korean military strength and its potential for growth commensurate with the availability of newer and better equipment, President Nixon has announced a forthcoming reduction by 20,000 of the authorized level of U.S. forces stationed in the Republic of Korea. The prospect of this reduction created considerable consternation, not only on the part of the South Korean Government but also among other allied and friendly nations in East and Southeast Asia. Hopefully, their fears have since been put to rest by repeated reassurance that the United States had no intention of abandoning the area or of withdrawing from its longstanding security commitments.

I am, however, not nearly so sanguine about the reaction of the Communist Government of the Peoples Republic of North Korea; and I shall feel a great deal more comfortable when our words are backed up with appropriate action and we thus leave no doubt in the mind of its bellicose leader, Kim Il Sung, that we mean what we say. Unless the reduction of U.S. forces in South Korea is accompanied by an offsetting increase in the defensive capabilities of the ROK forces which are to assume greater responsibility for the protection of their homeland, its weakened security posture would offer North Korea an opportunity—which I am sure it would not be slow to exploit—to exert higher pressure at lower risk. Such a situation must not be allowed to develop because it would not only threaten the continuing existence of the Republic of Korea as a free nation and staunch ally, but it might well confront us with an inescapable need to honor our mutual security commitments by deploying more, rather than fewer U.S. forces to South Korea and placing them all in greater jeopardy.

The far wiser, safer and eventually less expensive alternative is to proceed forthwith to give the South Korean forces the more modern and effective military equipment they have so long needed to realize their full potential contribution to self-defense. Modernization has had to be deferred because, within the increasingly limited funds available for the worldwide military assistance program, the amount which could be allocated to South Korea has been fully utilized in supplementing the efforts of its government to keep existing forces in operation and for fixed expenses. Meanwhile, the effectiveness of those forces has been restricted by the obsolescent condition of their equipment. This situation cannot be allowed to continue if we are to proceed with the highly desirable reduction of U.S. forces in South Korea. We must, therefore, provide the means to remedy it without further delay.

We have no greater ally than Korea and I wish to take this time to publicly express our hope for their continued success under the extremely difficult circumstances that face them from North Korea. I think, too, that among the leaders of the world America has no greater friend than President Park.

Mr. HALPERN. Mr. Chairman, I rise in strong opposition to H.R. 19911, a bill to provide military and supporting assistance to Cambodia, Korea, and other countries.

I firmly believe that no good case has been made to justify the haste with which this important legislation is being considered. The nature of our commitment to Cambodia and the extent and cost of our possible involvement there in the future has certainly not been spelled out.

The primary importance of this legislation is in the funds it would authorize for military and supporting assistance to Cambodia. Up to this time, Congress has been substantially ignored in policy matters regarding that war-torn nation. The Cambodian invasion of last May was strictly an Executive action; approval of Congress was not sought nor were Members consulted about the move. Furthermore, military aid provided to date to Cambodia—totaling $98.8 million—has been given through unilateral Presidential determinations. Up to now, the extent of U.S. involvement in Cambodia has been solely the responsibility of the executive branch.

Psychologically and practically, if the Congress approves this legislation in the form and amounts requested by the executive branch, it will be endorsing the substance and direction of current U.S. policy in Cambodia. It will thereby come to share in the responsibility for the results of past actions in which the Congress had no say. Such will be the interpretation not only of domestic and foreign observers, but also of the executive branch when it suits its purposes to make an interpretation.

My principal concern, however, is that this legislative package contains the seeds of commitments to Cambodia paralleling closely the commitments made to South Vietnam during the latter part of the 1950's and the early 1960's. Have we not learned anything from the lessons of recent history? Are we again going to allow American resources and American lives to become involved in yet another ghastly farce like Vietnam? I would hope not.

I strongly urge that the pending bill be defeated.

Mr. WOLFF. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. BINGHAM). As a member of the Committee on Foreign Affairs, I was very interested in the hearings we held on this legislation, for I share the concern of certain of my colleagues on the extent of the U.S. commitment to aid Cambodia. I could not favor any legislation which would lead to an enlargement of the Vietnam war.

I am satisfied after questioning Secretaries Rogers and Laird and the other witnesses that the nature of the aid for Cambodia will be consistent with the goal of helping that country defend itself. This follows the path of a policy I have advocated for some time, that of providing other nations of the world with the means to defend themselves. Rather than sending American men to fight the battles of other nations, we can provide them with the equipment to defend themselves, as the Cambodians want to do.

Also, unlike the unsuccessful Vietnamization program which has proven a great disappointment, the nature of our aid to Cambodia can be useful. For instead of providing sophisticated military equipment, we will be providing Cambodia with small arms and ammunition to equip their forces for their own self-defense.

The committee was assured by the Secretaries that no American personnel would be committed to Cambodia with the exception of 25 to 50 men needed to provide the logistical direction that will enable the Cambodians to get this basic equipment to their forces in the field. In no way can this be construed as the same thing as when we first committed "advisers" to Vietnam.

The important point here, Mr. Chairman, is that we are not, as some fear, opening the door to a commitment of U.S. forces. Nor are we providing unrealistic assistance. Rather, we are providing basic equipment greatly needed by Cambodia.

This must be looked upon as part of a broader policy to which I alluded above. That policy calls upon us to lend assistance in the form of equipment to countries that are responsibly committed to defending themselves. Self-defense is the keyword which reassures us that U.S. aid will be limited and constructive. If I had any doubt that this was the purpose of the authorization now before us I would have to vote differently. But I am satisfied after thorough hearings that this important goal is being served and thus I shall vote for this authorization.

Finally, Mr. Chairman, the amendment offered by the gentleman from New York (Mr. BINGHAM) is not a limiting amendment but merely codifies the guarantees which the committee received from Secretaries Rogers and Laird. I can see no reason why we should not make it part of the bill to serve the goals set forth by these men.

Mr. PRICE of Texas. Mr. Chairman, I rise in support of the proposal to authorize the spending of an additional $550 million in foreign aid this year.

I realize my action is unusual in light of the fact that I have consistently voted against foreign aid bills and have opposed the foreign aid program, for that matter, since my election to Congress. In my judgment, however, the bill before the House today is vastly different in some very important respects from the run-of-the-mill foreign aid appropriations Congress has been passing for the last 20 years.

This bill, H.R. 19911, does not provide funds to finance long-range development programs in foreign countries. Instead, the bill is directed toward and focuses upon serious and urgent problems that confront us in troubled areas of the world. The areas I am referring to are in Cambodia, Vietnam, Korea, the Middle East, Indonesia, and East Pakistan.

I believe we must face the problems of these countries. I believe it is in our national interest to do so. For if we do not attempt to meet the problems of these countries by appropriating the funds necessary to provide them with assistance, these problems will not be resolved.

Mr. Chairman, I would like to address myself separately to the particular needs of these countries, that the provisions of H.R. 19911 are directed to. I think this approach will clearly highlight some of the problems this Nation must respond to.

In Cambodia, government forces are trying valiantly to prevent Cambodia from becoming a Communist outpost and a supply base from which the enemy can launch murderous attacks against U.S. soldiers and South Vietnamese troops fighting in Vietnam.

Despite the fact that the Cambodian Government has increased its fighting forces from some 40,000 just before the Communist invasion last April to approximately 150,000 at the present time, the military situation is uncertain. Part of this uncertainty is due to the fact that the manpower of the Cambodian military has increased far more rapidly than has the ability of the government to supply its troops with equipment.

This Nation can simply not realistically expect the Cambodian military forces to stave off continuing Communist thrusts in the absence of appropriate amounts of equipment. At present, the Cambodians are doing a far better job of defending their homeland than was expected by some. But their successes will be shortlived, however, unless this Nation supplies that Government with the wherewithal for it to augment its military capabilities.

This bill provides $85 million in additional military aid to Cambodia and $70 million in economic assistance. These funds will not inextricably tie us to the fate of Cambodia; for even with this assistance, it is not known whether or not the present Government will be able to withstand the Communist onslaught. But what I am confident of is that if we enable the Cambodians to stand on their own two feet, it will help save American lives in Vietnam, and will facilitate the Vietnamization of the war in that country. For these reasons, I think this money represents a wise and prudent investment.

Speaking of Vietnam, $65 million is allocated to that country and is earmarked for economic assistance. The focus is on the Vietnamese economy rather than the Vietnamese military because military assistance funds to Vietnam are taken from Defense Department appropriations.

Of this $65 million, $50 million is channeled to finance commodity imports, and $15 million will be used to implement the new land reform program that was enacted by the Vietnamese Legislature last spring. Commodity imports need strengthening for two reasons: First, South Vietnam needs more goods to help restructure and refurbish its domestic economy so badly battered by years of warfare. Second, as U.S. troops are withdrawn, the money that this Nation expends to maintain them and the money that is circulated by our forces is correspondingly lowered. This has created a partial loss of revenue for the Government of South Vietnam, a loss which reduces the ability of the Government to buy imported goods. Financing commodity imports as set forth in H.R. 19911 will help the Republic of Vietnam alleviate this problem.

The $15 million allocated for implementation of the new land reform program will go a long way toward helping the Government of South Vietnam secure the loyalties of the rural villagers who have long been a prime target for Communist infiltration and subversion. If the land reform program is successful, thousands of villagers will become landowners, and capitalism will have become rooted in the soil of Southeast Asia. I cannot overemphasize the importance of this fact. For the land reform program marks nothing less than an historic attempt on the part of the South Vietnamese Government to alter the basis on which land is held and developed by the people.

In my opinion, the $65 million provided for South Vietnam is money well spent. The economy of South Vietnam must be revitalized; that is clear. In addition, helping to establish capitalism in Vietnam is one of the most effective long-range weapons against Communist aggression the free world has in its arsenal. Communism simply cannot successfully compete with capitalism, for when a man owns the means of this production he feels like the master of his fate, and he becomes increasingly unwilling to subordinate himself to a new and foreign form of government.

Turning to Korea, H.R. 19911 channels $150 million for modernization of the Armed Forces of Korea. This money is vitally needed, and it will be well spent. As I have stated on previous occasions, South Korea is a showcase of democracy in Asia. Not only it is a bulwark of freedom, it is part of our first line of defense against any attempts on the part of Communist China to expand its territorial control in the East.

Looking at Korea from another perspective, this Nation has decided as a matter of national policy to reduce the number of American forces stationed overseas. As this will involve pulling troops out of South Korea, the question may be raised as to whether the American people are willing to leave the people of that nation to defend themselves against the aggressive tendencies of North Korea and Communist China. I, for one, do not believe that the people of the United States are willing to abandon the people of South Korea to an uncertain fate. Too many Americans died in that land defending the freedom of the South Korean people for this Nation now to walk away.

Having served as a jet fighter pilot in the Korean conflict, I am very familiar with the high caliber of the well-trained and well-equipped South Korean fighting man. Thus, I am confident that buttressed with our assistance, as is envisioned under this bill, South Korea can effectively shoulder more of the burdens of its own national defense.

Mr. Chairman, H.R. 19911 provides $30 million in assistance for Jordan and $5 million for Lebanon. In both of these countries, Palestinian guerrillas are waging a battle for supremacy so that they can turn the two countries into forward staging areas from which commando assaults can be launched upon Israel. Needless to say, the course of action the guerrillas have chosen to pursue has contributed greatly to the political instability of these two Arab countries to the general uncertainty in the entire Middle East.

Providing assistance to Jordan and Lebanon as contemplated by this bill will facilitate the achievement of political stability in these two key Arab nations. Such stability is a necessary precondition for a peaceful settlement to the Arab-Israeli conflict. And, as it is clearly in our national interest to help promote a lasting peace in the Middle East, I think the United States has everything to gain by helping the Governments of Jordan and Lebanon reequip their military forces and reestablish the legitimate authority of their respective governments.

The bill before the House also provides $3 million of military assistance to Indonesia. Indonesia is one of the giants of Asia whose economic and social development has been greatly retarded by the effects of Communist domination and control. At the present time, President Suharto is leading Indonesia on the long road back to economic recovery, but his efforts are becoming increasingly frustrated by the continued existence of Communist elements in outlying areas who are fast at work fomenting social discord and revolution.

The funds from this bill will make available to Indonesia some additional patrol boats, small aircraft, and other transportation and communication equipment desperately needed by the government to maintain internal security. This, in my mind, is money well spent. This Nation has a vested interest in maintaining the Western orientation of Indonesia and preventing that country and its people from once again falling to the Communists.

The last country covered by this supplemental appropriation is East Pakistan. Under the terms of H.R. 19911, $15 million is authorized to be utilized to help the government of that nation recover from the catastrophic effects of the natural disaster which has overwhelmed East Pakistan. Anyone who has witnessed on television the utter devastation caused by hostile winds and waters, or has seen pictures of ragged survivors struggling to exist in a suddenly alien and barren land cannot help but commiserate with the loss that East Pakistan and its people have suffered.

We do not know how much assistance will ultimately be required, but there is no question that simple humanity demands we assist the people of East Pakistan in it time of need. One characteristic of a civilized society is its willingness to help others in distress.

Mr. Chairman, I think the needs of the countries I have just described cry out for U.S. assistance. Without our help, these problems will no doubt become aggravated and the Communist cause will thereby be strengthened. To foreclose that grim possibility takes initiative, it takes resoluteness.

As I stated at the beginning of my remarks, this will be the first foreign aid appropriation I have supported since coming to Congress. But then again, this is the first foreign aid appropriation that I have found worthy of support.

Mr. SCHMITZ. Mr. Chairman, in addition to the other excellent arguments which have been presented against H.R. 19911, amending the Foreign Assistance Act of 1961, I would like to call particular attention to one point that has not been made in the debate: The significance of the clause in this bill reaffirming a policy of "achieving international peace and security through the United Nations."

I want the RECORD to show that I have no confidence in achieving international peace and security through the United Nations, which was itself a very conspicuous aggressor in Katanga some years ago and may well be so again. If this bill had been limited to military assistance to nations now experiencing, or directly threatened by Communist aggression, I might have supported it. But it contains far too many extraneous provisions such as this one, which can work directly against our national interest and the interest of the free world.

Mr. ADAIR. Mr. Chairman, I have no further requests for time.

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 402 of the Foreign Assistance Act of 1961 (22 U.S.C. 2242) is amended by striking out "for the fiscal year 1971 not to exceed $414,600,000" and inserting in lieu thereof "for the fiscal year 1971 not to exceed $609,600,000".

(b) At the end of such section add the following new sentence: "None of the funds authorized by this section shall be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange between said Government and the United States is fair to both countries."

SEC. 2. Section 451(a) of such Act is amended by striking out "for the fiscal year 1971 not to exceed $15,000,000" and inserting in lieu thereof "for the fiscal year 1971 not to exceed $30,000,000", and by striking out the period and adding at the end thereof the following: ": *Provided,* That, in addition to any other sums available for such purpose, $15,000,000 of the amount authorized for the fiscal year 1971 may be used only for the purpose of relief, rehabilitation, and reconstruction assistance for the benefit of cyclone, tidal wave, and flood victims in East Pakistan.".

SEC. 3. Excess foreign currencies held in Pakistan not allocated on the date of enactment of this section are authorized to be appropriated for a period of one year from such date of enactment to help Pakistan withstand the disaster which has occurred.

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FULTON of Pennsylvania: On page 2, line 14, after "Pakistan" insert ", Burma, Guinea, India, Morocco, Poland, Tunisia, United Arab Republic and Yugoslavia" and on line 15, after "section" insert ", with the approval of such countries,".

The CHAIRMAN. The gentleman from Pennsylvania is recognized in support of his amendment.

Mr. FULTON of Pennsylvania. Mr. Chairman, my amendment is to section 3 of the bill and applies to the use of excess foreign currencies held by the United States for assistance to the people of Pakistan, who have suffered great disaster through the recent hurricane and flood.

My amendment would expand the use of U.S. foreign currencies held not only in Pakistan but also in other countries, such as Burma, Guinea, India, Morocco, Poland, Tunisia, United Arab Republic, and Yugoslavia. There is no program, nor known use at present for these millions of dollars worth of local currencies now held by the United States in these countries.

My amendment provides that section 3 will read that:

> Excess foreign currencies held in Pakistan, Burma, Guinea, India, Morocco, Poland, Tunisia, United Arab Republic, and Yugoslavia not allocated on the date of enactment of this section with the approval of such countries are authorized to be appropriated for a period of one year from such date of enactment to help Pakistan withstand the disaster which has occurred.

You will see that my amendment says, "with the approval of such country," specifically, which is not set out in section 3 of the act as it now exists.

I would point out that any country where United States can purchase any supplies with U.S. excess local currency to assist the people of East Pakistan at this time should be contacted to work out assistance and survival help to these impoverished, starving, people who are injured and threatened with disease.

There is a total of excess of currency held by the United States in local currencies in foreign countries in the amount of $1,678,300,000 at the present time. These countries and amounts of excess currencies held by the United States are as follows: Burma, $14 million. Burma is right next door to East Pakistan, so rice and foodstuffs are readily available.

Guinea, $6.9 million.
India, $772.6 million.
Morocco, $14.3 million.
Pakistan, $104.5 million.
Poland, $393.5 million.
Tunisia, $28.5 million.
United Arab Republic, $264.7 million.
Yugoslavia, $79.3 million.

My position is simply this: Certainly the American people can find no better use for part of these excess foreign currencies, held by the United States for some time, for which there has been no use to date. What could be better use than to alleviate the disaster which has occurred to the people of East Pakistan. My amendment will show what countries will assist us in our assistance to the suffering people of East Pakistan, the United States has the power by agreement with these countries, to determine for what purposes the excess currencies shall be used.

These are excess local currencies held by the United States which have been generated by U.S. foreign aid programs as well as by Public Law 480 sales programs for the supplying of food to other countries. I would, therefore, recommend that the ability and authorization for the U.S. Government to use these excess foreign currencies now held by the United States be extended to the Government of Pakistan, and these additional countries where such similar excess local currencies are held by the United States, to help these unfortunate people in East Pakistan.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment.

We have a total of $1,782 million in excess currencies in various countries around the world. These excess currencies will have to be spent in the countries where they are located. I wonder also if we will get the great Committee on Appropriations to appropriate the spending of $393 million of Polish zlotys in Poland or the Committee on Appropriations to appropriate $772 million of Indian rupees that we have in India. I think this amendment will not do Pakistan any good. The reason that these currencies are excess is that these countries do not have anything to supply to other countries that can be bought with these local currencies. The large amount of funds in India cannot be spent in India.

I ask that the amendment be voted down.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, my purpose is to have the authorization for appropriation available, and this is an authorization bill and not an appropriation bill.

My second purpose is that wherever the United States has excess amounts in local currencies that can be used for the purpose of disaster relief, Congress certainly should give the House Appropriations Committee the authorization to use such excess funds in case of necessity.

The final point is this. Surely in India we are not expecting to have India use the $772 million excess rupees owned by the United States, nor in Burma the whole amount the United States has in excess currencies in that country. But certainly we can say to India and Burma that as to these excess currencies, with our agreement and their country agreement, part of these funds can and should be used for the devastated disaster area right next door in Pakistan. Rice and local food supplies could be easily and quickly bought in each country.

Mr. MORGAN. I want to say to the gentleman that the Appropriations Committee has not been requested to appropriate these funds, and I would not attempt to forecast what they might do if they received such a request.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. Mr. Chairman, I ask the chairman, for purposes of the record, are not the majority of these currencies nonconvertible, which means they cannot be used in any other country than in the country in which those currencies are now?

Mr. MORGAN. That is correct.

Mr. ADAIR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with reluctance, I, too, rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. FULTON), and in support of the position of the chairman of the committee, the gentleman from Pennsylvania (Mr. MORGAN).

We have in this bill authorized $15 million in U.S. dollars for the purposes of assisting the people of East Pakistan in this time of their great tragedy. We have further made available in this bill local currency which we hold in Pakistan. This holding approximates the equivalent of $104 million in Pakistan rupees. It is felt that that is about as much as Pakistan can possibly use efficiently and effectively for this humanitarian purpose.

It is true, I think, that everyone in this Chamber and everyone in our country would want us to do what we can to assist these hundreds of thousands of unfortunate victims of the hurricane and the tidal wave in East Pakistan.

We are doing just that. We want to do everything that is possible.

Assuming further that some of our excess foreign currencies were made available in countries other than Pakistan, they would have to be expended in the countries of origin, because they are not convertible. Further supplies were bought in other countries, we would be faced with questions such as shipping charges of supplies from these countries to East Pakistan.

Mr. Chairman, in view of the fact that we have made available what we believe to be ample funds and the problems that would arise in trying to make additional funds available, I would respectfully suggest that we not support the amendment offered by the gentleman from Pennsylvania.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I thank the gentleman for yielding.

I believe it is accurate to say there are few Members of the House who have as much compassion for their fellowman as the gentleman from Pennsylvania (Mr. FULTON). Certainly this motivates his amendment. But the chairman of our committee and the ranking minority member and other committee members have very effectively pointed out there are logistical, technical, and legal complications which make this amendment, well intended as it may be, completely unworkable. Therefore, the only logical course of action for us to follow is not to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FULTON).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. Section 504(a) of such Act (22 U.S.C. 2312(a)) is amended by striking out "$350,000,000 for the fiscal year 1971" and inserting in lieu thereof "$690,000,000 for the fiscal year 1971".

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON of Pennsylvania: Page 2, beginning in line 21, strike out "$690,000,000 for the fiscal year 1971" and insert in lieu thereof "$725,000,000 for the fiscal year 1971, of which not less than $35,000,000 shall be available solely for assistance to Israel under this chapter".

Mr. FULTON of Pennsylvania. Mr. Chairman, this is an amendment which would permit grant aid to Israel, in the same total grant amount, $35 million, which is authorized for Arab countries, under this legislation. There already exists authorization for $500 million for Israel to purchase U.S. arms on credit.

Secretary of Defense Laird in his testimony before the House committee on November 25 revealed that $375 million of the request will be spent before June 30 of this year and the remaining $125 million during the fiscal year beginning then. Israel, according to Secretary of Defense Laird, needs the credits to pay $100 million in debts for military equipment already purchased which are due this December 31, 1970. Israel needs another $275 million to pay on debts to come due in the United States on June 30, 1971. So we can see, then, that there is only $125 million worth of credit which is really presently available for Israel's defense for current purchase under the $500 million credit sales authority, already established.

I should like to point out that Israel is in a war of attrition and needs economic aid badly. Israel needs prompt aid to maintain her own defenses, and to maintain the security of the Israeli people. I must say to the Members that there have been U.S. grants-in-aid for arms, as well as sales, to countries all over the world, whether dictatorships of the left or right, or democracies. I am speaking of Israel, a democracy with friendly people, whose arms are purchased with obligation to repay. These friendly people of Israel are in great danger and our U.S. policy of maintaining the security of the people of Israel must be firmly maintained. The United States must state strongly again and again, Israel shall be neither destroyed nor driven into the sea.

Israel, of all the modern nations in the world, spends 30 percent of her gross national product on her defense and security. As a matter of fact, we in the United States are spending much, much less in proportion. Every other modern industrial country in the world spends much less for her security in proportion to her gross national product.

Under these circumstances, I believe that unless the United States acts and acts quickly to assist Israel economically, Israel will be in a position that she cannot pay for the debt amounts that Israel already owes. At present Israel has been compelled to dip deeply into her foreign currency reserves. For example, Israel had $750 million of foreign currency reserves early in 1967. During that year her reserves increased to a record-breaking figure of $900 million. Now Israel's foreign currency reserves have dwindled to a dangerously low sum of $370 million.

Under these present financial circumstances, there is only a tenuous cease-fire existing which might break out into open warfare at any moment. There is serious economic pressure on Israel and Israel for her own survival is being forced much beyond her capacity to defend her people. How long can our American people stand to see Israel stretched to the breaking point? How long will the patient citizens of Israel be able to hold out without our substantial assistance?

I believe the U.S. Government must consider in the next year's budget 1971–72, that the administration is now preparing, a sum of $50 million for fiscal year 1971–72, which would be for economic grant aid to Israel. My amendment would authorize $35 million U.S. economic grant aid at this time.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I am glad to yield to the gentleman.

Mr. FRASER. It is a fact, is it not, as you have already pointed out, as you look around the world and look at other governments, totalitarian governments, we give them military aid. Israel, which is a very vigorous democratic nation, has to pay back in hard cash for any military aid we provide her with? Is that not the case?

Mr. FULTON of Pennsylvania. I thank the gentleman for his good comments. I agree with the gentleman completely. These are military equipment sales to Israel, not grants and the amounts must be paid back in full with interest. It is estimated that 85 percent of the Government budget of Israel is allocated toward Israel's defense and security. As a matter of fact, on the purchases in Israel's proposed fiscal year 1971 budget in the military procurement program there will be over $1 billion for that year. Of these Israel military budget funds $800 million will be spent for purchases in the United States. Israel has already contracted for $590 million worth of equipment in the United States, and more will be spent. Under these circumstances, where we have such a good friend and a loyal democracy in the Middle East, I hope this amendment will pass.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. FULTON of Pennsylvania was allowed to proceed for 1 additional minute.)

Mr. FULTON of Pennsylvania. Mr. Chairman, I would like to withdraw the amendment at this time because I just want to give adequate notice, and to call to the attention of the Congress and the administration that there is a real and immediate need in the new Federal budget being prepared for fiscal year 1971–72 for adequate U.S. economic aid amounting to approximately $50 million for Israel for its defense and for the maintenance of Israel's position of security in the Middle East.

I think that the administration and Congress must recognize, as soon as possible, the requirement to meet Israel's urgent need for economic assistance.

Americans have watched with great admiration and respect the gallantry of Israel's fighting forces. We have full knowledge of the extent to which the Israeli people and their friends have sacrificed themselves and their funds in their struggle to resist immediate threat of destruction.

This summer marked a turning point in American policy in the area. We had hoped that the Arab States might be ready to enter into genuine negotiations and respect the conditions of cease-fire. The administration exercised great restraint in pursuit of a Mideast policy based on the hope that our restraint would be emulated.

The cease-fire has been fragile, with claims of violation and impending threats of commencement of military action hanging over the whole Mideast. Accordingly, this Congress is on record in favor of military credits to Israel in the hope that the American people might ease Israel's tremendous burden.

As far as Israel is concerned, it is a war of attrition directed against her economy. Israel has asked recently for economic assistance. I do hope that the administration will undertake now a thorough review of Israel's economic position so that in the administration's foreign aid program proposals for fiscal 1971–72 there will be included adequate economic grants necessary to support Israel's economy.

No country in the world and no people are required to rely exclusively on their own resources in defense of their survival, but Israel is defending itself almost singlehanded. Israel is a country of the world which is bordered by age-old antagonism. One neighboring nation has repeatedly stated that it is determined upon Israel's destruction and deny her recognition and peace.

To meet the growing threat of the arms buildup in the Middle East, the people of Israel have been compelled to allocate about 30 percent of Israel's gross national product—more than $1,200 million for defense purposes. In contrast, the United States spends about 9 percent of its gross national product for defense and security. European countries allocate about 5 to 6 percent of their gross national product for defense and security.

To point out the effect of the superhuman efforts to form, build, and maintain the State of Israel, upon Israel's progress, I wish again to point out the specific facts of Israel's budget. We must remember, in Israel's fiscal year 1971 it is expected that Israel's military procurement program will mean an expenditure of $1 billion or more, $800 million of which will be spent in this country. Israel has already contracted to purchase $580 million of equipment in the United States and more will definitely be spent. It is estimated that 85 percent of Israel's Government budget is going for defense. This means that housing, education, welfare, and other social needs are being cut dangerously and much of the progress that the Israel people have made over the years is now jeopardized.

All this means that Israel has been compelled to dip into her foreign currency reserves. These totaled $750 million early in 1967. During that year Israel foreign currency reserves increased to a recordbreaking figure of $900 million. Now Israel's foreign currency reserves have dwindled to a dangerously low sum of $370 million.

In this connection, it should be stressed that over the years the Israelis have borne the highest per capita foreign currency debt in the world. That is because Israel has been compelled to pay for her necessary weapons for defense. Israel has never received grant military aid from anyone. Past U.S. administrations have not provided Israel with grant military aid, but over the years, going back to the Johnson, Eisenhower, and Kennedy administrations, our Government and the American people have maintained economic assistance to Israel at a good level in order to make it possible for her to continue her development and strengthen Israel's economy.

Substantial U.S. economic aid to Israel ended several years ago. The time has come for us to consider Israel's needs anew. Last year Israel asked for our Government a grant of $50 million for special assistance. Israel asked to be allowed to purchase substantial quantities of surplus commodities. Israel also requested development loans from the United States. The administration should make provision for a substantial direct grant to Israel in preparation of the new Federal budget. I hope and strongly urge that for the coming year this will be done. I strongly believe that the evidence supporting this request is persuasive and will have excellent support in Congress.

With Congressman MORGAN, of Pennsylvania, in 1951, I was one of the members of the House Foreign Affairs Committee who cosponsored legislation authorizing grant economic aid to Israel. The U.S. Congress approved this proposal and this was the beginning of the support assistance program which was used effectively and efficiently by the people of Israel.

Over the years Israel developed her economy and established one of the highest growth rates in the world. Israel opened her doors and absorbed hundreds of thousands of Jewish refugees, survivors of concentration camps, the victims of discrimination and persecution in many of the countries around the world. Israel's resettlement program has been an epic demonstration of the way in which a people can offer sanctuary and transform a helpless and broken people into a strong self-reliant citizenry contributing both to the economy and defense of the country. Israel's progress is an example which encouraged many other peoples throughout the world to fight for their independence and, at the same time, to concern themselves with the welfare of their people and the achievement of higher standards of living.

Israel fought for independence for the state but she also fought for freedom for the individual. And all over the world, in Asia, Africa, and Latin America, other peoples have been inspired by her fine example.

Now this epic chapter of Israel must not end. It is for us in America to help determine the final outcome. We who advocated aid to Israel did so in the conviction that this was in the highest interest of our own country, as well. We know that both Israel and America share a strong commitment to democracy. Our program in Israel contributed to her economy but also to strengthening a country which stood with the United States in the defense of freedom. Our U.S. aid program in Israel is a demonstration that aid can be used effectively and equitably when it is administered by people who have a personal interest in their country and who are sincerely committed to its development and the progress of all her people. Israel has become the showcase for American aid. The American people have a tremendous stake in that country. The United States must certainly do everything it can to maintain the integrity of Israel's development. I sincerely trust that Congress and the administration will respond affirmatively to this plea to place in the new Federal budget, substantial economic grant aid for Israel. Israel shall not be destroyed.

Mr. FULTON of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. I object.

The CHAIRMAN. Does the gentleman from Pennsylvania ask unanimous consent to withdraw his amendment?

Mr. FULTON of Pennsylvania. I do.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Chairman, I object.

Mr. MORGAN. Mr. Chairman, I thought the gentleman from Pennsylvania would be permitted to withdraw his amendment, but if he does not have that right, of course, I want to oppose the amendment.

Mr. Chairman, Israel is not asking for grant assistance at this time. I am sure if they wanted it, this Congress would grant it to them.

Under the Jackson amendment, which passed the other body and which was approved by the House when it adopted the conference report on the defense procurement authorization bill, this bill constitutes the authorization for the administration's request for $500 million.

Mr. Chairman, Israel seems to be well satisfied with this arrangement. The credit terms are very favorable.

Out of the proposed $500 million, $150 million would be paid back over a period of 10 years at the going rate of interest and $350 million would be subject to a 5-year grace period during which they would pay nothing. This is better than a grant program. Israel is well satisfied with what they are getting under the Jackson amendment.

Therefore, I think this additional request is uncalled for and I doubt that the Prime Minister of Israel requested this amendment.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I had understood indirectly that Israel has made a request of the administration for $50 million in grant aid recently for economic purposes for the coming budget.

Mr. MORGAN. That was before the program under the Jackson amendment was worked out.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. A year or so ago the Foreign Affairs Committee went out of its way to offer Israel economic assistance only to find that what Israel really wanted was jet military planes.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I am just curious to see if the chairman of the committee can explain to me that if this procedure is better, the procedure whereby we give good loans to Israel, is better than grants, why everyone does not want good loans and grants.

Mr. MORGAN. Most other countries cannot get these favorable terms.

Mr. LOWENSTEIN. But they could get good terms.

Mr. MORGAN. I am for these favorable terms, especially in view of the amount of military assistance that other countries are getting in the Middle East.

Mr. LOWENSTEIN. Mr. Chairman, if the gentleman will yield further, I am just curious as to why we do not extend this sort of arrangement to the Cambodians by lending them the money rather than giving it to them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FULTON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. LOWENSTEIN

Mr. LOWENSTEIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOWENSTEIN: page 2, line 22, strike out the period and insert semicolon and add "; *provided*, That no funds authorized by this Act shall be used to extend military assistance to the Government of Greece."

Mr. LOWENSTEIN. Mr. Chairman, in view of the hour, I shall not take my 5 minutes. However, I think it is important that we face the question sometime before we finish considering this bill as to whether we really improve the security of this country or contribute to freedom anywhere in the world by continuing to assist governments that are not threatened by aggression from outside their borders and that deny freedom to their own people. Take for instance the Government of Greece. There is not really much prospect of an attack on Greece when you think about it. Then why should we contribute taxpayers' money to support a government that is threatened, if at all, only by its own people? Should not we begin at long last to indicate that we are not going to spend any more money to support governments that do not face aggression and do not have the support of their own people? That kind of restriction would do wonders for the foreign aid program and for the good name of the United States, to say nothing of what it would do for our overburdened taxpayers. And Greece is about as good a place as you could find to begin to overhaul the image—and the facts—of foreign aid. Few governments that have so little need for military aid have done so much to deserve no aid at all, if the purpose of such aid is supposed to be the bolstering of freedom.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I want to commend the gentleman from New York for the amendment he has offered. As the gentleman knows, the Greeks recently refused to renew an agreement with the International Red Cross with which they had had an agreement with respect to the inspection of prisons, and the treatment of prisoners.

The gentleman probably also recalls that the Council of Greece was about to expel Greece for their torture of prisoners when Greece withdrew, knowing how the vote would come out.

There is considerable evidence, in spite of all the promises to the contrary, that there is no intention on the part of the present rulers of Greece to return the responsibility for running the country back to the people of the country. It seems to me that it demeans the United States to extend grant military aid to a military junta which has destroyed freedom in its own country. So I hope the amendment will get all the support it deserves.

Mr. LOWENSTEIN. Mr. Chairman, I appreciate the comments of the gentleman from Minnesota. Let me simply underscore what seems to me too obvious—that we do not in fact contribute to freedom or to the security of the United States by refusing to pass amendments which would prohibit sending money as if it existed in such unlimited quantity that we could find nothing better to do with it than to help maintain oppression in faraway places. Among other things, this approach has made suspect the whole purpose and concept of military aid. I would think those who have favored the principle of military assistance over the years—and I am one—would see the importance of this amendment for the most pragmatic, hard-nosed reasons.

Mr. FULTON of Pennsylvania. Mr. Chairman, would the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. When we are thinking of the philosophy of U.S. foreign aid, and then we find that we are granting aid, military or economic assistance, to dictatorships on the left and right, and in between Communist countries, and then when we get to a good democracy like Israel and find that there is no grant in military aid, that they have to pay for it, and everything has to be on the line, and when it is all tied up with repayment, and when it is a democracy that is in trouble and yet we tie them up with the strictest terms, even though they are easy credit terms, nevertheless they are required to pay it back even though it may be with the greatest of difficulty, then I really cannot see the basic philosophy of what our U.S. foreign aid is trying to do if it is not trying to assist our friends in democracies and make it possible so that they can enjoy the rights of freedom. What would the gentleman say to that?

Mr. LOWENSTEIN. I was trying to join in support of the proposal of the gentleman from Pennsylvania. I think the gentleman makes a very valid point. Is it really better to give loans on easy terms than to give direct grants, as the distinguished chairman of the committee suggested some time ago? If that were really so, who would want grants? Would not all the unpleasant little dictatorships be clamoring instead for loans on easy terms? But the opposite is, of course, the case. Still, we are grudging about even selling aid for her own defense to the democratic Government of Israel, which is under constant threat of Russian-backed attacks, while we can hardly contain our zeal for giving all kinds of help to governments like Spain and Greece at the very moment that they are adding to the miseries of their own people.

Of course this makes no sense, no sense at all, and I appreciate the gentleman stressing that point.

Mr. Chairman, I yield back the balance of my time.

Mr. ADAIR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York. In the first place, there is no money authorized for the government of Greece in the legislation before us. In the second place, the military assistance which we give to that Government is very carefully screened; it is designed solely to make it possible for that country to continue its support to the NATO organization. We do give Greece a limited and carefully scrutinized amount of military assistance. Certainly no one wants to support other than a freely elected government in any country, but that is not the question here. The question is rather whether or not we deem it wise from the standpoint of our own national interest to grant a limited amount of military assistance, which we do to the Government of Greece.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. LOWENSTEIN. Mr. Chairman, I wonder if the gentleman is aware of the fact that included in this authorization are restoration funds to Greece or to a number of countries including Greece, Thailand, and Turkey principally from whom the funds were taken for the Cambodia assistance program. In fact, there is money for Greece specifically in this authorization.

Mr. ADAIR. The gentleman is quite right.

There is money for the restoration of funds that had been programed for Greece. Those funds have already been approved by this Congress. This is simply a matter of restoring funds that have been borrowed to meet an emergency.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. GALLAGHER. Mr. Chairman, I would just like to reinforce what the gentleman stated. These are the only funds, the restoration funds, approximately $10 million, are the only funds that would be going into the Greece program. They were taken out of the program that already had been appropriated or authorized last year, from the funds that went into the Cambodian program.

So in addition to the restoration there are no additional funds other than the restoration funds in this program now—and this is strictly for NATO, I might say.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. MORGAN. Mr. Chairman, I, too, want to oppose the amendment offered by the gentleman, but I want to assure the author of the amendment I feel that this is not the right bill for his amendment.

I gave assurance to the foreign affairs committee when this amendment was offered in the committee that next year during the consideration of the new foreign aid bill, that we would take a close look at the military assistance program for Greece.

The gentleman knows that we withheld all military shipments of major military items for Greece for 2 years and just recently started the flow of this equipment. As the gentleman from Indiana says, there is no program of direct assistance for Greece in this bill.

But there are funds authorized in this bill to restore military assistance which has been transferred by a Presidential determination to Cambodia. This money has already been used in Cambodia.

For that reason I believe that the amendment should not be offered in this bill but should be offered to the regular foreign aid bill when it comes to the floor of the House next year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LOWENSTEIN).

The amendment was rejected.

The CHAIRMAN. The Clerk will read

The Clerk read as follows:

SEC. 5. Chapter 2 of part II of such Act is amended by inserting at the end thereof the following new section:

"SEC. 511. SPECIAL MILITARY AID TO KOREA.—In addition to any program of assistance to Korea for which funds may be available pursuant to this part, the President is authorized until June 30, 1972, to transfer to the Republic of Korea, in furtherance of the purposes of this part and within the limitations of this Act, such of the defense articles of the Armed Forces of the United States deployed in Korea on July 1, 1970, as he may determine: *Provided*, That no funds heretofore or hereafter appropriated for the purposes of this part shall be available for reimbursement to any agency of the United States Government on account of any transfer made pursuant to this section."

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 3, line 12, add a new Section 6 to read as follows:

"SEC. 6. The military and supporting assistance funds herein authorized for Cambodia shall be used exclusively for purposes the President determines to be essential to the withdrawal of United States military personnel from South Vietnam."

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes in support of his amendment.

Mr. FINDLEY. Mr. Chairman, when historians look back across the decades of the 1950's and 1960's, they will be hard pressed to find a date from which to mark the beginning of the Vietnam war. No world shaking event can be noted such as the attack on Pearl Harbor or the crossing of the 38th parallel.

Instead, historians will find a gradual, almost imperceptible growth in our presence into Southeast Asia, a growth which never culminated in a declaration of war, but which over two decades grew into one of the costliest wars in lives and treasure in our history.

From the first military advisory personnel sent by President Truman, through the few hundred added by President Eisenhower and the few thousand combat troops sent by President Kennedy, to the massive buildup ordered by President Johnson, our involvement has steadily deepened. It required an uprising at the polls in 1968 to reverse this inexorable march of U.S. soldiers to Asia.

Within the next few months, almost half of the 500,000 men who were once fighting in Vietnam will have been withdrawn. Casualties were cut in half, and then cut in half again from the peak period. Other events now occupy the front page of the newspaper. Sometimes Vietnam is not even mentioned.

Once the public loses interest in the continuing war, there is a likelihood that the Congress will also lose interest. To do so would be both natural and dangerous. It would be natural because no event since the Civil War has caused so much soul-searching and anguish among thoughtful Members of Congress. No issue has been harder to deal with.

It is always hard to grasp the basic nettle of decision, and the decisions surrounding the Vietnam war have surely been the most difficult. Nevertheless, they were decisions which, of necessity had to be made, and the danger is that where the Congress declines to help make such decisions, the Executive must. Thus, the power of the sword committed to Congress by the Founding Fathers has in large part been exercised by the President. It is he who decides when and where U.S. military troops will fight and under what circumstances. If Congress is apprised, it is only after the final orders are given.

There was a time when I was afraid that this was the way most Members wanted it to be. However, with the passage of House Joint Resolution 1355, concerning the war powers of Congress and the President, which set up a reporting requirement for the President any time he employed U.S. troops abroad, I became convinced that the Congress is now willing to reassume its constitutional role. In the future the Congress will insist that it be consulted when decisions are made which might eventually commit the Nation to war.

Surely, the initial decision to provide a nation with military and supporting assistance is a decision of such gravity that it deserves the careful scrutiny of Congress. Since this is just the type of commitment which can grow like Topsy into a long-term involvement which may cause the loss of many lives and much treasure, surely the Congress should participate in the formulation of the commitment which is made on behalf of the United States.

In the case of Cambodia, I believe that we can do so without turning our backs on our President or on our friends in Cambodia. And, I believe it is our duty to help formulate that commitment. A new chapter in congressional responsibility is overdue, and this bill is a good place to begin.

The United States presently has no treaty obligation to Cambodia. By mutual agreement, our obligation to that state under the SEATO treaty was terminated long ago. We have had no AID or military assistance program there since 1963.

H.R. 19911 therefore has major importance because it sanctions a commitment where none presently exists. It authorizes both military and supporting assistance to the Government of Cambodia, and this brings the Congress squarely to the question of a new commitment.

If the Vietnam war were not fresh in our minds, if the traumatic experiences of the past few years were not still painful to remember, such ill-considered action would be understandable, though still unwise.

I believe that the Congress should approve the emergency request by the President, but should establish as policy that the military assistance funds authorized for Cambodia shall be used exclusively for purposes the President determines to be essential to the withdrawal of the United States military personnel from South Vietnam.

Does this amendment accord with administration intention? The weight of testimony shows that it does. Several witnesses emphasized the importance of the commitment to our policy of withdrawing troops from South Vietnam. Secretary Rogers told the committee:

> Our basic objective in Cambodia is to protect Vietnamization and our withdrawal program. . . . It is why we are now asking for funds for Cambodia.

In answer to my question Secretary Rogers said:

> So in supporting this authorization no member can properly argue that an affirmative vote is a vote to enter into a commitment to defend the independence of Cambodia. Would that be a fair statement? That is a fair statement.

Here, in summary, is why I believe the Congress should accept my amendment:

First. It gives the President exactly what he and his Secretaries of State and Defense have asked for, no more and no less. According to the testimony, no greater commitment is to be made than is provided for by my amendment. If, in the future, the commitment must be expanded, and if a case is made for the United States playing a larger role, I shall support it.

Second. The requirements of Vietnamization—the program under which our troops are being withdrawn from South Vietnam—are sufficient to justify all the money and weapons provided to Cambodia in this bill. The determination as to what is required to advance the program of Vietnamization is left to the President. This gives the President all the flexibility these short-term emergency circumstances could possibly require.

Third. The amendment does not in any way affect the President's ability to protect American lives.

Fourth. Coming before the Congress only 2 weeks before adjournment when the legislative crunch is strongest, and under emergency circumstances which will admit of no delay, there has not been sufficient time to consider the implications of a long-term commitment. Such a commitment should be left to the 92d Congress. To do so would not prejudge the possibility that Congress tomorrow might decide to sanction the broader commitment.

Fifth. Most importantly, Congress has the constitutional responsibility to pass upon the foreign policy of our Nation. At the very least, we must be able to determine how much money which we authorize and appropriate shall be spent. The power of the purse and the power of the sword are the two most important powers and responsibilities committed to us by the Founding Fathers. If we fail to use either one of them, we do a grave disservice to the people we represent.

For the time being, the Congress will wisely limit its Cambodian commitment to the requirements of Vietnamization.

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment.

It is with reluctance that I oppose the distinguished gentleman from Illinois. Certainly I am in agreement with the intent of the amendment. However, the determination that this amendment calls for has already been made by the President. The President would have to have made that determination in order to put a transferability clause into operation in the original transfer of funds to Cambodia. Therefore, the amendment is unnecessary. Furthermore, the funds involved in this bill are to supplement those funds, to continue the funding of Cambodia for the rest of the year. So the amendment would not be necessary on two counts.

First, the President has already made the determination.

Second, the determination is being made now for Cambodia for the remainder of the year.

Third, I think it would be unwise to adopt this amendment now, restricting the flexibility of the President to carry out the program in which he has assured the Congress, all of us, that there is a troop reduction going on, and this is necessary to allow the troop reduction to continue and to remove the U.S. presence in Southeast Asia.

For those reasons, I hope the amendment will be rejected.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I subscribe to the statements made by the gentleman from New Jersey, and I wish to indicate my support for funds for the Republic of Cambodia.

Mr. Chairman, I am not known to be one who makes speeches in favor of foreign aid. However, I have been encouraged by the recent message of the President indicating a new approach to the entire subject of our foreign aid program.

In addition, I cannot help but feel that the purpose and intent of the pending bill is to assist and encourage other nations to provide self-help in maintaining their independence and in providing freedom to their citizens.

In the case of the Republic of Cambodia, I note that the people of this nation are determined to defend themselves with their own military forces and the lives of their own citizens.

Mr. Chairman, it is entirely consistent with our traditional policy as well as the Nixon doctrine that we should aid the countries included in this measure as the President has recommended.

Mr. Chairman, I suppose the administration's position on this measure and in this behalf.

In a recent communication to my constituents, I stated my position in these words.

> The need for military and economic aid for Cambodia can enable these brave people to maintain their independence from the same kind of Communist aggression that has threatened other parts of the Far East. Our aid programs can help fulfill the Nixon Doctrine of returning American fighting men from Vietnam and elsewhere and enabling the South Koreans, the South Vietnamese, the Cambodians and others to defend themselves.

Mr. Chairman, I am opposed to amendments which would defeat the purpose of this legislation and its objectives, and hope that the House will give action and overwhelming support to the measure as presented by the committee and as supported by the committee leadership on both sides of the aisle.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, the gentleman from New Jersey has the ability to reach the crux of an argument. He has done so very effectively at this point. I suggest we join the gentleman in defeating the amendment.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not belabor this matter further except to say that the gentleman would assist the President by hog-tying him, horsewhipping him, and dragging him where he has already said he was going to go in the first place. I do not believe the administration needs this kind of assistance from the gentleman or from this Congress.

This is a matter in which the gentleman has said, in his earlier remarks in general debate, we need to encourage the voices of reason in the administration. Well, one great voice of reason has spoken out firmly and clearly on this subject, the voice of Richard Nixon in the Guam doctrine. He has said it is his firm intention to lower the American profile in Southeast Asia. On this he has made his intentions clear. He does not intend to involve us in a Vietnam-type of operation in Cambodia. Indeed, he has given assurance to the contrary, that support for this bill is a way for us to help him to implement his policy of withdrawal and to help that succeed.

It is also an opportunity to assist a brave people confronted with an invasion by a totalitarian force, which both the present Cambodian Government and previous governments have deplored and denounced. But it is limited help for a clear purpose.

The gentleman's amendment is not needed, because the President has spoken. I have complete confidence in what he has said. Other voices in this administration have also spoken. The Secretary of State and the Secretary of Defense have been equally clear before our committee and otherwise on this subject.

This amendment is not needed. It restricts the President. It says to the President, "We do not believe you will do what you say you will do unless we make you do so." I say I have faith in this administration. I believe the man will do what he said, and I believe he will do what is right. I urge the defeat of the amendment.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

I do not want to disagree with my colleagues who have already spoken on this amendment, but I wish to bring into the discussion a different interpretation, perhaps, which has not yet been raised. It is the opinion of this speaker that notwithstanding the good intentions of the proponent of the amendment what the amendment actually does is to broaden the authority that now exists in the bill; to give the President authority which he not only did not seek but which we also ought not give him. It goes beyond what has heretofore been described as the intention of the amendment.

If one reads the language of the amendment very carefully, it says that the military and supporting assistance funds authorized herein shall be used exclusively for purposes the President determines to be essential. Now, what is the qualifying language? It is: essential to the withdrawal of the U.S. military personnel from South Vietnam.

If one accepts the rationale that the incursion into Cambodia was to ease the withdrawal of troops from South Vietnam, one can logically and easily understand that the authority contained in the pending amendment would give the President additional broad powers which he did not seek and which this committee ought not grant him.

This amendment could be interpreted to authorize the use of funds for the purpose of any action, including the use of U.S. troops in Cambodia, if the President determines that such action will ease the withdrawal of troops from South Vietnam.

This broad interpretation should not be written into this law and thereby create the foundation for a possible commitment different from that intended in this bill. The amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BINGHAM: On page 3, line 12, insert the following new section:
>
> "SEC. 6. Section 650 of the Foreign Assistance Act of 1961 (22 U.S.C. 2409) is amended by striking the period at the end and inserting in lieu thereof the following: ', or as creating a new commitment to provide any further assistance beyond that which is authorized under this Act.' "

Mr. BINGHAM. Mr. Chairman, I truly believe that this amendment is about as noncontroversial as one can get in this field. All that I am suggesting is a short addition to a paragraph which already exists in the basic Foreign Aid Act, which says that the authorization of assistance under the act does not create any new commitment to provide troops.

All that my amendment would do with relation to this act and generally for the Foreign Aid Act is to add the words "or as creating a new commitment to provide any further assistance beyond that which is authorized under this act."

The provision of the basic act which is there today reads as follows:

> The furnishing of economic, military or other assistance under this Act shall not be construed as creating a new commitment or as affecting any existing commitment to use armed forces of the United States for the defense of any foreign country.

That language was added in 1967 to the basic foreign aid bill. All I suggest adding to it are the words "or as creating a new commitment to provide any further assistance beyond that which is authorized under this act."

The point of that in connection with this bill before us is that the proposals here for Cambodia are limited to very simple assistance, ammunition and the like.

It may very well prove that this will be insufficient. It may very well be that the administration will be back again asking for more elaborate assistance, for more sophisticated assistance, and perhaps advisers. All I want to be sure of is that they do not come back here and say, "You started on this program; now you have to continue with it."

All we would be doing by this amendment is saying what we mean. We surely mean that this bill does not create any additional commitments looking into the future. If that is what we mean, let us say so.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I am delighted to yield to the chairman of the committee.

Mr. MORGAN. I just want to say this, Mr. Chairman: The gentleman offered his amendment in the committee and, it has been rerevised and resubmitted, but as far as the chairman of the committee is concerned and speaking for the majority side, we have examined the amendment offered by the gentleman from New York and we have no objection to it. The amendment makes a very small change in what is already in the act in section 650.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I will be happy to yield to the gentleman, but first may I say before I yield I wish I had been on the floor earlier when so many nice and proper things were being said about the gentleman from Indiana (Mr. ADAIR), I would like to join in those remarks. He has always been exceedingly kind to me, and he will be very much missed on the committee.

Mr. ADAIR. I thank the gentleman.

Mr. Chairman, it is my opinion that this amendment is not necessary. The gentleman from New York has addressed himself to that proposition. If I understand the amendment, it simply reinforces the language already in the law.

Mr. BINGHAM. That is correct as far as the addition of further assistance is concerned.

Mr. ADAIR. Therefore I do not find it particularly objectionable.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I understand it, this is the last amendment to the bill. There will be a straight motion to recommit the bill. Slice this with a sharp or dull knife, it is foreign aid in all its glory, a foreign giveway program in addition to the multibillion-dollar program already authorized. Congress has already made available $1.8 billion for foreign aid this year. With the enactment of this measure—and I suppose it will be because I labor under no delusions about foreign giveaway bills in the House of Representatives—if it is approved, it will add $550 million to the $1.8 billion already made available. This is unconscionable and tomorrow you will be confronted with another $500 million of foreign aid for Israel. So the total will be more than $1 billion which, I say again, will be added to the $1.8 billion already made available this year.

As far as I am concerned, I am opposed to Uncle Santa Claus making a second trip around in 1 year in the foreign giveaway business.

Mr. ADAIR. Will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. ADAIR. I think the gentleman may be somewhat misled in his earlier remarks by the fact that this is an amendment to the Foreign Assistance Act, and that causes him to regard it as foreign aid when, in fact, I think we all recognize that it is simply an effort to bring our men home more quickly from Vietnam and other places.

Mr. GROSS. I said originally that you can slice it with a sharp or a dull knife. The President has raided foreign aid funds previously appropriated for other purposes in other countries. Now Congress is being called on to replace that money. So we are operating here today in the role of rubber stamps because of the power delegated to the President, any President, in the Foreign Assistance Act of 1961, giving him untrammeled power to deobligate and reobligate and transfer funds. So again I say, slice it thick or thin, what you are doing here today is adding to the already excessive foreign giveaway funds made available for this year.

You can interpret it any way you want, but that is the way it is.

Mr. TUNNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I totally support the amendment that has been offered by the gentleman from New York (Mr. BINGHAM).

I think that it is quite clear that the United States has to let it be known to the world as well as to our own people that we are not going to become involved in sliding down the slippery slopes of further escalation of our commitment to Southeast Asia.

As a matter of fact, I think it is quite clear to everyone that the United States has got to get out of Southeast Asia as soon as possible, and in my opinion in a time period no longer than a year if we are going to be able to maintain the fabric of our own society, both economically as well as spiritually.

Mr. Chairman, I think the great advantage of the amendment which has been offered by the gentleman from New York is that it makes it very clear that although we may be giving ammunition and small arms to the Cambodians as a result of this legislation, that in no way does it give this ammunition and these small arms in connection with an open-ended commitment to become involved in Cambodia as we became involved in Vietnam.

Mr. Chairman, I personally would like to see added to this bill language to the effect that we would only be giving small arms and ammunition to the Cambodians.

I think the testimony that we had from the Secretary of State and the Secretary of Defense in our hearings in the House Foreign Affairs Committee made it quite clear that they are only anticipating giving small arms and ammunition. I think that kind of a prescription would be beneficial to this legislation. However, in the absence of that type of prescription, I think the next best thing is the amendment which has been offered by the gentleman from New York (Mr. BINGHAM) and I wholeheartedly support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The question was taken; and on a division (demanded by Mr. BINGHAM) there were—ayes 40, noes 57.

Mr. BINGHAM. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RODINO

Mr. RODINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RODINO: Page 3, after line 11, add the following:

"SEC. 6. Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370) is amended by adding at the end thereof the following new subsection:

"'(v) The President shall suspend (in whole or in part) economic and military assistance provided under this Act, with respect to any country when the President determines that the government of such country has failed to take appropriate steps to prevent narcotic drugs (as defined by section 102(16) of the Controlled Substances Act) produced or processed, in whole or in part, in such country from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken appropriate steps to carry out the purpose of this subsection. In implementing the provisions of this subsection, the President is authorized to utilize such agencies and facilities of the Federal Government as he may deem appropriate to assist foreign countries in their efforts to prevent the unlawful entry of narcotic drugs into the United States. The President shall keep the Congress fully and currently informed with respect to any action taken by him under this subsection. Nothing contained in this or any other Act shall be construed to authorize the President to waive the provisions of this subsection.'."

Mr. RODINO. Mr. Chairman, the amendment which I have offered is directed to what I believe to be one of the most serious threats to the American society in our entire history—the problem of narcotics addiction. Clearly, this amendment is vitally needed and is long overdue.

As the Members of the House will recall, on June 4, 1970, when the foreign aid appropriations bill was considered by us, I offered an amendment to that measure which required the President to suspend, in whole or in part, any form of aid to any country which fails to take appropriate steps to cooperate with us in limiting the exportations to the United States of illegal narcotics drugs. Although at that time the amendment had received widespread support, it was subject to a point of order and was, as a result, withdrawn.

Subsequently, I, together with the distinguished chairman of the House Judiciary Committee, Representative EMANUEL CELLER, wrote to every Member of the House of Representatives seeking support for a bill which we proposed for international narcotics control. In addition to providing for sanctions on governments which fail to cooperate, this legislation also provided for positive, affirmative assistance to the governments of those countries which do cooperate. This proposal, which is embodied in H.R. 18397 and a series of identical bills, has been cosponsored by more than 140 Members of the House. It is with regret that I note that the Committee on Foreign Affairs has to date failed to hold any hearings on these proposals or to take any action on them. As a result, I feel obliged to offer the proposal in the form of an amendment to the bill which we are considering today.

More than 6 months ago when I first brought this matter up on the floor of the House, I pointed out the devastating effect that such hard narcotics drugs such as heroin, cocaine, and morphine are having on our youth. At that time the narcotics epidemic had already reached critical proportions. In the last 6 months the situation has grown even worse. According to the official estimates of the Department of Justice, there are now between 140,000 to 200,000 narcotics addicts in our country. As alarming as are these official estimates, some other authorities estimate that the true number of addicts as many times greater.

Only 2 weeks ago the chairman of a Senate Subcommittee on Alcoholism and Narcotics pointed out on the floor of the Senate that some authorities have estimated the number of addicts to be closer to 600,000. He also pointed out that although there is no reliable estimate of the total number of people who have tried heroin at least once, it has been suggested that up to 7 percent of the schoolchildren in the New York public schools have experimented with it. In addition, a recently completed study of narcotics deaths in New York City reveals that from January 1, 1970, to September 9, 1970, 740 persons died from narcotics-related causes of which a substantial number were teenagers.

Also, in the past few weeks, various congressional committees considering the problem of drug abuse in the armed services have received startling testimony from Defense Department witnesses indicating appalling increases in the use of hard narcotics by servicemen. For example, in Southeast Asia in the period from January through October of this year, there were at least 26 proven deaths due to heroin—with the number of undetermined deaths due to heroin obviously much greater. It is also now unquestioned that heroin is readily available to our servicemen in Vietnam in large quantities, which is 90 percent pure and can be bought at a price many times lower than the illegal price in the United States. At the same time, Defense Department witnesses now indicate that marihuana is used by more than 50 percent of our servicemen in Southeast Asia. This fact in itself is appalling, but when coupled with the growing practice on the part of drug pushers in Vietnam to include opium in marihuana cigarettes should give us cause for the gravest possible concern.

Mr. Chairman, one of the most effective ways to reduce the narcotics epidemic both in the United States and among our servicemen in Southeast Asia is to eliminate the supply of hard narcotics drugs at their source. Important as it is for us to provide effective programs for the treatment and prevention of narcotics addiction here in the United States, there is little doubt among students of this problem that the epidemic will not be substantially abated until the flow of these hideous drugs into our country is cut off. The amendment which I am offering today is directed to attaining that objective.

As I pointed out here in June, our Government has for many years been attempting to persuade foreign governments to curb the illegal growing of opium poppies and the illegal production of heroin, morphine and cocaine. These efforts have been conducted largely through our State Department and through international organizations. Yet, severe as the problem has been, little progress has been made. This year, Mr. John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs, pointed out to the United Nations Commission on Narcotics Drugs that the information published by the International Narcotics Control Board suggests:

> We seem to be making no progress at all. We are not even standing still! We are dropping further and further behind.

In considering my amendment, it is important to note that almost all of the illegal narcotics used in the United States come from abroad, and that 80 percent originates from opium which is grown in Turkey and processed in France. This problem was discussed at length in an excellent article in the December 7, 1970, issue of U.S. News & World Report, which I shall insert for the Record following my remarks. As pointed out in that article, 200 kilos of raw opium that cost $4,000 where it is grown has a street-market value in the United States of more than $2 million when converted into heroin. So plentiful is the supply and so lucrative the illegal profits that to date our Government has failed to stop heroin from pouring into our country.

Recently, the governments of both Turkey and France have agreed to cooperate more extensively with us in wiping out the scourge of heroin. Also, our government is sponsoring and strongly supporting a proposal in the United Nations calling for a concerted action against drug abuse and the establishment of a United Nations funds for drug control. This proposal has the support of the Turkish Government as well as the governments of a number of other NATO countries. In addition, the North Atlantic Assembly has adopted a proposal establishing a working party of legislators from NATO countries to evaluate the narcotics problem and to recommend effective controls within the NATO area. This proposal was originally sponsored by me in the Assembly's Committee on Science and Technology, of which I am Vice Chairman.

I am, of course, gratified by these developments both in the United Nations and in NATO. However, I recognize that mere agreements among nations will not solve this problem unless every government involved exerts an all-out effort to cooperate. The amendment which I am offering today will, I believe, help to contribute to those efforts.

Early last month, in a statement to the North Atlantic Assembly, I discussed this proposal and pointed out to the legislators of the NATO countries that the proposal had strong support here in the House of Representatives from each of the two major political parties. I acknowledged candidly to that group that I was aware of the fact that the proposal had created some amount of controversy in international circles. Unfortunately, it has received more publicity abroad because of the sanctions that it provides than because of the affirmative offer of assistance that it contains.

I would like to reiterate again today that my proposal is not a vindicative one. It would penalize no country for failing to solve the problem, but, instead, calls on all countries which receive foreign aid from the United States to exert a good faith effort to stamp out the illegal production, distribution, and sale of narcotic drugs. Any suspension of foreign aid would have to be based on a determination by our President that the foreign government was not cooperating. Such suspension could be only partial if the President determines that to be desirable. At the same time, as I pointed out, the President would be authorized to increase the assistance to any country whose government is making a good faith effort to cooperate with us.

Mr. Chairman, my amendment is a fair one. It is a reasonable one. I believe that it expresses a philosophy toward foreign aid that an overwhelming majority of Americans will wholeheartedly support. I therefore urge the adoption of these very needed provisions.

The material referred to follows:

[From the U.S. News & World Report, Dec. 7, 1970]

BOOMING TRAFFIC IN DRUGS—THE GOVERNMENT'S DILEMMA

What began as the year of the "big drug crackdown" in this country is winding up as a major disappointment.

The seizure of illict drugs is up—but not nearly enough to satisfy Americans, growing numbers of whom are demanding to know why the U.S. Government can't stop the drug traffic.

The Administration in 1970 launched a massive effort to choke off this illegal trade. Some 300 new law-enforcement officials were employed as part of the drive. Long waits for baggage searches at airports became common, as inspections were made more stringent for travelers from abroad.

Surveillance now is at an all-time high at the nation's 350 ports, which count about 225 million persons—and mountains of cargo—entering the U.S. each year.

Seizures rise. At first glance, results seem good. Customs agents, for example, made 3,000 seizures involving 37,000 pounds of illicit drugs in the third quarter of 1970—more than double the amount taken in the same period a year earlier.

That's only part of the story, however. Fully 97 per cent of the haul was marijuanna and hashish. Less than 25 pounds was heroin, opium and other hard narcotics. It is the hard narcotics which are at the core of the country's crime problem.

Even the marijuanna haul—18 tons was seized in all—is a tiny fraction of the hundreds of tons smuggled into the country or grown here annually.

The use of marijuanna, many authorities agree, is more widespread and increasing faster than it was before the crackdown started.

Estimates on the proportion of persons under age 25 using marijuanna—or at least experimenting with it—range from 10 to 50 per cent. With such a market, it is hardly surprising to authorities that "pot" has become big business from coast to coast.

Failure in heroin. But it is the lack of solid results in the drive against heroin that has proved the most disappointing. Customs agents reported only 9.5 pounds of heroin taken during the three-month period. By most authoritative accounts, several thousand pounds of heroin is smuggled into the country each year.

To clamp down on heroin—the addictive drug which often makes users turn to crime to support their "habits"—the U.S. is trying to work more closely with officials of France and Turkey.

Reason: About four fifths of all the heroin entering the U.S. illegally is grown in Turkey and transshipped through France. Thus far, despite mutual efforts among the three countries to curb the heroin traffic, little progress has been shown.

Turkey, under U.S. pressure, reduced from 21 to seven the number of provinces permitted to grow poppies, from which heroin is made. By the spring of 1971, that number is scheduled to be cut to four.

Turkish farmers, who produce much of the world's "legal" poppy crop for conversion to medicinal heroin under strict quotas, say that excluding more provinces will not dry up the black market. Turkey, they point out, is a vast and rugged land, where finding an illicit poppy patch is like locating a needle in a haystack.

Although Turkish authorities have promised to stamp out the black market, there are still those who find the potential profit from illegal sales to be worth the risk.

Laboratories in France. Once the heroin—in the form of morphine base—reaches France, the problem becomes one of finding and shutting down the illicit laboratories which refine the drug to its powdery state.

In recent months, France, alarmed at its own growing number of addicts, has hired more agents and mounted new efforts to locate and close the labs. Here, too, the immediate prospects do not seem to be encouraging.

One American agent reports:

"The labs over there are like stills back in the days of prohibition. You don't find them advertising their wares. There are no neon lights. They set up in these remote villas in the countryside, and when you knock one over there is no assurance that another won't crop up in its place."

A good barometer of international concern is a recent United Nations resolution on narcotics.

The U.N. wants to set up a fund to curb drug abuse and to shape long-range action—including enforcement—by its entire membership.

There are other signs of impending action. In Brussels, officials of the Common Market are planning a joint effort to stem the importation of heroin. One proposal: a common penal policy against drug traffickers.

But none of these international schemes is expected to make significant inroads into the tide of drugs which finds its way to the U.S.

That problem, enforcement officers agree, is the toughest one for U.S. agents to crack.

One current difficulty is that agents themselves don't really know how to gauge success or failure.

The unknown factor. Deputy Customs Commissioner Edwin F. Rains emphasizes: "We're always in a position of knowing what we get; but we don't know what we don't get."

Agents agree there is no known way to establish a ratio between the number of smugglers who are apprehended and the number who are able to get past customs.

One thing is certain: Most of the drug couriers caught at ports of entry seldom know anything about the criminals they serve. The courier is generally an "amateur," engaged for a fee on a one-time basis.

Smuggling rings regard these couriers as expendable. The revenue lost when a courier is apprehended is small, when balanced against the many successes in breaching surveillance.

The backlog of heroin at any given time in the U.S. is estimated by some authorities to be more than 7,000 pounds. When diluted, that is enough to supply about 150 million individual shots of heroin.

Agents say that even if they succeed in sharply curtailing the incoming supply in months ahead, it will be a long time before significant results begin to show.

Getting Heroin Into United States—How the Smugglers Operate

Why is it so difficult—seemingly impossible—to dam the rising flood of narcotics into this country? Where do they come from? By what routes? Who are the big profitmakers in this illicit trade?

Answers to those questions are among many given in a 240-page book, "What Everyone Needs to Know About Drugs," published by "Books by U.S. News & World Report." Here are excepts from one of the book's 18 chapters—this one entitled "The Drug Peddlers."

How does an estimated 1.5 tons of heroin make its way into the United States annually, involving a trade that amounts to more than 300 million dollars each year?

Heroin, like morphine, is chemically derived from opium, which oozes from the poppy, a flower of heady incense that blooms in profusion in the Middle Eastern and European countries of Turkey, Iran, India, Bulgaria, Greece, Russia and Yugoslavia; and in the Far East—in Thailand, Burma, Laos and in the Yunnan Province of mainland China.

How the brownish seepage from the 4-foot-tall poppy, flowering on a Middle Eastern mountain farm, becomes processed heroin which is passed clandestinely from seller to user 4,000 miles away on a New York street corner is fairly well known to the Justice Department's Bureau of Narcotics and Dangerous Drugs; to Interpol, the agency through which police of many countries co-operate, to the United Nations Commission on Narcotics; and to undercover agents of many nations. They know the route from farm to farm because at various times and in various places they have uncovered parts of these routes. Never, however, have they been able to follow heroin from its beginning to its end. Let us see why.

It begins, perhaps, in Afyon Province in Turkey, near the Turkish-Syrian border. More than a half million people live in Afyon, 80 per cent of them farmers. They raise wheat, barley, some vegetables—and opium. They raise it legally, under Government monopoly which supervises the crop and pays a standard price for it. Turkey ships its opium to various countries, including the United States, for medical use. From the pods of the poppy comes morphine—and the poppy seeds used on rolls all over the world. The poppy is a most useful flower.

It generally is agreed that many of the farmers in Afyon do not report their entire crop to the Government. They retain hidden bags of opium balls, available for sale to independent buyers.

The chain begins with a buyer, most likely a resident of Afyon, who knows the farmers and who has a reputation for paying more for opium than the Government monopoly. He has received, through a friend, an order for 200 kilos—440 pounds—of opium. For several weeks he roams the farmlands, picking up several pounds here, a cache there, paying about $20 a kilo or just under $10 a pound. For his effort he receives a $44 commission. . . .

An armed patrol, on hand to fight off border police should there be an encounter, gets $1 per man to escort the 200 kilos over the border, across a 3-mile no-man's land studded with antipersonnel mines. The man from Afyon knows the buyer and that is all. The buyer knows the escort, who will get a $25 fee, but that link in the chain ends there. The man in Afyon does not know anything at all about the escort.

The buyer is now in Syria, his escort is back in Turkey. In Azaz, he awaits the next link in the chain—a chemist. This man, using a huge cauldron under an open sky, boils the opium with water and lime and ammonium chloride, filters it and arrives at crude morphine, or, as it is called, morphine base. The brownish crystals are placed in waxed-paper bags. The weight now is one tenth of what it was, the 440 pounds of opium are now 44 pounds, or 20 kilos, easily hidden in an oil drum on the back of a truck bound for Damascus. The chemist, from nearby Aleppo, receives $5 per kilo of morphine base he extracts—$100—and goes home content.

The truck is parked on a prearranged street in Damascus by the Turkish buyer and is picked up by an Armenian from Beirut, who, with a corrupt border guard, drives to Beirut, Lebanon.

A week later, while drinking tea in a cafe, the buyer receives his $200 commission from someone he has never seen before. He has no idea where the morphine base is, nor does he know who actually placed the order with him. The border guard receives $100 for driving the truck with stolen plates from Damascus, through the border crossing to Beirut, then jumping out of the car to let the Armenian drive to a nontrafficked street in the heart of the Nahr district of Beirut, the Armenian ghetto.

The driver walks away from the truck not even turning his head. Had he done so, he would have seen two men carry the oil drum into a small shop. But that was not his concern. His interest was the $1,000 he would receive, via a deposit in his numbered bank account, a week later. The opium in bags are placed in suitcases within minutes of their removal from the oil drum, and the two men stroll to the waterfront.

A rowboat slips out into Beirut harbor heading toward a French freighter at rest. The blinking of a flashlight guides the boat. It comes to rest amidships. The grayness of the hull is broken as a hatch is opened about 15 feet above the water line. A rope is lowered, with two suitcases tied to one end. The line is tugged, then raised. The rowboat heads back to Beirut. Aboard the freighter an assistant cook takes the packets of morphine base from the cases and throws them into a potato sack among the other sacks of potatoes in a galley food locker. Two days later the freighter sails for Marseilles.

Upon docking, the assistant cook does not even look at the precious sack of potatoes. He walks down the ship's gangplank, submits to the necessary customs search and leaves the pier. He makes a phone call from a waterfront bar, saying only, "I'm home."

A seaman, who lives aboard the freighter, meanwhile carries the potato sack to his cabin, opens it and takes out the four paper-wrapped packages containing the morphine base. He puts one in his seaman's bag, walks down the gangplank, looks carefully around, then strolls to a pile of lumber next to a fence surrounding the pier area and deposits the sack. He repeats this trip four times, returns to his cabin and waits. Exactly at midnight he leaves the ship again and waits at the lumber pile. In less than a minute, a car pulls alongside the fence. The seaman turns the sacks over to a Corsican, who puts them in the trunk of the car. The car drives off.

The opium from Afyon has now safely arrived, as crude morphine, in Marseilles.

The Corsican heads through the center of Marseilles, skirting the heavily policed Opera district. He drives into a quiet residential district, into a narrow street made up of limestone-fronted houses. He parks the car, a rented Citroen, locks the doors and calmly walks away. An hour later, he passes the car keys to another man while they are sharing wine and cheese in a small restaurant.

The following morning, on an estate about 20 miles east of Marseilles, an elegantly dressed gentleman slides into the front seat of his Porsche sports car as his servant places his two expensive suitcases on the rear seat. He tells his servant to inform his wife when she awakes that he is off to Lyons for four or five days. He drives toward the northbound expressway, frequently checking his rearview mirror. There are no followers. After a short distance, he turns onto a dirt road leading to another estate, smaller and less elegant than his, but still impressive.

In the basement of this second villa, which he also owns, is a modern, completely equipped laboratory, where he applies his talent as a chemist to converting morphine base into 90 per cent pure powdered heroin.

The 20 kilos of morphine in the suitcases are emptied into enamel basins and mixed with acetone, which serves to remove impurities still present—despite the initial boiling in the Syrian hills—and to separate the morphine from opium's other alkaloids.

The relatively pure morphine is then filtered, and the chemist is ready to produce heroin. The morphine is boiled with a common laboratory-type acid called acetic anhydride, the vapors passing through glass tubing so that condensation can take place. After six hours of constant boiling, the excess acid is distilled off and the morphine is converted to heroin—impure because of the acetate and salts still in it, but heroin nevertheless.

The next step is to wash the impure heroin with water and bone black, which purifies and removes the color from the heroin. It is again filtered, dried and sifted, taking the form of white crystals.

The purification process is repeated and the chemist now has 90 per cent pure heroin—fine, fluffy white powder, in appearance not unlike baby's talc.

The chemist's fee is $700 a kilo. For converting 20 kilos, he receives $14,000. His money, too, is deposited in a numbered bank account.

The heroin is then packed into double plastic bags, sealed with Scotch tape and placed in a metal canister. The next morning it is removed by other anonymous hands. Several days later, an exchange student en route to the United States is offered a $200 commission to deliver a new French sports car to a person who would meet him at the pier when his passenger ship docked in New York. All he must do is to turn over the keys and the registration.

When the liner docks in New York, the student waits to be checked through customs with the car registered in his name. He acts innocently and gives rise to no suspicion because he is unaware of his role. He knows nothing of the metal canister sitting beneath a welded piece of metal inside the well holding the sports car's retractable convertible top.

The inspection over, he drives the car off the pier and is signaled by the man he was to meet. The man takes the wheel, drops the student in front of a midtown hotel and speeds on until he reaches a private garage in the Bronx. There he and his associates pry the welded seam apart and remove the canister. Inside are 40 clear double plastic bags, each containing half a kilogram—or just over a pound—of chemically pure heroin.

The bags, in two suitcases, are delivered to a furnished room in Brooklyn, where a wholesaler is now ready to do business. One phone call closes the deal. The buyer wants the entire shipment of 20 kilos and will pay, on delivery, $13,000 per kilo.

The next day the wholesaler goes shopping at a supermarket. He carries his groceries home, empties the bags, puts a dozen paper-wrapped plastic envelopes into them and covers the envelopes with the groceries. Later in the day, the bags are delivered to a Manhattan apartment, and shortly afterward two men meet in Central Park. One gives the other a manila envelope. This procedure is repeated over a two-week period until all the heroin is delivered and paid for with $260,000 in used and new bills of various denominations. In a private booth of a foreign-currency exchange, the wholesaler counts off his commission of $60,000 and deposits the remaining $200,000 into a numbered account—one that will be drawn upon later by a Corsican in Marseilles.

The heroin is taken by car to a quiet split-level house on Long Island, occupied by an elderly man and his wife. The man is thought by the neighbors to be a retired butcher. He is also an expert at adulterating heroin. He removes some pure heroin from each plastic bag and replaces it with milk sugar. The heroin thus becomes about 75 per cent pure, and the 20 kilos become 25 kilos.

The next stop is another mixing laboratory, where 1 kilo of mannite—a fluffy white children's laxative—is added for every 3 kilos. There are now 33 kilos of heroin, about 55 per cent pure.

The buyer who purchased 20 kilos of relatively pure heroin for $13,000 a kilo now has 33 kilos ready to sell to Harlem distributors at $20,000 a kilo.

One such dealer, a Harlem tough, handles a kilo a week. His "laboratory" is a length of oilcloth spread over a bed in a back room of a 125th Street walk-up. He empties his kilo on the cloth. To the 2.2 pounds of 55 per cent heroin, he adds 2 pounds of quinine and 16 pounds of mannite. Through a common kitchen sifter the powders are combined and recombined until there is a 20-pound white mound piled in the middle of the oilcloth. Then measured spoonfuls go into glassine envelopes, and by the time the mound disappears, there are 2,500 bags of "smak."

The Harlem distributor's cost for the heroin, the mannite, the quinine and the help he needs in packaging comes to $21,000 a week. For each of his 2,500 bags of "horse" he gets $25. Deducting commissions to street peddlers and expenses from his total of $62,500, he earns a clear profit of $30,000 a week.

The peddlers, in turn, sell packets at $25 or break them down still further into $5 envelopes.

The 200 kilos of raw opium that cost $4,000 in Afyon several months earlier now has a street-market value, as adulterated heroin "fixes," of more than 2 million dollars. All along the route from Turkey to the United States, money has changed hands and bought complicity and therefore silence. Each link in the chain knows only his particular attachment at either end. That is how the big dealers in drugs—first the Mafia and now the upcoming Spanish-speaking "Mafia"—want it and plan it, and why the work of federal and international narcotics agents is not only dangerous but also tedious and frustrating.

At least 80 percent of the world's illegal heroin originates as Turkish opium. . . .

John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, says:

"Hopefully, the Government of Turkey will be in a position to eliminate opium-poppy production in 1972. This would have a profound effect on the smuggling of heroin into the United States as well as stabilizing national narcotics production in the Middle and Near East."

A good deal of heroin comes into the country from Canada, where border inspection is perfunctory, and from Mexico. However, the major importation from the south is of marijuana. . . .

MARIJUANA: EVEN MORE DIFFICULT TO STOP

The traffic in marijuana—which consists of the leaves and hashish which is the solid yellow resin of the cannabis plant—is wider than that of heroin, but the routes into the United States are diffuse and less organized and thus even less easily traced.

There appears to be a good deal more "amateur" importation, perhaps because less money is involved. Most captures of marijuana and hashish—large or small—occur either by accident, during concerted drives such as "Operation Intercept" and "Operation Co-operation," or during spasmodic crackdowns by federal and local law-enforcement officials. The news reports provide many examples:

Five men and two women arrested in Long Beach while floating 900 pounds of marijuana up from Mexico along the California coastline in a salvage barge; a woman skier, stopped at the Canadian border, her purse filled with marijuana; a party of scientists from Pasadena's Jet Propulsion Laboratory raided with hashish and marijuana confiscated; the son of a New York banker arrested trying to smuggle hashish into the country inside a scuba tank; the son of a former candidate for Governor of New York arranged for possession of hashish; 600 pounds of hashish found by Boston customs inspectors in false bottoms of crates of musical instruments from India.

Marijuana and hashish come into this country packed in automobile doors and underneath seat cushions. The drug turns up in plastic bags in fraternity houses and on the streets. More often than not it is brought back as a "favor" and distributed socially—often without charge. Soldiers in Vietnam can buy it openly, for pennies, on any street corner in Saigon, and efforts by U.S. military authorities to snuff out its use have resulted only in arrests that do not seem to deter usage.

It has been estimated by the House of Representatives' Select Committee on Crime that 250 million people around the world have used marijuana or hashish; that as many as 12 million Americans have tried marijuana; that 15 million people say that someone close to them uses it; that regular users in this country total 3 million; that as many as 31 per cent of teen-agers may be users. The Committee estimates that expenditure for cannabis use comes to 850 million dollars. Though the figure is debatable, it indicates the extent of the traffic and use of the drug.

Most of the marijuana smuggled into this country comes from Mexico—as much as 85 per cent, according to the Federal Bureau of Narcotics and Dangerous Drugs. Small amounts are also grown, wild or cultivated, across the United States, particularly in the American Southwest. . . .

Because smoking "pot" has acquired such a broad social character, its casual importation and even more casual distribution are not adaptable to formal "trade routes," as in the case of heroin. Those who favor the legalization of marijuana or progressive leniency in dealing with offenders fear that more repressive measures will produce a stratified system of growth, transportation, importation and distribution controlled by the underworld. They point to American experiences with prohibition and to the traffic in heroin. These advocates favor research and education over layers of laws.

TRAFFIC IN "UP AND DOWN" PILLS

On the other hand, the solution to the ever-increasing traffic in stimulant and depressive pills may lie in more-stringent laws governing their manufacture and distribution. According to a recent survey by the Bureau of Narcotics and Dangerous Drugs, U.S. drug companies legitimately manufacture 92 per cent of the "up and down" pills in illicit traffic—pills which can become addictive if used regularly and in large quantities, and which are more available than either marijuana or heroin.

Last year the House Select Committee on Crime, attempting to determine the routes by which amphetamines leave and re-enter this country, uncovered a pattern of ineffective federal regulation, corporate negligence, and complicity on the part of some of the smaller drug firms that profit from illegal trade.

An estimated 8 billion amphetamine pills are produced each year in this country—most of them pills to relieve weariness, to keep one awake or to assist in weight reduction. Federal officials estimate that no more than half of this production is routinely dispensed through doctors' prescriptions.

The remainder is diverted to criminal channels by dishonest employes of manufacturers and wholesalers, by pilfering, by hijacking of trucks. Then there is the doctor who may carelessly overprescribe and pharmacist who may tend to refill prescriptions repeatedly without represcription.

Government investigators say that many drug companies make little effort to verify the legitimacy of customers who order amphetamines . . .

It has been estimated that 60 per cent of the amphetamine pills exported to Mexico return to the United States via illegal channels. The traffic in such pills through the border town of Tijuana is so heavy that Mexican customs officials have dubbed their town "Pill City." A former drug distributor told the Committee that he made $60,000 a year by buying amphetamines in Mexico and shipping them back to the United States.

* * * *

It is evident that the work of police and other enforcement officers and the present level of legislation have not begun to cope with the problem of illicit drug traffic. Notwithstanding repeated raids, arrests and confiscation of drugs, traffic in illicit drugs continues to be a steadily booming business, hardly deterred by recessionary trends in the rest of the economy.

Drugs continue to flow in a heavy stream into New York from all parts of the Old World and the New World. Some are shipped south to New Orleans and Houston and west to Chicago, Cleveland, Denver and Dallas. From Montreal they go to Detroit, Chicago and then westward. From Mexico City they move northward to San Antonio and then on to the West Coast, to San Francisco, Portland and Seattle. From Tijuana they speed north to Los Angeles and on to Las Vegas. The network constantly crisscrosses the country, becoming more and more sophisticated each time.

It is apparent that a serious effort to halt the traffic in illicit drugs involves a determined atatck on the problem at the very source and at the points of importation into the United States. This involves a far greater investment of both money and diplomacy than the United States has produced so far to persuade foreign governments to halt illicit production of drug materials and to secure effective enforcement of the law at points of entry into this country.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Chairman, I am sympathetic to the purpose of the gentleman's amendment. But what bothers me is this. How can we really demand that Turkey and other countries prevent the smuggling of drugs out of their countries when we cannot prevent the smuggling of drugs into the Port of New York or through the various airports? Can we really expect them to do a better job than apparently we are able to do?

Mr. RODINO. Let me put it this way. The Director of the Bureau of Narcotics and Dangerous Drugs, Mr. Ingersoll, has stated that we are just getting nowhere despite the fact that we have entered into negotiations with different countries.

Agreements are fine. But there are countries that are the great sources of supply of these narcotic drugs and from which they originate. I feel that we have to get at that source of supply. It would also make our job of getting at the smuggler easier if we could cut off 80 percent of these hard-core drugs from coming into this country by drying up the source. I am sure then that we can better utilize all of our law enforcement agencies to track down other areas. Unless we get at one of the major sources of supply we are not going to effectively get at this problem. I believe this provision will tell the world exactly how strongly we feel about this terrible problem.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

Mr. HALEY. Mr. Chairman, I object.

Mr. BIAGGI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of this amendment and to take this opportunity to commend the gentleman from New Jersey (Mr. RODINO) for the introduction of this amendment which would cut off economic and military aid to countries that do not cooperate with the United States in curbing the flow of illegal drug traffic.

Early in the session there was some rhetoric in connection with this very amendment.

In June of this year, I introduced legislation along the lines of this amendment. In July I joined with Mr. RODINO in sponsoring a similar bill. I think it most appropriate that we bring this matter up at this time to put this body firmly on record as being strongly against the very serious threat to our Nation posed by illegal narcotics.

The thrust of this amendment in meeting the problem toward which it is directed has already been productive. The State Department is negotiating with partial results. We are talking specifically about certain primary areas like the countries of Turkey and France, among many. In France they have had processing plants for some 40 years and with only 10 or 12 narcotics detectives working on the problem. That force now has been increased to some 70 men. And that number may well be doubled.

There has been some response in respect to this problem which in my judgment, could not have existed or have continued to exist without some corruption or collusion. It simply could not possibly continue to exist without the protection from corrupt officials.

In Turkey where 80 percent of all the poppy in the world is produced we have heard the argument offered by some who say that the farmers need to produce that for living purposes. I suggest that most of the poppy produced is for bootlegging purposes. Legal quantities can and must be properly controlled. The Government of Turkey must make up its mind as to what it wants. Does it want our economic and military assistance or does it want to continue to feather their own nest with this type of corruption which undoubtedly runs into the millions of dollars?

The fact is no heroin is produced in this Nation. It must be imported. And despite the fact that heroin abuse is rapidly increasing, our laws continue to be lax toward those nations that condone the growth of the raw materials for this narcotic far in excess of the legitimate medical needs of the world.

When this Nation was faced with a threat by foreign diseases, it quickly acted to prevent their introduction into the United States through requiring proper innoculations and other precautions.

Similarly, in order to protect our agricultural sector, we have adopted numerous restrictions and intricate procedures to prevent harmful insects and diseases from reaching our lands.

Yet when the very heart of the Nation—its youth—is seriously threatened by the all-consuming disease of narcotics addition, we are unwilling to take the steps necessary to prevent this disease from spreading. It may sound drastic to cut off aid to a friendly foreign country, but the statistics on heroin abuse are far more drastic.

Heroin addiction in the United States cost nonusers about $2 billion in stolen property last year. In just one city—New York—800 addicts died last year as a result of heroin overdoses. Of these, 200 were in their teens or younger. Drug addiction today is also the leading cause of death among New York City residents between the ages of 15 and 35. This amendment would act to cut off that flow of the killer drug heroin and other illegal substances at the source.

Here in America we have addressed ourselves to this problem. We have talked about educating parents. We have talked about enforcing the law. We have made the laws more stringent. We have talked about research—to some degree—to a minimal degree I am sorry to say—for in research I believe we will find an answer to fight this cancer. And yet here we have the possibility of dealing the most effective blow to this plague that sweeps America if we pass this amendment. Drug abuse is an epidemic particularly among our young and for this body to ignore that fact is a crime in itself. I urge very strongly that this amendment be passed and I suggest that if the amendment is effectively implemented by all of the governments involved so that the ability to even produce these narcotics and drugs at the source will be such a problem, smuggling will become virtually nonexistent.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment.

The question was asked, "Why should we require of Turkey more than we require of those in our country?"

It is true that heroin exists in this country, and we know that our police department is not able to apprehend the smugglers. The heroin problem is a severe one in the city of New York in particular. Why should we then hold the country of Turkey more responsible than our police enforcement officials?

Let me tell you why. In Turkey the law permits the growth of opium, from which heroin is derived. It is not a question of its being grown against the will of the Turkish authorities. It is done with the permission of the Turkish authorities. There is no question that heroin is sold in this country, and that we have corrupt police officers who have been found to sell it. But no government authority in the United States sanctions the growth of opium or the sale of heroin. That is the difference.

Look for a minute at what Turkey has done and what she has not done in recent years. It is my understanding that last year there were nine provinces in which opium was legally grown. In response to the diplomatic and economic pressures that we brought the Turks agreed to reduce the number of provinces in which opium can legally be grown to either five or seven.

You would think, "Well, that is a big step forward." What is important to note is that they discontinued the growing of opium poppies in those provinces in which the smallest amount of opium had been produced and allowed the continued growth of opium in the most productive provinces. So the fact is that the amount of opium produced has not been reduced appreciably. It is even estimated that Turkey, under present opium growing policies, will continue to meet the illegal demand for this substance.

What does that mean to the children in this country?

Not very long ago I took a trip with a number of other Congressmen from New York through the city of New York to talk with heroin addicts. The addicts we met ranged in age from 10 to 17. There were about 50 of them. More than half were white, the other were Puerto Rican and black. They did not all come from New York. Some were from Virginia, some were from Washington, D.C., and the rest from other areas of the country.

It is ghastly to listen to those young people. In some cases they have been on heroin for 5, 6, and more years. They told us how it has ruined their lives. I will not go into the details here because we are going to bring some of those kids to Washington so you can talk to them in early January or February.

But what I believe we should be doing today is saying to a country like Turkey, "So long as you legally permit the cultivation of heroin poppies, so long as you do that you will not receive economic or military assistance from the United States." Turkey's Government protests that if they immediately eliminate the growth of all opium their Government will fall. I say I do not care whether their Government falls if it means keeping in existence the substance of addiction of young Americans whose lives are being ruined.

The gentleman from New Jersey gave you the facts with respect to the deaths of young people in this country. It is not merely New York City; it is the whole country. If you vote a single dollar for Turkey, so long as Turkey grows poppies, in effect you are supporting and encouraging the heroin trade and the deaths of young people in this country. I support the amendment.

Mr. FINDLEY. Mr. Chairman, may I have the attention of the author of the amendment? I have great sympathy for what he seeks to achieve by the amendment. My purpose in taking this time at this late hour is to make a little legislative history.

I am sure the gentleman does not mean to impose upon the Government of Cambodia, which is fighting for its very life at this very moment, an unreasonable condition. The gentleman does not mean the Government of Cambodia would necessarily have to carry on a thorough border-to-border program of control of narcotics before it could have the advantage of military assistance we are now providing.

I am sure the gentleman does not really mean that, and I thought perhaps he would like to clarify that point.

Mr. RODINO. I assume that gentleman heard my amendment.

Mr. FINDLEY. I could not hear it frankly.

Mr. RODINO. The amendment leaves within the discretion of the President the absolute authority to make the determination as to whether or not the countries are making the effort required of them—and nothing more. We leave it to his judgment.

Mr. McCLORY. Mr. Chairman, will be gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I support the amendment offered by the gentleman from New Jersey (Mr. RODINO). Actions are being taken by our Government, by the Justice Department and by the State Department, and other agencies of the executive branch. By the adoption of this amendment we can strengthen the position of the administration and of the executive. We can do that through adoption of this amendment here today. I support the gentleman's amendment. The amendment can assist in arresting the traffic in hard narcotics by stopping that traffic at its source.

Mr. FARBSTEIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let it first be remarked that this is not directed against Turkey alone. This is directed against any country. Iran used to grow poppies until we prevailed upon that country to stop—and it has. There are other countries. Turkey is an ally of ours, and we do not direct this against Turkey.

It is not open and shut. There is no easy answer to this thing. I think, however, that if we pass this amendment, this will show the world we are serious, and even though the administration wants to retain the friendship of all countries with whom we may be allies in various phases of foreign affairs, nevertheless the passing of this amendment will give notice to all those countries that are raising poppies that the Congress of the United States is serious about this fact, that it wants those countries to discontinue, and if they do not discontinue, then we will not give aid. What is going to happen thereafter I do not know. I know the administration is not of one mind on this thing, because of the fact that Turkey is one of our allies, and a very important one at that. I want to make it understood that this is not directed against Turkey alone. This is directed against any country that raises poppies.

It is the Congress that is taking the blame for this. We tell these people how we feel about it, irrespective of how the administration feels. If anything, we may be taking the administration off the hook by passing this amendment.

Mr. Chairman, I think it is a very salutary amendment, and we ought to pass it.

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in support of the amendment. I believe this amendment would be a real step forward in the control of the drug trade.

I would like to ask the sponsor of the amendment a question. The amendment offered by the gentleman says that the country is required to make an effort to control the drug trade and really to stop it, but the amendment does not require control. It is just that steps toward controlling and cutting down the drug trade must be taken, because in many of these countries the governments actually support the drug trade and make money from it. Would the gentleman please make that clear as a part of the legislative history?

Mr. RODINO. I would like to say even more directly again that the President makes the determination as to whether the country is making this effort. It does not necessarily imply that there has to be an effective cutoff, but so long as the President has decided that they are honestly making these efforts to cooperate, then he will not under this provision be giving authority for this.

Mr. FULTON of Pennsylvania. Then that would vary by each country as to what the country can do, so if Cambodia can do very little, if it does make a valid effort, then the President can recognize that effort.

Mr. RODINO. I would like to point out also that the gentleman from New York was absolutely correct, because there are many areas of the world where opium poppies are grown and processed, and then we get the product here. This is the reason why I mention no country.

Mr. FULTON of Pennsylvania. I strongly support the amendment, and I congratulate the gentleman on his imaginative and effective work.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from New York.

Mr. LOWENSTEIN. If I may, I should like to ask a question of the proposer of the amendment.

I am sure that while it is true this amendment would also have the purpose of encouraging the President to do something in the direction suggested, it would also permit him to do so. Is it not true that we all hope he would move in this direction?

Mr. RODINO. I am sure that one purpose and intent of the amendment is that he move in this direction, in order that we do something about this problem which is growing to epidemic proportions.

Mr. LOWENSTEIN. I, too, would like to join my colleague in encouraging Members to support this amendment.

Mr. MORGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a very difficult amendment to oppose. I do not believe there is a Member of this body who does not agree that something must be done to stop the international illegal narcotics and dangerous drugs from coming to the United States.

However, Mr. Chairman, there are very delicate negotiations taking place now between the United States and other countries on this matter. More and more countries are cooperating with the United States on this problem. We cannot gain cooperation by singling out individual nations. This will only harm some of these negotiations now going on.

I had hoped that during this debate we could debate the issue without naming any particular country, because I do not believe any particular country is particularly involved here. The real culprit in this whole problem of the international drug traffic is not the poor farmer, who gets only about $325 for a kilogram of the opium derived from growing the poppy. But this opium is taken to another country in Europe, where it is processed into raw heroin and hard drugs. There the real money begins. That $325 per kilogram of the original opium poppy really branches out, so that when it arrives in New York and is distributed on the city streets of New York, it brings in a total of $225,000.

So it is not the poor farmer who grows the opium poppy who makes the money out of this. I want to tell the Members of the House that we are not going to stop this by killing off the little fellow who gets $325 per kilogram for his opium poppy. We are going to have to stop the individuals who manufacture the raw heroin mentioned by the gentleman from New York, because we can be sure, that little operator in Europe is going to comb the world to find a supply of opium.

This amendment may be a good amendment, and I should like to go along with it, but by passing this amendment we are not going to cure the problem. We are not going to cure the problem this way, but I hope we are not going to cut off all military assistance to one of our friendly countries which guards the southern flank of NATO. I do not believe this is the way to control international narcotics.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman think the taxpayers of the United States should embark upon a program of subsidizing Turkish farmers or any other foreign farmers to the tune of $20 million or more a year not to grow opium poppies?

Mr. MORGAN. I believe it would help control the international narcotics problem, and the gentleman from Pennsylvania would be in favor of that.

Mr. GROSS. If we start subsidizing foreign farmers not to produce poppies, where in the world will this end? Where will we get the money?

Mr. MORGAN. I say to the gentleman, we do subsidize not planting crops right in the State of Iowa.

Mr. GROSS. What is that?

Mr. MORGAN. We subsidize farmers in Iowa not to grow certain plants.

Mr. GROSS. But they get no subsidy for not growing plants from which narcotics are produced.

Mr. MINISH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey (Mr. RODINO) to require the President to suspend economic and military aid to any country failing to take steps to prevent narcotic drugs from entering the United States. The amendment is similar to legislation which I and 142 of my colleagues cosponsored earlier this year.

The core of our Nation's present high crime rate is drug abuse and its accompanying sordidness. According to conservative estimates by the Justice Department, there are approximately 170,000 narcotic addicts in the United States. In many urban areas, users of hard drugs commit over 50 percent of serious crimes. Moreover, drug abuse is no longer limited to any particular socioeconomic strata. Traffic in narcotics has reached out to victimize persons in all walks of life.

The pending amendment is designed to cut off the flood of illicit narcotics at their source. Nations in which hard drugs are grown, processed, or otherwise developed would be deprived of foreign assistance unless and until they take appropriate steps to prevent such drugs from entering the United States unlawfully.

Admittedly, severe depletion of the narcotic supply is only one ingredient in the drive to eradicate drug abuse. To be truly effective, it must be accompanied by comprehensive programs to treat and rehabilitate addicts and to punish pushers. The Congress and the President must commit themselves to an all-out assault on the Nation's drug problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. RODINO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TUNNEY

Mr. TUNNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TUNNEY: Page 3, after line 11, add the following:

"SEC. 6. Nothing in this Act shall be interpreted as authorizing any military assistance to Cambodia other than small arms, ammunition, and communications equipment."

Mr. TUNNEY. Mr. Chairman, I am not going to take very long, because I think my amendment is self-evident. It makes it very clear that the aid we are giving to Cambodia is small arms, ammunition, and communications equipment.

The administration witnesses, including the Secretary of Defense and the Secretary of State, said very clearly that this was the kind of aid that was anticipated would be given. I think by this prescription we make it very clear there cannot be an escalation of aid to Cambodia.

It so happens that I favor giving small arms, ammunition, and communications equipment to Cambodia. I think the country is now being overrun by the North Vietnamese as a result of the reckless attack which our country launched in conjunction with the South Vietnamese Government on the Communist North Vietnamese sanctuaries a number of months ago. As a direct result of those attacks, the Communists have now taken over control of 50 percent of the country. However, I think our aid ought to be sharply limited.

Mr. BINGHAM. Will the gentleman yield?

Mr. TUNNEY. Yes. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

I would like to commend him on his amendment. It seems to me it is another case of taking the administration at its word. It is what they say they want. Let us pass the amendment and see it is what they get.

I thank the gentleman.

Mr. KAZEN. Mr. Chairman, will the gentleman yield to me?

Mr. TUNNEY. Yes. I yield to the gentleman.

Mr. KAZEN. I believe the evidence and the testimony before our committee was to the effect that they needed small arms, trucks for transport, small propeller-driven airplanes, and mortars. Does your amendment cut those things out?

Mr. TUNNEY. My amendment would obviously cut out trucks and planes.

Mr. KAZEN. What about the mortars?

Mr. TUNNEY. My amendment would include mortars. I consider them to be small arms and ammunition.

Mr. KAZEN. I wish I could go along with the gentleman's amendment.

Mr. TUNNEY. Those two other things you mentioned would not be included in the amendment.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. TUNNEY. Yes. I yield to the gentleman.

Mr. ADAIR. Would the amendment of the gentleman also exclude river transports?

Mr. TUNNEY. Yes.

Mr. ADAIR. Boats?

Mr. TUNNEY. Yes.

Mr. ADAIR. How about such matters as land mines? Would that be included or excluded?

Mr. TUNNEY. That would be excluded.

Mr. ADAIR. I must say I would have to oppose the amendment offered by the gentleman from California as being too restrictive. The testimony before the committee was that while there was a need for small arms, there was also a need, as the gentleman from Texas pointed out, for transport and items relating thereto. I think, therefore, that the amendment offered by the gentleman from California would be so restrictive as to hamper unduly our efforts.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. TUNNEY. Yes. I yield to the chairman of the committee.

Mr. MORGAN. The way I read the gentleman's amendment he is saying that there only small arms and ammunition, hand guns and rifles and ammunition can be used in Cambodia. Is that correct?

Mr. TUNNEY. I would also include mortars but not artillery pieces.

Mr. MORGAN. Again I want to say I agree with the gentleman from Indiana that the amendment is too restrictive.

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment.

I am in sympathy with what the gentleman from California is trying to do to limit the activities in Cambodia. However, I think an army not only has to shoot and communicate, but it has to move. I think what we are doing is withdrawing the ability of that army to move and properly to shoot by withholding artillery and communications.

The committee had available to it the kind of equipment that was necessary and that was going into Cambodia and it is still within the doctrine that the administration has laid down.

Mr. Chairman, I think if this kind of equipment should be excluded it would greatly hamper the ability of the Cambodians to carry out their mission, and that includes transportation equipment, rivercraft, communications equipment and commercial imports of other types. I think the program provides for the supplying of material such as is required in the repair of bridges, roads, and other lines of communications.

Mr. Chairman, I think this amendment is too restrictive and would hamper the ability of our allies to carry out their mission in Cambodia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. TUNNEY).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT), having assumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes, pursuant to House Resolution 1297, he reported the bill back to the House with an amendment adopted by the Commitee of the Whole.

The SPEAKER pro tempore. Under rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GROSS. Without reservation, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill H.R. 19911 to the Committee on Foreign Affairs.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 249, nays 102, not voting 82, as follows:

[Roll No. 394]

YEAS—249

Adair
Adams
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Boggs
Boland
Bow
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Carney
Carter
Casey
Cederberg
Celler
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collins, Ill.
Colmer
Conable
Conte
Corbett
Crane
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dingell
Donohue
Dorn
Downing
Duncan
Dwyer
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Farbstein
Fascell
Feighan

Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Griffin
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Harsha
Harvey
Hastings
Hays
Henderson
Hicks
Hogan
Horton
Hosmer
Howard
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keith
Kyros
Latta
Leggett
Lennon
Lukens
McCarthy
McClory
McDade
McDonald, Mich.
McEwen
McFall
Madden
Mahon
Mailliard
Mann
Marsh
Mathias
Matsunaga
Meeds
Melcher
Mills
Minish
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols

Nix
O'Neal, Ga.
O'Neill, Mass.
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Railsback
Reid, Ill.
Reid, N.Y.
Rhodes
Roberts
Robison
Rodino
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Ruppe
Ruth
St Germain
Sandman
Satterfield
Schadeberg
Schneebeli
Schwengel
Sebelius
Shriver
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steele
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Vander Jagt
Vigorito
Ware
Watson
Watts
Weicker
Whalley
White
Whitehurst
Widnall
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wyman
Yatron
Young
Zablocki
Zion

NAYS—102

Addabbo
Anderson, Calif.
Anderson, Tenn.
Ashbrook
Ashley
Baring
Bingham
Blanton
Brademas
Brown, Calif.
Brown, Ohio
Burlison, Mo.

Burton, Calif.
Chappell
Chisholm
Clawson, Del
Cohelan
Conyers
Corman
Coughlin
Culver
Dickinson
Dulski
Eckhardt
Edwards, Calif.
Evins, Tenn.

Flynt
Ford, William D.
Fraser
Green, Oreg.
Green, Pa.
Griffiths
Gross
Hagan
Haley
Hall
Harrington
Hathaway
Hechler, W. Va.

Heckler, Mass.
Helstoski
Hungate
Ichord
Jacobs
Jones, Tenn.
Karth
Kastenmeier
Kleppe
Koch
Kyl
Landgrebe
Landrum
Long, Md.
Lowenstein
Lujan
McCloskey
McClure
Martin
Mikva
Miller, Ohio

Mink
Mosher
Myers
Nedzi
Obey
O'Hara
Olsen
Ottinger
Podell
Pryor, Ark.
Randall
Rarick
Rees
Riegle
Roe
Rogers, Fla.
Rosenthal
Rousselot
Roybal
Ryan
Saylor

Scherle
Scheuer
Schmitz
Scott
Shipley
Snyder
Steed
Steiger, Ariz.
Stokes
Sullivan
Symington
Tunney
Ullman
Van Deerlin
Vanik
Wampler
Whalen
Wyatt
Wylie
Yates
Zwach

NOT VOTING—82

Abbitt
Abernethy
Annunzio
Aspinall
Ayres
Barrett
Blatnik
Bolling
Burton, Utah
Button
Clark
Clay
Collier
Collins, Tex.
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
Dent
Diggs
Dowdy
Edwards, La.
Fallon
Foreman
Gettys
Gilbert
Gray

Grover
Gubser
Hanna
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Holifield
Hull
Hunt
Kee
King
Kluczynski
Kuykendall
Langen
Lloyd
Long, La.
McCulloch
McKneally
McMillan
Macdonald, Mass.
MacGregor
May
Mayne
Meskill
Michel
Miller, Calif.

Minshall
Mize
Morton
Moss
O'Konski
Passman
Pepper
Pollock
Powell
Preyer, N.C.
Purcell
Reifel
Reuss
Rivers
Rogers, Colo.
Roudebush
Sikes
Sisk
Staggers
Stephens
Thompson, N.J.
Waggonner
Waldie
Whitten
Wiggins
Williams
Wold

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Kuykendall.
Mr. Waggonner with Mr. Collier.
Mr. Long of Louisiana with Mr. Cramer.
Mr. Edwards of Louisiana with Mr. Mize.
Mr. Passman with Mr. Minshall.
Mr. Annunzio with Mr. Ayres.
Mr. Abernethy with Mr. Cunningham.
Mr. Barrett with Mr. Williams.
Mr. Kluczynski with Mr. Michel.
Mr. Dent with Mr. Grover.
Mr. Preyer of North Carolina with Mr. Burton of Utah.
Mr. Rivers with Mr. King.
Mr. Gettys with Mr. Lloyd.
Mr. Hanna with Mr. Cowger.
Mr. Hawkins with Mr. Gilbert.
Mr. Rogers of Colorado with Mr. Button.
Mr. Sikes with Mr. McCulloch.
Mr. Sisk with Mr. Gubser.
Mr. Staggers with Mr. Hansen of Idaho.
Mr. Moss with Mr. Clay.
Mr. Kee with Mr. McKneally.
Mr. Holifield with Mr. Wiggins.
Mr. Hull with Mr. Foreman.
Mr. Aspinall with Mr. Mayne.
Mr. Fallon with Mr. Diggs.
Mr. Reuss with Mr. Roudebush.
Mr. Stephens with Mr. Collins of Texas.
Mr. Gray with Mr. Meskill.
Mr. Davis of Georgia with Mr. MacGregor.
Mr. Blatnik with Mr. Morton.
Mr. Abbitt with Mr. Langen.
Mr. Thompson of New Jersey with Mr. Hunt.
Mr. Waldie with Mr. Reifel.
Mr. Whitten with Mrs. May.
Mr. Miller of California with Mr. Pollock.
Mr. Macdonald of Massachusetts with Mr. O'Konski.
Mr. Pepper with Mr. Wold.
Mr. Daddario with Mrs. Hansen of Washington.

Mr. McMillan with Mr. Dowdy.
Mr. Purcell with Mr. Clark.

Mr. **COUGHLIN** changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. **MORGAN.** Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. **CULVER.** Mr. Speaker, I ask unanimous consent that all Members may have the opportunity to revise and extend their remarks and include extraneous material on the foreign assistance supplemental bill just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONFERENCE REPORT ON S. 3867, THE EMPLOYMENT AND MANPOWER ACT

Mr. **PERKINS** submitted the following conference report and statement on the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91–1713)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as "The Employment and Manpower Act".

STATEMENT OF PURPOSES

SEC. 2. The Congress finds and declares that—

(a) To attain the objective of the Employment Act of 1946 "to promote maximum employment, production and purchasing power" we must assure an opportunity for a gainful, productive job to every American who is seeking work and make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

(b) It is within the capability of the United States to provide every American who is able and willing to work, full opportunity, within the framework of a free society, to prepare himself for and obtain employment at the highest level of productivity, responsibility, and remuneration within the limits of his abilities.

(c) The growth of the Nation's economic prosperity and productive capacity is limited by the lack of sufficient skilled workers to perform the demanding production, service, and supervisory tasks necessary to the full realization of economic abundance for all in an increasingly technical society, while, at the same time, there are many workers who are working below their capacity and who with appropriate education and training could capably perform jobs requiring a higher degree of skill, judgment, and attention.

(d) The human satisfaction and sense of purpose so important to employment cannot be fulfilled unless employees have a reasonable opportunity to advance in employment to positions of greater responsibility, status, and remuneration.

(e) The problem of assuring meaningful employment opportunities will be compounded by the continued rapid growth of the labor force. It is imperative that these new workers, including the many young people who will enter the labor force, persons who have recently been separated from military service, and older persons who desire to enter or reenter the labor force, be provided with adequate academic and vocational skills which will allow them to work at the level of their full potential.

(f) The placement of unemployed or underemployed workers in private employment is hampered by the absence of a sufficient number of appropriate entry level employment opportunities to satisfy the need therefor and that the preparation of workers now occupying such places for, and their employment in, more responsible positions would increase the number of appropriate entry level employment opportunities.

(g) It is in the interest of workers, employers, and of the Nation to promote the filling of skill requirements in industry and to provide for the upward mobility of industrial workers by a program that will enable employers to educate and train their employees for positions of greater responsibility, to provide opportunities for advancement to industrial workers, and to create employment opportunities for the unemployed.

(h) There are great unfilled public needs in such fields as health, housing and neighborhood improvement, recreation, education, public safety, maintenance of streets, parks, and other government facilities, rural development, transportation, beautification, environmental quality, conservation, and other fields of human betterment and public improvement and that to meet these urgent public needs, and the equally urgent need for expansion of public service employment opportunities which will provide meaningful jobs for unemployed, underemployed, or low income persons, including those who have become unemployed as a result of shifts in the pattern of Federal expenditures as in the defense, aerospace and construction industries, it is necessary to devote greater resources to public service and to expand public service employment.

(i) Improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

(j) The organization and delivery of manpower training services is increasingly complex, the technological nature of the services is expanding, and the trained staff to provide such services is scarce, thus requiring an intensive program of technical assistance and staff training to public and private agencies providing manpower services.

(k) The economic prosperity of the United States and the well-being and happiness of its citizens would be enhanced by the establishment of a comprehensive manpower policy and program designed to assure every American an opportunity for gainful productive employment and to provide the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

AUTHORIZED APPROPRIATIONS

SEC. 3. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1972, $2,500,000,000 for the fiscal year ending June 30, 1973, and $3,000,000,000 for the fiscal year ending June 30, 1974.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

FUNDS AVAILABLE FOR SPECIFIC PROGRAMS

SEC. 4. (a) The amounts appropriated to carry out this Act for any fiscal year (except for amounts otherwise reserved in accordance with this Act or expressly limited in an appropriation Act to a specific purpose under this Act) shall be allocated among the titles of this Act in such a manner, subject to subsections (b) and (c) of this section, that of the amounts so appropriated—

(1) one-third shall be for Comprehensive Manpower Services under title I of this Act;

(2) one-third shall be for Public Service Employment programs under title III of this Act; and

(3) one-third shall be for Occupational Upgrading under title II and Special Federal Responsibilities and programs under title IV of this Act.

(b) Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing or appropriating funds for any such program or activity, not to exceed 25 per centum of the amount appropriated or allocated from any appropriation for any fiscal year for carrying out any such program or activity under this Act may be transferred and used by the Secretary for carrying out any other such program or activity under this Act.

(c) To the extent necessary to enable the Secretary to make funds available to carry out any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962, as amended, or title I of the Economic Opportunity Act of 1964, as amended, the Secretary may transfer funds from amounts allocated for newly authorized programs under this Act.

ADVANCE FUNDING

SEC. 5. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

DEFINITIONS

SEC. 6. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a community service manpower program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

(4) "health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(5) "city" means an incorporated municipality having general governmental powers.

(6) "Wagner-Peyser Act" means "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113), as amended, (29 U.S.C. 49 et seq.).

LEGAL AUTHORITY

SEC. 7. (a) The Secretary may prescribe such rules, regulations, guidelines and other published interpretations or orders under this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. Such rules, regulations, guidelines and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

(b) The authority of the Secretary relating to disapproval of prime sponsorship plans under section 104(f) or relating to the challenge of an application of a prime sponsor by a unit of general local government under section 106(b) shall be delegated only to the Assistant Secretary for Manpower.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 8. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

(c) Acceptance of family planning services provided to trainees shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(d) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(e) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(f) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, or personnel employed therein, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(g) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

LABOR STANDARDS

SEC. 9. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

ELIGIBLE PARTICIPANTS

SEC. 10. Eligibility for participation in any program under this Act shall be determined in accordance with the provisions of this Act authorizing such program; and persons who or persons heading families who receive benefits under title IV of the Social Security Act, or food stamps or surplus commodities under the Agricultural Act of 1949 and the Food Stamp Act of 1964, shall be included among individuals eligible to participate in programs conducted under the provisions of this Act, and such persons shall be included among individuals considered low-income persons or persons heading low-income families, as appropriate, for the purposes of this Act.

NATIONAL MANPOWER ADVISORY COMMITTEE

SEC. 11. (a) The President, in consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, shall appoint a National Manpower Advisory Committee, which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, public and private education, vocational education, vocational rehabilitation, manpower programs, and economic opportunity programs. From the members appointed to such Committee, the President shall designate a Chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Committee shall hold not less than two meetings during each calendar year.

(b) The National Manpower Advisory Committee shall—

(1) identify the manpower goals and needs of the Nation and assess the extent to which educational vocational education, institutional training, vocational rehabilitation, manpower, economic opportunity, and other programs under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) review the administration and operation of the programs referred to in clause (1) and advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity and other appropriate officials as to the carrying out of their duties under this Act and related Acts;

(3) conduct independent evaluations of programs carried out under this and related Acts and publish and distribute the results thereof; and

(4) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs including the programs authorized under this and related Acts.

(c) The National Manpower Advisory Committee shall make an annual report, and such other reports as it deems appropriate on its findings, recommendations, and activities to the Congress and to the President. The President is requested to transmit to the Congress as a part of his report under section 13 of this Act such comments and recommendations as he may have with respect to such reports and activities of the National Manpower Advisory Committee.

(d) The National Manpower Advisory Committee may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(e) Appointed members of the National Manpower Advisory Committee shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the National Manpower Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(f) The National Manpower Advisory Committee is authorized, without regard to the civil service laws, to engage in such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

(g) For the purposes of this section, funds may be reserved from the sums appropriated to carry out this Act, as directed by the Director of the Office of Management and Budget.

STATE AND LOCAL ADVISORY COMMITTEES

SEC. 12. For the purpose of making expert assistance available to persons formulating and carrying out programs under this Act, the Secretary shall, where appropriate, require the organization of labor-management-public advisory committees on a community, State, and regional basis.

REPORTS

SEC. 13. (a) The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall report to the Congress by January 20, 1972, on the extent to which community colleges, area vocational and technical schools, and other vocational educational agencies and institutions are being utilized to carry out manpower training programs supported in whole, or in part from provisions of the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and this Act, the extent to which administrative steps have been taken and are being taken to encourage the use of such facilities and institutions and agencies in the carrying out of the provisions of this Act and any further legislation that may be required to assure effective coordination and utilization of such facilities and agencies to the end that all federally supported manpower and vocational educational programs can more effectively accomplish their objectives of providing all persons needing occupational training and opportunity for such training.

(c) The Commissioner of the United States Office of Education shall report to the Congress by January 20, 1972, on the extent to which vocational orientation, preparation, and education are being incorporated in regular elementary and secondary education programs and curricula to the end that educational institutions serving youth during years of compulsory school attendance are affording meaningful opportunities, education, and incentives for students to enter vocational careers and on any legislation that may be necessary to facilitate an appropriate blend of vocational and academic education.

(d) The Secretary shall transmit to the Congress at the earliest appropriate date, not later than March 1, in each calendar year a report setting forth a description of summer work experience programs to begin in June of such year, including the number of opportunities in public and private agencies or organizations that will be provided to disadvantaged students in ninth through twelfth grades (and to youth of equivalent ages), in each of the several States and local areas within States, and a statement as to the total number of such persons who would be eligible for such programs, together with his recommendations, if any, for supplemental appropriations for such programs.

(e) The Secretary shall transmit at least annually as a part of the report required under this section a detailed report setting forth the activities conducted under title III, including information on the extent to which participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs.

(f) The Secretary shall transmit to the Congress annually as part of the report required under this section a report of his findings and recommendations arising out of the programs and studies under part G of title IV.

AUTHORITY TO CONTRACT AND EXPEND FUNDS

SEC. 14. The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

ACCEPTANCE OF GIFTS

SEC. 15. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ or dispose of in furtherance of the purposes of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

ACCEPTANCE OF VOLUNTARY SERVICES

SEC. 16. The Secretary is authorized, in carrying out his functions and responsibilities under this Act to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

ACCEPTANCE OF FUNDS

SEC. 17. The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

TRANSFER OF FUNDS

SEC. 18. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 19. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

RENTAL, ALTERATION, AND IMPROVEMENT OF BUILDINGS

SEC. 20. The Secretary is authorized, in carrying out his functions under this Act, to expend funds without regard to any other law or regulations for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this section—

(1) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

(2) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

EXPENDITURES FOR PRINTING AND BINDING

SEC. 21. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to expend funds made available for the purposes of this Act for such printing and binding as he determines necessary, without regard to any other law or regulation.

CRIMINAL PROVISIONS

SEC. 22. (a) Chapter 31 of title 18, United States Code, is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Employment and Manpower Act embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Employment and Manpower Act induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

(b) The analysis of chapter 31 is amended by adding at the end thereof the following new item:

"665. Theft or embezzlement from manpower funds; improper inducement."

COOPERATION OF OTHER AGENCIES

SEC. 23. (a) Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) The Secretary shall carry out his responsibilities under this Act through the utilization, to the extent appropriate, of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities, with their consent.

INTERSTATE AGREEMENTS

SEC. 24. In the event that compliance with provisions of this Act requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

EFFECTIVE DATE

SEC. 25. The effective date of this Act, except as otherwise provided, shall be July 1, 1971. Rules, regulations, guidelines and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

PROGRAM AUTHORIZED

SEC. 101. The Secretary of Labor shall develop and carry out a program of comprehensive manpower services under this title that will—

(1) provide for the prompt referral of those persons who are qualified and are seeking work to suitable employment opportunities;

(2) provide training and related manpower services to persons who are unemployed, in danger of becoming unemployed, employed in public service jobs, eligible to receive benefits under title IV of the Social Security Act, or employed in low-paying jobs who could through further training qualify for job opportunities that would provide an adequate standard of living for themselves and their families;

(3) provide appropriate training and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(4) provide the maximum of employment counseling, placement and related services, and training and related manpower services for persons who have recently been or will shortly be separated from military service;

(5) develop an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure;

(6) promote and encourage the adoption of employment practices by public agencies, private agencies, labor organizations, and private firms that will remove unreasonable barriers to employment, without reducing productivity, and expand opportunities for upward mobility;

(7) reduce the level of youth unemployment by improving the linkages between educational institutions and job markets; and

(8) support and encourage the development of broad and diversified training programs by public, nonprofit, and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers.

USES OF FUNDS

SEC. 102. (a) The services for which funds under this title may be expended shall include but not be limited to the following:

(1) Basic education, including literacy and communications skills, instruction courses in English language skills and, where appropriate, training programs conducted in languages other than English, which will assist individuals to become more employable or more suitable for participation in occupational training.

(2) A program for testing, counseling, and selecting for occupational training those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without training.

(3) Outreach to find the discouraged and undermotivated and encourage and assist them to enter employment or programs designed to improve their employability.

(4) Prevocational orientation to introduce those of limited experience to alternative occupational choices.

(5) Short-term work experience with public and nonprofit agencies for those unaccustomed to the discipline of work.

(6) Communication and employability skills for individuals pursuing, subsequently or concurrently, courses of occupational training who require such other preparation to render them employable and for those individuals with sufficient skills for suitable employment who require such preparation to become employable.

(7) Part-time and full-time work and manpower services for older persons who desire to enter or reenter the labor force.

(8) Occupational training designed to improve and broaden existing skills or to develop new ones.

(9) On-the-job training provided by public, nonprofit and private employers.

(10) Part-time training for employed persons where such training would lead to improved employment opportunities.

(11) Programs to provide part-time employment, on-the-job training, or useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school.

(12) Special programs for jobs in public and private agencies leading to career opportunities including new types of careers, in programs designed to improve the physical, social, economic, or cultural conditions of the community or area served in fields including but not limited to conservation, pollution, beautification, health care, education, welfare, neighborhood redevelopment, rural development, transportation, recreation, maintenance of parks, streets, public facilities, and public safety, which provide maximum prospects for advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities and which provide opportunities for further occupational training to facilitate career advancement.

(13) Programs to provide incentives to private employers, nonprofit organizations, and public employers to train or employ unemployed or low-income persons, including arrangements by direct contract, for reimbursement to employers for the costs of recruiting and training such employees to the extent that such costs exceed those customarily incurred by such employer in recruiting and training new hires, payment for on-the-job counseling and other supportive services transportation, and payments for other extra costs including supervisory training required by the program.

(14) Skill training centers wherever a consolidation of occupational training and related manpower services would promote efficiency and provide improved services.

(15) Supportive and followup services to supplement work and training programs under this Act and other Acts, including health care services, counseling day care for children, bonding, transportation assistance, and other special services necessary to assist individuals to achieve success in work and training programs.

(16) Employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban neighborhoods and rural areas and easily accessible to the most disadvantaged.

(17) Special job development efforts to solicit job opportunities suited to the abilities of the disadvantaged jobseeker and to facilitate the placement of individuals after training including referral to employment opportunities in urban and suburban areas outside their own neighborhoods.

(18) Job coaching for a limited period to assist the employer and the worker to insure job retention.

(19) Relocation payments and other special services as needed to assist unemployed individuals and their families to relocate from a labor surplus area to another area with expanding employment opportunities where a suitable job has been located. Preference for such assistance shall be provided those who have been provided training before relocation or have been accepted for on-the-job and other types of employer-directed training.

(20) Special programs which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health care, education, day care, and recreation services.

(21) The development of job opportunities through the establishment and operation of centers for low-income persons who are unemployed or underemployed, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services.

(b) Where appropriate, the services authorized by this section may be provided, in whole or in part, through residential programs.

ELIGIBLE APPLICANTS

SEC. 103. (a) To the extent consistent with the purposes of this title, the Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title in order to make financial assistance available for the purpose of carrying out manpower services when the Secretary determines that such services can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by Secretary under section 104; and

(2) other public and private agencies, institutions, and organizations, including community action agencies.

PRIME SPONSORS

SEC. 104. (a) For the purposes of this title—

(1) any State, and

(2) any unit of general local government—

(A) which is a city which has a population of seventy-five thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

(B) which is a county or other unit of general local government which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functional labor market area; or

(C) which does not meet the population criteria in clause (A) or (B) and which has the largest population of a unit of general local government in the State otherwise meeting the requirements of clause (A) or (B); and

(3) any combination of such units of general local government having a total population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary, and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functional labor market area and to have at least one such unit having general governmental powers substantially similar to those of a city; and

(4) any unit or combination of units of general local government, without regard to population, in rural areas designated by the Secretary which have substantial outmigration and high unemployment;

shall be eligible to be a prime sponsor of a comprehensive manpower services program in accordance with the provisions of this section.

(b) Any State or unit (or combination of units) of general local government which is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary a prime sponsorship plan including provisions which evidence capability for carrying out a comprehensive manpower services plan in accordance with section 105(b) of this title and provisions for the establishment of a manpower services council which—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall include members who are representative of community action programs; other significant segments of the poverty community; the public employment service; education and training agencies and institutions, including vocational educational agencies and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health care, recreation, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeship programs; business; labor; and veterans organizations;

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which applications for financial assistance for any fiscal year will be submitted by the prime sponsor which shall be responsible for planning for and carrying out services for which financial assistance is provided under this title and under which appropriate arrangements may be made for the council's participation in planning and development, including initial preparation of such applications;

(5) set forth the prime sponsor's plans (adopted after full consultation with the council) for conducting on a continuing basis surveys and analyses of needs for manpower services in the area served by the prime sponsor to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that community action agencies will be involved in the development of applications for financial assistance and in the implementation of programs assisted under this title;

(7) set forth the council's plans for evaluating the effectiveness of programs for which financial assistance is provided under this title; and

(8) describe the area to be served by the prime sponsor.

(c) In any case in which a State has submitted a plan under this section to serve a geographical area under the jurisdiction of a unit (or combination of units) of general local government which is eligible under paragraph (2), (3), or (4) of subsection (a) and which has submitted a plan under this section meeting the requirements set forth in subsection (b), the Secretary shall approve the latter plan after carrying out the procedures set forth in subsection (d). When two or more units (or combination of units) of general local government each submit plans which include a common geographical area under their respective jurisdictions and which are consistent with the purposes of this title and meet the requirements set forth in subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the unit of general local government plan which he determines will most effectively carry out the purposes of this title.

(d) The Secretary shall not approve a prime sponsorship plan submitted under this section unless—

(1) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation, prior to the date such plan is to take effect, in order to provide a reasonable period of time for review in accordance with the provisions of this section;

(2) a copy of such plan has been submitted for comment thereon to the Governor of the appropriate State; the Governor has been provided such period of time, as the Secretary shall prescribe by regulation, after the copy of such plan was sent to him, during which time he may submit comments on such plan to the Secretary, a copy of which comments shall be sent to the plan applicant; and, if comments have been submitted by the Governor, such additional period of time, as the Secretary shall prescribe by regulation, has passed, during which time the Secretary shall, to the extent practicable, confer with and encourage the plan applicant to resolve any differences arising from such comments;

(3) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsorship plan is approved under this section.

(e) In the event that a unit (or combination of units) of general local government eligible to be a prime sponsor under subsection (a) does not submit a plan meeting the requirements set forth in this section, a community action agency serving a geographical area under the jurisdiction of such unit may submit a prime sponsorship plan for that area.

(f) Except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan submitted under this section if it is consistent with the provisions of this title. A plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

(2) for a reasonable time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(g) For the purpose of making such payments as may be reasonably necessary to cover the staff and other administrative expenses of the councils established pursuant to subsection (b) and to support other planning and evaluation activities of prime sponsors, the Secretary shall reserve not less than 1 per centum of the amounts available for title I to be allocated in the same manner as set forth in section 108 and 1 per centum of the amounts available for title III to be allocated in the same manner as set forth in section 306.

APPLICATIONS

Sec. 105. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth—

(1) a description of the services for which such financial assistance will be used;

(2) assurances that the services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, with the public employment service or any other public or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data indicating the number of potential eligible participants, and their income and employment status; and

(5) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

(b) An application submitted by a prime sponsor for financial assistance for any fiscal year shall set forth, in addition to the requirements set forth in subsection (a), a comprehensive manpower services plan for that fiscal year which shall include provisions for—

(1) coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential, effectively serving on an equitable basis the significant segments in that population;

(2) increased occupational opportunities and work experience for eligible individuals;

(3) intensified efforts to relieve skills shortages;

(4) effective utilization of manpower in our economy;

(5) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(6) utilizing, to the extent appropriate, those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies, including but not limited to the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages;

(7) long-term projections of requirements for manpower and manpower-related services, and planning for meeting such requirements, in the area served by the prime sponsor;

(8) evaluating the effectiveness of programs for which financial assistance is provided under this title in achieving the objectives of such programs; and

(9) arrangements in the area served by the prime sponsor for the conduct of services for which financial assistance is provided under programs administered by the Secretary of Labor relating to manpower and manpower-related services.

APPROVAL OF APPLICATIONS

SEC. 106. (a) An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in section 105;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(6) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

(b) If any unit of general local government submits to the Secretary a written statement and supporting reasons alleging that, with respect to the area served by such unit, the prime sponsor is not complying with the requirements for a comprehensive manpower services plan under section 105(b) and giving its reasons for the allegation, the Secretary shall, in accordance with regulations he shall prescribe, in no more than 30 days from the date he receives such written statement, make a decision on the allegation, after providing the prime sponsor with a copy of the written statement and with a reasonable opportunity to respond in writing and holding such conferences and hearings as he deems appropriate. The Secretary shall transmit to all interested parties a written statement of his decision, including his findings and supporting reasons. Until he makes such decision, the Secretary shall withhold approval of so much of a prime sponsor's pending application for financial assistance under this Act as relates directly to the matter under contention. With respect to allegations not involving such pending applications, nothing in this subsection shall in any way require the Secretary to withhold any financial assistance under this Act. If the Secretary determines that the requirements of section 105(b) will not be complied with, then he shall enter into direct arrangements with the appropriate unit of general local government or any other public or private agency with respect to those programs involved, and funds which would otherwise be available to the prime sponsor for such programs shall be made available through such direct arrangements. If the Secretary finds upon examination of the allegation that it requires no investigation because it is frivolous on its face, he may reject the allegation summarily without regard to the procedures required in this subsection except for transmission of a written decision to the interested parties.

CONCURRENCE OF OTHER AGENCIES

SEC. 107. (a) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health care, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions.

(b) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines relating to the participation of community action agencies and other community-based organizations serving the poverty community under this Act unless he shall have first obtained the concurrence of the Director of the Office of Economic Opportunity.

ALLOCATION OF FUNDS

SEC. 108. (a) The amounts available for any fiscal year for this title which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1)(A) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section, and (B) not more than 5 per centum shall be available for financial assistance under subsection (d) of this section;

(2) not less than 70 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this title.

(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among areas within each such State in an equitable manner taking into consideration the proportion which the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State. To the maximum extent appropriate, apportioned funds for each such area shall be expended through approved applications submitted by prime sponsors.

(c) The amount available pursuant to clause (1)(A) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to the area so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

(d) The amount available pursuant to clause (1)(B) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the establishment by the prime sponsor of appropriate procedures for coordination and cooperation with agencies administering vocational education programs in the area to be served by any such sponsor. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to such prime sponsor under subsection (b) of this section. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall establish criteria for the establishment of such procedures.

(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a)(2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(2) or (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(f) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) of this section and the labor market areas described in subsection (c) of this section.

SPECIAL REQUIREMENTS FOR STATES

SEC. 109. (a) Any State seeking assistance under this Act or the Wagner-Peyser Act shall submit an annual State employment and manpower plan to the Secretary for approval in accordance with the requirements of this section.

(b) The State employment and manpower plan shall—

(1) indicate the extent to which all State agencies providing manpower and manpower related services will be available to cooperate and, at the request of the local prime sponsor, participate in the development and implementation of comprehensive manpower services plans by prime sponsors in accordance with the provisions of this Act;

(2) provide for the developing and publishing of information regarding economic, industrial, and labor market conditions which will be useful and made available to assist prime sponsors in the development and implementation of comprehensive manpower services plans under this Act, including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations, and economic and business development and location trends;

(3) provide for the conduct of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing effective assistance to those individuals requiring manpower and manpower related services to achieve their full occupational potential in accordance with the policy of this Act; and

(4) provide, without reimbursement and upon request, to any prime sponsor serving an area within the State, such information, technical assistance and advice as may be necessary and appropriate to assist the prime sponsor in developing and implementing the plans submitted under sections 104 and 105.

SPECIAL CONDITIONS

SEC. 110. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation protection will be provided to all participants;

(4) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(5) persons shall not be referred for training in an occupation which requires less than two weeks of pre-employment training unless there are immediate employment opportunities available in that occupation;

(6) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds; and

(7) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this title.

ALLOWANCES AND COMPENSATION

SEC. 111. (a) The Secretary shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments as he deems appropriate in allowances which would otherwise be payable under this Act, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this title shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

TITLE II—OCCUPATIONAL UPGRADING

AUTHORIZATION OF PROGRAM

SEC. 201. The Secretary shall carry out a program under which public and private employers will undertake to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employers. Financial assistance under this title may be provided by the Secretary pursuant to an application submitted by eligible applicants who shall be—

(a) prime sponsors designated pursuant to the provisions of title I of this Act; and

(b) other public and private employers.

REQUIREMENTS FOR APPLICATIONS

SEC. 202. Any application must contain assurances satisfactory to the Secretary that—

(1) the positions for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(2) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employ of the employer for a period of not less than six months;

(3) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer and of other employers in the same industry;

(4) the training period is reasonable and consistent with periods customarily required for comparable training;

(5) adequate and safe facilities and adequate personnel and records of attendance and progress are provided;

(6) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(7) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(8) the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations hereinafter authorized, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

PAYMENTS TO EMPLOYERS

SEC. 203. Such agreements shall provide for payment to the employer undertaking a training program under this title in an amount equal to—

(1) ninety per centum of the instructional expense other ordinary and necessary training costs, and trainee wage payments for the time spent in training less the value of productive services rendered by such trainee, plus

(2) a bonus payment to reward the efforts of employers whose programs under this title have resulted in substantial upgrading and high retention, to be computed as follows:

(A) at the end of the first twelve months following the completion of a program authorized under this title, 20 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees; and

(B) at the end of the second twelve months following the completion of a program authorized under this title, 10 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees.

ALLOCATION OF FUNDS

SEC. 204. The provisions of section 108 shall apply to this title.

TITLE III—PUBLIC SERVICE EMPLOYMENT

FINANCIAL ASSISTANCE

SEC. 301. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this title in order to make financial assistance available to public and private nonprofit agencies and institutions for the purpose of providing employment for unemployed and underemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable.

AUTHORIZATION

SEC. 302. In addition to the amounts authorized to be appropriated pursuant to section 3 for carrying out this Act, there are further authorized to be appropriated for the purpose of carrying out this title $200,000,000 for the fiscal year ending June 30, 1971, $400,000,000 for the fiscal year ending June 30, 1972, $600,000,000 for the fiscal year ending June 30, 1973, and $800,000,000 for the fiscal year ending June 30, 1974.

ELIGIBLE APPLICANTS

SEC. 303. Financial assistance under this title may be provided by the Secretary only pursuant to applications submitted by eligible applicants, who shall be—

(1) prime sponsors designated pursuant to the provisions of title I of this Act,

(2) other public agencies and institutions (including public service agencies and institutions of the Federal Government); and

(3) Non-profit hospitals and nursing homes, local service companies, Indian tribes, and any private nonprofit agencies and institutions approved by the appropriate prime sponsor.

APPLICATIONS

SEC. 304. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth a public service employment program designed to provide employment and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, for unemployed and underemployed persons in jobs providing needed public services in such fields as health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing, and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

XUM

(b) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(5) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(6) a description of unmet public service needs and a statement of priorities among such needs;

(7) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(8) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(9) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(10) the planning for and training of supervisory personnel in working with participants;

(11) a description of career opportunities and job advancement potentialities for participants;

(12) procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this title; and procedures pursuant to which, in the event that any such participant and the reviewing agency finds that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(13) assurances that agencies and institutions to whom financial assistance will be made available under this title will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(14) assurances that the applicant shall, where appropriate, maintain or provide linkages with upgrading and other programs under this Act, and other Federal or federally supported manpower programs for the purpose of:

(A) providing those persons employed in public service jobs under this title who want to pursue work with the employer, or in the same or similar work as that so performed under the agreement with opportunities to do so and to find permanent, upwardly mobile careers in that field; and

(B) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

(15) assurances that all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed or underemployed persons;

(16) assurances that to the maximum extent possible, technical, supervisory, and administrative personnel shall be recruited from among fully qualified, unemployed or underemployed persons;

(17) ways in which the program shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 305. An application, or modification or amendment thereof, for financial assistance under this title may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this title;

(2) the approvable request for funds does not exceed 80 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary; and

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary.

ALLOCATION OF FUNDS

SEC. 306. (a) The amounts available for any fiscal year for this title which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this title.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner taking into consideration the proportion which the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State. To the maximum extent appropriate, apportioned funds for each such area shall be expended through approved applications submitted by prime sponsors.

(c) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(1) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(1) or (b), and no revision in the apportionments of the funds not so reallocated shall be made because of such reallocations.

(d) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

DISASTER RELIEF

SEC. 307. With respect to any area designated by the President as a major disaster area, the Secretary is authorized to utilize such funds as may be necessary, which are available to him under section 306 (a)(2) and (c), to make financial assistance available to eligible applicants to provide additional employment in carrying out public services needed in such area as a result of the disaster.

SPECIAL CONDITIONS

SEC. 308. (a) The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) persons employed in a public service job under this title shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations;

(3) all persons employed in a public service job under this title will be assured of workmen's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same level and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 shall apply to such agreements;

(5) the program will, to the maximum extent feasible, contribute to the occupational

development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this title, such organization shall be notified and afforded a reasonable time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

LIMITATION

SEC. 309. For the purpose of providing training and manpower services which are otherwise unavailable, and which are related to public service employment assisted under this title, there shall be available, in addition to the funds available for such training and manpower services under other titles of this Act, not to exceed 15 per centum of the amounts available for carrying out this title with respect to any fiscal year.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES AND PROGRAMS

PART A—GENERAL PROVISIONS

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 401. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under parts B and D of this title. In developing such criteria as are appropriate for each such part, he shall consider, among other relevant factors, the ratios of population, unemployment, and income levels. Of the sums available for any fiscal year for programs authorized under each such part, not more than 15 per centum shall be used within any one State.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 402. Federal financial assistance to any program or activity carried out pursuant to parts B and D of this title shall not exceed 90 per centum of the cost of such program or activity, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the purposes of this title. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

ADMINISTRATIVE REGULATIONS

SEC. 403. The Secretary shall prescribe regulations to assure that programs assisted under parts B and D of this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

SECRETARY'S RESPONSIBILITIES

SEC. 404. In carrying out his responsibilities under this Act, the Secretary is authorized under this title to provide for services and activities authorized under any other part of this Act.

PART B—SPECIAL WORK, TRAINING, AND CAREER DEVELOPMENT PROGRAMS

NEW CAREERS

SEC. 411. The Secretary shall carry out a special program to be known as "New Careers" which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including but not limited to health care, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing career ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement. In carrying out this section, the Secretary is authorized to (1) provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity, and (2) provide financial and other assistance to insure the provision of supportive and followup services to supplement programs under this section including health care, family planning services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

MAINSTREAM

SEC. 412. The Secretary shall carry out a special program to be known as "Mainstream" by providing financial assistance to public or private nonprofit agencies for the support of projects which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health care, education, day care, and recreation services.

COMMUNITY ENVIRONMENT SERVICE

SEC. 413. The Secretary shall carry out a special program to be known as the "Community Environment Service" by providing financial assistance to public or private nonprofit agencies, especially program sponsored by State, county, and city governments. Such programs may provide employment on a full-time or part-time basis for persons to help restore a livable environment in urban and rural areas, including restoration of housing and neighborhoods; the planning, development, and maintenance of parks and recreation areas and facilities in inner cities as well as roadside recreation projects; and sanitation and cleanup projects, including solid waste removal. Support may also be provided for the employment of environmental health aides in community health care facilities, and water and air pollution control programs. Community environment service programs shall be encouraged to involve volunteers from the community in environmental planning and action campaigns.

OPPORTUNITIES INDUSTRIALIZATION CENTERS

SEC. 414. The Secretary shall make financial assistance available under this section for the establishment and operation of "Opportunities Industrialization Centers" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, health care, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) the residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

JOBS FOR PROGRESS—OPERATION SER PROGRAMS

SEC. 415. The Secretary shall make financial assistance available under this section for the establishment and operation of "Jobs for Progress—Operation SER Programs" designed to provide comprehensive employment services and job opportunities for low income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, health care, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) the residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

MANAGEMENT TRAINING PROGRAMS

SEC. 416. The Secretary, after consultation with the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Administrator of the Small Business Administration, and the Director of the Office of Economic Opportunity, shall carry out a special program under which education, training, and experience in business management are provided to enable individuals to secure and retain business management opportunities or to establish their own business concerns. In carrying out the provisions of this section, the Secretary is authorized to make grants to public agencies, including educational agencies, and to enter into contracts with private agencies and organizations. The Secretary shall obtain the prior concurrence of the Secretary of Health, Education, and Welfare with respect to any educational component of any program assisted under this section.

MANPOWER PROGRAMS IN CORRECTIONAL INSTITUTIONS

SEC. 417. (a) The Secretary of Labor is authorized to make grants to public agencies, including educational agencies, and to enter into contracts with private organizations for the establishment, conduct, and evaluation of projects and programs, including demonstration projects and programs, under which inmates of correctional institutions are provided with educational, vocational, rehabilitative, work experience (including offsite training), placement assistance, and other related counseling and supportive services sufficient to enable them to acquire relevant skills and to secure and retain meaningful employment after their confinement. The education and training components of such project and programs shall be agreed to by the Secretary of Health, Education, and Welfare. In the case of projects and programs to be conducted in Federal correctional institutions, prior concurrence shall be obtained from the Attorney General of the United States. The Secretary of Labor shall consult with State and local correctional and educational officials where appropriate.

(b) Special consideration shall be given to applications under this section for programs and projects which—

(1) provide for participation of representatives of industry and labor and other qualified persons from the private sector of the economy in the development of curriculum, and as instructors,

(2) provide for the use of modern equipment in any such program, and

(3) make provisions for the employment of persons confined in such institutions after their release.

(c) Programs and projects assisted under this section may include activities designed to test the effectiveness of pretrial or presentencing arrangements under which offenders awaiting trial or further hearings may receive manpower training in lieu of parole or confinement.

(d) Except as precluded by Federal, State, or local law, projects or programs assisted under this section may provide for the selection of persons confined in the correctional institutions as teacher aides in accordance with criteria prescribed by the Secretary.

(e) (1) The Secretary of Labor shall, with the concurrence of the Secretary of Health, Education, and Welfare, promulgate regulations and establish standards, including but not limited to standards or regulations designed to ensure that programs and projects assisted under this section will contain provisions for (A) the development of skills for which there is a demand on a local, regional, or other appropriate basis, and (B) adequate internal administrative controls, accounting requirements, personnel standards, and evaluation procedures.

(2) No Federal, State, or local correctional institution shall reduce the amount of funds previously available for education, training, work experience, and placement assistance by reason of assistance granted to inmates of such institutions by reason of this section.

(f) The Secretary of Labor is authorized to make arrangements for training, medical, and transportation allowances and bonding assistance as surety for financial loss where necessary to carry out the purposes of this section.

Part C—Job Corps

STATEMENT OF PURPOSE

Sec. 431. This part establishes a Job Corps for low-income, disadvantaged young men and women, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling, and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. Its purpose is to assist young persons who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens, and to do so in a way that contributes, where feasible, to the development of national, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

Sec. 432. To become an enrollee in the Job Corps, a young man or woman must be a person who has attained age fourteen but not attained age twenty-two at the time of enrollment and who—

(1) is a permanent resident of the United States or a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d) (5), respectively, or any person admitted as a conditional entrant under section 203(a) (7), of the Immigration and Nationality Act;

(2) is a low-income individual or member of a low-income family who requires additional education, training, or intensive counselling and related assistance in order to secure and hold meaningful employment, participate successfully in regular schoolwork, qualify for other training programs suitable to his needs, or satisfy Armed Forces requirements;

(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair his prospects for successful participation in any other program providing needed training, education, or assistance;

(4) is determined after careful screening as provided for in sections 432 and 433, to have the present capabilities and aspirations needed to complete and secure the full benefit of the program authorized in this part, and to be free of medical and behavioral problems so serious that he could not or would not be able to adjust to the standards of conduct and discipline or pattern of work and training which that program involves; and

(5) meets such other standards for enrollment as the Secretary may prescribe (including special standards for the enrollment on a residential basis of fourteen- and fifteen-year olds) and agrees to comply with all applicable Job Corps rules and regulations.

SCREENING AND SELECTION OF APPLICANTS

Sec. 433. (a) The Secretary shall prescribe necessary rules for the screening and selection of applicants for enrollment in the Job Corps. To the extent practicable, these rules shall be implemented through arrangements which make use of agencies and organizations such as community action agencies, public employment offices, professional groups, and labor organizations. The rules shall establish specific standards and procedures for conducting, screening and selection activities; shall encourage recruitment through agencies and individuals having contact with youths over substantial periods of time and able, accordingly, to offer reliable information as to their needs and problems; and shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. They shall also provide for—

(1) the interviewing of each applicant for the purpose of—

(A) determining whether his educational and vocational needs can best be met through the Job Corps or any alternative program in his home community;

(B) obtaining from the applicant pertinent data relating to his background, needs, and interests for evaluation in determining his eligibility and potential assignment; and

(C) giving the applicant a full understanding of the Job Corps program and making clear what will be expected of him as an enrollee in the event of his acceptance;

(2) the conduct of a careful and systematic inquiry concerning the applicant's background for the effective development and, as appropriate, clarification of information concerning his age, citizenship, school, and draft status, health, employability, past behavior, family income, environment, and other matters related to a determination of his eligibility.

(b) The Secretary shall make no payments to any individual or organization solely as compensation for the service of referring the names of candidates for enrollment in the Job Corps.

(c) The Secretary shall take all necessary steps to assure that the enrollment of the Job Corps includes an appropriate number of candidates selected from rural areas, taking into account the proportion of eligible youth who reside in rural areas and the need to provide residential facilities for such youth in order to meet problems of wide geographic dispersion.

SPECIAL LIMITATIONS

Sec. 434. (a) No individual shall be selected as an enrollee unless it is determined that there is reasonable expectation that he can participate successfully in group situations and activities with other enrollees, that he is not likely to engage in actions or behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between any center to which he might be assigned and surrounding communities, and that he manifests a basic understanding of both the rates to which he will be subject and of the consequences of failure to observe those rules. Before selecting an individual who has a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other major behavioral aberrations, the Secretary shall obtain a finding from a professionally qualified person who knows such potential enrollee's individual situation that there is reasonable expectation that his conduct will not be inimical to the goals and success of the Job Corps and that the opportunity provided by the Job Corps will help him to overcome his problem.

(b) An individual who otherwise qualifies for enrollment may be selected even though he is on probation or parole, but only if his release from the immediate supervision of the cognizant probation or parole officials is mutually satisfactory to those officials and the Secretary and does not violate applicable laws or regulations, and if the Secretary has arranged to provide all supervision of the individual and all reports to State or other authorities that may be necessary to comply with applicable probation or parole requirements.

ENROLLMENT AND ASSIGNMENT

Sec. 435. (a) No individual may be enrolled in the Job Corps for more than two years, except as the Secretary may authorize in special cases.

(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.).

(c) Each enrollee (other than a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212 (d) (5), respectively, or any person admitted as a conditional entrant under section 203 (a) (7), of the Immigration and Nationality Act, or a permanent resident of the Trust Territory of the Pacific Islands) must take and subscribe to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable to this oath or affirmation.

(d) After the Secretary has determined whether an enrollee is to be assigned to a men's training center, a conservation center, or a women's training center, the center to which he shall be assigned shall be that center of the appropriate type in which a vacancy exists which is closest to the enrollee's home, except that the Secretary, on an individual basis, may waive this requirement when overriding considerations justify such action. Assignments to centers in areas more remote from the enrollee's home shall be carefully limited to situations in which such action is necessary in order to insure an equitable opportunity for disadvantaged youth from various sections of the country to participate in the program, to prevent undue delays in the assignment of individual enrollees, to provide an assignment which adequately meets the educational or other needs of the enrollee or is necessary for efficiency and economy in the operation of the program.

(e) Assignments of male enrollees shall be made so that, at any one time, at least 40 per centum of those enrollees are assigned to conservation centers as described in section 436, or to other centers or projects where their work activity is primarily directed to the conservation, development, or management of public natural resources or recreational areas and is performed under the direction of personnel of agencies regularly responsible for those functions.

JOB CORPS CENTERS

SEC. 436. (a) The Secretary may make agreements with Federal, State, or local agencies, or private organizations for the establishment and operation of Job Corps centers. These centers may be residential or nonresidential in character and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, health care, and other services appropriate to their needs. The centers shall include conservation centers, to be known as Civilian Conservation Centers, to be located primarily in rural areas and to provide, in addition to other training and assistance, programs of work experience focused upon activities to conserve, develop, or manage public natural resources or public recreational areas or to assist in developing community projects in the public interest. They shall also include men's and women's training centers to be located in either urban or rural areas and to provide activities which shall include training and other service appropriate for enrollees who can be expected to participate successfully in training for specific type of skilled or semiskilled employment.

(b) To the extent feasible, men's and women's training centers shall offer education and vocational training opportunities, together with supportive services, on a nonresidential basis to participate in programs under other provisions of this Act. Such opportunities may be offered on a reimbursable basis or through such other arrangements as the Secretary may specify.

PROGRAM ACTIVITIES

SEC. 437. (a) Each Job Corps center shall be operated so as to provide enrollees with an intensive, well-organized, and fully supervised program of education, vocational training, work experience, planned avocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required program for each enrollee shall include activities designed to assist him in choosing realistic career goals, coping with problems he may encounter in his home community or in adjusting to a new community, and planning and managing his daily affairs in a manner that will best contribute to long-term upward mobility. Center programs shall include required participation in center maintenance support and related work activity as appropriate to assist enrollees in increasing their sense of contribution, responsibility, and discipline.

(b) To the extent practicable, the Secretary may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes where these institutions or institutes can provide training comparable in cost and substantially equivalent in quality to that which he could provide through other means.

(c) Arrangements for education shall, to the extent feasible, provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from secondary school; and the Secretary of Labor, with the concurrence of the Secretary of Health, Education, and Welfare, shall develop certificates to be issued to enrollees who have satisfactorily completed their services in the Job Corps and which will reflect the enrollee's level of educational attainment.

(d) The Secretary shall prescribe regulations to assure that Job Corps work-experience programs or activities do not displace presently employed workers or impair existing contracts for service and will be coordinated with other work-experience programs in the community.

ALLOWANCES AND SUPPORT

SEC. 438. (a) The Secretary may provide enrollees with such personal, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. Personal allowances shall be established at a rate not to exceed $50 per month during the first six months of an enrollee's participation in the program and not to exceed $75 per month thereafter, except that allowances in excess of $50 per month, but not exceeding $75 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration and the Secretary is authorized to pay personal allowances in excess of the rates specified herein in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. Enrollees shall be required to a reasonable degree to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

(b) The Secretary shall prescribe specific rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months service in the Job Corps.

(c) The Secretary may provide each former enrollee, upon termination, a readjustment allowance at a rate not to exceed $50 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance, however, unless he has remained in the program at least ninety days, except in unusual circumstances as determined by the Secretary. The Secretary may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowance as the Secretary deems necessary to meet extraordinary financial obligations incurred by that enrollee; and he may also, pursuant to rules or regulations, reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(d) Under such circumstances as the Secretary may determine, a portion of the readjustment allowance of an enrollee not exceeding $25 for each month of satisfactory service may be paid during the period of service of the enrollee directly to a spouse or child of an enrollee or to any other relative who draws substantial support from the enrollee, and any sum so paid shall be supplemented by the payment of an equal amount by the Secretary.

STANDARDS OF CONDUCT

SEC. 439. (a) Within Job Corps centers, standards of conduct and deportment shall be provided and stringently enforced. In the case of violations committed by enrollees, dismissals from the Corps or transfers to other locations shall be made in every instance where it is determined that retention in the Corps, or in the particular Job Corps center, will jeopardize the enforcement of such standards of conduct and deportment or diminish the opportunity of other enrollees.

(b) In order to promote the proper moral and disciplinary conditions in the Job Corps, the individual directors of Job Corps centers shall be given full authority to take appropriate disciplinary measures against enrollees including, but not limited to, dismissal from the Job Corps, subject to expeditious appeal procedures to higher authority, as provided under regulations set by the Secretary.

COMMUNITY PARTICIPATION

SEC. 440. The Secretary shall encourage and shall cooperate in activities designed to establish a mutually beneficial relationship between Job Corps centers and surrounding or nearby communities. These activities shall include the establishment of community advisory councils to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Whenever possible, such advisory councils shall be formed by and coordinated under the local community action agency. Youth participation in advisory council affairs shall be encouraged and where feasible separate youth councils may be established, to be composed of representative enrollees and representative young people from the communities. The Secretary shall establish necessary rules and take necessary action to assure that each center is operated in a manner consistent with this section with a view to achieving, so far as possible, objectives which shall include: (1) giving community officials appropriate advance notice of change in center rules, procedures, or activities that may affect or be of interest to the community; (2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to enrollees; (3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community; (4) encouraging the fullest practicable participation of enrollees in programs or projects for community improvement or betterment, with adequate advance consultation with business, labor, professional, and other interested community groups and organizations; (5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together; (6) providing community residents with opportunities to work with enrollees directly, as part-time instructors, tutors, or advisers, either in the center or in the community; (7) developing, where feasible, job or career opportunities for enrollees in the community; and (8) promoting interchanges of information and techniques among, and cooperative projects involving the center and community schools, educational institutions, and agencies serving young people.

XUM

COUNSELING AND JOB PLACEMENT

SEC. 441. (a) The Secretary shall provide for the counseling and testing of each enrollee at regular intervals to follow his progress in educational and vocational programs.

(b) The Secretary shall counsel and test each enrollee prior to his scheduled termination to determine his capabilities and shall seek to place him in a job in the vocation for which he is trained and in which he is likely to succeed, or shall assist him in attaining further training or education. In placing enrollees in jobs, the Secretary shall utilize the United States Employment Service to the fullest extent possible.

(c) The Secretary shall make arrangements to determine the status and progress of former enrollees and to assure that their needs for further education, training, and counseling may be met.

(d) Upon termination of an enrollee's training, a copy of his pertinent records, including data derived from his counseling and testing, other than confidential information, shall be made available immediately to the Department of Labor.

(e) The Secretary shall, to the extent feasible, arrange for the readjustment allowance, provided for in section 438(c) of this Act, less any sums already paid pursuant to 438(d), to be paid to former enrollees (who have not already found employment) at the public employment service office nearest the home of any such former enrollee, if he is returning to his home, or at the nearest such office to the community in which the former enrollee has indicated an intent to reside. The Secretary of Labor shall make arrangements by which public employment service officers will maintain records regarding former enrollees who are thus paid at such offices including information as to—

(1) the number of former enrolless who have declined the office's help in finding a job;

(2) the number who were successfully placed in jobs without further education or training;

(3) the number who were found to require further training before being placed in jobs and the types of training programs in which they participated; and

(4) the number who were found to require further remedial or basic education in order to qualify for training programs, together with information as to the types of programs for which such former enrollees were found unqualified for enrollment.

If the Secretary deems it advisable to utilize the services of any other public or private organization or agency in lieu of the public employment office, he shall arrange for that organization or agency to make the payment of the readjustment allowance and maintain the same types of records regarding former enrollees as are herein specified for maintenance by public employment service offices, and shall furnish copies of such records to the Secretary. In the case of enrollees who are placed in jobs by the Secretary prior to the termination of their participation in the Job Corps the Secretary shall maintain records providing pertinent placement and follow-up information.

EVALUATION: EXPERIMENTAL AND DEVELOPMENTAL PROJECTS

SEC. 442. (a) The Secretary shall provide for the careful and systematic evaluation of the Job Corps program, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practicable, and providing information needed to assess the effectiveness of program procedures, policies, and methods of operation. In particular, this evaluation shall seek to determine the costs and benefits resulting from the use of residential as opposed to nonresidential facilities, from the use of facilities combining residential and nonresidential components from the use of centers with large as opposed to small enrollments, and from the use of different types of program sponsors, including public agencies, institutions of higher education, boards of education, and private corporations. The evaluation shall also include comparisons with proper control groups composed of persons who have not participated in the program. In carrying out such evaluations, the Secretary shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the program and shall consult with other agencies and officials in order to compare the relative effectiveness of Job Corps techniques with those used in other programs, and shall endeavor to secure, through employers, schools, or other Government and private agencies specific information concerning the residence of former enrollees, their employment status, compensation, and success in adjusting to community life. He shall also secure to the extent feasible, similar information directly from enrollees at appropriate intervals following their completion of the Job Corps program.

(b) The Secretary may undertake or make grants or contracts for experimental, research, or demonstration projects designed to develop and test ways of securing the better use of facilities, of encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in the period of their enrollment, of reducing transportation and support costs, or of otherwise promoting greater efficiency and effectiveness in the program authorized under this part. These projects shall include one or more projects providing youths with education, training, and other supportive services on a combined residential and nonresidential basis. The Secretary may, if he deems it advisable, undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavioral aberrations. Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the prime sponsors, as described in title I of this Act, in the communities where the projects will be carried out. They may be undertaken jointly with agencies conducting other Federal or federally assisted programs, and funds otherwise available for activities under such programs shall, with the consent of the head of any agency concerned, be available for projects under this section to the extent they include the same or substantially similar activities. The Secretary may waive any provision of this title which he finds would prevent the carrying out of elements of projects under this subsection essential to a determination of their feasibility and usefulness. He shall report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

ADVISORY COMMITTEES AND BOARDS

SEC. 443. The Secretary shall make use of advisory committees or boards in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever he determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

PARTICIPATION OF THE STATES

SEC. 444. (a) The Secretary shall take necessary action to facilitate the effective participation of States in the Job Corps program, including, but not limited to, consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, the development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

(b) The Secretary may enter into agreements with State or local prime sponsors with prime sponsorship plans approved under title I of this Act to assist in the operation or administration of programs which carry out the purpose of this part. The Secretary may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs.

(c) No Job Corps center or other similar facility designed to carry out the purpose of this part shall be established within a State unless a plan setting forth such proposed establishment has been submitted to the Governor, and such plan has not been disapproved by him within thirty days of such submission.

APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 445 (a) Except as otherwise specifically provided in the following paragraphs of this subsection, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C, 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

(A) The term "performance of duty" shall not include any act of an enrollee while absent from his or her assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Job Corps;

(B) In computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS-2 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

(C) Compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(3) For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered employees of the Government.

(b) When the Secretary finds a claim for damage to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, United States Code, he may adjust and settle it in an amount not exceeding $500.

(c) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade therein.

SPECIAL LIMITATIONS

Section 446. (a) The Secretary shall take necessary action to assure that for any fiscal year the direct operating costs of Job Corps centers which have been in operation for more than nine months do not exceed $6,900 per enrollee.

(b) The Secretary shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the operation of any conservation or training center shall become the property of the United States.

POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

SEC. 447. (a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the Job Corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Job Corps, or any applicant for enrollment in the Job Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law.

(b) No officer, employee, or enrollee of the Job Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee, or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee, or Federal employee who solicits funds for political purposes from members of the Corps shall be in violation of section 602 of title 18, United States Code.

(c) Whenever the United States Civil Service Commission finds that any person has violated the foregoing provisions, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Secretary with specific instructions as to discipline or dismissal or other corrective actions.

PART D—NEIGHBORHOOD YOUTH PROGRAMS

PROGRAMS AUTHORIZED

SEC. 451. (a) The Secretary shall provide financial assistance to public and private agencies serving urban and rural areas to carry out—

(1) programs to provide part-time employment, on-the-job training, and useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school;

(2) programs to provide unemployed, underemployed, or low-income persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment;

(3) programs to provide job and recreation opportunities for young persons during the summer months.

(b) In addition to the amounts authorized to be appropriated pursuant to section 3 for carrying out this Act, there are further authorized to be appropriated such additional amounts as the Congress may determine to be necessary for carrying out section 451(a)(3).

SPECIAL CONDITIONS

SEC. 452. (a) The Secretary shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal or other funds in connection with work that would otherwise be performed;

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

(d) Programs under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

(e) In the case of a program under section 451(a)(1), the Secretary shall not limit the number or percentage of participants in the program who are fourteen or fifteen years of age. In the case of a program under section 451(a)(2), the Secretary shall not limit the number or percentage of participants in any age group under twenty-two years of age, and the Secretary shall not limit the number of hours which participants may spend in work and on-the-job training to less than 80 per centum of the number of hours per week spent in the program, and allowances for such work and on-the-job training shall not be less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938.

PROGRAM PARTICIPANTS

SEC. 453. Participants in programs under this part must be unemployed or low-income persons. The Secretary, in consultation with the Social Security Administrator, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors.

PART E—MANPOWER RESEARCH AND DEVELOPMENT

RESEARCH AND DEVELOPMENT

SEC. 461. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies, the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; upgrading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement, opportunities and services for older persons who desire to enter or reenter the labor force, and for improvements of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary shall consult fully with the Director of the Office of Economic Opportunity. In carrying out this subsection the Secretary of Labor shall, where appropriate, also consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION

SEC. 462. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the

Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

MANPOWER UTILIZATION

SEC. 463. The Secretary shall establish a program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program either directly or through such other arrangements as he may deem appropriate.

EVALUATION

SEC. 464. (a) The Secretary shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) The Director of the Office of Economic Opportunity is authorized to conduct, either directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant to this Act to determine the effectiveness of such programs and activities in meeting the special needs of disadvantaged, chronically unemployed, and low-income persons for meaningful employment opportunities and supportive services to continue or resume their education and employment and to become more responsible and productive citizens. The Director of the Office of Economic Opportunity shall report to the Secretary on the evaluation authorized by this subsection at least once in each calendar year.

REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

SEC. 465. The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within agencies, conducting programs under this Act restrict the opportunities for employment and advancement within such agencies and shall develop and promulgate guidelines, based upon such study, setting forth recommendations for task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such agencies.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 466. In carrying out his responsibilities under this Act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, where appropriate, shall provide, directly or through grants, contracts, or other arrangements, preservice and inservice training for specialized, supportive, and supervisory or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary of Labor may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years. In order to encourage the establishment and operation by low-income persons and their representatives of centers on the local level which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed, the Secretary of Labor shall, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, wherever feasible, provide training and technical assistance by grants, contracts, or other arrangements with individuals and organizations who have demonstrated a capacity to establish and operate such programs.

PART F—NATIONAL COMPUTERIZED JOB BANK PROGRAM

FINDINGS AND PURPOSE

SEC. 471. The Congress hereby finds that the lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources. The Congress further finds that the development of electronic data processing and telecommunications systems has created new opportunities for dealing with this difficult problem. It is therefore the purpose of this title to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

ESTABLISHMENT OF THE PROGRAM

SEC. 472. The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a national, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this part shall be coordinated with the comprehensive manpower services program established under title I.

CONDUCT OF THE PROGRAM

SEC. 473. For the purpose of carrying out the program established in section 472, the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis either directly or through grants, contracts, or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this part. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this part be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this part.

EXPERIMENTS, DEMONSTRATIONS, RESEARCH AND DEVELOPMENT

SEC. 474. The Secretary may conduct directly, or through contracts, grants, or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research or development as he deems necessary to improve the effectiveness of the program established under this part.

RULES, REGULATIONS, AND STANDARDS

SEC. 475. The Secretary shall prescribe such rules and regulations and standards as may be necessary to carry out the purposes of this part, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out the program established by this part, and including rules and regulations to assure the confidentiality of information submitted in confidence.

PART G—DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES FOR DISADVANTAGED PERSONS IN FEDERALLY ASSISTED PROGRAMS

PURPOSE

SEC. 481. The purpose of this part is to establish a program of research, development, and pilot activities for the purpose of determining the level of employment generated by Federal grant and assistance programs and the degree to which such programs can provide an increased source of opportunities for the employment and advancement of disadvantaged persons.

RESEARCH

SEC. 482. The Secretary is hereby authorized to undertake studies of the contribution of Federal grants-in-aid and other Federal assistance programs to the overall employment level. Such studies may include but are not limited to collection and analysis of information on the number of positions wholly or partially supported by Federal assistance programs, their occupational structure, wage, and salary levels, projections for future growth, requirements and qualifications for entry into such positions, promotional and career development opportunities, the educational, vocational, and other relevant characteristics of those who occupy such positions, and the effects of such employment on employment generally. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of such studies. They shall transmit to the Secretary annually estimates of the employment increases or decreases expected to result from the planned expansion or reduction of such programs, and as conditions warrant, on call from the Secretary, contingency plans and estimates relating to the increase in employment which would be created if such programs are expanded under conditions of persistent high unemployment and underemployment.

PILOT PROGRAMS

SEC. 483. (a) The Secretary of Labor is authorized to conduct experimental, developmental, demonstration, and pilot programs to carry out the purposes of this part. In the conduct of these programs, the Secretary is authorized to enter into agreements with the heads of other Federal departments and agencies administering grants-in-aid and other forms of Federal assistance to establish annual and multiyear goals for the employment of disadvantaged persons in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements, Federal departments and agencies may provide, notwithstanding any other provision of law, that the fulfillment of such goals shall be a condition for receiving such assistance.

(b) Programs under this part shall, to the extent practicable, be designed to eliminate artificial barriers to employment and occupational advancement, including merit system requirements and practices related thereto, which restrict opportunities for the employment and advancement of disadvantaged persons.

(c) Funds made available for the purpose of carrying out this part may be allocated and expended, or transferred to other Federal agencies for expenditure, as the Secretary of Labor deems necessary for carrying out the provisions hereof.

(d) Activities for which funds made available under this part may be expended shall include, but are not limited to, the following:

(1) extraordinary costs of training and supportive services necessary to improve the performance of disadvantaged persons who are employed pursuant to agreement under this section;

(2) costs of providing orientation, counseling, testing, follow-up, and other similar manpower services determined necessary to assist such individuals to achieve success in employment.

TITLE V—MANPOWER PROGRAMS FOR INDIAN, BILINGUAL, MIGRANT, AND OLDER WORKERS

PART A—INDIAN MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 501. (a) The Congress finds that (1) serious unemployment and economic disadvantage exist among members of Indian and Alaskan native communities; (2) there is a compelling need for the establishment of comprehensive manpower training and employment programs for members of those communities; (3) such programs are essential to the reduction of economic disadvantage among individual members of those communities and to the advancement of economic and social development in those communities consistent with their goals and life styles.

(b) The Congress therefore declares that, because of the special relationship between the Federal Government and most of those to be served by the provisions of this part, (1) such programs can best be administered at the national level; (2) such programs shall be available to federally recognized tribes, bands, and individuals and to other groups and individuals of native American descent such as, but not limited to, the Menominees in Wisconsin, the Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys and Penobscots in Maine, and Eskimos and Aleuts in Alaska; (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this part.

QUALIFIED PERSONNEL

SEC. 502. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of Indians to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of Indians and the programs related to Indians.

AUTHORIZATION

SEC. 503. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of Indians and Alaska natives bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

NATIONAL INDIAN MANPOWER ADVISORY COUNCIL

SEC. 504. The Secretary of Labor shall appoint a National Indian Manpower Advisory Council which shall consist of at least five but not more than ten members, and shall be composed of men and women representing Indian tribes and groups, and other persons interested in the problems of manpower training and employment on Indian reservations and among Indian groups. Indians shall constitute a majority of the Council, which shall designate its own chairman. Such Council, or any duly established subcommittee thereof, shall from time to time make recommendations to the Congress, the President, and the Secretary concerning problems and policies relating to employment and manpower and to the carrying out of their duties and responsibilities under this part. Such Council shall hold not less than two meetings during each calendar year. The appointed members of the National Indian Manpower Advisory Council shall be paid compensation at a rate not to exceed the daily equivalent for a GS-18 while engaged in the work of the National Indian Manpower Advisory Council, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis. The Secretary shall provide the Council with such staff and services as may be necessary for the Council to carry out its functions.

TRUST RESPONSIBILITIES

SEC. 505. No provision of this part shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands or tribes.

PART B—BILINGUAL MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 511. In recognition of the difficulties and limitations of large numbers of persons of limited English-speaking ability in the United States in finding employment and in learning the technology, required for employment today, Congress hereby declares it to be the policy of the United States to provide financial assistance to public and private non-profit agencies, institutions, and organizations to develop and carry out imaginative programs to increase employment and training opportunities for persons with limited English-speaking ability, especially such persons who are unemployed or underemployed.

QUALIFIED PERSONNEL

SEC. 512. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of persons with limited English-speaking ability to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of persons with limited English-speaking ability and the programs related to persons with limited English-speaking ability.

AUTHORIZATION AND DISTRIBUTION OF FUNDS

SEC. 513. (a) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons of limited English-speaking ability bears to the total population, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

(b) In determining the distribution of funds under this part, the Secretary shall give the highest priority to States and areas within States having the greatest need for programs authorized by this part. For the purpose of achieving an equitable distribution of assistance under this part within each State, the Secretary shall establish criteria on the basis of a consideration of (1) the geographic distribution of persons of limited English-speaking ability who are unemployed or underemployed, (2) the relative need of such persons in different geographic areas within the State for the kind of programs described in section 514, and (3) the relative ability of particular public and private non-profit agencies, institutions, and organizations within the State to carry out those programs.

USES OF FUNDS

SEC. 514. Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act, especially—

(1) planning for and developing programs designed to meet the special manpower needs of persons with limited English-speaking ability including—

(A) the development of training courses and materials to teach skills and occupations that do not require a high proficiency in English, particularly the development of course materials in languages other than English; and

(B) the development of training courses and materials designed to increase the technical English vocabulary necessary for the performance of specific occupations likely to provide employment opportunities for such persons;

(2) preservice training designed to prepare persons to participate in bilingual manpower training and placement programs such as instructors, interviewers, counselors, and placement specialists; and

(3) the establishment, maintenance, and operation of programs, including acquisition of necessary teaching materials and equipment, designed to increase the employment opportunities and the opportunities for advancement of persons with limited English-speaking ability, which may include—

(A) programs to teach occupational skills in the primary language of any such persons for occupations that do not require a high proficiency in English;

(B) programs designed to teach specific technical English vocabulary necessary in the performance of specific skills and occupations in demand and which such persons may be reasonably expected to perform;

(C) programs developed in cooperation with employers designed to increase the English-speaking ability of such persons in order to enhance their opportunities for promotion;

(D) programs designed to assist any such person to further develop and capitalize on their bilingual ability for jobs that require such skills; and

(E) specialized placement programs including supportive services to encourage persons with limited English-speaking ability to find employment and to encourage employers to hire such persons.

APPLICATIONS FOR FINANCIAL ASSISTANCE AND CONDITIONS FOR APPROVAL

SEC. 515. (a) Financial assistance under this part may be made to any public or private nonprofit agency, institution, or organization, or to any such agencies, institutions, or organizations applying jointly or with a private employer, upon application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall—

(1) provide that the programs and projects for which assistance under this part is sought will be administered by, or under the supervision of, the applicant and set forth assurances that the applicant is qualified to administer or supervise such programs or projects;

(2) set forth a program for carrying out the purposes of this part and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) provide for such fiscal control and fund-accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this part;

(4) provide assurances that provision has been made for the maximum participation in the projects for which the application is made of persons with limited English-speaking ability who are unemployed or underemployed and who reside in the area to be served by the project; and

(5) provide for making an annual report and such other reports as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) An application, or modification or amendment thereof, for financial assistance under this part may be approved by the Secretary only if the application is consistent with the purposes of this part and meets the requirements set forth in subsection (a).

DEFINITION

SEC. 516. As used in this part, the term "persons of limited English-speaking ability" shall include persons who come from environments where the dominant language is other than English and who are preparing for work in a labor market where the dominant language is English.

PART C—MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 521. The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, substantially affected by recent advances in technology and mechanization, constitute a substantial portion of the Nation's rural manpower problem and substantially affects the entire national economy;

(2) such severe employment pattern has led to family incomes below the poverty level, with resulting hardships and adverse effects on the health, education, and welfare of families and particularly of children;

(3) much of the migrant and seasonal farmwork force is untrained and unaccustomed to, and ill-equipped for, the requirements of steady, gainful employment;

(4) there is a compelling need for the modification and adaptation of manpower training and employment programs that have heretofore not included migrant and seasonal farmworkers within their scope to meet the needs of such farmworkers;

(5) because of the special nature of certain farmworker manpower problems, particularly those which are interstate in nature, such programs can best be administered at the national level.

QUALIFIED PERSONNEL

SEC. 522. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of migratory and seasonal agricultural workers to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of migratory and seasonal agricultural workers and the programs related to migratory and seasonal agricultural workers.

AUTHORIZATION

SEC. 523. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons in migrant and seasonal farmworker families bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary. For the purposes of this part, persons shall be deemed to continue to be members of migrant and seasonal farmworker families for such period of time, not in excess of five years, as the Secretary may determine, in accordance with regulations which he shall prescribe, that such persons generally can benefit from the special programs authorized by this part.

(c) No financial assistance may be provided under this part unless the Secretary determines, upon the basis of evidence supplied by each applicant and evaluated and approved by the Migrant and Seasonal Farmworker Manpower National Advisory Council established by section 524, that persons broadly representative of the population to be served have been given an opportunity to participate in the development of programs to be assisted under this part, and will be given an opportunity to participate in the implementation of such programs.

MIGRANT AND SEASONAL FARMWORKER MANPOWER NATIONAL ADVISORY COUNCIL

SEC. 524. (a) The Secretary shall appoint a Migrant and Seasonal Farmworker Manpower National Advisory Council (referred to in this part as the "Council") which shall consist of—

(1) two individuals, appointed from private life, to represent farmers, who shall be individuals actively engaged in, and whose livelihoods are dependent upon, agriculture, and who employ labor in connection therewith;

(2) six individuals, appointed from private life, to represent the migratory and seasonal agricultural workers;

(3) two individuals, appointed from private life, who shall have a demonstrated interest in and knowledge of the problems relating to agricultural labor and who are or have been actively engaged in activities concerned with determining and solving the health, education, housing, social, economic, or welfare problems of the agriculture worker, his family, his employer, and the community in which he works;

(5) two individuals who have had experience as State or local officials and who have first-hand knowledge of the problems of agricultural labor; and

(6) the Secretary of Labor, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity who shall be nonvoting members of the Council.

(b) The members of the Council shall designate their own Chairman and Vice Chairman. Such Council shall hold not less than twelve meetings during each calendar year.

(c) The appointed members of the Council shall be paid compensation at a rate not to exceed the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, while engaged in the work of the Council, including traveltime and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(d) The Secretary of Labor is authorized to supply to the Council such technical and support personnel from any of the agencies specified in paragraph (6) of subsection (a) as he deems necessary, with the consent of the head of the agency concerned.

DUTIES OF COUNCIL

SEC. 525. (a) It shall be the duty of the Council to advise the Congress, the Secretary, and the President with respect to (1) the operation of Federal, State, and local laws, regulations, programs, and policies relating to any and all aspects of agricultural labor, (2) the extent of farmworker participation in the development and implementation of manpower programs authorized by this part and (3) any and all other matters relating to agricultural labor. The Council shall from time to time make recommendations to the Secretary concerning his functions under this part to provide maximum employment and manpower opportunities for migrant and seasonal farmworkers.

(b) It shall also be the duty of the Council to consider, analyze, and evaluate periodically the problems relating to agricultural labor in order to devise plans and make recommendations for the establishment of policies and programs designed to meet such problems effectively. In carrying out this subsection, the Council shall consider, among others, the following matters—

(1) the effect of existing laws, regulations, programs, and policies on the problems relating to agricultural labor, including the problems of the migratory agricultural worker, his employer, and the local area in which he resides or is employed;

(2) the effect of the open-border policy between Mexico and the United States upon (A) the labor supply, (B) the living and working conditions in border areas, (C) the need for American residents along the border to migrate north in search of jobs, and (D) the entire national farm labor and rural economy;

(3) the extent that available labor market information (A) improves or limits farmworkers' opportunities to find jobs and to increase earnings, (B) alleviates the problems of underemployment and unemployment, and (C) provides the means for improving coordination of Federal, State, and local public and private policies and programs relating to agricultural labor;

(4) the need for more effective programs for the recruitment, transportation, housing, and full employment, in and off season, of the farm work force;

(5) the efficacy of a nonprofit manpower corporation or other ways to help regularize the employment of farmworkers, particularly seasonal farmworkers, including the provision of employment opportunities in rural areas that complement the seasonal job demands of agriculture;

(6) the development of a comprehensive manpower program to train and develop workers for increased mechanization of farm jobs, for nonfarm jobs in rural areas, and for meeting urban job opportunities;

(7) the future demand for farmwork including an accurate appraisal of the changing levels of demands and requirements for employees, particularly in the face of increasing mechanization;

(8) the relationship of such factors as worker ability, employer attitudes, skill levels, and educational levels to the employment opportunities of such farmworkers;

(9) the effect of farmworkers' substantial exclusion from major social and worker benefit programs, including legislation protecting the right to organize and collectively bargain;

(10) the means to familiarize farmworkers with program benefits and basic civil rights, including voting, to help them participate more fully in the American economic and political mainstream;

(11) the relationship between the institution of migrancy and the factors which cause it to overall poverty in the United States, and to relocation and resettlement programs and activities previously developed to more adequately overcome such problems.

ANNUAL REPORT

SEC. 526. The Council shall study, investigate, conduct research, and prepare a report containing its findings and recommendations concerning matters relating to the purposes of this part, and shall transmit such report to the Secretary, the President and to the Congress no later than October 1 of each year.

PART D—MIDDLE-AGED AND OLDER WORKERS MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 531. (a) The Congress hereby finds and declares that—

(1) in a period of great affluence, middle-aged and older workers find it increasingly difficult to regain employment when out of work and to retain employment;

(2) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(3) as a result of unemployment, underemployment in low-skill jobs, and retirement with severely reduced incomes, millions of persons age forty-five and over live in poverty;

(4) more than a million men between the ages of fifty-five and sixty-four have given up the active search for work and thousands of men and women between the ages of sixty-two to sixty-four have retired with inadequate benefits;

(5) there is almost no opportunity for continued training and education for older individuals who are employed to meet the needs of a dynamic economy and changing technology;

(6) the loss to the economy of the potential production of goods and services, and the costs of unemployment compensation and public assistance, can be reckoned in billions of dollars;

(7) the loss to the individual in terms of frustration, impaired morale, loss of the sense of worth and dignity, and of his status within the family and society, is incalculable; and

(8) providing such individuals with opportunities for useful work will increase their incomes, benefit their physical and mental well-being, and strengthen the economy.

(b) It is the purpose of this part to establish and to assist programs which will—

(1) afford the middle-aged and older worker a range of real and reasonable opportunities for employment;

(2) eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age;

(3) increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work;

(4) improve and extend existing programs designed to facilitate training and the matching of skills and jobs;

(5) assist middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices; and

(6) stimulate innovative approaches to provide increased employment opportunities for middle-aged and older persons.

QUALIFIED PERSONNEL

SEC. 532. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of middle-aged and older workers to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of middle-aged and older workers and the programs related to middle-aged and old workers.

AUTHORIZATION

SEC. 533. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of heads of households who are forty-five years of age or older and are not in the labor force or are unemployed bears to the total population, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

(c) The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this part among the States and between urban and rural areas.

ADMINISTRATION

SEC. 534. (a) In order to carry out the purposes of this part the Secretary is authorized to—

(1) prescribe such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this part; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Goverment shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

RESEARCH AND INFORMATION PROGRAMS

SEC. 535. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this part.

(b) In carrying out the purposes of this part the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special informational and educational programs as he determines appropriate.

PROGRAM ESTABLISHED

SEC. 536. There is hereby established a comprehensive midcareer development service program, by which the Secretary will assist middle-aged and older workers to find employment by providing training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 537. (a) The Secretary is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons who are at least forty-five years of age.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program provided for in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

SPECIALIZED SERVICES

SEC. 538. The Secretary shall establish and carry out specialized services for older workers who desire to improve their employability, to receive training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the rest of their working lives.

STUDY

SEC. 539. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative polices or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the Executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness of efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

PART E—GENERAL PROVISIONS

LIMITATION

SEC. 551. No individual, institution, or organization shall evaluate any program under this title if that individual or any member of such institution or organization is associated with the program as a consultant, technical adviser, or in any other capacity.

REPORTS

SEC. 552. (a) There shall be included, in the manpower report of the President required by Section 13 of this Act, special sections dealing with activities and accomplishments under each of the first four parts of this title.

(b) For the calendar years 1972 and 1973, in each of the special sections required by subsection (a) of this section, there shall appear a report on means of maximizing the employability and employment in programs authorized under this Act and other federal and federally-supported manpower programs, of the persons covered by the corresponding part of this title. Such reports shall also be included in subsequent annual reports, as the President shall deem appropriate.

ADJUSTMENTS TO PROVIDE GUARANTEED LEVEL OF SERVICES

SEC. 553. For the purpose of providing the level of services required in sections 503(b), 513(a), 523(b), and 533(b), and meeting the purposes of this title, the Secretary may—

(1) make equitable adjustments in funds allocated to carry out other provisions of this Act; and

(2) make equitable adjustments in the funds reserved to carry out parts A, B, C, and D, respectively, to take into account that persons eligible for assistance under such parts are receiving assistance under other provisions of this Act.

Any adjustments under (1) or (2) shall be without regard to the 25 per centum limitation of section 4(b) and shall not be counted for the purposes of such limitation.

TITLE VI—EMERGENCY EMPLOYMENT ASSISTANCE

PROGRAM AUTHORIZED

SEC. 601. (a) In addition to amounts authorized to be appropriated for carrying out this Act under section 3, there are authorized to be appropriated such amounts as may be necessary for the purposes of carrying out this section.

(b) There is hereby established in the Treasury a revolving fund to be known as the Emergency Employment Assistance Fund (hereinafter referred to as the "Fund"). Amounts appropriated pursuant to subsection (a) which are not needed for immediate expenditure in accordance with this section shall be deposited in such Fund to be available for obligation without fiscal year limitation in accordance with the provisions of this section. The Secretary of Labor is authorized to utilize sums deposited in the Fund to provide assistance under this section.

(c) In order to provide financial assistance for employment and training activities in areas of high unemployment, there shall be available to the Secretary of Labor, out of appropriations for the purposes of this section or out of the Fund, such amounts as shall be equal to the sum of the following:

(1) the amount of $200,000,000 when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 4½ per centum for three consecutive months; and

(2) the amount of $200,000,000 when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 5 per centum for three consecutive months.

(d) The Secretary shall apportion funds made available pursuant to subsection (c)(1) or (c)(2) among areas of high unemployment throughout the United States on an equitable basis, and to the extent practicable such funds shall be apportioned in proportion to the extent that the rate of unemployment exceeds 4½ per centum or 5 per centum, as the case may be, in each such area.

(e) No further obligation of funds appropriated under subsection (c)(1) may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months and no further obligation of funds appropriated under subsection (c)(2) may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 5 per centum for three consecutive months.

(f) No more than one determination under subsection (c)(1) and no more than one determination under subsection (c)(2) shall be made in any given fiscal year.

TITLE VII—MISCELLANEOUS

EFFECT ON EXISTING LAWS

SEC. 701. (a) Effective with respect to fiscal years after June 30, 1971, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

(b) Effective with respect to fiscal years ending after June 30, 1971, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending all of the matter that appears preceding part D thereof to read as follows:

"TITLE I—MANPOWER DEVELOPMENT AND COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

"PART A—RESEARCH, EXPERIMENTAL, AND DEVELOPMENTAL AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"SEC. 101. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of the economically disadvantaged.

"ACTIVITIES AUTHORITIES

"SEC. 102. (a) The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and followup services.

"(b)(1) Such programs shall include a demonstration program to determine the feasibility of various means of providing assistance to disadvantaged individuals to enable them to purchase or otherwise arrange for manpower training and related services from public and private agencies, institutions and business concerns approved by the Secretary.

"(2) Not less than twenty-four months after enactment of this provision, the Director shall report to the Congress the results of the program conducted under this section together with his recommendations.

"(c) In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor, and, as appropriate the heads of other Federal agencies.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 103. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out programs under this part.

"RESEARCH AND EVALUATION

"SEC. 104. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor and, as appropriate, with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"SEC. 105. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.";

(2) redesignating part D thereof as part B and sections 150 through 155 as sections 121 through 126, respectively;

(3) striking out part E thereof; and

(4) redesignating part F as part C and section 171 as section 141.

(c) Effective with respect to fiscal years after June 30, 1971, section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" at the end of paragraph (2) thereof, by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, in Job Corps centers operated under title IV of the Employment and Manpower Act."

(d) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

(e) Effective with respect to fiscal years ending after June 30, 1971, the Vocational Education Act of 1963, as amended, is amended by adding at the end thereof the following new part:

"PART J—OCCUPATIONAL TRAINING

"AUTHORIZATION

"SEC. 201. (a) The Commissioner of Education shall, with the concurrence of the Secretary of Labor, enter into agreements with States whereby the appropriate State educational agencies shall provide occupational training through public educational agencies or institutions, or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical or subprofessional occupations and for training the disadvantaged, or where such institutions can, at comparable cost, provide substantially equivalent training, make possible an expanded use of the individual-referral method, or aid in reducing more quickly unemployment or current and prospective manpower shortages.

"(b) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, to carry out this part."

AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 702. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definitions

"For the purposes of this chapter—

"(1) the term 'eligible veteran' means a veteran of any war or of service after January 31, 1955, as defined in section 101 of this title; and

"(2) the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end, policies shall be promulgated and administered, so as to provide such veterans the maximum of employment and training opportunities.

"§ 2003. Assignment of veterans' employment representative

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representative as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veteran' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veterans' particular qualifications with an available job or on-the-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, and training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. Employees of local offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"§ 2005. Cooperation of Federal agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. Estimate of funds for administration; authorization of appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are hereby authorized to be appropriated such sums as the Congress shall determine to be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate required pursuant to subsection (a).

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. Administrative controls; annual reports

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling service.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2005 of this title and a statement of the reasons for such determination.

"§ 2008. Cooperation and coordination with the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment placement Service for Veterans .... 2001"

and inserting

"41. Job Counseling, Training, and Placement Service for Veterans .... 2001",

(c) The table of chapters at the beginning of part III of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans .... 2001"

and inserting in lieu thereof

"41. Job Counseling, Training, and Placement Service for Veterans .... 2001".

(d) The amendments made by this section shall become effective ninety days after the enactment of this Act.

And the House agree to the same.

Carl D. Perkins,
Dominick V. Daniels,
James G. O'Hara,
Augustus F. Hawkins,
William D. Ford,
William D. Hathaway,
James H. Scheuer,
Lloyd Meeds,
Phillip Burton,
Joseph M. Gaydos,
William Clay,
Managers on the Part of the House.
Gaylord Nelson,
Ralph W. Yarborough,
Claiborne Pell,
Edward M. Kennedy,
Walter F. Mondale,
Alan Cranston,
Harold E. Hughes,
Adlai E. Stevenson,
Jacob K. Javits,
Winston Prouty,
Richard S. Schweiker,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3867) the Employment and Training Opportunities Act of 1970, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a new text. The House recedes from its disagreement to the Senate bill with an amendment which is a substitute for both the Senate bill and the House amendment.

Except for minor clarifying, conforming provisions this statement explains the action of the managers on the Part of the House.

GENERAL PROVISIONS

The Senate bill and House amendment set forth statements of purpose which differed in wording, but covered essentially the same purposes. The Conference agreement contains the House version with the addition of two items from the statement of purpose in the Senate bill.

Both the Senate and House bills provided that funds not otherwise reserved would be earmarked among the principal titles of the Act. The Senate bill earmarked one-third of the funds for the comprehensive manpower services title; one-third for the public service employment title; and one-third for the titles for special work and training programs and special Federal responsibilities. The House Bill earmarked three-quarters of the funds for the manpower, upgrading, and public service employment titles, with a proviso that not less than 18.75 percent of the total amount appropriated under the Act be used for the public service employment program. The conference agreement provides that one-third of the funds shall be for comprehensive manpower services (title I); one-third for public service employment (title III); and one-third for occupational upgrading (title II) and for title IV (the consolidated special Federal responsibilities and programs title). Under the Conference agreement, as under the Senate bill and House amendment, the Secretary is authorized to transfer 25 percent out of any title to any other titles, so that the effect of the conference agreement would be to provide a minimum of 25 percent for public service employment.

The Senate bill contained a definition of "local service company." The House amendment contained no such provision. The House recedes.

The Senate bill provided that the Secretary's authority in acting upon a challenge to a prime sponsor's application under section 106(b) may not be delegated outside the Office of the Secretary. There is no comparable House provision. The conference agreement permits such a delegation to the Assistant Secretary for Manpower.

The House amendment permits the Secretary to delegate his authority relating to disapproval of prime sponsorship plans under section 104(f) only to the Office of the Assistant Secretary for Manpower. The Senate bill restricted such decision making to the Office of the Secretary. The conference report permits such delegation only to the Assistant Secretary for Manpower.

The Senate bill provided that acceptance of health services by trainees shall be voluntary and shall not be a prerequisite to eligibility for benefits. There is no comparable House provision. The House recedes.

The Senate bill contained the usual labor standards provision. There is no comparable House provision. The House recedes.

The Senate bill provided that recipients of welfare benefits, food stamps, and surplus commodities be considered low-income persons in determining eligibility for participation. There was no comparable House provision. The House recedes.

A National Manpower Advisory Committee was established by both bills. The Senate bill provided for Presidential appointment of members. Under the House amendment, the Secretary of Labor would appoint members. The House amendment provided that the Secretary shall require the organization of community, State, and regional labor-management-public advisory committees where appropriate. Under the Senate bill, the Presidentially-appointed Committee would advise the Secretaries of Labor and HEW, the Director of OEO, and make reports to Congress and the President. Also, the Senate bill provided for the Committee to have its own staff and funds. The conference agreement retains the House provisions with respect to regional, State and/or community labor-management-public advisory committees with the understanding that client groups would be fully represented on such committees. The Senate provisions with respect to Presidential appointment, reports and staff are retained in the Conference agreement.

The House amendment authorized the Secretary to use available services or facilities of other Federal agencies, and the Secretary to carry out his responsibilities through maximum utilization of all possible resources in education institutions, State, Federal, and local agencies, and other organizations and facilities. There was no comparable Senate provision. House provisions authorizing and directing Federal agencies to cooperate with the Secretary and calling for the maximum appropriate utilization of existing facilities are retained in the Conference agreement.

Both the Senate bill and the House amendment provided for referral of persons seeking work to suitable employment opportunities. The Senate bill required "special consideration" for the unemployed, underemployed and unskilled. The House amendment was silent on this point. The Senate recedes.

The Senate bill authorized training and manpower services to all unemployed persons and those in danger of becoming unemployed. The House amendment likewise provided for such persons other than those referred to suitable employment opportunities, and the Senate bill, not the House amendment, listed as eligible for training and services, persons eligible to receive benefits under title IV of the Social Security Act. The House amendment mandated training and services only for those public employees employed under Title III agreements. The Senate bill did not contain this limitation. The House recedes.

Both the Senate bill and the House amendment provided for training and related manpower services for servicemen who were recently separated from service or shortly will be. The Senate bill also specified provisions for employment counseling, placement and related services. The Senate bill uses the word "maximum" with respect to the above; the House amendment uses the word "appropriate." The House recedes.

The House amendment contained a provision making the Secretary of Labor responsible for coordinating related activities of other Federal agencies, for promoting coordination of State and local public and private agencies and for making certain recommendations to the President and to the Congress. There was no comparable provision in the Senate bill. The House recedes.

COMPREHENSIVE MANPOWER SERVICES

Both the Senate bill and the House amendment described the eligible activities under a comprehensive manpower program. The House amendment directed the Secretary to provide the listed programs and services to the extent they are needed in each State and local area. The Senate bill simply stated that funds under this title may be expended for these purposes. The House enumeration of eligible activities is longer and is more inclusive. The Senate recedes with slight modifications.

In the Senate bill, a city or a county serving a substantial part of a labor market area, or a combination of units of local general government serving a substantial part of a labor market area, with a population of 75,000 or above was an eligible prime sponsor. In the House amendment, the population base requirement was raised to 100,000. The conference agreement retains the House population requirement with respect to a county or a combination of units of general local government; the Senate requirement with respect to a city is retained.

The House amendment contained a provision permitting a unit or combination of units of local general government in certain rural areas to qualify as eligible prime sponsors without regard to the population requirements. There was no comparable provision in the Senate bill. The Senate recedes.

The Senate bill provided for representation of family planning on local manpower councils. The House amendment contained no specific references to family planning. The Senate recedes.

The Senate bill required that the prime sponsorship plan set forth the local manpower councils' plans for conducting surveys and analyses of manpower needs. The House amendment gave this function to the prime sponsor, not the council. The Senate recedes.

The Senate bill called for the council to evaluate program effectiveness. The House amendment gave this function to the prime sponsor. The House recedes.

Both the House and Senate mandated a preference for local prime sponsors where a state and a unit or combination of units of local general government submit prime sponsorship plans for the same geographical area. The Senate bill, however, exempts a unit of general local government which qualifies as a prime sponsor by reason of being the largest unit of general local government in a State. The House amendment contains no such exemption. The conference agreement retains this provision.

The Senate bill required that applications for assistance under this title must provide assurances that special consideration will be given to heads of households. The House amendment contained no comparable provision. The Senate recedes.

The Senate bill required utilization of existing services and facilities wherever feasible. The House amendment required utilization to the extent appropriate. The Senate recedes.

The House amendment required the local prime sponsor to develop a comprehensive plan which integrates the services under this title with other manpower activities funded by the Secretary of Labor, such as Wagner-Peyser Act programs. The Senate bill encouraged cooperative arrangements but did not bind the local prime sponsor to other Department of Labor programs. The House recedes.

The Senate bill granted the right of an appeal direct to the Secretary of Labor from any unit of general local government or community action agency which alleges in a written statement, with supporting evidence, that the prime sponsor in the area served by that community action agency or unit of government is not complying with the requirements of this title. The Secretary must make a prompt decision and must withhold financial assistance relating to the matter under contention until he makes his decision. The House amendment contained no comparable provision. The conference agreement retains a modified right of appeal for local government, but deletes all references to community action agencies.

The House amendment required any State seeking assistance under this Act or under the Wagner-Peyser Act to submit an annual statewide comprehensive manpower plan. The plan would, among other things, provide for the participation of State agencies in developing and implementing the manpower plans of local prime sponsors, set forth a scheme for the sharing of resources and facilities throughout the State in order to avoid duplication, contain certain economic information, and describe how programs funded under the Wagner-Peyser Act would provide coordinated comprehensive manpower assistance to eligible individuals. The Senate bill contained no comparable provision. The conference agreement provides for the submission of a State plan which sets forth certain economic data, the extent to which programs funded under the Wagner-Peyser Act will coordinate with programs funded under this Act in areas of State prime sponsorship, the extent to which State manpower agencies will assist in the development and implementation of local prime sponsor's plans upon the prime sponsor's request, and such other technical assistance as they will make available to prime sponsors.

It was the understanding of all conferees that local prime sponsors should decide who shall provide manpower services under local plans. Therefore, it was agreed that no provision of section 109 should be construed so as to permit the Secretary or the Governor to mandate who shall provide services in a local plan or to promulgate guidelines or regulations creating presumptive deliverers of local manpower services.

Both the Senate bill and the House amendment contained general proscriptions against political activities. The House amendment stated, additionally, that neither the program, the funds, nor any person employed therein may engage in any political activity. The Senate recedes with an amendment which barred such political activity "in contravention of chapter 15, title 5, United States Code" (the "Hatch" Act).

The Senate bill had separate geographical allocation formulas for the manpower title and the public service employment title whereas the House bill provided a single allocation formula for manpower, public service employment, and upgrading titles.

The conference agreement contains a geographical allocation formula for the manpower title (which formula is also made applicable to the upgrading title) and a separate location formula for public service employment.

The conferees made the following decisions with respect to the manpower allocation formula.

The Senate bill provided for apportioning 75 percent of funds among States. The House bill apportioned 70 percent. The conference agreement accepts the House provision.

The Senate bill apportioned funds among States in proportion to labor force, unemployment, and low-income persons. The House bill apportioned funds "in an equitable manner, taking into consideration" the State's proportion of labor force, unemployment, lack of full-time employment, insured unemployed, average weekly unemployment compensation benefits, population aged 14–17, and low-income persons, demonstrated capacity of sponsors, and prior allocations.

The conference agreement apportions funds in an equitable manner, taking into consideration labor force, unemployment, and low-income persons.

The conferees expect the Secretary's criteria defining low-income to take into account regional and rural-urban differences.

The Senate bill provides a minimum allocation under title I of $1,500,000 per State and $150,000 for outlying areas. The House bill contained no comparable provision. The conference agreement includes this minimum.

The Senate bill provided that an allocation to a State would be apportioned among areas within that State so that not less than 80 percent thereof will be apportioned among such areas in the same proportions as labor force, unemployment, and low-income persons. The House bill apportioned within-State among areas in the same manner as its State-by-State allocations.

The conference agreement essentially follows the House provisions in this respect.

The House bill provided that, to the maximum extent appropriate, funds apportioned within States should be expended through prime sponsors.

The Senate recedes and accepts the House provision in this respect.

Both bills permitted use of 5 percent of funds for providing incentives for cooperation with vocational education. The Senate bill provided that these funds may be used for an add-on of up to 10 percent of apportionments which an area would otherwise have. The House bill provided that this add-on may go up to 20 percent. The Senate recedes and accepts the House provision in this respect.

Both bills permitted use of 5 percent of funds for providing incentives for labor market area cooperation. The Senate bill provided that these funds may be used for an add-on of up to 10 percent of apportionments which an area would otherwise have. The House bill provided that this add-on may go up to 20 percent. The Senate recedes and accepts the House provision in this respect.

Both Senate and House bills provided staff and administrative funds for manpower services councils and other planning and evaluation activities of prime sponsors. The Senate bill provides that 1 percent of title I (manpower) allocations shall be reserved for such purposes and 1 percent of public service employment allocations shall be so reserved. The House bill reserved 1 percent of overall allocation. The conference agreement contains the Senate provision.

OCCUPATIONAL UPGRADING

The House amendment contained a separate title establishing a program for occupational upgrading. The Senate bill contained provisions relating to this subject in Title III, but they were dealt with in considerably less detailed manner. The conference agreement adopts the provisions of the House amendment.

PUBLIC SERVICE EMPLOYMENT

The Senate bill included private nonprofit agencies and institutions such as community action agencies and local service companies as eligible applicants for the public service employment program while the House bill limited applicants to prime sponsors under Title I and other public agencies and institutions. The Conference agreement contains essentially the House provision with the modification that nonprofit hospitals, nursing homes, local service companies, Indian tribes, and private nonprofit agencies and institutions approved by the appropriate prime sponsor will be eligible applicants.

The Senate bill contained a special authorization of appropriations for public service employment: $750,000,000 for fiscal year 1971, $1,000,000,000 for fiscal 1972, $1,250,-000,000 for fiscal 1973, and $1,500,000,000 for fiscal 1974. The House bill did not have a special authorization. The Conference agreement provides an authorization of appropriations especially for public service employment of $200,000,000 for fiscal 1971, $400,000,-000 for fiscal 1972, $600,000,000 for fiscal 1973, and $800,000,000 for fiscal 1974.

The Senate bill contained a separate allocation for the public service employment title, while the House bill had no State-by-State or area-by-area allocation. The House bill required that 18.75 percent of all funds appropriated under the Act be reserved for public service employment programs. The Conference agreement provides for apportioning public service employment funds among the States, and within each State in an equitable manner, taking into consideration unemployment and the number of low-income persons (with a minimum of not less than $1,500,000 per State or $150,000 for outlying areas).

The Senate bill authorized the Secretary to use unexpended and discretionary funds to provide special public service employment assistance to areas designated as major disaster areas. There was no comparable House provision. The conference agreement contains this provision.

The Senate bill required applications for a public service employment program to contain provisions for employment, related training and manpower services, and supportive services. The House bill required linkages with manpower and upgrading programs. The conference agreement provides for training and manpower services related to the public service job, allowing 15 percent of the total funds under the title to be used for such purpose. The House provisions for linkages with upgrading and other manpower programs are also contained in the conference agreement.

The House bill provided that, where a labor organization represents employees who are engaged in similar work in the same labor market areas, such organization shall be notified prior to entering into an agreement under the title.

The Senate bill provided that such labor organization be notified prior to the approval of an application.

The conference agreement provides that when an application is being developed, the labor organization shall be notified and afforded a reasonable time to make comments to the applicant and to the Secretary.

The conferees anticipate that the applicant will consult with the organization denying the development of the application.

The Senate bill provided for review of each public service jobholder's situation and if there were not sufficient prospects for advancement or suitable continued employment, efforts to locate employment or training opportunities providing such prospects were required. The House bill provided that objectives must be set for moving people out of public service jobs and required the Secretary to reduce funding to a prime sponsor for failing to meet such objectives, unless the Secretary determined the failure to be due to factors beyond applicant's control. The conference agreement provides for an annual review of the status of each people employed in a public service job. If such person's current employment situation does not provide sufficient prospects for advancement or suitable continued employment, the participant must be assisted in securing an appropriate job or training opportunity.

The Senate bill provided that special consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available. The conference agreement provides that the application from the program sponsor shall contain assurances that due consideration will be given to such persons. It is the intention of the conferees that in this context, the phrase "otherwise unavailable" shall mean not available within the community where the person to be assisted was or would be normally be employed.

SPECIAL MANPOWER PROGRAMS

The Senate bill, title III, contained authorization for a number of manpower activities similar to those conducted under present law, and re-authorized under title I of both bills. These included New Careers, Mainstream, OIC, Operation SER, programs in correctional institutions, and others. New activities included in this title were Community Environment Services, and Management Training. This title of the Senate bill, like section 103(b)(2) of both the Senate bill, and the House amendment, provided for funding by the Secretary directly to public and private agencies. The Senate language gave added emphasis and prominence to these activities.

The conference agreement redesignates the Senate bill title III programs as part A of title IV. It makes no specific reservation of funds for IV–B programs, which are to be funded out of the whole amount set aside for titles II and IV. But the managers on the part of the House share the Senate's wish to highlight existing activities and to emphasize the Secretary's right to deal directly with applicants other than prime sponsors.

Youth Corps authority, generally similar to present law, was included in the Senate's title III. The managers on the part of the House concurred in the Senate language making it Part D of title IV. The conference agreement adopts another Senate provision authorizing appropriations for summer youth programs outside of the authorizations otherwise covered in this Act.

The Senate bill contained a detailed repetiton of existing law covering the Job Corps, making two substantive changes, a small increase in the maximum personal monetary allowance and deletion of a requirement that conservation centers be run by the Departments of Agriculture and Interior. The House amendment merely moved the Job Corps language, by reference, from the Economic Opportunity Act to this Act. The House recedes on the allowances; the Senate recedes on the conservation center management.

MANPOWER PROGRAMS FOR INDIANS, BILINGUAL, MIGRANT, AND OLDER WORKERS

The Senate bill, in title V, created special manpower programs to meet the specific needs of Indians, migrant and seasonal farmworkers, persons of limited English-speaking ability and older persons. The title contained statements of policy and purpose for each such group, and included various organizational, advisory body, and general program provisions.

The conference agreement on title V is based upon the provisions found in the Senate bill, but with several significant amendments.

The Senate recedes from its proposal for an Office of Indian Manpower Programs and an Office of Migrant and Seasonal Farmworker Manpower, and a House proposal is adopted in lieu, directing the Secretary to designate full-time staff personnel to have responsibility for carrying out each of the title V programs. The agreement urges the Secretary to assign to these programs personnel who are experienced in the problems and programs affecting the groups covered.

Further modifications to the Senate proposal are adopted to enable title V advisory councils to report directly to the Congress, the President, and the Secretary, as was a House difference in the composition of the Migrant and Seasonal Farmworkers' Council to increase the number of farmwork members to 6, and to provide for 2 farmer, 2 state officials, and 2 "expert" members.

In part D of title V, dealing with older persons, specific Senate provisions authorizing such activities as training persons to train older workers, special programs to assist older workers affected by mass lay-offs, and special studies of artificial job barriers facing older persons are omitted from the conference agreement.

The managers on the part of the House believe it was not the sense of the conference that such undertakings are not authorized, but merely that they are not singled out for inclusion in the legislation.

Part D contains a Senate provision calling for a study, by the Civil Service Commission, of opportunities for part-time employment in the Federal service for older persons. The conference substitute adds language to this part guarding against the possibility of a reduction of full-time employment through studies to be conducted hereunder.

The conference accepts a further House provision to have the Comptroller-General, rather than the Civil Service Commission, conduct this study of civil service practices.

The conference agreement accepts, a further provision calling for special sections in the annual Manpower Report of the President, covering achievements under each of the parts of title V. In the first two reports to be filed under this Act, special studies of means of maximizing employability and employment under Federal manpower programs are to be included in these sections.

EMERGENCY EMPLOYMENT ASSISTANCE

Title VI of the Senate bill provided for an Emergency Employment Assistance Program. Appropriation of special funds was authorized to provide financial assistance for unemployment and training activities in areas of high unemployment. Funds appropriated would be available for deposit in an Emergency Employment Assistance Fund established in the Treasury as a revolving fund for use by the Secretary of Labor to provide assistance. Two Hundred Million Dollars would be available when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 4½ per centum for three consecutive months. An additional $200,000,000 would be available when the Secretary determines that the rate (seasonally adjusted) of national employment equals or exceeds 5 per centum for three consecutive months. Under the Senate provision funds would be apportioned among areas of high unemployment throughout the Nation on an equitable basis, and to the extent practicable, such funds would be apportioned in proportion to the extent that the rate of unemployment exceeds 4.5 or 5 percent as the case may be, in such area. The Conference agreement contains these provisions.

MISCELLANEOUS

Both the House amendment and the Senate bill contained OEO manpower research and development authority. The Senate bill specified that such programs shall include a demonstration of the feasibility of tuition voucher arrangements for manpower training with public or private agencies, with a report to Congress. The House bill contained no comparable provision. The conference agreement includes this provision.

The Senate bill added a new part to the Vocational Education Act of 1963, effective July 1, 1971, under which the Commissioner of Education, with the Secretary of Labor's concurrence, would enter into arrangements with State educational agencies for occupational training through public and private educational institutions. An authorization for fiscal year 1972 of such sums as may be necessary was provided. The House bill contained no comparable provision. The conference agreement includes this provision.

The House amendment required the Secretaries of Labor and of HEW to report to Congress by January 20, 1972, on the extent to which community colleges, area vocational and technical schools, and other vocational educational agencies and institutions are being utilized in carrying out manpower training programs. The Senate recedes.

The House amendment required the U.S. Commissioner of Education to report to Congress by January 20, 1972, on the extent to which vocational orientation, preparation, and education are being incorporated in regular elementary and secondary education programs and curricula and on any needed legislation to facilitate an appropriate blend of vocational and academic education. The Senate recedes.

CARL D. PERKINS,
DOMINICK V. DANIELS,
JAMES G. O'HARA,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
JAMES H. SCHEUER,
LLOYD MEEDS,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
WILLIAM CLAY,
Managers on the Part of the House.

AUTHORIZING SECRETARY OF THE INTERIOR TO MAKE DISPOSITION OF GEOTHERMAL STEAM AND ASSOCIATED GEOTHERMAL RESOURCES

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consnent to take from the Speaker's desk the bill (S. 363) to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes, with Senate amendments to the House amendments thereto, and consider the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, lines 20 and 21, strike out "September 7, 1965,", and insert "April 4, 1962,".

Page 4, line 1, strike out "September 7, 1965,", and insert "April 4, 1962,".

Page 4, lines 11 and 12, strike out "September 7, 1965,", and insert "April 4, 1962,".

Page 4, strike out lines 17 through 23, inclusive, and insert:

"(d) no person shall be permitted to convert mineral leases, permits, applications therefor, or mining claims for more than four geothermal leases; and"

Page 5, after line 10, insert:

"(f) with respect to lands within any known geothermal resources area and which are subject to a right to conversion to a geothermal lease, such lands shall be leased by competitive bidding: *Provided*, That, the competitive geothermal lease shall be issued to the person owning the right to conversion to a geothermal lease if he makes payment of an amount equal to the highest bona fide bid for the competitive geothermal lease, plus the rental for the first year, within ten days after he receives written notice from the Secretary of the amount of the highest bid."

Page 5, strike out lines 12 through 16, inclusive, and insert:

"(a) a royalty of not less than 10 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the lessee;"

Page 13, line 1, after "byproducts," insert "including commercially demineralized water for beneficial uses in accordance with applicable State water laws,".

Page 19, line 19, after "21." insert "(a)".

Page 20, line 7, strike out "area", and insert "area; and".

Page 20, after line 7, insert:

"(b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under geothermal leases made pursuant to this Act. If the Secretary of the Interior finds that such development is imminent, or that production from a well heretofore drilled on such lands is imminent, he shall so report to the Attorney General, and the Attorney General is authorized and directed to institute an appropriate proceeding in the United States district court of the district in which such lands are located, to quiet the title of the United States in such resources, and if the court determines that the reservation of minerals to the United States in the lands involved included the geothermal resources, to enjoin their production otherwise than under the terms of this Act: Provided, That upon an authoritative judicial determination that Federal mineral reservation does not include geothermal steam and associaed geothermal resources the duties of the Secretary of the Interior to report and of the Attorney General to institute proceedings, as hereinbefore set forth, shall cease."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. HOSMER. Mr. Speaker, reserving the right to object—and I do not want to object—I take this time for the purpose of asking the gentleman from Oklahoma to explain the import of the motion that he has made, and I also understand that he will offer an amendment that will have the effect of changing the royalty provided by the bill for geothermal steam from a range of 5 to 15 percent to a range of 10 to 15 percent, and I would ask the gentleman to explain the nature of the amendment.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, the gentleman from California has substantially stated the situation. However, a word of explanation regarding the motion just offered and some brief background on S. 368 appears to be in order.

S. 368, which provides for the disposal of geothermal steam and associated geothermal resources, was passed by the Senate September 16, 1970. On October 5 it passed the House with some 10 amendments. These were:

(1) Strike out "September 7, 1965," and insert in lieu thereof "April 4, 1962,"

(2) Strike out "September 7, 1965," and insert in lieu thereof "April 4, 1962,"

(3) Strike out "September 7, 1965," and insert in lieu thereof "April 4, 1962,"

(4) Strike out all of subsection (d) and insert in lieu thereof the following:

"(d) no person shall be permitted to convert mineral leases, permits, applications therefor, or mining claims for more than four geothermal leases; and"

(5) Insert a new subsection (f) as follows:

"(f) with respect to lands within any known geothermal resources area and which are subject to a right to conversion to a geothermal lease, such lands shall be leased by competitive bidding: *Provided*, That, the competitive geothermal lease shall be issued to the person owning the right to conversion to a geothermal lease if he makes payment of an amount equal to the highest bona fide bid for the competitive geothermal lease, plus the rental for the fiscal year, within ten days after he receives written notice from the Secretary of the amount of the highest bid."

(6) Strike out all of subsection (a) and insert in lieu thereof the following:

"(a) a royalty of not less than 10 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the lessee;"

(7) After "byproducts," insert "including commercially demineralized water for beneficial uses in accordance with applicable State water laws,"

(8) After "Sec. 21." insert "(a)".

(9) Strike out "area." and insert "area; and"

(10) Insert a new subsection (b) as follows:

"(b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under geothermal leases made pursuant to this Act. If the Secretary of the Interior finds that such development is imminent, or that production from a well heretofore drilled on such lands is imminent, he shall so report to the Attorney General, and the Attorney General is authorized and directed to institute an appropriate proceeding in the U.S. district court of the district in which such lands are located, to quiet the title of the United States in such resources, and if the court determines that the reservation of minerals to the United States in the lands involved included the geothermal resources, to enjoin their production otherwise than under the terms of this Act: *Provided,* That upon an authorizative judicial determination that Federal mineral reservation does not include geothermal steam and associated geothermal resources the duties of the Secretary of the Interior to report and of the Attorney General to institute proceedings, as hereinbefore set forth, shall cease."

On December 4 the Senate concurred in House amendments Nos. 7, 8, 9, and 10. It concurred in amendment No. 4 with an amendment which struck out the work "four geothermal leases" and inserted "10,240 acres". The Senate also concurred in House amendment No. 5 with an amendment that deleted the words "ten days" and inserted "thirty days". Finally, the Senate disagreed to House amendments Nos. 1, 2, 3, and 6.

The motion that has just been offered recommends that the House accept the Senate amendments with an amendment to the section establishing the royalty rate. The House amendment of October 5 established the royalty rate at "not less than 10 per centum." The Senate, in its action of December 4 rejected this and insisted upon its language which established "a royalty of not less than 5 per centum or more than 15 per centum.".

The present motion would accept the Senate language but establish the minimum royalty as 10 per centum, as recommended previously by the House, and accept the maximum of 15 per centum as proposed by the Senate.

Mr. Speaker, I recommend favorable House consideration of this motion.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman.

Mr. SAYLOR. Mr. Speaker, I take this opportunity to commend the gentleman from California (Mr. Hosmer) and the gentleman from Oklahoma (Mr. Edmondson) for their action on this bill.

For the past 10 years the House Interior and Insular Affairs Committee has conscientiously endeavored to put to use this valuable asset of geothermal steam which has been escaping and Uncle Sam has received absolutely nothing from it. Because of the dedicated work of these two men we are today in the position I believe, to at last accomplish a tremendous step in the right direction.

Mr. HOSMER. Mr. Speaker, I thank the gentleman from Pennsylvania for his kind remarks and withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. Albert). Is there objection to the request of the gentleman from Oklahoma (Mr. Edmondson)?

There was no objection.

MOTION OFFERED BY MR. EDMONDSON

Mr. EDMONDSON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Edmondson moves that the House recede from its amendments 1, 2, and 3 and that the House concur in the Senate amendments to House amendments 4 and 5.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. Edmondson) is recognized on the motion.

Mr. EDMONDSON. Mr. Speaker, substantially the amendments that are involved affect the date that would be applicable for this grandfather clause under this bill and put a time to file claiming the rights under the grandfather clause.

Mr. HOSMER. And the acreage with respect to the amendments precisely under consideration and respecting the royalties in particular?

Mr. EDMONDSON. The gentleman is correct.

Mr. HOSMER. I thank the gentleman for his explanation.

Mr. Speaker, almost 9 years ago, I introduced legislation which would have enabled the United States to take advantage of the vast geothermal steam resources in its Western States. This steam, which has been uselessly puffed into the atmosphere for hundreds of years, is a valuable resource which I felt should be put to use.

But that was 1962—when the United States still had more than enough electrical capacity. Brownouts and blackouts were unheard of, and words like "environment" and "ecology" were little used and less understood.

Consequently, that bill died a natural death in committee, and a similar fate awaited other measures in subsequent Congresses. By 1965, Congress actually passed a geothermal steam bill only to have it pocket vetoed by President Johnson because he was under a questionable apprehension that it was a "giveaway" to private developers.

The 91st Congress is again in the process of passing a geothermal steam bill, and indications are that President Nixon will sign it. It is not a Federal giveaway. It will produce new revenue for the Federal Treasury. The amendment before us possibly enhances this expectation. The bill will produce new quantities of sorely needed electrical power. And it will produce that power without harming the environment. I urged acceptance of the bill as amended.

The sudden interest in geothermal energy in the last couple of years can be attributed to the growing public concern over environmental pollution, and the impending national electrical power shortage. Geothermal energy may indeed be the "cleanest" way to produce electric power since it involves neither air pollution, thermal pollution or releases of radioactivity. Nature provides the fuel from deep within the earth's crust, and experts believe that a geothermal field will last at least 40 years, with some arguing that it could theoretically last forever.

Geothermal steam is not a panacea for the Nation's electrical power crisis, but it will help. It will take years of exploration and research before meaningful quantities of power are produced. Even then, geothermal steam may not always be competitive with other advanced technologies—nuclear power, for example. Steam from a nuclear plant emerges at high pressures and high temperatures, ideal for very large sizes. Geothermal steam, on the other hand, comes out of the ground at relatively low pressures and temperatures. As a result, geothermal powerplants may be restricted to smaller sizes or employed as peaking units.

But the important thing is that we are finally going to find out. The United States may be the most backward nation in the world when it comes to developing domestic geothermal resources. The problem has been a specific incentive and the fact that most of the known geothermal lands are owned by the Federal Government. To date, there has been no legislative mechanism to permit development of this resource.

The Interior Department estimates that at least 1,350,000 acres of land, mostly in the 11 Western States, have demonstrated geothermal potential. Some areas are hotter than others and will make better geothermal sites, but most of the area still requires detailed geothermal mapping.

Under the provisions of the newly enacted Geothermal Steam Act of 1970, the Secretary of the Interior is authorized to enter into leasing arrangements with private organizations for the development of geothermal resources. The leases all will be subject to competitive bidding and will result in a small but potentialy significant source of new Federal revenue. In addition, the Government will receive a royalty on the value of the steam or any other form of heat or energy produced.

The companies who will be doing the bidding on the leases hope to produce steam for the generation of electric power, but utilization of the geothermal brine for distillation of fresh water may be an added bonus.

Since only 20 percent of the brine is converted to steam in a geothermal well, the remaining 80 percent is not usable to electrical production. There is sufficient heat in the remaining brine, however, to distill off much of the water. Estimates of distilled water costs have been as low as 10 cents per 1,000 gallons as a byproduct of electrical generation.

One of the best known and most promising geothermal areas in the United States is California's Imperial Valley, where Prof. Robert Rex and a team from the University of California at Riverside have made extensive studies. Rex estimates that as much as 10 to 15 million acre-feet of distilled water and 20,000 to 30,000 megawatts of electric power can be produced from the geothermal resources of that area alone. The average cost of the energy would be about 2 cents per million B.t.u.'s, a very attractive price.

Many countries are well ahead of the United States in geothermal research and development, particularly Mexico, Italy, Iceland, and New Zealand. This is despite the fact that several areas in this country have been routinely employing geothermal steam for years. This is because the United States, unlike other nations, has always had virtually limitless guaranties of cheap electricity. Now that is changing.

As early as 1890, homes and businesses in Boise, Idaho, have been heated with geothermal steam. Klamath Falls, Oreg., has been doing the same since 1930. The Pacific Gas & Electric Co. in northern California produces 82,000 kilowatts of geothermal electricity at the Geysers, an area north of San Francisco, and plans to increase the power to 220,000 kilowatts by 1972.

Soon, perhaps in 5 years, other areas of the United States may be receiving electricity and fresh water produced from geothermal energy. Both will be cheap and clean. But before then, a large store of fundamental scientific knowledge will have to be gathered. The Geothermal Steam Act opens the door. The United States is finally in a position to utilize this valuable natural resource to the benefit of the public, the Government, and the environment.

Had we done so 8 or 9 years ago, we might have avoided many of the environmental and supply problems that face us today. But, at least it is better late than never.

I am fairly certain that at some later time we will have to amend this legislation to permit a lower minimum royalty than that specified in the legislation as amended. There is a lot of economic difference between dirty steam and clean steam. Dirty steam from geothermal sources rapidly clogs up the pipes through which it is brought to earth. It pits and otherwise erodes and corrodes metals coming into contact with it. Dirty steam deposits its solids almost anyplace, which further complicates operation and maintenance efficiency. And, the problem of disposing of its leftover brine is proportioned to its impurity.

There are probably a lot of areas where the economics of geothermal steam production with very dirty steam are submarginal at a 10-percent royalty rate. Yet, marginal at 5 percent and it would ease our electricity shortage to use it and even tie in with it brine desalination for municipal and industrial water. These are possibilities to which we must be alert as to the desirability of amendments to the legislation.

On a happier note I would like to discuss a couple of possibilities for profits from geothermal heat that are seldom thought of.

Geothermal clean steam comes from geothermal areas where nature has allowed water to get beneath the ground and be heated up. Where there is a large supply of such water which replenishes itself so that the steam supply does not become depleted, we have a producible geothermal field.

The Imperial Valley area I mentioned is unique in that it does not contain a replenishable supply of water, according to current geological theory, but the supply that exists there is enormous and overlays an area of interior earth magma which is unusually close to the surface. The huge amounts of electrical energy that might be generated from this area and the vast quantities of fresh water that might be desalted from it could be a bonanza lasting for as long as a century.

Further, the geologic formations involved subject themselves to ready reinjecting beneath Imperial Valley of the unusable brines remaining after power production and water purification. These must be gotten rid of and are a nuisance anywhere we engage in geothermal steam production.

The other exciting possibility with respect to geothermal energy has to do with the vast areas of the earth below the surface where there is plenty of heat but no natural water to act as a vehicle to carry it to the surface. It is possible we may someday develop a technology to drill into these areas, inject them with fluids and let the heat be brought to the surface for uses similar to those of naturally occurring geothermal steam. For every acre of land beneath which geothermal steam is found naturally, there are thousands and thousands of acres of hot, dry subsurface. The possibilities here are staggering and I believe that they are only a short distance beyond the present capability of our technology.

Those who thought there is little new to be found on or under the earth are likely to be surprised again and again by what we will be able to enhance our planet and the lot of people who populate it. The new geothermal energy from the earth is quite likely to rival or even exceed that which we learned earlier to unlock from the atom. I both recommend and hope for the quick enactment of the legislation before us. It is good, it is fair. It should offer a fairly good incentive for American enterprise to pursue these opportunities beneath the earth. If shortsighted persons seek to veto or otherwise to thwart this legislation it is my strong belief that they will be doing the Nation a grave disservice.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Speaker, I want to join my colleagues in expressing my support for this legislation and also my appreciation for the work of the Committee on Interior and Insular Affairs in advancing this legislation through to fruition.

Geothermal energy has the potential of resolving many of our crucial power supply problems. For a number of years, the development of this natural resource has been underway in my congressional district.

Conservation and utilization of this resource can have a significant impact on the power needs of the future, with the passage of this legislation. It has been difficult to acquire the necessary venture capital because of the uncertainty of the Federal Government's position on royalties, the grandfather clause, and so forth, as it relates to the Federal lands contiguous to private lands where drilling and utilization of the geothermal energy was taking place.

With the passage of this legislation, I believe the public and private sector organizations interested in advancing the use of this badly needed resource, can move toward establishing policies, projecting prospectus information, and expending the total inventory of information, thus permitting more comprehensive fiscal and consumer planning in the vital power and energy field.

This resource can provide the required energy needed to produce power with no adverse effect on the environment. This legislation sets in motion wise use of conservation at its best. I want to commend the chairman and members of the committee for helping to finalize action on this bill. While the legislation leaves some things to be desired in the way of protection for the early pioneers in the geothermal energy field, I believe it is the best possible compromise under the circumstances.

The **SPEAKER.** The question is on the motion offered by the gentleman from Oklahoma (Mr. EDMONDSON).

The motion was agreed to.

MOTION OFFERED BY MR. EDMONDSON

Mr. EDMONDSON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. EDMONDSON moves that the House recede from its amendment No. 6 and offers a further amendment as follows: In section 5(a) of the bill strike out "5 per centum" and insert "10 per centum".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in connection with the matter just considered.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF PACIFIC ISLANDS

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3479) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Strike out all after the enacting clause, and insert: "That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting 'for fiscal year 1969, $5,000,000 in addition to the sums heretofore appropriated, for fiscal year 1970, $50,000,000 and for fiscal year 1971, $50,000,000' and inserting in lieu thereof the following: 'for each of the fiscal years 1971, 1972, 1973, 1974, and 1975, $60,000,000'."

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SAYLOR. Mr. Speaker, reserving the right to object—and I will not object—I do take this time to ask the gentleman from Florida if he will explain the amendment; and I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, on September 14, 1970, the House passed S. 3479 amended, in lieu of H.R. 15978. The purpose of this legislation is to amend the act of June 30, 1954, as amended, providing authorization for appropriations for the continuance of civil government for the Trust Territory of the Pacific Islands.

The bill, S. 3479, as it passed the House provided a 5-year authorization of $60 million for each of the fiscal years 1971, 1972, 1973, 1974, and 1975. On September 29, 1970, the other body concurred in the House amendment, with an amendment, deleting the authorization for fiscal years 1974 and 1975, making the legislation a 3-year rather than a 5-year authorization.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Missouri (Mr. HALL).

Mr. HALL. I appreciate the gentleman's yielding. I would like to know if the funds for the extra 2 years were decreased proportionately when the extent of the House-passed bill was decreased by the other body.

Mr. SAYLOR. The answer is, "Yes."

Mr. HALL. I should like to ask, in addition, if all amendments to the House-passed bill were considered germane?

Mr. SAYLOR. They are all germane.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I have been very interested in the Trust Territories of the Pacific, and I would like to know whether the funds are adequate for the purpose and whether the people there feel there is room for cooperation with our country. I would not want them to feel that we are loosening our ties with them.

Mr. SAYLOR. I will say to my colleague from Pennsylvania that this is the exact amount which our High Commissioner asked for. He and the Department of Territories did ask for a 5-year authorization. The other body asked for a 3-year authorization, but there is no reduction in the annual amount.

Mr. FULTON of Pennsylvania. If the gentleman will yield further, I would like to say that I believe that these islands, which were formerly held by the Japanese under a League of Nations mandate, are vital to our U.S. security and the security of the Pacific. They are among the mainstays and bastions between the Philippine Islands and the Hawaiian Islands. I am pleased to hear that the committee has worked out a satisfactory arrangement to the people.

Mr. SAYLOR. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

INCREASING THE LIMITATION ON REAL ESTATE LOANS MADE OR INSURED BY THE FARMERS HOME ADMINISTRATION

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1228 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1228

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11547) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER** pro tempore. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1228 provides for the consideration of H.R. 11547, which would raise the ceiling on loans, insured by the Farmers Home Administration, to farmowners. The resolution provides an open rule with 1 hour of general debate. It also provides that after the Committee of the Whole has risen and reported the bill to the House with such amendments as may have been adopted under the 5-minute rule, the previous question shall be considered as having been ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. Speaker, H.R. 11547 represents an updating action by Congress in a very vital area of farm ownership in America today. Like everyone else, the American farmer and rancher have been affected by rising real estate values and increasing building costs. The Department of Agriculture has reported that in 1969 the average farm contained 398 acres of land—over 100 acres more than the 1959 average. It has also been reported that the cost of 200 to 400 acres of farmland could run from $40,000 to $160,000; buildings could cost another $20,000 to $40,000, and land improvements could add another $20,000 to the total farm investment. It is not suprising, therefore, that the Department of Agriculture found that commercial farms had an average value of $100,000 as of March 1968.

Clearly, under today's conditions, the Farmers Home Administration's guaranty limitation of $60,000 for farm ownership, which was established in 1961, is no longer realistic. H.R. 11547 would therefore increase the indebtedness limitation for farm ownership to the more realistic amount of $100,000. It should be borne in mind that H.R. 11547 provides for increases in guaranteed loans which are not subject to the usual appropriation limitations, as distinguished from direct loans.

The experience of the Farmers Home Administration shows that the default of borrowers under this guaranteed loan authority has been minimal, and it is only in the event of default that a loss to the Federal Government could occur.

Mr. Speaker, H.R. 11547 will provide needed assistance to farmers. I urge the adoption of House Resolution 1228 in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the interest of saving time, I concur in the remarks made by the distinguished gentleman from Hawaii in explaining the rule. I know of no opposition to the rule. I have no request for time.

Mr. Speaker, I hope the gentleman from Hawaii will move the previous question.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11547) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Hawaii.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Commitee of the Whole House on the State of the Union for the consideration of the bill, H.R. 11547, with Mr. MATSUNAGA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN.** Under the rule, the gentleman from Texas (Mr. POAGE) will be recognized for 30 minutes, and the gentleman from Texas (Mr. PRICE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman from Hawaii has given an adequate explanation of this bill. It is a very simple situation. The Farmers Home Administration now has a limit on the size of the homeownership loans which it can make, which was placed there 9 years ago. During those 9 years there has been greater inflation in the cost of farmland than in probably any other single factor of our economy.

Farmlands have continued to go up every year at the rate of from 6 to 8 percent. The result has been that the average farm in the United States today is valued at $100,000, or possibly just a little bit more.

We are simply asking by the terms of this bill to allow the farmers Home Administration lend enough to buy an average sized farm. We do not provide enough money to buy anything more than the average size.

We believe if we are going to continue the Farmers Home Administration as an agency which provides the funds to enable young farmers to get started we are going to have to let them buy at least an average sized farm, because if they buy something smaller than that the probability is that they will make a failure and that the program, which has been such a success over a number of years, will begin to be a failure, too, because the program cannot succeed unless the farmers who are borrowing the money succeed. Otherwise we will have losses to the Government.

Up to the present time we have never had losses to the Government. Under the Farmers Home Administration the homeownership program has actually taken in more money than it has cost the Government. On the losses, the last figure I had, I believe, was forty-two one-hundredths of 1 percent. There is a one-half of 1 percent charge for the insurance, so there is a slight profit to the Government from the operation.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. POAGE. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. What proportion of the $100,000 would be authorized to be borrowed, at what interest rate, and over what term of years.

Mr. POAGE. The entire amount of $100,000 is authorized to be loaned. That means the man could borrow anything, from $1,000 or $2,000 up to $100,000.

First the local committee has to approve the man as a borrower. It has to approve the individual piece of property as a reasonable buy and one which the man can reasonably be expected to pay out on. Then of course the State office must approve the advance of funds.

The interest rate has been going up. I believe I was told just yesterday by Mr. Smith that it is now 7.9 percent. It is just below 8 percent.

Mr. FULTON of Pennsylvania. What are the terms as to years?

Mr. POAGE. It is 35 years, I believe.

Mr. FULTON of Pennsylvania. Can mortgages be paid off ahead of time?

Mr. POAGE. Yes, mortgages can be paid off ahead of time. The average over recent years has shown there was about 105 to 106 percent of repayments each year of the amount due that year. This means that borrowers were making payments before the money was due.

Mr. FULTON of Pennsylvania. Is there any limit on the portion of the value of the farm which the proposed owner must put down as a down payment?

Mr. POAGE. No, there is not. Unlike the Farm Credit Administration, which requires they cannot go more than 6 percent of the earnings value of the farm, there is no such limitation under the Farmers Home Administration. That is the reason why we call this soft credit. This is credit for the young man who has no resources except his family, who is healthy, experienced, and willing to work.

Mr. FULTON of Pennsylvania. We all want the young people to get started and to keep the farms going.

My next question is: Is there any income limit for a person who is applying to purchase a farm, so that earnings above a certain limit would make that person not eligible?

Mr. POAGE. There is not an income limit, but there is a limit in this fashion: If the man can get credit from conventional sources he is not eligible to get credit from the Farmers Home Administration.

Mr. FULTON of Pennsylvania. Is there any investigation as to whether the man is earning enough income to do this on his own?

Mr. POAGE. Yes, there is. As I mentioned awhile ago, the first investigation is the local or county Farmers Home Administration Committee, which is composed of five farmers in the county. They have to make the investigation and have to certify they have determined the individual has a background which would reasonably be expected to insure success as a farmer. They must inspect the land and certify that the land is worth the price he is paying for it.

Mr. FULTON of Pennsylvania. Can you give us any figures as to the income of the individual asking for this loan at the time of the application for the loan? How is the income distribution correlated among classes or groups of income producers in this country? Are there many people who earn above $10,000 or $20,000 a year at the time of the application for the loan who get this kind of a loan?

Mr. POAGE. No. I cannot give you any figures, but I can tell you that there are practically none of the kind that the gentleman is describing because the man who has that kind of income can get conventional credit and, if he can get conventional credit, he is not eligible for these loans.

Mr. KYL. Mr. Chairman, will the gentleman yield to me?

Mr. POAGE. Yes. I yield to the gentleman.

Mr. KYL. In further response to the gentleman from Pennsylvania, I think it may be possible that there is some misunderstanding here. It is assumed by the Farmers Home Administration that the purchaser of this farm will be a farmer-operator and that this will be his income, his life, and his sole source of income.

Mr. POAGE. It is required under the law that he be of a farm background and have experience as a farmer to be eligible for the loan.

Mr. FULTON of Pennsylvania. Of course, I happen to be a city farmer. as you know, I have some outside income. Are those people eligible for this kind of a loan, or is this to be just for people whose sole income will be from the farm which is to be bought?

Mr. POAGE. No. At one time I believe that we had a provision in the Farmers Home Administration legislation that a man must receive the major portion of his income from the farm operation, but at the present time a majority of the farmers of the United States are making more off the farm than they are on the farm. In other words, they are working in some plant somewhere. The result is that we changed that several years ago, and the county committee does take into consideration what the man's income is from off-farm sources. The type of farmer that the gentleman described would not be eligible for these loans because if he is able to get commercial credit, then he is ineligible for the loan, and I am sure the gentleman from Pennsylvania can get commercial credit.

Mr. FULTON of Pennsylvania. You are very kind.

Is this available to corporations that might want to borrow and purchase land?

Mr. POAGE. No; it is not.

Mr. FULTON of Pennsylvania. Is it available to eleemosynary institutions such as charitable institutions that might want to have people live on a farm and assist them?

Mr. POAGE. No. It is available only to individuals with a farm background whom the committee considers a good risk on the farm.

Mr. FULTON of Pennsylvania. Is there required to be any certification that this individual or individuals will live on the farm?

Mr. POAGE. Yes. It is required that they live on the farm although it is not required that they necessarily live on the particular land that they are buying because oftentimes these loans come about for the purpose of enlarging and assisting in the farm operation. Of course, he could not live where he is living and on the new operation at the same time.

Mr. FULTON of Pennsylvania. Is this proposal limited to the purchase of one farm? Suppose a farmer already has a farm that is worth in excess of $100,000 already and then he wants to buy some land for a few thousand dollars more? Or, also, if he wants to buy two or three or four separate and distinct farms.

Mr. POAGE. If the county committee decides he is buying only enough land to be only one economic unit, it does not have to be all in one block of land. But if he already owns a farm as the gentleman suggests of the value of $100,000, I cannot conceive how he could be eligible to get one of these loans anyway because he would by that time be eligible for commercial credit.

The big thing I think that I tried to make clear and evidently failed to make clear is that no one is eligible for these loans if he can receive commercial credit.

Mr. FULTON of Pennsylvania. We are trying to make some legislative history as to the nature of this operation.

Mr. POAGE. I have repeated this so many times but I am sure I have not made it plain. If a man is eligible for commercial credit, he is not eligible for these loans.

Mr. FULTON of Pennsylvania. Is there any age limit, upper or lower for the purchase of the farms?

Mr. POAGE. Nothing by law, but I believe by regulation there is. I believe that is 60 years of age—but it is only a kind of guideline—not a statutory limit.

Mr. FULTON of Pennsylvania. What are those limitations, upper and lower?

Mr. POAGE. I just suggested that I think it is 60, but I hope the gentleman will realize that I had no idea this bill would come up tonight and I am speaking entirely from memory. I do not have any reference material with me.

Mr. FULTON of Pennsylvania. Would the gentleman place such information in the RECORD because I would like to know about the details?

Mr. POAGE. May I complete my statement? I think the gentleman from Pennsylvania will understand this situation. Not knowing we were going to take this bill up tonight, I do not have the benefit of any counsel here and I hate to be put in the position of trying to make a record on matters without having on hand all of the information pertaining thereto. However, I think the gentleman from Pennsylvania will understand somewhat the embarrassment I face when he asks me to go into detail in response to his questions, without knowing the bill was going to come up tonight.

Mr. FULTON of Pennsylvania. The gentleman from Texas is doing pretty well with no counsel.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Iowa.

Mr. KYL. Insofar as responding to the gentleman from Pennsylvania, No. 1, as the chairman has told the gentleman, he has to have no other credit available. In other words, he could be an elderly individual.

Mr. POAGE. That is right.

Mr. KYL. The second factor in response to the question of the gentleman from Pennsylvania is that the local committee and the local office and the other offices of the Farmers Home Administration have to assume that the applicant is going to live long enough to pay off the farm and, therefore, they would like to make these loans to the farmer who is young and just starting out, but if an individual is in good health, the determination locally would be different than that for one who was not in good health.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Texas did not know he was going to be confronted with a farmer from Pittsburgh at this hour of the evening.

Mr. POAGE. No, and I hope the gentleman from Pittsburgh will understand the situation.

Mr. FULTON of Pennsylvania. Mr. Chairman, if the gentleman will yield further, on this age limitation, I believe that it is not now legal to have any discrimination because of age and a cutoff at 60. Congress has already passed legislation prohibiting discrimination because of age so that there cannot be a regulation limiting the age of applicants to 60.

If anyone at any age wants to apply, I do not believe they can be prevented from doing so.

Mr. POAGE. I cannot believe that any lending agency can be compelled to lend to somebody who does not have the prospect of repayment. If this is the law there are going to be a lot of broke banks before the grass gets green.

Mr. FULTON of Pennsylvania. I would like to say for the record for those underage with reference to the purchase of farmland and, likewise, for those over the age of 60, I do not see why they cannot participate in this program as well.

Mr. KYL. Mr. Chairman, will the gentleman from Texas yield further?

Mr. POAGE. I yield further to the gentleman from Iowa.

Mr. KYL. Of course, again, the chairman has pointed out that the board of directors of this bank, if you want to call it that, is a board made up of farms of the county in which the loan is being made. These people review all of the factors of security, opportunity for repayment and so on just as a board of directors of any financial institution would do, with the understanding that there is no credit available anywhere else. They are not going to loan money to someone who has no chance of success in the operation of that farm. They are not going to loan money to someone who is so overburdened by debt and cannot meet the obligation, but in any event one could not set forth here a hard and fast rule to apply to every individual and county in the country.

So you have the local group which makes the determination, and after that point I would say to the gentleman the Farmers Home Administration also assists the farmer who has a loan with adminstration, with business practices, and so on, to help him meet success in his operation, and in meeting his own obligations.

Mr. POAGE. Mr. Chairman, I would like to proceed for just a moment here, because I think we are getting off on something that is rather vague and certainly nebulous.

I would like to pursue further this proposition of suggesting that the Farmers Home Administration has to loan to an infant or someone who is 100 years old, that, it would seem to me, is getting beyond the realm of reason.

The gentleman from Pennsylvania is a stockholder of several banks, and I do not believe that any of these banks will make loans to a 6-weeks-old infant without somebody else signing the loan, or make a loan to anybody who is in very advanced years, and who has no other means of paying back than through his own work. I think that would be just as much in violation of the Supreme Court decision for banks to refuse loans of this kind as it is for the Farmers Home Administration to refuse to make them.

I would like to proceed, if the gentleman is really serious in raising these kinds of questions——

Mr. FULTON of Pennsylvania. Yes, I am serious.

Mr. POAGE. I would ask the gentleman would his banks make loans of this kind?

Well, then, the gentleman is a stockholder in the banks.

The gentleman is a stockholder?

Mr. FULTON of Pennsylvania. Yes, I am a stockholder.

Mr. POAGE. And do any of the banks in which the gentleman holds stock make loans to infants or aged people who have no property?

Mr. FULTON of Pennsylvania. Yes, these banks do make loans, but I am not in the management end.

Mr. POAGE. Do you make loans to 6-week-old children, and 100-year-old adults without any other resources? Do you make them?

Mr. FULTON of Pennsylvania. I have borrowed from banks ever since I was a boy. I consider that a young married couple who have graduated from high school, who are 18 years of age, and want to start out, that they are perfectly able to manage their own finances, and buy a farm, start a family, even though they are minors, and not 21 years of age.

Mr. POAGE. No, I want to be courteous, but it seems to me that we have reached a point where I am consuming altogether too much of the very limited time allotted to this bill.

PARLIAMENTARY INQUIRY

Mr. FULTON of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Will the gentleman from Texas yield for the purpose of a parliamentary inquiry?

Mr. POAGE. I will yield for a parliamentary inquiry, but not for a speech.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FULTON of Pennsylvania. Mr. Chairman, my question is this: What is the status of time, and who has control of the time to give out? I realize the gentleman from Texas is from the opposite party, but I wonder if there is anybody on our side who has time on this bill, on the Republican side?

Mr. POAGE. The leadership over on the Republican side have control of the time on the gentleman's side.

Mr. Chairman, I feel that I have extended all the time I reasonably can.

Mr. FULTON of Pennsylvania. The gentleman has been very courteous. I thank the gentleman.

The CHAIRMAN. The gentleman from Texas has consumed 19 minutes.

Mr. POAGE. Mr. Chairman, this bill is a serious bill. It has nothing to do with the age of borrowers. It is a serious bill to try to allow those who are seriously trying to make a living as farmers to have the opportunity of borrowing in a serious way with a real prospect of repaying the loan. And they have done this, and have been doing this for a good many years. They have been repaying the loans with interest. They have paid back more than the U.S. Government has paid out. It is a program that I think has been a real help.

We are trying to bring the program up to date. We are trying to keep it on the same reasonable basis on which I am sure the gentleman from Pennsylvania runs his own banks. We are trying to make loans to young men, young families who are in the farming business, and who sincerely want to stay in the farming business. We are trying to give them a chance in this modern world to get up in the world, just as the gentleman from Pennsylvania has gotten up in the world. He has set an example to which they can all aspire. I hope every Member will help extend this opportunity.

The CHAIRMAN. The gentleman from Texas (Mr. PRICE), is recognized.

(Mr. PRICE of Texas asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Texas. Mr. Chairman, as the author of H.R. 11547, I commend my colleagues on the Agriculture Committee for recognizing the importance of this issue and acting on my proposal. Their recommendation is a good first step toward updating the structure of the Farmers Home Administration farm ownership loan program. The committee, however, decided not to approve my proposal to also update the farm operating loan program, a decision I will take issue with next year at the appropriate time.

I would also like to commend the chairman of the House Rules Committee (Mr. COLMER) and other distinguished members who realized the importance of this bill and expedited its consideration by the Members of this body.

As many of my colleagues here today do not have rural backgrounds and do not represent rural constituencies, I think a more complete understanding of the merits of my proposal could be obtained by my briefly sketching the economic realities within which the FHA is attempting to meet the real estate and operational loan needs common to the farmers of this Nation.

The Congress has long recognized the need to provide a supplemental source of credit for the small farmer, and the Farmers Home Administration is the agency in the Department of Agriculture charged with responsibility for providing loans to the small family farmer who is unable to obtain credit through normal channels. FHA has been making farm ownership and operating loans to these farmers for a period of 30 years with remarkable success, and many successful farmers today owe their start to an FHA loan and to the supervision provided through the FHA county supervisor.

These popular and highly successful FHA loan programs are beginning to lose their effectiveness because the limitations placed by Congress on the size of these loans are having the effect of denying loans to the very people for whom the loan programs were established.

In 1961 Congress, in its wisdom, placed a dollar limitation on both the farm ownership loan and the operating loan. The ceiling limit for farm ownership is $60,000 and for operating loans it is $35,000.

The $60,000 farm ownership loan limitation applies to total indebtedness and it makes no difference whether the money is borrowed from FHA, from the local bank, or from some other source. As we all know, however, the business of farming has changed dramatically since 1961. Inflation has eroded the value of the dollar. The price of land has risen spectacularly. The size of farming units has increased, and the costs of everything the farmer buys has risen along the general inflation that has been characteristic of the entire economy. Thus, Farmers Home Administration is not able today to help many of the family farmers for whom the farm ownership loan program was designed.

In many parts of the country family farmers and young men embarking on a career of farming need more money to buy farm land than was the case in 1961. The beginning farmer normally needs substantial capital for startup costs. The established farmer often needs more capital in order to make the most efficient and profitable use of his resources. Finally, many of the farmers who need help most and who can show the best results are those who have reached a state in their operations that with the help of an FHA loan, they can increase their income and net worth to the point where they can qualify for commercial financing.

To put what I have just described in perspective, the size of the average FHA farm ownership loan is $30,000. This figure, although well below the existing $60,000 limitation, covers all types of farming and farm operations throughout the country. In some areas though, if a farmer wants to establish an economic farming operation it takes considerably more financing than the average FHA loan of $30,000 and the present loan ceiling of $60,000. In 1967 for example: the average investment in tobacco and beef farms in the States of Kentucky and Tennessee was $93,000. In the same area of the country, a tobacco and dairy farm required an investment of $67,000. Finally, grain farms and cattle ranches in Western States such as Texas and Oklahoma required more than $100,000 in investments.

The meaning of these figures is clear. Even though the average FHA loan for farm ownership is $30,000 in certain parts of the country farmers and ranchers need larger loans than is presently allowable under the $60,000 ceiling established in 1961.

I am advised by FHA that if Congress were to raise the loan limitation as proposed in my bill, they would make prudent use of this increased authority. FHA would use its new flexibility selectively and would not institute a general increase in the size of the average $30,000 farm ownership loan. Instead it would only use its increased loan authority in those cases in which a larger size loan would satisfy a particular credit need and would contribute to the purposes of the FHA family farm program.

I want to emphasize that increasing the loan ceiling to $100,000 for farm ownership loans would not increase the cost of the loan program to the taxpayer. FHA officials estimate that for an additional $75 million a year, the needs of larger borrowers can be accommodated without any decrease in service to the smaller borrower. This $75 million or so will not come out of the Federal budget. It will not cost the taxpayer any money. The reason for this is that the FHA farm ownership loan program is funded through the agricultural credit insurance fund, a fund which FHA uses to raise money for programs by selling FHA paper to private investors in the money market.

Mr. Chairman, farmers also need relief from the present $35,000 limitation Congress placed on farm operating loans in 1961. This provision in my bill was disapproved in committee because the operating loan program, in contrast to the farm ownership program, is funded by appropriation, rather than by Government guarantee to private lenders.

Since the committee vote was taken, I have had an opportunity to discuss this matter further with FHA officials. It is my understanding that if the operating loan ceiling were raised from $35,000 to $50,000, FHA would make only limited use of this new loan authority this fiscal year.

FHA is anxiously waiting for Congress to transfer the funding of the operating loan program to the agricultural credit insurance fund. This fund already finances four other important FHA loan programs: Farm ownership loans, association loans, recreation loans to individuals, and soil and water loans to individuals.

Transferring the operating loan program to this insured loan fund would shift the funding of this vital program from the U.S. Treasury to the private money market. Thus, it would represent no longer a Federal budget outlay, and necessary funds would be raised by selling FHA loan paper to private investors.

This proposal has been endorsed by the Office of Budget and Management, and the distinguished chairman of the Agriculture Committee has expressed a keen interest in holding hearings on this matter.

For the present, however, approving the extended ceiling for the farm operating loans from $35,000 to $50,000 would merely change the loan structure of the program and make it conform more realistically to current economic conditions. Moreover, as such time as the funding of this program is transferred from the Federal budget to the private money market, FHA could provide for some increase in the level of program funding in accordance with the new loan limits without relying on any additional appropriation. I think this approach is eminently suitable.

In sum, then, H.R. 11547 updates the loan authorities of the FHA in recognition of the unarguable fact that since the present limitations were fixed by Congress in 1961, the American economy has changed greatly. Farm land costs, farm capital outlays, and farm operating expenses have risen to the point where the present limits are inadequate for the purpose Congress established them. Raising the ceiling on the farm ownership loan program would not cost the taxpayer more money because the funds for this program are raised from the private money market rather than from the Federal budget. Increasing the limits on farm operating loans would permit FHA to make some needed changes in present loan policies, changes that would create no new demands for increased appropriations. These changes would be interim in nature and would prevail until such time as the funding of the operating loan program can be transferred to the same insurance fund that finances the farm ownership program.

I urge my colleagues to act favorably on this nonpartisan and nonpolitical bill.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. First, may I say to the distinguished gentleman form Texas that I commend him for this bill, for the action that he took, and for the effort that he put in, recognizing what is the real problem with the Farmers Home Administration.

On the point on which you touched, I must say that I am disappointed at the decision of the Committee on Agriculture to remove from your bill the increase from $35,000 to $50,000 in operating loan limits. I recognize the financial problem that this poses.

Am I correct in understanding that an effort will be made in the 92d Congress by the gentleman from Texas and others on the Committee on Agriculture to deal with this subject in a timely fashion?

Mr. PRICE of Texas. Yes, we plan, it is my understanding, to hold hearings the first part of the year.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Texas, the chairman of the committee.

Mr. POAGE. I would like to state the reason for the action of the committee. It is simply this. On the operating loans—not on real estate loans—but on the operating loans there is still a large demand for small operating loans. The amount of money is fixed. This bill does not increase the amount of money that is available for those loans. You can make a whole lot more $35,000 loans than you can make $50,000 loans, and if you make all of these $50,000 operating loans for which there is demand, there would be a whole lot of fellows who would want $3,500 or $5,000 loans who could not get them.

We felt that it was not wise to cut off a large number of people who needed only a small operating loan in order to take care of a much smaller number of those who needed larger loans.

We recognized the need for the increase in the operating loan, but until we could get some more money, we did not think it a wise thing to limit the number of people who were going to get the benefit of these loans.

As the gentleman from Texas has well pointed out, the committee does contemplate going into a review of the entire needs of the Farmers Home Administration in the next session.

I talked with the gentleman from Texas (Mr. PRICE) about this yesterday, and he and I are in agreement that we should go into this whole question, including how we will finance and how we will make these loans, because we think it inadvisable to cut off the needs of a great many small operators, even though we recognize the need the gentleman from Texas (Mr. PRICE) is pointing out—if we have the money to do it. We do not have the money now, and we hope next year we can have the money, and that we can take care of that situation.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield further?

Mr. PRICE of Texas. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I must admit the gentleman from Texas does make a very good argument. I do not disagree with the problem of how we balance the large loans versus the need for small loans. I must say to both the gentlemen from Texas that this has become more acute, for example, in Wisconsin due to the problems of the mink ranchers. We have a whole series of industries involved in minks, who have a large operation basically if they have been at all successful, and they are now faced with rising imports and with changing markets and other problems, and they need larger loans, and the FHA simply cannot meet that need.

I am aware of the problems. I appreciate the explanation of the gentleman from Texas. I, as one member, will be most happy to work with the gentleman in any way I can in an effort to solve this problem.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I think we have pretty well explained the operating loan problem we have. The gentleman made one comment though that I know he would not want to leave in the RECORD with possible misinterpretation. He said the primary problem with operating loans was that we had a fixed sum, and insofar as purchase is concerned, we have a fund from which we draw, and there is an inference that we have all the money in that fund that we need. I think the gentleman from Texas would want the record to show that while we have no fixed amount there, to the same degree certainly we do not have sufficient money to meet the demands of the good risk operators who do apply for farm ownership loans.

Mr. PRICE of Texas. The gentleman is correct. I appreciate his pointing it out. Certainly we cannot meet the needs of loans requested.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I wish to compliment my friend, the gentleman from Texas (Mr. PRICE) on his excellent statement and on his good work on the House Committee on Agriculture.

I would bring up the question of an older couple who are going to retire. They might have lived in the city or a small town, and they might have rented all their lives, and they come to the age of 60, and they want to buy a farm house. I understand that under the law there is no age limit, as it now exists, with respect to age.

I believe there should not be an age limit set under the regulations promulgated under this law. It could be shown by these people that they have the capacity and the ability to pay and the good health and reasonable opportunity for repayment of the loan, with the power to earn money on this farm to pay off the loan.

I do not think there should be that kind of rigid restriction of 60 years of age under any regulation of any agency of the Federal Government barring such people from a loan. This is illegal under present Federal statute barring discrimination because of age.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, again I think we missed the practical purpose and practical effect of this loan. We were talking about the shortage of money for farm purchase. As a matter of fact, in most States in the last couple of years, the State offices had to direct the county offices to take care of first only the GI's, who are young, as a kind of priority category.

There were not sufficient funds to distribute even to the young people who wanted to start on farms who were in that special category. We just have not had sufficient funds to do all the things that might be nice to do.

Really, the argument is not one of great significance when we come to the practical operation. We just have never had money to do the kind of things the gentleman from Pennsylvania is talking about, when we get to the practical aspect of the situation.

Mr. PRICE of Texas. I thank the gentleman.

Mr. POAGE. Mr. Chairman, I have no further requests for time.

Mr. PRICE of Texas. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consolidated Farmers Home Administration Act of 1961, as amended, is further amended by changing the figure "$60,000" in section 305(a) to "$100,000"., and by changing the figure "$35,000" in section 313(1) to "$50,000".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 5, strike out the comma following the figure "$100,000" and insert a period and strike out the balance of line 5 and strike out all of lines 6 and 7.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. PRICE OF TEXAS

Mr. PRICE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Texas: Add two new sections to read as follows:

"SEC. 2. Section 302 of the Act, as amended, is amended by inserting after the word 'background' the phrase 'except with respect to veterans as defined in section 333(e), a farm background shall not be required as a condition precedent to obtaining any loan,'.

"SEC. 3. Section 333(e) of the Act, as amended, is amended by deleting the word 'or' following the world 'nation' and inserting in lieu thereof a comma, and by inserting after the words 'Korean conflict' the words 'or the Vietnam era'."

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the chairman of the committee.

Mr. POAGE. This is what we describe as the Findley amendment. The gentleman from Illinois (Mr. FINDLEY) had given notice he wanted to offer an amendment. He suggested it to the gentleman from Texas and to me. Mr. FINDLEY did not know this bill would come up tonight. We have tried to locate him. Failing in time, the gentleman from Texas has offered this in his behalf. We have agreed we would accept the amendment. It does nothing except to authorize the making of loans to a veteran even though that veteran does not have a farm background if the committee finds in all other respects he is qualified and eligible, and it defines veterans so as to include those who served in the Korean conflict and the Vietnam era.

As a member of the committee but not speaking for the committee but only for myself, certainly I would accept the amendment.

Mr. FINDLEY. Mr. Chairman, the bill under consideration, H.R. 11547, by the gentleman from Texas (Mr. PRICE), provided us an opportunity to revise the indebtedness limitation for farmownership loans under the Farmers Home Administration to a more realistic figure in an attempt to keep up with the inflationary trend of our economy. I support that measure because, as our Nation's farms have expanded in size under pressures of the cost-price squeeze, the cost of getting started in farming has also greatly increased. This bill merely corrects and revises the maximum amount a farmer may obtain in the form of an FHA loan to start farming or expand his farming operation—a revision I agree is long overdue.

I rise also to thank the chairman, the gentleman from Texas (Mr. POAGE), and the gentleman from Texas (Mr. PRICE) for accepting my amendment to section 302 of the Consolidated Farmers Home Administration Act of 1961 and an additional amendment to section 303 of the same act, as offered in my behalf by the gentleman from Texas (Mr. PRICE), which together will further update the operation of the FHA credit system to provide benefits for returning Vietnam veterans similar to benefits available to veterans of other military conflicts or wars who desire to start farming. The distinguished gentleman from Texas who is the author of this bill accepts my amendment as offered by the gentleman from Texas (Mr. PRICE), as does the Administrator of the Farmers Home Administration, James Smith.

The Farmers Home Administration has done a great deal to help many, many farmers get their needed start when commercial credit agencies felt they could not accept the risk of providing them with credit. The farmownership program which was initiated in 1937 under the Bankhead-Jones Farm Tenant Act and is now opearting under the FHA Act of 1961 has been highly successful. Under this program, 207,235 families have been assisted in purchasing farms.

On June 30, 1970, a total of 105,331 of these families had their farms paid for in full with the additional 101,904 families still paying off their FHA loans. Losses on these loans since the program's inception have amounted to only two-tenths of 1 percent.

Discussions I had recently with four rural bankers from the States of Iowa, Nebraska, North Dakota, and Illinois indicate these men feel the FHA has been a great help to the farmers it serves and they indicate nearly all commercial lending institutions took on the FHA with great favor. Cooperation between the commercial banks and the FHA is an ongoing way of working toegther in our rural areas to help the farmers get their start. Once on their feet financially, the bankers find the new farmers are ready customers for credit from their firms.

The first amendment the gentleman from Texas (Mr. PRICE) offered for me will exempt the requirement that veterans seeking a new farm loan have been born and raised on a farm. Prior to the Consolidated FHA Act of 1961 this requirement did not exist and James V. Smith, Farmers Home Administration in a letter to me said the farmownership program before that time did, "not reveal any adverse effect on the program because the veterans were not required to have a farm background."

Under it, veterans would still be required to have farm experience or farm training sufficient to assure reasonable prospects of success in the proposed farming operation and would otherwise have to meet the same eligibility requirements as nonveterans to qualify for a loan.

The second part of the amendment is to section 333 of the FHA Act to grant veterans preference privileges to veterans not now covered by this section. The present section 333 grants veterans preference to "persons who served in the Armed Forces of the United States during any war between the United States and any other nation or during the Korean conflict and who were discharged or released therefrom under conditions other than dishonorable." My amendment simply adds to this provision, persons who have served during the "Vietnam era," which legal counsel at Farmers Home Administration assures me will be interpreted to include everyone who has served in the Armed Forces since the end of the Korean conflict, just as the latter term has already been interpreted to include everyone serving from World War II to the end of the Korean war.

FHA Administrator Smith's letter indicates his support for this provision and says, in part:

> We agree with you that those veterans (who served during the Vietnam era) should be extended the same veterans' preference as the veterans now specified in that section of the Act.

My purpose in proposing this amendment is to provide equal recognition to all veterans who have served in the Armed Forces since the end of the Korean war as is currently accorded to those serving in prior times. It shall be provided regardless of where they have served, as they apply for farmownership loans.

After World War II and again after the Korean conflict, Congress acted swiftly to provide adequate educational and employment opportunities to help our returning veterans adjust to the society they helped to protect. Many of these same benefits have now been extended to cover veterans of the Vietnam war, but farm loan preference is one area where this is lacking.

We have an opportunity to correct that today and include our modern-day military veterans in the benefits those who have served before them enjoy. Certainly this is as it should be. The young men who have fought in Vietnam have displayed courage and determination as great as at any time in our Nation's history. In the face of devisive arguments at home over our course of action in Southeast Asia, their devotion to duty under such psychological handicaps is all the more commendable.

This is a particularly appropriate time to include our current fighting men in the benefits of their predecessors following an announcement last week by the Department of Agriculture that new farm mortgage money loaned by the three major lender groups in the first half of 1970 was down by more than one-third compared with the same period a year ago.

Life insurance companies, Federal land banks, and the Farmers Home Administration supplied the data indicating the substantial reduction in farm mortgage money. The reduction in mortgage money, coupled with sizable increases in the interest rate charged today clearly demonstrate the need for approval of the Price of Texas bill and the inclusion of Vietnam veterans as well as others who served in the U.S. Armed Forces since the close of the Korean conflict. With the average age of the Nation's farmers past 55, we need young men coming into agriculture.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PRICE).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11547) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans, pursuant to House Resolution 1228, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

REQUEST TO MAKE IN ORDER THE DECLARING OF A RECESS BY THE SPEAKER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order at any time today for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, I know Christmas is approaching and we are in a lameduck session of Congress, but can the gentleman give us any idea as to the extent of this recess?

Mr. ALBERT. May I advise the gentleman that, of course, we are waiting on the other body to act on the railroad strike legislation. We would like to get this permission so that we could then move into special orders and get through with them before that matter comes over and we could then proceed to the consideration of the resolution from the Senate.

Mr. GROSS. Is there anyone in the world who wants to take a special order at this hour of the night?

Mr. ALBERT. I do not know, but we would like to get everything done but this one thing and then take it up when it comes up. This would give the Speaker the opportunity to declare a recess.

Mr. GROSS. May I ask the distinguished majority leader what about the rest of the business for today—the calendar of bills still pending?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, we do not believe we should take up additional bills at this time, particularly when we have earlier advised Members that we thought this would be the last piece of legislation to be taken up today, except for the rail strike legislation.

Mr. GROSS. We have business scheduled for the rest of the week.

Mr. ALBERT. Yes, we do have business scheduled for the balance of the week.

Mr. GROSS. Why do we not go on tonight, without recessing?

Mr. ALBERT. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes, of course.

Mr. ALBERT. I have been advised that Members are not ready and prepared to proceed with their bills tonight.

Mr. GROSS. Well, that puts a different complexion on it. If they do not want to work, I guess they cannot be compelled to work.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, I object.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Does the gentleman object or make the point of order that a quorum is not present?

Mr. HALL. I do both, Mr. Speaker.

Mr. ALBERT. Mr. Speaker, will the gentleman withhold and permit me to make a suggestion, and if it does not meet with the approval of the gentleman of course he can go ahead. Can we proceed with the consideration of special orders and other business which is not part of the legislative business and before the gentleman makes his point of order?

Mr. HALL. Absolutely not.

Mr. ALBERT. The gentleman knows that the Democratic leadership and the Democratic House is trying to cooperate with the Republican President.

Mr. HALL. Would the gentleman mind, Mr. Speaker, defining what he means by "leadership"?

Mr. ALBERT. The Democratic Party side of the House.

Mr. HALL. Mr. Speaker, I renew the point of order that a quorum is not present.

The SPEAKER. The gentleman from Missouri renews the point of order that a quorum is not present.

The Chair will count.

Could the Chair get the attention of the gentleman from Missouri? Will the gentleman from Missouri withhold his point of order until the Chair disposes of special orders?

Mr. HALL. As previously stated, Mr. Speaker, the gentleman from Missouri insists that there is no quorum present at this time.

The SPEAKER. The Chair has counted and, of course, it is quite evident that a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 395]

Abbitt
Abernethy
Adair
Addabbo
Andrews, Ala.
Annunzio
Ashley
Aspinall
Ayres
Baring
Barrett
Biaggi
Bingham
Blanton
Blatnik
Boland
Bolling
Brasco
Bray
Brock
Broomfield
Brown, Calif.
Burton, Calif.
Burton, Utah
Bush
Button
Byrnes, Wis.
Carey
Casey
Celler
Chappell
Chisholm
Clay
Cleveland
Cohelan
Collier
Collins, Tex.
Conyers
Corbett
Cowger
Cramer
Culver
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Dent
Derwinski
Diggs
Dingell
Dowdy
Dulski
Dwyer
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fisher
Ford,
William D.
Foreman
Fountain
Frelinghuysen
Frey
Gettys
Giaimo
Gilbert
Goldwater
Gray
Griffiths
Grover
Gubser
Halpern
Hanley
Hanna
Hansen, Idaho
Hawkins
Hébert
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Karth
Kastenmeier
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Langen
Leggett
Lennon
Long, La.
Lowenstein
McCarthy
McClory
McCulloch
McDade
McKneally
McMillan
Macdonald,
Mass.
MacGregor
Mathias
May
Mayne
Meeds
Meskill
Michel
Mink
Minshall
Mize
Monagan
Moorhead
Morton
Moss
Murphy, N.Y.
O'Hara
O'Konski
O'Neill, Mass.
Ottinger
Patman
Pike
Pirnie
Podell
Pollock
Powell
Preyer, N.C.
Pryor, Ark.
Pucinski
Purcell
Randall
Rarick
Rees
Reid, N.Y.
Reifel
Reuss
Rivers
Roberts
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roudebush
Rousselot
Ryan
St Germain
Scheuer
Schneebeli
Slack
Smith, N.Y.
Stephens
Stratton
Symington
Taft
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Waggonner
Waldie
Watson
Whalley
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson,
Charles H.
Wold
Wolff
Yates
Zwach

The SPEAKER. On this rollcall 250 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment a joint resolution of the House of the following title:

H.J. Res. 1413. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

The message also announced that the Senate insist upon its amendment to the joint resolution (H.J. Res. 1413) entitled "Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute," and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon and appoints Mr. Yarborough, Mr. Kennedy, and Mr. Javits be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 1413, TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS IN THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. JACOBS. Mr. Speaker, reserving the right to object, can the Chair inform the House as to approximately how long the conference may take?

The SPEAKER. The Chair will state to the gentleman from Indiana that the Chair assumes that the gentleman is addressing that question to the chairman of the committee?

Mr. JACOBS. I assume that the Chair would prefer that I address that question to the chairman of the committee, and I so direct the question to the chairman.

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield, all I can reply to the gentleman from Indiana is that the conferees will certainly try to come to some agreement just as soon as they can.

Mr. JACOBS. Mr. Speaker, being among the vast number of Members of the House who have not had dinner yet, all I can say is that it seems a strange way to run a railroad.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. Staggers, Dingell, Adams, Springer, and Devine.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to state to the Members that there will be further business in connection with the matter that has just gone to conference and, although we are proceeding with special orders at this time, the Chair wants to alert the Members to that effect. Therefore the Chair is now recognizing special orders under the circumstances.

The Chair knows that the Members will understand, and will accommodate the Chair in the efforts of the Chair.

A TRIBUTE TO BOYD CRAWFORD

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Morgan), is recognized for 60 minutes.

Mr. MORGAN. Mr. Speaker, tomorrow, December 10, Boyd Crawford officially leaves the Committee on Foreign Affairs after 31 years of service.

I believe that it is accurate to say that Boyd's retirement marks the end of an era in the history of the committee.

Boyd Crawford began his service with the committee in 1939 when the late Sol Bloom was chairman. At that time, except for a stenographer or two, Boyd constituted the entire staff.

It was in the fall of 1939 that Hitler invaded Poland and World War II began. This meant great changes in U.S. foreign policy, and the work of the Committee on Foreign Affairs acquired a new dimension.

Boyd Crawford began his service just as all these developments got underway. He has played an active role and made a significant contribution to the work of the committee on such matters as lend-lease, Greek-Turkish aid, the Marshall plan, all of the military assistance programs, and all of the foreign aid and other legislation which has concerned the committee and the Congress during the past three decades.

Boyd has served under committee chairmen Sol Bloom, Charles A. Eaton, John Kee, James P. Richards, Thomas S. Gordon, Robert B. Chiperfield, and the present chairman.

All of the chairmen who were served by Boyd have testified as to his hard work, his loyalty and high quality of his judgment.

The Legislative Reorganization Act of 1946 reorganized committee staff work and formally established the concept of bipartisan committee staffs. Although Boyd had served Sol Bloom, a leading Democrat, first in his congressional office and then under his committee chairmanship, he has served two Republican chairmen—Dr. Eaton and Bob Chiperfield—enjoying their complete confidence and earning their lasting friendship.

Boyd brought to the committee a most unusual combination of qualifications.

He was and is a highly qualified stenographer. In his early days he won prizes for his speed in typing and shorthand.

He is a capable administrator. As the work and the staff of the committee have grown, he has organized the recordkeeping and the procedures for carrying on the operations of the committee in a most effective manner. Every member of the committee has been impressed by the completeness and the accessibility of the committee records.

Boyd also possesses exceptional talent as a writer. He can express ideas with remarkable clarity in a manner suitable to the circumstances, and he can turn out material with unusual speed.

In addition, I have always been impressed by the fact that Boyd has acquired the ability to speak French fluently. He is self-taught. He never had an opportunity to study French in school; he never lived in a French-speaking country; his family did not speak French. He studied books, bought recordings of French lessons, and occasionally hired a French-speaking tutor—all of this paid for out of his own pocket: a truly remarkable performance.

Mr. Speaker, it is obvious that all of us are going to miss Boyd Crawford. All of us have come to depend on him, and it will not be easy to get along without him.

For over 30 years, no chairman of the Committee on Foreign Affairs has faced the challenge of trying to carry on the work of the committee without Boyd's help.

We recognize that he has earned the right to relax and enjoy life. All of us wish him the best of everything in his retirement and are gratified to know that he expects to continue to make his home in northern Virginia. We expect to draw on his knowledge and seek his counsel in the future when we face problems of unusual difficulty.

I yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Speaker, I want to join with the distinguished chairman of the Committee on Foreign Affairs in the remarks he has made about Boyd Crawford. A loyal member of the staff of any committee is invaluable, and Boyd Crawford has been an invaluable member of the staff of the House Committee on Foreign Affairs for at least three decades. Not only is he possessed of extraordinary ability and dedication, but he is also possessed of extreme loyalty to the chairman and to the members of the committee and to the committee as such. He has made a marked contribution throughout the past three decades in the considerations of the important bills that have come before the House Committee on Foreign Affairs.

Boyd Crawford is also possessed of a fine personality. During the years he has always been cooperative with Members of the House who have sought information in connection with bills being considered by the House Committee on Foreign Affairs either for their own information or for the information of constituents from whom Members have received letters and communications requesting such information.

I have a strong feeling of respect and friendship for Boyd Crawford, a friendship that I shall always treasure. I extend to Boyd Crawford my hearty congratulations on the constructive and dedicated work that he has given to the House Committee on Foreign Affairs throughout the years, and I wish to him and to Mrs. Crawford every happiness for countless years to come.

Mr. MORGAN. I thank the distinguished Speaker.

Mr. Speaker, I yield to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, I am very pleased that our chairman has decided to give us this opportunity. I have been on the Committee on Foreign Affairs a relatively short time—I think about 10 years—and it had never occurred to me to wonder even whether Boyd Crawford was a Republican or a Democrat, because he has been totally honest, I think, with every member of the committee.

He not only writes well, but he also has that extraordinary ability that is sort of No. 1 in a man who serves on the staff, and that is that he can even write well on your ideas even if they are not necessarily his ideas, which I think is a very special quality that staff people with long service on the staffs of this House have given to the Members—that he will do his best to give you his ideas if you need his ideas, but if you have your own ideas and you need someone to express them well, he can do that.

This is a very talented gentleman, one of whom I have become very fond as a person and for whom I have had a great deal of admiration as a highly professional servant of the House and of our very fine Committee on Foreign Affairs.

Mr. MORGAN. I thank the gentleman from California.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, I join in everything that the chairman has said about Boyd Crawford. He was on the committee long before I came there. I have known him for more than 20 years. I do not know of any member of the staff of the House that we would miss more than Boyd Crawford.

As the gentleman from California has said, he has many talents. He is a warm, fine human being. He has talents that probably most of the membership do not know anything about. He is a talented artist. He has painted some of the finest pictures that I have had the pleasure of looking at, and I think I know a little bit about painting. I have looked at many paintings. It is a hobby with him.

He has many sides, and it takes a long time for you to find out what all of them are. He is going to be greatly missed on the committee. With all due respect to the staff, I do not know how he will be replaced.

I was especially interested in what the gentleman from California said about his politics. I do not know what his politics are. It never occurred to me to wonder.

Not only that, but he has accumulated a professional staff on the committee, and I have never wondered about any of them. I would trust anyone that Boyd had recruited to that staff to represent me, to advise me, and to counsel me. We have on that committee a professional staff, not a political staff.

Boyd Crawford is a man who over the years has hired every one of those staff members with the assistance and direction of the chairman, and approved them and worked with them. I think his leaving is going to be a tremendous loss. Although I realize that he has a right to retirement and to leisure time, I cannot help but say that I hate to see him go, and I hope he will be available from time to time to counsel with us.

Mr. BURLESON of Texas. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Texas.

Mr. BURLESON of Texas. Mr. Speaker, it is most appropriate that the distinguished gentleman from Pennsylvania (Mr. MORGAN), chairman of the Foreign Affairs Committee, has reserved this time to pay tribute to a man who has rendered dedicated service to that committee for many years.

Not only has Boyd Crawford performed unparalleled duty to the Foreign Affairs Committee—he has contributed immensely to the formation and direction of legislation considered here in the House of Representatives which has been a part of us all. As staff director of this great committee he has kept a standard of excellence to be highly admired.

Mr. Speaker, it was my privilege and good fortune to have been a member of the Foreign Affairs Committee for a great many years. During this period I came to respect Boyd Crawford as an able, dedicated, public servant and to admire him as a man. He is an individual of rare talents. His broad knowledge and unusual perspective has aided many who have sought his advice and counsel.

In my early association with Boyd Crawford I found in him a personal friend and a wise counselor. He has that unique faculty of advancing suggestions to guide one through the maze of legislative complexities with the adroitness to cause one to feel that all the ideas were one's own. At least this has been my experience and likely the same has been the experience of many of you who have depended upon him for guidance.

In other words, Mr. Speaker, our friend and associate whom we honor here today, is a diplomat supreme. Boyd you would make a great Secretary of State.

From observations it appears that retirement is difficult for some people. I doubt it will be so for Mr. Crawford. As mentioned, he is a man of numerous and varied talents. He is an avid reader, on artists, a practitioner of the culinary arts, not to mention keeping the grass on a spacious lawn at the proper height. He is also an interested gardener and somewhat of a horticulturist. Doubtless he will stay busy.

I join the many other friends of Boyd Crawford in wishing for him and his lovely wife, Gertrude, the best of good things—good health, happiness, and contended retirement from an arduous but satisfying career.

Mr. MORGAN. I thank the gentleman from Texas for his comments.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Speaker, we people who know Boyd Crawford know what a fine fellow he is. I admire his quiet ability, and his "can do" spirit. In fact, Boyd Crawford has been such a good friend of mine that I have written a special speech about him, pointing out his many qualifications and his good work as the administrative officer and head of the House Foreign Affairs Committee professional staff. I ask that my prepared remarks be inserted in the RECORD at this point, and extend to Boyd Crawford my friendship and good wishes for the future.

Mr. Speaker, I want to thank Chairman MORGAN for providing us with this opportunity to express my appreciation of the services which my good friend Boyd Crawford has rendered to me, and to all of us on the Committee on Foreign Affairs over the years, to congratulate him on the distinguished service he has rendered to his country, and to wish him well for the future.

I have regarded Boyd Crawford as a friend and counselor since I first became a member of the Committee on Foreign Affairs. I have had opportunity to observe Boyd in action and admire his many fine talents. Boyd Crawford has served the House Foreign Affairs Committee in the highest type of professional service. He is competent, untiring, and has contributed much to the success of such outstanding programs as the Marshall plan, and U.S. relations and assistance to many countries and many underdeveloped regions of the world for their progress, security, and defense. Boyd Crawford is a dedicated man.

Boyd Crawford has a remarkable background. He was born on Capitol Hill in a house located where the Taft memorial now stands, within a few hundred yards of the Capitol Building itself.

Boyd's father served on the staff of the Architect of the Capitol when Boyd was a child. Boyd had a summer job checking cameras in the rotunda when he was 12 years old. Boyd made good use of the Library of Congress. Much of Boyd's knowledge of literature, science and history was derived from his wide reading and continuing study.

All of us who have known and worked with Boyd have been impressed with the breadth of his knowledge, his analytical ability, and the quality of his writing.

Boyd Crawford has played an active and respected role in major events in U.S. and world history of the past 30 years. Boyd Crawford did most of the committee staff work on the lend-lease legislation. He was an adviser to the U.S. delegation to the inaugural session of the United Nations at San Francisco in 1946. Boyd Crawford has studied all parts of the world and has attended many international conferences over the years, which has given him a broad base for sound judgment.

Boyd Crawford enjoys the friendship and confidence of many of the world's leaders, and he has been able to give to the Foreign Affairs Committee and to its members individually, sage advice on facts behind important developments and new trends.

We personal friends and admirers are certainly sorry to have Boyd Crawford leave, but we all recognize that Boyd has earned an opportunity to relax and enjoy life.

In recent years Boyd Crawford has developed a great interest and very considerable skill in painting. As a collector myself, I am glad to know that Boyd is going to devote his leisure time in the months ahead to developing his fine talent as a portrait painter. I congratulate Boyd Crawford on having the opportunity to pursue this avocation and I am sure he will do well.

All of us who served on the Committee on Foreign Affairs join in heartily congratulating Boyd Crawford on his distinguished service to his country, in thanking Boyd for the many services he has rendered to us all, and in wishing him health and happiness for many years to come.

Mr. MORGAN. I thank the gentleman from Pennsylvania.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, I join the chairman of the committee and the other gentlemen in paying tribute to a man who has been a good friend to every member of our committee, consistently helpful, and always ready to serve.

His high ability and great accomplishments have marked his work through the long years of his service to the committee.

Mr. Speaker, it is no secret to the Members of this House that some of the finest work done in this body is done by our professional staff people, so I join the gentleman from Ohio and the others in complimenting the competence of this professional staff which Boyd Crawford has helped to put together and has led. I think a greater service has been rendered our country by these people generally and by this man than perhaps is realized by this body. I join other Members in saluting this man and saying that he has served his country well.

Mr. MORGAN. I thank the gentleman from Alabama.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. Mr. Speaker, I, too, would like to join with the Chairman and our colleagues in paying this special tribute to Boyd Crawford. It is with sadness that we see him leave the committee. His loss is going to be a heavy one, a serious one, but like my colleagues, I would like to say that certainly Boyd Crawford has earned his retirement, if any man has.

There are many qualities about him, all of them outstanding, including his intellect, integrity, dignity, and his sense of fairness. All of these things were given to the people on the committee, regardless of whether they were on the committee for 1 day, or whether they were the most senior member. In all the years he has been with the committee, he has helped all those who sought his help or his guidance or his counsel on matters, especially new members such as myself when I first joined the committee, who perhaps do not have a great sense of knowledge of how the system works. So we are going to miss Boyd. He is a man for all seasons and the best of men, the kind of man dedicated to his job and to his country. I hope, as all of us do, that Boyd will have happiness and enjoy the kind of retirement and the fruits of that retirement that he has earned so well. He goes with the best wishes of all of those who have had the pleasure of his company.

Mr. MORGAN. I thank the gentleman from New Jersey.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I am grateful to the chairman of our committee, the gentleman from Pennsylvania (Mr. MORGAN), for making possible this opportunity for many of us to express a few words about Boyd Crawford.

I can subscribe without reservation to all of the excellent comments paid by the others. While it may seem almost customary for excessive words to be used about those who retire from membership in this body or the prominent members of our staff who retire, such as Boyd Crawford, in the case of Mr. Crawford, I do not consider any of these words excessive, and I am glad to identify myself with the remarks others have made.

To be honest, I would like to add a word or two that is perhaps more personal than the others that have been made.

When Mrs. Findley and I were married it was just a few months later that we located in Washington, D.C. We had an apartment in Lee Gardens. To our great delight our next-door neighbor happened to be the mother of Boyd Crawford. We had hardly a stick of furniture in those days, and no friends, and Boyd Crawford's mother helped to supply us both with friendship and furniture at a time of great need.

That began a friendship which lasted until her death, and had other rewards, because it enabled us to make the acquaintance in the year 1946, which is a long time ago, of Boyd Crawford and his brother and other members of the Crawford family.

So I have gained an appreciation on a more personal basis than perhaps other Members have. This, I believe, added to the enrichment of my experience here on the Hill as a member of the Committee on Foreign Affairs, as well as the close association before I went on the committee.

Mr. MORGAN. I thank the gentleman from Illinois.

Mr. Speaker, I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, as one of the newer members of the Committee on Foreign Affairs, I have been privileged to be the recipient of Boyd Crawford's invaluable help and advice. This help and advice has made my work much more of a pleasure on the committee.

At this time I rise to associate myself with and to endorse all the remarks that have been made on the floor today by the distinguished chairman, by the distinguished Speaker, and others of our colleagues.

I wish to congratulate Mr. Boyd Crawford for his great contribution to the Congress and to the Nation in his capacity as the chief clerk of the Committee on Foreign Affairs. As he retires after these many years of service I wish for him a long, healthy, and restful life of retirement.

Mr. MORGAN. I thank the gentleman from Texas.

I yield to the gentleman from Massachusetts (Mr. MORSE).

Mr. MORSE. Mr. Speaker, it is with profound honor, although also with a deep sense of regret, that I join my colleagues today to express my appreciation to Boyd Crawford for his years of dedicated and able service as staff administrator to the Committee on Foreign Affairs. After over three decades of outstanding service to the committee, to the Congress and to the Nation in the study of foreign affairs and the preparation for congressional consideration of relevant policies and programs, Boyd is leaving the committee staff.

As one who has served but 8 years on the committee, I can attest—indeed, with some sense of humility—to the vast contribution he has made to our deliberations and our efforts. It is without reservation, however, and with great pride and gratitude that I acknowledge the vast experience, the competence, the devotion, and the tremendous energy with which he has performed these tasks, from the handling of complex and critical legislation before the committee, to providing the preparatory work for and participating in the numerous international meetings and conferences which have taken place over the years.

There are few men who can claim such a record of long and distinguished service as that of Boyd Crawford's. The list of delegations and missions on which he has served and worked is lengthy indeed, and as one who has taken part in a number of these, I know how great Boyd's contribution has been to their success and what an important part he has played in insuring an effective U.S. role.

Boyd Crawford is one of the most decent and able men I have been privileged to know. He holds the respect and friendship of all those who have had the opportunity to seek his counsel and benefit from his wisdom and skill. I consider myself fortunate to have been able to work so closely with him over the past years, and I wish him and Mrs. Crawford the greatest happiness and contentment in the many years that will follow his retirement tomorrow.

Mr. MORGAN. I thank the gentleman from Massachusetts.

Mr. Speaker, I yield to the gentleman from California.

Mr. ROYBAL. Mr. Speaker, I should like to associate myself with the remarks made by the chairman of the committee as well as the members of the Committee on Foreign Affairs with regard to Boyd Crawford. Since Boyd is now on the floor I should like to express my personal appreciation to him for the help he gave me as a new member of the committee.

It is sometimes difficult to understand how a busy man such as Boyd Crawford, a man with high professional skills, could ever take time to brief a new member of the committee. I greatly appreciate the fact that he did take time and that he did brief me on what was going on, because without his assistance I do not believe it would have been possible for me even to get started.

I can well understand, Mr. Chairman, why you and the rest of us on this committee are so grateful to him.

Mr. Speaker, it is a regrettable phenomenon that once in a while the retirement of a single man can create a great void in the operations of a congressional committee. Such a chasm is the one being created by the retirement of Boyd Crawford as staff administrator of the House Foreign Affairs Committee.

During my 6 years as a member of the House Foreign Affairs Committee, I have come to recognize and respect the talent and wisdom of our staff administrator, Boyd Crawford. Having served continuously with the Foreign Affairs Committee since 1965 under both Republican and Democratic leadership, Boyd Crawford has displayed great dedication to serving the best interests of the Congress and the committee for which he has worked so diligently.

During his 31 years with the committee, Crawford served admirably as a member of the U.S. Delegation to the U.N. General Assembly, and as Secretary to the United Nations Committee on UNRRA. As a member of the staff of the U.S. Delegation to the NATO Parliamentary Conference and to the Consultative Assembly of the Council of Europe at Strasbourg, his services have been marked with distinction.

With his retirement this December, the Foreign Affairs Committee will surely feel a real loss. I personally owe a special debt of gratitude to Boyd for his invaluable assistance to me over the years and I hope that his retirement will prove as fruitful as his career in Congress.

It is my hope that this day will be long remembered by him as a genuine gesture of appreciation and respect for him as a devoted public servant. Boyd, I salute your accomplishments and hope that your retirement years will continue to be as full and rewarding as your career as staff administrator for the House Committee on Foreign Affairs. Congratulations on your past performance and best wishes for a future of happiness and contentment.

Mr. MORGAN. I thank the gentleman from California.

Mr. Speaker, I yield to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I rise to join with my many colleagues in expressing deep appreciation to and for Boyd Crawford.

As Members know, I am not a member of the Committee on Foreign Affairs, but I have come to know him and to feel that he is a tremendous man with rare ability and dedication to this country and to this Congress. I would say his advice to me has always been helpful. His friendship and his wit have always been treasured.

I believe he retires to an active life, not only of reading but of other activity, with all the good will of this Congress.

He is an extraordinary man who has done a tremendous job for his country and for this Congress. I want to wish him every success in his future life.

Mr. MORGAN. I thank the gentleman.

Mr. TUNNEY. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I am glad to yield to the gentleman from California.

Mr. TUNNEY. Thank you very much, Mr. Chairman.

I would like to associate myself with the remarks of my chairman, but I would like to say in addition to that, as a person who has served on the committee with Boyd Crawford and as a person who has had the opportunity to go to him for advice on amendments I had to legislation pending before our committee, I came to know Boyd Crawford as a man who not only has extraordinary intelligence but who has tremendous warmth and, in the case of new members of the committee, great patience in teaching them the ins and outs of legislation that came before the committee.

I also remember so well how he applied such even-handed consideration to all members whether they were junior members or senior members of the committee, whether they were Democrats or Republicans. You could always count on Boyd Crawford to tell you the story as it was and to treat you with total fairness and with his vast reservoir of knowledge of the problems that affected our committee and affected our foreign policy. He gave me a great inspiration and also gave me a tremendous amount in the way of wisdom.

For that reason I can only say thank you, Boyd Crawford.

Mr. MORGAN. I thank the gentleman from California.

I now yield to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Speaker, it has been my good fortune to have known Boyd Crawford since I came to the Congress. Boyd has been very knowledgeable on matters pertaining to foreign affairs. He has been extremely helpful to me, and I know to other Members. He is a very courteous and personable gentleman and will be missed by all Members of Congress. He has served Congress and our Nation well, and I wish him continued good health and success.

Mr. MORGAN. I thank the gentleman from Ohio.

Mr. Speaker, I now yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Speaker, Boyd Crawford is a very remarkable individual. Long before I became a Member of Congress, at a time back in 1939 and 1940, when I first enjoyed visits to the committee, I got to know Boyd Crawford by reason of the courtesy with which he received the large groups of students that I brought to Washington. At that time the chairman's predecessor, Sol Bloom, I believe, was the chairman of the Committee on Foreign Affairs. Chairman Bloom would talk to the students and then call in Mr. Crawford to give some additional details which clarified for the students the process of the legislation and the great issues that were being handled by the Committee on Foreign Affairs in those days immediately preceding World War II.

I recall very vividly the account which he gave us of a very great piece of legislation, H.R. 1776, the lend-lease bill, which was worked on so hard by the gentleman from Florida (Mr. PEPPER) when he served in the other body.

I think Boyd Crawford is a remarkable man whose service to the committee, to the Congress, and to the Nation spans one of the most important eras of American history.

Mr. Speaker, I am particularly pleased that the chairman of the Committee on Foreign Affairs has with such eloquence paid tribute to Mr. Crawford's outstanding service to the Congress.

Mr. MORGAN. I thank the distinguished gentleman for his comments.

Mr. CLARK. Mr. Speaker, will the gentleman yield,

Mr. MORGAN. I yield to the gentleman from Pennsylvania (Mr. CLARK).

Mr. CLARK. I thank you very much, Mr. Chairman.

I just want to add my comments to what I consider to be one of the most outstanding citizens who has ever served in this House of Representatives as a member of the staff on the Committee on Foreign Affairs, Mr. Boyd Crawford.

Mr. Speaker, no one that I know has helped me any more since I have been a member of the NATO Subcommittee in the last 16 years than Boyd Crawford. He gets his point across and he gives you his point of view when asked for but when you do not ask for it, he does not try to presume that he is the leader of the Congress of the United States.

This, Mr. Speaker, is one of the things that I think is so natural about this man. He is a natural leader. He is a natural born professional staff member who insofar as I am concerned has done so much for the good of the United States.

Mr. Speaker, I am very happy to commend the chairman of the full Committee on Foreign Affairs, the gentleman from Pennsylvania (Mr. MORGAN), for making it possible for other Members of Congress to say a few fine words in behalf of Boyd Crawford this evening.

Mr. MORGAN. I thank the gentleman for his comments.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Florida.

Mr. GIBBONS. I thank the distinguished chairman of the Committee on Foreign Affairs for yielding.

As everyone in this House knows, I am not a member of the House Committee on Foreign Affairs. However, I have had an opportunity to observe the very fine work of Mr. Crawford and feel that I know him personally, based upon my association with him. I just want to add my hearty words of endorsement to the glowing tributes that have been made to him here and to wish for him and his wife the best of everything upon his retirement. He has certainly served his country well. He has contributed greatly to the cause of freedom around the world and to the advancement of the cause of free men.

It is a great pleasure for me to take this time to pay tribute to Boyd Crawford.

Mr. MORGAN. I thank the distinguished gentleman for his comments.

Mr. FASCELL. Mr. Speaker, I want to add my word of thanks and appreciation to the well-deserved tributes being paid today to Boyd Crawford. As the staff administrator for the House Committee on Foreign Affairs, Boyd Crawford has earned the respect and admiration of the members of the committee and his many friends and associates here at the Capitol.

Boyd's expertise in foreign affairs is the result of a lifetime of study and practical experience. In a public career spanning almost 40 years he has served the Congress and his country with wisdom and foresight, representing the United States in delegations to the United Nations, NATO, and numerous international conferences and study missions.

The wealth of Boyd Crawford's ability and knowledge has been a decisive factor in the steady and continuing rise in influence and prestige of the House Committee on Foreign Affairs. I count it a privilege to have served on the committee during his tenure as staff administrator.

Mr. Speaker, while we will miss greatly the benefit of Boyd Crawford's counsel and experience here in the Congress, we wish him a peaceful and productive retirement with the opportunity to reflect proudly on a lifetime of distinguished public service.

Mr. ZABLOCKI. Mr. Speaker, I wish to associate myself wholeheartedly with the remarks of the esteemed chairman of the House Foreign Affairs Committee, the gentleman from Pennsylvania (Mr. MORGAN), in tribute to the former staff director of the committee, Boyd Crawford.

As a member of the Foreign Affairs Committee for 22 years, I have had many opportunities to deal with Boyd, to see him in action and to appraise his accomplishments.

The quality which he singularly demonstrated to me throughout our association was his ability to make decisions and render judgments on parliamentary questions with unfailing good sense.

Whether it was during committee deliberations on the floor of the House, or in a conference committee, Boyd's judgment on a matter of procedure or substance could be trusted to be valid and prudent.

During a recent retirement party for Boyd, the chairman of the Senate Foreign Relations Committee, Mr. FULBRIGHT, said to the assembly that he found Boyd eminently more reasonable than those of us members of the committee with whom he was regularly meeting in conference.

Such a comment does not reflect on Boyd's loyalty to the House position, but rather on his political sense that negotiation and compromise are the essence of the parliamentary system and, indeed, of our American democracy.

Throughout his career he has been interested in results, not rhetoric, in progress, not exercise thinking.

As a result he has been an instrumental part in many of the results achieved in foreign affairs by the Congress. He has been part of the progress from American isolationism of the 1930's to the prudent internationalism which characterizes our foreign policy today.

As the chairman has said, Boyd will be missed. But we on the committee are confident that we will be able to call upon him in the future whenever his counsel is needed.

My wife and I join in wishing Boyd and his wife all the finest joys and many happy years of retirement.

Mr. YATRON. Mr. Speaker, I rise to associate myself with the remarks made earlier by the gentleman from Pennsylvania (Mr. MORGAN), the distinguished chairman of our Committee on Foreign Affairs.

It has been my privilege, during my freshman term in the House of Representatives, to serve on the Foreign Affairs Committee and to know and work with our extraordinarily able staff director, Mr. Boyd Crawford.

In his classic study of the American legislative process, "Congressional Government," Woodrow Wilson noted that—

> Congress in its committee-rooms is Congress at work.

And one of the reasons so much is accomplished on the committee level is that experienced professionals, like the man we pay tribute to today, consistently provide us with expert analyses of the information we need to conduct productive hearings and draft sound legislation.

For more than 30 years, Boyd Crawford has served the Foreign Affairs Committee and this legislative body with dedication and distinction. His leadership and expertise have provided our committee with both depth and continuity.

Like the Congress it serves, the Foreign Affairs Committee staff has faced and grappled with extremely difficult national security problems. More than any other man, Boyd Crawford deserves credit for marshaling the staff to meet the foreign policy challenges of the postwar era.

Mr. Speaker, Boyd Crawford's long and distinguished career parallels our country's emergence as a world power. He truly has been an eyewitness to history—to the Second World War, Korea, and Vietnam, to the United Nations and the Marshall plan, to the Truman doctrine and NATO, to Hungary and Suez, to the Cuban missile crisis and the Nuclear Test Ban Treaty.

Moreover, Boyd Crawford has actively participated in the formulation of American foreign policy. I know my colleagues will agree that Boyd's hard work and wise counsel have greatly strengthened our committee and the House of Representatives.

Mr. Speaker, I am very pleased to be able to join in this tribute. As one who has had the great pleasure of knowing Boyd Crawford both professionally and personally, I want to thank him for the contribution he has made and wish him continued success in the years ahead.

Mr. TAFT. Mr. Speaker, it is a pleasure for me to join with the distinguished chairman of the House Foreign Affairs Committee, Hon. THOMAS E. MORGAN, in paying tribute to Hon. Boyd Crawford, staff administrator of the Foreign Affairs Committee.

I know of few men who have devoted themselves so selflessly to the service of their country. A former Congressman himself, Boyd's expertise in the field of foreign affairs has been an invaluable asset to our committee. He knows the workings of government and the intricacies of diplomacy, and his contributions to the work of our committee have made our job a more productive and rewarding one.

Boyd Crawford will be missed by all who know him, and most of all by those of us who worked with him on the House Foreign Affairs Committee.

Mr. FARBSTEIN. Mr. Speaker, Boyd Crawford is retiring as clerk and staff administrator of the Committee on Foreign Affairs after 31 years of outstanding service to the committee, to the Congress, and to the American people.

His long and faithful service to the Congress, his complete and utter loyalty to the Foreign Affairs Committee and its chairman, and his devotion to the principles that have made this country great are all worthy of special praise.

But Boyd Crawford is more than a dedicated public servant. He is a friendly, cheerful man who combines charm and graciousness with the ability to get the job done without creating tensions or hard feelings. In the world of politics this is not an easy thing to do.

Boyd became clerk of the committee in 1939, at a time when the drums of war were being heard around the globe. Almost his first task was to do the staff work on revision of the neutrality laws to permit assistance to our allies. And when the Committee on Foreign Affairs held hearings and acted on the original lend-lease legislation in 1941, Boyd was the only staff member. The hearings were held on a crash basis and they were printed in time for use because Boyd worked night after night until 3 and 4 o'clock in the morning preparing them for the use of the Members.

Boyd was also at San Francisco as a member of the U.S. Delegation to the United Nations Conference on International Organization in 1945.

As a matter of fact, there have been few foreign policy questions before the Congress over the past 31 years that Boyd has not been involved with.

He has been acclaimed and commended by Presidents, Secretaries of State, and other high-ranking Government officials. His record stands for itself. His retirement is well deserved; the honors earned.

I would like to add my own thanks and appreciation to Boyd for his wise counsel, his advice and assistance to me as a member of the Foreign Affairs Committee.

It is my sincere hope that the future will be as rewarding for Boyd and his lovely wife as the past.

Mr. FRELINGHUYSEN. Mr. Speaker, it is with mixed emotions that those of us on the Foreign Affairs Committee arise today to pay tribute to our retiring staff director, Boyd Crawford. For more than three decades, Boyd Crawford has served—with dedication and distinction—members of the Foreign Affairs Committee. His retirement will be a loss to all of us who presently serve on that committee, but it comes after a full and useful career.

Much has been written about the way in which Congress operates, and many recommendations have been made regarding methods to improve both the procedures and the effectiveness of Congress. In studies on the broad subject of Congress as an institution there has, however, been relatively little said about the small army of able men and women who provide essential assistance to the Members of Congress, even though without such help the work of Congress would be seriously handicapped, even crippled.

Boyd Crawford is in the front rank of those individuals who contribute substantially to the development of legislation, and in the evaluation of material on which sound judgments can be made. Although, unfortunately, he may not be well known to the majority of the Members of the House, those on the committee can vouch for the undramatic but substantial contributions made by this man. He has served with impartiality, with considerable skill and with unfailing diligence. Thus it is with good reason that we have cause to regret his retirement.

At this time, Mr. Speaker, it is also appropriate to join in expressing to Boyd Crawford our hope that his years of retirement are happy ones. Freed from the routine of committee responsibilities, Boyd will now have the opportunity to lead his own life. To him and his wife, I extend my warm good wishes.

Mr. FRASER. Mr. Speaker, with the departure of Staff Administrator Boyd Crawford, the House Committee on Foreign Affairs is losing a man who has rendered "long and distinguished service to the committee," to use the apt phrase of Chairman MORGAN.

I have served on the committee since I first entered the Congress in January 1963. During the almost 8 years I have known and worked with Boyd he has always thoughtfully and considerately responded to my needs and requests. Perhaps these qualities are to be expected in all committee staff people. But they are not always found, in part because Members' requests are not always timely, or simple or good naturedly submitted. Boyd has not only been helpful, but he has always responded to my demands with a cheerful attitude and demeanor.

This is not a small thing when important and contentious matters are at stake as they usually are in all the committees of Congress. A courteous and helpful and well-tempered response is clearly conducive to productive and valuable committee work.

Boyd's departure will leave the committee diminished. But our loss is compensated by the knowledge that our work in the past has been greatly facilitated by his presence and that his is a lasting contribution to our joint endeavors.

Mr. NIX. Mr. Speaker, I am grateful for the fact that my colleague from Pennsylvania, Chairman MORGAN, has given us an opportunity to express our good wishes to Boyd Crawford on the occasion of his retirement and to acknowledge our indebtedness to him for the service he has rendered to his country, to the Congress, to the Committee on Foreign Affairs, and to us individually as members of that committee.

I have served on the Committee on Foreign Affairs for 8 years and at the beginning of my service it was at once apparent that he enjoyed the confidence, the respect, and the friendship of all of the committee members. Not only was he called on for all of the services that are necessary for the committee to operate but also the members relied on his experience and judgment.

In fact, I believe that it is fair to say that even in 1961 when I first became acquainted with him, Boyd Crawford had become something of an institution.

As I have come to know him better over the years and have had an opportunity to observe his work for the committee and become acquainted with his many qualities, I too have become one of his many admirers.

I am particularly impressed with the fact that his career embodies the old-fashioned virtues. He has earned his way in the world since he finished secretarial school. He has earned the respect and friendship of the distinguished people he served by hard work, by putting in long hours, by devoting his energies outside the office to improving his knowledge, and by his loyalty to those with whom he was associated.

It is difficult for anyone to serve as many masters as Boyd has served. Boyd has never been a yes man. He has always given his honest opinion when asked whether it favored the views of the members who asked or not, but he has always been tactful, friendly, and understanding so that few have ever taken offense.

We all recognize that he has been strictly nonpartisan. I understand that his first association with the Congress was as a member of the staff of a Republican member, the Honorable Clarence McCloud, of Michigan. After Congressman McCloud lost his seat, Boyd went to work for the Honorable Sol Bloom, of New York, a well-known Democrat. When Mr. Bloom was succeeded as chairman of the Foreign Affairs Committee in the 80th Congress, Boyd continued as staff administrator with the Republican chairman, the Honorable Charles Eaton, of New Jersey, and earned the respect and lifelong friendship of Dr. Eaton. Boyd was kept on by the Democrats when they attained a majority in the next Congress and by the Republicans when they returned to power in the 83d Congress.

In every case the chairman and the committee knew that they could trust Boyd to discharge his obligations without partisanship and that they could rely on his judgment.

All of us are sorry that Boyd is leaving, but we all realize that Boyd is entitled to a change of pace.

We congratulate him on his distinguished career and wish him the best of health and the happiness he deserves in his retirement.

Mr. FINDLEY. Mr. Speaker, my acquaintance with Boyd Crawford and his family extends over nearly 25 years, an acquaintance in time exceeded by few Members of the Congress. My wife and I had been married only a very few months when we first met Mr. Crawford. The apartment we occupied at Lee Gardens in Arlington, Va., in the summer of 1946 was next door to one occupied by Mr. Crawford's mother. Through her we met Boyd and his brother.

Then, as now, Mr. Crawford occupied the position of administrator of the staff of the House Committee on Foreign Affairs and it was with pride that his mother told us that the title of administrator was chosen deliberately by the leadership of the House in order to convey the special prestige Mr. Crawford brought to that position.

When I was first elected to the House in 1960, my first thought was membership on the Foreign Affairs Committee, and even though that prize was not to be won for 4 years, I had the friendship and advice of Mr. Crawford repeatedly. When

I became a member, it was a special joy to be so closely associated with him at long last and to have his counsel on items that came before the committee and which I personally wished to advance.

Boyd Crawford has enriched the lives of many thousands of people, and especially those who have served on the Committee on Foreign Affairs. He has also enriched the Republic itself because of the understanding and perception he daily brought to his job.

His retirement separates him from official responsibility but I am confident it will not separate his interest from the work of the Congress.

Mr. MONAGAN. Mr. Speaker, I am pleased to join my colleagues in honoring Boyd Crawford for his many years of distinguished and dedicated service to the House Foreign Affairs Committee, to other U.S. agencies, and thus to the country.

As a member of the Foreign Affairs Committee since 1959, I have come to appreciate and admire Boyd Crawford's talents as staff director. He was first appointed clerk of the committee in 1939, and has served continuously since that time. In 1950, he became staff administrator, and has effectively performed that function under both Republican and Democratic chairmen.

Boyd further served the Nation through his participation in international organizations and parliamentary conferences. In 1945, he was a member of the U.S. Delegation to the United Nations Conference on International Organization. He has also been a Delegate to the United Nations General Assembly at London in 1946, at New York in 1946, 1949, 1950, and 1953, and at Paris in 1951. In addition, he has been the staff member on numerous study missions abroad for the Foreign Affairs Committee.

I am sure that all who worked with Boyd on the Foreign Affairs Committee will sorely miss his interest, his support, and his competence. Committee staffers play a central role in our informational and legislative process. Staff directors like Boyd Crawford are essential if our committees are to function properly and effectively. Under the staff direction of Boyd Crawford, the House Foreign Affairs Committee has confirmed its important role in the work of the Congress. The committee and the Congress will not be the same without him.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of my special order on the retirement of Boyd Crawford.

The SPEAKER pro tempore (Mr. MATSUNAGA). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RED CHINA AND THE UNITED NATIONS

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Ohio (Mr. FEIGHAN) is recognized for 30 minutes.

Mr. FEIGHAN. Mr. Speaker, Red China does not qualify for admission into the United Nations because it does not serve the cause of peace. I charge Red China with the following violations:

First. Aggression in Manchuria and Korea;

Second. Violations of the armistice agreement in Korea;

Third. Violations of the Geneva Accords of 1954 on Indochina; and,

Fourth. Violation of the neutralization agreement on Laos.

Furthermore if Red China is admitted into the United Nations, I warn they will support aggression through liberation movements in Southeast Asia, Asia, Africa, and South America. Their presence in the United Nations will increase the beehive of espionage agents in the United Nations. Chinese Communist agents in the United Nations will also become a security threat to the welfare and security of millions of Chinese residing overseas.

Through their propaganda, subversion and other action programs, they will try their utmost to change the political orientation of South Korea, Japan, Okinawa, Taiwan, the Philippines, and the rest of Southeast Asia. If the Chinese Communists are successful in these objectives in the countries I have specifically mentioned our Army, air, and naval bases there will be forced to close down, and the concept of a strategic western sea frontier abandoned. Also, the concept of the Nixon doctrine utilizing Asian resources as an anti-Communist force will fail.

From the developments transpiring in the United Nations General Assembly there is the very dangerous prospect of Communist China being admitted to the United Nations by 1972, if not before. This danger persists despite the fact Communist China does not qualify for membership, and its presence in the United Nations constitutes a threat to the security interests of the United States.

Communist China has not achieved the status of mature nationhood. In this connection, Edwin O. Reischauer, former Ambassador to Japan, and prominent China watcher, states:

> The chief problem that China presents is that it may fall so short of meeting the economic needs and aspirations of its people that it will remain an unstable and sick fifth of humanity.

Under Communist domination, the Chinese people continue to suffer the effects of economic duress, and political upheaval produced by the last "Proletarian Revolution." The power base seems to have shifted from one group to another with signs of further shifts before there will be a government that will be worthy of recognition. And what seems to be holding China together is a loose coalition of senior generals acting as military chiefs of 13 military districts, some of which are being hard pressed to suppress open rebellion and a general state of anarchy. Under these circumstances I believe it would be better for the United Nations to table the subject of admitting Communist China until the professional China watchers and intelligence specialists foresee more stability before accepting Red China on the basis of an inevitable power structure, or in the interest of universality.

Spokesmen for Communist China in the United Nations argue that Mao Tse-tung's revolution in China is more nationalistic than idealogical. Actually national interest is reflected in terms of Communist idealogy; and conceptions of international problems are influenced by the same doctrine. The Bandung Conference of 1955 at Bandung, Indonesia, provides a sampling of Peking's role in world affairs, as well as their probable attitude if admitted to the United Nations. This conference was sponsored by India, Ceylon, Pakistan, Burma, and Indonesia, and included 24 Asian and African nations which met to find mutual as well as common interests, and explore the contributions that could be made to world peace. Under the guise of peaceful coexistance, Peking's foreign minister, Chou En-lai, used the conference as a propaganda forum to condemn the imperialist bloc under the United States as being responsible for the problems of the oppressed peoples of Asia, Africa, and Latin America. He further related that Mao's revolution was the wave of the future in these areas. And as recent as 1968, sensing that a relaxation of tensions would leave their revolution to stall in quiet seas, the Chinese Communists reaffirmed the policy of wars of liberation abroad to push the cause of Leninism. This attitude and these pronouncements leave little doubt that Communist China will use the United Nations as a propaganda fifth column to further its aggressive aims.

After examining the counter-productive impact of Communist China in the United Nations, I foresee that in the event of admission, the United States may withdraw eventually its membership in this organization, and request it to depart from this country. Otherwise the mass of American public opinion will turn irrevocably against the United Nations. Already, the United Nations has far fewer friends, among both public and politicians, than appears on the surface. One can foresee from this trend a renewed impetus toward a withdrawal from all foreign entanglements, and a strengthening of isolationist sentiment in the United States. This could be, in the long run, the most unfortunate consequence of all.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am very happy to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Will you please explain further what you mean by a lack of maturity in nationhood on the part of Communist China, which you mentioned?

Mr. FEIGHAN. One major shortcoming resulting from Mao Tse-tung's leadership is that he has subjected China to a sequence of convulsive and disruptive social and economic changes leaving China in an increasingly worse condition. And, similarly, they have been irresponsible in the conduct of both external and internal affairs. In short, I would say that the means whereby Mao Tse-tung tries to achieve his objective have been self-defeating. That is what I mean by a lack of maturity on his part.

Mr. FULTON of Pennsylvania. Mr. Speaker, I would like to compliment the gentleman on his excellent speech.

I would just ask about this point: It is said that it is necessary to admit Communist China to the United Nations as a means of establishing communications with that country.

Through these communications is it possible to convince Red Chna to abandon its present practices and policies? Is that really possible?

Mr. FEIGHAN. Other means have been used to communicate with Communist China, the main one being the ambassadorial talks in Warsaw, which have existed from time to time, but they have produced no encouraging results.

Mr. FULTON of Pennsylvania. The last point is this, which I think you have covered: that is, should Communist China be admitted into the United Nations at this time, before the end of the Mao Tse tung regime? Would it do any good?

Mr. FEIGHAN. I would suggest that we wait until that time comes along. To try any action or to do any action at this point would be gratuitous, and it should not be done.

Mr. FULTON of Pennsylvania. And you have been firmly opposed to the admission of Red China at this time to the United Nations?

Mr. FEIGHAN. Oh, very definitely.

Mr. FULTON of Pennsylvania. Thank you very much—and again my compliments on an excellent statement.

J. EDGAR HOOVER AND THE BERRIGAN CASE

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Tennessee (Mr. ANDERSON) is recognized for 60 minutes.

Mr. ANDERSON of Tennessee. Mr. Speaker, just recently there came to my attention some very eloquent and meaningful words on the subject of revolution:

> The truly revolutionary force of history is not material power but the spirit of religion. The world today needs a true revolution of the fruitful spirit, not the futile sword. Hyprocrisy, dishonesty, hatred, all of these must be destroyed and men must rule by love, charity, and mercy.

Are these the deeply reflective words of a clergyman, a member of the anti-Vietnam war movement—perhaps Daniel or Philip Berrigan?

No, they are the inspiring words of FBI Director J. Edgar Hoover, in "Masters of Deceit," 1958.

I am sure the Reverend Father Philip Berrigan, S.S.J., and his brother, the Reverend Daniel Berrigan, S.J., will agree with Mr. Hoover that man "must rule with love, charity, and mercy." But from their cells in a Federal penitentiary in Danbury, Conn., it may be difficult for them to find any love, mercy, or charity in Mr. Hoover's charges that they are the leaders of a kidnaping and bombing plot.

These charges are of grave national importance and America has been informed of them by the news media—"bomb plotters—concocting a scheme to kidnap a highly placed governmental official." If true, the Berrigans should be punished according to law, and they would expect this.

But any serious observer of this unpleasant episode in the life of the Berrigans—and this departure from due process by the Director of the FBI—need make only one conclusion: Wars play strange tricks on many distinguished citizens.

The war—so appalling and tragic, so revolting and destructive—has forced Fathers Daniel and Philip Berrigan to climax a lifetime of service which includes in both instances service to the Armed Forces of the United States, a lifetime of love and brotherhood, a lifetime of gentle persuasion against poverty and oppression, to commit the dramatic, illegal act of destroying draft records, a step which we the Members of the House cannot condone.

J. Edgar Hoover's actions seem likewise to be drastically affected by the tensions of this war. After a lifetime of dedicated service to the well-being of this Nation—from gangbusting during prohibition, to protecting us from spies and espionoge during wartime. Mr. Hoover has resorted to tactics reminiscent of McCarthyism, using newspaper headlines and scare dramatics—rather than the due process of law he has so proudly upheld in his distinguished career since he joined Government service under President Calvin Coolidge.

We have suffered many casualties in the Vietnam war. Most of our domestic and international problems are either caused by this unwanted, undeclared war or are intensified by it.

It is now distressingly evident that one of the most ardent, devoted and, presumably, unassailable public servants in the lifetime of our Republic is, in a sense, a casualty of that same war.

As a lifelong admirer of Mr. Hoover and the FBI, I am convinced that he would not purposely subvert the Constitution or undermine our democratic processes. Yet it is manifest that on Friday, November 27, 1970, he did so. The divisions within our Nation, the fear and repression so common in today's society have taken, we must conclude, another victim—the sense of fairness, the honorable ethics of justice that the FBI Director has always held so high.

Mr. Hoover testified that Fathers Philip and Daniel Berrigan are "the principal leaders of a conspiracy planning to blow up underground electrical conduits and steampipes serving the Washington, D.C., area in order to disrupt Federal Government operations." Mr. Hoover went on to add:

> The plotters are also concocting a scheme to kidnap a highly placed government official. . . . If successful, the plotters would demand an end to United States bombing operations in Southeast Asia and the release of all political prisoners as ransom.

Knowing the Berrigan brothers and being reasonably well acquainted with their career as priests, theologians, scholars and their dedication to Christian principles, and having read much of their writings, I found it impossible to believe that Mr. Hoover's allegations are true. Even in destroying draft files, illegal acts which they committed to dramatize the death toll of young American boys in Vietnam, they were meticulously careful to plan the events so that no physical harm could possibly befall clerks, bystanders, police or anyone else. The high crimes Mr. Hoover accused them of plotting would involve violence and pose threats to human welfare and possibly human life, which are actions that contradict the nonviolent life styles of these Catholic priests.

Even if Mr. Hoover's allegations are based on substance, presuming he has hard evidence, why did he depart so radically from his charter and his own cherished, highly publicized tradition of seeking justice by due process. To use his words:

> In the FBI our objective is to secure the facts. We do not evaluate. The FBI is strictly a fact gathering agency responsible in turn to the Attorney General, the President, the Congress and in the last analysis to the American people.

We must ask why has Mr. Hoover departed so radically from established procedure by making such damaging charges in newspaper headlines which deny the Berrigan brothers an opportunity to meet their accuser in court? Why, we must ask, has Mr. Hoover broadcast these allegations, using the U.S. Senate as a forum instead of presenting the facts to the Justice Department, who would then, in due process, analyze them and, if warranted, present them to a Federal grand jury? Mr. Hoover, a champion of law and order, has moved a step away from justice—by ignoring the system he recommends so highly to the opponents of this war. Surely his actions cannot help but contribute to the credibility gap many young Americans feel exists in our system of law and justice.

There are other questions. Is our Federal Bureau of Prisons so lax in its procedures that inmates can effectively plot and lead such high crimes? Is the director of the FBI pointing the finger of scorn and malpractice at the Justice Department which administers the FBI and the Federal Bureau of Prisons?

Then there is the all-important question of those constitutional rights protected by the first amendment. The Berrigans are unable to speak out publicly, unable to respond personally to the questions of the press. Thus far they have been denied that cherished American right of facing their accuser—yet these allegations of bombings and kidnapings will be damaging and derogatory information available to parole boards who will later evaluate their "rehabilitation."

In 1954, writing in American magazine, Mr. Hoover stated:

> False accusations and careless insinuations can do more to destroy our way of life than to preserve it.

If Mr. Hoover's charges against the Berrigans of bomb and kidnaping plots are of this nature, Mr. Hoover can vindicate himself by an apology. If they are not false or careless, then we have a right to expect the Justice Department to institute Federal grand jury proceedings promptly. Barring one of the two, we can only conclude that Director Hoover is unwittingly, I surely hope, involved in a process destructive of the institution he has loved and served with such loyal dedication. If his actions stem from such a degree of rage or fear that his purpose is to discredit all who peaceably and without violence oppose the Vietnam war, then I must again conclude, with much sadness, that he, too, is a victim of that war.

When crime rates soar, when our citizens cannot safely walk the streets at night or otherwise move freely about their country, when thousands of Americans are moving abroad because of fear of crime, the people have a right to expect the FBI to intensify its efforts—not trample its traditional integrity under foot with such acts of political repression. Congress should provide the additional agents and clerks requested by Mr. Hoover, but we have a right to expect these new personnel, and those already in the agency, to cease and desist in any witch hunts which may be draining their energies and resources away from the apprehension of the hard core criminals which breed fear in the very fabric of our society—the kidnappers, the bombers, the organized crime, the bank robbers, and the auto thieves. I do not degrade Mr. Hoover's long campaign against the domestic threat of communism or other subversion, but I do believe to fail in an effective war on crime will be to fertilize the soil on which domestic communism and subversion will grow. It is a matter of insuring we do not place the cart before the horse.

It also seems proper to suggest that Mr. Hoover's zest and zeal as a crime buster be equalled by a more comprehensive awareness of the causative factors of crime in the United States.

A distinguished journalist on the Washington scene, Mr. Tom Wicker of the New York Times, quotes a former Attorney General under whom Mr. Hoover has served, in his introduction to a currently popular book, "Crime in America." Mr. Ramsey Clark is quoted as follows:

> In every major city in the United States you will find that two-thirds of the arrests take place among only about two per cent of the population. Where is that area in every city? Well, it's in the same place where infant mortality is four times higher than in the city as a whole; where the death rate is 25 per cent higher; where life expectancy is ten years shorter; where common communicable diseases with the potential of physical and mental damage are six and eight and ten times more frequent; where alcoholism and drug addiction are prevalent to a degree far transcending that of the rest of the city; where education is poorest—the oldest school buildings, the most crowded and turbulent schoolrooms, the fewest certified teachers, the highest rate of dropouts; where the average formal schooling is four to six years less than for the city as a whole. Sixty per cent of the children in Watts in 1965 lived with only one, or neither, of their parents.

Certainly we are not suggesting that Mr. Hoover plays any causative role in this kind of crime—but we can suggest, and do—that Mr. Hoover's understanding of the crime pattern would improve if he more effectively applied the formula of "love, charity, and mercy" that he has proclaimed so earnestly on earlier occasions.

Speaking to a House Appropriations Subcommittee in 1964, Mr. Hoover said:

> I am against—and have been for many years—the growth of the FBI. I think we are entirely too big today—bigger than we should be.

Let us examine the growth of the FBI versus the growth of crime. During the years 1960–69, the crime rate has increased 120 percent—more than doubled. During the same interval FBI appropriations grew from $115 million to $220 million, an increase of over 90 percent, while the number of FBI special agents was increased from 6,003 to 6,825, an increase of only 13.7 percent. In the light of this, Mr. Hoover's request for an additional 1,000 special agents would seem modest. His 1964 statement about keeping the FBI small is out of date. If the intent and the determination of the FBI is to reverse the increase of crime rate as Police Chief Jerry Wilson is trying to do in Washington, an awareness of the causes of crime—unwanted war, degrading poverty, political repression—should be counterbalanced with the virtues Mr. Hoover advocates—again, love, charity, and mercy.

I would hope that the FBI's requested new resources will not be used to develop more raw files or dossiers on law-abiding Government officials and politicians—or law abiding, if dissenting, factions of our citizens who seek to end the war in Vietnam, and bring justice to all in America.

Innumerable people have made the comment to me that Mr. Hoover ought to retire. I do not want to echo this sentiment because his tenure is up to President Nixon. In any event, I wish Mr. Hoover many more years of health and happiness. His place in history is assured. I am certain we are not so short on gold but that Congress could and would want to strike a special medal when he does retire.

In the course of the last 30 years, either as a member of the Armed Forces or as a Member of the House of Representatives, I have participated, in combat and in debate, in the complex issues of peace and war. I have been a student of war. Now I want to balance the study of war with the study of peace.

My career in military or congressional service has been guided by the basic oath of office which obligates me to "protect and preserve the Constitution of the United States of America." It is in the performance of this sworn duty that I speak.

The power to destroy civilization, as we now know civilization, is available to several powers on earth—including the United States. We can, by default or by deliberate action, bring forth a havoc by weaponry that could reduce mankind to a primitive state.

America is now in its 30th year of war—cold or hot—30 years of war that has seen more than a trillion dollars invested in refining the art of destruction.

We must maintain a strong national defense capability, based on cost conscious and judiciously selected programs of defense modernization. At the same time we must recognize that our concern for military destruction, if Pentagon budgets and our present actions in Vietnam are reliable criteria for judgment, takes priority over our concern for the positive factors of humanistic development, which may in fact be the only course to peace.

During the past many months, America has witnessed the phenomena of a divided people rejecting a call to service in the military forces which previous generations accepted without question. Today thousands of young Americans are exiled in Canada—men without a country—because they reject a war which they regard as unjust, immoral or illegal. Thousands of other young men are outcasts—criminal deserters—in foreign countries. They prefer to accept the scorn of their countrymen rather than participate in the killing in a faraway land in a war they do not understand. Hundreds of thousands more are troubled in conscience as they use subterfuge to avoid a draft which intrudes in their lives at a career formative period. The present draft law, they feel, is an unwelcome requirement to participate in sanctioned violence which they reject.

And, yes, there are hundreds of thousands who serve honorably in the military forces. Their service offers a sharp contrast, but it is also, ironically, a divisive force not heretofore known on such large scale in the history of our country.

America is in the midst of another civil war—a psychological civil war. Our youth are divided against themselves. Some join the military, accepting it as a citizen's duty; others reject the military service of destruction, reminding us in Congress that there is another war going on at home and around the world—a war that has a higher moral purpose, a higher ethical and spiritual involvement. The war against poverty, the war for better schools, housing, hospitals, the war in which the weapons are not the hardware of destruction but the software of brotherhood and love. The technology is not militaristic but humanistic, against disease and despair.

One war has brute killing as an objective, the other reveres living in freedom and justice as a fulfillable promise of life.

America is divided at the crossroads. Its heritage challenged.

In this confused environment, Congress has an obligation to listen to all voices, all points of view. Congress must homogenize the harsh voice with the soft voice. We must modify the tensions of the moment with the wisdom accumulated in history—and anticipate a future that rejects militarism as the only solution to mankind's conflicts.

During recent months this Nation has witnessed a growing tendency on the part of our executive branch to employ the tactics of fear and to be less than candid in dealing with the public.

America's dilemma involves the negativism of the Indochina war versus the positive needs of our domestic realities. One asset is free discussion, the right of a free people to peaceably petition its government without harassment or the stifling of legitimate debate, proper and legal protest, and honest dissent.

Father Philip Berrigan, S.S.J., and Father Daniel Berrigan, S.J., have been convicted of destroying draft records. They make no protest of innocence. Indeed they remain proud that their act of destruction against paper files symbolically represents an act to save the lives of young American soldiers—and save, too, the lives of the Vietnamese people, our allies, or the victims of our weapons.

The verbal assault by Mr. Hoover on Fathers Berrigan is the climax of a series of events during the past several months which, when taken as separate incidents, are shocking and unbelievable, but when related one to the other, emerge as an outrageous pattern of fear and repression.

It is the common practice of the Bureau of Federal Prisons to assign political prisoners who have no previous pattern of common criminality to minimum security situations, usually a prison farm or similar institution. Despite this long established procedure, Father Philip Berrigan was assigned to Lewisburg Penitentiary, a facility with tight security.

While there he was committed to solitary confinement situations for such minor infractions of prison regulations as offering spiritual counsel to a fellow prisoner and seeking opportunities to perform religious services. His fasting for 10 days in protest of his solitary confinement led to the discontinuation of these practices.

Although Father Philip Berrigan was not assigned to a minimal security farm institution, he was returned to the general prison population at Lewisburg Penitentiary. During the confinement of Father Philip Berrigan before his brother was captured, he claims he was offered various inducements if he aided in the apprehension of his brother, and, conversely, he was subjected to threats of loss of privileges if he declined to aid the Justice Department's efforts to capture the elusive member of the Society of Jesus.

We should seriously examine the charge that privileges can be extended or denied, depending on the prisoner's willingness to cooperate with the FBI and other Justice Department agencies.

Later, after the capture of Father Daniel Berrigan, both brothers were assigned to the minimum security prison at Danbury, where they remain, at this date, in custody.

During the indoctrination process, prison officials, with a pride that is difficult to justify, described a factory in the Danbury installation making weapon component parts for the Defense Department. The prisoners are paid, depending on skills and other considerations, wages that vary between 17 cents an hour and 46 cents an hour. Both Berrigans indicated that they could not, as a matter of conscience, participate in this war industry work. The prison officials did not press the issue.

High prison officials boasted, however, that the Federal Bureau of Prisons made an annual profit of $6,000,000 in this or other production facilities.

The prison factory profits which come in part from the low overhead of prison buildings and prisoner labor at rates varying between 17 and 46 cents per hour lead to other questions deserving of investigation and full disclosure by the Justice Department.

For instance:

In view of the high unemployment in the aerospace and other industries, should the Justice Department and its prisons be in competition with depressed industry conditions in the private sector?

Does the Justice Department offer unfair competion by absorbing normal business overhead costs of operating their industries with tax paid Federal budgets?

Under what interpretation of their rehabilitation role does the Justice Department rationalize salaries of 17 to 46 cents per hour? Would it not be proper—and just—to pay prison labor at least the minimum wage but divert all but necessary incentive, in-prison spending money to scholarship funds for the prisoner when he completes his sentence. Prisoners, if provided appreciable wages, could be prepared for training or further education if these funds were earmarked for their post prison reentry into society.

Further, how many prisoners' families—wives and children—are forced on welfare because their husbands and fathers can only make 17 to 46 cents an hour—year in and year out. Indeed, is not a reform suggested that will permit the prisoners, if their prison work record justified it, to help support their families and provide for the education of their children?

Certainly prison employment is desired, but is it necessary to use war related enterprises as part of the training programs in the Federal prison system?

One other interesting characteristic of our Federal prison system has been brought to my attention by Fathers Philip and Daniel Berrigan.

At Danbury, supervisory and management personnel—perhaps as many as 12—are employed to supervise the manufacturing facility. But only one psychiatrist is employed. The present doctor is accepting his service in the Federal prison as an alternate to military service. I have every reason to believe the doctor is a competent, dedicated practitioner. But it seems worthy of investigation that funds are available for professional manufacturing personnel at a prison factory at salaries competitive to private industry, but professional psychiatric service is restricted to one man doing alternate military duty.

Although the Berrigan brothers have been confined to Danbury Federal prison for only 4 months, they have spoken to me of other incidents which contribute to a pattern of harassment by the Justice Department.

A court in Rochester, N.Y., required the appearance of Father Daniel Berrigan, S.J., as a witness in a matter unrelated to him. This writ was served on prison officials.

This was his experience:

On a late afternoon, Father Berrigan was advised to "get ready, you're being moved."

The prison officials would not inform him of where he was going, why, or under what authority. They did not show him or tell him about the court order. He was not permitted to advise his attorneys or his family. He was transferred from prison to prison, and ultimately to a county jail—never knowing his destination, never being advised of the court order, never having access to attorneys or family. At all times he was isolated in solitary confinement in the prisons or jail in which he was being kept.

But the strangest part of this odyssey of the Jesuit in custody of the Department of Justice is this: while being transported between county jail, prisons and court, Daniel Berrigan was secured with leg shackles, waist chains to which his handcuffed wrists were locked in such a manner that he could not even use his handkerchief.

One prisoner, a priest, in the custody of three Federal marshals, all armed, hardly needs leg irons, waist chains and handcuffs. The last time I saw leg shackles was in Con Son Island prison camp, in the tiger cages of the South Vietnamese Government.

Father Daniel Berrigan, however, assured me that no one threw lime in his eyes, and asked that any plea related to the treatment he received be addressed not to his case, but in behalf of all prisoners.

It is fundamental in American heritage that all Americans can practice their religious freedoms. Indeed, in prison, criminologists agree that spiritual exercises, counseling, and services are a beneficial part of the rehabilitative process. As a matter of record, this House approves appropriations for various agencies of the Justice Department which includes salaries for chaplains in prisons throughout the Federal system.

The Berrigans' religious experiences in prison have been demeaning and rude.

It must be remembered that although these men can be described in civil language as convicted felons, they are now and have been for the major part of their mature lives distinguished theologians—respected by religious leaders of all denominations the world over for their commitment and dedication to the poor and oppressed, their leadership in concepts of love, brotherhood, justice, compassion—and an activist life in the service of their true master.

They are now, despite their custody in a Federal prison, and have always been, in good standing with all faculties, rights, and privileges implied in their ordination to their priesthood.

If their superiors in their church continue to accept them as priests of God, the Justice Department does not. If their religious orders—the Society of Joseph—S.S.J.—and the Society of Jesus—S.J.—accept their interpretations of Gospel truths, the prison system fears them.

Yet at Danbury Federal prison these two priests are not permitted to say mass with voluntary attendance by other prisoners and guards. The Bureau of Federal Prisons refuses this religious request, despite the advantages potential to rehabilitation.

What is the reason for denying the simple right to celebrate mass and preach the fundamental word of God's gospel? Is it a fear that the Berrigans might influence other prisoners with their message of peace—their message of brotherly love in prison?

Aristotle, nearly 2,000 years ago, identified the Berrigans' plight of denied spiritual exercises:

> The generality of men are naturally apt to be swayed by fear—rather than by an almighty reverence.

Thus we see a connective pattern emerging—a pattern so compacted in only 4 months in prison that one must conclude the presence, in the Justice Department, of a tolerant attitude toward repressive harassment. These events are hardly coincidental.

Either the Berrigans, charged with bomb plots and kidnaping schemes, are dangerous or there is a still more dangerous plot afoot to repress their political dissent against war and injustice.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Tennessee. Not at this point. I should like to complete my statement and then I will be happy to yield.

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. MATSUNAGA). The Chair will count.

Mr. ANDERSON of Tennessee. I would be glad to yield to the gentleman, but I would prefer to finish my statement first.

Mr. FULTON of Pennsylvania. Mr. Speaker, a parliamentary inquiry. Does the gentleman mean that he will yield now?

Mr. ANDERSON of Tennessee. At the end of my statement, if I might be permitted to complete it. Then I would be most delighted to yield to my distinguished friend and colleague.

The SPEAKER pro tempore. Does the gentleman from Ohio insist on his point of order?

Mr. ANDERSON of Tennessee. I do not believe it will take more than another 8 minutes; something like that.

The SPEAKER pro tempore. Does the gentleman from Ohio withdraw his point of order?

Mr. ASHBROOK. I do not.

The SPEAKER pro tempore. Evidently a quorum is not present.

CALL OF THE HOUSE

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 396]

Abbitt
Abernethy
Adair
Andrews, Ala.
Ashley
Aspinall
Ayres
Baring
Barrett
Blatnik
Boland
Bolling
Brock
Broomfield
Brown, Calif.
Burton, Utah
Button
Chappell
Clay
Cleveland
Cohelan
Collier
Collins, Tex.
Conyers
Coughlin
Cowger
Cramer
Cunningham
Daddario
Dent
Diggs
Dowdy
Dulski
Dwyer
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fisher
Ford, William D.
Foreman
Frey
Gettys
Gilbert
Goldwater
Gray
Griffiths
Grover
Gubser
Gude
Hanna
Hansen, Idaho
Hawkins
Hébert
Heckler, Mass.
Howard
Hull
Hungate
Hunt
Jarman
Karth
Kastenmeier
Kee
King
Kluczynski
Kuykendall
Langen
Leggett
Lennon
Long, La.
McCulloch
McDade
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Mathias
May
Mayne
Meskill
Michel
Miller, Calif.
Mills
Minshall
Mize
Morgan
Morse
Morton
Moss
O'Hara
O'Konski
O'Neill, Mass.
Pollock
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Rees
Reid, N.Y.
Reifel
Reuss
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Rosenthal
Roudebush
Sandman
Slack
Smith, N.Y.
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Symington
Taft
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Ullman
Waggonner
Waldie
Weicker
Whitten
Widnall
Wiggins
Winn
Wold
Wolff
Wydler
Zwach

The SPEAKER. On this rollcall, 297 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FBI DIRECTOR EDGAR HOOVER AND THE BERRIGAN BROTHERS

The SPEAKER. The gentleman from Tennessee (Mr. ANDERSON) is recognized.

Mr. ANDERSON of Tennessee. I thank the Chair.

Mr. EDMONDSON. Mr. Speaker, I have no personal knowledge regarding either the Berrigan brothers or the so-called east coast conspiracy, but I do have a long acquaintance and a high regard for the distinguished Director of the Federal Bureau of Investigation, J. Edgar Hoover.

Few men in this century have established a record for dedication and integrity to compare with that of Mr. Hoover.

It is regrettable that a man charged with Mr. Hoover's grave responsibilities, testifying in closed session before a congressional committee, has been charged with any impropriety for conveying to a congressional committee, in such a session, information directly related to national security.

The Congress can be sure, if Mr. Hoover so testified, that information believed reliable is available to support every statement made in the Appropriations Committees of the House and the Senate.

The Hoover record for talking straight to the Congress has been established in 46 years of outstanding service to the Nation. It is not likely to be tarnished now.

Mr. MIKVA. Mr. Speaker, the allegations against two jailed priests made by FBI Director, J. Edgar Hoover, before a Senate Appropriations Subcommittee last week raise some fundamental and serious questions concerning the FBI Director's behavior over the past few years. The unsupportable testimony Mr. Hoover has given the committee is yet another bit of evidence that the FBI has become in itself a center of political action within the United States, generating a force from the "right" that has the potential of becoming as destructive as it is divisive. What can be more horrifying then having the sanctioned forces of justice operating outside constitutional procedures for charging and punishing malefactors?

No one can deny that J. Edgar Hoover has served his country well. Under his guidance, the FBI has developed into a highly skilled, efficient law enforcement agency in the United States. Yet, it is apparent that in many instances during the past decade, the FBI has lost its neutrality as an investigative arm of the Federal Government. Mr. Hoover's outburst against Dr. Martin Luther King is but one example of this deterioration. His attack on his assassinated superior, Senator Robert Kennedy was another. His attack on the Berrigan brothers is still another. The FBI, through Mr. Hoover's pervasive influence, has become so ideological that it is fast losing its credibility.

A famous American poet, Walt Whitman, once stated:

> I am neither for nor against institutions.

That perhaps best describes the mood of the alienated groups within our society—especially the young but also the blacks, the browns, and those political minorities whose dissent is expressed well within the system. That neutrality means only that they have neither emotional nor experiential commitments to any persons of what they call the establishment. They look at people and the agencies of people for what they say and do, rather than what they said and were.

It is not and ought not be a sufficient answer to those who question Mr. Hoover's conduct that in days of yore he did wondrous things for the FBI and consequently the country. It is more significant that someone explain how it is that the head of the highest law enforcement agency in the Federal Government can ignore the most fundamental rule for distributing justice under law; namely, that a person be charged with crime and be required to answer such charge only in a proper place. If the brothers Berrigan have in fact conspired, as Mr. Hoover charges, then that conspiracy is criminal, indictable, and punishable. And being such, Mr. Hoover need not be told that such a conspiracy is not commentable upon by law enforcement officials prior to the completion of judicial action. Surely, Mr. Hoover need not be told that an appropriations subcommittee of the Congress is not the proper place to try the Berrigan brothers or their alleged criminal behavior. Whether Mr. Hoover's motives were as mean as seeking to dramatize a request for supplemental appropriations or as lofty to seek to protect this country from its enemies, no law enforcement official can be condoned for flaunting due process in such a manner.

Mr. Speaker, the Berrigan brothers have demanded that Mr. Hoover either prosecute or retract his statements. Mr. Hoover and the Justice Department refuse to comment any further on the matter since Mr. Hoover's appearance before the Appropriations subcommittee. Whether in fact Mr. Hoover puts up or shuts up, the issue remains that the FBI has specifically and wrongly become a politicalized organization, lowering itself into the pernicious arena of political charges and countercharges. This is the sadness of Mr. Hoover's leadership in the most recent chapters of the FBI.

J. Edgar Hoover has represented the concept of Federal justice in America. Directly or indirectly, everyone on the far side of 30 has had instilled in them that J. Edgar Hoover and the FBI were impartial, neutral, and efficient. Traditions, however, Mr. Speaker, are only as good as the cause they serve. At a certain point in time, a tradition may become an anachronism because it is out of step with its surroundings and the needs of the people. The behavior of J. Edgar Hoover, who denounces some of the martyrs and some of the living leaders of our country and who uses agencies of the Congress as a forum from which to announce criminal conspiracies, creates such an anachronism. If the FBI is to again secure its position as an effective and efficient law enforcement agency which helps keep us together because of the stature and respect it receives from all segments of the society, then Mr. Hoover must curb his tongue. If he cannot do that, then perhaps he ought to write his memoirs. If he does neither, then at a time when effective law enforcement is so desperately needed in this country, the FBI's contribution will be small.

Mr. REID of New York. Mr. Speaker, I rise in support of the efforts of the gentleman from Tennessee (Mr. ANDERSON) to discuss and clarify the recent reports of FBI Director J. Edgar Hoover's charges that Fathers Daniel and Philip Berrigan are plotting to kidnap a White House aide.

I am not in a position to make a judgment on the validity of these charges.

It is one thing for the Director of the FBI to testify and subsequently to release his testimony to the press in support of supplemental funds for the Bureau, citing national needs—but it is another thing to mention specific individuals. Mr. Hoover has warned in the past about naming individuals in congressional testimony without the constitutional protections of due process. While I have high regard for the FBI, neither this agency nor any other agency of the executive branch should be exempt from due process or from upholding our fundamental principles of justice.

Mr. EDWARDS of California. Mr. Speaker, I consider it a rare privilege to be here today and to have had the opportunity to listen to the eloquent speech of the distinguished gentleman from Tennessee (Mr. ANDERSON). I find myself moved by his remarks to an extent greater than I can recall. Again, I can clearly understand why the gentleman from Tennessee is looked upon with such respect, admiration, and affection by every Member of the House of Representatives and, of course, by thoughtful humane people throughout the United States.

Each of us is indebted to Mr. ANDERSON for the massive contributions he has made and is making toward achievement of an American society that is decent, humane, and just. His lonely and courageous investigation of the Con Son Island Prison Camp gave the American people and the world a better insight into the tragedies that are a biproduct of this dreadful war. His contribution relating to the subject of his speech today is on an equally high level of patriotism and courage.

I was a special agent of the Federal Bureau of Investigation in the years 1940 and 1941, and I, too, share the respect for the FBI that Mr. ANDERSON describes in his speech. I share also with the gentleman from Tennessee his apprehension and dismay regarding some of the recent statements of Director Hoover which are detailed in Mr. ANDERSON's speech.

As my colleagues know, I have been working for 8 years to eliminate from the House of Representatives the unconstitutional practice of holding legislative trials. They simply have no place in our free society under a Constitution which provides that only the courts can punish and only then pursuant to due process. Only in totalitarian countries can this awesome power be found in the legislature

As Justice Black pointed out in the Barenblatt dissent, the punishment of American citizens is "too serious a matter to be entrusted to any group other than an independent judiciary and a jury of 12 men acting on previously passed, unambiguous laws, with all the procedural safeguards which included the right to counsel, compulsory process for witnesses, specific indictments, confrontation of accusers, as well as protection against self-incriminations, double jeopardy, and cruel and unusual punishment—in short, due process of law."

Certainly the same proscription applies to the executive department including the Department of Justice and FBI. Punishment of Americans by accusation of crime by a high executive department official such as Director of the FBI is an unconstitutional and improper action by Director Hoover. If in the judgment of Mr. Hoover the crime of conspiracy has been committed, it is his duty to seek indictment through the appropriate judicial process where all of the constitutionally guaranteed safeguards are present.

I also respectfully suggest that high Federal officials lower their voices in their public statements regarding their fellow Americans. The United States with its immense size, its varied ethnic groups, its multiple cultures and the pressures and strains that are so evident today is a complicated, difficult country to govern. High Federal officials should set an example of responsible dialog free from invective and personal characterization. In our actions let us be a civilized society and let our dialog also be civilized. It is certainly not appropriate for Mr. Hoover to charge that the Reverends Berrigan are—

> Bomb plotters . . . concocting a scheme to kidnap a highly placed government official.

Nor is it appropriate for Mr. Hoover to say as reported in this week's Time magazine:

> You never have to bother about a president being shot by Puerto Ricans or Mexicans. They don't shoot very straight. But if they come at you with a knife, beware.

It is also beneath his high Government position to brand Nobel Peace Prize winner, Dr. Martin Luther King, Jr., a "liar." Nor should he, as reported in the same Time article, refer disparagingly to the personal appearance of the Jet quarterback, Joe Namath.

As in all of the endeavors of the distinguished gentleman from Tennessee, his speech today and his activities during the past few days on this important subject are in the highest tradition of his elected office as a Member of Congress with oversight responsibilities over the activities of the executive department. I compliment him on his quiet and scholarly approach to this explosive issue. I thank him for his latest contribution to progress toward peace and justice in our country.

Mr. RYAN. Mr. Speaker, I want to commend our distinguished colleague from Tennessee (Mr. ANDERSON) for helping to focus the attention of the House on the implications of the allegations made by the Director of the Federal Bureau of Investigation regarding Fathers Daniel and Philip Berrigan. The diligence and thoughtful concern the gentleman from Tennessee (Mr. ANDERSON) brings to this very serious matter is particularly helpful, when serious charges of "conspiracy" are raised.

The Director of the Federal Bureau of Investigation has publicly testified that Fathers Philip and Daniel Berrigan are "the principal leaders of a conspiracy planning to blow up underground electrical conduits and steampipes serving the Washington, D.C., area in order to disrupt Federal Government operations." And he also said that "the plotters are also concocting a scheme to kidnap a highly placed Government official."

To characterize these allegations as serious is to belabor the obvious. To merely cast them in the public eye, without substantiating them, is also very serious. If, in fact, the Director has information to substantiate these charges, then it should be immediately turned over to the Justice Department, and appropriate action should be taken. Due process requires that those accused of crime have an opportunity to confront their accusers and defend themselves.

The gentleman from Tennessee (Mr. ANDERSON) deserves commendation for undertaking to help clarify this issue. He well recognizes the tensions which beset this country, and his concern—both today, and regarding the Con Son Island Prison, in South Vietnam—amply attest to his desire for justice for all.

GENERAL LEAVE TO EXTEND

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order, FBI Director Edgar Hoover and the Berrigan brothers.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

TESTIMONY OF J. EDGAR HOOVER BEFORE THE SENATE APPROPRIATIONS COMMITTEE

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, I think it is regrettable that the gentleman who just left the well had invited his colleagues to share a colloquy with him about the subject matter of his special order and then declined to yield to any of us who wished to engage in that colloquy.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. HOGAN. I decline to yield at this point.

Mr. JACOBS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from Indiana?

Mr. HOGAN. Mr. Speaker, I decline to yield at this point. I will yield to the gentleman when I have finished my remarks.

The SPEAKER. Under those circumstances, that the gentleman will be yielded to a little later, does the gentleman insist on his point of order.

Mr. JACOBS. Mr. Speaker, as I understand it, that is precisely the circumstance under which the previous speaker said he would yield.

Mr. HOGAN. That is not exactly correct.

Mr. JACOBS. Mr. Speaker, it is exactly correct, but just the same, I withdraw my point of order.

Mr. HOGAN. Mr. Speaker, I thank the gentleman.

Mr. Speaker, the gentleman from Tennessee who preceded me in the well indicated that the testimony by Mr. J. Edgar Hoover, Director of the FBI, before a Senate Appropriations Subcommittee, was somehow a departure from due process of law. I had hoped to have him yield to me at that point, so that he could explain to me what violation of due process there was in that testimony.

Mr. Hoover appeared before the Appropriations Committee, as is his duty as the head of an agency seeking supplemental appropriations to finance increased responsibilities which we have conferred upon the FBI by legislation we have enacted. Mr. Hoover's testimony was presented and it was not released to the press by Mr. Hoover. The testimony was released by the Senate Appropriations Committee.

The gentleman also indicated that the Director of the FBI had resorted to tactics of McCarthyism in some way. This has become a very convenient way to attempt to discredit things with which people disagree.

Frankly, Mr. Speaker, I am disappointed that one of our colleagues, the gentleman from Tennessee, has seen fit to attack a distinguished public servant merely for doing his duty. The gentleman publicly criticized the Director of the FBI for a statement which Mr. Hoover made before the Senate Appropriations Committee concerning the East Coast Committee To Save Lives.

Now, the comments in question were as follows:

Mr. Speaker, I ask unanimous consent that they be inserted in the Record in toto, but I will summarize them.

He indicated that a militant group——

Mr. CORMAN. Mr. Speaker——

Mr. THOMPSON of Georgia. Mr. Speaker, may we have order? I cannot hear the gentleman.

The SPEAKER. The gentleman from Maryland has the floor.

Mr. CORMAN. Mr. Speaker, the gentleman made a unanimous-consent request. I reserve the right to object.

Mr. HOGAN. Mr. Speaker, I withdraw the request. I will read the statement in toto.

The SPEAKER. Does the gentleman yield to the gentleman from California?

Mr. HOGAN. I decline to yield at this point, Mr. Speaker. I withdraw my unanimous-consent request, Mr. Speaker.

The SPEAKER. The gentleman withdraws his request.

Mr. ROONEY of New York. Mr. Speaker, a parliamentary inquiry. How much time does the gentleman from Maryland have?

The SPEAKER. Sixty minutes.

Mr. ROONEY of New York. Oh.

Mr. HOGAN. Mr. Speaker, the testimony which I was about to summarize, which I will now quote, as to the portion relevant, is that Mr. Hoover said:

> Willingness to employ any type of terrorist tactics is becoming increasingly apparent—

Mr. ROONEY of New York. Mr. Speaker, I wonder if the distinguished gentleman from Maryland would yield for a question.

Mr. HOGAN. Mr. Speaker, I would be happy to yield at the conclusion of my remarks.

The SPEAKER. Will the gentleman from Maryland yield for a question?

Mr. HOGAN. I yield to the gentleman.

Mr. ROONEY of New York. I merely want to inquire whether or not the distinguished gentleman from Maryland read the hearings held in the House on this subject rather than the hearings that were distributed to the press on this subject?

Mr. HOGAN. Mr. Speaker, I do not see how that has any relevance whatsoever to the matter we are discussing right now.

Mr. ROONEY of New York. I would rather the gentleman would stay closer to the House, and he might be more firmly embedded on what is the difference between right and wrong; and I will sum that up by saying I cannot see why a Member of this House would visit two convicts in a Federal prison.

Mr. HOGAN. Mr. Speaker, I am quoting the testimony in question. The Director of the FBI said:

> Willingness to employ any type of terrorist tactics is becoming increasingly apparent among extremist elements. One example has recently come to light involving an incipient plot on the part of an anarchist group on the east coast, the so-called "East Coast Conspiracy to Save Lives."
>
> This is a militant group self-described as being composed of Catholic priests and nuns, teachers, students and former students who have manifested opposition to the war in Vietnam by acts of violence against Government agencies and private corporations engaged in work relating to U.S. participation in the Vietnam conflict.
>
> The principal leaders of this group are Philip and Daniel Berrigan, Catholic priests who are currently incarcerated in the Federal Correctional Institution at Danbury, Connecticut, for their participation in the destruction of Selective Service records in Baltimore, Maryland, in 1968.
>
> This group plans to blow up underground electrical conduits and steam pipes serving the Washington, D.C., area in order to disrupt Federal Government operations. The plotters are also concocting a scheme to kidnap a highly placed Government official. The name of a White House staff member has been mentioned as a possible victim. If successful, the plotters would demand an end to United States bombing operations in Southeast Asia and the release of all political prisoners as ransom. Intensive investigation is being conducted concerning this matter.

Now, Mr. Speaker, the gentleman from Tennessee advises that he wrote to J. Edgar Hoover——

Mr. VAN DEERLIN. Mr. Speaker, a point of order. The gentleman is discussing such an important subject, Mr. Speaker, I think we should have more of the Members present to hear it, and I therefore make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Does the gentleman insist on his point of order?

Mr. VAN DEERLIN. No, Mr. Speaker. I withdraw my point of order.

The SPEAKER. The gentleman from Maryland is recognized.

Mr. HOGAN. Mr. Speaker, I might say I was attempting to expedite the matter by summarizing it, but my unanimous consent request was rejected. However, I feel that I should make these points since the gentleman who preceded me made the points in counterpoint.

The gentleman from Tennessee advised that he wrote to the FBI Director regarding this allegation that Father Daniel Berrigan and his brother are leading from their prison cells a conspiracy to kidnap high Government officials and to blow up powerlines coming into Washington and enclosed a copy of a letter that he sent to Mr. Hoover with a "Dear Colleague" letter that he circulated.

A close reading of the testimony I just read fails to indicate Mr. Hoover accused the Berrigan brothers of anything, but that is not the important point that concerns me. In his letter the gentleman says:

> This matter goes beyond the Berrigan brothers in that unwittingly I am sure it adds to what seems to be a growing tendency on the part of our Executive Branch to employ tactics of fear and to be less than candid in dealing with the public.

This statement disturbs me greatly because it seems the gentleman from Tennessee is implying that the Director of the FBI is engaging in politics as a tool of the executive branch, which is absurd. Mr. Hoover has served as FBI Director under eight different Presidents, four Republicans and four Democrats. He has never allowed himself or the FBI to be used as a tool by any President or anyone else in the Federal service.

As for using tactics of fear, I remind you that—as far as employing tactics of fear, which the gentleman from Tennessee referred to, I remind my colleagues that Mr. Hoover was testifying before a committee of the Congress to justify a request for additional funds to finance additional responsibilities which we have conferred on the FBI. The testimony which he gave was obviously germane to the committee's inquiry as these were recent events which had resulted in an increase in the FBI's investigative responsibilities to the extent that Congress should appropriate additional funds for its operations. And, as I said, the decision to release testimony publicly was not Mr. Hoover's. It was the committee's. The gentleman said in his letter to Mr. Hoover:

> If there is any substance to your allegations, it is your duty to arraign the Berrigan brothers before a Federal grand jury and to seek an indictment.

Mr. Speaker, the gentleman from Tennessee should know that the FBI has nothing whatsoever to do with prosecutions. It is an investigative, fact-finding agency and makes no decisions whatsoever regarding prosecutions.

It does not appear to me that the gentleman from Tennessee has offered any evidence whatsoever to back up his criticism of Mr. Hoover.

Mr. Speaker, although I had asked unanimous consent previously to extend my remarks on this subject and it was denied, I now make the unanimous-consent request again and, if granted, at this point I will be happy to put the text in the RECORD. However, a number of my colleagues have asked for an opportunity to have me yield to them. With that one proviso, I shall be happy to insert my remarks in the RECORD and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. ICHORD. Mr. Speaker, primary responsibility for protecting our Nation's internal security rests with the FBI. Authorized under legislative enactments, Presidential directives and instructions of the Attorney General, this heavy responsibility includes investigative jurisdiction over matters relating to such activities as espionage, counterespionage, subversion, treason and sedition. In carrying out these duties, the FBI gathers both intelligence data and evidence which can be used in legal proceedings.

It is, of course, traditional that when the Congress calls upon a Government official, such as the Director of the FBI, to testify, it is incumbent upon him to respond. This is necessary because of the responsibility of Congress to legislate and its concomitant right to be informed of matters affecting the internal security of the United States.

Our Nation is indeed fortunate in having as the head of the FBI a man of the character and caliber of Mr. Hoover. With no desire for headlines, this sound and dedicated public servant conducts the affairs of the FBI effectively, with integrity and dignity. No man in America has contributed more to the internal security of our Nation than has Mr. Hoover. We are all beneficiaries of his tireless efforts to maintain liberty under law for every citizen.

In testifying before the Senate Appropriations Subcommittee on November 27, Mr. Hoover did what Congress had asked him to do. The subject of his testimony was directly responsive to the matter of the subcommittee's inquiry—whether recent events had imposed increased demands on the FBI's investigative capabilities to the extent that Congress should appropriate additional funds for its operations.

It is most important to set the record straight—Director Hoover made his remarks in confidence behind closed doors to a distinguished body of the Senate which had full and privileged authority to receive it. The FBI did not make the decision to publicly release this testimony. The decision was made by the Senate Appropriations Subcommittee. I think that it was most unfortunate that Mr. Hoover's testimony in closed session was made public particularly when Mr. Hoover, in relating the plans of the "East Coast Conspiracy To Save Lives" to engage in acts of revolutionary violence, pointed out that intensive investigation was currently being conducted concerning this matter. In this connection, I would like to point out that extremely valuable to the FBI in its investigative operations is intelligence information gained through confidential informants who willingly cooperate with the assurance that their confidential relationship with the FBI will be strictly maintained. On the basis of this information, which is often virtually unavailable from other sources, the FBI is alerted to planned crimes, such as those attributed to the "East Coast Conspiracy To Save Lives," and is able to take appropriate preventative measures.

My colleague from Tennessee in his letter to Mr. Hoover stated that if there is any substance to the allegations against the Berrigans, it is Mr. Hoover's duty to arraign them before a Federal grand jury. Obviously, my colleague is not familiar with the procedures followed by the Department of Justice. The FBI is the principal investigative arm of the Department of Justice. It conducts investigations thoroughly and impartially to determine the facts. The results of the FBI's investigations are furnished to the Attorney General who makes the decision regarding prosecution. The FBI does not offer opinions, make recommendations, nor draw conclusions from the information it develops.

The FBI has a well-earned reputation for meticulous regard for the rights and privileges of all citizens. Certainly the people of this Nation recognize that the FBI handles its responsibilities with the utmost professionalism. I am confident that the Attorney General must be carefully considering prosecutive action under appropriate statutes in regard to any criminal activities of the "East Coast Conspiracy To Save Lives." We can all rest assured that the FBI, and its eminent Director, are not accustomed to making statements which are factually unsupportable. The record of the FBI in this regard for the nearly 50 years of its history is unblemished.

I join with the gentleman from Maryland in expressing my concern that the gentleman from Tennessee did not continue his discussion and yield to questions because I have great difficulty in discerning the purpose of his special order. Is it to defend the innocence of the Berrigan's or to attack J. Edgar Hoover? If the gentleman is attacking J. Edgar Hoover, I fear he is setting up a bogeyman and then knocking him over because I fail to find in the testimony of J. Edgar Hoover any statement that the Berrigan's were in fact involved in a conspiracy. There were newspaper accounts to that effect but the testimony which the gentleman from Maryland has placed in the record does not in fact make that charge. In any event, I do not believe it is proper for us to discuss the alleged conspiracy here. This is a matter for the Department of Justice to consider and possibly for the grand jury if the decision should be made to lay the same before a grand jury. So I make no comment on the guilt or innocence of any of the persons allegedly involved. The secret testimony which was unfortunately released by the Senate only said that the group plans to do certain acts. There was no specific charge of a conspiracy on the part of the Berrigan's.

In closing, I want to commend our dedicated Director of the FBI for keeping the Congress informed of matters which are of vital concern to all Americans. Mr. Hoover has spoken out at a time when acts of revolutionary violence have reached critical proportions in our Nation. The daily toll in lives and property is staggering. It is an understatement to say that the situation is grave. The bomb and the torch have become the tools of many dissidents in our midst and Mr. Hoover has warned of a new clear and present danger—the indigenous revolutionary. I intend to continue to give my fullest support to Mr. Hoover and the FBI and I would respectfully suggest, in this regard, that my colleagues as well as every citizen concerned about the threat to our internal security, do likewise.

Mr. FLYNT. Mr. Speaker, it is regrettable that the proceedings this evening have deteriorated as they have. In his invitation to all Members to join him in discussing this matter, the gentleman from Tennessee specifically invited "a free exchange of information and views."

Then, during the 60 minutes allotted to him by special order of the House, he declined to yield to anyone to engage "in a free discussion" and proceeded to yield back the balance of his time.

I concede that under the rules of the House, he had the right to do that but he deliberately precluded the free exchange of information which he solicited.

In his appearances before the Committees on Appropriations of both the House and the Senate the Director of the Federal Bureau of Investigation was testifying in executive session and was not making a public statement, and Mr. Hoover released no part of his testimony.

That release and the decision to make it public was made by the appropriate committees of both Houses of the Congress.

In a letter addressed to the Director of the Federal Bureau of Investigation, the gentleman from Tennessee called upon the Director "to arraign the Berrigan brothers before a Federal grand jury to seek an indictment."

The gentleman from Tennessee knows, or should know, that such a decision and such an action can be brought only by the Department of Justice, and not by the FBI. The FBI is an investigative agency whose statutory duty it is to investigate allegations of criminal activity and report its findings to the Department of Justice—not to seek indictments before any grand jury.

In order to put this in a proper perspective, Mr. Speaker, I include as a part of my remarks pages 587–596 of the hearings before the subcommittees of the Committee on Appropriations of the House of Representatives. I only wish that it were possible to reproduce in the RECORD the photographs which appear on pages 590–593.

That portion of the hearings are as follows:

BOMBINGS

According to figures compiled by the Senate Judiciary Committee during the 15-month period from January 1, 1969, to April 15, 1970, approximately 5,000 actual bombings and 1,500 attempted bombings occurred. Of the actual bombings more than 1,200 were of the high explosive type and the remainder of an incendiary nature. During this period bombings and attempted bombings occurred at the rate of 433 per month or some 5,200 a year.

The new statute contains specific language to the effect that it is not the intent of the Congress to displace State and local jurisdiction in bombing matters. Primary jurisdiction remains with the State and local authorities.

This expression of congressional intent is essentially the same as that expressed in the earlier Bombing Statute (Title 18, Sec. 837) which served as the basis for the Department of Justice policy under which bombings were considered the primary responsibility of local authorities and FBI investigations were requested by the Department only on a highly selective basis.

The new statute does not specifically mention campus bombings. These facilities would come under the legislation if the institution was receiving Federal financial assistance. In this respect they would fall in the same category as a police department or a research organization receiving Federal assistance.

The FBI could be called upon to investigate campus incidents involving actual or attempted damage or destruction of property involving a bomb or incendiary device. The Organized Crime Control Act of 1970 does not give the FBI any new jurisdiction over campus violence other than in explosive and incendiary bombings.

I would like to emphasize there has been a great deal said by some of these pseudo-liberals to the effect that we would go on all campuses of the country to stop demonstrations. That is not true. We only have jurisdiction if there has been a bombing which falls within the purview of the statute.

We could also be requested to investigate conspiracies to commit these acts if there is evidence that an overt act has been committed. In the absence of such an act, the details of any alleged bombing or arson conspiracy would be referred to school officials and local police. This is the procedure we utilize with regard to any form of campus violence not involving the use of explosive or incendiary devices.

The FBI will continue its present intelligence coverage of violence-prone New Left, black and other extremist organizations, and individuals. As in the past, we will immediately disseminate to appropriate local and Federal agencies any information indicating actual or potential violence.

In the final analysis, the degree to which our investigative workload in connection with bombings and the interstate transportation of explosives will increase will be determined by the policy adopted by the Department of Justice.

Investigation of a major bombing case, based on our experience, requires the full-time services of 50 agents for approximately 60 days, and an investigation not of a major nature requires the full-time services of 25 agents for approximately 30 days. Based on the figures on bombings and attempted bombings (some 5,200 per year) developed by a Senate Judiciary Committee, if we were required to investigate all bombings and attempted bombings these investigations could require the full-time services of over 10,000 agents along with supporting personnel and equipment.

We conservatively estimate we will require an additional 400 agents to handle the initial investigative work accruing under the bombing aspects of the Organized Crime Control Act of 1970 as well as to handle the mounting work being required in connection with other campus violence, aircraft hijackings, and New Left and black extremists.

Now, I would like to discuss our work in these other areas.

CAMPUS VIOLENCE

The 1969–70 academic year witnessed an unprecedented level of violence on campuses throughout the United States and the toll of fatalities, injuries, and property damage was approximately double the previous year. Nearly 1,800 student demonstrations took place resulting in over 7,500 arrests, 462 injuries (some two-thirds to police) and 8 deaths. Violent tactics were used on numerous occasions including 247 arsons and 313 sit-ins or building seizures. ROTC facilities were singled out as a target on 282 occasions. Property damage amounted to more than $9.5 million.

During the current academic year, there have been over 130 demonstrations on college campuses. These demonstrations have resulted in over 150 arrests and 23 injuries (seven of which were to police). There have been six sit-ins, eight bombings, and 10 arsons. The ROTC has been the target of 13 demonstrations. Damages have exceeded $3,250,000.

FBI investigations in connection with campus violence can be costly. For example, we conducted extensive investigation at the request of the Department of Justice concerning the burning of the ROTC armory and the shooting of the four students by Ohio National Guardsmen at Kent State University in early May 1970. Results were set forth in reports containing over 8,000 pages which were furnished to the Department and to the President's Commission on Campus Unrest. The total cost of this investigation was estimated at $274,100. A peak of 302 special agents were assigned to this case and our agents worked 6,316 hours of overtime for which no compensation was received.

A forecast of what might be expected this year occurred August 24, 1970, when a massive explosion demolished a building at the University of Wisconsin housing an army research center.

This explosion, which caused some $3 million damage including destruction of Atomic Energy Commission computer equipment and took the life of a graduate student while maiming three others, was triggered by a professionally engineered bomb hidden in a stolen panel truck parked on a ramp immediately adjacent to the building. The highly explosive mixture consisted of ammonium nitrate fertilizer mixed with fuel oil. The detonation of such a mixture is assured only when it is used in conjunction with another explosive such as dynamite; however, no conclusions could be reached as to the method of detonation in this case.

This exhibit, consisting of several photographs, shows the extent of damage to the building at the University.

Mr. ROONEY. We shall insert the very interesting photographs taken at the University of Wisconsin, at this point in the record.

(The photographs appear at pp. 590–593).

Mr. HOOVER. The University of Wisconsin has been the site of student disorders and acts of violence for many months, including several bombing or arson attempts against power facilities, a nearby ammunition plant, and ROTC buildings. Four subjects have been indicted on destruction of Government property and related charges and are presently the objects of intensive fugitive investigations by the FBI.

College campuses across the Nation have been the scenes of many bombings since September 1, 1969. A listing of the 22 bombings (as of Nov. 5, 1970) brought to the attention of the FBI during this period is set forth in this exhibit.

Mr. ROONEY. We shall insert this exhibit following the photographs in the record.

(The exhibit appears at pp. 594 and 595).

BOMBINGS ON COLLEGE CAMPUSES SEPTEMBER 1, 1969–NOVEMBER 5, 1970

"The 22 bombings on the college campuses of the Nation during the period September 1, 1969, through November 5, 1970, of which the FBI is aware are briefly described as follows:

"On November 19, 1969, an explosive device believed to have been constructed from dynamite, was exploded at Seattle Community College, Seattle, Wash. The purpose of the explosion is not known; however, there had been racial tension on the campus.

"On November 19, 1969, a bomb was thrown into the cafeteria at the Wisconsin State University, Oshkosh, Wis. Damage was minimal and there were no injuries reported.

"On December 9, 1969, an unknown quantity of dynamite was exploded on the campus at Sam Houston State University, Huntsville, Tex. Forty windows were broken in campus buildings by the explosion. School authorities consider this incident a "prank."

"On February 18, 1970, a pipe filled with "black powder" was utilized to bomb an automobile at Cuyahoga Community College, Cleveland, Ohio. The car belonged to a member of the college security force. The purpose of the bombing is not known.

"On March 2, 1970, an explosion occurred at the ROTC building at the University of Colorado, Boulder, Colo. The explosive device was made by filling a 5-gallon can with gasoline. There were no injuries and damage was estimated at $2,000. Signs painted nearby read 'Imperialism Burns' and 'Vietnam Napalm ROTC.'

"On March 31, 1970, two jeeps owned by the University of Washington, Seattle, Wash., were damaged by pipe bombs. The jeeps were across the street from the campus security office. The jeeps were extensively damaged. There were no injuries and school authorities do not know the reason for the bombing.

"On April 1, 1970, four large glass doors of the administration building at Michigan State University, East Lansing, Mich., were damaged by explosive devices made of firecrackers. There were no injuries and damages amounted to $500. Slogans painted on the wall read 'Smash Racist U' and 'Revolution.'

"On May 4, 1970, a plastic-type bombing device exploded at the Air Force ROTC building at the University of North Carolina, Chapel Hill, N.C. The resulting damage was minor.

"On May 13, 1970, an explosive device thrown into Alumni hall at the University of North Carolina caused an estimated $6,000 damage to the building.

"On May 14, 1970, the alma mater statue at Columbia University, New York City, was damaged by a bomb consisting of one or two sticks of TNT.

"On May 27, 1970, a pipe bomb was exploded in the faculty office building, California State College, Long Beach, Calif. There were no injuries and damages were estimated at $200.

"On June 5, 1970, an explosion occurred in the building housing the Naval Reserve Officers Training Corps (ROTC) at the University of California at Los Angeles. The bomb was described as 'low-grade.' Damages were minor. There were no injuries.

"On June 29, 1970, a bomb, constructed of dynamite, was exploded on a windowsill of the Harvey Ingham Science Hall at Drake University, Des Moines, Iowa. The purpose of the bombing has not been ascertained. Damage amounted to $250,000 and there were no injuries.

"On July 1, 1970, a pipe bomb was exploded in a classroom at the University of California at Berkeley. Damage was estimated at $7,000. The classroom was used for Asian Studies. There were no injuries.

"On August 24, 1970. Sterling Hall, the Mathematical Research Center at the University of Wisconsin, Madison, Wis., was bombed. The explosive device consisted of a panel truck filled with commercial fertilizer mixed with fuel oil. There was one death and three injuries. Damage was estimated at $3 million. The explosion allegedly was for the purpose of ending university research for the military. Four individuals have been indicted for destruction of Government property and related charges. They are presently fugitives.

"On September 16, 1970, a stick of dynamite was exploded on the roof of Macky Auditorium, University of Colorado, Boulder, Colo. The reason for this explosion is not known; $1,000 in damage resulted.

"On October 3, 1970, a bomb exploded in Prince Leucien Campbell Hall at the University of Oregon, Eugene, Oreg. An estimated $50,000 damage resulted.

"On October 6, 1970, an explosive was set off in the restroom area of Student Union Building at Bluefield State College, Bluefield, W. Va. Damage was estimated at $15,000.

"On October 8, 1970, a bomb was exploded in Clark Hall, University of Washington, Seattle, Wash. This Hall is occupied by ROTC facilities. A few minutes prior to the explosion, school authorities received a telephonic warning that the bomb would be set off. A preliminary estimate is that $54,500 in damage resulted.

"On the early morning of October 14, 1970, Harvard University police received a call from a young female warning that a bomb had been placed in The Center for International Affairs Building at the University. The caller said, 'You have 6 minutes.' A short time later a bomb exploded in the library on the third floor of the building. Initial estimate of damage is $50,000.

"On October 23, 1970, following a rally at Kent State University, Kent, Ohio, a bomb was exploded on the porch of a frame building utilized by the Black United Students. A hole was blown in the porch and windows in the building were broken.

"On November 5, 1970, the campus security office at Bowling Green State University, Bowling Green, Ohio, was bombed. One window was blown out with damage estimated at $25. Subsequently, a Bowling Green newspaper received a note reading, 'Ask the campus security pigs what happened to their window Thursday night. That's only a sampling of what we can and will do. Power to the people, death to the pigs.' The note was signed 'The People's Army.' "

Mr. Hoover. The listing does not include the numerous incendiary incidents in which Molotov cocktails were used nor the many arsons or suspected arsons in which there was no indication of an explosive device.

The FBI currently has eight sabotage investigations in which prosecutive action is pending. Three of these involve sabotage of ROTC university facilities. In the eight cases, a total of 31 individual subjects have been charged with Federal violations including sabotage.

During the 1969–70 school year, there was a marked increase in racial disorders in public schools, up 68 percent over the previous year, and involving 530 disorders.

These disturbances, often involving violence, occurred in more than 200 cities in 33 States and the District of Columbia. They resulted in some 500 injuries, including injuries to 70 police officers and 30 teachers, and more than 1,800 arrests. There has been a corresponding increase in efforts of militant black groups to propagandize and foment disorders among students, especially at the high school level.

NEW LEFT TERRORISM

New Left extremist groups, notably the so-called Weatherman, have stepped up terrorist activities during 1970. This group originally belonged to the Students for a Democratic Society (SDS) but separated because it did not consider the SDS to be sufficiently militant and violent in its actions.

The Weatherman claimed credit for an explosion at a New York City Police Department facility on June 9, 1970, which caused $150,000 damages and eight injuries. The group apparently was involved in earlier abortive efforts to dynamite targets in Detroit. Three underground Weatherman activists were killed in a New York City explosion in March 1970. The Weatherman group now is completely underground and in May 1970, Bernardine Dohrn, one of its leaders, declared a state of war against the United States on behalf of the group. Over 20 Weatherman militants are currently fugitives, including Dohrn who is one of the FBI's "Ten Most Wanted Fugitives," arising out of indictments on antiriot charges and violations of Federal bombing and gun control statutes during the past year.

Willingness to employ any type of terrorist tactics is becoming increasingly apparent among extremist elements. One example has recently come to light involving an incipient plot on the part of an anarchist group on the east coast, the so-called East Coast Conspiracy to Save Lives.

This is a militant group self-described as being composed of Catholic priests and nuns, teachers, students, and former students who have manifested opposition to the war in Vietnam by acts of violence against Government agencies and private corporations engaged in work relating to U.S. participation in the Vietnam conflict.

The principal leaders of this group are Philip and Daniel Berrigan, Catholic priests who are currently incarcerated in the Federal Correctional Institution at Danbury, Conn., for their participation in the destruction of Selective Service records in Baltimore, Md., in 1968.

This group plans to blow up underground electrical conduits and steam pipes serving the Washington, D.C., area in order to disrupt Federal Government operations. The plotters are also concocting a scheme to kidnap a highly placed Government official. The name of a White House staff member has been mentioned as a possible victim. If successful, the plotters would demand an end to U.S. bombing operations in Southeast Asia and the release of all political prisoners as ransom. Intensive investigation is being conducted concerning this matter.

School segregationists, too, have resorted to terroristic bombings. For example, on July 4, 1970, at Longview, Tex., 27 dynamite charges were simultaneously exploded damaging 36 school buses involved in a U.S. District Court school integration order. FBI investigation of a white group violently opposed to desegregation resulted in the indictment of two subjects for obstructing a U.S. District Court order and for conspiring to deprive citizens of their constitutional rights. Both were convicted and on November 5, 1970, each received the maximum sentence of 11 years in prison and each was fined the $11,000 maximum fine.

Mr. Rooney. It is fantastic to think how far these sort of things have been permitted to go.

Mr. FASCELL. Mr. Speaker, I associate myself completely with the remarks of the gentleman from Maryland.

The Director of the Bureau, Mr. Edgar Hoover, has the duty and the responsibility to inform the Congress fully on those factors directly bearing on the needs and operations of his Bureau and the security of the United States.

Mr. Hoover is unjustly castigated if his testimony is released by a committee of the Congress and is thereafter misinterpreted.

Furthermore, Mr. Speaker, the entire matter of the "East Coast Conspiracy To Save Lives" is a continuing investigation and is pending within the Department of Justice for action. Therefore, identification of its principals and its purposes to the Congress is in order. There is no impropriety in the testimony of the distinguished Director of the FBI given to a committee of the Congress, fulfilling his responsibility to the Congress and the people of this country. On the contrary, Mr. Hoover should be commended for calling the shots as he sees them without fear or favor with only the security and safety of this country as the primary criteria for fulfilling his onerous duties and responsibilities.

Mr. HOGAN. Mr. Speaker, it does not appear to me that the gentleman from Tennessee has offered any evidence whatsoever to back up his criticism of Mr. Hoover. The gentleman accuses the FBI Director of being "less than candid." It appears, however, that the gentleman's objection really is that the FBI Director was too candid, that he was too forthright in calling a spade a spade, too open in enumerating the concrete evidence of the creeping revolution we have in this country today.

Let us hope that Mr. Hoover will continue to be candid in discharging the responsibilities of his job and not be intimidated by the bleeding hearts who refuse to see the evidence of violence and revolution which abounds throughout the land.

It is an amazing paradox that those who preach peace practice violence. It is even more amazing that there are gullible people among us who do not see through these inherent contradictions and the dishonesty of those who masquerade under disguises of "peace," "equality" and "justice."

The Berrigan brothers are convicted felons intent on destroying this country. It is disappointing to me that a Member of this body would rush to their defense and attack a dedicated public servant who has devoted his entire life to the preservation of this country.

It was my great honor and privilege to serve in the FBI under Mr. Hoover for 10 years. I have complete confidence in his honesty and integrity. If he testified that the East Coast Committee To Save Lives has been plotting to blow up underground electrical conduits and steampipes serving Washington to disrupt Government operations, then it is so. If Mr. Hoover says they have been scheming to kidnap a high government official, then they have, I might remind my colleagues that Father Daniel Berrigan, while he was still a Federal fugitive preached in a church in Philadelphia in which he said:

> It is impossible to remain a Christian and abide by the law of the land.

I insert an editorial concerning Daniel Berrigan which appeared in the Catholic Standard in the Record at this point:

CRIMINAL ACTIVITY

Father Daniel Berrigan's antics as a self-imposed fugitive from justice are little more than a meaningless charade. No one seriously doubts that if the FBI were to give his case full attention he would be in jail now. In the meantime his ego is being supported by "clandestine" interviews with reporters obviously more intrigued with the game being played than by the story itself.

One thing is certain. Father Berrigan is not a political martyr. He was tried, convicted and sentenced for destroying public records. At no time was he either persecuted or prosecuted for political activity. In fact, it probably was the lack of public response to his well publicized views that induced him to turn to criminal activity.

The truly unfortunate aspect of the whole sorry situation is that Father Berrigan is exposing many other well meaning people to possible criminal charges. Harboring a fugitive from justice is itself a crime. He knows this even if they don't.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 1413, TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS WITH RESPECT TO THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

Mr. STAGGERS submitted the following conference report and statement on the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute:

CONFERENCE REPORT (H. REPT. No. 91-1714)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of March 1, 1971.

SEC. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees; and

(2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

SEC. 3. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by five percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

And the Senate agree to the same.

Harley O. Staggers,
John D. Dingell,
Brock Adams,
Managers on the Part of the House.

Ralph W. Yarborough,
Jacob K. Javits,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all after the resolving clause of the House-passed joint resolution and inserted a new text. The conference agreement is a substitute for the text of both the House-passed resolution and the Senate amendment.

The text of the conference substitute is the same as the House-passed resolution, except for the addition of a new section reading as follows:

"SEC. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

"(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees; and

"(2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate."

Harley O. Staggers,
John D. Dingell,
Brock Adams,
Managers on the Part of the House.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER pro tempore (Mr. Albert). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For statement of managers on the part of the House, see prior proceedings.)

Mr. STAGGERS. Mr. Speaker, the conferees that went to conference on the part of the House with the Senate performed an outstanding job. I might say this, that the House bill as reported earlier is almost identical, with one addition, and I would like to read that. They have restored the House date and practically everything else. It reads:

> Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—
>
> (1) The progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference committees and their employees; and
>
> (2) Any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

This is the language that has been added.

Mr. Speaker, I yield 15 minutes to the gentleman from Illinois (Mr. Springer).

Mr. SPRINGER. Mr. Speaker, I might say that the conference report, as agreed to, is the same as the one which was adopted by the House, except that there was a Senate amendment which in effect says that the President must—15 days prior to the expiration date specified, which would be March 1—submit to the Congress a full and comprehensive report containing, first, the progress, if any, of negotiations between the National Railway Labor Conference, and the Eastern, Western, and Southeastern Carriers Conference Committee and their employees; and, second, any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

Now, those are the only changes from the House version .

The Senate put in its bill the very wording of the Staggers amendment, to which I was opposed in the beginning, and felt that it did balance this and weighted it definitely in favor of labor, and I am sure there is not going to be bargaining in the meantime because they have already received what they asked for in full yesterday before our committee.

Putting that aside, I submit that as far as the report is concerned, the rest of it we were in agreement on, and there was no great dispute between us except as to the modification of the Senate amendment which did take out, third, compelling the President to submit a detailed proposal for the partial operation of the railroads affected by the dispute described in this joint resolution so as to assure transportation services necessary to national defense, health, and safety.

And this, of course, was what labor wanted, and which they had already consented to do, and shows in the report that portion was stricken for a very good reason.

Mr. ROONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Speaker, I think we are more interested in what is in it, rather than what was stricken, and that if the gentleman would confine himself to that we would be better off.

Mr. SPRINGER. I thought I had explained to my colleagues that it is the same one that went from this House, except the two matters which I mentioned with reference to the President's report to the Congress, and he has to do that, if he so chooses to make a report, 15 days before. If he does not make it 15 days before, then he does not make any official report to us.

And the second——

Mr. HAYS. Mr. Speaker, will the gentleman yield at this point?

Mr. SPRINGER. I will yield to the gentleman from Ohio, but I was hoping I could complete my statement on this.

Mr. HAYS. The gentleman, I am sure, understands that there is a deadline at midnight tonight. Is the gentleman aware that it is now 5 minutes after midnight, and that we would like to vote on the conference report?

Mr. SPRINGER. I am.

Mr. HAYS. Why do we not?

Mr. SPRINGER. I felt that in view of the importance of this that a complete explanation ought to be made of what was done in the conference.

Now, we spent an hour or an hour and a half over there, and I felt that the Members would like to know what is in this report, and how it was arrived at. Not that I agreed with what was done in this report, but I felt certainly we were due an explanation of it, and I have tried to do so, and I am willing to answer any questions at this point.

Mr. ROONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. ROONEY of New York. I would suggest that we ought to just get to a vote on this. It is 5 minutes after 12 o'clock—midnight. The day has not arrived when my voice cannot be heard in this Chamber, and I am in bad shape if it cannot be heard.

Mr. SPRINGER. Mr. Speaker, I yield back the balance of my time.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 198, nays 131, not voting 104, as follows:

[Roll No. 397]

YEAS—198

Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Beall, Md.
Bennett
Bevill
Biaggi
Biester
Blanton
Boggs
Boland
Brademas
Brasco
Brinkley
Brooks
Broyhill, Va.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey
Carney
Carter
Casey
Celler
Chappell
Clark
Collins, Ill.
Colmer
Corman
Coughlin
Culver
Daniels, N.J.
Davis, Wis.
de la Garza
Dellenback
Dingell
Donohue
Downing
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Evans, Colo.
Fascell
Feighan
Fish
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Green, Oreg.
Griffin
Gude
Hagan
Haley
Halpern
Hamilton
Hanley
Hansen, Wash.
Harsha
Hastings
Hathaway
Hays
Heckler, Mass.
Henderson
Hicks
Hogan
Horton
Howard
Ichord
Jarman
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Koch
Kyros
Landrum
Latta
Long, Md.
Lowenstein
Lukens
McCarthy
McClory
McDade
McKneally
Mahon
Mann
Meeds
Melcher
Mikva
Miller, Ohio
Minish
Mink
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
Nix
O'Hara
O'Neal, Ga.
Patman
Patten
Pelly
Pepper
Philbin
Pike
Pirnie
Podell
Poff
Price, Ill.
Pryor, Ark.
Pucinski
Quillen
Railsback
Randall
Rees
Reid, N.Y.
Rhodes
Riegle
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Ruppe
St Germain
Sandman
Saylor
Scheuer
Schneebeli
Shipley
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton
Steed
Steele
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, Ga.
Tiernan
Udall
Vanik
Vigorito
Wampler
Watts
Weicker
Whalley
White
Whitehurst
Wilson, Charles H.
Wright
Wydler
Wyman
Yates
Yatron
Young
Zablocki

NAYS—131

Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Belcher
Bell, Calif.
Berry
Betts
Bingham
Blackburn
Bow
Bray
Brock
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Bush
Camp
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Conable
Conte
Crane
Daniel, Va.
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Edwards, Calif.
Erlenborn
Esch
Eshleman
Findley
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frey
Goldwater
Goodling
Green, Pa.
Gross
Hall
Hammerschmidt
Harrington
Harvey
Hechler, W. Va.
Helstoski
Holifield
Hosmer
Hutchinson
Jacobs
Johnson, Calif.
Keith
Kleppe
Kyl
Landgrebe
Lloyd
Lujan
McCloskey
McClure
McDonald, Mich.
McEwen
Madden
Mailliard
Marsh
Martin
Matsunaga
Mizell
Mosher
Myers
Nedzi
Nelsen
Obey
Olsen
O'Neill, Mass.
Ottinger
Passman
Perkins
Pettis
Pickle
Poage
Price, Tex.
Quie
Rarick
Reid, Ill.
Robison
Roth
Rousselot
Roybal
Ruth
Ryan
Satterfield
Schadeberg
Scherle
Schmitz
Schwengel
Scott
Sebelius
Shriver
Smith, Calif.
Snyder
Springer
Steiger, Ariz.
Stokes
Taft
Talcott
Tunney
Van Deerlin
Vander Jagt
Ware
Watson
Whalen
Williams
Wilson, Bob
Winn
Wyatt
Wylie
Zion

NOT VOTING—104

Abbitt
Abernethy
Adair
Andrews, Ala.
Aspinall
Ayres
Baring
Barrett
Blatnik
Bolling
Broomfield
Brown, Calif.
Burton, Utah
Button
Chisholm
Clay
Cohelan
Collier
Collins, Tex.
Conyers
Corbett
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
Delaney
Dent
Diggs
Dowdy
Dulski
Dwyer
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fisher
Foreman
Gettys
Gilbert
Gray
Griffiths
Grover
Gubser
Hanna
Hansen, Idaho
Hawkins
Hébert
Hull
Hungate
Hunt
Johnson, Pa.
Karth
Kastenmeier
Kee
King
Kluczynski
Kuykendall
Langen
Leggett
Lennon
Long, La.
McCulloch
McFall
McMillan
Macdonald, Mass.
MacGregor
Mathias
May
Mayne
Meskill
Michel
Miller, Calif.
Mills
Minshall
Mize
Morton
Moss
O'Konski
Pollock
Powell
Preyer, N.C.
Purcell
Reifel
Reuss
Rivers
Roberts
Rogers, Colo.
Rosenthal
Roudebush
Slack
Stephens
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Ullman
Waggonner
Waldie
Whitten
Widnall
Wiggins
Wold
Wolff
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Dent with Mr. Corbett.

Mr. Thompson of New Jersey with Mr. Hunt.

Mr. Hébert with Mr. Michel.

Mr. Waggonner with Mr. Johnson of Pennsylvania.

Mr. Abernethy with Mr. O'Konski.

Mr. Andrews of Alabama with Mr. Mathias.

Mr. Miller of California with Mr. Thomson of Wisconsin.

Mr. Hall with Mr. Grover.

Mr. Leggett with Mr. Minshall.

Mr. Moss with Mr. Mayne.
Mr. Preyer of North Carolina with Mr. Kuykendal.
Mr. Gettys with Mr. Cunningham.
Mr. Gray with Mr. Button.
Mr. Slack with Mr. Collier.
Mr. Edwards of Louisiana with Mr. Cramer.
Mr. Evins of Tennessee with Mr. Adair.
Mr. Long of Louisiana with Mr. Foreman.
Mr. Cohelan with Mr. Teague of California.
Mr. Barrett with Mr. Williams.
Mr. Gilbert with Mr. Broomfield.
Mr. Davis of Georgia with Mr. Hansen of Idaho.
Mr. Delaney with Mr. King.
Mr. Reuss with Mr. Ayres.
Mr. Rogers of Colorado with Mr. Zwach.
Mr. Whitten with Mr. Wiggins.
Mr. Rivers with Mr. Morton.
Mr. Stephens with Mr. Cowger.
Mr. Fisher with Mr. Collins of Texas.
Mr. Mills with Mr. Widnall.
Mr. Blatnik with Mr. Reifel.
Mr. Karth with Mr. Langen.
Mr. Wolff with Mr. Hawkins.
Mr. Waldie with Mrs. Chisholm.
Mr. Roberts with Mr. Burton of Utah.
Mrs. Griffiths with Mrs. Dwyer.
Mr. Rosenthal with Mr. McCulloch.
Mr. Aspinall with Mr. Wold.
Mr. Kluczynski with Mr. Pollock.
Mr. Kastenmeier wtih Mr. MacGregor.
Mr. Lennon with Mr. Roudebush.
Mr. Macdonald of Massachusetts with Mrs. May.
Mr. Daddario with Mr. Meskill.
Mr. Abbitt with Mr. Mize.
Mr. Baring with Mr. Fallon.
Mr. Farbstein with Mr. Clay.
Mr. Brown of California with Mr. Conyers.
Mr. Ullman with Mr. Kee.
Mr. McMillan with Mr. McFall.
Mr. Purcell with Mr. Hanna.
Mr. Dulski with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE, AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED BY THE TWO HOUSES AND FOUND TRULY ENROLLED, NOTWITHSTANDING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until noon today, the clerk be authorized to receive messages from the Senate, and the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

POSSIBILITY OF A RUSSIAN SUBMARINE BASE IN CUBA

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, for the past several weeks, it has been obvious that the possibility of the construction of a Russian submarine base in Cuba still exists.

Despite the Kremlin's sharp denial, the threat continues. The apparent departure of a large Soviet crane-equipped tug and submarine tender from the deepwater port of Cienfuegos on Cuba's west coast may be so much window dressing. We are now informed that the submarine tender is back in a secluded harbor west of Havana.

Duplicity and treachery have always been behind the Russian's strategy in dealing with the free world and the grim Cuban episode should not be ruled an exception.

Abundant reasons for doubts and the danger of another Communist doublecross have gradually been coming to the surface. The evidence adds fuel to the fire of the concern every American should feel for the future security of this Nation.

The big barges, equipped with submarine repair facilities, still remain at Cienfuegos. The barges originally were towed across the Atlantic by a Russian freighter and have been anchored at the Cuban port since early September. Our naval and intelligence authorities consider these barges a vital element in the buildup of Soviet submarine strength in the unsettled Caribbean.

U.S. reconnaissance flights have also verified the existence of large quantities of construction equipment, materiel and other supplies having been unloaded among the hills overlooking Cienfuegos. The expensive machinery and stores are carefully protected by heavy tarpaulins and other covering with sentries on guard around the clock.

Underlying the menacing possibility of a Russian submarine base in Cuba is an even greater, and more subtle danger.

The Russian's steadily expanding naval power, not just in the Caribbean, but in other vital areas of the world, notably the Mediterranean Sea and the Indian Ocean, cannot be overlooked.

Today, not only has Russia successfully crowded the United States for naval supremacy throughout the world, but in line with some key categories, has already surpassed us.

The Soviet's greatest naval strength is contained in its huge submarine force—the largest in the world and the most massive ever created. Included are about 350 submarines, 80 of them nuclear-powered, about half armed with Polaris-type ballistic missiles. This type of submarine, like those of the United States carry 16 missiles with a range of around 1,300 miles. And if this isn't a grim enough fact, the Russians are now testing a submarine ballistic missile with an estimated range of 3,000 miles.

In contrast, the United States has 147 operational submarines, 88 of which are nuclear-powered. Of the latter, 41 are armed with Polaris ballistic missiles.

The significance of the Russian's greater research and development efforts will become evident, not today, tomorrow or even a year from now. But, 5 or 10 years from now, this Nation will be in grave danger if we continue on our present course.

Mr. Speaker, we must see that Congress appropriates sufficient defense funds to make certain this country will have the necessary offensive and defensive weapons to remain strong. We must be prepared to counter any Communist threat to our security.

NEW SEA LEVEL CANAL REPORT: AN INVITATION TO NATIONAL DISASTER

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania, (Mr. FLOOD), is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, on December 1, 1970, the Atlantic-Pacific Interoceanic Canal Study Commission headed by Hon. Robert B. Anderson filed its final report under Public Law 88-609 with the President. Chairman Anderson was also the chief negotiator of the three proposed 1967 canal treaties between the United States and Panama that were never signed because of strong public opposition in both countries.

I have received and read an advance copy of the main body of the report, which contains no surprises for those who have followed the subject closely. The following are the main points:

First. It recommends the construction of the old dream of a so-called sea level canal that would be entirely within Panamanian territory about 10 miles west of the existing canal, both to be operated and defended by the United States in a unified canal system consisting of the existing canal and the proposed new canal, with participation by Panama.

Second. It supports the negotiation of new treaties with Panama and the start of construction on the proposed new canal not later than 15 years in advance of capacity saturation of the existing canal.

Third. It opposes unjustifiably the major modernization of the existing canal by the simple and relatively inexpensive method of constructing additional locks as recommended by independent canal experts including former Governors of the Panama Canal, erroneously states that such modernization would require a new treaty with Panama, and recommends huge locks dimensions—160 feet by 1,450 feet by 65 feet—all calculated to increase the costs of such modernization.

Fourth. It minimizes the ecological hazards to marine life that leading biologists fear would result from opening a salt water channel between the oceans.

Fifth. It disregards the provisions of article IV, section 3, clause 2 of the U.S. Constitution that vests the power to dispose of territory and other property of the United States in the Congress and obviously supports the surrender of U.S. sovereignty over the Canal Zone to Panama.

Sixth. It ignores the danger of a Communist takeover of the Isthmus as occurred in 1959 in Cuba and most recently in Chile.

Seventh. It would have the United States accept responsibility without authority in a land of endemic revolution, thus subjecting our country to continuous political blackmail.

Here it should be explained that the proposed passage, incorrectly called a sea level canal, would not be a great waterway like the Strait of Magellan but merely a restricted channel about 40-miles long. It would not be an open canal as its name implies but an artificial channel with two vulnerable tidal control structures, one close to the Pacific entrance and another about 25 miles to the north. Other vulnerable structures would be on both banks.

Evidently making every possible effort to justify a long predetermined objective of securing authorization for a vast sea level construction project, the framers of the Anderson report not only failed to face the realities involved but also relied upon the historical bugbear of all sea level drives—that of the alleged greater vulnerability of the high level lake-lock plan as was done during the debates of 1905–06, 1939, and 1945–48. In this sense, like the Bourbons of France, sea level advocates have learned nothing and forgotten nothing.

In connection with the principal recommendation of the Anderson report, it is significant that Col. John P. Sheffey, the commission director, in an interview published in the December 1, 1970, Wall Street Journal, made it clear that a major purpose of constructing a sea level canal is the ending of recurring disputes between Panama and the United States over canal operation and sovereignty through excellent treaty relationships that if such relationships are not obtained there is no justification for doing it. He added that on economic grounds alone the justification for such a canal is quite weak. These statements are of themselves sufficient to destroy the force and effect of the main recommendations involved.

Mr. Speaker, can the Congress and the Nation have any confidence in a report that is publicly repudiated in important respects even by one of its principal formulators?

More important than the flaming faults of the report is the total disregard of the Soviet effort to dominate the Caribbean. Based in Cuba on the flank of the Atlantic approaches to the Panama Canal, communist power is supported with nuclear missiles and submarines. Its prime objective for conquest of the Caribbean is wresting control of the Panama Canal from the United States and its permanent takeover by Soviet power. The report's conclusions and recommendations are an invitation to national and Western Hemisphere disaster.

At this time I would like to discuss one of Panama's principal points in attacking the United States—the perpetuity provision of the 1903 Treaty under which the Panama Canal was constructed and still operates. This provision is just as binding on the United States to operate the canal in perpetuity. Does not the presence of the United States on the Isthmus guarantee the independence of Panama so long as our country functions in the ownership and operation of the Canal? In recent years since the dominance of the State Department in canal policy matters it has never seemed to oppose any wild claim by Panama as did Secretary Hughes in 1923 but always appears to have acquiesced therein however fantastic they may have been.

As to the surrender to Panama of the Canal Zone and valuable properties by no more than treaty action the same would apply to the return of Texas and the vast Southwest to Mexico. Fortunately, the wise statesmen who wrote the U.S. Constitution sought to avoid such danger by vesting the power to dispose of territory and other property of the United States in the Congress—article IV, section 3, clause 2.

In the course of the sea level canal investigation the Subcommittee on Panama Canal of the Committee on Merchant Marine and Fisheries under the leadership of its able and courageous chairman, the gentlewoman from Missouri (Mrs. SULLIVAN), followed the subject closely, conducted hearings, and made visitations to the isthmus.

In a devastatingly incisive "Report on the Problems Concerning the Panama Canal," recently issued in committee print form, the subcommittee meets the challenges in the sea level canal report previously discussed and admirably clarifies major canal issues with extensive documentation.

The following are the principal highlights of the subcommittee's report:

First. It presents the terminal lake-third lock plan for major increase of capacity and operational improvement of the existing lake-lock-type canal, which, most importantly does not require the negotiation of a new treaty.

Second. It exposes the fallacious assumptions underlying the abortive 1967 canal treaties.

Third. It dismisses the claim of sea level advocates that the growing number of supervessels—tankers and bulk carriers—in justification for a new canal of so-called sea level design as invalid.

Fourth. It emphasizes the necessity for full U.S. sovereignty over the existing Canal Zone for defense purposes.

Fifth. It stresses the power of the Congress under article IV, section 3, clause 2 of the U.S. Constitution in regard to transfer of territory and property in connection with the canal enterprise.

Sixth. It opposes joint operation of the Panama Canal with Panama as "completely unworkable as well as contrary to the best interests of the United States."

Seventh. It emphasizes that Panamanian harrassment of the United States is aimed at securing sovereignty over the Canal Zone and the present canal and that the Congress is "adamant in its opposition" to any such cession.

Eighth. It opposes any negotiations with Panama that would revive the discredited 1967 treaties.

Ninth. It states that the act of Congress authorizing the Third Locks project has never been repealed and that more than $75,000,000 was expended on it before construction was suspended. To this could be added $95,000,000 spent on extensive channel improvements completed on August 15, 1970, making a total of more than $170,000,000 already expended on the major modernization program.

Tenth. It lists H.R. 3792 for the major increase of capacity and operational improvement of the existing Panama Canal for consideration after receipt of the final report of the Anderson study group.

Another fact that the Congress should not overlook is that the total net investment of the taxpayers of our country in the Panama Canal, including its defense, from 1904 through June 30, 1968, is more than $5 billion.

Mr. Speaker, I wish at this time to commend the distinguished chairman of the Subcommittee on the Panama Canal and the other members of the subcommittee for their splendid analysis. It ought to be studied by every Member of the Congress and every publicist who writes on the vital canal subject. It merits the widest distribution among the libraries of the Nation so that it will be available to students seeking facts and not fallacious assumptions. No doubt it will become an important state paper.

In regard to the Soviet danger at Panama previously mentioned, this is not an imaginary terror but part of a calculated Kremlin policy for world domination through gaining control of strategic water ways. Wresting the Panama Canal from the United States has been a Soviet objective since 1917, and it will so remain. We must face that threat with all its grim realities and thus avoid the peril instead of inviting it through a program that would surrender U.S. sovereignty over the Canal Zone. As evidence of what could occur at Panama, I would invite attention to the fate of the Suez Canal after the surrender of British sovereignty power over the Suez Canal Zone. Within a few months it was nationalized in 1956 by Egypt, an ally of the Soviets, and it has been closed since 1967. It will not be opened until it is in the Soviet interest to permit it, and this can be expected when Soviet naval power in the Indian Ocean requires its use.

In 1947 President Truman was faced with the problem of transmitting a voluminous report on a sea-level project to the Congress as required by the law that had authorized the investigation that produced the report. After official study in executive agencies, he transmitted it to the Congress without comment or recommendation. The Congress took no action thereon and will doubtless treat the recent Anderson panel report in like manner.

In 1964, following the Red-led mob assaults in the Canal Zone that required the use of the U.S. Army to defend the lives of our citizens and the Canal itself, President Johnson, after taking a correct position initially, reversed himself on the advice of his counselors and started a series of events of which the 1970 report by the Anderson study panel is the culmination. Judging from an extensive correspondence from many parts of the Nation, the Canal surrender policy of President Johnson was an important factor in his loss of popularity that caused him to withdraw from the last Presidential election.

President Nixon now faces a similar critical decision that could affect his future. Certainly no President who advocates, or acquiesces in, the surrender of the Panama Canal can hope to succeed himself. U.S. citizens and taxpayers will never sanction such action.

The subcommittee on the Panama Canal's report in addition to its main body has nine appendices as follows:

I. Partial List of Congressional Documents and Enactments Relating to the Panama Canal, 1825–1968.

II. Statement by President Johnson, Jan. 4, 1965.

III. Statement by President Johnson, Oct. 18, 1965.

IV. Text of Proposed Treaty on Panama Canal Sovereignty and Operation.

V. Text of Proposed Sea-Level Canal Treaty.

VI. Text of Proposed Treaty on Canal Defense.

VII. Letter of Brig. Gen. Omar T. Torrijon to Senator Edward M. Kennedy and Speech by Foreign Minister Juan A. Tack.

VIII. Letter of Chairman Leonor K. Sullivan to President Nixon, Jan. 23, 1970.

IX. Panamanian Rejection of proposed 1967 treaties, Sept. 5, 1970.

Because of the importance of the Panama Canal Subcommittee's main report, I quote a major portion of it along with appendix I as parts of my remarks. The other appendices can be located in the committee print, which is available to all Members of the Congress. The text of the proposed treaties can also be found in statements to the Senate by Senator STROM THURMOND in the CONGRESSIONAL RECORDS of July 17, 21, and 27, 1967.

The indicated report and its appendix I follow:

REPORT ON THE PROBLEMS CONCERNING THE PANAMA CANAL

The purpose of this report is to present a review of the activities of the Subcommittee on Panama Canal during the 91st Congress. The report also affords the subcommittee (subcommittee chairman and ranking minority member) the opportunity to give its (their) views on such important matters as the draft treaties and the negotiations related thereto, as well as providing the means to make available the 1967 draft treaties and other pertinent documents that heretofore have not been readily available and not collected in one place.

The subcommittee work must be considered against the background of affairs affecting the Panama Canal such as the abortive 1967 draft treaties, the study of the Atlantic-Pacific Interoceanic Canal Study Commission with respect to the feasibility of a new sea level canal,[1] the Terminal Lake-Third Locks Plan [2] (for the major operational improvement and increase of capacity of the canal), and the question of tolls with respect to the lock canal treaty and the sea level canal treaty.

The concept of the construction of a new canal raises the associated problems of nuclear excavation, the impact of the transit of the Northwest Passage by the tanker, *Manhattan,* and the ecological, political, and economic ramifications of digging a new canal. Underlying all these canal-associated problems are considerations of foreign policy, finance, defense, shipping, engineering, and the restive Republic of Panama.

BACKGROUND [3]

In order to promote better understanding and to bring the activities of the Panama Canal Subcommittee into sharp focus with the complex issues involved, it is necessary to set out some of the history and background of these problems, especially with respect to the draft treaty negotiations, the sea level canal studies, their relationship, and canal capacity, projects and tolls.

Incident to Panama's continuing demand for the restoration of the rights of sovereignty in the Canal Zone, events ended in rioting and a formal break in diplomatic relations in 1964. When diplomatic relations were resumed, the Presidents of the two countries agreed to appoint special ambassadors for the negotiation of a new treaty. Meanwhile, the administration strongly supported legislation for the study of a sea level canal by the Interoceanic Canal Study Commission. After this legislation was enacted, President Johnson issued a statement on December 18, 1964, in which he announced that he had reached two decisions, first, that the United States should press forward with plans and preparations for a sea level canal, and second, to propose to Panama the negotiation of an entirely new treaty on the existing Panama Canal. The statement announced that the President had appointed Robert B. Anderson as special ambassador for negotiation of the treaty and subsequently the President also appointed Mr. Anderson as Chairman of the Atlantic-Pacific Inter-oceanic Canal Study Commission.[4]

On September 24, 1965, the President issued a progress report on the treaty negotiations.[5] The report stated that the two countries were negotiating three treaties:

1. a new treaty to replace the 1903 treaty and its amendments;
2. a military base rights and status of forces agreement; and
3. a treaty under which a new sea level canal might be built in Panama.

The statement also said that the new treaty covering the existing canal would abrogate the 1903 treaty and its amendments, effectively recognize Panama's sovereignty over the area of the present Canal Zone, terminate after a specified number of years or on the opening of the sea level canal, whichever occurred first, provide for an appropriate political, economic and social integration of the canal operation area with the rest of Panama, and to insure that the rights and interests of the canal employees are safeguarded.

Draft treaties of 1967

On June 26, 1967, it was announced that the negotiating teams of the two countries had reached agreement on the new treaties and that when signed, the treaties would be presented to each country's legislative body for consideration in accordance with their respective constitutional processes.

Copies of the draft treaties were not released in the United States. However, in July 1967, copies of what purported to be official texts of the three draft treaties were obtained in Panama by the Chicago Tribune and were published in the Tribune and subsequently reprinted in the Congressional Record of July 17, 21, and 27, 1967. Copies of the texts published in the Tribune and in the Congressional Record are set out in appendixes IV–VI. The draft treaties encountered strong opposition in Panama and in the United States and they have never been signed.

On October 11, 1968, the Panama National Guard staged a military coup to oust President Arnulfo Arias who had been duly elected as President and inaugurated on October 1. A military junta took over the Government of Panama and has remained in control since that time. Ultimate authority in the Government appears to be consolidated in Brig. Gen. Omar Torrijos, the Commandant of the National Guard. Although for a period of time after the coup General Torrijos indicated that elections would be held in 1970 to restore constitutional government, recent pronouncements by the general and his Foreign Minister indicate that they regard the present form of dictatorial government more appropriate than constitutional government brought to power by popular elections.[6]

Interrelationship of treaty negotiations and sea level canal studies

The 1967 draft treaties, the negotiations, and the sea level canal studies are closely related. This is pointed up by the official information pamphlet of the Atlantic-Pacific Interoceanic Canal Study Commission which stresses the nexus between the Commission's studies and the then contemporary treaty negotiations in the following paragraph:

"The Interoceanic Canal Study Commission itself has no direct responsibility for the conduct of canal treaty negotiations with countries containing the canal routes under investigation. However, treaty negotiations and the sea-level canal investigation are interrelated; and the various studies in support of the investigation will take into account the terms of the treaties in force at the time study reports are to be rendered. The close coordination of the Canal Commission's investigation with treaty negotiations is facilitated by the dual role of the Honorable Robert B. Anderson as Chairman of the Commission and as Special Representative of the United States for United States and Panama relations and for the treaty negotiations between these countries with respect to a new treaty to replace the Treaty of 1903. In this latter function, Ambassador Anderson's co-negotiator is the Honorable John N. Irwin, II, Special Representative of the United States of America for Interoceanic Canal Negotiations. Together, the two Special Ambassadors are charged with the responsibility for negotiating mutually supporting treaties and agreements for the continued operation of the existing lock canal; for the continued use of military bases in Panama; and for rights to construct and operate a new sea-level canal in each of the countries where routes are surveyed."

The interrelationship referred to in this statement is apparent from the 1967 draft treaties and the statements made during the period of negotiations. Clearly, at the time negotiations were commenced it was assumed that since the Panama Canal was thought to be inadequate to meet the requirements of commerce it should be replaced; that a sea-level canal was economically feasible because it could be inexpensively built with nuclear excavation methods; that once the sea-level canal was built and operating under the control of the United States, the existing canal and the Canal Zone could be relinquished to Panama; and that in the interim the treaties under which the U.S. built and operated the Panama Canal could be abrogated and a temporary arrangement substituted under which Panama's sovereignty over the Canal Zone would be recognized but control of operation of the canal would remain with the United States until the sea-level canal was built.

In the view of the subcommittee (subcommittee chairman and ranking minority member), the assumptions underlying the 1967 drafts are not now valid if, indeed, they ever were. Various aspects of the interrelated problems involved in the sea-level canal studies and the treaty negotiations are considered in the following pages of this report, with particular reference to the appropriateness of the provisions of the 1967 drafts in the light of presently known facts.

CAPACITY OF THE PANAMA CANAL

Although the tonnage of cargo moving through the Panama Canal has steadily increased over the past several years, there is little in the record to support the conclusion that traffic has reached the upper limits of the canal's capacity so as to require immediate action to replace the canal.

Traffic associated with the Vietnam war is now diminishing. The continued economic growth of Japan is less predictable, but a leveling off of that growth with a corresponding

---

Footnotes at end of article.

reduction in the rate of growth in canal traffic appears inevitable.

The growing number of superships does not seem to be a valid reason for a new, larger canal since commercially these are tankers and bulk carriers. No general cargo vessels are too large to transit the Canal and it is not anticipated that general cargo vessels too large to use the canal will be built in the immediate future. In fact, the new vessels designed by two shipyards under contract to the Maritime Administration to provide series construction under the recently passed maritime program will all fit through the canal.

From the time of completion of the Panama Canal, the Congress has almost continuously given consideration to the question of how to provide additional capacity for interoceanic commerce after the ultimate capacity of the existing canal has been reached. The two projects that have received the most study are (1) the construction of a new set of locks for the existing canal or (2) construction of a new canal, either in Panama or at another location.

Additional locks for the Panama Canal

In 1929 Congress authorized an investigation to ascertain the practicability and approximate cost of constructing and maintaining (1) such additional locks at the Panama Canal as may be necessary to provide for the future needs of interoceanic shipping; (2) any other route for a ship canal between the Atlantic and Pacific Oceans; and (3) a canal across the Republic of Nicaragua.[7] These investigations were made by the Secretary of War and the Corps of Engineers and the report was submitted to Congress in 1931.[8]

In 1936 the Congress authorized the Governor of the Panama Canal to make a further investigation of the means of increasing the capacity of the Panama Canal and to prepare designs and cost estimates for additional locks and other structures.[9] The report of this investigation was submitted by the Governor of the Panama Canal in 1939.[10] Congress authorized construction of a third set of locks and related improvements as recommended in the report.[11]

Work was commenced on this project but discontinued after completion of the excavations for new locks at Miraflores and Gatun because of overriding requirements for manpower and materials in World War II. However, the act authorizing the project has never been repealed.

In 1943, proposals were advanced for modifications of the third locks project by consolidation of the Pacific locks at Miraflores, abandonment of the Pedro Miguel locks, and formation of a terminal lake north of the new Miraflores locks.[12] This proposal is the basis for the plan for construction of additional locks involved in H.R. 3792, 91st Congress, now pending before the House Committee on Merchant Marine and Fisheries.

In 1945, Congress authorized the Governor of the Panama Canal to make a new study of increasing the capacity and security of the Panama Canal or construction of a new canal or canals at other locations.[13] This study, completed in 1947, found that either a lock canal or a sea-level canal would meet the future needs of interoceanic commerce, but recommended a sea-level canal on the basis of defense considerations. The report included three detailed plans for improvement of the lock canal. Two of these were based on consolidation of the Pacific locks at one location and elimination of the Pedro Miguel locks substantially along the lines of the 1943 modification of the 1939 third locks plan.

SEA-LEVEL CANAL PROJECTS

At the time the Panama Canal was authorized and built there was intense controversy over the questions whether to build a sea-level canal or a lock canal and whether the canal should be located in Nicaragua or Panama. The original Isthmian Canal Commission recommended construction of a sea-level canal, but after prolonged consideration the Congress finally decided the issue by enacting legislation expressly providing for the construction of a lock canal.[14]

However, after the construction of a third set of locks had been suspended, consideration of the merits of a sea-level canal was revived by the 1947 report of the Governor of the Panama Canal made pursuant to the act of December 28, 1945. As previously noted, this report concluded that construction of additional locks would meet the anticipated requirements of commercial traffic but recommended construction of a sea-level canal because of security considerations. The study on which the report was based covered some 30 routes for a canal from Mexico to Colombia but the report found that the most practicable solution was conversion of the existing canal to sea-level. The engineering studies and identification of possible canal routes used in the 1947 report have been used extensively as the basis for subsequent investigations.

In 1950, Congress reorganized the operating organizations charged with operation of the canal and government of the Canal Zone, and transferred the waterway to the Panama Canal Company as an independent agency of the Government in corporate form.[15]

Soon after this reorganization the Board of Directors of the Panama Canal Company commenced studies of the capacity of the canal and the capital improvements required to provide additional capacity to meet growing traffic requirements. In 1960, the Company submitted a report recommending a program of improvements of the present canal and the initiation of planning for construction of a sea level canal using nuclear excavation methods.

Following the submission of the 1960 report, the Committee on Merchant Marine and Fisheries appointed a board of independent consultants to review the whole subject. In a report dated June 1, 1960, the Board concluded that no sea level canal project should be undertaken in the near future; that the interim projects for improvement of the Panama Canal should be completed as soon as possible; that further studies should be made of both nuclear and conventional excavation methods; and that the whole subject should be reviewed not later than 1970.[16]

After the report by the Board of Consultants, the Panama Canal Company continued its studies of traffic growth and of capital improvements necessary to provide increased capacity. In addition, growing unrest in the Republic of Panama and demands by that country for abrogation of the treaties under which the canal was built and operated added urgency to the necessity for consideration of the question whether a new canal should be built in a different country.

In 1962 and 1963, legislation was introduced in the 87th and 88th Congresses by the chairman of the House Committee on Merchant Marine and Fisheries to authorize a new study of means for increasing the capacity of the Panama Canal or construction of a new canal to meet the future needs of commerce.

As previously noted, the administration strongly supported legislation to authorize the study, and great emphasis was placed on the availability of nuclear excavation methods that would make possible the construction of a new canal at a relatively modest cost.

Information furnished to this committee indicated that nuclear excavation was feasible and that the cost of construction by that method would be from $500 million to $770 million as compared to more than $5 billion for conventional construction at either of the sites considered for construction by nuclear methods. The cost of conventional construction at the present site of the canal was estimated at about $2.3 billion based on the estimate used in the 1947 studies.

The legislation providing for a new Commission to study the feasibility of a sea-level canal was enacted by the 88th Congress.[17] The act requires the Commission to make a complete investigation to determine "the feasibility of, and the most suitable site for, the construction of a sea-level canal connecting the Atlantic and Pacific Oceans; the best means of constructing such a canal, whether by conventional or nuclear excavation, and the estimated cost thereof." The act as later amended, requires annual progress reports, and a final report not later than December 1, 1970.

Although the final report of the Commission is not due until later this year, the fifth annual report, dated July 31, 1969, disclosed that for the purposes of the study, nuclear excavation had been eliminated. The report also stated that conventional construction of a sea-level canal on route 10, some 5 miles outside the Canal Zone, is technically feasible.

The report pointed out that final cost estimates have not been completed but that preliminary estimates indicate that the cost would be about the same as the cost of conversion of the existing canal to sea-level estimated in 1964 at $2.3 billion.

All the costs discussed in reference to construction of a sea-level canal are exclusive of payments to the country in which the canal would be located in return for the right to build the canal.

With nuclear excavation methods eliminated, the prospect of substitution of a new sea-level canal for the present canal at an acceptable cost is substantially diminished.

The 1967 treaty drafts, however, were obviously based on the assumption that a new canal would be built to replace the existing canal. The sea-level canal treaty draft left for future agreement the financial arrangement between the United States and Panama, so that the real cost of the canal cannot possibly be known at this time. Under the draft treaties, if a new canal is not built, the U.S. would lose all interest in or control over the Panama Canal at the end of this century.

The subcommittee assumes that the final report of the Atlantic-Pacific Interoceanic Canal Study Commission will treat all aspects of the justification for construction of a sea-level canal. In the meantime, however, on the basis of information furnished to date, it is the view of the subcommittee (the chairman and ranking minority member) that further discussions with Panama should not be based on an assumption that Congress will authorize construction of a sea-level canal.

Nicaragua as a Possible New Canal Site

One of the sites for a new canal included in the investigation of the Study Commission is the Republic of Nicaragua. Originally considered as a preferred site for a canal before construction in Panama was authorized in 1902. Nicaragua has continued to receive serious study as the site for any new canal. In 1914, the United States and Nicaragua concluded a treaty in which Nicaragua granted the United States exclusive rights to construct a canal across the Republic.[18] That treaty would be abrogated under the provisions of a convention signed by the United States and Nicaragua on July 14, 1970.[19]

In 1922, Congress authorized an investigation for the purpose of revising and bringing up to date the report of the Isthmian Canal Commission with respect to the practicability, advantages, and cost of construction of a canal across Nicaragua.[20]

In the study of possible routes for a new canal made pursuant to the act of December 28, 1945, Nicaragua was one of the routes

---

Footnotes at end of article.

considered and included in the 1947 report of the study.[21]

The Nicaragua route was also included in the study by the Board of Consultants appointed by this committee in 1960,[22] and was included as one of the possible sites for a new canal to be studied by the Interoceanic Canal Study Commission.

Defense of the canal (treaties)

Under the existing treaties the United States, with full powers of sovereignty in the Canal Zone, may use the Canal Zone as it sees fit to provide for the defense of the canal. The 1967 treaties would substitute defense bases in Panamanian territory under Panamanian jurisdiction for the present arrangement.

In 1942, the Republic of Panama entered into an agreement with the United States for such defense bases in Panama. The terms of the agreement provided that it should continue in effect until the signing of a "definitive treaty of peace" ending World War II. After the surrender of Japan, however, Panama insisted that the bases be vacated even though the treaty of peace had not been signed, and, after demonstrations in the streets against continuation of the arrangement, the United States was required to withdraw from the bases.

The developments in reference to the 1942 agreement were followed carefully by the Merchant Marine and Fisheries Committee at the time, and even before Panama finally required the bases to be abandoned, the committee pointed out that the difficulties with the Panamanian Government might require location of any new canal in another country.[23]

Tolls problem

From the time the canal was completed and opened to commerce, the Congress has devoted much time and effort to maintenance of a toll structure that would pay the costs of operation and assure that tolls remained fair and equitable to the users of the canal. In the language of a former Assistant Secretary of State for Latin American Affairs "the United States, while unilaterally operating the canal, has, in reality, acted as a kind of trustee for the benefit of that part of international and hemisphere trade that uses the canal."

During the treaty negotiations leading up to the 1967 drafts, officials of the Republic of Panama publicly attacked this concept of tolls administration and advocated recognition in the treaties of the right of Panama to exploit the revenue producing potential of the canal as Panama's most important natural resource, comparable to mineral deposits in other countries.[24]

One of the members of Panama's negotiating team proposed a 300 percent increase in tolls.[25] On another occasion Panama's Ambassador to the United States, also one of the negotiators for a new treaty, took the position that tolls should be established at rates sufficient to fund Panama's economic development programs.

The 1967 treaty drafts provide for payments to Panama, as part of the cost of operation, in the amount of 17 cents a ton of cargo transiting the canal in the first year of operation under the treaty, increasing to 22 cents a ton in annual increments of 1 cent over a 5-year period. Payments to the United States are called for in the amount of 8 cents a ton in the first year increasing to 10 cents a ton in 1 cent increments over a 2-year period. After payment of operating costs and the cost of capital improvements, any remaining revenues are divided equally between the United States and Panama.[26]

In the fiscal year 1970 the volume of cargo carried on vessels transiting the canal was 119 million tons. On this volume, payments to Panama from tolls would be $20 million in the first year, rising to $26 million in the fifth year of operation. Payments to the United States of $9.5 million in the first year, rising to $11.9 million in the fifth year, would be called for by the treaty. Thus, at the end of the fifth year, tolls revenues would be expected to yield $38 million for payments to Panama and the United States in addition to operating expenses and expenditures for capital improvements.

Over the last 10 years of operation, the average net income of the Panama Canal Company (revenue less operating expense) has been $8.1 million a year and capital expenditures have averaged $14.3 million. Tolls revenues over the same 10-year period have averaged $74.6 million.

The arithmetic of the tolls provisions of the draft treaties produces a requirement for continuous tolls increases, primarily for making large annual payments to Panama. The treaty imposes no limitation whatever on increases in tolls after the first 3 years of operation under the treaty, and of course, no restrictions of any kind are placed on tolls or any other phase of operation of the canal when it passes to Panama at the end of a 30-year period. Given the announced objectives of Panama's policymakers in reference to tolls, the implications for tolls-paying users of the canal are clear. However, in rejecting the 1967 drafts, Panama appears to take the position that the payments are inadequate and that the United States should continue to make payments to Panama after the canal is transferred to Panama. (See appendix IX, page 87.)

One factor that has to be considered in reference to any program based on increases in tolls rates is the effect of such increases on traffic through the canal. A study by Stanford Research Institute, presented to this subcommittee in 1967, concluded that tolls could be increased as much as 25 percent with little effect on traffic through the canal, but that traffic will become progressively smaller as tolls are increased more than 25 percent above present rates.[27]

The sensitivity of canal traffic to tolls increases is of basic importance in the economic evaluation of the sea level canal project. The 1967 draft sea level canal treaty provides for "fair and equitable sharing of revenues" of the sea level canal between Panama, the United States and any other participants in the construction of the canal, during the 60-year life of the treaty.[28] Details of this sharing arrangement are not provided in the draft but are left for future agreement, but the draft explicitly provides that payments to Panama from revenues are to be "an integral part of the arrangements for financing the construction of the sea level canal * * *".[29] This means, of course, that the sea level canal will be expected to produce from tolls the amounts required to amortize the cost of construction and make payments in an undisclosed amount to Panama. The treaty provides for operation of the sea level canal by a Commission set up along the lines of the joint administration provided for the Panama Canal in the lock canal treaty. The Commission appears not to be subject to control in any way by the Congress and to be vulnerable to the same objections as the joint administration of the lock canal. On termination of the treaty, the whole operation apparently goes over to Panama and the matter of tolls would be solely within the discretion of that country.

Whether or not tolls revenues of the sea level canal could support the projected payments is a serious question particularly in view of the sensitivity of traffic to tolls increases pointed out by Stanford Research Institute.

The interim reports of the Interoceanic Canal Study Commission indicate that a special task force under the leadership of a representative of the Treasury Department is making a study of costs and revenues to determine the financial feasibility of the various plans under consideration by the Commission. The interim reports contain no tentative conclusions of this study group similar to the tentative conclusions of engineering aspects of the study.

Activities of the Panama Canal Subcommittee

In light of the importance of the Panama Canal to the economy and national security of the United States, the magnitude and complexity of the issues involved, and in response to its jurisdictional obligations, the Subcommittee on Panama Canal took certain legislative and other related actions in the 91st Congress within the purview of its responsibilities.

The Legislative Reorganization Act of 1946[30] provides that the Committee on Merchant Marine and Fisheries shall have jurisdiction over legislation and other matters relating to the Panama Canal, including the administration, sanitation, and government of the Canal Zone and interoceanic canals generally. House Resolution 131, 91st Congress, authorizes the committee to make investigations pertaining to the administration and operation of the Panama Canal and all laws and problems pertaining thereto, including the necessity of providing additional facilities for transiting vessels between the Atlantic and Pacific Oceans.

It is interesting to note that the abovementioned law and House document mandate a very broad jurisdiction to the House Committee on Merchant Marine and Fisheries. This sweeping jurisdiction gives the committee authority over legislation, maintenance, and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone, and interocean canals generally.

This broad authority, of course, does not mention foreign affairs which would come within the ambit of another congressional committee. However, it is almost incontrovertible that the maintenance and operation of the Canal and the Canal Zone are inextricably bound to such basic matters as the 1964–67 draft treaties.

As an example, it is noted that the Interoceanic Canal Study Commission, although admitting no direct responsibility for the conduct of canal treaty negotiations, commented in its information pamphlet on the interrelationship between treaty negotiations and sea level canal feasibility studies. In fact, the 1967 draft treaties were at least in part premised and carried forward on the concept of a sea level canal. Moreover, the then administration recognized the interlocking of Canal problems and treaty negotiations when it appointed Robert B. Anderson to the dual role of Chairman of the Interoceanic Study Commission and as Special Representative for the United States to negotiate with Panama a new treaty to replace the Treaty of 1903.

The jurisdiction of the House Committee on Merchant Marine and Fisheries extends, *inter alia*, to interoceanic canals generally, which must be at the heart of any treaty negotiations, so it would not be reasonable for the Subcommittee on Panama Canal not to be concerned with the 1967 draft treaties, or any other treaty negotiations affecting the Panama Canal.

November 1969 briefing of Subcommittee on certain Panama Canal problems

In response to an invitation of the Chairman of the Subcommittee on Panama Canal, on November 20, 1969, a number of experts from the State Department, the Corps of Engineers, the Atomic Energy Commission, and the Maritime Administration appeared before the subcommittee. The chief spokesmen at these hearings were the Honorable Robert B. Anderson, Chairman of the Interoceanic Canal Commission and Chairman of the Negotiating Team appointed by President Johnson to negotiate the 1967 treaties with Panama, and Mr. Charles Meyer, As-

---

Footnotes at end of article.

sistant Secretary of State for Inter-American Affairs.

The purpose of the hearings was to receive the State Department's views with respect to the problem of Panama versus the United States both as to the treaties and the future of treaty negotiations, as well as with respect to the interim report that was made earlier that year by the Interoceanic Canal Commission concerning plans for a sea level canal site.

A number of other pertinent questions were raised in the course of the briefing such as the impact of the transit of the Northwest Passage by the *Manhattan* on the Canal the ecological ramifications of digging a new canal, and the question of tolls with respect to the lock canal treaty and the sea level canal treaty. This briefing was conducted in executive session and was confidential.

Canal Zone investigation by congressional delegation

A congressional delegation visited the Canal Zone on January 14, 15 and 16, 1970, and was comprised of members of the Subcommittee on Panama Canal of the House Committee on Merchant Marine and Fisheries and a ranking Democratic member of the House Committee on Armed Services. The delegation was headed by the Honorable Leonor K. (Mrs. John B.) Sullivan (Democrat of St. Louis, Mo.) chairman of the subcommittee on Panama Canal, and consisted of the following other House Members: The Honorable Melvin Price (Democrat, Illinois) a ranking member of the House Committee on Armed Services; the Honorable Charles A. Mosher (Republican, Ohio); the Honorable James R. Grover (Republican, New York); the Honorable John M. Murphy (Democrat, New York); the Honorable Frank Annunzio (Democrat, Illinois); and Ernest J. Corrado, subcommittee counsel.

The purpose of the delegation's visit to the Canal Zone was to meet with Governor Leber and Ambassador Sayre to be briefed on and discuss current problems concerning the Canal Zone and the operation of the canal. In addition, the delegation conducted a number of meetings and hearings with various labor and civic groups from the Canal Zone to discuss problems of mutual interest and to determine areas in which the members of the delegation might help to ameliorate living conditions in the Canal Zone and be of help in improving general Canal Zone operations.

In his briefing, the Governor gave the following as alternatives for future canal use in the area:

(*a*) Further improve the present canal.

(*b*) Third locks-terminal lake.

(*c*) A sea level canal.

The Governor concluded that a multilane sea level canal is not in the cards and that the Interoceanic Canal Study Commission will, in all probability, recommend a single lane sea level canal to operate with the present canal. He also indicated that nuclear excavation is out for now so that the price of any new canal will be around $3 billion.

The Governor made the following points with respect to canal improvements, traffic and capacity.

Since the reorganization of the Panama Canal in 1950, the Panama Canal Company has followed a continuous program of capital improvements and changes in operating procedures to increase the capacity of the canal. One of the major improvements is the widening of Gaillard Cut to provide a minimum width of 500 feet. This project was completed in August 1970 at a total cost of some $69 million. The effectiveness of the Company's program can be judged by the fact that the time in Canal Zone waters for transiting vessels has been reduced from 18 hours in 1968 to 16.4 hours in 1969 and 15.2 hours in 1970.

A study recently completed for the Panama Canal Company by an internationally recognized consulting firm has concluded that with certain additional capital improvements made over a substantial period of time in phase with traffic increases, the capacity of the canal will be 26,800 ships a year.[31]

The following tabulation shows the numbers of oceangoing ships and the amount of cargo moving through the canal in each of the last 3 fiscal years:

	1970	1969	1968
Oceangoing transits:			
Commercial	13,658	13,150	13,199
Government	1,068	1,376	1,504
Free	103	76	104
Total	14,829	14,602	14,807
Cargo (long tons)	118,900,000	108,800,000	105,500,000

It is significant that cargo tonnage increases at a greater proportionate rate than the number of transits. Indeed, in 1969, when the number of ships was reduced from that of the preceding year, cargo tonnage increased. The explanation of this anomaly lies in the greater utilization of cargo space of transiting vessels and the trend toward larger ships in the world fleet.

One of the significant developments of the delegation's visit to the Canal Zone was the effort of the chairman of the subcommittee to get the United States to cede 160 acres of a larger 900-acre parcel known as old France field to the Republic of Panama. The Republic wanted to use the land as an adjunct to the present overcrowded commercial operations of the Colon free zone. It seemed especially sensible since the U.S. Government apparently was no longer using this land and because the Colon free zone makes a substantial contribution to the economy of Panama. The chairman of the subcommittee formally proposed this needed land transfer in a letter of January 23, 1970, to President Nixon.[32] The only reply the chairman has received with respect to this useful proposal was an acknowledgement from the White House dated January 30, 1970.

This incident concerning the ceding of part of old France field to the Colon free zone raises the question of the transfer of U.S. property to the Republic of Panama and the role of Congress in such transfers.

Article IV, section 3, clause 2 of the Constitution provides that "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; * * *". The force of this constitutional provision has been recognized as applicable to transfers to Panama of property acquired by the United States in connection with the Panama Canal enterprise.

Such property includes the assets of the New Panama Canal Company of France including the Panama Railroad, purchased under authority of the act of June 28, 1902, title to land in the Canal Zone acquired under authority of that act or subsequent legislation, the waterway, appurtenant installations, buildings and other structures in the Canal Zone, funds of the Panama Canal Company and Canal Zone Government, accounts receivable, and all other assets of the Panama Canal Company, the Canal Zone Government, the military departments and other departments and agencies of the Government in the Canal Zone.

In accordance with the constitutional requirements, property of the United States associated with the Panama Canal enterprise has been disposed of in the past only in accordance with congressional authorization. For example, Congress has authorized the disposal of realty owned by the Panama Canal Railroad in Colon;[33] the transfer to Panama of land and the interest of the United States in water and sewer systems in the cities of Panama and Colon;[34] and the transfer of land and improvements to Panama in accordance with the 1955 treaty.[35]

In previous cases in which the President or his representatives have entered into agreements to transfer land or other property to Panama, the agreement has been made subject to enactment of authorizing legislation by the Congress. See, for example, article V of the 1955 treaty with Panama providing that:

"The United States of America agrees that, *subject to the enactment of legislation by the Congress*, there shall be conveyed to the Republic of Panama free of cost all the right, title, and interest held by the United States of America or its agencies in and to certain lands and improvements * * * (emphasis supplied)."

The relationship of the powers of Congress in property transfers to the 1967 draft treaties will be commented on later in the report.

Hearing on canal traffic capacity and tolls

On April 22, 1970, the subcommittee held a 1-day hearing on the projection of the Canal traffic, capacity and tolls, which are tied into the sea-level canal feasibility and treaty negotiations issues. Governor Leber was the principal witness on these matters. At the same time, the chairman invited Mr. Leonard Kujawa, Arthur Anderson and Co., to report on the impact of the IMCO Universal Measurement Tonnage System on the Panama Canal Tonnage Assessment System. The testimony at this hearing was voluminous but may be summarized as follows:

1. Regarding revenue potential over a long period:

(*a*) The present toll system should be retained only for increases in revenue of approximately 15 percent which would require a 25-percent increase in rates.

(*b*) A new tolls system could provide additional revenue up to approximately 40 percent. This is the maximum revenue potential of the Canal and would be accompanied by a substantial decrease in the level of traffic.

2. As to the present tolls system, there is no overriding reason to change at either present or moderately higher revenue objectives.

3. Regarding a possible new tolls system:

(*a*) It should be adopted to minimize traffic loss only if an increase in revenue above 15 perecnt is required.

(*b*) It must be recognized that the sensitivity to tolls varies by commodity.

(*c*) It would be more flexible in responding to defined objectives although more difficult to administer.

4. It was concluded that the tolls charge serves other than purely financial objectives. For example, it could be used to increase the longevity of the Canal by discouraging that 20 percent of transits, small ships, which only contribute 5 percent of revenue. Also, it could be designed to discourage ships having only marginal benefit from using the Canal leaving more capacity to accommodate ships benefiting greatly from use of the Canal.

5. The impact of toll charges on countries of cargo origin and destination cannot be ignored. For example, Canal tolls have significant impact on the economies of Ecuador, Peru and Chile.

6. When one considers the impact of toll charges on trade routes, the consumer, and underdeveloped nations and the world community in general, the question is presented, "Who shall bear the added burden of any increase in tolls?"

The following conclusions may be drawn from the testimony:

1. Despite the competition of oil pipe lines, giant tankers annd ore carriers, huge aircraft and "land bridges" (railroads), the Panama Canal is not about to go out of business but

---

Footnotes at end of article.

is destined for "a long and healthy future".

2. Based upon the traffic forecast and the capacity improvement program but without taking into account the depressant effect on transits of any toll raise, there is indication that the Canal will be able to accommodate traffic through the end of this century.

3. The super ocean vessels now being constructed were planned because of tolls considerations, for use on trade routes that do not require transit of the Panama Canal, and that those vessels would not use this canal even if they could transit it.

4. By basing the capacity improvement program on an incremental basis, tied solely to the traffic which we can see materializing in short-range forecast, we can minimize capital costs and meet the needs of world commerce.

5. Under existing law, there is not a need for a toll increase at this time.

6. The question of application of the Universal Measurement Convention to Panama Canal tolls is a matter for the Congress. The application of the universal measurement system to the canal would result in a redistribution of the tolls burden borne among ships and cargo, although this impact would be less using gross tonnage. The minimum 12-year transition period to the universal measurement system presents many unsolved problems, especially regarding the incomparability of tolls paid by like ships.

Fifth and sixth annual reports of the Interoceanic Canal Study Commission

The Sixth Annual Report of the Atlantic-Pacific Interoceanic Canal Study Commission was submitted to President Nixon on July 31, 1970. In this brief report, the Commission indicated that all its studies bearing on the feasibility of a new sea-level canal have been completed with the exception of the determination of the technical feasibility of nuclear canal excavation. Years of additional research and experimentation will be needed in this area, but the Commission will provide an evaluation of the prospects of nuclear canal excavation in its final report due December 1, 1970.

The Fifth Annual Report of the Commission was submitted to the President on July 31, 1969. At the time of this report, the Commission had completed its data collection activities on all of the five sea-level canal routes under investigation. The field operations had been terminated, and all facilities and equipment not removed had been turned over to the host country. As of the date of that report, the office and laboratory evaluations of route data were well advanced as were the Commission studies of the diplomatic, economic, and military considerations bearing on the feasibility of a new sea-level canal constructed by conventional or nuclear excavation.

Correspondence with State Department

At the briefing of the subcommittee by the State Department on November 20, 1969, questions were raised about existing treaties as they affect U.S. interests in the Canal Zone. On December 12, 1969, the subcommittee wrote to Charles A. Meyer, Assistant Secretary of State for Inter-American Affairs, asking advice on the implications of our treaty commitments to Columbia as they affect our interests in building a new canal and as they may affect existing obligations under the present canal.

On December 24, 1969, a reply was received from the Acting Assistant Secretary. This letter iterated the provisions of the 1941 treaty between Colombia and the United States which subcommittee counsel had already researched. The letter did not, however, answer our questions. The subcommittee did not pursue the matter further.

Legislation

1. H.R. 7517 was signed into law on July 24, 1970, and became Public Law 91-355.

This legislation, costs to be paid from canal tolls, is designed to adjust cash relief payments to noncitizen former employees of the Canal Zone Government whose services terminated prior to 1958 by providing for the adjustment of future payments on the basis of cost of living. The measure would also extend the eligibility for cash relief payments to surviving widows of such former employees.

The committee reported this bill out on July 10, 1969, it passed the House on July 21, 1969, and the Senate on July 15, 1970. During the delegation's visit to Panama in January 1970, this measure was the piece of legislation most frequently asked about by the various citizens groups and it was the one bill that everyone was unanimous in the view that it be enacted.

2. H.R. 2063, introduced by Mr. Boggs on January 6, 1969, to provide increases in annuities granted under the Panama Canal Construction Service Annuity Act of May 29, 1944. No action has been taken on this bill.

3. H.R. 17614, introduced by Mrs. Sullivan (by request) on May 13, 1970. The effect of this bill would require the Panama Canal Company to reimburse the U.S. Treasury annually for the $1.5 million by which the annuity payable to the Republic of Panama was increased under the 1955 treaty between the United States and Panama. An identical bill has been introduced in every Congress since the 87th Congress. No action has been taken on this bill.

4. H.R. 3792, introduced by Mr. Flood on January 16, 1969, to provide for the increase of capacity and the improvement of operations of the Panama Canal. It was determined that the subcommittee should not take action on this third locks legislation at least until receiving the final report of the Interoceanic Study Commission.

CURRENT STATUS OF ISSUES

Draft treaties

On August 5, 1970, the Minister of Foreign Relations sent a letter to our Secretary of State advising that Panama was willing to continue negotiations but that none of the three draft treaties recommended by the negotiators was satisfactory.

At the time the letter was written to the Secretary of State, Panama's Foreign Office released a 32-page document explaining the reasons for rejection of the 1967 treaty drafts.[35a] This document analyzed the drafts on the basis of Panama's dissatisfaction with the existing treaty provisions on the following issues:

(1) Perpetuity of U.S. control,

(2) U.S. jurisdiction in the Canal Zone,

(3) Improvements of the Panama Canal,

(4) Military installations and activities,

(5) Insufficiency of direct benefits from the canal,

(6) Insufficiency of indirect benefits from U.S. operations, and

(7) Unilateral interpretation of treaties by the United States.

In general, this document takes an extreme position which in effect rejects U.S. control of the canal, the right of the United States to maintain military forces on the isthmus, and rejects the management of the canal for the benefit of shipping rather than the enrichment of Panama. Near the end of the document, Panama concludes that the root causes of conflict which have arisen since 1903 by reason of the unilateral interpretation and application of the existing treaties, on the part of the U.S. Government, will continue and will be aggravated in many respects, if the 1967 draft treaties were to be approved by the Republic of Panama.

In addition to the Panamanian inhibitions concerning the draft treaties, several important American objections are noted as follows.

Under the existing treaties, the United States has complete control because within the Canal Zone it exercises the rights of sovereignty.[36] The 1967 draft treaties recognize the full sovereignty of Panama over the Canal Zone and provide for transfer of the Panama Canal to a joint administration, a new entity composed of members appointed by the Presidents of the Republic of Panama and of the United States. The control over the joint administration would rest solely on the fact that five members of the Commission would be appointed by the President of the United States and four members would be appointed by the President of Panama. The chairmanship of the administration would rotate between members appointed by the President of each country.

The joint administration provided by the 1967 drafts would be independent of the Congress and no provision is made in the drafts for any control of the administration by any branch of the U.S. Government. On the other hand, complete legislative, executive, and judicial power in respect to the canal and the contiguous area would be divided between the joint administration and the Republic of Panama. The arrangement is so complex and unwieldly as to be, in the judgment of this subcommittee (the authors of this paper), completely unworkable as well as contrary to the best interests of the United States.[37]

The 1967 draft treaties ignore the quoted provisions of article IV of the Constitution. The draft treaty providing for operation of the existing canal makes no reference to the necessity for congressional action to dispose of property of the United States but provides without qualification for assumption by the joint administration of "all of the assets, liabilities and commitments of the Panama Canal Company and Canal Zone Government" with the proviso that the unrecovered investment of the United States in the Panama Canal is not included in the liabilities assumed by the administration.[38]

Upon entry into force of the treaty, all rights of the United States of America to real property in the Canal Zone, not included in areas transferred to the joint administration "shall become the exclusive rights of the Republic of Panama, without cost;"[39] and on termination of the treaty any rights of the United States and of the administration to real property in the canal area become the exclusive rights of the Republic of Panama.[40]

On termination of the treaty, the Panama Canal, all its appurtenant facilities and all property of the joint administration "shall be the property of the Republic of Panama."[41] The treaty would terminate on December 31, 1999 or on the opening of a sea-level canal, whichever occurs first.[42]

In view of the responsibility of Congress to dispose of property of the United States, it is highly unlikely that such sweeping dispositions would be allowed to take place without congressional action of any kind. The failure of the 1967 drafts take into account the authority and responsibility of Congress in this regard is one of most glaring defects of the 1967 drafts.[43]

Rio Hato lease termination

In the 1955 treaty between Panama and the United States, Panama again authorized use of the Rio Hato Base by the U.S. Armed Forces as a training area for a period of 15 years, subject to extension by agreement between the two countries.[44] The 15-year period expired on August 15, 1970, and on August 21, the Government of Panama announced that it had rejected a request by the United States for renewal of the agreement to permit continued use of the base. The United States was previously ousted from the same base in 1947 when demanded by a "student" demonstration.

These experiences point to the result that could be expected to follow if the United

---

Footnotes at end of article.

States were to give up the right to defend the canal provided by the 1903 treaty and rely on an agreement for maintaining defense bases subject to the sovereignty of the Republic of Panama.

Harassment of United States by Panama

It would appear from press reports and other sources that Panama has embarked on a calculated program of protest concerning activities in the Canal Zone. These protests are without foundation and include contentions that shipping agents improperly conduct business in the Canal Zone (see article III, 1936 treaty); that the Panama Canal Company's improvement program is new construction and in violation of article I of the 1936 treaty; (see treaty note defining maintenance); that the U.S. laws governing extradition from the Canal Zone to Panama violate article XVI of the 1903 treaty; and that maintenance of tolls at existing rates deprives Panama of financial returns to which it is entitled.

At the same time that Panama alleges wholesale treaty violations by the United States, it persists in actions which appear to be in direct violation of its commitments to the United States. For example, Panama imposes a transportation tax on Canal Zone residents leaving the Isthmus through the Tocumen Airport notwithstanding article X of the 1903 treaty providing that no charges of any kind shall be imposed on persons in the service of the Panama Canal agencies, article IV of the 1936 treaty providing that no charges should be imposed on residents of the Canal Zone passing from the Canal Zone into Panama, and Article XVII of the 1949 Aviation Agreement providing that Canal Zone passengers arriving at or departing from Tocumen will have the right of free travel through the Republic.

No restoration of constitutional government

While appeals to nationalistic and anti-U.S. sentiment have increased in volume, the Provisional Military Government has been moving further away from the intention originally announced to hold elections and restore constitutional government in 1970. The power of the government appears to have been consolidated effectively in one man (Brigadier General Torrijos) who, in a letter to Senator Kennedy in May, 1970, expressed the view forcefully that military government is preferable to democratic processes in Latin American countries. The same idea was projected in a speech on June 26 by Foreign Minister Tack before the OAS in Washington. Both the letter and the speech emphasize that in almost all demonstrations which disturb the public order in Latin America, the demonstrators are in the right, and that university students, their eyes opened in the classroom, rebel against living in a world full of injustices.

INCREASES IN PUBLIC DEBT

Another significant factor in the background of our relations with Panama is the dramatic increase in the public debt, mostly through increased loans from AID, the World Bank, the Inter-American Development Bank, and private sources. As of December 31, 1968, Panama's indebtedness was reported as $168,700,000. From newspaper reports alone it appears that loans of at least $135,300,000 were obtained in 1969–70 and applications for at least another $60 million are now pending. This of course may lead to a severe fiscal crisis on the Panana Government which may account for the return to emphasis in anti-United States nationalism as a political diversion.

Sea-level canal

The question of canal improvement, viz., a new sea-level canal, the Third Locks-Terminal Lake plan or improving the existing canal, hinges on the final report of the Interoceanic Canal Study Commission.

CONCLUSIONS

The record of recent actions of the present Panamanian nonconstitutional provisional Military Government with respect to the United States presence in Panama argues against the wisdom of the United States taking part in any activity at this time which would disturb the basic U.S. jurisdiction in the Canal Zone. Militating against any such U.S. action are the Rio Hato lease termination episode, the Panamanian rejection of the 1967 draft treaties, the frequent unfounded allegations of improper U.S. conduct, illegal and discriminatory actions against Canal Zone residents (e.g., the transportation tax on Canal Zone residents traveling by air) and the constant drumfire of anti-American propaganda in the utterances of Panamanian officials and in the Panamanian news media.

Panama has consistently demanded a substantial increase in tolls with the revenue to be paid over to Panama. One of the members of Panama's negotiating team proposed a 300-percent increase in tolls. The arithmetic of the tolls provisions of the 1967 draft treaties would dictate continuous tolls increases. Even this is not now sufficient in the view of the provisional Military Government as it indicated in its recent public rejection of the 1967 treaties. Comprehensive studies indicate that a 25-percent tolls increase is the maxmum before canal traffic would react to the increase and tail off dramatically. Even if a sea-level canal should prove to be feasibly, and should be constructed, it is questionable whether it could support even the projected payments of the 1967 treaties, especially in light of the sensitivity of canal traffic to tolls increases.

At the time the 1967 treaties were drafted and negotiated it was thought that the canal was inadequate to meet the requirements of commerce and should be replaced. Although the transiting tonnage has increased, there is little in the record to support the conclusion that traffic has reached the upper limits of the canal's capacity. In fact, Governor Leber stated before the subcommittee on April 22, 1970, that based on traffic forecasts and the canal improvement program, the existing canal should be able to handle the traffic to the end of the century.

At the time the 1967 treaties were drafted and negotiated it was thought that a sea-level canal was economically feasible and could be inexpensively built by nuclear excavation. Once the sea-level canal was built and operating under the control of the United States, the existing canal and zone would be turned over to Panama. It is clear from the Interoceanic Canal Study Commission's interim 6th Annual Report (July 31, 1970) that nuclear excavation has been eliminated for the foreseeable future. The report states, "Years of additional research and experimentation are needed to perfect the nuclear excavation technology." With nuclear excavation out, the possibility of the substitution of a new sea-level canal for the present canal at an acceptable cost is greatly diminished.

The cost to construct a new sea-level canal on route 10 (5 miles outside Canal Zone) would be about $2.3 billion, which is about what it would cost to convert the existing canal to a sea-level canal. It is noted that the 1967 Sea-Level Canal Treaty left for future agreement the financial arrangement between the United States and Panama (which would be in addition to the cost of construction), so the total cost cannot possibly be known. Thus, it is abundantly clear that the Republic of Panama, or anyone else for that matter, cannot premise future treaty negotiations on the assumption that Congress will authorize the construction of a new sea-level canal or enact legislation to transfer the existing canal to any other country.

After the Atlantic-Pacific Interoceanic Canal Study Commission submits its report on the feasibility of the construction of a sea-level, canal, the Congress will then have the task of deciding what, if any action should be taken either to build a new sea-level canal or to provide additional locks and improvements for the existing canal in line with the pending terminal lake-third locks plan.

The Panamanian Government has made known its objections to the 1967 draft treaties in unmistakable terms. From the standpoint of the United States, there are a number of disabilities inherent in those treaties aside from the facts mentioned above that they are based on erroneous premises. They would, for example, result in the United States relinquishing its powers of sovereignty over the canal, and would operate in such a way that the United States would not be able to effectively control the Panama Canal or provide for its defense in a satisfactory manner. In addition, these treaties contemplate an unrealistic and unreasonable increase in tolls rates and revenues and do not take into account the constitutional authority of Congress over the disposal of U.S. property. Also, the treaties would remove the canal from the authority of Congress. In this connection, it is noted that under the 1967 draft locks treaty, control of the canal would pass from the Congress to the nine-man governing authority, and the five American members would be appointed by the President, subject to confirmation by the Senate, and responsible to the Executive, not to the Congress. This arrangement alone makes the treaties unacceptable to the Congress.

It has been said that "Histories make men wise." If this is so, we should recognize that the pattern of Panamanian behavior which led to the 1964–67 treaties and negotiations is being repeated, undoubtedly for the purpose of forcing new negotiations and treaties even more retrograde to U.S. interests.

It must be understood by all interested parties that the Congress looks with disfavor on such disruptive treaties and is adamant in its opposition to ceding U.S. sovereignty and jurisdiction over the Canal Zone to the Republic of Panama. Indeed, the House of Representatives has expressed itself with respect to the 1964–67 treaties blunder, through the introduction of some 105 resolutions declaring it to be the policy of the House of Representatives and the desire of the people that the United States should maintain its soveregnty and jurisdiction over the Panama Canal Zone.

All responsible parties both in this country[46] and in Panama must be aware that due to prior congressional opposition and the strong stand taken by Panama in rejecting the 1967 draft treaties, it is the consensus of this subcommittee (the authors of this paper) that treaty negotiations should not go forward and that the subcommittee (we) oppose(s) any negotiations which would revive the 1967 treaties or initiate new treaties of a similar nature which would be a source of confusion, irritation and contention both here and in Panama, and which would be inimical to the best interests of the United States.

FOOTNOTES

[1] The act of September 22, 1964 (Public Law 88–609; 78 Stat. 990) provided for a commission of five members to study the feasibility, methods of construction, location, and cost of a sea level canal between the Atlantic and Pacific Oceans. As amended in 1968 (Public Law 90–359; 82 Stat. 249) the act requires annual progress reports to the Congress as well as a final report by December 1. 1970. Such interim reports have been submitted, the latest being the Sixth Annual Report of the Commission, dated July 31, 1970.

[2] This concept includes provisions for the—

(*a*) Elimination of the bottleneck Pedro Miguel locks.

(*b*) Consolidation of all Pacific locks south of Miraflores.

(*c*) Raising the Gatun Lake water level to its optimum height (about 92 feet).

(*d*) Construction of one set of larger locks.

(*e*) Creation of the Pacific end of the canal of a summit-level terminal lake anchorage for use as a Pacific reservoir to correspond with the layout of the Atlantic end to permit uninterrupted operation of the Pacific locks during fog periods.

[3] The history of the search for a passage between the Atlantic and Pacific Oceans and early proposals for construction of a transisthmian canal which culminated in the French venture in the 19th century is available in a number of authoritative books and publications. DuVal: "Cadiz to Cathay", Stanford University Press (1940); Mack: "The Land Divided", Knopf (1944); H. Rept. 2218, 86th Cong., p. 3 et seq.

The congressional documents listed in appendix I show that throughout the 19th century the United States was exploring the feasibility of construction of a transisthmian canal in Nicaragua or in Panama. After the failure of the French project at the end of the century, the Congress authorized the President to acquire the rights in perpetuity to construct and operate a canal across the Isthmus of Panama (then part of Colombia) or Nicaragua; (Act of June 28, 1902; 32 Stat. 481). In 1903 Panama obtained its independence from Colombia and entered into a treaty with the United States in which Panama granted to the United States in perpetuity the use, occupation and control of the Canal Zone for the construction, operation and protection of a canal and also granted to the United States all the rights, power, and authority within the Canal Zone which the United States would exercise if it were sovereign of the territory * * * to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority. (Convention for the Construction of a Ship Canal, 1903, Articles II and III.)

[4] The full text of the Dec. 18, 1964, statement is set out in app. II.

[5] See app. III for the text of this statement.

[6] General Torrijos' views were expressed in a letter to Senator Kennedy dated May 7, 1970, published in "El Panama American" on July 1, 1970. Similar sentiments were expressed by the Foreign Minister in a statement at a meeting of the Organization of American States on June 26, 1970. Translations of both documents are attached in app. VII.

[7] Pub. Res. 99, 70th Cong., approved March 2, 1929.

[8] H. Doc. 139, 72d Cong.

[9] Pub. Res. 74–85; 49 Stat. 1256.

[10] H. Doc. 210, 76th Cong.

[11] Act of August 11, 1939, 53 Stat. 1409; P.L. 76–391.

[12] See report on proposals for the elimination of Pedro Miguel locks of the Panama Canal, 102 Congressional Record 10756–10766 (1956).

[13] Public Law 79–280; 59 Stat. 663.

[14] Act of June 29, 1906; See DuVal: *And the Mountains Will Move,* Stanford Univ. Press (1947), p. 206 et. seq.

[15] Public Law 80–808; 62 Stat. 1075.

[16] H. Rept. 1960, 86th Cong.

[17] Public Law 88–609; 78 Stat. 990.

[18] T.S. 624.

[19] Dept. of State Bulletin, Aug. 10, 1970, p. 183.

[20] Pub. Res. 99, 70th Cong., approved March 22, 1929.

[21] H. Doc. 139, 72d Cong.

[22] H. Rept. 1960, 86th Cong.

[23] See H. Rept. No. 781, 80th Cong., pp. 10–12.

[24] See statements by Foreign Minister Fernando Eleta reported in the *Miami Herald,* February 12, 1966.

[25] *Panama American,* March 6, 1966.

[26] Art. XXXIII, pars. 4 and 5.

[27] Hearings, Panama Canal Company status report—tolls study, Committee on Merchant Marine and Fisheries, 90th Cong., May 18, 1967, pp. 49–170.

[28] Art. X, par. (2) (c).

[29] Art. III, par. (2).

[30] P.L. 79–60; 60 Stat. 823.

[31] Panama has taken the remarkable position that such capital improvements are beyond the authority of the United States. This view is vigorously asserted in the document shown in appendix IX notwithstanding a formal exchange of notes between the two countries to the effect that "maintenance" as applied to the canal within the meaning of article I of the 1936 treaty permits both expansion and new construction. See treaty series No. 945, page 66.

[32] See App. VIII for a copy of this letter.

[33] Pub. Res. 75–54; 50 Stat. 511.

[34] P.L. 78–48; 57 Stat. 74.

[35] P.L. 85–223; 71 Stat. 509.

[35a] The text of the document was published in *La Estrella de Panama,* Sept. 5, 1970. A translation is attached in app. IX.

[36] Before the Panama Canal was built, President Rutherford Hayes in a Message to Congress on March 8, 1880, announced the policy that:

"It is the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the Isthmus that connects North and South America as will protect our national interests."

This has been the policy of the United States since the Panama Canal was built, and the subcommittee understands that no change in the policy was intended in the 1967 treaty drafts. However, the 1967 drafts contemplate a change in the method of control that is so drastic and, the subcommittee believes, so unworkable as to result in the loss of any effective control over the Canal by the United States.

[37] Panama also objects to transfer of control of a new entity, not part of either Government. See Appendix X.

[38] Art. III, par. 3.

[39] Art. XXXVIII, par. 1.

[40] Art. XXXVIII, par. 3.

[41] Art. XXXIX, par. 1.

[42] Art. XLI.

[43] See Cong. Rec., vol. 113, (1967), p. H–10544.

[44] Article VIII, TIAS 3297, p. 14.

[45] It is interesting to note that at the Oct. 24, 1970, White House dinner celebrating the anniversary of the United Nations, one of the invitees was Demetrio B. Lakas, President of the Republic of Panama. Also in attendance were John N. Irwin, Under Secretary of State; and Charles A. Meyer, Assistant Secretary of State. These latter individuals participated in the negotiations of the last set of unacceptable treaties. In May, Daniel Hofgren, a Presidential assistant was delegated the responsibility for conducting negotiations with the Republic of Panama for a new Atlantic-Pacific Interoceanic Canal.

APPENDIX I

PARTIAL LIST OF CONGRESSIONAL DOCUMENTS AND ENACTMENTS RELATING TO THE PANAMA CANAL[1]

Nineteenth Congress, first session:

Senate Doc. No. 68, December 26, 1825.—Message of the President on the congress at Panama; United States not to take part in deliberations of a belligerent character; not to contract alliances, nor to engage in any project imputing hostility to any other nation.

Senate Doc. 21, January 19, 1826.—Report from the Committee on Roads and Canals, recommending survey of canal between the Atlantic and Gulf of Mexico.

House Res. No. 11, January 25, 1826.—Resolution by Mr. Miner that the appointment of ministers to the proposed congress at Panama is a measure dictated by wisdom, and provision ought to be made for expenses.

House Ex. Doc. No. 162, March 15, 1826.—Message of the President relative to an appropriation to carry into effect the mission to Panama.

House Report No. 137, March 25, 1826.—Report from the Committee on Foreign Relations for an appropriation for mission to Panama.

Senate Doc. No. 73, March 30, 1826.—Resolution by Mr. Branch that the appointment of ministers to the Panama congress is not within the competency of the Executive.

House Res. No. 36, April 3, 1862.—Resolution relative to the inexpediency of appropriating funds for mission to Panama.

House Res. No. 38, April 4, 1826.—Resolution by Mr. Buchanan that it is inexpedient to depart from the long-established policy of the country by an alliance with any nation by which the United States would be deprived of independent action in any crisis.

House Res. No. 40, April 11, 1826.—Resolution by Mr. Polk that the sending of ministers to the congress at Panama would have a tendency to involve the nation in entangling alliances, and that it is inexpedient to send ministers or grant an appropriation to defray expenses of said mission.

House Ex. Doc. No. 157, April 15, 1826.—Message of the President with statement relative to governments to be presented at the congress at Panama.

House Res. No. 42, April 18, 1826.—Resolution by Mr. Buchanan that the Government ought not to be represented at the congress at Panama.

Nineteenth Congress, second session:

House Ex. Doc. No. 23, December 26, 1826.—Message of the President relative to the congress at Panama.

House Report No. 56, January 24, 1827.—Report from the Naval Committee on transit across the Isthmus of Panama.

Twenty-third Congress, second session:

Senate Journal, page 238, March 3, 1835.—Resolution by Mr. Clayton requesting the President of the United States to open negotiations with other nations as to opening a communication between the Atlantic and Pacific oceans.

Twenty-fourth Congress, second session:

Senate Journal, January 9, 1837.—Message of the President relative to a ship canal across the Isthmus of Panama.

Twenty-fifth Congress, second session:

House Ex. Doc. No. 228, March 12, 1838.—Message of the President relative to the Darien Canal, as to the expediency of opening negotiations with other nations as to a ship canal across the Isthmus of Darien.

Twenty-fifth Congress, third session:

House Report No. 322, March 2, 1839.—Report submitted by Mr. Mercer, from the Committee on Roads and Canals, as to the construction of a ship canal between North and South America.

Twenty-sixth Congress, first session:

Senate Doc. No. 224, March 4, 1840.—Citizens of Indiana, remonstrating against the construction of canal across the Isthmus of Darien.

Twenty-eighth Congress, first session:

House Doc. No. 77, January 19, 1844.—Message from the President relative to communication between the Atlantic and Pacific oceans.

Twenty-ninth Congress, first session:

Senate Ex. Doc. No. 339, May 11, 1846.—Report of the Secretary of State, transmitting information relative to a ship canal across the Isthmus of Panama.

Thirtieth Congress, second session:

---

[1] Exclusive of legislation in annual Appropriations Acts.

House Report No. 145, February 20, 1849.—Report by Mr. Rockwell, from the Select Committee on a Canal between the Atlantic and the Pacific Oceans.

Thirty-first Congress, first session:

House Report No. 439, August 1, 1850.—Report of Mr. Staunton, relative to a canal across the Isthmus of Tehuantepec, Panama, or Nicaragua.

Thirty-first Congress, second session:

Senate Ex. Doc. No. 40, February 21, 1850.—Message of the President on Isthmus of Panama.

Thirty-second Congress, first session:

Senate Ex. Doc. No. 97, July 27, 1852.—Message of the President, transmitting a report from the Department of State, respecting a right of way across the Isthmus of Tehuantepec.

Senate Report No. 355, August 30, 1852.—Report of Mr. Mason, from the Senate Committee on Foreign Relations, respecting the right of way across the Isthmus of Tehuantepec.

Senate Ex. Doc. No.—, December 16, 1851.—Message of the President on a ship canal between the Atlantic and the Pacific oceans.

Thirty-second Congress, second session:

Senate Ex. Doc. No. 44, February 18, 1853.—Message of the President, transmitting Mr. Edward Everett's communication to the British minister on the subject of an interoceanic canal by the Nicaraguan route.

Thirty-third Congress, first session:

Senate Ex. Doc. No. 13, December 31, 1853.—Message of the President, transmitting the correspondence growing out of the treaty of Washington of July 4, 1850.

Thirty-third Congress, second session:

Senate Ex. Doc. No. 1, October 25, 1854.—Report by Lieut. J. G. Strain on the Isthmus of Darien.

Thirty-fourth Congress, first session:

Senate Ex. Doc. No. 68, May 15, 1856.—Message of the President, transmitting sundry papers and documents in relation to the affairs with the Government of Nicaragua.

Thirty-fourth Congress, third session:

Senate Ex. Doc. No. 51, February 13, 1857.—Report of the Secretary of War, transmitting a copy of the report of Capt. T. J. Cram on the interoceanic canal.

Thirty-fifth Congress, first session:

House Report No. 476, May 29, 1858.—Report by Mr. Hawkins on case of Panama Railroad Company.

Senate Ex. Doc. No. 72, June 11, 1858.—Message of the President, transmitting information respecting the Isthmus of Tehuantepec.

Thirty-sixth Congress, second session:

Senate Ex. Doc. No. 9, February 13, 1861.—Report of the Secretary of War, transmitting Lieutenant Michler's report of his survey for an interoceanic canal near the Isthmus of Darien.

Thirty-ninth Congress, first session:

Senate Ex. Doc. No. 62, July 12, 1866.—Report of the Secretary of the Navy, transmitting a report of Rear-Admiral Charles H. Davis in relation to the various proposed interoceanic canals.

Thirty-ninth Congress, second session:

Senate Ex. Doc. No. 25, February 11, 1867.—Message of the President, transmitting correspondence on the subject of grants to American citizens for railroads and telegraph lines across the Republic of Mexico.

Fortieth Congress, first session:

House Mis. Doc. No. 24, March 19, 1867.—Report by Mr. Banks, requiring the Committee on Foreign Affairs to inquire and report what measures have been taken by foreign governments in reference to transit across the Isthmus of Panama.

Forty-first Congress, second session:

House Ex. Doc. No. 81, January 21, 1870.—Message of the President on the Darien Ship Canal.

House Ex. Doc. No. 113, February 2, 1870.—Communication upon the subject of interoceanic communication across the Isthmus of Darien.

Forty-second Congress, second session:

Senate Ex. Doc. No. 6, November 1, 1871.—Report of the Secretary of the Navy, transmitting report of Capt. R. W. Shufeldt, containing report of explorations and surveys as to practicability of a ship canal between the Atlantic and Pacific oceans.

House Mis. Doc. No. 219, January 16, 1872.—Report of the Secretary of State, transmitting information as to the views of European governments in regard to international cooperation for the construction of a ship canal between the Atlantic and Pacific oceans.

Forty-second Congress, third session:

House Report No. 76, February 13, 1873.—Report by Mr. Negley on the construction of a ship canal.

House Mis. Doc. No. 113, July 7, 1870.—Report of explorations and surveys as to a ship canal between the Atlantic and Pacific oceans by the Isthmus of Darien, by Commander Thomas Oliver Selfridge.

Forty-third Congress, first session:

Senate Ex. Doc. No. 57, June 16, 1874.—Report by the Secretary of the Navy, transmitting the report of Commander E. P. Lull, with surveys for a ship canal between the Atlantic and the Pacific oceans through Nicaragua.

Forty-fifth Congress, third session:

Senate Ex. Doc. No. 75, March 7, 1879.—Report by the Secretary of the Navy, transmitting reports of surveys for location of ship canal through the Isthmus of Panama and Napipi.

Forty-sixth Congress, first session:

Senate Ex. Doc. No. 15, April 18, 1879.—Message of the President, transmitting report of Daniel Ammen on the different interoceanic canal surveys.

House Ex. Doc. No. 10, June 13, 1879.—Report from the Secretary of State relative to the steps taken by the Government of the United States to promote the construction of an interoceanic canal across the Isthmus of Darien.

Forty-sixth Congress, second session:

House Ex. Doc. No. 63, March 17, 1880.—Report from the Secretary of the Navy, transmitting the report of Lieut. T. A. M. Craven relating to a survey for an interoceanic canal.

Senate Ex. Doc. No. 112, March 8, 1880.—Message of the President, transmitting documents from the State Department relative to the proposed interoceanic canal between the Atlantic and Pacific oceans.

House Report No. 1121, April 16, 1880.—Report by Mr. Cox on the abrogation of the Clayton-Bulwer treaty.

Senate Mis. Doc. No. 9, December 4, 1879.—Resolution by Mr. Eaton requesting the correspondence between the United States and foreign governments relative to a ship canal across the Isthmus between North and South America.

House Ex. Doc. No. 57, March 8, 1880.—Message of the President, transmitting copies of correspondence in relation to interoceanic canals.

House Ex. Doc. Nos. 61 and 86, March 5, 1880.—A letter from the Secretary of the Treasury, giving commercial statistics relative to the trade between the Atlantic and the Pacific coasts.

Forty-sixth Congress, third session:

House Report No. 224, February 14, 1881.—Report by Mr. Hill on the interoceanic canals and the Monroe Doctrine.

House Mis. Doc. No. 16, February 6, 1880.—Report by Mr. King from the Select Committee on Interoceanic Canals.

House Mis. Doc. No. 13, February 17, 1881.—Report by Mr. Turner on the Tehuantepec Ship Canal.

House Report No. 390, March 3, 1880.—Report by Mr. King on the Monroe Doctrine and ship canals.

House Report No. 211, February 12, 1881.—Report by Mr. King on the Maritime Canal Company of Nicaragua.

House Report No. 322, February 22, 1881.—Report by Mr. King on interoceanic ship railway.

Senate Mis. Doc. No. 42, February 16, 1881.—Resolution by Mr. Eaton that the consent of the United States is a necessary condition precedent to the execution of an interoceanic ship canal.

Forty-seventh Congress, special session:

Senate Report No. 1, May 16, 1881.—Report of Mr. Burnside on the construction of ship canals across the Isthmus of Darien.

Senate Ex. Doc. No. 5, October 24, 1881.—Message of the President, transmitting documents from the State Department relative to the projected oceanic canal at Panama.

Forty-seventh Congress, first session:

Senate Report No. 213, March 6, 1882.—Report by Mr. Vest, from Committee on Commerce, on bill to incorporate the Interoceanic Ship Railway Company.

Senate Ex. Doc. No. 194, August 3, 1882.—Message of the President, transmitting a report of the Secretary of State and accompanying papers relating to Clayton-Bulwer treaty.

Senate Ex. Doc. No. 78, January 27, 1882.—Message of the President, transmitting the correspondence touching the desired modification of the Clayton-Bulwer treaty.

House Report No. 1698. July 21, 1882.—Majority report by Mr. Kasson on the Nicaragua Canal bill. Part 2 of this report contains the views of the minority, by Mr. Blount.

Senate Report No. 368, April 4, 1882.—Report by Mr. Miller from the Committee on Foreign Relations.

Forty-seventh Congress, second session:

Senate Report No. 952, January 31, 1883.—Report by Mr. Miller on the incorporation of the Maritime Canal Company of Nicaragua.

House Ex. Doc. No. 107, May 2, 1882.—Report of the Secretary of the Navy, transmitting the report of Lieut. J. T. Sullivan.

Forty-eighth Congress, first session:

Senate Ex. Doc. No. 26, December 19, 1883.—Message of the President, transmitting a report of the Secretary of State relating to the treaty between the United States and Great Britain signed April 19, 1850.

Senate Ex. Doc. No. 123, March 12, 1884.—Report of the United States officers on the progress of the work on the ship canal at the Isthmus of Panama.

Forty-eighth Congress, second session:

Senate Mis. Doc. No. 12, December 10, 1884.—Report from the Secretary of State, containing the correspondence relative to the Panama Canal.

Forty-ninth Congress, first session:

House Mis. Doc. No. 395, January 20, 1886.—Special intelligence report on the progress of the work of the Panama Canal during the year 1885, by Lieut. W. W. Kimball, U.S.N.

Senate Mis. Doc. No. 139, July 12, 1886.—A remonstrance of the American, Atlantic and Pacific Ship-Canal Company against the incorporation by Congress of the Maritime Canal Company of Nicaragua, presented by Mr. Sherman.

Senate Ex. Doc. No. 99, March 15, 1886.—Report of the Secretary of the Navy, transmitting the report and survey of the Nicaragua Canal, by A. G. Menocal.

Forty-ninth Congress, second session:

Senate Report No. 1628, January 6, 1887.—Report by Mr. Edmunds on Senate bill No. 2636, to incorporate the Maritime Canal Company of Nicaragua.

Senate Ex. Doc. No. 50, January 25, 1887.—Message of the President transmitting a report from the Secretary of State, with sundry, papers touching the construction of a ship canal through Nicaragua.

Fiftieth Congress, first session:

Senate Report No. 221, February 9, 1888.—Report by Mr. Edmunds on Senate bill No.

1305, to incorporate the Maritime Canal Company of Nicaragua.

Fiftieth Congress, second session:

House Report No. 4167, March 2, 1889.—Report by Mr. McCreary on the construction or control of interoceanic canals at the Isthmus of Darien by European governments.

Fifty-first Congress, flsrt session:

House Report No. 3035, August 30, 1890.—Report by Mr. Baker adverse to repealing the act incorporating the Maritime Canal Company of Nicaragua.

Fifty-first Congress, first session:

Senate Ex. Doc. No. 49, February 6, 1890.—Report of the Secretary of the Interior, transmitting the Report of the Maritime Canal Company of Nicaragua for 1889.

Fifty-first Congress, second session:

Senate Mis. Doc. No. 76, February 21, 1891.—Resolution by Mr. McPherson providing for the construction of the Nicaragua Canal by the United States.

Senate Report No. 2334, January 20, 1891.—Report by Mr. Edmunds containing a list of the stockholders in the Nicaragua Canal Company.

Senate Report No. 1944, January 10, 1891.—Report by Mr. Sherman from Committee on Foreign Relations, to accompany Senate bill No. 4827.

Senate Ex. Doc. No. 5, December 8, 1890.—Annual Report of the Maritime Canal Company of Nicaragua for 1890.

Fifty-second Congress, first session:

Senate Ex. Doc. No. 4, December 10, 1891.—Annual Report of the Maritime Canal Company of Nicaragua to December 1, 1891.

Senate Mis. Doc. No. 7, December 8, 1891.—Memorial from the legislature of California in favor of the construction of the Nicaragua Canal.

Senate Mis. Doc. No. 36, December 21, 1891.—Memorial from the Traffic Association of California in favor of the construction of the Nicaragua Canal.

Senate Mis. Doc. No. 32, January 6, 1892.—Resolution by Mr. Morgan providing for an inquiry as to the progress of the Nicaragua Canal.

House Mis. Doc. No. 17, November 14, 1890.—Report of Consul Newell, transmitting a report of the commission making annual settlement of the Nicaragua Canal Company.

Senate Mis. Doc. No. 97, March 18, 1892.—Report by the Secretary of War, transmitting a report by Maj. C. E. Dutton relative to the Nicaragua Canal.

Senate Mis. Doc. No. 208, July 22, 1892.—Resolution by Mr. Sherman directing a continuation of the investigation of the Nicaragua Canal Company.

Senate Ex. Doc. No. 1, December 5, 1892.—Report of the Maritime Canal Company of Nicaragua for 1892.

Senate Mis. Doc. No. 69, February 10, 1892.—Resolution by Mr. Higgins requesting a report as to the work done by the Nicaragua Canal Company.

Fifty-second Congress, second session:

Senate Mis. Doc. No. 16, December 21, 1892.—Memorials favoring a speedy completion of the Nicaragua Canal presented by Mr. Morgan.

Senate Mis. Doc. No. 23, January 13, 1893.—Nicaragua Canal, advantages to accrue from, resolution providing for inquiry as to, by Mr. Morgan.

Senate Mis. Doc. No. 32, January 20, 1893.—Resolutions of National Board of Trade urging the early completion of the Nicaragua Canal by the United States presented by Mr. Quay.

Senate Ex. Doc. No. 46, February 6, 1893.—Report of Maj. W. McFarland on the examinations of the proposed route for the Nicaragua Canal.

Senate Mis. Doc. No. 25, January 14, 1893.—Resolution by Mr. Wolcott directing inquiry as to the expenditures upon the Nicaragua Canal.

Senate Report No. 1262, February 4, 1893.—Report presented by Mr. Sherman as to the expenses and progress of the Nicaragua Canal Company.

Senate Report No. 1142, December 22, 1892.—Condition and prospects of the Nicaragua Canal (on Senate bill 1218).

Senate Mis. Doc. 47, February 9, 1893.—Resolutions of Virginia organizations favoring the construction of the Nicaragua Canal under the control of the United States presented by Mr. Hunton.

Senate Ex. Doc. No. 1, December 6, 1892.—Report of the Secretary of the Interior, transmitting the Annual Report of the Maritime Company of Nicaragua.

Fifty-third Congress, second session:

Senate Report No. 331, April 14, 1894.—Report by Mr. Morgan amending and favoring Senate bill 1481, to amend act incorporating Maritime Canal Company of Nicaragua.

House Report No. 1201, July 5, 1894.—Report on the Nicaragua Canal by A. G. Menocal.

Senate Mis. Doc. No. 18, December 10, 1893.—Resolution by Mr. Morgan for joint committee to report on the Nicaragua Canal.

Senate Ex. Doc. No. 74, April 6, 1894.—Report of the Secretary of War, transmitting a report on the military aspects of the Nicaragua Canal by Capt. G. P. Scriven.

House Report No. 226, December 19, 1893.—House resolution No. 70, by Mr. Wise, providing for a joint committee on the Nicaragua Canal.

Senate Ex. Doc. No. 5, December 11, 1893.—Report of the Nicaragua Canal Company for 1893.

House Report No. 1201, July 5, 1894.—Report by Mr. Mallory, submitting H.R. 7639, to amend act to incorporate the Nicaragua Canal Company.

Fifty-third Congress, third session:

House Report No. 1779, February 7, 1895.—Report favoring Senate bill No. 1481, to amend act to incorporate Nicaragua Canal Company.

Senate Ex. Doc. No. 1, December 3, 1894.—Annual report of the Maritime Canal Company of Nicaragua for the year 1894.

Senate Mis. Doc. No. 15, December 4, 1894.—Memorial from San Francisco for Congressional aid in the construction of the Nicaragua Canal.

Senate Mis. Doc. No. 7, December 3, 1894.—Memorial of the Chamber of Commerce of Portland, Oreg., for Congressional aid in the construction of the Nicaragua Canal.

Senate Mis. Doc. No. 56, January 18, 1895.—Resolution by Mr. Caffery, favoring acquisition of territory in Nicaragua and Costa Rica for a ship canal.

Fifty-fourth Congress, first session:

Senate Doc. No. 315, March 27, 1896.—Hearings on House bill No. 35, on the Nicaragua Canal, before the Interstate and Foreign Commerce Committee.

Senate Doc. No. 133, February 24, 1896.—Clayton-Bulwer treaty of February 11, 1860, between Great Britain and Nicaragua; treaty of June 21, 1867, between the United States and Nicaragua.

House Report No. 2126, June 1, 1896.—Report on the Nicaragua Canal Board of Engineers for ascertaining feasibility, permanence, and cost of canal by route contemplated by act which passed Senate January 28, 1895 For appendix and maps see House Doc. No. 279, 2 parts.

House Report No. 1851, May 18, 1896.—Report of the Committee on Printing, favoring Senate concurrent resolution No. 40, to print the report of the Nicaragua Canal Board of Engineers.

Senate Doc. No. 34, December 20, 1895.—Mr. Cockrell presented lecture delivered by Mr. E. L. Corthell, before the National Geographic Society at Washintgon, D.C., November 22, 1895, on the Tehuantepec route.

Senate Doc. No. 133, February 24, 1896.—Clayton-Bulwer treaty of April 19, 1850.

House Doc. No. 279, February 7, 1896.—Message of the President, transmitting the report of the board of engineers as to cost of construction and completion of the Nicaragua Canal by the route contemplated and provided for by the act which passed the Senate January 28, 1895.

House Report No. 2285, June 6, 1896.—Report by Mr. Chickering, for printing the hearings before the Interstate and Foreign Commerce Committee upon the Nicaragua Canal

House Report No. 178, June 30, 1896.—Report by Mr. Doolittle, requesting the report of the board of engineers on the Nicaragua Canal route.

Senate Report No. 1109, June 2, 1896.—Report by Mr. Morgan, from the Select Committee of the Construction of the Nicaragua Canal, favoring Senate bill No. 3247, identical with House bill No. 35, to amend act to incorporate the Maritime Canal Company of Nicaragua.

Senate Doc. No. 15, December 9, 1895.—Annual report for the year 1895 of the Maritime Canal Company of Nicaragua.

Fifty-fourth Congress, second session:

Senate Doc. No. 102, January 29, 1897.—Report by Mr. Morgan, from the Select Committee on the Construction of the Nicaragua Canal, including a statement of the president of the Maritime Canal Company relative thereto.

Senate Doc. No. 14, December 9, 1896.—Report of the Secretary of the Interior, transmitting the annual report of the Maritime Canal Company of Nicaragua.

Senate Doc. No. 78, January 22, 1897.—Report of Secretary of State, transmitting a communication from the minister of the Greater Republic of Central America at Washington, D.C., relating to the Nicaragua Canal.

Senate Doc. No. 184, March 3, 1897.—Message of the President, transmitting a report from the Secretary of State, with correspondence relating to the Nicaragua Canal since 1887.

Fifty-fifth Congress, second session:

Senate Doc. No. 10, December 8, 1897.—Report of the Secretary of the Interior, transmitting the annual report of the Maritime Canal Company of Nicaragua.

Senate Doc. No. 263, March 12, 1898.—The Dream of Navigators, by Capt. A. S. Crowninshield, U.S.N.

Senate Doc. No. 289, June 9, 1898.—Report of the Secretary of the Interior, transmitting a statement from the Maritime Canal Company as to its stocks, bonds, etc., for construction of the canal.

Senate Doc. No. 291, June 1898.—Clayton Bulwer treaty of April 19, 1850.

Senate Doc. No. 341, June 15, 1898.—Statements before the Select Committee on the Construction of the Nicaragua Canal, by J. G. Walker, L. M. Haupt, and Peter C. Hains.

Senate Report No. 1265, June 30, 1898.—Report by Mr. Morgan, from the Select Committee on the Construction of the Nicaragua Canal, to accompany bill No. 4792.

Senate Doc. No. 245, April 19, 1898.—Secretary of the Treasury transmits an estimate showing the additional cost of a survey of the Nicaragua Canal.

Senate Doc. No. 188, 1898.—Views of Commodore George W. Melville, Chief Engineer of the Navy, as to the strategic and commercial value of the Nicaragua Canal, the future control of the Pacific Ocean, the strategic value of Hawaii and its annexation to the United States.

1888. Act to incorporate the Maritime Canal Company of Nicaragua.

1895. Act January 28, 1895, establishing a Board for ascertaining feasibility, permanence and cost of a canal across Nicaragua.

1899. Act March 3, 1899, authorizing the President to appoint a Commission to investigate routes for a transisthmian canal, particularly in Panama and Nicaragua, 30 Stat. 1150.

Note: The Commission recommended Nicaragua. Senate Document 357, 57th Congress.

1902. The Spooner Act of June 28, 1902, authorizing the President to acquire "perpetual control" of a transisthmian canal route in Panama or Nicaragua and to proceed to construct a canal. 32 Stat. 481.

1904. Act April 28, 1904, providing for the temporary government of the Canal Zone. 33 Stat. 429.

1905. Act December 21, 1905, supplementing the Spooner Act, and *inter alia* requiring annual reports to the Congress by persons in charge of construction of the Canal and government of the Canal Zone. 34 Stat. 5.

1906. Act June 29, 1906, providing for construction of a lock canal at Panama. 34 Stat. 611.

1909. Act February 27, 1909, relating to the use, control and ownership of land in the Canal Zone. 35 Stat. 658.

1912. The Panama Canal Act of August 24, 1912, providing for the opening, maintenance, protection and operation of the Panama Canal and the sanitation and government of the Canal Zone. 37 Stat. 560.

1914. Act of June 15, 1914, amending the tolls provisions of the Panama Canal Act of August 24, 1912. 38 Stat. 385.

1914. Act August 25, 1914, authorizing transfer of a steam launch used in the construction of the Panama Canal to the Government of France. 38 Stat. 709.

1915. Act March 4, 1915, providing for the recognition of services of military and Public Health Service Officers in the construction of the Panama Canal. 38 Stat. 1190.

1916. Act August 21, 1916, authorizing the President to make rules and regulations affecting health, quarantine, taxation, highways and police power in the Canal Zone. 39 Stat. 528.

1916. Act September 7, 1916, providing for compensation for injuries sustained by employees of the U.S. in the performance of their duties, with specific provisions for administation of the Act insofar as concerns employees of the Panama Canal. 39 Stat. 742.

1919. Act prohibiting the importation, sale or possession of alcoholic beverages in the Canal Zone, 41 Stat. 305.

1928. Act March 23, 1928, authorizing construction of a dam across the Charges River at Alhajuela in the Canal Zone.

1929. Resolution 99, March 2, 1929, authorizing an investigation of construction and cost of additional locks at the Panama Canal, and the practicability and cost of constructing and maintaining a new canal at Nicaragua.

1930. Act May 27, 1930, providing for a ferry and highway near the Pacific entrance of the Panama Canal. 46 Stat. 388.

1934. Act June 19, 1934, to establish a code of laws for the Canal Zone. (Not published in Statutes at Large.)

1935. Act May 31, 1935, establishing the jurisdiction of the U.S. Circuit Court of Appeals to review final decision of U.S. District Court for the District of the Canal Zone. 49 Stat. 313.

1936. Joint Resolution May 1, 1936, authorizing the Governor of the Panama Canal to investigate the means of increasing the capacity of the Panama Canal and to prepare designs and cost estimates for additional locks and other structures. 49 Stat. 1256.

1936. Act June 24, 1936, providing for exclusion and deportation of persons from the Canal Zone, 49 Stat. 1905.

1936. Act June 24, 1936, providing for punishment of vagrancy and disorderly conduct in the Canal Zone. 49 Stat. 1906.

1937. Act July 8, 1937, providing for cash relief of certain employees of the Panama Canal not within the provisions of the Canal Zone Retirement Act. 50 Stat. 478.

1937. Act July 9, 1937, establishing sovereign rights, power and authority of the U.S. over air space above the Canal Zone and authorizing the President to make rules governing air navigation in the Canal Zone. 50 Stat. 486.

1937. Act July 10, 1937, amending the provisions of law for issuance of marriage licenses in the Canal Zone. 50 Stat. 510.

1937. Joint Resolution July 10, 1937, authorizing the disposal of Panama Railroad Company lands in Colon, Republic of Panama. 50 Stat. 511.

1937. Act August 24, 1937, providing for the measurement of vessels using the Panama Canal. 50 Stat. 750.

1938. Act March 26, 1938, providing for appointment term, leave and residence of the District Judge, District Attorney and Marshal in the Canal Zone. 52 Stat. 118.

1939. Act August 11, 1939, authorizing construction of a third set of locks at the Panama Canal. 53 Stat. 1409.

1940. Act June 13, 1940, amending the laws governing the Canal Zone postal system. 54 Stat. 389.

1940. Act October 21, 1940, establishing rates of overtime compensation at the Panama Canal. 54 Stat. 1205.

1941. Act June 3, 1941, authorizing overtime rates of compensation for certain per annum employees of the Panama Canal. 55 Stat. 241.

1941. Act December 12, 1941, providing for regulation of photographing in the Canal Zone. 55 Stat. 798.

1941. Act December 16, 1941, providing for removal of fugitives to or from the Canal Zone. 55 Stat. 802.

1941. Act December 31, 1941, incorporating the Union Church in the Canal Zone. 55 Stat. 877.

1943. Joint Resolution of May 3, 1943, authorizing transfer to Panama of certain lands and the rights, title and interest of the U.S. in the water systems of the cities of Panama and Colon.

1944. Act May 29, 1944, providing for recognition of civilian employees in construction of the Panama Canal. 58 Stat. 257.

1944. Act July 1, 1944, increasing the terms of the District Judge, District Attorney and Marshal. 62 Stat. 991.

1945. Act July 2, 1945, amending the Canal Zone Retirement Act.

1945. Act December 28, 1945, authorizing an investigation of the means of increasing the capacity and security of the Panama Canal. 59 Stat. 663.

1946. Act August 7, 1946, amending its Act of May 29, 1944, to recognize the services of civilian employees in construction of the Panama Canal. 60 Stat. 873.

1947. Act July 2, 1947, authorizing transfer of property by the War and Navy Departments to the Panama Canal.

1948. Act June 29, 1948, reincorporating the Panama Railroad Company. 62 Stat. 1076.

1949. Act July 21, 1949, repealing the Canal Zone Retirement Act and extending the Civil Service Retirement Act to employees of the Panama Canal and Panama Railroad Company, 63 Stat. 475.

1949. Act August 10, 1949, making miscellaneous amendments to the Canal Zone Code.

1950. Act September 26, 1950, to provide for the operation of the Panama Canal by the Panama Railroad Company, as renamed the Panama Canal Company and to reconstitute the agency changed with the civil government of the Canal Zone. 62 Stat. 1076.

1956. Act July 23, 1956, authorizing construction of a high level bridge over the Panama Canal at Balboa in accordance with an agreement with the Republic of Panama. 70 Stat. 596.

1957. Act August 30, 1957, authorizing the conveyance to the Republic of Panama of lands and improvements which U.S. had agreed to convey in 1955 treaty "subject to the enactment of legislation by the Congress." 71 Stat. 509.

1958. Act July 25, 1958, to implement the provisions of the 1955 treaty and associated agreements with Panama covering personnel administration in the Canal Zone. 72 Stat. 406.

1958. Act August 6, 1958, to authorize revision of the Canal Zone Code. 72 Stat. 512.

1962. Act October 18, 1962, revising and codifying the laws of the Canal Zone. 76 A. Stat.

1964. Act September 23, 1964, providing for a Commission to investigate feasibility of, most suitable site for and best methods of construction of a sea-level canal. 78 Stat. 990.

1968. Act June 22, 1968, amending the Act of September 22, 1964, by extending the life of the Commission to December 1, 1970, and increasing the authorization of appropriations for the study to $24 million. 82 Stat. 249.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

RECESS

The SPEAKER. Pursuant to the unanimous consent request, the Chair declares a recess of the House, subject to the call of the Chair.

Accordingly (at 12 o'clock and 39 minutes a.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 2 minutes a.m.

ADDRESS BY HON. ALEXANDER DEL GIORNO

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, the distinguished judge of the Court of Claims of the State of New York, the Honorable Alexander Del Giorno, recently addressed the 21st annual luncheon of the Columbian Lawyers Association, Inc., at Riccardo's in Long Island City, N.Y. Judge Del Giorno will be retiring at the end of this year after having served as judge of the New York State Court of Claims for the past 13 years and before that as city magistrate for 5½ years and as assemblyman for 8 years. I am proud to count on Judge Del Giorno as a personal friend.

I have long admired this true public servant who will be 71 years of age in February. He is the brother of Zachary Del Giorno, a former esteemed and dedicated employee of the House of Representatives, and his career—a Horatio Alger story—holds hope for all who come to our shores from a foreign land and for all Americans.

At this time I place the text of Judge Del Giorno's address to the Columbian Lawyers Association in the RECORD for the information of my colleagues in the House.

ADDRESS BY JUDGE ALEXANDER DEL GIORNO

I feel most highly honored to have been placed by this Association in the category of the great national and international guests who have heretofore spoken on the occasion of its Annual Luncheon. For this I am grateful to our President Daniel A. Castoria, the Chairman Benjamin V. Russo, the co-chairman Alfred J. Anastasi, and all the Officers, Board of Directors and Members of the Association.

Honored guests on the dais, and in the various groupings in attendance here today, and all guests here present, I am concerned whether or not my discourse this afternoon will not amount to more than the proverb "The dog barks and the wind carries it away." Nevertheless, in view of the fact that at the end of this year, I will have to retire as a Judge because of age, I just wonder if I can leave with you a message which in many ways will call upon your emotions and recollections, and perhaps help us to be more aware of where we are and where we ought to be.

I was born in 1900, and through the blessed love of my oldest brother, came here as an immigrant in 1913. He was a barber who raised and educated six children of his own, but still felt an obligation to our family on the other side to bring me and my younger brother here. I recollect how he would watch over us during our growth as a mother chicken watches her brood. Our difficulties were an opportunity for him to encourage us to carry on, for as he would repeat, better days were awaiting us. Every day he would religiously ask us how we had fared in school and would sympathize with our difficulties. He would ever preach to us to choose our friends well, and to keep good company. He would encourage us to study hard because he would tell us that that would be the only way we could reach the goal of a profession, the same goal that he never had the privilege to dream of even though he was a very intelligent person.

My younger brother and I deeply acknowledged in our daily tasks our obligations to our older brother and, I must confess, we did our best to perform as well as we could in school which was in his great desire. For my part I had to do a little bit more, such as opening up the barber shop at 7 o'clock every morning for thirteen years, including Sundays, work until the school bell rang at 8:45 a.m., and then run to school around the corner. After school I would return to the barber shop to continue my work until closing time, which in those days could be anytime from 8 to 11 o'clock at night depending upon the whim of the customers. My studies were between the shaves and haircuts as well as after hours. I had no time for organized sports but being a strong believer in keeping bodily fit would high jump and throw the shot put in our back yard, sometimes at night, by the dim light of our kitchen.

From the very day that I landed on the shores of this beloved land, I would hear my brother, in particular, but also our neighbors talk of the "Melting Pot". The melting pot was, of course, the American Way of Life and all its attributes, privileges and opportunities. Sensing the idea of what the melting pot meant, and the benefits that could be derived by being a part of its boiling mass, I threw myself into every activity possible, starting in elementary school, in order that I might learn about those around me, the Americans, and the American way of life, and that in turn they might learn more of me. I quickly laid aside the thought I fancied that I was the son of an important person on the other side, the head of the Municipal Police, and quickly under the stress of a new, strange but exhilarating life became very humble and observant but, nevertheless, with a burning energy I strove to serve and please, so that I could make friends of the few Italian immigrants in our community, but most of the non-Italians surrounding us in order that I might make myself acceptable among them. That community was Long Island City, and for many, many years, it was, for me, America itself. Every shave I gave with great care and with a big smile, no matter how tired I was, or how non-existent were the tips, for I was determined to please, and in return to be complimented by the people I served.

Alex Del Giorno has spoken of himself only as an example to be presented of the larger picture, for your fathers and grandparents in their own way experienced the same emotions and desires, the same anxieties, and they, too, saw that by devotion to duty, hard work, obedience to the law, devotion to friends, respect of neighbors, and love of the flag, there was a reward for them, the reward of some day calling themselves *American citizens*, and then to be able to say they also were now part of the warp and woof of the melting pot. Your fathers and grandfathers strove hard to learn an extra word of this very difficult language for us Italians, for they knew that communication with others and understanding on their part was basic to their acceptance in the community and to their very happiness and modest success they were hoping for.

I have known so many immigrants who for years were alone in this great land, away from their beloved wives and children, and toiling under harsh conditions, pining only for the day when they could bring them to this hospitable land. It was the rule and not the exception that they slept in some small hallway room, sometimes two and three together to save on rent, or were boarders in the home of some other immigrant whose wife had to take in boarders to help overcome the economic difficulties of feeding and raising a family on the meager wages that they also earned.

Outside of the neighborhood artisans, *that is* the barber, tailor, shoemaker, most of your ancestors worked for long hours at backbreaking jobs of building railroads and subways, excavating, cement and stone masonry, mining, farming, menial and heavy work in factories. They did not work 5 or 6 hours a day as in these days of Unionism, but 10, 12 or even more hours a day to merely keep the good will of their bosses, and their bodies and souls together, ever dreaming of better days for themselves and their children. I remember, as any immigrant would, with nostalgic emotions and true love, the land of my birth, Italy, but once I tasted the nectar of the gods, America, I have never once desired to leave these blessed shores; for here, like your fathers and grandfathers, I found the ultimate prescription for a full life in those rights and those freedoms and opportunities which have enriched my life. I have enjoyed these rights, and made use of them, as was my privilege and yours. Except for a few encounters, no one placed obstacles against my determination to become part of the "melting pot" and thus participate like any other citizen in all matters of public and personal interest available in my community, and in this, my country. In most cases, the educational development of your forefathers was very limited; nevertheless, they came here and labored and labored to give meaning to their dream—the education of their children by which they hoped to make available to them the economic and social advantages that only education could guarantee.

Few among your fathers and grandfathers, like my oldest brother, had a chance to go to school here. They came here to work and to improve their economic condition so that they could help their families back home. In the meantime their biggest handicap lay in their difficulty to learn the language and express themselves to their neighbors. A few of the immigrants returned home because of frustrations due principally to the difficulties encountered with the new language and customs, but to the many who persisted, was that a handicap that could not be overcome? Not at all. They had goals in mind; for me a profession; for most of them an opportunity to save some money and ultimately bring here their families, and then educate their children who must not suffer deprivations as they did for lack of such education.

I vividly recall a scene I witnessed many times when a family became united. The joy, happiness, exhilaration they all felt at being together, together, yes, but this was together in America. That was the highlight of that joyous encounter. Relatives, paisani and friends joined with them, plying them with questions about their own people back home. Some received parcels and letters brought in by the immigrants. There was feasting and drinking, sometimes on borrowed money. But the occasion made even a debt worthwhile.

Nevertheless, underneath it all, Papa had already made arrangements for school. Nothing was going to interfere with this goal. Two or three days later school commenced. Papa could not afford to delay even days in fulfilling this desire which was the beginning of making his dream come true. These, his children, were the tools which he would use to open up many difficult doors closed to him because of his inability to speak the language or understand its customs. He wanted for his sons a profession, if possible. If not possible, he would take account of that later on. Perish the thought of a lesser attainment now.

And from that moment he stood close to his sons, encouraged them to persist, reminded them of their future and his own disability exhibit, because he did not have the privilege of school or, if he did, that privilege was to the 2nd class generally. The children, for their part, gave of their all for such good parents. They strained themselves to make good in homage to their father and mother.

As their studies progressed and the children studied hard the parents could observe evolve through them the American dream they heard so much about but could not fully absorb. Their children, as they progressed in school, represented to the parents their own commitment to the America which was so good to them; the America of opportunity, freedom, equality, generous in its acceptance of meritorious contribution and even more generous in its accolades for worthy achievement.

Everyone here knows of my many years of active participation in the social life of our City and State with the consequent public dinners, but in my memory, I recall the greatest banquets of them all, the banquets given by the parents, paisani, and compatriots, and some of the non-Italian neighbors who admired the students, on the occasion of licensure, as a lawyer, doctor, teacher, architect, engineer and priest. The topping for every dish at these banquets was love, parental pride and admiration, a prayer of deep emotional gratitude to God, all of which amounted to a satisfaction in full for their sacrifices made by the whole family.

Those were the days when welfare was an unknown word. Each person stood on his own and bore the hard knocks of adversity or the pains of dark days by himself. Those were the days too when your neighbors stood by you, to help you in need or distress. In many ways the brotherhood of man under the fatherhood of God, was really practiced in its true meaning. Our people's neighbors were not rich, and often only immigrants or sons of immigrants themselves. Yet a neighbor then felt impelled to give to the other a helping hand although often that giving hand contained hardly more than the outstretched hand. Somehow or other we survived and were the better for it, for in dealing on a personal basis with our neighbors, it made all of us better neighbors, in happier communities.

However, like all other immigrants, your forefathers learned from their children. The children were now part of the operating elements of the melting pot as they made their grade in business and the professions. Their progress exhilarated the parents who were thus led into a fuller and better view of what made the American ideals tick. Little by little most of these families spread out of the tight limits of their ethnic colonies, which in the beginning were necessary because here were those who understood them and helped relieve apprehensions and fears. They were spreading out within the cities and even into the suburbs. They moved into other States. In other words these immigrant families were now finding themselves if not in the main stream, at least at the edge looking in. Although now better acquainted and more understanding they still looked to their children for the leap forward.

Their children were now starting to break down barriers of language, of bias and prejudice by their very own educated participation in the affairs of the local community. In the nature of things these children married and raised families of their own. This process has naturally and abundantly continued so that today we can fully boast that some of you represent the fourth generation of Italo-Americans. These sturdy seeds of those decent hard working immigrants today flower throughout our land.

The seeds planted by those waves on waves of good immigrants who came here between the 90's and the First World War have now become many, varied but strong trees in the gardens we call America—the great scientists, college presidents, professors, teachers, leading bankers, executives, manufacturers of all types of goods, leading contractors in all fields of construction, generals and army officers in all our military services, Statesmen, politicians, Governors, Senators, Judges in all Courts of the land, Mayors all the way down the line to many Assemblymen and Councilmen, and in particular eminent doctors and lawyers, who perhaps number the most. I remember men like Louis Gallucci, Frank Bellucci, Joseph Loscalzo, and many others, who knew the heavy burden of being pioneers among us, but nevertheless, were most generous and helpful towards the young among us who were striving for position in the community. These men gave us courage.

In a way we have come full circle from the days of the lonely immigrant to the present where Italo-Americans are part and parcel, and in many ways, the shapers of the melting pot. We have not produced angels nor have we produced devils. We have produced 20 million good Americans and like all other races have some bad apples which we, more than anyone else, condemn and wish to eliminate from our midst. But these are few compared to the many who have participated in all our American wars from the First World War on, and who have given proportionately of themselves in the defense of democracy more than the ratio that our total population represents in this great nation. We are patriotic in the truest sense. We know what we owe to this great land of ours and are willing to serve or die for it without whimpering. We deem it our duty.

Necessarily, this talk, long as it may seem, can only be a sketchy reminder of who we are, where we have been and where we are. In a sense, it encompasses my own life and observation of the American panorama and our part in its development.

In this context I come to you, members of our Columbian Lawyers Association, Inc., of which I am a proud member.

I know most of you and your backgrounds. I know that you and yours were part of that vortex of bitter-sweet we went through with our families in order for you to be a lawyer. I am firm in my conviction that your splendid group of American lawyers will stack up most favorably in any area of the law with any other similar group. You have done yourselves proud in your expert and generous services to your clients. You are a bulwark of our Bar Association, of which I know no better group. You have immersed yourselves in the problems of our day. You are rendering honorable and distinctive services as Judges, legislators, public officials and as leaders in your respective communities. You have been in the forefront in support of those among you that you consider worthy of public service. Humbly I acknowledge your devotion and loyalty. I can truly say you have achieved the fulfillment of the "American Dream", and you now share the fruits thereof with your community and the harvest is not exhausted.

I am about to retire after serving 8 years as Assemblyman, 5½ years as City Magistrate, and 13 years as a Judge of the Court of Claims. I will be 71 years of age next February, but you have helped me to remain young. So, on December 31, 1970, I will say, humbly but proudly, "Thank you, my America, and to your ideals. May God protect you forever, for you alone are the hope of the generations of the future as you have been in the past."

My message to you:

We have accomplished much, but much more is due to us. Many places you could fill in our public life are still to be attained to really give meaning to that distant dream of your forebears. It is in your young hands. Go after them and they will be yours, if you only will not flinch on the way. God be good to you!

JOINT SPACE EFFORTS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, on October 29, 1970, NASA reported that an agreement had been reached with the Academy of Sciences of the U.S.S.R. on procedures and a schedule for joint efforts to design compatible space rendezvous and docking arrangements.

This agreement results from the long and continuing NASA effort to expand the present limited cooperation between the United States and the Soviet Union in space activities. It specifies that each side will provide the other with supplementary technical information and a draft of technical requirements for those systems which it is judged should be made compatible. Joint working groups will then meet to refine these requirements and attempt to develop a single set of requirements for compatibility. The two sides will then independently work out preliminary systems designs. When this has been done, NASA and the Soviet Academy are to consider together what implementing action to take.

I am now informed that the agreement has been confirmed by an exchange of letters between Dr. Low and President Keldysh of the Soviet Academy. Since compatible docking arrangements could open the way to a wide variety of future activities in space, I consider this a matter of considerable importance and include the text of the agreement in the RECORD at this point:

SUMMARY OF RESULTS

Preliminary Technical Talks Between Representatives of the USSR Academy of Sciences and the US National Aeronautics and Space Administration on the Question of Providing for Compatibility of Rendezvous and Docking Systems of Manned Spacecraft and Space Stations.

I. In accordance with an earlier understanding between the leadership of the USSR Academy of Sciences and the US National Aeronautics and Space Administration, preliminary technical talks were held in Moscow, October 26-28, 1970, in which problems of providing for compatibility of rendezvous and docking systems of manned spacecraft and space stations were discussed.

As a result of the exchange of views and information on existing rendezvous and docking systems, the parties outlined a possible approach to providing for compatible systems.

II. It was recognized that the following questions merit further study:

1. Passive reflectors of the radio guidance systems, their location and characteristics.
2. Passive reflectors of the optical guidance system, their location and characteristics.
3. The radio-technical guidance equipment, utilizing active radio signal transmission and return, including its elements, location and characteristics.
4. Lighting equipment for rendezvous and docking, its elements, relative location and characteristics.
5. Benchmarks and reference marks for orientation during rendezvous and docking, their location and characteristics.
6. Coordinate systems for reference in developing rendezvous and docking techniques for spacecraft and space stations.
7. The docking assembly, inner tunnel and electrical, pneumatic and hydraulic couplings.
8. Pneumatic, hydraulic and electrical couplings and connectors between space suits and on-board equipment of the spacecraft or stations and their characteristics, the dimensions of hatches and the means of opening them from the outside (in the event that assistance needs to be rendered from the outside).
9. Composition and characteristics of the cabin atmosphere.
10. Voice and code communications between spacecraft.
11. Dynamics of docking and the stabilization of system after docking.
12. Constraints on the location of thrusters, solar batteries and other design elements which should be borne in mind to assure the possibility of docking.

III. The parties have agreed on the following procedure for further work:

1. To conduct, by correspondence, during the month of November 1970, a mutual exchange of technical materials on radio guidance and rendezvous systems, on the composition and characteristics of spacecraft atmospheres, and on systems of voice communications.
2. Each side will prepare its own draft of technical requirements for systems for which it considers it advisable to assure compatibility and, in January-February, 1971, will send these documents to the other side for preliminary familiarization.
3. In March-April, 1971, a meeting of working groups will be held for the purpose of which it is desirable to provide compatability, and to discuss these technical requirements with the goal of recommending common requirements. However, if the parties consider it necessary, they may choose to hold a prior meeting between the responsible representatives of the USSR Academy of Sciences and the U.S. NASA for the purpose of discussing the draft technical requirements in a preliminary manner.
4. After agreement on the technical requirements each side will independently work out preliminary systems designs.
5. After development of the designs, the representatives of the USSR Academy of Sciences and the U.S. NASA will consider them and determine what further work is necessary to assure compatibility.

IV. For the conduct of the meeting in March-April, 1971, the parties consider it advisable to form three working groups:

WG 1—Working Group to assure the compatibility of overall methods and means for rendezvous and docking. (Charged with the task of specifying systems for which compatibility should be assured, the selection of rendezvous methods, the consideration of items 6, 8, 9, 12 and, in part, items 1, 2, 3, 4, 5, of Section II as they concern the location of rendezvous and docking systems elements, and such other questions as are not included in the tasks of the other two Working Groups.)

WG 2—Working Group to insure compatibility of radio guidance systems, optical and other guidance systems and communications. (Charged with consideration of items 1, 2, 3, 4, 5 and 10 of Section II.)

WG 3—Working Group to assure compatibility of docking assembly and tunnel. (Charged with consideration of items 7 and 11 and, in part, items 5, 8 and 12 of Section II.)

The parties have agreed that the numerical composition, the place of meeting of the Working Groups, as well as specific dates for the meetings of the Working Groups, will be agreed upon subsequently by correspondence. The Working Group meetings will be conducted alternately in the two countries.

It is understood that rendezvous and docking are considered here only for occasions on which there is mutual agreement for such activities.

V. This *Summary of Results* shall enter into force after its affirmation by the President of the USSR Academy of Sciences and the Administrator of the National Aeronautics and Space Administration, and the parties shall inform each other of such affirmation by mail.

Done in Moscow, October 28, 1970 in duplicate, in the English and Russian languages.

For the USSR:

B. N. Petrov; K. P. Feoktistov; V. S. Syromyatnikov; V. V. Suslennikov; and V. A. Lavrov.

For the U.S.A.:

Robert R. Gilruth; Arnold W. Frutkin; George B. Hardy; Caldwell C. Johnson; and Glynn S. Lunney.

THE REGIONAL INTERVENTION PROJECT OF THE PEABODY COLLEGE KENNEDY CENTER

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, one of the most imaginative and successful programs designed to help children who are seriously disturbed is being carried on in my district.

It is the regional intervention project which offers training for children under 36 months whose behavior is so disturbed that they are a serious family disruption or whose behavior makes them high risks for eventual institutionalization.

The program, known as RIP, is being carried out at the John F. Kennedy Center at George Peabody College for Teachers in Nashville under a grant made possible by the Handicapped Children's Early Education Assistance Act administered by the Bureau of Education for the Handicapped in the U.S. Office of Education.

The purpose of RIP is to modify behavior that is recognized as unmanageable, for example, the child is negativistic, or destructive, or for no known physiological reason does not speak. Intervention includes involvement of parents, particularly mothers, so that the methods can be implemented in the home and eventually in the community. RIP seeks to demonstrate that a parent-implemented regional system for such early intervention is economically feasible.

Mr. Speaker, an excellent article on the work of RIP was recently written by Mr. Max York of the Nashville Tennessean and printed in that newspaper's magazine section on November 15, 1970. I include Mr. York's article in the RECORD at this point and commend it to the attention of our colleagues:

"THIS HAS SAVED MY CHILD FROM BEING A NOTHING"

(By Max York)

"My son is in every way a lovable, normal kid, and I like him."

This is hardly a startling statement from a proud and pretty red-haired Nashville mother. But then this isn't the beginning of the story. The son was not always lovable, and the mother did not always like him.

"He was an unhappy, crying child from the moment we brought him home from the hospital," the mother says. "As he grew, he became active, so active I couldn't keep up with him. He cried day and night.

"If we asked him to sit in a chair or wash his hands, it meant a confrontation. He would bolt in front of cars, if we didn't watch him constantly. He was always hitting and abusing his parents or anybody else who got in his way. When his baby sister came along, he hated her.

"The baby stayed bruised from his hitting her. The doctors put him on drugs. That helped for a while. Then the bottom fell out. His behavior got so bad we were afraid we were going to lose him. He showed no signs of fitting into society.

"We were really fearful about the kind of child we had brought into the world. I really thought we had produced the next Richard Speck (the convicted killer of the Chicago nurses).

"Our home life deteriorated. My husband said he just didn't know how long he would be able to do his work.

"It all came to a head when my son took his little sister's hand and held it over the stove, causing a second-degree burn.

"My pediatrician told me something I already knew: 'You need help.' He told me to call Dr. John Ora at the Kennedy Center. He told me to call him right that minute. I didn't. I waited until I got home.

"I said to myself, "That guy won't see me.' But I called him and later he returned the call. He began to talk. He mentioned that he didn't do things in the traditional way, and I could just picture him in my mind—beard, sandals and flaky ideas. But I was desperate. I had to give him a try, beard, sandals and all. He told me to come in the next day.

"I was surprised. He didn't have a beard, and his hair was in a crew cut."

That's how the red-haired mother came to know the Regional Intervention Project for Pre-Schoolers and Parents at the Kennedy Center, George Peabody College for Teachers. In simplest terms, the Regional Intervention Project has as one of its aims turning unmanageable brats into nice little boys and girls.

This almost miraculous change is accomplished by training parents in some relatively new and simple concepts. Once trained, it is mothers who run the project and make it work. This is causing national attention to focus on the project.

Here's how it works. A mother arrives with a child who has a severe behavior disorder. The other mothers assure her she is not alone and that something can be done. They know from experience. The staff and the mothers train the new mother.

The basic idea behind the project suggests that if you praise a child when it is good and immediately ignore it when it is bad, the pattern of behavior can be corrected. Once this idea is placed in the mind of the mother, she and the child go into a play room to put the theory into practice.

On a blackboard in the room, there is a list of 10 toys. The mother offers the child the toy at the top of the list. If the child plays with the toy, it is praised. Should the child show some unfavorable behavior, the mother immediately turns from the child.

Every two minutes, observers watching through a glass-covered window signal for a change of toys. The observers, usually a mother and a Peabody student, make notes on how the mother handles these situations.

"During the past five years, there has been a breakthrough in knowledge on how to control behavior," says Dr. Ora, the project director. "We take no credit for that. What we have done is come up with a service delivery system that features low cost and high benefits. In the past, there just hasn't been anywhere these parents could go. About all they could do was pay to put them in an institution, and that cost an average of $6,000 a year and sometimes as high as $18,000.

"This program is much more effective than it would be if it were run by pros. We felt that the program would work, but we have been surprised at just how well. The fact that mothers are doing what child psychiatrists have been doing doesn't bother us, and the fact that mothers are training college students is a real mind blower to educators."

Once their own child's behavior is under control, the mothers are expected to donate a few hours a week to the project. She might take data, guide tours or play with children. There are only three paid staff members who provide service to the parents and children. Most of the work is done by the mothers.

"The problem is we don't notice a child when he is doing good," a mother tells some visitors. "When he bangs a door, we do. A child quickly learns to get attention that way. We have to condition ourselves to do just the opposite. We have to do it until it becomes natural. After a while, I noticed my child was talking more. Maybe that was because we were talking to him a lot more."

"I took my child to a pediatrician," says a blonde mother. "He wanted to know if my husband was an alcoholic. I didn't go back to him. I took the child to a psychiatrist. He didn't even look at the child. He put him on drugs.

"The child had made a shambles of our home life. It was so bad my older daughter stayed away from home as much as she could. My husband tried to play golf all the time. My older daughter was perfectly normal. I kept telling myself it couldn't be all me.

"We couldn't take the child anywhere. When he was two, he turned over a chair at Shoney's. He threw food. He wouldn't do anything you told him. He jumped out of his bed and broke his collarbone. He cried all the time.

"I heard about RIP. Without an appointment, I came over and almost demanded help. It had gotten to the point I kept asking myself, 'Am I going to make it through the day?' I went into the parents class and began working with the child.

"Now I have a bright little boy. I'm proud I have a son I can enjoy. We read together. We do things together. After a year, I'm still excited about the project."

"My son is almost three," says a pretty dark-haired woman. "He could say only a very few words. He would say a word when he wanted something. He didn't play. He would spread chocolate syrup all over the kitchen. He kept turning on the stove. He would grab the iron. He wouldn't go to bed. He wandered off. I had to keep the doors bolted. Once he climbed the fence to the interstate highway. He wouldn't cooperate.

"Now he is in a regular play school. He talks all the time. He knows his ABCs. He can count to 35. He knows nursery rhymes. He wasn't happy before. Now he is. This has saved him from being a nothing."

"None of this comes easy," says another mother. "We never tell a mother it is going to be easy. It's one of the hardest things a parent has to do, but I can't express what it has done for our home life."

"Every morning was a confrontation at our house," another mother says. "It was exhausting and demoralizing. We couldn't have meals together. After two weeks here, everything was under control. Once he understood the rules, that was it."

The parents pay no fee for participation in the project. Federal funds meet the cost. Dr. Ora and Dr. Ronald Wiegerink, chairman of the Department of Special Education at Peabody, wrote the grant, which comes under the Handicapped Children's Early Education Assistance Act which is administered by the USOE's Bureau of Education for the Handicapped.

Generally, there are three types of children who are accepted by the project. All must be under 36 months of age. First, there is the oppositional child—such as those described earlier by the mothers. Because these children can be taken only on small numbers for research purposes, they must be referred by a pediatrician.

Next, there is the hard-to-manage developmentally slow child. These behavior disordered retardates are referred by pediatricians, general practitioners, public health nurses, psychiatrists or other professionals. In these cases, sometimes only simple advice is needed.

The third group is the project's main target—those children with suspected early childhood autism. Parents of these children should contact Mrs. Joann Ray, the project coordinator, at 327-8084 immediately. What is an autistic child? There are a number of symptoms. If a child has some of them, he may be autistic.

An autistic child is sometimes too excited to be fed. Learning to suck may be a problem. Problems with milk and wheat digestion are not uncommon. Some will not chew. They will eat only strained food. A child may be hooked on certain foods or will eat only from certain utensils.

Day-night sleeping may be reversed in some cases. Crib rocking and head banging—sometimes very severe—are common. He may get hooked on certain objects—such as a toy or a string—or some activity for hours. He may be in a shell or a dread world with no contact with others. He may seem deaf, but can still detect unusual sounds. He may insist on no change in his surroundings.

Some will not reach or adjust to being picked up. He may have clear speech, but only to repeat what has been heard. He may be fascinated by music. He may reverse pronouns, such as "you" for "I." He may show no imitation—such as pat-a-cake. He may not recognize his parents or he may be terrified of all strangers.

The presence of all these behaviors in one child would be rare, but failure to imitate normally and withdrawal from others is seen in almost every case.

"There are about five of these children born every year in Nashville," Ora says. "This means there are five families that can be destroyed. We know they are there, but we are not finding them. These families need massive support so they will not be torn apart. We can help stabilize the family and help control the behavior problem.

"We can't take them over 36 months old. This means there are about 15 out there. These children are heading for severe trouble. It will mean a severe strain on the other children. It's important that we get them."

What is it like to have an autistic child?

"We kept moving looking for help," says the mother of such a child. "We didn't know what to do. When he was very young, I knew something was wrong, but pediatricians kept telling me I was over anxious. He jumped up and down all day and made weird noises. At three, we started looking for help. At 3½, he couldn't talk but one day he said the pledge of allegiance to the flag. He began to withdraw. He was confused when he got out of the home. One day, he walked through a kid's ballgame. There were 25 or 30 of them playing. He walked through them, missing each one by a quarter of an inch. He saw them, but he didn't know what to do."

From Kansas, the woman and her family moved to Nashville and got the help they needed. The child is eight years old now and is in a Metro special education class.

Meantime, in the Kennedy Center hallway a mother is pulling a child's wagon loaded with a group of formerly oppositional children.

"Look at them," says Ora. "A few months ago, they were not even manageable by themselves. Now they are perfectly happy playing together. A year ago, their only alternative was emergency psychiatric help.

"We are going to get out a film for national educational television showing this method. We want to get this into the schools. It will mean changing cultural attitudes, but if we could get every mother to put these ideas into practices, there would be no more brats, no more Dennis the Menace."

That may be only a dream, but you couldn't convince the red-haired mother.

"In a month, his hitting was under control," she says. "A month later, he liked us. Then slowly he began to change. He's five now, and he's in a regular preschool. I now expect him to grow up and do something good."

DISTORTIONS BY EDITORIAL WRITERS

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, I want to call the attention of this Congress to the unbelievably careless and lackadaisical fashion in which some Washington area editorial writers are gathering material for their editorials these days. I do not believe they are guilty of malicious distortion, although this is possible. I believe their problem is ignorance, which is equally unforgivable.

Let me cite two examples.

Last week I found it necessary to correct a WTOP-TV editorial which accused me of attempting to satisfy my ego by engineering a grudge amendment to the District of Columbia revenue bill, an amendment which I did not author and did not speak for or against, nor did any other member of the subcommittee that considered the measure, including those liberals who are first string teammates of WTOP's editorialists.

Then this past Sunday the Washington Star, a newspaper which used to enjoy a reputation as being fairly responsible, carried an editorial on the same revenue bill, and included therein a totally untrue statement.

In their venomous determination to attack the sections of the bill which include the transfer of Lorton to the Bureau of Prisons and withhold revenue funds until the District complies with provisions of the Highway Act, the Star said, and I quote:

> Both these absurdities previously have been thrust aside by Congress.

Mr. Speaker, it is possible that faulty memory and inadequate research could have caused the Star to forget that this House overwhelmingly passed the District of Columbia crime bill some months ago with the transfer of Lorton included therein. It is even possible that some stretching of the truth might justify their interpretation that the deletion of the Lorton provision agreed to in the House-Senate conference represented "thrusting aside by Congress." But every Member of this House who was on the floor the day the District of Columbia revenue bill of 1969 passed the House knows that it included a provision, sponsored by my colleague, the gentleman from Washington (Mr. ADAMS), and myself, that withheld funds from the District government until it complied with provisions of the Highway Act. I am sure most of them also know that this provision remained intact and was signed into law, and that the result was compliance on the part of the District government, however reluctant.

Mr. Speaker, I have been attacked many times by editorial writers for actions I have taken. I have never objected to the right of editorialists to espouse a radical-liberal philosophy with which I do not agree. But I think their right to criticize carries with it an obligation to know all the facts. I suggest therefore that in the future those charged with formulating the editorial policy for major segments of the news media might shorten their lunch or coffee break a little so they can delve more deeply into the subjects on which they hope to sway public opinion and congressional action.

RAILROAD EMBARGO

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, many of you have received, as I have, this communication from the Postmaster General:

> Postmaster General Winton M. Blount announced today that in view of the apparent imminence of a rail strike an embargo is being placed today on movement of all second, third, and fourth class mail beyond 300 miles of origin. Regional postal officials were notified the embargo would go into effect at 4:00 P.M. local times.

Mr. Speaker, I believe this is a highly precipitous action here at the holiday season, in view of the fact that no rail strike is as yet in progress and this body has been engaged this afternoon in efforts to prevent any such strike. I am sure such an embargo has already proved a tremendous inconvenience to millions of people throughout this country busy with Christmas mailing and I hope the Post Office Department will rescind the order in view of the actions being taken by this House this afternoon.

HUNTING WILDLIFE FROM AIRPLANES: A PRACTICE THAT MUST CEASE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, before calling our colleagues' attention to an important article on the subject of wildlife hunting, I want to personally commend each Member of the House for his approving vote on H.R. 15188 on December 7. With House passage of the bill, half of the long, hard battle has been won to protect all endangered species of wildlife from the ravages of a few mindless, heartless, human predators.

It is my sincere hope that our colleagues in the Senate will soon approve the bill. An article in the December issue of Outdoor Life should help to persuade Members of the other body of the necessity of the measure. The article, "The Angry Men," by Ben East, follows:

[From Outdoor Life, December 1970]

ALASKA'S DARK HOUR: THE ANGRY MEN

(By Ben East)

Listen to the story of an angry man.

In the fall of 1969 John Butler went back to the Talkeetna Mountains of Alaska for his fifth Dallsheep hunt.

Butler—a retired U.S. Navy commander, 52 years old and a biology teacher at a boys' school at Pottstown, Pennsylvania—is a conscientious and dedicated sportsman. He had served in Alaska from 1952 to 1956 and had hunted extensively in the Chugach-Talkeetna Mountains, on the Kenai Peninsula, and in the Susitna area. His four earlier ram hunts, all made with pack outfits, had been among the most thrilling experiences of his life.

"The taking of a hard-won trophy is meaningful and rewarding largely because of the time and effort spent," he told me.

Now Butler had a special reason for going back. After an absence of seven years (he had made his last hunt in 1962) he was returning to Alaska to introduce his 15-year-old son Jimmie to the thrills and challenges of sheep hunting.

A few days before the 1969 season opened, he and Jimmie rode into the Talkeetnas with a packstring. Red Lyons, a registered guide from Anchorage and an old hunting companion of Butler's, and Red's son Lake, about Jimmie's age, completed the party.

On the way to the high meadows at the headwaters of Carabou Creek, where on two of his previous hunts Butler had seen as many as 75 sheep and had taken two good rams, Lyons pointed out a number of bushplane landing strips along the creek. Each strip was littered with oil cans and rubbish.

"The sheep hunting here isn't what it was," he warned.

That remark was to prove the understatement of the year, Butler says now.

In one day of preseason scouting and three days of hard hunting, he and his son did not see one Dall. Discouraged, they broke camp and moved to Mazuma Creek, where they soon located a band of 23 sheep but no good rams. Late that day a light plane showed up and hazed the entire band into another basin.

Before the Butler party left camp the next morning, they saw two hunters on foot take stations on a ridge above them. Then they heard the drone of an approaching aircraft and watched in helpless anger as the same plane they had seen the day before hazed the 23 sheep back across the ridge and deliberately drove them in front of the two hunters. There were no shootable rams in the band, however, and neither hunter fired.

The next morning, Butler and Lyons spotted a small band of ewes, lambs, and young rams at the top of a nearby mountain. A little more glassing turned up a solitary ram with a three-quarter curl bedded nearby. Commander Butler decided that this ram was good enough for Jimmie to go after, and they rode to the base of the mountain and started the stalk up a steep slope.

A hard climb brought them to a ledge 150 yards from the sheep. Then they heard a plane coming again: the same light aircraft they had seen before. It dipped low, buzzed the band of Dalls, and drove them out of sight. Then it circled back and zoomed down at the lone ram. He fled over the ridge and disappeared.

"I have never come so near to committing murder as I did at that moment," John Butler admits. He was not even able to read the numbers of the aircraft. Their color was so close to that of the plane that they could not be made out.

Young Jimmie Butler's first sheep hunt was finished. Defeated and outraged, the party pulled out the next day.

"Those alpine meadows must be returned to the rams, free from airplane interference," Butler says today. "The present rule that hunters can't hunt on a day they are airborne is not realistic and isn't working. Get the damned aircraft out of the sheep meadows! Unless Alaska wakes up, its ram hunting is doomed. Trophy Dalls are getting very hard to find. And hunting for brown and grizzly bears is being ruined in the same way."

John Butler is only one of the many angry men who have come to OUTDOOR LIFE in recent months to protest the outrages that are being inflicted on the wildlife resources of Alaska, to plead that this magazine look into the reasons, and to ask what can be done to avert disaster.

Some of these men are Alaskans. A surprising number of them work for the state's own Department of Fish and Game. Some are nationally known conservationists from outside the state. Others are nonresident sportsmen who have hunted there in recent years.

Wherever they live and however they earn their living, these men have two things in common with one another:

Disgust with the way things are going.

Deep concern for the future of Alaska's game.

One of the angriest men we have heard from is Gene Kvalvick, a registered guide living at Anchorage. For more than a year he has bombarded us with letters, newspaper clippings, government reports, and other evidence to prove his claims that the fish and wildlife resources of his home state are going down the drain and that far too little is being done about it.

"The game populations remaining in Alaska are in grave danger, and the danger comes not from wolves," Kvalvick wrote us last winter after bitter controversy erupted over the showing on a national television network of a film of an Alaskan aerial wolf hunt for bounty.

"It comes from people," he went on, "from the grocery clerk, the builders of the Hickel Highway, the developers, the oil companies, the pipeliners. Most of all, it comes from airborne guides and snow-machine-riding 'sportsmen' who harass the game herds endlessly.

"Our game department's protection officers are too few, underequipped, overworked. The game laws are hard to enforce up here, and the penalties are not severe enough. A $500 fine for killing a McKinley Park bear doesn't hurt a guide who has thousands of dollars tucked away in the bank—money paid by other clients who were interested only in getting a bear rug the easy way.

"There is widespread violation of the game laws by hunters using snowmobiles. Caribou, because they travel together in large numbers, are particularly vulnerable to unscrupulous and unsportsmanlike use of these machines. When a snow machine takes off in pursuit of a herd that is moving across snow-covered lakes and ridges on migration, the outcome of the chase is a foregone conclusion.

"Moose, among the most magnificent of Alaska's trophy animals, also are pursued and run down by snow machines and are spotted from the air.

"I hold no hard feelings toward a native who may use his snow machine to take a moose or caribou to feed a hungry family. But the so-called sportsman—who lives in a costly home and owns a car, a truck, and maybe a couple of snowmobiles—should go about his hunting differently.

"Aircraft and cross-country vehicles are necessary to travel in this state, but their use as an aid to hunting must be stopped. The law provides that 'No hunter or guide shall take or assist in taking brown or grizzly bear or sheep on any day he is airborne.' That law needs to be amended to apply to any cross-country vehicle as well, and to include every game animal in Alaska. Almost 6,000 snow machines are registered in the state now, 4,000 of them in Anchorage alone, and far too many of them are used in hunting."

Among those who agree with Kvalvick is U.S. Representative John P. Saylor, conservation-minded congressman from Pennsylvania, who has gone so far as to propose a ban on the use of aircraft, motorboats, snow machines, and all other powered vehicles in hunting on all federal lands. The area covered would include more than 90 percent of Alaska.

"Saylor's proposal will get the support of every real sportsman in the nation," comments George Pollard, an Alaskan master guide.

Last summer the game department announced 1970 hunting regulations, which included an authorized kill, by permit, of 2,725 antlerless moose in 14 game-management units. It was then the turn of some sportsmen's clubs to get angry.

The Sportsman's Game Preservation Society of Anchorage bought a full-page ad in the Anchorage Daily News to protest the proposal, basing its objections in part on a lack of adequate provision for law enforcement.

"The average Alaskan hunter believes that the proof of the pudding is in the eating," the ad read. "When he goes out each year and finds game scarcer and harder to bag, he is inclined to have doubts about some of our game policies. Some even believe that it might be wiser to have fewer biologists and more enforcement officers. The latter might apprehend the wanton-waste violators who take the antlers and leave the meat to waste, and those who shoot game animals and leave them for bear bait."

Want to hear from a few more angry men? Some of the harshest criticism comes from longtime employes of the Fish and Game Department whose names must be withheld if they are to keep their jobs.

As a veteran protection officer put it, "It would not be wise for me to jump out from behind a rock and start raising hell publicly."

Indeed it wouldn't. A regulation of the department—drafted by Augie Reetz, a former commissioner, and still in effect when this article was written—provides: "In matters pertaining to the fish and game policies or programs of the department or the state administration, the employe is obligated to defend those policies or, if he is not in accord with them, to refrain from any comment."

It was because of that rule that Dr. Robert Weeden, a top-ranking game biologist and one of the best-known conservationists in Alaska, quit the Department of Fish and Game last year to become a representative for the Alaska Conservation Society and the Sierra Club.

Wallace Noerenberg, the present fish-and-game commissioner, told Outdoor Life after a sharp legislative hearing last spring that he intends to replace the "gag rule" with a voluntary professional code of ethics for employes of the department. But in any case, with the Governor of Alaska looking over the game department's shoulder and holding the whip hand, it's a safe bet that any employe who openly criticized policy or performance would not remain long on the payroll.

So it was no wonder that the protection officer I referred to earlier asked to be kept anonymous.

"But I'm not just an outraged sportsman," he continued. "I have worked in professional wildlife management for many years, and I know what's going on up here. If things get much worse I'll resign my job and really raise some hell."

One of Alaska's top game biologists has this to say:

"Your story on the North Slope oil boom and the TAPS pipeline (see "Is It TAPS for Wild Alaska?" Outdoor Life, May 1970) must be told over and over again until the people of Alaska take notice of what the politicians and oil interests are doing to this state. I have lived in Alaska for 20 years and have seen it from one end to the other, and I don't like what's happening. Worst of all, the pillage has official sanction."

Speaking of that same Outdoor Life story, another veteran employee of the department wrote me, "You drew a little blood. Great! All of our Fish and Game Department people who read the article agree that it was a good job. And it was high time too."

"Alaskans are gunshy about outsiders interfering in their affairs," said another staff man of the department. "But without outside pressure, I fear greatly for the future of fish, wildlife, and wilderness areas up here."

There is plenty of evidence to support these bitter charges. Take the bear situation, for example.

In the Fairbanks Daily News-Miner last July—in a front-page story under an eight-column-wide headline that read "Polar Bear Hunting Out of Hand"—Joe LaRocca, the paper's resource editor and one of the top outdoor writers in Alaska, had this to say:

"For the record, 311 polar bears were taken legally by 468 licensed hunters along Alaska's north and northwest coasts during the 1970 season, which lasted from February 1 through April 30. The quota for the season had been set by the Fish and Game Department at 225.

"But another 100 polar bears, possibly more, were taken illegally by hunters led by a few unscrupulous Alaskan guides who consistently flout the state's hunting regulations with the brazen savvy of men who know that their chances of being apprehended are almost nil. And even if these guides are caught red-handed, the odds are that they won't be prosecuted, because of a loophole in the law that's big enough to drive a herd of caribou through. And if prosecuted, they won't be convicted.

"The Fish and Game Department's protection division readily admits that policing the annual polar-bear hunt—its toughest assignment—is a token and ineffectual effort, because of budget limitations. One veteran officer calls it a farce.

"This year the enforcement problem was compounded by a deficiency in the guiding regulations that discouraged the protection division from even bothering to send its officers onto the icefields to police the hunts. Certain guides have discovered a flaw in the regulation limiting the polar-bear kill, a flaw which the state's own attorneys say renders the regulation unenforceable.

"Individual guides are permitted to lead six successful hunts and to assist another guide in the taking of six more polar bears. But a final 21-word phrase in the limitation nullifies it, by applying it only to guides licensed for arctic operations. Thus a guide who has participated in the taking of 12 bears, six of them with another arctic guide, may take any additional number as long as he is accompanied by a nonarctic guide.

"A few greedy operators have pounced on this loophole in the last two years and flagrantly exceeded the 12-bear limit. The Fish and Game Board, which has authority to fix regulations, was asked at its December 1969 meeting to eliminate this final phrase. But, inexplicably, no action was taken and the rule remains unchanged."

LaRocca quoted Don Roberts, the protection division's area supervisor at Fairbanks (his region, which takes in the arctic hunting areas, covers 430,000 square miles), as exonerating many guides from blame.

"We've got some fine upstanding guides up there," Roberts told the News-Miner writer. "They understand that their livelihood depends on proper management of the resource. But others don't. They take all they can get."

LaRocca went on to point out that the enforcement staff in that part of Alaska is deplorably shorthanded and lacks proper air support for its operations.

"Department policy forbids its airborne personnel to stray from the frozen coastline during patrol, except in tandem with another aircraft," he explained. (Guides invariably use two planes in their hunting operations, for safety.) "And since the protection division rarely has one, much less two, aircraft at its disposal, the only policing weapon is effectively disarmed.

"Despite heavy hunting pressure—indicated by the fact that last April some 35 hunting planes were 'on the line' at Kotzebue at one time, waiting for weather to clear—the Fish and Game Department was able to maintain only one officer in the entire arctic north and northwest on a full-time basis last spring. He commuted from his base at Nome to Kotzebue and other points where polar bear hunts originate. But no officer was sent to Barrow or Barter Island, and hunts out of those places went wholly unpoliced."

A ranking Fish and Game Department official told LaRocca candidly, "We lost complete control of the polar bear hunt this year."

In a confidential letter to me last May, a high-level official of the department said:

"Things have really been hot on the bear-hunting front this spring. The guides have been running wild during the recent seasons on polar and brown bears, flagrantly violating any and all game laws and bragging openly about it. They know they won't be successfully prosecuted. Some of the stories brought back by our men who were in on these seasons would turn your stomach. It's a sad situation, and I'm afraid it's going to affect bear hunting for some time to come."

Statistics support this gloomy forecast. Alaska's legally reported kill of brown and grizzy bears plummeted from 854 in 1966 to 486 in 1969. There is, of course, no record of illegal kills.

Charles J. Keim is dean of the College of Arts and Letters at University of Alaska, a fellow of the Explorers Club, and also, somewhat surprisingly, a registered Alaska guide (where else could that happen?). He says, "Oil-prospecting activities on the treeless North Slope have so reduced the grizzly population of that region (one of the last large reservoirs of the species) that Alaskan officials found it necessary to eliminate the 1970 spring season by an emergency order. As a result of illegal hunting in the oil area, and illegal and aerial hunting on the offshort ice, the grizzy and polar-bear populations are in desperate straits."

Gene Kvalvick described for me a situation that leaves the way wide open for actual illegal market hunting of polar bears.

Alaska game regulations prohibit the sale of brown or grizzy-bear pelts and the pelt of any polar bear taken with the aid of aircraft. However, the sale of polar-bear skins taken by other methods is permitted. This exemption is intended to allow Eskimos to sell the skins of bears they kill legally, within the quota limits imposed by the game department.

In actual practice the exemption amounts to a loophole in the law as wide as a barn door.

"If we see a polar-bear pelt offered for sale in a store in Kotzebue, for example, there is absolutely no way we can determine whether the bear was killed by a native or by a hunter using a plane," Fred Walstad, assistant director of the game department's protection division, told me.

Game authorities do not believe, however, that there is any widespread illegal traffic in polar-bear skins, even though a small skin starts at a price of $200 and, according to Alaskan guides, trophy pelts are worth $1,500 to $2,500.

The same cannot be said, however, for brown and grizzly hides. Kvalvick claims that they are frequently advertised openly for sale in the classified sections of Alaska newspapers. He adds that fish-and-game protection officers can do little beyond warning the would-be seller that the sale is illegal.

"Recently a bear rug was advertised in an Anchorage paper," he relates. "Protection people warned the advertiser, and I then phoned him. I was told the owner lived in California. When I said I wanted a bear rug badly I was given the owner's name and address. In reply to a letter I wrote him, he offered to hold the rug for me to pick up if I would send him a check. He did not offer to ship it to me, probably because it had been taken out of Alaska illegally in the first place."

The magnitude of this illegal traffic in bearskins was revealed in a second shocking story by Joe LaRocca, which appeared in the Daily News-Miner 10 days after his polar-bear piece.

Said LaRocca: "Deepening concern among the state's game officials over the destiny of Alaska's renowned but diminishing grizzly bears—pelt size is shrinking along with populations—has spawned a far-reaching investigation, now in its eighth month of hide smuggling. The investigation's probing tentacles so far have crept into 27 states and several foreign countries.

"It involves help from dozens of U.S. Fish and Wildlife Service officers throughout the country, as well as State of Washington Game Department aides, and has already led to the successful prosecution of five Alaska residents for illegally smuggling grizzly hides out of the state.

"Charges also are pending against two Alaskan guides, one of whom is suspected of illegally exporting 15 of the coveted bearskins during one year's time, when the yearly bag limit for guides was four grizzlies.

"Additional charges are possible against dozens of other offenders involving more than 100 'suitcase bears' (surreptitiously exported hides are frequently packed and carried out of the state by nonresidents in personal luggage).

"The investigation began routinely enough. In November of 1969 three Alaska Fish and Game Department biologists were sent to taxidermy centers in Washington and Colorado, where a majority of trophies from Alaska go for processing. All bears taken in Alaska must be reported to the game department for sealing, both as a control measure and to provide biological data.

"It was believed that a comparison of the state's sealing records with the records of the principal taxidermists known to handle Alaskan trophies would provide a useful indicator of how well hunters and guides were complying with the state's sealing requirements. There was at that time no intention to pursue the inquiry beyond a gathering of information.

"But the initial scrutiny of taxidermy invoices revealed a staggering total of 198 brown and grizzly hides received by four major taxidermists in Seattle, Spokane, and Denver in one 16-month period—all believed to be of Alaskan origin—that could not be traced to the state's own sealing records. In that same period the records showed that 600 to 700 skins were sealed, indicating that for every three bear hides that met the law's requirements, one was being exported illegally.

Publicity was suppressed while the investigation went on, but the essential details of the story leaked out, giving rise to suspicion that the matter was being hushed up to protect certain influential guides (a practice not entirely unprecedented in the department's recent annals). This writer was among the early skeptics and undertook an investigation of the investigation. This led to a frank and candid working relationship with the investigating officers, resulting in an agreement to suspend all public revelations that might jeopardize the probe.

"Subsequent investigation reduced to 164 the number of pelts that could not be accounted for. Of the owners of those pelts, 22 held Alaska addresses, 13 were outside the U.S., and 13 had no addresses. The rest were scattered through 27 states, and in many cases the names of the owners overlapped or were duplicated, so that a total of 166 people in 27 states were implicated.

"Further winnowing has now reduced the number of hides that are undoubtedly illegal to between 100 and 120. The investigation has been a monumental if not insuperable task, given the game department's budgetary limitations. It is continuing but is not making the headway the department would like.

"Fred Walstad, assistant director of the department's protection division at Juneau, told the News-Miner, 'We've reached a stalemate. We can't get good interviews outside the state, because we don't have the money to travel. Of the 13 foreign hunters who have been contacted, only six have responded. One Canadian told us that he had referred our inquiry to the guide involved and that the guide would respond, but that has not happened. Out-of-state witnesses have proven reluctant to return to Alaska to testify, and in some cases the principals have grown alarmed over their involvement and declined to cooperate. We have a good deal of information, which leads us to think there is more. We'll continue to pursue the investigation'."

About the time LaRocca's two stories appeared, another angry man turned up. He was Keith Miller, Governor of Alaska, who hotly denied reports that oil-industry workers are major violators of bear regulations on the North Slope.

The New York Times had published a story in May saying that decimation of the grizzlies made necessary the cancellation of the 1970 spring bear season. William Hopkins, manager of the Alaska Oil and Gas Association, asked the governor to investigate the charges, saying, "The oil industry has gone to great lengths to prohibit any hunting by its personnel or by contractor employes."

Miller replied, "The New York Times article does not accurately report the facts. I regret that a misrepresentation about the bear population has appeared in one of our nation's leading newspapers."

He went on to say that the closing of the bear season on the North Slope last spring was not done because the bear population was being decimated. "The closure was prompted primarily by improved access and increased human activity in what was once an extremely inaccessible area," the governor said.

This defense of the oil rush backfired in an astonishing manner.

Two days after Miller's letter was released, a mechanic working for a geophysical company on the North Slope was fined $1,750 and sentenced to 20 days in jail for killing a grizzly out of season. However, $1,000 of the fine and 15 days of the jail sentence were suspended. The violator had pleaded guilty to charges of shooting the bear last June, failing to attach a harvest tag to the carcass, failure to seal the hide within three days, and illegal possession of a white fox and a wolverine.

Three days later the man was taken into court again and was charged with making false statements to obtain a resident license and with taking a grizzly without a guide. Again he entered pleas of guilty on both counts.

This time it was Judge Mary Alice Miller who was angry. She levied an additional fine of $600 and a jail sentence of 60 days.

"You should understand that part of the high fines and jail terms result from your not being entirely truthful in court last week," she rebuked the defendant.

Alaskan sources told me that investigation indicated that at least two helicopters, plus half a dozen oilfield workers and pilots, were involved in the man's kills. And there were unconfirmed reports of the illegal taking of a walrus as well.

So much for Governor Miller's whitewash.

THE CHRISTIAN BROTHERS ACADEMY

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANLEY. Mr. Speaker, there is probably no aspect of American society these days that stirs more reaction than the field of education. Because it touches every American home, because it is so fundamentally responsible for our collective attitudes, for the shaping of our values, education, its quality and availability, is a constant concern for every citizen committed to the improvement of this Nation.

Given the dramatic social and political changes of the last 10 years, the swift evolution of our so-called life style, now more than ever education is in the spotlight. Those communities whose educational resources are first rate are, in my opinion, more than fortunate, they are blessed.

Syracuse and Onondaga County are blessed. In this metropolitan area of 470,000 people, there is abundance and quality in educational opportunity: One university, three colleges, and a highly rated elementary and secondary school system make it truly an educational center.

Standing out in excellence in this area is Christian Brothers Academy, a Catholic high school for boys, specializing in college preparatory work. C.B.A. has been preparing boys for college for 70 years in the Syracuse area. Its reputation for scholastic excellence and discipline graced by Christian charity has grown every year.

C.B.A. was founded in downtown Syracuse in 1900 by the French Catholic teaching order "Fratres Scholarum Christianarum" known in the United States as the Christian Brothers. It has been an inspirational part of the Syracuse community ever since.

Last June the graduating class had more boys than the entire school had in 1905. Of the 170 graduates, 36 received regents scholarships: there were 14 alternates, six national merit finalists, 11 national merit letters of commendations.

As a mark of their achievement consider that every boy in the graduating class was accepted at a college.

Brother Michael Kennedy, principal of the 793-pupil school, now located just outside the city of Syracuse on a 6-acre campus, is particularly proud of the C.B.A. work program, which enables students to earn money toward their tuition. Students do all the landscaping around the school, they paint, polish, repair, and work in the cafeteria. According to Brother Michael the boys not only earn money but learn to use their time constructively and form closer relationships with the brothers while working under their supervision.

This program is particularly commendable.

Who can measure the contribution that Christian Brothers Academy has made to the academic, social, and spiritual life of Syracuse and Onondaga County? No one could attempt an accurate answer but perhaps weighed against the call to greatness by John F. Kennedy in 1961 some insight may be gained:

> I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

Indeed, the glow from the Christian Brothers fire has truly lit a good portion of it.

Since its founding 70 years ago, C.B.A. has molded, trained, and educated literally thousands of business, community, and political leaders in central New York. Their cumulative contributions to our society are numberless.

I salute this fine institution and the magnificent Christian Brothers whose devotion and dedication have guided it.

RALLY FOR SOVIET JEWRY

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANLEY. Mr. Speaker, this coming Wednesday evening in my hometown of Syracuse, concerned citizens of all faiths will participate in a rally and march for Soviet Jewry. This is not intended as an idle gesture. It is deepfelt expression of concern felt for those thousands of Jews living in the Soviet Union whose cultural and religious heritage is slowly being strangled by the Communist regime.

Last July, when the arrests and persecution of Soviet Jews reached one of their high points, I spoke out loudly in protest. I wrote to the White House, to the President of the Soviet Union, and to the Secretary General of the United Nations urging their immediate consideration of this inhumane condition. My protests were for naught. The persecution and deprivation go on unabated.

The victimization of Soviet Jewry is in direct violation of the Soviet Constitution and of the charter of the United Nations, and it most certainly violates every concept we have of human dignity and mutual respect. The closing of synagogues, the establishment of kangaroo courts to dole out "justice," the refusal of Soviet authorities to allow Jews to emigrate to Israel smacks of Nazi totalitarianism. Let us not forget them. Let my people go.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The American business system has provided the American consumer an increasingly wide variety of goods from which to choose. It has been estimated that in 1950 an average supermarket carried 1,500 items. Today that figure is placed at over 8,000.

THE LATE THEOS J. THOMPSON AND COL. JACK ROSEN

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the Record.)

Mr. HOLIFIELD. Mr. Speaker, I was informed yesterday that the bodies of two outstanding public servants, who were lost in Lake Mead as a consequence of an airplane disaster on November 25, have been found. These two men, Atomic Energy Commissioner Theos J. Thompson and his principal assistant, Col. Jack Rosen, were both outstanding scientists to whom our Nation owes so very much.

Services honoring Colonel Rosen's memory have been scheduled for 10 a.m., Friday, December 11, at the Post Chapel at Fort Myer followed by full military honors at the gravesite, Arlington National Cemetery. I would hope that as many friends and admirers of Colonel Rosen would, if possible, avail themselves of the opportunity to be present to honor him.

Memorial services honoring Commissioner Thompson were held in Winchester, Mass., on December 1 and Washington, D.C., on December 2. Final services to be held in Lincoln, Nebr., have not yet been scheduled.

ROBERT COLDWELL WOOD INSTALLED AS PRESIDENT OF UNIVERSITY OF MASSACHUSETTS

(Mr. MORSE asked and was given permission to extend his remarks at this point in the Record.)

Mr. MORSE. Mr. Speaker, today, December 9, my good friend and constituent, Robert Coldwell Wood, will be installed as president of the University of Massachusetts, and I am honored and privileged to take this opportunity to recall the vast experience and outstanding qualifications which he will bring to his new position.

Most of us here today remember the enormous talent, energy, and dedication with which he served this Nation, first as Under Secretary of the Department of Housing and Urban Development from 1966–68, and then in 1969, as Secretary of that Department.

Bob Wood's public service dates back to 1949, when he held the position of associate director of the Florida Legislative Reference Bureau. He then served as a management organization expert in the U.S. Bureau of the Budget. Since then, he has compiled a record of academic achievement which confirms him as an outstanding intellect, and a man who enters his new position with the highest qualifications and ability.

A graduate of Princeton University, with a doctorate from Harvard, a member of the American Academy of Arts & Sciences, and an author of several highly respected works on urban America and government, he has distinguished himself as a scholar and teacher at Harvard University and at the Massachusetts Institute of Technology, where he has held the positions of head of the political science department and director of the joint center for urban studies.

MIT and eastern Massachusetts will miss him, but I know he will do a characteristically outstanding job in the discharge of his challenging new responsibilities. This is a time of transition, a time which calls for perceptive understanding, strength, and new and imaginative thinking in the field of education and college administration. Robert Wood brings to the University of Massachusetts enormous talent, creativity, and great ability, and I cannot think of anyone more suited to the undertaking. It is with profound admiration and respect that I offer him my congratulations and high good wishes for continued success.

GENERAL LEAVE

Mr. SEBELIUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of the special order of today of the gentleman from Maryland (Mr. Hogan).

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

LEAVE OF ABSENCE

By unanimous request, leave of absence was granted to:

Mr. Gray (at the request of Mr. Boggs), for today, on account of illness in the family.

Mr. Hunt (at the request of Mr. Gerald R. Ford), for today, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Sebelius) to revise and extend their remarks and include extraneous material:)

Mr. McCloskey, for 1 hour, December 15.

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Findley, for 5 minutes, today.

Mr. Price of Texas, for 20 minutes, today.

(The following Members (at the request of Mr. Daniel of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. Fraser, for 10 minutes, today.

Mr. Flood, for 30 minutes, today.

Mr. O'Hara, for 20 minutes, today.

Mr. Mikva, for 60 minutes, December 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dorn and to include extraneous matter.

Mr. Pickle to revise and extend his remarks and include extraneous matter on House Joint Resolution 1413.

Mr. Holifield and to include extraneous matter.

Mr. Findley during consideration of the Findley amendment to H.R. 11547.

Mr. Philbin in five instances and to include extraneous matter.

Mr. Ichord immediately following the remarks of Mr. Hogan in his special order today.

Mr. Flynt immediately following the remarks of Mr. Ichord following the remarks of Mr. Hogan in his special order today.

(The following Members (at the request of Mr. Sebelius) and to include extraneous matter:)

Mr. Devine.

Mr. Gerald R. Ford.

Mr. Teague of California.

Mr. Adair.

Mr. Reid of New York.

Mr. Hammerschmidt.

Mr. Wyman in two instances.

Mr. Quie in six instances.

Mr. Brock.

Mr. Carter.

Mr. Taft in four instances.

Mr. Schmitz in two instances.

Mr. Coughlin.

Mr. Price of Texas in two instances.

Mr. Derwinski in two instances.

Mr. Lukens.

Mr. Widnall.

Mr. McCloskey.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Gaydos in four instances.

Mrs. Griffiths in two instances.

Mr. Rees in two instances.

Mr. Kastenmeier in two instances.

Mr. Lowenstein in five instances.

Mr. Helstoski in two instances.

Mr. RARICK in three instances.

Mr. REUSS in six instances.

Mr. FLOOD.

Mr. JARMAN.

Mr. VAN DEERLIN in two instances.

Mr. HUNGATE in three instances.

Mr. ICHORD in two instances.

Mr. STOKES.

Mr. DANIEL of Virginia.

Mr. DANIELS of New Jersey.

Mr. VANIK in two instances.

Mr. WOLFF.

Mr. JOHNSON of California in two instances.

Mr. HAGAN in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 19830. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on December 8, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 1160. An act to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park;

H.R. 2876. An act for the relief of the Beasley Engineering Co., Inc.;

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation;

H.R. 8573. An act for the relief of Mrs. Margaret M. McNellis;

H.R. 12958. An act for the relief of Central Gulf Steamship Corp.;

H.R. 13934. An act to amend the act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes;

H.R. 15770. An act to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes;

H.R. 18679. An act to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes;

H.R. 19000. An act to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe;

H.J. Res. 1077. A joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association; and

H.J. Res. 1411. A joint resolution correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 3 minutes a.m., Thursday, December 10, 1970), the House adjourned until 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2606. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes; to the Committee on the Judiciary.

2607. A letter from the chairman, Joint Committee on Internal Revenue Taxation, transmitting a report on refunds and credits of internal revenue taxes for the fiscal year ended June 30, 1968, pursuant to section 6405 of the Internal Revenue Code of 1954 (H. Doc. 91–425); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee of conference. Conference report on H.R. 13000; with amendment (Rept. No. 91–1635). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H. J. Res. 1413. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; with amendment (Rept. No. 91–1686). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1300. A resolution providing for the consideration of House Joint Resolution 1413. A resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; with amendment (Rept. No. 91–1687). Referred to the House Calendar.

Mr. MAHON: Committee on Appropriations. H.R. 19928. A bill making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes; (Rept. No. 91–1688). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 1301. A resolution providing for the consideration of H.R. 18874. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; (Rept. No. 91–1689). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1302. A resolution providing for the consideration of H.R. 19860. A bill to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes (Rept. No. 91–1690). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1303. A resolution providing for the consideration of H.R. 19928. A bill making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes; with amendment (Rept. No. 91–1691). Referred to the House Calendar.

Mr. ULLMAN: Committee on Ways and Means. H.R. 14233. A bill to modify ammunition recordkeeping requirements; with an amendment (Rept. No. 91–1692). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 17658. A bill to provide floor stock refunds in the case of cement mixers; with amendments (Rept. No. 91–1693). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 17984. A bill to amend section 905 of the Tax Reform Act of 1969; with amendments (Rept. No. 91–1694). Referred to the Committee of the Whole House on the State of the Union.

Mr MILLS: Committee on Ways and Means. H.R. 19369. A bill to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities (Rept. No. 91–1695). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOGGS: Committee on Ways and Means. H.R. 19790. A bill relating to the income tax treatment of certain sales of real property by a corporation; with amendments (Rept. 91–1696). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.R. 956. A bill to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock"; (Rept. No. 91–1697). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 3107. A bill to officially designate the Totten Trail Pumping Station; (Rept. No. 91–1698). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 7334. A bill to designate the lake formed by the waters impounded by the Libby Dam, Mont., as "Lake Koocanusa"; (Rept. No. 91–1699). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 8933. A bill to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Ala., shall hereafter be known as the Coffeeville lock and dam; (Rept. No. 91–1700). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 12564. A bill to rename a pool of the Cross Florida Barge Canal "Lake Ocklawaha"; (Rept. No. 91–1701). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 14683. A bill to designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, La.; (Rept. No. 91–1702). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 15205. A bill to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock (Rept. No. 91–4703). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 18858. A bill to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir; without amendment (Rept. No. 91–1704). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 19855. A bill to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as "Blue Lake"; without amendment (Rept. No. 91–1705). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 13862. A bill to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan; without amendment (Rept. No. 91–1706). Referred to the House Calendar.

Mr. GRAY: Committee on Public Works. H.R. 19857. A bill to name certain Federal buildings; without amendment (Rept. No. 91–1707). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 19890. A bill to name a Federal building in Memphis, Tenn., for the late Clifford Davis; without amendment (Rept. No. 91–1708). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. S. 528. An act to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir; (Rept. No. 91–1709). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program; (Rept. No. 91–1710). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. S. 1499. An act to name the authorized lock and dam No. 17 on the Verdigris River in Oklahoma for the Chouteau family; (Rept. No. 91–1711). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. S. 1500. An act to name the authorized lock and dam No. 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham; (Rept. No. 91–1712). Referred to the House Calendar.

Mr. PERKINS: Committee of Conference. Conferees report on S. 3867. (Rept. No. 91–1713). Ordered to be printed.

Mr. STAGGERS: Committee of conference: Conference report on House Joint Resolution 1413. (Rept. No. 91–1714). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAHON:

H.R. 19928. A bill making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. ADDABBO:

H.R. 19929. A bill to amend title 5, United States Code, to permit a retired officer of a regular component of the uniformed services who holds a civilian position in the Government to receive the full pay of that position in addition to his retired or retirement pay, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BINGHAM (for himself, Mr. CELLER, Mr. ADDABBO, Mr. BIAGGI, Mr. BRASCO, Mr. CAREY, Mrs. CHISHOLM, Mr. HALPERN, Mr. KOCH, Mr. MURPHY of New York, Mr. PODELL, Mr. RYAN, Mr. ROSENTHAL, and Mr. SCHEUER):

H.R. 19930. A bill to amend the Internal Revenue Code of 1954 and the Tax Reform Act of 1969 regarding the treatment of charitable contributions; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 19931. A bill concerning medical records, information and data to promote facilitate medical studies, research, education and the performance of the obligations of medical utilization committees in the District of Columbia; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 19932. A bill to provide an additional period of time for review of the basic national rail passenger system, to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOUNTAIN (for himself, Mrs. DWYER, Mr. BROWN of Ohio, and Mr. VANDER JAGT):

H.R. 19933. A bill to improve the financial management of Federal assistance programs, to facilitate the consolidation of such programs, to strengthen further congressional review of Federal grants-in-aid, to provide a catalog of Federal assistance programs, and to extend and amend the law relating to intergovernmental cooperation; to the Committee on Government Operations.

By Mr. KOCH:

H.R. 19934. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. REID of New York:

H. Res. 1304. Resolution to amend paragraph 24 of rule XI of the Rules of the House of Representatives to provide for the "21-day rule"; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

650. By the SPEAKER: Petition of Evelyn Barnes, Bridge, Idaho, relative to an investigation of the Headstart program; to the Committee on Education and Labor.

651. Also, petition of the Massachusetts Conference on Social Welfare, Inc., relative to the legal services program of the Office of Economic Opportunity; to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

HORTON EXPRESSES PRIDE IN THE OPERATION OF PUBLIC TELEVISION STATION WXXI IN ROCHESTER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. HORTON. Mr. Speaker, I have long been aware of the great importance of the television and broadcast media in my district. I have had the good fortune and pleasure to appear on every one of them from time to time through the years. So I am personally acquainted with their operators and staffs, and I am well aware of their service to Rochester audiences.

Recently, the contributions to my community of Public Television Station WXXI were praised by the Genesee Valley Newspapers, a group of weekly newspapers in my district. The article detailed the many different areas in which this noncommercial TV station registers its impact on the community it serves.

Each year Channel 21, Station WXXI, conducts a week-long on-the-air auction of merchandise contributed by area merchants, manufacturers, and residents. This is a device to raise part of the necessary funds for the operation of the noncommercial television station. Not only does the entire community respond and cooperate, but personnel from all the other radio and television stations contribute their time, talents and efforts to help Channel 21 in this outstanding effort. It has been my pleasure to take part in that auction for a number of years, so I can speak from experience when I say it is a truly communitywide operation to help in the continued success of Station WXXI.

Perhaps there are other public television stations in the country which have equally enviable positions of importance in their communities. If so, I tip my hat to them for they are certainly providing a much-needed service to their viewers.

Formerly known as "educational television," these stations prefer the designation of public television for, as the article points out, they have extended their programming to fields broader than classroom subjects, encompassing entertainment, the lively arts, and even variety shows.

Therefore, I take pride in saluting Public Television Station WXXI of Rochester. I ask my colleagues to join in offering congratulations and best wishes to the management, staff, and all others involved with its outstanding operation.

I share with my colleagues in the Congress the inspiring account of this station as written by Pat Dougherty:

BENEATH THE LIGHTS, CHANNEL 21 EMERGES AS THE LIVELIEST OF ARTS

Television!

That glamorous world of glass-rimmed studios, carpeted auditoriums with deep seats, and sponsors' booths, elegantly furnished. Polished stages and polished producers, working with quiet efficiency, and cameras zooming in on frozen smiles that fail to melt even in the heat of the kleig lights!

Then . . . there's Channel 21.

Once you find the building at 410 Alexander St. (somehow you can't quite believe you have the right address), you drive your car over the curb to a parking place on a muddy lawn and enter the old stone structure that was deemed obsolete for East High students more than a decade ago.

Through the door and down the basement stairs to a dark cavern of a studio, once the girls' gymnasium. If you're lucky, you find a folding chair and watch as executives, secretaries, producers and cameramen frantically rush about, moving props and cables, pushing ladders out of the way, adjusting mikes and "testing—one, two," all oblivious to the audience in the shadows nearby.

A labyrinth of lights hangs from the ceiling and at a signal illumines a stage (one step above floor level) onto which march New York State's three senatorial candidates—Buckley, Ottinger and Goodell—for last week's political debate, first such held during the current campaign.

Within recent memory, Channel 21's cameras have zeroed in on such other significant events as the Chuck Mangione—Rochester Philharmonic Jazz Concert, the FIGHT convention, hearings on the Rochester Board of Education's desegregation plan, City Council's budget reviews, football games, national tennis competitions in Bushnell's Basin, sectional diving meets, teen-age concerts, ecology discussions and Urban League conferences. Last weekend, there was the action of the Pittsford-Rush-Henrietta football game, and on Monday at Nazareth College, the hearing of the President's Commission for the UN's silver anniversary.

All these were "locals" and shown in addition to network turnout, which offers viewers consistently the highest-caliber programs on the air-waves today and such contrasting choices as interviews by conservative William F. Buckley Jr. and the controversial David Susskind, classical jazz and living theater, folk guitar and cooking lessons, documentaries, drama and debates, the Boston Symphony and Kuka, Fran and Ollie.

And not a commercial in the carload!

This is public television, a label which has succeeded the previous tag of "educational television." More and more, WXXI and its network have extended their perimeters to fields broader than classroom subjects, and have encompassed entertainment, the lively arts and even variety shows.

But if education can be defined as coverage of pertinent and relevant material, Channel 21 may claim its birthright and live up to the aims of its antecedent—RAETA, Rochester Area Educational Television Assn., an agency formed in 1958 to produce and disseminate effective school programs.

With all as diversified programming, the station still is serving the facts as well as the spirit of education, and school kids will tell you so. With 21 area schools subscribing to the local station's special services and most other schools tuning in Channel 21 programs daily, a wide audience views such daytime programs as Window on the World, Adventure in the Arts, Magic of Words, Search for Science, Children of Other Lands and One Nation, Indivisible? (question mark intended).

Not least in popularity or impact is the locally-produced news show for children, complete with quizzes and clues, cartoon contests and a recent gubernatorial poll which showed Rockefeller winning hands down!

Formed in 1966 as a regular station, RAETA was assigned Channel 21, an ultra-high-frequency signal, after an unsuccessful bid to acquire Channel 13, a very-high-frequency channel then more easily received by local sets.

Only 30 per cent of area households could tune in the station at that time, and at the end of its first year, public memberships numbered only 1,500. Today the station counts 7,482 on its rolls with a membership income of $119,387, against only $22,000 in June, 1967.

Channel 21 now reaches an estimated 300,000 households in the metropolitan area by means of its 1½ megawatt transmitter on Pinnacle Hill, the most powerful in the state. Its operating budget amounts to $672,800, less than a third of a comparable budget of a commercial TV station.

Because it does not rely on commercials and ratings for its sustenance, Channel 21 can program such shows as the Nader report, coming up next month and featuring Ralph Nader in his continuing effort to awaken American consumers. Also slated is Soul!—an all-black variety show—and a series entitled Gap's Generation, hosted by Gap Mangione and providing a showcase for the best musical talent in the area.

More than 40 per cent of the station's operating budget comes from membership subscriptions ($130,000) and individual donations, gleaned in the course of the much-heralded TV auction ($150,000) to which individuals and business contribute time and merchandise. The State Education Department contributes some 26 per cent of budgeted expenses, while the rest of the funds come from schools subscribing to the TV services, colleges and corporations. Less than one per cent is obtained from Monroe or area counties, and only 2.2 per cent of the overall budget is contributed by the City of Rochester.

The station's staff is small—only 32 people, including everyone from general manager to messenger. Their offices, high-ceilinged with floors and woodwork rubbed smooth by generations of restless students, are partitioned classrooms in the old East High and the staff duties run the gamut from staging shows to raising money to holding up strobe lights.

(The lecterns for the Senatorial debate, for example, were constructed by Davis W. Griffith, community relations director, in the workshop of his home at 12 Briggs St., Fairport. Following the debate, he changed hats and took his place before the camera as part of a panel analyzing the discussions.)

Heading the WXXI operation is William J. Pearce of 96 Chadbourne Rd., Brighton, who took over from John S. Porter, former Penfield resident who left Channel 21 to become executive director of the Eastern Educational Television Network.

Program director—and the person most familiar to television audiences—is William E. Haley Jr., 126 Woody La., Penfield, a veteran TV newsman.

Only two of the current administrative staff—Griffith and Miss Gerry McMullen of Clintwood Dr., Brighton, who directs school service—have been with the group from its beginning in 1966.

In comparison with the 200 public television stations across the nation, WXXI claims a high prestige rating in the degree of community support it receives, both in the number of memberships and per capita contributions.

This support is evidenced in the area's response to the station's annual auction, which last year netted more than $100,000 and kept the community buzzing for a week, and to the WXXI membership week, staged four times yearly, during which station personnel broadcast appeals for new members.

Results of these appeals, Haley said, net as many or more memberships than similar bids by stations in bigger cities such as Buffalo, which serves a market area nearly three times as large.

WXXI originates 200 hours of local turnout each year, and in addition draws programs from the 28-member EET network (headed by Porter) and from National Educational Television. The thing that links all these stations together is the Public Broadcasting Service, which sends out programs produced by NET and by stations included in EET.

Public broadcasting networks have picked up three locally produced shows, the Chuck Mangione concert with the Rochester Philharmonic, a George Eastman documentary and Monday's UN Commission hearing. Last week's Senatorial debate was picked up by stations across the state. This may be a new trend for Channel 21, as all were produced in the last year.

Eventually, WXXI hopes to produce shows in color—an expensive proposition but one for which administrators already are budgeting reserve funds. Also, they hope to increase local output with creative and informative shows.

"The whole rationale for any public television station," said Griffith, is to serve as an outlet for the best thinking of the community, and in another sense, a window through which the community may see and judge itself. If a local station can't do this, then let's bring in the robots and turn over broadcasting to a computer, programmed to please the greatest number for the highest commercial return."

He pointed out that although no public TV station in this country has yet gone under, the support of the public—on as broad a base as possible—is necessary to continue quality programming. Although WXXI will accept contributions of any amount, memberships are available for $15 and $30, which guarantees receipt of the program guide and for the higher-priced membership, special bonus offerings of books, records or songbooks.

"Of course, we've felt the economic pinch as has everybody," Griffith said. "But in the last analysis, we are going on the assumption that people will support quality, honesty and intelligent presentation. To the best of our ability, we are trying to give it to them."

AIR AMBULANCES—A SUCCESSFUL EXPERIMENT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. PICKLE. Mr. Speaker, last July 15, an experiment was initiated at Fort Sam Houston in San Antonio, Tex., using military helicopters as air ambulances. The program, called Military Assistance to Safety and Traffic, or MAST, has the advantage that it is free. The flying time spent on rescue missions is simply counted as part of the normal flying time allotted for the unit.

Nearly 100 patients have been rushed to hospitals via the military helicopters since the programs inception. In many cases time was the vital factor in saving a patients life. Most patients have been victims of traffic accidents, but they also have ranged from premature babies to heart attack victims.

The program has been so successful that it has been expanded to two other Army posts and to two air bases in other parts of the country. Ross Rommel, Texas State traffic safety administrator, has said he would like to see the program expanded to reach outlying areas such as isolated parts of west Texas where emergency medical service is now virtually nonexistent.

I support the expansion of this fine program. I think it could be further aided if it were expanded to include our National Guard. The Guard, at locations such as Camp Mabry in Austin, has many men qualified to fly military helicopters. Providing such services and the appropriations therefor, would be a natural extension of their assigned duties to protect life and property here at home.

A recent article in the Austin Statesman describes the MAST program in action. I include the article in the Record at this point:

Helicopter Saves Lives on Highway

San Antonio, Tex.—"If it had not been for a helicopter, my son wouldn't be alive today," says Mrs. William G. Wagner.

Mrs. Wagner is one of dozens of people whose lives have been touched by a military helicopter ambulance project under way here and in four other states.

Called MAST—Military Assistance to Safety and Traffic—the project dispatches helicopters manned with military medics to civilian medical emergencies at a moment's notice.

Nearly 100 patients have been airlifted by MAST helicopters stationed here since the six-month test project began July 15.

One mission came after Bill Wagner, 19, of Houston, was stricken with aeroembolism—air in the blood vessels—while scuba diving recently near Austin, Tex.

Wagner was rushed to an Austin hospital, but doctors said he needed emergency treatment in a compression chamber. The only one in the area is at Brooks Air Force Base in San Antonio, more than 80 miles away.

A MAST helicopter based here at the Army's Ft. Sam Houston was ordered to Austin.

Then began a low-altitude race to San Antonio at speeds of up to nearly 130 miles per hour.

One of the two pilots on the flight, Capt. Pat Clayton, 27, of Houston, a veteran of 1,300 combat flying hours in Vietnam, said a helicopter was called in this case rather than a conventional ambulance because time was a critical factor.

"We tried to stay as low as we could," Clayton said. "Every time we'd get to a high altitude the patient would really feel it."

The big "Huey" chopper flew at an average altitude of just 50 feet for the 40-minute flight.

A Brooks spokesman later said Wagner was stricken when, as he ascended from the lake's depths, pressure in his lungs built up to such an extent that it allowed air to get directly into his bloodstream.

The helicopter had to fly low to avoid exposing the patient to the decreased atmospheric pressure of high altitudes, which would make the amount of air in the blood vessels expand.

"He would have died before we got him there in an ambulance," Wagner's mother said of her son.

Wagner was under treatment in the compression chamber for more than 10 hours. He was hospitalized a week and is still taking medication.

MAST is the first military effort of its type, and doctors, hospital administrators and officers say they hope it's here to stay.

Government officials say only that an interim report will be presented in Washington soon and a decision on continuing MAST after the end of the year will follow the report.

The MAST program here, on standby 24 hours a day to serve a 10-county area covering 9,500 square miles, has airlifted, free of charge, patients ranging from premature babies to heart attack victims.

But more than half of the patients have been traffic accident victims—MAST's main purpose.

On a recent visit to inspect the MAST program, Defense Secretary Melvin Laird, who set up the project, noted that highway traffic accidents are the greatest killer of young people in the nation today.

"When I saw the rapid evacuation and treatment of casualties in Vietnam," he said, "I thought this was one lesson we could apply at home."

A joint effort of the defense and transportation departments, MAST was first introduced at Ft. Sam Houston.

It has since been expanded to areas surrounding two other army posts—Ft. Carson, Colo., and Ft. Lewis, Wash.—and two air bases—Luke AFB, Ariz., and Mountain Home AFB, Idaho.

Most of the MAST patients have been civilians, but the large military population here also has benefited. Roughly 25 per cent of those airlifted by MAST choppers here have been active or retired military personnel or military dependents.

Although Vietnam experience is not a requirement, the 26 officers and 30 enlisted men in the MAST program at Ft. Sam Houston are Vietnam veterans.

"There's nothing like combat training for medics," said Capt. Raymond Snyder of the local sheriff's patrol division. "You can tell they are real professional people."

Ross Rommel, state traffic safety administrator, said he would like to see MAST programs expanded to areas where emergency medical service is now virtually nonexistent, like isolated parts of West Texas.

The transportation department has financed several short-term demonstration projects with helicopter ambulances. One such federally funded program, now operating at Minneapolis, began March 1 with a $320,000 budget and has airlifted more than 60 patients.

But military officials say the best feature of the MAST program is that it costs nothing extra.

Capt. Tom Ely, executive officer of the unit that flies the rescue missions here, noted his organization is a training outfit, with more than 300 hours of flying time alloted per month.

So far, he said, less than 90 flying hours have been spent on MAST missions.

"We're already authorized money to fly those hours," he said. "As far as additional funding, under this system there really is no additional funding."

SENATE—*Thursday, December 10, 1970*

The Senate met at 10 a.m. and was called to order by Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Creator Spirit, whose supreme act of making man in Thine own image we recall on this Human Rights Day, make us mindful of who we are and for what purpose we are here. We thank Thee that our fathers taught us that all men are created equal and in Thy image, to live under Thy dominion. We thank Thee for the divinely bestowed gifts of life, liberty, and the pursuit of happiness. Especially at this season we thank Thee for the incarnation of Thyself in a man who lived, toiled, suffered, died, and rose again to set all men free from captivity to evil, to bring new life, to proclaim the eternal destiny of the soul and the supreme worth of every man. May the spirit of Him who went about doing good fall upon us and may we serve Thee day by day not only in the exercise of our own rights but in the extension of these rights to men of every race and nation. May we be given grace to live in the spirit of Him who said: "Whosoever findeth his life shall lose it again but whosoever loseth his life for My sake shall find it again."

We pray in His name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 10, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. EAGLETON thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED JOINT RESOLUTION SIGNED

Under authority of the order of Thursday, December 10, 1970, the Secretary of the Senate, on Thursday, December 10, 1970, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, and it was signed by the Acting President pro tempore (Mr. METCALF).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. EAGLETON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, December 9, 1970, and early this morning, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from New York (Mr. JAVITS), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF SMALL BUSINESS ACT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 4536.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the amendment of the House of Representatives to the bill (S. 4536) to amend the Small Business Act which was to strike out all after the enacting clause, and insert:

TITLE I—SMALL BUSINESS ADMINISTRATION

SEC. 101. Paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,900,000,000" and inserting in lieu thereof "$2,200,000,000";

(2) by striking out "$300,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "200,000,000" and inserting in lieu thereof "$300,000,000".

TITLE II—AUTHORIZATION FOR PRESIDENT TO STABILIZE PRICES, RENTS, WAGES, AND SALARIES

SEC. 201. Section 206 of the Economic Stabilization Act of 1970 (84 Stat. 799–800; Public Law 91–379) is amended by striking out "February 28, 1971," and inserting in lieu thereof "March 31, 1971,"; and by striking out "March 1, 1971," and inserting in lieu thereof "April 1, 1971,".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the permission of the distinguished Senator from Ohio (Mr. YOUNG) and the distinguished Senator from Massachusetts (Mr. BROOKE), who are to be recognized now, I ask unanimous consent that I may proceed for about 4 minutes at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 4576—INTRODUCTION OF THE CRIMINAL INJURIES COMPENSATION ACT OF 1971

Mr. MANSFIELD. Mr. President, the Senate has passed every major Presidential request for stern measures against criminals. In addition the Senate has initiated and passed several measures on its own, calling for stiffer action against criminals. No matter how stiff our legislative stance against the criminal has been, however, the Senate did not repeal the Constitution. And the Constitution provides strict protections for the accused until his guilt is established by a jury of his peers in a court of law.

Nothing should be done to change those constitutional protections. They are basic and they benefit us all—the guilty and the innocent. Indeed, every American should be proud that our system provides so fully for the individual in this regard and nothing should be done to disturb this fundamental concern.

At the same time, society is obliged to take stronger measures to deter crime; it should provide for speedier trials for the accused, for more police on the beat, for better prison facilities—facilities that will at least assure that upon his release, the prisoner is not even more menacing than he was when first incarcerated.

To help in the total fight on crime, back in 1968, the Law Enforcement Assistance Administration was established to channel vitally needed resources to States and local communities and thereby update police facilities and equipment. Hopefully, when fully implemented, that program will lead the way to vastly improved and more effective police efforts. But there is another dimension to this problem of crime; a dimension heretofore largely ignored. It concerns those who suffer because of crime. It concerns the victim. For him the protection of society has been grossly inadequate. To him, unlike the accused, the protections of our Constitution do not fully extend.

Up to now our concern has focused mainly on the criminal. With the proposal I will introduce, it is hoped that that focus will shift, at least in part, to his victim.

At the very least, the victim of the crime should be made whole and under my proposal he would be. Provided is a form of compensation for those who suffer from criminal violence. Any person who is personally injured in the perpetration of any crime would receive pecuniary compensation. There would be established a Federal Violent Crimes Compensation Commission which would make direct awards to the victim for injuries suffered in the course of the crimes committed within the narrow Federal jurisdiction. In addition, a system of block grants to the States would underwrite similar State compensation commissions for the victims who suffer from crimes within the State and local criminal jurisdictions.

I would say further that when the protection of society is not sufficient to prevent a person from being victimized, society then has the obligation to compensate the victim for that failure of protection. The measure I introduce covers everyone. The unsuspecting victim of rape. The policeman ambushed answering a routine call. The fireman shot down by a sniper when responding to an alarm. The ghetto dweller, the suburbanite. In short, the measure I introduce provides for all who suffer from criminal violence.

Mr. President, this is a time for bold action. This is a time for Congress to demonstrate to the people of America that it is as interested in the problems and suffering of victims of criminal acts as it is in protecting rights of accused criminals. Therefore, as the next Congress convenes a month from now, I shall reintroduce my proposal and urge its prompt consideration. The victim of crime deserves no less.

Mr. President, I send my bill to the desk, ask for its appropriate reference and that its text be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4576) to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes, introduced by Mr. MANSFIELD, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 4576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE AND DEFINITIONS

SECTION 1. This Act may be cited as the "Criminal Injuries Compensation Act of 1971".

DEFINITIONS

SEC. 102. As used in this Act the term—

(1) "child" means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and a child conceived prior to but born after the death of the victim.

(2) "Commission" means the Violent Crimes Compensation Commission established by this Act.

(3) "dependent" means those who were wholly or partially dependent upon the income of the victim at the time of the death of the victim or those for whom the victim was legally responsible;

(4) "personal injury" means actual bodily harm and includes pregnancy, mental distress, nervous shock, and loss of reputation;

(5) "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, spouse's parents';

(6) "victim" means a person who is injured, killed, or dies as the result of injuries caused by any act or omission of any other person which is within the description of any of the offenses specified in section 302 of this Act;

(7) "guardian" means one who is entitled by common law or legal appointment to care for and manage the person or property or both of a child or incompetent; and

(8) "incompetent" means a person who is incapable of managing his own affairs, whether adjudicated or not.

TITLE II—ESTABLISHMENT OF VIOLENT CRIMES COMPENSATION COMMISSION

SEC. 201. There is hereby established an independent agency within the executive branch of the Federal government to be known as the Violent Crimes Compensation

Commission. The Commission shall be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman, who shall have been a member of the bar of a Federal court or of the hghest court of a State for at least eight years.

(b) There shall be appointed, by the President, by and with the advice and consent of the Senate an Executive Secretary and a General Counsel to perform such duties as the Commission shall prescribe in accordance with the objectives of this Act.

(c) No member of the Commission shall engage in any other business, vocation, or employment.

(d) Except as provided in section 206(1) of this Act, the Chairman and one other member of the Commssion shall constitute a quorum. Where opinion is divided and only one other member is present, the opinion of the Chairman shall prevail.

(e) The Commission shall have an official seal.

FUNCTION OF THE COMMISSION

SEC. 202. In order to carry out the purposes of this Act, the Commission shall—

(1) receive and process applications under the provisions of this Act for compensation for personal injury resulting from violent acts in accordance with title III of this Act;

(2) pay compensation to victims and other beneficiaries in accordance with the provisions of this Act;

(3) hold such hearings, sit and act at such times and places, and take such testimony as the Commission or any member thereof may deem advisable;

(4) promulgate standards and such other criteria as required by section 504 of this Act; and

(5) make grants in accordance with the provisions of title V of this Act.

ADMINISTRATIVE PROVISIONS

SEC. 203. (a) The Commission is authorized in carrying out its functions under this Act to—

(1) appoint and fix the compensation of such personnel as the Commission deems necessary in accordance with the provisions of title 5, United States Code;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals;

(3) promulgate such rules and regulations as may be required to carry out the provisions of this Act;

(4) appoint such advisory committees as the Director may determine to be desirable to carry out the provisions of this Act;

(5) designate representatives to serve or assist on such advisory committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the purposes of this Act;

(6) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

(7) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title with or without reimbursement and, with the approval of the President delegate and authorize the redelegation of any of his powers under this Act.

(b) Upon request made by the Administrator each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates and statistics) available to the greatest practicable extent to the Administration in the performance of its functions.

(c) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section shall receive $——— a day, including travel time, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

TERMS AND COMPENSATION OF COMMISSION MEMBERS

SEC. 204. (a) Section 5314, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(55) Chairman, Violent Crimes Commission".

(b) Section 5315, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Members, Violent Crime Commission".

(c) Section 5316, title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(130) Executive Secretary, Violent Crimes Commission

"(131) General Counsel, Violent Crimes Commission".

(d) The term of office of each member of the Commission taking office after December 31, 1971, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1971, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after December 31, 1971; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(e) Each member of the Commission shall be eligible for reappointment.

(f) A vacancy in the Commission shall not affect its powers.

(g) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(h) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission outside the District of Columbia incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Executive Secretary, or his designee.

PRINCIPAL OFFICE

SEC. 205. (a) The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place.

(b) The Commission shall maintain an office for the service of process and papers within the District of Columbia.

PROCEDURES OF THE COMMISSION

SEC. 206. The Commission may—

(1) subpena and require production of documents in the manner of the Securities and Exchange Commission as required by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by the Chairman. Subpenas shall be served by any person designated by the Chairman;

(2) administer oaths, or affirmations to witnesses appearing before the Commission, receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

TITLE III—AWARD AND PAYMENT OF COMPENSATION

AWARDING COMPENSATION

SEC. 301. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 302 of this Act, the Commission may, in its discretion, upon an application, order the payment of, and pay, compensation in accordance with the provisions of this Act, if such act or omission occurs—

(1) within the "special maritime and territorial jurisdiction of the United States" as defined in section 7 of title 18 of the United States Code; or

(2) within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person; or

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person;

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents;

(4) in the case of a payment for the benefit of a child or incompetent the payee shall file an accounting with the Commission no later than January 31 of each year for the previous calendar year;

(5) in the case of the death of the victim, to any one or more persons who suffered pecuniary loss with relation to funeral expenses.

(c) For the purposes of this Act, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to this injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the Attorney General or the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this Act until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent.

OFFENSES TO WHICH THIS ACT APPLIES

SEC. 302. The Commission may order the payment of, and pay, compensation in accordance with the provisions of this Act for personal injury or death which resulted from offenses in the following categories:

(1) assault with intent to kill, rob, rape;
(2) assault with intent to commit mayhem;
(3) assault with a dangerous weapon;
(4) assault;
(5) mayhem;
(6) malicious disfiguring;
(7) threats to do bodily harm;
(8) lewd, indecent, or obscene acts;
(9) indecent act with children;
(10) arson;
(11) kidnaping;
(12) robbery;
(13) murder;
(14) manslaughter, voluntary;
(15) attempted murder;
(16) rape;
(17) attempted rape;
(18) or other crimes involving force to the person.

APPLICATION FOR COMPENSATION

SEC. 303. (a) In any case in which the person entitled to make an application is a child, or incompetent, the application may be made on his behalf by any person acting as his parent, or attorney.

(b) Where any application is made to the Commission under this Act, the applicant, or his attorney, and any attorney of the Commission, shall be entitled to appear and be heard.

(c) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(d) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(e) If any person has been convicted of any offense with respect to an act or omission on which a claim under this Act is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has been ordered, be taken as conclusive evidence that the offense has been committed.

ATTORNEY'S FEES

SEC. 304. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this Act, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under subsection (a) of this section, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within ninety days after the receipt of the information required by subsection (a) of this section, petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who wilfully charges, demands, receives, or collects for services rendered in connection with any proceedings under this Act any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

NATURE OF THE COMPENSATION

SEC. 305. The Commission may order the payment of compensation under this Act for—

(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(2) loss of earning power as a result of total or partial incapacity of such victim;

(3) pecuniary loss to the dependents of the deceased victim;

(4) pain and suffering of the victim; and

(5) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

FINALITY OF DECISION

SEC. 306. The orders and decisions of the Commission shall be reviewable in the appropriate court of appeals, except that no trial de novo of the facts determined by the Commission shall be allowed.

LIMITATIONS UPON AWARDING COMPENSATION

SEC. 307. (a) No order for the payment of compensation shall be made under section 501 of this Act unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this Act to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death living with the offender as his spouse or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS AND PAYMENT OF THE ORDER

SEC. 308. (a) Except as otherwise provided in this section, any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 301 of this Act any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this Act), a State or any of its subdivisions, for personal injury or death compensable under this Act, but only to the extent that the sum of such payments and any award under this Act are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission shall pay to the person named in the order the amount named therein in accordance with the provisions of such order.

TITLE IV—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

SEC. 401. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this Act for a personal injury or death resulting from the act or omission constituting such offense, the Attorney General may within — years institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) The Commission shall provide to the Attorney General such information, data, and reports as the Attorney General may require to institute actions in accordance with this section.

EFFECT ON CIVIL ACTIONS

SEC. 402. An order for the payment of compensation under this Act shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

TITLE V—VIOLENT CRIMES COMPENSATION GRANTS

GRANTS AUTHORIZED

SEC. 501. Under the supervision and direction of the Commission the Executive Secretary is authorized to make grants to States to pay the Federal share of the costs of State programs to compensate victims of violent crimes.

ELIGIBILTY FOR ASSISTANCE

SEC. 502. (a) A State is eligible for assistance under this title only if the Executive Secretary, after consultation with the Attorney General determines, pursuant to objective criteria established by the Commission under section 504, that such State has enacted legislation of general applicability within such State—

(1) establishing a State agency having the capacity to hear and determine claims brought by or on behalf of victims of violent crimes and order the payment of such claims;

(2) providing for the payment of compensation for personal injuries or death resulting from offenses in categories established pursuant to section 504;

(3) providing for the payment of compensation for—

(A) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(B) loss of earning power as a result of total or partial incapacity of such victim;

(C) pecuniary loss to the dependents of the deceased victim;

(D) pain and suffering of the victim; and

(E) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable, and which is based on a schedule substantially similar to that provided in title III of this Act.

(4) containing adequate provisions for the recovery of compensation substantially similar to those contained in title IV of this Act.

STATE PLANS

SEC. 503. (a) Any State desiring to receive a grant under this title shall submit to the Commission a State plan. Each such plan shall—

(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency;

(2) set forth a program for the compensation of victims of violent crimes which is consistent with the requirements set forth in section 502;

(3) provide assurances that the State will pay from non-Federal sources the remaining cost of such program;

(4) provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title; and

(5) provide that the State will submit to the Executive Secretary—

(A) periodic reports evaluating the effectiveness of payments received under this title in carrying out the objectives of this Act, and

(B) such other reports as may be reasonably necessary to enable the Executive Secretary to perform his functions under this title, including such reports as he may require to determine the amounts which local public agencies of that State are eligible to receive for any fiscal year, and assurances that such State will keep such records and afford such access thereto as the Executive Secretary may find necessary to assure the correctness and verification of such reports.

(b) The Executive Secretary shall approve a plan which meets the requirements specified in subsection (a) of this section and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

BASIC CRITERIA

SEC. 504. As soon as practicable after the enactment of this Act, the Commission shall by regulations prescribe criteria to be applied under section 502. In addition to other matters, such criteria shall include standards for—

(1) the categories of offenses for which payment may be made;

(2) such other terms and conditions for the payment of such compensation as the Commission deems appropriate.

PAYMENTS

SEC. 505. (a) The Executive Secretary shall pay in any fiscal year to each State which has a plan approved pursuant to this title for that fiscal year the Federal share of the cost of such plan as determined by him.

(b) The Federal share of programs covered by the State plan shall be 75 per centum for any fiscal year.

(c) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(d) Grants made under this section pursuant to a State plan for programs and projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated under section 603.

WITHHOLDING OF GRANTS

SEC. 506. Whenever the Executive Secretary, after reasonable notice and opportunity for a hearing to any State, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 503; or

(2) that in the operation of any program assisted under this Act there is a failure to comply substantially with any applicable provision of this Act;

the Executive Secretary shall notify such State of his findings and that no further payments may be made to such State under this Act until he is satisfied that there is no longer any such failure to comply, or the non-compliance will be promptly corrected.

REVIEW AND AUDIT

SEC. 507. The Executive Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

DEFINITION

SEC. 508. For the purpose of this title the term "State" means each of the several States.

TITLE VI—MISCELLANEOUS

REPORTS TO THE CONGRESS

SEC. 601. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded, and the number and amount of grants to States under title V.

PENALTIES

SEC. 602. The provisions of section 1001 of title 18 of the United States Code shall apply to any application, statement, document, or information presented to the Commission under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. (a) There are authorized to be appropriated for the purpose of making grants under title V of this Act $——— for the fiscal year ending June 30, 1972; $——— for the fiscal year ending June 30, 1973; and $——— for the fiscal year ending June 30, 1974.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the other provisions of this Act.

EFFECTIVE DATE

SEC. 604. This Act shall take effect on January 1, 1971.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is now recognized for 15 minutes.

TOO MANY GENERALS

Mr. YOUNG of Ohio. Mr. President, the Armed Services Committee has reported to the floor four nominations for promotion in the general officer ranks of the Army. In committee, I voiced opposition to one of those promotions, that of Lt. Gen. Henry Augustine Miley, Jr., from the grade of lieutenant general to general. Lieutenant General Miley is no doubt an able general officer. He was promoted to the rank of lieutenant general in June 1969. He has been in his present grade but a year and 5 months. Four years or longer appears to be the customary or average length of time spent in grade at that level. I am questioning the wisdom of such a quick promotion at the very top.

On September 30, 1968, our Army and Air Force had a combined total of 2,422,000 officers and men. On September 30, 1970, that figure had decreased to 2,052,000 officers and men. This is a decrease of about 370,000. Yet, on September 30, 1968, the Army and Air Force had a combined total of 961 general officers. On September 30, 1970 this had decreased to 941. On September 30, 1970 though the total Army and Air Force was 370,000 less than in 1968, there were only 20 fewer generals.

The breakdown within the individual services is as follows: The Army in September 1968 had 257 brigadier generals, 200 major generals, 45 lieutenant generals, and 17 generals for a total of 519 general officers. On September 30 of this year there were 255 brigadier generals, 197 major generals, 44 lieutenant generals, and 15 full generals, for a total of 511. We have today in the Army two fewer brigadier generals, three fewer major generals, one less lieutenant general and two fewer full generals than we had in 1968. This is a decrease of 8 for the overall period.

The Air Force in September 1968 had 226 brigadier generals, 160 major generals, 43 lieutenant generals and 13 generals for a total of 442 general officers. By September 30 of this year that figure had decreased to 430 general officers consisting of 217 brigadier generals, 158 major generals, 42 lieutenant generals and 13 generals. The 2-year decrease consists of nine fewer brigadier generals, two fewer major generals and one less lieutenant general, a decrease of 12.

It is evident despite the substantial reduction of 370,000 men in both the Army and Air Force, we have experienced only a token reduction in the number of general officers. It seems our Army and Air Force are top heavy with too many generals just like the armies of most Latin American republics. Furthermore, in some instances we seem to reward our generals for their blunders by promoting them. It is evident we have too many generals and more coming along.

Gen. Melvin Zais, the commanding general who directed 10 frontal assaults on Dong Ap Bia Hill, later sorrowfully referred to as Hamburger Hill by those GI's who survived 10 disastrous frontal attacks in 10 successive days from May 10 to 20, 1969, and following the 10th and last of these frontal attacks, the defending VC forces slipped away to the sides or rear. The surviving GI's were some of the finest units of the U.S. Armed Forces, paratroopers of the 101st Airborne Division. Evidently it never occurred to General Zais with his forces far superior in number to the VC to encircle Hamburger Hill or strike on either flank with some troops climbing either side of Hamburger Hill in addition to the repeated frontal assaults. This one frontal assault following another seemed symptomatic of the mentality of U.S. commanders who cast strategy aside for repeated frontal attacks. Those nine frontal attacks and that 10th frontal assault on the 10th day cost the lives of 60 GI's with 25 missing, presumably dead, and 308 wounded.

Shortly after this hill was captured our generals ordered its abandonment. Then about that time the distinguished senior Senator from Massachusetts (Mr. KENNEDY) denounced this lack of strategy and the abandonment of Hamburger Hill. Then a token force of about 20 GI's were stationed on the hill which will be known forever to surviving GI's of the 101st Airborne Division as Hamburger Hill. Some months afterward General Zais himself said that Hamburger Hill had no military significance. Yet, General Zais was promoted. He is now the Deputy for Operations of the Joint Chiefs of Staff for our Army. This top post is a key decisionmaking general's job in the Joint Chiefs of Staff. If this is a fact, it would seem such position should require the services of an officer of unquestionable good judgment.

In 1862 Gen. Ambrose Burnside at the battle of Fredericksburg commanding a superior force opposed to the Confederate forces led by Generals Lee, Jackson, and Longstreet made six repeated frontal assaults across the Rappahannock River and up the hill called Marye's Heights. General Longstreet termed the frontal assault of General Burnside's Union troops a death march. Following the sixth frontal assault General Bhrnside retreated. President Lincoln fired General Burnside. General Zais who had ordered 10 suicidal frontal assaults was not fired. He was promoted.

Mr. President, I do not question the dedication, sincerity, or patriotism of any field grade or general grade officers in our Armed Forces. I do feel, however, that the size of our officer corps should be kept in proportion to the size of the Armed Forces, not allowed to expand needlessly.

FRANCO'S PERSECUTION OF THE BASQUES: STORMS STIR BENEATH THE CALM IN SPAIN

Mr. YOUNG of Ohio. Mr. President, those of us familiar with the history of our sad involvement in Vietnam recognize that it has many parallels in our past and present. The familiar pattern of support for certain governments which we have found acceptable to us and support for certain groups that are seeking to overthrow governments we dislike is familiar to us all. Only the uninformed or the incredibly naive are not aware that our invicible government, the CIA has sponsored attempts to overthrow the governments of Guatemala, Iran, Cuba, and more recently Laos. Most of us are also aware that we support, with massive economic or military aid or with written or tacit understandings of support, several other governments, some of which could not survive on their own. I have only to mention the so-called Republic of China on Taiwan formerly known as Formosa to illustrate this point. That corrupt old warlord and dictator of Taiwan is maintained in power by our Air Force and 7th Fleet.

It is common knowledge that we support many other governments which, likewise, do not have the support of a majority of their citizens. Several Latin American nations are in this category, and in Europe the nations of Greece, Portugal, and Spain. Franco is maintained as dictator in Spain solely by our military presence there and billions of dollars in aid to Spain. This policy is not only wrong on principle, but contains a danger that even the most militant and conservative politician must recognize. When opposition to our "puppets" arises—and in such totalitarian countries, it invariably does—we are automatically involved. In some cases the commitment can be considerable, as in the nations of Southeast Asia. In others, such as Haiti and other Latin American dictatorships we can pick up the tab more easily. In all cases, however, in the interests of our national honor, we should attempt to insure that aid which we provide to another nation is not used by that government to maintain its position against domestic opposition, or to suppress legitimate protest within its national boundaries.

In recent months, Mr. President, a situation has arisen in a European nation which threatens to place us once again in the position of aiding and abetting a dictatorial regime in the suppression of its opponents. I refer to the actions of the Franco regime in Spain, which has been carrying out a systematic program of harassment ana persecution of the Basque people in northeastern Spain ever since 1936, when Franco conquered the then independent Basque Republic of Euzkadi, aided by Nazi planes. During the war, which was characterized by unusual cruelty and savagery on the part of Franco's forces and Nazi bombers, I regret to report that the United States turned down a cargo of 500 Basque children whom their parents were trying to evacuate as the fighting in that area of Spain intensified.

Since the 1936 period both Basque nationalism and the Franco government's attempts to oppress it have continued, although virtually unreported in this Naton's press. Only the arrest, trial, or execution of Basque nationals are reported in brief articles, with little or no background information. In recent years, arrests have greatly increased.

The situation has reached crisis proportions with the Franco government's arrest and trial of 16 Basque nationalists, including two Catholic priests. A state of emergency has been clamped upon one Basque province suspending major constitutional rights, empowering police to hold suspects indefinitely without trial and to search houses without warrants. The trial itself, which began on December 3, has all the familiar hallmarks of a political trial. The defendants, six of whom are on trial for their lives, are manacled in pairs, and the defense lawyers are continually being ruled out of order when they attempt to make objections to the proceedings. The youngest defendant has testified to being beaten and tortured by police for 9 days following his arrest before the court president cut off testimony by saying the police were not on trial. The trial has sparked widespread unrest and protest in the Basque country where 70,000 to 80,000 workers have gone on strike.

Even more disturbing are reports coming out of Spain that our Central Intelligence Agency is conducting a training program designed to help the Franco regime cope with such dissidents, as well as with other moves in the direction of popular government that freedom-loving Basque people hope will follow Franco's departure from power. Naturally, we usually have no way of knowing the activities of our invisible government in such matters until the commitment is greatly expanded. It is significant, however, that Generalissimo Franco, standing beside President Nixon in Madrid announced to the nation that the new so-called bases agreement signed between the United States and Spain, was a "commitment without reserve." Our own officials naturally deny that such a commitment exists, since this subterfuge allows them to blatantly disregard the Senate's constitutional prerogative to advise and consent to ratification of treaties. We have heard such denials all too often in the past.

It would be tragic if our aid to the Franco dictatorship were to be used in any way that contributed to the ruthless and unjust repression now taking place in northern Spain.

Whatever influence we have with the Spanish Government as a result of the over $3 billion which we have poured into the coffers of Franco's Spain since 1953 should be used to encourage policies of moderation and tolerance toward all Spanish citizens, including this heroic people. The senior Senator from Idaho (Mr. CHURCH) whose State contains the largest Basque community outside the Iberian peninsula, has frequently described the proud heritage of their unique culture. The composer Maurice Ravel and the Latin American liberator Simon Bolivar were Basques. The qualities of self-confidence, industry, and love for liberty have been strongly instilled in this ethnic group, which numbers some two and one-half million men, women, and children in Spain and an equal number abroad.

In the interest of calling attention to the largely ignored struggle of these people, I ask unanimous consent that an article by a journalist quite knowledgeable on Spain, and a recent visitor to the Basque country, be reprinted in the RECORD at this point as a part of my remarks. Mr. President, I refer to an article by Larry Fernsworth, nationally known and respected special correspondent, published in the Milwaukee Journal of Sunday, November 29, 1970, under the caption "Storms Stir Beneath Calm in Spain."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STORMS STIR BENEATH CALM IN SPAIN

(By Larry Fernsworth)

The Spain where the trial of Basque nationalists is to be held is a land of grim happenings, quite in contrast to the Spain in holiday dress which President Nixon was shown on his visit there last month. He was carefully shielded from knowledge of such events, although he might have known about them by reading the free press of Europe, or the uncensored writings of exiles, or if he could have had private talks with nongovernmental Spaniards.

But the Spain of Generalissimo Francisco Franco has its military courts and its Tribunals of Public Order to take care of Spaniards who "slander the nation."

Glimpses of this other Spain emerged as I traveled through the country not long ago, renewing old acquaintance. They are further elaborated in Spain's underground press, publications by Spanish expatriates in places like Paris, Toulouse and New York's "Iberica"; in letters that Spaniards manage to send to the outside world and in international journals of wide circulation and high prestige like Le Monde of Paris and the Journal de Geneve. Few such reports are carried in most United States newspapers.

CATALOG OF TROUBLES

Some recent items from uncensored sources:

"Workers paralyze the subway of Madrid. . . . The government threatens to militarize striking workers. . . . Three construction workers shot dead when police open fire on striking construction workers in Granada. . . . Police beseige 500 workers in Granada cathedral for four days. . . . Basques in Pamplona clash with police as they protest against the assassination of strikers. . . .

"Spanish intellectuals and workers cry out against new military agreement with Spain, accuse the U.S. of collaborating with Franco and other dictators. . . . Spanish intellectual leaders are heavily fined without benefit of trial for presenting petition of protest against the bases agreement to U.S. Secretary of State Rogers on his visit to Spain. . . . Carlists importing arms to oppose acession of Don Juan Carlos as king after Franco.

"Anticlericalism of the right grows in Spain as worker priests and other Catholic activists side with the left. The Vatican gives no comfort to Franco, wants the Concordat radically altered, wants the state shorn of its powers to intervene in the church and to nominate bishops. . . . Police harass Basque priests who refuse to bless opening of a branch bank, calling it a publicity stunt."

"Thirty-six Spanish lawyers punished for protesting against rigged secret trials of civil and military courts. . . . Basque lawyers suspended. . . . Students join with Basque guerrillas—one gets 33 years in prison, another gets 20. . . . Civil Guard batters Basque students. Government dissatisfied with police chief of Basque provinces—No. 1 torturer, whose techniques failed to silence Basque rebels, is removed."

BASQUES BEAR BRUNT

As you learn of these grim happenings in Spain, it seems you always find the Basque people bearing the brunt of the Franco regime's oppressive attention.

Basque priests have particularly angered the government by throwing in their lot with Basque workers and by whole heartedly espousing the cause of Basque nationalism.

The government's anger rose high when they asked the United Nations in May of last year to investigate the violations of human rights by the Spanish government. They asked the International Red Cross to investigate prison atrocities. They called upon the minister of justice to abide by the law. They asked the hierarchy of their own church to rally to the defense of the people.

Five Basque priests who started a hunger strike in the residence of the Roman Catholic Bishop of Bilbao issued the following statement in the hope of calling world attention to the warfare being conducted against the Basques by the Spanish dictatorship:

"The Basque people live under an authentic reign of terror. . . . Human rights are abolished while citizens are persecuted and tortured. . . . The police hunt human beings like animals. . . . Radio-TV and the press are in the hands of the government, the facts are concealed, untruths are spread for the benefit of the regime."

The Spanish government called the Basque actions "military rebellion." Police broke into the bishop's residence in violation of the Concordat and arrested the priests. Their lawyers were given four hours to prepare their case before a military court. Two received 10 year prison sentences. The other three received 12.

This was one—but only one of the incidents in the warfare against the Basque people during the 30 years of the Franco regime.

There are many Basque priests in prison along with Basque workers, students and political figures who have stood together in the struggle for their concept of Basque independence.

Leaflets of the Basque underground described some of the prison horrors of which the Basque priests complained.

Women as well as men were stretched out on long tables with feet and heads hanging over the edges, former prisoners reported. While several police held them down, water was drenched over their faces, into ears, nose and mouth.

When 31 women, ages 18 to 28, were jailed for alleged "illegal propaganda," their questioning was accompanied by psychological torture, it was reported. They were made to listen to taped screams of human terror, cries of anguish, of suffering, interspersed with hysterical shrieks of laughter. Then they themselves were insulted, clubbed and whipped.

Although the Basques are fighting for what they call their independence, most do not, by that term, mean separation from Spain.

They mean independence in the sense of the right to govern themselves within the framework of their own culture as they did in centuries past and according to the charter of self-government enjoyed under the Spanish Republic, which the onslaught engineered by the Franco-Mussolini-Hitler collaboration obliterated in the Spanish Civil War of the 1930's.

"We want independence, not merely for today or tomorrow but for all time," a Basque underground leader told me. "We want the government of Spain to respect our personality. Our culture is neither Spanish nor French but Basque. We are looking ahead. We are asking "what happens after Franco?" We want to share in whatever happens. We see a new future for Spain, foresee that it will be obliged to emerge from its isolation.

"We are democratic in every sense of the word and we want our share in bringing about democracy after the passing of Franco and to make our contribution to the Spanish order.

"All Spaniards are in the same boat. A new generation has grown up since the Spanish Civil War of the thirties and that new generation is irritated. A monarchy, if such is to follow the passing of Franco, must be a neutral element for all Spaniards."

But the Basques do not accept the kind of monarchy carved out for Spain by Franco who named as his successor Don Juan Carlos, son of the exiled Don Juan de Bourbon who, in turn, is the son of the deposed late King Alfonso XIII.

Carlos represents what Spaniards label "continuismo," meaning continuation without interruption of what Franco calls his "sacred crusade." Neither the Basques nor any of the other liberating forces of Spain want any of that.

They look hopefully toward the elder Don Juan who did not participate in the Civil War and who has pledged himself not to make war on any political party.

HIERARCHY IS CAUTIOUS

The Franco regime is further infuriated against the Basques because they have the moral support of the liberal wing of the church, including some bishops. While many priests wholeheartedly side with the workers and with the liberating movements, not only of the Basques, but of the Catalans and of Spaniards in all parts of the country, a benevolently inclined part of the heirarchy at the same time acts cautiously and there are popular complaints that they ought to be more forthright.

Pope Paul VI himself has made gestures favoring the Basques and other elements seeking freedom from the dictatorship's oppression.

Franco's warfare against the Basques began during the Civil War, when Basque churches were bombed even while priests were celebrating mass. After the capture of long-resisting Bilbao in 1936, 14 Basque priests were shot without trial, more than 200 priests were imprisoned. Today Basques in exile affirm that "many of them lie in unremembed prisons, locations unknown."

Franco's propagandists have often asserted that what happened was because the Basques were "Reds," and such alibis were chorused by Franco's claque abroad. While some of the Basques did turn toward communism, most are obviously nationalists, fighting for their human rights.

WE SHOULD IMMEDIATELY NEGOTIATE THE RETURN OF OUR PRISONERS OF WAR

Mr. YOUNG of Ohio. Mr. President, much heat but little light has been produced in this Chamber and throughout the Nation by the discussion and debate surrounding the plight of our prisoners of war. Numerous tales of suffering and torture are recounted in the news media, and organized attempts are made to fan up popular sentiment about the issue. I fully share the emotions of Americans who sincerely desire the humane treatment and safe return of all our courageous fighting men.

Yet, I also know that all the letters sent by Americans to Hanoi, all of the trips to Paris by the wives of prisoners, and all of the allegations of prisoner mistreatment will not improve the lot of our American prisoners of war, unless there is the genuine possibility of obtaining some agreement where it really counts, at the diplomatic level. Most intelligent Americans know this well, and so do administration leaders, and moreover, so do some of the very individuals and interest groups who are attempting to politicalize this issue. In the process, they are providing the families of prisoners with false hopes and encouraging them to pursue paths that are, I regret to say, likely to prove fruitless and probably even counterproductive. I recall the emotional and grisly display set up in the Capitol as a result of action of a Texas multimillionaire, purporting to show a "typical" North Vietnam prison cell complete with a rat and emaciated prisoners of war. There are probably indeed some American prisoners of war being held in deplorable conditions in North Vietnam. We do not, Secretary of Defense Laird has informed us, have cameras which are able to see through prison walls in North Vietnam, so we can only surmise the extent of this mistreatment.

We do know, however, about the squalid and deplorable conditions which existed in the tiger cages, those inhumane torture chambers at Con Son Island operated by the militarist Saigon regime. The victims tortured here included suspected VC's as well as political prisoners. Hundreds of men and women were locked in 5-by-9 windowless stone cages, five or more to a cell, in filthy conditions. Piles of lime were placed on the catwalks above the cells to be thrown onto the prisoners.

It is in reality a war crime that from 1963 on every prisoner of war taken by our GI's is immediately turned over to the ARVIN forces of Thieu and Ky who manacle them, hood them, and lead them away for "questioning," which in most cases consists of torture in various forms. On occasion they are immediately executed, as when the former national police chief of south Vietnam, General Loan, now a high official in the Saigon regime, shot and killed a VC officer, his hands bound behind his back, immediately following the time he was captured by an American GI.

The United States is a signatory to the Geneva agreement for the humane treatment of prisoners of war. We have acted in violation of that treaty as we are aiding and abetting continuing torture by our friendly allies—too friendly to fight much, but skilled in torture and murder of prisoners of war. Those of us who have served in World War II never witnessed such violations of the Geneva Convention, never saw hooded and manacled prisoners of war. Very recently, inmates of a South Vietnamese prison, the Tanhiep prison near Bien Hoa, 15 miles north of Saigon, told of political prisoners being detained even after the expiration of their sentences and of brutal guards, who have beaten, tear-gassed, and scalded with acid prisoners of war and political prisoners they are interrogating. Continuous detention of political prisoners is the familiar hallmark of the totalitarian dictatorship, and merely adds to the growing mountain of evidence pertaining to the true nature of the Saigon militarist regime.

It is possible to assume that there are imitations of these abuses in North Vietnam. My point, however, is that little progress can be made by attempting to escalate the rhetoric in comparing these atrocities on each side.

For every battle of Hue, there is a Mylai incident, for every assassination of a village chief in the south, there is one carried out by ARVIN forces, or even by the national police chief himself. We must take it for granted that abuses exist on both sides and engage our energies to a solution of the problem; an alleviation of the suffering.

Recently our military forces in South Vietnam undertook in the night a commando raid by helicopters in North Vietnam one claimed purpose being to release some Americans held as prisoners of war. Our military intelligence was bad. There were no Americans held as prisoners in this compound. I will not comment upon the wisdom of this tactic. It speaks for itself. I think the President and his advisers in the military, upon whom he appears to rely almost exclusively, should surely realize that the chances for successfully completing another such foray are even bleaker now than before, having lost the advantage of surprise.

I therefore recommend again, as I have recommended on several past occasions that this Government initiate negotiations with the Government of North Vietnam for the exchange of the 36,000 VC and North Vietnamese now being held by the forces of South Vietnam in trust for the United States—in direct violation of the Geneva Convention, incidentally—for the fewer than 900 American prisoners of war estimated to be in North Vietnam and held by VC forces at various places in South Vietnam.

I propose that this exchange be negotiated through the good offices of a third party, preferably a nation such as Sweden, which has an unassailable record of neutrality and international service and under the auspices and management of the International Red Cross. The North Vietnamese, VC, and American prisoners could be evacuated in transport ships or planes to this neutral location, where they would be interned until all negotiations for their release were completed.

All expense of this temporary resettlement and the operation thereof to be handled by our Government. The reasons for this suggestion are quite significant, and should be obvious to those who understand the Oriental mind, and who remember other prisoner exchanges in our history. The concept of "saving face" is extremely important to Asians, and the North Vietnamese would not want to engage in a barter which was followed by an exploitation of the released men for political purposes. We have ordinarily paraded our released men before the TV cameras. They are usually much thinner largely due to the lower caloric value of rice diets. Also in every instance in the past they have been extensively briefed by U.S. officials. Without a doubt many of our unfortunate officers and men have been poorly fed and mistreated. If officials from a neutral country are handling the exchange, there will be no official pressures upon the released men from either of the two governments handling the exchange to exploit their ordeal. Nine American prisoners of war have been released without explanation by Hanoi in the past 2 years, and in some cases, the released prisoners recounted tales of mistreatment and brutality. Hanoi officials are reportedly concerned about international opinion on the prisoner issue, and would probably require that some form of guarantee be made that the issue not be exploited. Here is one proposal which might be accepted, as the Pentagon claims that the Vietcong are suffering a shortage of manpower due to heavy losses. I would suggest that the United States offer to defray all the costs of the exchange of prisoners of war. We were certainly eager enough to bear the costs involved when we secured the release of the captured survivors of the Bay of Pigs. In fact we paid what amounted to a huge ransom to Castro. I know of no previous war in which we have not conducted a prisoner exchange.

We will not be able to obtain our men with even a ton of letters or through a public relations campaign. This has been made evident to every thoughtful American. They are worth more than that. We should through the United Nations or at any possible international level negotiate for the exchange of prisoners of war.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROOKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order the Senator from Massachusetts is recognized for not to exceed 30 minutes.

THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. BROOKE. Mr. President, in less than 6 years the United States will celebrate its 200th anniversary—indeed a momentous occasion for all Americans. During 1976 and in the years which precede this national celebration there will be an unparalleled opportunity to remember the origins of our laws, the foundations of our institutions, and the achievements of our forebears. More significantly, these next 5 years offer an equally fitting and provocative challenge to all of us as we ponder the Nation's next 10 decades and try to determine the priorities and goals of America's future.

I have the privilege of serving on the American Revolution Bicentennial Commission with three of my distinguished colleagues, Senators COTTON, PASTORE, and BYRD of Virginia. This 35-member Commission was charged by Congress in 1966 with the responsibility for planning, encouraging and developing the country's bicentennial celebration in 1976. This year on July 4 the Commission submitted its report to the President, offering its carefully considered recommendations for a meaningful, national celebration. The Commission's report was transmitted to Congress on September 11 by President Nixon, together with his own comments and recommendations. Thus Congress now has before it the basic guidelines and goals of the bicentennial as well as some specific proposals.

I think it is important to review these goals and guidelines for in their implementation lies a firm foundation for a distinctly national and inspired anniversary. The basic premise, and, in my opinion, the great strength of the celebration is that the American people will have an opportunity in their own communities to create, shape and participate in the anniversary on a personal basis. The Commission has urged that three maxims be kept in mind as plans are made: First, that the bicentennial reach all people in these 50 United States; second, that our commemoration encompass the span of our formative years; and third, that we utilize this opportunity to reexamine the founding principles which have sustained and which will perpetuate our cherished way of life. The goal of the bicentennial, simply stated but not easily achieved, is to awaken in all of us a firm, personal commitment to excellence and to the true spirit of 1776.

The Commission further offers three major themes for our national observance. These themes look to the past, the present, and the future of America. It is hoped that through this framework all programs, activities, groups, and individuals will find consummate expression.

The theme Heritage 1976 will permit examination of our history, its relevance for today, and its significance for tomorrow. Recommended programs include the Congress of Liberty—an international symposium on the history and meaning of liberty—the junior historian program—an active forum to involve students in the study of history—and efforts to preserve our historic sites and documents by such institutions as the Library of Congress, National Archives, and the Smithsonian Institution.

Through the theme Open House U.S.A. emphasis will be on all activities that promote understanding, such as mobility, sharing of experiences, and hospitality. Some of the events proposed for Open House U.S.A. are Arts on Parade, Liberty Day 1976—the program for the Fourth of July 1976—the winter Olympics, invitation to the world—an open invitation to people of other nations to participate—and an international exposition. It is to the international exposition that I shall later direct my remarks.

The third theme, Horizons 1976, offers a means for finding by 1976 the solution to many of today's problems. Not unmindful of the enormity of its request, the Commission asks each individual and organization to undertake at least one bicentennial project. Some suggested programs for this kind of involvement are the call for achievement program and the rebirth of our Nation's Capital, Washington, D.C.

I have mentioned briefly the plans for the Nation's commemorative events in 1976. These plans show a recognition of the strength and power in America's magnificent pluralism. Last year, President Nixon, in talking about the bicentennial, quoted one of the Founding Fathers, reminding the Commission members that—

> We act not just for ouselves, but for all mankind.

The President further adjured the Commission that this must be a truly national occasion, and that the celebration must go directly to the people and derive its strength from the people. I could not agree more.

Mr. President, while I support the Commission's report, there is however one recommendation which Congress is asked to consider that I must oppose. That recommendation is there be, in 1976, an international exposition in the city of Philadelphia, Pa. In my judgment the philosophical premise and the practical implications of an international exposition will defeat and vitiate the fundamental goals of a meaningful bicentennial. Such an event is so inappropriate and inhibiting that my three senatorial colleagues and one House Member on the Commission joined with me in voting against this recommendation. No other proposal so severely polarized the Commission.

Some historical background is necessary for an understanding of the alternatives facing the Congress. During the past year the cities of Boston, Philadelphia, Washington, and Miami offered proposals for staging an international exposition as the focal point of the bicentennial celebration. Both the Commission and the President selected the city of Philadelphia, and challenged its citizens to create an exposition which will have commemorative, historical emphasis, and which is cultural and inspirational, rather than commercial, in intent. Sanction of the exposition by the Bureau of International Expositions is being sought. As many of my colleagues will recall, the United States joined this prestigious international organization in 1968. Thus, the Federal Government has new statutory responsibilities for the conduct of an exposition. As host it will now be the Federal Government, and not a private development corporation, which has the overall responsibility to guarantee the fulfillment of obligations to foreign nations. We can no longer be simply a participant as we were in the New York World's Fair of 1964. Moreover, one of the arguments advanced by the Secretary of State at the time that the Senate considered accession to the BIE was that membership would allow this country to play a more vital role in determining the manner in which the vehicle of an exposition continues to be used to dramatize the memorable ideas, aspirations, and achievements of mankind. With this in mind, it seems incumbent upon us to look very carefully at the projected plans for the proposed exposition.

Since July 4 and the submission of the Commission's recommendations, the Philadelphia 1976 Bicentennial Corporation has refined its plans. The exposition as now proposed will be concerned with three elements: International participation, historic commemoration, and community development. Application has been made to the BIE to have the exposition classified as a Category II exposition. Under that category foreign nations are not obliged to construct national pavilions. Rather, exhibit space is provided by the host country. The Philadelphia Bicentennial Corporation has therefore been negotiating with the Penn Central Railroad to purchase the air rights over 30th Street Station in Philadelphia. The structures to be built there would become the site for the major exposition activities. An integral part of the plan for this area is the development of theme pavilions, in which ideas and problems in such fields as science and ecology would be addressed concurrently by participating foreign countries. There will be additional activities in the historic areas and at smaller sites throughout the community. While this framework provides for international participation, equal emphasis will be given to the agenda for action program as part of the exposition. The agenda for action is largely concerned with community urban renewal efforts which can also stand as demonstration projects.

In addition to these programmatic aspects, the corporation has defined needed improvements in transportation and other support facilities which must be completed if Philadelphia is to be able to handle the influx of those in attendance, estimated to average 256,000 people per day.

Financial estimates of the cost of this exposition were published in the Philadelphia Inquirer on October 15, 1970. In 1970 dollars, the total cost of the exposition is expected to be $1.2 billion, of which the Federal share requested is $556.6 million, with an additional $165 million in guaranteed loans. The remainder of the cost will be shared as follows: The city of Philadelphia is being asked for $113.5 million, of which $44 million will be in self-sustaining funds; the Commonwealth of Pennsylvania will contribute $93.8 million; and $246.2 million will be raised from private developers.

Of the total $1.2 billion, approximately $277 million is to be spent on the exposition per se, with the Federal share set at 18 percent or $49.8 million. The same amount, that is, $277 million, is to be spent on the agenda for action program, but the Federal share for this public works program is 82 percent or $229 million. The obvious conclusion to be drawn from these figures is that Philadelphia can afford an exposition, but it must ask the Federal Government to bear the major burden of providing for its basic needs. In addition, for the development of highway and transit facilities, $324 million is needed, of which $277.8 million is the Federal share. An additional $293 million will be used to create "private development opportunities related to major sites."

These are the facts and I would add that therein lie some provocative proposals. However, there is much to be questioned, much to be debated, and, frankly in my judgment, much to be deplored. In recent weeks, within the Philadelphia community itself, active and articulate dissent has been voiced about such an expenditure of money. When municipal workers are being laid off, with the Philadelphia school system near bankruptcy, when the city's transit system is ensnarled and with the city's share of the plight afflicting all of our urban centers, it is certainly no surprise that a growing number of Greater Philadelphians are gravely concerned about the wisdom of expending their already too limited funds on an exposition. During the recent election campaign, Pennsylvania's Governor-elect Milton Schapp expressed similar reservations, pointing out the need for replacement housing for those whose homes will be torn down and the necessity for heavy reliance on Federal reimbursement. It is also a matter of record that the Commonwealth of Pennsylvania itself is experiencing serious economic difficulties.

Additionally, some officials in the Department of Commerce, the Federal agency charged with the responsibility for evaluating the Philadelphia proposal, have questioned whether the exposition as proposed will even be attractive to the international community. Specifically, they question whether other countries would find interest in the agenda-for-action program, which is, in truth, directed mainly toward alleviating pressing local community problems. In my opinion, this is indeed another valid consideration.

We must also consider the proposed international exposition in terms of its effect on our entire country. The American Revolution Bicentennial Commission has stated that we must have a national celebration. Yet at this early date, even before the implications of the international exposition have been sensed, most people think that the bicentennial is going to be in Philadelphia. Indeed, the Commonwealth of Pennsylvania has already adopted the slogan, "The Bicentennial State," in its recent industrial development promotions. While this attitude certainly does not reflect the intent of the Commission, nonetheless it is almost inevitable. A single event of this magnitude and duration will detract from and deny what can be admired and enjoyed in all parts of our Nation. Every State would welcome international visitors. Every visitor would appreciate the rich diversity of our land. Every city needs urban renewal funds. Should we then in good faith allocate enormous sums of money for pavilions when so many urgent needs cry out for attention? I think not.

The alternatives to an international exposition are far more compelling. In a celebration that is not only national but nationwide there can be ample expression of the unique character of each region, State, city, and town. My own State of Massachusetts, which played a major role in the events leading up to the Declaration of Independence, will, I know, wish to dramatize its contributions to the growth of our country. This is only fitting and proper, and is equally applicable to the great city of Philadelphia, as well as others.

I was particularly interested in what seem to me are inspired plans of the Independence National Historical Park Advisory Commission of Philadelphia. In cooperation with the National Park Service, a master plan has been developed for permanent additions to and further restorations of the Independence Hall area, for which $1.4 million of Federal funds have already been appropriated. The Chairman of the Commission, Mr. Arthur C. Kaufmann, offers another project as well. Mr. President, I would like at this time to share Mr. Kaufmann's eloquent and provocative thoughts with you. I quote from the June 11, 1970, issue of the Philadelphia Evening Bulletin:

> The Bicentennial Commission of Pennsylvania . . . has wholeheartedly approved a unique program which we have suggested.
>
> This envisages the erection of several buildings adjacent to the Independence Hall areas, in which international conferences of multi-lingual nature may be held—similar to those held in the past in The Hague and at Geneva (whose) buildings are presently outmoded.
>
> Philadelphia can then become the place in the world with modern facilities which will focus national and international attention on Philadelphia and Pennsylvania.
>
> With the assistance of the federal, state and city governments it is our intention to endeavor to complete the program in time for dedication in 1976, when we proposed to hold the first World Conference on Peace ever to be convened.
>
> Following this, it is intended to hold a convocation on education; then one on health and welfare—and to endeavor to discuss other social problems which confront not only America but the world.
>
> Thus we can say to the peoples of the world that on America's 200th anniversary, instead of simply holding another world's fair, we are using this occasion to try to make America and the world a better place in which to live in the years to come.

Mr. President, I find in this proposal the thought, creativity, and inspiration that should be the hallmark of all Bicentennial programs. My distinguished colleagues from Pennsylvania can take justifiable pride in their Commonwealth and their constituents. Yet as we look to our past for lessons to be learned, we must remember that today we are 50 States, and 200 million people. Let us adopt the President's suggestion that each week during 1976 be devoted to a different State. Such a program will offer sufficient focus for the anniversary and belies the need for an exposition. We should indeed invite people of other lands to visit us. I urge that we make our Nation's Capital a symbol of our great achievements. Wherever possible we should support the expansion across the country of pilot programs for such desperately needed facilities as day care centers and housing. Commendable proposals, like that of Polis 1976, which would provide a rapid rail system throughout the Thirteen Original Colonies, employing the latest techniques in communications to inform and entertain the traveler, need to be studied and evaluated. Let us do so. And let us do so with the not unreasonable hope that member and nonmember nations of the BIE would welcome a new, exciting expression of national character. To build on what we have—to create permanent contributions of the bicentennial—to challenge the Federal agencies and departments, business and labor, our institutions, our universities, every church, every organization and every citizen to set goals and vigorously pursue them—this is the power of the bicentennial.

Seventeen seventy-six was indisputably a magnificent year in our history. We declared our right to freedom, our intent to build a nation, and our belief in ourselves. We did so with vision and boldness. One hundred years later, on the threshold of the Industrial Revolution, we reaffirmed our faith with an international exposition in Philadelphia, one of the first of its kind. In 1876, we quite properly invited the world to view our new achievements in industry and our genius with technology, two endeavors responsible for much of our success in the following 100 years.

Now, as we approach 1976, it is for us to infuse our 200th anniversary with the same pioneering spirit and to direct our actions toward the needs and the promise of the new century. Let us not be content with imitating the creations of the past if they are not applicable to our needs and to our times. Let us find the vision, the faith, and the will to shape 1976, even as our Founding Fathers determined their future in 1776. After the birthday party is over and the candles have been extinguished, let us be proud that in the aftermath there remain meaningful and lasting accomplishments.

Near the end of its report to the President, the American Revolution Bicentennial Commission said:

> America has a past to honor and a future to mold. The threshold of Century III is before us. The traces we leave as we step over that threshold will be the marks by which history will remember and judge us.

Mr. President, I pray that my esteemed colleagues in the Congress of the United States will not allow this great Nation to enter its third century of national life with a costly and ephemeral international exposition to mark the passage.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BROOKE. I am happy to yield.

Mr. KENNEDY. I commend my colleague and friend from Massachusetts for his comments concerning the bicentennial celebration. He serves on the Commission, and has had a unique opportunity to study the various proposals. In addition, he has a deep sense of history which makes his comments on this subject extremely important.

I share the views of my distinguished colleague of the most appropriate way to celebrate the bicentennial. I had many questions when our own State proposed a bicentennial celebration which included large expenditures of State funds and private funds as well as Federal funds. It was my strong feeling then, and remains so now, that the proper commemoration of the bicentennial ought to encourage as many Americans as possible to appreciate our history, our traditions, and our background. I believe we can accomplish this without spending millions of dollars on a multitude of gaudy pavilions.

We can best demonstrate our respect for the past and remind ourselves of the great traditions of our country by understanding its institutions, and by seeking to make those institutions better respond to the complex problems of our times. This seems to me many times more meaningful than constructing a host of exhibition halls. As I understand, this is a major thrust of the Senator's statement.

Mr. BROOKE. Mr. President, I certainly thank my senior colleague for his comments. I could not agree more with his appraisal and his understanding of what this Nation's bicentennial celebration should be.

It is quite accurate that the city of Boston did make these proposals to the Bicentennial Commission. As my colleague will recall, there was much debate and discussion at that time, even within the Commonwealth of Massachusetts. There was a serious question about the site location, as the Senator will recall, and a serious question about the enormous Federal contribution as well as the very large State and city contributions. These same questions have been raised with respect to the city of Philadelphia, which is experiencing great difficulty in choosing a site, and certainly great difficulty in financing.

We all want a very meaningful bicentennial, but we do not want a gigantic birthday party and, the morning after, awaken to find that we have made no permanent and lasting contributions to the future of our Nation.

I am very hopeful that my colleagues in the Senate and in the House of Representatives, at the appropriate time, will join with Senators COTTON, PASTORE, and BYRD of Virginia, and one Member of the House of Representatives who at the time joined with me in voting, as a member of the Commission, to expend $2 billion in the manner suggested would not be a prudent, or lasting way, in which we can pay tribute to our past, to our present, and to our future.

So I am very grateful to the distinguished majority whip for joining in and giving us the benefit of his thinking on this very serious problem, because the Commission is waiting for direction, and I think what we say on the floor of the Senate will have an impact upon the Commission. I want to spell out that this is no criticism of the Commission, of its dedicated staff, certainly of its very able Chairman, or of the great majority of the Commission's report and recommendations. If there is a need to change direction, to change course, we ought to do it now, before we expend great sums of money, and find out later that we are not moving in the direction in which we should be traveling, and then have to reverse.

We have, of course, experienced that in the past. Every time I fly over New York City or enter LaGuardia Airport and see those pavilions from the 1964 World's Fair, and think of the tremendous amount of money that went into it, it is really depressing to me, and I am certainly hopeful that we will not make the same mistake in 1976, the 200th anniversary of our Nation's birth.

Mr. KENNEDY. Mr. President, I want to associate myself with the comments of my colleague, because I think he has expressed my own opinion as well. His statements here today, sufficiently before the hour of final action by the Senate and the Congress, constitute an extraordinarily important and useful service. I appreciate and commend him for bringing this to our attention.

Mr. BROOKE. Mr. President, I thank my distinguished colleage for his very rich contribution.

Mr. President, an article published in the Philadelphia Magazine issue of December 1970, entitled Which Way to the Fair, demonstrates great insight into the Philadelphia National Exposition. It is written by Nancy Love, a most able and informed writer. I feel that this article would add much to the remarks and the colloquy which has taken place on the floor this morning pertaining thereto. I ask unanimous consent to have the article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHICH WAY TO THE FAIR

(By Nancy Love)

It was billed as a board meeting of the staid Bicentennial Corporation, but it was like no meeting this town's Establishment had ever run. It was more like guerilla theater with a little of the Treater of the Absurd thrown in. It started with a nasty furor over attempts to bar the press and community representatives from the meeting and ended with a walkout by black board members, a takeover by extremists and a panicky adjournment. In between, the chairman was accused of making an incendiary slip of the tongue, and the mayor delivered a scolding, plantation-boss style.

This was the second installment of the October board meeting that was supposed to usher in Philadelphia's proudest moment since 1776—the unveiling of the plans and site selections of the 1976 Bicentennial. But something had gone sour behind the show front of the Corporation. It began to surface at the October 14th meeting and finally erupted at this October 23rd one. The performance was so sensational that it blew the whole drama all over the front pages of the newspapers, all over the news telecasts so the whole city could see the swelling dissatisfaction from within and without with the planning of the celebration, the lack of confidence in the planners, could see that this $1.35 billion exposition was out of control, a galloping headless horse.

Naturally, though, most people forget the whole inglorious confrontation after this one rousing performance and settled down to football and other less threatening autumnal entertainments. It was all so confusing and unsettling. But there are some disillusioned civic leaders, nervous businessmen and aroused black community leaders who aren't going to forget it for a long time. They are working in groups and individually to divert, subvert or convert this international exposition into more productive channels, because the way it's beginning to share up, it seems to have the makings of a raging river that could ravage the city's economy and divide and polarize the haves and have-nots. What if Philadelphia gave a fair and it fell flat on its face?

For the most part, the people who are concerned, whether they are board members or not, want a Bicentennial in Philadelphia. Very few are set on scuttling it, but they have these fears about the direction it's taking. Depending on who they are, they worry about the financing or the quality of the leadership or the repercussions in their communities. They worry about whether the present Corporation can really bring off a Bicentennial the city will be proud of.

How did the situation deteriorate this way? Suddenly it's hard to remember a time when public attention was riveted on a gung-ho Bicentennial that would bolster the sagging economy of the region, create jobs and train minorities, help solve some of the more pressing urban problems of health, housing and education, restore civic pride, present a new and progressive image of Philadelphia to the world, impose a time frame for getting things done. Eureka! A Bicentennial could be a lot of things to a lot of people . . . but it couldn't be everything to everyone, although that was the implicit promise.

It seems like such a long time ago that it all started as a gleam in the eye of then-Mayor Richardson Dilworth in 1957. It took years before the first plans began to appear and the idea of a modest 200th birthday party ballooned into a fullblown international exposition. Then no sooner had President Nixon finally designated Philadelphia as the host for the international celebration at the end of September, than suddenly everyone started to throw darts at it.

In the early years, of course, no one paid much attention to what was happening—or not happening. No one believed it would ever come about. Dilworth asked the Junior Chamber of Commerce to develop a plan. The first one they did with the City Planning Commission centered in mid-city (a good opportunity to make sure of funding for chief of City Planning E. Bacon's pet project, Market Street East). Later plans culminated in main exhibition buildings in Fairmount Park. (Apparently Bacon never gave up the idea of Fairmount Park because he threw it back into the running this year.)

In 1965 Mayor James Tate and City Council President Paul D'Ortona appointed a committee of 200 with oarsman and Councilman John B. Kelly Jr. at its head.

As Henderson Supplee, chairman of the board of the Bicentennial, remembers it, "This was unfortunately at the time of the New York World's Fair and its economic difficulties. The ideas of Kelly's committee went over like a 'true lead balloon.'" The mayor, shocked by the negative community response, set up a separate committee of 19 with Supplee, a retired Atlantic Richfield executive, at the head. Each committee was to report directly to the mayor. Very sticky wicket. But being gentlemen, Kelly and Supplee lived harmoniously with the awkward arrangement until the two committees were disbanded and replaced by the non-profit Bicentennial Corporation, with Kelly as president and Supplee as chairman of the board. The first board of 50 named by the mayor and the president of City Council was made up of many carryovers from the old committees.

Since then there have been many ideas and plans for a Bicentennial—just about all of them generated from outside the Corporation.

The Young Professionals seem to have had more influence on the course of the Bicentennial than any other group. One ex-Young Professional (they have disbanded) recalls how a dozen young lawyers, architects, bankers and businessmen who were to form the nucleus of the group first got together when they were asked to meet Bicen's $48,000-a-year consultant, Ewen Dingwall. Dingwall had been brought in on the basis of the job he did for the Seattle Fair. "But," says one of the Young Professionals, "he was in a managerial position there. He's not an idea man. He wasn't what was needed at that stage."

Anyhow, after Dingwall left that afternoon—he always leaves early to get back to Washington where he lives (he commutes at the Corporation's expense)—the group of men sat around and came to the conclusion that the Bicentennial was in bad trouble and that they had to do something to get it off dead center. Chairman of the Board Henderson Supplee wasn't committed to the idea of an international exposition at that point and president Jack Kelly seemed to have his eye on the Olympics more than a fair.

The Young Professionals were prolific and enthusiastic. They looked on a Bicentennial as a needed catalyst for the city, a way of bringing it to life. They were full of good intentions, and anxious to work with other interested groups like the Chamber of Commerce and the integrated Coalition for a Meaningful Bicentennial. After pressure from Tate, the Bicentennial Corporation eventually adopted many of the ideas of the Young Professionals, and also absorbed many of the young pros themselves. But once they were swallowed up by the structure, they seemed to merge with the landscape.

One of the original group now on the Bicentennial board, lawyer Stanhope Browne, a professional white hat whom everyone seems to trust, says the two touchstones the Young Professionals believed should motivate the celebration were: (1) to keep urban problems uppermost and (2) to do something to raise the economic level of the region. They are still Stanhope Browne's touchstones and those of many others. Somehow, though, no one is sure that they are practical. What happened?

Robert Sugarman, an attorney and former Young Professional: "I saw the Bicentennial as a chance to have a meaningful dialogue among people contingent on its having a large degree of control in the hands of non-Establishment elements, both young whites and blacks, but particularly blacks. What's happened is that the Bicentennial accepted the shell of the ideas of the Young Professionals and took the heart out of it."

Getting to sit on the board of the Corporation is apparently only part of the problem. It is now self-perpetuating and seems to respond frequently to outside pressures by adding more members. If the Chamber of Commerce squawks that it isn't being consulted on financial matters, as it did recently, you put three more Chamber men on. If the black community agitates for more assurances that you mean to consider it in your planning, as it did in the summer of 1968, you add blacks to your lily white board. The board first expanded to 76, of which ten were non-white (one is Puerto Rican) and now it stands at an unwieldy 112, of which 20 are non-white.

But critics feel this is still tokenism, not only in numbers, but in the nature of the choices. Many of the black board members are known as "showcase niggers" either because they come from city agencies and are therefore assumed to be in the mayor's pocket (like Goldie Watson from Model Cities, Samuel Evans from the Philadelphia Anti-Poverty Program) or because they have been wooed and won with grants (Andrew Jenkins of Mantua Planners) or, in the jargon of the peers, they've been "coopted" by being put on the payroll as consultants (Harold Haskins of Temple's Community Health Sciences Center and Augustus Baxter of the Architects Workshop). It is interesting to note that at the October Bicentennial board meeting, when the vote split along black-white lines, Goldie Watson was the only non-white who voted with the whites. At the same meeting Sam Evans was publicly bawled out by the mayor and Andy Jenkins, Harold Haskins and Gus Baxter later got letters from Chairman Henderson Supplee expressing his displeasure at their lack of loyalty. If any of these particular members who rebelled ever were under anyone's thumb, they seemed to be trying to get out from under.[1]

But just being on the board isn't enough if you are not going to be allowed to participate in decision-making. Power doesn't give up power that easily. The machinery is still set up to keep the Old Boys right where they are. But that's what makes them the Old Boys, isn't it?

It all hung out at the October board meeting of October 14th that recessed and resumed on October 23rd. The tone of the meeting that had been called to confirm the Bicentennial site selection plan was, "Let's see what kind of a hunk of change we can get from Uncle Sam and then we'll figure out what to do with it. If they'll buy it, we'll build it, so don't worry about the details now." The Corporation's fulltime staff unveiled to the board for the first time the details of the plan they had been drawing up for the past few years. Okay it, they requested.

But some of the board members dug in their heels, and refused to be railroaded into voting for a pig in a poke just because the staff had to "start a dialogue" with the Budget Bureau in Washington to get the Bicentennial bid into the 1971–1972 fiscal budget. Most of the board had never seen any of the exquisitely complex tables, charts and studies that supported the stripped-down presentation that afternoon. They just weren't about to take it on faith.

Wilson Goode, the black executive director of the Philadelphia Council for Community Advancement, spoke for many other board members, black and white, when he said in a newspaper interview later that he couldn't make a decision that would affect the lives of millions of people over the next five or six years after a 20-minute explanation. Besides, there was the growing concern about the refusal to involve directors in the *real* work of the Corporation.

"It was simply the fact that those who were controlling it were more concerned about getting to Washington than they were about really involving a board of directors in the process of what's going to happen in the Bicentennial Corporation," contended Goode, "and I think it was wrong."

Another cause of disaffection was the announcement of ten ex officio additions to the board. Psychologically it was a bad time to introduce still more representatives of government and business to a board already heavily weighted with them, and particularly since only one was black. City Councilman Thomas McIntosh, chairman of the Council appropriations committee, and he already was a director of the Corporation.

The board voted to recess for ten days to give them time to study the material they'd never seen and to attend briefing sessions. This didn't seem to spread much oil on the waters either. Board members complained that they didn't receive any information until the eighth day and that it still wasn't very complete. Those who attended briefing sessions came away in some cases with unresolved doubts and questions, in other cases wiser but sadder.

Even those who had attended executive committee meetings and voted to approve the site plan as it stood had not all gotten the *real* picture, the implications of endorsing the physical and financial package they had been handed. At last at the briefings it had become real. Andy Jenkins, president of the Mantua Community Planners, for instance, knew what the score was after he came out of the Agenda for Action briefing. "We debated it at executive committee meetings, but this is the first time we had enough blacks and questions of businessmen to clarify the issues." Thoughtfully, bespectacled Jenkins chewed over what he had learned in the last few hours. "I think this state of chaos is the best thing that ever happened."

By the time the recessed board meeting resumed, the questioning mood was spreading and intensifying. Even the newspapers had picked it up. An editorial in the *Inquirer* right after the first abortive board meeting praised the "daring exposition plan" with its focus at 30th Street and the banks of the Schuylkill and urged speed in passing it. "There is no time left for dawdling or arguing; this is decision time," it admonished.

But by the time the board was about to reconvene, the *Inquirer* had taken a different tack altogether. An October 22nd editorial pointed out that the directors of the Corporation weren't the only ones who wanted a closer look at the plans, that Washington wasn't happy with the goals or the price tag of the fair. They didn't like the idea of using it as a "whipsaw for every project in the city." They didn't like the idea of being asked to pick up the tab for $656.7 million in grants and another $156.7 million in loans, considering that their share of the New York World's Fair of $17 million was the most the federal government had ever given an exposition. The editorial ended with new instructions to the board members: to "sort out exactly what it is they're trying to do—and come up with a focus which will generate confidence and enthusiasm both here and in Washington."

That isn't what the forces in control had in mind at all, though. But it was comforting to know that occasionally the papers could stop playing their usual defender-of-the-vested-civic-interest role with the Bicentennial. The first critical reportage of the Bicentennial operation to appear in anything other than underground newspapers turned up in October in a student magazine at the University of Pennsylvania. The author, Penn junior Paul Schwartzman, unearthed a lot of information that made the Penn Central and the Corporation staff look pretty bad. Some he used and the rest he fed to the newspapers. Peter Binzen—who capitalized on at least one lead, a story about a Transportation Center that was going to be a windfall for the Penn Central (the staff denies that the railroad is going to get anything it doesn't have to pay for)—refers to Schwartzman as the Bicentennial's Seymour Hersh (the reporter who set off the My Lai investigation). Even if they chose to ignore it, at least reporters had been put on notice that something didn't smell right about some of the deals that were going on.

Actually, the press and public were often victims of the quirky way the Bicentennial people chose to parcel out information, reports and studies. The Regional Science Research Institute's report on the impact of the exposition on the economy of the region is celebrated only because, instead of being released, it was withdrawn "for updating," even though parts of it that presented a favorable picture were given out. It actually doesn't contain the dire predictions that were rumored in the wake of the blackout. A September 15th site study by the Bicentennial's chief architectural and economic consultants was also suppressed. This one has some loaded material in it, though, including a larger estimated deficit ($88 million) than has ever appeared in official releases.

The Corporation's top public relations man, Jim Milligan, seems to understand that unwillingness to communicate information makes people very nervous, but he obviously doesn't know how to open up the right channels. When someone like Cushing Dolbeare of the Housing Association requests studies and is turned down, she begins to wonder why. There is a great deal of fear of being open, particularly with the press, and it seems to flow from the top down, from Henderson Supplee himself.

This reporter was at first refused an interview with Henderson Supplee because he doesn't like *Philadelphia Magazine*, and it was at his instruction that a witness was required to sit in on interviews a reporter conducted with the staff. This is because he suspects the staff has been leaking information and critical comments to the press. Henderson Supplee's anxiety is probably a self-fulfilling kind of thing. The more you try to keep from reporters, the more anxious they are to discover what you're hiding.

Anyhow, it was on Supplee's order that certain members of the press and community groups were asked to leave the room in the Fidelity Mutual Building where the board of directors of the Bicentennial Corporation had begun to assemble on October 23rd. The press has always been barred from the board meetings, but not representatives of community groups. He picked the wrong person to tangle with when he picked Edna Thoms of the Philadelphia Women for Community Action. A former teacher of sociology, she is normally a soft-spoken, reasonable woman. When rubbed the wrong way she can turn into a screaming fury. No one was going to discriminate against Edna Thomas. She refused to leave until an announcement was made by the chairman that *all* press and community representatives were banned. And when she did leave she carried her anger with her and vented it outside where arriving directors, press and other representatives could hear her. The board of directors overruled the wishes of their chairman and voted to invite the press and community representatives back in to attend the meeting. The first veil of secrecy was lifted.

But that was about as far as it was going to go. Those who were running the show had no intention of allowing more examination, of trying to get to the heart of the problem.

Taking up where the last board meeting had recessed, lawyer Morris Duane clarified the resolution on the floor by restating that it was to endorse the site plan in *principle* in order to get government financial support and the final approval of the Bureau of International Expositions, which had to be done immediately.

George Dukes of the Ritterhouse Community Council came right out and said he still lacked enough information to vote and recommended they table the resolution.

Henderson Supplee, although chairing the meeting, allowed as how tabling the resolution would sink the Washington talks and "ruin our chances." Duke's recommendation was defeated.

But the discontent had risen too high to recede without being given a voice: all of the basic doubts were paraded one at a time—concern about financing, labor, board make-up, about the scale and scope of the plan and what it would do to neighborhoods around the sites, about the commitment to black communities and whether it would be kept.

It was obviously all going the wrong way. After all the sweat and work of getting the designation, after all the negotiations, it looked like they'd never get an okay to the U.S. Budget Bureau in time. That meant the whole delicate time schedule would be off. Site preparation couldn't start at once, a Schuylkill Expressway bypass couldn't begin. *Real chaos*. The whole critical 30th Street countdown would never work.

---

[1] Of course, white conflict-of-interest comes up from time to time also. Richard Bond's appointment by the court as a trustee of the Penn Central left him open to such charges (he did offer to resign). Every bank in the city has someone on the board, but it's a moot point as to who's going to do a favor for whom when there's financing to do.

At one point Supplee got infuriated enough to snap pettishly, "Look, if you don't want this Bicentennial, I wish you'd tell me now so that I wouldn't have to waste any more time on it."

Senator Joseph Clark tried to put the train back on the track with a show of diplomacy: "Unless something is approved, we can kiss good-bye to the notion of funds in the '71–'72 budget. We must fish or cut bait. . . . There are many things in this plan that I don't like and many I don't understand. . . . But a vote against this is a vote to kill the '50 and early '60s we pulled together. I'd like to see this again."

But the spirit of divisiveness in the room was too active to be put to sleep by eloquence. Even though they all wanted a Bicentennial too, the blacks in the room had been driven into a position of having to oppose the plan the way it stood. It promised something for their people that they knew wouldn't be delivered—and *they* would be held accountable. Like the white businessmen, they felt the sense of their responsibility.

For some whites in the room there were other core assumptions that were just as impossible to believe in. Maverick lawyer Philip Kalodner summed up some of these objections and then added the clincher, "I see no leadership in this Corporation capable of developing this or any other plan we can come up with." That was what everyone was saying privately, but not in public.

Then management consultant, Arthur Kaufmann, further demolished any lingering solidarity. "I think it's wrong to think a vote against this is a vote against a Bicenntial. It's not true. We can still go with a good plan and one with community support."

In the meantime, a lot of the board members sitting near the front of the room were beginning to seethe with impatience. Why was everyone trying to sabotage this thing now? It was unrealistic. What was needed was an inspirational message to restore everyone's perspective.

At precisely the right moment, Norman Denny, the boyish-looking chairman of the board of the Lincoln National Bank, who a few weeks earlier had become a folk hero with a public blast at the intransigence of the Penn Central in its negotiations with the Bicentennial, jumped to his feet and with blue eyes flashing said the magic words: "We've always wanted to have a Bicentennial. We shouldn't come in at the last moment and undercut all the work that's gone into this. It will give us an opportunity to work together for progress. . . . We can work out the details later."

He moved the question and Henderson Supplee made (or didn't make, as some insist) his now-legendary slip of the tongue: "Will all those in favor raise their *white* hands."

The vote was 37 for and 15 against. Eleven of the 12 blacks present voted against the resolution.

It was a bad time for anyone as out of phase with black people as Henderson Supplee to have such a faux pas hung on him.

Sam Evans rose to speak—Sam Evans, chairman of the Philadelphia Anti-Poverty Program, who is looked upon by other blacks as a "Negro." But Sam Evans wasn't speaking for the white Establishment this time. Even Sam Evans had voted as a black and he was now speaking as a black too. He complained that there wasn't enough black representation on the board and therefore not enough black votes to swing an issue like this one.

It was too much for his boss, Mayor Tate, who was probably saying to himself, "I put this guy on this board to help me get the Bicentennial and then he turns around and stabs me in the back." Goldie Watson, director of the Model Cities Program, was the only black who had voted the "white" way. The mayor was livid when he stood up and gave Sam Evans a shrill dressing-down, the kind even a father would give a recalcitrant son only behind closed doors. "You cut this out, Sam," he started, "I'm not going to let you polarize this community."

The blacks walked out. The community representatives in the back were milling and conferring angrily. In the midst of the electric tension some of the militant neighborhood people captured the microphone and began to address the board. Henderson Supplee hastily called for a motion of adjournment and retreated.

In a brilliant flanking play, the militant blacks (not the black board members, as some accounts suggested) then moved in on the Bicentennial office where still and TV cameramen were poised for a press conference. There, they got all the attention they wanted—more, in fact, than they could have dreamed of in the self-contained board room. For a short time it was Edna Thomas's show as she sat at the Bicentennial receptionist's desk with the fervor of her cause raising her voice to its hell-and-brimestone level: "I want the schools upgraded. I want people to have food and a place to live. I want all of that before we have a birthday party!"

Inquirer, October 26, 1970: "Mayor James H. J. Tate said Sunday that it was time to 'stop all this criticism of the Bicentennial on grounds that the money for the giant gala could be better used for more important priorities . . . Almost everyone in Philadelphia wants this Bicentennial . . . We have extensive programs for housing and schools and public welfare. We spend money on these other problems and there should be money for the Bicentennial in the interest of patriotism.' "

But the criticism didn't stop. The first formal presentation of plans and figures at the original October board meeting had set off a chain reaction of ever-widening ripples that weren't going to subside that quickly.

It is hard to know how to get to the bottom of the problem, to sort out what is fact and what is intuition, to fasten on what is reality and what is premonition. When there is a loss of confidence in leadership, nothing they say is taken on faith and no detail is too small to be blown into a cause célèbre. When the whole administrative structure is full of holes caused by dissent and vindictiveness, it is hard to put it together.

The two main areas of controversy seem to cluster around the physical—what is going to be built and how much it's going to cost—and the program—what is going to go on in what is built. And little wonder that there is consternation. What the Corporation gave birth to at that board meeting on October 14th was a bold innovative concept of an exposition like no other exposition the world had ever seen. Even if the staff and consultants had done all their homework and had gone through all of the process of involvement they were accused of ignoring, it would have been difficult to understand.

As it was, the staff had a good excuse for being unprepared since they had been thrown off schedule by the Bacon-Tate coup in late summer when the two had attempted to move the site to Fairmont Park and put themselves in the position to capture the open jobs of executive director and director of development. Also they had been set back by the president's long delay in announcing a decision. Anyhow, according to physical development coordinator John Gallery, these situations put the staff into the position of having to rush to complete their daring version of a multi-site exposition with a staggering price tag of $1.35 billion (which is now up from $1.17 billion). And this isn't the sort of baby that should be rushed.

Both Senators Hugh Scott and Richard Schweiker lost no time in shooting it down.

Inquirer, October 25, 1970: "The White House believes the 1976 Bicentennial Corporation's $1.17 billion master plan is quite unrealistic, according to Senator Hugh Scott (R. Pa.). 'Without binding me in the future, I would expect it [the federal share of the funds] would be somewhere in the area of half that amount.' "

What the Corporation had hoped would make the pill easier to swallow was that buildings would be permanent, part of the money was to go for on-going civic improvements like roads and housing, and since a major part of the construction had to be done on platforms over tracks it would be an architectural tour de force—a model of how to build megastructures on air rights over railroad tracks.

To grasp the nuances of the scheduling, financing and construction of the 30th Street site alone was a mind-boggling task, even for those who had access to sometimes contradictory and confusing studies and recommendations and could question staff and consultants who also sometimes contradicted and fought with each other and were often vague.

Imagine for openers a deadline so tight that construction of the platform has to start before the plans of what to put on it are decided, surely the costliest way conceivable because that means the platform has to be prepared to support the heaviest load that might go on it.

The briefing session on sites and physical planning came off quite well, according to John Gallery. It seemed to others who were there to confirm their worst fears that the planners hadn't had their feet on the ground in the first place when they were dreaming up split sites on stilts.

The bankers, retailers, lawyers, real estate and building men who attended the briefing that day started by questioning some of the basic assumptions. Like: what if the estimated percentages of attendance were off, if, say, everyone wanted to go to the Camden site one day and not to 30th Street, what kind of a mess was that going to make of the parking lots, access roads and exhibition space? Answer: A *terrible* mess. Or, it's been assumed that the schedule could be met if you could get a no-stoppage work agreement with the unions, but has anyone talked to the unions, and did you figure the extra cost of that kind of agreement in the labor projections? No one has talked to the unions.

Why is everything figured in 1970 dollars? The assumption is that revenues will increase at the same rate as costs. From an architect: "But that's not so, construction costs are going up faster than anything else."

It was enough to make a businessman tear his hair. The statistics and tables weren't prepared in ways familiar to them and they kept bogging down in the unfamiliar morass. Finally one prominent real estate entrepreneur just threw up his hands and moaned, "We're really punching cotton with these figures." They were seriously disturbed. It was as if the specter of the disastrous Philadelphia Sesquicentennial were watching over their shoulders saying, "*You*, the businessmen of Philadelphia, *should* know. You are the ones who have to know how much it will cost and where the money will come from."

And through the whole briefing session 33-year-old John Gallery, the Bicentennial staff man in charge of physical planning, sat there parting his longish hair down the middle of his head with both hands, fielding the questions with no pauses, with no sweat. The calm Bostonian voice never rose, never betrayed an emotion, except maybe impatience. Maybe an edge of impatience when he'd say, "But we *have* done studies on that. I'd be glad to sit down with you and explain it." There was the implication that he wished they'd stop criticizing until they'd look at the *studies*. "The Federal Reserve is doing a study for us now." That in response to a question about a study the Federal Reserve Bank was rumored to have done that showed costs would be twice as high as those estimated. All these rumors and half-truths. . . .

But you couldn't blame the hard-headed businessmen for their insecurity and incredulity. No one had ever shown them the goddamn *studies* and even if they had, they knew goddamn well that consultants can make reports come out any way *they* want to. They were trying to fight their way out of the classic trap the Corporation had fallen into: abandonment to outside experts. But they were tangled up in all that cotton, and they couldn't punch their way out. The architects and planners and young do-gooders who had never built a building in their lives, who had no practical experience, had captured the Bicentennial. Maybe they *were* right. Nobody knew.

The serious doubts of the business community seemed to grow with time rather than diminish. The Worriers, a group of Chamber of Commerce types, prepared a whole list of ulcer-provoking questions. Architect Vincent Kling, who has done plans for the Penn Central for developing the air rights at 30th Street and is intimately conversant with the site, said it is one of the most difficult places on the East Coast to build and he doesn't see how the project can be brought in by 1976 even under the most favorable of conditions, even with imported labor.

Real estate men want to know whether the conversion of Bicentennial buildings to office space projected for 30th Street in 1977 would be needed in light of all the office buildings on the drawing board for center city.

Housing experts want to know how you are going to get rent subsidies for the high-rise, high-cost housing for visitors at 30th Street that is supposed to be converted to low-cost housing after the fair.

And everyone wants to know who's going to pick up the tab for a deficit estimated variously at $10 million and $88 million. And why weren't increased city services like extra sanitation and police costs added in? And surely the early statements that there would be no increase in taxes to pay the city's share *had* to be unrealistic. (John Gallery later admitted taxes *would* have to be increased.)

Then there was the whole unpleasant business with the Penn Central. Banker Norman Denny, who was on the task force to select a site, opened the whole Pandora's box early in October by declaring the Bicentennial was being shafted by the railroad in negotiations for land and air rights. Penn Central was holding out prime land—30th Street Station itself and the area around it—and making it necessary for the exposition to divide (a split site within a split site) north and south of it. Furthermore, if the Corporation had that land they could start building immediately without waiting for track relocation and platform preparation.

It was more than Denny could stomach, being not only a banker but a real estate developer himself. "When you get down to *one* location," he says, "it should be compact and efficient. We met with Bob Moses who did the two New York Fairs and said to him, 'If you had it to do over again, what would you do differently?' Moses said, 'I'd have it *compact*. Regardless of the price tag, don't stretch it out. Make it comfortable enough for people to want to stay for four days and not leave after two days. That's the difference between success and failure.' So what do we do? The exact opposite.

"Not only that, there will be an acute shortage of labor. To commit ourselves to the major site involved with track relocation and platform building is illogical. We'll have enough trouble having it built by '76, let alone the hard way."

But Norman Denny still thought the situation was correctable—and not only the deal with the Penn Central, but also a solution to the access road headache better than the costly Schuylkill bypass no one wants to pay for. He began working quietly behind the scenes to rethink both projects—at least one man who refused to surrender to "experts" without a struggle.

The land hassle with Penn Central is only one small piece in the gigantic puzzle, but it is typical of what has happened many times over in the operation of the Corporation. The important negotiations have been left in the hands of seconds, of men with artistic and/or technical skill but no business acumen.

John Gallery didn't want the responsibility of negotiating with the Penn Central, but no one else wanted it either. A brilliant young city planner who came to Philadelphia after he graduated from Harvard, he worked for four years for the City Planning Commission before joining the Bicentennial staff. He is the first to admit that he wasn't the man for *that* job. "I never did any negotiating like that in my life, but no one else wanted the responsibility—not Supplee or any of the board people." Gallery believes that it all turned out all right, that "no one could have made a better deal, but they should have given it to someone they trusted. That's the problem. All decisions have to be based on my word or Gladstone's [Gladstone Associates, the Corporation's economic consultant] or Crane's [David A. Crane Associates, the planning consultant]. They have no confidence in us."

Perhaps one of the most loaded unanswered questions on the physical side of the books was what was going to be the impact on the economy and the lives of the people in this region. The rumor mill buzzed with it. Builders and architects were willing to tell anyone who would listen to them that building the Bicentennial would drive construction cost up so high and make the labor and equipment market so tight that it would discourage other building, not only in Philadelphia but on the entire Eastern seaboard. Economists were worrying that the inflation started by the Bicentennial spending would never come down again.

Withdrawing the one document that dealt with the question of economic impact, the Regional Science Research Institute report, didn't go very far toward building a sense of security.

The RSRI figures that *were* released were glowing, to say the least, but cryptic;

	Million
Tax Revenues thru 1976	$513
Tax Revenues 1976–1986	133
Total	646
Value of Public Facilities 5 years early	60.3
Direct & Indirect Wages & Salaries	735
Balance of Tourist Payments	459
Minority Groups Wage Potential	60

There was no way of understanding what the estimates were based on, what assumptions were fed into the computer to get those results. For instance, was the minority wage potential contingent on training programs? Were the jobs going to help to build an entrepreneurial class? About the tax revenues, where is the figure to show how much additional revenue is going to be needed each of those years to meet the City's increased costs?

Norman Glickman has some ideas about all of this. He's a scrappy young economist who's the director of the Urban Studies program in the Department of City Planning at Penn. He's also a research associate at the independent, non-profit RSRI. He did some work on their study and that got him thinking about this whole sticky business. With the city in the shape that it's in, he believes it is highly likely that it will continue to run a deficit that will have to be paid for out of increased taxes.

"Using the most optimistic figures you can," Glickman says, "the Bicentennial will have a slightly positive impact on the city and suburbs. But the impact on city government is highly negative, although there is some positive transfer from government to private wages and profits to corporations."

The thing that disturbs the social consciousness of a student of the urban scene like Glickman is that most people are not considering the effects of the Bicentennial on certain groups. Take the poor black in Mantua. He might get employment—probably unskilled work, but what will happen to his house? The owners of real estate in that area will want to convert it for housing for construction workers and for visitors to the fair. Even middle class housing will be affected. Glickman says this market is low-priced now compared to cities like Boston, Washington and New York. It will go up, especially in rentals, and he doesn't think it will come down significantly. Food costs will go up too.

Or the impact on the character of neighborhoods. Glickman says, "As a planner as well as a resident of Powelton Village, I'm afraid of what this is going to do to my neighborhood. People will be displaced, the character destroyed."

He is the first to admit that there will be benefits to certain segments of society. The hotel industry should do well, for instance. But the employment opportunities in hotels are bad since jobs are skewed toward low-paid unskilled workers.

All of this confirms the worst fears of people in black communities. Their losses will be heavier than their gains: dislocation, skyrocketing costs, some increased employment, but in dead-end jobs. This is why the community development program started—to help still these fears. But like everything else in the involved and tangled web of the Bicentennial, it seems to have no beginning and no end. Is the community development in the Bicentennial's Agenda for Action part of the program of the exposition or is it something that is growing up independently alongside it? No one seems to know what the whole program is anyhow, what is going to go on in all that space everyone is fighting about, what kind of marvelous things are going to attract all those visitors.

According to Henderson Supplee, the program came first. He refers to the three-part program that appears in Bicentennial literature from time to time in different guises. Each of the three parts, it seems, is supposed to appear at each major and minor site throughout the city. 1) The past: Historic and commemorative to be centered mainly around Penn's Landing and Independence National Historical Park. 2) The present: Continuing urban problems and solutions to be focused at North Philadelphia Station and in dispersed sites throughout the city. 3) The future: The international participation part mainly at 30th Street Station and also at dispersed sites.

Supplee insists that the program was established early because it was needed to determine the physical shape the exposition was to take. Actually, if one digs, one finds there is indeed more in the program than generally passes through the information screen at the Corporation, but a lot of disturbed staff and board members are afraid that part of the trouble the exposition is in now is because plans for the content have not been developed at the same pace as the physical plans. They know where the buildings will go, but not necessarily what will happen in them.

The historic part seems to be spinning along nicely on its own with federal money already committed to extensive restorations and visitor facilities, regardless of whether or not there is a Bicentennial celebration in Philadelphia.

The international part seemed to pick up a little steam and exposure when some staff and consultants went abroad in November to talk to nations interested in participating. Stanhope Browne, a member of the task force that developed some of the ideas for the international exposition, says it is the "greatest untold story" of the Bicentennial. Part of why it is untold is undoubtedly because it's so difficult to grasp.

When Henry Putsch, the recently named head of program development, tries to explain it, he gets a dreamy look in his big blue eyes. A rugged young man with a background in education and communications, he nonetheless seems to have trouble making concrete some of the marvelous new concepts foreign countries are so excited about. The central one seems to be that the Bicentennial is going to involve other nations in developing a theme, involve them in this *rare process* of involvement and suddenly the *process* becomes an end rather than a means.

Of course, there will be more to it than that: a set of principles, anyhow, if not specifics, requests that nations consider thematic emphasis rather than trotting out new products; that they consider permanent building and demonstration projects like housing or health centers in neighborhoods; that they participate in people-to-people contacts like conferences, cultural exchanges, living together in special expo housing.

But developing programs has never been a top priority, especially not on the Agenda for Action—the community development and urban problem-solving part. One Corporation director says that although almost 25% of the money for the show is going into the Agenda, only about 2% of the time has so far. John Gallery agrees that the physical planning has dominated. "David Crane and I have said for a year-and-a-half that we *had* to have a program."

The facts seem to be that so far when it comes to matters involving blacks, the Corporation only responds to outside pressure, and then only if it gets unpleasant enough. They put black representatives on the board only when they were forced against the wall. They made a deal with Mantua's Herman Wrice and the Young Great Society only after he threatened to slap an injunction against them just before they were to go to Washington to make a presentation at the end of last summer. As usual it was John Gallery who did the negotiating. The Corporation agreed to give the YGS and the Mantua Planners $40,000 for planning, and Herman Wrice agreed to climb on board and go to Washington for the presentation.

Next the Tioga-Nicetown community clamored for funds and a contract was negotiated for $30,000. Then everyone and his brother had his hand out. Last February partly in response to this crisis, the 50/50 idea evolved and the Board passed a resolution that 50% of the pie, whatever that means, was to go for Agenda for Action programs. At least, those who were there say that was the intention. Catherine Sue Leslie, who was hired as the communty development coordinator last January, says it was to be 50% of *all* money received. The resolution stands. Leslie has been relieved of her post and the current literature reads that half of all *development* funds will go to Agenda programs.

The goals for Agenda for Action are commendable—permanent improvements for the city, solutions to urban problems, a share in the economic gains of the celebration for all citizens. But like all the other glittering generalities and lofty aims of the Bicentennial brain trust, they end up being about as substantial as air.

For instance, Point 5 of the five-point Agenda program presented to the Budget Bureau states: "A seven-year experience in democratic government where public programs will be tested, tempered and modified on an annual basis in the laboratory of limited implementation."

Sue Leslie, who worked for the Philadelphia Council for Community Advancement before coming to the Bicentennial Corporation, says she had started designing ways to implement Agenda before she got the ax. All of a sudden, though, she says, the word went out that Agenda was to be integrated into the rest of the program and the six dispersed sites she wanted approved by the Board at the October site meeting were suddenly expunged from consideration. Maybe that was just as well, though, since activities at those sites were such uplifting projects as remodeling the canal in Manayunk for canoe races and facilities for recreation and arts and crafts at the Ridgway Library.

The briefing for board members on the Agenda for Action was a complete fiasco. Even John Gallery said afterward that he didn't think it had come off too well. Sue Leslie's replacement, Jim Roberts, tried to make a presentation and answer questions with help from Gallery, administrative vice president Robert McLean and a consultant.

There was the usual on how money had been used so far to fund planning in Mantua and Tioga-Nicetown and the idea was really to work with 76 communities to get "delivery of goods and services." The quaint notion of 76 communities didn't go over too well, neither did the fluff about goods and services and all that opaque nonsense. Soon though, it all began to become clear—shockingly clear—when they got to the examination of tables that showed how monies were going to be allocated and where they were going to come from. This was the first time that most of the board members there learned:

The half for Agenda was $277 million, not half of the total of $1.17 billion (now up to $363 million).

There was no real program behind the financial tables. The specifics listed—housing, parks, experimental school programs—were just a "shopping list," a "ploy," John Gallery called it, to get money from Uncle Sam.

The government money being requested did not necessarily represent new money. It was hard to determine how much of it was and how much wasn't (naturally). It seemed as if $14 million of the city's share of $20 million would come from on-going programs; virtually all of the Commonwealth's $20 million was already in existing programs. Only the federal grants of $201 million might be considered "new," but you never could prove that one way or the other.

Probably the most stunning discovery of all was that the funds for community development would flow through existing agencies—the Board of Education, Model Cities, etc. The Bicentennial wouldn't have control. It was the same old game where the money never gets to the people.

The cat was out of the bag. The response was acid.

Andrew Jenkins (Mantua Community Planners): It's just a long-term Model Cities program. You should tell the black communities they're not going to get much more money.

Gus Baxter (Architects Workshop): City agencies haven't done anything anyway. Why put money into them?

Phil Kalodner (attorney and former city development coordinator): Let's not be involved in a program that says it's going to cure the problems of Philadelphia and is meaningless in terms of results, that promises something you can't deliver.

John Bunting, an aggressive terrier of a man, is president of the First Pennsylvania Company and co-chairman of the Agenda for Action task force. "I've worked too hard to get where I am at the age of 45 to use my name on some fraud," he says about Agenda. But he frankly doesn't know how effective he as a white can be at his job.

"Blacks don't believe us. Even if they do, they're under tremendous pressure not to cooperate with whites. As a white all I can do is to demonstrate interest and relay back messages. I think I have been effective at convincing McLean and Supplee that we must do this, that we're not doing it for show.

"We absolutely cannot have a Bicentennial without a meaningful Agenda."

As far as he was concerned, Sue Leslie had rapport with the black community and tried to do an honest job. He is hoping she will come back. It seems that the problem was with her superiors McLean and Supplee, who doubted her competence.

Bunting's new co-chairman is Harold Haskins, who has been on the task force with him. Haskins, director of community development at Temple University Health Sciences Center, was one of the blacks who voted against the site selection resolution at the fateful board meeting. A loose and articulate guy, sophisticated in the ways of agencies and government, he agrees that up to this point there hasn't been much commitment to the Agenda idea.

The task force has been busy broadening its approach, though, since the catastrophic board meeting, and Haskins is hopeful that Agenda for Action might have a better chance now. Up to now, it's come over to the white Establishment as a trade-off for the black community. Instead of just focusing on neighborhood projects and health and welfare, the task force is trying to put more emphasis on economic development and international participation. It is looking for new ways to finance projects through cooperation with industry (the way Friends Select School got a new building by cooperating with Pennwalt), of attracting foreign industry to put up plants and offer jobs in high unemployment areas.

"This has a much to do with Agenda as the other community plans," Haskins says, and he might have added that it would have much more appeal to hard-nosed businessmen than vague promises about doing public works. However, whether the Agenda can be translated from inaction into action remains to be seen. Lots of good action remains to be seen. Lots of good ideas have died on their way to implementation in this environment.

Part of the despair about community development comes from the fact that no one really thinks Agenda for Action will come off. The federal government was less than enthusiastic about the price tag on the party, especially the part for public works. If money gets lopped off, blacks fear that community development will be the first casualty. The North Philadelphia Station site, which was to be the Agenda focus, is rumored to be even more difficult than 30th Street to build on, yet no one ever talks about it. John Gallery says there is an understanding with Penn Central about the sale price for the air rights, but no *fixed* price has been agreed upon yet. The Corporation hasn't pushed it in any way. There is something ominous about the silence.

Gallery says there would be hope if the black board members could pull themselves together and negotiate for a broader deal between the Corporation and community groups, so it wouldn't have to bargain with each one piecemeal. "Of course it would help if there were larger and broader representation on the board," Gallery continues. "There is a legitimate demand for community representation, as legitimate as having a representative from each bank.

"People say they would be obstructive. I say they would learn to make deals. If you always feel you are in the minority, you must be destructive because you can't do anything. If blacks feel they *can* influence things, they would do something constructive."

"We walked out of the board meeting because we felt we have insignificant and didn't mean anything to the group. The attitude of the chairman was, 'Let's get on with it and go to Washington. Don't ask questions.' It was the 'white hand' bit, knowing that you have no voice."—Wilson Goode, Philadelphia Council for Community Advancement, and a director of the Bicentennial Corporation

Wilson Goode was addressing a meeting of the Crisis Committee, made up of heads of church and welfare agencies, who get together when they get worried about some catastrophe or other. At their request, Goode came to tell them how things stood on a Bicentennial. His approach was pragmatic, not inflammatory. He believes the course of the exposition can still be redirected, but his concern is that the celebration be as meaningful for black people as for white people. But the rest of the Committee reacted with indignation and a motion to act to stop the machinery at once.

When you ask Willie Goode how things got this way with the Bicentennial, he mentions that the staff has not involved the board in decision making. He talks also about the guarding of information, as if they were afraid of letting the public know what is going on. He believes the Corporation will have to open up and level with the public because there will be a public referendum during the spring primary. He thinks that because this point was discussed at the last board meeting and met with a favorable response.

What Wilson Goode and most people don't know is that Henderson Supplee has serious reservations about a referendum. "It's very late indeed," he says. "We've already been designated by the President. The timing is bad. It would not be well regarded as a proper step."

Jim Milligan, the Bicen's PR man, adds: "There's the legal angle, too. Since there's seed money from New Jersey, Delaware, and Pennsylvania for planning, how valid would it be to have the City of Philadelphia vote on it?" Milligan goes on. "Besides, there was a Bucci poll on it six months ago and 80% were in favor of the Bicentennial."

To his credit, Supplee is aware of the backlash from neighborhoods on the Agenda program. "We are late in getting the community involved, but it's hard to identify representatives." He also mentioned the difficulties in training communities to refine their planning, and disappointments with his own staff and professional consultants that have caused delays.

Supplee is a gentleman to his fingertips. He did not mention names of people who disappointed him or allude to the dissension within his organization. He is a person with intense loyalties. He doesn't read *Philadelphia Magazine*, but the reason he doesn't like it is because of something critical that was written, not about him, but about Jack Kelly when he was president of the Corporation. In his book, criticism is in exceeding bad taste. Kelly is gone now and his position is unfilled.

A retired executive of the family Supplee-Wills-Jones milk company and more recently of Atlantic Richfield, Supplee occupies the top unpaid post. Although he has a bad heart and has to pace himself, no one will deny that Supplee has worked hard. Senator Hugh Scott is taking the credit for getting President Nixon's approval for Philadelphia as the international exposition site (*Newsweek* quoted the President as saying he did it for Scott), but it was Supplee who laid all the groundwork.

He is so well-liked that no one seems to be able to tell him that he has over-stayed his time, that he is out of tune with his staff and out of touch with the people of the city. He is so true-blue Old Philadelphia that no one would think of hurting his feelings. And he keeps saying that he is going to leave anyhow. Last June he said he'd leave at the end of the summer or when Nixon made the designation. Last month he was saying that he wasn't interested in a management role, but that he was concerned with "policy and objectives and interested in trying to help work those out." Supplee still isn't leaving.

So the Corporation seems to go on spinning along with a vacuum at the top and with incredible ineptitude all the way down. The administrative vice-president, Robert McLean, is a nifty front man who looks good in red/white/and blue ties at meetings. Otherwise, those who have worked with him think he's a zero. Ewen Dingwall, the executive consultant, not only doesn't generate ideas himself, but as one Young Professional said, "He's downright detrimental to the development of ideas." His good friend Gordon Hilker from San Diego, who was on the payroll as a $1000 a month consultant two years ago, came up with two performing arts reports that were laughed out of task force meetings. And yet guess who went to Europe last month with Dingwall and starry-eyed Hank Putsch and the rest of the delegation to talk over plans with foreign countries—Gordon Hilker.

John Gallery might be the only person in a position of authority who has proved his ability, but he is, by his own admission, clearly over his head. So who's running the Bicentennial? Who else? John Gallery with some back-up from consultant David Crane. The technicians have taken over the executive function and a very scary situation it is indeed that a billion-dollar business is being run like a corner vegetable store.

There is still an opening at the apex of the pyramid for a top-paid executive. Henderson Supplee is looking around now. Or maybe that's too active a way of expressing it. He says, "I have been acting as blotter. I have some good names, but I am not authorized to get a commitment yet." He seems to be waiting for full acceptance of sites and program from Washington, waiting to know "what's going to be expected of us."

There are people who want the Bicentennial for the city who hope he doesn't wait too long and that when the choice is drafted (no one would take it willingly) he is a man with clout and stature, that he is a man with a mandate from the people.

It would be extremely embarrassing to have to hold America's 200th birthday party under armed guard, as one activist has suggested might happen if the Corporation doesn't get the approval of the people in the city. It is not likely that it will ever come to that, though.

"I must concur with Scott that Philadelphia is going to have definite problems getting the half-billion dollars they requested . . . Congress won't approve anything where blacks and white are head-to-head about an issue."—Sen. Richard Schweiker (R. Pa.), *Bulletin*, Oct. 27, 1970.

It's hard to know who will shoot it down first, the black community or the business community, but the Bicentennial is in real trouble. If those two factions ever got together, who knows, they might be able to wrest control from the dead hand of the past. In the meantime, as one of the more idealistic board members, Stanhope Browne, puts it, "Everyone's to blame for the impasse. The blacks are the most justified, though. Their attitude is not unpatriotic [a reference to Tate's knuckle-rapping of dissenters]. Those who don't allow them a place in the sun are not patriotic." There are questions that have to be answered, and the Corporation is learning the hard way that you can't keep the lid on them forever.

Mr. COTTON. Mr. President, as a member of the American Revolution Bicentennial Commission, I commend the distinguished Senator from Massachusetts for his statement, and desire to associate myself with him.

I, too, voted in the Commission against the proposed international exposition, and I share Senator Brooke's apprehension that the cost will be enormous while the purpose of the observance of this national birthday will not be attained.

This must be a national celebration for our Nation and not an expensive international exposition for any one city.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from New York (Mr. Javits) is recognized for not to exceed 30 minutes.

Mr. JAVITS. Mr. President, I should like to advise the majority leader that I shall not take more than 15 minutes, if he desires to make any other plans.

S. 4577—INTRODUCTION OF THE COMPREHENSIVE COMMUNITY CHILD DEVELOPMENT ACT OF 1971

Mr. JAVITS. Mr. President, the White House Conference on Children will convene in Washington this Sunday, December 13 through December 18, bringing together individuals and organizations of all disciplines interested in child welfare to consider the means of advancing the development of all children regardless of environmental conditions or circumstances of birth.

The purpose of my speaking this morning is to introduce a measure which I believe urgently deserves consideration not only by the Congress but also by the White House Conference. It is the Comprehensive Community Child Development Act of 1971. I send the bill to the desk, for appropriate reference, together with a section-by-section analysis, which I ask unanimous consent to have printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore (Mr. Eagleton). The bill will be received and appropriately referred; and, without objection, the section-by-section analysis will be printed in the Record.

(See exhibit 1.)

The bill (S. 4577), to provide for a comprehensive program of community-based and coordinated child development programs, introduced by Mr. Javits, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, the conference is charged under the call by its chairman with the responsibility of establishing priorities and issues relating to child development and formulating effective procedures for implementation and administration of child development programs:

> By which all available or committed resources can be identified, coordinated and harmonized into a National effort, having as its goal the enhanced development of the American child through the remaining years of the Twentieth Century.

Mr. President, I share the commitment to that goal and to its implementation, and accordingly I introduce this measure at this time.

The proposed act is designed to provide a framework and substantial funding for the coordinated evolution of child development programs with the objective of eventually making such programs universally available throughout the Nation. The basic principles on which I have drafted this bill are the following:

First, there should be provided a full range of activities designed to promote the intellectual, emotional, social and physical growth of children through age 13, with a strong priority for the needs of preschool children, particularly children of low-income families.

Second, the essential decisions with respect to child development programs should be made at the community level where comprehensive services can be provided, parents and other members of the family can participate fully in determining the direction as well as the conduct of programs, and where existing programs can be consolidated, integrated and coordinated.

Third, those on the community level, who are operating programs according to the way I envisage them, should have the benefit of technical assistance from State agencies in identifying goals and needs, effecting coordination between programs within the State, strengthening health, educational, child welfare, and other essential components of community programs and providing supportive research, development, and evaluation.

Fourth, the proper role of the Federal Government is in maintaining a strong oversight to insure that continue to focus on children of low-income families, and that programmatic quality is advanced throughout the Nation through research, demonstration, and evaluative activities.

As I shall outline later, the Federal Government can serve another special function—by becoming a model employer insofar as child development programs are concerned, in dealing with the children of its own employees.

Fifth, relating to the programs which are on-going now, we should not only maintain, but expand the role of community action, single-purpose Headstart agencies, and other community-based and parent-formed organizations, as well as educational and child welfare agencies, which have brought child development to the threshold of universal expansion.

Finally, business, industry, labor, employee, and labor-management organizations should be encouraged to contribute funds to community programs and provide facilities at or near a place of business in the context of total community plans.

To carry out these principles the proposed act consists of three titles: Under title I, the Secretary of Health, Education, and Welfare is directed to fund child programs pursuant to community child care plans developed by broadly representative councils at the community level, with technical assistance provided from a State Child Care Council pursuant to a State child care assistance plan. The following amounts are authorized for such purposes: $900,000,000 for fiscal year 1973; $1,800,000,000 for fiscal year 1974; and $2,800,000,000 for fiscal year 1975. In round figures, this represents an aggregate of about $5 billion. Title II authorizes additional amounts for Federal activities such as research, demonstration, and evaluation, and for special programs for children of Federal employees. Under this title, the following amounts are authorized: $125,000,000 for fiscal year 1973, $175,000,000 for fiscal year 1974, and $175,000,000 for fiscal year 1975, making a total of $475 million. Title III contains general authorities with respect to the operation of the provisions of the act, but titles I and II are the main components.

With this general background, I shall now indicate the manner in which each of the objectives and principles is met in terms of specific provisions of the proposal which I submit today.

A FULL RANGE OF PROGRAMS TO ASSIST ALL CHILDREN TO REACH THEIR FULL POTENTIAL

Mr. President, I share and endorse the dual objective of the women's liberation movement for universal child care and the insistence, very importantly, that it be quality care—having in mind that the needs of the child as well as the needs of the parent should be held before us.

There are more than 26,129,000 preschool children in the Nation, including 3,997,737 preschool children of low-income families. Yet Headstart and other preschool programs are reaching less than a tenth of the latter number—approximately 400,000 in this current fiscal year.

While there are 4 million children under 6 whose mothers work, there are less than 700,000 licensed day care center slots in the Nation.

We need additional Federal funding to support the provision of a wide range of child care services and facilities—ranging from full-time, part-time, family, day, night, intermittent and other services, but all on the basis of quality and all available as a right of the family, not merely as a singular educational right of the child or merely as an economic right or need of the parents. Accordingly, child development activities must go beyond the limited custodial concept to provide families with comprehensive services.

Mr. President, the amounts authorized under the proposed act, to provide both preschool and afterschool opportunities, are by no means out of line. For the purpose of indicating that they are not, I wish to point out that even taking the most conservative estimate of cost for a preschool opportunity—$1,700—the proposed act would provide only 527,400 slots in fiscal year 1973, 1,058,800 in fiscal year 1974, and 1,647,060 in fiscal year 1975. Thus, even in the third year, we would reach a level of coverage representing only approximately a third of the 3,997,737 preschool children of low-income families and less than one-tenth of the total number of preschool children in the Nation.

DECISIONMAKING AT THE COMMUNITY LEVEL

Mr. President, the right of the family to child care can be effectively exercised only by direction at the community level where comprehensive services can be provided, parents can be totally involved, and programs can be consolidated, integrated, and coordinated.

Under title I of the act, 90 percent of the funds apportioned to the States would be available to the Secretary of Health, Education, and Welfare for the designation of community child care councils and for the conduct of programs pursuant to a community child care plan prepared by the council.

The act provides that the Secretary may designate community child care councils to be responsible for the planning, coordination, and monitoring of child development programs for each area of a State which he determines to be a suitable area for the conduct of such programs and which comprises either, a city, county, or other unit of general local government determined to have general governmental powers substantially similar to those of a city; a combination of such units; a neighborhood or other portion of a city; or an Indian reservation.

I have prescribed specific factors to be taken into account in determining whether an area is "suitable." The Secretary is directed to take into account such factors as he shall prescribe, including the number of children of low-income families in the area, as well as the relationship of such area to those previously established for the administration of child development programs and those established for the administration of education, manpower, training, and health programs.

The council would be designated upon consideration of an application for designation submitted by any public agency or nonprofit organization within the suitable area.

Mr. President, flexibility of the kind authorized in the proposed act is necessary if we are to provide a structure tailored to individual needs. We must recognize that a neighborhood or other portion of a city—such as that which may exist in my own city of New York, may be the most suitable unit for decisionmaking in respect to child care programs. Indeed, at the present time, New York City has taken the initiative in proposing that planning of programs be accomplished essentially on a neighborhood basis.

The application must provide for the establishment of a community child care council which is broadly representative of community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, public and private educational agencies and institutions in the area to be served, parents and other concerned individuals, agencies, and organizations interested in child development.

The council is to be responsible for the planning, coordination, and monitoring of child development programs and for the submission of child care plans governing programs to be conducted in the area.

The child care plan would be prepared by the council after considering project applications from the various agencies and organizations in the community, subject to certain procedures and conditions.

Within this general community context, various provisions of title I of the act emphasize comprehensive services, parental involvement and the integration, coordination and consolidation of programs.

The comprehensiveness of services is insured by:

Requirements that all programs to be funded under the community child care plan provide educational, nutritional, health, and related services necessary to provide each child with an opportunity to meet his full potential; and

Special provisions for the establishment of diagnostic and assessment services to deal with the special needs of children who have particular psychological, educational, or other barriers.

The proposed act emphasizes parental involvement and linkage between the home and the programmatic environment in the following ways:

Not less than one-half of the membership of the community councils responsible for planning program and activities must consist of parents of children enrolled in programs under the act;

Parent cooperatives are among the organizations which must be represented on the council and which are eligible for financial and technical assistance as project applicants. Special provisions insure that the child care councils give due consideration to applications from such sources;

To the fullest extent possible, each program to be conducted under a community child care plan must be subject to the direction of a governing board of parents and the program must itself include extensive parental participation;

Provision is made for programs to train parents and older members of the family as well as youths, in child development;

Programs must be conducted in such a manner as to provide "meaningful" environmental linkage between the home and the environment in which programs are to be conducted;

Funds are authorized for child development information centers in the community, to increase parental awareness and support.

Mr. President, Federal expenditures for child care have increased from less than $1 million in fiscal year 1962 to approximately $600 million in fiscal year 1971. With that increase we have proliferated a variety of child care programs, each having its own objective—and in many cases its own disciplinary bias: Programs established with the objective of getting parents off of relief rolls run the risk of ignoring the needs of the child and merely perpetuating the cycle of poverty; educational programs are run with little relationship to preschool efforts; and "industrial" child care efforts often starve for lack of supportive services to complement the need for facilities.

The proposed act would repeal only the basic authorities under the Economic Opportunity Act—Headstart, title IV–B day care, and other references under that act. It would not repeal what is done under the Social Security Act.

However, building on the Headstart base, the bill would attempt to channel new funds into a community-operated plan on terms that would encourage the coordination and integration with other existing programs and bridge the disciplinary gap at the local level.

In addition to the composition of the Child Care Council, the act seeks to effect a concentration of effort at the local level by requirements that the community child care plans set forth:

Arrangements in the area served for the integration into the plan of child development facilities and services for which financial assistance is provided by the Secretary of Health, Education, and Welfare. This would include child care programs under the proposed Family Assistance Act, and under title IV–A of the Social Security Act. The section is not intended to include programs conducted by educational or health agencies under other authorities;

Arrangements between project sponsors and administrators of local school systems, both public and nonpublic, to effect coordination between programs conducted under this and other acts;

Arrangements in the area served for the integration of programs conducted with the support of business, industry, labor, employee, and labor-management organizations;

Arrangements for program coordination between approved project sponsors through joint program services, purchasing arrangements, common business services, and other arrangements.

Moreover, the act makes available to the Secretary 2 percent of all funds under title I to be used as an incentive for a linkage between preschool and educational programs, and an additional 2 percent would be available for programs to provide linkage to manpower training programs.

ROLE OF STATE GOVERNMENTS

While the major focus of the proposed act is on decisionmaking on the community level, the proposed act charts out a substantial role for State government.

As I noted, the proposed act retains the existing authorities for programs financed through the States under title IV–A and other sections of the Social Security Act, requiring only that there be coordination and integration at the community level.

The proposed act also authorizes the Secretary to designate State comprehensive child care councils for each State upon approval of an application for designation submitted by the chief executive of the State.

The key requirement for the State council is that it be broadly representative of educational, welfare, health, manpower training, and other State agencies interested in child development in the State, as well as other individuals and public and private organizations interested in child development. As in the case of the Community Child Care Council, not less than one-half of the membership of the State council must consist of parents of children enrolled in child development programs under the act, chosen by democratic selection procedures with the initial designation made on the basis of those children enrolled in Project Headstart programs. The chief executive of the State is to serve as the chairman of the council.

The State child care council is responsible for the submission of "State child care assistance plans" and the review of applications for designation of child care councils as well as for the review of community child care plans.

In reviewing the applications for designation and in reviewing the child care plans, the council is authorized to comment thereon and recommend to the Secretary any proposed changes deemed to be in the interest of maintaining the quality of programs and assuring an equitable distribution of programs within the State, insuring cooperation and coordination, and encouraging the maximum utilization of available services and facilities within the State.

The act reserves 10 percent of the funds allocated to each State under title I for any of the following activities under "State Child Care Assistance Plans:"

Identifying child development goals and needs within the State;

Providing technical assistance through State agencies and other organizations to assist in the establishment of community child care councils, encourage the effective coordination between programs within the State, strengthen the educational, health, child welfare and related components of programs to be conducted in the State, and assist in the acquisition or improvement of facilities for child development programs;

Conducting child development personnel training and exchange programs;

Assessing the effect of research programs and State and local licensing codes;

Making recommendations in respect to the conduct of programs generally.

Mr. President, in this way we should encourage the full utilization of State expertise in the child development area which has been exemplified in New York and other States.

FEDERAL ROLE

Mr. President, with a shift of decisionmaking to the community and State levels, it is essential that the Federal Government retain sufficient authority and funding to insure a continued focus on children of low-income families, maintain programmatic quality and advance new approaches and knowledge.

While the impetus will come from the communities and the States, the Federal Government must maintain a strong oversight. A number of provisions have been included for this purpose:

Although plans are formulated at the community level, and commented upon at the State level, the final decision with respect to funding lies with the Secretary of Health, Education, and Welfare;

The Secretary retains power to withdraw assistance in whole or in part in the event that the requirements for plans are not being met;

Direct funding provisions authorize the Secretary to provide direct financial assistance to agencies and organizations, irrespective of whether a State or community child care plan has been designated, if he determines that children of low-income families will not otherwise be served effectively or that the provision of such assistance is otherwise necessary to effect the purposes of the act.

The proposed act contains also a reservation of 6 percent of the total funds under the act to insure equitable coverage of children of migrants and Indians and children whose functional language is other than English.

Title II of the act provides for a strong Federal supportive role. Among its provisions are:

Expanded authority for research, demonstration, information, and evaluation;

Special resources for training and for studies to determine the need for additional personnel;

Federal standards for child development services and a procedure to encourage the development of a model code for uniform State and local standards relating to child development facilities;

A requirement that the Secretary conduct studies on the extent to which Federal, State or local facilities might be used as child development facilities; and

Establishment of a special "National Child Development Advisory Committee" to guarantee an interdisciplinary oversight of child care programs at the Federal level.

ROLE OF AGENCIES AND ORGANIZATIONS CURRENTLY CONDUCTING PROGRAMS

Mr. President, as I indicated, we do not approach the field of child development without previous commitment. It is often said that we must "build on" past efforts. I agree. But we must not enact legislation that would merely pile a superstructure for the advantaged over the House that community action, educational and welfare agencies have built. The proposed act has been designed to insure not only that previous involvement is maintained but that such organizations participate in future growth.

Among the proposed act's requirements that provide this assurance are the following:

Community and State councils must consist of not less than 50 percent of parents of children enrolled in programs with initial designation made from parents of children in the Headstart programs;

Agencies administering Headstart programs have the first opportunity to initiate formation of the community council, and are given special consideration on the community level to be appointed as the administering agency;

Plans cannot be approved without the comments of the Headstart agency as well as of educational agencies in the community;

A plan must include arrangements to insure that funds are allocated among project applicants in such a way as to insure special consideration to the needs of children of low-income families.

A plan must include arrangements for the utilization of services and facilities which are available from Federal, State, and local agencies, including community action agencies, child welfare agencies and educational agencies;

The Secretary is directed to adjust allocations to States in order to maintain funding for community action and other Headstart agencies;

The Director of the Office of Economic Opportunity must concur as to all rules, regulations and the approval of plans as they may affect community action agencies and single-purpose Headstart agencies;

The Commissioner of Education must concur with respect to programs and program components to be conducted by educational agencies and institutions.

INVOLVEMENT OF THE PRIVATE SECTOR

Mr. President, despite the rhetoric about the involvement of the private sector in child care efforts and legislation to that end—including title VB of the Economic Opportunity Act, which I authored and 1969 legislation authorizing the establishment of joint labor-management trust funds—there are less than 200 industry or union related child care centers in the country today attributed to this movement.

We should be aware of the intrinsic limitations of the private sector which arise from the mobility of employees and the need for more than custodial care—but we should not hesitate to involve the private sector in the context of total community-wide efforts.

I have therefore included various provisions in the bill to enable the private sector to cooperate infinitely better than it has so far in respect of these child care programs. To that end, the bill contains the following provisions:

Business, industry, employee, and labor-management representatives are to be included on the child care councils at the community, State, and Federal levels;

A requirement of each community child care plan is that it include arrangements for the participation of business, industry, labor, employee, and labor-management resources and assistance within the community, including programs to encourage the provision of child development facilities and services at or in association with a place of employment;

The requirements for matching authorize the Secretary to provide special incentives for private contributions;

The demonstration authority includes projects to test out programs providing child development services by business, industry, labor, employee, and labor-management organizations;

Information and technical assistance provisions at the community, State, and Federal levels emphasize availability of services to the private sector; and

Among the specific assignments of the National Advisory Committee on Child Development is the assessment of the private role.

THE FEDERAL GOVERNMENT AS MODEL EMPLOYER

Mr. President, as President Johnson instituted efforts to make the Federal Government a "model employer" for equal employment policies, so I suggest to President Nixon that he make the Federal Government a "model employer" insofar as child development is concerned. Such an action would evidence the commitment of the administration to the concept of the universality of child care and provide an example for private employee child care programs as to the proper blending of services that can put equal priority on the parent and the child's needs. To that end, part B of title II would authorize special sums for programs for Federal employees which meet the same substantive requirements as are set forth under title I and certain other requirements. For fiscal year 1973, the sum of $50 million would be provided, with an authorization of $75 million for fiscal year 1974, and $100 million for fiscal year 1975.

At present the effort for Federal employees is limited. In 1968, the Department of Labor opened a child care center for 30 preschool children of its employees, with half of the children selected from new employees who could not accept employment unless low-cost child care were available, and half selected from other Department employees in all grade levels. There have been similar activities in the Department of Agriculture, and other agencies of the Federal Government are considering such programs.

Mr. President, the Federal Government, as we know, has great potentials with regard to this matter. It has millions of employees, most of whom have children and many of those children could be subject to this act.

Mr. President, I hope that the introduction of this bill will encourage further consideration of how we can have a melding of the interests of those currently involved in child development so as to avoid a proliferation of programs which would diminish the expected returns for those who participate.

Mr. President, I hope to learn a lot about the situation, even more than we know now, from the reaction to the introduction of this bill. I will reintroduce it when Congress reconvenes in January, taking account of what may be done in the family assistance and welfare plan in the remainder of this session as well as in the new knowledge we will acquire from the White House conference and in many other ways.

I hope that we will have comprehensive action on this critical matter which has had the attention of other Senators. The Senator from Minnesota (Mr. MONDALE) spoke on this matter this very week. I am honored to join with him and with the Senator from Vermont (Mr. PROUTY) in a collaborative effort to produce the best results possible.

We are dealing with a problem which has had some attention, but not nearly enough and not really in a coordinated way in the local communities with the State and Federal Government assistance which is required.

To do our job on child development will take a full commitment by the administration, comprehensive action by the Congress and a willingness on the part of those who represent particular client groups in the current splintered structure to accept a place in an interrelated community system.

EXHIBIT 1

SECTION-BY SECTION DESCRIPTION OF THE COMPREHENSIVE COMMUNITY CHILD DEVELOPMENT ACT OF 1971

Section 2: *Statement of Findings and Purpose.* This section expresses the principle purpose of the Act—to provide a framework and authorize additional funds for the meaningful and coordinated evolution of child development programs at the community level so as eventually to make such programs, universally available to every family in the Nation.

TITLE I. COMPREHENSIVE COMMUNITY CHILD DEVELOPMENT PROGRAMS

Section 101: *Direction to Establish Program.* This section directs and authorizes the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") to establish comprehensive community child development programs through the support of activities in accordance with the provisions of title I.

Section 102: *Authorization of Appropriations.* This section authorizes the following amounts for programs under title I: $900,000,000 for the fiscal year ending June 30, 1973; $1,800,000,000 for the fiscal year ending June 30, 1974; and $2,800,000,000 for the fiscal year ending June 30, 1975.

Section 103: *Application for Designation of Community Child Councils.* This section authorizes the Secretary to designate Community Child Care Councils to be responsible for the planning, coordination, and monitoring of child development programs in each area in a State which he determines to be suitable area for the conduct of such programs and which is the area of (i) a city, (ii) a county or other unit of general local government determined to have general governmental powers substantially similar to those of a city, (iii) a combination of such units, (iv) a neighborhood or other portion of a city or (v) an Indian reservation.

In determining whether an area is "suitable" for the conduct of child development programs, the Secretary is directed to take into account such factors as he shall prescribe, including the number of children of low income families in the area and the extent to which such children and other children will be served effectively, as well as the relationship of such areas to those previously established under Child Development programs and areas established for education, manpower training and health programs. (subsection a)

An application for designation may be submitted on behalf of such council by any public agency or non-profit organization or combination of such agencies or organizations within the area.

The application must provide for the establishment of a Community Child Care Council which is broadly representative of community action agencies, single-purpose Head Start agencies, community corporations, parent cooperatives, representatives of public and private educational agencies and institutions in the area to be served and certain other agencies, institutions and organizations interested in child development programs, as well as public officials for the area to be served. Not less than one-half of the membership of the Council must consist of parents of children enrolled in child development programs under the title (or for the purpose of initial designation, parents of children representative of those previously enrolled in project Head Start programs), chosen by democratic selection procedures established by the Secretary with prior concurrence of the Director of the Office of Economic Opportunity. The Chairman of the Council shall be elected by its members.

In addition, the application must describe the geographical area to be served, evidence capability of the Council for effective planning, coordination, and monitoring of programs in the area to be served and designate an agency to be responsible for disbursing funds and effecting coordination. The agency may be an existing agency or one newly created. Wherever feasible, any community action or other agency previously conducting project Head Start programs shall be designated.

In the case of two or more applications covering a common or overlapping geographical area, the Secretary shall determine the one which will most effectively carry out the purposes of the title, with special consideration for initial designation given to applications submitted by community action and other agencies previously conducting Project Head Start programs. (subsection c)

The application must be submitted in accordance with certain procedures, with an opportunity to comment accorded to any state Child Care Council (or chief executive of the State if no State Council has been approved), and by other applicants to serve a common or overlapping area. (subsection d)

Provisions govern the disapproval or withdrawal of an application (subsection e).

Section 104: *Responsibilities of Community Child Care Councils.* This section outlines the principal responsibilities of the Child Community Child Council to the Secretary—the planning, coordination and monitoring of child development programs and the submission of Community Child Care Plans for such programs in the area to be served—as well as its responsibilities to project applicants. The latter include the provision of a hearing before the Council in case of adverse determination, and the provision of technical assistance to individuals, agencies, and organizations interested in the establishment of programs in the area to be served. (Subsection a.) In order to carry out these responsibilities, the Council is authorized to obtain the services of staff, consult with other federal and state authorities, and utilize the services and facilities of other agencies. (subsection b). The Secretary is directed to reserve not less than 2% of Title I funds for the purposes of the section. (subsection c).

Section 105: *Community Child Care Plans*: This section sets forth the requirements for Community Child Care Plans submitted by the Councils. Each plan must include (i) a description of the purposes for which financial assistance will be used; (ii) programs to ensure assistance on an equitable basis for children of migrants and other low-income families; (iii) appropriate arrangements to ensure that Community action and other Head Start agencies receive an allocation not less than that received the previous year and such additional allocations as may be necessary to insure special consideration to the needs of children of low-income families; (iv) arrangements for the integration and coordination of other programs funded by the Secretary of Health, Education, and Welfare, such as child development activities under the Family Assistance Act; (v) arrangements for the utilization of federal, state, and local agencies; (vi) arrangements for program coordination between approved project applicants; (vii) arrangements for linkage between pre-school and public school programs; and (viii) arrangements for the integration of programs conducted under the auspices or with the support of business, industry, labor, employee and labor-management organizations.

No plan may be approved by the Secretary unless any State Child Care Council (or if no such Council has been designated, then the Chief Executive of the State) has had an opportunity to submit comments to the Community Child Care Council and to the Secretary, and a similar opportunity has been extended to community action and other Head Start agencies, and educational agencies responsible for the Follow-Through program, as well as to any Community Child Care Council designated to serve a city, where the plan is for only a part of a City. (subsection b).

Other general provisions govern the procedures regarding approval and disapproval of plans. (subsection c).

Section 106: *Project Applications.* This section provide that any public or private agency or organization, including community action agencies, single-purpose Head Start agencies, community corporations, parent cooperatives, public and private educational agencies and institutions, and public agencies shall be eligible to apply to the Community Child Care Council for financial assistance to be provided pursuant to a Community Child Care Plan. (subsection a).

Subsection (b) sets forth a broad range of services and activities for which funds may be made available including: (i) planning, developing, establishing, monitoring, and operating child development programs; (ii) the design, acquisition, construction, alteration, renovation, or remodeling of facilities for such programs; (iii) the development and conduct of a wide range of training programs; (iv) programs to teach the fundamentals of child development to parents, and other members of the family, as well as to youth and parents; (v) the establishment of child development information centers in the community; (vi) the provisions of necessary diagnostic and assessment services, as well as remedial programs to deal with medical, psychological, educational or other barriers; (vii) programs to strengthen the planning capability of agencies and organizations in the community including programs to assist in the establishment of organizations providing technical assistance including architectural design to help agencies and others interested in starting child development programs; (viii) transportation arrangements or expenses where necessary to make it possible for children of low-income families to participate in programs; (ix) monitoring and evaluation activities and such other activities as the Secretary deems appropriate. The Secretary is directed to promulgate regulations to ensure that full and impartial consideration is given to all project applications.

Section 107: *Applications for Designation of State Child Care Councils.* This section authorizes the Secretary to designate a State Comprehensive Child Care Council for each State, upon approval of an application for designation submitted by the Chief Executive of the state.

The key requirement for the State Council is that it be broadly representative of educational, welfare, health, manpower training and other State agencies interested in child development in the state, as well as other individuals, public and private organizations interested in child development. As in the case of the Community Child Care Council, not less than one-half of the membership of the Council must consist of parents of children enrolled in child development programs under the Act, chosen by democratic selection procedures, with the initial designation made on the basis of those children enrolled in Project Head Start programs. The Chief Executive of the State shall serve as the Chairman of the Council.

In addition, the application must evidence capacity of the Council to carry out responsibilities and designate an agency (which may be an existing agency or newly created) to implement State Child Care Assistance Plans under Section 109 and reviewing applications for designation and Child Care Plans on behalf of such council and making recommendations to the Council in respect thereto.

Section 108: *Responsibilities of State Councils*. This section outlines the principal responsibilities of the State Council: the preparation and submission of "State Child Care Assistance Plans" under section 109, the review of applications for designation of Child Care Councils and the review of Community Child Care Plans. Upon such reviews, the State Child Care Council is authorized to recommend to the Secretary any proposed changes deemed to be in the interest of maintaining the quality of programs and an equitable distribution of programs within the state, insuring cooperation and coordination, and encouraging the maximum utilization of available services and facilities within the State. (subsection a).

In order to carry out these responsibilities, the Council is authorized to obtain the services of staff, consult with other federal and state agencies, and utilize the facilities and services of such agencies. (subsection b). The Secretary is directed to reserve not less than 1 percent of the amount available for title I for the purposes of the section.

Section 109: *State Child Care Assistance Plans*. This section authorizes the Secretary to provide financial assistance under a "State Comprehensive Child Care Assistance Plan." The plan must set forth a description of purposes for which financial assistance will be used, and assures that assistance will be provided equitably within the State. (subsection a).

Under subsection (b) the services and activities for which financial assistance may be available shall include: (i) identifying child development goals and needs within the State; (ii) providing technical assistance (through State agencies and other organizations) to assist in the establishment of Community Child Care Councils, encourage the effective coordination between programs within the State, strengthen the educational, health, welfare and related components of programs to be conducted in the State; and assist in the acquisition or improvement of facilities for child development programs; (iii) conducting programs to train child development personnel; (iv) conducting programs providing for exchange of personnel between Community Child Care Councils and other agencies and organizations conducting programs in the state; (v) assessing the effect of research on programs; (vi) assessing the effect of state and local licensing codes on programs; (vii) conducting experimental, developmental, demonstration and pilot projects; and (viii) making recommendations to the Secretary, Community Child Care Councils and other agencies with respect to programs conducted under Title I.

Under Section 116(b), not less than ten percent of all funds allocated to the States for title I programs are reserved for services and activities under State Child Care Assistance Plan.

Section 111: *Direct Federal Funding*. This section authorizes the Secretary to provide financial assistance directly to any public or private agency or organization for the purposes set forth in Section 106, irrespective of whether a State or Community Child Care Council is serving such area, if he determines (in consultation with the Director of the Office of Economic Opportunity) that children of low-income families will not otherwise be equitable served or that the provision of such direct financial assistance is otherwise necessary to effect the purposes of the Act. (subsection a). Subsection (b) directs the Secretary to establish procedures to govern his receipt of information which may be the basis for a determination under subsection (a).

Section 112: *Special Conditions*. This section provides that no assistance is to be provided under the title unless the Secretary determines that (i) children participating in the programs will receive such educational, food, nutritional, health and related services as are necessary to provide each child with the opportunity to reach his full potential; (ii) to the fullest extent possible programs shall be subject to the direction of a governing board of parents and that provision has been made for extensive parental participation; (iii) priority has been given to the provision of services to children of low-income families from birth through the age of five; (iv) programs will be conducted with linkage between the home and the environment in which conducted; (v) in the case of programs carried out by a local educational agency, children will not be denied the benefits because of their attendance in private preschool programs; (vi) programs will provide for the participation of families who are not low-income families, wherever possible; (vii) programs shall meet federal standards promulgated under Section 208; (viii) special requirements shall apply as to construction; and (ix) special requirements as to training programs are met.

Section 113: *Non-Compliance or Absence of an Approved Plan*. This section defines the circumstances in which the Secretary may determine that a State or Community Child Care Council, or project sponsor is no longer complying with the requirements of the Act. (subsection a). No determination of non-compliance can be made without the concurrence of the Commissioner of Education or the Director of the Office of Economic Opportunity with respect to matters as to which concurrence was required under Section 201.

Section 114: *Federal Control Prohibited*. This section prohibits federal control over the personnel curriculum, method of instruction or administration of any educational agency or institution.

Section 115: *Matching Requirements*. This section provides for 80 percent sharing in the programs for any State or Community Child Care Council or agency, but permits greater sharing in the case of Community Councils where needed to insure equitable coverage of children of low-income families and authorizes varying sharing families to encourage contributions from private organizations. The non-federal share may be provided through public or private funds. Provision is made for application of non-federal contributions exceeding requirements to other programs.

Section 116: *Allocations*. This section allocates the funds appropriated under Title I as follows:

(a) 75 percent of funds are allocated among the states as follows: 30 percent (of the 75%) based upon the number of families having an annual income below the poverty level; 30 percent on the number of children under fourteen years of age of working mothers; and 40 percent on the number of children who have not attained six years of age. (Sec. 116(a)(2)).

(b) 6 percent of funds are to be available for financial assistance under the direct funding provisions of Section 111 to supplement programs conducted under other provisions of Title I for children of migrants, Indians, or children whose functional language is other than English. (Section 116(a)(1)(A) and (c)).

(c) 2 percent of funds are to be available for providing financial assistance as an incentive for the establishment by Community Child Care Councils of appropriate procedures for coordination and cooperation at the community level between agencies conducting child care programs and those conducting manpower employment and training programs assisted under other Federal laws. (Sec. 116(a)(1)(B) and (d)).

(d) 2 percent of funds are to be available for providing financial assistance as an incentive for the establishment by Community Child Care Councils of appropriate procedures for coordination and cooperation and continuity between preschool programs and educational and related programs conducted by Administrators of school systems at the community level. (Sec. 115(a)(1)(c) and (e)).

(e) 15 percent of funds are to be available to the Secretary for assistance under Title I without regard to apportionment.

The Section also provides for reallocations to ensure that funds available to Community action and other Head Start agencies are maintained (subsection f) and for other purposes (subsection d). Provisions for the publication of apporpionment criteria (subsection h) and for maintenance of effort by States and units of general local government are included. (subsection i).

TITLE II—SPECIAL FEDERAL RESPONSIBILITIES

Part A Research, evaluation, training, and special provisions

Section 201: *Administration of Programs*. This section directs the Secretary to establish in the Department of Health, Education and Welfare, an Office of Child Development as the principal agency for programs and activities relating to child development and for the carrying out of the provisions of the Act. (subsection a). The concurrence of the Commissioner of Education and of the Director of the Office of Economic Opportunity must be obtained with respect to programs or program components to be conducted by educational agencies and institutions and by community action and other Head Start agencies respectively.

Section 202: *Research*. This section directs the Secretary to establish a comprehensive program of research in the field of child development and to establish a program for the continuing dissemination of results of such research to State and Community Child Care Councils and other organizations to insure effective programmatic use of knowledge.

Section 203: *Demonstration*. This section directs the Secretary to establish a program of experimental, developmental and similar projects to evaluate the effectiveness of specialized methods in meeting the Nation's needs for child development programs, including the testing of programs involving of tuition assistance, purchase, voucher or similar plans and to encourage the development of child development services and facilities at a near places of business.

Section 204: *Information and Personnel Exchanges*. This section directs the Secretary to develop jointly with State and Community Child Care Councils a comprehensive program for the exchange of personnel and of information regarding programs in various communities.

Section 205: *Evaluation*. This section directs the Secretary to develop new and improved methods of evaluation of programs under the Act and to insure that evaluations are conducted by agencies and organizations independent of agencies participating in such programs at the community level.

Section 206: *Training of Child Development Personnel*. This section amends section 531(b) and 532 of the Higher Education Act of 1962 to provide greater funds for personnel for child development programs and Section 205(b)(3) of the National Defense Education Act, to make scholarships available for that purpose. The section is designed to supplement training activities pursuant to Child Care Assistance Plans and Community Child Care Plans under Title I.

Section 207: *Special Studies*. This section directs the Secretary (in consultation with the Secretary of Labor and Director of the Office of Economic Opportunity) to make continuing studies to determine the need for and availability of child development personnel, to make recommendations to the President and the Congress in respect thereto, and to promulgate guidelines for task and skill requirements for specific jobs and recommended job descriptions in the child development field.

Section 208: *Federal Standards for Child Development Programs.* This section establishes the authority for the promulgation of federal standards for child development programs.

Section 209: *Development of Uniform Code for Facilities.* This section directs the appointment of a special committee to develop a uniform code for facilities dealing with the health, safety and physical comfort of children, to be used in licensing facilities, and directs the Secretary to encourage their adoption by State and local governments. The Committee is to be comprised of parents of children enrolled in child development programs, representatives of state and local licensing agencies, public health officials, and others; not less than one-half of the Committee must consist of parents of children enrolled in Head Start programs and programs conducted under Title IV B of the Social Security Act.

Section 210: *Use of Federal, State and Local Governmental Facilities for Child Development Programs.* This section directs the Secretary after consultation with other officials of the Federal Government to report to the Congress the extent to which facilities owned or leased by Federal departments, agencies and independent authorities could be used for child development programs, during times and periods when not utilized fully for usual purposes, and authorizes the Secretary to require a similar review and report on the part of any State or local unit of general local government as a condition to the receipt of assistance under the Act.

Section 211: *Advisory Committee Established.* This section requires the establishment of a broadly representative National Child Development Advisory Committee, given a broad mandate to assess the Nation's needs, review the administration of programs, and make recommendations in respect thereto.

Section 212: *Authorizations.* This section authorizes for Part A the sum of $75,000,000 for fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; $100,000,000 for the fiscal year ending June 30, 1975.

Part B—Special child development programs for Federal employees

Section 221: *Program Authorized.* This section authorizes the Secretary to enter into agreements and provide technical assistance to Federal Departments, agencies and independent authorities and public and private agencies and organizations for programs for the children of employees of the federal government. (subsection a). In order to qualify, programs must meet the substantive requirements set forth for programs under Title I and provide a means of determining priority of eligibility, a scale of fees, and incorporation with Child Care Plan Programs under Title I. (subsection b).

Under the section, 800/0 matching is available. (subsection d). Programs cannot be conducted without approval of the plan from the head of the agency involved and the heads of agencies are authorized to make available space to such programs. (subsections (c)(e)).

Section 222: *Advisory Committee on Child Development Programs for Federal Employees.* This section directs the Secretary to appoint a special Advisory Committee on Child Care programs for Federal Employees, composed of one official and one parent from each of the Cabinet Departments and an official and a parent from each of three other agencies or authorities of the Federal Government. The Committee is responsible for identifying the child development needs of children, reviewing plans submitted pursuant to Section 222, assessing and evaluating the extent to which child development programs are sufficient to meet the needs and making recommendations for the further development programs for federal employees.

Section 223: *Authorization of Appropriations.* This section authorizes for Part B $50,000,000 for fiscal year ending June 30, 1973 and $75,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

TITLE III. GENERAL PROVISIONS

Section 301: *Advance Funding.* This section authorizes advance funding under the Act and transitions to such funding.

Section 302: *Definitions.* This section defines "child," "child development program," "children of low income families," "parent," "poverty level," "Secretary," and "state."

Section 303: *Nutritious Commodities.* This section directs the Secretary of Agriculture, in consultation with the Secretary of Health, Education and Welfare, to make commodities available for child development programs under existing laws.

Section 304: *Legal Authority.* This section authorizes the Secretary to prescribe rules, regulations, guidelines.

Section 305: *Labor Standards.* This section requires the application of the provisions of the Davis-Bacon Act.

Section 306: *Interstate Agreements.* This section provides for interstate agreements for programs under the Act.

Section 307: *Effective Date.* This section makes the Act effective July 1, 1972.

Section 308: *Repeal, Consolidation and Coordination.* This section repeals section 222(a)(1), Part B of title V and Sections 16(2)(b), 123(a) and 312 of the Economic Opportunity Act of 1964.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1430, 1431, 1432, and 1434.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

RELIEF TO CERTAIN FORMER OFFICERS OF THE SUPPLY CORPS AND THE CIVIL ENGINEER CORPS

The bill (H.R. 8663) to amend the act of September 20, 1968 (Public Law 90–502), to provide relief to certain former officers of the Supply Corps and Civil Engineer Corps of the Navy was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1417), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill is designed to correct an inequity in the payment of severance pay to certain former officers of the Supply Corps and Civil Engineer Corps of the Navy.

BACKGROUND

This legislation is intended to eliminate inequities in the payment of severance pay in the cases of former line officers of the Navy who had transferred to the Supply and Civil Engineer Corps and were discharged because of having twice failed of selection for either lieutenant or lieutenant commander. Such former officers, unlike their line contemporaries, were entitled to severance pay based only on the service in one of the aforementioned staff corps. Their prior service in the line was not authorized to be credited for the purpose of computing severance pay entitlement.

The act of September 20, 1968, Public Law 90–502 corrected this problem prospectively. However, it did not correct the problem for those officers who were discharged prior to the enactment of Public Law 90–502. As a consequence, a number of individuals adversely affected have succeeded in being the beneficiaries of private relief legislation. However, since there are other individuals similarly situated who, as yet, have not obtained private relief legislation, equity requires that we enact general corrective legislation on this problem.

Therefore, H.R. 8663, if enacted, would provide relief for such officers by changing the effective date of the major amendment of 10 U.S.C. 6388 to August 7, 1947, the date of the enactment of the Officer Personnel Act of 1947, Public Law 80–381, which is the statute from which 10 U.S.C. 6388 is derived.

DEPARTMENTAL POSITION

The Department of Defense, by letter dated November 19, 1969 supports the provisions of H.R. 8663 and advises that the Bureau of the Budget concurs in the Department's position on this matter. The letter from the Department of Defense is set forth below and hereby made a part of this report.

CONVEYANCE OF CERTAIN PROPERTY TO JOHN AND RUTH RACHETTO

The bill (H.R. 14421) to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1418), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill, H.R. 14421, directs the Secretary of the Interior to convey to John and Ruth Rachetto of Deadwood, S. Dak., all the interest of the United States in certain lands in Lawrence County, S. Dak. The Rachettos would be required to pay the fair market value of the land plus any additional costs of making the conveyance.

BACKGROUND

The Rachetto family has used and occupied this land since 1917 when they purchased it as an unpatented mining claim. Apparently, for some years they felt they had full title to the land but subsequently learned they did not. In 1963 Frank and John Rachetto filed a color of title application. This application was rejected because it was based upon an unpatented mining claim and because the Rachettos had stated in the application they had known since 1938 that they did not have a clear title. In 1965, Frank and John Rachetto filed under the Mining Claims Occupancy Act (30 U.S.C. 701–709), to acquire title to the land embracing their improvements. In order to get title to this 4.9 acres, for which patent was issued on March 4, 1966, they relinquished to the United States their interest in the mining claims.

The remaining land, which consists of 79.79 acres, has been cleared and improved by the Rachettos, and today the majority of it is used to raise alfalfa and for grazing of livestock.

Recently this land, together with some additional acreage, was leased for grazing purposes to Mr. Delbert Prickett. Subsequently, Ruth and John Rachetto also filed for a grazing lease on the same land and protested the issuance of the lease to Mr. Prickett. On May 5, 1969, the Prickett lease was canceled so the land, at this time, is not under lease for any purpose.

The area is rural, but is within a short driving distance of Deadwood, Lead and Sturgis. The land has been used for grazing purposes but may have some potential for homesites. The Bureau of Land Management has estimated that the land, if sold, might bring $700 an acre. The U.S. Geological Survey reports that the land is in a mineralized area and that minerals have been found and extracted from this general area. However, during the period of occupancy by the Rachettos, there has been no production of minerals from these lands. The lands are not valuable for oil and gas.

In order to avoid the cost of a survey, the House Committee on Interior and Insular Affairs adopted an amendment that was suggested by the Department to include all of lot 8 in the bill. This increased the land area from 68.34 to 79.79 acres. An additional amendment proposed by the Department was also adopted by the House committee requiring the Rachettos to make application for the land and to pay its appraised value within 1 year after modification.

COMMITTEE RECOMMENDATION

The Senate Interior and Insular Affairs Committee recommends that the bill be enacted.

COST

Enactment of the bill will not involve expenditures of Federal funds.

AMENDMENT OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT

The bill (S. 4571) to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

Section 1. Section 204(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat. 1043; 50 U.S.C. 403 note), is amended by striking subsection (3) and inserting the following in lieu thereof:

"(3) 'Child', for the purposes of sections 221 and 232 of this Act, means an unmarried child, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lived with the participant in a regular parent-child relationship, under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support, or such unmarried child between eighteen and twenty-two years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child whose twenty-second birthday occurs prior to July 1 or after August 31 of any calendar year, and while he is regularly pursuing such a course of study or training, shall be deemed for the purposes of this paragraph and section 221(e) of this Act to have attained the age of twenty-two on the first day of July following such birthday. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the Director that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim. The term 'child', for purposes of section 241, shall include an adopted child and a natural child, but shall not include a stepchild.".

Sec. 2. Section 221(e) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended to read as follows:

"(e) The commencing date of an annuity payable to a child under paragraph (c) or (d) of this section, or (c) or (d) of section 232, shall be deemed to be the day after the annuitant or participant dies, with payment beginning on that day or beginning or resuming on the first day of the month in which the child later becomes or again becomes a student as described in section 204 (b)(3), provided the lump-sum credit, if paid, is returned to the fund. Such annuity shall terminate on the last day of the month before (1) the child's attaining age eighteen unless he is then a student as described or incapable of self-support, (2) his becoming capable of self-support after attaining age eighteen unless he is then such a student, (3) his attaining age twenty-two if he is then such a student and not incapable of self-support, (4) his ceasing to be such a student after attaining age eighteen unless he is then incapable of self-support, (5) his marriage, or (6) his death, whichever first occurs.".

Sec. 3. Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting the last two sentences of paragraph (f), and adding the following new paragraphs (i), (j), and (k):

"(i) Except as otherwise provided, the annuity of a participant shall commence on the day after separation from the service, or on the day after salary ceases and the participant meets the service and the age or disability requirements for title thereto. The annuity of a participant under section 234 shall commence on the day after the occurrence of the event on which payment thereof is based. An annuity otherwise payable from the fund allowed on or after date of enactment of this provision shall commence on the day after the occurrence of the event on which payment thereof is based.

"(j) An annuity payable from the fund on or after date of enactment of this provision shall terminate (1) in the case of a retired participant, on the day death or any other terminating event occurs, or (2) in the case of a survivor, on the last day of the month before death or any other terminating event occurs.

"(k) The annuity computed under this section is reduced by 10 per centum of a special contribution described by section 252(b) remaining unpaid for civilian service for which retirement deductions have not been made, unless the participant elects to eliminate the service involved for the purpose of annuity computation.".

Sec. 4. Section 236 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting the words "nor a total of four hundred" and substituting the words "nor a total of eight hundred".

Sec. 5. Section 252 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting paragraph (c)(1); renumbering paragraphs (c)(2) and (c)(3) to read (c)(3) and (c)(4); and inserting the following new paragraphs (c)(1) and (c)(2):

"(c)(1) If an officer or employee under some other Government retirement system becomes a participant in the system by direct transfer, the Government's contributions (including interest accrued thereon computed at the rate of 3 per centum a year compounded annually) under such retirement system on behalf of the officer or employee shall be transferred to the fund and such officer or employee's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to his credit in the fund effective as of the date such officer or employee becomes a participant in the system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the system.

"(c)(2) If a participant in the system becomes an employee under another Government retirement system by direct transfer to employment covered by such system, the Government's contributions (including interest accrued thereon computed at the rate of 3 per centum a year compounded annually) to the fund on his behalf shall be transferred to the fund of the other system and his total contributions and deposits, including interest accrued thereon, except voluntary contributions, shall be transferred to his credit in the fund of such other retirement system effective as of the date he becomes eligible to participate in such other retirement system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the fund on account of service rendered prior to his becoming eligible for participation in such other system.".

Sec. 6. Section 252 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by adding the following new paragraph (g):

"(g) For the purpose of survivor annuity, special contributions authorized by paragraph (b) of this section may also be made by the survivor of a participant.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1419), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The bill makes certain changes in the CIA Retirement Act of 1964 which will conform to provisions enacted into law with respect to the Civil Service Retirement Act. The bill also makes two other changes.

The conforming amendments deal with definitions relating to child survivors, commencement date for annuities and a formula for crediting prior Federal service not covered by contribution. The remaining two changes provide for transfer of employer contributions into and out of the CIA retirement fund and increase the ceiling on retirements.

BACKGROUND

The CIA Retirement Act was enacted to provide a comprehensive retirement and disability program for a limited number of employees whose duties either were in support of Agency activities abroad, hazardous to life or health, or so specialized as to be clearly distinguishable from normal Government employment.

The Central Intelligence Agency operates under two retirement systems—the regular civil service retirement system for the majority of its employees and the one established under the CIA Retirement Act for a smaller number. The primary purpose of the latter system is to sustain a shorter career base for service where the conditions of employment are substantially different from those associated with normal Government employment. Key provisions of the CIA Retirement Act include a straight 2-percent factor in the computation formula and retirement eligibility at age 50 after 20 years of service, both modeled after civil service provision for certain personnel involved in law enforcement activities (5 U.S.C. 8336(c)). Other provisions of the CIA Retirement Act are, for the most part, also patterned after those of the civil service requirement system.

As the principal features of the CIA and the civil service systems are the same, failure to keep pace with civil service improvements tends to dilute the effectiveness of the CIA retirement system, especially where comparability once existed.

Public Law 90-539 (bringing the cost-of-living provision of the CIA Retirement Act back into consonance with the civil service retirement system) and Public Law 91-185 (incorporating the benefits of the McGee-Daniels bill) serve as precedent for the approval of conforming amendments for the CIA Retirement Act as proposed in this report.

AMENDMENT OF THE FOREIGN SERVICE BUILDING ACT TO AUTHORIZE ADDITIONAL APPROPRIATIONS

The bill (H.R. 18012) to amend the Foreign Service Building Act, 1929, to authorize additional appropriations was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1420), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill authorizes the appropriation of $15 million and $15,900,000 for fiscal years 1972 and 1973, respectively, for the operation and maintenance of Foreign Service buildings. The comparable figures for fiscal years 1970 and 1971 were $13,500,000 and $14,300,000, respectively.

BACKGROUND

The Foreign Service buildings program was launched in 1926 and over the years properties, including long-term leases, have been accumulated at a cost of approximately $260 million but estimated to be worth twice that amount at the present.

The Foreign Service Buildings fund is divided into two accounts: (1) the capital account which finances construction, acquisition, and long-term leases of buildings; and (2) the operations account which provides funds for improvements to existing properties, recurring lease-hold payments, the maintenance, repair, and operation of buildings, furniture and furnishings and equipment for buildings, supervision of construction and administration.

The capital account does not require replenishment at this time, there being an unutilized balance of $31,380,000 authorized for this purpose by Public Laws 88-94 and 89-636. In addition, proceeds from sales of Foreign Service Buildings surplus properties and foreign currencies (subject to appropriation) are available.

For the information of the Senate, however, the Department of State submitted its justifications for those new capital projects with which it plans to proceed under current authority. A summary of these proposals follows:

DEPARTMENT OF STATE, FOREIGN BUILDINGS OPERATIONS

General statement

The accompanying summary and project justifications will identify new capital projects that are now urgently required. These requirements have not previously been presented for the committee's review. Favorable consideration of these projects will not require additional legislative authority for the appropriation of funds. Their costs will be covered by the existing balance of funds to be appropriated within the authority granted under Public Law 88-94 and Public Law 89-636.

ADDITIONAL PROJECTS TO BE INCLUDED WITHIN PRESENT AUTHORIZATION—ACQUISITION, DEVELOPMENT, AND CONSTRUCTION PROGRAM

[In thousands of dollars]

Country and post	Project [1]	Total program	Unimproved land	Improved property	Development	Construction
Area AF:						
Central African Republic, Bangui	OB	100	80		20	
Kenya, Nairobi	OB	2,000				2,000
Morocco, Casablanca	OB	45			45	
Tunisia, Tunis	ER	30			30	
Subtotal, AF		2,175	80		95	2,000
Area ARA:						
Argentina, Buenos Aires	OB	3,800				3,800
Brazil, Brasilia	DCMR	180				180
Do	SOR-6	360		360		
Do	SA-20	500		500		
Do	SH-3	105		105		
Subtotal, Brazil		1,145		965		180
Venezuela, Caracas	OBX	738		738		
Subtotal, ARA		5,683		1,703		3,980
Area EA: Korea, Seoul	OB	150			150	
Area EUR:						
Canada, Montreal	OB	60			60	
Germany, Bonn	OB	265			265	
Hungary, Budapest	ER	295			20	275
Portugal, Lisbon	OB	115			115	
Subtotal, EUR		735			460	275
Area NEA: Saudi Arabia, Jidda	OBX	275			25	250
Grand total		9,018	80	1,703	730	6,505

[1] Explanation of project symbols: OB—Office building; ER—Embassy residence; DCMR—Deputy chief of mission residence; SOR—Senior officer residence; SA—Staff apartments; SH—Staff housing; OBX—Office building extension.

The operations account, on the other hand, is authorized only through the current fiscal year. On May 15, 1970, the Senate received the following letter from the Assistant Secretary of State for Congressional Relations:

MAY 13, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of State encloses, and recommends for your consideration, proposed legislation to amend the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292-301) to provide continuing authorization for the operation expenses of the buildings program after fiscal year 1971.

The Foreign Service Buildings Act was last amended by Public Law 90-442, enacted July 30, 1968. That act authorized appropriations not to exceed $13,500,000 in fiscal year 1970 and $14,300,000 in fiscal year 1971 for the regular operating expenses of the buildings program.

Under the Foreign Service Buildings Act, the Department of State has acquired office buildings, support facilities, residences and staff housing having an estimated value of about twice their total cost of $279,500,000. This legislative request seeks continuing authority, after fiscal year 1971, to seek appropriations in the amounts necessary to operate, maintain and administer these properties. These costs include minor improvements to existing properties, recurring payments on long-term leases of buildings, the maintenance, operation and repair of buildings, initial and replacement furnishings for new acquisitions and existing properties the costs of supervision of construction projects, and the administration of the program.

During the hearings, the Department also will present for committee review some new capital projects, in addition to projects approved by the committees in hearings on Public Law 88-94 of August 12, 1963, and 89-636 of October 10, 1966. Ample appropriation authority remains under these bills, but new projects of higher priority have arisen since 1966 and the Department desires to advise the interested committees about these projects. Legislation is not required for this aspect of the hearings.

The Department of State has been informed by the Bureau of the Budget that there is no objection to this proposal from the standpoint of the administration's program.

A letter similar in content is being sent to the Speaker of the House.

Sincerely,

DAVID B. ABSHIRE,
Assistant Secretary for Congressional Relations.

It is to be noted that the administration requested an open-ended authorization for the operations of the Foreign Service buildings program which would have been a return to the pre-fiscal year 1964 situation.

COMMITTEE ACTION AND RECOMMENDATION

In lieu of the open-ended authorization, H.R. 18012, as introduced in the House and passed by it, contains a 2-year authorization for fiscal years 1972 and 1973 for $15 million and $15,900,000 respectively. At an executive hearing on October 7, 1970, the principal State Department witnesses, Earnest J. Warlow and O. C. Ralston, Director and Deputy Director of the Office of Foreign Buildings, testified in support of H.R. 18012 as it had the House. The amounts recommended are based on the Department's own estimate of needs as shown in the following table:

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD—SUMMARY OF OPERATING ACCOUNT

[In thousands of dollars]

Activity	Fiscal year — Actual 1969	Actual 1970	Estimate 1971	Estimate 1972	Estimate 1973
Operating account:					
Minor improvements	587	814	823	862	929
Leasehold payments	626	644	597	585	585
Operation of buildings	5,400	5,613	5,950	6,300	6,680
Maintenance of repair of buildings	3,061	3,208	3,500	3,660	3,840
Furniture, furnishings and equipment:					
New projects	392	98	330	350	500
Additional, replacement and repair	1,006	1,107	1,200	1,272	1,350
Project supervision	371	476	530	540	565
Administration	1,237	1,343	1,370	1,431	1,451
Total operations	12,680	13,303	14,300	15,000	15,900

The larger sums are necessitated because of a worldwide increase in wages and prices.

At the same meeting, the Committee on Foreign Relations voted to report the bill favorably to the Senate once it was received from the House of Representatives.

The committee is unaware of any opposition to the request for these funds. It goes without saying that it is imperative that our buildings abroad continue to be maintained and operated effectively. The committee recommends that the Senate pass H.R. 18012 promptly so that these amounts can be included in the President's forthcoming budget.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the amendments of the House to the bill (S. 3785) to amend title 38, United States Code, to authorize educational assistance to wives and children, and home-loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. ASHLEY, Mr. WIDNALL, Mrs. DWYER, and Mr. STANTON were appointed managers on the part of the House at the conference.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following letters, which were referred as indicated:

REPORT OF MIGRATORY BIRD CONSERVATION COMMISSION

A letter from the Acting Secretary of the Interior, Chairman, Migratory Bird Conservation Commission, transmitting, pursuant to law, a report of the Commission for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Commerce.

WATER POLLUTION

A letter from the Administrator, Environmental Protection Agency, Washington, D.C., reporting the intention of that Agency to submit results of an alternative financing study after December 31, 1970, but in any event, no later than June 30, 1971; to the Committee on Public Works.

PETITION

A petition was laid before the Senate and referred, as indicated:

(By the ACTING PRESIDENT pro tempore (Mr. EAGLETON):

A resolution adopted by the National Coal Association, Washington, D.C., praying for the restoration of the ability of the railroads to transport coal to consumers; to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, without amendment:

S. Res. 480. Resolution to extend the date for the making of a final report by the Select Committee on Equal Educational Opportunity (Rept. No. 91–1427).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 15805. An act for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid (Rept. No. 91–1428).

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, without amendment:

S. 4262. A bill to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown (Rept. No. 91–1429).

(The remarks of Mr. BYRD of West Virginia when the bill was passed appear later in the RECORD under the appropriate heading.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. TYDINGS, from the Committee on the District of Columbia:

Jeremiah Colwell Waterman, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia.

By Mr. ERVIN, from the Committee on the Judiciary:

Robert C. Mardian, of California, to an Assistant Attorney General;

Hubert I. Teitelbaum, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania;

Harry W. Wellford, of Tennessee, to be a U.S. district judge for the western district of Tennessee;

Donald R. Ross, of Nebraska, to be a U.S. circuit judge for the eighth circuit; and

Franklin T. Dupree, Jr., of North Carolina, to be a U.S. district judge for the eastern district of North Carolina.

PRINTING OF REPORT ON UNIVERSITY WASH AND SPRING BROOK, RIVERSIDE, CALIF. (S. DOC. NO. 91–116)

Mr. BYRD of West Virginia. Mr. President, on behalf of my colleague (Mr. RANDOLPH), I present a letter from the Secretary of the Army, transmitting a favorable report dated June 10, 1970, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on University Wash and Spring Brook, Riverside, Calif., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted May 22, 1959. I ask unanimous consent that the report be printed as a Senate document and referred to the Committee on Public Works.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 4576. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. MANSFIELD when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. JAVITS:

S. 4577. A bill to provide for a comprehensive program of community-based and coordinated child development programs; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. EAGLETON:

S. 4578. A bill for the relief of Emil and Edith Anna Giesti; to the Committee on the Judiciary.

By Mr. DODD:

S. 4579. A bill for the relief of Silvestre Fernandes; to the Committee on the Judiciary.

By Mr. METCALF:

S. 4580. A bill to establish the Missouri Breaks Scenic Recreation River in the State of Montana; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. METCALF when he introduced the bill appear below under the appropriate heading.)

S. 4580—INTRODUCTION OF A BILL TO ESTABLISH THE MISSOURI BREAKS SCENIC RECREATION RIVER IN MONTANA

Mr. METCALF. Mr. President, I introduce, for appropriate reference, a bill for establishment of a scenic recreation river along the Missouri from Robinson Bridge to Fort Benton in Montana. This reach of the river is historic, it still has traces of Lewis and Clark; it has tremendous recreational potentialities and it has game and wildlife that are attractive to the hunter and fisherman.

The preservation of this reach of the river and at the same time the recognition of its other values will contribute to the best and highest use of this resource.

There are provisions in the bill for wild river areas, for scenic river areas and for recreational areas readily accessible by road.

This development of the Missouri will protect the historic sites, provide for recreation and hunting and fishing and preserve the area.

The bill is introduced at this late stage in the session to have comments, opinions and points of view in order that definite legislation may be considered next session.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4580) to establish the Missouri Breaks Scenic Recreation River in the State of Montana, introduced by Mr. METCALF, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 4580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established the Missouri Breaks Scenic Recreation River (hereinafter called the "River"). The River shall consist of the waters of the Missouri River and not to exceed 180,000 acres of land and interests therein along the Missouri River approximately 175 miles from Robinson Bridge to Fort Benton. The boundaries of the River as of the date of approval of this Act are shown on the map entitled "Missouri Breaks Scenic Recreation River" on file in the Office of the Director, Bureau of Land Management, Department of the Interior where it shall be available for public inspection. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the River by publication in the *Federal Register* of a revised drawing or other boundary description.

SEC. 2. (a) The Secretary shall administer the River in accordance with the Taylor Grazing Act, as amended (43 U.S.C. 315–315r) and any other authority available to him for the management and conservation of natural resources and the protection and enhancement of the environment, and under principles of the multiple use and sustained yield of the several resources thereon consistent with the maintenance of the scenic and recreation qualities of the River.

(b) The Secretary shall designate portions of the River as "Recreation River," "Scenic River" and "Wild River" in accordance with the following guidelines:

(1) Wild river areas—Those sections of the River that are free of impoundments and generally inaccessible except by trail, with wateresheds or shorelines essentially primitive and waters unpolluted.

(2) Scenic river areas—Those sections of the River that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas—Those sections of the River that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

(c) After consultation with States and local governments and the interested public the Secretary shall establish a plan of management, and, where suitable, of development, for each of the designated areas. He is authorized to enter into cooperative agreements with other Federal agencies and with State and local governments for administration of the River.

(d) The Secretary may issue easements, licenses, or permits for rights-of-way through, over or under the lands in Federal ownership within the River, or for the use of such lands on such terms and conditions as he deems necessary.

(e) The Secretary shall permit hunting and fishing in the areas of the River in accordance with applicable Federal and State laws, except that he may designate zones where, and periods when, no hunting or fishing shall be permitted for reasons of public safety or administration.

SEC. 3. (a) The Secretary may acquire not more than 30,000 acres of lands, waters, and interests therein, including, but not limited to, scenic easements, within the boundaries of the River, by donation, purchase with donated or appropriated funds, exchange, or otherwise. In exercising his exchange authority, the Secretary may accept title to any non-Federal property within the boundaries of the River and in exchange therefor he may convey to the grantor any federally owned property under his jurisdiction which is located in the State of Montana which he classifies as suitable for exchange. The values of the properties so exchanged shall be approximately equal, or if they are not, the values shall be equalized by the payment of cash to the grantor or the Secretary as the circumstances require.

(b) Federal property located within the River may, with the concurrence of the department or agency having administrative jurisdiction thereof, be transferred, without transfer of funds, to the administrative jurisdiction of the Secretary for administration under this Act.

(c) When a tract of land is only partially within the boundaries of the River, the Secretary may acquire the entire tract in order to avoid the payment of severance costs. Lands so acquired outside the boundaries of the River may be exchanged by the Secretary for non-Federal land within such boundaries, and any portion of said land not utilized for such exchange may be sold competitively by the Secretary for not less than fair market value.

SEC. 4. Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws on lands within the River except that:

(a) No prospecting or mining operations shall be commenced or conducted or mining claims located after the effective date of this Act until the Secretary has promulgated such regulations controlling prospecting and mining as he deems necessary to achieve the purposes of this Act.

(b) Subject to valid existing rights, any patent issued on any mining claim within the River shall convey title only to the mineral deposits and shall convey only such rights to the use of the surface and the surface resources as are reasonably required to carry on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary.

SEC. 5. (a) The Secretary shall encourage the State, regional, county and municipal authorities to adopt and enforce adequate master plans and zoning ordinances which will require the use and development of private property within and adjacent to the River in a manner consistent with the purposes of this Act. The Secretary may provide to such State, regional, county and municipal authorities technical assistance in the development and adoption of such plans and ordinances.

(b) The Secretary may refrain or agree to refrain from exercising his authority to acquire private property within the boundaries of the River as long as he finds the applicable plan or ordinance continues to promote the use and development of such property in a manner compatible with the purposes of this Act.

SEC. 6. No water impoundments or diversions shall be constructed on any portions of the River designated as "Wild River" or "Scenic River."

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. To the extent feasible acquisition and development of camp sites and historical sites shall be given priority in expenditure of funds.

SENATE RESOLUTION 493—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 493); which was referred to the Committee on Rules and Administration:

S. RES. 493

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $7,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 335, Ninety-first Congress, agreed to February 16, 1970, authorizing a complete study of any and all matters pertaining to constitutional amendments.

NOTICE OF HEARING ON NOMINATIONS

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary I desire to give notice that a public hearing has been scheduled for Thursday, December 17, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Robert E. Varner of Alabama, to be a U.S. district judge for the middle district of Alabama, vice a new position created by Public Law 91-272, approved June 2, 1970.

William H. Webster of Missouri, to be a U.S. district judge for the eastern district of Missouri, vice a new position created by Public Law 91-272, approved June 2, 1970.

H. Kenneth Wangelin of Missouri, to be a U.S. district judge for the eastern and western districts of Missouri, vice a new position created by Public Law 91-272, approved June 2, 1970.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

NOTICE ON NOMINATIONS PENDING BEFORE JUDICIARY COMMITTEE

Mr. ERVIN. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Clarence A. Butler, of Maryland, to be U.S. marshal for the district of Maryland, for the term of 4 years, vice Frank Udoff.

Donald W. Wyatt, of Rhode Island, to be U.S. marshal for the district of Rhode Island for the term of 4 years, vice Peter J. Foley.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, December 17, 1970, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS OF SENATORS

SOCIAL SECURITY, WELFARE REFORM, AND TRADE BILLS SHOULD BE CONSIDERED SEPARATELY

Mr. SA–BE. Mr. President, on Wednesday the Committee on Finance completed action on the controversial social security-welfare bill (H.R. 17550). The bill, which is scheduled for Senate consideration next week, is shaping up as an abomination, having more pitfalls than advantages. I submit that the Americans most in need of help would be the ones damaged if we do not change this bill.

My opinion is that the several legislative proposals are at cross-purposes with each other and should be separated for individual consideration. We must not neglect them by strained debate and limited discussion in the waning days of the 91st Congress.

Before extensive rhetoric begins on this carefully but unwisely wrapped Christmas package. I should like to submit for the consideration of Senators a short note from Mrs. R. N. Wilson of Chagrin Falls, Ohio. I completely agree with its content, which is distinguished by its clarity of thought and its brevity. Mrs. Wilson's letter is as follows:

DEAR SENATOR SAXBE: The irresponsible coupling of the Social Security, Welfare Reform, and Trade Restriction bills is an affront to the American people.

The Welfare Reform Bill must be passed on its own merits and the Trade Restriction bill must be defeated.

Please, as a representative of sane, responsible people, can you work toward that end?

Yours truly,

MARY K. WILSON.

COLLEGE IS TOGETHERNESS

Mr. MANSFIELD. Mr. President, both the desire and needs for the attainment of advanced education have become an inherent part of the American way of life. We most often attribute these accomplishments to the youth of the Nation. I recently received a letter from a group of fine students at Northern Montana College, at Havre, Mont., drawing my attention to the educational accomplishments of the Lyle Heydon family. I consider the esteem and affection with which fellow students regard Pat Heydon to be a matter worthy of appropriate recognition. Therefore, I ask unanimous consent that an article from the Great Falls Tribune, under the byline of Pat Petty, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHEN IT'S ALL IN THE FAMILY: COLLEGE IS TOGETHERNESS

(By Pat Petty)

Going to college is a family affair for the Lyle Heydon family of Havre.

It all started two years ago when the oldest Heydon daughter, Lyla, was so enthused with her first year at Northern Montana College that she talked her mother, Pat, into registering for classes.

Mrs. Heydon, who had never gone to college before, was hesitant, but Lyla persisted.

"She just kept after me to go," said Mrs. Heydon, "She had to drag me into register and she helped me fill out my registration forms and select my classes."

The Heydon women, both majoring in history and social science, made the honor roll after their first quarter as students together and have stayed on the honor roll ever since.

This fall two more members of the family, Tom, 23, and David, 18, registered for classes at NMC, making four students in the six-member family.

Lyle Heydon, an employee of Valley Furniture at Havre, has pitched in to help his wife and children by typing term papers for them. Sixth grader, Ann, helps with housework so her mother has more time to study.

Mrs. Heydon said she thinks going to college with her children has many advantages—cooperation at home—a college degree. But best of all, said Mrs. Heydon, is the opportunity for her to close the generation gap.

"At first I was afraid I would feel out of place in a classroom with all those youngsters," said Mrs. Heydon. "But from the first I was accepted completely by both students and faculty in my classes. It makes me think that if there is such a thing as a generation gap it hasn't been my generation that has caused it."

She said students often discuss their problems with her. "I think they feel that since I am in the classroom with them they can communicate with me although I am their parents' age."

Communication seems to be the key to any "generation gap," Mrs. Heydon continued.

"I think there really is a communication gap between parents and youth. Perhaps parents should take a good look at the things that bother their children—the grading system, pressure from home, pressure from school, financial pressures."

Pat Heydon said she got a new insight into youth when she started going to college with her own children.

"I sometimes get the impression that school is the only place where these youngsters feel they can be honest. They can't talk to their parents but people with problems need to talk to someone and some young people have no other place to go.

"Some of the things these kids tell me really hit home, especially what they say about modern values and life styles. But I like their honesty. They have a lot going for them and we parents are going to have to learn to listen to them and cooperate with our own youngsters at least as well as we do with our neighbors."

Mrs. Heydon said she is "closer to my daughter than I ever hoped would be possible. We can really sit down and talk over our problems."

She pointed out that many parents conceal too much from their children. "Parents want to protect their youngsters from the problems of life. For example, they will try to conceal a financial problem. However, young people usually know about these problems anyway; their parents just don't think they do."

Her own children understand the problems of having "Mother" in school, Mrs. Heydon said.

"We talked it over when I first started school and the whole family has really joined in a cooperative effort to keep the house straight and leave everyone time for study. We have a set routine each day and I haven't left for school a single morning without the dishes done and the beds made.

"The kids help out financially, too. My oldest son, who is married, works part-time at Valley Furniture to supplement his GI bill. David works part-time there, too. Lyla and I are both on advanced honor scholarships that pay most of our registration costs and Lyda does part-time secretarial work for the Salvation Army."

Mrs. Heydon, who at first worried she might embarrass her daughter by attending the same classes, doesn't worry about it anymore.

"The first quarter I avoided having the same classes as Lyda. But by the end of the quarter we were getting so much out of discussing similar courses we were taking that we deliberately got classes together the next quarter."

BRYCE HARLOW

Mr. SCOTT. Mr. President, one of the most able men to serve as an adviser to Presidents is again leaving public service. He will be missed.

Bryce Harlow, who has been counselor to President Nixon, will resume his business career. While we will miss him, we are pleased he is staying in Washington where the action is.

Bryce leaves the White House nearly 18 years after his first appointment by the late President Eisenhower. In 1953, he was a Special Assistant for Congressional Relations, and just 9 months later he was appointed Administrative Assistant to the President. During this period I worked with him and observed him closely as he prepared documents for the

President, speeches, messages to the Congress, and other policy matters.

Five years later Bryce was named Special Assistant to the late President Eisenhower and later Deputy Assistant to the President. Those of us who were in Congress then worked closely with him, as he was responsible for the direction of all congressional affairs of the President.

His exceptional ability and his record of accomplishments in dealing with Members of Congress undoubtedly were brought to mind when President Nixon made Bryce his first appointment to the White House staff as Assistant to the President for Congressional Relations.

In November 1969, the President appointed Bryce to be Counselor to the President, with Cabinet rank. He continued policy guidance of congressional relations, but not with the day-to-day operational detail, in order to be more available to the President for counsel. The function of a counselor is to anticipate events, to think through the consequences of current trends, to question conventional wisdom, to address fundamentals, and to stimulate long-range innovation. This he did—and this he did well.

Bryce Harlow will be missed.

REPORT OF THE NEW HAMPSHIRE COUNCIL ON AGING

Mr. McINTYRE. Mr. President, as we get closer to action on social security, I wanted all Senators to be aware of the excellent work that is being done by the New Hampshire Council on Aging, under the able leadership of Mrs. Elizabeth Lincoln. I have been tremendously impressed by the concerted effort of this group to involve themselves—in a close and personal way—with the elderly in my State.

I think the fruits of their labor are already becoming apparent. Recently, the council sponsored a forum in which 2,000 New Hampshire senior citizens participated. The purpose was to seek out answers, directly from our senior citizens, to the most pressing problems they face in their everyday life. The frank and open discussion which ensued was very productive in my view. And the information that was gained from the 1,233 questionnaires is proof of the correctness of their direct approach to solving the problems of the elderly. I know that it will be invaluable to me in my own personal efforts to try to determine how best we can meet their critical needs.

Accordingly, I ask unanimous consent to have printed in the RECORD the council's report on their findings and the resolution which the council recently passed expressing their support for the proposed social security legislation which will soon come before the Senate for consideration.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

OLDER AMERICANS COMMUNITY FORUMS A SUCCESS!

Nearly 2,000 of New Hampshire's older citizens participated in sixteen older Americans White House Conference Community Forums held in the state between September 24 and November 18. As a part of the Prolog Year of the 1971 White House Conference on Aging, the forums were designed to give older Americans the fullest opportunity to speak out about their needs and concerns. Mrs. Elizabeth K. Lincoln, Director, Services for Aging of the New Hampshire State Council on Aging said, "I consider the Community Forums to have been successful beyond our expectations, but the credit should go to the people in each community who worked on the Forums."

Each Forum from Berlin to Nashua and Claremont to Portsmouth was organized and run by local committees representing concerned agencies, local government and organized groups of older people. These committees performed all of the necessary tasks that made the Forums a success: they set agendas, arranged for the prepared publicity, provided transportation, and acted as leaders for the Forum activities. Both the American Association of Retired Persons and the National Council of Senior Citizens made major contributions through their members and chapters in the State. Other organizations and agencies who gave unstintingly of their support included local senior citizens clubs, the Office of Economic Opportunity, through its Community Action Program, and many churches and civic organizations throughout the state.

Attending each Forum were groups of Listeners composed of representatives from local and county government as well as state officials, ministers, representatives of state and local Social Security Offices, Child & Family Service Workers, the Visiting Nurse Association, and many others. Mr. James R. MacKay, Chairman of the New Hampshire State Council on Aging noted that, "the Community Forums are the first step in the process designed to develop a comprehensive national policy on aging, but much valuable work was done at the Forums. The Listeners were able to hear first hand, of the day to day problems and concerns of older people, from those very people." He continued, "by speaking out on the issues affecting them, the older people communicated to the community at large and the officials and professionals who can help them, what their priorities were. In Rochester, this has already lead to an increase in the number of planned housing units being constructed in that city for older citizens."

Among the priorities set at the Forums, income, health, housing, and transportation were most frequently mentioned as major concerns. At ten of the Forums, income was considered the most important need area and approximately 60% of the older people filling out questionnaires reported an income below $200 per month. At three of the Forums, housing was voted the most important need area and of the remaining three; health, transportation, and ending the Viet Nam War were voted as the top need areas. Nearly one-fourth of the respondents to the questionnaire felt that they had a health problem which needed attention and was not getting it. Over 30% said that they had trouble getting from their homes to places such as shopping, church or visiting friends.

The information gained at the Forums through questionnaires and discussions, is being employed in the planning of the national, state and local Conferences which will occur next year. Task Forces on the state and national level are examining each of nine needs areas and five needs meeting areas, in order to support the process of policy formulation at each Conference level. The needs area Task Forces are on (1) income, (2) health, (3) nutrition, (4) housing, (5) transportation, (6) employment and retirement, (7) education, (8) retirement roles and activities, (9) spiritual well-being. The needs meeting Task Forces cover (1) planning; (2) facilities, programs and services; (3) research and demonstration; (4) training; (5) government and non-government organization.

In February and March of 1971, approximately fifteen Community Conferences on Aging will be held throughout the state. Following the Community Conferences will be a State Conference on May 5 in Concord. At each of the Community Conferences participants, including older people themselves, service providers, professionals and scientists, administrators and executives in local government, and youth, will join together in small working groups to formulate policy in each of the needs areas and needs meeting areas. The same process will be followed at both the state and national Conferences, leading to a comprehensive national policy on aging by the end of the Conference Year. Following the Conference Year, policy will be implemented through programs at the national, state and local levels.

In order to facilitate the planning and running of the community and state conferences on aging, the State Advisory Committee for the White House Conference on Aging has been established.

This committee will be chaired by Harland Logan, former Majority Leader of the New Hampshire House of Representatives, other members of the Committee are: Dr. Arthur Adams, Consultant to the New England Center for Continuing Education at the University of New Hampshire; The Honorable Marshall W. Cobleigh, Speaker of the House; Mr. Remi Gendron, Director, Senior Citizens Center in Claremont and member of the National Council of Senior Citizens; Bishop Charles F. Hall of the Episcopal Diocese of New Hampshire; The Rev. David G. Hamilton, Rector of St. Paul's Church of Concord; Mr. Ray E. Kipp, American Association of Retired Persons, State Director, New Hampshire; The Rev. Msgr. John E. Molan, Director, New Hampshire Catholic Charities, Inc.; Mrs. Mary Mongan, Manchester Housing Auhority; Mrs. Carol Pierce; Member of Laconia Council on Aging; Representative George B. Roberts, Chairman of the Legislative Study Committee; Dr. James H. Schultz, Professor of Economics on leave from the University of New Hampshire to the Heller School of Social Work, Brandeis University; Senator Harry V. Spanos, Newport, New Hampshire; Dr. J. Duane Squires, former President of Colby Junior College; and Dr. Hugh L. C. Wilkerson, Deputy Director, New Hampshire Division of Public Health, Senator Laurjer Lamontagne of Berlin will serve as a special representative of the New Hampshire State Council on Aging to the Committee.

RESOLUTION OF A GROUP OF NEW HAMPSHIRE CITIZENS RESPONSIBLE FOR THE ORGANIZATION OF WHITE HOUSE COMMUNITY CONFERENCES IN NEW HAMPSHIRE, NOVEMBER 23, 1970

"Whereas, the Congress of the United States is currently in session; and

"Whereas, an issue before the Congress is the expansion and modification of the Social Security Laws, including the increase of Social Security payments to compensate for inflation, among other specific provisions, the basic bill (H.B. 17550) having already been passed by the House;

"Therefore, be it resolved that this group petition the New Hampshire Congressional Delegation, requesting speedy passage of this legislation, with the stipulation that the Delegation recognize that this proposed legislation is the minimum acceptable, and should not be considered to be the only legislation necessary to meet the real and pressing needs of the older Americans of New Hampshire."

Passed without dissenting vote in Concord, New Hampshire, November 23, 1970.

Forwarded to the Congressional Delegation by the New Hampshire State Council on Aging at the request of the group.

This was a statewide meeting of persons, mostly senior citizens, gathered for preliminary planning for Community White House Conferences on Aging to be held in New Hampshire during February and March. About 45 persons attended.

CONGRESS ON STRIKE

Mr. DOLE. Mr. President, the Nation is well aware of the railroad strike which began this morning, but how many Americans realize that Congress has been on strike for 11 months this year?

Today many are attempting to fix the blame for the railroad strike. The unions involved are blaming the railroad companies; the companies in turn are blaming the unions; commentators and news analysts have placed the onus in various quarters. Here on Capitol Hill some have decided that President Nixon should shoulder the major responsibility for the paralysis now gripping the Nation, while others are indicting both unions and management.

Well, Mr. President, I would certainly not wish to chill the exercise of free speech in America. Nor do I feel that either labor or management should be restricted in employing the full range of tools available to them in the collective-bargaining process.

But it is questionable for anyone on Capitol Hill to criticize the unions or companies involved in this strike or to fault the President for attempting to alleviate it.

How can Congress blame the parties or the President when the Senate and the House have been on strike all year?

It is probably too late now, as adjournment and the holidays quickly approach, to salvage much from this session of Congress. The point is, however, that the congressional work stoppage has had its effect, and the Nation's business has gone unfinished.

Mr. President, there is no excuse for Congress to allow major presidential initiatives to suffocate without even receiving the courtesy of votes on their merits. The President's revenue-sharing plan, the major administration proposal to accelerate estate and gift tax payments, significant innovations in consumer protection, emergency school aid, and the tax on leaded gasoline will all die without receiving congressional action.

So, Mr. President, I would suggest that when Members of Congress feel the temptation to blame parties to strikes and those who are working to avoid them and alleviate their effects, they stop and consider the strike record of Congress and be a bit slower to cast the first stone.

HUMAN RIGHTS DAY

Mr. KENNEDY. Mr. President, 12 years ago today, the United Nations adopted what many have since called the Magna Carta of Human Rights. For on December 10, 1948, the United Nations unanimously proclaimed the Universal Declaration of Human Rights.

Although this proud, affirmative declaration has not ended the struggle for human rights, and although we, ourselves, too frequently fail in our duties under the declaration, still, we cannot fail to recognize the enduring significance and continuing challenge the declaration embodies.

We must use this occasion, Mr. President, to reaffirm our Nation's longstanding commitment to the protection of human rights by reaffirming our support of humanitarian programs around the world. It is a commitment that even this past year we have failed to fulfill more than we should. We need only to think of the tragic plight of the Lithuanian seaman who tried 2 weeks ago to secure his rights under the declaration, or our tardy response last month in meeting the massive human needs of 2 million East Pakistanis ravaged by tidal waves.

So that we will understand how we must redouble our efforts to secure human rights, and in order to commemorate this important day, I ask unanimous consent that an essay on "Human Rights Day," written by William R. Frye, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Baltimore Sun, Dec. 6, 1970]

All of Us Violate Human Rights

(By William R. Frye)

United Nations, N.Y.—Once again, this week, the United Nations observes a little-known event which, in the long view of history, may be the most important single act of the world organization: the adoption December 10, 1948, of the Universal Declaration of Human Rights.

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world . . ." it begins.

And then, in 30 ringing articles, this global Magna Carta spells out the kind of life "all members of the human family" should be allowed to live. It would be hard to find a single article that is not being flagrantly violated today. But so is every other major code of conduct ever proclaimed, from the Ten Commandments down.

THE SADDER LITHUANIAN

Article 14(1): "Everyone has the right to seek and to enjoy in other countries asylum from persecution."

A Lithuanian seaman who tried to avail himself of this right off Martha's Vineyard November 23 is a sadder man today, though his experience may smooth the way for others who follow.

Article 13 (2): "Everyone has the right to leave any country, including his own. . . ."

Hundreds of thousands, if not millions, of Jews, and indeed non-Jews, in the Soviet Union would give everything they possess to use this right. Perhaps the Lithunian seaman was one.

Article 2: "Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion. . . ."

There is scarcely a single one of the 30 articles that is not cruelly violated, every day, on grounds of race and color in South Africa.

Article 12: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence. . . ."

In this modern, electronic society, with wiretaps, no-knock laws and computerized banks of often-inaccurate information, real privacy is getting to be a scarce commodity. "Law and order" does not always seem compatible with it.

Article 13 (1): "Everyone has the right to freedom of movement and residence within the borders of each state."

West Berliners would love to enjoy that right. They cannot even go freely into other sections of their own city.

Article 18: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief. . . ."

Even when governments do not stack the cards, some major religions themselves put cruel obstacles in the way of anyone who wishes to leave the faith.

Article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom . . . to seek, receive and impart information through any media. . . ."

But for reading the works of Alexander I. Solzhenitsyn, a 1970 Nobel Prize winner, Russians have been fired from their jobs or expelled from school. Mr. Solzhenitsyn himself did not dare go to Stockholm to get his prize.

Article 23 (2): "Everyone, without any discrimination, has the right to equal pay for equal work."

Plenty of women's lib advocates, and men who otherwise might not sympathize with them, could point to a gap between this ideal and the general practice.

No one was so naive, back in 1948, as to think adoption of a ringing declaration would suddenly transform the laws and practices of centuries or wipe all fear, selfishness and prejudice out of the human consciousness.

COMMON STANDARD

The declaration was a goal, "a common standard of achievement for all peoples and all nations." Peoples and organs of society were exhorted to "strive by teaching and education to promote respect for these rights and freedoms" and "by progressive measures" to "secure their universal and effective recognition and observance."

Thus the direction of movement was considered more important than the degree of observance. The difficulty has been that not all movement has been in the direction of the goal.

If every Lithuanian-seaman incident produced, as that one did last week, a burst of outrage at the tragedy and a firmer resolve for the future, there would be faster progress. Perhaps a real wave of world indignation could even extract from Hanoi humane treatment for American prisoners of war.

Obstacles that are truly formidable can sometimes be overcome.

In Italy, last week, a wife whose husband had deserted her could now, for the first time in modern recorded history, expect to get a divorce. "Divorce Italian style" no longer had to mean murder.

In Russia, Mr. Solzhenitsyn's anguish has produced no visible result except to embarrass the Kremlin. But who knows how far-reaching that embarrassment may be?

The struggle for human rights is never ending. On Human Rights Day, 1970, there is at least increased awareness of its urgency.

THE UNFINISHED BUSINESS OF THE YEAR

Mr. MURPHY. Mr. President, as this year and this session of Congress draw to a close we find there is one large piece of unfinished business—the finding of a solution to the problem of American prisoners of war and missing in action.

The Communist leadership of North Vietnam has refused steadfastly to give an accounting to this Government or to the world of the men they are known to hold. They have also refused flatly to give an accounting of what has happened to Americans missing in action and believed to have been captured by the North Vietnamese or the Vietcong.

Although efforts to force the issue have so far failed, we must not allow our interest and our concern to flag. We must maintain as much pressure as possible on the North until we can bring Hanoi to some kind of realistic and rational approach to the problem.

That is the unfinished business of the day; it must be a priority piece of business for next month and the months that immediately follow until a solution is reached.

CHARITY WITHOUT HONESTY CAN BE FUTILE

Mr. YOUNG of Ohio. Mr. President, L. Edward Shuck, Jr., a prominent member of the academic community of Bowling Green State University in the office of international programs of this fine university, is the author of a statement entitled "Charity Without Honesty Can Be Futile."

The statement has impressed me so very much that I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CHARITY WITHOUT HONESTY CAN BE FUTILE

(By L. Edward Shuck, Jr.)

It is fashionable to join the current cacophony of sound pleading with and denouncing the Hanoi Government for its alleged treatment of American prisoners of war. If one pointedly demurs from participating in this commendable and harmless fad, he risks denunciation as a "commie," disloyal, or at least a very anemic patriot.

The country-wide concern for better treatment for American prisoners does indeed reflect a concern for life which is commendable; *American* life that is. It also reveals a sickness in our society which we must find the courage to face. Our presumption of innocence in any international involvement probably permits, even condones unusual carelessness on the part of the United States Government. It is more certain that the unspoken premise of American life that we form an island of moral rectitude in an evil sea of amoral foreigners is more than a mere naive form of patriotism: it pushes into the boundaries of the psychotic.

Obviously any human being sympathizes with the imprisoned, be he convicted felon, innocent object of a miscarriage of justice—or a soldier caught in the act of killing and destroying under orders from his government. I suggest, however, that the studied effort of the Nixon Administration to make a major international issue out of the conditions of life experienced, or allegedly experienced, by American prisoners of war is another powder-in-the-eyes ploy which has been the hallmark of the American role in Vietnam for at least 21 years. Of course, it might be very effective politically among those Americans whose ideas of what a prisoner of war camp should be like derive from *Hogan's Heroes*.

Certain facts are blithely ignored in all of our sentimentalizing about the prisoners. These few at least might be reflected upon:

1. Literally without exception, to one who has tried conscientiously to remain aware of the record, Americans taken as prisoners and then either set free or escaped, have attested to the fact that the treatment received by them was unexpectedly generous, that the food provided was likely as good as the captors had available to themselves, and any acts resembling personal mistreatment were quite rare.

2. Evidence has been overwhelming attesting to the torturing of anti-Saigon troops and guerrillas who have fallen into American and Saigon hands (and those who surrendered to Americans were obviously the responsibility of the United States, according to the Geneva Convention which we so delight in quoting). The torturing to the point of death of such victims has been by no means unusual. This obviously contravenes the Geneva Convention Relative to the Treatment of Prisoners of War. This routine torture apparently commenced long before the so-called Prisoner of War issue (of *American* prisoners, that is) came to public attention, and very likely before there were any American prisoners in the hands of the anti-Saigon forces.

3. In spite of false implications emanating from U.S. Government officials and several of their well-paid consultants from Academia, there has never been found a shred of evidence of Vietnamese planning either to attack or threaten the United States.

4. We have, with our truly staggering superiority of sophisticated weaponry, bombed the Vietnamese almost incessantly for years, destroying people, towns, cities, forests; polluting land and water, defoliating and napalming houses, crops, and forests.

One can't help wondering what would happen to shot-down crews of aircraft of some distant and mighty fôreign power which incessantly, with neither declaration of war or honest excuse, bombed the towns and fields of Indiana or Illinois. One can surely guess that the unfortunate crewman would likely be handled by buckshot from irate farmers, or lynched by Indianapolis or Springfield mobs.

It is a fact that American aircrews willingly took up the sword to kill Vietnamese and destroy their property. No American serviceman is forced into an aircrew. Unfortunately a tiny handful of these volunteers were unlucky enough to fall into the hands of the people they were attacking. A quite honest appraisal of the situation, given the circumstances and facts, is that the men were lucky they were not killed by the people whom they were tormenting and whose lives they were ruining.

I quickly add that these unfortunate men—obeying the orders of a misguided President, actually—can certainly not be the condemned outcasts bearing a guilt shared by all Americans. Writing as one who has worked against this war since 1964 (when I left the State Department) and not merely since the election of 1968, as has been usual with the present "doves," our guilt as a nation is full and ugly. We certainly do have every obligation and responsibility to do the best we can for these men who suffer for our nationally-shared guilt. The best thing we can do for them is to withdraw our truly obscene, not to say foolish and counter-productive military intervention in Vietnam. When we stop making war against the Vietnamese we can then, with cleaner hands, suggest and expect a prisoner exchange.

Until we do stop this carnage, and that includes stopping the hiring of Asian mercenaries to do what the American voter doesn't like to have done by Americans, we must somehow summon the decency, of course, to remember the plight of the American prisoners and their families. But we must also have the decency and the character to remember the photographic evidence of American and Saigon troops torturing and killing captives, to remember the My Lais (and they *are plural*) to remember the tiger cages, to remember the people we have destroyed and the land we have made useless.

If our Administration is too inept to face the facts of life and admit American guilt which is as real as God's sunshine, perhaps we "ordinary" and less arrogant folk have to expect more of ourselves. One must ask even the bereaved wives, parents, and children of the captured Americans to think of the destroyed homes, the shattered families, the orphans, the cripples, the prostitutes, the thieves, the half-breed children, the very remnants of this once charming society which men like their own loved ones have made a reality in Vietnam. Admittedly, to repeat myself, they did this in the name of all of us and under orders from a pedestrian leadership for which Washington has become famous during the past two decades.

The crux of our problem is the childish and unworthy patriotism which decrees that this favored nation of ours is an island of Divinity in a world of Satan. This is a mockery of patriotism; even as it is a mockery of man's own divine destiny do state that he has no moral choice except to obey the man who writes his efficiency report. This last, of course, is the chief philosophical contribution of militarism, and of bureaucracy.

This brave people of Vietnam, the majority of whom never willingly accepted French domination during the 60-odd years of French occupation, fought well for their independence. They won that independence only to be cheated by American interference, interference designed to protect the minority interests of a handful of Vietnamese who *had* sold out to the French. Virtually all the ranking officers of the Saigon Regime armed forces—trained, armed, paid, repaired, and pensioned by American money—are former non-commissioned and junior officers in the French Union forces which fought against their own people during the war of independence, 1946–1954. By no means incidentally, almost all the power holders and power dispensers within the Saigon Government are from the northern part of the country. This is especially amusing in view of the United States Government effort to identify a separate nationality, called "North" Vietnamese (black hats) from "South" Vietnamese (freedom-loving white hats). The civilian elements of the Saigon Regime are composed almost entirely of former French colonial *functionaries* and their geneological and/or ideological offspring.

Instead of the futile military intervention which we mounted and which has compounded death and destruction in Southeast Asia, we could have long ago been friendly to, and the chief diplomatic and technological support of, an independent Vietnam which could have been far closer to us, and for many reasons, than to either China or Russia.

It is still not beyond redemption, however, if we can prove the depth and superiority of our cultural traditions by admitting our errors and seeking now to help the land and people which we have torn apart. And in doing this we can free and at the same time bring greater honor to the American prisoners who suffer today for both their own acts and the stupid orders given to them by their Government, a government for which too-long disinterested and uncaring public is completely responsible.

May this combat veteran writing these lines presume to suggest to the sorrowing families of our prisoners that the men whose fate they mourn are very likely in not too much disagreement with what has been written above. Any fighting man and any veteran of combat—in contradistinction to the usually loud-mouthed "professional" veterans—knows that in combat one takes his chances; and if he is a man he knows what he is in for. If the captured soldier is given his life by his captor, he understands that he's gotten a break. In the case of our men in northern Vietnam, bear in mind that they might have been treated as the Saigon troops and some Americans frequently treat those whom they call Charley.

SENATOR WILLIAM B. SPONG, JR., DISCUSSES THE ENVIRONMENT AND PUBLIC HEALTH AT THE ANNUAL MEETING OF THE ROANOKE ACADEMY OF MEDICINE

Mr. BOGGS. Mr. President, the distinguished Senator from Virginia (Mr. SPONG), a fellow member of the Subcommittee on Air and Water Pollution, discussed the relationship between the environment and public health earlier this week at the annual dinner meeting of the Roanoke Academy of Medicine.

Senator SPONG pointed out in his remarks that the rockbottom of public policy must be the protection of public health. The medical profession, he said, has a special obligation to help fulfill that commitment, and observed that the scientific objectivity of the profession will contribute to the development of effective, rational, and constructive solutions to environmental problems.

In his remarks, the Senator also discussed the subcommittee's intent in the development of the proposed National Air Quality Standards Act of 1970.

Mr. President, Senator SPONG is to be commended for his thoughtful analysis. As I know that his remarks will be of interest to other Members of the Senate, I ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE ENVIRONMENT AND PUBLIC HEALTH

Environmental quality is an "in" topic these days. It no longer requires perception to realize that we have serious environmental problems. All one needs are the senses of sight, smell and taste.

Each of us discards five pounds of trash per day. The automobiles we drive emit an average of five pounds of unburned hydrocarbons daily. Thirty million Americans—15 percent of our total population—still discharge raw sewage into our rivers, lakes and streams.

In its early days, the conservation movement for the most part was directed at stopping the reckless exploitation of the country's natural resources, and preserving wildlife and natural scenic areas. Since the enactment of the first air and water pollution control laws in the 1950s, the movement has gradually evolved into national concern over the total environment.

We have stopped looking at the world as if it were some sort of haphazard conglomeration of independent things. We have come to realize that all forms of life and growth are inter-related. We live in a pluralistic world, and must learn to live in harmony with our surroundings. We are intimately linked with our environment, and can ignore it only at great risk.

To put it bluntly, the damage being done to our environment is much more than an aesthetic nuisance. Pollution is not simply a problem of dirtiness. It is a problem of public health and well being.

The complexity of the environment and the ways it can influence man's health have been greatly magnified as a result of growing population, increasing urbanization, advancing technology and the accelerating use of chemical substances. The rewards of a rapidly advancing technology are large, tangible and immediate. The penalties which must be paid for this progress are somewhat removed in time. They are less visible, but clearly unavoidable.

It seems clear that unless we come to grips with the health problems associated with our environment in this age of technological emphasis, we shall inevitably suffer from the advances we are making. Environmental hazards present relatively new types of health problems. Man is exposed to harmful agents in intermittent doses, and generally in low concentrations. It is the total and cumulative exposure of the individual that is now recognized to be important.

Many of the chemicals being discharged into our air are known to be toxic—even lethal—when inhaled in large amounts over a short period of time. Sulfur oxides and carbon monoxide are common examples. However, we don't know the effect of continued exposure of low concentrations of these substances over a long period of time. Developing such knowledge with scientific certainty will require long-term observations, and that task will be complicated by the fact that the toxic effects of some chemicals are affected by the simultaneous presence of other substances. The synergistic effect may produce significant adverse effects in day-to-day living that may well be missed in controlled laboratory tests with individual substances.

The medical profession no doubt can develop definitive answers when it has had the benefit of long-term observations and studies. But I fear that by the time the definite answers are available, many years will have passed and our problems will have been seriously compounded.

They will be compounded not only in terms of health, but in terms of national economy. No one can predict the inventions which will be developed in the next decade. No one can foresee the extent to which our technological advances will become an integral part of our national economy. Hundreds of millions of dollars, and huge numbers of jobs, are involved in our existing patterns of industry and systems of transportation. Serious disruptions of these would have significant economic repercussions throughout the country. The potential difficulty—both economically and environmentally—of additional uncontrolled technological gains can only be imagined.

So how much must we know about the heath effects of pollution before we act? Must we await the results of the necessary research before initiating action?

In my judgment, we cannot afford to wait until definite, detailed proof is in hand until we impose more stringent programs of abatement and prevention. We must move now, although at the same time we should expedite efforts to broaden our knowledge of the causes and effects of environmental deterioration.

In the area of air pollution, identification of causes should not be restricted to new agents. The substitution of one agent by another, or the addition of another agent, can create new complexity and new problems. Research objectives must be oriented toward determining the mechanism by which environmental agents produce deleterious effects in exposed persons, and the circumstances that influence the expression of these effects.

Most of the present body of knowledge about air pollution has been developed from studies relating to the health of groups of people. For example, outbreaks of asthma among individuals not subject to the disease in its usual form have been observed in several cities. The outbreaks are regularly associated with unusual episodes of pollution, but a specific pollutant cause has yet to be identified.

It is easy to call for action. Unfortunately, one of our greatest deficiencies is that there are an abundance of simple solutions offered for not-so-simple problems.

As you probably are well aware, the issue of environment quality often becomes polarized between the rhetoric of protectionists and those who won't give even a modicum of thought to environmental considerations. By their very complexity, environmental issues lend themselves to overstatement, and oversimplification by those having opposite views. In attempting to cope with both present and anticipated environmental problems, Congress has been subjected to highly emotional arguments which tend to distort issues and hinder the development of alternative solutions. It is difficult to exercise sound judgment in such a climate.

In this day and time—when there is so much divisiveness in the country over so many issues—it serves no useful purpose to inflame the public over pollution or our other national problems. One can demonstrate his concern without shouting from the rooftops. Answers developed in an atmosphere of hysteria seldom are effective.

The rock bottom of public policy must be the protection of public health. The medical profession has a special obligation to help fulfill that commitment. Your knowledge and expertise—as well as the exercise of your dedication to humanitarian concerns—are necessary components of environmental problem-solving.

Equally important, the scientific objectivity of your profession will contribute in a substantial way to the development of legislative solutions that are effective, but at the same time are rational and constructive. The solutions necessarily will be stringent because of the very nature of the problem. Being stringent does not mean being unreasonable, but it does mean modifications to some of our laissez faire traditions.

As we attempt to cope with these matters it is important to bear in mind that we cannot shut down our industry, lock the garage door and quietly return to an agrarian society. We cannot outlaw the internal combustion engine, as some have proposed, as a means of resolving our air pollution problem.

On the other hand, business and industry must find ways of producing without polluting. It also would be helpful if corporate executives would be less defensive about legislative and administrative efforts designed to improve environmental quality.

The proposed National Air Quality Standards Act of 1970 is a good example of what I mean. The differences in the Senate and House versions of the legislation currently are being reconciled by a Conference Committee. It is fair to say that if the Committee accedes to every change proposed by industry, the bill would emerge as little more than a statement of intent that public health ought to be protected from pollution.

Some valid criticisms and suggestions have been submitted, and they are being carefully considered. The Committee has tentatively adopted several modifications to sections of the legislation dealing with stationary sources of pollution.

I have been disappointed in the attitude of automobile manufacturers, who apparently believe we have punitive intentions, and want to dictate the terms by which emission control deadlines are determined. The Senate bill sets automobile emission standards legislatively, and requires that they be met in 1975. Under present law, standards are set administratively.

The automobile is the major moving source of pollution. Its emissions are responsible for an estimated 60 per cent of the nation's urban air pollution problem. In view of evidence that emissions of carbon monoxide, hydrocarbons and nitrogen oxides presently exceed safe health levels in many major metropolitan areas, there is strong justification for establishing at 1975 standards the emission goals previously proposed for 1980.

The industry has made it clear that there are serious lead time problems involved, and that technology is not presently available to meet the 1975 standards. I believe the industry should be required to make every effort to meet the standards set forth in the Senate bill. I understand the lead time problem, and realize that technology may not be available to meet the standards.

The Senate bill includes a mechanism which permits a one-year extension if technology has not been developed, and certain other conditions are met. Feelings similar to my own about the matter were expressed in an editorial published November 30 in the Roanoke Times.

The Times said: "Time is the Achilles' heel of the environmental movement. Public interest, concern and resolve over a cause like this tend to build a peak, then fade. If there is nothing in law that unmistakably tells the automakers—whose product is the chief polluter of our air—that they must rigidly restrict their pollution by a certain date, then they will surely play for time, and do as little as they can get by with . . ."

The intent of our legislative efforts to date has been to prevent further deterioration of the environment, and to instill in the minds of the American public the realization that the waste products being generated as a result of technology are creating a threat to the very resources on which we depend to live. We have over-extended the capacity of our land and air and water to cleanse themselves of man-made wastes.

One must constantly be on the alert to the risks as well as the benefits of technological change. Admittedly, it is difficult to think in those terms. Perhaps Thoreau foresaw our predicament when he wrote: "Most of the luxuries, and many of the so-called comforts of life are not only not indispensable, but positive hindrances to the elevation of mankind."

There is a message in that sentence for each of us.

TO MEN OF GOOD WILL

Mr. McINTYRE. Mr. President, this is the time of year when our minds turn to thoughts of peace and good will.

Whatever the prospects for peace abroad we are still faced with the challenge of restoring peace and good will at home.

We still have too many bombings, increasing crime, more and more drug addiction—so many other evidences that peace and good will does not exist at home.

Much of the solution rests in the hearts and minds of our people but we here in Congress can make our contribution to reaching our goal of peace at home. I should like to share with Senators thoughts of mine which I feel have some meaning of guiding us in the actions we take and the decisions we make.

Mr. President, I ask unanimous consent that the statement I have prepared on this subject be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TO MEN OF GOOD WILL

One hundred and twenty years ago, Edmund Hamilton Sears wrote "The Angel's Song" to express the eternal hope of Christmas.

Today, hope burns more fervently than ever for "Peace on Earth—Good Will to Men."

Whatever the prospects for early and lasting peace abroad, we are still faced with the challenge of restoring peace and good will at home.

No American who loves his country can afford to ignore this challenge. The stakes are too great.

Rioting, looting, burning, bombing, a dramatic increase in crime and juvenile delinquency (in part linked to a rapidly expanding drug culture) give ample evidence of a divided and troubled society.

SYMPTOMS

We must attack the physical signs of this unrest, and this I have tried to do, supporting the Omnibus Crime Control and Safe Streets Act of 1968, the tough District of Columbia anti-crime bill, and the 1970 Organized Crime Control Act with its severe crackdown on terrorist bombings.

I was a major sponsor of the Act to speed up trials in our courts of justice, and I have jointly sponsored an amendment which would limit production and importation of the "speed drugs" to reduce their ready availability to those who would abuse them.

ONCE WE CARED

But attacking the physical signs of social unrest, necessary though it is if we're going to have order, won't solve the basic problem of restoring unity and purpose. The solution to this lies in men's hearts.

It has always struck me as ironic that there was less crime and violence in the heart of the Depression than there is in today's prosperous times.

In the Thirties people trusted each other . . . cared for each other. With good times, we became selfish and uncaring. Too many of us turned the exercise of conscience and compassion over to the young, sending them off to college and telling them to think big thoughts about values and public morality. They took us at our word. They took a good hard look at us and our world and they didn't like what they saw. They told us what they thought about people still going hungry in today's rich economy, about bigotry and discrimination, about a tax system that favors big oil and other corporations over the average family, about an unfair draft and the most unpopular war in our history.

They told us and told us. Perhaps we didn't listen soon enough.

Their voices grew higher. Their protestations more forceful. The division more pronounced.

Some extremists abandoned the traditional means of protest and petition and their excesses in expression finally triggered a widespread backlash among the older generations of Americans.

EXCESSES INTOLERABLE

There *have* been excesses—burnings, bombings, forcible take-overs of buildings, physical abuse of authority—intolerable excesses brought on for the most part by irresponsible leadership that corrupts idealism to its own selfish purpose, and takes advantage of frequently just complaints to excuse lawlessness, violence, disorder.

It is these excesses—not youth's idealism—that alienate older Americans.

But despite his misgivings, the average American does *not* disagree with the basic goals of young people.

He knows there are faults in the college system that must be corrected. He knows there is no reason why a helpless American should go hungry. He knows democracy cannot tolerate discrimination. And he, too, has grave doubts about the war and deep resentments over inequities in justice and taxation.

BRINGING US TOGETHER

Well, if our differences are more over attitudes and tactics than over ideals what will it take to bring us together again?

It will take seeing ourselves as others see us, hearing ourselves as others hear us. The Middle American who retreats to his comfortable home while students and blacks are fighting for social justice must see himself as the students see him. The student who shouts "Pig!" at a policeman, who profanes the air with obscenities, who abuses university property and officials must see himself as the Middle American sees him.

And a Senator must see himself as others see him . . . must understand why people feel as they do . . . must appreciate why the young may feel he is for "too little too late" and the older generation for "too much too soon."

Only in this way can *he* gain a fuller perspective. Only in this way can he serve to unite.

In sum, we cannot begin to resolve our differences until we resolve the intolerance in our own hearts . . . until we practice the love preached by the humble Nazarene whose birth we observe this month. For love, as He preached, is the gentle virtue which can bring us together again.

HUMAN RIGHTS DAY AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, today represents a significant milestone in the battle for human rights, as the President has designated it as Human Rights Day.

Today is an appropriate time to review the background of one of the great human rights documents of the United Nations, the Genocide Convention.

The Genocide Convention, which the United States has failed to ratify, was a direct result of Hitler's efforts to exterminate the Jews. The International Military Tribunal decided the mass murders of the Jews in Germany was not a war crime and thus beyond its jurisdiction. The United Nations then declared genocide an international crime. The U.S. Representative to the United Nations signed the Genocide Convention 2 days later. The Convention, according to article 13, was to take effect 90 days after the twentieth country ratified the Convention. This occurred on January 12, 1951.

No one is for genocide. The tradition of our country is in total agreement with the intent of this treaty. Twenty-two years have now passed without the United States becoming a party to such an important document. Seventy-five other nations have become parties to it.

The U.S. Senate now has a golden opportunity to become a party to this historic human rights document. I am hopeful we will not pass it up.

BRYCE N. HARLOW

Mr. DOLE. Mr. President, President Nixon, the administration and the Congress suffered a major loss yesterday when our friend, Bryce Harlow, resigned as Counselor to the President.

Mr. President, during more than 30 years in Washington, Bryce Harlow has earned the friendship and respect of hundreds upon hundreds of Members of Congress, newspapermen, Government officials, and politicians.

His unfailing charm and wit and good humor, his political perspicuity, and his wisdom will be sorely missed by all of us here as well as by those he has served so well at the White House.

I know I speak for all of us when I wish him continued health, happiness and success in the business world, and when I urge that when he is needed he continue to make available to the President and the Nation his wisdom and his counsel.

Mr. President, I ask unanimous consent that the exchange of letters between Bryce Harlow and the President be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

[Exchange of letters between the President and Bryce N. Harlow, Counselor to the President]

The White House,
December 9, 1970.

Dear Bryce: Although I have known from our previous arrangements that it was due, I still am immensely sorry to receive your letter of resignation. I accept it reluctantly, with a very special sense of loss, and also with heartfelt good wishes to you and Betty for happy and rewarding years ahead. All the good that may befall you will have been richly deserved.

You have served our country selflessly, ably, and with a profound sense of devotion for more than three decades, and have been an active helper to at least four Presidents. Yours has been an exceptionally distinguished service in which you and your family should take great and lasting pride.

I commend especially your service during these past two years, in this Administration. Your keen insights, your leavening wit, your immense capacity for work, your rigorous conscience, all have been assets of great value to the White House and to me personally. You will forever have my warm friendship and my profound respect, both of which have grown steadily over the seventeen years in which we have worked so closely together.

Pat and I will miss having you here on a daily basis, but we both look forward to seeing you and Betty frequently. I appreciate your offer to be of continuing help in the future, and you can be sure that I will turn to you often for the wise advice and perceptive counsel that I have learned to value so highly.

With deep gratitude for all your many contributions, and with warm personal regards,

Sincerely,

Richard Nixon.

December 7, 1970.

Dear Mr. President: Three times we have scheduled my departure from the White House, and now the last extension has expired. As planned, I will return to private employment on December 10.

I am immensely grateful to you for the opportunities for service you have afforded me and for the recognition you have given my efforts. It is extremely difficult to leave now, not so much because of challenges still to be met, for these are forever in the White House as I know from 10 years here—but difficult mainly because I so deeply regret moving from your side after having worked with you in so many ways for so many years in and out of government. I have valued these associations tremendously and will miss them sorely.

Back in private life, still in Washington, I stand ready at all times to be as helpful as you will allow me to be, for I believe totally in what you are striving to do for our country, I remain eager to assist in that cause, and I find inspiration in the intensity of your personal integrity and commitment.

You and Mrs. Nixon have our devoted support and our prayers for your success and fulfillment in making possible a better life for all our countrymen.

Sincerely,

Bryce N. Harlow,
Counselor to the President.

LETTER FROM SENATOR JACKSON TO SECRETARY ROGERS ON EXTENDED CHRISTMAS-TET VIETNAM CEASE-FIRE

Mr. JACKSON. Mr. President, in a letter to Secretary of State William Rogers today, I urged the administration to initiate the extension of the brief holiday cease-fires already announced by the other side, through the entire Christmas-Tet period. Rather than simply offering an extended cease-fire, I proposed that the United States and South Vietnam act, without prior agreement from the other side, announcing that for this period the forces on our side will not fire unless fired upon.

I ask unanimous consent that the text of my letter to Secretary Rogers be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

December 10, 1970.

Hon. William P. Rogers,
Secretary of State,
Washington, D.C.

Dear Bill: This is a follow-up to my telephone conversation with you after my appearance on "Meet the Press" last Sunday, December 6. I was pleased to hear of the Administration's interest in pursuing the idea I suggested of an extended Christmas-Tet cease-fire in Vietnam and would like to define it in more detail than I had the opportunity to do on the program.

The Christmas-New Year and Tet truces already announced by the other side give us a unique opportunity to follow through, on the ground and with intensified diplomatic efforts, on the President's October 7 proposal for a standstill cease-fire in Indochina (a proposal which thirty Senators, as you know, joined in making in early September).

By accepting the cease-fires announced by Hanoi and the National Liberation Front (for December 24–27, December 31–January 3, and January 26–30), and announcing our intention to extend the truce to include the intervening days (from December 28–31 and from January 4–26), the U.S., the Government of South Vietnam, and our allies could initiate, without prior agreement by the other side, a cease-fire period that—if respected—could extend for nearly six weeks.

Our declaration to initiate a cease-fire should not be a proposal contingent on prior acceptance by the other side but rather should be an *act*—an announcement that the order has gone to our forces not to fire unless fired upon during this extended cease-fire period.

To make clear the seriousness of our intentions there are further actions we could take, within the limits of maintaining the security of our forces, to assure all parties that our troops and equipment are to be removed from offensive combat during the cease-fire period.

For example, prior to Christmas a portion of our aircraft normally in service could be grounded and overhauled, some of our carrier force could be redeployed outside striking range, and certain military personnel could be detailed to specific community action and construction projects in their areas.

From Hanoi's point of view, agreeing in advance to a cease-fire is quite a different matter than a decision to take the initiative and open fire on us when we have declared a cease-fire. Breaking the cease-fire once it is instituted would be far more difficult than simply turning down a proposal.

Once a cease-fire is instituted and the hopes of the people in the villages and hamlets are involved, pressures on all parties could be expected to mount to refrain from starting the fighting again, heartening and encouraging the broad range of religious and political groups who have long called for a standstill cease-fire and a political solution based on free, fair and open elections.

Everything possible should be done by the U.S. and South Vietnam to engage on behalf of this initiative the efforts of all nations concerned about bringing the conflict to an early conclusion, including the good offices of neutral and non-aligned nations.

The period of an extended cease-fire should be used for an intense diplomatic effort through every appropriate channel and in key capitals to develop support for the permanent standstill cease-fire urged by the President on October 7, and for a political solution based on free elections which both sides have in principle favored.

We should also seek the earliest opportunity to begin to institute, in eventual concert with the North Vietnamese and NLF, the necessary machinery for international monitoring necessary to a permanent standstill cease-fire.

I want to commend you and the Administration for your expressed interest in an extended truce over the Christmas-New Year period. In this connection, I hope these suggestions will be helpful to you and to the President.

Sincerely yours,

Henry M. Jackson,
U.S. Senate.

THE THOUGHTS OF THE REVEREND FREDERICK BROWN HARRIS

Mr. THURMOND. Mr. President, most Senators will remember the fine Christian spirit of the Reverend Frederick Brown Harris, who was Chaplain of this body for more than 25 years. He was an able and dedicated man and a fine Christian who had a way of bringing the Christian message into everyday life and applying it to contemporary problems. I count it a privilege to have known him and to receive daily inspiration from him.

Dr. Harris presented his thoughts every week in a column in the Washington Sunday Star. These columns have been collected in a new book entitled "Spires of the Spirit," published by Bethany Press, and edited by J. D. Phelan.

This is a most rewarding book to read. It is the sort of book that one can pick up and find just the message that is needed at a particular moment.

In the current issue of Roll Call, the newspaper of Capitol Hill, Dr. Harris' book received a very fine, touching review by Allan C. Brownfeld. It ably sums up the essence of Dr. Harris' thoughts and life, and I commend Mr. Brownfeld for his beautiful essay.

Mr. President, I ask unanimous consent that the review of Dr. Harris' "Spires of the Spirit," by Allan C. Brownfeld, published in Roll Call of December 10, be printed in the Record.

There being no objection, the review was ordered to be printed in the Record, as follows:

Dr. Harris' Spires of the Spirit

(By Allan C. Brownfeld)

It must be a difficult task to speak about ultimate things in a body as devoted to the transitory and momentary as is the United States Congress. Yet, Frederick Brown Harris, in his capacity as Chaplain of the Senate for more than twenty five years, did precisely this. He attempted to glean from events their transcendental importance, to tell men that how they treated one another was, in the long run, far more meaningful than the material rewards they might manage to gather for themselves.

This month a collection of Dr. Harris' prayers, together with a number of his columns, "Spires Of The Spirit," which appeared each week in the Washington Sunday Star, have been published by the Bethany Press, edited by J. D. Phelan. Those who knew and admired Dr. Harris, who died at the age of eighty seven several months ago, will want to have a copy of this thoughtful and inspiring volume.

His writings really represent a panoramic look at the problems of our age. Today we witness untold thousands of young people leading aimless lives "dropping out" of the society, leaving their families behind. One thing so many young people have never received from their parents, their friends, or their teachers is what Dr. Harris calls "One good scoop of flattery."

In this connection, he tells the story of Jesus and Peter: "It can be said that Jesus gave Simon Peter a pat on the back when he called him 'rock,' at the very time Peter was counted, by men who had experienced his fickleness, as the most fluctuating one of the group. That attitude, assuring him that the Master was confident he would make it, that he was on the way to deserve the name Jesus had given him, was a powerful reinforcement in the battle for sainthood he was waging." The two kinds of people who exist in the world were reflected this way in a poem quoted by Dr. Harris: "There are two kinds of people./ You meet them/ As you journey along life's track,/ The people who take your strength from you,/ And the people who put it all back." The role of Christian, clearly, is the latter.

Discussing the effect which the modern world has had upon those who live in it, Dr. Harris notes that "The push of progress, the pressure of propaganda, and the drive of mass production have not enriched the quality of culture. They have robbed us of peace and poise, filled our hospitals with neurotics and the streets of our cities with hurrying people who have forgotten even the grace of courtesy and have lost the sublime secret that to 'give is to live.' As an observer of our Main Streets has put it, 'They jerk their way through hectic days with an acceleration beyond the capacity of the human spirit to endure.' "

Is Dr. Harris really relevant to the problems of 1970, to the criticisms of the young, to the quest for meaning being pursued by the legions who attend rock festivals and sensitivity groups? To those who seek to escape from the world and find their own personal answers through drugs or in some other form of escape, Dr. Harris replies: "Surely the call of this decisive day is away from know-how to know-why and know-where. It is a summons to halt—to be still—and enter into refreshing realization of the things we can get along without. . . . All real triumphs are won not out of the world, but in the world." One wishes the "gurus" followed by the young told them the truth about the human condition, and did not offer them the tranquilizers of narcotics or "Consciousness III." The truth remains what it is, and will have to be faced another day.

Each of us must face what Robert Louis Stevenson called "a banquet of consequences," and Dr. Harris reminds us that men cannot expect a harvest of grapes from thorns or figs from thistles. Thus, despite the repeated discussions of heredity and environment, of poverty and discrimination, men remain responsible for their own fates. The factors of destiny are not only heredity and environment, Dr. Harris points out, but include self and God as well: "The prophet Ezekiel, more than 500 years before Christ, gave to mankind the charter of liberty for which we are fighting today. He determined to stop the mouths of men who were pleading the sins of their fathers to explain their own wrongdoing. The prophet met the excuse of heredity and environment with a great and universal truth, as spoken to him by God. Here are the momentous words: 'Behold all souls are mine.' That is to say, every individual soul is related to God. We do draw from the past, but that which we derive from the past is not the whole of it. We derive also from God." How revolutionary, in this sophisticated age, to say that man is responsible for the consequence of his acts? And how true.

Dr. Harris also confronts the current thinking of so many that the state is the answer to all of our problems and that citizens somehow have a "right" to the fruits of the labor of others. In a column entitled "Putting In Or Taking Out," Dr. Harris reflects that "in the days when America's other name was Opportunity, the national emblem might have been a stairway—a stairway kept open from the bottom to the top—up which any individual could climb who was ready to pay the cost in effort. Of course, it was always inherent in the American conception that those who could not climb for reasons for which they were not responsible must be assisted and sometimes carried by the strong. . . . But . . . now many seem ready to put the stairway to be climbed by personal exertion in the museum . . . and to adopt in place of it, as a symbol of American society, a moving escalator which carries all people up automatically, whether they themselves move or not."

Is it truly "moral" and "ethical" as socialists have long claimed, to give someone "something for nothing?" Dr. Harris responds that "Life that is geared as an escalator, although conceivably it might get many material things for people might at the same time do terrible things to people by robbing them of self-respect and a sturdy independence which fosters personal initiative and develops character. Anyone who understands human nature knows that when any system takes away from a man the lure of accomplishment by his own prowess and powers, it is tampering with something very precious—his opinion of himself."

Christianity's central theme is personal responsibility. One of its fundamental principles is: If a man shall save his life, he shall lose it. That puts life abundant, as Jesus taught it, at the disposal of those whose ruling passion is not "How much can I take out?" but "How much can I put in?'" Dr. Harris writes that "The symbol of all that now, in this desperate day, has made our American democracy mighty enough to be the greatest factor in saving the world from the horror of regimented Communism, is not the automatic escalator on which people ride, but the stairway up which people climb."

Is unbelief really growing in the world? Dr. Harris doubts it, for the results of atheism are too grave: "It is that souls which have shone with the radiance of faith and hope and love, of honor and valor and self-sacrifice, can be explained by physical or psychological reaction. It is to believe that even a modern Francis of Assisi can be finished irrevocably and forever by a microbe, by a bullet, or by a drunken driver's unbalanced senses. The unbeliever has to assert that the grandeur and glory of life at its highest and best is just the product of blind chance."

It gives one pause to think of Dr. Harris ministering daily to elected legislators who too often are concerned with personal advancement rather than public service. This volume of Senate Prayers And Spires Of The Spirit will serve as a needed reminder.

INDIVIDUAL AUTHORIZATION FOR CORPS OF ENGINEERS PROJECTS

Mr. CHURCH. Mr. President, in enacting the Omnibus Rivers and Harbors Act yesterday, the Senate authorized a multitude of projects to be undertaken by the Army Corps of Engineers. These projects affect areas so geographically diverse that there is no way any one Senator can know what the effects of these multiple projects will be upon the ecological system of the Nation. No one Senator can be aware of the opposition expressed by citizens in particular areas of the Nation to particular projects. Even given the increased awareness of environmental problems over the past several years, it is a rare case when a given corps project attracts sufficient public attention to be noticed by Members of Congress. It is just a simple fact that no one can assess properly the projects that are lumped together in so large a package as the omnibus bill. The time has come for a change in this shotgun approach to authorizations for the Corps of Engineers.

Mr. President, I serve notice today that I plan to introduce proposed legislation early in the next session which would require all major Corps of Engineers projects to be approved by Congress on a project-by-project basis.

At present, corps projects—when they come to the Senate floor for authorization—are an all-or-nothing proposition. The present system leaves little room for considering projects on their individual merits.

At a time when all were agreed on the need to construct—as fast as possible—flood control projects to save life and property, or hydroelectric projects to light our farms, there was a good argument to be made for the omnibus approach. The omnibus bills expedited consideration by Congress.

But those days are largely past. All too often, today, projects of the Corps of Engineers are much more marginal in terms of cost-to-benefit ratio, and increasingly controversial.

A list of questionable public works projects could go on for pages, as every Senator knows. Not all of them are corps projects, but many of them are. That is why, as we move into the last three decades of this century, it is important that we reflect carefully on each new project we build. What will be its impact on the environment? What will it destroy? What will it add? Are economic benefits outweighed by other factors?

To answer these questions wisely, major projects, at least, should be considered individually, as reclamation projects are, so that Senators might vote on them one at a time, after all of the pertinent information is disclosed.

One conservation group in my State, the Idaho Environmental Council, has informed me of its support of legislation of this nature. The IEC is a first-rate conservation organization which has endeavored to call to public attention the tremendous problems which must be overcome if we are to preserve a livable environment. I would welcome comments from other interested groups with regard to the framing of such legislation.

Mr. President, I ask unanimous consent that the resolution urging legislation to require project-by-project approval for Corps of Engineers projects, sent to me by the Idaho Environmental Council, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

> RESOLUTION TO REQUIRE U.S. CORPS OF ENGINEER PROJECT APPROVAL ON A PROJECT-BY-PROJECT BASIS
>
> The Idaho Environmental Council requests that the Idaho Congressional delegation jointly sponsor a bill that would require all U.S. Corps of Engineer projects be approved on a project-by-project basis, as opposed to the present Public Works Omnibus Bill method. The present Omnibus Bill method allows the Corps of Engineers to place all of their projects into one large bill for funding and authorization purposes. The U.S. Bureau of Reclamation must ask for project approval in funding on a project-by-project basis. National Park proposals are acted upon separately. National Wilderness proposals are acted upon separately, except where there is no controversy involved. It seems only fair that the largest and most costly aspect of public works (U.S. Corps of Engineers projects) should be subject to the same type of regulations and authorization procedures as the U.S. Bureau of Reclamation, U.S. Park Service and the U.S. Forest Service . . .

MILITARY SURVEILLANCE OF CIVILIAN ACTIVITIES IN THE UNITED STATES

Mr. FULBRIGHT. Mr. President, the senior Senator from North Carolina (Mr. ERVIN) has spoken at length in this body about military surveillance of civilian activities in this country, and I understand that he intends to conduct hearings on this subject early next year in the Constitutional Rights Subcommittee.

Earlier this year, on March 12 and July 13, I spoke on this matter in the Senate, with particular reference to two magazine articles by Christopher Pyle which appeared in the Washington Monthly, and newspaper coverage by Morton Kondracke of the Chicago Sun Times.

Regrettably, however, the public seemed to demonstrate relatively little concern about military snooping, and apparently the Army has remained largely unimpeded in its infiltration of and reporting on political groups and compiling of dossiers on many of our citizens.

There are some encouraging signs that at last the public is becoming aware of what has been occuring. In large measure this is due to an excellent presentation on this subject on the NBC–TV program "First Tuesday" on December 1.

In introducing the program, Sander Vanocur of NBC said:

> Up until now, one of America's most cherished traditions has been that the military should exercise no role in the civilian life of the country, but during our social chaos of the late 1960's, this tradition was modified by the United States Army. Under the law, the Army has a responsibility for suppressing civil insurrections, that is all. It cannot arrest civilians unless there's been a declaration of martial law.
>
> But there is no law governing military investigations of civilians. The Army has its own investigators in every major city and in many small towns throughout the United States. Military intelligence has a web of command centers, regional headquarters, and field offices. Military intelligence operates 300 offices and has approximately 1,000 plainclothes agents within the continental United States.

There was one section of Mr. Vanocur's commentary which was of special interest to me:

> One of the most important regional intelligence commands is located in an obscure section of southwest Washington, D.C., not far from the Capitol. The 116th Military Intelligence Group has more than 100 special agents. They use these unmarked government cars. Some are equipped with two-way radios. All are equipped with civilian license plates. The Army agents who use them never wear uniforms. They dress like plainclothes cops.
>
> The 116th Headquarters War Room is on the second floor behind sealed windows. The War Room has been activated several times for use during civil disturbances in the District of Columbia. The 116th also has been used to gather information on Senator William Fulbright and more radical dissenters. These mug shots are from the files of the 116th.

Mr. President, I ask unanimous consent that the transcript of this most significant NBC program be printed in the RECORD.

I would also ask that columns on this same subject, written by Frank Getlein and Carl Rowan, and published in the Washington Star of December 9, and an editorial entitled "How the Army Keeps Tabs on the Citizenry," published in the Washington Post of December 10, be printed in the RECORD.

Finally, I would inform Senators that I have arranged for a showing of the video tape of this program at 3 p.m. on Friday. I would like to invite any interested Senators to join me in viewing the program at that time in the viewing room of the Senate Recording Studio here in the Capitol.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NBC NEWS PRESENTS "FIRST TUESDAY"

DECEMBER 1, 1970

SANDER VANOCUR. Tonight, First Tuesday examines the use of United States Army Intelligence agents to spy on American citizens. Up until now, one of America's most cherished traditions has been that the military should exercise no role in the civilian life of the country, but during our social chaos of the late 1960's, this tradition was modified by the United States Army. Under the law, the Army has a responsibility for suppressing civil insurrections, that is all. It cannot arrest civilians unless there's been a declaration of martial law.

But there is no law governing military investigations of civilians. The Army has its own investigators in every major city and in many small towns throughout the United States. Military intelligence has a web of command centers, regional headquarters, and field offices. Military intelligence operates 300 offices and has approximately 1,000 plainclothes agents within the continental United States.

Their normal assignment is to investigate military personnel and employees of defense contractors for security clearances, but at times these agents have been assigned to spy on civilians who are not connected with the Army in any way. Only a few of the men who've been military intelligence agents were willing to tell their experiences on television. For some who feared possible reprisal, we agreed to conceal their identities.

Here are some of the former agents who told their stories.

MAN. I covered demonstrations in and throughout the city of Atlanta, including black people's marches, sanitation strikes, demonstrations against the induction center and anything that might create a crowd of over ten people.

MAN. Up until June of 1970, I was a special agent in U.S. Army Intelligence, assigned to the 116th Military Intelligence Group located here in Washington, D.C.

MAN. I was issued a press card, press credentials, the name was Francis T. Houghton of the Richmond Times-Dispatch. I took the press card and attended a press conference which was given by the Southern Christian Leadership Conference in a basement of an office building in northwest Washington.

MAN. Well, I was a special agent with the 116th Military Intelligence Group in Washington, D.C., and one of my activities while with the 116th was to reinfiltrate antiwar groups, student movement groups in the Washington, D.C. area.

VANOCUR. The United States Army Intelligence Command is headquartered at Fort Hollabird in Baltimore, Maryland. Its symbol is the Sphinx, which Webster says means "a mysterious, inscrutable person given to enigmatic questions."

These men are training to be Army Intelligence agents. Some will go overseas and do highly secret assignments. Others will remain in the United States. The vaults at Fort Hollabird contain files on millions of people who have been routinely investigated for normal Army security checks. The Army's entire domestic intelligence network is directed from here.

One of the most important regional intelligence commands is located in an obscure section of southwest Washington, D.C., not far from the Capitol. The 116th Military Intelligence Group has more than 100 special agents. They use these unmarked government cars. Some are equipped with twoway radios. All are equipped with civilian license plates. The Army agents who use them never wear uniforms. They dress like plainclothes cops.

The 116th Headquarters War Room is on the second floor behind sealed windows. The War Room has been activated several times for use during civil disturbances in the District of Columbia. The 116th also has been used to gather information on Senator William Fulbright and more radical dissenters. These mug shots are from the files of the 116th.

These photographs were taken by agents of the 113th Military Intelligence Group at a demonstration on the University of Minnesota campus in Minneapolis.

These photographs were provided to Military Intelligence in Minneapolis by local law enforcement agencies. In this one, subject No. 2 was identified as Francis Robert Shore, a graduate student at the university.

Military Intelligence was interested in many people in the Minneapolis-St. Paul area. Among the subjects identified in the files were black militants Arnold Murray and Kelly Moore. This card index was prepared by Military Intelligence. Among the entries, "Benner, Bradford" identified as president of the St. Paul NAACP. "Irvin, Lewis" identified as director of the St. Paul Department on Human Rights. "Hangar, Jane" listed as an employee of the YMCA. "Maxwell, Grover" identified as professor of philosophy. He is a prominent University of Minnesota faculty member, as is David Noble, a long-time professor of history at the university. And "Stone, Lucian Scott" identified as Minnesota Campus Coordinator for the Poor People's Campaign.

More than four years ago, the Army Intelligence Command sent out this directive by teletype to its regional offices around the United States. Military Intelligence agents were requested to be on the alert for anti-war literature, leaflets, pamphlets, and brochures. As of August 11, 1966, the Army was officially involved in developing information about various peace committees. But a year earlier, the Army was actively observing the anti-war movement in Oklahoma City. A U.S. Army Intelligence agent had been assigned to march with and report on this small group of anti-war demonstrators outside the Federal Building.

The peace movement was just getting organized in 1965, after President Johnson ordered the commitment of American combat troops in Vietnam.

President JOHNSON. I do not find it easy to send the flower of our youth, our finest young men, into battle but we will not surrender and we will not retreat.

SONG

How many times must the cannonballs fly
Before they're forever banned?
The answer, my friend, is blowin' in the wind.
The answer is blowin' in the wind.

ANNOUNCER. The Peace Movement coincided with America's urban riots and by 1967 when troops were called to end the Detroit riots, the Army was told to prepare for possible riot duty in 25 cities simultaneously. This caused the Army to intensify its domestic spying operations.

MAN. Well, as part of the responsibility assigned to the Army, at the request of the Department of Justice, I want to emphasize the Army did participate in the collection of some information that would be helpful to the Army, if necessary, in carrying out this system through civilian authorities.

MAN. If they were using Army personnel to investigate individuals who it might be thought would try to incite to riot, or something like that, then that is absolutely intolerable in a country that would be free. That cannot be permitted.

ANNOUNCER. Nonetheless, even further demands were made on Army intelligence by escalation of anti-War protests to the Pentagon itself and by the political assassinations of 1968.

ANNOUNCER. The murder of Martin Luther King produced riots in Washington and a greatly expanded role for military intelligence.

MAN. By 8:30, I think, on the evening that Martin Luther King was assassinated, the 116th had decided to go on alert and to call in all of their personnel.

MAN. There was kind of pandemonium at the time because they had no operations plan to follow.

MAN. I was dropped off at a precinct in Washington to act as police liaison.

MAN. I was assigned immediately with two other agents in a military vehicle, an unmarked military vehicle, and we proceeded into the Northwest Washington area. This vehicle was equipped with a radio, with a portable radio, and we reported in the activities that we saw in the riot-torn area that night.

MAN. My unit called and they wanted a list of all people who had been arrested, what they had been arrested for and so forth at this precinct. And so I copied down, I don't know, between 50 and 60 names, I would imagine, of people who had been arrested and booked at that precinct for anything connected with the civil disturbances going on at that time.

ANNOUNCER. 1968 was a traumatic year in the United States, but no single event attracted more attention from military intelligence than the death of Martin Luther King and the events which followed. This man, whose identity cannot be disclosed, was an Army Intelligence Agent based in Atlanta. Using a dictaphone, he recorded specific details of his assignment for N.B.C. News Reporter Tom Pettit.

TOM PETTIT. The funeral services for Martin Luther King were held in Atlanta on April 9, 1968. They began at Dr. King's home church, Ebenezer Baptist. Military Intelligence in Atlanta had all of its agents on duty that day. One of them said the military was very uptight about the funeral. They thought all hell would break loose that night in Atlanta.

ARMY INTELLIGENCE AGENT. All M.I. units were immediately put on alert and told to report to the Field Office where they remained for the entire time of the funeral, except when they were sent out in the field to cover the funeral itself.

AGENT. We . . . were given certain requirements from our Commander, that we had to cover every step of the funeral. We had to report on all dignitaries and personalities of any importance that were entering the area during the funeral, to include the Vice President of the United States. We were given no clear point for covering it, just that this was a black funeral and it was anticipated there might be disorders or perhaps a racial problem because of the funeral itself.

AGENT. There was a strong possibility in the eyes of the Army that this would create a racial problem, specifically some kind of demonstration or even a riot. . . . was fear for what might happen.

PETTIT. As the funeral cortege moved through the city of Atlanta, Army plainclothes agents moved with it, mingling with the crowd. Their job was to note the location of the procession and report back by radio or by telephone.

Even though the entire event was carried on national television, agents were encouraged to get as much information as possible. One agent radioed in from an unknown vantage point, "Here comes the parade." His terminology was quickly corrected by another agent, a black agent who cut in on the radio to say, "It's not a parade."

AGENT. Two agent teams were assigned to march with the funeral procession itself throughout the whole course of the procession. We were told by our superiors that this had to be covered—that every fifteen minutes a report had to be telephoned via a hot line expressly established for this funeral back to Fort Holabird reporting the activities of the march itself, with emphasis on being ahead of A.P. and U.P.I. wire service on all reporting information. They wanted to know exactly who was there, how many people were marching in the crowd, what the breakdown of the crowd was—did it look like a hostile crowd? Was it an economicaly made up crowd of poor people, rich people, middle class people? Were there a lot of students in the crowd? Were there many militants in the area—just a complete breakdown of anything we might be able to give.

PETTIT. As things turned out, there was no trouble in Atlanta that night, despite the Army's fears. But as a precaution, all available military intelligence agents were kept on stand-by duty.

ANNOUNCER. Exactly one month later, on the night of May 19, 1968, there was an enthusiastic meeting at the Atlanta Civic Center Exhibit Hall for members of the Poor Peoples' Campaign who had stopped here on their way to Washington, D.C. Among those who appeared that night were The Supremes, the Reverend Ralph Abernathy, and Mrs. Corretta King.

One of the spectators was a special agent for military intelligence. The agent was not seated in the audience.

AGENT. My assignment was to maintain complete watch over the rally at the Exhibit Hall. I was stationed in a projection booth over-looking the Exhibit Hall itself on top of the stage. I was to report on all the key speakers at the rally and to what their comments was.

ANNOUNCER. One of the speakers he heard from that listening post was Mrs. King.

Mrs. CORETTA KING. There is a need to rededicate ourselves and recommit ourselves to bring about the kind of society and the kind of world where men and women, boys and girls, can really build in dignity and freedom and justice and in peace.

AGENT. When Corretta King spoke, she told the audience about how her husband had had a dream and now this dream was going to come true. When I called this in to the Field Office, I spoke to a Captain at my headquarters. He wanted me to go back and find out what dream she was referring to.

MARTIN LUTHER KING. I have a dream. My poor little children will one day live in a nation where they will not be judged by the colors of their skin but by the content of their character. I have a dream.

AGENT. It seemed to me that M. I. was getting involved in a field that they didn't even know what it was all about.

ANNOUNCER. On May 10, 1968 before resuming the trip to Washington, many members of the Poor Peoples' Campaign made a pilgrimage to the grave of Martin Luther King at Southview Cemetery in Atlanta.

MAN. We thank Thee, Our Father, for this, our fallen leader beside whose grave we now stand with heads bloody but unbowed.

ANNOUNCER. Across the street from the cemetery an unmarked Army vehicle was parked at a shopping center. In it were two military intelligence agents. Their assignment was to observe and report the license plate numbers of cars which brought people to the cemetery.

One of the agents came over here to mix with the crowd and jot down notes of what people were saying.

AGENT. One agent was told to remain at the graveside at all times and to listen in on the crowd of mourners to see if there was any possibility of any racial overtones which might develop into a riot or a demonstration.

ANNOUNCER. Graveside surveillance was by no means the end of military intelligence interest in the Poor Peoples' Campaign. The Army maintained an extraordinary interest.

These people had been followed into Atlanta by Army agents in unmarked cars with civilian license plates. They were followed in Atlanta. They were followed out of Atlanta. They were observed and counted while boarding busses and getting into cars. Then they were followed all the way to Resurrection City in Washington. Where the poor people went, the Army went.

The Poor Peoples' Campaign also was sending mule teams to Washington from various parts of the South. They too were followed.

AGENT. That was probably one of the largest operations I have participated in in Army Intelligence. The Atlanta Field Office established contact with the mule team when they entered Georgia itself. Approximately twelve agents met this caravan coming into the state. The mules were surveyed from that point on all the way through their trip into Georgia. They were constantly surveyed to include the number of mule trains, the number of people on the trains and the number of mules, to differentiate between the number of horses since they couldn't supply enough mules. It was a very strong requirement of the Army to know the exact number of mules and the exact number of horses at all times. I took pictures for the military and I also had my private camera with which I took some of my own pictures of the mules and of the caravan itself. And when they left Georgia, another team of agents or another group of agents, I should say, would take over at that point and follow them on into D.C.

ANNOUNCER. In Washington, the Poor Peoples' encampment at Resurrection City became a full time assignment for agents of the 116th Military Intelligence group.

Man. The 116th continued a constant surveillance, 24 hours a day, seven days a week. And Major Poole was a black Army officer in the Intelligence command and he was sent into Resurrection City to gather information.

Man. I don't know if he ever had to use a cover story, but he entered it surreptitiously. In other words, he did not enter it as a member of Army Intelligence and say, "I am a member of Army Intelligence and I'd like to talk to you."

Man. He would be dressed generally in a pair of blue jeans and a sweater or a sweatshirt.

Man. He was there to obtain whatever information he could as to what the Poor Peoples' Campaign's plans were for the next day, for the next week, this sort of thing.

Man. Most of it was visual information, like counting the numbers of the shanties that had been built, anything more that was built, checking out information like this. He was requested to get information on the sanitation facilities, the depth of the mud when it rained so heavily there and information of that nature.

Man. His reaction as I remember it at that time was one of fear.

Man. He was conspicuous in the sense that he was a tall man and he had a short haircut. He did not have a beard. He didn't really fit in with the average type of person that was in Resurrection City.

Man. Well, he was probably afraid that if it was found out that he was a member of Army Intelligence and actively attempting to gain information for them, some of the residents of Resurrection City might have been a little irate.

Announcer. The Army's domestic spying operations were first disclosed last January by a former Intelligence officer, Christopher Pyle, in the magazine, Washington Monthly. Since then the Army claims it has suspended most of its dossier collecting. But it still has files on civilians, as do the Air Force and the Navy. The escalation of political protests and the new phenomenon of political bombings have raised complex questions about the Constitutional propriety of keeping files on people. There is a vast intelligence network in the United States, much of it legitimately concerned with the prevention of crime. What concerns civil libertarians is the inter-locking relationship between the military and civilian police agencies in keeping track of dissenters.

Man. One of the most efficient civilian intelligence operations is run by the Philadelphia Police Department. Even an eminently peaceful Earth Day protest last Spring came under close scrutiny by the Philadelphia Civil Disobedience Unit.

Man. Until this year Philadelphia police and military intelligence had a full-scale exchange of information about protestors.

Man. Oklahoma City is 1500 miles away in a far more conservative part of the country.

Man. Even mild protest is not generally considered to be very patriotic here. In 1968 youthful demonstrators who were protesting an appearance by Selective Service Director, Louis Hershey, found themselves quickly under arrest.

Three months later, Oklahoma Governor, Dewey Bartlett, created a super-secret intelligence agency to collect information about would-be trouble makers. Governor Bartlett believes the agency has had a deterrent effect.

Gov. Dewey Bartlett. We feel that our record of having a very small amount of trouble in the state, we think that this has resulted from good intelligence, good information that's been available to the campuses, to the law enforcement agencies, to this office, on what is going on, what might be going on, or what might be contemplated in our area that would be in violation of the law.

Man. The Oklahoma C.I.A. is uniquely military. Its headquarters are also the headquarters of the Oklahoma National Guard. Nearly half its budget comes from the National Guard. It is headed by a retired Army Lieutenant Colonel, James Defrates.

James Defrates. We have in excess of 6,000 names. We have approximately 10,000 instant reports on violence since we first started operating back in July of '68. It's only been recently, I suppose, that there's been widespread knowledge of the existence of our agency.

Man. Colonel Defrates' agency shares intelligence with the state and local police departments in Oklahoma and elsewhere. For this purpose, it obtained a $29,000 subsidy from the United States Justice Department. Colonel Defrates is extremely dedicated to the pursuit of information.

Defrates. When the information comes in, then it would go to a central desk here in our office where it would be screened.

Man. Most intelligence agencies collect articles from the underground press. One former agent said papers like the Berkeley Barb would go out of business if it weren't for police subscribers looking for information.

Man. It can come to us from the regular press, from the weekly newspapers, names and so forth. It can also come to us through police sources. Now this would be then "sheeted", as we call it, putting it on a blank sheet of paper and then we put the incidents into packets of 50 each, and of course then file away.

The other processes that are involved here would be the extracting of names, possibly of the reports there as they come in, and filing them in a separate file.

Of course, before this is done, we have to have some way of being able to reobtain this information at the time that we want it so we do have a system for cross-indexing it and filing it in such a way that we can enter our files and obtain it in several different ways.

I would say that approximately a third of the names we have on file are from the sooner State, the majority, of course, from out of state.

Our effort is one not of trying to actually hold down dissent because we feel that everyone should have a right to dissent as long as it's legal dissent.

Interviewer. Are there names of good Oklahomans in the file?

Man. I'm sure there are.

Interviewer. How do they get there?

Man. Well, this would be in the same way as obtaining any other information, through the system we have for collecting information and for filing it.

Interviewer. What I mean is, how would you happen to get the name of a perfectly law-abiding citizen, non-controversial person?

Man. Well, it might well be that this individual was not known to someone and as a result his name was reported.

Interviewer. And it could then find its way into the file?

Man. This could be true of anyone who's not identified, certainly, as to what his actions may or may not be. But the mere fact that the name's in the file is no indication of what the individual is or does. In many instances it might well be a safeguard.

Interviewer. If you check out a name and find that the person is, as a policeman would say, clean or law-abiding and has, in a sense been cleared, would you then remove that person's name from the file?

Man. No, not necesarily so. In fact, I don't recall ever removing any names from the file.

Interviewer. Do you get information from or give information to federal agencies, the F.B.I., military police, military intelligence, the Justice Department? Do you have a sharing arrangement with them?

Man. We do share with various intelligence agencies so far as our contribution of the information that we pick up. We do pass it to various federal agencies.

Interviewer. Which ones?

Man. I'd hate to—I wouldn't want to specifically state at this time, I don't think that it would be appropriate for me to, if you don't mind.

Announcer. This man was a military intelligence agent with detailed knowledge of the Army's relationship with civilian agencies in Colorado Springs, Colorado.

Man. Military intelligence Detachment out at Fort Carson had very good liaison with local city agencies and the local F.B.I. They were in touch with the Colorado Springs Police and worked closely with them. They had excellent liaison with the city government, the sheriff's office. El Paso County Sherriff's Office.

Announcer. Fort Carson is just one of many military installations in the Colorado Springs area. Last Fall Army agents were fully deployed when students at Colorado College took part in a mild anti-War Moratorium in conjunction with similar activities all over the country.

Man. I was in on sort of the planning staff of the Moratorium in October, October 15th, and helped get publicity out and helped decide what would be done and that sort of thing. There was extensive coverage of this Moratorium activity by military intelligence.

Man. They held a rally at Acacia National Park, which is close to downtown Colorado Springs. From the rally they marched up to Colorado College, which is about 10 blocks away. When they got up to Colorado College, they went to Shove (?) Chapel to hear a series of speakers. It was scheduled to be an all-night speak-in against the War.

Our office had at least a half a dozen agents covering the Moratorium. They had four or five agents inside the chapel while people were speaking and they had a radio car outside the chapel. The agents would go in and take notes on who was speaking, what they said, if any military personnel took part and they wanted to know everybody who took part. They wanted them all identified, including the clergymen and the people from the civilian community. And then they would come out to the radio car, or one of them would come out and feed this information out to Fort Carson by radio. I was at the other end of the radio recording the information as it came in. I would write down who spoke and a synopsis of what he said.

Man. There is a general feeling, though, a very definite feeling, especially among those who are most active in the Peace Movement, that they are being constantly watched, that their phones are being bugged, that their actions are being taken down and written up in dossiers out at the Fort and other places.

Man. I believe there is some danger if civilian official, citizens and also officials, lean upon the Army, look to the Army without first assuming responsibility themselves. The Army reluctantly undertook this task and ever since that time—that is since '69, certainly, there has been a very very sharp reduction in the Army's collection of information for civil disturbance.

Announcer. However, the Army still maintains files on civilians at this ordinary-appearing office building in Alexandria, Virginia. The microfilm files of the Army's counter-intelligence analysis division contain both foreign and domestic reports. The microfilm files are top secret.

In addition to the microfilm, raw information on civil dissenters is stored at Fort Holabird, Maryland. Senator Sam Ervin of North Carolina, a conservative Democrat, has been highly critical of the military for keeping files on civilians. Senator Irvin's subcommittee on Constitutional rights will hold hearings on the subject probably late in January. The Ervin subcommittee will be told of the top secret role of Army Intelligence at the 1968 Presidential nominating conventions. That case study is next.

By mid-summer of 1968, military intelligence was deeply concerned with America's most fundamental political process, the Presidential nominating conventions. The Republicans met that year here in Miami Beach, Florida. It was the first week of August.

Announcer. The military intelligence contingent had its own command post inside the Convention Hall. The commanding officer of the 111th Military Intelligence group had come here from his headquarters in Atlanta. The Army agents wore plainclothes and had credentials for access to the Convention floor. And they had a specific job to do.

Here is Seymour Gelber, who was Security Coordinator at that time for the Miami Beach Police Department.

Seymour Gelber. Early in this Convention, it was determined that protest was going to be acceptable. Army Intelligence basically contributed the knowledge that they had obtained through the years of their investigations concerning people who might be causing trouble in situations. . . .

Army Intelligence and Navy Intelligence resulted in taking still shots and then going downstairs and having another team examining each one of these still shots to determine any suspicious individuals whom they could recognize were present.

The Army Intelligence as well as Navy Intelligence had rather complete files on people who might be trouble-prone and they also had contact with Washington and other parts of the country where they could get immediate information on any of these individuals, should that be necessary.

Richard M. Nixon. Tonight I again proudly accept that nomination for President of the United States.

Gelber. It seemed to me that everyone had some form of a walkie-talkie. The Army had a rather sophisticated one which were concealed on individuals and they were able to maintain communications with agents who were serving among groups in effect in that their identity wasn't revealed. Again, the Army, even within our group, doesn't and didn't make available all the details of the sophisticated devices they had, but there were many and they were all put to use. In addition to that, housing was at a premium during the Convention and they wanted to have all federal forces located at one site and so they merely moved the ships here and housed—there were probably as many as a thousand federal forces here—and just housed them there, kept them quarantined on board. I understand morale wasn't too good, that they couldn't get around to see Miami Beach too well, but I think it helped in being organized for this short period.

Announcer. The United States Secret Service was in charge of security for individual Presidential candidates at the Republican Convention, but the job of security at Convention Hall involved many agencies. Among them was the United States Marine Corps which had helicopters circling overhead in the event it would be necessary to make a hasty and immediate evacuation of any one of the candidates.

Gelber. These helicopters had special equipment wherein they could come down into a crowd and the individual, one of the candidates, could be lofted away into the sky to safety.

I would say that half a dozen people were apprehended here who were suspicious and some of them had charges filed against them and some of them merely were removed from the premises.

During the last convention, after we made all our plans, we ended up with the thought that we would pray for rain. I don't know that praying for rain will satisfy the problems of the next convention.

Announcer. America's troubled summer of 1968 came to a climax in Chicago. The Democratic National Convention attracted most of the forces of protest about which the Army had been so diligently collecting information. When delegates arrived at the Chicago Stockyards International Amphitheatre, the Army had 7500 combat troops on stand-by and military intelligence agents deployed around the city. Some of them with top secret electronic devices.

The total military involvement in the Democratic Convention was complex. Long before the Convention opened, Army Intelligence was advising the Illinois National Guard in addition to making its own plans. Those plans included the use of the ultra-secret Army Security Agency.

Man. About a month before the Chicago Convention, I handled the visuals on a briefing which was more or less laying out the plans for what the agency was going to do in support of the total Army effort in Chicago.

Man. We used equipment which were either hand-held equipment or equipment in jeeps or equipment in vans which were camouflaged to suit the area, say television repair, something that's not specific, but something to that effect. But inside a van, something like a Ford Econoliner or a Volkswagon van, you'd find a lot of equipment, a large set that would be, say, two people in the back and one man driving and a radio direction finder in some of them which would be able to track where this individual pickup was coming from so that you could get closer to it and perhaps get a better recording to it.

Man. Prior to the convention, I extensively briefed Brigader General Dunn of the Illinois National Guard on groups and individuals who might demonstrate there. And he wanted a great deal of intelligence support for his efforts. We also received right after the convention a great amount of videotape film taken by Intelligence personnel of the actual disruption that occurred in the area in Chicago. An officer in Army Intelligence was sent there to represent the Assistant Chief of Staff on Intelligence and actually wound up inside the Convention on the floor of the convention.

Man. In the case of the briefing after the Chicago incidents, there was a great emphasis put upon a telephone conversation which had been monitored. How it was monitored I'm not going to say, but with monitors from McCarthy headquarters, from the Hilton Hotel. Two, as they always put in briefings, a known left-wing organization which was offering medical help for people who had been injured in the rioting. They used this as an example of the quality of the overall effort they had in Chicago.

Man. I don't recall there being a specific file on Eugene McCarthy, but, of course, the activities which McCarthy was involved in dealing with the New Left and having the support of the New Left were monitored closely.

Announcer. It should be noted that Ron Webber, the young man who told about the Army Security Agency, is a deserter and was interviewed in Toronto. But his veracity has been checked with a former associate who recieved an honorable discharge from the Army.

The inauguration of Richard Nixon took place against a backdrop of potential disorder. The same forces of protest involved at Chicago were planning a counter-inaugural demonstration. President Johnson had ordered unprecedented security, but the incoming Justice Department was demanding an open show of force by Army troops. However, Army Intelligence already had been assigned to infiltrate the protestors.

David Johnson, who is now a university student on the West Coast, was an undercover military intelligence agent posing as a student in Washington. He was given Army money to spend and told he could supply protestors with liquor or marijuana if needed to keep his cover.

David Johnson. We were told even if we needed marijuana that we could have it, but not to get caught with it.

Interviewer. Were you ever given marijuana.

Johnson. No I was never given marijuana by the Army.

Interviewer. Do you know of any agent who was given marijuana by the Army to use in this kind of work?

Johnson. Not while I was there. No. They told us if we really needed it, if it was offered to us by the students, to take it and use it if we wanted to and that they had made arrangements with the Metropolitan Police in Washington, D.C. to clear us of any charges that might come up if we were caught with possession of this drug or anything of that kind. We were given funds by the Army to meet any and all expenses on our part as far as taking these people out to a bar for a drink, a tavern for a beer. It was considered preferable by the Army to have social contact. They thought we'd learn more that way. We went to several taverns with these people. As often as possible, the Army itself, if we went to these parties, they'd purchase the liquor that we drank at a party and gave it to us before we attended the party because they could buy it cheaper on the post.

Interviewer. Do you remember any names from the 116th files?

Johnson. Well, we were given card files from the 116th files of people like David Dellinger and Rennie Davis, Susan Wilkerson and told to memorize the pictures that were on these files so that we would recognize them at the time. Of course Rennie was more easily recognizable than Dellinger. They were easy to spot and we simply reported back by pay phone from the streets of Washington, D.C. where and what they were doing, when they arrived at the place, what they were doing there and what they said to other members of the Student Mobilization, attempted to find out what their plans were for the counter-inauguration and attempted to infiltrate the Student Mobilization group which was running the counter-inauguration.

Interviewer. How did you do that?

Johnson. We just walked into their office and said, "I'm Dave Johnson and I'd like to help you out." They said, "Sit down. We've got plenty of jobs for you." And we sat down and listened to what was going on, helped print leaflets, ran various errands which they asked us to run because we did have cars and knew the area.

One evening I myself went out with a female member of the Student Mobilization to Georgetown University in Washington, D.C., passed out leaflets and attempted to get the students in Georgetown to attend a film of the Chicago riots during the Chicago Convention.

Interviewer. What did you do, then on Inauguration Day itself?

Johnson. Inauguration Day I decided that my assignment was over and I stayed home.

Nixon. And will to the best of my ability . . .

Judge. Preserve, protect and defend . . .

Nixon. Preserve, protect and defend . . .

Judge. The Constitution of the United States.

Nixon. The Constitution of the United States.

Judge. So help you God.

Nixon. So help me God.

Johnson. The files contained the names of various high officials within the United States government.

Interviewer. High officials?

Johnson. Senators, Representatives, various other officials within the government, all of whom had at one time or another spoken out against Vietnam.

ANNOUNCER. Most of the former agents I talked with felt that in 1968 and '69 military intelligence had become a national secret police. The Army now claims to have cut back its intervention in civilian political activities, but the military intelligence apparatus remains, secret agents, some of the files, a communications network and sophisticated electronic devices.

The potential for violence seems as great today as it was in 1968, if not greater. For that reason alone, as Assistant Defense Secretary Hankin himself said, the temptation to turn to the Army for an easy answer will remain. There may be a parallel in the widely-quoted comment of an American officer after a battle in South Vietnam, "We had to destroy the town to save it."

[From the Washington Star, Dec. 9, 1970]

CIVILIAN CONTROL OF THE MILITARY

(By Frank Getlein)

The big news so far in December certainly has been the revelations, on NBC's "First Tuesday" and elsewhere, that various branches of the complex military intelligence apparatus have been involved in investigating the activities of American citizens not in the least subject to legitimate military authority.

Subjects of such military scrutiny have included candidates for the presidency and the widow of Martin Luther King. In some cases, the scrutiny has been vaguely related to the mission of the Secret Service in providing for the physical security of the candidates, but in others no such connection has been claimed, let alone established.

In those latter cases, the snooping was done for the sake of the snooping itself as, presumably, a matter of interest to the Army. The interest—from electronic eavesdropping on Sen. Eugene McCarthy's Chicago headquarters to allegedly buying marijuana as a cover in infiltrating Washington peace demonstrations to taking the names of those in attendance at Mr. King's funeral—seems to have been concentrated on peace as a cause. Moreover, the Secretary of Defense while most of this was going on—although there is no real reason to believe it is not still going on—was Clark M. Clifford, and he never was informed, he says, of the activities.

The most astonishing thing about these revelations is the easy way the country, the Congress and the administration have taken it all in stride. The indefatigable Sen. Sam J. Ervin, D-N.C., has announced hearings three months from now, but no one else has said much of anything.

Defense Secretary Melvin R. Laird, who ought to be conducting an intensive and irate investigation, is busy modulating through the usual spectrum of reasons for other, more conventional actions of his commands. The President has said nothing at all, partly because he is slowly but steadily phasing out occasions for him to say anything about anything except what he chooses.

And yet an authentic outrage has occurred, an event which should make us all tremble. The Army has, in the most blatant fashion yet, reversed its traditional and constitutional role of subservience to the civilian government and the citizens. Instead, it has undertaken to survey the citizens, to eavesdrop upon them, and to establish records of such citizens as are in favor of peace.

In passing, the logical deduction would appear to be that peace as such is regarded as inimical to the Army, despite generations of propaganda about our "peace forces."

But that's only in passing. The substance is that the Army has committed an insupportable breach of its proper relationship to the country. It has done so, as far as can be judged by its public responses so far, with no particular thought that its actions of surveillance and record constituted any dereliction of duty—which they obviously do—but in the apparent belief that such activities were a normal part of the Army's mission. This means that, in the Army's view, peace not only is a menace to the Army—lower appropriations, less frequent promotions, fewer house and yard men for general officers—but also is a menace to the country.

The quality of that judgment is less at issue than the mere fact of the Army's making it. This is insubordination of the worst kind, the decision of the servant to keep an eye on the master. In well-run households in the old days of proper servant-master relationships, this sort of conduct was grounds for instant dismissal. Indeed, anything else would have been out of the question.

Somebody somewhere in the Pentagon ought to be getting fired and it ought to be the highest-ranking officer demonstrably connected with the gumshoe operations by the Army against American citizens.

Clifford's ignorance of what his subordinates were up to in spying on his potential superiors is not surprising. The machine is now so elaborate that it works by itself. This is why Secretary Laird keeps shifting from one reason to another for military actions. The real reason is simply that things can be done and therefore they are done.

The revelations prove once again that the major domestic political task faced by this country—and understood by only a handful of men in public life, including Sen. Ervin and Sen. McCarthy (now, alas, retiring)—is to get the military back under and responsive to civilian control.

It will be a difficult job, but it will only get more difficult the longer it is delayed.

MILITARY THREATENING U.S. FREEDOM

Sen. Sam J. Ervin Jr. is a North Carolina Democrat with a drawl as thick as molasses in a blizzard. The senator votes regularly enough with the Dixiecrats to stay tolerable to the worst of his constituents.

Maybe that is why people of Charlotte haven't paid much attention to Ervin's warnings about police state incursions into the once sacred arena of constitutional rights.

Rep. Cornelius Gallagher is a New Jersey Democrat. Many Americans apparently dismiss him as a bleeding-heart liberal when he sounds off against military spying on civilians and a huge military computer that catalogues the patriotism or dangerousness of those who oppose the Vietnam war or some other government policies.

Anyone who saw NBC's "First Tuesday" documentation of Army spying on civilians and of the military's unprecedented involvement in civilian policies, ought to be ready to take Ervin and Gallagher seriously. They have been gutsy patriots—unsung heroes manning the besieged ramparts of constitutional rights.

Because we have had effective civilian control of the military for two centuries, most Americans take it for granted that that is inviolable. But now we know that, using the flimsy excuse that it might be called upon to put down large-scale civil disturbances, the military has burrowed its way into areas and activities where it has no business whatever in a free society.

Exploiting the fears and animosities of a large segment of society, the military has built the trappings and the foundation for a woefully oppressive society, to be kept that way by a sprawling network of secret police.

Consider just some of the things that have happened:

Military agents with sophisticated electronic gear spied on both the Democratic and Republican political conventions with the national party chairmen, the delegates, and the U.S. attorney general unaware that they were there. Some agents roamed the convention floors and a unit of the top secret Army Security Agency reportedly eaves-dropped on the headquarters of Sen. Eugene McCarthy, D.-Minn., a critic of the war in Vietnam.

Military agents spied at the funeral of Dr. Martin Luther King, filing the names of all who attended, including Vice President Hubert H. Humphrey.

Military agents infiltrated the Poor People's Campaign in Washington and regularly infiltrate youth groups or other dissenters.

One agent testified that the military provided cut-price whisky, promised marijuana if needed, got assurances that agents would not be prosecuted if caught with marijuana—all to make it easy for the agents to infiltrate protest groups.

At Ft. Holabird, the Army was keeping a computerized master file of dissenters, protesters, and others suspected of being less than 100-percent loyal to what the military agents or some other police group regards as "the American way of life."

Ervin and Gallagher have tried to ride herd on the military, demanding that (1) it tell the truth about what it is doing in the fields of domestic civilian intelligence, and (2) it get its nose out of civilian politics and other civilian areas where it traditionally has been forbidden. But the military's response has been slow and evasive.

When the commanding general at Ft. Bragg, N.C., violated a clear Army guideline and forbade distribution of Congressional Record excerpts by Sens. McCarthy, George McGovern, D.-S.D., and Vance Hartke, D.-Ind., Ervin demanded an investigation. Seven months later (a year after the distribution was denied), Army general counsel Robert E. Jordan III wrote that the commanding general's action "was improper."

On another occasion Ervin asked Army Secretary Stanley Resor for a full report "because I thought the Army has no business meddling in civilian politics, or conducting surveillance of law-abiding American citizens, or maintaining data banks on civilians who had no business with the Department of Defense."

Ervin reports that "in March, 1970, I was informed that the Army had unplugged one of its computerized data banks on civilians (at Ft. Holabird) and that it would discontinue a blacklist of dissenters that it has distributed widely. However, many more questions which I and other members of Congress had asked the secretary of the Army remained unanswered."

On June 9, 1970, Ervin got a letter from Col. Robert E. Lynch, the Army's acting adjutant general, indicating what Ervin read as a disengagement from "what has appeared at times to be warfare on American citizens."

But Ervin remained disturbed by the letter because "in some cases, the last half of his sentences seems to cancel out the first half of his sentences."

Ervin's Senate subcommittee on constitutional rights will hold hearings on the whole ugly, frightening mess next month. The public ought not to stop screaming until Ervin calls in Resor, Defense Secretary Melvin Laird, the attorney general, the head of the Secret Service, and anyone else necessary and digs out the whole truth.

Only then will we be reasonably sure again that this country is not on the road to becoming an oppressive dictatorship, military or otherwise.

[From the Washington Post, Dec. 10, 1970]

HOW THE ARMY KEEPS TAB ON THE CITIZENRY

When Thomas Jefferson remarked that "eternal vigilance is the price of liberty," he had in mind a vigilance by free men against the encroachments of governmental authority. But the United States Army of late has got the admonition turned round. It has taken it upon itself to maintain a vigilant surveillance of citizen activities it deems dangerous, thus employing its authority—whether it understands what it is doing or not—to limit liberty by making unorthodox associations and dissenting opinions seem costly and unsafe. The Army is exercising, in short, what Sen. Sam Ervin has called a "deterrent power over the individual rights of American citizens."

In a signal service to the public, Sander Vanocur devoted his First Tuesday program on the NBC network a week ago to an examination, as he put it, of "the use of United States Army Intelligence Agents to spy on American citizens." He presented before his cameras an astounding parade of real and indubitably alive former military intelligence agents who recounted activities which can only be described as chilling. One former agent told of masquerading as a newspaper reporter to glean information about the Southern Christian Leadership Conference; another told of infiltrating antiwar groups and student movement groups in the Washington area; still another told of surveillance at the gravesite of Dr. Martin Luther King "to listen in on the crowd of mourners to see if there were possibly any racial overtones that might develop into a riot or a demonstration."

Reports of these undercover operatives were stored and computerized by the Army in a vast "intelligence" operation designed, apparently, to make known to military authorities the identity of persons who might be "agitators" or "subversives" or "militants" so that, in an emergency, they could be rounded up and kept from making "trouble." Even the Republican and Democratic nominating conventions of 1968 were sedulously monitored by the Army, according to Mr. Vanocur. And constant surveillance was maintained over such events as the Poor People's march on Washington and the Moratorium demonstration here a year ago.

There is nothing new about military intelligence, or even about the fact that it is carried on at home as well as abroad. Mr. Vanocur's service lies in his dramatic reminder to the American people of the domestic peril it presents to them. In the Washington Monthly for January, 1970, Christopher H. Pyle, a former captain in Army Intelligence, told in detail of the military surveillance that is mounted within our borders, asserting that "nearly 1,000 plainsclothes investigators, working out of some 300 offices from coast to coast, keep track of political protests of all kinds—from Klan rallies in North Carolina to antiwar speeches at Harvard." Senator Ervin has thundered about the activity in the Senate and has demanded explanations of it from Army authorities. But one is left with a feeling, as happens so often in these situations, that the Army has redoubled its efforts as it has diminished its candor.

Senator Ervin's subcommittee on constitutional rights will probably hold hearings on military snooping some time after the first of the year, and it is high time. For this business of vigilance and liberty cuts two ways, and it is only by forewarning that a free citizenry is forearmed in defense of its essential liberties.

UNIVERSAL CHILD CARE AND CHILD DEVELOPMENT

Mr. BAYH. Mr. President, earlier today, I held a news conference for the purpose of announcing my intention to introduce at the opening of the 92d Congress a bill to provide for universal child care and development. I am most concerned that our Nation begin to make a definite commitment to serving the many needs of the children of our country, and I certainly hope that the White House Conference on Children that will convene in Washington this weekend will produce very definite and far-reaching results. While I do not intend to introduce my bill during this session in Congress, I felt it necessary, given the need for enlightened suggestions, to offer my proposal for consideration by the participants in the White House Conference.

Therefore, Mr. President, I ask unanimous consent that the text of my news conference remarks and a section-by-section analysis of the bill be printed in the RECORD for the consideration of Members of Congress and the American people as a whole.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BIRCH BAYH ON CHILD CARE BILL, AT PRESS CONFERENCE ON DECEMBER 10, 1970

The French writer Victor Hugo once said, "Greater than the tread of mighty armies is an idea whose time has come."

The decade of the 1960's saw many ideas whose time had come.

We recognized the need for medical care for older Americans.

We recognized the need to break down barriers that prevented some of our citizens from enjoying the full rights and privileges enjoyed by the majority.

We recognized the fact that the Federal Government had a direct responsibility to assist in the education of the nation's children.

All ideas whose time had come; all ideas with sufficient force to bring men together, across party lines.

Now there is another idea whose time has come: provision of universal child care, utilizing voluntary and community organizations and other means, for all mothers who feel their children would benefit from this service.

Actually, it is strange that this idea has been so long in coming. We, who consider ourselves leaders of the free world, have long been surpassed in this area by national child care programs in such nations as Sweden, Israel, and even the Soviet Union.

In addition, we have ourselves had long ago, though partial, experience with the contribution that child care can make to both children and families.

The roots of child care in the United States can be traced back as far as 1863 when Philadelphia mothers engaged in making uniforms and bandages for the Union Army were assisted by a child care center. During the Great Depression poor families and unemployed teachers and nurses were assisted by WPA child care centers. Once again, during World War II, the need for such child care centers was obvious, and many thousands of mothers and children benefited from programs established in centers throughout the nation.

At least we are beginning to understand that child care centers are too significant to become the creature of emergencies. They should have a permanent place in the structure of American social services, because they fulfill a permanent need.

Those needs are both obvious and increasingly urgent. They are needs that are not centered in any one area of the country or in any economic group.

For example:

There are 14 million children in this nation who have working mothers (8 out of 10 of these children are cared for through make-shift arrangements);

There are 2,790,000 mothers who work because they are the sole support of their families;

Of those mothers who work, nine out of ten do so to satisfy an otherwise unmet economic need: basic support; medical bills; to provide for the future education of the children, etc.;

The need reflected by these figures is neither temporary nor declining. Indeed, as we become a more urbanized nation the extended family—with a grand mother or elderly aunt or unmarried sister available to take care of the children—has gradually disappeared. Thus . . . while the proportion of working mothers with preschool children was 10% in the 1940's and 40% in the 1960's, it is estimated that the percentage will increase to between 60 and 70% in the decade of the 1970's; and U.S. Department of Labor Women's Bureau figures reflect a similar trend, by showing that the 3.7 million working mothers with under-5 children will increase to 5.3 million by 1980.

The figures also clearly show that provision of such care would make a measureable and positive economic impact on both national productivity and on the status of the individuals involved, particularly since one-third of all poor families in the U.S. are headed by women. However, the need for child care is by no means confined to the lowest income group since, for example, 57% of all working mothers are from families that have incomes of $6,000 or more annually, and 48% from families with incomes from $6,000 to $10,000 annually. Further, it it estimated, based on 1967 population figures that 10.6 million mothers at *all* economic levels would like to work, including one-third of the mothers now on welfare rolls. The majority of these who would like to work, however, are modest- to middle-income mothers who find it increasingly necessary to supplement their husbands wages to make ends meet. Their earnings often mean the difference in providing full educational opportunity for their children.

Though this program would fill a significant and growing need among mothers who work or would like to work, the major point is that it would have a highly beneficial effect on the children of such mothers. Research on early child development, etc. is providing convincing evidence of the importance to intellectual and character development of the early years. We owe it to the millions of mothers who must work, we owe it to the children, to provide some nationwide, effective, professional network of child care centers.

The Bill I am proposing today—the Universal Child Care and Development Act of 1971—will take a major and much needed step toward providing this network.

Briefly, the bill establishes a new network of public institutions (called the Child Service Districts) for the provision of the variety of services necessary for adequate child care and development. Included among these services eligible for funding are: infant care; comprehensive pre-school programs; general child care services during evening and night time hours; day care programs before and after school; emergency care; day care and night care programs to aid working parents; and combinations of such programs. Health, nutritional, and social services will be an integral part of the programs funded. Planning, research, and construction funds are also provided for.

Each Child Service District will consist of a limited geographic area small enough to reflect the specific needs of parents and children residing in the District. Direct community participation is assured through the election of boards of directors composed of parents of the children to be served. State and local governments will be responsible for developing plans for the District boundaries.

The bill provides for Child Service Advisory Councils to be established in each District to assure the participation of representatives of public and private agencies with established interest and expertise in child care and development services.

My bill calls for an appropriation of 2 billion dollars for the fiscal year ending June 30, 1972, 4 billion for the fiscal year ending

June 30, 1973; and 6 billion for the fiscal year ending June 30, 1974. This level of funding has been recommended by every major organization concerned with providing universal care for American children.

Loans in the amount of 600 million dollars are authorized through fiscal 1974 for construction or remodeling of appropriate facilities—300 million dollars for the fiscal year ending June 30, 1972; 200 million dollars for the fiscal year ending June 30, 1973; and 100 million dollars for the fiscal year ending June 30, 1974. Loans and grants would be applied for and rewarded to the individual Child Care Service Districts through the Office of Child Development of the Department of Health, Education and Welfare.

During this and previous sessions of Congress we have witnessed with approval the introduction of many bills aimed at responding to this natural and proper desire for all Americans, whether poor, near-poor, or non-poor, to have their children receive the benefits of early childhood programs. Some of these proposals have a single purpose, reflecting the Member's concern with a particularly urgent problem that needs solving. Our legislation is designed to provide more comprehensive services, and aims at a reform of all programs now serving young children.

Our concern today in introducing this bill is not only to draw together the best features from all of these proposals, but to take an additional significant step. Not only is there a need for adequate nutritional services, for adequate health services, for educational and social services needed by the child and his family, but also we believe it important that these programs must involve the parents not only in the final stages, but in the earliest, planning phases.

We are aware, also, of the wasteful and unnecessary duplication which has resulted from the fragmentation of these programs among the various Federal agencies. For that reason, it is our hope that comprehensive programs can be designed and administered through this bill, and that one Federal agency can have the main responsibility for seeing that the programs work.

In this bill, also, we have taken that final step which we believe is necessary in fairness to all the American people. We are recommending that *all* children, regardless of income or status, receive those services in such degree and at such locations and during such hours as they require. Recognizing the need for parents to work and to study, but believing that the children of parents who need not be absent from the home also require these programs, we are recommending that child care services be recognized and provided as a matter of right to every child in America, no matter what the income of his family.

Certainly it is in the national interest as well as their own, that our children grow into whole, humane citizens who can function in a democracy. And in fulfilling the needs of these children, we simultaneously serve them, their parents and our society.

In this bill, we stress the developmental nature of these programs because we believe that the years of experience and the results of studies made of Head Start programs demonstrates that early involvement, properly planned, can best benefit all children, not just the few children of the poor and near-poor now served. For this reason, a variety of programs must be provided. Each must meet the needs of the child as an individual, and the individual development of that child must be paramount.

One of the greatest incentives to positive action in the Bill is the benefits our society and economy will realize by allowing parents to take training and employment, safe in the realization that their children are enrolled in quality child care programs. Through this program, then, the professionals and para-professionals needed by the millions in our social services and our industries can re-enter the labor market. Hence, not only will the welfare recipients benefit through finding an alternative to the degrading status of welfare but our economy will benefit from an influx of middle- and upper-income workers into the marketplace. In addition, this bill provides for situations such as visitation to those homes where a child may be too ill to attend his or her child care facility.

It should be noted that this bill defines young children broadly with services to be provided for children from birth through age 14. The legislation is designed to serve this age group because, in the course of each child's development, he requires programs at every stage. Past programs have failed to recognize the need for services for infants and have failed to provide sufficient funds to offer programs that will not produce more human tragedy in the form of psychologically-crippled children. In this bill, adequate personnel will be provided to avoid institutionalized crippling.

At the same time, this legislation will recognize the needs of school-age children for before-and-after school programs and for summer programs. Not only those children that require remedial programs will be enrolled; all children will be eligible for enrollment. Attention under the terms of the Bill will also be accorded to the urban, suburban and rural children who are too often left to their own devices, and who form the seedbed from which springs our growing numbers of juvenile delinquents and drug users.

Another area which this bill emphasizes is the practical need of parents who must take training or jobs, or who are ill, but have no place for their children. Too often, the working parent must work at night; classes in the evening are also common. This bill would provide night-time programs for the children of these parents.

We have still another interest in offering this bill, and that is a desire to restructure child assistance on a more rational basis. Now, it is common for several public agencies to have partial responsibility for children. No local, community-based agency has full responsibility. We wish to change this picture, so that agencies that see childcare as a secondary purpose will still be involved, but the children they are serving will be the responsibility of an agency that has child welfare as its primary job.

There is clearly a need to create a continuing structure which will assume the task of providing child services to the population on a truly universal basis. This permanent structure must be composed of both professionals and non-professionals committed to the task. In that way, citizens employed as para-professionals, can work together with their neighbors who have been trained as teachers and are increasingly unable to find a job. It will be the responsibility of these locally-controlled groups to design and determine where resources can be focused most effectively on the needs of the children involved. Citizen participation, both professional and non-professional, will insure that a broad range of perspective and training is brought to the task. It will also insure that race, economic factors, or even political philosophy will not delay services which are greatly needed by every community.

Parental and community participation is, we have come to realize, a requirement for successful child development programs, particularly those that reflect and build on the culture and language of children, families, and communities being served. At every age, children require services of such range and diversity that without complete parental and community participation, some children will not get what they need. And we must recognize that every child who fails costs society and the community not only in terms of his lost potential contributions but through the very real and considerable costs which he may cause to society as an adult.

To guarantee that parental involvement through this Bill will not be merely advisory, administration and control will be vested in boards of the parents of children who are being served. These boards, given full authority within each community to provide the services needed by that community's children, would operate within broad Federal and State guidelines. Federal standards would of course be required to ensure that Federal funds did not subsidize inadequate or harmful programs. And State participation will be required to guarantee that local planning does not destroy the delicate mechanisms for Federal-State-Local cooperation built up over the past few years. But, at the operational level, community control will be read in the context of parental control.

There is an additional desire accommodated here, the desire that people everywhere have for a greater voice in their own destiny and in that of their children. Perhaps, with the goal of making it possible for all children to grow into healthy, humane citizens we can build a common understanding within our neighborhoods that children are important enough to spur the resolution of our disagreements. This process of resolution involves grappling with the issues of community control as well as other matters of contention that have made public education so controversial of late, particularly in our large cities. Hopefully, the size of the service area proposed in this bill will allow neighbors to work out these tensions, and to build upon, rather than magnify, the diversities which are unique in the American society.

In summary, the act will neither be easy to implement nor inexpensive to finance. To provide what our children need, when they need it, to the extent they need it will require a real, but I am convinced, long overdue and highly creative commitment to reordering national priorities in favor of an investment in human resources. Our children are the Nation's tomorrow and deserve the kind of opportunity this Bill seeks to provide. I believe our society has evolved to a point of humaneness in which it can combine its economic ability to provide child-care with a willingness to do so. In short, this is the idea whose time has come and the Universal Child Care and Development Act of 1971 is a mechanism to translate idea into institution.

SECTION-BY-SECTION ANALYSIS OF UNIVERSAL CHILDCARE AND DEVELOPMENT ACT OF 1971

SEC. 2—STATEMENT OF FINDINGS AND PURPOSE

States (a) the findings of Congress that (1) The provision of adequate childcare, including developmental programs for infants, children of preschool age and children up to 14 years of age in need of such care is of the highest national priority;

(2) adequate family support for the care, protection and enhancement of the developmental potential of children does not now exist;

(3) the mobility of our society has tended to separate family units from traditional family support thereby affecting the quality of life, including the proper care and nurture of the young;

(4) appropriate childcare services and resources are not now available to provide needed family support;

(5) such services and resources are necessary in a modern society to ensure adequate care and development of the children of this Nation, the opportunity for parents to participate as productive members of society and the opportunity for parents to achieve their own potential as humans.

States (b) It is the purpose of this Act to provide financial assistance in order to fulfill the responsibility of the Federal Government to contribute to attaining an optimum level of adequate care, developmental and other services for young children, to help to assure the stability of the family unit, and to offer an increased opportunity for parents to participate in society at the maximum level of ability.

SEC. 3—PROGRAM AUTHORIZED

Authorizes the Secretary of Health, Education, and Welfare to make grants to the public agencies created by the Act.

SEC. 4—ALLOTMENT OF FUNDS

Allots funds in proportion to the number of children in each state, infant to age 14.

SEC. 5—USES OF FEDERAL FUNDS

Authorizes the use of grants for planning and furnishing childcare services including (a) infant care; (b) comprehensive preschool programs including part day and day care programs; (c) general childcare services for children 14 and under during evening and night time hours; (d) day care programs before and after school for school age children 14 and under in need of such care; (e) emergency care for young children 14 and under; (f) day care and night care programs to aid working parents and (g) combinations of such programs. Health, nutritional and social services will be an integral part of programs funded. Planning, research, and construction funds are provided.

SEC. 6—APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

Sets conditions for the application for and approval of funds granted to the Child Service Districts including criteria for fiscal accountability, periodic evaluation, and other requirements as may be necessary to assure proper disbursement of funds. Programs funded must be consistent with criteria and standards of quality prescribed by the Secretary and consistent with the purposes of the Act.

SEC. 7—CHILD SERVICE DISTRICTS

Authorizes establishment of public agencies named Child Service Districts. Such Districts will not be larger than the attendance of five public schools. The geographic boundaries of each District shall be determined by appropriate local officials in each Standard Metropolitan Statistical Area over 100,000 persons. State officials will determine District boundaries in all other areas in given states. Governors of each state shall conduct elections in each district to choose a Board of Directors for each District. Eligible voters are parents having one or more children who have not attained 15 years of age who reside with their children within the geographic area of the District established pursuant to the Act. The Board of Directors will consist of 9 to 15 members. It will plan for, contract for, and operate programs authorized by the Act. In all municipalities having populations greater than 100,000 persons, one or more Child Service Advisory Councils shall be appointed by the chief executive of such municipality. Advisory Councils shall consist of representatives of public and private agencies with established interest and expertise in the area of childcare and development services, and function as a consultative body to the Districts. For those areas of each State not included in municipalities over 100,000 population, a State Child Service Advisory Council will provide consultation.

SEC. 8—LOANS AUTHORIZED

The Secretary of Health, Education and Welfare is authorized to make loans to any Child Service District for construction or remodeling of facilities appropriate for use as Child Service Centers and other facilities deemed necessary to provide services assisted under the Act. Applicants must be unable to secure a loan from other equally favorable sources and must assure that construction and remodeling will be both economical and consistent with delivery of quality service. Loans shall be repaid within twenty-five years. A total of $600 million is authorized to carry out this section; $300 million for the fiscal year ending June 30, 1972; $200 million for the fiscal year ending June 30, 1973; $100 million for the fiscal year ending June 30, 1974.

SEC. 9—RESEARCH, DEMONSTRATION AND TRAINING—PROJECTS AND TECHNICAL ASSISTANCE

The Secretary is authorized to provide for (1) research to improve childcare and developmental programs (2) experimental, developmental, and pilot projects to test effectiveness of research findings; (3) demonstration, evaluation, and dissemination projects; (4) training programs for inservice personnel; (5) projects for development of new careers, especially for low income persons.

SEC. 10—PAYMENTS

Each approved applicant will receive a grant amount equal to the total sums to be expended under the terms of the application or such lesser amount as the Secretary determines on the basis of objective criteria, relating to fees charged to the parents of children to be served, if any, and other similar factors prescribed that the applicant can afford.

SEC. 11—WITHHOLDING OF GRANTS

Grants may be withheld after reasonable notice for failure to comply substantially with any requirement or applicable provision set forth in the Act.

SEC. 12—RECOVERY OF PAYMENTS

Provides that, if a facility which was constructed with the aid of federal funds under this Act ceases to be used as a public childcare facility within 20 years, the government can recover from the facility's owner the portion of its value which is equal to the federal share of the original cost of the building.

SEC. 13—REVIEW AND AUDIT

Provides for access for audit and examination of records by the Comptroller General.

SEC. 14—LABOR STANDARDS

Provides that prevailing wage rates shall be paid to laborers and mechanics employed on construction projects assisted under the Act.

SEC. 15—EMPLOYMENT AND BUSINESS OPPORTUNITIES FOR LOWER INCOME PERSONS

Provides opportunities for training, employment, and business development for lower income persons in the planning and implementation of projects authorized by the Act.

SEC. 16—ADMINISTRATION

Establishes the Office of Child Development within the Department of Health, Education and Welfare to administer the provisions of the Act. The Director of the Office shall report directly to the Secretary.

SEC. 17—EVALUATION AND REPORTS

Provides for complete review of programs assisted under the Act. Requires the Secretary to directly consult with as many of the members of the Child Service District Boards of Directors as possible. Requires the Secretary to submit annually to the Congress a report on the administration of the Act.

SEC. 18—REPEAL, CONSOLIDATION, AND TRANSFERS

Consolidates major early childhood, day care, child service, and preschool programs authorized by existing laws to form a single coordinated comprehensive childcare and development program in the Department of Health, Education and Welfare.

SEC. 19—DEFINITIONS

Defines the terms used in the Act to insure accurate interpretation of its intent.

SEC. 20—AUTHORIZATION OF APPROPRIATIONS

FY 72 $2 billion.
FY 73 $4 billion.
FY 74 $6 billion.

GAO REPORT ON REFUGEES IN VIETNAM

Mr. KENNEDY. Mr. President, as chairman of the Judiciary Subcommittee on Refugees, I should like to share with Members of Congress and others the complete findings of the General Accounting Office study of "Continuing Difficulties in Assisting War Victims in Vietnam." This GAO report, released a few days ago, is the second from a series of reports on war-related civilian problems in Vietnam and Laos which I requested last April.

The findings reported by the GAO fully support the conclusions of a subcommittee staff report issued just 2 months ago. In fact, the GAO findings go even further in exposing the warped sense of reality and progress which pervades so much of our country's activities throughout Indochina.

It has long been recognized that a majority key to successful pacification has been the humane treatment and rehabilitation of millions of war victims. But what do we find after years of war and a continuing rhetoric of progress from official quarters?

THE SITUATION CONTINUES TO DETERIORATE

There is still no formal system of priorities for any nonmilitary U.S. assistance—let alone the important programs for rehabilitating war victims. Field reporting to Saigon and Washington for planning and budgeting purposes is grossly inaccurate and often of no use at all.

Sloppy management, nonutilization and diversion of goods, and illegal distribution continues to mark the extensive U.S. commodity import program for war victims.

In a highly advertised campaign last year, hundreds of thousands of refugees were removed from relief rolls in an apparently deliberate effort to create a facade of progress in the pacification program. But the bulk of these people remain refugees—nearly all of them in need. Thousands of people forcibly moved by the military are given no relief at all. The sluggish attitudes in Saigon have caused numerous refugees to return to Vietcong controlled areas.

Perhaps the most discouraging point in the GAO report is that it documents the simple fact that the United States remains saddled with the same dilemma and the same problems of involvement which it has had to face for several years.

It is clear that the process of "Vietnamization" only prolongs those dilemmas, as it also prolongs the war and the suffering of the Vietnamese people. Surely the time is long overdue to truly shift our focus to the Paris negotiations which can end the war, rather than continue policies which prolong it by proxy.

I ask unanimous consent that the complete text of the GAO report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

CONTINUING DIFFICULTIES IN ASSISTING WAR VICTIMS IN VIETNAM

(Report to the Subcommittee to Investigate Problems Connected With Refugees And

Escapees, Committee on the Judiciary, U.S. Senate.)

DIGEST

Why the review was made

Since 1965 the General Accounting Office (GAO) has issued several reports to the Subcommittee on the status of refugees resulting from the conflict in South Vietnam. On April 21, 1970, the Subcommittee's Chairman requested that GAO update the reports.

This report deals with the refugee and social welfare program in Vietnam. Others will be issued on the civilian health and war-related casualty program in Vietnam and similar programs in Laos. To meet the requested reporting date, our observations are based on a less detailed review than we normally would perform.

GAO has not followed its usual practice of submitting a draft report to the responsible agencies for formal written comment. However, GAO discussed parts of this report with responsible agency officials in Saigon and Washington and their comments were considered.

Civil Operations for Rural Development Support officials, who are under the Commander, U.S. Miliary Assistance Command, Vietnam, and who make up the responsible U.S. advisory organization in Saigon, were especially concerned at what they considered a general omission in this report of positive achievements in the program since GAO's last review. They further emphasized the disruptive effects of the 1968 Tet offensive which necessitated diversion of available manpower and other resources to large-scale recovery operations.

The objective of this review was to answer specific inquiries from the Subcommittee; therefore, no attempt was made to evaluate the positive achievements. Also, GAO's review basically covered fiscal years 1969 and 1970 and therefore GAO was unable to measure the disruptions the 1968 Tet offensive had on the program.

Findings and conclusions

Program management

Although some changes have taken place in the roles of the Government of Vietnam and the United States, overall program management remains in the hands of the Government of Vietnam; advice is provided by American personnel.

Priority accorded to refugee relief

Neither the United States nor the Government of Vietnam has established priorities for U.S. assistance programs. The primary emphasis during 1965–69 was on providing emergency relief in the form of resettlement allowances and temporary homes to the estimated 3.5 million refugees while the needs of other war victims such as widows, orphans, and the handicapped received less attention. Likewise, development of the sites in which refugees and former refugees are located has not received much attention.

Refugee reporting

Since February 1968 the refugee reporting system has undergone three major revisions but the information being reported is still conflicting, confusing, and inconsistent—in part, because it is compiled by untrained personnel. Reliability of the reported data should be improved.

Number of war victims

During 1969 the number of refugees declined from a high of over 1.4 million in February to a low of 268,000 in December. This decrease is misleading because of—

A reluctance by the Government of Vietnam to report new refugees,

A policy of claiming refugees as resettled on the basis of payment of allowances even though many of these people need more help,

An apparent misinterpretation by Vietnamese officials which resulted in refugees being classified as returned to their original village or resettled when the Government of Vietnam only promised to pay allowances,

A policy of classifying refugees as returned to their original village and presumably self-sufficient when, in fact, many of them still cannot earn a living, and

A policy of removing from the rolls refugees living outside of camps who have received their temporary allowances, which terminate benefits until such time as they are able to return to their original villages.

Other persons have suffered because of the war and are in need of assistance—war widows, orphans, and the physically disabled. The actual number in these categories is not known. There are, however, an estimated 258,000 orphans, 131,000 war widows, and 183,000 disabled persons. Some assistance had been provided these people by the Government of Vietnam.

Refugees from Cambodia

About 159,000 persons had left Cambodia as of July 1970 to seek refuge in South Vietnam—10,000 Cambodian refugees and 149,000 Vietnamese repatriates. They are not recognized as Vietnam refugees but are reported separately as refugees from Cambodia.

War Victims in Urban Areas

The number of persons seeking refuge in urban areas (primarily Saigon) is unknown but is estimated at one million. Because of high employment most people find jobs; however, these jobs are usually dependent on the presence of U.S. troops. The unemployed in the urban areas receive no assistance from the Government of Vietnam or the Agency for International Development and are dependent on relatives and voluntary agencies. An estimated 600,000 people are dependent upon the presence of U.S. troops but no plans have been formulated to deal with these people when the troops withdraw. The United States and the Government of Vietnam anticipate that most of these people will want to return to their original homes.

Status of Site Facilities

There is still a considerable shortage of facilities—needed by war victims—such as housing, classrooms, wells, medical and sanitation facilities, and many of those that exist are inadequate.

Level of Financial Assistance

The United States has assisted refugee and social welfare programs in the form of direct dollar funding, local currency funding, and donated U.S. agricultural commodities. This amounted to $49 million in fiscal year 1968 and $53 million in 1969; $60 million was programmed for 1970—a total of $162 million. The 1970 increase is attributed, in part, to feeding Vietnamese repatriates and Cambodian refugees.

Correlation Between Refugees Resettled and Amount of Resettlement Funds Expended

GAO was not able to correlate spending with the number of refugees reported as resettled or returned home because (1) the number of refugees reported to be resettled was not accurate and (2) refugees living in temporary camps, and scheduled for transfer into resettlement sites, did not receive monetary housing allowances if housing was provided.

Government of Vietnam support

The budget for the Ministry of Social Welfare—used primarily for salaries and operating expenses—has been $4 million annually for calendar years 1968–70. In 1970 this was about 6 percent of the Government of Vietnam's total civil budget.

Voluntary agency and free-world assistance

Direct support to the refugee and social welfare programs by these organizations amounted to $3.8 million in 1968 and $4.3 million in 1969. Programmed support for fiscal year 1970 was estimated at $3.8 million.

Piaster fund releases by Ministery of Social Welfare

Slow spending continues to be a problem in the refugee and social welfare program. As a result many refugees vacated controlled areas and returned to Viet Cong areas.

During the first 5 months of 1970, only 12 percent of the resettlement fund and 1 percent of the social welfare fund had been spent. During 1969—the first-year funds were provided for comprehensive social welfare—only 6 percent was used. Of the remaining funds, 28 percent were never spent and 66 percent were authorized for 1970 spending or transferred to other projects.

U.S. commodity support

The United States contributed food during fiscal years 1968, 1969, and 1970 worth $10 million, $14 million, and $20 million, respectively. About half of the commodities are distributed by the Government of Vietnam and the other half by voluntary agencies. The commodities are not distributed on the basis of need and therefore some inequities have resulted.

Numerous nonfood commodities which are designed for refugees appear to have been in storage for a considerable length of time. The commodities belong to the Ministry of Social Welfare, and the United States has been unsuccessful in obtaining action to redistribute the property so it might be better used by other Ministries.

Matters for consideration by the subcommittee

The Subcommittee may wish to bring this report to the attention of the Agency for International Development for possible use in improving its management of the program.

CHAPTER 1. INTRODUCTION

At the request of the Chairman, Subcommittee To Investigate Problems Connected With Refugees and Escapees, Senate Committee on the Judiciary, in a letter dated April 21, 1970, the General Accounting Office (GAO) has examined into the refugee and social welfare programs in Vietnam.

Specifically, the Subcommittee requested that we update the information contained in our earlier reports on the refugee program. In addition, the Subcommittee was interested in (1) the effect of Vietnamization and what it means in terms of refugees, (2) the relocation of refugees from refugee status to "relocated" or "resettled" status, and (3) the social welfare program in Vietnam.

The scope of our review is shown on page 45. Because of the limited time available for presentation of the report to the Subcommittee, our review was less detailed than we normally would perform.

In addition, the subject matter and report conclusions were not submitted to the agencies for formal written comment. We did discuss, however, parts of the report with the agency officials who had responsibilities for the matters covered in this report and their comments were considered.

CHAPTER 2. PROGRAM MANAGEMENT

During our current review we found that, although some organizational changes had taken place in the roles of the Government of Vietnam (GVN) and U.S. organizations, overall program management responsibilities remained relatively the same as we previously reported in February 1968.

U.S. organization for refugee relief and social welfare

In May 1968 the responsibility for social welfare activities was transferred from the U.S. Agency for International Development, Vietnam (USAID/VN) to the Civil Operations and Revolutionary Development Support (CORDS) Refugee Directorate,[1] who come under the Commander, U.S. Military

---

[1] Effective July 1, 1970, the Refugee Directorate was renamed the War Victims Directorate.

Assistance Command, Vietnam, and in January 1970 this directorate was also given the responsibility for supporting the GVN program for war veterans. In May 1970, the organizational title "Civil Operations and Revolutionary Development Support" was changed to "Civil Operations for Rural Development Support."

The CORDS organization at the staff level includes civilian personnel whose salaries are paid by USAID/VN. Its responsibilities for management of the refugee relief and social welfare programs in the field are performed, as are all CORDS functions, through the individual region, province, and district CORDS organization. As of January 1, 1970, all four regional headquarters had individual staff positions authorized to provide relief assistance, and three had authorized positions to provide social welfare assistance. At the province level refugee advisors may be performing various functions including refugee relief and possibly social welfare functions. CORDS district personnel were responsible, in general, for all CORDS functions, including social welfare and refugee matters. In effect, the regional headquarters has both command and technical jurisdiction over social welfare matters in the field.

It should be noted, however, that the GVN administers the programs, and that program improvements are dependent on GVN actions and the emphasis they give to U.S. advisers' suggestions.

GVN organization for refugee relief and social welfare

Refugee relief was included in the Ministry of Social Welfare until a Special Commissariat for Refugees was established in February 1966. In November 1967 the Commissariat was merged again with the Ministry of Social Welfare, and in 1968 the health program was added to form the Ministry of Health, Social Welfare, and Relief. Separate Ministries were established in 1969 and, as of August 1970, refugee relief and social welfare activities were the responsibility of the Ministry of Social Welfare.

Social welfare is a relatively new responsibility for the GVN. Traditionally such services were provided to needy individuals by large, tightly-knit groupings of several generations of relatives. The war, however, caused burdens which exceeded the capability of the family groups and required the GVN's assistance.

Social welfare includes preventive and rehabilitation programs designed to benefit the Vietnamese population, in general, including community centers, day care centers, vocational rehabilitation, orphanages, homes for the aged, juvenile delinquency assistance, and disaster relief. Because of the war, most Ministry of Social Welfare programs have been directed toward relief and emergency assistance to war victims who include refugees, widows, orphans, the physically disabled, and the economically handicapped. Among the war victims the refugees have received the most attention from the GVN and the United States.

According to CORDS, the progress made during 1969 is dealing with the refugee problem will enable the GVN to direct more attention to the other categories of war victims and long-range social development programs.

Priority accorded to refugee relief and social welfare

Our February 1968 report stated that, although CORDS headquarters in Saigon had taken steps to accord a higher priority to the refugee program, these measures were not translated into effective actions at the operating level.

During our current review, we could find no evidence that a formal list of priorities had been established for U.S. assistance activities in Vietnam which would indicate the relative importance placed on the various programs. For example, the stated goals of the Agency for International Development (AID) for 1970 were not assigned any order of priority and were so broad as to encompass the entire range of AID programs: economic stabilization, pacification, public services, economic development, and easing the suffering of civilians displaced or injured by the war. In addition, U.S. officials at AID/Washington and Vietnam were not aware of any U.S. or GVN formal priority list for the management of assistance programs in Vietnam. We were informed, however, that refugee relief falls within the pacification program which is accorded a high priority by CORDS and the GVN. On the other hand, it does not appear that social welfare has an assigned priority.

On the basis of the data available, it appears that, within the CORDS and GVN program for refugees and social welfare, the primary emphasis from 1965 through 1969 was on providing emergency relief in the form of resettlement allowances and temporary homes to the estimated 3.5 million refugees displaced by the war, whereas the needs of other war victims such as widows, orphans, and the handicapped, received less attention. Likewise, the development of the sites in which refugees and former refugees are located appeared to have received a low priority.

During 1969 much progress was made, during the pacification program, in paying refugees their long overdue allowances, especially those refugees returning to their villages (thus reducing the number of refugees on the rolls). AID officials believed that this progress during 1969 would allow the GVN to devote an increasing amount of resources to (1) restoring destroyed or damaged hamlets for returning refugees, (2) upgrading refugee sites with better housing and other essential facilities, and (3) attending to the needs of war widows, orphans, the physically handicapped, etc.

However, CORDS assessments of the 1970 refugee relief and social welfare programs have not indicated encouraging results with respect to war victims and community developments. Most of the reported activity in these areas consisted of discussions and meetings designed to reach policy agreements and to draw up program plans, and progress was described by CORDS as not rapid. As a result, although one of the key goals during 1970 was supposed to be improvement of the living conditions at resettlement sites and hamlets of returning refugees, this program continued to present many difficulties.

Reporting

We found that the reporting system described in our February 1968 report to the Subcommittee had undergone three major revisions designed primarily to more efficiently measure the effectiveness of the refugee program, to provide all levels of management with a basis for making decisions, and to provide for more reliable and accurate data. We found that the data derived from the system in effect through February 1970 had remained deficient and the data from the new system was of questionable accuracy.

The first revision took place in March 1969 after CORDS determined that a manually prepared report was inadequate as a management planning tool. As a result, an automatic data processing system was implemented. Under this system, the CORDS refugee advisors were responsible for preparing the report. However, the Ministry of Social Welfare provincial officials were also preparing a report for submission to the Ministry. We were informed by a CORDS Refugee Directorate official that the refugee advisors primarily used the records of Ministry officials as their source of information for the statistical data included in the report. Along with the accumulation of this data, the refugee advisors were also responsible for preparing the narrative section of the report, in which they were supposed to comment on important factors needing emphasis, and any problem areas requiring corrective action by CORDS.

General instructions were issued by CORDS which set forth the criteria for the refugee advisors to follow in the preparation of the report, both from the statistical and narrative aspects. These instructions stressed the importance of the refugee advisors' and the Ministry officials' reaching precise agreement on the categories of refugees, types of sites, and number of refugees in each site.

We were informed by a CORDS Refugee Directorate official that, in numerous instances, the statistics reported by the Ministry officials in their reports were not comparable to the data being reported by the CORDS refugee advisors. This official stated that the primary reason for these wide variances in the statistical data was due mainly to a difference in interpretation of the Ministry of Social Welfare's regulations by the refugee advisors and the Ministry's officials.

The second revision took place in May 1969 when the Ministry of Social Welfare amended its refugee reporting system to include essentially the same data items provided under the CORDS reporting system. The Ministry's report was prepared by Ministry personnel in collaboration with a CORDS advisor whose signature was required on the report to indicate his concurrence.

In April 1970 a new reporting system was initiated by CORDS. Our review and evaluation of this new reporting system were limited by time considerations. Certain weaknesses, however, are apparent on the basis of our discussions and limited review described below.

A CORDS Refugee Directorate official informed us that the new automated reporting system was developed and implemented in order to have only one joint report submitted. This official stated that the primary reason for devising this new system was the lack of comparable statistics reported by the refugee advisors and the Ministry's officials under the previous reporting system. We were also told that other reasons for the new reporting system were—

The inclusion of "in return-to-village process" and "war victim" statistics and information in the reporting process,

The elimination of the term "resettled" from the reporting process, and

The addition of other data requested by the Ministry of Social Welfare in the reporting process.

As under the previous reporting system, the new reporting format is intended to provide CORDS and Ministry of Social Welfare management officials with reliable information for effective and efficient planning, programming, and budgeting for the refugee program. However, under the new reporting system, the statistical section of the report is prepared by Ministry provincial officials in Vietnamese.

A CORDS Refugee Directorate official has informed us that, according to verbal reporting instructions, refugee advisors are supposed to review this data for accuracy and validity. Any disagreements are to be pointed out in the narrative section of the report, and any matters needing emphasis or any problem areas requiring corrective action by CORDS should be included.

The revised reporting system has eliminated the old dual reporting system and will represent a needed improvement, if it is properly implemented and policed to ensure real compliance. We feel, however, that the new system has not eliminated the problem of unreliable data, since most of the information will continue to be supplied by the Ministry's provincial officials in Vietnamese. We believe that there will be a need for full cooperation by these officials and a need for improvement in the reliability of the input data, a requirement which conditions any discussion or evaluation of the adequacy of program operations. Our observations regarding this very important subject are discussed below.

Unreliability of the Refugee Data Being Reported

Although much essential refugee data was available to enable CORDS and/or AID/Washington to evaluate the program, we found that the basic information being reported in the automatic data processing report in Vietnam was generally conflicting, confusing, and inconsistent.

Data collected for inclusion in the monthly refugee reports generally comes from the Ministry of Social Welfare provincial officials who, according to AID/Washington and CORDS officials, have not had formal training on data collection and reporting. Also, we found that much of the basic data being reported is based on subjective assessments made by Ministry of Social Welfare personnel using GVN criteria.

On the basis of discussions with CORDS officials in the six provinces visited and GVN Ministry provincial officials in some of these provinces, we believe that the basic data being reported has and will continue to be highly questionable.

For example, in Quang Ngai Province in I Corps, the CORDS refugee advisor and the Ministry official stated that most of the data reported under the old reporting system was purely estimated, because there was not enough time every month to complete the reports accurately. The refugee advisor stated that the site characteristic data was very inaccurate. He stated that neither he nor the Ministry official could visit each site on a regular basis because of the limited time and lack of security. Regarding the new reporting system, the refugee advisor explained that he was unable to review the monthly reports because the data is printed in Vietnamese and that he did not have sufficient time to have it translated. Therefore, he just signs off on it and hopes that it is accurate. The Ministry official told us that the GVN placed little emphasis on these reports and that he never had received any feedback from the Ministry of Social Welfare about it.

In Vinh Long Province in IV Corps, the Assistant New Life Development Officer (no refugee advisor in this Province), who is also responsible for the refugee program, stated that the refugee information reported is unreliable and of little value because all the deficiencies have yet to be eliminated from the system. He pointed out that the philosophy behind the new reporting system was that it was going to be a joint report to be utilized by the United States and the GVN, but in practice the report is utilized only by the United States and it will probably remain that way.

Our analysis of the statistical data that was reported under the old system as of February 20, 1970 showed obvious questionable site characteristic data for 44 percent of the sites in I, II, and III Corps as follows:

Corps [1]	Number of sites		
	Sites reported	Reporting questionable data	Percent reporting questionable data
I	160	76	48
II	119	63	53
III	101	29	29
Total and average percent	380	168	44

[1] IV Corps is not included because its geographical and social conditions preclude reporting comparable data. In addition, Quang Tri Province in I Corps is not included because it did not report any data.

Following are examples of obviously questionable data that we found during our analysis of the reports:

1. Sites where latrine facilities, water supply, medical facilities, and medical services were rated as inadequate; however, the overall physical conditions of the sites were rated as adequate.
2. Sites where there were no children reported in school but classrooms were reported in use.
3. Sites where children were reported in school but no classrooms were reported in use.
4. Sites where there were reported to be no classrooms available, yet classrooms were reportedly being used.
5. Sites where there were more children in school than the total school age population.

We have been informed by a Refugee Directorate official that CORDS is aware of these types of deficiencies in the reporting system and that this is taken into consideration by CORDS when using these reports for planning, programming, and budgeting for the refugee program. This official stated that these deficiencies resulted because

CORDS field personnel were preparing this report without having adequate time to verify the accuracy and validity of the data,

CORDS field personnel were preparing this report without having adequate knowledge and background necessary to ensure adequate reporting,

Reporting instructions were being misinterpreted or were not being followed, and

Clerical errors were being made.

In June 1970 AID/Washington officials told us that they were aware of inconsistencies and conflicting information appearing in the monthly reports received from Vietnam and that they felt the reports were unreliable. They also stated that both AID/Washington and CORDS were continuously seeking ways to improve the quality of the reports.

CHAPTER 3. NUMBER OF WAR VICTIMS

Refugees

Although the total number of civilians suffering as a result of the war, the extent of the assistance provided by the GVN, and the conditions under which these people were living are unknown, we were able to obtain data from the GVN relating to some of these victims, i.e., refugees. The following table shows the changes that have taken place since 1967 in the refugee population as recognized by the GVN.

Period	*Number*
Dec. 1967	794,000
Dec. 1968	1,329,000
Dec. 1969	268,000
June 1970	*570,000

*The increase between December 1969 and June 1970 is primarily due to a change in the reporting classifications. Effective in April 1970, the category of "refugees in return-to-village process" was added to the statistics. As of June 1970 the number reported in this category was about 280,000.

We believe that the above figures representing the number of refugees at various times are misleading and significantly understated as to the true number of people in need of assistance because of

—a reluctance by the GVN to report some newly generated refugees,

—a GVN policy of claiming refugees in sites as resettled on the basis of the payment of GVN refugee allowances, despite the fact that many of these people are in need of assistance,

—an apparent misinterpretation of GVN policy resulting in refugees being classified as returned to their original villages or resettled on the basis of the GVN promise to pay the refugee allowances,

—a GVN policy of classifying refugees as returned to their original village despite the fact that many of these people are not economically viable and lack basic facilities, and

—a GVN policy of removing from the rolls certain refugee groups living outside refugee camps who have received their 1 month's temporary allowances, which terminate benefits until such time as they are able to return to their original village.

It is the GVN's stated policy to help restore victims of war and communities affected by military operations to self-sufficiency by providing individuals with allowances and by furnishing adequate facilities for education, health, and sanitation so that these communities may be included in the hamlet administrative structure of the GVN.

In commenting on this section of the report, CORDS officials in Saigon stated that most of the people returning to villages did so by choice rather than by force by the government. They felt that the GVN had done much for the refugees and that considerable progress toward program objectives had been achieved. Evaluation of CORDS comments would have necessitated additional fieldwork; however, because of the limited time available, we were unable to perform the additional work. Therefore, we are unable to evaluate their comments.

Following are the results of our limited review regarding certain aspects of the progress made by the GVN in meeting its stated responsibilities and the reliance that can be placed on the GVN refugee figures.

Newly Generated Refugees

We found that many people are being relocated but are not being recognized as refugees. As a result, it appears that relatively little assistance has been provided to these people by the GVN.

Current GVN policy clearly requires that security be brought to the people, not people to security. The generating of refugees must be avoided to the greatest extent possible; any unavoidable relocation of a group of people is to take place only with the prior approval of the GVN Central Pacification and Development Council; and, if this Council approves the relocation, the military unit conducting the operation must notify the appropriate GVN province officials so that preparations and planning for the reception and care of the refugees can be completed prior to the movement.

We found that this policy, however, appears to be only occasionally observed in practice. In I Corps[1] where the problem appears to be focused owing to the level and nature of military activity, the record indicates that very few instances of prior approval by the Central Pacification and Development Council were obtained for such relocations in calendar year 1969. A CORDS official cited 17 instances during calendar year 1969 in which about 25,000 people were relocated without prior approval. In accordance with the above policy, some GVN Province Chiefs refuse to classify these people as refugees.

A CORDS official stated in December 1969 that, when these people were not handled as refugees but as unofficial war victims, any relief accorded them became a scrounging operation. He stated that, if the assistance was insufficient, as it usually was, the misery of these people and their hostility toward the GVN were correspondingly greater.

Although the exact number of such unrecognized refugees and the amount of GVN assistance being provided them are not known, it appears that the number of such unrecognized refugees is considerable and that some relief assistance is being provided. For example, in I Corps alone, a CORDS official estimated that about 50,000 people have been relocated without prior GVN approval.

He believes however, that about 20,000 of these people have now been recognized as refugees and are receiving some assistance from the GVN.

---

[1] Vietnam is divided into four military regions, labeled as I, II, III, IV combat tactical zones (abbreviated Corps by the U.S. military).

Reduction in Number of Refugees

We found that a significant reduction in the number of refugees carried on the rolls has occurred between February 1969 through December 1969. It appears that this reduction has come about mainly because of the GVN's policy of claiming refugees in sites as resettled on the basis of the payment of GVN refugee allowances. These refugees were removed from the rolls despite the facts that many were not economically self-sufficient, some are living in sites where there is no future economic potential, some are living in substandard and crowded shelters, and/or do not have access to adequate facilities such as wells, latrines, classrooms, and dispensaries. (See p. 32 for our observations of some of these sites.)

The record shows that, at the end of 1967, about 794,000 persons were carried on the rolls by the GVN as refugees. These numbers increased to over 1.3 million at the end of 1968 and over 1.4 million in February 1969. However, by the end of 1969 there were only about 268,000 persons counted by the GVN as refugees.

On the basis of information available in Washington, 14 percent of the 1969 reduction was due to the removal of war victims who did not meet the GVN criteria for refugee status of having fled Viet Cong-controlled areas and of living in groups of 20 or more families.

In May 1970, CORDS reported that, among the 586,000 refugees who were reported as having been completely resettled in 1969, a good number had received only a month's rice; others had received nothing except a promise of assistance whenever they return to their original village; and thousands lived in substandard sites after receiving their full resettlement allowances. Moreover, the refugees reported in the category of completely resettled were dropped from the rolls, even though a good number of them were still refugees.

In April 1970 a refugee official from I Corps estimated that there were over 390,000 refugees and former refugees in I Corps who were still living in substandard sites. However, I Corps reported only about 137,000 refugees. It seems that consideration should be given to reinstating these 253,000 resettled refugees on the active case load, to ensure that their living conditions are improved. This might prove to be an incentive to the GVN to step up the improvement of the living conditions at the substandard sites, which appears to have been largely neglected to date. A CORDS Refugee Directorate official informed us that they attempted to convince the GVN to retain these people on the active case load until the living standards of the sites have been upgraded. However, they have not been successful to date.

As pointed out, the understatement of the number of refugees was partially remedied in April 1970 by adding back to the refugee roll those persons who had returned home but had not received all their allowances. As of June 1970, about 280,000 refugees were reported in this category.

Refugees in Resettlement Sites

As stated above, we found that many of the refugees paid allowances by the GVN and classified as resettled were, in our opinion, only slightly better off than prior to receipt of the payment.

To be eligible to receive resettlement allowances from the GVN, refugees in temporary camps must be moved to a resettlement site, or temporary refugee camps must be recognized by the GVN as a site to be converted into a resettlement location. This would involve the general upgrading of the camp including construction of wells, schools, dispensaries, etc. The GVN objective regarding resettlement sites is to provide adequate facilities for inclusion in the regular hamlet administrative structure of the GVN.

During 1969 the Ministry of Social Welfare planned to upgrade the temporary camps which AID claimed housed thousands of refugees in substandard conditions. Primarily because the GVN gave top priority to paying resettlement and return-to-village allowances to the refugees, these plans were not too successful.

AID reported that, despite the GVN's failure to upgrade most temporary camps to an acceptable level, it was a common occurrence for the GVN to designate temporary camps as resettlement sites on the basis of resettlement allowances paid without regard to adequacy of site facilities or economic condition of the occupants.

According to USAID/VN and CORDS officials, as soon as allowance payments are made by the GVN, most distribution of food to these people by the GVN ceased.

Statistics available showed that, between February 1969 and April 1970, over 600,000 refugees were paid resettlement allowances and dropped from the GVN roll as refugees. AID estimated, however, that 400,000 of these remained in their original camps which were mostly substandard. The USAID/VN Mission Director in April 1970 reported that, considering the magnitude of the refugee problem and the nature of the conflict, most people in the resettlement sites were only about one third as well off as before being displaced.

Returned-to-Village Refugees

Thousands of refugees were taken off the GVN refugee rolls and were declared to be returned to their original villages even though the GVN had not helped these people return to a self-supporting status but had only promised to pay the benefits as soon as they returned to their villages. In addition, apparently the GVN had not furnished many of these people with adequate facilities for education, health, and sanitation and had ceased distribution of foodstuffs.

Once returned-to-village refugees are paid their allowances, their villages are considered normalized and are no longer considered the responsibility of the Ministry of Social Welfare but come under the Central Pacification and Development Councils, located in each province, which coordinate pacification efforts of all GVN ministries including the development of hamlets reoccupied by refugees returning to their former homes.

The GVN gave these councils the responsibility for these villages in August 1969 when concern was expressed for the large numbers of refugees reportedly returning to their hamlets which had been ravaged by the war. We found, however, that little had been done to develop the hamlets reoccupied in 1969 mainly because the GVN ministries had not budgeted funds for that purpose.

During 1969 allowance payments and promises to pay allowances to a total of about 488,000 refugees resulted in their being dropped from the GVU refugee roll and transferred to a category signifying that they had returned to their original communities. As stated previously, however, some of these people were erroneously removed from the roll because they had not received all their benefits and have now been reclassified as refugees in return-to-village process.

In February 1970 the Ministry of Social Welfare reported that many of the return-to-village sites established during 1969 are short on health, sanitation, education, and market facilities. The Ministry stated that this shortcoming occurred because many provinces did not preplan for these facilities.

The USAID/VN Mission Director in April 1970 stated that, due to many variables, a qualitative measure of the return-to-village refugees' status was difficult to assess, however, they were probably only half as well off as before they were displaced.

Out-of-camp Refugees

We found that large numbers of people living outside GVN refugee camps were removed from the rolls after they had received their temporary benefits, in accordance with GVN policy which terminates benefits until such time as they are able to return to their original villages. At that time, they will be entitled to receive return-to-village benefits.

Beginning in November 1969, the GVN initiated a program to find and register all refugees throughout Vietnam. According to AID, initial results of the survey were that approximately 500,000 persons were added to the refugee population, mostly people living outside recognized GVN refugee camps.

In a subsequent policy decision by the GVN, three criteria for refugee status were set forth. To be considered a refugee a person must (1) have moved from an insecure area, (2) have done so on or after January 1, 1964, and (3) presently live in a group of 20 or more families. The GVN later established that those people living outside camp and meeting at least the first two criteria would be given a month's assistance allowance and would be removed from the refugee rolls. As a result, hundreds of thousands of out-of-camp war victims who had been added to the refugee rolls were removed from refugee status for having not met the criteria or for having received all assistance for which they were then eligible. Such persons were not eligible for any further assistance from the GVN until they returned to their home villages, at which time they would qualify for return-to-village benefits.

Currently, the out-of-camp refugees, living in groups of 20 or more families are recognized as refugees in CORDS and GVN reports but qualify for only limited assistance until they return home. As of June 1970, there were about 92,600 persons (or 16 percent of the total recorded refugees) in this category. Persons who live in groups of less than 20 families are not recognized as refugees and are not counted in the refugee reports.

Although the number of these people living in groups of less than 20 families is unknown, it seems to be quite large. For example, in IV Corps, AID reported that a large percentage of the refugees did not live in refugee camps but were scattered throughout the population, due partly to limited availability of land, economic factors, and preference.

It seems from the foregoing statement that the GVN in some cases has not been providing assistance to refugees on the basis of need, but rather on location. Refugees living in groups of 20 families or more received a month's temporary allowance, whereas refugees living in groups of less than 20 families received no such benefits; however, we were unable to find any evidence indicating that either group of refugees was in need of assistance more than the other group.

Other war victims

War Widows, Orphans, and Disabled Persons

In addition to refugees, there are other victims of the war who do not leave their communities for extended residence in refugee camps although they too are in need of assistance. Included in this category are war widows, orphans, and the physically disabled. Unlike the refugee situation, however, we found that statistics were not available at AID/Washington and in Vietnam to show the total numbers, their condition and needs, and the number assisted by the GVN. We found that, although some assistance in the form of death benefits, housing allowances, and food had been provided by the GVN, the people included in this category generally were not considered top priority by the GVN.

It seems that the past emphasis placed by the GVN on providing emergency relief and resettlement payments to displaced persons has retarded the development of programs designed to provide services to other war victims. The following statistics as to the total number are the best available, although they are based on estimates by the GVN which, according to AID, are of questionable validity.

Disabled persons	183,000
Orphans	258,000
War widows	131,000
Total	572,000

Refugees from Cambodia

In addition to refugees and other war victims generated from within Vietnam, recent events in Cambodia have resulted in some 159,000 people crossing the border to seek refuge and sanctuary in Vietnam as of July 25, 1970. Included in the above total are about 10,000 Cambodian and Cambodian Montagnard refugees. The remaining 149,000 are Vietnamese repatriates.

The GVN has drawn up a standard relief program for these repatriates and refugees, in which they are provided reception and temporary allowances. A CORDS Refugee Directorate official informed us that the funds for paying these allowances are obtained from the Ministry of Social Welfare budget. However, he stated that, when 75 percent of the total budget has been expended, an additional 600 million piasters will be made available from the U.S. Special Fund. We found that these repatriates and refugees are not included in the refugee statistics but are reported separately. A CORDS official informed us in July 1970 that there are approximately 70,000 additional ethnic Vietnamese in Phnom Penh, Cambodia, who are awaiting repatriation into Vietnam.

According to an official in the CORDS Refugee Directorate, the GVN has handled this emergency situation arising out of Cambodia efficiently, effectively, and timely; however, this official stated that this is being done, to a certain degree, at the expense of the regular refugees as it relates to funds and manpower.

War victims in urban areas

Although the actual number of persons seeking refuge in urban areas, rather than at recognized refugee camps, is unknown. AID/Washington officials have estimated the number at one million. These people chose to move to urban areas (primarily Saigon) and either live with relatives or seek employment. According to an AID/Washington official, these people were not considered as refugees because the GVN wanted to reduce further urbanization.

Presently there is high employment in the urban areas and most refugees have found means of support either directly because of the U.S. troops or indirectly by providing the troops with needed services, such as laundries and housekeeping. However, the unemployed refugee in the urban areas is eligible for no assistance from either the GVN or AID. Therefore, these refugees can only turn to their relatives and the voluntary agencies for assistance.

An AID official estimated that 600,000 of the persons seeking refuge in the urban areas are dependent upon the presence of U.S. troops for subsistence. It is anticipated by the GVN and AID that, as the U.S. troops withdraw, most of these people will want to return home. By certifying themselves as meeting the refugee criteria, i.e., originally evacuated from insecure villages, they will be eligible for return-to-village benefits.

Although the problems associated with the "urban drift" have been recognized, no formal plans have been made to cope with them.

CHAPTER 4. STATUS OF SITE FACILITIES

During our current review, we found considerable shortfalls in construction and adequacy of needed facilities, such as housing, classrooms, wells, medical facilities, medical services, and sanitation facilities, for many war victims. In addition, we found that many of these individuals were living in sites that offered little opportunity for self-support and/or economic potential.

In July 1970 our staff inspected 18 sites in three provinces in I Corps that accommodated about 94,000 persons. Following are examples of conditions we noted at some of these sites.

Quang Tri Province

1. *Ha-Thanh*—At the time of our visit this site housed about 19,000 people. Ha-Thanh was originally established in December 1967 as a temporary refugee camp. Subsequently, it was converted into a resettlement site. All the people have received their resettlement allowances and have been dropped from the refugee rolls.

The site was located in what appeared to be a barren area. We saw very few crops, three medical aid stations, 20 wells (76 needed), no latrines (760 needed), and 30 classrooms. We believe these facilities are inadequate for 19,000 people. We were unable to count all the houses; however, it was very apparent that these people were living in crowded conditions.

A CORDS official informed us that the substandard conditions of this site existed because the GVN Province Chief believed that these people were no longer the responsibility of the GVN, as far as providing food and upgrading the living conditions are concerned. He stated that the Province Chief only provided food when the situation became critical, such as when some starvation was reported or when several hundred families were in critical condition.

2. *Trung-Gio*—This site housed about 14,000 people and was established as a temporary refugee camp in 1967 when these people came from the demilitarized zone. Subsequently, it was converted into a resettlement site. These people have received their resettlement allowances and have been dropped from the refugee rolls.

We found that wells, latrines, medical facilities, medical services, and classrooms were inadequate for these 14,000 people. There was little land available to grow crops, and in our opinion, very few people could subsist on the land. It appeared that the people did not have much opportunity for self-support, and the site had little economic potential.

QUANG NAM PROVINCE

1. *An My*—This resettlement site was previously visited by GAO in 1967. At that time it was a temporary refugee camp and had two wells, no medical dispensary, and no sanitation facilities.

During our current review, we found that no significant improvements had been made. Currently, there are about 660 people in this site, which was established in 1965 as a temporary refugee camp. Only 73 people have received their resettlement allowances. We noted one school in the camp which appears to be inadequate. The site did not have latrines and medical facilities. We saw three wells which appeared to be enough.

2. *Phu Lac (6)*—At this location, there were about 2,070 people. We were informed that only 883 were recognized as refugees and that they would receive temporary benefits. We were advised that these people were all Viet Cong families and that they were relocated by force in February or March 1970. These people are under heavy guard by the Vietnamese military.

During our inspection, we observed that there were no latrines, no usable wells, no classrooms, and no medical facilities. The shelters were crudely constructed from a variety of waste material, such as empty ammunition boxes and cardboard. We observed that the number of shelters would not adequately house these people. The CORDS refugee advisor stated that there were no plans to improve the living conditions at this site.

3. *Thanh Tay*—This temporary refugee camp had about 6,000 refugees and they have been here since 1967. We found that the shelters were crudely constructed and that these people were living in very crowded conditions. The camp was surrounded by a fence and barbed wire and was guarded by the GVN military. We were informed that these people were all Viet Cong sympathizers. We observed some wells, one classroom, no latrines, and no medical facilities. The people and their clothes were very dirty.

The CORDS refugee advisor stated that these people had received their 30-day food allowance and that no other assistance had been provided them by the GVN. We noted that these people had no place to grow food.

Quang Ngai Province

1. *Phu Nhom A*—This site was visited by us during our last review in 1967. At that time, a Red Cross representative told us that this was one of the worst camps in his jurisdiction. During our last review, we found that it was overcrowded and that it had inadequate drainage, no dispensary, and no usable wells.

During our current review, we found that the above conditions had not improved. There were 1,124 former refugees in this site, and 397 families were living in 233 houses. At the time of our last review, this site was a temporary refugee camp. It has now been converted into a resettlement site. This site was originally established in 1964. We noted that the people were just starting to construct drainage ditches under a food-for-work program.

During our inspection of the site, we observed that there were no schools for the children. The conditions of the houses or shacks were very poor. The people were very dirty and their clothes were dirty and shabby. There still were no usable wells and no medical facilities. The CORDS refugee advisor informed us that there were no plans to improve the living conditions of this site. On the basis of our inspection of this site, we believe that these people have little opportunity to be self-supporting, and there is little economic potential for this site.

2. *My Trang*—Approximately 800 unrecognized refugees are located in this hamlet. These people were relocated by military activity from a GVN-pacified area. The CORDS refugee advisor stated that these people could not be recognized as refugees because GVN policy specifies that refugees cannot originate from pacified areas. Because of the lack of time, we did not attempt to inspect all facilities at the site. It was apparent, however, that these people were living in substandard conditions. The refugee advisor stated that the GVN's assistance to these people consisted of some rolled oats in January 1970 and nothing since then.

We also visited 10 refugee sites in three provinces in IV Corps. The refugees were living in markedly different conditions than those in the other regions where they generally lived in normal refugee camps and resettlement sites. In the delta the refugees are scattered along canals and roads. These people are (1) integrated with the local inhabitants, (2) living in shelters they constructed, or (3) living with friends and relatives. Accordingly, we were unable to determine the exact number of refugees residing in the sites visited.

The geographical and social conditions existing in the delta preclude our comparing the refugees' living conditions in IV Corps with the conditions in the other three regions.

During our inspections of the sites, we observed that most of the refugees (1) appeared to be economically self-sufficient, (2) were living in sites where there appeared to be economic potential, and (3) were living in homes that, in most instances, were comparable to or better than the homes of some nonrefugees. Our observations at two of the sites visited in Kien Giang Province are described as follows:

Dong Thai and Dong Hoa—We found it difficult to identify all refugees in Dong Thai because some were merged with the nonrefugees. All the homes were located along the banks of the canal and were not clustered together. We observed that some of the refugee homes appeared to be bigger and better than some of the nonrefugee homes. Behind some of the refugee homes, plenty of land was available for farming. We were informed by a CORDS official that the land was being farmed by refugees. Food appeared to be plentiful, and no evidence of starvation or malnutrition existed among the inhabitants.

Further down the canal, in Dong Hoa where some unrecognized refugees were living, the homes were smaller and closer together but the people were not living in crowded conditions. We were informed that these people had received no benefits and would not receive any; because the Ministry of Social Welfare stated that, instead of moving to GVN-controlled areas, these people initially had moved to Viet Cong-controlled areas. Subsequently they returned to their former homes but they are not considered by the GVN as refugees returning to their villages.

We observed no shortage of water and there appeared to be adequate sanitation facilities. However, there was no dispensary in Dong Hoa. There were classrooms available but no teachers.

As of March 20, 1970, the monthly refugee report for 402 occupied sites in Vietnam showed that 176 sites (42 percent) were overcrowded and 87 sites (21 percent) were deficient in medical support. In addition, 833 classrooms were needed and an undetermined number of sites had inadequate water supplies. Of the 382 sites for which ratings were assigned by Ministry of Social Welfare personnel, 91 of the sites (24 percent) were rated substandard.

Furthermore, the Minister of Social Welfare in March 1970 stated that many refugee sites, although secure and in existence for a long time, lacked necessary facilities for education, public health, sanitation, and water and that many refugees were poor and not self-supporting.

In June 1970 it was reported that, in 133 camp sites in I Corps, 224,963 people could not support themselves and that 213,718 of these 224,963 people were living in sites where there is no economic potential. No similar data was available for the other regions.

Although no detailed statistics were available in Vietnam pertaining to the conditions and deficiencies prevailing in hamlets or villages which are being reoccupied by returning refugees, it has been recognized by AID and the GVN that the overall living conditions are not adequate. In February 1970 the Minister of Social Welfare stated that return-to-village sites were in need of facilities for health, education, sanitation, water, and marketing.

CHAPTER 5. RESOURCES APPLIED IN SUPPORT OF THE PROGRAM

U.S. staffing

Our analysis of CORDS staffing to administer programs for war victims showed that, as of July 1970, there have been increases in the percentage of total personnel on board (and field personnel) since our February 1968 report. Nevertheless, personnel shortages still are being experienced in the field.

In January 1969 authorized positions totaled 116 and 15 percent of these were unfilled. In response to a Presidential directive designed to bring about overall reduction in the U.S. effort in Vietnam, the ceiling in fiscal year 1970 was reduced to 97 positions. AID reported no serious difficulties with this reduction because vacant positions were the ones eliminated.

The following schedule compares the CORDS refugee and social welfare staffing and personnel shortages both inside and outside Saigon for various time periods.

CORDS STAFFING RESPONSIBLE FOR REFUGEES AND SOCIAL WELFARE

	U.S. position authorizations and staffing		
	November 1967	December 1969	July 1970
Total:			
Authorized	96	116	97
On board	72	100	[1] 87
Percent short (—)	—25	—14	—10
Saigon:			
Authorized	27	27	26
On board	28	25	27
Percent short (—) or over	+4	—7	—4
Field:			
Authorized	69	89	71
On board	44	75	60
Percent short (—)	—36	—16	—15

[1] This number includes 78 persons actually working in Vietnam, 4 enroute to Vietnam, and 5 in training for specific positions.

The July 1970 staffing includes seven authorized positions for the social welfare program, of which six were filled.

The number of on-board personnel, however, isn't necessarily indicative of the number working on the programs. It appeared that some CORDS field personnel responsible for refugee and social welfare activities were assigned other responsibilities at the discretion of the CORDS province senior advisor. For example, we found that a refugee advisor had been assigned, in addition to his refugee responsibilities, the duties of supply and logistics officer. Also, other CORDS personnel do refugee and social welfare work in cases where no advisor is specifically assigned to the programs.

Level of Financial Assistance

According to information available at AID, United States, voluntary agencies, and the GVN during fiscal years 1968 and 1969 contributed about $57 million and $61 million, respectively, in support of the refugee and social welfare program. Estimates of the fiscal year 1970 level of assistance are about $68 million, 89 percent of which is expected to come from the United States, 6 percent from voluntary agencies and free-world assistance, and 5 percent from the GVN.

U.S. Support

Financial assistance for the refugee and social welfare programs is largely provided by the United States either directly with dollars or indirectly with local currency (piasters) derived from the sales of U.S. agricultural commodities under the Agricultural Trade and Development Act of 1954 (commonly referred to as Public Law 480) or from the sales of commodities furnished under the AID Commodity Import Program for use within Vietnam.

In fiscal years 1968 and 1969, U.S. direct assistance (exclusive of piasters) amounted to about $14 million and $10 million, respectively, and about $6 million was programmed for fiscal year 1970. In addition to this direct assistance, the United States also contributed Public Law 480 agricultural commodities valued at about $10 million in fiscal year 1968 and $14 million in fiscal year 1969. About $13 million initially was programmed for fiscal year 1970 but this was increased to $20 million to enable the feeding of Vietnamese repatriates and Cambodian refugees.

The piaster support of the refugee and social welfare program in fiscal years 1968 and 1969 amounted to the equivalent of $25 million and $29 million, respectively. For fiscal year 1970 the equivalent of about $34 million was programmed. According to AID/Washington officials, the increase in piaster funds during 1970 (despite a decrease in the number of refugees on the GVN rolls) was needed to pay the backlog of refugees who hadn't received their allowances; to improve living conditions in the refugee camps: and to provide allowances to an unknown number of eligible war victims who were expected to return to their villages but who were not previously counted as refugees or who had never been registered.

Correlation between refugees resettled and amount of resettlement funds expended

We were not able to correlate increases or decreases in the number of resettled refugees with increases or decreases in the amount of allowances paid, primarily because the number of refugees reported to be resettled was not accurate. In an October 1969 CORDS report to AID/Washington on the development and status of the refugee reporting system, it was pointed out that several problems existed concerning the number of refugees reported as returning to their original communities, including (1) the possible duplicate reporting of resettled refugees who subsequently return to their original community, in both the resettled category and the return-to-village category, and (2) the possible inclusion of other individuals in the return-to-village category who were not entitled to resettlement benefits.

Another problem in correlating the number of resettled refugees and the amount of resettlement payments was that refugees living in temporary camps, scheduled for conversion into resettlement sites, were not entitled to receive monetary housing allowances if housing was already provided by the GVN. However, the number of this group of refugees may be included in the reported number of refugees resettled.

The Ministry of Social Welfare estimated that about 750,000 refugees would be reestablished during 1970. Of this number 200,000 would be resettled and 550,000 would return to their original communities. The Ministery also estimated that an additional 130,000 new refugees would be generated during 1970.

GVN Support

In addition to the piaster funds provided by the United States, during calendar years 1968 and 1969 the GVN provided the equivalent of $4.3 million and $3.6 million primarily for salaries and expenses of Ministry personnel in support of the refugee and social welfare program. For calendar year 1970 the GVN programmed $4.3 million.

The following table shows the relationship between budgeted GVN expenditures for the refugee and social welfare program and for all civil (as distinguished from defense) programs and the amounts of U.S.-provided piaster funds, which are included in the GVN budget, for calendar years 1967 and 1970.

[In millions of U.S. dollar equivalents]

	Piaster support of GVN refugee relief and social welfare programs			
	1967		1970	
	Total budget	U.S.-provided portion	Total budget	U.S.-provided portion
Total civil budget	279.7	67.8	571.2	105.1
Refugee and social welfare budget	12.3	10.6	34.1	29.8
Percentage	4.4	15.6	6.0	28.4

Voluntary agency and free-world assistance

Another resource available to the refugee and social welfare program is the support provided by some 37 U.S. and third-country voluntary agencies listed with CORDS in Vietnam, and assistance provided by other free-world countries. Data available, which is based on estimates furnished by the voluntary agencies and other countries, indicated that, for fiscal years 1968 and 1969, the amounts provided in support of these programs by voluntary agencies were about $3.8

million and $4.3 million, respectively, in direct support exclusive of personnel costs. Programmed support for fiscal year 1970 is estimated to be about $3.8 million. The assistance is concentrated on health programs, educational and institutional feeding projects, and the providing of personnel and services in support of the refugee relief and social welfare program.

The activities of the voluntary agencies are coordinated with the GVN through the Ministry of Social Welfare. Refugee activities and social welfare activities of eight U.S. voluntary agencies are currently being financially supported by the United States under AID contracts. About $1 million has been expended for fiscal year 1970, under contracts with these eight voluntary agencies. In addition, USAID/VN is providing storage facilities and transportation support for the voluntary agencies in the field.

Low rate of expenditure in support of social welfare program

Our review showed that, notwithstanding an acknowledged need for a social welfare program, very small amounts of funds have been provided for the program, and the funds made available were expended at an extremely low rate for various reasons including (1) the relatively low priority assigned to the social welfare program, (2) limited organizational and manpower capabilities within the GVN Ministry of Social Welfare, and (3) an apparent reluctance on the part of the GVN to assume funding responsibilities.

Prior to calendar year 1969, counterpart funds were not provided for a comprehensive social welfare program because the major U.S. concern was for refugee relief. During 1969 a social welfare assistance program was developed and it is expected that in 1970 the major U.S. effort will shift from emergency relief to the rehabilitation of war victims, i.e., social development.

Only about 4 percent of the counterpart funds programmed in 1969 to the Ministry of Social Welfare were provided for social welfare activities. In addition, the Ministry of Social Welfare did not expend a significant amount of these programmed funds. For example, in calendar year 1969, a total of 133 million piasters (about $1.1 million) was programmed for the social welfare program. Of this amount, only about 7.7 million piasters (approximately $65,000) or only 6 percent was expended during 1969; 28 percent was unexpended, and thus no longer available for this program; and the major part of the remaining 66 percent of the funds was authorized for Ministry of Social Welfare expenditure in 1970 or transferred to the Ministry of Public Works for future Ministry of Social Welfare construction projects.

Apparently the 1970 funds will not be expended much faster. For example, of 112.4 million piasters (about $953,000) programmed for social welfare in calendar year 1970, only 1.6 million piasters (approximately $14,000) or about 1 percent had been expended as of June 1970.

A CORDS Refugee Directorate official informed us in June 1970 that only small amounts of counterpart funds had been programmed for social welfare activities, primarily because the Ministry of Social Welfare did not have the organizational and manpower capabilities to handle social welfare activities at the present time.

According to AID officials, the primary reasons for the low expenditures were that (1) since the social welfare program had no priority, it was difficult to get construction permission for social welfare projects and (2) after the first year the costs of operating the social welfare program would be paid from the GVN's own funds, rather than the U.S. counterpart funds. The GVN is reluctant to obligate itself to a long-range program.

Piaster Fund Releases by Ministry of Social Welfare

We found that the overall release of funds for refugee relief expenditures by the Ministry of Social Welfare appears to have improved somewhat over what we reported in February 1968. However, indications are that the rate of payment of resettlement benefits is still below the piaster expenditure rate contemplated by the Ministry's budget. For example, through May 30, 1970, 64 per cent of the resettlement budget had been allocated to the provinces; however, only 12 percent had been expended by the Province Chiefs.

Although detailed information was unavailable for calendar year 1968 concerning the rate of release and expenditure of funds, we did find that during the year only 70 percent of the resettlement budget had been expended.

During the first half of 1969, the release of funds was extremely slow with only 13 percent of the budgeted resettlement funds being expended through July. AID blamed the slow releases on a complicated GVN allotment process, badly prepared program plans, insufficient Ministry province personnel, and lack of decentralized province payment procedures. However, AID reported that administrative improvements were made by the Ministry during the end of 1969 which resulted in improvement in the number of refugees paid their authorized allowances. By the close of 1969, improvements increased the rate of expenditures to 94 percent of the budgeted amount.

We were informed by a CORDS refugee official in IV Corps that for the first 4 months of 1970, the refugees in IV Corps, for the most part, had been neglected because of the Ministry of Social Welfare's failure to release the temporary and resettlement funds on a time basis. He stated that, as a result, numerous refugees vacated GVN-controlled areas and returned to Viet Cong-controlled areas.

U.S. Commodity Support

The United States, under title II of Public Law 480 (food-for-peace program) donates agricultural commodities to support war victims and other Vietnamese who, because of war, disease, and other factors, are unable to provide basic food needs for themselves. The dollar amount of commodities programmed for the refugee and social welfare programs for fiscal years 1968 and 1969 was estimated to be $9.8 million and $13.9 million respectively. The programmed amount for 1970 was estimated at $13 million. Subsequently, the amount was increased to $20 million; the increase being attributed to feeding Vietnamese repatriates and Cambodian refugees from Cambodia.

The Ministry of Social Welfare has overall responsibility for administration and supervision of the food program. About 55 percent of the title II, Public Law 480 food is distributed by the GVN through its pacification program and the remaining 45 percent is distributed by the voluntary agencies.

In October 1969 a team of CORDS and USAID/VN officials made an evaluation report of the title II, Public Law 480 food program in Vietnam and included the criteria used to determine needy recipients and the distribution and utilization of the commodities. They reported that foodstuffs provided by the United States under title II of Public Law 480 primarily in support of the refugee and social welfare programs were in some cases (1) not being utilized properly, (2) not being distributed in an expeditious manner, and (3) not always being issued on the basis of need.

Information available indicates that USAID/VN has taken some corrective actions in response to recommendations made by the evaluation team, such as reducing the amount of the commodities not readily acceptable to the Vietnamese; establishing committees to help correlate the activities of the United States, GVN, and voluntary agencies; and stopping illegal distributions of commodities.

Although we were unable to fully evaluate the corrective actions taken because of the limited time available for this review, it appears that their actions should help correct the first two problem areas. However, the third area relating to the commodities not being issued according to need appears to remain uncorrected.

The evaluation team reported that throughout Vietnam title II, Public Law 480 commodities were not being distributed on the basis of need as provided by the program objectives. It was reported that no criteria had been developed to determine persons in need and those who were self-supporting. Cases were reported where needy Vietnamese failed to receive food and less needy employed persons continued to receive food.

In addition to agricultural commodities furnished under title II of Public Law 480, the United States has provided other commodities under project assistance. During our visits to the project commodity warehouses located in Saigon, we noted that numerous items designed for refugees, such as tarpaulins, tents, sewing kits, sewing machines, saws, shovels, and picks, appeared to have been in storage for a considerable length of time. We were advised by a USAID/VN official that no issues had been made for some of these commodities for over a year. He stated that the sewing machines were rusting and that the tarpaulins and tents were deteriorating from dry rot.

In our review of the GVN property records, we found further evidence of nonutilization of some project commodities. For example, there were 1,690 sheets of 20- by 20-foot tarpaulins valued at about $80,000 on hand at June 30, 1970. This merchandise was part of a shipment of 1,900 sheets of tarpaulin received during November 1968. We noted that, in approximately 19 months, only 210 sheets of this tarpaulin has been issued, and that 200 of these sheets were issued in April and May 1970 for use in support of the Vietnamese repatriates and Cambodian refugees.

We were advised by a CORDS Refugee Directorate official that these project commodities are the property of the GVN Ministry of Social Welfare. He stated that this Ministry, like other GVN Ministries, would not under normal circumstances transfer excess or unneeded property to other Ministries who might be better able to utilize them for their own programs. Although CORDS is aware of this problem, we were informed that they have been unsuccessful, as yet, in convincing the Ministry to either utilize these commodities or transfer them so that they may be properly utilized.

CHAPTER 6. SCOPE OF REVIEW

This review was conducted at the request of the Chairman, Subcommittee To Investigate Problems Connected With Refugees and Escapees, Committee on the Judiciary, U.S. Senate. It was directed primarily toward updating our prior inquiries into the problems associated with the refugee program in Vietnam and performing initial research into the social welfare program in Vietnam.

The review was conducted at AID headquarters in Washington, D.C., at CORDS headquarters in Saigon, Vietnam, and at various refugee camps throughout I and IV Corps in Vietnam. Our work included examination of available records, discussions with responsible agency officials, and observations in the field.

To try to meet the reporting date requested by the General Counsel of the Subcommittee, fieldwork on this assignment was less detailed than we normally would perform.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 11547. An act to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans;

H.R. 15041. An act to provide for a coordinated national boating safety program; and

H.R. 19911. An act to amend the Foreign Assistance Act of 1961, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 11547. An act to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans; to the Committee on Agriculture and Forestry.

H.R. 15041. An act to provide for a coordinated national boating safety program; to the Committee on Commerce.

H.R. 19911. An act to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

THE EMPLOYMENT AND MANPOWER ACT—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate the conference report on the Employment and Manpower Act.

The **PRESIDING OFFICER** (Mr. Stevenson) laid before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The Senate proceeded to consider the conference report.

(For conference report on S. 3862, see Congressional Record of December 9, 1970, pp. 40630 to 40648, inclusive.)

Mr. STENNIS. Mr. President, I thank the Senator from Wisconsin (Mr. Nelson) for permitting me to speak at this time, so that I might make a few remarks on this conference report. I am engaged in a conference on an appropriation bill now, and am compelled to return shortly to the consideration of that matter.

Mr. President, I was not recorded as having voted when this bill was before the Senate, because it was one of the times that I had to be away; but since then, I have checked into its cost, especially the rising cost of personnel and the huge backlog of obligations that we are building up, in the billions of dollars, for the next few years. I feel compelled to call that fact to the special attention of the Senate in connection with this bill as well as others.

Mr. President, the enormous prospective cost of the legislation in this conference report underscores a fact which applies not only to this bill but many of the other costly measures which we are either now considering or will be confronted with next year.

The fact is that we are committing the Federal Government to spend money which can only be obtained from two sources—by either deficit financing by the Federal Government, or higher taxes.

The anticipated deficit for fiscal year 1971 will be about $17 billion based on anticipated recipts of $198 billion with outlays of $214 billion. For fiscal year 1972 no one knows for certain what the deficit will be since the budget has not yet been completed. We know, however, that it is likely to be a minimum of $12 billion and could be as high as $23 billion.

I am advised that the estimated receipts will be about $212 billion. The deficit will then depend on the size of the budget. While these figures are purely speculative, the talk now ranges from $225 to $235 billion for the entire Federal Government.

Mr. President, the bill we have before us, even in its reduced form, proposes to add $9.5 billion, unprovided for in these budgets, if it is appropriated, within the next 3 years.

Mr. President, I would like to enumerate some of these large items, mainly in the personnel field, which will make our financial problem much more severe.

First, there is already in the supplemental bill now being considered an item of $1.6 billion for pay increases that have already been granted to Federal employees, both military and civilian.

That is just 2 days after we have passed the regular appropriation bill to take care of personnel costs for the Department of Defense. Within less than 2 days, it is followed by another bill to provide an additional $1.6 billion for pay increases that have already been granted, both military and civilian.

I am talking primarily about the mounting costs that we are letting come in, every few days or every few months and every year, year after year, which are contributing to these enormous deficits which are, of course, one of the main reasons we are having this severe inflation.

The conferees, on the new civilian pay proposals authorizing an automatic system of increases, have agreed to a principle which will add another $2.2 billion in annual costs for pay beginning next month, January 1; $1.3 billion of this will be military pay, and $900 million will be civilian pay.

I am referring now to the accumulated impact. I know that there have to be some salary increases. I am not arguing against them now on the merits. I am pointing out the accumulated impact of these billions of dollars, with no provision made to finance them, just running loose, and now we have the anticipated budget deficits I have already mentioned.

The Federal civilian increase to which I have just referred will be 6 percent, and, under another permanent provision of law, the military will receive a comparable increase. On top of the $1.3 billion increase which will be automatic on January 1 next, the Department of Defense is planning to submit another military pay package, also amounting to $1.3 billion, as a part of the volunteer effort. That is an additional $1.3 billion that apparently is going to be proposed for next year.

Should we ever seriously get into this effort, which I am as yet unconvinced is sound, to actually rely solely on volunteers for all the services, $1.3 billion would not begin to approach the additional cost. In my opinion, it would be $4 billion or $5 billion additional per year, or even more. But my information is that the request for next year is going to be for $1.3 billion. That would just be the beginning. We already have calculations that indicate the possibility of a much larger sum, as I have said.

Mr. President, the cost of our Federal budget is being increasingly used up by fixed charges. Pay in some form is becoming an increasingly significant element of these charges. Military retired pay in the defense bill just passed for fiscal year 1971 amounts to almost $3.2 billion. For the active forces, the entire personnel cost is taking an increasingly large percentage of the defense dollar

That is what concerns me. As a whole, the personnel costs of the services, plus what we call the operation and maintenance, which is the gas and the oil and the maintenance of property, and so forth, take up 60 percent of the defense dollar.

For fiscal year 1964, personnel costs in defense were approximately $14 billion, or 28 percent of the then $50.8 billion budget. For fiscal year 1972, with the anticipated increases, personnel costs will be approximately $29 billion. That is more than a 100-percent increase. Of course, we have more personnel in the services. It will be about $29 billion; and if the budget is about $70 billion, the personnel cost will be about 40 percent of the entire defense budget.

These mounting costs are occurring in personnel and in other items, in many other departments of this Government, with no real provision being made to take care of these increased costs. We had an illustration of that here this year. We summarily passed a bill calling for $3.2 billion over a period of 3 years for mass transportation costs. This year, we put in the appropriation bill—in the Senate bill—the full amount that was authorized, approximately $800 million, for that one item alone. That is in contract authority. It will not count in this year's figures of appropriations, but it will have to be paid next year, if that should become the final appropriation.

I indicate all these actions, Mr. President, to emphasize that I consider that we have an alarming trend of committing the Federal Government in advance to spend funds beyond its means, funds that it does not have and cannot possibly have, without an increase in taxes or some kind of imaginary, huge increase in the gross national product. We all hope that the gross national product will increase. But my point is that we are not laying the plans. We are authorizing, we are appropriating, and we are not laying any constructive, definite, commonsense plans that will create the wealth that we are spending in advance. It means that we are adding one permanent commitment after another which, when added up, amount to billions and billions of dollars for future years, without any planning and with nothing in sight in a tangible way that is going to take care of those billions.

I regret to say it, but we just do not hear these things discussed. We do not hear the matter of balancing the budget mentioned, as we did in the old days.

We hear no alarm expressed about the continuing sizable deficits year after year. We complain about the inflation that is eating away the value of the savings of people, those on fixed income and, are attacking, year after year, the sound, basic foundations of values, of the people's property, their savings, and the stability of our economy. We hear complaints about that side of the picture, but we do not have enough hard votes taken on the floor of the Senate which will tend to eliminate those causes, to come near at least to balancing the budget, and to stop what I think is the reckless authorization of program after program, piling up these billions of dollars for someone to pay farther down the line.

Mr. President, I think it is a great honor to work for the Federal Government. I believe we have some of the finest citizens, with great talent and dedication, who work hard and put in long hours and render fine service throughout the Nation, in the Federal Government, State governments, municipal governments, cities, towns, and elsewhere. But it is a well-known fact in our Appropriations Committee and other committees, and by others who have been around here long enough, that many of these departments are overstaffed and they do not make solid requirements. I am not happy about saying that, but I have to say it in connection with this bill.

This bill proposes to add $9.5 billion for personnel training for the coming years, on the idea that it is needed. I am willing to give anyone training. I ask this question: What real training is there in this bill for adults? We have some good training programs, and I think we already have enough.

I do not see any real substance in the bill to justify a commitment or a semipromise, at least, to appropriate $9.5 billion for this program within 3 years. It is well known by most Senators that many of our Federal agencies are well staffed. Generally throughout the country, I do not believe there is any great deficiency if there were more active hours of work that are required. I do not say that to discredit anyone, of course, but it is definitely a part of the picture.

I do not refer to myself as an example of anything, but based on the atmosphere and the availability of work that applied in the times in which I was reared to my young adulthood, comparing then and now, I know that we have a surplus of employees today in many of the agencies. I will not say in all of them, by any means.

So, with great deference to the Senator from Wisconsin, and there is not a more diligent or finer Member of this body in my book than he in the way he applies himself with great ability, but from the fiscal affairs standpoint, as to the actual need for anything like a program extending the approach of this one and the commitments it would make, I think we are getting off on the wrong foot.

I believe that we should stop for a while and consolidate and see how the expenditures are going to be balanced off, and what is going to be done about the future, rather than piling on more, one on top of the other.

The Senate is in the dying days of this session and I am not going to delay this matter further. If times were more suitable for a full debate I believe that the bill, along with many others, should be more fully debated and placed in a clearer perspective and given much more consideration as to where we are going.

Mr. President, I yield the floor.

Mr. NELSON. Mr. President, I have just one comment to make, so that it will be understood by everyone. The basic authorization—and this is an authorization bill—for fiscal years 1972, 1973, and 1974 is $7.5 billion—$2 billion for 1972; $2.5 billion for 1973; and $3 billion for 1974.

The point I want to emphasize is that the basic authorization in the bill is identical with the authorization amounts suggested by the administration. For fiscal year 1972 they requested $2 billion. We put $2 billion basic authorization in the bill, just as they asked. The House also put $2 billion basic authorization in the bill for fiscal year 1972. The basic authorization for fiscal 1973 and 1974 likewise were identical in the administration's proposal, the Senate-passed bill, and the House-passed bill—$2.5 billion for fiscal 1973 and $3 billion for fiscal 1974.

The distinction in total dollar authorizations between the House-passed measure and the Senate's bill lies in the fact that in the Senate we should put in some add-ons, so-called authorized for public service employment.

The add-ons for public service employment in the authorization bill passed by the Senate were $4½ billion. That passed this body by a roll call vote of 68 to 6. When we went to conference, the House bill which had the same basic authorizations as in our bill and as the administration proposed, did not have any add-ons for public service employment. We had $4½ billion in such add-ons. We reduced these authorization add-ons from $4½ billion to $2 billion. So we removed $2½ billion from the add-on authorizations that passed the Senate.

One further word about the add-ons. The basic authorization, as I said, was the same in the House, the same as the administration's request in total dollars, and the same as our own in the Senate. We put the add-ons in the bill on our side after careful consideration because of our concern that if, down the road—6 months, a year, or a year and a half from now—the employment situation should deteriorate, then at least we would have passed the authorization bill so that the Appropriations Committee would have the authority to consider and recommend appropriations to meet the increased unemployment problem partially through public service employment, and the Senate itself could act in light of the Appropriations Committee's consideration and recommendation thereon. The authorization for additional appropriations for public service employment is there as a safety measure.

My own personal view is that the add-ons should be funded, but I am realistic enough to know it is not likely it will get funded immediately. In any event, the authorization should certainly be there.

I should like to point out one more thing. Let me read a list of the national organizations and the people in this country that support public service employment. Let me read a list of the groups that support the bill. Some gave general endorsement to public service employment; others were involved to the extent of following and suggesting specific aspects incorporated in the legislation. Many organizations and individuals gave their views during the course of our hearings which started November 4 of last year—a total of four volumes of hearings—we considered all these views during 2 months of markup sessions from June through August. The Senate passed the bill on September 17.

Organizations supporting public service employment included: The National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the AFL–CIO, the National Governors Conference, the National Council of Senior Citizens, the National Farmers Union, the Urban Coalition, the National Civil Service League, and every distinguished expert that I know of on manpower programs and needs.

This bill, if funded at the basic level, could produce 150,000 to 180,000 jobs in fiscal 1972—100,000 to 180,000.

That modest level contrasts, incidentally, with the careful analysis of the problem made by the Kerner Commission which recommended not—as does this conference report—100,000 jobs to as high as 180,000 jobs, but the Kerner Commission recommended 250,000 jobs the first year to 1 million jobs at the end of 3 years. I repeat, 1 million public service jobs was their recommendation.

This conference agreement authorizes a very modest public service employment program—very modest, much more modest than I think it should be, by far.

A very significant point is that what we are talking about, with regard to this conference agreement is the concept of public service employment as a real job rather than as a training slot they run someone into and provide him with some training for 12 weeks, 24 weeks, or 30 weeks, and then say to him, "Now we have given you some training, so you are competent to handle a job. Go out and find one." They then throw them out of training programs to look for nonexistent jobs. That is what we have been doing with the manpower programs to s great extent in this country.

When people criticize the concept of public service employment, let me point out something very interesting. Thirty-one years ago, up through the depression and as late as 1939, there were 4 million people in this country on public service employment, paid for by the Federal Government—WPA and those programs. There were 3,900,000 people thus employed. That was in a country with a gross national product of $90 billion against a gross national product in this country as of this time that is approaching $1,000 billion.

Ninety billion dollars of 1939 dollars adjusted is $200 billion in today's dollars. So, in a country with a much smaller population and with a gross national product less than one-fourth of what we have today, this country faced up to a crucial problem. We had 12 million unemployed, and the Nation had 4 million people—just short of 4 million people—in public service employment.

That had to be a rushed-up type of program. People had to be given jobs. Contrary to the impression some people like to give, by no means was all of the work make work. Those who lived through that period of the depression know something about it. We still see evidences of the great work accomplished in the period of the thirties, in the conservation work that was done, and the fine buildings that were built. Still many of these were hurry-up projects. It is a big undertaking without the benefit of any training and upgrading and comprehensive manpower programs such as we have provided for in this bill.

All we are saying in this bill is that we ought to have a public service employment program which fills a critical need in this country. That is why every mayor in the Nation, so far as I know—all we have heard from—says that we need this program.

That is why we read in the newspapers this morning about the mayor's conference in Atlanta—the stories in the Washington Post and New York Times about their being upset because they had heard it was possible there might be a veto of this bill. The mayors are meeting in Atlanta today. They are sending their executive secretary, John Gunther, back to Washington to check with the Labor Department to see if there is any truth in those reports that the bill might be vetoed.

We are authorizing a modest program to fill critically important jobs that are needed at the present time at the local level. This bill is not creating an enlarged Federal bureaucracy. The Federal Government will not run the employment projects. The prime sponsor, under this major reorganization of manpower legislation, decides whether it wants a public service jobs program. The prime sponsor is the State government, or the city government if it serves a population of 75,000, or a county if it serves a population of 100,000 and has general governmental powers.

We have been talking for years about turning the responsibility for federally supported programs back to the local level. I agree with that philosophy. The local community is where the problem is. That is where the expertise is. That is who ought to be handling the job. We have been trying to run too much out of Washington. Everyone agrees with that. I agree with the President that these programs ought to be decentralized. Congress agrees with the President on that.

We have created prime sponsors in the bill for the first time. The State government can be a prime sponsor. The State government will handle all manpower programs at that level, exclusive of the areas covered by other prime sponsors within the State.

Any city with a population of 75,000 or more is eligible to be a prime sponsor.

Any county with a population of 100,000 or more having the functions of general government can be a prime sponsor. Any combination of cities or counties serving a total population of 100,000 can be a prime sponsor. (In order to be a prime sponsor, any combination of cities or counties must serve a functional labor market.)

A county or a combination of counties in rural areas having outmigration of population and high unemployment can be a prime sponsor, without regard to any required population level.

These can all be prime sponsors.

We then create local manpower services councils to advise and consult with the prime sponsors and to evaluate programs and needs.

That is how the manpower system designed by this legislation decentralizes responsibility to the local level.

Let me mention the composition of this council. The manpower services council would be appointed by the mayor or the Governor, as the case may be, consisting of members representing vocational education, the public employment service, community action agencies, various education and training organizations, business and labor organizations, and so forth, to work out a manpower program.

When they complete the job of working up a proposal for a manpower program at the local level—proposing what should be done in terms of work in public service fields—they then submit their proposals for a manpower program and a public service employment program to the Secretary of Labor. Local applications are submitted at the same time to the Governor of the State for the Governor's comments.

The Governor has a chance to review the manpower arrangements at the local level and give his views on whether local prime sponsor's plans have appropriate provisions for utilizing the services available from various State agencies.

The Governor might say to the Secretary of Labor, "I have reviewed the program of this prime sponsor. I think it is a good one."

Or he might say, "I have reviewed the program of the prime sponsor. I think it is a poor one."

He might say, "I think this change ought to be made and this coordination ought to be included."

The Secretary of Labor then checks the prime sponsor's program and approves it or rejects it. If he thinks it is not a good one, he rejects it.

What is the worry about the public service employment program working through the mayors? There are enormous unmet needs in the cities. Public service employment can involve work in public safety, public transportation, public health—areas which have personnel shortages and are not getting the work done because they do not have the manpower to do it at the local level. Needed work is being neglected.

The public service employment provides not only a job, but also a service that is needed in the community.

The program will not be carried out in Washington, a long distance from the problems and the work to be done. This program will not create a larger Federal bureaucracy. The programs will be carried out by the prime sponsor at the local level.

One thing we have learned from the manpower program is that those programs that have been run at the local level have been run very well. We did not create a new bureaucracy when Mainstream was created, a highly successful program involving many older and middle-aged citizens. Many of them have been doing remarkable jobs in that part of the Mainstream program called Green Thumb. There is strong support in every community where the Mainstream program exists. There is no criticism at all. Mainstream has been a kind of pilot public service employment program.

These public service employment programs will not be managed out of Washington. They will be part of the overall manpower program at the local level. To be sure that we are doing something not only for the people who are being served by the public services, but also for the self-development of the people who are employed in the program, we require that the public service employment itself be complemented by a training program to upgrade them, to increase their skills, and to give them an opportunity to go on up the ladder in civil service, in the field of public employment, whatever is best for the particular person.

The field of public employment is the biggest field of employment in the country and it will continue to be the largest single area, because there as so many employees at the local, State, and Federal levels. Should not unemployed persons and poor people have the opportunity to get into those programs and work like anyone else? They cannot pass all the civil service restrictions we have nowadays that are set up for someone who has had the best breaks in the world and for people who are qualified to pass the examinations. The people with the advantages are the ones who take the good jobs. The poor people are entitled to that opportunity for good jobs too.

This legislation provides for training programs to upgrade their skills. They can transfer from a public service job assisted under this bill—and we encourage that—into private employment, or go up the ladder in the field of public service. What is wrong with that? I think it is a good idea.

Now, I shall conclude by making another point. This does not allocate additional money for training, but provides the same amount we have been allocating for training. I emphasize that the basic authorization is exactly the same in this bill which is now before us as it was in the administration proposal and in the House-passed bill. We added to the administration's proposed authorization, as add-ons for public service employment a higher ceiling which is available as an appropriations authorization if the country, through the Congress, decides that additional money should be spent in the public service field in appropriations acts. If it does not find that, there will be no funds spent under the add-on authorization.

I yield the floor.

Mr. ALLEN. Mr. President, I do not anticipate that anything that may be said on the floor of the Senate today will have any great influence on the vote on the adoption of the conference report. The bill was passed by an overwhelming majority in the Senate. I anticipate it will pass by a similar topheavy majority in just a few moments because there is no disposition on the part of the junior Senator from Alabama to prevent an early vote on the conference report.

The junior Senator from Alabama does feel, however, that a bill of this magnitude, a bill containing some 65 pages and authorizing the appropriation over the next 4 years of the tremendous sum of $9.5 billion should have at least some perfunctory study before a vote is taken.

It is said that this is not an appropriation bill and it is not. It is an authorization bill. But if an authorization bill is passed, can the appropriation bill be far behind? The junior Senator from Alabama submits it would not be far behind. He notes, too, that the authorization as to public service employment starts with the current fiscal year, whereas the authorization for the remainder of the program does not start until fiscal year 1972. That would cause the junior Senator from Alabama to wonder what is the crisis in public service employment, why the hurry, why the rush to provide additional public service jobs during the current fiscal year which will expire on July 1, 1971.

Much has been said about the fact that this is only the amount that was requested by the President, and all the Senate did before was to tack on a small amount of $4.5 billion as an add-on. Where did the figure come from? No one has said why they hit on that figure. They say:

> We went to conference and the conference knocked $2.5 billion off the $4.5 billion that we added on.

They knocked off $2.5 billion from a sum that has been just reached out and grabbed and put into the bill as some sort of an add-on.

When the junior Senator from Alabama on yesterday questioned the distinguished Senator from Wisconsin on the number of public service jobs that could be created and filled and paid for out of the proceeds of any money appropriated in accordance with this authorization he was advised that the figure in the final year could run up as high as 300,000 public service jobs.

The basic bill is designed to cover three areas, as has been referred to, and those areas are set forth in section 4 on page 3 of the conference report.

It is stated in subsections (1), (2), and (3) of section 4 that one-third of this basic sum—and the basic money is $7.5 billion—should go for comprehensive manpower services under title I of the act; one-third shall be for public service employment programs under title III of the act; and one-third shall be for occupational upgrading under title II and special manpower programs under title IV of the act.

The bill goes on to state that the Secretary can take an amount not to exceed 25 percent of any of these sums that may be appropriated in accordance with the authorization provided in this bill, that is, take up to 25 percent of the amount appropriated, for any of these three programs and use it for another program. That, then, would provide, if the arithmetic of the junior Senator from Alabama is correct, that $2.5 billion would go for public service employment, because that is a third of the $7.5 billion. That leaves $5 billion.

Well, the Secretary can take 25 percent of that. So that is $1.250 billion. And then that would get up to $3.750 billion to be spent under the public service employment aspect of the bill.

Then, with respect to the add-on which the conference committee, in an economy move, struck from $4.5 billion down to $2 billion, it is provided that that shall be spent for public service employment.

I am sure that if I am incorrect in the conclusions I have drawn from a reading of the bill, I shall be corrected.

That, then, added to $3.750 billion would be $5.750 billion which could conceivably be spent for public service employment.

Does the Federal Government need to provide the necessary money for adding, at a cost of up to more than $5 billion, some 300,000 additional employees at every level of Government?

The statement is made, and I am sure in good faith, that these positions are to be in public service at the State and local level; that the Federal Government would not be involved in those jobs. Yet we see in title III, section 303, the eligible applicants:

> Financial assistance under this title may be provided by the Secretary only pursuant to applications submitted by eligible applicants, who shall be—

And then are named the prime sponsors that were referred to, and other public agencies and institutions including public service agencies and institutions of the Federal Government.

So, the Federal Government, with its mushrooming bureaucracy, could come in for as many of these public service employees as the Secretary saw fit to give.

Just the other day, the Senate, in a rare burst of economy and for the protection of our environment, knocked out an item of $290 million for further work on the SST program. I am pleased that I was among the number that voted to eliminate the appropriation for the SST. I voted similarly last year when some $85 million was up for appropriation.

So we save there—if the conferees keep the saving—$290 million. And yet, in one fell swoop, we are going to authorize appropriations for the expenditure of up to $9.5 billion over the next 4 years.

Where are the opponents of the SST on this occasion? Why are they not here to help carry on this battle for economy we hear so much about? Why are they not here to try to help defeat this authorization of $9.5 billion?

Mr. President, I have some interesting figures in a table which I shall refer to. I ask unanimous consent to have printed in the RECORD, table No. 631 on page 428 of Statistical Abstract of the United States, 1970, prepared by the U.S. Department of Commerce, Bureau of the Census, entitled, "Governmental Employment and Payrolls: 1950 to 1969."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

GOVERNMENTAL EMPLOYMENT AND PAYROLLS: 1950 TO 1969

[For October. Prior to 1960, excludes Alaska and Hawaii. See also Historical Statistics, Colonial Times to 1957, series Y 205–240]

Year and function	Employees (1,000)					Payroll (Millions of dollars)				
	Total	Federal (civilian) [1]	State and local			Total	Federal (civilian) [1]	State and local		
			Total	State	Local			Total	State	Local
1950	6,402	2,117	4,285	1,057	3,228	1,528	613	915	218	696
1960	8,808	2,421	6,387	1,527	4,860	3,333	1,118	2,215	524	1,691
1965	10,589	2,588	8,001	2,028	5,973	4,884	1,484	3,400	849	2,551
1966	11,479	2,861	8,618	2,211	6,407	5,473	1,665	3,808	975	2,833
1967	11,867	2,993	8,874	2,335	6,539	6,056	1,842	4,213	1,106	3,108
1968	12,342	2,984	9,358	2,495	6,864	6,889	2,137	4,752	1,257	3,495
Total, 1969	12,691	2,975	9,716	2,614	7,102	7,594	2,342	5,252	1,431	3,822
National defense and international relations	1,322	1,322				1,009	1,009			
Postal service	728	728				490	490			
Education	5,079	18	5,061	1,112	3,949	2,845	15	2,831	554	2,276
Teachers	2,865		2,865	342	2,523	2,106		2,106	287	1,819
Highways	602	6	596	296	301	324	6	318	179	138
Health and hospitals	1,168	195	973	488	484	626	157	468	252	216
Police protection	514	27	487	54	432	320	29	291	38	253
Fire protection	262		262		262	135		135		135
Sanitation and sewerage	188		188		188	95		95		95
Parks and recreation	156		156		156	61		61		61
Natural resources	393	216	177	143	34	278	185	93	80	13
Financial administration	326	91	235	92	143	205	86	118	55	64
All other	1,952	372	1,580	428	1,153	1,207	365	842	272	570

[1] Includes Federal civilian employees outside United States.

Source: Department of Commerce, Bureau of the Census; annual report, Public Employment in 1969.

Mr. ALLEN. This table shows that in 1950 the total number of employees, State, local, and Federal, in the United States was 6,402,000.

By 1960 it had added 2,400,000 employees. It had gone up to 8,808,000 employees.

In 1965 the total number of employees, State, local, and Federal, had jumped to 10,589,000.

In 1966 it was 11,479,000; in 1967 it was 11,867,000; in 1968 it was 12,342,000; in 1969 it was 12,691,000.

Mr. President, we hear a lot about featherbedding and work rules in a discussion of the railroad situation. We hear about featherbedding on the railroads. What about featherbedding in the public service sector?

Here we are authorizing an appropriation of some $9.5 billion, of which over $5 billion could be spent creating new jobs in the public sector, and for the Federal Government to pay for it. I do not believe we need that.

The figure of 12,691,000 Federal, State, and local employees does not include millions of people who work in defense plants owned by the private sector. It does not include employees of contractors in the private sector. It does not include more than 3 million men and women in the armed services. It does not include some 12 million people who are on the public welfare assistance programs.

It does not include the 10 million more Americans who would be added to the public assistance rolls if the President's family assistance plan should be adopted.

Is there any need for the Federal Government to subsidize the addition of 300,000 more employees? Nothing is said about where they are going to be assigned. That has to be developed later.

But, Mr. President, I can tell you, if there is a job designation and a salary accompanying it, we can rest assured that someone will be furnished to fill that assignment. All we have to do is make the money available, and the need for the jobs will appear.

Mr. President, again I say that I do not anticipate that there will be any more than five votes against this conference report; but the junior Senator from Alabama wants and intends to be one of those.

This is an opportunity to strike a blow against a mushrooming bureaucracy in the public sector, be it local, State, or Federal. This is an opportunity to call a halt, to some degree, to the escalation of employment in the public sector.

I do not believe we need this authorization at this time. The main body of the authorization would not go into effect until fiscal year 1972, and it would seem that it would be the better part of wisdom to wait until the 92d Congress to pass this authorizations legislation. But I know that will not take place.

This bill is a voluminous document. A great deal of study, time, and thought have gone into it, and I commend the distinguished Senator from Wisconsin for his hard work, and for his zeal, for his sincerity, and for his dedication. It just happens that we are not in agreement on this matter.

We were in agreement, I might say, on eliminating the SST program from the appropriation bill. But I am persuaded, after seeing this authorization bill, that the Senator from Wisconsin made his decision, not on the basis of reasons of economy or fiscal responsibility, but on matter of ecology and our environment; because he now comes forward with this $9.5 billion bill, and it would not be very good business to save $290 million one day and then authorize the appropriation of $9.5 billion almost the next day.

I hope that the Senate will reject this conference report. Theoretically, under the rules, I assume if the report is rejected it could be sent back to conference with instructions; but again, I do not anticipate that that will take place. But the junior Senator from Alabama has had an opportunity to register his protest on this further movement in the direction of bigger and bigger Federal Government and bigger and bigger government at all levels.

Mr. President, I yield the floor.

Mr. NELSON. Mr. President, I thank the Senator from Alabama. Although we differ on this bill, he has quite obviously dedicated considerable time and thought to evaluating what is in the bill, and has made a thoughtful contribution to its legislative history.

I say to the Senator from Alabama that I am pleased that we agreed on the supersonic transport. He is correct that my criticism was not fiscal, but ecological. I am not pleased that we disagree on this manpower bill; but I would suggest—and I am sure the Senator from Alabama would agree with me—that it would not be too healthy for either of us to be agreeing more than 50 percent of the time.

Mr. President, I yield the floor.

EMPLOYMENT AND MANPOWER ACT; NEW PROVISIONS FOR BILINGUAL MANPOWER TRAINING AND FOR EMPLOYMENT IN CASE OF NATURAL DISASTERS

Mr. YARBOROUGH. Mr. President, I want to commend the Senator from Wisconsin (Mr. Nelson) chairman of the Subcommittee on Employment, Manpower, and Poverty and all of the other members of my Committee on Labor and Public Welfare who have labored hard and long to bring to the floor of the Senate this comprehensive and historic Employment and Manpower Act.

This act, which makes sweeping reforms of our national manpower effort and introduces new concepts in manpower training and employment is in direct recognition of our Nation's strong commitment to the ethic of work and the ideal of individual self-reliance. As the training needs of our changing technology multiply, and as unemployment soars, we must respond with measures which are adequate and effective to help those which are least able to withstand it. At a time when there is rising concern over the increasing costs of welfare we must provide the only lasting remedy to welfare—a job with adequate income.

One of the novel approaches of manpower training and employment in this bill is the bilingual manpower program. This program will provide special bilingual training for persons who have limited English-speaking abilities to increase their opportunities for employment and promotion.

During field hearings by the Subcommittee on Employment, Manpower, and Poverty, compelling testimony was presented to the effect that many thousands of Americans have extreme difficulties in preparing for and acquiring employment consistent with their abilities and willingness to learn simply because they had difficulty with the English language.

This handicap is particularly evidenced among the Mexican Americans. Equal Employment Opportunity Commission figures show that 70 percent of all male Spanish-surnamed Americans work in the lowest occupational categories—as operatives, laborers, or service workers; 1966 figures from the Department of Labor show that 47 percent of the men in a Mexican-American barrio of San Antonio were either unemployed or living on incomes below $60 per week. Across the Nation, more than half of the Mexican-American families have incomes of less than $3,000 per year. This same handicap affects to an even greater extent the many thousands of Puerto Ricans, Cubans, and other Spanish-surnamed Americans whom we have welcomed to our country in their search of a better life.

There are other ethnic groups who will also benefit from this program. In San Francisco, the Chinese-speaking population has increased to 70,000. Most of them are underemployed or unemployed directly as a result of the language barrier. There are similar groups in major cities throughout the country who cannot compete equally on the job market because of the language barrier. Many of them possess skills which are in short supply. Most of them are willing and able workers who want to be self-reliant; all of them are workers whose contributions will be needed once we shelve the regressive economic policies of the present administration and get this country moving again.

Another section of the bill permits the Secretary of Labor to use unallocated funds to provide additional public service employment slots to eligible applicants for use in disaster relief operations.

The State of Texas has suffered much this year from tornadoes, floods, and hurricanes. One of the most effective disaster relief operations was in Lubbock where an additional 86 NYC slots were made available by the Secretary of Labor to assist in the aftermath of the terrible tornado that tore up much of the downtown area and the nearby Mexican-American barrio. The enrollees performed many essential tasks that would not have been otherwise carried out. I was very disappointed to learn that similar arrangements were not made in San Marcos and Corpus Christi after the disasters that struck these two cities because the slots that had been allocated to Texas had been used up. This amendment makes it possible to take other unallocated funds to assist local communities to recover from a disaster.

There are many other extremely important manpower innovations in this bill. It establishes special programs for Indians and for migrant workers, recognizing the two segments of our society who suffer the most from unemployment and lack of training. It continues the manpower programs which have been found most successful, and gives the Secretary broad discretion to initiate new programs and try out new concepts of comprehensive manpower programs.

The bill adds a new public service employment section which will permit local and State governments and other eligible nonprofit entities, such as hospitals to employ persons for essential tasks that have not been performed due to high labor costs. These public service employment slots are meant to train and prepare low income persons for better jobs, but these trainees will not be terminated if such a job is not obtained or accepted by the enrollee.

This is an idealistic but very practical piece of legislation and I strongly recommend its adoption.

Mr. CRANSTON. Mr. President, I rise to strongly urge adoption by the Senate of the conference report on S. 3867, to be known as "The Employment and Manpower Act." This bill was the subject of a most intensive set of conference committee deliberations, and I was privileged to have the opportunity to serve as a Senate conferee on what is one of the most vital pieces of social legislation to come before the Senate in a long time.

I want particularly to draw the attention of my colleagues to the absolutely outstanding work in the conference by the conference chairman, who is chairman of the Subcommittee on Employment, Manpower, and Poverty, my good friend from Wisconsin (Mr. NELSON). The fact that so many of the crucial provisions of the Senate bill are included in this conference report is an enormous tribute to his dedication, effective advocacy, tenacity, political acumen and sensitivity to the real issues involved in distribution of responsibilities for employment and manpower programs. It was a great privilege to work under his leadership in this conference. I also wish to congratulate the ranking minority member of the conference, the Senator from New York (Mr. JAVITS), for his steadfast role in achieving the legislation before us. And I wish to express my admiration for the openmindedness, firmness and wisdom displayed by the chairman of the House conferees (Mr. PERKINS) and the principal sponsor of the House bill (Mr. O'HARA).

Mr. President, I would like very briefly to elaborate upon conference action on a number of provisions in the original Senate version adopted on September 17, which provisions I offered as amendments during subcommittee and committee consideration of this bill. I outlined the history and purposes of these provisions in my floor statement on September 17 (S. 15886), and I am particularly grateful to the House conferees for their acceptance of virtually all of these provisions, with some relatively minor modifications which I wish to explain.

FAMILY PLANNING

In the original Senate version, my amendment inserted "family planning" in all places in the act where the word "health" was found, in order to make clear that the provision of health services to employment and manpower recipients under the act was to include family planning services and that employment and training in the health field under the act was to include family planning paraprofessional work. The conferees on the part of the House felt that it was preferable to achieve this result by a single provision in the definitions section of the act, section (6)(4) making clear that family planning services is one of the essential components of "health care" under the act.

It was fully understood in the conference that the striking of the words "family planning" throughout the bill in no way altered the effect of the inclusion of those words throughout the Senate bill as indicated in my September 17 floor statement.

PUBLIC SERVICE EMPLOYMENT JOB REVIEW

The original Senate bill in section 204(b)(15) included my amendment providing for a job review for public service employment participants between the first and second year of their employment. In conference, it was agreed that more than one review was desirable and the review was, therefore, placed on an annual basis. I wish to make clear, however, that the conferees considered and clearly rejected the notion of a continuing review of each participant's status, as had been provided for in section 306(3) of the House version.

ACCOUNTABILITY OF PRIME SPONSORS IN DISPENSING FUNDS

I regret very much that the appeal to the Secretary procedure in section 106(b) of the bill, which in the original Senate language included recourse for both a unit of general local government as well as a community action agency, was amended to delete the reference to community action agencies. This amendment was absolutely insisted upon by the House conferees who would accept no compromise on this question. In addition, in response to objections by House conferees to the appeal procedures, even as they related only to units of general local government, I proposed and the conference adopted four clarifying modifications of the appeal procedure. These modifications are:

First, to require that the Secretary's decision on all challenges by local governmental units—regardless of whether or not there are applications pending for financial assistance—be made in no less than 30 days from the date he receives the challenge;

Second, to make totally clear that withholding of approval of prime sponsors' pending applications for financial assistance is limited to so much of the application as relates directly to the matter under challenge;

Third, regarding allegations not involving pending applications, to explicitly state that nothing in the subsection requires the Secretary to withhold financial assistance; and

Fourth, to permit the Secretary to discuss clearly frivolous challenges summarily by merely sending a written decision to that effect to the interested parties.

I wish to make clear that these modifications do not in any way dilute the appeal process for units of general local government, and it also should be pointed out that community action agencies would have the opportunity to prevail upon the general local government in its area to champion its cause through an appeal to the Secretary under section 106(b).

This same position was taken by the conferees with respect to the specific inclusion of community action agencies as eligible applicants for public service employment programs, as had been provided in section 203(2) of the original Senate bill. The best that we were able to achieve for community action agencies in that regard was included in section 303(3) of the conference bill. This provision would permit a community action agency to be a recipient of financial assistance for public service employment programs if approved by the prime sponsor or if the community action agency were associated with any of the other approved categories of eligible applicants.

NONDELEGATABILITY OF CERTAIN DECISIONS BY THE SECRETARY

The original Senate provision prohibited delegation outside of the Office of the Secretary of the Secretary's authority to disapprove prime sponsorship plans of local governmental units and decide on challenges under section 106(b). We agreed that such authority could be delegated to the Assistant Secretary for Manpower, a Presidential appointee subject to Senate confirmation and so revised section 7(b) of the conference bill.

OPERATION S.E.R.

I just want to note briefly how pleased I am with the conference action to retain in section 416 the exact Senate language regarding this very important Mexican-American manpower program, based largely in California and four other Southwestern States, which was contained in section 316 of the Senate version as the result of an amendment offered by Senator DOMINICK and myself.

COVERAGE OF PUERTO RICO IN BILINGUAL MANPOWER SERVICES PROGRAM

There was considerable discussion in the conference regarding the eligibility of Puerto Rico for participation in the bilingual manpower program now included in part B of title V of the conference bill. I merely wish to reiterate what I stated on the floor September 17 (S15890) that it was our intention that the language of the provision be interpreted in the same manner as appropriate similar language had been interpreted in title VII of the Elementary and Secondary Education Act. The intended effect is that Puerto Rico should be eligible for participation under this part, but would not receive a disproportionate share of funds.

VETERANS' EMPLOYMENT

I am particularly gratified that the House conferees saw fit to accept all of the veterans' employment provisions of the Senate bill, which I highlighted in my September 17 floor statement. Recent hearings conducted by the Veterans Affairs Subcommittee, which I am privileged to chair, of the Labor and Public Welfare Committee, highlighted dramatically the seriously increasing problem of veterans' unemployment, particularly among recently returned veterans. Indeed, at our hearing on December 3, 1970, the Assistant Secretary of Labor for Manpower, Mr. Lovell, in response to my question, indicated that recently returned veterans would be given a preference for participation in the new public service employment programs to be established under this act.

Mr. Lovell's testimony also revealed that in the third quarter of calendar 1970 there were 218,000 Vietnam era veterans under age 30 out of work as compared with only 116,000 a year before and that the unemployment rate for 20- to 24-year-old war veterans in this past quarter was 9.1 percent as compared with 8.3 percent for nonveterans of the same age. The unemployment problems of nonwhite recent veterans were shown to be particularly acute now—with 40,000 nonwhite war veterans aged 20 to 29 unemployed in the third quarter of 1970 and an unemployment rate of 18.1 percent for those who were 20 to 24 years old whereas nonveterans for the same group experienced a 12.5-percent unemployment rate. Mr. Lovell's testimony also points up the fact that local employment services are not adequately meeting this growing need for veterans' employment assistance; whereas in the first quarter of fiscal year 1971 veteran applications for public service employment assistance constituted 39.9 percent of all applications, veterans constituted only 32.5 percent of all males counseled and only 33.7 percent of those placed.

PUBLIC SERVICE EMPLOYMENT

With respect to the public service employment program, which I consider the most innovative and socially significant portion of the act, I wish to note that the add-on authorizations for public service employment were lowered only at the last-minute insistence of the House conferees that this was absolutely essential for a reasonable chance of acceptance of the conference report by the other body. This conference bill, nevertheless, authorizes an add-on over 4 years of $2 billion which should still provide an additional approximately 50,000 jobs over that time period.

The crucial thing is, however, that the Senate allocation formula of one-third of the appropriations under the act for public service employment as well as the total annual authorization of appropriations, was retained in the conference bill.

This should provide for at least 100,000 public service jobs in the first full fiscal year—fiscal year 1972.

I also wish to point out the inclusion in the conference bill of language which I suggested in the congressional statement of purposes and findings that, among those with urgent needs for public service employment opportunities, were "those who have become unemployed as a result of shifts in the pattern of Federal expenditures as in the defense, aerospace, and construction industries."

In closing, Mr. President, I wish to stress how vitally important enactment of this legislation is to the economy of this country, beset by a 5.8 percent unemployment rate and an inflationary price situation. I again urge unanimous Senate passage of this bill and call upon the other body to provide similar overwhelming support and the President to act promptly to sign this measure into law.

The PRESIDING OFFICER (Mr. Gravel). The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator from Minnesota (Mr. McCarthy), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman) and the Senator from Virginia (Mr. Spong) are necessarily absent.

I further announce that if present and voting, the Senator from Connecticut (Mr. Ribicoff), the Senator from Virginia (Mr. Spong), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Nebraska (Mr. Hruska), the Senator from Vermont (Mr. Prouty) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kentucky (Mr. Cooper) and the Senator from Michigan (Mr. Griffin) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt), and the Senator from Oregon (Mr. Hatfield) would each vote "yea."

If present and voting, the Senator from Colorado (Mr. Dominick) and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 68, nays 13, as follows:

[No. 424 Leg.]

YEAS—68

Aiken
Allott
Anderson
Baker
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cranston
Dole
Eagleton
Ervin
Fannin
Fong
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Saxbe
Schweiker
Scott
Smith
Stevens
Stevenson
Symington
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—13

Allen
Bellmon
Bennett
Cotton
Curtis
Eastland
Ellender
Gurney
Holland
McClellan
Stennis
Talmadge
Thurmond

NOT VOTING—19

Cooper
Dodd
Dominick
Fulbright
Goldwater
Griffin
Hansen
Hatfield
Hruska
McCarthy
McGovern
Mondale
Mundt
Prouty
Ribicoff
Russell
Sparkman
Spong
Tower

So the report was agreed to.

Mr. NELSON. Mr. President, I move that the Senate reconsider the vote by which the conference report was agreed to.

Mr. YARBOROUGH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

The PRESIDING OFFICER (Mr. Gravel). The Chair lays before the Senate the unfinished business, which will be stated.

The legislative clerk read as follows:

A bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as reported.

SECURITIES INVESTOR PROTECTION ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1236, S. 2348.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows: A bill (S. 2348) to establish a Federal Broker-Dealer Insurance Corporation.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the bill.

The Senate proceeded to the consideration of the bill which was reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Securities Investor Protection Act of 1970".

Sec. 2. The Securities Exchange Act of 1934 is amended by adding at the end thereof the following new section:

"SECURITIES INVESTOR PROTECTION CORPORATION

"Sec. 35. (a) There is established a body corporate to be known as 'Securities Investor Protection Corporation' (hereinafter referred to as the 'corporation'). The corporation shall be a nonprofit corporation and shall have succession until dissolved by Act of Congress. The corporation shall not be an agency or establishment of the United States Government. It shall be a membership corporation whose members shall consist of all brokers or dealers registered under subsection (b) of section 15 of this title and all members of national securities exchanges, unless excepted or exempted from membership under the provisions of subsection (h) of this section. The corporation shall be subject, to the extent consistent with this section, to the provisions of the District of Columbia Nonprofit Corporation Act.

"(b)(1) The corporation shall have a board of directors consisting of not more than five persons as follows—

"(A) the Chairman of the Securities Exchange Commission, who shall serve ex officio;

"(B) the Secretary of the Treasury, who shall serve ex officio;

"(C) the Chairman of the Federal Reserve Board, who shall serve ex officio; and

"(D) two members, appointed by the President, by and with the advice and consent of the Senate, from among persons of demonstrated securities industry experience who are not employed by the Federal Government.

"(2) Except for those serving ex officio, the initial members of the board of directors shall each serve for a term of two years from the effective date of this section or as otherwise provided in the bylaws of the corporation. All matters relating to tenure in office (including the terms of office of directors and the periods for determining dollar volumes of trading) and the compensation of directors not otherwise employed by the Federal Government shall be as provided in the bylaws of the corporation.

"(3) The President shall designate a chairman from among those directors who are not otherwise employed by the Federal Government.

"(c) The board of directors shall meet at the call of its chairman, or as otherwise provided by the bylaws of the corporation. Subject to the provisions of this section, the board of directors shall determine the policies which shall govern the operations of the corporation. In addition to the powers granted to the corporation elsewhere in this section the corporation shall have the power—

"(1) to sue and be sued, complain, and defend, in its corporate name and through its own counsel, in any court, State or Federal;

"(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(3) subject to the provisions of this section, to adopt, amend, and repeal, by its board of directors, bylaws, rules, and regulations relating to the conduct of its business and the exercise of all other rights and powers granted to the corporation by this section;

"(4) to conduct its business (including the carrying on of operations and the maintenance of offices) and to exercise all other rights and powers granted to it by this section in any State or other jurisdiction without regard to any qualification, licensing, or other statutory requirement in such State or other jurisdiction;

"(5) to lease, purchase, accept gifts or donations of or otherwise acquire, to own, hold, improve, use, or otherwise deal in or with, and to sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of, any property or any interest therein, wherever situated;

"(6) subject to the provisions of subsection (b) of this section, to elect or appoint such officers, attorneys, employees, or agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof;

"(7) to enter into contracts, to execute instruments, to incur liabilities, and to do any and all other acts and things as may be necessary or incidental to the conduct of its business and the exercise of all other rights and powers granted to the corporation by this section; and

"(8) to the extent not inconsistent with this section, to have all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

"(d)(1) The Commission may make such examinations and inspections of the corporation and require the corporation to furnish it with such reports and records or copies thereof as the Commission may consider necessary or appropriate in the public interest or to effectuate the purposes of this section.

"(2) The corporation shall establish its fiscal year. As soon as practicable after the close of each fiscal year, the corporation shall submit to the Commission a written report relative to the conduct of its business and the exercise of the other rights and powers granted by this section during such fiscal year. Such report shall include financial statements setting forth the financial position of the corporation at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year. The financial statements so included shall be examined by an independent public accountant or firm of independent public accountants, selected by the corporation and satisfactory to the Commission, and shall be accompanied by the report thereon of such accountant or firm. The Commission shall transmit such report to the President and the Congress with such comment thereon as the Commission may deem appropriate.

"(e)(1) The corporation shall establish a fund, consisting of cash on hand or on deposit and amounts invested in United States Government and agency issues, to carry out its obligations under this section. Subject to payments made directly to any lender pursuant to any pledge securing a borrowing by the corporation, all moneys collected or received by the corporation shall be paid into the fund and all expenditures of the corporation shall be made from the fund. For the purpose of computing amounts of cash on hand in the fund at any time, there shall be included amounts which the corporation at such time has the right to borrow from banks and other financial institutions under confirmed lines of credit or other written agreements which provide that moneys so borrowed are to be repayable by the corporation not less than one year from the time of such borrowing, including all rights of extension, refunding, or renewal at the election of the corporation.

"(2) Within one hundred and twenty days from the effective date of this section, the fund shall aggregate not less than $75,000,000 less amounts expended within that period. Each broker or dealer who is a member of the corporation shall pay to the corporation, or the collection agent for the corporation hereinafter mentioned, on or before the one hundred and twentieth day following the effective date of this section, an assessment equal to one-eighth of 1 per centum of the gross revenue from the securities business of such broker or dealer during the calendar year 1969 or if the Commission shall determine that, for purposes of assessment pursuant to this paragraph, a lesser percentage of gross revenues from the securities business is appropriate for any class or classes of brokers or dealers (taking into account relevant factors, including but not limited to types of business done and nature of securities sold), such lesser percentages as the Commission, by rule or regulation, shall establish for such class or classes, but in no event less than one-sixteenth of 1 per centum for any such class. In no event shall any assessment upon a member pursuant to this paragraph be less than $125.

"(3)(A) The corporation shall impose upon its members, subject to Commission determination as provided in subsection (k) of this section, such assessments as, after consultation with self-regulatory organizations, the corporation may deem necessary and appropriate to establish and maintain the fund specified in paragraph (1) of this subsection and to repay any borrowings by the corporation. Assessments so made shall be in conformity with contractual obligations made, or assumed by the corporation. Any such assessment upon the members, or any one or more classes thereof, may, in whole or in part, be based upon or measured by all or any of the following factors: the amount or composition of their gross revenues from the securities business, the number or dollar volume of transactions effected by them, the number of customer accounts maintained by them or the amounts of cash and securities in such accounts, their net capital, the nature of their activities (whether in the securities business or otherwise) and the consequent risks, or other relevant factors.

"(B) Anything in this or any other section to the contrary notwithstanding—

"(i) no assessments shall be made upon a member otherwise than pursuant to paragraph (2) of this subsection or this paragraph; and

"(ii) no assessment shall be made pursuant to this paragraph upon a member which requires payments during any twelve-month period which exceed one-half of 1 per centum of such member's gross revenues from the securities business for such period.

"(4)(A) Until the fund aggregates not less than $150,000,000 (or such lesser amount as the Commission, with the approval of the Secretary of the Treasury, may determine) the rate of assessment shall be one-half of 1 per centum per annum of each member's gross revenues from the securities business. After 3 years, cash represented by amounts which may be borrowed under lines of credit or other agreements shall not constitute more than $50,000,000 of the total amount of the fund. When the fund aggregates $150,000,000 or such greater amount as the corporation may determine, the corporation shall phase out of the fund all cash represented by such confirmed lines of credit or written agreements and during such period the corporation shall endeavor to make assessments in such a manner that the aggregate assessments payable by its members during such period shall not be less than one-fourth of 1 per centum per annum of the aggregate gross revenues from the securities business for such members during such period. No such reduction shall be made during period when there is outstanding any borrowing by the corporation pursuant to paragraph (5) of subsection (f) or subsection (g) of this section.

"(B) Whenever the amount in the fund falls below $100,000,000 (or such lesser amount as the Commission with the approval of the Secretary of the Treasury, may determine) the rate of assessment shall be increased to one-half of 1 per centum until the fund is replenished to that amount.

"(5) To the extent that any payment by a member exceeds the maximum rate permitted by paragraph (2) of this subsection, the excess shall not be recoverable except against future payments by such member in accordance with a bylaw, rule, or regulation of the corporation.

"(f)(1) As used in this section, the term 'gross revenues from the securities business' means the sum of (but without duplication) (A) commissions earned in connection with transactions in securities effected for customers as agent, net of commissions paid to other brokers and dealers in connection with such transactions, and markups in respect of purchases or sales of securities as principal, (B) charges for executing or clearing transactions in securities for other brokers and dealers, (C) the net realized gain, if any, from principal transactions in securities in trading accounts, (D) the net profit, if any, from the management of or participation in the underwriting or distribution of securities, (E) interest earned on customers' securities accounts, (F) fees for investment advisory services or account supervision in respect of securities and management fees from investment companies, (G) fees for the solicitation of proxies with respect to, or tenders or exchanges of, securities, (H) income from service charges or other surcharges in respect of securities, (I) except as otherwise provided by rule or regulation of the Commission, dividends and interest received on securities in investment accounts of the broker or dealer, (J) fees in connection with put, call, and other option transactions, and (K) fees and other income for all other investment banking services. Except as otherwise provided by the corporation gross revenues from the securities business of a broker or dealer shall be computed on a consolidated basis for such broker or dealer and all its subsidiaries, and the operations of a broker or dealer shall include those of any business to which such broker or dealer has succeeded. The corporation may define all terms used in this paragraph insofar as such definitions are not inconsistent with the provisions of this paragraph.

"(2) Each broker or dealer who is a member of the corporation shall file with the broker's or dealer's examining authority such information (including reports of, and information with respect to, the gross revenues from the securities business of such member, including the composition thereof, transactions in securities effected by such member, and other information with respect to such member's activities, whether in the securities business or otherwise, including customer accounts maintained, net capital employed, and activities conducted) as the corporation may determine to be necessary or appropriate for the purpose of making assessments under subsection (e) of this section. The examining authority shall file with the corporation all or such part of such information (and such compilations and analyses thereof) as the corporation shall prescribe. No application, report, or document filed pursuant to this section shall be deemed to be filed pursuant to this title for the purpose of section 18.

"(3) Each self-regulatory organization shall act as collection agent for the corporation to collect the assessments payable by all members of the corporation for whom such self-regulatory organization is the examining authority, and members of the corporation who are not members of any self-regulatory organization shall make payment directly to the corporation. An examining authority shall be obligated to remit to the corporation assessments made under subsection (e) of this section only to the extent that payments of such assessments are received by such examining authority.

"(4) There may be contributed and transferred at any time to the corporation any funds held by any trust established by a self-regulatory organization prior to January 1, 1970, and the amounts so contributed and transferred shall be applied, as may be determined by the corporation with approval of the Commission, as a reduction in the amounts payable pursuant to assessments made or to be made by the corporation upon members of such self-regulatory organization pursuant to paragraph (3) of subsection (e) of this section. No such reduction shall be made at any time when there is outstanding any borrowing by the corporation pursuant to subsection (g) of this section or any borrowing under confirmed lines of credit or other written agreements referred to in subsection (e) of this section.

"(5) The corporation shall have the power to borrow money and to evidence such borrowing by the issuance of bonds, notes, or other evidences of indebtedness, all upon such terms and conditions as the board of directors may determine in the case of a borrowing other than pursuant to subsection (g) of this section, or as may be prescribed by the Commission in the case of a borrowing pursuant to subsection (g). The interest payable on a borrowing pursuant to subsection (g) shall be equal to the interest payable on the related notes or other obligations issued by the Commission to the Secretary of the Treasury. To secure the payment of the principal of, and interest and premium (if any) on, all bonds, notes, or other evidences of indebtedness so issued, the corporation may make or assume agreements with respect to the amount of future assessments to be made upon members and may pledge all or any part of the assets of the corporation and of the assessments made or to be made upon members. Any such pledge shall be valid and binding from the time that it is made, and the assessments so pledged and thereafter received by the corporation, or any examining authority as collection agent for the corporation, shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding against all parties having claims of any kind against the corporation or such collection agent whether pursuant to this section, in tort, contract, or otherwise, irrespective of whether such parties have notice thereof. During any period when a loan under subsection (g) of this section is outstanding, no pledge of any assessment upon a member (other than a pledge for the purposes of a loan under such subsection) shall be effective to the extent that such pledge exceeds one-fourth of 1 per centum of that member's gross revenues from the securities business during the preceding twelve months. Neither the instrument by which a pledge is authorized or created, nor any statement or other document relative thereto, need be filed or recorded in any State or other jurisdiction. The Commission may provide by rule or regulation for the filing of a copy of any instrument by which a pledge or borrowing is authorized or created, but the failure to make such filing or any defect therein shall not affect the validity of such pledge or borrowing.

"(g) In the event that the fund of the corporation is or may reasonably appear to be insufficient for the purposes of this section, the Commission is authorized to make loans to the corporation. At the time of application for, and as a condition to, any such loan the corporation shall file with the Commission a statement with respect to the anticipated use of the proceeds of the loan. The Commission shall certify to the Secretary of the Treasury that such loan is necessary for the protection of customers of brokers or dealers and the maintenance of confidence in the United States securities markets, and that the corporation has submitted a plan for the imposition during the term of the loan of assessments pursuant to paragraph (3) of subsection (e) of this section which provides as reasonable an assurance of prompt repayment as is feasible under the circumstances. If the Commission determines that the amount or time for payment of the assessments pursuant to such plan would not satisfactorily provide for the repayment of such loan, it may, by rules or regulations, impose upon the purchasers of equity securities in transactions on national securities exchanges and in the over-the-counter markets a transaction fee in such amount as it determines to be appropriate but not exceeding one-fiftieth of 1 per centum of the purchase price of the securities, except that such fee shall not apply to transactions of dollar amount less than $5,000 exclusive of commissions and markups. For the purposes of the preceding sentence, (1) the fee shall be based upon the total dollar amount of each purchase, (2) the fee shall not apply to any purchase on a national securities exchange or in an over-the-counter market by or for the account of a broker or dealer registered under subsection (b) of section 15 of this title or a member of a national securities exchange unless such purchase is for an investment account of such broker, dealer, or member (and for this purpose any transfer from a trading account to an investment account shall be deemed a purchase at fair value), and (3) the Commission by rules and regulations may exempt any transaction in the over-the-counter markets in order to provide for the assessment of fees on purchasers in transactions in those markets on a basis comparable to the assessment of fees on purchasers in transactions on national securities exchanges. Such fee shall be collected by the broker or dealer effecting the transaction for or with the purchaser and shall be paid to the corporation in the same manner as is provided for assessments in paragraph (3) of subsection (f) of this section. To enable the Commission to make such loans, the Commission is authorized to issue to the Secretary of the Treasury notes or other obligations in an aggregate amount of not to exceed $1,000,000,000, in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury may reduce the interest rate on such notes or other obligations if he determines such reduction to be in the national interest. The Secretary of the Treasury is authorized and directed to purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"(h) Every person who, on the effective date of this section, is or thereafter becomes a broker or dealer registered pursuant to subsection (b) of section 15 of this title or a member of a national securities exchange shall automatically become a member of the corporation except those registered brokers or dealers or members of a national securities exchange who (1) do not hold securities or free credit balances for customers, (2) do not hold free credit balances for customers and hold securities for customers only in nontransferable form, or (3) hold funds or securities for customers only to the extent required to complete a transaction. Any broker, dealer, or member of a national securities exchange who does not become a member of the corporation automatically may become a member of the corporation under such conditions and upon such terms as the corporation shall require. The Commission may by such rules, regulations, or orders as it deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions or for specified periods, exempt from membership in the corporation any registered brokers or dealers or members of national securities exchanges or classes thereof.

"(i)(1) As used in this section, the term 'self-regulatory organization' means a national securities exchange or a national securities association registered pursuant to subsection (b) of section 15A of this title; the term 'financial responsibility rules' means the rules and regulations pertaining to financial responsibility and related practices which are applicable to a broker or dealer, as prescribed by the Commission under subsection (c)(3) of section 15 of this title or as prescribed by a national securities exchange; and the term 'examining authority' means, with respect to any broker or dealer, the self-regulatory organization which inspects or examines such broker or dealer or, if such broker or dealer is not a member of any self-regulatory organization, the Commission. The self-regulatory organization of which a member of the corporation is a member shall inspect or examine such member for compliance with applicable financial responsibility rules, except that if a member of the corporation is a member of more than one self-regulatory organization, the corporation shall designate one of such self-regulatory organizations to inspect or examine such member of the corporation for compliance with applicable financial responsibility rules. Such self-regulatory organization shall be selected by the corporation on the basis of regulatory procedures employed, availability of staff, convenience of location, and such other factors as the corporation may consider appropriate for the protection of customers of its members.

"(2) The corporation shall consult and cooperate with the self-regulatory organizations toward the end that (A) there may be developed and carried into effect procedures reasonably designed to detect approaching financial difficulty upon the part of any member of the corporation; (B) as nearly as may be practicable, examinations to ascertain whether members of the corporations are in compliance with applicable financial responsibility rules will be conducted by the self-regulatory organizations under appropriate standards (both as to method and scope) and reports of such examinations will, where appropriate, be standard in form; and (C) as frequently as may be practicable under the circumstances, each member of the corporation will file financial information with, and be examined by, the self-regulatory organization which is the examining authority for such member.

"(3) There shall be filed with the corporation by the self-regulatory organizations such reports of inspections or examinations of the members of the corporation (or copies thereof) as may be designated by the corporation.

"(j) Notwithstanding the limitations contained in sections 15A and 19 of this title and without limiting its powers under that or other sections of this title, the Commission, by such rules or regulations as it determines to be necessary or appropriate in the public interest and to effectuate the purposes of this section, may (1) require any self-regulatory organization to adopt any specified alteration of or supplement to its rules, practices, and procedures with respect to the financial condition of members of such self-regulatory organization, including the frequency and scope of examinations and the selection and qualification of examiners; (2) require any self-regulatory organization to furnish the corporation and the Commission with reports and records or copies thereof relating to the financial condition of members of such self-regulatory organization; and (3) require any self-regulatory organization to inspect or examine any members of such self-regulatory organization in relation to the financial condition of such members. In the case of a broker or dealer who is a member of more than one self-regulatory organization, the Commission to the extent practicable shall avoid requiring duplication of examinations, inspections, and reports.

"(k)(1) As soon as practicable but not later than forty-five days after the effective date of this section, the board of directors of the corporation shall adopt initial bylaws, rules, and regulations relating to the conduct of the business of the corporation and the exercise of the rights and powers granted to it by this section, and shall file a copy thereof with the Commission. Thereafter, the board of directors of the corporation may alter, supplement, or repeal any existing bylaw, rule, or regulation and may adopt additional bylaws, rules, and regulations, and, in each such case, shall file a copy thereof with the Commission.

"(2) Each such initial bylaw, rule, or regulation, alteration, supplement, or repeal, and additional bylaw, rule, or regulation shall take effect upon the thirtieth day (or such later date as the corporation may designate) after the filing of the copy thereof with the Commission, unless the Commission shall, by notice to the corporation setting forth the reasons therefor, disapprove the same, in whole or in part, as being contrary to the public interest or contrary to the purposes of this section.

"(3) The Commission may by such rules or regulations as it determines to be necessary or appropriate in the public interest or to effectuate the purposes of this section require—

"(A) the adoption of initial bylaws, rules, and regulations by the corporation; and

"(B) the adoption, amendment, or rescission of any bylaw, rule, or regulation by the corporation relating to assessments, whenever adopted.

"(4) In addition to and without limiting the powers of the Commission under this subsection, the Commission may request the corporation to adopt any specified alteration of or supplement to the bylaws, rules, or regulations of the corporation, or to repeal any such bylaw, rule, or regulation. If the corporation fails to adopt such alteration or supplement or to effect such repeal within thirty days after such request, the Commission is authorized by order to alter, supplement, or repeal the bylaws, rules, or regulations of the corporation in the manner requested, or with such modifications of such alteration or supplement as it determines, after appropriate notice and opportunity for hearing, to be necessary or appropriate in the public interest or to effectuate the purposes of this section.

"(l) If a member of the corporation fails to pay when due all or any part of an assessment made upon such member, the unpaid portion thereof shall bear interest at such rate as may be determined by the corporation. If a member of the corporation fails to file any report or information required pursuant to paragraph (2) of subsection (f), or fails to pay when due all or any part of an assessment made upon such member pursuant to subsection (e), and such failure shall not have been cured by the filing of such report or information or by the making of such payment (together with interest thereon) within five days after receipt by such member of written notice of such failure given by or on behalf of the corporation, it shall be unlawful for such member, unless specifically authorized by the Commission, to engage in business as a broker or dealer. If such member denies that he owes all or any part of the amount specified in such notice, he may after payment of the full amount specified commence an action against the corporation in the appropriate United States district court to recover the amount he denies owing.

"(m)(1) If the Commission or any self-regulatory organization is aware of facts which lead it to believe that any broker or dealer subject to its regulation is in or is approaching financial difficulty, it shall immediately notify the corporation, and, if such notification is by a self-regulatory organization, the Commission. Whenever it appears to the corporation that any member has failed or is in danger of failing to meet its obligations to customers and that there exists one or more of the conditions enumerated in clauses (A) to (E) below, the corporation may in its discretion, upon notice to such member, apply to any court of competent jurisdiction, as specified in sections 27 and 21(e) of this title, for a decree adjudicating that customers of such member are in need of protection under this section. The court shall grant such application and issue such decree if it finds that such member (A) is insolvent within the meaning of section 1 (19) of the Bankruptcy Act, or is unable to meet its obligations as they mature, or (B) has committed an act of bankruptcy within the meaning of section 3 of the Bankruptcy Act, or (C) is the subject of a proceeding pending in any court or before any agency of the United States or any State in which a receiver, trustee, or liquidator has been appointed, or (D) is not in compliance with applicable requirements under this title or rules or regulations of the Commission or any self-regulatory organization with respect to financial responsibility or hypothecation of customers' securities, or (E) is unable to make such computations as may be necessary to establish compliance with such financial responsibility or hypothecation rules or regulations. In the discretion of the Commission, any action brought by the Commission (including an action by the Commission for a temporary receiver pending an appointment of a trustee under this subsection) may be combined with an application by the corporation under this subsection. An application may be filed pursuant to this subsection notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceedings; any proceeding to reorganize, conserve, or liquidate the member involved or its property; or any proceeding to enforce a lien against property of such member. A member with respect to which an application has been filed pursuant to this subsection is hereinafter in this section referred to as a 'debtor', and the date on which such an application with respect to any debtor is filed is hereinafter in this section referred to as the 'filing date'; except that in the case of a condition referred to in clause (C) above, the filing date shall mean such earlier date, if any, as a petition was filed by or against the debtor under the Bankruptcy Act.

"(2) Upon the filing of an application pursuant to this subsection, the court to which application is made shall have exclusive jurisdiction of the debtor involved and its property wherever located with the powers, to the extent consistent with the purposes of this section, of a court of bankruptcy and of a court in a proceeding under chapter X of the Bankruptcy Act. Pending an adjudication such court shall stay, and upon appointment by it of a trustee as hereinafter provided such court shall continue the stay of, any pending bankruptcy, mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the debtor or its property and any other suit against any receiver, conservator, or trustee of the debtor or its property. Pending such adjudication and upon the appointment by it of such trustee, the court may stay any proceeding to enforce a lien against the property of the debtor or any other suit against the debtor. Pending such adjudication, such court may appoint a temporary receiver.

"(3) If within three business days after the filing of an application pursuant to this subsection, or such other period as the court may order, the debtor consents to or fails to contest such application or fails adequately to controvert any material allegation of such application, the court shall forthwith appoint as trustee for the liquidation of the business of the debtor (including the other purposes of a proceeding under this section), and as attorney for such trustee, such persons as the corporation shall specify. No person shall be appointed as such trustee or attorney if such person is not 'disinterested' within the meaning of section 158 of the Bankruptcy Act.

"(4) A trustee appointed pursuant to this subsection shall be vested with the same powers and title with respect to the debtor and the property of the debtor, and the same rights to avoid preferences, as a trustee in bankruptcy and a trustee under chapter X of the Bankruptcy Act have with respect to a bankrupt and a chapter X debtor. In addition the trustee shall have power with the approval of the corporation, (A) to hire and fix the compensation of all personnel (including officers and employees of the debtor and of its examining authority) and other persons (including but not limited to accountants) who are deemed necessary to liquidate the business of the debtor and for the other purposes of a proceeding under this subsection, and (B) to operate the business of the debtor in order to complete open contractual commitments as hereinafter provided, and no approval of the court shall be required therefor. The corporation is authorized to advance to the trustee such moneys as may be required to effectuate clause (A) of this paragraph, and shall advance to the trustee such moneys as (with those available pursuant to paragraph 10(D) of this subsection) may be required to effectuate clause (B) of this paragraph.

"(5) Except as may be inconsistent with the provisions of this section or as may otherwise be ordered by the court, a trustee appointed pursuant to this subsection shall be subject to the same duties as a trustee appointed under section 44 of the Bankruptcy Act. A trustee appointed pursuant to this subsection may, in his discretion, reduce to money any securities in the estate of the debtor.

"(6) Except as may be inconsistent with the provisions of this section proceedings under this subsection shall be conducted in accordance with, and as though they were being conducted under, the provisions of chapter X and such of the provisions of chapter I to VII, inclusive, of the Bankruptcy Act as section 102 of chapter X would make applicable if an order of the court had been entered directing that bankruptcy be proceeded with pursuant to the provisions of such chapters I to VII, inclusive, except that in no event shall a plan of reorganization be formulated. The court, for such period as may be appropriate, may stay enforcement of, but shall not abrogate, the rights provided in section 68 of the Bankruptcy Act and the right to enforce a valid, nonpreferential lien against property of the debtor. For all such purposes the filing date shall be deemed to be the date of commencement of proceedings under the Bankruptcy Act. The Commission may, on its own motion, file notice of its appearance in any proceeding under this section and may thereafter participate as a party.

"(7) The purposes of any proceeding under this subsection shall be as follows—

"(A) as promptly as practicable after the appointment of the trustee, in accordance with the provisions of this subsection—

"(i) to return specifically identifiable property to the customers of the debtor entitled thereto;

"(ii) to distribute the single and separate fund, and (in advance thereof or concurrently therewith) to pay to customers moneys advanced by the corporation as hereinafter provided;

"(B) to operate the business of the debtor to complete those contractual commitments of the debtor relating to transactions in securities which were made in the ordinary course of the debtor's business and which were outstanding on the filing date—

"(i) in which a customer had an interest, except those commitments the completion of which the Commission shall have determined by rule or regulation not to be in the public interest; and for the purposes of this clause, 'customer' means any person other than a broker or dealer and a customer shall be deemed to have had an interest in a transaction if a broker participating in the transaction was acting as agent for a customer, or if a dealer participating in the transaction held a customer's order which was to be executed as a part or result of the transaction; or

"(ii) in which a customer did not have an interest, to the extent that the Commission shall, by rule or regulation have determined the completion of such commitments to be in the public interest;

"(C) to enforce rights of subrogation as provided in paragraph 13(D) of this subsection; and

"(D) to liquidate the business of the debtor.

"(8) For the purpose of any proceeding under this subsection—

"(A) Except as otherwise provided in this section, terms used or defined in section 60e of the Bankruptcy Act shall have the same meanings as in that Act.

"(B) The term 'stockbroker', as used in section 60e of the Bankruptcy Act, means the debtor, and the term 'customer' includes also persons with whom the debtor deals as principal or agent and any person who has deposited cash with the debtor for the purpose of purchasing securities, but does not include any person to the extent that such person has a claim for property which by contract, agreement, or understanding, or by operation of law, is part of the capital of the debtor or is subordinated to the claims of creditors of the debtor.

"(C) Customers and their subrogees shall have all rights to reclaim specifically identifiable property, and all other rights and priorities, provided for in such section 60e, and shall have the additional rights provided by this section.

"(D) All property held, recoverable, or receivable by or for the account of the debtor (except for cash or securities specifically identifiable as the property of particular customers), and all property in the single and separate fund, shall be available to complete open contractual commitments pursuant to paragraph (7) of this subsection. Securities purchased or cash received by the trustee upon the completion of any such commitment shall constitute specifically identifiable property of a customer to the extent that such commitment was completed with property which constituted specifically identifiable property of such customer on the filing date, or was paid or delivered by such customer to the debtor or the trustee after the filing date.

"(E) In or for the purpose of distributing the single and separate fund—

"(i) all property other than cash shall be valued as of the close of business on the filing date;

"(ii) there shall be repaid to the corporation, in priority to all other claims payable from such single and separate fund, the amount of all advances made by the corporation to the trustee to permit the completion of open contractual commitment as provided in this subsection;

"(iii) there shall be paid from such single and separate fund all costs and expenses specified in clauses (1) and (2) of section 64a of the Bankruptcy Act, except as otherwise ordered by the court, and any money advanced by the corporation for such costs and expenses shall be recouped as such; and

"(iv) to the greatest extent considered practicable by the trustee, the trustee shall deliver, in payment of claims of customers for their net equities based upon securities held in their accounts on the filing date, securities of the same class and series of an issuer ratably up to the respective amounts which were held in such accounts.

"(F) In determining whether particular customers are able to identify specifically their property, whether property remained in its identical form in the debtor's possession or whether such property or any substitutes therefor have been allocated to or physically set aside for such customers, and remained so allocated or set aside, it shall be sufficient that on the filing date—

"(i) securities are segregated individually, or in bulk for customers collectively;

"(ii) in the case of securities held for the account of the debtor as part of any central certificate service of any clearing corporation or any similar depositary, the records of the debtor show or there is otherwise established to the satisfaction of the trustee that all or a specified part of the securities held by such clearing corporation or other similar depositary are held for specified customers, or for customers collectively if such records of the debtor also show or there is otherwise established to the satisfaction of the trustee the identities of the particular customers entitled to receive specified numbers or units of such securities so held for customers collectively; or

"(iii) such property is held for the account of customers of the debtor in such other manner as the Commission, by rule or regulation, for the protection of customers and other creditors on a fair and equitable basis, shall have determined to be sufficiently identifiable as the property of such customers; except that if there is any shortage in securities of the same class and series of an issuer so segregated in bulk or otherwise held for customers, as compared to the aggregate rights of particular customers to receive securities of such class and series, the respective interests of such customers in such securities of such class and series shall be prorated, without prejudice, however, to the satisfaction of any claim for deficiencies as otherwise provided in this section.

"(9) It shall be the duty of the trustee to discharge promptly, in accordance with the provisions of this section, all obligations of the debtor to each of its customers relating to or net equities based upon, securities or cash by the delivery of securities or the effecting of payments to such customer (subject to the provisions of paragraph (11) insofar as concerns moneys to be made available by the corporation), insofar as such obligations are ascertainable from the books and records of the debtor or are otherwise established to the satisfaction of the trustee, whether or not such customer shall have filed formal proof of such claim. For that purpose the court, among other things, shall—

"(i) in respect of claims relating to securities or cash, authorize the trustee to make payment out of moneys made available to the trustee by the corporation notwithstanding the fact that there shall not have been any showing or determination that there are sufficient funds of the debtor available to make such payment; and

"(ii) in respect of claims relating to, or net equities based upon, securities of a class and series of an issuer, which are ascertainable from the books and records of the debtor or are otherwise established to the satisfaction of the trustee, authorize the trustee to deliver securities of such class and series if and to the extent available to satisfy such claims in whole or pro rata in part.

Any payment or delivery of property pursuant to this paragraph may be conditioned upon the trustee requiring claimants to execute in a form to be determined by the trustee, appropriate receipts, and supporting affidavits and assignments, but compliance herewith shall be without prejudice to the right of any claimant to file, within the period hereinafter specified, formal proof of claim for any balance of securities or cash to which he may deem himself entitled.

"(10) The provisions of this section permitting discharge of obligations of the debtor to pay cash or to deliver securities without formal proof of claim shall not apply to any person 'associated' with the debtor as defined in paragraph (18) of subsection (a) of section 3 of this title, to any beneficial owner of 5 per centum or more of the voting stock of the debtor, or to any member of the immediate family of any of the foregoing.

"(11) In order to provide for prompt payment and satisfaction of the net equities of customers of the debtor, the corporation shall advance to the trustee such moneys as may be required to pay or otherwise satisfy claims in full of each customer but not to exceed $50,000 for each customer; except that—

"(A) a customer who holds accounts with the debtor in separate capacities shall be deemed to be a different customer in each capacity;

"(B) no such advance shall be made by the corporation to the trustee to pay or otherwise satisfy, directly or indirectly, any claims of any customer who is a general partner, officer, or director of the debtor, the beneficial owner of 5 per centum or more of any class of equity security of the debtor (other than a nonconvertible stock having fixed preferential dividend and liquidation rights) or a limited partner with a participation of 5 per centum or more in the net assets or net profits of the debtor;

"(C) no such advance shall be made by the corporation to the trustee to pay or otherwise satisfy claims of any customer who is a broker or dealer or bank other than to the extent that it shall be established to the satisfaction of the trustee, from the books and records of the debtor or from the books and records of a broker or dealer or bank or otherwise, that claims of such broker or dealer or bank against the debtor arise out of transactions for customers of such broker or dealer or bank, in which event, each such customer of such broker or dealer or bank shall be deemed a separate customer of the debtor; and

"(D) to the extent that moneys are advanced by the corporation to the trustee to pay the claims of customers, the corporation shall be subrogated to the claims of such customers with the rights and priorities above provided in this subsection.

"(12) Except or otherwise provided in paragraph (13) of this subsection, nothing in this section shall limit the right of any person to establish by formal proof such claims as such person may have to payment, or to delivery of specific securities, without resort to moneys advanced by the corporation to the trustee.

"(13) Promptly after his appointment, the trustee shall cause notice of the commencement of proceedings under this subsection to be published in accordance with a designation of the court, made in accordance with the requirements of section 28 of the Bankruptcy Act and at the same time shall cause to be mailed a copy of such notice to each of the customers of the debtor, as their addresses appear from the debtor's books and records. Except as the trustee may otherwise permit, claims for specifically identifiable property (other than securities registered in the name of the claimant or segregated for him in his individual name) or claims payable from property in the single and separate fund or payable with moneys advanced by the corporation, shall not be paid other than from the general estate of the debtor unless filed within such period of time (not exceeding sixty days after such publication) as may be fixed by the court, and no claim shall be allowed after the time specified in section 57 of the Bankruptcy Act. Subject to the foregoing, and without limiting the powers and duties of the trustee to discharge promptly obligations as specified in this subsection, the court may make appropriate provision for proof and enforcement of all claims against the debtor including those of any subrogee.

"(14) All reports to the court by a trustee in any proceeding under this section (other than reports required to be filed pursuant to section 167(3) of the Bankruptcy Act) shall be in such form and detail as, having due regard to the requirements of section 17 of this title and the rules and regulations thereunder and the magnitude of items and transactions involved in connection with the operations of a broker or dealer, the Commission shall determine, by rules and regulations, so to present fairly the results of such proceeding as at the dates or for the periods covered by such reports.

"(n) It shall be unlawful for any broker or dealer for whom a trustee has been appointed pursuant to this section to engage thereafter in business as a broker or dealer, unless the Commission otherwise determines in the public interest. The Commission may by order bar or suspend for any period, any officer, director, general partner, owner of 10 per centum or more of the voting securities or controlling person, of any broker or dealer for whom a trustee has been appointed pursuant to this section from being or becoming associated with a broker or dealer, if after appropriate notice and opportunity for hearing the Commission determines such bar or suspension to be in the public interest.

"(o) Determinations of the Commission, for purposes of making rules or regulations pursuant to subsections (j) and (k), shall be made after appropriate notice and opportunity for a hearing, and for submission of views of interested persons, in accordance with the rulemaking procedures specified in section 533 of title 5, United States Code, except that the holding of a hearing shall not prevent adoption of any such rule or regulation upon expiration of the notice period specified in subsection (d) of such section and shall not be required to be made on a record.

"(p) In the event of the refusal of the corporation to commit its funds or otherwise to act for the protection of customers of any member of the corporation which is involved in a proceeding under subsection (m) of this section, the Commission may apply to the district court of the United States for the judicial district in which the principal office of the corporation is located for an order requiring the corporation to discharge its obligations under this section and for such other relief as the court may deem appropriate to carry out the purposes of this section.

"(q) The provisions of subsection (a) of section 20 of this title shall not apply to any liability under or in connection with this section.

"(r) Any notice, report, or other document filed with the corporation pursuant to this section shall not be available for public inspection unless the corporation or the Commission determines that disclosure thereof is in the public interest.

"(s) Except as otherwise provided by rule or regulation of the Commission, if the head office of a member is located, and the member's principal business is conducted, outside the United States, the provisions of this section shall apply to such member only in respect of offices or other places of business of such member in the United States.

"(t) The corporation, its property, its franchise, capital, reserves, surplus, and its income, shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that any real property and any tangible personal property (other than cash and securities) of the corporation shall be subject to State and local taxation to the same extent according to its value as other real and tangible personal property is taxed. Assessments made upon a member of the corporation shall constitute ordinary and necessary expenses in carrying on the business of such member for the purpose of section 162(a) of the Internal Revenue Code of 1954, as amended. The contribution and transfer to the corporation of funds or securities held by any trust established by a national securities exchange prior to January 1, 1970, for the purpose of providing assistance to customers of members of such exchange, shall not result in any taxable gain to such trust or give rise to any taxable income to any member of the corporation under any provision of the Internal Revenue Code of 1954, as amended, nor shall such contribution or transfer, or any reduction in assessments made pursuant to subsection (f) (4) of this section, in any way affect the status, as ordinary and necessary expenses under section 162(a) of the Internal Revenue Code of 1954, as amended, of any contributions made to such trust by such exchange at any time prior to such transfer. Upon dissolution of the corporation, none of its net assets shall inure to the benefit of any of its members.

"(u) Whoever steals, unlawfully abstracts, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the moneys, securities, or other assets of the corporation shall be guilty of a felony, and upon conviction shall be fined not more than $50,000 or imprisoned not more than five years, or both.

"(v) Except for such assessments as may be made upon such members pursuant to the provisions of subsection (e) of this section, no member of the corporation shall have any liability under this section as a member of the corporation for, or in connection with, any act or omission of any other broker or dealer whether in connection with the conduct of the business or affairs of such broker or dealer or otherwise and, without limiting the generality of the foregoing, no member shall have any liability for or in respect of any indebtedness or other liability of the corporation.

"(w) The corporation and its directors shall not have any liability to any person for any action taken or omitted in good faith under or in connection with any matter contemplated by this section.

"(x) No self-regulatory organization shall have any liability to any person for any action taken or omitted in good faith pursuant to paragraph (1) of subsection (m) of this section.

"(y) No member of the corporation shall display any sign or signs, or include in any advertisement a statement, relating to the protection of customers and their accounts or any other protections afforded under this section, except to such extent as may be permitted by bylay, rule, or regulation of the corporation."

SEC. 3. Section 15(c)(3) of the Securities Exchange Act of 1934 is amended to read as follows:

"(3) No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors to provide safeguards with respect to the financial responsibility and related practices of brokers and dealers including, but not limited to, the acceptance of custody and use of customers' securities, and the carrying and use of customers' deposits or credit balances."

SEC. 4. The amendments made by this Act shall take effect upon the date of enactment of this Act.

Mr. MUSKIE obtained the floor.

Mr. YARBOROUGH. Mr. President, will the Senator from Maine yield so that I may present a conference report?

Mr. MUSKIE. I yield for that purpose.

TRAINING OF FAMILY PHYSICIANS—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. GRAVEL). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 3, 1970, pages 39873–39874, CONGRESSIONAL RECORD.)

Mr. YARBOROUGH. I urge Senators to support this conference report on S. 3418, the Family Practice of Medicine Act of 1970. Stated simply, the purpose of this legislation is to encourage and promote the training of doctors in the field of family medicine, where there is a tremendous shortage of doctors.

For example, Wrangell Island, in the great State of the distinguished Senator from Alaska (Mr. GRAVEL) has 3,000 people who are without the services of a medical doctor. In areas in the eastern parts of Oregon and Washington, 3,000 people are without the assistance of a medical doctor.

In 1931, over 75 percent of the physicians in this country were engaged in general practice; by 1949 less than 50 percent were in general practice; and now there are only 20 percent in general practice. The figure promises to go even lower, since less than 15 percent of recent medical school graduates have indicated an intention of going into general practice. In other words, while there was one family doctor for every 1,000 persons in 1931, this figure is now one for every 3,000 persons.

This problem is compounded by the fact that we have a shortage of 50,000 doctors in this country and the inducements to go into specialized practice are great. By giving the family practice of medicine the status and stimulation it deserves through creating separate departments of family medicine in our medical schools we may be able to reverse this trend. Already 15 medical schools have such departments in the planning stage and 20 other schools have them under study.

If there is any hope of getting badly needed physicians into our rural and remote areas, it will be by giving emphasis and prestige to the family practice of medicine which this bill does.

For grants to medical schools and hospitals, the conferees agreed on authorizations of $225 million over the next 3 years. To assist in planning and development to get the programs underway, we agreed on $8 million.

I consider this program one of the major health bills of this session. It expresses the policy of Congress that we are not going to let the health of the people of the Nation be neglected from inaction in the area of health manpower. We must develop the necessary doctors to see that better health care is possible in both the rural and urban areas.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

ORDER OF BUSINESS

Mr. MUSKIE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISPOSITION OF GEOTHERMAL STEAM AND ASSOCIATED GEOTHERMAL RESOURCES

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 368.

The PRESIDING OFFICER (Mr. BIBLE) laid before the Senate the message from the House of Representatives, as follows:

> *Resolved,* That the House concur in the amendments of the Senate to the amendments of the House numbered 4 and 5 to the bill (S. 368) entitled "An Act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes."
>
> *Resolved,* That the House recede from its amendments numbered 1, 2, and 3 to the aforesaid bill.
>
> *Resolved,* That the House recede from its amendment numbered 6 to the aforesaid bill and agree to a further amendment, as follows:
>
> In section 5(a) of the Senate engrossed bill, strike out "5 per centum" and insert *"10 per centum"*.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the message.

Mr. BIBLE. Mr. President, I shall make a short explanation.

S. 368 is my bill to authorize the Secretary of the Interior to issue leases on the public lands for the development of the Nation's geothermal energy resources. The Senate passed this bill September 16. The House sent it back with certain amendments. Last Friday, the Senate accepted a number of the House amendments, concurred in others with amendments, insisted on certain Senate provisions, and sent the bill back to the House. The House acted again today, and has accepted all but one of the provisions agreed upon by the State. The only remaining difference between the Senate and House versions deals with the minimum rate of royalty to be charged under geothermal leases. The Senate approved 5 percent. The House insists that the rate be 10 percent. This change is acceptable to me, and has been cleared on both sides of the aisle.

I have just finished a long discussion on the question with the Senator from Colorado (Mr. ALLOTT), the ranking minority member of the Committee on Interior and Insular Affairs. The change meets with his approval, as does the entire bill.

The time has come to complete congressional action and send the bill to the White House for the President's approval, so that the potentially enormous geothermal power resources underlying our public lands can be developed and used in the public interest.

I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURITIES INVESTOR PROTECTION ACT OF 1970

The Senate resumed the consideration of the bill (S. 2348) to establish a Federal Broker-Dealer Insurance Corporation.

Mr. MUSKIE. Mr. President, every American has a stake in guaranteeing the healthy and efficient functioning of the American securities markets.

Today, more than 30 million people participate directly as investors in securities of one class or another. Perhaps another 100 million participate indirectly, through mutual funds, pension funds, and the like. Moreover, every sector of our economy is heavily dependent on the strength and viability of our Nation's securities industries.

The Congress has long recognized the great impact of the securities markets on our national economy—and the critical role that public confidence plays in the strength of these markets. To enhance public confidence, the Securities Act of 1933 was enacted so that the investor would have the necessary information to exercise sound judgment in making securities purchases. And the Securities Exchange Act of 1934 provides safeguards to assure that the investor will not be victimized by fraudulent, manipulative or deceptive selling schemes.

These two statutes are largely successful in accomplishing their purposes. But, as recent experience has shown, there still exists a serious gap in our securities laws which neither of these statutes covers. An investor may exercise sound judgment in his choice of stock, and he may place his order with a reputable broker. Nevertheless, he may still lose his entire investment if the broker subsequently fails because of operational or financial difficulty.

Mr. President, since 1934, the United States has insured bank deposits under the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation. These insurance programs protect bank depositors from loss of their savings because of bank failures. And the assistance of this deposit insurance has become a source of confidence in the soundness of our savings institutions.

S. 2348, the Security Investor Protection Act of 1970, would accomplish a similar purpose for securities investors by protecting them from losses because of the failure of their brokers. This bill has been reported unanimously by the Committee on Banking and Currency following 4 days of hearings. That there is an urgent need for this legislation, I think, is clear.

The stockbroker is not a simple pass-through agent for the purchase and sale of securities. Customer accounts with brokerage firms in credit balances, cash, and securities are maintained on a continuing basis. These balances provide the investor with liquidity for future transactions. And, as is the case with banks, these balances are used by the broker to finance the operations of his business. Recent estimates indicate that the liabilities of brokers to their customers—in credit balances, cash, and securities exceed $50 billion.

The willingness of investors to entrust assets of this magnitude to brokerage firms attests to the great confidence of the American public has had in our securities industry in the past. But today that confidence is jeopardized.

Over the past year, insolvencies in the securities industry have been mounting sharply. Several major firms have suffered serious financial difficulties. Some have failed completely, or have been forced to merge with healthier firms. In the past 18 months, a large number of brokerage firms, including 12 major ones, have failed. And, since August alone, three members or former members of the New York Stock Exchange have been forced to go into bankruptcy or to commence liquidation proceedings.

The industry itself has attempted to stem the tide of failure and to provide some protection for the customers of failing firms. In 1964, the New York Stock Exchange, for example, established a trust fund to protect investors from losses due to insolvencies. But that trust fund already has commitments to troubled firms totaling $55 million. Beyond this, the Exchange recently made a commitment for an additional assessment to indemnify one large firm against losses it may incur because of its acquisition of another firm which was close to bankruptcy.

Mr. President, the customers of the firms which the stock exchanges have managed to protect are fortunate. But we have now reached the point where the ability of the industry to handle additional losses on a significant scale is uncertain at best.

There is uncertainty about what new emergencies, what new losses, may emerge in the near or distant future. There is uncertainty about how much relief the industry itself can provide against such emergencies if they should arise. And there is cause for concern about the customers of those broker-dealers who are not members of an exchange with trust fund protection. These customers are fully exposed and have no protection at all.

In my judgment, it is clear that the Congress must act now to protect the investor and to restore public confidence in the securities industry.

S. 2348 is a major step toward accomplishing these goals. It does so in three ways:

First, S. 2348 proposes the creation of the Securities Investor Protection Corporation (SIPC), a private nonprofit corporation which would administer an insurance fund composed of industry funds raised by annual assessment, backed-up by Treasury borrowing authority. This insurance fund would protect investors from the serious hardships that can follow the failure of a brokerage firm. Customers of covered broker-dealers would be insured against financial losses up to $50,000 caused by the insolvency of the broker-dealer, in a manner broadly parallel to the operation of the Federal Deposit Insurance Corporation.

The fund would be financed initially by the industry itself in the amount of $75 million. This fund would be composed of $10 million in cash assessments and $65 million in firm lines of credit negotiated with commercial banks. And to provide additional protection for investors, customers would have the assurance that $1 billion of Treasury borrowing authority would be available to cover losses in case the industry-financed fund is exhausted.

The bill also provides that the initial industry-financed assessment fund will be enlarged over a 5-year period to $150 million, thus reducing further the possibility of having to draw upon Treasury funds. Additionally, the bank line of credit, which would provide $65 million in initial funding, will be replaced over a period of 7 years by cash raised through annual assessments against the industry.

Initial assessment rates for members of the Corporation would be maximum of one-half of 1 percent of gross revenues for the preceding 12-month period. This rate of assessment may be lowered as the total fund reaches $150 million, or raised again to repay any Treasury borrowing that may become necessary.

Finally, to assist in the repayment of any Treasury funds borrowed under the authority established in the bill, S. 2348 also provides an additional financial safeguard in the form of a transactions charge. This charge would be imposed in addition to existing commission rates, but the aggregate may not exceed 20 cents per $1,000 of securities transactions. This charge may be levied by determination of the SEC, only in the event of a Treasury borrowing by SIPC.

Thus, Mr. President, S. 2348 calls initially for an industry-financed insurance fund. Public funds would become available only in the event industry-backed financing is exhausted. And transactions charges to investors would be imposed only to repay funds borrowed from the Treasury. I believe these mechanisms for establishing and maintaining an insurance fund to protect securities investors are both realistic and equitable.

Second, in order to minimize delay in meeting the legitimate claims of customers insured by the insolvency of a broker-dealer, S. 2348 introduces certain procedures for prompt liquidation of SIPC members when required, outside the time-consuming machinery of a bankruptcy proceeding. The bill also would establish procedures for making prompt distribution and payment of claims under certain conditions, without the need for formal proof of claim as is now required by the bankruptcy laws. These provisions, I believe, are a highly desirable adjunct to the present bankruptcy laws in minimizing the difficulties and delays that investors would otherwise experience in having their claims satisfied under existing law.

Third, the establishment of an insurance fund to protect the assets of investors is not sufficient without additional corrective measures to eliminate some of the problems which are causing broker failures. S. 2348 would give the Securities and Exchange Commission greater ability and authority to deal with these problems. It does so by further clarifying certain powers of the Securities and Exchange Commission to implement rules to safeguard customer assets. This is done by affirming the rulemaking authority of the Commission with regard to all practices of brokers that bear on financial responsibility, expressly including the custody and use of a customer's securities, cash deposits, or credit balances.

The bill also provides that the Commission's authority in these matters would extend to broker-dealers who do business only on an exchange, placing them on an identical footing with those firms which are not members of an exchange. Thus, the SEC would deal directly with member firms, without the intermediary of a self-regulatory body.

Mr. President, I believe S. 2348 would go a long way toward providing the kind of public confidence which is so necessary to a healthy securities industry. But I recognize there remain some very basic problems within certain parts of the securities industry. There are problems of obsolete management techniques, careless business practices, inadequate self-regulation, and occasional fraudulent activities. All of these account in some part for the industry's financial difficulties today.

I am by no means the first to cite these serious weaknesses. In 1963, the SEC published a monumental study of the securities industry, which has become something of a Bible to students of securities self-regulation. That study treated virtually every aspect of the industry, from capital requirements to eligibility for entry. And most of what it had to say seems equally important today. In fact, it is safe to say that if the recommendations of that 1963 study had been implemented, we would not now need to be here considering this insurance legislation, because the industry abuses that give rise to the need for insurance probably would not have occurred.

I think it clear that the insurance plan established by S. 2348 is a necessity. And the other provisions of the bill will strengthen the powers of the Securities and Exchange Commission in the public interest.

But it is equally clear that this legislation should be only the beginning of a broad program of reform within the securities industry. And this, I think, imposes responsibilities upon the SEC and upon Congress, as well as upon the industry. I think that for its part, Congress—and the Senate specifically—should undertake broad and thorough hearings in depth into the operations of the securities industry, with a view to initiating the additional reforms that are clearly indicated and necessary in the long run.

What we are proposing here today is simply the first step, and it must not be allowed to become the last step, in dealing with the problem which it is intended to cover.

I am convinced that if we do that, Mr. President, Congress will be able to acquit its responsibility to the public as well as to the industry for the proper regulation of this critically important component of our economic system.

Mr. President, last week the House of Representatives passed H.R. 19333, which is similar to the bill before us. I urge early Senate approval of S. 2348, so that Congress can complete action on this important legislation this year.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MUSKIE. I am happy to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I compliment the Senator from Maine on his presentation. I certainly agree with him that this is a most important piece of legislation, and I think that its approval in this session of Congress will go far toward restoring investor confidence in this country. I think it is most essential that we take this action before adjournment.

Mr. MUSKIE. I thank the distinguished Senator from Delaware. His approval of a measure in this field, I think it is a sound endorsement of its principles and purposes. I appreciate the Senator's remarks.

Mr. BENNETT. Mr. President, the primary purpose of the bill before us is to provide insurance protection for millions of individuals who are customers of brokers or dealers in securities throughout this country. Many customers leave their securities and cash with their broker-dealer for safekeeping or to facilitate trading. If a broker-dealer encounters financial difficulties for any of a variety of reasons, the customer may experience a delay in receiving his cash balance or his securities, or, even worse, he may never fully recover that to which he is entitled.

In order to protect investors against such a contingency, major stock exchanges set up trust funds to which their members contributed. Until recently, these trust funds have been adequate to take care of the needs of the industry and, as a result, there have been a few actual losses. However, due to a variety of reasons, some which could be foreseen and some which could not, the securities industry is now in a financial crisis. During the last 2 years, the New York Stock Exchange has been required to fully commit its trust fund of some $55 million in order to meet possible demands. In addition, New York Stock Exchange firms now face a potential assessment of up to an additional $30 million in connection with a recent takeover of Goodbody & Co. by Merrill Lynch.

This burden on securities firms comes at a time when their volume is much lower than that which they had to plan for only a relatively few months ago, and when profits have been squeezed in many firms and eliminated in many others. The failure of broker-dealer firms in recent months has shaken the confidence of customers who earlier were assured that the industry trust funds were adequate to meet any foreseeable contingency. It is important not only for the securities industry but for our entire economy that the previous confidence in our securities markets and the firms involved in those markets be restored. Since the industry is in no position at this time to restore that confidence without assistance, it has become necessary for us to enact legislation which will remove present uncertainties concerning possible losses of cash and securities belonging to customers.

This proposed legislation would provide for the establishment of a fund to be used to make it possible for customers, in the event of the financial insolvency of their broker, to recover that to which they are entitled, with a limitation of $50,000 for each customer on the amounts to be provided by the fund. In addition, this legislation requires a general upgrading of financial responsibility requirements of brokers and dealers, to eliminate to the maximum extent possible the risks which lead to customer losses such as have occurred.

I believe it is important to point out that this legislation does not provide protection to broker or dealer firms themselves, nor does it in any way protect individuals who purchase securities from incurring losses which may result from decreases in the market value of those securities. It only assures a customer that he will receive securities he has purchased or cash he has left with a firm in the event that firm faces financial insolvency. I would also like to add that this protection is provided by a private fund made up of assessments on the industry itself. Only if that fund should prove inadequate in a major crisis would Federal funds be loaned to the insurance corporation to pay customer losses. Machinery is provided under which funds to repay the Federal Government can be developed within the industry.

While no one can predict the future, it is not expected that this insurance will result in any permanent cost to the Federal Government or to taxpayers. In the event of a major crisis if the fund is exhausted, the insurance corporation may borrow on application through the Securities and Exchange Commission up to $1 billion from the U.S. Treasury. While some have argued that this Treasury backup is not appropriate, there is no doubt that it is necessary to assure the proper operation of the insurance fund. In addition, while $1 billion may seem like a tremendous contribution to be made by taxpayers, we must remember that any such borrowing must include a reasonable plan for repayment and must be approved by a Government agency before it is made. Furthermore, the seriousness of a collapse of our securities markets and the effect it would have on the financial system and economy of this country is such that it would warrant the expenditure of many billions of dollars of taxpayers' funds to save it if necessary, and such an expenditure would be far less than the loss would occur as the result of unemployment, lack of production, and wasted resources if the funds were needed and were not made available.

Mr. President, I do not intend to discuss the details of this bill, since Senator MUSKIE already has outlined them, and I feel it is unnecessary to repeat all he has said. I do feel that it is important for us to enact legislation without delay. I must admit that I do not approve nor support all of the provisions of this bill. This is no time, however, to quibble about items which are not absolutely necessary for the restoration of investor confidence. The important thing is to get on with the job; and if changes are discovered to be necessary, in the light of experience, certainly we can make them.

Mr. President, as I close, I want to pay my respects to the industry itself, which has already taxed itself very heavily to assume, as an industry, the burdens created by the failure of individual members. New York Stock Exchange members alone have already committed $55 million for that purpose and are prepared now to commit an additional $30 million. This is evidence of its acceptance of responsibility and of its good faith. I think this kind of evidence demonstrates that the industry is entitled to the additional protection that this bill would make available to it if necessary through the Treasury and after a process which will carefully safeguard the safety of this loan by the Treasury to the taxpayer.

Mr. President, I hope that the Senate will approve this bill today, so that we can get it to conference and get it passed in the remaining days of the session.

Mr. MUSKIE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter from Chairman Hamer H. Budge, Chairman of the SEC, dated October 2, 1970, with respect to the adequacy of the funds that would be created under the pending measure, a letter from Charls E. Walker, Acting Secretary of the Treasury, urging the passage of the pending measure, and a letter from Robert W. Haack, president of the New York Stock Exchange, dated October 1, 1970.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., October 2, 1970.
Hon. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Your letter of September 25, 1970 asks whether the Commission is prepared to make a judgment as to the adequacy of the $75 million fund which will be available to SIPC within four months of its creation and the adequacy of the projected $150 million amount set as a goal of the legislation.

As stated in my September 17 letter to Chairman Sparkman, no one can be certain because of the impossibility of making an underwriting analysis of just what the potential risks are, even for the near term, that the initial $75 million fund or the eventual $150 million fund will be adequate. This is the reason for the possible involvement of the U.S. Treasury. Based upon past experience and the representations made to us in the enclosed October 1, 1970 letter from the New York Stock Exchange, unless events take a turn for the worse, it is believed that the initial $75 million to be raised from non-public sources by SIPC is likely to be adequate to meet the needs of investor protection. In any event, unless there are significant adverse developments, the commitment to investor protection of privately raised funds is likely to substantially outweigh any Treasury commitment in the early stages of the accumulation of the fund. Further we would hope that the rule making and oversight authority of the Commission provided for in the proposed legislation will help increase the likelihood that in the future the $150 million fund will be adequate.

As I have previously observed, the proposed SIPC legislation does not exculpate anyone in the securities industry from any liability they may have respecting financial difficulties of broker-dealers arising prior to or after the enactment of the legislation. Accordingly, in the Commission's view the legislative proposal is a measure designed to protect investors and not a measure to protect broker-dealers in financial difficulties or others in the securities industry who may have some legal responsibility to the customers of such broker-dealers. Moreover, under the legislation, any broker-dealers who cause the expenditure of any SIPC funds may not re-enter the securities business unless the Commission determines it is in the public interest.

Sincerely,

HAMER H. BUDGE,
Chairman.

THE SECRETARY OF THE TREASURY,
Washington, D.C., December 8, 1970.
Hon. JOHN SPARKMAN,
Chairman, Banking and Currency Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to re-emphasize the Administration's support for S. 2348, legislation to provide protection for customers of registered brokers and dealers and members of national securities exchanges. As you know, the House of Representatives passed similar legislation on December 1, 1970 by a vote of 359 to 3. The Administration is hopeful that Senate consideration can be scheduled in the immediate future to enable final enactment before the adjournment of the 91st Congress.

The Committee bill reflects in substantial degree the proposals recommended jointly by the Administration and the Securities Industry Task Force. Several modifications were made by the Committee; however, on the whole, we support and urge prompt passage of the Committee bill, S. 2348, as amended.

The Committee bill does exempt certain classes of broker/dealers from required membership in SIPC, which exemptions are of great concern to the Administration. Subsection (h) would exempt from membership those broker/dealers who do not hold securities or free credit balances for customers, who hold customer securities only in non-transferrable form or who hold funds or securities only to the extent required to complete a transaction. If retained, these exemptions would reduce potential revenues by at least 20 percent. Such a reduction would seriously hinder the required accumulation of cash in the balance of the fund within the time anticipated, thus increasing the potential need for the Corporation to borrow from the U.S. Treasury.

Quite apart from the loss of revenues, we continue to feel that all registered brokers or dealers and members of national securities exchanges should be required to be members, with authority in SEC to exempt any such broker/dealers or members of national exchanges as it deems necessary or appropriate in the public interest or for the protection of investors. While certain portions of the Industry do not directly hold customer securities or free credit balances, their operations are so closely related to the overall securities business that they benefit from the preservation of investor confidence in the securities markets and the strengthening of those markets by the general protection of all present and potential customers in such markets.

We feel this legislation is a necessary first step to protect customers and improve public confidence in this essential sector of our economy. This legislation provides clear authority to the SEC to regulate those aspects of the operations of the securities industry that have contributed to the recent problems.

It cannot be emphasized too strongly that this legislation provides protection to the customers of member firms and provides no insurace coverage or protection for firms themselves. I want to clearly state that we join with the Committee in its desire that this important legislation be approved and enacted in this Congress.

Sincerely yours,

CHARLS E. WALKER,
Acting Secretary.

NEW YORK STOCK EXCHANGE,
New York, N.Y., October 1, 1970.
Hon. HAMER H. BUDGE,
Chairman, Securities and Exchange Commission, Washington, D.C.

DEAR MR. CHAIRMAN: We have been asked by the Commission staff to provide an appraisal of the current financial condition of NYSE member organizations and our opinions on the adequacy of the initial and subsequent funding of the SIPC, as contemplated by the bills presently pending in the United States Senate and the House of Representatives.

With respect to the current financial condition of member organizations, we are pleased to report that the thirty member organizations which were on the Exchange's "early warning" surveillance list last week has now been reduced to 17 through corrective action in the case of 13 firms. A detailed tabulation relating to these 17 firms is enclosed. Events in process make it now fairly certain that 11 of these firms will be removed from our list in the near future.

The general criteria for determining whether a firm is included on this list and, therefore, subjected to special surveillance is if a firm's capital ratio exceeds 1200% or its monthly operating losses exceed 15% of the organization's excess net capital. Basic capital and profitability data are required from every member organization monthly, with weekly or daily follow-ups on those on our special surveillance list. The criteria are set so that unfavorable trends can be spotted and corrective action taken well before a firm's capital ratio exceeds 2000% and violates our net capital rule.

The number of firms currently subject to special surveillance compares very favorably with the number of firms which have been on the list since the current guidelines were developed in March. For example, there were 87 firms on the special surveillance list on June 30 and 46 on August 28. As of September 30, a total of 139 member organizations had been on the list.

The situation with respect to the 17 firms which—are referred to in the enclosed table—can be summarized as folows: Four are large nationwide firms which have programs underway for solving their capital problems. The situation with respect to two of the firms is discussed in detail later in this letter. Seven are small regional firms and six are small New York-based firms. Among the 13 smaller firms, four carry no customer accounts but introduce accounts to other firms. Two others are in the process of merging or going out of business and ten of the 13 have reported events which will remove them from this list, if substantiated.

The two large firms which are of concern at the moment are taking steps which should lead to a solution to their potential problems. One firm exceeded our guidelines during the summer months but the firm has increased its capital and improved its profitability and is filing daily reports with the Exchange. An audit now in process, however, is expected either to confirm or correct a group of older security differences. It could also show unknown errors and differences left over from the firm's operations difficulties of 1969 or its recent merger. Adverse audit reports conceivably could cause a capital problem and the Exchange consequently maintains the firm and the audit under close daily surveillance. The firm, a partnership, has agreed to increase its capital condition by $5 million of new capital before the end of October.

This additional capital would give the firm some $14 million of excess net capital. This amount should be sufficient to absorb any audit adversity.

The second large firm is also a partnership. It did not exceed our guidelines until affected by large August losses; however, it estimates a $500,000 profit in September. However, several subordinated lenders have given notice of termination of their loans which could cause an increasing capital problem in October and November. A merger is being negotiated which the parties hope to consummate by the end of October. The firm is also liquidating proprietary positions to improve the firm's capital.

In sum, it presently appears to us that the current financial condition of member organizations has improved over the past several months, particularly in September. Thus, based on the current plans and programs, we do not anticipate any major financial exposure.

Our appraisal of the current financial condition of firms, therefore, is one of cautious optimism. However, there are a number of factors which are outside the control of the Exchange as a self-regulatory authority which can have a dramatic and deleterious effect on the capital position of member organizations.

The securities industry has been for many months now in an economically depressed state because of the steep decline in market volume and drop in securities prices. Unfortunately, this economic situation came upon the industry at a time of escalating costs.

The monitoring data which the Exchange and the Commission staff have been collecting since April, 1970 reveals the overall unprofitability in the securities industry.

PERCENTAGE OF FIRMS WITH LOSSES

[In percent]

Month ending	Overall losses	Security Commission business losses
April	69	66
May	65	47
June	27	52
July	33	73
August	45	75

The security commission business was absolutely dreadful in the month of August as 75% of all reporting firms had security commission income losses.

The results for retail firms primarily serving public customers were even worse. A shocking 92.5% of the retail firms lost money on their security commission business in August.

Profitability apparently improved in September. The record of present and recent losses, however, makes the raising of new capital very difficult for all firms and often impossible for a firm which has a special problem. In other words, the red ink in the securities business exacerbates capital problems for the problem firms.

If the economic situation in the securities industry does not continue to improve, there will obviously be substantial regulatory problems with respect to the financial condition of broker-dealers.

However, the number of firms on the special surveillances list, as explained previously is on the decline and the magnitude of problems presented by the firms, as a group, is less severe than has been the case during the past several months.

This leads to a response to the second question asking our opinion on the adequacy of the initial ($75 million) and subsequent ($150 million) contemplated funding of the proposed Securities Investor Protection Corporation. One way to measure the possible financial exposure to SIPC is to review what financial commitments might have been required of SIPC if the legislation had been in effect since mid-July, 1970 when the proposed legislation was first filed in the House and Senate.

If SIPC had been in effect since July 15, so far as we know, a liquidator would probably have been appointed in the case of only three firms. All three of these firms are relatively small, and even if SIPC funds had been required the total amount involved probably would have been limited to a few million dollars, at most.

This was one of the most financially adverse periods in the history of the securities industry. During this period from July 15 until, say, September 15, about 109 NYSE member organizations were on our special financial surveillance list. During this period, financial conditions in the securities industry were terrible as broker-dealer profits were down or non-existent. Hopefully, with a continuation of the recent increase in trading volume and the adoption of the proposed new commission rate schedule, the financial situation in the securities industry in coming months will improve.

If, therefore, one can assume that economic conditions in the securities industry in the coming months will improve, it would appear that the contemplated initial $75 million funding of SIPC would be more than adequate.

I should make it clear, however, that no one can, in our opinion, make a realistic or useful evaluation of the potential dollar exposure to SIPC because there is no known way to measure the liability which might be faced in the event of broker-dealer failures. The fraud of Allied Crude Vegetable Oil against Ira Haupt & Co., for example, caused a loss of some $27 million which could in no way be anticipated in advance.

Mr. Ralph DeNunzio reached this same conclusion in responding to a question put to him by Senator Edmund Muskie in a letter of August 5 in which Senator Muskie asked:

"The extent of financial exposure, in dollar terms, which firms . . . might create either to the Exchange or the new SIPC."

To which Mr. DeNunzio replied in a letter of August 11:

"I am satisfied that nobody can make a realistic or useful evaluation of dollar terms of exposure, whether upon the basis of customer protection without limit as to amount (as in an Exchange Special Trust Fund liquidation) or protection of a customer to the extent of a $50,000 limit."

Our experience in connection with current liquidations involving the Exchange's Special Trust Fund bears out the accuracy of this statement, as estimates of possible liability made in advance of or after the liquidation was commenced, have been subject to substantial variation during the early part of a liquidation and until an audit can be completed.

The Exchange did, however, make a detailed study earlier this year of possible future trust fund size. We concluded at that time that a program for the availability of a $80 to $100 million customer protection fund would be sufficient for the needs of the foreseeable future.

This determination was reached by analyzing items relating to member organizations such as the gross income of member organizations dealing with the public, a calculation of those firms' mean net expenses, and comparisons of liabilities, capital, size of firms and their gross income over a four-year period.

Based on these analyses, we concluded that a program as proposed in the SIPC bill, leading to a $150 million fund should be sufficient for the foreseeable future. This conclusion, in our opinion, continues valid today and in the future.

Recent events in connection with litigation surrounding liquidations which are being handled under the Exchange's Special Trust Fund procedure have brought into sharp focus the need for the liquidation procedures which are included in the SIPC bills.

The appointment of a liquidator pursuant to the procedure in the SIP bills stays any proceedings under the bankruptcy laws so that customer accounts can be delivered out promptly while a liquidation using Special Trust Funds is voluntary and is dependent upon the voluntary forbearance of creditors of the firm.

I hope that we have answered the two questions raised by the Commission staff. As you have expressed on a number of occasions, public confidence in the Nation's securities markets is important to the economy of the Nation. The SIPC bill will go a long way to improving and restoring the public's confidence in our markets. If the SIPC bill is not passed by the Congress, this will serve to diminish public confidence and, thereby, intensify the financial problems of broker-dealers.

Sincerely,

ROBERT W. HAACK.

Mr. WILLIAMS of New Jersey. Mr. President, S. 2348 would establish a Federal Broker-Dealer Insurance Corporation in order to protect the many millions of Americans who invest in securities against brokerage firm failure.

Over the last 6 months, the need to protect consumers who leave their securities with broker-dealers for safekeeping has become an absolute necessity. During that period, some of our Nation's largest stockbrokers have teetered on the brink of financial insolvency, while many smaller firms have either dissolved or merged with their competitors. Only large infusions of capital have saved F. I. Dupont and Hayden-Stone from financial run. Goodbody & Co., our Nation's fifth largest stockbroker, has been absorbed by Merrill Lynch, contingent upon and indemnification payment of $30 million from New York Stock Exchange member firms.

The insolvency of a Goodbody or Dupont could create havoc in the securities industry due to the inter-relationship between broker-dealers. The real losers would, of course, be our Nation's small investors, many of whom have invested a significant portion of their savings in securities. It is imperatve that these investors, who are the backbone of a healthy economy, be fully protected against brokerage firm failures. They should not be forced to bear the brunt of this administration's disastrous economic policies with which this Nation is now forced to live.

Recognizing the precarious position facing the securities industry and our Nation's small investors, Senator MUSKIE, in June of 1969, introduced the bill before the Senate today—a bill to insure investor accounts held by brokerage firms in an amount up to $50,000. During hearings held before the Securities Subcommittee, of which I am chairman, it was suggested that a securities industry task force working with the SEC, the Treasury Department, and our subcommittee give further consideration to this problem. This bill before the Senate today is a result of these deliberations. Mr. Ralph DeNunzio, Chairman of the Task Force, should be commended for his leadership in this area. The proposed legislation not only creates lasting investor protection from insolvency but also, for the first time, gives the SEC the power to regulate the use of free credit balances and to prohibit the hypothecation of customer securities. By allowing the SEC to correct any abuses which may have occurred in these areas, S. 2348 couples investor insurance with securities industry reform.

Although the corporation administering the insurance program will be able to borrow up to $1 billion from the U.S. Treasury, an occurrence which we all hope will never occur, the first $150 million will be raised solely from assessments made upon members of the securities industry. In addition, the Directors of the Corporation will consist of the Chairman of the SEC, the Chairman of the Federal Reserve Board, the Secretary of the Treasury, and two members of the securities industry. This preponderance of public directors will, in my opinion, insure against any abuses in Treasury borrowing.

The need for S. 2348 is obvious. Small investors must be protected. Public confidence must be restored in our Nation's securities markets.

While I, for one, am not satisfied with each and every section of this proposal especially in the areas of free credit balance regulation, capital requirements, and assessments based upon risk, this bill certainly moves in the right direction.

I have applauded the work of the Senator from Maine on the pending legislation, from its introduction to this moment on the floor of the Senate. I join with him in his hope that there will be a more fundamental study—indeed, a more profound study—of the entire securities industry.

As chairman of the Securities Subcommittee, I intend to propose an in-depth, far-reaching inquiry into all phases of the securities industry, including the use of free credit balances and the hypothecation of customer securities. From such an inquiry, lasting legislative solutions will be found, so that what has occurred in the past will not be repeated in the future. At that time, I would hope that legislation could be enacted which would give total protection to all of our Nation's investors.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. MUSKIE. Mr. President, I should like to express my appreciation to the distinguished chairman of the subcommittee for his statement. We have worked together on this legislation for many months. He and his staff have been of tremendous assistance to us.

Recently, we discussed the difficulty of getting a much needed, thoroughgoing study of the practices of the industry. In line with the statement I made earlier, and the one that the Senator from New Jersey has just made, I think it should be greatly reassuring to the House and Senate—it surely is to me—that the Senator from New Jersey considers it possible to undertake what will be a time-consuming and difficult responsibilty; but it needs to be done. He and I agree wholeheartedly on that.

Under the principle of self-regulation, many practices have developed that should be looked at, reviewed, and changed in accordance with our best understanding of the problems as we become more expert.

I very much applaud the Senator's statement.

Mr. WILLIAMS of New Jersey. We will work together. I look forward to that, and I thank the Senator from Maine for his kind comments.

Mr. McINTYRE. Mr. President, I rise to propose an amendment but before I offer it—it has been worked out between the Senator from Maine (Mr. MUSKIE) and myself—I should like to say a few words about the pending bill.

To begin with, well over a year ago when the Senator from Maine introduced this legislation, few, if any, of us could foresee the tremendous need which would arise for this sort of investor protection. The distinguished junior Senator from Maine, however, understanding the nature of the crisis which was to burst upon us this year, did foresee the problem and deserves the thanks of all Americans who are interested in strong, viable financial markets.

This legislation is, however, just the first step of many which must be taken before our securities markets may regain their health. During the past decade, under the pressure of heavy trading volume, the securities markets of the Nation have displayed structural weaknesses which must be corrected. The managers of those markets have failed to reorganize themselves in order to cope with the new demands which have been made upon them. They have been shortsighted, at times greedy, at times too unconcerned with the welfare of their own customers. They have risked their customer's funds for their own profit. They have, on too many occasions, chosen the narrow private way over the broad publice interest. They have been unresponsive to those few of their own colleagues who have sought to lead the marketplace toward new ways of thinking about the problems confronting them.

And so, as an essential first step, we are now considering legislation made necessary by the failure of the securities markets to adequately protect investors. Much more needs to be done, in terms of new regulation and reorganization. This action today marks the beginning of a long series of actions which must be taken to provide long-term investor protection.

After the Committee on Banking and Currency completed its action on the bill before us, S. 2348, I and others of my colleagues, including the distinguished Senator from Maine, still entertained doubts about a few details in the bill. Accordingly, we have met together and have agreed on a compromise provision affecting two sections.

First, this compromise would reduce the maximum insurance-type protection per account from $50,000 to $20,000. This amendment would bring investor protection in line with the protections which the Congress has already made available to depositors in banks and shareholders in savings and loan associations. Such a reduction would still provide full protection to all small investors and would provide more of an incentive to larger investors to be more concerned with the financial soundness of the firms they designate to hold their money.

Second, the compromise amendment would adopt language passed by the House in place of language now in the bill as a result of an amendment which I had offered in executive session of the committee.

As originally proposed to the Senate, this bill would require the participation of all registered broker-dealers in SIPC. I and many of my colleagues on the Committee felt that such a sweeping requirement for membership would inadvertently include many persons whose registration as broker-dealers was not functionally related to the type of risks which the bill covers. Accordingly, I prepared language to exempt all broker-dealers whose activities did not involve such risks to investors.

After the unanimous adoption of this provision, the SEC, the Treasury, and the New York Stock Exchange all felt that it could result in so diminishing the revenue base of SIPC that the financial soundness of the insurance fund might be too weakened to perform effectively. I disagreed with this contention, but at the urging of the Senator from Maine I have examined the method which the House has adopted to exclude certain broker-dealers from SIPC membership and have found that method satisfactory. Accordingly, the amendment which I now offer will substitute the House language for the Senate language.

I believe that this amendment will continue to preserve the basic purpose of the Senate bill, while eliminating any confusion about the soundness of the insurance fund. I have made one change in the House language, dropping two words "open end" which had the inadvertent effect of requiring brokers who advised closed end investment companies to be included in SIPC. This change has the approval of the SEC staff.

Mr. President, I send the amendment to the desk and ask that it be immediately considered.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. McINTYRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

On Page 65, Line 16, strike "$50,000" and insert "$20,000".

On Page 47, line 12 strike all after "corporation" down through line 18, and insert: "other than persons whose business as a broker or dealer consists exclusively of (i) the distribution of shares in registered open end investment companies or unit investment trusts, (ii) the sale of variable annuities, (iii) the business of insurance, or (iv) the business of rendering investment advisory services to one or more registered investment companies or insurance company separate accounts."

Mr. BENNETT. Mr. President, will the Senator from New Hampshire yield?

Mr. McINTYRE. I yield.

Mr. BENNETT. I can understand, approve, and support the concept that the insurance coverage for cash be reduced to $20,000, because that brings it in line with the insurance coverage for cash deposits in savings and loan institutions and banks, as well as credit unions; but I wonder whether the Senator would consider keeping the $50,000 on securities, because in many cases that amount is—I was going to say reasonable. I think, in terms of the kind of new protection we are trying to offer, it might be more acceptable and more efficient in restoring confidence if the figure in the original bill with respect to securities only were left at $50,000 and the $20,000 applied to the cash.

Mr. McINTYRE. I would say to the Senator from Utah that when this matter of the $50,000 protection limit first came to my attention in executive session, I could not understand why we were going to such a high figure, particularly, as I considered the commingling of the accounts. I got to thinking that a broker should be responsible for the funds of his investor client, so I was thinking—in talking to the distinguished Senator from Maine—of reducing the $50,000 protection to what the average man and woman in America who puts his money in savings and loan institutions or banks gets with the $20,000 protection. Here today, for the first time, I have been approached with this suggestion that not only should the account be protected for $20,000 in cash but insurance protection should be extended to $50,000 in securities that might be held by a broker-dealer who went into bankruptcy, or in some way lost his financial soundness.

I am not prepared to accept that on such short-term notice, but I would say to the Senator from Utah that my staff informs me this matter could go to conference. It is a little new to our staff, as it is to me. I would have no objection if the conferees discuss this in the 2 or 3 days. This may be an intelligent suggestion and worthwhile. I would have no objection, after we have a better opportunity for study, to cease my opposition if the study so indicates.

Mr. BENNETT. I appreciate that comment and that suggestion.

Mr. President, I would like to make the further point that the small investor does not leave his securities with the company as a matter of practice. It is the man who is generally in and out of the market who, for his own convenience, leaves his securities there so that he does not have to go through the process of getting certificates, and so on.

I would think that the people who would be more apt to leave securities with the broker would be more apt to have in the area of $50,000 in securities than $20,000. But I certainly agree with the suggestion made by the author of the amendment that we study the matter between now and the time the bill goes to conference and try to work it out.

Mr. McINTYRE. Mr. President, I do not want to detract from anything I have just said with reference to the idea of exploring this matter of requiring $50,000 in securities and $20,000 in cash. I have been concerned with the risk we are trying to protect.

I would call the Senator's attention to the risks which are protected against by this bill.

The greatest risk involves cash held in free credit balances and securities held as collateral for margin accounts. The people we are most interested in protecting—small investors, widows, orphans, beneficiaries of trusts, and others, are being poorly and reprehensibly served if they are keeping large amounts of cash with their broker. They are being poorly served if they have large investments on margin. They are being poorly cared for, if they are beneficiaries of trusts, if their certificates are not locked up in a bank safety deposit box. And so I feel that the large, $50,000 insurance protection is not needed for that class of investor.

That is why I feel that the $50,000 seems to be entirely too high. I agree with the thought raised here that we should consider the matter in conference.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. MUSKIE. Mr. President, as already indicated in the discussion, I have discussed this amendment with the distinguished Senator from New Hampshire. Both of the points covered by his amendment were raised in the committee and were considered in the committee and, I think, were not altogether resolved to the satisfaction of all committee members at that time. So, it is apparently still an open question.

I have discussed it with the distinguished Senator from New Hampshire, the distinguished Senator from Utah, and other interested Senators in connection with the pending legislation. Accordingly, I am willing to agree to the amendment. I think that all others concerned come under the conditions suggested in the colloquy between the Senator from New Hampshire and the Senator from Utah.

I will add this further observation with respect to the Senator's first point. That is the proposed reduction of coverage from $50,000 to $20,000.

We have not been able to get any firm judgment from the Commission or from the industry as to the difference this change might make upon any potential drain upon the fund. I have been told by some that it would not make too much difference. Nevertheless, I think the objective of the Senator from New Hampshire is clear and is understood. I have no objection to it.

Mr. McINTYRE. Mr. President, certainly the amendments that the Senator from Maine and I have worked out together go a long way toward devloping what I would consider to be the solvency of the bill. We are eliminating the small dealer that I thought should be exempt and are reducing the amount of coverage from $50,000 to $20,000.

Mr. MUSKIE. Mr. President, with reference to the second point in the amendment, the point is that under the bill as it was reported to the Senate, the McIntyre amendment as it came out of the committee would have reduced the income of the fund by close to $5.5 million. As I understand, the change which would be made by the present McIntyre amendment, it would cause the revenue to be reduced to something over $1 billion. So, the amendment very much strengthens the solvency of the fund.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, I have read the amendment. It strikes me that each part is divisible. Is the amendment divisible?

The PRESIDING OFFICER. The amendment is clearly divisible.

Mr. JAVITS. Mr. President, I demand a division of the amendment.

The PRESIDING OFFICER. The amendment will be divided.

Mr. JAVITS. Mr. President, let me say that I think this bill is one of the most important things we will do in this Congress. I think the whole country and the securities industry should be eternally grateful to the Senator from Maine (Mr. MUSKIE), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Utah (Mr. BENNETT), the Senator from Illinois (Mr. PERCY), and the other members of the Banking and Currency Committee who have brought us to this concurrence.

I have no desire to ruffle the water at all. My interest in the legislation is attributable to the danger posed by recent financial developments to our country and to the securities industry, most of which is concentrated in New York.

I have bird dogged this particular bill for literally months. There would be grave risk of a national financial collapse if some of the really big brokerage houses were to close. We might then be experiencing a terrible economic situation not only in this country but throughout the world.

I know of the fortitude that the Senator from Maine (Mr. MUSKIE) and the other members of the committee exercised to bring about this concurrence of view. However, we have always been faced with the question of adequacy. Indeed, one of the big things that held up action on this bill was the desire to have an adequate guarantee of funding and a guarantee figure that would be impressive enough for the investor to be confident that if he suffered loss, it would be made good.

I had the aggregate figure of $3 billion in mind. That was the original figure in the bill of the Senator from Maine. However, for reasons that were persuasive to him, and therefore, to me, that figure was reduced to $1 billion.

I did not expect that we would have any further reduction in coverage. The Senator from Utah has properly put his finger right on the sore spot: even a relatively small investor might have as much as $50,000 in securities. The account of the traditional widow and orphan might frequently fall somewhere in that bracket. Certainly many relatively small investors have more than $20,000. Twenty thousand dollars is a perfectly good figure for insurance of cash accounts. But $50,000 is definitely more appropriate to the securities accounts of people dealing with brokerage houses.

If the amount is less than that, we generally find that accounts with mutual funds, closed end funds, and investment banks are involved. However, the broker in dealing with a customer is generally properly covered with a $20,000 cash balance. However, I think that we do need coverage to the extent of $50,000 of securities.

I am deeply concerned about letting a bill leave here with a floor amendment in it that cuts the coverage so materially.

I have had a lot of experience in conferences. What we take out of a bill on the theory that it can be restored in conference in some kind of a trade frequently is lost forever. We could go into conference and find that the House conferees say, "That is perfectly swell. The House recedes." Then we have a guarantee of only $20,000 for securities and cash.

Mr. President, I think that before we vote this amendment, which involves a very major change in the bill, we ought to consider its consequences most seriously.

I appreciate the feeling of the Senator from Maine that he is willing to take the amendment. However, I point out that if we do take it, it would not be without peril. I was not informed of any plan to offer this amendment. However, I am not on the committee, and I would not necessarily hear about it.

I do not think the world knows about it. In general the people who are interested in this matter throughout the country assume we are putting a $50,000 guarantee limit on this and not cutting it down to $20,000. The $20,000 is not a magical figure. It is only the figure for FDIC and bank deposits. I can see the analogy to cash deposits but not to securities.

So I would like to make this suggestion to the Senator from New Hampshire, whom I respect, and I do not impute anything to him other than the highest motives. Might it not be possible, in his judgment, to separate the guarantee limits for securities and for cash, according to the thoughts of the Senator from Utah (Mr. BENNETT), and endorse a somewhat higher figure, not necessarily $50,000, but say $35,000, for securities? Then, that issue, as an issue, will be before the conferees and we will have what the brokers call some "stop loss" in that the Senate will not face the possibility of going to conference and finding that the House agrees to the $20,000 figure. I have been caught at the post like that before and the feeling is embarrassing, but it can happen here if we do not guard against it.

Mr. PERCY. Mr. President, I think the Senator from New York has raised a very important point. The comparison between a savings account and a securities account really cannot be made. How many people keep a savings account of that size? They are using those for current needs; that is not their life savings. But I can think of thousands of employees who come up for retirement every year and their employer faces them with a choice of whether the person retiring wants to take out his accrued retirement benefits and manage it himself or leave it in some annuity form. Suddenly a husband and a wife are faced with the fact that their entire life savings and retirement benefits have accrued and they have to do something with them. They may place them in the hands of a brokerage firm if they feel that is the best way to have those funds actively managed and working.

So when a person is 65 years of age, and has 20 more years to go, $20,000 is a very small amount of money; whereas that amount in a savings account is a great deal of money.

When I think back to the tens of thousands of employees in my own previous company, I can think of milling machine operators and drillpress operators who have accrued a substantial retirement benefit well in excess of $50,000. Some people have worked for Sears, Roebuck for 30 or 40 years that has a very liberal profit-sharing retirement fund and they have quite a bundle accrued and for some longtime employees it can get into the hundreds of thousands of dollars, but they have to make that stretch for years to cover their retirement. So $50,000 as an upper limit did not seem unreasonable to me, $20,000 seems unreasonably low.

I thank the Senator for bringing out this point.

Mr. McINTYRE. Mr. President, I believe the Senator from New York was in the Chamber when I had a colloquy with the Senator from Utah. This proposal was suddenly raised here out of nowhere about $50,000 in securities as opposed to or in conjunction with $20,000 cash. As a result of my colloquy with the Senator from Utah, and discussing the matter with members of the staff, it is my information that this issue of separation the securities and the cash will be a matter in conference. Now, it seems well to leave it at that point. It would give the staff an opportunity to review the matter—to determine whether or not there is any real good sense in this question of $20,000 cash and $50,000 securities.

Speaking for myself, I want to say to the Senator from New York that I am not particularly enamored with this legislation. We felt very much handicapped as we tried to elicit statistical information from this self-regulated industry. It proved that the self-regulated industry does not give us the facts we would like to have in order to proceed intelligently.

The amendment the Senator has now asked to have divided is, as in the case of so many things in the Senate and the House of Representatives, a matter of compromise.

I am the one who had to give in. In connection with the little independent back in my home town, and back in the small town in New York who does not commingle his accounts, who is going to be asked to chip in, I agreed to put him back in. There is a big question as to whether or not in the case of serious difficulty he would have adequate funds for paying his assessments.

I know the Senator does not mean to upset the applecart by coming in now and talking about $30,000 or $50,000 in securities, but I am becoming disenchanted with the entire bill.

Mr. MUSKIE addressed the Chair.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. JAVITS. I yield to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, the Senator from New York has been interested in this bill from the beginning and he has offered to be of every assistance in working out problems which have arisen with respect to it in order to ease its passage through the Senate and the House of Representatives. This task has not been easy to perform. A great many Senators have had questions about the bill on both sides of every issue that it involves.

When I introduced the bill a year ago last summer it had no support anywhere, including the securities industry and the administration. Then, as the difficulties of the market emerged and became exposed there was greater and greater concern about them and eventually the administration and others rallied behind the idea for this kind of insurance. This happened about midsummer, but even since that time it has been difficult to move this bill along because of the uncertainty of the conditions of the industry and the very real doubts of Senators, like the Senator from New Hampshire.

Because of those uncertainties we have undertaken to put together a bill to meet all the questions that have been raised. The questions of the Senator from New Hampshire are real. I understood them and I sympathized with them.

The amendment which is before us, and on which the Senator from New York requested a division, represented the agreement I had reached with the Senator from New Hampshire on the two points that troubled him. I realize that agreement binds only the Senator from New Hampshire and me. But what I am saying is that in order to get the bill to this point in what may be the next to the last week of the session, it has been necessary to work out all these problems, including this one, in a way to resolve doubts of Senators about the bill. That is why I have indicated to the Senator from New Hampshire that I will agree to his amendment and support it, because I think in the form in which it is at the present time it contributes to the prospects for passage of the legislation.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. MUSKIE. I yield.

Mr. JAVITS. I am very sympathetic. The Senator knows that. I appreciate what the Senator has done, and I want to help him.

Did the committee analyze or get in the testimony the proportion of securities compared with the proportion of cash that would be covered? Does the Senator have any idea?

Mr. MUSKIE. No. I wish to say to the Senator that this is the type information it has been impossible to get from the securities industry, from the Commission, and this has been the kind of information which has raised the doubts that have moved the Senator from New Hampshire and other Senators.

May I say to the Senator that this amendment has been discussed with representatives of the SEC. The industry has known about it. We checked in both quarters to get all doubts that might be expressed from those sources. Then we reached agreement on the amendment.

Mr. JAVITS. What was their attitude?

Mr. MUSKIE. The SEC is willing to have the McIntyre amendment. They are going to press in conference for the point of view expressed by the Senator from Utah (Mr. BENNETT). They understand this is a new proposal, or a new form of proposal, but they do not press for serious consideration of it on the Senate floor. They will press it in conference. They are willing to take the amendment in its present form.

Mr. JAVITS. What would happen if I should offer an amendment to the amendment to cover securities up to $35,000, for example? To what extent would that upset the actuarial propositions which the Senator is laying down in the debate?

Mr. MUSKIE. The actuarial propositions are not known, because so little is known of the details in the broker-dealer houses. It is that uncertainty that has plagued the bill from the beginning. If the Senator offers that amendment, I will support the McIntyre amendment, because that was the agreement I made with him and brought to the floor. I think we can live with it. After all, we started the FDIC with a $10,000 ceiling. We moved the ceiling up to $20,000 only recently, in the last year or two. So the prospect of increasing the coverage in conference is not an unreasonable one.

Mr. JAVITS. May I be frank with the Senator, as he always is with me, and as the Senator from New Hampshire (Mr. McINTYRE) always is with me? I do not want, with millions and millions of people involved, to miss the forest for the trees because we have to scale down our original intentions. In other words, I fear that we are going to take the least expensive route to please perhaps some small brokers and dealers, because they do not want to spend the money—and I cannot blame them—and miss the big purpose of the bill. That is what worries me.

What worries me is the fact that we are going to scale down the whole conception of what we are trying to accomplish in order to suit some people who do not feel happy about paying the small tab, and thereby miss the basic purpose of reassuring the community of investors that they at least have something that stands between them and the improvidence of the individual broker.

I ask that question because I think there is a moral responsibility here. If the Senator wants me to go along with this without a contest, he takes upon himself the moral responsibility of writing down the value of the guarantee just because we have to look after the interests of the small dealers.

Mr. MUSKIE. We asked the Commission, and I am sure the Commission was aware, from the sources of information that were available to it, what change this would make upon the potential drain on the fund. It was their impression, without any precise information upon which to form an opinion, that there would not be a significant change to the potential drain upon the fund.

That is the argument I used to the Senator from New Hampshire in undertaking to dissuade him from offering his amendment in the first instance. Finally, since he insisted on it, I comforted myself by accepting his amendment.

May I say to the Senator in addition: There is no way of knowing in what amounts securities are held for particular customers. There is another point. If the $20,000 limit on securities is unrealistic in terms of the holdings of particular customers, they can break up their security accounts.

Mr. JAVITS. May I ask the Senator from New Hampshire a question? Would the Senator from New Hampshire be willing to take a $25,000 limit? I know that does not seem very different, but in that way the Senate would present a proposal on which there could be negotiations, so that there could be a distinction between the money and the securities.

I wish the Senator would give consideration to that proposal. Let us at least show a distinction between cash and securities when we go into conference. Perhaps something good will come out of it. It may not, but at least let us have a crack at it so that we will have the idea of dividing the money from the securities.

Would the Senator consider that?

Mr. McINTYRE. Mr. President, may I first say to the Senator from New York that one of the principal reasons in my own mind why I resist this entire idea is that this is a very complicated subject. At no time in my recollection during either the executive sessions or other considerations by the committee did we have the benefit of information on which this split type of protection was to be considered. Today, when it first came up, and it was brought to my attention by the Senator from New Jersey (Mr. WILLIAMS), I immediately went to the staff and asked them if they could tell me whether it was a good idea, a poor idea, or what. They all asked for more time to study it.

I do not pose as having all the expertise on the inner sanctums of the markets of New York so that I would want to hold fast on an amendment as a result of a compromise or agreement, without its having been considered in hearings.

Mr. JAVITS. This could be dropped in conference, but the issue of the difference between $20,000 and $50,000 would be there, with the dynamics of different treatment for securities and for money. All I am trying to do is get something into the bill which would indicate that there is a field for settlement, for negotiation. Perhaps it will not be done. Perhaps nothing will happen. Perhaps the $20,000 will come out of conference just as the Senator wants it, but at least let us make the distinction between securities and money.

Certainly, I recognize, and the Senator from Illinois (Mr. PERCY) has just explained it very feelingly, that there is a difference between bank accounts and brokerage accounts, that there are different volumes of resources involved.

I think, if we are to turn out something that is meaningful, we should not just shut our eyes and take the FDIC figures.

Again, I respect the arrangements Senators have made, but we are here on the floor to make proposals. We might just as well legislate in committee if we are not going to be permitted to say anything about it because the manager and the proponent of an amendment decided that they were going to get together. Now we find ourselves locked out and asked to just be quiet. I do not think I should do that, and I do not think anybody would want me to do that.

Mr. MUSKIE. May I say, in all good will, the Senator has been asking me how he could help to get the bill moving along. I assume in each case he meant what specific things with respect to the bill he had an influence on that might eliminate objections. That is what I was doing with this amendment. I am sorry the Senator implies that is an objectionable way to handle the business of the Senate, but the Senator from New Hampshire had a legitimate question. In the committee, I think properly, we discussed it and resolved it by a vote, but not to the satisfaction of every member of the committee. The issue was still alive. As the Senator indicated, he "birddogged" me on it all along. This is how we worked it out.

I recognize the Senator's right in trying to change it. I am certainly not going to hold that against him.

What we tried to do is to work out these problems. This is not the only way. An extended debate on any item could stimulate other Senators to resurrect sleeping doubts about this bill before the day is over.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. JAVITS. I have the floor, Mr. President.

Mr. BENNETT. Will the Senator yield to me?

Mr. JAVITS. May I just say this: I think what the Senator says is absolutely right, were it not for the fact that the committee presented a bill to us with $50,000. That is the substantive aspect of it.

With all my desire to help get a bill passed—and it is very real, and it will be apparent throughout this debate—that does not mean I can suborn my judgment, and accept a bill I think would be unwise.

I do not think the Senator from Maine would ever misconstrue my desire to get a bill out, because he knows I think it is of vital importance.

I yield to the Senator from Utah.

Mr. BENNETT. I ask the Senator from New Hampshire in order to make sure that this balance of $50,000 and $20,000 will actually be in conference. Would the Senator from New Hampshire agree to modify his amendment just enough to say "$20,000 cash or securities," so they will be separated that much, and so that the House of Representatives cannot say, "Under the circumstances, we cannot consider those as two separate propositions"?

Mr. McINTYRE. First of all, I think the legislative history that has been filled out here this afternoon, with my own colloquy with the Senator from Utah, and with the interest that has been generated now—because this is the first time we have heard of this split type of protection—undoubtedly will mean that the matter will be in conference. I am not likely to be a conferee, but to make everyone a little happier, I will be somewhat accommodating, if I may have the attention of the distinguished Senator from New York and the distinguished Senator from Utah. If I may have their attention, how would it be, in order that they may be reassured, if we take the $20,000 figure and call it "cash and securities"?

Several Senators addressed the Chair.

Mr. BENNETT. I think it should be "cash or securities," because we do not want to say that the total of cash and securities put together can be only $20,000. I do not think that is what the Senator wants.

Mr. McINTYRE. I say a $20,000 limitation, whatever it may be.

Mr. BENNETT. That is right.

Mr. McINTYRE. Would the Senator be satisfied with that?

Mr. BENNETT. I think it would make it easier in conference to treat the two separately, than if they were handled the same way.

Mr. MUSKIE. Mr. President, I ask, for purposes of clarification, whether we are now talking about two figures that are cumulative.

Mr. BENNETT. No.

Mr. MUSKIE. Because, as I understood the Senator's amendment, the total coverage for cash and securities would be $20,000. If the coverage is $20,000 for cash and $20,000 for securities, then the total available to a single customer at a single broker-dealer house is $40,000. Is that what the Senator intends in his new proposal?

Mr. BENNETT. That is not what I intended, Mr. President.

Mr. MUSKIE. I think other Senators understood it was to be $20,000 for all cash and securities.

Mr. BENNETT. The thing I am trying to work out is a technical point. I do not want to go to conference with the House of Representatives, and have them say, "In your bill cash and securities are lumped together; therefore, we cannot separate them."

If I am hypercritical, and there is no such technical problem, I will withdraw my question. Does the Senator see what I am trying to get at?

Mr. MUSKIE. Yes, but I also see the complications, because when you do that, you also open up the question of whether they are cumulative. If you have a total set out of $20,000, $30,000, or $40,000, then it can be any combination of cash and securities.

Mr. BENNETT. That was not my intention.

Mr. MUSKIE. No, but I point out the difficulty of phrasing an amendment that does not lead to that dilemma. That is one of the reasons I thought it made sense to take this issue to conference, without complicating it here on the floor of the Senate.

Mr. BENNETT. I do not want to complicate it, but I do not want to be foreclosed in conference by having them say, "We have to consider the Senate level as for cash and securities, because that is the way you have it in your bill."

Mr. MUSKIE. Up to now, the implication has been that we are dealing with an account which is all cash, in which case the coverage ought to be $20,000, or an account that is all securities, in which case it ought to be $50,000. No attention has been addressed to the question, what if you have a combination; what then will be the limitation on the two?

That has not been worked out in colloquy, with no suggestions as to what the formula ought to be in that instance. That is why I think it makes more sense to go to conference, and I think this legislative history this afternoon indicates, as far as the Senate is concerned, that that is one of the options we want open, as to what is to be the limit.

Mr. BENNETT. Perhaps our colloquy has accomplished the purpose I sought to accomplish, then.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from New Jersey.

Mr. WILLIAMS of New Jersey. Being the cochairman of the Securities Subcommittee, and therefore considering it possible that I might be a conferee, at this point I am somewhat unclear as to what the objective is.

I thought the objective, of the McIntyre amendment was to limit the insurance coverage to $20,000 in value and that the $20,000 was not to be defined in terms of cash or securities. It was to be a ceiling.

I also thought that an effort was being made to refine that, with a ceiling amount on cash, and with an additional amount to be covered in securities. I did not hear all of the colloquy, but I thought the Senator from New York was suggesting a $20,000 ceiling on insurance for cash held by the broker.

Mr. JAVITS. That is right.

Mr. WILLIAMS of New Jersey. And an additional amount in terms of the coverage of the value of securities.

Mr. JAVITS. $25,000, I suggested.

Mr. WILLIAMS of New Jersey. That is clear to me. As a conferee, I would know those were the amounts we were dealing with, a cash amount, so defined, and a securities amount. Is that what has evolved?

Mr. JAVITS. It has not evolved——

Mr. McINTYRE. Mr. President, will the Senator yield to me?

Mr. JAVITS. I have the floor. I just want to finish what I am saying.

Mr. McINTYRE. Is the Senator from New York still holding the floor?

Mr. JAVITS. Well, I can yield it, and happily, but I wanted to answer the question of the Senator from New Jersey. I do technically have the floor.

I just want to answer by saying we had not evolved anything really. I had latched on to the suggestion that was made that we might differentiate between securities and cash, and thereby preserve all we could of Senator McINTYRE's amendment, by limiting it to $20,000—because when I heard his argument, he emphasized cash—and provide a higher figure for the account which has securities in it, over and above $20,000. So, if we adopted the formula I suggested to him, if a man had $15,000 in securities and $20,000 in cash, he would be covered for the whole $35,000. If he had $18,000 in cash and $17,000 in securities, he would be covered. If the securities in the account exceeded $15,000, then he would be covered up to $35,000. That is really what I was shooting at, but the Senator from New Hampshire apparently does not find that agreeable, and the Senator from Maine feels that would force what he had understood was enabling him to keep the bill; and the objections to it are in balance; and this is what is giving me great concern, very frankly.

Mr. President, I yield the floor.

Mr. McINTYRE. Mr. President, I just want to tell my good friend from New Jersey that I had hoped we were about ready to put this motion to a voice vote, to adopt this amendment, with the feeling that the colloquy that had transpired here would raise this issue for the conferees.

The Senator knows and I know that the first word I heard about splitting the guarantee between securities and cash reached my ears from the Senator about an hour ago.

I would like the benefit of not being pushed, on this floor, to eat something I do not know very much about; but I would agree, since it seems to be reasonable and to have some sense to it, to have the question go to conference. And I believe that is where it would go, if the Senator would just take it easy.

Mr. WILLIAMS of New Jersey. As a potential conferee, I believe it now makes sense to me. Apparently the effect of the last statement of the Senator from New Hampshire is that he believes that the conferees could go, in conference, to an amount in cash and another amount in securities?

Mr. McINTYRE. The staff tells me that this whole matter would be in conference. The House bill has the maximum coverage at $50,000, and we have it at $20,000. The Senator from Illinois and the Senator from Utah are raising, as is the Senator from New Jersey, the question of different treatment for cash and securities, which I had never considered before. No Member of the Senate, to the best of my knowledge, had considered this until an hour or two ago. I am perfectly willing to let that go to conference and to let the conferees decide what is best.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Senator will state it.

Mr. BENNETT. Mr. President, we have had a discussion as to the separability of the insurance rates on these two types of risk coverage, and I ask the Chair whether, in fact, this separation could be accomplished in conference under the language of the amendment, if it is germane.

The PRESIDING OFFICER. The amendment of the Senator from New Hampshire is divisible. The Senator from New York has called for a division.

The Chair understands that the bill is likely to be passed after first striking all after the enacting clause and passing a new bill. Under rule XXVII, the conferees would have more leeway than they would under specific amendments. Rule XXVII, section 3, provides as follows:

> 3. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by eiher House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

Mr. BENNETT. I thank the Chair.

Mr. JAVITS. Mr. President, I should like to repeat a question that I asked the manager of the bill. I asked him whether he had any figures on the division in brokerage accounts between cash and securities. At that time, he was not quite prepared to give me an answer. I wonder whether he is now.

Mr. MUSKIE. We have overall figures which indicate that broker-dealers hold $4 billion in cash and $47 billion in securities. We have no figures to tell us in what increments and to what extent the $47 billion in securities is held in individual broker-dealer houses. So that we have no basis upon which to evaluate the impact in terms of coverage of either the $20,000 or the $50,000 or the $35,000 limitation.

Mr. JAVITS. Except that we know that there is 10 times as much in securities in the hands of brokers as there is cash. So it is logical to assume, as there are not that many differences in the customers, that securities preponderate by 10 to 1. It seems to me that that bears very heavily upon the proposition that if we are going to do something really effective, we ought to do more, materially more, with respect to securities than we do to cash.

I should like to read into the Record the provision from the bill of the House on this subject. It is on page 3, lines 8 to 13, and reads as follows:

> (7) the term "insured customer account" means the net amount due any customer from his account maintained with an insured broker or insured dealer (after deducting offsets of any debit balances of cash and the value of any debit balances of securities) less any part thereof which is in excess of $50,000;

That is to be contrasted with the definition in the bill before the Senate, which is found at page 65, lines 12 to 17, which reads as follows:

> (11) In order to provide for prompt payment and satisfaction of the net equities of customers of the debtor, the corporation shall advance to the trustee such moneys as may be required to pay or otherwise satisfy claims in full of each customer but not to exceed $50,000 for each customer;

Mr. President, I ask the Senator from Maine whether he defines the words "net equities of customers of the debtor" to include both cash and securities?

Mr. MUSKIE. I would say yes, I do.

Mr. JAVITS. And does he similarly define the words in the House bill which say "the net amount due any customer from his account" to include cash and securities?

Mr. MUSKIE. That would be my interpretation, although the House bill, of course, was written on the House side.

Mr. JAVITS. Therefore, the Senator, when he goes to conference, will feel that he has a right to negotiate to make this figure higher in toto—that is, we raise the $20,000 from the higher estimate, or separate the concept of the securities from the concept of the cash in the way of what is guaranteed, on the ground that the guarantee is intended to cover both in a particular account.

Mr. MUSKIE. Yes. In my judgment, there is no doubt on that point. Let me put it this way, so that there is complete clarification. The $50,000 ceiling in the Senate bill as reported by the committee could conceivably include all cash or all securities or any combination. The $20,000 in the McIntyre amendment could include cash or securities or any combination. So if we want to go to a different figure between, that could conceivably include cash or securities or any combination. That being so, it seems to me, within the total, that we can indicate some division.

Mr. JAVITS. The coverage could be between cash and securities, that seems to be clear; or there could be a higher figure for an account containing securities than for an account which contains only cash.

Mr. MUSKIE. Yes, I would think so.

Mr. JAVITS. So that, for example, if we took the $35,000 figure, we could confine that to an account which has securities in excess of $20,000.

Mr. MUSKIE. Yes, in accordance with the example that the Senator put earlier in colloquy with the Senator from Illinois and the Senator from Utah. I agree.

Mr. JAVITS. What is the restriction on the number of accounts a particular customer can retain?

Mr. MUSKIE. There are no restrictions in the bill.

Mr. JAVITS. There is no definition which defines more than one account?

Mr. MUSKIE. No.

Mr. JAVITS. He can maintain a number of accounts then?

Mr. MUSKIE. Just as anyone can maintain several savings deposits under the FDIC.

Mr. JAVITS. He can also go to a different broker, and not have to keep the same one?

Mr. MUSKIE. Yes.

Mr. JAVITS. I have such regard for the Senator from Maine in what he is trying to do that although I shall vote a loud no against this amendment, I shall let it go at that, hoping that he will maintain the reputation, which he has many reasons for cherishing right now, by being realistic when he gets into conference.

I can assure the Senator that I know something about this business and if we want to make the guarantee meaningful, we must go to a materially higher figure regarding securities, and we want to make it meaningful.

Mr. MUSKIE. The $50,000 limit was in the original bill last year.

Mr. JAVITS. The committee sustained the Senator from Maine.

Mr. MUSKIE. Yes. So it is a figure that I was persuaded was realistic months ago, and I still think it is realistic. Now as to what the Senator from New Hampshire (Mr. McIntyre) was indicating, it seems to me the environment has now developed for thoughtful and serious consideration of this matter.

Mr. PERCY. Mr. President, I should like to reiterate my support for the full $50,000. My impression is that here we are trying to protect people. Let us take the case of a retiree and his wife. They suddenly take their money out of a profitsharing or a pension plan and go over to a brokerage house and say, "This is my life savings." They have taken it out in cash, of course, say $50,000 in cash; but as soon as they invest it they work it down to the point on the average where they have 10 percent cash and 90 percent securities and they may have reserves to keep moving it around. The customer should be protected for the entire amount, without any distinction, between cash and securities.

Mr. MUSKIE. I would agree. May I add a point which underlies the concern expressed by the Senator from New Hampshire, that this retired customer, of whom the Senator from Illinois speaks, would not need to be concerned if there had been, under the whole principle of self-regulation, a segregation of customer cash and securities from that of the broker-dealer's house. So that I would hope, in addition to the insurance we are providing here, that there would be a reform of the practices of the broker-dealer houses in order to avoid risks, in addition to providing adequate insurance.

Mr. JAVITS. I know that bank insurance goes for every customer. Even if he has $100,000, his first $20,000 is covered.

Mr. MUSKIE. That is right.

Mr. JAVITS. I am ready to vote on the first of the two amendments.

Mr. McINTYRE. Mr. President, I move adoption of the amendment as modified.

The PRESIDING OFFICER. The clerk will restate the amendment as modified.

The Legislative Clerk. On page 65, line 16, strike "$50,000" and insert "$20,000."

The PRESIDING OFFICER (Mr. Saxbe). The question is on agreeing to the first part of the amendment of the Senator from New Hampshire.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. Saxbe). The question is on agreeing to the remainder of the amendment of the Senator from New Hampshire (Mr. McIntyre).

The remainder of the amendments was agreed to.

The second part, or remainder of the amendment, reads as follows:

> On page 47, line 12 strike all after "corporation" down through line 18, and insert: "other than persons whose business as a broker or dealer consists exclusively of (i) the distribution of shares in registered open end investment companies or unit investment trusts, (ii) the sale of variable annuities, (iii) the business of insurance, or (iv) the business of rendering investment advisory services to one or more registered investment companies or insurance company separate accounts."

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1096

Mr. HARTKE. Mr. President, I call up my amendment, No. 1096, and ask that the language which appears on page 9, line 16, which is a clerical error, be deleted from the bill.

The PRESIDING OFFICER. The amendment will be so modified and will not be read but will be printed and shown in the Record as requested.

The text of the amendment as modified is as follows:

> On page 31, strike out lines 12 and 13, and insert in lieu thereof the following:
>
> "TITLE I—SECURITIES INVESTOR PROTECTION ACT OF 1970
>
> "Sec. 101. This title may be cited as the 'Securities Investor Protection Act of 1970'."
>
> On page 31, line 14, strike out "Sec. 2" and insert in lieu thereof "Sec. 102".
>
> On page 72, line 18, strike out "Sec. 3" and insert in lieu thereof "Sec. 103".

On page 73, line 8, strike out "Sec. 4" and insert in lieu thereof "Sec. 104".

On page 73, line 8, strike out "Act" and insert in lieu thereof "title".

On page 73, line 9, strike out "Act" and insert in lieu thereof "title".

At the end of the bill, add the following new title:

"TITLE II—FEDERAL REINSURANCE OF PRIVATE PENSION PLANS ACT

"SHORT TITLE

"Sec. 201. This title may be cited as the 'Federal Reinsurance of Private Pension Plans Act'.

"DEFINITIONS

"Sec. 202. As used in this title—

"(a) The term 'pension fund' means a trust, pension plan, or other program under which a employer undertakes to provide, or assist in providing, retirement benefits for the exclusive benefit of his employees or their beneficiaries. Such term does not include any plan or program established by a self-employed individual for his own benefit or for the benefit of his survivors or established by one or more owner-employees exclusively for his or their benefit, or for the benefit of his or their survivors.

"(b) The term 'eligible pension fund' means a pension fund which meets the requirements set forth in section 401 of the Internal Revenue Code of 1954 with respect to qualified pension plans.

"(c) (1) The term 'insured pension fund' means an eligible pension fund which has been in operation for not less than three years and, for each of such years, has met the requirements set forth in subsection (b) and has been insured under the program established under this title.

"(2) Any addition to, or amendment of, an insured pension fund shall, if such addition or amendment involves a significant increase (as determined by the Secretary) in the unfunded liability of such pension fund, be regarded as a new and distinct pension fund which can become an 'insured pension fund' only upon compliance with the provisions of paragraph (1) of this subsection.

"ESTABLISHMENT OF INSURANCE PROGRAM

"Sec. 203. There is hereby established in the Department of Labor a program to be known as the Federal insurance program for private pension plans (hereinafter referred to as the 'program'). The program shall be administered by, or under the direction and control of, the Secretary of Labor (herein referred to as the 'Secretary').

"CONTINGENCIES INSURED AGAINST UNDER PROGRAM

"Sec. 204. (a) The program shall insure (to the extent provided in subsection (b)) beneficiaries of an insured pension fund against loss of benefits to which they are entitled under such pension fund arising from failure of the amounts contributed to such fund to provide benefits anticipated at the time such fund was established, if such failure is attributable to cessation of one or more of the operations carried on by the contributing employer in one or more facilities of such employer.

"(b) The rights of beneficiaries of an insured pension fund shall only be insured under the program to the extent that such rights do not exceed—

"(1) in the case of a right to a monthly retirement or disability benefit for the employee himself, the lesser of 80 per centum of his average monthly wage in the five-year period for which his earnings were the greatest, or $500 per month;

"(2) in the case of a right on the part of one or more dependents, or members of the family, of the employee, or in the case of a right to a lump-sum survivor benefit on account of the death of any employee, an amount found by the Secretary to be reasonably related to the amount determined under clause (1) above.

In the case of a periodic benefit which is paid on other than a monthly basis, the monthly equivalent of such benefit shall be regarded as the amount of the monthly benefit for purposes of clauses (1) and (2) of the preceding sentence.

"(c) If an eligible pension fund has not been insured under the program for each of at least the three years preceding the time when there occurs the contingency insured against, the rights of beneficiaries shall not be insured.

"PREMIUM FOR PARTICIPATION IN PROGRAM

"Sec. 205. (a) Each eligible pension fund may, upon application therefor, obtain insurance under the program upon payment of such annual premium as may be established by the Secretary. Premium rates established under this section shall be uniform for all pension funds insured by the program and shall be applied to the amount of the unfunded obligations of each insured pension fund. The premium rates may be changed from year to year by the Secretary, when the Secretary determines changes to be necessary or advisable to give effect to the purposes of this title; but in no event shall the premium rate exceed one-half of 1 per centum for each dollar of unfunded obligations.

"(b) The Secretary, in determining premium rates, and in establishing formulas and standards for determining unfunded obligations and assets of pension funds, shall consult with, and be guided by the advice of, the Advisory Council (established by section 208).

"(c) If the Secretary (after consulting with the Advisory Council) determines that, because of the limitation on rate of premium established under subsection (a) or for other reasons, it is not feasible to insure against loss of rights of all beneficiaries of insured pension funds, then the Secretary shall insure the rights of beneficiaries in accordance with the following order of priorities—

"First: individuals who, at the time when there occurs the contingency insured against, are receiving benefits under the pension fund, and individuals who have attained normal retirement age or if no normal retirement age is fixed have reached the age when an unreduced old-age benefit is payable under title II of the Social Security Act, as amended, and who are eligible, upon retirement, for retirement benefits under the pension fund;

"Second: individuals who, at such time have attained the age for early retirement and who are entitled, upon early retirement, to early retirement benefits under the pension fund; or, if the pension fund plan does not provide for early retirement, individuals who, at such time, have attained age sixty and who, under such pension fund, are eligible for benefits upon retirement;

"Third: in addition to individuals described in the above priorities, such other individuals as the Secretary after consulting with the Advisory Council, shall prescribe.

"(d) Participation in the program by a pension fund shall be terminated by the Secretary upon failure, after such reasonable period as the Secretary shall prescribe, of such pension fund to make payment of premiums due for participation in the program.

"REVOLVING FUND

"Sec. 206. (a) In carrying out his duties under this Act, the Secretary shall establish a revolving fund into which all amounts paid into the program as premiums shall be deposited and from which all liabilities incurred under the program shall be paid.

"(b) The Secretary is authorized to borrow from the Treasury such amounts as may be necessary, for deposit into the revolving fund, to meet the liabilities of the program. Moneys borrowed from the Treasury shall bear a rate of interest determined by the Secretary of the Treasury to be equal to the average rate on outstanding marketable obligations of the United States as of the period such moneys are borrowed. Such moneys shall be repaid by the Secretary from premiums paid into the revolving fund.

"(c) Moneys in the revolving fund not required for current operations shall be invested in obligations of, or guaranteed as to principal and interest by, the United States.

"AMENDMENT TO INTERNAL REVENUE CODE

"Sec. 207. (a) Section 401(a) of the Internal Revenue Code of 1954 (relating to definition of qualified pension and other similar plans) is amended by adding at the end thereof the following new paragraph:

" '(11) Notwithstanding the preceding provisions of this subsection, no pension fund which, for any taxable year is insurable under the Federal Reinsurance of Private Pension Plans Act, shall be a qualified pension plan under this section if such fund is not insured for such year under the program established under such Act.'

"(b) Section 404(a) (2) of such Code (relating to deductibility of contributions to employees' annuities) is amended by striking out 'section 401(a) (9) and (10)' and inserting in lieu thereof 'section 401(a) (9), (10), and (11)'.

"(c) The amendments made by this section shall be effective with respect to taxable years which begin not less that six months after the date of enactment of this title.

"ADVISORY COUNCIL

"Sec. 208. (a) There is hereby created a Federal Advisory Council for Insurance of Employee's Pension Funds (herein referred to as the 'Advisory Council'), which shall consist of nine members, to be appointed by the President, by and with the advice and consent of the Senate, at least two of whom shall be representatives of labor and at least two of whom shall be representatives of employers. The President shall select, for appointment to the Council, individuals who are, by reason of training or experience, or both, familiar with and competent to deal with problems involving employees' pension funds and problems relating to the insurance of such funds. Members of the Council shall be appointed for a term of two years.

"(b) Members shall be compensated at the rate of $100 per day for each day they are engaged in the duties of the Advisory Council and shall be entitled to reimbursement for traveling expenses incurred in attendance at meetings of the Council. The Advisory Council shall meet at Washington, District of Columbia, upon call of the Secretary who shall serve as Chairman of the Council. Meetings shall be called by the Secretary not less often than twice each year.

"(c) It shall be the duty of the Advisory Council to consult with and advise the Secretary with respect to the administration of this title."

A. PURPOSE OF THE PROGRAM

The purpose of this amendment is to establish a Federal system of reinsurance for private pension plans. The program would be financed by premiums to be paid by pension funds as a condition of qualification for favorable tax treatment under the Internal Revenue Code. The reinsurance sytem is similar in concept to the program for insuring investors under S. 2348, the Securities Investor Protection Act, which would be title I of this bill.

B. NEED FOR THE PROGRAM

Congress has provided through legislation strong incentives for the establishment of private pension plans. Although the response has been gratifying in terms of the number of such plans which have been instituted, the very fact that most pension programs have been in existence for so few years, has created a serious problem. Since most pension plans are newly created they are still far from being fully funded even where an adequate program of funding has been undertaken. In fact, present tax regulations preclude the funding of past service liabilities in less than about twelve years.

As a result termination of a pension plan may mean that the funds accumulated are inadequate to pay full pensions even to those nearing retirement age, let alone to protect the benefits of other workers who may find that the security they thought they had established for their older years, through the accumulation of pension credits, has disappeared overnight.

This reinsurance proposal would insure to the worker at the pension security which he has rightly come to expect; and because of its self-financing feature would not result in the expenditure of 1 cent of public funds. It would protect a worker's investment in a pension fund just as his savings are insured if deposited in a savings bank or a savings and loan association by insurance through a Government corporation. It would also insure the obligations of the fund to make future payments to him just as a mortgagee's right to receive future mortage payments is insured by Federal Housing Administration. And, most important, it would recognize proper priorities by protecting wage workers no less than those fortunate enough to have money to invest in stocks.

C. PENSION RIGHTS PROTECTED

Based on a conservative actuarial study of the limited data available, the maximum premium rate set by the bill is adequate to protect all credits earned under private pension plans against the risk of termination. Those who are concerned about the adequacy of the premium should be further reassured by the fact that it is higher than that set out in some of the other proposed legislation on this subject. If the premium proves to be excessive there are provisions to reduce it. If, by some chance, the premium should prove to be insufficient, the bill establishes a series of priorities for protection.

The highest priority would go to those who have already retired and who are receiving a pension and to those who are eligible to retire under the terms of their plan and who have attained normal retirement age. Next in line for consideration would be those who are eligible to retire by virtue of having attained the age specified in the plan for early retirement. If early retirement is not provided, age sixty, the usual age for early retirement, would be used.

Finally, reinsurance would be provided for all other pension credits in an order to be determined, if necessary, by the Secretary of Labor on the basis of expert advice.

This last classification would provide the extensive coverage of early earned pension credit referred to earlier as the ultimate goal of this proposal. The desirability of such extensive coverage, if at all feasible, need not be restated. Since the degree to which pension liabilities are to be covered is not made contingent on the vesting provisions of the individual pension funds, the question of what measures, if any, should be taken to establish broader vesting of pension rights in on-going pension plans need not be considered here.

It should be understood that insurance of credits for those not yet at retirement age would not mean immediate payments under the pension reinsurance system. Payments would only be made when the individual reaches retirement age. This delay also represents an additional guarantee that the premium can be set at a proper and adequate level and can even out the effect of short term fluctuations in plan terminations.

D. PENSION PLANS ELIGIBLE FOR INSURANCE

The proposal contemplates insurance for all private pension plans which qualify under the Internal Revenue Code and which have been in operation and have paid premiums for a specified number of years before the insurance became effective. The program would exclude "pay as you go" plans but would include all funded plans whether the funding payments are deposited with an insurance company or in a trust fund. The program would cover those plans which provide for terminal funding, those which provide for the funding of all future service liabilities but only pay interest on unfunded liability, and those which provide for the funding of both past and future service liabilities. It is recognized, of course, that since these different types of plans have significantly different levels of funding, that the unfunded liabilities will vary from plan to plan. Since it is this unfunded liability that will be insured, the amount of the individual plan's premiums will be computed on the basis of the amount of unfunded liability.

The bill does not propose any funding requirements beyond those already imposed by the Internal Revenue Code. However its administration will lead to the accumulation of experience which will allow an informed judgment on whether any additional funding legislation is necessary. Such legislation might be desirable if it is determined that the reinsurance scheme would progressively become more expensive because of the large unfunded liabilities of aging firms.

E. RISKS AGAINST WHICH THE SYSTEM SHOULD INSURE

A pension reinsurance system must take into account all risks to earned pension credits if it is to provide a meaningful sense of security to the employee. These risks fall into two categories: (1) risks to the plan which depend on the degree to which it is funded, and (2) risks to the plan which depend on forces outside of it and which operate irrespective of the extent to which it is funded.

A clear example of a risk in the first category would be the case of a partially funded plan terminated because of the business failure of the employer. In such a case the risk insured against would be its unfunded liability which is attributable to the rights which are insured. As previously pointed out, the premium for insurance of this risk would be determined by the amount of unfunded liabilities.

Since the reinsurance plan is basically underwriting the benefit levels set forth in the plan, the amount of the unfunded liability, both for the purpose of determining the liability insured and the premium charged, would be determined on the basis of a set of standard actuarial assumptions and procedures. These actuarial assumptions and procedures would be determined by the Secretary on the basis of meetings with the expert Advisory Council established specifically for the purpose of consultation on the proposed program.

When the employer has not gone out of business, but has closed a plant or reduced the work force, continued funding of the past service liability may become such a burden as to jeopardize the existence of the remaining operation. To protect the rights of both terminating and continuing employees, the bill provides sufficient flexibility so that where there is a partial termination as determined in accordance with Internal Revenue Service Regulations (Code, sec. 401 (a) (7)), an appropriate portion of the assets could be allocated to the terminating employees. The reinsurance would then pick up any additional liability on behalf of those employees. The employer would continue operation of his plan, with the remaining assets, on behalf of the continuing employees.

Where there is no termination, the program would not normally be applicable but if there is a severe reduction in the work force due to cessation of some operations, it is contemplated the program would include regulatory provisions permitting assumption of a part of the liabilities. The severity of a reduction in work force would be measured by whether the per capital past service amortization payment on a plan exceeds some specified percentage (for example, 200 percent) of the initial per capital past service amortization payment. The reinsurance would assume any past service liability financing required which is in excess of the specified percentage.

A second type of risk different from those discussed above and which should be indirectly insured against, is the risk of depreciation of the funded assets. The overall degree of risk involved in such situations is probably very slight. However, the bill would allow the establishment of formulas and standards concerning the assets which can be deducted from gross liabilities to establish the unfunded liabilities. Assets of dubious value or held without adequate guarantees of fiduciary responsibility could be wholly or partially excluded from calculations with the result that the insurance premium would increase. The bill would therefore do its part in promoting high standards of administration and investment.

F. ESTABLISHMENT AND ADMINISTRATION OF REINSURANCE SYSTEM

The reinsurance program should be placed under the direction of the Secretary of Labor since his department is responsible for the protection of workers and already collects detailed annual information on assets, costs and actuarial liabilities under the Pension and Welfare Plans Disclosure Act and duplication of reporting can thus be avoided. Close cooperation will be required with the Internal Revenue Service which would impose the sanction of disqualification on plans which do not participate in the program and which could make a plan ineligible for the program if it failed to satisfy its minimum funding standards. Cooperation would also be desirable with the Social Security Administration which has the machinery to notify beneficiaries of rights. Further, these two agencies also have useful technical expertise.

The legislation authorizes the Secretary to borrow moneys from the Treasury for the establishment of a reinsurance fund. This money would be repaid by the premiums which the fund would receive and the legislation would thereby achieve a self-financing status at no cost to the public.

Mr. HARTKE. Mr. President, the legislation the Senator from Maine (Mr. MUSKIE) would establish—S. 2348—is a federally chartered corporation to protect securities investors against losses resulting from financial failure of broker-dealer firms. The amendment I offer would protect the private pensions of millions of American workers through Federal insurance of their pension plans. I believe the need for insurance plans which would protect both the securities investor and the average wage earner is obvious. The justice of offering protection not only to investors, but also to American workers is equally clear.

It goes without saying that I applaud the basic intent and purpose of S. 2348. When President Nixon spoke to this problem in his economic speech of June 17, and called it one of the measures needed to "help the people who need help most in a period of economic transition," I quickly indicated my support. And it has been my pleasure to support the previous initiative and imaginative leadership of the distinguished junor Senator from Maine (Mr. MUSKIE). Senator MUSKIE was the original sponsor of this bill and when it becomes law it will be because of his efforts.

But it is vital to discuss at this time a problem of at least equal importance which lends itself to a similar remedy. And that is the problem of private pension plan failures. Let us examine the dimensions of the problem. In 1940, private retirement plans covered 4.1 million employees. In 1950, this coverage had jumped to 9.8 million. By 1960 it was 21.2 million, and by 1965 it was well over 25 million eligible workers. During the same period, assets generated by the plans rose from $2.4 billion in 1940 to more than $12 billion in 1950, $52 billion in 1960, and $85.4 billion in 1965.

Today it is estimated that close to 27 million workers are covered by pension plans and their combined assets exceed $100 billion, or more than four times the assets of the Federal old age and survivors insurance fund.

This rapid growth of private pension plans from 1940 to 1970 can be attributed to a number of factors. Among these are the continuing industrialization trend, the favorable tax treatment afforded to pension plans, the expanded influence of the American labor movement, and the special economic conditions which prevailed during World War II.

The continued vigorous growth in the absolute number and the worth of pension plans, has made the problem of pension plan failure increasingly serious. Between 1950 and 1965, 4300 pension plans were terminated. These plans covered 225,000 employees. On the average, approximately 20,000 workers a year had their pensions affected by plan failures. A study conducted by the Bureau of Labor Statistics indicated that there was a "marked upward trend" in the frequency of pension plan terminations during this 1950 to 1965 period. The Bureau of Labor Statistics attributed this uptrend to the dramatic increase in the number of plans. It is predictable, therefore, that the number of plan failures will continue to increase with the creation of new plans. But as yet there is no protection—I repeat, no protection—for the worker who is unfortunate enough to be with a company which fails and leaves him with no pension benefits.

My own interest in this problem dates from 1964 and the failure of the Studebaker Corp.'s pension program in South Bend. When Studebaker closed its doors in South Bend, Ind., the workers pension plan had $25 million in assets, but there were more than 10,000 employees who had a claim on that amount. Of that 10,000 employees, there were 4,000 workers between the ages of 40 and 59 with at least 10 years of experience—sufficient to give them vested rights under the Studebaker plan—who received only 15 percent of the equity they had invested in the program. Even worse, an additional 2,900 workers received absolutely nothing on their investment.

The tragedy of Studebaker is but the most striking example of a problem which is as bad today as it was in 1964. Today's economic uncertainties fairly well guarantee that there will be a dramatic upturn in the number of pension plan failures in the next few months. In the absence of some system of pension plan insurance, it is certain that the workers affected by these most recent failures will have their pension expectations for the future severely compromised.

Since the Studebaker closing, I have introduced legislation in each successive Congress designed to meet the problem. This legislation establishes a Federal insurance program which would be self-financing through premiums assessed on the unfunded liabilities of all eligible pension plans. A pension plan would be eligible for this Federal insurance protection only if it met present qualifying requirements of section 401 of the Internal Revenue Code. These are the same requirements which determine the eligibility of pension funds to tax exempt status.

The legislation provides that every eligible pension plan shall pay a uniform premium based upon the unfunded obligations of each insured fund, but in no case will this premium exceed one-half of 1 percent for each dollar of unfunded obligations. The Secretary of Labor, whose department is given general jurisdiction over the reinsurance program, is given general authority to set the premium rate. The program is placed under the direction of the Secretary of Labor since his department is already charged with the protection of workers' interests and already collects detailed annual information on assets, costs, and actuarial liabilities under the Pension and Welfare Plans Disclosure Act. It is recognized that close cooperation will be required with the Internal Revenue Service which would impose the sanction of disqualification on plans which do not participate in the program and which would make a plan ineligible for the reinsurance program if it failed to satisfy the minimum funding standards established by IRS.

My legislation authorizes the Secretary to borrow money from the Treasury for the establishment of a reinsurance fund. It is not contemplated that this initial Treasury loan should have to exceed $10 million in amount. This loan would then be repaid as soon as sufficient incoming premiums are received from covered pension programs.

Since this reinsurance plan is underwriting the benefit levels set forth in each insured plan, the amount of the unfunded liability in individual funds would be determined on the basis of a set of standard actuarial assumptions and procedures. These actuarial assumptions and procedures would be determined by the Secretary of Labor in cooperation with an expert Advisory Council established for this, as well as other purposes. It is anticipated that these actuarial standards will not unduly deprive pension fund trustees of flexibility in the management of a plan's unfunded liability.

When the employer has not gone out of business, but has closed a plant or reduced the work force, continued funding of the past service liability may become such a burden so as to jeopardize that existence of his remaining operations. To protect the rights of both terminating and continuing employees in this situation, this legislation provides sufficient flexibility so that where there is a partial termination determined in accordance with present IRS regulations, an appropriate portion of the assets could be allocated to the terminating employees. The Federal reinsurance program would then pick up any additional liability on behalf of those employees. The employer would continue operation of his plan, with the remaining assets, on behalf of the continuing employees.

It should be clearly understood that insurance of pension credits for those not yet at retirement age would not mean that the pension reinsurance system would be liable for immediate payment upon a plan's failure. Rather, payments would only be made when the individual worker reaches retirement age. This guaranteed delay in the payment of pension benefits under the reinsurance system further insures that the insurance premium established by the Secretary of Labor will be adequate to meet even short-term fluctuations in the rate of plan terminations.

If by some chance, however, the premium set by the Secretary proves inadequate, this legislation establishes a series of priorities for protection of the employee benefits. The highest priority would go to those who have already retired and who are receiving a pension and to those who are eligible to retire under the terms of their plan and who have attained normal retirement age. Next in line for consideration would be those who are eligible to retire by virtue of having attained the age specified in the plan for early retirement. If early retirement is not provided, age 60, the usual age for early retirement, would be used. Finally, reinsurance would be provided for all other pension credits in an order to be determined, if necessary, by the Secretary of Labor on the basis of expert advice.

This brief analysis was meant to show that my proposal directly meets the numerous problems created by pension plan failures but is not so technical that it will deprive pension funds of needed flexibility.

Critics of the pension reinsurance concept have claimed that a pension reinsurance program, with its additional cost to management, would stifle the growth of private pension plans. I think this is clearly incorrect. The enormous increase in the number of plans since 1940, with a parallel increase in their worth, is indicative of their tremendous popularity. A proposal which would better guarantee that these plans will not disappoint the expectations of those they are supposed to benefit should not materially hinder their expansion, but should help.

Of late it has become fashionable for these same critics to argue that pension reinsurance proposals are not needed because the number of pension plan terminations is "insubstantial." I believe this argument is likewise flawed. As I have indicated, more than 20,000 workers a year—on the average—have their pensions affected by plan failures. I do not consider this to be insubstantial. I do not consider this to be minimal. I do consider it to be wrong.

It is for that reason that I offer this legislation as an amendment to S. 2348 and urge that it become title II of the pending legislation. I am impressed by the speed with which the Congress has acted to protect the pension benefits of those who would invest in the stock market. I hope that it will not do less for the average American worker whose future security depends upon the strength of his pension.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I yield.

Mr. PERCY. First, I would like to commend the Senator from Indiana for bringing up this matter and calling to our attention a very serious problem.

I know the Senator's deep feeling about the Studebaker situation. As an employer at that time with some close proximity to the Studebaker plant, the company I was associated with interviewed a great many of those workers. The tragic part was that even when they were placed in other industry and found other jobs, for some of those employees there was involved the loss pension fund savings over a quarter of a century or 30 years.

At that time there occurred to me the wrongness of our procedures and systems in the private sector that would enable that to happen. Many things can be done, of course. Individual companies can invest much faster, to prevent a failing situation. But many times we have an employee transferred out of a company or laid off and they are not fully protected in their pension rights, or perhaps only 20 percent after 20 years, so there is a hardship in that situation.

I feel there is an area here for government protection. Many avenues need to be explored other than just the case of a failing company. This is a very serious situation.

I would like to ask whether the letter that Leonard Woodcock sent to members of the committee has been printed in the RECORD.

Mr. HARTKE. It has not been and it should be.

Mr. President, I ask unanimous consent that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 25, 1970.

U.S. SENATE,
Washington, D.C.

DEAR SENATOR: I am advised that Senator Hartke intends to offer his bill, S3517 to provide for reinsurance of pension benefits, as an amendment to S2348, the bill to protect Wall Street speculators against losses due to failure of their brokers.

My purpose in writing is to urge, with all the emphasis at my command, that you support the amendment.

I hope you will forgive me for saying bluntly, because I feel so strongly about this subject, that I do not understand how Senators can in good conscience act in haste to protect speculators while continuing to ignore the long-standing need for protection of promised pension benefits.

I am enclosing a copy of an earlier letter I sent you to refresh your recollection of what is involved.

I do most earnestly beseech your help in this matter on behalf of many thousands of Americans who need it urgently.

Sincerely yours,

LEONARD WOODCOCK,
President.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA–UAW,
Detroit, Mich., July 2, 1970.

DEAR SENATOR: I am writing to you and to other members of the Congress to urge that at least as much consideration be given to public reinsurance of the accumulated private pension rights of workers as is being given to bailing out both Wall Street speculators whose brokers go bankrupt and the stockholders of the Penn-Central Railroad.

In his June 17 televised address on the state of the economy, President Nixon told the nation that we are in transition from a wartime to a peacetime economy. Senator Mansfield and economic indicators suggest that the word for our situation is recession. We in the UAW are struck by the fact that whether we are in an economy of war, peace or transition, in recession or what passes for prosperity, the conduct of government and economic affairs remains too largely in the grip of a double standard: all Americans are equal, but some Americans are more equal than others. Walter Reuther used to refer to this double standard as Park Avenue socialism for the rich and free enterprise for the poor. The President's program "specifically addressed to help the people who need help most in a period of economic transition" reflects that double standard. Mr. Nixon called for:

"Establishment of an insurance corporation with a Federal backstop to guarantee the investor against losses that could be caused by financial difficulties of brokerage houses . . ."

Yet he made no reference to and indicated no support for a longpending proposal to provide similar insurance to meet the urgent need of wage-earners and lower-salaried workers who stand to lose the protection of privately negotiated pensions if the companies they work for should go out of business before their pension programs are fully funded. Yet the closing of plants and the wiping out of workers' pension rights are an obvious potential consequence of a transition from war to a peace economy, while it is difficult to see any necessary connection between such a transition and trouble in brokerage houses.

Again, the collapse of the Penn-Central Railroad has brought on the spectacle of Administration figures falling over each other in their haste to shore up the managements and to protect the stockholders of the Penn-Central and other threatened lines through massive infusions of Federally guaranteed loans. The Secretary of Transportation admitted that such action to help the Penn-Central management would be "gambling" on "high-risk loans." Nevertheless he attempted to panic the Congress and the country with the hobgoblin of nationalization of the railroads if the risk were not taken. And the President himself, in his June 17 speech on the economy, authorized the gamble by calling for:

"Legislation that will enable the Department of Transportation to provide emergency assistance to railroads in financial difficulties."

We in the UAW are not in principle critical of financial aid to stricken corporations. Nor are we necessarily opposed to action to protect investors or even speculators from losses stemming from financial difficulties of brokerage houses. Yet we ask: Are these people—the well-heeled managements of conglomerate corporations and others affluent enough to be able to speculate in Wall Street—among "the people who need help most in a period of economic transition"?

We think not. These people may need help, but they certainly need help less than the poor, the unemployed, and millions of aging Americans for whom retirement brings a severe slash in income that frequently means ending their days in poverty.

The President gave a thought to these older Americans in his economic speech, proposing that the Congress tie Social Security benefits to the cost of living. This would be helpful, but tying a poverty retirement income to the cost of living would merely guarantee an unruffled prolongation of poverty.

It is the gross inadequacy of Social Security benefits that has given privately negotiated pension rights such crucial importance in workers' hopes and plans for retirement. Yet the President was silent with respect to the plight of the many American workers who own no railroads and possess no stock portfolios to speak of, only a private pension promise that offers them hope of a standard of life in retirement beyond the bare minimum possible under Social Security. Public reinsurance of private pension funds—similar to the insurance provided since the 1930s for bank deposits and akin to the backstop Federal protection the President asks for investors—would bring all of us closer together and nearer to fulfillment of the American dream of which Mr. Nixon spoke to such applause in his address to the Junior Chambers of Commerce.

The number of persons dependent upon private pension plans is far greater than the number of Wall Street speculators and Penn-Central stockholders whose problems have generated the urgent concern and precipitate haste of an army of would-be rescuers. Some 28 million persons are presently covered by private pension plans and it is forecast that 42 million will be covered by 1980.

In contrast to the handful of brokerage firms that have experienced difficulties and the one railroad recently forced into receivership, some 4,000 pension plans were terminated in the United States between 1955 and 1965. These terminations, all too frequently, subjected affected workers to the double tragedy of lost jobs and loss of substantial prospective pension rights at a stage in life when they had little or no opportunity to earn further pension entitlement.

We in the UAW have been pressing since 1961 for an insurance program to protect private pension funds. Delegates to a UAW convention that year, comparing the promissory nature of bank deposits and pension plans, declared:

"Pension plans also represent private promises, this time by employers, which they may not be able to keep if they get into deep financial difficulties before the plans have been fully funded. These plans are so widespread and private pensions to supplement social security have become such an integral part of our system of providing for retirement that their protection must also be accepted as an essential feature of public policy. The catastrophe to the worker who sees the security which his pension rights represent to him swept away by the failure of an employer is just as great as the catastrophe of the depositor who loses his lifetime savings in a bank failure. The solution is essentially the same."

Congress in the relatively prospering early 1960s was not impressed by the reality or urgency of this problem and failed to enact legislation which would have shored up the security of workers' pensions. Then, 5 days before Christmas 1963, the last car came off the South Bend line of the Studebaker Corporation, and as a result some 4,400 workers between the ages of 40 and 59, who had earned a vested pension right through ten or more years of service to the corporation, found that right meaningless when their plant shut down with only enough money in the fund to provide pensions to workers age 60 and over. As a result, workers with as much as 40 years of seniority who, even if they found another job, were too old to start acquiring new pension credits from another employer, were left stranded.

The collapse of Studebaker dramatized the predicament of its workers and of workers in other companies who might also find the paper promises implicit in unfunded pension rights repudiated as a result of plant closings. Still the Congress failed to enact a pension reinsurance law, leaning heavily on the argument that great technical difficulties in framing such a law stood in the way.

As of February 26, 1970, when Walter Reuther made a plea for a pension reinsurance law in one of his last statements to the Congress, the opposition no longer rested on technical difficulties; it was more or less conceded that, as Mr. Reuther said, for a small premium cost spread universally over all plans, they could be protected. The argument had now shifted to the claim that there was no need for such a protective mechanism, since only a small percentage of workers were affected in what was after all but an "incidental failure" of the present system.

Mr. Reuther stated that this is the logic to be expected from a computer but not from a human being. He called for:

"A balanced combination of adequate public and private pension plans, with appropriate public support assuring the fulfillment of expectations of the private sector . . ."

And he stated:

". . . As the richest nation in the world we cannot continue to deny our older citizens their measure of economic justice and human dignity. We must act now to assure society's promise to present retirees and to avoid the potential failure for even a small number of the millions of workers rightfully anticipating a secure retirement."

The closing down of plants or operations is not a rare occurrence in any industry in our economy. In our own industry, we think of Hudson, Studebaker, Packard, Kaiser-Fraser as well as a host of smaller companies. Nor has it been rare in recent years for plants to close or operations to end, wiping out the hopes of security in retirement for men and women too old to start from scratch on other jobs. In recent years the UAW has been obliged to close out negotiated pension plans for a variety of reasons: a fire totally destroying the plant; the close-out of a smaller plant bought by a larger company; part of an operation discontinued because an obsolescent plant had become uneconomic. The latest closing of a plant under contract to UAW took place on July 1, 1970, with its pension plan 11 years away from full funding. Among the victims of that closing were a man and a woman, both 52 years old, each with 37 years of service. Because of their age, their entire 37 years with the company were washed out as far as pension benefits are concerned.

When plants are closed down, there is apt to be talk about "the price *we* pay for progress"—yet that price is too often inequitably distributed, entailing, for example, a more efficient operation for the employer but unemployment and a wiped-out pension promise for the worker. Certainly from the fruits of the progress that we are all supposed to enjoy, assurance can be given that the security of pension benefits will be maintained.

The President speaks of the people who need help in a period of economic transition. But it should be clear that for wage earners and to a somewhat lesser extent for salaried workers, the "transition economy" is not a sometime thing but a permanent aspect of their lives. Blue-collar workers particularly work and live all their lives on the cutting and bruising edges of technological and economic change, in war and peace, in sickness and health, in youth and age. A special White House panel that studied the problems and needs of blue-collar workers has within the last few days transmitted a report to the President urging Administration action to deal with the economic and social needs of such workers, whom the report described as economically trapped and socially scorned. It is primarily these workers and their families, rather than railroad managers and speculators, who need help.

We detect a disproportion in the rationing of the President's concern, a show of preference for a kind of Wall Street or Easy Street welfare state which if indulged by the Congress would come dangerously close to—if it did not actually arrive at—a politics of class verging on the classic Marxian strain.

In this disturbing situation, we feel that the Congress has a strong role to play and a considerable responsibility to play it. The question of establishing a pension reinsurance system has been in Congressional limbo for years. The President of the United States has asked the Congress to produce legislation to insure investors against their losses. We earnestly hope that the Congress will now see the substantive and symbolic merit of enacting a pension reinsurance law without further unseemly delay. Having thus offered assurance of retirement security to American workers, the Congress could then go on with good grace to consider the security needs of Wall Street speculators.

If we are to bring this country together, we are going to have to curb the impulse of Wall Street socialism in favor of much larger doses of Main Street and back-street democracy—on both sides of the railroad tracks. Treating Americans more equally would facilitate our progress not only toward a peacetime economy but toward a more peaceful society as well. Enactment of a law to protect negotiated pension funds would be one firm step in that direction.

Sincerely yours,

LEONARD WOODCOCK,
President, International Union, UAW.

Mr. PERCY. It is desirable to have the letter in the RECORD because the letter forthrightly lays out the problems. As Mr. Woodcock indicates, and he is blunt about it, he cannot understand how in good conscience Congress could act to protect speculators. I quibble with his wording as we are not talking about investors as speculators. We are talking about millions of Americans who are investing. But it is true there is always risk when one invests in anything, including U.S. savings bonds. What Mr. Woodcock is saying we cannot ignore the long standing need for protection.

I agree. I would like to ask the Senator this question. There are other areas, other than the failing company, that should be looked at. We should look at faster investing and transferability because many times employees could move to some other area but they do not dare to do so because they would lose their pension rights. Has any arrangement been made for hearings with the Committee on Finance? I think it is urgent that we have hearings covering workers' rights.

Mr. HARTKE. First, I thank the Senator for his endorsement of this proposal. I think the proposal is a worthy one.

The other items were raised before the Committee on Finance in 1968. Other committees have held hearings on the questions of pensions and what they do for people.

This has been one of my objections to wage and price controls because in the pension system, that was the way in World War II to avoid wage increases. That is a fact of life, but it did work benefits for the working people.

The question of cost is an extremely difficult question which is going to require a lot of thought, and will be much difficult to implement.

However, take the man who has a pension plan and feels he cannot give up his pension, and, therefore, he is forced to stay in a job he may hate every day, and he may hate it all the more because he has not been able to extricate himself from that job. That is slavery to a person's job. The man wants to work and provide for his family, but he has no mobility because of the pension plan. We always say we have a free and mobile society, and that is true. However, a pension has a great deal to do with a person's mobility.

If we can pass the tripod legislation which will be before the Senate next week, the legislation dealing with social security, welfare planning and imports in one package we might have time next year to devote to pensions. Otherwise I do not know when we will be able to do so.

Mr. PERCY. That is a big if. I would hope that we could still take it up next year. The Committee on Finance will be able to go into this matter again. Has the Senator from Indiana any understanding with the Committee on Finance as to whether the committee can look forward to hearings on this matter of protecting pension rights?

Mr. HARTKE. I have found that in the Committee on Finance I can have hearings that I request if I am willing to be the lone man who does the hearing. I am willing to conduct hearings myself.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. JAVITS. I wish to tell the Senator in advance I am going to oppose his amendment. I do that because he is my friend and I do not want him to answer my question without knowing that.

Could the Senator give us an estimate of the annual premium called for under his amendment?

Mr. HARTKE. How much will be collected?

Mr. JAVITS. The amendment states one-half of 1 percent of unfunded liability.

We are entitled to know how much that is.

Mr. HARTKE. That is determined by the Secretary of Labor. The percentage amount would be one-half of 1 percent.

Mr. JAVITS. So the Senator can give us no money estimate of the amount of premium payable every year.

Mr. HARTKE. No such estimate is available. I do not think one can be made until a study is made by the Department of Labor in this field. In certain areas there has not been the most efficient regulations to deal with control of pension plans.

Mr. JAVITS. Does the Senator know that the Senate appropriated $265,000 to a subcommittee of the Committee on Labor and Public Welfare headed by the Senator from New Jersey (Mr. WILLIAMS) expressly for the purpose of examining into all phases of this matter, including reinsurance; that that subcommittee has issued a very broad scale questionnaire to the pension funds of the Nation and has arranged for the compilation of the replies, and the committee is heavily engaged in that now in finding out the very things the Senator said need to be found out before he can give a money estimate of what it would cost a year.

Mr. HARTKE. I have not said that is the purpose of the $265,000 that has been allocated for a study. That study is much broader and it deals with what the Senator from Illinois referred to. We held extensive hearings in 1965 in the Committee on Finance on this matter. The information which is available is sufficient for us to move into one limited field of pensions. I am not in disagreement that there is a lot of work to be done in the field, as the Senator from Illinois indicated, and the Committee on Labor and Public Welfare is going to have plenty to do with that $265,000.

Mr. JAVITS. Will the Senator advise us whether or not it is true that in the 1966 hearings to which he referred former Secretary of Labor Wirtz questioned this very proposition?

Mr. HARTKE. I understand he did.

Mr. JAVITS. Mr. President, I ask unanimous consent that the testimony of former Secretary of Labor Wirtz be inserted in the Record at this point.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

TESTIMONY OF FORMER SECRETARY OF LABOR W. WILLARD WIRTZ

We are at the start, as the President has said, of "a great new era for older Americans," when we are beginning to recognize "the right to an adequate income," "the right to a decent home," and "the right to a meaningful retirement." The private pension system is a vital element in the achievement of these rights.

This is a matter of personal financial security for millions of individuals. Annual benefit payments from these plans now total some 3 billion—to almost 3 million beneficiaries. By 1980, coverage of these plans is expected to increase from the approximately 25 million employees now covered to about 42 million. Over the same period, the present $85 billion held in these funds will probably grow to $225 billion. Mr. Chairman, members of the committee, we have gotten used to figures so large that their impact is sometimes lost on us. I can only point out that these are figures of magnitude which in my judgment warrant the country's most serious attention to this problem.

These facts make it plain that the Nation, as a whole, has a major stake in the private retirement system. Although no public funds are utilized directly to finance private pensions, practically all private plans have met the qualifications for special income tax treatment. As a result, a given pension system can be financed by a 30-percent-lower rate of contributions. The burden of these tax reductions is, of course, shifted to other taxpayers. Private retirement plans, moreover, represent a force of substantial magnitude in the financing of the economy, the mobility of labor, and the later lives of the plan participants.

These important considerations require a continuing public concern with the operations of private pension plans. Congress has already demonstrated this concern in enacting various provisions of the Tax Code, the Labor Management Relations Act, the Securities Exchange Act, and the Welfare and Pension Plans Disclosure Act.

More recently, the public stake in the private pension plan system was emphasized when the President established in March 1962 a Committee on Corporate Pension Funds and Other Private Retirement and Welfare Programs. I have had the privilege of serving as Chairman of this interagency Committee which looked into a broad range of problems relating to private welfare and pension plans. In its January 1965 report, the Committee recommended a number of measures to strengthen the private pension system. I should like to interrupt, Mr. Chairman and members of the committee, to pay my respects to that Commitee with which it was my pleasure to work. It is a Committee which has taken its assignments more seriously than any other which it has been my privilege to work with while I have been in the Government. It reached unanimous conclusions on every single point. It favored, for example, strengthening the minimum standard for funding and introducing a standard for vesting. It went on to suggest that a system of insurance to protect beneficiaries in the event of plan termination was "worthy of serious study." That appears at page 58 of that report which I should like to offer as part of the record before this committee, identifying it as "Public Policy and Private Pension Programs," a report to the President on private employee retirement plans by the President's Committee, for such disposition as the committee may care to make of it.

(The report, "Public Policy and Private Pension Programs," was filed with the committee.)

This hearing is concerned with a specific proposal to enact such a system of insurance. It is aimed at providing protection for beneficiaries in the event the pension plan is terminated without sufficient funds to meet accumulated pension obligations. To the breadwinner who has planned his retirement in the expectation of regular pension payments, the failure to fulfill these payments is obviously a crushing blow to his hopes, his plans, and his aspirations. I would like to commend this committee for these hearings, for inquiring into a matter which is at once highly complex and highly charged with the public interest.

It is clear that many plans do not now afford beneficiaries adequate protection against the loss of their accrued benefits. Employers customarily reserve the right to discontinue contributions at any time and do not assume contractual liability for any deficiency if the assets in the fund are not adequate to pay the benefits under the plan. If the plan is terminated for any reason, the employer has no further obligation to contribute to the fund.

Union agreements may somewhat minimize these risks. Multi-employer agreements, for example, typically provide for a fixed rate of contributions, such as 10 cents an hour or 3 percent of payroll. Single employer plans, on the other hand, may require that a specified funding plan be followed to provide certain benefits. Nominal plan plus amortization of past service costs over 30 years just as an example. Yet in all these instances, the employer's obligation ceases when and if the plan should terminate.

Let me illustrate the problem by referring to the experience of the pension plans of a few prominent concerns. In general, these plans were operated in the same prudent manner as those of other highly respected corporations. Yet, in each case the plan termination left many employees without the retirement protection on which they had been relying. You have already referred, Mr. Chairman, to what is the classic example, the 1964 closing of the South Bend, Ind., plant of the Studebaker Corp. In this instance, the available assets were adequate to assure all eligible participants of full pension payments. However, these payments so depleted the fund's assets that employees with vested rights—those between ages 40 and 60 and with 10 years of service—received lump sum payments that were equal to only 15 percent of their accrued benefits. No payments were made to the remaining participants.

A similar situation occurred when the Packard Motor Co. shut down its Detroit plant in 1955–56 and terminated its plan in 1958. The Steelworkers union has listed 30 plans that have terminated owing to plant closings in the past half-dozen years. They include such plants as Superior Steel in Pittsburgh and Atkins Saw in Indianapolis.

To help meet the problem of plan failures owing to bankruptcy, the Department of Labor has, for a number of years, actively supported legislation which would treat payments due to funds or plans as wages for the purpose of the Bankruptcy Act. Such treatment would entitle these obligations to a limited priority under that act. While legislation of this type might be helpful, it is obviously an answer to only a very small part of the problem. The law could be brought to bear only if the employer had an outstanding legal obligation to the fund. Little benefit would be derived if the employer's assets were insufficient to meet even its priority debts. And, in almost all terminations, the problem is not that employers are delinquent in their payments to the fund but rather that the fund's assets, including any such delinquencies, are not sufficient to pay the accumulated pension obligations.

The Welfare and Pension Plans Disclosure Act, which the Department of Labor administers, is of limited usefulness, too, in this area. As important as this law is, it affords little or no protection against failures due to discontinuance of operations by an employer, poor business judgment, decline in value of fund assets, or other such causes. The act specifically denies the Secretary of Labor any authority "to regulate, or interfere in the management of, any employee welfare or pension benefit plans," except for the limited purpose of inquiry into investments and actuarial assumptions, under special procedures and on presumption that the act has been violated.

The legislation which you are considering today, S. 1575, is a serious constructive attempt to deal with these difficulties and to provide beneficiaries of private pension plans with limited protection through a Federal reinsurance program. For this and other reasons already stated, I wholeheartedly endorse the purposes and objectives of this bill.

In considering this proposal, it is important to keep in mind that there are often no perfect solutions to difficult problems. Until others come up with better answers, this bill, honestly put as it is, is as much entitled to the field of our consideration as any other proposal aimed at correcting these obvious ills.

In discussing this issue, it is important for the committee to keep in mind that this proposal is aimed at providing an important aspect of protection to plan participants; namely, protection in the event of the plan's termination. There are, however, additional public policy issues closely related to this problem. Among these are possible discrimination in coverage of the plan, protection against a plan's failure to provide benefits for lack of vesting, inadequate funding, and possible abuse of fiduciary responsibility in the management of pension funds. The present proposal, therefore, must be viewed as one possible step toward providing additional protection for plan participants, but it is by no means the only step which should be considered.

The difficulties in the path of developing a feasible system of insurance for private pension plans are many. The bill before you makes an admirable attempt to meet a number of these problem areas. Yet its provisions do raise some complex issues which require further study and discussion. I would like to refer to a few.

Perhaps the most important problem area involves the question of standards. If the Federal Government were to take upon itself the obligation of insuring private pension funds, compliance with certain minimum operating standards would appear to be required. Without standards to assure adequate funding, prudent investment practices, and competent, honest management of these plans, a reinsurance program could have the effect of subsidizing imprudent procedures and inadequate funding.

It is important to recall that other, somewhat analogous, Federal insurance programs embody necessary controls or standards. The Federal Housing Administration, for example, does not insure mortgages unless both the borrower and the property meet certain minimum standards. Similarly, the Federal Deposit Insurance Corporation and the Savings and Loan Insurance Corporation have standards that loans and investments must meet in order that banks and savings and loan associations may continue the insurance of their deposits.

Another question concerns the appropriate rate structure. The proposed legislation covers losses attributable to cessation of either part or all of an employer's operations and losses which occur when investments must be sold to pay benefits. There is little information available indicating how the risk of loss varies for these perils among types of employers and types of plans. It seems desirable that any rate structure reflect these differences in risk.

Other questions arise with respect to S. 1575. For example, it provides for termination of insurance protection whenever a plan or its operation fails to comply with basic requirements of the insurance system. The consequences of any such termination of insurance protection would, of course, fall most heavily upon the beneficiaries. Other methods of enforcing compliance should be seriously considered.

These are some of the problem areas which would appear to require additional study. In some areas, a start toward such study is being made. The Department of Labor, in cooperation with the Internal Revenue Service, has undertaken a special study of plan terminations aimed at identifying more closely the reasons for termination and their prevalence. I can give you, if you are interested, Mr. Chairman and members of the committee, just some of the prime indications of the study as it has already been undertaken but they will perhaps be very preliminary and inconclusive. An interagency task force is currently exploring problems affecting private pension plans. This group has planned a series of meetings with various groups outside of Government, including representatives of business, labor, and interested professional groups, to discuss a full range of problems, including reinsurance proposals.

Let me emphasize that these efforts currently underway can only serve as a starting point. By themselves, they cannot provide sufficient information to formulate an effective reinsurance program. Further studies wil undoubtedly be necessary. The Department of Labor intends to pursue these efforts with all due dispatch and to the limit of its available resources. We will work in collaboration with other Federal agencies concerned—especially the Treasury Department—and will provide the fullest cooperation to your committee in the development of legislative proposals.

Our efforts will be strengthened by the concern this committee is displaying by holding these hearings. We recognize full well the key role which the private pension system is playing in assuring retirement security to millions of employees. In general, this system has operated effectively, efficiently, and honestly. However, its continued success must not be jeopardized by certain weaknesses which not only may lead to the loss of retirement protection for many individuals, but also may undermine the public's confidence in the promise of the private pension system.

Thank you, Mr. Chairman.

("Federal Reinsurance of Private Pension Plans," Hearing before the Senate Committee on Finance, 89th Cong., 2nd Sess., on S. 1575, Aug. 15, 1966, at pps. 9–13.)

Mr. JAVITS. Mr. President, I wish to be recognized whenever the Senator is through.

Mr. HARTKE. Mr. President, can we proceed on this matter?

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. HARTKE. Mr. President, if there is no further discussion on this amendment——

Mr. JAVITS. Mr. President, there is going to be lots of discussion.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. HART. Mr. President, will the Senator yield?

Mr. HARTKE. For what purpose?

Mr. HART. For a comment on the amendment the Senator has offered.

Mr. HARTKE. Yes.

Mr. YARBOROUGH. Mr. President, may I ask the Senator to yield to me for a privileged matter?

Mr. HARTKE. Mr. President, I yield to the Senator from Texas for a privileged matter, with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from Texas is recognized.

Mr. YARBOROUGH. Mr. President, this take only a brief time. I would not do this except for time exigencies.

FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 3, 1970, pp. 39871–39873, CONGRESSIONAL RECORD.)

Mr. YARBOROUGH. Mr. President, I urge my colleagues to support this conference report on S. 2108, the Family Planning Services and Population Research Act of 1970. This act was introduced by the Honorable JOSEPH TYDINGS and cosponsored by 18 of us with him.

This legislation is designed to make comprehensive, voluntary family planning services and information readily available to everyone in the United States desiring such information. To perform this task and coordinate the Federal Government's programs in this area, an Office of Population Affairs is established in the Department of Health, Education, and Welfare.

The legislation includes project grants to public agencies and nonprofit organizations, formula grants to State health agencies, training grants for developing needed manpower, research grants, and money for informational and educational materials. While the Senate receded from its 5-year program to that of 3 years, we were able to get the general adoption of the Senate's funding levels, with the lone exception of construction grants which were not agreed to in the conference.

Specifically, the bill authorizes $382 million over the next 3 years for family planning programs, comprised of $72.75 million for fiscal year 1971, $129 million for fiscal 1972, and $180.25 for fiscal year 1973. These higher Senate-passed authorizations are necessary to give the needed emphasis and funding to developing a sound program of Federal assistance in the area of family planning.

At this time, Mr. President, I want to pay tribute to the distinguished senior Senator from Maryland, who is on the floor. While this bill comes out of my committee, the senior Senator from Maryland (Mr. TYDINGS) introduced the bill with 18 cosponsors, of which I am one. It was due to his diligence, that the bill went through the Health Subcommittee, the full Committee on Labor and Public Welfare, and passed the Senate overwhelmingly and went to the House.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the Senator from Maryland, who was the principal author of the bill and did so much to bring the bill to fruition.

Mr. TYDINGS. Mr. President, I thank the distinguished chairman of the Committee on Labor and Public Welfare for his comment and for his efforts in seeing this legislation pass the Congress of the United States. I introduced the bill with some 18 cosponsors, as the Senator indicated, was proud to do so. Representatives BUSH of Texas and SCHEUER of New York headed the cosponsorship list in the House. There were some 60 cosponsors in the House of Representatives.

The Senator from Texas (Mr. YARBOROUGH) was the first chairman of the Senate Committee on Labor and Public Welfare to hold hearings on such legislation. This is the third bill in the third Congress along these lines which I have introduced, and I am delighted that S. 2108 now becomes the law of the land.

It took some doing. We had to wear down the resistance of certain of the bureaucrats in HEW in order to get the bill passed.

I might say that it was a bit of a struggle to get some members of the administration to support S2108. Finally with some pushing, they changed their initial stance, which was in opposition, into support of the bill. With much work by many people, the bill was passed on the floor of the Senate, and passed, I should point out, without a dissenting vote.

Hearings were held in the House of Representatives. And the measure passed the other body. With the leadership of Representatives STAGGERS and PAUL ROGERS, along with the Senate conferees, the bill was perfected in conference. It now goes to the President for signature.

It may well be that this is one of the most significant pieces of domestic legislation to pass the Congress—not only in this Congress but in recent Congresses. It certainly is a crucial and much needed health measure.

I would again like to pay tribute to the Senator from Texas (Mr. YARBOROUGH), and Representatives BUSH of Texas and SCHEUER of New York for their leadership in securing passage of this bill. The bill puts the Congress of the United States on record in the belief that all mothers, no matter how poor, should have the right to determine the spacing and number of their children, a right that the rich and affluent mothers already have, and that further research should be carried on in the field of basic reproduction, and biological, gynecological, and contraceptive technology, just as such research should be pursued in the other health fields. The importance of this legislation can not be minimized. It represents a much needed step forward.

Mr. YARBOROUGH. Mr. President, I am grateful to the distinguished Senator from Maryland for his kindness toward me. I hapepn to be chairman of the committee and was in a position to facilitate the progress of the bill. Credit should go to the Senator from Maryland's persistence and willingness to do the work.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. JAVITS. Mr. President, I just wish to say that I introduced the administration's bill, which contained many of the provisions in the bill now before us to improve and expand the family planning services of the Federal Government. I think the Senator from Maryland (Mr. TYDINGS) has rendered a signal service to the country in the way he has worked so hard to get the concept of family planning accepted. I joined the Senator from Texas (Mr. YARBOROUGH) in working matters out in conference. I am very glad we were successful.

Mr. TYDINGS. Mr. President, I have one word.

The distinguished Senator from New York (Mr. JAVITS) was the ranking minority member both of the Health Subcommittee and of the full committee. It is the judgment of many that if it had not been for the leadership of Senator JAVITS, the administration might not have reversed its initial position and supported this legislation. Senator JAVITS' work and leadership in this particular aspect was crucial to the successful enactment of this legislation. I think his efforts should be recognized and commended.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 528. An act to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir;

S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program;

S. 1499. An act to name the authorized lock and dam No. 17 on the Verdigris River in Oklahoma for the Chouteau family;

S. 1500. An act to name the authorized lock and dam No. 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham; and

S. 3192. An act to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock.

The message also announced that the House had agreed to the amendment of the Senate to the amendments of the House to the bill (S. 3431) to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors.

SECURITIES INVESTOR PROTECTION ACT OF 1970

The Senate resumed the consideration of the bill (S. 2348) to establish a Federal Broker-Dealer Insurance Corporation.

Mr. HARTKE. Mr. President, I yield to the Senator from Michigan.

Mr. CRANSTON. Mr. President, over the last 2 years the general economic situation in the country has steadily deteriorated. Interest rates are at a near record high level, unemployment has soared to 5.8 percent and the latest cost of living figures show an annualized increase of 7.2 percent.

All segments of the economy have been severely jolted by the economic downturn. Needless to say, the securities industry is no exception. Wall Street is indeed in a crisis, as the cover story on one of the national news magazines declared a couple of weeks ago.

Over the past several months, approximately 150 brokerage firms throughout the country have been forced to liquidate. In my home State of California between July 1968 and July 1970, eight brokerage firms became insolvent, resulting in a loss to California investors in the neighborhood of $2 million.

The failure of one of the country's largest brokerage firms was narrowly avoided by a merger arranged at the 11th hour.

All these failures and near failures add up to one thing: a loss of confidence by the investing public in the securities industry.

I am deeply concerned over the plight of these investors. Many of them are small investors who have been literally wiped out because there is no Government or industry fund to protect them. Investors who have not been wiped out are unable to get their cash or securities back because their assets are frozen in bankruptcy proceedings which might take years to resolve.

S. 2348, is designed to protect investors against losses due to the failure of broker dealer firms. Under it, a nonprofit corporation would be set up to maintain and administer an insurance fund to protect a customer's losses up to $50,000 resulting from a broker dealer firm's insolvency.

I support this legislation and believe that it is a good first step toward giving the investing public the type of protection it needs.

I commend Senator MUSKIE for originally introducing this legislation and for the excellent job he has done on its behalf.

As a member of the Senate Banking and Currency Committee, I will continue to work with Senator MUSKIE and the other members of that committee to seek ways to make sure that the investing public is given maximum protection.

Just as I favor legislation to protect the investor in the securities market, so do I believe it fair, just, and essential that we have legislation to protect the worker whose investment is in the form of his contribution to his company pension fund.

Currently there is no legislation that will protect a worker's pension in the event a company's pension plan fails.

Senator HARTKE stated that his studies show that between 1954 and 1969, more than 10,000 company pension plans have failed, resulting in 400,000 workers with reduced or no pensions at all.

With the economic situation as it is, there is a distinct possibility that many more companies and their pension plans will go under, leaving thousands of workers out in the cold.

On September 29, 1970, Senator HARTKE introduced amendment No. 967 to S. 2348. Senator HARTKE's amendment provides for Federal reinsurance of private pension plans. The Hartke amendment is designed to afford to the working man—who does not have the funds to invest in the stock market—the same type of protection that is extended by S. 2348 to the securities investor.

The only form of investment that the average working man makes is his contribution to his company's pension plan.

I agree with Senator HARTKE, that we should act now to protect the American workers investment. I support the Hartke amendment and I urge my colleagues to give it their support.

Mr. HART. Mr. President, I shall be very brief. I simply rise to commend the Senator from Indiana for bringing to the floor today this amendment, which provides an opportunity, as I see it, to do something for the man about whom so many speeches have been made—the blue collar, honest, hard-working American.

The right of a family breadwinner to have an adequate pension is now rooted deeply in our tradition. Social security benefits are accepted parts of the system. Private pensions as a supplement to social security are today strong underpinning for the retirement needs of millions of our fellow citizens. In fact, some 21 million workers are covered by private pensions on file with the U.S. Department of Labor.

The issue before us is how we can best protect the private pension plan from sudden, unexpected collapse. This is not an imaginary fear—it happens; in a period of economic recession it happens increasingly. Plants shut down, a company goes bankrupt, a corporate takeover closes down an oldline operation. There are dozens of economic reasons why a particular operation can cease operation in good times and bad. What happens to the pension plans for the workers in those situations? Sadly, the pension rights for literally thousands of innocent employees in these circumstances is lost, without any way of recovering.

The classic example of a company shutdown was the case of the Studebaker Co. of South Bend, Ind. Here was a revered name in manufacturing which came to the end of the road, with the result that thousands of Studebaker workers lost all or most of their pension rights.

Let me cite an example in Michigan. On July 1 of this year the Gulf & Western's Metals Forming Co. in Ecorse, Mich., with 170 members of a UAW local shut down permanently. The company's pension plan was 11 years from full funding and thus there are not enough funds to meet all obligations for workers either presently retired or soon to be retired. And the pension rights for younger workers are entirely wiped out.

It is estimated conservatively that between 1955 and 1965 some 4,000 plus pension plans have been terminated. In the company I have just cited were a man and a woman, both of them 52 years old, each with 37 years of service to this company. Because of their age their pension benefits were wiped out. Something is seriously wrong when instances like this are permitted.

Mr. President, something is radically wrong with our scale of values if we guarantee stock speculation and do not guarantee the private pensions of millions of American workers who have worked long years with the full expectation that the money set aside for their pensions will be there when they reach retirement.

In my own city of Detroit we have the case of two large automobile companies—Packard and Hudson—which went out of business, yet workers who had invested years of their lives and had moneys set aside for pensions, had their pension rights evaporate without a dime to show for it.

So what I am talking about can happen to large, prestigous concerns as well as to smaller, more marginal operations.

The concept of pension reinsurance is ingeniously simple. It merely says that a small amount of insurance should be paid into a Federal fund to protect the pension rights of companies which suffer economic termination. We are not talking about huge outlays here. Some 500 plans a year suffer termination, affecting an average of 25,000 workers. By requiring that all unfunded liabilities of private pension plans be assessed a small premium, the heartache of lost pension rights can be eliminated at no cost to the American taxpayer and at very slight cost to the corporations which have accumulated reserves of $120 billion in private pension plans.

Let me state also that adequate protection to private pensions will serve as a curb against inflation at a time when inflation is still running rampant in the land. Those citizens who are retired on pensions are not putting any inflationary pressure on the economy, far from it. But if private pensions are obliged to run the obstacle course, the tendency in collective bargaining will be for less negotiation of pensions, and more bargaining for straight wage increases.

If the Senate votes to protect private pensions, it will be a signal for bargainers to negotiate more pensions and ease up, perhaps, on the drive for more outright money in the pay envelope. Too many workers have seen their pension money dry up and disappear. The fear that pension funds are not a reliable source of income is already present in many negotiations today.

If the Senate wants to strike a blow at inflation, let it vote to insure the pension rights of the private pension plans in this country. And it will be at no cost to the American taxpayer. Not a penny will be added to the Federal budget by adoption of the amendment by the Senator from Indiana (Mr. HARTKE), which I have over the years cosponsored.

Let me remind my colleagues that full funding of private pensions does not occur until 25 or 30 years after the inception of a plan. Therefore, we are not suggesting any procedure to rescue the improvident or the careless. Sometimes there is no other recourse for a business than to move or to close down. What we are saying, however, is that workers with long years of service, with their own money set aside for purposes of a pension, should not bear the brunt of these corporate decisions. A Federal insurance program—very similar to bank deposit insurance—should spread the risk and be made part of the cost of any private pension plan. This is fair, this is just. And millions of hard working Americans will be the better for it.

We hear a lot today about the plight of the blue-collar worker. He works hard. He pays his taxes—he pays, in fact, more than his fair share. Yet there is little done for him or for his family. Many blue-collar workers are deeply cynical about a system which votes farm subsidies for wealthy farmers, yet compels him to pay high local property taxes and bear an inequitable part of the Federal tax burden.

To those in the Senate who are troubled by the inequities visited upon the American blue-collar worker, let me suggest that passage of this amendment will right a deep wrong. Pension money is money which workers earn. It is money set aside in their name. It is money they expect to get back upon their retirement. Yet the blue-collar worker knows that many pensions have disappeared, that hard work, saving, and prudence have not paid off.

I share the concern for the deep sense of alienation felt by working Americans and I say to my colleagues that they can strike a blow in the Senate today for the blue-collar worker by making sure that every last pension credit earned is as good as the trust of the U.S. Government.

Mr. President, while we are attempting to take care of the investor, let us also attempt to take care of that man, too.

The case for pension reinsurance is simple—it is fair, it is right, it is noninflationary, and it will do something for the group in America which needs reassurance that the system is working. I urge passage of the amendment.

Mr. HARTKE. Mr. President, allow me to clarify a point raised by the Senator from New York (Mr. JAVITS) about opposition of the Secretary of Labor to the bill in 1966. That opposition was one of those "damn-with-faint-praise" types of opposition. He said it was a good bill; he endorsed every proposal in it, said that they had a thorough study being made by a joint committee, covering all the facts and the evidence, and that they would be ready to come forward with a program in a very short period of time.

I find that studies of that type are fraught with delaying tactics, but accomplish nothing worthwhile. So, from 1960 to 1970, we have been waiting on someone to do something about something which is very important. Evidently somewhere along the line, someone forgot that workers' pension plans were one of the important items. So I would like to say, for all the high regard in which I hold Secretary Wirtz—and still do; I just saw him today—I still say, that that type of action in the administration, which has become more prejudiced than it was in the past, is certainly not one to recommend it for constructive legislation.

Mr. JAVITS. Mr. President, if I may have order, I think I can explain my position in about 3 minutes.

Mr. President, the points made by the Senator from Indiana, insofar as they go—and I emphasize that—are entirely valid. That is, there should be reinsurance of pension funds. The only difficulty is that, approaching it as he does, the Senator had better realize how much is involved in money, in premiums payable every year, and secondly, that we would be papering over a structure which is itself so vulnerable that I cannot predict the extent of the liability to the Government if we do this in the manner proposed by the Senator from Indiana.

What we are trying to do, by way of pension and welfare fund legislation, in the Committee on Labor and Public Welfare, is to arrive at a statute which has standards of vesting, funding, fiduciary responsibility, et cetera. All the Hartke amendment does is provide reinsurance of the existing structure, whatever that may be.

We all realize the disappointment which was suffered, for example, in respect to the Studebaker failure. That is what set me thinking about this issue; and that is why I introduced the first pension bill in 1967, which included vesting, funding, reinsurance and fiduciary standards.

Now we have worked up to the point where we have the Committee on Labor and Public Welfare making a comprehensive survey, at a cost of a quarter of a million dollars, as to what really is happening with respect to pension and welfare funds, and the point will be—and the administration now recognizes that we must have legislation next year—that we will then have standards of funding, vesting, and fiduciary responsibility. I ask unanimous consent that a recent article in the Wall Street Journal, which testifies to the administration's intentions, be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Administration May Send Wider Reforms for Pension Plans to Congress Next Year

(By Byron E. Calame)

Washington.—The Nixon Administration is "taking a fresh look" at ways to better protect workers' pension-plan rights and hopes to propose broader reform legislation next year than a bill it sent Congress this session.

The legislation proposed by President Nixon last March, which would tighten Federal regulation of private pension-plan administrators, is languishing on Capitol Hill and isn't expected to be acted on this year. Officials had indicated last March that the administration hadn't any plans to propose broader legislation.

Labor Department sources said yesterday, however, that the current "aim" of the Administration is to send a broader pension plan reform bill to Congress sometimes next year. But they noted that the actual drafting of any bill will require a pulling together of ideas currently being considered in several departments of the Executive Branch.

"We're now taking a fresh look at all the problems and issues to see what we can come up with," Laurence H. Silberman, Under Secretary of Labor, said in a Honolulu speech yesterday. But he emphasized in the address to the National Foundation of Health, Welfare and Pension Plans that the Labor Department's proposals for pension-plan reform "are still in a very fluid state."

In outlining some of the key reform measures under consideration at the Labor Department, Mr. Silberman cautioned that "nothing I say . . . should be interpreted as the Administration's position."

Vesting standards are "a big issue" in the move for broad reform. Mr. Silberman asserted. Vesting standards guarantee workers a portion of their pension benefits if they leave a company before retirement age.

"It's estimated," he noted, "that one-third to one-half of all plan participants will never receive a benefit, either because their plans don't provide for vesting or because they have terminated before a vested right has been earned."

The department is considering several approaches to vesting, Mr. Silberman said. "One idea is to amend the Internal Revenue Code to require that all tax-qualified plans must provide for 50% vesting after five years of service," he said, "with an additional 10% vested each year thereafter until 100% vesting is achieved after 10 years of service."

Another proposal would require all tax-qualified plans to provide for 50% vesting when a worker's age and years of service add up to 45; an additional 10% would be vested each year thereafter until 100% vesting was achieved. Under both proposals, plans would lose their tax-exempt status if they failed to meet the requirement.

The department's No. 2 man noted that the first idea would have "a relative bias" in favor of younger workers, while the second would tend to be more advantageous to older workers.

Turning to the funding of plans, the other major issue in seeking any reforms, Mr. Silberman said the department is considering approaches that wouldn't involve setting minimum standards for employer contributions to assure that assets would always be in line with obligations.

INSURANCE ONE ALTERNATIVE

Termination insurance seems to be an "attractive" alternative, Mr. Silberman said. The department is considering both mandatory and voluntary approaches to termination insurance, he indicated. Such insurance would protect the benefits of workers covered by a plan that folds; about 500 plans involving about 25,000 workers collapse each year, he noted.

Mr. Silberman said one proposal under study would call for "mandatory insurance with premiums related to the adequacy of funding—the higher the level of funding, the lower the premium." Amplifying, he said: "This would provide the incentive for more adequate funding without the necessity of a lot of rules and regulations specifying just how much, by what data and in what way. And it would also provide the benefit protection we seek when plans are terminated."

A "lot more study" has to be given to the issue of portability, or the preservation of pension rights as a worker moves from job to job, the official said. "It seems to us," he continued, "that a lot of what could be accomplished through portability can be accomplished through improved vesting."

Broad bills with provisions for vesting, portability and funding standards have been introduced by individual Congressmen in the current session. But the Administration hasn't taken a position on them.

The Labor under secretary predicted that legislation incorporating most of the provisions of the Administration's present bill to tighten the regulations applying to plan administrators has "an excellent chance" of being passed in the next session of Congress. The pending bill would impose "fiduciary" responsibilities and duties on persons controlling employee-benefit funds, require administrators to provide additional information about retirement plans and broaden the investigatory and enforcement powers of the Labor Secretary in the pension plan area.

Mr. JAVITS. Mr. President, with such comprehensive legislation, we will not just be papering over any speculative plan, no matter whether good, bad, or indifferent, which is all this amendment would do. I beg Senators to go up and read it. It just says it is an insurance proposition, to reinsure pension and welfare funds, at a premium of 0.5 percent a year.

What does that premium amount to? The Senator from Indiana will not give us an estimate of what he says are the unfunded obligations, so the best we can do is take the resources of the pension and welfare funds. These resources amount to $126 billion; so we are talking about premium payments, here, which, I think, will ultimately be perfectly justified, but we are putting an added tax upon American business running into the hundreds of millions of dollars, just on an amendment to a bill dealing with insurance on brokerage accounts, because no one is paying any particular attention to them.

Mr. President, such a reinsurance of a papered-over structure which is full of inequities, full of dangers, full of risks, full of speculations, would seem to me to be the most outrageous kind of irresponsibility, especially in view of the fact that we now have on going an effort to draw a piece of legislation which will include pension reinsurance that really means something.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I would like to finish my thought. Nothing in the world would suit me better than to lock arms with my colleague from Indiana, and do our utmost, with his help and participation as a member of the Committee on Finance, to work out a scheme by which to regulate and reinsure. But it seems to me that just to reinsure a pig in a poke, and impose a one-half percent premium, as to which we have not the remotest evidence of what it would amount to, is the most irresponsible kind of legislating I ever saw.

Mr. PASTORE. Who will have to pay the premium?

Mr. JAVITS. The premium will be paid by workers and management.

Mr. PASTORE. Out of the fund?

Mr. JAVITS. Certainly. By American business. And it just seems to me to be the height of irresponsibility. Much as I appreciate and have in my heart the same feeling Senator Hartke does, I just cannot see how anyone who knows about this—and that is what we want, some individual Senators with knowledge, because we all have different areas of expertise—can possibly sit still and let this amendment pass.

Mr. HARTKE. Mr. President, first, I point out that this is not a contribution to employees by employers. The amendment very clearly says that the contribution will be made by employers. The fact that it will entail an additional cost certainly is true. It is also true that for 20,000 people denied their opportunity to benefit from their pension plans, it costs them something even more important than the contribution from business.

Let me ask the Senator a question, though, about this committee and its appropriation of over a quarter of a million dollars. When is the last time that committee met?

Mr. JAVITS. That committee is currently at work, taking a survey. The survey has been sent out, and the results of the survey are now in the process of being compiled. The Senate passed on the survey.

It is, at this minute, one of the most diligently followed-through operations and, in my judgment, one of the most efficient we have ever run here in the Senate.

Mr. HARTKE. Is it not true that no public hearings have been held in this matter since 1968?

Mr. JAVITS. The only reason for no public hearings having been held is that there has been no basis for them.

Mr. HARTKE. In other words, for 2 years there has been no basis for a public hearing of a committee, which has a quarter of a million dollars to study this important matter, when there is already in the office of the Secretary of Labor a complete study on this matter, which was completed by a joint administrative group 4 years ago. Is that true?

Mr. JAVITS. That is unfair, I say to the Senator, because the committee was given its money this spring, after making an excellent case, after hearings, that there was no basis upon which to frame legislation. It is running, as I have said, one of the most intelligent, thorough, and efficient surveys of pension funds in this country, and it will really produce the basic material upon which Congress will be able to act and upon which intelligent hearings can be held and intelligent questions asked.

We are always charged with this off-the-top-of-our-head business, and that is the trouble with this amendment. Yet, when we are trying to do a job, the Senator would accuse us of not tending to our duties or of being superficial. We are trying to dig into something, instead of bringing some glittering amendment to the floor which does not have any basis in fact.

Mr. HARTKE. I say to the Senator from New York that the fact is that we have been into this subject in great depth. The departments have made a study, and those studies are available for any Senator who wishes them. The studies demonstrate conclusively that the facts in this amendment are sufficient to cover the uncovered parts of pension plans in existence today. The highest estimates are that it would probably not exceed three-tenths of 1 percent. That is why we left leeway up to five-tenths of 1 percent in the case of a pension plan which the Internal Revenue Service determined had sufficient unfunded assets, which still needed to be covered.

The fact is that there is no disagreement on one point: That the Internal Revenue Service has not been as diligent as it should have been in coming forward with some of these facts. But that is the fault of the Internal Revenue Service and the administration on the pension funds.

If we follow the procedures recommended by the Senator from New York, we have no idea when we are going to have any type of insurance of pension plans. It is all right to take care of the Wall Street merchants and make sure that those people, just because they experienced a severe drop in their stock values and because some of their people went broke and because some people lost money as a result—it is all right to take care of those people, who are working from their abundance. But when it is taken from the working man's table—as the Senator from Illinois said earlier—who contributes in his lifetime for as much as 30 years, and you try to help him, all of a sudden we have to go into another prolonged study.

Mr. JAVITS. Mr. President, the man who is putting up his money for pension funds will not be done any good by being provided the kind of Federal insurance. That will fall on its face because every unsound and speculative plan in this country will be papered over. This kind of insurance would cover pension plans, regardless of whether they are properly managed, whether they provide vesting, or whether they are properly funded. The Federal Government would be underwriting it, and it would collapse of its own weight and be such a disaster as to make Federal insurance impossible, if this is the improvident way in which we are going to do it.

The Senator has made many general statements, but he cannot answer the single question: What is the Senator's estimate of the amount of the premium charge required if we do exactly what he wishes to do in this amendment? Nevertheless, the Senator says there are many reports, and so forth; but he says:

There are no figures on that. I cannot tell you what this is going to cost.

It seems to me that that immediately indicates that something is wrong somewhere. Also, I think it is pretty reckless.

Mr. HARTKE. May I say to the Senator——

Mr. JAVITS. Please let me finish. I have the floor, and I did not interrupt the Senator.

I may say to the Senator, also, that I think it is pretty rough to make these accusations against a committee of the Senate which has just been given, within the last few months, a substantial sum of money to do a very material and major job on this subject. I am the ranking minority member of that committee—the Senator from New Jersey (Mr. WILLIAMS) is the chairman, but he is engaged in the conference on occupational health and safety—which is actually doing this job in order to give us the basis to legislate.

All we have from the Senator from Indiana is the general statement that many studies have been made. Will the Senator now get to work—I will be happy to sit down and listen to him—and tell us exactly what the studies are, where they come from, and what they say?

Mr. HARTKE. I will be happy——

Mr. JAVITS. Mr. President——

Mr. HARTKE. Will the Senator let me answer?

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Senator from New York has the floor.

Mr. JAVITS. Mr. President, we can have a little decorum in the Senate. This is not an arguing contest.

I see that the Senator from New Jersey (Mr. WILLIAMS) has entered the Chamber.

I say to the Senator from New Jersey that what we are arguing about now is the amendment of Senator HARTKE to establish a reinsurance scheme for pensions. I have just stated that the Senator from New Jersey is the chairman of a subcommittee which is now engaged in a massive survey, financed with money appropriated by the Senate, in order to ascertain the factual basis for pension and welfare fund legislation, including reinsurance.

Senator HARTKE has just told me that our committee has not had any hearings, and the implication is that we had better just forget about it and that it would be best to go right ahead and adopt the amendment for reinsurance which is before the Senate now because it is very necessary.

Mr. President, the thing that I deprecate so much with an amendment of this character, which moves in a highly desirable field in which we ought to legislate, is that when it is brought up, it compels people like myself to oppose it because it is improvident, and it gets a black eye, for no reason, in terms of the objective we are trying to serve.

I was arguing in defense of the work we are trying to do, and I said to Senator HARTKE—and I repeat it—that nothing would please me better than to lock arms with him and really do a job on this matter. I thought it was highly improper to reinsure something which we know in many instances to be basically and actuarially unsound and speculative, with no idea as to what the liabilities involved will be, until we find out what the situation is.

I yield to the Senator from New Jersey.

Mr. WILLIAMS of New Jersey. I appreciate the Senator from New York informing the Senate of my reasons for not being present in the Chamber.

I appreciate the Senator from New York stating that and also explaining the complexity of the work of my subcommittee and for his thorough understanding of what the situation is with respect to pensions.

At this point, my subcommittee has out thousands of inquiries, trying to get basic information on pension funds. The Senator from New York has been instrumental in forming the questions that are part of the basis of our study. We are far from complete. Many funds have not even replied as of today as to what their situation is on pension funds. That is No. 1.

No. 2, at this moment, in office space assigned to us in the Capitol, we have on loan from the General Accounting Office accountants who are examining the material that has been submitted.

This is all basic work that has to be done before we can intelligently go to the protracted hearings that will be necessary.

If the Senator from New York would yield further, I should like to ask the Senator from Indiana if he could fill in the gaps in my recollection as to when this idea was introduced as legislation and was referred to the Committee on Labor and Public Welfare. I cannot recall that it was.

Mr. HARTKE. Mr. President, the point I was going to raise is one of jurisdiction. This legislation is long past due. It was considered in the Finance Committee. So far as I am concerned, we have had hearings on it there.

Mr. WILLIAMS of New Jersey. But what does that have to do with the pension and welfare work that has been assigned to our committee? This was not assigned.

Mr. HARTKE. So far as the bill is concerned, it has been assigned to the Senate Finance Committee. It deals with one portion of the problem. The work assigned to your committee is broad. It deals with a study of this question. We are not attempting to cover that. We are attempting to cover new ground, trying to do as we did with bank deposit insurance. And I should note in this regard that when the Senate considered the legislation creating a Federal Deposit Insurance Corporation, this body had no better knowledge of the potential cost of the program.

William Jennings Bryan suggested that in 1908 in a campaign. We had to wait until 1933 for Franklin Delano Roosevelt to come along and insure bank deposits. I would imagine that if we continue this way, we would have to await a collapse of pension plans before we would have action.

So far as this type of system is concerned, there were sufficient reasons to adopt this legislation in this narrow field. There is no attempt made to deal with other matters. I am on the Committee on Aging where some of these problems have been raised with the distinguished chairman. Part of the information came out of the hearings we conducted in 1966 in the Finance Committee which were the basis of the Older Citizens Act.

If the Senator from New York would look, he would find that he himself has taken into his bill certain provisions of the bill which I originally introduced, and he is using it. I have no objection to that. The point is that the Senator from New York speaks differently now. Things will not be any better after completion of the study until Internal Revenue comes in with a final statement as they are required to do. Only when they qualify the funds for tax exempt status, will we learn how much is funded and how much is proper and whether they can continue to have a tax exempt status. That is a question for them. It is not difficult. There is no difficulty there at all. The only difficulty that presents itself at this moment is, that the Senator from New York feels we are attempting to take over a job which is being done by one of the committees. That is not true in any way whatsoever. We are taking one section with which I have been long identified. I personally feel the hearings and the evidence clearly show that the need for pension reinsurance is way past due.

Secretary Wirtz, when he testified before us, endorsed everything about the bill at that time, except he wanted to complete a study. Now we hear the same argument, that there is a study in progress, but the study is down in the Office of the Secretary of Labor, and that it is taken from the Internal Revenue, the Secretary of the Treasury, and the Secretary of Labor. And that study is 4 years old. It is not gathering dust in my office because I know what is in it.

Mr. JAVITS. Mr. President, I think it would be a great mistake if the Senate got the impression that this is a question of jurisdiction. I am not built that way. I could not care less; nor the idea that we need to complete the study before we can act, and if the facts are clear then we have got to act again. That is not characteristic of me. The main point of the amendment is neither of those. The main point I am making is that we cannot have insurance without any regulation. We do not know yet how to regulate. That is the reason for these inquiries.

Insurance without regulation is completely improvident. We are talking about a premium of $600 million a year. If that is paid by the employer, it will go into higher prices. If it is paid by the worker, then it will come out of his paycheck.

We are papering that over in a structure which has no regulation whatever. The Senator from Indiana (Mr. HARTKE) himself admits that the Internal Revenue Service is doing a bad job. We know that. That is why we want some law that will do a good job. Thus, we are papering over, I think, improvident plans with an insurance scheme where the liability must be infinitely greater than if we had any kind of regulation. My guess is nothing will come of it. I do not believe the conferees would ever agree on this, even if it is within the rules of the House to accept it, which I do not think it is, on this particular bill. The Senate must realize how improvident it is to move in such a massive way with this amendment, with a broad scale insurance scheme which is not limited on liability. This does not have any $20,000, $50,000 limit or anything else. The premiums are all estimated—and it is the only thing we can estimate on, the assets of the funds, $600 million a year and the insurance plans, where we do not know the authority or what provisions are envisioned for funding, or what is backing up the reasons, yet the Senator wants us to insure there. We do not want to insure where we do not have any control over what we are insuring.

This amendment is highly improvident. For that reason I strongly oppose it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Indiana as modified.

Those in favor signify by saying "aye." Those opposed signify by saying "nay."

The nays have it.

Mr. HARTKE. Mr. President, I ask for a division.

The PRESIDING OFFICER. The result has been announced.

Mr. BYRD of West Virginia. Mr. President, I make a point of order that the Chair did not say that the nays appeared to have it, so as to give the Senator from Indiana an opportunity to ask for a division before a result was announced.

I respectfully make that point of order.

Mr. PASTORE. Division.

Mr. JAVITS. Division, Mr. President.

Mr. MUSKIE. Mr. President——

Mr. BYRD of West Virginia. Mr. President, I ask for a ruling on my point of order.

The PRESIDING OFFICER. The voice vote having been announced, it is final.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment as modified was rejected.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider.

Those in favor signify by saying "aye."

Those opposing signify by saying "nay."

The yeas appear to have it. The yeas do have it. The motion is reconsidered.

Mr. HARTKE. Mr. President, I ask for a division on the vote.

The PRESIDING OFFICER. A division is requested.

Those opposed please stand and be counted.

The amendment as modified is rejected.

The bill is open to further amendment.

Mr. PROXMIRE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. It is a long amendment, and I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

The amendment order to be printed in the RECORD reads as follows:

On page 32, strike out lines 1 through 3, and insert in lieu thereof the following: "members of national securities exchanges, except such brokers, dealers, or members (1) who are excepted or exempted from membership under subsection (h) (1) of this section, (2) whose application from membership is rejected under the provisions of subsection (h)(2) of this section. The corporation shall be subject,".

On page 47, line 8, before "Every" insert "(1)".

On page 47, line 9, strike out "or there after becomes".

On page 47, line 19, after "Any" insert "person who, on the effective date of this section, is a".

On page 47, line 20, after "change" insert "but".

On page 47, line 23, before the period insert "in accordance with the provisions of paragraph (2) of this subsection".

On page 48, between lines 4 and 5, insert the following new paragraphs:

"(2) (A) Any person who applies for registration under section 15(b) of this title after the effective date of this section, unless exempted from membership under paragraph (1) of this subsection, shall apply for membership in the corporation on the date on which he files his application for registration. Before approving the application for membership in the corporation of any such person, the board of directors shall consider—

"(i) the history, financial condition, and management policies of the applicant;

"(ii) the economic advisability of insuring the applicant without undue risk of the fund;

"(iii) the general character and fitness of the applicant's management; and

"(iv) such other facts and circumstances as the Board determines to be relevant and appropriate for its consideration.

"(B) The board of directors shall reject the application of any person for membership in the corporation if it finds that the applicant's reserves are inadequate, that its financial condition and policies are unsafe or unsound, that its management is unfit, or that its membership in the corporation would otherwise involve undue risk to the fund. Upon the rejection of any application for membership, the board of directors shall notify the applicant and the commission of its decision and the reason for the decision.

"(C) Upon the approval of any application for membership in the corporation, the board of directors shall notify the applicant and shall issue to it a certificate evidencing the fact that it is, as of the date of issuance of the certificate, a member of the corporation under the provisions of this section."

"(D) Any decisions made by the corporation under this subsection shall be subject to revocation by the commission.

"(3) Not later than six months after the effective date of this section, the corporation shall compile a list of unsafe or unsound practices by members in conducting their business and report to the Congress on the steps the corporation is taking to eliminate those practices under the authority of existing law and its recommendations concerning additional legislation which may be needed to eliminate those unsafe or unsound practices.

Mr. PROXMIRE. Mr. President, before explaining the amendment, I commend the fine leadership exercised by the Senator from Maine (Mr. MUSKIE) in bringing this important and vital legislation to the floor.

This bill is of crucial importance to the 27 million Americans who own common stock and to the additional millions of Americans who own stock indirectly through pension funds or mutual funds. The recent wave of failures on Wall Street has sent shock waves throughout the financial community and threatens to weaken the public's confidence in our capital markets.

The legislation reported by the committee will provide the customers of brokerage firms with protection in the event the brokerage firm fails. Customers who maintain credit balances or securities with their broker would be insured for up to $50,000 in the event the brokerage firm failed. This, of course, has been modified by the McIntyre amendment. The legislation is similar in concept to Federal deposit insurance provided to the customers of commercial banks, savings and loan associations, or credit unions. It insures that the investing public will not be called upon to pay for the financial troubles of brokerage firms which overextend themselves.

In most respects, the bill reported by the committee is a fair and workable bill. However, in my view there is one serious deficiency. This is the lack of membership requirements.

As presently drafted, all broker-dealers or members of national securities exchanges would automatically be entitled to membership in the Securities Investors Protection Corporation—SIPC—and would thus have their customer accounts insured. This is a substantial departure from the procedures established by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration. Commercial banks, savings and loan associations, and credit unions are not automatically entitled to deposit insurance. They must apply for insurance and meet certain standards before they can be insured. The reason is to protect the assets of the insurance fund. If deposit insurance were extended to any financial institution regardless of its solvency or managerial capacity, the losses could increase substantially. These losses would, of course, be borne by the more soundly managed financial institutions. They would be paying the premiums to support the insurance program.

In the case of the broker-dealer insurance bill, there is no way the SIPC can reject brokerage firms who present an undue risk to the insurance fund. It is somewhat analogous to a life insurance company agreeing to insure all applicants without conducting an examination. Under these circumstances, the life insurance company would soon go broke. A similar financial threat is presented to the SIPC and to the U.S. Treasury which is obligated to lend up to $1 billion to the SIPC in the event that it cannot cover its losses. So, the customer is ultimately responsible. For that reason, we have a particular obligation to provide as much protection as possible.

Moreover, the SIPC has no authority to revoke the insurance of a broker-dealer if it engages in unsafe or unsound practices. By way of contrast, the FDIC, the FSLIC, and the National Credit Union Administration can revoke the deposit insurance of a commercial bank, a savings and loan association, or a credit union if it engages in unsafe or unsound practices. While this authority is rarely used, it does strengthen the effectiveness of the Federal government's supervision over insured banks, savings and loan associations, or credit unions. Thus, the potential losses to the insurance fund and to the public are minimized.

During the committee's executive session on the legislation, I offered an amendment which would have required the SIPC to screen all broker-dealers and reject those who were not financially qualified to receive Federal insurance. This is the same procedure which was established when deposit insurance was set up for commercial banks and other financial institutions. However, in the case of broker-dealers, there are certain practical difficulties. Given the present climate of uncertainty on Wall Street, if a broker-dealer were to be denied Federal insurance, such denial could easily trigger a run upon the brokerage firm. If the firm were forced to liquidate, its customers could suffer a severe financial hardship, which is directly contrary to the objectives sought by the legislation.

For this reason I withdrew the amendment. However, I believe it is possible to establish membership requirements to protect the solvency of the insurance fund without creating the psychological problems entailed by an immediate rejection. I therefore have sent to the desk an amendment designed to achieve these ends.

First of all, the amendment would provide that all brokers or dealers or members of national securities exchanges who were in operation prior to the effective date of the legislation would be automatically entitled to insurance as provided in the reported legislation.

Secondly, new firms which were established after the effective date of the legislation would be required to apply for insurance and meet certain standards of financial eligibility before they were given insurance. These standards would be similar to those contained in the Federal Deposit Insurance Act and the National Credit Union Share Insurance Act which was recently approved by the Congress. The SIPC would be directed to consider the history, financial condition, and management policies of the applicant, the economic advisability of insuring the applicant without undue risk of the fund, and the general character and fitness of the applicant's management. These are the same standards which have been applied for 37 years by the Federal Deposit Insurance Corporation with respect to commercial banks. I believe they constitute a sound precedent for administering the broker-dealer insurance program.

Mr. President, I would hope that the distinguished manager of the bill could accept this amendment. It is based upon the sound precedents which have been established in other Federal insurance programs. I see no reason to depart from those precedents in this legislation. To do otherwise would open the insurance fund to potentially heavy losses, and risk the funds provided by the U.S. Treasury. As long as the Federal taxpayers are standing in back of the SIPC, he is entitled to reasonable safeguards. In my view, it would be unsound and unwise to establish an insurance program without at the same time providing for specific standards of eligibility and for revoking the insurance where necessary and in the public interests.

Third, my amendment would require SITC to compile a list of unsafe or unsound practices by brokerage firms and report on what actions it is taking to eliminate those practices under the authority of existing law. The SITC must also give Congress its recommendations on any additional legislation which may be added to curb unsafe or unsound practices. This report would be due in 6 months.

The Senator from Maine (Mr. MUSKIE) has indicated there are a number of questionable practices engaged in by brokerage firms. Now that the U.S. Government is making a direct financial commitment to the securities industry, I believe it is essential to eliminate any unsafe or unsound practices as soon as possible.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Utah.

Mr. BENNETT. Mr. President, the Senator from Wisconsin knows of the concern of the Senator from Utah that inadvertently his amendment might transfer some of the authority and responsibility of the SEC to this new private corporation. It is my understanding this has been corrected.

Mr. PROXMIRE. As I understand it, the amendment specifically provides that SEC can reject any action in this regard by SIPC.

Mr. BENNETT. So SIPC cannot take any action with respect to anyone it is insuring or refusing to insure, which SEC cannot review.

Mr. PROXMIRE. The Senator is correct.

Mr. BENNETT. I thank the Senator.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MUSKIE. I have discussed this amendment at considerable length with the Senator from Wisconsin. The amendment undertakes to implement amendments that were added to the bill in committee that insure or supplement the insurance program. The Senator from Wisconsin, since the bill was reported, has developed this mechanism to implement that objective.

I recommend that the Senate agree to the amendment.

Mr. PROXMIRE. I wish to say to the Senator that, as he knows, this amendment was somewhat different when I first proposed it. The Senator from Maine did suggest a moderation or change in the amendment which I think made it much more practical and acceptable. Thanks to his assistance I think the amendment would provide both protection and meet the practical objections he raised.

Mr. MUSKIE. Mr. President, at this point I think it would be helpful to have printed in the RECORD the first 14 lines of page 52 of the bill, which, in effect, are supplemented by the Senator's amendment.

I ask unanimous consent that the excerpt may be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

"(4) In addition to and without limiting the powers of the Commission under this subsection, the Commission may request the corporation to adopt any specified alteration of or supplement to the bylaws, rules, or regulations of the corporation, or to repeal any such bylaw, rule, or regulation. If the corporation fails to adopt such alteration or supplement or to effect such repeal within thirty days after such request, the Commission is authorized by order to alter, supplement, or repeal the bylaws, rules, or regulations of the corporation in the manner requested, or with such modifications of such alteration or supplement as it determines, after appropriate notice and opportunity for hearing, to be necessary or appropriate in the public interest or to effectuate the purposes of this section.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator form Wisconsin.

The amendment was agreed to.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I was not in the Chamber when the able Senator from Texas discussed the concept of the broker-dealer insurance bill.

Mr. COTTON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. I think what the Senator is saying is important, and may be leading up to something, but we cannot hear him.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Michigan.

Mr. HART. Mr. President, obviously as a cosponsor of Senator MUSKIE'S broker-dealer bill, I support this proposal and will vote for its enactment.

However, I am deeply troubled by the question of priorities. Today we propose to enact this bill to protect generally those with enough money to engage in market investments and yet we continue to neglect to protect those who are being robbed of life-support funds by insolvencies.

The broker-dealer bill would protect customers whose general economic status as market investors and traders would represent more than modest financial means. Twenty-six million customers have about $50 million in securities and cash in the hands of brokers.

These customers should be protected—especially during these days when business stresses put more and more persons in risk of losing their savings.

But there is another group of consumers who need similar protection—and who have it not. These are the claimants and policyholders of property casualty insurance companies which go insolvent.

In the past 12½ years, 141 property-casualty insurance companies have become insolvent. More than 1 million consumers suffered direct losses of more than $200 million in unpaid claims and unearned premiums.

Further—generally to their amazement and horror—more than one-half million policyholders of insolvent mutual companies found they were assessed for more than $60 million to pay off the debts of the companies which supposedly had been protecting them. Some of the policyholders—who did not or could not come up with their assessment—were threatened with jail.

More than 5 million consumers were hurt indirectly by these insolvencies through loss of legal defense, loss of claims and uninsured judgments and the time and money necessary to secure new insurance.

With the exception of retirees and widows, investors generally can hope to recoup from stock market losses by earning replacement money. That possibility evaporates when we are talking of a man disabled for life so he may not work but who finds the insurance company which should have compensated him is insolvent.

Hearings before the Senate Antitrust and Monopoly Subcommittee—dating back to 1965—and more recently before the Commerce Committee demonstrate that consumers need desperately the same kind of protection from insolvent insurers as S. 2348 gives customers of broker-dealers.

They would have this protection under S. 2236, a bill to establish a Federal Insurance Guaranty Corporation introduced by the senior Senator from Washington (Mr. MAGNUSON) on behalf of myself and five of our colleagues.

In truth, Mr. President, I would have tinges of conscience if I voted for the broker-dealer bill without urging this body for some commitment to act on the Federal Insurance Guaranty Corporation in the near future.

As my colleagues know, the bill has been ordered reported by the Senate Commerce Committee. But no action has been taken on the House side this year.

The bill reported by the Commerce Committee is the product of some nine executive sessions. It is a bill that should have bipartisan support and closely parallels the administration proposal. It is legislation that members of both parties agree is greatly needed.

As the administration witness put it during the Commerce Committee hearings:

> Federal legislation is needed to guarantee that every citizen, every policyholder and every claimant is properly and fully compensated for his insured losses.

The FIGC also has the support of the American Insurance Association, whose members write one-third of the property and casualty business.

In a letter to me, the AIA stated:

> We feel the protection of the public calls for a strong and viable insolvency bill. . . .

As I said, the Commerce Committee has put much work into this proposal and has reported a good bill.

It is true that one set of statistics could be read to make the need for this bill seem less today than when the Antitrust Subcommittee first uncovered the problem.

Back in 1965, only three States had solvency plans to protect their residents when insurers went under. Today there are 23 States with such plans—plans which would not be pre-empted by the Federal fund.

However, the five States in which 40 percent of the insolvencies and more than half of the financial losses—in other words $100 million worth—have occurred still have no such plans.

Establishment of the Federal operation—at an estimated cost of four cents per $100 of premium per year—seems like a good investment to me.

Not only would we protect the consumers in the 26 States and the District of Columbia without funds, but we would have a central clearinghouse for information on insolvencies.

The hearings made clear that many of these insolvencies need not have occurred and would not have if such a central clearinghouse did exist.

As one witness put it, "many of these companies were established to go bankrupt." Time-after-time, the fly-by-night operators piled up the premiums, milked the company and moved on to another state to begin all over again.

As Miriam Ottenberg pointed out in an August 12, 1970, story in the Washington Evening Star, these were not nickel and dime operations.

One company had collected $10 million in premiums before its principals were indicted. Another allegedly milked a company of $1 million in 2 months. I remind you that that is policyholders' money—which no longer would be available to repair damage to people and property as it was intended to be. When a company goes insolvent little money is available for claims. For example, in three of Missouri's failures, court-approved claims against the companies totaled $3.4 million. But the assets available to meet those claims totaled only $271,000.

These operators were able to milk the consumer because there was no one watching or aware that the same bad apples were turning up in different States.

Mr. President, as I said, this fund would not interfere with existing State plans—in fact establishment of the Federal fund may well encourage more States to enact plans.

If an insolvency occurred, the States with plans would handle the liquidation. When it came to the payout, the money would come from the Federal fund.

Given the opportunity, I am confident that most consumers would be happy to pay a nickel or dime yearly to get the protection the Federal Insurance Guaranty Corporation would give.

As we prepare to help the stock market investors, I plea for the same kind of protection for consumers whom we require to buy insurance but do not guarantee they will get what they paid for.

Some protection seems simple justice.

Mr. President, I ask that two articles on the subject be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BUSINESS INSURANCE: REGULATORY IRREGULARITIES

Illinois, notorious for its shameful record of insurance company failures, has increased its league-leading record by three with the recent folding of Prudence Mutual Casualty Co. and Freedom Insurance Co. and a request by the Illinois Insurance department that Universal Mutual Casualty Co. be placed in liquidation. The request for liquidation of Universal Mutual is the 33rd such request filed in Illinois in the past ten years, an insolvency record that far surpasses that of any other state.

Yet these insurance company insolvencies are different in the sense that all three companies were interlinked, sharing at times the same addresses and the same officers who are now accused of benefiting financially at the expense of policyholders and claimants. The failures are different, too, in the sense that they indicate regulatory irregularities on the part of past and present directors of insurance in Illinois.

Much of the insurance insolvency record in Illinois is properly placed at the administrative doorstep of former Insurance Director Joseph Gerber, who was removed from office shortly before he would have assumed the presidency of the National Assn. of Insurance Commissioners. It was during Mr. Gerber's tenure as insurance director that a number of the insolvent companies were licensed. Indeed, it is quite clear that some companies that were licensed under Mr. Gerber's regime were clearly intended to be what they call in Illinois "six-year companies," firms that are organized, collect premiums, pay handsome salaries and expense accounts, and doggedly resist claims until the court backlog catches up with them.

In the Prudence-Freedom-Universal mess, two successors to Mr. Gerber are implicated. According to a *Business Insurance* report on April 27, "Prudence Mutual was under investigation by former Illinois Insurance Director John F. Bolton at the same time that he licensed Freedom, the second high-risk company, to Mr. (Norman) Howard on Jan. 14, 1969. By October of that year Prudence had been placed in rehabilitation under Mr. Howard, who had been named a special deputy by the new insurance director, James Baylor. A state's attorney's investigator described the move as 'quite unusual.' "

Defenders of Mr. Baylor's appointment of Norman Howard as a special deputy at a time that his company was under investigation by the insurance department maintain that the appointment was made because Mr. Howard is black and Mr. Baylor has a commendable concern about fostering insurance availability in the black community. But this defense hardly seems sufficient because of other regulatory irregularities.

In the course of organizing Freedom Insurance Co., Mr. Howard and his associates obtained a check for $500,000 from Responsibility Security Underwriters Inc., a firm wholly owned by Ralph Jacobson of Affton, Mo. Officials of the Missouri insurance department told *Business Insurance* that Mr. Jacobson, who registered Responsibility Security Underwriters Inc., as a "fictitious name" with the Missouri secretary of state, is a former insurance broker who had been on the Missouri department's "bad list" for a long time.

One wonders why the Illinois insurance department was not on speaking terms with the Missouri department in this instance, especially since Mr. Jacobson's check bounced after it was deposited in the Independence Bank of Chicago, whose officers failed to amend a standard audit submitted to the department confirming that Freedom had $600,000 on deposit.

It was another case of regulatory irregularity, a case in which the insurance department failed to go behind the balance sheet to question the financial soundness of a company in the hands of a group that was running another insurance company into insolvency.

There are no figures yet available to indicate what the public's loss will be from the failures of Prudence Mutual Casualty Co. and Freedom Insurance Co. as well as the indicated insolvency of Universal Mutual Casualty Co. But it is clear that claimants, both individuals and corporations, will lose substantially when financial affairs of the insolvent insurers are untangled and liquidated.

There is an unfortunate misconception of some businessmen who view insurance company insolvencies with indifference. Some misguided corporate officials labor under the mistaken impression that insurance company insolvency losses fall chiefly on the poor people who must buy the high-risk auto insurance that is typically marketed by the companies that go bankrupt. This idea is simply not true.

Losses imposed by insurance company insolvencies fall upon any individual or company who happens to have a valid claim against the bankrupt insurer. Claims of insolvent insurers are settled on a pro rata basis by liquidators appointed by state insurance commissioners. If there is only 10¢ left to settle $1 in adjudicated claims, that's what unfortunate claimants get.

The insurance industry, stung by criticism and proposals for Federal action in the insolvency area, is making frantic efforts—particularly in Illinois—to have state insolvency measures adopted that would assuage the headaches of victims of insurance company failures. We are eager to see effective action taken on the problem, whether at the Federal or state level.

However, it should be kept in mind that no form of insolvency protection can be wholly effective if regulatory irregularities continue in state insurance departments in Illinois and elsewhere. The tangled affairs of Prudence-Freedom-Universal were brought about because insurance directors in Illinois were not sufficiently concerned about the integrity of the insurance business to ask the right questions at the right time. We can no longer afford to tolerate a regulatory climate in which one state fails to check with another about guarantors and in which the president of an impaired company is given an opportunity to mishandle the management of another company. Such oversights go to the very heart of the state insurance regulatory mechanism, which is only as strong as its weakest link.

[From the Washington Star, Aug. 12, 1970]

CON MEN, 1970 STYLE: INSURANCE SWINDLERS TYPICAL OF NEW BREED

(By Miriam Ottenberg)

A Nassau-based insurance company with neither assets nor a license to do business anywhere in the United States collected $10 million worth of insurance premiums all over this country before the principals were indicted.

A Miami crowd gained control of an Alaskan insurance company and allegedly milked it of close to $1 million in two months before one of the promoters was arrested on a charge of possessing half a million dollars worth of stolen securities.

Some Midwest promoters took over a long-established Milwaukee insurance company operating in 10 states and methodically diverted the assets until the public lost over $43 million and the company went into liquidation. The promoters were convicted but at least one of them is known to be involved now in an international bank and insurance scheme.

These swindlers are typical of today's financially hep con men.

The takeover and looting of insurance companies is a pattern now being repeated across the country as wide-ranging financial plunderers leave a trail of bankrupt insurance companies, defrauded stockholders and unpaid claims.

NATIONWIDE RAMIFICATIONS

Currently, 81 cases, many with nationwide ramifications, are being investigated by postal inspectors and 44 indictments have been obtained so far by United States Attorneys.

Chief Postal Inspector W. J. Cotter, who has assigned more inspectors to insurance frauds because of the reported increase in cases, said the situation may be worse than reports indicate.

"The usage of 'suitcase' companies chartered in the Bahamas has become so widespread and suspect that mere registration at that point may be regarded as a danger signal," he said.

"More recently, sophisticated operators have utilized English insurance companies with impressive sounding names as shells behind which to operate fraudulently in this country."

Over the past two years, Cotter reported, an increasing number of insurance companies as well as banks and other financial institutions have been swindled through the use of stolen and worthless securities.

The swindlers pledge the stolen securities with banks as collateral for large loans. When the loan isn't paid and the bank tries to convert the collateral to cash, the theft emerges.

ANOTHER GIMMICK

Another gimmick used by the crooks is to pledge stolen stocks as collateral for the issuance of paid-up life insurance policies. In turn, these policies are applied as collateral for huge loans. When the loan goes into default, the bank goes back to the insurance company which discovers belatedly that the securities it accepted were stolen.

Sometimes, an insurance company taken over by the swindlers is in on the deal. Thus, when the bank, before making the loan, calls the insurance company to make sure the policies offered as collateral are indeed fully paid up, the insurance company assures the bank that these policies are as good as gold. It's only later that the bank finds the gold is tarnished.

In many cases now being investigated by postal inspectors, insurance companies have been acquired, large insurance policies have been issued and large loans have been made on the basis of worthless promissory notes of some "charitable" foundation.

HEAVY LOSSES

Showing up often in these deals is the Baptist Foundation of America, Inc., which is not affiliated with any major Baptist group. Federal investigators have found that some of the foundation's multi-million-dollar assets are not nearly as valuable as claimed and some—including vast parcels of land—can't even be located.

Since banks have suffered heavy losses from accepting the foundation's promissory notes, they are now loath to believe the foundation's balance sheet.

The foundation's financial affairs, the misuse made of some of its notes and the questionable company it keeps are now being investigated by the Postal Inspection Service, the Securities and Exchange Commission, Internal Revenue Service, Justice Department and California's attorney general.

Approximately $600,000 worth of the foundation's notes were listed in the much-inflated assets of the Community National Life Insurance Co. of Tulsa, Okla.

That company, which issued huge insurance policies to New York mobster John Masiello and other Cosa Nostra figures, was declared insolvent and placed in receivership last year.

PAPER FORTUNE

Indicted last fall, the company's top official and fellow conspirators pleaded guilty or were convicted of conspiring to defraud several institutions through the fraudulent use of life insurance policies as collateral for loans.

In its five years of building a paper fortune, Community National gained control of other insurance companies—and left them poorer—by increasing the amount of its own stock from 100,000 to 900,000 shares and then trading the stock at rigged prices to stockholders of whatever company was to be the target of the proposed takeover.

Sometimes a promoter manages to buy an insurance company with its own assets. It's illegal but it's been done.

Four men brought the controlling stock of the Crown Insurance Co., of Huntington, W. Va., with funds obtained from bank loans. Then the loans were repaid with the insurance company's own money.

The principal promoter pleaded guilty to mail fraud charges after approximately $1 million was diverted from the company and 4,700 claims totalling $5 million went unpaid.

And sometimes as a once healthy insurance company is looted into insolvency, the players change so frequently that even with a scorecard you can't tell who's at bat.

Take the case of State Fire & Casualty Co., a Miami insurer which was taken over by a Chicago insurance company with which it merged in December 1965. The president of the Chicago company became the chairman of the Miami company until sometime in 1967 when he resigned.

ORDERED LIQUIDATED

There have since been these developments: He and a former officer were indicted last May on charges of diverting the insurance company's assets. Earlier, State Fire was ordered liquidated by a Florida Court after it found the company was insolvent by more than $8 million. And State Fire has changed hands at least three times.

For a time, State Fire was owned by a company at least partly owned by a New York associate of hoodlums recently convicted of interstate transportation of stolen securities.

Stolen securities repeatedly crop up in the investigation of insurance company takeovers.

In the case of the Miami crowd now under indictment for the alleged million-dollar milking of an Alaskan insurance company, it was the arrest of one of the principals for possessing stolen securities that triggered the postal investigation of the looted insurance company.

But the investigation didn't come soon enough for the insurance company. Like so many other insurance companies looted by the new breed of con man, this one went into receivership.

Mr. HART. Mr. President, I conclude by saying that while it is desirable that we make some effort to protect the investor who leaves his securities with the brokerage house, we should remember that there are many more millions of American consumers who have every right to look to us to provide this same measure of protection in view of the failure of casualty insurance companies.

In my book, the consumer in the latter case is much more likely to be more grievously damaged, because he, as an average American consumer, is not likely to be the kind of man or woman who leaves an investment portfolio with a security broker. Quite to the contrary, he would be hard put to find security money. His trouble is to find his insurance company, but he cannot, because it has folded.

The Senator from Texas, I am advised, filed and had printed in the Record the bill I have described in the form of an amendment to this bill.

Given this opportunity to bring to the attention of our colleagues the proposal of the Commerce Committee, I would hope, if not in this session, promptly in the next session they will respond to this unmet need.

I yield the floor.

NEEDED PROTECTION FOR INSURANCE POLICYHOLDERS; AN AMENDMENT TO S. 2348

Mr. YARBOROUGH. Mr. President, for many years the largest group in America without an effective lobbying force was the consumer. Now, at long last, the voice of the individual consumer, which happens to be all of us, is being heard.

Each year, every family in America spends an average of $200 for casualty and property insurance. Each family needs this type of insurance protection. But, tragically, in too many instances, when an automobile accident or fire, or some other type of casualty occurrence takes place, the policyholder finds that his insurance company is insolvent and cannot pay its obligations.

This legislation is intended to provide the same kind of protection for property, casualty, and surety insurance policyholders as is now provided to depositors in banks or saving and loan associations through the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation, respectively.

The bill would create a Federal Insurance Guaranty Agency, similar to FDIC and FSLIC, to pay off policyholders in the event of an insolvency on the part of a guaranteed company. It would be funded by a minimal assessment on guaranteed companies of one-twenty-fifth of 1 percent of yearly net direct written premiums.

All insurers doing business in interstate commerce would be required to apply for guarantee status, and all insurers certified as solvent by their State supervisory authority would be granted guarantee status. Such status could be revoked upon motion by the State supervisory authority or the Guaranty Agency with the concurrence of the State authority. Such action would be analogous to the withdrawal of the Federal meat inspection privilege and would, in effect, put a company out of business.

Basic authority for examination and regulation of insurance companies would be left with the State authorities, but the Guaranty Agency could demand reports on the financial condition of guaranteed companies. In the event of an insolvency, the Federal Agency would not become involved if the domiciliary State had an insolvency plan in effect, except to make the money available for paying the policyholder claims. If the domiciliary State had no insolvency plan, the Federal Agency would step in to liquidate the company and make payments directly to policyholders.

There is a current situation in Texas, which illustrates the need for this legislation. On August 17 of this year, two Texas insurance companies, the Dealer's National of Dallas and Liberty Universal of Fort Worth were placed in receivership and are now in the process of liquidation. Neither of these two companies had ever had particularly profitable underwriting experience.

The liquidator of the Texas companies has expressed the opinion that none of the policyholders is likely to get full settlement, and many of them may get nothing.

Mr. President, this legislation is direly needed. The consumers of America, who must protect their automobiles and property with insurance, and who must have the right to collect their just damages against the liability carrier on an automobile which causes them injury, must not be left holding the bag by fly-by-night, underfinanced insurance companies. This legislation will not only provide them with protection in the company-insolvent situation, but will have the effect of policing the insurance industry so that companies which are destined for insolvency can be eliminated from the market before insolvency occurs.

Mr. President, I send to the desk an amendment and ask that it be printed in full in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

On page 31, line 12, immediately after the word "Investor", insert the words "and Insurance Policyholder".

On page 31, between lines 13 and 14, insert the following title caption:

"TITLE I—SECURITIES INVESTOR PROTECTION"

On page 31, line 14, strike out "Sec. 2", and insert in lieu thereof "Sec. 101".

On page 72, line 18, strike out "Sec. 3," and insert in lieu thereof "Sec. 102".

On page 72, line 18, strike out "Sec. 3", and insert in lieu thereof "Sec. 103"; and on lines 8 and 9 substitute the word "title" for the word "Act".

TITLE II—INSURANCE POLICYHOLDER PROTECTION

At the appropriate place at the end of the bill insert the following new title:

DEFINITIONS

Sec. 201. As used in this Act—

(1) The term "insurer" means any enterprise engaged in the business of issuing insurance policies in interstate commerce or engaged in the business of issuing policies which are reinsured (in whole or in part) in interstate commerce.

(2) The term "local insurer" means any enterprise engaged in the business of issuing insurance policies solely within one State.

(3) The term "participating insurer" means any enterprise whose property, casualty, or surety insurance policies are guaranteed under this Act.

(4) The term "policy" means (a) any contract of direct property, casualty, or surety insurance, including any endorsements thereto and without regard to the nature or

form of the contract or endorsements, insuring against legal liability and/or loss contingencies, other than those provided for by life, title, disability, mortgage guaranty, and ocean marine insurance; (b) any agreement written by the insurer or reinsurer in favor of a self-insurer; or (c) any agreement written by an insurer or reinsurer in favor of another insurer assuming 100 per centum of all obligations of the ceding insurer.

(5) The term "policy required to be guaranteed" means: (a) any policy insuring against legal liability, loss contingencies, or both, issued by any insurer (or its agent) to any named insured (including any individual, partnership, association, or corporation) residing in any State or having a principal place of business in any State; or (b) any policy issued by any insurer insuring property of a named insured which property has permanent situs in any state at the time the policy is issued.

(6) The term "net direct premiums written" means direct gross premiums written on policies required to be guaranteed under this Act less return premiums thereon and dividends paid to policyholders on such direct business.

(7) The term "policyholder claim" means (a) a claim of a policyholder claimant or insured or his assignee within the coverage of a policy, arising out of an occurrence wherein such policyholder claimant or insured suffered damage or is subject to liability for damages within the coverage of the policy; or (b) a claim by a policyholder or insured for return premium arising out of the termination of the policy by reason of insolvency; or (c) a claim by any person having a claim against his insurer under any insolvency protection provision which claim arises out of the insolvency of a participating insurer; or (d) a claim of a participating insurer operating under a State insolvency plan for expenses incurred in connection with the review and evaluation of the validity of a claim of a policyholder, claimant, or insured.

(8) The term "Administrator" means the Administrator of the Federal Insurance Guaranty Agency (hereinafter referred to as the "Agency").

(9) The term "Fund" means the Federal Insurance Guaranty Fund as described in section 9(b).

(10) The term "interstate commence" means trade or commerce among the several States, or between the District of Columbia or any possession of the United States and any State or other possession, or within the District of Columbia.

(11) The term "State" means any State, any possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands;

(12) The term "State supervisory authority" means the agency or individual of the State of domicile of the insurer having responsibility for regulating the business of insurance within that State: *Provided*, That in the case of an insurer organized under the laws of a foreign country, the term "State supervisory authority" means the agency or individual of the jurisdiction where such insurer is organized having responsibility for regulating the business of insurance within such jurisdiction.

(13) The term "State insolvency plan" means legislative and administrative action by the State supervisory authority and the legislative body designed to prevent insolvencies, and, to facilitate indemnification of policyholders and claimants when an insolvency occurs, including but not limited to ensuring of the availability of sound assets of participating insurers, the availability of summary proceedings, the efficient marshaling of assets, the recovery of improperly transferred assets, the prompt notification of policyholders and persons with claims against policyholders as to the pendency of liquidation proceedings, and the participation of insurers doing business in the State in reviewing and evaluating the validity of policyholder claims. The State supervisory authority shall certify to the Administrator that the State has a State insolvency plan.

(14) The term "operating expenses" includes all administrative expenses of the Agency, including salaries, office supplies, and other incidental business expenses but does not include: (a) allocated and unallocated claim and loss expenses arising from payment of policyholder claims, or (b) interest on any Treasury loans (but does include payment of interest on capital stock advanced).

CREATION OF AGENCY

SEC. 202. There is hereby created a Federal Insurance Guaranty Agency which shall guarantee, as hereafter provided, the contractual performance of participating insurers and which, in connection therewith, shall have the powers hereinafter granted.

MANAGEMENT

SEC. 203. (a) ADMINISTRATOR.—The management of the Agency shall be vested in an Administrator appointed by the President, by and with the advice and consent of the Senate. The Administrator shall hold office for a term of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the person whom he shall succeed: Provided, however, That upon the expiration of his term of office the Administrator shall continue to serve until his successor shall have been appointed and shall have qualified. The Administrator shall be ineligible during the time he is in office and for two years thereafter to hold any office, position, or employment in any participating insurer; and he shall not be an officer or director of any participating insurer or hold stock in any participating insurer; and before entering upon his duties as Administrator he shall certify under oath that he has complied with this requirement and filed such certification with the Agency.

(b) (1) There is hereby established an Advisory Committee consisting of eleven members appointed by the Administrator. Of the members of the Committee, one shall be the Special Assistant to the President on Consumer Affairs, four shall be selected from among representatives of the private insurance industry (including one representative of the reinsurance industry), four shall be representatives of State insurance authorities, and two shall be consumer representatives of the general public.

(2) The Administrator shall designate a Chairman and a Vice Chairman of the Committee.

(3) Each member shall serve for a term of two years or until his successor has been appointed, except that no person who is appointed while a full-time employee of a State or the Federal Government shall serve in such position after he ceases to be so employed, unless he is reappointed.

(4) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term.

(5) The Chairman shall preside at all meetings, and the Vice Chairman shall preside in the absence or disability of the Chairman. In the absence of both the Chairman and Vice Chairman, the Administrator may appoint any member to act as Chairman pro tempore. The Committee shall meet at such times and places as it or the Administrator may fix and determine, but shall hold at least four regularly scheduled meetings a year. Special meetings may be held at the call of the Chairman or any three members of the Committee, or at the call of the Administrator. A majority of the members shall constitute a quorum for the transaction of business.

(6) The Committee shall review general policies of the Agency and advise the Administrator with respect thereto, assist in obtaining the cooperation of insurers, industry groups, and Federal and State agencies, consult with and make recommendations to the Administrator with respect to carrying out the purposes of this Act, and perform such other functions as the Administrator may, from time to time, assign. The written reports and recommendations of the Committee shall be made available by the Administrator to the public.

(7) The members of the Committee shall not, by reason of such membership, be deemed to be employees of the United States, and such members, except the one who is a regular full-time employee of the Government, shall receive for their services, as members, the per diem equivalent to the rate for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, when engaged in the performance of their duties, and each member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title for persons in the Government service employed intermittently.

POWERS

SEC. 204. (a) Upon the date of enactment of this Act, the Agency shall have power—

(1) to make contracts, and execute all instruments necessary and appropriate in the exercise of its powers;

(2) to sue and be sued, complain and defend, in any court of law or equity, State or Federal. All suits of a civil nature at common law or in equity to which the Agency shall be a party shall be deemed to arise under the laws of the United States, and the United States district courts shall have original jurisdiction thereof without regard to the amount of controversy; and the Agency may, without bond or security, remove any such action, suit, or proceeding from a State court to the United States district court for the district or division embracing the place where the same is pending by following any procedure for removal now or hereafter in effect. No attachment or execution shall be issued against the Agency or its property before final judgment in any suit, action, or proceeding in any State, county, municipal, or United States court. The Administrator shall designate an agent upon whom service of process may be made in any State, territory, or jurisdiction in which any participating insurer does business;

(3) to appoint through the Administrator such officers, employees, attorneys, agents, adjusters, and other persons as may be necessary for the performance of its duties, to define their duties, fix their compensation, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees. Nothing in this Act or any other act shall be construed to prevent the appointment and compensation as an officer or employee of the Agency of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof;

(4) to prescribe through its Administrator rules not inconsistent with law, regulating the manner in which its general business may be conducted and the privileges granted to it by law may be exercised and enjoyed;

(5) to exercise by its Administrator, or duly authorized officers or agents, all powers specifically granted by the provisions of this Act, and such incidental powers as shall be necessary to carry out the powers so granted;

(6) to require information and reports from any participating insurer;

(7) to report to State supervisory authorities on matters affecting the solvency of participating insurers; and

(8) to prescribe by its Administrator such rules and regulation as it may deem necessary to carry out the provisions of this title.

(b) No individual, association, partnership, or corporation, other than the Agency, shall hereafter use the words "Federal Insurance Guaranty Agency" or any combination of such words, as the name or part thereof under which he or it shall do business. Any violation of this subsection shall be punishable by a fine of not exceeding $1,000 for each day during which such violation is committed. This subsection shall not make unlawful the use of any name or title which was lawful on the date of enactment of this Act.

ADMINISTRATION

Sec. 205. (a) The Administrator shall administer the affairs of the Agency fairly and impartially and without discrimination. The Administrator shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid within the limitations imposed by this Act. The Agency, with the consent of the head of any department or agency of the Federal Government, or of any State government, may avail itself of the use of information, services, and facilities thereof in carrying out the provisions of this Act.

(b) Application for Guaranty Status.—Each insurer shall, and each local insurer may, make application to the Agency for guaranty status under this Act. Such application shall be in such form and contain such information as the Agency shall by regulation prescribe.

(c) Granting of Guaranty Status; Certification or Refusal Thereof.—

(1) The Administrator shall grant any insurer or local insurer properly making application guaranty status for six months.

(2) Within six months of the initial granting of guaranty status each participating insurer must obtain certification of its solvency from its State supervisory authority.

(3) If the State supervisory atuhority certifies the solvency of the participating insurer, the Agency shall retain said participating insurer on guaranty status. If the State supervisory authority refuses to certify the solvency of any participating insurer, the Agency shall treat the refusal as if it were a recommendation for revocation under paragraph (1) of subsection (e) of this section.

(4) In the case of an insurer organized under the laws of a foreign country, the Agency may also require certification of a State supervisory authority of a State in which the insurer is licensed or is an approved surplus line insurer.

(d) Reports to the Agency.—Each participating insurer shall make to the Agency reports of condition which shall be in such form. at such time, and shall contain such information as the Administrator may reasonably require by rules promulgated in accordance with section 553 of title 5 of the United States Code. The Administrator may require reports of condition to be published in such manner, not inconsistent with any applicable law, as he may direct. Every participating insurer which fails to make or publish any such report within ten days of its due date shall be subject to a penalty of not more than $1,000 for each day of such failure, which penalty shall be recoverable by the Agency for its use.

(e) Revocation of Guaranty Status.—Any participating insurer may have its guaranty status revoked if its State supervisory authority so recommends or if the State supervisory authority concurs in a motion of revocation made by the Agency. The Agency shall give any participating insurer who has attained guaranty status thirty days written notice of intention to terminate its guaranty status and opportunity to correct the deficiencies of its operation which are stated in that notice as grounds for termination. Any participating insurer, prior to termination, shall upon request be granted an opportunity for a hearing which shall be conducted in accord with the provisions hereinafter provided.

(f) Hearings and judicial review.—

(1) Any hearings provided for in this Act shall be held in the Federal judicial district or in the territory in which the principal officer of the insurer is located unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code. Such hearing shall be public, unless the Agency, in its discretion, after fully considering the views of the party afforded the hearing, determines that a private hearing is necessary to protect the public interest. After such hearing, and within ninety days after the Agency has notified the parties that the case has been submitted to it for final decision, the Agency shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as hereinafter provided in paragraph (2) of this subsection, and thereafter until the record in the proceeding has been filed as so provided, the Agency may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Agency may modify, terminate, or set aside any such order with permission of the court.

(2) Any party to the proceeding may obtain a review of any order by filing in the court of appeals of the United States for the circuit in which the principal office of the insurer is located, or in the United States Court of Appeals for the District of Columbia Circuit, within thirty days after the date of service of such order, a written petition praying that the order of the Agency be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Agency and thereupon the Agency shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall, except as provided in the last sentence of said paragraph (1), be exclusive, to affirm, modify, or set aside, in whole or in part, the order of the Agency. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 1254 of title 28 of the United States Code.

(3) The commencement of proceedings for judicial review under paragraph (2) of this subsection shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Agency.

PENALTIES

Sec. 206. (a) Any insurer (other than a local insurer) issuing any insurance policy which is required to be but is not guaranteed under this Act shall forfeit to the United States a sum of not more than $1,000 for each and every day that such policy is in effect and is not guaranteed under this Act. Such forfeiture shall be payable to the Agency for its use. The Agency is authorized to collect any unsatisfied forfeiture claim from the directors and officers of the insurer individually. This subsection shall take effect upon the expiration of one year after the effective date of this Act.

(b) Whoever falsely advertises or otherwise misrepresents by any device whatsoever that any insurance policy is guaranteed by the Federal Insurance Guaranty Agency, or by the Government of the United States, or by any instrumentality thereof, shall be fined not more than $1,000, or imprisoned not more than one year, or both.

PAYMENT OF GUARANTY

Sec. 207. (a) Payment of policyholder claims against participating insurers which arise in a State which has a State insolvency plan.—

(1) The liquidator appointed by the State supervisory authority or other appropriate authority shall present as soon as practicable, and at periodic intervals, the policyholder claims against any participating insurer which have been finally determined administratively or judicially under applicable State law to be valid in a fixed amount.

(2) The Agency shall pay such claims to the liquidator as quickly as possible in order to provide the public the insurance protection that would have been available but for the liquidation.

(b) Payment of policyholder claims against participating insurers which arise in a State which does not have a State insolvency plan.—Whenever any participating insurer is placed in liquidation the Agency shall pay all policyholder claims in the following manner:

(1) The liquidator appointed by the State supervisory authority shall present as quickly as practicable such claims to the Agency which is authorized to investigate, examine, adjust, compromise, or settle any such claim.

(2) The Agency shall investigate, examine, adjust, compromise, or settle such claims as quickly as possible in order to provide the public the insurance protection that would have been available but for the liquidation.

(3) The Agency shall present the liquidator with a complete report of the disposition of such claims and itemize the payout by the Agency.

(4) The Agency is authorized to defend any action pending or brought against the policyholder or the insured for an insurable event occurring before or fifteen days after the date of issuance of the liquidation order.

(c)(1) The Agency shall be entitled to any valid claim against the liquidator up to an amount equal to the liabilities of such insurer paid by the Agency. Payment of such claim shall follow the normal order of distribution of the liquidation laws of the State.

(2) If the policyholder claims paid by the Agency arise in a State which has a fund created by a pre-insolvency assessment mechanism, the Agency shall be reimbursed for its payments to the extent there are funds available.

(d) When the Agency is aware that a participating insurer is in danger of becoming insolvent, in order to prevent such insolvency the Agency, in the discretion of the Administrator, is authorized to make loans to such insurer upon such terms and conditions as the Administrator, in consultation with the State supervisory authority, may prescribe.

(e) Any person (including any individual, partnership, association, or corporation) having a claim against his insurer under any insolvency protection provision contained in his insurance policy, which claim arises out of the insolvency of a participating insurer, may file a claim with the liquidator for the total amount of the alleged loss without first proceeding against the insurer. If any person having a claim against his insurer under any insolvency protection provision contained in his insurance policy first proceeds against the liquidator, the Agency is subrogated to the rights of that person against his insurer. If any person first proceeds against his insurer, any valid claim against the liquidator will be reduced by the amount recovered from his insurer under any insolvency protection provision contained in his insurance policy.

(f) When a participating insurer who has issued assessable policies is liquidated, the Agency shall exercise discretion when claiming against the assets of the liquidated insurer in order to avoid, so far as possible, the imposition of unreasonable assessments on policyholders who were unaware of the assessment exposure.

FINANCING

Sec. 208. (a) Advancement.—The Agency shall have an advancement in the form of capital stock of $10,000,000 which shall be divided into shares of $1,000 each. The total amount of such capital stock shall be subscribed to by the Secretary of the Treasury. For the purpose of making payments for such stock the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purpose for which securities may be issued under such Act are extended to include such purchases. The Agency shall make annual payments to the Secretary of the Treasury as interest on the amounts advanced to the Agency on stock subscription, from the time of such advance until the amounts thereof are repaid, at a rate determined annually by the Secretary of the Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States.

(b) Guaranty fund.—

(1) Funds obtained by the Agency from the sale of capital stock, as provided in subsection (a) of this section, and from guaranty fees collected pursuant to subsection (c) of this section shall be deposited in the guaranty fund which is hereby established. The fund shall be held by the Agency and used by it for carrying out its guaranty functions under this Act, and for operating expenses arising in connection therewith not to exceed $3,500,000 per year.

(2) Whenever after retirement of the outstanding Treasury shares issued pursuant to subsection (a) of this section the net asset value of the fund exceeds one-eighth of 1 per centum of the annual net direct premiums written by all participating insurers, the Agency shall waive the requirements for fees as herein stated: *Provided,* That such requirement shall be reinstated whenever the net asset value of such fund is less than one-eighth of 1 per centum of the annual net direct premiums written by all participating insurers: *Provided further,* That no distribution or rebate shall be made by reason of the fact that the total amount in fees collected by the Agency at any time exceeds one-eighth of 1 per centum of such annual direct written premiums. In determining net asset value for the purposes of this paragraph, the Administrator shall include estimated liabilities that may be chargeable to such fund.

(3) The Agency shall retire as rapidly as practicable, having due regard to the need to maintain at all times the solvency of the fund, the capital stock of the Agency which is held by the Treasury.

(4) In the event that the Congress should repeal this Act, any moneys remaining in such fund at that time, after redemption of any outstanding capital stock, repayment of any outstanding loans from the Treasury under subsection (d) of this section and discharge of all expenses and obligations under this Act, shall be returned to the participating insurers pro rata in accordance with the guaranty fees they have paid into the fund.

(5) In the event that the Congress should reduce the size of the fund specified in subsection (b) of this section, any excess in the fund above the new statutory limit shall be returned to the participating insurers pro rata in accordance with the guaranty fees they have paid into the fund.

(c) Assessments.—

(1) National annual assessments—

(i) Each calendar year following the year in which the application of a participating insurer was certified, such participating insurer shall pay to the Agency a guaranty fee. This fee, which shall be equal to one twenty-fifth of 1 per centum of the net direct premiums written on policies required to be guaranteed by the participating insurer during the year, shall be assessed annually based on net direct premiums written during the period January 1 through December 31.

(ii) On or before the last day of the first month following the above-mentioned period, each participating insurer shall file with the Agency a certified statement showing the net direct premiums written by such insurer during that period. In the event that accurate information is not available at that time, an estimate may be filed: *Provided, however,* That a final certified statement must be filed not later than sixty days from the last day of the reporting period.

(iii) The certified statements required to be filed with the Agency under subparagraph (ii) of this paragraph shall be in such form and set forth such supporting information as the Administrator shall prescribe and shall be certified by the president of the insurer or any other officer designated by its board of directors to be, to the best of his knowledge and belief, true, correct, and complete and in accordance with this Act and regulations issued thereunder. The assessment payments required from participating insurers under subparagraph (i) of this paragraph shall be made in such manner and at such time or times as the Administrator shall prescribe, provided the time or times so prescribed shall not be later than sixty days after filing the certified statement setting forth the amount of assessment.

(iv) Except as otherwise provided in this subsection, the Administrator shall prescribe all needful rules and regulations for the enforcement of this subsection. The Administrator may limit the retroactive effect, if any, of its rules or regulations.

(v) The Agency may (1) refund to a participating insurer any payment of assessment in excess of the amount due to the Agency, or (2) credit such excess toward the payment of the assessment next becoming due from such insurer and upon succeeding assessments until the credit is exhausted.

(vi) Any participating insurer which fails to make any report of condition under subsection (d) of section 6 of this Act or to file any certified statement required to be filed by it in connection with determining the amount of any assessment payable by the insurer to the Agency may be compelled to make such report or file such statement by mandatory injunction or other appropriate remedy in a suit brought for such purpose by the Agency against the insurer and any officer or officers thereof in any court of the United States of competent jurisdiction in the district or territory in which such insurer is located.

(vii) The Agency, in a suit brought at law or in equity in any court of competent jurisdiction, shall be entitled to recover from any participating insurer the amount of any unpaid assessment lawfully payable by such insurer to the Agency whether or not such insurer shall have made any such report of condition under subsection (d) of section 6 of this Act or filed any such certified statement and whether or not suit shall have been brought to compel the insurer to make any such report or file any such statement. No action or proceeding shall be brought for the recovery of any assessment due to the Agency, or for the recovery of any amount paid to the Agency in excess of the amount due to it, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made, except where the participating insurer has made or filed with the Agency a false or fraudulent certified statement with the intent to evade, in whole or in part, the payment of assessment, in which case the claim shall not be deemed to have accrued until the discovery by the Agency that the certified statement is false or fraudulent.

(viii) Should any participating insurer fail to make any report of condition under subsection (d) of section 6 of this Act or to file any certified statement required to be filed by such insurer under any provision of this section, or fail to pay any assessment required to be paid by such insurer under any provision of this Act, and should the insurer not correct such failure within thirty days after written notice has been given by the Agency to an officer of the insurer, citing this subparagraph, and stating that the insurer has failed to file or pay as required by law, all the rights, privileges, and franchises of the insurer granted to it under this Act shall be thereby forfeited. Whether or not the penalty provided in this subparagraph has been incurred shall be determined and adjudged after hearing in the manner provided in section 6(f) of this Act. The remedies provided in this subparagraph and in the two preceding subparagraphs shall not be construed as limiting any other remedies against any participating insurer, but shall be in addition thereto.

(ix) Any participating insurer which willfully fails or refuses to file any certified statement or pay any assessment required under this Act shall be subject to a penalty of not more than $1,000 for each day that such violations continue, which penalty the Agency may recover for its own use.

(2) Post-insolvency assessments—

(i) Whenever the Agency has advanced funds in excess of those available from the sale of its capital stock and collected guaranty fees in order to perform its guaranty function under this Act and has not recovered said funds (including any interest due because of such advancement) from the assets of the insurer upon final liquidation, then the Agency shall seek recovery of said funds by making a national post-insolvency assessment not to exceed one-eighth of 1 per centum of the net direct written premiums annually in accordance with procedures detailed in paragraph (1) of this subsection.

(3) Nothing in this Act shall be construed to deny the several States the right to levy taxes or require license fees for insurers doing business within their jurisdiction: *Provided, however,* That no participating insurer shall be required to pay any pre- or post-insolvency assessment or fee under any State insurers insolvency or liability security fund law which guaranty insurance policies of that insurer that are guaranteed pursuant to this Act.

(d) Treasury Loans.—The Agency is authorized to borrow from the Treasury, and the Secretary of the Treasury is authorized and directed to loan to the Agency on such terms as may be agreed to by the Agency and the Secretary such funds in the judgment of the Administrator of the Agency is from time to time required for insurance purposes, not exceeding in the aggregate $100,000,000 outstanding at any one time, or such further sum as the Congress, by joint resolution, may from time to time determine: *Provided,* That each loan made pursuant to this subsection shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of such loans. For such purpose the Secretary of the Treasury is authorized to use a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include such loans. Any such loan shall be used by the Agency solely in carrying out its functions with respect to such insurance. All loans and repayments under this subsection shall be treated as public debt transactions of the United States.

AGENCY MONEYS; INVESTMENT

SEC. 209. Money of the Agency not otherwise employed shall be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States: *Provided,* That the Agency shall not sell or purchase any such obligations for its own account and in its own right and interest, at any one time aggregating in excess of $100,000 without the approval of the Secretary of the Treasury: And provided further, That the Secretary of the Treasury may waive the requirement of his approval with respect to any transaction or classes of transactions subject to the provisions of this section for such period of time and under such conditions as he may determine.

EXEMPTION FROM TAXATION

SEC. 210. All notes, debentures, bonds, or other such obligations issued by the Agency shall be exempt, both as to principal and interest, from all taxation (except estate and inheritance taxes) now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority: *Provided,* That interest upon or any income from any such obligations and gain from the sale or other disposition of such obligations shall not have any exemption, as such, and loss from the sale or other disposition of such obligations shall not have any special treatment, as such, under the Internal Revenue Code, or laws amendatory or supplementary thereof. The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other property is taxed.

FORMS OF OBLIGATIONS

SEC. 211. In order that the Agency may be supplied with such forms of notes, debentures, bonds, or other such obligations as it may need for issuance under this Act, the Secretary of the Treasury is authorized to prepare such forms as shall be suitable and approved by the Agency, to be held in the Treasury subject to delivery, upon order of the Agency. The engraved plates, dies, bed pieces, and other material executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Agency shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody, and delivery of such notes, debentures, bonds, or other such obligations.

REPORTS; AUDITS

SEC. 212. (a) The Agency shall annually make a report of its operations to the Congress as soon as practicable after the 1st day of January in each year. Such report shall include a statement with respect to the status and scope of the fund established pursuant to section 9, together with such recommendations concerning its adequacy or inadequacy as the Agency deems necessary or desirable.

(b) The financial transactions of the Agency shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Agency pertaining to its financial and other operations and determined necessary by the Comptroller General to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency.

(c) The fiscal year of the Agency shall be the calendar year. A report of the audit for each calendar year shall be made by the Comptroller General to the Congress not later than July 15 following the close of the calendar year. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

GOVERNMENT CORPORATION CONTROL ACT

SEC. 213. (a) Section 101 of the Government Corporation Control Act, as amended (31 U.S.C. 846), is amended by adding after "Federal Housing Administration", the following: "Federal Insurance Guaranty Agency".

(b) To the extent of any inconsistency between the provisions of this Act and the provisions of the Government Corporation Control Act, the provisions of this Act shall govern.

SEPARABILITY CLAUSE

SEC. 214. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Amend the title so as to read: "A bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, and to provide greater protection to insure policyholders and claimants."

Mr. MOSS. Mr. President, the Senator from Texas (Mr. YARBOROUGH) has submitted an amendment and discussed the need for protection for insurance policyholders and discussed recent insolvencies in his own State of Texas. I should like to join in the remarks of the Senator from Texas and to point out a similar situation that exists in my State of Utah. Two recent occurrences involving my own State have underscored the urgency of this matter for me.

The first concerns the insolvency of one of the companies alluded to by the Senator from Texas (Mr. YARBOROUGH). I recently received a letter from a lady in Salt Lake City detailing the unfortunate experience of her son with Liberty Universal Insurance Co. of Fort Worth, Tex.

He is an enlisted man in the U.S. Navy, stationed at Portsmouth, N.H. After 2½ years, he finally managed to save enough money from his Navy salary to make the down payment on a new car, but then experienced difficulty in obtaining insurance in New Hampshire. However, on August 2 of this year his mother obtained coverage for him from Liberty Universal, through an agent in Salt Lake City. On August 5, his new car was stolen and has not been recovered. On August 17, Liberty Universal was declared insolvent, and is in process of liquidation.

Because of the serious depletion of this company's assets and its heavy investment in Dealers National Insurance Co., which was declared insolvent at the same time, it seems highly unlikely that this young man will receive more than a token settlement, if that. Neither Texas nor Utah have an insurance insolvency law, and although the State of New Hampshire, of which this young man is an involuntary resident, does have such a law, it will not cover his situation because Liberty Universal was not authorized to do business in the State.

As a result, this young man, who is serving his country well has lost his downpayment, his car, and his insurance premium. All he has left is the monthly payments which he must make on an enlisted man's pay. It is indeed a sad and shameful situation. And I am certain that there are others who are even worse off—perhaps widowed or permanently disabled.

The second situation which prompted me to speak out on this matter concerns the current financial difficulty of Federated Security Life Insurance Co. of Salt Lake City. This company is now undergoing a rehabilitation procedure because its assets have been diverted and depleted to such an extent that its solvency and the policyholders' equity are seriously threatened.

Federated Security was founded as a mutual benefit association by local interests in Salt Lake City, Utah, in 1950 and was converted to a stock company in 1951.

In 1965, a 58-percent controlling interest was acquired by Oregon National Life Insurance Co., which had been formed in Portland the preceding year. During 1967 and 1968, Oregon National's interest, which was held through a holding company, Trans National Service Corp., was increased to 93.3 percent through an exchange of stock. However, the two companies continued to be operated as separate entities. On July 30, 1969, Trans National Service Corp., the Oregon national holding company, sold its stock interest in Federated Security to Kaymac Industries, a Dallas, Tex., holding company, for approximately $3.5 million. At the time it was sold, Federated had approximately $10 million in assets and apparently was in no serious difficulty. However, the new management has diverted over $6 million of Federated's assets to the Kaymac holding company and used the proceeds to purchase interests in various other enterprises.

The company apparently has about $3.5 million in remaining assets. Although Kaymac is still the owner of record, the matter is now in the hands of the Utah courts. The State insurance commissioner hopes to complete a rehabilitation plan within the next few weeks to provide for the acquisition of

Federated by a sound insurance company.

Whether or not such a plan can be worked out and will succeed in salvaging the company, remains to be seen. In the meantime, policyholders are continuing to pay premiums, but death benefits are being held up. As I noted previously, Utah has no insurance insolvency law to protect policyholders should the rehabilitation plan fail and the company become insolvent.

During 1969, Kaymac also obtained approximately 86 percent of the common stock of Transwestern Life Insurance Co. of Billings, Mont. After the acquisition, the management of this company passed into the hands of the same individuals who brought Federated Security to its present sad state. Whether or not Transwestern will suffer a similar fate remains to be seen. However, if the past is any guide, it appears quite likely that it will.

Mr. President, I think it is high time that the Congress put a stop to the kinds of situations I have just described and which are occuring with increasing frequency, by enacting the Federal Insurance Guaranty Agency Act.

This bill was considered in the Committee on Commerce and was ordered reported by that committee. I ask unanimous consent that the report accompanying S. 2236 be placed on the desk of each Senator so that Senators may have an opportunity to acquaint themselves with the problems at which the proposed legislation is directed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I am fully cognizant of the need to insure investors against potential financial disaster in the form of broker-dealer failures.

It is for much the same reason that I support legislation to provide similar protection against insurance company insolvencies. Even more than the lure of Wall Street, insurance has become a vital part of everyday life for all Americans. Protection against insurance company insolvencies in needed to maintain public confidence in the integrity and reliability of the private insurance mechanism.

At least 143 property and casualty insurance companies have become insolvent in the past 12 years. More than 1 million Americans have suffered direct financial loss totaling more than $200 million from these insolvencies. Under the pressures of the current recession, the rate of insurance company insolvencies may be increasing. We know of eight insolvencies just in the last year—more may be reported in the future.

In addition to those who suffer directly from insurance company bankruptcies, many more suffer indirect consequences. In the same 12-year period that a million Americans suffered $200 million in direct losses, an additional one-half million policyholders had to pay out more than $60 million to bail out mutual insurance funds to which they had belonged.

It is also no secret that insurance company insolvencies victimize those Americans least able to pay. Insolvencies are particularly frequent among companies which insure low-income city dwellers. Ironically, these are the people who pay most dearly on what is commonly held to be a high-risk market. The victimization of low-income people is aggravated by the tendency of large insurance companies to cancel and refuse to renew high-risk policies. High-risk insurance is thus ushered into the hands of less reputable, and financially less durable companies.

The simple fact is that more people have suffered and will continue to suffer from insurance-company insolvencies than from broker-dealer bankruptcies. Millions of Americans have invested an important part of their future in our private insurance system. Now we have an opportunity to bolster their confidence in that system and the security they gain from participating in it.

A Federal Insurance Guarantee Corporation would indemnify the otherwise helpless victims of insurance insolvencies. It would also aid States in their efforts to prevent insolvencies through adequate regulation of their dealings.

Recently some States have begun to protect their citizens against insolvencies by improving statutes. But these efforts have been frustrated by the interstate and international nature of the insurance industry. State efforts to indemnify the claimants of insolvent companies are similarly hampered.

In the five States—including my home State of Indiana—where the most insolvencies occur, there is no insolvency protection whatsoever.

The need for the type of legislation we are speaking of today was most shockingly illustrated in Indiana this summer. The events bringing insolvency to the Wabash Fire & Casualty Co. provide a classic example of the way inadequate legislation, inattentive public officials, and unethical business practices can combine to cheat the public.

The Wabash Fire & Casualty case is also instructive of the way in which millions of Americans have been cheated and threatened with financial disaster in this most vital area of American life. I would like to take a few moments to bring the salient facts of the Wabash insolvency to the attention of my colleagues.

This company was taken over by individuals from outside the State in 1965. One of the men who was made responsible for the company's operations had previously been associated in two enterprises with an individual who has been indicted and convicted for grand theft involving the acquisition of another insurance company and depletion of its assets.

The new management moved the company's headquarters to another State and embarked on a totally new underwriting policy limiting its policies to substandard, high risk, automobile and residential fire coverage, a policy which soon led to severe deterioration of the company's underwriting position.

Concurrently, through the use of a holding company device, the new management began to manipulate the insurance company's assets to the financial benefit of the holding company. For example, the holding company, Wabash Consolidated Corp., "purchased" from Wabash Fire & Casualty a large block of stock in Eagle Savings and Loan Association of Cincinnati. This stock had constituted 44 percent of the company's total assets. The "purchase" price of almost $2,990,000 was supposedly equivalent to the insurance company's original purchase price plus acquisition costs. However, the valuation placed on this stock, in Best's insurance reports, was over $3,810,000, a difference of some $820,000, in favor of the holding company. Moreover, the insurance company received no cash for the stock—just the holding company's 5-year second trust note, with no principal payments due until maturity. Thus the whole transaction was a paper one.

The holding company merged Eagle with another savings and loan it had acquired for $2,805,000 and just over a year later sold the merged company for almost $12,263,000, netting a total profit of some $6,468,000 on the entire transaction.

In some further swapping of assets between the holding company and the insurance company, the latter received a company known as Middletown East Developing Corp. The Development Corp.'s commercially zoned property was reportedly appraised at $990,000. Shortly thereafter, in May 1970, the holding company sold Wabash Fire & Casualty to Midwest Financial Corp., ostensibly for $1,000,000. Under the terms of sale Midwest Financial was to pay $10,000 in cash and reconvey title to Middletown East Development Corp. to Wabash Consolidated Corp. within 2 years. In this manner an additional $990,000 of the insurance company's assets would be diverted to the holding company.

Finally, on August 25, 1970, the Indiana commissioner of insurance obtained a court order enjoining further transactions under the agreement between Wabash Consolidated Corp. and Midwest Financial Corp. and placed Wabash Fire & Casualty Co. in liquidation. According to Best's insurance reports, the last time the Indiana Insurance Department had previously examined the company's affairs was December 31, 1965, just after it changed hands.

The Senate Committee on Commerce has made several unsuccessful attempts to find out from the Indiana insurance commissioner, Mr. Oscar Ritz, how many Indiana citizens will be left without insurance coverage as a result of this insolvency and how much money they stand to lose. When the last such inquiry was made, on October 9, the commissioner stated that such information would have to be obtained from the liquidator he had appointed, who happens to be the deputy commissioner of insurance, Mr. Robert Matthews. However, an attempt to telephone Mr. Matthews was unsuccessful, because his business telephone number is unpublished and was therefore not available even to the telephone operator.

As I said earlier, the Wabash Fire & Casualty insolvency is a classic example of the way in which American consumers are being betrayed by certain sly businessmen and inattentive public officials. It is even more disturbing to note that the same individuals who brought Wabash Fire & Casualty to its present sad state have also acquired control of two other Indiana insurance companies. Indiana Bonding & Surety Co. and Associates Life Insurance Co., both of Indianapolis.

The demise of the Wabash Fire & Casualty Co. is just one example—albeit a shocking one—of the need to protect the American consumer from insurance company insolvencies.

This protection should emphasize prevention and indemnity. Incidents like the Wabash insolvency can be prevented by helping States to improve their regulatory mechanisms and by monitoring certain interstate transactions of insurance companies.

The indemnity is needed to restore public confidence in the insurance industry as well as to prevent personal tragedies in cases where we fail to prevent insolvencies. Even if Indiana's insurance commissioner and his appointee, the liquidator, do discover the extent of loss to Indiana citizens, they will not be easily consoled. For Indiana is one of the States which offer no protection to policyholders.

This is the type of tragedy which can be prevented. Legislation to protect policyholders against insurance insolvencies affords an opportunity to build new confidence in a vital area of concern to millions of Americans.

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

POISON PREVENTION PACKAGING ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2162.

The **PRESIDING OFFICER** (Mr. JORDAN of Idaho) laid before the Senate the amendment of the House of Representatives to the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes, which was to strike out all after the enacting clause, and insert:

SECTION 1. This Act may be cited as the "Poison Prevention Packaging Act of 1970".

SEC. 2. For the purpose of this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "household substance" means any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household and which is—

(A) a hazardous substance as that term is defined in section 2(f) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f));

(B) an economic poison as that term is defined in section 2a of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(a));

(C) a food, drug, or cosmetic as those terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); or

(D) a substance intended for use as fuel when stored in a portable container and used in the heating, cooking, or refrigeration system of a house.

(3) The term "package" means the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of section 4(a)(2) of this Act, also means any outer container or wrapping used in the retail display of any such substance to consumers. Such term does not include—

(A) any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof, or

(B) any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only such container or wrapping.

(4) The term "special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

(5) The term "labeling" means all labels and other written, printed, or graphic matter (A) upon any household substance or its package, or (B) accompanying such substance.

SEC. 3. (a) The Secretary, after consultation with the technical advisory committee provided for in section 6 of this Act, may establish in accordance with the provisions of this Act, by regulation, standards for the special packaging of any household substance if he finds that—

(1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance; and

(2) the special packaging to be required by such standard is technically feasible, procticable, and appropriate for such substance.

(b) In establishing a standard under this section, the Secretary shall consider—

(1) the reasonableness of such standard;

(2) available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;

(3) the manufacturing practices of industries affected by this Act; and

(4)the nature and use of the household substance.

(c) In carrying out this Act, the Secretary shall publish his findings, his reasons therefor, and citation of the sections of statutes which authorize his action.

(d) Nothing in this Act shall authorize the Secretary to prescribe specific packaging designs, product content, package quantity, or, with the exception of authority granted in section 4(a)(2) of this Act, labeling. In the case of a household substance for which special packaging is required pursuant to a regulation under this section, the Secretary may in such regulation prohibit the packaging of such substance in packages which he determines are unnecessarily attractive to children.

SEC. 4. (a) For the purpose of making a household substance for which a standard has been established pursuant to this Act readily available to elderly or handicapped persons who may be unable to use special packaging and to those households without young children, such household substance may be packaged in packages not complying with such standard if—

(1) such substance is supplied to the consumer in at least one popular size package which complies with such standard; and

(2) the packages which do not meet such standard bear, in conformity with regulations of the Secretary, conspicuous labeling stating: "This product is also available in special packaging which is recommended for use in households with young children".

In the case of a household substance dispensed pursuant to an order of a physician, dentist, or other licensed medical practitioner who is authorized to prescribe, such substance may be sold in noncomplying packaging only when directed in the order of such practitioner or when requested by the purchaser.

(b) Whenever the Secretary determines that any household substance packaged in noncomplying packages is not also being supplied by a manufacturer or packer in popular size packages which comply with the standard established for such substance, he may, after giving the manufacturer or packer an opportunity to comply with the purposes of this Act, by order require such substance to be packaged by such manufacturer or packer exclusively in special packaging complying with such standard if he finds, after opportunity for hearing, that such exclusive use of such packaging is necessary to accomplish the purposes of this Act.

SEC. 5. (a) Proceedings to issue, amend, or repeal a regulation prescribing a standard under section 3 shall be conducted in accordance with the procedures prescribed by section 553 (other than clause (B) of the last sentence of subsection (b) of such section) of title 5 of the United States Code unless the Secretary elects the procedures prescribed by subsection (e) of section 701 of the Federal Food, Drug, and Cosmetic Act, in which event such subsection and subsections (f) and (g) of such section 701 shall apply to such proceedings. If the Secretary makes such election, he shall publish that fact with the proposal required to be published under paragraph (1) of such subsection (e).

(b) In the case of any standard prescribed by a regulation issued in accordance with section 553 of title 5 of the United States Code, any person who will be adversely affected by such a standard may, at any time prior to the 60th day after the regulation prescribing such standard is issued by the Secretary, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary shall file in the court the record of the proceedings on which the Secretary based his standard, as provided in section 2112 of title 28 of the United States Code.

(c) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original standard, with the return of such additional evidence.

(d) Upon the filing of the petition under subsection (b) the court shall have jurisdiction to review the standard of the Secretary in accordance with subparagraphs (A), (B), (C), and (D) of paragraph (2) of section 706 of title 5 of the United States Code. If the court ordered additional evidence to be taken under subsection (c), the court shall also review the Secretary's standard to determine, if, on the basis of the entire record before the court pursuant to subsections (b) and (1), it is supported by substantial evidence. If the court finds the standard is not so supported, the court may set it aside. With respect to any standard reviewed under this subsection, the court may grant appropriate relief pending conclusion of the review proceedings, as provided in section 705 of such title 5.

(e) The judgment of the court affirming or setting aside, in whole or in part, any such standard of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code.

Sec. 6. (a) For the purpose of assisting in carrying out the purposes of this Act, the Secretary shall appoint a technical advisory committee, designating a member thereof to be chairman, composed of not more than eighteen members who are representative of (1) the Department of Health, Education, and Welfare, (2) the Department of Commerce, (3) manufacturers of household substances subject to this Act, (4) scientists with expertise related to this Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. The Secretary shall consult with the technical advisory committee in making findings and in establishing standards pursuant to this Act.

(b) Members of the technical advisory committee who are not regular full-time employees of the United States shall, while attending meetings of such committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

Sec. 7. (a) Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (p)) is amended—

(1) by striking out "which substance" in the part preceding paragraph (1) and inserting in lieu thereof "if the packaging or labeling of such substance is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970 or if such substance"; and

(2) by adding the following after and below paragraph (2):

"The term 'misbranded hazardous substance' also includes a household substance as defined in section 2(2)(D) of the Poison Prevention Packaging Act of 1970 if it is a substance described in paragraph 1 of section 2 (f) of this Act and its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.".

(b) Section 2z(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(z)(2)) is amended by striking out the period at the end of paragraph (h) of such section and inserting in lieu thereof "; or" and by adding at the end thereof a new paragraph as follows:

"(i) if its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(c) Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end thereof a new paragraph as follows:

"(n) If its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(d) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end thereof a new paragraph as follows:

"(p) If it is a drug and its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(e) Section 503(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(2)) is amended by striking out "and (h)" and inserting in lieu thereof ", (h), and (p)".

(f) Section 602 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 362) is amended by adding at the end thereof a new paragraph as follows:

"(f) If its packaging or labeling is in violation of an applicable regulation or order issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

Sec. 8. Whenever a standard established by the Secretary under this Act applicable to a household substance is in effect, no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to such household substance, any standard for special packaging (and any exemption therefrom and requirement related thereto) which is not identical to the standard established under section 3 (and any exemption therefrom and requirement related thereto) of this Act.

Sec. 9. This Act shall take effect on the date of its enactment. Each regulation establishing a special packaging standard shall specify the date such standard is to take effect which date shall not be sooner than one hundred and eighty days or later than one year from the date such regulation is final, unless the Secretary, for good cause found, determines that an earlier effective date is in the public interest and publishes in the Federal Register his reason for such finding, in which case such earlier date shall apply. No such standard shall be effective as to household substances subject to this Act packaged prior to the effective date of such final regulation.

Mr. MANSFIELD. Mr. President, I move that the Senate disagree to the amendment of the House to S. 2162, a bill to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes; ask for a conference with the House on the disagreeing vote thereon; and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Magnuson, Mr. Hart, Mr. Moss, Mr. Pearson, and Mr. Goodell conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination and withdrawing a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Jordan of Idaho) laid before the Senate a message from the President of the United States submitting the nomination of Thomas J. Houser, of Illinois, to be a member of the Federal Communications Commission, and withdrawing the nomination of Sherman Unger, of Ohio, to be a member of the Federal Communications Commission, which nominating message was referred to the Committee of Commerce.

SECURITIES INVESTOR PROTECTION ACT OF 1970

The Senate resumed the consideration of the bill (S. 2348) to establish a Federal Broker-Dealer Insurance Corporation.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

Mr. PERCY. Mr. President, I should like, first, to indicate my admiration once again for the distinguished Senator from Maine (Mr. Muskie) on his leadership in this field. I know that this is getting to be a very complex matter but the basic thrust of what he is trying to accomplish should and must be preserved. This is not a protectionist bill for the broker as such. It is for people. We have had some specific instances where individuals have been hurt. Three small investment brokerage firms have failed. We are all aware of the situation involving the Goodbody Co., where arrangements have been made by the securities industry and the New York Stock Exchange to take care of that situation. But prior to that, three companies failed, one of them in the city of Chicago, involving losses for 6,000 individuals.

Mr. President, I hold in my hand a telegram dated December 8, 1970, by Robert W. Haack, president of the New York Stock Exchange which reads:

> The Chairman, Vice Chairman and President of the New York Stock Exchange would like to restate the exchange's position announced previously on November 17 regarding the customers of First Devonshire Corporation, Charles Plohn & Co. and Robinson & Co., Inc. Following passage of the SIPC legislation, they will strongly recommend to the board of governors of the exchange that the exchange provide assistance if necessary to the customers of these three firms. Such assistance under the Exchange constitution requires board and membership approval.

Mr. President, the House of Representatives in its debate on this issue considerably strengthened the hand of Mr. Haack in the colloquy that they had with respect to the passage of the bill.

An article published in the Wall Street Journal of December 2, 1970, from which I quote, states in part:

> Rep. Moss (D., Calif.), the bill's manager, stressed that the insurance fund isn't intended to cover possible losses by customers of three currently distressed firms, First Devonshire Corp., Charles Plohn & Co. and Robinson & Co.
>
> But Rep. Moss repeated to the House the previously announced "commitment" he has received from the New York Stock Exchange that it will protect customers of these three firms from any losses. Any "breach of faith" by the exchange on this "firm commitment" would prompt his securities subcommittee to press the legislation directing the exchange to make good any losses, Rep. Moss said.

Mr. President, as I read the telegram, of which other Senators have received copies also, this is not exactly a commitment. It is a best effort, but only an attempt on the part of the President of the New York Stock Exchange, because he does not have sole authority; but it would considerably strengthen his hand to make whole the losses suffered by innocent customers that have not been covered by this legislation.

We ourselves should indicate that the Senate feels as strongly as the House about this matter, that our vote on this legislation will take into account the feeling that the securities industry itself should take care of not just one of the largest companies but also the customers of the three smaller companies who have been injured by this action because they have not been covered.

I would very much appreciate the comments of the manager of the bill as well as those of the ranking minority member of the Committee on Banking and Currency.

Mr. MUSKIE. Mr. President, may I say to the Senator from Illinois that I appreciate his raising this point. It has been one that has concerned us as we have tried to resolve the various problems which have been raised. Before and after the bill was reported from the committee, we specifically pursued this particular one. We have all received, I think, copies of the telegram which the Senator has just read.

I, too, read it as a commitment from President Haack and the board of governors of the New York Stock Exchange to make the strongest possible case to the board and to the membership. I think they should understand that we accept that as a commitment on their part and that we would feel let down if the result is anything but a success.

I feel and have felt, long before we discussed this in terms of the impact upon the legislation, that they had a responsibility to the customers of these three firms. I felt that the exchange, in setting up the trust funds to deal with the customers of firms in difficulty, and to protect them, had held out to the public, in effect, that no customer would lose money because of failure of broker-dealers who are members of the exchange, although from their point of view, in terms of minimum obligation, their obligation may seem marginal in terms of the public's point of view and the right to rely on the exchange's assurance. But its objective is not to let any of these customers down. In terms of that assurance, the exchange had an obligation. So I think that this telegram reflects an intent and an attitude as such to do everything possible to see to it that the objective set out in the telegram is achieved.

Mr. PERCY. Mr. President, I very much appreciate the comments of the Senator from Maine. I am very much reassured by them. As a member of the minority on the committee, I would be even more reassured if my senior Republican colleague shared those opinions.

Mr. BENNETT. Mr. President, the exchange went to the limit of its resources and beyond, in order to take care of a very large problem; namely, Goodbody's problem. It seems to me they would be expected to assume the responsibility to take care of the three little ones also. After saying that they will go to the extent of $30 million over their $55 million trust fund, because the problem with Goodbody is so great that it will shake up many communities including my own of Salt Lake City, I do not think they can say that these three small companies do not mean very much in the total overall effect, so we do need to worry about them. Having, as the Senator from Maine said, held out this hope, this assurance, that they must be expected, in good conscience to assume responsibility for the small ones.

Does the Senator from Illinois know whether these are the only ones now without exchange support or assistance?

Mr. PERCY. Mr. President, to the best of my knowledge this is true. I have not researched it thoroughly. However, certainly we would have heard, I think, by now if there were any others. I would think that this colloquy would be all that would be necessary.

These are men of honor who deal in a profession in which they must deal every day on each other's word. I would not think it would be at all necessary for the House or the Senate to direct that the exchange do this when we have had this best effort telegram, reinforced by this colloquy. I feel quite certain that we have strengthened President Haack's hand sufficiently so that I do feel they will carry forward as they have committed themselves.

Mr. BENNETT. Mr. President, I hope that before too long they can send us another telegram telling us that they have worked out a program to help the customers of these three small firms.

Mr. PERCY. Mr. President, I thank the Senator.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MUSKIE. Mr. President, I ask unanimous consent that the vote on final passage take place not later than 6 o'clock this evening.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I will not object, I know that the Senator means to waive rule XII.

Mr. MUSKIE. The Senator is correct. Mr. President, I include that in my request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

What is the will of the Senate?

AMENDMENT NO. 1095

Mr. BROOKE. Mr. President, I call up amendment No. 1095 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 73, line 7, it is proposed to insert the following:

"SEC. 4. Section 15(c) of the Securities Exchange Act of 1934 is amended by adding the following:

" '(6) (A) No broker or dealer or member of a national securities exchange shall hold in custody or under a lien any money, security, or other property received from or on behalf of any customer, except that such broker may hold in custody or under a lien or may lend or pledge an amount of such securities that is fair and reasonable in view of the indebtedness of said customer to said member, broker, or dealer and in compliance with such rules and regulations as the Commission may prescribe for the protection of investors.

" '(B) When a broker or dealer or member receives or holds securities that are fully paid for or in excess of the amount which can be held in custody or under a lien or under a loan or pledge under this section or receives any moneys or other property from or on behalf of any customer, except in the ordinary course of business to complete a transaction for such customer, such member, broker, or dealer shall—

" '(i) promptly deliver such securities, money, or other property to such customer, or

" '(ii) upon the written consent of such customer, place or maintain such securities, money, or other property in the custody of either a bank which has at all times an aggregate capital, surplus, and undivided profits of such specified minimum amount as may from time to time be prescribed by the Commission, or of a clearing corporation, central depository, or similar facility subject to such qualifications as the rules and regulations of the Commission may prescribe in the public interest and for the protection of investors. Such securities, money, or other property shall not be removed by the broker or dealer from such bank, clearing corporation, central depository, or similar facility, except upon the specific authorization of such customer to complete a transaction for the account of such customer or for delivery to such customer or his designee and subject to such rules and regulations as the Commission may prescribe in the public interest and for the protection of investors.

" '(C) This subsection shall become effective pursuant to regulations promulgated by the Commission. In no event, however, shall the effective date of this subsection be later than one year from the date of enactment of this Act.' "

On page 73, strike lines 8 and 9, and insert in lieu thereof the following:

"SEC. 5. The amendments made by this Act shall take effect upon the date of enactment of this Act, unless otherwise specified herein."

Mr. BROOKE. Mr. President, 30 million Americans presently own shares in U.S. industry including 1,214,000 citizens of my own State of Massachusetts. The bill which we are considering today seeks to protect these investors from losses resulting from broker-dealer insolvencies.

It would do this by establishing the Securities Investor Protection Corporation which would maintain and administer an insurance fund providing coverage against customer losses up to $50,000 per account. The insurance fund would, at the outset, aggregate $75 million in lines of credit and cash raised by broker-dealer assessments. Ultimately, the industry contribution would reach $150 million in cash.

As a backstop, Treasury borrowing authority in the amount of $1 billion would be available in the event of exhaustion of industry funds. It should be noted that an assessment or "transactions charge" may be imposed on the public in the event Treasury borrowing takes place.

Thirty million investors might well ask whether this bill and the companion piece of legislation passed by the House truly protect investors, at the lowest cost to the public, or whether this bill represents protection for the industry at a time when reforms are vitally needed?

If our goal is to protect the investor, then it is important to determine how the typical investor subjects himself to risk when using the services of a broker-dealer. As the Senate Banking and Currency Committee report states, we are attempting to insure against customer losses arising from broker-dealer insolvencies. These losses occur because investors are unable to withdraw both cash and securities from bankrupt broker-dealers which have neglected to segregate customer property from their own property.

Proper segregation of customer's cash is generally considered to be impossible unless steps are taken to "escrow" these funds and deposit them with banks or other financial institutions.

It is considerably easier to require the proper segregation of securities; however, it is an industry practice to hold these securities in "street name" and thus proper segregation of customers' securities is seldom achieved.

If, as industry representatives contend, customers' cash (or "free credit balances") cannot be adequately segregated and securities are seldom adequately segregated, then investors must seek relief from a "single and separate fund" at the time bankruptcy occurs along with other investors similarly situated. In the process, they may well receive only partial refunds on their investments.

This bill improves the chances that investors owning fully paid securities which have been entrusted to broker-dealers for safekeeping will receive their property. It does so by relaxing the requirement that such property be "specifically identifiable" and thus permits securities held in bulk segregation or in central certificate services to be deemed "specifically identifiable".

The bill under consideration does not, however, increase the investor's chances that he will regain the entire amount of cash which he entrusted to the brokerage house prior to its demise. The amendment which I offer is designed not only to strengthen the rules regarding proper segregation of customer's securities, but is also designed to provide new rules regarding the escrowing of investor's cash which has been entrusted to broker-dealers for safekeeping.

I believe that failure to adopt these rules will result in the passage of a bill which purports to provide assurance to the public that all is well, but in fact fails to address the potential source of investor losses.

There are few in the industry who would challenge the concept that broker-dealers should be treated as fiduciaries when it comes to the handling of investors' property. Certainly, public confidence in our national securities markets has been built over the last 30 years on the concept that while investors might take risks in the market with respect to certain investments, their funds and securities were nevertheless safe when held by federally regulated broker-dealers.

This feeling of security has been, to a large degree, illusory since broker-dealers have been free to use free credit balances for their own needs to finance margin transactions, to satisfy broker-dealer operating needs and to take advantage of investment opportunities in equity securities which broker-dealers could not respond to in the absence of ready customer cash.

It is time that Congress put a stop to these practices and get to the bottom of the problems which are exposing investors to unreasonable risks. There are a number of people who have observed that if such reforms are instituted, there will be little need for the broker-dealer bill which is being considered today. While strict adherence to these rules would certainly lessen the need for reliance on Treasury borrowing authority since industry funding should be sufficient to meet foreseeable losses, the Senate bill contains many worthwhile provisions which should be retained.

Certainly, insurance is important to protect against losses on the part of broker-dealers who fail to comply with the proposed rules regarding the escrowing of free credit balances and the segregation of securities set forth in my amendment. The bill also establishes procedures for the prompt and orderly liquidation of bankrupt firms. In doing so, the bill makes worthwhile changes to the Bankruptcy Act.

The bill also amends section 15(c)(3) of the Securities Exchange Act to reiterate the SEC's broad powers to provide safeguards with respect to the financial responsibility of broker-dealers. This provision is necessarily vague and therefore is adequately supplemented by the amendment which I offer regarding the escrowing of cash and securities.

It is also interesting to note that the Senate Committee report implicitly recognizes the need for this amendment by making membership in the insurance corporation compulsory only for those brokers and dealers who hold securities and/or free credit balances for customers. As the committee report states:

> The thrust of this [rule] . . . is to permit exemption of those firms which do not, in the nature of their business, expose public customers to risk of loss.

Thus, where free credit balances or securities are not held, insurance is not deemed to be necessary. It follows from this general proposition that adequate safeguards must be developed to protect these two types of investor property. This amendment, in my opinion, adequately addresses this problem.

Mr. President, there is ample precedent for the proposed amendment. Section 6d of the Commodity Exchange Act imposes strict rules regarding the segregation of investors' property involved in futures trading. I believe that we must apply similar rules to broker-dealers serving investors who utilize our national securities markets.

There are those who argue that while stringent rules should be enacted regarding the use of customers' cash and securities, imposition of such rules at this time would strike a fatal blow to an already crippled industry. This argument is premised on the fact that the securities and industry self-regulated bodies have given tacit approval over the years to the use of free credit balances for whatever purposes broker-dealers have seen fit. These practices must be curtailed; however, the industry must not be disrupted in the process.

Thus, the imposition of these rules must be phased in over a reasonable period of time, thereby enabling the industry to seek other sources of capital. I therefore propose an effective date not later than 1 year after the date of enactment of the act. I believe this proposal meets the concerns of those who are fearful of disrupting the industry and yet, at the same time, insures that there will be the proper separation of customers' property from brokerage house property within a reasonable period of time.

To argue for even less stringent regulation is to ignore the very causes which have undermined investor confidence in our national securities markets over the last few months. We cannot ignore the broker-dealer liquidations which have occurred and the effect which these events have had on the investing public in general.

To enact the present bill without reaching the abuses which have prompted our concern would be to enact legislation which, in effect, pays the doctor for his services regardless of whether steps have been taken to improve the patient's health. I cannot accept and I hope Congress will not accept such a practice.

Broker-dealers who hold investors' cash and securities must be treated as fiduciaries with respect to their customers' property. The bill which we are considering, if amended in the manner which I propose, will reach this result.

I am also introducing an amendment which specifies that the Securities Investor Protection Corporation will terminate its operation and dissolve within 2 years unless its operating authority is renewed by Congress. This amendment is designed to result in closer congressional scrutiny of the progress of industry reforms and to enable results of industry studies to be considered when renewing the corporation's charter. I do not anticipate that Congress will fail to renew this authority; however, I believe the 2-year life will insure that greater congressional scrutiny of industry reforms occurs.

Mr. President, I modify my amendment as follows:

On page 73, at the end of line 7, add the following: "Such rules and regulations shall require the maintenance of reserves with respect to customers' deposits or credit balances, as determined by such rules and regulations."

On page 73, after line 7, insert the following:

"SEC. 4. Section 15(c) of the Securities Exchange Act of 1934 is amended by adding the following:

"'(6) (A) No broker or dealer or member of a national securities exchange shall hold in custody or under a lien any security, or other property received from or on behalf of customers, except that such broker may hold in custody or under a lien or may lend or pledge an amount of such securities that is fair and reasonable in view of the aggregate indebtedness of said customers to said member, broker, or dealer and in compliance with such rules and regulations as the Commission may prescribe for the protection of investors.

"'(B) When a broker or dealer or member receives or holds securities that are fully paid for or in excess of the amount which can be held in custody or under a lien or under a loan or pledge under this section or receives any moneys or other property from or on behalf of any customer, except in the ordinary course of business to complete a transaction for such customers, such member, broker, or dealer shall—

"'(i) promptly deliver such securities, money, or other property to such customer, or

"'(ii) upon the written consent of such customer, place or maintain such securities, or other property in the custody of either a bank which has at all times an aggregate capital, surplus, and undivided profits of such specified minimum amount as may from time to time be prescribed by the Commission, or of a clearing corporation, central depository, or other facilities including those of the broker dealer subject to such qualifications as the rules and regulations of the Commission may prescribe in the public interest and for the protection of investors. Such securities, money, or other property shall not be removed by the broker or dealer from such bank, clearing corporation, central depository, or similar facility, except upon the specific authorization of such customer to complete a transaction for the account of such customer or for delivery to such customer or his designee and subject to such rules and regulations as the Commission may prescribe in the public interest and for the protection of investors.

"'(C) This subsection shall become effective pursuant to regulations promulgated by the Commission. In no event, however, shall the effective date of this subsection be later than one year from the date of enactment of this Act.'"

On page 73, strike lines 8 and 9, and insert in lieu thereof the following:

"Sec. 5. The amendments made by this Act shall take effect upon the date of enactment of this Act, unless otherwise specified herein."

The **PRESIDING OFFICER.** The amendment is so modified.

The Senator from Massachusetts has the floor.

Mr. **BROOKE.** Mr. President, I have sent a further modification of the amendment to the desk.

The **PRESIDING OFFICER.** The amendment is further modified.

The amendment, as further modified, is as follows:

On page 73, line 7, insert the following:

"Sec. 4. Section 15(c) of the Securities Exchange Act of 1934 is amended by adding the following:

"'(6) (A) No broker or dealer or member of a national securities exchange which is a member of the Securities Investor Protection Corporation shall hold in custody or under a lien any security, or other property received from or on behalf of customers, except that such broker may hold in custody or under a lien or may lend or pledge an amount of such securities that is fair and reasonable in view of the aggregate indebtedness of said customers to said member, broker, or dealer and in compliance with such rules and regulations as the Commission may prescribe for the protection of investors.

"'(B) When such broker or dealer or member of a National Securites Exchange receives or holds securities that are fully paid for or in excess of the amount which can be held in custody or under a lien or under a loan or pledge under this section or receives any moneys or other property from or on behalf of any customer, except in the ordinary course of business to complete a transaction for such customer, such member, broker, or dealer shall—

"'(i) promptly deliver such securities, money, or other property to such customer,

"'(ii) upon the written consent of such customer, place or maintain such securities, money, or other property in the custody of either a bank which has at all times an aggregate capital, surplus, and undivided profits of such specified minimum amount as may from time to time be prescribed by the Commission, or of a clearing corporation, central depository or other facilities including those of the broker dealer subject to such qualifications as the rules and regulations of the Commission may prescribe in the public interest and for the protection of investors. Such securities, money, or other property shall not be removed by the broker or dealer from such bank, clearing corporation, central depository, or similar facility, except upon the specific authorization of such customer to complete a transaction for the account of such customer or for delivery to such customer or his designee and subject to such rules and regulations as the Commission may prescribe in the public interest and for the protection of investors.

"'(C) This subsection shall become effective pursuant to regulations promulgated by the Commission. In no event, however, shall the effective date of this subsection be later than one year from the date of enactment of this Act.'"

On page 73, strike lines 8 and 9, and insert in lieu thereof the following:

"Sec. 5. The amendments made by this Act shall take effect upon the date of enactment of this Act, unless otherwise specified herein."

The **PRESIDING OFFICER.** What is the will of the Senate?

Mr. **MUSKIE.** Mr. President, will the Senator from Massachusetts yield so that I may request the yeas and nays on final passage?

Mr. **BROOKE.** I yield.

Mr. **MUSKIE.** Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The Senator from Massachusetts has been recognized.

Mr. **BROOKE.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BROOKE.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BROOKE.** Mr. President, the purpose of the amendment, which I have introduced, is to require the segregation of securities held by the broker-dealers. At the present time broker-dealers hold for safekeeping and for the convenience of their customers securities which have been entrusted to them and these securities have been commingled with their own. As a result of failure of several of the broker-dealers in the country and the resulting bankruptcies, there has been great difficulty in segregating the securities of the customer from the securities of the broker-dealer. This also has been a fact with cash that is held by the broker-dealer after securities have been sold by them; and it also has been a practice in the industry that this cash and these securities have been used by the broker-dealer houses for their own operational needs.

The purpose of the amendment, as modified, is to make it mandatory that reserves be established for the protection of the cash which is held by broker-dealers belonging to investor customers. The other purpose of the amendment is to make it mandatory that the securities in the aggregate be segregated, those of the investor customers from the securities of the broker-dealers. This has been a very serious matter in recent days because of the fact that there have been bankruptcy proceedings and it has been difficult, if not impossible, to identify the securities and certainly even more difficult to identify the cash. This is an attempt to have the broker-dealers move in the direction of the segregation of both cash and securities.

We have great faith and great confidence in the stability of the investment industry. We do not condone the practice, however, of commingling of cash or of securities and it is suggested very strongly that this industry take warning that Congress is concerned and wishes them to move as quickly as they possibly can so that there will be no risk at all to investors who have permitted them to hold their cash and to hold their securities in safekeeping.

It is regrettable that this practice has been established, in most instances without the knowledge and consent of the investors. If we are to stop the erosion of public confidence in broker-dealers, in the investment securities industry and, generally, in the industries of this Nation, we must pass this legislation which will begin to restore that confidence through maximum protection for the investors.

Now, this does not mean that we have achieved maximum protection at the present time. We have tried in this amendment to eliminate some of the risk with the hope that as the industry stabilizes, as the economy improves, we will have complete protection for the investor.

It is significant that this amendment has been proposed to the plan which has been introduced by the distinguished manager of the bill, the Senator from Maine (Mr. Muskie). Here we are attempting to give again security to the investor through both participation by the broker-dealers themselves and with insurance guarantees from the Federal Government. That is a big step; it is a giant step; it is an important step, and an essential step.

Mr. President, the purpose of the amendment is to go even further and strengthen that insurance program by providing essentially for reserves, segregation of aggregate securities, and hopefully in the near future to move to complete segregation of cash and securities.

So, Mr. President, the modified amendment which I have submitted will be a strengthening amendment, in my opinion, to the bill which is presently before the Senate. I hope the amendment will be agreed to and accepted by the committee and that when they go to conference, they will be able to hold the provision in conference because that will be a very important step in restoring confidence of the public in our investment industry.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. MUSKIE. Mr. President, I wish to compliment the Senator for developing the amendment in the form in which it is now before us. The amendment sets out an objective which I think is essential, an objective which the committee regarded as essential. The problem has been in achieving it in light of the present conditions in the industry, the present economic situation, and the difficulty of making the transition from conditions as they are to conditions as they should be.

For example, these broker-dealer houses hold something like $4 billion in customer cash. To segregate it overnight would require the industry to raise cash in the amount of $4 billion to replace that cash.

Mr. President, that would be impossible to do under present market conditions or conditions we could anticipate in the next year. I think the Senator has found the formula to move in that direction meaningfully and effectively. The Senator's amendment requires the Commission to begin or that the Commission have the authority to set regulations requiring beginning the processes of setting aside a reserve to preserve customer's cash.

The Commission should move as rapidly as it can do so, as rapidly as the industry can respond, in that direction. I think this is a viable formula. I think it is an effective one. I think to include it in the bill is a distinct service. I compliment the Senator from Massachusetts and will, of course, support it.

Mr. BENNETT. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I yield.

Mr. BENNETT. I would like to join the manager of the bill in expressing great satisfaction at the manner in which this matter has been worked out. We need to find a new basis, we need to find a transition method, by which we can move from the present situation to a situation of assurance and safety based on reserves, and I will join the author of the amendment and the manager of the bill in supporting the amendment, and urge that the Senate support it.

Mr. BROOKE. Mr. President, I thank my distinguished colleagues, the floor manager and the ranking Republican member of the Banking and Currency Committee, for their support of the amendment.

I think that the amendments previously accepted by the floor manager, which provide that there be a study, that the committee make an indepth study, of the various practices of broker-dealers and report back to Congress, will enable us to be afforded information which will be helpful to us in determining how we best can protect the individual investor as well as the aggregate of investors.

I think, in addition, the reserves we have provided for and the authority being vested in the Securities and Exchange Commission for the promulgation of rules and regulations could result in working toward a reserve fund which would be of maximum protection to the investor. I am not prepared at this time to say what that should be. I do not know, but I do believe that the SEC can and, indeed, must promulgate such rules and regulations as would give us maximum security. Perhaps at the beginning, since this would be immediate, it could of course take into consideration the economic conditions facing the country, but work toward maximum security, which may be 90 percent or 100 percent. I frankly do not know. I think that may be accomplished, and I think we are headed in the right direction.

Mr. McINTYRE. Mr. President, will the Senator yield for a question or two?

Mr. BROOKE. I yield.

Mr. McINTYRE. I think the Senator touched on what I wanted to inquire about at the end of his answer to the floor manager's statement. The Senator from Massachusetts said he expects these reserves to reach 90 percent.

Mr. BROOKE. Frankly, I do not know. I just threw those figures out. It may be necessary to cover 90 percent or it may be necessary to cover 100 percent. I do not know which figure is necessary.

Mr. McINTYRE. I think it would be very interesting, by way of legislative history, to inquire about the time element. Would the Senator from Massachusetts expect it to go to 90 percent in 2 years, or would it go to 50 percent in 6 months, or 60 percent in 1 year, or 90 percent?

Mr. BROOKE. I would expect that immediately when it goes into effect, the SEC would promulgate rules and regulations. Its members would have to take into consideration the economic conditions in establishing what the initial goal would be. It might be 25 percent. It may be dangerous to use these figures because, as I have said, the SEC would have many factors to consider in establishing the formula. But the goal of the SEC would be to establish a formula which gives maximum and complete protection to the investing public.

Mr. McINTYRE. What would the Senator think would be a reasonable time to reach that goal?

Mr. BROOKE. I frankly cannot say whether it would be a year or 2 years. I just do not know. I cannot foresee what the economic conditions will be at that time. We are all hopeful that the economy has turned around and that it will turn up, and the investment industry will improve accordingly. We are very much heartened by what has happened in recent days. But we frankly do not know. We will have to wait and see. So I would not want to say a year or two. I would hope, however, that we could reach it within a year or two—no more, perhaps even less. There is the possibility of an even more limited time. I think, in vesting this authority in the SEC, we will have to rely on it and depend on it for maximum protection.

Mr. McINTYRE. The Senator's feeling is 2 years as a maximum, and, hopefully, a more rapid time?

Mr. BROOKE. That is no more than a hope. I would hope they could do it in 2 years. I do not know. I would not want the legislative history to indicate that we were putting a deadline on them, because we do not know what the circumstances will be.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. MUSKIE. I think we all agree that we wish that goal had been achieved at some point in the past. The problem is to adjust from things as they are to what they ought to be. They ought to move as fast as possible. We are trying to build a fire under the industry to move it as rapidly as possible. That was the purpose of the Proxmire amendment; the provision in the bill which the Senate committee adopted; and the colloquy had between the Senator from New Jersey and other Senators of the need for an indepth study of the industry. In these ways we hope to move into reforms involving segregation of cash and securities of the customer from those of the dealers themselves.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BENNETT. I think the Senator has yielded the floor.

Mr. PROXMIRE. I can say to the Senator from Massachusetts, without asking a Senator to yield, that I commend him very warmly on his amendment. It is an essential amendment. He has done an excellent job in working out the problems involved, although I think the original amendment was a good one and could have been supported by the Senate.

As I understand, it would have provided that funds held by brokers, which really belong to the investors, should be put in escrow within 2 years. After all, it is money that does not belong to the brokers. I learned only in the last few days, and I am sure many people do not know this, that brokers hold somewhere between $3 billion and $4 billion of other people's money that they are using, on which they are making a return of 8 to 10 percent.

That is the problem, because, when they use that money, they speculate with it. The result has been that some brokerage firms have gone into bankruptcy, and the investors have lost their money, or have been on the verge of losing their money, and may lose it.

So I think the amendment proposed by the Senator from Massachusetts is an excellent amendment. He has shown us a practical way to make it effective. I warmly commend him, and I ask unanimous consent that I be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I am very happy to accept the Senator from Wisconsin as a cosponsor of the amendment.

I certainly agree that the initial, original amendment was a strong amendment and one we would like to have had. I am not sure it would have been supported by the Senate, because I think the Senate has to take into consideration the stability of the investment industry and the economic conditions facing the Nation; but I think this is a necessary first step. The Senator is quite right in the figures involved. Even under this amendment, the interest on the segregated cash which would be held would still inure to the benefit of the broker-dealer, and not to the benefit of the investor. So we are not taking anything away from the investment industry; we are trying to protect them, but at the same time to protect their customers, namely, the investing public.

I thank the distinguished Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. BENNETT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BENNETT. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

The amendment reads as follows:

Amend sec. 35(m)(6) at page 58, line 5, by striking the period after the word "debtor," inserting a comma and adding the following: "but the Court shall not stay as against a bona fide purchaser, as defined under the Uniform Commercial Code or in other applicable state law, the right to enforce such a lien."

Mr. BENNETT. Mr. President, this legislation establishes procedures for the prompt and orderly liquidation of SIPC members whenever required. These procedures are to be conducted as if they were under section 60(e) of the Bankruptcy Act, which section is the present bankruptcy law governing liquidation of stockbrokers. Certain shortcomings have become apparent in section 60(e), as it applies, specifically, to liquidation of broker/dealers. Therefore, this bill provides that SIPC members will be liquidated in special proceedings outside the Bankruptcy Act. The actual liquidation procedure will be conducted in accordance with, and as though it were being conducted under the provisions of chapter 10 of the Bankruptcy Act, which allows business reorganizations, provided however, that no plan of reorganization shall be filed. A trustee shall be appointed and shall have all the powers and duties of a trustee under the Bankruptcy Act. These liquidation procedures have been carefully designed to allow flexibility, to meet the special needs in liquidation of broker/dealers to assure that the customers can receive prompt return of their securities and cash held by such broker/dealers.

The basic purpose of these procedures is to give the trustee authority to return, as promptly as possible, specifically identifiable property to customers of the broker/dealers, to pay to customers moneys advanced by SIPC which has been left with such broker/dealers and to operate the business of the debtor in order to complete open contractual commitments of the broker/dealer. SIPC will be subrogated to the rights of the customers to the extent it has advanced moneys to the trustee and stand as a preferred creditor in the liquidation proceedings. Finally, the trustee shall complete the liquidation of the broker/dealer.

It is anticipated that even under these procedures liquidation of the broker/dealer could take some considerable period of time to complete. Customer's securities which are held by the firm could well decline in value if the customer were required to wait until liquidation was completed. The protection afforded by this bill could not be effective unless the means were given for those customers to promptly receive their securities. This is the basic purpose of the legislation.

The legislation contemplated that secured and general creditors should participate in the liquidation proceedings and receive payment of their claims as in normal bankruptcy. The reorganization procedures of chapter 10 of the Bankruptcy Act were adopted to give the trustee the maximum flexibility in managing the affairs of the broker/dealer pending liquidation. This procedure is necessary to meet the special requirements of this legislation.

One power given to the trustee and the court in chapter 10 proceedings, which is not generally available under section 60(e), is the power of the court to stay enforcement by creditors of their right to set off and their right to enforce valid nonpreferential liens against property of the debtor. This stay authority is discretionary but may be necessary, for a period of short duration, to allow an orderly commencement of liquidation procedures, to pay the claims of customers and to complete stock transaction orders of the debtor entered prior to the final date. This procedure generally, will in no way be detrimental to the rights of creditors because the stay authority is specifically stated to not abrogate any such rights.

However, in one specific instance, the exercise of this stay order could be detrimental to the rights of a creditor. Creditors who hold securities pledged by the broker/dealer as collateral against loans where that creditor is a "bona fide purchaser" should not be stayed from enforcing their right to immediate foreclosure against such collateral, if necessary. Normally, these creditors will be financial institutions which hold loan accounts with the broker/dealer to facilitate trading and margin security operations. These loan accounts are active and change daily both with regard to the amount of loan and the amount and type of securities pledged. These types of loans are an integral part of the securities business. These creditors run the same risk as customers of substantial detriment and loss in the event the market value of those securities falls during the stay period. The status of a "bona fide purchaser" for value is well established in every jurisdiction and existing law should remain the same as regards the rights of such "bona fide purchaser."

As a practical matter, the threat of such a stay order by a court could well precipitate such creditors into calling such loans and enforcing their rights prior to the filing of liquidation proceedings. Because of the nature of these loan accounts these creditors would in most cases be aware that a broker/dealer is in financial difficulty. In such instances the activity and daily turnover in these accounts will either cease or be sharply reduced. It would appear to be to the advantage of the customers and the trustee that maximum flexibility be allowed in negotiating with such creditors to continue such loans, withdraw the securities, and liquidate those loans in an orderly manner. Prompt receipt of the securities by the customers could well be more valuable to the customers than a payment in cash by the trustee for the value of the securities. So long as the creditor has the right to foreclose against such collateral at any time, that creditor will be encouraged to continue the loans and cooperate with the trustee in paying the amounts due and delivering the securities pledged to the trustee and the customers. It is the clear intent of this legislation to facilitate and encourage such cooperation and flexibility and to discourage precipitate actions by creditors which will be damaging to the rights of customers.

Should these creditors also hold cash accounts of the broker/dealer they are not damaged and would suffer no detriment from a stay of enforcement of their rights to use such cash as a set off against a loan under section 68 of the Bankruptcy Act. The right to set off can only be delayed, not abrogated.

This amendment would accomplish these objectives by amending section 35 (m)(6) at page 58, line 5, by providing that the court under its stay authority could not stay the rights of a "bona fide purchaser" to enforce a valid nonpreferential lien. This amendment merely reflects existing bankruptcy law as regards the rights of a "bona fide purchaser" and would appear fully justified to accomplish the basic intent of this legislation.

Mr. President, I ask the manager of the bill if he is prepared to accept the amendment.

Mr. MUSKIE. Yes, I am. I think it is a necessary technical amendment, and I support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I shall take just a moment of the Senate's time. I understand there was a discussion at a time when I did not happen to be present in the Chamber about the customers of the brokerage firms which have gotten into difficulties, that will not be covered by this bill, and that a telegram of communication was produced from Mr. Robert W. Haack, president of the New York Stock Exchange.

I think perhaps it would also be of help to us if a telegram which I have received from the chairman of the board of the exchange, who is himself a leading broker and represents, in a sense, those who will be paying out the money, should go into the RECORD. The telegram is very brief, and I should like to read it. It shows why I have bird-dogged the Senator from Maine on this bill:

Assuming the SIPC legislation presently pending in Congress becomes law, I will recommend to the board of governors that the exchange provide assistance, if necessary, to the customers of the First Devonshire Corp., Charles Plohn & Co. and Robinson & Co. I am confident that the board of governors would follow my recommendation.

BERNARD J. LASKER,
Chairman of the Board,
New York Stock Exchange.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MUSKIE. I express my appreciation to the Senator for adding this communication to the RECORD on this point. It is obvious that many Senators, including the Senator from Illinois, the Senator from Utah, the Senator from New York, and myself, have been concerned about the customers of those firms, and I think this is a welcome addition to the RECORD.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BROOKE Mr President, I commend the Senator from New York. I think this assurance is essential if we are to restore customer confidence. I think this is a valuable contribution.

Mr. JAVITS. I think we all ought to bear in mind that the people who are going to pay the money are entitled to a little credit. The stock exchange members recognize that the reputation, not just of that institution, but of the whole industry, is at stake. They can take care of the situation as long as it remains within manageable dimensions. We are taking care of the problem if it becomes unmanageable. They should get credit for the fact that we are going to act as we are, because they are going to take care of what has already happened.

The PRESIDING OFFICER. The bill is open for further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2348) was ordered to be engrossed for a third reading, and was read the third time.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 4557) to amend Public Law 91–273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BLATNIK, Mr. JONES of Alabama, Mr. JOHNSON of California, Mr. DORN, Mr. CRAMER, Mr. HARSHA, and Mr. DON H. CLAUSEN were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

LEGISLATIVE PROGRAM

Mr. BENNETT. Mr. President, in behalf of the minority, I should like to inquire of the majority leader as to whether he can inform the Senate what the schedule will be tomorrow.

Mr. MANSFIELD. Mr. President, the unfinished business—and I wish the Chair would correct me on this if I am in error—is H.R. 18306, having to do with international financing. I understand there may well be some votes on that measure tomorrow, so the Senate is on notice.

Then conference reports as they become available, and maybe—just maybe—the library services bill; but that is a matter which will be considered tomorrow, plus unobjected to items on the calendar.

Mr. BENNETT. I also ask the majority leader whether he intends to bring the Senate into session on Saturday.

Mr. MANSFIELD. No.

SECURITIES INVESTOR PROTECTION ACT OF 1970

The Senate continued with the consideration of the bill (S. 2348) to establish a Federal Broker-Dealer Insurance Corporation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of H.R. 19333, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon the Senate proceeded to consider the bill (H.R. 19333), to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges.

Mr. MUSKIE. I move to strike out all after the enacting clause and substitute the language of S. 2348, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine to substitute the Senate language.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed for a third reading, and the bill to be read the third time.

The bill (H.R. 19333) was read the third time.

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CRANSTON). The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also the Senators from Kansas (Mr. PEARSON and Mr. DOLE), the Senator from Florida (Mr. GURNEY), and the Senator from California (Mr. MURPHY) are necessarily absent.

If present and voting, the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 425 Leg.]

YEAS—77

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Eagleton
Ervin
Fannin
Fong
Fulbright
Goodell
Gore
Gravel
Griffin
Harris
Hart
Hartke
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Prouty
Proxmire
Randolph
Saxbe
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—23

Anderson
Bayh
Dodd
Dole
Dominick
Eastland
Ellender
Goldwater
Gurney
Hansen
Hatfield
Hruska
McCarthy
McGovern
Mondale
Mundt
Murphy
Pearson
Ribicoff
Russell
Sparkman
Tower
Yarborough

So the bill (H.R. 19333) was passed.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion was agreed to.

The title was amended so as to read: "A bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges."

Mr. MUSKIE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees.

The motion was agreed to and the Presiding Officer (Mr. BYRD of Virginia) appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. BENNETT, Mr. TOWER, and Mr. PACKWOOD conferees on the part of the Senate.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments on H.R. 19333 and that the bill be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that S. 2348 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Maine (Mr. MUSKIE) has again demonstrated his outstanding legislative skill and ability. His complete understanding of all of the many complex issues contained in this proposal was largely responsible for its overwhelming acceptance by the Senate.

To this measure he brought the great skill and ability that he devotes to all legislative proposals that gain his strong support and leadership. Providing protections for the millions of securities investors in this land is clearly an undertaking of the highest importance. The Senate is indebted to Senator MUSKIE.

Equally to be commended is the distinguished Senator from Utah (Mr. BENNETT), the able and distinguished ranking member of the Committee on Banking and Currency. His splendid cooperation and assistance was indispensable to the full and efficient consideration of this proposal. The same may be said for the efforts of the distinguished Senator from New York (Mr. JAVITS). Representing among his constituency the heart of the investment community, his contribution on this measure was particularly significant.

Noteworthy as well, during the consideration of this measure, was the participation of many other Senators. The Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Indiana (Mr. HARTKE) and the Senator from Massachusetts (Mr. BROOKE) all made valuable contributions and gave us the benefit of their thoughtful views. We are grateful to them.

AUTHORIZATION FOR U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA TO HOLD COURT AT MORGANTOWN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 4262, a bill which is at the desk, which was favorably reported by the Committee on the Judiciary today. The matter has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 4262) to authorize the United States District Court for the Northern District of West Virginia to hold court at Morgantown.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 129(a) of title 28, United States Code, is amended to read as follows:

"Courts for the Northern District shall be held at Clarksburg, Elkins, Fairmont, Martinsburg, Morgantown, Parkersburg, and Wheeling.".

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent, at the request of the Committee on Labor and Public Welfare, that the Senate go into executive session to consider a nomination on the Executive Calendar.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The assistant legislative clerk read the nomination of Sidney J. Marland, Jr., of New York, to be Commissioner of Education.

Mr. MANSFIELD. Mr. President, I have received a number of communications on this nomination. It is my understanding that it was reported unanimously by the Committee on Labor and Public Welfare.

If there were a rollcall vote on this nomination, I believe I would vote in opposition to it, but I do not intend to ask for a rollcall vote at this time.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, the nomination is considered and affirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. KENNEDY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Chair now lays before the Senate the unfinished business which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. H.R. 18306, to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

A POINT OF ORDER ON ANNOUNCEMENT OF VOICE VOTE

Mr. BYRD of West Virginia. Mr. President, earlier today, I made a point of order to the effect that, in my judgment, the Chair should not have announced the result of a voice vote without first having made a declaration that the yeas and nays "seemed to prevail," so as to have given the senior Senator from Indiana an opportunity to request a division or to request a yea and nay vote by a rollcall if so desired.

The Presiding Officer at the time—for whom I have the highest regard—ruled, quite correctly, Mr. President, that after the result of a voice vote has been announced, it is too late to ask for a division vote.

However, I feel that attention should be called to the precedents of the Senate. I particularly call attention to page 727 of the book titled "Senate Procedure," where reference is made to the CONGRESSIONAL RECORD of May 5, 1947:

> Objection has been made to the Presiding Officer announcing the result of a *viva voce* vote prior to a declaration that the ayes or the noes seemed to prevail, as the case might be.

Mr. President, with all due respect, I do think it is bad procedure to announce the result of a voice vote when there is clearly a division of opinion on the question, as there was in this instance, without first indicating what the result appears to be.

In such a situation, I think that the Chair should announce that the "yeas" appear to have it, or the "nays" appear to have it, so as to give a Senator time to ask for a division, if he so desires, or to ask for a rollcall vote before being precluded from doing so.

Obviously, if no voices are raised on one side of a question, the Chair would not be expected to follow the procedure I have stated. But in this instance there were voices raised on both sides of the question.

When the Chair summarily announces a result, then a Senator has no opportunity to request a division or a rollcall vote. His only alternative is to ask for a reconsideration of the vote.

I merely raise this point at this time so that, for the RECORD, objection will again be made—as it was in 1947—to this procedure, and I hope that the acting parliamentarian will be more careful in assisting the Presiding Officer to avoid a recurrence hereafter.

Mr. GRIFFIN. Mr. President, will the Senator from West Virginia yield for a comment?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. I want to associate myself with the remarks the Senator has just made, and point out what I think is implicit, perhaps, in his statement; namely, that if the procedure—to which the distinguished Senator from West Virginia is indicating some objection—were to be followed, we would seldom have a situation where we would not have a rollcall vote.

I think, in the interests of expediting the business of the Senate, that we do not want to have to have a rollcall vote every time, but if Senators believe or get the impression that they would not be able to ask for a rollcall vote, then they would never take the chance of having a voice vote.

It seems to me that the procedure which the distinguished Senator from West Virginia is recommending and asking that the precedents in regard thereto be strengthened, it would serve the interests of the Senate if, in the future, we could consistently follow that pattern.

Mr. BYRD of West Virginia. I thank the able minority whip for his contribution to the RECORD on this point. Again I want to make it clear that I have taken the floor at this time, not to criticize the Presiding Officer. I do believe, however, that objection for the RECORD should be made, as it was made in the precedent which I have cited, and it has been for that purpose only that I have spoken.

I have since discussed this matter with the Parliamentarian and I have been assured that, henceforth, persons serving as acting parliamentarians will take great care to assist the Presiding Officer in acting accordingly before the result of a voice vote is announced.

SUGGESTIONS FOR MORE EXPEDITIOUS TRANSACTION OF BUSINESS AND BETTER ORDER AND DECORUM IN THE SENATE

Mr. BYRD of West Virginia. Mr. President, on the day before yesterday, the distinguished Senator from California (Mr. CRANSTON) inserted in the RECORD a memorandum containing several proposals on behalf of himself and Senators HUGHES, SCHWEIKER, and SAXBE, to expedite the business of the Senate from day to day.

The Senator from California, and those other Senators who worked with him in preparing the proposals, discussed their suggestions with me upon a number of occasions. The able Senator from California also brought to the attention of the Democratic Policy Committee the memorandum of proposals that had been prepared. I want to compliment Senator CRANSTON and the other Senators I have mentioned. I think they have performed a signal service in bringing to the attention of the Senate the imperative need to improve upon its procedures so that the business of the people may be better expedited.

Among those proposals, I should like to express my support for especially the following:

First. Special orders for recognition of Senators should follow the conclusion of unfinished business each day.

Second. A maximum time limit should be placed on rollcalls, a 20-minute limit being ample, and the vote should be immediately announced by the Chair without further delay.

Third. Study should be given to Senator MAGNUSON'S proposal that consideration of authorization bills not be in order after a specific date, say May 1 or June 1 of each year.

Fourth. Senate hearings on all appropriation bills should be initiated as early as possible without waiting for House passage.

Fifth. The reading of lengthy prepared speeches should be minimized as much as possible, excerpts therefrom being generally sufficient for release purposes.

Sixth. Notwithstanding the right of any Senator to demand a rollcall on any matter before the Senate, restraint should be exercised by all Senators in requesting rollcalls, especially on relatively insignificant matter. Annually, much time is consumed, and increasingly so, by rollcalls—and quorum calls.

Seventh. Legislation to separate budget and legislative sessions should be considered.

Eighth. Legislation switching from a fiscal to a calendar year should be given study.

Ninth. The morning hour should be extended from 2 to 3 o'clock; that is, from 2 to 3 hours on each legislative day.

Again I take this opportunity to compliment Senators CRANSTON, SAXBE, HUGHES, and SCHWEIKER for having acted to bring about a more speedy execution of the Senate's business. They have done a good job. I trust that the foregoing suggestions will receive careful consideration by the joint leadership and by all Senators on both sides of the aisle.

May I say parenthetically that by my mere singling out these proposals, from among all those submitted by the able Senators to whom I have alluded, I do not mean to imply that I would oppose the other proposals. I do think that these nine I have enumerated are of especial significance and importance. I would certainly want to see careful consideration given to their implementation.

Mr. President, I have some additional proposals which I would like respectfully to suggest for a more expeditious transaction of business and for better order and decorum in the Senate.

I am going to take the time of the Senate—I hope I will not impose too long on other Senators—to read these proposals into the RECORD.

They are as follows:

First. Standing Senate Rules VII and VIII should be allowed to work. Over the last 15 years, these two rules have been disregarded to a large extent, and I feel that the joint leadership may wish to go back to the original practice of enforcing these rules. After all, the Standing Rules of the Senate have evolved through decades of experience, and their purpose is to expedite Senate business. The current practice, by unanimous consent, of permitting 3-minute speeches during morning business—the common experience being that the "3-minute speech" is often extended to 5 or 10 minutes and, in some instances, has resulted in colloquies consuming 30 to 40 minutes or an hour and more, by unanimous consent—should end.

If rules VII and VIII were to control, routine morning business would be expedited; the calendar would be kept to a minimum; and lengthy speeches would be the exception rather than the rule, inasmuch as they would normally only occur, first, at the conclusion of action on the unfinished business or, if germane, during consideration of unfinished business, and, second, when calendar items were motioned up during the morning hour.

In view of the practice that has obtained during recent years—that of allowing 3-minute speeches, often with numerous extensions, during morning business—I recognize that there might be some dissatisfaction on the part of Senators who wish to make brief statements early in the day. I, therefore, would suggest that, following the four items which appear in paragraph one of Rule VII, which "the Presiding Officer shall then call for, * * *," a fifth item be added after "concurrent and other resolutions." The item could be denominated "morning business speeches," and these could be limited to 2 minutes or, if the leadership prefers, they could be limited to 3 minutes, but, in any event, it should be understood and agreed to that there would be no extensions allowed. In this way, Senators who wish to make brief statements early in the day would be accommodated and would not be forced to wait until the close of the unfinshed business at the end of the day; moreover, the time otherwise gained by the strict application of Senate Rules VII and VIII would not be lost by extensions of additional time to any Senator. In other words, any Senator would have 3 minutes, and 2 minutes only.

Second. The Pastore rule—rule VIII, paragraph 3—should be extended from 3 hours to 5 hours each day.

As Senators are aware, this rule is triggered by the "conclusion of the morning hour," which is at the end of the first 2 hours of each legislative day; it is also triggered by the laying down of either "unfinished business or pending business" on any calendar day. Once it is running, it runs presently for the next

3 hours. Under my suggestion, it would run for 5 hours after having been first triggered. It is possible, of course, by unanimous consent, to delay the triggering of this rule on any day until the unfinished business is laid before the Senate, thus avoiding the rule's being triggered by a minor transaction of business during the first few minutes of a day's session. As so often happens, much of the first 3 hours under the rule is spent on 3-minute speeches—where it has no application—and other small items before the unfinished business is laid before the Senate. It is, therefore, least effective at the time when, indeed, its application should be most felt.

Third. Senators who are to act as floor managers on bills, and so forth, should be urged to be on the floor promptly so as to minimize delay.

Fourth. During the first few weeks of next year, Senate sessions should be limited to 2 or 3 days per week until the calendar is filled. This would permit the committees to get a headstart on the preparation of legislation for floor debate.

Fifth. All Senators should be urged to keep staff members off the Senate floor except when in the actual performance of their official duties. Senate business can be better expedited in an atmosphere of order and decorum.

Sixth. Senators serving as Presiding Officer should fully acquaint themselves with Standing Rule XIX, which places a duty upon the Chair "to enforce order on his own initiative and without any point of order being made by a Senator."

Seventh. Mr. President, I think that when votes are taken on controversial measures, that arouse great public interest, generally those Senators who have had more experience in presiding over the Senate should be assigned to the chair. They will be, I think, more comfortable in enforcing order and decorum in the Chamber and in the galleries during moments when such enforcement is most difficult.

I say this with no disrespect and no reflection on those Members of the Senate who have had less experience in presiding.

I want to observe, in fact, that all of our younger Members have presided over the Senate in a very fine way.

Eighth. Finally, I would hope that all Senators would, in the future, refrain from objecting when efforts are made to clear the floor of Senate aides whose presence is obviously not needed in the Chamber. I respectfully call attention to rule XXXIII under which the privilege of the floor is accorded to clerks to Senate committees and clerks to Senators "when in the actual discharge of their official duties." Last week, during the vote on the SST, it will be recalled that I announced the presence on the floor of 82 clerks to Senators.

This was in addition to the officers and employees of the Senate who are regularly on the Senate floor, that is, Senate pages, Policy Committee staff members, Sergeant at Arms personnel, and secretaries and assistant secretaries to the majority and minority leaders. A gallery is regularly set aside for clerks to Senators, and such personnel should not be permitted to add to the confusion in the Chamber by remaining on the floor when they are not "in the actual discharge of their official duties." Of course, any Senator can ask unanimous consent to have staff personnel remain on the floor to render assistance if need be. The privilege of the floor should not be abused, but staff personnel are not to blame if we, as Senators, do not insist on enforcement of rules XIX and XXXIII. Order and decorum will be more conducive to a better handling of the people's business.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from California.

Mr. CRANSTON. Mr. President, on behalf of Senators SAXBE, HUGHES, SCHWEIKER, and myself I wish to thank the distinguished Senator from West Virginia for his kind comments about the modest efforts we have undertaken to stimulate consideration of and hopefully, to bring about some changes in Senate procedures that would make the Senate, perhaps, more efficient, more responsible, and more responsive.

The Senator from West Virginia was very helpful to us in our early deliberations. He has had more experience with rules and he knows more about the rules and what can and what cannot be done under the rules. We are grateful to him for his help in this respect.

I am delighted he has come up with suggestions of his own, supplementing our suggestions, and that he has commented on those suggestions we have presented to all Members of this body.

I hope other Senators will follow the example of the distinguished Senator from West Virginia and come up with ideas to make the Senate procedure more efficient and expeditious.

Mr. BYRD of West Virginia. I thank the Senator. I appreciate the diligence of the able Senator from California. It was because of his efforts and the efforts of his colleagues that I was stimulated to come forward with these few modest suggestions of my own.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. CRANSTON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. CRANSTON. Mr. President, if there be no business to come before the Senate I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to, and (at 6 o'clock and 23 minutes p.m.) the Senate adjourned until tomorrow, Friday, December 11, 1970, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate December 10, 1970:

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Houser, of Illinois, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964, vice Robert Wells.

IN THE ARMY

The following-named persons for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be colonel

McConnell, Wayne D., 483-48-3690.

To be captain

Vernon, Helena M., 141-161-3319.

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be lieutenant colonel

Ostrom, Thomas R., 561-54-1456.

To be captain

Wilson, Joe H. R., 518-42-5372.

To be first lieutenant

Smith, John C. B., 239-70-7026.

To be second lieutenant

Freeley, Douglas A., 065-38-1518.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Baggett, Ronald L., 441-30-8996.
Brown, Joseph I., 303-32-0611.
Connolly, Robert R., 127-26-6786.
Dinkins, Robert L., 437-40-9278.
Gardner, David L., 007-34-7130.
Hutchins, Edwin M., Jr., 075-28-0942.
Keels, Roger L., 281-30-0966.
Murray, Edward L., 219-28-4620.
Porter, Marion T., 251-64-3144.
Simmons, James W., 068-22-2798.
Smith, Otto B., 266-42-4458.
Stapleton, John P., 339-22-5542.
Stefanowich, Daniel R., 137-22-2933.
Tate, Granville, 237-40-6162.

To be captain

Campbell, Grady C., Jr., 256-54-7075.
Ciconte, Joseph A., 221-22-6908.
Coffee, Charles W., 304-36-4633.
Cupero, Hamil M., 437-50-7994.
Eichel, Thomas F., 392-28-4529.
Foster, James M., 155-30-3130.
Garner, Darrell E., 462-46-0197.
Hall, Robert D., 448-44-4599.
Howd, James A., Jr., 329-30-2354.
Johnson, Richard H., 198-30-0852.
Jones, John B., 238-56-2256.
Kendall, William F., 233-62-8867.
Knight, Robert C., 004-36-0298.
Lyde, Willie J., 239-40-7835.
May, George R., 312-32-4444.
McKimmey, James R., 512-32-3708.
Mitchell, Stanley E., 257-48-3533.
Moore, George R., 427-76-2189.
Noyes, James L., 578-52-6507.
Ponzillo, Mark, Jr., 089-32-0794.
Powe, Marc B., 457-54-7390.
Sudduth, Dora M., 259-60-1422.
Sutherland, John H., 467-44-6764.
Tindall, James E., 428-66-1329.
Turner, Robert W., 258-56-7121.
Wallace, William F., 274-38-3553.

To be first lieutenant

Bambini, Adrian P., Jr., 263-68-5700.
Baergen, Jacob D., 446-40-2794.
Boshier, Maureen L., 153-36-7394.
Carl, William E., 576-38-3996.
Carr, Byron H., 452-62-4064.
Crawley, Ned W., 571-56-2818.
Daugherty, Marcus A., 466-50-4005.
Duval, Aaron D., 270-32-6252.
Edge, Rodney A., 467-62-2515.
Farris, William S., Jr., 309-44-8899.

Fontaine, Kent W., 266-92-9080.
Greaney, Arthur L., 240-60-1571.
Greenhalgh, William T., 528-56-2606.
Gross, Ray A., Jr., 440-40-1369.
Hair, Walter S., 249-58-5151.
Halverson, Robert L., 520-42-5509.
Hartfield, Robert S., 426-80-7484.
Haslitt, James E., Jr., 435-62-0989.
Heaston, Charles D., 431-86-3608.
Herrington, James W., 574-10-7937.
Hitchcock, John T., 565-54-9795.
Johnson, Larry G., 474-46-7243.
Johnson, Robert G., 264-64-2195.
Kerr, Thomas H., 233-64-5520.
Kinsella, Michael L., Jr., 015-32-1935.
Kobey, David, 034-28-0869.
Kurlansik, Edward, 171-34-6018.
Lassetter, Gary W., 440-38-0709.
Lauer, Donald M., 500-38-0706.
Leach, Edward D., 465-64-5441.
Leibner, Kenneth R., 493-44-7996.
Lockwood, Robert S., 049-28-8301.
Loyd, George C., III, 304-42-0562.
McCarty, Robert T., 230-56-3688.
McLellan, Malcolm R., Jr., 424-54-9149.
McMains, James R., 500-44-4005.
Morrison, George R., 016-34-9654.
Mortis, Robert W., 219-44-7341.
Nardozza, Anthony J., 141-32-2381.
Nichols, Dale L., 558-54-5242.
Nilsen, Roy M., 066-32-7704.
O'Dell, Thomas E., 267-62-7054.
O'Neill, Edwin A., 141-34-4447.
Orians, Frank J., 374-42-5476.
Ortiz, Teofilo, Jr., 582-96-9988.
Petrucci, Vincent A., 102-34-7753.
Petty, Pharies, 263-54-5467.
Phillips, Bruce B., 491-50-5526.
Plank, Gordon H., 165-32-1619.
Slotter, Sandra L., 178-34-6122.
Smith, Charles L., 209-30-8826.
Smith, John A., 549-50-0129.
Sweet, Brian R., 567-60-7144.
Templer, Terrell S., 451-64-1072.
Thomas, James A., III, 375-40-5746.
Tice, Gary L., 372-42-0803.
Todd, Maylon J., 559-58-7631.
Wray, George L., III, 456-74-3049.

To be second lieutenant

Brown, Richard A., 461-74-3656.
Cherry, Edmond B., III, 458-74-7270.
Eckberg, David J., 334-38-1734.
Harrison, David G., 291-38-3710.
Harsh, Michael K., 225-66-4975.
Henery, Edward N., 498-44-5715.
Hicks, Gail S., 231-58-2604.
Higgins, Walter E., 462-68-9927.
Kugel, Elizabeth E., 504-50-6601.
Larson, Douglas F., 517-50-4094.
Latimer, Larry D., 461-68-1442.
Love, Geoffrey T., 263-64-6351.
Mackinnon, Charles C., 261-74-2242.
McLaughlin, John D., Jr., 231-68-0458.
Miskimon, Gary E., 511-44-2559.
Morris, John G., 251-76-7105.
Moscatelli, Edward J., 155-34-4004.
Mott, Loran C. P., 213-46-0413.
O'Halloran Peter F., 559-62-8325.
Palmer, Richard L., 288-40-0203.
Reddick, Terry M., 536—46-2846.
Ruzycki, Mary S., 263-80-2896.
Sheppard, Samuel J., 536-40-0568.
Smith, Cynthia D., 048-40-0417.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290.

Ayers, Donald R., 141-40-4490.
Baker, Geoffrey B., 451-76-1909.
Baker, Stuart W., 113-38-4449.
Berry, Luther W., 458-88-2835.
Curtis, Anthony G., 512-48-1046.
Duncan, Neil R., 417-70-9271.
Hoge, George F., Jr., 039-30-6288.
Holland, Curtice E., Jr., 448-44-4198.
Johnson, Lawrence H. III, 225-70-4874.
Klemski, James H., 405-64-7044.
Lavigne, John O. W., 438-80-2993.
Long, Jeffrey C., 305-52-5250.
Ursillo. John A.. 020-36-2931.

IN THE NAVY

The following-named (Naval Reserve Officers Training Corps Candidates) to be permanent Ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Franklin S. Achille
Blair Ackerbauer
Harold S. Adams, Jr.
James J. Adams
Arthur A. Adkins
Harvey J. Adkins
Daniel J. Aldrich
John W. Alexander
James M. Allen
Robert W. Allin
Clare R. Allshouse
Thomas B. Almy
Magnus S. Altmayer
Frank C. Alvidrez
David C. Ammerman
Christopher E. Anderson.
John H. Anderson, Jr.
Joseph E. Anderson, Jr.
Leonard M. Anderson
Walter J. Apley, Jr.
Francis J. Archdeacon, Jr.
Stephen V. Archibald
Ralph F. Armstrong
Hollis D. Arnold
James P. Arnold
David Ashton, Jr.
Kenneth A. Attoe
Richard A. Austin
Terrance S. Bach
Joseph E. Baggett
Timothy L. Baker
David O. Bailey
Everett A. Bailey
Stephen L. Bakaley
Allen D. Baker
Nicholas E. Baldasari
Mark C. Banworth
Robert A. Barcinski
Richard L. Barnett
Kenneth P. Barnum
John S. Barrington
Timothy R. Barron
Daniel A. Barrow
John A. Bartley
Stephen A. Bartosh
Roger W. Bartram
Robert W. Bauer
Dale T. Baughman
Mark T. Bausili
Leslie J. Beassie
Daniel A. Beatty
David N. Beauchamp, Jr.
Michael C. Beavers
Gregory P. Becker
Ronald A. Bedell
Ronald J. Beelman
Dennis R. Beeson
Werner J. Beier
Stephen L. Bekkedahl
Robert D. Belcher
David H. Bell
Douglas A. Bell
Jacques T. Bellairs
Thomas E. Benim
Eric R. Berg
Robert D. Berger
Michael S. Berns
John D. Bertelson
Jerome E. Bickler
James E. Birchall, Jr.
Gerry N. Bird
Robert R. Bird
Denzil J. Biter
Gregory A. Blair
Thomas B. Blair II
Larry L. Blakesley
William E. Blase
James S. Bloxom
Geoffrey P. Boardman
David L. Bocchino
Richard A. Boeckman
Ronald C. Bogle
Joseph A. Bohannon
George R. Boller
Richard W. Bond
Patrick J. Bonner
Paul M. Boomhower
James E. Booth
Thomas M. Boothe
Thomas Boriotti
Kerry C. Bott
Kenneth V. Botton
Frederick L. Bovier
Ira L. Bowles III
Michael H. Boyce
Patrick J. Boyer
Edward J. Brandenburg
Thomas L. Breitinger
Mark E. Brender
Buck Brinson, Jr.
Richard I. Broker
David A. Brooks
Charles W. Brown
Douglas L. Brown
Henry S. Brown
James B. Brown
Jesse H. Brown
John R. Brown
Mark W. Brown
Steven J. Brown
Richard H. Brownley, Jr.
Herbert L. Buchanan III
Everett R. Buck, Jr.
James L. Bullock
Keith E. Bunch
Paul R. Bunnell
George E. Buntrock III
William F. Burgess
Peter W. Burkland
Bruce D. Burroughs
Dennis E. Buschbaum
Ronald D. Bussey
Thomas C. Butcher, Jr.
Bruce A. Butler
Frank K. Butler, Jr.
Thomas A. Butler
Stephan A. Byers
William D. Cady
John J. Cahill
Warren L. Caldwell, Jr.
Bruce S. Campbell
Edward P. Campbell
Richard D. Campbell
Stephen R. Canfield
John D. Cann
Robert J. Carden
Richard J. Carlson
William A. Caroli
Danny R. Carpenter
Louis B. Carpenter III
Robert W. Carr, Jr.
Larry J. Carter
Michael W. Carter
Robert C. Carter, Jr.
William P. Caruthers
John J. Casey, Jr.
John W. Caskey, Jr.
Richard D. Casselman
Thomas A. Caughlan
Robert G. Chadwell
Stephen P. Chamberlain
Gerald E. Champagne
Jeffrey D. Chandler
Christopher H. Chaney
Lee A. Chapin
Carl E. Chapman
Peter M. Chase
James W. Chattin
Eric C. Christenson
David W. Civalier
Jeffrey R. Clack
Augustus W. Clark III
James S. Clark
Thomas C. Clark
Gary W. Claunch
Gregory Clayton
Richard J. Clopper
Brian L. Coatney
Bruce A. Coats
James P. Cobb
John M. Cocke
Perry C. Cofield, Jr.
John M. Colcord
John L. Cole
James T. Collins
Timothy F. Columbia
Bruce A. Colvin
William D. Connell
Michael J. Connelly
William R. Conner III
Richard P. Conover
Denis S. Conroy
Robert J. Coolbaugh
Ward J. Cooper
Max A. Corley
Michael C. Cortney
Pat A. Costa
Stephen H. Costanzo
William R. Cottrel
Thomas B. Courtney, Jr.
Robert F. Cowherd
Terrence A. Cox
David E. Cozad
Mark J. Cramer
Timothy G. Creath
James W. Creech
Terry A. Crescimanno
Miles M. Croom
Paul E. Crow
James Q. Crowe
Robert K. Crowe
John L. Cummins
Richard M. Cunningham
Stephen L. Cupps
James P. Curran
Stephen C. Curtis
Stephen K. Cusick
Charles J. Dale
John M. Dalonzo
James S. Damron
Thomas L. Daniels
Donald L. Davis
Douglas N. Davis
Hartley R. Davis II
John A. Davis
Kenny D. Davis
Michael E. Davis
William B. Davis
Michael K. Dawson
Fay Day, Jr.
Raymond E. Dean
Robert J. Decesari
James P. Denson
Jerry W. Derrick
Lewis F. Desandre
Jack C. Dessommes
Graham R. Devey
Robert S. Devins
David P. Devlin
Van D. Dewitt
Lawrence L. Dick
Thomas P. Dickey, Jr.
Thomas E. Dierckman
Albert P. Difrancesco
Frank J. Dobrydney
Geoffry M. Doermann
Balfour J. Donald
Dale M. Doorly
John R. Dornan
Stephen E. Downing
Terryll Dougherty
Roland C. Dubay
John B. Dubeck
Stephen L. Dubinsky
Frank J. Dudek
Ronald T. Duff
Thomas E. Dunkelberger
Barry C. Dunlap
William C. Dvorak
James R. Dyer
Edward R. Dykes
Philip J. Eakin
Anthony F. Earley, Jr.
John S. Earwaker III
Stephen W. Easley
David T. Easter
William P. Eastin
Robert W. Edmonds
David P. Edson
Kerry C. Ekdahl
James E. Ellis
Robert B. Ellis
Joseph D. Emerson
Douglas T. Engel
Richard L. Engelen
Jerome R. English
Richard S. Enzinger
Charles A. Erickson
Steven C. Erickson
Bradley P. Etherton
Michael L. Ettredge
Michael E. Ewers
Terry D. Exstrum
Sheldon N. Fages
George Farkas III
William J. Farmer, Jr.
Thomas W. Farrand
Anthony J. Farrell
Cyril T. Faulders III
Joseph L. Fazio
Walter F. Fennell, Jr.
John A. Fergione, Jr.
David F. Fetterman
John E. Fichter
David A. Fields
Lawrence W. Findeiss
Jerry M. Fine
Michael P. Finn
Halsey R. Fischer
John B. Fleming, Jr.
Richard P. Fleming, Jr.
Stephen L. Flickinger
James H. Flora
Christopher G. Foe
Edward P. Foote, Jr.
Kenneth C. Fortgang
John I. Foster, Jr.
William W. Foster
Edward C. Fox
Terrance C. Frame
Joel S. Frank
John S. Fredericksen
Robert J. Freeman
Robert H. Freund
Robert A. Frey
Paul Friedman, Jr.
Paul S. Fromer, Jr.
Robert D. Frnka
Donn L. Fryman
Dana A. Fuller, Jr.
Daniel R. Fuller
Richard H. Funke III
Daniel E. Gabe
John H. Galberry
Thomas H. Gannon
Lawrence E. Garcia
James E. Garifalos II
Philip C. Garriss
Paul G. Gausch
David K. Gebert
Karl E. Geci
Norman D. Geddes
Michael T. Gehl
Donald G. Geiger
Richard A. Geel
Garry L. Gerlach
Robert L. Gill, Jr.
Timothy D. Gill
John K. Gillen
Jay T. Gillogly
Dale E. Giordano
Gary A. Glatzmaier
Patrick F. Golden
Joseph F. Golding
Marc L. Goldschmitt
Richard E. Gordohn
John J. Gorman, Jr.
William R. Gossett
William J. Grace
John E. Graham

William R. Graham
Charles A. Grant, Jr.
Barton L. Green II
John L. Greeno
James D. Gribben
James C. Griffith II
Robert D. Griffith
Ronald K. Griswold
Stanley R. Groenig
Mark S. Groman
Mitchell I. Gross
Paul J. Grotjahn
Henry L. Grover
David A. Grupe
Stanley K. Gryde, Jr.
David M. Gubanc
Bruce P. Gudenkauf
David R. Guebert
John E. Gulas
Gary W. Gulden
Frank H. Gurry, Jr.
Robert H. Guthrie
Richard F. Haas, Jr.
Oliver J. Hadden, Jr.
Ronald S. Hagadone
Thomas A. Hahn
Herbert W. Hall
Thomas C. Hall
Michael J. Halligan
Edward F. Halloran, Jr.
Alexander M. Hallmark
Howard W. Hamilton, Jr.
William L. Hamilton III
Russell E. Hammond
Robert E. Haney
John T. Hanley, Jr.
Richard K. Hanneman
Harold E. Hansen, Jr.
David R. Happ
David R. Harbaugh
Lloyd T. Harden, Jr.
Samuel R. Hardman, Jr.
Sidney W. Hare
John M. Hargesheimer
William C. Harmon
Glen T. Harper
Eldon D. Harris
Ronald E. Harris
Thomas E. Harris
John M. Hart
Philip N. Hart
Donald D. Harvey III
Gary W. Harvey
Timothy F. Hass
Russell L. Hatcher, Jr.
William S. Hawver
Bradd C. Hayes
John A. Hayes
Gregory E. Head
Joseph R. Hedrick
Donald E. Heath
Charles J. Heatley III
James A. Heinz
James F. Heleniak
James C. Helfrich
William E. Hellmann
Charles K. Henderson
Haywood H. Henderson, Jr.
Loring K. Henn
David M. Herald
Alan K. Herbst
Frederick S. Herring
James E. Hesler, Jr.
Glenn E. Hess
Paul D. Hickey
Harry B. Hill
Steven C. Hill
Jerome H. Hines
Robert G. Hocker, Jr.
Charles T. Hoepper
Gerald L. Hoewing
Edward L. Hogg
Nathaniel L. Holland, Jr.
William W. Holland
Robert H. Holloway
Marshall V. Holstrom
Hubert D. Hopkins, Jr.
Michael L. Hoppus
Michael H. Hoskins
Timothy L. Houck
Timothy P. Houlihan
David G. Howard
Arthur E. Howell III
Kenneth S. Howell
Joel P. Hoxie
James A. Hribar
Allen L. Hubbard
Thomas D. Huffman
Thomas F. Hughes
Joseph R. Hugill
Patrick E. Hurley
John W. Hussey, Jr.
Norman E. Houston, Jr.
Stephen C. Hutchins
William S. Igo
Harold L. Inabinet
Kenneth R. Ives
Charles H. Jackson IV
Floyd S. Jackson
Walter A. Jackson
Robert B. Jacobs
Christopher P. Jamison
Edwin S. Jankura, Jr.
Joseph J. Jannik, Jr.
Jens A. Jensen
Garrison W. Jaquess
Joseph R. Jelinski, Jr.
Michael O. Jenkins
Phillip L. Jody
Jeffrey K. Johnsen
Daniel T. Johnson
David M. Johnson
Eric C. Johnson
Jerry R. Johnson
John C. Johnson
Johnny W. Johnson
Michael B. Johnson
Ralph P. Johnson
Steven A. Johnston
Charles W. Jones, Jr.
Douglas C. Jones
Francis Jones
Roger N. Jones
Thomas R. Jones
Hardy R. Josephson
James H. Judson
William T. Kaloupek
Steven R. Kaltneckar
Jonathan L. Kaplan
James E. Karlovich
Fred G. Karnas, Jr.
Walter J. Kasianchuk
Jonathan D. Kaskin
Lige H. Kasmiroski III
Vincent P. Kazmer
Philip V. Keenan
James W. Kehoe, Jr.
James S. Keith
William B. Keller
Daniel C. Kelly
Dennis J. Kelly
James B. Kendall
Francis J. Kennedy, Jr.
Thomas E. Kennedy
Philip D. Kessack
Stephen F. Kessler
Jeffrey B. Kidder
Clark E. Kilroy
Robert L. Kimmel
John P. King
Donald E. Kirkland
Larry R. Klein
Joseph R. Kletzel II
Walter W. Knauss III
Robert M. Knight
Bruce R. Knowles
Ronald B. Koch
Andrew Koczon
John M. Kopec, Jr.
Frank K. Kotarski
Douglas A. Kranch
Donald W. Krech
Kenneth L. Kreutzer
Frederick B. Kruger, Jr.
John W. Krupsky
James D. Kuemmel
James R. Kuhlman
Robert N. Kurrasch
Danny E. Lakes
Clinton L. Laing
Robert B. Lambert
Lawrence C. Lane, Jr.
John L. Langenheim
Richard R. Langevin
Gary W. Lankenau
Jean B. Lapointe
Gilbert C. Lappano
James A. Lasswell
Thomas H. Lauer II
Dennis J. Leary
Francis N. Lee
Thomas E. Lee
Kenneth L. Leiby, Jr.
Edwin M. Leidholdt, Jr.
Joseph E. Leinenbach, Jr.
Lewis E. Leinenweber
Anthony W. Lengerich
John A. Leon, Jr.
Peter J. Leonard
John D. Leppert
Richard D. Leroy
John C. Lessel
Allan A. Lewandowski
Frank L. Lewis, Jr.
Kirk T. Lewis
Mark S. Lindsay
William H. Lindsay III
Robert T. Liseno
William H. Little
Anthony A. Loague
Theodore W. Long
Gregory S. Loring
Paul M. Loring
Douglas E. Lott
Michael D. Lowe
Robert S. Lowry
Randal S. Luce
John D. Ludowise
Robert W. Luigs
James B. Lundberg
Charles A. Luskey
William D. Lynch
Curtis W. Lytle
Robert J. McCabe
Thomas L. McCarriar, Jr.
William W. McClary
Lex L. McClellan
Patrick M. McClellan
Ronald L. McClure
Craig V. McConnell
Robert C. McCormick
Daniel R. McCort
Michael G. McCotter
James K. McDermott
Terrance S. McDonald
Douglas M. McDuff
William J. McEntee
Clyde E. McFarland, Jr.
Gary O. McGee
John W. McGillvray, Jr.
Paul E. McGilvray
Peter J. McGovern
Robert J. McGrody, Jr.
William W. McKinley
James M. McKinstray
Peter J. McLaughlin
Timothy M. McLaughlin
Peter McLean III
John B. McLeod
Donald F. McMann
Donald E. McManus
James F. McMartin III
Donald H. McNamara
Thomas J. McNeal
Mark H. McPherson
Marion L. McQuigg, Jr.
Joseph M. McSweeny
Richard E. McVoy, Jr.
Patrick MacCarthy
Richard S. MacDonald
John D. Mackenzie
James F. Mader
Norman W. Madge
Douglas R. Magnant
Robert L. Mahan
John W. Maher
William B. Mahony
Richard A. Maloney
Robert S. Maloney III
Craig R. Mann
William B. Manning III
Michael A. Marini
Conrad F. Marosek
Colin L. Martin
David P. Martin
George W. Martin III
Graham H. Martin
Mulford Martin III
Paul H. Martin
Nathan P. Martino
Robert R. Martin
John J. Martinoli, Jr.
Martin J. Martinson
Paul A. Mathew
Rodney F. Matsushima
Dennis W. Maxfield
James W. May
John D. Maxey
John K. Mell, Jr.
Kevin G. Mercier
Daniel W. Merdes
Robert S. Meyett
James M. Middleton, Jr.
Edward Mihalak
Bruce E. Millenbach
Craig S. Miller
Douglas L. Miller
George R. Miller
Glenn H. Miller
Lee C. Miller
Peter Miller, Jr.
Philip W. Miller
Robert A. Miller
Stephen W. Miller
Steven M. Miller
Thomas J. Milne
Dwight C. Mims
John B. Miner
Stephen C. Mischen
David E. Mitchell
Donald R. Mitchell
Frank A. R. Mitchell
James A. Mitchell
Herald S. Mizer
Michael A. Moffitt
Timothy P. Monahan
Anthony M. Monopoli
James H. Montgomery
Ben Moore III
Michael J. Moore
Richard E. Moore II
William E. Moore
Emmett J. Moran
Michael D. Moran
Gregory C. Morgan
Christopher P. Moriarty
John W. Morrison
John W. Morrisset
Gary K. More
John J. Morris
James K. Mosher
William G. Muller
Stephen V. Munson
Gregory S. Murray
Randall W. Myers
John J. Nacht
David G. Naderson
Robert J. Nacion
George F. Nafziger
Robert C. Nall
Edmund G. Nasief, Jr.
John J. Needham, Jr.
Craig S. Nelson
States L. Nelson
Christopher P. Nemeth
Richard C. Neville
Laurence H. Newton
Thomas A. Newton, Jr.
Eldon E. Nichol
Dan M. Nichols
Jerry L. Nicholas
Frederick C. Nightingale
James R. Nise
Michael A. Niss
James T. Noland, Jr.
Bruce A. Nottke
Sven T. Nylen III
David A. Oberg
Michael W. Oboyle
Patrick D. O'Boyle
James J. O'Connor, Jr.
Brendan J. O'Donnell
Hugh K. O'Donnell
Robert J. Ogden
Robert F. Ogurek
Kenneth L. Okeson
Kenneth L. Olson
Michael J. O'Neill
Kevin D. O'Neill
Dwayne A. Oslund
Andrew A. Ostrow
Karl R. Ottesen, Jr.
Park H. Owen III
Richard L. Owen, Jr.
Mark T. Pachuta
Elton T. Page III
John M. Page, Jr.
Steven G. Page
Jerry J. Palm
Carleton A. Palmer
William W. Palmer III
Aldo T. Paoletti
Thomas F. Patterson, Jr.
Roy L. Paul
Gerald R. Pech
Stephen S. Penley
Roger R. Penrod
Keith A. Perkins
Edmund L. Perz
Richard M. Petersen
Neil G. Peterson
Mark H. Petitte
John N. Petrie
Randolph A. Petty
Alvis S. Pharr, Jr.
Don A. Phillips
William R. Phillipson
John L. Piecuch
William B. Pierce
Barry E. Pilger
Timothy H. Pinkham
William C. Pitcher
Clifford C. Pittman
Ernest D. B. Pittman
Robert C. Pizzano
Joseph Pluta, Jr.
James A. Polk
Mark E. Pollard
Weston J. Pollock
Steven H. Ponthan
Stephen D. Porter
Thomas L. Potter
John R. Powell
John G. Prantil
Scott C. Proctor
Robert W. Prunty, Jr.
Paul F. Pugh
William N. Pugh
Michael P. Pumilia
Kenneth W. Quigley
John M. Quinn III
Richard E. Quinn, Jr.
Jeffrey D. Quint
Mark A. Rader
Michael J. Ragnetti, Jr.
Richard K. Raines
Steven E. Rasmussen
James R. Ray
Samuel L. Ray
Peter C. Redmayne
Michael D. Redshaw
Donald G. Reinertsen
Ronald A. Renner
Philip R. Resch Jr
Mark P. Rice
Albert D. Rich III
Charles C. Richards
Isaac E. Richardson III
Steven D. Richardson
John S. Ridley, Jr.
William H. Rigby, Jr.
Robin L. Ringler
James R. Rinker
Robert Rivera
David J. Rizy
David G. Roach
Ralph D. Roberts, Jr.
John M. Robins
Douglas R. Robinson
Richard D. Roda
Richard L. Rodgers
Robert W. Roesch, Jr.
John W. Rogers
Stacy A. Roscoe
Robert W. Rose, Jr.
John C. Ross
Roger D. Ross
Mark W. Rossi
Robert E. Rottman
Robert C. Rubel
David B. Rummer
Robert S. Runnion III
Leonard R. Rupertus
Dennis H. Rutledge
William C. Rutledge
Michael J. Sage
Michael J. Salerno
Jack J. Samar, Jr.
Robert D. Sampson
Charles G. Sandell
James H. Sanders
James A. Santangelo
Thomas H. Sartain
John C. Sassen
Daniel T. Saunders
Duane R. Sawyer
Dorsey D. Schaper
Joel R. Schapira
Ned A. Scheerhorn
Gregory A. Schilling
William G. Schmidt
Robert W. Schmidt
Kim B. Schier
James F. Schilder
Stanley C. Schlegel
James E. Schmidkunz
James W. Schmidley
Stephen R. Schmitt
William E. Schmitt
Jeffrey W. Schneider
Robert L. Schneider
Thomas D. Schrader
John J. Schuler
Patrick D. Schultea
Jerry O. Schutt
Mark P. Schultz
James L. Schulze, Jr.
Jay S. Schutzman
Edward G. Schwarz
Martin H. Schwedhelm
Robert D. Seaton
Robert M. Seeger
William A. Seiss
Gregory N. Seminoff
Robert E. Severson
Alfred N. Sevi
LeLand S. Shackelford
Seigfried L. Shalles
Leonard W. Shea
Glenn W. Sheehan
Gary R. Shellhammer
Frederic A. Shepard
Walter T. Sheppard
John C. Sherrard
Charles S. Sharrocks, Jr.
Martin V. Sherrard
Robert D. Shields
Richard Y. Shintani
Ronald K. Shobe
Charles K. Shoemaker
Kenneth D. Short
Robert L. Shiffman
Stephen L. Sides
Eugene J. Siembieda, Jr.
James D. Simila
Donald B. Sims, Jr.
Mark R. Sivers
John A. Sixta, Jr.
Robert W. Skaggs
Robert T. Skelton

William S. Skibitsky
Richard M. Slettvet, Jr.
Mark S. Sloat
John A. Slusser
Craig H. Smith
Harris L. Smith
Jeffrey C. Smith
Lawrence D. Smith
Robert W. Smith
Steven C. Smith
Steven T. Smith
Samuel A. Smith
Stuart W. Smith
Thomas P. Smith
William T. Smitherman
Frank W. Snell
Stephen F. Snell
Thomas R. Snook
Richard M. Snow
Thomas E. Sobolewski
Steven J. Sonntag
Joseph R. Soriano
John E. Soron
Gary G. Sowers
William D. Spiegel, Jr.
Peter L. Staffel
Jay D. Stanke
John G. Stanke
Lester L. Starr, Jr.
William A. Steele, Jr.
Charles S. Steinert
Michael W. Stephens
Lawrence A. Stevens
John G. Stevenson
Frank W. Stewart
Robert D. Sterusky
Richard M. Stewart
Robert A. Stratman
James N. Strock
Steven H. Stokes
Christopher J. Stockwell
Timothy G. Stone
Louis O. Storm II
William H. Stubblefield
Mark J. Stull
Frederick C. Sturz
Eugene Sullivan
Kerry J. Sullivan
Ronald G. Sumrow
John L. Sunday
Melvin L. Sundin
Robert N. Swacker
Francis E. Sweeney
Anderson H. Swepston
Rudolph L. Tamayo, Jr.
Frederick L. Tampe
Frank R. Tappen
Dean E. Taylor
Robert W. Taylor, Jr.
Mark J. Tempest
Gary M. Tennesen
Thomas E. Tennison
Paul D. Thayer
John L. Thom, Jr.
Clarence E. Thomas, Jr.
William J. Thomson
Peter M. Thompson
Lee H. Thonus
Robert A. Thorley
James T. Thornton
Peter B. Thornton
James W. Tinsley, Jr.
David J. Tobergte
Dale E. Todd
David K. Todd
Jordan L. Torgerson
Kenneth W. Towers
William P. Treadwell
Stephen B. Troutman
Michael A. Trudell
John E. Tufts
Charles A. Tulley III
Terrence W. Tull
Richard S. Turk
John S. Turner
Edward P. Tynan
Michael F. Uebelherr
Brian C. Underwood
Norbert S. Unger, Jr.
John B. Ullman
Michael L. Ustick
Thomas J. Utschig
Steven W. Vagts
Richard H. Valade
Larry W. VanFleet
Frank L. Vandeman, IV
Michael E. Vanderpool
Peter M. Vandyk
Raymond T. Vanhaute
John O. Vannatta
Leroy D. Vansciver
Edward S. VanVleet
David L. Vercellino
John P. Villarosa
James S. Vintar
James W. Voss
Christopher M. Wachter
Ray K. Waddell
Cort D. Wagner
Henry M. Wagoner
David L. Walker
James H. Walker
Richard W. Walker
James R. Wallace
Gregory E. Walsh
James M. Walsh, Jr.
Michael J. Walsh
John J. Walters
Victor M. Walz, Jr.
Charles G. Ward
Charles R. Ward
Edward C. Warres
Robert J. Washington
Robert M. Wasko, Jr.
Dale M. Watson
Samuel R. Watson
Alexander Y. Watt, Jr.
Richard K. Weaver
Lincoln P. Webb
John R. Weigand
Charles F. Welles
Randolph R. Wells
Jeffrey G. Wendle
Michael H. Wesner, Jr.
Ernest E. Wessman
Michael C. West
Richard D. West
Steven B. Westover
Edwin F. Weyrauch
Charles D. Wheatley
Richard L. White
Russell A. White
John D. Whitney
William F. Whitson
James R. Wieferich
Ronald L. Wiggins, Jr.
Mark L. Wilant
Steven G. Wilbur
James P. Wilcox
Raymond K. Wilde
Ted S. Wile
Alan D. Will
Lester P. Wilkinson
Alastair G. Williams
Dale E. Williams
Donald W. Williams
Richard L. Williams
Scott K. Williams
John D. Williamson
Michael L. Willoughby
John L. Windrow
Gregory J. Winsky
Christopher S. Wilson
David G. Wilson
Michael E. N. Wilson
Fredrick P. Wilton
Terrance H. Wolfsen
John S. Wood
Robert H. Wood II
Allen G. Woodall
Donald L. Woodard
Kevin J. Woods
William D. Woodyard
Eric H. Worrall
Joseph C. Worth III
Casey W. Wright
Larry C. Wright
Charles S. Wunsch
Patrick R. Wyatt
James A. Yale
Kingston Cheng Wu Yong
John P. Yost
David R. Young
Robin H. Young
Bruce C. Zablow
James M. Zachary
Ronald F. Zavaglia
Mark E. Zimmerman
Andrew D. Zinn

The following-named (Naval Enlisted Scientific Educational Program Candidates) to be permanent Ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Alexander, Ronald K.
Alger, James A.
Allen, Dale I.
Appleby, Robert T.
Arnold, Berthold K.
Bardwell, Robert R.
Barker, Jimmy L.
Barnett, Harry E.
Barnett, Richard L.
Bateman, Clifford B.
Beaudet, Carl A.
Beck, Ardie L.
Benziger, Philip E.
Bien, Jay K.
Blair, Coy L.
Blauvelt, Russell M.
Bohm, Edward A.
Bohrer, Herbert A.
Boucher, David L.
Branaman, Larry G.
Bolton, Patrick J.
Breedlove, Rodger D.
Brown, Harry P., Jr.
Brown, Lonnie C.
Bullock, Martin L.
Burlison, John R.
Burtt, Chester A.
Cash, Louie Oliver
Cauchon, Richard P.
Cech, Ladd M.
Christy, Leonard C.
Coghill, Cortlandt C., III
Conte, Enrico E.
Cook, Roger D.
Corbin, James H.
Covington, George B.
Curry, Ronald N.
Daugherty, Jack E.
Davis, Thomas E.
Day, Edward W.
Deacon, Glenn R.
Delaney, Dennis M.
Dresner, Jay D.
Driscoll, Michael L.
Duquette, Marc R.
Durst, David P.
Duzy, Charles A.
Dykstra, David A.
Easterday, Kenneth P., Jr.
Ebright, Arthur L.
Eden, Michael S.
Endo, Victor
Erken, Donald C.
Estes, James L.
Faith, Everett W., Jr.
Faurie, Bruce R.
Felton, Bobby J.
Filka, Ronald A.
Fishel, Henry G.
Foltz, Ricky A.
Foraker, Allen S.
Fredricks, John A.
Funk, William T.
Gafney, Edward J., III
Gauthier, Normand C.
Gearhart, Michael W.
Gecan, Anton S., Jr.
Girvin, Charles R.
Glynn, Dennis W.
Graves, Davie W.
Gray, Charles L.
Gronroos, William E.
Gunia, Earl G.
Gunn, Donald P.
Gurke, Lee S.
Hagstrom, David W.
Hall, Larry W.
Hart, William S.
Hartmuller, Roger L., Jr.
Haseltine, Raymond F.
Herris, John W.
Henson, John W.
Higgins, Timothy
Hinz, Donald E.
Hitt, Curtis W.
Hobart, Joseph R.
Hoffoss, Peter O.
Jerome, Douglas J.
Johanek, James F.
Johnson, Kenneth P.
Johnson, Philip G.
Jones, Jimmie G.
Jones, Walter E.
Kane, Dennis L.
Kelso, Robert B.
Kemp, Dieter K.
Kendall, Gene R.
Keyser, Emmett M., III
Kocmich, Eugene J.
Kortman, Gregory M.
Kosar, Peter G.
Kraft, Robert A.
Kramer, Klaas
Kubic, Tad A.
Kubovchik, John F., Jr.
Kulikowski, Joseph G.
Larrabee, Daniel A.
Lavery, William Harry
Leichtnam, James J.
Leonard, Richard W.
Lewis, Jerry L.
Liberatore, Donald J.
Louden, Peter E.
McComb, Lorne B.
McConkey, David L.
McDevitt, Gerald R.
McKay, Duane L.
Mace, Frederick E.
Mallory, Harry B.
Marshall, Melvin E., Jr.
Martin, Donald L.
Martinez, Luis C.
Masters, William D.
Meade, John T.
Melton, Daryl K.
McLochlin, John M.
Mendez, Robert (NMN)
Merwin, Ronald Jo
Micone, Theodore R.
Mitchum, Kenneth R.
Modes, Ronald W.
Morgan, James C., Jr.
Mori, Donald P.
Morris, Ralph L.
Mulkern, Trent C.
Neely, Frederick C.
Nelson, Stephen C.
Newman, Don R.
Nichols, Thomas J.
Nicholson, Harry X.
Norris, John A.
O'Dea, James E.
Offerdahl, David C.
Oliver, Thomas A.
Onyon, Dale E.
Orton, Frederick C.
Palanca, Rodney A.
Parks, Philip Douglas
Pearson, Charles W., III
Polwarth, John B.
Powers, Lynn Frederick
Price, Michael L.
Reed, Billie M.
Reitz, Stephen L.
Reynolds, John C.
Richards, Philip E.
Richards, Ronald C.
Rickman, Loy D., Jr.
Rickman, William L.
Rider, John D.
Rose, Robert R.
Royal, David E.
Russell, Donald C.
Rustchak, Daniel F.
Rutkowski, Edwin G.
Savage, Robert R.
Sax, Karl, II
Schaeffer, Jacob D.
Schnellenberger, James E.
Scott, Kenneth H., Jr.
Sellers, Ronald E.
Sentman, Orville L.
Sexton, Ralph J.
Shaw, Samuel D.
Shockley, William R.
Simmons, Roger S.
Simonds, Robert H.
Simpkins, Earl L.
Sitterson, Allan E.
Sipe, Michael M.
Smith, Gary L.
Smith, Paul T.
Somers, Larry L.
Speer, John P.
Stark, Richard R.
Stelling, Geoffrey H.
Struble, James F.
Suman, Steven M.
Summerlin, Michael Don
Taylor, Joseph E.
Thaggard, Robert S.
Thompson, Alan J.
Thompson, Jerry D.
Thomson, David D.
Tomlinson, Philip F.
Trytten, Dean O.
Uplinger, Joseph C.
Vanhoy, William A.
Walker, William F.
Weatherington, Michael W.
Weaver, Charles S.
Weaver, Vaughan C.
Weber, Frank C.
Wellman, William E.
Welsh, Harold K., Jr.
Westbrook, Gary M.
Wharton, Darryl M.
Whitelatch, Robert C.
Wittenber, Jan J.
Yeatman, Lawrence L.
Zuorro, Kenneth J.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Rodney A. Gray
John T. Kennard

William W. Stuart, Jr. (Naval Reserve officer) to be a lieutenant commander in the Dental Corps of the Navy, for temporary service subject to the qualification therefor as provided by law.

Gerald J. Nowak, to be a permanent lieutenant and temporary lieutenant commander in the Medical Corps of the Navy in lieu of permanent lieutenant (junior grade) and temporary lieutenant as previously nominated and confirmed, subject to the qualification therefor as provided by law:

William N. Moon; U.S. Navy retired to be reappointed from the temporary disability retired list as a permanent chief warrant officer W-4 in the Navy, subject to the qualification therefor as provided by law:

James L. Frazier, Naval Reserve Officer to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps, in lieu of permanent lieutenant (junior grade) and temporary lieutenant as previously nominated to correct grade subject to the qualification therefor as provided by law:

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Robert C. Allen
James B. Andersen
David G. Anderson
Robert B. Austin, Jr.
James E. Blanton II
Lewis R. Bond III
Jack W. Brouhard
Michael P. Callaway
Russel C. Colten
Gary M. Craft
David R. Crompton
France P. Davis, Jr.
Leroy W. Davis II
David S. Ensminger
Russell E. Gandy
Mark W. Hoffmann
Boyce W. Huss
Richard S. Kaiser, Jr.
Richard R. Kindberg
Philippe M. Lenfant
Michael A. Lutkenhouse
Michael H. Lutz
Paul B. McElwatn
Stephen C. Mischen
Kenneth E. Peterson
Thomas C. Pyles
Robert C. Rautenberg
Christopher A. Rusch
Rory L. Schlueter
Charles N. Sherman
William M. Sigler III
Craig P. Staude
Nicholas J. Stas
Brian L. Toms
James J. Wemlinger
David G. Wilson

Prince E. Denton (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

William C. Johnston
Frank U. Perry

Patrick J. Haney (Naval Reserve officer) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenant commanders and temporary commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

William S. Moore
Kurt Sorensen
James E. Wenger

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Larry D. Cordell
Ronald P. Digiacomo
James H. Hall III
Donald L. Johnson
Shun Hung Ling
Antonio Tamara
George G. Telesh
Robert L. Vickerman
William F. McKenzie
William T. Mason
David A. Neal
Albert L. Roper II
Edward A. Sherwood
William C. Welch
Allan Ka-lun Yung

The following-named (Naval Reserve Officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Douglas P. Boldon
Stephen Boyle
Wesley L. Coker
Edgar L. Corte's
Max A. Dean
John C. Donaldson
Norris W. Dyer
Jay R. Grossman
John A. Gastright
Stephen A. Grzenda
Robert S. Howell, Jr.
Floyd R. Hyatt
James L. Knavel
Robert J. Koterbay
Daniel J. MacNeil
Trent W. Nichols, Jr.
Samuel G. Ogle
Douglas A. Palenschat
Glenn C. Parrish
Richard S. Rose
Douglas F. Thomas
Edward D. Williams
James D. Woods
James J. Zelenak

CONFIRMATION

Executive nomination confirmed by the Senate December 10, 1970:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Sidney P. Marland, Jr., of New York, to be Commissioner of Education.

WITHDRAWAL

Executive nomination withdrawn from the Senate December 10, 1970:

FEDERAL COMMUNICATIONS COMMISSION

Sherman Unger, of Ohio, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964, vice Robert Wells, which was sent to the Senate on July 24, 1970.

HOUSE OF REPRESENTATIVES—*Thursday, December 10, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The law of God is in his heart: None of his steps shall slide.—Psalms 37:31.

Almighty God, our Father, we thank Thee for the open door of a new day which makes available to us once again the steps that lead to a better and a brighter life. Guide us, we pray Thee, that in this generation we may find the way to good will toward men, freedom among men, justice between men, and peace in the hearts of men.

Bless every lover of liberty, every effort for the growth of free institutions, and every endeavor to make democracy work on our planet. This is our task and our mission. May we prove ourselves worthy of it and play our full part in climbing the steps toward this glorious achievement.

"Give me the heart, to hear Thy voice
and will
That without fault or fear I may fulfill
Thy purpose with a glad and holy zest,
Like one who would not bring less than
his best."

In the spirit of Him who leads us from strength to strength, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2214. An act for the relief of the Mutual Benefit Foundation;

H.R. 2335. An act for the relief of Enrico DeMonte;

H.R. 7267. An act to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes;

H.R. 7830. An act for the relief of James Howard Giffin; and

H.R. 12173. An act for the relief of Mrs. Francine M. Welch.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 19436. An act to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes; and

H.R. 19877. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 19877) entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RANDOLPH, Mr. YOUNG of Ohio, Mr. MUSKIE, Mr. JORDAN of North Carolina, Mr. COOPER, Mr. DOLE, and Mr. GURNEY to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 3070. An act to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest.

The message also announced that the Senate agreed to the amendment of the House to the bill (S. 3431) to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors with an amendment in which concurrence of the House is requested to the foregoing bill.

The message also announced that the Senate agreed to House amendments to a bill of the Senate (S. 3785) to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power, with amendments, in which concurrence of the House is requested to the foregoing bill.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 106. An act for the relief of Ida Kunstmann, Waldermar F. Kunstmann, and Anneliese E. Kunstmann;

S. 1035. An act for the relief of certain postal employees at the Elmhurst, Ill., Post Office;

S. 1779. An act for the relief of Bogdan Bereznicki;

S. 3168. An act for the relief of Daniel H. Robbins; and

S. 4557. An act to amend Public Law 91-273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

DECEMBER 10, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on December 10, 1970, the Clerk received from the Secretary of the Senate today the following message:

That the Senate agree to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the Joint Resolution (H.J. Res. 1413) entitled "Joint Resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute."

Respectfully,

W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Wednesday, December 9, 1970, he did, on December 10, 1970, sign the following joint resolution of the House:

H.J. Res. 1413. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

FAILURE TO FUND NEEDED RESEARCH GRANT

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, a recent complaint from a constituent has highlighted for me the fact that President Nixon's rhetoric about clean air is just that—rhetoric and nothing more.

A distinguished scientist and member of the chemistry department at New York University complained to me that, although the National Air Pollution Control Administration had approved grants for him totaling over $150,000 to continue his research on air pollutants which had been started with Federal support years earlier, no funds were available to support these grants.

On checking with the Office of Research Grants of the National Air Pollution Control Administration, I found out that, of the 60 to 80 grants which they had recommended for funding only half were actually receiving funds. The backlog in recommended grants that could not be funded amounted to $1 million. Yet the administration continues to cut back the funds allocated for air pollution research grants.

Mr. Speaker, the American people must be made aware of the fact that, while the President is speaking about cleaner air, he places more budgetary emphasis on developing the SST, which will be a major polluter, than he does on funding the research grants necessary to combat the problems of air pollution.

TO ESTABLISH AMERICAN FREEDOM AND SPORTSMANSHIP AWARD

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, it is a pleasure to announce establishment of the American Freedom and Sportsmanship Award, to be given periodically to deserving Members who go above and beyond something or other to block another Member's right to speak his conscience in this House.

The official motto of recipients will be "I may not agree with a word you say, but I shall defend my scheme to foul your right to say it."

The quiet-spoken gentleman, which is to say true patriot, from Tennessee (Mr. ANDERSON) in 6 years' time has risen to speak in special order only once. Naturally that was too much for the first winners of the American Freedom and Sportsmanship Award, who last night effectively denied one of America's great naval heroes his right to speak in this House.

Nice going, fellows.

Last night's assailants of Mr. ANDERSON said that they cut off his right to speak because he declined to yield during his prepared statement.

Mr. Speaker, the RECORD will show that on April 15, 1970, the minority leader spoke in special order and declined to yield to any Member at any point during his 60-minute period, explaining that he would not yield during his prepared statement.

Oh, well.

AUTHORIZING EDUCATIONAL ASSISTANCE AND HOME LOAN BENEFITS TO WIVES OF ARMED FORCES MEMBERS MISSING IN ACTION OR INTERNED BY FOREIGN GOVERNMENT OR POWER

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3785) to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power, with Senate amendments to the House amendments thereto, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 7, line 4, of the House engrossed amendments, after "agency" insert "or the actual cost of the eligible veteran, whichever is the lesser".

Page 7, after line 4, the House engrossed amendment, insert:

"SEC. 10. Section 1652 of title 38, United States Code, is amended by—

"(1) striking out 'at least two years' in subsection (a)(2) and inserting in lieu thereof 'more than one hundred and eighty days'; and

"(2) by adding at the end of subsection (b) a new sentence as follows: 'Such term also means any unit course or subject, or combination of courses or subjects, pursued by an eligible veteran at an educational institution, required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under the provisions of 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a)).'

"SEC. 11. (a) Clause (4) of section 1684(a) of title 38, United States Code, is amended to read as follows:

"'(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course.'

"(b) The last sentence of section 1684(a) of such title is repealed.

"SEC. 12. Clause (3) of section 1733(a) of title 38, United States Code, is amended to read as follows: '(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course.'

"SEC. 13. Section 3010 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"'(n) The effective date of the award of any benefit or any increase therein by reason of marriage or the birth or adoption of a child shall be the date of such event if proof of such event is received by the Veterans' Administration within one year from the date of the marriage, birth, or adoption.'"

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. TEAGUE of California. Mr. Speaker, reserving the right to object—and I shall not object, since I support the motion of the gentleman—I do request that he give the House a brief explanation of what this involves.

Mr. TEAGUE of Texas. Mr. Speaker, this bill which passed the House on November 16 by unanimous vote, authorizes education and training and home loan benefits to the wives and children of Armed Forces personnel who are missing in action, captured by a hostile force, or detained or interned by a foreign government or power. There is no difference in this feature of the bill between the House and Senate versions. The House, however, added sections 6, 7, and 8 having to do with apprenticeship and on-the-job training and the Senate has accepted these sections.

Section 9 of the House bill redefines the term "established charge" applicable to veterans who are taking correspondence courses. The Senate has accepted this provision with a minor amendment providing that in those cases where the veteran pays cash, the charge will be the cash payment.

Another amendment which the Senate added relates to permitting men on active duty to take advantage of educational provisions at an earlier date. At present, a serviceman must have 2 years service before he is permitted to take training under the GI bill. The Senate amendment will lower the service requirement to 6 months.

Another amendment redefines measurement of courses. This is a minor clarification of existing practice.

Another of the Senate amendments clarifies the time when added benefits for new dependents become effective.

All of these sections are favored by the Veterans' Administration. I hope that the President will see fit to promptly sign this measure.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments to the House amendments were concurred in.

A motion to reconsider was laid on the table.

RESIGNATION OF BRYCE N. HARLOW

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, it was announced just within the last 24 hours that Mr. Bryce Harlow, one of the most valuable members of the President's staff, was leaving Government service to return to private life. It has been my privilege to know Bryce Harlow ever since I first came to the House of Representatives. As a matter of fact, he came to the Washington scene in 1938 and has served almost entirely since that time in one capacity or another. I know of no person in my time who has had more universal respect than Bryce Harlow. He has served not only the Congress in various capacities from time to time, but he has served two Presidents in the most sensitive and most important areas. In any or all capacities Bryce Harlow has performed with excellence. Words alone cannot express my admiration for him.

I think it is fair to say that Bryce Harlow's rapport with Members of the Congress on both sides of the aisle, at both ends of the Capitol, has been of the highest. He has been and is a tower of strength in every respect. He could not have been improved upon in any way whatsoever. It is a tragedy that he is leaving Government service, but I know that in time of need in the future Bryce Harlow will respond again as he always has. He is a truly dedicated American.

I can only say that I, for one, have lost in Government one of my best friends. In the past 2 years I could not have carried out my responsibilities effectively without the cooperation, assistance, and understanding of Bryce Harlow. We all wish him well as Bryce returns to private life, and we extend the maximum of praise to a person who represents the very finest in every respect.

RESIGNATION OF BRYCE N. HARLOW

(Mr. McCORMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCORMACK. Mr. Speaker, I wish to join with my friend from Michigan in the deserved words of praise that he has just paid to my dear friend, Bryce N. Harlow.

Bryce Harlow is one of the most dedicated men that I have ever met. He has served with great ability, devotion, and loyalty at least two Presidents of the United States. I might say that the late Speaker, Sam Rayburn, and I always were glad to see Bryce Harlow. When Bryce Harlow was serving President Eisenhower, I know that Speaker Sam Rayburn was glad to see him. Ever since I have been Speaker my doors have always been open to him, and as I have said to him on several occasions, "Bryce, you are as welcome as the flowers in May."

As I have said, Bryce Harlow is one of the most dedicated men I have ever met. What I like about him is not only his ability but also his loyalty and his rich qualities of character. Every responsible and important job he had he performed in a most refined manner, obtaining the maximum results possible. Earlier in the day, when I read in the newspaper of his retirement, I dictated a letter to him, which he will receive shortly.

While he is retiring, I know that he will always be active and he will always be responsive to the requests of a President of the United States or the Congress, if the Congress should call on him.

Bryce Harlow is a man who has served our country. While he might be a Republican by persuasion, he has certainly served the United States and showed by his example and his conduct that our country is over and above political considerations. I know that President Nixon and future Presidents will call upon him without regard to consideration of political party. As long as Bryce Harlow is alive, he can be called upon, and Bryce Harlow will respond.

Mr. ALBERT. Mr. Speaker, will the distinguished Speaker yield?

Mr. McCORMACK. I yield to the gentleman from Oklahoma.

Mr. ALBERT. First, I want to join the distinguished Speaker and the distinguished minority leader in their words of tribute to Bryce Harlow, and then I want to add a few personal words of my own.

Bryce Harlow is an Oklahoman. He was born in Oklahoma. I knew his father who had a publishing company in Oklahoma City and was a great Oklahoma historian as well. Bryce has a brother John who is a constituent of mine in Ardmore, Okla., and he has another brother formerly with the University of Oklahoma where he was dean of the school of education and now president of West Virginia University.

While the Speaker said Bryce Harlow may be a Republican by persuasion, it took a great deal of persuading, because Bryce came to Washington with Wes Disney, the Democratic Congressman from the State of Oklahoma and became his secretary. Bryce served in the Armed Forces, and everyone who knew him then remembers how well he served on the Committee on Armed Services with Chairman Carl Vinson, a great leader of that committee for so many years. It was his service there and with the military that led him to the White House, completely on a nonpolitical basis, during the early part of the administration of President Eisenhower. He later became one of President Eisenhower's closest and most trusted advisers.

Everything that has been said here about Bryce as an American, as an intelligent loyal human being, is true. He is a great administrator. He is quiet. He is humble, but he is one of the most effective and knowledgeable men that I have ever known in my lifetime.

To give some example of the esteem in which he has been held in my State, he is one of those who have been considered for the presidency of the University of Oklahoma. He comes from a family of Oklahoma pioneers, all of whom have distinguished themselves in public and private life. I am happy that I can say that for more years than I can remember, I have known Bryce Harlow, not only as a man, but as a friend.

Mr. EDMONDSON. Mr. Speaker, I share the high regard of our speaker and the majority and minority leaders for a great Oklahoman, Bryce Harlow, who yesterday announced his return to private life after another outstanding tour of duty in the White House.

All Oklahomans are proud of Bryce Harlow and his fine family. They are a credit to our State and to the country.

The President and the Federal Government will miss this able and dedicated American, who has contributed significantly to the Nation in public service under both Democratic and Republican Presidents, and as a staff member in the Congress.

We wish him well in future endeavors, and hope his wise and valued counsel will continue to be available to the leaders of our Government.

Mr. COWGER. Mr. Speaker, I wish to join with you and the minority leader, GERALD FORD, and my other colleagues in praising the public service of my friend, Bryce Harlow. I have known Bryce for many years and hold him in high esteem for his dedication to principle. During President Eisenhower's administration, and again during the administration of President Nixon, he has served his country in high positions in the White House. It saddens all of us, both Republicans and Democrats, to see Bryce Harlow return to private life. I know, however, that when his President, or when his country needs him again, he will rally to the call.

Mr. Speaker, Bryce Harlow is one of the great Americans that I have had the pleasure to serve with here in Washington, D.C. I wish him well in his future endeavors.

Mr. DORN. Mr. Speaker, I have known, admired, and respected Bryce Harlow for many years—long before he assumed the position from which he now is retiring. It was my pleasure to work with him when he served on the staff of President Eisenhower, and when he served on the staff of the Armed Services Committee of the House under Chairman Carl Vinson. I have known him to be one who served his country's Armed Forces and who still serves in the Reserves. Mr. Speaker, Bryce Harlow has well served both sides of the political aisle. He has been of great assistance to all Members of Congress. Bryce Harlow played a vital role in shaping the history of this entire era and favorably contributing to the cause of freedom the world over. As a counselor and adviser to Presidents, Cabinet members, and leaders of Congress for a quarter of a century he earned an enviable reputation of distinguished, loyal, and dedicated service to his country. I commend him for the outstanding service he has rendered to the President and to the Congress, and wish for continued success upon his return to private enterprise.

GENERAL LEAVE TO EXTEND

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on the life, character, and public service of Bryce Harlow.

The SPEAKER pro tempore (Mr. HECHLER of West Virginia). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BRYCE HARLOW AN ILLUSTRIOUS OKLAHOMAN

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, Bryce Harlow is one of the illustrious Oklahomans who could see the political light at the end of the tunnel. I regret that he is leaving the Government.

APPOINTMENT OF CONFEREES ON H.R. 19436, HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN and BARRETT, Mrs. SULLIVAN, Messrs. ASHLEY and WIDNALL, Mrs. DWYER, and Mr. STANTON.

AUTHORIZING PRESIDENT TO DESIGNATE THIRD SUNDAY IN JUNE AS FATHER'S DAY

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate joint resolution (S.J. Res. 187) to authorize the President to designate the third Sunday in June of each year as Father's Day, and ask for immediate consideration of the Senate joint resolution.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 187

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday in June of each year is hereby designated as "Father's Day". The President is authorized and requested to issue a proclamation calling on the appropriate Government officials to display the flag of the United States on all Government buildings on such day, inviting the governments of the States and communities and the people of the United States to observe such day with appropriate ceremonies, and urging our people to offer public and private expressions of such day to the abiding love and gratitude which they bear for their fathers.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado:

1. On page 1, line 3, strike out the phrase "each year" and insert in lieu thereof "1971".

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. ROGERS of Colorado: Amend the title so as to read:

To authorize the President to designate the third Sunday in June, 1971, as "Father's Day."

A motion to reconsider was laid on the table.

NATIONAL EMPLOY THE OLDER WORKER WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate joint resolution (S.J. Res. 74) to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week," and ask for immediate consideration of the Senate joint resolution.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object, will this joint resolution in any way provide for jobs for the older workers whom it is intended to recognize? Will this provide any jobs for them even during this one week?

Mr. ROGERS of Colorado. Mr. Speaker, if the gentleman will yield, we are hopeful that this resolution will direct the attention of many employers to the services of the group outlined, the older workers, who may be used by them, and therefore bring about employment for them. The adoption of this resolution providing for this week should have that result.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Colorado, and withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 74

Joint resolution to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week"

Whereas many older workers have difficulty finding and retaining employment despite their experience, stability, dependability, energy, and enthusiasm; and

Whereas failure of qualified older workers to find employment is unfortunate from the standpoint of the Nation in that there is a failure to take full advantage of their potentials for helping the Nation to reach its objectives; and there is an increased possibility that they and their dependents will need public assistance and a decreased possibility that they will pay taxes; and

Whereas the unemployability of qualified older workers not only impoverishes them in the present but can also reduce future retirement income due to inability to acquire social security quarters of coverage and credits under other retirement systems; and

Whereas unemployability of qualified older workers may adversely affect younger members of their families as well as themselves; and

Whereas Congress in enacting the Age Discrimination in Employment Act of 1967 (Public Law 90–202), recognized the necessity of implementing the national policy of prohibiting age discrimination in employment with an active program of education and information concerning the advantages of employing older workers; and

Whereas the American Legion has, for approximately ten years, designated the first week in May of each year as "National Employ the Older Worker Week", which it celebrates by commending employers who have taken the leadership in employing older workers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the first full calendar week in May of each year as "National Employ the Older Worker Week" and calling upon employer and employee organizations, other organizations officially concerned with employment, and upon all the people of the

United States to observe such week with appropriate ceremonies, activities, and programs designed to increase employment opportunities for older workers and to bring about the elimination of discrimination in employment because of age.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Rogers of Colorado: On pages 1 and 2, strike out all "whereas" clauses.

On page 2, line 5, strike out the phrase "each year" and insert in lieu thereof "1971".

The amendments were agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. Rogers of Colorado: Amend the title so as to read: "To provide for the designation of the first full calendar week in May, 1971, as 'National Employ the Older Worker Week'."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL MULTIPLE SCLEROSIS SOCIETY ANNUAL HOPE CHEST APPEAL WEEKS

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate joint resolution (S.J. Res. 226) to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks," and ask for immediate consideration of the Senate joint resolution.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER.** Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. Res. 226

Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"

Whereas five hundred thousand Americans, stricken usually between the ages of twenty and forty years, are affected by the ravages of multiple sclerosis and related neurological diseases; and

Whereas two million members of American families are deeply concerned with the financial and emotional problems of this disease; and

Whereas multiple sclerosis predominantly strikes young fathers and mothers in their wage-earning and family-building years and reduces the buying power of such families; and

Whereas such reduction results in a $2,000,000,000 annual economic loss to the Nation and forces the removal of two out of every three disabled multiple sclerosis victims from the Nation's work force; and

Whereas multiple sclerosis remains a disease of unknown causes, unpredictable course, and discovered cure; and

Whereas the National Multiple Sclerosis Society, which is celebrating its twenty-fifth anniversary in 1971, has launched a five-year research development plan to explore as quickly as possible promising clues that may lead to methods which will prevent, or more effectively treat, multiple sclerosis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation—

(1) designating the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks";

(2) inviting the Governors of the several States to issue proclamations for like purposes; and

(3) urging the people of the United States and educational, philanthropic, scientific, medical, and health care professions and organizations to provide the assistance and resources necessary to discover the cause and cure of multiple sclerosis and to alleviate the suffering of persons stricken by this disease.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rogers of Colorado: On pages 1 and 2, strike all "whereas" clauses.

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CLEAN WATERS FOR AMERICA WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate joint resolution (S.J. Res. 172) to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week," and ask for immediate consideration of the Senate joint resolution.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER.** Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. Res. 172

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to emphasize the need for a continuous program for the control and elimination of water pollution and related problems, and to call the attention of the American people to such need, the President is authorized and requested to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Rogers of Colorado:

On page 1, line 7, strike the word "annually."

On page 1, line 8, strike the phrase "each year" and insert in lieu thereof "1971."

The amendments were agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. Rogers of Colorado: Amend the title so as to read: "To authorize the President to issue a proclamation designating the first full calendar week in May of 1971 as 'Clean Waters for America Week'."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the four joint resolutions just adopted.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

CHANGING NAME OF WEST BRANCH DAM AND RESERVOIR, MAHONING RIVER, OHIO, TO MICHAEL J. KIRWAN DAM AND RESERVOIR

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 18858) to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore (Mr. Albert). Is there objection to the request of the gentleman from Oklahoma?

Mr. CARNEY. Mr. Speaker, it is a very happy day for me, and for all of the citizens of the 19th District of Ohio, as the Congress unanimously approved naming West Branch Reservoir—the Michael J. Kirwan Reservoir.

Mike worked tirelessly and faithfully to obtain this last of three reservoirs for our district. It is right that the reservoir bear his name.

As a new Member of the Congress, I am amazed at the love and esteem that the Congress holds for Mike Kirwan. He was a great American and a great Congressman.

Mr. EDMONDSON. Mr. Speaker, the name of Mike Kirwan is one of the most illustrious congressional names of our century, and it is entirely appropriate that the Congress name in his honor a great reservoir in Ohio constructed by the Army Corps of Engineers.

Mike Kirwan contributed more to water resource development than anyone I know in this century and he is sorely missed today. Millions of Americans, however, will benefit for hundreds of years to come from his wise and forceful leadership in water resource development.

The Kirwan Reservoir, in his own Ohio, is a fitting memorial to this great American.

Mr. HARSHA. Mr. Speaker, today the House of Representatives passed H.R. 18858 which was designed as a tribute to the late Congressman from Ohio, Michael J. Kirwan. The measure changed the name of the West Branch Dam and Reservoir on the Mahoning River in Ohio to the Michael J. Kirwan Dam and Reservoir. This dam and reservoir complex is located near the 19th District of Ohio that Mike Kirwan served so ably for nearly a third of a century. Residents of this Youngstown district are one of the major groups benefiting from the project.

I would like to take just a moment to remind my colleagues what a fine public servant and gentleman Mike Kirwan was during his years in Washington. He made countless contributions to the State of Ohio and to the Nation for which he will long be remembered, but, he most likely will be remembered here in the House for his chairmanship of the Public Works Subcommittee of the House Appropriations Committee.

His vast knowledge and years of experience in the field of public works appropriations gained him the respect and admiration of all. He possessed an untiring desire to make the public projects system in the United States second to none while, at the same time, always utilizing his unexcelled expertise to forward programs that provided for full development without overlooking conservation and reclamation of our vital natural resources. Mike Kirwan was a builder of America.

His biography in the Congressional Directory of the 91st Congress aptly reflects the straightforwardness and simplicity of this devoted Representative. It reads:

> Michael Joseph Kirwan, Democrat, of Youngstown, Ohio; elected to the 75th and each succeeding Congress.

Mike Kirwan could be warm and gentle which enabled him to respond compassionately to the people of Ohio he served. He could also be candid, even blunt, but in a manner that left little doubt as to his position and knowledge on a particular issue. He is certainly remembered as a man of integrity, loyalty, and trust throughout his enviable career. His word was his bond and those who were privileged to serve with Mike soon learned that when he made a commitment it was always fulfilled.

With the passing of Mike Kirwan I lost a very dear friend and the people of Ohio lost an outstanding Congressman. It is for this reason that I am especially pleased that the House today has taken this action creating a timeless memorial to an able and conscientious Member of Congress, a grand gentleman, and a great public servant.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill as follows:

H.R. 18858

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the West Branch Dam and Reservoir, Mahoning River, Ohio, authorized by section 203 of the River and Harbor Act of 1958 (72 Stat. 297), shall hereafter be known as the Michael J. Kirwan Dam and Reservoir, and any law, regulation, document, or record of the United States in which such project is designated or referred to shall be held to refer to such project under and by the name of "Michael J. Kirwan Dam and Reservoir".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

NAMING A FEDERAL BUILDING IN MEMPHIS, TENN., FOR THE LATE HONORABLE CLIFFORD DAVIS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19890) to name a Federal building in Memphis, Tenn., for the late Clifford Davis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. HARSHA. Mr. Speaker, reserving the right to object, and I will not object, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HARSHA. Mr. Speaker, during the month of July I was deeply saddened by the passing of my good friend and former colleague, Cliff Davis of Tennessee. Today, along with my colleagues, I had the opportunity to help establish a memorial for this outstanding legislator. In passing H.R. 19890, the House today named the Federal Building on North Main Street in Memphis, Tenn., the Clifford Davis Federal Building.

Cliff Davis served with distinction for 24 years as a Representative in Congress from the Ninth District of Tennessee. Before that—as city judge, vice mayor, and commissioner of public safety—he established an incomparable record in Tennessee as a man dedicated to the needs of the people he served.

He made outstanding contributions in many areas, but he was particularly knowledgeable in the field of public works. As chairman of the Public Works Subcommittee on Flood Control, he was a champion of water resource development not only in the Tennessee Valley but throughout the country.

It was during his tenure as a member of the Public Works Committee that I came to know Cliff Davis best. He was always a most helpful and cooperative colleague with a personality that made him one of the most genial and popular Members of the House. He was a man who will not be forgotten by those who had the privilege of knowing and working with him in Congress.

For this reason I am especially pleased that today, here in the House, we have offered another fitting tribute to Cliff Davis by creating, as a memorial, the Cliff Davis Federal Building in Memphis, Tenn.

Mr. EDMONDSON. Mr. Speaker, it is a pleasure to join in supporting H.R. 19890, to designate the Clifford David Federal Building in Memphis, Tenn., in recognition of our former friend and colleague, the late Congressman Clifford Davis.

"Judge" Davis was one of the most highly respected and well-liked Members of this body that I have ever had the privilege to serve with, and I can think of no finer recognition of his many contributions to his own home State of Tennessee than to name this building in his memory.

The imprint of Cliff Davis' work here in the House has been left on so many major pieces of public works legislation it is hard to point out his single greatest achievement, but I can personally think of no more important one than the tremendous authorization for the Tennessee Valley Authority. The overwhelming success brought about by TVA is a lasting tribute to Cliff Davis—the author and successful floor manager of the TVA self-financing bill. As chairman of the Flood Control Subcommitte, and chairman of the Select Subcommittee on Federal Land Acquisition Policies, Cliff Davis became responsible for some of the most important public works projects ever conducted in our Nation.

It is particularly fitting that we consider this bill here today, for just this last Monday, the House considered and passed S. 1, establishing a Federal land acquisition and relocation assistance policy—the result of a 9-year study which began with Cliff Davis as chairman of the select subcommittee established for this purpose.

He was at the same time both a leader and dedicated servant of the people he represented in the Congress, and I know his loss has been felt by every Member who had the good fortune to know and work with this able legislator.

Mr. Speaker, it will be a fine tribute to our former colleague for the Federal Building in Memphis to henceforth carry his name, and I urge my colleagues to lend their support to this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill as follows:

H.R. 19890

> *Be it enacted by the Senate and House of Representatives of the United States of*

America in Congress assembled, That the Federal building located at 167 North Main Street, Memphis, Tennessee, shall hereafter be known and designated as the "Clifford Davis Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal building shall be held to be a reference to the "Clifford Davis Federal Building".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

NAMING AUTHORIZED LOCK AND DAM NO. 17 ON VERDIGRIS RIVER IN OKLAHOMA FOR THE CHOUTEAU FAMILY

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1499) to name the authorized lock and dam No. 17 on the Verdigris River in Oklohoma for the Chouteau family.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lock and dam numbered 17 on the Verdigris River, Oklahoma, a feature of the Arkansas River and tributaries navigation project, authorized to be constructed by the River and Harbor Act of July 24, 1946 (60 Stat. 641, 647), as amended, shall be known and designated hereafter as the Chouteau lock and dam. Any law, regulation, map, document, record, or other paper of the United States in which such lock and dam is referred to shall be held to refer to such lock and dam as the Chouteau lock and dam.

Mr. EDMONDSON. Mr. Speaker, it is a privilege to rise in support of S. 1499, a bill to designate Lock and Dam 17 on the Verdigris River in Oklahoma as the "Chouteau Lock and Dam."

In the early 1800's, Maj. Jean Pierre Chouteau and his son, Col. Auguste P. Chouteau, came to what is now northeastern Oklahoma and constructed a complete shipyard at the falls of the Verdigris River near the present site of Lock and Dam 17. At this shipyard, they built large keel boats used to transport hides and produce down the Verdigris and Arkansas Rivers into the Mississippi, and on to the booming New Orleans market.

In April of 1968, the Oklahoma State Legislature officially went on record in favor of legislation being introduced to name Lock and Dam 17, then under construction, in honor of the family of Col. Auguste P. Chouteau. As the legislature pointed out in House Concurrent Resolution 586, the "Chouteau Lock and Dam" would be a fitting tribute to "the family who visioned the feasibility of navigation of these streams for commercial purposes and brought it to fruition."

By the end of this year, the Arkansas-Verdigris waterway will be opened to commercial traffic again for the first time in nearly 100 years. It seems only fitting that one of the great structures which will make this navigation possible should be dedicated to the memory of the two men who first saw and used the shipping potential of these rivers.

As a sponsor of an identical House bill, I am pleased to be able to join the Oklahoma State Legislature and the many civic groups and private citizens who have urged their support for this legislation, and feel sure my colleagues here today will also want to join in this tribute to the memory of these two men, by voting in favor of S. 1499.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

NAMING AUTHORIZED LOCK AND DAM NUMBERED 18 ON THE VERDIGRIS RIVER IN OKLAHOMA AND THE LAKE CREATED THEREBY FOR NEWT GRAHAM

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1500) to name the authorized lock and dam No. 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lock and dam numbered 18 on the Verdigris River, Oklahoma, a feature of the Arkansas River and tributaries navigation project, authorized to be constructed by the River and Harbor Act of July 24, 1946 (60 Stat. 641, 647), as amended, shall be known and designated hereafter as the Newt Graham lock and dam, and the lake created thereby as the Newt Graham Lake. Any law, regulation, may, document, record, or other paper of the United States in which such lock and dam and lake are referred shall be held to refer to such lock and dam as the Newt Graham lock and dam, and the lake as the Newt Graham Lake.

Mr. BELCHER. Mr. Speaker, I am deeply grateful to all my colleagues in the House who joined in supporting the passage of S. 1500, "To name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham," a bill of which I was the House sponsor.

In my estimation, no tribute could be more fitting or more justifiable than this effort to honor the memory of Newt Graham, an outstanding Oklahoman who dreamed the impossible dream of navigation on the Arkansas River and Tulsa as a port city and worked until that dream was not only a possibility but well on the road to reality. Sadly, he did not live to get the towboat ride he dreamed of.

Newton Robert Graham, known throughout Oklahoma as "Newt," was a leading business and civic leader for most of his adult life. As the Tulsa Daily World put it when Newt died in 1957, "Not many events have occurred in the span of Oklahoma's 50 years that Mr. Graham was not a part of or a moving force for progress."

Newt was born in Colorado and came to Oklahoma in 1907 as advertising man for the Tulsa Democrat. He later served as business manager of the Tulsa World until 1913 when he joined the newly organized Planters National Bank as an account promoter. The bank was later absorbed by the Exchange National Bank of which Newt soon became a vice president, a position he held until 1934 when he was made president of Tulsa's Clearing House Association, the office he occupied at the time of his death.

During this long and successful business career Newt was a longtime chairman of the legislative committee of Oklahoma's Bankers Association, served in 1942 as president of Tulsa's Chamber of Commerce on whose board he was long active, and served two terms as a member of the Oklahoma game and fish commission and 26 years on the Tulsa Park Board. He was also on the board of the Hillcrest Medical Center, served as State chairman of the U.S. Victory Bond campaign in 1945, and was an active Mason, Rotarian, and member of the First Baptist Church of Tulsa.

More relevant to the legislation we have just passed is the fact that his is generally agreed to have been the early and driving force behind the Arkansas River navigation project. He believed that the Arkansas-Verdigris Waterway could be made navigable and he believed it way back in the 1920's when as the Tulsa Tribune recently put it, "the idea was in the same class as colonizing Saturn." In those days, some places along the Arkansas were so narrow at certain times of the year you could step across it.

The home folks thought it was a wild dream, but Newt persevered and I can remember the magnificent selling job he did for his idea to one Governor after another. Through Newt's efforts, a district office of the Army Corps of Engineers was located in Tulsa to make the Army more conscious of the river. Then, with the help of Senator Elmer Thomas, a study of the project was begun. One of the Governors to whom Newt made his sales pitch was Robert S. Kerr, and when the Governor moved on to the U.S. Senate his strong support of the project helped begin to move it from dream to reality. I feel privileged in knowing that I too have played a part in moving this project along, as have past and present members of the Oklahoma Congressional Delegation, and many officials and private citizens of Oklahoma, Arkansas, and Kansas. But, again in the words of the Tribune, it was Newt Graham who "almost singlehandedly kept the dream of Arkansas River Navigation alive in a period when others argued it would be better to pave the river."

In his devotion to the development of water resources in our area, Newt Graham served at one time or another as chariman of the water resources committee of the State Planning and Resources Board, as well as vice-chairman of the Board; as Arkansas Basin compact commissioner for Oklahoma; and as one of the founding fathers and first vice-president of the Arkansas Basin Development Association.

I ask permission to append to my remarks a copy of a concurrent resolution adopted by the Oklahoma State Legislature and certified on March 5, 1969, memorializing Congress to take the action represented by S. 1500.

I believe the record of accomplishment I have cited will indicate to you that you have honored, not only a dear and personal friend of mine, but an outstanding citizen who is deserving of recognition for the tremendous part he played in making the Arkansas River Navigation project a reality.

SENATE CONCURRENT RESOLUTION No. 14

A concurrent resolution recognizing the dedicated leadership and many public services of Newton R. Graham in promoting Oklahoma's water resources and recreational facilities and in the development of navigation on the Arkansas river; requesting the Congress of the United States to make Lock and Dam No. 18 on the Verdigris River the "Newton R. Graham Lock and Dam"; and directing distribution of copies of the resolution

Whereas, the late Newton R. Graham dedicated his life to service in the public interest and is one of Oklahoma's outstanding pioneers in the development of water resources and recreational facilities; and

Whereas, he rendered valuable assistance to the Oklahoma Legislature and to the Congress in promoting progressive legislation; and

Whereas, as President of the Arkansas Basin Development Association and as a member of the Oklahoma Planning and Resources Board and Chairman of its Water Resources Committee he devoted more than a quarter of a century as an ardent champion of all phases of the development of Oklahoma's water and recreational resources in a manner that would preserve the natural beauty of our state; and

Whereas, his goal was the realization of a dream of the earliest Oklahomans for maximum development of all natural resources, especially navigation on the Arkansas River; and

Whereas, he was the leader in presenting to Congress the economic study on navigation of the Arkansas River, from the Mississippi River to a point near Tulsa, which culminated in the authorization in the 1930's of studies by the Corps of Engineers to determine the feasibility of a multipurpose plan for development of the Arkansas River, including navigation; and

Whereas, as Chairman of the Bi-State Committee, appointed by the Governors of the States of Oklahoma and Arkansas, he presented the testimony for the two states which resulted in authorization by Congress in 1946 of the multipurpose plan for development of the Arkansas River, with navigation to Catoosa; and

Whereas, the name Newton R. Graham is synonymous with water resources projects, parks, and recreation generally and especially with navigation on the Arkansas River; and

Whereas, the pool created by Lock and Dam 18 on the Verdigris River will bring water into the Port of Catoosa; and

Whereas, said Lock and Dam 18 has not been named.

Now, therefore, be it Resolved by the Senate of the first session of the 32d Oklahoma legislature, the House of Representatives concurring therein:

SECTION 1. That the Congress of the United States be and is hereby respectfully requested to name the uppermost lock and dam on the Verdigris River, which is currently designated Lock and Dam No. 18, the "Newton R. Graham Lock and Dam."

SEC. 2. That duly authenticated copies of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States, to the members of the Oklahoma Congressional Delegation, to the Governors of Oklahoma and Arkansas and to the City of Tulsa-Rogers County Port Authority.

Adopted by the Senate the 25th day of February, 1969.

Mr. EDMONDSON. Mr. Speaker, Oklahomans will feel a warm gratitude today with the final passage of the bill, S. 1500, to name lock and dam No. 18 on the Verdigris River and the body of water created by the lock and dam the Newt Graham lock and dam and the Newt Graham Lake.

Newt Graham was a leader of Oklahomans, and this tangible monument to his leadership is fitting.

Newt Graham was a man ahead of times—a quality often associated with the kind of leadership he provided the people of Tulsa and subsequently all the people of Oklahoma. He saw that the key to full economic development of eastern Oklahoma lay in the navigation of the Arkansas River many, many years before others took this proposal seriously. During this period he was the good natured recipient of much scoffing, but in the end he is credited with selling the idea to the late Senator Robert S. Kerr, and the project began to become reality.

Newt Graham died in 1957 when only three of the major project structures in Oklahoma were under construction, none of them on the main stem of the navigation project. But the ball he had started rolling was gaining full momentum, and there were able and willing men to keep it rolling.

As a result, this month will see the first barge come up the river, in modern times, to the head of navigation at Catoosa, near Newt Graham's city of Tulsa.

I am pleased that this bill is being passed in time to be enacted so that this first tugboat will be locked through the Newt Graham lock and dam, the final lock and dam in the system, when this river is finally declared navigable by the Army Corps of Engineers.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on all of the bills presently under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. EDMONDSON. I thank the gentleman from Iowa.

TO AUTHORIZE THE NAMING OF THE RESERVOIR CREATED BY LITTLE GOOSE LOCK AND DAM, SNAKE RIVER, WASH., IN HONOR OF THE LATE DR. ENOCH A. BRYAN

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 13862) to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill, as follows:

H.R. 13862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reservoir to be created by the Little Goose lock and dam on the Snake River in Washington shall be known and designated as Lake Bryan. Any law, regulation, document, or record of the United States in which such reservoir is designated or referred to under the name of Little Goose Reservoir, shall be held to refer to such body of water under and by the name of Lake Bryan.

Mrs. MAY. Mr. Speaker, I am pleased to be a sponsor of H.R. 13862, to authorize the naming of the reservoir created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan. The legislation is completely without controversy, and I commend the House for its favorable consideration of this bill.

I first drafted and introduced legislation to so honor Dr. Bryan, about 9 years ago. Dr. Bryan was the third president of Washington State University. A last-minute disagreement in the Senate over an unrelated matter caused the entire section of the omnibus rivers, harbors, and flood control bill, which contained this proposed name change, to be deleted from the omnibus legislation.

Dr. Bryan, president of Washington State University from 1893 until 1916, built the college from modest beginnings into one of the country's great land-grant institutions. He saw the land-grant college in its broad and modern context—that of an institution which would provide a versatile and liberal education for all people.

An influential and early spokesman for the causes of reclamation, irrigation, and conservation of natural resources, Dr. Bryan envisioned a modern Utopia between Big Goose Island and Little Goose Island on the Snake River, which he called the Riviera. He purchased land for $16,000 on the south bank of the river, plotted a town with 73 lots, and made plans to irrigate the tract. This vision, however, was never realized. A lack of water for irrigation and employment opportunities elsewhere during World War I contributed to an exodus of participants. The Riviera, which had come to be known as Reveria, existed only as a ghost town for many years. Now the site is covered by the waters of the reservoir which was filled only in recent days this year.

The naming of the reservoir for Dr. Bryan will be a fitting memorial to a farseeing man who may have been too farsighted in the case of the Riviera, but whose vision was responsible for a new and lasting educational philosophy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO DESIGNATE AS THE JOHN H. OVERTON LOCK AND DAM THE LOCK AND DAM AUTHORIZED TO BE CONSTRUCTED ON THE RED RIVER NEAR ALEXANDRIA, LA.

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 14683) to designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill as follows:

H.R. 14683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lock and dam authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) for construction on the Red River at about mile 70.3 near Alexandria, Louisiana, shall be known and designated as the John H. Overton Lock and Dam. Any law, regulation, map, document, or record of the United States in which such lock and dam are referred to as lock and dam numbered 2 of the Red River below the Fulton, Arkansas, project, or in any other manner, shall be held to refer to such lock and dam as the John H. Overton Lock and Dam.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO RENAME A LOCK OF THE CROSS-FLORIDA BARGE CANAL THE "HENRY HOLLAND BUCKMAN LOCK"

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 956) to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill as follows:

H.R. 956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Saint Johns lock of the Cross-Florida Barge Canal is hereby renamed the "Henry Holland Buckman lock."

AMENDMENT OFFERED BY MR. EDMONDSON

Mr. EDMONDSON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDMONDSON: Page 1, strike out line 4 and insert in lieu thereof the following: "is hereby renamed the Henry Holland Buckman lock. Any law, regulation, map, document, record or other paper of the United States in which such lock is referred to shall be held to refer to such lock as the Henry Holland Buckman lock."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO OFFICIALLY DESIGNATE THE TOTTEN TRAIL PUMPING STATION

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3107) to officially designate the Totten Trail Pumping Station.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill as follows:

H.R. 3107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pumping station at the Snake Creek arm of the reservoir formed by Garrison Dam, North Dakota, shall hereafter be known as the Totten Trail Pumping Station.

SEC. 2. Any laws, regulations, documents, or records of the United States in which such pumping station is designated or referred to shall be held to refer to such pumping station under and by the name of "Totten Trail Pumping Station".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO DESIGNATE THE NAVIGATION LOCK ON THE SACRAMENTO DEEPWATER SHIP CHANNEL IN THE STATE OF CALIFORNIA AS THE WILLIAM G. STONE NAVIGATION LOCK

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15205) to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill as follows:

H.R. 15205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the navigation lock on the Sacramento deepwater ship channel in the State of California which connects the Sacramento River with the Sacramento-Yolo deepwater port shall hereafter be known as the William G. Stone navigation lock, and any law, regulation, document, or record of the United States in which such lock is designated or referred to shall be held to refer to such lock under and by the name of the William G. Stone navigation lock.

Mr. JOHNSON of California. Mr. Speaker, the purpose of this legislation is to designate as the William G. Stone navigation lock that navigation lock on the Sacramento deepwater ship channel which connects the Sacramento River with the Sacramento-Yolo deepwater port in the State of California.

The existing project provides for a deepwater ship channel between Suisun Bay and Washington Lake, construction of a harbor and turning basin at Washington Lake and a connecting canal with a navigation lock from the harbor to the Sacramento River. It is this navigation lock which would be designated as the William G. Stone navigation lock.

Mr. William G. Stone spent a long and active life promoting a deepwater port of Sacramento, which he had first envisioned in 1916 and helped in the preparation of enabling legislation in 1937 which was enacted into law by the act of July 24, 1946, Public Law 525, 79th Congress.

In 1948, he was named port director and served as such throughout the construction phase of the project. The new channel opened in 1962, the year Mr. Stone retired as port director.

Mr. Stone died in 1969. In view of his long and close identification with this project, it is most appropriate that this navigation lock be named in his honor.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of the Senate bill (S. 3192) to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock, a bill identical to H.R. 15205 just passed, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the navigation lock on the Sacramento deepwater ship channel in the State of California which connects the Sacramento River with the Sacramento-Yolo deepwater port shall hereafter be known as the William G. Stone navigation lock, and any law, regulation, document, or record of the United States in which such lock is designated or referred to shall be held to refer to such lock under and by name of the William G. Stone navigation lock.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15205) was laid on the table.

TO NAME CERTAIN FEDERAL BUILDINGS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19857) to name certain Federal buildings.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object—and I state here and now that I have no intention of objecting—but as I understand it by this action a new precedent is being established for the naming of Federal buildings while a Member is still a Member of the Congress.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield on that point?

Mr. GERALD R. FORD. Mr. Speaker, may I conclude, and if I am in error I will be glad to yield, and to correct the record.

As I understand it, this particular resolution pertains to three Members who are still Members, but will not be with the House in the next Congress.

Let me say that my objection is not to the naming of these buildings on behalf of these three outstanding Members of the Congress of the United States. All three of these Members have had enviable records, great accomplishments and great achievements. My concern is with the timing. I think it is unwise to take the action that we take today while a Member is still a Member of the Congress of the United States.

I will also say that I will remember these three men by the indelible record of achievement and accomplishment they have made in this Chamber, and the efforts that they have made over many, many years for a finer America and a greater place for all mankind. As I say, I will not object, but I will think more of the record of these men than the name on the respective buildings.

I am concerned about the timing of this matter.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, in the first place let me say that the committee does not regard this as a new precedent on the subject, because there have been some notable occasions in the past in which outstanding Members of the Congress presently in the Congress have been recognized by the naming of appropriate structures for them.

I call to the memory of the gentleman from Michigan the late Tom O'Brien, of Illinois, who was honored by the naming of a structure in his memory while he was still serving in the House.

The House several times in the past has passed a bill naming a structure for the distinguished gentleman from Minnesota (Mr. BLATNIK) although the other body has not acted on it. So there are precedents.

The distinguished gentleman from Michigan, Mr. Dondero, had a structure named after him through executive action while he was serving in the House, so there are some precedents.

In the instant case, the committee just thought that because the contributions to the Nation and to the Committee on Public Works particularly of these three gentlemen have been so remarkable and outstanding that it was in order to name these structures for them.

I am pleased to hear the gentleman will not object to the action here.

Mr. GERALD R. FORD. I reiterate, I have no intention of objecting. But it does seem to me that the timing is ill-advised. And I repeat what I said earlier; my memory of these men in public service will come from the tremendous services that they have performed over many, many years in this Chamber on behalf of the United States and mankind generally. That is the thought that means more to me in their memory than the kind of action we are taking today.

Mr. EDMONDSON. I thank the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States post office and courthouse located in Post Office Square, Boston, Massachusetts, shall hereafter be known and designated as the "John W. McCormack Post Office and Courthouse". Any reference in a law, map, regulation, document, record, or other paper of the United States to such post office and courthouse shall be held to be a reference to the "John W. McCormack Post Office and Courthouse".

SEC. 2. The Federal office building located at 31 Hopkins Plaza, Baltimore, Maryland, shall hereafter be known and designated as the "George H. Fallon Federal Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal office building shall be held to be a reference to the "George H. Fallon Federal Office Building".

SEC. 3. The Federal office building located at 141 First Avenue South, Saint Petersburg, Florida, shall hereafter be known and designated as the "William C. Cramer Federal Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal office building shall be held to be a reference to the "William C. Cramer Federal Office Building".

AMENDMENT OFFERED BY MR. EDMONDSON

Mr. EDMONDSON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDMONDSON: On page 2, line 7, strike "141" and insert in lieu thereof "144".

The amendment was agreed to.

Mr. EDMONDSON. Mr. Speaker, I strongly support section 1 of H.R. 19857 which designates the John W. McCormack Post Office and Courthouse in the city of Boston.

I am delighted that the House has this opportunity to say thank you, legislatively, to our retiring leader, Speaker MCCORMACK. I view this as a thank you, rather than as an attempt to recognize the Speaker's accomplishments, for any attempt to recognize these accomplishments would necessarily be inadequate.

Speaker MCCORMACK does not need his name on a building to be remembered by a grateful Nation. The Speaker's imprint is on every piece of major legislation enacted by Congress for many, many years, legislation which has touched the lives of every citizen, and which has tremendously improved the Nation we live in. It is this major legislation which is Speaker MCCORMACK's true monument. It is this major legislation which has made the Speaker a giant among great men.

Speaker MCCORMACK has devoted his entire life to public service and it has been a rich and fruitful life. He has dedicated his life to the cause of justice and he has pursued this cause with zeal and success. He wanted every American to have the best possible opportunity in the pursuit of life and happiness. Any review of 20th century landmark acts in the fields of health, education, housing, poverty and many others quickly points up the magnitude of Speaker MCCORMACK's success. He has championed the cause of the common citizen, and we all live in a better world for his efforts and his victories.

I am sure the House will agree with me that we should say thank you on behalf of ourselves and the people we represent by unanimously adopting this bill and designating the John W. McCormack Courthouse and Post Office in his beloved city of Boston.

Mr. Speaker, one of the great privileges of my service in the House of Representatives has been the privilege of working on the Public Works Committee under the chairmanship of our distinguished and able colleague from Maryland, the Honorable GEORGE H. FALLON.

Chairman FALLON has aggressively led his committee to meet the new challenges of the 1960's and to prepare to meet the even greater challenges of the 1970's. He has led the way in building public awareness of our urgent need to halt practices which are polluting our water, and to prevent future pollution. He has guided us to the near completion of an Interstate Highway System which is bringing our people closer together. He is a champion of water conservation and water resource development from the upstream watersheds to the giant multipurpose dams and their reservoirs, an effort which is reducing, and will finally eliminate tragic flooding which has been a fact of life to the people who live and work on our great rivers. He has been a great leader in Congress and in the Nation in these and many other areas since coming to Congress in 1945.

Chairman FALLON's lifetime of public service is fittingly recognized in section 2 of H.R. 19857 which designates the George H. Fallon Federal Building in Baltimore, Chairman FALLON's hometown which he has so ably served in this body.

Mr. Speaker, it is also a privilege to join in support of section 3 of H.R. 19857, which would designate the Federal Office Building in St. Petersburg, Fla., the William C. Cramer Federal Office Building.

I hope this measure is unanimously adopted as a fitting tribute to the leadership our colleague, BILL CRAMER, has offered in the area of public works.

Mr. CRAMER sits on the other side of the aisle, and we have not always seen eye to eye on the issues of the day. But this has not been the case on public works. No Member of this Congress has been more astutely aware of the importance of public works to the American people than has BILL CRAMER. He has been a leader in the Committee on Public Works and in the House in convincing the people of this Nation that we have no more important job than the development and conservation of our natural resources.

One of the reasons the Public Works Committee is a great committee is that its members leave their party labels at the door when they go in to consider legislation benefitting all Americans. BILL CRAMER is the embodiment of this spirit of bipartisan cooperation, and I salute him for it. The next time I am in St. Petersburg, I plan to visit the William C. Cramer Federal Office Building.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING LAKE IMPOUNDED BY BUTLER VALLEY DAM, CALIF., AS "BLUE LAKE"

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19855) to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as "Blue Lake."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lake formed by the waters impounded by the Butler Valley Dam in the State of California, located on the Mad River, shall hereafter be known as Blue Lake and any law, regulation, document, or record of the United States in which such lake is designated or referred to shall be held to refer to such lake under and by the name of "Blue Lake".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING MILLERS FERRY LOCK AND DAM ON THE ALABAMA RIVER AS THE WILLIAM "BILL" DANNELLY RESERVOIR

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 528) to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in honor of late Probate Judge William "Bill" Dannelly of Wilcox County, Alabama, and in recognition of his long and outstanding service to his county, State, and Nation, and his leadership in the modernization of the Alabama-Coosa Waterway, the reservoir formed by the Millers Ferry lock and dam on the Alabama River, Alabama, shall hereafter be known and designated as the William "Bill" Dannelly Reservoir. Any law, regulation, map, or record of the United States in which such reservoir is referred to shall be held and considered to refer to such reservoir by the name of the William "Bill" Dannelly Reservoir.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING COMPREHENSIVE MISSOURI RIVER BASIN DEVELOPMENT PROGRAM AS THE PICK-SLOAN MISSOURI BASIN PROGRAM

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1100) to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the comprehensive program of flood control, navigation improvement, and development for the Missouri River Basin, which arose out of the coordination of the multiple-purpose plans recommended in the report of the Corps of Engineers, United States Army, contained in House Document Numbered 475, Seventy-eighth Congress, and in the report of the Bureau of Reclamation, Department of the Interior, contained in Senate Document Numbered 191, Seventy-eighth Congress, shall hereafter be known as the Pick-Sloan Missouri Basin program. Any law, regulation, document, or record of the United States in which such program is designated or referred to under the name of the Missouri River Basin development program, or under any other name, shall be held and considered to refer to such program under and by the name of the Pick-Sloan Missouri Basin program.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING THE LAKE FORMED BY THE WATERS IMPOUNDED BY THE LIBBY DAM, MONT., AS "LAKE KOOCANUSA"

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7334) to designate the lake formed by the waters impounded by the Libby Dam, Mont., as "Lake Koocanusa."

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill as follows:

H.R. 7334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lake formed by the waters impounded by the Libby Dam in the State of Montana shall hereafter be known as Lake Koocanusa and any law, regulation, document, or record of the United States in which such lake is designated or referred to shall be held to refer to such lake under and by the name of "Lake Koocanusa".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO PROVIDE THAT THE LOCK AND DAM REFERRED TO AS THE "JACKSON LOCK AND DAM" ON THE TOMBIGBEE RIVER, ALA., SHALL HEREAFTER BE KNOWN AS THE COFFEEVILLE LOCK AND DAM

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8933) to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Ala., shall hereafter be known as the Coffeeville lock and dam.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill as follows:

H.R. 8933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Jackson lock and dam on the Tombigbee River, Alabama, shall hereafter be known and designated as the "Coffeeville lock and dam". Any law, regulation, map, or record of the United States in which such lock and dam is referred to shall be held and considered to refer to such lock and dam by the name of the "Coffeeville lock and dam".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO RENAME A POOL OF THE CROSS FLORIDA BARGE CANAL "LAKE OCKLAWAHA"

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12564) to rename a pool of the Cross Florida Barge Canal "Lake Ocklawaha."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill as follows:

H.R. 12564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Rodman Pool, or impoundage, of the Cross Florida Barge Canal shall, after the date of enactment of this Act, be known and designated as "Lake Ocklawaha". Any law, regulation, map, document, or record of the United States in which such pool, reservoir, or impoundage is referred to shall be held and considered to refer to such pool, reservoir, or impoundage as "Lake Ocklawaha".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST H.R. 19928, SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1303 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1303

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of rule XXI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, and all points of order against said bill are hereby waived.

CALL OF THE HOUSE

Mr. FRASER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. MADDEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 398]

Abbitt
Abernethy
Adair
Anderson, Tenn.
Ashley
Aspinall
Baring
Bolling
Brock
Buchanan
Burton, Utah
Button
Camp
Carney
Celler
Collier
Corman
Cramer
Daddario
Davis, Ga.
Dent
Diggs
Dowdy
Edwards, Calif.
Edwards, La.
Fallon
Farbstein
Frey
Galifianakis
Gallagher
Gaydos
Gilbert
Gray
Hagan
Hansen, Idaho
Hathaway
Hébert
Howard
Hungate
Karth
Kee
King
Landrum
Long, La.
Lowenstein
Lukens
McCarthy
McCulloch
McKneally
Macdonald, Mass.
Meskill
Mize
Morgan
Morton
Murphy, N.Y.
O'Konski
Ottinger
Pollock
Powell
Preyer, N.C.
Purcell
Reifel
Reuss
Rivers
Roberts
Rodino
Roudebush
Saylor
Scheuer
Stanton
Stephens
Thompson, N.J.
Waggonner
Weicker
Wiggins
Wilson, Bob
Wold
Wolff
Wright

The SPEAKER pro tempore (Mr. BOGGS). On this rollcall 354 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3867) entitled "An act to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes."

WAIVING POINTS OF ORDER AGAINST H.R. 19928, SUPPLEMENTAL APPROPRIATIONS, 1971

The SPEAKER pro tempore (Mr. BOGGS). The gentleman from Indiana, (Mr. MADDEN) is recognized.

Mr. MADDEN. Mr. Speaker, House Resolution 1303 provides for the consideration of H.R. 19928, clause 6 of rule XXI to the contrary notwithstanding—3-day rule—and waives all points of order against the bill. Other reasons for waiving points of order follow:

Chapter II provides two appropriations which are not yet authorized by law—"military assistance" and "economic assistance."

Chapter VI contains language enacting as permanent law several House resolutions recently adopted. House Resolution 1270 and House Resolution 1276 relating to allowances for Members for telephone, telegraph, and stationery—House Resolution 1241, compensation for official reporters of the House of Representatives, House Resolution 1264, clerk hire allowance for Members of the House of Representatives.

Chapter IX contains a provision which is technical in nature in connection with the establishment and implementation of the Airport and Airway Trust Fund which may be subject to a point of order.

Mr. Speaker, I urge the adoption of House Resolution 1303 in order that H.R. 19928 may be considered.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the only reason the Rules Committee is here today on House Resolution 1303 is so that we can consider H.R. 19928, the supplemental appropriation bill for the fiscal year 1971. A number of the programs for which this bill will carry funds have not as yet been authorized. One is the measure we handled yesterday on military assistance. There is $990 million in this bill for that program. That has not yet been signed by the President.

The rule would waive clause 6 of rule XXI; otherwise it would be 3 days before the bill could be called up.

We are here to help you, Mr. Speaker, and other Members, to get the show on the road so that possibly we can adjourn on January 19 in order to come back on January 20.

I yield 2 minutes to the gentleman from Iowa.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, this rule is another testimonial to the footdragging and procrastination that has taken place in this session of Congress and in the lameduck session of Congress. On yesterday I offered a mild compliment to the Rules Committee when it at last provided one open rule, and I was told then by the gentleman from California, my friend (Mr. SMITH), that it would only be a short time until there would be additional rules of a different nature. Less than 24 hours later, and at this moment we find ourselves confronted with two more rules waiving points of order, in other words, throwing out the rulebook with respect to the consideration of legislation.

This bill—and I believe it is the second deficiency and not the first deficiency of this session—is subject to a good many points of order, because the authorizing legislation has not yet been finally approved by the President. I suspect that that is to be the operation from here on out in this lameduck session of the Congress—more rules waiving points of order, nullifying the rules of the House in order to consider legislation that ought to have been considered long, long ago in this session.

This is a session that no one—and I say no one in this House—can be proud of from the standpoint of expeditious and full consideration of the legislation that has come before it.

I yield back the remainder of my time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 331, nays 28, not voting 74, as follows:

[Roll No. 399]

YEAS—331

Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ayres
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill

Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey
Carney
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corbett
Corman
Cowger
Cramer
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harsha
Harvey
Hawkins
Hays
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keith
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Langen
Leggett
Lennon
Lloyd
Long, Md.
Lujan
Lukens
McDade
McEwen
McFall
McKneally
McMillan
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Matsunaga
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Mills
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rees
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Winn
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NAYS—28

Ashbrook
Brademas
Brown, Calif.
Burke, Fla.
Coughlin
Diggs
Eckhardt
Gross
Hall
Harrington
Hathaway
Hechler, W. Va.
Horton
Jacobs
Kastenmeier
Landgrebe
Lowenstein
McCloskey
McDonald, Mich.
Mann
Mikva
Miller, Ohio
Mink
Nedzi
Rosenthal
Rousselot
Schmitz
Yates

NOT VOTING—74

Abbitt
Abernethy
Anderson, Tenn.
Ashley
Aspinall
Baring
Barrett
Bolling
Burton, Utah
Button
Camp
Collier
Daddario
Dent
Dickinson
Dowdy
Edwards, Calif.
Edwards, La.
Evans, Colo.
Fallon
Farbstein
Ford, William D.
Foreman
Fraser
Frey
Galifianakis
Gallagher
Gilbert
Goldwater
Gray
Green, Oreg.
Hagan
Hansen, Idaho
Hastings
Hébert
Hungate
Kee
King
Landrum
Latta
Long, La.
McCarthy
McClory
McClure
McCulloch
Macdonald, Mass.
Mathias
May
Meskill
Mize
Morton
Moss
O'Konski
Ottinger
Pollock
Powell
Preyer, N.C.
Purcell
Railsback
Rarick
Reifel
Reuss
Rivers
Roberts
Roudebush
Stephens
Stuckey
Thompson, N.J.
Waggonner
Weicker
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Dickinson.

Mr. Rivers with Mr. King.

Mr. Thompson of New Jersey with Mr. Button.

Mr. Waggonner with Mr. Burton of Utah.

Mr. Aspinall with Mr. Camp.

Mr. Dent with Mr. McClory.

Mr. Gallagher with Mr. Meskill.

Mr. Moss with Mr. Goldwater.

Mr. Wolff with Mr. Collier.

Mr. Charles H. Wilson with Mr. Wiggins.

Mr. Macdonald of Massachusetts with Mr. Latta.

Mr. William D. Ford with Mr. Foreman.

Mrs. Green of Oregon with Mrs. May.

Mr. Stephens with Mr. Roudebush.

Mr. Stuckey with Mr. Reifel.

Mr. Evans of Colorado with Mr. Railsback.

Mr. Edwards of Louisiana with Mr. O'Konski.

Mr. Abernethy with Mr. McCulloch.

Mr. Barrett with Mr. Bob Wilson.

Mr. Abbitt with Mr. Mize.

Mr. Ashley with Mr. Weicker.

Mr. Preyer of North Carolina with Mr. McClure.

Mr. Baring with Mr. Frey.

Mr. Dowdy with Mr. Hansen of Idaho.

Mr. Galifianakis with Mr. Hastings.

Mr. Anderson of Tennessee with Mr. Pollock.

Mr. Gray with Mr. Morton.

Mr. Hagan with Mr. Mathias.

Mr. Hungate with Mr. Daddario.

Mr. Kee with Mr. Farbstein.

Mr. Landrum with Mr. Roberts.

Mr. Purcell with Mr. Gilbert.

Mr. Long of Louisiana with Mr. McCarthy.

Mr. Rarick with Mr. Fallon.

Mr. Reuss with Mr. Edwards of California.

Mr. Fraser with Mr. Ottinger.

Messrs. ASHBROOK, ROUSSELOT, and HECHLER of West Virginia changed their votes from "yea" to "nay."

Mr. SCHEUER changed his vote from "nay" to yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

AMENDING SECURITIES EXCHANGE ACT OF 1934 TO PROVIDE ADDITIONAL PROTECTION FOR INVESTORS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3431) to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors, with a Senate amendment to the House amendments thereto, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendments, as follows:

Page 3, after line 10, of the Senate engrossed bill, insert:

"SEC. 6. (a) Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) is amended to read as follows:

" '(2) Any security issued or guaranteed by the United States or any territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or territory, or by any public instrumentality of one or more States or territories, or by any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificate of deposit for any of the foregoing; or any security issued or guaranteed by any bank; or any security issued by or representing an interest in or a direct obligation of a Federal Reserve bank; or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4)(A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security; or any interest or participation in a single or collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employers' contribution under section 404(a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph (i) the contributions under which are held in a single trust fund maintained by a bank or in a separate account maintained by an insurance company for a single employer and under which an amount in excess of the employer's contribution is allocated to the purchase of securities (other than interests or participations in the trust or separate account itself) issued by the employer or by any company directly or indirectly controlling, controlled by, or under common control with the employer or (ii) which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code. The Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of this title any interest or participation issued in connection with a stock bonus, pension, profit-sharing, of annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title. For purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interest or participation in any collective trust fund maintained by a bank; and the term 'bank' means any national bank, or any banking institution organized under the laws of any State, territory, or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official; except that in the case of a common trust fund or similar fund, or a collective trust fund, the term 'bank' has the same meaning as in the Investment Company Act of 1940.' "

"(b) Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c) (relating to exempted securities) is amended by inserting after 'any municipal corporate instrumentality of one or more States;' in paragraph (12) the following: 'or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs 4(A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security;'.

"(c) Section 304(a) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd) (relating to exempted securities) is amended by reclassifying the present text of paragraph (4) thereof as paragraph (4)(A), and by adding a new subparagraph (B) at the end of such paragraph (4), to read as follows:

" '(B) any security exempted from the provisions of the Securities Act of 1933, as amended, by paragraph (2) of subsection 3(a) thereof, as amended by section 401 of the Employment Security Amendments of 1970.'

"(d) The amendments made by this section shall apply with respect to securities sold after January 1, 1970."

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendment to the House amendments was concurred in.

A motion to reconsider was laid on the table.

SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not more than 1½ hours, the time to be equally divided and controlled by the gentleman from Ohio and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19928, with Mr. PEPPER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 45 minutes, and the gentleman from Ohio (Mr. BOW) will be recognized for 45 minutes.

The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, this is the final appropriation bill scheduled for this session of the Congress.

During this session, we presented 14 regular appropriation bills for the current fiscal year 1971. This final supplemental, which is customarily brought in near the session end, is the 15th appropriation bill with respect to fiscal 1971.

I believe the House can be rather proud of the fact that in handling the appropriation bills, which originate in the House, the House has moved rather expeditiously. By July 1 of this year, 12 of the 14 annual appropriation bills had been passed by the House. During the month of July, the 13th bill was passed. But we could not move on the Defense appropriation bill because the related authorization bill was very late. But when the authorization became available, then we moved to the passage of the Defense appropriation bill in early October.

THE PENDING BILL

The pending supplemental bill totals about $1,525,000,000 in new budget authority, compared to budget requests of $1,701,000,000.

Mr. Chairman, under leave granted, I include an excerpt from the committee report on the bill setting forth the highlights of the bill total:

> The Committee recommends a total of $1,525,365,538 in new budget (obligational) authority in the accompanying bill, a reduction of $176,471,200 from the $1,701,836,738 requested in the estimates and considered by the Committee. Some $52,389,000 of this reduction represents deferrals for lack of authorization or postponements to the next budget.
>
> In addition to new (budget) obligational authority, the accompanying bill recommends the following sums not involving increases in NOA: $40,105,000 in appropriations to liquidate contract authorization; $27,775,000 to increase various limitations; $54,914,225 in District of Columbia funds; and $485,000 in transfers between appropriations. Details concerning these items are set forth in the various chapters of this report and are shown in the Summary table of this report.
>
> BILL HIGHLIGHTS
>
> $1,035,000,000 for foreign assistance contained in House Doc. 91–418 represents about 61 percent of the total new budget authority requested, and the $990,000,000 recommended in the bill for that purpose is about 65 percent of the total new budget authority recommended in the accompanying bill.
>
> Some $335,139,338, or about 22 percent of the new budget authority recommended in the bill is for mandatory-type items.
>
> These and various other items representing the bulk of the total new budget authority recommended in the bill are as follows:

	New budget authority	
	Budget estimates	Recommended in bill
Foreign assistance	$1,035,000,000	$990,000,000
Mandatory-type items:		
Payments to retirement, disability, and other trust funds	159,816,600	159,816,600
Unemployment compensation payments	67,050,000	66,650,000
Payments to helium production fund	56,100,000	50,000,000
Claims and judgments	41,747,738	41,747,738
Welfare support payments to Indians	17,000,000	16,925,000
Total, foregoing mandatory-type items	(341,714,338)	(335,139,338)
Selected other items:		
Federal Aviation Administration	91,500,000	77,000,000
(Note: Federal funds payment to airport and airway trust fund to cover deficit (not NOA))	(576,989,000	(..............)
(Note: Federal funds payment to liquidate airport development grants (not NOA))	(40,000,000)	(40,000,000)
General Services Administration:		
Additional court facilities	$34,150,000	$14,150,000
Purchase of automatic data processing equipment	20,000,000	20,000,000
Loans and grants to District of Columbia government:		
Loans for Washington area rapid transit system	34,178,000	....
Federal payment to District of Columbia government	17,571,000	11,794,000
Atomic Energy Commission fire prevention and safety facilities	25,500,000	....
Water pollution control and research	20,400,000	20,400,000
United Nations building construction	20,000,000	....
Federal Bureau of Investigation: For control of interstate gambling, bombings, and skymarshal program	14,150,000	14,150,000
All other new budget authority items	47,673,400	42,732,200
Grand total	[1] 1,701,836,738	1,525,365,538

[1] Excludes $22,500,000 for payment to the Corporation for Public Broadcasting (H. Doc. 91–404) not considered in connection with this bill. Also excludes $1,250,000 for House Office Building Commission (H. Doc. 91–404) and $105,000 for State Marine Schools (H. Doc. 91–404) which were treated by the committee as contract liquidations rather than new budget (obligational) authority.

THE UNFINISHED APPROPRIATIONS BUSINESS

We are moving toward the conclusion of the appropriation business of the session.

We have to pass this bill and it will of course have to clear the other body, and then be cleared through conference.

The Transportation appropriation bill is in conference now and could be settled later today.

The Labor-HEW appropriation bill conference has concluded and will be presented very shortly to the House. The Defense appropriation bill was passed by the other body earlier in the week and conference will probably be held on Saturday, or on Monday of next week—hopefully, Saturday.

The Foreign Aid appropriation bill is expected to go to conference shortly—we hope tomorrow.

So it seems to me we should push hard and by the middle of next week, or shortly thereafter, clear out the appropriation work of the session, and then our only work will have to do with legislative matters otherwise.

THE PENDING BILL

The largest item in the bill is $990 million for foreign assistance, which is made up mostly of military aid for Israel, Cambodia, and Korea. There was a cut in the budget request of $45 million. The foreign assistance funds make up about 65 percent of the pending bill.

Another $335 million, about 22 percent of the bill, is for several mandatory-type items such as payment to the civil service retirement fund under specific legislation, higher unemployment compensation payments somewhat related to the existing sluggishness of the economy, claims and judgments, and one or two other items.

It was necessary to ask for the rule waiving points of order—which was promptly granted by the Committee on Rules—because final passage has not taken place on legislation authorizing the military assistance to Korea and Southeast Asia. That bill cleared the House only yesterday. So it was necessary to have that rule.

This bill, I might add, makes permanent the actions taken by the House within the last few days with respect to the additional clerk hire allowance for members; with respect to the additional stationery allowance of $500. There is a quirk in that stationery bill which says the final $500 can be paid upon the request of the Member. Also, it makes permanent the resolution increasing the telephone allowance by 10,000 units; and also makes permanent the resolution dealing with some pay increases having to do with employees of the House.

The rule was necessary in order to make these matters not subject to a point of order. The House has indicated its will in passing the four resolutions, and we moved in accordance with the will of the House. Some members of the committee had different views as to the course followed by the House in the original actions, but the House having made its determination, the Committee on Appropriations felt obligated—and properly so, in my judgment—to reflect the will of the House.

OVERALL APPROPRIATIONS SUMMARY

I would like to give a sort of overall brief summary of what we have done thus far, moneywise, in appropriation bills at this session with respect to the fiscal year 1971 budget.

I am speaking now only of the fiscal year 1971.

First, it now looks as if, by the end of the session, Congress will have reduced the appropriation budget requests—and I specify the appropriation or new budget authority requests—of the President by about $1 billion, perhaps something more than that.

I will include for the RECORD certain information that will be, I hope, of interest to the Members of the House.

HOUSE TOTALS

In the 14 regular bills and the pending supplemental bill in the House:

Budget estimates considered (budget authority)	$139,091,898,560
Amounts approved	136,472,075,355
Net reduction by House in budget authority requested for fiscal year 1971	−2,619,823,205

Twelve bills were below the related budget requests. Three bills were above the related budget requests—Education, $319 million; the new independent offices-HUD bill, $241 million; and the Labor-HEW bill, $92 million. But the net reduction in all 15 bills was $2 billion $619 million.

IN THE SENATE

The Senate has passed all 14 of the regular bills. They will probably pass this pending supplemental bill early next week.

The Senate has considered additional estimates sent directly to them which the House did not consider. The Senate has also increased a number of the House bills—in a few cases, rather substantially.

But in the aggregate, on the 14 bills, the Senate:

Considered budget estimates for new budget authority for fiscal year 1971 of	$138,185,403,936
Amounts approved	137,377,375,736
Net reduction by Senate (14 bills)	−808,028,200

The Senate reduced 10 bills below the budget. The Senate increased four bills above the budget—education, $816 million; the new independent offices-HUD bill, $241 million; the agriculture bill, $727 million; and the Labor-HEW bill, $510 million).

With respect to the independent offices-HUD bill, the original Senate bill—which was later vetoed—was $1,186 million above the budget. But the new bill passed both the House and the Senate in identical form and amount.

ENACTED INTO LAW

Ten of the 15 bills have been enacted into law. Seven are below the budget and three are above the budget.

In summary:

Budget requests considered in the 10 bills	$45,250,005,499
Amounts enacted	45,967,110,270
Net increase (10 bills)	+717,104,771

The education bill as enacted is $453 million over the budget.

The new independent offices-HUD bill is $241 million over the budget.

The agriculture bill, now pending signature of the President, is $342 million above the budget.

THE PENDING BILL

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. The gentleman has spoken of waiving points of order on this bill, but I do not believe he mentioned the waiving of clause 6 of rule 21 with respect to the requirement that a bill be made available 3 calendar days and in printed form before consideration on the floor of the House.

This leads me to point out to the gentleman that yesterday afternoon for the first time I was able to obtain a copy of the committee print. Only this morning was I able to obtain a copy of the numbered bill. The committee print of yesterday afternoon contains a provision with respect to foreign military assistance and economic assistance:

> *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

My question to the gentleman is: Why was this dropped out of the numbered bill that was made available only this morning?

Mr. MAHON. The gentleman has asked a good question. The reason why it was dropped is that the House, by a vote of better than two to one, on yesterday indicated its interest in providing these funds to help wind down the war in Vietnam, hopefully, and to move toward greater stability, if possible, in the Middle East. So this was the basis for the action. It was the feeling that the House apparently would embrace and has now embraced, as of yesterday, the President's request for the authorization of about $500 million for military and economic assistance.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. MAHON. I am glad to yield further.

Mr. GROSS. I respectfully suggest to the gentleman—and I am sure he is well aware of it—that this language, "available only upon enactment into law of authorizing legislation," means that the legislation must be passed by both branches of Congress and signed by the President of the United States. It is not a question of what the House did yesterday; it is a question of whether the authorizing legislation has been placed before the President and he has signed it. That is the requirement of the rule, that the authorizing legislation first become law.

Mr. MAHON. Well, we worked in close contact with the Committee on Foreign Affairs headed by the able gentleman from Pennsylvania, and when it became apparent the authorization bill would be taken up on the floor before this supplemental appropriation bill, when it became apparent that the rule would be granted, and when it became apparent to the Appropriations Committee that the authorization bill would pass, then we felt at liberty to delete the provision because we anticipated that that would be the will of the House. Of course, if the appropriation bill is enacted into law it will become the law and the funds will become available, because it also will be in a sense an authorization bill.

Mr. GROSS. If the gentleman will yield further and briefly, the liberties he speaks of are the very things for which I am speaking, that is, the liberties of the Members of the House of Representatives to use the rules of the House in the consideration of legislation.

This is the point I have been striving to make and others have been striving to make around here for a long time. This is shabby treatment of the rule book in the House of Representatives.

I say to the gentleman, if he will further indulge me for just a moment, I am about ready to suggest that an electronic device be installed at the place of residence of each Member of the House of Representatives—whereby the Member can just roll over in bed, if he or she wants to stay in bed, and push a button and vote "yes" or "no" on the legislation being called up on the floor of the House of Representatives. I believe it is about time to give consideration to something of that kind if we are going to set aside the working rules of the House of Representatives every time we turn around.

Mr. MAHON. Of course, the rules of the House provide the mechanisms in order for the House to work its will, and the House will have its opportunity today, as it did yesterday, to work its will on these measures.

I must say to my friend from Iowa that I usually undertake to get an early copy of the report and the bill to the gentleman from Iowa, because I know of his great interest and diligent work, and I must say it is effective and helpful work in connection with our appropriation bills. I am not at all critical of the gentleman's interest in seeing to it that we give due consideration to all legislation, and certainly that includes the appropriation bills.

INDEMNITY PAYMENTS TO FARMERS

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the chairman for yielding to me.

I asked for this opportunity to raise a question or two about chapter I. I was surprised to see the supplemental provides $300,000 for indemnity payments to dairy farmers, which seems to me discriminates against the provisions of the same act of 1970 which authorizes indemnity payment for bee keepers. Why was no fund set up from which indemnity claims for the bee industry could be paid on the same basis?

Mr. MAHON. The gentleman who is best advised on this subject is the gentleman from Mississippi, and I yield to him.

Mr. WHITTEN. May I say to the gentleman this amendment was not offered by me or the subcommittee, but, as the gentleman knows, we have now provision for the payment of indemnities under certain circumstances for which a fund of $250,000 has just been appropriated which means that if the dairy producer can show he was without fault in having milk that was later condemned, and thereby becomes eligible for the value of that which was destroyed at the instance of the Government, there is a fund from which he can be paid.

Mr. FINDLEY. But why was it not done with regard to bees?

Mr. WHITTEN. In the legislative bill that was passed, processers were made entitled to a payment under certain circumstances. This fact was called to the attention of the committee and there was an amendment offered by the gentleman from Wisconsin (Mr. OBEY) which put processors now included with dairy producers, in the authorization. The provision here puts them on the same basis so far as availability of funds is concerned. The other items in the legislative bill will have to be dealt with in another supplemental when one is called for. It does not provide for the payment for all condemned processed dairy products. It sets up a fund so that, if it should be shown through adjudication they are entitled to it, then we provide here a fund that would be available to be used for that purpose. However, that was the amendment that was considered, and it was accepted by the committee.

Mr. FINDLEY. May I ask a further question? Judging from what the gentleman said, I would assume there was no request from the Department for this sum of money and there was no showing of claims in this amount to justify the allocation of a fund in this magnitude. Is that correct?

Mr. WHITTEN. Insofar as I know, there was no budgeted item and the Bureau of the Budget did not recommend it and the Department of Agriculture did not recommend it, so far as I know.

I would also point out that the legislation itself was signed only a few days ago, so undoubtedly the lack of time is the primary reason why it was not.

Mr. FINDLEY. If I may proceed for a moment further, may I have just one moment?

Mr. MAHON. I yield to the gentleman for a question.

Mr. FINDLEY. I am afraid we are entering pretty dangerous waters with reference to these indemnity payments. That is why I bring up the subject. I fear we are adding to our difficulties by laying out a sum of even $300,000 which in my opinion is going to be an invitation to dairymen to make claims against that sum.

I would think it would be far more logical and responsible on the part of the Congress not to provide any funds at this stage, but wait until the regular appropriation process is undertaken when the annual appropriation comes along. In the meantime, let the dairy interests and the bee interests and the other cyclamates, whatever they may be, try to make a case for their claims. I hope we will go very slowly in this field of providing for indemnity claims. This represents a tremendous potential for raids on the U.S. Treasury.

For this reason, I think this ought to be stricken from the appropriation bill.

Mr. WHITTEN. May I point out again to the gentleman that this language, although I did not have the privilege of adding it, was to establish a fund to be made available for payment where such payment was determined to be necessary. So, this does not free any claimant from having to prove his claim and have it adjudicated. If the law was passed and the adjudication were made, the Congress would have to meet the payment. Here we have set up a fund to take care of such claims. I was asked yesterday in the committee because of some question about this matter, why we could not wait until the next bill comes up in order to deal with this subject. I do not want the subcommittee to have that responsibility and I do not think it is my own responsibility to make the determination that we wait until the next appropriation bill. This year the appropriation bill passed in the House and so far as I know in the bill we passed we provided for authorization to set conditions under which they would be entitled to make claim for payment. As it is presently written they would have to wait a year in order to get it.

Mr. FINDLEY. To that I will say just two things: First of all, the establishment of this fund is an invitation to claims and, second, if there is validity to the point which the gentleman made, we ought to make the same provision for the bee industry as we are making for the dairymen.

Mr. WHITTEN. I will say to the gentleman that the gentleman is a very active Member and if he feels that way, I am sure he will get his pad and pencil out and get busy in an effort to bring it into line with the gentleman's thinking. This was proposed to the committee and we thought we ought to pay it.

Mr. FINDLEY. Could the gentleman give me some idea as to the extent of claims that can be filed under the dairy provisions?

Mr. WHITTEN. There are only two about which I know that have claims for damages, according to a letter which we have received from the Secretary of the Department of Agriculture. These two claims, he said, that the entire payments during the last fiscal year were only $175,000. So, may I say at this point that some of our people have gotten so excited about all the additions and conditions of various milk products and other commodities that we have lost sight of the question as to whether it does injury or not. So, I am inclined to agree with the gentleman that I am disturbed as to just what this will lead to, but the Congress passed the act and the act requires that certain proof be made before payments will be made under this fund.

It is my judgment that the funds already available would not be any more invitation than the law is itself and if the adjudication is made, we would have to provide the money with which to pay it.

Mr. MAHON. Mr. Chairman, it is true that the appropriation bill for agriculture was sent to the President for his approval just this week. This was done despite the fact that long before the beginning of the fiscal year, the House had passed an appropriation bill for agriculture. However, final action on the bill by the House and Senate conferees was deferred and delayed until we had a new farm program bill. For that reason, there was a long delay in enacting into law this appropriation bill for the Department of Agriculture.

I share somewhat the concern of the gentleman from Illinois with respect to payments and more especially with respect to appeals and applications for payments that must be made.

We want—and I would like to say this for the record and for the legislative history of it—we want the program operated with the greatest of care and efficiency. We do not want any bogus claims acted upon favorably. This small gesture in this bill should not of course be misinterpreted to mean we are inviting claims to be presented.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. Mr. Chairman, I think what we are trying to point out is that if this is supposed to be the land of milk and honey maybe the beekeepers are getting stung.

Mr. MAHON. That is well stated, but let us not disparage bees and honey, because without those we would be in a sad state of affairs.

DRUG ABUSE PREVENTION CONTROL ACT

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I would like to direct my questions to the distinguished gentleman from Pennsylvania (Mr. Flood) whose subcommittee has jurisdiction over this particular matter.

First, I notice in going through the supplemental bill that the $43 million authorized for title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for rehabilitation, treatment, prevention, and education programs is not funded, and I wonder why the omission, and ask whether that will be corrected.

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, I am very glad the gentleman raised that question, and I am glad the gentleman is not doing it in the form of an amendment, because I have reason of course to believe that such an amendment under the circumstances this late in the year would cause me to ask for its defeat. I am in favor of the program, and that might jeopardize it.

Heaven knows what will happen in conference. I understand that certain Senators are interested in this, and will propose it. I certainly am. But I know the position of the gentleman from New York, on the frightful narcotic situation, especially in the big cities of our Nation.

I would like to say to the gentleman—and I think the record will show this, that I am very concerned about this drug problem, as are the other members of the Loin-HEW Appropriations Subcommittee.

We intend to bring out a separate appropriations bill for education programs next year, just as we did this year.

We intend to do this very early in the next session of Congress. I invite the gentleman to appear, and I would like the gentleman's mayor to appear. We would like to hear their views on this matter.

I think the gentleman should also know that I will request permission to insert a table in the record for the gentleman to show to his people and to his mayor, demonstrating that HEW will spend about $55 million on combatting drugs and drug addiction in fiscal year 1971, just that one thing. HEW is already supporting—and I mean they are supporting—efforts to develop community-based educational resources, to deal with these problems of drug abuse—and the gentleman's area has special problems.

In 1970 NIMH spent $1.8 million for public information and education programs. The Office of Education spent about $3.5 million on this very thing, to train school personnel—which is what the gentleman has in mind, in the fundamentals in drug education. This must be done. It has never been done properly.

In 1971 NIMH has budgeted $2.2 million, and the Office of Education $600,000 for training teachers. They have asked school districts to direct grants which they receive under titles I and III of the Elementary and Secondary Education Act toward projects and activities in drug abuse education.

There is nothing with which we are more concerned at this time than this problem of drugs and narcotics, especially among our schoolchildren.

Mr. KOCH. Mr. Chairman, if the gentleman will yield further so I may make a brief observation to the gentleman from Pennsylvania——

Mr. MAHON. I yield further to the gentleman from New York.

Mr. FLOOD. If the gentleman will yield, I am glad the gentleman brought this up. And, by the way, I am going to insert a table in the Record which is for the benefit of Members like the gentleman from New York, to assist them on this very serious problem.

Mr. KOCH. The reason why I would hope that the gentleman would actively support in the conference this $43 million, in addition to all of the other ongoing programs, is because of the great seriousness of this situation involving what has become a drug epidemic—and it is not just New York City that is suffering its effects.

Mr. FLOOD. I understand.

Mr. KOCH. There are an estimated 200,000 drug addicts in our country, at the very least, and that is an approximation—it is probably higher. I have received figures from the addiction services administration, the New York department in charge of this matter, that show that in New York City for 1970 up to November 19, 960 people have died of drug addiction, of which 192 were teenagers, and 768 were adults.

Mr. FLOOD. I have those figures.

Mr. KOCH. The important thing is that the city of New York is not able to cope with the problem with the limited funds that are available. And if the gentleman will just bear with me for one minute for an additional comment, let me say that yesterday we passed an amendment that thc gentleman from New Jersey (Mr. Rodino) offered which would have barred foreign aid from countries which permit the opium poppy to be grown and heroin to be exported. And, yet, the major solutions in the areas of rehabilitation treatment and education are not at the moment adequately funded and I would urge you to do what you can in the conference committee to fund them.

Mr. FLOOD. Let me say this. The gentleman from Texas is the chairman of the Subcommittee on Appropriations for the Department of Defense and I have served on that since it was born and you know of the terrible problem that we are encountering with returning veterans. We know the problem and we were shocked last year by the testimony that we had before the Labor-HEW Subcommittee on the existence of drug addiction in the elementary schools. We are aware of this and we are badly disturbed by this.

We intend to go into this in our hearings next year and we certainly hope that you people and the mayors will come to those hearings.

Mr. MAHON. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. Flood) such time as he might desire.

Mr. FLOOD. Mr. Chairman, I have no further need for time. But I think it is clear how the subcommittee certainly feels and I believe the House feels that way, too. We certainly intend to give very, very special attention to this problem in next year's hearings.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman.

Mr. MICHEL. Did I understand the gentleman from Pennsylvania to say that he was incorporating in his extension of remarks or in his remarks that table of information?

Mr. FLOOD. Yes, I have the table as does the gentleman from Illinois and I shall insert it in the Record for the information of our colleagues who are greatly concerned about this matter.

The table follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ESTIMATED OBLIGATIONS FOR NARCOTIC ADDICTION AND DRUG ABUSE ACTIVITIES

	1970	1971
National Institute of Mental Health:		
Research:		
Research grants	13,895,000	$15,800,000
Research contracts	1,600,000	1,738,000
Instramural research	768,000	788,000
Manpower development:		
Training grants	500,000	900,000
Fellowships	89,000	200,000
Training contracts	1,000,000	1,000,000
Community narcotic addiction rehabilitation	8,000,000	9,900,000
Inpatient care—Fort Worth and Lexington clinical research centers	10,689,000	10,911,000
NARA community aftercare services	4,477,000	7,194,000
Public information and education	1,807,000	2,150,000
Program direction and management	1,536,000	1,585,000
Total	44,361,000	52,166,000
Social and Rehabilitation Service	1,614,000	2,464,000
Office of Education	3,500,000	600,000
Total	49,475,000	55,230,000

HELIUM PROGRAM

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. PIKE. I may be reading this report wrong but as I look at the report at page 23 when you are talking about helium, there is a provision in here for $50 million for the purchase of helium—at a time when we have a 37-year supply. Can that be right? Or do I misunderstand the report?

Mr. MAHON. I yield to the gentlewoman from Washington, the chairman of the Subcommittee on Interior Appropriations, for comment in regard to the question.

Mrs. HANSEN of Washington. May I say to the gentleman from New York that the Federal Government is currently procuring helium under 4 contracts that were initiated in 1961 when it was determined that this Nation should have a helium conservation policy. A summary of helium production under these contracts follows:

SUMMARY OF HELIUM PURCHASES BY BUREAU OF MINES UNDER HELIUM CONSERVATION PROGRAM

[Volume in thousand cubic feet; dollar amounts in thousands]

Item	Contractor				
	Cities Service Helex, Inc., Ulysses, Kans.	National Helium Corp., Liberal, Kans.	Northern Helex Co., Bushton, Kans.	Phillips Petroleum Co.[1]	Total
Date of contract	Aug. 22, 1961	Oct. 13, 1961	Aug. 15, 1961	Nov. 13, 1961	
Maximum annual obligation	$9,100	$15,200	$9,500	$13,700	$47,500
Date of 1st helium delivery	June 25, 1963	Oct. 13, 1963	Dec. 7, 1962	Dec. 31, 1962	
Summary of operations:					
Fiscal year 1963:					
Volume[2]	3,613		85,595	227,852	317,060
Payment[2]	$63.3		$957.6	$2,339.7	$3,360.6
Fiscal year 1964:					
Volume	308,375	1,053,436	336,521	923,555	2,621,887
Payment	$3,653.3	$12,404.4	$3,762.5	$9,468.8	$29,289.0
Fiscal year 1965:					
Volume	534,108	1,211,182	544,423	980,024	3,269,737
Payment	$6,336.8	$14,308.5	$6,055.0	$10,080.4	$36,780.7
Fiscal year 1966:					
Volume	658,925	1,277,988	605,009	1,057,166	3,599,088
Payment	$7,844.7	$15,200.9	$6,800.6	$10,955.4	$40,800.7
Fiscal year 1967:					
Volume	759,149	1,255,285	560,802	1,007,059	3,582,295
Payment	$9,100.0	$15,200.0	$6,380.2	$10,618.1	$41,298.3
Fiscal year 1968:					
Volume	745,904	1,230,630	647,877	978,688	3,603,099
Payment	$9,100.0	$15,200.0	$7,506.9	$10,528.8	$42,335.7
Fiscal year 1969:					
Volume	733,016	1,211,754	634,579	995,291	3,574,640
Payment	$9,089.0	$15,200.0	$7,451.6	$10,910.0	$42,650.6
Fiscal year 1970:					
Volume	717,407	1,181,408	611,183	1,007,688	3,517,686
Payment	$9,097.4	$15,198.4	$7,348.1	$11,339.9	$42,983.8
Total					
Volume	4,460,497	8,421,683	4,025,989	7,177,323	24,085,492
Payment	$54,284.5	$102,711.3	$46,262.5	$76,241.1	$279,499.4

[1] Under its contract, Phillips Petroleum Co. constructed and operates 2 helium extraction plants, located at Dumas and Sherman Tex.

[2] Volume, as used herein, is the volume of helium in thousand cubic feet (Mcf) actually purchased by the Bureau of Mines. Payment, is the amount paid for the helium purchased.

The committee on numerous occasions has admonished the Department of the Interior to initiate renegotiation of these contracts in view of the decreasing demand for helium produced under these contracts.

The Department of the Interior has recently been working intensely on this.

Purchase of this helium is a contractual commitment that must be paid for. Interest accrues on delinquent payments for helium delivered under three of the contracts.

The committee felt that by cutting the $6.1 million from the request it would emphasize the need for contract renegotiation.

Mr. PIKE. Mr. Chairman, if the gentleman will yield further, then the fact is that under some contracts which apparently have been in existence for some length of time we continue to be committed to buying helium that we already have a 37-year supply of—is that the yes or no of it?

Mrs. HANSEN of Washington. The gentleman is completely correct. And the committee has been disturbed for some time about this problem. For example, in the hearings on February 25, 1969, the following discussion took place:

> COSTS OF TERMINATING HELIUM PROCUREMENT CONTRACTS
>
> Mrs. HANSEN. What would be the liquidated damages, if any, under the existing four procurement contracts if the Government decided it had stored sufficient helium and reduced its purchases under existing contracts considerably?
>
> Mr. WHEELER. We have estimated that, if we should terminate all four contracts, the liquidation costs could be as high as $50 million. It might not be that much, depending on whether or not the companies would wish to retain the facilities. If we should be required to buy the facilities, it might cost us as much as $50 million.

House Report No. 91-361, dated July 10, 1969, from the committee, contained the following comment:

> When the helium fund was originally activated, it was anticipated this program would be more or less self supporting through sales of helium to various consumers. This has not occurred. For the past few years the Committee has been called on to approve requests for more and more loan authority to offset increasing deficits in program operations due to the decline in helium sales.
>
> The Committee is becoming concerned with regard to the practicability of the continuance of this program on its present basis. In an effort to learn what corrective action was anticipated, the Committee questioned the witnesses closely in hearings on this program. The only information the Committee received was that the program was being studied. To date, the Committee has received no reports on study results.
>
> An overall review in depth of this program should be made, primarily to redetermine what the national policy should be with regard to the conservation program for helium in the coming years.

Again in House Report 91-1095, dated May 14, 1970, the committee stated:

> HELIUM FUND
>
> While the 1971 budget estimate did not contain a request for additional borrowing authorization for the helium program, the committee had occasion in several instances to review the operations of the program. For the last several years the helium program has experienced numerous difficulties for various reasons. This committee frequently has expressed its concern with the operation of the program. The situation continues to become more acute and until very recently the committee has been unable to discern any specific action by those responsible for the administration of the program to resolve the problem.
>
> When the Director of the Bureau of Mines appeared before this commitee on Tuesday, February 25, 1969, he advised the committee that the Department was making a thorough review of the helium program which in his opinion was overdue. He stated that preliminary reviews were sufficient to indicate that the Department had some questions that required very careful exploration, particularly with regard to the demand estimates which were the predicate of the helium program and with regard to the share of the U.S. helium market that is supplied by the Bureau of Mines.
>
> On September 10, 1969, the Comptroller General issued a report (B–114812) that was quite critical of the helium program operations.
>
> Notwithstanding the foregoing, it was not until Thursday, May 7, 1970, the committee received informal information that the Department of Interior had finally arrived at a decision in this connection and was initiating action for revision of the helium procurement program.
>
> In the meantime, the Government has been procuring billions of cubic feet of helium per year under existing contracts with no specific idea of what the eventual utilization will be, and interest costs have been accruing on delinquent payments for the purchase of the helium.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. HOLIFIELD. The question that has been asked by the gentleman from New York (Mr. PIKE) excited my curiosity, too. Who is buying helium and for what purpose, and why do we have long-term contracts on helium when there has not been extensive use of it for many, many years? We used to use it in the old dirigibles but, as I understand, it is not used very much now, and I understand we have a 37-year supply on hand. Is the Government obligated under such long-term contracts to the point at which it cannot get out of them?

Mrs. HANSEN of Washington. If the gentleman will yield further, Congress enacted legislation for this program.

Mr. HOLIFIELD. For what term are the contracts?

Mrs. HANSEN of Washington. 22 years.

Mr. HOLIFIELD. What?

Mrs. HANSEN of Washington. 22 years.

Mr. HOLIFIELD. With no cancellation clause?

Mrs. HANSEN of Washington. The contracts may be terminated when certain conditions prevail. At this time, it has not been legally established that these conditions exist. To terminate the contracts under conditions other than those prescribed in the contract could subject the government to exorbitant charges. That is why we have been urging the renegotiation of the contracts.

A summary of the contract termination provisions follows:

TERMINATION PROVISIONS OF HELIUM CONSERVATION CONTRACTS

1. *Cities Service Helex, Inc.* (Contract #14-09-0060-2424)

"Buyer may, at its option, terminate this contract at any time if any of the following circumstances or any other circumstance of similar nature should occur which, in the opinion of the Secretary of the Interior, would make the continued operation of Seller's plant and the continued purchase of helium-gas mixture extracted therein unnecessary to accomplish the purposes of the Act or any amendments thereto: (1) the discovery of large new natural helium resources, or (2) a substantial diminution in helium requirements. Upon such termination, the provisions of paragraph 13.1 shall apply."

2. *National Helium Corporation* (Contract #14-09-0060-2429)

"Buyer may, at its option, terminate this contract at any time if (1) in the opinion of the Secretary of the Interior, the discovery of large new helium resources or a substantial diminution in helium requirements or any circumstance of similar nature should occur which would make the continued operation of Seller's plant and the continued purchase of helium-gas mixture extracted therein unnecessary to accomplish the purposes of the Act or any amendment thereto, or (2) a material circumstance of force majeuer making it impracticable or impossible for Buyer or Seller to carry out its obligations under this contract which circumstance cannot be remedied with reasonable dispatch."

3. *Northern Helex Company* (Contract No. 14-09-0060-2421)

"The United States may terminate this contract at any time if any of the following circumstances or any other circumstance of similar nature should occur which, in the opinion of the Secretary of the Interior, would make the continued operation of Seller's plant and the continued purchase of helium-gas mixture extracted therein unnecessary to accomplish the purposes of the Act or any amendments thereto: (1) the discovery of large new natural helium resources, or (2) a substantial diminution in helium requirements. Upon such termination, the provisions of paragraphs 9.4, 12.3, and 13.1 shall apply."

4. *Phillips Petroleum Company* (Contract No. 14-09-0060-2434)

"Buyer may, at its option, terminate this contract at any time as to the Dumas Plant with the Cactus-Dumas Pipelines and/or the Sherman Plant if any of the following circumstances or any other circumstance of similar nature should occur which, in the opinion of the Secretary of the Interior, would make the continued operation of either or both of Seller's plants and the continued purchase of helium-gas mixture extracted therein unnecessary to accomplish the purposes of the Act or any amendments thereto: (1) the discovery of large new natural helium resources, or (2) a substantial diminution in helium requirements. Upon such termination, the provisions of paragraph 13.1 shall apply."

Mr. HOLIFIELD. This accents the need of a study of procurement practices by this Government. I can hardly conceive of our going into 22-year contracts for something that we do not need and not have adequate cancellation clauses in them. If there were termination penalties, at least, we would be in better shape than we are.

Mrs. HANSEN of Washington. If the distinguished gentleman will yield further, that is what has disturbed the committee with regard to the helium contracts.

Mr. MAHON. Mr. Chairman, there was a time when NASA required a great amount of helium. Helium, of course, is a very important element. The Government entered into these long-range contracts at a time when the demand for helium was greater than it is now. Of course, research is currently underway that could greatly increase the demand for helium in the future. I am told there are great possibilities in the field of cryogenics.

Efforts are being made to negotiate settlements in the best interests of the Government. I will read a statement entitled "Status of Helium Contract Negotiations" from the Department of the Interior:

STATUS OF HELIUM CONTRACT NEGOTIATIONS

Since May 8, 1970, twenty-three negotiating sessions have been held by the Department of the Interior with the helium conservation contractors on an individual basis. The agreement which has been reached with one company is under review in the Office of Management and Budget. If that office finds the agreement acceptable, a similar contract will be sent to each of the other three contractors. Acceptance of the revised contract would reduce the annual cost of the helium conservation program by 36.5 percent. However, it is not yet known whether the revised contract will be acceptable to the remaining three companies.

Mr. MAHON. For the sake of general information, I think it would be well to insert in the RECORD at this point the 1960 law relating to the helium program:

PUBLIC LAW 86-877, 86TH CONGRESS, H.R. 10548, SEPTEMBER 13, 1959

An act to amend the Helium Act of March 3, 1925, as amended, for the defense, security, and the general welfare of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Helium Act Amendments of 1960."

SEC. 2. The Act entitled "An Act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commerical aeronautics, and for other purposes", approved March 3, 1925 (43 Stat. 1110), as amended, is amended to read as follows:

"That this Act may be cited as the 'Helium Act'.

"SEC. 2. As used in this Act:

"(1) The term 'Secretary' means the Secretary of the Interior;

"(2) The term 'person' means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or State or political subdivision thereof; and

"(3) The terms 'helium-bearing natural gas' and 'helium-gas mixture' mean, respectively, natural gas and gas mixtures containing three-tenths of 1 per centum or more of helium by volume.

"SEC. 3. (a) For the purpose of conserving, producing, buying, and selling helium, the Secretary is authorized—

"(1) to acquire by purchase, lease, gift, exchange, or eminent domain, lands or interests therein or options thereon, including but not limited to sites, rights-of-way, and oil or gas leases containing obligations to pay rental in advance or damages arising out of the use and operation of such properties; but any such land or interest in lands may be acquired by eminent domain only when the Secretary determines (A) that he is unable to make a satisfactory agreement to acquire such land or interest in land, and (B) that such acquisition by eminent domain is necessary in the national interest;

"(2) to make just and reasonable contracts and agreements for the acquisition, processing, transportation, or conservation of helium, helium-bearing natural gas, or helium-gas mixtures upon such terms and conditions, and for such periods, not exceeding twenty-five years, as may be necessary to accomplish the purposes of the Act, except that the Secretary shall not make such contracts and agreements which shall require payments by the Government in any one fiscal year aggregating more than the amount which shall be established initially in an appropriation Act and which may be increased from time to time in appropriation Acts, or if the Secretary—

"(A) determines that the national interests require the conservation of certain helium or require certain helium-bearing natural gas or certain helium-gas mixture for the production or conservation of helium, and

"(B) determines that he is unable to acquire such helium, helium-bearing natural gas, or helium-gas mixture upon reasonable terms and at the fair market value,

he is authorized to acquire by eminent domain such helium and so much of such helium-bearing natural gas or helium-gas mixture as is necessarily consumed in the extraction of such helium after removal from its place of deposit in nature and wherever found, or the temporary use of such helium-bearing natural gas or helium-gas mixture for the purpose of extracting helium, together with the appropriate interest in pipelines, equipment, installations, facilities, personal or real property, including reserves, easements or other rights necessary or incident to the acquisition of such helium, natural gas, or mixture, but the condemnation of any such helium, helium-bearing natural gas, or helium-gas mixture, shall be effected in the same manner and following the procedures established in section 8(a) of this Act, the just compensation for such condemnation to be measured by terms and prices determined to be commensurate with the fair market value, and in the temporary use of any helium-bearing natural gas or helium-gas mixture for the purpose of extracting helium the Secretary shall cause no delay in the delivery of natural gas to the owner, purchaser, or purchasers thereof, except that required by the extractive processes;

"(3) to construct or acquire by purchase, lease, exchange, gift or eminent domain, plants, wells, pipelines, compressor stations, camp buildings, and other facilities, for the production, storage, purification, transportation, purchase, and sale of helium, helium-bearing natural gas, and helium-gas mixtures: and to acquire patents or rights therein and reports of experimentation and research used in connection with the properties acquired or useful in the Government's helium operations;

"(4) to dispose of, by lease or sale, property, including wells, lands, or interests therein, not valuable for helium production, and oil, gas, and byproducts, of helium operations not needed for Government use, except that property determined by the Secretary to be 'excess' within the meaning of section 3(e) of the Federal Property and Administrative Services Act of June 30, 1949 (60 Stat. 378; 40 U.S.C. 472(e)), as amended, shall be disposed of in accordance with the provisions of that Act; and to issue leases to the surface of lands or structures thereon for grazing or other purposes when the same may be done without interfering with the production of helium; and

"(5) to accept equipment, money, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, States, or private.

"(b) Any known helium-gas-bearing land on the public domain not covered at the time by leases or permits under the Mineral Lands Leasing Act of February 25, 1920, as amended, may be reserved for the purposes of this Act, and any reservation of the ownership of helium may include the right to extract, or have extracted, such helium, under such rules and regulations as may be prescribed by the Secretary, from all gas produced from lands so permitted, leased, or otherwise granted for development, except that in the extraction of helium from gas produced from such lands, it shall be extracted so as to cause no delay, except that required by the extraction process, in the delivery of gas produced from the well to the purchaser or purchasers thereof at the point of delivery specified in contracts for the purchase of such gas. If any reserved rights of ownership and extraction of helium are not exercised before production of any helium-bearing natural gas or any helium-gas mixture, the Secretary is authorized to acquire such helium in accordance with section 3 (a) (2) of this Act.

"(c) All contracts and agreements made by the Secretary for the acquisition of helium from a private plant shall contain a provision precluding the plant owner from selling any helium to any purchaser other than the Secretary at a price lower than the lowest price paid by any Government agency for helium acquired from any private plant under any contract entered into pursuant to this section and outstanding at the time of such sale.

"Sec. 4. The Secretary is authorized to maintain and operate helium production and purification plants together with facilities and accessories thereto; to acquire, store, transport, sell, and conserve helium, helium-bearing natural gas, and helium-gas mixtures, to conduct exploration for and production of helium on and from the lands acquired; leased, or reserved; and to conduct or contract with public or private parties for experimentation and research to discover helium supplies and to improve processes and methods of helium production, purification, transportation, liquefaction, storage, and utilization: *Provided, however,* That all research contracted for, sponsored, cosponsored, or authorized under authority of this Act shall be provided for in such a manner that all information, uses, products, processes, patents and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public: *And provided further,* That nothing contained herein shall be construed as to deprive the owner of any background patent relating thereto to such rights as he may have thereunder.

"Sec. 5. (a) Whenever the President determines that the defense, security, and general welfare of the United States requires such action, the Secretary shall issue such regulations as he deems necessary for the licensing of sales and transportation of helium in interstate commerce after extraction from helium-bearing natural gas or helium-gas mixtures. Thereafter it shall be unlawful for any person to sell or transfer helium in interstate commerce except in accordance with such regulations or pursuant to the terms of a license issued by the Secretary, or in accordance with the terms of a contract or agreement with the Secretary entered into pursuant to this Act. For the purpose of this section, the term 'helium' shall mean helium, after extraction from helium-bearing natural gas or helium-gas mixtures, in a refined or semirefined state suitable for use.

"(b) Each license shall be issued for a specified period to be determined by the Secretary, but not exceeding five years, and may be renewed by the Secretary upon the expiration of such period. No such license shall be issued to a person if in the opinion of the Secretary the issuance of a license to such person would be inimical to the defense and security of the United States. No such license shall be assigned or otherwise transferred directly or indirectly except with the consent or approval of the Secretary in writing. Any such license may be revoked for any material false statement in the application for license, or for violation or a failure to comply with the terms and provisions of this Act, the regulations issued by the Secretary pursuant thereto, or the terms of the license.

"(c) In issuing licenses under this section the Secretary shall impose such regulations and terms of licenses as will permit him effectively to promote the common defense and security as well as the general welfare of the United States. The licensing authority herein granted shall be used solely for the purpose of preventing the transportation or sale of helium for end uses determined by the Secretary to be nonessential or wasteful, and any determination that any end use is nonessential or wasteful shall be published in the form of general regulations applicable to all transportation or sales of helium.

"(d) Whenever Congress or the President declares that a war or national emergency exists, the Secretary is authorized to suspend any license granted under this Act if in his judgment such suspension is necessary to the defense and security of the United States, and he is further authorized to take such steps as may be necessary to recapture or reacquire supplies of helium.

"Sec. 6. (a) The Department of Defense, the Atomic Energy Commission, and other agencies of the Federal Government, to the extent that supplies are readily available, shall purchase all major requirements of helium from the Secretary.

"(b) The Secretary is authorized to sell helium for Federal, medical, scientific, and commercial uses in such quantities and under such terms and conditions as he determines.

"(c) Sales of helium by the Secretary shall be at prices established by him which shall be adequate to cover all costs incurred in carrying out the provisions of this Act and to repay to the United States by deposit in the Treasury, together with interest as provided in subsection (d) of this section, the following:

"(1) Within twenty-five years from the date of enactment of the Helium Act Amendments of 1960, the net capital and retained earnings of the helium production fund (established under section 3 of this Act prior to amendment by the Helium Act Amendments of 1960), determined by the Secretary as of such date of enactment, plus any moneys expended thereafter by the Department of the Interior from funds provided in the Supplemental Appropriation Act, 1959, for construction of a helium plant at Keyes, Oklahoma;

"(2) Within twenty-five years from the date of borrowing, all funds borrowed, as provided in section 12 of this Act, to acquire and construct helium plants and facilities; and

"(3) Within twenty-five years from the date of enactment of the Helium Act Amendments of 1960, unless the Secretary determines that said period should be extended for not more than ten years, all funds borrowed, as provided in section 12 of this Act, for all purposes other than those specified in clause (2) above.

"(d) Compound interest on the amounts specified in clauses (1), (2), and (3) of subsection (c) which have not been paid to the Treasury shall be calculated annually at rates determined by the Secretary of the Treasury taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the investments authorized by this Act, except that the interest rate on the amounts specified in clause (1) of subsection (c) shall be determined as of the date of enactment of the Helium Act Amendments of 1960, and the interest rate on the obligations specified in clauses (2) and (3) of subsection (c) as of the time of each borrowing.

"(e) Helium shall be sold for medical purposes at prices which will permit its general use therefor; and all sales of helium to non-Federal purchasers shall be upon condition that the Federal Government shall have a right to repurchase helium so sold that has not been lost or dissipated, when needed for Government use, under terms and at prices established by regulations.

"(f) All moneys received under this Act, including moneys from sale of helium or other products resulting from helium operations and from the sale of excess property shall be credited to the helium production fund, which shall be available without fiscal year limitation, for carrying out the provisions of this Act, including any research relating to helium carried out by the Department of the Interior. Amounts accumulating in said fund in excess of amounts the Secretary deems necessary to carry out this Act and contracts negotiated hereunder shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c) of this section.

"Sec. 7. The Secretary of Defense and the Chairman of the Atomic Energy Commission may each designate representatives to cooperate with the Secretary in carrying out the purposes of this Act, and shall have complete right of access to plants, data, and accounts.

"Sec. 8. (a) Proceedings for the condemnation of any property under section 3 of this Act shall be instituted and maintained pursuant to the provisions of the Act of August 1, 1888 (25 Stat. 357; 40 U.S.C. 257), as amended, and sections 1358 and 1403 of title 28 of the United States Code, or any other Federal statute applicable to the acquisition of real property by eminent domain. The Acts of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a–258e), and October 21, 1942 (56 Stat. 797; 40 U.S.C. 258f), shall be applicable to any such proceedings. Wherever the words 'real property', 'realty', 'land', 'easement', 'right-of-way', or words of similar meaning, are used in such code provisions or Acts relating to procedure, jurisdiction, and venue, they shall be deemed, for the purpose of this Act, to include any personal property authorized to be acquired hereunder.

"(b) In the event of disposal under section 3(a) (4) of this Act of any property acquired by eminent domain pursuant to this Act, the former owner or successor in interest of the rights therein shall have the preferential right to reacquire such property on terms as favorable as those terms whereby disposition may be made under such section.

"Sec. 9. The Secretary is hereby authorized to establish and promulgate such rules and regulations, as are consistent with the directions of this Act and are necessary to carry out the provisions hereof.

"Sec. 10. (a) The provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 637; 5 U.S.C. 1001–1011), as amended, shall apply to any agency proceeding and any agency action taken under this Act, including the issuance of rules and regulations, and the terms 'agency proceeding' and 'agency action' shall have the meaning specified in the Administrative Procedure Act.

"(b) In any proceeding under this Act for the granting, suspending, revoking, or amending of any license, or application to transfer control thereof, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, the Secretary shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding. Any final order entered in any such proceedings shall be subject to judicial review in the manner prescribed in the Act of December 29, 1950 (64 Stat. 1129; 5 U.S.C. 1031–1042), as amended, and to the provisions of section 10 of the Administration Procedure Act.

"SEC. 11. The provisions of the Natural Gas Act of June 21, 1938 (52 Stat. 821; 15 U.S.C. 717–717w), as amended, shall not be applicable to the sale, extraction, processing, transportation, or storage of helium either prior to or subsequent to the separation of such helium from the natural gas with which it is commingled, whether or not the provisions of such Act apply to such natural gas, and in determining the rates of a natural gas company under sections 4 and 5 of the Natural Gas Act, as amended, whenever helium is extracted from helium-bearing natural gas, there shall be excluded (1) all income received from the sale of helium; (2) all direct costs incurred in the extraction, processing, compression, transportation or storage of helium; and (3) that portion of joint costs of exploration, production, gathering, extraction, processing, compression, transportation or storage divided and allocated to helium on a volumetric basis.

"SEC. 12. (a) The Secretary is authorized to borrow annually from the Treasury and credit to the fund established under section 6(f) of this Act such amounts as may be authorized in the initial appropriation Act and which may be increased from time to time in appropriation Acts and as are necessary to carry out the provisions of this Act and contractual obligations hereunder.

"(b) For the purpose of this section the Secretary may issue to the Secretary of the Treasury notes, debentures, bonds, or other obligations to be redeemable at the option of the Secretary before maturity in such manner as may be stipulated in such obligations. The Secretary of the Treasury is authorized and directed to purchase any obligations issued by the Secretary under authority of this section and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of obligations of the Secretary hereunder.

"SEC. 13. Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this Act or any regulation or order issued or any terms of a license granted thereunder shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall upon conviction thereof, be punished by a fine of not more than $20,000 or by imprisonment for not more than twenty years, or both.

"SEC. 14. Whenever in the judgment of the Secretary any person has engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this Act, or any regulation or order issued or any term of a license granted thereunder, any such act or practice may be enjoined by any district court having jurisdiction of such person, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States.

"SEC. 15. It is the sense of the Congress that it is in the national interest to foster and encourage individual enterprise in the development and distribution of supplies of helium, and at the same time provide, within economic limits, through the administration of this Act, a sustained supply of helium which, together with supplies available or expected to become available otherwise, will be sufficient to provide for essential Government activities.

"SEC. 16. The Secretary of the Interior is directed to report annually to the Congress on the matters contained in this Act.

"SEC. 17. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

SEC. 3. The amendment made by this Act shall become effective on March 1, 1961.

Approved September 13, 1960.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. VANIK. Will the distinguished chairman or the subcommittee chairman advise the Committee why these contracts that have been entered into could not be placed in the RECORD at this point so that the membership of this body could determine whether or not the contracts are cancelable or terminable without any further negotiation?

Mr. MAHON. I think to do so would too greatly encumber the RECORD.

Mr. VANIK. If it would save millions of dollars, it would be worth putting them in the RECORD at this point.

Mr. MAHON. I think it would probably be too cumbersome to put these technical, lengthy contracts in the RECORD at this point. They can be made available in the committee room or by the Department of the Interior.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, the copies of the contracts are on file in our committee room. We did not put them in our hearing record, as the distinguished gentleman from Texas has stated, due to their being cumbersome. On page 53 of the hearings on this bill is a summary of procurement action under these contracts.

Mr. VANIK. Mr. Chairman, will the gentleman yield for just one more question?

Mr. MAHON. For a very brief question I yield.

Mr. VANIK. I would like to know from the distinguished chairman of the committee and the distinguished chairman of the subcommittee whether in their opinion these contracts are not cancelable or terminable.

Mr. MAHON. In my opinion, all contracts can, more or less, be terminated or canceled or breached, and, of course, then the Government could be liable for damages as determined by the courts.

Mr. VANIK. I did not mean to say "breached." I meant legally.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, I do not intend to take much time on this bill. The ranking minority members of the subcommittees are here, and the chairmen of the subcommittees are here. Much of the time has been consumed in general discussion. I think I have plenty of time, and I will be glad to yield to any subcommittee chairman or ranking member if time is needed to discuss individual chapters of the bill.

As we are considering the last supplemental appropriation bill for this session, I think it might be well to point to a development I have called attention to on previous occasions in the committee and in this chamber, which is the disposition on the part of legislative committees and approval by the House to run end runs around the Appropriations Committee. This disposition and this habit is clearly pointed up by what has transpired this year.

The distinguished gentleman from Texas has already informed those here today that at the conclusion of our work this year, in considering bills referred to the Appropriations Committee, we will have reduced the budget by around $1 billion. But it would be very misleading for members to go out of here and report to their constituents that Congress has cut the President's budget by $1 billion, because that is not true. The fact of the matter is that although the Appropriations Committee has in toto achieved a reduction of around $1 billion in bills referred to us—while we were doing this, the House in its wisdom has been increasing the budget authority over and above that requested by the President through mandatory provisions for expenditures and outlays, through backdoor spending, and through other tactics that have bypassed the appropriation process and taken the control of that part of the spending program out from under the Appropriations Committee.

There is a need for all of us to understand that, while the Appropriations Committee has been struggling to achieve a cut in the budget of $1 billion this year, Congress as a whole has increased budget authority over that requested by $5.7 billion. This is brought about by legislative actions other than on Appropriation bills—actions involving the granting of authority for backdoor spending and legislative bills with mandatory spending authorizations—all completely outside the appropriation process.

Nearly a billion dollars of the $5.7 billion just mentioned involves mandatory spending authorizations, which leaves the executive branch no discretion. This is one of the reasons why spending is getting out of control.

We had two examples of this within the past 10 days. We had a housing bill on the floor last week that had a number of provisions in it for backdoor spending. Amendments were offered on the floor, and were agreed to in the Committee of the Whole, to close the backdoor in those instances and to require future funding to go through the regular appropriations process. A similar provision was in a bill considered just a day or so ago, this week, out of the Committee on Agriculture, which set up a revolving fund and permitted the Secretary to use the money created by that revolving fund to defray operating expenses. That takes that program out from under the control of the

Appropriations Committee and out of control of Congress.

As a member of this committee who has fought from the beginning of the session until the end for economy in the committee, I can point with some pride to the fact that we did achieve cuts amounting to about a billion dollars. But I do not want the membership to make the mistake of going out and saying that Congress cut the budget by a billion dollars. That was only the appropriations budget. While we were doing that Congress in other actions was increasing the budget authority to spend money by about $5 billion.

I wish to say that the figures I am citing come from the 1971 Budget Scorekeeping Report prepared by the Joint Committee on Reduction of Federal Expenditures, chaired by my able friend from Texas, the very distinguished chairman of the Committee on Appropriations. These figures cited are not my figures. They are figures taken from the report of the Joint Committee on Reduction of Federal Expenditures. I mention the origin of the figures lest someone might think I have dreamed them up.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am glad to yield to the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman's yielding, and I commend him for bringing this matter to the attention of the House.

I might go on a little further on a subject closely akin to that, with respect to an amendment I offered to the health and welfare appropriation bill which was defeated, which would in effect have limited public assistance grants to the States to 110 percent of what we doled out this year. Defeat of that amendment is going to cost us an additional expenditure of $217 million in this fiscal year as of last week, and with the last half of the fiscal year and a little more to go we can expect that figure to go possibly as high as $400 million as we get to the end of the fiscal year. This is another one of these locked-in kinds of expenditures over which we have no control, but for which we simply have to ante up Federal money to match local funds.

Mr. JONAS. I will say only one thing further in connection with this particular point. This has reference to outlays. We have to distinguish between new budget authority which is granted by the Appropriations Committee and the outlays which are required to be made by the executive branch of the Government as a result of legislation action.

Reading from this 1971 Budget Scorekeeping Report to which I have referred, which covers the period January 1, 1970, down to December 1, 1970, it is shown that for fiscal year 1971 congressional actions have increased budget outlays—that means spending—by $2,198,169,000 above outlays proposed in the budget of the President. So it would not be accurate for anybody to go out of here and claim that Congress has reduced the budget even though the Committee on Appropriations has made cuts amounting to $1 billion.

Mr. Chairman, I would be glad to yield some of my time to the gentleman from Texas if he needs additional time.

I have no further requests for time.

Mr. EDMONDSON. Mr. Chairman, I support the bill and commend the Committee on Appropriations for bringing it to the floor.

I have many Indian constituents who will appreciate the committee's action in promptly reporting the administration's request for funds to pay awards of the Indian Claims Commission.

These awards, totaling $37,642,821.60 in this bill, include several major judgments in favor of Oklahoma tribes:

Docket No. 253, the award to the Miami Tribe of Oklahoma, for $1,062,000.

Docket No. 314–D, the award to the Peoria Tribe of Indians of Oklahoma and Amos Robinson Skye on behalf of the Wea, nation, for $1,209,000.

Docket Nos. 105, 106, 107, and 108, the award to the Osage Nation, for $13,250,000.

An additional award, in Docket No. 131 in favor of the Miami Indian tribe and nation and others, for $2,764,660.20, will also benefit some constitutents.

These awards represent long-standing claims of our American Indians on which litigation was pending for many years. It is gratifying to see the funds being appropriated to pay what has long been due to our first Americans.

Mr. COHELAN. Mr. Chairman, I will vote for the supplemental appropriations bill but I do so with some serious reservations.

First, as each of my colleagues is aware, this bill covers more than military assistance although that is the largest single item. As a member of the Foreign Operations Subcommittee, I had the opportunity to investigate in detail each of the programs in the military assistance portion of this bill.

I was convinced by the justification and the statement of Under Secretary Johnson and Secretary Laird on the need for the supplemental assistance for Israel. I am convinced that the best hope for peace in the Middle East lies in serious negotiations, but I know that negotiations will not take place if one side feels that it has a military advantage over the other. I am hopeful that this additional appropriation will be administered in such a way to insure the opportunities for negotiations which will lead to a lasting peace in this troubled area of the world. My central concern about this supplemental is the provision for military assistance for Cambodia. As the Members know, I voted against the authorization for these funds yesterday. Prior to the final vote I supported the amendment offered by my colleague, Congressman Bingham, which made clear that the funds for Cambodia were not to be construed as a new commitment to Cambodia. This amendment, unfortunately, was defeated, as were other needed clarifying amendments.

My concern over the possibility of new U.S. military commitments is demonstrated in my questioning of the witnesses before the Foreign Operations Subcommittee. I would not be candid if I did not say that I am a bit skeptical about some of the responses that I received to my questions. For example, I asked Under Secretary Johnson on page 1259 of these hearings if this assistance implied a new commitment to Cambodia. Mr. Johnson replied:

> I would be very firmly to say that it is not a new commitment.

But then later in an exchange with Secretary Laird and Admiral Moorer on page 1319, some doubts were raised:

> Mr. Cohelan. This is a supplemental appropriation, Mr. Secretary and gentleman. I take it there is going to be a follow-on in the next year's budget request.
>
> Secretary Laird. That is correct.
>
> Mr. Cohelan. So it will be an extension based upon the needs and the military situation that exists at the time..
>
> Can I have your assurance, Mr. Secretary, that our support of Cambodia in no way involves a commitment of American manpower?
>
> Secretary Laird. That is correct.
>
> Mr. Cohelan. In a combat sense.
>
> Secretary Laird. That is correct.
>
> Admiral Moorer. That is exactly what we are trying to avoid, sir.

I find little objection to aiding countries in their own self-defense, but I do feel that the United States should not fall into commitments to other nations without the explicit consent of the Congress. Our tragic experience in Southeast Asia has been that a military assistance program can lead to wider U.S. commitments. For this reason, I have some reservations about programs and hope that they may be cleared up in conference.

It should be noted that the administration had little difficulty in securing $100 million for ammunition for Cambodia. I am convinced that these funds are adequate for the present time and can be used until the next Congress takes up the consideration of a new authorization and appropriations bill.

Mr. BROOMFIELD. Mr. Chairman, if there is ever to be peace in the Mideast, we must maintain the tenuous balance of military power that now exists between Israel and the Arab coalition. The $500 million in aid to Israel which this bill appropriates is essential to the continuation of that balance of power.

There can be no military resolution of this conflict; our only hope is for a political settlement of the territorial dispute, agreed upon in negotiations between both parties. I can assure you, Mr. Speaker, that the Arab nations will be quite willing to seek a diplomatic solution if they realize that they will never be able to wipe out our ally in a single attack. We must insure that Israel is supplied with weapons to defend herself and that her enemy is fully aware of that capability. Only then will the Jarring talks have a chance of succeeding.

We cannot allow outside parties—whether the U.N. or the Big Four—to impose a settlement on Israel nor can we expect her to negotiate from a position of weakness. In the face of constant Arab violations of the cease-fire, in the face of the unending influx of Russian arms to Egypt, the Israelis must not be abandoned. The financial aid we give her will allow her to return to the negotiations with renewed confidence. And it will warn the Soviets that they will not be permitted to determine the future course of events in the Mideast area.

The Arabs have proven as unpredictable as they have been irresponsible. One thing is sure, however: no Arab nation is going to risk another 6-day war with Israel unless it has a commanding superiority in arms. We can deny them that superiority with the assistance of this measure. In so doing, we will be taking a long step toward eventual peace in the Mideast and we will be guaranteeing the security of our most democratic, most stalwart ally—the State of Israel.

Mr. HALPERN. Mr. Chairman, I rise in support of the supplemental appropriations bill before us today, because it represents a major bulwark in the survival of a nation.

As we all know, the Middle East is currently experiencing what can be termed, at best, a most uncertain cease-fire period. It is uncertain because Nasser's untimely death has resulted in a power vacuum in Egypt—a power vacuum which, we can be sure, the Soviet Union is using with consumate skill to their own advantage. We hear almost daily reports of a hardening of the Egyptian negotiating positions.

At the same time, I think we can fairly assume that the Arab nations are working feverishly to strengthen their military posture during this cease-fire period. And we can also be certain that the Communist bloc is the major supplier of military arms which are upsetting this balance.

Thus, while we are not in the midst of a "hot war" in the Middle East—and I am sure we all would want to avoid this eventually—we are facing an unsettling and uncertain cease-fire. I wish to compliment my colleagues on the Appropriations Committee for their foresight in meeting the President's request for the full budget estimate of $500 million for credit sales to Israel.

This credit, which will permit the Israelis to obtain whatever vitally needed supplies or training deemed necessary by them, is extremely important, as President Nixon pointed out in his message to the Congress, to help prevent a shift in the military balance of the Middle East. Such a shift would undermine the chances of any peace negotiations there, and a failure to reach a peaceful accord in the Middle East could embroil the entire world in armed conflict.

The Middle East, sacred to three major religions, also has great political significance. Historically, the Middle East has been a frontier, a buffer between great powers, at the intersection of three continents—Europe, Asia, and Africa. As such, nations have fought to control this land: Egypt and Mesopotamia, Greece and Persia, Rome and Parthia, Britain and the Ottoman Turks. Today, the Soviet Union continues on a road first trodden by its czarist predecessors of extending Russian influence into this vital area.

We can view Israel in the coldest terms of power politics or in the deepest terms of human significance. Either way, Israel is of vital significance to the world and to the United States.

Should Soviet adventurism triumph in the Middle East, should Israel be destroyed, and should aggressive communism be allied with the most aggressive forces in the Arab world, the balance of world power would be upset. Western Europe would be outflanked, and Africa would be threatened with a new colonialism.

Such radical upsetting of world balance poses the threat of major war which the human race in the nuclear age cannot endure. It is, therefore, a matter of the most urgent national interest to the United States that the independence of Israel be maintained.

There are some who argue that the American posture of neutrality would be destroyed if we granted this $500 million credit to Israel. I say, where our own safety is concerned, we must take such a chance. It is obvious to all that the Soviet Union is putting much more than this amount into Egypt and the other Arab nations. I note in the news this week that the Soviet Union has again increased its military appropriation, and we can be sure that a large portion of the increase is going right into the Middle East to upset the military balance there and to jeopardize any chance of peaceful negotiations.

Before I close, I would like to caution my colleagues that the price of stability in the Middle East may be considerably more than $500 million we are today considering. This amount has been estimated by the administration on the basis of the current situation in the Middle East. That situation is relatively peaceful. The ever-antagonistic terrorist organizations have not been as active in recent weeks, and the period has been marked more by diplomatic maneuvering than by military movements. However, this situation could change overnight. A terrorist strike, a retaliation, and a roused citizenry could again throw the Middle East into a very hot conflict. You can be sure that the Soviet Union will not abide by another short war with Israel the victor. You can be sure that Soviet planes, missiles, bombs, pilots, and technicians will be inundating the Arab nations. At that time, my friends, we may have to reconsider our commitment. The price of stability in the world scene does not come cheap.

As a stopgap measure and as an amount of credit indicative of the present situation in the Middle East, I, therefore, support this supplemental appropriation and I urge my colleagues to join me.

Mr. MAHON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

INDEMNITY PAYMENTS TO DAIRY FARMERS

For an additional amount for "Indemnity Payments to Dairy Farmers", in accordance with subsections (a) and (b) of section 204 of the Agriculture Act of 1970, which qualifies processors for indemnity payments under certain conditions, $300,000.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, the ef- an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 2, strike lines 1 through 10.

Mr. FINDLEY. Mr. Chairman, I offer fect of this amendment would be to strike chapter I, which would remove the provision of an advance fund of $300,000 for indemnity payments.

I think this is a very important moment in the unfolding of the history of indemnity payments at the Federal level. This is likely to become a giant field. We have authorized indemnity payments for dairy producers, for beekeepers, and pressing claims are now before the Government on the part of cyclamates manufacturers. The only way that I see we can possibly hold the line and keep it within reason is if the Committee on Appropriations operates under policies that very carefully screen every claim and require that every claim be established before the money is appropriated for that claim. If instead of that we lay out a sum of money and say, "Well, here it is, here is the money for these indemnity payments," then we are going to have a flood of applicants and we are going to have trouble spelled out in capital letters.

The administration did not ask for this sum of money. No hearings were held to establish the need for $300,000 for that purpose. The claims that have been filed up to this date fall far short of the sum provided here. I can think of no valid reason at this juncture dealing with a supplemental appropriation bill in the closing days of the calendar year, with the certainty that the Committee on Appropriations will be very soon coming out with another appropriation bill for agriculture, for us to provide this money and set this sum as an invitation to claimants.

I understand there was opposition within the committee on this point.

Mr. DEL CLAWSON. Will the gentleman yield to me?

Mr. FINDLEY. I am glad to yield to the gentleman from California.

Mr. DEL CLAWSON. I wish to say to the gentleman that this was not adopted on a unanimous vote, even though it was taken by a voice vote. There are some who feel that this does open up a wide field for claims against the Government. I think that it should be done on an ad hoc basis when the claim is made. Then the appropriation can be made and set up for that claim. I am happy to share the gentleman's opinion on this.

Mr. FINDLEY. I thank the gentleman very much.

I do not deny that there are valid claims for indemnity payments under dairy and bees and in many other fields, but let each claim be established and then money appropriated instead of laying out a sum of money first and thus inviting the public to rush in to get some.

Mr. Chairman, I urge support for my amendment.

Mr. THOMSON of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment which has been offered by the gentleman from Illinois. I would think the gentleman would want to be more considerate of the hard-pressed people in rural America. They are not clamoring to get their hands in the public Treasury. They only want some recompense for injury that occurs to them through pesticides which are approved by the Federal Government itself. When the Federal Government approves a pesticide and by the action of the wind or some other factor outside of the control of the dairy farmer's, contaminating their product, they think that the Government should compensate them for the loss that they sustained.

Mr. Chairman, I have a small cheese factory in my district. There were certain pesticides that got into the milk of one of the farmers. Before the dairy operator discovered it, he had lost nearly $200,000 worth of cheese because the cheese was contaminated by this pesticide and was not discovered until the cheese was ready to go on the market.

Mr. Chairman, in this case the dairy farmer received the sum of $16,000 for the milk he lost but the processor who was absolutely blameless is losing almost $200,000 worth of valuable product.

Now, he made application for indemnity but, of course, he was not covered. This was one of the cases that induced the Congress to authorize the payment of indemnities to processors as well as to the producers.

Mr. Chairman, if the gentleman from Illinois (Mr. FINDLEY) does not think that is a good thing to do, he should have opposed it when the Congress acted on that bill.

Mr. Chairman, I do not believe that the dairy farmers or the dairy processors or the beekeepers or the honey salesmen are going to raid the Treasury of this Government. I have confidence that the claims they present will be carefully inspected, fully audited, and that the information upon which a claim is based is entirely justified before any money goes out of the Treasury.

Mr. Chairman, I commend the committee for putting this into the bill and making possible the prompt payment of these claims as they are presented, because if anyone needs their money promptly, it is a farmer or dairy processor or beekeeper. I do not want them to have to wait for the money out of the Federal Treasury.

Mr. Chairman, I hope this amendment will be soundly defeated.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I commend the gentleman for his eloquent statement in opposition to this amendment. I think it would be a serious mistake if we were to impose upon either the producer or the processor a time period in which to get an indemnity payment to which he is entitled.

Mr. Chairman, I salute the gentleman from Wisconsin (Mr. THOMSON) for his leadership on the authorization legislation as well as his support for the Appropriation Act.

Mr. THOMSON of Wisconsin. I thank the gentleman for his contribution.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. Mr. Chairman, I would like to join with the gentleman from Wisconsin in his remarks and I would like to point out one additional thing that might have escaped the attention of the Members of the House and that is this: Money is not going to be disbursed helter skelter. It is not, of course, going to be paid unless there is a legitimate and adjudicated claim. Defeat of this amendment will represent good faith with and a service to these farmers and processors in the fact that the money will be immediately available, when this bill is enacted.

Mr. Chairman, I urge the defeat of the amendment which, if passed, would add insult to the injury our hard-pressed farmers and processors are suffering.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think it is important to keep in mind exactly what we are doing by this committee action.

The facts are very simple. The agriculture bill which we passed just a few weeks ago in this House continued an old tradition which has been in the law since 1964 which provides indemnity payments to farmers who are required by the Government to dump their milk because of residues of pesticides contained therein. That bill extended that program for this year to dairy manufacturers as well.

I think the justification for that has been amply taken care of in the preparation of the original bill, and I think it is easy to understand that if this kind of program should be in existence at all for farmers, it certainly ought to be in existence for dairy manufacturers, because they through no fault of their own can suffer damages of hundreds of thousands of dollars if just one milk producer happens to ship to a dairy plant and that dairy plant winds up contaminating its whole milk supply. And that has happened in at least two instances, as the gentleman from Wisconsin (Mr. THOMSON) has indicated.

I think I have made it clear here in the year and a half that I have been here, that I do not think much of a good many hard pesticides. I have in fact offered legislation to ban the use of DDT. It seems to me, however, that as long as this Government does not outlaw that kind of compound, it has an obligation to protect innocent individuals who become the victims of the use of that kind of compound. That is what this provision provides.

It seems to me that the gentleman from Wisconsin (Mr. THOMSON) has spelled out very clearly what the reasoning was for the passige of the original bill, and while the gentleman from Illinois (Mr. FINDLEY) might have a case, the point is I believe that the gentleman would have been much, much wiser to address himself to that point at the time of the original authorization bill rather than bring it up at this time. Once we have committed ourselves to this kind of compensation program I think we have the obligation to fund it.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I would like to point out to the gentleman from Wisconsin that chapter 12 of this same supplemental bill provides $41 million to satisfy claims or judgments of various sorts from various agencies. That is where this indemnity item ought to be handled.

Mr. OBEY. I might say to the gentleman from Illinois that that is not what was done in the original agricultural authorization bill. The fact is that we do not do it that way for dairy farmers, and there is no reason to treat dairy producers any differently than we treat dairy manufacturers.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in view of the statements that have been made, I think it well, as chairman of the Appropriations Subcommittee on Agriculture, to try to clear up some of the facts that may exist in this case, which I do not believe have been made clear.

Let us keep it in mind that I do not agree with many of the things, and neither do many members of our committee, about the necessity for any of these condemnations, simply because our ultra-sensitive detection equipment which can locate a trace, but be that as it may, condemnations have been made.

Keep in mind that for years Congress has provided funds in each annual appropriation bill to pay dairy farmers for milk or dairy products that may be confiscated when properly shown it was not the producer's fault. So we have had that system. It has been the practice, the law, and it has been determined by Congress as an essential program. Subsequent to the time the executive department sent this year's appropriations bill down to us for appropriations for the Department of Agriculture for this fiscal year, subsequent to that the Congress changed the law, and gave the processors the same rights that dairy producers had, but the language in the appropriation bill, which we just got through this House finally some time this week, the language was not broad enough to make existing funds available to cover processors which have been included by the Congress. So we were left where we were in the situation of treating dairy producers one way, but the dairy processors who had been added to those eligible for the same type of claims, were left without any means of obtaining payment even when they had established their right to such payment.

So I say that since we have treated the dairy producers in this way that now that we have added qualified processors, such processors are entitled to the same treatment as the dairy producers have had all the time.

I might say that for some 7 or 8 years we have carried funds in our appropriation bills to pay legitimate, proven, adjudicated claims of dairy farmers, and we have not paid out very much money, and I think that the same thing will hold true here because the processor as the producer will have to prove the confiscation was without fault on his part.

So I say if Congress is going to broaden the field on those eligible it depends on us as a Congress to broaden the availability of money in the bill to take care of the larger group.

Now, I would say that when the time comes we should include bees.

Under the law, if beekeepers can prove that they meet the requirements of the statute, then those who lose their bees will be entitled to pay, and will get it by action of the Congress.

Again I say it is not here, because we have had no programs heretofore. And in this case we are broadening a program to meet the broadening definition of who may make a legitimate claim. Both will be treated alike in the long run.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CREDIT SALES TO ISRAEL

For expenses, not otherwise provided for, necessary to enable the President to finance sales of defense articles and defense services to Israel, as authorized by law, $500,000,000.

Mr. GROSS. Mr. Chairman, I move to strike out the appropriate number of words.

Mr. Chairman, I wonder if we could have some assurance, if it is within the realm of possibility, from someone handling this bill, since these are credit sales, that the money will ever be repaid?

Is it the conviction of members of the Appropriations Committee that this $500 million will ever be paid back to the United States?

Mr. PASSMAN. The gentleman is referring to the $500 million for military credit sales to Israel?

Mr. GROSS. Yes. I am referring to the $500 million for the purchase of jet military planes for Israel. I am wondering whether, in extending this line of credit of a half billion dollars, we are going to recover this huge outlay of the American taxpayers' money.

Mr. PASSMAN. Mr. Chairman, will the distinguished gentleman yield?

Mr. GROSS. Yes, of course; I yield.

Mr. PASSMAN. Israel has a very excellent repayment record on its loans and we believe these loans will be promptly repaid. I might just state for the record that the first $150 million of these credit sales are repayable in 10 years at the going rate of interest and the remaining $350 million of credit sales have a 5-year grace period, then they are repayable in 20 years at 3-percent interest.

Mr. GROSS. Then the gentleman does think that the money will be repaid?

Mr. PASSMAN. Yes, I believe it will be repaid.

Mr. GROSS. With interest?

Mr. PASSMAN. Certainly.

Mr. GROSS. Of course, that will not be true with the other two items to follow—military assistance and economic assistance to other countries.

Mr. PASSMAN. No, that is grant aid under the military and economic assistance programs.

Mr. GROSS. Those who vote for this bill must accept the fact of life that this foreign handout will be gone where the woodbine twineth and the whangdoodle whangeth. We will never recapture it.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. I am sure the gentleman well knows that the Foreign Affairs Committee bill yesterday provided $195 million for the supporting assistance program. This committee found that it could reduce it by $45 million. So the bill contains only $150 million of the $195 million authorized yesterday.

Mr. GROSS. That would have been my next remark, to commend the committee for the cuts that have been made, and also to point out that apparently the foreign giveaway program has been overfunded so that the committee could cut, with the approval of the foreign giveaway outfit downtown, could cut those funds by the millions of dollars that it did cut.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. We never attempt to make cuts until the gentleman's distinguished committee has had the opportunity to do so. When they do not take the opportunity, we feel we are rendering a service when we find places to make reductions. I thank the gentleman for commending the committee for making this reduction.

Mr. GROSS. I only wish I could commend the committee on which I serve for making sizable cuts in the foreign giveaway program.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to support the provisions of this bill which provide for $500,000,000 for military credit sales to Israel. This appropriation is necessary and critical to insure a security balance in the Middle East.

During the course of discussion on this bill, reference has been made to those who are critical of support to extend the conflict in Southeast Asia while increasing our own involvement in the Middle East by urging support for the State of Israel.

There is something different in the aid which this bill provides from the American people to the State of Israel.

First of all, when we support Israel, we are supporting a free people, a sister democracy which clearly insures the dignity of its citizens in a free, political process.

Second, we are supporting a government which has the support of its own people.

Third, we are supporting a government which has fully utilized its own resources in defending and protecting its own integrity. It needs our help to provide materiel and items of self-defense it cannot presently produce.

Finally, we are supporting a government and a people who express gratitude for what we do. We are helping an ally who shares our own best hopes for freedom and seeks to insure the dignity of the individual man in society.

If our aid and our alliances to other nations would meet these tests, the foreign policy of the United States would be firmly established on moral considerations which would have the vigorous and constant support of all of our citizens and be better understood by our neighbors in the world community.

Mr. CONTE. Mr. Chairman, as a member of the Subcommittee on Foreign Operations for 12 years, I have consistently supported needed foreign assistance programs that are designed to promote peace in our increasingly unstable world.

President Nixon is aware of this need for a responsible program. In his message to Congress last month, he stressed that:

> Economic and military assistance to free nations willing to defend themselves is central to our new conception of American leadership for the 1970's and is crucial to America's hope of working with other nations to bring about the preconditions for peace in the world.

The President has rightfully recognized that the United States cannot be the policeman of the world. It cannot continue to carry the main burden for the defense or economic progress of all our allies throughout the globe.

As they become increasingly ready, willing, and able to assume a greater share of the burden for their own defense, we must provide the assistance these countries need to help them along the road to total self-reliance. As we withdraw our military support, we must still continue our moral, psychological, and—when needed—our economic support.

We already have concrete manifestations of the new directions that President Nixon has charted for our foreign policy in the 1970's. Since the beginning of 1969, 68 military installations overseas have been shut down, and 44 more have been reduced in their scope of operation. In addition, present plans call for the total number of our American military men overseas to be at least 300,000 below the number that were there in January of 1969. Progress is definitely being made. We have a duty to the American people to insure that it continues to be made.

To achieve these twin goals of greater responsibility of foreign countries for their own defense and a lessened possibility that our men will have to risk their lives in future conflicts, the Appropriations Committee recommends that a total of $990 million for economic and military assistance be appropriated in the bill we are considering today. I support that recommendation.

Mr. Chairman, I will not dwell at length over every detail of the supplemental program. But I do feel that a brief overview is in order.

MILITARY ASSISTANCE

MILITARY CREDIT SALES TO ISRAEL

Five hundred million dollars is requested for military credit sales to Israel. This aid is vital for this beleaguered nation to survive.

As Secretary Laird pointed out in our hearings, Israel's economy is in a precarious situation. Her current foreign exchange reserves now stand at about $450 million. Her total trade in exports and imports approximates $4 billion a year and requires the maintenance of a reasonably high reserve level. Thus, if U.S. credits are not provided, Israel would have little or no flexibility in drawing down reserves to meet growing financial obligations—many of which are due by the end of 1970.

Our ultimate goal must be a stop of all military assistance deliveries to all potential belligerents in the area by all the nations in the world. However, we cannot ignore the fact that the Soviet Union continues to upset the military balance of power by pouring arms into the Middle East.

Our failure to provide this aid will have a drastic, even a fatal, effect upon the security and freedom of this nation. Her very survival depends upon our granting the administration's request for this aid. I may add that this request for Israel, falls far short of what is really needed and we must again appropriate additional funds in the near future.

MILITARY ASSISTANCE PROGRAM

Three hundred forty million dollars is requested for military assistance to Korea, Cambodia, Jordan, and Indonesia. This figure includes $67 million which represents restoration of military assistance funds that were cut out of the originally proposed program.

The stated goal of the administration in requesting these funds is to provide for the security of the United States with a minimum cost in American money and manpower. I applaud that goal and will continue to work for its implementation.

The task of defending Cambodia must rest with the Cambodian people themselves. I firmly believe that our aid to Cambodia must be directed toward that aim.

The administration is requesting $85 million in additional military assistance for that country. Seventy percent of these funds are earmarked for ammunition. This effort to help the Cambodians help themselves should be supported.

One hundred fifty million dollars is requested for South Korea as part of our program to aid that country's military modernization program. Our announced goal is to reduce by 20,000 the authorized level of U.S. forces while strengthening the capabilities of the South Korean forces for assuming greater responsibility for the defense of their homeland.

The benefits of such a program are two-fold.

First, it is estimated that total net savings—that is, U.S. withdrawal and deactivation savings minus incremental Korean modernization costs—will be about $450 million over a 5-year period. Second and more important, the number of American boys in Korea will be reduced significantly. In elemental human and economic terms, this program makes good sense and should be supported.

Thirty million dollars in military assistance is requested for Jordan. The efforts of King Hussein to maintain the existence of a moderate, stable government in Jordan is vital to our hopes for a peaceful settlement of the Middle East crisis. His pleas for support should be heeded. Likewise, the $5 mililon earmarked for Lebanon is vital for stability in that troubled area of the world. I would like to stress the fact that these funds are strictly for defensive, not offensive, purposes.

ECONOMIC ASSISTANCE PROGRAM

Turning to the economic assistance program, the Committee has recommended that $150 million be appropriated for supporting assistance. This is $45 million below the administration's request.

Fifteen million dollars of the reduction was earmarked for the Vietnamese land reform program.

But this program, in the committee's view, is not sufficiently related to the aims of the supplemental aid request: continued prudent troop withdrawals and success of the Vietnamization program. In addition, the Agency for International Development has indicated it can absorb a reduction in new budget authority of $30 million in light of the fact that certain deobligations could be utilized in the supporting assistance account. We believe that $45 million cut in an economically sound move that does not imperil the administration goal of continued Vietnamization and American withdrawals.

I think one aspect of the supplemental request for economic assistance to Vietnam is worth exploring for a few moments. An announced goal of this program is to support the Vietnam Government's efforts to stabilize prices and wages and to finance a level of imports adequate to reduce hoarding and commodity speculation. This is a problem that I have long been concerned about. Hopefully these new funds will help to reduce the rate of inflation and provide favorable conditions for economic development.

AID is currently acting to restrict inventory buildups by reviewing individual license applications to assure that importers maintain stocks no greater than 1-year's supply of any individual item. In addition, import licensing has been liberalized to assure an adequate level of imports and thus discourage speculation and hoarding.

To summarize and conclude, it is of utmost importance that we disengage ourselves from the military conflict in Southeast Asia as soon as possible. The supplemental appropriations we are considering we hope will help us to achieve that end. I urge that the funds be approved.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HELIUM

The Secretary is authorized to borrow from the Treasury for payment to the helium production fund pursuant to section 12(a) of the Helium Act to carry out the provisions of the Act and contractual obligations thereunder, including helium purchases, to remain available without fiscal year limitation, $50,000,000, in addition to amounts heretofore authorized to be borrowed.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: On page 8, strike out lines 9 through 16.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. VANIK. Mr. Chairman, in the course of the discussion on the helium acquisition program, I find that this program, which allocates $50 million for the purchase of helium, does not appear to have much justification except as a bonanza payout to four producers: Northern Helox. Inc., Cities Service. Helox, Inc., the National Helium Corp., and the Phillips Petroleum Co. This is no small program. According to the General Accounting Office, an estimated $486 million will be required to purchase helium surplus to our needs for the period between fiscal 1970 through 1983, when all of these contracts expire.

At the present time we have a 37-year supply of helium. Knowing how this usually works, by the time the present schedule of purchases is completed we will probably have a 300-year supply.

It is absolutely unnecessary that we act in urgency on this issue when we can carefully review the appropriation and act in the next session to halt the unnecessary accumulation of helium for which we have no use.

Mr. Chairman, I urge the adoption of the amendment.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I think the gentleman has done a public service in bringing this matter before us at this point. The House Interior Committee made an investigation into the helium problem, and essentially got no reasonable answer from the people in the industry and the people in the Interior Department as to what their program is, and particularly how it should be redirected to meet the new circumstances.

There certainly is no reason at this time to go ahead on an emergency basis. As the gentleman from Ohio properly points out, there is plenty of time in connection with this problem for us to get the facts in and act at an early date.

I support the amendment offered by the gentleman from Ohio and urge the other Members of the House to do likewise.

Mr. VANIK. Mr. Chairman, I thank the gentleman for his contribution.

I might point out the only effect of my amendment is to strike this section from the bill, so that we can consider it in due course next year and review the entire program.

Mrs. HANSEN of Washington. Mr. Chairman, I rise in opposition to the amendment.

I have listened to the discussion, and I only wish the distinguished gentlemen who have participated could have listened to the discussions in our subcommittee when we held the hearings on this item. The contracts are in effect and in force until there is a cancellation or renegotiation. Until such action, we are legally obligated to pay for the helium delivered. We can pay it now or wait.

We have urged that the Department keep the feet of the various contractors to the fire to obtain the best possible terms for the people of the United States. But at the present time, I am sure that the counsel downtown, that is the GAO counsel and the rest, will agree that as of this date we have a contractual obligation to pay for helium produced under the contracts.

The subcommittee for the past 4 years has had critical hearings on this program. If the gentleman will refer to the hearings on this item, he will note we placed in the RECORD the GAO report, and the reply of the Department. We placed in the hearing all of the facts we could.

The committee has been unhappy with this program and has so stated on several occasions recently.

Mr. EDMONDSON. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, is it not a fact that every dollar that was provided in this bill for helium purposes is a contractual obligation of the United States?

Mrs. HANSEN of Washington. The gentleman is absolutely correct.

Mr. EDMONDSON. And owed by the people of the United States for the helium provided?

Mrs. HANSEN of Washington. This is money that is owed. It is a question of when we pay it. We did not pay it in July. It is still due now.

Mr. EDMONDSON. Is it not a fact that it is overdue now?

Mrs. HANSEN of Washington. It is overdue and it is drawing interest.

Mr. HOSMER. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, the gentlewoman said earlier hearings were held in order to put some people's feet to the fire and reduce the amount. To pay it now will take their feet from the fire, and if payment is made they will not renegotiate. They can well wait for their money. I would urge that the pressures be kept on and their feet be kept to the fire, and this amendment be adopted.

Mrs. HANSEN of Washington. May I say to the distinguished gentleman, the interest charges will continue to accrue. That is what it is all about.

Mr. HOSMER. If the gentlewoman will yield further, the interest we have to pay out on this sum will be at a lesser rate than the interest we would have to pay.

Mrs. HANSEN of Washington. There is quite a bit of interest.

Mr. BELCHER. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Oklahoma.

Mr. BELCHER. These contracts were entered into in good faith between the Government and these four companies.

Mrs. HANSEN of Washington. That is right.

Mr. BELCHER. I will not defend what the contracts should have been, but the money has been owed for at least 18 months. There has been no settlement made to any one of these four companies in the past 18 months.

Mrs. HANSEN of Washington. That is essentially correct.

Mr. BELCHER. The Federal Government is now negotiating on future contracts. They can do whatever they want about the future contracts. These two gentlemen are opposing the payment of a just debt by the Federal Government, when they should look to the renegotiation of future contracts. Payment of this $50 million is a just debt of the U.S. Government, I do not believe it is any smarter for the Government to beat on companies than it is for an individual.

Mr. SEBELIUS. Mr. Chairman, I rise in opposition to the amendment.

I should like to point out two things which I believe have not been brought forward.

We are all talking about the fact that Uncle Sam owes for this and has to pay for it. The subject of helium and natural gas is one about which it can be said, when it is gone it is all gone. It reminds me of the old admonition:

> This is my story, alas and alack; when you have squeezed out all the toothpaste you can't put it back.

We have a growing problem which cannot be ignored. When the helium is gone it will be all gone.

The Stanford Research Center conducted a survey for the Helium Conservation Society that projected a significant increase in helium utilization in the future due to space, defense, and undersea exploration.

I should like to point this out, because it is very important to keep that in mind, as well as the fact that the money is owed and should be paid.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from California.

Mr. HOSMER. I thank the gentleman for yielding.

I wish to point out that the Stanford study which was made was carefully examined. It was determined under examination in the Committee on Interior and Insular Affairs that the Stanford study was full of errors about the helium supply and the helium requirements. It was sent back to them to be corrected and brought up to date and made accurate. So far as I know it has never been returned, so we are in suspense here and should stay in suspense.

Mr. SEBELIUS. My main point is we get it from natural gas. Natural gas is being depleted at a very fast rate. I certainly would not want the United States to come up short in this commodity.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I am glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The gentleman from California just commented on the Stanford study. He is correct in his statement that some inaccuracies were found in it, but I have never heard any authority on the subject of helium contend that we do not have a very limited supply of it or that it is not a very precious commodity which should be preserved to the limit of our ability to preserve it.

As the gentleman from Oklahoma (Mr. BELCHER) indicated a moment ago, there have been some differences of opinion about whether or not the contracts for the preservation of this helium should be renegotiated, but I have heard no debate about the question, by any authority, as to whether or not it is in the national interest of the Government to preserve these precious supplies.

Mr. SEBELIUS. I thank the gentleman from Oklahoma.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Oklahoma.

Mr. BELCHER. While the gentleman from California said there were a lot of errors in the report, perhaps there were, but there are no errors as to the amount of money the Govenment owes to these four companies.

Why on earth should we delay paying a just debt of the United States just because we want to get back at some of the bureaucrats in the Interior Department? I do not know.

Mr. HECHLER of West Virginia. Mr. Chairman, I rise in support of the amendment. The so-called helium conservation program has been a gigantic giveaway which has enriched a few producers in one section of the country, and I think it is about time we put a stop to this nonsense of buying something we neither need nor can get rid of.

Mr. Chairman, with reference to the remark of the gentleman from Oklahoma concerning bureaucrats in the Interior Department, I would like to point out that it is fortunate we have outspoken officials in charge of this program. Look at page 81 of the printed hearings. Look at the testimony of Harold W. Lipper, who is the chief of the division of helium in the Department of the Interior. Mr. Lipper indicated specifically "these contracts have been favorable contracts for the companies," and he added that "there are some one-sided features there which favor the companies." These were favorable contracts for the companies and not for the taxpayers and not for the Government.

Furthermore, the committee report very clearly indicates that we have a 37-year supply of helium. I could hardly see how we could be short of this precious commodity if we have a 37-year supply and 27 billion cubic feet in reserve.

Mr. Chairman, I would certainly urge that this amendment be adopted.

Mr. VANIK. Mr. Chairman, will the gentleman from West Virginia yield?

Mr. HECHLER of West Virginia. I gladly yield to the gentleman from Ohio.

Mr. VANIK. I would like to point out that I certainly agree that we have an obligation to pay on any contract that is a lawful debt of the United States. I did not suggest otherwise. The only issue before us right now is whether this matter is of such dire importance that it should be considered in the supplemental appropriation bill. Why not consider this next year when we can review the entire program and perhaps effect savings that will be many times greater than any cost to the Government in paying interest because we defer this payment until next year?

Wisdom and good sense would indicate that this issue can certainly be put over until we consider appropriations next year, giving us a chance to carefully review the program.

I think the Government bureaucracy is less likely to work out a solution if this Congress simply appropriates $50 million more to spend for helium that we do not need. It seems to me good business sense, and prudent in every respect if we put this issue over until next year when we can carefully review the continuation of the helium acquisition program.

Mr. HECHLER of West Virginia. Mr. Chairman, I realize that helium is used and will be used in the space program, and also by the Defense Department. But even the wildest stretch of imagination could not contemplate the use of as much helium as is now being bought and stored. It is a misnomer to call this a "conservation" program, when in fact we are wasting precious money which belongs to the taxpayer to buy up and store what we really don't need. I commend the gentlewoman from Washington for the questions she has raised about this program, and the progress her committee has made in bringing the facts to light. But I feel that this mess has been so compounded by continuing to buy, buy, buy helium we don't need that maybe the most forceful way to put a stop to this wasteful practice is to adopt the amendment of the gentleman from Ohio.

Mrs. HANSEN of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, may I say to the distinguished gentleman from Ohio that this appropriation does not involve the question of what we are going to do about a future program. This is for helium which has been delivered. We are simply paying a debt.

The Interior and related agencies appropriation bill was presented earlier this year. We did not fund the helium program at that time but decided to bring it before the House at the time the supplemental was considered. The reason was that we were trying to give the Department of the Interior a chance to conduct negotiations on these contracts. We were trying in the interests of this Government and its taxpayers to do a better job for them.

Interest is accruing on these unpaid amounts. I refer you to page 81 of the hearings on this bill. This interest is accruing on purchases under three contracts. I will simply read this from the hearings, if I may:

> Mrs. HANSEN. $1,755,000 is listed in your justification as interest cost. Give us the details on this, please.
>
> Mr. LIPPER. That would be the interest on these unpaid bills, on the bills to the contractors. Three of the contractors have provisions in them that after a stipulated number of days, if the bills are not paid, they do draw interest at the prime rate.

A summary of delivered helium and accrued interest charges follow:

Bureau of Mines, helium program

	Thousands
Fiscal year 1970 unpaid bills	$32, 873
Interest to contractors for fiscal year 1970	418
Total owed for fiscal year 1970	33, 291
Obligation for deliveries July to November 1970	16, 534
Additional interest to November 30, 1970, on fiscal year 1970 and fiscal year 1971 deliveries	855
Total to date fiscal year 1971	17, 389

The contract with Northern Helex has no provision for interest payments. The contracts with National Helium Corporation, Cities Service Helox, Inc., and Phillips Petroleum Company provide that past due payments to contractors shall bear interest at a rate of interest equal to the New York bank prime rate.

Mr. EDMONDSON. Mr. Chairman, would the distinguished gentlewoman from Washington yield to me at this point?

Mrs. HANSEN of Washington. I am happy to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The point that needs to be made crystal clear about this, if I understand it correctly, is that the negotiations that are going forward are not negotiations about what is owed.

Mrs. HANSEN of Washington. The gentleman is correct.

Mr. EDMONDSON. That is a separate matter. It is a matter on which interest is now being accumulated; is that not correct?

Mrs. HANSEN of Washington. That is completely correct.

Mr. EDMONDSON. And the only thing now being negotiated is the future terms for delivery in the future; is that correct?

Mrs. HANSEN of Washington. That is right; for the remaining years of the contract.

Mr. EDMONDSON. The gentleman from Ohio advances the unique argument that if we do not pay them what we owe them, they will be easier to negotiate with. I have never heard an argument like that as being a valid reason for enhancing one's position in negotiations. Refusing to pay a creditor what is clearly owed to him would be unconscionable for an individual and it should be equally unacceptable for government.

Mrs. HANSEN of Washington. I think this debt is owed and it ought to be paid.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it seems to me that when we have a legitimate claim against the Government of the United States, it is our responsibility to pay it.

Now, today, we have already appropriated money in this bill for claims that may be made in the future. If we are going to start paying bills that have yet to be presented, then the House should certainly pay the legitimate obligation that is now before it. Mr. Chairman, it should be pointed out that in chapter XII of this bill we are going to appropriate $41,747,738 to pay other claims against the Government. This obligation is just as legitimate.

I also wish to point out that this particular payment we are making today will reduce some of the interest on this obligation which we are now required to pay.

It seems to me that when we owe a sum of money and must pay interest on it, we ought to make the payment and at least reduce our obligation.

Mr. Chairman, the distinguished gentleman from Alabama (Mr. ANDREWS), I believe, only yesterday pointed out that the interest this Government is now paying is costing us almost $40,000 every minute—just interest.

Mr. Chairman, this is an opportunity to pay a legitimate obligation and reduce some interest payments. It seems to me that this is in the best interests of fiscal responsibility. We have a legitimate claim before us where the Government owes money, and if we believe in the integrity of our Government, we ought to pay it.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to this amendment. The only way to liquidate a valid debt is to pay it.

This is not a matter of a claim as such. This involves contracts that the Government has made with the companies who were induced to go into this business and they have delivered the helium, or are in the process of doing so.

Of course, we have to pay them what is properly due them.

Mr. Chairman, somebody said that these contracts were favorable to the companies. Well, a good contract is somewhat favorable to both the parties. But it was a contract that this Government made and it was made with private industry, and to welch on it would seem to me to be indefensible.

So I would suggest that we settle the contractural obligation. And I would suggest that we not lose sight of the fact that helium is one of the very important substances on earth.

Somebody has said we have enough helium for a certain number of years. Who knows the future and, in the world of rapidly moving technology, what the requirements may be?

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I want to correct one misapprehension. Back in the days of zeppelins and dirigibles helium was a very, very precious substance. Those days are gone. Helium users are few, although some of the uses are connected with space. But today it is different also in another respect. Formerly, in the days of zeppelins, you had to depend upon the natural supply of helium being discovered, and brought forth from the earth in order to use it. Today it is too expensive to do that. We do not drill for helium, it is extracted from the users of natural gases that are coming up that are developing within the utility industry. And also with the advent of the liquid natural gas industry, and the increase of cryogenics in that industry, the cost of extracting helium has gone down and down, so that it is practically nothing now.

So any argument that is based on shortage or based on preciousness or nonavailability of this particular substance is simply no argument that should sway this House.

Mr. MAHON. Mr. Chairman, I renew my request that we provide the funds, that we pay this contractural obligation, and stop the interest on the payment which must be made in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The question was taken; and on a division (demanded by Mr. VANIK) there were—ayes 16, noes 59.

So the amendment was rejected.

The Clerk read as follows:

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $500,000.

AMENDMENT OFFERED BY MR. MEEDS

Mr. MEEDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEDS: Page 11, after line 9, insert the following:

"DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"OFFICE OF EDUCATION

"DRUG ABUSE EDUCATION ACTIVITIES

"For drug abuse education activities under section 3 of the Drug Abuse Education Act of 1970 (Public Law 91–527), $3,000,000; and for community education activities under section 4 of such Act, $3,000,000."

Mr. MEEDS. Mr. Chairman, I would like to begin by apologizing to the Committee on Appropriations for bringing up this amendment at the last minute and not having had an opportunity to discuss it with them.

I do not like to do it this way, but, unfortunately, I did not know this bill was coming to the floor today and, indeed, I could not even get a copy of the committee print until we contacted legislative counsel today. So, had I been able to do this, I would have discussed this matter with the committee much earlier and certainly it would not have been any surprise.

Mr. Chairman, the amendment I am proposing proposes to add $3 million for drug abuse education programs and $3 million for community-based educational programs under section 3 and section 4 of the Drug Abuse Education Act of 1970, which passed this House by a vote of 294 to 0 and which passed the other body by a vote of 79 to 0.

I am not asking for the full appropriation of those funds that are authorized under section 3 and section 4. Section 3 actually authorizes $5 million and section 4 actually authorizes $5 million.

We realize that part of the year is past, but we simply must get going with these educational programs in drug abuse if we are going to get at this problem.

Under section 3 of this act, $3 million is authorized and under this amendment would be appropriated for the development of curriculums, the administration of projects developed under that funding of worthwhile projects which are in existence presently, and the dissemination of that information down to the local school districts that want to be helped with validated curriculums and programs.

Another section of it would provide what I think is really the touchstone here, and that is teacher training.

We have to have drug abuse programs and we have to have well educated educators to teach this subject.

I know that we are presently providing a very minimal sum for drug abuse education. But, unfortunately, Mr. Chairman, most of these programs are TV spots and they are little pamphlets or they are one-half hour programs dealing with the danger of drugs. And I am not knocking those things. They are very valuable. But if we think we are going to get at the problems of educating children with TV spots and 5-minute commercials or little pamphlets, we make a very sad, sad mistake—because we are not.

We simply have to get inside of the classroom with validated curricula and with programs and teachers who are capable of teaching about drug abuse. And we have to start at a very low grade. We have to start in the fourth and fifth grades and develop curriculums which will follow the situation all the way into high school.

In effect, Mr. Chairman, we have to start a dialog with young people rather than a monolog. A TV commercial speaks to them, but they cannot speak back and ask questions. They cannot talk to a TV commercial like they can talk to a good teacher.

We need this program which will develop educational programs in the schools. NIMH is doing some very good things in drug abuse research and in educating experts, but we simply have got to get away from educating experts and get down to the kids. We have to start teaching young people about what is happening in the drug field. We have to reestablish our credibility with them, and only through adequate programs are we going to do this.

I know that this is a serious problem in our Nation. I know we are asking for this money in a supplemental appropriation. But, Mr. Chairman, I think there is a great deal of emergency about this problem. Probably in the time it is taking me to say what I have today, many young people have become hooked on hard drugs. I think this is one of the problems besetting America which simply has to be undertaken in the field of education and there, cooperating with law enforcement, cooperating with rehabilitation and treatment, we can make some giant strides.

In all the hearings before our committee the evidence was clear that the most fertile field in which we ought to be plowing today is the field of education, that a dollar spent in the field of drug abuse education will return manifold what it will in law enforcement and what it will in rehabilitation. I am for those programs, too, but we simply must get about educating young people in our schools on the dangers of drugs, and here is how we can do it.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. FLOOD. Mr. Chairman, I asked the gentleman from Washington not to offer his amendment. The amendment will be defeated. He knows that I am as friendly to this program as is he, and longer, and I am in a much better position to do something about it.

Earlier today the gentleman from New York (Mr. KOCH) came to me with a similar amendment. I pointed out to him what day this was in December, that this was a supplemental appropriation bill, and I urged that he not present this because he knows that I favor this program.

We will go to conference on this bill, and after this amendment has been defeated in the House, I must speak for the House, and I want to assure the gentleman from Washington I shall, period.

This amendment is ill advised. We are familiar with the narcotics problem. HEW will spend over $55 million on narcotic addiction and drug abuse activities in fiscal year 1971. The Office of Economic Opportunity is very active in this field. So is the Department of Justice.

Our subcommittee has heard a great deal of testimony about this evil. This is not the time, not the place, not the hour, and not the amendment. Mere dollars will not solve this problem. The gentleman from New York had the good judgment to inquire, and I spoke at length in answering him, and I propose to insert in the RECORD, for his benefit and for the benefit of the gentleman from Washington, a table showing what HEW is doing about this problem at the present time.

Let me assure you that when we start hearings next year, as I invited the gentleman from New York and his mayor, I also invite the gentleman from Washington to appear. This must be done properly.

I am no amateur at playing to the galleries, and I suggest the defeat of the amendment.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I refuse to yield.

The CHAIRMAN. The gentleman declines to yield.

The question is on the amendment offered by the gentleman from Washington (Mr. MEEDS).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

The provisions of House Resolutions 1270 and 1276, relating to certain official allowances; House Resolution 1241, relating to compensation of the clerks to the Official Reporters of Debates; and House Resolution 1264, relating to the limitation on the number of employees who may be paid from clerk hire allowances, all of the Ninety-first Congress, shall be the permanent law with respect thereto.

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I rise to make a point of order against the language beginning on line 23 of page 12 and running through line 4 of page 13 as being legislation on an appropriation bill and not a retrenchment.

Mr. MAHON. Mr. Chairman, the gentleman's point of order would be appropriate except, of course, for the fact that we do have a rule waiving points of order against the bill.

The CHAIRMAN. The Chair is prepared to rule. Does the gentleman from Iowa care to be heard further?

Mr. GROSS. No, sir.

The CHAIRMAN. Under the resolution the House adopted, points of order against the bill are waived. The point of order is not sustained.

The Clerk will read.

The Clerk read as follows:

CAPITOL BUILDINGS

For an additional amount for "Capitol buildings", $30,000.

AMENDMENT OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. BROYHILL of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of Virginia: On page 13 after line 14 insert the following:

"ACQUISITION OF PROPERTY, CONSTRUCTION, AND EQUIPMENT, ADDITIONAL HOUSE OFFICE BUILDING

"For an amount, additional to amounts heretofore appropriated, for acquisition of property pursuant to section 1202 of Public Law 24, Eighty-fourth Congress, approved April 22, 1955, as approved by the House Office Building Commission, $1,250,000."

(By unanimous consent, Mr. BROYHILL of Virginia was allowed to proceed for an additional 5 minutes.)

Mr. BROYHILL of Virginia. Mr. Chairman, the purpose of this amendment is to provide for the appropriation of $1,250,000 for the purchase of square 764, known as the old Providence Hospital site for expansion of the Capitol buildings complex. This site is located approximately two blocks from our existing buildings and is bound by Second Street, D Street, Third Street, and E Street, Southeast.

The purchase of this property was recommended and requested by the House Office Buildings Commission. The Commission stated that the property was needed in order to carry out its necessary expansion program. The requested amount was included in the budget of the administration and was discussed in detail during the hearings by the Legislative Subcommittee.

I regret therefore that the Legislative Subcommittee rejected the request for these funds even though they provided $50,000 to study the construction of a new page school for which a site will be needed and for which undoubtedly the Providence Hospital site is to be used.

I am not offering this amendment in an effort to settle a disagreement between the Legislative Subcommittee and the House Office Buildings Commission, although the expansion of our Capitol buildings and facilities is inevitable and delay will be even more costly. The mere fact that the $50,000 was appropriated for the study of the Page school is an acknowledgement by the Legislative Subcommittee that additional land acquisition is inevitable. I also recognize the difficulty in asking the House to override a decision of the Legislative Subcommittee of the powerful Committee on Appropriations, and more particularly its most distinguished and able chairman, the gentleman from Alabama (Mr. ANDREWS). But my amendment represents an appeal to the fairness of the Congress; an appeal to correct an inequity, an act of injury, unfair treatment, and irresponsible procedures, all committed by the Congress of the United States through its agent, namely the Architect of the Capitol, against the present owners of the property I am discussing.

This unfair and injurious treatment has occurred over a period of 8 years, and would never to tolerated by the Congress if it were committed by the executive branch of our Government. Nor would such actions be permitted by law between individual citizens.

In order for my colleagues to understand how unfair and inexcusable these actions have been, I would like to briefly outline the history of this case.

The property; square 764, was purchased by the present owners in 1962. Prior to that time it had been used for over 100 years as a hospital. The owners obviously purchased it as an investment and immediately leased it to the General Services Administration to be used as offices for the Weather Bureau. However, at the insistence of the Architect of the Capitol, the District of Columbia Government instituted condemnation proceedings against the property. This harassment on the part of the architect of the Capitol resulted in the Weather Bureau and GSA vacating the buildings and the owners, at their own expense, had to demolish them. This, of course, resulted in a loss of rent as well as the expense of tearing the buildings down.

The owners did not complain about the condemnation action because they were willing to redevelop the property. So they proceeded in 1964 to attempt to obtain rezoning to permit them to construct a new building in similar proportion to the one they were required to tear down. Their zoning request was vigorously opposed by the architect of the Capitol whose position entitled him to one of the five seats on the Zoning Commission. The other four members were sympathetic to the rezoning but they always yield to the view of the architect of the Capitol on any zoning matter in the area of the Capitol buildings.

In 1965 the owners again tried to obtain necessary zoning which would permit them to redevelop this property and again the rezoning was opposed by the architect of the Capitol. Every action on the part of the owners to do anything to utilize this property was opposed by the architect of the Capitol.

I have in my hand a copy of a letter dated May 19, 1969, signed by the Architect of the Capitol and addressed to the Honorable STEPHEN M. YOUNG, a Member of the other body, which is one of many pieces of evidence of the Architect's efforts to prevent development of this property. The letter reads in part, and I quote:

> The House Office Buildings Commission has had this matter under consideration for the last five to six years. During that time the Commission has consistently opposed the re-zoning of the property due principally to the undesirable aspects of "high-rise" buildings near the Capitol and the future need of the property by the House of Representatives or as a part of the Capitol grounds. End quote.

These actions on the part of the Architect, as the agent of the Congress of the United States, have caused a stigma to be placed against the property that has made it worthless. The buildings have been torn down so bring no income; the owners could not get it zoned; the owners could not build on the property; the owners could not sell the property because no one would buy it under these conditions, therefore all they could do was pay taxes on the property and wait.

In 1968, after 6 years had passed, the owners made a plea to the House Office Buildings Commission for relief. They asked that the property either be released from the stigma or that the Commission acquire it. The owners were willing to accept either decision.

The House Office Buildings Commission then formalized its decision to acquire the property and instructed the Architect of the Capitol to notify the owners by letter of October 10, 1968, a copy of which I have in my hand. This letter is signed by the Architect and advises the owners of the decision of the House Office Buildings Commission and that he had been instructed by the Commission to request the funds for this purchase in his regular budget estimates for fiscal year 1970. In the closing sentence of his letter, he said, and I quote:

> We expect to present this request before the Appropriations Committee next spring when hearings are held on our annual budget.

The owners felt that this had finally resolved the dilemma and uncertainty, and were, therefore, fully willing to accept the decision of the Commission. The following year, however—this was the year 1969—after 7 years had passed—the Appropriations Committee rejected the request for appropriations in spite of a personal appeal by the Speaker of the House, who happens to be chairman of the House Office Buildings Commission. I repeat, this was in 1969, after 7 years had passed with no action by the Congress.

The next year, 1970, after 8 years had passed, I introduced a bill which would exclude this property from the House Office Buildings Act of 1955 in order that the stigma could be removed once and for all so the owners could proceed with their redevelopment program. This was 2 years after the House Office Buildings Commission had formally stated their intention to acquire the property. In order to expedite passage of the bill through the other body, I included it as a part of the District of Columbia Police and Firemen's Salary Act which was approved by the Committee on the District of Columbia. When the bill came to the floor, however, the language of my amendment was vigorously opposed by the Speaker of the House, who, as I stated before, is the chairman of the House Office Buildings Commission. The distinguished Speaker reaffirmed the fact that this property was needed and that the House Office Buildings Commission wanted to acquire it. Of course, the language of my amendment would have prevented it from being acquired. The distinguished Speaker was joined by the minority leader the gentleman from Michigan (Mr. GERALD R. FORD) in asking that my amendment be deleted from the bill and that the property be acquired by the Congress. The gentleman from Michigan (Mr. GERALD R. FORD) mentioned at the time that even though the legislative appropriations for the year had been passed, the funds to acquire this property could be included in the supplemental appropriations bill which we now have under consideration.

With such emphasis and persuasiveness regarding the desire of the leaders of the House to acquire the property, I had no choice other than agree that my amendment be deleted. The effect of this action, however, was a confirmation on the part of the House of Representatives that they wanted to acquire the property and wanted to prevent the owners from using the property for any other purposes. There is no other way this action can be interpreted.

As I stated earlier, these funds were requested by the Office of Budget and Management and the House Office Buildings Commission, and I appeared before the Legislative Subcommittee to explain this problem and urged the subcommittee to consider favorably the appropriations of these funds. The subcommittee, however, once again refused to appropriate the money to fulfill the commitments that had been made over a period of years.

I do not question the right of the subcommittee to deny these funds or their wisdom in doing so. I do want to point out, however, that there has been 8 years of abuse on the part of the Congress; 8 years of unfairness on the part of the Congress; 8 years of punishment on the part of the Congress; and 8 years of procrastination on the part of the Congress, and we should stop it.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Broyhill of Virginia was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL of Virginia. I think these actions for the past 8 years are a reflection on this great body and the Congress of the United States. This is America. We ought to treat these owners as citizens of the United States should be treated.

We had a debate here a few moments ago on an amendment to take $50 million out of this bill for helium. That amendment was vigorously opposed by members of the Appropriations Committee as being an obligation, a contractual obligation, on the part of the U.S. Government.

The gentleman from Ohio (Mr. Bow) referred to the fact that there was $41 million in this bill for claims against the U.S. Government. That is what I am talking about here right now, a moral obligation on the part of the Congress of the United States to these property owners.

I do not think there is any question as to whether we can afford to spend the $1,250,000 or not. I do not think there is any question as to whether you agree with the House Office Building Commission or not. We have here these people who have been held up long enough and we ought to put up the money or shut up.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Last May, in fact May 11, 1970, there was a colloquy on the floor between the gentleman from Virginia and several other gentlemen on this matter. At that time comments were made by me and by the distinguished Speaker concerning this matter.

It is perfectly obvious to me that the owners of this property are faced with a perplexing dilemma. They are precluded from getting a zoning variation or a zoning change on the one hand, and on the other hand they are not able to convince the Congress to purchase the property. So, they are faced with no solution, except the fact that they own the land and they cannot do anything with it.

It seems to me—and I have gone into this at some length with the gentleman from Virginia—that in all honesty, in all good faith, we ought to either act today and put the money in or if we refuse, we ought to cooperate and get the acquiescence of the Zoning Board for a variation or a change in the zoning. The Congress should act one way or another.

Mr. ANDREWS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

(Mr. ANDREWS of Alabama asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS of Alabama. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, no one could agree with my friend from Virginia more than I do to the effect that his friends who own that property have been mistreated. Let me tell you who they are. We list them on page 418 of the hearings, as follows:

General partners:
D. F. Antonelli, Jr.
Kingdom Gould, Jr.
Max A. Bassin
Morton W. Noble
Limited partners:
Mary T. Gould
Sylvia Noble
D. F. Antonelli, Jr.
Max A. Bassin

Mr. Chairman, I think I agree with my friend from Virginia in his statement that they have been mistreated. By whom I do not know. But years ago, maybe 10 years ago, they bought some property and I think it is about three blocks, maybe four blocks, from the Capitol complex, the old Providence Hospital. I am sure you are all familiar with the property about which we are talking. They bought it for an investment. I do not know what they planned at that time; perhaps, a high-rise apartment, but the regulations on the part of the Commission were in effect at that time and they should have known then that they could not build a high-rise apartment. They rented the property for a number of years at $65,000 a year, which is pretty good rent. Then there was vandalism in the area and it got so bad that the windows were knocked out, the doors were broken into and the tenant who happened to be the good old U.S. Government, was forced to move out.

So they are left with a vacant building. When the building was vacated the vandalism increased. I do not know whether the owners tore it down, or whether the vandals tore the building down, but it is not there today.

Now, if they have been mistreated there are plenty of places to rectify the mistreatment. And I told my friend that when he was before the committee, and I talked to his friend when he came to my office, and I assured both of them that as long as I chaired the committee there would not be a vote from me to bail them out on a bad business deal. That is what it amounts to. And I want to say to you that this is no forum to bail out bad business deals. The Court of Claims, the Buildings Commission could change those rules; I am sure that a good lawyer could get remedy somewhere other than passing the hat in this House Chamber.

When the Architect was before us I asked him a question. It is on page 416:

> Mr. Andrews. You know of no present plans to use that land for any purpose?
>
> Mr. Campioli. No, sir; we have had none indicated to us.

Now, do you want to go and buy a piece of property that is not needed, and for which there are no plans, just to help a man who made a bad business deal? If you establish this precedent here you will open the floodgates, and I guarantee to you that some bad business deals from my district will be brought down here to be rectified.

Now, they say we might need it in the future. Well, if you do you can get it, any property needed by this Congress for official purposes can be condemned anywhere on this Hill. I think you could get some better property near the Capitol property complex than the old Providence Hospital site, which is three or four blocks from the complex.

Now, listen, there is more involved than money in this amendment. You will set a precedent here if you adopt this amendment that you will live to regret because every one of you will have a constituent urging you to come down here and bail them out on a bad business deal. You had better stop, look, and listen carefully before you vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. Broyhill).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. Pepper), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 19928), making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 344, nays 21, answered "present" 1, not voting 67, as follows:

[Roll No. 400]

YEAS—344

Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Camp
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keith
Kleppe
Kluczynski
Koch
Kyl
Kyros
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lukens
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Mills
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Mcorhead
Morgan
Morse
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steele
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vanik
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wold
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—21

Ashbrook
Brown, Calif.
Brown, Mich.
Conyers
Edwards, Calif.
Gross
Haley
Hall
Hechler, W. Va.
Kastenmeier
Landgrebe
Miller, Ohio
Mosher
Olsen
Rarick
Ruppe
Schmitz
Steiger, Ariz.
Vander Jagt
Vigorito
Wylie

ANSWERED "PRESENT"—1

Denney

NOT VOTING—67

Abbitt
Abernethy
Aspinall
Blackburn
Bolling
Burton, Utah
Button
Caffery
Carey
Celler
Chisholm
Clancy
Collier
Cunningham
Daddario
Dent
Dowdy
Edwards, La.
Evans, Colo.
Fallon
Farbstein
Galifianakis
Gilbert
Gray
Hagan
Hansen, Idaho
Hays
Hébert
Hungate
Ichord
Kee
King
Kuykendall
Landrum
Langen
Long, La.
Lujan
McCarthy
McClory
McCulloch
McKneally
Mann
May
Meskill
Mize
Morton
Moss
Murphy, N.Y.
O'Konski
Pollock
Powell
Preyer, N.C.
Purcell
Reifel
Reuss
Rivers
Roberts
Roudebush
Stephens
Stokes
Waggonner
Watson
Weicker
Whitehurst
Wiggins
Wilson, Charles H.
Wolff

So, the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Collier.
Mr. Waggonner with Mr. Watson.
Mr. Hébert with Mr. Cunningham.
Mr. Dent with Mr. McClory.
Mr. Mann with Mr. Clancy.
Mr. Long of Louisiana with Mr. O'Konski.
Mr. Wolff with Mr. Button.
Mr. Charles H. Wilson with Mr. Wiggins.
Mr. Moss with Mr. Powell.
Mr. Preyer of North Carolina with Mr. Mize.
Mr. Purcell with Mr. Burton of Utah.
Mr. Rivers with Mr. Reifel.
Mr. Galifianakis with Mr. McCulloch.
Mr. Edwards of Louisiana with Mr. Blackburn.
Mr. Evans of Colorado with Mrs. May.
Mr. Reuss with Mrs. Chisholm.
Mr. Stephens with Mr. Hansen of Idaho.
Mr. Stokes with Mr. Gilbert.
Mr. Celler with Mr. McKneally.
Mr. Carey with Mr. Meskill.
Mr. Caffery with Mr. Kuykendall.
Mr. Kee with Mr. Pollock.
Mr. Murphy of New York with Mr. King.
Mr. Dowdy with Mr. Roudebush.
Mr. Fallon with Mr. Morton.
Mr. Abbitt with Mr. Whitehurst.
Mr. Abernethy with Mr. Langen.
Mr. Aspinall with Mr. Lujan.
Mr. Hungate with Mr. Weicker.
Mr. Ichord with Mr. Landrum.
Mr. Gray with Mr. Farbstein.
Mr. Hagan with Mr. Daddario.
Mr. Roberts with Mr. McCarthy.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks and include certain tables and pertinent extraneous material during consideration of H.R. 19928, and that all Members may have 5 legislative days to revise and extend their remarks and to include pertinent extraneous material and tables.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORTS ON H.R. 18515 AND H.R. 17755

Mr. MAHON. I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file conference reports on two general appropriation bills; namely, H.R. 18515 and H.R. 17755.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

INCREASE IN AUTHORIZATION FOR APPROPRIATIONS TO THE ATOMIC ENERGY COMMISSION

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 4557) to amend Public Law 91-273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 4557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(b) of Public Law 91–273 is hereby amended by adding at the end thereof:

"(9) Project 71–9, fire safety, and adequacy of operating conditions projects, various locations, $25,500,000."

SEC. 2. Section 102(a) of Public Law 91–273 is amended by striking "and" after "(3)," and by inserting ", and (9)" after "(4)".

Mr. HOLIFIELD. Mr. Speaker, I move to strike the requisite number of words.

The SPEAKER. The gentleman from California is recognized.

Mr. HOLIFIELD. Mr. Speaker, the bill S. 4557, which is identical to H.R. 19908, is a supplemental authorization bill amending Public Law 91-273, the fiscal year 1791 authorization of appropriations to the AEC. The Joint Committee on Atomic Energy has carefully considered this measure, held executive session hearings on it, and issued House Report 91-1677. It is a very short report without a great deal of specific information, because the projects involved are classified. Very briefly, this supplemental request for $25.5 million was made by the President in order to initiate promptly title I and title II design, engineering, and critical procurement relative to projects to further enhance fire protection, safety, and operating conditions of the Atomic Energy Commission nuclear weapons production and research facilities.

Following the very serious fire which occurred last year at the Rocky Flats, Colo., weapons plant, the AEC initiated dual investigations of fire protection and safety aspects of all AEC weapons production and research facilities. These investigations were conducted by the AEC and by two independent fire insurance consultants. The reports of these investigations confirmed to the President what had been realized for some time, namely, that it was time to proceed vigorously with a substantial upgrading and in some cases replacement of some of these facilities in the light of several basic factors:

First, the increasing age of a number of the facilities with the normally occurring deterioration; second, changes in production procedures and techniques; third, higher fire standards reflected in current building codes; and fourth, the availability of improved construction materials and techniques. In addition, the Rocky Flats fire experience which was carefully studied by the Joint Committee on Atomic Energy resulted in a modification of basic fire protection concepts relative to plutonium facilities. In the past, the basic philosophy had been that water should not be used as a firefighting medium because of the hazard of bringing into existence a mass of plutonium, suspended in the water, which could create a critical mass resulting in a nuclear chain reaction. However, water was used successfully at the Rocky Flats fire with special care taken to avoid any possibility of a critical accident.

In light of that experience, a significant portion of the moneys requested in this supplemental authorization bill would provide for the installation of water sprinkler systems and high-pressure firefighting water mains. In conjunction with their use, special design and construction techniques are employed to prevent the formation of concentration of plutonium in geometries which would support a chain reaction.

I should like to emphasize, and this is a point specifically ascertained by our committee during the hearings on this bill, that none of the AEC facilities to be improved with the moneys authorized by this bill are now operating in a manner which creates a hazard either for the general public or for the employees working within the facilities. The primary reason for the request of supplemental appropriations is to permit prompt initiation of the design and engineering work and procurement of high priority items which would necessarily be delayed by perhaps as much as a year if these moneys were not available until the budget for fiscal year 1972 is submitted and finally approved by the Congress. This is not a crash program, but it is one which we believe should proceed with as little delay as possible. The $25.5 million will fund the initial work on the 10 highest priority items as determined by the AEC and its private insurance consultants. The funding for the remaining items will be requested as part of the fiscal year 1972 budget in the usual manner.

I should also point out that this bill was reported without dissent by the Joint Committee. The committee recommends moving forward expeditiously to maintain our consistent assurance of maximum protection of public health and safety while continuing optimum efficiency in the operation of these AEC facilities. I urge passage of S. 4557.

Mr. HOSMER. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I wish to associate myself with the remarks of the chairman of the Joint Committee on Atomic Energy and urge passage of S. 4557. As usual he has explained the purpose of legislation reported by the committee clearly and completely. If the explanation is somewhat brief in this case, it is due to the constraints of security classification which surrounds the Nation's weapons production and research facilities.

The moneys authorized by this bill will permit the timely initiation of design and engineering work now agreed to be necessary to assure implementation of the best available safety materials and designs. Some procurement of equipment such as water sprinkler systems, is also included. In some cases, existing facilities will be improved while in others, new facilities will be constructed where such action is more economical.

We, basically, will be doing two things and accomplishing two necessary goals here. First, we will be rectifying deteriorations which have occurred by the passage of time. Second, we will be applying newly available technology in the fire preventing and safety fields of which it is very provident to take advantage.

This bill, at this juncture, will also buy time—as much as a year—in moving forward on these projects without the delay or interruption which might occur if we were to wait for the fiscal year 1972 budget to clear the administrative and legislative processes. I join my distinguished colleague from California in urging passage of S. 4557.

The SPEAKER. The question is on the third reading of the bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 19908) was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 19877, PUBLIC WORKS AUTHORIZATION BILL

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19877), authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? The Chair hears none, and appoints the following conferees: Messrs. BLATNIK, JONES of Alabama, JOHNSON of of California, DORN, CRAMER, HARSHA, and DON H. CLAUSEN.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

DECEMBER 10, 1970.

Hon. JOHN W. MCCORMACK,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am tendering my resignation as a member of the House Committee on Merchant Marine and Fisheries.

I am apprising Chairman Garmatz of this action so that you and he may make the appropriate arrangements.

I would like to take this opportunity to express my special appreciation for your kindness and consideration to me since I came to Congress. We all look forward to your continuing guidance to our work here in the Congress.

With warm good wishes, I remain,
Sincerely,
RICHARD T. HANNA.

ELECTION TO COMMITTEE

Mr. MILLS. Mr. Speaker, by direction of the Committee on Committees, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1305

Resolved, That Glenn M. Anderson, of California, be, and he is hereby, elected to the standing committee of the House of Representatives on Merchant Marine and Fisheries.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3867, THE EMPLOYMENT AND MANPOWER ACT

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 9, 1970.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The **SPEAKER**. The gentleman from Kentucky is recognized for 1 hour.

Mr. **PERKINS**. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, on November 17 the House overwhelmingly passed the Comprehensive Manpower Act. The legislation reported by the House Education and Labor Committee had strong bipartisan support.

It had the support of the administration. It had the support of labor organizations. It had the support of the business community. It had the support of educational agencies and private groups and associations concerned with training and employment opportunities.

It had my enthusiastic support and the enthusiastic support of many Members of this body because of one outstanding feature in the legislation which was new to manpower legislation. This was the concept of public service employment opportunities.

Mr. Speaker, as a participant in many sessions of the House Education and Labor Committee and in many floor debates and in many hearings on the subject of manpower over the past decade, I have always been greatly concerned that we were not dealing directly with one of the toughest of all our manpower problems. And that is that we continue to be confronted with the provision of training under a manpower program to fit a person with a skill that our job market data analysis indicates will provide that person with an employment opportunity only to find that in many job market areas at the terminal point of the training program the individual cannot be fitted into employment.

There are no employment opportunities in the area.

If the prospective employee is the head of a family with his life investment in a home or a small farm or with deep roots to the community, he will not and cannot be appropriately relocated for employment, and if he is relocated he is the most likely to become again unemployed when economic conditions in the new locality change.

In addition, employment placement problems are critical with respect to certain age groups in the manpower picture. At the terminal point of a training program those advanced in age are difficult to place in the private sector because of the reluctance and the policies of private business in hiring older workers.

There is evidence of an equal reluctance on the part of the private employer to hire the very young.

Ofttimes this caused the quality of training programs to suffer. Well-designed manpower programs with only a limited number of slots had to accommodate both the unemployed who for various reasons lacked the mobility to find employment wherever it existed in the United States and those who lacked this mobility for the reasons I have outlined previously.

In recognition of this problem the legislation which passed the House on November 17 with the broad support I have mentioned contained a new title designed to provide employment opportunities in public service employment where the unemployed through a simple retraining program could not be directed into the private sector for immediate employment.

This new provision provided our manpower programs with the flexibility to fashion manpower programs to meet more directly the specific needs of an area and the specific needs of unemployed applicants for employment and training.

This provision was applauded by manpower and education experts alike. Many educators have been concerned about strengthening the quality of the training of participants in manpower programs.

The public service employment provision, I think, guarantees that the quality of our training programs will be enhanced.

It also means that in many areas of the country where the unemployed lack mobility and where there is a shortage of job opportunities in the private sector many neglected areas of public service employment can find the manpower for community improvement—in conservation activity, in health services, in recreation programs, in welfare services, and in other governmental-type activities the unemployed can find opportunities for service and the dignity of remunerative employment.

We do not contemplate that such employment will be of the make-work variety.

Both the House-passed bill and the conference report make provision when possible for the training of persons in public service employment to increase the value of their services.

In addition, it is contemplated and in fact written into the conference report that there should be linkages between the public service employment programs, the other manpower training programs and Wagner-Peyser activities so that participants in the public service employment may move into other employment opportunities and skill upgrading in the private sector when such opportunities are or can be developed.

The conference report retains these concepts of the House-passed legislation and in my judgment strengthens them.

The public service employment and training provisions of the conference report are an essential component of a comprehensive manpower bill.

Training alone without appropriate provisions for employment opportunities for all trainees would be a meaningless gesture.

Mr. Speaker, it would be a particularly meaningless gesture in view of the uncertainties presented us by current economic conditions.

Mr. Speaker, unemployment is at the highest level it has been since May 1963. It jumped from 5.6 percent to 5.8 percent in November. There were 4,600,000 persons unemployed in November, an increase of 350,000 from the October report. Since November a year ago there are an additional 1,900,000 people looking for jobs.

I am hopeful that the administration will take new policy directions to assure the elimination of unemployment, but in view of the present unemployment picture the public employment service provisions of this legislation are an essential tool to have at hand to eliminate the hardship and suffering now confronting the families of many areas where adverse economic circumstances have created work shortages.

Mr. Speaker, the conference report that we bring back today contains all of the essential elements of the legislation which passed the House on November 17.

It contains all of the essential features that brought about agreement among majority and minority members of the committee and the administration which resulted in H.R. 19519 coming to the floor of the House on November 17.

In the conference with the Senate we were confronted with the Senate bill which differed materially from the House-passed bill.

But, despite the differences and despite the strong insistence of the Senate Members on features of the Senate legislation, I believe that we have been successful in preserving the essential character of the House bill.

At this point let me review some of the critical points in the House-passed manpower bill which the House managers were able to insist upon and retain against the strong insistence of the Senate conferees.

At the same time let me mention a few of the Senate provisions which were not in the House bill which were accepted in conference, and which I think improved the legislation and will receive the approval of my colleagues.

First, the Senate bill gave a community action agency the right of a direct appeal to the Secretary of Labor when it submitted evidence that the prime sponsor of the manpower programs in an area was not complying with provisions of the act and required the Secretary to withhold financial assistance to the sponsor pending resolution of the controversy. The conference report does not contain this provision although local government agencies are given such authority deleting all references to community action agencies.

Second, the Senate bill did not contain a provision with respect to the submission by a State of an annual statewide comprehensive manpower plan dealing with the participation of State agencies in developing and implementing the manpower plans of local prime sponsors. The conference report contains such a requirement but modifies the participation authorization to require the State plan to outline the extent to which programs funded under the Wagner-Peyser Act will coordinate with programs funded under the manpower act in areas of State prime sponsorship, the extent to which State manpower agencies are assisting in the development and implementation of local prime sponsors plans where requested and the extent of technical and other assistance to be made available by the State to the local manpower program.

Third, both the Senate bill and the House amendment provide for training and related manpower services for servicemen recently separated or who would shortly be separated from the military service. The Senate bill contained, in addition, provisions for employment counseling, placement and related services. In addition, the Senate bill contained stronger language with respect to the provisions of training and manpower services. The provisions of the Senate bill were adopted by the conferees.

Fourth, the conferees adopted provisions of the House bill with respect to the requirement that a county or a combination of units of local government serving a substantial part of a labor market area with a population of 100,000 or above could be an eligible sponsor.

Fifth, the Intergovernmental Advisory Council on Manpower provided for in the Senate bill but not in the House amendment was deleted. Under the Senate provisions the council would have had authority to advise the Secretary of Labor, the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity in the conduct of programs including assignment of manpower responsibilities among the Federal, State and local agencies, the allocation of funds, the dissemination of prime sponsors. The council would have had its own funds and staff.

Sixth, the House provisions for which there were no comparable Senate provisions requiring the Secretary to use available services and facilities of other Federal agencies calling for the utilization of all possible resources in education institutions, State, Federal and local agencies was retained.

Seventh, the conference substitute strikes the language in the bill referring to community action agencies in describing the authority of the Secretary to act upon the challenge of a prime sponsor's application by a unit of local government.

Eighth, the House bill contained a provision permitting a unit or combination of units of local general government in certain rural areas to qualify as prime sponsors without regard to the population requirement. The Senate did not have a provision of this sort. The House provision was retained.

Ninth, the Senate provision requiring a representative of family planning on local manpower councils was deleted.

Tenth, the Senate receded from its proposal for the establishment of an office of Indian manpower programs and an office of migrant and seasonal farmworkers manpower.

Eleventh, the conference adopted the House provision providing an incentive for cooperation with vocational education of additional funds up to 20 percent rather than accept the Senate add-on of only 10 percent.

Twelfth, to operate public service employment programs, the House provisions limited eligible sponsors to prime sponsors under title I and other public agencies and institutions. The Senate provision would have permitted community action agencies and other nonprofit agencies and institutions to serve as prime sponsors. The House provisions prevailed with the modification that nonprofit hospitals, nursing homes, local service companies and Indian tribes and private nonprofit agencies approved by the prime sponsor could be eligible applicants.

Thirteenth, the Senate bill provided authorizations for the public service employment title of $750 million for 1971, $1 billion for 1972, $1,250,000,000 for 1973, and $1,500,000,000 for 1974. The House bill contained no separate authorization for the public service employment program, it to be a percentage set aside of the overall authorization. The conference report cuts down on the authorizations for public service employment to $200 million for 1971, $400 million for 1972, $600 million for 1973, and $800 million for 1974.

Fourteenth, the provisions of the House amendment contained no State allocation formula for the public service employment program. The Senate bill contained a State allocation formula. The conference substitute apportions the funds in an equitable manner among the States taking into consideration unemployment and low income persons with a set minimum of not less than $1,500,000 and a minimum of $150,000 for outlying areas.

Finally, the House bill required public service programs to have linkages with manpower and upgrading programs. The Senate bill required employment and related training in manpower services in applications. The conference agreement provides for training and manpower services related to public service jobs and the House provisions for linkages with other manpower programs are retained.

The Senate failed to agree and refused to recede on that point. That is the reason some of our distinguished minority friends failed to approve this conference report.

But let me say to my colleagues, they all worked diligently and they are to be complimented for the time they have spent in connection with the conference report, as well as in connection with the work of the committee on the legislation.

Mr. **STEIGER** of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. **PERKINS**. I yield to the gentleman from Wisconsin.

Mr. **STEIGER** of Wisconsin. Mr. Speaker, I say to my chairman, I think it ought to be made clear that none of the House Republican conferees signed the conference report, and I suspect it would also be fair to say that there were perhaps further reasons than just the one.

Mr. **PERKINS**. I will accept the statement of the gentleman that none of the conferees on that side of the aisle signed, but I will not accept the statement that there was any issue that divided us further than this one issue on public service employment.

The real issue here appears to be that the Secretary wanted the authority to reduce the Federal funds paid to a community with a public service contract to move enrollees out of the program even when there were no jobs to move them into.

In other words, if he was not satisfied with the public service employment contract he could tell the sponsors the next year, when it came up for review, "We are not going to participate any more than 10, 20, 30, 40, or 50 percent instead the usual 80 percent."

The Senate just would not buy this provision in the bill. And I am convinced that is the only reason my colleagues refused to sign this report.

Mr. **ERLENBORN**. Mr. Speaker, will the gentleman yield?

Mr. **PERKINS**. I yield briefly, yes.

Mr. **ERLENBORN**. Since the gentleman is assigning reasons for the minority's refusal to sign the report, let me say I do not agree with the gentleman. I believe there are other good and valid reasons.

Mr. **PERKINS**. I believe we all understand. I will respond by saying that the real reason was because the Secretary did not get the authority to reduce the Federal contribution below 80 percent.

The Senators argued that this would do away with the public service employment contracts in the very areas where they were needed the most. The Senate just would not recede.

Mr. **PICKLE**. Will the gentleman yield?

Mr. **PERKINS**. Yes. I yield briefly.

Mr. **PICKLE**. As he recalls, I offered an amendment when this bill was before the House in an attempt to take out from it any reference to the Wagner-Peyser program participation. I want to ask a question with reference to this particular program. What effect would the bill before us now have on a particular State's program which is operating? Suppose my State was not able to or did not choose to participate at the full level under this program. Would it lose the Wagner-Peyser funds?

Mr. **PERKINS**. No, it would not. The purpose of this legislation is to shift responsibility to the local level, and the employment service will be involved in ongoing and new programs.

The **SPEAKER**. The time of the gentleman from Kentucky has again expired.

Mr. **PERKINS**. Mr. Speaker, I yield myself 2 additional minutes.

Mr. **PICKLE**. Mr. Speaker, in section 109, since the language of the Wagner-Peyser act was still left in the bill, that requires under the present law the State to file a regular State comprehensive plan under the Wagner-Peyser program. So, since it has to file a State plan, my question to you is this: Under the bill that you have brought before us at this point does the conference report repeal the requirement that the State still has to file—

Mr. **PERKINS**. It does not.

Mr. **PICKLE**. It could file a plan under the Wagner-Peyser program and it would then file another plan under a State program? Would not that add up to duplicity and confusion?

Mr. **PERKINS**. If the gentleman will look at the State plan provision—in section 109 of the conference report, he will find this language:

> SEC. 109. (a) Any State seeking assistance under this Act or the Wagner-Peyser Act shall submit an annual State employment and manpower plan to the Secretary for approval in accordance with the requirements of this section.

This to me indicates that only one State plan is necessitated.

Mr. PICKLE. Mr. Speaker, if the gentleman will yield further, I wonder why the law would go to the trouble of making the State then submit a detailed comprehensive manpower plan under section 109 when under section 104 it sets out another approach.

Mr. PERKINS. You presently have to file a plan before you can obtain funds to operate the employment services today.

Mr. PICKLE. That is correct. But under the bill as it exists now, are you going to require a State to fill out a plan under the Wagner-Peyser program and then another one under the State plan? Is it going to be necessary for the State to file a State comprehensive plan and yet you do not require a local sponsor to coordinate or dovetail their program in with the State plans?

Mr. PERKINS. Yes, we require the employment service today in all the manpower programs to coordinate with vocational educators and everyone involved, and it is contemplated in this legislation that the same thing will take place. To my way of thinking the employment service will be busier than they have ever been under this legislation.

Mr. PICKLE. Mr. Speaker, if the gentleman will yield further, the present law does not require the local sponsor to file its plan with the State plan or to dovetail the plan with the State comprehensive plan.

Mr. Speaker, my main concern about this is the employment program in this country which has been carried out almost solely by the employment agencies of the country, financed under the Wagner-Peyser program. Yet you are going to relegate them to a minor role. You are going to put them out of the picture.

Mr. PERKINS. No; that is not what we contemplate. We do not contemplate downgrading to any degree the State employment service offices. It is contemplated on the other hand that we will strengthen the employment service offices.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield for a question?

Mr. PERKINS. Yes; I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman for yielding. The gentleman's remarks have carried the implication that it would be necessary for us to adopt this conference report this afternoon, and I believe the gentleman said, in order to save 1.25 million training slots for America. Is it not true that we would go back to the Manpower Development Training Act of 1961—or was it 1962—even without this consolidation? We are not going to wipe out the manpower training program, are we?

Mr. PERKINS. I would think the distinguished gentleman from Illinois would want the country to be able to take advantage of the improvements in this bill in view of the high rate of unemployment.

Mr. ANDERSON of Illinois. That does not answer the question. We will not wipe out the manpower training program, will we?

Mr. PERKINS. It is true the act does not expire at this time.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

Mr. PERKINS. But it would be a tragic mistake to vote down this conference report.

The **SPEAKER.** The time of the gentleman has expired.

Mr. PERKINS. Mr. Speaker, I yield 15 minutes to the distinguished gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, the gentleman from Kentucky indicated one of the important reasons why the Republican conferees did not sign the conference report. The main, most important one, of course, is the fact that this conference report does not give effective tools to the Secretary of Labor to move people out of public service employment to nonsubsidized private and public employment.

Now, it can be claimed by some that the Secretary of Labor, if he wants to, can refuse to fund a program or defund a program to a prime sponsor if he does not agree they are moving people out of public service employment fast enough. But anybody who has watched the Federal Government operate for some time knows when a project is operating in a district the political pressure that is brought to bear to continue the funding on and on.

We provided in the House bill an effective way to accomplish this basic objective, and one that would not be harmful in any way at all, and that would be for the Secretary to reduce the Federal share if the local prime sponsor wanted to keep people on for an inordinate length of time in public service employment. If they did, then they could go ahead and do it, but they would then have to pay more of the bill themselves. That seems to me to be an effective and wise way of doing it, but we lost this in the conference.

What this does is permit public service employment to mushroom on and on through the years to such a level that it would get the bad name that the old WPA got back in the thirties.

Also we wisely set 1972 fiscal year as the beginning of public service in the House bill, in order to tool up for this, it just would not be possible to get going before the beginning of the next fiscal year. This bill puts in an unbudgeted $200 million for the rest of this fiscal year. So we are following the route we did some time in past years of holding out hopes that cannot be fulfilled.

It also provides for $1.1 billion in the next fiscal year—a pretty big jump for public service employment unless it is intended that the Federal Government shall become the employer of first resort, which many indicated in conference they intended it to be, but which I do not want public service employment to be.

I support public service employment if it is used as a tool to move unemployed people into jobs the way the manpower training programs have done in the past.

However, this adds unemployed to the House bill, which is another unwise feature.

We in the House bill did another thing that was good and that is to provide funding for the program giving latitude to local communities to use the money as they see fit. If their needs are greater in the traditional manpower program, they could expend it there and if their needs are greater for the public service employment they could use it there, but this conference committee bill categorizes programs with one-third for manpower training programs in title I, and one-third for the public service employment money in title III, and then titles II and IV together share another one-third.

So I say to you that these are some of the many reasons why this conference report is not acceptable.

I regret that I cannot support the conference report on S. 3867, but I want to make the point that we have the Manpower Development and Training Act in place. If we vote down this conference report, we shall still have a manpower training program in operation.

The House bill, H.R. 19519, had overwhelming bipartisan support because it successfully embodied the necessary elements for effectively reforming our manpower programs.

It effectively decategorized manpower authorization while consolidating existing authority under a single law.

It decentralized program authority to a well-balanced network of State and local governments serving as prime sponsors.

It provided these prime sponsors with flexible, nonearmarked funds to allow them to shape local programs to fit local needs.

To the array of manpower training programs it added a new tool: Public service employment. Yet, H.R. 19519 carefully provided that, while creating additional public service jobs for unemployed persons, the objective would be that these federally subsidized jobs would provide a transition to nonsubsidized public and private employment for the participants.

Furthermore, as a new program with which we have no experience, the House bill kept the required level of public service employment at an initial level which could be accommodated within realistic budget constraints and current program commitments.

The conference bill does not satisfy these principles. In addition, it contains a staggering authorization of $10.7 billion over 4 years—including $200 million for fiscal 1971 which is not in the President's budget. These amounts exceed the total House authorization by more than $3 billion.

Of overriding importance are the issues of the nature and size of public service employment and providing flexible funds to State and local program sponsors.

In H.R. 19519 the House carefully provided that public employers would be required to use such subsidized positions as opportunities to move most—and, hopefully, all—participants gradually into nonsubsidized regular employment. Moreover, as a new program, the

House kept the required level of public service employment at a large, yet still manageable startup level.

What does the conference report on S. 3867 provide? With flagrant disregard for the realities of effective manpower program operation, the majority of the conferees removed the House's requirements that public service employers seek to move participants into permanent, nonsubsidized job opportunities. Moreover, S. 3867 piles on authorization after authorization for public service employment.

It begins with an unbudgeted $200 million for this fiscal year. In fiscal 1972 the bill calls for spending over $666,000,000 for public service employment and adds a special authorization for $400 million more. Over $1.1 billion authorized for a program which has never been attempted.

The authorization grows year by year reaching $1.8 billion in fiscal year 1974.

Even if such massive funds someday could be justified, S. 3867 distorts public service employment. It transforms it from an integral component of a comprehensive manpower program into a new category of federally subsidized jobs which grows inexorably year by year.

Let us review the public service employment provisions which the House approved in the Comprehensive Manpower Act.

First, H.R. 19519 recognized that State and local governments have pressing needs to provide additional public services which they cannot themselves finance.

So H.R. 19519 provided permanent funding for additional public service jobs, when it can be demonstrated that they are needed services.

Second, H.R. 19519 required that such federally subsidized jobs be equal in every respect—pay, benefits, employee protections, promotional opportunities—with equivalent nonsubsidized jobs.

Third, to emphasize the impact on manpower problems, H.R. 19519 restricted recruitment for these jobs to the unemployed.

And, fourth, out of the conviction that such jobs must serve as opportunities for further advancement for most participants, H.R. 19519 provided that the Labor Department and the State or city employer should agree on "objectives for the movement of persons employed thereunder to public or private employment not supported under this act."

The conference alerted the House's provisions in many respects. It extended eligibility for funds to a range of private, nonprofit employers. It allowed the underemployed as well as the unemployed to be recruited.

But most critically it rejected outright the provision calling for carefully negotiated program objectives to assure that public service employment would lead to suitable nonsubsidized opportunities for most participants.

I felt that this was the one point which we could not surrender and maintain any semblance of the position and philosophy of the House.

Clearly, the conferees could have provided a workable mechanism for assuring that public service employment remains an integral part of the manpower development process and not just a way to finance new public jobs. At the same time, it could have been a very flexible mechanism which could be fine-tuned to meet local conditions. Will the program serve mostly young, upwardly mobile workers? Or older workers, for whom there are less prospects for advancement? Are alternative job opportunities ample? Is the local labor market depressed and unemployment high? The goals set under the House bill could have been adjusted to meet all these considerations and more.

Such objectives could have been met in a variety of ways: Promotion or lateral transfer to non-subsidized employment, absorbing the subsidized job under regular funds—while shifting public service employment funds to new activities—or helping the public service employee find satisfying employment in the private sector.

The system could not have been coercive upon individuals, since public service employees would have had to have all the rights and protections of regular employees. But more important, the objectives would have been focused on the individual employee's welfare and career development. Merely moving such employees off the public payroll could not have met these objectives. The participant would have to move into suitable jobs in the nonsubsidized regular employment system.

Without this mechanism the conference bill provides no incentive for State and local governments to be concerned with preparing most participants for better employment. Public service employment will cease to be part of manpower development. As such, it has no place in this legislation.

A second major failure is that S. 3867 rejects flexible funding of State and local program sponsors.

The conference bill arbitrarily divides appropriations as follows:

One-third for manpower services—title I.

One-third for public service employment—title III.

And one-third for titles II—upgrading—and IV—special Federal responsibilities, including a whole host of special, narrow, categorical programs.

Title I and title III each have their own separate and different apportionment formula. Thus, Federal manpower funds would not flow through one channel into local communities. They come through at least two separate channels, each with an earmarked use.

Throughout months of public hearings local officials and manpower experts have pleaded for flexible funding.

How will the Congress have responded to this compelling testimony if this categorized conference report becomes law?

We will be saying, in effect "Mr. Mayor—or Governor—of every dollar you receive in Federal manpower funds, you must spend 50 cents for public service employment and 50 cents for manpower training and related services."

"Or," the conference report permits in its most generous interpretation, "you might be able to wiggle your percentages one-quarter either way."

In my view, this is a vote of no confidence in our mayors and Governors. The conference report is saying in effect "regardless of your community's training needs, regardless of your level of unemployment, regardless of your public service needs, this is how you must allocate your money—50–50."

Thus, in their desire to impose public service employment on every State and local community the conference majority has denied local officials their right to establish priorities in how they balance manpower training with public service employment.

There are other bad—if less obvious—effects of this arrangement.

In H.R. 19519 the House sought to encourage local governments to combine together to designate a single prime sponsor to plan for and serve an entire labor market area. The House bill authorized up to $75 million in fiscal year 1972 as incentive grants to achieve such areawide coverage.

The conference report cuts that fund by more than half. It increases the possibility that our labor market areas will be balkanized by an uncoordinated patchwork of local prime sponsors.

Second, the House bill also set up an incentive fund to encourage effective linkages between vocational education activities and manpower training activities. This fund also could reach $75 million in fiscal year 1972. It too has been more than cut in half.

Thus, the conference report has reneged on the House's commitment to the Nation's vocational educators that substantial funds would be available to strengthen the integration of manpower programs with our vocational training system.

Finally, next year's appropriations under this bill will not represent new money for all new programs. We have authorized $2 billion for the basic manpower programs for fiscal 1972—not counting an additional $400 million for public service employment. Under current authority—which would be replaced by this act—we will spend this year over $1.6 billion. Yet, this bill requires that one-third of next year's appropriations for the basic program be spent on public service employment.

I have little doubt that to meet this commitment the Labor Department will have to close down or radically convert hundreds of existing manpower training and work experience programs, with which every member should be well familiar, into the new mold for public service employment.

Yet when the letters of protest mail come pouring in next fall, let this be thoroughly understood right now—the deed was done here in this conference report. So if we approve this conference report we shall have only ourselves to blame—not the Secretary of Labor.

This decision was taken by the conference majority even though we had offered a reasonable compromise based on the House bill.

"Combine all program titles under one umbrella and allocate them 75 percent of appropriations without further earmarking," we offered. "Apportion this flexible fund by a single apportionment formula. Allow State and local officials to determine what mix of activities best suits their communities' needs."

Then to reassure the strongest proponents of public service employment, we offered to fix a national level floor which would guarantee a minimum level for public service employment, as in the House bill. H.R. 19519 set this floor at 18.75 percent.

The Labor Department would have to add up public service employment components of prime sponsors' comprehensive plans. If they didn't "tote up" to the required percentage, the Labor Department would have to fund more public service programs out of national funds.

However, the majority would not accept this concept.

We have sought flexibility. They have adopted rigidity.

We cannot support new manpower legislation which will not extend to State and local officials the opportunity to make fundamental decisions about the basic mix of programs which best suits their community.

This mandatory split between public service employment and manpower training and related services is merely the clearest example of rigid categorization.

Finally, there is the matter of swollen authorization levels. The House-passed bill authorized an enormous $7,500,000,000 over 3 fiscal years. The Senate bill authorized an unbelievable total in excess of $13,000,000,000—beginning with an unbudgeted $750,000,000 in this fiscal year. The bill reported by the conference committee totals nearly $11,000,000,000 beginning with an unbudgeted $200,000,000 in this fiscal year. It is far more than we ought to approve.

Mr. Speaker, I cannot understand why—when compromise solutions were so simple and easily at hand—the majority of the conferees chose not to adopt provisions which would allow all parties to support much needed reform of our manpower programs and the initiation of a new instrument of manpower policy: public service employment.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the distinguished gentleman from Minnesota yielding.

Mr. Speaker, the Secretary of Labor wrote to the conferees and in his letter he said and I quote him:

> Although I pledged Administration support of the Comprehensive Manpower Act, that support was predicated on the acceptance of certain basic concepts embodied in the House bill. H.R. 19519 was developed as a workable compromise between the Administration's proposals for manpower reform and the Senate's Employment and Training Opportunities Act (S. 3867).

He went on to say:

> I would like to set forth again these basic concepts of manpower reform and public service employment which I believe to be essential.
>
> First, Federally subsidized public service employment must provide a transition to non-subsidized public and private employment for a majority of participants as expressed in Sec. 302(h), while creating additional permanent public service jobs.
>
> Second, the required level of public service employment should not exceed that which can be accommodated within realistic budget constraints and current program commitments (Sec. 502(b)).
>
> Third, funds must be apportioned in a flexible fashion at the State and local level to permit comprehensive programs designed to meet such community's needs (Sec. 502 (a)).

Quite frankly, Mr. Speaker, none of these basic principles is contained in this conference report.

Mr. Speaker, I will say to the House that I disagree with the distinguished chairman of the Committee on Education and Labor. This bill is not the House bill. This bill is the Senate bill. The conferees on the part of the House in my judgment gave up far too much in terms of that which the House has agreed to by an overwhelming margin. The bill passed the House by a voice vote. There were 80 who opposed it at the time of the recommital motion. Those who supported it were those voting in essence for a number of things, the complete decentralization and decategorization and, second, the public service employment concept based on the idea that this was not the employer of first resort—this was not a permanent ongoing public service employment program and the bill that comes to us today in the form of the conference report is not the House version. It clearly is an acceptance of the Senate version and if the Members will look at page 40305 of the Record of December 8 they will see where I try to outline in a short statement in the Record at that point the reasons why the Members of the House on the minority side did not sign the report.

There are other provisions which are not as acceptable. The gentleman from Minnesota has outlined some of them. I think it is important to recognize the fact that this bill provides $4.5 billion for public service employment over the life of the bill including $200 million of that which is unbudgeted starting January 1, 1971—and this has not been requested.

Second, I think we have to understand it is over $3 billion above the level of the authorization passed by the House.

And third, we have to understand that the public service employment section of the bill in the House-passed version provided for a minimum of 18.75 percent for public service employment and the conference report provides a minimum of 25 percent for public service employment.

Mr. Speaker, it is for these reasons and for other reasons that I think the conference report is clearly an indication that the conferees did not hold to the House version and that the bill that has been returned in the conference report is an unacceptable bill and that the conference report ought to be voted down.

Mr. Speaker, I thank the gentleman from Minnesota for yielding to me to make it possible to give this kind of a brief explanation as to the reason why this particular conferee who had attempted in working with the gentleman from Michigan, the gentleman from Minnesota, and the gentleman from Kentucky, to fashion a bill that could pass the House and that could be accepted by diverse groups such as the chamber of commerce and the AFL-CIO—and yet I have to stand here today and report to the House that the bill that comes back to the House does not do the work that I had hoped would be done.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Speaker, let me say I think the gentleman in the well and the gentleman from Wisconsin have made some excellent points in discussing the reasons why the Republican conferees did not sign the conference report and why I, for one, do not support the conference report.

I would like to point out one or two other items. The gentleman from Minnesota referred to the public service employment section as a sort of WPA. I think it is rather that. The House provision would have provided an effective means to assure that the program as a whole was doing the job of moving people out of the public service employment subsidized into either permanent public service unsubsidized or private employment.

I would like to point out that what the conference report will do is to provide for an annual past-fail sort of determination as to each employee as to whether he has become a fit person to move out of subsidized employment, a rather demeaning sort of thing.

Besides that, the House bill would have done away with the many, narrow categorical training programs. What we do in the conference report is not only to severely restrict the operation of comprehensive manpower programs under prime sponsorship by State and local governments but now in title IV we will remandate certain of the categorical programs which cannot, as I interpret this, be carried on by the Secretary through a prime sponsor. So we will find in this same community prime sponsors carrying on so-called comprehensive manpower programs and the Secretary carrying on the mandated categorical programs, which I think is the worst of two worlds rather than the best.

For this reason I did not sign the conference report and I do not support the conference report.

Mr. ESCH. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I would like to yield to the gentleman from Michigan, and then if the chairman wishes to engage in colloquy afterward, he could do so on additional time. I yield to the gentleman from Michigan.

Mr. ESCH. I appreciate the gentleman yielding.

Mr. Speaker, I rise to oppose the conference report on S. 3867.

While I strongly support the major thrust of this legislation, the bill as it comes back from the conference is in such a form as to cause me to withhold my support and I hope the President will do likewise.

The major weakness of the bill is that it locks in permanently individuals in public service programs without regard to present employees' rights.

I am in receipt of a letter from James Marshall, the national president of the Assembly of Governmental Employees.

The Assembly of Governmental Employees—AGE—is a federation of independent public employee associations representing over 500,000 government employees in 34 States.

The letter states in part:

> While we recognize that a public service employment component could be a useful part of a comprehensive manpower program, we are appalled at the size and character of the public service provision in the Conference Report on S. 3867. It poses a direct threat to the integrity of state and local civil service systems, and the millions of regular employees of state and local government.
>
> The bill adopted in the Senate-House Conference is seriously deficient in the following respects:
>
> (1) In sharp contrast with the House passed bill (H.R. 19519) it establishes permanent programs of public employment with not even the objective of moving participants into regular jobs in the public or private sectors;
>
> (2) It would permit (and indeed, in many cases, will assure) discriminatory wage rates between those on the public service program and regular employees [section 308(a)(2)];
>
> (3) It requires special consideration for participants including training and promotion opportunities which may not be available to regular employees; and
>
> (4) It directly requires in section 304(b)(17) that public service employment programs be used to break down civil service requirements which regular employees have been required to meet.
>
> This bill could very well result in the disruption of vital public services in every part of the nation. We don't feel this legislation is in the best interests of the public in its present form.

There are other major reasons for the rejection of this bill. One lies in the area of the impact on private employment agencies. There is a question as just what extent and in what manner private employment agencies will be affected by this legislation.

For these and other reasons I hope the House will reject this report.

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Let me say first to my distinguished colleague that the categorical programs can be handled under title I through a prime sponsor and under title IV through a prime sponsor. All of these so-called categorical programs can be handled through a prime sponsor.

Of course, some of them are public service employment programs and the local communities may want to make application for public service employment, and that will be handled there.

The gentleman might be interested to know that this matter passed the Senate today by a vote of 68 to 13, and the Republicans on the Senate side, the ones who attended the conference, vigorously supported the conference report. I did not know any of them who were in the conference who did not support the conference report.

This bill is one of the most important measures ever brought before this Chamber. I am hopeful the Members will not pay attention to the arguments that the facts in this case do not support.

Mr. QUIE. The Senators have a policy to follow the position taken by the Senate, and that is why they signed the conference report, because it was closer to the Senate position.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I would point out that the chairman of our committee ought to try a bit harder to be accurate. He might recall that at least one of the Senators did not sign the report. Earlier the chairman cited there was only one reason the Republican conferees did not sign the report, which was not true, as I pointed out then.

Mr. PERKINS. I still stand on that statement.

Mr. ERLENBORN. Let me point out to the chairman his interpretation as to categorical programs is wrong. Section 104 does allow the Secretary to carry out under title IV programs authorized under title I, but this is a one-way street. It would allow the Secretary to take the place of the prime sponsors, but it does not in this act, anywhere that I can find it, allow the Secretary to give the prime sponsors the categorical programs.

So he will have the prime sponsors carrying out a comprehensive program in the communities, and he is also going to be mandated concurrently to be carrying out the categorical programs. His only option would be, as I see it, to deny the prime sponsor the right to the comprehensive program, so he can carry out the comprehensive and the mandated categorical programs himself, which puts us right back to where we had them before, and we are not making any progress.

Mr. PERKINS. Let me say to my colleague it was the intent all through the consideration of this legislation in the House bill, and it is even specified in the House report, that these various categorical programs, such as JOBS and the Public Service Careers and the NYC and Mainstream and all the programs under title I would be through prime sponsors.

Mr. Speaker, I yield 15 minutes to my distinguished colleague, the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Speaker, I regret that some of my friends on the other side of the aisle have found themselves unable to support the conference report. I, myself, suffered a number of disappointments in the conference, as they well know. I did not always agree with what the conference did. We fought some battles side by side in the conference, and we won some and we lost some.

But, Mr. Speaker, let me say to my friends on the Democratic side, in defense of the Republican conferees, that they are not the ones that I think are the root cause of the difficulty that we confront today. I might say there is a third party involved in this, and the third party consists of certain employees of the executive branch of the Government with whom we worked in putting this bill together and with whom we have cooperated as effectively as we could.

My friend, the gentleman from Texas, found himself in disagreement with section 107 of the House bill.

That is the section which provided for State plans submitted by the State employment services.

I believe the gentleman thinks I wrote that provision. That provision as it originally appeared—came, every word of it from the administration—every single word. And part of the bureaucrat's anger at the conference report is because we improved section 107.

Mr. PICKLE. Mr. Speaker, if the gentleman will yield, I am glad he has made that clear, because around the floor it is known as the O'Hara amendment. This is the so-called Wagner-Peyser provision. The gentleman says it was not his; it was the gentleman over there?

Mr. O'HARA. No. No.

Mr. PICKLE. Who is to blame?

Mr. O'HARA. Every single word of it came from the administration. But I defended that provision as I defended every other provision of this bill when it was before this Chamber. The conference, I think, improved that provision.

Mr. PICKLE. I do not know what a debate on this point will gain, but I wonder if the gentlemen on the other side of the aisle would confirm or deny that statement.

Mr. O'HARA. I might say to the gentleman, I do not believe he will have any problem getting confirmation.

The problem today, I say to you, is one over administrative arrangements—yes, administrative arrangements. It is the people in the executive branch who are concerned about these administrative arrangements.

The public service employment parts of this conference report contain many provisions that say we ought to have public service employment programs that give the people who work in them the opportunity to move up and out into private employment.

On the committee table on the majority side we have a full page of mimeographed extracts from the conference report, every one of which directs itself to the question of public service employment of the kind that will permit the employees to move upward and out into regular employment. And, Mr. Speaker, I insert that list right here in the RECORD:

PROVISIONS OF MANPOWER CONFERENCE REPORT ON NATURE AND DURATION OF PUBLIC SERVICE JOBS

SEC. 304(b) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

* * * * *

(3) assurances that special consideration will be given to the filling of *jobs which provide sufficient prospects for advancement or suitable continued employment* by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, *whether in the public or the private sector of the economy,* (B) provide participants with skills for which there is an anticipated high demand, or, (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or applications for whom the foregoing goals are not feasible or appropriate;

(4) assurances that due considerations be given to persons who have participated in

manpower training programs for whom employment opportunities would not be otherwise *immediately* available;

* * * * *

(11) a description of *career opportunities and job advancement potentialities* for participants;

(12) procedures for an *annual review* by an appropriate agency of the status of *each person employed in a public service job* under this title; and procedures pursuant to which, in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, *maximum efforts shall be made to locate employment or training opportunities providing such prospects*, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

* * * * *

(14) assurances that the applicant shall, where appropriate, maintain or provide *linkages with upgrading and other programs under this Act*, and other Federal or federally-supported manpower programs for the purpose of:

(A) providing those persons employed under the agreement who want to pursue work with the employer, or in the same or similar work as that performed under the agreement with opportunities to do so and to find *permanent upwardly mobile* careers in that field; and

(B) providing those persons so employed who do not wish to pursue *permanent careers in such field*, with opportunities to seek, prepare themselves for, and obtain work in other fields;

* * * * *

SEC. 308 (a) The Secretary *shall not provide financial assistance for any program* under this title unless he determines, *in accordance with such regulations as he shall prescribe*, that—

* * * * *

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

But let us forget bureaucratic concerns and look at substance. This bill contains a reorganization of the existing manpower services which, while it is not everything the administration wanted and those of us on the committee wanted, moves in that direction.

There is a brand new upgrading program which we believe will give more hope and more expectation than we have ever had in our manpower programs to someone who is in a dead end job and who wants to have an opportunity to get some training from his employer and to move up to more responsibility and a better paying job, thereby opening an entry-level job.

And there is more involved than administrative prerogatives in the public service employment title. Today there are 1,140,000 married men out of work.

Today there are 2,000,000 blue-collar workers out of work.

Today there are 1,370,000 white-collar workers out of work.

This program provides an opportunity. It provides an opportunity that we cannot miss to put people to work doing useful jobs in their communities, working for the city, for the school district or the county, doing things that need to be done.

My friends, do not let any quarrel, any bureaucratic quarrel over administrative arrangements, sidetrack you from adopting the important concepts that are contained in this bill.

I hope the conference report will be adopted, Mr. Speaker, and I want to compliment all those members—Democrats and Republicans—who have worked on it, because we have come up with the best conference report we possibly could have obtained.

Mr. SCHEUER. Will the gentleman yield?

Mr. O'HARA. Yes, I yield to the gentleman.

Mr. SCHEUER. The question has been raised as to whether this bill does contain adequate provisions and reasonable safeguards for making it possible for public service employees to move up and also laterally into the private sector. Can the gentleman give us some assurance that there are opportunities and there is a definite goal-oriented philosophy in this bill that the private sector will be available for public service employees?

Mr. O'HARA. Section 304 directs itself to that question in five different paragraphs and section 308 also moves in that direction. There is ample provision in this bill to move public service employees on to better jobs, career jobs in the public sector and jobs in the private economy.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I thank the chairman for yielding this time to me. Unfortunately, I was not able to participate in the conference committee because of a trip to Bethesda and foot surgery which kept me away from Congress for several days. But, Mr. Speaker, I oppose this conference report for several reasons. I opposed both the substance and the procedures when it was first on the floor. One of the things I said at that time was I thought the Senate bill was even worse and this bill had no place to go but down in conference. I think it has gone down. It does not coordinate existing manpower programs. It downgrades the Governor's office. It downgrades the State director of employment services. It downgrades the State department of education and the vocational education department.

The gentleman from Texas raised a question of Wagner-Peyser funds. He is absolutely right. The Wagner-Peyser funds will have to be shared with the cities, and if a city does not want to sponsor a comprehensive manpower program and the community action agency wants to be the prime sponsor, then the Wagner-Peyser Act will be shared with the community action agency. They can use State facilities or they can set up separate ones—duplicating unnecessarily, and probably having less expertise.

The explanation has been made that this was written by the executive department. I do not know where it was written, because it was written in the middle of the night. That is a fact, and nobody disputes it. Whether it was written downtown or not seems entirely irrelevant to the argument. Since when is Congress obligated to take a bill which has a bad provision because the executive branch wrote it? I never heard that argument used before on this side of the aisle. When the executive branch sent something up that my Democratic colleagues did not like, they just voted against it. The gentleman from Texas (Mr. PICKLE) accurately reports that the provision requiring the Wagner-Peyser funds to be shared with cities or community action agencies is a bad provision. In terms of the public employment section, I agree with those who have spoken against it because it creates a public employment program which could be far more attractive than private employment. There is not the incentive to ever get off the public employment rolls. WPA would look miserly compared to this.

When this bill was on the floor at the beginning I asked the gentleman from Michigan and the gentleman from Wisconsin if it would not be possible for an engineer who was unemployed for 5 weeks to be employed by the city of Seattle or the city of Portland at the going rate that they pay to engineers in those cities, if its $15,000 or $20,000 or $25,000, and the Federal Government picks up 80 percent of the tab. The answer was "Yes." In addition to no ceiling on salaries paid, there is no limitation on the time that a person can be on the public employment rolls. In addition, there is a guarantee of unemployment compensation and a guarantee of workmen's compensation and a guarantee of health insurance and retirement benefits and promotional benefits. With this kind of a program there is simply no incentive for a person to ever leave. In Federal civil service, there are certain safeguards. There are none here even for qualifications and grade levels.

I am in favor of a guaranteed job program where the Federal Government is the employer of last resort, The sad and deplorable statistics about high unemployment have been noted. There is nobody in the House who thinks it is more tragic than I do. But it does not seem to me that the vote today ought to be made on the basis of a plea that this is a bill that will settle the problem of the unemployed. The vote ought to be on whether or not this is the best bill that the Congress of the United States can devise to take care of this tragic unemployment situation.

I maintain it is not the best bill that this Congress is capable of writing. Surely we are capable of writing a guaranteed job program that would really take care of a vastly larger number of people if we set our minds to it, but the provisions in this bill are not the provisions which would be or should be, in my judgment, in a guaranteed job program.

It has been argued that the report says, several times, that the goal is to move people back into private employment. The legislative history is that there was one tiny reference to it in the House bill; certain conferees insisted it be deleted; the conference committee agreed to delete it. The arguments were whether the Government should be the employer of first resort or the employer of last resort. If this bill is ever enacted into law, the Government does not just come into the picture as the employer of last resort. It will be the employer first, last, and always.

I think it is the goal of everyone in this House to cut down unemployment. We ought to turn our best energies and our minds and our efforts to doing that: a guaranteed job program that is better than welfare, better than unemployment compensation but not so attractive that it will become a permanent way of life with no incentive to move off it. The question is, do we let the manpower programs continue and in January turn our minds and our efforts to writing a better bill that will eliminate the bad provisions in this one, that will, in fact, coordinate the 22 separate manpower programs, even if it has to be done 6 weeks from now in the next Congress. Six weeks is not very far off—and a workable good program written at that time would be vastly preferable to this in the waning days of the 91st.

Mr. PERKINS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, in my judgment, this is the best conference report that could possibly have been obtained under the circumstances. More than that, it is not only a timely piece of legislation, it is a necessary bill.

Mr. Speaker, under the public service employment provisions, participants will be treated exactly as other public employees are treated in similar situations. They will be paid the prevailing wage. They will not be discriminated against. They will be public service employees performing necessary and valuable work. The legislation is very carefully designed with regard to who will be eligible for the public service employment program. There are specific criteria contained in the bill. To be eligible, a person must be out of work. Also, persons who have already had training but are unable to obtain employment are given preference.

This conference report is specific in its design and it will be effective in its application.

I cannot visualize how anyone can oppose the public service employment provision with the high unemployment rate localities across the Nation are experiencing. The cost of the public service employment program is minor when compared wih the benefits which will be derived.

Some concern has been expressed about the $200 million that has been authorized for this year for public service employment.

Mr. Speaker, in my judgment, it is today not a year from now that we should do something about the unemployment situation in this country. I am confident it is also the view of those who are unemployed. We cannot procrastinate until next year. Manpower programs authorized in the Economic Opportunity Act expire at the end of this fiscal year.

Therefore, this bill must be enacted during this Congress.

Mr. Speaker, we will never be able to enact a better public service employment provision than is before us now. I base that statement on the experience we had in conference with the other body. This is the best that could be obtained.

Mr. Speaker, I am confident that we will not allow this conference report to be defeated because of the one issue that separated us in conference. We cannot afford to turn our backs on the most pressing issue in this Nation.

To do so would be shameful. We cannot vote down a conference report of this magnitude and of this urgency because of a minor disagreement.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The time of the gentleman has expired.

Mr. ALBERT. Mr. Speaker, I am very pleased to note that the distinguished conferees have included in the conference report, now under consideration, language adopted in the House of Representatives to amend chapter 41 of title 38, United States Code, concerning job counseling, training, and placement services for veterans. I believe it is important that the Congress reaffirm, through this language, its interest in our American veterans and in the difficulties many of them encounter in finding employment.

Chapter 41, title 33, United States Code, as amended by section 702 of the Comprehensive Manpower Act, provides for certain guarantees to assure an effective job placement and counseling program for veterans. However, these guarantees primarily apply to activities within the State employment service. For example, the State veterans employment representative, a Department of Labor employee, is "administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans counseling and placement policies through the Public Employment Service and in cooperation with manpower and training programs administered by the Secretary in the State." The guarantees also include the requirement for one or more local office veterans employment representatives in each job employment office. In cases where job placement and counseling are performed by an agency other than the employment service but funded by the Secretary of Labor the situation is less clear. However, in such circumstances I would hope the Secretary of Labor will issue regulations providing for maximum service to veterans similar to that required of the public employment offices

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 177, nays 159, not voting 97, as follows:

[Roll No. 401]

YEAS—177

Adams
Albert
Alexander
Anderson, Calif.
Annunzio
Ashley
Barrett
Bennett
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Brademas
Brooks
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Carey
Carney
Clark
Clay
Collins, Ill.
Conte
Conyers
Corbett
Corman
Coughlin
Culver
Daniels, N.J.
de la Garza
Delaney
Diggs
Dingell
Donohue
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Fascell
Feighan
Flood
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Long, Md.
Lowenstein
McCloskey
McDade
McFall
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Meeds
Melcher
Mikva
Miller, Calif.
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pike
Pirnie
Podell
Price, Ill.
Pucinski
Randall
Rees
Reid, N.Y.
Riegle
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Saylor
Scheuer
Sisk
Slack
Smith, Iowa
Stafford
Staggers
Steed
Stratton
Stubblefield
Sullivan
Symington
Taylor
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Vanik
Vigorito
Waldie
Watts
Whalen
White
Wright
Wydler
Yates
Yatron
Zablocki

NAYS—159

Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Baring
Beall, Md.
Belcher
Berry
Betts
Bevill
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Camp
Carter
Casey
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Conable
Cramer
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fisher
Flowers
Ford, Gerald R.
Foreman
Forsythe
Fountain
Frelinghuysen
Frey
Gettys
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Haley
Hall
Harsha
Harvey
Hastings
Henderson
Hogan
Hosmer
Hull
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Keith
Kleppe
Kyl
Landgrebe
Lloyd
Lukens
McDonald, Mich.
McEwen
MacGregor
Mahon
Marsh
Martin
Mathias
Mayne
Michel
Miller, Ohio
Mills
Minshall
Mizell
Montgomery
Myers
Nelsen
Nichols
O'Neal, Ga.
Patman
Pettis
Pickle
Poage
Poff
Price, Tex.
Quie
Quillen

Railsback
Rarick
Reid, Ill.
Rhodes
Robison
Roth
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Schmitz
Schwengel
Scott
Sebelius
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stanton
Steiger, Ariz.
Steiger, Wis.
Stuckey
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Ullman
Vander Jagt
Wampler
Whalley
Widnall
Williams
Wilson, Bob
Winn
Wold
Wylie
Wyman
Young
Zwach

NOT VOTING—97

Abbitt
Abernethy
Adair
Addabbo
Anderson, Tenn.
Aspinall
Bell, Calif.
Blackburn
Bolling
Brasco
Brock
Burton, Utah
Bush
Button
Caffery
Celler
Chappell
Chisholm
Clancy
Cohelan
Collier
Cowger
Cunningham
Daddario
Dent
Dowdy
Dwyer
Edwards, La.
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fish
Flynt
Fulton, Tenn.
Gilbert
Gray
Gubser
Hagan
Hansen, Idaho
Hays
Hébert
Hungate
Ichord
Kee
King
Kuykendall
Landrum
Langen
Latta
Lennon
Long, La.
Lujan
McCarthy
McClory
McClure
McCulloch
McKneally
McMillan
Mann
May
Meskill
Mize
Morton
Moss
O'Konski
Passman
Pollock
Powell
Preyer, N.C.
Pryor, Ark.
Purcell
Reifel
Reuss
Rivers
Roberts
Roudebush
Rousselot
Schneebeli
Shipley
Sikes
Snyder
Steele
Stephens
Stokes
Van Deerlin
Waggonner
Ware
Watson
Weicker
Whitehurst
Whitten
Wiggins
Wilson, Charles H.
Wolff
Wyatt
Zion

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Hébert against.

Mr. Hays for, with Mr. Waggonner against.

Mr. Dent for, with Mr. Edwards of South Carolina against.

Mr. Gray for, with Mr. Abernethy against.

Mr. Reuss for, with Mr. Abbitt against.

Mr. Shipley for, with Mr. Caffery against.

Mr. Moss for, with Mr. Chappell against.

Mr. Kee for, with Mr. Dowdy against.

Mr. Wolff for, with Mr. Flynt against.

Mrs. Chisholm for, with Mr. Hagan against.

Mr. Evins of Tennessee for, with Mr. Landrum against.

Mr. Evans of Colorado for, with Mr. Lennon against.

Mr. Van Deerlin for, with Mr. Long of Louisiana against.

Mr. Charles H. Wilson for, with Mr. McMillan against.

Mr. Fallon for, with Mr. Passman against.

Mr. Brasco for, with Mr. Rivers against.

Mr. Anderson of Tennessee for, with Mr. Roberts against.

Mr. Hungate for, with Mr. Sikes against.

Mr. Stokes for, with Mr. Stephens against.

Mr. Celler for, with Mr. Whitten against.

Mr. Preyer of North Carolina for, with Mr. Blackburn against.

Mr. Pryor of Arkansas for, with Mr. King against.

Mr. Gilbert for, with Mr. Rousselot against.

Mr. Daddario for, with Mr. Watson against.

Mr. Farbstein for, with Mr. Wyatt against.

Mr. Cohelan for, with Mr. Latta against.

Until further notice:

Mr. Aspinall with Mr. Bell of California.

Mr. Mann with Mr. Clancy.

Mr. Ichord with Mr. Biester.

Mr. Purcell with Mr. Collier.

Mr. McCarthy with Mrs. Dwyer.

Mr. Fulton of Tennessee with Mr. Fish.

Mr. Gubser with Mr. Steele.

Mr. Reifel with Mr. O'Konski.

Mr. Lujan with Mr. Mize.

Mr. Langen with Mr. Schneebeli.

Mr. Ware with Mr. Snyder.

Mr. Zion with Mr. Wiggins.

Mr. McClure with Mr. Kuykendall.

Mr. Whitehurst with Mr. Hansen of Idaho.

Mr. Brock with Mr. McClory.

Mr. Burton of Utah with Mr. Pollock.

Mr. Morton with Mr. McKneally.

Mr. Adair with Mr. Button.

Mr. Bush with Mr. Weicker.

Mr. Cowger with Mr. Cunningham.

Mrs. May with Mr. Meskill.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to revise and extend their remarks and include extraneous material, on the conference report just agreed to.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have taken this time for the purpose of asking the distinguished majority leader the program for tomorrow.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we will commence the major legislative business with H.R. 19868, which is the Excise, State, and Gift Tax Adjustment Act of 1970 tomorrow, and we will also take up H.R. 13956, to authorize additional appropriations for the Smithsonian Institution.

The Committee on the District of Columbia has advised that they are going to be using District day for the bill which had previously been put down under the general rules of the House. We also expect that the other bill that was eligible for this week will probably be called up on Monday or Tuesday, and that is the Food Stamp Act. However, in any event we do not expect to complete action on the food stamp bill until Tuesday.

Mr. GERALD R. FORD. Would the distinguished majority leader give us any guidance on any conference reports? Are some coming up from the Committee on Appropriations?

Mr. ALBERT. Yes; we expect the HEW conference report from the subcommittee, chaired by the gentleman from Pennsylvania (Mr. FLOOD), to come up on Monday.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the minority leader for yielding. I would like to ask the distinguished majority leader if he can help me as to whether there is any credibility to the report being circulated this afternoon that the House may be in session during Christmas week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Of course, that, I assume, is a possibility. I hope the House will stay on the job, and prevent that possibility from becoming a fact. I sincerely believe that we can get through, as far as our side of the Capitol is concerned. I am not exactly sure what the other side will do.

Mr. GROSS. Mr. Speaker, I would hope that that is not being given serious consideration. I would think that there would be quite a shambles in trying to convene the House of Representatives during Christmas week.

Mr. ALBERT. I share the views of the gentleman on that subject.

Mr. GROSS. I thank the gentleman.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding, and I would like to further this colloquy a little bit about, not only meeting after Christmas and before New Year's, but in getting out of here next weekend at the latest.

It concerns me, Mr. Speaker, when our distinguished majority leader seems to hang everything about whether we go home for Christmas or not from the House of the People's Representatives on what the other body does. There is great precedent for not letting a fellow over there, whose name starts with "M," pull the strings and call our dance. And there is certainly no elegy or blaze of glory in retaining this House in session, waiting for the other to perform its functions, when they filibustered for 13 weeks on a question that was moot and purely academic, about a Cambodian invasion that was long since over, and another 7 weeks on the question of busing—and that question should have been a moot question, and now they fiddle while Rome burns, to wit, last night.

And the very fact, Mr. Speaker, that the other body of this Nation's Congress adjourned before we did last night indicates they are pulling the string. I hope that our leadership will develop enough gumption and enough desire to call the tune, with a blaze of glory, so that we can start the 92d Congress promptly—that they will call the tune and will serve notice that we have completed our job and that it is time to go home and celebrate the Advent.

Mr. ALBERT. I thank the gentleman for his suggestion.

Mr. GERALD R. FORD. I yield to the gentleman from Florida.

Mr. HALEY. I would say to the majority leader that so far as I am concerned I think that in the last several days we have not accomplished very much for the people of this Nation. I think we could have adjourned this Congress immediately after or before the elections in November and I think the American people would have been very gratified if we had done that. I think we are sitting in a wheelchair and we are accomplishing very little. And I think that so far as this Congress is concerned we ought to, just as soon as we can possibly do it, adjourn sine die and let us go home and go back and talk to the people in our congressional districts, because I am sure that they are quite disturbed about the actions of this particular session of the Congress.

WGN EDITORIAL—"OUR SMALL EFFORT"

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, in view of the nationwide concern for the insidious drug-abuse problem that parents and communities are trying to cope with throughout the United States today, it is extremely worthy of note and special commendation what a nonnetwork broadcast company in the district I represent is doing about it. Most noteworthy is the fact that this is a voluntary effort by a major Midwestern broadcast company.

The response from other broadcasters, newspapers, publishers, and countless businesses throughout the Nation dramatically demonstrates the far-flung concern about this serious problem as well as the willingness and determination by free enterprise to voluntarily do something about it.

Mr. Speaker, I submit for the Record the following editorial presented by Mr. Ward L. Quaal, president of WGN Continental Broadcasting Co., in recent broadcasts over WGN radio and WGN television in Chicago:

Our Small Effort

In mid-September, WGN Continental Broadcasting Company announced the start of a campaign of education about drugs and drug abuse. As we said at that time . . . "The tumultuous drug problems affect our youth more than any of us cares to admit."

We offered a packet of information in that editorial, and re-stated the offer many times on the air and in a series of newspaper advertisements. In addition to offering this pocket of information to our own viewers and listeners, we arranged to make these packets available for distribution through broadcasters and over other media in communities throughout the country.

The response has been most gratifying. When this project was undertaken, we estimated that media in about one hundred other communities might be interested in conducting similar campaigns. To our great surprise, we received inquiries from more than 1,000 radio and television stations and newspapers. Inquiries came also from 1,500 other business firms, medical, social and youth agencies, educational and religious institutions, fraternal organizations, and concerned community leaders from every one of the fifty states and a dozen foreign countries.

To date, we've received and processed 25,000 requests from our concerned listeners and viewers, and they're still coming in every day.

Late last month, President Nixon signed a new drug control bill into law. At that time he said, and I'd like to quote the President, "In every house in America, in every school in America, in every church in America, this nation faces a major crisis in increasing use of drugs among our young people." The President said, "I hope at the time the federal government is moving, the whole nation is moving with us . . . to save the lives of hundreds of thousands of our young people who otherwise would be hooked on drugs and physically, mentally, and morally destroyed."

We echo the President's message, and conclude this editorial as we concluded our editorial in mid-September by saying . . . "We only hope that our efforts will help a lot of people understand the terrible horrors of drug abuse. We hope we keep a lot of people from finding out about drugs for themselves . . . the hard way."

WE MUST STOP SALE OF ADDITIONAL OIL LEASES

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, I was distressed to hear this weekend that the Department of Interior has evidently decided to go forward with the sale of additional oil leases in the Gulf of Mexico, the first leases to be sold since the massive oil spills at Santa Barbara, Calif., in 1969. This is evidently going to take place in spite of the obvious threat to our environment from oil spills, and from fires such as those now being fought on a Shell Oil rig off the coast of Louisiana.

In the past few years, we have been appalled by the Torry Canyon disaster, by the Santa Barbara spill, and other spills off the coasts of Florida, Nova Scotia, and in the Gulf of Mexico. These spills have blackened beaches and killed thousands of birds and fish. They have harmed marine life and in some cases done significant damage to our own food sources. Above all, these incidents have shown that at this point there is little guarantee that they will not continue to occur.

If nothing else the fire presently burning in the Gulf of Mexico should prove to us that the danger which can occur from oil drilling is real. Our environment has been damaged by oil spills and it is stupid if we do not do everything we can to protect it from such damage in the future.

Now is not the time to sell more oil leases. I, therefore, urge those in the Department of the Interior to halt the sale of any new leases until we know that the resultant oil drilling will pose no danger to our environment.

I have today written to Acting Secretary Fred Russell, of the Department of Interior, concerning this situation, and the contents of my letter follows:

Washington, D.C.,
December 10, 1970.

Hon. Fred Russell,
Acting Secretary of the Interior,
Department of the Interior,
Washington, D.C.

Dear Mr. Secretary: It has come to my attention that the Department of Interior plans to go forward with the sale of additional oil leases in the Gulf of Mexico, the first such leases to be sold since the disastrous oil spill in the Santa Barbara channel in 1969.

Certainly we have all been distressed by such oil spills in the past few years—the Torrey Canyon disaster in 1967, the Santa Barbara spill in 1969, the Chevron spill off the coast of Louisiana a short time later, and others off the coasts of Florida, Nova Scotia and in the Gulf of Mexico.

These spills have blackened beaches and killed thousands of birds and fish. They have harmed marine life and in some cases done significant damage to our own food sources.

I realize that your Department has tried over the past two years to formulate new regulations in an effort to stop such spills and to protect our environment from the harm caused by them. Certainly these requirements—allowing for public hearings, for special stipulations to be imposed in leases to protect the environment, and requiring reports from appropriate federal agencies on the potential environmental effects of drilling operations—are commendable.

The first report of The President's Panel on Oil Spills, however, made two significant statements which I believe are relevant here.

First, that Report says that "the United States has neither the technical nor the operational capability to cope satisfactorily with a large-scale petroleum spill in the marine environment."

Secondly, that report says that "the complete effects on the environment of spilled oil are not sufficiently well known and further detailed studies are badly needed."

These two statements, combined with the massive fires now burning on a Shell oil rig in the Gulf of Mexico, make it clear to me that it would ill serve the environment to allow additional sales of leases in the Gulf of Mexico to be made at this time.

The fire in the Gulf has shown that we have little guarantee now that such disasters will not continue, and even increase, as time goes on. Our environment simply cannot afford that.

The regulations issued by your Department indicate that any drilling operation may be suspended if it threatens the environment. I suggest and urge that the Department go one step further—that you suspend the sale of leases altogether, until we can determine the cause of the present fire and how to prevent such fires in the future and until we have more adequate knowledge of the environmental consequences which may result from continued off-shore drilling operations.

Sincerely yours,
David R. Obey,
Member of Congress.

PROPOSED NATIONAL HEALTH-CARE ACT

(Mr. BURLESON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURLESON of Texas. Mr. Speaker, I am today introducing the National Health-Care Act of 1970. The purpose of the proposal is to make adequate health care for all Americans a reality in the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health-care insurance available to all our people.

The bill I am introducing today represents a sound approach to the solution of an especially complex problem—the provision of good health care to all Americans at a cost their Government can afford. I believe that this bill and other legislative proposals introduced thus far, and others that may yet be introduced, deserve serious, thorough, and open-minded study. It is primarily for this purpose that I have today introduced the National Health-Care Act of 1970.

Few proposals in our Nation's history will have a greater potential for altering—for the better or for the worse—the health and well-being of our citizens and the soundness of our fiscal policy than these proposals for major changes in our health-care system. They must be studied long and carefully before any action is taken.

The principal features of the bill I have introduced today are designed to:

First, increase health manpower facilities and improve their distribution;

Second, promote the development of ambulatory care centers providing preventive as well as therapeutic services in order to make quality health care less expensive and more accessible, particularly in areas where health services are scarce;

Third, strengthen health planning by giving comprehensive health planning agencies greater authority and financial support;

Fourth, improve control over cost and quality of medical care by more effective methods of reimbursement and more effective utilization of professional services and health facilities;

Fifth, create a council of health policy advisers in the Executive Office of the President in order to provide national leadership in the health-care field; and

Sixth, make comprehensive private health insurance available to all Americans through a system of Federal income tax incentives. State pools of private health insurers, including all types of health costs prepayment mechanisms, would insure those unable to pay for or secure health insurance. The State pools would be supported by Federal and State funds and contributions by individuals, scaled to income.

Mr. Speaker, I have introduced this bill at this time so that interested members of the public and health-care industry will have a chance to study its many features. I am particularly impressed with the features of this bill which are aimed at increasing the availability of health manpower in rural and other areas where a scarcity now exists.

Mr. Speaker, I insert in the Record at this point a brief statement on the bill and a section-by-section analysis which is intended to facilitate the understanding and study of this measure:

General Statement on National Healthcare Act of 1970

It is agreed that every American should have access to quality health care. There is agreement as well that too many of our citizens now find it difficult to secure quality health care when they need it, where they need it, and at prices they can afford.

A number of bills have been introduced to date aimed at remedying this situation. These proposals range from some which may not go far enough, to those which perhaps would go too far in their efforts to come to grips with this national problem and thereby destroy that which has proven sound and workable.

The National Healthcare Act of 1970 goes to neither extreme. Instead, it attempts to demonstrate that the personal health care needs of all citizens would be served most effectively and at lower cost through full use of the present system's demonstrated strength and capabilities, coupled with significant reforms and additions where the present system, for one reason or another, does not meet the Nation's needs.

The matter of cost is an important factor in any deliberations regarding a national health insurance program for America. It would be possible to spend upwards of $75 billion a year in Federal tax dollars to confront this national problem. However, it is not necessary to tax our citizens so heavily to provide such a health plan.

The National Healthcare Act of 1970 would add less than $4 billion to present spending for health programs at the Federal level in the first year of operation, yet it would lead to assuring all citizens of access to quality health care no matter what their income might be.

This is made possible through a program which combines the flexibility, innovativeness, efficiency and managerial skills of private enterprise, the high scientific and technical competence of the medical and allied health professions, the fiscal and legislative capacities of government, and the talents and energies of the consumer at the community level.

The cooperative endeavor proposed in this bill could create a health care system of unprecedented scale and potential for serving the needs of all citizens on an economically sound basis, with the communities served participating in developing and maintaining the proposed programs.

There has been considerable criticism of our present health care delivery system. Doctors, nurses, hospitals, nursing homes, health insurers, government plans, have all come under attack from one quarter or another. Our present system admittedly has its shortcomings. However, it has much to recommend it. Our system is not a health care system on the wane. It is a growing system and it has growing pains. What must be provided now is the wherewithal to assure that this growth is continued and that the benefits of this system are extended to all men, women, and children regardless of their ability to pay for the health care they require.

The National Healthcare Act of 1970 proposes to lay the groundwork for improving the organization and delivery of health care by:

1. Increasing manpower through student loans for training in the health professions, grants for the planning and establishment of curriculums for training comprehensive ambulatory health care teams and grants to personnel in the health professions, allied health professions and nursing for service in areas of critical needs.

2. Promoting widespread development of comprehensive ambulatory health care centers to provide a broad range of services, including check-ups, diagnosis and treatment of most common ailments, rehabilitation, family planning, mental health care and vision and dental care.

3. Creating a Council of Health Policy Advisors in the Executive Office of the President. The three-member Council, appointed by the President, would formulate and recommend national policies to promote the improvement of health care. Each year, beginning in 1972, the President would be expected to transmit a Health Report to Congress setting forth among other matters, the status of the health care system of the nation and presenting a program for carrying out policy together with recommendations for legislation. The Council of Health Policy Advisors would assist the President in preparing this report.

4. Strengthening health planning in order to conserve scarce manpower and facilities by giving comprehensive community health planning agencies greater authority and financial support.

5. Instituting cost controls through the establishment of State Commissions to review and approve in advance, hospital and nursing home rates and through provisions requiring physicians to justify their services and charges unless these fell within professionally established guidelines.

As you can gather from the foregoing the bill is far more than a financing mechanism for health care. It recognizes that changes in the system must accompany any additional financing made available. Otherwise, the effect would be to inflate already high health costs and make less rather than more health care available to all Americans.

In 1965, we enacted Medicare. Medicare brought health, blessings and assistance to millions of Americans. But it complicated the problem. It provided more dollars—but not more services—so the price went up for all of us. We must not let that happen again.

Recognizing this, the Federal Government should encourage health care insurance benefits for all that will stimulate development of new forms of health care designed to shift the emphasis from high-cost inpatient hospital care to lower-cost types of institutional care and in particular, more easily accessible ambulatory and preventive care.

In addition, comprehensive health care insurance coverage would be made available to all people, building on the broad base of existing voluntary health insurance plans. Costs for most of the population would continue to be met by individuals and employers, and public funds would be used for those who need total or partial support in financing their health care.

To accomplish this, the bill proposes that standards of ambulatory, preventive and institutional health care benefits be established by the Federal Government. Federal income tax incentives would be employed to stimulate the extension of health care benefits to all employer-employee groups and to economically self-sufficient individuals not in such groups. All employer plans would have to meet Federal minimum standards in order to qualify for tax deductions.

The bill would make health care benefits available to persons of low income and to persons previously uninsurable. The latter would contribute on a reasonable basis in relation to their income. Those of low income would be covered regardless of their assets, through State health care benefit programs participated in by all insurers, including Blue Cross/Blue Shield, insurance companies and prepaid group practice plans. These health care benefits will be supported by State and Federal subsidies. These privately insured benefits would immediately reduce the need for Medicaid and would eventually eliminate it as a means of financing medical care.

In recognition of the present limitation of manpower and facilities, the proposed Federal benefit standards have been established on a priority basis. Initial benefits called for in the bill will be increased under a three-phase program as additional manpower and facilities become available.

Phase One of the program for private plans would go into effect in the 1973 tax year. It would cover charges for all physician's services in connection with surgery, radiation therapy and diagnostic tests, whether performed in a hospital, ambulatory care center or doctor's office. Limited coverage would be provided for visits to a physician in his office or in an institution. Well-baby care, including immunizations during the first six months after birth, the first 30-days of semiprivate, general or psychiatric hospital care per illness, the first 60-days of convalescence in a skilled nursing home and the first 90-days in an approved home care program would also be covered.

It is anticipated that Phase Two of the program would take effect in 1976. In that and subsequent tax years, the benefits would be improved and others added, including dental care for children under 19, prescription drugs for all people, rehabilitation services and maternity care.

In recognition of the greater need of low income people, the State health care pro-

grams would initially provide a level of benefits equal to that provided under private plans in 1976. When private plans enter the second phase of health care in 1976, State plans would move to Phase Three benefits.

In 1979, when it is assumed that all services will be available in the amounts required to meet demand, Phase Three will go into effect for all people. In this ultimate phase of health care benefits, there would be no maximum limits on ambulatory care and realistic limits on institutional care.

The benefits payable for catastrophic accident or illness could exceed the $50,000 maximum benefit currently provided under the Federal Employees' Government-Wide Indemnity Benefit Plan.

All members of the House should study this bill in detail. Comprehensive health care and the insurance to finance it should be made available to all our citizens. This dual goal can be achieved at lowest cost to the nation by enactment of this bill.

NATIONAL HEALTH CARE ACT 1970: SECTION-BY-SECTION ANALYSIS

TITLE I—FINDS AND DECLARATION OF PURPOSE

Section 101: This section states that: (a) America confronts a critical testing of its capacity to meet for all of its citizens one of the most basic of human needs, that of protecting and maintaining personal health; (b) every citizen of the United States of America should have access to quality health care, but too many Americans find it difficult to secure quality health care when they need it, where they need it, at prices they can afford; (c) the nation needs systems of health care organization, delivery, and financing which combine the high scientific and technical competence of the medical and allied health professions; the flexibility, innovativeness, efficiency, and managerial skills of private enterprise; the legislative and fiscal capacities of government at all levels; and the potentialities of consumer and community participation in developing and maintaining such systems of health care.

Section 102: This section declares the purpose of the Act to be to improve the organization, delivery, and financing of health care for all Americans by increasing health personnel, promoting ambulatory care, strengthening health planning, establishing national standards of health care benefits, encouraging provision of such benefits through comprehensive health care insurance, and by assisting persons of low income or in poor health to secure that insurance.

TITLE II—PROVISIONS TO INCREASE THE SUPPLY AND IMPROVE THE DISTRIBUTION OF HEALTH CARE PERSONNEL

Student loans for training in the health professions and nursing

Section 201: The medical student loan provisions of the Public Health Service Act are amended to allow a medical student to borrow the full cost of tuition, fees, and reasonable amounts for room, board, books, supplies, and other related costs. The loan will be forgiven at the rate of 20 percent a year in return for practice in an area found by the Secretary of HEW and the appropriate State comprehensive planning agency to be in need of physicians, optometrists, or dentists.

The bill authorizes $50 million for FY 1971, $70 million for FY 1972, and $100 million a year for FY 1973, 1974, and 1975 for this purpose.

Loan provisions for student nurses are amended to allow loans covering the full cost of tuition, fees, and reasonable amounts for room, board, books, supplies and other related costs. Up to half of the loan may be forgiven at the rate of 20 percent a year for service in a public or nonprofit private institution or agency. Up to 100 percent of the loan may be forgiven at the rate of 33⅓ percent a year for appropriate service in an area designated as having a substantial shortage of nurses.

The bill authorizes $25 million for FY 1971, $50 million for FY 1972, $75 million a year for FY 1973, 1974, and 1975 for this purpose.

Scholarship grants and student loans for training in the allied health professions

Section 202: Scholarship grants may, in accordance with regulations of the Secretary of HEW, be awarded according to the needs of the individual, up to the full cost of his tuition, fees, books, equipment and living expenses.

The bill authorizes for this purpose $10 million for FY 1971, $30 million for FY 1972, and $50 million a year for FY 1973, 1974, and 1975.

Loan provisions for students in the allied health professions are amended to allow loans covering the full cost of tuition, fees, and reasonable amounts for room, board, books, supplies, and other related costs. Up to half of the loan may be forgiven at the rate of 20 percent a year for service in a public or nonprofit private institution or agency. Up to 100 percent of the loan may be forgiven at the rate of 33⅓ percent a year for appropriate service in an area designs having a substantial shortage of allied health professionals.

The bill authorizes $7.5 million for FY 1971, $15 million for FY 1972, $40 million for FY 1973, $60 million for FY 1974, and $75 million for FY 1975 for this purpose.

Training for personnel needed in comprehensive ambulatory health care centers

Section 203: For purposes of training grants under the Public Health Service Act, this section amends the term "training center for allied health professions" to include junior colleges, colleges and universities which offer training in health care center administration or curriculums providing the allied health professionals needed to operate comprehensive ambulatory health care centers.

It also establishes a new program of special project grants to help education institutions meet the cost of developing curriculums and training programs to develop the skills needed to administer and staff comprehensive ambulatory health care centers.

The bill authorizes $10 million for FY 1971, $25 million for FY 1972, $40 million for FY 1973, and $50 million a year for FY 1974 and 1975 for this purpose.

Grants to personnel in the health professions, allied health professions, and nursing for service in areas of critical need

Section 204: This section establishes a program of Federal grants to medical personnel in return for service in urban and rural areas of critical need to alleviate the maldistribution of health care personnel.

The Secretary of HEW is authorized to contract with individual health professionals, nurses, or allied health professionals who agree to provide health care services for a period of at least two years in an area designated by the Secretary, upon recommendation of the appropriate State comprehensive health planning agency, as having a critical need for those services.

The purpose of the grant is (1) to compensate the individual for providing health care services in an area where his normal compensation for services is less than equivalent health personnel receive elsewhere, and (2) to compensate the individual for his loss of time in getting established in a more lucrative area.

The amount of the grant, therefore, is that amount which, when added to the recipient's income from providing health care services for each contract year, provides a total income equal to 110 percent of the national annual median income for persons of comparable education and training, or 110 percent of his earnings from providing health care services in the previous year, whichever is greater.

In determining the precise amount of the grant, the Secretary may consider such factors as he deems relevant. He must consider, however:

(1) the national median annual income for the applicant's profession;

(2) the cost of living in the area of need;

(3) the background, training, and education of the applicant;

(4) the amount of income the applicant can reasonably expect to receive from service in the area;

(5) the number of persons of the applicant's profession needed in the area; and

(6) where appropriate, cost of equipment, supplies, and facilities.

The bill authorizes $10 million for FY 1971 and $50 million a year thereafter until June 30, 1975, for this purpose.

Effective date

Section 205: Title II becomes effective upon enactment.

TITLE III—COMPREHENSIVE AMBULATORY HEALTH CARE CENTERS

The purpose of this Title is to provide for grants to comprehensive ambulatory health care centers (as defined in amendments made by Section 309). The Public Health Service Act currently provides for grants for the construction or modernization of "out-patient facilities," but no funds are earmarked specifically for such facilities, nor are the facilities required to provide comprehensive ambulatory health care services. This Title would set up a special category of grants to comprehensive ambulatory health care centers which offer a greater range of medical services than current law now specifies for "out-patient facilities" grants.

Amendment of purpose

Section 301: This section amends the declaration of purpose of Title VI of the Public Health Service Act to recognize specifically the concept of a comprehensive ambulatory health care center.

Authorization of appropriations for construction and modernization grants

Section 302: For fiscal years commencing after June 30, 1971, an additional $200 million is provided hereunder in grant authority to be used for the construction of comprehensive ambulatory health care facilities, or the modernization of such existing facilities. This sum is provided through a new allotment category which is separate from existing allotment categories for construction and modernization of hospitals and other medical facilities. It is contemplated that a portion of the funds available for grants hereunder will be used to assist nearly-constructed facilities to pay initial start-up and operation expenses during the first three years of operation of such centers.

State allotments

Section 303: Funds available for the construction and modernization of comprehensive ambulatory health care centers will be allotted to the several states on the same basis as allotments are now made for construction of hospitals and other medical facilities. Transfers from allotments for the construction and modernization of comprehensive ambulatory health care facilities to allotments for the construction of other types of facilities are not authorized. Existing law permitting carryovers of unused allotments from one fiscal year to the other is unchanged.

Priority of projects

Section 304: Priorities for awarding grants to comprehensive ambulatory health care centers would be given to proposed facilities in densely populated areas now lacking such facilities. This is to relieve pressures on general hospitals in such areas, to bring preventive and treatment facilities to populous areas not now receiving coordinated health care, and to create lower-cost facilities in lieu of expanding high-cost in-patient facilities.

State plans

Section 305: In its evaluation of the health needs of its citizens, the State health planning agency would be required to determine as part of its planning process the number of comprehensive ambulatory health care centers needed in the state and a plan for distribution of such centers. It would also have to adopt a program providing for construction of those comprehensive ambulatory health care centers identified as needed in its State plan, or for modernizing such existing facilities.

Recovery of funds

Section 306: This section would add comprehensive ambulatory health care centers to the list of types of health facilities from which recovery of federal funds may be made by the federal government from facilities which no longer qualify.

Loan guarantees and loans for modernization and construction of comprehensive ambulatory health centers

Section 307: The Public Health Service Act provides for loans, guarantees and interest subsidies for qualified agencies wishing to construct or modernize health facilities. This section adds comprehensive ambulatory health care centers to the list of types of facilities which qualify for such loans, guarantees and interest subsidies.

Definition of comprehensive ambulatory health care center

Section 308: Comprehensive ambulatory health care centers are specifically defined so as to encompass only facilities which provide a wide range of preventive, diagnostic and treatment services for ambulatory patients and thus relieve overutilization of general hospitals and make health care more accessible.

TITLE IV—PROVISIONS TO STRENGTHEN HEALTH CARE PLANNING

Subtitle A—Health Report of the President; Council of Health Policy Advisers Health Report of the President

Section 401: Beginning in 1972, the President shall make a health report to the Congress no later than July 1 of each year on the status of the nation's health needs and health care system with a program for meeting those needs.

Council of health policy advisers

Section 402: This section creates a three-man Council of Health Policy Advisers in the Executive Office of the President, its members appointed by the President with the advice and consent of the Senate.

Employment of officers, employees, experts and consultants

Section 403: The Council is authorized to hire officers, employees and such experts and consultants as may be needed.

Responsibilities of council

Section 404: This section outlines the responsibilities of the Council in assisting the President in the preparation of his Health Report and the setting and coordination of overall health policy.

The Council is required to make an annual health report to the President not later than April 1 of each year, starting in 1972. This report shall be transmitted to the Congress as a supplement to the next Health Report of the President to the Congress. In its first report to the President the Council shall specifically review and advise the President on health programs. The Council shall develop and recommend goals for a national health policy to promote efficiency, eliminate waste and duplication in the utilization of health facilities and resources, and shall recommend specific programs to streamline and consolidate health manpower programs.

Consultation with other advisory bodies and representative groups—cooperative utilization of services, facilities and information

Section 405: The Council shall consult with the National Advisory Health Council, other advisory councils or committees as well as such representatives of the private sector as it deems advisable and shall utilize the services, facilities and information of other public and private organizations to the fullest extent to avoid unnecessary overlapping or duplication of effort.

Compensation of members

Section 406: The Chairman shall be compensated at the rate of Level II and the other members at the rate of Level IV of the Executive Schedule Pay Rates.

Authorization of appropriations

Section 407: Authorizes such sums as are needed to enable the Council to function, not to exceed $1 million in any fiscal year.

Subtitle B—Departmental Recommendations and Reports

Statements regarding effect of departmental proposal on Nation's health care

Section 411: Every agency of the Federal Government is required to include, to the fullest extent possible, in each report on proposals for legislation or other major Federal action significantly affecting health or the health care system, the impact of the proposal on the nation's health care system, adverse effects, alternatives, the relative priority established by the Council of Health Policy Advisers, and any irreversible or irretrievable commitments of resources involved. Prior to making this report the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise relative to the health impact of the proposal. These comments, with comments of appropriate Federal, State and local agencies shall be made available to the President, the Council, and the public, and shall accompany the proposal through the existing agency review process.

Agency obligations under other Federal statutes

Section 412: The preceding section (sec. 411) shall not affect the obligations imposed on Federal agencies by other Federal statutes.

Subtitle C—Comprehensive Health Planning Amendments

Part A—Definition of "appropriate comprehensive health planning agency"

Section 431: Adopts for purposes of the entire Public Health Service Act the definition of "appropriate comprehensive health planning agency" provided in section 444 of this bill.

Part B—State and areawide comprehensive health planning agencies

State agency review and certification

Section 441: In order to qualify for the comprehensive health planning grants currently provided by section 314 of the Public Health Service Act, a State plan for comprehensive State health planning must, in addition to existing requirements, provide for the project certification procedures established by this Part B.

Areawide comprehensive health planning agencies

Section 442: This section increases the funds authorized for project grants for areawide health planning, to $25 million for FY 1971, $40 million for FY 1972, and $60 million for FY 1973.

To be eligible for the grants the agency must be prepared to function as the "appropriate comprehensive health planning agency" for the area or region. The agency must be prepared to play a strengthened role in coordinating areawide health affairs, including the determination of health needs, capital expenditure programs, cooperative use of facilities, optimum use of available manpower, and improved management techniques. The agency must provide for consultation with the areawide health planning council and other groups, for the representation of health care facilities and physicians, for enlisting public support, and for educating the public concerning the proper use of facilities and services available.

Comprehensive procedure for review and certification

Section 443: In the case of applications for Federal grants, loans, or other financial aid involving more than $100,000 which require certification by the appropriate comprehensive health planning agency, the application may be approved by the Secretary only after he is satisfied that the review provisions of this section have been met. The section, strengthening the role of the agency, requires that it have reasonable opportunity to review and comment on the application, and has certified to its essential need and high priority. If the "appropriate comprehensive health planning agency" is a metropolitan or other local planning agency, that agency, after reviewing the application, must have communicated its comments to both the applicant and the State agency. The State planning agency must make its own determination that the application fits in with the State's overall needs and priorities as expressed in the State plan. If two or more States are involved, each State agency must make a separate certification as to the need and priority of the project in its State.

Definition

Section 444: In the case of a project affecting an entire State, the appropriate comprehensive health planning agency is the agency designated in the State plan. In the case of a project affecting a region, metropolitan area, or other local area, the appropriate comprehensive health planning agency is the agency or organization designated under section 442 of this bill or such other public or nonprofit private agency determined in accordance with regulations to be performing the required health planning functions.

TITLE V—PROVISIONS TO MAKE COMPREHENSIVE HEALTH CARE INSURANCE AVAILABLE TO ALL

Title V of the bill contains provisions designed to accomplish three major objectives:

(1) To establish minimum nationwide standards for individual health care benefits;

(2) To establish a system of nationwide health care insurance, utilizing both privately and publicly financed plans, which will assure that every individual requiring medical care will have the funds required to pay the cost of the care when his need for it arises, irrespective of his economic status; and

(3) To control the cost and quality of medical care to the consumer by strengthening controls over the prices charged by institutional and individual providers of medical care that may be exercised by the public and private insurers who pay the providers' charges. Provisions to achieve the first of these objectives appear in Subtitle A, which establishes the Minimum Standard Healthcare Benefits, as well as in provisions of the remaining subtitles which implement these minimum standards by requiring that they be met as a condition to eligibility for the tax and other public financial incentives provided under those other subtitles. Provisions to serve the second of these major objectives appear in Subtitles B and C, which provide federal tax incentives for the establishment

of private health insurance plans by employers and individuals, and in Subtitle D, which supplies public financial assistance, to be shared by federal and state governments, for state health care insurance plans designed to meet the needs of needy and uninsurable individuals. Provisions to accomplish strengthening controls over the cost and quality of medical care to the consumer, although woven into the fabric of all the provisions of Title V, appear mainly in the institutional rate reimbursement provisions of Subtitle D, in those provisions of Subtitle A which permit private insurers to impose limits on the charges for which providers of medical care may be reimbursed, as well as in those provisions of Subtitle A which, through the definition of minimum standard health care benefits, shift emphasis from high-cost in-patient hospital care to lower-cost types of ambulatory and preventive care.

SUBTITLE A

Minimum nationwide standard health care benefits established

Section 501: Minimum national standards for the health care of all individuals are prescribed by section 501 of the bill. The terms of the bill by which these standards are to be put into effect will make them nationwide in their application; will guarantee that the minimum standards of health care required will be at least as high or higher for needy and uninsurable individuals as for others; will assure that the standards prescribed will operate to set a minimum rather than a maximum for health care actually obtainable by an individual; will shift emphasis from the present day concentration of high-cost institutional and specialized health care to lower-cost ambulatory and preventive care which serves the comprehensive health care needs of an individual; and will permit the minimum standards to be phased in over a period of time in accordance with a schedule of priorities that will not give rise to unrealistic expectations for medical care beyond the level of medical facilities and professional talent the Nation is capable of delivering.

Nationwide application of minimum health care standards laid down by section 501 is effected by insertion in federal law, namely the Internal Revenue Code and the Social Security Act, of requirements that benefits paying for not less than the health care required under the minimum standards must be included in private or state established health care plans as a condition of eligibility for the federal tax or other public financial assistance accorded under the bill (see I.R.C. §§ 280 and 213, added by the bill).

To assure that the health care standards prescribed under section 501 will operate only as a minimum and will not discourage an individual's initiatives to secure even higher standards of health care for which he is willing to pay, the bill contains several provisions making it clear that the standards named are only minimums and that provision of benefits for high levels of medical care will not prevent a health care benefit plan from qualifying for advantages accorded under the new law. Such provisions include the one making it clear the standards established are only minimums (I.R.C. § 213 (h)); the ones specifically permitting additional benefits (I.R.C. §§ 280(c) (8) (C) and 213(g) (3) (D)); the ones permitting a qualified private health care plan to provide for a covered individual's payment of medical expenses exceeding established "deductible" and "co-payment" standards (I.R.C. §§ 280 (c) (8) and 213(g) (3)); and the ones permitting qualifying health care plans to include various other "optional" provisions (I.R.C. § 280(c) and 213(g) (3)).

Provisions in the bill to assure that the minimum standards of health care required to be provided needy and uninsurable individuals will be no less than those required for the more fortunately situated appear in the sections that apply the definition of minimum standard health care benefits to private and publicly assisted plans alike (Social Security Act § 2002(a); I.R.C. §§ 280(c) (4) and 213(g) (1)), as well as in the benefit phase-in schedules requiring the timing of benefit implementation to be faster under publicly assisted plans for needy and uninsurable individuals (Social Security Act § 2002(a)) than under private qualified plans (I.R.C. §§ 280(c) (4) and 213(g) (1)).

Provisions in the bill to stimulate a shift in emphasis to the provision of comprehensive health care on an ambulatory and preventive care basis, and away from reliance on higher-cost in-patient institutional care appear throughout the definition of the Minimum Standard Healthcare Benefits generally (see I.R.C. § 213(h)) and particularly in provisions which bar higher co-payments for ambulatory-treatment of a given condition than for institutional treatment of the same condition.

The bill contains provisions to meet the problem of preventing the required minimum standard of health care benefits from outstripping the Nation's health care delivery capabilities. This is accomplished by provisions in the bill which assign one of three "priority designations" to each of the benefits in the Table of Minimum Standard Healthcare Benefits (I.R.C. § 213(h) (1) (A)) and by related provisions which require benefits in the several priority categories to be phased-in in accordance with a schedule prescribed in the law (I.R.C. §§ 280(c) (4) (A) and 213(g) (1) (A)). To permit the flexibility required to deal with unexpected shortfalls in development of the health care facilities and services needed to deliver the care covered by a particular benefit, the President is empowered, under restricted conditions stated in the law, to defer the scheduled time for phase-in of benefits that have not become mandatory at the time he acts.

The initial Minimum Standard Healthcare Benefits for individuals covered under qualified private plans and those for individuals covered under qualified public plans include the following:

(A) For non-occupational accidents and illnesses other than pregnancy:

(1) Diagnosis and non-surgical treatment by a physician in his office or at a hospital on a non-in-patient basis—three visits per year for individuals covered under private plans and six visits per year for individuals covered under public plans. Patient pays $2.00 per visit.

(2) Treatment by surgery or radiation therapy by a physician in his office or at a hospital on a non-in-patient basis—unlimited visits under both private and public plans. Patient pays $2.00 per visit.

(3) X-rays, laboratory tests, electrocardiograms, and other diagnostic tests performed in connection with care provided in (1) or (2) above—unlimited coverage under both private and public plans. No co-payment required.

(4) Birth control counseling by a physician in his office—covered only under public plans. No co-payment required.

(5) Well-baby care during first six months—six examinations covered under both private and public plans. No co-payment required.

(6) Well-baby care during next 18 months—six examinations covered only under public plans. No co-payment required.

(7) Physical therapy rendered or prescribed by a physician—covered only under public plans. Patient pays 20%.

(8) Diagnosis and treatment of any condition by a physician in a hospital or extended care facility—unlimited subject to co-payment of $2.00 per day during the first 30 days of confinement and $5.00 per day thereafter for individuals covered under private plans, and $2.00 per day for the first 120 days of confinement and $5.00 per day thereafter for individuals covered under public plans.

(9) Annual oral examination by a dentist (including prophylaxis)—applicable only to children under age 19 covered under public plans. No co-payment required.

(10) Amalgam fillings, extractions, and dentures—applicable only to children under age 19 covered under public plans. Patient pays 20%.

(11) Drugs requiring a prescription and certain life-preserving non-legend drugs prescribed by a physician—covered only under public plans. Patient pays $1.00 per prescription.

(12) Prosthetic appliances—covered only under public plans. Patient pays 20%.

(13) Hospital services (semi-private accommodations and ancillary services while confined as an in-patient)—the first 30 days of confinement for individuals covered under private plans and the first 120 days of confinement for individuals covered under public plans. Patient pays $10.00 the first day and $5.00 for each additional day of covered confinement.

(14) Extended care facility services (semi-private accommodations and ancillary services while confined as an in-patient)—the first 60 days of confinement for individuals covered under private plans and the first 120 days of confinement for individuals covered under public plans. Patient pays $2.50 per day of covered confinement.

(15) Home health agency services under a prescribed plan—those rendered during the first 90 days of the plan for individuals covered under private plans and during the first 180 days of the plan for individuals covered under public plans. The patient pays $2.50 per day of services rendered.

(B) For pregnancies: Diagnosis, treatment, and institutional confinement for pregnancy and any complications thereof from date of conception until the ninetieth day following termination of the pregnancy—covered only under public plans. Patient pays 20%.

Co-payments by patients have been used as a deterrent to excessive utilization of certain services. However, families have been protected against having these co-payments be a serious financial burden by means of a limit on the total amount of co-payments that may be required in any one year.

In the absence of a Presidential deferral, those Minimum Standard Healthcare Benefits that are initially provided individuals covered under qualified public plans but not private plans will become available to individuals covered under qualified private plans on January 1, 1976. Similarly the proposed 1976 improvements in the Minimum Standard Healthcare Benefits for qualified public plans will become effective for qualified private plans in 1979.

SUBTITLES B AND C

Qualified employee and individual healthcare plans

Subtitles B and C of the bill provide significant federal income tax incentives to stimulate the extension of comprehensive health care insurance under qualifying privately financed plans maintained by employers for employees, or by individuals for themselves and their dependents.

Qualified employee healthcare plans

Section 511: The bill amends the Internal Revenue Code to restrict the federal income tax deduction otherwise allowable to an employer for any amount paid or incurred by the employer for medical care of any employee or his dependents. This deduction is restricted to 50 percent of the described expense for medical care of the employee. If the employer establishes and maintains a Qualified Employee Healthcare Plan, the restriction will not apply, and 100 percent of the described expense is deductible. This section is applicable to taxable years commencing after December 31, 1972, except that, in the case of any employer plan providing medical care for employees which was established pursuant to a collectively-bargained agreement, the restrictions on the deduction will not apply until the expiration of the agreement, or December 31, 1975, whichever occurs first.

Each Qualified Employee Healthcare Plan must provide at least the Minimum Standard Healthcare Benefits described in Subtitle A. A qualified plan must be in writing, adopted by the employer, and communicated to his employees. Substantially all active full-time employees must be eligible to be covered, and the coverage must continue upon certain terminations of employment or certain temporary absences of the employee. A coordination of benefits provision must be included in a qualified plan to avoid costly duplication of coverage.

Qualified individual health-care plans

Section 521: The Internal Revenue Code presently restricts an individual's deduction for his expenses paid for insurance which constitutes medical care to an amount (not in excess of $150) equal to 50 percent of the amount actually paid. The portion of the expense not so deductible may be deducted only to the extent that it exceeds 3 percent of adjusted gross income. The bill amends the Internal Revenue Code, for taxable years commencing after December 31, 1972, to remove these restrictions and to allow 100 percent of medical care insurance premiums as a deduction, to the extent such expenses are paid for the cost of a Qualified Individual Healthcare Plan, or as a contribution toward the cost of a Qualified Employee Healthcare Plan or as a contribution toward the cost of a Qualified State Healthcare Plan.

Each Qualified Individual Healthcare Plan must provide at least the Minimum Standard Healthcare Benefits described in Subtitle A. A qualified individual insurance contract must contain provisions which obligate the insurer to renew the policy, and allow covered dependents to continue their coverage under the policy after the death of the insured as if he were still alive.

SUBTITLE D

Grants to States for qualified State healthcare plans for the needy and uninsurable

Section 531: The bill adds a new Title XX to the Social Security Act to provide for the establishment of publicly subsidized health care insurance plans on a state by state basis. Each state will have a health insurance pool, which all private entities in that state (both profit and non-profit) which currently indemnify the cost of health care would be required to underwrite. One or more private insurance carriers will be designated by the state to administer the state plan on a retention accounting basis. These state plans will guarantee that Minimum Standard Healthcare Benefits are made available to individuals and families who previously were unable to purchase health care insurance, either because of their low income or their extremely poor health. (secs. 2001; 2002(a); 2002(d); 2003(a); 2003(b); 2010; 2015(a) of Title XX).

In order to encourage a state to establish a plan, federal appropriations otherwise payable to the state pursuant to Titles V and XIX of the Social Security Act are conditioned on the state's having in operation a Qualified State Healthcare Plan. The benefits required to be provided by a state plan are designed to stimulate the nationwide development of improved methods for organizing and delivering health care services. (secs. 2002(a) and 2012(d) of Title XX).

Individuals or families who are eligible to receive public cash assistance under a program financed in whole or in part by federal funds will be enrolled in the state plan automatically, and without cost. Those individuals who are financially capable of procuring health insurance, but who are uninsurable because of poor health, may enroll in the state plan at their own expense; however, these individuals may not be charged more than the established rate for other individuals enrolled in that state plan. Enrollment of other individuals and families who had low incomes the previous year (less than $3,000 for single individuals, less than $4,500 for a family of two, and less than $6,000 for a family of three or more) is voluntary. Such individuals and families would elect to be enrolled once each year and would be required to make modest contributions toward the cost of insuring their own health care, depending on the size of their family and the amount of their income. No assets or other means tests are required. (secs. 2003(a); 2003(b); 2005(a); 2005(c); 2005(e); 2006(a); 2006(b) of Title XX).

The premiums to be charged for each policy year under a state plan will be actuarially determined in each state, and for each family size risk category. The established premiums are subject to annual review by designated federal and state agencies, and if the premiums are found to be unjustifiably high within a particular state, the Secretary of Health, Education, and Welfare may direct a reduction in the federal appropriation for that state's premium cost. Each state has the primary obligation to provide the uncontributed premium cost for its plan; but if the state implements and utilizes controls which are designed to promote the delivery of lower-cost, higher-quality institutional health care services, if it exempts Qualified State Healthcare Plan transactions from state taxation, and if it eliminates discriminatory state tax treatment of health care insurers, then the state will receive federal appropriations reimbursing it for a percentage of its total uncontributed premium cost. This federal percentage reimbursement is greater in poor states than in richer states. The base figure may be between 70 and 90 percent, depending on the state's per capita income, but further adjustments to this percentage may be made if institutional rates charged in any particular state for health care services are unjustifiably high in comparison with other states. States are given the authority to review in advance the rates to be charged by health care institutions for their services, and to refuse to approve these rates for payment under the state plan. The cost and quality of health care services provided by physicians and other medical practitioners will be controlled in each state.

A professional service, otherwise covered by these state plans, shall be reimbursed only if it falls within professionally established utilization guidelines or is found to be necessary health care by a qualified peer review committee. Furthermore, no charge for a necessary service shall be reimbursed to the extent that it exceeds the prevailing charge in a locality for similar services. There is a financial incentive for physicians not to over-utilize hospitals (secs. 2002(e)(2); 2004; 2006(e); 2008; 2009; 2010(c)(3); 2012(a); 2012(c); 2012(e) 2014 of Title XX).

If the premiums collected and other monies received under the state plan are not sufficient to pay the claims incurred and the other costs of operating the state plan, the private underwriters of the plan shall bear the losses to the extent of 3 percent of the premiums collected for that year. The state will bear the excess losses and will receive a federal appropriation reimbursing it for that portion of the excess losses equal to the base federal percentage for that state's premium cost (secs. 2010 and 2012(b) of Title XX).

To avoid costly duplication of coverage, enrollment is not available to those individuals or families covered under a Qualified Employee Healthcare Plan; enrollment is not generally available to classes of individuals or families who will receive substantially all of their medical care under a non-Social Security federal or state program; all eligible state plan enrollees must have Medicare Part B supplementary medical insurance coverage, the material cost of which would be borne by the state and the benefits of which would be coordinated with state plan benefits (secs. 2002(e)(3); 2003(a)(3); 2003(a)(4); 2006(f); 2013 of Title XX).

Specific provision is made in the bill (sec. 2012 of Title XX) to protect the federal government against having to bear such part of the cost of a Qualified State Healthcare Plan as may be attributable to a state's decision to have the plan provide greater benefits than the minimum required for qualification under Title XX.

Applicants for enrollment in the state plan must provide and certify all information required to make an eligibility determination. Any federal or state agency may be required to furnish information deemed by the administering carrier to be necessary to verify eligibility (secs. 2005 and 2011 of Title XX).

Conforming amendments to title V of the Social Security Act

Section 532: The bill amends Title V of the Social Security Act (Maternal and Child Health and Crippled Children's Services) to avoid unnecessary and costly duplication of federally subsidized health care programs. Title V presently pays for the cost of various medical items and services which will be required to be provided under Qualified State Healthcare Plans. On July 1, 1973, or upon a state's establishment of a Qualified State Healthcare Plan, whichever occurs first, payment for items and services now covered under Title V would be excluded, if they also would be covered under a Qualified State Healthcare Plan. Title V will continue to pay for items and services which are not covered by Qualified State Healthcare Plans.

Conforming amendments to title XVIII of the Social Security Act

Section 533: Individuals and families eligible for enrollment in the Medicare Part B supplementary medical insurance program are required to be enrolled in said program as a condition for enrollment in a Qualified State Healthcare Plan. Section 1837 of Title XVIII of the Social Security Act is amended by the bill to remove existing limitations on Medicare Part B enrollment which might prevent otherwise eligible state plan enrollees from qualifying for Qualified State Healthcare Plan coverage. Each state which has a Qualified State Healthcare Plan is required to pay the premium for supplementary medical insurance benefits under Part B of Title XVIII of the Social Security Act for individuals and families who are eligible to enroll in the Part B program and who are also eligible to receive public cash assistance under a federally financed program. Section 1843 of Title XVIII is amended by the bill to allow a state to enter into an agreement with the Secretary of Health, Education, and Welfare pursuant to which all of these indigent state plan enrollees will be enrolled under the program established by Part B of Title XVIII.

Conforming amendments to title XIX of the Social Security Act

Section 534: The bill amends Title XIX of the Social Security Act (Grants to States for Medical Assistance Programs) to avoid unnecessary and costly duplication of federally subsidized health care programs. Title XIX presently pays for the cost of various medical items and services which will be required to be provided under Qualified State Healthcare Plans. On July 1, 1973, or upon a state's establishment of a Qualified State Healthcare Plan, whichever occurs first, payment for items and services now covered under Title XIX would be excluded if they also would be covered under a Qualified State Healthcare Plan. Title XIX will continue to pay for items and services which are not covered by Qualified State Healthcare Plans.

Conforming amendments regarding "reasonable cost"

Section 535: The bill (sec. 531 of the bill and secs. 2002(e)(2); 2008; and 2009 of the new Title XX it adds) establishes standards for strengthening controls over the quality and cost to enrollees for health care services provided by physicians or other medical practitioners and for health care services rendered to state plan enrollees in health care institutions. The bill provides that these standards shall apply to determine "reasonable cost" under the existing federally subsidized health care programs established by Titles V, XVIII, and XIX of the Social Security Act.

Conforming amendments to the Internal Revenue Code

Section 536: The premiums and other monies received pursuant to the operation of a Qualified State Healthcare Plan will, to the extent feasible, be invested by the administering carrier in interest-bearing obligations and other income-yielding securities. The bill amends Section 115 of the Internal Revenue Code to exempt this interest or other income from federal income taxation.

Carrier compliance

Section 537: The bill requires insurance carriers to pool their efforts and resources to insure that all individuals and families will receive higher-quality, lower-cost health care benefits. This section provides that these carriers will not be subject to federal or state antitrust legislation solely as a result of their efforts to comply with the provisions of Title V of the bill.

Effective date

Section 538: Sections 531, 532, 533, 534, 535, 536, and 537 of the bill are to become effective upon enactment, except that Qualified State Healthcare Plans will not provide benefits before July 1, 1972, and the federal tax exemption for investment income derived pursuant to Qualified State Healthcare Plan investments will apply only to taxable years ending after June 30, 1972.

PRESIDENT ACTS TO CURB OIL PRICES

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. CONTE. Mr. Speaker, there was good news last Friday night for all of us concerned with fair prices for the oil and gasoline consumers of this Nation. In his speech on inflation and the economy before the National Association of Manufacturers, the President announced two important actions which should at least restrain increase in oil and gasoline prices.

First, he announced he will permit the use of overseas import allocations to increase petroleum imports from Canada.

Second, and more important, the President announced that Federal offshore oil lands will no longer voluntarily submit to State production controls which, he said, "are not necessary for national security," and "actually interfere with the freedom of our domestic market system."

Mr. Speaker, as one who has urged such actions for years, this is music to my ears. Only last week 43 of my House colleague joined me in a letter of comment on the pending investigation of recent petroleum price increases, and specifically urged the President to free Federal offshore oil from these arbitrary State controls.

I have sent a letter to the President commending him for his recent action, and pointing out that he now has the responsibility to go further and completely suspend these State controls. I ask unanimous consent to include this letter, together with other relevant material at the close of these remarks. I urge all of my colleagues to join me in trying to insure that this Presidential action becomes only the first step in a series of actions to bring long overdue justice to the consumers of this Nation.

The materials referred to follow:

EXCERPT FROM PRESIDENT NIXON'S SPEECH BEFORE THE NATIONAL ASSOCIATION OF MANUFACTURERS, NEW YORK CITY, DECEMBER 4, 1970

We have also set up procedures to change some government regulations that contribute to higher prices. These are not moves toward controls; on the contrary, these are moves away from the kind of government controls that cause artificial market shortages.

CRUDE OIL PRICE

Take, for example, the recent increase of 25 cents per barrel in the price of crude oil, accompanied by increases in prices of gasoline and, later, jet fuel.

Up to now, state restrictions on production on federal offshore leases have held down the supply of crude oil.

I have been informed by the director of the Office of Emergency Preparedness that these restrictions are not necessary for national security; moreover, they actually interfere with the freedom of our domestic market system.

I have today directed the Interior Department to assume complete regulating responsibility for conservation and production of oil and gas on all federal offshore lands. This means that more oil will be produced on those lands, while maintaining strict environmental standards.

I have also directed that companies importing Canadian oil be permitted to use their overseas allocation for the purchase of more crude oil from Canada.

Taken together, these actions will increase the supply of oil and can be expected to help restrain the increase of oil and gasoline prices.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 9, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As one who has long advocated the destruction of the twin pillars of government oil policy that have prevented competitive forces from working in this industry—unduly restrictive oil import quotas, and state market-demand production controls—I want to commend you for your two recent actions, announced December 4, 1970, which are important steps in this direction.

As you correctly noted, these existing regulations actually "contribute to higher prices," and your actions were "not moves toward controls; on the contrary, these are moves away from the kind of government controls that cause artificial market shortages."

I am hopeful that these actions will lead you to thoroughly examine our entire government oil policy, giving serious consideration to the report and recommendations of your Cabinet Task Force on Oil Import Control. I am convinced that a continuation of the kind of action you initiated last week can contribute in a major way to your efforts to combat inflation. And you may be sure that I and many others in the Congress will strongly support such actions.

I do want to bring to your attention one particular proposed action which I believe present circumstances require you to take. It follows logically from your decision to free federal off-shore oil production from state production controls.

As you know, the Connally "Hot Oil" Act provides federal sanction for these state controls by banning the interstate shipment of oil produced in violation of these controls. Were it not for the Connally Act, such state controls would be an unconstitutional infringement on exclusive federal control of interstate commerce.

One provision of that Act, however, [15 U.S.C. Section 715 (c)], vests in you the responsibility to suspend its operation whenever you find that the amount of petroleum supplies is

"so limited as to be the cause, in whole or in part, of a lack of parity between supply (including imports and reasonable withdrawals from storage) and consumptive demand (including exports and reasonable additions to storage) resulting in an undue burden on or restriction of interstate commerce in petroleum and petroleum products."

I am convinced that the present critical shortage compels such a finding. Indeed, your own remarks of last week in explaining your decision regarding federal off-shore lands indicates that you have already reached the same conclusion. In saying that "these restrictions are not necessary for national security; moreover, they actually interfere with our domestic market system," I submit, you have, in effect, stated that these state controls constitute an "undue burden on or restriction of interstate commerce."

Again, I want to thank you for your recent action which will mean so much to petroleum consumers across the nation. And I urge you to give your immediate serious attention to my recommendation to suspend these state production controls.

With my very best wishes, I am
Cordially yours,
SILVIO O. CONTE,
Member of Congress.

[From the Washington Post, Dec. 5, 1970]

PRESIDENT TAKES STEP TO DISMANTLE SACROSANCT CURB ON FREE OIL MARKET

(By Bernard D. Nossiter)

President Nixon has taken the first cautious step towards dismantling 35 years of federal policy that has had the effect of pushing up oil prices.

The two moves Mr. Nixon announced last night could increase the nation's oil supply by as much as 450,000 barrels each day. This, many experts think, is enough to roll back the 25-cent-a-barrel increase just posted by the big companies. And that should wipe out the penny a gallon rise on gasoline with which motorists have just been socked.

To be sure, there is still something considerably less than a free market in oil. The basic props protecting oil prices are still in place. Moreover, the industry and its friends in the governments of Louisiana and Texas could undo what the President has done.

However, Mr. Nixon's moves have important didactic overtones, apart from their practical consequences.

Just as the nation learned there was nothing sacred about a 27.5 per cent depletion allowance, so too it is now discovering that the devices to protect oil need not be as immutable as the laws of the Medes and the Persians.

At least since the passage of the Connally Hot Oil Act of 1935, the federal government has created an elaborate web of controls, curbing the supply of domestic oil and crude imported from abroad.

As a first step, Mr. Nixon has relaxed a little the rein on foreign oil. At present, he licenses imports of 1.3 million barrels a day. But because of peculiar and temporary increase in tanker rates, licenses for 250,000 barrels have been going unused. So, Mr. Nixon has said that these unused licenses—"tickets" in the trade—can be used to bring in oil from Canada above the quota he fixed for that country last March.

Because the capacity of pipelines is limited, the experts think that there will still be unused tickets. But this step is expected to add about 150,00 to 200,000 barrels to the national supply.

The President's second step affects the hitherto untouchable production limits set by the states of Louisiana and Texas.

* * * * *

But because the Interior Department, the government's agent, is so close to the oil industry, the leaseholders have been forced to limit their output to levels set by the two states. Last night, Mr. Nixon told the Interior Department to mend its ways and free the federal wells from state control. His aides have instructed Interior's men to allow federal wells to produce up to their capacity. This is expected to add 100,000 to 300,000 barrels daily to the national supply.

To be sure, Texas, Louisiana and the companies are not helpless. The state bodies might attempt to cut back production by an amount just matching Mr. Nixon's increase in order to push the price back up.

But White House aides say they are ready for this one, too. Mr. Nixon, they predict, would then suspend the Connally Act which sanctions the state system. If the companies continued to abide by the state production curbs, they would be subject to antitrust prosecution.

The spectacle of the federal government staging an attack on collusive oil pricing would be welcomed by some in the administration. But the politically wise oil firms are expected to avoid such a confrontation.

Some observers believe it is appropriate that a Republican administration should let a few whiffs on free enterprise into the oil companies' closed system. Others are astonished that it should be this administration to take the step, an administration that slapped the first quota on Canadian oil, turned its back on recommendations to junk the import quota system and came to the aid of innumerable industries, from aerospace through shipbuilding.

The question now is whether this first, tentative move will become so attractive that more will follow. Or whether it will bring down such wrath from Rockefeller Plaza and Texas that it will be vitiated.

CONGRESS OF THE UNITED STATES.
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 1, 1970.

Hon. GEORGE A. LINCOLN,
Director, Office of Emergency Preparedness,
Washington, D.C.

DEAR GENERAL LINCOLN: We, the undersigned members of the House of Representatives, hereby submit comments in response to the Federal Register Notice of November 17, 1970. "Crude Oil and Gasoline, Notice of Investigation of Recently Announced Increases in Prices" (F.R. Doc. 70-15548).

We should like to make some initial general comments, to outline specific factors and questions for consideration in your investigation, and finally to recommend certain courses of action.

General Comments

First, we commend you, Dr. McCracken and others in the Executive Branch for instituting this investigation under the authority of Section 6 (a) of Presidential Proclamation 3279, as amended. We consider a review of petroleum prices to be long overdue; we are pleased that the responsibility imposed on the Office of Emergency Preparedness and Council of Economic Advisers under the Proclamation is being exercised. Because of the failure of the Executive Branch to act in so many cases of price increases in the past, your responsibility is particularly heavy now.

Second, we urge that you take interim action necessary to roll-back the recent price increases, pending completion of your investigation. As you know, a number of companies, the most significant being Humble Oil, have announced increases since the announcement of the investigation. This arrogant action by the majors is, we believe, a direct challenge to your authority and to the public interest and may render the investigation useless.

Third, we urge that the investigation be thorough and incisive. We are aware that some have expressed concern that there may be only a cursory examination of limited evidence, an innocuous report and no action. These critics have pointed to the tone of the letter sent by OEP last week to the major oil companies, requesting the submission of evidence, and have expressed the fear that this letter may reflect a decision to "go easy" on the companies.

Fourth, we believe that the burden of proof to justify the recent crude oil and gasoline price increases rests with the major oil companies; it is they who must justify maintenance of the rigid import controls on crude oil, which make it possible to institute such price rises. The domestic crude oil market is insulated from the world market and protected from competition.

Those who wish to maintain this deviation from our free enterprise system—and who wish at the same time to raise prices—must bear a heavy burden of proof. They cannot merely provide you with declaratory statements about "national security"; they must provide convincing, factual data.

Fifth, as you are undoubtedly aware, over the past few years crude oil and petroleum product price increases have contributed significantly to the inflationary pressures in our economy. As you will recall the "inflation alert" issued by the Council of Economic Advisers several months ago highlighted the impact of petroleum price increases. And a significant factor in the sharp consumer price increases in October was also higher fuel costs.

The recent price moves, if allowed to stand, will mean nearly $2 billion in added annual costs in our economy. This one-cent per gallon rise in gasoline prices will cost American Consumers nearly $1 billion per year; a one-cent rise in home heating oil will cost consumers along the East Coast nearly $150 million per year and those in the Middle West nearly $50 million. Oil is an essential product; increases in its cost are felt throughout our economy. But the impact is particularly severe for low and middle income consumers.

If we are to fight inflation this must be the place to start, for petroleum imports, and hence prices, are under the direct control of the Executive Branch. This is the only area in our economy where the Government has so much influence over prices—and so much responsibility to act.

Specific Questions

In the interests of an effective investigation we strongly urge you to examine carefully, and seek serious responses and comment from the oil industry to the specific questions and factors set forth in an Appendix to this letter.

As you know, many of us have, over the past several years, urged substantial changes in the Oil Import Program to stabilize petroleum prices, cool the inflationary pressures in our economy and strengthen U.S. security. The evidence of recent months has demonstrated that the present import control system both weakens our security and is a major cause of inflation. We believe that the conclusions reached earlier this year by the Cabinet Task Force on Oil Import Control, supported by the Secretary of State, Secretary of Defense, the Council of Economic Advisers and you, are even more relevant today: "The present import control program is not adequately responsive to present and future security considerations. . . . The present system . . . has imposed high costs and inefficiences on consumers and the economy, and has led to undue government intervention in the market and consequent competitive distortions."

We hope that your investigation will be a thorough, serious one and will help to educate the American people to the facts and the reality of present U.S. oil policies. The Cabinet Task Force Report contains much data relevant to the current investigation; we trust that you and your staff will make full and effective use of that Report.

While we are not privy to all the facts and intro-corporate manipulations of the major oil companies, we do not believe that the recent increase in crude oil and gasoline prices are warranted either from the point of view of national security or from the point of view of our national economic interests. We believe that these increases, as in the case of past increases, will not only lead to higher profits by the big oil companies, but will also sap our nation's strength through more inflation in our economy.

Proposed Actions

We therefore urge that your investigation give careful consideration to the following steps to reverse these price increases:

A. Immediate decontrol of imports of crude oil and other petroleum products from Canada.

B. Substantial relaxation of import controls on crude oil from the Western Hemishere.

C. Immediate decontrol of No. 2 fuel oil imports into the East Coast.

D. Permanent removal of crude oil production on Federal lands from state pro-rationing controls. We understand that this has already been a matter of serious discussion by the Oil Policy Committee.

E. Suspension of the provisions of the Connally "Hot Oil" Act, as authorized by U.S. Code, Title 15, Sections 715 et. seq.

F. Immediate decontrol of residual oil imports into Districts II through IV, and District V.

We also urge that under the authority of Section 6(a) of Presidential Proclamation 3279, as amended, you order an immediate investigation of:

a) The cargo price increases of No. 2 fuel oil for delivery to the East Coast instituted by Esso and Shell in August, 1970 in the Caribbean; we understand that within three weeks these two companies raised the price from 6.5 to 8.5 cents per gallon, more than 30 percent.

b) The cargo price increases of No. 2 fuel oil instituted by Humble and other refiner-suppliers on the East Coast over the past two years.

c) The cargo price increases of No. 6 fuel oil instituted by Humble and other refiner-suppliers throughout the country over the past year; in some instances these increases have been more than 100 percent.

In view of the gravity of the situation and the terrible toll that inflation has taken in our nation, you cannot afford to do nothing. We view the current investigation and the action which will result from it as a test of our nation's commitment in the fight against inflation and a test of the commitment of this Government to serve the interests of all Americans, not just the richest and most powerful of our industries.

In conclusion, we again commend you and the Council of Economic Advisers for your prompt initiation of this investigation. We look forward to your report and your recommendations for action.

Thank you very much for your consideration.

Sincerely,

SILVIO O. CONTE,
Member of Congress.

P.S. The list of all those Representatives joining in this letter is on the following page. We are submitting this letter to you today, in order to meet the announced deadline. If other Representatives wish to join us, we will notify you in a subsequent letter.

LIST OF REPRESENTATIVES JOINING IN THIS LETTER

Rep. Mario Biaggi (N.Y.).
Rep. Edward P. Boland (Mass.).
Rep. James A. Burke (Mass.).
Rep. Hugh L. Carey (N.Y.).
Rep. James C. Cleveland (N.H.).
Rep. John Conyers, Jr. (Mich.).
Rep. Emilio Q. Daddario (Conn.).
Rep. Harold D. Donohue (Mass.).
Rep. Thaddeus J. Dulski (N.Y.).
Rep. Donald M. Fraser (Minn.).
Rep. Robert N. Giaimo (Conn.).
Rep. Sam Gibbons (Fla.).
Rep. James M. Hanley (N.Y.).
Rep. Michael Harrington (Mass.).
Rep. William D. Hathaway (Maine).
Rep. Margaret M. Heckler (Mass.).
Rep. Frank Horton (N.Y.).
Rep. Edward I. Koch (N.Y.).
Rep. Thomas J. Meskill (Conn.).
Rep. William Moorhead (Pa.).
Rep. F. Bradford Morse (Mass.).
Rep. David R. Obey (Wis.).
Rep. Richard L. Ottinger (N.Y.).
Rep. Otis G. Pike (N.Y.).
Rep. Thomas M. Rees (Calif.).
Rep. Ogden R. Reid (N.Y.).
Rep. Howard W. Robison (N.Y.).
Rep. Peter W. Rodino, Jr. (N.J.).
Rep. Benjamin S. Rosenthal (N.Y.).
Rep. William F. Ryan (N.Y.).
Rep. Fernand J. St Germain (R.I.).
Rep. Robert T. Stafford (Vt.).
Rep. Louis Stokes (Ohio).
Rep. Dan Rostenkowski (Ill.).
Rep. Louis C. Wyman (N.H.).
Rep. Peter N. Kyros (Maine).

APPENDIX

1. What has been the relationship between U.S. crude oil and product prices and corresponding world prices since World War II? Have world crude oil prices declined, while U.S. prices have increased?

2. What is the relationship of earnings and costs of the domestic operations of U.S. oil companies, as compared to earnings and costs of their foreign operations? To what extent are the losses and increased costs claimed by the majors due to foreign operations? (The price increase sought relates, of course, to domestic operations).

3. According to the First National City Bank compilation of 37 petroleum producing and refining companies, after-tax (net) income in the third quarter of 1970 is 2 percent higher than in 1969 and 7 percent higher than in the second quarter of 1970, while companies in other industries have experienced corresponding average *declines* of 11 and 13 percent. How do these figures, particularly when coupled with the strong oil earnings predictions for the 4th quarter of 1970, affect the justification for the industry's case?

4. What increased savings, and hence profits, will accrue to each integrated oil company under the depletion allowance as a result of the increase in crude oil prices?

5. What would be the impact on U.S. crude oil prices if Canadian imports were decontrolled? If imports from all Western Hemisphere sources were decontrolled? (The answer must assume, in the case of Western Hemisphere imports, that the oil will be carried on tankers under the lower rates available through long-term charters. As you know 90 percent of the world's oil is carried in tankers owned by or under long term charters to major oil companies).

6. What is the national security justification for maintaining controls on Canadian imports? Western Hemisphere Imports? In view of continued inflationary pressure exerted by oil prices in the U.S., are these justifications sufficient?

7. What are the facts on drilling, exploration and reserves in the United States? Isn't U.S. production higher than ever before? Are the drilling statistics misleading, in that modern technology enables producers to drill fewer wells and still get more oil?

8. Who does most of the drilling and who owns most of the reserves—the majors or the independents? Why, despite record profits over the past decade, have the majors not done more drilling? Have the majors deliberately held back in order to maintain prices at a high level?

9. Will a crude oil increase really lead to an increase in exploration and drilling?

10. What was the impact on exploration of the crude oil price increase in 1969? Since that increase was justified as an incentive for more drilling, why has drilling continued to decline?

11. If there is so much need to encourage domestic production, why has the Texas Railroad Commission ordered a cut-back in December production in Texas?

12. How high must crude oil prices go to provide "sufficient reserves"? Would it not be less expensive and contribute more to U.S. security if existing domestic reserves were preserved for emergencies and imports, particularly those from the Western Hemisphere, were relied on to a greater extent in times of peace?

13. Why has so much drilling and discovery taken place abroad despite substantially lower worldwide crude oil prices?

14. What will be the impact of these recent crude oil price increases on independent refiners? Will these increases make it more difficult for the independent to compete effectively with major oil companies?

15. What will be the impact of these recent crude oil price increases on the petro-chemical industry, in particular on its ability to compete in world markets?

16. On September 29 the OEP justified the residual price increases of recent months, amounting to more than 100 percent in some cases, on the grounds that they would provide incentive for domestic production of the product. Won't the new crude oil price increase result in even higher prices for residual fuel oil? How much more "incentive" will be needed to provide adequate domestic production of residual oil?

17. As long as the import program is continued, state prorationing controls maintained, and competition in U.S. markets stifled, isn't it true that there will be no effective means to prevent an endless series of price increases?

DECEMBER 4, 1970.

Hon. GEORGE A. LINCOLN,
Director, Office of Emergency Preparedness, Washington, D.C.

DEAR GENERAL LINCOLN: The following eight Congressmen have asked me to advise you that they wish to join in the letter of comment on your pending investigation of oil price increases which I and 37 other Members of Congress sent to you on December 1, 1970:

Rep. Joseph P. Addabbo (N.Y.)
Rep. Hastings Keith (Mass.)
Rep. Clarence D. Long (Md.)
Rep. Allard K. Lowenstein (N.Y.)
Rep. Spark M. Matsunaga (Hawaii)
Rep. Lloyd Meeds (Wash.)
Rep. Philip J. Philbin (Mass.)
Rep. Samuel S. Stratton (N.Y.)

These gentlemen fully share the view that this investigation should be thorough and far-reaching.

With best wishes, I am
Cordially yours,
SILVIO O. CONTE,
Member of Congress.

AN EXCERPT FROM THE SECOND INFLATION ALERT, A REPORT BY THE COUNCIL OF ECONOMIC ADVISERS, DECEMBER 1, 1970

Fuel and Energy. Prices of residual fuel oil and bituminous coal have risen further since the first Inflation Alert, although there are signs that the market is reaching equilibrium. The price of residual oil with maximum 1 percent sulfur content was quoted at $4.10 per barrel as of November 12, as against $3.25 the week of August 5, an increase of over 25 percent in three months. The price of bituminous coal rose 10 percent in October alone. Electric power rates at wholesale rose 1.8 percent in October, on top of their 1.7 percent increase in the third quarter, largely because of higher fuel costs. Over the period July to October about one-quarter of the total increase in the Wholesale Price Index was accounted for by the fuel and power component.

On November 11 a major oil company announced an increase in the price of crude oil of 25 cents per barrel, raising its posted price from $3.10 to $3.35. The following day the Director of the Office of Emergency Preparedness announced that there would be a Government investigation of this price increase, as required by existing regulations.

This investigation will ascertain whether the price increase was necessary to meet the national security objectives of the oil import program. Since then numerous firms have followed with similar increases. Gasoline prices at the wholesale level have also been raised. In the week ending November 17 the national average price of major-brand regular gasoline (excluding taxes) was 25.66¢ per gallon, up nearly 16 percent from the previous week. Since the retail gasoline market is highly competitive, this price increase may not hold.

These price increases come when petroleum inventories are at a level higher than is normal for this time of year. On November 6, stocks of crude oil in the region east of the Rockies were 4.7 million barrels, or 1.7 percent, greater than a year ago, and stocks in the State of Texas were about 9.7 million barrels (9.8 percent) higher than a year earlier. Stocks of motor gasoline, jet fuel, kerosene and distillate fuel oil were also higher than a year ago. The normal market tendency is, of course, for these heavy stocks to weaken prices. Through direct actions to curtail production, however, these normal market pressures were not allowed to prevail. Apparently in response to the high level of inventories, the Texas Railroad Commission has cut back the levels of production allowable in the State of Texas for December. This action would have the effect of reducing the supply of crude oil, thus relieving the downward pressure on price that high inventories normally create, and supporting the price increase. The reduction in the allowable reflected the contention by one major oil company that its inventories were too large, yet this company was among those that posted an increase in the price of crude. The Louisiana Department of Conservation maintained its allowable factor for December at 75 percent, which would keep production well below capacity.

LOOK TO OUR OWN

(Mr. DULSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, this past Monday marked the anniversary of the attack on Pearl Harbor which plunged our Nation into World War II.

There have been many developments in world affairs since December 7, 1941, and today we find our Nation embroiled in another conflict across the Pacific.

Looking back at our enemies of 29 years ago, they now are prosperous countries—thanks to the rehabilitation efforts and the ever-mounting trade provided by the United States.

My home city of Buffalo, N.Y., remembered Pearl Harbor last Sunday with a parade and mass at St. Gerald's Church, in both of which I was honored to participate.

COMPARISON OF TREATMENT

While talking with several gold star mothers and dependent parents of World War II victims, I was struck by the irony of the treatment which we have accorded these dependents as compared with the hundreds and hundreds of millions of dollars which we have poured into rehabilitation of our enemy countries of 29 years ago.

Dependent parents each receive just $40 a month from the Veterans' Administration, while a lone dependent parent receives $75 a month. This they receive for having lost a son or a daughter in the service of their country.

Let me make it clear that I have compassion, too, for the people of those former enemy countries who saw their lands ravaged and their economies wrecked as their nations went down to defeat. But I think there is a limit.

There are times when we must look to our own. In this case, I am referring in particular to the dependent parents of World War II victims, but it applies to all dependent parents of war dead. They have received but a pittance while our former enemy countries have received a bonanza.

SENIOR CITIZEN AID TOO SLOW

Likewise, I would refer to our senior citizens in general: We have been far too slow and inadequate in helping with their needs.

A proposed social security increase—approved months ago by the House—has only now emerged from Senate committee debate, delayed by protracted consideration of rider issues which threaten a deadlock on social security. Regardless of how important may be these rider issues in and of themselves, they should not be allowed to block action this year on social security increases.

Mr. Speaker, to repeat, there are times when we must look to our own. Now is one of those times. We should be doing more for dependent parents of war dead. We should be doing more—and more promptly—to help our senior citizens to subsist in these times of ever-rising costs of living.

No one suffers more under inflation than those, like our senior citizens, who live on fixed incomes.

THE PRESS AND THE PRESIDENT

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, within a few minutes, the President will be holding a press conference. My assumption is that he will do his usual superlative job of being direct, concise, articulate, and forthright on the difficult problems which face our Chief Executive and the Nation in these troubled times. However, I have not taken the well to praise him in advance.

My purpose, Mr. Speaker, is to comment on a meeting held last Monday morning by about 25 White House reporters, according to an article in this morning's Washington newspaper. As I understand it, the purpose of that meeting was to do two things: First, to urge the President to hold more press conferences; and second, to combine forces to determine what questions can be asked the President which would be toughest and most embarrassing—in other words to sandbag our President.

Their first purpose has considerable merit. There are many, including me, who would like to see more frequent Presidential press conferences. They would profit from knowing the true concerns of the American people as honestly expressed by individual competing reporters without prompting by any special clique of their colleagues. The people deserve an unrigged view of their chief executive. And the President's popularity following such appearances usually increases—thus enhancing public confidence in the office and the man.

But the second purpose, it seems to me, came close to being unfair to the President and the American people and unethical journalism. The purpose of a press conference should be to seek facts; not to try to "show up" the President by hawking up "when will you stop beating your wife" questions.

The fact that 25 members of the press reportedly conspired toward this end does the press no credit and the country no good. They would better spend the time competing to find legitimate news. I hope most of them will realize this, in retrospect.

OPERATION CORNERSTONE

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, last week I appeared before this body to discuss the operation of a Department of Housing and Urban Development project in my congressional district. In that presentation, I was very critical of this project since it preached revolution and the violent overthrow of our Government.

Since that time, I have gathered additional information regarding the instructors and directors of this program.

During some civil disturbances which occurred in the Atlanta area last summer, members of Operation Cornerstone actively participated and encouraged these disturbances.

For the information of my colleagues, I am hereby inserting into the RECORD a copy of the restraining order which was issued by Superior Court Judge Pye enjoining the Cornerstone staff from continuing its violent demonstrations:

[NO. B– 58,548]

DONALD SIAH AZAR AND A & J LIQUOR STORE, INC., PLAINTIFFS VS. EDWARD MOODY, DEFENDANT

MEMORANDUM, OPINION, AND DECREE ON HEARING OF APPLICATION FOR INTERLOCUTORY INJUNCTION PURSUANT TO RULE AND TEMPORARY RESTRAINING ORDER ISSUED BY JUDGE SHAW AND DATED SEPTEMBER 11, 1970

The Court has before it the pleadings in the case, the evidence, oral and by affidavit, the documentary evidence including the tape recording and motion pictures, as well as prints of photographs by plaintiffs and by defendant. The Court also has before it for consideration on the arguments of counsel and citations of authority by counsel.

Evidence of transactions prior to August 20, 1970, is considered only for the limited purpose of illustrating plaintiffs' contentions as to the acts alleged by plaintiff to have taken place on August 20, 1970, and thereafter. Plaintiffs do not seek any relief as to the acts prior to August 20, 1970, and none is granted.

Evidence as to reports made to plaintiff Donald Siah Azar is not considered as any evidence of the trust of such reports, but only so far as the same may otherwise illustrate issues in the case.

The individual plaintiff D. S. Azar has been in business on the corner of Georgia Avenue and Frazer Street in the City of Atlanta, this County, for about 18 years, during which time he has operated a store under the style of D and J Sundries at 54 Georgia Avenue. For about six years he has also operated another store under license for the sale of liquors, this however being the business of D & J Liquor Store, Inc., he owning all the stock in the plaintiff corporation, the business being located at 48 Georgia Avenue. For the past five years plaintiff D. S. Azar has also operated a beer and wine and other business under the style of D & J Package Store at 646 Frazer Street, S.E.

The defendant Edward Moody operates a business at 43 Georgia Avenue under the style of Moody's Clothing Neighborhood Store and has so conducted business at this location for a number of years.

At the time of the filing of this suit, defendant Edward Moody was carrying a sign in front of said plaintiffs' business which stated on front: "Police kill no more, Azar got to go, go, go"

On its back the sign read: "Don't make a racist rich, Azar must go"

This allegation is made by plaintiffs in paragraph nine of their petition, and admitted by defendant in paragraph seven of his answer.

After the grant of the temporary restraining order in this case by Judge Shaw, defendant left the courtroom, and about the same time Ida M. Wright, Alvin Price, and the daughter of Mrs. Wright left the Courtroom; one of the latter three said in substance "if he can't we can", meaning that if defendant could not picket, the speaker could; and defendant then said in substance to the three, "do your thing", meaning that the three should picket plaintiffs' businesses notwithstanding Judge Shaw's order.

Thereafter, said three persons picketed plaintiffs' businesses, as also did Roger Davis, Cooper Freeman, Willie Gentry and Donald Harris.

On and following said August 20, 1970, plaintiffs' have been subject to unlawful and terroristic acts including the following, to wit:

(a) picketing with the sign referred to and other and similar signs: and on across on referred to after the entry of Judge Shaw's order.

(b) the side glass door of the liquor store has been broken by a wine bottle;

(c) four large plate glass windows have been broken;

(d) two other glass doors have been broken;

(e) bricks have been thrown into said store over the counters and cash registers damaged;

(f) a rifle was fired into the liquor store and the bullet hit the cash register and injured the eye of the security guard;

(g) the store has been fired into by rifle fire ten times;

(h) on one occasion the arm of a security guard was injured by glass;

(i) distribution in and out of plaintiffs' businesses of handbills admitted into evidence as P-2; P-3: and

All of said acts were committed pursuant to a confederation and conspiracy to drive plaintiffs' out of business at said location.

Defendant at all times on and since August 20, 1970, was a party to said combination and conspiracy, and included therein were many others, including the following persons, to wit: Mrs. Louise Wadley, John Shabazz, Roger Davis, Brenda Jordan, Billy Pasmore.

Tommy Brooks, James Tate, Perry Duvall, Patrick Henry, (called Malt Liquor) (above).

Alvin Mark Freeman, Alvin Price, Collins McGahee, Mattie Ansley, Willie Bentley.

Cooper Freeman, Ida Mae Wright, Kelly Kidd, Grady Butler, Donald Harris.

A man called "Barboochee."

As a result of said acts plaintiffs have incurred expenses, including the following:

(a) Ornamental paneling: $2,593.96;

(b) Plate glass: $439.30;

(c) Guard for back window: $30.90.

Additionally, as a result plaintiffs' insurance has been cancelled, covering losses by fire, burglary, hold-up, rioting, malicious mischief, vandalism and damage to plate glass, and public liability insurance.

One of the aforesaid confederates and conspirators, viz: Leon Pasmore, denounced in substance that plaintiffs' pay the sum of $5,000.00 as to call off the pickets and cessation of said unlawful and terroristic acts. Defendant Edward Moody did not know of this demand, or approve of the same, but same was made by Leon Pasmore pursuant to said confederation and conspiracy to drive plaintiffs out of business at said location, and in furtherance of such unlawful purpose.

Plaintiffs did not yield to said demand, and did not make any payment in connection therewith; and in an effort to blunt the force of the combination against the plaintiffs direct the ranks of the conspirators, spread the report that a payment had been made.

As a result of said unlawful and terroristic acts and said combination, the Mayor of the City of Atlanta was required to issue several proclamations of emergency, and cause plaintiffs and others affected by the proclamations aforesaid to suspend the sale of alcoholic beverages for a considerable period of weeks.

The Court is of opinion and finds from the evidence that while matters of race have to some extent entered into the acts of defendants and his said confederates, the primary and controlling motivation of said unlawful and terroristic acts is money and power, viz: to get plaintiffs' out of their businesses, so that same can be taken over and controlled by said confederates, and to demonstrate their power to drive plaintiffs away by force and violence, and that defendant and his confederates and above the law. The damages to plaintiffs all continuous and not capable of ascertainment in damages, and irreparable.

Plaintiffs and defendant, through their respective counsel have separately filed proposed findings, which are directed to be filed as a part of the record in said case.

Plaintiffs are directed to prepare an appropriate petition for rule for contempt in reference to matters heretofore started as to place following Judge Shaw's order of temporary restraint, and present same to Judge Shaw for his consideration.

In reference to the request of counsel for plaintiffs that the undersigned retain jurisdiction of this case, attention is called to the rules of this Court, requiring that such order be entered by the Chief Judge or Presiding Judge.

It is considered ordered, and adjudged by the Court that said defendant Edward Moody, his agents, servants, employees, confederates, and all other persons acting with him or for him, be, and hereby are temporarily enjoined pending the final trial of this case, as follows, to-wit:

(a) From picketing, harrassing or interfering with the businesses of the plaintiffs located at 48 and 54 Georgia Avenue, S.E., and 646 Frazer Street, S.E., Atlanta, Fulton County, Georgia.

(b) From walking up and down in front of either of said businesses with the sign described in paragraph 9 of the petition, or any other sign;

(c) From committing any of the acts referred to in part "E" of this order.

This 5th day of October, 1970.

Durwood T. Pye,
Judge, Fulton Superior Court.

FACTS CONCERNING THE CONTEMPT OF COURT EPISODE BY CESAR CHAVEZ

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, Cesar Chavez, the titular head of UFWOC—the United Farm Workers Organizing Committee—an affiliate of the AFL-CIO, has been confined to jail in Salinas, Calif., for contempt of court.

I do not pretend to understand the nice legalities of the court order. If Mr. Chavez is dissatisfied with the decision, he can and should appeal. If Mr. Chavez is dissatisfied with the law, he can and should cooperate in trying to amend the law—of the State of California.

There is no Federal farm labor relations law. Agriculture was specifically excluded from the NLRA, which pertains to other industries and businesses.

If Mr. Chavez believes that national farm labor law is needed, as I do, I urge him and his followers to propose Federal farm labor legislation. I have proposed numerous bills in this field and would welcome cosponsors or the introduction of other legislation.

In the meantime, I urge all interested persons to acquaint themselves with the facts and not react simply on the basis of emotion or rumor.

Persons who come to Salinas to demonstrate or protest the confinement of Mr. Chavez for contempt of court are, in effect, joining in an act of contempt of the law. To maintain order, we must have law. To defy the law is to degrade our legal system and to weaken our society. If we do not all support our courts, and comply with their orders, we might as well close them down and permit everyone to conduct themselves as they see fit.

To enable my colleagues to better understand the history and background of the farm labor legal dispute in California, I share the following facts and observations.

Bud Antle, Inc. pioneered a labor agreement with hourly paid agricultural employees in California. A contract was signed originally in 1961 with Local 890, General Teamsters, Warehousemen, and Helpers Union. This agreement has been modified and renewed seven times and remains in continuous effect.

The present Antle contract with Local 890 is effective until July 1973.

Antle farm labor wage rates range from $2.15 to $5.34 hourly. I am advised that the national average during October 1970 was $3.27 hourly for nonfarm labor—38.7 hours worked—and $1.71 hourly—46.2 hours average—for farm labor. Average weekly compensation for private nonfarm employees was $120.31 before taxes.

Antle has never had an industrial accident associated with the use of chemicals, which are applied by a professional licensed source.

Antle employees are not exposed to chemically treated areas until all known safeguards and precautions have been exceeded.

Antle is privately owned and managed and throughout its history has been essentially a family operation.

The Dow Chemical Co. is a supplier of Antle, providing about 15 percent of the chemicals and 40 percent of the plastic wrap requirements of Antle farming operations. Antle leases 3,000 acres of land from Dow, and Dow is represented on the Antle board of directors. Dow is more of a creditor of Antle than a copartner.

UFWOC has failed to achieve Antle's capitulation through demonstrations, picketing and threat of boycott, even though these activities have been duly restrained by a Superior Court in California. UFWOC has now switched tactics to a tertiary boycott and is applying pressure through one of Antle's principal suppliers, Dow Chemical Co.

On August 30, 1970, a collective-bargaining agreement was signed between Inter-Harvest, Inc., a wholly owned vegetable growing subsidiary of United Fruit Co., and the United Farm Workers Organizing Committee, AFL-CIO.

This is not the first bargaining agreement affecting the lettuce industry, but it is significant because the contract enters UFWOC into a second major field crop operation.

Among the existing contractual agreements in the lettuce industry is the one Bud Antle Produce signed in 1961 recognizing local No. 890 of the General Teamsters, Warehousemen, and Helpers Union as the sole and exclusive bargaining agent after it was determined that local No. 890 did represent a majority of the affected employees.

It is generally believed that differences in the two contracts are highly significant and that comparisons should be provided for review of the entire food industry. Legislators and consumers should also know generally the contents of these agreements.

Some observers believe that UFWOC contract contains provisions that would erode management's inherent right to manage its business and would not, at the same time, improve conditions and benefits available to the employees. The following comparison of the terms of the two contracts may be useful:

Comparison of Contract Terms

MEDICAL PLAN

"UFWOC-Inter Harvest" required the employer to pay $.10 hourly to a "Robert F. Kennedy Farmworkers' Medical Plan." Employee costs are $12 monthly maximum. In nearly all categories, benefits are less than those paid under the existing Antle contract.

The UFWOC document does not recognize any established carrier with statutory reserves for making benefit payments.

The "Local #890-Antle" contract provides protection for all employees (not only union members) through the CNA Insurance Company's Agricultural Industry Plan. The monthly premium, with a maximum rate of $25.75, is paid entirely by the company at an hourly factor of $.15.

UNEMPLOYMENT COMPENSATION

Workers represented by the "UFWOC-Inter Harvest" agreement do not receive unemployment compensation if they are laid off. UFWOC's stated reason for this non-coverage is that those individuals should be added to county welfare rolls, frequently for a substantial period of time at considerable expense to taxpayers.

The "Teamster-Antle" employees are protected under the unemployment insurance programs in California and Arizona and the company is obligated to make this payment averaging 4% of monthly payroll costs. The company also pays the full 1% of Unemployment Compensation Disability insurance for each employee in California.

HIRING HALL

Inter-Harvest must list its requirements for new workers two weeks in advance of hiring with UFWOC, which ensures that the union will use its "best efforts" to furnish qualified persons, also providing that the Union solely determines seniority and good standing in the Union. The company can hire unilaterally only if the union is unable to provide workers.

"Teamster-Antle" agreements allow the company to hire on the basis of merit *after all available employees with seniority have been rehired*. Antle believes that a reliable and capable work force contributes to efficiency and morale and provides significant competitive qualities.

PAY RATES

Product	UFWOC	ANTLE	Average wage of ANTLE workers
Machine wrap lettuce:			
Minimum pay (per hour)	$2.10	$2.15	
Piece rate (per carton)	None	.44	$2.67
Naked pack lettuce:			
Minimum pay (per hour)	None	$2.25	
Piece rate (per carton)	40.5	.44	4.84
Celery crews:			
Minimum pay (per hour)	None	2.25	
Piece rate (per crate)	.61	.64	3.43
Farm labor—Nonharvest	2.00	2.00	2.00

(1) Antle average wages were derived by taking the wages earned by all Antle field workers on one typical day picked at random. Due to piece rates, the crews earned different wages ranging from $2.15 to $3.28 for ten lettuce wrap crews, from $4.30 to $5.34 for six lettuce naked crews and from $3.22 to $3.85 for three celery crews.

(2) The minimum pay and piece rate varies with different functions in the UFWOC contract. Bud Antle, Inc., believes in rewarding all of its workers equally for equal performance and piece rates are divided equally among the crews.

OVERTIME

UFWOC's agreement calls for $.25 per hour after nine hours or 54 hours per week; no provision for overtime on Sundays or holidays if 54 hours is not exceeded.

Antle pays time-and-one-half (1½) on Sundays and holidays for all job categories.

USE OF PESTICIDES

The agreement between UFWOC and Inter Harvest specifically forbids the use of several pesticides, including 2.4–D, 2.4–5T, DDT, DDD, Aldrin, Dieldrin and Endrin. The contract has several restrictions on the use of pesticides and insecticides, particularly as these relate to elapsed time between handling.

Such restrictive covenants are not included in the Local No. 890 Antle agreement and management does not believe they are needed. Antle management does not use many of the toxic chemicals mentioned and the use of chemicals and the exposure factors are most closely regulated. Antle operates on the firm conviction that use of pesticides demands professional direction and that only by such procedure can the producer be assured that it will not send an adulterated product to market and that the employees' welfare is adequately safeguarded. Antle has not had an industrial accident involving commercial pesticides or insecticides in a quarter century of operations, nor has the company ever been cited for excessive residual deposits on its produce.

FOREMEN

"UFWOC-Inter Harvest" foremen are required to be members of UFWOC and as such are subject to popularity and political selection. They also supervise under directives of the union.

Foremen under the "Teamster-Antle" agreement are employees of the management group and are not union members.

NON-PURPOSE FUNDS

UFWOC and Inter Harvest maintain a "Farm Worker Fund of the National Farm Workers' Service Center, Inc." The Company is required to pay $.05 per man hour to the fund. Objectively and use of this fund are not defined in the contract. It is alleged that the fund provides a "war chest" for payments to UFWOC attorneys for legal aid programs and other activities which are not intended to benefit the workers, but to harass "target" companies in UFWOC's organizing campaigns.

The "Teamster-Antle" contract has no provision for such a fund.

SUMMARY

More than 95% of Antle's 1500 field workers are members of Local No. 890. The Antle management considers that it has a valid and binding contract with the Teamster local, effective until July, 1973. This is the successor of contracts for field labor which have been in effect continuously since 1961. The Antle employees are treated fairly and they are ably represented by an established, capable and responsible labor organization which has, since 1961, negotiated wage rates and benefits 10–20% higher than those paid by other growers.

The UFWOC agreement is a complicated document of 22 pages, difficult to administer, which vitally weakens management's direction of its own enterprise. It does not provide the employee safeguards and benefits currently available under Antle's existing contract.

BOTTLED WATER STANDARDS

The SPEAKER pro tempore (Mr. HOLIFIELD). Under previous order of the House, the gentleman from Connecticut (Mr. MONAGAN) is recognized for 20 minutes.

Mr. MONAGAN. Mr. Speaker, the American bottled drinking water industry has grown explosively in the last decade. Increased affluence, pollution scares, the varying quality of available supplies, and the taste of chlorinated water have all created additional customers for bottled water companies. People wary of the quality of municipal water supplies or tired of the taste of tap water have turned to privately processed and bottled products. The American Bottled Water Association, which represents 90 percent of the bottlers of still water, estimates that 1969 sales reached $80 million and are growing at a rate of 15 to 20 percent a year. Many supermarkets now stock jugs of water for their customers, and in some localities, bottled water is delivered each day in the same fashion as milk or orange juice.

In light of this sudden and substantial growth, it is alarming that no specific and uniform Federal standards exist to control the quality of bottled water. Varied State regulations exist, though some States have no regulations at all. In addition, most States have no regular system for checking the safety of bottled drinking water products. To remedy this deficiency, I have introduced legislation in this session that would empower the Secretary of Health, Education, and Welfare to prescribe minimum health and safety standards for bottled water if after scientific investigation he determines that such standards are necessary. The bill would then outlaw the interstate transportation of those bottled water products which failed to meet these standards. Producers or distributors who violated the statute would be subject to a restraining order and a penalty of not more than $1,000.

The sudden growth of the bottled drinking water industry has revealed the shortage of public information on this subject. Because of this I was pleased to note a recent article by Nancy L. Ross in the Washington Post on the growth and the nature of the American bottled water industry. I recommend this excellent article, "How Americans Quench Their Thirst for Unpolluted Water," to all my colleagues, and include it in the extension of remarks for their information and consideration. I should also like to include a New York Times article of August 23 by Robert A. Wright, which is equally enlightening and which provides valuable information in this growing field.

The items follow:

Quenching a Thirst for Good Water

(By Nancy L. Ross)

A few years ago a suburban Bostonian entertaining a foreign visitor was surprised to hear her guest ask if the tap water was safe. Remembering her own experience abroad, she suppressed her reply, "Of course, where do you think you are?" Instead she assured him he could drink it with confidence.

Recalling the incident recently, she wondered if her answer would be the same today. In the back of her mind lay doubts raised by reports of the ban on detergents imposed by Suffolk County, New York, because their foamy effluence made the water supply unfit for consumption. She thought of last summer's survey by the U.S. Bureau of Water Hygiene which concluded that one of 20 Americans—even in "safe" areas like rural Vermont—might be drinking hazardous or potentially dangerous water.

Similar reports, plus growing ecological awareness, have prompted millions of Americans to stop waiting for government to do something about water pollution and to start doing something themselves where it affects them the most—in the home. Generally speaking, the solutions fall into four categories:

For the extremists there is abstinence, which is pretty arduous unless one happens to like neat whiskey, milk baths and brushing the teeth with champagne.

For the wealthy and those nearby, the spa. At famous resorts like Evian, Vichy and Baden-Baden, countless Europeans periodically take the "cure" or "dry out" by taking the water, internally as well as externally.

In this country, while people can be seen lining up at Saratoga Springs, N.Y., glass in hand, for their daily dose of nature's bubbly. Americans today seem more concerned with involuntary, rather than voluntary pollution. To the extent they drink mineral waters it is more as a way to avoid the mercury someone else has dumped into the public water supply than to correct the effects of booze they have dumped into their own systems.

For the ambitious, do-it-yourself distillation. Barring the old-fashioned tea kettle and still, there are various home appliances now on the market. The Aquaspring, manufactured by New Medical Techniques, Inc., of Stamford, Conn., is a compact, seven-pound, $80 electric unit which distills two gallons overnight. (There is also a $160 size which makes six gallons.) The great advantage lies in the cost: 6 cents a gallon as compared to 50 cents to $1.50 a gallon for domestic bottled waters and up to $4 for imported. The disadvantage lies in the taste: distilled water lacks all the flavor-producing minerals as well as fluoride.

The Sunwater Company of San Diego, Calif., includes a limestone trough in its solar-powered distiller to give its product a taste like that of mountain snow water. The 15-square-foot unit costs $150. It is usually placed on the roof with a pipe running to a third faucet added to the kitchen sink. It produces two gallons a day; a smaller $85 model, half that much. Installation charges are extra, but the power is free.

Both companies report booming sales in the past year largely due to the ecology craze. (Other methods of purification include chlorination, electrodialysis, reverse osmosis, ultra-violent rays and filtering. Except for the last, these are not considered practical for home use.)

For the majority, bottled waters. There was a time when the inverted green jug of the water cooler was such a familiar office fixture it inspired a raft of jokes about what went on around it. Maybe it was the sociability associated with group sipping from paper cups. Who could imagine a romance starting over one of our stainless steel monsters as she watches him craning his neck to put his mouth in line with the liquid trajectile? Maybe it was the memory of that cool, clear spring water.

Be that as it may, bottled water is making a big splash. The American Bottled Water Association, which represents 90 per cent of the bottlers of still waters, or 192 firms, reports that 1969 sales reached $80 million and are growing at the rate of 15–20 per cent a year. This figure includes neither sparkling waters, whose bottlers do not belong to ABWA, nor imported waters, which are as yet a figurative drop in the bucket.

Within the past year Coca-Cola Co., Borden, Inc., and Nestle Co. have entered the field. Canada Dry Corp. is test-marketing a distilled water in Berkeley, Calif. Nearly half of the industry's sales are concentrated in that state, where one in six people drink bottled water as compared with one in 200 across the country. There are even vending machines in shopping centers where a dime will get you a half gallon squirt. It's BYOB though.

Whereas San Diego city water contains 700 dissolved parts of foreign matter per million (1,000 is the maximum set by the U.S. Public Health Service), Washington's water contains 200. Nevertheless, at Safeway International, bottled water sales have spurted 20 per cent this year; the chain now carries 10 brands. James Beard of Hyattsville, one of the area's largest mineral water distributors, reports 100 new customers a month (double last year's rate), most of them in home deliveries.

"Our customers used to be either wealthy or lower-class, over 45 with medical troubles. But now we're getting a lot of young, middle-class people," Beard said.

His firm sells Mountain Valley Water from Hot Springs, Ark., where Indians drank it before Hernando de Soto re-discovered it, as well as various imported waters like Evian, Perrier and Vichy from France, Fiuggi from Italy and Apollinaris from Germany. He estimates that Americans prefer still water over sparkling 10 to one.

Evian, a lightly mineralized, low-salt water, is a leading favorite in 100 countries around the world. Great Bear, a demineralized and purified water from a Ridgefield, N.J., spring, claims to have the largest market in the Northeastern United States.

In France, Evian's pink label symbolically predicts for its imbibers a rosy future free of kidney and urinary ailments, gout, arthritis and obesity. In the good old patent medicine days before U.S. Food and Drug Administration regulations, Saratoga waters were hailed as cures for jaundice, dyspepsia, failing appetite, rheumatism, gout and types of dropsy, scrofula and paralysis.

No such medical miracles are claimed today. Yet the rapidly rising number of bathers and drinkers at the Adirondack spa attest to the belief the waters relieve something—if only a hangover—despite the American Medical Association's position that there is no convincing evidence to support any therapeutic claims.

But what about general good health and combating the ills of pollution? Bottlers today often follow that tack. "The inspiring French Alps protect Evian water from pollution of any kind," reads one ad. "Even before tap water sources were polluted, Mountain Valley Water was established as one of the world's great health waters," says another.

Pure H2O—two parts hydrogen to one part oxygen—does not exist in nature. Bacteriological and mineralogical contaminants are always present to some degree. So "purity" of water becomes in practical terms a euphemism for "safety," which in turn is often confused with "goodness." Defenders of tap, distilled and bottled waters argue these points heatedly.

Distilled water comes closest to "pure" water, although its detractors point out that if the distilling equipment picks up germs, the value is diminished. It is thus "safe" to drink, even though its lack of fluorides might cause some to argue it is "unsafe" for teeth. By these standards it is "good" water, yet it doesn't taste good to people who want an identifiable taste.

The Navy uses distilled sea water on its ships, undoubtedly as much for convenience as for safety sake. On the other hand, Washington hospitals feel it is all right to give patients water from the tap, except in special cases. A U.S. Public Health official, who declined to be identified, said chlorination is the only way to guarantee freedom from pathogenes (viruses) which may survive the deionizing process or recontaminate water after distillation by unsterile equipment.

Yet everyone knows chlorine is a poison gas. And some object to pouring even minute amounts of it into their systems; one half part chlorine per million is the average for District tap water, up only slightly in the past few years. Besides the peculiar taste which some people find objectionable, there is also a psychological bloc to drinking water "that was Lord only knows how polluted to begin with," as one distilled-water user put it.

"Mineral" and "spring" and "well" water connote purity only in the drinker's mind. Such water may in fact be contaminated by underground seepage from cesspools or mines. In addition, impurities may creep in during the bottling process. Other bottled waters, which are "remanufactured" from tap water or even industrial wastes, may present the same physiological or psychological disadvantages to the drinker.

In the opinion of a leading Washington internist, who asked his name not be used, there is "no virtue in drinking bottled water unless it tastes better. The effects on health are minimal. We (physicians) don't see diseases that are spread through the tap; if we do see them, they are as likely to be spread by impure bottled water. If one is going to be paranoid about things one puts inside oneself, then one would have to worry about calcium, magnesium and trace metals (found in mineral waters) which some doctors correlate with heart disease."

The American Bottled Water Association and the U.S. Public Health Service both have recommended voluntary standards for water quality (the private group claims its are higher), but both have recently come under fire.

Several states, and the District, have no bottling regulations. Federal inspection of plants is irregular, as is sampling of products. The D.C. Department of Public Health tests water for bacteria at least twice a year in nearby Maryland and Virginia. An official of the Water Quality Control Administration said extensive studies of branch water were undertaken several years ago for a prominent American citizen who flavored his bourbon with it, but little has been done since. On the other hand, no cases of contamination have been reported in the District recently. Last October Rep. John S. Monagan (D-Conn.) introduced legislation to launch an investigation of bottled water by the Department of Health, Education and Welfare with an eye to establishing federal standards.

Meanwhile the water boys' cup runneth over. Air Force One is stocked with cases of Mountain Valley Water. Carol Channing wouldn't be without her "uncontaminated" water and turkey legs. Race horses and prize fighters drink it. It makes canaries sing and roses bloom. And cosmetics queen Estee Lauder has come up with an aerosol spray of spring water that costs $5 for 11 ounces. It would be cheaper to spray your face with 12-year-old Scotch.

[From the New York Times, Aug. 23, 1970]

WELL-PUBLICIZED INCREASE IN POLLUTION IS HELPING TO DRIVE MANY AMERICANS TO DRINK—BOTTLED WATER

(By Robert A. Wright)

Los Angeles, August 22.—When John Wedburg's mother-in-law came here from Nebraska recently to look over her new grandchild, she talked a lot about how good the water was back home.

So Mr. Wedburg, a stockbroker, ordered bottled water delivered to his Bel Air home for the duration of the grandmother's visit. Now the Wedburgs have joined a million southern Californians as confirmed bottled-water drinkers.

Southern California, basically a desert, has by far the largest number of bottled-water drinkers in the nation; the market here has doubled in the last decade. But it is growing throughout the country.

* * * have doubled in the last five years in Miami, Boston and Pittsburgh. Sales are up

75 to 100 per cent in Chicago, 50 per cent in Atlantic City and 40 per cent in Dallas.

SPURRING INDUSTRY SALES

Growing concern over pollution has spurred sales for the industry in recent years, and bottlers regard each pollution headline as a good advertisement for them. And this week, the Environmental Health Service reported that 16 per cent of municipal water systems surveyed exceeded Federal standards in at least one contaminant.

Claude Neissen, general manager of the Sparkletts Drinking Water Corporation of Los Angeles, said the company's phone inquiries jumped 35 per cent above normal on Tuesday, the day after the report was released.

While the pollution scares have helped sales, the bottled-water business has prospered in various parts of the United States since the eighteen-nineties.

Many City Hall offices in Chicago—an exception is the Water Department—have had bottled-water coolers for years. This year, the city government is paying more than $18,000 for its supply.

NO ACCURATE COUNT

Taste is still the chief attraction, bottlers agree, but a growing fear of municipal tap water is now a strong second. Doctor's recommendations, particularly for persons on low-sodium diets, is another factor.

There is no accurate national count of the number of customers, according to Fred Jones, executive director of the American Bottled Association. Mr. Jones said that many of the association's 200 members were reluctant to provide figures on sales for a survey he is making because they were privately owned companies. But, Mr. Jones said, the national sales growth is at least 10 per cent a year, and much more in many areas.

With the growth of the industry, large national companies are buying into the business. Sparkletts has been owned by Foremost-McKesson, Inc., since 1964. Arrowhead Puritas Waters, whose predecessor companies have been in business here since 1894, was purchased in May of last year by the Coca-Cola Bottling Company of Los Angeles. In January, Borden, Inc., brought out the Crystal Springs Water Company of Miami.

Bob Suttle, general manager of the bottled-water division of Arrowhead Puritas, said his company had 250,000 customers in 10 southern California counties—double the number of 10 years ago. Mr. Suttle estimated that 25 to 30 per cent of southern California residents used bottled water.

"It's not just rich people who buy bottled water," he said. "We have as many routes in Watts as we do in Beverly Hills."

SIMILAR SALES PATTERN

Eighty per cent of the Arrowhead Puritas sales are home deliveries, the growing area nationally. The rest are to offices, and supermarket sales in half-gallon and gallon plastic bottles. Customers of Sparkletts, whose sales pattern is similar, can also fill their own containers from coin-operated dispensers that the company has installed in the metropolitan area.

Mr. Suttle said that the average Arrowhead Puritas customer spent about $4.80 a month for one-to-five gallon returnable glass bottles costing $1.60 a gallon.

Most companies offer three types of bottled water—spring water, distilled water and fluorinated water.

WITHOUT REGULATIONS

Sources of bottled water vary widely. Arrowhead Puritas gets its waters from springs 6,800 feet up in the San Bernardino Mountains under lease from the Forest Service. Sparkletts operates five wells. The Belmont Springs Water Company in Boston gets its supply from natural springs in the middle of a country club.

There are no Federal laws establishing standards for bottled water and many towns and states are without regulations.

"So much of this talk about increased bottled-water sales and better taste is hogwash," said Raymond Brunnel, president of the Pequot Spring Beverages Company of Hartford. "A number of companies are just passing plain tap water through a carbon filter and misrepresenting it as spring water."

Mr. Jones of the American Bottled Water Association said that his organization established quality standards several years ago and was in the process of certifying members who were being tested on the standards. But he conceded that the program was voluntary. Mr. Jones noted that all members of his organization were licensed by local governments.

Mr. Suttle of Arrowhead Puritas ascribed the faster growth of bottled-water sales in recent years to more aggressive advertising and marketing drives than most companies elsewhere were willing to conduct. Both Arrowhead and Sparkletts have extensive radio promotions.

FIVE HUNDRED GALLONS A DAY

Mr. Suttle is not concerned that growing attention to pollution may eventually force municipalities to treat their water better and thereby compete with his industry. He said that the average family used about 500 gallons of water a day but that most people drank less than a quart of water a day.

"In a family of four persons," he said, "a municipality would have to treat 500 gallons to provide one gallon for drinking."

LEGISLATORS FAIL TO FILE REPORTS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. HOGAN), is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, I am sure there is not a single Member of this body who has not had his public actions distorted by the news media. Today, I was victimized by a double-barreled distortion in two separate instances.

In the first instance, the Washington Post included my name in the story under a caption "Legislators Fail To File Reports," in which it stated that I had been late in filing my preelection statement with the Clerk of the House. I have a receipt from the Clerk of the House dated October 22, indicating receipt of the statement. Due to the carelessness of a reporter, this mistake occurred. At no time did a representative of the Washington Post contact me or a member of my staff inquiring about this matter.

The other instance in which the facts were distorted is extremely more flagrant. I insert at this point in the RECORD two dispatches filed by United Press International in its coverage of the rail strike legislation and a story which appeared in the Washington Evening Star today:

> UPI Dispatch, 11:59 p.m., December 9, 1970: However, final House action on the conference bill was delayed as Representative Larry Hogan, Republican, Maryland, began a speech on the House floor in defense of FBI Director J. Edgar Hoover, who has been attacked recently by other Congressmen. Hogan refused to yield the floor, and under House rules he could keep it an hour.
>
> UPI Dispatch, 12:43 a.m., December 10, 1970: Final House action on the bill was delayed nearly an hour by Representative Larry Hogan, Republican, Maryland, who insisted on using time he had reserved for a speech in defense of FBI Director J. Edgar Hoover. Hogan at length ended his speech and the House passed the bill at 12:33 a.m. EST on a roll call vote of 198 to 131.

[From the Washington (D.C.) Evening Star, Dec. 10, 1970]

HOGAN'S PRAISE FOR HOOVER DELAYS RAIL STRIKE ACTION

> Fifteen minutes before the midnight rail strike deadline, House conferees who had met with Senate members to work out a compromise rail bill returned to the floor to announce agreement.
>
> The Senate was waiting for the House to act and President Nixon was waiting at the White House for both houses to act so he could sign the legislation.
>
> But Rep. Lawrence Hogan, R-Md., had the floor and would not yield. Strike or not, he announced, he was going to make a speech praising FBI Director J. Edgar Hoover. He did so, talking about 20 minutes.
>
> The House voted on the legislation to ban the strike 32 minutes after the walkout began.

In its lead story regarding the rail strike, which begins on page A-1 and is continued on page A-6, the Star also says:

> Final House action was held up about 20 minutes when Rep. Lawrence Hogan, R-Md., insisted on holding the floor to make a speech praising FBI Director J. Edgar Hoover.

The Washington Post, Washington, D.C., December 10, 1970: Under the caption "Speech in House Delays Strike Ban" the Post also notes the following:

> Rep. Larry Hogan (R-Md.) had begun a speech in defense of FBI Director J. Edgar Hoover, who has been attacked by other congressmen. Hogan refused to yield the floor and, under House rules, he could keep it an hour.

The most astounding distortion of all is contained in the Star story wherein I am quoted as saying:

> Strike or not, I was going to make my speech praising FBI Director J. Edgar Hoover.

This is a total and complete fabrication. The strike was never mentioned at any time while I was in the well speaking.

As the Members who were on the floor at the time will recall, the Speaker called upon Members for special order speeches to kill time while we were awaiting the results of the House-Senate conference on the rail strike bill.

Contrary to published reports by newspapers, radio, and television stations all over the United States, my actions last night in no way delayed this legislation. As soon as I was informed that the rail strike bill was ready, I yielded the floor and asked unanimous consent that the remainder of my remarks be inserted in the CONGRESSIONAL RECORD at that point.

The United Press International reporter who wrote the story, upon further checking the facts, learned that his story was in error and he has graciously apologized to me. He also wrote a retraction and I insert it in the RECORD at this point:

> UPI Dispatch, December 10, 1970: United Press International incorrectly reported that Congressman Lawrence J. Hogan had delayed House action late Wednesday night on legislation to block a nationwide rail strike.

UPI said that House and Senate conferees agreed on compromise legislation and House conferees returned to the floor but were unable to bring it up for about 20 minutes because Hogan, making a speech in defense of FBI Director J. Edgar Hoover, refused to yield.

The conferees were on the floor throughout Hogan's speech and some Congressmen and newsmen got the impression he was delaying action on the legislation.

However, Rep. Harley O. Staggers, who was in charge of the bill, said the delay was due to the fact that necessary papers were not ready. When papers were in hand, he said, Hogan was asked to yield and did so immediately.

UPI apologizes to Rep. Hogan.

TAKE PRIDE IN AMERICA

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Since 1950 the number of airports in the United States increased from 6,403 to over 11,000 in 1969. During the same time the total number of civil aircraft increased from 92,809 to over 180,000.

MIDDLE EAST CRISIS—DR. ALFRED M. LILIENTHAL

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. Rarick) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, full, open, free, and frank discussion of all issues is essential to the attainment of truth, if we are to remain a free people.

Many problems facing the American people receive some discussion, but no full airing. The Military Procurement Act and today's Supplemental Appropriations Act all included sizable moneys earmarked not only for Israel but for Arab nations as well. Yet, the Middle East situation has not been given any full explanation and discussion by this body. What, for example, is the U.S. interest in the Middle East?

In extending military foreign aid, are we preventing a war or readying a new one, while our people aspire to an end to the war in Vietnam? Is Israel to be another Vietnam? Another no-win war? Does communism in the Far East differ from communism in the Middle East? Why retreat from one battleground to enter another? Who has decided upon the foreign policy in the Middle East?

If the policies of the monarch are those of his creditors, then the policies of the United States must be those of our creditors—the wealthy international bankers. From whom will we borrow the $500 million to loan to Israel? To whom will the U.S. taxpayers owe the interest on the loan?

There are questions—serious ones—facing the American people, to which they are entitled answers, but which they are not receiving.

The time to search for the truth is now—not after it is too late—not after involved in another war.

Justice and truth require full, frank, and open discussions of all sides of these issues.

I was greatly enlightened by a speech on the Middle East crisis delivered recently by Dr. Alfred Lilienthal, to the National Economic Council in New York City. Because Dr. Lilienthal raises questions and ideas heretofore undiscussed and unanswered, I ask that his speech follow in full text and commend it to the Members:

SPEECH BY DR. ALFRED M. LILIENTHAL

(Col. Willard F. Rockwell, Chairman of the Board of Rockwell Manufacturing Company, Honorary Chairman of the Board of North American Rockwell Company introduced Dr. Lilienthal.)

I want you to know about a man who has more courage than most anyone you will find in America today. He has enough courage to stand up and say to American Jews: "The United States must come first. You cannot serve two masters." He is a well-known author of books such as "There Goes the Middle East," "What Price Israel?", and "The Other Side of the Coin," as well as many magazine articles.

He is a member of the New York Bar, and editor of Middle East Perspective.

May I introduce Dr. Alfred Lilienthal?

Dr. Lilienthal. Mr. Chairman, Senator Thurmond, Congressman Rarick, Dr. Rowe, Ladies and Gentlemen:

When I was asked to speak to this distinguished group, I was originally told that I should try to contain my remarks to ten minutes. This reminded me of a 1956 winter morning when I was to address the Los Angeles Breakfast Club and was told that I could talk about the then Suez Crisis for six minutes, sandwiched in between a Swiss yodeler and a Siamese dancer.

The only thing that saved me that 7:30 a.m. in California before the five hundred tired business men and women was an introductory story told by a genial ex-naval chaplain in introducing me:

Two young men, Jack and Charlie, had gone through high school and college together. Both had good jobs. One morning, Jack called Charlie and said, "They've got me."

"Who's got you?"

"The draft board. But I am going to fool them. I once had a hernia, and I am going to wear my truss."

So Jack, wearing his truss, went down to the draft board. Three doctors examined him, took out his draft card and put down "M.E." Jack said, "What's that?" They said, "Medically Exempt."

Four weeks later bright and early in the morning, Charlie called Jack and said, "They've got me."

"Who's got you?"

"The draft board."

"Haven't you got something wrong—flat feet, bad back, ulcers?"

"No, I am in perfect health, as you know."

"Well then, I'll lend you my truss and you go down and make the usual complaints that you can't lift things, you have intermittent pains, and they will let you off for having a hernia."

Charlie went to the draft board. The same three doctors examined him and then took out his draft card and put down, "M.E." "Medically Exempt?" asked Charlie. "No," replied the doctor. "Middle East. Anyone who can wear a truss upside down can certainly ride a camel!"

The question of American boys serving in the Middle East is unfortunately no longer a chaplain's joke. We face the very grim reality of another Vietnam in the Middle East. Three months after the June 1967 six day war I spoke at Bradford Junior College and astonished my audience by stating that it was not the Arabs who had lost and Israel who had won but the United States who had lost and the Soviet Union who had won that war. Russian ships are plying the Mediterranean and now have access to the warm water ports which Catherine and Peter, the Greats, Krushchev and Kosygin alike had been seeking. The West's policy in the Arab-Israeli conflict supplied the open sesame to that aged quest.

I would like to remind you that your speaker has been no Johnny-come-lately in warning this country of the dangers confronting us. In my first two books, *What Price Israel?* and *There Goes the Middle East* and in testimony before the Senate Foreign Relations Committee on the Eisenhower Doctrine in January, 1957, I stated, "So long as justice remains only a lofty sounding word, so long as one million and more Arab refugees remain homeless and without a country and so long as Israel continues to flout existing resolutions of the U.N., there will be new Suez's and more bloodshed. Arab reliance on the Soviet Union friendship as well as on her economic, military and diplomatic aid has become a prime Arab necessity in order to assure themselves top strength against future Israeli expansion. And nothing could have been more pleasing to the Kremlin than a polarization with Israel on the side of the United States and the Arab nations on the side of the U.S.S.R."

Why have we pursued a policy which has brought us to the brink of disaster in this strategic area? Liberals and conservatives alike must share the responsibility for permitting Hitler to mold their present day policy towards the Middle East. It is the Christian guilt feeling, a desire to expiate for the 5–6 million Jews wiped out by the Nazis that has molded support of our present policy. Hitler indeed is still a force today.

Along with this feeling of guilt has been the strong fundamentalist viewpoint, particularly in the Bible belt calling for a literal interpretation of the Bible and upholding the return of the Jews to the Holy Land.

Another motivation which we cannot overlook in explaining the hold that the State of Israel has in this country evolves around the latest two commandments that have been added to the ten handed down by Moses. The Eleventh Commandment: Thou shalt not be anti-Semitic, and the Twelfth Commandment: Thou shalt be anti-anti-Semitic. Those who fear being called anti-Semitic if they criticize any aspect of this problem and those who harbor a soupcon of prejudice, alike wind up in the Israelist camp. This reminds me of the story about two commuters coming down from Connecticut on the morning of May the fifteenth, 1948, the day Israel was created—came into being. One said to the other, "Joe, have you seen the papers? The Jews have established their State of Israel." And the other replied, "Good. Maybe now they will give us back Miami Beach." People who do not like Jews are to be found principally in the pro-Israeli ranks.

The politicians have played sordid domestic politics with a serious foreign policy issue. The Jewish vote has molded the Zionist lobby into the strongest minority group in Washington. Under our present electoral college system, minority groups are enabled to manipulate their strength to a maximum. Jews of America constitute less than 3% of the population but 85% of the six million Jews in America are concentrated in sixteen of the largest cities in the five states of California, New York, Pennsylvania, Illinois and Ohio. These states have 167 electoral votes. It takes 268 to elect the President of the United States.

Artemus Ward, the humorist, once quipped, "T'aint people's ignorance that does the harm, 'tis their knowin' so much that ain't so." And there is no area in the world about which we know so much that ain't so as the Middle East. Myth information—and I do not lisp—has prevailed. Contrary to what people believe, all Zionists are not Jews and all Jews are not Zionists. Here is one of our myths. Those who favor the State of Israel are drawn from every strata of life, from every political point of view and every religion. It is not Zionist pressure alone that is at work. An inner compulsion not to be considered nor labelled anti-Semitic governs to a greater extent. It is not numbers or wealth alone that gives strength to the Israelist cause. Every Christian living in urban areas has a banker, a butcher, an accountant, a doctor, a lawyer, a neighbor or a fellow club member who is Jewish whom he does not wish to offend. It is on this that the Israelist movement fattens itself.

Approximately six million Jews were killed. The Jews wish a state Q.E.D. They should have their state. This is John Q. Public's reasoning. And the national interests of the U.S. are overlooked in this manner.

As for Jews themselves, both in Israel and in the United States, they are more divided than people would believe. It is the voice of Organized Jewry that reverberates and whose public pronouncements are re-echoed by the supine politician seeking votes. To some Jews like Elmer Berger, Moshe Menuhin and Habib Shibeh, the ancient prayer, "Next year in Jerusalem" implied not a political state but a new kind of better world. A golden day on which men might look into each other's eyes and see the reflection of their own unfulfilled longings and hearts of men shall go out to each other in understanding for they will know that all suffer hurt and heartache and dream the same dreams of freedom, security and peace and together they shall build the Kingdom of God.

If "Next year in Jerusalem" means something else, why pray about next year in Jerusalem? Why not go there today-tomorrow? United States should stop being used as a base for Israel. Our country cannot afford to have citizens sit with one foot here and one foot in another country while exercising their influence on American Foreign Policy in behalf of what is still a foreign state. Instead of appropriating five hundred million dollars for Phantoms for Israel under the legislation now pending, it might be far better to make Israel the 51st State of the Union. At least then we would know that Jerusalem would be acting in the interests of the United States. Today Israeli national interests are not invariably U.S. interests even though it might seem that common antagonism of the Soviet Union makes this so.

The strangest aspect of the abnormal relationship between the United States and Israelis in the United States are returning whatsoever to go and fulfill their destiny in Israel. Western Jews would prefer to lavish their support from the security of their Park Avenue abodes, their Picadilly flats or their residences on the Rue de la Paix. Even now when the brain drain to the United States is working in reverse and scientists and technicians are returning in great numbers to their own countries while we are in the midst of a recession, very, very few of the many Israelis in the United States are returning home. In the final analysis it will never be Soviet Union Migs or Arab bullets that will seal the fate of the Zionist state in Israel, but it will be the plain fact that Jews prefer the lands in which they are now living to the milk and honey of the State of Israel. The Establishment in Israel is aware of this and can never really afford peace. Hence they will do all in their power to drag their mentors and patrons, namely us, into a war which could make Vietnam look like a Sunday School picnic. And we already, to use the words of Nevil Shute, are ON the Beach.

There are certain questions I ask you to ask yourselves. Where has the strongest organized Communist movement in the Middle East been? Where have Communists sat as officially elected representatives? In Arab countries or in Israel? Is a Kibbutz more acceptable simply because it happens to be in Israel rather than in the Soviet Union? Are people steeped in the strong theism of Islam who volunteer their prayers to God five times a day more likely to be abject tools of Godless Communism than a country in which most of the people have substituted the worship of the state for the worship of God and where what little religion exists is controlled as an adjunct of the state? It is sheer nonsense to call the people of the Arab world Communists or Soviet lovers.

Contrary to mythology, history does not support the Zionist contention that Palestine belongs to them alone. Who could say for sure which one of us here in this room might not have a far better claim to go back home to Palestine than Golda Meir, Abba Eban or Moshe Dayan? Twelve tribes started in Canaan 35 centuries ago and not only did ten of them disappear, more than half of the other two never returned from exile in Babylon. How can anyone claim descendancy directly from that relatively small community which inhabited the Holy Land at the time of Abraham's covenant with God? And if there was such a covenant, Arabs are part of the seed of Abraham through Haggar who gave birth to a son, Ishmael.

Hebrew, Israelite, Judean, Judaism, and the Jewish people are used by the myth makers synonimously to suggest an historic continuity whereas they were in fact different people at different times in history with varying ways of life who continually intermarried with Amorites, Canaanites, Midianites, Phoenicians and other Semitic ancestors of the present day Arabs who they found there. Let us not forget that Judaism was a tremendous proselytizing force throughout the world before and even after the coming of Jesus. Many who clamoured to go back never came from that part of the world and many who do not wish to go back and never thought of going back might have a better claim to do so. Queen Victoria belonged to an Israelite society that traced the ancestry of its membership back to the Ten Lost Tribes of Israel.

The Balfour Declaration issued by the British in 1917 gives Zionists no more exclusive rights to Palestine than the myth of a Jewish Semitic race. This war document issued in a letter from the Foreign Secretary to Baron Rothschild was only a conditional grant to Zionism. It did not call for a State of Palestine, not even a national home of Palestine but simply a national home in Palestine—meaning that there was to be more than one home there—and the declaration contained this proviso clause: Quote. The civic and religious rights of the existing non-Jewish community be no prejudice. End of Quote. What was this non-Jewish community in Palestine? After all we had long been told that the Zionists made this desert bloom. In 1917 this existing non-Jewish community constituted 93% of the population. Yes, Palestine was 93% Christian and Muslim-Arab and this weasely wording, "The existing non-Jewish community" was used by English diplomacy to hide this truth from their own people and the world. It was as if you came into a room with one hundred people and referred to ninety-three of the people there as the non-seven.

And when the United Nations recommended on November 29, 1947 the partition of Palestine, the non-Jewish community was still 66% of the population with Zionist Jews owning but 7% of the land. These are historic facts which cannot be overlooked and explain the depth of the emotional feeling on the part of the Palestinian Arabs who through American support of the creation of Israel became refugees to the number of more than a million and a half, living in exile since 1948, many subsisting in camps at the rate of 7 cents U.N. charity per day.

No wonder this injustice rankles and drives them, if not through the front door, then by the back door into the hands of our enemies. "The enemy of my enemy is my friend." An old Arab adage has been working to push Uncle Sam out of an area in which we had accumulated a tremendous reservoir of goodwill due to our philanthropic, charitable and educational good deeds, not to mention our oil interests. The YMCA's, YWCA's, hospitals, the A.U.B., the A.U.C. and other institutions were testimonial to Uncle Sam's benevolence but we permitted the Soviet Union to build a bigger and more lasting testimonial, the Aswan Dam, by reneging on our promise to build this needed irrigation project.

It is U.S. bumbling, stumbling and fumbling to which so many private citizens have contributed that has brought the Soviet Union into the Middle East over the pleas and objections of the Arab people. The attempts to divide the rule of the Ottoman Turks, the French, the British and other foreign meddlers before us invariably resulted in divide and fall.

It is not easy to lay down a course of action in this most complex problem that will bring peace and justice for the peoples of the area and gain us a little security. It is easier to say what we should not do. The premise that peace can only be achieved by keeping Israel stronger than her neighbors is untenable. Israel has been stronger than all her neighbors combined in the last two decades and has won three wars and yet Arab-Israeli peace despite a temporary cease-fire and a lull in the fighting is further away than ever.

Further arming of Israel only invites the Soviets to a never-ending arms race which inevitably must involve American troops. This is the road to a second Vietnam and which will inevitably lose for us an area with its more than 70% of the world's oil reserves, its strategic geographic position second to none, the religious sites of the three great monotheistic faiths and the balance of power in the world diplomatic and military struggle. The 114 million Arabs are closely related to their three hundred fifty million Muslim brethren around the world.

There is a silent American minority, not yet a majority, who long have insisted that there are two sides to this conflict, that the Arab Palestinians must be brought to the U.N. peace table and that only in a binational state in which Arabs and Jews will have equal rights in what was once Palestine can any durable peace be realized. Only when we have a free and open debate on the Middle East such as we once had on Vietnam and a debate in which the word anti-Semitism is banned, can we move constructively toward peace.

You, as private citizens have an important role to play. For there is no problem of public concern which can be decided more by individual decision than this. Support of Israel has been based not so much on the belief that Israel is the bastion of democracy, but because too many Christians unfortunately would prefer to treat Jews not as equals in this country but as foreigners whose home state is there in the Holy Land. Christians in America must learn to treat Jews as equals and cease, in the guise of being sympathetic, to support their rights in a foreign state.

Perhaps with such enlightened Christian support, Jews of America will end their aged duality, and their dual national loyalty. They themselves can help solve this problem by showing that they are willing to join the human race—by ceasing to exact special privileges and a special status simply because a madman named Hitler went rampant twenty-five years ago. Enjoying special privileges and living as a group apart with a unique relationship to a foreign country can in the long run only bring disaster to themselves as well as to the country in which they live.

It is not easy to fight the overwhelming consensus and the Establishment—one's co-religionists as well as one's conationals. It is not given to everyone to say with equanimity as Socrates once said, "I love you, men of Athens, but I love truth more." But all of us can follow the guidance of a great American, our First President who with uncanny perspicacity in his farewell address prophetically warned: "A passionate attachment of one nation for another produces a variety of evils because it leads to concessions to the favorite nation of privileges denied to others which is apt doubly to injure the nation making the concession, both by unnecessarily parting with what ought to have been retained and by exciting jeolousy, ill will and a disposition to retaliate in the parties from whom equal privileges are withheld and," our First President noted, "it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation the facility to portray, betray or sacrifice the interest of their own country without odium sometimes even with popularity."

If we can but command the courage and foresight of George Washington, we can still bring peace to the harassed peoples of Israel and of the Arab world and at the same time take a giant step forward in our quest for peace in our time.

(NOTE.—Dr. Lilienthal, a graduate of Cornell University and Columbia Law School, at an early age became interested in public affairs. He led the fight against the Communist-controlled American Youth Congress and was a candidate for the New York City Council. He served with the U.S. Army in the Middle East, as consultant to the American Delegation at the first United Nations Conference in San Francisco and in the Department of State. He is the author of many articles on the Middle East including "Israel's Flag Is Not Mine," and of the well-known books, "What Price Israel?" "There Goes the Middle East," and "The Other Side of the Coin." Yearly he makes a tour of the Middle East to visit the Arab countries and Israel and to talk with the leaders and the people there. Dr. Lilienthal is a well-known lecturer on college campuses and before club women across the country. He is the editor of Middle East Perspective, a monthly newsletter.)

PENNSYLVANIA'S CHILD CARE CENTERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, one of the most significant and innovative developments in the child care field is taking place in my home State of Pennsylvania. For the first time a State Department of Public Welfare has contracted with a private corporation to establish and operate a group of seven comprehensive child care centers that will, in addition to the usual custodial services, provide a highly sophisticated child development component, a broad health and nutritional program and extensive parental and community involvement in the operation of the demonstration model centers. Both State and Federal funds are involved in the project funded under title IVA of the Social Security Act.

The contract, between the Pennsylvania Department of Public Welfare and the Educare Division of UEC Inc. of Washington and New York, will provide such comprehensive centers in Wilkes-Barre, Scranton, Harrisburg, and Pittsburgh within the coming months to serve almost two thousand children from infancy through teenagers on an individual flexible schedule to accommodate the needs of the child and the working parent.

Mr. Speaker, the December 4 issue of Education Daily contains an interesting article concerning this most important breakthrough in the day care area. I include the text of this article at this point in the RECORD:

DAY CARE WITH A DIFFERENCE FOR WELFARE KIDS

When the first of seven new day care centers open in ghetto areas of Harrisburg and Wilkes-Barre in the spring, welfare mothers will reap the latest private industry has to offer in child care and early education services.

Universal Education Corporation, creator of a dozen posh east coast "discovery centers" where middle-class moms vie to enroll preschoolers for a two-hour weekly "learning experience," moves its Educare Division into the ghettos of four Pennsylvania cities next year under a $4 million contract with the state's Department of Public Welfare. With it goes $300 thousand in up-to-date equipment and 1800 carefully researched "learning objectives," all part of what Educare's president, Richard T. Ney, calls the first comprehensive program to help low-income parents help their own children succeed in school.

OFFERS FULL DAY, AFTER SCHOOL, AND INTERMITTENT CARE

The seven Educare Centers, all within walking distance of the participating families, will serve about 2,000 children in target areas of Wilkes-Barre, Pittsburgh, Scranton and Harrisburg, ranging in age from infancy to 15 years old. Flexible schedules will permit full-day, after-school, and even night and weekend care. A hot-line phone service from 6 a.m. to midnight will respond to distress calls seven days a week, and most of each center's staff will be people from the community, recruited and trained by Educare. The program is renewable for four years, with the cost jumping from $4 million the first year to $6 million in succeeding years. The state pays one fourth, with the remainder paid by the Federal government under Title IV of the Social Security Act. When fully operational, Ney estimates the cost per child for the program will be about $2800 per year.

EVALUATION BY UNIVERSITIES

Despite a "no formal testing" policy in the centers, part of Educare's job is to develop the children "in measurable terms." A second goal is to set up an efficient management system for running the centers. Evaluation of both objectives will be done by a consortium of Pennsylvania universities.

LEARNING OBJECTIVES AND SKILLS

The heart of Educare's education component is contained in a massive volume of 1800 learning objectives cataloged by David C. Whitney, a former editor-in-chief of Encyclopedia Americana and currently Educare's Senior Vice President. Divided into some 40 skill areas (listening, finger dexterity, etc.) and accompanied by simple validation tasks to determine each child's progress, these objectives form the basis for individual learning sequences and for assessing gains through observation rather than formal testing.

PARENT INVOLVEMENT

To help get the parents involved in center activities, Educare is preparing a library of tape cassettes dealing with problems like family arguments and money management as well as child development. Monthly meetings and dinners with parents will be sparked by key personnel like Educare's black community relations director Marjorie Costa, a veteran public health and community worker in the Bedford-Stuyvesant area, and Lewis Howard, former director of the Harlem Peace Corps.

LEARNING MATERIALS

UEC boasts an investment of more than $5 million of private capital in the development of the Educare system, including "hundreds of tested learning materials and educational devices" ranging from a child-operated TV studio on wheels to simple plastic shapes and figures. Audiovisual materials are prepared in the company's own color TV studio in New York City. The child watches a taped segment which shows puppets working a puzzle, for example—and then tackles the same puzzle himself. A short sequence on "Leaves," beautifully photographed, explains nature's "magic food factory" as the child traces visually the intricate pattern of veins in a maple leaf.

TAKE HOME MATERIALS FOR LEARNING

The program also features weekly take-home materials, like blocks and games, to help parents become involved in their children's development. These special toys and materials to take home and keep, together with simple instructions for the parents—sometimes on tape cassettes—add as much as $150 a year per child to the cost of the system, explains Ney, an investment he considers well spent.

The Harrisburg and Wilkes-Barre centers will be the first to open, sometime this spring, with others to follow. Educare staff are already at work in target neighborhoods—recruiting, persuading, explaining the system. Ney, who says other state and city governments have expressed interest in the Pennsylvania program, snaps eagerly at the idea of negotiating performance contracts for day care and educational services. The Educare system, he says, "lends itself to measurability and accountability."

STAFF INCLUDES HEALTH, NUTRITION EXPERTS

Approximately 400 people will operate the Pennsylvania program. Besides the large number of paraprofessionals from the community, the staff will include experts in health, nutrition, education, training, community relations, child development, and office administration.

It is expected that most of the youngsters served will fall into the 2½ to 5 year age range, but the program will also be geared to serving infants and will provide before and after-school enrichment programs for 5 to 15-year-olds. For further information, contact: Educare Division, Universal Education Corporation, 1730 M Street, N.W. Washington, D.C. 20036.

"COLLEGE SUGGESTOR" HELPS STUDENTS PICK COLLEGE

A new aid has been developed to "help high school students, counselors, and parents to identify colleges and universities that are most closely suited to a student's needs, abilities, and interests." The new aid, "The College Suggestor" consists of "four decks of punched cards, each representing a region of the United States; a reader-viewer; and an instruction manual and a numbered list of approximately 2,250 junior colleges, colleges and universities." To operate the system the user merely picks cards which correspond to the attributes or characteristics he desires in a school, places these in the viewer, and reads off the numbers of the schools which meet his requirements. He can then locate these schools on the list and gain additional information through his counselor or by writing to the school.

MADISON SQUARE BOYS CLUB

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, a case involving the Madison Square Boys Club of New York City recently brought to my attention a quirk in the Tax Reform Act of 1969 which will deprive the Boys Club of about $600,000 unless the situation is corrected.

I have studied this case carefully and have concluded that the sort of situation which has arisen was not contemplated by the Congress before passage of the Tax Reform Act, that there is need for legislative action to correct this oversight, and that such action should be initiated as soon as possible.

Therefore, I have introduced legislation to amend the Internal Revenue Code of 1954 and the Tax Reform Act of 1969 with respect to the treatment of charitable contributions. I am pleased that the following members of the New York City delegation are joining me in this effort: Mr. Celler, Mr. Addabbo, Mr. Biaggi, Mr. Brasco, Mr. Carey, Mrs. Chisholm, Mr. Halpern, Mr. Koch, Mr. Murphy of New York, Mr. Podell, Mr. Ryan, Mr. Rosenthal, and Mr. Scheuer.

Mr. Speaker, it is my hope in introducing this legislation in the closing days of the 91st Congress that the Treasury can begin as soon as possible their study of this legislation. I plan to reintroduce it early in the new Congress and hope that it may be promptly considered.

At this time I would like to place in the Record a memorandum, prepared by the New York firm of Kelley, Drye, Warren, Clark, Carr, & Ellis, describing the situation encountered by the Madison Square Boys Club as well as a letter from Mr. Laurence N. Woodworth, Chief of Staff for the Joint Committee on Internal Revenue Taxation which drafted the bill. Finally, I would also like to include a copy of the bill itself.

The items follow:

Memorandum

Re Madison Square Boys' Club, Inc. as Charitable Remainderman under the Will of Earl A. Ross, deceased

The Madison Square Boys' Club, Inc. is a publicly supported charitable organization actively engaged in boys' club work. It operates boys' clubs in New York City at four different locations and provides recreational and informal educational activities for 6,000 boys annually in New York City and 1,400 boys each summer at its camp in Carmel, New York.

The additional federal estate tax liability which may be imposed upon the abovementioned decendent's estate, which liability will reduce drastically the size of the Trust Fund which will eventually go to the Madison Square Boys' Club, arises as a result of the following factual situation:

The decendent, Earl A. Ross, executed his last will and testament on October 6, 1967. Under the terms of this will, Madison Square Boys' Club is the remainderman of a series of trusts created under the will, which trusts, in general, terminate on the death of one or more persons who are the income beneficiaries. In December 1969 the decedent, then in the throes of his terminal illness, decided that he should change the corporate executor and trustee named in his 1967 will. He therefore instructed his attorney, Mr. John F. Leviness, Jr., to prepare a codicil to accomplish this which codicil was prepared and executed substituting Manufacturers Hanover Trust Company, with whom the decedent had had a long-time banking relationship, as executor and trustee in place of another major bank located in New York City. This codicil was executed on December 14, 1969. The decedent died at 2 p.m., January 1, 1970.

Under the Internal Revenue Code of 1954 as in effect prior to enactment of the Tax Reform Act of 1969, the charitable remainders given to the Madison Square Boys' Club would constitute valid charitable deductions under section 2055 of that Code. However, in view of the enactment on December 30, 1969, of sections 201(d) and (g)(4) of the Tax Reform Act of 1969 (amending section 2055 (e) of the Code) such charitable deductions may no longer be available in computing the federal estate tax liability, as (a) the decedent executed a codicil after October 9, 1969, (b) he died after December 31, 1969, and (c) the trusts are not in the form of annuity trusts or unitrusts.

The hardship is apparent. The decedent was not in a position to know nor did he consider the possible implications of the proposed Tax Reform Act of 1969 to his situation. The Tax Reform Act was in fact enacted after the codicil was executed and obviously the decedent could not govern the timing of his death. All of these events conspire to deprive the Madison Square Boys' Club of a much needed contribution (i.e., the amount of corpus needed to pay the additional estate tax liability) if relief to which it is equitably entitled can not be found either administratively or through legislative action.

It is suggested that this hardship may be avoided and the greater fund made available to Madison Square Boys' Club, Inc. for its charitable activities through an amendment to section 201(g)(4)(B) of the Tax Reform Act of 1969. This amendment might take the form of a proviso to the effect that a codicil or other instrument, executed by a decedent after October 9, 1969 and prior to December 30, 1969 (the date of enactment) within does not alter or modify the dispositive provisions of the will, would not be deemed a republication of the will for purposes of subparagraph (B) of section 201(g)(4).

Congress of the United States,
Washington, D.C., November 17, 1970.
Hon. Jonathan B. Bingham,
House of Representatives,
Washington, D.C.

Dear Mr. Bingham: This refers to your recent letter to Mr. Dennis Bedell of the staff, requesting us to draft a bill for you along the lines suggested in the memorandum you enclosed with your letter to deal with a situation confronting the Madison Square Boys Club.

As was indicated in the memorandum, new rules governing the allowance of an estate tax charitable deduction for gifts of remainder interests in trust to charity were provided by the Tax Reform Act of 1969. A transition provision, however, makes these new rules inapplicable in the case of trusts established by a will in existence on October 9, 1969, if the decedent dies before October 9, 1972, without having amended the will.

This transition rule does not apply, however, to the will of Mr. Earl A. Ross which gave a charitable remainder interest to the Madison Square Boys Club, since Mr. Ross changed the executor in his will in December of 1969. To deal with this problem, the enclosed bill modifies the transition rule I mentioned to provide that a change in a will between October 9, 1969, and December 31, 1969, which does not change the dispositive provisions of the will will not be considered an amendment of the will. Accordingly, a change of this nature would not cause the loss of the estate tax charitable deduction.

The bill also makes a similar change in another estate tax charitable deduction transitional rule which applies in the case of trusts which were in existence on October 9, 1969, and in a transition rule relating to the changes made by the Tax Reform Act in the charitable deduction allowed trusts for amounts they set aside for charity.

There is an additional provision of the Internal Revenue Code which presently would deny the charitable deduction allowable to Mr. Ross' estate which was not mentioned in the memorandum. Basically, this provision (section 508(d)) disallows the charitable deduction for a gift to charity of a remainder interest in trust unless the will establishing the trust contains provisions to insure that the trust complies with the private foundation requirements and restrictions. In the case of trusts which were in existence at the end of 1969, this provision does not apply until 1972. In view of this, the enclosed bill also contains an amendment which would make this provision inapplicable (until 1972) to charitable remainder trusts established under wills in existence on or before October 9, 1969.

Sincerely yours,
Laurence N. Woodworth.

H.R. ——

A bill to amend the Internal Revenue Code of 1954 and the Tax Reform Act of 1969 regarding the treatment of charitable contributions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 642(c)(2) of the Internal Revenue Code of 1954 (relating to deduction for amounts permanently set aside for a charitable purpose) is amended by adding at the end thereof the following: "For purposes of subparagraph (B), an amendment after October 9, 1969, and before January 1, 1970, of a will which does not alter its dispositive provisions in any way shall not be considered a republication of such will."

(b) Section 201(g)(4)(B) of the Tax Reform Act of 1969 is amended by adding at the end thereof the following:

"For purposes of this subparagraph, an amendment after October 9, 1969, and before January 1, 1970, of a will which does not alter its dispositive provisions in any way shall not be considered a republican of such will."

(c) Section 201(g)(4)(C) of the Tax Reform Act of 1969 is amended by adding at the end thereof the following:

"For purposes of this subparagraph, an amendment after October 9, 1969, and before January 1, 1970, of an instrument governing the disposition of the property which does not alter its dispositive provisions in any way shall not be considered an amendment of such instrument."

(d) Section 508(d)(2) of the Internal Revenue Code of 1954 (relating to gifts or bequests to private foundations and nonexempt trusts) is amended by adding at the end thereof the following:

"In the case of a trust created pursuant to a will executed on or before October 9, 1969, and not amended by the decedent after that date, by codicil or otherwise, in a manner which would alter the dispositive provisions of the will, subparagraph (A) shall not apply to any taxable year beginning before January 1, 1972."

RELEASE KUDIRKA

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, Americans were shocked by the recent brutal recapture of the would-be defector, Lithuanian seaman, Simas Kudirka, who in full view of American Coast Guardsmen, was severely beaten and removed from a U.S. Coast Guard ship.

The American public will continue to express its outrage and demand the full facts of this incident until everything has been fully revealed. There has also been a strong insistence that the United States demand freedom for this unfortunate man. I believe that President Nixon and Secretary of State Rogers should press the Soviet Union to grant freedom to Seaman Kudirka and his family and I have sent telegrams to the President and the Secretary of State urging that representations be made immediately to the Soviet Union to grant Kudirka and his family the right to come to the free world. I am happy to note that editorial opinion has supported my efforts and I include at the end of my remarks a December 5 editorial in the Waterbury, Conn., American.

Simas Kudirka risked his life because of his desire to leave the Socialist homeland. Surely we should press for his release not only because of his desire for freedom but because of the tragically insensitive and inept fashion in which his well-being was mishandled at what appears to be several levels of U.S. official bureaucracy—especially at the First District Coast Guard level. One is necessarily somewhat skeptical about the possibility of Kudirka's release. However, as the Waterbury American editorial states:

Soviet leaders are aware that the incident has stirred up new animosity. They might be persuaded it would be a good political move on their part to give up the unfortunate seaman to the free world.

Certainly the case should be followed up both through investigative determination of responsibility for the tragedy and through efforts to obtain the release of this man and his family.

The Waterbury American editorial follows:

PROPOSAL ON DEFECTOR

The entire free world was appalled by the failure of the U.S. Coast Guard to provide asylum to Lithuanian Seaman Simonas Gruzde when he fled a Soviet vessel. President Nixon joined in the widespread criticism of the Americans who returned the defecting sailor to the Soviet crew and watched him receive a beating. He also set up a much-needed policy on dealing with future refugees.

The affected seaman, however, received only distant sympathy until U.S. Rep. John S. Monagan of Waterbury proposed immediate negotiations to bring Gruzde and his family to this country or elsewhere in the free world.

Monagan, who has thousands of people of Lithuanian origin living in his Fifth Congressional District, has long been aware of the bitterness of Lithuanian nationals to Soviet domination of the Baltic nations. His exposure to any sympathetic understanding of the plight of Lithuanians who are still striving for freedom for their native land has given him a good insight into the emotional reaction many people experienced on learning that the pleading Lithuanian seaman was returned to the Russians.

Congressman Monagan's appeal to President Nixon and Secretary of State William Rogers in behalf of the seaman and his family deserves consideration. Soviet leaders are aware that the incident has stirred up new animosity. They might be persuaded it would be a good political move on their part to give up the unfortunate seaman to the free world.

President Nixon's intervention appeased many critics across the nation. Rep. Monagan's new efforts are restoring faith for many people in his district, who had felt frustration and abandonment over the incident at sea.

TRAINING PROGRAMS FOR SENIOR CITIZENS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the conference report on the manpower bill which we have accepted today will I hope enable the continuance and expansion of the community service employment programs for senior citizens. An excellent example of this program is in Dade County, Fla. The community service senior aides program in Dade County is a dynamic force in meeting many of the needs of the elderly poor. The senior aides project, as sponsored by Senior Centers of Dade County, Inc., employs 60 elderly poor people, a cross section of the elderly poor in Dade County, to assist some 7,000 elderly poor.

These aides, working through six multiservice senior centers and one outreach operation, assist the elderly in need by delivering surplus food, purchasing medicines, arranging hospital care, making medical appointments; and, teach basic education to the illiterate, and even English to the Spanish-speaking elderly. In general, their contribution is seeking out the forgotten elderly poor and meeting their needs.

Recently, senior aides participated in nutrition hearings that I held in Miami, and on February 16, 1970, I was chairman of a senior aides town meeting attended by approximately 500 persons. Senior aides and their supervisors testified about the impact and importance of the program on Dade County and the need for more senior aides and their services.

When many members of the professional staff of Dade County senior centers were terminated in November 1969, due to a lack of funding, the centers would have closed their doors, and the community would have suffered a great loss had it not been for the use of senior aides. They are keeping the doors of senior centers of Dade County open.

The senior aides program has been a God send to the elderly poor who are assisted by senior aides in Dade County. I strongly urge continuation and expansion of this wonderful program.

THE MAD GENIUS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, at this football season of the year when thoughts turn to bowl games I thought it timely and of interest to my colleagues and all those who read the RECORD, to pay tribute to one of the greatest entrepreneurs of them all in football bowl classics—Mr. Earnie Seiler—producer of the Orange Bowl classic. Earnie has been my longtime friend and I am proud that the Orange Bowl over which he officiates is in my district.

I thought it would be of interest to know something of the great record and outstanding achievement of one whose fame in bowl classics has gone far and wide. Few have knowledge of the strenuous work and dedicated enthusiasm which make up the colossal and spectacular Orange Bowl parade on New Year's Eve in Miami. Everyone who will have the pleasure and privilege of viewing the 1971 parade with its theme "yesterday, today, and tomorrow" will cherish an unforgettable memory of beautiful pageantry.

It gives me a great deal of pleasure to recognize Earnie's outstanding artistic talents and showmanship which is so well depicted in an article written about him by Louise Fetterman, feature writer for the Visitor. I am particularly pleased also to commend Mrs. Fetterman, who was on my staff for several years, for her splendid article on this great man, which follows my remarks here:

THE MAD GENIUS

(By Louise Fetterman)

Lovingly dubbed "The Mad Genius of King Orange Jamborees" by local sports writer, the late Jimmy Burns, Earnie Seiler looks and acts more like Santa Claus or Santa's senior work elf in charge of Toyland. His face is as round and as full of vitality as the orange he honors with the Orange Bowl Festivities at the turn of each year. His boundless enthusiasm for his work and his pride in his accomplishments are rare in today's self-centered world.

"I've never yet had the morning when I felt like saying, 'I wish I didn't have to go to the office today'. The day that happens is the day I retire," he said emphasizing his statement with a waving clenched hand.

"The people who build the floats are all artistically inclined. When they are working, they are in a world all their own. They love to use their hands and work on detail. They take great pride in their work, a characteristic which seems to be rapidly disappearing from the American scene," Earnie said while sitting in his orange carpeted office with his orange telephone nearby.

The theme for the 36th Parade?

"America the Magnificent."

"This year, for the first time, we've gotten most of the floats all under one theme. The hour long show on television will be telling the same story for the first time. I believe it's a sign Miami is growing and will really become something. Unfortunately, if the Orange Bowl activities were cancelled, Miami would have nothing. It's too bad, too. We need more activities, but I don't have time to start them."

Earnie Seiler drifted into his career as Executive Director of the Orange Bowl Committee when he offered to help and then was "volunteered" to take over the pre-game and half-time shows for the first football game in 1933 This show and the one in 1934 were called "The Palm Festival."

"In those days, if there was anything to be done. the Recreation Department became a part of it." Earnie became the first City of Miami Recreation Director in 1928.

"I just grew into the Orange Bowl Festivities by doing the best I could each time. It's a job you don't study for, you just grow with it." Of course, his degree in Architecture from Oklahoma A&M (now Oklahoma State University) has helped him, especially in the artistic designing.

"Anyone interested in working with the Orange Bowl Festival should be in the field of art. College courses don't prepare artists for what they meet outside. Most professors of art are just dreamers."

The first festival cost between $3000-$4000 with just twelve floats. Budget for the 1969-70 festival is approximately $1.8 million with the average float costing between $8,000-9000 There will be 45 floats this year.

"We have a permanent staff of 16 which swells with 30 temporary employees during the 'busy' months. We use over 600 volunteers on the day of the parade. There are 40 people working on the floats right now."

Earnie has never seen one of the world famous parades from the reviewing stand, "nor any place else along the parade route. I'm always busy in the staging area."

Working in the staging area led to his most embarrassing moment of all times.

"The generator on one of the floats kept cutting off leaving the the float without lights. We don't like to have them go without lights I crawled up into the framework to fix it I told the driver to go ahead and pull into his place in the parade lineup while I continued to work adjusting the generator with my screwdriver. I got it fixed and the driver came to a sudden stop. I decided to just drop down on the pavement and let him pull away from me. When he did, I looked up and found myself flat on my back in the middle of the street right in front of the reviewing stand. That was really something," he said with an impish grin on his grandfatherly face.

One year he was refused admittance to the Orange Bowl Football Game.

"Everyone is required to have an identification tag. I'd lost mine somehow. The gatekeeper didn't know me and refused to let me in. It was quite a thing for a while. I had to get someone to identify me before he'd let me in. Later I commended him."

His proudest moment? The four furrows on his forehead deepened. "I'd have to say it's always the current parade."

Earnie is already working on next year's parade and festival.

"I've three or four ideas for themes which we'll start kicking around. I keep a notebook on the seat of my car in which I scribble ideas I get while driving along. I usually have 15 to 20 pages in this notebook when I start talking them over with our artist, Frank Cloutier. Frank and I closet ourselves in a room where we have room to walk up and down. We discuss these ideas. We both do an awful lot of talking with our hands.

"Sometimes we decide on what we think is a good idea—then I wake up in the middle of the night or the next morning and discover it just won't work. Other times I'm awakened in the middle of the night by an idea only to discover later it won't work either. Sometimes I tell my secretary, 'Helen, the right idea or theme is hanging right out there in front of my eyes but I can't quite reach it'."

Does he discuss these ideas with his wife?

"Sometimes we talk about them, but most of the time I try to keep business away from home. My wife used to take an active part but not so much any more. She used to help pick the girls to ride on the floats. She supervised their activities. She's partly responsible for the standards we require of candidates.

"We insist that the girls be natural and wholesome. They must want to ride—not for a boost for their social standing or just because they come from certain families, or their parents want them to.

"We want girls of good moral standing in the community—not the type to smoke pot and such. We keep them under strict supervision. We bus them from the dressing rooms to the floats and bring them back by bus to wait for their parents to pick them up.

"We've stayed here with the girls until long after midnight many times. I won't let them go home by themselves, they must wait for their parents to pick them up."

"We're getting now where we have girls whose mothers and grandmothers have ridden on our floats.'

Does he have a favorite float that he uses year after year?

"No, we never repeat. We always try to keep it new and different."

Earnie has nine grandchildren between the ages of 2–14. Five live in Ft. Lauderdale and four in Miami. Every Thanksgiving and Christmas the whole family gets together for one of Earnie's famous barbecued turkeys.

"I encourage them not to tell people that Earnie Seiler is their grandfather and I don't discuss the festivities with them beforehand. I believe they should stand on their own and make their own decisions. After the parade they are very honest and tell me what they didn't like. They usually have good reasons for their dislikes, too."

For the first time, the Junior Orange Bowl Parade will be nationally televised this year.

"I want the Junior Orange Bowl Parade to become something the young people can be proud to say 'this is ours' and to feel that this is their showcase."

Theme for this year's Junior Orange Bowl Parade is "Holidays."

Does he have any regrets?

"I've never been very interested in how much money I could make. In the beginning, many of my friends and business acquaintances told me I was crazy wasting my time and talents—that I could make more money in this or that field. I tried architecture but it was too confining for me. I've always enjoyed what I'm doing. When I look around and see others who are making more, I'm more than ever satisfied because I like what I'm doing. They aren't enjoying themselves—they're too tense, nervous and frustrated and heading for heart attacks."

We're glad "Our Mad Genius" enjoys creating enchantment and enjoyment for others. We're sure you will be glad too, after you've seen this year's parade—the one there are no superlatives strong enough to describe.

ACP—A TIME TO CHANGE AND A TIME TO GROW

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, the agricultural conservation program—ACP—has been a good program. It has been a popular program. It has been a broadly supported program.

It has brought improved soil and water conservation practices to literally millions of farms and ranches. It has been a great benefit to agriculture and to the public.

In our Third District of Wisconsin there were 3,429 farms participating in the program last year and some 13,270 farms have been in the program during the 5-year period 1965 through 1969. Over $1.1 million of ACP money was expended in our district last year on a variety of conservation practices.

ACP cannot, however, rest on its past glories. The task ahead is too great and too important for us to reveal in the accomplishments of yesterday. It is tomorrow and the tremendous problems that tomorrow will bring to which we must now address ourselves.

Pollution is a serious problem for each of us and pollution and the degradation of the environment is a concern of ever-growing magnitude to all Americans. The ACP program should play a bigger role in tomorrow's solution to pollution. It should begin to look away from crop production subsidy and look forward to activities which improve the quality of our environment.

It is in this theme—the theme of a better environment for all—that I intend to introduce legislation in the 92d Congress to expand, modernize and redirect the ACP program toward the needs of tomorrow.

It is my intention to make a number of specific changes. I will define the terms "farmer" and "rancher" so that the program can be directed at those family farm and ranch units which predominated most rural areas. In doing this, I will also propose an ascending scale of benefits—or environmental improvement bonuses—for those farms in greatest need of ecological enhancement and where the farmer is least able to financially support his cost-share.

In constructing this new program, I also suggest that projects which drain or irrigate land be ended. Wildlife protection is damaged and crop production is increased by these practices, and the Government should not subsidize them. At the same time, special emphasis will be given to the encouragement of such projects as bench terracing and the "collaring" of ponds and rivers in an effort to prevent the contamination of these water bodies by surface pollutants.

Hopefully the new program will make a dent in the animal waste problem. Cost-sharing will continue to be provided for recognized methods of waste disposal. Nevertheless, we must acknowledge that more satisfactory methods must be discovered and developed. As a result, provision will be made for research grants in the area and a continuing study of the problem by the Secretary of Agriculture.

All in all, ACP has been a good program in the past, but legislation is needed now to make it more meaningful tomorrow.

THE RAILROAD CRISIS

(Mr. RHODES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RHODES. Mr. Speaker, on December 9, 1970, for the fourth time in recent years, we have attempted to solve a labor dispute on the floor of the House of Representatives. We made no attempt to determine which of the parties is right and which is wrong. We did not discover whether a wage increase is a reasonable course of action for the railroads and for the economy at this time, nor have we determined that the wage increase offered is adequate and fair. Of course, we really did not have the means to determine all of these facts.

Nevertheless, in legislating on this matter, we affected the elements which go to make up this matter. No one can deny that the result of the act which we will pass will be to change the bargaining climate between the railroads and their employees, and to make it impossible ever again to make the type of settlement which might have been made prior to the passage of this legislation.

This whole episode illustrates the pusillanimity of nonbinding arbitration. The Arbitration Board appointed under the Railway Labor Act in this matter recommended the adoption of changes in the rules of work—which changes were desired by the railroads—and recommended also a sizable wage increase for the workers. The railroads accepted both the rule changes and the wage increase. The employees accepted neither.

It is my understanding that the rules changes and the wage increases were supposed to be like love and marriage. You could not have one without the other. Yet, by adopting the amendment offered by the gentleman from West Virginia (Mr. STAGGERS) the Congress has given the workers their wage increase, and left the rules changes waiting at the altar. Certainly, after this, no one can say we have not changed the climate of bargaining. When bargaining is resumed, the unions will now begin bargaining from the higher wage level, and seek even higher pay. In other words, if we are to stop another strike, it will probably be now incumbent upon the railroads to settle the wage dispute at a figure much higher even than the Arbitration Board contemplated. This, I call congressional meddling and interference carried to the ultimate.

We have had many statements made concerning the sanctity of the right to strike. It is called "labor's ultimate weapon." This type of thinking fails to take into account a very salient fact of the economic life of America. That fact is that there are not two parties in interest at the bargaining table—there are three. Labor and management are physically represented at the table—the third party is not. The third party is the public—the consumer if you will.

The consumer has very important interests at stake at the bargaining table. If a strike is called, it is not labor that suffers the most, it is the consumer. If there is a wage increase which in inflationary, it is not management which suffers, it is the consumer. Yet this consumer is completely without representation, and more and more people do not even think too much about him. Increasingly it is the vogue to have the two parties bargain furiously, and then make an inflationary settlement. This is done knowing full well that management will not pay the ultimate bill, the consumer will pay it.

I say that it is time that we give this third man his rights. As of now the "Third Man Theme" is to the tune of "I Ain't Got Nobody, and Nobody Cares for Me."

The Speaker, I am saddened at the realization that this House has fallen victim to a disease which seems to have affected the whole country. I call this "strike psychosis." The symptoms are a feeling that collective bargaining between management and labor can end in only one of two ways: First, an inflated wage settlement, or second, a strike. We have just come out from under the crushing effects of a disastrous strike in the automobile industry. Less than a year ago we had a strike in the Post Office Department. We have had regional but nevertheless devastating strikes in the trucking industry. Now we are threatened with a general strike in the railroads of the Nation. Is it naive to ask "Why is this necessary?"

A strike is war—economic war. It is a breakdown of the mechanism of the economy intended to promote the general welfare of all of our citizens. Certainly, the welfare of our people is not served by work stoppages which result not only in inconvenience, but in loss of production which has its effect on the standard of living of all of us.

A strike is a resort to power. The union obviously feels that it has the power to force its will on management, and management conversely feels that it has the power to thwart the desires of the union for a greater share in the wealth produced by the industry. I submit, Mr. Speaker, that neither labor nor management is really qualified to determine, in the long run, how much of production should go for wages. Each of them is a biased witness. Management feels that it is to its advantage to hold wages down so that there would be a higher return to capital. Labor could care less about the return to capital and feels that most of the fruits of production should go to its members. Again, may I emphasize no one is thinking of the third man, the consumer.

Mr. Speaker, I wish I could give you a panacea for solving these problems. I may have one, but I am not sure that I do. I know only this: First, wage settlements are too often dictated by overwhelming power on one side or another instead of justice; second, a strike is not an ultimate weapon, it is an act of economic barbarism; third, this Nation and its economy can no longer tolerate this type of economic warfare. In fact, our economy may not be able to survive much more of the type of total war which we have experienced in the last several months.

On February 17, 1970, I introduced H.R. 15956, entitled "A bill to provide for the establishment of a United States court of labor-management relations which will have jurisdiction over certain labor disputes in industry substantially affecting commmerce." This bill sets up a court consisting of a chief judge and four associate judges appointed for a term of 12 years with staggered terms. The court's jurisdiction could be invoked upon application of the Attorney General of the United States, after all other procedures for enjoining a strike, lockout or other concerted work stoppage have been exhausted. Jurisdiction could also be invoked upon application of either party to a labor dispute. The jurisdiction of the court would be only over labor disputes in industries substantially affecting commerce which have resulted in or threatened to result in a strike, lockout or other concerted work stoppage which adversely affects or if permitted to occur or to continue will adversely affect the general welfare, health, or safety of the Nation.

The court may enjoin the strike, lockout, or other work stoppage and make orders affecting rates of pay and working conditions pending final determination. Within 80 days following an injunction, the court must hear the parties with respect to the causes and circumstances of the dispute. If, at the conclusion of this period, the dispute is still outstanding, the court may continue the injunction and set the case down for immediate hearing and determination. At such hearing the court shall take testimony and receive evidence necessary to a final determination of rates of pay, hours, and conditions of work and any other matters proper and necessary to the termination of the dispute or controversy.

The decisions of the labor court shall be final unless they are arbitrary and capricious or violative of the right conferred by the Constitution of the United States. Appeal is only to the Supreme Court upon petition for a writ of certiorari.

This will seem like a revolutionary idea to many of our Members. I am at a loss to know why this is so. We in this country and in the Anglo-Saxon world submit every known dispute to the courts for solution. Why is this dispute of a different nature? To me, it is not.

Many will accuse this bill of being antiunion, and others will accuse it of being antibusiness. I deny that the bill is intended to be antianything. It is intended to be proconsumer and propublic. The effect on management will probably be to cause it to offer settlements which make more sense than they often do under the present system of economic warfare. When you are engaged in a power struggle, why make your best offer? The other side will only use it as a basis for even greater demands, and try to use its muscle to make the demands stick. If management can resort to a labor court instead of relying on the tender mercies of union power there is no reason why it should not put all its cards on the table and make its best offer prior to resorting to the labor court.

What would be the effect on unions? Many union leaders have felt, and probably rightly so, that they must be militant, and obtain by their muscle ever higher settlements for their workers in order to keep their positions. Would not the position of the reasonable-thinking union executive be strengthened if he were able to advise his members "You'd better take this boys, because you may not get as much if the dispute goes to the labor court." If the management had made a reasonable offer, and the union executive responded thusly, a reasonable settlement would be arrived at without all of the rigors and losses incident to a strike, and without labor court action.

Society would benefit because the great losses attendant to strikes would no longer be visited upon the economy. Prices of products would remain stable, or even go down.

The consumer, of course, is the person who would really benefit. Not only would products and services be available when needed, but they would be available at a reasonable price he could afford to pay.

I intend to reintroduce this bill or perhaps an amended version thereof in the 92d Congress. I sincerely hope that my good friend from New York, the chairman of the Judiciary Committee, will see fit to give this bill a hearing. It is possibly not the answer to the total problem, but I feel that it is certainly a step in the right direction, and one which our country wants the Congress to take.

VOICES OF EXPERIENCE

(Mr. McCLOSKEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLOSKEY. Mr. Speaker, in the 3 years I have been privileged to serve in this Chamber, it has been discouraging to note the decreasing number of Members of the Republican party who serve here. When the 92d Congress convenes next month, there will be only 180 Republicans, 12 less than the 192 who were elected to the 91st Congress 2 years ago.

It seems to me that the Nation is served best if there is an occasional change in the party which controls the legislative process, if only to maintain vigorous competition between the two major parties as to which party is most capable of constructing solutions to meet rapidly changing national problems and priorities. In the past 38 years, the Republican Party has had a majority during only four. The lack of vigorous Republican challenge to Democratic leadership in the House has resulted in a seniority system of committee leadership where the chairman of 10 of our most powerful committees average 74 years of age and three are over 80. In my judgment, the Nation is hurt by the Republican Party's inability to realistically compete for the additional 38 seats in 1972 which could overturn this system.

The Nation is further hurt by the Republican Party's inability to demonstrate alternative legislative approaches and more efficient management of committee leadership responsibilities. Instead of careful research and discussion of the great issues of our time, many Republican groups and publications have spent much of their time attacking what they perceive to be the deviant behavior of other Republicans. If all Republicans of liberal bent or anti-Vietnam war beliefs are purged from the party, what chance is there then to attract the faith of the citizenry in those areas of the country which have occasionally in the past elected Republican representatives? Accordingly, I would hope that major goals of my Republican colleagues now and in the future will be to abandon attacks on one another, to seek to achieve answers to our national welfare, health, housing, land use, energy, agriculture, trade, and transportation problems, and above all, to achieve a roster of Republican nominees for Congress in 1972 who will be the ablest men and women in America.

With this in mind, I should like to humbly commend to the attention of the House the following editorial from the Flint Journal:

Voices of Experience

By now the Nixon administration's political strategists may not know what to make of the breed of Republican that comes from Michigan.

First, there was the extremely blunt criticism of the Nixon-Agnew campaign strategy by U.S. Rep. Donald W. Riegle, Jr. of Flint, who predicted the GOP will be a minority party forever if it continues what he called "the politics of division." Riegle also called Vice President Agnew "the single most polarizing political figure in the United States, with his repeated name-calling and use of tactics of division."

Then Gov. William G. Milliken got into the act. Speaking as one who won in November while the Republican party was losing governors' offices right and left, he criticized the administration strategy as too negative.

Though his comments were mild compared to Riegle's, it seems likely that Milliken had to be thinking along somewhat the same line as he acknowledged that the voters don't have the good image of the Republican party nationally that they might have.

To change its image, he explained, the GOP must be a party that "recognizes problems and does something about problems," and he added: "But I think to be a divisive back-biting party is a one-way ticket to disaster."

The next installment came from Senate Minority Whip Robert P. Griffin, also from Michigan and one who usually supports the administration.

Griffin was even milder than Milliken, but what he had to say is significant just the same. He argued that Agnew "and others spent too much time talking about law and order and didn't spend enough time talking positively about what the Nixon administration has done regarding foreign affairs and the Vietnam situation."

So now, those who advise the President upon matters political have three degrees of criticism from Michigan to mull over in the months ahead. In view of the fact that 1972 is right around the corner, they might well pay close attention to three voices that represent proven know-how when it comes to beating Democrats.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Gray (at the request of Mr. Albert), for today, on account of illness in the family.

Mr. Wolff (at the request of Mr. Garmatz), for an indefinite period, on account of official business.

Mr. Hagan (at the request of Mr. Albert), for today and the remainder of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Monagan, for 20 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Kleppe), and to revise and extend their remarks and include extraneous matter:)

Mr. Hogan, for 10 minutes, today.

Mr. Price of Texas, for 30 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Daniel of Virginia), and to revise and extend their remarks and include extraneous matter:)

Mr. Rarick, for 10 minutes, today.

Mr. Flood, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Kleppe) and to include extraneous matter:)

Mr. Devine.
Mr. Riegle.
Mr. Pelly in two instances.
Mr. Arends.
Mr. Gubser.
Mr. Wydler in two instances.
Mr. Goodling.
Mr. Wyman in two instances.
Mr. Lujan.
Mr. Findley.
Mr. Carter.
Mr. Scherle.
Mr. Price of Texas in four instances.
Mr. Anderson of Illinois.
Mr. Schwengel.
Mr. Schmitz.
Mr. Broyhill of Virginia.
Mr. Whitehurst.
Mr. Widnall.
Mr. Blackburn.
Mr. Belcher.
Mr. Zwach.
Mr. Cowger.
Mr. Wold in two instances.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Farbstein in two instances.
Mr. Jacobs.
Mr. Baring in two instances.
Mr. Matsunaga in two instances.
Mrs. Griffiths in three instances.
Mr. Kluczynski in three instances.
Mr. Waldie in three instances.
Mr. Mikva in six instances.
Mr. Pryor of Arkansas.
Mr. Diggs in three instances.
Mr. Bingham in two instances.
Mr. Johnson of California in three instances.
Mr. Hawkins in two instances.
Mr. Patten in two instances.
Mr. McCormack.
Mr. Rees in two instances.
Mr. Koch.
Mr. Cohelan in three instances.
Mr. Dorn in five instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 106. An act for the relief of Ida Kunstmann, Waldemar F. Kunstmann, and Anneliese Kunstmann; to the Committee on the Judiciary.

S. 1035. An act for the relief of certain postal employees at the Elmhurst, Ill., Post Office; to the Committee on the Judiciary.

S. 1779. An act for the relief of Bogdan Bereznicki; to the Committee on the Judiciary.

S. 3168. An act for the relief of Daniel H. Robbins; to the Committee on the Judiciary.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2214. An act for the relief of the Mutual Benefit Foundation;

H.R. 2335. An act for the relief of Enrico DeMonte;

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy;

H.R. 3571. An act for the relief of Miloye M. Sokitch;

H.R. 4239. An act to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing;

H.R. 4634. An act for the relief of Lawrence Brink and Violet Nitschke;

H.R. 7267. An act to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes;

H.R. 7830. An act for the relief of James Howard Giffin;

H.R. 9488. An act for the relief of Mrs. Ruth Brunner;

H.R. 10153. An act for the relief of Frances von Wedel;

H.R. 10634. An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence;

H.R. 12173. An act for the relief of Mrs. Francine M. Welch;

H.R. 12979. An act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia;

HR. 14684. An act for the relief of the State of Hawaii;

H.R. 17582. An act to amend the peanut marketing quota provisions to make permanent certain provisions thereunder;

H.R. 17923. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes; and

H.J. Res. 1413. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually; and

S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval a bill and a joint resolution of the House of the following titles:

H.R. 19830. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes; and

H.J. Res. 1413. A joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Friday, December 11, 1970, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. Regulation of prescription drug advertising; with amendment (Rept. No. 91–1715). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Ways and Means. H.R. 19915. A bill to make permanent the existing temporary provision of disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance; (Rept. No. 91–1716). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on the establishment of a national industrial waste inventory (Rept. No. 91–1717). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on millitary supply systems. (Rept. No. 91–1718). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. A policy change on weapon system procurement. (Rept. No. 91–1719). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 2336. An act relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia. (Rept. No. 91–1720). Referred to the Committee of the Whole House.

Mr. McMILLAN: Committee on the District of Columbia. S. 1626. An act to regulate the practice of psychology in the District of Columbia; with an amendment (Rept. No. 91–1721). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. S. 2984. An act to permit certain Federal employment to be counted toward retirement. (Rept. No. 91–1722). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 2745. A bill to amend the law relating to obscenity in the District of Columbia to exempt certain motion picture projectionists in theaters from prosecution under that law. (Rept. No. 91–1723). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means H.R. 10875. A bill to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty. (Rept. No. 91–1724). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 14995. A bill to provide for the free entry of a carillon for the use of the University of California at Santa Barbara. (Rept. No. 91–1725). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19113. A bill to provide for the free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind. (Rept. No. 91–1726). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19391. A bill to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions. (Rept. No. 91–1727). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19526. A bill to eliminate the duty on natural rubber containing fillers, extenders, pigments, or rubber-processing chemicals. (Rept. No. 91–1728). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURLESON of Texas:

H.R. 19935. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 19936. A bill to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes; to the Committe on the Judiciary.

By Mr. BROWN of California:

H.R. 19937. A bill to establish a Commission on Public Television; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER (for himself, Mr. Brown of California, Mr. Donohue, Mr. Dulski, Mrs. Green of Oregon, Mr. Harrington, Mr. Helstoski, Mr. Koch, Mr. Mikva, Mr. Ottinger, Mr. Rees, Mr. Roybal, Mr. Sisk, Mr. Stratton, and Mr. Udall):

H.R. 19938. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA (for himself, Mr. Blatnik, Mr. Nelsen, Mr. McMillan, and Mr. Broyhill of Virginia):

H.R. 19939. A bill to implement certain provisions in the act of September 7, 1957 (71 Stat. 619), as amended, relating to the construction, maintenance, and operation of a stadium in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 19940. A bill for the relief of Lourdes Barbossa Santana; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 19941. A bill for the relief of Park Ok Soo and Noh Mi Ok; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 19942. A bill for the relief of Cindeline Dawn Dillon; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SUPREME COURT DENIES ANOTHER FREEDOM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. RARICK. Mr. Speaker, the Supreme Court, in denying review of the compulsory teaching of sex education in Maryland, has again denied individual freedom; this time by inaction.

The latest Supreme Court negativism places the individual rights of parents and children in a captive status. At present, schoolchildren cannot be permitted to pray, but by analogy, they must submit to sex education in the public schools.

Explanation by the prosex education apologists that they had adopted sex classes upon concern over the number of girls who had become pregnant approaches effect but not the cause. Religious people know that the juvenile sex problem was not prevalent in school until prayer was abolished by the Supreme Court. The State educators made no effort to restore prayer or introduce trial classes in ethics, morality, and moral traditions before resorting to sex classes.

It will be argued that the court, in taking no action did not approve of compulsory sex curriculums in public school, but what other rational conclusion can be arrived at?

What next to torture humanity and demoralize civilization?

I include a newspaper clipping at this point:

[From the Evening Star, Dec. 7, 1970]

HIGH COURT REJECTS SEX EDUCATION SUIT

(By Lyle Denniston)

The Supreme Court today refused to interfere with the teaching of sex education in Maryland.

Without comment, the justices threw out a complaint by three Baltimore families that the state's sex education program is unconstitutional.

The three families, each with children in Baltimore public schools, contended they have a constitutional right to teach their children about sex at home.

They contended this right was violated by the requirement, adopted by the State Board of Education in 1967, that each local school system have a program of sex education.

U.S. District Judge Alexander Harvey ruled in 1969 that the families had no complaint, and dismissed their lawsuit as "insubstantial." The ruling was upheld last June by the 4th U.S. Court of Appeals.

In their appeal, the Baltimore families said the program may "undermine, perhaps destroy, the authority of parents" to teach their children to live by moral traditions. The families are members of Baptist, Methodist and Roman Catholic churches.

The state board of education had adopted the requirement for sex education after becoming concerned about the number of school-age girls who had become pregnant. It ordered each local system to provide a program of sex education in every school, including elementary schools.

Because the Supreme Court gave no explanation of its action today, its refusal to hear the constitutional issue did not necessarily mean it approved of sex education courses.

SEX EDUCATION NOT APPROVED

However, by declining to hear the case, the justices did leave public school systems free to teach sex as part of their regular programs.

AIRPORT TRUST FUND CAN SAVE LIVES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. PICKLE. Mr. Speaker, a recent survey by the Associated Press reveals a chilling situation.

According to the AP, a number of municipal airports serving the Nation's scheduled airlines presently lack instrument landing systems. The blame comes from lack of funds and priorities set by the FAA.

Or, more recently, by the Administration's decision to bilk the public by using the airport trust fund to defray general FAA administrative costs—a violation of the intent, if not the letter—of the Airport and Airways Act.

Mr. Speaker, the Commerce Committee hammered out this landmark legislation to correct the situation described in the following article—inadequate facilities and a shortage of airports which overcrowds existing facilities.

Yet, the Administration has chosen, through bureaucratic doubletalk, to use these badly needed funds to hide a deficit budget.

This borders on being criminal.

An Ohio airport manager rings out the terrible truth, "It seems we have to kill a bunch of people before we can get anyone to listen."

Mr. Speaker, although the following article from the November 27 Austin American Statesman appeared in newspapers throughout the country, I include it to be reprinted in the RECORD. It will forcefully bring home the point to my colleagues—and hopefully, to the administration:

MORE AIRPORTS TO RECEIVE INSTRUMENT LANDING SYSTEM

(By Victor L. Simpson)

A number of municipal airports serving scheduled airliners are planning to install modern bad weather guidance systems after delays caused by lack of funds and priorities set by the Federal Aviation Administration, an Associated Press Survey shows.

Lancaster, Pa., airport will have an instrument landing system "ILS"—operational by February, Tucson International Airport hopes to have one installed by next summer and settlement of a legal dispute over palm trees apparently has cleared the way for operation of an ILS at Fort Lauderdale Airport.

But many other airports used by airliners have no present plans to install the equipment, citing costs too prohibitive without federal funds.

An earlier AP study, made following the crash of an airplane chartered by Marshall University, disclosed that about 300 airports—more than half of those across the country serving scheduled airliners—lacked modern devices to help pilots land in bad weather. Seventy-five persons including members of the Marshall University football team died when the plane crashed in the rain at Huntington, W. Va., airport, which lacks the system.

Russell Hissam, manager of Zanesville, Ohio, airport, which has 26,000 take offs and landings each year, said present guidance systems at his airport "are not adequate."

"We have been complaining about this for years," he said. "It seems we have to kill a bunch of people before we can get anyone to listen."

"The FAA's method of determining where equipment goes is sometimes strange," adds Robert Gould, manager of the Marysville, Calif., airport. "It seems the places that are well represented in Congress get the equipment first."

Sophisticated instrument landing equipment costs about $100,000 and airports also face additional costs of building towers, lengthening runways and installing additional lights.

A full instrument landing system under FAA definitions includes a glide scope, which is an electronic signal beamed at the plane to activate a cockpit gauge showing if the plane is coming in too high or too low; and a localizer, which is a separate radio signal showing whether the incoming plane is straying to the left or right of its line to the runway.

Louis LeLuca, manager of the Hazleton, Pa., airport said the FAA will install a complete ILS system by next summer.

Planes up to the size of a DC9 have been landing at the airport for at least three years, and there have been no accidents.

"When our ceiling is down, we have to turn them away, though," he said, "and passengers go to an airport 15 miles away at Avoca. When we get the new equipment we'll be able to bring them right in, even in bad weather."

Robert Chambers, administration manager at Tucson airport, explained the FAA priorities in determining installation of ILS.

"Historically the criteria for installation was based on the number of bad weather flying days. Tucson of course has very fine weather conditions more or less all year round and this puts us very low as far as eligibility for the system goes.

"Then about three years ago the criteria changed to the number of operations at the airport. That put us in a much more eligible position. With this in mind, this fall we were notified that the ILS would be installed here next summer."

Chambers said he didn't think there had ever been an accident at the airport that an ILS system would have prevented, but added, "This doesn't mean we wouldn't have one tomorrow."

Among the airports installing or planning to install ILS are North Bend, Ore.; Tucson and Phoenix, Ariz.; Chico City, Oxnard, and Santa Mana, Calif.; Lancaster and Hazelton, Pa.; Columbia, Mo., Grand Island, Neb.; Texarkana and Hot Springs, Ark.; Wicomico County, Md.; Burlington, Dubuque and Mason City, Iowa; Albany, Ga.; Melbourne, Fla.; and Kailua-Kona, Kamuela and Molokai, Hawaii.

Other communities are applying for federal aid and some, like Liberal, Kan., are paying for runway and lighting improvements in the hope it will induce the FAA to install ILS at its expense.

A shortage of local funds seems the biggest roadblock to extension of ILS.

The FAA had been planning to install ILS at Riverside, Calif., airport but the county would first have to spend about $1 million to buy land and flatten hills where the antennas would go.

"We feel that only about 3 per cent of the flights into here would use an ILS," said airport manager Roy Bayless. "We couldn't justify it from the standpoint of other capital projects we need to get done."

Voters in Manhattan, Kan., turned down a $1.3 million bond issue to about double the length of the airport runway. Federal funds of $1.6 million were promised if the issue passed.

Eddie Holland, director of the Arkansas Aeronautics Department, said five airports in the state lack ILS and won't have them for several years "meaning until federal money is available to finance the cost."

Martha's Vineyard Airport the only airport in Massachusetts without ILS, was supposed to get it in 1964 but then federal funds became unavailable, said Truman Pace, airport manager. "Now we're programmed for it in 1971, but again we don't know whether the funds will be made available or not. It's strictly a federal decision. Local authorities are not involved at all beyond making recommendations."

"I guess you could say the problem is money," said William Santoro, manager at the Johnstown, Cambria County Airport in Pennsylvania.

He said the airport handled 1,070,000 airport operations in 1970. The only commercial airline that flies to Johnstown is Allegheny, he said, and most of the traffic is corporate and private craft. The airport's main runway, 5,500 feet long, can handle all but the largest jets, and terminal, restaurant and other facilities recently were remodeled.

"All we need to make it a first-class airport is the ILS," said Santoro. He said he had been trying to get a complete ILS system installed for the last 2½ years. "We don't want a Huntington, W. Va., on our hands," he said.

Another criterion in installation of ILS is geography.

An FAA panel in Alaska cited terrain as the reason a full ILS system has not been installed at Wien Memorial and Juneau Municipal airports.

Seven Alaska airports have ILS. It will be installed at three others. Another 14 have requested it.

Melbourne, Fla., Airport plans to install full ILS by next October. The airport had hoped to have the equipment this year but was taken off the list, according to the director of aviation, Edward L. Foster.

"The reason I was given," he said, 'was the shortage of critical materials due to the Vietnam war. Copper, aluminum wiring and equipment needed for the ILS has been going to Vietnam.

"One of the problems of the FAA for the past five years has been the Vietnam war."

One airport with no plans to install ILS is in Key West, Fla. Key West, a coral island about 100 miles southwest of the mainland, has bad weather only "one or two days a year," said airport manager George J. Feraldo.

"When we do have a shower, all we have to do is wait five minutes and it will be over. That's why I live down here."

THE GARDEN CLUB OF THE CLEVELAND COUNCIL OF THE JEWISH NATIONAL FUND

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. VANIK. Mr. Speaker, it is with a great deal of pride that I take note of the successful establishment in my congressional district of the garden club program of the Jewish National Fund Council of Cleveland. Under the leadership of my good friend Julius B. Amber the Jewish National Fund of Cleveland has become known throughout the world as one of the most invovative and dedicated organizations to benefit the State of Israel and provide meaningful social service to citizens of this country.

The garden club program allows a contributor to fund the planting of 100 trees per garden in the noble and astonishing effort which has long been underway in Israel to reforestate that great and amazing nation. When I visited Israel, I was continually having to be reminded that every tree or grove of trees which I saw had been planted by the hands of men, women, and children and that little forestation would otherwise have been probable or possible.

This especially creative garden club program conceived and developed by Dr. Martin Krasny of my congressional district allows such a massive effort to find new and unstinting support. To date well over 170 gardens of 100 trees each have been planted.

This program means live and new growth to the State of Israel. I extend my hearty congratulations to Mr. Amber, Dr. Krasny, and the members of the Cleveland Council of the Jewish National Fund and wish them continued and increasing success in this very special program. I wish to insert at this point in the RECORD the description of the program and the list of the gardens already planted:

JEWISH NATIONAL FUND COUNCIL
OF CLEVELAND,
Cleveland Heights, Ohio, August 11, 1970.

DEAR FRIEND: A unique Garden Club has been established in Cleveland. Each member has agreed to plant a Garden of 100 Trees in the State of Israel. The sum total of these Gardens will be called The Cleveland Jewish National Fund Garden Club Forest.

Since the announcement of this project in the Jewish News (see enclosed reprint) we have sold an additional 26 Gardens, bringing the total to 96 Gardens, and are delighted to report that JNF Councils throughout the country have embarked on similar projects.

This personal involvement with the Land of Israel has brought deep satisfaction to our participants, and a worthy contribution to the afforestation so desperately needed. The Garden you purchase will reclaim wasteland and wilderness and bring Israel ever closer to your heart!

We invite you to become a member of the JNF Garden Club. Please call me at 321–1948, or call Mrs. Kekst at the Jewish National Fund, 932–8610 for additional information.

Sincerely yours,
DR. MARTIN KRASNY,
Garden Club Chairman.

JEWISH NATIONAL FUND ANNOUNCES THE ESTABLISHMENT OF THESE GARDENS IN ISRAEL

The Lea Abrams Garden.
The Samuel and Anne Abrams Garden.
The Louis and Celia Adelstein Garden.
The Dr. Leonard and Mims Adler Garden.
The Sanford V. and Shirley Berger Garden.
The Dave and Bella Chakoff Garden.
The Al and June Dapeer Garden.
The Lois Davis Garden.
The William and Mona Dorsky Garden.
The Epstein Garden.
The Dr. Louis C. and Alice Epstein Garden.
The Rose Estrin Garden.
The Fairmount Temple Youth Group Garden.
The Myron Fant Garden.
The Theresa L. Fish Garden.
The Dr. Stuart and Elayne Fisher Garden.
The Forest City Hebrew Benevolent Assn. Garden.
The Dr. Marvin and Ellen Forman Garden.
The Fred and Sandra Friedland Garden.
The Max and Fannie Friedman Garden.
The Louis and Frieda Gelfman Garden.
The Gershenson Family Garden.
The Bernard and Rose Gilbert Garden.
The Saul Goodman Garden.
The Dr. Joseph and Eva Gould Garden.
The Gary and Marjorie Graines Garden.
The David and Cynthia Greenberg Garden.
The Sol and Lillian Herman Garden.
The Bob and May Hershey Garden.
The Keeva and Joan Kekst Garden.
The Dr. Zoltan and Renee Klein Garden.
The J. Martin and Ida Kohe Garden.
The Julie and Marie Kravitz Garden.
The Lake Forest Country Club Garden.
The Charles and Frieda Lauer Garden.
The Louis and Fanny Leventhal and the Aaron and Minnie Horwitz Garden.
The Milt and Bette Levine Garden.
The Dr. Irving and Flora Lewis Garden.
The Irving and Pearl Linden Garden.
The Samuel and Molly Lox Garden.
The Dr. Philip and Gladys Lubitz Garden.
The Harold and Harriet Mandel Garden.
The Harvey Mandell Garden.
The Sarah Ginsburg Kline Garden.
The Anna and Morris Michalovitz Garden.
The Daniel K. Marks Garden.
The Willard and Gertrude Miller Garden.
The Ronnie Milter Garden.
The Morris and Jean Moss Garden.
The Myron and Eileen Nickman Garden.
The Haiyim and Aviva Orlan Garden.
The Frieda Paller Garden.
The Sidney and Tonny Pelunis Garden.
The Sydney and Phyllis Reisman Garden.
The Leon and Kay Robbins Garden.
The Ronald and Roberta Roger Garden.
The Elizabeth K. Rothenberg Garden.
The Melvin and Rose Rubin Garden.
The Schwartz Family Garden.
The Martin and Helen Schwartz Garden
The Sol and Molly Siegal Garden.
The Fred and Norma Silverstein Garden.
The Albert and Rivella Tavens Garden.
The Samuel Tilzer Garden.
The Nat Trugman Garden.
The Sam and Irene White Garden.
The Milton and Florence Wish Garden.
The Harvey and Adele Wynbrandt Garden.
The Jack and Helen Wynbrandt Garden.
The Bennett and Donna Yanowitz Garden.
The Dr. Louis and Joyce Zabell Garden.
The Zimmerman-Chelnick Children's Garden.

JNF GARDEN CLUB

Committee

Dr. Martin Krasny, Chairman.

Mr. and Mrs. Fred Friedland, Mr. and Mrs. Scotch Green, Mr. and Mrs. Joel Kay, Mr. and Mrs. Keeva Kekst, Mr. and Mrs. Bennett Kleinman.

Mrs. Martin Krasny, Dr. and Mrs. Irving Lewis, Mr. Daniel K. Marks, Mrs. Willard Miller.

Mr. and Mrs. Sanford Milter, Mr. and Mrs Ronald Roger, Mr. and Mrs. Harris Rothenberg, Mr. and Mrs. Mark Schwartz.

Each garden contains 100 trees . . . you are welcome to become a member.

For further information call 932–8610.

JNK GARDEN CLUB NEWS

Some things realy take root! The Jewish National Fund Garden Club is one of them. Whoever visits Israel finds that the drama of a century JNF has planted Trees. Since 1948 Israel is the story of the Tree. For over half

JNF has undertaken multifaceted projects of land clearance, road building and land development. And yet when you see the land of Israel, you first realize the impact of the Tree on the face of Israel. No other single project has involved participation of diaspora Jewry to such an extent. No other project has been so visible to the tourist in Israel.

For the soldier, Tree planting means camouflaging the roads, providing shelter and shade, and protecting border areas. For the farmer, Tree planting means turning sandy wastelands to arable soil, capturing moisture from clouds, and protecting crops from damage of wind and heat. For you, the Diaspora Jew, Tree planting means linking you to the Land of Israel—Eretz Yisrael.

The JNF Garden Club of Cleveland was structured to maintain this tie to the Trees already planted in Israel. Each and every Tree counts, but for those who continually plant individual Trees, the commitment to plant 100 Trees in their own name is exciting. Since one hundred Trees form a Garden, the JNF Garden Club has set as its goal the planting of 100 Gardens for this year. We shall indeed turn the Judean hills green.

Dr. Martin Krasny, Chairman of the Garden Club, and his recently formed committee are already hard at work, industriously planting the seeds of this concept in our community. Many new gardens have already been planted, and this idea is being very well received everywhere. We hope that you, too, will want to participate in this stimulating project.

Garden Clubbers are a unique group. They plant without soiling their hands. They fertilize by encouraging everyone to plant Trees, and they cultivate by gathering to discuss problems pertinent to Israel and the JNF.

Join us in reaping the rewards of this perennial effort at our open meeting in May. Look for our next Garden Club News for the date or call 932–8610 for additional information. Become a Garden Clubber!

APOLLO 14 PROGRESS REPORT

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, Tuesday, December 8, Spacecraft Comdr. Alan Shepard and Lunar Module Pilot Edgar Mitchell, in flight suits, conduct an extravehicular activity No. 1 simulation in the crew training area at Kennedy Space Center. The activity is open to news media, with the EVA beginning around 11 a.m. The crew deploy the Apollo Lunar Surface Experiments Package—ALSEP—take photographs, and collect lunar samples during the simulation.

On Wednesday, December 9, Shepard and Mitchell will take part in a lunar module mission simulation checkout with the Launch Complex 39A crew. The crewmen will be in the LM on the pad for the exercise. On Thursday and Friday, December 10–11, the crewmen will take part in simulations with Houston flight controllers from their simulator at KSC. Shepard is scheduled to fly the Lunar Landing Training Vehicle—LLTV—on Monday and Gene Cernan, backup commander, on Tuesday in Houston. During the week the crewmen also will take part in briefings and simulator training.

Flight Controllers for the Apollo 14 mission have two simulations scheduled this week at the Manned Spacecraft Center, Houston. On Thursday, December 10, a transearth injection will be conducted with the crewmen in the command module simulator (CMS) at Kennedy Space Center (KSC) Fla. On December 11, a translunar coast simulation will be conducted by flight controllers in Mission Control and the crew at KSC in the CMS. Both simulations will be conducted by Flight Director Gerald Griffin and his team of controllers.

David Scott and Richard Gordon, Apollo 15 prime and backup commanders, and James Irwin and Harrison (Jack) Schmitt, prime and backup lunar module pilots, will be in Hawaii all week on a geology field trip. The command module pilots, Alfred Worden and Vance Brand, will be in Menlo Park, Calif., December 7–8 for lunar orbit photography and related briefings. On December 9–10 they will be in Houston in the training simulators and Friday, December 11 in Dover, Del., at ILC Industries for suit fittings.

The Apollo 14 spacecraft integrated systems test will continue this week at Pad A, Complex 39. Major highlight will be the loading of liquid oxygen aboard the new cryogenic tanks in the service module as a verification of these systems. Tank No. 3 will be filled and pressure checked on Tuesday with tanks No. 1 and 2 undergoing checkout on Friday.

The spacecraft fuel cells will be calibrated and activated later this week.

A mission run simulation test on the lunar module is scheduled, starting Tuesday.

The spacecraft is expected to be mated electrically to the launch vehicle by next Sunday.

NOT A SYMBOL

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. KASTENMEIER. Mr. Speaker, on Thursday, December 3, I stood next to President Nixon as he presented Debra Jean Sweet the Young American Medal for her work in race relations and for organizing a 30-mile walk of 3,000 high school pupils to raise money to feed the poor. I was proud of this young lady from my district as she courageously but respectfully rejected the President's attempt to distinguish the award recipients from youthful dissenters.

The following is the text of a Milwaukee Journal editorial which appeared the following day:

MISS SWEET GOES TO WASHINGTON

Generalizing about American youth today can be risky—as President Nixon found Thursday when Debra Jean Sweet, 19, of Madison, stepped forward in a White House ceremony to accept a public service award and a presidential handclasp.

"I cannot believe in your sincerity until you get us out of Vietnam," she murmured to the president's surprise and probable chagrin. It came across as an honest expression of concern, bravely and respectfully uttered. The president, to his credit, mustered a smile and seemed to accept the incident as another bump in a long day.

The interesting point is that Miss Sweet says she had planned no comment. Indeed, it probably would have been just another ceremony if the president had not stressed earlier that Miss Sweet and three other young recipients offered a marked contrast to youthful dissenters. The remark disturbed Miss Sweet. She has some serious worries about the country even as she works to reform it and, as she noted later, she didn't want to be "used as a symbol" against discontented young people. So she used her fleeting moment with the president to register her view as a loyal citizen.

Miss Sweet may not hasten an end to the Vietnam war but she surely served a valuable purpose in reminding the president and the rest of us that we should not underestimate the variety, individuality and sensitivity of the nation's young.

COLLEGE-LEVEL VOCATIONAL SCHOOLS BOOM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 4, 1970

Mr. PUCINSKI. Mr. Speaker, the New York Times recently carried an excellent article by its correspondent William K. Stevens showing phenomenal growth in college-level vocational schools.

I hope those who are formulating educational policy at all levels of government will finally take cognizance of the fact that there is a revolution going on in American education—young people want meaningful courses to prepare them for the world of work.

We are witnessing the decline of credentiability with a new awareness by young Americans that sooner or later, each one of them will have to face the world of work.

The New York Times and Mr. Stevens' performed a notable public service by calling this fact to the attention of the Nation.

The article follows:

[From the New York Times, Nov. 22, 1970]

COLLEGE-LEVEL VOCATIONAL SCHOOLS BOOM

(By William K. Stevens)

OKMULGEE, OKLA., November 19.—Only 20 per cent of American youths today graduate from college with a four-year degree or better. Bill Risner, a wiry, 24-year-old Vietnam veteran with short brown hair, a shy manner and a Marine Corps bulldog tattooed on his right arm, is one of the other 80 per cent.

As a student at Oklahoma State Tech in Okmulgee, Mr. Risner is one of nearly two million Americans enrolled full-time in vocational or technical training courses above the high school level. That makes him part of an educational movement that has developed tremendously in the last six years. In 1964, there were about 150,000 students like Mr. Risner.

The growth constitutes one indication that vocational-technical schooling, long the stepchild of American education, may be about to come into its own. Mr. Risner's experience illustrates one reason why.

Yesterday morning, he sat at his own workbench in a neat, brightly lighted watchmaking shop where quiet is prized and precision is king. He gently grasped a tiny balance wheel with a pair of tweezers, and with utter concentration installed it in a timepiece.

That done, he relaxed, lit a cigarette and quietly told a visitor that after four years of mixed-up drift in a general high school curriculum and after much indecision about his future that was partly resolved by his four years of service, he had worked in a machine shop for a while but was not really excited about it.

Then he began "fooling around" with watches in his father's jewelry store in Chickasha, near Oklahoma City. It was a short step from there to Oklahoma State Tech.

Mr. Risner's seriousness gave way to a broad grin when the visitor asked if things were working out all right.

"Yes, sir!" he said. "This is my bag. Not too many people can make a watch do what they want it to."

What has Oklahoma State Tech meant to him?

"Boy, I'll tell you the truth," he said. "It's the greatest thing in the world. Everybody talks about finding himself. I guess I found myself here."

Figures supplied by the United States Office of Education and the American Vocational Association suggest that Mr. Risner is in many ways more typical of American youth than is the winner of a baccalaureate degree.

TWENTY-THREE PERCENT ARE DROPOUTS

It is estimated that of every 100 youths, 23 drop out of high school before graduation. Another 25, like Mr. Risner, graduate from high school with no job training, but do not go to college.

Between five and ten graduate with enough technical or vocational training to get a job. About 15 enter two-year community colleges, where many take vocational or technical courses, or schools like Oklahoma State Tech.

That leaves 30 of every 100 youths who embark on four-year degree programs. But only 20 eventually graduate.

In all, the Office of Education estimates that as many as 25 million Americans now need some form of vocational and technical training. It says about 10 million are getting it—5 million in high schools, 2 million in full-time post-secondary vocational-technical programs, and the rest as short-term and part-time adult students who want to improve or update their skills.

Although the 10 million estimate is double that of 1964, suggesting a boom, the amount and quality of vocational-technical training even now is "pretty damn poor," according to Dr. Lee Harwick, associate Commissioner of Education for adult, vocational and technical training.

RISE IN FEDERAL AID

Authorative sources within the Office of Education expect that during the next year there will develop what one official called "a substantially increased." Federal effort to expand and improve vocational-technical education. President Nixon's nominee for Commissioner of Education, Dr. Sidney P. Marland, Jr., is well known as a particularly strong advocate of the need to place vocational-technical training on an equal footing with academic instruction.

Like many other critics, Dr. Marland believes that "endemic snobbery has tended to classify the manual-manipulative task too simply as nonintellectual noncreative."

The National Advisory Council on Vocational Education, established by Congress in 1968, said in a report last year that Americans in recent years have promoted the idea that "the only good education is an education capped by four years of college."

The report branded this attitude as "snobbish, undemocratic, and a revelation of why schools fail so many students." The attitude, said the report "infects the Federal Government," which invests $14 in the nation's universities for every dollar it invests in vocational-technical education.

Dr. Marland and others believe there are signs that this attitude is beginning to change, at least among some students who are starting to resist the "college-at-any-cost" viewpoint and are taking a second look at their own capabilities and interests, and at how they fit into today's job market.

The Office of Education estimates that 50 per cent of all jobs opening up in the 1970's will require training beyond high school, but less than a four-year degree. This appears to account in part for the dramatic surge in post-secondary vocational-technical enrollment.

In many cases, says Dr. Hardwick, the vocational-technical student in a postsecondary school like Oklahoma State Tech or one of the 1,100 community colleges that dot the land "has been out of high school, faced the real world, and found out he couldn't get a job."

The boom in postsecondary vocational enrollment is virtually nationwide and is taking place in a variety of institutions.

HUGE RISE SINCE 1963

In Wisconsin, for instance, the nonresident Milwaukee area Technical College offers programs on five levels of difficulty, ranging from basic courses for functional illiterates to a two-year associate arts degree program in the most sophisticated technologies. Two-thirds of the school's 11,000 full-time enrollment is at the post-secondary level.

In North Carolina, a state-wide system of nonresidential technical institutes and vocationally oriented community colleges has grown to include 54 institutions since it was established in 1963. Enrollment has risen from 8,000 to 240,000.

In many states, such as California, Florida and Virginia, strong vocational-technical programs have developed in the community college system. Colorado this year reported that the vocational education share of community college enrollment had increased from 18 to 31 per cent in two years.

Dr. Hardwick, among others, considers the program at Oklahoma State Tech, a branch of Oklahoma State University, as an example of vocational-technical training very nearly at its best. With 3,000 students, it is the largest such school in the Southwest. It is atypical of other such schools in one respect. It is a residential institution, drawing students from all over Oklahoma, 31 other states and nine foreign countries.

WORKADAY SKILLS

In its essential aspects, however, the school's program is said to be typical of post-secondary vocational-technical education generally. Basically, the curriculum consists of the skills and techniques of workaday America.

Among the sights, sounds and smells at the school are the clang of hammers pounding out dented car fenders; the blinking of lights on computer consoles and the whir of magnetic computer tapes; the sweet odor of baking bread; the elegance of ornate cakes made by bakery students; the hiss of dry-cleaning machines; the pungent smell of leather in the shoe, boot and saddle shop; the intentness of commercial art students doing a still life; the fresh smell of cured wood in the carpentry shop; the put-putting of lawnmower and motorcycle engines; the deeper throb of massive diesels, and the quiet concentration of budding electronics technicians as they grapple with atomic theory, or of a student machinist as he programs a computer to operate a cybernetic metal-shaping machine.

In all, the school offers training in 47 specialties designed to lead students directly to jobs at the end of, typically, two years.

STUDENTS QUESTIONED

Dr. Kenneth Hoyt of the University of Maryland, a specialist in the guidance and counseling of vocational-technical students, last year questioned a sample of 648 Oklahoma State Tech students as to their backgrounds and reasons for attending the school. The answers generally matched those of a large, nationwide sample of 20,000 taken by Dr. Hoyt.

Fifty per cent of the students reported themselves to have been in the top half of their high school classes. Seven per cent said they were high school dropouts. A third were married, more than half younger than 21.

Sixty-one per cent, like Bill Risner, had taken a general course in high school. About a quarter had taken vocational education.

A key finding, to those who suspect that there is a new swing toward vocational-technical training among youth, was that only 28 per cent had been encouraged to attend a school like Oklahoma State Tech. Another is that 52 per cent said they ultimately had decided to take the training because they "dug" the particular field, rather than for monetary reasons.

These findings are consistent with two observations made by some students and teachers at the school.

FOLLOW OWN STAR

First, there appears to be greater willingness on the part of students to follow their own instincts and interests, rather than bow to the strong bias of many teachers, parents and guidance counselors in favor of college education.

Some students, like 22-year-old Don Freedman of Boston, are enrolling in vocational or technical courses after attending a four-year college. Mr. Freedman went to Long Island University for four years, then taught school for a while before discovering that "that really wasn't what I was into."

He is now at Oklahoma State Tech, studying to be a baker and cake decorator so that he can join his father's bakery business in Boston.

Second, some teachers detect a resurgence of pride in workmanship among some young people. Such pride is obvious in youths like 19-year-old Gerald Scott, formerly of Walton, N.Y., who overrode the go-to-college desires of his parent and guidance counselor to enroll at Oklahoma State Tech to study what he likes—auto mechanics. As he and his partner, 19-year-old Tom Shupbach of Burlington, Okla., pored over an automatic transmission, their pleasure and engagement were readily apparent.

"I couldn't really be happy doing anything else," said Mr. Shupbach.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

HORTON EXPRESSES APPRECIATION TO MRS. ARTHUR H. STEFFEN FOR VOLUNTEER WORK

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. HORTON. Mr. Speaker, all of us are aware of the high costs of health care, and we are all concerned about them going even higher. In many areas volunteers are striving to help keep down those costs.

One lady in particular comes to mind. She is Mrs. Arthur H. Steffen of East Rochester, a resident of my congressional district. For many years Mrs. Steffen has been engaged in volunteer activities with the Red Cross and her efforts, without question, have been of inestimable value to the community.

Mrs. Steffen, one of the first volunteer nurses to work in the blood program for the Rochester-Monroe County Red Cross Chapter, is now serving 19 chapters in the Rochester region. Her present assignment, which keeps her busy traveling 2 or 3 days a week, is to coordinate the volunteer activities in many areas of the Red Cross operation. She is the first division chairman of volunteers of the Rochester Regional Division of the American National Red Cross.

Mrs. Steffen is eminently qualified for this work. Through the years she has been a nurse in the blood program. She has taught in the nurse's aid program in hospitals. She has represented the Red Cross on the volunteer advisory board of the VA hospital in Canandaigua, and she has been a national field volunteer.

The great achievements of volunteers such as Mrs. Steffen often go unpraised. So it is with much pleasure that I bring this outstanding lady to your attention. She recently was the recipient of a salute by the Rochester Times-Union in a column by Jose Echaniz, Jr. The following article tells the story of Mrs. Steffen's contributions to her fellowman and I want to share it with my colleagues:

TIMES-UNION SALUTES MRS. ARTHUR H. STEFFEN

(By Jose Echaniz, Jr.)

Mrs. Arthur H. Steffen, who was one of the first volunteer nurses to work in the Rochester Monroe County Red Cross Chapter blood program, now serves 19 chapters in the 13-county Rochester region.

Mrs. Steffen is the first division chairman of volunteers of the Rochester Regional Division of the American National Red Cross. The year-old division was the second to be formed in the Eastern United States.

As chairman, she oversees volunteer activities in many areas, including the blood program, military and veteran services, nurses aides, disaster relief and safety programs.

The new regional approach is designed to develop better communications among individual chapters and assist in the training, recruitment and development of chapter programs.

Recent workshops have been held, for example, on communications and for chairmen and treasurers. Most of the area chapters are represented, facilitating the exchange of ideas and the solving of problems.

Mrs. Steffen's responsibilities keep her traveling in the Rochester region two or three days a week in developing program and assisting volunteers in smaller chapters.

"We try to provide assistance and leadership wherever special knowledge or resources can be used," she said.

Mrs. Steffen's long association with the Red Cross makes her ideally suited for the job. Her service dates back to bandage rolling during World War II.

She was a volunteer nurse when the Rochester chapter established the nation's first civilian blood program in 1948.

In following years she taught in the nurse's aide program in the hospitals, then represented the Red Cross on the volunteer advisory board of the Canandaigua Veterans Administration Hospital.

She left that to become a national field volunteer out of the Rochester office; but her new role allows her to continue her interest in veterans, in three VA hospitals in the Rochester region.

Mrs. Steffen and her husband, a Fairport nurseryman, live at 227 Fairport Road, East Rochester. They have a son, Arthur, Jr., and three granddaughters.

A native of Canada, Mrs. Steffen is a graduate of Buffalo General Hospital School of Nursing and lived in Fairport for amny years. She is a member and former deaconess of the First Congregational Church of Fairport.

SPEECH BY BARBARA WELLS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. CARTER. Mr. Speaker, I am happy to find that the teenage Republicans are very much interested in the drug problem, and are developing plans to solve this problem.

I wish to include for perusal of the Members a speech by Miss Barbara Wells, National TAR director, before the New York State Association of Real Estate Boards:

SPEECH GIVEN BY BARBARA WELLS, NATIONAL TAR DIRECTOR

Thank you . . . John Nagle . . . President Bob Loehfelm . . . Executive Vice President Chuck Starro . . .

I am extremely pleased and appreciative of the opportunity to speak to you today about a problem which affects each of us daily. The problem is rampant Drug Abuse in our Communities, particularly among our young people. I am also here to propose to you a way in which you can effectively help in combatting this growing problem.

The number of persons who have tried Marijuana at least once is estimated between 8–12 million—probably closer to 20 million.

Some surveys have put drug consumption in High Schools as high as 85% with a common figure in suburban areas ranging from 35–65%.

The Bureau of Narcotics and Dangerous Drugs points out that less than 2% of our nation's hard-core addicts ever "kick" the habit.

The Drug Abuse problem is costing Americans 2 Billion dollars a year.

In New York City, between 20-30% of all crimes against property are committed by Heroin addicts.

Nation-wide, it is estimated that "Junkies" steal more than 3 million dollars worth of goods each year.

Federal officials report the number of drug-related offenses has increased 325% in the last decade in the U.S.

Among persons under 18 there has been a 1820% increase in drug-related offenses in the last 10 years. Juvenile arrests outnumber adults by 6–1.

These are just a few statistics. Let's look at some individual cases:

We read in the *N.Y. Post* of a 10 year old girl on Lennox Ave. who offers herself to passing men for $10 or $5 or whatever she can get to support her habit. There are plenty of customers.

In the *N.Y. Times* we read of three boys—aged 11, 13, & 15 who were arrested on charges of selling heroin in Coney Island.

In the *Staten Island Advance* we hear of a 16 year old boy who sneaks out through a window, hides under a stairway and shoots heroine into his veins during a gym class.

The 9 year old who lies in a coma in a nearby hospital after popping pills.

The Hypodermic needle discovered taped to a toilet bowl in a Catholic High School.

The teenager sprawled on a street near death after taking an overdose of LSD.

Headlines from other recently clipped articles read:

Drug Addict Dies—at 12.

Cough Syrup Is Believed Death Cause of 16 Year Old.

15 Year Old Girl Dies of Drug Overdose.

16 Year Old Youth Dies After Sniffing Hair Shampoo.

"Flying" On LSD, Student Plunges To Death in Greenwich Village.

Glue Fumes Cited In Death of Youth.

14 Year Old Youth Collapses, Dies After Sniffing Gasoline from Car.

(Here, a tape recording is played, illustrating 2 teenaged boys sniffing gasoline from a can. One boy, while "high", pours gasoline over himself. The other boy, while "high" lights a match and the boy is severely burned.)

Dr. Michael Baden, Associate Medical Examiner for N.Y. City estimates that there are at least 20,000 teen age opiate addicts in N.Y. City alone! He also stated that there is much evidence that children are beginning to use Heroin at the age of 9 & 10. He says, "Kids appear to be using dope because of peer group pressures just like kids used to start smoking cigarettes."

There used to be some small measure of relief in the understanding that the "Drug problem" was pretty much a city phenomenon and not really a concern of the suburbs. In fact, the relief which resulted from this identification of drug abuse with city life became so necessary to our suburban image that it seems we neglected or refused to see the rapid and cancerous growth of drug use in our own communities. It was the grimy, garbage-strewn city streets that "Junkies" populated, not the tree-lined split-level suburban communities. Because of our adamant ostrich-like posture, we were ill prepared to meet and deal with this newly discovered, yet always present lethal threat. It is as though our make believe world—where no one mainlines, drops acid or smokes grass—burst open with a new sense of reality.

We can no longer continue our self-delusion. The reality of drug abuse has finally made an impression throughout the country. Some are inclined to lessen or ignore their own responsibility by casting blame for drug abuse on agencies outside of the home. While the local police and Federal authorities do have responsibility, they can only do their part of the job. Parents, teachers, and civic leaders must do their share. *Drugs kill suburban, middle-class kids, too.*

Every one of us is affected by drug abuse right now. We either have young children of our own, or young nieces or nephews, or a family with teenage children lives next door. In your occupation, you come across young families every day. Do you ever stop to think that one or more of these families has a child who is presently experimenting with drugs?

The statistics now show that drug abuse is a problem which has left no community untouched. Drug abuse is everybody's hang-up.

(Here, a 60 second film spot is shown, "Neighborhood Junkie").

The alarming number of teenage deaths attributed to drugs over the past two years has become of increasing concern to teenagers as well as parents. I think a majority of young people today are deeply concerned with this problem which is affecting so many of their peers. Almost every teenager you talk to today has had some personal experience—some first hand knowledge of the drug problem.

I like to think we can do something about it. I like to think the young people themselves will want to do something about it. The big job is really peer education. Preaching won't do it, but student-to-student teaching might.

The current drug problem is very much like a forest fire. It is self-expanding. Each inflamed goof-baller, psychedelic, and speed freak tries to inflame and involve his friends. And like a forest fire, it is also self-destroying, leaving in its wake the ugly burned-out and disfigured fragments of what used to be promising human beings. It is not the professional pusher who usually gets a person to try something new, but his closest friends, or combinations of peer pressure. Ironically, the answer to the drug problem can also be found through these very means. In other words, through student-to-student education of the *facts,* this same peer pressure can become a positive force in curbing the drug epidemic.

I've had the opportunity to work closely with teenagers for the past 8 years. Our organization has mushroomed to over 101,000 strong and continues to grow rapidly. TAR groups are organized on a state, district, county, and local High School level. With this active army of over 100,000 teenagers, TARS is in a unique position to carry this all-encompassing Stop Drugs Program into every High School and Junior High in America. It is not our concern that TARS get the credit for sponsoring the Drug Abuse Program within the school. In fact, official sponsorship is often shared with a coalition of student organizations, or the school itself. The content, not the credit, is the important factor.

I have great faith in our young people. I feel that through education, we can get our youth to see the futility of drugs—the stupidity of it all.

(Here, a 60 second film spot is shown, "Speed Kills")

The National TAR Drug Abuse Education program is aimed at the student leaders. The program was conceived, and developed by students. The program is conducted by students. This unique student-to-student approach has already proved to be tremendously successful in areas all over the country. Without exception, the High School Administrators have been more than cooperative in letting the TARS conduct programs *within* their High Schools, in setting up large assembly programs, and in working with small groups within the classroom. Presentations have been given by TAR groups to their High School faculty meetings, P.T.A. meetings, civic meetings, and to numerous other student and youth groups in and out of their High Schools.

The response to the TAR Drug Abuse Education program has been tremendous and we have received literally thousands of requests for information and materials. When we first organized our Drug program, we were shocked to find that much of the information on the Drug problem is contradictory. In fact, there is so much literature on the subject of Drug Abuse that the whole field is in danger of paper pollution. You constantly hear many proclamations, for example, on the dangers of Marijuana. The truth is that very little is known as yet about the long range effects.

Here, a 60 second film spot is shown, "The Truth About Marijuana").

Many claims are made about the dangers of using LSD. There are many indications that the use of LSD may lead to Chromosome damage, as well as psychological damage. The one thing that we do know for sure is that there is no way of knowing whether an LSD trip will be good or bad.

(Here, a 60 second film spot is shown, "LSD").

Obviously, in carrying out a Drug abuse program, what's right for N.Y. City isn't necessarily the best approach for Monticello, N.Y. So our program also allows for flexibility. Our Drug Abuse Information Kits contain brochures, pamphlets, books, charts and other factual information on the medical, legal, physical and psychological aspects of drugs. Also included is a Drug Abuse Seminar Manual giving the "How-to's" of utilizing the materials in the Kit, and setting up a Drug Abuse Education program to suit the needs of an individual community.

Also available from National TAR Headquarters is an assortment of catchy posters which can be used during the program for Display in High Schools, and other community areas. New Materials are constantly being reviewed as they become available and are added to the Drug Kits when applicable. Other services provided by our National Headquarters to assist the local Drug abuse education efforts include our film library in which recommended films & short spots are loaned to local groups free of charge for their use. We also maintain a speakers bureau which includes not only a number of well qualified experts in the Drug abuse field, but also, former addicts.

In depth training sessions in Drug abuse education were held at all our State and National TAR Camps. These recently completed TAR summer camps involved close to 10,000 High School students and they are not well versed in the techniques of how to set up Drug Abuse Education seminars within their own High Schools. These TAR leaders will be teaming up with other student leaders and organizations in a joint effort to curb drug abuse.

The overall aim of the program is to provide the facts, eliminating the scare tactics and the appeal to the emotions too often used. It is only through early Drug Education that we will finally be able to slow the traffic in drugs which is rising at such an alarming rate and claiming the lives and future of our nation's young people.

(Here, a 60 second film spot is shown, "Where are You then?").

Our Goal is to get the information kits and other materials into the hands of the student leaders in all of our Nation's 30,965 High Schools and the 8,290 Junior High Schools.

The Cost of sending an information Kit to one student leader amounts to just under $10.00. As you can see—by simple arithmetic—the cost factor of under-writing this much needed program is overwhelming . . . *but so is the problem.*

It is impossible to estimate the cost of drug addiction itself. How does one estimate the cost of twisted, ruined lives; the sorrow of grieving parents; the lost opportunity to brilliant young people who get hooked? We need your help in promoting this program—in reaching our young people before they become another tragic statistic.

I hope that you will be able to help us get this information to the student leaders throughout your state of N.Y. Your help is desperately needed. A considerable portion of our country's youth is at stake.

Thank you.

CONGRESSMAN JOHNSON DISCUSSES POSTAL REFORM

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, as a member of the Post Office and Civil Service Committee I have been deeply involved in the evolutionary process that dictated the passage of the Postal Reorganization Act of August 12, 1970.

I was one of the original supporters for the proposition that the Post Office Department should be able to raise capital funds for the modernization of the Postal Service through the sale of bonds. I have also strongly supported the elimination of political influence in the Postal Service. Thirdly, I have pushed for an improvement in the present Post Office personnel procedures so that the postal employees will receive an improved pay scale and work in safer and more efficiently equipped buildings.

Therefore, I was very pleased when it was brought to my attention that my good friend and colleague, Congressman "Bizz" Johnson, had forwarded similar thoughts to his constituents in a newsletter. I feel that Congressman Johnson's words are both pertinent and concise. Therefore, Mr. Speaker, without objection, I would like to include in the Record a copy of Congressman "Bizz" Johnson's observations on the new U.S. Postal Service:

Reports From Washington

(By Congressman Harold T. "Bizz" Johnson)

October 14, 1970.

Dear Friend: Nothing touches our day-to-day lives as much as does the daily mail. Each day it brings us news of friends and relatives, helps us with our business transactions, informs, educates and entertains us, depending upon the publications we may receive through the mails. Any move to improve or change the mail system is of significance to each and every individual. Such a step has been taken. The Postal Reform Act of 1970 replaces the Post Office Department with a new independent establishment now known as the United States Postal Service. That the act calls for the efficient delivery of the mail for the people of this nation is spelled out clearly in the act's basic declaration of policy, a declaration which has special significance for an area such as the 20-county Second Congressional District with its more than 300 post offices, many of them small facilities serving small communities.

"The Postal Service shall" declares the law which received overwhelming Congressional support, "have as its basic function the obligation to provide postal services to bind the Nation together through the personnel, educational, literary, and business correspondence of the people."

"It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities."

"The Postal Service shall provide a maximum degree of effective and regular postal service to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal service be insured to residents of both urban and rural communities."

As one who has consistently engaged in the battle to preserve our smaller post offices so that the citizens of less-populated areas may enjoy the same postal benefits as urban residents, I was most gratified to see this language incorporated into the legislation finally approved by Congress.

This was only one of several basic policy statements enacted into law as the Postal Reform Act will, at long last, take politics out of postal operations. No longer will the Postmaster General be the major political adviser to the President. No longer will United States Senators or Representatives in Congress have any say in local postmaster appointments or operations, a move which I have supported for many, many years.

Not only does the Act remove the postal service from politics, but it specifically forbids any United States Senator, Representative in Congress, elected official of any state, county, city or other political subdivision, or any official of a national, state or local political party from making "any recommendation or statement, oral or written, with respect to any person who requests or is under consideration for any such appointment, promotion, assignment, transfer or designation."

Thus the Postal Service, which will be under U.S. Civil Service regulations completely, will become absolutely non-political for the first time in the history of this nation and all appointments, including postmasterships, will be through competitive civil service procedures. It is only good, common sense for an organization of the importance and size—the Postal Service has 750,000 employees—to be operated on a strictly businesslike basis.

In summary, the Postal Reform Act creates an organization of career, professional people to handle the mails, declares that each of the classes of mail shall pay its full burden of the cost of carrying the mail, and first class mail, of course, will continue to have priority of movement. Directing the achievement of this goal will be an 11-member board consisting of nine governors, appointed by the President and confirmed by the U.S. Senate, a Postmaster General appointed by the governors, and a Deputy Postmaster General named by the Governors and the PMG. This board, in conjunction with an independent postal rate commission, is charged with placing the Postal Service on a nearly self-supporting basis so that within 13 years the cost to the taxpayers will be reduced from the current $950 million annually to less than $5 million a year.

This, of course, does not include the cost of some special mailing provisions which are incorporated in the legislation and costs of which will be charged against the U.S. Treasury. These include such things as free mailing privileges for members of the United States Armed Forces in combat zones or in military hospitals as a result of combat action, free mailing of special reading material or records for the blind and the handicapped, and reduced mailing provisions for non-profit and similar organizations such as now exist.

It should be noted here that the Congress will be charged, as it always has in the past, in a lump sum the costs of handling so-called "franked mail." Similar provisions are made for reimbursement by other federal agencies of government to the Postal Service for the mail it issues. This, too, will be paid in a lump sum as it has been in the past.

Beyond the most worthwhile goal of putting the postal operations on an efficient, self supporting basis, the Postal Rerform Act covers a variety of other subjects:

Obscene, lewd, lascivious, indecent, filthy or vile materials continue to be banned from the mails. Special sections are incorporated to curb mailing of pandering or sexually-oriented advertisements such as have plagued many of our California homes in recent years. I hope that these provisions, coupled with the penalties of up to $5,000 fine and/or five years in jail for first offenses and twice that for subsequent offenses will help stem the flood of smut.

Except for clearly and conspicuously marked free samples and merchandise mailed by charitable organizations soliciting contributions, the mailing of unordered merchandise is prohibited. The law also prohibits the mailing of advertisements or solicitations printed in such a manner that they could be misconstrued as a bill, invoice or statement due. Prohibitions against false representations or promotion of lotteries are continued.

Recognizing the need for improved facilities, the Postal Reform Act authorizes the issuance of up to $10 billion in bonds to finance a modernization of the system in an effort to make the handling of the mails faster, more efficient, and more economical, and also to improve working conditions for the employees.

As part of the program to make the operations of the Postal Service as businesslike as possible, new employee-management relations are established, authorizing collective bargaining between employee unions and management for the first time. The establishment of the collective bargaining units will be under National Labor Relations Board regulations. Strikes will not be permitted. The act provides for mediation and compulsory arbitration of labor disputes.

These improvements are ahead for the Postal Service. At present, the nine members of the Board of Governors have been designated by the President, however, they have not been confirmed by the United States Senate. The Board will name the Postmaster General, who will be the chief executive officer of the Postal Service. The Board of Governors and the Postmaster General will then appoint a Deputy Postmaster General to complete the managerial structure. The five member Postal Rate Commission already appointed by the President, will make necessary rate and mail classification recommendations to the Board of Governors.

With these appointments completed, the Postal Service is fully implemented and hopefully we will see the progress which those of us who supported the Postal Reform Act had worked for.

Sincerely yours,

HAROLD T. (BIZZ) JOHNSON,
Member of Congress.

JAILING CESAR CHAVEZ

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. ROYBAL. Mr. Speaker, I would like to bring to the attention of the House the plight of Cesar Chavez and the agricultural laborers he represents. The continuing struggle of this valiant labor leader to improve the working conditions of the farmworker has once again resulted in his imprisonment for refusing to halt the strike and accompanying boycott against the growers of California. Yet, in the absence of effective Federal safeguards of the farmworkers' rights, Chavez sees no alternative but to continue the nonviolent tactic which has returned him to jail.

It behooves the Congress to come to terms with this growing crisis in American agriculture and offer the farmworkers in this country a better mechanism than boycotts and jail terms through which to achieve their goal of equitable working conditions and a decent wage. As an extension of my remarks, I wish to submit to you the text of an editorial in the New York Times of December 8, 1970, which discusses in further detail the need for such congressional action:

JAILING CESAR CHAVEZ

The imprisonment of Cesar Chavez, leader of the California lettuce strikers, is an exercise in legalism of the kind that serves only to discredit the law. Mr. Chavez, as firm in his dedication to nonviolence as Mahatma Gandhi, is a symbol of emancipation for the most exploited of the nations workers, the agricultural laborers.

The boycott for which he was jailed stems from the failure of Congress to extend to farm workers the same democratic machinery for determining union representation that millions of other workers have had for 35 years. If that machinery were available to record the preferences of lettuce pickers in the Salinas Valley, Mr. Chavez would have the law as ally, not obstacle, in his drive for economic justice.

The growers are hiding behind whirlwind contracts they signed with the International Brotherhood of Teamsters last July, a day after the Chavez union achieved final victory in its long grape strike and announced its intention of concentrating on the lettuce workers.

The leaders of the truck union, both nationally and on the West Coast, have acknowledged that their union has no business in this field. But most of the Salinas growers refuse to relinquish their pacts with the teamsters, even though that union has instructed its locals not to collect any dues or provide any service under the rush contracts.

None of these facts, of course, cast any doubt on the technical correctness of the order under which Mr. Chavez was imprisoned for violating a local judges antiboycott injunction. Indeed, the union chief himself voices no bitterness at having to pay the price for civil disobedience.

But the reality is that the incarceration will merely add intensity to the boycott, the weapon the Chavez union used with such success in unionizing the vineyards. It is a weapon subject to gross abuse. The proper way to eliminate it in future conflicts of this kind is Congressional passage of a law that would make such tactics unnecessary.

HORTON SALUTES PEARL E. VANREYPEN FOR HER DEVOTION TO COMMUNITY AFFAIRS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. HORTON. Mr. Speaker, it is always inspiring to see examples of outstanding community service. A constituent of mine is one of those exceptionally devoted individuals who is giving unsparingly of her talents to benefit her fellow man.

Pearl E. VanReypen of Pittsford, N.Y., a greatgrandmother, has given so much of herself to others through the years

that she does indeed stand as an example for us all.

Gov. Nelson Rockefeller recently appointed Mrs. VanReypen to be a member of the New York State Citizens Information Service. Serving without pay in this position, she will coordinate the dissemination of information of particular value to the citizens of my district as well as the entire State.

For many years Pearl E. VanReypen has devoted herself to service, including work with the Brighton PTA, the Salvation Army, and a term as president of the Rochester Federation of Women's Clubs. She continues to be active in numerous organizations which contribute to our community.

The Governor's appointment prompted a feature story by Jose Echaniz, Jr., in the Rochester, N.Y., Times Union. He recounts some of the many activities of this very busy lady. It is such a deserved salute that I would like to share it with my colleagues in the Congress. I believe we all may draw inspiration from a recital of the many ways in which Pearl E. VanReypen has devoted herself to serving others.

The article follows:

TIMES-UNION SALUTES: PEARL E. VANREYPEN

(By Jose Echaniz, Jr.)

Pearl E. VanReypen has long been active in community affairs—from service work for the Brighton PTA and the Salvation Army to a term as president of the Rochester Federation of Women's Clubs.

Now approaching her 73rd birthday, this energetic great-grandmother is embarked on a new project as Monroe County representative of the New York state Citizens Information Service.

The agency serves as a clearing house of information and a means of direct communication between individuals or groups, and state government.

Mrs. VanReypen's one-woman county operation is concerned with solving such community problems as drug addiction and day care centers for working mothers through effective use of state programs and resources.

Her operation covers the vast area of concerns with which state government has become involved. These also include environmental conservation, consumer affairs, and legislation.

Mrs. VanReypen serves without pay under appointment by Gov. Rockefeller.

A native of Marion, Mrs. VanReypen is also an active real estate broker and former president of the Women's Council of the National Association of Real Estate Boards. She has served on President Johnson's Beautification committee and on Gov. Rockefeller's Conference on Women.

Her continued activity in community affairs and her real estate business illustrates her abiding interest in working with people.

She is first vice president of the Susan B. Anthony Republican Club and active in the Pittsford Republican Club, YWCA, Greenaway Garden Club, Formers Club, Rochester Civic Music Association, Art Gallery and the Rochester Interational Friendship Council.

Mrs. VanReypen's husband, Arthur, was a consultant for the Empire Photo Engraving Co. and former president of its predecessor, the Vanguard Photo Engraving Co. He died last June.

Mr. and Mrs. VanReypen had celebrated their 50th wedding anniversary the previous November. They had two sons, A. Jack and Robert D. VanReypen, five grandchildren and a great-granddaughter.

Mrs. VanReypen lives at 39 N. Country Club Drive, Pittsford.

THE ARRIVAL OF THE PILGRIM FATHERS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. KEITH. Mr. Speaker, I recently had the pleasure of attending ceremonies on board the *Mayflower II*, celebrating the 350th anniversary of the landing of the Pilgrims.

One of the highlights of the day was an address by Dr. Jordan D. Fiore, professor of history at Bridgewater State College in Massachusetts.

His description of the way the hardy band of Pilgrim settlers built a working society from wilderness was something I thought deserved a wider circulation, and it is my privilege to share it with the readers of the RECORD.

The address follows:

THE ARRIVAL OF THE PILGRIM FATHERS

Three hundred and fifty years ago today a small band of Englishmen in an overcrowded ship made a momentous decision. Their voyage had begun in England more than three months earlier. After two false starts they finally embarked again, and after spending more than two months at sea, these Pilgrims decided to make a landing on Cape Cod.

It had undoubtedly been a thoroughly uncomfortable voyage. For the first few days the weather was pleasant, but the rest of the voyage was exceedingly rough. To begin with, these Pilgrims should have left England in the spring so that they might have arrived in the New World in time to get one basic crop planted or to make some plans for sustenance and shelter in the winter. Instead, they encountered the rough October gales as the storms rushed in from the west, and the ship was often forced to drift with few or no sails, buffeted by the storms and the high waves. The travelers lived in crowded quarters; 102 passengers and the crew and all of their gear and baggage strained the capacity of the 180-ton vessel. Most of the passengers from two ships had been crowded into the *Mayflower*, for her original sister vessel, the *Speedwell*, which the Pilgrims had hoped to use in America, proved unseaworthy and was left behind. Many seams in the deck were opened by the storms, and cold sea water leaked through on the uncomfortable passengers below. One of the main beams of the *Mayflower* was sprung and had to be repaired rather ingeniously at sea.

Their quarters were cold and damp, the passengers were cramped for space, the food was poor and unappetizing, and the clothing on their backs was frequently soaked. Yet, amazingly, only one person died *en route* and in the center of all their misery, as though the Lord planned the compensation, a child, Oceanus Hopkins was born at sea.

Our details of the voyage are scanty, for if there were any detailed log, it was never found, but we can well imagine the happiness and the relieved feelings of the Pilgrims as they sighted the coast of Cape Cod. The leaders had planned to sail southward along the Cape into Long Island Sound, about fifteen leagues in all, to anchor eventually in the area of the Hudson River. But as Bradford tells us:

"After they had sailed that course about half the day, they fell among dangerous shoals and roaring breakers, and they conceived themselves in great danger; and the wind shrinking on them withal, they resolved to bear up again for the Cape and thought themselves happy to get out of those dangers before night overtook them, as by God's good providence they did. And the next day they got into the Cape harbor where they rid in safety."

Then they lowered the anchor, and, we may feel certain, Provincetown Harbor made an excellent haven.

They thanked God for a safe voyage over the "vast and furious ocean" and for having delivered them, as Bradford writes, "from all the perils and miseries thereof, again to set their feet on the firm and stable earth, their proper element." And, even though they were happy in their decision, they were sobered by the thought that, in Bradford's words, "they had now no friends to welcome them nor inns to entertain them or refresh their weatherbeaten bodies, no houses or much less towns to repair to, to seek for succor," a situation which a host of realtors, innkeepers, and hotel and motel owners on Cape Cod have long since rectified.

And well they might be sober. There were Indians throughout the area, and there was no assurance they would be friendly. All around them was a desolate wilderness at best, and now winter was coming on and the country "full of woods and thickets represented a wild and savage hue." The captain and the crew of the *Mayflower* were not of the friendliest disposition and were more than eager to see their passengers settled on land so that they might return to England.

Not all of the troubles of this company were external, for within their own group of passengers there were murmurs of discontent. The saints among them, the true Pilgrims, whose motivation was largely religious, were probably not inclined to be troublesome at this time, though some historians have offered interesting conjectures that this might not be necessarily true. The strangers, though, those whom they had hired to help them in the new settlement or those whom the investors had sent over, were not dependable. Aware that the area selected for settlement was outside the territory designed in the patent, they began to show their discontent and some even threatened once ashore, "to use their own liberty, for none had power to command them."

Thus before the colony began the Pilgrims were faced with a serious dilemma and they solved it. It is a credit to the amazing genius of this group that they were able to adapt much of their previously acquired knowledge and tradition to their new environment. Much of their success as colonists is due to this ability to adapt. If there were no governments provided by the English and no laws of record applicable to the area in which they settled, then they would proceed to make their own agreement.

Probably in the cabin of the *Mayflower* in Provincetown harbor the adult males of the company crowed and listened to the reading of an agreement which had been prepared. We do not know the author of this simple and direct document, but it probably was worked out by such leaders as Carver, Bradford, Brewster, and Winslow. What these men were asked to approve was a simple statement of intent, now known as the *Mayflower Compact*. They affirmed their allegiance to King James I; they delineated their reasons for planting a colony in America; for the glory of God, the advancement of the Christian faith, and the honor of king and country, and then immediately struck at the heart of the matter. By this document they asserted that "We whose names are underwritten" do "covenant and combine ourselves together in a civil body politick, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof do enact, constitute and frame such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience."

Here was an adaptation of the church covenants which the Separatists knew and understood, a simple agreement to join together as a "civil body politic" to make laws for the common good. A Pilgrim descendant, John Adams of Braintree, included the term "body politic" in the Preamble to the Massachusetts Constitution in 1780 and defines it for good measure in these words:

"The body politic is formed by a voluntary association of individuals; it is a social compact, by which the whole people covenant with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good."

Perhaps too much has been claimed for the Mayflower Compact. Bancroft proclaimed that "This was the birthplace of popular constitutional liberty," perhaps a little exaggeration. John Quincy Adams evaluated it as—

"The only instance in human history of that positive, original social compact which speculative philosophers have imagined as the only legitimate source of government. Here was a unanimous and personal assent by all the individuals of the community to the association, by which they became a nation. . . ."

While some historians view the compact cynically as a rather shallow attempt of the Separatist leaders to retain the *status quo*, and others measure the document in the light of Twentieth Century ideas, there can be no doubt, as Willison has written, that—

"For its day it was a remarkable document, a remarkable statement of revolutionary new principles, an important milestone in our long, hard, and often bloody ascent from feudalism, from that degrading 'aristocratic' system of power and privilege for the few which had held Europe in irons for centuries, vestiges of which still remain to plague us."

And this is how we must regard it. As Goldwin Smith wrote, "It heralded a policy of self-government, and may thus rank among the greatest documents of history." If we should view the Mayflower Compact in the historic climate of the seventeenth century it then appears as an amazing, almost unique political document of its time. Whatever one may claim for it, no one can deny that the Compact represents a political foundation stone for the republic, and no study of the development of government of the United States can ignore it; no collection of significant documents concerning American constitutional development is complete without the Mayflower Compact.

It may be true, as Professor Morison has stated, that "American democracy was not born in the cabin of the *Mayflower* or in the Boston town meeting, but on the farming, fighting frontier of all the colonies, New England included" but these farming, fighting frontiers could not have developed without an organized government, and all ideologies, democracy included, have to develop from an idea or a concept. In its origin, in its conception, in its promise, the Mayflower Compact stands as a rare document. The decision to land on Cape Cod and settle nearby and the promulgating of the Mayflower Compact were the great events of the day of the landing.

One more important political action remained. The Pilgrims proceeded to elect John Carver, "a man Godly and well approved amongst them," as their governor. Willison rightly hails Carver as "the first colonial governor in the whole New World, perhaps the first in history, to be named by the colonists themselves in a free election."

The matter of political order and political leadership being settled, a group of fifteen or sixteen men, well armed, took the long boat and went ashore to fetch wood and water, explore the countryside, and see if there were inhabitants about. They were impressed with the dunes, with the excellent black earth below the sand, with the nearby woods of oak, pine, birch, ash, walnut and other trees. They gathered juniper "which smelled sweet and strong" and carried it back to the *Mayflower* where it made a welcome and pungent fire. The next day being Sunday, they rested, but on the Monday they began to carry out their plans for a settlement in earnest.

This is the simple story of the landing of the Pilgrims as gathered from the best contemporary sources. It is an uncomplicated tale, told by its leaders without embellishment and might well have been considered merely one more account of an attempt to found an English colony in America. What makes the Pilgrims so different? What makes their experience so worthy of commemoration?

They were an ordinary group; although there were several men of unusual intelligence there were no really greatly educated, greatly skilled individuals. Even in their own time, these Separatists were relatively unimportant. They were few in number in comparison with the Conformists of the period, were never really a threat to organized religion or society but simply a minor annoyance. Other dissenting groups actually took over the spiritual leadership of those who opposed the Established Church, so the Pilgrims could not even claim that they were a major part of that effort.

Charles McLean Andrews sees the Pilgrims as good simple men who produced no great ideas, no great literature or work of art but simply as "great emblems of virtue." Other writers follow this same point of view. In preparation for this assignment I have read a great many addresses about the Pilgrims delivered by statesmen, clergymen, historians, admirers and detractors and almost always the summary is the same. Here were good and virtuous people who made a permanent settlement in the New World in order to practice their religion without fear, they averred, and almost unanimously they exhort their audience to imitate the Pilgrims.

Today I hope to do a little more. As one who is not a Pilgrim descendant, I feel no obligation to extol my ancestors or to claim greatness or excessive goodness in them in the hope that some of the glory might be reflected on me. From the vantage point of 350 years, I would like to indicate what I believe made the Pilgrims great.

As persons who essentially accepted many Calvinist teachings, I believe that the Pilgrims viewed predestination not only as it applied to life after death, to eventual salvation or damnation, but to their actual lives. The fact that they had survived so many trials and vicissitudes, had been forced to overcome so many obstacles, and yet achieved their goal, must have convinced them that the hand of God guided every step they took. Their spiritual leaders could tell them that the dangers in America were great "but not desperate; the difficulties were many, but not innumerable." The Rev. John Robinson could tell them that "Their ends were good and honorable; their calling lawful and urgent; and therefore they might expect the blessing of God in their proceeding . . . "and could add, "All great and honorable actions are accompained with great difficulties, and must be both enterprised and overcome with answerable courage."

This was language that they could understand and accept and could apply as well. The great and absolute faith that they possessed gave them a characteristic that is still fundamentally American: a strong sense of optimism. Rarely does there appear any hint of possible failure; even in times of despair the Pilgrim accounts are filled with hope. If they bequeathed nothing else, this spirit of optimism that began with them would have made the whole venture worthwhile. We do not sense this in the earlier settlements at Jamestown and Sagadahoc, or even in the other settlements in Massachusetts shortly after the Pilgrims arrived.

Perhaps this sense of optimism, this feeling of impending success was engendered by the fact that the voyage and settlement were never conceived of as an exciting adventure, a chance to make great profits, or a great lark. From the beginning the intention was serious; they brought their wives and children, they sold almost all of their belongings in England, they mortgaged their future in a firm desire to make this their permanent home. Those who came without their families brought them over at the first opportunity, and, although a few returned to England in later years, the overwhelming majority of them built their homes, raised their families and adapted themselves to this strange new life.

In their adaptation they gave us two rare gifts. The Thanksgiving ceremony as we know it is essentially the Pilgrim observance. I know that one Maine historian has pointed out that Thanksgiving was first celebrated by fishermen along the coast there, and the Virginia historians tell us that Thanksgiving was first celebrated there. I hope that those early settlers did express their gratitude to the Lord, for the sake of their souls, but I submit that we do not celebrate Thanksgiving in the United States with a giant clambake or with a roasted Virginia ham. When Abraham Lincoln revived the Thanksgiving celebration more than a century ago, it was the Plymouth Thanksgiving that inspired him.

The other gift was the Congregational church idea, each church separate and independent, each made up of persons who agree to a voluntary compact. The expansion of this church compact idea gave us the Mayflower Compact; the adaptation of the compact to church organization formed the basis for town government and eventually to the most advanced form of democracy in existence in its day.

It is this skill at adaptation shown by the Pilgrims that continues to amaze me. Whenever a crisis arose, they seemed to find a way to solve it by adapting what they knew to the political, economic, or geographic problems that they found.

When they needed a government, they hurriedly wrote the Mayflower Compact. They needed laws, and, although there were no lawyers among them, they used Bible law, English Common Law, and American Common Sense to devise the laws that they needed to govern themselves. They preserved many rights: trial by jury, and protection of life, liberty and property being deemed important from the beginning. Eventually they codified these, and in the Fundamentals of 1636 they created the first code of laws prepared by Americans and adopted by Americans. When they needed food they turned to Indian corn, learned the Indian way to plant and fertilize it, and within a few years were trading corn with the Indians and getting furs in return.

When the communistic community planned by their creditors was unsuccessful, they devised a system of land ownership and cultivation and there was never the threat of starvation among them again. When their creditors demanded payment, they settled or a figure, and then by giving a monopoly of the fur trade to a few men who turned over all of the profits to the company, they eventually paid this debt. Although they had no charter, they expanded into other towns, and when it beecame difficult and expensive for all men to come to Plymouth, they devised representative government.

With all their limitations of training and experience, they successfully carried out a rare experiment, and although few in numbers they remain to this day rightfully respected and revered by the millions of Americans who have followed them to this Promised Land.

I am fond of repeating Goldwin Smith's observation that "If Columbus discovered the new continent, they discovered the New World." The Pilgrims did not merely land in America; they really arrived, and countless generations of Americans will be extremely grateful that these Pilgrims came and dwelled among us, for as William Bradford, their best chronicler wrote, "The face of things was to the rejoicing of the hearts of many, for which they blessed God."

TRIBUTE TO VETERANS' ADMINISTRATION CHAPLAINS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 9, 1970

Mr. THURMOND. Mr. President, the Veterans' Administration Chaplain Service recently celebrated its 25th anniversary at a banquet held at Bolling Air Force Base here in Washington. The Honorable Donald E. Johnson, Administrator of Veterans' Affairs, delivered an eloquent and moving tribute to the Veterans' Administration chaplains.

The Chaplain Service of the Veterans' Administration performs an extremely important service to mankind. The congregation of these men includes those dedicated men whose sacrifice in behalf of their Nation has resulted in bodily injury, often of a permanent nature. The Chaplain must not only be there for the spiritual needs of these brave men, but he must also help them through a difficult period of adjustment.

The Honorable Donald A. Johnson has given a noble tribute on the 25th anniversary of the Veterans' Administration Chaplains Service. It is an honor and a privilege to insert these remarks in the CONGRESSIONAL RECORD so that they might receive wider attention.

Mr. President, I ask unanimous consent that the text of remarks by the Honorable Donald A. Johnson, Administrator of Veterans' Affairs for the Veterans' Administration at the Veterans' Administration Chaplain Service, 25th Anniversary Banquet at Bolling Air Force Base in Washington, D.C., on December 1, 1970, be printed in the Extensions of Remarks.

There being no objection, the text of the remarks was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE DONALD E. JOHNSON

Chaplain Bobber . . . Dr. Appelquist . . . Bishop Moran . . . Rabbi Lev . . . Chaplain Sampson . . . distinguished members and guests of the Veterans Administration Chaplain Service:

I am indeed honored to join with you tonight in this observance of the 25th Anniversary of the VA Chaplain Service.

The ecumenical make-up and mission of their Service are a source of justifiable pride to our VA chaplains.

I hope . . . however . . . that they won't go as far in this direction as a local builder. He was putting up a beautiful house of worship. A passerby stood admiring the growing structure. To one who looked like the foreman, he said:

"That's a beautiful house of worship you're building. What denomination?"

"Can't tell yet," replied the foreman. "We're putting it up on speculation."

The poets tell us that an anniversary is that vital moment which links the past and the future.

Certainly . . . tonight is such a moment.

For . . . in celebrating the Silver Anniversary of the VA Chaplain Service . . . the more than 800 clergymen who *ARE* this Service . . . and their nearly 170,000 lay associates in VA . . . proudly recall the past . . . with all of its accomplishments . . . and confidently face the future . . . with all of its challenges.

Joining you in spirit tonight . . . I know . . . are such revered men of God as Chaplain Morris A. Sandhaus . . . the first representative of the Jewish faith to become Director of a Federal Chaplain Service . . . and Chaplain Gerhard Leverenz . . . who gave his life this past spring in the service of those who served.

I believe sincerely that these great and good men . . . and all deceased VA chaplains . . . now enjoy the reward which a merciful and loving Father has prepared for all of His children . . . but especially for those who ministered to Him and to His children so faithfully and so well.

There has never been a time during the past quarter-of-a-century when the valued spiritual and social work of VA chaplains was not needed.

I tell you tonight . . . however . . . that at no time have concern and compassion . . . the solace and strength . . . which VA chaplains bring to our hospitalized veterans and their families . . . been more needed than now.

In terms of sheer numbers alone . . . the magnitude of your task has never been greater. And this area of measurement will be enlarged in the years to come.

The new . . . and highly readable . . . pamphlet on "The Chaplain Service in Veterans Administration Hospitals" points out . . . and it is true . . . that "The chaplain serves in a unique environment. He lacks the protective and strengthening surroundings of the parish."

But this recognition of the difficult loneliness of the chaplain's mission does not alter the fact that the "parish" of VA chaplains is the nation's largest.

The VA Chaplain Service "parish" numbers 800,000 ill and disabled veterans who receive quality medical care in VA's 166 hospitals each year.

It numbers tens of thousands of additional veterans cared for each year in nursing homes, domiciliaries, and restoration centers.

It numbers in its "congregation" the wives and children . . . the mothers and fathers, brothers and sisters of these veterans.

Beyond these claimants on the time and concern . . . the experience and dedication of VA chaplains . . . are the members of the staffs of our hospitals.

And yet more . . . the religious and medical and social work groups in each VA hospital community.

I will comment briefly in a moment about each of these "parish" segments . . . as they affect the VA Chaplain Service.

First . . . however . . . permit me to repeat a conviction I expressed when I was sworn in as Administrator of Veterans Affairs nearly a year-and-a-half ago.

I said then . . . and I repeat tonight . . . that it is a privilege for me to be associated with the most able, dedicated, hard-working, and concerned, compassionate employees in the Federal Government.

This past July . . . at ceremonies marking the 40th Anniversary of the establishment of the Veterans Administration . . . I also observed that tens of thousands of VA employees . . . through the years . . . had foregone the opportunity to better themselves and their families . . . when they turned down higher-paying positions in private industry . . . or in other goverenment agencies . . . in order to continue serving those who served.

This audience constitutes the vanguard of such unselfish Americans.

It would be presumptuous for any layman . . . even though he is the Administrator of Veterans Affairs . . . to tell VA chaplains WHY and HOW their ministry is so vital to so many of their fellow men.

Yet . . . it is only through examining the WHY and HOW of the VA chaplain's ministry that we laymen in the Veterans Administration . . . and the American people . . . can even begin to appreciate how the VA Chaplain Service has become such an integral, indispensable member of the VA medical team . . . and why it must . . . and will . . . remain such.

Let's take a closer look at the VA chaplain's "congregation" . . . and challenge.

Let's begin with the hospitalized veteran.

Granted . . . his purpose for being . . . whatever his age . . . whatever his illness or disability . . . is eternal salvation.

But it requires no divinity degree to understand that a 20-year old, double-amputee veteran of Vietnam must be approached and counseled and guided differently than a chronically ill, 90-year old veteran of the Spanish-American War.

I have said many times since becoming Administrator of Veterans' Affairs that our Vietnam veterans . . . all of them . . . wounded or not . . . have fought the loneliest war in American history.

They have not known the national unity that has been an essential source of strength for American fighting men since the Revolution.

The American people don't realize . . . however . . . how our fighting men in Vietnam have responded to loneliness . . . and to lack of truly national support back home.

And . . . based on some suggestions I have read and heard . . . lack of understanding of what kind of Americans they really are.

I'll tell you.

They are the most sincere, the most unselfish, and the most outgiving humanitarians who have ever worn the uniform of our country.

They have endured the hell of combat . . . of jungle heat, torrential rains, and constant mud.

And they have returned from one battle after another to take on . . . willingly and voluntarily . . . the unheralded task of building or rebuilding huts and churches . . . of feeding hungry Vietnamese . . . clothing the naked . . . caring for the sick.

We should welcome them home . . . and into our midst . . . for their experience . . . not detain them in some detoxification center so that they won't be subject to the "bends" of war due to a too rapid return to civilian life.

Certainly . . . our Vietnam veterans learned how to kill . . . and how to survive.

But they also learned . . . and can teach us . . . true humanitarianism.

Just as the veterans of America's other wars returned to become the leaders of our nation . . . not just responsible, lawabiding, God-fearing citizens . . . so, too, will our Vietnam veterans.

I believe this sincerely . . . and I know that you do, too.

Now . . . to get back to the double-amputee or other severely disabled veteran of Vietnam.

He will be given the finest medical treatment possible.

And deservedly so.

But it will not be enough . . . by itself . . . to rehabilitate him.

He has to rebuild his whole life.

Will he rebuild it in the knowledge and the belief that "Except the Lord build the house, they labour in vain that build it?"

Without the concern, the encouragement, the patience, and the prayers of the VA chaplain . . . the answer might well be "no."

Let me digress long enough to recognize an important principle which guides our VA chaplains.

Neither this veteran . . . nor any other . . . will ever be coerced into accepting spiritual help . . . or converted to a particular faith . . . even though he may not belong to any denomination.

Instead . . . they will be encouraged by the chaplain to ask:

Is life worth living?

To learn the truth. Yes . . . life is worth living.

Then . . . strengthened spiritually as well as physically . . . to go on to make this truth a reality.

New emphasis is being given in our VA hospitals to care of the chronically ill.

For the 300 full-time and 500 part-time VA Chaplains . . . this emphasis can only mean additional work . . . additional hours spent in visiting with older, chronically ill patients . . . strengthening their will to live . . . preparing them for the fate that awaits us all.

This preparation is more than spiritual . . . although anyone who . . . through the teaching, the encouragement, and the example of the VA chaplain . . . has come to believe that the Lord "is my refuge and my fortress" . . . is prepared in the best possible of ways.

This preparation also means assuring him of the welfare of his family . . . and, of course, following through on this assurance.

Two months ago I had the opportunity to meet with the directors of our 166 hospitals. In my opening remarks at this conference . . . which was held here in our nation's capital . . . I noted that in our best managed VA hospitals . . . the Director is totally involved.

He is known to the hospital personnel . . . all of them. He is warmly greeted by patients who welcome his periodic visits.

This . . . and more . . . could be said of our VA chaplains . . . in all of our VA hospitals.

I say "more" . . . because of the unique and far-reaching duties and responsibilities of the chaplain as a key member of the hospital team.

To ennumerate just a few of these duties and responsibilities.

He ministers to veteran-patients through weekly and Sabbath or Sunday worship services in the chapel or hospital wards . . . and over the public address system.

He makes regular ward and bedside visits to patients . . . providing personal and sacramental ministry, spiritual guidance, and personal counseling.

He conducts funerals, wedding, baptisms, and other religious rites.

He participates in the celebration of patriotic occasions.

He acquaints hospital personnel with the religious program and the specific duties of a chaplain so as to integrate this program into the general treatment program of the hospital.

He evaluates and distributes religious literature to patients . . . corresponds with the relatives of veterans . . . and maintains liaison with local veterans' organizations in matters pertaining to the spiritual welfare of the patients.

He maintains cooperative relationships with other departments and members of the hospital staff . . . and interprets the VA chaplaincy program to local interested groups and organizations.

In short . . . the Veterans Administration chaplain is a clergyman . . . a counselor . . . a confessor . . . a comforter . . . a companion . . . a contact between the veteran patient and his family, the hospital staff, and the world outside . . . and beyond.

His is a great responsibility . . . but an even greater calling.

There are times . . . I know . . . when our VA chaplains . . . for all of their zeal and dedication and spiritual devotion . . . must wonder whether their work is adequately understood and valued.

I believe that it is by all of us in the Veterans Administration who have been privileged to know our VA chaplains . . . and to work with them.

Certainly . . . I hope that we shall always be wise enough and fair enough to remember and to follow this dictum of John Henry Cardinal Newman:

"If he be an unbeliever, he will be too profound and large-minded to ridicule religion or to act against it; he is too wise to be a dogmatist or fanatic in his infidelity. He respects piety and devotion; he even supports institutions as venerable, beautiful, or useful, to which he does not assent; he honours the ministers of religion, and it contents him to decline its mysteries without assailing or denouncing them."

The Veterans Administration Chaplain Service may not have become venerable enough . . . in a quarter-of-a-century . . . to be regarded as an institution.

But I can assure you tonight that the hundreds upon hundreds of men of God and of goodness who have ministered to hospitalized veterans and their families during the past quarter-of-a-century have caused the Veterans Administration Chaplain Service to be regarded with admiration, esteem, and gratitude by all it has served.

Again . . . it has been a privilege being with you tonight.

May God continue to inspire and strengthen you as you go about His work on earth.

Thank you.

PROTESTED MISTREATMENT OF THE FLAG

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Wednesday, December 9, 1970

Mr. COTTON. Mr. President, Scott Jones, 18 Depot Street, Newport, N.H., launched a protest of a different sort recently in the form of an essay which he submitted to his eighth grade class at Newport High School. Scott, son of Mr. and Mrs. Frederick Jones of Newport, protested mistreatment of the American flag.

His essay was so well received that his English teacher read it to all of her other classes and it was printed in the Manchester, N.H., Union Leader as well. Since that time, Scott has been deluged with letters of praise from persons throughout the country who share his opinions about the defacement of our flag.

At a period in our history when it seemingly is the vogue to flout the Nation's traditions, it is refreshing to find young people still taking strong stands in their defense.

This week we noted the 29th anniversary of the bombing of Pearl Harbor. It is a particularly appropriate time to submit Scott's essay for printing in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MISTREATMENT OF THE FLAG

(NOTE.—The following editorial was written by Scott Jones, an eighth grade student, for his English class at Newport High School. Scott, who lives at 18 Depot Street in Newport, received an A— for his thoughtful commentary.)

I do not believe in mistreating the American flag. The American flag to me represents the country and what it stands for. Through the years the attitudes of many people have changed toward what the flag is, what it stands for, and how it should be treated.

In days gone by, many people treated the American flag with great respect. Thousands of people have died fighting for and under the American flag. There are many famous examples that can prove this. One such example is General Custer's last stand. Custer and his men died fighting back to back with the United States flag between them. Many men who fought in wars declared the battle lost when the flag fell and did not rise again.

Today many people do not care how the flag is treated. It is thrown in the dirt, burned in protest, and even ripped to shreds. One example is Abbie Hoffman blowing his nose on an American flag. Was he opposed by anyone, was he stopped? No, some people even cheered when he did this. I do not believe such an act of ignorance should be honored and publicized by anyone.

I think that such mistreatment of something that represents the country and the people in it should be a federal offense to the country. The symbol of such an outstanding country as ours should be honored and treated with respect. Slandering, burning and damaging the American flag to me is a shameful, malicious, and dishonorable act and should be prevented and stopped. So as you can see in the facts and examples, I have proved I feel mistreatment of the American flag is damaging my representation as a citizen of the United States.

CHRISTMAS LETTER FROM A FORMER MEMBER OF THE HOUSE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. CARTER. Mr. Speaker, under leave accorded, I am including herewith as a part of these remarks, the splendid and unique Christmas letter of a former member of this body, and also a Governor of the Canal Zone during the construction era of the Panama Canal. I refer to Hon. Maurice H. Thatcher of Kentucky and Washington, D.C. For many years, Governor Thatcher has written original poems in the form of a Christmas message to friends. The 1970 letter, all things considered, is one of the best he has ever written. For one who has reached and passed the centenary date, the instant letter is one of remarkable self analysis and revealment. It is of the highest literary value and by its placement in the CONGRESSIONAL RECORD, it will constitute a message, not only to myself, a friend and fellow Kentuckian, but as well to the entire membership of the House and Senate.

The phrase in the poem, "and honors rich outpour," is, as I understand it, a reference to the signal honors and recognitions accorded Governor Thatcher at the celebration of his 100th birthday on August 15, 1970, and fully described in the splendid story of the occasion placed in the CONGRESSIONAL RECORD by Senator THURMOND on September 9, 1970, on pages 30960 through 30967.

The letter follows:

SEASONS GREETINGS: CHRISTMAS 1970

In spirit I am young, tho watchful Time
Attests mine age. My urge and pref'rence point
To many things—both lowly and sublime.
Meanwhile I hold myself in strict account—
And past a tether's length I may not go;
But in its slack I am sustained and free.
Of youth I keep enough to don and show
A vital front—whatever odds there be.
These lines are writ beyond the ample date
Of years five score—and Honor's rich outpour,
And those who read can judge; and speculate
On that to come—by what has gone before.
My aims and goals inspire—they're much the same
As those bygone—as current toils proclaim.

At this blest interval you have my warm regards,

MAURICE H. THATCHER.

WASHINGTON, D.C.

JACKSONVILLE UNIVERSITY, WORLD BEATERS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. BENNETT. Mr. Speaker, last year the Jacksonville University basketball team excited the citizens of Jacksonville, Fla., the whole State, and the United States with its outstanding record and exploits. The Dolphins team finished second to perennial college champion UCLA.

The freshness of the basketball team from the banks of the St. Johns River, one of the legendary rivers of the world, which provides the impetus for the great economic, distribution, and cultural center which is Jacksonville, has been carried over to this year's basketball schedule.

Already, Jacksonville University has won four games and ranks fourth among major college basketball teams in the wire service polls.

This year the Dolphins in these difficult and trying times, are stirring the world, as the following article from the Florida Times-Union of December 4, 1970, points out:

DOLPHINS WOW THE WORLD WITH RECORD 152 TO 106 WIN

(By Maynard Eilers)

NEW YORK.—The big green machine, more commonly known as Jacksonville University, made an almost unbelievable assault on the Madison Square Garden record book and crushed an open-mouthed St. Peter's team here Thursday night, 152–106.

Scoring 86 points in the final half and placing seven players in double figures, the Dolphins broke the collegiate scoring mark in the Garden by a whopping 30 points and even tied the professional record set by the New York Knicks 19 years earlier.

"If a team feels cornered in the first half," said Ernie Fleming, JU's individual leader with 30 points, "they'd better not even show up for the second half.

"We feel 'em out the first 20 minutes and murder 'em the second 20 minutes. And it will happen every time a team decides to run on us."

The JU point record of 133, set against Tampa in 1962, also tumbled, as did a school rebounding record of 79 as the Dolphins grabbed 91 rebounds.

Artis Gilmore, 7–2 All-American, did his best to turn the fancies of a partisan crowd of 12,742 with 34 rebounds, a Garden and individual record as well as a school mark.

"I don't know if we'll score as many points every game," said Gilmore with a wide smile, "but we played against a team which likes to run and simply did a better job or running.

"Playing in the garden was neat, like going back to the NCAA in College Park. And setting the rebounding record is a special honor. I'm proud to hold it."

Another certain record-holder is Pembrook Burrows, who only scored 12 points but made all six of his shots. Adding that to his nine of nine he made against Biscayne he is hitting 100 percent for the season.

"That's the way it's supposed to be done," shrugged Burrows.

"Besides, you can't miss many when you shoot from as close as I do."

After Fleming's 30 came Harold Fox with 29 and Gilmore with 28, followed by Vaughn Wedeking's 15, Greg Nelson's 14, Burrows' 12 and Chip Dublin's 11 points.

It was the second highest scoring game in NCAA history, topped only by Houston's 152–108 defeat of Texas Wesleyan on Feb. 22, 1966.

The 152 points is apparently the second highest, along with Houston's win over Texas Wesleyan. Houston scored 158 points against Valparaiso on Feb. 24, 1968.

The 126 field goals attempted tied the most in NCAA history. The record was set Dec. 11, 1946, in a Louisville-Hanover game.

The 86 points scored in a half set a new collegiate record, too. The previous high was 85, also in the Houston-Texas Western game.

Gilmore, despite being forced to play less than his usual aggressive type of game due to being called four times for goaltending, nevertheless made 12 of 27 shots and dominated the defensive boards.

"Some of those goaltending calls were awfully lousy," Gilmore said with a frown as he threw, a sweaty sock on the dressing room floor.

"Perhaps one of them was a good call, but that's all. I don't know how they can call them like that. I'm the best judge up there, and I say they were blocked shots."

Greg Nelson broke the first record, the collegiate scoring mark in the garden, with two free throws with 5:51 to go. Ernie Fleming scored on a drive 90 seconds later for JU's 134th point, a school mark.

The Dolphins missed the collegiate scoring record of 164, set by Houston in 1968, and two points more by either side would have broken the two-team scoring mark of 260 points in the Houston-Texas Western game in 1968.

"We showed tonight," said JU Coach Tom Wasdin to at least 30 writers in the steamy dressing room, "that we don't have to pass to Artis to win. And Artis is very unselfish about that, too.

"You saw how many shots he blocked? Not that many. But how many times did St. Peter's shoot into the rafters because of him?"

Were the Dolphins spurred on by the dramatic history of the garden?

"That might've helped," said Fleming, "but Jacksonville is for real. We wanted to prove what kind of club we are, and this is the place to prove it.

"Have you ever seen a team as fast as us?" he asked. Someone said he heard Florida State was faster.

"We'll find out. We'll find out in just two games," Fleming muttered.

Fleming was talking about the Jax Charities-Civitan Classic in Jacksonville's Coliseum Monday and Tuesday nights, in which FSU and JU are favored to win their opening night games and face each other in the final.

The game's higher scorer was St. Peter's Rich Rinaldi, who scored 32 points. Harry Anderson, a former JU freshman player, hit on only three of 12 shots to finish with seven points.

The Dolphins hit on 52 percent of their field goals and 61 percent of their free throws. St. Peter's completed 48 percent of its field goals and 76 percent of its free throws.

CESAR CHAVEZ JAILED FOR FIRST TIME IN HIS LONG CAREER

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 9, 1970

Mr. CRANSTON. Mr. President, on Friday, December 4, 1970, Cesar Chavez went to jail for the first time in his long career of organizing agricultural workers. I am deeply distressed by this development because it constitutes a further intensification of the already bitter labor-management dispute between field workers and some lettuce growers in the Salinas Valley of California. It raises questions about the failure of Congress to provide a framework by which agricultural workers can organize and bargain collectively with thier employers, in the same manner and with the same rights and responsibilities accorded to virtually all other labor groups in the Nation since 1935.

The New York Times on December 8, 1970, published a fine editorial entitled "Jailing Cesar Chavez." I was immediately impressed with the brevity and clarity with which the editorial dealt with the complicated issues leading up to the imprisonment of Cesar Chavez. Because I believe the editorial is worthy of serious consideration by Members of Congress, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JAILING CESAR CHAVEZ

The imprisonment of Cesar Chavez, leader of the California lettuce strikers, is an exercise in legalism of the kind that serves only to discredit the law. Mr. Chavez, as firm in his dedication to nonviolence as Mahatma Gandhi, is a symbol of emancipation for the most exploited of the nation's workers, the agricultural laborers.

The boycott for which he was jailed stems from the failure of Congress to extend to farm workers the same democratic machinery for determining union representations that millions of other workers have had for 35 years. If that machinery were available to record the preferences of lettuce pickers in the Salinas Valley, Mr. Chavez would have the law as ally, not obstacle, in his drive for economic justice.

The growers are hiding behind whirlwind contracts they signed with the International Brotherhood of Teamsters last July, a day after the Chavez union achieved final victory in its long grape strike and announced its intention of concentrating on the lettuce workers.

The leaders of the truck union, both nationally and on the West Coast, have acknowledged that their union has no business in this field. But most of the Salinas growers refuse to relinquish their pact with the teamsters, even though that union has instructed its locals not to collect any dues or provide any service under the rush contracts.

None of these facts, of course, cast any doubt on the technical correctness of the order under which Mr. Chavez was imprisoned for violating a local judge's antiboycott injunction. Indeed, the union chief himself voices no bitterness at having to pay the price for civil disobedience.

But the reality is that the incarceration will merely add intensity to the boycott, the weapon the Chavez union used with such success in unionizing the vineyards. It is a weapon subject to gross abuse. The proper way to eliminate it in future conflicts of this kind is Congressional passage of a law that would make such tactics unnecessary.

NO ADVANCE, NO ADVANTAGE

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. DEVINE. Mr. Speaker, much has been said in the Congress about the recent U.S. airstrikes against North Vietnam.

In its November 24 editorial, the Boston Herald Traveler writes that it is closer to the strategic truth to assess these raids as both punitive and preventive. They are punitive in that they are a retaliation against the shooting down of an unarmed U.S. reconnaissance plane over North Vietnam and are preventive in that they were aimed to slow or halt the buildup of Communist troops and materiel near the South Vietnam-Laos battle area.

President Nixon has stated that the United States will issue warnings, not threats, and that if these warnings are not heeded, we would respond accordingly. In this case, this action was necessary to protect the lives and security of Americans remaining in South Vietnam.

I firmly agree with the Herald Traveler that we cannot allow Communist troops to prepare for a major assault while U.S. troops are being withdrawn and include the editorial "No Advance, No Advantage," at this point in the Record:

No Advance, No Advantage

The weekend raids by U.S. warplanes against targets in North Vietnam, Laos and Cambodia—including a dramatic attempt to rescue American prisoners of war—are startling only if one forgets a basic principle of President Nixon's foreign policy, enunciated many months ago. The United States will issue warnings, the President said, but not threats. If the warnings are not heeded, the United States will determine what action should be taken.

The action taken—several hundred sorties against Communist anti-aircraft installations and related facilities—has been described by Pentagon officials as "protective reaction strikes" and by Pentagon critics as a "major escalation" of the war in Indochina.

It might be closer to the strategic truth, however, to concede the bombing raids are both punitive and preventive. They are punitive in the sense that they are a retaliation against the shooting down of a U.S. reconnaissance plane over North Vietnam a week earlier. The same thing happened last May; North Vietnam downed a reconnaissance plane and the United States retaliated.

Retaliation is warranted, the United States contends, because of the tacit understanding assumed between this country and Hanoi when President Johnson halted the bombing of North Vietnam a few days before the election of 1968. That understanding was that American overflights would continue to safeguard another presumed understanding, that the Communists would not take special advantage of the suspension of the bombing by intensifying their supply and infiltration efforts. Hanoi now disputes both understandings, but it probably no longer disputes the expected reaction to what the United States considers their breach.

The air strikes are preventive because the reconnaissance planes at which North Vietnam is firing Russian missiles have verified not only a buildup of Communist forces near the Laos-South Vietnam battle area, but also the emplacement of SAM batteries near the Laotian border. These missiles, by protecting the Ho Chi Minh trail in Laos, could materially alter the course of hostilities in Cambodia and South Vietnam and seriously jeopardize the entire U.S. policy of disengagement and Vietnamization.

Such jeopardy is not about to be tolerated. The United States has not allowed Communist troops and supplies free passage along the Ho Chi Minh trail in the past, and the phased withdrawal of American troops does not mean North Vietnam and the Vietcong can open a four-lane highway into downtown Saigon. Interdiction of Communist men and materiel is still imperative. As President Nixon emphasized in June, such movements will be interdicted (or at least impeded) so long as it is necessary to protect the lives and security of Americans in South Vietnam.

The political flak, of course, has already begun to burst over the White House and the Pentagon; the recommendations of the Joint Chiefs of Staff will be dismissed or denounced by junior senators and senior savants, and most public figures will take their accustomed places for the latest recriminations.

Whatever the charges and protestations, however, to allow Communist troops—via an unmolested route and scattered sanctuaries—to prepare for a major assault while U.S. troops are being withdrawn would be military madness.

MOST AMERICANS SUPPORT PRESIDENT NIXON'S HANDLING OF HIS JOB

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. TEAGUE of California. Mr. Speaker, despite all the charges by critics of the Administration that President Nixon hurt his personal position by campaigning so heavily in the recent elections, the Gallup poll which was published over the weekend shows that the President's popularity is virtually unchanged since before the election campaign. A gratifying 57 percent approve of the way he is handling his job.

While this steady, high rate of approval must be pleasing to the President, it also points out a greater truth—which is that the American people are much smarter than the media and many politicians give them credit for.

In responding to this most recent poll they have cut through the thicket of claims and counterclaims to base their support for the President, simply on the fact that he is doing his best in a tough job and trying to get our men out of Vietnam.

The American people have a genius for cutting through to the heart of the matter and supporting their President, even under difficult circumstances, if they feel he is doing his best in working for America. That fact is reaffirmed today and it is reassuring to know that the President still has a solid majority that back his policies.

EARTHA M. M. WHITE: NO. 1 U.S. VOLUNTEER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. BENNETT. Mr. Speaker, the No. 1 volunteer worker and leader in the United States is Dr. Eartha M. M. White of Jacksonville, Fla.

Miss White, 94 years old, was honored last week for her great works for humankind when she received the $5,000 top national award as the winner of the Lane Bryant Volunteer Award as the individual who had contributed most in America in 1970 for volunteer action.

As her longtime friend and the nominator of her for the Lane Bryant Award, I believe Dr. White is a symbol of goodness and mercy who should be followed. We should all be inspired by her many activities for all people.

I insert in the Congressional Record the following articles and editorials which outline the current projects she is involved with in her hometown, which I represent, and a description of her background, attesting to her latest honor—America's No. 1 Volunteer:

[From the Jacksonville (Fla.) Journal, Dec. 5, 1970]

Eartha White Carries Out The Prophecy of Her Name

(By Ray Knight)

Eartha Mary Magdalene White is a frail 94-year-old woman who has a way of getting things done.

Last Thursday, when she received the Lane Bryant Volunteer Award in New York, she spoke with a note of the old Presbyterian doctrine of predestination about the better part of a century she has spent serving others:

"My name," she said, "was given to me six months before my birth. One of my relatives wanted me to be named Eartha, so I would be a storehouse unto the people. Another relative wanted me to be named Mary Magdalene after a great woman of the Bible.

"Although I was my mother's thirteenth child and the only one who lived, I have

truly carried out the prophecy of those aged men who named me."

The list of the many volunteer roles Miss White has filled would include those of lecturer, humanitarian, teacher, coordinator, educator, leader, pioneer, nurse, soldier, writer, planner, promoter and counselor—to mention only a few. But even though the usual age for retirement has long passed, Miss White has not slowed down.

Her newest and most ambitious project is the Eartha M. M. White Nursing Home, a handsome, three-story, masonry structure at 5334 Moncrief Road.

It is a non-profit, 120-bed institution that furnishes comprehensive nursing care to patients, the majority of whom are indigent. Its current percent of occupancy is 94.4.

Financing such an operation is a large task, she admits. It has been her policy in past years to turn over gifts she receives at the birthday parties—all the more recent ones having been held in the civic auditorium—to the home. And contributions also help, but even when funds grow slim, she doesn't worry: "I am sponsoring nine projects without compensation and find that faith in God will accomplish all things."

In addition to the nursing home and an old folks home, which she also runs, Miss White has been instrumental in the establishment of a maternity home, a child placement and orphans home, a home for delinquent black girls, the Harriet Beecher Stowe Community Center and a tubercular rest home.

She is the founder and president of the Clara White Mission, an agency which has served hundreds of destitute and helpless individuals.

During the depression, the mission distributed food, clothing and other necessities free of charge to persons suffering servere economic losses. Food is continuously distributed by the mission to the underprivileged and toys are given to needy children at Christmas.

The mission provides prisoners released from Duval County's prisons with food, clothing, job counseling and any other services needed for their readjustment in society. For more than 40 years, she visited the inmates at the prisons and took interest in their personal concerns and problems.

Miss White's interest in preserving historical heritage led her to collect a large quantity of antiques, historical photos and novelties, furniture, bric-a-brac and other articles of cultural significance. They are now displayed at the Eartha M. M. White Historical Museum.

She is presently associated with the National Business League, in which she serves as historian. In addition, she is a member of the state and national Association of Colored Women's Clubs, the state and national Housewives League, the Seminole Culture Club, the Jacksonville Historical Society and the Jacksonville Humane Society.

A native of Jacksonville, Miss White was the 13th child of Clara English White, a former slave, and a review of her remarkable life gives truth to the prophecy of a minister who predicted at her birth: "She is going to live and be a blessing to everyone."

Her history of volunteer service to the community dates back to the 1880s.

In 1885, several black persons organized themselves into a group called the Union Benevolent Association. They devoted their efforts to charitable activities and purchased land as a site for a home for the aged.

But the group became inactive and the idea for a home never went past the planning stage.

Fifteen years later, Miss White, a school teacher and social worker by that time, succeeded in bringing the group together for its first meeting since shortly after its inception.

Inspired by the young woman's concern, the association granted Miss White the responsibility for constructing a home for the aged, as well as any other agency she deemed necessary for the community's needs.

She also was made president of the association and has held that office since that time. Her intensive campaign to obtain funds for the home was successful and it was finally built.

Hundreds of individuals depending on charity for their survival have been served by this agency, free of charge. At present, more than 50 elderly people are being cared for at the home.

During the Spanish-American War in 1898, Miss White catered to the needs of the sick and wounded, providing nursing care and distributing and administering food.

A Daughter of the Grand Army of the Republic and a member of the Women's Relief Corps, she was the only woman in a 60-man inter-racial "War Camp Community Service Conference" in Jacksonville during World War I.

For a time, she was director of the War Camp Community Services and coordinator of recreation in Savannah, Ga. She was also a member of President Woodrow Wilson's White House Conference.

During World War II, as a colonel of the Women's National Defense Program, she organized canteen service and managed various Red Cross Center activities.

Eartha White's mother had a special prescription for life:

"Do all the good you can,
In all the ways you can,
In all the places you can,
For all the people you can,
While you can."

Miss White is a living example of this policy.

[From the New York Times, Dec. 4, 1970]

She's 94 and Still Busy Doing for Others

(By Angela Taylor)

"Let me first explain to you about my name," said Eartha Mary Magdalene White, her bright brown eyes commanding attention as she sat in her neat black dress with fur-trimmed sleeves, her small body almost lost in the armchair in her room at the Plaza.

"Six months before I was born, two elderly relatives came to visit my mother," she began. "One said I should be called Eartha, so that I would be a storehouse unto the people. The other one wanted Mary Magdalene for that great woman in the Bible who did so much good."

That visit was in 1876 in Jacksonville, Fla. Miss White was the 13th and last child born to Clara English White, a former slave, and the only one of the 13 to grow to adulthood. Clara White's own mother had been sold at auction in Jacksonville, while her daughter remained on the plantation. They did not see each other again until the daughter was grown.

Eartha White has lived up to her first name. She has been a storehouse of good works to both the black and white of Jacksonville. Her energy and dedication are responsible for eight projects: the Eartha M. M. White Nursing Home, a modern 120-bed hospital; two boarding homes for the ambulatory ill, aged or handicapped; two child care centers; a lodging house for alcoholics; a mission to feed, clothe and comfort the poor and a community center for recreation and education.

Yesterday Miss White was presented with a $5,000 Volunteer Award given by the Lane Bryant department store at a Plaza Hotel luncheon. (Next year, the store will turn over the awards function to the National Center for Voluntary Action.) A second award for the same amount was given to the Valley Orthopedic Clinic of Calexico, Calif.

Despite her age, Miss White hasn't stopped her good works. ("My grandfather lived to 129.")

"I'm still interested in a park," she ticked off on one of her long fingers. "Those people who live in housing projects can't get a breath of fresh air or listen to music."

"And a workshop, so young people can learn a trade," was counted off on another finger.

"I never married—I was too busy," Miss White went on. "What man would put up with me running around the way I do?"

HER FULL LIFE

Indeed, she has been busy. Although 94 years is a long span to remember, she details her life with more experiences than seem possible and sprinkles her narration with Biblical quotations.

Her mother, she said, was a ship's stewardess. When Eartha was in her teens, they came to New York because "there was too much sickness in Jacksonville." Eartha studied hairdressing and music—"I sang with the first Negro opera company." (She doesn't remember its name.)

As a young woman, Miss White returned to Jacksonville to teach school but "it didn't pay much." Still she managed to save $150 and, in 1904, she gave up teaching to open what she calls a "department store."

"I thought I could buy the world with that $150," she recalled with a laugh. "But when my merchandise came, it was but one crate and when I complained to the man who sold it to me that the goods hadn't come, he laughed and said I was sitting on it."

She remembers getting up at dawn to go down to the docks to get vetetables inexpensive enough for her poor customers. After two years of running the store in Jacksonville, Miss White attended a meeting of the Union Benevolent Association, a black group that had purchased some land to build a home for the aged in 1885, but had never gotten beyond the planning stage. Miss White said she would take over the responsibility and with her own money and some cajoled from others, she built the home, which currently cares for 50 elderly people.

Other projects followed. She is most proud of the hospital named for her, for which she donated the land. The red brick building was partly financed by Federal funds, but Miss White is active in raising the $200,000 it still needs from private donors.

She now lives in one room of her own house. She has made the rest into a museum devoted to Negro culture and her many awards and mementos of the trips she has made.

"Of course, I came on the plane," she replied about her trip from Jacksonville. "I'm always on planes. I've even been to Israel, it's all in the museum."

Has Miss White ever considered marriage? She was engaged to a "fine young man" when she was 16, but he died. What about the future? She let out a whoop of laughter and pointed out what she would require of a husband.

"First, the man I married would have to be handsome. I couldn't live with an ugly man. Or an ignorant one. How could he talk to me about the way I live, unless he was smart? And he couldn't marry me for me to take care of him. He'd have to have heaps of money."

Then, as an afterthought: "Guess he'd have to be deaf, dumb and blind to get married to me," she chortled.

INTEREST IN CLOTHES

Although she scoffs about such notions as fashion, she takes a feminine interest in clothes, asking her traveling companion to bring out a printed dress shot with glittery threads and with butterfly sleeves made of chiffon. And the set of rhinestone jewelry a friend had given her.

What will Miss White do with her award money?

"I've already decided. I want it to serve humanity. The money is to God, not to me," she replied. "What would I do with it? Sit around the Plaza Hotel? I'm too busy."

[From the Florida Times-Union, Dec. 3, 1970]

LANE BRYANT VOLUNTEER AWARD—EARTHA WHITE TO BE HONORED

Miss Eartha M. M. White has been named as the recipient of the 1970 Lane Bryant Volunteer Award for her more than 70 years of extraordinary volunteer service.

At a luncheon being held today in New York, the 94-year-old Jacksonville philanthropist will receive a check for $5,000 from Raphael Malsin, chairman of the board and chief executive officer of Lane Bryant, Inc., a group of women's clothing shops.

Miss White was nominated for the national award by U.S. Rep. Charles Bennett. She was cited for her work in establishing two homes for the aged, a maternity home, buildings for child care centers, a tubercular rest home and the Harriet Beecher Stowe Community Center.

During the Spanish American War, Miss White attended to the needs of the sick and wounded; during the Depression, she established a soup kitchen, and during World War I, she was the only woman in a 60-man interracial "War Camp Community Service Conference."

For over 40 years, she has visted the inmates at the Duval County Prison, and she is founder of the Clara White Mission, named for her mother who was an ex-slave.

The group winner of the 23rd annual Lane Bryant awards was the Valley Orthopaedic Clinic, Calexico, Calif. The clinic was presented with the award for its "skilled treatment and compassionate care" to crippled children of Mexicali Valley.

[From the Jacksonville Journal, Dec. 3, 1970]

THE NO. 1 U.S. VOLUNTEER

Eartha Mary Magdalene White, Jacksonville's 94-year-old humanitarian and philanthropist, received the Lane Bryant Volunteer Award today at a lunchen at The Plaza Hotel in New York City.

The award, which includes $5,000 cash, is presented to the one person in America considered to have made the most outstanding voluntary contribution to his or her community during the past year.

Miss White, nominated by U.S. Rep. Charles E. Bennett of Jacksonville, was selected from more than 500 nominees.

Dwight Cooke, author, lecturer and news analyst, presided.

The reception and luncheon was hosted by Raphael Malsin, chairman of the board and chief executive officer of Lane Bryant Inc.

The guest list included: Charles Wilkinson, special consultant to the President and himself past president of the National Center Voluntary Action, Washington, D.C.; singer Dorothy Maynor, who is also director of the Harlem School of the Arts; Dr. W. B. Stewart, president of Edward Waters College; and Rev. A. Leon Lowry, chairman of Tampa's Commission of Community Relations and group winner, 1968 Lane Bryant Volunteer Awards.

Dick Sewell, administrative assistant to Congressman Bennett, represented Bennett, who was unable to attend because of today's session of Congress.

Today, on the floor of U.S. House of Representatives, he said in part:

"Mr. Speaker, today at noon at the Plaza Hotel in New York City, Dr. Eartha M. M. White of Jacksonville, Fla., will receive the 1970 Lane Bryant Volunteer Award for her outstanding volunteer work which has contributed greatly to her community and its citizens.

"It was my pleasure and privilege to nominate Mrs. White for this top national award, and I join with her many friends and with those she has helped through the years in congratulating her on this signal honor."

Wilkinson brought a message from President Nixon who paid tribute to the "quiet dignity, humility and self-effacing generosity" of the award winners.

Group winner today was the Valley Orthopaedic Clinic of Calexico, Calif.

The 23-year-old Lane Bryant Volunteer Award will end today. But the resources of the widely known and respected program will be made available to the National Center for Voluntary Action to utilize the development of a new, nationwide program of official public recognition of citizen volunteers to the betterment of life in America.

The announcement was made jointly here today by H. I. Romnes, president and chairman of American Telephone and Telegraph and head of the National Center's recognitions and awards committee, and Malsin, founder of the Lane Bryant Volunteer Awards and chairman of the board of Lane Bryant Inc. The national center is a nonprofit, nonpolitical corporation established in February 1970 to assist both established and emerging organizations in the voluntary field.

Henry Ford II is chairman of the center's board. President Nixon serves as honorary chairman.

The 13th and only surviving daughter of an ex-slave woman, Miss White, who founded the nonprofit Earth M. M. White Nursing Home, which serves manly indigent patients, and the Clara White Mission was selected by a panel of four nationally famous judges.

Former astronaut Col. Frank Borman, field director, Space Station Task Group; Robert H. Finch, former secretary of Health, Education and Welfare; Robert Montgomery, former movie star and now president of The Repertory Theatre of Lincoln Center, and Dr. Bennetta B. Washington, director of Women's Center, Job Corp Manpower Administration, Department of Labor.

"To say thank you is a mild way to express my sincere gratitude," said Miss White in remarks prepared for today's presentation.

"Most of my life has been spent in service," she said. "You must not forget that the earth is the Lord's and the fullness thereof and they that dwell therein. All we have is a life's interest. We cannot carry anything with us, but we must return to the dust whence we came."

[From the Florida Times-Union, Dec. 4, 1970]

AN AMBASSADOR OF CONCERN

It's not easy to find a person to whom the adjectives "dedicated," "devoted," "concerned" and "giving" can each be applied with equal fervor. And it's rare, indeed, to find that combination of traits spanning a lifetime of service to one's fellow men.

It takes courage, strength, faith, inspiration, spunk and just plain love to devote the majority of 94 years to doing good for others. And yet that's what Eartha Mary Magdalene White, Jacksonville humanitarian and philanthropist, was honored for yesterday in New York City. She was chosen the No. 1 volunteer in the United States from among 500 other nominees to receive the Lane Bryant Volunteer Award along with $5,000 cash.

Eartha White's extraordinary service has made her almost a legend in her own time. She is the 13th and only surviving daughter of an ex-slave. She began during the Spanish-American War helping the sick and wounded. She established soup kitchens during the Depression. During World War I she was the only woman in a 60-member interracial "War Camp Community Service Conference." For over 40 years she has visited the inmates in Duval County prison facilities.

If there is still any doubt about why she was selected the country's No. 1 volunteer, take a look at her list of other accomplishments: Miss White has established a maternity home, two nursing homes for the aged, buildings for child care centers, a rest home for tubercular patients, the Harriet Beecher Stowe Community Center and the Clara White Mission, named for her mother.

This dedicated lady merits much admiration and respect. Her philosophy, which she gained from her mother, is simply: "Do all the good you can, for all the people you can, while you can."

Those words should be inspiration enough for anyone who is worried about the apparent lack of concern for one's fellow man today. As long as there are Eartha Whites around to care, concern still lives.

[From the Jacksonville Journal, Dec. 5, 1970]

SALUTE TO EARTHA WHITE

The First Lady of Jacksonville in service to others has been so recognized on a national level.

Her name, Eartha Mary Magdalene White, has been synonymous with humanitarian efforts in this city for many decades and it is gratifying, but not surprising that Miss White has received the Lane Bryant Volunteer Award at a luncheon in New York City.

The award, which includes $5,000 in cash, goes to the one person designated as having made the most outstanding voluntary contribution to his or her community during the past year.

Miss White, now 94, was selected from more than 500 nominees, a high honor and rare accomplishment.

The 13th and only surviving daughter of an ex-slave, the recipient founded the nonprofit Eartha M. M. White Nursing Home, which serves mainly indigent patients, and the Clara White Mission.

Her service to her fellow man for nearly a century should stand as a constant reminder of what can be done in the name of simple dedication and selflessness that transcend race, creed or class.

Eartha White deserves Jacksonville's warmest gratitude and appreciation.

TANZANIA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. DIGGS. Mr. Speaker, on the 9th of December 1961 a proudly independent Tanganyika for the first time took its rightful place in world councils. Since that time, Tanganyika—officially renamed Tanzania following its April 1964 union with Zanzibar—has been one of Africa's most articulate and forceful spokesmen in the field of human rights. Its President, Julius K. Nyerere, has adopted the Swahili title "Mwalimu" in recognition of his role as a teacher for his own people. He seeks to build a nonracial society based on the dignity and equality of all men, a criteria that he hopes may one day prevail throughout Africa.

President Nyerere also seeks to make economic independence as much of a reality for his people as political independence. He has stressed self-reliance in urging his predominantly rural people to work harder to help themselves. He also seeks greater economic cooperation among the developing countries themselves as well as between them and the industrialized world. On this ninth anniversary of Tanganyikan independence I would like to salute President Nyerere and the people of Tanzania, and wish them success in the years ahead.

EDITORIALS COMMENDING PRESIDENT NIXON FOR HIS ACTIONS IN VIETNAM

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. GERALD R. FORD. Mr. Speaker, of the many editorials commending President Nixon for protecting our withdrawal troops with the bombing raid on North Vietnam and for seeking to free American prisoners of war by a daring rescue attempt, those in the Birmingham, Ala., News, the Nashville, Tenn., Banner, and the Cincinnati, Ohio, Enquirer are representative.

Although the POW rescue attempt did not succeed, its result was positive in that it focused national and international attention on the deplorable state of American prisoners of war. It is unlikely Hanoi will ever abide by the Geneva Conventions regarding treatment of prisoners of war; however, it surely understands now that the United States will make the maximum effort in its concern for its captured servicemen.

The bombing raid should also make Hanoi aware that, although we are withdrawing our troops, we intend to see that they have every protection and that the Vietnamization program is not jeopardized by the buildup of North Vietnamese troops and materiel.

For the information of my colleagues, I include these editorials in the RECORD:

[From the Birmingham (Ala.) News, Nov. 30, 1970]

THEY'RE NOT FORGOTTEN

While it failed in its immediate goal, the daring attempt to rescue some of the hundreds of Americans who are held prisoner by North Vietnam did accomplish something: It focused national and world attention more directly than anything else has done on the plight of those prisoners.

Even U.N. Secretary-General U Thant, whose critical views on U.S. involvement in Vietnam are, as he himself noted, "well known," called on Hanoi to permit international organizations like the Red Cross to have access to the U.S. prisoners.

That is the very least that should be expected of the North Vietnamese government which has violated the terms of the Geneva Convention on the treatment of prisoners of war and which has callously refused even to furnish the names of all the men it holds, leaving thousands of loved ones of men missing in action hanging in agonizing uncertainty.

Reports reaching this country that many prisoners are dying in captivity contributed to the decision to attempt a rescue mission; they ought to contribute also to an irresistibly strong demand—not only in this country but throughout the nations where "world opinion" is so ever ready to condemn the U.S.—that Hanoi change its brutal, inhumane policy toward American prisoners.

In the meantime, the rescue mission should have put Hanoi on notice that the American people are deadly serious in their concern for their countrymen, and that those held prisoner in North Vietnam are by no means "forgotten men."

We remember, and we shall go on remembering; and Hanoi must not be permitted to forget.

[From the Nashville (Tenn.) Banner, Nov. 23, 1970]

JUSTIFICATION ENOUGH—THOSE RAIDS WERE STAGED TO SAVE U.S. LIVES

Not many Americans will join the hysteria brigade screaming imprecations of "mustn't-mustn't!" at U.S. Commandos for an attempted search-and-rescue mission—seeking to free prisoners of war in North Vietnam. Not many will add their voices to the Senate's Dove chorus deploring bomber raids in that area.

They were valid military support missions, undertaken in behalf of American fighting men; and American sentiment still is on that side, overwhelmingly. Make no mistake about that. It hasn't switched. It doesn't share the pusillanimous view that the way to an honorable peace in Indochina is surrender.

Defense Secretary Melvin Laird divulged the facts in the case yesterday, disclosing at his press conference the "why" of that Commando excursion, and of bombers in operation where they hadn't been recently:

(1) There were reports that U.S. pilots held in those prison stockyards were dying.

(2) The resumption of the bombing as noted was in retaliation for the shooting down of U.S. reconnaissance planes.

These were not acts of infamy—nor of escalation. They assuredly were not atrocities, but in every sense logical and justified; and the outrage would attach to any refusal to use whatever methods are necessary to protect America's fighting men.

There was heroism indeed on the part of the men who participated—a search and rescue mission which, though it failed of its purpose because the prisoners had been removed, would justify citation for the heroism it manifested.

There still are those in the Dove ranks who asperse every military action, every policy decision not—and properly—of their making . . . every peace step short of abject surrender.

Their continuing hysterical gripe gives aid and comfort to the enemy—those delegates dragging their feet at the Paris conference.

The administration is pursuing—but not blindly—the deescalation course. It is reducing the size of the American force in Vietnam and environs. It has reversed the trend of steady enlargement there, pursued by the two previous administrations from the moment of that commitment. Under President Nixon the war is being wound down. Properly he does not intend to leave the nation's military flanks unprotected during this withdrawal.

The concern also is for the maximum effort in behalf of U.S. prisoners of war.

Make no mistake about it, the constituency of this nation approves of both policies.

[From the Cincinnati (Ohio) Enquirer, Nov. 25, 1970]

ANOTHER OPPORTUNITY TO GET BURNED

In ordering last weekend's bombing raid in North Vietnam, as well as the attempt to rescue U.S. prisoners of war near Hanoi, President Nixon could safely have counted on two reactions.

The first was that the North Vietnamese and Viet Cong negotiators at the Paris peace talks would seize upon the attacks as a provocation to stall even further.

The second was that the virtual moratorium on congressional criticism of U.S. Vietnam policy would end.

Both developments have unfolded in the wake of the weekend attacks. In Paris, the chief of the North Vietnamese mission dramatically announced his intention to boycott the negotiating session scheduled for today. And in Washington, one after another of the Vietnam War's critics cited the attacks as a step toward re-escalating the war.

That such reactions were clearly predictable and that Mr. Nixon nonetheless chose to proceed with the air assaults can only mean that he and his military advisers deemed the bombings as indispensable to the success of the administration's blueprint for the phased withdrawal of U.S. forces from Vietnam.

The attempted rescue was obviously a humanitarian effort to alleviate the plight of American prisoners in enemy hands.

The air attack came at a time when there was mounting evidence that the North Vietnamese were preparing for a major new assault on the South—despite the continuing withdrawal of U.S. forces and despite President Nixon's appeal for a standstill cease-fire.

There were indications, for one thing, that Hanoi had accumulated in its Southern provinces a stock of military supplies between 40% and 50% larger than its stockpiles of a year ago. These supplies would ultimately have moved down the Ho Chi Minh Trail into South Vietnam and Cambodia.

There was evidence, in addition, that the North Vietnamese had deployed roughly half of their military personnel outside their own frontiers.

These indications pointed unmistakably to a North Vietnamese plan to escalate the war. Given the nature of the U.S. commitment to continued U.S. withdrawals and to the war's Vietnamization, President Nixon would have been remiss in not using every resource at his command to frustrate Hanoi's purposes.

The air attacks become, in this light, somewhat comparable to last spring's strike against the enemy sanctuaries in Cambodia. Like the air attacks of the past weekend, the Cambodian operation was condemned as a widening of the war, as a scuttling of the Paris peace talks and as the death knell of a negotiated peace.

Yet the Cambodian critics have fallen strikingly silent as the operation itself has turned out to be precisely what it was intended to be—a limited offensive operation aimed at safeguarding U.S. forces and keeping the U.S. withdrawal program on target.

The critics of Cambodia were burned by their rashness to condemn. Those who rushed into print with their condemnations of last weekend's air assaults are running the same risks.

CONSUMERISM: A THREE-TOED SLOTH

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mrs. GRIFFITHS. Mr. Speaker, with the interest in consumer affairs and consumer legislation of growing public importance, I would like to insert into the RECORD a speech delivered at the 61st Annual Meeting of the American Home Economics Association in Cleveland, last June, by Mary Jane Bostick, associate professor in the department of home economics at Wayne State University. Dr. Bostick calls for a more realistic attitude toward consumer affairs. The speech follows:

CONSUMERISM: A THREE-TOED SLOTH

(Delivered by Mrs. Mary Jane Bostick)

The consumer's rights, responsibilities and protection are a major concern to the businessman, the involved government agencies and the consumer himself. There is much interest today in "the consumer" and the philosophy of consumer protection and education. Since recent economic surveys show that the average consumer will spend upwards of a quarter million dollars by the time he is 65, it is no wonder that he has been viewed and surveyed from all sides. No wonder he is that focal point of so many advertising campaigns, business ideas, and economic and political pressure groups. Nor is it just these groups that are giving attention to the consumer. Eductional institutions and governmental agencies are equally interested in his movements, selections, ideas and reactions to new processes and technological change.

But then some questions need to be asked. Is all this apparent concern for consumers' welfare really for their good or is it merely a smoke screen to hide the real shallowness of concern that these organizations have for consumers? Why does the consumer feel such frustration when so many consumer aids and agencies are seemingly so interested in him?

Why is Caveat Emptor—let the buyer beware—still the rule rather than the exception? Does the consumer know his role in the economy? Is the consumer really king? Why does Senator Phil Hart issue a press release stating that $30 out of each $100 the consumer spends are wasted?

These questions and others form the basis of my theme for this talk today—Consumerism: A Three-Toed Sloth. By this I mean to suggest that all three main groups—government, businessmen and consumers—are taking self-serving positions instead of focusing on solving the annoying and often serious problems involved. Neither foot-dragging, accusations nor unenforced regulations will meet the issues or change the climate of today's marketplace.

Perhaps a capsule history of the consumer movement itself might give us all perspective. This is not a talk to incite or indict any one group but to explore attitudes and to suggest increased communication rather than blame. I would like to suggest some of the whys for the questioning attitudes of each group and then hope that prodded progress will result.

Too many segments of our society, even the government, seem to be more concerned with finding someone or some issue to blame rather than identifying the real causes of the problems and then communicating and cooperating to reduce or eliminate them.

The result therefore is more negative conflict—not positive progress. Such conflict only causes further dissension within industry, the consumer protection agencies and consumer activist groups at a time when it is critical for all to develop ways of better cooperation, greater satisfaction with goods and services, and coordination and unity to handle the many consumer and ecological problems facing all of us. Yes—all of us—for consumers are not separated. They are not apart from businessmen or government employees. These people are consumers as well, although one often wonders if they ever think like consumers in relation to their own spheres of action. Mario Pei in his book *The Consumer's Manifesto suggests,* "Is not everyone a consumer? Of course, but in a good many cases the individual's interests as a producer, whether in the ranks of labor or those of capital and management, outweigh his interests as a consumer."

Modern day consumer impetus or concern in this country has had three major periods of thrust. Actually we're in the third period presently. The consumer movement began modestly in New York City with the Consumers' League of 1891 which expanded into the National Consumers' League in 1898. The 1930's again brought consumer concern forward and the 60's have certainly focused on the consumer vs. the marketplace. Each period, as Robert Hermann tells us in his short history *The Consumer Movement In Historical Perspective,* has occurred during a period of rapid social change and economic dislocation. In each period, journalistic exposés highlighted the issues and hastened public awareness.

The late 1890's and early 1900's had Upton Sinclair's book *The Jungle* to nauseate the public and motivate Congress. It brought about the Pure Food and Drug Act of 1906. The 30's saw the public's concern activated through Kallent and Schlink's book *100,000,000 Guinea Pigs* and resulted in the Federal Food, Drug and Cosmetic Act of 1938, replacing the less inclusive law of 1906.

Ralph Nader is today's spokesman. His book *Unsafe at Any Speed* keyed the issues, and his latest, just coming off the press, *The Chemical Feast* will open another section in Pandora's box.

In each era new awareness and new legislation or self-regulation came about because informed consumers worked with concerned legislators, galvanized public opinion and effected change.

They why—Consumerism: A Three-Toed Sloth? It is a basic truth that as long as people are gullible there will be people to take advantage of them.

As Oliver Cromwell said, "Subtlety may deceive you," and history shows us that consumer protection laws, of some form or other, existed as long ago as ancient Mosaic and Egyptian times. But the devising of new legal ways to get people's money or to circumvent regulations always seems to keep ahead of the activities of the law and consumer organizations. Consequently all of you who are among the more knowledgeable consumers have to become aware of this consumer who is being wooed and written about, and of the facts about protection, enforcement, self-regulation and the problems encountered. Thus you can be in the vanguard in seeking ways to educate all consumers to help themselves.

The triumvirate of consumer, business and government can be viewed as heroes, as villains or as victims depending upon one's point of view. Business, manufacturing, producer-retailer can be viewed as exploiters concerned only with profit or as the consumer's benevolent friend through the advances gained by manufacturing research and technology. Government agencies can be presented as the citizens' bulwark against exploitation or as the handmaidens of lobbyists, congressional pressure groups and business interest. In reality they are somewhere between the two; they are often just not listening.

What are these slothful situations and attitudes? Here in the U.S.A. we are generally supposed to have the most efficient and successful business operations in the world. Why is the collective consumer finger being pointed at them? Why has Mr. Nader singled out several of the most important and prominent firms for in-depth review of their products and consumer policies?

It appears that businessmen, the decision-makers and problem-solvers of our society too frequently when they see a problem work around it rather than solve or eliminate it. They really do not work out the bugs that bother or frustrate the consumer until they are forced to by unfavorable publicity, regulation or a drop in sales. Let us look at some examples.

Take product safety as a prime example. Styling and merchandising often conflict with safety. Here we only have to recall all the words written about automobile safety. But we do not too frequently think of poor insulation in ranges resulting in burns, or ranges with high ovens only, set so far off the floor that a small woman could easily dump hot fat all over herself while removing a roast. Why is something marketed that is known to have a potential for death such as some of the self-cleaning ovens with no warnings? And in this day of apartments and town houses why is there not a well put together, well insulated apartment sized range with some of the work simplification features of the larger models? These, of course, are designed for the selling features so that the customer steps up to the next model. We are frequently told that it is the cost factors which prevent certain refinements. Is safety a refinement?

Often it is the design itself which makes a product unsafe. Or often it is just not thinking a product through all the uses or stresses to which it will be subjected. Or, is it just not caring? This latter attitude is most disastrous in children's toys. Please recall the cloth play tunnel marketed a little over a year ago, the cloth of which was inflammable. Should not the manufacturer warn the public of preventable hazards? Too often the businessman quotes the old saw, "The public doesn't read the instructions!" Have you ever tried to find Slot A into which Slot B should be fitted according to a diagram on Christmas Eve when the gas station just has to go together? Or have you attempted to wade through some of the care and use booklets accompanying many of our "labor-saving appliances"? Could it be that the instructions are ambiguous and the safety instructions unclear? Until recently the best known of industry-oriented safety labels, the Underwriters Laboratory Seal of Approval, did not cover fire hazards. Only recently have some "safe" baby auto seats been developed for sale. Does it take tragedy as in several drug incidents to have proper concern, control and, hopefully, self-regulation? In our local Detroit newspapers once a month are listed those retailers cited for short weight and other types of retail food violations.

Consumer Reports recently had an article on the missing and/or extra tea bags, bouillon cubes, chicken legs, giblets, etc. found in consumer packages. Also included were such items as mailing labels, paper plates and cups as well as antiacid tablets. The message is clear. Even though in most instances industry did not wish to defraud, it is inaccurate. If the consumer wants full measure guaranteed, will he have to count everything?

At an international consumer meeting two years ago, a charming Swedish woman started her talk by asking, "Don't we all wear each other's clothes?" By this she meant that Americans or United Kingdom people wore clothes made in Austria, Canada, France, Italy or elsewhere as well as those made at home. By this she was indicating what many have been wanting for years—some international care symbols which could be used by all manufacturers of ready-made clothes and could be understood by all consumers regardless of language. This is difficult because our Centrigrade and Fahrenheit temperature systems are different. But it is a need.

Some progress has been made through our textile labelling act. But where are the labels? Easy to find when needed or lost when the hang-tag is removed before wearing? Do they really give the consumer needed information for care and choice?

The British experiment with the "Tel-Tag" has aroused considerable attention and some American industries appear to have appreciated the message and are introducing their versions. One even uses the name "Tel-Tag." Large appliances have always presented the consumer with a problem when the need for service arises. Where is the name plate—on the back or the bottom? I recently had to help someone lift a portable microwave oven to find the model number and other information needed for a report.

The Association of Home Appliance Manufacturers has a committee of consumer-oriented people to study and advise them about appliance complaints and problems. A worthy step forward and I am sure there are others. But they are in the minority—not the majority. So you can see that industry must accept its share of the slothful approach to the consumer's plight.

One cannot leave this segment of the triumvirate without mentioning the media and advertising. They, too, being business-oriented, often think of fees rather than citizen welfare. What responsibility do these groups have for the billion-dollar-a-year quackery cost? Do they promote dishonest retailers in their advertising policies? Should they not become more aware of the consumers' interests? When manufacturers face their responsibilities and go hand-in-hand with media much progress can be made in consumer understanding. TV is an especially powerful persuader. With power should come responsibility. Some advertisers have not yet matured.

One last question in this segment. What about the hidden price increases which often escape or confuse consumers such as the 15¾ oz. lb. that soon becomes 14 oz. or the look-like-a-quart bottle that is not?

At this point, I believe it only fair to focus on another segment of our group—government and other protective agencies, forever watchful, always concerned, consumer-oriented. Well, perhaps not always. Many laws that are not enforced appear to be totally for the consumer but are really, like the regulations under the jurisdiction of the FTC, more to prevent unfair competition.

Has government had too cooperative an attitude? Ralph Nader suggests such about FDA in his book *The Chemical Feast.* He cites the old but continuing situation of caffeine in cola drinks, sodium benzoate as a preservative, standards of identity, percentages of fat, additives, pesticides and sanitary regulations to mention just a few.

The Fair Packaging and Labelling Act was hailed as a milestone of consumer concern and protection by its Congressional promoters. But as too often happens, laws are passed by Congress with no money for mechanisms or personnel to enforce them. The FPLA has too few people assigned to its enforcement by the three agencies concerned—FDA, FTC, and Commerce—for it to be a truly meaningful consumer aid. FTC is just beginning a Consumer Protection Bureau for Investigation and education related to the "truth-in-lending" law. But what about all the loop-holes such as when the interest is charged in consumer billing?

Enforcement seems to be a sometime thing—catch as catch can. Think of the food additive problems of this area of the country alone with mercury in fish. Is anything much being done with the radiation emission law for controlling radiation leaks in color TV's and microwave ovens?

The problem of toy safety has already been mentioned. Government needs to expand its staff, to review its standards and have the fortitude to say they are not adequate or they are not realistic or enforceable. But if the standards are adequate, government should have the courage and the wherewithal to enforce them.

Perhaps government needs to look at the whole picture of consumer protection in this rapidly developing technological economy and realize that bureaucracy as well as business must learn more about the consumer, his problems and how to inform and educate him.

Through the years I have worked with and appeared on programs with many hard-working and dedicated government personnel and it certainly should be stated that individual agencies and persons often have their hands tied by self-serving legislators and lobbyists. Should these politicians not also ask themselves the question, "Are we not consumers, too?" If they work for less restrictive laws or enforcement relative to their districts or their industries, in what way is someone breaching their consumer rights or protection? Is it lack of communication between government and industry, mistrust or just an "I really didn't see it that way" attitude?

Now this consumer who has been the victim of slothful business and government—is he slothful, too, or is he active and alert in protecting his interests? Let us say that so much of what is happening today is so subtle that people do not know what it is or what its effect is. For today's citizen, life has to be prettily packaged up for the freedom and convenience he wants. But this presents an information gap. Since he's more urban than rural, he has fewer built-in guides for judgment. He frequently has to take much on faith and hopes industry is playing fair and that government is protecting. But is he playing the game fairly, too, since he wants to be assured that the others are doing their jobs? The consumer voice through activist groups tells him he is being exploited. Frequently he is as in credit charges, holder-in-due-course provisions, games, poor quality and workmanship, safety factors, etc. The protection agencies tell him, "Relax, we're doing the job!" And industry says, "Of course we wouldn't gyp you!" With such a procedure it could get to be a game. But who writes the rules?

Not all business exploits. Ethical firms want their reputations to remain untarnished and retain the consumers' good will and through enlightened self-regulation usually do. But the consumer must also practice a sense of consumer responsibility if the game is to be fair. Or is he the third sloth?

First and foremost he should accept his responsibility as a citizen and become aware of the protection available and laws already in existence and demand their enforcement before asking for more. Political awareness would contribute to more responsible public servants as bureaucrats and politicians and the consumer would then inject a sense of validity to it all.

The consumer now must examine his own practices and habits and see what his contributions to the marketplace and society are. Does he realize how some of these contribute to the economy—especially the prices he has been complaining about? Business has a perfect right to cite his unethical practices such as: shoplifting, wearing and returning, mishandling of products in the store, payment practices and myriads of others. Is his action responsible or considered when he could clearly read the label on products with cyclamates? Why does he condone the high use of hidden calories in carbonated beverages for his children in place of fruit juice for needed nutrition? Never has he paid so much for so little in his purchase of local foods and beverages. Has he educated himself in good consumer practices such as label reading, selection by grade and quality for use?

And what about the consumer's following of directions on goods purchased? Usually much concern has gone into preparing these directions which for some products are regulated by law. There are good regulations on frozen dinners or products such as frozen meat and poultry pies which have been developed for the consumer's protection against salmonella poisoning. The recent problem involving dried noodle soup although regrettable would not have caused anyone harm if the soup had been made according to directions. The organisms would have been killed.

When did you last check how you stored your poisonous products—medicines, kitchen chemicals or household and garden pesticides? Have you been concerned about industrial and societal pollution? What is your pollution index as a consumer? How do you stand on solid waste disposal—garbage, throwaway bottles, packaging, barbecue smoke, overdoses of pesticide in your garden? As you left the last meeting on environmental problems, did you light up, gun your engine and go back to see if your incinerator had completed its task?

So each one of us—industry, government and consumer—has been slothful in his approach to consumer issues. Concerned consumer groups are gathering strength and these changes are inevitable. These changes are not those computers can handle for they are changes in peoples' attitudes and hopes in relation to their expectations.

Industry needs to stop looking at the law as something to be circumvented but rather as something to protect the legitimate business. Home economists in business should think as consumers would and alert their companies to the concerns people have—in essence to be the company's consumer conscience. Home economists in general should respond politically to laws and law enforcement and teach concern for law and ethical business and consumer practices. Cooking and sewing alone will not meeet the needs of today's society.

Communication and education then seem to be the step forward needed to overcome the inertia of sloth. The kind of cooperation needed is one that will integrate and respond constructively to consumer issues. Consumer information conferences are valid and valuable if those involved are truly interested in suggesting ways to cooperate and solve or reduce some of the problems. Consumers themselves can give evolutional impetus by telling business how and when they have done a good job—not just complaining when it has failed. An example would be the usefulness of the new Tel-Tags on some appliances.

For as Abraham Lincoln said, "The legitimate object of government is to do for a community of people whatever they need to have done but cannot do at all or cannot do as well for themselves in their separate and individual capacities. In all that the people can do as well for themselves the government ought not to interfere."

So if industry prefers self-regulation it should regulate with a consumer conscience and consumers must operate in society and the marketplace with ethics and a sense of responsibility.

RESOLUTION TO ESTABLISH A SELECT COMMITTEE ON THE AGING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. EDWARDS of California. Mr. Speaker, I want to take this opportunity to congratulate the gentleman from Arkansas on his compassion, dedication, and insight into a shameful situation which exists in American society today. Pearl Buck once said that you can judge a civilization by the way it treats its helpless. I do not believe we would like to be judged by the way we treat the elderly of our society. The gentleman from Arkansas has come forth with a resolution to create a Select Committee on the Aging which could go a long way toward civilizing us.

The plight of the aged in America has become more serious over the years, a paradox when one considers the progress this country has made in other areas. But it is a paradox easy to explain—early retirement, more leisure, longer life, rising rents, higher food bills, exorbitant medical costs, and mobility on the part of younger family members. Unfortunately, longer life often means higher bills and more and more solitude. We can do better than this and we must.

It is unnecessary to document individual cases of the hardships caused by inflation and neglect. The gentleman from Arkansas (Mr. PRYOR) has already painted a gruesome picture. Instead, I ask the Members of this body to remember each day we meet here in Congress, we grow a day older. I solicit your wholehearted endorsement of the gentleman from Arkansas' resolution.

TRIBUTE TO THE LATE JOSEPH TOMASCIK OF WILKES-BARRE, PA.

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. FLOOD. Mr. Speaker, the community of leadership of Luzerne County, Pa., lost a noble servant in recent weeks with the death of Attorney Joseph Tomascik, of Wilkes-Barre, a former State legislator, delegate to the Pennsylvania Constitutional Convention, distinguished member of the bar, educator, and true Christian gentleman. For me, his untimely passing was more than a loss to our community, it was one of long personal friendship.

An obituary which appeared in the Falcon, the official publication of the Catholic Slovac Sokol, perhaps best portrays the exemplary life he led, and the excellent tribute which was paid on his death.

THRONGS ATTEND FUNERAL OF ATTORNEY JOSEPH G. TOMASCIK IN WILKES-BARRE, PA.

The funeral services were held on Saturday, October 3, 1970, of Hon. Joseph G. Tomascik, former member of the State Legislature, who suffered a fatal heart attack on September 30th in his study at 59 S. Washington St. He resided at 628 N. Franklin St., Wilkes-Barre, Pa.

Born in Wilkes-Barre, Mr. Tomascik was a graduate of Sacred Heart Slovak School, Coughlin High School, Cornell University, Dickinson Law School, New York University, George Washington University, American University and Scranton University, having earned degrees of AB, MA, MS, LL.B., and LL.M.

A State representative from 1960 to 1962, he served as a Workmen's Compensation referee from 1958 to 1960. He also was a special state Deputy Attorney General, 1956–57; special assistant Attorney General, 1957–58; assistant District Attorney, 1961, and delegate to the Pennsylvania Constitutional Convention, 1967–68.

Attorney Tomascik was active in Rotary, serving as governor of District 741, secretary and conference chairman. He was a member of Wilkes-Barre Rotary Club and had served as a director, vice president and president.

He was a director of Wyoming Valley Crippled Children's Association and Wilkes-Barre Chapter, National Foundation of March of Dimes, also serving as campaign chairman in 1966 and 1967.

In addition, he was an active worker for the United Fund, American Red Cross, Heart Association and Cancer Society. He was a member and former officer of the Elks, Moose, the Slovak Catholic Sokol and other Slovak and Slavonic organizations.

He was admitted to Pennsylvania, District of Columbia and United States Supreme Court Bars. From 1948 to 1952, he was an assistant professor of government and history at King's College.

Attorney Tomascik was a member of Sacred Heart Church, N. Main St. His law office was located in the Blue Cross Building, 15 S. Franklin Street.

Surviving are sisters, Anna, Marion and Margaret, all at home. Helen, executive secretary to Congressman Daniel J. Flood, Washington, D.C., and a brother, Matthew, Wilkes-Barre.

The funeral was held from the Morris funeral home, 625 N. Main St., Sat., Oct. 3, 1970.

FATHER BERNAT CELEBRATES MASS

A Solemn High Mass of Requiem was celebrated on Saturday, October 3, in Sacred Heart Church, North Main St., by Rev. Michael C. Bernat. Deacon was Rev. Francis J. Beeda and sub-deacon, Rev. Jude Smith, O.F.M. Master of ceremonies was Rev. Vincent Grimalia. Homily was delivered by Rev. Clement Podskoch, C.S.C.

Seated in the sanctuary were Msgrs. Stephen Yanchuska, J. J. Podkul, William Burchill and Francis A. Costello along with Rev. Lane D. Kilburn, CSC; Rev. George Matircho, Rev. Alcuin Shields, O.F.M., Rev. E. J. Gerrity, Rev. Arnold Walters, O.F.M., Rev. John J. Dzurko, Rev. Clement L. Kazlauskas, CSC, Rev. Francis Zolcinski, Rev. John Balberchak and Rev. Stephen Yaneka.

A large delegation of Sisters of SS. Cyril and Methodius, Danville, Pa., attended the Mass.

Interment was in St. Mary's Cemetery, Hanover Township, where benediction was pronounced by Rev. Francis J. Beeda, Msgr. Francis A. Costello and Rev. George Matircho.

Pallbearers were: Elliot Katuna, Jacob Elko, Gail Young, Joseph Stryjak, Daniel Stadulis, Michael Elko, Edward Stryjak and Thomas McAndrew Jr.

Honorary pallbearers were: Congressman Daniel J. Flood, Judge John J. Sirotnak, Congressman Fred Rooney, Hon. Edward W. Lapatto, Hon. Richard L. Bigelow, Judge Bernard C. Brominski, Judge Robert J. Hourigan, Hon. Peter Paul Olszewski, Hon. Benjamin R. Jones, Hon. Milton Shapp, Andrew Puhak, Esq., Al. J. Kane, Esq., Dr. Rev. Jule Ayers, George Anthony, Dr. Ellis Roberts, Rep. William T. Bachban, Rep. Stanley Meholchik, Rep. James Musto, Rep. Frad Shupnik, Rep. Bernard J. O'Brien, Senator Martin L. Murray, Arthur Silverblatt, Esq., J. Earl Langan, Esq., Robert F. Dilley, Esq., and Michael Lewis, Esq.

Also, Rep. Frank J. O'Connell, Rep. Francis J. Worley, Hon. Edmund C. Wideman, Jr., Hon. Frank Crossin, Joseph B. Farrell, Esq., James Lenahan Brown, Esq., Francis P. Burns, Esq., Thomas J. Glenn Jr., Esq., Frank Slattery, Esq., Julius Altman, Esq., Arthur D. Dalessandro, Esq., John W. McCormick, Esq., William Murphy, Esq., Dr. Raj Chopra, Dr. Nicholas D. Mauriello, Senator Harold Flack, Emil Wagner, Dr. Hamilton R. Young, John D. Check, William Siskovich, John Metzo, Charles Portale, Cyril Bosak, Desider Bolchak, Walter Serbring and James J. Law.

Also, Mayor John McGlynn, Mayor William Loftus, Major Edward Burns, William Curwood, Bernard Podcasy, Esq., Frank C. Castellino, Senator T. Newel Wood, Floyd Yoskowski, Esq., Dr. Robert J. Alexander, Louis Shaffer, Esq., Alexander Laffey, Esq., Edward Popil, Harry Gerstein, Thomas O'Donnell, Esq., Raymond Sobota, Esq., Olin Morris, Tony Dylo, Dr. G. Mitra, Hon. Con McCole, Michael Kaminski, George Kaminski, John Bush, Franklin D. Coslett, John J. Yarrish, Dr. I. E. Rosenberg, Dr. George Lopatufsky, Aubrey Price, Dr. Robert Clements, Dr. Joseph Kocyan, Blythe Evans, Esq., George Yencha, Joe Simone, Joseph Roarty, Joseph X. Lokuta, John Adamchak, Leo Mohen, Frank Gramazio, William Fahey, Esq., George Yanik, John Ruddy, Dr. Michael Hydock, Frank Faye, Joseph Calore, Andrew Garber and John Elko.

FATHER CLEMENT PODSKOCH PREACHES

People from all walks of life attended the funeral. It was a great shock to the entire valley.

Father Podskoch in his homily said that Joe, as he was popularly known, meant a lot to so many people. When he taught political science and history at Kings College about 21 years ago, the students looked forward to his class because he had such a wealth of information to give them. Father Podskoch said that Joe challenged them to get involved in the matters of local, state and federal government which many later did.

Father Bernat, his close friend was emotionally moved and could not preach, so he asked Father Clement Podskoch, who was Joe's student 21 years ago. Father Podskoch said that he gave himself to others. Even many men cried during the services.

Rev. Jule Ayers, a prominent Protestant minister, a close friend of Joe's, was among the honorary pallbearers. Father Podskoch concluded his homily by saying: "Happy birthday, Joseph and a Rebirth in Heaven." It surely was food for thought and everyone attending the services went away feeling that what Father Podskoch said, was so true.

May he rest in peace! We express our deep sympathy to the bereaved family.

CONGRESSMAN FLOOD PAYS TRIBUTE TO ATTORNEY J. G. TOMASCIK

Congressman Daniel J. Flood issued the following statement concerning the death of Attorney Joseph G. Tomascik, who passed away on September 30, 1970 at his home, 59 South Washington St., Wilkes-Barre, Pa.

"Our community and myself, personally, have fallen victim to the mortality of man.

"Joe Tomascik, my good and trusted ally, was indeed a pentecostal man who made greater all the people of our community with his multi-lingual communications.

"Joe was a legislator, a lawyer, an educator, and a community leader. Joe was a member of a distinguished family which always thought of neighbors first.

"Mrs. Flood and I extend our sympathy and that of all the people of my Congressional District to his sisters, Anna, Margaret, Marian, and my faithful executive secretary, Helen."

Mr. Speaker, Attorney Joe Tomascik was a literary man in every sense and it was only fitting that one of the most prominent newspapers in my district, the Sunday Independent of Wilkes-Barre, deemed the occasion of his passing as worthy of this tribute; in an editorial captioned "Attorney Tomascik":

Wyoming Valley lost one of its most tireless workers for progress and modernization last week with the passing of Atty. Joseph G. Tomascik.

His positions in public service work were so many they can't even be listed here. But he served as a State Representative and also as a delegate to the Pennsylvania Constitutional Convention, just two of many such positions.

Attorney Tomascik was one of those very few people who always found the time, or made time, to do work or assume volunteer jobs when his services were sought.

In his chosen profession, law, there was no more respected lawyer, anywhere. Atty. Joseph G. Tomascik was a truly fine human being. Wyoming Valley has been lucky he chose to accomplish all that he did here for us.

Mr. Speaker, among the hundreds of tributes paid Joseph Tomascik was the one, perhaps if he could be with us today, of which he would be most proud. The Pennsylvania House of Representatives,

upon motion of the six members from Luzerne County, in a special resolution recently cited his role as a constitutional convention delegate, as well as esteemed position as a civic leader.

Thank you.

KEEPING INFORMED OF THE RISING SOVIET MILITARY MIGHT

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. ADAIR. Mr. Speaker, in my view the American Security Council has been doing an excellent job of keeping the American public informed of rising Soviet military might.

Several international authorities now concede that the Soviet Union may indeed be ahead of the United States in some categories of weaponry. This ominous development has been obscured by the conflict in Vietnam.

As a part of their educational program, the American Security Council issued what they called "Operation Alert" to stress the serious decay in the strategic military balance between the United States and the U.S.S.R. Following this "Operation Alert—Interim Report" was released by that organization on November 16, 1970. I commend its contents to the attention of my colleagues:

OPERATION ALERT—INTERIM REPORT

Phase II of the Operation Alert educational program will soon be completed.

The overall purpose of Operation Alert is to educate the general public concerning the growing seriousness of national security problems. Special emphasis is being given to the changing strategic military balance between the U.S. and the U.S.S.R.

This was, and is, badly needed because the United States has become second best in both numbers and megatonnage of strategic missiles while the attention of the general public has been directed toward other problems.

As Stewart Alsop put it in his October 5 *Newsweek* column:

"The Soviet Union has been behaving, in fact, as though the true balance of power has shifted sharply in its favor. And that is, of course, precisely what has happened. As presidential advisor, Henry Kissinger, has repeatedly pointed out 'The strategic balance has altered.' Whereas in 1962, the U.S. held a decisive advantage in nuclear-strategic weapons, now the advantage lies with the Soviet Union.

"This shift in the power balance is a central reality of our situation. As far as the politicians are concerned, it might as well not exist. . . .

"In other days when John F. Kennedy was running for President, for example—the shift in the balance of power . . . would have been a dominant political issue."

Mr. Alsop was, of course, entirely correct. The strategic balance was not a political issue at the beginning of October. However, by the end of October, it was getting much more attention.

By October 28, The Washington Evening Star ran a story with the four-column headline, Weapons Gap Is Election Issue. In this story staff writer Orr Kelly reported that:

"The strategic balance between the United States and the Soviet Union has emerged as an issue in the forthcoming elections in a manner somewhat reminiscent of the "missile gap" controversy of 1960.

"The issue was raised in a red, white, and blue pamphlet being mailed to between 1.5 and 2 million persons by the American Security Council, a private group which keeps close check on defense matters. The Council charges that the U.S. is now number 2 in strategic military power, supports the charge with a chart of the strategic military balance and rates all the members of Congress on the basis of a National Security Index."

The day before Orr Kelly's column, Vice President Agnew had spoken on national security and the elections at the Navy League annual dinner in New York City. In this October 27 speech, the Vice President reported that:

"The Soviets are now spending 17 to 18 billion dollars a year for strategic offensive and defensive forces, while we are spending between 7 and 8 billion."

The Vice President expressed concern about the members of Congress who are "so viscerally antagonistic toward the whole defense complex. . . ."

He explained the basis for his concern in this manner:

"If, as is entirely possible, it should become necessary to augment our defense rather than cutting it further—if, therefore, we should be obliged to request more billions of dollars and a rapid step-up in the quality and numbers of major weapons systems—and if all these people should remain in the decision-making positions of the United States Senate, then God save our Republic, because such a program in the present climate in the Senate would surely fail."

In this speech, Vice President Agnew favorably contrasted the "efforts of the American Security Council—a Council that stands behind the President's efforts to keep America strong" with the activities of the "unilateral disarmament lobby."

Since the election, both President Nixon and Vice President Agnew have expressed satisfaction with the election results because the voters had given the administration a working majority in the Senate on national security and foreign policy issues.

A comparison of the election results with our National Security Index of Congressional voting records confirms this view. President Nixon now has the opportunity to ask for a really adequate defense with a reasonable expectation that Congress will respond favorably.

PHASE I—RESEARCH

The Operation Alert report was developed at the end of Phase I—the research phase—of the program and consisted of:

1. An analysis of the current strategic military balance between the United States and the U.S.S.R. The extensive research involved was a continuation of the work done in developing the strategic balance reports published by the American Security Council Press in 1967, 1968, and 1969.

2. The results of the 1970 National Security Issues Poll which involved 115,599 participants. These participants represented a wide range of domestic political viewpoint including, for example, those who contributed $50 or more to Senator Eugene McCarthy's 1968 campaign.

It also included the results of straw polls conducted by 203 newspapers.

3. A comparison of the National Security Issues Poll results with the national security voting records of each member of Congress. The resulting National Security Index was unique in the vote-rating field because it was based on the Poll results rather than on American Security Council positions.

It is important to note that the report listed the key national security roll call votes of each member of Congress so that voters might also make their own ratings.

PHASE II—EDUCATION

Phase II of the Operation Alert educational program began when the American Security Council Press published the Operation Alert report on September 23, 1970.

About 2,500,000 copies of the Operation Alert report have now been distributed.

Full page ads promoting the distribution of the report have appeared in well over 100 newspapers across the country, including The New York Times, The Washington Evening Star, The St. Louis Globe-Democrat, and The Los Angeles Times.

Key editors of every daily newspaper in America received copies of the Operation Alert report and a large percentage of them wrote editorials or columns concerning Operation Alert.

It received nationwide news coverage when it was released and received increasing coverage as the elections neared. For example, from Monday to Friday of the week before the elections, there was a major news story on Operation Alert in one or both of the major Washington, D.C. newspapers *every day*.

A BI-PARTISAN EDUCATIONAL EFFORT

In line with the bi-partisan educational purposes of Operation Alert:

1. Candidates of both the Republican and Democratic parties asked for and distributed approximately 350,000 Operation Alert reports.

2. The Operation Alert program neither supported nor opposed any candidates. So, candidates with National Security Indexes ranging from "0" to "100" distributed the report. Candidates who were running on a "new priorities" platform considered a "0" rating to be the equivalent of a "100" rating in the eyes of the voters they were trying to reach.

3. Lists used for the invitations to serve on the Operation Alert Board were broadbased. For example, at least three U.S. Senators who scored a "0" on the National Security Index were invited to serve. Two-Senator William Proxmire and Senator Mark O. Hatfield—accepted.

Their membership is appropriate because we do have a common interest in peace, in generating discussion on national security issues, and in better informing voters on these issues. We do have differences as to the urgency of some of these issues and as to how they can best be handled. However, we are proud to have their participation—and of several others with similar views—because it is an important factor in making this an all-American rather than a partisan approach to education concerning national security problems.

4. Several newspapers ran the ad on a public service basis.

5. Since the ad is primarily focused on the facts concerning our strategic posture, some newspapers are running the ad after the elections. Similarly, one magazine is planning to insert the Operation Alert report in its next issue. Some organizations are just beginning to distribute the report.

PHASE III—BROADEN EDUCATIONAL PROGRAM THROUGH COOPERATION WITH OTHER ORGANIZATIONS

As Secretary of Defense Melvin R. Laird told the NATO defense ministers at the end of October, the U.S.S.R. has increased its land based ICBM force to 1400 (while the U.S. has remained static at 1054 for more than three years).

Since our relative strength continues to decline, a much larger educational effort must be mounted to alert the American people to the seriousness of the situation. This need is the greater because the disarmament lobby has been waging a major campaign to lull the American people into believing that the United States is so far ahead in military strength that we can cut back the defense budget without risk.

The same need for education exists for the full range of national security problems including foreign policy and internal security matters.

The educational institutions and voluntary associations of America together can do much more than they have toward educating the general public regarding national security and foreign policy issues.

Accordingly, we are now planning the formation of local councils or committees as the means through which organizations and institutions representing all segments of society can work together to improve public understanding of national security issues and to encourage responsible citizenship.

Our pilot council, the Missouri Council on National Security, is headed by Democratic Governor Warren E. Hearnes as Honorary Chairman. Congressman Richard H. Ichord, Chairman of the U.S. House Internal Security Committee, is Chairman of the Advisory Board. The Executive Committee includes other outstanding Missourians of both political parties, newspaper publishers, radio and TV station managers (including network VPs), labor, business, religious and civic leaders. It also includes the chief executives of state-wide membership organizations such as the Missouri Teachers Association, the Missouri Department of the American Legion and the Missouri State Chamber of Commerce.

We are now inviting our 258 cooperating colleges and universities and 189 cooperating organizations to give us further advice on how we can most effectively implement this multi-institution effort on a nationwide basis.

UNITED PROFESSORS FOR ACADEMIC ORDER

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. LUKENS. Mr. Speaker, recently the newsletter of the new organization, University Professors for Academic Order, came to my attention. This group was formed by Professors Z. Michael Szaz, William H. Roberts, and Charles A. Moser on July 3, 1970, in order to counteract the increasing disruption of learning and the many riots on our campuses and to protect the academic and economic interests of concerned professors at our universities and colleges.

Although the group did not have the benefit of any Federal or State finances, they grew in 5 months to more than 600 members at 280 campuses and in 44 States of the Nation. These men expect the membership to reach the 1,000 mark by the end of January.

On January 30–31, 1971, UPAO will hold its first national conference in Washington, D.C., at which time their views will be expressed. These views will be presented in resolutions regarding the basic issues confronting American college and university education and administration.

The founders of the University Professors for Academic Order are known as excellent scholars and good American patriots who have been in the forefront in the struggle against anarchy, terrorism, and other real dangers threatening the academic society and our great university systems. Mr. Speaker, I insert in the RECORD the following material from their December 1970 newsletter, Universitas:

THE SPECIFIC PURPOSE OF UPAO

(By William H. Roberts, Professor of International Law and Relations, The Catholic University of America)

In the course of the last twenty to twenty-five years, many of our universities and colleges have either newly organized or developed already existing departments and divisions which have tended to stress essentially narrow vocation training. In many cases, this trend has been hidden behind the gloss of a thin layer of superficial academic teaching. Although inter-disciplinary advanced research is certainly called for in many areas of knowledge, interdepartmental studies have frequently had a narrowing rather than a broadening effect on our students. At the same time, our universities have increasingly tended to change their character by emphasizing their "service" that is primarily their supposed leadership in political and/or social planning and engineering. UPAO considers it to be one of its principal tasks to restore the integrity of academic personnel by having the members of the profession devote their efforts and time again primarily to the principal objectives of American higher education, namely, *academic* teaching, research and scholarship.

The academic profession has also suffered from the fact that college education and, at a later date, graduate and professional education, have been put on a mass-education basis. This has not only led to the present financial crisis, but also to an academically unwarranted faculty-student ratio. In turn, the increasing quantitative burden of the individual faculty member had to lead to a deterioration of quality in teaching, research and scholarship. The worsening financial situation, which is partly due to the shift to mass education, kept faculty salaries far below those of other professions and the steadily increasing cost of living. This situation forced many members of the academic profession to look for additional extra-academic income with the result that their outside activities kept them from concentrating on their principal academic tasks.

It seems that an improvement of the presently existing situation depends basically on two factors. First, the establishment of faculty-student ratios in colleges, graduate and professional schools which provide again an opportunity for effective academic teaching under conditions which give the faculty member sufficient time for productive research and scholarship. Second, an improvement in the economic situation of the profession, namely, faculty salaries which provide for an adequate standard of living and, eventually, adequate retirement annuities.

One of the contributing factors in undermining the integrity of the academic profession has been the ever-increasing trend to "politicize" the personnel policy—and, thereby, the teaching and primarily the politico-social research output—of our institutions of higher education. All of us are aware of the principal symptoms of this "politicization," namely, the *de facto* institutionalization of selective hiring, firing, and tenure policies which are frequently linked to extra-academic criteria. Specifically, in all too many cases the positive or negative application of these policies has come to depend on the willingness of the prospective or already appointed faculty member to participate actively, or to accept at least passively, the trends which attempt to change the very character and the traditional mission of American universities. In other words, the faculty member's professional future is made to depend on his active or passive acceptance of the attempted transformation of our universities into either full- or part-time indoctrination centers which serve various causes of political and/or social activism. These policies have had several effects, namely, first, essential changes in the legitimate ideas and concepts of academic freedom. Secondly, they also had wittingly or unwittingly the effect of lowering the public policy and academic standards, rules, norms and procedures which are necessary to maintain and promote academic freedom. It is one of the specific purposes of UPAO to foster amongst its members a renewed and deeper understanding of the legitimate concepts of academic freedom and of procedures which are necessary and adequate for their protection and maintenance.

UPAO also considers it to be one of its principal purposes to revive the ideas on which the mission of American education has been traditionally based. Clearly, all these purposes of UPAO lead beyond the narrower scope of academic interests to issues of public interests, and to a deeper understanding of the fact that a healthy and sound structure of American higher education is essential for the maintenance and protection of our governmental and social order which includes the national security of the United States.

If we turn now to problems of the governance of our universities, we find that its structure has suffered and has been undermined by the very same developments to which we have already referred. However, we find in this connection an additional contributory cause, namely, the completely unwarranted inflation of purely administrative personnel which is grossly overpaid as compared to the average compensation received by faculty members. The apologists of an over-inflated academic bureaucracy attempt to explain this trend by referring back to the newly discovered "service" character of our universities. However, the most important impact of the new bureaucracy makes itself felt in academic policy-making which has traditionally been entrusted to faculties, to a few top-level administrators and to trustees. It has now shifted to a new and anonymous academic bureaucracy which surrounds the top administrators. Although this bureaucracy has no organic connection with the mission of American higher and professional education, it has, in fact, become one of the power centers of academic policy-making. Since the bureaucracy does the staff work, the average top administrator, board of trustees and, certainly, the average faculty come to accept the alternatives offered to them if, indeed, they are offered any alternatives for making their basic decisions.

In the August 1970 issue of its newsletter, UPAO has outlined an initial committee structure through which it intends to activate and promote its purposes. This committee structure involves, on the one hand, a representative cross-section of the UPAO membership. On the other hand, the committees by their contracts with faculties, top administrators, trustees, accreditation agencies, and appropriate agencies of the Federal and States governments will be the principal vehicles through which our purposes will be turned into concrete action.

In conclusion, this article is but an elaboration of the UPAO purposes and objectives which have been stated in terse legal terminology in our Articles of Incorporation and in our bylaws.

CHAPTER NEWS

The *University of Bridgeport* chapter held its first formal meeting on November 18, 1970. About twenty-five faculty members attended. Professor Victor C. Swain presided and our regional director, Professor Justus van der Kroef was also present. The speaker was the national president, Dr. Z. Michael Szaz, who emphasized the return to nonpoliticization and quality education as the twin aims of UPAO in the academe. As the other major aim, he mentioned the protection of nonradical professors in regard to academic freedom, tenure and other professional and economic fields.

As mentioned in the previous issue, the *University of Puget Sound* held its first formal meeting in order to organize a chapter on November 5, 1970. Professor Gary Peterson presided and a chapter was officially formed.

The *Madison College* chapter held its second meeting on November 18, 1970. It agreed to emphasize three points in its statements: 1. a definition of academic freedom in all its aspects; 2. means for retaining the competition of ideas and encouraging a representation of a spectrum of viewpoints on college campuses; 3. faculty ethics in relation to academic freedom and order. Professor Robert Lisle, Department of Classics, was elected chapter president as Professor Henry Myers had, in the meantime, been appointed UPAO state director for Virginia. The next meeting will be held on December 9.

The *Youngstown State University* chapter, which already has 22 paid-up members, held its formal meeting on November 24, 1970. Professor William O. Swan, Chairman, Department of Education, presided as campus representative, and UPAO regional director, Professor Robert E. Ward, was also present. The speaker was the national president, Dr. Z. Michael Szaz, who informed the meeting of the activities of the national office. The next meeting of the chapter has been set for December 4. Dr. Szaz, through the efforts of the chapter, also appeared on the Danny Jones TV talk show on November 25, 1970 on Channel 33 (ABC) and was interviewed by all three local TV stations (ABC, NBC and CBS). He was also the featured guest on the Don Russell Show (three hours' duration) on WFMJ–AM on November 25 and on a similar show by Dan Reilly on the morning of November 27 at WBBW–AM radio.

The *University of Florida* (Gainesville) chapter is being organized and after their preliminary meeting on November 9 they approached the president of the University to ensure his good will before calling the first formal meeting. Professor Thomas O. Neff is acting as our representative.

A meeting of the *University of Southern California* chapter has been held early in November. Details will be reported as received.

The *University of Arkansas* (Fayetteville) chapter held its preliminary organizational meeting on November 24, 1971. Professor George P. Smith II from the Law School presided.

The *Fairleigh Dickinson University* chapter held two meetings, on October 28 and November 3, 1970. At the first meeting, the national president, Dr. Z. Michael Szaz, spoke on the purposes of UPAO. Dean Byron C. Lambert from the Rutherford campus presided, and UPAO regional director Dean Heinz Mackensen from the Teaneck campus was also present.

At *Catonsville Community College*, the first organizational meeting of UPAO took place on November 16, 1970. The national president, Dr. Z. Michael Szaz, spoke of the objectives of UPAO. Prof. John Z. Levay, Department of Psychology, presided as campus representative. Another meeting was set for early December to elect officers.

STATE AND REGIONAL NEWS

All State and Regional Directors have been asked to prepare for the election of representatives to the national meeting as prescribed in the Bylaws. Members will hear from them in areas where there are no chapters, or from their own chapter chairmen where a chapter already exists. There will be a representative for every ten members in the organization or fraction thereof in excess of ten.

A meeting of the campus representatives in the state of *Colorado* was held on November 17 in Denver, Colorado. It was called by regional director Professor William Stickler. The meeting agreed to emphasize the need for law and order with justice on the campus and the need for the academe to be nonpolitical. It also handled organizational details. Five universities and colleges were represented.

APPOINTMENT OF REGIONAL DIRECTORS

The Board of Directors, meeting on November 1, appointed the following members as Regional Directors. Region I (New York and New England): Professor Justus van der Kroef, University of Bridgeport; Region II (Mid-Atlantic States and Virginia): Professor William H. Roberts, Catholic University of America; Region III (Southeastern U.S.): Professor Alfred Mills, University of Miami; Region IV (Michigan, Ohio, Indiana, Illinois, West Virginia):

Professor Robert E. Ward, Youngstown State University; Region V (North Central States and Missouri and Kansas): Professor William Fleming, Ripon College; Region VI (Mississippi, Louisiana, Texas, Oklahoma): Professor Paul Hendershot, University of Mississippi; Region VI (Mountain States): Professor William Stickler, University of Denver; Region VIII (California, Arizona, Hawaii, Alaska): Professor Harold Koontz, University of California at Los Angeles.

APPOINTMENT OF THE NOMINATING COMMITTEE AND ITS MEETING

The Board of Directors, meeting on November 1, appointed the members of the Nominating Committee at the recommendation of the president. The chairman of the Nominating Committee is Professor John Fawcett, University of Mississippi, representing Region VI. Other members are: Professor Heinz Mackensen, Fairleigh Dickinson University; Professor Walter Jacobs, University of Maryland; Professor Richard Kreske, University of Miami; Professor George Overby, Youngstown State University; Professor Jerzy Hauptmann, Park College; Professor Libor Brom, University of Denver and Professor William Caldwell, University of Southern California. The Committee met at 3:00 P.M. on Saturday, November 21, by means of a telephone conference call for almost an hour. Professor Eliseo Vivas, Rockford College, Professor emeritus from Northwestern University, was nominated for President; Professors William H. Roberts, The Catholic University of America, and Charles A. Moser, George Washington University, for Vice President; and Dr. Z. Michael Szaz for Executive Director. Also nominated were three members of the Board of Directors for each of the eight regions. The slate of nominated officers and board members will be sent to the membership by January 3, 1971, in accordance with Bylaw provisions together with any nominations received under alternative procedures stated in the Bylaws, if any.

APPOINTMENT OF STATE DIRECTORS

The Board of Directors, meeting on November 1, also appointed a number of state directors. The list is as follows:

Alabama: Professor Herbert A. McCullough, Head, Department of Biology, Samford University, Birmingham, Alabama.

Arizona: Professor J. W. Stull, Department of Dairy and Food Sciences, University of Arizona, Tucson, Ariz.

Colorado: Professor Roy Colby, Department of Modern Languages, University of Northern Colorado, Greeley, Colorado.

Illinois: Professor Donald L. Kemmerer, Department of Economics, University of Illinois, Urbana, Illinois.

Ohio: Professor Keith McKean, Department of Religious Education, Youngstown State University, Youngstown, Ohio.

Virginia: Professor Henry Myers, Department of Political Science, Madison College, Harrisonburg, Virginia.

APPOINTMENT OF THE COMMITTEE ON ACADEMIC FREEDOM AND TENURE

The Board of Directors, meeting on November 1, also appointed the permanent Committee on Academic Freedom and Tenure. Its chairman (until January 31) will be Professor Eliseo Vivas, Rockford College. The following members were appointed as members of the Committee: Professor David Guinn, Baylor University; Professor O. Carlos Stoetzer, Fordham University; Professor Donald Kemmerer, University of Illinois; Professor Mary Susan Power, Arkansas State University; Professor Theodore Perros, George Washington University; and Professor Alistair McCrone, University of the Pacific.

APPOINTMENT OF COMMITTEE CHAIRMEN FOR THE NATIONAL MEETING

The Board of Directors' meeting on November 21 appointed the following members as national meeting chairmen of committees: Professor George P. Smith II, Committee on Academic Government; Professor Robert E. Ward, Committee on Accreditation; Professor Jerzy Hauptmann, Committee on University Teaching and Research; Professor Walter Jacobs, Committee on Professional and Economic Interests and Professor Mark A. Graubard, Higher Education and Federal and State Governments Committee.

NEWS ON THE FORTHCOMING NATIONAL MEETING

The meeting will start at 10:00 A.M. on Saturday, January 30, 1971 at the Hotel Embassy Row with a report of the outgoing President and the installation of the new President and officers. Afterwards, the plenary session will be recessed, and the afternoon will be reserved for committee meetings. There will be a reception and a dinner with a prominent speaker Saturday night. Sunday morning is reserved for religious observances and the plenary session will be resumed at 1:00 P.M. to hear committee reports and resolutions. There will be a meeting of the new Board of Directors following the end of the plenary session. For reservations and further details, please contact our national office, 3216 New Mexico Avenue, NW., Washington, D.C.

ATTENTION! PROSPECTIVE MEMBERS

In order to vote for chapter, city state or regional representatives, or in order to become a candidate for the above offices, you must have paid your dues by *December 18, 1970,* which means that they must be in the mail by *December 15, 1970*.

Attention! We welcome articles, news items and other contributions from our membership for the coming issues of *UNIVERSITAS*. All such material must be original, however.

CENTER OF AMERICAN LIVING CONFERENCE

Charles A. Moser, national secretary of UPAO, represented the organization and spoke briefly at a session on Anarchy on the Campus of the Emergency Leadership Conference at New York's Hotel Biltmore on November 17. The meeting was sponsored by the Center of American Living, Inc., under the chairmanship of Lady Malcolm Douglas-Hamilton. Dr. John Howard, president of Rockford College, presented the main address; Professor Howard Adelson of CCNY spoke on behalf of University Centers for Rational Alternatives. Representatives of many national organizations at the Leadership Conference were presented with concrete suggestions to combat problems of drugs, organized crime, pollution and pornography, in addition to campus anarchy.

BREAKDOWN IN OUR SYSTEM OF DEFENSE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. HELSTOSKI. Mr. Speaker, once again a diligent and dedicated newsman has called attention to a breakdown in our system of defense.

On this occasion it is Mr. Ted Lewis of the Daily News of New York City. Mr. Lewis, in his column Capitol Stuff appearing in the December 8 edition of the News, spells out clearly and strongly the inadequacy of our Federal Government communications system.

Is this inadequacy caused by indifference or stupidity? The answer to the question should be sought immediately by the Armed Services Committees of the two bodies of Congress.

And, in obtaining the answer, members of the committees should force the Department of Defense, and all other agencies of Government to take prompt steps to correct the situation set forth by Mr. Lewis.

I do not expect it will take the enactment of laws to bring about correction. Just some knocking of executive department heads together to rouse the responsible people from their slumbers and get them to work in setting up a reliable and foolproof communications system.

Mr. Lewis' column follows:

COMMUNICATIONS STILL FOULED UP 29 YEARS LATER

(By Ted Lewis)

WASHINGTON, December 7.—The reports released by the White House today showing the communications snafus in the Soviet defector incident off Martha's Vineyard raise a question of far greater importance to national security than a muffed chance to free one man seeking asylum.

The question should be put angrily: Why in hell should a government establishment with the best communications system in the world remain fouled up so that 29 years after Pearl Harbor it still operates in this horrible bureaucratic malfunctioning way?

Consider this inquiry in its dimensions as it relates to the nuclear war threat. As President Nixon said in mid-1969, "When a war can be decided in 20 minutes, the nation that is behind will have no time to catch up."

The nation that is behind has to be the nation with a communications and intelligence system that is unable to get the facts through to the proper command posts in time.

Yet that lesson should have been learned in the series of investigations into the Pearl Harbor sneak attack of 29 years ago today. But it hasn't been learned. Otherwise, the Soviet defector incident wouldn't be on the conscience of the nation today.

Consider simply one phase of the Martha's Vineyard case—the effort of the Coast Guard to contact the State Department for instructions. The chief of the intelligence staff of the Coast Guard here in Washington contacted the Coast Guard officer in the science and technology office in the State Department about who should be contacted. The reply was the office of security, and the office of security said the proper office to be contacted for instructions was that of Soviet Union affairs. And on and on—while hours passed in trying to get through the bureaucratic maze.

Way back in July 1969, a House subcommittee which investigated the loss of the spy ship Pueblo came up with the unanimous finding:

"The inquiry reveals the existence of a vast and complex military structure capable of acquiring almost infinite amounts of information but with a demonstrated inability to relay this information in a timely and comprehensible fashion to those charged with the responsibility for making decisions."

And it was pointed out at that time that a month before the Pueblo was seized in January 1968, there was a serious communications lapse—a warning from the National Security Agency (intelligence) that the Pueblo might be seized by North Koreans never reached the responsible Navy authorities.

What good is a communication-intelligence system that costs the taxpayer far more than a billion dollars annually if it cannot work in a pinch—in a crisis? Or more to the point, when is the federal establishment ever going to straighten out the whole mess?

Why, for example, wasn't something drastic done to halt the malfunctioning back in the summer of 1967?

Think of it—six months before the Pueblo seizure, the defense communications network tragically failed, and as a result the spy ship Liberty, off the Gaza Strip, was strafed by Israeli planes with the loss of 34 American lives.

The morning before the attack a message was sent from Washington to the Liberty ordering the vessel to move farther out to sea because of the danger of attack during the six day war between Israel and the U.A.R. The message was misrouted, was not received on the Liberty until after the attack.

SECRECY TRAPPED MARSHALL'S WARNING

That snafu occurred 26 years after Pearl Harbor, the most glaring and tragic instance in our history of bureaucratic communications bungling.

The friendly biographer of Gen. George C. Marshall, Forrest S. Pogue, refers in his book on that Marshall period to how the War Department "bumbled on the threshold of war" in the communications area.

On the morning of Dec. 7, 1941, Marshall, as chief of staff, had penned his war alert message to the Hawaii comanders warning of a Japanese ultimatum at 1 p.m.

"The super-secrecy surrounding the magic intercepts (our code-breaking system) had served well to conceal the fact that the United States had broken the Japanese code," wrote Marshall's biographer. "That same elaborate secrecy now prevented rapid transmission of vital information."

The warning thus was delayed in transmission. Then it was found out that the Army signal system was unable to contact Hawaii "at the moment" and so "it was necessary to use commercial telegraph." Thus the warning to Pearl Harbor did not reach our commanders before the Japanese struck.

It would seem logical that even bureaucrats, in and out of the defense establishment, would have considered the Pearl Harbor experience sufficient incentive to establish a properly functioning communications system. They clearly didn't, or the Liberty and Pueblo incidents would not have occurred the way they did.

Reflect a bit on what the House subcommittee in 1969 concluded in the Pueblo case, in connection with Nixon's warning about being a few minutes behind in event of a nuclear war.

The inquiring group said that because of "the failure of responsible authorities at the seat of government to either delegate responsibility or in the alternative provide clear and unequivocal guidelines governing policy in emergency situations—our military command structure is now simply unable to meet the emergency criterion outlined and suggested by the President himself."

H.R. 18679—THE "PRACTICAL VALUE" OMNIBUS BILL

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. HOLIFIELD. Mr. Speaker, at noon on December 3, 1970, there was placed on the desk of the Speaker of the House H.R. 18679, as passed by the Senate during the afternoon of the preceding day. Minutes later, I recommended on the floor of the House that the Senate version be concurred in. There was no objection, and the bill, as passed by the Senate, was thereafter approved by the House.

In my accompanying remarks in the House, I pointed out that section 11 of H.R. 18679 had been deleted from the bill by virtue of an amendment proposed by Senator PASTORE, the vice chairman of the Joint Committee on Atomic Energy, and I stated that this action by Senator PASTORE was taken with my acquiescence as chairman of the Joint Committee. I made several other pertinent observations which I should like to repeat—these appear on page 39818 of the CONGRESSIONAL RECORD of December 3, 1970:

Section 11 merely emphasized that the uniquely expert consultative services of the National Academy of Sciences and the National Council on Radiation Protection and Measurements should continue to be utilized, as presently contemplated by subsection 274h. of the Atomic Energy Act of 1954, as amended, in connection with the formulation of basic radiation protection standards pertinent to the health and safety aspects of exposure to radioactivity resulting from the development, use, or control of atomic energy. Section 11, however, stressed that these services should be applied on a continuing and comprehensive basis, rather than—as heretofore—infrequently or from time to time. Section 11 further stressed that the scientific findings and advice provided by these preeminent scientific bodies were to be widely disseminated.

Section 11 would not have presented the new Environmental Protection Agency or any Government agencies from consulting with and seeking the advice of any other outside experts they might select. Section 11, in no way, inhibited the furnishing of scientific advice. It supported it.

Futhermore, section 11 did not provide for the setting of standards by the National Academy of Sciences or the National Council on Radiation Protection and Measurements. Responsibility for setting standards would have continued to remain in the Executive—and in the hands of the Environmental Protection Agency, as desired by the President.

One further point should be registered. Section 11 did not add as a new requirement that the Joint Committee on Atomic Energy receive reports respecting the setting of standards pertinent to radioactivity resulting from the development, use or control of atomic energy. This requirement has been legally applicable for many years; it is contained in section 202 of the Atomic Energy Act of 1954, as amended.

In short, section 11 would not have interfered with the prerogatives of the President or the functions of the Environmental Protection Agency.

Nevertheless, as a courtesy to the new Environmental Protection Agency, I now urge the House to agree to the deletion of section 11 from H.R. 18679—not because the provisions are not worthwhile or are not fully in the public interest—but simply to give the new Environmental Protection Agency a reasonable period of time in which to become organized and—without the need of explicit statutory directions—to proceed under its present authorities, including the authority in present subsection 274h. of the Atomic Energy Act, to carry out the objectives of section 11.

I also inserted in the RECORD a letter I had written earlier that day to William D. Ruckelshaus, the Administrator of the Environmental Protection Agency, which reads as follows:

DECEMBER 3, 1970.

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: Congratulations on your favorable reception by the Senate Committee on Public Works and on the Senate's speedy confirmation of your nomination.

Yesterday afternoon, in the Senate, Senator Pastore proposed an amendment to delete Section 11 from H.R. 18679. As you know, this Section would have revised the provisions of subsection 274h. of the Atomic Energy Act. H.R. 18679, as thus amended, was then passed by the Senate.

As Senator Pastore stated in his presentation of the amendment, I had acquiesced in the judgment to delete the proposed revision to subsection 274 h. The amended version of H.R. 18679 will be considered in the House very soon, perhaps even later today, and I will support and urge the House to approve the amended version of H.R. 18679 which was passed by the Senate.

The deletion of Section 11 is really a courtesy to you and your Agency. I hope the contents of Section 11, the pertinent portion of the Joint Committee's report accompanying H.R. 18679, and my explanation to you of the Committee's underlying purpose will, in practical effect, remain tantamount to a word to the wise. I am also writing to the Director of the Office of Management and Budget to urge that he help assure the budgeting and allocation of sufficient funds to enable the consummation in the near future of the broadly-scoped arrangements contemplated by Section 11.

You are aware that the FRC has existing agreements with the National Academy of Sciences and the National Council on Radiation Protection and Measurements. The Committee is deeply concerned that expert scientific advice on the problem of radiation tolerance should be secured on a continuing and comprehensive basis, and it knows of no better or more credible expert sources than these two distinguished scientific bodies.

As soon as reasonably practicable after the Agency is sufficiently organized, please advise this Committee if there appear to be any problems that could interfere with the initiation of such arrangements with the National Academy of Sciences and the National Council on Radiation Protection and Measurements. Also, as a general matter and in accordance with the responsibilities provided for in Section 202 of the Atomic Energy Act, I request that the Agency keep the Joint Committee fully informed, on a reasonably current basis, of significant events and activities pertaining to atomic energy.

This Committee wishes the Agency, under your leadership, great success in its efforts toward fulfillment of its important mission to protect the environment. With respect to atomic energy fields, this Committee stands ready to assist and cooperate in every reasonable way.

Sincerely,
CHET HOLIFIELD, *Chairman.*

The following day, on December 4, I wrote the following letter to George P. Shultz, Director of the Office of Management and Budget:

DECEMBER 4, 1970.

Hon. GEORGE P. SCHULTZ,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. SHULTZ: The enclosed copy of my letter to Mr. Ruckelshaus summarizes the legislative posture of H.R. 18679 as of yesterday morning. After I signed the letter, the House passed H.R. 18679 as amended by the Senate.

I hope you will counsel the President to sign the bill. The revisions to the Atomic Energy Act which the bill will effect are clearly in the public interest.

With respect to the comprehensive arrangements with the National Academy of Sciences and the National Council on Radiation Protection and Measurements contemplated by Section 11 of the bill, which we have deleted, I believe these arrangements can be consummated under EPA's present authorities, including the authority in subsection 274 h. of the Atomic Energy Act. I urge you to help assure that the relatively modest sums which are needed to support the yearly costs that these comprehensive scientific efforts would entail are budgeted and made available to the EPA.

Public confidence in Federal standards or guides for radiation exposure ceilings can only be firmly established on the basis of scientific information and advice from the most creditable expert bodies. I believe public confidence, so soundly based, is imperative if the nuclear industry and civilian nuclear power are to survive.

Your cooperation will be greatly appreciated by the Joint Committee.

Sincerely yours,
CHET HOLIFIELD, *Chairman.*

From a substantive standpoint, the foregoing is a full and accurate account of the recent Congressional action on H.R. 18679, and of the deletion of section 11 and the present posture of the effect of this deletion.

SIX NEW HAMPSHIRE SKIERS TO REPRESENT AMERICA IN INTERNATIONAL COMPETITION

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Wednesday, December 9, 1970

Mr. COTTON. Mr. President, those of us who hail from the areas of the country where the snows of winter are both expected and welcome took particular note this week of the annual selection of the United States Ski Association team which will represent America in international competition.

I take pride and pleasure in pointing out to Congress that six New Hampshire skiers have earned places on the United States alpine and Nordic teams this year.

The 21-member alpine team will open competition at the World Cup downhill races at Sestriere, Italy, next Saturday and at Val d'Isere, France, December 16–20.

The Nordic team, with 25 skiers, will begin jumping competition December 26 at the international meet at St. Moritz, Switzerland.

The New Hampshire skiers on the alpine team are Steve Lathrop, Amherst, and Tyler Palmer, Kearsarge.

Those on the Nordic team are Bruce Jennings, Canaan; Teyck Weed and Charles Kellogg, both Hanover, and Peter Davis, Henniker.

It is to be expected that I, as a Senator from New Hampshire, would focus attention on these outstanding New Hampshire athletes. However, I also extend my warm congratulations and best wishes for success to the 40 other young men and women from all parts of the country whose skills and demanding physical training have qualified them to represent our Nation in the highly competitive international skiing field.

OKLAHOMA CITY FIRM OF BENHAM-BLAIR IN ITS 61ST YEAR

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. JARMAN. Mr. Speaker, I take this opportunity to call to the attention of my colleagues the fact that the architectural engineering firm of Benham-Blair and Affiliates of Oklahoma City is in its 61st year of professional services. The success of this fine firm is a testimonial to the free enterprise system upon which this country was founded.

In 1906 Webster L. Benham, a young civil engineer fresh out of Columbia University, came to Oklahoma Territory for a short visit with relatives. He found the excitement of the new frontier to his liking and the short visit turned into a lifelong residence.

For the first couple of years, Mr. Benham served as assistant city engineer for the booming city of Oklahoma City and its more than 60,000 residents. He also taught civil engineering at Epworth University which is now Oklahoma City University.

In 1909 he opened his own office for the private practice of engineering. It is highly unlikely he realized he was establishing a firm, which in its 61st year would have offices from coast to coast with a staff of specialists offering a broad range of services in the architectural and engineering fields. There is hardly a city or town in Oklahoma that has not retained his firm's services for one or more projects as have many cities in other states.

Municipal civil engineering was the field which Webster Benham liked best and it was in this direction that the firm's efforts were concentrated throughout most of his life and until his death in 1952.

At that point, David B. Benham, the middle son who had joined the firm as a junior engineer in 1946, took over the reins. Although he, too, was a civil engineer, it was his feeling that the firm had to diversify if it was to meet the challenge of a world in which technical and scientific knowledge were growing so rapidly as to make almost every major project a complex problem requiring many disciplines.

In 1956 an architectural division was established for the first time with Bill J. Blair as the principal architect, and in 1964 Benham Engineering Co. became

Benham-Blair & Affiliates, architects-engineers-consultant.

In addition to this diversification, David Benham came to the conclusion that the firm should also broaden its base geographically. The first step in this direction was taken in 1960 with the establishment of an affiliated office in Phoenix, Ariz. Next came the Los Angeles affiliate, followed by offices in Little Rock, Ark.; Jackson, Miss.; Miami and Fort Lauderdale, Fla.; Washington, D.C.; and Houston, Tex.

Recognizing the value of the computer to an architectural engineering firm, in 1962 Benham-Blair & Affiliates established a computer division with a full-time director of computer operations. By early 1967 the firm's computer usage had grown to the point that a new million-dollar computer complex was being installed. In October 1967 a separate computer time-sharing company—Academy Computing Corp.—was established. Since then ACC has completed the installation of even larger computer complexes in Houston, Tex. and Palo Alto, Calif., and the computer firm has become a public company. This foresighted decision to establish a computer division has profoundly affected the firm and its growth and will continue to do so in the future.

I congratulate this outstanding organization on its many years of service and the fine contribution it has made to Oklahoma and the Nation in the field of architecture and engineering.

AMERICANS IN ACTION

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. GOLDWATER. Mr. Speaker, as all of us know, during recent months southern California has been plagued by numerous fires and soon our area will again be subjected to devastating floods that destroy thousands of homes and cost millions and millions of dollars in damages.

I am pleased to note the great interest that private enterprise and private groups have taken in trying to help those individuals who have suffered so much from these devastating and tragic fires and floods.

Several years ago, during a terrible flood in Ventura and Santa Barbara Counties, Governor Reagan called upon the contractor's association, along with the various local union groups, to assist those people who were affected by this tragedy. The contractors and workers promptly moved in with bulldozers to aid the local people. During the recent fires, private individuals also took the initiative to help their friends in trouble. As an example, the R. & D. Development Co. in Woodland Hills donated over 100 apartments to victims of the fires that had lost their homes; they gave them the apartments free for 30 days. This is a classic example of how private groups, individuals, and businesses can and do solve their own problems in a compassionate and unselfish manner. I believe that it is important for us, in Congress, to salute these fine nonbureaucratic efforts and bring attention to them. This is another fine example of Americans in action.

EDUCATION LEGISLATION FOR THE SEVENTIES

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. QUIE. Mr. Speaker, Secretary Richardson gave a forward-looking address to the Council of Chief State School Officers in Miami Beach on November 16 on the educational goals of this administration.

He proposed a simplification of education authorization legislation and a consolidation of programs for research, reform, and educational development. Current education legislation is a hodgepodge of categorical programs enacted to meet specific needs. The time has come to simplify and consolidate various authorities.

The Secretary proposes the simplification of over 100 programs into the Educational Assistance Act of 1972 with five main areas: vocational education, impacted aid, programs for the disadvantaged, programs for the handicapped, and support services. He recommends the block grant approach through States having to develop plans approved by the Office of Education.

The Educational Renewal Act of 1972 would consolidate current authorities for research, demonstration projects, and educational development.

I have worked for passage of legislation along these lines for several years and am happy to see the Secretary propose this simplification and consolidation. I urge my colleagues to give the Secretary's speech their attention and support.

The speech follows:

AN ADDRESS BY THE HONORABLE ELLIOT L. RICHARDSON

A few hours after I accepted my new assignment at HEW my mind began turning to the question how soon I could reestablish communications with your organization and the other important groups in the fields of education, health and welfare.

Don Dafoe, Forrest Conner and Sam Lambert have been good enough to talk with me. That meeting, others we have had in Washington, and this gathering today evidence the mutuality of interest and interdependence of the Federal and State governments in the area of education. Sound working relationships between us have always been essential under our decentralized educational system. They will be in the future.

The President, in March of this year, expressed the future this way:

"The diversity and freedom of education in this Nation, founded on local administration and State responsibility, must prevail."

There is one key, I believe, to the successful practice of diversity in our common educational enterprise. George Canning, British Foreign Secretary and Prime Minister of the nineteenth century, hit upon it. He did not, however, appreciate its worth. He wrote:

"Of all plagues, good Heaven, thy wrath can send, Save me, oh save me, from the candid friend."

I do *not* agree with Canning: I *believe* in candid friends. I hope you will consider me—and my Federal colleagues, too—candid friends. I hope you will be the same to us. Candor and the recognition of mutual interests that is the basis of friendship are imperative in a decentralized education system such as ours. I propose that we act toward one another as candid friends.

Let's take an example of how this might work. In candor, you might say to me that an educational system founded on local administration and State responsibility should *not* involve a lot of controls and restrictions on the use of Federal dollars.

To this I agree. I believe that Federal dollars should be spent according to needs of the State where they are sent as those needs are seen by the people who live there.

Then, in the same candid and friendly spirit, you would point out to me the multitude of rules and regulations that bind you in your efforts to use Federal dollars to improve the education system of your State. You could even mention a pair of new ones upon which the ink of Ted Bell's signature is hardly dry . . . "comparability" and "mandated parental involvement."

In the same candid and friendly spirit I would respond this way. I do not yet know of a State that has managed to do without rules governing the use of its own State education funds. In dealing with dozens and sometimes hundreds of school districts, you almost inevitably meet the local administrator who sees an issue in a different way.

Whether his way is right or wrong is not the question. It's what you understand the Legislature commanded. You must meet your stewardship responsibility. Hence you have rules and they must apply to all. So must we for—again, in candor and friendliness—almost inevitably someone here sees a matter a different way from the majority. And we, too, must meet our stewardship responsibility.

Let me assure you, though, that I believe that we in HEW must minimize rules and regulations that restrict State and local prerogatives, adopt them only in the face of manifest need, and do away with them when the need no longer exists.

THE SIMPLIFICATION OF FEDERAL EDUCATION PROGRAMS

Let me tell you what we hope to accomplish in this problem area.

We intend to develop a plan which would involve a top to bottom overhaul of the Federal legislation from which our Federal education programs derive. If we can hammer out such a plan and win its adoption, you and the whole educational community will be better off, at least as far as the impact of Federal dollars is concerned.

At present, I believe, there are well over a hundred different programs in the Office of Education alone. They are authorized under a long list of laws enacted over many years. Our education legislation is strong and intelligent, but disorderly. For example, twenty programs concern the disadvantaged. They are managed, I am told, under fifteen sets of guidelines.

The Congress did make some improvements just this last spring, and we infer from this that there is some sympathy in the Legislative Branch for the plight of the administrators who must live with this patchwork I don't know who should get the most sympathy—local education people, State education people or the people in the Federal Office of Education, but it would take a lot of sympathy to cover all the men and women who need it.

Both the Congressional staff people and ourselves share the hope that we can make the most effective use of every Federal dollar invested in education. This patchwork of laws, we believe, actually obstructs effective use of Federal funds, and we have the duty to propose a plan to change this situation.

Let me outline, simply for discussion, one possible way of proceeding: First, we might consolidate—into one legislative act—all education programs that lend financial support in operating and maintaining the current educational efforts for elementary and secondary schools. This legislation could be called "The Education Assistance Act of 1972."

Second, we might consolidate all programs of educational research, reform, professional development, experimentation and demonstration into one act which could be entitled, "The Educational Renewal Act of 1972."

Such a procedure would be limited in its effect to elementary and secondary education. Higher education legislation would be treated separately.

The Assistance Act would emphasize block grants to the States with broad discretionary powers to use Federal funds in five major areas:

First, vocational education; second, impacted aid; third, assistance for the education of children of low income families and the disadvantaged; fourth, assistance for the education of the handicapped; and fifth, educational support services such as strengthening State educational agencies, assistance to libraries and educational technology and so forth.

We would do away with the highly prescriptive provisions, the rules and the regulations of the multitude of titles and subsections of the statutes we now administer.

We would ask each State to submit a comprehensive plan on how the State would allocate Federal monies in each of the five broad areas. The money would flow by block grant through the State and, according to its plan, to the local school districts. The State would have broad discretion in the formulation of the plan to meet its needs as those needs—as I said earlier in this talk—are seen by the people who live in the State. The State plan would not be boiler plate; its formulation would not be the mechanical compliance with Federal standards. Rather, each State plan and its formulation would be a unique response to the special problems of that State. It would be a real *plan*—a design for action.

We would ask that the plan be "goal-oriented," that is, geared to what would be accomplished with the Federal dollars. We would ask you to tell us in advance what changes would occur and what benefits would accrue rather than just where you want to send the Federal dollars.

With this "goal-oriented funding" approach, with skillful and thorough evaluation processes, with a minimum of rules, regulations, titles, and programs, and with a heavy emphasis on local and State discretion to use Federal dollars to solve local and State problems in the five block grant areas . . . with all of these, we believe we would have an administrative system that will achieve the optimum effectiveness in the use of Federal dollars.

There are other possible approaches to simplification, and many problems, yet to be solved, with the course I have outlined. But this is the direction in which we must move. And, having a clear understanding of our goal, we hope to be able to inform you of rapid progress towards it.

Now, while candor is the watchword, let me touch on other topics in which we have strong mutual interests.

STRENGTHENING STATE EDUCATION AGENCIES

The keen interest expressed by members of your organization and the interest of the U.S. Office of Education have been most persuasive in convincing me that State departments of education are essential working units in the Federal education structure.

We intend to help your departments to continue the high priority planning and evaluation functions which you have recently begun. In addition, we shall aid you as you begin working with local educational agencies in your States to build a strong foundation for planning and evaluation. This way we can all be more responsive to the call for accountability and better management in education.

If we are to solve many of the educational problems facing our country many of the initiatives must flow from strong State education agencies. This is an area in which a new and vital federalism can be particularly effective.

COMPENSATORY EDUCATION AND THE POVERTY CYCLE

My new role in the Administration constantly brings me face to face with the difficult and seemingly insoluble problems of the poor and the disadvantaged. How can we break the cycle of poverty in which hundreds of thousands of American families are trapped?

Our health programs are valuable and humane. They can reduce the crippling disabilities which fall so heavily on all Americans, but devastate the poor. But they cannot by themselves solve the entire generation-to-generation poverty problem.

In the field of welfare you know of the President's proposed Family Assistance Plan to replace the current welfare system. This, I hope, will go a long way toward breaking the poverty cycle.

But education also has an integral role in this national task.

Our compensatory education programs, though often criticized, have accomplished much. Some of the funds have supplanted instead of supplemented local and State funds. That is wrong and must be fixed. Some of the administration was faulty, and that is easier to understand than to condone. We know we must improve our stewardship.

By and large, however, I believe these funds have done good work. The learning curve on how to do the job of compensatory education—a job never before attempted on such a scale—is sharply up. Our additional work on dropout prevention, our work on providing aid for post-secondary students, our vocational programs and our continuing education programs have all been helpful.

Every educator knows first hand of the penalizing educational effects of poverty. You know too the statistics that quantify the obvious—for example, that over 40 percent of children with fathers having less than 8 years in school and annual incomes of less than $3000 were reported in one study a year or more behind their proper grade levels. Another study showed that the achievement test scores of ninth graders with grade school fathers were about half of those with college fathers.

But the poverty cycle persists. So must the question: is there more that educators can do?

Consider for a moment the fact that in 1971 a boy and a girl who are caught in the poverty cycle can leave a high school and together establish a family. By 1972 they could be three. By 1977 or 1978 that third little citizen will be a potential client of a school district in your State, and probably in need of compensatory education.

In any group of educators it is interesting to listen to the number of times "the students" are referred to. But let me ask if those two young parents are not as important clients of our educational system as "the students?" Indeed, they may be doubly important. First, as parents of a child . . . probably a disadvantaged one . . . with whom you will have to cope in six or seven years. Second, as the creators of a home environment which can advance or retard the entire efforts of your system—teachers, buildings, dollars and all the rest. Can educators afford to lose interest in this young couple?

Our educational research data strongly suggest that in order to raise the average quality of educational product of a given school, we should introduce into that school a greater concentration of pupils from homes where learning is respected and encouraged. We know that the solution of the problems of giving quality education to children in formerly segregated areas are not solved by the establishment of desegregated school systems alone. Indeed, it only brings us up to the starting line.

Our efforts in desegregation—and I want to talk more about those efforts in a few minutes—will in a few years probably produce most of the education benefits we can reasonably hope to achieve by the desegregation route.

The children from families where learning is encouraged will be more widely dispersed. And this will help to raise the educational level of thousands of disadvantaged boys and girls. But like you, I am a person schooled in the American philosophy that cutting up the pie into thinner and thinner slices is always less desirable than making a bigger pie. Therefore I ask, "Should not educators try harder to increase the number of homes that encourage learning as the next big effort to help break the cycle of poverty through educational means?"

Is it not in the educator's self interest to minimize, if possible, the number of educationally deprived children of 1978 and 1980? Can educators, perhaps working in close concert with other specialists in the community, help turn an educationally deprived home into one that encourages and supports learning achievement—that will add to rather than detract from the future quality of life in the community? I am sure this wonderful transformation happens spontaneously in thousands of homes each year. Can we find out how to make it happen deliberately so the children of a newly enlightened home can in their turn provide the magic catalytic effect to other disadvantaged children when they go to school each day?

Research on the effectiveness of "Sesame Street"—a program which the Office of Education had a major role in creating and supporting—points to the potential. Children who watched most and learned most tended to have mothers who watched the show with them and who often talked with them about it. Perhaps our slogan for the 1970's should be, "Each living room a school room."

The men and women who work in compensatory education hardly need a new challenge. They tell us with sincerity and quite accurately that their objective is to work themselves out of a job. Here perhaps is a way to accelerate progress to that objective—to do it in one decade, perhaps, instead of two, or more.

A big job? Difficult? Yes, but are not our educational systems in this nation filled with able people who, if given leadership, turn to big and difficult jobs with enthusiasm?

DESEGREGATION—THE 1970 ACCOMPLISHMENT

Let me turn again to desegregation, an area that has been marked by turmoil, disagreement and, often, hostility. It is not my purpose to review the negative aspects of the desegregation story but to draw your attention and perhaps the attention of others to the recent positive and human side of the story.

With the *Brown* decision of nearly 16 years ago we began the slow process of change. In its decision in the *Green* case in 1968, the Supreme Court accelerated the process by, in effect, ruling out "freedom of choice." Last year, in Holmes vs. Alexander, the Court said, "Now."

Today of the approximately 2700 school districts in the 11 Southern States, more than 97 percent have desegregated. All but 76 districts have converted to a unitary system, and almost 700 school districts have changed this school year. In a 3 month period of 1970 we have moved from having less than 28% of the South's black school children in desegregated school districts to over 90%.

Without in any way suggesting that we have reached the end of the effort, or that we are not much later than we should be in reaching this point, let me pay tribute to the many thousands of individuals who have made the recent giant step forward possible in the practical sense of the word.

Many of the districts that have taken the step this Fall are those where community reluctance, if not community resistance, has been strongest. The fact that these changes have come, and come peacefully, is to the credit of all—parents and children, black and white. In thousands of homes, there have been earnest and agonizing conversations between parents and children of all races about the personal impact of the changes. I believe that it is to the credit of these families that the overwhelming result of these conversations has been the conclusion, "Let's make it work."

A long chain of such decisions has contributed to the success that has been achieved. In each State the chain has led from the home back through the community and through the entire school system. The classroom teachers have been a key part of this chain. Thousands have been transferred into new surroundings from schools where they have served comfortably for years. They have met face to face the resistance to change that is part of all of us but, somehow, is often peculiarly strong in children. They have absorbed and dampened expressions of hostility and even incipient violence from the most intransigent. With dedication and imagination they have eased the friction and abrasion inevitable in the thousands upon thousands of new and unfamiliar human contacts which have been part of this whole effort.

School principals and school administrators have provided the on-the-spot leadership, the planning, the organizing and problem-solving skills so vital in the process of change. My education colleagues like Ted Bell have reminded me that, under ordinary circumstances, simply changing a school's boundaries or changing a single transportation route or a curriculum can unleash a host of problems in relations with students and their parents. To have done all of these things and more on the massive scale of this Fall, and to have done it with a minimum of upset, was a remarkable job.

If schools of education were ever to use the case study method to the same extent that law and business schools do, I am sure the story of what these principles and district superintendents did last summer would produce dozens of fascinating cases to use in the training of future leaders in school administration. Of course, a few might drop out at the very thought of how difficult school administration can be.

But with all this effort by so many dedicated and resourceful people, the real job of making desegregated education as good as we want it to be is barely begun. The cost of change is high. The bill has yet to be totalled, much less paid.

We think the part of the cost that reasonably should come out of Federal funds in this year is $425 million. Next year, a billion dollars.

The Emergency School Assistance money that was appropriated by the Congress last summer should be used well. The $64 million available to school districts has been spent on teacher preparation programs, on curriculum revision, and special programs to help pupils, and on worthwhile community programs. But racial isolation and related educational disadvantages are deeply rooted—and not just in the South. We know that compliance on paper, too often, is not compliance in fact. For these reasons we will continue to work for equal education opportunity—regardless of the region—in the same spirit, and we hope with the same success, that have characterized your efforts this year.

Hence emergency school assistance is a national job and merits the support of people from every State. I hope you gentlemen will accept this thesis and lend your own valuable support to the passage of the $425 million appropriation request that is now before the Congress.

Throughout the communities where these changes were wrought there were dozens of citizens who helped make the effort work—school board members, civil rights leaders, public officials, civic leaders, officers of the courts and of the law. They contributed to their community's decision to make this change and to make it smoothly.

The State advisory councils appointed by President Nixon and the education agencies in the affected States have made significant contributions to the success of this effort. The men in this room from the States concerned have provided outstanding leadership and organizing skill at the State level plus the practical school know-how that have made the difference between success and failure. A great contribution was pulling together the school people to meet with the group of Federal executives last spring and summer—the group which, I understand, was known with varying degrees of affection as "The Road Show." Knowing that the law required the Office of Education to make grants directly to the local education agencies under the Emergency School Assistance Program, we are particularly appreciative of the assistance you gave us in getting the funds allocated in record time.

Finally, I want to pay tribute to the Federal people who contributed so much to the Administration's school desegregation program. The group was drawn from quite a list of Federal offices including HEW's Office for Civil Rights, Office of General Counsel and Office of Education. The Justice Department was heavily involved. These men and women demonstrated how Federal people with a clear mandate and a dedication to diplomacy can mobilize men of goodwill in a wide area to make a good thing happen. This demonstration of skill and energy should raise doubts about the popular impression that the Federal government is a massive, immovable bureaucracy with molasses for blood and red tape for muscle.

DAVID D. DOWD, JR.

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. BOW. Mr. Speaker, I wish to join with many other officials, friends, neighbors, and constituents in complimenting David D. Dowd, Jr., of Canton, Ohio, who has been named Outstanding Prosecutor of the Year by his Ohio colleagues. It is an honor that is richly deserved, and I share the sentiments expressed in the following editorial from the Canton Repository:

TOP PROSECUTOR IN OHIO

There is always something uncommonly gratifying about the kind of honor that has come to Stark County Prosecutor David D. Dowd, Jr., who has been adjudged by his peers as Ohio's "Outstanding Prosecutor of the Year."

First of all, it confirms the good judgment of county voters who elected him. Secondly, it demonstrates rather impressively that the quality of one's work as a public official does not always go unnoticed.

In this case, Mr. Dowd was recognized in part for this service to the county and the state in development of the Stark County Metro Narcotic Squad, which has cracked down on users and pushers of illicit drugs.

He has made many other contributions in law enforcement because he is not satisfied to perform only the prescribed and ordinary functions of his office. When he sees a need for more aggressive action, he does not hesitate to become involved, as witness his efforts in behalf of several statewide committees dedicated to crime prevention.

We commend Mr. Dowd for having earned and won this award.

MISS JUANITA CASTRO SPEAKS BEFORE ANTI-COMMUNIST LEAGUES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. SCHMITZ. Mr. Speaker, at the recent convention of the World Anti-Communist League held in Japan, Miss Juanita Castro delivered a most excellent speech. Miss Castro is the sister of Fidel Castro, the Communist dictator of Cuba. Although active in the Cuban revolutionary movement from 1953 until her brother seized power Miss Castro fled her homeland in 1964 to actively work against her brother's terroristic regime.

Miss Castro makes many points in this address which have a direct bearing on today's events in the United States. She outlines how the Communists created a collective and individual fear of anticommunism in Cuba in order to eliminate those elements who were actively working against the Communists coming to power. We see this type of hysteria being whipped up today in our own Nation. The old shibboleth of "McCarthyism" is being dragged out again and brandished over any type of activity which might lead to the implementation of internal security laws necessary to control the elements bent on destruction of our society.

The Communist Party and its front and captive organizations are frightened. They see the possibility of the enactment of much needed legislation, and possible action in the field of judicial reform, which would severely limit their freedom of action to destroy our nation. They are fighting back by trying to equate legitimate protection of our citizens with "repression" or "fascism."

The rear warfare forces of the Soviet Union understand perfectly that with correctly perceived internal security measures in effect they cannot accomplish the mission assigned to them by the Soviet Politboro. They wish to cloud our perception and confuse the issues to the point where the necessary steps that must be taken to preserve individual freedom for the majority of Americans will not be taken.

Miss Castro also recalls that—

> The "liberals" and the "leftists" who join the Communists in their struggle for power are swept away, jailed, or executed, as soon as the Communists control the government of a country.

The Communist purging of temporary non-Communist allies has happened so often that one would think that by this time the leftists would have learned the lesson. Coalitions with Communists cost considerable.

The speech follows:

SPEECH DELIVERED BY MISS JUANITA CASTRO BEFORE "WORLD ANTI-COMMUNIST LEAGUE AND ASIAN PEOPLE'S ANTI-COMMUNIST LEAGUE," HELD IN TOKYO AND KYOTO, JAPAN, SEPTEMBER 15 TO 20, 1970

The story of what has happened in Cuba until the present is very long. Batista's dictatorship and Fidel's tyranny cover eighteen years. I'll endeavor to be as brief as possible in telling what I have witnessed during those long and dramatic years.

The politico military difficulties in Cuba began with the unjustifiable military coup of March 10, 1952. This was the original sin. This is the main cause of what is happening today. Batista's dictatorship spawned Fidel's Communist tyranny.

By March 10, 1952, Cuba had found the way to lay the foundation for an institutional order based on the 1940 Constitution; this was the same Constitution that Fidel promised to re-establish after the victory of the Revolution while he was still at the Sierra Maestra. This promise, which was one of the fundamental points of the revolutionary program that the Cuban people supported, was never fulfilled by Fidel, as he fulfilled none of his other promises.

After March 10, 1952, the majority of the political institutions, as well as the constitutional order, were disrupted. However, due to the productive ability of the Cuban people, workers, employers, professionals and technicians and their hard work, social progress continued despite the political mishaps. This means that before January 1949 the crisis in Cuba was eminently politico-military. It was not, as some have tried to make it appear, a socio-economic crisis.

On January 1959, a new era of hope and recovery began. The immense majority of the people believed that the great opportunity had arrived to organize Cuba by institutional means and start it on the path of true democracy, with its accommmpanying attributes of social justice for all and individual and collective freedom.

In the socio economic order, the majority wished for reform in the areas of national life that still lagged behind, so as to put them on a par with the general levels already attained and thus, begin a new phase of greater progress by means of social evolution, a more positive and advantageous means than subversion and violent revolution.

It is only fair to recognize that every section of society, from laborers to businessmen and professionals, were ready to play their part unselfishly. Fidel had his great opportunity within his grasp and rejected it for submission to a historically bankrupt system, Marxism-Leninism, and to its disreputable agents in Cuba, the "Old Guard" of opportunists in the Communist Party. To do this, Fidel revived Red mummies who had not made one single sacrifice during the Cuban Revolution and who had participated in every political fix in the country and allied themselves with every dictator or tyrant who happened to be in power, among them, Batista himself.

On the other hand, the true revolutionaries and fighters were relegated and eliminated periodically.

Those who rule Cuba today are not the ones who fought on the mountains and in the cities, but opportunistic agents of Soviet Imperialism who contributed absolutely nothing to the victory of the original Revolution.

Before Socialist Communism was established in Cuba, Cuban workers had, among other rights guaranteed by the 1940 Constitution: a minimum workday; a progressive work schedule; the right not to be dismissed arbitrarily from their jobs, retirement and social insurance; yearly vacations with pay; sick leave; maternity benefits; maternity leave; per diems and compensation for industrial accidents; medical assistance; hospitalization; payment during vacations or leaves of absence; seniority; arbitration commissions that dealt in labor conflicts; labor representation before official, autonomic, and private organizations, right to administrative appeal; right to file labor claims; payment for overtime; the right to freely organize unions, federations, and confederations; automatic pay raises; and the right to strike.

The labor laws that protected Cuban workers were about the most advanced in Latin America, as proven by those who have studied and observed them, and those whose minds are not biased by ideological sectarianism.

What Cuba needed was to increase and extend its development and the essential techniques to reach higher and fuller goals which would have eliminated periods of unemployment, particularly in the rural areas where, due to the predominantly agricultural economy of Latin American countries, there exists a lack of sources of permanent employment. This lack should be met with the creation of more industrial enterprises in agriculture and in cattle raising, and with the reforms adequate for social evolution.

Cuba—before Communism—was like a painting that lacked only the final strokes. Among these final strokes were political and administrative honesty, respect for the Constitution of the Republic; and raising the standard of living of the rural and urban minorities that lagged behind the majority of the population. In truth, it was neither a perfect country nor a paradise, it would be demagoguery to say so since nothing human is perfect.

Human works can aspire to create higher levels of well-being and happiness, both individual and collective, but never perfection. Whoever promises perfection and an earthly paradise is deceiving his fellowmen. However, a higher level can be reached in the economic, social and political areas.

Nevertheless, the betrayal of the present rulers has surrendered the Cuban people, through force and deceit, to the worst of all politico-economic systems, as is Marxism-Leninism when it is put into practice. Life under this ruthless system is about the worst ever known to mankind.

Cuba has had the misfortune of going from one tyranny to the other. For this reason, the great majority of the Cuban people fervently hope for a better future that can never be similar *to either the past or the present*. Our solution should be *something new and different*. This solution will be reached only if we look to the future.

Since Marxism-Leninism was established in Cuba the Cuban peasant has lost whatever land he owned, and those who owned none, the hope of ever owning any land under the Socialist-Communism regime.

Cuban parents have lost their right to educate their children in the school and religion of their choice. Parents cannot exercise custody of their children. Children are forced by the Communist Party to obey only the State, not their parents.

Professors cannot exercise academic freedom or teach their subjects in accordance with strictly scientific curricula. Many capable teachers have been expelled from the Universities, Secondary Schools, Elementary Schools, Technical Schools, because they refused to submit to the arbitrary order of the Communist Party.

Study curricula have been altered to adapt them to the low academic level demanded by the Communist Party to be able to graduate elements pliable to Communism.

Universities and all other teaching establishments and institutions are militarized.

Professors cannot exercise authority. The Communist Party is the sole ruler of the universities and all other institutions of learning by means of terror and the force of arms.

Students are not allowed to study and hold objective debates on the academic texts required for the training and thorough knowledge of a profession. The textbooks for Marxist-Leninist indoctrination that have taken the place of those previously freely chosen by the faculty, are placed above any training for a profession or trade. The students are forced to study for the profession or trade determined by the Communist Party, and are allowed to graduate only when they can recite by heart the Marxist-Leninist textbooks that are of far more importance in a Socialist Communist State than the subjects pertaining to any profession. The Communist Party is far more interested in training "Communists" than good professionals; therefore, honest professionals and technicians have been removed from their positions when they refused to accept Communist tyranny.

Other consequences of the Communist regime endured by Cuba are these:

The Cuban people lost their freedom, their independence and their sovereignty; the Cuban people lost the right to freely elect their government; the Cuban people lost their right to practice the religion of their choice; the Cuban people lost the right to better themselves and to raise their standard of living, under Communism they have no satisfactory future; the Cuban people lost their peace and happiness; the Cuban people are enslaved by international Communism and State totalitarianism.

From all this we can learn a dramatic lesson: the Marxist-Leninist system, State Communism, will never be able to raise a country's standard of living or solve its problems. All it can hope to do is to make them worse. Under the politico-economic system, wealthy people are made poor, and the poor, destitute.

Every factory belongs to the Communist State; every business belongs to the Communist State, every parcel of Cuban soil belongs to the Communist State; every material object belongs to the Communist State and the State can dispose of it as it wishes.

All human beings also belong to the Communist State that disposes of them cruelly, as if they were so many beasts of burden.

It is not an exaggeration to affirm that under the Marxist-Leninist Communist system everything . . . absolutely everything . . . belongs to the insatiable Communist State.

The correct position for the leaders, and the one the people should demand of them, is the development of social justice, freedom, and opposition to all extremisms.

The "liberals" and the "leftists" who join the Communists in their struggle for power are swept away, jailed or executed, as soon as the Communists control the government of a country.

The Communists, as soon as they reach power, devour those who were their allies only yesterday.

The Communists have no peace among themselves, and much less where their circumstantial allies, as they call the "liberals" and "leftists" are concerned.

The Communists eliminate and kill each other. They constitute a voracious plague that first attacks circumstantial allies, and later, turns to destroy its own ranks.

The Cuban people know now that the Communists are not patriots, that they are not nationalists, that they are not heroes, that they are not anti-imperialists, that they are not honest.

The Cuban people know the Communists are the agents of the most inhuman and cruel imperialism ever known to Mankind.

The Communists are traitors to their homelands.

The Communists are fanatic followers of an ideology that rejects and proscribes every noble human feeling.

The Communists want to enslave Mankind by imposing Marxism-Leninism, a system that is nothing more than a totalitarian dictatorship that sustains itself in power by means of military force, terror, repression, and mass murder.

The Communists speak of "freedom", "equality", "workers' rights", "independence", "sovereignty", "social progress", "peace".

However, the Communists, when they reach power, practice slavery, inequality, do away with workers' rights, destroy independence and sovereignty and submit themselves to the Soviet Empire, eradicate progress and social conquests; the people lack everything and the "peace" they are so vocal about is used to disarm those who oppose their insatiable appetite to conquer peoples and nations. It turns into . . . . war . . . . and extermination.

The "peace" the Communists demand serves to disarm democracy so they can continue their aggression and wars without opposition.

That is why thousands of people from the Communist countries escape daily, crossing barbed wires, walls, fortified shores, and seas teeming with torpedo boats that attack and murder men, women and children.

Fidel began the communization of Cuba because his plan was not to build a free and prosperous society, but rather to turn Cuba into an aggressive military base to spread Communist Imperialism to the Americas in exchange for commanding the aggressive action, and exercising totalitarian power as the highest representative of International Communism in the Americas. Fidel will never be satisfied with merely being the dictator of Cuba. He hopes to dominate every country in the Americas. His ambition is ridiculous; it knows no bounds. To satisfy his ambition he is capable of using, indiscriminately, an armament given to him by Communist Imperialism which, in turn, uses him as a tool of its subvertionist and interventionist policy.

Since Fidel's only interest are his aggressive plans, the Cuban people are suffering the consequences and the country has already been destroyed by a regime that is an utter economic and social failure.

Communist Imperialism is set on taking over America, Asia and the whole world as well. They are very close to here. From Red China and North Vietnam they intend to size other countries in Asia, consequently, Japan is not out of danger. If the Communists are not stopped in Vietnam, another mistake will have been made by those nations who are obliged to face this danger and to fight this war against Communist expansion.

There shall not be peace in Vietnam until the war is won. The military retreat would be a victory for the Communist aggressors.

The anti-Communist fighters in Vietnam as well as in other countries—Cuba, for example—must be helped to win the war, not to detain them in their advance instead.

Before Cuba fell prey to Communist Imperialism, the Cuban people, who were not and are not Communists, did not have the experience necessary to understand what those intellectuals, politicians, student and labor leaders who followed Communist ideology were capable of doing, they masqueraded, as they do everywhere, as defenders of freedom, democracy and peace.

This was our first mistake. We neither studied nor observed what the Communists had been doing since they took over the first country. We forgot their history of treason. And so, we were deceived.

Later on, the Revolution played into their hands. Many Cuban revolutionaries, who were not Communists, but who, nevertheless, allowed the Communists to infiltrate the revolutionary cadres, ended by being persecuted, imprisoned or executed by the very same Communists that a short time before appeared to be their friends and allies. Thus history and experience prove that those Communists, that may today appear as "patriots", if allowed to spread their ideology and use their tactics, tomorrow will be the slave masters of the people.

Those Communists who demand "freedom", tomorrow will refuse us that freedom.

Those Communists who demand respect for human life, tomorrow will be firing at us when we stand before the "wall". Those Communists who are allowed to use the law for protection, tomorrow will destroy that very same law, so that we are deprived of its protection.

Communist propaganda, in order to disarm the revolutionaries, the Christian Democrats, the Christian Socialists, the Liberal Socialists, etc., spread the view that it is a sin for liberals to be anti-Communists.

That's how they began in Cuba. First, they created a collective and individual fear for anti-Communism. Later the Communists took over the Revolution. And, finally, the Communists eliminated, imprisoned, or banished from the country, and even executed, all those who had accepted without question the complex of not being anti-Communists.

Thus they set their trap. The same kind that the Bolsheviks used in Russia to become sole masters of a Revolution that had been forged by many different revolutionary fronts. This way, the Communists exterminated those who had not dared to be anti-Communists.

Those who defend "coexistence" should explain why the Communists do not allow anyone who disagrees with them to "coexist" with communized countries, and why they continue to advance aggressively and to devour, in the name of "coexistence" and "world peace", any nation that borders on a state ruled by a Communist regime.

I have witnessed how the people of different levels, who gave so much aid to the Revolution, were inhumanly deprived of their normal means of support, and how only the few groups that give their allegiance to the Communist Party are given jobs that even in their case are miserable, and for which they are paid slave wages.

And yet, I was present also when long before all this Fidel would criticize our father for being too generous with the peasants in his farm and for not acquiring more land.

Later, I saw him, already a tyrant, dispossess those same peasants of their homes and lands, and extend the fences down to the very sea, to be sure that he owned everything inside the immense Communist Estate.

Nowadays in Cuba every worker and peasant is Fidel's slave.

I have seen how families, who made their fortune by means of honest, productive work, or inherited it legally, were dispossessed. Those families were not anti-Communists. They didn't even know what Communism was. However, they were on the Communists' black list; they were considered enemies, and thus, deprived of their properties.

Now, they have no means of support. Many have committed suicide. Others are dying slowly, consuming the meager food rations allowed them by the regime.

I have seen parents lose their children to Marxist-Leninist indoctrination system that trains children and young people in the fanatical obedience to the Communist Party, to the extent that they denounce their own parents as "counter-revolutionaries".

I have seen parents and children jailed in inhuman political prisons and in concentration or hard labor camps, and I have heard personal witness accounts of thousands of executions before the "wall".

I have heard Fidel say:

"Each day that passes is one more battle we win in the American nations. Each year we remain in power means consolidation of the offensive we are planning and executing to spread Communism to every nation in the world".

Fidel thinks only in terms of war.

I had the opportunity to know most of his plans, even if only in general outlines.

I am fulfilling a duty towards my own conscience in denouncing them in time.

It is a task of every citizen to fight against communism. Our goal must be: Victory over Communism first and World Peace then!

CHARLES COUNTY COMMUNITY COLLEGE INITIATES ENVIRONMENTAL EDUCATION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. HOGAN. Mr. Speaker, I would like to take this opportunity to commend the faculty, administration, and students of Charles County Community College in my congressional district. While other campuses around the country are making headlines as being centers of student unrest and dissent, Charles County Community College is making headlines as a frontrunner in environmental control education.

I salute particularly my good friend, Jay Carsey, president of the college, and Belva Jensen, head of the biology department, for conceiving this program and for carrying it through. It has been a pleasure for me to have been of some assistance in acquiring Federal funds to support the program. Just this week, I have been informed that the Federal Water Quality Administration will award the college a $62,010 supplemental training grant to enable the college to continue training waste treatment plant operators.

Mr. Speaker, I include a recent article describing this unique educational institution at this point in the RECORD for the interest of all environmentalists in this body:

A COLLEGE INTENDS TO IMPROVE THE ENVIRONMENT

People at Charles County Community College are just as proud of a sewage disposal plant as they are of the attractive new colonial buildings on their campus. It's not that the facility looks glamorous but it means something special to many of the faculty and staff, to some of the students and even to residents of the area served by the college.

The plant symbolizes the college's efforts to distinguish itself by contributing to manpower development and eventually to the improvement of the environment.

Long before Earth Day and the many political proclamations began, Charles County Community College had announced that environmental control education was a field in which the institution could specialize, much as the University of Maryland might make a name for itself in agriculture or the University of Michigan in law or medicine.

More than three years ago, the college began seeking funds to organize educational programs for men and women who "care about fields, plants and animals, streets and inland waterways, beaches and shore lines, the air we breathe." Federal, state and local support was obtained to develop programs in pollution abatement technology and in solid waste technology, according to J. N. Carsey, president of the college.

He credits Belva Jensen, head of the biology department, with developing the project. Several county sanitary inspectors took a course in biology under Mrs. Jensen. Upon completing the course, they decided that they would have done their jobs differently and better had they had the benefit of the course earlier.

From this experience, Mrs. Jensen decided that a course specially designed for pollution control might prove effective. At the time, for example, there were, according to state health authorities, only three certified sewage treatment plant operators in Maryland.

Mrs. Jensen, with backing from Mr. Carsey, who helped find federal support, planned a three-point program: curriculum development, construction of a science and technology center for laboratories and classrooms and building the sewage disposal plant to serve the college and community while giving students practical experience. All have been realized. In the fall of 1969 classes began with some 20 students enrolled—including one "committed housewife."

"Community colleges," says Mr. Carsey, who was one of the youngest college presidents in the country when he took the post five years ago at the age of 35, "are ideally suited to work in the pollution control field. The improvement of the environment is really a local problem which has to be tackled on a local basis—naturally with help and direction at the national level.

"Moreover," he continues, "much of the work that needs to be done in improving the water and air can be accomplished by well-trained technicians."

Charles County Community College is in an ideal area for the investigation of pollution problems. Natural laboratories abound: the Tobacco River, the Potomac, even Chesapeake Bay. The college is near Port Tobacco. These "labs" are used for the testing equipment and training in pollution control techniques.

When all the environmental equipment is installed, the college will prepare men and women to manage sewage and water treatment operations, do research and analytical work on pollution control and engage in laboratory and field operations. Those who complete the programs can look forward to well-paying jobs since there is a shortage of personnel in the field.

Carl Schwing, now is in charge of the pollution control program at the college. He describes himself as a white hat—a sanitary engineer—who worked his way through college as a sewage plant engineer. He can trace pollution control techniques through the centuries from the Babylonians to the present. He feels the Babylonians probably had systems as good or better than those in operation today.

Schwing is optimistic about the college's efforts at improving the environment and providing careers. But he knows it is not easy to glamorize some of the work areas in sewage disposal.

In addition to what has already been accomplished by the college, there are plans to use the campus for demonstrating the first complete recycling operation in the country. All wastes—liquid, solid, heat and even noise—will be reused within the system. For example, instead of burning used exam papers as is the custom now, they will be remade into new examination papers. The heat now pumped into the atmosphere from air conditioners in the summer will be stored and used by the college. The college will make extensive use of its large computer installations for machine teaching to allow students to advance at their own pace.

Charles County Community College is appropriate in many ways as the site for pioneering efforts to educate men and women to improve the environment.

While the campus is in a beautiful wooded setting, once a tobacco farm, the institution serves an area which lost its major industry when slot machines were banned in Maryland several years ago. The college is in LaPlata, on the once bustling 301 strip. Abandoned motels are reminders of the halcyon days.

Opened in 1958 at a vacant Nike missile site, the college has become a major cultural resource for the community. It has an enrollment of about 1,000 students, drawing from the surrounding area.

It offers work leading to transfer to four-year colleges and universities at the end of two years—and offers, in addition to the pollution control technologies, a variety of other technical courses of study. Its new computer center serves the community as well as the students.

"And that," says Mr. Carsey, "is why we exist. For we are a community college. Our job is to improve the community. If we can help clean up the environment and simultaneously prepare people for rewarding jobs, then we will have gone a long way toward fulfilling the promise of the community college."

DR. TAL BONHAM SOUNDS CITIZEN ALERT

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. HAMMERSCHMIDT. Mr. Speaker, on November 19, 1970, a distinguished theologian delivered a major patriotic speech from the steps of the State capitol in Little Rock.

Dr. Tal D. Bonham, president of the Arkansas Baptist State Convention, pastor of the South Side Baptist Church in Pine Bluff, addressed 500 people who stood in the rain to hear his words.

That speech contained fundamental truths about the United States, and an exhortation to sustain those fundamentals which have provided the framework for U.S. progress and achievements.

In order that my colleagues of the Congress may share Dr. Bonham's thinking, I include his speech, "Wake Up, Citizen," in the RECORD at this point:

WAKE UP, CITIZEN!

During World War I, a member of the State Council of Defense in an Illinois city received a stack of patriotic posters with the request to display them all over town. He enlisted the help of an overenthusiastic teenager and instructed him: "Put these up all over the city wherever you find a dead wall." Later in the day, the official was taken to a nearby cemetery where he read on the tomb of one of the city's deceased founding fathers:

"Wake up, citizen! Your country needs you!"

A PROUD AMERICAN

If it were possible, I too would request that some of our forefathers awake with the plea, "Your country needs you!" If they could awake, I would express my gratitude to those who paid for my freedom at Bunker Hill, Gettysburg, and Iwo Jima. I would have a special word of thanks for those who lost their lives on a barren ridge in Korea or a slimy jungle in Vietnam.

I am a proud American! My gratitude to God for this nation still causes a lump in my throat when I think of the patience of a Washington, the wisdom of a Franklin, the compassion of a Lincoln, the integrity of an Eisenhower, the courage of an unknown soldier, the vision of a Jefferson, and the sacrifice of a Nathan Hale. I hear them as though it were yesterday:

"I have not yet begun to fight."

"I only regret that I have but one life to lose for my country."

SIGNED IN BLOOD

My hat is off to that group of brave men who signed that historic document in behalf of the people of the 13 colonies which stretched from New Hampshire to Georgia. They signed knowing that it meant danger. Nevertheless, they pledged their lives, their fortunes, and their sacred honor. They literally signed the Declaration of Independence in their own blood.

Carter Braxton of Virginia saw his ships swept from the seas by the British Navy and he died in rags. Thomas McKeam, hounded by the British, was separated from his family. Francis Lewis' home was destroyed and his wife died in jail. The homes of Ellery, Clymer, Hall, Gwinnett, Heyward, Rutledge, and Middleton were looted by soldiers and vandals. John Hart was driven from his wife's bedside as she was dying and their 13 children fled for their lives. Others who dared sign the Declaration of Independence met similar fates.

A THRILLING FLAG

I don't know about you but I still thrill at the sight of our flag. I can enthusiastically pledge allegiance to a flag whose stripes represent the struggles of the original 13 colonies and whose stars represent the freedoms of the 50 sovereign states of these United States. I can pledge allegiance to a flag whose red reminds me of courage, sacrifice, hardiness, and valor. I can pledge allegiance to a flag whose white reminds me of purity, innocence, and liberty. I can pledge allegiance to a flag whose blue reminds me of loyalty, vigilance, perseverance, and justice.

I can pledge allegiance to the flag of the United States of America and to the Republic for which it stands!

AN EMPIRE RISES

I can almost see George Washington, James Madison, Alexander Hamilton, John Adams, and Benjamin Franklin sitting among those present at the state house in Philadelphia in 1787. They were there for the purpose of drawing up a constitution for the new nation. Delegates were arriving late because of the weather. The small states wanted representation equal to that of the larger ones. The larger states wanted representation on the basis of population. It seemed as though there was no possibility of reaching a decision.

Then, Benjamin Franklin spoke:

"Gentlemen, I have lived a long time and am convinced that God governs the affairs of men. If a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? I move that prayers imploring the assistance of Heaven be held every morning before we proceed to business."

After prayer, our founding fathers drafted a document that insures, to this day, the freedom of all Americans.

ONE NATION UNDER GOD

I glory in the spunk of John Leland, a Baptist preacher from Massachusetts who moved to Virginia at the end of the 18th century to aid in the struggle for religious liberty. He became a candidate for the Virginia Constitutional Convention and had planned to exert his influence to see that the Constitution was not ratified by Virginia until it guaranteed full religious freedom. He and James Madison met beneath an oak tree near Orange, Virginia, where Leland agreed to support Madison for political office with the understanding that he would, in turn, present amendments to the Constitution which would guarantee religious liberty, free speech, and a free press. Madison kept his promise and introduced the ten amendments known as The Bill of Rights.

I visited our nation's capitol recently and knelt to pray in the prayer room. The prayer room is centrally located for the convenience of any member of the U.S. House or Senate. I asked, "Is it used much?" The answer was, "Yes, it is used often during the sessions of the House and Senate." There is an open Bible on the altar opened to the 23rd Psalm. I was told that this one passage is read most by those seeking the will of God before voting on some vital issue. In fact, the page on which the 23rd Psalm is found is so worn that they had to cover it with plastic.

The prayer room is rather simple. There are only ten chairs in it. There is an altar flanked by two candelabras, an American flag, and two small kneeling rails. Over the altar is a lighted stained glass window. It features Washington on his knees at his inauguration surrounded by the names of the 50 states of the United States. Directly over his head are the words: "This nation under God." Beneath the kneeling President are the words of Psalm 16:1 which Washington prayed at his inauguration:

"Preserve me, O God, for in thee do I put my trust."

A DISTURBED AMERICAN

I am proud of our American heritage. I am a proud American! But I am also a disturbed American!

In 1903, 17 people committed themselves to the teachings of Marx and Engels and organized the first Russian communist political party. At that time 90% of the Russian peasants owned no land and had no rights. At that time 80% of them could not read. A 17 year old Russian youth by the name of Vladimir watched the Royal Police seize his older brother, cut out his tongue, cut off his ears, and hang his body at the door of their humble hovel where it hung until it rotted down. "Someday," said the 17 year old boy, "I will change things!" The world later knew him as Lenin.

Communism swept through Russia promising a better life to the downtrodden. They said to a little peasant boy, "Come, little Joe, and follow us and we will give you a new way of life." He had seen three brothers and a sister starve to death as peasants. He had been trained as a religious leader but he hung up his frock and followed those who later gave him the name of Joseph Stalin.

In China, Mao Tse-Tung led the Chinese phase of the Communist movement to control the world and by 1949 he had defeated the Chinese Nationalist forces and drove them into Formosa.

HAS COMMUNISM CHANGED?

Communism's initial formula for world conquest was: "First, conquer eastern Europe; then, the masses of Asia; then, we will circle the United States of America, the last bastion of capitalism. We will not have to attack it. It will fall like an overripe fruit in our hands."

When revolution came in Russia and China, the masses were both ignorant and poor. America is both prosperous and literate. The Communist Party is probably the most innocent looking underground organization in the United States. I am convinced that it moves quietly to infiltrate labor unions, college campuses, judicial powers, and religious bodies. I am convinced that much of the burning, looting, shooting, and rioting that we have observed in recent years is directly related to communist inspiration. Several years ago the Director of the Federal Bureau of Investigation labeled the communists as "masters of deceit" and estimated that there were over 20,000 committed communists and over 200,000 communist sympathizers in the United States. No one knows how much that number may have grown in the past few years.

ALL IS NOT LOST

I am proud of this nation. I am disturbed at some recent events in this nation. But I am convinced that all is not lost. Already in many of our churches and on many campuses, the fresh wind of a spiritual awakening is blowing.

If those who claim to believe the Bible will merely heed and proclaim its admonitions, America will remain the "land of the free." When James Russell Lowell was asked, "How long do you think the American Republic will endure?" he replied, "So long as the ideas of its founding fathers continue to be dominant."

Jesus said, "Render therefore unto Caesar the things which are Caesar's and unto God the things that are God's" (Matthew 22:21). No wonder Toynbee said, "The first heralds of the gospel brought a living faith to a dying civilization." To follow the admonitions of the Bible will truly bring a living faith to this nation that may be dying in racial strife, drug addiction, alcohol, pornography, and pollution (both inward and environmental).

Christian citizenship calls for prayers—not pot shots. Certainly, we must constantly question the policies and deeds of our local, state, and national leaders but we must also pray for them. The Apostle Paul left no place for the censorious spirit when he said, "I exhort therefore, that, first of all, supplications, prayers, intercessions and giving of thanks, be made for all men; for kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty" (I Timothy 2:1–2).

FAIR SHARE OF TAXES

Christian citizenship calls for financial support. When our Lord spoke of rendering unto Caesar that which belongs to Caesar, he did so in the context of a conversation on paying taxes. Jesus paid his taxes (Matthew 17:24–27). The Apostle Paul admonished Christians to pay their taxes (Romans 13.6). We should thank God that our places of worship are tax exempt in America. But, it is high time that someone reminded many churches that there is a limit to their exemptions. I pray that our nation will never levy taxes on our places of worship and religious education. However, it is no more than right for a church to pay its fair share of taxes on revenue producing property.

Christian citizenship calls for a rededication to law and order. The Bible admonishes us to "be subject to principalities and powers" and "to obey magistrates" (Titus 3.1). It calls for our respect of those in places of leadership (Romans 13:1–4).

THE MESSAGE OF THE BOOK

Those who believe in the Bible must be busy about proclaiming its message as never before! Let them echo the words of the Psalmist from California to Maine: "Blessed is the nation whose God is the Lord" (Psalm 33:12). Let them remind every American that "Righteousness exalteth a nation: but sin is a reproach to any people" (Proverbs 14:34).

Let those who believe the Book point a troubled world:

To the One whom the grave could not contain;

To the One with a message of love for a world of hate;

To the One who points a polluted world to a theology of inner ecology;

To the One who is productive—not destructive;

To the One who does not destroy classes but loves all classes;

To the One who is color blind when he looks upon a human being created in the image of God;

To the One who died for all men of all races.

LEARN, EARN, BURN, OR TURN?

The church stands at the same crossroad and asks the same question with the rest of the world: "Which way from here?"

Some are saying, "Learn—education is the way." Others are saying, "Earn—economic development will solve all of our problems." Some are crying, "Burn, Baby, Burn—our society is so corrupt that it must be destroyed." When others clamor to learn, earn, and burn, we must listen to the voice of God who says, "Turn—be converted from your selfish ways and find life everlasting in Jesus Christ."

Many years ago, a French statesman visited America to ascertain the American ideal. Here was his conclusion: "I sought for the greatness and genius of America in her commodius harbors and her ample rivers, and it was not there; in her fertile fields and boundless prairies, and it was not there. Not until I went to the churches in America and heard her pulpits aflame with righteousness did I understand the secret of her genius and power. America is great because she is good and if America ever ceases to be good, she will cease to be great."

Wake up, Citizen! Your country needs you!

KENYA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. DIGGS. Mr. Speaker, on December 12 the Republic of Kenya will celebrate the seventh anniversary of its independence. I believe the time is appropriate to note the impressive record which Kenya has made in these past 7 years.

Under the wise and dedicated leadership of President Mzee Jomo Kenyatta, Kenya has demonstrated to the world the benefits of a multiracial society. Despite the dire warnings of cynics, Kenya has evolved a policy of economic pragmatism and political evolution which continues to offer a home and a future to its citizens of different racial backgrounds. President Kenyatta has demonstrated to the world that old animosities can be forgotten and buried in the search for a better tomorrow. I would like to point out, Mr. Speaker, that this opinion of Kenya and its remarkable president is shared by that most hardheaded of observers, the American businessman. The number of American companies making private investments in Kenya, often in cooperation with local private and governmental interests, continues to increase rapidly.

On this seventh anniversary of Kenyan independence, therefore, I wish to extend the congratulations and best wishes of the American people to the President and people of the Republic of Kenya.

WALL STREET JOURNAL POINTS UP PLIGHT OF CAPTIVE NATIONS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. TAFT. Mr. Speaker, an article in today's Wall Street Journal focuses attention in a unique way on the plight of the nearly 6 million persons living in the Baltic States.

The piece serves as a reminder that the Soviet Union continues to control the Baltic States against the will of its captives, and in violation of all of the rights and freedoms of the 6 million people there.

I commend the article to my colleagues:

PHANTOM DIPLOMATS CARRY ON IN BRITAIN—MEN WITH NO COUNTRY

(By Felix Kessler)

LONDON.—By all rights, His Excellency August Torma should easily qualify as dean of the diplomatic corps here.

Mr. Torma is Estonia's Envoy Extraordinary and Minister Plenipotentiary—a post he has occupied since 1934, when he presented his credentials to King George V. "It was on December 12th or 13th," he recalls.

Of 112 foreign envoys here, Mr. Torma alone has had official business with either King George V or his successor, King Edward VIII, who became the Duke of Windsor after his abdication.

And yet the 76-year-old Mr. Torma wasn't even invited last month to the Queen's annual reception for the diplomatic corps at Buckingham Palace. In fact, Mr. Torma and Queen Elizabeth II haven't met since her coronation in 1952, although he knew her as a young princess during the reign of her father, King George VI.

A Buckingham Palace official, after confirming that last month's guest list had excluded Mr. Torma, confesses "I didn't know Estonia had a legation here."

The Royal Family, however, hasn't committed an unpardonable gaffe by snubbing Mr. Torma. For the past 30 years, Mr. Torma hasn't existed. At least officially, Mr. Torma is, in effect, an envoy without a country. He and four other such "phantom diplomats" have been granted diplomatic privileges by the British government—but they aren't quite recognized by it.

This unusual state of diplomatic affairs dates to 1940, when Russia invaded Estonia and its Baltic Sea neighbors, Latvia and Lithuania. The three Baltic states were unwillingly "absorbed" by the Soviet Union, which now numbers them among its 15 republics. Britain acknowledges the political realities of the situation. It concedes that Russia occupies and governs the Baltic states—but it doesn't recognize the legality of the Soviet absorption.

"NOTHING CHANGES . . ."

For that reason, the Baltic states continue to enjoy diplomatic privileges and to maintain legations here. But since none of the Baltic governments actually exist, a Foreign Office spokesman notes, none can perform the routine function of appointing new legation officers to replace deceased officials. Over the years, attrition has reduced the three Baltic legations to five accredited officials among them.

Mr. Torma is the last surviving envoy. Lithuania and Estonia are headed by junior officials who assumed the role of charge d'affaires upon the death of their envoys. The Lithuanian delegation consists only of Vincas Balickas, the charge d'affaires. The Foreign Office declines to speculate whether Britain will quietly alter its views of the Lithuanian situation when the legation no longer has an accredited representative.

For his part, Mr. Balickas tries to avoid interviews, which are obviously painful. "We give interviews and nothing changes," he says. "Our countries are still occupied, and the stories give us pain, as if to reproach us for existing. Is something wrong in that?"

Mr. Balickas keeps in touch with the dwindling Lithuanian community, attending social and cultural affairs. "This week, I'll be going to four functions," he says. Although his Lithuanian passport is still valid, he hasn't traveled abroad since 1959. "I hate leaving the office to go away now," he says. "I prefer staying here at my post."

The Baltic legations continue to function—issuing passports, displaying their flags on national holidays, keeping alive memories of their brief period of independence between the two world wars. But they function in diminished elegance, existing mostly on private contributions and carefully watching expenses: Furniture hasn't been replaced in 30 years, rugs are threadbare, old maps curl against faded wallpaper. Only the outside brass plates that identify the stately buildings as legations are kept as shiny as those of the busiest embassy.

DIGNITY AND IRONY

Last year, after three decades of controversy, the British government appropriated about $16 million in gold reserve that the Baltic states had on deposit with the Bank of England since before World War II. The money became part of a fund to repay British claims for property lost as a result of Russia's occupation.

"We thought this was very unfair," says Ernst Sarepera of the Estonian legation. "It wasn't our governments that appropriated the property. The money should have been preserved for the legitimate governments as a matter of principle."

Mr. Sarepera, who is Estonia's consul general, accepts the political situation with dignity and irony. Several times a year his duties require his attendance at consular affairs at which Russian and other Iron Curtain officials are also invited. There never are any incidents, though face-to-face meetings are minimized. "We're all civilized people," says Mr. Sarepera with a thin smile.

As a consulate, the Estonian legation still issues passports to those Estonian natives who haven't taken out British citizenship. "We aren't as busy as we used to be," says Mr. Sarepera, who observes that the Baltic legations issued documents to tens of thousands of refugees who fled the three states immediately after the war.

Old friends in the diplomatic corps still invite the Baltic legations to social functions. Once a year they go to Buckingham Palace—to an afternoon garden party, not a diplomatic gathering. Among their diplomatic courtesies and privileges, the legations aren't required to pay income taxes. Income has, to be sure, diminished greatly.

The legations firmly hold the view that their states will someday be independent again. "History hasn't stopped today," says Eric Zilinskis, the Latvian legation's secretary. "Who can predict the future." He keeps books and documents with pictures of Latvians killed or tortured under the Russian occupation. "But we don't demonstrate like hooligans," he says. "Our relations with the world are peaceful—and delicate."

The United States goes beyond Britain and recognizes neither the Soviet Union's legal nor de facto occupation of the Baltic states, a position that gratifies the three legations. "The world owes us some justice," says Mr. Torma, "but we have only right on our side, not might." Nevertheless, he's confident that there will be a change. "Not tomorrow nor the next day and I probably won't see it," he says, "but things won't be like this forever."

Meantime, the phantom diplomats try to remind the world that their nations once existed and governed about six million people without Russian assistance. And, occasionally, European border authorities are reminded of the Baltic states when someone like Mr. Zilinskis presents them with a Latvian passport.

"Of course, only on holiday," he says. "There are no business trips for me anymore."

UNCOMMON MAN AWARD GIVEN TO VICE PRESIDENT AGNEW

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. MICHEL. Mr. Speaker, on Monday, December 7, 1970, Vice President AGNEW was in New York City to receive the Uncommon Man Award from the Boys' Clubs of America. In accepting the award, the Vice President addressed the board of directors of the Boys' Clubs of America and once again, it seems to me, has exploded the myth that he is antiyouth.

Anyone who takes the trouble to read the complete text of the Vice President's remarks, not only on this occasion, but on other occasions as well, can readily see that he is really "with it" as far as the great majority of our young people are concerned.

We all know that the most often repeated complaint or concern of our young people is their fear of losing their identity or individuality, if you will. The fear that they are being swallowed up in a morass of big campuses, big business, big labor, and, their greatest concern, big government. The Vice President directs his remarks to that very concern, not only in his New York speech earlier this week but also in a speech he delivered in New Orleans, La., on December 2, 1970. I ask that both texts be placed in the RECORD at this point and I would hope that young people both on and off our campuses would take the opportunity to read both in their entirety to get the real message of the Vice President rather than the distorted picture of the man and his philosophy which is actively promoted by certain individuals and groups around the country.

The texts follow:

ADDRESS BY THE VICE PRESIDENT,
NEW YORK, N.Y.

It is indeed a privilege to be with you tonight and to receive this "Uncommon Man" award from what is probably the most uncommon collection of men in America. I consider it a rare honor and I am very grateful.

When I reflect on the talent that fills this room, the success that each of you has achieved in his chosen profession, and the fact that you have gone beyond that to dedicate your energies to helping hundreds of thousands of boys become appreciative of and contributive to the greatness of America, I am doubly impressed.

Nor am I unmindful of the role that two Presidents of the United States have played in this organization—Herbert Hoover, who was your chairman for 28 years and considered that it was the most meaningful experience of his life, and Richard Nixon, who took seriously his responsibilities as your chairman for four years preceding his inauguration as President last year.

It is also a real pleasure to share this platform tonight with the greatest baseball player of our era—and one of the greatest of all time—Brooks Robinson. I consider myself fortunate that Brooks helped me campaign for Governor of Maryland four years ago instead of running against me. Seriously, he's as great off the field as on it; he gives unstintingly of his time to numerous worthwhile religious and charitable causes. You and the 850 thousand boys' club members throughout the United States can indeed be proud that Brooks is an alumnus of one of your clubs—Little Rock, Arkansas.

Earlier this year, I had the opportunity to learn something about the work of one of your clubs—the Silesian Boys' Club of Los Angeles. I was very impressed with the work of this Club with underprivileged boys of the Spanish-speaking minority in the Los Angeles area. Through the courtesy of certain "Spiro Agnew" wristwatch manufacturers, the Silesian Boys' Club received a $10,000 check to assist in their good work. I hope Mickey Mouse will not be offended at our effort to build up the Silesian Boys' Club's treasury.

I can't commend too highly the work that has been done by your national organization since 1906 and by some individual clubs for more than a century. America urgently needs more of this kind of interest in our young people from the private sector—intimate, personal leadership that inspires them to achieve and excel in our strongly competitive society. A boy, discouraged and on the ropes from initial failure, needs an experienced, understanding hand to set him squarely on his feet and point him in the right direction.

One of my duties as Vice President is to serve as Chairman of the President's Council on Youth Opportunity. One of the responsibilities of the Council is the support of state and local youth coordinators. These coordinators serve on the staffs of Governors, mayors and county officials. They try to coordinate and energize public and private efforts in the area of youth opportunity—not an easy task.

These men and women must sort out and keep up with more than 200 Federal programs which directly or indirectly relate to children and youth.

It has been disturbing to me that, as the Federal government has created and publicized more and more programs, people have turned increasingly to government to solve their problems. This applies to youth work as well as to other fields.

At a meeting of the youth council a few weeks ago, I remarked on the need to reverse this trend by preventing the erosion of private group interest. In too many cases, we have regarded the availability of Federal money as an excuse to cease private support or to restrict the effort to that which the Federal funding will finance. We have fallen into the habit of saying, "that's all we can do because that's all Washington will give us." Many projects could be accomplished if the energy spent badgering Washington for more money would be applied to raising money for the project itself.

I do not deny that public assistance is useful and sometimes necessary. But if the Federal money is imaginatively utilized by local and state governments to stimulate activity and production in the private sector, the positive good resulting can be doubled or even trebled.

And it's important to remember that success depends on something more than money. The involvement and dedication of people, working shoulder to shoulder for a cause in which they are deeply committed, can overcome seemingly insurmountable obstacles. That participation is far more powerful than an impersonal signature on a check.

If we could use more of our Federal funds to stimulate private endeavors such as yours, instead of smothering initiative in a blanket of bureaucracy and a proliferation of programs, America would be a stronger nation for it.

Tonight, I am honored to be in the company of men who intensely enjoy their work of serving others. But what makes your willingness to help especially important is that you are successful products of our free enterprise system. You are representative of our fine institutions and of the professional freedom enjoyed in the United States. Everyone of you, by virtue of his own intelligence, vigor, stamina and fight, has attained a high peak of accomplishment in some field—be it government, labor, law, the military, sports, or some other business or profession. In short gentlemen, you are the establishment. And because you are the establishment—which is fashionably characterized as cold, crass, brutal, and selfish—you are confounding the critics of the American way by your willingness to help others less fortunate than yourselves. To prove their thesis, they would prefer that you spend your time exploiting the poor, evading the law, cheating the consumer, and terrorizing all of lesser position by your arrogance and insensitivity.

In these times it is vital that you continue to stand in obvious refutation of the minority of our fellow citizens who have lost their faith in American values. Your respect for our competitive system coupled with your sincerity and compassion for the underprivileged and faltering among our youth help to repulse the current attacks on our traditions.

I believe it is appropriate tonight to discuss the challenges to our traditional values.

In particular, the competitive, ambitious, aggressive side of our outlook is under attack: the businessman's drive for profit is labeled money-grubbing, the politician's joust with his opponent is branded as vicious and divisive, the military commander's desire for victory is mocked as jingoistic heroics. The urge to fight one's way to the top in any undertaking is sneered at as inhumane and unworthy.

In the public mind, this attack on traditional values is believed to represent the feeling of most of our youth. I do not think this is fair or accurate. There are many, many young people, in my opinion the vast majority, who believe firmly in the American system and in traditional American values; while at the same time many of those who attack our values are no longer youths, but full grown adults.

Nevertheless, because the report of the President's Commission on Campus unrest, of which I have been both critical and commendatory, has given such an excellent description of the new "anti" culture, I should like to read you a few passages. The report is speaking of what it calls "youth culture," but I want to emphasize that I consider that label a misnomer.

But here are some passages:

"This subculture took its bearings from the notion of the autonomous, self-determining individual whose goal was to live with 'authenticity,' or in harmony with his inner penchants and instincts. It also found its identity in a rejection of the work ethic, materialism, and conventional social norms and pieties. Indeed, it rejected all institutional disciplines externally imposed upon the individual, and this set it at odds with much in American society.

"Its aim was to liberate human consciousness and to enhance the quality of experience; it sought to replace the materialism, the self-denial, and the striving for achievement that characterized the existing society with a new emphasis on the expressive, the creative, the imaginative. The tools of the workaday institutional world—hierarchy, discipline, rules, self-interest, self-defense, power—it considered mad and tyrannical. It proclaimed instead the liberation of the individual to feel, to experience, to express whatever his unique humanity prompted."

Now in this much lionized subculture, three aspects strike me in particular. First, the avoidance of ambition and the retreat from power, struggle and greatness. Second, the emphasis on the abandonment of discipline, on hedonism; and "doing your own thing." Third, a gradual turn to solipsism, to the notion that there are no standards beyond oneself.

These three traits derive from an unwillingness to look beyond oneself or go beyond oneself. The retreat from ambition and from the arena of great affairs is justified by the emphasis on chucking societal restraints and "doing one's own thing." Older standards and principles that transcend the individual and have often called him forth to something nobler than self, are rejected, and the rejection is justified by reliance upon one's individual standard of values.

There is a positive side to this. After all, no less a personage than Plato once described justice as "doing one's own things." And none of us is naive enough to believe that there are not abuses in the accumulation as well as in the exercise of power. Prestige is not always well-earned.

But there is also a negative side. The reward of ambition is responsibility as well as power and prestige. And since power is an increment of achievement, no one will want power if achievement is considered an unworthy objective. And if there is no competition for power, it will fall into the hands of those least qualified to use it constructively.

There is little doubt that this new "anti" culture is opposed to what is generally considered to be the traditional, American values. To use the modern jargon, they are two different "life styles." I favor the traditional, but I firmly believe that both have the right to exist. Men can live in differing ways; they have the right to choose and tolerance demands that we try to see the good aspects of other ways of life.

I must state very emphatically that I have not given this description of the new way of life, juxtaposed to ours, for the purpose of criticism. Rather, I have given it in the desire simply to delineate, because I feel it is a phenomenon worthy of attention. However, I believe we should also be aware of what this new outlook signifies, not so much in moral terms as in practical terms—what it means for us and for our country.

Let us consider for a moment what this country stands for. It stands for freedom. It stands for equality of opportunity, and for justice. I realize that these concepts will always be ideals, goals; that they do not exist in perfection here. Our principal minorities still suffer from inequality of opportunity. But we have improved greatly in the past two decades, and with the help of all fair-minded citizens we shall conquer this defect. The beauty of our system is that it dramatizes flaws rather than conceals them.

In spite of our imperfections, I believe that our country remains the bulwark of freedom in the world today. With us rests the responsibility and the capacity to see that freedom does not die. Most of you remember well the Second World War and how this country armed itself to fight one of the greatest threats to freedom the modern world has seen, the Nazi Reich. If we had not gone to war and fought for 4 long years, it is possible that freedom would have perished from this earth. The Communists had already extinguished liberty in Russia, and were on their way to doing so in China. Britain would surely have fallen, and I doubt that we in America would have remained free from invasion after the Nazis and the Communists had divided the vast Eurasian continent among themselves.

But we did go to war and, because of our decision to fight, freedom was preserved. Freedom is very precious, but it is fragile—it does not survive by itself. It must be fought for, every year, every day. Not always with arms, but always with will. Sometimes the threats to freedom are not readily apparent as threats—isolated acts of violence—an anarchist's bomb thrown in the name of peace—a policeman murdered in the name of freedom itself.

It is worth remembering that freedom is not something common in the world, nor has it always been there. Free, representative government was first developed as a political goal in Ancient Greece, and it remained for a long time a peculiarly Western response to communal needs.

We have inherited a firm belief in the correctness of an unfettered citizenry partly through the survival of great literatures from Greece and Rome, and partly through the success of nations that were founded on the principle of liberty. Athens reached the peak of her attainments as a democracy. Rome grew to world power through a constitution based on self-government. But our own country is perhaps the greatest example the world has ever known of the success that freedom brings.

But the men who founded our country did not find a ready model for their concepts of free government. Because freedom at that time was languishing. There was a King in England, and a King in France; an Empress in Russia and an Emperor in China. Self-government did not exist in any major power in the world at the end of the 18th century.

The men who founded this nation therefore drew their concept of freedom in large part from their reading of ancient literature, and from their reading of authors who themselves were influenced by the Ancients. The example of a government by the people did not exist for them to observe in their contemporary world, because it had been extinguished with the founding of the Roman Principate, 180 years before.

And so we see how rare a thing freedom really is, and how few nations and how few people in the history of the world have been able to enjoy it. Even today, a great portion of the world's population is not free.

These facts illustrate quite vividly that freedom does not simply take root and perpetuate itself, but must be established, cultivated and guarded—consciously and diligently.

It is because freedom requires vigilance and effort to survive that I am worried about the "anti" culture of today I fear that those who espouse this way of life do not realize how quickly a massive individual rejection of responsibility and power could snuff out the freedom that makes their style of life possible. They say, "Make love, not war"; and their slogan has appeal. But it misses the point because it suggests that those of us who believe that there are times when freedom must be defenced, would rather make war than love. This is not true. No thinking person desires war. All sane Americans want peace. But we must face the fact that there are some in this world who are not interested in peace—at least not until their dreams of conquest are fulfilled. Therefore, we must retain the power and capacity to deter them and defend ourselves, if necessary.

It has been made clear throughout our history that we do not covet the resources of others. Certainly, all Americans want peace; all Americans want happiness; and all Americans want freedom. On this we are agreed—both we who believe in traditional values and those who profess the new "anti" culture.

What sets us apart is not the ends, but the means: is freedom best preserved by striving or by resting? Are the things we value most—justice, equality, peace—best secured by effort or by ease? Perhaps there is nothing intrinsically wrong with a society or civilized withdrawal and relaxation, but in view of the terrible fragility of freedom, can such a society be preserved in today's aggressive world?

Freedom always demands unceasing wakefulness, but most especially now, when her enemies are both powerful and aggressive. We need men in America who are strong as well as humane. We need men who understand that leadership requires effort and who are willing to make that effort—men who go beyond themselves both in joining the battle for prizes and in serving others generously.

Your directors of the Boys' Clubs of America are such men. You have competed with other men and you have served other men. And the boys you have helped get a start on a better life than they were born to, will not forget. They have noticed what sort of men you are, the sacrifices you make, the generosity you have shown, and to them you will remain an example.

Because of you, they will be better able to believe in the American dream, to trust in American freedom, to have confidence in their ability to compete and to accept responsibility. They will not need to find a cheap outlet for their desires or live a degrading life in a fantasy world of dangerous drugs and narcotics.

They are strong boys. I believe they represent the great majority of American youth today. I do not think that, in honesty and fairness, we can tar the bulk of our young people with the brush of "anti" culture. In my view, our young people are too energetic, too positive. Some of the more vocal elements in our society may disagree and if you spend a great deal of time before the television tube, you too may wonder where I get my optimism. Well, I get it from my own observations—from traveling the length and breadth of this great country—seeing all those fresh young faces at airport fences, on city streets, even at political meetings—and hearing them say in a hundred ways that they believe in America. My judgment is that the youth of America is sound.

That is why I am optimistic: because we have fine young people and men like yourselves who together have accepted the responsibility of all Americans: to keep the United States strong as a guarantee of freedom in the world.

All of us want our country to be great, not only in her power, but especially in her humaneness. We want justice and equality and happiness for all our citizens. These are gentle aspirations, and it may seem strange to the advocates of the "anti" culture that there is also a tough side to happiness. But I believe that even in this sleek and prosperous age we would do well to heed the words of the great Athenian statesman, Pericles, who once said to his countrymen over 2400 years ago, that "the secret to happiness is freedom, and the secret to freedom is courage."

ADDRESS BY THE VICE PRESIDENT AT THE LOUISIANA REPUBLICAN DINNER

The growth of the Republican Party in Louisiana, and throughout the South, proves that the days of one party domination here are numbered. No longer can the Democrats in Washington automatically count on blind loyalty from Dixie. From now on thoughtful Southerners will insist they have the opportunity to select, from viable competing parties, the candidates most qualified and most representative of their views. In Louisiana, the Republican Party is going to win its share of elections because it will field top-flight candidates—people like your outstanding State Senator, Ace Clemons, and Ben C. Toledano, who made a fine race for Mayor of New Orleans.

But good candidates are only one part of any successful political effort. Without strong party executives, willing to do the bull work in the parishes, the best candidates cannot win. I want to compliment Chairman Charles DeGravelles and our loyal party workers all over Louisiana for their tenacity and courage. They are the reason Republicans made the best showing ever at the grass roots this year. Those fifty-nine parish executive committees did not bloom spontaneously. They came about through hard work.

I was also pleased to learn from your State Chairman that our two United States Attorneys in Louisiana—Jerry Gallinghouse in New Orleans and Don Walters in Shreveport—are doing such an outstanding job. Our congratulations to both of you.

A little over a year ago, in this same room I had the privilege of speaking at a dinner very similar to this one. Some of you were probably present that evening. You may recall that I committed an unpardonable Vice Presidential sin on that occasion—I said something. From time to time over the past year I have made other candid observations. And, irrespective of the jerks and quivers of my critics, I fully intend to continue to speak out on the issues in accordance with my convictions. Some may disagree, but I believe that audiences deserve something thoughtful from a Vice President when he makes a speech—certainly something better than bureaucratic pap or vague compassionate promises to cure all the ills of mankind.

Tonight I would like to discuss a subject which is neither sensational nor controversial at the moment, but which could possibly become both because of my discussing it. But whether or not that occurs, I feel it is vitally important to an understanding of the American political system and the rather substantial changes now taking place in our federal government.

A Governor from one of your neighboring states, who had national aspirations in 1968, once said that there wasn't "a dime's worth of difference" between the Democratic and Republican parties. Well, a dime wouldn't begin to cover the difference between the sound fiscal policy of this Administration and the free-wheeling machinations of the big spenders in the other party. It would run into billions if you measured it in dollars.

Tonight, however, I would like to talk about a difference that is not measurable solely in money. I would like to touch on the contrast in philosophies, as reflected by the actions of the national leaders of the two parties.

I am aware that in this audience there are probably as many who consider themselves Democrats as there are those who consider themselves Republicans. But I don't believe you would be here if you didn't feel that President Nixon and I more closely represent your views than do the leaders who now speak for the Democratic party at the national level. And, therefore, I regard you as philosophical brethren and include you in our group—which I would loosely describe for purposes of this discussion as "centrist-moderate-conservative."

The fundamental difference between the two major parties today lies in how they view the citizen—what he ought to be, what he can become, and whether it is possible for him to remain identifiable as an individual rather than become a cipher in a throng of over 200 million people. Expressed another way, the question is will his party regard him as unique John Smith, a complex product of infinitely varied factors both inherited and acquired; or, on the other hand, will his party be satisfied to simply regard him as John Smith, a poor man, or John Smith, a black man, or John Smith, a young man?

It is my contention that our hypothetical poor John Smith is not comparable to every other poor John Smith. Their mutual poverty may be one characteristic that they have in common, yet they may differ in hundreds of other ways; and they may have completely divergent views of what their government should be doing to help them out of their poverty. But most importantly, no John Smith needs a self-appointed elitist stranger to tell his government what is best for all the John Smiths similarly situated. After all, he is an American citizen; and in our free system he will make himself directly heard.

Our party—not only intentionally, but instinctively—strives to preserve the citizen's individuality against the encroachment of a continuing drive toward collectivism. We don't want to see all of those infinitely varied John Smiths hammered and pounded into a single conforming image by the machinery of some distant bureaucracy. We know full well that the troublesome lack of predictability of the John Smiths is an essential ingredient of true freedom and the glue that holds America together. A gigantic central government is the root to obliteration of the individual and to bureaucratic manipulation of the total population.

The left-to-liberal group, on the other hand—whose views dominate the national leadership of the Democratic Party—has a blind spot for the individual. It prefers to see the whole citizenry rather than the man. This group instinctively tries to eliminate individual variances by imposing a uniform but imperfectly fitting solution for all. This is a process that discourages individual and private group initiative; moreover, it forfeits state and local governmental prerogatives:

There is another difference no less important to the understanding of politics today and what this national Administration is trying to accomplish in Washington. This is the question of individual competence.

We believe that within the law a citizen should be allowed to shape his own life insofar as he is able to exercise the will and ability to do so.

We believe that the average citizen can direct himself more productively and more satisfyingly than he can be directed by someone in government.

We believe that federal employment does not give a person the insight to run other people's lives better than they can—that most citizens can think and do very nicely for themselves if given the incentive to strive and the opportunity to achieve.

The opposing view held by left-to-liberal politicians looks upon a normal individual as a semi-ward of the nation. He is collectively referred to as "the masses" by these politicians. He is regarded as a person so deficient in competence as to require the constant ministrations of federal careerists. Now, consider the inherent arrogance of this concept that the individual can't do, or at least can't do as well as others believe he must. The rationale is that therefore he has to be done for. And believe me, he generally is "done for" by the time they get through with him.

Our philosophy holds that government should act as a catalyst to stimulate the citizen to be productive and self-protective; that public assistance should be provided only where the individual and the private sector have plainly failed. Even then the federal assistance should be geared to the repair of the faulty private machinery and not its replacement. We certainly do not agree that the citizen should be suffocated in an unsought protective cocoon of governmental "good-Shepherdism."

There is always some danger in any discussion of general principles, such as this rather abstract examination of party postures, that one may with some justification be accused of oversimplifying. In what I am now going to cover, I must accept that risk.

It seems to me that the national Democrats have increasingly become oriented toward a terribly complicated, altruistic, and unworkable plan designed to help the people—without the advice and consent of the people themselves. Oh, there is plenty of advice and criticism from the elitist social architects who designate themselves as special spokesmen for the people—but these pontificators are far removed from the reality of the common man's individual problems.

The Republican Party, instead of trying to dictate the destiny of people, believes in helping people to help themselves. This concept is based on our conviction that people have a pretty good idea of how they need to be helped and, if they need advice, they will seek it as close to home as possible. And if they need governmental action, they will demand it as close to home as possible. Because if that action is not forthcoming, they want to be able to figure out who failed to carry out their mandate.

Another easily identifiable difference in approach between the national parties is the distinction between remedial and compensatory action. We believe in correcting faults in the system. They believe in compensating for them by extending the system.

For example, when there was a breakdown in the teaching of English in certain high schools—such as was discovered recently when a large percentage of New York City College enrollees under an open admissions policy were found unable to read above eighth and ninth grade levels despite their high school diplomas—academic liberals of the other party favored the addition of compensating courses in the college.

To us it makes little sense to ignore the failure of the high school system and teach reading all over again in college. We believe that the breakdown should be corrected where it exists—in the high school—so that expensive duplication at the college level can be avoided.

In short, if a student can't do high school work, he shouldn't be pushed ahead, graduated, and told he is ready for college. Better that he should be reoriented in a useful vocation where he can meaningfully compete and make an honest living.

There are many other examples of the preference for compensatory over remedial action. Time does not permit me to detail them tonight, but I expect to touch on them in future talks.

Now with that fractional understanding of philosophical differences, let's examine some little publicized aspects of the Nixon presidency that have already wrought fundamental and sweeping changes in the federal structure.

When the Nixon Administration took office twenty-two months ago, it inherited an administrative nightmare. In the preceding eight years, hundreds of programs had been enacted with virtually no attention to their interrelationship or coordination. The number was such that the Nixon Administration even published a catalog of the catalogs which described federal assistance programs so that State and local governments would know what aid was available. In 1 year alone—1965—there had been 109 new programs enacted. Some programs provided federal money to the States, some to local governments through the States, some to local governments directly, some directly to private groups. And the percentages of federal aid fluctuated wildly between all of them.

By 1966 there were 11 separate programs for health profession assistance, 10 for higher education, 8 for educational research, 7 for mental retardation. American citizens became accustomed to hearing a new program announced daily—often with much fanfare, and all too frequently without any later followthrough by the Congress to provide the money to fund these widely publicized promises. In many instances, the programs were rendered meaningless by the mountains of paper work required at the State and local level. Delays of months and years ensued.

There are now over a thousand federal assistance programs, and their cost has increased tenfold in the past two decades—from $2.4 billion in 1951 to $27.6 billion in the current year.

President Nixon set out to bring some order into this chaos and also to decentralize the bureaucracy—to move a big share of the decision making out of Washington and closer to home. Ten central regional offices were created throughout the United States for administration of programs previously handled directly from Washington or from federal offices located helter-skelter around the country. All federal agencies now work through those 10 offices in the administration of programs. Mayors or governors have need to visit only one city to discuss their problems instead of 5 or 6, as was the case previously.

Kentucky officials, for example, had to deal with HEW at Charlottesville, Virginia, with OEO in Washington, with Labor in Chicago, with HUD in Atlanta, and with the Small Business Administration in Philadelphia. Idaho and Utah officials had to deal with federal offices in Denver, Kansas City and San Francisco—spread halfway across the country.

We cut red tape by the bundle. The processing of forms which had previously rendered programs meaningless was simplified and streamlined.

In the urban renewal program, for example, we have cut the paper work in the planning stage by 50 per cent and eliminated 40 per cent of the processing steps. The average planning time has been cut from 36 months to 15 months.

In the subsidized housing program, the grant processing time is being cut from one year to 6 months. In the low rent public housing program, we have cut the processing time by one full year. In the water and sewer programs, application processing time has been cut from 32 weeks to 11 weeks.

John Fischer, writing in the November issue of Harper's said of the President's governmental reforms:

"It comes hard for me to have to admit that the Administration might be doing something right. Nevertheless it is my duty as a reporter to note that it now is up to something pretty interesting—something which has scarcely been mentioned in the news media . . .

"It seems odd to me that practically nobody has noticed how drastically the Administration is changing the very structure of government. When Truman remodeled the White House porch, the press flew into a tizzy. But when Nixon starts to remodel the framework of the federal system, in ways which may well affect the lives of all of us, hardly anybody twitches an eyebrow."

If the Congress cooperates, my friends, the President will change the federal system much more than by bringing efficiency to a previously confused hodgepodge of overlapping programs. The keystone of the New Federalism is revenue sharing—giving State and local governments an unfettered share of the tax resources. This will reverse the power flow from Washington back to the states and localities. It is a vote of confidence in the concept of shared powers established in the Constitution nearly 200 years ago. I am confident that there will be enough of an approving groundswell from governors and mayors of both political parties to get this innovation enacted.

Another example of our confidence in the citizen's ability to handle his own affairs is reflected in the Administration's approach to low income housing. For years our collectivist friends have favored vast public housing projects despite the demeaning and often dismal way of life such projects engender. We, on the other hand, feel we have a better way—the home ownership concept. It helps low-income families acquire their own homes; it gives them a chance to develop pride and dignity through home ownership. Again, it's a vote of confidence in individual dignity, and the will and the ability of the individual to do for himself. The number of starts for such housing increased from 153,000 in 1969 to 425,000 targeted for this year. In just two years we have nearly doubled the nation's total production of subsidized housing over the previous three decades.

The philosophical differences extend to all areas of government. On the subject of crime, the opposition finds excuses for criminal behavior in the deficiencies of our society; we recognize that our society is not yet perfect, but it will not improve unless we hold the individual accountable for his own conduct.

The opposition drifts ever closer to endorsing a guaranteed income regardless of effort for every man, woman and child in America. They feel there isn't necessarily a connection between work and income, that society somehow owes everyone a basic standard of living.

We hold that people should be helped by government only to the degree that they cannot help themselves. Those who can work, should work, and—unless I miss my guess—they want to work. This is why a stern work requirement lies at the heart of the President's Family Assistance Plan and why it should never be construed as a guaranteed income for everyone in America.

I could continue with such examples, but I believe the ones I have cited are sufficient to show there is a new philosophy about government at work in Washington, and that there is indeed a lot more than a "dime's worth of difference" between the two parties and their basic philosophical approaches to government.

Our views that are now being put into effect are bringing changes for the first time in decades in the operation of the federal system. We will be happy to be judged on the results in 1972.

As the President has said, this is not an administration of promises. The American people have had enough of those. We will be judged on our performance.

Thank you and good night.

PUBLICATION OF REPORT OF HOUSE COMMITTEE ON INTERNAL SECURITY

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. ICHORD. Mr. Speaker, I place in the RECORD a copy of the letter which I circulated on December 8 to the Members of the House of Representatives and also a copy of the resolution mentioned therein:

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNAL SECURITY,

Washington, D.C., December 8, 1970.

DEAR COLLEAGUE: A report of the House Committee on Internal Security, prepared in accordance with rules of the House and resolutions of the Committee duly adopted, was ordered by the Committee on October 7, 1970 to be reported to the House. This report, captioned "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities", was thereupon filed with the House on October 14, 1970, designated House of Representatives Report No. 91-1607, and referred to the Union Calendar. Pursuant to rules of the House and acts of Congress, particularly 44 U.S.C. 101 et seq., the report was submitted for printing to the Public Printer, who with the Superintendent of Documents, has the duty to print, publish and disseminate reports and other documents of the House.

The Public Printer and Superintendent of Documents have not yet, however, fulfilled their statutory responsibilities with regard to House Report No. 91-1607 because they were permanently enjoined from doing so on October 28, 1970 by Judge Gerhard A. Gesell of the U.S. District Court for the District of Columbia. The entire proceedings in the court may be found in the Congressional Record of November 17, beginning at 37799.

I will not attempt to review the entire background of the situation here. In a letter to all Members of the House on November 17 I expressed the view that Judge Gesell's decision demonstrates disrespect for, and judicial encroachment upon, the freedom of speech expressly granted to Members of the House by the Speech and Debate Clause of the United States Constitution. His decision should be of grave concern to every Member of this House regardless of political or philosophical persuasion. The injunction constitutes an ominous intrusion into the prerogatives and privileges of the House. It is, indeed, an unlawful obstruction of the Constitutional duties of the House.

By the very terms of the Constitution, Article I, Section 6, the Courts are denied jurisdiction to question Members' speech or debate ("they shall not be questioned in any other place"). The Constitution also requires the House to publish its proceedings (Article I, Section 5). A Committee report, through which Members speak collectively, can surely be of no lesser stature than the speech of one Member alone. The courts have previously recognized and upheld the principle that the printing and publication of reports of Committees of the Congress cannot be restrained by the courts. I fully reviewed the facts and applicable law during a Special Order on December 2, 1970 (Congressional Record, 39512 to 39521) at which time some of you participated with me in ventilating the issues.

It should be noted that Judge Gesell's decision has been appealed, but the U.S. Court of Appeals for the District of Columbia on November 5, 1970 denied a motion for expedited processing. The case will therefore be relegated to routine and perhaps protracted proceeding. Meanwhile, the Congress and the public are denied the right of timely access to data collected pursuant to the Committee Mandate. This result is, I believe, intolerable.

Judge Gesell, a non-elected public official, has assumed the power to supervise, censor and restrict the dissemination of the speech of elected representatives of the people. It is imperative that the prerogatives and privileges of the Congress in such matters be unmistakably and vigorously asserted. If the encroachment is not successfully challenged, history will hold us guilty as accessories to the withering of legislative authority. We would be responsible parties to a significant precedent for subordination of the legislative branch of government.

In an effort to offset and reverse the circumstances which have thus developed, to avoid mooting the case on appeal, and to afford the Court an opportunity to avoid a confrontation, I instructed the Committee staff to prepare a second report on the same subject. On December 3, 1970 the report, captioned "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities" (a copy of which is enclosed) was duly approved by the Committee by a 5 to 1 vote with Mr. Stokes dissenting, and order to be reported to the House.

There is a possibility that this report might be construed by the Court as a "restatement" of the prior report within the prohibitions of the injunction, or it may be attacked in the same manner as was the prior report. Therefore, I intend to introduce a privileged resolution for consideration which by its terms will order the Public Printer and Superintendent of Documents to forthwith print, publish and distribute the report in accordance with rules of the House and acts of Congress, and will enjoin all persons from interfering with performance of the work. A copy of the resolution is also enclosed for your reference. In order that you will have ample time to study the report and the resolution, it is not my intention to rise to a question of the privilege of the House until December 14th, at which time, or as soon thereafter as practicable, I will rise to the question to lay the matter before the House.

The resolution enclosed does not provide for the consequences of a violation of the congressional injunction. It will not, itself, constitute a finding of contempt for a breach of the order. It serves, however, as notice of the will of Congress that further obstruction will not be suffered. But if disregarded, the House will have the competence to initiate additional measures, such as the exercise of the power to hold in contempt of Congress. I am hopeful that the judicial branch will quickly recognize the grievous error it has committed, and that such strong action will not be necessary. An unseemly confrontation of two coordinate branches of government should be avoided.

In the light of the legislative powers exclusively conferred on the Senate and the House by the Constitution, and the precedents of the House on this subject, there should be no doubt that the encroachment of the judiciary upon the functions and procedures of the House involves a question of highest privilege. Your careful consideration of this important matter is earnestly solicited.

Sincerely yours,

RICHARD H. ICHORD, *Chairman.*

RESOLUTION

Whereas, the Constitution of the United States vests all legislative powers in a Congress of the United States, consisting of a Senate and House of Representatives (Article I, Section 1);

And whereas, the said Constitution authorizes the House to determine the rules of its proceedings (Article I, Section 5);

And whereas, pursuant thereto the House enacted H. Res. 7 of January 3, 1969, as amended by H. Res. 89 of February 18, 1969, thus adopting the rules of the House, including Rule X establishing the Committee on Internal Security as a standing committee of the House, to consist of nine members to be selected by the House; and by agreement to H. Res. 251 of February 18, 1969, elected to the standing Committee on Internal Security Richard H. Ichord (chairman), Claude Pepper of Florida, Edwin W. Edwards of Louisiana, Richardson Preyer of North Carolina, Louis Stokes of Ohio, John M. Ashbrook of Ohio, Richard L. Roudebush of Indiana, Albert W. Watson of South Carolina, and William J. Scherle of Iowa;

And whereas, House Rule XI, enacted as aforesaid, names and defines the powers and duties of standing committees of the House, which includes the reference of all proposed legislation, constitutional amendments, messages, petitions, memorials, and other matters relating to the subject listed under the standing committees therein named; and commits particularly the following subject to the Committee on Internal Security, in part, as follows:

11. COMMITTEE ON INTERNAL SECURITY

(a) Communist and other subversive activities affecting the internal security of the United States.

(b) The Committee on Internal Security, acting as a whole or by subcommittee, is authorized to make investigations from time to time of (1) the extent, character, objectives, and activities within the United States of organizations or groups, whether of foreign or domestic origin, their members, agents, and affiliates, which seek to establish, or assist in the establishment of, a totalitarian dictatorship within the United States, or to overthrow or alter, or assist in the overthrow or alteration of, the form of government of the United States or of any State thereof, by force, violence, treachery, espionage, sabotage, insurrection, or any unlawful means, (2) the extent, character, objectives, and activities within the United States of organizations or groups, their members, agents, and affiliates, which incite or employ acts of force, violence, terrorism, or any unlawful means, to obstruct or oppose the lawful authority of the Government of the United States in the execution of any law or policy affecting the internal security of the United States, and (3) all other questions, including the administration and execution of any law of the United States, or any portion of law, relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation.

The Committee on Internal Security shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendation as it deems advisable.

And whereas, acting pursuant to the powers and duties, the legislative purpose, and upon the subject committed to it by the aforesaid resolutions of the House, the committee met in session duly called and held on February 20, 1969, at which a quorum of the committee was in attendance, and considered a proposal submitted to the members of the committee by the said chairman as follows:

I desire hereby to lay before the Committee a proposal for study and investigation in depth of revolutionary violence within this Nation.

It is becoming increasingly evident that one of the gravest threats to our internal security and to the free functioning of our democratic institutions is posed by the activities of certain organizations which would effect changes in our government or its administration by other than constitutional processes. Recent investigations of this Committee, the statements of responsible officials, Federal and State, and daily press reports, appear to me to sustain this conclusion.

In this respect, moreover, we are faced with ever-mounting demands from the Members of the House and the public for legislative action, both for additional legislation and with respect to the examination and appraisal of the administration and enforcement of existing law, including proposals for constitutional amendment as well.

I need not state that the legislative problems we face on the subject of subversion are of the utmost complexity and difficulty not solely from the constitutional standpoint, but equally so from the standpoint of developing practical and effective legislation. We must find the answers to certain basic questions, among which are the following: Is additional Federal legislation necessary? What form should such legislation take? Should these statutes be essentially regulatory or penal? Can we profitably amend existing statutes in this area? What is the Federal role, as contrasted with the State role, in the exercise of the police power on this subject?

In addition, a number of bills have already been referred to the Committee. Undoubtedly additional legislation will also be referred to it from time to time. Such legislation involves a number of subjects vital to the protection and maintenance of our internal security, including such subjects as the protection of defense facilities, the security of classified information released to industry, Federal employment security, vessel, ports, and harbor security, the protection of our armed forces during periods of undeclared war, passport security, proposals with respect to the Emergency Detention Act of 1950, etc.

The answer to the foregoing questions, and the disposition of such legislation, will obviously require the most painstaking and thorough inquiry and understanding of the extent, character and objectives, the organizational forms, financing, and other facts, with respect to those organizations and individuals engaged in revolutionary violence, sedition, and breach of peace and law, as are proper subjects of investigation as mandated by the House. Obviously, we cannot legislate in a vacuum.

I therefore submit for your approval my proposal that, under my direction, the staff be authorized to undertake preliminary studies and inquiries, the results of which I shall, from time to time, report to the full Committee with a view toward the subsequent authorization of such full scale investigations and public hearings as to the Committee may seem desirable and necessary.

And whereas, at said meeting a resolution was adopted as follows:

Resolved, That the Chairman be directed to cause staff studies and preliminary inquiries to be made with respect to the organizations and subjects herein proposed, and to report on same from time to time, with his recommendations, with a view toward determining whether full-scale investigations and public hearings shall be authorized and conducted by the Committee with respect to any such organization or subject.

And whereas, pursuant to the authority hereinbefore mentioned and resolutions of the committee for such purposes duly adopted, studies, inquiries, reports, and investigations were made and hearings conducted from time to time by the committee upon the subject committed to it;

And whereas, pursuant to the authority conferred by House Rule XI, and committee resolution of February 20, 1969, aforesaid, the chairman directed staff studies to be made with respect to the financing of revolutionary violence, including for such purposes a survey to be made of colleges and universities with regard to honoraria paid to guest speakers of which the committee was advised in a memorandum delivered to its members on May 18, 1970, as follows:

RE: SURVEY OF COLLEGES AND UNIVERSITIES WITH REGARD TO HONORARIUMS PAID TO GUEST SPEAKERS

I have become increasingly concerned over the past months with the financing of revolutionary groups through speaking engagements on our college and university campuses. Accordingly, I have asked the staff to prepare a list from public source material to determine the extent of speaking engagements by those persons who we know to be associated with revolutionary groups.

Though the extent of honorariums paid to college & university speakers is not always reported in the newspapers, the limited information that is available suggests to me that honorariums may well be of significance in funding the activities of revolutionary groups. In March of this year, J. Edgar Hoover, in his testimony before the House Subcommittee on Appropriations, discussed financing and furnished the names of Black Panther speakers who appeared before secondary schools, colleges and universities during the year 1969. Attached is an excerpt from Mr. Hoover's testimony for your consideration.

I have requested the staff to prepare, in the form of a survey, a letter to be sent to selected colleges and universities in the 50 states, requesting the voluntary participation of these schools in providing to us information with regard to speakers they have had on campus, group identification and sponsorship of speaker, the amount of honorarium paid (check or cash), to whom this money was paid and the source of funds involved.

It appears to me that this is a logical inquiry in connection with the Committee fulfilling its mandate and I would be most appreciative of your suggestions and comments with regard to this proposed survey and its implementation.

And whereas, at a session of the committee duly called and held on June 16, 1970, at which a quorum was in attendance, the aforesaid memorandum was called for discussion, and it was duly moved and agreed that an inquiry on this subject be undertaken;

And whereas, a proposed report to the House on the results of the aforesaid inquiry, titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," was considered at a meeting of the committee duly called and held on October 7, 1970, a quorum being in attendance, at which amendments were made to the said report and, as thus amended, the committee agreed that the report be made to the House;

And whereas, in accordance with the rules of the House and at the direction of the committee, at a session of the House on October 14, 1970, the said report was filed with the House by the chairman of the committee designated House of Representatives Report No. 91-1607, which was referred to the Union Calendar;

And whereas, thereafter the House on October 14, 1970, agreed to recess and went into recess from thence until November 16, 1970;

And whereas, on October 13, 1970, one day before the filing of said report and recess of the House, a complaint (Civil Action No. 3028-70) was filed with the United States District Court for the District of Columbia by Lawrence Speiser, director of Washington, District of Columbia, office of the American Civil Liberties Union, in which Nat Hentoff, John Doe, and Richard Roe were named as plaintiffs in a suit against the chairman and members of the Committee on Internal Security of the House of Representatives, the chief counsel of said committee, the Superintendent of Documents and the Public Printer, in which it was alleged that the filing and publication of the report with respect to honoraria paid to the plaintiffs and the class of persons they allegedly represented had no legitimate legislative purpose, but was being carried out by the defendants with the purpose and effect of (1) deterring colleges and universities from permitting plaintiffs to appear on their campuses as speakers (2) punishing plaintiffs for their views by exposing them to the harassment normally associated with "blacklisting"; and the court was asked to declare the action of the defendant committee members in preparing and seeking to publish the report to be unconstitutional, and to enjoin the defendants from filing, printing, publishing, or disseminating the report and from disclosing any material or information contained in it;

And whereas, on the same day, to wit, October 13, 1970, the Honorable Gerhard A. Gesell, a judge of the United States District Court for the District of Columbia, acting upon the application of the said Lawrence Speiser for a Temporary Restraining Order, set the matter for hearing a 2 p.m. of that day and, without the service of notice on the defendant parties in interest, proceeded ex parte to enter a Temporary Restraining Order as follows:

TEMPORARY RESTRAINING ORDER

It appearing to the Court from the verified Complaint and the application for Temporary Restraining Order and accompanying affidavit that a Temporary Restraining Order, pending hearing and determination of plaintiffs' motion for a preliminary injunction should issue, because, unless defendants (except the named Members of Congress) are restrained from printing, publishing and distributing the Report on Honoraria Paid Guest Speakers for Engagements at Colleges (a copy of which has been filed and impounded as the Court's Exhibit) which contains any list of names of individuals who have had speaking engagements at colleges or universities, plaintiffs will suffer immediate and irreparable injury, loss, damage and infringement of constitutional rights before a hearing can be had on plaintiffs' motion for a preliminary injunction;

And the Court having concluded from the materials before the Court that the printing, publication and distribution of any such lists of names as part of said Report may be unlawful, unauthorized by Congress, serves no proper legislative purpose and infringes upon the constitutional rights of those so named;

Now, therefore, it is ordered, that defendants (except the named Members of Congress) and their agents, servants, employees and attorneys, and any persons acting in active concert or participation with them (except the named Members of Congress), be and they are hereby restrained until the determination of plantiffs' motion for a preliminary injunction from directly or indirectly seeking to print, publish or distribute any list of names of individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities.

It is further ordered, that the 23rd day of October 1970 at 9:30 o'clock a.m., at the United States Courthouse in Washington, D.C., is fixed for the time and place of hearing plaintiffs' motion for a preliminary injunction.

It is further ordered, pursuant to Rule 65 (c) that plantiffs post a bond in the sum of one dollar ($1.00).

And whereas, copies of the aforesaid complaint having been served the following day upon the parties defendant, an appearance was entered by the Department of Justice on behalf of Representatives Ichord, Pepper, Edwards, Ashbrook, Roudebush, Watson, and Scherle; Donald G. Sanders, chief counsel of the said committee; Rolland Darling (Acting Superintendent of Documents); and A. N. Spence (Public Printer), and on October 20, 1970, a motion to dismiss was filed with the court on behalf of said defendants, together with supporting affidavits and a memorandum of law, from which it will appear by reference thereto that the court was fully apprised of the facts with respect to the issuance and filing of said report hereinbefore set forth, as well as points of applicable law;

And whereas, pursuant to its order of October 13, 1970, the said court sat on October 23, 1970, to hear arguments on plaintiffs' motion for a preliminary injunction, and after argument entered the following order:

ORDER

This cause came on for hearing on the 23rd day of October, 1970 upon plaintiffs' motion for a preliminary injunction and defendants* opposition thereto and during the argument on the motion, the parties to the action through their counsel having agreed that the Court could consider this matter on defendants' motion to dismiss, plaintiffs' complaint for permanent injunction and the record and counsel for defendants* having deferred to the Court's request that the temporary restraining order entered in this cause be extended to the close of the Court's business on the 28th day of October, 1970 in order to afford the Court the opportunity to make findings of fact, conclusions of law and to enter the final judgment in the action, it is by the Court this 23rd day of October 1970.

Ordered that the temporary restraining order entered herein by the Court on the 14th day of October, 1970 be and the same hereby is extended to the close of the Court's business on the 28th day of October, 1970 and it is

Further ordered that the Clerk of Court be and he is hereby directed to record in this Court's docket an entry reflecting the agreement of the parties* to this action made through their counsel that this cause has been submitted to the Court for final disposition on defendants' motion to dismiss, plaintiff's complaint for permanent injunction and the record.

And whereas, the court thereafter on October 28, 1970, granted permanent injunctive relief as follows:

ORDER

Plaintiffs' application for declaratory judgment and permanent injunctive relief having, with consent of the parties, come before the Court on affidavits, and the Court, after briefs and full argument, having filed herewith its Memorandum Opinion containing Findings of Fact and Conclusions of Law, it is

Ordered that the Public Printer and the Superintendent of Documents be and each is hereby permanently enjoined from printing and/or distributing, or directly or indirectly causing to be printed or distributed, any copy of a Report of the House Committee on Internal Security captioned "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities" or any portion, restatement or facsimile thereof, provided however that in the event said Report or any part thereof shall be introduced into or be mentioned during the course of proceedings of the House or of the Senate this injunction shall not apply to subsequent normal publication or distribution of the Congressional Record in full text, without special reprinting or excerpting of any portion or portions relating to said Report; and it is

Further ordered that the complaint be and it is hereby dismissed as to all parties except the Public Printer and the Superintendent of Documents, and the Temporary Restraining Order previously entered in this case is and shall be desolved [sic] upon the service of this Order on the Public Printer; and it is further

Adjudged and declared that said Report of the House Committee for [sic] Internal Security is without any proper legislative purpose and infringes on the rights of individuals named therein as protected by the First Amendment to the Constitution of the United States, and that any publication of said Report at public expense, except as herein provided, is illegal.

And whereas, on October 30, 1970, the said defendants, Representative Preyer joining, gave notice of appeal and filed an appeal from the aforesaid order with the United States Court of Appeals for the District of Columbia, together with motions for summary reversal of the district court's order or, in the alternative, for the expedited processing of this appeal, with memorandum in support of said motions, requesting that the court of appeals should consider and decide the case before Congress returned from recess on November 16, 1970;

And whereas, the court of appeals on November 5, 1970, in disregard of the urgencies of the situation and of the rights and privileges of the House, entered a per curiam order denying defendants' (appellants') motion for summary reversal or, in the alternative, for expedited processing of this appeal, as follows:

Before: Wright, McGowan and Tamm, Circuit Judges in Chambers.

ORDER

On consideration of appellants' motion for summary reversal of the District Court's Order enjoining the Public Printer and the Superintendent of Documents from printing or distributing a House document or, in the alternative, for expedited processing of this appeal, of the opposition filed with respect thereto and of the record on appeal herein, it is

Ordered by the Court that appellants' motion for summary reversal or, in the alternative, for expedited processing of this appeal is denied. Per Curiam Circuit Judge Wright did not participate in the foregoing order.

And whereas, the said report of the Committee on Internal Security, the printing and distribution of which has been enjoined as aforesaid, was authorized to be filed with the House in accordance with the rules and practices of the House;

And whereas, the Constitution of the United States provides that each House shall keep a Journal of its proceedings and from time to time publish the same (Article I, Section 5);

And whereas, Rule XIII of the House, duly enacted as aforesaid, provides that reports of committees shall be delivered to the Clerk of the House for printing and reference to the proper calendar under the direction of the Speaker, and the titles or subject thereof shall be entered on the Journal and printed in the Record; and pursuant thereto the aforesaid report of the Committee on Internal Security has been so entered and referred;

And whereas, by the rules and practices of the House, the reports of committees are printed, published, and disseminated for the use of the House, its committees, and the public in accordance with such rules and the acts of Congress for such cases made and provided, particularly title 44, United States Code, section 101 et seq.;

And whereas, on order of the House, it is the duty of the Public Printer and the Superintendent of Documents to print, publish, and distribute the reports and other documents of the House in accordance with the order of the House and applicable acts of Congress;

And whereas, the printing, publication, and distribution of the aforesaid House report (91–1607) entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," was duly authorized and submitted for printing to the Public Printer in the normal course of business;

And whereas, it is not the rule or practice of the House to print or publish the full text of the reports of its committees in the Journal of the House or the Congressional Record;

And whereas, the restraints and limitations upon the printing, publishing, and dissemination of the aforesaid report imposed by the court's aforesaid orders constitute an unwarranted and impermissible obstruction of the execution of the rules and practices of the House and of its legislative processes and procedures;

And whereas, it is essential to the due and effectual exercise and discharge of the constitutional functions and duties of the House, and the promotion of wise legislation, that no obstruction or impediments should exist to the publication of such reports of the

---

*No appearance has been entered in this action in behalf of Congressmen Louis Stokes and Richardson Preyer. They are not represented in this action by counsel.

House as the House may deem fit or necessary to be published:

And whereas, it is essential to the working of our parliamentary system and to the welfare of the Nation that the speech, debate, and proceedings in the Houses of Congress be made known to the country;

And whereas, it is expressly provided by the Constitution of the United States that for any speech or debate in either House the Senators and Representatives shall not be questioned in any other place (Article I, Section 6);

And whereas, the foregoing provision of the Constitution, thus succinctly stated, arose out of a time-honored struggle for liberty and was adopted from the English Bill of Rights of 1689 which declared in unequivocal language: "That the Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament.";

And whereas, a report of a committee of the House filed with the House is speech or debate of Representatives in the House;

And whereas, by the express provisions of the Constitution, Article I, Section 6, aforesaid, the courts are enjoined against questioning, and are denied jurisdiction to question, any speech or debate in either House and may not censor, disparage, inquire into the contents of, or otherwise question, limit, or restrain, the speech or debate of Representatives in the House;

And whereas, the speech and debate of Representatives in the House is absolutely privileged, subject only to the control of the House, and is a privilege intrinsic to the right of the House to preserve the means of discharging its legislative duties;

And whereas, it is a fundamental principal of a free constitution, incorporated in the Constitution of the United States, that the legislative, executive, and judicial powers be separated (see The Federalist, Nos. XLVII and XLVIII);

And whereas, the House of Representatives is invested with the power to prevent and punish such contempts of its authority and privileges as is necessary to preserve the means of discharging its legislative duties, and that this power rests upon its right of self-preservation to enable the public powers given to it to be exerted; a power indeed which has been recognized in the precedents of that Court by which the inferior Federal courts of the District of Columbia are bound [see Anderson v. Dunn, 6 Wheat. 204 (1821); In re Chapman, 166 U.S. 661 (1896); Marshall v. Gordon, 243 U.S. 521 (1916)];

And whereas, the chairman of the said Committee on Internal Security has this day reported to and filed with the House a report of the said committee entitled, "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities" (House of Representatives Report No. 91-1607);

And whereas, at a meeting of the said Committee on Internal Security duly held and called on December 3, 1970, at which a quorum of the said committee was in attendance and voting, the said chairman was duly authorized and directed to file said report;

And whereas, said report was made in accordance with the rules of the House and upon the subject committed to said committee pursuant to the provisions and mandate of House Rule XI and resolutions of the committee duly adopted;

And whereas, the said report this day filed is upon the same subject matter as the prior report (No. 91-1607) of said committee, hereinbefore mentioned, and may be construed as a "restatement" of the whole or a part of the prior report, the printing and distribution of which was permanently enjoined by the hereinbefore mentioned order of the court dated October 28, 1970: Now, therefore, be it

Resolved, That—

(1) In accordance with the Rules of the House of Representatives and the acts of Congress made and provided, the Public Printer and the Superintendent of Documents shall forthwith print, publish, and distribute, and they are hereby ordered forthwith to print, publish, and distribute to and for the use of the House of Representatives, the Committee on Internal Security of said House, and those entitled to receive them, the usual number of copies of the report (No. 91-1607) of said Committee on Internal Security titled, "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities," which has this day been duly reported to the House.

(2) All persons, whether or not acting under color of office, are hereby advised, ordered, and enjoined to refrain from doing any act, or causing any act to be done, which restrains, delays, interferes with, obstructs, or prevents the performance of the work ordered to be done by paragraph numbered (1) hereof; and all such persons are further advised, ordered, and enjoined to refrain from molesting, intimidating, damaging, arresting, imprisoning, or punishing any person because of his participation in, or performance of, such work.

(3) Copies of this resolution shall be forthwith furnished by the Clerk of the House to the Public Printer, Superintendent of Documents, and the clerks of the United States District Court and of the United States Court of Appeals for the District of Columbia.

NATIONAL SELF ANALYSIS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. HUNGATE. Mr. Speaker, in these days of national self analysis, an article in the December 5, 1970 New Yorker raises some provocative questions:

Notes and Comments

We've been following the reports on the recent commando raid on the prisoner-of-war camp in North Vietnam, and we were particularly interested in this exchange between Senator Fulbright and Secretary Laird, which we read in the *Times'* account of the recent Senate Foreign Relations Committee hearings:

Mr. Fulbright. I don't like to say it was all a bad idea simply because it failed, but it did fail. There was something wrong with the intelligence.

Mr. Laird. This was not a failure, Mr. Chairman, and I would—

Mr. Fulbright. Well, it was a failure.

Mr. Laird. These men knew full well the chance that there might not be P.O.W.s present.

Mr. Fulbright. I'm not complaining about the men but those men responsible for it.

Mr. Laird. I would like to tell you, Mr. Chairman, that we have made tremendous progress as far as intelligence is concerned—

Mr. Fulbright. You mean since Friday?

Mr. Laird. —but we have not been able to develop a camera that sees through the roofs of buildings. We had—The intelligence in this mission was excellent. But let me give you the intelligence rundown, as far as the location of troops were concerned, the location of buildings, the makeup of the camp, where the SAM missiles were located, where the anti-aircraft was located, where the radar blanks were in the radar screen, so that we could make penetration without detection.

Mr. Fulbright. But, Mr. Secretary, I don't think this is relevant. There weren't any prisoners there, so what difference does it make?

Mr. Laird. There were prisoners there, Mr. Chairman, and we knew full well . . .

In Secretary Laird's remarks there is to be found a remarkable definition of "success" and "failure"—a definition that implies a radically altered notion of what the government's responsibility for its actions is. Success is measured wholly in terms of the vigor and health of the war machine, without any reference to what's happening to the war itself. The world outside the confines of the government's own organizational machinery disappears from view, and success and failure are judged by standards that are completely internal. One might compare the government to a doctor who tries to judge the health of his patient by taking his own temperature; or one might compare it to those "permissive" educators who grade their pupils on the basis of effort rather than on the basis of results. Under this system, even a moron can get an A in nuclear physics, and though in certain schools—particularly schools for the handicapped or the mentally retarded—this system may be wise and merciful, it is foolish and dangerous when the government uses it as a way of not facing its mistakes and of giving itself straight A's for everything it undertakes.

We have long believed that certain fundamental errors lie at the root of our country's travail in Vietnam. For one thing, the forces sent to Vietnam were entirely inappropriate to the task they were asked to perform; in fact, it is hard to imagine that any forces from any country could have performed the tasks that our government assigned to its Army. It has now become apparent that sending the Army to build democracy in Vietnam was like sending a carpenter to sew up a dress, or sending a fireman to settle a marital dispute, or sending a psychiatrist to put out a fire. And the results in Vietnam have been as ludicrous as the means. But if you apply the Laird Principle, and forget what it was that you wanted to accomplish in the first place, and forget what the results were, too, then the whole war can be seen as a "success." Laird's answers to Fulbright provide a good metaphor for the entire war effort. If a hearing were to be held on the success or failure of the war up to this point, it might, we imagine, proceed as follows:

Q. We went into Vietnam to help the South Vietnamese fight Communism and build themselves up so that they could stand on their own. Why have we failed?

A. I'd like to say that as far as the actual operation of the war is concerned, this has been a tremendous success. As to the efficiency and morale of our armed forces, this is the most sophisticated, finest Army we've ever had. Let me give you a rundown on some of the things we have accomplished. We've got the best Air Force we've ever had. As to pilot performance, these are the finest pilots who have ever flown planes, and they've got the most sophisticated ordnance that has ever been put together. This has been a tremendous plus for our side. We've got B-52s that can tear up a strip of jungle a mile long; we've got a pinpoint surgical precision in our air strikes that we never had before; we've got some ordnance for any job you want done. When you put all this together, it means that our men have been able to apply more ordnance in this war than in all our other wars put together.

Q. But the enemy continues to infiltrate its men into South Vietnam, and continues to fight in South Vietnam, and now in Laos and Cambodia as well.

A. Well, we're going at this thing from every side. I don't want to just emphasize the negative side and forget the great work that our Rural Development boys have been doing, because we've had a whole string of successes on the positive side. We've built some of the most modern housing the rural people have ever seen. Some of them had never seen a television set until we brought one along, and our agricultural team has been doing a lot of work with new advances in farming. We've got a machine called the Transphibian Tactical Destroyer that weighs ninety tons and can cut a highway through any jungle. In the entertainment field, we've shown thousands of films throughout Vietnam, and we've kept our military bands busy, too. We've developed a tremendous store of techniques there. We replaced their tradition-oriented village system with a progress-oriented democratic system, and we've got a team of some of the highest-paid professors in the country to tell us how to put their country together again in line with modern processes, with the disruptive elements shut completely out of the picture.

They were two thousand years behind us when we got there, and we've brought them into the modern age. In terms of the development process, we introduced a lot of potential workers into the urban areas, and now, with our resettlement programs, we're getting some of them back into the countryside again. We've made amazing advances in this field, too.

Q. Then why do the villagers hate us?

A. Modernization can't happen overnight. It took us two hundred years to do it. As to the hostility that sometimes is generated, we've got planes dropping billions of leaflets explaining our system in the kind of language they understand. This is the biggest, best-organized, most sophisticated psychological war effort we've ever launched, and I want to take this opportunity to pay a tribute to our Psy War team. They're just tops. And that goes for Intelligence, too. We've got an infrared device that can just about read a fellow's mind from ten thousand feet. We've got the whole country rigged to the most sophisticated computers. They've given us more reports per square inch of enemy-controlled territory than we've ever had before.

Q. Well, then why do the enemy always know when we are going to attack, whereas we never know when they are going to attack? Everything you say is very impressive, but what has it got to do with building a strong democratic government in Vietnam? Why aren't we achieving our objectives?

A. Well, in answer to your question I'd say that we've made fantastic progress. Our machine has outproduced, outgunned, and outtalked their machine in every hamlet of Vietnam. As to whether we're achieving our objectives, I'd say that this is the best-coördinated, best-financed, most highly motivated operation we've ever mounted. In other words, we've succeeded.

Q. Then why have we failed?

A. You can't have everything.

DANIEL KEFFER POST 75 OF CLAIRTON, PA., OBSERVES 50TH ANNIVERSARY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. GAYDOS. Mr. Speaker, on Saturday, December 5, I had the privilege of participating in a most impressive program held in observance of the 50th anniversary of an American Legion Post in my 20th Congressional District of Pennsylvania—the Daniel Keffer Post 75 of Clairton, Pa.

Ostensibly, the event was held to honor charter members and past commanders of this post, one of the oldest in Pennsylvania. In reality, however, it did much more than that. It honored all Americans who possess a love for their country and its flag. It was a stirring demonstration on the part of Post 75, its officers, members, and more than 500 persons who attended the banquet. Symbolically, it was a clarion call for all Americans to reunite under their flag; to rededicate themselves to the principles and ideals of this great Nation.

Americanism was the theme for the evening. It was stressed by speaker after speaker who took the rostrum in a flag bedecked auditorium. Among those addressing the crowd were: E. Thomas Cammarota, State Commander of the American Legion; Joseph F. Watson, Allegheny County Legion Commander; Joseph D. Kelly, 36th District Legion Commander; Leonard C. Staisey, chairman of the Allegheny County Commissioners; John F. Matz, mayor of the city of Clairton; Regis R. Malady, State legislator from the 39th District; John Dadominici, a member of Post 75; and Msgr. Michael B. Hrebin, pastor of Ascension Church.

You may have noted, Mr. Speaker, this anniversary observance took place just 2 days before a date which all Americans should remember for all time. I know many of us here can vividly recall the details of December 7, 1941, when Japanese war planes swooped out of the sun to attack Pearl Harbor and plunge this Nation into 4 years of bloody conflict.

Appropriately, the principle speaker for the Keffer Post observance was a man who is a living link with the horrors of that war and those of Vietnam today. More than most, he knows what it means to live under the American flag. More than most, he knows the agonies, despairs, hopes and fears which must grip Americans held captive by the North Vietnamese.

The man is Mr. Carl L. Moldovan, who is a survivor of the infamous Bataan Death March of World War II, and who spent 3½ years in Japanese prison camps in the Philippine Islands and on the Japanese mainland. I had never met Mr. Moldovan but, after hearing his experiences, I could not help but pray to the Almighty for the safety of American prisoners now in Vietnam. I could not help but give thanks again for having returned safely from World War II back to the United States of America.

Mr. Speaker, I commend Post 75, the visiting Legionnaires, and Mr. Moldovan for reminding us all what a great land America really is. I commend the post and its officers, past and present, for continuing to foster a love of country and of flag. I would like to call the attention of my colleagues in the House to the men who sponsored this public demonstration of patriotism—Comdr. Michael W. Mihalov of Post 5 and his staff: Henry W. Drnach, senior vice commander; Joseph V. Drnach, junior vice commander; Gerard D. Pasquerell, adjutant; John A. Maksin, finance officer; Andrew York, service officer; Raymond G. York, chaplain; Charles A. Yaksick, historian; and Mark McLaughlin, sergeant at arms.

These men carried on a tradition established August 1920, when the Keffer Post was chartered by the national Legion organization. I feel it only fitting and proper that the men and women who began it all should be recognized in the RECORD. These charter members are: Roscoe H. Brunstetter, George M. Barone, Joseph J. Bereznay, Michael Behary, Elsie Jean Bailey, Carl Blackburn, William H. Brown, Daniel Black, George Cranisky, M. A. Cunningham, Ralph J. Cole, C. B. Davis, Vincenzo DeSalvatore, John Filakousky, Harold Francis, John Fulmer, Alfred Farrell, Charles Farrell, John Gogo, Robert Gibson, Frank Gaydos, Joe Gaydos, Reginald Gates, Silvio Geangilio, Andy Gombar, Kenneth Keister, J. Carl Leis, Frank Lindsay, John Martis, Tony Mitchell, Stanley McGuire, C. B. Norcross, D. A. Polhemus, John Raynak, Richard Reager, A. M. Snyder, G. A. Sugier, B. B. Shanks, Daniel Trainor, E. A. Thomas, Leonard White, and John Zoho.

Over the past 50 years Post 75 has contributed much to the city of Clairton. It has joined in or sponsored many community programs and projects, all designed to improve and enrich the lives of the city residents. These endeavors have been successful because of the leaders who commanded Post 75, and I take great pleasure in inserting a list of their names in the RECORD:

1920–22	Dudley A. Polhemus.
1922–24	Alfred Farrell.
1924–25	J. Carl Leis.
1925–27	Carl Blackburn.
1927–28	Robert M. Taylor.
1928–29	Dr. David M. Boies.
1929–30	Earl Bissell.
1930–31	Dr. C. J. Murphy.
1931–32	C. J. Watson.
1932–33	Thomas M. Grace.
1933–34	Frank Wilson.
1934–35	William R. Walls.
1935–36	Andrew York.
1936–37	Andrew Girman.
1937–38	Thomas J. Boyd.
1938–39	John P. Baird.
1939–40	William McConnell.
1940–41	William R. Walls.
1941–42	Dr. C. J. Murphy.
1942–43	Earl Bissell.
1943–44	John P. Baird.
1944–45	Andrew York.
1945–46	Earl Bissell.
1946–47	Dr. C. J. Murphy.
1947–48	C. Donald Feight.
1948–49	Francis Fisher.
1949–50	Charles Stilley.
1950–52	John Payne, Jr.
1952–53	Joseph Strinich.
1953–54	Robert Passera.
1954–55	C. Donald Feight.
1955–56	Phillip Martell.
1956–57	Willis Campbell.
1957–58	Edward A. Pastorik.
1958–59	Charles A. Yaksick.
1959–60	Larry Zuber.
1960–61	A. Kenneth York.
1961–62	John W. Davies.
1962–63	Raymond G. York.
1963–65	Neil Decima.
1965–71	Michael W. Mihalov.

Mr. Speaker, Post 75 is proud of its leaders and its achievements. It should be for its record is outstanding, reflecting with great credit upon the city of Clairton, the national American Legion and the Nation itself.

COMMUTER CONTAINERS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. REID of New York. Mr. Speaker, since my first term in the Congress in 1963 I have been working to improve the lot of my constituents who are commuters on the New Haven and Harlem-Hudson Divisions of the Penn Central Railroad. My friend Art Buchwald, however, has in the single stroke of his formidable pen, come up with a solution to this problem that far exceeds any of my efforts. I would like to share his column in yesterday's Washington Post, entitled "Commuter Containers," with my colleagues and insert it in the RECORD at this point:

COMMUTER CONTAINERS

(By Art Buchwald)

The question of what to do about American passenger railroads is still very much on the administration's mind. There is no doubt that the railroads are losing money on passenger business. If they had their druthers they would just stay with freight. At the same time the public's need for passenger trains, particularly commuter trains, is great.

What is the solution? Professor Heinrich Applebaum, who holds the Casey Jones Chair of Railroad Philosophy at Pullman University, has come up with a radical idea that could save both the railroads and the needed passenger service.

Professor Applebaum says the solution to the problem can be found in large aluminum containers, which are now being used for freight.

These containers are placed on trains already packed, and unloaded the same way. This saves companies' money in freight handling, loss due to pilferage and breakage, and also saves time.

Applebaum claims there is no reason you can't use the same containers for people.

This is how it would operate: Let us assume that 150 people are going to take the 7:30 a.m. from Greenwich, Conn. When they arrived at the platform, they would be placed horizontally in the containers (this would give everyone an extra hour's sleep to New York.) The container would be insulated as well as air-conditioned.

When everyone was squeezed in the container it would be sealed. Then a freight train going through Greenwich would stop and the container would be hoisted on board a flat car.

The same thing would happen all along the way. Commuters in containers at Port Chester, Rye and Larchmont would all be waiting to be picked up by the freight train.

When the train arrived at Grand Central Station the containers would be taken off by cranes and opened on the platform, and everyone could go to work.

The reverse would happen in the evening, Applebaum said, except in this case to break the monotony, the commuters would be loaded in *vertically*.

The beauty of the plan, says Applebaum, is that by using containers, railroads could cut the cost of a ticket from Greenwich to New York by $3.50.

They could also profit by the fact that they would not have to build new passenger trains, and they could eliminate the bar cars.

Psychologically, they wouldn't have to worry about customer relations, as the commuter service would be run by the freight department.

The big advantage of this is that, once the railroads were able to legitimately treat passengers as freight, they would improve their service rather than try to discourage people from using the railroads.

Applebaum says that, at the moment, the container idea would only be practical on short runs, but he felt that as time went on a method could be developed for long runs to freeze people in refrigerator cars and then thaw them out when they reach their destinations.

The Department of Transportation, which is trying to find a solution to the passenger train problem, has expressed great interest in the Applebaum plan. A spokesman for the department said:

"If nothing else, it could save the Penn Central Railroad."

MEDICAL SCHOOLS IN FINANCIAL CRISIS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. ROGERS of Florida. Mr. Speaker, as each of us knows, the medical schools in this nation and their affiliated teaching hospitals are in acute financial distress. This is a particularly distressful situation when we remember that these same institutions are under considerable pressure to expand their enrollments. That, of course, is as it should be, given the fact that we suffer from a shortage of physicians. However, if that expansion is to be successful, it will be necessary to stabilize these beleaguered institutions.

Mr. Speaker, in the November 23, 1970, issue of the Journal of the American Medical Association, this very real problem is highlighted by an excellent editorial entitled, "Money and Medical Schools."

The editorial follows:

MONEY AND MEDICAL SCHOOLS

In today's turbulent environment, daily concerns are expressed in strident terms which a decade ago would have been used only for impending tragedies. As a result, important warnings are likely to be unnoticed. The financial problems of the nation's medical schools are not receiving the public and professional attention they deserve, possibly because the warnings are lost in the cacophony of daily alarms. The danger is present; the alarms have been sounded, but the responses to date are far from adequate.

The challenge has gone out to the nation's medical schools to increase substantially their output of physicians. While no authoritative numerical goal is available, few of the statements call for less than 50% expansion of entering classes within the next five years.

It is unlikely that an increase in the number of students by from 50% to 100% in the next five to ten years can occur without major changes in the pattern of medical education. After an initial delay, medical educators now seem ready to consider a wide variety of changes, including innovations in curriculum, reduction of premedical requirements, accelerated programs, elimination of nonessential requirements, better utilization of space, and more effective use of personnel.

The call for increased output of physicians is only one of many urgent demands—and they are demands, not requests—on the 103 US medical schools. That the convergence of enhanced public expectations and awakened desires by educators to meet those expectations finds the schools in such a weak position to respond because of financial pressures is unfortunate. The situation might become tragic, tragic because, at a time when the nation needs to expand medical schools, financial problems may cause several to close their doors. While the dangers are more immediate for some of the 46 private schools, the pressures are on both public and private schools.

The reasons for the financial bind are numerous and complex but may be summarized as follows: (*a*) the medical schools suffer from the inflationary pressures of the economy, with special effects on an institution dealing only in services; (*b*) the schools have the financial problems common to all educational institutions, with special emphasis on the fact that the faculty and other medical personnel needed are in unusually short supply; and (*c*) the schools have a special need to respond to public pressure relating to health care and the education of personnel to provide that care.

Just to continue with the current operations, without regard to the urgent need to innovate and expand, most of the schools will need extraordinary financial help.

Applications for federal construction grants, needed to improve and expand medical education programs, total more than $400 million. Approved but *unfunded* grants this year will exceed the 1971 appropriation substantially.

At a time when the schools are trying to provide special training and special financial assistance to minority and disadvantaged students, student aid is needed more than ever before, as federal funds have been reduced.

The well known restrictions on federal research and research training expenditures strain the school's ability to maintain faculty stability, in spite of relatively large amounts of new money to support medical care programs. Faculty members once supported on research projects are not readily shifted to programs of immediate community and clinical impact.

John A. D. Cooper, MD, president of the Association of American Medical Colleges, in an appearance before the Senate Appropriations Sub-committee last spring eloquently expressed the concern of many persons aware of the seriousness of the situation: "We are here again this year with, unfortunately, the same plea we made last year. . . . But, this year, I have to add an even grimmer note. The perilous financial structure of our medical schools has now reached such a degree of instability that the whole structure is gravely threatened, particularly the private schools, which make up about half of all the medical schools in this country. I hope that I won't have to return to this Committee next year to report that, in the face of the increasing need for physicians, medical schools have closed, as dental schools already have."

While Dr. Cooper was expressing need for federal aid, it is clear that the problem must also be of concern to the medical profession, to all levels of government, to purchasers of services of academic medical centers, and to the public.

RETURN OF LITHUANIAN SEAMAN CAUSES NATIONAL CONCERN

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. KEITH. Mr. Speaker, The attempted defection of a Lithuanian sailor from a Soviet vessel to a Coast Guard cutter off Martha's Vineyard, November 23 has now become a national and international cause célèbre.

Nowhere, however, is there more concern and more interest than in my district, where the events took place and where most of the participants live. It is their hope, and mine, that the Congress and the executive branch will get to the bottom of this bungled affair.

I am glad to note that the hearings I called for on December 1 are now underway, both by the Foreign Affairs Committee and by the Merchant Marine and Fisheries Committee. These hearings have already produced much information on how the misguided decisions of November 23 came to be made, and will undoubtedly produce more before they are finished.

While I cannot and will not prejudge the case before the facts are all in, it seems clear at this point that the fault does not lie with the Coast Guard crew on the *Vigilant*. They were given clear orders, and despite their reluctance to do so, they had to obey them. Those orders were in apparent conflict with our national policy regarding defectors, and the source and authority as expressed by statute and in the U.N. protocol to which we are a signatory—for those orders is now the issue before us.

This is an issue that supersedes both the question of the Coast Guard's competence of the State Department's initiative. It raises the larger question of just what kind of nation we are, what kind of people we are. When 38 people in suburban New York shut their windows as Kitty Genovese was being murdered in the street below, we were all horrified; this was not the kind of reaction we expected Americans to have.

Now the same reaction has developed in regard to a Lithuanian seaman seeking freedom, and a lot of us are wondering anew just what direction this country is heading.

The world is wondering too, but neither the nation's conscience nor the Congress will allow the windows to be shut this time.

Mr. Speaker, one of my constituents, Robert Brieze, was on the Coast Guard vessel when the incident occurred. He was in Washington yesterday to testify before the Foreign Relations Committee. His testimony moved those who heard it deeply, and I would like to place it in the RECORD at this point:

TESTIMONY OF ROBERT M. BRIEZE

My name is Robert M. Brieze. I am President of New Bedford Seafood Producers Association.

Today, I would like to make a brief statement concerning the attempted defection of the Lithuanian sailor, Simas Kudirka.

Approximately 8:30 a.m. on November 23, the U.S. Coast Guard cutter *Vigilant* sailed to make a rendezvous with the USSR mother ship *Sovietskaya Litva*. There were five civilians aboard the *Vigilant*—Howard W. Nickerson, Executive Director of Seafood Dealers Association of New Bedford; John Burt, Port Agent for New Bedford Fishermen's Union; William Gordon, Assistant Regional Director of National Fisheries Service; an unidentified interpreter; and I.

We were aboard the *Vigilant* for the purpose of discussing fishing rights and, specifically, fishing methods of yellow tail flounder.

At approximately 10:30 a.m., the five civilians, accompanied by Captain Eustis of the *Vigilant*, boarded the USSR mother ship anchored outside Martha's Vineyard off the coast of Massachusetts, within the territorial waters of the United States.

Between 2 and 2:30 p.m., Captain Eustis was called back to the U.S. ship. The purpose for his leaving was unknown to us, but I felt something suspicious was happening.

About 3:45 p.m., Captain Eustis came back to the *Sovietskaya Litva* and ate lunch, but did not take alcoholic beverages.

About 4 p.m. all of the U.S. representatives and Captain Eustis went back to the U.S. Coast Guard ship *Vigilant*, along with several Russian officers and dignitaries.

At approximately 6 p.m., a United States sailor informed me that there was a defector aboard who had asked for political asylum. I then went to see Captain Eustis. The Captain told me that the defector was a Lithuanian and that he was asking for political asylum.

I explained to the Captain that the United States State Department does not recognize the occupation of Lithuania by the Soviets, and that the State Department has a special desk which handles Baltic affairs. I further told Captain Eustis that should the Lithuanian defector be returned to the Soviet ship, he would either lose his life or be exiled to Siberia. I informed him that I had escaped the Soviets myself in 1944 and I knew how they treated defectors.

At approximately 11 p.m., Captain Eustis said that he had orders from above to give back the Lithuanian defector to the Russians. I then pleaded with Captain Eustis to save the defector's life and keep him aboard the *Vigilant*. Captain Eustis said he had no choice as he had received his orders. At this time Captain Eustis was crying. He said that the orders had come from the Boston office.

About 11:30 p.m., three additional Russians boarded the *Vigilant* for the purpose of removing Simas Kudirka. The six Russians were allowed to go to the room where Simus Kudirka was placed. A fight ensued and cries were heard by all of us from the room where the Russians had entered to get Simus Kudirka. The door was temporarily opened, and I heard cries of "help, help," and saw Simas Kudirka being beaten by the Assistant Soviet Commander. His face was bloody and his shirt torn off.

Somehow, Simas Kudirka managed to escape the room, ran on deck, and still shouting "help, help," disappeared from sight on the upper deck. Somebody shouted "he jumped, he jumped," and at that time the VIGILANT started its engines and snapped its lines from the *Sovietskaya Litva*.

The Russian sailors continued searching the U.S. ship. They found Simas Kudirka hiding, overpowered him, tied him with ropes and blankets, and beat him violently.

At midnight, somebody ordered a United States lifeboat lowered and several U.S. seamen accompanied the six Russians and Simas Kudirka to the Soviet ship.

When the U.S. sailors returned, they said that Simas Kudirka had been beaten savagely and that he was either unconscious or dead when he was taken aboard the Russian ship. They said he had been kicked repeatedly.

After the Soviet ship raised its anchor, we followed it out of United States territorial waters. On the way back to port, Captain Eustis asked all of us to keep the matter quiet.

We returned to port at 3 a.m.

On the way back to port, Captain Eustis showed us the items that the Lithuanian defector had left behind after the Russians had dragged him away. They consisted of pictures of his wife, two dictionaries, and other items.

ROYBAL CALLS FOR J. EDGAR HOOVER'S RESIGNATION

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. ROYBAL. Mr. Speaker, as a result of recent evidence documenting the apparent inability of the current Director of the Federal Bureau of Investigation to deal impartially with all segments of American society, I call upon my colleagues in the Congress to join me in urging the resignation of J. Edgar Hoover. Whereas the record of Hoover during the earlier years of his career was laudable, his latest racial slurs show him no longer to be capable of directing the dispassionate enforcement of federal laws by the Federal Bureau of Investigation.

Hoover's most recent remarks against those of Mexican and Puerto Rican descent in which he asserted that one must beware of Mexicans and Puerto Rican citizens for they are prone to assault you with a knife—Time magazine, December 14, 1970, page 16—is indicative of his growing inability to manage the office of FBI Director in a professional and statesmanlike manner without injecting his racial prejudices. Not only does such a remark defame the character of those Americans of Mexican and Puerto Rican descent but it weakens public respect for the FBI and those men who serve in it.

At a time when respect for law enforcement is constantly threatened this nation cannot afford to retain in office a federal law enforcement official who undermines the people's faith in the fairness and impartiality of its highest law enforcement agency. Tragically enough the reputation of the FBI is now being eroded by the very same man who in years past has contributed to the Bureau's fame as this nation's most professional law enforcement body. It is with this in mind that I now call for the retirement of J. Edgar Hoover as the Director of the FBI and the selection of a man who can do justice to the great agency that Hoover himself helped to create.

Mr. Speaker, I would like to insert in the RECORD the published excerpts of a Time magazine interview with J. Edgar Hoover in the expectation that others will observe for themselves the declining ability of the current FBI Director to conduct himself in a professional manner befitting the distinguished agency he now directs.

J. EDGAR HOOVER SPEAKS OUT WITH VIGOR

For 46 years, under eight Presidents, J. Edgar Hoover has presided over the Federal Bureau of Investigation. He will be 76 on New Year's Day, but the prickly views on everything from his former bosses to the "jackals of the press," the frank prejudices, the devotion to the bureau pour forth with undiminished vigor. On the wall of his office is a mounted sailfish whose staring eyes are as steely as the chief's own. There Hoover discussed a variety of topics with TIME Correspondent Dean Fischer, Excerpts from the interview:

On reducing crime: First, there must be improvements in the training and salaries of law-enforcement officers. Second, there must be court improvements. Many judges don't sit as long hours as they should; they come in at ten o'clock, take a two-hour lunch break, and go home early in the evening. Third, there must be improvements in the penitentiaries. Some people come out worse than they went in. I have been accused of opposing parole and probation. I'm heartily in favor of them. But I am vigorously opposed to the abuse of parole and probation. The bleeding hearts on parole boards ought to be a little tougher. [In the matter of preventive detention] people who commit serious felonies—rape, murder, hijacking and kidnaping—should be incarcerated until they're tried, but it's absolutely wrong that they should have to wait seven or eight months before their trials.

On extremist groups: Bombings are the most serious threat to society because of the activities of the Black Panthers, the S.D.S. and the Weathermen. You take last year, when 23 police officers were killed and 188 injured by [black] racial extremists. The Black Panthers are directly associated with guerrillas in Jordan and Algiers. They pose the worst threat from the standpoint of violence.

On protecting the president: We cooperate with the Secret Service on presidential trips abroad. You never have to bother about a President being shot by Puerto Ricans or Mexicans. They don't shoot very straight. But if they come at you with a knife, beware.

On the FBI's image: We have recruited 50% of our [1,000] new agents from the officer corps in Viet Nam. You get a man who has been in command of men and he has to use good judgment. They all have to be above average in personal appearance. You won't find long hair or sideburns à la Namath here. There are no hippies. The public has an image of what an FBI agent should look like.

On Robert Kennedy: My differences with Bobby were very unfortunate. His father was one of my closest friends. He wanted me to lower our qualifications and to hire more Negro agents . . . I said, "Bobby, that's not going to be done as long as I'm director of this bureau." He said, "I don't think you're being cooperative." And I said, "Why don't you get a new director?" I went over to see President Johnson and he told me to "stick to your guns." But there was no disagreement about organized crime.

On his 1964 meeting with King: I got a wire from the Reverend Doctor King in New York. He was getting ready to get the Nobel Prize—he was the last one in the world who should ever have received it. He wired asking to see me.[*] I held him in complete contempt because of the things he said and because of his conduct. First I felt I shouldn't see him, but then I thought he might become a martyr if I didn't. King was very suave and smooth. He sat right there where you're sitting and said he never criticized the FBI. I said, "Mr. King"—I never called him reverend—"stop right there. You're lying." He then pulled out a press release that he said he intended to give to the press. I said, "Don't show it to me or read it to me." I couldn't understand how he could have prepared a press release even before we met. Then he asked if I'd go out to have a photograph taken with him. I said I certainly would mind. And I said, "If you ever say anything that's a lie again, I'll brand you a liar again." Strange to say, he never attacked the Bureau again for as long as he lived.

On the FBI's campus activities: A lot has been said in the press about the FBI swarming onto the campuses. The FBI is not on any campus. A Princeton professor blamed me for having agents on the campus, and he even called me a bastard. I wrote him that the FBI never goes on a campus except to investigate bombings of federally funded buildings, and while I do not indulge in vulgarity, I called him a liar. It's an absolute lie. Of course, most students think we shouldn't go on unless they invite us. They can have as many demonstrations, sit-ins, lay-ins as they want, and we will never look into it. I think students have a perfect right to dissent and to express their views through proper channels. But they ought not to resolve their differences by throwing bricks and bottles on the streets.

On his health and habits: I told the President I'd remain as long as my physical condition permitted. We have employees in the bureau who are in their 80s. I've always been against retiring a man by age; the longer a man is with us, the more valuable he becomes. To keep fit, I walk several blocks almost daily to the office. [His other recreation consists of TV watching and playing the horses at nearby tracks.] I live on the edge of Rock Creek Park, and I used to walk there. I can't do it now because of [crime] conditions in this city. I've been very observant of my weight. I had to cut off 20 pounds, and I had to give up everything I like, like chocolate cream pie. My two dogs are among the smartest and most affectionate dogs I've ever seen. Anybody would think twice before they'd commit murder because of the way those dogs bark. They're great company to me. The less I think of some people, the more I think of my dogs. I can leave in the morning and be in a bad mood, and when I come home at night they'll jump all over me.

LOS ANGELES HONORS MAX CANDIOTTY

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. REES. Mr. Speaker, on January 24 the Los Angeles community will honor one of its most distinguished citizens and outstanding philanthropists—Max Candiotty.

More than a thousand of the community's leading citizens will gather at a dinner to salute him not only for his past philanthropies, but for his newest undertaking, "The Fund for Higher Education in Israel."

That he deserves such an honor is beyond question.

Few men can match him in terms of his dedication to community service and his success in the business world.

For 4 years, he has served as a working member of the Los Angeles County Citizens Efficiency Economy Committee, a group whose recommendations have already resulted in substantial savings to the county's taxpayers.

He is a pillar of the Jewish Community of Los Angeles, serving on the board of directors of the Jewish Federation Council, and for the past 3 years he has been president of the Sephardic Jewish Community and Brotherhood of Los Angeles.

On the national level, he was a cofounder of the Fund for Job Corps Graduates.

Additionally, Mr. Candiotty was singled out for special honors by the government of the State of Israel, which has presented him with the Israel Freedom Medal, an award for his outstanding efforts and contributions towards building that beleaguered and courageous nation.

His newest project, "The Fund for Higher Education in Israel," is further evidence of his signal contributions to Israel, providing improved educational opportunities for Israeli youth.

A veteran of U.S. Army service during World War II, he has demonstrated success in a number of business fields. He worked his way through UCLA and USC to become a certified public accountant—and then went on to become a lawyer, graduating from the University of Southern California Law School in 1950 with a doctorate in law.

He is best known in the business world, however, as president of Daylin, Inc., a company which grew under his direction from a single pharmaceutical unit into a major national business enterprise in 10 years.

Clearly, Mr. Candiotty is one of our Nation's outstanding citizens.

I know that all members of this House will want to join me and the people of Los Angeles in honoring Max Candiotty on January 24.

THE CRISIS OF CHILDREN'S TV

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. PUCINSKI. Mr. Speaker, television is one of our most prominent technological triumphs, yet like most products of American genius a potential for good and bad use is present. The malleable mind of the American child is the battleground for those who see children's programing as a means to sell products and those who would use it as an educational tool. Following are two articles which appeared in the recent press and explain the inspiring struggle and promising results of the "Sesame Street" show whose aim is toward the mind, not the money of our very young:

"SESAME" SEEDS OF LEARNING

(By Elizabeth Shelton)

Disadvantaged children watching "Sesame Street" regularly made greater learning gains than middleclass youngsters who watched only infrequently, an independent study reported yesterday.

The Educational Testing Service of Princeton, N.J., released the results of an in-depth study of the educational television program's effect on 3- to 5-year-olds. It also found that 3-year-olds made greater gains than older children.

The non-profit educational research and measurement organization also found:

---

[*] The celebrated meeting between the two men occurred Dec. 1, 1964, after Hoover called King "the most notorious liar in the country" for advising civil rights workers to avoid making complaints to FBI men because they were Southerners, and King then suggested that Hoover had "faltered" under the burdens of office.

Children who watched the program made greater gains in learning than children who did not. (This was true for inner-city, suburban and rural children and those whose first language was not English.)

The children who watched the show the most and learned the most were those whose mothers watched with them and discussed the program with them.

Children who watched the show most often gained the most.

The skills that received the most time and attention on the show were generally the skills learned best.

Of the 3-year-olds, the study found these youngsters started out, in the pretest, lower than the 4- or 5-year-olds. After watching the show regularly, their post-test scores were higher on the average than most 4-year-olds and many 5-year-olds.

Even 3-year-olds who watched the program only two or three times a week gained a great deal, it was reported.

Dr. Samuel Ball, who directed the research for Children's Television Workshop, producer of "Sesame Street," said in presenting the findings at a press conference in New York that the evaluation showed the program has "a strong and positive effect on disadvantaged children."

Gains in learning by disadvantaged children are a principal goal of the program, which is supported financially by private and public agencies.

The study was conducted in Boston; Durham, N.C.; suburban Philadelphia; Phoenix, Ariz. and in an isolated rural area in northeastern California.

There were 943 children in the final research sample, the majority of them disadvantaged in economic status, educational opportunity and family attitudes.

The children were divided into four groups, depending on how often they watched the program. The tests were given to them individually by trained adults from their own neighborhoods. Information was also collected on the child's home environment.

"Sesame Street" receives funds from the U.S. Office of Education, Ford Foundation, Carnegie Corp., the Corporation for Public Broadcasting, the John and Mary R. Markle Foundation, the National Foundation of Arts and Humanities and the National Institute of Child Health and Human Development.

CHRISTMAS ISSUE TO LOSE VALIDITY

(By Ernest A. Kehr)

For the first time since 1861, the Post Office Department will demonetize postage stamps after only 88 days of validity.

This was revealed by Postmaster General Winton M. Blount, when he announced that the five Christmas stamps, precanceled for use in 69 major cities of the nation and to be issued on Nov. 5, will no longer be valid after Jan. 31, 1971.

This decision might well have some dire effects in American circles.

For years collectors have been buying huge numbers of commemoratives in full mint panes with a hope of profiting by sales at a later date. They found a measure of reassurance in the thought that "they're always good for postage." Of course, Blount did not suggest that he intends to demonetize other special issues of the past, but by doing this in connection with the forthcoming precanceled Christmas stamps, a precedent will have been established.

The decision to print 875,000,000 of the new quintet, precanceled for use in the selected 69 cities, was made because last year's experiment was so successful. At that time, precanceled Christmas stamps were made for and used in New Haven, Baltimore, Memphis and Atlanta.

As was the case then, the Post Office Department will urge patrons to use precancels, then sort and bundle their holiday greetings according to destination cities and states.

This will enable mail to bypass several handling operations at dispatch post offices. It also will avoid possible damage to off-size envelopes, which often jam cancellation machines.

Normally, those persons who use precancels on bulk mailings, and do the sorting and bundling, are given substantially reduced postal rates because of the labor they save postal clerks. Such is not the case with the Christmas stamps. Users will still have to pay the full 6-cent first class fee.

ANNUAL GEORGE E. STRINGFELLOW CANCER EDITORIAL CONTEST

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. WIDNALL. Mr. Speaker, the times in which we live are marked by rapid change, change that brings with it astounding progress. Our technological advances alone have shown us what man is capable of doing. New developments in all the sciences are coming with breathless speed. We can look to the future with wonder in expectation of the new discoveries we will achieve in the years of this decade.

Yet, there is one area in which success does not appear to be so readily attainable. Cancer, one of the most dreaded of all human diseases, is still a killer at large. It took the lives of an estimated 330,000 Americans in 1970—over 900 persons a day, more than one every 2 minutes. Hence, the eradication of this disease must be the concern of all citizens.

Researchers and scientists are at work in laboratories throughout our vast country, attempting to unlock the key that will solve the puzzle of cancer. We are beginning to win, but much remains to be done.

Until a cure is found, a widespread cancer control program is the most effective means of combating the disease. In the early 1900's few cancer patients had any hope of cure. By the late 1940's one in four cancer victims was being saved, and since 1956 the ratio has been one in three. This increase in the survival rate has been made possible through knowledge of the importance of early detection and treatment of the disease.

People are more aware of cancer and its prevention as a result of widespread education programs to alert them to the seven warning signals of cancer and the importance of early detection and treatment. There are 7,500,000 Americans alive today who have been cured of cancer.

The American Cancer Society, a nonprofit volunteer organization founded in 1913 to serve the public, has been in the forefront of this struggle for 57 years.

The society fights the disease through a threefold program of research to find a cure, education to save lives, and services to provide assistance to the person already afflicted with cancer. The New Jersey division with its 60,000 volunteers is an active part of the national organization and carries out programs in all three areas.

Research to conquer cancer is being conducted through American Cancer Society grants at five institutions within the State. The division has a uniform service program through its 21 units to provide services to all residents of New Jersey. Counseling, loan closet items, and dressings are available to any cancer patient, and transportation services, in the form of volunteer motor corps, are available to the cancer patient who is unable to travel alone for treatment. Approved medications and visiting nurse services are paid for by the society for the medically indigent cancer patient, and practical nurse, housekeeping, or nursing home care will be provided when necessary for a medically indigent patient with advanced cancer. Rehabilitation programs for the laryngectomy, mastecomy and ostomy patient are an important aspect of the service program to help the patient return to a useful life, and many of the units throughout the division sponsor free detection programs for the public.

The New Jersey Division conducts an active public education program to alert citizens of the State to the seven warning signals of cancer and other important knowledge about the disease.

An essential phase of this public education effort is the annual George E. Stringfellow Cancer Editorial Contest which has been conducted annually by the division since its inception in 1947. The contest is named after the first president of the division. All daily and weekly papers throughout the State, as well as high school publications, are invited to submit an original editorial on the subject of cancer control. Through this contest, the press brings cancer control into public awareness and performs an invaluable service.

People must be given facts and knowledge to arm themselves in the fight against cancer. The New Jersey division is most grateful to the press for its continued support of the contest and proudly announces the winners of the 1970 George E. Stringfellow Editorial Contest.

In the daily category the winner is "Worrying Won't Help," written by Mr. George F. Shivers of the Atlantic City Press, Atlantic City, N.J.

First place in the weekly category is "We're Beginning To Win," written by Mr. J. Fred Coldren of the Cape May Herald, Avalon, N.J.

In the high school category the winner is "The War," written by Louis Revesz of St. Anthony High School, Trenton, N.J.

The editorials follow:

WORRYING WILL NOT HELP

(By George F. Shrivers)

In the length of time it takes to read this, three Americans will die of cancer.

Last year more than 300,000 died of the disease; about 900 every day.

Frightening though these statistics may be, we don't mean to write a "scare story" implying that most readers are doomed to die of cancer.

On the contrary, it must be pointed out that cancer is curable and that about 200,000 will be saved during the coming year. Another 100,000 also might be saved if they take a few simple precautions and observe a few easy rules.

It is heartening to learn that 1.5 million Americans who once had cancer are living normal lives today.

What steps can we take to reduce our chances of getting cancer?

There are three basic rules: 1) Have a medical checkup annually, no matter how well you feel; 2) avoid cigarette smoking, overexposure to sunlight and other known causes of cancer; 3) learn cancer's warning signals and go to your doctor immediately if one of them lasts longer than two weeks.

A great majority of cancers can be detected early—and if treated immediately the probability of cure is excellent.

April is Cancer Crusade month and the drive for funds already has begun. The New Jersey Division of the American Cancer Society again is stressing the slogan "Fight cancer with a check-up and a check."

Cancer research costs money—lots of it. The people and the tools it will take to find the final cure as well as the continuing search for the cause of cancer and ways to prevent it are expensive. As research goes forward and new leads open up, costs snowball.

Today's research funds, like all budgets, buy less than they did a few years ago, the New Jersey Division says adding, "There are no bargains in cancer research."

As an added slogan during this year's Crusade, the Society says, "If you put up the money, we'll put up the brains."

For years we all have sympathized with victims of cancer, but sympathy won't cure the disease. Money will.

Do mankind a service and contribute to the Cancer Crusade. Do yourself a service and have a checkup soon.

The seven warning signals are:

1. Unusual bleeding or discharge.
2. A lump or thickening in the breast or elsewhere.
3. A sore that does not heal.
4. Change in bowel or bladder habits.
5. Hoarseness or cough.
6. Indigestion or difficulty in swallowing.
7. Change in size or color of a wart or mole.

Remember: When discovered early, most cancers are curable. However, no one ever has been cured of cancer by worrying about it. If you suspect you have cancer, do the smart thing; follow the advice of the American Cancer Society and make an appointment with your doctor . . . now.

WE ARE BEGINNING TO WIN

(By J. Fred Coldrene)

In sports circles, when we hear someone say, "We're beginning to win," we naturally think of the frustrated coach whose team is hopelessly in last place late in the season, but who had just won a game or two.

But when we pick up a pamphlet with the title "We're Beginning To Win," the situation isn't quite as hopeless or futile. As a matter of fact, the outlook would be pretty good, for the pamphlet contains the story of the American Cancer Society and the progress being made against the disease, considered practically unbeatable not too many years ago.

Like everybody else, I have a vague idea of the progress in the fight to beat cancer. But unfortunately, there is nothing vague in my recollections of the frightening toll cancer has taken in the field of sports. Ty Cobb, Barney Ross, Ernie Davis, Babe Ruth, Willie Hoppe, "Pop" Warner, Babe Didrikson Zaharias are a few of those who "struck-out" to cancer.

And we all know dozens of examples locally of active men and women who lost their game of life to the killer disease.

One recent tragedy involved that superb young athlete Fred Steinmark of the Texas Longhorns championship football team. He displayed the same will to win following the operation taking off his leg at the hip that marked his competitive zeal on the gridiron.

Fred Steinmark learned to use his new leg weeks before rehabilitation experts thought he would. When he walked across the stage by himself to accept his football letter, the Associated Press reported it as "one of the most emotional moments in college football's 100 years."

This drama, played before a nation-wide television audience, was made possible by research that has given doctors much better methods for early detection and treatment of cancer.

The men of science responsible for these advances are strangers to headlines and the acclaim of roaring crowds that are a part of college football. But there is a link between the football field and the research laboratory. What is it? The research was made possible because of contributions from the same fans who cheered and cried for Fred Steinmark.

Competent medical experts can now state flatly that cures for all forms of cancer will be found. They qualify their predictions only by saying that the public must continue to support the programs of research, education and service.

Twenty years ago, the five-year survival rate for all cancer was only one in four. Ten years ago, it was one in three. Today, it could be one in two if all patients were treated in time.

And today, there are one and one-half million men, women and children alive—cured of cancer—including the tough ones . . . lung, stomach, intestines, throat, breast, bladder . . . not just the easy ones.

In my mind, "we're not beginning to win." We're in the ninth inning and we're beating cancer, but we've got to finish the game. Each one of us can help maintain that advantage until the end by supporting the 1970 Cancer Crusade here in Cape May County.

THE WAR

(By Louis Reves)

Anxious spectators eyed the television screen, waiting for the death count in this year's war. "God help us!" they shrieked in terror and dismay. 50,000 men had died in battle and still no one had done anything concrete to end the slaughter. When would someone, anyone, move to stop this needless death and suffering in the United States?

Across the country, men, women, and children grieved the loss of their loved ones. The government attempted action to comfort the mourners, silence the critical, aid the wounded, and curtail the aggressor. These efforts were not enough.

Legislators have been playing politics with a deadly issue. The war we just mentioned is not the Vietnam war, or any other armed conflict between nations. The war which claimed 50,000 lives this year and for many years is the war of cancer.

42,000 men have died in Vietnam since the inception of that conflict. More die each year of lung cancer caused by cigarette smoking. Man is being ruled and slaughtered by the tobacco plant. When will this war come to an end?

The Antonian feels that the needless waste of human life can be averted. Each and every one of us should be informed about the dangers of cigarette smoking. Then we must all join in a jubilant protest against cancer by burning our "cancer-draft card," and burying our cigarettes.

The Congress of the United States and its members should be as protective in behalf of the people as they are with the Indochina issue and ABM. Anyone can go almost anywhere and buy a pack of "boxed-Vietnam," a little package which contains 20 of the necessary implements for anyone to start his own little syndicate of chemical-roulette. Why should America be subject to this danger?

We have a Congress, a Constitution, and a population which is supposedly aware of the value of human life, why is nothing done about this problem? End the Cancer war, leaders! End the cancer war, educators!

But most important, please end the cancer war, students!

BRIEF BIOGRAPHICAL SKETCH

George E. Stringfellow, 1600 South Eads Street, Arlington, Virginia, was born in Reva (Culpeper County), Virginia, son of James and Elizabeth (Bowers) Stringfellow. He spent much of his early life in this area and in Washington, D.C. where the family later moved.

Mr. Stringfellow was appointed Vice President of Thomas A. Edison Industries of West Orange, N.J., by the late Thomas Alva Edison with whom he was associated for the last decade of the inventor's life. After thirty-nine years of service he retired in 1959 as Senior Vice President.

Mr. Stringfellow's civic activities have been varied and many. He was one of the founders and the first president of the New Jersey Division of the American Cancer Society and was the recipient of that Society's award for distinguished service in cancer control. He is an Honorary Life Member of the Board of Directors of the American Cancer Society and a Life Member of the Board of Trustees of the New Jersey Division.

He received the 1958 Citation Award of the Academy of Medicine of New Jersey and was elected an Honorary Life Member of the Academy.

He was Chairman of the New Jersey Republican State Finance Committee. He served for ten years as president of the New Jersey Taxpayers Association; two terms as president of the Chamber of Commerce of the Oranges and Maplewood, and was cited as the outstanding citizen in those five cities. He received a Citation of Merit from the New Jersey Association of Business Schools, and from the New Jersey Society of Professional Engineers he received the Citizen Award for outstanding achievement in industrial statesmanship. He was cited by the Brotherhood of Christians and Jews for bringing about a better understanding among the three religious sects. He served two terms as President of the Kiwanis Club of New York City and was chairman of several international committees. He was awarded the Certificate of Service by the Rotary Club of Orange, N.J. He served eight years as president of the Board of Managers of the Home for Disabled Soldiers in Menlo Park, N.J.

Mr. Stringfellow holds honorary degrees from several colleges. In 1958–59 he served as Imperial Potentate of the Shrine of North America and Chairman of the Board of Directors of the 23 Shriners Hospitals for Crippled Children. He is presently an emeritus member of the Board of Trustees of these hospitals. He is a 33° Mason. He is a member of the Duquesne Club of Pittsburgh.

He is a director of Mine Safety Appliances Co., Pittsburgh; a member of the Board of Trustees of the James Monroe Foundation, Fredericksburg, Va.; and an emeritus member of the Board of Trustees, Indiana Institute of Technology.

The first Mrs. Stringfellow, the former Carrie M. Fearnow, died in 1961. In 1966 Mr. Stringfellow married Verna N. Seyfarth.

In September 1968 Mr. Stringfellow moved from East Orange, N.J., where he had resided since 1923, to Arlington, Va., fulfilling a desire of many years to return to the State of his birth where members of his family still reside.

UNIFY NATION'S DISUNITY BY SUPPORTING POW'S

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. DERWINSKI. Mr. Speaker, I have contacted numberous mayors in the district I represent urging their cooperation with the letter writing programs being developed by our midshipmen and cadets at the military academies in support of our POW's.

The Harvey, Ill., Tribune in a editorial Thursday, December 3, calls attention to this and to other letter writing campaigns. I insert this item in the RECORD urging that as many Americans as possible participate in one of these very timely and, hopefully, effective efforts:

UNIFY NATION'S DISUNITY BY SUPPORTING POW'S

The Viet Nam war, perhaps more than anything else in recent American history, has widened the rift between American citizens and contributed a reason—be it good or bad—for perpetuating disunity in the United States. But recently there has come to national attention a campaign that may reunite Americans in one aspect of the war.

The plight of the prisoners of this war should be something that touches all Americans regardless of their political belief. Last week's rescue attempt into North Viet Nam could be a political maneuver, giving a shot in the arm to the drawn-out, now-boring war as far as public interest goes. Or, agreeing with the dove's in the Senate like Fulbright, Kennedy and Muskie, it could be "another copout by the by the Nixon administration" that is postponing the end of the war they feel should have been over long ago. Or, it could truthfully be the "daring and valiant effort" that the "Chicago Tribune" has called it.

But regardless of the reason why the rescue attempt was made, and forgetting our own reaction to the reasons for being in the Southeast Asian area, the fact remains that 2,300 American servicemen are missing in action and perhaps subject to the horrors of a North Vietnamese prison camp.

This human suffering should affect even the most dovish observer of the war. "Peace," they cry, but they must temper their protest with compassion. Perhaps none of our boys should be over there and perhaps immediate withdrawal would be the most effective way to bring the POW's home, but at the moment, they are there and immediate withdrawal does not seem likely.

Both hawks and doves are united in their hope for peace; they differ only on the approach. Peace at any price could be very costly. Likewise, even the most hawkish hawk does not enjoy reading the casualty lists. Putting politics aside, what can you do to show your humane and sympathetic interest toward American POW's?

Several letter-writing campaigns have been launched aiming at just this: an apolitical and compassionate voice to North Vietnamese officials. One campaign, as a result of the efforts of students, urges letters to be sent to the Office of the President; Democratic Republic of Viet Nam; Hanoi, North Viet Nam, by sending them to the letter campaign headquarters: POW Campaign; United States Naval Academy; Annapolis, Maryland, 21402; or to the United States Military Academy; West Point, New York, 10996.

The League of Women Voters, also, has launched a similar campaign asking letters be addressed to the North Vietnamese delegate to the Paris peace talks, Xuan Thuy, delegation of the Democratic Republic of Viet Nam; 8, Avenue General Leclerc; 94 Choisey-leRoi; Paris, France. Twenty cents postage is needed and both the students and LWV urge the following to be included in the letters:

Make public the names of all Americans held; provide humane treatment of all who are held; and return all prisoners starting immediately with the sick and disabled. The students add these other requests: permit neutral inspections of all prison camps; and allow a free flow of mail between POW's and families.

Perhaps such a campaign will be, as dove cynics predict, meaningless without complete and immediate withdrawal. However, the unity of a nationwide campaign to indicate the compassion all Americans feel toward their own embattled sons could break down some of the barriers disuniting the United States.

RAILPAX

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. VAN DEERLIN. Mr. Speaker, Leo Rennert, a Washington correspondent for California's McClatchy newspapers, has prepared an excellent analysis of the national rail passenger system proposed last week by Transportation Secretary John Volpe.

Mr. Rennert explores the irony of the final Census figures released the very day Mr. Volpe was unveiling his tentative plan. Despite the fact that the three Pacific States have been growing nearly twice as fast as the rest of the country, the Department of Transportation plan leaves, as Mr. Rennert puts it, "lots of open spaces in the West."

Notable by their complete omission are north-south routes along the Pacific coast as well as service connecting the west to the southwest and south. If these proposals are allowed to stand, a traveler of the future who wanted to take the train from Los Angeles to San Francisco could do so only if he went by way of Chicago. Passenger service to points such as San Diego, a metropolitan area of 1.4 million people, would be eliminated altogether.

Mr. Rennert's column makes timely reading, and I commend it to our colleagues:

THE OLD WEST RIDES AGAIN

(By Leo Rennert)

WASHINGTON.—Transportation Secretary John Volpe showed a poor sense of timing when he unveiled the Nixon administration's plans for a national network of rail passenger service.

Almost at the same hour that he was showing newsmen which passenger train routes are worth preserving, Commerce Secretary Maurice Stans was at the White House to brief President Nixon on the results of the 1970 census.

The two reports, it turns out, are so dissimilar in content and perspective they well might have been written in different centuries—let alone issued on the same day.

On the one hand, the census figures clearly show the dramatic growth of California and its neighbors. While the nation's population grew by 13.3 per cent during the last decade, the West spurted ahead by 24.1 per cent. The region now has 35 million people—an increase of 7 million since 1960. That is the equivalent of a major European country.

REFLECTED?

But is this westward population shift anywhere reflected in Volpe's plan for rail passenger routes? Hardly. In fact, just the opposite concept seems to have guided its drafters—a West of wide open spaces, with few population centers, where the deer and the antelope still roam.

Volpe recommended retention of 16 intercity corridors for passenger trains for the entire nation. Of these, only three would reach the West Coast—Chicago-Seattle, Chicago-San Francisco and Chicago-Los Angeles. But what about the north-south travel needs of California's 20,098,863 people, and Oregon's 2,110,810 and the State of Washington's 3,443,487 that have just been counted by the Census Bureau?

Their needs were totally ignored by Volpe. There simply would be no direct rail passenger connection between Seattle, Portland, San Francisco and Los Angeles. Of course, any Northern Californian interested in riding a train to Southern California still could do so. If he were willing to go via Chicago.

The map accompanying Volpe's report dramatically illustrated its regional bias. It was a chart with which Lewis and Clark or John C. Fremont immediately would have felt comfortable—lots of lines crisscrossing the East, lots of open spaces in the West.

In the Eastern half of the country, six different routes out of New York. Ten out of Chicago. Cincinnati on direct links to Washington, D.C., St. Louis and Chicago. Boston, where Volpe served as governor of Massachusetts, tied to Miami.

SPOKES

Contrast this with the Western half of the nation, which would have only three spokes running out of Chicago to the Pacific—presumably to give Easterners some way to reach those virgin territories.

The Southwest, another area of major growth, also fared badly. No service westward from New Orleans through Texas (about to gain a new House seat) and on to California (a gain of five seats.)

Fortunately, there is still time for train buffs and local and state agencies to acquaint Volpe with how things really are west of the Mississippi in the last third of the 20th Century.

Protests can be filed with the Transportation Department here in Washington until the end of December.

In this connection, two administration alibis are worth some comment.

To explain his treatment of the West, Volpe argues he has to think about a congressional mandate that the government-created corporation which will run the passenger trains eventually will have to turn a profit. Ergo, potentially unprofitable routes are to be avoided. If he were permitted to be more candid, however, Volpe would have to admit that federal subsidies always will be needed to keep even his minimal passenger network alive and that Los Angeles-San Francisco would seem to be at least as economically justifiable as New York-Buffalo (loss of two House seats.)

ROUTES

The other explanation that the new corporation may add routes to the initial network also should not fool the West. Given all the other demands on the federal budget, the network about to be selected simply will not expand—either before or after the next decennial census. Or the one after that.

What puzzles some administration watchers is why the White House would allow Volpe to recommend a plan which so clearly is an affront to the two regions Nixon must have to win reelection in 1972—the West and the Southwest.

Is this another case of political bungling? Or perhaps just the opposite—a demonstration of the highest statesmanship, a refusal to cater to sectional interests?

Nobody knows. According to one source, there may be a third explanation. "The White House," the source said, "probably figured Gov. Reagan would not be upset as long as they didn't tamper with stagecoach lines."

RED NATIONS IGNORE U.N. PLEA FOR PALESTINIANS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. DERWINSKI. Mr. Speaker, it is accurate to note that the struggle for world freedom is waged in many ways. The battle for men's minds is a major cold war item between the free world and totalitarianistic communism. The Communists have been energetic and imaginative in their propaganda to which they give constant priority.

An interesting comparison between propaganda and actual performance of the Communists is explained in an article Thursday, December 3, by Chicago Tribune U.N. Reporter William Fulton in which he tells of the Communist nations consistent lack of cooperation in the U.N. aid to Palestinians. The article follows:

RED NATIONS IGNORE U.N. AID PLEA FOR PALESTINIANS

(By William Fulton)

United Nations Correspondent

NEW YORK.—Those nations proclaiming themselves as the best friends of the Arabs were the most silent this week at the annual pledging conference for the United Nations Relief and Works Agency for Palestine refugees.

Eleven Communist countries offered no contributions.

Thirty-nine governments pledged a total of $16,326,067. This fell far short of the $45,500,000 goal required to meet basic subsistence needs for the 1,500,000 Arabs stranded by the tides of the three wars with Israel.

SOVIETS ARE SILENT

As usual, the Soviet Union, mightiest thunderer for the Arab cause, gave nothing. Bulgaria, Byelorussia, Czechoslovakia, Hungary, Mongolia, Poland, Romania and the Ukraine followed suit. Cuba and Communist Albania also made no move toward their pocketbooks.

The majority of the Communist states say Israel is responsible for the plight of the Palestinians and should pay accordingly. The same nations contend that Britain, France and Israel should make similar reparations for refugee difficulties stemming from the 1967 Arab-Israeli War.

Only Yugoslavia offered the equivalent of $20,000, representing Yugoslav goods.

Promising a contribution, Richard H. Gimer, United States representative, said that thru the 21 years of the agency's existence, America had contributed more than a half billion dollars, or nearly 70 per cent of the total given.

NO SPECIFIC PLEDGE

Gimer said he could not offer a specific pledge at this time because Congress has not completed action on foreign assistance. It was the same situation a year ago, and the U.S. eventually gave $22,200,000.

British Ambassador, Sir Colin Crowe, noted that his government followed as the second largest contributor with a total of $114,000,000 down thru the years. He particularly regretted that the Soviet Union and its eastern associates had made no contributions whatsoever.

HAMBRO HITS CRISIS

To the states directly affected, the Palestine agency records total contributions thru the years as follows: Egypt, $5,475,976; Jordan, $2,346,129; Syria, $1,796,839; Lebanon, $880,750 and Israel, $3,076,190.

This year's poor showing came despite a plea by U.N. General Assembly President Edvard Hambro that the refugee agency faced "the most serious and desperate financial crisis of its history."

Laurence Michelmore, commissioner general of the agency, estimated that the aid received by each refugee averaged only 10 cents a day. The basic food ration, which only three out of five refugees receive, consumed four cents a day.

Hot meals provided for preschool children average 10 cents each; medical services one cent a day for each person and water and sanitation services, less than one cent a day for each person.

Education will take up 46 per cent of next year's budget. The number of students rose dramatically from 35,700 in 1950 to nearly a quarter million this year.

PANAMA CANAL STUDY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. RARICK. Mr. Speaker, those who are interested in retaining the existing Panama Canal by modernizing its facilities under the treaty in force with the Republic of Panama, should find the reports from the President's Interoceanic Canal Study Commission of considerable interest.

I ask that the front-page story from the Star and Herald, Panama, R.P., and the commission's recommendations follow:

COMMISSION PROPOSES 2-CANAL SYSTEM

URGES U.S. CONTROL, R.P. PARTICIPATION

"Creation of an Isthmian canal system including both the existing Panama Canal and a sea-level canal on Route 10, operated and defended in an equitable and mutually acceptable relationship between the United States and Panama," is the major recommendation announced yesterday by the U.S. Atlantic-Pacific Interoceanic Canal Study Commission.

Route 10 lies between Chorrera, on the Pacific side of the Isthmus, and Lagarto, on the Atlantic side, a distance of 48.5 miles. It lies entirely outside the present Panama Canal Zone, west of it.

The Commission said the proposed sea-level canal on Route 10 would be built by conventional excavation methods, would be provided with tidal gates, would be capable of accommodating at least 35,000 transits a year and ships up to 150,000 deadweight tons, and would cost $2.88 billion at 1970 prices.

It recommended that construction—estimated to take 15 years—be started no later than 15 years ahead of the date when it is estimated that the capacity of the present locks canal has been exceeded. This is now projected to occur during the decade beginning in 1990.

Construction of a third set of locks for the present canal, the Commission said, would be only "a temporary solution without significant military advantages, and it would not relieve the problems in United States-Panamanian relations that derive from the personnel and defense requirements of the lock canal." Additional locks also would mean operating costs "far above" those of a sea-level waterway, the Commission pointed out.

In its letter of transmittal of the report to President Richard M. Nixon, the Commission said:

"The construction of a sea-level canal by conventional means is physically feasible. The most suitable site for such a canal is on Route 10 in the Republic of Panama. Its construction cost would be approximately $2.88 billion at 1970 price levels.

"Amortization of this cost from toll revenues may or may not be possible, depending on the growth in traffic, the time when the canal becomes operative, the interest rate on the indebtedness, and payments to the host country. We believe that the potential national defense and foreign policy benefits to the United States justify acceptance of a substantial financial risk.

NEGOTIATE NEW TREATY

"As a first step," the Commission added, "we urge that the United States negotiate with Panama a treaty that provides for a unified canal system, comprising both the existing canal and a sea-level canal on Route 10, to be operated and defended under the effective control of the United States with participation by Panama."

While singling out Route 10 as the "most advantageous sea-level canal route," the Commission said "a sea-level canal in Panama constructed by conventional excavation either on Route 10 or Route 14 is technically feasible."

Route 14, which parallels the existing lock waterway, lies within the present Panama Canal Zone.

While advocating for Panama "a greater role in the canal enterprise than at present and justifiable economic benefits from canal activities," the Commission urged nevertheless that the United States "should retain effective control of canal operations."

Terming treaty arrangements for canal construction, operation and defense "the most critical elements" the Commission said "the essential treaty conditions are apparent" and in one conclusion echoed a Panamanian complaint of long standing. It said:

IMPROVE RELATIONS

"United States relations with Panama could be improved by progressive reduction of the number of United States personnel in the canal operating authority and a concomitant increase in the proportion of Panamanian personnel in the positions normally occupied by United States citizens".

It said construction of a sea-level canal on Route 10 and operating it together with the existing canal as a single system would provide for Panama "the greatest benefits in added employment and foreign exchange earnings."

On the subject of tolls, the Commission came out for a "variable pricing system for tolls" as the best means for attracting the most traffic and generating the greatest revenues in a future canal of any type, lock or sea-level.

It favored participation by other nations in the financing of the proposed canal system, "if such multinational participation is acceptable to the Government of Panama."

The use of nuclear explosions was ruled out in the Commission's report. "Unfortunately," it told President Nixon, "neither the technical feasibility nor the international acceptability of such an application of nuclear excavation technology has been established at this date. It is not possible to foresee the future progress of the technology or to determine when international agreements can be effectuated that would permit its use in the construction of an interoceanic canal.

"Hence, although we are confident that someday nuclear explosions will be used in a variety of massive earth-moving projects, no current decision on United States canal policy should be made in the expectation that nuclear excavation technology will be available for canal construction."

The Interoceanic Canal Study Commission was created by the U.S. Congress to explore the question of a sea-level canal between the Atlantic and the Pacific. It investigated eight routes—four in Panama, including the present Panama Canal Zone; two in Nicaragua and Costa Rica, one in Colombia and Panama, and one in Colombia.

Its chairman is Robert B. Anderson, who is also the United States' treaty negotiator with Panama, and the other members are Robert G. Storey, Milton S. Eisenhower, Kenneth E. Fields and Raymond A. Hill.

Text of the Commission's letter to President Nixon is as follows:

"Dear Mr. President:

"We have the honor to submit herewith the final report of the Atlantic-Pacific Interoceanic Canal Study Commission as required by Public Law 88-609, 88th Congress, as amended.

"One provision of the law required us to determine the practicability of nuclear canal excavation. Unfortunately, neither the technical feasibility nor the international acceptability of such an application of nuclear excavation technology has been established at this date. It is not possible to foresee the future progress of the technology or to determine when international agreements can be effectuated that would permit its use in the construction of an interoceanic canal. Hence, although we are confident that someday nuclear explosions will be used in a wide variety of massive earth-moving projects, no current decision on United States canal policy should be made in the expectation that nuclear excavation technology will be available for canal construction.

"The construction of a sea-level canal by conventional means is physically feasible. The most suitable site for such a canal is on Route 10 in the Republic of Panama. Its construction cost would be approximately $2.88 billion at 1970 price levels. Amortization of this cost from toll revenues may or may not be possible, depending on the growth in traffic, the time when the canal becomes operative, the interest rate on the indebtedness, and payments to the host country. We believe that the potential national defense and foreign policy benefits to the United States justify acceptance of a substantial financial risk.

"As a first step, we urge that the United States negotiate with Panama a treaty that provides for a unified canal system, comprising both the existing canal and a sea-level canal on Route 10, to be operated and defended under the effective control of the United States with participation by Panama.

15 YEARS AHEAD

"If suitable treaty arrangements are negotiated and ratified and if the requisite funds can then be made available, we recommend that construction of a sea-level canal be initiated on Route 10 no later than 15 years in advance of the probable date when traffic through the present canal will reach its transit capacity. Current trends indicate that this will be near the end of this century; the specific year can be projected with increasing confidence as it draws nearer.

"We recognize, however, that the President of the United States and the Congress will continue to face many serious funding problems and must establish the relative priorities of the requirements for defense, welfare, pollution, civil rights, crime, and other problems in social undertakings then existing.

"We specifically recommend that, when the rights and obligations of the United States under new treaties with Panama are determined, the President reevaluate the need and desirability for additional canal capacity in the light of canal traffic and other developments subsequent to 1970, and take such further steps in planning the construction of a sea-level canal on Route 10 as are then deemed appropriate."

TEXT OF FINDINGS, RECOMMENDATIONS

CONCLUSIONS AND RECOMMENDATIONS

"A sea-level canal across the American Isthmus has been sought for more than four centuries, and all who have participated—the Spanish, the French, and the American builders of the present lock canal—remained convinced that a sea-level canal ultimately should be constructed. The canal studies in 1947, 1960, and 1964 arrived at the same conclusion but counseled interim measures and postponement of construction.

"Today there are no technical obstacles of sufficient magnitude to prevent successful construction and operation of a sea-level canal. Determination of its feasibility must be a judgment of values, many of which are unquantifiable. The political, economic, and military advantages for the United States, the Western Hemisphere, and the world in an adequate and secure Isthmian canal cannot be measured precisely. A weighing of estimated revenue is only one measure, and a tenuous one at best. The most critical elements—the treaty arrangements for canal construction, operation, and defense—remain to be established. Nevertheless, the Commission believes that the essential treaty conditions are apparent, and on the basis of the many considerations discussed in this report and its annexes, it has reached the following conclusions and recommendations.

"CONCLUSIONS

"1. The United States, as the major Western Hemisphere power has the responsibility of insuring the continued availability of an adequate and secure Isthmian canal operated on a neutral and equitable basis. This obligation is recognized in United States treaty agreements with the United Kingdom, Panama and Colombia.

"2. The Panama Canal is of major importance to the defense of the United States. The United States should retain an absolute right to defend the present canal and any new Isthmian canal system for the foreseeable future.

"3. An adequate Isthmian canal is of great economic value to many nations, but especially to the United States since approximately 70 per cent of the tonnage through the canal in recent years has been to, from, or between United States ports. This relationship is expected to continue.

"4. The size limitations of the existing Panama Canal impose constraints upon the use of bulk carriers on canal routes. The worldwide trend to larger ships for movements of bulk commodities will make these constraints of increasing economic significance to United States and world trade as time passes.

"5. The potential demand for annual transits of ships of the size that can pass through the present canal probably will exceed its estimated maximum capacity of 26,800 annual transits during the last decade of this century. Saturation of the existing canal will impose difficult but not necessarily intolerable constraints on world shipping. If greater canal capacity for both numbers of transits and larger ships is not provided, potential traffic increasingly will be diverted to larger ships on alternate routes and to other transportation modes. Provision of additional canal capacity would be advantageous to the continued growth of United States and world trade.

"6. Initial construction of additional canal capacity should provide for handling ships up to 150,000 DWT. New locks designed for such ships would have no greater size capacity, but a sea-level canal that could accommodate 150,000 DWT ships routinely could accommodate 250,00 DWT ships under controlled conditions.

"7. The new capacity that should be provided initially is 35,000 annual transits. Any plan adopted should not preclude progressive expansion to double or even triple this capacity

"8. A total canal capacity of at least 35,000 annual transits could be provided by constructing a third lane of locks for the present canal. This would be a temporary solution without significant military advantages, and it would not relieve the problems in United States-Panamanian relations that derive from the personnel and defense requirements of the lock canal. The augmented capacity could be exceeded by demand for transits soon after the new locks were built. Locks capable of accommodating ships of 150,000 DWT would cost more than three-fifths as much as a sea-level canal of far greater capacity and would not be capable of transiting the Navy's angle-deck aircraft carriers. Additional locks would also increase operating costs of the canal far above those of a sea-level canal.

"9. A sea-level canal would provide a significant improvement in the ability of an Isthmian waterway to support military operations both in its lessened vulnerability to interruption by hostile action and in its ability to transit large aircraft carriers that cannot now pass through the Panama Canal. These military advantages of a sea-level canal, together with its capacity to meet the potential demand for transits over a much longer period, and its lesser operating costs would more than counter-balance the lower construction cost of augmenting the existing canal with larger locks.

"10. The technical feasibility of the use of nuclear explosives for sea-level canal excavation has not been established. Whether the technology can be perfected and the international treaty obstacles to its use removed are not now predictable. Removal of the technical and treaty obstacles to employment of nuclear excavation would still leave major political and economic obstacles to a sea-level canal remote from Panama's population centers. A sea-level canal on Route 17, excavated wholly or in part by nuclear explosions, is currently infeasible for manifold reasons and probably will remain so, regardless of the establishment of technical feasibility of nuclear excavation. A sea-level canal excavated partially by nuclear methods on Route 25 in Colombia might someday be politically acceptable if proved technically feasible.

"11. A sea-level canal in Panama constructed by conventional excavation either on Route 10 or Route 14 is technically feasible.

"12. Route 10 is the most advantageous sea-level canal route.

"13. Although available evidence indicates that the tidal currents expected in a sea-level canal without tidal control structures could be navigated safely by most ships, tidal gates could increase navigation safely and should be provided.

"14. A conventionally excavated sea-level canal on Route 10 with tidal gates, capable of accommodating at least 35,000 transits each year of representative mixes of ships of the world fleet up to 150,000 DWT, would cost $2.88 billion to construct at 1970 prices.

"15. The costs and revenues of a future sea-level canal cannot be forecast reliably over the 75-year period that might be needed for its construction and amortization. Among the critical factors are the cost of money and the stability of the value of money. If the old and new canals were financially integrated at initiation of new construction, and if the most favorable forecast developments in construction costs, revenues, and interest rates were realized, a sea-level canal opening in 1990 could be financed through tolls while paying reasonable royalties to Panama. Less favorable developments in future costs and revenues which are possible during the period would make amortization through tolls impracticable. Amortization could require toll increases over the present Panama Canal levels as well as additional periodic increases to compensate for inflation of future costs. Low interest rates or low royalties would facilitate financing larger investments and permit lower tolls. Conversely, high interest rates, high royalties, or tolls lower than economically justified would reduce the construction investment that might be amortized from tolls.

"16. A variable pricing system for tolls designed to meet the competition of alternatives to the canal would attract the most traffic and generate the greatest revenues in a future canal of any type, lock or sea-level.

"17. Assurance of recovery of the United States investment is desirable, but need not be the sole detriminant of United States canal policy. The decision to build or not to build a sea-level canal should also take into account economic, political, and military factors.

"18. Although true internationalization of a future sea-level Isthmian canal does not appear to be attainable, multi-national participation in its financing and management could be financially and politically advantageous. The United States should seek such participation within a bi-national treaty with Panama, but not make future United States canal policy dependent upon its attainment.

"19. United States relations with Panama could be improved by progressive reduction of the number of United States personnel in the canal operating authority and a concomitant increase in the proportion of Panamanian personnel in the positions normally occupied by United States citizens. Construction of a sea-level canal would facilitate reduction of the United States presence in that it could be operated and defended with fewer total personnel.

"20. Construction of a sea-level canal on Route 10 or Route 14 would create great economic benefits for Panama. Of the alternatives considered, the greatest benefits in added employment and foreign exchange earnings for Panama would be derived from construction of a sea-level canal on Route 10 and operating it together with the existing canal as a single system.

"21. United States canal objectives and enduring tranquil relations with Panama are most likely of attainment under a treaty arrangement which gives Panama a greater role in the canal enterprise than at present and justifiable economic benefits from canal activities, but the United States should retain effective control of canal operations.

"22. So far as the Commission is able to determine on the basis of limited studies, linking the oceans at sea-level would not endanger commercial or sport fish on either side of the American Isthmus. No significant physical changes to the environment appear probable outside the immediate areas of excavation and spoil disposal. Tidal gates could be used to eliminate substantially the flow of water between the oceans, and the water between the gates would have incidental temperature and salinity differences from either ocean that would constitute a limited barrier to transfer of marine life. A definitive and reliable prediction of all ecological effects of a sea-level canal is not possible. The potential for transfer of harmful biota and hybridization or displacement of species in both oceans exists but the risks involved appear to be acceptable. Long-term studies starting before construction is initiated and continuing many years beyond the opening of a sea-level canal would be required to measure ecological effects.

"23. A decision to construct a sea-level canal should allow for planning and construction lead time of approximately 15 years to meet the projected date of need, which can be fixed with increasing confidence as it draws nearer. Other factors, however, including the treaty terms with Panama that are ultimately negotiated and ratified, as well as the national priorities for Federal financing then existing, should be the final determinants of whether the President should propose sea-level canal legislation to the Congress.

"24. Construction of a sea-level canal, if financed principally by the United States, should be planned and carried out under the direction of an autonomous authority of the United States Government.

"RECOMMENDATIONS

"The Atlantic-Pacific Interoceanic Canal Study Commission recommends that:

"1. Any new canal treaty arrangement with the Republic of Panama provide for:

"a. Creation of an Isthmian canal system including both the existing Panama Canal and a sea-level canal on Route 10, operated and defended in an equitable and mutually acceptable relationship between the United States and Panama.

"b. Canal operating and defense areas that include both the existing Panama Canal and Route 10.

"c. Effective control of canal operations and right of defense of the canal system and canal areas by the United States, with such provisions for Panamanian participation as are determined by negotiation to be mutually acceptable and consistent with other recommendations herein.

"d. Acquisition of the Route 10 right-of-way by the canal system operating authority as soon as practicable.

"2. The canal system be operated to provide an equitable share of revenues and other economic benefits for Panama consistent with efficiency of canal operations, financial health of the enterprise, and maintenance of toll levels that permit effective competition with alternatives to the canal.

"3. Other nations be encouraged to participate in financing the canal system, if such multi-national participation is acceptable to the Government of Panama.

"4. Subject to the priority of more important national requirements at the time, the United States initiate construction of a sea-level canal on Route 10 no later than 15 years in advance of the estimated saturation date of the present canal, now projected to occur during the last decade of this century.

"5. When the rights and obligations of the United States under new treaties with Panama are established, the President revaluate the need for and desirability of additional canal capacity in the light of canal traffic and other developments subsequent to 1970, and take such further steps in planning the construction of a sea-level canal on Route 10 as are then deemed appropriate.

"6. Modernization of the existing canal to provide its maximum potential transit capacity be accomplished, but no additional locks be constructed.

"7. The United States pursue development of the nuclear excavation technology, but not postpone Isthmian canal policy decisions because of the possible establishment of feasibility of nuclear excavation at some later date.

"8. The following studies initiated in the course of the Commission's investigation, if not otherwise completed beforehand, be continued to completion by the control authority of the new canal system if such an authority is established and the Route 10 right-of-way acquired.

"a. Investigation of the subsurface geology of the proposed trace of Route 10 to permit selection of the exact alinement for design purposes.

"b. Investigation of slope stability applicable to Route 10 geologic conditions.

"c. Investigation into the hydrodynamics of large ships moving through confined waters with variable currents.

"9. A permanent agency of the Executive be designated to support and coordinate public and private research activities that could contribute to the evaluation of the potential environmental effects of a sea-level canal, and if the decision is made to initiate its construction, advise the President as to the organization for and funding of such additional research as might be required to reach definitive conclusions.

"Chairman Robert B. Anderson, because he is also Special Representative of the United States for United States-Panama Relations, disassociated himself from Recommendation 1, which concerns new treaty arrangements with the Government of Panama.

ON GIVING THE VOTERS A CHOICE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. VAN DEERLIN. Mr. Speaker, Glenn E. Watts, secretary-treasurer of the Communications Workers of America, testified today, before the Committee on Standards of Official Conduct. Mr. Watts spoke of the need for legislation to—as he put it—"guarantee to the American voter that he or she will get at least some opportunity to determine the attitudes of the major candidates for President and Vice President free of the spuriousness of commercial hucksterism."

The Communications Workers of America has been interested in achieving this goal for several years, and has proposed legislation to bring this about. It would provide a certain amount of television broadcast time for candidates for President and Vice President who have qualified to run in at least 35 States. A portion of that time would be for debates.

Mr. Speaker, I include Mr. Watts' presentation on this vital subject in the RECORD:

STATEMENT OF GLENN E. WATTS, SECRETARY-TREASURER, COMMUNICATIONS WORKERS OF AMERICA, BEFORE THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, WEDNESDAY, DEC. 9, 1970

Mr. Chairman, my name is Glenn E. Watts, and I am the Secretary-Treasurer of the Communications Workers of America, a Union representing more than a half-million workers in the United States and Canada.

We would like to confine our remarks to one aspect of your broad study of the American political process. That aspect could be summed up as the need to guarantee to the American voter that he or she will get at least some opportunity to determine the attitudes of the major candidates for President and Vice President free from the spuriousness of commercial hucksterism.

The vehicle to do this exists, and it has already proven that it is capable of giving the voters this opportunity we emphasize. It is television broadcasting. Televised debates between the major candidates for the two highest offices in the nation, plus personal presentations of their views in depth, would accomplish the goal we seek.

Before I move into my points on why this should be done and how it should be done, I would like to acknowledge that the related parts of the political process which are the concern of these hearings—campaign fund raising and campaign spending—are, of course, vitally important. It all goes into the mill which culminates in an oath-taking ceremony on the chilly steps of the Capitol every fourth January. We hope you will receive good recommendations on fund raising and spending legislation, and that you will come up with your own recommendations in these areas which need attention so badly.

I do not think I have to go into detail for you to show that if the Communications Workers of America's thoughts on campaign broadcasting are enacted into law, the Congress will have eradicated great inequities to the voters who want to make an intelligent choice for President and Vice President of the United States, as well as having injected a large dose of ethics into our Presidential campaigns.

We would still have those vehicles of deceit—the ten-second and thirty-second and sixty-second spot commercial—unless Congress should try to ban them completely, or unless the major parties mutually agree not to use them. For now, we think we should accept them as a political fact of life—hopefully temporary, but still there.

All of us are familiar with how these spots can be and have been used, and this should spur Congress to enact legislation such as we are proposing which raises political campaigning out of the sewer created by the devisers of scurrilous spots. It should be done for every election, but especially for the Presidency and Vice Presidency.

It can be done by requiring the broadcasters—users of the airwaves which belong to the people—to provide a specific amount of time for the major candidates for President and Vice President, and by stipulating how that time would be used.

Some questions about that immediately come to mind.

How do you decide who is a major candidate and who is a frivolous candidate? How much time? When? In what format?

CWA has drafted legislation covering this, using, as a starting point, a bill Senator Warren G. Magnuson introduced in 1960. I would like to touch the major items in our bill, and with the Committee's permission, I would like to ask that the following items be included in the hearing record:

A draft of our bill, and a section-by-section analysis.

A display advertisement which CWA ran in 17 major newspapers and the CWA News in 1968, headed, "This Is No Time For A Fractured Campaign."

A Communications Workers of America Executive Board statement adopted in February, 1969, headed, "TV Debates in Presidential Campaigns."

A Communications Workers of America Convention Resolution adopted in June of 1969, headed, "Presidential Nominees."

Our proposed legislation provides that a candidate for President or Vice President would be one who has qualified for the office under the laws of at least 35 states.

Each of the candidates for President would be entitled to two hours of prime broadcast time for his own use, and the opportunity to participate in debate with all of the other Presidential candidates for a total of five hours during the eight weeks preceding the election. The personal use time would be in one-hour segments, and would not include commercials such as the minute and less spots, or extensive use of prepared film. One hour of the joint appearances time would be reserved for the Monday night before the election.

During the same eight weeks preceding the election, each candidate for Vice President would be entitled to one hour of prime broadcast time for his own use, and the opportunity to participate in debates with all of the other Vice Presidential candidates for a total of two hours.

A Presidential Candidates Joint Appearances Coordinating Committee would be established, with the chairman of the Federal Communications Commission as chairman, to make the arrangements needed to carry out the provisions of the legislation. Broadcasters would be represented on the Committee.

The joint appearances time would be simultaneous in each time zone of the Nation, so far as possible.

A candidate who declines to appear in conjunction with the other candidate, or candidates, would not prevent the accepting candidates from appearing, but the Coordinating Committee would devise a format for the program as needed.

The Federal Communications Commission would develop the rules and regulations needed to implement the legislation, and would require reports from the networks and stations covering their performance under this legislation.

Those, in jist, are the major elements of the proposed legislation.

An obvious question is—why isn't radio included?

Radio and television are both tremendously effective methods of reaching people, but each has different characteristics. On radio, except for news, there is practically no networking, and no real prime time—we listen driving to work, the housewife listens as she works at home. It is intermittent-type listening. And it is strictly audio—it lacks the added dimension to convince that vision gives.

Also, the debates we propose would be available to the radio stations and we could expect that a large percent would carry them.

Another question which deserves an answer is—why shouldn't the broadcasters be paid for this time which the bill grants free?

We should remember that the airwaves belong to the people—not the broadcasters, and the broadcasters pay a very small fee—a very small part of their profits for the use of the airwaves.

If we figure prime time to be the hours from 7 p.m. to 11 p.m., then there are 224 hours of prime time in the eight weeks before the election. If we have three candidates for President who are qualified under the legislation, we would have a total of 16 hours devoted to personal time plus joint appearance time for the candidates for President and Vice President. That is not a large amount of time, when we consider that we are dealing with the election of the President and Vice President of the United States.

Two other points often figure in discussions on Presidential debates.

One involves the problem of a candidate who is glib but may be less qualified than an opponent who is not quite as articulate.

It is hard to conceive of anyone rising to the high political position of Presidential nominee who is not articulate—the process usually eliminates such candidates at the lower levels of contention. Also, in personal presentations of their attitudes and in debates, Presidential candidates have the opportunity to convince the voters that glibness is not as valid an attribute for a President as knowledge and sincerity.

The voters recognize this.

The other point involves the issue of national security—will a candidate, in debate, disclose some state secret in his anxiousness to score on his opponents? We don't think that is a realistic problem.

But certainly, if one of the candidates is so constituted that he loses his poise and discloses information which can harm the nation, we should know that before the election because we are liable to suffer from it after the election if that candidate is elected.

These questions are, of course, legitimate, and should be raised and answered. But we need to keep sight of the forest—of the real good for the national political health the implementation of our proposed legislation would bring.

If we think of it as causing election campaigns to rise in ethical tone, and become more of an educational process than an experiment in commercial hucksterism, we see immediately the great benefit involved.

We need that improvement, and if we get it, it could be the beginning of a general movement to better values and better attitudes toward how we govern ourselves.

It is time to move in that direction.

Thank you.

LET US COME DOWN TO EARTH

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. WOLFF. Mr. Speaker, my opposition to the supersonic transport and other wasteful Federal programs does not include a lack of concern for the people whose jobs are threatened by necessary cutbacks.

As I have said time and again: We must restore full employment in this country; we must find constructive jobs for those workers, skilled and unskilled, who are hit by the reductions in programs such as the SST.

This point was made quite well in an excellent editorial that appeared on Monday, December 7, in the Long Island Press which is ably edited by David Starr. I believe the theme of that editorial, "Let Us Come Down to Earth," is something that all the Members should ponder and something to which we must respond.

The editorial follows:

LET US COME DOWN TO EARTH

The Senate's refusal to pump millions of dollars of federal subsidies into the development of a supersonic transport plane is a victory in the struggle to reorder American values. However, victory is not enough in itself. What matters is how it is used. It is not enough to deny funds to economically-foolish and ecologically-damaging projects without also acting to fill the job and business vacuums that result from such a decision.

From Washington to Long Island, the shock will be felt different ways and in varying intensities. Thousands of engineers and other specialists face unemployment at Boeing in Seattle immediately and there is a long-term threat in the loss of a $34,500,000 contract for Fairchild Hiller and Farmingdale for construction of major parts of the prototype SST.

The negative economic impact of the SST decision, however, must not be seen as an isolated event. It is part of the economic crisis that followed the huge cutbacks in defense and aerospace spending—the greatest single cause of the current unemployment and economic downturn. And the latest figures, as reported Friday, show no change in the trend, with unemployment rising to 5.8 percent, highest in 7½ years.

The economically debilitating effect of defense and aerospace cutbacks reveals how deeply dependent the economy has become on the stimulus of governmental spending programs. The answer—as President Nixon implied over the weekend is not to make SSTs in order to create jobs, but to create jobs in vital areas that are now neglected.

We have to overcome the motion that while it is morally or otherwise appropriate for the government to direct huge expenditures of money, national resources and talent to the production of guns and spaceships it is inappropriate to act with similar vigor and commitment to build subways, houses and all the other necessaries of daily American life.

While President Nixon, in his statement on the economy Friday night, paid lip service to the desireability of such goals, he appears far from ready to commit the government to the kind of vigorous and creative programs the times demand.

Part of America's claim to greatness lies in the skill and imagination with which we mobilized our people and resources to create the most powerful defense apparatus in history or to put man on the moon. The claim on us now is to restore our economic health by applying our skill and imagination, with equal verse and scope, to programs aimed at meeting basic needs and improving the quality of life.

Some defense-aerospace firms have, on their own, already diversified into such areas to take up the slack from the loss of huge defense contracts. Grumman Corporation at Bethpage, for example, has put subsidiaries into the production of underseas research craft for oceanography, commercial aircraft for executive-size planes, mobile homes, environmental protection systems and truck bodies, and has joined an 11-firm consortium seeking government support in the Operation Breakthrough housing program.

But not all firms have capital to underwrite such ambitious projects without aid from Uncle Sam. A host of programs are begging to be born to stimulate such a conversion on a broad national scale. There is work to be done immediately—hospitals, homes, transit facilities, power systems, schools, sewage treatment plants—that could absorb many of the unemployed.

And there are vast areas of scientific and technical ignorance begging to be conquered in everything from disease to pollution control. All that great technical talent that will not be designing SSTs, weapons systems and spaceships should be funneled into job retraining programs.

It is no longer enough to simulate economic recovery through indiscriminate expansion. We must accompany any growth program with clearly defined objectives and strong inflation controls. We need neither pie nor SSTs in the sky, but a spacelike program that gets down to earth.

"THE GREEKS HAD A WORD FOR IT"

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. JOHNSON of California. Mr. Speaker, I would like to call attention, for a moment, to the role of different levels of Federal, State, and local government in combating pollution of the environment.

On November 11, 1970, Mr. James K. Carr, Director of Airports, San Francisco Airports Commission, San Francisco, offered the following remarks at the Annual Conference of Airport Operators Council International in Montreal, Canada.

Because Mr. Carr addresses his comments to the role of airports in world development, not only in the areas of economics, culture, communications, and education, but with particular reference to noise and air pollution. I insert Mr. Carr's remarks, "The Greeks Had a Word For It."

THE GREEKS HAD A WORD FOR IT

The word "ecology" according to my best information was used in the English language about 1873, having first been used by the German zoologist Haeckel in 1869. It has gained use in these one hundred years, but nothing like its use in the last two or three years or perhaps I should say—months.

The Greeks had a word for it; "oikos" (house) and "logos" (word) meaning essentially "the study of the house,"—the house we call earth.

In these days the Greeks have an even more urgent concern for the "study of the house"—the house we call earth.

A September 13 UPI dispatch out of Athens said this:

"Smog and jet-aircraft sound waves are slowly destroying the Parthenon, Greece's most famous ancient monument.

"On hot, humid days a light bluish-gray cloud of smog lingers over Athens. It blurs the Acropolis, the majestic hill rising from the City Center.

"Millions of tourists trodding on the ancient floors take their toll on the Parthenon and other temples on the Acropolis. But ecologists and archaeologists say the real dangers are jet aircraft sound waves and erosive car-exhaust fumes.

My assignment this morning is to present a paper on "Environmental Considerations and Airports". It's an immense order to fill—in the time available.

The difficulty of the task brings to mind an airport operator's recent demand that:

"We should have a single governmental agency where we can get final answers on this 'ecology-environment' thing."

That, if it could be established, would have to be the "Department of Everything".

Because of the individual characteristics of each airport and the varied environmental problems of everyone, it would serve little purpose to give you an "environmental shopping list". My assignment can be discharged better if my remarks are aimed at the policy questions. More accurately, there is a need to discuss the basic philosophy from which airport operators should view these latest developments regarding ecology and environment.

Emphasis is needed on basic philosophy because the environmental questions facing us today are essentially ethical questions—moral philosophy questions. The nation's growing concern of environmental sickness is the ethical consequence of sustained ecological abuse.

"In a relatively few years, through misuse of the environment, man is about to do what no man has been able to do in more than 2000 years—destroy the Parthenon . . ."

People's nervous systems in some areas are in the same danger as the Parthenon.

To define our terms:

"Ecology", in sociology, is the relationship between humans, their material resources, and the consequent social and cultural patterns.

"Ecology", in biology, deals with the relationship between living organisms and their environment.

"Environ" means to surround, enclose, encircle. To the airport executive, breathlessly striving to keep pace with expanding airport demands, "environ" seems to mean entrap and frustrate, since environmental concerns cause so many more hurdles in getting the job done.

The airport executive probably thinks he has further justification for his "dim view" when his airport's expansion program, demanding federal aid for financial feasibility, must now be thoroughly reviewed in light of several laws, including—

The Environmental Policy Act of 1969—(Public Law 91–190) and the environmental provisions of

The Airport and Airway Development Act of 1970—(Public Law 91–258).

The airport executive's emotional upset is heightened when he first sees the several pages of the important FAA Order 5050 on *Interim Instructions for Processing Airport Development Actions Affecting the Environment* and attachments.

The relationship of the airplane to natural resources and people no longer exists that existed a relatively few years ago when in 1932 Bob Reeve, Alaska's first glacier pilot, climbed off a freighter at Valdez, to push back the world's air frontiers.

The environmental situation is vastly different. With jet engines, larger planes, and the crowding of people into metropolitan areas, that earlier relationship has undergone a profound change—and fast.

Airport planners and engineers have lost the luxury of establishing an airport without consulting dozens of governmental agencies and considering sometimes millions of people who are demanding an end to noise, air, and water pollution.

"Ecological Judgment Day" has arrived.

Airport engineers and planners, and a host of associates in the aviation industry must realize Airports are for people.

People must realize that they are only a part of Creation, even though they are the most important part.

Airports are complicated transfer points between air and ground transportation. They are places where travellers' service requirements must be met. Airport developments should be measured by these fundamental objectives.

Nothing speaks to us more forcefully of our need for an ecologically cautious approach to any physical changes of the landscape than the photograph of "spaceship earth" from the moon and the realization of the thin layer of it that supports life.

The members of this organization, especially the international members, are well aware that present day aircraft can encircle "spaceship earth" in a relatively few hours. When the SST is flying, the time of encirclement will be much less.

The effect of aircraft and airports then, on the total environment in this thin layer that supports life, will be more important than ever.

Man lives off the resources of the earth as well as on it. The thin-layered surface envelope of the earth where man lives, if ignorantly exploited, can result soon in disastrous consequences.

So-called technological success, unless put and kept in proper perspective with overall human needs, can merely mean a skyrocketing increase in personality-fragmenting, alienating, psychological experiences.

Noise pollution is a prime example of the threat.

Within the lifetime of many of us, the nostalgic sounds in rural areas that were so well described as "the lowing herd . . ." and "the drowsy tinklings that lull the distant folds" in Gray's Elegy, have been supplanted or inundated by the seemingly constant jet engine roar near many of the major metropolitan airports.

We must muffle the maddening decibels. More than our hearing is at stake. We cannot let an "atheism of noise" destroy our soul. Nor can we close our ears to the rising chorus of concerned citizens demanding cleaner air, cleaner water, and a more livable land.

"Let's face it:" You and I know that airports are not responsible for all these environmental problems. The jet engine is in fact one of the more efficient power packages yet developed. But in so many cases airports are the visible target.

Airplanes in the San Francisco Bay Area, for example, cause far less than one hundredth of the air pollution caused by automobiles in the same area. But it is the airplane with its carbon fall-out that is highly visible.

We well know aviation ecology problems extend far beyond the responsibilities, capabilities, or authorities of Airport Commissions and Boards of Directors of airport agencies. However, it is easier to take aim on an airport and it's policy makers than dozens of different airlines. Airports are out in front—like the "professional Irish" marching on St. Patrick's Day.

Regardless of the tendency to blame airport operators for all the ecology upsets caused by the aviation industry, those responsible for airports must determine as best they can the areas where airport commissioners and their staffs can be effective in the necessary effort to protect and enhance the environment. One particular very important example comes to my mind.

There is an invisible, weightless, nontoxic pollutant—it is called "noise." In the fight against unnecessary noise, the AOCI has an outstanding record. The AOCI can continue to improve that record.

Airport operators must not relent in their drive to bring about a retrofit of engines on existing aircraft to reduce the present unnecessary noise pollution. These same out-of-date engines spew visible pollutants making airports a prime target for everyone who is fighting dirty air.

AOCI President Matt Lukens spoke well and accurately about noise and "retrofit" on January 23, 1970 when he stated:

"One of the most difficult conditions we face is aircraft noise. The overwhelming public reaction to excessive aircraft noise has resulted in restrictions to operations and widespread opposition to expansion of existing airports or development of badly-needed new airports. *The technology to reduce aircraft noise at its source exists.*[1]

"We have the legislative and administrative tools to implement that technology."

As an example of public indignation about noise, San Francisco International Airport and four airlines were sued a few weeks ago for alleged damage to homes by families on the San Francisco Peninsula living more than twenty miles from the Airport.

It is this type of citizen concern in so many areas that prompted AOCI President Lukens to take issue with the Honorable Secor Browne, Chairman of the Civil Aeronautics Board (CAB) when Chairman Browne was quoted as questioning the value of retrofitting aircraft engines now.

It is important to note that President Lukens emphasized:

"No one has ever suggested that the airlines alone should meet this cost."

With this statement, the members of AOCI agree.

Both as to cost and technology Mr. Lukens is well supported by the NASA-Douglas-Boeing-Rohr studies of retrofit. He is also more than well supported by the public demand that something be done about it. Development of a new power package, in lieu of a retrofit program, will just not happen soon enough.

Another point that should be made clear is this:

"Airport administrators are all too well acquainted with the airline industry's present financial problems."

Quite logically, we cannot pay for expanding airports, nor can the government collect its project tax revenues unless we have financially healthy airlines.

Financially healthy airlines, in turn, help create financially healthy airframe manufacturers. Financially healthy airlines and airframe manufacturers mean more jobs—and a better business economy.

We are all in this together—airports, airlines, airframe and engine manufacturers. Together and—only together—we shall solve them.

President Lukens and airport representatives demanding programs to "retrofit" as fast as possible don't disagree with Chairman Browne that traffic control procedures should be taken wherever possible to abate noise. Neither do they take issue with Chairman Browne's statement that as an industry and a nation we "should be forward looking to totally new power packages."

Time doesn't permit a full discussion of the need to eliminate, as well, visible emissions from jet engines. "Carbon fallout" is one of the greatest public relations problems for airport operators. Retrofit would eliminate this as well as curb the devastating decibels of aircraft noise.

Some mornings from south of San Francisco International Airport the nearby San Bruno hills can hardly be seen. At peak hours from Interstate Highway No. 280 there is the appearance of rainfall from "carbon fallout" on takeoff. This pollution can be and should be stopped as soon as a program can be adequately financed. Admittedly, some short steps are being taken to alleviate the problem, but they should be long strides.

I have painted a bleak picture. Now, let's see if there isn't a brighter outlook.

Having been immersed in this ecology-environment subject for many years, and just recently participating in a two-day FAA workshop regarding largely Ecology and Airports sponsored by the AOCI and others, I want to assure you it's a new day in planning airports or expanding them, *but it's not all bad.*

First—a great number of dedicated people in various governmental agencies are hard at work.

Even President Nixon recognizes ecology considerations almost create a "Department of Everything" problem.

To solve it, The President has recently established a four-sided pyramid organization with the President's Council on Environmental Quality playing a very important role.

The National Oceanographic and Atmospheric Administration, the Department of Interior; the Environmental Protection Agency are involved; and there may well be more sides to the pyramid before it's over. The President must make the final decisions.

Secondly, don't be too critical of the Department of Transportation or the FAA if you seem to be engulfed in paper work regarding ecology and environmental considerations.

The officials of the FAA have been given the job of carrying out the intent of the Congress. If you think it's an easy assignment just read—and reread Section 16 of the Airport and Airway Development Act of 1970.

With this new emphasis on total environment, Airport operators should not "take a back seat" in pointing out the enhancement of man's total environment—the enrichment of our lives because of air travel.

Airport officials can proudly point out—the improvement of livability—the better communication and the extensive education of millions of people that result from the present stage of the aviation industry.

Airport operators in various areas have played a part in enhancing total livability—helping provide the economic base for cultural improvements that could never have otherwise been financed. For example, the growth of the San Francisco Peninsula and the development of colleges, theaters, and many other cultural activities would not have been possible without a prospering San Francisco International Airport and its effect on the local business economy and tax base.

The Los Angeles plan of "satellite airports" will be a principal factor in spreading the population of Southern California and reducing the overcrowding that has brought on so many other environmental problems in that area.

The State of Idaho's unique system of airports in beautiful wilderness areas has made these areas useable without ruining them with roads.

Conservationists have even suggested a moderately-sized airport, tied to public transportation on Cape Cod Seashore Park which would be far better for the environment and people than the multi-lane freeway that would otherwise be necessary to move crowds along that narrow strip of land.

It's a relatively minor thing—but by cooperating with the State Department of Fish and Game, a land fill at San Francisco International will have a scalloped edge to develop shelter and breeding areas for fish where otherwise the currents would have been too strong for fish propagation.

I mention these things to emphasize that airport developers can turn some of these seeming obstructions into opportunities. It can be done by an honest consideration of the concerns and problems of others.

The very recent workshop session with FAA officials was certainly encouraging. The questions and answers made good sense.

The FAA representatives admit that going "strictly by the book" or "disregarding the book" are the two extremes to be avoided in preparing a case. They are reasonable representatives of the federal government trying to do their job.

Airport operators can expect an exercise of good judgment by FAA officials. Airport operators must, however, not just accept—they must welcome "environmental review."

If not, the danger signs are up higher on airport expansion. Already the CAB has placed restrictions on flights in and out of five airports.

Failure to meet environmental needs can spread the signals of distress and can choke airport activity.

All of these "environmental developments" mean there must be a greater emphasis on sensible planning. Above all—airport operators must anticipate their needs well in advance—I repeat well in advance. There will be no other way to escape a delay in converting plans into programs if the law is to be carried out as intended by the Congress.

The Palmdale proposal of the City of Los Angeles is an excellent example of how necessary it is to anticipate the closest kind of scrutiny and be prepared for every kind of environmental question.

The morality of environmental concern boils down to this: Technology and its great benefits and the economic activity it generates must be used to meet real human needs. We realize that development is the basis for our economic system. There can, and will be great benefits from an expanded aviation system, but we must be honest enough to recognize limitations in crowded areas, particularly.

To sum up this assignment, I should like to conclude with awareness of the need for airport commissions to establish positive policies based on a philosophy of stewardship that is much broader than anyone believed would be necessary a few years ago.

To establish such policy one needs to face some philosophic facts.

Frankly, as with the understanding of death, the ontological approach is essential—leave the Creator out of Creation . . . and you will get the wrong answer—or no answer at all.

---

[1] Italic Added.

It is my privilege to represent a City and an International Airport named after the world-renowned St. Francis of Assisi. To some he is known only as a lyrical mystic with a poetic love of animals.

A closer examination of his beliefs explains why he has been proposed as the "Patron Saint of Ecologists." His writings and his life expressed the view that man must respect all Creation. The clarity of his insights shed some valuable light on the ecological problems of today.

Although as the Eighth Psalm tells us, man has dominion over other creatures—St. Francis makes it clear that having "dominion" does not authorize tyranny or ruthless exploitation.

Man has no charter for abuse of creation—animate or inaminate. There is a real interdependence in nature. Man enjoys a delicate tenancy in the Creator's world and a heavy responsibility of stewardship goes with it.

Thus, you can see that influenced by St. Francis of Assisi—the man for whom San Francisco International Airport is named, I advocate an aggressive, vigorous ecological policy by the AOCI that considers the relationship of airports to the rest of Creation.

The world should be informed how aviation and airports have increased mobility, broadened communication, and improved education beyond our dreams. Properly planned aviation and airports can and will in many ways improve man's total ecology sociologically in the future.

We shall have to approach the problems honestly and with the humility of a St. Francis. We must above all recognize the real and earnest concern of others about the future of man's environment and the effect of airports upon it.

That philosophy and resultant policy will give airport expansion and the aviation industry a new thrust in a world where change is the most certain thing we know. Environmental review can then help rather than hinder.

This can mean a change in the direction of true conservation which really means the wisest use of the resources that have been bestowed upon us—the highest form of national thrift.

If the members of this organization assume this policy of broadened responsibility for the effect of airports then we will have embarked upon a new era of "ecological considerations and airports," which will improve the livability of this thin layer on "spaceship earth"—the only home we know.

TAX CREDIT FOR HIRING THE AGED

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. PUCINSKI. Mr. Speaker, it was my privilege to introduce H.R. 15953 early this year. This measure would provide a tax credit for an employer who hires older persons in his trade or business. The amount of such a credit would be equal to the increase in the employer's cost of doing business which results from the employment of older persons. Such cost increases could include increased insurance premiums, contributions to pension funds, medical costs or workmen's compensation funds, and the costs of training the older worker. This would be an effective step by Government in the effort to preserve the talents which the older members of our society are willing and able to give to us. Following is an article which appear in the Wall Street Journal on November 2, 1970, which illuminates the success that certain private firms have had with hiring the elderly.

I include the following:

Improving With Age: More Companies Hire Workers They Once Spurned—the Elderly

(By Bill Paul)

Note to personnel men:

Go find Harry Glitz and hire him back.

You remember Harry. You tossed him out the door 10 years ago when he reached the mandatory retirement age. Today Harry is 75 years old and prabably a bit fragile.

Nonetheless, Harry will not only do better on the job than the youngster who replaced him, but he will also complain less, show up more regularly and gladly work for less money and no fringe benefits at all.

That, at least, is the story told by a growing number of companies across the country. Corporate personnel chiefs are finding that oldsters form a ready and willing labor pool for a wide variety of part-time, temporary or hard-to-fill jobs—jobs that even in a time of high unemployment still exceed the number of workers willing or qualified to accept them. And retirees, many of them feeling the pinch of inflation and many others just plain sick of sitting at home staring at the walls, are responding to the new demand with alacrity.

A HAPPY PAIRING

Retirees are seldom sought out to fill skilled blue-color jobs or high-level white-collar positions. More typical is the sort of work that recently lured John Rossi and Bob Wealat, both 67, and Ruby Bates, whose age is her own secret, back from retirement. Miss Bates was called in by General Motors' New York office to file paperwork. Mr. Rossi sorts mail for Texaco executives in Manhattan. And Mr. Wealat was hired by IBM to edit and update sales and engineering manuals.

Almost without exception, both the workers and the companies are delighted. Mr. Rossi, for example, worked 32 years for the Post Office, retired last year and discovered he could neither make ends meet nor pass the time of day. "There's never going to be any retirement for this man," he now declares. "You've always got to keep your mind occupied." Besides that, he adds, "How can a man live on a $80-a-week pension?"

A spokesman for GM's New York office says the company recently became "disappointed with the young temporaries we'd hired." So in the first half of this year GM took on 11 retirees as temporary clerical workers, Ruby Bates included. Somewhat to its surprise, "we found that the seniors did as good a job, and in some instances better, than our young temporaries," says the spokesman.

No one knows the full extent of the trend. The Bureau of Labor Statistics says about two million of the 20 million Americans over 65 hold jobs, but it believes most are self-employed or do volunteer work or work for small mom-and-pop operations unburdened by retirement rules or pension plans. Not until recently has big industry begun to drop the bars against old folks.

Last August, for example, Bankers Trust Co., New York, launched a citywide recruiting effort to find more than 100 old people for temporary and part-time work as tellers, accountants and security men. United Fruit Co. has been hiring retirees in the Boston area since last January as mail room and communications employees, and Manpower Inc., a leading personnel agency, has a two-year-old employment program for oldsters that, according to a spokesman, "has really caught on with employers."

WELCOME UP TO 90

Although the recent rise in unemployment has made it easier to fill vacant job slots, some companies still go out of their way to seek out oldsters. "The older worker may go at a slower pace, but over a year's time you get more out of him because he's more steady, conscientious and always shows up for work," says Jack Heeran, chairman of Circuit Systems Corp., of Villa Park, Ill. As a rule, says Mr. Heeran, who is 47 himself, he prefers employees over 40, and he will happily take on a worker as old as 80 or 85. Once they pass their 90th birthday, Mr. Heeran is less interested.

Mr. Heeran feels old folks get an unfair shake at most companies. He is a self-made millionaire who retired at age 40 to play golf in California. He got bored with that in short order, but when he tried to get a job with former business associates, they all told him he was too old. That angered Mr. Heeran, who started his own company, which is doing quite well, he says, with a good number of old folks on the payroll.

Few executives are as committed as Mr. Heeran to hiring the elderly, but clearly the practice is catching on. Colonial Penn Group, a diversified Philadelphia concern, has set up employment agencies that specialize in retirees in more than 25 cities, and it says business is booming.

That's not to say there aren't obstacles for the company that decides to hire people over 65. "I could use older people," says one personnel director, "but our pension and insurance plans are geared to mandatory retirement at 65, no exceptions allowed. Even if I decided to change that, the union would say no."

There is a way around that problem, however. Many companies—Texaco among them—simply hire their over-65 help through a personnel agency, which keeps the workers on its own books as employees of the agency. Texaco pays the salaries, but it avoids having to shell out the sick pay, pensions, and other fringe benefits that its own internal rules call for it to grant to employees.

That might seem like a raw deal for the oldsters, but most of them are so happy to work that they don't complain. Such eagerness may help explain why senior workers perform some jobs better than younger men or women. These include jobs in which the accumulated expertise of an oldster is needed on a limited basis—as is the case with Mr. Wealat at IBM—and so-called dead-end jobs that young people shun or purposely do poorly at. One major Eastern manufacturer turned to retirees after finding most of its young mail room staff was smoking marijuana and taking drugs on the job.

One reason retirees may enjoy and therefore perform well at unglamorous jobs is that they usually work part-time. Woodward & Lothrop, a department store chain, based in Washington, D.C., employs 300 to 400 over-65 workers a year as part-time sales personnel to spell regular employes during lunch hours or to increase the work force during the Christmas shopping season. Though the work is strenuous, the oldsters generally work only a few hours a day. "These people do a superb job," says Fred Thompson, the concern's personnel director. He is convinced that "many companies are missing the boat" by not hiring the elderly.

AN EAGER LABOR POOL

The store's personnel men began appealing to senior citizens' groups in Washington a few years ago after a sizable radio, newspaper and direct mail employment campaign failed to turn up enough qualified younger people to fill the firm's temporary vacancies. They found hundreds of qualified elderly persons eager to put in a few hours a day.

Social security laws inhibit many oldsters from working full-time. Currently, if a retired person between the ages 65 and 72 earns more than $1,680 but less than $2,880 annually, he loses half his annual benefits. If he earns over $2,880 he gets no Social Security payments at all. Consequently, retirees prefer part-time work and, if they do work full-time, many of them do so for low salaries so as to retain their Social Security benefits.

Some employers have that reason in mind when they hire the elderly. Butcher & Sherrard, a Philadelphia brokerage house, figures it saves about $25,000 a year by employing four over-65 men as runners.

Legislation pending in the Senate would increase the cut-off point on earnings that disqualify a person for Social Security to $3,000, but many critics feel that will be hardly any help at all for the elderly person who wants to work but can't afford to give up his Social Security. Students of the problems of the aged point out that Social Security laws were passed before many companies instituted mandatory early retirement and before many medical advances that have lengthened life spans and improved the health of the elderly.

SKEPTICS ABOUND

So far, the Federal Government has done little more about the problem than to hire a handful of oldsters itself. Two months ago, the Federal National Mortgage Association began using 15 retirees to take bids over the phone twice a month during its open market operations. Previously the bids were mailed—a method that proved increasingly unreliable.

Most Federal agencies, though, do no more than private industry to encourage employees to stay on after their 65th birthdays. And it's clear that many a skeptical personnel man has yet to be convinced that hiring the old is wise. Typical is the East Coast executive who says: "Sure, some old people are still able to turn out a good day's work, but we have a mandatory retirement age for a reason. By and large, older folks can't cut the mustard anymore."

Most labor unions, which have fought long and hard for early retirement rules, also frown on the elderly taking up slots in the work force, although for a different reason. "People should retire by 65 on a decent pension," says a spokesman for the Internationl Electrical, Radio & Machine Workers. "Otherwise, it blocks opportunities for younger guys down the road."

Despite such obstacles, the hiring of oldsters is picking up as more and more companies spread the word that the elderly do well on the pob. "There is no substitute for experience," says Jim Berg, a personnel man at Perkin-Elmer Corp., a Norwalk, Conn., maker of optical equipment. Perkin-Elmer employs several engineers and scientists over 65, some of whom came on board after being retired by other companies. "They think just as young as the young ones," says Mr. Berg, "and often they hold up better."

H.R. 15953

A bill to amend the Internal Revenue Code of 1954 to provide credit against income tax for an employer who employs older persons in his trade or business

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 38 as section 39 and by adding after section 37 the following new section:

"SEC. 38. CREDIT FOR EMPLOYMENT OF OLDER PERSONS.

"(a) IN GENERAL.—In the case of an employer (as defined in section 3401(d)), there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount determined under subsection (b).

"(b) AMOUNT OF CREDIT.—The credit allowed an employer by subsection (a) for any taxable year shall be an amount equal to the increase in his cost of doing business during such year which results from the employment of older persons, as determined under regulations prescribed by the Secretary or his delegate. For purposes of this subsection, any expenditure made by an employer in the conduct of his trade or business (including insurance premiums, contributions to pension funds, contributions to medical costs, contributions to workmen's compensation funds, and any other trade or business expense, including the increased cost of training an older worker and increased cost of maintaining an increased medical and nursing staff necessary where older persons are employed, within the meaning of section 162), whether attributable to an individual employee or to the employees of such employer generally, shall be considered an increase in the cost of doing business which results from the employment of older persons to the extent that it would not have been required or made if the age of each employee involved were the lowest age at which an employee could reasonably (and consistently with the sound operation of the trade or business) be hired to perform substantially the same duties (and no factor other than age were taken into account).

"(c) CREDIT NOT TO CAUSE REFUND OF TAX.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowable under the provisions of this part other than this section and sections 31 and 32.

"(d) CREDIT IN ADDITION TO DEDUCTIONS.—The credit allowed by subsection (a) shall be in addition to, and shall not reduce or otherwise affect, any deduction which may be allowable under this chapter."

(b) The table of sections for such part IV is amended by striking out

"Sec. 38. Overpayments of tax."

and inserting in lieu thereof

"Sec. 38. Credit for employment of older persons.

"Sec. 39. Overpayments of tax."

SEC. 2. (a) Section 36 of the Internal Revenue Code of 1954 (relating to disallowance of credits to individuals paying optional tax or taking standard deduction) is amended by striking out "and 35" and inserting in lieu thereof "35, and 38".

(b) Section 37(a) of such Code (relating to retirement income credit) is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 38 (relating to credit for employment of older persons)".

SEC. 3. The amendments made by this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

U.N. SEEKS PURGE OF FREEDOM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. RARICK. Mr. Speaker, the most biased organization in the world, the United Nations Organization, is now considering purging from its membership any state practicing racial discrimination or denial of self-determination by revolution.

Interestingly, the resolution identifies Palestine as well as "regimes" in Southern Africa.

Of equal interest, the United States, Britain, and France were among those opposing the resolution.

After all, the majority of the members of the United Nations do not understand liberty, and that is why in their mania to suppress freedom they seek to condemn it with such Communist trigger words as discrimination—segregation and apartheid.

Since our leaders lack the courage to withdraw our membership, perhaps the United Nations may yet expel us.

I insert a related news clipping:

[From the Panama (Republic of Panama), Star & Herald, Dec. 1, 1970]

UN TO OUST NATIONS WHICH PRACTICE BIAS

(By William N. Oatis)

UNITED NATIONS, N.Y.—The general assembly was scheduled to adopt a resolution today declaring that any state practicing "racial discrimination, such as apartheid . . ., should have no place in the United Nations."

The resolution was the latest slap at South Africa, where apartheid or race segregation is official policy.

It also called upon all governments to terminate any remaining "diplomatic, consular, commercial, military, social and other relations with . . . South Africa and other racist regimes in Southern Africa."

It bore the recommendation of the assembly's social committee, where it had been approved by a vote of 75–12 with the United States, Britain and France among those opposed and 22 countries abstaining.

The resolution was one of four against discrimination and for self determination that were on the assembly's agenda for its final approval on recommendation of that committee.

Key provisions of the other three resolutions:

Urged U.N. members "to do their utmost to eliminate all racial discrimination in education, employment, housing and other fields of community life."

Requested full co-operation with a new committee to eliminate racial discrimination that came into being under a convention for that purpose effective last Jan. 4.

Affirmed the right of peoples "under colonial and alien domination" to struggle for self determination "by whatever means at their disposal," and condemned governments that deny self determination, especially to "the peoples of Southern Africa and Palestine."

SOUTH SHELBY CARDINALS FOOTBALL TEAM WINS THE CLASS AA SCHOOL STATE FOOTBALL CHAMPIONSHIP IN MISSOURI

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. HUNGATE. Mr. Speaker, I am proud to announce that the South Shelby Cardinals football team, in my congressional district, has won the Class AA School State Football Championship in the State of Missouri.

I am pleased to pay tribute to the fine young men and their coaches on this outstanding achievement.

The Shelby squad roster is as follows:

Number and name	Position	Height (ft.-in.)	Weight (pounds)	Year
10 Steve Dean (3) [1]	Q	6-1	170	Senior.
11 G. W. Dimmitt (1) [1]	Q	5-11	135	Junior.
12 Paul Weatherford (2) [1]	HB	5-10	160	Senior.
13 Russell O'Laughlin	Q	5-9	135	Sophomore.
20 Wes Russell (1) [1]	DHB	5-11	145	Senior.
21 Lane Clarke (1) [1]	DHB	5-7	130	Do.
22 Mark Magruder	HB	5-6	120	Sophomore.
23 Curt Lichty (1) [1]	HB	5-6	125	Junior.
24 Roy Johnston	HB	5-6	150	Do.
30 Greg Morton (2) [1]	HB	6-1	165	Senior.
31 Gary Wilt (1) [1]	HB	5-9	135	Junior.
32 Robert Lorey	H	5-3	130	Sophomore.
34 Mike Lorey (1) [1]	HB	5-9	145	Senior.
40 Eddie Ramsey	FB	5-9	150	Sophomore.
42 Rusty McCollum	DG	6-1	220	Senior.
44 Carl Weatherford (1) [1]	FB	5-10	170	Junior.
50 Lynn Keller (1) [1]	C	5-11	160	Do.
51 Mike Zahm	C	5-9	155	Do.
52 Billie Bob Wilt	C	5-9	150	Sophomore.
61 Pat Kendrick (1) [1]	DG	5-11	155	Senior.
62 Terry Swearingen	T	5-8	160	Sophomore.
63 Brad Russell	DG	5-11	140	Junior
64 Gary Chinn (3) [1]	G	5-11	190	Senior.
65 Harold Bono (2) [1]	G	6-0	165	Do.
66 Randy Stultz	G	5-10	190	Sophomore.
70 Jim Watson	T	6-0	175	Junior.
71 Robert Rollin	T	5-10	180	Do.
72 Curt James (1) [1]	C	6-2	195	Senior.
73 Charles Dieker (1) [1]	T	6-2	190	Junior.
74 Eddie Mayfield (1) [1]	T	6-1	185	Senior.
75 Bruce Schwada	G	5-6	125	Sophomore.
76 Learel Peak (1) [1]	G	5-8	145	Senior.
80 John Mitchell	E	5-10	170	Sophomore.
81 Mike Maupin	E	6-0	150	Do.
82 Randy Bono	E	5-11	145	Do.
83 Ricky Davis (1) [1]	DE	5-7	135	Senior.
84 Kenny Rutter (1) [1]	E	6-4	195	Junior.
85 Mike Rutter (1) [1]	E	6-0	150	Senior.

[1] Number of years lettered.

LETTERS FROM VIETNAM

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. BOW. Mr. Speaker, the young son of a valued friend of mine was drafted while attending college and served and lost his life in Vietnam late last summer.

His letters home between March and August revealed information and an attitude not generally reflected in the news reports of that war. I think that excerpts from them will be of interest, revealing as they do the feelings of an intelligent and educated young man when he observed that the press was distorting conditions with which he was familiar.

The family has asked me not to reveal his name nor their name for fear of harassment from that despicable group of Americans that takes pleasure in obscene and nasty phone calls and letters to the families and survivors of loyal soldiers.

I have deleted the names of officials criticized by the young man in two of the excerpts.

The letters are as follows:

Late March/Early April.—"What is the general reaction back in the world now that North Viet Nam's agression is completely in the open. They obviously want all of Indo-China under their control—what do the peace people say now?"

Received 6/5/70.—"Detailed inventory of one of the smaller Cambodian caches with 39 items listed including 1,000 pounds of marijuana and 1,000 syrets of heroin." 1 month ago it would have been the biggest of the war, now it is nothing. To give you an idea this cache had 50,000 rds of 12.7 mm (.51 calibre) another had 6,700,000 rds.

Received 6/16 (Cambodia).—"Support for units over here is fantastic nothing like anyone before has had (We are only missing the New Jersey)."

Received 6/16.—"I am forwarding an article out of Time magazine. I regret that such trash is being foisted on the American people by a magazine of national prominence. The author is unquestionably against the Cambodian operation. He lets his opinion not only color his writing but ignores the facts." (Two pages of rebuttal to the Time article follow.) Rebuttal included following statements:

"Also *every* enemy bunker complex we have been in and most of the dead we've got were relying heavily on thrown away C rations of the Allies. In Tag Ninh food was so scarce the enemy was relying on cans of C's that had been opened and burned for food. Even when they are well off the NVA must rely heavily on our waste to survive. Starvation has been an important factor in the 10's of thousands of defectors. It does have an effect. A hungry soldier does not fight well, a starving one does not fight at all."

"The author mentions 'average paddy-field variety Viet Cong.' He is sadly 5 years out of date—no doubt about it. About 90% of the fighting in Viet Nam is done by the North Viet Namese Regular Army (NVA). They are full time regular equipped, uniformed, trained soldiers. The paddy field type has been relegated to a source of intelligence, food and hiding places. A man who spends 12 hours a day working in the fields has little time left to play war. Also this 'average' type has been killed off so much that the V.C. cannot recruit 1,000 men per month over the entire country of S.V.N. The sympathizers are in no hurry to fight.

"I doubt that we will find a remedy for 'news pollution' but I can hope. I hope things are well over there and most people see through the smog."

Received 7/29.—"Last week one of our sister companies had the only contact in three weeks. They caught a VC battalion commander and 2 of his company commanders. The intelligence on them has been extremely valuable. Their rice ration has been cut in half. Their troops ordered to sell their uniforms and start hunting and fishing for food. Their morale is very low."

"Another change here probably not noted back home is the recent success of the RF PF forces. These forces are militia not part of the ARVN's. They are equipped no better than the enemy. Up until recently they have been doing a very mediocre job of defending their own towns. Two weeks ago a battallion of RF PF sought out an NVA battalion in their base camp, and killed 200 of them (2/3) while only losing 30 of their own. The NVA and VC are forced more and more into the jungles away from the popular support they need but cannot get."

About May 6th.—"I told you the last time I was in a bad place—I got out of it—they moved us from Taj Ninj to Cambodia—I want to go back to Viet Nam. You have no idea how many of them there are here—well entrenched leading a fairly good life and we come over and spoil everything—how nasty can you get? The firebase we operate out of is within 100 meters of a 1,000 bunker complex they used to train sappers (people who sneak into firebases with explosives to blow everything up.) This is sort of like setting up a vivisection laboratory in the middle of the National Headquarters of the S.P.C.A.—it doesn't work too well.

Sometime in March.—"As to avoiding the draft if you can, do it, but I have no sympathy with the lawbreakers who want to have it both ways. If as ———— and the like give those people general amnesty they've given the biggest kick in the face they can muster to 50,000 dead, 400,000 wounded and 3,000,000 veterans of this hole in the world."

August 13.—"We are in a new area of operations and no one but the enemy has been here for two years. They blatantly grow large fields of crops such as cane, corn and rice. We are now rolling out to destroy their supply areas. * * * They build themselves rather fancy homes—It reminds me of Cambodia!

About May 16th.—"Point of interest. Of all the people who hate war of those who know it best the Infantry has more hawks than anywhere else—everyone here supports our move into Cambodia—at least half want to go there."

"All of the 'peace creeps' back there ought to be sent here—they will learn a lot from experience they could *never learn* from books, reports and pink professors. When I return I will definitely be less tolerant of those who speak but do not know."

Date Unknown.—"Our moving every month at the most keeps the enemy off balance and prevents him from having the time to make a well-planned attack. Any attacks they come up with are small scale and don't matter much. Their effect is like throwing a marble in a hornets nest—with the same reaction."

September 3.—"I can say very little about what I do for reasons of security in spite of the fact that very little is secret and the bigoted news media are always running around."

March 1970.—"Nothing new except opinion. Most of those are directed at Marxist agitators (I wish they would start calling them that) plus the * * * should all go to hell. Strong language but I am frightfully put up about their endless antics for political popularity—I've never seen a darker collection of white knights. I was a bit unhappy to see Mayor * * * calling draft dodgers and deserters the "true heroes." I know what motivates them more than he does because I have been closer to them. They are scared and they are running.

Received 8/6/70.—"I had some copies of enemy propaganda directed to American troops but can't find it. Aside from the usual appeals to any fighting man there is the recurrent lines heard so much from the American Peace Crowds—they dont even change the words. The 'arguments' (slogan is a better word) are the very same one hears at the University and the Marches."

Received August 20.—"Defoliated areas represent only (guess) 3-5% of the total land area. Defoliation only kills the upper canopy and is only 80-90% effective. Little or no erosion occurs because of the defoliation because of rapid plant growth (ground cover) and the ground is already very flat in defoliated areas."

Last Letter—written 9/17.—"The good men are those that are not necessarily the smartest, or the strongest, but the ones who apply themselves who work and drive on harder, men who regardless of circumstances control themselves when the time comes. Those who save tears and passion for resting moments and concern themselves with reality and practical approach to it."

CAPTAIN DONAHUE MAKES HIS MARK IN VIETNAM

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, I am very proud today to acknowledge the success of Capt. Daniel J. Donahue, whom I nominated in 1964 to the U.S. Military Academy at West Point.

Captain Donahue served with the famed 101st Airborne Division in Vietnam, where he escorted Gen. William C. Westmoreland on a tour of his positions in July 1969.

We are all proud of Captain Donahue. I am especially proud to have been instrumental in his appointment to the Academy, which has provided him with the opportunity to prove his ability as a leader.

The following article is from the Pike Interchange, September 1970, which is published by the New Jersey Turnpike Authority. Captain Donahue's father is director of purchasing for the New Jersey Turnpike Authority.

The article follows:

CAPTAIN DONAHUE MAKES HIS MARK IN VIETNAM

The famed 101st Airborne Division has an officer who has made good since his graduation from West Point in 1968.

It took Daniel J. Donahue III only two years to advance from second lieutenant to captain—a rise that has marked the lad's service in this country, Germany and Vietnam.

This past July, Captain Donahue, whose father is the director of purchasing for the New Jersey Turnpike Authority, had the honor of escorting Chief of Staff William C. Westmoreland on a tour of the positions at Fire Base Vegel, Vietnam.

A month before, Donahue had been promoted to captain in a brief ceremony at Camp Eagle in Nam, the home and in-country training post of 101st Airborne. That was on June 5, two years to the day since Captain Donahue graduated from West Point.

Captain Donahue, in frequent correspondence with his parents, Daniel and Rose at their home in Spring Lake, has kept them up-to-date on his activities.

Appointed to the U.S. Military Academy by Congressman Dominick Daniels, young Donahue entered the Academy on July 1, 1964. Graduating four years later, he chose the Infantry as his branch of service and was assigned to Ranger and Airborne training at Fort Benning, Georgia.

He was later assigned to the third Armored Division in Germany as a platoon leader with the 36th Infantry. On June 5, 1969, a year after his graduation, he was promoted to first lieutenant and made company commander and participated in various exercises in the European Theater.

Back to the States in January 1970 for a short leave at home in Spring Lake, then assignment to Vietnam and the 101st Airborne.

Captain Donahue's achievements in the military service certainly make his parents mighty proud. A day doesn't seem to go by that his father can be seen reading the latest news from his boy in Vietnam. The letters make interesting reading, too.

THE MEDICAL DRAFT EXEMPTION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. BINGHAM. Mr. Speaker, the New York Times Magazine of November 29, 1970 carried an article by Saul Braun entitled, "From 1-A to 4-F and All Points In Between." The article describes the vast network of draft counseling organizations which has grown up, largely in the last few years, to assist young men who seek a means to avoid the draft. The article discusses at length the eagerness of many young men today to use medical deferments as well as a variety of other means to avoid induction.

Mr. Speaker, it is wrong for a nation to proceed with a system which forces so many of its young men to seek ways to avoid participation. It is essential that the Congress abolish the Selective Service System on June 30, 1971, when it is due to expire, and replace it with a new system which will meet our military manpower needs while assuring young people a meaningful way to work within the system.

The New York Times article follows:

FROM 1-A TO 4-F AND ALL POINTS IN BETWEEN

(By Saul Braun)

Karl Bissinger, a trim, buoyant, gray-haired man who has been doing draft counseling since 1967 at the Greenwich Village Peace Center in Washington Square Methodist Church, says that as far as he is concerned the change in attitude toward the idea of draft avoidance is very visible.

"When I first started out, you didn't get anybody whose families were behind them. Now their fathers come in with them. I recently counseled a young boy whose father is in the Sanitation Department, and a few weeks ago when we asked the kids who showed up where they were from, half turned out to be from South Village, old-line Italian families. Also, each Saturday at noon we have a peace vigil at the corner of Eighth Street and Sixth Avenue. We pass out leaflets offering draft counseling. Two years ago we had the leaflets thrown back in our face. Now people get out of their cars and ask for them."

"The fact is," Col. Paul Akst, director of Selective Service in New York City, told a reporter, "that people want to fail [service-induction examinations] and they're finding ways to do it."

Just as, increasingly young men are investigating the possibilities of eluding or deferring military service, the need for informed counsel has grown enormously. Jack Shattuck, the coordinator of draft counselors in the New York metropolitan region for the American Friends Service Committee, notes that "a counselor without materials is deadly to counselees. He must be kept abreast of both policy and regulations."

Organizations like the A.F.S.C. and the Central Committee for Conscientious Objectors, which has headquarters in Philadelphia, Chicago and San Francisco, supply the training, which consists, generally, of perhaps half a dozen three-hour sessions of familiarization with the current regulations followed by a period of apprentice-counseling under somebody else's supervision. Anybody can become a counselor, and apparently more and more people are doing it. Douglas Farnsworth, finance secretary of the C.C.C.O., points to the growth of his own organization as one indication: "In 1965 we were a single three-man office in Philadelphia. Now we have three offices around the country, and a staff of 45. Most counselors are still the young, active, concerned persons of both sexes, but we're getting more housewives, and more clergymen of all faiths. It almost has become Establishment to be counseling."

Most major cities have at least one counseling agency. In Manhattan there are no fewer than nine active groups and, in addition, the Board of Education this year will be supplying draft information in the city's 92 high schools.

Those who might think of draft counseling as a basically unpatriotic activity would not find themselves in agreement with Colonel Akst. "Unpatriotic?" says Colonel Akst. "Not at all. I've always felt counselors do us a great service. I went to see the high-school counselors and lectured to them. I think it's a wonderful idea. The well-educated person is our ally. Just talking about it and setting out the options is no crime. But once they tell the man to leave the country in order to avoid the draft, then it's a violation of the Selective Service Act."

None of the counselors I interviewed will advocate such a course, but, on the other hand, all if not most will cheerfully present it to the registrant as one among numerous options. It is precisely upon this point that some counselors feel the high-school counseling will be of dubious value. "The school counselors," one says, "will try to avoid all kinds of 'questionable' things like a discussion of skipping to Canada or a refusal to register for the draft." Vincent Young of the Bedford-Stuyvesant Draft Counseling Service, which is in the Siloam Presbyterian Church, says of this development: "The hell with that. If we go into the schools, we're going in there to get them out of the draft."

"What you call draft counseling varies enormously," says Shattuck. "You have the heavy political counseling at one end of the spectrum and, the other, the pure information-givers." Consequently, a portrait of the typical draft counselor would be difficult to draw. Among the large number I interviewed there were radical, long-haired young men and motherly middle-aged ladies with upswept hair; those who were against the war and those against the entire system; pacifists as well as those who could very easily conceive of fighting some sort of "just" war. Some, like Bissinger, believe that the counselee should not be "educated" politically in the course of counseling. Others, according to Shattuck, do only political counseling.

"These groups," he says, "will say, first, we have to give you our political rap, you must first understand how the military runs our entire life, et cetera. And if the person's with them, they'll help him. Otherwise, no. At the Friends, of course, we have respect for integrity. We try to find out where the counselees are at and try to help them understand what options are available."

Charlie Freehof, the draft counselor at Brooklyn College, was himself a resister who was punitively reclassified 1-A by his draft board. As the Supreme Court later, in the 1970 [David] Gutknecht case, declared this procedure unconstitutional, Freehof wound up neither in the Army nor in jail, but a draft counselor. He does not do political counseling, but believes that it is inherently a political activity:

"I certainly have political ideas and if I'm talking to someone at length my ideas will get through to them. The main idea that I want to promote, essentially, is that nonviolent revolution is not only possible but necessary. That is one of the things that motivated my own resistance. I feel it's very necesary to make acts of nonviolent resistance public.

"However, if a kid comes in and is thinking of resistance, I'll discuss it with him at length. I'll play the devil's advocate. I discuss the problems and in the end I'll tell him to think about it for six months. People should know that the act of resisting the draft in total will change their life styles completely."

"What it boils down to is this," says Frank Allegra of the Episcopal Peace Center. "We're here to help the kid. The main thing in my mind is to help him discover what he wants to do. Basically, what we're dealing with is this situation. At the age of 18, the kid has to register. He then draws his lottery number in the year he turns 19 and then he becomes eligible for the draft in the year he turns 20. At that point he can either go into the service or get a deferment of one kind or another, or become a conscientious objector, or have a high enough lottery number so he doesn't get called, or else, finally, noncooperate or emigrate. He can noncooperate by going underground or by going into the courts and possibly going to jail.

"We can help him in any of these cases. Let's say, he decides to go to Canada. We tell him about Canada. If he's not rushed for time, we tell him to take a trip to Canada to visit and see what's what, and maybe try to get a job offer, letters, et cetera, and then apply for landed-immigrant status, which will enable him to live in Canada.

"We keep up to date. We get our information from a newsletter called Ex-Net, put out by a group in Toronto called The Red, White and Black. They, in turn, get information from a network of Canadian groups about border crossings, jobs, attitude of the people, and so forth. However, we don't get too many willing to emigrate. Most are interested in C.O. and/or medical deferments. Then come hardship and student cases. In the past year, there have been a number of changes in the law. The President's Executive order of last April abolished new occupational deferments, new agricultural deferments and new fatherhood deferments. Also, there was the 1970 [Elliott] Welsh case in the Supreme Court, which enlarged the definition of a C.O. to include nonreligious C.O.'s whose beliefs were sincerely and deeply held."

At The Village Peace Center, one evening in October, about 30 boys came in for counsel. Nine of them sought G.I., or in-service, counseling which, according to Bissinger, is the fastest-growing counseling field. In an effort to get a beter idea of what the counseling session is like, I sat in on a conversation between Irving Sadoff, a salesman of cleaning chemicals who lives in Washington Heights, and a young man named Ken, a bookkeeper with two years of college who was referred to the Peace Center by a friend. Ken has just passed his pre-induction physical despite the fact that he has a heart murmur and two notes, one from his own doctor and another from a radiologist, verifying the condition. Now Ken is in a crisis situation, he says. He has his 1-A and a late October call-up, so time is short.

"All right," says Sadoff, a big, husky man who spent three years in World War II and is not a pacifist. "There is no formal appeal to findings at the Whitehall medical," he tells Ken. "But there are informal ones, and they go through the Surgeon General. You have a family physician? Have him make a call to Colonel Sgalitzer. The Surgeon General, U.S. Army, 703-826-7228 or 703-826-6325. Call person to person. Or write to him, at the Recruiting Command, Hampton, Va. The zip code is 23369. You could even do it yourself if the doctor won't do it. If so, we'll have to get you to a doctor who, if he comes to the same conclusion, will write you that letter.

"A good letter consists of basically three elements: a detailed diagnosis, then a prognosis, and the conclusion that he doesn't feel you should be in the Army. Come back here on Tuesday and we'll get you to a doctor who will write a good, strong letter. Send it to Colonel Sgalitzer. If the colonel turns you down, we can go over him. Send the letter special-delivery registered with return receipt requested. Make copies of everything you send out. Make four copies. Send your draft board a copy and ask them to put it in your file. In the event of future litigation, you've going to want records. You'll probably be back Tuesday. Most doctors don't like to write those letters."

Ken digests all this advice, delivered in a rapid, patient manner, and then asks, "What about C.O.?"

"That is a possibility," says Sadoff. "But first let's see what happens with the heart murmur."

Elements in this interview said to be common to many draft-counseling sessions include the following: the total amount of time elapsed was about half an hour; the young man appeared with a reasonable claim that could be developed; the information about the young man that was elicited was sketchy at best; much of the counsel consisted of pragmatic details of methodology and arcane lore, like the Surgeon General's zip code, rather than discussions of policy matters.

Also said to be not uncommon is the military's willingness, at the pre-induction physical, to overlook apparent defects which the Army lists as disabling. Sadoff recalled for me an earlier case in which the young man suffered from colitis, yet was classified 1-A. "And here it is," Sadoff said, producing a copy of the Army's AM 40-501, "Standards of Medical Fitness." "Irritable colon of more than moderate degree. That's something he has, with X-rays to show it, and a doctor's letter, and still they took him. He's going to write Colonel Sgalitzer also."

One reason for these occurrences may be the increased difficulty that some boards are having meeting their quotas. Sadoff quoted to me some statistics which give him satisfaction: "From October, 1969, to May, 1970, California boards mailed induction notices to more than 18,000 men in order to fill a draft quota of just under 8,000, and even then only 6,033 men were actually inducted. Almost 40 per cent didn't even bother to appear." Colonel Akst says that New York has not been having difficulty meeting its quotas, but he does admit that Army physicians "are always looking for malingerers."

Doubtless there has been stiffening resistance at the Army medical centers to the drastically increased interest in medical deferments—and to the testimonials from civilian doctors supporting deferments. In the New York City area there are two psychiatrists who, according to counselors, have written an enormous number of letters on behalf of young men. Jack Shattuck says the A.F.S.C. simply advises its clients not to consult them and Frank Allegra explains that, in any case, support emanating from these "letter factories" is generally discounted. Also, he adds, they are not needed; the vast majority of medical deferments are based on actual debilities—and, as some counselors say, everybody has something he can push. Allegra tells the story of the young man who came in and insisted that he was physically in top shape. It was not until Allegra asked him if he had ever been on crutches that the client said that, yes, he had been, six to eight times in the past year alone: his weak ankles kept getting sprained. "Here it is," Allegra said, producing his copy of the "Standards of Medical Fitness." "Instability of a major joint . . . if the individual requires medical treatment of sufficient frequency to interfere with the performance of military duty."

That medical deferments are so popular is partly due to President Nixon's Executive order which tightened deferments and made things tougher for the counselors, and partly due to the relative lack of inconvenience accompanying this path. It is also due in large measure to the fact that there are an incredible number of ailments that the Army offers as potentials for deferments. I served in the Army for two years with no undue suffering and yet, if I read the A.R. correctly, I have four conditions I could have teased into contention for a medical deferment. Says David Sutter, author of "4-F, a Guide to Draft Exemption": "No one is so healthy that he cannot be an Army reject."

A glance through the regulations shows that deferments are allowed for such classic conditions as flat feet, hay fever, asthma and three different types of homosexuality (but not acts stemming from "curiosity, immaturity or intoxication"), as well as the rarer disorders like myxedema (thyroid deficiency) and hermaphraditism. "The first thing to understand," Sutter notes, "is that you don't have to be unhealthy to be unfit."

As Irving Sadoff suggests, not all doctors care to write letters affirming unfitness to serve, even in the presence of an appropriate debility. Until recently, the client had to shop around in a profession not noted for its support of radical procedures of any sort. Now, however, counselors will generally be supplied with a referral list of doctors who do. Among these doctors are some psychiatrists who sincerely believe that the desire to avoid military service is, in itself, a good reason for the Army to exempt.

The referral lists are compiled and maintained by organizations like the Medical Committee for Human Rights, a group of health professionals formed in 1964 to provide medical services for civil-rights workers in the South. The National Chairman of M.C.H.R. is 34-year-old Dr. Eli Messinger, a child psychiatrist, who says, "We're actually doing the military a favor by screening out those who have problems that would impair their ability to function in the Army."

Dr. Messinger and his wife, Ruth, several years ago organized a draft counseling service in the Bronx which Mrs. Messinger operated out of the Lorillard Baptist Church until, as he puts it, "We became increasingly impatient with the purely technical role we were playing in interpreting the range of options open to a guy." Mrs. Messinger turned to teaching, at Manhattan's experimental Children's Community Workshop School, and Dr. Messinger to the M.C.H.R. draft referral services.

"The M.C.H.R. has chapters in some 25 cities," he explains, "and the draft-referral services are developed chapter by chapter. Here in New York, our phone is in the Village Peace Center. We list about 100 doctors of various kinds who can be contacted when a counselee is deemed to have legitimate medical or psychiatric problems. We prefer that he go to his own physician, unless the man is not willing to write a letter or is politically averse to writing a letter of it's otherwise not feasible. It isn't our job to say whether the boy should or should not be in the Army, but to offer a diagnostic definition of his condition. I've had about 70 guys come in, usually in a crisis situation. Of those I've seen, close to all turned out to be worth a letter.

"I think when society preaches systematic destructiveness, then that undermines the person's efforts at self-control. Many a guy with very limited capacity for adaptation has managed in civilian life to work out some niche for himself. A night watchman, say. But these guys feel very vulnerable and rightly frightened about entering the Army. In addition to those who feel frightened, there are those who are fearful they would react with rage to authority, or to a stupid command.

"I'll spend about an hour with the guy. You can get a good idea of a person's major psychological problems in that time. But the psychiatrist at the induction center spends very little time with him, a matter of minutes, and his approach is, how are we going to mash, squeeze or multilate this boy to make him fit. Their bias is toward the organization. Ours is toward the guy. I'm only concerned about one thing, that our services are being used by middle-class, sophisticated, better-educated young men, but not by blacks, and in this way maybe unintentionally we're agents of social discrimination."

Dr. Messinger is not the only one to voice concern that blacks are not receiving a fair share of draft-counseling assistance. "The problem of helping the black community with counseling is complicated," says Father Elmer L. Sullivan, the rector of St. Augustine Episcopal Church in Elizabeth, N.J. Father Sullivan is a counselor who specializes in conscientious objectors. "The whole Selective Service set up is very cerebral, like a chess game. It's definitely a middle-class, educated person's game, and most poor people in the ghetto don't like to play games like that. It isn't their bag, this filling out of forms and personal appearances and appeals and what not."

Be that as it may, certain counselors to the black community are discovering that militant young black men (apart from those who never register and instead simply disappear into the ghetto, which is said to be a considerable number) can be made eligible for 1–Y (a sort of temporary 4–F) or 4–F classification not on medical or psychiatric grounds but on "administrative" grounds. This category would include any young man militant enough to be a source of disruption within the military.

"You have this situation in Bedford-Stuyvesant," says Shattuck. "A lot of men there are claiming C.O. on the basis of second-class citizenship. In some cases this comes on as a political rap and in some cases they are so strong about it that the boards are classifying them 1–Y, as politically dangerous and disqualified morally, as security risks, because they'll go in and organize or possibly turn their guns around."

I observed one such counseling session at a distance, from the far end of a long narrow room, but was not allowed to hear the substance of the counseling. Three counselors had got together in a close huddle with one young man who was described as "a difficult case." The Bedford-Stuyvesant group receives most of its referrals from Black News, a locally edited paper that recently carried an "open letter to all brothers" which indicated how such a claim could be developed. The writer said he had "heard about some jive classification that they have for people who object to war on so-called 'religious reasons,' can you dig that!" He goes on to answer Form 150 for conscientious objectors in terms "that A Black Man could relate to":

"My demand for exemption from Honky Hero Army is based on the fact that NO Black man should be conscripted to bear arms for a country that kidnapped him from his home 350 years ago, forced him into the most dehumanizing form of slavery ever known to mankind, and has used every conceivable means to keep him in this position. If you Crackers would open your eyes, you would see that it doesn't even make sense to ask me to serve in YOUR army when my people are being bombed in Sunday Schools (worshipping YOUR god) in Birmingham, Alabama, my sisters are being slaughtered at Jackson State in Mississippi, and my brothers and sisters in the People's Liberation Army, the Black Panther party, are being held for ransom on some —— charges."

The sign on the church door attests to the success of these tactics: "Draft counseling. Hell no we won't go. With us, the Bedford-Stuyvesant Draft Counseling Service, it is more than just a slogan. It's a fact. Over the past two years of service to the black community we haven't lost a brother yet."

"A kid will have several chances to prove his militancy," Frank Allegra says. "At the pre-induction physical. At the induction center. In a C.O. claim. Sometimes it works, sometimes it doesn't. I thing it's bad, anyway, to put all your eggs in one basket. Every case usually begins with one apparent thing to work on, but in just talking about him you'll often develop other things."

The wide range of options available has the effect of encouraging game-playing, as Father Sullivan says. Allegra gives one example:

"You can wheel and deal with the lottery with someone who's a student who has a medium lottery number. If he tries to play with the lottery, by guessing what year his number might not come up, and loses, he can still get a 1–SC, which is given to undergraduates who have received induction orders and are full-time students. This cancels the induction order for the academic year. Then they have to reclassify him anew. He might go from giving up his 2–S (the ordinary student deferment) in favor of the lottery, to induction in the lottery, to 1–SC, to reclassification of 1–A, to another application for 2–S."

Observing a counseling session is, as Father Sullivan says, very like watching a chess master ponder a sequence of moves. One that I witnessed began with the young man, whom I'll call Bill, telling the counselor, whom I'll call Bob, that he had just received his notice to report for a pre-induction physical, although he had applied for a deferment on the ground that he had been hospitalized three times for trying to kill himself, the first time with pills, the second time by slashing his wrists and the third time with pills and gas. The Government appeals agent he spoke with was not impressed; just seeing a psychiatrist, he told Bill, was no ground for exemption.

Bill, a tentative, shaky young man of 18, who had quit school and hadn't worked since April but wanted "to be an actor," had been referred to Bob by the American Friends. He didn't want to take the physical, he said. He only wanted to take a "mental test." Bob then explained that the way he would get his deferment was precisely by going down there for the physical, and bringing along with him a letter from his psychiatrist describing his suicide attempts. This seemed to me a strong case, and Bob said he felt it was, but he was not content to let it rest there. He began to question his motives and attitudes.

"I saw you looking at this manual we have about Canada. What if they do induct you? Do you think you'd go in?"

"I'd leave the country."

"There's no way you'd go in?"

"I'm just against the whole thing."

Bob developed the intelligence that Bill's objections were not political but subjective and personal.

"What if you had a good Army job. Would you still not go?"

"Yeah, it's still giving in to them. What's so bad is what they do to their own people. Just the other day a guy wearing a peace medal got court-martialed." Bob had to push somewhat to get Bill to declare that another bad thing the Army did was "make people murder people." Still, Bob was prepared to file the possibility of a C.O. in the back of his mind. He then went on to discover that Bill's height and weight were well within the limits and that he was a regular user of drugs, mainly ups and downs. This wasn't worth developing. "The Army just gets uptight about heroin and maybe speed," Bob explained.

"Ever been to see a specialist for anything?" Bob asked. "Broken bones, allergies? Ever been restricted in physical activities in school?" The answer to each of these was no. In the end, Bob had explored virtually all the possible avenues, including resistance, and was able to sum up:

"I think you have a fairly strong case. When you go to the physical, be sure to stick the letter from the psychiatrist under the nose of the examining doctor. In any event, get back to me. Then we can start the other wheels moving. Don't try drugs, I don't think you need it as a gimmick to get out that same day. It might help, it might hurt. And there's always the possibility of C.O. That would be important now, not in '72 when you become eligible. It would look more sincere."

As far as gambits go, the classical one, of course, is simulated homosexuality, and it certainly has not gone out of the repertoire, as the following quotation from a leaflet distributed by Columbia University's Student Homophile League indicates:

"Students who consider themselves basically heterosexual but are interested in taking advantage of the 'homosexual' exemption, as well as homosexuals faced with what is usually a major decision on how they regard themselves, should by all means get in touch with the Student Homophile League to discuss this matter. Our office, in 109 Earl Hall, is open Monday through Friday from 5 to 9 P.M., except when we have SHL dinners upstairs."

I have no idea what the response has been to this offer from men who "consider them selves basically heterosexual," but the change in the social climate implicit in the offer is also visible in other manifestations. There are political assumptions that are universally shared, though for the most part implicit, within the antidraft community. But they are less significant, I believe, than the social and psychological assumptions that are even less visible, but nonetheless operative. Just as homosexuality is less scorned and feared by this generation of young men than it was by their elders, so is a category that might be summed up as "weakness." The stigma that once commonly attached to a 4–F military classification, and comparable attitudes toward the conscientious objector, have virtually disappeared. This goes a long way toward explaining the dramatic increase in C.O. claims.

Jack Shattuck, who is a C.O., recalls that when he went down to the draft board to tell them he "couldn't kill, of course," his father was very upset. "He thought I'd wreck my life. But he eventually became used to the idea that I was this nut that was going to be a C.O. Slowly he began to realize that the law was changing, that it was not a weakness but a very strong conviction and another way of living a life."

Father Sullivan says that not only are the number of C.O. claims rising but that, especially since the Welsh case, which extended the category to include humanists, the claims are being based on greatly expanded grounds. "I have a guy who submitted an entire C.O. claim based on popular music, with Bob Dylan the crucial one in it. He's a very sincere person. The youth subculture, the songs and music, play a very important part in reaching the decision [to conscientiously object to military service]. Many more have been aided in coming to their decision by Dylan than by the Bible."

Some counselors, such as Father Sullivan, specialize in C.O. cases. Other counselors in northern New Jersey will refer potential C.O.

claims to him. "Maybe 60 per cent wind up C.O.'s. I've never lost a case, by which I mean, I've never had a man inducted or go to Canada or go to jail."

Other counselors—Frank Allegra of the Episcopal Peace Center for one—say that usually the client will come to them with some idea that he might be eligible for the C.O. classification. At other times, however, as recently happened in Allegra's office, a strong C.O. claim can develop out of the most unpromising materials. I had the good fortune to stumble upon the session in which Allegra realized, with considerable excitement, that the yong man, despite a considerable initial difficulty in expressing himself, actually was, in fact, a C.O.

Allegra had first seen the 23-year-old three weeks earlier. Dave didn't think he was a C.O. but, luckily, had asked at the induction center for the C.O. form. The request itself automatically defers the induction notice. Dave had passed his pre-induction physical and he has a low lottery number of 109. He's married. "When he first came in," Allegra said, "we talked two or three hours and I asked questions like, what would he do if he got inducted, what if there were a black revolution? He didn't come on as a C.O., and with his Afro and goatee I knew the board wouldn't buy it. We had two things that we opened up: at his physical he had high blood pressure, and also he had never had a complete physical."

Allegra also discovered that Dave was an apprentice welder, Since there is a 2–A apprentice deferment, this seemed a promising development. He sent Dave off to find out whether the company he works for would sponsor him and whether the apprentice program was certified by the state or Federal governments. If any of these proved to be the case, he would be eligible for the deferment. Also, Dave and his wife was considering adopting a child, which opened up the possibility of a 3--A hardship deferment. And Dave had once had a 1–Y deferment as a Youthful Offender.

When Dave called back, he told Allegra that he had somewhat misrepresented himself. He wasn't an apprentice welder, just a laborer. Nonplussed, Allegra asked him whether he wanted to be an apprentice and if so how could he go about it? Could he talk to the shop steward? Or the guy who got him into the construction union in the first place? And Dave explained that he had taken the job expecting to be made an apprentice, but that three white guys who had been hired after him had got into the program ahead of him. The draft board would not want to hear about injustice, all it would want to know was whether Dave was an apprentice or not, so Allegra considered how to put legal pressure on the union or the employer or both, while at the same time finding out how Dave could get into a new apprenticeship program.

The second time Dave appeared, Allegra tried to draw him out on his concept of "Brotherhood," which apparently meant something to the young man. "When you do violence to somebody." Dave told him, "you treat them as less than you, and that's not Brotherhood." Dave said he believed in God and that God wants all men to be brothers.

"So we talked and I began to think that maybe I had a C.O. claim," Allegra told me.

When I first met Dave, he and Allegra and I went down to a restaurant on Seventh Avenue at 23d Street where Allegra continued his questioning. Did Dave have support at home?

"When my father heard I was trying to get out, he was angry," Dave said, slowly and in a low voice. "Called me a traitor; said he fought in World War II. But he don't care. If I was to go to him and say I was goin' in the service, he'd say, 'Oh, yeah?' Like that. Wouldn't say, what you fighting *for*, or anything like that. He's drunk just about every time I talk to him."

Allegra asked him if he could get any supporting letters for his C.O. claim—from lifelong friends who could attest to his beliefs.

Dave bit into a tuna sandwich and chewed for a moment before answering. "Well, most of the guys I grew up with are dead or in jail. Armed robbery, grand larceny."

"I think I have a pretty good idea," Allegra said, "but suppose you tell me. What was your childhood like?"

Dave grew up with a gang in which the younger ones had to fight the older ones to get toughened up. Often police in squad cars would spot them and pull them over, throw them against a wall, take their wallets. "What I call harassment," Dave said. "I was 12 when I first started hanging around. Then about 1966, '67, a drug thing came into our community. Everybody. I smashed up. But I'm off it now."

"Were there gang fights?" Allegra asked. "Some."

Dave recalled one gang fight. A guy came at him with a knife. "If they do that," he explained, "the only thing you can do is get away." He himself never carried a knife. "So I was using the garbage can covers, you see, and then running up the beach. Man, I figure I fall, that's it. What saved me is the guy chasing me, he fell first."

After dinner we returned to the Peace Center, and Allegra continued the questioning. Why did Dave register when he was 18? "I figured I get a draft card I can go in a liquor store. Draft card and you can go places." Dave's answers all came slowly, hesitantly. It was clear he was unused to examining himself with words. He picked his way as through a minefield.

"In 1967 my mother was sick, dying of cancer. Like I was on drugs then and I knew the first thing I had to do was get off drugs. And I started checking myself out. And everything I was doing contradicted the things I believed in. And I started to relate to the things I believe in. And things started to smooth themselves out. See, I was meeting a lot of people who was running around but they didn't know what they was doing. How can you ride around in a Rolls-Royce in a neighborhood and you see people, hungry and raggedy? That could be you. That is you. You see?"

"How did your beliefs come about?"

"This is something I have always been taught, in the home, by my mother." Dave's mother used to take him to church, and he only stopped going when it became apparent to him that the church wasn't practicing what it preached. "Just a lot of——," he said. "Like the minister riding around in a Lincoln. Just playing on the emotions of the people." Dave grinned and shook his head. "See, the changes I went through, the Government won't accept it."

Allegra persisted, however. "Would you call what you went through a religious experience? a conversion?"

Dave paused for a long time, then turned his head away and gazed up at the ceiling. His eyes were beginning to go liquid. "See, I felt it was because of me what was happening to my mother. God works in strange ways. To have my mother dying in the hospital, like she was doing . . ."

Tears sprang to his eyes.

"That made me relate." He ran his fingers through his hair and sighed. "Because one thing, man—that'll change your whole life. Before she got sick she weighed 140. And then she was down to 80 pounds, like a concentration-camp victim. Man, it turned me around."

After another long pause, Allegra said. "What was the change that people could see?"

"Well, the clothes. Before when I had some money I knew what I was going to spend it on. Then it didn't matter about clothes. And the drugs."

"You were on skag?" Dave nodded. "That isn't something people do easily, just stopping like that."

"Every now and again I had to stop and examine myself," Dave said. "I'm going through a phase now." He gestured toward his goatee. "I'm thinking of cutting my beard off. 'Cause I stopped to think what a beard means to me. A certain amount of knowledge and being able to live up to your convictions. And I haven't reached that point yet. Cutting it off is like admitting something to myself. Like a self-discipline. 'Cause if you do it and you want to have it you have to work a little bit harder.

"After my mother died I was alienated from all the people. I had the feeling of being locked up in my room. Then I started smoking again, grass, and listening to the different people rap. All different kinds of religion, and I came to the conclusion that the Baptists are fighting the Catholics and the Jews are fighting somebody else and I said, that ain't it. That ain't it. What are you fighting for? Basically all religions believe the same thing. But I didn't belong to any of them. I belong to me, and I relate to the Supreme Being who I call God. I don't care where you go, on some island that never was discovered. And if you check out their religion you'll see it's all the same thing, it's Brotherhood.

"I always was sure of it but I got caught up in the system. I read 'Strength to Love' by [Martin Luther] King in '69, and he more or less opened up my eyes to the ultimate as far as human existence is concerned. The war is self-explanatory in dealing with people at a local level. War is nothing but a mass scale of violence. Like, if it's wrong for me and you to engage in some kind of warfare because of any reason, now how can you justify going across the street to make war?"

This was an extraordinary speech to have come from a young man who had, barely two hours earlier, scarcely been able to vocalize his sentiments. Clearly, it came from some part of himself he does not normally expose, and Allegra was very excited.

"You really are a C.O.," he exulted. But Dave was dubious about the draft board. "Look," Allegra broke in excitedly, "it took a few hours to convince me and to find out how. Okay, what we have to do now is take my knowledge of the draft boards and what they're looking for and take what you've said to me in a few hours and set it down on paper, okay? So it's gonna take them like 20 minutes to read, and the supporting papers and so forth, and then work on preparing for a personal appearance. Now sure it's rough, but draft boards, you know, they can understand."

"Naw," Dave said. "They can't understand."

Allegra simply shrugged off the young man's doubt and then launched into a summation which was his analysis of Dave's case. It was, for me, a good insight into the way his mind had been assimilating and developing several hours of random and often tedious discourse:

"Look," he said. "A kid grows up in a quite bad neighborhood, you know, hangs around with the gang, has to fight to prove himself within the gang, you know, gets involved with, you know, grand-larceny charges, gets involved with heroin, sort of is on the road to destruction, you know, and then, at the same time, you had been going to Sunday school and hearing these things preached to you, they sounded good to you, but what the minister does when he gets out of his pulpit, that doesn't seem too right.

"Then comes your mother's death, and that changes you around, you start to think about things, you look at yourself, you start to see what's really important in life. And you know, this feeling that God deals, you know, talks to people in different ways, one way being, well, like, my mother had to die in order for me to sort of see the way, okay? And this is the way I communicate with God And then you say, okay, I have reached the point where I realize that, whereas before I wasn't, you know, headed anywhere and now I do have some sense of direction, you know, and I do see that Brotherhood is the thing now, and I've carried it to the point where I can't go and kill anybody. I had like sort of a conversion I started three years ago and I'm continuing, I'm going on the way now, and how can you ask me to stop and turn around and go back and kill people? Go back into that violent world I grew up in? They can't say that. I don't think they can do it, you know. So how does that sound to you?"

Dave had an amazed and delighted grin on his face. He had been listening with deep attention to Allegra's rap, and now he shook his head and said it sounded great to him, and that's the way it really is, but you know, the board. . . .

"I'm not saying I guarantee a C.O.," Allegra said hastily. "But if they turn you down, you have a chance from the appeal board. If both of them turn you down, you've still got grounds for a court case on this. They gotta have a reason to turn you down. Circuit Court of Appeals cases now say the board must have some basis in fact for denying a C.O. or hardship or any other claim."

He asked Dave to stay in touch with him, then ushered him out. He returned a moment later and shook his head wryly. "He'll be back, but that's one thing, they often don't come back. If they get their deferment, they usually don't bother to let us know, even though we ask them. I don't know why, really. That's just the way it is."

HOOVER VERSUS CLARK

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. BOW. Mr. Speaker, I wish to include with my remarks an editorial comment from the Canton Repository relative to the recent public discussions between J. Edgar Hoover and Ramsey Clark. I heartily concur with the editor. The editorial follows:

HOOVER VERSUS CLARK

FBI Director J. Edgar Hoover and former Atty. Gen. Ramsey Clark are miles apart, ideologically, psychologically and politically.

Each sees the role of law enforcement at the federal level in a different light, and when Mr. Clark fired the first volley in his book, "Crime in America," the issue was joined and both proceeded to engage in some rather vituperative name-calling.

The former attorney general, who was Mr. Hoover's boss from 1967 to 1969, charged that the 76-year-old director had a "self-centered concern for his own reputation" which has led to the FBI sacrifice of "effective crime control."

Mr. Hoover replied by calling Mr. Clark a "jellyfish" and a "softie" and said he was the worst attorney general in the 45 years the director has headed the elite federal law enforcement agency.

Many other things were said and many more will be said which will not shed any light on the basic, underlying reasons behind the wide chasm between the divergent points of view.

Mr. Clark is an ultra-liberal who fancies himself as the champion gladiator in defense of individual rights, even when it seems he is defensive of those elements in our society which are bent on disruption and violent change in open rebellion against law and order.

Mr. Hoover, on the other hand, is a proud, conservative man who believes firmly in discipline and the inalienable right of people to be free from harassment, violence and the ravages of crime and ideological and revolutionary defection, no matter the source.

The FBI director is a strict constructionist who has built the Federal Bureau of Investigation into one of the most intelligent, effective and efficient law enforcement agencies in the world.

We admire him for the skill and dedication with which he has performed his job, and if, at times, he seems to bask in the glory of his accomplishments, we are not offended by it because we feel the country is infinitely better off for his great contributions to the internal peace and tranquility that have existed for most of the years of his service.

Mr. Clark has asked the FBI director why he didn't speak out against him when he was attorney general.

We should like to ask Mr. Clark why, if he felt as strongly as his words now indicate, he didn't fire Mr. Hoover when he was the director's boss.

The reason is quite obvious. The public outburst would have swamped Mr. Clark.

In this battle of words, our vote of confidence goes to Mr. Hoover.

VIETNAMIZATION IN QUESTION

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. ULLMAN. Mr. Speaker, as we approach the first days of a new year, the war in Southeast Asia is still very much a reality that continues to plague and divide our nation.

Since his inauguration, President Nixon has emphasized his commitment to peace and affirmed his intentions to get us out of Vietnam as rapidly as reasonably possible. Since that time, the Administration's policy of Vietnamization has produced only token efforts to disengage us from the tragedy of that war. The Administration has still never clearly spelled out its intentions to irreversibly withdraw from the war.

Indeed, Defense Secretary Melvin Laird's statements of recent months would indicate that the Administration is ambivalent about any intentions to get us out of the war. In testimony before a House Appropriations Subcommittee, Secretary Laird said that he would "not rule out" the possibility of reescalation of the Vietnam war if the President's policy of Vietnamization does not "lead the way to a military victory." The emphasis shifts back from a determination to conclude a just peace to the old game of American willingness in Vietnam to keep all of the options open.

The recent abortive "raid" on the North Vietnamese Son Tay prison camp raises further questions as to our long-range intentions.

Apprehension and confusion about our current policy in Southeast Asia are not confined to Washington. A constituent of mine, Mayor-elect William P. Holtsclaw of Prineville, Oregon, writes as a concerned American father whose son is a Marine stationed in Vietnam. His frustration and his son's concern over the Administration's apparent lack of sincerity in bringing the war to a halt are poignantly stated. His letter brings the problem into sharp focus and I commend it to the attention of my colleagues:

DEAR CONGRESSMAN ULLMAN: My son is an Army aviator flying helicopter gunships in Vietnam. He is a volunteer so I'm not writing you from the viewpoint of a parent whose son was drafted and is serving reluctantly. My personal appraisal of this war is one of a horrible mistake and I think it is criminal that my son's life is on the line to accomplish such dubious results. An older son in the Marines finished a tour in Vietnam in June of this year.

My son and I were not really concerned over the fruitlessness of this war when it appeared that every effort was being made to wind down the war and bring our troops home.

Even when we went into Cambodia there seemed to be some justification for buying time to safely extricate our troops and allow the process of Vietnamization to run its course. My son won a Distinguished Flying Cross in this operation.

My concept of Vietnamization must be different from that of our military leaders. It is becoming more apparent to us every day that the Military still believes that a military victory is possible and they are following that policy using Vietnamization as the vehicle. Recent developments in Vietnam, namely the attempt to free P.O.W.'s in a grandstand move into North Vietnam, increased bombing of North Vietnam and continued involvement in Cambodia even though there is no need from the standpoint of guarding withdrawal of our troops indicates to me that the military leadership is creating situations to justify prolonging our stay there. This does not seem to be consistent with President Nixon's stated policy of every move designed to turn the fighting over to South Vietnam as soon as possible and accelerated, orderly withdrawal of our troops.

No one can deny that there has been a sizeable reduction in our troops in Vietnam but is the policy really as Mr. Nixon has stated it? My concept of Vietnamization is one of steadily replacing all of our activities in Vietnam with Vietnamese so that we again become advisors and support the Vietnamese only logistically. This does not mean that we also must assure them mililitary victory by escalating the war everytime they appear to falter. Unless someone flushes the military leadership out of the "jungle" on this question we will be getting deeper into this conflict before we know it.

My purpose for writing this letter is to urge you to act now to make this known to the American people and to use whatever influence available to you to expose the military objective and make the Pentagon actually conform with President Nixon's goals as he has told us over and over again in recent months.

My son has been supporting the 4th Division in recent months from An Khe in the Central Highlands. The news media have been making a big thing over the withdrawal of the 4th Division. (Actually only a small percentage of them came home—the ones who had put in their full time. The rest were reassigned to other units). My son was reassigned to support the ARVN at Pleiku which is near the Cambodian border. They lost two gunships (like he flys) and three Hueys (that carry troops) in one day last week. Believe me he doesn't see any deescalation of this war. It is the same scene playing over again that has become so monotonous the past several years. It would not surprise me to see American ground troops moved back into the fray "to protect our withdrawal!"

If the Administration cannot move more rapidly toward the goal of getting out of Vietnam, then I urge you to use any means available to you to force them out. To me, the "enclave theory" is another way of saying we are planning to be there forever as seems to be the case in South Korea and West Germany.

A Disillusioned Parent,
WILLIAM P. HOLTSCLAW.

EFFECT OF CONGLOMERATES

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. BROCK. Mr. Speaker, last November 17, ICC Commissioner Kenneth H. Tuggle addressed the National Association of Regulatory Utility Commissioners at their 82d annual convention in Las Vegas on the effect of conglomerates in reference to the ability of carriers and utilities to serve the public.

In light of the mounting crises in all areas of transportation, I felt Mr. Tuggle's remarks merited the attention of my colleagues. Therefore, I am inserting it in the RECORD as a matter of public interest:

THE EFFECT OF CONGLOMERATES ON THE ABILITY OF CARRIERS AND UTILITIES TO SERVE THE PUBLIC

In the subject for this meeting the committee has given us not only an extremely important development in today's business world, but also a rather broad approach to discussing it. It can be viewed from any number of perspectives. I will limit my remarks to the relation of conglomerates to the public interest in transportation, particularly surface transportation for which the Interstate Commerce Commission has a regulatory responsibility.

The effect I am primarily concerned about is whether the conglomerate will serve the national transportation policy: Will it foster sound economic conditions in transportation and among the several carriers? Will it promote efficient, economical, safe and adequate service? Will it make appropriate provision for and best use of transportation facilities? Will it be consistent with the public interest in transportation, and remain so?

Before attempting any analysis of the problem, let us consider briefly what the conglomerate is.

A simple diagram would show a parent company above a group of subsidiary companies engaged in a variety of economic activities not necessarily related. In terms of operations the subsidiaries are most likely engaged in disparate economic markets. Viewed in terms of function, the conglomerate might be seen as a management structure for the purpose of generating capital, and employing it with the greatest efficiency to produce the maximum return on opportunity capital.

From one viewpoint the conglomerate might be seen as a means toward economic stability, able to employ the best managerial and operating talent, to obtain capital at the lowest cost, to undertake giant enterprises for production and service needed now and in the future by a fast growing country in the process of doubling its requirements before the century ends. The ups and downs of one enterprise can balance those of another. Thus, each of the constituent companies might plan with confidence for maintenance, growth, and improved operations, and, from the standpoint of the public, become more dependable.

That view is the vision of an ideal. And its reliability is seriously suspect—if experience counts for anything.

In transportation, corporate diversification is far from new. From the earliest days, railroads have engaged in nontransportation activities. Especially, have they concerned themselves with real estate, acquiring land along their lines for use as industrial sites and seeking to induce businessmen to locate thereon as prospective rail shippers. Western railroads with large land holdings transferred to them by Congress, for nearly a century, have had resort to income from the sale of real estate and the lease of land for mineral extraction, grazing, farming and lumber production. Others, the bituminous coal roads, for example, own vast acreage on which they have leased out or sold the coal rights. In fact, income from real estate has redounded greatly to the benefit of the Nation's transportation by giving strength and vitality to some of our largest and most reliable railroads.

The strongest railroads in the Nation have had the benefits of land resources and diversification. One western railroad, for example, obtains more than 40 percent of its revenues from non-transportation activities. Non-railroad income to another western carrier in 1969 was equal to 60 percent of its net railway operating income, and for a third it was 22 percent. Other railroads are extensively engaged in real estate development. This kind of diversification, which historically has gone hand in hand with railroading, has been generally compatible with railroad operation.

Today, diversification is being accomplished by either "buying in" to the transportation business or "building out" from the carrier base through the formation of a non-carrier holding company as the parent. The "building out" method favored by the railroads, has gained the greatest public attention. The resources for financing these undertakings include cash inflow from operations, surplus accumulated cash, balance sheet strength as the base of borrowing power, and the use of transportation assets as collateral in debt financing.

Among the non-transport activities of railroad conglomerates are such ventures as television, investment service, life insurance, banks, oil and gas, lumber, hotels, and a wide variety of real estate developments.

There appear to be more than 40 motor carrier related holding companies. More than 15 motor carriers with aggregate revenues of over $500 million have been acquired by 13 nontransportation enterprises, among whom are five which might be termed conglomerates.

Now we are in a critical time: The Nation must provide for the enormous transportation demands of the foreseeable future, even though, at the moment, it is beset by serious economic problems—which are probably only transitory. According to many valid indicators our economy will about double within only a few decades. And then more so than now, it will demand a vigorous, sound and innovative transportation system providing fast, wideranging service and dependability.

Transportation, to the modern world, is basic; its service is indispensable; and its growth potential is vast. Yet there is well-founded and widespread concern about major disinvestment from the common carrier industry. In 1969 when the GNP reached a new high, transportation returned in earnings only ⅓ as much per dollar invested as industry generally. Railroad earnings have been generally unsatisfactory for at least two decades.

The conglomerate structure with a non-carrier parent now provides a means by which disinvestment can be implemented. And that is where the fabric is beginning to unravel. The Commission proposes to repair it—by rulemaking and, hopefully, by legislation which it is requesting.

It is to be expected that the management of the conglomerate is primarily concerned with maximizing the return from the over-all structure of multi-company operations. And that's its obligation to the stockholders. But, at the same time, any carrier entity within the conglomerate has the primary and principal function of providing a designated quantum of our transportation needs. That, of course, is its obligation to the public, and the paramount concern of the ICC.

In a conglomerate of non-regulated activities, if a line of trade founders, the subsidiary involved can be liquidated or spun-off with impunity. The Nation's economy and the public would be little the worse for it. It is largely a private affair.

This is not true with regulated transportation. A large carrier has substantial transport obligations. It may be relied upon by millions of people, great industries and entire regions of the country. It cannot be scuttled without far-reaching injury to the economy. It is largely a public affair.

When the recent diversified conglomerate development began to involve ICC carriers to a noticeable degree, the Commission undertook to determine how regulated transportation was being affected and what regulatory steps might be needed. We were greatly concerned about possible disinvestment from transportation through deferred or neglected maintenance and dissipation of transportation resources through the sale of carrier assets.

It was recognized that a carrier in a deficit or marginal posture or having a low rate of return would be an apt subject for corporate agglomeration, particularly if it possessed significant tax credits or severable assets. Even an affluent carrier might assume the conglomerate form to facilitate the utilization of its credit or deployment of its resources for non-regulated activities promising higher returns. The temptation is strong to put money where the greatest returns can be realized.

Various means for carrier erosion appeared possible such as—

Neglect of maintenance, and curtailment of capital outlays;

Excessive payments for managerial services;

Sale of assets to affiliates at less than true value;

Spin-off of profitable subsidiaries by stock dividend to the parent corporation;

Excessive drain of carrier assets through dividends to the corporate parent in the form of cash or securities;

Use of carrier tax credits in a consolidated return without a consideration moving to the carrier;

Unfavorable contracts due to lack of arm's length bargaining.

To inquire into these and other possibilities—favorable or otherwise—the Commission set up an ad hoc study group of staff directors, and authorized several pilot audits of existing carrier-connected conglomerates. These suggested certain inherent conglomerate qualities which pose a threat to carrier affiliates, and convinced us that the situation invites very close surveillance along with stronger regulatory measures.

On the basis of these preliminary steps, and input from other sources, the Commission began to move on several fronts. We are continuing the studies and audits, and have instituted a number of formal investigations to determine whether the law has been violated and to learn more about how best to protect the public interest.

A few weeks ago, on October 13th, Chairman Staggers of the House Committee on Interstate and Foreign Commerce introduced H.R. 19720, the Commission's proposal for legislation. I will have a few words on that bill in a moment.

Work is in progress at the Commission on other fronts. Task forces are preparing for rule-making proceedings to amend our reporting and accounting regulations. We want the conglomerate's accounts to fully reflect the intercompany transactions affecting carrier members. That would include such things as dividends, property transfers, leases, and allocation of overhead costs, etc.

We want to design a report system that will provide a meaningful view of the holding company so that questionable practices and transactions might be identified in time to prevent deterioration of carrier service.

And we want the carriers' regular reports to disclose detailed and timely information on management services provided by the conglomerate; on pension fund administration; on property transfers, leases, allocation of income taxes in consolidated tax returns, and on other matters.

As to securities under section 20(a) of the Interstate Commerce Act, we believe registration statements should be required comparable to those filed at the Securities and Exchange Commission for issuances under the Securities Act. And a rule-making proceeding will be instituted for that purpose.

There should be no gap between the jurisdictions of the SEC and the ICC through which holding companies might escape securities regulation. We are studying the matter in conjunction with the SEC and are exploring the possible need for additional legislation.

These are all part of our program to protect the public's transportation system from being abused by conglomerates. But, an effective program requires far more funds and staff than are now allotted us. We have, for example, only 55 field agents to service all modes of surface transport in the entire country. We need more now; we have needed more for years; and if the proposed bill is passed by Congress, a substantial augmentation will be essential, including accountants, lawyers, investigators, economists, along with clerical support, both in the field and in Washington.

For the present, we have developed a more intensive procedure in our regular field audit. For carriers in conglomerates, we have placed the audits on an annual rather than 2-year basis. A team of four or five auditors combs through the records of the carrier and the records of its conglomerate parent and affiliates which relate to the management of the carrier. The minutes of the board of directors are scrutinized for plans and actions arising out of the conglomerate relationship. The auditors' guidance form requires responses to many questions bearing upon the conduct of management as distinguished from purely accounting matters.

In addition, new reporting requirements have been placed upon motor carriers in conglomerates, requiring, for example, the disclosure of all transactions with each affiliate where the annual intercorporate business is $5,000 or more.

In the meantime, when a conglomerate comes before the Commission, e.g., when two or more carriers are involved, or a carrier wants to issue securities, we can and do impose conditions to protect the public interest. In one such instance, restrictions were imposed requiring that Commission approval be obtained for all future transactions between the carrier and its corporate parent or affiliates and prohibiting the encumbrance of carrier property for non-carrier purposes.

In the bill introduced by Chairman Staggers we are seeking to prevent runaway conglomerates in transportation. Key measures would provide the ICC with jurisdiction as follows:

Over the acquisition of a carrier by a non-carrier. At the present time, any person or company not having transportation interests can acquire a carrier without our approval.

To set rules and regulations governing financial transactions between carriers and their non-carrier affiliates.

To inspect the records of non-carrier persons or companies in control of or controlled by a carrier.

To enter such orders as may be required from time to time, including divestiture of control, whenever the Commission finds that such control is impairing the operating ability of the carrier.

To prescribed the accounting and reporting methods of a non-transportation company that controls a carrier.

The bill would also require public recordation of the ownership by any person of more than 1 percent of the beneficial or legal interest in any class of a carrier's stock; and it would establish a presumption of control where any person owns 5 percent or more of a carrier's voting securities. Criminal sanctions now applicable to carrier employees would be extended over the employees of the holding company and other companies affiliated with a carrier.

The legislation would apply only where annual operating revenues exceed $5 million for railroads and $1 million for other carriers. These jurisdictional amounts make it apparent, first that we are mostly concerned about the larger carriers whose debilitation would have a telling effect on the public; and second, that we acknowledge both the great size of the task and the severe limitations of our budget.

Now you may ask whether legislation like this isn't really intended to freeze carrier assets where they lie in the transportation industry—in a sense, make it slave capital. On this I can speak authoritatively only for myself, and I would say that to petrify assets would be shortsighted and irrational. What we least need is to insulate the carriers against the flow of capital. For that could suffocate the free enterprise spirit needed for carrier growth, and cut off the inflow of investment. In the end, a draconian restriction like that would strangulate the carrier system.

On the other hand, we have now had an opportunity to observe a number of conglomerates in action, where non-carrier management was unfettered by the regulatory restraints customary to carriers. Some of the effects have been most disquieting. In some instances we have found:

Deterioration of carrier service

Erosion of working capital

Neglect of maintenance

Dissipation of carrier assets in non-carrier ventures, sometimes of questionable quality

Carriers stripped and then turned out to pasture despoiled and impoverished.

This kind of corporate raiding must be stopped. It should be virtually impossible for carriers, through diversification, to emasculate themselves or be stripped of the wherewithal by which to perform their essential transportation function. This is fundamental.

The first step is obvious. The outflow of the carriers' assets, resources, skill and managerial talent necessary to a robust and viable common carrier system must be arrested; and a correlative step, equally important, is to provide a regulatory climate in which carriers can flourish and grow as transportation companies. This means that it must be possible for the business of transportation, under efficient management, to produce a profit sufficient to justify the retention of capital in the undertaking.

With the proposed legislation and reinforced staff the Commission would appraise the carrier's marriage to a conglomerate before it happens and modify the marriage contract or condition the relationship as needed to protect the public interest. And in the course of this legalized corporate polygamy, it would oversee the harem activities, both among the affiliated members, and between them and the master of the house, so as to insure that consistency with the public interest is maintained.

The jurisdiction to unscramble a transaction or cause divesture of control would stand primarily as a deterrent to improvident dealings, and as a constant reminder to the principals that not only themselves and their stockholders, but also the public interest must be served.

These various actions by the Commission seek to protect the carriers from being abused by the conglomerate and then left destitute. They are basically preventative. But far more than that is needed, if our transportation system under private ownership—especially the railroad sector—is to survive.

It seems impossible, as things are, for the railroad industry to generate enough capital for the maintenance and growth essential to the objectives of the National Transportation Policy. Their returns are chronically too low. The economic pressures towards disinvestment from surface transportation are clearly reflected by the fact that the aggregate profit of the fifty largest transportation companies in 1969 was 3.8 percent of their total equity. By contrast, the return for regulated utilities was 10 percent, while the respective figures for the fifty leaders in retailing and commercial banking were 11.4 percent and 12.0 percent.

No one would dispute the truism that the owners of an enterprise have a right to seek reasonable profits through all legitimate means. They have guarantees under the Constitution and rights under their charters and the laws. As a matter of law, carriers have been free to sell off assets without Commission approval. Some have done so to remain alive. In the case of the New Haven and the Central of New Jersey, now in reorganization, it was to little avail; the stockholders and creditors were forced to subsidize transportation for the public through the consumption of carrier assets.

The problem runs deeper than closing the door on disinvestment; it deals with whether regulated surface transportation, especially the railroad industry, can be made profitable.

I have no doubt that overly restrictive regulation would lead to the doom of the railroads, and perhaps other carriers as well. But, as experience has shown, unbridled economic freedom can also bring serious harm to the carrier system.

TEXTILE IMPORTS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. DORN. Mr. Speaker, Monsanto Co., with a splendid facility in my congressional district, prepared for me some facts concerning the astronomical increase in textile imports. Mr. Speaker, even I who have lived so long with this problem was shocked at this carefully documented record of textile imports. I urge a careful study of these facts by my colleagues on both sides of the Capitol. And I urge an especially careful study of these facts by those publications throughout the nation who have failed to bring a complete picture of this problem to the American people.

The information follows:

TEXTILES IMPORTS

The following is a simple, straightforward statement of what has been happening in textile imports. . . .

In the last 10 years (1959–1969) imports into the U.S. of all textiles (yarn plus fabric plus apparel, all fibers) have more than tripled. While cotton and wool imports have about doubled, the astronomic growth has been in man-made fiber (MMF) imports: from 221,000 equivalent square yards (1,000 equivalent square yards) in 1963 to double that amount in 1965, then double again to 934,000 in 1967 and double again to 1.8 billion equivalent square yards in 1969.

In the last four years the growth of imports of man-made fibers and products (yarn plus fabric plus apparel in thousands of equivalent square yards, cellulosic and non-cellulosic) have been:

Imports of man-made fibers, year-to-year growth, per thousand equivalent square yards

	Percent
1965–1966	41
1966–1967	17
1967–1968	56
1968–1969	23
4 year growth (average annual rate)	33
1969–1970 9 months	47

By weight the MMF imports in all forms reached 473,000 pounds in 1969, constituting 9% of U.S. production for consumption.

This growth of textile imports into the U.S. has created a mammoth textile trade deficit, now running well over a billion dollars per year, up from ¼ billion dollars 10 years ago.

TRENDS

While the current absolute level of imports is a significant part of the total U.S. market, even more important are the trends of these imports and the underlying causes of these trends:

As indicated above, MMF imports show by far the highest growth rates—33%/year average for the last 4 years. In the same period cotton has grown 6%/year while wool has shown no growth. Within MMF, non-cellulosic imports are growing faster than cellulosic imports.

By form of product imported, in the last 4 years apparel has grown the fastest at 22%/year, with yarn at 19%/year and fabric at 7%/year. But in 1969 of the total imports the percent contributed by each form was:

	Percent
Yarn	15
Fabric	31
Apparel	42
Misc	12

Significantly, the order of importance—apparel, fabric, yarn—is the order of value added, which is also the order of labor content.

Knit fabrics imports are growing faster than woven fabrics imports—40%/year versus 14%/year for the last 4 years.

Growth of imports into the U.S. is coming primarily from four Far Eastern countries (which had 60% of the imports in 1969):

U.S. IMPORTS, MILLION ESY BASIS, YARN, FABRIC, APPAREL (ALL FIBERS)

Rank	County of origin, by rank, in 1969	Percent of total, 1969	Growth rate, 4 years, 1965–69 (percent per year)
1	Japan	29	11
2	Hong Kong	16	15
3	Taiwan	8	40
4	West Germany	7	52
5	South Korea	7	54

Imports from Germany are not typical in that they are mostly in the form of non-cellulosic yarn and fibers, specifically polyester and acrylic, mostly imported by fiber companies and heavily by associated companies (e.g., Hoechst/Hystron, Dow-Badische).

The U.S. import/export textile trade balance, which has been negative since 1961 in pounds and longer than that in dollars, is the more serious in that it is a part of a continually deteriorating overall U.S. trade balance. In 1964 the U.S. had a $7 billion trade surplus; five years later, in 1969, the U.S. had a trade surplus of only $1.3 billion. (The 1969 $1.3 billion surplus if adjusted to a real trade basis, i.e., CIF rather than FAS, was a deficit of $1.1 billion). The textile component of the deficit has grown from zero in 1964 to $1.2 billion in 1969—more than accounting for the entire U.S. trade deficit in 1969.

The rate of increase of imports is greater than the growth of the textiles business in the U.S. so there is a definite, significant, long-term trend for imports to command an increasing share of the U.S. fiber market:

	Imports of all textile articles (fiber content basis) (millions of pounds)	Imports as percent of U.S. domestic consumption	Increase of imports from prior period (percent)	Increase of U.S. domestic consumption (percent)
1961–2	[1] 487	7.0		
1963–5	[1] 681	8.4	40	17
1966–8	[1] 999	10.3	47	20
1969	1,100	10.6	9	6

[1] Average

Growth of U.S. consumption (weight basis) versus imports, by fiber, has been:

GROWTH, 1961–62 TO 1969

[In percent]

Growth	Cotton	Wool	MMF
U.S. consumption	+1	−24	+159
U.S. imports	+96	−5	+368

The resulting trend of import penetration of the U.S. fibers market is:

IMPORT PENETRATION BY FIBER

[In percent]

	Cotton	Wool	Manmade fiber
1961–62	7	22	4.9
1969	12	27	9.1

For man-made fibers, in growing from a share of 4.9% in 1961–2 to 9.1% in 1969, imports captured 12% of the growth of U.S. consumption (372M out of growth of 3172M).

The relatively faster growth rate of MMF consumption in the U.S., indicated in the second above table, is part of a strong worldwide trend, as indicated by the following trend in shares of market by fiber for the world and for the U.S. from 1961 to 1969:

	Percent of total textiles		
	Cotton	Wool	MMF
World:			
1961	63	16	21
1969	53	12	35
Change	−10	−4	+14
United States:			
1961	62	9	29
1969	42	5	53
Change	−20	−4	+24

To the extent that the magnitude of the total fiber business in a given nation relates to scale of operations and thence to competitiveness, it is significant that the long term trend is that the U.S. is dropping rapidly in its share of world fiber production:

U.S. SHARE OF WORLD FIBER PRODUCTION

[Percent by weight]

	Cotton	Wool	MMF	Total
1950	49	6	37	40
1969	21	3	29	21

As a more stringent test of competitiveness, the share of exports of textiles and clothing by the U.S. versus other areas shows a most depressing trend:

PERCENT CHANGES IN EXPORTS BETWEEN 1964 AND 1968

By	United States	Japan	Developing areas	Communist bloc	World
Of textiles and clothing	+3	+41	+51	+30	+35
Of total manufactures	+42	+100	+72	+35	+54

The poor showing of the U.S. versus other areas in exports of total manufactures indicates that the even poorer showing in exports of Textiles & Clothing is part of a bigger, unfavorable trend in U.S. trade.

As a last comment on trends—the recent headlines say, "U.S. imports of cotton, wool and man-made fibers up 19% for 9 months 1970 versus 1969." But the details behind the headline confirm vindictively the MMF import trends previously described, for in the first 9 months of 1970 versus the corresponding 1969 period U.S. imports (M ESY basis) for wool were down 13% and for cotton were down 8%, in this bad textile year in the U.S., while for MMF imports were up 47%. The U.S. textile and clothing dollar trade deficit for the first 9 months of 1970 was up by 16%, from $821M̄ to $950M̄, a $1.27 billion annual rate.

CAUSES

Neither this memo nor the attached paper was intended to go much beyond the presentation of import and related data but some discussion of the causes of the "import crisis" might be added here.

The number one underlying cause of the rapidly increasing imports of fibers, fabrics and apparel into the U.S. is that the imported products are made with very low cost labor; since the products are labor-intensive the prices can undercut U.S. prices (and sometimes even be under U.S. costs) even after paying the tariff and the extra freight. Compared to the U.S. minimum wage of $1.60/hour and the average U.S. textile wage in the range of $2.30—$2.43/hour, rates in Japan are 45c/hour, Hong Kong 31c/hour, South Korea and Taiwan 11c/hour (all rates including fringe benefits).

The second important cause of increasing important cause of increasing imports is that the U.S. has no administrative blocks whereas all other industrial nations employ a variety of devices for restricting importation of textiles and apparel. Thus, even though the Textile Tariffs into the U.S. and the other nations are about the same, the low cost imports come more readily into the U.S. However, Kennedy Round Tariff reductions do exacerbate the problem. From 1968 to 1972 the U.S. tariff reduction for textiles, all fibers, all forms on a weighted trade basis will be about 13%. For MMF in all forms the reduction will be about 14.8%.

LEGISLATION

Back in 10/1/62 the "Long Term Agreement on Cotton Textiles" (LTA) was negotiated by 23 nations. It basically provided for control of imports of all cotton textile products on a category and country basis. At the time of these negotiations it was the U.S. intention that the LTA be a first step in carrying out an all-fiber control program which would eventually cover wool and man-made textile products. So the current U.S. requests for negotiation of import quotas comes as no surprise to our trading partners. The stepped-up tempo of the U.S. activity for some form of control is a result of the much more rapid rate of increase of imports in recent years. Further, the causes are known and there is no hope or sign that these causes will be removed or materially moderated in the future.

The Japanese answer to the U.S. request for negotiations of quotas on textile imports is basically that the U.S. textile industry as a whole is not suffering from imports, that damage to the industry has not been proved. They point out that over the last 10 years or so, for example, the textile and apparel industries' sales, profits and employment are all up. They further feel that the proportion of imports to total U.S. domestic consumption is relatively low (they quote 8.5% by weight for all fibers, all products). They avoid all detailed comparisons, all specific long term trends, all comparisons of U.S. imports versus exports, of U.S. imports versus Japanese imports, of Far East origin versus other, of labor rates, of U.S. versus Japan tariffs, of trade restrictions.

The U.S. fiber/textile/apparel industry is like a man standing in a tank of water up to his knees. The Japanese say, "What is he yelling about? He is far from drowning." Our man has two reasons for yelling: first, the water is rising very rapidly. Second, the water is boiling—"boiling" in the sense that the damage to the U.S. industry caused by imports goes well beyond the loss of volume because the still relatively small volume of imports compared to total U.S. consumption is causing severe price attrition on the volume the U.S. manufacturers manages to hold.

WHY REGULATION?

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. McCLOSKEY. Mr. Speaker, with various types of transportation crises occupying our attention at the present time, I would like to commend to the attention of the House an extremely thoughtful speech on the subject of transportation regulation, recently delivered by the president of the world's largest trucking company, Mr. William G. Shite, of Consolidated Frightways, Inc.

WHY REGULATION?

(Remarks by William G. White, president and chairman of Consolidated Freightways, Inc., before the San Francisco chapter of the ICC Practitioners Association, San Francisco, Calif., Nov. 24, 1970)

The past few years have seen increasing attacks on transportation regulation, culminating in the recent introduction of Senate Bill 4371 by Senate Majority Leader Mansfield, co-sponsored by Senator Church of Idaho, which would abolish the Interstate Commerce Commission.

In my humble opinion the next two years are going to see these attacks continue and even increase in tempo, and I predict that very shortly Secretary of Transportation Volpe will lend the prestige of his office to this view, and that the President's "State of the Union" message next January will call for some sort of deregulation legislation.

Most of you are a great deal more knowledgeable than I am about ICC matters, so I hope you will forgive me if I try to set before you some views I have come to hold after some 35 years in the transportation industry and with a primary belief that transportation can prosper only *if shippers' needs are met.*

On many occasions and in many sources I have read that the Interstate Commerce Act was necessary and desirable in 1887 because the railroads had a monopoly and without regulation the roads would most likely destroy themselves. Inasmuch as there were 108 roads in receivership in 1887 (First Annual Report of the ICC, 12/1/1887, Pg. 5), there may be some truth in this statement. However, I believe that careful reading of the events leading to the passage of the Act will convince the most severe skeptic that the real reason for the Act to regulate commerce was to provide protection for the shipping public.

Although much had been said and written about the background, the Interstate Commerce Act really had its genesis when the Senate accepted a resolution from Cullom of Illinois providing for Senate Committee Investigation of Transportation. The Cullom Committee conducted hearings during the latter part of 1885 in the principal cities of the country. It took over 2,000 pages of testimony, and so universal was the insistence for regulation that the Cullom Committee, composed entirely of economic conservatives, reported as follows:

"It is the deliberate judgment of the Committee that upon no public question are the people so nearly unanimous as upon the proposition that Congress should undertake in some way the regulation of interstate commerce."

The Cullom Report then went on to advise the Senate and the people of the United States precisely what it had found wrong in transportation: (Emphasis added)

"The paramount evil chargeable against the operation of the transportation system of the United States, as now conducted, is *unjust discrimination between persons, places, commodities and particular descriptions of traffic.*"

Perhaps the most enlightening reading on the subject is the First Annual Report of the Interstate Commerce Commission which was presented to the Secretary of the Interior on December 1, 1887. This report outlines in great detail the reasons for passage of the Act to regulate commerce. I would like to share some of these comments with you in the form of direct quotes from the Report itself. Speaking of the chaos existing prior to passage of the Act, the Commission said: (Page 4) (Emphasis added)

"The carriers of the country were thus enabled to determine in great measure what rules should govern the transportation of persons and property; *rules which intimately concerned the commercial, industrial and social life of the people.*"

Speaking of the rate structure prior to passage of the Act. the Commission said: (Page 6) (Emphasis added)

"These arrangements took the form of special rates, rebates and drawbacks, underbilling, reduced classification, or whatever might be best adapted *to keep the transaction from the public* . . . The memorandum-book carried in the pocket of the general freight agent often contained the only record of the rates made to the different patrons of the road, and *it was in his power* to place a man or community under an immense obligation by conceding a special rate on one day and to nullify the effect of it on the next by doing even better by a competitor.

"Nevertheless it was a common observation, even among those who might hope for special favors, that a system of rates, open to all and fair as between localities, would be far preferable to a system of special contracts into which so large a personal element entered or was commonly supposed to enter. *Permanence of rates was also seen to be of very high importance to every man engaging in business enterprises, since without it business contracts were lottery ventures.*

"Local discriminations, though not at first blush so unjust and offensive, have nevertheless been exceedingly mischievous, *and if some towns have grown, others have withered away under their influence.* In some sections of the country if rates were maintained as they were at the time the interstate commerce law took effect, it would have been practically impossible for a new town, however great its natural advantages, to acquire the prosperity and the strength which would make it a rival of the towns which were specially favored in rates; for the rates themselves would establish for it indefinitely a condition of subordination and dependence to 'trade centers'."

Many more examples are set forth in the Commission's First Annual Report but I think I have given you enough to illustrate my point. *The Act to Regulate Commerce was passed to protect the public.* Any benefits accruing to the carriers as a result of the legislation should be considered peripheral to the central issue—protection of the public. The First Annual Report states it this way: (Page 10).

"For the purpose of correcting the evils above alluded to, so far as it was constitutionally competent for national legislation to do so, the Act to Regulate Commerce lays down certain rules to be observed by the carriers to which its provisions apply, which are intended to be and emphatically are rules of equity and equality . . ."

So much for the genesis of the Act to Regulate Commerce. What is different today that alters the picture from 1887?

In relation to the basic reason for passage of the Interstate Commerce Act, I submit there is very little different today than in 1887. Sure, we now have motor carriers. air carriers, buses, pipelines, improved waterways, freight forwarders, United Parcel, and have, in fact, nullified, if not removed, the railroad monopoly that was present in 1887. But is the need for regulation any different? If we could wave the magic wand and dispense with the Interstate Commerce Act, would the public benefit?

Probably some shippers and communities would receive lower rates in this pure competitive environment. Maybe in some instances the chosen few would also receive better service. But what happens to the shipper/receiver in Colby, Kansas; Dillon, Montana; Prestonburg, Kentucky; and the literally thousands of similar communities throughout our great country?

At this point I think I should say that, from a purely selfish point of view, complete deregulation could be the best thing that ever happened to Consolidated Freightways.

Instead of having to buy existing companies or otherwise expend money to acquire rights to serve new areas we could open up wherever we choose and operate over any routes we choose.

We could set our own rates and handle the traffic we choose.

To some extent we have this situation today in our operations in much of Canada. Yes, we do quite well there and probably could do quite well here under similar circumstances.

Why, then, am I talking against deregulation? Simply because I do not think that it is in the public interest. In Canada we publish rates just as we do in the United States, but it is common for other carriers to quote hip-pocket rates. A shipper in Calgary, for example, shipping to Edmonton can get four or five different rates from five different carriers. The rates he has are for that day only and two weeks later he can get four or five rates that will again be different from those he got earlier. Also, he may get the rates two weeks later from a couple of carriers who weren't even in business two weeks before and perhaps one or more of the carriers who gave him the earlier rates will already be out of business.

And perhaps worst of all, he never knows what his competitor across the street is paying for the same service, particularly if it is a larger company with a lot of freight to route!

Thus far I have talked in terms of complete abolition of the ICC and resulting complete deregulation. There is a middle ground, however, and advocates of a "superagency" for transport regulation are in this position. Generally, this approach contemplates a merger of the Civil Aeronautics Board, the Federal Maritime Commission and the Interstate Commerce Commission. The resulting entity, depending on whom you're quoting, might be a part of the Department of Transportation or might, in fact be a separate agency combining the functions of the three merged agencies.

Such proposals are not new. Back in 1934, the Federal Coordinator of Transporation, Commissioner Joseph B. Eastman, in his report on Regulation of Transportation Agencies, recommended that there be a single Commission for the regulation of all forms of transportation (S. Doc. 152, 73rd Congress, 2nd Session 38 (1934)). Professor Emery R. Johnson made a similar recommendation in his 1938 study on *Government Regulation of Transportation;* and in 1949, Charles L. Dearing and Wilfred Owen did likewise in their work on the *National Transportation Policy*. In 1961 the Special Study Group on Transportation Policies under the chairmanship of General John P. Doyle also recommended the marriage of the ICC, the CAB and the FMC (Senate Report 445, 87th Congress, 1st Session 107–11 (1961)).

Aside from change for the sake of change, I've been somewhat intrigued with the reasons currently being advanced for supporting the agency merger concept. The "buzz" words seem to be containerization and intermodal coordination. Both of these concepts are desirable and neither is new. I am not convinced that these reasons provide sufficient justification for merger.

My company is presently involved with all three agencies in addition to the Department of Transportation. CF Air Freight is an air freight forwarder under the jurisdiction of the Civil Aeronautics Board. We own 51% of Pacific Far East Line which operates under the jurisdiction of the Federal Maritime Commission. Our motor carrier operations, of course, are subject to the Interstate Commerce Commission.

I don't think this is necessarily bad! We are also subject to the jurisdiction of the Securities and Exchange Commission, the Department of Internal Revenue, the Office of Equal Employment Opportunity, etc. A special report entitled *The Regulators Can't Go On This Way,* published in Business Week earlier this year (2/28/70), pointed out that there are more than 100 federal agencies that exercise some measure of regulation over private economic activities. If centralization of administrative jurisdiction makes sense, then maybe we should think about one streamlined agency for all these functions. We should also remember that the ICC has turned its safety duties over to the DOT, leaving the ICC generally free to concentrate on economic regulation. The CAB, on the other hand, is responsible not only for regulation of air lines but for their promotion as well. There is also the anomaly of economic regulation of ocean carriers, shared by the rate-monitoring FMC and the subsidy-doling Maritime Administration. It seems to me that a uniformity of functions would be an absolute prerequisite to consolidation and, quite frankly, I doubt there is sufficient support for such uniformity.

There is nothing in the law to prevent the CAB, the FMC and the ICC from working more closely together on matters of mutual concern. It is my understanding that the respective chairmen of these agencies have been meeting periodically and that interagency task forces have resulted from these conferences. No doubt this type of cooperation will continue. More importantly, I am unable to recall any earth-shaking decisions or actions by any one of these agencies that had a detrimental effect on the actions of the other two.

In the final analysis, we must remember that the Interstate Commerce Commission is a creature of Congress. It was bred by Congress to act on behalf of Congress. It serves as a quasi-legislative arm thereof; it also serves as a quasi-judicial body; and above all, it regulates an industry that is quasi-public utility in nature. If criticism of the actions, or inactions, of the Commission are warranted, where should that criticism be directed—at the Commission or at the Congress on behalf of whom the Commission functions?

We can't say that the system is stagnant. There have been over 200 changes in the Interstate Commerce Act since it was first enacted in 1887. From five Commissioners it has grown to eleven. From 0 employees it has grown to over 2,000. Additionally, there have been thousands of interpretations and court cases which have served to mold the administration of the Act within the legal confines of the statute itself. To advocate eradication of this solid base which has produced the best transportation system in the world is, in my opinion, sheer folly.

I don't want to leave you with the impression that I think all is well with the ICC. Some of the changes that have been made over the years may not always have been for the best.

For example, I think perhaps five Commissioners could very well function as well as the eleven we now have. Also, I'm not sure that the *independence* of the ICC has always been promoted by the present system of appointing and confirming Commissioners. Perhaps some group like yours should pass on the qualifications of ICC Commissioners, as the American Bar Association endeavors to do with Supreme Court Justices.

But perhaps my biggest concern about the present setup is the small amount of attention the ICC gets from Congress to whom it reports. Year after year the ICC has sent to the Congress Annual Reports with specific legislative recommendations, but little attention has been paid to these well-thought-out views.

If our transportation network is to meet the demands of the 70s and the 80s, we will need, in my opinion, a strong, independent Interstate Commerce Commission. Whatever changes are needed to assure the nation efficient, economical transportation should be in the form of well-reasoned statutory amendments to our present base—the Interstate Commerce Act.

Thank you!

KENNETH QUADE'S PLEA TO SAVE ALASKA FOR POSTERITY

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. REUSS. Mr. Speaker, Kenneth Quade, a deeply concerned and sincere writer, has expressed with compassion his views on the exploitation of Alaska. I insert a copy of this article from the Milwaukee Journal of November 30, 1970, in the RECORD at this time.

IN MY OPINION—WILL WE EXPLOIT ALASKA FOR THE DOLLAR OR SAVE ITS SPIRIT FOR POSTERITY?

In the near future, the Interior Department plans to issue the permit that will allow the oil companies the right to construct a pipeline on the North Slope of Alaska. I feel it will prove to be one of the biggest ecological blunders of the century.

Alaska is at the crossroads. We can exploit it and make it one of the most corrupt and devastated states in the Union in the next decade, thus further dehumanizing the individual. Or we can put our priorities in their proper perspective and see the value in the respect and reverence for nature and save it for future generations.

While much has been written about the damage oil will do to the ecology, my opposition to oil in Alaska is of a different nature. Mine is not popular with the mass. Perhaps it is because so many live such shallow lives they would not understand. Maybe it is because this nation has become so callous it can see value only in dollars and cents.

I have never looked at Alaska as just a gob of land. To me it always has had a spirit.

Sometimes traveling through the tranquility and serenity of its vastness I have gone a hundred miles or more without seeing a human being. Why would anyone want to travel in such solitude? This is a question I've been asked often. But it is a question you do not answer with words.

SOME UNDERSTAND, BUT ONLY A FEW

Why does a man climb a mountain? That, too, is a hard question to answer by those who do. But we who understand—and we seem to be of a small minority—do not communicate with words. We communicate by the look in the eye, the expression on the face.

One thing Alaska has taught me. Man does possess an "inner being." It has to be fed. All too often in today's society it dies of malnutrition.

It is an area of man that is not satisfied by the dollar. It is an area of man that is not satisfied by eight cylinder automobiles. Or by stoves with self-cleaning ovens. Nor by refrigerators with automatic defrosters.

Call me a dreamer. But I notice that those who pride themselves on their sophistication and live by the false and artificial, lack the cohesive material to hold a sane society together.

If we allow oil into the Arctic of Alaska, then Alaska as we know it today will cease to be. It will lose its identity. Stories of adventure. Stories of inspiration. These will come to a halt. That spirit I speak of will be snuffed out.

THERE IS HOPE IN OUR YOUTH

Instead Alaska will become a land of figures: How many oil wells are being drilled. How many barrels of oil are pumped through a pipeline. How much money the latest oil lease brought. How rich Alaska is becoming.

What good is it to dress a man in a tuxedo if he has to stand knee deep in mud?

The past two years I have tried every effort to alert the nation to the danger oil holds for Alaska. Why? One, because my conscience would not allow me to do otherwise. Two, because I see some hope in our youth.

In the past it has been profit against profit. Profit against power. Even profit against poverty. Now because of our environmental awareness, it is profit against self-preservation.

The question is: Have those formidable opponents, apathy and greed, become so powerful that the American people are willing to let themselves be destroyed in order to make the Gross National Product their god?

Alaska has lived among the wolves. But a new kind of wolf is moving into Alaska. He hides behind words like "economic development" and "progress" instead of trees and bushes.

Oil will send the esthetic values of Alaska spiraling downward. Some segments of our population will be given further cause to resent, distrust and be discouraged in the system and the Establishment. Wealth again will not cure our "sick society." Instead it will only add more causes for its ills.

THE ARMS TRADE—PART XVI

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. COUGHLIN. Mr. Speaker, recently, the Student Advisory Committee on International Affairs, located here in Washington, D.C., published a paper by J. Griffin Lesher entitled "Arms Sales to Latin America: A Policy for the Seventies".

For those of us disturbed by the uncontrolled growth and direction of this trade, particularly in Latin America, I highly recommend Mr. Lesher's article, reprinted below, as concise, timely, and provocative:

ARMS SALES TO LATIN AMERICA: A POLICY FOR THE SEVENTIES

(By J. Griffin Lesher)

Should the United States continue to pursue its foreign policy goals in Latin America through the sale of conventional arms and the granting of military assistance?

As the decade of the Seventies begins, this fundamental question concerning our military aid policy in the southern hemisphere merits a fresh look.

Supporters of our foreign military sales and military assistance programs for Latin America point to the following arguments:

Latin American counterinsurgency capabilities must be maintained with U.S. arms and assistance in order that an internal atmosphere conducive to social and economic progress can be guaranteed.

If the United States will not sell arms, then Latin American states will rely on our European competitors.

Selling arms abroad is necessary to our balance-of-payments position.

Latin American states must not spend unnecessarily on weapons systems, but rather concern themselves with social and economic progress. Yet they do have minimal defense needs, and the United States should furnish them with the necessary material.

Through arms sales and military assistance the United States military representatives in-country maintain a cordial working relationship with the Latin American military establishment and encourage them in democratic methods.

(NOTE.—Grif Lesher has traveled in Argentina (1967) and Chile (1969) studying Latin American politics. A graduate of Wesleyan University in Connecticut, he is completing postgraduate studies at the Fletcher School of Law and Diplomacy. Presently he is on the editorial staff of the Student Advisory Committee, and plans a career in journalism and teaching on Latin American affairs.)

Latin America is strategically important as part of our southern flank. We must not lose control over the South Atlantic, Panama Canal, the Drake interoceanic passages, and other facilities and transit rights. Our military aid policy supports this strategic interest.

Critics of present military aid policy emphasize the following points:

U.S. identification through government-to-government arms sales with repressive Latin American military regimes destroys any credibility we may have as a staunch supporter of democracy.

The real threat to Latin American governments is not extrahemispheric, but rather their own people whose spiraling expectations place increasing demands on government to create more jobs, more housing, more food, and the like. Arms sales only put Latin American governments in further debt to the United States, and indeed contribute to a lack of social and economic progress.

It would do no harm for the Latin American military to try European competitors. They will learn the hard lesson that Europeans are even more ruthless in their arms dealings than the Americans, and have no qualms about making a fast dollar.

Our arms trade in Latin America (annual average during the 'Sixties of $48 million) is so small as to make no appreciable difference in our balance-of-payments position.

The American taxpayer should not be required to support the credit unworthiness of Latin American militaries which are offered long-term, low-interest loans by the U.S. government to purchase U.S. military hardware.

Each time the United States or a competitor begins to sell to one nation and upsets the delicate arms balance in the hemisphere, an almost uncontrollable chain reaction ensues as neighbors scramble to restore at least parity with the others.

Dissatisfaction with our arms sales and military assistance policy in Latin America is sufficient to consider an alternative scheme that, on the one hand, recognizes the defense needs of Latin American states which they have determined by themselves and, on the other, minimizes the unfavorable image the United States has as the major supplier of arms to this region.

Such a scheme must place the onus of responsibility and accountability on the shoulders of Latin American governments to make the final decision as to weapons needs and the sacrifice their economies can endure to acquire military hardware.

At this end a new approach must assure that U.S. policy is based on valid, long-term national policy objectives, not on political expediency, departmental whims and bureaucratic in-fighting for prestige and tax dollars.

THE SIXTIES: PAST TRENDS

During the past decade the United States has been the primary source of major weapons for Latin America;[1] U.S. hegemony over the arms traffic in this region has been interrupted only occasionally by third-party dealings. Both Argentina and Brazil have acquired British warships and French tanks. Chile has bought jet aircraft from Britain, while Peru has done likewise from France. All Cuban hardware has come from the Soviet Union. However, such examples have been the exception, not the rule.[2]

In terms of overall U.S. military aid, both arms and assistance for such programs as counterinsurgency training and civic action, there has been one important trend. While our military assistance has generally decreased in keeping with a policy relying less on direct grants-in-aid than in the past, requests and appropriations for arms sales, especially for credit funds, has substantially increased.[3] This development sharply contradicts the sense of Congress, expressed in 1968, which resulted in a separation of the arms business from the category of foreign aid. A new law was passed, the Foreign Military Sales Act of 1968, which was designed to keep in check the massive amounts of U.S. military hardware sold abroad. A ceiling of $75 million per year was placed on arms sales to Latin America, and while Defense Department statistics indicate this ceiling has not been overrun yet, present trends show that it may happen soon.[4]

Footnotes at end of article.

Aside from the politics of policy-making in Congress and the Executive Branch, the 'Sixties was also characterized by a series of chain reactions in Latin America once one nation upset the arms balance with a new purchase. Consider the following scenario as it occurred between 1965 and 1967.[5]

In October 1965 the United States consented to sell 50 A-4B Skyhawk attack jets to Argentina. The figure was later decreased to 25 due to the demands of the Vietnam War.

Chile, aware of her border difficulties with Argentina, soon began negotiations for more advanced aircraft. The Santiago government received U.S. offers of 16 A-4Bs and 16 F-86s (Korean War vintage) for $3.5 million. However, the Chilean military desired the faster F-5 Freedomfighter. Not prepared to sell such a sophisticated aircraft at that point, the United States refused to comply with the request. In October, 1966 Chile announced its intention to buy 21 British Hawker Hunter jets for $20 million.

Peru, also mindful of border problems with Chile, sought to bolster its own air force. With considerable reluctance the United States agreed to furnish some F-86s, but Peru's economic troubles were complicated by a sudden devaluation of her currency, and the United States chose to halt the sale. In August of that same year, Britain was persuaded by the United States not to sell 6 Canberra jet bombers to Peru, for $2.5 million. Nevertheless determined to obtain advanced aircraft, Peru finally purchased 12 Mirage V fighter bombers from France for $20 million.

Venezuela, soon thereafter, negotiated for 74 F-86s with a private arms dealer, Interarms-Merex, a U.S.-licensed company that sold arms from Italy. Brazil showed an interest in 100 French fighters belonging to the German Luftwaffe. The military coup in Argentina in mid-1966 halted a planned sale of 50 M-41 tanks offered by the United States. Quick to exploit the situation, French suppliers sold 50 of their new AMX-30 tanks for $200,000 a tank. Such European competition sufficiently bothered Washington that it changed its policy. After October, 1967, the United States was prepared to make available its F-5 Freedomfighter.

As we approach the 'Seventies, another cycle appears in the making as a result of agreements between the United States and various Latin American governments. Last May it was revealed that the United States had agreed to sell 16 reconditioned A-4B Skyhawk jets to Argentina, and had decided in principle to sell at least 50 Skyhawks and F-5 Freedomfighters to Brazil, Chile and Colombia. State Department sources said that neither A-4 nor the F-5 was supersonic, while the Skyhawk, used by the Navy in Vietnam and by Israel since 1968, was an attack plane capable of 600-to-700 miles per hour and was generally priced at about $1.3 million a plane.[6]

Because Latin American arms sales is not a top priority issue for Washington policymakers, preoccupied as they are with the Vietnam war, the Middle East crisis, and supporting with arms and assistance the forward-defense countries around China and the Soviet Union,[7] the decision to sell or not to sell is generally made at a low level in the foreign policy-making hierarchy and simply approved at the top. As a consequence, the basic assumption underlying our military aid policy in Latin America are not sharply questioned by those busy at the highest levels of government. The justification for U.S. policy before members of Congress during committee hearings differs little from year to year.[8] The U.S. approach remains unchanged due to bureaucratic inertia and general neglect.

THE SEVENTIES: A TIME FOR MATURITY

What follows is a military aid policy for the coming decade.

The United States must recognize one basic premise: Latin American states merit a mature policy. Washington must deal with this continent of nations, not as younger brothers with whom the Colossus of the North shares a sense of "hemispheric solidarity, but rather as a region in which we may have basic foreign policy interests due to its proximity. For years, both Congress and the Executive Branch have attempted to treat Latin America in a "special way." The Rockefeller Report on Latin America suggests "special" institutional reforms in the Executive hierarchy to demonstrate that we care about our sister republics to the south.

Such proclamations of good faith and historical ties are mere rhetoric to many young citizens in the United States and Latin America who have grown up in the post-World War II era in U.S.-Latin American relations. We have elevated their expectations too often with grandiose promises, e.g., the Alliance for Progress, only to fall short of total support later because of more immediate commitments in other areas of the world such as Southeast Asia. If we do not cast aside our fatherly (some might say colonialist) image, then we must accept the neglect by Latin American states who will look to other nations in Europe, Africa, and the Far East for a more mature diplomatic relationship. In fact, this trend has already begun, and the United States is slow in recognizing it. The changing panorama of Latin American trading patterns is undoubtedly the strongest sign. Foreign investment from France, England, West Germany, Japan, and Canada is expanding substantially. All indications point to a more international approach externally and a more interdependent approach internally for the Latin American community of nations.[9]

The corollary to this doctrine of maturity toward Latin America asserts that the United States must not insist on "special relationships" in the field of arms and assistance. Likewise, Latin American states must not expect "special treatment." The practical steps toward implementation of this doctrine are as follows:

Minimal defense needs:

The United States must recognize that Latin American states have minimal defense needs which must be met. However, these defense requirements should be determined independently, i.e. without special assistance, from United States military missions. Removing this advisory function eliminates the need for large numbers of U.S. military representatives in-country (over 446 in June, 1970) except for a few military attaches in each country (1 to 4) to handle essential communication.

Cash-and-carry, non-governmental sales:

Once the Latin American state determines its minimal defense needs and expresses an interest in buying American, then its purchasing representatives should be allowed to investigate the possibilities on the U.S. market. This entails a strict cash-and-carry arrangement through normal business channels. There would be no government-to-government sales or active arms-advertising by Defense or State Department officialdom.

No public credit (e.g. Export-Import Bank loans):

If a sophisticated and expensive aircraft is their wish, for reasons of prestige or territorial defense, then the Latin American purchasing representatives should rely on normal commercial dealings and private credit sources. The American taxpayer should not be asked to subsidize the Latin American military establishment.

Disassociation from foreign aid program:

There should be no stipulation that economic assistance will depend on the recipient's allocation to military uses. The short-run exigencies of our arms sales policy must not dictate the long-run commitment of U.S. foreign policy to the cause of social and economic development.

The implications of this policy for the 'Seventies highlight certain features of our present military aid policy requiring adjustment. As far as changes in the decision-making process in Washington are concerned, neither the Department of State nor the Department of Defense would be actively promoting and selling military hardware in Latin America. That is, professional officers and diplomats would not be required to perform a job for which they were not trained, namely, marketing U.S. arms abroad. Their professional education and practical, on-the-job experiences hardly prepare them to sell conventional weaponry. This fact is emphasized by former service personnel themselves who have been responsible for arms sales in Latin America.

Moreover, neither the military officer assigned as an advisor to State nor the State officer assigned to the Pentagon have any real influence on policy. Even interchanging personnel does not improve the basic policy. Policy recommendations are made by the in-country ambassador based on his country team members' beliefs and opinions. These beliefs from the "field" are acted upon back in Washington by all levels at the Department of State and Defense. Departmental personnel take the word they get from the various military advisory groups in-country as gospel and fight relentlessly to get these recommendations approved. By eliminating the need for such in-country advisors, this kind of bureaucratic in-fighting would substantially disappear.

It must be emphasized that there are controls under this policy for the coming decade. The State Department, principally through the Office of Munitions Control, will still regulate the flow of U.S. arms to Latin America by means of export licensing, to U.S. manufacturers wishing to fill orders. As it stands, congressionally imposed ceilings on amounts sold by the U.S. government are artificial. Through technical loopholes in the legislation, presidential waivers, escape clauses, and the common habit of selling at cost or less, military hardware declared obsolete for our own military use, those responsible for governmental arms sales have too often violated the good faith of Congress which in 1968 clearly meant to limit our dealings in the international arms trade.

Surely, the possibility of increased black market activities in arms comes into question, but need not be any greater source of concern than at present. It is not intended that Latin American governments will be totally excluded from purchasing in U.S. markets. Rather they would be responsible for initiatives in locating the best arrangement with U.S. manufacturers, i.e. go to the marketplace. Competitive pricing would theoretically render them a reasonable deal.

Furthermore, the tendency for foreign aid to be used as a whipping boy when Latin American governments spend public funds on expensive military hardware contributes to the overall deterioration in our friendly relations. Their policy-makers are justifiably offended by our interfering with the determination of their own national priorities. The *de facto* disassociation of arms sales and military assistance from foreign aid might just make our rhetorical concern for economic development ring more true in Latin American ears. Changes in our foreign aid must not follow changes in our military aid as the night the day.

In Latin America national officials, whether from military or civilian ranks, will be required to make some hard economic decisions as between military and non-military spending. Confident that they can play the United States off on its European competitors, Latin America militaries know they can secure favorable treatment ultimately in Washington. U.S. governmental sources, principally the Department of Defense, argue that the arms traffic must not fall to our European allies, many of whom are ironically fellow members of NATO such as England and West Germany. We locate the arms, design packages of public and private credit, and push Latin America further into debt to the United States government. If indebtedness to the United States is to become a chronic state of affairs, it seems more sensible to be paying off an income-producing, development loan than a non-productive but prestigious squadron of jets.

But if the Latin American government decides to buy and their countrymen protest the decision, then the policy-makers will be answerable to their people and the United States government will not become a convenient scapegoat for their lack of poor political or economic judgment.

If the United States considers it in its best interest that a particular Latin American state acquires certain arms and training for critical security reasons, the Department of State can permit the sale through the issuance of export licenses. What about a crisis situation? In such cases, the President of the United States has at his command the total resources of the Army, Navy, Air Force and Marines. He would be making the key decisions, and not a low-level, departmental advisor. Short of crises, the market forces would dictate the flow of arms carefully monitored through export controls.

What is the role of Congress in the decision-making process under this new scheme? Its most important, perhaps only effective, tool at its command in the area of military aid policy is its power over the purse. It can as a body increase or decrease appropriations each year. However, even this last remaining vestige of power in the check-and-balance system is being eroded by an onslaught of well-packaged arguments and publicity campaigns organized by those testifying for high levels of military aid. For security reasons, few outside the Department of Defense actually know how much the United States deals in government-to-government arms sales. Congressional restraints, such as the $75 million ceiling for Latin America, are easily circumvented, and Congress does not have the man and hours to keep watch over the situation.

Under this new approach, Congress would be assured that arms sales were not the business of government, but that government controlled the business. The committees would review the licensing record and overall policy assumptions of the State Department and other departments involved such as Commerce and Treasury. With their votes on departmental budgets, members of Congress could express their approval or disapproval with the record rather than try to second guess the activities of Executive agencies. In the past Congress has too often been presented with *faits accomplis* on various arms sales made by the government, and has even been powerless to find out the exact details of the decision after the fact.

THE LONG RUN

If the broader problem of the conventional arms flow from industrial countries to the developing world is to be handled realistically, long-term planning is essential. It is highly unlikely that the conventional arms trade can be permanently curtailed. Either all industrial suppliers will have to halt production, or all purchasers will have to stop their demand. The prospects for either development are practically non-existent.

The only rational alternative is to establish a permanent and ongoing international body, under the auspices of the United Nations, that will at least bring together its

---

Footnotes at end of article.

member states, especially the big arms sellers, and debate as well as monitor the conventional arms trade. This body can be initiated at a Conventional Arms Limitations Talks (CALT) similar to the Strategic Arms Limitation Talks (SALT) in progress at Vienna between the United States and the Soviet Union.

By far the greatest number of conflicts have occurred in the Third World since World War II—Korea, Vietnam, Nigeria, the Middle East, and scores of other lesser clashes. The arms used in the fighting arrive from the factories of the industrial nations. Dollar for dollar, governments are by far the biggest contributors to the international arms traffic. In the late 'Sixties the United States government alone sold approximately $2.0 billion in arms per year to other nations, and this figure *excludes* the military hardware going to Vietnam, Laos and Thailand.[10] Other industrial nations are also responsible for the arms flow to the developing world.[11] It is these governments which must address themselves collectively to the problem in the long run.

The difficulties entailed in Conventional Arms Limitation Talks and the permanent establishment of an international body to monitor specifically the conventional arms traffic may appear insurmountable. But perhaps it is time for the United States to set an example in the 'Seventies and invite the participation of other governments to assess the role that conventional arms sales play in this era of conflict in the world.

FOOTNOTES

[1] Geoffrey Kemp, *Arms Traffic and Third World Conflicts* (New York: Carnegie Endowment for International Peace, 1970), International Conciliation Series - No. 577, March 1970, p. 17.

[2] *Ibid.*

[3] Office of the Assistant Secretary of Defense (International Security Affairs), *Military Assistance and Foreign Military Sales Facts,* March 1970, pp. 7, 23.

[4] *Ibid.*

[5] George Thayer, *The War Business* (New York; Avon Books, 1969), pp. 236–238. This sequence of events appears in these pages.

[6] A. D. Horne, *Washington Post,* Friday, May 13, 1970, p. 5.

[7] E.g. South Korea, South Vietnam, Taiwan, Greece, Turkey, and others.

[8] See the hearings on foreign aid and foreign military sales before the Senate Committee on Foreign Relations or the House Committee on Foreign Affairs for testimony by State and Defense Department officials each year.

[9] One indication of their more international approach to arms buying is Agentina's *Plan Europa* designed to diversify its weapons systems by purchasing from England, France, West Germany, and even Czechoslovakia. See the *Foreign Military Sales Act Hearings* for 1970, 1971, held before the Senate Committee on Foreign Relations on March 24, 1970, pp. 42–44.

An indication of their more interdependent approach internally is the fact that Argentina has begun to flight test its DINFA–AX–2 twin turboprop counterinsurgency aircraft. If the tests are successful, it may be offered for sale to other Latin American countries. See *Aviation Week and Space Technology,* October 27, 1969, p. 17. Cited in Kemp, *op. cit.,* pp. 18–19 ff.

[10] Testimony by U. Alexis Johnson (Under Secretary of State for Political Affairs), *Foreign Military Sales Act Amendment Hearings for 1970, 1972:* Senate Committee on Foreign Relations, March 24, 1970, pp. 5–6.

[11] For a sobering report on the proliferation in arms production, see *World Military Expenditues 1969* published by the Arms Control and Disarmament Agency, Department of State. (Washington, D.C. 1969).

PLEA FOR STRONGER GUN CONTROL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. BINGHAM. Mr. Speaker, the city of New York recently was fortunate to obtain the services of one of the most outstanding law enforcement administrators in the Nation, Patrick V. Murphy, as its new Police Commissioner. Mr. Murphy was in Washington yesterday to address the National Association of Citizens Crime Commissions. The subject of that address was the continuing need for strict gun control. As one who has supported enactment of strong Federal gun control measures in the past, and as a sponsor of legislation to further strengthen those laws, I found yesterday's New York Times report on Mr. Murphy's remarks most interesting and encouraging, as will, I'm sure, other Members and readers of the RECORD. It is particularly timely that we remind ourselves of our continuing firearms problem in light of recent action of the Ways and Means Committee in ordering to be reported legislation which would substantially weaken the reporting provisions of existing Federal gun control laws.

Citizens of the 23d Congressional District of New York, which I have the honor to represent, will have an opportunity to hear Mr. Murphy in person this Sunday, December 13, in the Bronx when he appears as a featured speaker at the Community Leadership Conference I have organized to consider "Safe Streets: A Priority Goal."

The report of Commissioner Murphy's statement on gun control follows:

MURPHY SEEKS A POLICY TO DISARM ALL CITIZENS

(By Richard L. Madden)

WASHINGTON, D.C.—Police Commissioner Patrick V. Murphy of New York City appealed today for "a strong uniform policy of domestic disarmament" to "take away the guns from the people."

Exemptions to such a policy, Mr. Murphy said, "should be limited to the military, the police and those licensed for good and sufficient reason."

Speaking to the annual meeting of the National Association of Citizens Crime Commissions at the Washington Hilton Hotel, Mr. Murphy declared:

"For too long we have indulged the gun maniacs—both criminal and law-abiding citizens. The name of the game is human life, and it is a game we dare not play. The stakes are too high for an advanced society which values human life above all other considerations."

CITES 3 POLICE DEATHS

Mr. Murphy said the speech was the strongest he had ever made on gun controls. He noted that in his two-month tenure as Police Commissioner in New York, he had had to "console" the families of three city policemen who had been killed with "guns that shouldn't have been there."

To carry out a "domestic disarmament" policy would require "strong leadership" from the Federal Government, Mr. Murphy said. He acknowledged that it would be a "highly emotional issue in Congress and elsewhere, but if we are serious about doing something, halfway measures are not enough." He said he had not discussed his ideas with Mayor Lindsay.

Mr. Murphy's speech went well beyond his comments made Nov. 10, after the slaying of a police sergeant, when he called for control of hand guns "on a national scale." Possession of a hand gun is illegal in New York State unless the gun has been licensed by the local police, but many other states have far less restrictive laws and some have none at all.

"Studies on guns—long and short—abound," Mr. Murphy said. "Numerous laws on the national, state and local level limit the manufacture, sale, importation and possession of firearms. And yet there is no diminution of their unlawful use.

"Under the deceptive guise of freedom and the belief that citizens must be armed to resist tyranny, the American people tolerate and abet assault, robbery, murder and street crime at gunpoint.

"If this is freedom in its finest form, it is also freedom in its final hour.

"We have no way of determining how many firearms are in violent hands. We don't know the extent of the condition, but we know the condition exists. Throughout the country in recent years, tons of weapons have been plundered in transit and stolen from armories and gun dealers."

"We can no longer rely on restrictive licensing and uniform laws," Mr. Murphy continued. "We are at that point in time and terror when nothing short of a strong uniform policy of domestic disarmament will alleviate the danger which is crystal clear and periously present.

"Let us take away the guns from the people. Exemptions should be limited to the military, the police and those licensed for good and sufficient reason."

The prepared text of Mr. Murphy's speech contained an additional sentence that said that he "would look forward to the day when it would not be necessary for the policeman to carry a sidearm." But the Commissioner deleted that sentence and explained later that he had not wanted to be misunderstood as saying that he was "proposing the disarming of police."

He added, however, that a day when policemen would not have to carry sidearms would be "my ideal—my dream."

The audience of about 75 representatives of local citizens crime commissions applauded Mr. Murphy enthusiastically. The association, founded in 1952, represents 19 volunteer citizens crime commissions, including those in Chicago, Philadelphia and Long Island.

THE HARE AND THE TORTOISE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. TEAGUE of Texas. Mr. Speaker, as our national space program grinds to a halt, as we lay off thousands of highly skilled Americans, as we reduce our space capability in industry, the university and government, the Soviet Union continues to reinforce and expand its manned and automated space effort. An editorial by Mr. Robert Hotz in the November 23, 1970 issue of Aviation Week & Space Technology does much to outline the serious posture that this nation has adopted with respect to our space program. As Mr. Hotz points out we have the opportunity to retrieve our position, but that opportunity is fast slipping away and requires leadership and action. Because of the significance of this editorial, I commend it to my colleagues and the general public.

The Hare and the Tortoise

The Soviet Union has dramatically demonstrated this fall that it is pursuing a broad program of space exploration at as fast a pace as its technical base permits. In a recent 60-day period, the USSR launched 22 spacecraft from its three space centers while only three gantries in a forest of empty steel towers at Cape Kennedy had U.S. spacecraft on launch pads. The Soviets also demonstrated that their space program still has the moon as a major goal by launching three lunar-directed spacecraft that photographed, returned surface samples and explored the lunar topography.

The Soviet achievements on the moon are indeed formidable. But their technology still falls far short of the Apollo system that landed four U.S. astronauts on the moon last year and returned them safely to earth. The Soviet unmanned vehicles are engaged in the same type of preliminary exploration of the lunar environments that the U.S. did in preparation for its manned lunar landings. Zond 8, which photographed the surface on a circumlunar mission is roughly comparable in function to the U.S. Lunar Orbiters of 1966–67. The Luna 16 and 17 spacecraft are similar in function, despite increased capabilities, to the Surveyors the U.S. used for preliminary surface reconnaissance of potential Apollo landing sites. Thus it appears that the Soviets are still pursuing their long-established goal of eventually landing men on the moon and establishing manned stations there for scientific observation and exploration. The Zond series of spacecraft is man-rated, according to Soviet space experts. They will probably be used for final reconnaissance missions preparatory to manned landings in much the same manner that Apollo 8 blazed the trail for Apollo 11 and 12.

Although much of the U.S. lunar data is available internationally, the Russians are clearing operating their own program for acquiring and evaluating data required for their next generation of manned lunar spacecraft. Although they must of necessity follow the same inexorable logic of exploration, they have developed a space technology with the Zonds and Lunas that is as distinct from our Lunar Orbiters and Surveyors as were Vostok, Voshod and Soyuz from our manned Mercury, Gemini and Apollo spacecraft.

The Soviets have lost their pioneering leadership in manned space flight, but they have lost none of their determination to press on toward their ultimate goals.

They are still building an ever-broader technological base from which to pursue space exploration. There has been no faltering in either the morale of their space scientists and engineers or the support from their political leadership.

The contrast of the last two months of furious Soviet space activity with the shambles of the U.S. space program glaringly spotlights a major national flaw in management of technology and waste of national resources. It also offers another valid example of the hare and tortoise racing fable.

The Soviets had the imagination to dream of exploring space and the technical guts to pioneer it. Their Sputniks burst on an astonished world with all the impact of a psychological atomic bomb. Soviet prestige rode high on their orbiting spacecraft. The U.S. embarked on a furious technological splurge to catch up. Setting the manned lunar landing as its major goal, the U.S. space program of the 1960s probably will go down in history as man's greatest constructive expansion of his capabilities in his long sojourn on this planet. The successful lunar landings of 1969 left the world breathless and the Soviets far behind.

No sooner had the tremendous exhilaration of this stunning achievement subsided, than the fleet U.S. space rabbit ambled to the roadside and took a nap under a shady economy tree, confident that the Soviet tortoise could never overtake him. The great science and engineering teams that conceived, built and operated the Apollo system and the other marvelous facets of the U.S. space program were broken up, the facilities mothballed and support of the national leadership dwindled. This rabbit nap at the roadside will also go down in history as an incredible blunder of national leadership and an unnecessary dissipation of a unique national resource.

The National Aeronautics and Space Administration is floundering along leaderless. The President has deliberately shrunk the space program as a deflationary economic tool. Congress has become indifferent. After $24 billion has been spent to develop the system and operational base for manned exploration of the moon, the Apollo flights have been drastically reduced. To save a few million dollars, the bulk of the scientific dividends Apollo could return on this investment are sacrificed.

Meanwhile, the Soviet tortoise plods along the lunar road, surviving technical disasters, changing political winds, international defeats and many other hazards unknown to foreign observers. The Soviets are now working on the moon with their remotely controlled robots. They are developing a substantial military space program of reconnaissance satellites, orbiting bombs and satellite interceptors. They are developing multi-manned earth-orbital space stations, communications satellites, deep space scientific probes and at regular intervals affirm that their sights are still firmly set on Mars and interplanetary voyaging. The Soviet tortoise is still some years behind the snoozing U.S. space rabbit. But it is moving inexorably ahead, albeit at a slower but steadier pace than its principal international rival. Whether the Soviets will ever again overtake and regain world leadership in space technology depends in large measure on how much longer American political leaders and the American people let their somnolent space rabbit languish in idle dreaming.

SALT AND ON-SITE INSPECTION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. SCHMITZ. Mr. Speaker, at this point I would like to insert in the RECORD an interview with Dr. John S. Foster, Jr., Director of Defense Research and Engineering for the Department of Defense, which appeared in the November 30, 1970, edition of U.S. News & World Report.

This interview is extremely important for a number of reasons. In the first place it is important because Dr. Foster brings to our attention the magnitude of the Soviet threat in the field of strategic weaponry. He points out that the Soviets are spending more for research and development work in defense related fields than the United States and that this is paying off for them by way of increasingly sophisticated weaponry. If this situation continues Dr. Foster forecasts that we "will lose our technological superiority to the Soviets in the next several years."

Technological superiority increases the effectiveness of the forces of the side which possess it. It is not very difficult to visualize what the Soviet Union will do when it gains the preponderance of force necessary to destroy our strategic weapons systems. A preponderance of force is not developed by serious conquerers simply so that they can say they have it.

There is another item of the greatest importance contained in this interview. When questioned about the Soviet anti-ballistic-missile system Dr. Foster replies:

> Today they have an operational ABM complex around Moscow, as well as about 10,000 surface-to-air missiles already deployed. We think this SAM force is largely for defense against aircraft. However some of these interceptors may have ABM capabilities.

Dr. Foster states that some of the Soviet SAM's may have ABM capabilities. In other words, he is not sure whether or not the Soviet's surface-to-air missiles have an ABM capability at this point. Dr. Foster has available the best intelligence data that the United States is capable of gathering.

What does this mean in relation to the SALT talks? It can only mean that any agreement which comes out of these negotiations must, if it contains a limitation on ABM systems of any sort whatsoever, also have a provision for onsite inspection. It is obvious that if we are not at the present moment able, by existing intelligence gathering methods, to ascertain whether or not the Soviet SAM's have an ABM capability any agreement to reduce or hold the line on our own deployment of Safeguard must be accompanied by the inspection procedures necessary to determine whether or not the Soviets are deploying ABM's.

From Dr. Foster's statement it is apparent that we are not able to determine this from aerial observation.

Recent U.S. experience with satellite and U–2 observations have been less than satisfactory. During the Middle East cease-fire agreement we were unable to determine whether or not the Soviets were violating the agreement, which they were, because of the insufficiency of our aerial reconnaissance measures.

Secretary Laird, testifying on the recent gallant attempt to rescue the American men being held captive by the North Vietnamese Communists, made the statement that "there is no camera that has ever been constructed that can go through the roof of those buildings"—referring to the compound where the Americans were thought to be held. It is obvious that aerial reconnaissance, marvelous as it is, has several limitations.

If we cannot determine whether the Soviet SAM's have an ABM capability through the use of aerial reconnaissance and other existing methods it would be foolhardy in the extreme to come to any type of agreement with the Soviets concerning the limitation of ABM systems without on site inspection.

This is especially true when the Soviets are moving ahead in so many aspects of strategic weapons development.

The interview follows:

Russia Versus United States—Coming Crisis in Arms

(Interview With John S. Foster, Jr., Director of Defense Research)

Q. Dr. Foster, there has been a lot of talk by defense officials in recent weeks that the U.S. is in peril of falling behind Russia in military strength. Do you share that apprehension?

A. I do. I am concerned about the way events are moving. And I am not sure the public understands just why Secretary of Defense Laird and other officials are so concerned.

Q. What is it that causes the worry?

A. Several things. First, surprising as it may seem to Americans who are used to our technological superiority in defense, the U.S. will lose technological superiority to the Soviets in the next several years if present trends continue. It's a struggle that largely goes on in secret, but already we can see some of the things to come in new top-quality Soviet weapons. Further, if this loss of leadership occurs in three to four years, we will face certainly an extremely expensive, perhaps an impossible, task if we choose to attempt to regain our leadership even by 1985.

Another area of concern is the Soviet effort in strategic weapons. They have a continuing momentum both in development and deployment which we lack.

They have a similar momentum at sea where, over all, we're slipping back.

I'm concerned, too, about the significance of the increasing quality of the weapons they pass on to their client states. We have faced technologically advanced Soviet weapons in Korea and Southeast Asia, and our friends face them in other parts of the world. It is significant, too, that while the Soviets send first-class planes and missiles and ships to their clients, they have even better equipment coming along for their forces at home. And we can expect to see these improved systems going to their clients in the future.

Q. How are they able to do these things?

A. It's largely a matter of level of effort.

They have been moving steadily upward in money and technical manpower. We've been declining. And now they are ahead of us in sheer equivalent effort. Our level is being reduced in almost every area of military technology and civilian space technology.

Q. How do the two countries compare today?

A. Right now, I'd say we still have a two to three-year lead over the Soviet Union generally across the board, in research and technology, based on our work over the last two decades. Of course, there are exceptions in certain areas. However, the Soviet effort has actually increased to a point where it is now larger than ours by perhaps 40 to 50 per cent. Next year their effort could be 60 to 70 per cent larger than ours.

If the present trends continue—with the U.S. cutting back while the Soviet Union continues to increase its efforts—the Soviet effort could be double that of the United States by 1975, and with that would come a rapid reversal of our technological positions. One basic factor contributing to recent past and future trends is that the technical-manpower base in the Soviet Union continues to grow while ours has leveled off.

We are used to being the nation that makes the leaps ahead in defense technology. In the future, the big surprises may well come from the other side. We tend to forget that this has happened before—the German missiles and jet aircraft in World War II and the Soviet sputnik in 1957. I think it is pertinent to know that just prior to sputnik we had permitted the Soviet military and space effort to increase to the point where it was 50 to 70 per cent larger than ours.

Q. Is it possible to forecast future Soviet advances?

A. In any technical area where we are ahead, we can predict upcoming Soviet quality improvements rather accurately because we know what's possible. We can't predict the timing of a jump forward, though, because that depends on the amount of effort and the priority they choose to give it. In areas where we're behind, it's just very difficult to predict, because there we don't yet have a good understanding of what is possible out on the horizons of a technology which they can see and we can't.

UNITED STATES COULD BE "NO. 2 BY 1974"

Q. How much more are the Russians spending?

A. Right now, judging from their results, the Soviets are putting the equivalent of about 3 billion dollars more a year into defense-related technology than we are. If this is sustained, we not only will lose our lead, but we will lose much of our ability to predict their gains and much of our ability to counter them quickly and effectively.

By 1974 or '75, we would be No. 2 technologically in some critical areas. To prevent this, we would have to expand our present effort by a large amount immediately—which doesn't look practical in today's environment. If we wait longer, the expansion required is still greater. And then, even if we tried to spend the money, we wouldn't have the technological base or the manpower to build on. The base is barely there now—in people, institutions and facilities. While they are building theirs, ours is eroding.

Let me indicate what 3 billion dollars a year for several years means. Like any group doing a job within budget limits, we have a list of major things which would be practical to develop if the money were available—in our case, a new strategic bomber, an improved ballistic-missile defense, a better air-defense system, several land-battle vehicles, improved attack submarines, two or three types of tactical fighter planes, a new missile submarine, better over-the-horizon radar and dozens of lesser systems. An extra 3 billion dollars would enable us to proceed with the development of all of these systems.

If the divergence between the U.S. and Soviet research-and-development efforts continues, they could, over the next five to seven years, turn these or similar systems into their "have" rather than "need" list. Of course, it would be their choice—I don't know what theirs would be.

Q. Is U.S. research and development being reduced more than other areas of defense.

A. No. It seems to me that the President and Secretary Laird and the Congress have a sort of equal-pain approach to defense-budget cuts. Research, development, production, deployment, operations—everything is absorbing reductions roughly equally. We in research and development are not alone in our concerns.

Q. Dr. Foster, does the danger that you see include the big Soviet effort to go ahead of the U.S. in nuclear missiles? Are they already ahead?

A. There are different ways to compare these forces in the two countries. In "throw weight"—the total usable payload on top of a missile—the Soviets have a capacity about twice that of the U.S., and they also surpass us in total megatonnage, which is a rough measure of total destructive power, but not in total number of warheads. However, their "throw weight" advantage could be converted into more warheads—in which case they would surpass us in both numbers of weapons and in total destructive power.

The Russians have more land-based missiles operational today—over 1,300 launchers, compared with our 1,054. We have more submarine-based ballistic-missile launchers operational today than they have—656, compared with 200 to 300. If you include all of the Soviet missiles completed and under construction we know about for land and sea-based, their total is larger than ours.

But we stopped adding numbers to both our land-based and submarine missile forces four to five years ago, and the Soviets are continuing their missile production. The Soviets have continued building up their already larger land-based strategic-missile forces at an impressive rate—an average of about 250 per year for the last four years. They are deploying sea-based ballistic missiles in Polaris-type submarines at the rate of about 130 missiles a year. By 1974, we can expect a Soviet submarine-launched ballistic-missile force also comparable in size to, or larger than, our own.

Q. Does the U.S. still maintain its superiority in nuclear-armed bombers?

A. Generally, yes, although it depends on how you measure it. We have 500-plus long-range bombers. The Russians have about 200 long-range bombers and another 700 medium bombers and refueling tankers. If half of these medium bombers were to be used as tankers to extend the range of the rest, then I'd say the two countries would be roughly equal in bombers. That situation is not likely to change much in the next five years.

There's possibly a more important factor: Our bombers would have to penetrate a Soviet air-defense system which is modern, dense and sophisticated. Their bombers under present conditions would go against an American air-defense system which is thin, obsolescent and shrinking.

Q. How would you compare the two countries in total strategic nuclear power?

A. Looking at all aspects, I think you could say that there is rough parity between the two countries today. This rough parity will probably continue to exist for a few years in the future. However, I think that if the Soviets continue their momentum, in the absence of a SALT [Strategic Arms Limitation Treaty] agreement, the balance will shift more and more in their favor unless we take offsetting actions.

RUSSIA'S "INVISIBLE THREAT"

Q. How big a danger does Russia's momentum in missile deployment pose, assuming the U.S. doesn't react?

A. If the technological developments which are under way in the Soviet Union are completed and the resulting weapons are deployed, they will constitute a severe threat to our land-based strategic deterrent missiles. Their ICBM's would be able to take out almost all of our Minuteman force. Their submarine missiles could catch much of our bomber force on the ground—and also those Polaris boats which are in port. The surviving Minuteman missiles, bombers and Polaris/Poseidon missiles would then face much improved Soviet missile and air defenses. Those are the consequences of the improvements that we think we understand in Soviet weapons. In effect, that is their "no surprise" force of four to five years from now.

I'd like to point out that one of our problems is that the Soviet strategic build-up is not easily discernible to either Congress or our people—it is a sort of invisible threat.

Q. Can anything be done to prevent the present balance from being upset?

A. One way is through negotiations on strategic-arms limitation. We hope that SALT, which has resumed, will result in an acceptable agreement which preserves the security of both sides. But, as Secretary Laird has noted repeatedly, we cannot afford an interminable wait for such an agreement, while Soviet momentum in deployment and development continues. Neither should we unilaterally stop those programs designed to preserve our security in the absence of an agreement. We may be faced with some difficult decisions in this area in the months ahead, and we should not let our hopes obscure the facts.

Q. What about antiballistic missiles—is there also rough parity with the Russians in that area?

A. No, but it's a little complicated. As you know, the Soviets long have believed in defense in depth. Today they have an operational ABM complex around Moscow, as well as about 10,000 surface-to-air missiles already deployed. We think this SAM force is largely for defense against aircraft. However, some of these interceptors may have ABM capabilities.

In any case, the Soviets have the technology to give much of this force an antiballistic-missile capability within the next few years. We, of course, have no ABM deployed. But, technologically, the situation is probably reversed. I believe the U.S. Safeguard is technologically ahead of the Soviet Union's Moscow ABM system.

Let me add a very important point: Of the major weapons which we can actually count—in land-based missiles deployed or attack submarines, for instance—we find more often than not that the Soviets are ahead in numbers. On quality, of the thing which we usually cannot accurately measure short of actual combat, we believe that we are—or have been—ahead. The trade-off of technological quality for quantity is highly judgmental and carries some risk as it is. That is why I become increasingly worried as the Soviet effort devoted to technology continues to exceed ours.

Q. Are you saying the Soviets have deployed a weapon complex that is inferior to the planned Safeguard ABM system?

A. Yes. But one has to be very careful in making a judgment here, because there are a lot of weapons that, while perhaps technologically inferior to others, still do the job—particularly if they are more numerous. And if an arms-control agreement does not stop further ABM deployment and development, we should expect additional, probably new-generation Soviet ABM missiles and radars to be deployed. The Soviets are already testing components in the Safeguard class.

It is particularly misleading to compare present U.S. and Soviet ABM systems. They have had components of their ABM deployed and have been able to shake down operational problems for the last several years. We will have our first site deployed and ready for shakedown four to five years from now. So it's not particularly useful to compare an existing Soviet defense with a future U.S. defense. We don't know what the Soviet system will look like, but at the rate the Soviets are going in development, it should be quite good.

WE KNOW THE SOVIET ABM WORKS

Q. Do you believe the present Soviet ABM really works?

A. We know it works, but we can't tell just how well it works. We do know that it can intercept many present ICBM warheads. So our job is to try to figure out how to defeat that system. Any defensive system, just as any offensive system, has some limitations, and we have to exploit those limitations.

Q. How can you defeat the Soviet defense system?

A. One simple way is to exhaust it simply by sending more warheads than the system can intercept. That is a primary reason why the Administration and the Congress decided to provide MIRV's—multiple, independently targeted re-entry vehicles—for the U.S. missile force. MIRV should enable us to saturate the Russian defenses. We plan to put more warheads on many of our missiles. Of course, with the same number of launch vehicles, the weight per warhead goes down. Thus, MIRV, which increases the number of warheads, does not necessarily increase the total destructive capability of the force.

Q. Dr. Foster, the Russians seem to be putting great emphasis on their huge SS–9 missile: Why?

A. We're not certain, but the most likely reason, which becomes more certain every day, is to knock out our Minuteman missiles. There are four clear indicators to support this conclusion. These relate to the payload, number, accuracy and multiple-warhead characteristics of the Soviet SS–9 missiles. The Soviets have over 300 of these missiles now operational or under construction. The SS–9 can carry a nuclear warhead with a yield of up to 25 megatons. That's many times larger than the largest yield we have on our Minuteman. Certainly it could be used against U.S. cities. However, the U.S. has only a dozen or so cities large enough to require a missile as large as the SS–9, and the Soviets have more than 1,000 other ICBM's to target against our cities.

So, the reason we conclude the SS–9s are being deployed to attack Minutemen is that the SS–9 has by far the best accuracy of any ballistic missile in the Soviet inventory. It is being tested with multiple warheads, and there are strong indications that each warhead will be able to attack a different Minuteman silo. With three warheads per SS–9, they would require a little over 400 SS–9s to knock out all but a small fraction of our Minutemen, and they are still building more SS–9s. With three re-entry vehicles per missile, they could have enough to target every Minuteman by 1974–75.

SEVERAL WAYS TO SURVIVE

Q. In the face of that Soviet power, is there any way the U.S. can provide for the survival of a retaliatory force?

A. Yes, there are several ways we can provide for the survival of a significant portion of our Minuteman and bomber force. But no one of these ways is cheap.

The first way for our ICBM's to survive is by active missile defense—an ABM system. The Safeguard system, deployed at four Minuteman base areas, would provide for the survival of a number of Minutemen. As the threat increases, however, more ABM defense will be needed, or fewer Minutemen will survive.

A second way would be to take some of the Minutemen out of their silos, put them on vehicles which upon alert could drive to any one of many hardened shelters—to gain the advantage of the "shell game."

Still another way would be to have the Minuteman placed on alert aircraft based at airfields away from our coasts, which could be airborne before Soviet missiles arrived.

Each of these measures—and others—are in various stages of examination or deployment. The best way for now is to preserve the Safeguard option. Safeguard would also help protect bomber bases that are in danger of surprise missile attack from Russian submarines near our coasts. The full 12-site Safeguard system would provide for the interception of the leading edge of an attack and give the bomber pilots the precious minutes they need to take off. Thus our deterrent would be maintained and credible, and the likelihood of all-out war is less. But the fastest and cheapest way to provide for our future security would be to have an equitable agreement emerge from our discussions with the Soviets.

Q. Some people say the Pentagon ought to move all its missiles out to sea. Do you agree?

A. I do not agree, and for two reasons: First, from time to time, we find potential weaknesses in each of our weapons systems. We have found them in each of three strategic systems—the land-based missile, the sea-based missile and the long-range bomber. For a period of months or even a year or two, one system or another in the past has had faults which would have made them vulnerable to an enemy had he been aware of them. We cannot guarantee this will not continue to occur again and again in the future.

Second, the Polaris submarines could have an Achilles heel, so to speak. While they are currently judged to be the least vulnerable of our strategic forces—because they are in a sense hidden in the vastness of the oceans—we can't be sure we know everything about what the Soviets are doing to counter their invulnerability.

Our Polaris submarines are quiet enough to be undetected by the Russians most of the time. But the Soviets have an increasing number of submarines, ships and planes "on the prowl." So I don't believe we should risk the security of our nation on any single system which rests on a rapidly changing science and technology and in which there are so many uncertainties.

Q. Can the Russians neutralize U.S. missile subs today?

A. No. Certainly not those at sea. But the Soviets are improving their attack capability, judging from their vigorous work in antisubmarine warfare. The Russians not only have the largest attack-submarine force in the world today, but they are increasing substantially the antisubmarine ability of that force. They've made recent additions, for instance several new classes of high-speed submarines, new cruiser-class surface ships with helicopters, and new equipment on antisubmarine-patrol aircraft.

Q. Are we planning to build newer missile subs?

A. Yes, we are now reviewing several design alternatives. Without a crash program, the earliest we could have a substantial number of new-design ballistic-missile submarines would be by the mid-1980s. By that time, our Polaris submarines will be 20 to 25 years old.

I believe we must design and be ready to deploy a new version like the concept now under study. We call this concept the ULMS—undersea long-range missile system. It would be very much like the Polaris submarine, but would carry larger missiles which would travel greater distances. The Soviets already are testing a long-range missile for submarines that is in the 3,000-mile range. Our ULMS might have an even longer range, so that it would not have to travel so close to the Soviet borders, making it potentially less vulnerable.

RED CHINA'S MISSILE PROGRESS

Q. Are the Red Chinese much of a threat yet?

A. No. However, two to three years after they make their first test of an intercontinental ballistic missile, the Red Chinese will be a strategic threat to the U.S.

Q. Has Peking tested an ICBM?

A. Not to our knowledge, but it could come at any time. The Communist Chinese have put a satellite into space with a capable rocket system. Continued development of such a system could give them an ICBM capability. Over all, Chinese missile progress toward an ICBM has been slower than we thought it would be.

Q. Turning to tactical weapons, Dr. Foster, how does the U.S. stand?

A. Well, I already mentioned our problems with conventional sea power. We have an over-age Navy. The Soviets, by contrast, are expanding from largely a coastal-defense force to a global Navy, extending Soviet power to oceans throughout the world. They can increasingly threaten our sea lifelines, particularly to Europe.

We have the same problem of obsolescence in equipment for the Army and Air Force. This is less dramatic because tanks and planes individually cost less than ships, but obsolescence is no less important. The Soviets are impressively active in these fields. For example, although present Allied and Communist manpower and aircraft are about equal in numbers in Europe, the Communists have more tanks and more than twice as many artillery pieces and rocket launchers. And they are rapidly increasing their tactical-aircraft strength and improving in quality.

Q. Is the U.S. behind the Soviet Union in tactical weapons, over all?

A. It's close. Up until two years ago there was no question that the momentum of the Soviet program was greater than ours. For example, Soviet fighter aircraft were increasing in quality while retaining over-all numerical superiority.

The Soviets fly a new-model fighter on an average of every 18 months as a result of their steady pace in research and development.

I feel, though, that with our new F-14 and F-15 jet-fighter programs, we will be in a much better position in this area.

Q. How do U.S. airplanes compare with Soviet fighters?

A. They are quite different. The U.S., with few exceptions, has emphasized design concepts which require good performance at lower and medium altitudes, and thus has concentrated on altitudes of below 40,000 to 50,000 feet. The Soviets, on the other hand, have employed design concepts for high altitudes, so we don't have strict comparability. The Soviets have tended to concentrate on relatively short-range fighters in the past. Because of our obligations abroad and our geography, we have tended to concentrate on longer-range aircraft.

The present trend in the Soviet Union, however, is toward larger and longer-range fighters. They have a very *high-altitude, high-speed aircraft* that we call the *Foxbat.* It is based *on a level of technology that is equal to our best in many respects. We have nothing comparable to that, and don't plan one.*

They also have a new improved MIG-21 that's been flying in Egypt which seems to have eliminated some of the serious deficiencies that we noted in the earlier versions flown over North Vietnam.

However, we think our F-14 and F-15—and their weapons—will be able to cope with both the Foxbat and the new versions of the MIG's.

TARGET DATES FOR NEW U.S. PLANES

Q. How soon will these newer American planes be ready?

A. We expect to have flights of the Navy's F-14 early next year, with inventory beginning in 1973.

The Air Force F-15 will have its first flights in the 1972-73 period, and inventory deliveries beginning two to three years later.

These planes will not necessarily be faster than ones we have today. But in battling other fighters, higher supersonic speed is not as important as being able to have high acceleration, hard maneuvering capabilities, and most important of all, weapons that work reliably, and more effectively. I expect the F-14 and F-15 to have those characteristics.

Q. Are there any weapons being developed for our ground forces to offset the enemy's superiority of numbers?

A. Yes. One of the most promising developments in Vietnam that might apply to Europe or elsewhere in the future is the use of sensors. In ground warfare the single most serious deficiency is in our ability to find out where the enemy is and to know whether or not we have been successful in attacking him. These sensors are small packages of electronics which tell the field commanders what is going on in their vicinity. The sensors can be put in place by hand or dropped from aircraft. They can report to our operators the sounds and seismic disturbance caused by people walking, or by trucks or tanks in the area, the presence of metal objects and so on.

Also, we are doing well in armed helicopters, guided air-to-air and air-to-ground ordnance and night-vision equipment.

Q. How do you destroy a tank when the sensors find one?

A. The sensor information is sent to an antitank force. We have gone heavily into the missile approach. The Tow and Shillelagh missiles—the first for use on the ground and the second from helicopters—have a first-class capability against tanks. These missiles can destroy tanks from 100 yards to a mile away.

Q. Are any new weapons being developed or produced for the individual soldier?

A. Yes, a number of important individual weapons are coming along. For instance, there is surveillance radar and other sensors for the soldiers, better communications, grenade launchers and antitank weapons. The soldiers are getting light armor for their personal protection, and the wounded are getting faster, greatly improved care. Some of our techniques of quick medical care are being tried now by civilian agencies in the United States, in co-operation with the Department of Defense. Important to the soldier also is the fact that food at the battlefield is much improved.

UNPLEASANT SURPRISES FROM RUSSIA

Q. Dr. Foster, what is the outlook for the Pentagon's getting more money for defense research and development?

A. As Secretary Laird has said, we presented "a rock-bottom, bare-bones budget." We are making every possible effort to persuade the Congress to restore as much as we can of the half-billion-dollar cut currently under consideration by the Congress, to our research-and-development program for fiscal year 1971. I believe that the Congress will restore at least a portion of the cut.

However, it seems to me that it is not likely that our level of defense research-and-development effort will increase significantly in the next few years if present trends in this country continue. It is more probable that the level will decrease. I believe that this fact, coupled with a larger and rising Soviet effort, will increase the risk to the security of the free world.

We are making a serious and conscientious effort to obtain an equitable settlement at the SALT, but this could take years. In the interim we must not neglect our developments and deployments.

We are doing the very best we can to improve our management of ongoing programs—to remove some of the reasons for congressional criticism.

I don't know whether or not we will receive increased funds in the future. Events and our ability to communicate the crucial need for congressional and public support will decide that. But to put it bluntly, the Soviets may force us to spend more. They are likely to go beyond their present capabilities and produce surprises that will be unpleasant for us, hopefully not disastrous—sputniks, not Pearl Harbors.

Our challenge is so to structure our research-and-development efforts for the '70's that the likelihood of sputniks or Pearl Harbors will be minimized.

SAVANNAH RIVER PLANT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. DORN. Mr. Speaker, the South Carolina-Georgia Nuclear Council recently met to commemorate the 20th anniversary of the announcement of the site for the Atomic Energy Commission's Savannah River Plant. Guest speaker for the commemorative dinner was Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission.

This was truly a memorable event, since this magnificent facility has meant so much to our area, as well as to the Nation. This great plant has made many contributions to the military security of the United States and it continues to make fantastic advances in the field of peaceful application of nuclear technology. Dr. Seaborg's address splendidly describes these contributions.

In no small measure the progress of the Savannah River Plant, as well as the economic development of the entire Central Savannah River Valley, has been due to the positive attitudes of the area's citizens with respect to the development of nuclear technology. An outstanding example of this forward-looking thinking is the South Carolina-Georgia Nuclear Council, under the leadership of Chairman James D. McNair and Vice Chairman Sherman Drawdy. This public-minded organization is to be commended for sponsoring this anniversary event.

Mr. Speaker, I am proud to represent in the Congress the area so closely connected with the Savannah River Plant. This facility, together with the new Duke Power Co. nuclear development in the northern section of the Third Congressional District, will make this district one of the leading centers of the peaceful application of nuclear technology. For that reason we are vitally interested in the continued success of the Savannah River Plant, and of the Atomic Energy Commission under the splendid leadership of Dr. Glenn Seaborg.

I am pleased to include in the RECORD the remarks of Dr. Seaborg at the Dinner of the South Carolina Nuclear Council, December 7, 1970, Augusta, Ga.:

THE SAVANNAH RIVER PLANT—A TWENTIETH ANNIVERSARY

It is a distinct honor and a pleasure to join this gathering in celebration of the 20th anniversary of the Atomic Energy Commission's Savannah River Plant.

As its very able manager, Nat Stetson carries a heavy responsibility for the plant today represents an investment of some $1.3 billion, with a total of about 5,800 Federal and contractor employees and an annual budget of $116 million. I need not add that this facility is an important part of the economy of Georgia and South Carolina and an indispensable part of AEC's operations.

When one considers anniversaries, it is usually in the context of marriage, and whoever originated the symbols for such yearly celebrations has devised an interesting list of materials for gifts that increase in value as you get older.

So we find that the proper gift for a couple married one year should be made of paper; for 10 years, of tin; and for 20 years, of China. Now a collection of Wedgewood china might seem like an expensive and impressive present. But in fact Savannah River is producing a product on its own that outranks in value all the materials on the list, even the diamonds appropriate to a 75th anniversary.

I refer, of course, to californium-252, a radioisotope that holds such great promise. When we announced the availability of this rare isotope for the first time two years ago, the price was $450 billion a pound—if a pound had been available. Fortunately, in californium we have, in Christopher Marlowe's phrase, "infinite riches in a little room," and one needs only microscopic amounts to put it to work. My point is that any gift we might present on this anniversary would seem modest indeed beside the value of what the Savannah River Plant is contributing to the nation.

Perhaps looking back down the corridors of history, 20 years seems insignificant as a period of time. What counts are the events which occur in any given era. And the past two decades was certainly a period packed with significant change.

To appreciate that era and this anniversary let us revert briefly to 1950. Where were you and what was going on 20 years ago when the decision was made to build the Savannah River facility? In that year, Harry Truman was President. Hopalong Cassidy was the top star on television. Fifty-cent pieces were plentiful. The Dodgers were in Brooklyn and the Giants were in Manhattan. The Atlanta Falcons did not exist, and even if they did, you couldn't see them on color television because it wasn't around either.

In 1950, the Supreme Court said in a historic ruling that under the Fifth Amendment no one could be forced to testify against himself. And on November 28, 1950, the U.S. Atomic Energy Commission took a major step with the announcement of a site in South Carolina to build a facility which over the course of two decades has not only contributed substantially to the defense of the U.S. but has also produced other nuclear materials beneficial in industry, medicine and agriculture.

To obtain the full flavor of the events and decisions which led to the November 28, 1950, announcement, we must go back to September 3, 1949. The events of that day and the subsequent developments have much drama.

"It is not given to human beings," Winston Churchill once wrote, "to foresee or predict to any large extent the unfolding course of events. In one phase, man seems to have been right, in another he seems to have been wrong. Then again, a few years later, when the perspective of time has lengthened, all stands in a different setting, there is a new proportion. There is another scale of values."

On Saturday, September 3, 1949, a new scale of values began developing for the United States. In Washington on that day, the U.S. Senate set a new record for short sessions when it succeeded in assembling and adjourning in forty seconds. Like others, the senators were anxious to leave the Capitol for the Labor Day weekend. By late afternoon most of the central city was deserted. Even the traffic on Pennsylvania Avenue in front of the White House had subsided to a few automobiles. On G Street, just west of the Executive Mansion, the office buildings were empty except for a few guards and an unlucky group of Air Force officers and enlisted men who had drawn duty on the last holiday of the summer. As the slanting rays of the afternoon sun pierced the clouds, the staccato rhythm of a teletype machine broke the drowsiness. No one suspected the report sputtering from the machine would set in motion a chain of events placing on the Atomic Energy Commission and other segments of the U.S. Government a burden of extraordinary decisions. For the tangle of events of the next five months recorded more than a political struggle; they seem to involve the very destiny of man.

The teletype report alerted the headquarters of the Air Force's Long Range Detection System that a WB-29 weather reconnaissance plane on routine patrol from Japan to Alaska had picked up some measurable radioactivity.

By Monday morning, September 5, there was enough additional information to spoil the holiday for most of the Long Range Detection staff. Reports of substantially higher counts of radioactivity began coming in. With the assistance of the British, who checked the radioactive air mass as it preceded east, officials were convinced that the Soviet Union indeed had detonated a nuclear device.

The event was determined to be a successful test explosion by the Soviet Union of its first atomic bomb. The news was announced to the American public by President Truman on September 23.

The Russian explosion, narrowing, as it did, the superiority of the United States in the atomic field, prompted President Truman, as he announced the confirmation, to remark privately that "this means we have no time left."

In Washington, on November 9, 1949, when the first formal official step was taken to bring order out of the chaos of dispute, the day was cloudless and pleasant.

At five o'clock on that afternoon, a top secret document was dispatched to the White House by the Atomic Energy Commission. Having reviewed the recommendations, President Truman on November 19 directed a letter to the Secretary of the National Security Council appointing a committee composed of the Secretary of State, the Secretary of Defense, and the Chairman of the Atomic Energy Commission to study further the Commission's conclusions and suggest steps that should be taken by the White House.

Within several weeks, the Committee voted to recommend that the United States proceed with a nuclear effort, and the ensuing months brought an intensive study by the Atomic Energy Commission of the problems involved in construction of a plant to produce materials needed for a thermonuclear device.

On June 12, 1950, the Commission approached the Du Pont Company, which had built the plutonium factories in the State of Washington during World War II, to consider a contract for the construction of reactors of a new design to produce the necessary materials. Within a few days, Du Pont had in its possession a letter from the President urging it to participate in the interest of national security. And on August 1, Du Pont signed a contract with the Commission to proceed with the design, construction and operation of nuclear reactors that could produce materials important to the Nation's defense.

Meanwhile, the Commission had requested the Corps of Engineers, United States Army, to aid in a survey of a new production site and the acquisition of land once a site was chosen. On June 29, the Commission, Du Pont and the U.S. Corps of Engineers, formally began the site survey.

When the Commission announced on August 2, 1950, that Du Pont had agreed to a contract to design, construct and operate new atomic facilities it stated the work would be done at a "site yet to be selected." This statement brought to the offices of the Commission between that date and October 15 more than 1,100 letters from interested Americans with recommendations for 147 different sites.

Finally, Du Pont, the Commission and the Corps of Engineers reviewed the merits of 114 potential sites in nearly every section of the country. The list was eventually pared to seven. And in early November a final decision was made.

On November 17, Gordon Dean, then Chairman of the Commission, went to the White House to advise the President of the decision. The President looked at a map of the proposed site of more than 200,000 acres that was to be taken over, asked whether a less populated area might not be found, and instinctively pointed out the hardships to be faced by communities such as Ellenton and Dunbarton.

A reluctant "No" came from Mr. Dean. The site best met the criteria that had been established by the Commission and the National Defense Establishment. The criteria for such a site had been carefully worked out by the Commission and Du Pont. First, there was need for great amounts of water to cool the nuclear reactors that were to be built. The Savannah River, one of America's historic rivers and which DeSoto first saw in 1540 when he crossed it just south of Augusta in a search for gold, was considered an ideal source. Other factors that were considered were a low population area near high population centers, freedom from floods, a satisfactory power supply, accessibility, transportation, the terrain, low incidence of storms, the operating requirements of the plants themselves, and the fact that construction was possible the year round.

November 28, 1950, was unseasonably cold in the Central Savannah River Area. The temperatures had plummeted to below freezing and the weather was in sharp contrast to the news that was in the making. On the day before, a Sunday, a group of Atomic Energy Commission and Du Pont officials from Oak Ridge, Washington and Wilmington, had met in Augusta to put the final touches on plans to announce the beginning of a new era, and then had split up into teams to give the news to officials of cities and communities in the immediate area on the next day. Some persons in the Central Savannah River Area might have known something was in the air, but they were not prepared for this news at 11 a.m. on November 28:

"The United States Atomic Energy Commission today announced its new production plants to be designed, built and operated by the E. I. du Pont de Nemours & Company of Wilmington, Delaware, will be located in Aiken and Barnwell counties, South Carolina. The new site will be known as the Savannah River Plant.

"To make way for the plants and the surrounding security and safety zone, it will be necessary for some 1500 families to be relocated in the next 18 months . . ."

Although twenty years have passed and our country has performed great feats in its space program by sending men to the moon, the magnitude of the job of building the Savannah River Plant is still impressive. Not so well known are several interesting sidelights which have become a part of the history of the Savannah River Plant.

How many know, I wonder, of the contributions made during construction by the David brothers—two 4 feet 2 midgets—whose previous claim to fame had been their appearance in the movie The Wizard of Oz. They were employed in the Savannah River Projects Pipe Department as welders since they were able to work in cramped quarters that were inaccessible to men of normal size.

Then there was the son of Vachel Lindsay, the famous American poet, who put in a stint as a carpenter and Jim Nabors, the Gomer Pyle of TV, who spent a short time at the plant as a clerk in the early 1950s. In addition, the Savannah River Plant was a lifesaver for a number of sponge divers from Tarpon Springs, Florida. The men, who had run into hard times due to a falling market in sponges, were brought to the Savannah River Plant by a Du Pont subcontractor as painters.

We all appreciate, of course, the immensity of the project that brought nearly 39,000 workers to your area at the peak of construction in September 1952, but only a summary can adequately reflect the tremendous extent of the work. The statistics remain impressive. The materials included:

39,150,000 cubic yards of earth moved; equal to a wall 10 feet high and 6 feet wide from Atlanta, Georgia to Portland, Oregon.

1,453,000 cubic yards of concrete poured; equal to a highway 6 inches thick and 20 feet wide from Atlanta, Georgia to Philadelphia, Pennsylvania.

118,000 tons of reinforcing steel; equal to 3,300 carloads or a train 30 miles long.

27,000 tons of structural steel; equal to a train 8 miles long.

85,000,000 board feet of lumber; enough for a city of 15,000 homes with an average population of 45,000.

126,000 carloads of other materials; equal to a continuous train from Atlanta, Georgia, to New York City.

52 miles of water line pipe, about 84 inches in diameter.

230 miles of new roads and 63 miles of permanent new railroad track and 2,000,000 blueprints, the latter equal to a strip of paper 24 inches wide reaching from Atlanta, Georgia, to Seattle, Washington.

For assistance in design and construction, Du Pont retained as subcontractors, among other industrial leaders, such well-known firms as Blaw-Knox Company, the Lummus Company, American Machine and Foundry, New York Shipbuilding, Combustion Engineering, B. F. Shaw Company, Johns-Manville and Miller-Dunn Electric.

The translation of these materials into the complex structures and supporting facilities which make up the Savannah River Plant brought traumatic experiences to many citizens—the 1500 families which had to break long ties in moving to new locations, the residents in the surrounding area who had to cope with the influx of thousands of new persons, both in construction and operations, and who had to adjust to changing conditions.

It is a matter of record, however, and this is borne out by Atomic Energy Commission and Du Pont officials familiar with such large construction projects, that the cooperation, the dedication to national purpose and the positive attitudes of the residents of this area during construction and operations were and are the most outstanding of their experience. The public support of the construction and operations of the Savannah River Plant and the interest in plant developments, including those involving peaceful uses of the atom, have been one of the most salutary and rewarding ever experienced by the Atomic Energy Commission. What has impressed the Commission is the confidence shown by the public in the integrity of the personnel who operate the plant and in the positive programs that are maintained to protect the health of the environment. There are, indeed, environmental considerations in the control and containment of radiation, but the public in this area appreciates that every effort is made to operate in a safe and constructive manner and that meticulous, continuing attention is given such programs. On behalf of the Atomic Energy Commission, I would like to extend an expression of appreciation for your support, cooperation and understanding.

The competence and dedication of the Du Pont Company in the design, construction and operation of the Savannah River Plant have indeed been noteworthy. The Company has given meticulous attention to assignment of some of its most capable administrators and technical personnel to plant programs.

For example, former President Crawford H. Greenewalt, now Chairman Emeritus of the Board of Directors, was, from the beginning, personally involved in studies and planning for the project. Assignments in the organization set up by the Company to oversee operations of the facilities included such outstanding men as Dr. R. Monte Evans, Dr. William H. Mackey and Lombard Squires, all of whom spent considerable time on the site in meeting construction and operations schedules. The travel they and their associates logged on round trips from Wilmington and to the plant site totaled thousands of miles and thousands of hours.

In operating one of the world's most complex facilities, Du Pont has efficiently discharged its responsibilities. The Company has consistently met, or exceeded, schedules for delivery of nuclear products for national defense, has continuously worked on, and brought about, improvements in plant processes and operations, has generated economies that have resulted in savings of the taxpayers' dollars and has worked assiduously to develop projects to most effectively realize the potential of the atom for peaceful purposes and maintain the health and vitality of operations.

In two other areas of interest, the Company has achieved safety records that are nationally and internationally recognized and has encouraged its employees to participate in every aspect of community activity and development. The staffs at the Savannah River Plant—Du Pont and the Atomic Energy Commission—are to be commended for the leadership and interest they have shown in community progress and uplift.

Among those who have set the tone for community relations and participation in civic activities are Don A. Miller, first Plant Manager, Julian Ellett and Jay Monier, who in turn succeeded him, all of Du Pont, and Curtis A. Nelson, first AEC Manager at the site, and Robert C. Blair and Nat Stetson, who followed him, plus Gus O. Robinson and Howard Kilburn of the AEC. They have been joined by Dr. Milton H. Wahl, first Director of the Savannah River Laboratory and his successors, Bill Overbeck, Frank Kruesi, and Dr. Clark Ice, and by Robert K. Mason, first construction manager at the site and his successors.

In addition, they have endeavored at all times to keep the public promptly and adequately informed. As a result, the public has confidence and faith in the integrity of management and in the programs that are carried on.

The record of our contractor, the Du Pont Company and the Commission's Savannah River Operations Office in effectively pursuing new ways to utilize the large investment at Savannah River constitutes an outstanding chapter in the story of nuclear energy and we would expect that the coming years will bring new and useful achievements for the American public.

The coming of the Savannah River Plant to this area set the base for acceleration of industrial development that has made the Central Savannah River Area one of the Nation's most dynamic sections, reflecting outstanding cooperation between the residents of two states, who take advantage of a river as a State line rather than allowing it to isolate their interests. An example of such cooperation is, of course, the formation of the South Carolina-Georgia Nuclear Council, organized in 1967, which has as its objectives "maintenance, on behalf of the counties and communities within the vicinity of the Savannah River Plant, of the furtherance of continued economic progress of South Carolina and Georgia" and "serving as a focal point for expressing the interest and cooperation of the various communities in the development of peacetime atomic energy projects both on and outside the confines of the Savannah River Plant." The Council has effectively helped to create in the public's mind an appreciation of the constructive programs of the plant.

During the 20 years since the announcement of the site for the Savannah River Plant, the U.S. Government has contributed approximately three billion dollars to the economy of this area through plant construction and operations, and new industries such as Owens-Corning Fiberglas, Pyle National, Kimberly-Clark, Olin Industries, Columbia Nitrogen, Proctor and Gamble, Continental Can, American Cryogenics, Du Pont and others, have created new jobs and new opportunities.

The most recent addition to the growing list of industries is Allied-Gulf Nuclear Services which will construct a $70 million nuclear fuel reprocessing facility in Barnwell County adjacent to the Savannah River Plant. In connection with this development, there is no doubt that the positive attitude of residents of this area on nuclear programs was one of the compelling factors leading to the selection of the site. Furthermore, with Barnwell County taking title from the U.S. Government to an additional 900 acres bordering the 1587-acre Allied-Gulf site, the way is open to possibly attract other nuclear-related activity. I understand that the Council is planning to further develop the concept of a nuclear center. The future could be most rewarding for the entire Central Savannah River Area in both South Carolina and Georgia.

Mankind's growing concern for his environment has opened new avenues of usefulness for the Savannah River Plant with its vast acreage of woods and waters. The Commission is pleased that the site has become the locale for ecological studies that will undoubtedly uncover useful information for both nuclear and non-nuclear industries. These types of studies are being pursued at the Savannah River Ecology Laboratory, operated for the Commission by the University of Georgia. Du Pont also is active in this field of activity at the Plant.

You are aware, of course, that the Savannah River Plant is still involved in the production of materials for the national defense. What is heartening for the future, however, is the continued utilization of the versatile nuclear reactors here for the production of materials that will directly benefit humanity. The Savannah River Plant is destined to play a continuing significant role in the constructive development of nuclear energy.

No history of the Savannah River Plant would be complete without mention of a major step forward in 1965 when one of its reactors reached a sustained neutron flux of record proportions. This flux totalled 6.1 quadrillion neutrons per square centimeter per second. To give you an idea of the achievement, this was more than *100 times* the flux in most nuclear power reactors.

The significance of this accomplishment was that it opened the way for production of isotopes of very high specific activity, for production of man-made elements heavier than uranium which have important research potential, and for the speed-up in production of special radioactive isotopes.

The potential for good that is inherent in such materials as californium-252, plutonium-238, cobalt-60, and curium-244 is tremendous. With capabilities not found elsewhere, the Savannah River Plant has played a unique role in nuclear development through its production programs. The plant produced the first commercial quantities of plutonium-238 and curium-244, the first significant quantities of californium-252, and is the principal source of high intensity cobalt-60. The plant has set an enviable record in responding to national needs. In the future, its reactors can be expected to meet Commission requirements with the same degree of competence and with the same dedication to safety that has always marked past and present operations.

At the beginning of my remarks I mentioned the great monetary value of a small amount of the heavy element radioisotope, californium-252, produced at the Savannah River Plant. The true value of this isotope is yet to be appreciated in terms of its uses to mankind. The uniqueness of californium-252 as an investigative and research tool is expected to bring a variety of beneficial applications such as improving health, upgrading industrial products, increasing energy reserves and expanding the nation's supply of valuable metals. Californium-252 can be used in cancer research and treatment, in industry, space exploration, general scientific research, civil engineering, agriculture, mineral exploration and hydrology and petroleum exploration.

It is apparent that the unique properties of californium-252 already have been widely recognized. Since the AEC announced its market evaluation program for this isotope in June 1969, the Savannah River Operations Office has received more than 2,000 requests for information on its potential uses.

Californium-252 has two characteristics that make it especially valuable. First, it lasts a reasonably long time compared with other isotopes. It has a half-life of 2.6 years.

That means we can ship it to hospitals and industries with the assurance that it will not quickly fade away before it can be put to work.

Second, this isotope emits a prodigious quantity of neutrons, the submicroscopic "bullets" which cause the splitting of uranium atoms in atomic furnaces. A tiny quantity of californium, just one curie of it weighing about 2 milligrams, emits almost as many neutrons per square centimeter per second as a reactor. It is for this reason that californium has been called a "hip-pocket reactor."

The advantages of this portability are immediately apparent. With such a compact and lightweight source, hospitals no longer need to send cancer patients to an accelerator or reactor for neutron irradiation but can treat them in their own buildings. And other users will find its diminutive size equally advantageous.

The list of applications for this new product continues to grow. The U.S. Department of Agriculture Sedimentation Laboratory is planning to use californium-252 to evaluate its potential in measuring moisture and density of soils and for chemical analysis of certain elements in the soils. At Kansas State University, californium may help cope with a new environmental problem. The material is being evaluated there for quantitative analysis of mercury and other toxic materials in commercially processed food.

Several hospitals in the United States are testing californium-252 for use in the treatment of cancer; the material is also being used in well logging to locate oil and gas reserves, and in programs to locate gold and silver underground and minerals on the ocean floor. In another area, californium-252 is being used in a metering device to measure the sulfur content of coal as it moves on a conveyor belt. The objective is to reduce air pollution, since sulfur is a prime contaminating element. If sulfur in coal can be reduced or eliminated, cleaner air and better health will result.

Sources of californium-252 fabricated by the Savannah River Laboratory are now being loaned to 26 commercial firms and private institutions. In addition to the loan program, californium-252 has now been placed on sale, more broadly, since larger quantities will be available at a reduced price in early 1971 through a special production program in one of the Savannah River Plant reactors. The larger quanties I mention consist of a total supply of about one gram or 1/28 of an ounce.

Another important isotope made here at the Savannah River Plant is plutonium-238. Plutonium-238 holds great promise as an energy source for a nuclear-powered cardiac pacemaker. Such a pacemaker, using material produced at Savannah River, was successfully implanted in a dog in 1969 at the National Heart Institute at Bethesda, Maryland. Scientists hope that the nuclear-powered pacemaker will eventually replace battery operated devices currently used by about 20,000 persons, in addition to about 5,000 new patients incapacitated by heart block who receive pacemakers each year. The nuclear pacemaker is about two-thirds the size of a pack of cigarettes and weighs about three-and-a-half ounces, and its longer life gives it a greater advantage over the battery operated pacemaker which must have its implanted batteries replaced by a surgical procedure every few years. Nuclear-powered pacemakers have already been implanted in human patients in France and England.

The Savannah River Plant also has contributed to research on a nuclear-powered artificial heart. In cooperation with the Los Alamos Scientific Laboratory, plutonium-238 prepared in one of the Savannah River reactors has been refined and encapsulated as a heat source for such a device. If successful, the program would make a significant contribution to extending the life of heart patients, for physicians have estimated that more than 10,000 artificial hearts could be used annually in the United States alone.

The same radioisotope that would power an artificial heart is already supplying power in space. Both Apollo 11 and Apollo 12 astronauts left several scientific devices on the moon which use plutonium-238 as a heat and power source. Through the services of such devices scientists are learning more about the history and make-up of the moon. The material is also being used as sources of electric power in weather satellites that will enable scientists to give us more accurate long-range weather forecasts.

Two other useful products produced at the Savannah River Plant, cobalt-60 and curium-244, have potential for space heating in remote frigid locations as well as underseas habitats, and as sources of electric or mechanical power in space, terrestrial and underseas environments.

All these are products of the Savannah River Plant and all are products with a future. We have seen only the beginning of the age in which their many uses will be applied and their benefits to mankind realized.

So the twenty years of this great nuclear age facility, whose anniversary we now celebrate, have been only a prologue to a fascinating story yet to unfold. We can be proud of what we have built here. And we are grateful to all of you who have helped build and operate this important plant. Now we must focus on the future with the same determination and dedication that has brought us this far. It will not be a future without its share of obstacles, its demand for hard work, perseverance, imagination and innovation. But the Savannah River Plant provides a good background and a good base on which to build that future. I hope that twenty years hence we can again gather to celebrate an anniversary of this plant and that at that time we can look back on an even greater era of progress than that which we are privileged to celebrate today.

NATIONAL HEALTH SERVICE CORPS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. BINGHAM. Mr. Speaker, on Sunday, November 29, 1970, The New York Times carried an article concerning a medical clinic being operated by volunteers in Calexico, Calif., for the primary benefit of poor Mexican-American children in the Mexicali and Imperial Valleys.

I believe that this article is of particular interest since the House Committee on Interstate and Foreign Commerce has just reported out a bill (H.R. 19360) to create a National Health Service Corps. Similar legislation was passed unanimously earlier this year by the Senate. I testified in favor of this legislation before the Subcommittee on Public Health and Welfare on November 24, 1970, and am greatly encouraged by the prompt action by the committee.

Mr. Speaker, the Calexico clinic is an example of the sort of facility which might be developed by the National Health Service Corps. I hope that this legislation will be placed on the House calendar as soon as possible.

The New York Times article follows:

VOLUNTEERS RUN CLINIC ON BORDER

CALEXICO, CALIF., November 28—When Marta Ortega, daughter of a cotton picker in Mexicali, was six years old, her parents wrapped her in a white shroud and a priest administered the last rites. The Mexican child was dying from a spinal tumor.

With her mattress as a stretcher, she was lifted into a private plane and flown the 225 miles to Orthopedic Hospital in Los Angeles. Now, at 13, Marta is a pretty, healthy and grateful school girl.

Among her nine brothers and sisters are Roberto, five, and Barbarita, seven, named for the couple who started Calexico's Valley Orthopedic Clinic, Dr. Robert B. Nichols, assistant director of rehabilitation at Orthopedic Hospital, and his wife, Barbara.

Marta is one of nearly 3,000 children of the Mexicali and Imperial Valleys helped by the clinic since its unplanned beginning in 1961.

Operated on volunteer contributions of time and money, the clinic will receive next Thursday the $5,000 1970 Lane Bryant Volunteer Award for the most outstanding community service performed by a group. The presentation will be made at a luncheon in the Plaza Hotel in New York City.

MAJOR ITEMS OF EXPENSE

The money, according to Mrs. Nichols, will be used for the clinic's major items of expense—corrective shoes, X-ray film and plaster.

Dr. Nichols first went to Calexico after a friend suggested that he "pick out" needy patients who could be accepted by Orthopedic Hospital in Los Angeles, a free or part-free facility for youngsters under 21 with orthopedic problems.

Polio, almost a forgotten disease in the United States, remains a problem in Mexico's 450,000 population in the Mexicali Valley. When the doctor arrived in the United States Immigration Service office, 226 Mexican children were waiting to be examined.

"We thought we were seeing every crippled child in Mexico," said Mrs. Nichols, who dropped out of medical school to bring up the couple's four children. "They came on burros and in wheelbarrows and in grocery carts. We finished at 2 A.M."

The immigration officer, Wayne Van de Graaff, and his wife, Josephine, volunteered to help the Nichols continue the weekend clinic, now housed in the top story of a donated building in Calexico.

Another key volunteer in the clinic's efforts is Dr. Charles LeRoy Lowman, Orthopedic Hospital's 90-year-old founder. His hospital sets aside 10 free beds for use by clinic patients and assigns three of its residents to assist Dr. Nichols in the Saturday examinations.

The doctor and his wife, both licensed pilots, have enlisted the San Fernando Valley Airmen's Association as a flying ambulance service.

The city of Calexico has donated a $200,000 parcel of land on which the clinic plans to build the Valley Orthopedic Center. The center will include out-patient facilities and a 50-bed hospital where some surgery can be performed.

A CHEAP FOOD POLICY WILL HURT OUR COUNTRY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. ZWACH. Mr. Speaker, I was most happy to receive a copy of a letter one of my constituents, R. M. Feig, of the Farmers' State Bank of Raymond, sent to the Kiplinger Washington editors.

Mr. Feig shows a clear understanding of the problems of agriculture and the effect of low farm prices on the balance of our economy.

With your permission, I insert his letter in the Record and recommend its reading to my colleagues:

December 2, 1970.

The Kiplinger Washington Editors,
Washington, D.C.

Re: Kiplinger Agricultural Letter, November 27, 1970.

Gentlemen: In your newsletter referred to above, in paragraph 2, you stated: "Less than 10% of all voters are farmers, or from farm families."

Technically, this may be correct; however, if you consider the number of people living in small towns of under 10,000, in the rural areas of America, then you are talking about 35% of the people in the U.S.A. As anybody knows, those of us living in small towns are directly affected by farm prices, as our whole economy is based on farmers.

I wish you would point out that the "Cheap Food" policies of President Nixon and of the previous presidents, hurts about one-third of the people in our country, directly, and if we are hurt economically, then we, in turn, will not have the purchasing power to buy the items produced and sold in the urban areas, so that in the total picture, a "Cheap Food" policy hurts the whole country.

We in the rural areas need the help and understanding of the economists of the eastern urban areas. Farming is the "basic" industry of our country; it provides more "New Health" to our country than any other industry. Did you ever stop to think that a farmer plants four kernels of corn, and produces from those four kernels about 1000 kernels of corp? This means 996 kernels of "New Wealth" for our country. If you consider the transformation of: Hay into milk, grain into beef, pork and eggs, seed grain into harvested grain, the total of the "New Wealth" staggers the imagination.

A "Cheap Food" policy will hurt our country, but a "Good Farm Price" policy will help our country.

I hope that you can understand what I'm talking about and will study the situation, and if you agree with me, maybe you will help to influence the proper people, to change our "Farm" policy.

Thanks for anything you can do.

Yours very truly,

R. M. Feig,
Executive Vice President.

APPRECIATION DAY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. PATTEN. Mr. Speaker, unbelievable as it sounds, more than 641 policemen have been killed since 1960 in the United States, over 80 of them this year—and the rate of violence is climbing.

Police are not the only public safety personnel who are victims. Many firemen find themselves attacked by snipers when they arrive at a fire.

When those who are responsible for protecting citizens from violence and fire—our police and firemen—are attacked by extremists, I believe that the foundation of civilization is in jeopardy.

Those who are found guilty should be severely punished, but the cooperation of the public is also imperative. Too many citizens are either apathetic, or too frightened to cooperate with the police—and that only encourages those who commit the violence.

But, Mr. Speaker, the cooperation of the public is not the only requirement. Its appreciation is also needed. That is why the National Committee for Responsible Patriotism, headed by Charles W. Wiley, of Sayreville, N.J., is holding Appreciation Day on December 15 to show citizens' appreciation of the police and firemen who protect us 24 hours a day.

A great patriot, Wiley launched Operation Gratitude on December 5, when a motorcade traveled to Washington, D.C., but the climax will take place on Tuesday, December 15, when Appreciation Day will be held. Mr. Wiley should be commended not only for his deep interest in the safety of citizens and police and firemen, but for his dynamic leadership. He is an outstanding American who has a great love for his country.

I hope that every citizen who values and appreciates the vital, but unheralded work of police and firemen, will show their support next Tuesday. The courage and dedication of our police and firemen make it possible for citizens to live and work in safety 365 days a year. Those who want to show that they care about our police and firemen, and that they appreciate them, have a real opportunity to do so on Tuesday, December 15.

On Appreciation Day, there will be a nationwide moment of silence at noon in honor of all who have fallen defending our civilization on the home front. Other activities on that day: fly the American flag; drive with headlights on during daylight hours; and ring church bells for 5 minutes from 11:55 a.m.

Mr. Speaker, I hope that every person who appreciates the police and firemen of America will observe Appreciation Day. But we should appreciate them every day in the year.

IT MATTERS LITTLE IF WE SAVE SOME MONEY AND, IN THE PROCESS, LOSE OUR COUNTRY

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. GOODLING. Mr. Speaker, someone once said that control of the seas of the world will go to that country which demonstrates superiority, in submarine strength and that because approximately two-thirds of the world's surface is water, it follows that the country which controls the waters of the globe also will control the land.

In this respect, it is indeed disturbing to realize that, as reported in a recent issue of the Liberty Lowdown, Russia has the greatest submarine fleet of historical record. It has a fleet of 350 submarines, with 80 of these being of the nuclear-power type.

It is further stated that the most recent Soviet Polaris-type submarine can discharge some 16 ballistic missiles, and these have a range of about 1,300 miles. It is understood that the Russians are testing another ballistic missile that can be fired over a range of 3,000 miles, a candidate for inclusion in the already powerful Soviet submarine fleet.

It is equally disturbing to realize that, as pointed out by Liberty Lowdown, according to current construction schedules, the Russian fleet of modern Y-class ballistic missile submarines will overtake the United States fleet of 41 Polaris submarines sometime either in 1973 or 1974.

This is an alarming situation, and American defense authorities, both in the Congress and in the executive department, must concentrate their attention immediately on this serious situation and endeavor to correct it.

To give America a strong submarine posture will, of course, be costly, but it must be recognized that such expenditures are in the interest of our national security and, as such, are not costs but, instead, investments.

The evil of inflation is upon us, and because Federal budgets have a dynamic impact with respect to our domestic economy, we must exert every effort to keep down the costs of Government operation. We must be careful, however, in how we concern ourselves with economy where it relates to our national security, for it matters little if we save some money and, in the process, lose our country.

THE SON TAY RAID

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, December 10, 1970

Mr. THURMOND. Mr. President, much comment has been generated about the Son Tay raid, a topic which is still current. In my belief, the vast majority of the American people are deeply grateful that the administration had the courage to execute this raid, and I do not think that any one will hold the administration responsible for the fact that the prison camp was empty when the mission arrived.

In these thoughts, I am joined by one of the leading newspapers of South Carolina, The State newspaper, published in Columbia. In an excellent lead editorial of December 4, 1970, the State said:

> Most Americans will be prepared to excuse the Defense Department for having tried to free the prisoners at Sontay, even if the attempt failed. And when the Defense Department's critics become as alarmed about American prisoners as they are about the efforts to free them, perhaps significant world opinion can be aroused in their behalf.

Mr. President, I commend the editor of the State for this objective and careful analysis, and I include this editorial in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

REACTION TO RESCUE RAID SHOULD GRATIFY COMMUNISTS

So shocked was the querulous Senator Fulbright at news of the Sontay raid that he could scarcely credit his ears.

And *The Washington Post*, after deliberating overnight, concluded that the raid "can hardly enhance the prospects of a negotiated release" of the American prisoners of war.

Columnists Frank Mankiewicz and Tom Braden, with characteristic clarity, put the whole operation down as a callous political trick whereby the Nixon men hoped to lay up a few hardline Wallace votes for 1972.

It is depressing. It is more than depressing. Despite pious disclaimers, one senses instinctively that some of the critics—not all of them, but an appreciable number—privately would have felt betrayed had the operation succeeded. Their smug twaddle, tirelessly proclaimed, would have been abruptly cut off. It is suggestive that when the mission failed, they expressed no regrets. Their instant impulse was to gloat and, in some cases, to seek partisan advantage.

Well, then, what about the Sontay raid? This about it: the mission failed because the Communists, probably having been tipped off by one of their numerous agents in Saigon, moved the prisoners to a safer compound. Such miscalculations do occur, though the uncertainty of daring enterprises is better known to those who run the risks than to those who stand safely on the sidelines wringing immaculate hands.

This is not to say that the raid should never have been attempted. The Secretary of Defense had been informed by U.S. intelligence that at least six Americans recently had died in the hands of their captors. He felt that something had to be done besides talking about a "negotiated release." President Nixon offered the enemy a prisoner exchange two months ago, and nothing came of it. Secretary Laird, weighing one thing with another, decided it was time to act.

If the Defense Department is to be faulted, it is for failing to act soon enough. But acting at all in Vietnam—or at least acting so as to inconvenience the Communists—has become politically hazardous. And before condemning the Administration, its critics might examine the question of why this is so. They will discover, if they approach the question honestly, that it is so precisely because those who are grousing now about the Sontay mission groused in the past about bombing the enemy. They groused about refusing to negotiate, and about "collaborating" with a government in Saigon which, they never cease observing, falls short of that state of perfection demanded, as William F. Buckley Jr. once noted, by graduate students in political science at Harvard.

The fact remains that the enemy continues to hold an unspecified number of Americans prisoner. The enemy refuses to comply with the minimum requirements of the Geneva Convention on the treatment of prisoners. The enemy is known to have abused these Americans, to have tortured them, to have denied them medical treatment—in short, to have dealt with them in a cruel and barbarous fashion.

This being the case, most Americans will be prepared to excuse the Defense Department for having tried to free the prisoners at Sontay, even if the attempt failed. And when the Defense Department's critics become as alarmed about American prisoners as they are about the efforts to free them, perhaps significant world opinion can be aroused in their behalf.

BANNED IN RUSSIA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. MIKVA. Mr. Speaker, as some of the fainthearted in our country set about to make sure that our writers, lecturers, and artists are pristine pure before they may be allowed to write or lecture or speak, it is significant how much these fainthearted have in common with those in the Soviet Union who also worry about the dissenters in their midst, particularly among their writers.

Arthur Miller, a distinguished American playright who has frequently found himself blacklisted and condemned by some of the zealots in this country, now finds himself blacklisted in the Soviet Union. His offense is that he sided with some of the dissenters within Russia. Presumably now our own blacklisters will add to their list anyone who sides with the banished in this country. And so the ugly circle is complete.

The action against Mr. Miller and his comments is particularly timely since one of our own committees seems so determined to set up a new list which includes some writers and others who are not favored by the committee. While Mr. Miller does not make the current list, he has made past lists of the House Un-American Activities Committee. Is not the irony of the similarity of methods of blacklisting enough to cause us to end the practice?

Mr. Miller's comments "Banned in Russia," as they appeared in the December 10 New York Times, follow:

BANNED IN RUSSIA

(By Arthur Miller)

One day the Soviet cellist, Mtislav Rostropovich, gallantly declares that he will continue to stand by his old friend, Aleksandr Solzhenitzyn: a few days later Solzhenitzyn writes Stockholm that he dares not come out to receive his Nobel Prize today lest he be prohibited from re-entering his own country.

If it is possible to be shocked without being surprised, that is what I was. For I could not forget that Solzhenitzyn's works have never brought charges against the current regime but only against that of Stalin. Yet, with all my sympathy for Solzhenitzyn he was, after all, far away. Then I read the dispatch from Moscow reporting that all my plays are banned henceforth from the stages of the Soviet Union, and a television production of "The Price" canceled. In an instant the world shrinks to a room.

If Solzhenitzyn had confined his attacks to Stalin, my plays had not even dealt with Soviet problems. In fact, some have been popular in the Soviet Union through all kinds of political weather for twenty years. To what do they owe their sudden noxiousness? Ironic parallels sprung across my mind—once blacklisted in my own country I was now blacklisted in Russia. Comrades, shake hands with the House Committee on Un-American Activities.

This ban on my work was explained as part of a new campaign to liquidate ideological slackness and stop the infiltration of liberal ideas into literary and scientific thinking.

I assume that the diktat against my works stemmed from official displeasure with a preface I wrote for "In Russia," a book of photographs by my wife, Inge Morath. The preface was attacked a few months ago as anti-Soviet. What strikes me is that neither the attack nor the ban on my plays was necessary. They need merely have ceased producing my work, and since "In Russia" has been published in the Soviet Union what led them to bother reviewing it.

The answer, I am afraid, is that they have chosen to use me to warn the others. I never joined in the popular anti-Soviet crusade of the Fifties; I opposed the Vietnam war from the outset, and said so; as President of International P.E.N., I led its campaign to establish P.E.N. Centers in the Soviet Union (an effort which failed in the final analysis because the Soviet Writers Union could not accept the P.E.N. Constitution which pledges its members to fight censorship). But on the whole I was at least not an enemy, despite such "failings" as protesting against their treatment of Jews, and writing to the Government to ease the treatment of Sinyavsky, Daniel and Solzhenitzyn.

As for "In Russia"—it rejects certain Soviet fundamentals—but also gives plenty of credit for positive accomplishments. Indeed, a great many people have said it made them want to visit the Soviet Union for the first time.

I can only think about that what has brought down this total ban is a decision to clap the door shut on everything that has happened since Khrushchev first came to power. There is to be no more "liberalism." Once again they are saying to writers, you are either with us or against us. The role of the writer reverts to that of publicist for the party.

Personally, I am of little significance in this except as a token demonstration to show how far they are prepared to go, and if this brings down the ridicule and new hostility from Western intellectuals, the internal dividends are apparently weightier in the Soviet scales in terms of subversion and order. Moreover, the new "revolutionary" attitude of militance may find favor in the Third World and among the revolutionary youth who have scoffed at the Soviet Union as another version of the conservative establishment.

This ban is an extreme act. The wind is rising. And light and breezy edge of it that has brushed my sleeve reminds me again of what a spirit lives in Aleksandr Solhenitzyn who has pitted his very existence against its force. One can only marvel at such a man. But he is not alone. If he were they would not be sending out the dogs to bring him down. They are disgracing Russia, just as our witch-hunters disgraced us and are again fingering the tools of repression. The tragedy evidently, is fated to continue long after its lessons should have been learned.

A SALUTE TO BOYD CRAWFORD

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. DORN. Mr. Speaker, I am pleased to salute Boyd Crawford for his splendid 31 years of service to the Congress and to the Committee on Foreign Affairs. His period of service encompasses a time of drastic change in this Nation's relationship to the rest of the world, yet Boyd Crawford has grown on this demanding job, and many of the great successes of American foreign policy bear his imprint. The general membership of the House, in addition to the members of the Foreign Affairs Committee, have come to respect his outstanding record of accomplishment and service on the committee staff. I first became well acquainted with Boyd when he served under my distinguished colleague from South Carolina, Dick Richards. Mr. Richards always speaks of his admiration, respect, and high esteem for Boyd

Crawford. Dr. MORGAN, the present chairman of this great committee, likewise recognizes Mr. Crawford as a dedicated, devoted, and great American. He has worked without regard to political party, and has served committee chairman of both parties. He is a creative thinker as well as an efficient administrator of the committee staff work and he will be missed by all Members of the House. Mrs. Dorn joins me in wishing Boyd Crawford continued success and happiness as he leaves the service of the Congress and the Foreign Affairs Committee.

ENVIABLE RECORD COMPILED BY HONOLULU REDEVELOPMENT AUTHORITY OVER THE PAST 20 YEARS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. MATSUNAGA. Mr. Speaker, to some, the phrase "urban renewal" conjures up a vision of a blind bulldozer clearing land where poor people lived so that giant commercial developments can be erected.

Wherever that vision might relate to reality, if at all, it most certainly has no relevance in Honolulu. The Honolulu Redevelopment Authority—HRA—has proved time and time again that enlightened urban development can make our city more enjoyable and more livable, as well as healthier economically.

In the 20 years since its establishment, HRA has undertaken projects with a total cost of over $112,500,000. Over 7 million square feet of land for renewal purposes have been acquired, improved, and resold by HRA. At the same time thousands of families and individuals, and hundreds of businesses, were aided in relocating.

HRA has completed and fully closed out three urban renewal projects. One of their renewal programs, the Kapahulu rehabilitation project, is often cited as a standard which other local agencies are invited to emulate by the Department of Housing and Urban Development.

All of these fine achievements have come about largely as a result of the dedication and resourcefulness of the people who make up HRA, men like its chairman, Joseph Lunasco; its vice chairman, Sherman N. Dofsett; its secretary, Sunao Miyabara, its other members, Hung Leong Ching and John H. Felix; and its manager, Melvin Y. Shinn.

On the occasion of its 20th anniversary in October 1970, HRA compiled a synopsis of its own activities, which constitutes, by a simple recounting of facts, a tribute more eloquent than any I could conceive. So that my colleagues and other readers of the RECORD might appreciate the accomplishments of this outstanding organization, I include at this point in the RECORD the HRA synopsis of activities:

BETTER LIVING IN A BETTER NEIGHBORHOOD THROUGH URBAN RENEWAL UNDER THE HONOLULU REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF HONOLULU, HAWAII, 1950–1970

INTRODUCTION

The Honolulu Redevelopment Agency has been actively functioning in its capacity of implementing the urban renewal program of the City and County of Honolulu since it was established in 1949. The existing projects in execution and the projects in planning are calculated to implement the overall goals and objectives of the Agency.

GOALS AND OBJECTIVES

The goals and objectives of the Honolulu Redevelopment Agency are consistent with Federal aims and local community needs.

The overall goals and objectives of the Honolulu Redevelopment Agency on which its long-range program is based are the following:

(a) The elimination of urban blight where it exists, and the prevention of its further spread, by a selective use of both redevelopment and rehabilitation programs.

(b) The provision of diverse choice of housing for all income groups, with initial concern for those lower income groups not presently served by the normal housing market. Particular responsibility is assumed by HRA for relocating those persons displaced by the redevelopment process.

(c) The improvement and modernization of commercial areas where betterment has not come about through the efforts of individual owners.

(d) Assistance in development of the cultural life of the community by including cultural facilities in redevelopment project plans.

In the years ahead, these goals and objectives will determine the Agency's overall policy, its major programs, and its individual projects, as well.

The Federal Department of Housing and Urban Development (HUD) has clearly stated certain *National Goals* to be attained in the urban renewal, which will be prime factors in establishing project priorities. Summarized, these National Goals are:

1. *Expansion of housing supply for low- and moderate-income groups.* This applies both to conserving and increasing such housing supply.

2. *Development of areas of employment opportunity.* This applies to development of centers of employment opportunity for jobless, underemployed, and low-income persons through commercial or industrial redevelopment.

3. *Renewal of areas with critical and urgent need.* Priority is given to areas of physical decay, high tension and great social need, where all available resources are to be used to improve conditions.

In addition, HUD has emphasized the need for *balanced programs:* e.g., programs directed toward eliminating blight and providing housing for all income levels, upgrading and modernizing commercial areas and providing for the civic and cultural life of the community.

Finally, HUD has pointed to the need for *full employment of every urban renewal dollar*, and evaluation of the responsible use being made of grant funds already committed.

The Honolulu Redevelopment Agency, in its present and its projected programs, such as the Model Cities program considers these National Goals, locally applied, to be a part of its own Goals and Objectives.

IMPLEMENTATION OF THE GOALS AND OBJECTIVES

1. The objective of prevention and elimination of urban blight is implemented through two different types of program:

a. *Rehabilitation and Conservation*—to eliminate and prevent deterioration within an area which is not yet beyond reclamation through: removing only those structures which cannot be salvaged; reorganizing and expanding the public facilities to provide the framework for a sound neighborhood; rehabilitating private property—that is, remodeling and renovating those existing structures which do not conform to standards prescribed for the area; and maintaining all property in accordance with those standards.

b. *Clearance and Redevelopment*—the program of redevelopment involves: the acquisition of all or most of the land within a designated area by a local public agency through purchase or condemnation; the demolition of structures on that land; the relocation of displaced persons and businesses; and the eventual conveyance of the cleared parcel to a private entrepreneur, who is obligated to redevelop it in accordance with a municipally approved plan.

2. The objective of providing housing to serve the needs of all income groups is implemented through the following programs:

a. *Clearance and Redevelopment*—where parcels of land are developed for multi-family uses to meet low-, moderate- and high-income groups.

b. *Conservation and Rehabilitation*—preserve and upgrade existing housing stock and eliminate environmental conditions causing blight.

c. *Auxiliary Redevelopment Housing Program*—where vacant land is acquired for relocation of displaced persons caused by public improvements.

d. *Relocation Program*—where displacees are assisted in housing needs through referrals to public and private housing supplies.

3. The objective to improve blighted area's socio-cultural, commercial and employment opportunities is all inextricably conjoined with the programs as stated above. The proper mix and arrangement of various land uses are essential to maintain the organic balance of a community.

Specific objective (projects)

1. Rehabilitation and Conservation—Kapahulu General Neighborhood Renewal Area:
a. Paki Project.
b. Hinano Project.
c. Hoolulu Project.
d. Olu-Kikeke Project.
2. Clearance and Redevelopment:
a. Kukui Project.
b. Kauluwela Project.
c. Chinatown GNR Area, Pauahi Project.
3. Auxiliary Redevelopment Housing: Halawa Makalapa Manor by HCHA.
4. Although Model City areas offer potential for projcets, the type of treatments has not been determined a this time.

Projects Completed

A. Mayor John H. Wilson project in Kalihi Valley

Federally assisted clearance-redevelopment project 29.7 acres.

This blighted residential area, predominantly open in nature and used for hog and poultry raising and truck farming, was cleared and transformed into a modern, well-designed residential neighborhood of 162 single family dwellings, zoned Class A residential of 5,000 square foot minimum lot areas.

The project, the first undertaken by the LPA, won distinction as the first federally-guided renewal project to be completed in the Western Region of the United States, was one of the few to realize an immediate profit, and most important, served to emphasize both the need and the feasibility of revitalizing other decayed and blighted neighborhoods.

Project execution began December 1953, completed June 1959.

Gross cost—$1.2 million, net profit—$176.0 thousand.

B. Kokea auxiliary redevelopment project in Palama

Non-federally assisted relocation housing project for moderate-income families with occupancy priority to families displaced from urban renewal projects or from any other governmental actions—3.7 acres.

Area was developed into 144 housing units of one- to four-bedroom dwellings with local funds under Act 101 of the 1957 Legislature, which authorized the Agency to acquire "undeveloped vacant land" for development by private enterprise into predominantly residential uses to provide dwelling units for families displaced from areas acquired by governmental agencies for public uses, at rents such families can afford.

The first increment of the project consisted of 108 one- to four-bedroom, all-electric units and was completed in 1961. The second increment of 36 one- to two-bedroom units was completed a year later.

This type of project is an excellent example of what can be accomplished when government and private enterprise work in solving housing problems. Project was developed through cooperative efforts of the property owner, developer and the Agency.

Project execution began March 1959, completed June 1962.

Gross cost—$10.0 thousand to Agency for staff technical assistance.

C. Kalihi Triangle project in Kalihi Valley

Non-federally assisted clearance-redevelopment project, 8.5 acres.

This blighted area, adjacent to the Mayor John H. Wilson Project across the highway and consisting of similar blight and deterioration as the Wilson Project, was the first renewal project in the nation to be completed by means of private owner redevelopment and rehabilitation.

Twelve of the 15 property owners of 22 multi-sized lots initiated and organized a private development group, and placed their properties in common trust. Area was cleared and redevelopment under an improvement district program into 40 residential parcels of 5,000 square foot minimum lot areas.

Gross cost—$86.0 thousand, net cost—$16.0 thousand.

No cost to Agency except for staff technical assistance.

D. Queen Emma project in downtown Honolulu

Federally-assisted clearance-redevelopment project, 73.8 acres.

First major undertaking of clearance and redevelopment of a slum area, one of the pockets of overcrowded and unsafe buildings and tenement dwellings, located in Downtown Honolulu within a few minutes walk from the Central Business District. The area was redeveloped into a major residential, commercial and institutional complex.

Some of the outstanding developments are the $12.5 million Queen Emma Gardens of 587 apartments for middle-income families—(three high-rise buildings designed by the world famous architect, Minoru Yamasaki), Longs Drugs, Safeway Shopping Center, Harris Memorial Church, Hosoi Garden Mortuary, Kukui Mortuary, Borthwick Mortuary, See Dai Doo Society, Nuuanu YMCA, New Kamamalu Playground, and the Foster Gardens Extension.

Project execution began September 1958, completed June 1964.

Gross cost—$11.6 million, net cost—$4.0 million.

E. Aala Triangle project in downtown Honolulu

Another federally assisted clearance-redevelopment project in Downtown Honolulu urban renewal complex of five projects—4.1 acres.

One of the oldest and busiest slum sections in Downtown Honolulu, the project area was sold to the City and County Department of Parks and Recreation for development into a beautiful, open space park for use as a passive recreational facility, especially for the elderly.

Project execution began April 1962, completed December 1965.

Gross cost—$2.4 million, net cost—$2.0 million.

F. Kewalo-Lunalilo auxiliary redevelopment project in Makiki

Non-federally assisted relocation housing project, 0.6 acre.

This vacant area was acquired by the Agency and sold to a private developer for construction of 38 two-bedroom apartments for moderate-income families.

Project is the second of this type to be developed, the first being the Kokea Project.

Project execution began March 1963, completed April 1967.

Gross cost—$177.0 thousand, net cost—$79.0 thousand.

Projects in Execution

Projects in various stages of execution

A. Kukui project in downtown Honolulu

The third of five federally-assisted clearance-redevelopment projects in Downtown Honolulu, 75.0 acres.

Another pocket of overcrowded, unsafe buildings, dilapidated single dwellings and tenement-type dwellings, mostly two-story structures, is being developed into a neighborhood harmoniously blended with residential dwellings and commercial, cultural, institutional, playground and educational facilities.

Completed are the York Building—professional and business offices; Kamalii Park—open space; the Izumo Taishakyo—Shinto Shrine; and the Hawaiian Tuberculosis and Respiratory Disease Association Health Center building; and Kalanihuia—150-unit public housing for the elderly.

Construction has been completed on the 822-unit, $16.0 million Kukui Gardens moderate-income, multi-family housing. Full occupancy was attained in mid-November, 1970. The project received National recognition by winning a National AIA Award of Excellence in National competition in November, 1970.

Under consideration are the Ginza Plaza, a commercial shopping center complex with Oriental motif; the Cultural Plaza, a planned unit development including housing, institutions, schools, shopping center also with Oriental motif; and a low-rise commercial development.

Project execution began September 1960—to be completed December 1971.

Estimated gross cost—$27.4 million, estimated net cost—$17.2 million.

B. Kauluwela project in downtown Honolulu

The fourth of five federally-assisted clearance-redevelopment projects in the Downtown Honolulu urban renewal complex, this is another pocket of overcrowded, unsafe buildings, dilapidated single dwellings and tenement-type dwellings, mostly two-story wooden structures—29.9 acres.

The area is being developed into a planned neighborhood including multi-family apartments for the elderly and moderate-income "gap" group, a neighborhood shopping center, school, library, park and institutional facilities.

Completed in December 1966 is the Liliha Branch Library under the State Department of Education.

Now under construction are the Aloha United Fund Community Service Center scheduled for completion in January 1971, and the 126-unit high-rise cooperative housing to be completed in December 1970—the first in a series of high-rise and low-rise housing developments of 383 apartments for moderate-income families and the elderly under the sponsorship of the nonprofit Hawaii Council for Housing Action. Improvements to the Kauluwela School and Kauluwela Playground are also in progress.

Project execution began March 1966, to be completed December 1970.

Estimated gross cost—$7.6 million, estimated net cost—$5.8 million.

C. Paki project in Kapahulu

The first of four federally-assisted rehabilitation projects under the Kapahulu General Neighborhood Renewal Plan (GNRP)—43.3 acres.

The area is predominantly a neighborhood of neat, single family homes, and blighted only to the extent that rehabilitation treatment is required to restore the area to a sound, attractive and desirable neighborhood. As of August 31, 1970, of the 374 dwelling units in the project area, rehabilitation has been completed on 244 units, and another 100 on which rehabilitation has been started. Section 312 Loans and Grants, and Section 115 under the Housing Act of 1964, as amended, to 139 property owners thus far amount to $713,050 and $90,175 respectively.

Project execution began July 1966, to be completed January 1971.

Estimated gross cost—$4.5 million, estimated net cost—$4.0 million.

D. Hinano project in Kapahulu

The second of the four federally-assisted rehabilitation projects adjacent to the Paki Project under the Kapahulu GNRP with similar neighborhood characteristics as the Paki Project—107.5 acres.

As of August 31, 1970, of the 898 dwelling units in the project area, rehabilitation has been completed on 401 units and was started on another 273 units. Section 312 Loans and Grants and Section 115 grants under the Housing Act of 1964, as amended, to 259 property owners thus far amount to $1,395,350 and $118,435 respectively.

Project execution began July 1966, to be completed July 1971.

Estimated gross cost—$11.4 million, estimated net cost—$9.5 million.

E. Halawa auxiliary redevelopment project in Halawa

The third non-federally-assisted relocation housing project for moderate-income families with occupancy priority to families in Halawa displaced from the proposed Halawa Stadium, Federal highway, Hawaii Housing Authority, and others displaced by urban renewal projects or from any other governmental actions—8.5 acres. Project is similar to the Kokea and Kewalo-Lunalilo Projects.

Called "Makalapa Manor," the 122-unit cooperative townhouse development is being jointly sponsored by the Pearl Harbor Memorial Church, Hawaii Methodist Union, and the Bricklayers, Masons and Plasterers Local No. 1, AFL–CIO, on a nonprofit basis.

Project execution began March 1969. Groundbreaking ceremony was held on March 28, 1970. Construction completion schedule—June 30, 1971.

Estimated gross cost $1.3 million, estimated net cost—$926,000.

Projects in Planning

A. Hoolulu project in Kapahulu

The Hoolulu Project is the third of four federally-assisted rehabilitation projects under the Kapahulu GNRP. This project is generally bounded by Kapahulu Avenue, Olu Street, Alohea Avenue and the North Boundary of the Paki and Hinano Projects and contains an area of 126.9 acres.

The land use is predominantly residential with over 80 acres zoned for residential use and 13 acres zoned for business use.

The Part I Loan and Grant Application was submitted to HUD on August 11, 1970. The estimated net project cost is $21.05 million with a federal capital grant of $15.28 million. Project execution is expected to begin in May 1971 and completed in April 1977.

B. Chinatown GNRP in downtown Honolulu

Federally-assisted preparation of a General Neighborhood Renewal Plan covering the western portion of the Central Business District in Downtown Honolulu known as "Chinatown"—36.0 acres. The Chinatown GNR Area is divided into four projects—Pauahi, Nuuanu, Kekaulike and Maunakea Projects.

Situated next to the waterfront and pier areas, the area is one of the first sections of Honolulu to be completely developed and contains sufficient evidence of deterioration, obsolescence and environmental deficiencies including inharmonious mixture of commercial and residential uses, primarily retail and service oriented on the ground floor with apartments and rooming houses above and at the rear, small, irregular lot sizes, and narrow alleys, to warrant some type of improvement and rebuilding program. The area also includes ethnic groups, social organizations and Oriental shops that give the area an atmosphere of the Orient.

The goal of the renewal program is to improve the area where people may work and live in a neighborhood that boasts a clean, safe and healthy environment, provides decent, safe and sanitary housing for single individuals, elderly and moderate-income families, and preserves the atmosphere of the present Oriental neighborhood including the ethnic groups and social organizations and fish and meat markets, Oriental goods, stores, chop suey houses and restaurants, and other small shops and stores.

The Chinatown GNRP application was approved on June 30, 1970. The preparation of the GNRP is expected to be completed in June 1972. The estimated net cost of renewal in the Chinatown GNR Area is $62.5 million.

C. Pauahi project in Chinatown

The Pauahi Project is the first of four projects in the implementation of urban renewal in the Chinatown GNR Area.

The Pauahi Project consists of two blocks situated on the North corner of the Chinatown GNR Area, is bounded by Beretania, Maunakea, Hotel and River Streets and contains an area of 6.3 acres.

The general characteristics of the project area are similar to the general characteristics of the entire Chinatown GNR Area. The project area contains physical deterioration, obsolescence and environmental deficiencies to a degree to warrant urban renewal.

The Pauahi Project Survey and Planning Application was approved on June 30, 1970 with project execution expected to begin in September 1972. The estimated net project cost is $11.52 million and the Federal capital grant is $8.27 million.

Projects in preplanning

A. Olu-Kikeke project in Kapahulu

The fourth and last increment of the federally-assisted rehabilitation projects under the Kapahulu GNRP—126.9 acres.

Survey and planning Application, submitted to HUD in July 1968 is still pending with HUD in Washington, D.C.

Estimated gross cost—$14.8 million, estimated net cost—$12.8 million.

B. Koko Drive auxiliary redevelopment project

The fourth non-federally-assisted relocation housing project for moderate-income families similar to the Kokea, Kewalo-Lunalilo, and Halawa Projects—27.9 acres.

Of the 27.9 acres, the proposed plan is to develop 19.7 acres for 200 apartment dwellings and 8.2 acres for a neighborhood playground under the City's Department of Parks and Recreation.

Gross estimated cost is $459,300 to the Agency plus cost of construction to the developer.

C. Model cities program

Agency is participating in the Model Cities Program and will in due time be the operating agency for urban renewal in the Kalihi-Palama (2,000 acres) and the Waianae (36,800 acres) Model Neighborhood Areas.

WHY A RECESSION WITH INFLATION?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. WALDIE. Mr. Speaker, most of us would agree that the present condition of the Nation's economy is not one to be further desired. Yet complain as we will, we seldom take the time to initiate a careful analysis of the problem. Such is not the case with Mr. Cyril Bell of Walnut Creek, Calif. Mr. Bell has a background in British economics, and as someone looking in from the outside, is perhaps better able to attain a general overview of the problems of our economy. He has come up with the interesting observation that the United States' economy is currently in the midst of an unusual situation; concurrent recession and inflation.

Mr. Bell's appraisal of the problems of the Nation's economy is most interesting. I would call the attention of my colleagues to his thoughtful analysis:

WALNUT CREEK, CALIF.,
August 21, 1970.

The Honorable JEROME R. WALDIE,
House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: Thank you for your letter of July 17, 1970. It was a pleasant surprise. I consider it an honor that you have asked me for my comments on the decline in the state of the nation's economy and to make recommendations for immediate steps to assist the real estate and home building industry.

In order that you might more easily assess the contents of this letter you should know something of my background. I was brought up in a conservative home, educated at an English public school, worked for the Conservative Party in England and had several years serving in Asia as an officer in the Indian Army and then in a British colonial bank. I have seen abject poverty and starvation first hand and thus learned to feel for the underdog. I have also seen that colonial capitalism has done little or nothing to destroy poverty in Asia and so has earned little support from Asians. In American terminology I am therefore a liberal.

The more I applied myself to the economic problems of America the more I realized how complex they were. Then a problem faced me. Did I have time to write both a letter to my congressman at his level of intelligence and understanding and at the same time write an article for the average American—the Voter. I decided No. But if I wrote for the average level of intelligence and understanding you would understand it. I hoped that in writing it for the Voter, you would agree this was the best course. The result therefore is a combination of letter-article which I call *The U.S.A.'s War Economy—August 1970.*

THE USA'S WAR ECONOMY—AUGUST 1970

The problem Stated—Inflation and Recession

Whatever economic experiences this country has faced in the past, none measure up to the complexities of the present combination of both inflation and recession.

The very steps which are taken to halt inflation—a severe curbing of the monetary supply with consequent increase in interest rates, combined with government steps to withdraw money from circulation by increasing taxes, and also by restricting and cutting back government expenditures—are the very steps which bring on a recession.

So the usual monetary and fiscal policies used to fight inflation are the very ones which start and perpetuate a recession.

On the other hand, those monetary steps which are taken to lift the economy out of a recession—expansion of the money supply with consequent lowering of interest rates, and the fiscal steps of lowering taxes combined with expanding all government expenditures—are the very steps which can fuel inflation.

Therefore, in order to stop inflation under the present ground rules, monetary and fiscal steps must be taken which bring on and sustain a recession. On the other hand, in order to avoid a recession we have to take steps which fuel inflation.

It appears than that under the present ground rules using only monetary and fiscal tools we must have either of the economic evils—inflation or recession—or have both, which we have now.

We are therefore faced with an incontroversial fact which is the base for my future reasoning. This fact is that we are faced with a unique economic problem which obviously canont be solved within "outdated ground rules" using only monetary and fiscal tools. This unique problem can only be solved satisfactorily and quickly by searching further afield for solutions.

Before I discuss these solutions, it is necessary to turn to the causes of this inflation-recession problem.

An Analysis of the Present Inflation

The old adage, that too much money chasing too few goods produces inflation, is generally accepted. The stream of money which exceeds the stream of marketable goods usually produces increased prices.

However, if the stream of money and goods is about the same and if either public or private investment increases both the stream of money (which investment invariably does) and also the stream of goods marketable within the same economic sphere, then inflation need not be serious. This happened in the United States in the Kennedy years and the early Johnson administration.

After Johnson expanded the Vietnam War, much of the Federal Government's expanded investment produced "non-marketable goods." This huge investment in war goods increased the money stream without correspondingly increasing the marketable goods stream.

These goods being non-marketable are what I like to think of as "inflationary goods". The wages and salaries made out of the production of these "inflationary goods," flows into the money stream but the goods themselves, being non-purchasable, cannot absorb any of that money stream. Therefore the money made out of the production of these "inflationary goods" is "excess money" flowing in the money stream and available for chasing marketable goods.

With our desire to combat communism, we have to fight it either on a defensive basis with the threat and use of our armaments or go into the attack on communism's only base—poverty. (This is discussed in greater detail below.) Both call for huge investments which will throw off "excess money."

With armaments the goods produced are strictly non-marketable anywhere, while in a worldwide crusade against poverty the goods produced will be non-marketable in the United States of America. In both cases the wages and salaries paid in the production of armaments and anti-poverty goods are "excess-money" in the U.S.A. money stream.

A third source of "excess money" which helps cause inflation comes from wage increases exceeding productivity. That part of the wage increase which exceeds productivity is "excess money" in the money stream because there are no goods in the marketable goods stream to absorb it.

In order to help others see the above reasoning more clearly I have drawn some simple diagrams to illustrate these basic causes of inflation (Appendix A).

There are therefore at least 3 types of "excess-money" in the money stream.

First, money (wages and salaries) made from the production of non-marketable war and space goods (Diagram 1)

Secondly, money paid out in wages and salaries for producing goods which never reach the U.S. market and therefore are not in the U.S. marketable goods stream. These goods are in effect bought with Federal Government Aid money and given to developing countries. They have the same effect on inflation in the United States as armaments. (Diagram 1)

Thirdly, money pumped into the money stream from wages increases which exceed productivity. (Diagram 2)

Another important cause for inflation is the almost unnoticed but considerable erosion of the market in a supposedly free economy.

Our economy is supposedly free because the government has not interfered with it unduly. But, and it is a big BUT, our economy is *not* free because of the huge size of both corporations and unions. What is happening is that our vast corporations pressured by equally big unions, grant excessive wage raises and then pass on the cost of these extra wages, etc. in increased prices. Unfortunately in many U.S. industries the competition of a free market is a thing of the past. It will never return. Consequently, the downward pressure on prices provided by genuine competition has gone forever. In this climate prices rise to new highs every year as arranged between management and labor. This fixing of prices or wage-price spiral is commonplace where demand is strong and our economy is growing with high employment. It is also possible in some industries during a recession. It will be interesting to see how much of the recent Chicago teamsters' 13% increase a year for 3 years—making a 39% total increase—will be absorbed by the companies concerned!

We have had since 1965, when the Johnson administration expanded the Vietnam war, a large increase of "excess money" in the money stream due mostly to the big expansion of non-marketable war and space goods. This I believe to be the major cause for the present inflation. The other reasons for inflation given above have also had their influence. The second most important cause of inflation and one which realists must concede is here to stay, is the incessant wage-price spiral. This is inherent in the vastness of American corporations and unions with the consequent irreversible erosion of the free market.

Why a recession with inflation?

The present recession was planned, originated and sustained by the Nixon administration, as its major effort to containing inflation.

With its out-dated economic approach—overlooking both the erosion of the market and the vast amount of non-marketable goods in the goods stream—the Nixon administration resorted to outdated ground rules of monetary and fiscal policies.

Nixon's recession measures on the *monetary* front called for and got from the Federal Reserve Board a reduction in the expansion of money. This monetary step brought on in 1969 a 30% increase in the cost of mortgages—from 6½% p.a. interest to 8½% and more. This served to curtail Real Estate business and severely restricted home building. Unemployment and underemployment was not restricted to Real Estate and Building. Tight money has reduced purchasing power throughout the nation, as was planned, resulting in less sales of marketable goods. Workers in sales, distribution and production of these marketable goods have thus found themselves on unemployment insurance and lately on welfare.

Nixon's recession measures on the *Fiscal* front included the repeal of investment tax credits, thus reducing the initiative of producers of marketable goods to increase production of such goods. This step further increased unemployment.

At the same time, in response to criticism of too high military expenditures, the Nixon administration—instead of controlling military contracts and "over-runs" with industrialists—threw tens of thousands of soldiers on a sagging employment market.

Therefore it is obvious having taken monetary and fiscal steps to bring on a recession and added soldiers to the sagging employment market, the Nixon administration has planned, originated and sustained the present recession.

In these circumstances it was expected by the government and hoped for by the people that inflation would be reduced to a very small monthly increase. This has not been so.

I think most of the reasons for the strong inflationary pressures still continuing in spite of the recession are to be found in the preceding section.

First, the Nixon administration has reduced the money flow from those engaged in producing marketable goods but it has also reduced the marketable goods flow. This reduction of *both* cash flow and marketable goods flow has about balanced itself out. It has therefore not reduced to any significant degree the pressure of cash flow against marketable goods flow which has been one cause for inflation.

Secondly, those producing non-marketable goods—war and space goods—are still mostly employed. With strong unions back of them their incomes are sustaining a strong cash flow without producing marketable goods to absorb that cash flow. As noted above, this is inflationary on its own. But when it is taken in conjunction with a reduced marketable goods flow it provides a stronger inflationary pressure than it had exerted before!

Thirdly, the cash flow of the soldiers who have been discharged, was mainly not spent in the United States but in Asia. Therefore the reduction of cash flow here has not reduced the pressure on the marketable goods flow in the United States economy.

Fourthly and fifthly, the inflationary pressures of wage increases exceeding productivity and corporation-union arbitrary (non-market) increasing of prices has been permitted to go unheeded.

For these reasons above inflationary pressures have continued in spite of Nixon's planned recession.

In a recent article in *The Christian Science Monitor* by Philip W. McKinsey entitled "Economic gears shifted—U.S. pushes monetary expansion" the writer while mentioning the administration's sustained recession, describes the proposed change from recession to expansion. However, the Federal Reserve Board under the chairmanship now of Mr. Arthur F. Burns does not seem anxious for a quick monetary expansion. Although Mr. Burns was quoted as saying ". . . further declines in employment must be halted soon if we are to avoid a significant deterioration of business and consumer attitudes," he nevertheless seems concerned that a significant expansion of money will only fuel a new burst of inflation. It appears that the chairman of the Federal Reserve Board, which I understand is not technically subject to the President's wishes, is concerned with the Nixon's administration's economic policies. These policies appear to be that of planned recession to curb inflation, followed by a planned expansion to reduce unemployment, then another planned recession to avoid inflation. This I think of as "Nixon's planned economic see-saw"!

Because it is so new, I leave until last Nixon's "inflation alert." This timid approach of the federal government to fighting a strong, sustained inflation is merely playing with the problem. It is too early to be sure it will not work over say two or three years. But it has certainly failed to bring an immediate halt to inflation, which the nation wants now. Those of us in the Real Estate and Building industries especially deserve better from our government. We have waited a long time for a significant expansion of money, thus reducing interest rates—at least a little—and encouraging purchases of homes. No effective stimulant to the economy is possible without a significant expansion of money and this is not possible without strong and firm control of inflation. This firm control of inflation Nixon appears to be psychologically and politically unable to provide.

We are therefore left after 18 months of the Nixon Administration with the phenomena of inflation combined with a recession—a recession planned, originated and sustained by President Richard M. Nixon's administration. This unique problem of inflation-recession is ample proof that outdated conservative economic policies are just not good enough for America today!

Will inflationary pressures ease in the 1970's?

As political realists I think it is evident to us that a very large percentage of the nation's budget in the 1970's is going to be spent on armaments and space materials. (i.e. non-marketable goods).

The alternative way of fighting communism (by attacking worldwide poverty) to which we may move gradually in the 1970's will also mean the production of non-marketable goods in considerable quantities.

We must therefore admit—and this is a crucial factor in my reasoning—that we have presently a war economy—in that a vast amount of our goods produced are non-marketable—and that for the 70's this war economy will continue. The only change is likely to be in quality of production—from swords to plowshares—and not in quantity.

With a vast amount of non-marketable goods being produced in the United States of America in the 70's and the certainty we will not return to a free market in our large wage-price setting industries but will retain our corporation-union arbitrary market, there can be no doubt strong inflationary pressures will be here indefinitely.

A Suggested Plan for the Economy

The first point to note is that economic planning is here to stay because economic conditions—not political philosophies—demand it.

The crux of our economic problems lies, not in recession, because we can plan our way in or out of recessions, but with combining a controlled inflation (say 2% p.a.) with steady economic growth and full employment. If one is more concerned with national productivity rather than with the individual, we would replace the words "full employment" with "near 100% national productivity."

We know how to have steady economic growth with full employment but the problem is to get both of these with a controlled inflation.

It is evident from what I have said before that the usual monetary and fiscal policies cannot reduce the required result—the economic trip—controlled inflation, economic growth and full employment.

There can be no doubt that the usual disinflationary monetary and fiscal policies reduce both economic growth and employment while doing little about controlling inflation.

This then is a fact which must be acknowledged if my suggestions are to have acceptance.

Because the curbing of strong sustained inflation is the key to our other economic problems we must take equally strong and determined steps to control inflation firmly—pin it down with certainty!

Nixon's half-hearted, too late, flabby approach to inflation—his inflation alert—is only worthy of the uncertain, the unknowledgeable and the timid stranger to economics.

It is too late now for President John F. Kennedy's jaw boning which he used to good effect on industry. The horse is out of the stable and to close the door now would be laughable. The determined strong leader, the man who can lead—and not merely follow the polls in Nixon style—demands action which he knows will be effective and effective quickly.

Nothing less than wage and price controls imposed on a minority of the people, in order to provide freedom from excessive inflation for all Americans is required now. This choice of priorities has been necessary since the beginning of 1970.

The philosophical aspects of this effective clamp on inflation is discussed in the next section of this letter.

With inflation securely clamped down to 2% p.a. or on the average about 0.17% a month and *not* before, other effective steps can be taken—this time to ensure economic growth and full employment.

First the *Monetary* supply can be increased as soon as wage and price controls become effective. This increase of money supply by the Federal Reserve Board should go as high as is consistent with getting the country back to full employment as soon as possible.

This easing of *Monetary* policy should reduce interest rates and encourage a healthy optimistic public attitude towards the country's economic future. This would be in sharp contrast to the article written in *The Christian Science Monitor* August 17, 1970, by David R. Francis. It was headed "Inflation still called Key Factor—Observers label U.S. business outlook gloomy." This is a most unusual heading for the Monitor which rarely leaves the middle of the road and tries to take the optimistic view.

While the easing of monetary policy in general will have a beneficial effect on Real Estate and Building, more is required to solve the problem in this area.

I do not believe mortgage interest rates will drop by 30% to their 1967/68 levels even if monetary expansion was increased from the present 4% to 10% per annum. Banks and other financial institutions also, like big industry and unions, have watered down the effectiveness of the so-called free market. Therefore taking a practical view—rather than the classical theoretical view—of the money market, I am sure further federal government action is necessary.

This action should *not* be directed at interest rates which should be allowed to move as freely as possible.

Both the building industry and the general public—especially the young marrieds—will be immediately helped by the reduction of monthly payments under F.H.A. and G.I. loans. These monthly payments are out of reach of far too many of the public.

The Federal government should therefore arrange for a considerable extension of the repayment period for F.H.A. and G.I. loans and also extend these loans to second homes. The second homes market is a big one and could provide considerable employment if helped by F.H.A. and G.I. loans.

This action will give an immediate boost to the building trade and all associated businesses. The Real Estate profession will also be considerably helped by these steps. So much for the immediate action on the Monetary front.

The first *Fiscal* step taken should be to reinstate investment tax credits for all companies producing marketable goods. This is what is badly required—marketable goods to absorb the fresh money flowing into the pockets of builders, realtors and hopefully many other workers.

The Nixon administration prodded by its White House liberal in residence, Professor Patrick Moynihan, has introduced for the first time in American history the guaranteed income. This in principle is good, but the amounts in question are pathetically small. Whatever the figure, it will be introduced directly into the money stream and therefore require compensating marketable goods in the goods stream.

Because more marketable goods are now and will be constantly required, it is necessary to switch workers (whose wages swell the money stream) from producing nonmarketable goods such as war, space and national prestige goods like the SST, to producing marketable goods with a ready market now. In order to be just to our soldiers in particular and to our workers in war and space industries we should ensure they are not fired until other jobs in the marketable goods industries open up. For this reason investment tax credits may have to be higher than before and other steps might have to be taken by the federal government to invite management ability and investment into producing marketable goods.

Having got the national economy moving again, we must be prepared to hit inflation *immediately* should it show *any* signs of getting out of hand.

We must be prepared to impose again the income tax surcharge for required periods.

In order to bring home to the public that we live in a war economy and will continue to do so for the indefinite future, we should be prepared to issue Special War Bonds. But these special war bonds must be *special* and takes into consideration the underlying American ethic of good business. Every voter eligible to vote in federal elections should be permitted to buy a limited amount of these Special War Bonds. The bonds should be of varying due dates—1 month, 3 months, 6 months, 9 months and 12 months with increasing interest rates as the period of investment increases. No voter should be allowed to hold at any one time more than, say, $100 of these Special War Bonds which would pay *interest at 2% above* the going rate.

The general public would have, first, pride in owning Special War Bonds, and secondly, it would be good business for the public to own them because of the extra return on their savings and the flexibility of varying due dates. The government with its eye on inflation can use these Special War Bonds as a sponge to absorb the excess money in the money stream. The government can at short notice increase or decrease the amount each voter may hold of these Special War Bonds. It might within one year change the limit from say $100 to $500 or $1,000 per individual voter—depending on inflationary pressures. Special incentives could be made to encourage wage and salaried personnel to make monthly purchases of special war bonds through payroll deductions. As an income tax consultant I think this would be one of the simplest and surest ways for the federal government to float these bonds.

This idea of Special War Bonds would provide an inflation conscious federal government with a strong, flexible tool—one of many, but much more flexible than most—to retain a firm grip on inflation.

In conclusion on this plan for the economy we should balance our federal budget.

One U.S. senator reported recently that *annually $43 billion was lost to the Federal government due to tax loopholes*. A Presidential Commission is *long overdue* to report on all tax loopholes and how they effect the economy. Some may be useful in our planned economy for producing results beneficial to all Americans. Some may be useful under certain economic conditions. But others may well be excess loot, unearned and undeserved by those benefitting and therefore unworthy of modern America. It is fair and also patriotic that corporations which have, are, and will especially benefit from our continuing war economy should be required to pay an excess profits tax. There can be no doubt that there are more than enough funds in private and corporate hands to ensure adequate private investment and balanced federal budgets.

As you notice I finish this section with another blow at inflation which should, can, and *must be kept within the 2% per annum limit*. As the previous section showed, the inflationary pressures of our continuing war economy will be with us in the 1970's but we must firmly control inflation. Nothing else is good enough for America.

Philosophical notes: Why not admit our correct economic identity

The confusion caused by the different images which emerge with the use of the words Communism, Socialism and Capitalism is unfortunate. But it is more than unfortunate because these varying images cause deep misunderstandings and are used by some politicians deceitfully.

It is so easy to call something Socialism and therefore verging on Communism. When Vice-President Agnew refers to the Democrats' desire for social justice as Socialism destroying our free economy, we have a thorough distortion of the facts.

I cannot go into details on this subject but I wish to make some points clear.

The Capitalist's role in life is *solely* to increase the capital of the country. The Socialist's role is to ensure that distribution of this capital is equitable—not equal—and thus provide a strong consistent purchasing power. The Socialist is as necessary to the welfare of the Capitalist and the country as the wife is necessary to the welfare of her husband and family.

We must ask ourselves this: How strong would the Capitalist be who had produced goods for poverty-stricken people who had no money to buy those goods? The fact is the Capitalist relies on, in fact is dependent on, the Socialist to provide the purchasing power which gives the Capitalist his profit. The false assumption that the Capitalist helps to distribute the wealth (which is patent nonsense) is the greatest falsehood of the twentieth century.

The fact is *the viability of this great country's economy is as dependent on Socialism as it is on Capitalism*.

In fact the accurate economic identity of the United States of America today is that of a Capital-Socialist country.

As further proof of this statement it is only necessary to point out that democratic Socialists—that is, Socialists who believe in a two or multiple party system—have called for economic planning for decades. They have pragmatically realized that the never ending war economies and the ever increasing size of corporations and unions, have effectively distorted the free economy of the 1970s and earlier. In such circumstances economic planning was necessary for the good of the majority of Americans.

Ever since the President of the United States of America has had a Council of Economic Advisors this country has had some kind—often very ineffective—of economic planning. We have had, for over a decade in America, Socialistic economic planning. To pretend otherwise is as sensible as the ostrich pretending it cannot be seen by burying its head in the sand.

It is surely time for America to have the wisdom and fortitude to admit that it is a Capital-Socialist state.

We certainly have in President Richard M. Nixon, who is the first president of the United States of America to plan, originate and sustain an economic recession, a Socialist President. He is naturally a strong believer in Capitalism too, and so a correct description of President Nixon is a Capital-Socialist—President of the United States of America!

As a loyal member of the Nixon administration Vice-President Agnew is also a Capital-Socialist!

The sooner the United States wakes up to its accurate economic identity and admits it, the sooner will its leaders take the right economic course.

Nixon recently stated he did not intend going down the road of wage end price controls. He left unsaid of course "the road to Socialism." He did not realize that Socialism is not at the end of a road but right in his Council of Economic Advisors' planning and in his own economic planning.

In a United States of America whose President admitted his true economic identity—that of a Capital Socialist—no one would dream of advising economic planning which threw hundreds of thousands out of work and did little to free all Americans from spiraling inflation in preference to restricting the economic freedom of those who can best afford it and ensure inflation was curbed. Both actions are Socialistic economic planning. To presume that planning an economic recession as Nixon has done is Capitalist purism is sheer nonsense.

Nixon is as much a Capital-Socialist for having planned an economic recession as he would be if he took effective action against inflation by instituting wage and price controls.

It does not matter what their original philosophies were or are in theory, economics makes all pragmatic government leaders either Capital-Socialists, or, if people mean more to them than capital, then they are Social-Capitalists.

Finally I freely admit that both these categories wish for both economic and political freedom for those they govern. How much they are prepared to work for economic freedom is a measure of their liberalism because the increase in economic freedom need not in any way restrict political freedom. What is traded is a small part of the economic freedom of a few for an increase in the economic freedom of the majority—or—in the case of curbing inflation—the economic freedom of all Americans.

Surely it is time for America and Americans to admit their correct economic identity. All Americans who are not extremists are either Capital-Socialists or Social-Capitalists.

The only way to eliminate communism

In April, 1970 the AVCO Corporation in a full page ad in the San Francisco Chronicle stated "If you have something important to tell America, we'll put you on national television to say it." In today's San Francisco Chronicle (August 21, 1970) on page 10 they have another ad on the same subject.

I wrote to AVCO on April 28, 1970, and only received a printed non-commital reply. I am sure that what I wrote them is the only answer to Communism and therefore will quote from that letter:

> We have been so brainwashed in the last four decades that, as a nation, we honestly believe Communism is our greatest enemy. Having focused our attention on this "fact" for so long we apparently are oblivious to the truth.
>
> Communism, unpleasant and dangerous, is nothing more than a parasite. Communism has no base of its own. It has no power of its own. It has no vitality of its own. It has no attraction of its own—except as one way to get rid of that element on which it feeds.
>
> The one and only element on which Communism stands, on which Communism thrives, from which Communism takes all its strength and without which Communism would wither, collapse and die is well known to all of us.
>
> Communism is nothing more than a parasite which is wholely dependent on poverty.
>
> Without poverty who would listen to the Communists' arguments? Without poverty as the spur who would take an interest in Communism? Without poverty as the living force for Communism who would work for the Communist cause? Without the abject poverty of Asians, which of them would want to risk their lives and the lives of their families for Communism? Without poverty as the restricter of all basic freedoms—freedom to eat, freedom to gain an education—who would give Communism a second thought?
>
> What is our duty then as Christians to our country and Western civilization? It is to rid the world of poverty—to spend our previously wasted billions of dollars on the military on a crusade against world wide poverty and thereby destroy Communism!
>
> This is the only road to the destruction of that parasite Communism—attack and destroy its base. The reason is simple. The people, once poverty is eliminated, will on their own remove the restrictions of Communism—without one American boy dying.

I am aware that the political views given in the last two sections are unusual and may be not easily acceptable to conservatives. They are not fixed views and are open to change as my knowledge of American and world affairs increases. However, they are given to substantiate my present feeling that wage and price controls are necessary and no more Socialistic than Nixon's planned recession. I am sure that I am not alone in feeling we can eliminate Communism without destroying people and property.

The important thing is to use what knowledge we have both of possible solutions and political realities to gain the greatest public support for the Democrats in this and ensuing election years.

Your letter, Mr. Congressman, has certainly stimulated my thinking on an important subject. For this I am most grateful to you.

Yours sincerely,

CYRIL BELL.

TRIBUTE TO MR. BOYD CRAWFORD

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. GALLAGHER. Mr. Speaker, I rise today to join my colleagues to pay tribute to the retiring staff director of the House Committee on Foreign Affairs, Mr. Boyd Crawford.

As a member of the House Foreign Affairs Committee during my years in Washington, I have come to know and respect Boyd Crawford. None of us, I am sure, could function here in Congress without dedicated and competent staff assistance and Boyd Crawford exemplifies the qualities which permit us to fulfill our responsibilities. When the issues became technical, when wise advice was necessary, when the long-range interests of our Nation threatened to be distorted by transitory passion, Mr. Crawford was a tower of calm and skilled expertise. When the demands of time became paramount, he devoted long hours to his tasks and when tempers became frayed, his was the cool voice of reason which often restored order amid tumult.

Mr. Speaker, Boyd Crawford has labored long and well in a frequently unrewarding position. All of us who have been privileged to know and work with him are grateful for his splendid accomplishments and certainly the cause of peace has seldom known a more selfless champion. I wish Boyd many long years of richly deserved rest and the House Foreign Affairs Committee will miss his wise counsel.

THE CUTTING EDGE IN CHRISTIAN HIGHER EDUCATION

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, Dr. Daniel R. Grant was recently inaugurated the 12th president of Ouachita Baptist University, Arkadelphia, Ark., in ceremonies on the Rockefeller Fieldhouse Quadrangle. Prior to coming to Ouachita, Dr. Grant was professor of political science at Vanderbilt University and director of its urban and regional development center.

A native of Arkansas and a 1945 graduate of Ouachita, Dr. Grant received his doctorate from Northwestern University. He began his profesional career at Vanderbilt in 1948. He has gained national recognition as an authority on urban and metropolitan government and intergovernmental relations. He served as visiting professor of municipal government and planning at Thammasat University, Bangkok, Thailand, in 1958–59. He prepared the original draft of a plan for the unique metro form of government for Nashville, Tenn., which was adopted in 1962. He served as consultant for the U.S. Advisory Commission on Intergovernmental Relations from 1962 to 1967 and as a member of the Advisory Committee on Federalism and Metropolitan Government, which was established by the National Committee for Economic Development.

His more recent research projects include a comparative study of metropolitan governments in Toronto, Miami, and Nashville, financed by a grant from the Ford Foundation, and a study for the U.S. Department of Agriculture on the Relation of Metropolitan Government to Rural Areas.

Dr. Grant is a member of the American Political Science Association, Southern Political Science Association, American Society for Public Administration, and American Association of University Professors. He has been a member of several committees and commissions of the Southern Baptist Convention and is a frequent contributor of articles to the Baptist Student Magazine and other Baptist periodicals.

He is the second Dr. Grant to head this fine institution of higher education. His father, the late Dr. J. R. Grant, served as president from 1934 to 1949.

Mr. Speaker, I appreciate your affording me the opportunity to direct to the

attention of my colleagues some of the highlights in the career of this distinguished Arkansan. I include at this point in the RECORD Dr. Grant's challenging and inspiring inaugural address:

THE CUTTING EDGE IN CHRISTIAN HIGHER EDUCATION

(By Daniel R. Grant)

In this day of rapid turnover and short tenure among many college and university presidents, I feel under heavy obligation to apologize to the out of town guests, especially those representing other colleges, for the imposition of yet another inauguration to attend, and to justify the decision even to have one. In recent months some colleges have simply voted not to have an inauguration, and have mailed out announcements which seemed to say, "There will be no inauguration until we find out how long he lasts." Others have sent announcements with a stinger attached, "Send a check to your favorite charity for the amount you would have spent attending this inauguration."

I must admit that there was much appeal in the idea of not having an inauguration. My colleagues at Ouachita who insisted that we have one have probably long since repented. But we were urged by no less than the chairman of the examining committee for the North Central Association which accredits us, President George Starcher of the University of North Dakota, that there should be an inauguration. Chairmen of examining committees can be most persuasive at times. President Starcher insisted that an inauguration ceremony is just as important as a wedding ceremony. He reminded me that it provides for the institution a public statement of vows constituting good instruction and inspiration for the individual and for society, and a good reminder for friends and family.

There is a danger of pushing the matrimonial analogy too far. For example, Ouachita Baptist University has now been married twelve times in the past eighty-four years, which sounds strangely like poligamy on the installment plan. Were it not for some invidious connotations, I might suggest that since Ouachita is known as "The queen of the college world," the queen has outlasted the king on eleven different occasions. But in the temper of these times, to refer to the university president as king is either inaccurate reporting or unwise strategy or even suicidal strategy, or all three. In the midst of our financial pressures at Ouachita there is some comfort in the realization that I am the twelfth president, for I understand on good authority that they are cheaper by the dozen.

I would like to pause to express my deep appreciation for all who have had a part in this inauguration, both in its planning and the carrying out of plans, and to those who have come a considerable distance to participate in the events of the day.

Of the many purposes which an inauguration serves, I want to focus on one in particular. I should like to state some goals for us—for me as president, and hopefully for all who make up the great institutional family called Ouachita—students, faculty, the administrative staff, Arkansas Baptists, alumni, and many other friends.

THE INTIMIDATING CONTEXT FOR EDUCATIONAL GOAL SETTING

In the present turmoil of higher education it seems to be at the same time absolute foolishness and obvious wisdom to try to formulate goals for a college or university. The educational crisis in confidence is an octopus that reaches its tentacles in all directions. The public at large tends to distrust the whole academic community—students, faculty, and administration. The popular image of "the campus crowd" is a composite kaleidoscope of hippies, riots, demonstrations, immorality, incivility, long hair, intellectual arrogance, self-righteousness, and dogmatism, at least as a start.

But the crisis is not merely town versus gown; it is also gown versus gown. Students are experiencing a growing confidence in their expressions of lack of confidence in college administrations for being a part of or tool of the conservative establishment; and in the faculty for being too busy to see students, and more interested in research, graduate students and consulting, than in the teaching of undergraduate students.

A few years ago I thought I had made a remarkable discovery in Bangkok, Thailand, that such student grievances are not a universal trait. I observed a Thai student ceremony called "Wun Wai Kru," which means literally "Worship the Teacher Day." But even this day ended on a familiar note as the student body president, before the faculty and several thousand students, brought to the University president incense, lovely flowers, and a list of a dozen complaints about the faculty and the way the university was being run!

There are also the dilemmas concerning higher education for the poor, underprivileged, and academically unprepared, especially the black young people. The historic "high-standard" colleges and universities which once prided themselves on closing the door to those who fell below certain test scores and grade point averages (and branded as low-standard those colleges which admitted and struggled to educate many of these young people) now are giving priority to the admission of a certain quota of these young people, in the name of righting the wrong of some 300 years of racial discrimination.

There are also old issues in new accents. How can the college or university serve the community, region, and nation in extra-curricula ways to help solve pressing social problems? How can the college classroom keep pace with the technology explosion and incorporate the latest audio-visual techniques, automation, the computers, and information storage and retrival? What can we do about the growing loss of the concept of "a community of scholars" in giant universities and the fragmented "multiversities" and "megaversities"? Is it really true that administrative efficiency in an educational institution is the original impossible dream? Are we, as Andrew Hacker has recently suggested in his book, nearing "the end of the American era?"

To complete the intimidating context for goal setting it is becoming increasing obvious that there is a crisis in the place of religion and morality in the purpose of the college or university. Any honest observer will admit that we in the South have had for the most part a Christian Protestant public school system for elementary, secondary, and higher education during most of the past century. It has become increasingly clear, especially in the light of recent U.S. Supreme Court decisions on separation of church and state, that a state college or university is prohibited from having as one of its purposes the promotion of *any* religious faith or practice as such. Even before these Supreme Court decisions, an increasing number of college educators and administrators had begun to say that the sole purpose of the college is to liberate or train the mind. It seems that the Supreme Court may have unwittingly caused church-related colleges to face up to an embarrassing question. "Just what does it mean to be a distinctly Christian college?"

Against this backdrop of educational crises and the shifting sands lay and professional sentiment concerning whether we have lost our way or, more particularly, where we ought to be going in the first place, let me share with you some thoughts on where Ouachita should fit in to the higher education scene; that is, what she should be and do, and where she should go.

The answer, in a capsule, is that Ouachita should be on the cutting edge in Christian higher education. To use the term "cutting edge" before a sophisticated audience today is to risk being tuned out quickly for having fallen into a kind of secular "language of Zion." Some may even suspect that I'd rather be trite than president. However, after an honest effort to coin a fresh phrase, I repeatedly returned to this as the best way to describe what Ouachita should be and what she should be doing. I ask you to consider with me what it means to be on the cutting edge in Christian higher education.

There are two principal thrusts of the cutting edge—one is for educational excellence, and the other is for Christian excellence. There is a problem of deciding which should be named first because of the danger of being misunderstood. In this context each has no meaning without the other. Ultimately Christian excellence is of primary importance, but in chronological order educational excellence is first because, by definition, we are not even in the business of Christian higher education if we are not engaged in genuine higher education. So let us begin by considering what it means to be on the cutting edge in educational excellence.

ON THE CUTTING EDGE IN EDUCATIONAL EXCELLENCE

Obviously this opens up a universe to consider, but I want to suggest just a few specific things that it means at this juncture in Ouachita's history.

1. It means first of all *fighting the good fight to insure the individual dignity and identity of the student as a person.* It means making sure the name of the game is educating individuals—not masses, groups, or numbers. I am sure we have all heard horror stories concerning the loss of identity in the large universities, but I still managed to be shocked recently by an incident described to me by the president of a large northern university. He told me of a recent honor graduate of his institution who came to him in distress upon realizing that there was not a single faculty member able to write a letter of recommendation based on a personal knowledge of his character and personality, or on anything other than the record of his class grades. It is ironic that the growth of our monstrous multiuniversities which make it so difficult to give individualized instruction has taken place at the very time progress in racial integration makes individualized instruction so important.

Private, church-related colleges can be justifiably proud of their strong tradition of concern for the individual student. This is certainly one of our strongest claims as a reason for existence. But it won't just happen in coming years. As we make progress in racial integration, we must beware of the pious goal of educating black students as such, rather than of educating human beings, some black, some white, some brown, and some yellow. Similarly, we must avoid falling into the de facto goal of segregated education for ministerial students, football players, or musicians. They are persons first, and particular kinds of students only secondarily.

2. It means also *creative concern for making the classroom relevant to current problems of society.* Our teaching simply must have meaning for the "now generation." At Ouachita. I have already heard success stories of social science students discovering for the first time the poverty of the all-black Arkansas community of Mitchellville; of chemistry students becoming heavily involved in the drama of the effects of DeGray Dam on the Caddo River; of psychology students learning about mental retardation in a class actually taught in the Arkadelphia Childrens' Colony; and of future teachers learning about interracial teaching from the black and white staff members of our

own ATAC Center. All of these should only be starters as we seek to make the community and the region a laboratory learning experience that makes the ivory tower image obsolete.

This will inevitably mean being on the cutting edge in academic freedom. Ultimately the Ouachita faculty and students will have no more academic freedom than Arkansas Baptists understand and appreciate. I would like to pledge here and now that I will do all that is within my power in coming months and years to lead our many publics, both on and off the campus, to a healthy support of both the rights and responsibilities of academic freedom. I believe very deeply that the faculty member at a genuine Christian College will have just as much academic freedom, and perhaps more, than the faculty member at a government-operated college. No Christian professor should be afraid to look through a microscope—as was the case in the Middle Ages—because he might see something that would disprove his faith. The difference in academic freedom on the Christian college campus is not that there is less freedom of inquiry, but that the inquiry is done with all of the institution's resources dedicated to helping the student relate the results of this inquiry to the Christian faith. This means on occasion hearing a speaker with whom we disagree, or reading a book or article diametrically opposed to our belief. The Christian college does not exclude books by Adolph Hitler or Karl Marx from the library, or refuse to let students read them, simply because we disagree with them.

3. But the cutting edge in educational excellence in the Arkansas setting means something else. In the Arkansas setting it means *new approaches to intercollegiate cooperation, public and private, to find ways for more effective use of Arkansas' scarce educational resources.* One only has to look at the ranking of Arkansas among the fifty states on almost any economic or educational indicator to become convinced that the case is overwhelming for cooperative and joint ventures in higher education to use wisely and creatively the resources of this state. For example, my own perspective as a political scientist tells me that there is a crying need in Arkansas for a college program in city and regional planning. Although the resources at no one college seem adequate for such a program there is no reason at all that Ouachita should not combine with one or more other colleges at a minimum expense to any one institution to provide an excellent program.

It is well to remind ourselves that the academic community of faculty and students in Arkadelphia, separated only by the ravine, is exceeded in size only by the University of Arkansas and Arkansas State University, and is obviously second to none qualitatively speaking. I want to pay personal tribute to Dr. Martin Garrison, the new president of Henderson State College, for his interest in working together in ways that will be mutually helpful and beneficial to our region. Each of us has already expressed to the other at least a preliminary commitment to the idea that, where we have common goals but limited needs and limited resources, it is simply good sense to have joint employment of professors, visiting lecturers and artists. Similarly, greater specialization would be possible for each institution by expanding our present policy of student interchange across the ravine to take classes not offered on the other side. Cooperation between two or more of the private colleges in the state or region also offer many exciting and beneficial possibilities.

A corollary to our cooperative role is the role of constructive critic of public higher education, just as the state colleges can and do provide constructive criticism for private higher education.

Three of the key words, then, in being on the cutting edge in educational excellence, are individualism, relevance, and cooperation.

ON THE CUTTING EDGE IN CHRISTIAN EXCELLENCE

While these are important justifications for our existence, I personally believe that in 1970 the case for Christian churches or for the Arkansas Baptist Convention to be in the business of higher education is still a relatively weak one if educational excellence is the only goal. We need also to be on the cutting edge in Christian excellence. Just as educational excellence is an almost undefinably broad term, so is Christian excellence. But let me suggest at least three things that it means to me for Ouachita to be on the cutting edge in Christian excellence.

1. I believe this means first of all *concern for authentic Christian morality on and off the campus.* This is a kind of morality that should start at home—that is, the institutional home—the campus—including students, faculty, and administration. But it should be a concern that extends to the local, regional, and world communities in which we live. I am personally convinced that there are some traditional concerns that are of minor relevance, or no relevance, to an authentic Christian morality. In the case of some of these traditional concerns, as a political scientist turned college president, I think I can recognize the requirement for institutional survival, and I appeal to students and faculty to respect my judgment in these matters. I think none of us want to be on the cutting edge of institutional suicide.

But there are some other traditional concerns which, in my opinion, continue to be highly relevant to an authentic Christian morality and I would be so bold as to name a few of them as beverage alcohol, narcotics, and the secular exploitation of sex. I can assure you that Ouachita will make no apologies for its persistent efforts to find Christian solutions to these very real problems, both on our campus and in the rest of the world.

In addition, I believe there are some new concerns that deserve increasing attention of the Christian college. We need to be applying our intellectual and spiritual resources to the question of what Christian morality specifically means in a day of growing emphasis on the organization man, a day of increasing power of the mass media of communication, (and I notice that Marshall McLuhan recently blamed the Canadian French separatist crisis on concentration of power in the field of television), a day of new dimensions to the moral issues of racial discrimination and integration, a day of puzzling questions of selective conscientious objection, a day of problems of environmental adequacy at home and abroad.

2. *It also means being on the cutting edge in special service to the denomination.* Some may say this is redundant because any Christian service at Ouachita is obviously a service to the denomination. But I believe Ouachita has both the opportunity and obligation to be of service in certain special ways to our Baptist constituency. This means providing an atmosphere of respect and nurture for God's call to the preaching ministry, to home and foreign missions, and to other church related vocations. It means finding ways to encourage in all students a sense of the vital importance of the local church. I firmly believe this is where the action ought to be and I am happy to say that in the local churches of Arkadelphia this is increasingly where the action is. This makes our job so much easier.

Our faculty, students, and physical facilities have been an invaluable resource for a variety of purposes to Arkansas churches, and we need to explore new avenues of denominational service.

Ultimately one of our greatest services to the denomination can be through the role of constructive critic. If students and faculty can criticize as loving servants, and not as an intellectually arrogant master, our denomination will be much the better for it and Ouachita will live to serve another day. And the role of constructive critic implies citing the good as well as the bad in us.

3. Finally, and most nebulous and difficult, I'm afraid, but no less important, it means *new efforts to relate the goals and methods of higher education to those of the Christian faith and life.* I will be the first to admit that this is not easy. But I believe it is not impossible and, not only that, it is essential for the Christian student (whether in a Christian or secular college) to work out this relationship. As I mentioned earlier, a state institution *cannot* have this as one of its explicit purposes because of the requirements of separation of church and state. All too often the private colleges which are not limited in this respect simply do not undertake this task. I believe Christian excellence demands that Ouachita give top priority to this task.

I hope it is obvious that I am not suggesting that we must teach special courses in "Christian Math" or "Christian Spanish." But I also hope it is clear that academic and administrative business as usual will not get the job done. Why shouldn't the Christian college institute a semester-abroad plan that is designed especially for students willing and able to combine standard academic course work with unique Christian witnessing opportunities? It is fraught with many political, religious, and academic pitfalls, but I am convinced the value is well worth the risks. The distinctly Christian college needs to find new ways to increase student understanding not only of the world in which he lives, but also of the Great Commission as the Christian imperative in this world.

The Sermon on the Mount should mean *more* to the Christian, not less, as a result of a college education. The love chapter of First Corinthians should mean more, not less, as a result of a college education. It is my personal commitment, and I am convinced it is the institutional commitment, to make this true for students at Ouachita Baptist University.

I am happy to associate myself with the stated theme of this inauguration ceremony, "Commitment to Educational and Christian Excellence." I hope you will join me in a pledge to this academic community, to the Arkadelphia community, to Arkansas Baptist, and to God, that we will work together and devote all of our energy to its fulfillment.

Chairman Hampton, I suspect that you have no lingering doubts about my decision, but, for the record, I should like to say that I accept the job.

MAN OF THE YEAR AWARD TO JUDGE CLEMENT F. HAYNSWORTH

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. MANN. Mr. Speaker, my admiration for Judge Clement F. Haynsworth, Jr., chief justice of the Fourth Circuit Court of Appeals, is a matter of record. Recently, the Greenville, S.C., Society for Advancement of Management honored Judge Haynsworth as the society's 1970 "Man of the Year." I would like to direct my colleagues' attention to the citation which was presented to Judge Haynsworth at the society's annual dinner.

CITATION

To: Clement Furman Haynsworth, Jr., a South Carolina Gentleman and Scholar.

As a public spirited citizen, for your unselfish and valuable participation in community activities;

As a successful lawyer, prior to your elevation to the Bench, for your devotion to the law, for your example of integrity and diligence in the demanding practice of your profession and for your wise counsel in contributing to the growth of industrial enterprise and its responsible management in your community and state;

As a distinguished Judge of the United States Court of Appeals for the Fourth Circuit since 1957, for your scholarly and lucid opinions and for your judicial temperament and restraint;

As Chief Judge of the Fourth Circuit since 1964, for your dedication to reform in judicial procedures in order to improve and expedite administration of justice in the Courts of the United States;

Your achievements, performance, and potentials were duly recognized in your nomination as a Justice of the United States Supreme Court. As the object of politically motivated attack, for the endurance, restraint, and dignity you exercised during this period, and for the resiliency and dedication with which you returned to your work as Chief Judge of the Fourth Circuit, you have reflected credit upon yourself, your Courts, your native state, and all people who value justice and integrity.

Not only for what you have done, but also for what you will do in advancing the management of justice, the Greenville Chapter of the Society for the Advancement of Management proudly recognizes you as its "Man of the Year for 1970."

CYRIL O. SHULER, Ph. D.,
President.

Mr. Speaker, I know that many of the Members who are admirers of Judge Haynsworth join me in commending the Greenville Society for Advancement of Management on their choice for "Man of the Year." This honor which has been bestowed upon Judge Haynsworth is a testimonial to his personal and professional stature. I am particularly impressed by the recognition of his continuing effort to serve mankind through the improvement of the administration of justice.

GODLEY, ET AL. AGAINST KNUDSEN CREAMERY CO., ET AL.

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. FARBSTEIN. Mr. Speaker, at the request of the Rural Legal Assistance, Senior Citizens' Project of San Francisco, Calif., I want to introduce for the RECORD the pleadings, exhibits, points, authorities, and order in Godley, et al. against Knudsen Creamery Co., et al., a law suit commenced by certain individuals and the senior citizens' project in California in the Superior Court of California. The suit has been commenced by an order to show cause and complaint for declaratory judgment and injunctive relief against deceptive labeling and unfair competition. The plaintiffs seek an order enjoining large milk processors doing business in California from printing the pull dates on milk cartons in unfair and deceptive codes. The basis for this suit is threefold:

First, a California statute prohibiting unfair competition and unlawful business practices;

Second, an implied civil remedy from a California public policy statute prohibiting deceptive and misleading labeling on milk cartons; and

Third, the general equitable powers of the court to enjoin a wrong to the public.

An examination of the declarations and depositions attached to the complaint will show the experience of many individuals with dating codes in food centers. Part of the complaint is contained in Extension of Remarks inserted by me in the CONGRESSIONAL RECORD on September 2, 1970, page 30788 and October 7, 1970, pages 35384 and following, which I am omitting as part of my remarks.

I am bringing this matter to the attention of the Members to show the Congress and the Nation that the campaign which I commenced requiring the open dating of packaged foods is still vigorous; that by one means or another the peoples' health must be protected, if not with the help of Congress then by the citizens themselves:

ORDER TO SHOW CAUSE

[In the Superior Court for the State of California in and for the County of San Francisco, No. 625–183]

Lillie Godley, Lana Stephenson, Laura Laursen, Helen Diaso, Jean Barker, and Esther Talavera, individuals on behalf of themselves and others similarly situated; Centro de Salud, California legislative council for older Americans, unincorporated associations; and San Benito County Consumers Corporation, a nonprofit corporation, all on behalf of themselves, a class of persons too numerous to mention, and the general public, Plaintiffs, *v.* Knudsen Creamery Company, Christopher Commercial Corporation, and Challenge Cream and Butter Association, all California corporations; Carnation Company, Foremost-McKesson, Inc., Arden-Mayfair, Inc., and The Southland Corporation, foreign corporations doing business in California, and Berkeley Farms, a California partnership; and Does One through One Hundred, Defendants.

Upon the verified complaint filed herewith, the annexed exhibits and the accompanying memorandum of points and authorities,

You are ordered to appear before the above-entitled Court at City Hall at the Law and Motion Department thereof on January 6, 1971, at the hour of 9:30 a.m., then and there to show cause, if any you have, why you, and each of you, and your officers, agents, servants, employees and representatives should not be enjoined during the pendency of this action, as follows:

(1) From continuing to affix a deceptively coded pull date to containers of milk you process;

(2) From refusing to print on containers of milk you process an inked, clearly legible and understandable "open" pull date that either uses a standard number or an accepted abbreviation for the month of the year and the numbered date of the month that the milk should be pulled from the shelves (so that a pull date for November 30, 1970, would read as either NOV. 30 or 11–30);

(3) From refusing to provide the Court, for inspection by the plaintiffs, a translation of all coded pull dates used by defendants on market milk.

It is further ordered that service of this Order to Show Cause, together with copies of the verified complaint filed herein by plaintiffs, declarations attached hereto as Exhibits 1 through 20, and the accompanying memorandum of points and authorities shall be served on you not later than December 24, 1971.

Dated: December 2, 1970.

/s/ CARL H. ALLEN,
Judge of the Superior Court.

POINTS AND AUTHORITIES IN SUPPORT OF INJUNCTIVE RELIEF

[In the Superior Court for the State of California in and for the County of San Francisco, No. 625–183]

Lillie Godley, et al., Plaintiffs, *v.* Knudsen Creamery Company, et al., Defendants.

I. THIS COURT HAS JURISDICTION PRELIMINARILY AND PERMANENTLY TO ENJOIN ACTS OF UNFAIR COMPETITION AND DECEPTIVE LABELING

Plaintiffs seek an order from this Court preliminarily and permanently enjoining defendant milk processors from printing in deceptive codes on milk cartons the milk's freshness.

The Constitution of the State of California provides, in relevant part, that

Superior Courts have original jurisdiction in all causes except those given by statute to other trial Courts. [Cal. Const., Art. VI, § 10]

Since the Legislature has not empowered municipal or justice courts to issue permanent injunctions (C.C.P. § 89(a)(8) and 112), *a fortiori* superior courts are trial courts with this exclusive jurisdiction.

II. VENUE IS PROPER AS THIS ACTION IS BROUGHT IN A COUNTY WHERE MORE THAN ONE CORPORATE DEFENDANT HAS ITS PRINCIPAL PLACE OF BUSINESS

The named defendants herein are seven corporations and one partnership doing business in California. Two of the corporations have their respective principal places of business in San Francisco.

Section 16 of Article XII of the California Constitution provides:

A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises, or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the Court to change the place of trial as in other cases.

The purpose of the above Constitutional provision was "to benefit the plaintiff, who otherwise would be obliged to travel to a corporation's principal place of business to commence his action." *Hale* v. *Bohannon*, 38 Cal.2d 458, 479, 241 P.2d 4, 16 (1952).

Moreover, where, as here, "a corporation and individuals as co-partners are joined as defendants the action is properly commenced in the county where *any* of the defendants is a resident." *La Mirada Community Hospital* v. *Superior Court*, 249 C.A.2d 39, 57 Cal. Rptr. 42 (1967). (Emphasis added)

III. THE AFFIXING OF A DECEPTIVELY CODED LABEL ON MILK CARTONS THAT REPRESENTS THE FRESHNESS OF SAID MILK IS AN UNFAIR AND UNLAWFUL BUSINESS PRACTICE PROHIBITED BY CAL. CIV. CODE § 3369

California law permits *any* member of "the general public" to bring a class action to enjoin "[a]ny person," including "corporations, firms and partnerships," who engages in "unfair competition." [Cal. Civ. Code § 3369]

"[U]nfair competition" includes virtually any "unfair * * * business practice," Cal. Civ. Code § 3369(3); and what constitutes such a practice is always a question of fact. *People ex rel. Mosk v. National Research Co. of California*, 20 Cal. Rptr. 516, 201 C.A.2d 765 (1962).

It is not essential that actual competition exist for plaintiffs to invoke Cal. Civ. Code § 3369:

We refrain from construing the language [of § 3369] narrowly in a field where the trend is opposed to unfair trade practices which affect the public interest * * *. It is also to be borne in mind that the rules of unfair competition are based, not alone upon the protection of a property right existing in the complainants, but also upon the right of the public to protection from fraud and deceit. *People v. Mosk, supra,* at —.

Indeed, in actions to enjoin unfair competition "the ultimate test is whether the public is likely to be deceived." *Silvero v. Russell,* 113 F. Supp. 119 (C.D. Calif. 1953).

Thus, the defendants' use of coded labels to identify the freshness of market milk constitutes an unlawful business practice, one that is "likely to deceive" the public and is in fact deceptive.

IV. STATE LAWS PROHIBITING MISLEADING AND DECEPTIVE LABELING ON MILK CARTONS IMPLICITLY PROVIDE CIVIL REMEDIES FOR MILK CONSUMERS AND THE GENERAL PUBLIC

California law provides that

No false, misleading, or deceptive name, picture, symbol, mark, word, or other representation shall appear on any milk bottle, bottle cap, can, or other container * * * for market milk. [Cal. Ag. Code § 36061]

A "label" is a "display of written, printed or graphic matter upon the immediate container of any article." Cal. H. & S. Code § 26452.

A "label" is "misleading or deceptive" if "in any particular it is untrue, or by ambiguity or inference creates a misleading or deceptive impression regarding the * * * quality, composition, merits or value of such market milk." Cal. Ag. Code § 36062.

All the above statutory provisions were clearly enacted to protect the milk consuming public from buying milk that bore deceptive or misleading labels as to its quality. See also, Cal Ag. Code § 32917. California has recognized and firmly established the principle enunciated in Restatement of Torts 2d, 286–287 that a cause of action is created by any legislation—criminal, or without specified remedy—which protects the particular interest of the class intended to be benefited by said legislation. *Sapiro v. Frisbee,* 270 P. 280, 281, 98 Cal. App. 299 (1928), *McIver* v. *Mercer-Fraser Co.,* 172 P. 2d 762, 76 Cal. App. 2d 247 (1946).

Thus, plaintiffs cause of action against defendant milk processors for using deceptively coded "freshness" labels on milk is "necessarily implicit" in the California statutes prohibiting such deceptive labeling. E.g., *Wetherton v. Growers Farm Labor Association,* 275 A.C.A. 1888, 79 Cal. Rptr. 543 (1969).

V. AN INJUNCTION CAN BE GRANTED PURSUANT TO THE COURTS' GENERAL EQUITABLE POWERS

In order to grant injunctive relief, this Court need *not* consider Civil Code § 3369 or the civil remedies implicit in statutes prohibiting deceptive labeling, since injunctive relief can be granted pursuant to the Court's general equitable powers, specifically Civ. Code §§ 3523 and 3368.

Section 3523 of the Civil Code states that: "For every wrong there is a remedy." The California Supreme Court has broadly interpreted this section to provide protection even in the absence of any statute.

[It] is established that, where persons are subjected to certain conduct by others which is deemed unfair and contrary to public policy, the courts have full power to afford necessary *protection in the absence of a statute. Williams v. International Brotherhood,* etc. 165 P.2d 903, 905, 27 Cal. 2d 586 (1946). (Emphasis added)

The case that perhaps best exemplifies the California court's willingness to sustain equitable relief despite the absence of specific statutory authority is *Bisno v. Sax,* 346 P.2d 814, 175 Cal. App. 2d 714 (1960):

California recognizes that: "Equity does not wait upon precedent which exactly squares with the facts in controversy, but will assert itself in those situations where right and justice would be defeated, but for its intervention." [Citation omitted.] * * * As has been well said, equity has contrived its remedies "so that they shall correspond both to the primary right of the injured party, and to the wrong by which that right has been violated," and "has always preserved the elements of flexibility and expansiveness, so that new ones may be invented, or old ones modified, *in order to meet the requirements of every case, and to satisfy the needs of a progressive social condition, in which new primary rights are constantly arising, and new kinds of wrongs are constantly committed.*" Emphasis added, at page 823. See also Civil Code Section 3368 "prohibiting a party from doing that which ought not to be done."

Respectively submitted,

FRED J. HIESTAND,
Attorney for Plaintiffs.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AGAINST DECEPTIVE LABELING AND UNFAIR COMPETITION

[In the Superior Court for the States of California in and for the County of San Francisco, No. 625–183]

Lillie Godley, Lana Stephenson, Laurs Laursen, Helen Diaso, Jean Barker, and Esther Talavera, individuals on behalf of themselves and others similarly situated; Centro De Salud, California Legislative Council for Older Americans, unincorporated associations; and San Benito County Consumers Corporation, a nonprofit corporation, all on behalf of themselves, a class of persons too numerous to mention, and the general public, Plaintiffs, *v.* Knudsen Creamery Company, Christopher Commercial Corporation, and Challenge Cream and Butter Association, all California corporations; Carnation Company, Foremost-McKesson, Inc., Arden-Mayfair, Inc., and The Southland Corporation, foreign corporations doing business in California, and Berkeley Farms, a California partnership; and Does One through One Hundred, Defendants.

FIRST CAUSE OF ACTION

Plaintiffs allege as a First Cause of Action:

I

This is a truth in labeling action brought to guarantee the right of low income consumers to buy fresh milk. A date indicating the freshness of milk is now printed on the pour spouts of all milk cartons by defendant processing-distributors, but in unfair and deceptive codes. To assure that milk is safe to drink, plaintiff consumers seek to enjoin defendants from using deceptively coded labels to show when milk should no longer be sold to the public, and to compel defendants to print these dates in a legible and easily understandable form ("open"). (These labels are referred to hereinafter as "pull" or "expiration" dates.)

II

Plaintiffs initiate this action pursuant to California law which provides that "[a]ny person performing * * * an act of unfair competition within this State may be enjoined * * * by any person, corporation or association * * * acting for the interests of itself, its members or the general public." (Cal. Civ. Code § 3369)

III

The named defendants are eight of approximately 200 milk processing-distributors (hereinafter "processors") doing business in California. These defendants, on information and belief, process more than fifty per cent (50%) of the milk sold in northern California stores in cartons bearing deceptively coded pull dates. Defendants, described more specifically in paragraph 12 herein, affix deceptive pull dates on all fluid milk products in order to deny consumers the free choice of buying the freshest milk sold in retail stores. (Fluid milk products, referred to herein as "milk," means all varieties and combinations of milk and cream including imitation milk drinks and fruit punches.)

IV

The deceptive nature of the coded pull dates used, while they vary between milk processors, is illustrated by the following code of one defendant to show that milk should not be sold after November 30, 1970:

The translation of this code into the November 30 pull date requires ignoring two letters and one number, converting one letter to a month of the year based on the ordinal position of the letter in the alphabet, and correctly combining, but not adding, the two other numbers. However, codes used by other defendants can only be translated into pull dates by ignoring some numbers, adding others to get a day of the month or month of the year, and converting certain letters, whose ordinal position in the alphabet has no direct relation to the number represented, into either months of the year or days of the month. Even if consumers are successful in "breaking" one or more codes, they cannot determine the freshness of milk for long as many defendants change their deceptive codes periodically. (For example, plaintiffs are informed and believe that two of the defendants, Christopher Commercial Corporation and Berkeley Farms, change their basic codes once a week.) In addition, many defendants' codes are uninked, stamped impressions that cannot be read by persons, including a substantial number of the elderly, who have less than average eyesight. Defendants customarily stamp these uninked codes on only one side of the milk carton pour spouts and then the cartons are stacked on store shelves so that the codes face away from consumers.

V

Milk is estimated to have a shelf life of between seven and ten days. As milk ages, its bacteria count increases and its nutritional value decreases. Pull dates are highly important because they represent the freshness and wholesomeness of market milk. Coded pull dates, however, effectively prevent consumers from knowing the freshness of the milk, forcing them to depend upon processors, retailers, and state milk inspectors to guarantee their right to buy fresh milk.

VI

Milk processors do not remove milk from the stores they supply when they should as shown by random investigations of markets in California found to be selling milk past the processors' pull dates. (These investigations are found in the declaration of Helen Stratten, the affidavits of Aurora Parreno, Pennie L. Capps, Ruben Rodriguez, and John Contreras, and the study by Helene Lippincott published in the *San Francisco Bay Guardian* of August 31, 1970, and reprinted in the *Congressional Record,* marked Exhibits 1 through 6, respectively, and incorporated by reference as though fully set forth at this point.)

VII

Defendants' deceptively coded pull dates are so numerous and complex that many clerks of retail stores carrying defendants' milk neither understand the codes nor know how to translate them. (See Exhibit 6, herein, and the affidavit of Aurora Parreno, marked Exhibit 7, incorporated by reference as though fully set forth at this point.) Not even the California State Department of Agriculture, charged with inspecting the freshness and quality of milk sold in stores, has custody of the translations of defendants' coded pull dates to provide State milk inspectors.

VIII

Defendants persist in using deceptively coded pull dates on milk despite widespread evidence that use of a clearly readable and understandable "open" pull date benefits consumers without harming defendant processors, to wit:

(1) Three milk processors (Lucerne, Lady Lee, and Ralphs) that each provide milk exclusively to three of the seven largest California supermarket chains use open pull dates. These open dates are clear inked impressions of either an abbreviation (e.g., Nov.) or number (e.g., 11) for the month and another number for the day of the month (e.g., 30) that the milk should no longer be sold. (The letter of Richard Ralphs, Chairman of the Board of Ralphs Grocery Company, to State Senator Anthony Beilenson, attached hereto as Exhibit 8, is incorporated by reference as though fully set forth at this point);

(2) Jewel Food Stores in Chicago, Illinois, have open dating on milk and have found that their profits, but not consumer costs, have increased (see Exhibit 6 herein); and

(3) At least four western European countries—Switzerland, Spain, Italy, and Denmark (Copenhagen)—require that milk and cream sold in markets have a clearly legible open pull date on the cartons. These countries have not experienced any marked wastage of milk as a result of consumers buying only the freshest open dated milk, leaving fresh milk on the shelf to be later discarded. (The letter from Raymond A. Ionas, Administrator, U.S. Department of Agriculture, Foreign Agricultural Service, to Representative Leonard Farbstein, attached hereto as Exhibit 9, is incorporated by reference as though fully set forth at this point.

IX

Three of the plaintiffs herein are organizations, either primarily composed of or serving low income and elderly persons. They want open dating on milk because clearly readable and understandable pull dates will improve the health and well-being of their members and other low income persons, to wit:

(1) Centro de Salud is a community health clinic operating in the Mission District of San Francisco. Its doctors have treated several severe cases of diarrhea caused by sour milk. This plaintiff is informed and believes that open dating would substantially reduce the incidence of diarrhea caused by sour milk. (The declaration of Edward Bernstein, M.D., physician at Centro de Salud, attached hereto as Exhibit 10, is incorporated by reference as though fully set forth at this point);

(2) San Benito County Consumers Corporation is a nonprofit corporation representing more than ten per cent (10%) of all low income families in San Benito County, California. Since many of its members receive food stamps twice a month to purchase all of their food, they buy milk and other supplies infrequently and in large quantities for home storage before consumption. It is, therefore, extremely important for these members to know the freshness of milk they buy and store. (The declaration of John S. Zamora, President of the San Benito County Consumers Corporation, is attached hereto as Exhibit 11 and incorporated by reference as though fully set forth at this point); and

(3) California Legislative Council for Older Americans is an unincorporated association primarily composed of elderly, low income members. The Council wants open dating because many of its members are immobile and find grocery shopping difficult. Open dating will enable the elderly to know the freshness of milk so that it can be purchased to last the optimum time at home before spoilage. Numerous and difficult shopping trips for milk can then be minimized as is presently impossible with deceptively coded pull dates. (See the declarations of Reverend Edward Peet, Chairman of the Council, and Ruth Samiee, Senior Case Worker at Lutheran Social Services, attached hereto as Exhibits 12 and 13 and incorporated by reference as though fully set forth at this point.)

X

Six of the plaintiffs herein either are or serve elderly, low income persons and, for health and economic reasons, need to know that the milk they buy is fresh. They can only be sure that this milk is fresh if the pull dates on the cartons are correct and open instead of coded and unintelligible, to wit:

(1) Lillie Godley, Lana Stephenson, Laurs Laurson, Jean Barker, and Helen Diaso, are all elderly and low income residents of San Francisco. They have all bought milk of defendant processors in the recent past that was either sour at purchase or soured right after purchase despite proper handling and refrigeration in their homes. (Their declarations, attached hereto and marked Exhibits 14 through 18 respectively, and the declaration of Katharine W. Rider, attached hereto as Exhibit 19, are incorporated by reference as though fully set forth at this point); and

(2) Esther Talavera, a resident of San Mateo County, works in a local hospital. She has observed patients at this hospital served sour milk because the hospital personnel were unable to decipher the deceptively coded pull dates for the patients' benefit and protection. (Her declaration, attached thereto as Exhibit 20, is incorporated by reference as though fully set forth at this point).

XI

Defendants' use of unfair and deceptively coded milk pull dates prevents plaintiff consumers from intelligently determining the freshness of defendants' milk and thereby removes the quality of that milk from competition. Unfair competition also exists because defendants can sell non-fresh milk to a misled and undetecting public while those milk processors using open pull dates necessarily subject their milk to informed consumer scrutiny. In addition, defendants use of unfair and deceptive codes constitutes an unlawful business practice in violation of Cal. Civ. Code § 3369.

XII

Three of the named defendant milk processors using deceptively coded pull dates are California corporations: Christopher Commercial Corporation, Challenge Cream and Butter Association, and Knudsen Creamery Company. All of these corporations do business in San Francisco County; and one of them, Christopher Commercial Corporation, has its principal place of business in San Francisco. Four of the named defendants, Arden-Mayfair, Inc., Foremost-McKesson, Inc., Carnation Company, and The Southland Corporation, are foreign corporations doing business in California and San Francisco. One of these, Foremost-McKesson, has San Francisco as its principal place of business. Berkeley Farms is a limited partnership that does business in San Francisco, but its principal place of business is Alameda County.

XIII

The true names and capacities, whether individual, corporate, associate, or otherwise, of defendants named as Does One through One Hundred, are unknown to plaintiffs, who therefore sue such defendants by such fictitious names, and plaintiffs will amend this complaint to show their names and capacities when same have been ascertained.

XIV

Plaintiffs are informed and believe and allege that at all times herein mentioned Does One through One Hundred are milk processors doing business in California. Together with the named defendants, they process and distribute over ninety per cent (90%) of the milk sold in California stores in containers bearing deceptively coded pull dates. These defendants print deceptively coded pull dates on the cartons of milk they process and distribute in order to deny plaintiffs the free choice of buying the freshest milk for sale on store shelves.

XV

Plaintiffs initiate this action on behalf of all low income consumers who want to have open dating on market milk. This class consists of members too numerous to mention. There are questions of law and of fact common to all members of the class. The claims of the representative plaintiffs are typical of the class and plaintiffs will fairly and adequately represent the interests of the class.

XVI

Defendant milk processors' unfair and unlawful actions have caused, are causing and will continue to cause serious, substantial, permanent and irreparable harm to plaintiffs in that they unfairly and unlawfully deny plaintiffs the free choice of buying the freshest milk for sale in markets, compel many plaintiffs to travel to distant markets that have open dating so that they can be guaranteed the right to buy fresh milk, restrict a free and open economy by removing the quality of milk from competition, and place milk processors who have adopted an open pull dating system at a competitive disadvantage to defendants, thereby harming the public through unfair competition.

XVII

Unless restrained by this Court, defendant milk processors will continue to use deceptively coded pull dates on market milk. Plaintiffs and the class they represent and the general public will be irreparably injured by said defendants' unlawful practices. Plaintiffs have no adequate remedy at law for said injuries in that defendants' conduct will constitute a continuing hardship.

SECOND CAUSE OF ACTION

As and for a Second Cause of Action, plaintiffs alleged as follows:

I

Plaintiffs refer to and incorporate by reference herein all of the allegations of paragraphs I, III through X, and XIII through XVII of the First Cause of Action.

II

Cal. Agric. Code § 36061 provides that "[n]o false, misleading or deceptive name, picture, symbol, mark, word, or other representation shall appear on any milk bottle, bottle cap, can, or other container, nor on any advertisement for market milk."

III

The above statute sets forth a statutory standard of conduct and duty that defendant milk processors have, upon information and belief, willfully and knowingly breached. This statutory standard was enacted for the benefit of plaintiffs and those they represent. As a proximate and direct result of said defendants' breach of a duty owed to the plaintiffs, plaintiffs have been unlawfully and wrongfully injured in that they have been deceived as to the freshness of market milk that they have purchased and will continue to purchase.

THIRD CAUSE OF ACTION

As and for a Third Cause of Action, plaintiffs allege as follows:

I

Plaintiffs refer to and incorporate by reference herein all of the allegations of paragraphs I, III through X and XIII through XVII of the First Cause of Action.

II

As a result of the business practices of defendant milk processors set out above plaintiffs have suffered and will continue to suffer irreparable injury in that they will be denied the opportunity to buy the freshest market milk for sale that has been processed by defendants and that they are forced to travel distances to markets carrying open dated milk in order to guarantee their right to buy fresh milk.

III

Plaintiffs invoke the Court's general equitable power because they have no adequate remedy at law for the injuries described above in that defendant milk processor's conduct will continue unless restrained by this Court and plaintiffs will continue to suffer irreparable injury.

Wherefore, plaintiffs pray for the following relief:

(1) For an order preliminarily and permanently enjoining defendants Knudsen Creamery Company, Christopher Commercial Corporation, Challenge Cream and Butter Association, Arden-Mayfair, Inc., Carnation Company, Foremost-McKesson, Inc., The Southland Corporation, and Berkeley Farms, their officers, agents, employees, assignees, and successors:

(a) From continuing to affix a deceptively coded pull date to containers of milk they process;

(b) From refusing to print on containers of milk they process an inked, clearly legible and understandable "open" pull date that either uses a standard number or an accepted abbreviation for the month of the year and the numbered date of the month that the milk should be pulled from the shelves (so that a pull date for November 30, 1970, would read as either Nov. 30 or 11–30);

(c) From refusing to provide to the Court, for inspection by the plaintiffs, a translation of all coded pull dates used by defendants on their market milk;

(2) For an order from this court declaring the defendants' practice of using deceptive coded pull dates to be unlawful;

(3) For costs of suit; and

(4) For such other and further relief as this Court may deem just and appropriate.

By: Fred J. Hiestand
Peter D. Coppelman,
Robert Gnaizda
Attorneys for Plaintiffs.

VERIFICATION

[In the Superior Court of the State of California in and for the County of San Francisco]

Lillie Godley, et al., Plaintiffs, *v.* Knudsen Creamery, et al., Defendants.

I, Edward L. Peet, say:

I am the Chairman of the California Legislative Council for Older Americans and as such I am authorized to verify the within complaint in my capacity as chairman.

I have read the above entitled matter; the document is true of my own knowledge, except as to the matters which are therein stated on my information or belief and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of November, 1970, at San Francisco, California.

Rev. Edward L. Peet.

DECLARATION

I, Helen Stratten, depose and say:

That I am an investigator for the Senior Citizens' Project of California Rural Legal Assistance, located at 942 Market Street, San Francisco, California;

That on October 29, 1970, I made a visit to three small San Francisco grocery stores where I selected at random one or more cartons of milk from the shelves for purchase;

That at two of these markets, namely, the Revere Market, located at 1490 Revere Avenue, and Super Save Market at 4517 Third Street, the cartons of milk I purchased at random were properly on the shelves according to the coded pull dates translated in the *San Francisco Bay Guardian* of August 31, 1970;

That in the third market, however, I selected two cartons of milk that should not have been sold on the shelves. This was at Bing's Market at 1740 Fillmore Street in San Francisco. One of the cartons I picked from the shelf was a quart of buttermilk for which I paid twenty-six cents. I attached the receipt to this quart of buttermilk and saved the carton. This quart of buttermilk was processed by Bordens and had a pull date reading "S.F. 72J4." According to the article in the *San Francisco Bay Guardian*, this code translates to mean the milk should have been pulled from the shelf on October 24, or five days before I bought it at Bing's Market. There were sixteen other quarts of buttermilk on the shelf when I selected this at random from Bing's Market; all of the quarts had the pull dates facing away from the shoppers. The other purchase I made was a quart of half-and-half. It was also processed by Bordens and had a pull date of 002J3. Again, according to the translation in the *San Francisco Bay Guardian* of Borden's Code this means that the half-and-half should have been pulled from the shelf on October 23, 1970, or six days before I bought it. When I bought this quart of half-and-half for sixty-three cents, there were only five quarts on the shelf; all had the coded pull dates facing away from the shopper;

That in my capacity as an investigator and community lay advocate representing elderly low income persons seeking adequate health care, I have learned that many of the elderly poor are greatly concerned about the freshness of milk they buy. My experience in representing elderly low income persons has convinced me that fresh milk is extremely important to their health. Several older people who I know are advised by their doctors to drink milk for medical ailments such as ulcers. For them to drink sour milk is not only distasteful but harmful. Elderly low income persons are generally not very mobile, so when they shop they do so with the intent of storing their goods for as long as possible before complete use. It would be of great advantage to them to have open pull dates on their milk, as this would tell them about how long they could keep it under refrigeration in their homes before it spoiled. Under the present system of coded pull dates, most elderly persons are kept ignorant of the freshness of the milk that they buy.

I declare the foregoing is true and correct under penalty of perjury.

Executed at San Francisco, California, on November 23, 1970.

Helen Stratten.

AFFIDAVIT

I, Aurora Parreno, first being duly sworn, depose and say:

That I in my capacity of legal secretary for California Rural Legal Assistance, located at 529 South "D" Street, Madera, California, on November 13, 1970, went to numerous stores in Madera to check pull dates on milk cartons and milk products;

That I found the following items that should have been pulled off the shelves:

At Ripperdan Market, 6820 Hwy. 145, Madera, California, I found two ½ gallons of Knudsen Extra Rich Milk with the pull date or code of 341k2, which according to the "code" translations published in the San Francisco Bay Guardian should have been pulled the 12th of November;

At Family Food Center, 6895 Hwy. 145, Madera, California, I found one ½ gallon of Borden's Milk, out of approximately 19½ gallons, with code 341k2, one quart of Bordens Milk with (only quart of Bordens Milk in dairy case) coded 241k2, three ½ gallons of Quality Milk, out of approximately 17 one-half gallons, with code 12, One Knudsen cottage cheese, out of approximately 6, coded 1k0, one quart Quality Buttermilk with code 122 0 9;

At Farmer's Super Market, 216 Madera Avenue, Madera, California, I found one ½ pint of Quality Sterilized Whipped Cream with code 11 4; 10 quarts of Danish milk coded 122 0 8 and 9 quarts of Challenge milk coded 122 0 8;

At Bridge Market, 748 North "D" Street, Madera, California, I found two ½ gallons of Knudsen Buttermilk with codes 1kl, 18 quarts of Challenge Buttermilk with code 12209, One quart of Challenge Buttermilk coded 122 0 8 and two quarts of Challenge milk with code 122 0 10. I purchased one quart of Challenge milk with code 122 0 8 for $.27. I also found one quart of Bordens Non Fat Milk without a code;

At Starks' Grocery, 731 South "B" Street, Madera, California, I found three quarts of Challenge milk coded 122 0 9;

At Sure Save Market, 823 F Cleveland Avenue, Madera, California, I found 12 quarts of Challenge milk with code 122 0 9, four pints of Challenge Half and Half coded 122 0 11 and four pints of Challenge Chocolate Drink with code 122 0 8;

At Mearl's Grocery, 13384 Rd 29, Madera, California, I found three pints of Challenge Half and Half with code 122 0 9. I purchased one pint of Challenge Half and Half for $.25 with code 122 0 9.

I declare the foregoing is true and correct under penalty of perjury.

Aurora Parreno.

AFFIDAVIT

I, Pennie L. Capps, first being duly sworn, depose and say:

That I, in my capacity of legal secretary for California Rural Legal Assistance, located at 529 South "D" Street, Madera, California, on November 13, 1970, went to two markets to purchase cartons of milk and milk products which should have been pulled off the shelves.

At the Family Food Center, 6895 Hwy. 145, Madera, California, I purchased a one-quart carton of Quality butter-milk with the pull date or code of 122 0 9. Attached hereto is the receipt of said purchase.

At Farmer's Super Market, 216 Madera Avenue, Madera, California, I purchased one ½ pint of Quality Sterilized Whipping Cream with a pull date of 11 4; the receipt from this purchase is also attached.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of November, 1970, at Madera, California.

Pennie L. Capps.

AFFIDAVIT

I, Pennie L. Capps, state as follows:

That on November 2, 1970, in my capacity as legal secretary for the office of California Rural Legal Assistance at 529 South D Street, Madera, California, I did go to numerous liquor and grocery stores and did compare milk carton "codes" using the San Francisco Bay Guardian article, a copy of which is attached hereto, as a guide for determining the pull dates.

That I did find the following violations:

At Toni's Liquor, 601 South C Street, Madera, California, a pint of chocolate milk of Quality brand with a "1" pull date;

At Ace-Hi Liquor, 114 South "C" Street, Madera, California, 1 quart of buttermilk of Quality brand with a "28" pull date;

At Monty's Liquor Store, 1301 W. Yosemite Avenue, Madera, California, two quarts of Quality buttermilk dated "28"; and

At the Family Food Center, No. 2, at the corner of Avenue 7 and Highway 145, ½ gallon of low fat milk of Quality brand dated "27", and approximately 10 quarts of Quality milk dated "31".

Executed this 2nd day of November 1970 at Madera, California.

Pennie L. Capps.

AFFIDAVIT

I, Ruben Rodriguez, being first duly sworn, depose and say:

I am a community worker for California Rural Legal Assistance, working in the Madera office located at 529 South "D" Street, Madera, California.

On Friday, November 13, 1970, I was sent out to check some markets and liquor stores to find out if the milk that was being sold had not exceeded the pull dates.

During my investigation, I visited the United Food Center located at 119 South "C" Street in Madera. At this store they had three brands of milk. I found that the Quality Milk brand had 18 cartons of milk with the pull date being the 12th of November still on the shelves. The code on these cartons were 122–0–12 which I believe meant it should have been pulled on the 12th of November. I also saw at this store 19 cartons of challenge milk with pull code being 122–0–9, which I believe that the pull date was the 9th of November.

I then went to Monty's Liquor Store located at 1301 W. Yosemite in Madera. Found 8 cartons of Quality Low Fat milk with the pull date being 12000, which should have been pulled on the 12th of November.

I then went to Ace Hi Liquor located at 114 So "C" Street, Madera, California. I found that they had 2 cartons of Quality milk with the pull date code being 1–22–05 which meant this milk should have been pulled on the 5th of November.

I then went to Smith's Emporium which is located at 813 North "D" Street, Madera, California. Here I found 2 cartons of Quality Milk with the code date being 1–22–0–12 and 2 cartons with the code date of 1–22–0–11.

I declare the foregoing is true under penalty of perjury.

Dated: November 16, 1970.

RUBEN RODRIGUEZ.

AFFIDAVIT

I, John G. Contreras, being first duly sworn depose and say:

I am a community organizer for California Rural Legal Assistance, working in the Madera office located 529 South "D" Street, Madera, California.

On November 13, 1970, I went to Ace-Hi Liquor located at South "C" Street, Madera, California. There I purchased one quart of Quality Buttermilk for $.28. I have purchased a quart of buttermilk that has spoiled after being kept in my refrigerator for less than a week.

I shop at Ace-Hi Liquor because it is close to my job and I buy my newspaper, cigarettes, liquor, milk, etc. There is only one brand of milk carried by Ace-Hi Liquor.

On at least two occasions in the past three months, I have purchased a quart of buttermilk that has spoiled in less than a week and I kept it in my refrigerator. If I could read the codes I would buy the freshest buttermilk and would not have to throw away spoiled milk.

I declare the foregoing is true under penalty of perjury.

Dated: Nov. 13, 1970.

JOHN G. CONTRERAS.

AFFIDAVIT

I, Aurora Parreno, state as follows:

That on November 2, 1970, in my capacity as legal secretary for the office of California Rural Legal Assistance at 529 South "D" Street, Madera, California, I did go to numerous liquor and grocery stores and did compare milk carton "codes" using the San Francisco Bay Guardian article, a copy of which is attached hereto, as a guide for determining the pull dates.

That I did find the following violations:

At Family Food Center, No. 2, at the corner of Avenue 7 and Highway 145, nine quarts of Quality milk dated "31", three quarts of Quality milk dated "31";

At United Food Center at 119 South "C" Street, Madera, California, one ½ pint of Quality Whipped Cream dated "30".

At Mayfair Markets at 313 West Olive Avenue, Madera, California, one cottage cheese, brand Arden, dated "10–30".

That while I was comparing the milk "codes" at Family Food Center one of the employees (a woman) asked me what I was doing and after I explained that I was checking the "codes", she asked how I could tell the pull dates. I mentioned that I had the above mentioned guide and showed her a few codes as examples. She seemed surprised, but satisfied with my explanation.

That while I was comparing the milk "codes" at United Food Center one of the employees (a man) asked me what I was doing. After I explained he said that he couldn't read the codes, but that "they" took good care of the milk.

Executed this 2nd day of November, 1970 at Madera, California.

AURORA PARRENO.

GROCERY COMPANY,
Los Angeles, Calif., October 22, 1970.

Senator ANTHONY C. BEILERSON,
State Capitol, Sacramento, Calif.

DEAR SENATOR BEILERSON: I am pleased to supply you with the answers to your questions regarding our new consumer program of "open date" coding. On August 27, 1970 we inaugurated the program of open date coding all fluid milk products on an experimental basis in conjunction with the introduction of our Price/Per/Measure (dual pricing) program.

The products contained in that category were all fluid milk and cream products (including imitation milk products), orange juice, and fruit punches.

Surprisingly, there has been little reaction by our customers to the addition of this service, which leads us to believe that over the years they have developed a confidence in the freshness of the products we sell. Those comments we have received have been extremely favorable.

There has been a negligible number of instances where customers have actually sorted through product to find the freshest item. The instances of relatively old product, as you refer to it, being on sale has never been a problem in Ralphs stores in the past as well as the present. The reason for this is that we have an order, production and delivery system which provides almost daily supplies of product to the retail stores. Therefore, there is no reason for creating backlogs of product at either our manufacturing plant or in the retail stores.

We do not feel there has been any increase in costs due to unsold product resulting from this change since, as mentioned above, carryover inventories are minimal in our type of operation. We feel our customers sincerely appreciate this service and therefore, by November 1 we will have expanded open date coding to include the following sensitive, perishable items: cottage cheese, yogurt, eggs, Ralphs label pizzas, Ralphs manufactured salads, and Ralphs packaged luncheon meats.

You may be interested to know that also by November 1 we will have expanded our Price Per/Measure program to include additional categories of items. This program has been received with overwhelming enthusiasm by our customers.

If I can be of any further assistance to you, please do not hesitate to let me know.

Sincerely,

RICHARD RALPHS.

STATEMENT OF EDWARD BERNSTEIN, M.D.

I am a physician at the Centro de Salud at 2990 22nd Street, San Francisco which is a community health center established by community people of the Mission District to provide medical services, health education, and preventive medicine programs when so needed. In the last three months we have provided medical services to over 1,000 people.

One of the most startling health problems we have encountered has been the inadequate nutrition and inferior quality of food consumed within the community. Many people lack funds to purchase sufficient food, but many times the food itself is of inferior and inadequate quality. There have been several severe cases of diarrhea caused by soured milk. As a doctor I am aware that the bacteriological count of milk becomes higher the longer the milk is on the shelf awaiting sale.

The lack of readable "pull-dates" on milk and dairy product cartons makes it impossible for persons to know the age and potential preservation time of the dairy product they buy. Failure to correct this situation would constitute a health hazard within the community. Based on our experience at the Centro de Salud it seems that the problem of sour milk is especially prevalent in the Mission District, and adversely affects the poor and the aged whose circumstances force them to shop infrequently and to buy in larger quantities.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 13, 1970.

San Francisco, California.

EDWARD BERNSTEIN, M.D.

DECLARATION

I, John S. Zamora, am a resident of Hollister, San Benito County, State of California, and have eight children. My primary occupation is farm work. I am President of the San Benito County Consumers Co-op. The San Benito County Consumers Co-op is a non-profit corporation representing more than 10% of all low-income families in San Benito County.

During the last two years the Co-op has worked to bring food stamps, school lunches, and milk to low-income people in our county and we have on a number of occasions engaged in surveys of the population's milk and food consumption.

A large number of families in our Co-op use food stamps. This means that many of them make purchases only once every fifteen days. It is therefore extremely important for us to have information as to the freshness of milk and other dairy products. It is also important to us because many of our members live long distances from stores and cannot afford to buy dairy products or milk on a day-by-day basis.

Right now the only way people in our county can be sure of getting fresh milk is by purchasing it directly from the dairy. Many of us do not understand why the law is such that we cannot buy *fresh* milk *directly* from the dairy at half the price that we are forced to buy it in the store when the stores will not even let us know if the milk is fresh. We are law-abiding people and are willing to pay higher prices for milk than are necessary, but at least we should be given a chance to know before we buy the milk whether the milk is fresh.

As President of the San Benito County Consumers Co-op, and in preparation for this lawsuit, I polled a large number of our members. Many of them stated that because of the absence of dating as to freshness, they had, on many occasions, purchased sour milk and that despite their poverty there were occasions when they could not afford to return the milk for a refund due to the fact that the cost of gasoline exceeded the value of the milk.

I declare under penalty of perjury that the foregoing is true and correct.

JOHN S. ZAMORA.

DECLARATION

I, Reverend Edward Peet, say and declare:

My name is Reverend Edward Peet and I am the Chairman of the California Legislative Council for Older Americans, an unincorporated association.

Our organization is composed of approximately 375 members. The majority are from the low income levels of the retired population of California. Many of our members require some form of public assistance in order to attempt to meet their basic needs. Our organization is essentially concerned with organizing low income senior citizens, so that collective pressure can be brought to secure a unity of interest of senior citizens with other segments of the population.

Our organization has taken particular interest in the open dating of food products. Many senior citizens encounter difficulties purchasing groceries. They are forced to rely on public transportation to visit the supermarkets. For many, this is a difficult task, and they attempt to limit their shopping to once or twice a week. Furthermore, many food products are marketed in large quantities, designed for family consumption. So it is vitally important to the senior citizen that he be assured of the freshness of the products he purchases.

On October 30, 1970, we discussed the problem of open dating of perishable foods at our regular meeting. Our discussion largely concerned the open dating of dairy products. At this same meeting, a resolution was passed authorizing our organization to bring legal action to enforce the open dating of dairy products.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed at San Francisco, California, on November 1970.

Reverend Edward Peet.

Declaration

I, Ruth M. Samiee, declare and say:

I am the Senior Caseworker at Lutheran Social Services, 3208 16th St., San Francisco, California. This agency offers an intensive service to the aged, low-income client in Northern California. I meet and work with many senior citizens who have unique problems relating to their age and decreased activity level. One of these problems is the fact that it is impossible for them to shop everyday; consequently perishable foods which they do purchase must be fresh at purchase time or they will be spoiled before they are used. This is particularly true of dairy products. It is also true that most aged persons require dairy products, especially milk and coffee cream to sustain a healthful diet.

It is therefore essential that dairy products, especially milk, be clearly marked as to the pull date. May I emphasize "clearly marked" because another problem of the aging person is declining eyesight. Unless the milk containers are clearly marked with month and day, and not marked in a code which only those so trained are able to read, the aged customer is unable to determine the freshness of the milk. Again because the aged person cannot always accept his poor eyesight and beginning loss of independence, he will not, as a matter of pride, ask to have a code deciphered for him. So to code the milk containers does not give the aged customer the information he needs. Besides, I should think it would be no more expensive for the distributor to clearly date the milk container than to code the container, as is now being done by some firms.

Since the clients served by this agency live in all areas of northern California, including the Bay Area, I feel it is necessary to standardize the dating system on milk throughout the State of California. All distributors and markets should be required to have a uniform dating system which is easily read and applicable to all milk containers, irregardless of which market has sold the item.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed at San Francisco, California, November 16, 1970.

(Mrs.) Ruth Samiee, MSW, ACSW.

Declaration

I, Lillie Godley, declare and say:

I live at 1319 Paula Street, San Francisco. I am a recipient of an Old Age Security pension and am 70 years of age. I do not have a car so I must walk to the market when I purchase food. I generally shop at the Lee Market at Jennings and Revere Streets in San Francisco for perishable things, including milk. This market is about 1½ blocks from my home. I also go to the Revere Market at Keith and Revere Streets in San Francisco sometimes. This is about 3 blocks from my home.

For some time I have been aware of the numbers on the milk cartons, but am unable to read what they say. I would like to be able to do this because milk is an important part of my diet. I would like to be sure that the milk I buy is fresh because I cannot afford to buy milk which spoils and waste the money. In September, 1970, I remember buying a carton of Borden's milk from the Lee Market which spoiled before I could use it. However, as it is difficult for me to go to the market I did not return it. If I could read the codes on the milk carton I could be sure not to buy milk that will spoil before I can use it. I do go to the Safeway store at Third and Williams streets once a week, but this is about 8 blocks away and I cannot go more often. It is very important to me that the local markets stock fresh milk, therefore, and that I should know how fresh the milk is by reading the pull dates printed on the cartons.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed at San Francisco, California, on November 13, 1970.

Lillie Godley.

Declaration

I, Lana Stephenson, declare and say:

I reside with my husband at 204 South Ridge Road, San Francisco, in Apt. 25A.

Both my husband and I are recipients of Aid to the Totally Disabled (ATD) grants. I am 60 years of age.

My husband and I cannot go far to do our grocery shopping because his legs are bad and he cannot walk far, and I have a bad shoulder and arm. We usually shop at the local markets near our home, either Lorina Market at Third and Paula Streets or Esposto's Quality Market at 5039 Third Street. I usually walk to the stores and they are about three blocks from my home.

I have, in the past, purchased milk in both of these markets which has soured before we could use it. I remember one time near the end of September I bought a carton of Marin Dell milk which spoiled. I have noticed that the milk cartons have numbers and letters stamped on them but I do not know what these codes mean. I would like very much to be able to read and understand these codes so that I could tell the milk we buy is fresh. When I have gotten sour milk in the past I have not taken it back because it is too difficult to have to go to the markets again. If I could read the dates on the milk then I would be able to save money by buying only fresh milk which will keep until we need to use it.

I cannot go to a supermarket very often because the nearest one is a Safeway which is about 12 or 15 blocks from my home. I have to depend on the local markets, therefore, and since they do not do as much business as a supermarket, I think it is very important that they be required to keep only fresh products on their shelves. This is especially true since many of their regular customers are people who, like myself, use these markets because shopping is difficult and they are unable to go long distances to bigger markets.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed in San Francisco, California, on November 13, 1970.

Lana Stephenson.

Declaration

I, Laurs Laursen, declare and say:

I live alone at 225 Hyde Street, Apt. 621, San Francisco, California. I have lived there since April, 1970. Earlier I lived a few blocks away at 957 Mission Street for four years. I am 76 years old and my only income is from Social Security and Old Age Security.

I generally purchase my groceries at the Safeway market at Market and Post Streets. This market is about two miles from where I live and I have to take the bus to get there. One of the main reasons I shop there is because I can usually understand the shelf dates on some of their products.

I have been aware of these shelfs dates for a long time. Some years ago when I was living in Mendocina County, I lived a great distance from the nearest market. When the milk I bought began to sour often, I began to carefully look at the shelf dates. But I could only guess about what the numbers on the carton meant. At Safeway they mark their Lucerne milk pretty clearly: there is one number for the month and another number for the day. Although I sometimes shop at Lucky also, I never could understand their codes. Now I understand that Lucky Stores have marked their dates clearly on milk. But when I bought half-and-half there two weeks ago, I could not find any marking at all.

Sometimes I have to buy milk at the local "Princess Market" on the corner of Hyde and Eddy because I am in a hurry. There they sell only Borden's and Berkeley Farms milk. I can't understand these codes because there are many letters and few numbers marked on the carton, so I have to take my chances and sometimes this milk has gone sour.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed at San Francisco, California, on November 10, 1970.

Laurs Laursen.

Declaration

I, Jean Barker, say and declare:

I am 59 years old and I receive Aid to Totally Disabled. I live alone at 696 Guerrero Street, San Francisco, California.

Since I am disabled, the welfare department has provided an aide to assist me in my shopping. I try to do all my shopping during the hours when she is with me. I usually buy milk every two or three days at the B and H Grocery, at the corner of 19th and Guerrero. I also buy milk when I do my weekly shopping at Safeway, which is at 21st and South Van Ness, about five blocks from where I live.

I have always had trouble with milk going sour only a couple of days after I bought it. About four months ago the girl that shopped with me showed me that Safeway marks the date on their Lucerne milk. Since then, I have always been careful to read the dates, and I have had no problem with sour milk from Safeway.

When I tried to read the dates at the corner store, I found it to be impossible. At Safeway they have two numbers, one for the month and another for the day. At the corner store they sell Bordens and Foremost, and their numbers don't jibe like Safeway's. Sometimes there aren't even any numbers on the milk—just letters. I wondered what they were trying to do—hide things from me? And this milk, as I have said, has gone sour. But I still have to buy milk there, since I can only get to Safeway once a week.

Jean Barker.

DECLARATION

I, Helen Diaso, say and declare:

I am a widow living at 308 Eddy Street, San Francisco, California. I am 65 years old. My only sources of income are Social Security and Veterans' benefits. I buy all my milk at the Crown Market, which is at the corner of Jones and Ellis streets, a block from where I live. I buy milk at this market because I know it is always fresh. I also know the days on which the Foremost truck comes and delivers the milk, and I usually buy milk on those days. I drink milk regularly, as I feel it is important to my health, and I always want it to be fresh.

I also like to shop at the Safeway Market on Polk and Eddy streets, because the prices are usually lower. But I don't buy any milk there, because I can't be sure it is fresh. I understand that Safeway does mark the date on their milk, but if they do it mustn't be very large, because I have never found it.

Before I started shopping at Crown Market, the milk I bought went sour many times. Now that I have found one market which sells fresh milk, I will not buy milk anywhere else. But if the markets put the dates on the milk, I then could feel safe in buying it other places. I understand that Lucky Stores now place the date on their milk. But since there are no Lucky Stores near me, I cannot buy milk there.

HELEN DIASO.

DECLARATION

I, Katharine W. Rider, declare and say:

I am a retired elementary school teacher. I live alone at 401 Hyde Street in San Francisco. Kitty-corner across from where I live is the Serve-Well Market at 595 Ellis. Since I do not have a car I would prefer to do most of my shopping at this market. However, Serve-Well only carries Bordens and Spreckels milk, cream, and half-and-half. Both of their dairies use a tricky code on the pour spout of their milk and cream cartons that supposedly, if you can translate it, tells you when the milk and cream should be pulled from the shelf. I cannot understand the code, so there is no way for me to tell how fresh the milk or cream is that I buy at Serve-Well. Because I live alone, I often keep milk for several days before I drink or use it all. The fresher the milk is, the better for my purposes.

On Geary Street in San Francisco, about two blocks from where I live is a Safeway market. Safeway now has a fairly clear pull date on its milk and cream. There are just two numbers stamped in a wax impression on the pour spout. The first number is for the month and the second number, the day of the month. Safeway has only recently used such open dating. Eleven months ago, for example, I bought a pint of half-and-half at the Safeway store on Eddy and Polk Street in San Francisco. Though I took the half-and-half home right away while it was chilled and opened it that night, it was still sour. I did not know then that pull dates were on the pour spout of milk cartons. Had I known, however, it wouldn't have made any difference as I understand Safeway was using a code then instead of the open dating they now have. Though the Serve-Well is closer to me than the Safeway on Geary Street, I prefer to shop at Safeway because prices are somewhat cheaper and I can tell how fresh the milk is that I buy there.

On October 14, I bought a quart of Challenge low fat milk at the Giannini Food Fair, 75 5th Street in San Francisco. I brought the milk right home and put it in my refrigerator, which is quite cold. That evening I opened the milk, and it was sour. I didn't take this quart of milk back to Giannini's as I did the pint of half-and-half to Safeway's, because Giannini's was farther away and it was just too much trouble.

Sometimes when I need just a few items I go to the Serve-Well Market closest to my apartment. However, when there are only a few quarts of milk left in the stall at Serve-Well, I am afraid to buy one of them because I suspect they may not be fresh. If there was open dating on the Bordens and Spreckels milk then I would know just how fresh it is and would feel safe about buying it.

A couple of times within the last two weeks, I have taken the bus and gone to shop at the Lucky Store on Eddy Street between Octavia and Laguna. This store I feel has the best kind of open dating on its milk, an abbreviation for the month and a plain number for the day of the month in large blue or purple letters on the pour spout. I like their open dating best because it calls the shopper's attention to the pull date and helps her to think if she is going to use the milk right away or keep it in her home for a few days before use. However, even Lucky Stores have not gone to open dating on cream and half-and-half; they still use a code that I cannot figure out so if I want to know how fresh the cream or half-and-half is I have to go to Safeway. If there was open dating on all milk and cream then I could shop more intelligently and without fear that the milk I was buying would go sour on me before I could use it.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed at San Francisco, California, on November —, 1970.

KATHRINE W. RIDER.

Esther Talavera, being first duly sworn, deposes and says:

As a consumer I feel I should be informed about the packaging of food products, especially dairy products so that I can know which are freshest. Products should be labeled clearly with a simple "pull" date as opposed to a code.

Sometimes I buy products that do not last as long as I expect them to when I buy them. The quality of dairy products is especially important to me because I have six children.

I work in the kitchen at a hospital and I have noticed that on occassion patients have received sour milk because the workers in the kitchen failed to rotate the milk purchases. If the "pull" date was clearly marked the kitchen workers would obviously be able to serve fresh milk only. I do not wish to name the hospital which employs me for I fear I may lose my job. However, I will give this information to the Court if I can be assured that my testimony will not get back to my employer.

I declare under penalty of perjury that the foregoing is true.

Esther V. Talavera.

TRIBUTE TO BOYD CRAWFORD

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. ADAIR. Mr. Speaker, I want to join my colleagues in expressing my high regard for Boyd Crawford upon the occasion of his retirement as staff administrator of the House Committee on Foreign Affairs.

In the almost 18 years that I have served on this committee, I have come to admire Boyd Crawford, both for his skills as a professional and for his qualities as a human being.

In his role as staff administrator, I always found him to be eminently fair in his dealings with members of the committee, regardless of their political persuasion. He possesses many talents that were invaluable to the committee. He is skilled at human relations, at working with people of diverse views, at expressing ideas orally or in writing, and at parliamentary procedure. In short, he possesses a combination of talents that were unique for a man in his position. In addition, Boyd is a fine human being, a man of character and integrity, and a good friend.

Capitol Hill has long been home to Boyd Crawford. He was born in a house located at the site of the Taft memorial and most of his career has been devoted to serving the House of Representatives. I trust that from time to time he will interrupt his many hobbies to visit his friends on Capitol Hill, and permit them to benefit once again from his warm spirit and his incomparable fund of legislative knowledge.

PRIDE ECONOMIC ENTERPRISES ON THE VERGE OF BANKRUPTCY

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. SCHERLE. Mr. Speaker, Pride Economic Enterprises, Washington, D.C.'s 2½-year-old experiment in black capitalism, is on the verge of bankruptcy. Unless the fledgling corporation raises $50,000 immediately, it will have to fold. Conceived as an independent, profitmaking venture, PEE is an offshoot of Youth Pride, Inc., a manpower program entirely funded by the Department of Labor.

Pride's directors blame the economic recession for their failure, but admit that topheavy payrolls have had a great deal to do with it, too. Pride has consistently followed a policy of overhiring, partly in order to employ as many young ghetto residents as possible, but partly because it takes three hard-core unemployed persons to do the job of one experienced worker.

Pride has other problems as well. The General Accounting Office reports that sloppy managerial and accounting practices are also responsible for Pride's penury. The GAO is unable to trace almost $150,000 of a $1.2 million Federal antipoverty grant awarded to Pride Economic Enterprises a year ago. Mismanagement rather than theft is thought to be responsible for the discrepancy in accounts. Nevertheless, Pride has had its share of troubles with dishonest employees as well. Last February, as the result of a previous GAO investigation, 17 Pride employees were indicted for fraud. Workers at Pride's gas stations, moreover, have been known to pull guns on their customers. Not surprisingly, the corporation's public relations have suffered, and public confidence in the enterprise is at a low ebb.

Sympathetic though we may be with the difficulties encountered by inexperienced black capitalists, it is difficult to see why a little commonsense could not have been applied to the undertaking. The Federal Government spends millions of dollars a year to train the unemployed and unemployable precisely because such people require extensive preparation to perform effectively in a business environment. It would be more logical to employ ghetto residents who have graduated from such a program than to attempt a training program and profit-making enterprise in one, especially where sound managerial expertise is lacking, as is obviously the case with Pride. The management in this organization is apparently as much in need of basic training as its employees.

Pride's problems, however, cannot be attributed entirely to shortsightedness on the part of its managers. Government bureaucrats who encourage the notion that massive infusions of Federal funds alone will solve all problems are equally to blame for Pride's fall. The failure of this enterprise was entirely predictable in view of the way it was handled. The Federal grant, supposedly designed to help Pride become self-sufficient was administered in the usual way—that is, not at all. There was little or no control, supervision on review of the program. Consequently, this expenditure of the taxpayers' money accomplished nothing constructive. Few, if any, of the trainees have gone on to permanent jobs in the private sector. Pride is back where it started—broke—and the taxpayers are the poorer by a million dollars. Sooner or later, they will demand an accounting. Once, just once, the people who pay the bill would like to hear a success story which could justify the constant drain on their limited resources.

MOVEMENT TO ABOLISH COMMITTEES ON UN-AMERICAN ACTIVITIES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. SCHMITZ. Mr. Speaker, due to the recent controversy which has arisen over the activities of the House Committee on Internal Security I think it would be appropriate at this time to insert in the RECORD a summary analysis of the formation and operations of a group known as the National Committee To Abolish the House Un-American Activities Committee/House Internal Security Committee. This excellent report was prepared by the California Senate Factfinding Subcommittee on Un-American Activities.

Over the years this subcommittee, under the leadership of Democrat Hugh Burns, has done yeoman work in keeping the people of California informed about the activities of various subversive organizations and individuals. This report on NCA–HUAC/HISC is extracted from the California Factfinding Subcommittee's 15th report which was issued in 1970.

The purpose of the organization calling itself NCA–HUAC/HISC, as documented by the California Senate Factfinding Subcommittee, is exactly what its name implies. It was organized and today operates to destroy that committee of the House of Representatives whose duty it is to investigate and report to the Members of the House on matters dealing with internal subversion.

The national executive director of NCA–HUAC/HISC is Mr. Frank Wilkinson. Mr. Wilkinson has been identified under oath as a member of the Communist Party. In 1952, when he appeared as a witness before the California Senate Factfinding Subcommittee, he invoked the fifth amendment in response to all questions dealing with his Communist affiliations and activities.

In another instance he was cited for contempt by the House Committee on Un-American Activities of the House of Representatives for refusing to answer all questions concerning his Communist membership and, at the same time, refusing to invoke the fifth amendment as justification for his refusal to answer. For this contempt he served 1 year in a Federal penal institution.

The California Factfinding Subcommittee points out that "mere membership in a Communist-front organization does not necessarily imply that a member is pro-Communist." The subcommittee goes on, however, to say that—

> It is hard to conceive of a person of intelligence belonging to . . . NCA–HUAC/HISC under Frank Wilkinson's leadership, however, without being fully aware of the real nature of these groups.

I would recommend that my colleagues familiarize themselves with the operations of this organization and the individuals connected with it. It is quite likely that its activities will pick up as the Communist Party fights against the internal security legislation necessary to preserve the freedoms of the majority of our citizens.

The analysis follows:

MOVEMENT TO ABOLISH COMMITTEES ON UN-AMERICAN ACTIVITIES

In 1959 the late Aubrey Williams set about to organize a national movement for the abolition of the House Committee on Un-American Activities; to unify the isolated and uncoordinated local groups dedicated to attack the Committee, which we will hereafter refer to as HUAC.

HUAC convened at San Francisco in May 1960, and during its hearings there was a mobilization against it by thousands of defiant young people, led by members of SLATE, from the Berkeley campus of the University of California, and by other radical groups from the Bay area. The highly controversial film "Operation Abolition" resulted from these demonstrations, which were forerunners of succeeding activities, such as those on Van Ness Avenue and at Sheraton-Palace Hotel, and that were to culminate in the Berkeley rebellion of 1964.

On Wednesday, August 17, 1960, Professor and Mrs. Joseph Morray held a meeting in their home at 2963 Magnolia Street, Berkeley. Mimeographed copies of the minutes of the meeting were widely distributed in an effort to arouse interest in bringing these anti-HUAC organizations together in a formidable unit that would have the political strength and the necessary membership and financial ability to make a determined effort against the reconstitution of HUAC by the House of Representatives of the United States Congress. The House Committee, which has been functioning since 1938, issued numerous reports as a result of its hearings, and took testimony from many undercover informants who were members of the Communist Party and its galaxy of front organizations. In these reports the exposure of Communist activities and organizations throughout the United States was made available to the American people, and kept Congress accurately informed as to the extent of domestic subversion. It was natural, of course, that it would be met by determined opposition from the elements it exposed.

Forty-eight people were present at the home of Professor and Mrs. Morray and represented the following organizations: East Bay Community Forum, Students Civil Liberties Union, Friends Committee on Legislation, Grassrooters Club, Democratic Party, Berkeley Community YWCA, SLATE, Women's International League for Peace and Freedom, Associated Students of Social Welfare, University of California, North California American Jewish Congress, Unitarian Fellowship for Social Justice, National Lawyers Guild, California Democratic Council, Trinity Methodist Church Committee on Christian Social Relations.

The meeting adjourned after deciding to call a Bay area conference, to establish a speakers panel, and to coordinate all California groups opposing HUAC.

Among these groups were two in Los Angeles that we devoted considerable space to in previous reports. They were the Citizens Committee to Preserve American Freedoms and the Constitutional Liberties Information Center. A letterhead of the first organization discloses that its address was 555 Northwestern Avenue, Los Angeles, and that its office coordinator was Betty Rottger. Others who were active in the organization included Rev. Stephen H. Fritchman, Dorothy Marshall, Frank Wilkinson, Jack Berman, Frank Spector, Martin Hall, Raphael Konigsberg, James Burford, William Elconin, John Howard Lawson, Rose Chernin, and Albert Maltz. Dr. Herbert Aptheker, the father of Bettina Aptheker Kurzwell, was scheduled to be the main speaker at a meeting of the organization which was held on July 8, 1955, in the Embassy Auditorium in Los Angeles.

By 1961 the National Committee to Abolish the Un-American Activities Committee had perfected its organization. Aubrey Williams was its chairman, Dorothy Marshall was secretary, Judge Robert W. Kenny was treasurer and the field representative was Frank Wilkinson. National headquarters was established in Washington at the Carroll Arms Hotel, First and C Streets, Washington, D.C. In January 1966 the Citizens Committee to Preserve American Freedoms sent a letter to all members of its executive board and its sustaining contributors to the effect that the organization now presented for consideration the following propositions:

1. The Citizens Committee to Preserve American Freedoms be dissolved.

2. A new organization to be known as "Southern Californians to Abolish the House Un-American Activities Committee," be established. The letterhead and literature of the new organization would carry the following information: "Formerly, Citizens Committee to Preserve American Freedoms," and "Affiliate: National Committee to Abolish the House Un-American Activities Committee."

3. The Executive Board of the new organization would consist of all present members of the Citizens Committee to Preserve American Freedoms Executive Board who wished to continue on the Board, and one or more representatives to be invited from each Congressional District in southern California.

4. The new organization would be responsible for all funds raised in southern California for the HUAC Abolition Campaign; develop a budget; and allocate funds for local and national abolition work. First claim on funds raised by the new organization would

be for payment of the salary of National Executive Director, Frank Wilkinson, and for the overhead, rent and telephone, of the national office in Los Angeles of the National Committee to Abolish the House Un-American Activities Committee.

5. The new organization would select a staff person, voluntary or paid, to work on a part-time or full-time program to coordinate Congressional District activities, education work, fund raising, and other duties the organization would establish to further the HUAC Abolition program in southern California.

The present executive board of the Citizens Committee to Preserve American Freedoms will continue until such time as the above proposals can be acted on. Five members of the present CCPAF Board were named to implement the above program, if approved. Dorothy Marshall, chairman; Rev. Stephen H. Fritchman; Raphael Konigsberg; Betty Rottger; and Vic Shapiro; Frank Wilkinson, ex-officio.

Attached to this letter, which bore the signature of Betty Rottger, was a ballot mailed to all members, and as a result of the returns, the Citizens Committee to Preserve American Freedoms was liquidated.

Shortly thereafter similar actions were taken by some of the other local organizations, and under the efficient guidance of Mr. Wilkinson, the national organization gathered momentum and strength.

Wilkinson, who had served as executive secretary of the Citizens Committee to Preserve American Freedoms, has been frequently mentioned in our reports. He first appeared before us as a witness during our investigation of the Los Angeles Housing Authority in 1952 and was on that occasion represented by three attorneys: Judge Robert W. Kenney, Robert S. Morris and Daniel G. Marshall. He invoked the Fifth Amendment in response to all questions about his Communist affiliations and activities, but there was ample evidence from the testimony of those in the Party with him to establish his membership. Mrs. Anita Schneider so testified as did Robert C. Ronstadt, and other witnesses on separate occasions, Mrs. Schneider and Ronstadt both having been undercover members of the Communist Party reporting to the F.B.I. for several years.

Ronstadt testified that he and Wilkinson were selected as members of an elite security Communist unit and that when the Housing Authority investigation was under way, his "specific instructions at that time were to hold Frank up and keep him from breaking, because he was close to breaking. The hierarchy of the Party at that time felt that there was a possibility of breaking Frank, and, as a result, I used to pick him up just about every evening when he was before the Committee or waiting to be heard. Of course, I instructed him to plead nothing else but the Fifth, and give his name and plead the Fifth, and this was it, and that I hammered home to him." (See testimony of Robert C. Ronstadt, HUAC, Oct. 10, 1962.)

When Wilkinson later appeared as a witness before HUAC, however, he refused to answer all questions concerning his Communist membership, and he also refused to rely on the protection of the Fifth Amendment. He was therefore found guilty of contempt of Congress, and after his conviction was upheld by the U.S. Supreme Court on February 27, 1961, he was compelled to spend a year in a Federal penal institution. (*Congressional Record*, May 3, 1961.)

GROWTH AND ACTIVITIES

During the late summer of 1957 Wilkinson interviewed Congressmen and some of their staff members to determine what the general Congressional attitude would be toward the reconstitution of the House Committee, and thereafter reported his findings in a detailed statement to several interested parties. He had taken a leave of absence from the Citizens Committee to Preserve American Freedoms and was assisting another front organization in New York, The Emergency Civil Liberties Committee, in making this survey. The contacts made and the responses received were of great value in his later duties, after liquidation of the Citizens Committee in Los Angeles and the launching of the new National Committee to Abolish HUAC in 1960.

Both local and national anti-HUAC offices were situated at 555 North Western Avenue, Los Angeles. Dorothy Marshall, who has been chairman of the Citizens Committee to Preserve American Freedoms, was elected chairman of the organization that replaced it, Southern Californians to Abolish HUAC. The sponsors included James Berland, who in 1969 was an assistant to Rose Chernin in her front organization, Farrell Broslawski, Donald Kalish and Irving Sarnoff. Mrs. Marshall was also a vice-president in the national organization to Abolish HUAC.

In 1961, 23 years after the creation of HUAC and less than a year after the new anti-HUAC organization was established to abolish it, the House of Representatives re-established it by a vote of 412 to 6, with an appropriation of $331,000.00. (*New York Times*, March 5, 1961.)

Wilkinson was hard at work in his new role, perfecting details of establishing a network of centers in strategic locations and linking them together in a powerful, smoothly-functioning chain. Two years later, the House Committee was mandated to continue its work by a vote of 385 to 20, and a top appropriation of $360,000.00. (*Los Angeles Times*, Feb. 28, 1963). But Wilkinson's organization had been raising money, too. Envelopes were mailed soliciting contributions and signatures on petitions for the abolition of the House Committee. Recipients of these postpaid return envelopes were directed to: "Make checks payable to Robert W. Kenny, Treasurer, National Committee to Abolish the House Un-American Activities, 555 North Western Avenue, Room 2, P.O. Box 74757, Los Angeles 4, California."

By the summer of 1964, the letterhead of NCA-HUAC (National Committee to Abolish HUAC), listed the following officers:

Honorary Chairmen: James Imbrie, Alexander Meiklejohn, Clarence Pickett.

Chairman Emeritus: Aubrey W. Williams.

Chairman: Harvey O'Connor, Little Compton R.I.

Vice Chairmen: Dorothy Marshall, Coordinator; Sylvia E. Crane, Organization and Liaison, PO Box 423, Cathedral Station New York City, 25 NY; Charles Jackson, East Coast Region; Harry Barnard, Midwest Section; Rev. Edward L. Peet, West Coast Region.

Southern Region Committee: Carl Braden, John Lewis, Rev. C. T. Vivian, Rev. Wyatt Tee Walker.

Secretary: Prof. Walter S. Vincent.

Treasurer: Robert W. Kenny.

Exec. Director and Field Representative: Frank Wilkinson.

Midwest Regional Office, Chicago Committee to Defend the Bill of Rights, 431 South Dearborn Street, Room 424, Chicago 5, Illinois

East Coast Regional Office, New York Council to Abolish HUAC, 150 West 34th Street, Room 442, New York City, 1

Legislative Office, Washington Area Committee for the Abolition of HUAC, P.O. Box 2558, Washington 13, DC.

Despite the determined efforts of NCA-HUAC, Congress continued to provide funds for the investigation of domestic subversion, and even some of HUAC's most vocal critics were forced to concede that it had accomplished some extremely valuable work. But these concessions came from the liberals, never from Communists. The liberals were critical of some of HUAC's techniques. The Communists were inherently dedicated to the opposition of any investigation of subversion, because the principal target would necessarily be the Communist Party and its network of front organizations.

The use of the word "abolition" in the title of this anti-HUAC Front carried a concept of utter liquidation. There was no compromise in the attack by the Communists and no suggestion of reform. As the new drive picked up momentum its propaganda began to demand the abolition of the U.S. Senate Subcommittee on Internal Security, as well as HUAC. And since 1967 the attack has been expanded to include all state legislative committees, including this one which has been in continuous operation for the California Legislature for the past 30 years.

Generally the efforts against the California Subcommittee and its predecessor committees have been run from the San Francisco office of the Wilkinson organization, and have included printed attacks, attempts to ascertain in advance what the contents of the reports would be and to emasculate them, attempts to mobilize political opposition, and the instigation of harassing tactics in general. The same tactics have, of course, been employed against the other legislative agencies, including the Subversive Activities Control Board.

This broadening of the scope of NCA-HUAC provoked some opposition among its members and staff, and when HUAC became a standing committee and thereafter changed its name to the House Internal Security Committee, the anti-HUAC organization was compelled to expand its already cumbersome name from the National Committee to Abolish the House Committee on Un-American Activities (NCA-HUAC), to the National Committee to Abolish the House Committee on Un-American Activities/House Committee on Internal Security, (NCA-HUAC/HISC).

NATIONAL CONFERENCE 1967

The House of Representatives appropriated $425,000.00 for HUAC in 1966, the vote being 299 to 24. This was considerably more than had been anticipated, as the January, 1966 issue of *Abolition News*, NCA-HUAC publication, stated that the 1965 grant of $420,000.00 had been "unprecedented", and predicted that "HUAC's 1966 appropriation request faces an increasingly critical House of Representatives." Shortly thereafter the "unprecedented" 1965 grant was boosted by $5,000.00. This appropriation naturally provided a topic of almost continuous discussion at the National Conference, held in Chicago at the Pick-Congress Hotel, April 8 and 9, 1967. From the schedules, rosters and records of proceedings circulated at this conference, it is learned that Chairman Harvey O'Connor opened the conference on the morning of April 8, and after introducing the staff members and national officers, the balance of the two-day session was occupied with speeches, discussions and panels. A roster of those present, as issued at the Pick-Congress Hotel, was as follows:

Donna Allen, Washington representative, 3306 Ross Place, NW, Washington, D.C. 20008;

Prof. Russell Allen, Michigan State University, East Lansing, Michigan;

Frank A. Anglin, Jr., President. Chicago Chapter, National Lawyers Guild, and Treasurer, Chicago Committee to Defend the Bill of Rights, 33 North Dearborn Street, Chicago, Illinois 60602;

Rev. William Baird, Essex Community Church, Executive Director, Chicago Committee to Defend the Bill of Rights, 7240 South Blackstone, Chicago 60619;

Simon Beagle, American Federation of Teachers, 215 East Dunhill Road, Bronx, New York 10467;

Bernice Belton, Executive Secretary, Southern Californians to Abolish HUAC; Director NCA-HUAC's Southern California Area Office, 555 North Western Avenue, Los Angeles, California 90004;

Prof. Daniel M. Berman, American University, NCA-HUAC's Vice-Chairman East Coast, 1901 F Street, NW, Washington, D.C. 20006;

Barbara Bernstein, Chairman, Dayton Committee for the Bill of Rights, 1426 Katalpa Drive, Dayton, Ohio 45406;

Barbara Bloomfield, NCA-HUAC's Southern Regional Director, 3210 West Broadway, Room 4, Louisville, Kentucky 40211;

H. H. Booker, International Workers of the World, 536 North Rush Street, Room 621, Chicago, Illinois 60611;

Carl Braden, Director, Southern Conference Educational Fund, 4403 Virginia Avenue, Louisville, Kentucky 40211;

Prof. Francis Broadhurst, College of Emporia, Emporia, Kansas, Committee to Abolish HUAC;

Prof. Howard Buchbinder, Social Worker and Consultant to the office of Economic Opportunity, 7334 Dorset Street, St. Louis, Missouri, 63130;

Rev. Edwin T. Buehrer, Third Unitarian Church Board of Directors, Chicago Committee to Defend the Bill of Rights, 132 North Menard Street, Chicago, Illinois 60644;

Edward Carey, Board of Directors, Chicago Committee to Defend the Bill of Rights, 3630 West 13th Street, Robbins, Illinois, 60472;

Michael S. Chrisman, Student, Lake Forest College, Lake Forest, Illinois, 60045;

Charles Cogen, International President, American Federation of Teachers, 535 North Michigan Avenue, Chicago, Illinois, 60611;

Tess Cogen, 535 North Michigan Avenue, Chicago, Illinois, 60611;

Milton Cohen, 5322 Kimbark Street, Chicago, Illinois, 60615;

Prof. Verne Countryman, Harvard University, Chairman, Massachusetts Committee to Abolish HUAC, Cambridge, Massachusetts 02138;

Sylvia E. Crane, NCA-HUAC's Vice-Chairman, Organization and Liaison, 315 West 106th Street, Room 16B, New York, NY 10025;

Richard Criley, Secretary, Chicago Committee to Defend the Bill of Rights and NCA-HUAC's Midwest Regional Director, 431 South Dearborn Street, Room 803, Chicago, Illinois, 60605;

F. Crowley, Southern Christian Leadership Conference, 5047 Glenwood Street, Chicago, Illinois, 60640;

Prof. Stanton L. Davis, Clevelanders for Constitutional Freedom, 3628 East Antisdale Road, Cleveland, Ohio 44118;

Ernest DeMaio, United Electrical Workers Vice-President, 27 South Ashland Avenue, Chicago, Illinois, 60607;

Jerry DeMuth, Journalist, 1943 West Chase Street, Chicago, Illinois, 60626;

Annette Dieckmann, American Civil Liberties Union, Chicago, Illinois;

Prof. Thomas I. Emerson, Yale University, NCA-HUAC's Advisor on Constitutional Law, 2271 Ridgeroad, North Haven, Connecticut 06473;

Carl F. Farrs, Southern Christian Leadership Conference, 1435 North Hudson Street, Chicago, Illinois 60610;

Abe Feinglass, International Vice-President, Amalgamated Meat Cutters and Butcher Workmen, 2800 North Sheridan Road, Chicago, Illinois 60657;

Hugh Fowler, Chairman, DuBois Clubs of America, 180 North Wacker Drive, Chicago, Illinois 60606;

Peter L. Gale, Greater Philadelphia ACLU (American Civil Liberties Union), 4604 Chester Avenue, Philadelphia, Pennsylvania 19143;

Dale Gronemeier, Executive Secretary, Northern Californians to Abolish HUAC and NCA-HUAC's Northern California Area Director, 1842 East 25th Street, Oakland, California, 94606;

Loretta Hall, Southern Christian Leadership Conference, 1435 North Hudson Street, Chicago, Illinois 60610;

Freeda Harris, Women's International League for Peace and Freedom, Member Clevelanders for Constitutional Rights, 2445 Derbyshire Street, Cleveland, Ohio 44106;

Hazel Henderson, Emporia Committee to Abolish HUAC, 132 West Twelfth Street, Room 9, Emporia, Kansas, 66801;

Mrs. Ernest Higgins, National Board, Women's International League for Peace and Freedom, 834 South Kenilworth Street, Oak Park, Illinois 60304;

Rev. Herschel Hughes, Chairman, Social Action Committee, United Church of Christ, 228 West Sixth Street, Tilton, Illinois;

Solon Ice, Secretary, Coordinating Council of Community Organizations, 7947 South Woodlawn Street, Chicago, Illinois 60619;

L. H. Jackson, Vice-President, West Side Chapter, National Association for the Advancement of Colored People, 3450 West Jackson Street, Chicago, Illinois 60624;

David Jehnsen, Coordinator West Side Christian Parish and Board Member, Chicago, Committee to Defend the Bill of Rights, 3101 West Warren Boulevard, Chicago, Illinois 60612;

Prof. Michael Johnson, Emporia Committee to Abolish HUAC, 1208 Beverly Street, Emporia, Kansas, 66801;

Chester Kamin, Attorney at Law, Raymond, Mayer, Jenner and Block, 135 South LaSalle Street, Chicago, Illinois 60603;

John Kerney, Director, Independent Voters of Illinois, 22 West Monroe Street, Chicago, Illinois 60603;

Marjorie Kinsella, Secretary, Chicago Peace Council, 2552 North Southport Street, Chicago, Illinois 60614;

David LeMau, DuBois Clubs of America, 10727 Ewing Avenue, Chicago, Illinois 60617;

Sidney Lens, Business Representative, Local 329 United Service Employees' Union, 5436 Hyde Park Boulevard, Chicago, Illinois 60015;

Rubin Lenske, Oregon Committee to Abolish HUAC, 7243 Southeast 34th Street, Portland, Oregon 97214;

Arnold Lockshin, Secretary, Massachusetts Committee to Abolish HUAC and New England Regional Director for NCA-HUAC, 144A Mount Auburn Street, Cambridge, Massachusetts 02138;

Jo Longiaru, Dayton Committee for the Bill of Rights, 521 Otterbein Street, Dayton, Ohio, 45406;

Prof. David R. Luce, University of Michigan, Milwaukee Chapter, American Civil Liberties Union, 2914 North Downer, Milwaukee, Wisconsin 53211;

Prof. Curtis MacDougall, Northwestern University, Vice-Chairman, Chicago Committee to Defend the Bill of Rights, 537 Judson Avenue, Evanston, Illinois 60202;

Richard J. Maiman, Student Body President, Lake Forest College, Box 499, Chicago, Illinois 60045;

Dorothy Marshall, Chairman, Southern Californians to Abolish HUAC, NCA-HUAC's Vice Chairman and Coordinator, 555 North Western Avenue, Room 2, Los Angeles, California 90004;

Ernest Mazey, Director, American Civil Liberties Union of Michigan, and an Observer for the National Office of the ACLU, 1600 Washington Boulevard Building, Detroit, Michigan 28226;

Horace McGill, Congress of Racial Equality, 5475 Cabanne Street, St. Louis, Missouri 63112;

Fr. F. J. McGraph, St. Fibarr Roman Catholic Church, 1359 South Harding Street, Chicago, Illinois 60623;

James Melton, Emporia Committee to Abolish HUAC, 512 Turner Road Emporia, Kansas 66801;

Ann Mercer, Clevelanders for Constitutional Rights, 5207 Gifford Street, Cleveland, Ohio 44144;

Lyle Mercer, Executive Secretary, Washington State Committee to Abolish HUAC, Member State Board and Chairman of Committee on HUAC, American Civil Liberties Union of Washington, and NCA-HUAC's Western Regional Director, 747 21st Avenue East, Seatle, Washington 98102;

Frances Mihelich, 37 South Ashland, Chicago, Illinois 60607;

Jay Miller, Executive Director, Illinois Division of American Civil Liberties Union and an Observer for the National office of the ACLU.

19 South La Salle, Chicago, Illinois 60603;

Patti Miller, Southern Christian Leadership Conference, 1957 North Bissell, Chicago, Illinois 60614;

Susan Miller, DuBois Clubs of America, 4916 North Glenwood Street, Chicago Illinois 60640;

Donna Morgan, Students for a Democratic Society, 4717 North Bernard, Chicago, Illinois 60625;

Fr. Richard Morrisroe, Our Lady of Angels, Roman Catholic Church, 730 North Wabash, Chicago, Illinois 60611;

Ruth Muench, Board of Directors, Chicago Committee to Defend the Bill of Rights, 5522 South Everett, Chicago, Illinois 60637;

Rev. Richard Mumma, Chaplain, Harvard University, Treasurer, Massachusetts Committee to Abolish HUAC, 1785 Cambridge Street, Massachusetts 02138;

Russ Nixon, 171 Hicks Street, Brooklyn, New York 11201;

Betty Norbeck, Iowa City Committee to Abolish HUAC, 22 Montrose, Iowa City, Iowa 52240;

Prof. Victor Obenhaus, Chicago Theological Seminary, Vice-Chairman Chicago Committee to Defend the Bill of Rights, 5757 University, Chicago, Illinois 60637;

Harvey O'Connor, Chairman, NCA-HUAC, Little Compton, Rhode Island, 02837;

Charles Ostrofsky, 670 North Tippicanoe, Gary, Indiana 46403;

Richard Orlikoff, Attorney at Law, 1371 East Park Place, Chicago, Illinois 60637;

Rev. Edward L. Peet, Methodist Church, Hayward, California, Chairman, Northern Californians to Abolish HUAC, NCA-HUAC's Vice-Chairman, Western Region, 628 Schaefer Road, Hayward, California 94544;

Reed Peoples, Southern Christian Leadership Conference, 10231 South Peoria Street, Chicago, Illinois 60643;

Jesse Prostein, International Representative, United Packing House Workers of America, 4800 Chicago Beach Drive, Chicago, Illinois 60615;

Albert A. Raby, Coordinating Counsel of Community Organizations, 366 East 47th Street, Chicago, Illinois 60638;

Don Rose, Board of Directors, Chicago Committee to Defend the Bill of Rights, 5006 South Dorchester, Chicago, Illinois 60649;

Prof. Theodore and Amy Rosebury, Washington University Emeritus, NCA-HUAC sponsor, 6837 South Bennett, Chicago, Illinois 60649;

Ralph Russell, Treasurer Washington Area Committee for the Abolition of HUAC, 2930 Legation, Washington, D.C. 20015.

Louis B. Rosenthal, Student, Lake Forest College, Box 618, Lake Forest, Illinois 60045;

Norman Roth, President, Local 6, United Auto Workers Union, 307 South Central, Chicago, Illinois 60644;

Judith Rudnick, Northern Californians to Abolish HUAC, 2626 Fulton Street, Berkeley, California 94704;

Dennis Schreiber, Staff Assistant, Chicago Committee to Defend the Bill of Rights, 431 South Dearborn Street, Room 806, Chicago, Illinois 60605;

Henry Siegel, Clevelanders for Constitutional Rights, 5207 Gifford, Cleveland, Ohio 44144;

Jack Spiegel, Director of Organization,

United Shoe Workers Union; Chairman, Spring Mobilization, Chicago Area; Treasurer, Trade Union Division, Committee for a Sane Nuclear Policy; Board of Directors, Chicago Committee to Defend the Bill of Rights, 647 Buckingham Place, Chicago, Illinois 60657;

Robert Schwartz, Students for a Democratic Society, Roosevelt University, 4821 North Paulina, Chicago, Illinois 60640;

Naomi Tabbert, Observer, Chairman, Anti-HUAC Committee, Toledo and Ohio Division, American Civil Liberties Union, 3616 Wyckliffe, Toledo, Ohio 43613;

Marnesba Tackett, Director, United Civil Rights Council, 2540 Fourth Avenue, Los Angeles, California 90018;

Eugene Tournour, Regional Action Council, Congress of Racial Equality, 204 West North Avenue, Chicago, Illinois 60610;

Prof. Walter S. Vincent, University of Pittsburgh, NCA–HUAC's Secretary, 209 Sleepy Hollow Road, Pittsburgh, Pennsylvania 15216;

Rev. C. T. and Octavia Vivian, Executive Board, Southern Christian Leadership Conference and Southern Conference Educational Fund, 6836 South Merrill, Chicago, Illinois 60649.

James Milburn, Chairman, East-West Coordinating Council, St. Louis, Missouri;

Prof. L. T. and Laura Wyly, Northwestern University, 1210 Gregory Street, Wilmette, Illinois, 60091;

Frank Wilkinson, NCA–HUAC's Executive Director-Field Representative.

POST-CONFERENCE STAFF MEETING

Apparently all of the business of the NCA–HUAC was not settled during the transactions at the Chicago Convention, because less than three months thereafter a high-level staff meeting was held at the Greenwood Lodge at Soquel, Santa Cruz County, California. It is operated by William and Elsie Beltram, who before assuming management of the Lodge, resided in Oakland where they were active in various Communist front organizations, especially those sponsored by or on behalf of the *Peoples World*. (See 1953 *California Report*, pages 278, 282; 1961 California report, page 30.)

Those who were scheduled to attend the Greenwood Lodge meeting were Mr. and Mrs. Frank Wilkinson; Mr. and Mrs. Rottger, Dale Gronemeier, from the San Francisco office; Arnold Lockshin, Director of the New England region; Lyle Mercer, from the Seattle office; Richard Criley from the office at Chicago; Dorothy Marshall, national coordinator and former officer of Citizens Committee to Preserve American Freedoms; Donna Allen, from the office at Washington, D.C.; Miriam Rothschild and Judy Rudnick, from San Francisco; Carl and Anne Braden, from Kentucky; Rev. Edward Peet, Vice-Chairman of the West Coast region from Hayward, California, and Barbara Bloomfield, Southern Regional office in Kentucky.

The 1968 letterheads of NCA-HUAC disclose that Mrs. Judith Soltes Rudnick had been Director of Northern California area, and also that Robert S. Morris had replaced Judge Robert Kenny as National Treasurer. This change, we assume, was occasioned when Kenny was appointed to the Superior Court Bench in Los Angeles by former Governor Pat Brown after his defeat by Governor Reagan, and should have made little practical difference in the operation of this national organization, since Mr. Morris was an attorney in Kenny's office, and was a counsel, with Kenny and the late Daniel Marshall, when Frank Wilkinson appeared before our Committee during the investigation of the Los Angeles Housing Authority in 1952. (1953 *California Report*, page 86.) It should be observed, however, that Judge Kenny continued to occupy an official position in another Communist front organization also operated by a Communist Party functionary, the Los Angeles Committee for Defense of the Bill of Rights.

In 1968, Dale Gronemeier, who had been Executive Director of the NCA–HUAC office in San Francisco, decided to resign following a disagreement with the majority of the national staff over the expanded activities and operational techniques of the organization. He was also embroiled in a dispute with the Department of Rhetoric on the Berkeley campus of the University of California. He was employed as a teaching assistant in the Rhetoric Department, and charged political bias on the part of the Department Head, Professor Leonard Nathan. Gronemeier also was Vice-President of the Teaching Assistants' Union, and Conn Hallinan, who was instrumental in the organizing of the DuBois Clubs, and was now President of Local 1570 American Federation of Teachers, joined Gronemeier in the attack against Professor Nathan.

Thus Gronemeier was fully occupied with his own operation to abolish the head of his University Department, and dropped away from the operation to abolish the House Committee on Un-American Activities. (*Daily Californian*, May 13, 1969.) Hallinan is quoted as charging that "A political purge of union activists is underway in the Department of Rhetoric, with the full knowledge and cooperation of its chairman, Leonard Nathan."

The Gronemeier disaffection from NCA–HUAC was one of several personnel changes that occurred during 1968 and 1969. The organization was originally created for the sole purpose of bringing about the liquidation of the House Committee. Then it was expanded to bring about the abolition of the Senate Internal Security Subcommittee, and then all legislative committees, both state, and federal, engaged in the investigation of domestic subversion.

TENTH NATIONAL COMMITTEE MEETING

On March 22–24, 1969, the NCA–HUAC/HISC (it was in 1969 that the House Committee changed its name from House Committee on Un-American Activities to House Internal Security Committee), met in its tenth session, this one designated "Legislative Conference and Lobby, In Pursuit of First Amendment Principle to Abolish Inquisitorial Committees & Oppose Repressive Laws."

The purpose of this meeting in Washington, D.C. is set forth in the title quoted above from an official document circulated at the conference. Now the purposes of the organization not only aimed for the abolition of the House Committee, but it was dedicated to the abolition of all "inquisitorial committees", and for the opposition to all "repressive laws."

Headquarters for the convention was established at Dodge House, 20 E Street, NW, Washington, D.C. 20001. Richard Criley, Donna Allen, Frank Wilkinson, Anne Braden, Mike Klonsky, David Dellinger and Attorney William Kunstler were among the featured speakers. It was not long after this convention that Dellinger, one of the seven defendants in Federal Judge Hoffman's Court in Chicago would be represented by Kunstler, whose fame prior to this spectacular trial had been confined almost entirely to radical left circles.

Most of the proceedings were conducted in panel groups on Sunday March 23. The panel on "Inquisitorial Committees" was conducted under the chairmanship of Phillip J. Hirschkop, who was also Vice-Chairman of the East Coast Region, and its principal speakers were Prof. Arthur Kinoy, from Rutgers University Law School, and William Kunstler.

The panel on "Pending Legislation and Hearings: Priorities for Action," was led by Sylvia E. Crane, Vice-Chairman and Organization Liaison for NCA-HUAC/HISC, and Prof. Thomas I. Emerson from Yale University, and Donna Allen who runs the Washington office.

The third panel dealt with "Defense of Right to Dissent in Period of Social Crises," and its chairman was Rev. C. Vivian. He was also Vice-Chairman of the Mid-West Region for the national organization. The participants were Prof. Douglas Dowd, Cornell University; James Rowan, Southern Committee Against Repression; Anne Braden, identified Comunist from the staff of the Southern Conference Educational Fund; Mike Klonsky, National Secretary of Students for a Democratic Society, and Dave Dellinger, chairman of the National Mobilization Committee to End War in Vietnam.

Rev. Edward L. Peet, is Vice-Chairman of the West Coast Region, and presided over the panel on "Opposition to Repressive Laws." Participants were Attorney John J. Abt, Dennis J. Roberts, and Prof. Sidney Peck from Western Reserve University.

The fifth panel operated under the chairmanship of Dorothy Marshall, and was concerned with the "Organizational and Political Goals of NCA-HUAC, 1969." Participants were staff members.

An analysis of these several topics discloses how the expansion of the scope of NCA-HUAC/HISC resulted in one panel on Ways and Means to accomplish the original goal of the organization, and the other four were devoted to activities of the New Left and peripheral matters.

The official roster listed the following persons who were in attendance at the Washington meeting:

California

Louise Bauers, 7832 Matilija, Van Nuys, Calif. 91402, Women for Legislative Action;

Bernice Belton, 555 North Western Avenue, Room 2, Los Angeles, Calif. 90004, Director, Southern Californians to Abolish HUAC/HISC.

Rose Chernin, 326 West Third Street, Los Angeles, California 90013, Executive Director, Los Angeles Committee for Defense of the Bill of Rights;

Prof. John Ellingston, 1522 Funston Avenue, San Francisco, California 94122, Northern Californians to Abolish HUAC/HISC;

Mike Harris, 5604 Dorothy Way, San Diego, California 92115;

Rebecca Krieger, P. O. Box 77221, San Francisco, California 94107, Director of Northern California Area NCA-HUAC/HISC, Executive Secretary, Northern Californians to Abolish HUAC/HISC;

Mr. and Mrs. James Krieger, Terra Krieger, 4420 Third Street, Riverside, California 92501;

Juan Carlos Lopez, 173 Peralta Avenue, San Francisco, California 94110, Teacher, Defendant, SACB (Subversive Activities Control Board) Proceeding, March, 1969;

Rev. Edward L. Peet, 350 Arballo Drive, Apt 6 C, San Francisco, California 94132, Glide Memorial Methodist Church; Vice-Chairman. Western Region NCA–HUAC/HISC, Chairman, Northern Californians to Abolish HUAC/HISC;

Miriam Rothschild, 35 Galilee Lane, San Francisco, California, 94115; Northern Californians to Abolish HUAC/HISC;

Frank Wilkinson, 555 North Western Avenue, Room 2, Los Angeles, California 90004, Executive Director-Field Representative NCA–HUAC/HISC;

Connecticut

Prof. and Mrs Thomas I. Emerson, Law, Yale University, New Haven, Connecticut 06520, Advisor on Constitutional Law to NCA–HUAC/HISC;

Illinois

Milton Cohen, 5322 Kimbark Avenue, Chicago, Illinois 60615; Social Worker Plaintiff, Stamler. Hall & Cohen; Constitutional Challenge to HUAC;

Richard Criley, 431 South Dearborn Street, Room 803, Chicago, Illinois 60605; Executive Director, Chicago Committee to Defend the Bill of Rights; Midwest Regional Director NCA-HUAC/HISC;

Rev. Martin Deppe, 8712 South Emerald Avenue, Chicago, Illinois 60620; Chairman, Board of Social Concerns, Northern Illinois Conference, United Methodist Church;

Abe Feinglass, 2800 North Sheridan Road, Chicago, Illinois 60657; International Vice-President, Amalgamated Meat Cutters & Butcher Workmen;

Prof. Robert J. Havighurst, 5844 Stoney Island, Chicago, Illinois 60637; Education, University of Chicago, Co-Chairman Chicago Committee to Defend the Bill of Rights;

Dave Jehnsen, 3302 Congress Parkway, Chicago, Illinois 60624; Field Trainer, Vista Program. Board of Directors, Chicago Committee to Defend the Bill of Rights;

Daniel Kaufman, 1503 West 91st Street, Chicago, Illinois, 60620; Staff Member, Chicago Federation Union of American Hebrew Congregations;

Fr. Francis J. McGrath, 2455 North Hamlin Avenue, Chicago, Illinois 60647; Board of Directors, Chicago Committee to Defend the Bill of Rights;

Jesse Prosten, 4800 Chicago Beach Drive, Chicago, Illinois 60615; International Representative, Amalgamated Meat Cutters & Butcher Workmen;

Walter Soroka, 1440 Rosita, Palatine, Illinois 60067; Board of Directors, Chicago Committee to Defend the Bill of Rights;

Beatrice M. Stuart, 720 Coronet Road, Glenview, Illinois 60025; Staff Assistant, Chicago Committee to Defend the Bill of Rights;

Edmonia Swanson, 6926 South Wabash Avenue, Chicago, Illinois 60637; Illinois State Board of Social Concerns, United Church of Christ;

Quentin Young, M.D., 1512 East 55th Street, Chicago, Illinois 60615; Past National Chairman, Medical Committee for Human Rights; Plaintiff Constitutional Challenge of HUAC;

Iowa

Lowell Foote, 6667 Hawkeye Court, Iowa City, Iowa 52240. Student, University of Iowa Law School, Iowa City Committee to Abolish HUAC/HISC;

Kentucky

Carl Braden, 3210 West Broadway, Louisville, Kentucky, 42011; Executive Director, Southern Conference Educational Fund, Inc.; Southern Regional Committee, NCA-HUAC/HISC;

George Meyers, 25 West 26th Street, New York, NY 10010; Labor Secretary, Communist Party, USA;

Loren Siegel, 30 West 90th Street, New York, NY 10024;

Nancy Stearns, 296 West 11th Street, New York, NY 10014; Counsel, Constitutional Challenges of HUAC;

North Carolina

Jim Rowan, 1009 Burch, Durham, North Carolina 27701; Chairman, Southern Committee Against Repression;

Ohio

Lynda Anastasia, 1920 West Grand Avenue, Dayton, Ohio 45407; Social Worker;

Barbara Bernstein, 1426 Catalpa Drive, Dayton, Ohio 45406; Chairman, Dayton Committee to Defend the Bill of Rights;

Prof. Aaron Dindman, 628 North Wittenberg, Springfield, Ohio 45504;

Chris Buchanan, 229 West Dunedin Road, Columbus, Ohio 43214; Student;

Prof. Franklin Buchanan, 229 West Dunedin Road, Columbus, Ohio 43214; Education, Ohio State University, Chairman, Columbus Committee to Defend the Bill of Rights;

Terry Snider, 10636 West Panther Creek Road, Bradford, Ohio 45308; Social Worker;

Oregon

Rubin Lenske, 7243 Southeast 34th Street, Portland, Oregon 97202;

Charles Porter, 2680 Baker Street, Eugene, Oregon 97401; Chairman, Oregon Committee to Abolish HUAC/HISC;

Pennsylvania

Candie Black, 4714 Hazel Avenue, Philadelphia, Pennsylvania 19143; Teacher CORE;

Katie Eastman, 4437 Chestnut Street, Philadelphia, Pennsylvania 19104; Staff, Pennsylvania ACLU (American Civil Liberties Union);

Mr. and Mrs. Peter Gale (Barbara), 4207 Chester Avenue, Philadelphia, Pennsylvania 19104; Former Director, Southern Regional Office NCA-HUAC/HISC (Mrs.)

Mr. and Mrs. Herman Liveright, (Betty), 200 Locust Street, Philadelphia, Pennsylvania 19106; Development Director, Highlander Research and Education Center (Mr.)

Mr. and Mrs. Frank Petersen (Bertha), 2006 Walnut Street, Philadelphia, Pennsylvania 19103; Resistance;

Prof. and Mrs. Walter Vincent (Helen), 209 Sleepyhollow Road; Pittsburgh, Pennsylvania 16213; Medicine, University of Pittsburgh, Secretary, NCA-HUAC/HISC.

Rhode Island

Mr. and Mrs. Harvey O'Connor (Jessie), Little Compton, Rhode Island 02837; Chairman, NCA-HUAC/HISC;

Utah

Uda Hanson, 191 North First West, Spanish Fork, Utah, 84660;

Wayne Holley, 175 North 1600 West, Mapleton, Utah, 84663; Defendant, SCAB Proceeding, July, 1968, Steelworker;

Mr. and Mrs. Bob Sayer, (Irma), Route 1, Springfield, Utah 84663; Farmer;

Virginia

Thelma Devlange, 3316 North Vernon Street, Arlington, Virginia 22207;

Phil Friedman, 2994 South Columbus Street, Arlington, Virginia 22206;

Phillip J. Hirschkop, Post Office Box 234, 110 North Royal Street, Alexandria, Virginia 22313; Counsel, Constitutional Challenges of HUAC, Oct. 1968; Vice-Chairman, East-Coast, NCA-HUAC/HISC;

Steve Romines, 1715 Army-Navy Drive, Arlington, Virginia 22202;

Washington State

Prof. Alex Gottfried, 4811, 107th, NE, Seattle, Washington 98125; Political Science, University of Washington; Chairman, Washington State Committee to Abolish HUAC/HISC; Vice-Chairman, Washington State ACLU;

Dorothy Johnson, Route 1, Box 812, Vashon, Washington 98070; Washington State Committee to Abolish HUAC/HISC;

Lyle Mercer, 747 21st Avenue East, Seattle, Washington 98102; Executive Secretary, Washington State Committee to Abolish HUAC/HISC; Director, Western Region, NCA-HUAC/HISC;

Washington, D.C.

Donna Allen, 3306 Ross Place, NW, Washington, D.C., 20008; Washington Representative, NCA-HUAC/HISC;

Rick Bela, 1826 Jefferson Place, NW, Washington, D.C., 20036;

Barbara Bick, 2231 Vancroft Place, NW, Washington, D.C. 20008; Editor, *W. S. P. Memo*, National Office, Womens' Strike for Peace;

Lola Boswell, 1301 Massachusetts Avenue, NW, Washington, D.C., 20005;

Margot Burman, 100 Seventh Street, NE, Washington, D.C., 20002; Washington Representative-Assistant, NCA-HUAC/HISC;

David Clarke, 1909 19th Street, NW, Washington, D.C. 20009;

Jim Cunningham, 1216 30th Street, NW, Washington, D.C. 20006;

Leanna Eikenberry, c/o Myrtle Oliver, 1438 Iris Street, NW, Washington, D.C. 20012;

Joseph Forer, 711 14th Street, NW, Washington, D.C. 20005; of Counsel, SACB Proceedings, Revived Internal Security Act; Sponsor, Washington Area Committee for the Abolition of HUAC/HISC;

Charles T. Gift, 5906 13th Street, NW, Washington, D.C. 20011; Women's International League for Peace and Freedom;

Anthony Henry, 1909 19th Street, NW, Washington, D.C. 20005, Director, Tenants Right Program, American Friends Service Committee;

Mr. and Mrs. Allen Hoffard (Laura), 1422 V Street, SE, Washington, D.C. 20020;

William S. Johnson, Sr., 1236 Harvard Street, NW, Washington, D.C. 20009;

Julius Kaplan, 738 Longfellow Street, NW, Washington, D.C. 20011;

Kenneth S. Kovack, 1001 Connecticut Avenue, NW, Washington, D.C. 20063; Legislative Representative, United Steel Workers of America;

Albert Lannon, Jr., 1341 G Street, NW, Washington, D.C. 20005; Legislative Representative, International Longshoremen's & Warehousemen's Union;

Carole Leavitt, 1706 S Street, NW, Washington, D.C., 20009;

Marilyn Lerch, 1816 New Hampshire Avenue, NW, Apartment 908, Washington, D.C. 20036; Teacher;

Jonathan Lerner, 1826 Corcoran Street, NW, Washington, D.C. 20009; Students for a Democratic Society;

Jack Davis, 1826 Corcoran Street, NW, Washington, D.C. 20009; Students for a Democratic Society;

Mrs. Elizabeth Anne Newton, c/o Miss Stephanie Stilwell, 1484 Wyoming Street, NW, Apartment 3, Washington, D.C. 20009;

Myrtle Oliver, 1438 Iris Street, NW, Washington, D.C. 20012, Women's International League for Peace and Freedom;

Jacklyn Potter, 120 Maryland Avenue, NE, Washington, D.C. 20002; Administrative Assistant, Women's International League for Peace and Freedom;

Martha Powers, 20001 19th Street, NW, Washington, D.C. 20009;

David Rein, 711 14th Street, NW, Washington, D.C. 20005; Washington Area Committee for the Abolition of HUAC/HISC;

Ann Ricks, 1419 Chapin Street, NW, Washington, D.C. 20009; Corresponding Secretary, Washington Area Committee for the Abolition of HUAC/HISC;

Rev. Charlie Rother, 1620 S Street, NW, Washington, D.C. 20036; Chaplain, American University;

Mr. and Mrs. Ralph Russell (Margaret), 2930 Legation Street, NW, Washington, D.C. 20015; Treasurer, Washington Area Committee for the Abolition of HUAC/HISC;

Fred C. Samuelson, 12013 Viers Mill Road, Silver Spring, Maryland 20906; Washington Area Committee for the Abolition of HUAC/HISC;

Francois Somlyo, 1216 H Street, NW, Washington, D.C. 20005; Business Agent, Cooks, Pastry Cooks & Kitchen Employees, Local 209;

Lawrence Speiser, 1424 16th Street, NW, Washington, D.C. 20036; Director, Washington Office, American Civil Liberties Union;

Mr. and Mrs. Pulius Weisser (Ethel), 3923 McKinley Street, NW, Washington, D.C. 20015; Secretary, Washington Area Committee for the Abolition of HUAC/HISC (Mrs.);

Bill Woolf, 1756 Corcoran Street, NW, Washington, D.C. 20009;

Wisconsin

Prof. David R. Luce, 2914 North Donner Avenue, Milwaukee, Wisconsin 53211; Philosophy, University of Wisconsin, Milwaukee; Wisconsin Civil Liberties Union."

PERSONNEL AND LEADERSHIP

In other reports we have repeatedly warned that mere membership in a Communist front organization does not necessarily imply that a member is pro-Communist. Front organizations are designed to attract the unwary liberal, and most fronts have succeeded in this respect. It is hard to conceive of a person of intelligence belonging to the Committee for Defense of the Bill of Rights under Rose Chernin's leadership, or to NCA-HUAC/HISC under Frank Wilkinson's leadership, however, without being fully aware of the real nature of these groups.

We have already indicated that the Committee for the Defense of the Bill of Rights operates to provide bail and legal talent for members of the radical Left. This, of course, includes anyone deemed valuable to the Communist movement. There have been instances where the International Labor Defense in California (forerunner of LACDBR), provided bail for a Stalinist Communist and then withdrew it when he became a Trotskyist Communist. (Testimony of Norman Mini, transcript, Los Angeles hearing, 1950.)

A contention frequently advanced by critics of HISC and other official investigating agencies in the domestic subversion field is that they are not needed, and that all of their activities should be handled by the Federal Bureau of Investigation. This assertion has deluded many uninformed people, but the truth is that the FBI is not permitted to make public disclosures of its findings, it has no power of subpoena, and it reports to no law-making body. Legislative fact-finding committees have served as sources of information to law-making groups, state and federal, ever since colonial days in the United States.

The theory behind the operation of these bodies is simply that they are invested with broad investigating powers, and their sole function is to provide accurate information which may or may not be the subject of subsequent legislation, to the bodies by which they were created. Their activity is not measured in the volume of laws their disclosures initiate, but rather in the extent and accuracy of the information they provide on the matters within their jurisdiction.

Another complaint often made by Communist front organizations in general, and the one under discussion in particular, is against what has become known as "guilt by association," and a word concerning this propaganda device might not be amiss at this point. There is nothing inherently abhorrent about this term—although the radical Left has sought to give it a connotation of something evil. It is nothing more than the principle of a man being known by the company he prefers to keep, as he is known by his personal habits, the clothes he wears, the books he reads and the organizations to which he belongs. He does these things by his own freedom of choice. The law has long taken cognizance of this in its provisions concerning conspiracy.

If a man chooses to support the American Nazi Party, Minutemen, Ku Klux Klan, and States Rights Party—all militantly Right organizations, and he reads Fascist literature consistently, supports Nazi Party candidates for public office, and attends meetings featuring Gerald L. K. Smith—that is working one side of the ideological street, and the Communist front organizations would be the first to attack such a person as an activist of the radical Right. If he chooses to follow the same pattern with persons and organizations of the extreme Left, he is free to do so, but he cannot escape the fact that his tendencies and habits will be judged by his actions and his associations.

It certainly would not mean that the man was either a member of the American Nazi Party or the Communist Party, but his support of these organizations of the extreme right or left would most assuredly indicate his sympathy for one or the other extreme ideology. Formal membership in subversive organizations is quite another matter and requires a vastly different sort of evidence. At this point, and in the light of what we shall say about the leaders of NCA-HUAC/HISC, it is also appropriate that we should point out the meaning of the term "identified Communist." By that term we refer to unrefuted sworn testimony concerning a person's membership in the Communist Party by a witness or witnesses who served in the organization with the person under discussion.

Obviously, no Communist Party member is happy at being exposed in his undercover and subversive activities by witnesses before legislative committees; hence, the vituperation and campaigns of abuse that have been waged against undercover operatives for federal and state governments; and it is equally clear that the abolition of legislative committees, state and federal, would enable the Communist Party to operate with greater freedom and security.

We have already explained the Communist Party membership of Mr. Frank Wilkinson, the National Executive Director of NCA-HUAC/HISC, and the fact that he served a term in a federal penal institution for contempt of the House Committee. It remains to discuss briefly the Communist affiliations of some of the other leaders of this organization, in order to remove any doubt concerning the real control of its operations.

Richard Criley graduated from the University of California at Berkeley in 1934, and thereafter became an official of the Young Communist League in the East Bay area. He has been identified as a Communist by four witnesses who were in the Party with him and who testified before the House Committee. He was a speaker at the 1938 California State Communist Party convention, and was expelled from Local 26, United Packing House Workers of America, because of his Communist activities. At present he is Secretary of the Midwest Regional office for NCA-HUAC/HISC, at Chicago, Illinois. (See HUAC report, July, 1954; See report, CONGRESSIONAL RECORD, vol. 107, pt. 6, p. 7239.)

The NCA-HUAC/HISC continues to flourish pursuant to its expanded objectives, and a familiarity with its leaders, officers, and sponsors removes any lingering doubt about the fact that this organization is under complete Communist Party domination, and has been so since it came into existence in 1960. Indeed, no sooner had the House Committee been established in 1938 than the Communist propaganda machine was set in motion to hamper its investigations and bring about its abolition. (*The Communist*, Sept., 1938; Proceedings, 14th National Convention, Communist Party of the United States, New York, August 6, 1948.)

The *Daily Worker*, May 25, 1950, describing a session of the National Committee of the Communist Party, U.S.A., on May 22 and 23, 1950, stated that:

"Joe Brandt, who is now in charge of the defense campaign of the Party, then reported that the Non-Partisan Committee for the Defense of the 12 Communist leaders and the Civil Rights Congress are planning activities for the Abolition of the Un-American Committee."

This official declaration by the Party heralded the creation of the NCA-HUAC/HISC, as we have explained. The National Chairman, Harvey O'Connor has been identified as a member of the Communist Party (HUAC report, October 1962), so has Frank Wilkinson, its Executive Director, Richard Criley, who heads its midwest region, and Carl and Anne Braden who operate in its southern region. Space will not permit, nor would any real purpose be gained, by setting forth here, the detailed Communist Front activities of all the other officers and sponsors of the organization. Although it has found more support among its contacts outside of Congress than in the House of Representatives of that body, it continues to operate more energetically than ever.

CUTTING OIL PRICES IS A SURE WAY TO INSURE CONTINUING SHORTAGE OF PETROLEUM PRODUCTS

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. WOLD. Mr. Speaker, while I sympathize with my friends from New England over the fuel oil shortage in the area, I do not believe that rolling back the price of crude oil is going to help the situation. The facts prove otherwise—cutting the price of crude will only insure continued shortages of all petroleum products and, in the long run, increase costs to the consumer.

Rather than being a mistake, the 25-cents-per-barrel increase is a step in the right direction. It begins a trend—that if continued—will result in an upsurge in domestic exploration and production activities. Stepped-up domestic activity will insure adequate supplies of domestic petroleum at reasonable prices for every section of the Nation, including New England.

Therefore I am in disagreement with the administration's decision to try to roll back the price of oil by a short-term increase from foreign sources and U.S. off shore fields.

To further explain the reasons for my position I insert a letter I wrote to the President along with a letter from the Independent Petroleum Association of America at this point in the RECORD:

DECEMBER 10, 1970.

The PRESIDENT
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I can appreciate your concern over the inflationary trends in the United States economy. I support your strong efforts to bring price stability. Nonetheless, I feel very strongly that your decision to roll back the recent increases in the price of crude oil and gasoline was made for the wrong reasons.

Petroleum shortages and the price increase are not consequences of the import quota system nor of state conservation laws. Increases in the price of imported oil and a sharp decline in petroleum exploration within the United States are the reasons.

The decline in domestic exploration is due to several factors. These include low prices and low industry profits caused by short-sighted and misguided actions of Congress and the Federal regulatory agencies.

An examination of the cost of crude oil compared to other factors of production shows the following:

The price of crude oil before the 25 cents per barrel increase was only 4 percent above the 1957–59 base period. With the increase it is only 11 percent above the base period. In the same period, the cost of living has jumped more than 37 percent. Hourly Industrial wages are up 53 percent. Wholesale prices are up 18 percent; the cost of other crude minerals has jumped 45 percent.

While the demand for petroleum and petroleum products increases, and while additional domestic sources are known to exist, exploration activities to locate more domestic oil continue to decrease.

Clearly a paradox exists.

Estimates put possible recoverable reserves of crude oil in the United States at two trillion barrels—enough to last 200 years at anticipated rates of consumption. The figures do not include the tremendous oil shale reserves of Wyoming, Colorado and Utah.

Exploration is decreasing because the return to the industry is not adequate. Investors prefer to put their money elsewhere—causing a further decline in exploration activities.

The United States is caught in a vicious circle. While domestic exploration and production continues to decline, domestic demand increases. To relieve the shortage, strong pressures have been growing to fill the increased demand through foreign supplies.

Too great a reliance on foreign supplies of oil, however, is a threat—to the domestic industry, to the consumer, and to the national defense.

We all remember the recommendations of the Cabinet Level Task Force on Oil imports that proposed scrapping the present quota system in favor of a system of graduated tariffs and dropping the price per barrel of oil by 80 cents to $1.50.

Recent happenings in the Middle East and the resulting increase in the costs of imported crude have proved the need for strong domestic oil industry.

The events have further shown that even if we can import foreign oil, it will not always be cheap. The consumer cannot save money by destroying the domestic energy industry and reducing the U.S. to a state of energy dependency. We need a strong, active domestic industry.

Government and industry studies show that the increase of 25 cents per barrel will mean additional domestic supplies of 1,125,000 to 1,375,000 barrels per day by 1980! Greater increases will mean correspondingly greater increase in domestic production.

Clearly, the U.S. can meet internal demand from domestic supplies if given the incentives and reasonable government policies.

The increase in the price of crude is a step in the right direction. It must not be threatened by shortsighted policies which jeopardize the national security and the domestic industry.

Therefore, Mr. President, I urge you to reconsider your recent actions.

With kindest regards.

Sincerely,

JOHN S. WOLD,
Member of Congress.

INDEPENDENT PETROLEUM
ASSOCIATION OF AMERICA,
Dallas, Tex., December 7, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is to convey to you our deep concern about your actions to rollback the recent increases in the price of crude oil and gasoline.

I most respectfully submit that your actions are based on misinformation and are not justified by the facts. The price of crude oil before the increase was 4 percent above the 1957–59 base period and with the increase it would be only 11 percent above the base period as compared with the cost of living which is up more than 37 percent; industry hourly wages up 53 percent; wholesale prices up 18 percent; other crude minerals up 45 percent; and during the past 12 months alone the increase in hourly wage for the private nonfarm sector was 7 percent. In the light of these simple facts and by singling out one industry, your actions against the 8 percent increase in crude oil prices can only appear to us to be discriminatory and therefore punitive. We are also dismayed that you would condemn this 8 percent increase while it is under study by the Director of the Office of Emergency Preparedness.

Also, analysis of the history of the state conservation laws will show that you have been misinformed in your statement that such laws "interfere with the freedom of our domestic market system." There is no evidence to support this statement or the inference that as a result of the conservation laws consumers have paid higher prices. The long history shows that crude oil prices have been stabilized at declining levels under state conservation laws. For 40 years prior to these state laws the average price in constant 1958 dollars was $2.88 per barrel; for the first 25 years under these laws the average was $2.67; and for the past 11 years the average has been $2.63. The state laws are administered by personnel with much expertise and long experience and their replacement with less experienced federal employees involves training and added expenditures at a time when you are striving for a reduction of deficit spending.

Your actions condemn consumers of gasoline and home heating oil to the same ill-fate and hardships now being experienced by consumers of residual fuel oil on the East Coast who are faced with shortage and substantial increases in prices. Residual fuel oil is the only product that is not under the Mandatory Oil Import Program and as a result the East Coast has become 95 percent dependent on imports. Your actions will ordain that consumers of all other oil products will become increasingly dependent on imports and the accompanying uncertainties of supply and price. A shortage of domestic production can be predicted because already the cash flow of the industry is inadequate to do the necessary exploration to meet growing demands. The 25 cent increase in crude oil prices perhaps will not even offset the 20 cents per barrel of additional tax imposed on the industry by the 1969 Tax Act. If the crude price increase is not permitted to stand, the impact will be primarily on independent producers who do most of the exploratory drilling because they are dependent substantially on internally generated funds. Furthermore, consumers are already faced with shortages of natural gas. This is widely recognized as being caused by the unrealistically low prices set by the Federal Power Commission. Your actions on crude oil will aggravate the natural gas shortage because the exploration of oil and gas are inseparable.

We are confident that if you will order a reevaluation of the facts, you will find them as we have outlined. In the interest of protecting U.S. consumers from shortages and inordinate price increases for both oil products and natural gas, and so as to provide assurance of the availability at all times of oil for the security of the Nation, we respectfully and earnestly appeal to you to do so and to reconsider the actions you have taken.

Respectfully yours,

ROBERT E. MEAD.

STATEMENT ON OIL PRICES

(By the Independent Petroleum Association of America)

This statement is submitted, in accordance with the November 17 notice in the Federal Register, to provide information pertinent to the OEP investigation of "increases in prices of crude oil and gasoline recently announced by certain producers and refiners of petroleum."

The detailed information on oil prices contained in this statement may be summarized as follows:

NATIONAL SECURITY

1. Two World Wars, and recurring disruptions of Middle East and other Eastern Hemisphere oil supplies, have established the fact that expanding domestic oil supplies in keeping with growing U.S. requirements are indispensible to national security.

2. For more than a decade, unfavorable trends have persisted that imperil the Nation's strength as to both oil and natural gas supplies. For example:

(a) Total U.S. oil consumption has outrun additions to domestic reserves to an increasing extent, with the result that the ratio of reserves to consumption has declined dangerously by one-third since 1957–59.

(b) Domestic exploratory activity has become progressively inadequate, as shown by the decreases since 1957–59 of 48 percent in geophysical work, 12 percent in acreage leased, and 30 percent in wildcat tests drilled.

(c) Expenditures for domestic exploration and development (averaging $4.6 billion per year for the past six years) are insufficient and should increase to more than $8 billion annually by 1980.

(d) The vital and leading role of independent producers in exploration and drilling has deteriorated, with exploration and development expenditures by independents down more than $1 billion yearly, or over 45 percent, since the peak year 1956.

3. The threat to national security stems from economic conditions. Oil supply is highly elastic to changes in crude oil price levels. For example, Government and industry studies show that U.S. oil production by 1980 would be increased by 450,000–550,000 barrels daily for each 10¢ per barrel increase in crude oil prices. On this basis, the recent increase of 25¢ per barrel would result in additional domestic supplies of 1,125,000 to 1,375,000 barrels per day by 1980, over and above the supply that otherwise would be available.

CONSUMER'S INTEREST

An expanding, healthy domestic industry has been proven to be the best assurance of supplying the needs of consumers at relatively low prices:

(a) An hour's average wage for all industrial employees bought 9.2 gallons of gasoline in 1969, or 44 percent more than 15 years ago.

(b) The price received by the industry for gasoline in 1969 was only 10.5 percent higher than the average 1957–59 price, as compared with an increase of 27.7 percent in the cost of living as measured by all retail prices.

(c) Greatly increased dependency on foreign oil and natural gas would increase the total cost of petroleum energy to consumers. For example, the average price of crude oil and natural gas, combined, in 1969 was about $1.90 per barrel, converting gas to barrels on the basis of Btu content, as compared with over $2.00 per barrel for the lowest cost foreign oil imported under normal conditions. Under today's conditions, with foreign oil prices increasing and greatly increased tanker rates resulting from Middle East disruptions, the cost of imported oil is substantially higher than $2.00 per barrel.

INDUSTRY PRICE PERFORMANCE

The performance and record of the domestic industry shows clearly that U.S. crude oil prices have been relatively low, as measured by accepted tests:

(a) The price of crude oil has followed the same general trend as the wholesale price level for all U.S. commodities for the past 80 years.

(b) Since 1957–59, the relative position of the industry has deteriorated because U.S. crude oil prices increased less than 4 percent by 1969, in contrast to an increase of 13 percent for all commodities.

(c) The real price of crude oil, expressed in constant 1958 dollars, has declined during the period of import controls since 1959 by 44 cents per barrel, or 15 percent.

(d) The price of other crude minerals increased 20 percent[1] by 1969 above the 1957–59 base period, or more than five times the increase of less than 4 percent for crude oil.

(e) The cost-price squeeze suffered by the domestic industry is illustrated by the increases by 1969 above the 1957–59 base period, of more than 40 percent[1] in wages and

---

Footnotes at end of article.

24 percent in oilfield machinery, compared with the increase of less than 4 percent in crude oil prices.

(f) The domestic industry's rate of return has been below most other industries, averaging 10.2 percent for the past 15 years as compared with 11.1 percent for all manufacturing industries, reflecting the relatively low level of oil prices.

CONCLUSIONS

The recent increases in crude oil prices are justified, in the interest of national security, as an essential step toward correcting the unfavorable trends that have imperilled the Nation's strength as to oil and natural gas supplies.

The recent increases are justified, in the consumer's interest, as an essential step toward assuring a healthy, expanding domestic industry that can continue its record of supplying the consumer's needs for both crude oil and natural gas at relatively low prices, in fact, lower than from any other source.

The recent increases are justified by the price performance of the industry that shows crude oil prices have been, and are, relatively low by accepted tests.

The recent increases are justified in recognition that for the next decade and beyond, petroleum (crude oil and natural gas) can be expected to constitute the primary source of energy for national security and growing peacetime consumer requirements; industry and government policies should be responsive to this situation if the Nation's historic position of an abundance of energy is to be maintained.

The recent increases are more than justified in light of the fact that they restore less than half of the 44 cent decline in the real price of crude oil since 1959; and are substantially insufficient to bring the price in line with prices and the economy in general, which will be necessary if the industry is to be enabled to do the job of finding and developing the tremendous quantities of reserves of oil and natural gas that our growing economy and the national security will require.

The recent increases in the price of both crude oil and gasoline (the industry's primary consumer product), assuming they are fully extended nationwide, are justified by the fact that they would then be at a level above the 1957–59 base period of 11 percent for crude oil and about 20 percent for gasoline, thereby still remaining depressed when, for example, measured against the increases[2] that have occurred since 1957–59 in (1) the cost of living, up 37.4 percent, (2) wholesale prices, up 18 percent, (3) other crude minerals, up 45 percent, (4) industry hourly wages, up 53 percent.

FOOTNOTES

[1] As noted hereinbelow, by 1970 crude minerals had increased 45 percent and industry wages 53 percent.

[2] These increases are based on the latest data available for 1970.

LAOCOON, 1970

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. PUCINSKI. Mr. Speaker, the following editorial appeared in the Chicago Tribute. It is self-explanatory.

I should only like to add as a footnote, growing concern in and out of the Government with the complete inertia that exists among the bureaucracy. I believe the time is rapidly coming when the Committee on Post Office and Civil Service ought to address itself to this problem and find out why it is that so many Federal programs which we enact here in Congress never reach the grassroots level for whom they were intended.

Mr. Farmer's departure from the Federal Government, albeit understandable, will not help change the system, but he made a notable contribution when he called attention to the weakness of the system by his resignation.

The Tribune editorial follows:

LAOCOON, 1970

James Farmer, highest ranking black official in the Nixon administration, has resigned as assistant secretary for administration of the Department of Health, Education, and Welfare. Representatives of the "liberal" media tried to get him to say that he quit because of some innate racial animus of the administration, but Farmer refused to go along.

No, sir, he said; that wasn't it at all. After 20 months of wrestling with muscle-bound burocracy, he simply concluded that it was impossible to register much visible movement. He said there was "a built-in resistance to change and a slow-moving machinery government which blocked it."

Almost every high official in Washington becomes familiar with the vexations Farmer encountered. President John F. Kennedy complained that trying to get action out of the State Department was like trying to spur a bowl of jelly into action. Earl Smith, a former ambassador to Cuba, said that "the fourth floor," comprising burocrats of the lower echelons, stymied all of his warnings and recommendations.

Administrators in Washington are as helpless as Laocoon and his sons in the tentacles of the snakes.

A PRAYER THAT POW RELEASE TALKS WILL BE PRODUCTIVE

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. PELLY. Mr. Speaker, the announcement from Paris this morning that the South Vietnamese had offered the return of all North Vietnamese being held captive in exchange for American prisoners of war is good news, indeed. It also was comforting that our negotiator joined the South Vietnamese in this offer.

Nothing could brighten so many homes this holiday season as the release of our men held captive by the North Vietnamese. The Christmas season is one of hope to the Christian world, and I pray that this move to obtain the release of Americans being held by Hanoi will be successful.

The plight of the families of these men is clearly and emotionally displayed in a Christmas card prepared by Mrs. Arthur S. Mearns of Los Angeles, Calif., the wife of Lt. Col. Arthur Mearns who has been missing in action since November 11, 1966. The card simply states on the cover:

My name is Frances. My daddy is a pilot prisoner in Hanoi. We miss him very much. Please God, bring him home.

Mr. Speaker, I appeal to all Americans for their support and prayers so that this Christmas wish of Frances Mearns might be answered.

A REAL NEED FOR RURAL DEVELOPMENT

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. RAILSBACK. Mr. Speaker, there are 65 million people who live in nonmetropolitan America, and yet the migration from the rural to the urban areas is a documented fact which is adding to the threat to our urban centers. About 70 percent of our people are jammed onto 2 percent of the Nation's land. These are not idle statistics, they are contained in the urgent message to the President from his Task Force on Rural Development. They concisely explain the trend as follows:

> A hundred years ago, the Nation was 85 percent rural and 15 percent urban. Today it is 65 percent urban and 35 percent rural. (The Report of The President's Task Force on Rural Development—A New Life for the Country—March 1970).

One of the proven saviors of the small American farmer is the Farmers Home Administration of the Department of Agriculture. Our former colleague in the House, James V. Smith, has been serving as an outstanding head of these efforts. As Administrator of FHA, he recently summarized FHA accomplishments in fiscal 1970. He reports that during the year, FHA directly served a record 6.4 million rural Americans. FHA loan programs made available more money for these rural citizens than in any year in its history.

I have consistently supported FHA programs, particularly those for rural water and sewer facilities and those for housing, farm ownership and operation, and disaster assistance. This Congress has recognized the need for increased funds for the FHA programs. Today we have before us a bill which would make an important advance in the farm ownership loan program.

H.R. 11547, as reported by the Agriculture Committee, is belated statutory recognition of an unfortunate fact—inflation. Since 1961, the FHA program for making loans available for the purchase of small farms, has had a maximum limitation of $60,000. While that figure may have had some relation to economic reality in 1961, it certainly does no longer. The average value per acre of land has increased about 80 percent and related costs have gone up as well. But the maximum limitation of $60,000 has not gone up.

Most of the ownership loans are guaranteed loans rather than direct loans and thus the effect upon the Federal budget should not be substantial. But the effect upon a young man faced with the staggering task of fulfilling his desire to go into the business of farming, will be substantial. Instead of sending him off to the big city, the increase in the maximum will permit him to obtain enough financing to purchase a small farm and become a productive part of the agribusiness economy.

The average age of the farmer is increasing. We are finding it difficult to get young people to go into farming. They are migrating to the cities, much to the dismay of their farmer fathers. It is too expensive for them to get started in the business of farming. One of the purposes of the Consolidated Farmers Home Administration Act was to make it possible for young people to go into farming. But in the past decade, there has been a 28-percent decline in the number of farms. Of the 65 million total rural population, less than 10 million are actively engaged in farming. We must stop the migration to the cities and we can help by passing this bill today.

The farm ownership loans at 5 percent interest over a 40-year period make it possible for young farmers to make the awesome initial investment in farming land. Without such help, it would be nearly impossible for a young farmer to get a start without already being rich beyond the family farm level. In 1969, there were 34,388 applications for farm ownership loans. Of this total, 293 direct loans and 13,409 insured loans were granted at values of $4,999,000 and $272,121,000 respectively.

The bill before us today is worthy of our support.

MARYLANDER AWARDED DISTINGUISHED SERVICE CROSS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. LONG of Maryland. Mr. Speaker, on Friday, November 20, Capt. Terrence M. O'Connell, a fine young soldier from Baltimore, Md., was awarded the Distinguished Service Cross. I should like to honor Captain O'Connell by including the following article in the RECORD:

CAPTAIN O'CONNELL AWARDED DSC

Capt. Terrence M. O'Connell, a 25-year-old Infantry officer, received the Distinguished Service Cross during ceremonies conducted by Major General Carl W. Hughes, commander, Walter Reed General Hospital. Representative Clarence D. Long of Maryland, a friend of the O'Connell family, also participated in the presentation.

The many people who had gathered in the general's office surrounded the young officer and his wife and were talking amiably when the command "Attention to Orders" dominated the room.

The voices fell silent as the general's aide read the citation: "By direction of the President . . . for extraordinary heroism involving conflict with an armed hostile force in the Republic of Vietnam, Captain (then first lieutenant) O'Connell distinguished himself while leading a combat patrol in search of enemy soldiers near Cu Chi."

ENEMY ENCOUNTERED

While the audience listened, the story of Captain O'Connell's actions were revealed. He and his patrol heard voices coming from the mouth of an underground enemy tunnel so he directed his interpreter to instruct the enemy soldiers to surrender. Three of the enemy responded but as the third one left the tunnel opening, a grenade was thrown from the hole and exploded harmlessly among Captain O'Connell's patrol members.

Taking advantage of the momentary confusion, one of the three enemy soldiers drew a grenade he had concealed and threw it toward Captain O'Connell and two patrol members.

PROTECTED BUDDY

Captain O'Connell saw what happened and shoved one of his soldiers to the ground and fell on top of the second man as the grenade landed and exploded. His action caused him to take the full blast of the grenade wounding him critically.

While the 25th Infantry Division officer was standing at attention listening to the citation awarding him the Army's second highest award, one couldn't help remember conversations with this 1967 graduate of the University of Michigan.

When he graduated from college, he tried twice to get into the Army and was turned down both times "for bad knees." The third time he attempted to get in, he "conveniently" forgot to mention his knees and came on active duty in January 1968.

SLATED FOR OCS

The company he took Basic and Advanced Individual Training with at Ft. Dix, N.J., was headed for Infantry Officer's Candidate School, Ft. Benning, Ga.

Between AIT and OCS, Captain O'Connell took time out to marry his wife, Cyndy. (Without knowing it, his wife also was standing at attention beside her husband while he was being honored.)

Graduating sixth in his OCS class, Captain O'Connell was turned down on his request for immediate assignment to Vietnam. Instead he was assigned to work with the officer candidates in the classes which followed. He remained in this assignment until June 1969 when he completed airborne training and then went to Vietnam.

FULFILLING ASSIGNMENT

Captain O'Connell wanted those present to know that he had had a choice about coming in the Army. He went on to say that he had never been bored in the service and that his assignment in Vietnam was a kind of fulfillment to him because it taxed his every ability, mentally and physically.

When asked about his plans, he was quick to say that he wanted to remain in the Army as an Infantry officer. Whether this will happen cannot be determined until his full physical abilities can be evaluated.

Captain O'Connell's parents, Mr. and Mrs. John M. O'Connell, live in Eggertsville, N.Y.

EIGHTY-ONE PERCENT OF THE NEXT OF KIN OF POW'S APPROVE RECENT RESCUE ATTEMPT

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. ARENDS. Mr. Speaker, a recent survey which has gone virtually unnoticed in the press is certainly worth calling to the public attention.

It is a survey taken by the respected Opinion Research Corp. of Princeton, N.J.

That survey shows that 81 percent of the next-of-kin of prisoners of war and those missing in action in Indochina approve of the recent attempt to rescue prisoners, then thought to be held at Sontay prison.

Only 10 percent reacted unfavorably.

Eighty-four percent of those interviewed would approve of another rescue attempt or of the Government taking whatever steps are necessary to obtain the release of American prisoners of war.

Mr. Speaker, we have heard much criticism of the Son-Tay raid from those knee-jerk loves to oppose anything President Nixon may do short of all-out surrender.

It is good to know they remain a minority.

A DEVOTED FEW STRIVE TO SAVE THE WILD HORSES

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. BARING. Mr. Speaker, I believe it would be of interest to all horse lovers to read an article which appeared in the New York Times on November 15 entitled "A Devoted Few Strive To Save The Wild Horses."

Mrs. Velma Johnston, mentioned in the article, is one of my constituents who is a dedicated worker, diligently striving to protect the remaining wild horses in this country and is largely responsible for the public awareness of this issue today.

I insert the following article:

A DEVOTED FEW STRIVE TO SAVE THE WILD HORSES

(By Anthony Ripley)

DENVER, Nov. 14.—Hounded by human enemies, America's once huge bands of wild horses are disappearing from the Western plains and mountains.

In remote gullies, mesas and deserts where only the hardiest survive are the remaining descendants of the tough, small Spanish mustangs brought to the horseless New World by the conquistadores 400 years ago.

At the turn of the century, there were an estimated two million wild horses ranging through the immense grasslands that run west of the Mississipi River to the Rocky Mountains, past the Continental Divide and through the deserts beyond to the Pacific Coast.

Today, the Bureau of Land Management of the Department of the Interior estimates that only 16,000 are alive, scattered in 11 Western states. The wild horse is hunted down for sport or slaughtered for pet food or killed because it competes for grass with antelope, deer, cattle and sheep.

The plight of the horses has touched off a growing movement among conservationists to protect the last of the vanishing bands. But the efforts so far have brought only slight advances. Mustang hunters in airplanes still stampede the wild horses till they drop from exhaustion, capture them and sell them as horsemeat for 6 cents a pound.

The story of the horses, and the efforts to save them, is told in a just-published book, "America's Last Wild Horses," by Hope Ryden of New York, a documentary film producer for ABC News.

Miss Ryden said, "They need protection from cruelty and extinction. Many livestock people want to remove all predators and competitors. If there is no economic gain, then they feel the animal has no right to exist."

Only rarely does a traveler in the West catch sight of a wild stallion standing on a hilltop, a half mile or more off the road, his mares downhill out of sight, testing the wind and watching for enemies.

"You occasionally see one and it's the thrill of a lifetime," said Mrs. Velma (Wild Horse Annie) Johnson of Reno, Nev., who has been an almost lifelong defender of the animals.

"Mostly all you ever see is a cloud of dust after they are gone. It's their stubborn ability to survive that makes them so remarkable."

In their argument for saving the horses, the words of defenders are filled with such emotion and wonder. They believe the horses are part of American history and should be preserved as much as Plymouth Rock, the Gettysburg battlefields or the giant Sequoia trees.

A HUNTER'S VIEWPOINT

But sentiment does not move Chester (Chug) Utter, an airplane pilot and mustanger who lives near Reno. He said he captured 40,000 horses over 14 years for the Bureau of Land Management before quitting two years ago. In those days, the bureau sold the animals at auction to all comers.

Mr. Utter said wild horse preserves should be set up on Government land by those who wish to save them.

"Otherwise there'll be 50,000 running around the mountains and the average tourist will never get to see them," said Mr. Utter.

"You need every spear of grass for deer, antelope and cattle. I don't have any ax to grind either way. But I'd much rather have wild game than a bunch of horses you can't do nothing with. You can't reach them on horseback."

Professor C. Wayne Cook, head of the range sciences department of Colorado State University, said the horses should be saved because of their history and their place as part of man's natural surroundings. They played a large role in the life of the plains Indians and in the development of the West.

Dr. Cook acknowledged the emotional factor in the movement for preserving them. "We have so many horse lovers and the majority don't want to see the horse abused."

But Dr. Cook cautioned that there should be some control over the numbers of wild horses lest they multiply too quickly and become too competitive for grazing lands.

Mrs. Johnston says that at the present rate of hunting mustangs, they will all be gone in eight years. She is president of the International Society for the Protection of Mustangs and Burros, which has its headquarters in Badger, Calif.

It was largely through her efforts that the so-called Wild Horse Annie Law was passed by Congress. It prohibits hunting of unbranded horses by motor vehicles and airplanes on public lands.

Mrs. Johnston said hunters get around the law by putting a branded mare out with the wild horses and then gathering up the whole group a year later, a practice which is allowed by the Bureau of Land Management.

Mrs. Johnson wants to secure Federal protection for the few remaining wild horses. A bill introduced by United States Senator Clifford P. Hansen, Republican of Wyoming, which would have given the Department of the Interior custody over the animals, died in committee this year. Mrs. Johnston and those associated with her hope to get a similar bill considered in the next session of Congress.

PRESERVES ESTABLISHED

Thus far, there are only two wild horse preserves on the Federal land controlled by the Bureau of Land Management.

A group of citizens of Lovell, Wyo., started a fight to save 200 horses in the Pryor Mountains of Wyoming and Montana. Through their efforts, the bureau set up a 35,000-acre preserve for the horses.

Another 200 horses are roaming in a 300,000-acre site in the southern desert of Nevada. This preserve, however, is less than ideal. The land is part of the Nellis Air Force bombing and gunnery range and the Nevada test site of the Atomic Energy Commission.

In Oshoto, 120 miles east of Sheridan, Wyo. Robert E. Brislawn, an 80-year-old rancher, began searching out pure-blooded Spanish mustangs 50 years ago from herds that even then were beginning to decline.

Mr. Brislawn's special interest was in horses of Barb or Andalusian ancestry that were carried to the North American continent by the early Spanish explorers. The horses can survive on next to nothing in the remote areas to which man has driven them. The direct descendants of the Spanish horses are marked by their small stature, Roman noses and the lack of a sixth large lumbar vertebra that is found in most modern horses.

Mr. Brislawn, called the "Wyoming Kid," is every bit as small and tough as the horses he keeps on his 3,000 acre Cayuse Ranch near Oshoto.

A DAY ON THE RANGE

After a midmorning drink of bourbon, cut with 7-Up, and swallowed in the bunk house filled with newspaper clippings, sleeping cats and dogs and mountains of odds and ends, Mr. Brislawn and his son, Emmett, set out with the family to find some of the horses.

The animals roam free on his land and the stallions choose their own mares as they do in the wild.

A black stud was seen first, only a silhouette on the hilltop, head up and alert, watching to see if it was a friend or foe who stopped the pickup truck on the gravel road below him. Sensing no danger, and apparently remembering past snacks of oats, he moved downhill toward the Brislawns. A harem of eight or 10 mares and their colts appeared, moving over the top of the hill, and followed him, breaking into a trot.

Soon the small, excitable horses were milling around a laughing Mrs. Emmett Brislawn, who dodged and ran to keep from being trampled as she dumped coffee cans of oats on the ground. The animals' long manes and tails were matted with burrs and they danced away on unshod hooves at any unexpected movement.

The Wyoming Kid was in among them, wearing his smooth-top 10-gallon hat, shouting to his son about the merits of one of the mares.

Later, bouncing over the roadless grassy brown hills in the truck, he reflected on how men seek beauty, size and conformation in their horses today.

"They've bred the horse out of the horse," he said. "Barb is all of it. Man o'War was supposed to be part Barb, only they called it Arabian. Big old homely rough-headed Barb will do it. That's the daddy of them all. There's not many left."

AFTER THE WAR IS OVER

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. COHELAN. Mr. Speaker, for many years Walter Lippmann has shared his informed views with many Americans on a multitude of pressing domestic and foreign policy matters. While on occasion I have not agreed with Mr. Lippmann's analysis of an issue, his cogent presentations and deft analysis has always contributed to reasoned discourse.

In a recent article entitled "After the War is Over," Mr. Lippmann reiterates some themes concerning the war in southeast Asia. It is the author's view that much of the trauma about our withdrawal from this area is because this situation has been defined in terms of defeat rather than the liquidation of an unnecessary military commitment.

I recommend the reading of Mr. Lippmann's article to my colleagues and the readers of the RECORD. At this point, Mr. Speaker, I would like to insert "After the War is Over":

AFTER THE WAR IS OVER

(By Walter Lippmann)

When the war in Indochina ends, it will matter a great deal how we understand what happened, and why. For this country can tear itself apart if it falls into bitter quarrels about what happened. There will be those who say that we have been defeated although we could have won. There will be others who say that we should not have intervened but that we were deceived and seduced. "There are two things that will always be very difficult for a democratic nation," said Alexis de Tocqueville, "to start a war and to end it." The heavy losses of the dead and wounded and the enormous costs and frustrations of the war will be tolerable only if we can come to some common understanding as to what went wrong, and why it happened.

I must begin by insisting on a point that President Johnson and President Nixon have needlessly obscured and confused. It is the difference between a mistake and a failure on the one hand and a defeat on the other. The United States has not been and cannot be defeated in Indochina even though we withdraw our armed forces and realize that in the longer run the South Vietnamese Government is not likely to be able to stay on a course that is independent of North Vietnam. For the United States this will have been a large and costly failure to do what we said we were going to do. But the United States will not have been defeated. For defeat is what happened to Nazi Germany and to Japan; to surrender, to have the armed forces lay down their arms, to have the country occupied and governed by the enemy. No such thing can happen to us in Indochina, which is proof that it is not a vital area to the United States. And therefore President Nixon would do the country a service if he would cease to confuse a mistaken war with the downfall of being defeated.

"ARMED PEASANTS WHO ARE WILLING TO DIE ARE A MATCH FOR THE MIGHTIEST POWER"

We need at the same time to explain to ourselves what at first seems to be absurd. Here we are, some 200 million of us, with the greatest armaments that any country has ever possessed and there are the North Vietnamese, some 20 million of them, with a primitive industrial system. Yet we have been unable to make them do what we want them to do. Why not? Because armed peasants who are willing to die are a match for the mightiest power. Elephants cannot clear the mosquitoes from a swamp. The United States has been unable to conquer the armed guerrillas of the vast Asian continent.

Why, we are asked, have we not used all our weapons and bombed them back into the Stone Age? The answer is that the United States had compelling reasons to believe that China and the Soviet Union would not stand idly by if we did, and that nothing that was at stake in Indochina was worth another world war.

Thus, our failure in Vietnam sprang from a great mistake. We asked the armed forces to do what it was not possible for them to do. Our senior military leaders, the men who were the commanders before and during the second world war, knew better. They had always believed that the United States' military power was on the ocean and that Asian land wars were to be avoided studiously. The men who did commit the United States to a land war in South Vietnam had to ignore the precedents and override the advice of men like Dwight D. Eisenhower, Douglas MacArthur and Matthew B. Ridgway.

"THERE FLOURISHED THE FANTASTIC NOTION THAT ONE NATION COULD ACT AS GLOBAL POLICEMAN."

If we are pacifists and doves about Vietnam, it is because of the old American view of a land war in Asia. The opposition to intervention on the Asian continent begins with the teachings of our senior commanders in the second world war, long before Senator Fulbright and his colleagues in the Senate began to dissent. The question is why the United States ever violated its own military doctrine.

The reason for the mistake which led to the failure was certainly not the villainy or the ambition or the profit-seeking of anyone. The reason was the global confusion which existed when the second world war came to an end. The two principal enemies of the United States, Germany and Japan, were utterly defeated and all the principal allies and friends, the Soviet Union, China, France and Britain, were prostrated. Only the United States was uninvaded, powerful and rich, unhurt and invulnerable.

The recovery of our allies and of our enemies was greatly helped by wise and beneficent measures like the Marshall plan and NATO, and for a few years it looked as if we could do anything anywhere in the world. The whole world seemed to depend on the United States for protection and for recovery and reconstruction, even for food. Never, it seemed, was there such a total victory, and never before, therefore, was it so difficult to judge with any accuracy what needed to and what could be done. In these circumstances there flourished the illusion of American omnipotence, the fantastic notion that one nation could act as global policeman.

It was not, I think, the United States which yearned to police the world, though there were a few intoxicated imperialists among us. Events and the pleading of our friends abroad nourished the illusory role of world policeman and world benefactor.

While that illusion flourished during the late '40s, it became exceedingly difficult to measure wisely the extent of our power and of our responsibilities. Although the postwar distribution of power in the world has proved to be short-lived, the postwar situation was complicated by the first appearance of nuclear weapons. They were unbelievably destructive and for a time the United States had a monopoly of them. It was difficult to understand the limitations of nuclear weapons, and to realize that though those weapons would destroy anything, they could not do anything in particular. We have learned gradually the limitations of nuclear power, but it has been difficult for most people to understand why, if we are so powerful, we do not succeed in anything we attempt to do.

And then, last but not least, there was a third novelty in the postwar world which made it difficult to judge foreign policy accurately. This was the emergence of the Russian empire as the citadel of a world revolution against established order everywhere. Americans had never before confronted such a state of affairs. The consequence was the cold war to contain Communism, to roll it back and to insist that the confrontation with Communism would have to precede not only stable recovery, not only peace and harmony in the world, but the recognition of the balance of power.

It is very easy in retrospect to see that the war in Vietnam was a great failure owing to a great mistake. It is also easy to see that this great mistake was made by a new generation of men who were faced with the unique conditions of the postwar world—the total victory of the United States, the unmeasured nuclear weapons, and the Soviet Communist crusade which, for living Americans, was unprecedented.

When the Vietnamese war ends—we pray without a catastrophe—there will be only one salve for our wounds, for our pride, for our honor and for our dignity. Honesty and no pretenses. It is to recognize the mistake as being a mistake, to refrain from pretending that it was not a mistake, and to find the remedy in the universal human knowledge that to err is human.

THE 1970 POPULATION CENSUS COUNT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. HAWKINS. Mr. Speaker, on November 30, 1970, the Secretary of Commerce and the Director of the Bureau of the Census announced the results of the 1970 census.

While those figures were impressive, the National Urban League, as spokesman for the Coalition for a Black Count, contends that the figures are not accurate and that millions of black and other minority citizens were not counted.

Several of my congressional colleagues have already raised questions about the accuracy of the census. A drastic undercount has broad and serious implications for all American citizens, transcending its racial implications. Cities which are hard pressed to stave off economic disaster will suffer, as will individual citizens of all races who will be denied proper congressional representation, and a variety of Federal services based on the inaccurate 1970 census count.

In view of this, the following statement by Mr. Whitney Young, executive director of the National Urban League, is of particular interest, and is directed to the attention of my colleagues:

STATEMENT BY WHITNEY M. YOUNG, JR.

We are distressed by the President's announcment of the final population count for the Nation based upon the 1970 Census. Although the Census Bureau's expectation that no less than two million blacks were missed in the 1970 Census is a matter of public record, *No* adjustment for the black undercount was made in these final counts. These figures were released in full knowledge that large segments of the American population were not accurately counted; thus, they are in violation of the Constitutional mandate which requires a decennial census of all groups and not just some of them.

If these inaccurate figures are allowed to stand over the next decade, blacks and other minorities will once again be deprived of the political representation and economic assistance to which they are entitled. The two million blacks missed in 1960, alone, could symbolize the loss of five Congressmen and scores of state legislators to the black community.

But, in fact, it will really be the Nation, not its racial minorities, that will suffer because of deficient census procedures. At a time when cities across the country are pleading to the state and federal governments for fiscal relief, many cities will be forced to assume an even greater responsibility for the support of the residents in low-income areas where the undercount is likely to be most acute.

If these inaccurate figures are allowed to stand, another decade of racial and economic divisiveness will result from inadequate funding of domestic problems. Moreover, another decade of insufficient school, hospital and housing facilities will also result from miscalculated projections of population size.

It must be made emphatically clear that the responsibility for the undercount is that of the U.S. Census Bureau. Contrary to the statements of census officials quoted in the press, blacks were not hostile to the census. The experience of the Coalition for a Black Count (sponsored by the National Urban League) in the 1970 Census clearly demonstrated that blacks across the Nation were eager to participate in the census. Yet we take small comfort in the fact that the undercount would have been greater had it not been for the Coalition's efforts.

In fact, there were greater hostility and suspicion to the 1970 Census from whites who were concerned about invasion of privacy. But despite the organized resistance in the white community, the Census Bureau succeeded in counting them. Thus, alleged hostility cannot be used as an excuse for underenumeration.

The fault clearly lies in an insensitive census operation that prints all the census forms in English, knowing that thousands of Spanish-Americans and Chinese-Americans will not be able to read them.

The fault lies in inadequate mailing procedures that resulted in thousands of persons never receiving their forms.

The fault lies in a patronage hiring system that prevented many minority persons from holding supervisory census positions.

The fault lies in a census that was planned so poorly that it had to be extended from two-and-a-half months to five months because of the break-down of its so-called innovations in ghetto areas.

Clearly, the outmoded census procedures must be radically reformed. But the Nation and its racial minorities should not be required to suffer in the interim. It was not until 1965 that the Nation was informed that two million blacks were missed in 1960. We cannot wait until 1975 to learn that three or four million blacks were not counted in the 1970 Census. Immediate redress is in order.

Therefore, we call upon the Federal Government to immediately adjust the final population figures to reflect the underenumerated segments of the population. In this way, localities can receive the political representation and economic assistance to which they are entitled and proper planning over the next decade at the Federal, state and local levels can be based on accurate figures and not on an ad hoc compilation of numbers.

CONGRESS GOES DOWN TO THE WIRE TRYING TO STAVE OFF A NATIONAL RAIL STRIKE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, the fact that this body was forced to remain in session right down to the wire last night in a fruitless effort to stave off a potentially paralyzing national rail strike, symbolizes better than anything else the utter bankruptcy and ineffectiveness of our current railway disputes machinery. Indeed, crisis, emergency and a flurry of 11th hour activity have come to be the norm in these negotiations. Since the passage of the Railway Labor Act four decades ago, the emergency provisions have been invoked a total of 187 times—an average of four times yearly. We have reached a point, I think it is fair to say, where genuine collective bargaining between the parties in this dispute, without the threat of Government intervention, has become nearly impossible.

Mr. Speaker, recognizing that this atrophy of the collective bargaining process is absolutely intolerable in an industry that comprises a vital artery of the American economy, President Nixon proposed a fundamental reform of our disputes settlement machinery in the transportation industry in his national emergency labor disputes message of March 2, 1970. His message outlined a three-point proposal for the creation of more effective disputes settlement procedures that I believe could well have averted the morass in which we presently find ourselves. The essence of the President's proposal was the establishment of a procedure known as "final offer selection" by which the Secretary of Labor would choose among the final offers of the two parties in a dispute in the event that an impasse in private bargaining had been reached.

The objective of this new procedure would be to reverse the incentives of the present act which tend to undermine bargaining by encouraging the parties to stubbornly hold out for extreme demands in the expectation that an arbitration panel will split the difference. As the President succinctly put it:

> Expecting that they might have to split the difference *tomorrow*, both parties find it to their advantage to widen that difference *today*. Thus the gap between them broadens; the bargaining process deteriorates; Government intervention increases; and work stoppages continue.

Mr. Speaker, is that not the precise situation we face today. How much better would it have been if the President's excellent proposal would have gotten prompt committee hearings and floor consideration by this body? I, for one, believe that the time spent in committee deliberation and floor debate on this proposal would have been to considerably more avail than the midnight oil we burned last night.

So as we become mired in debating the merits of the positions of each side in this dispute or the kind of emergency actions that the President or Congress should take, I would urge that one fundamental question not be forgotten or overlooked: Why did this proposal for long overdue reform of disputes settlement machinery not get prompt attention and hearings from the committees on both sides of the Capitol? Why do we continue to drift and make do with archaic bankrupt laws and procedures when sound proposals for reform have been laid on the table by the President? I would hope we get some early answers to these questions and some speedy actions on this proposal next session.

CONGRATULATIONS TO MR. AND MRS. FREDERIC E. MANSFIELD

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. GIAIMO. Mr. Speaker, I was pleased to note recently that two former constituents of mine, Mr. and Mrs. Frederic E. Mansfield of Daytona Beach, Fla., celebrated their 55th wedding anniversary in August.

Mr. Mansfield was employed by the Southern New England Telephone Co. in New Haven, Conn., until his retirement in 1947. A Mason for over 50 years, he is a past master of Olive Branch Lodge No. 84, A.F. & A.M. in New Haven. He served as secretary of that lodge for 19 years.

I would like to congratulate Mr. and Mrs. Mansfield on their anniversary and convey the best wishes of the members of Olive Branch Lodge No. 84. Mr. Samuel Mann, Worshipful Master of Olive Branch Lodge, has submitted a newspaper article concerning the Mansfields' anniversary. He has also sent two poems which reflect Mr. Mansfield's attitudes toward life and friendship and show why he was respected and loved by all who knew him in New Haven. I wish to insert the newspaper article and the two poems at this point in the RECORD:

MANSFIELDS OBSERVE 55TH ANNIVERSARY

Mr. and Mrs. Frederic E. Mansfield, 2417 N. Oleander Ave., will celebrate their 55th wedding anniversary Sunday.

The Mansfields were married Aug. 23, 1915, and lived in New England until coming to Daytona Beach in 1963.

Mr. Mansfield is a graduate of Wesleyan University and was connected with the Bell Telephone System in New Haven, Conn., until his retirement in 1947. Subsequently he served as alumni secretary of Kents High School, statistician at the Augusta State Hospital and, finally as acting manager of the Auburn Parking Dist., all in the state of Maine.

He is a 32nd degree Mason, a past master of Olive Branch Lodge 84 of New Haven, and served as secretary of that lodge for 19 years. A past grand master of the Masons of Connecticut recently came to Daytona Beach to present a 50 year membership pin to Mr. Mansfield in Ormond Beach Lodge 326.

Mrs. Mansfield nee Anna Potter, is a graduate of Smith College.

The Mansfields have three children. Lucy, the eldest, also is a graduate of Smith College and received her master's degree at the University of Maine. She is the wife of Dr. Vincent H. Whitney, a member of the faculty of the University of Pennsylvania, and the mother of three children. Dorothy is a graduate of the University of North Carolina's Women's College and was an Ensign in the Navy during World War II. She is the wife of Edwin B. McDaniel, president of the Bank of Belle Glade, and the mother of two children. Frederic Jr. was graduated from Bates College and, after two years in the Army, received his master's degree in library science at Simmons College. After two years at the library at Harvard, he transferred to the library at the University of Illinois.

IT MATTERS

My philosophy through life is best expressed by a poem that only recently came my way. I do not know the author as its source was anonymous when I received it. But it reads like this:

"It matters little where I was born,
  Or if my parents were rich or poor;
Whether they shrank at the cold world's scorn,
  Or walked in the pride of wealth secure.
But whether I live an honest man,
  And hold my integrity firm in my clutch,
I tell you, brother, as plain as I can,
  That matters much.

"It matters little how long I stay
  In a world of sorrow, sin and care;
Whether in youth I am called away,
  Or live till my bones and pate are bare.
But whether I do the best I can
  To soften the weight of adversity's touch
On the fading cheek of my fellow man
  That matters much.

"It matters little where be my grave,
  Or on the land or in the sea,
By purling brook or 'neath stormy wave,
  It matters little or naught to me.
But whether the Angel from on High comes down
  And marks my brow with his loving touch
As one shall wear the victor's crown,
  That matters much".

And as I look out and see our many friends gathered around us, I am reminded of another little poem that recently came across my desk. It describes friends and I would like to share it with you:

"Friends are people who think of others more than themselves . . . Who uplift, encourage, praise and criticize with loving honesty . . . Friends are people who know the worth of silence . . . And of having a talent for listening . . . Who accept without trying to reform and understand with their hearts . . . Friends are living examples of the Golden Rule and are strengthened by giving . . . Friends are life's greatest treasures, found by only the most fortunate. . . ."

I feel that way about you, my friends, and may I close by giving you my favorite toast:

"May the road rise to meet you. May the wind be always at your back. May the sun shine warm upon your face, the rain fall soft upon your fields and, until we meet again, May God hold you in the palm of His Hand."

WILLIAM J. KUHFUSS, NEW FARM BUREAU PRESIDENT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. FINDLEY. Mr. Speaker, William J. Kuhfuss, Mackinaw, Ill., was elected today in Houston, Tex., as the seventh president of the 51-year-old American Farm Bureau Federation. He succeeds Charles B. Shuman, another Illinoisan and a familiar name in American agriculture for many years, who announced on Monday his retirement after 16 years as head of the Nation's largest general farm organization.

Bill Kuhfuss is an agricultural leader of great respect in Illinois and already known and respected on a national basis and certainly felt by the Congress. His frequent appearances on Capitol Hill have been impressive. He knows agriculture, the organization which elected him its president, and knows the operation of government.

He is a highly respected representative of the Angus beef breed and produces prize livestock on his Tazewell County farm operated with his brother. Few men I know more fully enjoy their farm and livestock than he.

Because of his strong love of the farm on which he was born and reared, early in life he felt the need to contribute to the improvement of his profession—agriculture.

He has served since 1958 as president of the Illinois Agricultural Association. During that period of time the organization has continued to serve the needs of its more than 190,000 family members through expanded marketing programs and successful efforts in the State legislature. As IAA president, Kuhfuss led three agricultural trade missions to Europe, the Orient, and an around-the-world mission in search of new markets for farm products. Illinois leads the Nation in farm and commercial exports with many of the markets for these expanding sales located and developed through the efforts of Bill Kuhfuss.

He is an agricultural leader without question, but his outstanding devotion to service does not end at his farm's gate. In 1967 he was appointed by Illinois Governor Otto Kerner to serve as downstate coordinator of a campaign for revenue reform for Illinois.

He was named by Governor Kerner in 1968 to serve as cochairman of the Illinois Committee for a Constitutional Convention. That drive was successful, the new constitution has been drafted, and with Mr. Kuhfuss again serving as cochairman of the drive to seek approval of the new document.

Illinoisans will vote next Tuesday on that constitution.

He brings with him to the presidency of the American Farm Bureau broad experience as a farmer, a leader, and an administrator. I am confident all Members of Congress will find him an eloquent, thoughtful, dedicated spokesman for American agriculture as he begins a new era of leadership for the American Farm Bureau Federation.

RAID ON POW CAMP

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. DEVINE. Mr. Speaker, the recent U.S. air strike against North Vietnam and the prisoner-of-war rescue attempt are the subject of a November 24 article by the Wall Street Journal.

The Journal writes that the United States halted its bombing of the North following an agreement on unarmed reconnaissance flights, infiltration of the demilitarized zone and shelling of major South Vietnam cities. The November 13 downing of an unarmed reconnaissance plane and the recent shelling of Saigon and Hue resulted, in the form of air strikes, the "strong and effective" U.S. retaliation about which Mr. Nixon spoke last fall.

In addition, in response to information that some of our men were dying in prisoner-of-war camps, a carefully planned rescue was attempted.

Surely, in light of these two actions, Hanoi now understands that the United States will not let broken agreements go unchallenged.

I ask unanimous consent that "Commando Raid on POW Camp, Air Strike Add Muscle to Nixon's Retaliation Threat" be printed in the RECORD.

COMMANDO RAID ON POW CAMP, AIR STRIKE ADD MUSCLE TO NIXON'S RETALIATION THREAT

(By Robert Keatley and Richard J. Levine)

Staff reporters of the Wall Street Journal

WASHINGTON.—Last November, President Nixon warned North Vietnam that any escalation of the Indochina war would bring "strong and effective" retaliation from the Americans.

Last weekend Mr. Nixon tried to prove he wasn't bluffing.

In response to what Washington calls violations of the "understandings" that ended U.S. bombing raids over North Vietnam two years ago, some 250 American planes blasted Communist air defense and staging areas in the southern part of that country over the weekend in what the Pentagon terms "successful" attacks.

While that was happening, the U.S. staged an unprecedented commando raid near Hanoi in an effort to free American war prisoners held there. This effort wasn't successful—the prisoners have been evacuated several weeks before the attack—but the audacious strike so close to home may have unnerved the men who set North Vietnam's war policies.

That may have been the main reason for the closely coordinated attacks. Mr. Nixon and his chief security affairs adviser, Henry Kissinger, have tried hard to persuade the Communists that the Americans aren't predictable, that the U.S. is strong and won't let provocations or broken agreements go unchallenged. The message to Hanoi seems clear: negotiate peace in good faith or face reprisals whenever military escalation or violation of agreements is attempted.

Although the immediate issues involve North Vietnam, the message of toughness and unpredictability also may have been aimed at Moscow. Soviet-American relations have been strained recently, mainly because—in Washington's view—the Russians aren't living up to the spirit of understandings about Berlin, European detente, Mideast peace and, perhaps, a missile base in Cuba, among other things. Thus, the sharp U.S. response may be a signal to the Soviets that they, too, would be well advised to honor any future agreements with the Americans. This is part of what White House officials call establishing "credibility" in foreign affairs.

PRESS SPOKESMAN'S STATEMENT

As part of this, Defense officials yesterday carefully carved out grounds for possible future air strikes against North Vietnam if the U.S. decides they are justified. "We remain ready to take appropriate action in response to attacks on our unarmed reconnaissance aircraft, in response to major infiltration across the demilitarized zone (which separates North Vietnam and South Vietnam) or in response to the shelling of major South Vietnamese cities," warned Jerry W. Friedheim, the Pentagon's chief press spokesman.

The U.S. contends it originally stopped bombing the North after reaching agreement on these three matters with North Vietnam. It says the weekend attacks were ordered because Hanoi's gunners shot down a reconnaissance plane on Nov. 13 and because its troops recently shelled Saigon and Hue, the main cities in South Vietnam.

Hanoi has consistently denied making these or any other agreements with the U.S., an assertion that doesn't carry much weight in Washington, where officials claims otherwise and act accordingly.

These U.S. operations come at a time when the Nixon message may, in fact, be getting through to North Vietnamese policymakers. According to foreign diplomats who have frequent contact with Hanoi officials, serious doubts about the future of their war effort are arising and, for the first time, these Communist Vietnamese are beginning to wonder if "time is on their side after all," these sources say.

REPORT OF ENEMY DISAPPOINTMENT

According to these sources, the North Vietnamese are dismayed by the recent American elections. They expected the Indochina war to be a major political issue in the U.S. and thus expected Mr. Nixon to suffer serious reverses because of his policies, forcing major new American concessions at the Paris peace talks. These sources say that the Communists, despite their propaganda statements to the contrary, concede privately that the Nixon Administration didn't lose much political ground because of the war and that the war itself is a declining political issue in the U.S.

This faces Hanoi with the possibility of two more years of costly and inconclusive war until the next American election, a prospect the Communists don't welcome, the sources said. This is especially true because, it's claimed, Hanoi expects the combat to remain a relatively minor political issue as American troop withdrawals continue and casualties decline. Thus Hanoi's leaders are said to concede the 1972 elections may have less impact—rather than more—on U.S. policies in Southeast Asia than did the Nov. 3 midterm voting.

According to American analysts, Hanoi has been counting on war protests within the U.S. as a major restriction on the Nixon Administration, one that could force it to accept much or all of the eight-point "peace plan" surfaced by Communist negotiators several weeks ago. As relayed by the foreign diplomats, however, the Communists are losing faith in this thesis. They are disturbed by the fact that Mr. Nixon has branded their peace proposal unacceptable, and responded with his own quite different program last month, which the Reds say they won't accept.

None of this means Hanoi is about to change war strategy, the diplomats caution. North Vietnam, since the death of President Ho Chi Minh, has been ruled by a committee of dedicated Communists who remain committed to gaining political control of South Vietnam. They make decisions slowly and view political compromises as a form of surrender, something the experts say they still want to avoid. But this Communist pessimism could eventually lead to some basic rethinking of policies, the diplomats conclude.

REPORTED RESULTS OF RAID

In any case, the American weekend raids have given North Vietnamese officials something new to think about. The air raids, according to Pentagon statements, blasted enemy missiles, antiaircraft guns and, more important, staging areas for men and supplies bound down the Ho Chi Minh trail to Cambodia and South Vietnam.

More than 100 secondary fires and explosions were spotted in the three areas where bombs were dropped, Mr. Friedheim said, and more than 100 trucks were hit. He said the raids had hindered Hanoi's ability to man and supply new ground offensives in the South, where the fighting has already been going badly for the Communist side. Fuel, ammunition and troop barracks are believed to have been among the targets struck by U.S. planes.

The raid on the POW camp may have been even more disconcerting to Hanoi's leaders. At 2 a.m. last Saturday (Hanoi time), American helicopters unloaded troops—the Pentagon wouldn't say how many—in the prison compound, only 20 miles from the North Vietnamese capital. Although nothing similar had been tried in this war, plans for such raids had been drafted months ago.

"A key factor in the final decision to launch" the rescue attempt, Defense Secretary Laird said at a news conference, "was new information we received this month that some of our men were dying in prisoner-of-war camps."

The U.S. raiders didn't find any American hostages; apparently they had been removed several weeks before the raid was ordered. But the Army troops searched buildings, destroyed locks on prison cells and left without suffering any serious casualties. One U.S. helicopter crashed, however, and was destroyed by the Americans.

The attack proved that U.S. forces "were able to get in and get out," Mr. Laird said, something that might cause Hanoi to wonder about its defenses.

White House spokesman Ronald Ziegler, speaking for Mr. Nixon, warned Hanoi not to take any reprisals against U.S. prisoners because of this raid. He said the U.S. "would hold the North Vietnamese leaders personally responsible" for their continued safety and—to reinforce the message—said again that "we stand ready to move to meaningful negotiations" as an alternative to continued warfare.

PITTSBURGH FAMILY OPENS HEART AND HOME TO KOREAN BOY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. MOORHEAD. Mr. Speaker, children often bear the brunt of their elders' mistakes.

Broken homes, fatal accidents, wars, and other major and minor catastrophies, always leave a toll of children—children without parents, children without homes, and in too many cases, children without futures.

These youngsters often spend their childhood years in institutions or orphanages.

It is always heart stirring when we come across a case of a family who opens its heart and home to one of these waifs.

Mr. and Mrs. Jay Schaff, of Pittsburgh, are typical of those unselfish people who have found room in their lives for a homeless child. In the process they have given their adopted son, Bill, a heritage and a boost that, without the Schaffs, he never would have had.

In 1962, the Schaffs adopted a young Korean boy.

Eight years later, now 13 years old, they saw him celebrate his Bar Mitzvah, the traditional Jewish ceremony that welcomes a boy into the world of men.

In saluting the Schaffs, and their son Bill, I would like to introduce into the Record an article from the Pittsburgh Press that tells their story:

Korean Forsakes Background for U.S. Jewish Adulthood

(By Ray Steffens)

Eight years ago, Tom Kim was a little Korean boy.

Today, he is William Franz Schaff, an American.

Nothing too unusual about a name change, maybe, but there is an important reason.

ADULT RESPONSIBILITIES

Because, come Saturday, William will push aside his Korean background and accept adult responsibilities in the Jewish community.

At ceremonies at the Tree of Life Synagogue, he will become a bar mitzvah, an honor bestowed on Jewish boys when they become 13 years old.

Bill, as he prefers to be called, is the adopted son of Mr. and Mrs. Jay B. Schaff of 13 Dunmoyle Place, Squirrel Hill.

Today he is a typical American boy.

PLACED IN ORPHANAGE

But he didn't have too much going for him in 1962 when his mother, unable to provide for him, placed Bill in an orphanage in Seoul.

Fortunately, his future was assured six months later when the Schaffs got custody of him through the Welcome House sponsored by the Pearl Buck Organization.

Schaff recalls his first meeting with the little Korean boy at an airport in New York.

"I didn't understand the Korean language and he couldn't understand me. Everytime he said something I hauled him off to the rest room just in case, but everytime he shook his head 'no.' "

Mrs. Schaff also admitted that the communication problem was acute for a while, but a mother has a way of knowing. The Schaffs also have two daughters.

"MOMMY" FIRST WORD

She fondly remembers the first English word he spoke.

It was "Mommy."

Since the boy had no religious ties at the orphanage, it was only natural that he would be brought up in the faith of his Jewish parents.

Bill began his studies for the bar mitzvah when he was eight years old and often spent four afternoons a week at the Hebrew Institute.

Mrs. Schaff related one incident that perhaps typifies the unexpected presence of an Oriental child in a Jewish community.

"The first day Bill got on the bus to the institute, the driver couldn't believe his eyes. He yelled: 'Tell that Chinese kid to get off the bus. These kids get on any bus that stops'."

Being a Korean in America hasn't created any special problems for Bill. But, once at Shady Side Academy, where he is a student, he admits he had "to straighten out" an upper classman.

AN HONOR STUDENT

Bill is an honor student at the academy and plans to be an architect some day.

He is very happy with his family which also includes two sisters, Pam, 16, and Elizabeth, 11, and they "enjoy" a typical brother-sister relationship.

He would like to go back to Korea some day, but just to see if he could find his natural mother. He also thought he had a brother, who was adopted by another American family.

The boy doesn't think his mother had abandoned him, but as Mrs. Schaff puts it:

"She gave up her child for noble reasons."

Schaff is president of Robinson Pipe Cleaning Co., of Canonsburg. Mrs. Schaff is a music teacher at Shady Side Academy.

What did he think of adopting a Korean child?

"We'd recommend it to anyone."

Mrs. Schaff's comment:

"It's been a real pleasure."

APPROVAL OF BUILDING MATERIALS IGNORES CONSUMER INTERESTS

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. KLUCZYNSKI. Mr. Speaker, during the course of the 91st Congress, the Subcommittee on Small Business Problems in Smaller Towns and Urban Areas, of which I am chairman, has investigated the effects on small business and the general public of certain policies of the Department of Housing and Urban Development.

The policies to which I refer relate to the approval of certain building materials and methods, and to HUD's requirement that every local government having a workable program for community improvement approve model codes which contain these materials.

A well-known organization with a deserved reputation for representing consumer interests, the Consumer Federation of America, has responded to certain questions I raised in a letter of September 29, 1970. The replies were contained in a letter of November 30, 1970, signed by Mrs. Erma Angevine, executive director of Consumer Federation of America.

Mrs. Angevine makes the point that HUD should adopt performance standards for building materials and then proceed to establish by independent inquiry and independent testing which materials meet these standards.

It is my understanding that this is precisely what HUD is not doing at the present time.

Mr. Speaker, members of the consuming public have a far greater stake in their homes than in any other goods or services on the market. This is obvious in the case of the homeowner. It is also true for those who rent their homes, since the monthly rent payment normally exceeds every other item of domestic expenditure in the family budget.

For the rest, Mrs. Angevine's letter speaks for itself and in view of the importance and timeliness of the subject matter, I am placing it in the Record:

Washington, D.C.,
November 30, 1970.

Hon. John C. Kluczynski,
Chairman, Subcommittee No. 3, Rayburn House Office Building, Washington, D.C.

Dear Chairman Kluczynski: I wish to commend you and your colleagues on the very valuable work you have undertaken to explore federal, state, and municipal construction requirements and their effect on U.S. consumers of housing. I wish also to comment, as you requested, on four specific points raised in your September 29 letter, as follows:

1. The acceptance of new materials, without testing either by a federal agency or an independent laboratory. Apparently, Federal Housing Administration is willing to accept materials purely on the basis of representations of the producer of material.

CFA comment: Obviously, the public interest requires that an independent party test new building products and materials. Whether a federal agency or an independent laboratory should do so must depend on their capabilities. FHA's acceptance of any material "purely on the basis of representations of the producer" is not satisfactory from the standpoint of the consumer or the public interest.

2. Although sometimes paying lip service to the concept of performance standards, FHA continues to opt for products of specific standards. In other words, rather than defining the minimum performance of a wall, a pipe, or similar component, which would allow any material complying with these performance standards to be used, FHA follows the somewhat dubious policy of listing those products which are acceptable.

CFA comment: We vigorously support performance standards. Such standards tell the consumer how the product will perform under various conditions and thus enable him to choose among many similar products that may vary considerably in price.

For example, our goal is not to describe a wall in terms of the materials used in its construction but to describe it in terms of its rigidity, its strength, and its effectiveness as a barrier to cold, heat, moisture, noise, and so forth. An acceptable standard, from the consumer's standpoint, would establish minimum requirements for each of these characteristics. A federal, state, or local agency that approves materials without first, establishing performance standards and, second, determining if the material meets these standards is not acting in the public interest.

3. The above two paragraphs must be viewed against the background of an increasingly vigorous insistence by the Department of Housing & Urban Development that materials approved by them must be accepted by local communities.

CFA comment: We understand the Department's desire to encourage use of newly-developed building materials when these function as well or better and cost less than more traditional materials and to open up such state and municipal building codes as may bar use of these newer materials. However, the solution is not for the Department to prescribe new materials untested by independent parties for their performance characteristics. The solution is for the Department to adopt performance standards and establish by independent inquiry which materials, new or traditional, meet these standards.

4. Even though upon occasion FHA requires that a guarantee or warranty be given the consumer if certain products, such as plastic pipe, are used, this does not appear to result in increased consumer protection. In fact, I am concerned that it may detract from the consumer's total position. The warranty gives the appearance of protection without any of the undergirding benefits usually associated with warranties. You will find enclosed a copy of such a warranty. I am sure you can decide for yourself whether it actually protects the consumer. Further, the Subcommittee is the recipient of numerous complaints that all too often the warranty is not actually delivered to the home buyer. I am enclosing for your information the transcript of hearings recently held in Chicago on this subject together with the printed hearings and report of proceedings held last spring on related matters.

CFA comment: A manufacturer must, of course, deliver his warranty to his customer if the warranty is to have any value. If the person who buys a house in which plastic pipe is installed has no knowledge of the Acrylonitrile-Butadiene-Styrene Institute warranty, it is of course useless to him.

I understand, under the standard ABS Institute warranty, that a plastic pipe manufacturer promises to repair his product in event of failure and that the Institute's decision regarding the necessity of such repairs shall be final. This raises the question whether the Institute can deal at arm's length with its manufacturer members so as to render an independent judgment. Unfortunately for consumers, the history of industries' policing members of those industries is a dreary story.

I appreciate your work, Mr. Chairman, and I hope you will continue to insist that federal, state, or local approval of construction materials be soundly based on independent judgment of the ability of those materials to perform their function. In this direction lies the consumer's interest.

Sincerely,

ERMA ANGEVINE,
Executive Director.

AMERICAN CANCER SOCIETY HONORS ITS DISTRICT OF COLUMBIA DIVISION FOR THE OUTREACH PROGRAM

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, it is a pleasure for me to bring to the attention of the Members of this House of a recent award of the coveted 1970 National Honors Citation by the American Cancer Society to the District of Columbia division of the American Cancer Society for their outstanding outreach program. This award was one of the five divisions in the United States to be selected for this high honor.

The award was presented to Dr. La Salle D. Leffall, professor and chairman, Department of Surgery, Howard University, by Mrs. Wilfred D. Keith, national vice president of the American Cancer Society and chairman of the Public Education Committee, at the semiannual dinner of the District of Columbia Division, held at the Washington Hilton Hotel, Thursday evening, November 19, 1970.

Mrs. Keith congratulated the division and praised the outreach program as "a wonderful example of what the American Cancer Society can do through people power." She went on to commend the 530 volunteers who took part in the 1-year volunteer program to train and develop paraprofessional personnel in the field of health education.

The outreach program is an outgrowth of the Scheuer amendment to the Economic Opportunity Act of 1966. This act aims to fund programs which will provide to the disadvantaged: First, entry level opportunities to human service fields; Second, the prospect of advancement and permanent employment, even when Federal funding stops, and third, any technical training and supportive services that may be needed to prepare an individual for a new career.

Thus, the "creation" of the concept "new careerists." With the help and support of the UPO—United Planning Organization—the District of Columbia Division of the American Cancer Society hired and trained three new staff members who came from and would work with the low economy segment of the population of Washington, D.C.—the people who heretofore had been labeled "hard-to-reach" through the usual methods of communication.

The society's new careerists went door-to-door, person-to-person carrying the message of cancer education. They conducted meetings and film showings in homes, schools, and churches. Doctors and nurses gave their time to perform examinations; patients were referred to clinics; and families were referred to the appropriate agencies for financial assistance.

Mrs. Keith emphasized, "due to the person-to-person approach—the most effective approach—more than 100,000 people in Washington, D.C., were reached with the Cancer Society's lifesaving message. That should prove there is no such thing as hard-to-reach."

Mrs. Keith said:

> Reaching people is the Cancer Society's top priority in the 1970's. An estimated 1,200,000 lives may be needlessly lost, unless we continue to reach out to people with our educational programs involving person-to-person communication. Your Outreach Program is leading the way.

YOUTH AND THE REPUBLICAN PARTY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. WYDLER. Mr. Speaker, recently the town of Oyster Bay Republican Committee in Nassau County, N.Y., held an unprecedented, day-long youth workshop at Harrison House in Glen Cove, N.Y. The event drew much praise from the Republican National Committee and various youth organizations as a method of attuning our political party to the needs of young people. With the accent on youth in our Nation's domestic problems today, this workshop was quite appropriate. A number of fine speakers participated in this gathering.

One speaker, Dr. Patrick M. Boarman, who many of my colleagues know as the former director of research for the House Republican Conference, gave a very moving and inspirational address on "Youth and the Republican Party." Dr. Boarman presently serves as a Special Consultant to the Secretary of the Treasury, and teaches at Long Island University in New York where he is a professor of economics. I believe his remarks are quite astute and something from which everyone might gain some insight concerning youth and politics. Dr. Boarman's remarks are submitted herewith for inclusion in the CONGRESSIONAL RECORD:

YOUTH AND THE REPUBLICAN PARTY

(By Dr. Patrick M. Boarman)

It is a genuine pleasure to be here today and to have this opportunity of sharing with you some of my thoughts on the subject of

"Youth and the Republican Party." I am especially grateful to my good friend Danny Frank, himself a student at Long Island University (Post College), for having extended this invitation to me to participate in your deliberations. Danny, who recently turned twenty, is an example of the kind of youth we could use more of in this country. He and Angie Roncallo (Comptroller of Nassau County) are to be congratulated for their initiative and enterprise in bringing this distinguished group of citizens together to discuss the role of youth in the political processes of our country.

I do not need to dramatize to this group the singular importance of this topic. That has been very effectively done in the last few days by the President's Commission on Campus Unrest in a report—now being called the Scranton report—which embodies the Commission's findings. That report said in part, and I quote: "The crisis on American campuses has no parallel in the history of the nation. The crisis has roots in divisions of American society as deep as any since the Civil War. The divisions are reflected in violent acts and harsh rhetoric, and in the enmity of those Americans who see themselves as occupying opposing camps. Campus unrest reflects and increases a more profound crisis in the nation as a whole." And the report continues: "Most of its members [i.e. of the student protest movement] have high ideals and great fears . . . They see their elders trapped by materialism and competition and prisoners of outdated social forms . . . They feel they must remake America in its own image. Less and less do students and the larger community seek to understand or respect the viewpoint and the motivations of the other. If this trend continues, the very survival of the nation will be threatened."

That is a grim, an alarming, one might even say apoycalyptic analysis. Personally, however, I do not see Apocalypse around the corner. And I am also deeply disturbed by the intimation in the report that the outdated social forms to which students object ought to be abolished. What are the social forms in question here? Are we to interpret this as meaning that, say, the Constitution, or free speech, or private property, or the market economy, or perhaps even the family itself have outlived their usefulness and will need to be junked if student disaffection is to be overcome? Failure to specify the social forms which are allegedly outdated is at the very least to be dangerously ambiguous. The report criticizes the "divisive and insulting rhetoric" of some public officials but in turn has provided some fevered rhetoric of its own, implying that among other catastrophies which are likely to occur, the nation is on the verge of plunging into a generational civil war. But I have yet to see any hard evidence that the generation gap is as deep or universal as the report suggests.

More importantly, I quarrel seriously with the assumption of the President's Commission that all or almost all of the nation's college youth are embroiled in this titanic struggle with the system and against the system. If we are talking about those who are actively engaged in fomenting unrest and in perpetrating acts of violence, then—if the recent *Fortune Magazine* polls on student unrest are at all close to the mark—we are talking about perhaps 30% of the students in the elite schools and probably substantially smaller percentages of students in institutions of lower rank. In other words, the vast majority of American students, and *a fortiori* of American youth in general has not taken up arms against the system. So here is immediately a fact of enormous significance to us all, especially to the major political parties. American youth is not irretrievably lost to the forces of unreason and fanaticism. But *it is* clearly vulnerable to the spreading infection of unrest and it is this which raises a challenge and an opportunity of overarching importance to all of us as citizens and more especially as members of a political party, the Republican Party. For it is the Republican Party which currently holds the reins of power in the national government as well as in a majority of state and local governments, and to whom our still unradicalized youth will naturally look for leadership and reassurance in the perilous months to come.

But these qualifications to the Scranton report—important as they are—should not divert attention from the undoubted fact that a significant segment of American youth is going through a grave spiritual and moral crisis which has profoundly shaken, if not yet destroyed its belief in the very premises on which this country and this society is founded. Nor can we overlook the fact that 30% of a student body of 10,000—if that is the relative size of the radical core—comes to 500, a group fully capable of finding and attacking the vulnerable pressure points of any university and even of the larger society around it.

The most immediate task which confronts us is the prevention of further radicalization of our youth and the containment of those who are irrevocably committed to revolutionary solutions to the problems of our society. But this task has no hope of being accomplished unless we searchingly analyze and dispassionately diagnose the sources of the unrest. These were only hinted at, indeed some of the most important were totally ignored in the Scranton report. Let me mention just a few of the facts which in my judgment have contributed to the disaffection of some of our youth with the values of American society and of Western civilization itself.

First, to use the words of the Scranton report and with which I tend to agree: ". . . they [college youth] see their elders trapped by materialism and competition." Now there can be no question but that a kind of obsession with material things, with the quantitative as opposed to the qualitative, with output per se, with the felicific calculus of dollars and cents has marked the U.S. from the beginning. There can be no question but that the marketplace, a free enterprise system, and the production of ever greater quantities of bigger and better products, of more telephones, TV sets, toasters and toothpaste has been for many the be-all and the end-all of American life.

For those of us in prior generations for whom the availability of these things was not at all self-evident, who had to work very hard to supply themselves with even the minimum comforts of life, this preoccupation with the material side of existence—with the standard of living in a purely material sense—was entirely understandable. The irony of the present situation is that the very success of our economic system in supplying the material wherewithal of life—the miracles of industrial growth and efficiency which have made this nation the world's mightiest economic power—have simultaneously created the leisure time within which other values can take hold. But our system—economic, social, political—has been excessively slow in adjusting to newly felt needs for the qualitative versus the quantitative ingredients of well-being. And related to this difficulty is the price that has had to be paid by many since the onset of the Industrial Revolution in the form of the destruction of the work content of many jobs, for example, of the production worker in an auto plant.

While the latest state of the Industrial Revolution—automation—has to some extent reversed this trend by transferring the most onerous and boring tasks to machines, it has simultaneously required greater technical competence and therefore constantly higher levels of education for the operatives in this sophisticated system. This development in turn has necessitated that increasingly complex and increasingly rigid structures—a kind of "organizational harness" in Daniel Bell's words—to be dropped on young people at an earlier and earlier age. Youth today rebels against this, much as the early enemies of factory discipline rebelled against it and went about the country smashing machines. What many youth fear today is the "industrialization of the mind," the submersion of personality in organization. And youth enjoys the luxury in our so-called affluent society of resisting or criticizing these alleged evils, again because of the still greater leisure and wealth that constitutes the second phase of the Industrial Revolution.

Along with our material progress, then, has gone a kind of spiritual anemia, a sense of boredom stemming from the relentless depersonalization of work and the erosion of the spiritual and moral values of the past and the disintegration, as a result, of the very foundations of authority. "Boredom," notes Robert Nisbet, "is one of the most dangerous accompaniments of the loss of authority in a social order. Between boredom and brute violence, there is as close an affinity historically as there is between boredom and inanity, between boredom and cruelty, boredom and nihilism. Nothing so engenders boredom in the human species as the sense of material fulfillment, of goals accomplished, of affluence possessed."

I may add that sheer ignorance of how all this affluence came to be, ignorance of how the economic system produces the impressive results all can see—this leads to contempt for the system as well. "Don't sell out to the system," is the motto of not a few students in the class of 1971. "I don't want to sell out," said one graduating senior in a California college. I don't want to take a 9 to 5 job and escape with the kids to the mountains on the weekend." Said another: "Making money has never been a challenge for me. I come from a poor family but I've always been able to get the things I want through hard work. As I go into life, I want something challenging. Making money was a challenge for my parents, but, for better or worse, it's not that way any more."

I give here just a few instances of what in fact appears to be a widespread view of how our economy works, and of the rejection of that system, at least to the extent that it seems indifferent to the spiritual and moral issues that concern students. But in the nonchalant dismissal of the accomplishments of the free economy and in the questions raised even about the legitimacy or value of such things as competition and production there is, of course, a vast amount of ignorance. The average student, like the average non-student, knows next to nothing of economics, does not realize that the economic problem has to be re-solved every hour of every day, that our economic system is a wondrous mechanism which provides us with both maximum output and maximum freedom, that it can be destroyed and that its destruction would entail untold suffering for all Americans and force students, as well as everybody else, to concern themselves twenty-four hours a day with the material requisites of life, or else die. Most students, not understanding the functioning of the economic and social system in which they live, take it for granted, are blissfully unaware of how fragile the system is, of how it can be lost, and of how the magic cornucopia from which all the things flow that are taken for granted, can be made to vanish through stupidity and wrongheadedness. What is not understood is generally despised or feared, and in the end destroyed. The likelihood of such an outcome being realized is made the more likely when such luminaries of the economics profession as John Kenneth Galbraith assures us in successive best sellers that consumer sovereignty is a myth, that we are all being manipulated by the producers for their selfish ends, that scarcity is no longer an issue, that the problem of production has been solved once for all, that the market economy is dead, that the conventional wisdom, that is to say the wisdom of all except Mr. Galbraith, is dead.

It is no exaggeration, I think, to say that a vast amount of the antipathy to the traditional values of the nation has its roots in ignorance of economics and of the nature of the economic problem. Hence, a very first order of business in the struggle to regain the allegiance of our youth is a greatly expanded program of economic education. To the youth, it has to be emphasized that this nation is not endlessly rich, that government is not some kind of fourth dimension, a cornucopia of goodies that can be endlessly tapped, and that only the perverse workings of the stupid capitalist system prevents everybody from having everything he wants all the time, that scarcity is still the law of economic life, that everything we have and hold is likely to go down the drain if our social and economic system is destroyed.

But it is also true that this effort by no means relieves us of the need to recognize and deal with the charge that our system is excessively materialistic, impervious at many points to meta-economic values. The most important things in life do, in fact, lie beyond supply and demand, and while man must have bread, he cannot live by bread alone, and this in effect is what many of those who are copping out of this society are trying to tell us.

A soulless mechanistic emphasis on production per se, on engineering per se is pernicious, because it denies man his very reason for being. In criticizing the life-view that finds its meaning exclusively in goods and services, students are right. But it is our great task—and opportunity—to preach and teach the truth that the market economy must be the core of any economic-social system which proposes to provide maximum amounts of the material things man requires and yet leave him the room for the spirit without which aterial plenty is a bitter fruit. What must in any case be avoided as equally futile and destructive approaches to the tasks of social reconstruction are, on the one hand, an economically ignorant moralism which tries to shape the good society in ignorance of or even in opposition to economic verities, and, on the other, a morally and spiritually obtuse "economism," uncaring or contemptuous of the things which lie beyond supply and demand.

In another sense, the crises on the campus—the alienation of many students—reaches far beyond the narrower domains of the economic system, even though economic know-nothingism is an important input to the frame of mind in which disaffection grows. What has been happening is that the very core of values on which Western culture rests has been crumbling. This core of values—truth, justice, reason, liberty, beauty, excellence—is the amalgam of the best things passed down to us under the aegis of the Judaic, Greek and Christian traditions, and it has been remarkably resistant to all the assaults made upon it through the centuries. Out of this amalgam of values has come the indispensable cement of any enduring social order: authority—the authority of the family, the Church, the university, the government. And it is only with the advent of authority—which is not at all the same thing as power as many student activists believe—that there comes the possibility of freedom. "Men are qualified for civil liberty," wrote Edmund Burke, "in exact proportion to their disposition to put moral chains on their own appetites."

For the past fifty years or so, the values of which I speak have been under relentless attack by the so-called liberal intellectual elite, and this has borne its inevitable fruit. A confused babble of unreason, a fierce anti-intellectualism in which feeling and emotion have replaced cognition and reasoned discourse, a furious contempt for the past and a rage to destroy have in truth descended on many campuses across the country, including some of the most distinguished. And those who appear most astonished by all this are grotesquely these self-same liberal intellectuals who year in and year out have laid their literary and philosophical hatchets on the great trunk of the tree of Western freedom and culture. There they stand, wringing their hands, clucking their dismay, that their preachments have for once been taken literally by their students.

It is, to say the least, a depressing spectacle to see professors who for years have promoted and incited the vertical invasion of student barbarians, falling back in fright from the yawning moral abyss opening before them and in a paroxysm of guilt and of maudlin self-pity abjuring their students not to despise them. The students for their part speak in phrases frighteningly reminiscent of those uttered by German youth in the pre-Hitler era who declared themselves nauseated by liberalism and all its works. Meanwhile, the universities, have been all too successful in undermining student beliefs in the received values of the Establishment, and thereby in creating a vast moral and spiritual vacuum, find themselves ironically transformed by value-hungry students into ideological hothouses wherein emotion runs riot and every political and social nostrum—however weird—is assured of a respectful hearing so long as, in someone's opinion, it is "relevant."

The dismal scene has been well described by Irving Kristol: "On practically every campus of this country," he wrote earlier this year, "learned professors are vociferously demanding the prohibition of cyclamates or DDT or whatever, while in the same breath arguing for the legalization of marijuana or hashish or whatever. Similarly, most professors and college administrators have concluded that they have neither the obligation nor the capacity to supervise the sexual habits or elevate the moral characters of their students—but they appear to have concluded simultaneously that they do have the obligation and capacity to solve our urban problems, conduct American foreign policy, reshape the American economy and perfect the American national character. They will abolish violence from American life, but they will stoically tolerate it on the campus rather than take "repressive action." They will protect their students from air pollution—but not from venereal disease, drug addiction, pregnancy, or psychedelic psychosis." And Mr. Kristol adds: "Never has one had better cause to appreciate the cogency of William F. Buckley's observation that he would rather be governed by the first 2000 names in the Boston telephone directory than by the Harvard faculty."

Let us be under no illusion. This country, indeed much of the Western world, is in the grip of a total spiritual crisis, the result of a massive "trahison des clercs" that exceeds in intensity and scope even the vision of betrayal by the intellectuals that haunted Julien Benda. Unless and until the crisis is resolved, unless and until there is a renaissance of the humanist ideals now rapidly falling into desuetude, any merely institutional arrangements that can be devised, be they economic, social, political or other, will be of little use.

But I am hopeful that the crisis of the spirit among American youth can be resolved, that the 70% who are not yet in the camp of the enemy will stay in our camp and that one day, patriotism, love of country, will again be respectable, nay admirable words. But this will require that we all do our share to faithfully represent the ideas that have made our nation great. And I refer specifically in the context of this meeting to the involving of as many young people as possible in the day to day operations of government at all levels.

Let me append a brief word on the dangers to our youth which are implicit in the manifestation and practice of political cynicism. It requires diligent study for the average student to grasp the basic principles which will permit him to clearly understand and accept our economic and social system and the socio-political-legal framework in which it is situated. But it requires no sophisticated insights at all for him to be aware of when he is being had by politicians. I am not in any sense here criticizing the great game of politics—only the way in which the game is sometimes played by some of the players, with a visible cynicism that is guaranteed to turn youth off, insofar as youth itself has not already been drawn into the circle of corruption. I am thinking of the man seeking public office who, for the sake of votes, not money, can as easily change his principles as he can change his underwear, who in effect *uses* principles, ideals, causes, for purely personal political advantage, who is expedient and nothing else, who instead of leading the mob, follows the mob and adapts to the prejudices of the mob and sanctifies them, and who puts his finger to the political winds in any and all situations. We have some blatant examples of this breed now in public life who have nevertheless been remarkably clever in hoodwinking a lot of people, including our youth. But you can't fool all the people nor all our youth all the time, as a great Republican pointed out a long time ago. So that in addition to the need to enlighten our youth on the basic principles of our socio-economic system and the need to reassert and reaffirm the values on which this nation and the whole of Western civilization rests, political integrity must be subsituted for political cynicism, and principles must be substituted for expediency. The youth of America wish to be and demand to be inspired and led by those of us in education, business, and politics who have the means and the talents to do so. To fail our youth would be a tragedy of unimaginable proportions. On the other hand, to succor them in the hour of crisis, to win them back for America will turn out to be more important for the country and for the Republican Party than anything the Party has ever done.

TRADE ACT OF 1970

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. GAYDOS. Mr. Speaker, a few weeks ago the House passed the Trade Act of 1970 in an effort to give some protection to the Nation's shoe and textile industries which have been severely hurt by foreign imports. I supported the bill, although I felt it should have included the steel industry, among others, under its protective umbrella.

I am concerned, gravely concerned, over the future health of the steel industry for it is the economic heart of the 20th Congressional District in Pennsylvania, which I represent. Thousands of men and women depend directly on the industry for jobs; thousands more depend on it indirectly.

I have repeatedly said I have little faith in the voluntary arrangement with Japan and ECSC nations to control imported steel. I warned, and unfortunately it came true, that Japan would not abide by the provision in the arrangement concerning the product mix of the imports. She said she would try not to change it. She did change it, substantially. She is concentrating on importing high price specialty steels, reaping a greater profit while not affecting the tonnage limit allotted under the arrangement.

I have maintained the steel industry has enjoyed a certain degree of prosperity and employment only because of an unprecedented demand for steel in Europe, a demand so great the European producers could not meet it. They had to buy from us. Now, there is every reason to believe the boom is over. My fears of rising unemployment in the industry are not lessened by reports present cutbacks in working forces are due to the recent auto strikes.

In its latest report the American Iron and Steel Institute points out steel imports into the United States in October was the highest monthly total since July 1969. At the same time our steel exports slipped to their lowest point since June of the same year. In fact, Mr. Speaker, our exports have dipped steadily since May. In October, we exported 379,000 tons of steel, nearly 20,000 tons below the September figure of 398,000 tons.

On the other hand, steel imports are up. They totaled 1,334,000 net tons in October, an increase of 57,000 tons over September and 223,000 tons over August. It was the sixth consecutive month in which imports went over the 1 million ton mark. October's tonnage was the highest for any month since July 1969, when 1,412,000 tons were shipped into the country.

Through the first 10 months of 1970, steel imports total 10,303,000 tons; our exports total 6,398,000 tons over the same period.

In the face of reports such as this and in the face of ominous warnings coming from leaders in industry and labor, I cannot see the rose-colored world viewed by those who find it distasteful to protect our domestic industries through legislation. I cannot understand how they can admit we are being victimized, yet insist we do nothing about it. They tell us the U.S. Government must be mindful of the image it presents to the world's population. I believe it is about time the Government becomes mindful of the image it presents to 200 million Americans and does something about it.

Mr. Speaker, I would like to insert into the Record an article dealing with the threat of imported steel to the "sitting duck" American market. The article was written by Jack Markowitz, business editor for the Pittsburgh Post-Gazette. I believe it to be most interesting and informative and deserving of the attention of my colleagues:

Specialty Steels Cite "Killing" Tide of Imports

(By Jack Markowitz)

The United States—and the Pittsburgh district in particular face the possible death of several steel companies and the loss of tens of thousands of jobs unless the government takes action immediately to stem the rise of specialty steel imports into the "sitting duck" American marketplace.

The warning was issued—in strikingly more persuasive terms than ever before—by fired-up spokesmen for individual steel firms and the American Iron and Steel Institute yesterday at a press conference in the Press Club.

RULES ONE-SIDED

They pictured the U.S. state and commerce departments as taking a suicidally stiff-necked position for "free trade" in the face of what they call open violations of that principle by competing nations.

"We are not protectionists, we are simply survivalists," declared John L. Stewart, sales vice president at Cyclops Corp.'s Universal-Cyclops Specialty Steel Division.

The so-called "voluntary" quota on U.S. steel tonnage sales by certain foreign producers has not only not helped, it has sharply tightened the screws on the specialty firms, the conferees charged.

While Japan and the Common Market have stayed more or less in line with the agreement on tonnage sales, they along with countries that never agreed to a quota have switched their U.S. penetration to low-tonnage but high price sophisticated products, ranging from stainless sheets to tool steels for machinery to quality piping for power plants.

Such products are now inflowing at a "killing" pace, the steelmen warned.

THOUSANDS OF JOBS

John D. Paulus, senior vice president of the Iron and Steel Institute, said the jobs of 52,000 employes are threatened in the specialty industry.

A substantial number of these work in Allegheny, Washington, Westmoreland and Beaver counties—together the greatest single center of steel specialists.

The "failure" of some firms can be predicted, Paulus said, if the import tide goes on unabated.

However, it was pointed out that firms with broad product lines have the best chance to live.

John E. Newlin Jr., vice president-marketing of Carpenter Technology Corp., based in Reading, ticked off five companies that have gone out of existence in recent years, including this area's Firth Sterling and Vulcan Crucible Steel. This year's import surge alone translates into 900 jobs, he said, at a time U.S. firms are laying off.

The speakers agreed foreign steel makers hold an economic edge on labor costs ranging from one-quarter to about one-half of the U.S. rates.

But foreign countries also maintain trade barriers which effectively freeze out American competition in their home markets, the steelmen said.

"They've protected themselves, but they scream to high heaven if we do anything to protect ourselves," said Paul H. Carlson, a market development manager at Babcock & Wilcox Co.

Some imported items now command up to two-thirds of the U.S. market—and 42 per cent of the specialties come into the U.S. from non-signers of the voluntary quota.

FOOLISH SEE-NO-EVIL

Gene E. McDonald, secretary of Latrobe Steel Co., cited a fantastic instance of sacrificial high-mindedness by the U.S.

This country is one of only two in the world, he said, that is rigidly abiding by the United Nations embargo on chromium from Rhodesia. Chromium is a vital ingredient in stainless steel. Balked from buying it at, say, $30 per unit from Rhodesia, Latrobe Steel has to buy some at $55 from—guess where?—Soviet Russia.

And where do the Russians get it? From Rhodesia, at $30.

The speaker declared that, at the least, the voluntary quota must be tightened up by rolling back the foreign exports to the lower levels of specific product sales of a few years ago. It also has to take in non-signing countries like Austria and Sweden, which have captured big market shares.

Cartech's Newlin said the quota system should be made "mandatory." Cyclops Stewart said it must eventually be backed up by Congressional action.

He and others stressed there is no intention to wall out all exports—but to prevent "takeover" of the market. Several said "fair trade" makes more sense than "free trade."

Iron and Steel Institute President John P. Roche said the tonnage steel producers never intended that a quota system should protect them and sacrifice the specialists.

GROWING MARKET BITES

Stewart said foreign mills now have 21 per cent of total U.S. stainless market or 182,692 tons, up from 17.3 per cent last year; 68 per cent of the wire rod market; 33 per cent of cold rolled sheets.

According to Newlin, 1969 imports of tool steel were 60 per cent higher than the voluntary quota outlined. In 1970's first three quarters, he said, they have shot 87 per cent higher than the agreed level: 14,000 tons versus 7,470 tons.

Foreign threats of a retaliatory "trade war" can be dismissed as propaganda, the speakers said. "The trade war is a paper tiger," said John Paulus.

It was reported that the United Steelworkers are behind the industry's campaign on imports.

When a reporter suggested later in informal conversation that the import threat may be one of the few bargaining chips the industry can use against rising labor rates, none of the steelmen seemed to agree. They expect the steelworkers to seek a stiff wage settlement—on the new pattern of General Motors—import crisis or no.

WHERE IS VIETNAMIZATION TAKING US?

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. OTTINGER. Mr. Speaker, For more than a year and a half now, I have spoken out against the fraud of Vietnamization, against a policy that appears to change the outward appearance of the war in Vietnam, while prolonging and widening it to Cambodia and Laos.

The latest bombing raids over North Vietnam, ordered as a "protective reaction" to the shooting down of an American reconnaissance plane, is just the latest indication that the Nixon administration continues to rely mainly on the use of military force in Vietnam. It is reminiscent of the overkill employed by the previous administration as it inexorably deepened our tragic involvement in Vietnam.

New York Times columnist Tom Wicker discussed these issues in a November 29 column and I urge my colleagues to give it the attention it deserves:

Whither Vietnamization?

(By Tom Wicker)

Washington.—After months of seeming quiescence in Vietnam, the news last week of new bombing raids and a derring-do attempt to rescue prisoners of war in the North raised once again a question that is too often forgotten. Where is Vietnamization taking us?

The Sontay rescue mission is easy enough to criticize, since it failed to bring home any prisoners; but it is not as easy to say that it shouldn't have been attempted, since the actual strike was carried off without a hitch and since the Administration apparently had what it thought was solid reason to believe in the possibility of success. And it remains to be seen whether the raid will have unfortunate aftereffects.

It could, for instance, result in making life harder than it already is for American prisoners, if the North Vietnamese react by taking more stringent security measures or if they seek to punish the prisoners for the rescue effort. That effort could also make it harder for anyone to negotiate some or all of the prisoners' release, since the North Vietnamese might well fear that an agreement anytime soon would look to the world as if they had been intimidated by the aerial incursion into their territory. And if the raid dramatized to Hanoi the deep concern of the Administration and of Americans generally on the prisoner issue, it might make the North Vietnamese Government more determined than ever not to yield the prisoners without some significant political return.

But it was the bombing strikes against the North that raised the deeper question of Vietnamization. Despite Pentagon circumlocution, the extent and power of the air raids suggested a good deal more than "protective reaction" against the shooting down of an American reconnaissance plane—that, or a bad case of overkill.

These bombings almost certainly were directed in large part at North Vietnamese military preparations, transport, troop concentrations, and other targets that, if left alone, might have been or become a threat to the dwindling American forces in South Vietnam. It was also to "protect American troops" and to further the Vietnamization withdrawals that the Cambodian invasion was launched last spring, and at the same time a series of air strikes against the North.

Considerable American air activity continues in Cambodia, although American ground troops are no longer fighting there. These Cambodian air strikes, too, are justified on grounds of protecting American lives in South Vietnam, although many of them seem, instead, to be in direct support of the Cambodian army.

These events beg the question whether, as Vietnamization proceeds and American forces in South Vietnam become less and less powerful, there will not be a growing necessity for air strikes at the North, in Cambodia and in Laos. As any President would, Mr. Nixon will surely take every step he thinks necessary to protect the remaining troops.

If that proves to be the case, then the further question arises whether the prospect of a negotiated settlement could possibly be improved in such circumstances. If progressive American withdrawals force Mr. Nixon to strike more frequently at the North in order to protect an ever-smaller American force in the South, the attacks would hardly improve Hanoi's willingness to bargain.

Moreover, Hanoi's rock-bottom demands for a settlement appear to include a different government in Saigon and a fixed date for the completion of the American withdrawal—neither of which is offered by Vietnamization. For all these reasons, Vietnamization has to be viewed, not as a program leading to a negotiated political settlement of the war, but as an alternative to such a settlement.

That might be all right—indeed, it might be the best way out of a bad trip—if Vietnamization appeared to be a successful alternative. But Vietnamization does not, in fact, promise to end the war.

It raises, rather, the remote possibility of the kind of destructive assault on a small remaining American force that might reverse the American momentum out of the war. More distinctly, it raises the real possibility that after most American troops are safely withdrawn, the North Vietnamese can renew the fighting at a level Saigon alone could not long withstand.

But if Mr. Nixon refuses to negotiate a change in the Saigon Government, could he permit it to be destroyed by force after a unilateral American withdrawal? Hardly. The fact is that Vietnamization implied a moral obligation for continued American assistance to South Vietnam—not in peace but in war, not with aid but with air power, not for an occasional weekend of protective reaction but for an open-ended future. How much of a continuing American establishment in South Vietnam—civil and military—Vietnamization may also imply no one ever has been willing to state unequivocally.

And in such a future of continuing war, what can ever be done about the American prisoners in North Vietnam?

ROBERT PENN WARREN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. SCHWENGEL. Mr. Speaker, recently, one of the literary greats of this century received the National Medal of Literature—one of this Nation's highest literary honors—at a ceremony in the Library of Congress.

The award, presented by the National Book Committee, consists of $5,000 and a bronze medal. This year's recipient is Robert Penn Warren, the widely acclaimed poet, novelist, and critic.

In presenting the award Dr. Mason W. Gross, president of Rutgers University and chairman of the National Book Committee, said of Mr. Warren:

> His revelations of identity, of mortal human interactions, and of the individual and his essential nature help us to discover ourselves.
>
> His work glows with compassion for our cultural dilemmas; and, personifying the artist as teacher and advocate, he has never hesitated to be the burr under the saddle of complacency.

In responding, Mr. Warren discussed the relevance of the creative writer to man in periods of crisis, describing the disease of our time as being "cut off from ourselves as well as from nature and other men." He said:

> We are bombarded all day long by abstractions, by the 'truths' of the advertising man, the politician, the preacher, and suddenly we are reminded that every truth that is not lived into, not earned out of experience, either literally or imaginatively, is a lie.

Personal redemption, Mr. Warren concluded, lies in learning to respect the self and respect experience. Chastened by a keener awareness of human possibility of salvation or disaster, we may be a little more certain of the terms by which the individual fate will be determined.

Also on the program was the Librarian of Congress, L. Quincy Mumford, who welcomed Mr. Warren back to the Library of Congress. Mr. Warren served as consultant in poetry to the Library in 1944. William E. Stafford, the current consultant in poetry, presented "an appreciation" of Mr. Warren.

In these trying times, it is good to stop and reflect on the very great contributions to our cultural heritage made by persons such as Robert Penn Warren.

CLUB AMERICANA, INC.: WE ARE PROUD TO BE AMERICANS

HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. McCORMACK. Mr. Speaker, on Monday, October 14, 1968, I included in my remarks a statement issued by Mr. Robert J. Flynn of 3400 Highwood Drive, SE. Washington, D.C., in relation to the establishment by Mr. Flynn and 350 private citizens of Club Americana whose slogan is "We are proud to be Americans." I first learned of Club Americana through his son, one of my former pages—Carey Flynn, who graduated from Capitol Page School in June of 1966.

I am now pleased to include in my remarks a progress report issued by Mr. Flynn on what this new organization has been doing in the past 2 years. In the troubled times we live in, it is refreshing to hear of an organized effort by citizens who boast that they are "Proud To Be Americans." I hope that people in other sections of the country will become interested in establishing similar organizations in their own community. The progress that this organization has made and its contribution to the establishment of bonds between Americans and the citizens of countries all over the world is worthy of our recognition.

The report follows:

CLUB AMERICANA, INC.: WE ARE PROUD TO BE AMERICANS

Club Americana, Inc., is an organization of private citizens dedicated to representing America, its people and their culture. It has three basic purposes. The *first* is to function as a Social Club and provide its members with the means whereby they can meet and enjoy the company of others. Regular meetings are held each month; members give get-acquainted parties in their homes; and many social contacts are provided in the fulfillment of the *second purpose* of our club, which is to provide the members with a year round program of varied activities.

In the Metropolitan Washington area, Club Americana is known as the "Club That Does Everything." Our members are people who know how to live and enjoy life. They participate in hikes, formal dances, picnics, monthly meetings, singles club, bridge club, educational films, golf club, fashion shows, theater parties, bowling club, language courses, sports, gourmet club, dance lessons and an annual Charity Ball for the benefit of Children's Hospital.

President Lyndon B. Johnson has said, "The richest of all resources in which America abounds is the character of our people, their lively interest in the world, their friendly spirit, their generous hearts and willing hands." This describes Club Americana members perfectly. Our *third purpose* is to harness this tremendous resource of "People Power" into a force for peace in our country and throughout the world through *understanding*. Our members have fulfilled this worthy objective by serving as "host families" to International visitors to America. They have opened their hearts and homes to these visitors and helped them understand America. In turn, they visit the various Embassies to learn the customs of other countries and persons from Embassies and other International visitors are invited to participate in our club activities to learn more about the "American Way of Life."

"Creating new friendships for America" through visits to other countries with the intention of getting acquainted with the people and their culture is a part of this *third purpose*. Cultural visits to other countries are scheduled, as voted by the membership, and arrangements are made with government or civic officials to provide the means of visiting in the homes of private citizens during our visits. It is our purpose to erase the "ugly American" image and replace it with representatives of America who are thoughtful, considerate and act courteously as guests of the countries visited. America needs such friends throughout the world if true peace is to become a reality and we feel that the best way to make friends for our country is to visit our neighbors, introduce ourselves and learn to understand and live with them. We have succeeded in this objective and we have made new friends for America because our members have visited in the homes of people in Bermuda. Majorca. Jamaica, England, Israel, Rome Paris, Ireland, Spain, Japan, the Bahamas, Taiwan, Hong Kong, and Bangkok. We received an award for our participation in the 1970 St. Patricks Day Parade in Ireland.

Club Americana also has established a "Scholarship Fund," to be awarded each year to students throughout the world competing in a contest on "How can all nations live peacefully to-gether."

Perhaps in some small way, Club Americana is helping to solve one of man's most pressing problems—that of trying to live peacefully with one another throughout the world. We are dedicated to that objective.

THE 153D BIRTHDAY OF THE STATE OF MISSISSIPPI

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. GRIFFIN. Mr. Speaker, I am proud to note that today is the 153d anniversary of the admission of the State of Mississippi to the Union. On December 10, 1817, Mississippi became the 20th State to join our young Republic.

Mississippi has a fascinating history. For centuries, she was the home of Choctaw, Chickasaw, Natchez, and Yazoo Indians.

In 1540, Hernando de Soto was the first white man to see her.

In 1969, the rocket which carried the first man to the moon was tested on her soil.

The intervening years tell her story: from an age of exploration to the Age of Aquarius.

La Salle claimed her for France in 1682.

She was ceded to Britain by the Treaty of Paris.

Spain acquired her in 1781.

Mississippi flew the U.S. flag for the first time in 1798 when she became a territory.

Mississippi has known prosperity, devastation, oppression. She has known war and peace. She has known economic depression and discrimination.

Throughout her history, Mississippi has contributed ideas, ideals, and stalwart men and women to our Union of States.

On this, her 153d birthday, I salute Mississippians for their patriotism and their determination to see that Mississippi's future holds only continued glory and continued success.

A TIME FOR LEADERSHIP

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. RIEGLE. Mr. Speaker, in this morning's Washington Post, there appeared an excellent article written by Don Oberdorfer concerning the need for leadership by the President. Pointing out that the essence of Presidential power is the power to persuade, Mr. Oberdorfer urges President Nixon to assert a more commanding role particularly concerning domestic legislation. A copy of the article follows:

A TIME FOR LEADERSHIP

(By Don Oberdorfer)

What will President Richard Nixon be remembered for?

If he is able by adroit maneuver to dismantle the Vietnam war, he will certainly be remembered for that. If he succeeds, this will be an achievement of impressive proportions.

Beyond this, he has yet to establish clearly what he would do for the country in his tenure in its highest office. If his contribution is to be imposing and positive, he must move quickly. Time is running out in his first term, and he is by no means assured of a second.

The honeymoon, grace period and now the mid-term elections are over. A little over 12 months from now, a presidential election year will begin. The real campaign will begin sooner.

If Mr. Nixon is to make himself heard and felt as President of all the people—not just as the ranking politician in the White House—he must do so in the months just ahead, now and at the beginning of the new Congress, or the opportunity will slip by.

People around him say *they* understand the urgency of moving swiftly to assert presidential leadership. There are some signs that Mr. Nixon also understands.

He has cancelled his plans for a holiday at his California home between Christmas and New Year; the White House has announced he will remain in Washington to work instead. Aides report he is speaking in private as if the early months of the year will be terribly important.

Mr. Nixon reportedly told one recent visitor that if the current session of Congress fails to enact a version of his family assistance program, he will personally lead the fight next year—and that there will be blood on the floor before it is over. If so, that would be a change. He did not personally lead the fight this year.

Mr. Nixon did speak about the family assistance program during the fall campaign, and his tactics were instructive. Face to face with the people, he often left the impression that this proposed domestic reform to put a floor under family income is largely an "anti-loafing" measure against the undeserving poor.

His aides assert that the President does his bit for this positive program by appealing to negative anti-welfare sentiments. Let the Democrats and liberals bring their folks along to support the needed program; Mr. Nixon will do his part by bringing "our people," the conservatives and the antis, into line. The alternative, in their view, is that Mr. Nixon would win headlines and hosannas from the liberals and the press but lose the conservatives and thereby lose the bill.

This kind of thinking goes to the heart of the problem. Mr. Nixon has in many respects limited his constituency to "our people." This is probably not a majority of Americans on domestic issues; certainly it does not appear to be the wave of the future.

During the fall campaign Mr. Nixon chose to concentrate on bedrock Republican areas in states in which he travelled; his appeal was to his own followers and a narrow appeal at that. He did not reach out to persuade others, except for obvious and unsuccessful overtures to "hard hats." Even here, he appealed to their anger, not to their vision of the future and that of their children.

As President, Mr. Nixon can order troops removed from Vietnam at a certain rate and he can order raids on Cambodia or a prisoner-of-war camp near Hanoi. In the grander scheme of things, however, the things he can do by fiat are few.

The essence of presidential power is the power to persuade, as Professor Richard Neustadt pointed out brilliantly a decade ago. Mr. Nixon's problem has been the effective use of that power for purposes grand enough to be worthwhile.

Communication has been among this President's greatest defects. The presidential press conference may not be his ideal forum, but it is a forum—one chance to cut through some of the phoniness and get to the man.

Some who have been critical, this writer included, would like to see him succeed—not fail. He is our President. The country has too many problems for cheap shots and partisanship.

To be remembered as more than an incidental President who also dismantled a war, he must decide what he would do, and use his power to persuade. He must act soon. Time is running out.

EQUAL EMPLOYMENT OPPORTUNITY STILL A MYTH

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. JACOBS. Mr. Speaker, President Roosevelt issued Executive Order No. 8802 on June 25, 1941, establishing a Committee on Fair Employment Practices "to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color or national origin."

Mr. Speaker, to show how far we have come within the past 30 years, a current survey of the Race Relation Information

Center of Nashville, Tenn., of the 50 top corporations shows that there are no blacks among the 2,522 senior executives. This proves once again that equal employment opportunity in America is still a myth and will only become a reality when effective enforcement provisions are added to our equal employment legislation.

MORE LEGAL PROTECTION ON THE WAY FOR ANIMALS BEHIND BARS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. WHITEHURST. Mr. Speaker, a brief history of animal protection legislation was published in the editorial section of the Sunday Star newspaper last weekend, December 6, 1970. The article was written by Ann Cottrell Free. It is another in the outstanding series of articles she has written about the great need for expanded animal protection legislation. It outlines briefly the abuses ended with the passage of the Laboratory Animal Welfare Act of 1966, and the coverage of portions of the Animal Welfare Act of 1970. I urge my colleagues to read it.

The article follows:

More Legal Protection on the Way For Animals Behind Bars

(By Ann Cottrell Free)

The idea behind the proposed Animal Welfare Act of 1970 has been a long time coming into its own—it has been an uphill fight, often resisted by powerful forces—but it looks now as if it may come to a final vote in the closing hours of the 91st Congress.

Its passage will be a tribute to a deepened Congressional ecological conscience. More and more members of Congress are realizing that all living creatures must be treated with decency and respect—regardless of whether they are endangered species roaming in the wild or animals doomed to spend dreary lives behind bars in laboratories or zoos.

There can be little doubt that the passage of the Endangered Species Act one year ago this month and the emphasis in the past year on man's relationship with the earth and all its creatures have had a profound effect on congressional thinking.

The new legislation—which has so many sponsors that this sentence would be consumed by listing them all—has its roots in proposals first made exactly 10 years ago, in 1960. Soon after the 1958 passage of the Federal Humane Slaughter law, humanitarians started laying congressional groundwork to bring some measure of federal supervision over the care and treatment of laboratory animals.

HUMANIACS

The well-funded research explosion was using an unprecedented number of dogs, cats, rodents, primates and a variety of other creatures. Estimates have gone as high as 300 million annually. They were often obtained from questionable sources and treated with less care than the most expendable test tube.

Those persons, who worked for setting standard of care were immediately called anti-vivisectionists or branded as "humaniacs" by some members of the scientific community. In truth, they were violently opposed by the antivivisectionists, who were working for total abolition of animal use.

Though a number of bills were introduced during those years, they went nowhere. In desperation, humane organizations tried new approaches and often fell to quarreling among themselves as to bill content and strategy. (Most of the bills gave supervisory authority to Health, Education, and Welfare.)

But 1965 brought the beginning of a breakthrough. Researchers' demands for dogs and cats had grown so great that unprincipled dealers turned to stealing pets. Their boldness and carelessness trapped them.

As more and more "pet-napping" cases turned up, there cme to Congress also descriptions of stomach-turning conditions within dealers' compounds. Eyewitnesses told of seeing dead and dying dogs mixed in with live ones in conditions of indescribable filth. Such testimony about this $30 million business prompted passage of the Laboratory Animal Welfare Act of 1966. This legislation had more than 50 sponsors.

Administration of the act was given to the animal health division of the Department of Agriculture's Research Service. Dealers and purchasers were licensed and required to conform to Agriculture's standards of human treatment of dogs, cats, hamsters, primates, rabbits and guinea pigs.

More than 110 dealers went out of business during the first three years of the program. Licenses of some of the larger dealers have been revoked. Agents have been cursed, threatened and shot at. But even so, the act did not go far enough. There were huge loopholes. And it has been handicapped by lack of funds to employ more inspectors—most of whom are veterinarians and have many other Agriculture Department duties within the states where they are stationed.

Though the act has no authority over care of animals actually being used in research, some institutions have declared the animals "in research" on the moment of arrival. This clearly frustrates the intent of the act to improve conditions of the animals while awaiting research.

More federal authority was needed. In 1968 help came from an unexpected source. A 43-year-old GOP freshman representative from Norfolk, Va., introduced legislation that filled the bill. Rep. G. William Whitehurst would extend the mantle of enlightened care to animals actually undergoing research. But what's more, he asked that the same standards apply to animals in circuses, zoos and the pet trade.

Humanitarians soon learned that it was not only Bill Whitehurst they had to thank, but his wife, Jennette. "I told the people at the Norfolk SPCA, where I have helped with humane education, that I'd try to lend a hand when we got to Washington," she said the other day.

Whitehurst's bill actually was a beefing up of the "pet-napping" Act and was referred to the House Agriculture Committee, whose chairman has repeatedly shown himself a friend of animals. Texan W. R. Poage has been the key man on the House side on both the humane slaughter and "pet-napping" bills.

Testimony, presented this June before Rep. Graham Purcell's subcommittee, lifted once again the curtain of secrecy on unspeakable conditions among the creatures that perform, amuse and give their lives to man.

"We, who worked there, were always pleased when some animal died to be out of a miserable life," said June W. Badger of Middleburg, Va. She told the committee of conditions in some of the circuses and zoos for which she had worked in the last 19 years. Cramped, unventilated cages, starvation, sadistic punishments. A litany of misery.

The arrival from South and Central America and shipment to pet wholesalers of crates of birds and monkeys were described by Mrs. Christine Stevens.

She is the wife of Roger Stevens, president of the Kennedy Center for the Performing Arts and the government's former cultural chief. Mrs. Stevens is president of the Animal Welfare Institute and secretary of the Society for Animal Protective Legislation.

IMPORTED ANIMALS

She described wretched conditions of animals that Custom inspectors have overlooked. (They are charged with checking on conditions of imported animals.) She told of continued conditions of cramped laboratory housing and of the inhumane environment in many municipal and roadside zoos. Quoting Dr. Desmond Morris, author of the "Naked Ape," she said, "If zoos are to survive the 20th century, they will have to reform." She introduced into the record a letter in behalf of the Whitehurst bill from Virginia McKenna and Bill Travers, stars of the film "Born Free" and patrons of the Captive Animals Protection Society.

The arrival of dogs and cats at animal auction sales was described by Frank McMahon, field director of the Humane Society of the United States. "I've seen them chained within the trunks of cars. I've seen them jammed in crates and cages. I've seen them sold by the pound." Humane agents of local societies are given rough treatment, he said and under the existing federal law these auctions are exempt from regulation.

The legislation now speeding toward the congressional deadline embodies many of the suggestions made by the men and women who know the problem first hand. Auctions are included. Animal categories have been broadened. Fines for resisting agents have been stiffened. But most important, the Agriculture Committee called for the use of appropriate pain-killers for research animals whenever possible.

(When Agriculture sets the standards for humane handling many humanitarians trust that life-time caging of such research animals as dogs will be eliminated.)

Some of the additions to the Whitehurst bill were called for in bills introduced by Rep. Thomas S. Foley, D-Wash., and in the Senate by Warren Magnuson, D-Wash., Alan Cranston, D-Calif., and William B. Spong, D-Va. When the bill was favorably discharged from the House Agriculture Committee, it bore the name of each member. An exact copy was introduced in the Senate by Robert J. Dole, R-Kan. Hearings by Senator Philip A. Hart's Commerce sub-committee are expected any day.

Even with the evaporation of much of the scientific community's opposition to lab animal legislation and even with the good chance that this measure will miraculously pass this session, there are other hurdles. One is money.

The burden on the Department of Agriculture will be heavier, making necessary the employment of more inspectors. These men, also, have the added duty in coming years of policing the horse shows to see that no "walking horse" brought across state lines has been "sored" to make it step high, wide and handsome. The famous Tydings "walking horse" bill is now awaiting Presidential signature. Sen. Joseph Tydings, D-Md., sponsored it in this session of Congress.

As this session adjourns, left at the post are at least 10 other animal protection measures: air transportation regulations, cessation of shooting wolves and other animals from airplanes over federal lands, elimination of use of agonizing poisons in the government's predator control programs, better conditions at the ports of entry such as Miami. The list is long—but the abuse and suffering have gone on a long time, too.

But at last, what has been described as the "silent lobby" has found its voice. Or could it be that man, for a change, is listening to voices other than his own?

A UNIQUE OPPORTUNITY FOR GHETTO STUDENTS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. REES. Mr. Speaker, I hope every Member of this House will read the following article from the Los Angeles Times describing how students from an all-black high school were given an opportunity to write a script for a major television show.

It illustrates, I believe, how the dedication of an individual high school teacher, Marcella Saunders, can help enrich the lives of her students.

The producer of the "Bewitched" television series, Mr. William Asher, should also be commended for helping Miss Saunders in this unique project.

After reading the Times story, I am sure that all Members of this House will want to watch the "Bewitched" show to be telecast on Christmas Eve.

BLACK STUDENTS TELL A BEWITCHING TALE

(By Aleene MacMinn)

A year ago at age 22, Marcella Saunders, white, took her first teaching job—at a black high school.

She knew about ghetto schools. She had attended one in Chicago. And she remembers being told there, "Don't bother to take the school exams . . . You're only going to be a housewife."

But Miss Saunders didn't view life that way. She wanted to be a teacher because "as far as my life is concerned I feel I have a part to play in changing society. The best way to start is to teach young people how to think creatively for themselves, to think independently and question life around them."

So Miss Saunders arrived to teach English at Jefferson High School here. What did she find? A lack of textbooks and supplies, a filthy building, broken windows, pill pushers and pimps off campus, gang fights, students on drugs and students struggling to stay off, students from broken homes and low income families, students who know poverty and hunger.

She also found an acute reading problem.

"In one class," she says, "only six students out of 30 were reading at the high school level. The rest went down to sixth grade level. And that was a good class. In another, the reading level was only third grade."

(Statistics on last year's ninth graders who came into Jefferson this fall showed that less than 1% were reading at the ninth grade level; 44% read on the third grade level and the other approximately 56% were either down or slightly up from that figure.)

Additionally, many of the students were not writing at high school level, nor could they comprehend. "We'd read a Langston Hughes story," for example, "and they could tell me the details but when I'd say 'what does this story mean' they didn't know."

In her English class, Miss Saunders was dealing with genres, the short story in particular. "I'd come in with my pearls of wisdom from college," she says, "but along with the textbooks, which were too hard and not relevant, they weren't working."

Where, she wondered, was the key? How does the exchange of thoughts begin between teacher and student?

She found the answer in what some have come to refer to as the vast wasteland: television.

Television plays, she reasoned, are really short stories, and television is something all the students watch. So why not make television the common ground, let it become a teaching device?

UNDERLYING STORY

She asked her students what their favorite TV show was and they selected Bewitched. "I had hoped they would pick Bewitched," she said, "because it is orally and visually oriented and often there is an underlying story, so I felt I could make my point better."

And so the Bewitched experiment began. After one particular episode she asked the class, "What were they trying to show in that story?" "And," she beamed, "they got it."

Where before there had been silence, there was now dialog. And now she had a stepping off point to discuss other questions: what they were trying to say and why, the setting, plot, time, what makes the characters tick.

"Well," Miss Saunders said to herself, "this worked, what else can we try?"

She decided trips to the studios were in order. They would serve as another type of learning process and also introduce the students to the world outside the ghetto, since most of them have little contact with white people.

She called Julia, Room 22 and Bewitched and explained how the class was using TV programs to help teach reading. Of the three, Bewitched, especially, clicked.

William Asher, producer-director of Bewitched (and husband of series star Elizabeth Montgomery) was intrigued with the TV teaching concept. He sent buses on three occasions, making it possible for 50 students to visit the Bewitched set.

Asher also gave copies of the script to all the students so they could follow the filming procedure. (He has subsequently sent 30 copies of other scripts for classroom use.)

Back at school, the teacher asked the students to write compositions describing the studio experience.

"All of a sudden," said Miss Saunders, "kids who could never write before were writing three pages. Kids who could not read were now doubling up on scripts and fighting over who would be Samantha and Darrin (the leading characters)."

In one script, they came across the word "surreptitiously." I asked the class what it meant. No one knew. So I said picture in your minds the situation where this word is used and then give me a definition. And it worked! They got it.

"The papers they were turning in now were fantastic," she continued. "They described the warmth, the feeling of being in another 'magic' world. They said they felt no racism. But, they said, now it's over and it will never happen again. Their center was zooming down to total pessimism."

Then the students had an idea. Can we write a television script, they asked their teacher? The students were dreaming big now.

"If it makes it to TV, the whole country will see it," they enthused, "so we might as well say something." What, asked the teacher, are you going to say?

Their answer was: "We want to say that racism has to be taught. That children 4 or 5 years old do not see color in racist terms. You have to teach a child how to be a racist and hate. We'd like to say that it's not what you look like but what you are that counts."

With the teacher's permission, they set about writing their story. They would have Samantha's young daughter Tabitha meet a litle girl. The two would become friends and wish they could be sisters. But could they be sisters if they weren't the same color?

By using Tabitha's twitchery, the student scripters could make both girls white, but they doubted that would set too well with the black community. And if they made both black, that wouldn't set with the whites.

GIFT WRAPPED

Their solution? Make the girls polka dot, which meant they were both colors but more importantly showed that they were giving something of themselves to each other.

When the script was finished, the class gift wrapped it and sent it to Asher as a Christmas present. That was a year ago.

Asher read it . . . liked it . . . wanted to use it on the series and assigned a professional writer (Barbara Avedon) to work with him in expanding the story to the necessary half-hour teleplay length.

Since then, the Jefferson High students have participated in story conferences, the production meeting, the rehearsal and they were on hand in mid-November when their story, "Sisters at Heart," went before the cameras at Screen Gems to make the Christmas Eve playdate on ABC (8:30 p.m., Channel 7).

BOWLED OVER

With each meeting, Asher marveled at how the students were developing. "They brought up questions that bowled me over," he said, adding that "this is just one tiny example of what can happen when you reach out a hand and care.

"I'd like to see various businesses invite minority groups into their life to see what it's all about. If it worked for these 24 kids, maybe it could work for 24 million. And if that happened, maybe we'd have a better place to live."

Miss Saunders echoes the same sentiments, stressing that what these students have accomplished can be done by others, that the approach can be applied to any area and used anywhere, not just in black schools.

As for the students, they are already talking about their next stories and scripts. And it isn't idle chatter. As a direct result of the success of the teaching cum television project, Miss Saunders received permission to start a mass media course at Jeff.

The course will be supported by a foundation which is being established with the money received from the Bewitched script. Income from future sales—scripts, poems, stories—also will go into the foundation.

For two dozen black students then, where there was despair a year ago there is now hope. The students made that clear in essays written after watching the filming of their TV story.

One wrote: "As students at Thomas Jefferson High we are known for our overwhelming lack of learning. . . . But the students at Jefferson are never given a chance to prove what we are capable of doing because some feel we are too far gone to try to help. But there are people left who'll give us the chance to prove what we can do."

Wrote another: "The morale at Jefferson has been lowered by the constant talk of what Jefferson has done wrong, never any of the good things. What we have done in mass media will help tighten the spirits of our students. Thank you Miss Saunders . . . for helping us get a chance to say what we think in a nonviolent way."

One young man perhaps summed it up best: "Students in disadvantaged school areas can do just as remarkable work as any advantaged area if someone will just give them the chance, and we have it now."

THE BLAME

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. CARTER. Mr. Speaker, the present war in Vietnam reminds me of some of the wars in Europe which went on so many years that the people forgot why they were fighting.

In order to refresh the memories of the Members of the House as to who actually was responsible for this terrible conflict, I include for the RECORD an article from the Parade magazine of the Washington Post, dated Sunday, November 29, 1970:

THE BLAME

Who is responsible for the U.S. war involvement in Vietnam?

According to Gen. Charles de Gaulle, the answer is John F. Kennedy.

In "The Renewal", fourth in his six volumes of memoirs, De Gaulle explains that Franco-American relations began to deteriorate almost from the first day Kennedy took office. De Gaulle says he warned Kennedy that if he intervened in Vietnam he would be plunging his country into a constantly escalating quagmire, but the young President simply would not listen.

"He did not hide from me, in effect," De Gaulle writes, "that the United States was preparing to intervene in Indochina.

"In Thailand it was building air bases. . . . In Laos, although neutrality was about to be reaffirmed by a conference in Geneva, it was introducing military advisers. . . . In South Vietnam it was beginning to organize, under pretext of assistance, the first elements of an expeditionary force corps.

"John Kennedy gave me to understand that the United States was going to establish in the Indochinese peninsula a breakwater of resistance against the Soviets.

"But instead of giving him the favorable opinion that he wished, I told the President that he was heading down a sorry path."

De Gaulle's book, a best seller in France, will soon be published in this country.

A LAWYER LOOKS AT THE DESTRUCTION OF THE LEGAL SERVICES OF THE OFFICE OF ECONOMIC OPPORTUNITY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. KOCH. Mr. Speaker, I have received an excellent letter from a young attorney expressing the outrage that so many of us feel concerning what is clearly the beginning of the dismembering of the legal services in the Office of Economic Opportunity. I do hope that the Members of this House will oppose the actions of the administration and our former colleague, Donald Rumsfeld, reducing the services heretofore provided by one of the most successful programs of OEO. The letter follows:

NEW YORK UNIVERSITY,
New York, N.Y., December 3, 1970.

Hon. ED KOCH,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I am a young attorney now serving in VISTA, working with the poor and with community groups that are trying to get themselves somewhere by acting within the law. I am writing you to tell you how discouraged I am at the firing of Frank Jones and Terry Lenzner as the heads of Legal Services in the Office of Economic Opportunity, even though my own job and my projects are not under their direction of funding.

I resent any administration's setting up political clearance for attorneys working in Legal Services. I don't think that the administration of legal services to the poor should be a source of "jobs for the boys" any more than administration of the Federal Reserve or the Space Program.

The issue which resulted in the firing of Lenzner and Jones was the "decentralization" of legal services, previously defeated in the Senate when it was proposed legislatively as the Murphy Amendment. Whether the Murphy Amendment should or should not have been passed, it wasn't—and a backdoor enactment by Mr. Rumsfeld shows a certain contempt for the legislature.

"Decentralization" may or may not be a good thing for parts of the War on Poverty, and you may know the policy arguments better than I do. However when it is applied to Legal Services it creates a lot of ethical problems because it puts non-lawyers in positions of control and direction over lawyers' work. Disciplinary Rule 5-107 of the new American Bar Association *Code of Professional Ethics,* (which is binding on every lawyer in my state under pain of censure, suspension or disbarment), says:

"(c) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if: (1) a non-lawyer owns any interest therein, . . . (2) a non-lawyer is a corporate director or officer thereof; or (3) a non-lawyer has the right to direct or control the professional judgment of a lawyer."

Now legal services corporations are usually organized as professional corporations or associations (as, C.A.L.S. in New York, C.R.L.A. in California), although non-profit. If these are put under the control of a layman regional director from OEO, our Code is clearly violated.

The violation is more than a formal one. The "decentralization plan," involves shifting power from lawyers to regional directors because those regional directors will be more responsive to Governors' and Mayors' offices. "Responsiveness" will undoubtedly mean that Legal Service attorneys will no longer be permitted to bring any suits or administrative complaints that cost any city or any state any inconvenience or money.

In your own office you have no doubt felt how callous a bureaucracy can be even to a legislator. Imagine the problems a poor or minority person can have with state and city bureaucracies which are to provide social services, schools, sanitation and police! Often, the only protector of little people is a Legal Service attorney. If every Governor and every Mayor gets to censor the work of Legal Services attorneys according to his convenience, rather than let lawyers respond to the suits that walk through the door of their storefronts, I can see that within a year we will have nothing left but a broad network of federally funded divorce mills. And with that you will lose the 2000 Legal Services attorneys you now have working for you (usually for much less than the "going rate" of $15,000 that was offered them on Wall Street).

Disciplinary Rule 5-107 also prohibits not only the reorganization proposed (to subordinate lawyers to non-lawyers) but the influences that leads to:

"(B) A lawyer shall not permit a person who recommends, employs or pays him to render legal services for another to direct or regulate his professional judgment in rendering such legal services."

Direct influence has already been attempted in the states of Mississippi and California, with attempts to cut off programs which represented blacks and food stamp recipients respectively. Whether or not you agree with the demands of blacks in rural Mississippi, or starving food stamp recipients fighting a stiff-necked Department of Agriculture in rural California, trying to win a fight with them by punishing attorneys for representing them is rather underhanded And according to this ABA Code, it would have been a violation of the attorneys' oaths to have knuckled under.

In my own VISTA work last year I was counsel to Odyssey House a drug addict rehabilitation program which exposed our epidemic of heroin addiction among adolescents. In my work I represented Odyssey when it was sued by the City for overcrowding a temporary shelter for addicted adolescents, and I pressed its case to get a state program set up. Once exposed, the adolescent addiction problem brought its own results—a state program, and private contributions to Odyssey. But I could only do this because my own VISTA program had *not* been "decentralized" into the hands of John Lindsay or Nelson Rockefeller. Had it been, my efforts would have been squashed early—and a lot more kids would have died. So you see, it is not just professional arrogance which makes me upset with decentralization. It is my own experience.

Funny thing—just as legal services starts to get accepted it gets squashed. On the TV there are the *Young Lawyers* and *Storefront Lawyers*. In the law schools graduate and undergraduate courses in Poverty Law are being set up.

Therefore I would ask you to see what you can do, short term and long term, to save Legal Services. Short term, would you join with Senator Mondale in investigating the dismissals and the decentralization plans in hearings this week? Would you have an aid get the story directly from Jones and Lenzner; and if you believe them, request reinstatement? Would you request that the National Advisory Board of Legal Services be convened immediately? Ultimately, it might be best to transfer Legal Services to a separate governmental corporation or independent agency (like Comsat, the Federal Reserve or the new Post Office Corporation.) I would like to hear from you what you can and will do.

Very truly yours,

JOHN M. REA.

LAVALAND SAFARI—HERE'S NEW MEXICO AREA UNMATCHED IN UNITED STATES

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. LUJAN. Mr. Speaker, I would like to share the following with my colleagues and others who read our RECORD.

A study and feasibility report is being compiled by the National Park Service on the proposed Malpais Park, or Lava National Park, located near Grants, N. Mex.

I hope this will be favorable and that development will be able to proceed as soon as possible. Such a determination would, I believe, be beneficial both to New Mexico and the country at large in preserving this historic and unusual area.

Undoubtedly such an undertaking will require funding and approval by the Congress, and I believe the information provided is worthwhile for this consideration.

LAVALAND SAFARI—HERE'S NEW MEXICO AREA UNMATCHED IN UNITED STATES

DEAR TRIBUNE READERS: You may think it is a little silly to use the word "safari" to describe a trip in New Mexico.

But the word is perfectly proper for a trip Bonnie and I made last Sunday with Ward and Jonette Ballmer of Grants.

There is an air of the romantic about the word "safari." It implies adventure—travel into remote areas—visiting a primitive region where few people ever go—a sense of discovery. This trip met all those tests.

Traveling in Ward's pick-up truck—with a "grandma" gear and special tires—we made a day-long trip over the proposed "Lava National Park."

There is literally nothing in the United States to match this New Mexico malpais. If it becomes a park it will attract many of the visitors who go to our other national parks. But it will also attract many people who will be fascinated by it as by no other park in the United States.

This is "surface of the moon" country.

Don't dismiss this just as an enormous field over which rivers of red-hot lava once flowed and then cooled and hardened into a tumbled, forbidding mass of black rock.

This is just the surface.

Sure there are the great fields, called "aa" fields, where the rock is twisted and broken and upended and scattered about—solid black with not a living thing growing or living in it. The word "aa" is a Hawaiian word, pronounced "aah-aah" and in the dictionary. I had never heard of it until Sunday.

But I wish you could have been with us. Down on the side of a great cinder cone we found what we are sure is a cave used as a kiva by the Indians in ancient days.

Ward had heard stories of this "cave kiva"—told him particularly by an old-timer who had lived in this back country as a boy. But over a period of months he had never been able to find it.

We found it Sunday by accident. Walking to the top of a mass of lava we saw two holes—the larger about the size a small boy could wiggle through.

Looking down through this hole in the rock and flashing a light we saw what we thought was a fire pit or an alter of stones.

Then Ward had a hunch that an opening in the rock higher up might lead down to this.

In a few minutes we saw the beams of his flashlight and he was under us. And soon we joined him.

A tunnel—high enough to walk in—ran about 30 or 40 yards from the hole to the cave.

We are sure that some of the flat rocks in the cavern were used in a religious ceremony. Plainly it was a kiva.

Can we ever forget this place!

Late on our "safari," Ward guided me back into a remote ice cave.

The entrance was in a great sinkhole of giant rocks. We went back through two chambers and then the third was the ice chamber.

There was ice on the floor but the fascinating thing was the ice in little knobs covering the ceiling and thick hoarfrost white and glassy on the walls.

It was early in the day that Bonnie and I were suddenly aware that this "Lava National Park" was something far different from what we expected.

We entered the area going south on Highway 117. And soon we were in the country of great sandstone bluffs to our left and the eastern edge of the river of lava to our right.

There are Indian ruins in the side of the bluffs and many ruins on the mesa tops.

Ward drove back into a cove between a great sandstone bluff and the lava, found a special tree as a landmark and then we took off into the badlands.

Soon he pointed out a cairn—a pile of lava rocks—and then ahead there was another—and then another—

It was a trail and these cairns were the sign posts.

Sometimes the next cairn was in plain sight a few feet away—sometimes we had to pause and make a semi-circle with our eyes to find the next one. The cairns were usually about a foot and a half high and peaked—and the weathering of the ages on them.

Then to our amazement we learned that this trail crosses the entire lava bed—east to west—more than six miles.

There are other trails in the lava fields—dodging all the great cracks that are impassable. There are at least three main east-west trails and one north-south.

Ward is sure that these trails were used by the Indians traveling between what are now Zuni and Acoma.

Occasionally there is a sandstone rock on the cairn and Ward believes these had significance—that they might have been the sign that water or caches of food or a shelter or something was nearby.

But no less fascinating are much larger cairns in the lonely, lonely country south of the most recent lava flow.

These are about three feet high and are usually on a rise where they can be seen for a great distance.

Ward believes these cairns—called "monuments" by old-timers who once ranched in here—might have been built by early-day sheepherders rather than by the Indians.

People from the Basque country of Spain came into this remote country and acquired ranches.

These large cairns lead to the "Hole in the Wall"—one of the most fascinating things about the lava country.

This is a great open area—covered with beautiful ponderosa and other pines—and almost entirely surrounded by the lava.

There are unforgettable campsites by the hundreds here. We picnicked in a cove right up against the lava wall—and we'll always be sentimental about that beautiful spot.

But there are so many things about this wonderland—

The long hollow tubes of lava—frequently partly above ground—sometimes cracked so the tube can be clearly seen. Often they are two and three feet in diameter.

There are many round giant "postholes" straight down in the rock. Here the lava flowed all around a great tree, cooled and hardened.

The tree died, rotted away and all traces of it were lost during centuries—but the markings of its bark and the flaring of its roots can be seen in the walls of the hole.

But here I've come to the end of my space and there are still so many things to tell you about this fantastic lavaland through which Ward and Jonette guided us.

So there will have to be a second chapter to our "Lavaland Safari" next Saturday.

George Carmack.

A Letter From the Editors: Four Great Lava Flows Hit Area of Proposed Park

Dear Tribune Readers: Did you know that Mount Taylor was one of the great volcanoes in history?

Not only the size and shape of the mountain itself make this plain to students of volcanoes. The best evidence of its size and power is the fact that it is surrounded by "volcanic plugs," still standing as mountains in their own right.

Cabezon Peak is the most famous of these plugs but, you know, there are about 20 of these little "Cabezones" around the east, north and northwest flanks of Taylor.

The flow from Mount Taylor was the first of four lava flows in the Grants area now proposed as the site of the new "Lava National Park."

Ward Ballmer of Grants—who with his wife, Jonette, took Bonnie and me on an all-day tour of the lava country—filled me in on its volcanic history. You will recall that I made my first report on this lava "safari" last Saturday.

The Great Mount Taylor eruption was by far the largest.

It occurred about 4,000,000 years ago. Most of the many square miles of that great lava outpouring have long since been covered with soil and plant growth.

When Mount Taylor became quiet, there was a lapse of several million years.

Then 40,000 years ago came the "Zuni Flow."

As you travel through the lava area, you can see the volcanic cones on the horizon to the west—out in the direction of the Zuni reservation. There is a long line of these cones.

On our trip, we went through some very remote country—going there from the "Hole in the Wall" area—to one of the "Zuni cones." This was the cone on the flank of which we found the marvelous cave kiva on which I reported last Saturday.

We climbed this cone which had a cinder rim around such a pretty crater in which Ponderosa pines came up from a grassy floor.

Scientists who have been looking over this lava field for the National Park Service have renamed this cone "Grandview Crater."

It is just that. There is no better place to get a vista of the entire park area—the mile after mile of lavaland on across to the east to the great sandstone bluffs that mark the eastern boundary.

One of the most marvelous views is of the jagged dark blue silhouette of the Datil Mountains—40 miles off to the south.

Then 10,000 years ago came the "Laguna Flow."

This lava came from one of the most spectacular and best known craters in the area, the Bandera Crater, and other craters allied with it.

The Bandera Crater is just off Highway 53 at the Continental Divide. The famous ice cave, operated for many years here by Dave Candelaria, is at the foot of this crater.

We drove by the open end of the Bandera Crater late in the afternoon of our all-day trip and there are few more spectacular sights.

The Bandera Crater will not be in the park.

The final volcanic eruption—and keep in mind that all these flows partially overlapped in area—was the McCartys Flow.

It happened from 900 to 1100 years ago. Ward reports that there are still stories at Acoma about Indian villages destroyed in that great flow.

The McCartys Flow came from a crater out in the center of the proposed park and from fissures.

This flow—so recent in history—covers about 30 miles south to north and then turns east for about six miles. Those unusual rest areas on Interstate 40 east of Grants are in this part of the lava flow.

Bonnie and I will always have so many memories of this day.

Last Saturday I told you about the Indian trails, the ice cave and many other features of the area.

I didn't tell you about the places where the lava was twisted and stirred into shapes like great ropes.

Or about the crevasses. Many are just tiny cracks. Others are great splits that run for hundreds of yards and to a great depth.

Many are so wide and deep that they cannot be crossed. And the Indian trails, marked by the cairns of rocks, lead around them.

Down in these great cracks, ferns and other exotic plants grow.

Nothing is more fascinating than the hidden water holes in the rock.

Ward led us to one that is known to have been in existence for many years. Talk about finding a needle in a haystack—this waterhole about the size of a barrel going down deep into a rough lava area was marked by a blaze cut several years ago on a pine tree. There must be a million pines in the park area.

Park scientists are looking forward to studying the plant life in these water holes so isolated from other life—suspecting there may be forms of life here not found elsewhere.

But in telling about the trip, I have left out the real "personality" with us—the Ballmers' dog, "Young Dave."

There never was a gentler dog with quiet friendliness touching in its purity. What a day Dave had and how much he added to our day.

Dave is a wonderful story. Someone abandoned him as a puppy and he strayed into the Ballmer neighborhood—finally adopting the Ballmers as his family.

The proposed "Lava National Park" would be about 30 miles long and 18 miles wide—almost 150,000 acres.

There is one thing much in favor of the park. About 80 per cent of the land is already owned by the federal government—chiefly the Bureau of Land Management—and the state.

It is believed that trades of public land can be made that would take care of much of the other 20 per cent of the land needed.

What an asset this park would be!

It is wrong to think of it as a Grants project. It would mean much to Albuquerque. It would be a great asset to all New Mexico.

This country badly needs additional National Parks for a growing public that travels more every year.

No type of travel is growing more than "exotic travel"—travel to unusual places with unusual attractions.

How the "Lava National Park" would fill this bill!

GEORGE CARMACK.

SOUTHERN BUT NOT STRATEGIC

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. DIGGS. Mr. Speaker, I include the following article from the New York Times of December 10:

SOUTHERN BUT NOT STRATEGIC

(By Tom Wicker)

WASHINGTON, December 9.—In the 1970 elections, the Republicans lost governorships in Florida and Arkansas, failed to win Senate seats they had avidly sought in Florida and Texas, gained only one House seat throughout the Old Confederacy, suffered significant losses in the Legislatures of North Carolina and Tennessee, and watched helplessly as George Wallace was returned to the Alabama governorship. Nevertheless, first indications suggest President Nixon is clinging to the famous Southern strategy that produced such a dull thud last month.

He has just sent to the Senate the nomination of Robert E. Varner of Montgomery, Ala., to a new Federal judgeship in the middle district of Alabama—where in the last decade a great Southern Republican judge, Frank Johnson, has made or participated in most of the outstanding constitutional rulings on race questions and the one-man, one-vote reapportionment decision.

For this important judicial district Mr. Nixon has nominated a man who is president of the rigidly segregated Montgomery County Bar Association, who is believed by many who know him professionally to be incompetent to sit on an important bench, and who is so unconcerned about his solid reputation as a segregationist that he could tell James Wooten of this newspaper that in his view, "segregation is a political philosophy" upon which "a judge should not commit himself."

Mr. Varner's most important qualification for a Federal judgeship is believed to be his association with Postmaster General Winton M. Blount, who is reported to have arranged the nomination as part of his approach to running against Democratic Senator John Sparkman in 1972. Mr. Nixon's desire to help Mr. Blount is understandable, but in the Varner appointment he is running high risk of another Carswell controversy. And for what?

Let Mr. Wallace speak to that. He told a group of reporters in Washington this week that "if" he ran for President in 1972 (and he noted modestly that there is more demand for him today than there was in 1968) he would concentrate his campaign primarily in the South. His scheme would be to win enough electoral votes to influence the election, which he could best do by developing his potential strength in Tennessee, Florida and the Carolinas, none of which he carried in 1968.

For Mr. Nixon, that can only mean that the Wallace competition in the South is going to be tougher than it was in 1968. Since the Haynsworth and Carswell nominations, the various Administration concessions to Southern views on school segregation, and the personal campaigning of Mr. Nixon and Vice President Agnew availed them so little in the South in 1970, further pursuit of a Southern strategy looks rather like sending good money after bad.

Even if Mr. Wallace swallowed his vanity and, to the surprise of all who know him, decided not to run for President in 1972, a Republican sweep in the South would not be assured. The Democrats came out of the recent elections with some fresh new faces—Senator-elect Chiles of Florida and Governor-elect Bumpers of Arkansas, for instance—and better field position than the Republicans. The Ripon Society analyzed Southern voting and concluded that the Wallace voters of 1968 gave a majority of their votes to the Democrats in every Southern state in 1970; R. R. Apple of this newspaper, analyzing the precinct vote last month, also concluded that the majority of Wallace voters had gone Democratic.

Moreover, the Nixon-style Southern strategy of holding hands with Strom Thurmond and angling for the segregationist vote may not conform to the real trends of Southern politics. In November, Louis Harris has pointed out, conservative and hard-line segregationists held the governorships of the region by 6 to 5. Now the balance has gone to the moderates by 6 to 5."

A summary by the Voter Education Project found that in 1970 Southern voters elected 110 black candidates out of 370 seeking various offices, a net increase of about 75 elected black officeholders; and that black voter registration in the region was up about 212,000 since 1968. In North Carolina, so many blacks voted so heavily Democratic that the state chairman said they had "made the difference in many races" and publicly thanked them.

All in all, it makes a good deal more sense for some national Democratic strategists to be talking of a progressive Southerner for their Vice Presidential nomination than it does for Mr. Nixon to appoint a segregationist judge in a state he cannot carry, at the probable cost of another struggle in the Senate and the further alienation of moderates and independents in Northern and Western states vital to his re-election.

THE LOYAL LEAGUE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. WYDLER. Mr. Speaker, Mr. Edwin G. Roberts, president of Franklin Simon Stores, is dinner chairman of a worthy organization, the Loyal League Philanthropies.

Mr. Sanford Fribush will be the honored guest at the league's 1970 annual dinner, scheduled for December 19 at the Waldorf-Astoria Hotel in New York City.

In recognition of this occasion, Mr. Roberts has prepared a statement outlining accomplishments of the league which have been made possible by the generosity of its supporters. His statement follows:

THE LOYAL LEAGUE

Each year in December the Loyal League Philanthropies, Inc. holds its Annual Dinner at the Waldorf Astoria. This is the only fund raising activity of this organization. The dinner is held in honor of a well known philanthropist, especially one who is interested in and has contributed time, effort and money to help in some measure to improve the condition of the underprivileged.

This year we are privileged to have as our guest of honor Mr. Sanford Fribush, Vice President, Gem International, Inc., a man well known in the business, financial and philanthropic activities of the City of New York.

What do we do with the proceeds of this affair,—the only expenses of which are the cost of the dinner and the incidental expenses related thereto. We have no paid solicitors. This year we have made, among others, the following donations for scholarships to young men who otherwise would have been unable to go to college.

Among the colleges to whom this money was donated were:

Albert Einstein College of Medicine.
University of Haifa.
City College of New York.
Columbia University.
Columbia Law School.
Yeshiva University.
New York University.
The Johns Hopkins School of Medicine.
New York Medical College.
New York University Law School.
Brandeis University.
Yale Law School.
Yale Medical School.
Fordham University.
Rutgers University.
Mass. Institute of Technology.
Harvard University Graduate School of Business Administration.

We also donate ten scholarships to young men on the high school level to Bronx High School of Science and Midwood High School of Brooklyn, to the Green Chimneys School and the Stephen Gaynor School.

We have supported and contributed to The Optometric Center of New York, Anti-Defamation League of the B'nai B'rith, Pearl Socoloff League for Retarded Children and the American Jewish Committee.

We helped to build and continue to support Camp Loyaltown in Hunter, New York, which affords 600 poor children of the metropolitan area the privilege of spending 9 weeks in the country in groups of 200 every 3 weeks. The Ed Sullivan Recreational Building, the Lou Pitofsky Library, the Rosalie Fox Arts and Crafts Wing, the Bernard Weiss Athletic

Field Compound are but part of our continuing support of this worthy project.

We are also very happy about our Ruth Hurwitz Memorial Library at Columbia University and the Jay E. Lenley Memorial Library Room at New York University. Truly great tributes.

We have supported and allocated a good deal of money in the field of medical research, specifically the great work of Dr. Conrad Riley at the Babies Hospital of the Presbyterian Hospital which has resulted in the control of Nephrosis and Nephritis. Also that of Dr. Sidney Cohlan, formerly of Beth Israel Hospital with respect to Vitamin A and Congenital Abnormalities. Also the splendid work of Dr. Harold W. Dargeon of Memorial Center on the effect of radiation in the treatment of cancer in children.

In former years we have constructed a building in the Dr. Israel Goldstein Youth Village in Israel for the teaching of carpentry trade.

Loyal League has also provided the Brookdale Medical Center with the most modern scientific equipment to take care of children suffering from serious heart or lung ailments, gratis, in the Jewel Weiss Cardio-Pulmonary Surgical Suite.

In recognition of our many many contributions to the Beth Israel Hospital in New York City, the Chas. H. Silver Clinic has designated one of its floors, which takes care of outpatients—"The Loyal League Pediatric Floor".

All this has been made possible by our generous support and contribution and in behalf of myself and the trustees I express to you our thanks and gratitude.

A WORD (OR TWO THOUSAND) FROM THE PRIDE OF VINEGAR BEND

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. GUBSER. Mr. Speaker, throughout this session of Congress I have thoroughly enjoyed my association with the Honorable WILMER D. MIZELL who ably represents the Fifth District of North Carolina. I have enjoyed his good nature and his sincerely held beliefs in God and country. He has proven himself to be a "big leaguer" in every respect.

A recent article in Contact, the Christian Business Men's Committee publication for November 1970, is colorful reading and is written with honest humility and good humor. It tells the story of a man who has achieved success in a sport we all love, but who has never lost the ability to take himself lightly while remembering that a Supreme Being determines the final destiny of men and nations.

In the belief that my colleagues would enjoy reading this article I submit it herewith:

A WORD (OR TWO THOUSAND) FROM THE PRIDE OF VINEGAR BEND

Vinegar Bend, Alabama, wasn't exactly the largest town in the world, but it was a real, grown', thrivin' community at one time. Then we elected a mayor, who wanted to go modern with everything.

They started by putting in one-way streets. Ended up that everybody could get out of town, but nobody could get back. So while I was there, we were 37 people.

This was where I got started pitching baseball. We didn't have a semi-pro club, but we did have this cow pasture.

We were an unusual ball club. We only had 11 players in our club. I was the only pitcher we had. I had a brother who was catcher. A first cousin at first base. A first cousin at second base, and a first cousin at shortstop. My uncle played third base. There was a second cousin in left field, a second cousin in center field, and a third cousin in right field. Had one boy who was a third cousin and played part of every ball game. But I said we had 11 players. When I pitched in Vinegar Bend, Uncle Buck was the umpire. I didn't walk many those days, believe me!

But I got started, pitchin' baseball. If it hadn't been for baseball, I probably would be followin' that mule up and down the Mississippi and Alabama line yet.

But I moved up—to Albany, Georgia where I sat on the bench, for six weeks. Finally one night in the 6th inning of a game in Americus, Ga., I got my big chance. We were behind 15–0, and the manager, Chief Bender, looked down the bench at me and said, "Mizell, you can go warm up now."

I didn't care what the score was. This was my big opportunity. I grabbed my glove and tore out for that bullpen like a scalded dog. I was so wild in the bullpen that I got in only four warmup pitches, none of which the catcher was able to contain. He spent all the time we should have been warming up chasing the ball around the bullpen.

Before I even got to the pitcher's mound, everyone was laughing. I was about 6′2½″ at that time and weighed about 170 lbs., with a stride like a plowboy carrying a two-horse plow—a typical lefthander too.

When I arrived at the mound, Bender handed me the baseball and said:

"Go get 'em, Mizell! The score is 15–0!"

I threw some warm-up pitches (not enough). Then the first hitter stepped into the batter box. He was a little bit cocky up there and dug in about knee-deep with that back foot, and rapped that bat on homeplate.

My catcher gave me a sign: fastball. I don't know why he gave the sign, unless he was just tryin' to make me look good. We both knew that was the only pitch I had!

I got that sign from Smitty, the catcher. I took that big windup and cut that first pitch loose, just a little big high—about 25 feet. I threw it right out of the ballpark!

Smitty came a runnin' out to the pitcher's mound and said:

"Mizell, are you nervous?"

I don't remember what I told him, but he trotted back behind homeplate, and everything was changed. The hitter was no longer cocky. He was way back in that batter's box! And a good thing too. Because the next pitch was a foot over and a foot behind that boy's head—and he went sprawlin' on homeplate!

Smitty told me later, after both of us had made it to the big leagues:

"Do you know, Mizell, I was just as nervous as you were that night—until I realized that I was the safest man in that whole ballpark. I'd caught baseball 12 years and that was the only time I ever actually looked behind me and saw the people hidin' behind their seats!"

That was my start. But I improved and made the majors with the St. Louis Cardinals. I was with the Redbirds for 11 years and then got traded to Pittsburgh. I got there just in time, for it was in the spring of 1960 that we went on to win the National League pennant, and opened the World Series with the New York Yankees in Pittsburgh.

We won the first game. The Yankees won the second game. Then we went to New York City for the third game. In the Yankee Stadium, with 65,000 people, I'm the startin' pitcher.

If you didn't tune in early, you missed me! For those Yankees got me out of there in a hurry that day. But four games later, Moz (Bill Mazeroski) hit that home run in the bottom of the 9th, and we were the World's Champs.

This was really the climax to a baseball career that had started in the little town of Vinegar Bend, Alabama—because the next year the Pirates traded me to the New York Mets. That's when I first started thinkin' about getting out of baseball, back in those days. But it didn't take me long at that time with the Mets to realize you were already out of baseball!

That's no longer the case—with the Mets winning the series in 1969, and being strong pennant contenders in 1970.

I'm often asked: "How in the world did you get to be a Republican, comin' from Vinegar Bend, Alabama?" And that's a good question, because I can remember that people in Vinegar Bend thought a Republican was some kind of a strange animal.

They'd never seen one of them in any of their elections—until the year they were countin' the ballots, and after about 30 minutes of countin', they came to a Republican vote. That confused everybody. They'd never had one before.

The election judge said: "Just lay it aside and keep on countin', boy!"

So they counted 30 minutes more, and then they came up with another Republican vote. The judge said: "That settles it. Throw 'em out. The rascal's voted twice!"

I've enjoyed being a congressman. It's been a real experience as a "freshman."

But you know, it's a long way from the little town of Vinegar Bend, Alabama to the Big Leagues to the World Series and finally to the Congress of the United States—the greatest government, the freest government, and the richest nation in all the world.

The only boasting I could do before men would have to be in the Lord Jesus Christ. There is nothing that I have ever done that would have warranted me such a great salvation.

As a boy I attended a little church, and it was there that I first heard the gospel preached: the message that Jesus Christ had come and that He had died on that cross.

It was there that I first heard: "The wages of sin is death, but the gift of God is eternal life in the Lord Jesus Christ."

One day while plowing behind an ole mule on that bottom field, running around corn about knee-high, I knelt behind that plow and asked the Lord to forgive me of my sins and save me to a life in eternity. The Lord touched my heart that day and saved me. The burden of sin lifted from my heart. I've been grateful many times for that personal experience with the Lord Jesus Christ. Before I ever left that little pea-patch of a farm down on the Mississippi-Alabama border, I came to know the Lord.

The Lord has blessed me far beyond the fondest imaginations—in the things of real value. Like the fine Christian wife I have, and those two fine healthy boys. Why you can't put a price tag on these things!

Then there's the peace that comes in knowing the Lord Jesus Christ. You know what He does will be best.

For example, my being traded to Pittsburgh. I didn't want to go. I'd always pitched in St. Louis, Mo. And I thought St. Louis could win the pennant in 1960. I never thought for one minute that Pittsburgh was going to win the pennant. So I walked in off the field one evening and they said: "You've been traded to Pittsburgh."

Well, this kind of shook me up a little bit. But I went on home and Nance and I thought and prayed about it. The next morning I took the train for Pittsburgh, leaving St. Louis with this thought in mind: Things just don't happen; they're planned. Things just don't happen to God's people. He plans it for them.

So I got to Pittsburgh. This is without a doubt the happiest season that my family and I spent in baseball. I compiled my best won and loss record ever. And then there was that winner's bonus of the World Series.

What does the Lord expect most from me in return?

I think of Acts 1 where in his last words to his disciples, Christ said: "After the Holy Spirit has come upon you, ye shall be witnesses to me," and he then gave the areas in which they were to witness, "Judea, Samaria and the uttermost parts of the earth."

As a Christian, I have had those opportunities to witness for the Lord—in all of those areas.

What opportunities we have today to tell the good news of the Gospel!

I'm not one of those pessimists who thinks that our nation is hopeless. I'll tell you why.

The Lord was willing to save Sodom and Gomorrah, if Abraham could find 10 righteous men there, in those two wicked cities.

Across this land of ours today I meet and talk with Christians who still know how to pray—thousands of them in this land of ours. The Lord is not through with this country. He wants to change it. Let him start with you.

ROOM FOR MIRACLES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. MIKVA. Mr. Speaker, the problems of urban public education are great, and still growing. The media is full of reports on low test scores, administrative inaction, poor teacher training, overcrowding, lack of facilities, and a general discontent with our schools by everyone, including teachers, students, parents and the general public.

Therefore, it gives me great pleasure to include in the RECORD a report on something fine, heart-warming and innovative that is happening in one school in my district. "Room for Miracles" by Lois Wille was first printed in the August 1969 issue of American Education. This month it was reprinted as one of the 17 best articles of the past 5 years. It tells the story of the Independent Learning Center at Ray School.

The Independent Learning Center was the brainchild of the Ray School parents, working very diligently with the cooperation of the local school principal. It is an excellent model for other parents in other schools who would like to make some concrete contribution to their own public school.

I insert the following article:

ROOM FOR MIRACLES

(By Lois Wille)

In this corner there is Melvin, 15, labeled by one teacher as "absolutely the most turned-off kid in the world." When he wasn't fighting in the halls, he was sleeping in class. But more often he wasn't in school at all. The only thing that mattered was the D's, his gang.

There is Keith, only eight years old but so tormented by private demons that he can't sit still five minutes in a classroom. Rip paper, bite nails, tear, wriggle, punch. So went Keith's school day.

There is Nancy, 12, very bright but suffering from a frustrated social conscience. She wanted to do something—something more than seventh-grade homework.

And there is Tony, 13, extremely intelligent, so his IQ scores indicate. But in class he won't lift a pencil. He stares out the window, lost in daydreams. Give him an order, tell him to get to work, and you've lost him.

Put them all in one schoolroom—tough adolescent streetfighter, hyperactive child, high achiever, low achiever—and what do you get? Chaos, ordinarily. Nobody learning anything.

But when the schoolroom is the big, bright Independent Learning Center at Chicago's Ray School, small miracles happen. Nervous children find peace. Tough gang leaders find something besides fighting that they can do well. High achievers go higher, and lower achieves finally discover some stimulant to working and learning.

The secret of the center is the word "independent." There each child is free to delve into something that intrigues him—whether it's duplicating machines or fractions or writing a book. He keeps his own work sheets, selects his own equipment, paces himself. Experts help him when he wants help, and leave him alone when he wants to be left alone. No one grades him—but there is plenty of praise.

Nearly 200 of Ray School's 930 children use the center regularly, from two to three 40-minute class periods a week to several periods a day. "It depends on what the child needs," says Director Erwin Pollack, a former social studies instructor who has taught in schools that are predominantly Mexican-American, predominantly black, and predominantly affluent white—a background that fits him well for his job at the center. And that's the purpose of the center—give the child what he needs. Give him what a regular, harassed classroom teacher with 30 or 35 children cannot give him.

At first, when you look around the crowded room you marvel that no one is stepping on anyone else, or shoving someone to the floor. Each class period about 30 children work here with five staff members and several part-time consultants. They weave among the room's five staff desks, or its little cubicles where children pore over film tapes or books or typewriters; they thread through groups of small tables with colorful new tactile mathematics equipment, and between shelves stacked with books and tapes and films on numerous subjects—Afro-American history, the touchdown techniques of the Chicago Bears, Egypt's war with the Hittites, the war in Vietnam. But once you absorb the sight of all the furniture and supplies and children and staff, you realize how quiet it all is. Everyone is so busy so involved, that the crowded room radiates peace, not turmoil.

There is Melvin, crooning a rock tune softly into a tape recorder, ready with earphones to listen to the playback. Learning? "He was here only three days," says assistant director Phyllis Jones, "when he started teaching me how to use the audiovisual equipment. He has the most incredible grasp of mechanics and electronics." But he also learned fractions in the center—something he had successfully avoided for years. He did it virtually alone, with film tapes and an occasional pat from a staff member. "That's what I like about this place," Melvin says. "No teacher to make a fuss and bother you."

And Melvin, the turned-off kid who would barely grunt to an adult a few months ago, asks if you'd like him to take you on a tour of the center. "This is how the duplicating machine works," he begins—and delivers a poised lecture, complete with demonstrations.

There is frail little Keith absorbed in a game of Monopoly with a young friend. Learning? "It's the first time we've been able to get him to concentrate," says Pollack. "It's just a beginning."

Nancy is in a quiet corner with a woman volunteer, learning Polish. She has become an after-school aide at a home for the aged, and she met an old Polish woman who can't speak English. "The first time I said hello to her in Polish," the girl says, "was the first time I ever saw her smile."

Tony, with another volunteer tutor, is studying mathematics—via the cost of antiballistic missiles. "I discovered he had read everything on the debates about defense budgets," said his tutor, a young mathematics student from the Chicago Circle campus of the University of Illinois. To which Pollack adds: "The tough part now is to transfer the enthusiasm Tony shows here to his classroom. So far, we think he is doing better."

All these small miracles have been limited to one room in one Chicago public school. But the staff and supporters of the Independent Learning Center are so excited by what is happening there that they think eventually it will have impact on the entire Chicago school system. Originally, though, the Ray Center was created to help one unusual school overcome an unusual set of problems.

Ray School is a worn, somewhat shabby, 75-year-old building close to the Gothic halls of the University of Chicago. Many of its students are sons and daughters of professors and the physicians, attorneys, and civic leaders—black and white and Oriental—clustered around the campus. Another large group—about 25 percent—comes from Woodlawn, the all-black community just south of the university. It is plagued by the typical ghetto problems of crumbling tenements, low incomes, high unemployment, and deadly teenage gang wars. Most of the Woodlawn children enter Ray School under a transfer plan that applies only to seventh and eighth grades—after they have spent years in schools that are often deficient in equipment, space, and personnel.

Because it draws from the two worlds that make up today's city—affluent and poor—Ray has a diverse student body. About 55 percent is black, almost evenly divided between affluent black and poor black. There are children of visiting foreign professors and students—African, Japanese, Arabic, European, Latin America. There are children of policemen, novelists, welfare mothers, surgeons, and social workers. A stimulating and exciting mixture—except that for a long time there wasn't much mixing.

"Ray used to group children by ability, as most schools do today," says Noel Naisbitt, mother of three Ray students and former vice president of the Ray Parent-Teacher Association. "But many parents felt this added up to segregation in an integrated school. That wasn't the atmosphere we wanted for our children."

Frank Gardner, who was then principal of Ray, agreed. In September 1967, Gardner began to group children heterogeneously for most subjects and for homerooms.

The new plan was partly successful. One parent says, "Some of that horrifying stigmatic stuff was corrected—the 'I'm in the smarty class and you're in the dummy class' attitude, which had been so prevalent in previous years and which is harmful to both the slow learners and the fast learners."

But the heterogeneous grouping also meant that many teachers had to cover a tremendous range in their classrooms, as much as 10 grade levels in reading and mathematics.

Mrs. Naisbitt explains, "A group of us, mainly PTA parents, felt that heterogeneous groups made individualized instruction necessary. If the new grouping was to succeed, many children needed special attention—both the high achievers and the low achievers. We needed something to enhance and extend individualized instruction and independent learning, and at the same time produce a maximum interaction between races and classes. And we needed something to improve the whole quality of education at Ray, to attract and retain middle class families in our community."

A tall order, and for a while it looked as though it was so imposing that nothing at all would be done. Late in 1967 the Chicago school system was putting finishing touches on an elaborate plan to improve Woodlawn schools with a Ford Foundation grant—but Ray was outside the boundary lines. No special plan was mapped for Ray.

The Ray PTA leaders decided to force action, and used a little polite blackmail. They wrote a stiff letter to the Chicago Board of Education, announcing they would appeal to universities to step in and give them the help the school system had withheld.

"We got fast action," one of the parents recalls. "School officials met with Frank Gardner. Then he got a telephone call from an associate superintendent of schools asking him to present a proposal for a title III Elementary and Secondary Education Act grant and submit it within 10 days."

Gardner, Mrs. Naisbitt, and several other parents and teachers worked nearly around the clock for days, writing, editing, and rewriting a 160-page plan for an Independent Learning Center to serve Ray's highly diverse student body. The proposal was approved for a one-year grant of $63,827 by the U.S. Office of Education.

In September 1968, Frank Gardner was promoted to an administrative job in board of education headquarters. Ray's new principal, Paul Redlich, hired Pollack, two teachers, a secretary, and a research assistant. The staff ordered the best in audiovisual equipment and books, lined up seven part-time paid consultants, four volunteer consultants, and managed to fit its load of old furniture and new learning materials into a single room. After several weeks' training in experimental learning centers in Chicago suburban schools and the University of Chicago Laboratory School, the staff opened the Ray Center on February 24, 1969.

From the beginning, the children loved it. "We have to chase them out when their period ends, and at recess and lunch," says Miss Jones. She recalled the morning one highly active third-grader with a very short attention span spent an hour and a half working intently with Cuisenaire rods. When told it was time to return to his class, he refused indignantly, saying, "I'm not finished yet."

To avoid conflict or hurt feelings, the staff decided that a child should be admitted to the center only upon referral by his classroom teacher. He may be sent because of a special talent or a special weakness—but in either case, it is something special. Because space and staff are limited, most children with no particular problem cannot regularly use the center.

One teacher complained to a center staff member, "You're making my life miserable—everyone in class pesters me to get referred to the center."

But Mrs. Naisbitt, now the center's research assistant, thinks initial jealousy among children who have not been referred has faded away. "I think they actually realize that the choice to refer is not made on the basis of how nice a child is," she says. "They've seen plenty of mean kids referred there. They realize it is for children who need it for a special reason and they no longer take a decision not to refer them as a personal slight."

Some regular classroom teachers were unhappy because the center was planned primarily by parents, not the Ray faculty, and because the staff was assembled from other schools. Initially, some wanted nothing to do with it. Others felt that referring a child to the center meant they had failed. And a few used it as a reward or punishment: "If you don't sit still, I won't let you go to the center tomorrow."

All of these attitudes had to be overcome. There were a number of group meetings between the center staff and the regular faculty. Classroom teachers were invited to exchange jobs occasionally with center teachers. Systematic reports are sent regularly to classroom teachers by the center to keep them informed of their students' progress. With the help of Redlich, who strongly supports the center, the staff feels it now has ironed out these sensitive problems.

Since materials for the high-achieving, upper-grade student are not very plentiful, the staff had to improvise. Primarily, this has meant helping the child work on a project he has conceived.

When Nancy said she wanted to speak Polish to the lonely lady in the home for the aged, Pollack arranged for her to be tutored by Mrs. Zbigniew Golab, wife of a University of Chicago professor of Slavic languages. Another girl, intensely interested in inner-city education, spends several hours a week at the center writing a book on her observations and ideas.

So far, the staff thinks the center is too young for its success or failure to be measured in hard terms—achievement scores, personality tests, IQ tests. That will come later.

"At this point, our results are measured by what we observe," says Mrs. Naisbitt. "Look at Melvin. A chronic truant, fighting, sleeping, uncooperative in class. He couldn't sit and listen to a math teacher talk about the diameter of a circle. But in the center, this boy has found a segment of school that he really likes, and where he's really somebody. At home, he and his 10 brothers and sisters live in a small flat. His mother is dead, and his father works long hours as a bus driver. Home is often chaotic. One day, amidst all our confusion and motion and activity, I asked him what he liked about the center. He said, 'It's a quiet place.' "

After less than four months in the center, Melvin brought his mathematics achievement level up several grades to the score he needed to qualify for Chicago Vocational High School, where he planned to study mechanics.

For the 1969–70 school year the center, with a title III ESEA grant of about $68,000, expanded into a second room to serve many more Ray students. A University of Chicago history professor prepared materials and a study program on Afro-American history. Some African students attending the university were hired on a part-time basis to work with students who had been clamoring for African historical and cultural studies. Plans were for the Chicago Board of Education to give the center a computer terminal that will fill a number of needs—children will learn techniques of key punching and data processing, and some seventh- and eighth-graders plan to conduct their own research project on the Ray student body, using the new computer to correlate their findings.

The philosophy developed during the first months will continue: "We want to give the children all kinds of options they don't or can't get in a regular classroom," says Pollack. "We want to show the child who thinks he is a failure that he can succeed in another kind of arrangement. Schools shouldn't be either-or—either the child measures up to the whole group, or he's written off. We hope we have created a special place where there is no either-or, where learning can take place, with enthusiasm, for any child."

THE POLISH-AMERICAN CONGRESS URGES RATIFICATION OF THE ODER-NEISSE BOUNDARY BY THE UNITED STATES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. PUCINSKI. Mr. Speaker, recently, the Polish-American Congress, which is the largest conglomerate of Polish-Amercan organizations in the United States, presented a memorandum to President Nixon which, among other things, called for the United States to recognize the Oder-Neisse boundary lines between Poland and Western Germany as final.

This memorandum was presented to President Nixon while he was entertaining a group of outstanding Polish-American leaders in the White House.

I am deeply concerned that the State Department has advised the President to refrain from taking any official position on the treaty just recently negotiated between the Government of Poland and the Government of West Germany ratifying the Oder-Neisse boundary as the official boundary between those two nations.

It is somewhat pathetic that the Government of the United States would drag its feet in recognizing the finality of the Oder-Neisse boundary when the two parties most directly involved, namely Poland and Germany, have reached an agreement on the finality of this boundary.

It is inconceivable to me that there are still elements in our State Department who continue to use Poland and the other captive nations as pawns in an international chess game.

We saw the tragedy of this policy at Yalta, and it seems to me that we Americans would have learned something from that experience. But the fact of the matter is, that there are still those in the State Department who are unable to comprehend the geopolitics of Europe. The sooner we get rid of them, the sooner our Nation can restore its role of world leadership.

The Polish-American Congress makes a strong case for the recognition of the Oder-Neisse line, and it is my fervent hope and prayer that President Nixon will reject the naive advice of the career people in the State Department, and use his own good judgment in joining both Western Germany and Poland in recognizing the Polish-German Treaty as a final solution to this vexing problem of the Polish-German border.

For Mr. Nixon to do otherwise would be to play into the hands of the Soviet Union, for it is the Soviet Union that has most earnestly conspired over the years to prevent Western democracies from recognizing the Oder-Neisse border.

For more than a quarter century, the Soviet Union has falsely held itself out as a true friend of Poland as the only major power that has steadfastly depended Poland's historic rights to the postwar Polish-German boundary.

This Soviet deception and chicanery has now come to an end, for indeed, Chancellor Willie Brandt, through his outstanding leadership, has removed the question of the Polish-German border from the political arena.

There is no longer any reason why Poland should remain so thoroughly and totally subservient to the Soviet Union.

There is no longer any reason why Premier Wladyslaw Gomulka should not now start demonstrating some of the independence which we all hoped would be forthcoming after his spectacular victory in 1956.

The President of the United States can provide real leadership in recognizing the Polish-German agreement relative to the Oder-Neisse boundary and let us see if, indeed, after a quarter century of effort, the Western democracies cannot finally wean the captive nations away from Moscow domination.

I am including in the RECORD today the Polish-American Congress memorandum with a fervent prayer that President Nixon will respond favorably to the request of the Polish-American Congress and provide world leadership in showing the people of Poland that, indeed, the United States continues to be their best and most understanding friend.

The Polish-American memorandum follows:

MEMORANDUM PRESENTED TO PRESIDENT NIXON BY REPRESENTATIVES OF THE POLISH-AMERICAN CONGRESS AT A WHITE HOUSE CONFERENCE OCTOBER 13, 1970

Dear Mr. President, first, we wish to reiterate our solidarity with your policy known as the Nixon Doctrine and exemplified by the Vietnamization of the South Vietnam's struggle for freedom and independence, and your policy of emphasizing self-reliance of people and states involved in the crucial conflict in South East Asia. We wholeheartedly subscribe to your new peace offensive based on a cease fire in South Vietnam and a negotiated settlement of the Middle East crisis. This support we expressed unequivocally in several messages previously sent to you.

There remains, however, one vital problem which involves America's leadership in the free world and which we are submitting today for your consideration.

THE ODER-NEISSE (ODRA-NYSA) BOUNDARY

It is the problem of the United States interests and ideological posture in East Central Europe. Peoples of Poland, Czechoslovakia, Hungary and other subjugated nations are living under the growing apprehension that America has forsaken them and thus, by its seeming indifference, force them to accept the lot of unwilling and taciturn vassals of the Soviet communist empire.

The vital and crucial point in that area is the Odra-Nysa boundary between Poland and Germany. Recognition of this boundary line, especially by the United States and other Western powers is of paramount importance not only for the Polish nation, but for peace and stability in East Central Europe, and consequently to the peace and stability of the entire Europe, which in turn would contribute to American security.

In the past, our appeals and arguments in this matter were receiving only stock answers from the State Department, that the solution of this problem must await a general peace settlement in some indefinite future. This hiding behind the framework of International Law, however, does not take into account the demographic, economic and historical facts of life which have taken root in the lands east of the Odra-Nysa Rivers in 1945, and have been growing into irreversible reality since then.

This fact has been fully recognized in the text of the recent Bonn-Moscow Pact, which provides for inviolability of all frontiers in East Central Europe, including the Odra-Nysa line.

It is our considered opinion, that the time has arrived for the United States to declare that it recognizes the permanence of the Odra-Nysa boundary. Such a declaration, issued by your Administration, Mr. President, would have far reaching and last effects in Europe and particularly among nations now suffering Soviet domination.

Primarily, it would substitute the ambiguity of the Bonn-Moscow Pact with a clear cut declaration, specifically recognizing the Odra-Nysa line, thus telling the people of Poland and other subjugated nations of East Central Europe that the United States has no intention of abandoning them and forsaking their millennial rights to be returned to the fold of Western civilization and culture.

Secondly, it would weaken the Soviet Union's power of black mailing them, as the sole guarantor of their territorial integrity. Consequently, it would immeasurably strengthen psychological resistance of the Polish nation against communism and Soviet aggrandizement.

AID TO POLISH NATION

To further strengthen the traditional ties between Poland and the United States, we firmly believe that two fundamental steps in that direction should be renewed and enlarged. Namely—

Expand cultural exchanges with Poland in such a way as to provide scientific and educational benefits to Polish scholars and students, freed from communist approval or interference;

Keep Poland on the most favored nation category in trade. Imports from Poland, small as they are, contribute considerably to the welfare of the Polish people.

THE NATO PLAN

In presenting this opinion and views to you, Mr. President, we would be remiss in our more humanitarian and political duties, if we did not call your attention to the notorious "NATO Plan" which provides for a "nuclear barrage" across Poland and Czechoslovakia in the event of Russian aggression against West Europe. The inhumanity and irrelevancy of this plan lies in the fact, that the NATO military planners contemplate virtual annihilation of Poland and Czechoslovakia not as a decisive strike against Russia, but only as "a warning" to the Soviet armed forces as to what is in store for Russia proper if they dared to unleash a nuclear attack against West Europe.

This ill-conceived plan has no military validity whatsoever and runs contrary to America's noble tradition of humanitarianism and selfless concern with the welfare of other nations.

We appeal to you Mr. President, to repudiate this plan.

FOR DUE RECOGNITION

We submit that Americans of Polish origin do not enjoy full recognition in appointive offices on the federal level to which they are entitled by virtue of their significant participation in all areas of the American Way of Life. We are not ethnocentric. We do not ask for appointments to position of trust and responsibility on the basis of their Polish-sounding names. As Americans of Polish origin, we have among us men and women eminently successful in business, in professions, in scientific and educational communities. They are highly qualified people of knowledge, experience and integrity.

There has been and still is, a persistent, although unwritten and unspoken prejudice against people "with long and foreign sounding names" which is detrimental to the best interests of our pluralist society.

In asking for an appointment of an American of Polish ancestry to a cabinet post and for appointments to sub-cabinet and other federal positions, we are not motivated by selfishness.

We would regard these appointments as the symbols of the full participation of ten million Americans of Polish origin in the mainstream of American life and of our contribution to the viability of America in terms of social order and progress and of continuous evolution of the free and open society in the United States.

AN ATTEMPT AT MAKING LEARNING MORE RELEVANT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. WALDIE. Mr. Speaker, a problem which many high school graduates have discovered upon entering the business or college world deals with the lack of relationship between what they have learned in elementary and secondary school classrooms and what the real world would seem to be about. This realization can have a detrimental effect upon a young person finding himself on his own for the first time.

Mr. Robert J. Mullen of Richmond, Calif., has become especially aware of this problem, and through a special projects program, has hoped to overcome the difficulty of relating to one's environment.

Mr. Mullen sees the need for actual learning experiences which would serve to interrelate varied fields of education. I would call the attention of my colleagues to his experimental approach, as follows:

STATEMENT OF PROBLEM

How can the widening gap between the public school curriculum and the real world be bridged?

DISCUSSION

Most offerings of our public schools, elementary and secondary, are not designed to meet the needs of our youth. The typical curriculum is primarily the product of tradition and expedience. Except for peer group social experiences a student's day at school may have little or no relationship to the critical problems of life with which he must be prepared to deal. Great portions of our youth are graduated from high school ill equipped to cope with the technical or vocational world. Most are even less prepared to handle the academics of colleges and universities.

In a recent position paper Homer Newell of NASA said, "The key word for the future is change."[1] Yet, as presently constituted, most schools are not geared to change. The reasons for this are many and varied. They include the weight of sheer inertia of the complex educational structure, financial limitations, the fact that the center of authority to decry change usually rests with those who are one or more generations removed from the direct participants in the educational process.

---

[1] Recent unpublished position paper written by Homer E. Newell, Associate Administrator, National Aeronautics and Space Administration.

Equal or greater contributors to irrelevance in education are the patchwork of unrelated courses that usually constitute a student's program and the physical design of what has come to be known as a "school."

Public schools have long enjoyed the luxury of a captive audience. Compulsory education laws have forced our youth through days spent in a series of four-walled boxes to be subject to months and years of what their elders decided was "good for what ailed them" or at least would do them no harm. Education is something of a "57 varieties" diet, the parts of which it is hoped will somehow fit and relate at some distant time or place when the youngster has joined the real world. Most schools simply do not make an effort to relate one course to another or to provide an environment for learning where the need to know is here and now.

A three-year old experimental and demonstration project, "Learning Through Aviation," conducted in the Richmond Unified School District may have developed some insights into feasible solutions or directions for solving the problem discussed above. It was designed on the premises that the best classroom may not be contained within four walls, and secondly, that skills and knowledge are best accomplished when they have an immediate value to the student and are interrelated.

The research project started with experimental and control groups of eighth grade inner city youths attending a de facto segregated junior high school. The program was designed to test the value of an aviation centered curriculum wherein actual flight in training aircraft became the nucleus for most of the curriculum. At the end of the first year the project researcher, Lee Conway, concluded, "Data collected in the first year of the Flight Project indicate that major successes were achieved in several areas. Changes in the affective domain are known to be slow, but project students were found to be more positively motivated to achieve academically, and make something of their lives. Compared with the control group, project students incurred fewer disciplinary problems, attended school far more regularly and earned better grades." [2]

In his second evaluation report documenting the results of the project three years after its inception, Conway concluded that, "Since the inception of the project, flight group youths have evidenced less fatalism, more optimism about hte future and a greater incentive to achieve than was the case when they began." [3]

Enough evidence has been amassed by the Richmond Flight Project to demonstrate that unmotivated inner city youth can learn the basic academic skills—and far more, in a relatively short period. Some vital ingredients for the learning environment are learning experiences that build self image, an obvious relationship between experienced and academic skills, and a relationship between each part of the student's day—thus an interdisciplinary curriculum.

Flight provides an ideal foundation for constructing an interdisciplinary curriculum. In learning to fly a student is able to clearly understand the value of and relationship between the basic skills.

He also learns a lot of other things as well such as the value of a good strong body and a clear mind, the need to protect his safety and the safety of others, the absolute necessity for careful and accurate planning.

Talking to the control tower requires clear speech and careful listening. This is one of the first lessons learned by the flight students. And no one has to tell them—they discover it for themselves.

The skills and knowledge that are applied at the airport are not all learned there. Much of the learning takes place at school where the curriculum can be planned around aviation and aerospace related disciplines. Flight makes education more valuable and meaningful to the student; it makes education more relevant!

At the airport inner city youth will learn about a lot of different jobs, jobs for which most of them can eventually qualify through training and education. Most of these jobs may have been completely unknown to the students.

To be a good pilot one must also be a good student. The pilot must continue to seek new knowledge and greater skills. The curriculum should be broad and deep. The process of manipulating and controlling the craft while in flight should occupy a minor part of the total learning period. The building blocks in the curriculum should include oral and written communications, reading for information and pleasure, mathematics from the basic to the abstract, physics and physiology to name a few.

Unavoidable in an aviation related curriculum are the technical areas of air frame, power plant and electronics. The social sciences are equally important, including the economics of aviation as well as its history and impact upon society.

There aren't many subjects that are normally included in the offerings of a typical secondary school that couldn't be taught, and taught more effectively, in an aviation centered interdisciplinary curriculum.

HOME THOUGHTS FROM ABROAD: VIETNAM COMBAT VIEWS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. WALDIE. Mr. Speaker, as the war in Southeast Asia continues to prod on, arguments both for and against our involvement are reechoed every day in our American papers. Yet how often are we made aware of the opinions of those doing the actual fighting? Their concerns are often lost in our—at times—naive society.

But the case of Sgt. Evan J. Wallach of Lafayette, Calif., is different. Sergeant Wallach has shown the interest and courage of one who is tired of hearing the Madison Avenue tirades of the war, and as one who lives it every day, is quite willing to venture a few "thoughts from abroad" about reality.

I call the attention of my colleagues to his most interesting and provocative appraisal:

YOUTH SPEAKS OUT: A MESSAGE—FROM THE FRONT

(By Sgt. Evan J. Wallach)

"War is Hell!" Sherman's statement has been overquoted almost to death, but believe me, it's true. Without doubt it's true of any war; but most certainly of the one we fight here and now.

The people back home mouth pious platitudes. They criticize or patronize us according to the current fashion, and whether they support the party in power.

The Democratic hawks of 1967 are the doves of today. The American ethos: find a bandwagon rolling downhill and put your weight behind it. You vilify the boys over here, you react with shock and horror to a Mei Lai incident, you wave VC flags in our faces, and damn you all, you don't know, you can have no comprehension of what it's like.

Some of the vets: Korea and World War II. I don't doubt that they remember. How can you forget? The rest of you. Do you know what it's like to be 20 years old and walk out the door on a morning when the sky is blue with a few of the whitest clouds you've ever seen, and wonder if you'll be alive to see the sun set?

Or ride down a road with the wind in your face and wonder if they've mined the land again today? To jump off of a helicopter into grass eight feet deep, waiting for a bullet and knowing that someone out there wants to kill you? To wait in the bunker while the rockets explode and the shrapnel hits the walls, knowing you're as safe as you can get! There's no place to hide, no place to run, it's the end of the world, and when the attack is over you're still alive and five other guys are dead, but there's always tomorrow night?

The pressure builds, and you count the days, and the shorter you get the longer you have to go. You know they're going to kill you. And you stop caring. About anything.

Those at home scream about the massacre at Mei Lai. Of course it was wrong. We know that, We just don't care.

The boy who lived next door, cut your grass, broke your window with his football and dated your daughter. He's changed. He has wounded another boy and watched him crawl down the trail with his guts hanging out, and then shot him in the head. He's seen one of his buddies lie there and try to vomit up ball bearings from a Chi-Com claymore mine. He's packed up a kid's personal effects and inventoried them to send home to his mother, "comic book, Superman, August issue, one each."

Do you think we love our neighbors or turn the other cheek like those wonderful boys the Department of Defense tells you about in the press releases? We don't.

For anyone who is offended because we call the Vietnamese "slants, gooks, and slopeheads," I've got news for you baby. We also blow their heads off. The thing that amazes me is not that Mei Lai took place, but that it doesn't happen every day. The Vietnamese hate us, and we hate them. They all know enough English to say, "GI you give" when they stick out their hands. They smile, they have to smile, for we have the guns. But you see it in their eyes.

And you; you pious, holier than thou, hypocrites. You smirk and stamp and rave and feel self-righteous. Do you really think the average 19-year-old American boy is mature enough to differentiate between the smiling gooks who shot at him and the ones who didn't, between the different ideological ideals of communism and democracy, between the villages which are one day our enemies and the next our friends?

The generals are not to blame. They try to follow the politicians' orders, they really do. They court-martial kids who get the good guys and the bad guys mixed up, they tell us we're here to aid the people, and to obey the Geneva Conventions to the letter.

Whose fault then? It's yours. If you believe in this war, then support it, support us, don't be a "silent majority." If you oppose it, then fight it on a democratic level. Vote, picket, talk, write; but don't make obscene phone calls to wives, parents, widows. Don't burn ROTC buildings, and above all don't try using weapons. If you take up arms, they'll put rifles back in our hands, and believe me, we know how to do it.

A last thought. When I came over here, I supported this war 100 per cent. I still support it, but I've learned a lot about the gray shades between black and white. I guess what it boils down to, is that some of us still prefer American imperialism to Communist imperialism, and that's the only choice left.

---

[2] Unpublished research report by Dr. Lee Conway, "Learning Through Aviation," March, 1969.

[3] Three year unpublished Research Report on the Richmond Flight Project written by Dr. Lee Conway.

YOUTH SPEAKS OUT: MARIJUANA—IN VIETNAM

(By Sgt. Evan J. Wallach)

FROM VIETNAM.—One of the facts of life in the Army in Vietnam, is the large amounts of marijuana and to a certain extent other drugs, used quite freely and openly by the troops. I have been told by a Medical Corps Captain, that he estimates fully 85 per cent of the enlisted men in the United States Army in Vietnam use marijuana. I consider this to be a safe estimate. These people do not necessarily use pot all the time, though a large number of them, probably 25 per cent smoke it at least once a day, and some stay stoned all the time. On any given night, one can walk around an LZ or a base camp, and smell the sharp acrid smoke emanating from any number of hootches.

The Army admits only partially to the huge percentage of enlisted men who use marijuana and its efforts to control them have been ludicrous. These efforts consist mainly of posters plastered around the company area which extol the evils of pot, and spot broadcasts on the AFVN radio and TV network which threaten dire punishment if a man is caught. The trouble is, a credibility gap exists.

NCO's who are responsible for supervising the men during their duty and off-hours either don't care, are sympathetic, or are afraid to do anything. This fear has a solid foundation, for numerous cases of fragmentation grenades being tossed in a lifer's hootch in revenge for a marijuana bust have occurred. Furthermore, it is extremely difficult to convict a man on a marijuana possession charge, since he must be caught with the stuff actually in his possession, and even if he is caught, the penalties are usually extremely light, consisting of non judicial punishment and a fine of approximately twenty-five dollars. The Army is not being enlightened, they simply could not afford to waste all the manpower involved if they sent everybody to jail.

The basic problem, is of course, the ready availability of marijuana, of an extremely strong variety in Vietnam. The Vietnamese workers who are ubiquitous everywhere the Army goes, smuggle the plant onto the posts in huge quantities and sell it at relatively low prices to the GIs. The Vietnamese government has outlawed marijuana, but has done nothing effective to either halt the growing or the selling of it. If they are following the patterns of the past, somebody high up in Saigon is getting very rich off the proceeds from the business, and he'd hate to see it stopped.

The attitude of the GIs varies. Some like myself, see nothing wrong with its use back in the world except for the fact that you can be arrested for it, but do not condone its use over here due to the danger it presents to a man and his buddies because of its tendency to produce temporary psychopaths with a ready supply of lethel weapons. Others feel that if used in a rear area where there is little danger of an enemy ground attack, and not much more from indirect fire, it is all right. These I think, represent the majority of enlisted men. A third group use marijuana wherever and whenever they can get it. be it the extreme rear at Long Binh, or on an LZ in the middle of nowhere. I have seen men smoking pot on an LZ which had just been established not six hours before and where the danger of attack was a distinct possibility.

Marijuana, of course, is not the only drug used by the troops, though it is the most wide spread. Large numbers of pep pills and sleeping pills, usually made in France or the United States are purchased by the men, or sent by their friends back in the world. The drugs from France are a special problem, as they are handled, sold, and sometimes produced by the Vietnamese. These people are not extremely careful in their work, and a number of GIs have taken overdoses which can cause extremely disastrous after effects. Again, the Army has not taken a really strong stance against the use of these pills, since it would be unenforceable.

One hears, of course, that marijuana is used a great deal by the troops in Vietnam, but until he sees it for himself it is hard to believe. This is hardly the ideal condition for one to become in any way disoriented. Numbers of those who don't use drugs, drink prodigious amount of beer every night resulting in approximately the same effect. It would be interesting if the government would appoint an impartial surveying team to find out exactly how many GIs use marijuana or other drugs and what the effects have been both psychologically and morally.

One hopeful note: the problem is not confined to our side alone. A few months ago, in Cambodia, some of the guys in our unit came around a corner and ran smack into a small group of NVA sitting in the trail. Although both saw the other, the NVA fired completely wildly and were dispatched forthwith. They had been smoking . . . a joint.

YOUTH SPEAKS OUT: A SOLDIER LOOKS AT WOMEN'S LIB

(By Sgt. Evan J. Wallach)

FROM VIETNAM.—We were sitting around the hootch, the rain drumming down on the tin roof, looking for something to laugh about. One of the guys was reading the "Stars and Stripes," and he uttered a shout of pure joy. There they were, our favorite stand-up comics: The Women's Liberation Movement. One of them was carrying a sign which we really appreciated. It read, "You do the dishes."

Ladies, I've got news for you. If you will come over here and take our jobs, we'll be happy to do the pots and pans. We get a lot of experience in that department in basic training. As a matter of fact, we also are pretty good at washing clothes, cleaning rooms, making beds, and cooking our own C-rations. We'd rather switch than fight.

How about it girls. I'm sure you karate trained, sign wielding revolutionaries wouldn't mind lying in a bunker all night listening to the patter of little feet, rats and cockroaches that is.

The mortar attacks? Absolutely nothing to anyone who knows she's superior to those. After all, they're only men. Why you're probably even bigger than they are. And if you don't like to take baths or wear bras. Well, the guys out in the field only take a bath about once a month anyway, and you'll get used to the smell of yourself after awhile. Everything else smells so bad around here, that you'll take it in stride. As for the braless belles. Well, we don't wear shirts while we're working, and I guess nobody I know will try to stop you from getting a good tan.

You can come over here and wonder about the boy back home. We'll write to you every day, or once a month anyway and tell you how lonely it is without you, and how we hardly ever go out. And if you get a dear John letter asking you to send his photo back, no sweat, we get over them. And if you're married, you'll send an allotment out of your pay back to Bill, every month whether you think he deserves it or not. So what if your best friend writes that he's playing around and spending the mortgage payments on other girls. You're duty and right is to be over here, right beside we poor weak males.

Yes girls, we'll be glad to see you. You can pin up our pictures, read our letters twenty times, dream about us at night, and if you get really desperate go out and find yourself a Vietnamese. They don't smell that bad if you sort of wrinkle your nose. So get out there and fight. Make the government give you all the rights we have. Picket the recruiters and demand to be accepted into the combat infantry. It's our world and welcome to it.

YOUTH SPEAKS OUT: PROBLEM TODAY—LACK OF COURAGE

(By Sgt. Evan J. Wallach)

From Vietnam.—When John F. Kennedy wrote "Profiles in Courage," he recounted the great determination it took for a U.S. Senator to tell the majority of the people they were wrong. The Senate of today is in a parallel situation, and few seem to have risen to the challenge. The American people are tired of war. Constant exposure to Communist aggression over the past twenty years has dulled the edges of apprehension, and created a false sense of security.

The nation for too long has not been forced to look directly into the face of war. They do not seem to consider the burning of a small grass village or the murder of a couple of minor government officials as a synonym to the bombing of Coventry; even when the incidents add up to equal a thousand Coventrys. "Pull out, turn back," the voices cry and we seem to be listening. Will this government again bury its head in the sands of isolationism while the rest of the world burns?

We refuse to recognize one of the basic lessons of our history: one can not temporize with tyranny. The events in Europe leading up to world war II should provide a clear warning. Had the Allies stood their ground in the Sudetenland or Austria, we would not have had to fight on the massive scale which we later did. When we entered Vietnam in 1965, we did so not to spread democracy, but to stop the steamroller before it gained momentum. It is an axiom of political dealings with the Communists: if you don't win, you lose.

At the present, Laos and Cambodia teter on the edge of Communist victory, while South Vietnam is just beginning to withdraw from the precipice. If we pull our troops out of Indochina, no president would dare recommit troops to a Southeast Asian land war to prevent the fall of Thailand. Perhaps we would unite with Britain to prevent the fall of Burma, but from the moral viewpoint, Ne Win is certainly more of a dictator than President Thieu. If not, India would be subjected to vastly increased pressure by Red China, and feeling unsure of the United States' determination to defend her, would surely shift her position to the left.

Where does it stop? One wonders if the voracious opponents of the war are as unprejudiced as they say. How many times have they stated that if the war was taking place in England or Australia they would not be opposed to involvement? Perhaps they feel that the Asians because of their different mores and culture are unimportant to us. Personally, I would rather fight in the jungles of Cambodia than the suburbs of San Francisco.

The idea of a Communist dream of world domination is ridiculed by many people, but the Nazis were quite serious in their intent to rule the world, and they spent a lot of time, money, and lives trying. Perhaps we have too easily forgotten names like; Wheeler, Fish, Nye, Ford, Dilling and Father Coughlin. Americans all. Their aim was the establishment of Nazi rule in America. Forgotten are the hard-learned lessons of that war. There are people who would wipe out their opposition completely, people who would either rule the world or destroy it. While those at home have been busily pulling their ivory towers down around their heads, we have been facing that reality. Hopefully, the majority of the American people will never have to have it brought home quite so vividly.

Youth Speaks Out: The Army Society

(By Sgt. Evan J. Wallach)

From Vietnam.—The trouble with trying to run an authoritarian society like the Army in a combat zone, is that you have to arm the peons. This fact has brought some harsh realities to the lives of the Sr. NCO's and officers, when they awaken to the pop of a fragmentation grenade just before it goes off. In the past two or so weeks in my unit, we have had one man wounded when a frag was tossed near the "Lifer's" hootch, one illegal discharge of an M-16 in the company area by a soul brother who was high on drugs, and to top off events, the apparent attempted murder of a warrant officer, by a man whom he wrestled the weapon away from, before he could fire it. I say apparent, because the man hasn't been convicted, yet.

Measures have been taken of course; measures typical of the logic of the U.S. Army. All weapons are now kept under lock and key, and an order just came down ordering all ammo locked up and accounted for after each red alert. Of course, if the gooks try to overrun us, some people just aren't going to have the time to unlock weapons in a hootch on the other side of the company area, but then we can always try hiding. I solved the problem in my hootch by using a combination lock and passing out the word of the combination to my people. I don't want to be responsible for some guy getting killed without a chance to defend himself, and I don't even intend to run all the way over there if the gooks start coming through the wire.

There are reasons for these attacks on the lifers, even though they aren't good ones. There is of course no excuse for attempted murder in a civilized society, but this isn't a civilized society and from what I read in the Stars and Stripes, neither is the one back home.

The trouble is, the "Lifers" harass the troops, putting them on extra details that aren't necessary, moving them out of a billet as soon as they start to get settled in, and retaliating with more harassment every time an incident occurs. The shake down inspections aren't a bad idea. If nothing else, they at least find a lot of pot lying around the hootches. However, after the last incident, they made everybody tear down his individual room that he had built inside the billets on the theory that too much plotting was going on behind closed doors. This created an awful lot of hostility.

There are other problems. We seem to change leadership positions with an astonishing regularity, and every new man who comes in, has to prove that he's rougher and tougher than his predecessor. This means, making everybody get up for a six a.m. formation, when they've been sleeping in till six-thirty; changing the duty rosters to give more people more duties; and coming up with new regulations which seem to have no rhyme or reason.

There may be good reasons for all these actions, but they make no sense to the troops, and when combined with the pressures one normally finds in a combat zone, and the huge amounts of marijuana consumed by the men, you find a perfect breeding ground for violence. And, when a man over here thinks violence, he means, killing someone, not punching them in the nose.

There is no pat answer for this problem. Obviously, the military can not exist without strict discipline, but just as obviously, the people attracted to the military career especially those in the noncommissioned officer ranks, tend to be authoritarian, overbearing, and not overly conscious of the rights guaranteed all American citizens by the Constitution (one of those being freedom of the press, Lifers please take note).

It would help, if the "Uniform code of Military Justice," which is not uniform, not very just, but certainly military, were extensively revised to give the lower ranks the same rights as American citizens on the outside. The opening of more channels of communication between the men and their leaders, would be nice. The use of Sergeant Majors as "representatives of the Enlisted men," is at present so ineffective as to be laughable, mainly because of the innate hostility on the part of the two-year men towards all those stripes.

The idea of a voluntary Army will not, I fear, succeed on the basis of raising pay and living conditions, for I think there are not enough people in the U.S. willing to spend a lifetime in the present state of moral and mental degradation which is the lot of the enlisted man in the U.S. Army. Perhaps that's the answer, at least in part. Why don't they try treating us like human beings?

THE POTENTIAL OF ELECTRIC POWER FROM NATURE'S STEAM

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. WOLD. Mr. Speaker, nature has provided us with what may someday be a vital source of electrical power. It is not yet tapped but could be. The power is the natural geothermal steam of geysers and hot pools which abound in Wyoming and many other States.

I addressed this power source in an article for the North American Newspaper Alliance and noted that newly available geothermal energy would allow Americans to leave more of our mountain streams undammed, our virgin stands of timber undefiled.

Equally important, geothermal power production is extraordinarily desirable in this rightly environment-conscious day and age. This is clean power—power produced in a closed, uncontaminated, and uncontaminating system.

This morning's Wall Street Journal has an excellent story by Mr. Arlen J. Large in which the point is made that "at a time of worry about conventional fuel shortages and pollution of air and water by electrical generating plants, there's good reason for growing interest in driving turbines with clean steam from the earth."

Mr. Speaker, I include Mr. Large's article in the Record with my remarks:

"Free" Electricity: A Plan to Get Energy From Heat Inside Earth Moves Forward a Bit

(By Arlen J. Large)

Washington.—The planet earth is hot inside, and there are some hot spots close enough to the surface to make useful steam. Just aim the venting steam at a turbine's blades, and you can generate electricity for "free."

Up to now nature's generosity with this form of energy has been widely spurned in this country, partly because of technical problems. Solving these, however, may prove a snap compared with the difficulties of hurdling an extraordinary thicket of law: Land law, tax law, bureaucrats' law, and an on-again, off-again law that Congress last October passed and then a few minutes later unpassed.

Now the measure's about to pass again, and sponsors assert it will open the way for exploitation of an important new energy source that pollutes the environment hardly at all. That's what they said, too, before President Johnson vetoed similar legislation in 1966. Sen. Alan Bible (D., Nev.), chief backer of the new version, says he's hopeful President Nixon will sign it.

SPELLING OUT THE RULES

The main legal problem is that most of the nation's potential sources of geothermal steam underlie 1,350,000 acres of Federally owned land in Western states. The Interior Department contends existing law governing leasing of public lands for mining and oil drilling doesn't cover the production of geothermal steam, so it refuses to grant any leases for that purpose. Legislation that has been kicking around Capitol Hill since 1962, and which may finally become law this year, would spell out rules for granting geothermal steam leases on Federal land.

At a time of worry about conventional fuel shortage and pollution of air and water by electrical generating plants, there's good reason for growing interest in driving turbines with clean steam from the earth. Estimates vary widely on the technique's potential importance. Harrison Loesch, an assistant Interior Department secretary, told a Senate committee earlier this year he favors geothermal leasing on Federal lands but warned: "From all current information available, geothermal energy will at best supply only a small portion of the national power requirement in the future—probably less than 1%."

Others think this estimate is much too low. "This power source," Federal Power Commission Chairman John Nassikas told the same committee, "is presently viewed by geothermal experts as a possible rival to hydroelectric power and, in the long run, even nuclear power."

HOT ROCK FORMATIONS

Geothermal development is being vigorously pressed in Italy and Japan, but currently there's only one such commercial energy production operation in the U.S. Pacific Gas & Electric Co., has an 80,000-kilowatt generating station on privately owned land at The Geysers, Calif., 90 miles north of San Francisco. There, wells have been drilled into underground sources of water in natural hot rock formations as deeply as 8,000 feet. As the hot water rises, declining pressure causes it to flash into steam, which is piped to generating turbines on the surface. PG&E is expanding the station's capacity, and expects to be generating as much as 600,000 kilowatts by 1975.

Many geothermal specialists think there's even greater long-run potential in an approach that uses not geyser-type vents of steam, but hot water brought up from thermal formations below. Magme Power Co., a Los Angeles concern, is planning a test facility at Brady, Nev., that will use naturally hot water in a heat-exchange device to raise the temperature of liquid isobutane, which will in turn drive a generating turbine.

This technique has the advantage of allowing the use of hot water containing chemicals that might otherwise corrode a turbine if piped in directly. And some geologists think there are commercially useful hot-water sources in the Appalachian and Ozark mountains that could provide geothermally generated electricity in the East.

A NUCLEAR PROPOSAL

A third potential way of getting energy from the earth's heat is to set off a subterranean nuclear explosion in hot rock formations. The blast would create a "chimney" of hot broken rock, through which water would be pumped to make steam. The Atomic Energy Commission, American Oil Shale Corp. and Pacific Northwest Laboratories of Battelle Memorial Institute are making a joint feasibility study of the idea. Their report is due next February. An actual test is possible within five years "if everything looks good," says John Kelly, director of the AEC's Division of Peaceful Nuclear Explosives.

In a way, geothermal technology has been moving faster than geothermal law. In dispute, for example, is whether geothermal steam qualifies for the same tax depreciation allowance that oil and gas enjoy. The U.S. Tax Court ruled last year that the natural steam pressure beneath PG&E's Geysers station is indeed being depleted and that the companies selling the steam to the generators can claim a depletion deduction. The Internal Revenue Service, however, doesn't agree, and it is appealing the Tax Court decision in a Federal circuit court.

The biggest legal hangup, however, involves geothermal steam leasing on Federal lands. Congress in 1966 passed a bill authorizing the Interior Department to grant such leases, but President Johnson surprised its sponsors by vetoing it. He said a principal flaw was a "grandfather" clause benefiting some geothermal steam explorers who had tried to stake out at least some claim to promising land parcels by obtaining regular mineral leases, though they really weren't interested in digging ore. The bill said ayone holding such mineral leases before Sept. 7, 1965, could automatically convert them into the new class of geothermal leases.

Said Mr. Johnson: "This amounts to a free gift of valuable public property rights to these deevlopers and gives them an undue advantage over other prospective developers."

But Sen. Bible insists these "pioneers" of geothermal exploration should have first crack at the new class of leases, and in September the Senate again passed his bill allowing about 20 pre-1965 mineral-lease holders to convert them to geothermal status. (The measure contains several restrictions, including a flat ban on hooking up Yellowstone Park's Old Faithful geyser to a generator, or otherwise operating in parks and wildlife preserves.) A little later the House passed a bill with somewhat tighter rules on lease conversions by the "grandfather" explorers, but it rejected the Interior Department's long-standing position that the grandfathers shouldn't have any special rights at all.

In October it was more or less up to Sen. Bible to decide whether to accept the relatively minor House changes in his bill or to call a House-Senate conference to work out a compromise. He froze any further action until he could check out the mood of the White House, in hopes of forestalling another veto.

But on Oct. 14 an accident happened. Sen. Robert C. Byrd (D., W.Va.), acting as the majority leader in an almost empty chamber, was going through the cryptic ritual by which the Senate passes minor bills that nobody objects to. Not aware of Sen. Bible's "hold" on the geothermal steam bill, he moved that the Senate agree to the House changes. At that point, both Houses having approved the same language, the bill was on it way to the White House.

Sen. Bible, casually reading a news ticker in a Senate anteroom, was shocked to see a story saying his bill has passed. He rushed to the Senate chamber and explained the situation to Sen. Byrd, who amid the empty desks asked unanimous consent that the Senate's earlier action "be vacated." So the bill was unpassed.

On Sen. Bible's recommendation, the Senate last Friday went along with the House requirement that the geothermal grandfathers can convert their leases only if they meet the highest competitive bid for the steam production rights. Now the bill's House sponsors are deciding upon the procedural steps for finally passing the bill in the next few days.

Sen. Bible says he hasn't any ironclad insurance Mr. Nixon will sign it, but believes "this bill should meet the objections raised in the past."

MOORHEAD RAPS INJUSTICE TO POOR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. MOORHEAD. Mr. Speaker, even when society provides assistance for the poor, assistance which they could never afford on their own, the negative forces at work in society seem to subvert these efforts.

My statement is a reaction to an editorial published recently in the Pittsburgh Post-Gazette that refers to a study of nonjury criminal cases in Allegheny County, which contains the city of Pittsburgh.

The study compared the penalties meted out to defendants by six different judges over a period of several months.

The results of this study are disturbing. Let me quote from the article:

> Based on a comparison of the handling by six judges of all but a few special categories of criminal cases (which were excluded from the analysis in order not to distort the findings), the study disclosed: (1) that Judge E and F consistently treated defendants more severely than Judges A and B, (2) that defendants represented by public defenders (because they were too poor to afford private counsel) more often had their cases tried by severe judges, and (3) that these poor defendants thus more often convicted and given jail sentences than were defendants represented by privately hired lawyers. The analysis showed that eight private attorneys with the largest caseload were much more likely to have their cases heard by the less severe judges.

Let me quote further:

> Or put another way, it might be said that a defendant appearing before Judge F was twice as likely to be found guilty, and four times as likely to receive a jail sentence, as a defendant appearing before Judge A.

I have a feeling that the Allegheny County situation may not differ too much from the districts of those Members here today.

The criminal trial system—and more importantly the system of penalties—should be impartial and objective. But it seems in the case I cited, there were some discrepancies.

In many areas, we still are being confronted with evidence that the poor are not receiving equality under the law.

The Members of the Chamber should be aware of this problem and guide themselves accordingly whether on the floor of the House or informally at home in their districts.

Congress should do all it can to guarantee that there is one standard of justice—and only one—for all those brought to trial.

The editorial follows:

INJUSTICE FOR THE POOR

In an impartial statistical analysis of 738 non-jury criminal cases last year in Allegheny County, R. Stanton Wettick, Jr., executive director of Neighborhood Legal Services Association, has found a disturbing degree of substantiation for the belief of the poor that defendants without money suffer harsher penalties because they cannot afford to hire the "right" attorney and because they don't know the "right" people. Although Mr. Wettick's study (published in the Fall, 1970, issue of Duquesne Law Review) reveals unequal justice for the poor, the author takes pains to emphasize that the situation he describes arises, not from the deliberate or conscious efforts of judges or court personnel but from the nature of the system for assigning judges.

Based on a comparison of the handling by six judges of all but a few special categories of criminal cases (which were excluded from the analysis in order not to distort the findings), the study disclosed: (1) that Judge E and F consistently treated defendants more severely than Judges A and B, (2) that defendants represented by public defenders (because they were too poor to afford private counsel) more often had their cases tried by severe judges and (3) that these poor defendants thus were more often convicted and given jail sentences than were defendants represented by privately hired lawyers. The analysis showed that eight private attorneys with the largest caseload were much more likely to have their cases heard by the less severe judges.

Reflecting the results of the handling of cases by different kinds of judges, the statistics showed, for example, that 51 per cent of the defendants appearing before the two least severe judges were acquitted. Or put another way, it might be said that a defendant appearing before Judge F was twice as likely to be found guilty, and four times as likely to receive a jail sentence, as a defendant appearing before Judge A.

While there was no clear explanation of how cases get assigned to severe judges or lenient judges, the apparent answer based on interviews with involved attorneys, was that the District Attorney's office exercises extraordinary power in the assignment of cases and whenever a case is important to the District Attorney he will have is scheduled before the judge of his choice. And in those cases in which the District Attorney is not seeking a particular judge, private attorneys are frequently successful, through intercession with court personnel, in securing judges of their choice, or at least in avoiding certain judges. Public defenders, on the other hand, make no effort to influence the assignment process—which means in effort that their clients get the severe judges.

Mr. Wettick concludes, logically, that as long as the present informal and flexible assignment procedures are used, justice is not likely to be dispensed in an even-handed impersonal and impartial manner. To minimize the importance of the defendant's wealth and more importantly to preserve the integrity of the judicial process, he suggests that the procedures by which criminal cases are assigned must be altered so that they apply in the same manner to District Attorney and to defense counsel, with the objective of giving all defendants the same chance to appear before less severe judges. Unless this is done, the American principle of equal justice before the law will be meaningless in Allegheny County.

The recommendations of this study are in accord with the frequently expressed Post-Gazette view that the Criminal Court here is not adequately supervised by the presiding judge but is left to the management of the District Attorney's office.

MUSKIE LEADS IN MIDDLE WEST

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago-Tribune carried the latest Harris poll analysis which I believe is self-explanatory.

The results of the Harris poll follow:

THE HARRIS ANALYSIS: MUSKIE LEADS IN MIDDLE WEST

(By Louis Harris)

The latest Harris Survey shows President Nixon trailing Senator Muskie in the 1972 run for the White House by 40–46 per cent. A closer look at the results, however, shows Nixon running close to the pattern of his narrow 1968 victory—except for certain key differences. The swing areas where the President now shows some weaknesses off his 1968 mark are in the Middle West and among the affluent, the young, and the Independent.

On a regional basis, in the deep South, there has been no appreciable change.

In the Border States, which were pivotal in fashioning the 1968 Nixon victory, the results two years ago were: Nixon 41 per cent, Humphrey 35 per cent, and Wallace 24 per cent. In the latest poll: Nixon polled 45 per cent, Muskie 38 per cent, and Wallace 14 per cent. Marginally, this marks a pickup for both the President and the Democrats and a fall-off for Wallace.

In the West, there also appears to be little change. The President won the region by 48–46 per cent in 1968, and in the latest poll he is ahead by 47–45 per cent. In the East, Humphrey won in 1968 by 50–43 per cent. In the latest poll, Muskie is ahead by 51–40 per cent.

SHIFT TO MUSKIE

The big shift has occurred in the Middle West, where the Republican Party suffered some serious defeats in the 1970 off-year election. In 1968, Nixon carried the Midwest by a narrow 45–43 per cent. In the latest poll, Muskie was holding a commanding 57–34 percent lead.

At the moment, the impact of the economic slump appears to be felt most deeply there. In September, Muskie was trailing the President in the region 47–44 per cent. But in two months time, a shift of 13 points had taken place.

Viewing voters by income is also revealing. In 1968, voters with income under $5,000 a year went for Humphrey by 47–36 per cent, an 11-point margin for the Democrats. In the latest survey, Muskie's lead over the President among this group is 44–33 per cent, precisely the same margin as Humphrey amassed in 1968. The $5,000–$9,999 group went to Humphrey by 45–39 per cent two years ago. Today, the standing in this group: Muskie 45 per cent, Nixon 39 per cent, Wallace 13 per cent—almost precisely the same.

MIDWEST SHIFTS

But the $10,000-and-over income group shows a marked shift. In 1968, Nixon won a major margin of victory in the $10,000-and-over group, carrying it by 52–39 per cent margin. In the latest poll, the President now trails Muskie among the most affluent by a narrow 47–45 per cent.

Another key dimension is that of age. In 1968, the over-50 vote went to Nixon by a narrow 45–43 per cent. In the latest poll, he leads Muskie among older voters by 42–40 per cent—no change. Among middle-aged voters, Humphrey won by 46–42 per cent. Muskie now leads among them by 45–42 per cent.

But among younger voters, a significant shift has taken place. In 1968, Nixon edged out Humphrey among the young by 43–41 per cent. Today, Muskie leads the President among the young by a substantial 54–38 per cent.

Finally, a key change has taken place among that 13 per cent of the electorate which calls itself independent, not aligned with either party. In 1968, the Independent vote went this way: Nixon 41 per cent, Humphrey 35 per cent, Wallace 24 per cent. But in the latest poll, both Nixon and Wallace have slipped with this key swing vote: Nixon 40 per cent, Muskie 44 per cent, and Wallace 12 per cent.

CAMPAIGN SPENDING: WHERE WILL IT END?

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. MATSUNAGA. Mr. Speaker, one of the classic maxims of Americana, usually enunciated with reference to Abraham Lincoln, is that a young American born of poverty in a log cabin can aspire to become President of his country.

In these days of exploding campaign costs, however, it seems that the youngster born in a log cabin can aspire to become President only if the log cabin happens to be a vacation home, some distance away from the palatial main family residence. To an increasing degree only the rich, or those who enjoy large contributions from the rich, can reasonably expect to be elected to national office.

Mr. Speaker, the Congress has long recognized that the situation demands action. Accordingly, both Houses passed legislation earlier this year to curb excessive television and radio advertising by political candidates. The Presidential veto of this measure, on the grounds that it was but half a loaf, was indeed unfortunate. The President put a halt to a good beginning.

Excessive campaign spending must be stopped, and quickly. This week I was privileged to take part in the hearings on campaign spending being held by the House Committee on Standards of Official Conduct, chaired by the distinguished and able gentleman from Illinois, Mr. MELVIN PRICE. Let us hope that the proposals to come from these hearings will gather support from both the Congress and the administration.

A thoughtful analysis of the importance of the measure which has already been vetoed appeared recently as an editorial in the Honolulu Advertiser, and I would like to share it with my colleagues and other RECORD readers:

VOTERS LOSE

The original story on the teletype from Washington said: "President Nixon scored a major post-election victory Monday when the Senate upheld his veto of a bill that would limit campaign spending for radio and television time."

If it was a victory for the President, then it was also a defeat for the voting public and hopes for sanity in spiraling political campaign costs.

Helping sustain the veto was the president's promise to cooperate on a bill to control spending and other campaign aspects "in a direct, effective and enforceable manner."

Cynicism on the chances for such a bill is possible. Such promises are an old tactic.

Still there has to be enough public pressure to get action on campaign spending controls—not only nationally but locally. And it should come in plenty of time to take effect by 1972.

The goal of the vetoed bill was not to pick on TV and radio; nor should it be in the future. But there are these points:

November's election results nationally may have deflated part of TV's image as a miracle medium able to turn any rich unknown into a winner. But that should not be confused with either the fact TV will be increasingly important in campaigns or that it is also an increasingly expensive part of campaign costs of all major candidates.

Time magazine last week pointed out the skyrocketing campaign costs nationally—$40,000-$70,000 for an average House race, $1.5 million per candidate for the U.S. Senate, $1 million for Governor in a populous state.

And for those who don't understand the relationship of campaign costs to obligations and influence, there was this point:

"These huge sums, despite the traditional claim of politicians that every dollar came in crumpled bills from the man on the street, are raised from the wealthy few. It is estimated that 90 per cent of political funds are donated by one per cent of the population."

Whether you translate that up the scale to the presidency or down to the State Legislature or City Council, there is a growing need for campaign controls.

Action is needed both here and in Washington—and the U.S. Senate vote yesterday was hardly part of the beginning.

AN EFFECTIVE ARGUMENT AGAINST DRUG USE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. MIKVA. Mr. Speaker, on November 19, the Chicago Tribune confronted its readers with an outstanding and persuasive editorial warning against the destructive effects of drugs. This was not an argument merely of words, but mainly one of pictures vividly depicting the world of the drug user; his use of amphetamines and barbiturates, his meetings on the sly with untrustworthy pushers, and his injecting of heroin—of unknown potency—into a vein, resulting possibly in death.

I want to commend the Tribune for this truly outstanding and innovative technique, and congratulate the paper and Mr. Ovie Carter, who took the pictures, on the overall effectiveness of "An Editorial in Pictures." Perhaps it takes the shock of seeing the unseemly world one enters when he joins the drug culture to prevent a potential experimenter of hard drugs from taking that initial step backward. Let us all hope the Tribune's warning will be heeded.

BANKERS WARNED OF FOREIGN CURBS DUE TO EXPANSION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. PUCINSKI. Mr. Speaker, a great deal has been written since the House enacted the Foreign Trade Act of 1970 and sent it on to the other body for final action.

I have read with amazement a number of editorials decrying our action and foretelling the horrible doom that confronts America if the law which we enacted here in the House should win final approval and be signed by the President.

The Washington Star recently carried an item which I believe places into true perspective the outcries against our efforts to deal with this whole problem of growing competition in the American labor market because of unrestricted foreign imports.

The story gives an insight into who is behind this assault on those Members of Congress who place the American worker above the profits of a handful of banking institutions.

Mr. Speaker, I am placing this article in the RECORD today so that my colleagues will see the extent to which American banking institutions have expanded their operations into foreign countries. It is becoming increasingly apparent that these banking institutions are not concerned with the American worker or even the American system because their investments and their interests reach outside the limits of the United States.

This article points out that American banking institutions have engaged in such an extreme expansion program overseas that they face retaliation by foreign banks if they persist in their present practices.

The Washington Star article follows:

BANKERS WARNED OF FOREIGN CURBS DUE TO EXPANSION

NEW YORK.—U.S. banking institutions may face increasing foreign restrictions against them if they don't temper their expansion overseas, warned John A. Waage, senior vice president of Manufacturers Hanover Trust Co.

Addressing the bank's biennial business conference, Waage said "restrictions or actions against such financial institutions could occur in lands other than those of the developing countries in South America or Africa."

He noted that U.S. banks currently operated more than 530 branches abroad up from only 131 in 1960. So-called Edge Act subsidiaries for foreign operations, he said, have increased to about 70 from 15 in 1960.

Waage said this "sometimes gives the impression that bankers, like sheep, will follow each other into new markets or into new types of banking institutions even when the dangers of over-rapid expansion are apparent," he warned. "Therefore the expropriations, nationalizations and other restrictions imposed on foreign-owned branches and banks that have taken place in the 1960s could continue into the 1970s."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?